Congressional Record

PROCEEDINGS AND DEBATES

OF THE

FIRST SESSION OF THE SIXTY-SIXTH CONGRESS

OF

THE UNITED STATES
OF AMERICA

VOLUME LVIII—PART 6

SEPTEMBER 13 TO OCTOBER 4, 1919

(Pages 5335-6398)



48035

WASHINGTON
GOVERNMENT PRINTING OFFICE
1919

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Congressional Record.

PROCEEDINGS AND DEBATES OF THE SIXTY-SIXTH CONGRESS
FIRST SESSION.

HOUSE OF REPRESENTATIVES.

SATURDAY, *September 13, 1919.*

The House met at 12 o'clock noon.

Rev. William Couden, late chaplain of the Second Division, American forces in Germany, offered the following prayer:

Dear Lord, we thank Thee for Thy accessibility and for the privilege of prayer. We are creatures "bound by gold chains to the feet of God." Thou hast made us to commune with Thee; and the chief joy as well as the deepest mystery of our lives is, that if we draw nigh to Thee Thou wilt draw nigh to us.

At the close of another week we pray that Thou wilt keep us healthfully mindful of the great realities that touch us all: our responsibility in this life; the certainty of death; the changelessness of the record of a finished life, wherein lies our judgment; the horrible results of sin; and the eternal hope and glory of Thy love for every soul, revealed to us in Jesus Christ. God be with us till we meet again. If temptation assail anyone here, help him to conquer it. If sorrow come to any, help him to bear it. If opportunity for good open before any, help him to accept it. If death overtake any, raise him to Thy bosom with sin forgiven and grace triumphant through faith in our Lord and Savior Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE RECORD.

Mr. BLANTON. Mr. Speaker, I desire to correct the record on page 5257 of the CONGRESSIONAL RECORD of September 11, 1919. Page 187 of the stenographer's typewritten transcript from his notes of the proceedings of debate of that day shows that the following language was used by the gentleman from Arkansas [Mr. WINGO] on the floor of the House, to wit——

The SPEAKER. Does the gentleman rise to correct the RECORD?

Mr. BLANTON. Yes; I am giving the language now:

Frequently I have conceded points of order against an amendment which was afterwards defeated.

On the proper page of the RECORD mentioned by me—5257—these words do not appear, but were stricken out by the gentleman from Arkansas [Mr. WINGO] before the record reached the printer. Also on page——

The SPEAKER. The Chair does not think that is a correction of the RECORD.

Mr. BLANTON. I am asking that the RECORD be corrected.

Mr. WINGO. Mr. Speaker, I ask unanimous consent that the gentleman make his statement.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, how much time does the gentleman desire?

Mr. BLANTON. Just about three minutes.

Mr. WINGO. Mr. Speaker, I ask unanimous consent that the gentleman be permitted to proceed for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. BLANTON. Mr. Speaker, I have no objection to this language not appearing in the printed RECORD, but under the rule invoked by the gentleman from Arkansas [Mr. WINGO] at the time the language was used, I think that before striking out by him of a whole sentence the consent of the House should have been granted. I have no objection to the House granting the consent, or if the sentence as written down in typewriting by the stenographer does not convey the meaning that the gentleman wanted to convey I have no objection to his changing it so as to convey the meaning he intended, but to strike the whole sentence out, under the rule invoked by him, should not be done without first obtaining the consent of the House.

The SPEAKER. The Chair thinks the gentleman has that right.

Mr. BLANTON. On the same page the word "fact" was stricken out and the word "offense" inserted in lieu thereof. As to this change made by the gentleman, I have no objection to it; but in view of the fact that it changed the entire meaning of the sentence, I think the gentleman should have obtained permission, at least, from the House to make the change.

There are numerous other changes made in the record by the gentleman from Arkansas [Mr. WINGO], on pages 186, 187, 188, 189, 191, and 192 of the typewritten transcript of the stenographer's notes, but inasmuch as they are all changes in phraseology and in grammatical construction I have no objection to them at all. I have no objection to his having left this entire sentence out, which I mentioned, on page 187 of the stenographic notes, but under the rule invoked I think the gentleman should have had the consent of the House. I am willing to be one to grant unanimous consent to him if it is necessary. For the purpose of keeping the record straight I merely desire to call the attention of the House to this transaction.

The SPEAKER. The Chair does not think it is necessary to have the consent of the House.

Mr. WINGO. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. WINGO. Mr. Speaker, it is not altogether pleasant to have to notice the statement to which the House has just listened. Out of regard for orderly procedure, and out of respect for the House in not taking up its time on immaterial matters, I shall not undertake to speak my frank opinion of the proceeding. I have not had the opportunity to have the notes of my own remarks. The gentleman had them all day yesterday. I understand that yesterday he was sitting over here all day long with the notes of my remarks writing, writing, writing, and some gentleman told me that the gentleman from Texas [Mr. BLANTON] contended that I had made changes in the record. After the House adjourned yesterday he was talking to the Speaker. I approached the Speaker and stated to him, "I understand, Mr. Speaker, that the gentleman from Texas complains of some changes that I have made. I am willing to have him point out now what changes he claims—he has the notes of my remarks—and leave the matter to the Speaker, and if the Speaker says that I have made a single material change I for one will abide by the decision of the Speaker." The gentleman declined to do it. I reached and got the transcript of my remarks, and—I will not say childishly, but the gentleman appealed to the Speaker, claiming that having sent to the Printing Office and obtained them he was entitled to the transcript of the stenographic notes of my own speech. On reflection I thought that was right, and the Speaker said he would let him keep them. I then challenged the gentleman to point out, in the presence of certain Members of the House, wherein I violated the rule. The gentleman could not do it. Here are the facts. The correction that he calls attention to, if you notice the reading of it, was a statement of less than one line, and on its face it showed that the stenographer, in the haste, did not get all the statement.

What was the statement? The House will remember the other day I said I had no desire but to protect the rules, and as an illustration I said that a day or two before that I had conceded that a point of order was not well taken against an amendment which I had opposed and which was defeated. Well, the stenographer did not get all of that statement. It is immaterial personally to me, and I should not have referred to it. So instead of correcting it or going to the stenographer and getting the notes I struck out that little statement left suspended in the air, which was an immaterial thing. It was my speech. I did not insert anything that was insulting to any Member, as the gentleman did the other day. When I struck that out of the record I obeyed the rule which said you might strike out anything that was obviously an error or to correct the grammar. But the gentleman complains of another interlineation; and yet, gentlemen, the interlineation I made was made out of a

spirit of fairness to the gentleman, because where the stenographer was quoting me in quoting either I overlooked it or the stenographer failed to get the completed statement of his defense, and that was that he contended that the RECORD showed that the objectionable remarks of the gentleman from Pennsylvania [Mr. DEWALT] were still left in the RECORD. The stenographer's notes did not show the complete statement, and out of fairness to the gentleman I interlined the full contention, so that he who reads the RECORD could get the full contention of the gentleman. [Applause.] Is that dishonorable? Is that worthy of taking up the time of this House in trying to make it appear—what? Gentlemen, you understand why the gentleman brings it up. He wants to try to contend that somebody else amends the record.

Mr. RUCKER. Will the gentleman yield?

Mr. WINGO. I will.

Mr. RUCKER. I was present on that occasion when the gentleman made that statement, and I have a very distinct recollection that the gentleman said in his speech what he has stated here.

Mr. WINGO. Certainly. Another objection—and the change was not made by me; it was corrected by the stenographer, stating the truth; it was a change of two words, a change from "fact" to "offense." The House remembers distinctly I charged an offense, and the stenographer made that change and corrected an obvious error. He spent a whole day reading through my remarks trying to get captious objections, and yet he presents it to the House this morning, and admits it is not objectionable.

The Speaker rules it is not objectionable. I do not want to annoy the House, but I went to the gentleman yesterday, in the presence of the Speaker, and said: "I will leave it to the Speaker of the House; I do not know what you are complaining about; you have been going around talking to somebody; if you have objections, point them out to the Speaker and by his decision I will abide." I think that was the course of an honorable man. The gentleman did not accept that. The gentleman kept my remarks all day trying to find if there was some objection——

The SPEAKER. The time of the gentleman has expired.

Mr. WINGO. Mr. Speaker, I ask for two minutes, and I shall not further bother the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. WINGO. Mr. Speaker, I repeat, so possibly it may soak into the gentleman, the rule in reference to extensions and interlineations. A gentleman has a right to correct obvious errors or to change phraseology so as more clearly to express a thought, but he has no right to put in stuff that is disorderly and which is a reflection upon the membership of the House as a whole or upon any individual Member of the House; and the gentleman, because the House—all but three Members—voted to condemn his falsification of the record now seeks to evade the force of that by calling attention of the House to a little captious immaterial change that the gentleman who, on the part of the House, called attention to. I know that the only criticism of my action the other day was that some Members wanted me to indulge in the same kind of intemperate language and I declined to do it; and I challenge any gentleman to show where I have indulged in intemperate language, and I challenge any man to show where I have made a correction which is not immaterial. Another correction is where the stenographer's notes stated I said the gentleman from "Texas" when I was speaking of the "gentleman from Ohio" [Mr. GARD], and I changed the word "Texas" to the word "Ohio." And yet those are some of the "numerous changes" he alleges. But, gentlemen, I ask the House to read page 5238, bottom of the second column—read the limitations under which I permitted the gentleman the other day to extend his remarks on the promise that he made to this House that he would confine his extensions to official communications, facts, and figures, to give information to the House on the subject which he was discussing, the Department of Labor, and then go and read the 8 or 10 pages of telegrams, newspaper articles, and letters eulogistic of him, and in some instances contemptible references and reflections upon the colleagues of his own State of Texas, and I leave it to the House to say whether or not the gentleman has yet learned his lesson. [Applause.]

The SPEAKER. The time of the gentleman has expired.

WAR-RISK INSURANCE ACT.

Mr. SWEET. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8778) to amend and modify the war-risk insurance act.

The motion was agreed to; accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8778) to amend and modify the war-risk insurance act, with Mr. TILSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8778, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 8778) to amend and modify the war-risk insurance act.

The CHAIRMAN. When the committee rose yesterday section 12 had been read and was under consideration and open for amendment. The gentleman from South Carolina [Mr. DOMINICK] had sent to the desk an amendment, which the Clerk will now report.

The Clerk read as follows:

Mr. DOMINICK moves to amend, on page 11, line 3, by adding the following proviso:

"*Provided*, That when any person entitled to make application for insurance has clearly and unequivocally expressed to an officer of the Army or Navy, or to any other person authorized to receive applications for such insurance on behalf of the Bureau of War Risk Insurance, his intention to apply for a definite amount of insurance, but is prevented by circumstances beyond his control from carrying out such intention, insurance shall be deemed to be in force in the same manner as if he had made valid application therefor."

Mr. DOMINICK. Mr. Chairman, I think I can best explain the intent of the amendment which I have just offered by referring to a concrete case in my district. I understand, from information from the Bureau of War Risk Insurance, that there are about 150 similar cases that have arisen in the Army and Navy forces. In this case a young soldier was called to the company tent by his captain, along with other members of his company, in order to make application for war-risk insurance. It so happened when the turn of this young soldier came the application blanks were exhausted. This was about the latter part of November, 1917. His captain asked him what amount of insurance he wanted. He told him that he wanted $10,000. The captain made notes and memoranda of his statements, and said that as soon as a sufficient supply, or, at least, an additional supply, of blanks was received he would have an opportunity to complete his application. A day or so after that the organization to which this young soldier belonged was quarantined in another portion of the camp on account of the prevalence of a pneumonia epidemic in the main camp at Camp Sevier. They were under quarantine until Christmas Eve.

During that time this young soldier, who was a cook in this company, had no opportunity to complete his application for $10,000 of insurance which he wanted. At the termination of the quarantine he was granted a short furlough in order that he might visit his home. He returned from the visit, and two days after he returned he was stricken with pneumonia, and on the 13th of January, 1918, he died, without ever having an opportunity to complete his application.

As the law stood at that time his mother received the benefit of the automatic insurance, but under all the rules of justice, under all the rules of right, she should be entitled to what this young soldier wanted, namely, $10,000 of insurance, which he had been deprived of, and she has been deprived of, through no fault of the soldier. I know, Mr. Chairman, and I believe that under practically every jurisdiction in this country any lawyer can take the state of facts as they occur in this case and go before any court and recover that additional $5,000 insurance. I believe that these people can go into the district courts of the United States, which is permitted under the original war-risk insurance act, and bring their action and recover this amount. But, Mr. Chairman, is it right, is it just, to force people who are beneficiaries, who are clearly entitled to this amount, to go to the trouble and the expense of wearying along with a case of this kind through the district courts of the United States?

Now, it might be urged by the committee that this is just a special bill that I am urging and trying to get through under the guise of a general law. I am only citing this specific instance to explain what my amendment really means and what would be its effect.

Mr. BANKHEAD. Will the gentleman yield?

Mr. DOMINICK. I will.

Mr. BANKHEAD. What would be the gentleman's idea of the burden and the character of proof that would be necessary to substantiate the claim under his amendment?

Mr. DOMINICK. The burden of proof in a case of this kind would, of course, be upon the beneficiary.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. DOMINICK. Mr. Chairman, I would like to have five minutes more, and then I will conclude and will have nothing more to say on this matter.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that he may proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. DOMINICK. As I say, the burden of proof in a case of this kind would clearly be upon the beneficiary, because it is not in the same class as a forfeiture would be. In the case of a forfeiture, as I understand the law, so far as an insurance policy is concerned, the defense must be set up by the insurer and must be set affirmatively under the decisions of my State courts.

Now, Mr. Chairman, further in regard to this case and in regard to this amendment, I desire to read a letter that I received from Mr. W. R. Vance, under date of May 6, 1919, who was at that time general counsel for the Bureau of War Risk Insurance. It is as follows:

TREASURY DEPARTMENT,
BUREAU OF WAR RISK INSURANCE,
Washington, May 16, 1919.

Hon. FRED H. DOMINICK,
Newberry, S. C.

MY DEAR MR. DOMINICK: Last February, when discussing with you the claim made by one of your constituents on account of the insurance of Doc Floyd Carter, I stated that I would send you a draft of a proposed amendment of section 401 of the war-risk insurance act intended to meet the cases of hardship similar to that of Doc Floyd Carter. The pressure of other business that could not be postponed, together with the known impossibility of securing congressional action so near the end of the session, prevented me from sending you the proposed draft. In view of the approaching session of the Congress I am now inclosing herewith a tentative form of an amendatory bill, which, in my opinion, would relieve most of the cases of hardship arising out of the inability of soldiers to make application for insurance because of circumstances beyond their control. It is obvious that the administration of such a provision as that suggested would involve many difficulties in regard to the evidence to be required to establish the existence of the intention therein described, but I am of opinion that the provision could be administered. If you desire to introduce this or a similar bill I shall be glad to secure for you from the records of the bureau as accurate a statement as possible as to the number of cases that would be affected by such amendment and the probable cost to the Government of its adoption by the Congress. Without having specific data before me I would, on general knowledge of the situation, state that the number of cases affected would be 150 and the cost to the Federal Treasury $1,500,000. You, of course, understand that this proposed amendment has not received the approval of the Treasury Department, and that it is sent to you solely on my own personal account. I may add that it is being considered as one of the proposals for amendatory legislation to be made by the department to the Congress.

If I can serve you further in this matter or in any other respect please command me.

Yours, very sincerely,

W. R. VANCE, *General Counsel.*

Now, Mr. Chairman, according to that letter of Mr. Vance, who was then general counsel, there are about 150 cases in this same condition, cases where it is shown by competent testimony and competent proof that the soldier desired a certain amount of insurance which was more than the automatic insurance, and which he was deprived of, and which he did not receive, and through no fault of his own. In this case that I have mentioned it was a case of the application blanks giving out, and in that connection I might add, Mr. Chairman, that I do not know of anything in the law that requires any special form of application to be made.

Mr. MAYS. Will the gentleman yield?

Mr. DOMINICK. I will be glad to do so.

Mr. MAYS. In what way did this young soldier evidence his intention of taking out $10,000 of insurance?

Mr. DOMINICK. He evidenced that intention by telling the captain, when he had been informed that the application blanks were exhausted, that he wanted $10,000 of insurance. The captain of that company made memoranda of his statement, the amount of insurance, the name of the beneficiary, and all those memoranda are on file now in the Bureau of War Risk Insurance, together with the captain's affidavit and the affidavit of the sergeant of his company.

Mr. MAYS. Have they the affidavit now?

Mr. DOMINICK. They have the affidavit now, and also of the top sergeant and also of the cook sergeant.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. ALEXANDER. Mr. Chairman, I would like to ask the gentleman a question. I ask the extension of the gentleman's time for one minute to enable him to answer a question.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman from South Carolina may have one more minute. Is there objection?

There was no objection.

Mr. ALEXANDER. Is this submitted in the form suggested by Dr. Vance?

Mr. DOMINICK. Yes; in the exact form, and I have introduced a bill to that effect, and my amendment is as incorporated in that bill.

Mr. SWEET. Mr. Chairman, I rise to oppose this amendment. In administering the war-risk insurance act it must be done in an orderly and proper manner. Under the original act a man had an opportunity of applying for insurance for a period of 120 days, and if during that period he did not apply for insurance and died or was disabled, then, under the original act and under this act, he would be entitled to automatic insurance. Now, let us see what the gentleman's contention is in regard to the proposed amendment. He states that the young man died during the period of 120 days, and that his dependents at the present time are drawing automatic insurance. What is the amount paid to dependents entitled to automatic insurance? Twenty-five dollars per month for 240 months. Now, he is contending that because this young man made some statement in regard to applying for insurance he ought to be entitled to the full $10,000 insurance.

It seems to me that in enacting this legislation proposed by the gentleman we would be going too far when you take into consideration the fact that it leaves the whole question dependent upon uncertain statements as to whether a man has expressed a desire for insurance or not.

Understand, gentlemen, that to-day this young man's dependents are getting automatic insurance. This matter was presented to the committee by the gentleman from South Carolina [Mr. DOMINICK], and at that time Mr. DOMINICK stated—

In this latter case that would not afford any relief on account of the fact that he died within the time that permitted the payment of the automatic insurance. He died in January, 1919, and his mother is receiving the automatic insurance now on account of the fact that he died in January.

Mr. DEWALT. Your idea is that she ought to have the $57.50?

Mr. DOMINICK. Yes; the entire amount that he intended to take out and did not get, through no fault of his own.

I say to you that we are enacting general legislation and not specific legislation. It appears that the gentleman is coming in here to take care of a special case.

Mr. DOMINICK. Mr. Chairman, will the gentleman yield?

Mr. SWEET. We are not in the business of taking care of special cases, but we are here to enact general legislation.

Mr. DOMINICK. Mr. Chairman, will the gentleman yield?

Mr. SWEET. Yes.

Mr. DOMINICK. I want to ask the gentleman if he does not think a provision in the law applying to 150 cases, as stated by Mr. Vance, general counsel, is not somewhat general and not special legislation?

Mr. SWEET. Let me say to the gentleman that his whole case is based on statements and uncertainties, and that we can not recognize those statements made not by the soldier himself but by somebody else in connection with the matter, and not in the regular course of applying for insurance.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. SWEET. Yes.

Mr. WILLIAMS. Does the gentleman from Iowa contend that when a soldier signifies his intention of taking out $10,000 insurance, and there were no blanks available, and it was the fault of the Government that he did not at that time make the application that he would have made and thus have insurance, and afterwards dies, the Government should not make good the policy he desired to take and was prevented from taking by reason of the fact that the proper blanks were not available at the time? Is that the gentleman's position?

Mr. SWEET. He was unfortunate in that respect. But let me say this, that we have provided here general legislation that will give men of that kind automatic insurance; we are giving them $5,000 insurance, and we are giving them insurance that they never paid $1 of premium for.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. SWEET. Yes.

Mr. SANDERS of Indiana. Under the provisions of this proposed amendment, in the event some soldier had expressed his intention to an officer to take out $2,000 insurance, he would be compelled, notwithstanding the fact that the act would give him $5,000 insurance automatically, to take the $2,000 instead of the $5,000?

Mr. SWEET. Yes; under the contention of the gentleman who proposes this amendment.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SANDERS of Indiana. Mr. Chairman, I ask that the gentleman from Iowa may have one more minute.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SANDERS of Indiana. So that the effect of this amendment probably would be to deprive such soldiers of the amount of insurance that they would otherwise get?

Mr. SWEET. Yes. That is true.

Mr. RAYBURN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. RAYBURN. Mr. Chairman, I want to say just one word, and that is all. This is another attempt to emasculate this law by making it apply to particular cases because somebody happened to hear about a case that appealed to his sympathy. You gentlemen now are responsible for what happens to the law as it is written. If you want to go on, as you did in some instances yesterday, and put amendments on this law, you are welcome to the credit that you will get for it. But as sure as we are here to-day, if we expect this law to have the respect of the people of this country, which it has had in the past and which it should have in the future, the Members of this House should not be swept off their feet in a moment by adopting every ill-considered and ill-advised amendment that is offered here.

That is all I have to say. I am interested in this legislation. I have been interested in it since its inception. I want to preserve it so that it will mean something in the future as it has meant something in the past, and that there will be nothing added to it that will make it disregarded and disrespected in the years that are to come.

I want to say further to the gentlemen of this House what we say here in reference to amendments in the formative stage of this law will be read hereafter as a precedent. We begin now at this early date, when this law is only in its infancy, when every man who went into the Army had the same opportunity, when some denied themselves in order to take out the insurance and protect themselves and their loved ones. Then you are going to do them the great and serious injustice of causing them to pay premiums and carry their policies and give the insurance to other people who did not want it because they had no dependents or because they did not want to deprive themselves as the other men did. You start this kind of a thing now and within a few years you will regret it.

Mr. DOMINICK. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. I do.

Mr. DOMINICK. I would like to ask the gentleman if he thinks the soldier had equal opportunity——

Mr. RAYBURN. I think every soldier who went into the Army had 120 days in which to take out insurance; that he had the opportunity; it was his own fault if he did not take out the insurance, and it was his fault that he did not want it.

Mr. DOMINICK. Do you think that the soldier had an equal opportunity with his fellow soldier who came last in his company, when the application blanks had been exhausted, and he told his captain what insurance he wanted, told him who he wished to name as his beneficiary, and before he had opportunity to have presented to him the formal blanks that soldier died—do you think he had an equal opportunity with his fellow soldiers?

Mr. RAYBURN. He will be covered by the automatic insurance of $5,000, a gift from the Government, in addition to the compensation that will come to his dependents, if he has any.

Mr. DOMINICK. But his fellow soldier, who wanted $10,000 insurance and had an opportunity to apply regularly for it, received his policy, and his beneficiaries will get the $10,000; but this boy and 149 other cases who did not have an opportunity to sign application blanks get only $5,000.

Mr. RAYBURN. Yes; and this will open every avenue on earth to fraud and misrepresentation, because anybody could find somebody somewhere who would make an affidavit that the man had intended to take out insurance. The fact remains that he did not take it out.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina [Mr. DOMINICK].

The question being taken, on a division (demanded by Mr. DOMINICK) there were—ayes 14, noes 53.

Accordingly the amendment was rejected.

Mr. WILLIAMS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WILLIAMS: On page 11, in line 3, after the word "service," add:

"*Provided*, That any person in the active service on or after the 6th day of April, 1917, and before the 11th day of November, 1918, who while in such active service made application for insurance after the expiration of more than 120 days after October 10, 1917, or more than 120 days after entrance into or employment in the active service, and whose application was accepted and a policy issued thereon and from whom premiums were collected, and who becomes or has become totally and permanently disabled, or dies or has died, shall be deemed to have made a legal application for such insurance, and the policy issued upon such application shall be valid."

Mr. WILLIAMS. Mr. Chairman, I recognize the force of the argument advanced by the committee that in a general bill revising this act it is impossible to provide for every particular case which Members may have in mind.

I think the amendment I have offered is worthy of the consideration of the committee, and should be incorporated in this bill. It simply provides that where a soldier in the active service who, after the lapse of 120 days in which he could legally make application for insurance under the law and rules of the Bureau of War Risk Insurance, did in fact make application, believing that he was within his legal rights, and his application was accepted and a policy issued on such application and premiums deducted from his salary or paid by him, and afterwards he was killed in battle or died from wounds received in battle, that the policy shall be deemed valid, notwithstanding the fact that the application may have been made more than 120 days after the publication of this law or after his enlistment.

I do not know how many cases of this kind will be before the Bureau of War Risk Insurance—a very few, I imagine—but I know of one case, the one I mentioned yesterday. I have talked with the general counsel for the bureau about this case. The bureau would like to pay this policy if they could, but they feel that under the law they can not. As I stated yesterday, the facts were these: A young man from southern Illinois enlisted in the Regular Army in January, 1917, before our entrance into the war in April. He felt that war was imminent and he wanted to get into the Army where he could get into action. He was the son of a minister, a highly respected citizen of my district, but, like most ministers, a man in very straitened financial circumstances. The boy was accepted and went into the Artillery. He went over to France with Gen. Pershing with the first consignment of American troops. All through the summer and fall of 1917 and the winter of 1917–18 he was in such engagements as the Army had there, but he did not make application for his insurance within the time provided in this act.

In April, 1918, his conduct as a soldier had been such that he was admitted to a training camp in France, went through the training, and was commissioned as a second lieutenant of Artillery in July. Evidently at that time, when he was discharged as a private and received his commission as a lieutenant, he was advised that he was eligible and had a right to make application for insurance, and he immediately did. He filed his application in the regular way, on the regular blanks, and the application was accepted and the policy issued. He made his father the beneficiary in a policy of $10,000. The premiums were deducted from the young man's pay. Afterwards, just before the armistice, he was shot down on the field of battle. He gave his life for his country. The Bureau of War Risk Insurance notified his father that he had a policy of $10,000, sent him the proper blank on which to make application, and the proper blanks on which to make the proofs; but on consideration of the matter, when it was being adjudicated, it was found that this young man had not made application within the 120 days after the passage of the war-risk insurance act, and much as the bureau desires to pay the policy, they have felt that legally they can not do it. Here was a young man who had a policy that had been issued by his Government and the premiums had been deducted from his salary. His application was made in good faith. He died upon the field of battle. Yet as this bill now stands a policy of that kind is invalid, and the insurance can not be paid.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. I ask for five minutes more, Mr. Chairman. I do not often take much time.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time be extended five minutes. Is there objection.

There was no objection.

Mr. BEE. How does the gentleman propose to amend the bill?

Mr. WILLIAMS. The amendment has been read, but I will read it again. I undertake to say, as a legal proposition, that any old-line insurance company in the United States would be legally bound and required to pay a policy issued as this was.

Mr. HUDDLESTON. Will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Alabama.

Mr. HUDDLESTON. Was the certificate of insurance actually issued by the bureau?

Mr. WILLIAMS. It was actually issued by the bureau.

Mr. HUDDLESTON. Undoubtedly they are legally liable.

Mr. WILLIAMS. I undertake to say as a legal proposition—and I appeal to the lawyers of the House who have studied those propositions—that if this policy had been issued by the New York Life, or any old-line insurance company, it could be collected in any court in any State in this country, and for this reason: There was no fraud in the application. The facts were

known. The application was accepted. The policy was issued, and premiums were paid on it, and I say that the Government of the United States, since that young man lost his life while carrying this policy, even though it may have been issued under what is now held to be a technically illegal application, should pay the insurance.

Here is the amendment; it does not open any floodgate for fraud:

On page 11, in line 3, after the word "service," add:
"*Provided*, That any person in the active service on or after the 6th day of April, 1917, and before the 11th day of November, 1918, who while in such active service made application for insurance after the expiration of more than 120 days after October 10, 1917, or more than 120 days after entrance into or employment in the active service, and whose application was accepted and a policy issued thereon and from whom premiums were collected, and who becomes or has become totally and permanently disabled or dies or has died, shall be deemed to have made a legal application for such insurance and the policy issued upon such application shall be valid."

Mr. HASTINGS. Will the gentleman yield?

Mr. WILLIAMS. I will.

Mr. HASTINGS. Was the boy's policy issued before he was killed?

Mr. WILLIAMS. I am not sure about that, but I think it was. I will state that the only reason the policy has not been paid by the War Risk Insurance Bureau is that the application was filed after the lapse of 120 days.

Mr. HASTINGS. I am very much in sympathy with the gentleman's amendment.

Mr. IGOE. If the gentleman will yield, I want to call attention to a similar case where the policy was actually issued, but the formal application was made after the 120 days and the bureau held that it could not be paid.

Mr. WILLIAMS. Well, that policy ought to be paid. I have great respect for the committee, I have great respect for the ability and for the sincerity of the gentleman from Texas [Mr. RAYBURN], who pleads with us so earnestly not to amend the bill, but the revision we are now making of this act will probably be final, for doubtless there will be no further revision for many years. Do you think the Congress of the United States would refuse, if a private bill of this kind was introduced, to pass it? I do not believe it would. I do not believe the great American people for whom these boys died would want the Congress of the United States to take that position. Why not do it now and validate the policies issued in good faith, where the premium was paid by the boys who lost their lives?

Mr. LANHAM. Will the gentleman yield?

Mr. WILLIAMS. Yes.

Mr. LANHAM. Does the gentleman know how many cases of this kind exist and whether the bureau has made a practice of issuing insurance policies under these conditions?

Mr. WILLIAMS. The gentleman will understand that this was done in France. I have had the matter up with the War Risk Insurance Bureau, and I have received the most courteous and considerate treatment from the officials of that great bureau. I have no criticism to make of them. I have taken the position that when the young man was discharged as a private his first service was terminated; that when he was commissioned it was a second contract of service, and his 120 days dated from that time, and they might properly pay the policy. The bureau is considering that point, but by adopting this amendment you can settle it for all time and not place the United States in the position of being the only insurance concern in the world that refuses to pay a policy where they have received the money of the insured, especially when the insured died on the field of battle fighting under the flag. [Applause.]

Mr. CANDLER. Mr. Chairman, the Members will no doubt recall that a few days ago in a short speech which I made on the floor of the House I referred to an insurance case which I had in mind at the time. It does not come under this amendment, but is now covered by the provision of the bill then under discussion; but in the course of the remarks which I then submitted I said I believed that this great Government ought to pay every policy which had been issued by the Government upon the application of any soldier where the premiums had been paid and where he had sacrificed his life for his country. [Applause.]

The amendment offered by the gentleman from Illinois [Mr. WILLIAMS], it seems to me, covers that point, because in his amendment now pending and being considered it says that where the application has been accepted and the policy issued thereon, and premiums were collected and where the soldier became totally and permanently disabled or dies, or has died, that that policy shall be deemed to have been made upon legal application for such insurance and the policy issued on such application shall be valid. Let us carefully read the amendment. Now please listen; this is it:

Provided, That any person in the active service on or after the 6th day of April, 1917, and before the 11th day of November, 1918, who while in such active service made application for insurance after the expiration of more than 120 days after October 15, 1917, or more than 120 days after entrance into or employment in the active service, and whose application was accepted and a policy issued thereon, and from whom premiums were collected, and who becomes or had become totally and permanently disabled, or dies or has died, shall be deemed to have made legal application for such insurance and the policy issued on such application shall be valid.

If this amendment is adopted, when a soldier made his application and it was accepted and the policy of insurance was issued and the Government collected the premiums on that policy of insurance out of the soldier's pay and then that soldier becomes totally and permanently disabled, or dies, his insurance will be paid, and certainly where the policy has been issued and put in force by the Government and he has paid the money to secure the policy and to keep it in force and effect the Government should, upon his disability or death, pay that insurance. If he becomes totally disabled, he is entitled to the insurance under the provisions of the policy, and if he dies or is killed in the service his beneficiary is entitled to the insurance, and the Government should promptly pay it. For under those conditions he has complied with every requirement of the Government, he has complied with every requirement of the insurance policy. When he becomes disabled or suffers death, when he is killed on the field of battle, certainly this great Government can not afford under those circumstances to refuse to pay the policy of insurance. In all justice, in all right, in all law, in all equity and good conscience, when the soldier has complied with the contract which was made between him and the Government and has paid the premiums according to its terms, and becomes disabled or dies or is killed, the Government should keep its solemn obligation and pay the insurance. To do so is common honesty, and we must be at least honest with these brave boys and their beneficiaries. [Applause.]

Mr. HASTINGS. Will the gentleman from Mississippi yield?

Mr. CANDLER. Always, with pleasure, to my good friend.

Mr. HASTINGS. I heartily agree with what the gentleman from Mississippi says, but he wants to supplement the statement and say in the absence of any fraud, which there does not seem to be in this case.

Mr. CANDLER. Why, certainly. I am discussing cases which are honest, bona fide, and free from fraud or imposition upon the Government. Honest contracts, entered into in good faith between the soldier and his Government, in whose service he is engaged.

I have done all I could for these boys, who have so nobly and grandly and successfully served our country and brought victory to our flag in the past, and done my best for their loved ones, and I expect to continue to do so. I want every dollar of their insurance paid in accordance with their expressed wishes, for they should not only have that done, but should also have the eternal gratitude of all the people of this Republic for their patriotic service, their unselfish sacrifice and devotion to every duty which devolved upon them. This amendment should be adopted. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. If there is no further amendment to the text, the Clerk will report the McCulloch-Dowell amendment.

The Clerk read as follows:

Amendment offered by Mr. MCCULLOCH and Mr. DOWELL: Page 12, line 11, after the word "regulation," add the following as a new section:
"SEC. 12½. The term insurance in force on the life of every commissioned officer and enlisted man or member of the Army or Navy Nurse Corps (female) on the date he leaves the active military or naval service shall be continued in force for two years after the end of the calendar month in which he is separated from the active service, without the payment of premium by the insured: *Provided, however*, That in the case of persons who are or have been so separated from the service and who have paid their premiums after being so separated the period of two years herein provided shall begin to run on the 1st day of the calendar month succeeding the passage of this act or on the 1st day of the calendar month succeeding the month for which the premium was last paid, whichever date is the earlier: *Provided further*, That every person who converts or has converted his term insurance before the expiration of the two-year period herein provided shall, during such period or remainder thereof, be entitled to a monthly credit on his premium for converted insurance equivalent to what the monthly premium on his term insurance would have been during the said two-year period if he had not converted it and if this amendatory act had not been passed."

Mr. SNELL. Mr. Chairman, I make the point of order on the amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. SNELL. Mr. Chairman, it is on the ground that the amendment is not germane and, if adopted, it would change the scope, intent, and purpose of the original act and also the amendments to that act that are presented in this bill. I make

this point of order under clause 7 of Rule XVI, which reads as follows:

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Since the adoption of this rule, as far as I am able to learn, all amendments of this character have been ruled out of order, and I am quite sure that all Chairmen of Committees of the Whole and the eminent Speakers of the House have universally ruled that when we had a subject before the House to sell anything an amendment to lease or give it away was not in order, or if you had a proposition to lease an amendment to sell or give away was not in order, and, likewise, if the proposition was to give away you could not introduce an amendment to lease or sell.

Let us look at the exact condition that confronts us in this situation. The original war-risk insurance act was for the intent and purpose of selling life insurance to the sailors, soldiers, and marines of the late war. It was the intent that the Government should enter into a contract relation with each one of these individuals; that the Government would furnish to the soldiers insurance in time of war on the same basis that they could have obtained the same in time of peace. There was nothing mandatory about this law. It was purely a business matter that was entered into voluntarily on the part of the soldiers in connection with the Government whereby they purchased life insurance. That was the real intent and purpose of the whole act, while the amendment, if admitted, proposes to give it to them for a period of two years. I have examined the precedents on this subject quite carefully and find they all carry out my contention that this amendment is not in order, but I shall call the attention of the Chair to only two of them, which, in my opinion, are exactly on all fours with the proposition that is presented to us at this time and in which cases it was ruled by the Chairman that the amendments were out of order.

The first precedent to which I desire to call the attention of the Chair is found in Hinds' Precedents, volume 5, section 5877:

To a bill relating to the sale of the public lands an amendment proposing to give them to settlers was held not to be germane. On January 20, 1859, the House was considering the bill (H. R. 807) to amend the acts granting rights of preemption to settlers on the public lands of the United States, when Mr. Francis P. Blair, jr., of Missouri, proposed to submit an amendment in the nature of a substitute for the said bill, the general object of said amendment being—"To donate a homestead of 160 acres of public land, upon condition of occupancy and cultivation, to every citizen of the United States who is the head of a family."

Mr. Williamson R. W. Cobb, of Alabama, made the point of order that the amendment, not being germane to the bill, was out of order. The Speaker (Mr. James L. Orr, of South Carolina) said:

"The title of the bill reported from the Committee on the Public Lands describes its character; it is a bill to amend the acts granting rights of preemption to settlers on the public lands of the United States. The amendment of the gentleman from Missouri is the homestead bill, and proposes to give every man who is the head of a family a quarter section of land. The Chair does not perceive the slightest similarity between the regular sale of the public lands and the giving them away as a gratuity."

That is exactly the same condition that confronts us here. We have a proposition before us to sell insurance to soldiers, and an amendment proposes a gratuity in shape of giving to the soldiers the premiums on their policies for two years. The Speaker goes on further to state:

The policy is a very different one where the sale is regulated by law from that where the lands are given away. It would be as competent for the gentleman to amend the original bill reported from the Committee on the Public Lands by proposing to give all the public lands for school purposes in the several States, or to make any other like disposition of them which the fancy or caprice of any Member may dictate. It is on that ground that the Chair rules the amendment out of order.

Mr. Chairman, I would also call attention further in the same volume of Hinds' Precedents, Volume V, to section 5881:

The distribution of seed grain to a class of destitute farmers was held not to be germane to the regular congressional seed distribution for the improvement of agriculture. On February 25, 1891, the House was in Committee of the Whole House on the state of the Union considering the Agricultural appropriation bill, and the paragraph appropriating for the annual distribution of seeds, trees, shrubs, vines, etc., among the constituents of Members of Congress had been reached.

Mr. Edward P. Allen, of Michigan, offered an amendment providing for the distribution of seed grain to such farmers in the State of North Dakota, South Dakota, and Nebraska, and the Territory of Oklahoma as had had their crops destroyed by the elements in the year 1890, and who should be found to be too impoverished and destitute to supply themselves with seed grain for use in the year 1891.

Mr. Judson C. Clements, of Georgia, made a point of order against the paragraph.

The Chairman sustained the point of order, and it was sustained on the same grounds as the other precedent referred to.

Mr. Chairman, those precedents are almost exactly on all fours with the proposition we have before us at this time. The main intent and purpose of this whole act is to sell insurance to the soldiers on a contract, and if the amendment of the gentlemen from Ohio and Iowa [Mr. MCCULLOCH and Mr. DOWELL] is accepted and is ruled in order, to give the insurance for two years, it certainly would be in order to give it for four years, and if it be in order to give it for four years it would be in order to give it for eight years, and likewise for the entire term of insurance. I am sure that no man could stand on the floor of this House and sustain the claim that it was the intention or purpose of this act that we should ever give this insurance to the soldiers.

Therefore, Mr. Chairman, I maintain that on that ground the amendment is not germane, that it changes the scope, intent, and purpose of the bill, and that it can not be considered in order.

Mr. EMERSON. Will the gentleman yield?

Mr. SNELL. Yes, sir.

Mr. EMERSON. The gentleman has made quite a study of the rules and I would like to ask this question: Would we have the right to suspend payment under this bill of the premium for one month?

Mr. SNELL. No, sir.

Mr. EMERSON. Does the gentleman distinguish between the suspension of a payment for 20 months, for instance, or two years, or one month, and indefinitely?

Mr. SNELL. There is not a line in any one of these acts, either the original or one now under consideration, that considers giving insurance to the soldiers one year, one month, or one day.

Mr. EMERSON. The gentleman does not think even for one month?

Mr. SNELL. No, sir; not one month or one hour. This is a contract of sale and not a gift of any kind, and can not be so considered.

The CHAIRMAN. The Chair will hear the gentleman from Iowa on the point of order.

Mr. DOWELL. Mr. Chairman, the war-risk insurance law as originally adopted has at least three distinct parts. One provides for allotment and allowance. Another provides compensation, and still a third provides insurance for all soldiers, sailors, and marines in the World War.

The bill before the committee refers to the insurance part of the war-risk insurance law. It is an amendment to this law. For this insurance, however, or for the insurance policy, the law provides for a contribution or payment of premiums by the person who takes the insurance.

I now call attention to the rule that the gentleman from New York [Mr. SNELL] has cited. This rule is as follows:

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

In other words, it is improper to submit an amendment here which relates to any subject other than is contained in the bill under consideration.

Now I want to cite, if I may, though I assume the Chair is perfectly familiar with it, a concise construction of this rule by Speaker Carlisle where a question of order was raised relative to the germaneness of an amendment. I want to read just a clause of this ruling, and then I want to call attention specifically to the question involved in this amendment.

After citing the rule of the House that I have just read, and which rule has been in existence for many years, Speaker Carlisle said—I quote from volume 5, Hinds' Precedents, on page 423:

When, therefore, it is objected that a proposed amendment is not in order because it is not germane, the meaning of the objection is simply that it (the proposed amendment) is a motion or proposition on a subject different from that under consideration. This is the test of admissibility prescribed by the express language of the rule; and if the Chair, upon an examination of the bill under consideration and the proposed amendment, shall be of the opinion that they do not relate to the same subject he is bound to sustain the objection and exclude the amendment, subject, of course, to the revisory power of the Committee of the Whole on appeal.

Now, I submit that article 4 of the war-risk insurance law, and to which this bill is an amendment, contains provisions for the taking out and continuing this insurance, including the payment to the beneficiaries at the death of the insured. In fact, it contains all the law relative to the taking out, carrying, continuing, and payment of this insurance.

Now, I desire to call attention to the case cited by the gentleman from New York [Mr. SNELL] and I want to call attention to his statements relative to the purposes of this legislation, and which I claim incorrect. If the Chair will bear with me, I wish to say that the purpose of this legislation is not the sale of insurance. The purpose of this legislation is to furnish insurance to the soldiers, sailors, and marines in the Great World War and for the protection of their beneficiaries. This never was intended by the Government as a sale proposition. It is exclusively for their protection, or it never would have been enacted into law. And I submit the gentleman from New York has entirely mistaken the purpose of this legislation.

Mr. SNELL. Will the gentleman yield for a question right there?

Mr. DOWELL. Certainly.

Mr. SNELL. If it was not a question of sale, what was it? Does not the original act provide what they shall pay for the insurance?

Mr. DOWELL. Yes; they made contracts.

Mr. SNELL. Was it not a definite contract between the individual and the Government?

Mr. DOWELL. They made a contract; yes, sir.

Mr. SNELL. A definite contract?

Mr. DOWELL. A definite contract; yes, sir.

Mr. SNELL. Has there been any insurance issued except what was paid for?

Mr. DOWELL. There has.

Mr. SNELL. What is it?

Mr. DOWELL. This bill has a provision in it in the section just read and passed by the committee, which provides that within the 120 days after entrance into the active service he "shall be deemed to have applied for and to have been granted insurance," when he may not in truth and in fact have carried a dollar of insurance. There was no contract and there was no contribution by the soldier. That is in the section we have just read. Yet the gentleman from New York insists that this amendment is not in order, because it fails to require each payment of premium.

I submit to the Chair, in view of the provisions of the section we have just passed, and which provisions are that within the 120 days he shall be deemed to have applied for and to have been granted the insurance, that this amendment is clearly in order.

Now, it seems to me that when we take into consideration the purpose of this legislation that it is for the benefit of the soldier who entered the service in the Great World War, and that it is the purpose of the Government to protect him and his dependents and beneficiaries, this amendment is clearly within the construction placed upon the rule by Speaker Carlisle, and that it relates to the same subject as the provisions of this bill, to wit, the insurance of soldiers, sailors, and marines. Every question in the war-risk insurance law is raised in the bill under consideration, and every phase of this insurance from the time it is taken until it has been paid to the beneficiaries is referred to in the bill. And my position is that under this bill, which covers practically all of the war-risk insurance law, we have the right to make an amendment which provides for the continuing of this insurance, as well as the distribution of the insurance policy.

I am earnest in my belief that the point of order should be overruled.

Mr. MONDELL. Mr. Chairman, the question before the committee is a most important one. There is possibly no more important question in connection with the consideration of legislation than that of the germaneness of amendments. On a proper interpretation of the rule as to what classes of amendments are germane the entire regularity of our proceedings in legislation depends. If on a bill on a general subject of legislation any amendment can be offered, no matter how important and far-reaching, that ostensibly or on an over-liberal interpretation of the rule has to do either with the subject matter or the persons affected by the legislation, we will soon arrive at a condition in the House under which the labors of committees are put at naught and under which an orderly consideration of matters before the House can not be secured.

If the House may be surprised at any moment in the consideration of legislation with matters that are not logically and fairly within the purview and the domain of the question before the House, if the House may be suddenly called upon to consider matters that have had no consideration in committee or, having been considered in committee, have been laid aside as not germane to the matter before the House, we can not hope to legislate wisely or intelligently. Members should be informed as to what is to come before the House by reading bills that are to be considered. They should not be required to be prepared to pass upon questions not directly connected with the subject under consideration. If committees are to know what their rights are and the extent of their jurisdiction in considering legislation, there must be an adherence to a fair construction of the rule of germaneness.

What is the subject matter of this legislation? The subject matter of the legislation which this particular amendment is assumed to affect is insurance. What is insurance? Insurance is a system under which, on the meeting of certain obligations on the part of the insured, he or his beneficiaries are at a given time to receive certain benefits. No one asked to define insurance would ever assume to say that it was a plan under which one was to be given a bonus, under which one was to receive a gratuity, under which one was to receive considerable benefits without any corresponding obligations. That would not be insurance at all. And we are considering insurance; insurance for soldiers.

Now, it is true, as has been suggested by the gentleman from Iowa, that there are certain provisions in this bill under which there are modifications of the terms of the insurance. We provide in the bill and in the section that has just been read conditions under which certain individuals there named, and none other, are presumed to have paid the premiums on their insurance. An amendment to that provision to add others might or might not be germane. It would not be germane if it involved an entirely different class of persons under entirely dissimilar conditions. We in that case are laying down certain rules with regard to certain men in active service during the war and who by reason of that service lost their lives. It would not have been germane in connection with that to have added other classes of beneficiaries or to have provided in the future for the gift by the Federal Government of the sums of the premiums provided for. The rulings along these lines have been very clear and very definite.

We have for many years had a free distribution of seeds, and it would seem if one took a liberal view of these matters that on a bill providing for the free distribution of seeds we might properly provide for a distribution of seeds to certain classes of people in excess of the ordinary distribution. But it has been held that such an amendment as that is not germane. When we are providing for free homesteads, as we have in the past, if we were construing liberally the question of germaneness we might properly provide for a provision of commutation, which is in a way a modification or a liberalizing of the homestead obligation. But it has been held that that may not be done in connection with legislation of that character. And so on through a long line of decisions where the line of demarcation was very much more obscure than it is in the case before us. Here it is clear-cut between a proposition of insurance providing for certain premiums and obligations, upon meeting which in due course and in certain contingencies there are to be certain benefits, and an amendment providing for what amounts to a gift, a pension, a bonus, a gratuity.

Mr. DOWELL. Will the gentleman yield?

Mr. MONDELL. In just a moment.

And following that thought for a moment, why those rulings? Because, unless you do have this rule of germaneness and apply it, amendments may be made on the floor that have no logical reference to the matter before the House.

I yield to the gentleman from Iowa.

Mr. DOWELL. Is it not true that the War Risk Insurance Department is now reinstating those who have dropped the insurance or who have sought to retain their premiums without the payment of back premiums that were not paid at the proper time under the present law as it now exists?

Mr. MONDELL. What the service may do as a matter of administration and of ruling, I submit that my friend from Iowa will not insist has anything to do with or any relation to the question of the germaneness of a legislative amendment. We hear from time to time of departmental and administrative interpretations that either go beyond or fail sadly and signally to go to the extent of the provisions of legislation, but I assume that these matters of administration can not be held to in any wise affect the rule with regard to the germaneness of amendments. The departments may do curious things under the law. But our rule is not affected by their acts. Our rule was wisely adopted for the protection of the Congress in order that the Members might know that, a certain measure being brought before the House, they would not be called upon to pass upon matters far removed from and only remotely related, if related at all, to the matter under consideration.

Frequently these amendments are very appealing to us. Very frequently if they were presented to committees at the proper time and in the proper way, and presented to the House in the proper order of legislative procedure, they would appeal to the judgment of the House. But that is not the question. The question is, Shall the House of Representatives conduct its business in an orderly way? Shall we know, when legislative propositions appear before us, the limits of the amendments that can be proposed to them? Shall we be forewarned and forearmed with regard to the problems that we must meet, or shall we have unexpectedly thrust before us in a variety of amendments far-reaching questions of tremendous consequence, and of vast importance, that have never occurred to Members as being related to the matter before the House, that have never been considered as appertaining to the legislation; questions that require for their proper settlement, not the brief and hurried consideration of the Committee of the Whole but the calm and careful consideration of standing committees and of the membership of the House, forewarned and informed as to what is to be brought before them?

This amendment, Mr. Chairman, is so far afield; it is so foreign to the matter before us that it clearly comes within the

condemnation of the rule, and the importance of the question involved emphasizes the necessity of adhering to proper construction of the rule.

Mr. TOWNER rose.

The CHAIRMAN. The Chair will hear the gentleman from Iowa.

Mr. TOWNER. Mr. Chairman, I admit the importance of the question under consideration, but I am utterly unable to follow the logic of the gentleman from New York [Mr. SNELL] and that of the gentleman from Wyoming [Mr. MONDELL]. Gentlemen think here that this amendment is utterly at variance with the proposition under consideration under the terms of the bill. What is this proposition for consideration under the terms of the bill? The insurance of the soldiers; the insurance of the soldiers is the subject under consideration, and the provisions of the rule referring to germaneness declare—

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Certainly, the subject under consideration and the provisions of the amendment are identical, namely, the insurance of the soldiers of the late war. And, now, what is the effect of this amendment? I ask your careful consideration of this proposition, because on it is based the fallacy of the argument the gentleman has made. This is not a proposition for the taking out of insurance. The gentleman from New York [Mr. SNELL] cites this case: He says that a proposition embraced in a bill for the sale of public lands will not admit of a proposition for the giving away of public lands, and, by analogy, this bill being a proposition to sell insurance to soldiers, therefore you can not give insurance to soldiers. Without involving myself in the rightfulness of that proposition, which I do not admit, the gentleman's analogy is not perfect; in fact, there is nothing in it as applied to the proposition under consideration.

This is not a proposition to take out insurance. If the proposition before the House was the granting of insurance to soldiers upon the payment of premiums, then an amendment stating that it should be granted to them for nothing would not be germane, and that would be the analogy that the gentleman presents. But this is not a proposition for taking out insurance. It is a proposition for the prevention of the forfeiture of the policy by reason of nonpayment of the premiums. The provision of the bill is that if these premiums are not paid the insurance lapses.

Now, to say that you can not provide in the law to prevent lapse for any period, 30 days or 60 days or 90 days or a year or 2 years, is to say that you can not control, that you can not affect, the question of the lapsing of a policy at all; and that is the only question involved in this amendment.

The amendment provides, Mr. Chairman, that the insurance shall not lapse after having been taken out, after the premiums have been partly paid; shall not lapse until two years after the final payment, or after the end of the war, or after the return of the troops from France.

Now, Mr. Chairman, are we going to say that this not within the consideration of Congress, to say that when they shall declare that this premium already taken out, already paid for, shall not lapse? It is a proposition that everyone knows is a meritorious and righteous proposition. Two million of these soldiers have returned home from France after 18 months' absence, in some cases, from our country, and with 3,000 miles separating them from their homes and their business. These soldiers, many of them, Mr. Chairman, were unable to communicate during practically the entire time with their families, were unable to know what their business was, were unable in any way to acquaint themselves with the conditions at home. Now, when they come back here many of them have lost their positions, many of them are seeking employment, and many of them are without a dollar to take care of themselves; many of them are still left without any money to pay premiums; many of them are forgetting that this insurance was ever granted to them because of their anxiety and their misfortune.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. MONDELL. Of course the gentleman is not discussing the point of order at all.

Mr. TOWNER. The gentleman is. The difficulty with the gentleman from Wyoming is that his anxiety to defeat this amendment prevents him from really seeing what it means.

Mr. MONDELL. Well, the gentleman may say that; but, Mr. Chairman, in view of the gentleman's view of my position, I insist that the gentleman shall discuss the point of order.

Mr. TOWNER. I am discussing the point of order, as the gentleman will see. I am saying that this is connected directly with the question of insurance, and the reason for this amendment to prevent the lapsing of this forfeiture clause is not far to seek, and that is a proper subject for the consideration of the Chair.

Mr. BEE. Mr. Chairman, will the gentleman yield for a question? The gentleman speaks of these young men who are in France and away from their business. If they have taken out a policy of insurance, is not the money deducted from their salary, and it continues on without any affirmative action on their part to keep it alive?

Mr. TOWNER, No; it is not, I will say to the gentleman. The difficulty is that most of the soldiers are not now in the service and the money can not be deducted from their salaries, for they receive no salaries.

Mr. BEE. After they have had the insurance issued to them, does not the War Department deduct from their salaries every month without affirmative action by them?

Mr. TOWNER. I am sure I do not know.

Mr. BRIGGS. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. BRIGGS. Does not this bill deal with the gift of insurance as well as the sale of insurance under the limit of 120 days?

Mr. TOWNER. I will come to that. This, Mr. Chairman, is not a question of bargain and sale. It is not a question that is to be governed by rules of contract. Forfeitures are always opposed, even in the law, and certainly they ought not to be granted an undue extension under these conditions by an act of Congress.

Mr. SANDERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. SANDERS of Indiana. Is the gentleman of the opinion that if this amendment were so framed as to exempt soldiers from the payment of insurance for 40 years, instead of 2 years, it would be germane?

Mr. TOWNER. I do not know whether it would or not. I have not considered that proposition.

Mr. SANDERS of Indiana. Can the gentleman tell us where the line of demarcation would be?

Mr. TOWNER. That is always an argumentum ad absurdum, as is known to the gentleman. But certainly we have the right to consider a proposition to prevent the forfeiture of the policy when the time is limited and reasonable. As to whether the court would hold, if it were a question of legal interpretation, that it would not be in effect a proposition for the prevention of forfeiture, I do not know; but I do know this, that it is perfectly proper to consider under this act, which provides for an immediate 30 day or 60 day or 90 day extension, a proposition to extend it under the circumstances of this case, as is provided in this amendment.

Mr. Chairman, let us see. Gentlemen seem to think that under no circumstances would it be possible, as they say, to give something for nothing. Why, that is what we do by the very terms of the amendment offered. Any person in the active service before the expiration of 120 days, who has become totally and permanently disabled or dies without having applied for insurance, shall be deemed to have applied for and to have been granted insurance. Here we give insurance to these men, even when they have never applied for it. Under the amendment that was adopted here the other day we give insurance to these men even when the application has been refused. Talk about the terms of the contract applying in such cases as this. Ah, no, Mr. Chairman, this is something far more than a contract of insurance. Instead of giving this insurance to the soldiers, we have thought best to exact from them, not an adequate premium, not a premium such as insurance companies charge, but a small or nominal premium, in order that we may maintain the interest of the soldier in his own affairs. It is not payment for insurance that we have asked for. It is in effect a gratuity all the way through; and to apply the rule that gentlemen seek to apply in this case would not be justified by the precedents, would not be justified by the rules, would be contrary to the very object and purpose of this legislation.

Mr. SANDERS of Indiana. Will the gentleman yield again?

Mr. TOWNER. Yes.

Mr. SANDERS of Indiana. This is similar to the question I asked before. Would it be germane to provide that those soldiers, sailors, and marines who had taken out insurance should not hereafter be required to pay premiums?

Mr. TOWNER. That is not a proposition that I could answer; I do not know.

Mr. SANDERS of Indiana. Is it not clear that that would not be germane?

Mr. TOWNER. I could not answer that question, and I would not admit it. I am trying to show—and I hope the gentleman will understand the distinction I am trying to make—that this proposition is not a question regarding the taking out of insurance. It is not a question of that sort at

all. It is modifying the provisions of the existing law regarding forfeitures, and saying that the period shall be extended so that the contract of insurance shall not be forfeited for two years.

Mr. MONDELL. Mr. Chairman, in view of the rather gratuitous suggestion of my friend from Iowa [Mr. TOWNER] that I was anxious to defeat this amendment, I simply want to say that I addressed myself entirely to the question of the germaneness of the amendment, as it is proper that one should do under these circumstances. I shall continue to do so. But in view of what the gentleman has said, I think it is entirely proper to say that I have a perfectly open mind on the question as to what it might be proper to do in modifying the obligations of insurance when the matter is presented to us at the proper time and in the proper way. It is not so presented to us now under the rules of the House, and I object to the consideration of it at a time and under circumstances when it is not and can not under the rules be properly considered.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Washington.

Mr. JOHNSON of Washington. Does the amendment propose to give insurance to men outside of the service whose insurance has lapsed, and does it propose to let men in the service lapse their premiums and still keep up insurance?

Mr. MONDELL. The amendment is quite a long one——

Mr. JOHNSON of Washington. In other words, can a man who is in the service now lapse his insurance?

Mr. MONDELL. It is a proposition relieving, for the period of two years, a large class of persons from the payment of premiums.

Mr. SNELL. After you have taken away all the embellishments from this amendment, is it not the cold fact that it gives insurance for two years?

Mr. MONDELL. That is what it amounts to.

Mr. SNELL. That is all there is to it.

Mr. MONDELL. It is a pure gratuity.

Mr. BAER. That is what we want.

Mr. MONDELL. Some one says "that is what we want." I am not quarreling with that desire. I am objecting to the consideration of that particular matter in this bill at a point where it is not germane.

Now, just one word more on the final argument made by the gentleman from Iowa [Mr. TOWNER], coming back to the provisions now in the bill. The rule of germaneness has been repeatedly drawn between different classes of beneficiaries; and even assuming for the sake of argument that what now remains in the bill by the striking out of certain provisions would have been germane if it had been offered in the form of an amendment, the fact still remains that under the rulings that have been referred to, scores of rulings that have been made at one time and another, you can not extend a class of beneficiaries. Even assuming that certain benefits are proposed, you can not under the rule extend benefits under entirely dissimilar conditions or to an entirely different class. That is clearly settled by the two cases that I just referred to and the cases referred to by the gentleman from New York.

The CHAIRMAN. Fortunately the Chair is not called upon to decide the merits of the proposed legislation. As Chairman of the Committee of the Whole House on the state of the Union it is his duty to construe the rules according to the best practice and precedents of the House.

As we all know, there is a tendency in this House and in the body at the other end of this Capitol to attach all sorts of legislation to bills in the form of what are called riders. This has been carried to such an extent that sometimes matters entirely unrelated and incongruous are combined in the same bill, to the detriment of the law as to clearness of meaning and to the despair of persons trying to find the law after it is enacted.

Rule XVI, paragraph 7, provides that—

> No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

What is the subject under consideration? The subject under consideration is a bill amending the war-risk insurance act in several respects. Section 400 of article 4 of the war-risk insurance act provides—

> That in order to give to every commissioned officer and enlisted man, etc., when employed in active service under the War Department or Navy Department, greater protection for themselves and their dependents than is provided in article 3, the United States, upon application to the bureau and without medical examination, shall grant insurance against the death or total permanent disability of any such person in any multiple of $500, and not less than $1,000 or more than $10,000, upon the payment of the premiums as hereinafter provided.

The words "as hereinafter provided" evidently refer to sections 401, 402, 403, 404, and 405.

Section 401 prescribes the time for making applications. It also makes provision for persons in service disabled or dying without applying for insurance, allowance if disabled, allowance in case of death, and limitation of payments to 240 installments.

Section 402 provides the form of policy, viz:

> That the director, subject to the general direction of the Secretary of the Treasury, shall promptly determine upon and publish the full and exact terms and conditions of such contract of insurance.

Section 402 also provides that the insurance shall be nonassignable for alternative policies, the basis of premiums, and the beneficiaries.

Section 403 provides—

> That the United States shall bear the expenses of administration and the excess mortality and disability cost resulting from the hazards of war. The premium rates shall be the net rates based upon the American Experience Table of Mortality, and interest at 3½ per cent per annum.

Section 404 provides for term insurance during the war, for conversion after the termination of war, and for conversion rights.

Section 405 provides for disagreements, attorney fees, and so forth.

The subject under consideration is not "insurance," nor even "war-risk insurance," but the "granting of insurance by the United States upon the payment of premiums." In short, article 4 provides for insurance upon the payment of premiums. There is nothing in the law which would indicate that it was the intention of Congress to give insurance or to fix premium rates or payments, except by means of the American Experience Table of Mortality.

The joint amendment of the gentleman from Ohio [Mr. MCCULLOCH] and the gentleman from Iowa [Mr. DOWELL] proposes to amend the bill by adding a new section as follows:

> The term insurance in force on the life of every commissioned officer and enlisted man or member of the Army or Navy Nurse Corps (female) on the date he leaves the active military or naval service shall continue in force for two years after the end of the calendar month in which he is separated from the active service, without the payment of premium by the insured: *Provided, however,* That in the case of the persons who are or have been so separated from the service and who have paid their premiums after being so separated the period of two years herein provided shall begin to run on the first day of the calendar month succeeding the passage of this act or on the first day of the calendar month succeeding the month for which the premium was last paid, whichever date was the earlier: *Provided further,* That every person who converts or has converted his term insurance before the expiration of the two-year period herein provided shall, during such period or the remainder thereof, be entitled to a commutation credit on his term or converted insurance equivalent to what the monthly premium on his term insurance would have been during the said two-year period if he had not converted it and if this amendatory act had not been passed.

What is the subject of the proposed amendment? "The term insurance in force shall be continued in force for two years without the payment of premiums." The object of this amendment, when stripped of all verbiage and reduced to its last analysis, is to give to the insured two years' free insurance.

In other words, the present law, as well as the bill under consideration, provides for insurance upon the payment of premiums, while the McCullough-Dowell amendment provides for insurance without the payment of premiums. Surely such a radical change of the policy of the Government presents a different subject within the inhibition of the rule.

In Hinds' Precedents (v. 5877) is cited a case in point:

> To a bill relating to the sale of the public lands an amendment proposing to give them to settlers was held not to be germane.

Clearly the two propositions are related, but "two subjects are not necessarily germane because they are related."

The following have been held not to be germane (Hinds' Precedents, v. 5882):

> To a proposition relating to the terms of Senators, an amendment changing the manner of their election; to a general tariff bill, an amendment providing for the creation of a tariff board.

Many other cases can be cited, some of which the gentleman from New York [Mr. SNELL] has referred to and from which he has read extracts.

The Chair is not altogether able to follow the logic of the gentleman from Iowa [Mr. TOWNER] in his contention that the proposition of the amendment is not the granting of free insurance, but is to prevent the lapsing or forfeiture of policies. If the gentleman will refer to the act, section 401, he will find this provision:

> Any person in the active service on or after the 6th day of April, 1917, who while in such service and before the expiration of 120 days from and after such publication he becomes or has become totally and permanently disabled, or dies or has died, without having applied for insurance, he shall be deemed to have applied for and to have been granted insurance, payable to such person during his life in monthly installments.

And so forth.

Mr. DOWELL. May I submit an inquiry to the Chairman?

The CHAIRMAN. The Chair will allow the gentleman to interrupt him.

Mr. DOWELL. Under that law, under this amendment, does it not continue in force the insurance when we presume it was applied for until the death of the person who was presumed to have taken out the insurance?

The CHAIRMAN. A contract is implied by the presumption that the man has done that which he ought to have done, viz: applied for the insurance, and the law proceeds to make for him the necessary contract, by providing that he "shall be deemed to have applied for and to have been granted insurance."

A case involving the same principle occurred during the present session.

On June 17, 1919, the gentleman from Iowa [Mr. GOOD] offered an amendment to the Senate amendment No. 21 on the deficiency appropriation bill. The Senate amendment directed the Secretary of the Treasury to complete the hospital at Broadview in Chicago, and also amended section 6 of the act approved March 3, 1919, creating an emergency fund of $1,500,000 for the United States Public Health Service. Mr. GOOD's amendment restricted the Secretary of the Treasury as to taking further action under a number of sections of the above act.

The Speaker sustained the point of order, setting out his reasons in a carefully prepared ruling. As stated at the outset, the duty of the Chair is to so interpret the rules as to preserve as far as possible the best parliamentary practice of the House. By so doing orderly procedure in the House is established and maintained to the great advantage of the public business. If the present occupant of the Chair would follow the long line of precedents clearly established, he must of necessity sustain the point of order. [Applause.]

The Chair sustains the point of order made by the gentleman from New York [Mr. SNELL].

The Clerk read as follows:

SEC. 13. That the permitted class of beneficiaries for insurance as specified in section 402 of the war-risk insurance act is hereby enlarged so as to include, in addition to the persons therein enumerated, uncles, aunts, nephews, nieces, brothers-in-law, and sisters-in-law of the insured. This section shall be deemed to be in effect as of October 6, 1917: *Provided*, That nothing herein shall be construed to interfere with the payment of the monthly installments authorized to be made under the provisions of said war-risk insurance act, as originaly enacted and subsequently amended, up to and including the second calendar month after the passage of this act: *Provided further*, That all awards of insurance under the provisions of the said war-risk insurance act, as originally enacted and subsequently amended, shall be revised as of the first day of the third calendar month after the passage of this act, in accordance with the provisions of the said war-risk insurance act as hereby modified.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 12, line 16, after the word "insured," strike out the period, insert a comma, and add "and the fiancée of the insured, named as such in the application, where the agreement to marry was entered into prior to April 6, 1917, and where no father, mother, or child or dependent brother or sister survive the applicant."

Mr. HAWLEY. Mr. Chairman, the purpose of the amendment is to take care of instances where the soldier, sailor, or marine took out insurance and was allowed to name in the application his fiancée as his beneficiary, where a policy was issued in which the fiancée so named was named as the beneficiary, and a number given, and where an assignment was made out by the soldier, sailor, or marine to pay the premium. I have in mind a particular instance of this kind, and have heard of others.

This, however, is to apply only where the agreement to marry was entered into prior to our entry into the war, in order to avoid any question of fraud that might arise because of undue influence on the part of certain women in securing engagements to marry soldiers. The situation is this: A man and women in the ordinary course of human events were engaged prior to April 6, 1917, to be married, and would have been married in pursuance of that agreement. The soldier entered the service and took out a policy of insurance and named his fiancée in his application as his beneficiary. A policy was issued with the fiancée as beneficiary, and he paid the premiums thereon, having no immediate blood relations to whom the money might be paid. In such case, I believe, in all justice, his will and intention in the circumstances ought to prevail, and this amendment will so authorize.

Mr. SWEET. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. SWEET. I would say to the gentleman that after looking over the amendment carefully the committee have no objection to it as worded.

Mr. HAWLEY. Then I have nothing further to say.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. BLACK. If I understand the gentleman's amendment, if this soldier made out the application in favor of his fiancée, but, nevertheless, happened to have a father and mother or brothers and sisters, she would not get the money under the amendment?

Mr. HAWLEY. She can not be paid the money under the present law.

Mr. BLACK. I do not see any equity in that, in putting on such a limitation as that.

Mr. HAWLEY. I discussed the matter with the subcommittee, and it seemed advisable to give a father, mother, child, or dependent brother or sister a prior right.

Mr. BLACK. It occurs to me that would be a limitation that would work out a good deal of inequity.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. RAYBURN. I think it is a very proper limitation for this reason. When you open up in this way the list of beneficiaries, if we do not place the limitation upon it there are going to be efforts at fraud in a great many cases; and where you place the limitation as it is, of father, mother, brother, and sister, and so forth, it reduces the opportunity for fraud. It seems to me that if we put in the fiancée at all, it is wise to insert the limitation.

Mr. RAMSEYER. Mr. Chairman, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. RAMSEYER. Do I understand the gentleman to say that his amendment applies only to contracts of marriage entered into prior to April 6, 1917?

Mr. HAWLEY. Yes.

Mr. RAMSEYER. Take the case where a young man was drafted, for illustration, in May or June, 1918, who entered into a contract of marriage, say, the Christmas before, having in mind that he might or might not be called for Army service when inducted into the service. Suppose he made out his contract of insurance to the girl to whom he was engaged the same as the man whose engagement took place prior to April 6, 1917. Why should not the amendment apply to a case like that with the same force and effect as to a case where the contract of marriage existed prior to April 6, 1917?

Mr. HAWLEY. The objection to recognizing engagements entered into after April 6, 1917, was this, that when the boys were being drafted or knew they were going to be drafted, and were assembled in camps and cantonments, many scheming women, playing upon their affections, under unusual circumstances, induced them to enter into contracts of marriage. The cases I have provided for are only cases of engagements where the contract was made prior to our entry into the war, and no such conditions of fraud or temptation to fraud could occur. Later legislation could take care of other deserving instances.

Mr. RAMSEYER. But I understand, as the gentleman suggests, that these cases of scheming women were chiefly around camps where soldiers were about the time that the war-risk insurance act was passed, and did not take place among the boys who were still at home. If the gentleman's amendment is to be adopted in its present form, I think it is improper and unjust to limit it the way in which the gentleman has limited it, and thus exclude all fiancées who became engaged to soldiers after our declaration of war.

Mr. LITTLE. The purpose back of the limitation in respect to date has some wisdom about it, but I am very dissatisfied with that rule as established. Doubtless there are scheming women who take advantage of such situations and get the boys into situations where they would have the better of the result, but gentlemen ought not to forget that there is no love affair more sacred or more honorable than the love affair of a boy who becomes engaged to be married to a girl just before he goes to war and perhaps to death; and when you undertake to stigmatize all of those engagements you do a very great wrong to many, many thousands of young men and women in this country. I know a Member of this Congress who became engaged to be married to a young lady the evening before he left for the Philippine Islands years ago, and I happen to know that there is no event in his life—nothing that he ever did—that has given him as much absolute satisfaction, and of which he is as proud, as he is of that, and on his behalf and that of his comrades I want to request this committee to remove that stigma in some way from these young women who will be affected by this amendment. "The maid that binds her warrior's sash" has been the theme of song and story for 6,000 years. You pay her every tribute on earth until it gets to the point where you can do something for her, and then you put it in your law that she is a disgrace to the country. I earnestly trust that this committee will arrange such a wording of this part of the statute, or some part of the gentleman's amendment, that we do not undertake to say that it is a disgrace to be engaged to be married the day you go off to war,

If you are going to say to every girl in the country, "Do not become engaged to a soldier the day before he goes to war, perhaps to die for his country, because it is a disgrace"; if you are going to say to these soldiers, "The girl to whom you have bound yourself through life, to whom you have wanted to propose for perhaps a month, and only do so on the spur of the courage of your last moments, is not a proper subject for poetry and song but is a scheming creature who seeks to aggrandize herself at your expense and that of the Government," then there is something wrong about your amendment, and this wise committee ought to have sense enough to fix this up so that it would not carry that imputation.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last two words. I want to ask some one connected with the committee how it was possible legally for a man taking out his insurance as a soldier to name his fiancée.

Mr. HAWLEY. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. I have a particular case in point where the soldier did name his fiancée as the beneficiary.

I have the number of the certificate. The certificate was issued. The insurance, I grant, was payable to a certain class of beneficiaries.

Mr. HAWLEY. Yes. Now, this man had no blood relations?

Mr. JOHNSON of Washington. Yes; but this would take care of certain cases where the officers handling the insurance told the men to write in something foreign to the law and——

Mr. HAWLEY. And the bureau passed it.

Mr. JOHNSON of Washington. But in many cases, let me say to the gentleman, when the soldier undertook to write an insurance premium or application that would be in the nature of a will, willing it to his estate, which the law did not contemplate, or willing it to his fiancée, the officers of this camp in charge of insurance matters turned those applications back and required the soldiers to write them in accordance with the form of the law, so the gentleman's amendment would reach some who made out applications not within the intent of the law and deny many others whose applications were turned back by the officer.

Mr. HAWLEY. But the gentleman would not deny justice to some where justice is due?

Mr. JOHNSON of Washington. Certainly not. I know cases in my own district identical with the gentleman's, and it does seem to me that if it had been known or even suspected that men could name their fiancées there would have been hundreds of thousands instead of the few that got by. I yield back whatever time might be remaining.

Mr. MONDELL. Mr. Chairman, I move to strike out the last three words. All the world loves a lover, and one is taking chances of appearing in an ungracious attitude by opposing an amendment of the sort suggested by the gentleman from Oregon, which it is claimed would afford a balm to the sweet souls of certain ladies who were alleged to have been the fiancées of soldiers. The American soldier has all the romance of the race and of his period of life. I had a curious experience when I made an earnest effort to keep a soldier from being court-martialed because of the fact that he had named in an application for an allowance as his wife a fair daughter of the Sunny South, who, when the allowance was sent her, modestly suggested that she did not bear the relation of wife to the soldier, but only that of a good friend.

I felt that this little slip on the part of the soldier in reporting a relationship that did not exist might lead him into serious trouble, and I begged the War Department to overlook his departure from the exact truth as the thoughtless act of a lovelorn and impulsive youth and not court-martial him, whereupon I was assured that if they were to court-martial all of the romantic young gentlemen who had made that particular slip we would have had a very considerable number of our gallant forces undergoing courts-martial proceedings. The young lady in the case I have referred to was honest, and therefore no harm was done, and all was forgiven and forgotten. Now, there may be cases coming under the amendment suggested by the gentleman from Oregon that are meritorious, but I submit that we are going a little far afield to adopt amendments of this sort.

No doubt there are and will be discovered a few meritorious cases which do not fall within the general rules adopted and the general provisions which are made. These cases should be provided for, but it would be a great mistake to attempt to so broaden the general provisions of the law as to include every one of the cases which have come to the attention of Members as having some merit. In so doing by a general broad provision one may or may not include a particular case a Member has in mind, but we are quite certain to include many other cases with little or no merit in such a provision. The committee has been liberal in the drafting of this bill, and properly so, for we owe much to these soldiers and to their families, but we are not showing proper regard either to the interests of the taxpayers of the country or to the distinction and recognition due those who are worthy and deserving if we include cases in which there is no obligation on the part of the country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon.

The question was taken, and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. BLANTON), there were—ayes 13, noes 21.

So the amendment was rejected.

Mr. SWEET. Mr. Chairman, in view of some amendments which have been adopted, I wish to offer an amendment to the latter part of the section. Page 13, line 4, strike out the words "hereby modified" and insert in lieu thereof the following: "as modified by this amendatory act."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. SWEET: Page 13, line 4, strike out the words "hereby modified" and insert in lieu thereof the words "as modified by this amendatory act."

The question was taken, and the amendment was agreed to.

Mr. HUDDLESTON. Mr. Chairman, I wish to make a pro forma amendment to strike out the section. Mr. Chairman, I want to submit an observation upon one feature of this section 31, which is also applicable to section 4. Under the law as it now stands insurance may be made payable only to a very restricted number of relatives. For illustration, under the law as it now stands a soldier can not take insurance payable to his uncle. If a soldier should name his uncle as beneficiary, the insurance would not be paid to the uncle but would be paid to such person, in the event of the soldier's death, as under the laws of the State of the soldier's residence would have inherited his personal property had the soldier died intestate. That is the law as it now stands. This section 13 amends that law so as to include uncles and other relatives as eligible beneficiaries.

Now, the important feature of this amendment proposed by this section is the fact that it is made retroactive to October 6, 1917, and this is the aspect to which I desire to call attention. With the law as here amended the uncle, for instance, to whom insurance was made payable will be substituted in the payment of benefits for the person who may now be drawing the benefits under the provision of law referred to. Under the Constitution of the United States as contained in the fifth amendment thereto "property" may not be taken without due process of law. The courts have held property to include "choses in action," "rights to receive payments," "claims," "vested interests," and various other things of that kind. Undoubtedly "property" as used in the Constitution would include the right of a beneficiary to the proceeds of insurance vested in that beneficiary by the death of the insured. For instance, under the soldiers' insurance law, upon the death of a soldier, a property—an interest in his insurance—is vested in his beneficiaries, which can not be taken away by the Congress, because it is property and the Constitution protects it.

Now, then, let us take the case in which a soldier has made his insurance payable to his uncle. The uncle not being within the limited class of eligible beneficiaries the law writes into that contract of insurance the name of the soldier's heir under the law of the State, we will say the parents of the soldier, the father, and that insurance becomes payable to the father at once upon the death of the soldier. The property interest in that insurance is vested in the father and it can not be taken away from him by an act of Congress.

Now, then, what is the result of this? This provision of the law is retroactive. If it is operative according to its terms, it would take away from one beneficiary, who has under the law a vested interest in the insurance, whatever right he has and confer it on one of these beneficiaries named by this amendment. In the case stated, by way of illustration, it will deprive the father who has become entitled to the insurance by operation of law of the payments of same and will give all future payments to the uncle named by the soldier as beneficiary. Of course, that will be to carry out the soldier's purpose, and the question has interest only from the legal standpoint. I am discussing it from that standpoint only. But this change in beneficiary is just what can not be worked by an act of Congress; the Constitution forbids it; it takes the father's "property," his vested interest in the insurance.

In the case stated, as an illustration, this change in the law will change the beneficiary of the insurance. As the law now stands the case is just as though the soldier had designated his father as his beneficiary. This is the legal effect of his having

named another person, his uncle, who was outside of the limit, and to pass this amendment of it it will on its face have the effect to take away the interest the father has in this insurance and give it to the uncle. Now, that can not be done under the Constitution of the United States. What will probably be done? This act gives the right to recover to uncles and other heretofore excluded classes of beneficiaries, and I very much fear that under section 4 and section 13 we will find a double liability arising, in which both the father, who is entitled to recover under the insurance certificate according to the law as it existed at the time his interest vested, and the uncle, who is now made a possible beneficiary under this section, will both have a right of action against the United States and entitled to recover this insurance. A double liability will exist, double payment must be made, two parties will each collect the insurance in full, the Government will have to pay $20,000 to discharge a $10,000 insurance.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SWEET. Mr. Chairman, I move that all debate on the section and amendments thereto do now close.

The CHAIRMAN. The gentleman from Iowa moves that all debate on the section and amendments thereto be now closed.

Mr. TINKHAM. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. TINKHAM. I desire to offer an amendment to section 3.

The CHAIRMAN. The gentleman can offer his amendment after the debate is closed, if he wishes to do so.

Mr. TINKHAM. Will the honorable Representative from Iowa give me five minutes in which to offer an amendment?

Mr. SWEET. I will modify the motion, then, to five minutes.

The CHAIRMAN. The gentleman modifies his motion, to the effect that the debate close in five minutes.

Mr. RAYBURN. The gentleman may offer an important amendment, and I think the gentleman from Iowa should say 10 minutes, so that he can reply if he wishes to do so.

Mr. SWEET. Then, at the suggestion of the gentleman from Texas, I ask that the debate close in 10 minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Iowa that all debate close in 10 minutes.

Mr. DOWELL. Mr. Chairman, we do not know what the amendment is. Would not the gentleman withhold his request until the gentleman from Massachusetts has presented the amendment?

Mr. SWEET. I withdraw the motion for the present.

The CHAIRMAN. The gentleman from Iowa withdraws his motion for the present. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

Mr. ANDERSON. Mr. Chairman, is there not an amendment pending to strike out the section?

Mr. HUDDLESTON. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. TINKHAM. Mr. Chairman, I desire to strike out the section on page 11, from line 12, through line 4, on page 13, and offer as an amendment the substitute section now in the hands of the Clerk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

SEC. 13. That section 402 of the war-risk insurance act is hereby amended by striking out in lines 4, 5, and 6 the words, "The insurance shall be payable only to a spouse, child, grandchild, parent, brother, or sister, and also during the total and permanent disability to the injured person, or to any or all of them," and inserting in lieu thereof the following words, "The insurance shall be payable to any person whom the insured desires to name, and that it may also be assigned by the insured, and also shall be payable during total and permanent disability to the injured person or to any person whom the insured has named or to whom any assignment has been made." This amendment shall be deemed to be in effect as of October 6, 1917: *Provided*, That nothing herein shall be construed to interfere with the payment of the monthly installments authorized to be made under the provisions of said war-risk insurance act, as originally enacted and subsequently amended, up to and including the second calendar month after the passage of this act: *Provided further*, That all awards of insurance under the provisions of the said war-risk insurance act, as originally enacted and subsequently amended, shall be revised as of the first day of the third calendar month after the passage of this act, in accordance with the provisions of the said war-risk insurance act as modified by this amendatory act.

Mr. SWEET. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN. The gentleman from Iowa reserves a point of order, and the gentleman from Massachusetts is recognized for five minutes.

Mr. TINKHAM. Mr. Chairman, it seems to me that the committee should adopt this amendment. The amendment removes the restrictions in relation to beneficiaries and makes it a broad and liberal policy of insurance. The committee has declared time and time again that it desired to make this policy of insurance as broad and liberal and generous as the Government possibly could make it. Instead of doing that, as the bill now stands and as amended by this committee, it is restricted very much more than private companies restrict their policies. The amendment allows the insured to say who without restriction shall be a beneficiary.

Mr. ANDERSON. Will the gentleman yield there?

Mr. TINKHAM. In one moment. It also allows the insured to assign the policy. These are two valuable rights given under a private policy, and which I believe public interest dictates should be incorporated as a part of the theory and application of this Government insurance.

I yield to the honorable Representative from Minnesota.

Mr. ANDERSON. Is it the gentleman's idea that by this amendment we should waive the usual requirement that the beneficiary shall have an insurable interest?

Mr. TINKHAM. It is not.

Mr. ANDERSON. That is what the amendment does.

Mr. TINKHAM. That amendment might be added to my amendment, except that would open a question of judicial interpretation by the Supreme Court as to what was or was not an insurable interest.

In many cases ordinary insurance policies are assigned. They are assignable and have been assigned by many Members of this Congress, no doubt, to help them when they have been in possible financial stress. Why should the soldier not have that right? It is a valuable right; it is a right that naturally goes with insurance. Why should a Government, and why should a committee which says it wants to be generous, eliminate that fundamental right, that important right, that valuable right, from this character of insurance. It does not seem to me, Mr. Chairman, that this committee is living up to its protestations of liberality, nor does it seem to me that it is living up to what are true and sound matters of public policy, namely, the giving of a policy of insurance, underwritten by the Government, which is as broad as that given by private companies. I hope that the amendment will be adopted. And I would like a statement from some member of the committee as to just what are the sound common-sense objections to this amendment, not super-reasons and not reasons which are too fine spun. Why should not a man in a Government insurance policy have at least as liberal rights and liberal treatment as under the policies of private companies?

Mr. RAYBURN. Will the gentleman yield?

Mr. TINKHAM. I will.

Mr. RAYBURN. The reason why the committee refused to put an amendment like that in the law was that we wanted to protect the soldier and those really dependent upon him, and, as we wrote into the law to begin with, in order to give every commissioned officer and enlisted man and every member of the Army Nurse Corps, female, when employed in the active service under the War Department and Navy Department, greater protection for themselves and their dependents.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired. The gentleman from Texas [Mr. RAYBURN] is recognized.

Mr. RAYBURN. Mr. Chairman, I ask that the gentleman from Massachusetts have two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RAYBURN. The reason why we did not bring this in was so that a man could not assign this policy to anybody, and so that the beneficiary could not assign it to anybody, and dissipate it in that way.

We wanted this to be a continuing protection to the soldier while he lives and a continuing protection for his dependents after he dies. That is the reason why we did not throw the beneficiary class wide open, because we wanted it to apply to him and to those dependent on him. That is why we did not make it assignable in all instances.

Mr. TINKHAM. Mr. Chairman, I would like to ask the honorable Representative from Texas this question, whether now, after the end of the Great War, the reason for that public policy has not been largely eliminated?

Mr. RAYBURN. I will admit that that is so.

Mr. SANDERS of Indiana. Mr. Chairman, I make a point of order against the amendment.

Mr. O'CONNOR. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana makes a point of order against the amendment. What is the gentleman's point of order?

Mr. SANDERS of Indiana. The point of order is this: This amendment is merely a copy of a bill that the gentleman introduced, and is not in proper form as an amendment here. I have just the bill as marked; I do not know just exactly how it was presented; but so far as the amendment is concerned it says in substance, "The war-risk insurance act provision is hereby amended by striking out certain words or lines."

Mr. TINKHAM. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TINKHAM. The amendment having been debated, a point of order can not be raised against it.

The CHAIRMAN. The point of order was reserved, as the Chair understands. That being so, it is in order to debate it.

Mr. SANDERS of Indiana. The amendment evidently is not in intelligible form.

The CHAIRMAN. That does not make it out of order. The gentleman will state his point of order.

Mr. SANDERS of Indiana. I think it is subject to a point of order because this act itself does not set out section 402 of the original act. It does not amend it in terms or set out section 402, and if this amendment is inserted as provided here it would be absolutely unintelligible. It contains the provision that section 402 of the war-risk insurance act is hereby amended by striking out in lines 4, 5, and 6 certain language and inserting in lieu thereof the following words: "The insurance shall be assignable to anybody that the insured desires to name," and so forth.

Now, in order that that should be in proper form before the House and not subject to a point of order, it would have to set out section 402 as it would read as amended.

Mr. ANDERSON. The bill itself does not do that.

Mr. SANDERS of Indiana. The bill itself does not refer to section 402 except to enlarge the beneficiaries. It is further subject to the point of order for the reason that the amendments already adopted by this House fix the beneficiaries, and this proposes to strike out and undo what the committee has already done. It is subject to an additional point of order because in the last proviso there it seems to require a revision of the law. I confess I do not know just what the purport of it is, but if it requires a revision of the law it certainly is not germane to this section.

The CHAIRMAN. This amendment was submitted hurriedly by the gentleman from Massachusetts [Mr. TINKHAM] and evidently is not in the most approved form. A bill heretofore introduced by the gentleman has been hastily transformed into an amendment, and as offered may not be entirely clear, but so far as the Chair is able to determine from a hasty perusal of a somewhat lengthy bill, whatever meaning it may have, it is surely germane to the bill and to the section under consideration. Therefore the Chair overrules the point of order made by the gentleman from Indiana [Mr. SANDERS]. The question is on agreeing to the amendment.

Mr. O'CONNOR. Mr. Chairman, I move to strike out the last word.

Mr. SWEET. Mr. Chairman, I move that all debate on this amendment be closed.

Mr. O'CONNOR. Will you let me have five minutes to speak on this amendment?

The CHAIRMAN. The gentleman from Iowa moves that all debate close——

Mr. SWEET. In five minutes.

The CHAIRMAN. In five minutes. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Chairman and gentlemen of the committee, I hope that this amendment will be adopted by the committee.

All my life I have had a habit of endeavoring to convey my meaning as felicitously as I could by way of story and illustration, and I am going to tell you a story that I think is peculiarly applicable to the amendment proposed by the gentleman from Massachusetts [Mr. TINKHAM], which, as I said before, I sincerely trust will be adopted by this committee and by the House of Representatives finally.

Years ago one of the most distinguished gentlemen in the State of Louisiana and one of the most prominent civilians in the legal history of this country, and who was going down by some cruel stroke of fortune into poverty, spent his declining days in reading history and telling stories, and he told me a story that he said had almost annihilated all of the sentiment that had come to him from his great mother, whom he loved with an affection that was almost indescribable. He told me that Jean Jacques Rousseau, when he was at the height of his literary fame, received a letter from a Russian nobleman, in which "Jean Jacques" was told that his philosophical writings had so commended themselves to this gentleman, who was born to a fortune and had acquired still greater fortune, that he had made a will that day and left to Rousseau a million rubles. And Jean Jacques Rousseau, in the estimation of his confreres and of the then literary world, proved that he was a great philosopher by writing back to the nobleman, "If you love me on account of my writings in behalf of the world, as you evidently do in making that will, destroy the will instantly and give me an annuity, and then I will wish that you may live forever, whereas if that will should remain in existence I will pray almost hourly that you die in order that I may come into fortune. Do not place me between my duty and that which is despicable in human nature, but which constantly asserts itself, self-interest."

And I thought, too, Mr. Chairman and gentlemen of the committee, that that was illustrative of human nature generally. It was some years afterwards, when I joined one of the finest organizations that ever was brought into existence in this country, that I learned that that was not so, and that Jean Jacques Rousseau did not correctly portray the splendid things that men and women can do in this world. The organization I refer to was founded upon the beautiful story of Damon and Pythias, whose history and romantic friendship shines through the mist of centuries—a story that has exalted millions of men in this country; and I learned to understand what ought to be obvious to every man, that the most powerful affection that can appeal to human nature does not always reside within the cry and appeal of the blood. Men love women that are not related to them by blood, and men love each other and will go down into the shadow of the grave without any tie by blood of mother or father. Brothers, as a rule, associate only under the paternal and maternal roof. The finest friendships may be formed as a result of the romance and adventure that, thank God, comes into the life of each of us like Tennyson's Rain, and by making it alternate sunshine and shadow relieves it from the terrible drabness and monotony of sameness.

This amendment, as I understand it, provides when there is neither mother nor father living, nor fraternal or sisterly ties, the assured may have a larger class from which to select the beneficiary. In other words, after requiring a recognition of natural affections the amendment permits the soldier boy a larger field in which sentiment might find a true and lofty expression. If he knew that it was splendid to offer his life for his country, its ideals, and its flag, why not concede him the right to gratify the holy and sublime sentiment of love and friendship which broadens the vision, tempers the heart, and makes golden the hearthstone where we with loved ones dwell. They may select their friends in a world of strife, and from those soldiers that were on the battle line with them, and I want to give our boys the opportunity the gentleman accords them through his amendment of picking out some splendid friend who has been willing at all times to open his arms to the unfortunate when days of misfortune have come, and not restrict a man to people who may be related to him by ties of blood, and who feel that what they do for him is prompted by what the world calls duty. I want him to look out into the great, broad field of sentiment and pick out the beneficiary that he determines upon. For that reason I hope that the amendment will be adopted. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. TINKHAM. I further doubt the vote. Division, Mr. Chairman.

Mr. FOCHT. "I further doubt the vote." That is a Massachusetts expression for calling the cows in off the common. [Laughter.]

The committee divided; and there were—ayes 6, noes 38.

Accordingly the amendment was rejected.

Mr. DOWELL. I ask unanimous consent to revise and extend my remarks in the RECORD.

Mr. FOCHT. I make a similar request.

The CHAIRMAN. The gentleman from Iowa and the gentleman from Pennsylvania ask unanimous consent to extend their remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 14. That if no person within the permitted class of beneficiaries survive the insured, then there shall be paid to the estate of the insured an amount equal to the commuted value of the monthly installments of yearly renewable term insurance granted under the provisions of article 4 of the war-risk insurance act, payable and applicable, calculated on the basis of interest at the rate of 3½ per cent per annum.

Mr. EMERSON. Mr. Chairman, I will vote for this bill, and congratulate the committee upon the production of such a good measure. But when we pass this bill we have not discharged our obligations to the soldiers, sailors, and marines, and their dependents. We owe protection to every man who entered this war, whether he took out insurance or not. We took these men from their homes, from their positions, and sent them miles from home, and we should not quibble now for a minute on technicalities.

We must care for every man who was injured in this war, and we must care for his dependents, irrespective of this law, and I am rather inclined to the opinion that the Government should not require the soldier, sailor, or marine to be put to any expense at any time.

If we do not relieve these men from the payment of this premium, some future Congress is going to do it.

We owe a great debt to those men who won this war, and this country is going to do justice to each and every man.

We will need the service of these men, perhaps, in the future, and it is possible we may need their services sooner than we expect.

We need a good, strong public sentiment in this country in favor of law and order, and we need an organization to stand back of that desire to proceed in an orderly way, and I know of no better way of doing it than by treating the men who preserved it justly.

We must not only treat the soldiers, sailors, and marines who were injured and their dependents justly, but we must do something for all the soldiers, sailors, and marines who won this war.

We should pass a bonus bill giving them all one year's pay, we should assist them in buying homes, we should assist them in buying farms in the communities where they desire to live, we should assist and encourage them in every way, and if we do not do it some future Congress will do it.

I want to ask the Members of this House if they intend to pass this bonus bill or do they intend waiting until the President tells them to pass it.

You are going to fight Bolshevism in this country some day, and you are much nearer to Bolshevism than you think you are. In fact I think it has already arrived in Boston and may spread over the entire country. Bolshevism should be crushed in its infancy, and the only men who can crush it are the men who fought and crushed autocracy abroad.

Let us stand by the men on whom we must rely to preserve liberty at home. Let us stand by the men we must rely upon to crush Bolshevism. Let us stand by the men who are to be the backbone of this Republic for years to come. [Applause.]

Mr. SWEET. I move that all debate on this section and amendments thereto be now closed.

The CHAIRMAN. The gentleman from Iowa moves that all debate on this section and all amendments thereto be now closed.

The motion was agreed to.

The Clerk read as follows:

SEC. 15. That if any person to whom such yearly renewable term insurance has been awarded dies, or his rights are otherwise terminated after the death of the insured, but before all of the 240 monthly installments have been paid, then the monthly installments payable and applicable shall be payable to such person or persons within the permitted class of beneficiaries as would, under the laws of the State of residence of the insured, be entitled to his personal property in case of intestacy; and if the permitted class of beneficiaries be exhausted before all of the 240 monthly installments have been paid, then there shall be paid to the estate of the last surviving person within the permitted class an amount equal to the commuted value of the remaining monthly installments calculated on the basis of interest at the rate of 3½ per cent per annum.

Mr. HERNANDEZ. Mr. Chairman, Palmer Ketner, jr., Post of the American Legion, at Gallup, N. Mex., have adopted the following resolutions, which express my sentiments in regard to this bill and in regard to the bonus. I ask to have the resolutions read in my time.

The CHAIRMAN. The gentleman asks unanimous consent that the resolutions be read in his time. Is there objection?

There was no objection.

The Clerk read as follows:

PALMER KETNER, JR., POST OF THE AMERICAN LEGION,
Gallup, N. Mex., September 8, 1919.

To the United States Senators and Congressman of the State of New Mexico:

Whereas there has been introduced in Congress a bill known as the Sweet bill, H. R. 8778, which amends the war-risk insurance act; and
Whereas this bill, if enacted, will be of inestimable benefit to those persons who should be protected by our Government; and
Whereas the same privileges should be extended to persons holding term insurance, as is proposed by the Sweet bill, to be extended to persons holding converted insurance: Therefore be it

Resolved by this Palmer Ketner, Jr., Post of the American Legion, of Gallup, N. Mex., That the Senators and Congressman of the State of New Mexico be urged to lend their influence and use their vote to secure the passage of the Sweet bill, H. R. 8778; and be it further

Resolved, That our Senators and Congressman be urged to promote and support an amendment to the Sweet bill, H. R. 8778, which will permit lump-sum payments for term insurance as well as for converted insurance and to place term insurance exactly on the same basis, as to payments, as converted insurance; and be it further

Resolved, That a copy of these resolutions be sent to Senator A. A. JONES, Senator A. B. FALL, and Congressman B. C. HERNANDEZ.

By order of the post:

J. W. CHAPMAN,
Committee Chairman.

PALMER KETNER, JR., POST OF THE AMERICAN LEGION,
Gallup, N. Mex., September 8, 1919.

To the United States Senators and Congressman of the State of New Mexico:

Whereas there has been introduced in Congress certain bills having for their purpose the payment of additional bonuses to discharged soldiers; and
Whereas the men who entered the service of the United States of America during the Great War did so for the sole purpose of protecting and securing American liberties to posterity; and
Whereas we have been fully paid by a sense of having accomplished our purpose and performed our duty well and need no reward; and
Whereas the payment of such additional bonuses would unduly increase the expenditures of our Government and would increase the burden of those whom we fought to protect: Therefore, be it

Resolved by this Palmer Ketner, Jr., Post of the American Legion, of Gallup, N. Mex., That the Senators and Congressman of the State of New Mexico be urged to use their influence to defeat all bills having for their purpose the payment of any additional cash bonuses to discharged soldiers: And be is further

Resolved, That a copy of these resolutions be sent to Senator A. A. JONES, Senator A. B. FALL, and Congressman B. C. HERNANDEZ.

By order of the post:

J. W. CHAPMAN,
Committee Chairman.

The CHAIRMAN. The Clerk will continue the reading of the bill.

The Clerk read as follows:

SEC. 16. That if no beneficiary within the permitted class be designated by the insured as beneficiary for converted insurance, granted under the provisions of article 4 of the war-risk insurance act, either in his lifetime or by his last will and testament, or if the designated beneficiary does not survive the insured, then there shall be paid to the estate of the insured an amount equal to the commuted value of the monthly installments payable and applicable, calculated on the basis of interest at the rate of 3½ per cent per annum; or if the designated beneficiary survives the insured and dies before receiving all of the installments of converted insurance payable and applicable, then there shall be paid to the estate of such beneficiary an amount equal to the commuted value of the monthly installments so payable and applicable, calculated on the basis of interest at 3½ per cent per annum.

Mr. TOWNER. Mr. Chairman, I move to strike out the last word. I do so for the purpose of making a statement that I think ought to be made regarding this bill.

I hope the members of the committee who have presented this splendid bill to the House will not feel that the amendments that have been offered are intended as criticisms of the bill. The whole bill from beginning to end, in all its 19 sections, is for the purpose of liberalizing the war-risk insurance act, doing away with red tape, and making the act more beneficial to the soldiers whom we all respect and admire and love so much.

I also desire to call attention to the fact that whatever amendments have been offered have been offered for the purpose of liberalizing the bill. We all recognize that it is impossible for the committee to meet all of the varying conditions and circumstances, and when amendments have been suggested here because of individual cases it must not be considered that gentlemen offering them have had any particular purpose to benefit themselves or their friends. It has been only that the bill might be enlarged and liberalized to meet the conditions that might arise so as to prevent the beneficial effects of this bill from being taken away from any soldier who served his country in the late war.

I desire to say that the words spoken yesterday regarding the leaders on the respective sides of this House, commendatory of the industry, ability, and patriotism which they have exhibited in drawing and perfecting and bringing this bill before the House, are well merited, and that these gentlemen deserve great credit for what they have done. I join in those expressions. I desire particularly to say that I know of the unswerving attention and the great and continuous activity, at the sacrifice of almost all his other duties for weeks and months, displayed by my colleague from Iowa [Mr. SWEET]. His work merits the thanks of the entire Congress. I think we are all under obligations also to the distinguished gentleman from Texas [Mr. RAYBURN] for the active part he has taken in the advancement of this legislation. All the Members of the House, I am sure, join with me in expressing appreciation and thanks for the work of the entire committee. This is a splendid bill. It will meet with the approval not only of the soldiers who have been benefited by it but of the country, whose people feel that no appropriation of money can under the circumstances pay the debt that they owe to the glorious manhood that so willingly and triumphantly

served the country in defense of its principles and of its safety in the late war. [Applause.]

The Clerk read as follows:

SEC. 17. That the Bureau of War Risk Insurance may make provision in the contract for converted insurance for optional settlements, to be selected by the insured, whereby such insurance may be made payable either in one sum or in installments for 36 months or more. The bureau may also include in said contract a provision authorizing the beneficiary to elect to receive payment of the insurance in installments for 36 months or more, but only if the insured has not exercised the right of election as hereinbefore provided; and even though the insured may have exercised his right of election, the said contract may authorize the beneficiary to elect to receive such insurance in installments spread over a greater period of time than that selected by the insured.

Mr. HAYDEN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Arizona offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HAYDEN: Page 15, line 8, after the end of the section, insert:

"*Provided*, That the Bureau of War Risk Insurance may make provision by regulations for optional settlements, to be selected by the insured, whereby the yearly renewable term insurance granted under the provisions of article 4 of the war-risk insurance act may be made payable either in one sum or in installments for 36 months or more."

Mr. HAYDEN. Mr. Chairman, I am offering this amendment at the request of my constituents. At a meeting of the Arizona State Convention of the American Legion held in Tucson last July this resolution was adopted:

Be it further resolved, That it is the sense of this convention that the war-risk insurance act be amended to provide that the insured under the act may be allowed to elect whether his insurance upon maturity shall be paid as an annuity or in one payment. * * *

I have also received a number of letters from ex-service men in my State urging that such action be taken by Congress. I shall quote a typical statement from a discharged soldier who did his full duty in France and in whose good judgment I have every confidence:

I notice that an overwhelming majority of the veterans are dropping their war-risk insurance, and to be frank, I am seriously considering the same thing myself unless I see some possibility of the war-risk act being amended so that the paying of the principle will be made in full instead of by installments. Do you think there is any prospect of such a thing happening.

That this sentiment is not confined to the State of Arizona is demonstrated by the resolutions presented a few moments ago by the gentleman from New Mexico and by an editorial which appeared in the American Legion Weekly of September 5, 1919, which reads as follows:

These provisions are embodied in the Sweet bill, H. R. 8288, amending the war-risk insurance act, and the American Legion regards this bill favorably with the one reservation that it be amended so as to permit lump-sum payments for term insurance as well as for converted insurance, and so as to place term insurance on exactly the same basis as converted insurance, so far as payments are concerned. This will enable the man who can not convert his insurance at this moment when he is lean from long service to have that opportunity later. Otherwise, only the service man in sound financial condition benefits by the act.

These changes manifestly are necessary in the interests of equity, justice, and the continuance of war-risk insurance. When the changes have been effected, thus adjusting war-risk insurance to a peace-time basis and the wishes of the insured, the present apathy and even antipathy of former service men to war-risk insurance will disappear. Let us hope that Congress will act in this instance without unnecessary equivocation or delay.

Mr. Chairman, the idea behind all of these suggestions is that the returned soldiers resent the opinion which some Members of Congress seem to entertain that they need a guardian to care for their welfare, even though that guardian be a benevolent and paternal Government. Many of them may have been mere boys when they were called to the colors, but hard experience, than which there is no better teacher, has made them men. They are the veterans of the greatest war in all history, and to say that such men do not know what is for their own best interest is an insult to their intelligence. One who was fit to fight for his country ought to be at least credited with sense enough to know how to attend to his own personal business.

Now that the fighting is over and these soldiers, sailors, and marines are again engaged in the peaceful pursuits of civil life there can be no sound reason why the insured should not be permitted to designate whether his insurance, either term or a converted policy, should be paid in one lump sum or in installments. You will note that the amendment provides that the War Risk Bureau shall provide by regulations for optional settlements. It will, of course, be impossible for the Government to pay as much money to the beneficiary in one lump sum as would be the case if the payments were scattered through 36 months or more. The regulations of the War Risk Bureau can provide for a method of settlement so that the insured will know just what can be done in any particular instance and may have his choice.

Mr. McCULLOCH. Will the gentleman yield?

Mr. HAYDEN. With pleasure.

Mr. McCULLOCH. The gentleman's amendment provides for a lump sum or payment for 36 months.

Mr. HAYDEN. Yes. I have followed the text of section 17 of the pending bill, which relates to converted insurance, so as to make the same provision applicable to term insurance. I have used the identical language in order to do what the American Legion asked to be done, which is to place term insurance on exactly the same basis as converted insurance, so far as payments to beneficiaries are concerned.

Mr. McCULLOCH. I understand the director of the bureau recommended an amendment providing for 36 payments, or 36 installments, at the option of the insured. Is that correct?

Mr. HAYDEN. The gentleman from Ohio has no doubt read the hearings on this bill on page 118 of which appears a statement made by the Director of the War Risk Insurance Bureau, in which he offered a suggestion that was not adopted by the committee. The director recommended that yearly renewable term insurance be made payable at the option of the insured in installments for 36 months or more. The director did not say anything about payment in one sum. But the returned soldiers who pay for the insurance have asked for the further option that it be paid in one lump sum, and I am convinced that they should have that privilege.

Mr. RAYBURN. Mr. Chairman, this question was fully gone into by the subcommittee, and I might say that the Director of the War Risk Insurance Bureau is the only one in the Government of that bureau, from the Secretary of the Treasury down, who indorsed this amendment.

Mr. HASTINGS. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. HASTINGS. Did not Mr. Shouse in the department give his personal opinion that that action should be taken? I think the gentleman will find that on page 118 of the hearings.

Mr. RAYBURN. I did not so understand it; but I know that the Secretary of the Treasury refused to give it his indorsement. If we do not do something to encourage the conversion of policies it will be but a few years before there will be no war-risk insurance. Of course, when a man is 20 or 25 years of age, the yearly term insurance is the cheapest and most desirable insurance in a way that he can have, but it is the experience of everybody in the insurance business that if you allow it to run along for a term of years it becomes the most expensive in the world. Therefore we thought it was best not to adopt the amendment suggested by the director of the bureau, because we are liberalizing the converted policy, making it payable in a lump sum, or in 36 months, or for a longer period if the beneficiary so elects. I believe that the best thing we can do for the soldier is to make the law as comprehensive as we possibly can so that he may convert the insurance and get the cheapest rate, and run a while, and while he is young it will be much cheaper if he carries it for some years. It was the judgment of the whole committee, with possibly one exception, that this amendment should not be adopted.

Now, as to the articles in the American Legion. That is, of course, a paper supposed to represent the soldier, but I doubt if very many of the soldiers of the country are advised or consulted before the articles on the editorial page are written.

Mr. DOWELL. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. DOWELL. Does not the gentleman believe that if the amendment is adopted, and we provide that it be paid in a lump sum, it will save a lot of lapses of these policies, it will be more inviting insurance, and soldiers will be more likely to continue the insurance?

Mr. RAYBURN. The term insurance lasts 5 years after the formal declaration of peace. If the soldier does not feel like converting the insurance now, he can do it 5 years after the declaration of peace. If he is not able to carry it at all, the Treasury Department has made a ruling in which they give him 18 months, although the policy lapses, in which he may be reinstated. It seems to me that that would take care of the situation. It would not be wise to lengthen the term of 5 years in which the term insurance should run, for the reason that in 10 or 15 years the premiums would become so high that the man would necessarily drop it, and then if he attempted to convert it the terms would be two or three times as high as when he was 21 or 25 years of age.

Mr. McCULLOCH. Mr. Chairman, I offer the following substitute for the amendment offered by the gentleman from Arizona [Mr. HAYDEN].

The Clerk read as follows:

Amendment offered by Mr. McCULLOCH as a substitute for the Hayden amendment: Page 15, line 8, add the following as a new section:

"That the Bureau of War Risk Insurance shall make provision by regulations for the payment at the maturity, by death of the insured, of the yearly renewable term insurance granted under article 4 of the war-risk insurance act, at the option of the insured, in installments for 36 months or more.

Mr. McCULLOCH. Mr. Chairman, this substitute is practically the same as the amendment or suggestion that was made by the Director of the Bureau of War Risk Insurance and which was indorsed by the assistant director. I did not know that he indorsed the lump-sum payment idea, but I do know from my examination of the hearings that the director indorsed the 36-payment proposition, and that it was indorsed by the assistant director. The statement was also made that the Treasury Department, while not approving it, did see much of merit in the proposal, and that while that department could not give it its approval it was not opposed to it.

If the substitute is not agreed to I shall vote for the amendment of the gentleman from Arizona, as I think this insurance should be made more attractive.

The CHAIRMAN. The question is on agreeing to the substitute offered by the gentleman from Ohio.

The substitute was rejected.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arizona.

The question was taken; and on a division (demanded by Mr. HAYDEN) there were—ayes 23, noes 47.

So the amendment was rejected.

The Clerk read as follows:

SEC. 18. That all premiums paid on account of insurance converted under the provisions of article 4 of the war-risk insurance act shall be deposited and covered into the Treasury to the credit of the United States Government life insurance fund and shall be available for the payment of losses, dividends, refunds, and other benefits provided for under such insurance. Payments from this fund shall be made upon and in accordance with awards by the director.

The Bureau of War Risk Insurance is hereby authorized to set aside out of the fund so collected such reserve funds as may be required, under accepted actuarial principles, to meet all liabilities under such insurance; and the Secretary of the Treasury is hereby authorized to invest and reinvest the said United States Government life insurance fund, or any part thereof, in interest-bearing obligations of the United States and to sell the obligations for the purposes of the said fund.

Mr. FESS. Mr. Chairman, I move to strike out the last word, to propound one or two questions to the committee or to some one who will answer. There has been a good deal of delay in answering the queries of various soldiers in respect to the method of procedure to have their insurance converted. Letters come to me asking why they can not get definite information from the bureau. I have not felt called upon to make criticisms of the bureau, because it is inevitable that there would be under an institution or bureau like this handling so much work some delays. I recognize that.

I have a letter here from one of the leading citizens of Pennsylvania, a gentleman holding a high position in that State, in which he says:

My son made an allotment of $15 a month to me, and a check came regularly. The last one received, April 12, was for the month of March, 1919.

I ought to say, knowing this man as I do, that this allotment would be kept by him for the education of the son when he returns. It was not for any support of the father, of course.

Since then no check has been received. I have written several times, and they send stereotyped letters which have nothing to do with the case. They wrote the son addressing him—

I shall not proceed further with what is exactly in the letter at that point, for I do not want to give the name of the man, because it is the name of the father himself. They had written to the father as if writing to the son, a stereotyped letter, thinking they were replying to the son's letter. The letter continues:

With such carelessness, inefficiency, etc., I do not know what to do. The boy is entering college, needs his money. He has written repeatedly also to change his insurance, and has sent his check for the premium, but has heard nothing from the premium department about his insurance. Can you help us on both of these matters?

Mr. SWEET. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. SWEET. What is the date of that letter?

Mr. FESS. It is written September 12, 1919—yesterday.

Mr. SWEET. And what is the date of the occurrence?

Mr. FESS. March, 1919, is the date of the last check. As I remarked before, I have no desire to call attention to these things with any spirit of criticism.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. FESS. Yes.

Mr. BLACK. As I understand the law, unless the father is getting a Government allowance supplementing that allotment, the War Risk Insurance Bureau does not handle it at all. The Quartermaster Department of the War Department handles it. The War Risk Insurance Bureau handles no allotments except where supplemented by Government allowance.

Mr. FESS. That quite evidently would explain why he does not hear from the director, but the letter should be referred, and at least the matter should be put in process of adjustment.

I want to be specific. I think this legislation is conceived through one of the most beautiful motives that has ever directed legislation. It is an attempt to make it impossible for a soldier of this war to be looked upon as the soldiers of preceding wars—as a person to be put in a position of begging the Government to do something for him. I think it is a magnificent conception of what the Nation owes to the men who fought for the Nation's life, even at the expense of their own. I think these general amendments now proposed by your bill are but another expression of increased generosity on the part of the Government, and the Government is certainly doing well.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FESS. Mr. Chairman, I ask unanimous consent to proceed for a half minute.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FESS. The one remark I wanted to make would be that this expression of gratitude of the Government should not be marred unnecessarily by a bad administration of a good law, and I hope that these errors will rapidly be corrected.

The Clerk read as follows:

SEC. 19. That the amount of the monthly installments of allotment and family allowance, compensation, or yearly renewable term insurance which has become payable under the provisions of the war-risk insurance act but which has not been paid prior to the death of the person entitled to receive the same may be payable to the personal representatives of the deceased person.

Mr. McCULLOCH. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. McCULLOCH: Page 16, line 7, after the word "person," add the following as a new section:

"That the rate fixed and in force upon the 1st day of August, 1919, on the war-risk insurance policy taken out by any commissioned officer, enlisted man, or other person shall remain in force and not be changed or increased unless the insured shall convert his insurance into some other form of policy as provided by regulations authorized under section 404 of the act approved September 2, 1914."

Mr. SANDERS of Indiana. Mr. Chairman, I reserve a point of order on the amendment.

Mr. McCULLOCH. Mr. Chairman, I do not care to argue it.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SANDERS of Indiana. That this is not germane to the section. Mr. Chairman, I withdraw the point of order.

The question was taken, and the amendment was rejected.

Mr. McCULLOCH. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. McCULLOCH: Page 16, line 7, after the word "person," add the following as a new section:

"That when any officer or enlisted man or person insured under the provisions of this act shall have reached the age of 64 years, or as soon thereafter as he shall have paid the premiums for 15 years, shall not be required to make further payments on his policy but his insurance shall remain in full force and effect.

"All laws inconsistent with this section are hereby so modified as to conform to the provisions hereof."

Mr. SANDERS of Indiana. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, the bill has been completed now and perfected by amendments and I think no further amendments ought to be adopted. Mr. Chairman, I ask unanimous consent to revise and extend my remarks on the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana? [After a pause.] The Chair hears none.

Mr. HAYDEN. Mr. Chairman, I make the same request, to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was rejected.

Mr. SWEET. Mr. Chairman, I move that the committee do now rise.

Mr. RAYBURN. One moment. Will the gentleman withhold that? Mr. Chairman, I ask unanimous consent to return to page 10, subsection (10), and suggest an amendment to the gentleman from Iowa which I really think ought to be adopted and go in there.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to return to page 10, subsection (10), for the purpose of offering an amendment. Is there objection?

Mr. RAYBURN. It is a corrective amendment only.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. RAYBURN. Mr. Chairman, the amendment is this: As the section reads it says "that section 302 of this act as amended shall be deemed to be in effect as of October 6, 1917." I really think that that is practically meaningless, because there is no section 302 of this act. This is section 11. If we change that so as to read "that section 302 of the war-risk insurance act as amended," that would cover it.

Mr. SWEET. I accept the amendment.

Mr. RAYBURN. Now, I offer the amendment. In line 17, page 10, strike out the word "this" and insert in lieu thereof "the war-risk insurance."

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 10, line 17, after the word "of," strike out the word "this" and insert in lieu thereof "the war-risk insurance."

The question was taken, and the amendment was agreed to.

Mr. SWEET. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The question was taken, and the Chair announced that the ayes seemed to have it.

On a division (demanded by Mr. BLANTON) there were—ayes 107, noes 0.

So the motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TILSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 8778 had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Under the rule, the previous question is ordered. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The bill was ordered to be engrossed and read the third time, was read the third time.

Mr. BLANTON. Mr. Speaker, I think we ought to have a quorum, and I make the point of order that there is no quorum present on the passage of the bill.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and forty-six gentlemen are present; not a quorum. Under the rule, the Doorkeeper will close the doors, the Sergeant at Arms will notify Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 240, answered "present" 1, not voting 189, as follows:

YEAS—240.

Alexander	Clark, Mo.	French	Johnson, Miss.
Almon	Cole	Fuller, Mass.	Jones, Pa.
Anderson	Collier	Gallagher	Jones, Tex.
Andrews, Nebr.	Connally	Gandy	Juul
Anthony	Cooper	Garner	Kearns
Aswell	Crowther	Garrett	Keller
Ayres	Currie, Mich.	Glynn	Kinkaid
Baer	Curry, Calif.	Good	Kitchin
Barbour	Dale	Goodall	Kraus
Barkley	Dallinger	Goodwin, Ark.	Lampert
Bee	Darrow	Graham, Ill.	Lanham
Begg	Davey	Green, Iowa	Lankford
Benham	Davis, Minn.	Greene, Mass.	Larsen
Black	Davis, Tenn.	Greene, Vt.	Layton
Blackmon	Dent	Hamilton	Lehlbach
Bland, Mo.	Dickinson, Mo.	Hardy, Colo.	Little
Bland, Va.	Dominick	Hardy, Tex.	Lonergan
Blanton	Doremus	Harrison	Luce
Boies	Doughton	Hastings	Lufkin
Booher	Dowell	Hawley	Luhring
Box	Dunbar	Hayden	McAndrews
Brand	Dupré	Hays	McClintic
Briggs	Dyer	Heflin	McCulloch
Brinson	Eagan	Hernandez	McDuffie
Brooks, Ill.	Echols	Hersey	McGlennon
Brumbaugh	Elliott	Hersman	McKenzie
Buchanan	Elston	Hickey	McKeown
Burdick	Emerson	Hicks	Mansfield
Burroughs	Esch	Hoch	Mapes
Byrns, Tenn.	Evans, Mont.	Howard	Martin
Candler	Evans, Nebr.	Huddleston	Mays
Cannon	Fairfield	Hull, Iowa	Merritt
Caraway	Ferris	Hull, Tenn.	Minahan, N. J.
Carss	Fess	Igoe	Monahan, Wis.
Casey	Fields	James	Mondell
Chindblom	Focht	Jefferis	Moon
Christopherson	Freeman	Johnson, Ky.	Mooney
Moore, Ohio	Randall, Wis.	Smith, Idaho	Treadway
Moore, Va.	Rayburn	Smith, Ill.	Vaile
Moores, Ind.	Reavis	Smith, Mich.	Vestal
Morgan	Reed, N. Y.	Smithwick	Vinson
Nelson, Mo.	Reed, W. Va.	Snell	Walters
Newton, Minn.	Rhodes	Steagall	Watkins
Newton, Mo.	Ricketts	Stedman	Watson, Va.
Nicholls, S. C.	Robinson, N. C.	Stiness	Weaver
Nolan	Rodenberg	Strong, Kans.	Webster
O'Connor	Rogers	Summers, Wash.	Welling
Oldfield	Romjue	Sumners, Tex.	Welty
Oliver	Rose	Sweet	Wheeler
Osborne	Rouse	Swope	White, Kans.
Overstreet	Rowan	Taylor, Colo.	Williams
Padgett	Rubey	Thomas	Wilson, La.
Park	Rucker	Thompson, Ohio	Wilson, Pa.
Parrish	Sanders, Ind.	Thompson, Okla.	Wingo
Platt	Sanders, La.	Tillman	Winslow
Purnell	Sanford	Tilson	Wise
Quin	Scott	Timberlake	Wright
Raker	Shreve	Tincher	Yates
Ramseyer	Sims	Tinkham	Young, N. Dak.
Randall, Calif.	Sinnott	Towner	Young, Tex.

ANSWERED "PRESENT"—1.

Fuller, Ill.

NOT VOTING—189.

Ackerman	Fordney	Lee, Ga.	Riordan
Andrews, Md.	Foster	Lesher	Robsion, Ky.
Ashbrook	Frear	Linthicum	Rowe
Babka	Gallivan	Longworth	Sabath
Bacharach	Ganly	McArthur	Sanders, N. Y.
Bankhead	Gard	McFadden	Saunders, Va.
Bell	Garland	McKiniry	Schall
Benson	Godwin, N. C.	McKinley	Scully
Bland, Ind.	Goldfogle	McLane	Sears
Bowers	Goodykoontz	McLaughlin, Mich.	Sells
Britten	Gould	McLaughlin, Nebr.	Sherwood
Brooks, Pa.	Graham, Pa.	McPherson	Siegel
Browne	Griest	MacCrate	Sinclair
Browning	Griffin	MacGregor	Sisson
Burke	Hadley	Madden	Slemp
Butler	Hamill	Magee	Small
Byrnes, S. C.	Haskell	Maher	Smith, N. Y.
Caldwell	Haugen	Major	Snyder
Campbell, Kans.	Hill	Mann	Steele
Campbell, Pa.	Holland	Mason	Steenerson
Cantrill	Houghton	Mead	Stephens, Miss.
Carew	Hudspeth	Michener	Stephens, Ohio
Carter	Hulings	Miller	Stevenson
Clark, Fla.	Humphreys	Montague	Strong, Pa.
Classon	Husted	Moore, Pa.	Sullivan
Cleary	Hutchinson	Morin	Taylor, Ark.
Coady	Ireland	Mott	Taylor, Tenn.
Copley	Jacoway	Mudd	Temple
Costello	Johnson, S. Dak.	Murphy	Upshaw
Crago	Johnson, Wash.	Neely	Vare
Cramton	Johnston, N. Y.	Nelson, Wis.	Venable
Crisp	Kahn	Nichols, Mich.	Voigt
Cullen	Kelley, Mich.	O'Connell	Volstead
Dempsey	Kelly, Pa.	Ogden	Walsh
Denison	Kendall	Olney	Ward
Dewalt	Kennedy, Iowa	Paige	Wason
Dickinson, Iowa	Kennedy, R. I.	Parker	Watson, Pa.
Donovan	Kettner	Pell	Webb
Dooling	Kiess	Peters	Whaley
Drane	Kincheloe	Phelan	White, Me.
Dunn	King	Porter	Wilson, Ill.
Eagle	Kleczka	Pou	Wood, Ind.
Edmonds	Knutson	Radcliffe	Woods, Va.
Ellsworth	Kreider	Rainey, H. T.	Woodyard
Evans, Nev.	LaGuardia	Rainey, J. W.	Zihlman
Fisher	Langley	Ramsey	
Fitzgerald	Lazaro	Reber	
Flood	Lea, Calif.	Riddick	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. BLAND of Indiana with Mr. SMALL.

Mr. DUNN with Mr. SCULLY.

Mr. BUTLER with Mr. STEELE.

Mr. BOWERS with Mr. NEELY.

Mr. DENISON with Mr. OLNEY.

Mr. FREAR with Mr. O'CONNELL.

Mr. FULLER of Illinois with Mr. ASHBROOK.

Mr. HADLEY with Mr. PHELAN.

Mr. HOUGHTON with Mr. PELL.

Mr. JOHNSON of South Dakota with Mr. FLOOD.

Mr. CAMPBELL of Kansas with Mr. STEVENSON.

Mr. BURKE with Mr. SULLIVAN.

Mr. BROOKS of Pennsylvania with Mr. VENABLE.

Mr. ANDREWS of Maryland with Mr. WHALEY.

Mr. HUTCHINSON with Mr. KINCHELOE.

Mr. ROBSION of Kentucky with Mr. MEAD.

Mr. GRIEST with Mr. MONTAGUE.

Mr. WOODYARD with Mr. CAMPBELL of Pennsylvania.

Mr. FORDNEY with Mr. SABATH.

Mr. EDMONDS with Mr. SAUNDERS of Virginia.

Mr. CRAMTON with Mr. DEWALT.

Mr. CRAGO with Mr. SMITH of New York.

Mr. JOHNSON of Washington with Mr. JOHNSTON of New York.

Mr. PORTER with Mr. MCLANE.

Mr. WASON with Mr. CULLEN.
Mr. OGDEN with Mr. CLARK of Florida.
Mr. MUDD with Mr. BYRNES of South Carolina.
Mr. LANGLEY with Mr. GODWIN of North Carolina.
Mr. ACKERMAN with Mr. WOODS of Virginia.
Mr. RADCLIFFE with Mr. MCKINLEY.
Mr. WILSON of Illinois with Mr. CLEARY.
Mr. PETERS with Mr. MAHER.
Mr. NICHOLS of Michigan with Mr. BABKA.
Mr. MURPHY with Mr. BENSON.
Mr. MCFADDEN with Mr. GANLY.
Mr. KENNEDY of Rhode Island with Mr. HOLLAND.
Mr. KAHN with Mr. JACOWAY.
Mr. HULINGS with Mr. LÁZARO.
Mr. MCKINLEY with Mr. GALLIVAN.
Mr. KREIDER with Mr. GOLDFOGLE.
Mr. KLECZKA with Mr. GRIFFIN.
Mr. KIESS with Mr. HAMILL.
Mr. KENNEDY of Iowa with Mr. HUDSPETH.
Mr. IRELAND with Mr. KETTNER.
Mr. MACGREGOR with Mr. EVANS of Nevada.
Mr. MCLAUGHLIN of Michigan with Mr. FITZGERALD.
Mr. LONGWORTH with Mr. GARD.
Mr. KENDALL with Mr. HUMPHREYS.
Mr. FOSTER with Mr. RIORDAN.
Mr. COSTELLO with Mr. STEPHENS of Mississippi.
Mr. WOOD of Indiana with Mr. CANTRILL.
Mr. TAYLOR of Tennessee with Mr. DOOLING.
Mr. SNYDER with Mr. LEA of California.
Mr. NELSON of Wisconsin with Mr. BANKHEAD.
Mr. MORIN with Mr. CALDWELL.
Mr. WATKINS with Mr. COADY.
Mr. STRONG of Pennsylvania with Mr. DRANE.
Mr. STEENERSON with Mr. EAGLE.
Mr. TEMPLE with Mr. DONOVAN.
Mr. KNUTSON with Mr. BELL.
Mr. MADDEN with Mr. CRISP.
Mr. MAGEE with Mr. LINTHICUM.
Mr. MOORE of Pennsylvania with Mr. SHERWOOD.
Mr. MCARTHUR with Mr. SISSON.
Mr. MCPHERSON with Mr. MAJOR.
Mr. STEPHENS of Ohio with Mr. UPSHAW.
Mr. WALSH with Mr. CARTER.
Mr. PAIGE with Mr. FISHER.
Mr. GOODYKOONTZ with Mr. HENRY T. RAINEY.
Mr. GRAHAM of Pennsylvania with Mr. POU.
Mr. SLEMP with Mr. LEE of Georgia.
Mr. ROWE with Mr. LESHER.
Mr. GARLAND with Mr. JOHN W. RAINEY.
Mr. DEMPSEY with Mr. SEARS.
Mr. BROWNING with Mr. TAYLOR of Arkansas.
Mr. BACHARACH with Mr. WEBB.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

On motion of Mr. SWEET, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. BYRNS of Tennessee. Mr. Speaker, my colleague Mr. FISHER, of Tennessee, was called away about an hour and a half ago on an important public matter, and I ask unanimous consent that he be excused on that account.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

Mr. BYRNS of Tennessee. In that connection I want to say that he was heartily in favor of this bill, and if he had been present he would have voted "yea."

EXTENSION OF REMARKS.

Mr. CANDLER. Mr. Speaker, I ask unanimous consent to extend in the RECORD the remarks I made this morning on this bill.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to extend his remarks on this bill. Is there objection?

There was no objection.

Mr. WILLIAMS. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill just passed.

The SPEAKER. The gentleman from Illinois makes the same request. Is there objection?

There was no objection.

Mr. BARKLEY. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Kentucky makes the same request. Is there objection?

There was no objection.

Mr. SWEET. Mr. Speaker, I ask unanimous consent that the Members of the House be granted five legislative days in which to extend their remarks on this bill.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the Members of the House be granted five legislative days in which to extend their remarks on this bill.

Mr. GARNER. They must be their own remarks; that is, nothing can be put in the RECORD except gentlemen's remarks, with that limitation.

The SPEAKER. That is made part of the request. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1018. An act authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims;

S. 2961. An act authorizing the county of Accomac, Va., to construct bridges to connect Chincoteague Island and the mainland; and

S. 633. An act extending the provisions for the regulation of steam vessels to vessels owned or operated by the United States Shipping Board, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 633. An act extending the provisions for the regulation of steam vessels to vessels owned or operated by the United States Shipping Board, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

S. 2961. An act authorizing the county of Accomac, Va., to construct certain bridges to connect Chincoteague Island and the mainland; to the Committee on Interstate and Foreign Commerce.

S. 1018. An act authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims; to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BELL, indefinitely, on account of sickness; and

To Mr. MAPES, indefinitely, on account of sickness in his family.

ADJOURNMENT.

Mr. SWEET. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 51 minutes p. m.) the House adjourned until Monday, September 15, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting part of a communication from the Governor of the Panama Canal recommending that the rate of interest on deposit money orders in the Canal Zone be increased from 2 per cent to 3 per cent (H. Doc. No. 248), was taken from the Speaker's table, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WISE, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 95) authorizing the Secretary of War to loan to the city of Atlanta, Ga., tents and cots for the use of United Confederate Veterans in their convention from October 7 to 10, 1919, reported the same with amendment, accompanied by a report (No. 316), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MAPES, from the Committee on the District of Columbia, to which was referred the bill (H. R. 8067) to establish standard weights and measures for the District of Columbia, to define the duties of the superintendent of weights, measures, and markets of the District of Columbia, and for other purposes, reported the same with amendment, accompanied by a report (No. 317), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TILSON: A bill (H. R. 9248) authorizing the Secretary of War to donate to the town of Branford, Conn., one German cannon or fieldpiece, to be placed according to the wishes of the citizens of said place; to the Committee on Military Affairs.

By Mr. HICKS: A bill (H. R. 9249) to provide adequate subsistence for the warrant officers and enlisted men of the Coast Guard; to the Committee on Interstate and Foreign Commerce.

By Mr. TIMBERLAKE: A bill (H. R. 9250) to amend section 2 of the act approved September 8, 1916, relating to pensions; to the Committee on Invalid Pensions.

By Mr. BLANTON: A bill (H. R. 9251) amending section 6, chapter 389, Thirty-seventh Statutes, enacted August 24, 1912, and for other purposes; to the Committee on Reform in the Civil Service.

By Mr. JONES of Texas: A bill (H. R. 9252) to provide for service of process in cases removed from a State or other court to a United States court; to the Committee on the Judiciary.

By Mr. VOLSTEAD: A bill (H. R. 9253) to amend an act entitled "An act to provide for the performance of the duties of the office of President in case of the removal, death, resignation, or inability both of the President and Vice President," approved January 19, 1886; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. BROOKS of Illinois: A bill (H. R. 9254) providing for a survey of Wabash River, Ill. and Ind., in the vicinity of Hutsonville, Ill.; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANNON: A bill (H. R. 9255) to pay John E. Bolden for services rendered the United States Army from April 4, 1865, to and including July 15, 1865; to the Committee on War Claims.

Also, a bill (H. R. 9256) granting an increase of pension to William M. Bishop; to the Committee on Invalid Pensions.

By Mr. EMERSON: A bill (H. R. 9257) for the relief of the Van Dorn Iron Works Co.; to the Committee on Claims.

By Mr. ESCH: A bill (H. R. 9258) granting a pension to Anna H. D. Heiberg; to the Committee on Pensions.

By Mr. HUTCHINSON: A bill (H. R. 9259) granting a pension to Mary Furfey; to the Committee on Pensions.

By Mr. IGOE: A bill (H. R. 9260) granting a pension to James Duffy; to the Committee on Pensions.

By Mr. IRELAND: A bill (H. R. 9261) granting an increase of pension to Maria L. Gill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9262) granting an increase of pension to George S. Hawkins; to the Committee on Invalid Pensions.

By Mr. JEFFERIS: A bill (H. R. 9263) authorizing the Treasurer of the United States to pay to Henry Iske, La Platte, Nebr., the sum of $2,110.64, for cattle unlawfully condemned; to the Committee on Claims.

By Mr. LUFKIN: A bill (H. R. 9264) granting a pension to Sarah K. Marshall; to the Committee on Pensions.

By Mr. MONTAGUE: A bill (H. R. 9265) granting a pension to Carl Olson; to the Committee on Pensions.

By Mr. RHODES: A bill (H. R. 9266) granting a pension to Sarah J. Sumpter; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 9267) granting an increase of pension to William Owens; to the Committee on Invalid Pensions.

By Mr. SUMNERS of Texas: A bill (H. R. 9268) granting a pension to Sarah E. Burkett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9269) granting a pension to Harry L. Wright; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Henry J. Allen, governor of the State of Kansas; O. A. Larrazolo, governor of the State of New Mexico; R. A. Cooper, governor of the State of South Carolina; S. V. Stewart, governor of the State of Montana; John G. Townsend, jr., governor of the State of Delaware; Thomas E. Campbell, governor of the State of Arizona; Ben W. Olcott, governor of the State of Oregon; Samuel R. McKelvie, governor of the State of Nebraska; Robert D. Carey, governor of the State of Wyoming; J. B. A. Robertson, governor of the State of Oklahoma; William C. Sproul, governor of the State of Pennsylvania; Simon Bamberger, governor of the State of Utah; Oliver H. Shoup, governor of the State of Colorado; Lynn J. Frazier, governor of the State of North Dakota; and T. W. Bickett, governor of the State of North Carolina, favoring an appropriation of $400,000,000 for highway construction to be available for use during the next ensuing five years; to the Committee on Roads.

By Mr. CAREW: Petition of American citizens of Lithuanian origin, praying for the House of Representatives to recognize the Lithuanian Republic as an independent State; to the Committee on Foreign Affairs.

By Mr. DONOVAN: Resolution of the Republic Club of the nineteenth aldermanic district of New York favoring House joint resolution 181, to provide additional compensation for employees in the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. FULLER of Illinois: Petition of North Western Expanded Metal Co., of Chicago, Ill., favoring the passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

By Mr. O'CONNELL: Petition of Ajax Rubber Co. (Inc.) and Charles W. Strohbeck, of New York, N. Y., favoring the passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

By Mr. SANDERS of New York: Petition of the Rochester Retail Shoe Dealers' Association, protesting against the passage of the House bill 8315; to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *September 15, 1919.*

Rev. John Paul Tyler, of the city of Washington, offered the following prayer:

Almighty God, Lord of all the earth, God of our fathers, command upon us, we beseech Thee, this day Thy divine grace and wisdom, that in all that may be done or said Thy righteousness may prevail. We pray for Thy blessing upon our native land, upon the men of our Army and Navy and all the other branches of our service. We pray for every home in this land. We pray for the President of our United States. Give unto him and unto us and unto the rulers of the kingdoms of this world such grace and wisdom, we pray, that Thy kingdom may come and Thy will be done in our earth.

Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done, on earth as it is in heaven. Give us this day our daily bread, and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil, for Thine is the kingdom, the power, and the glory, forever. Amen.

The Vice President being absent, the President pro tempore [Mr. CUMMINS] took the chair.

The Secretary proceeded to read the Journal of the proceedings of Friday last when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

LEAGUE OF NATIONS.

Mr. SHERMAN. Mr. President, I present an editorial from the New York American of September 13, 1919, which I should like to have printed in the RECORD without reading.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The editorial referred to is as follows:

[From the New York American, Saturday, Sept. 13, 1919.]

SENATORS, IF THIS APPEAL DOES NOT MOVE YOU, THEN WE GIVE UP.

"The minority report upon the treaty closes with this tribute to the proposed league:

"'The league of nations is the only plan proposed to redeem the world from war, pestilence, and famine.'

"It seems to us that this eulogy falls short of the possibilities.

"True, it is indeed a wondrous achievement to abolish not only fighting but also sickness and hunger, but we are sure that Messrs. HITCHCOCK, POMERENE, et al. have overlooked many other contributions to the gayety of nations offered by the immortal document in question.

"There is practically no end of the happy uses to which the constitution of the league of nations can be put.

"Properly toasted and shredded, there is no reason why it should not be universally used as a breakfast cereal, and boiled in milk it would be an invaluable food for infants.

"Printed on sheets of convenient size and covered with molasses and glue, it would make an unparalleled fly paper; carefully diluted with flour paste and insect powder, it would create havoc with cockroaches; dipped at intervals in kerosene and thrust into cracks and bedsteads, it would infallibly check the ravages of bedbugs; and, used as seamless underwear, it would baffle the most determined and bloodthirsty cooties.

"We are amazed that a ruthless, ignorant, heartless, and pigmy-minded senatorial majority can even think of mangling such a remarkable document and so breaking the heart of humanity, hopefully looking forward to a flyless, cockroachless, bedbugless, louseless world.

"We make bold to ask Senator LODGE and his associates quite sternly if they have even stopped to consider what disappointment they are planning to bring to the expectant heart of the world by their reprehensible profly, procockroach, probedbug, procootie sentiments.

"Can it be that representatives of these nefarious enemies of mankind have seduced certain Senators by attractive offers of immunity from bites, stings, and scratches in order to gain senatorial assistance in their pernicious plots and propaganda?

"Nor have we begun even to catalogue the virtues and possible achievements of this wonderful panacea.

"Taken exactly as directed by the doctor himself, it will cure irritability of the temper, inflammation of the vocabulary, overappetite for profits, high cost of living, shortage of coal, frost on the corn, worms in the cotton, sore frontiers, national jealousies, wrinkles, red noses, racial incompatibility, difference in languages, pips in poultry, Irish agitation, German music, desire for food, fatty excess of plumbers' bills, strikes, excessive perspiration of taxpayers, religious disputes, ingrowing toenails, warts, secret diplomacy, autocracy, jazz playing, law suits, broken umbrellas, the drink appetite, tendency of eggs to decay, fatty degeneration of the dollar bill, plant lice, telephone irritations, exaggerated growth of tips, interruption of presidential monologues, deficiencies of dividends, odors arising from garbage, cutaneous eruptions of colonies, Japanese imperial itch, third-term bees in the bonnet, bats in belfries, and millions of other afflictions that beset mankind.

"And shall pigmy minds, who do not and can not understand the heights and depths of this immortal document, tie rude amendments to its beautiful tail and break the palpitating heart of the world?

"Forbid it, Heaven!

"And if not Heaven, then Heaven's viceroy!

"Is this a time to waste the hours in talk about American welfare, American independence, American policies, American sovereignty, or any such trivial matters, when the kingdom of the Hejaz is waiting outside the door, wondering when its vote is to be counted?

"Is this a time to be considering American affairs and American welfare, when the Island of Yap is still in doubt whom it belongs to, and the palpitating heart of the world is hanging in the fateful decision?

"Is this a time to be wasted on discussions of American interests when distant Siberia is still pathetically demanding to know among whom it is which or what, as the case may be?

"Here in a brief document of a great deal less than a million burning words is the salvation of the world, neatly bound and labeled, and only awaiting the arrival of belated copy from Paris to be absolutely perfect; and there are pigmy minds in the Senate who actually want to amend this inspired volume! Minds that actually talk about the American Constitution in the very presence of this immortal document, which does away not only with the American Constitution but with any necessity of having an American Constitution.

"Senators, can nothing deter you from your fell purpose?

"Can neither the running together of large crowds to see the special excursion train, nor the anxious heart of the world, nor even the reported outbreak of an epidemic of roup among the defenseless hens of Podunk X-Roads, Paw-Paw County, State of Indiana, move your hearts of iron, your bosoms of flint?

"Senators, think of devastated Europe, of those wasted and unhappy lands where large numbers of the people have not yet been able to resume their labors because they have not had time to spend all the money they made, as reported by their newspapers and officials!

"Think of the instability of things abroad and the price of eggs at home!

"Reflect upon what it cost to write this immortal document, to say nothing of the transportation expenses!

"Shall we deliberately waste a million and a half dollars, cash in advance, including the cost of a perfectly good glass roof for the presidential ship, a large and competent staff of musicians from the Hotel Biltmore, and fancy cooks from Washington?

"Will you break the heart of the world by losing all that money in these hard times, with calf's liver and bacon $1.25 a sample?

"War—pestilence—famine.

"The three furies that have wasted the world for 5,000 years.

"Look at them, Senators, look at them!

"And now they can be banished forever, choked to death with a bottle of ink, wiped out with a blotting pad, if you but withhold your interrupting hands.

"Senators, in beautiful and moving metaphor the President has told us that this treaty, if unamended, makes us all eagles.

"Senators, don't you want to be eagle birds?

"Don't you want your fellow citizens to be eagle birds?

"And when we have all become eagle birds, do you want us to have to fly about among the neighbors with amendments and reservations tied to our beautiful tails?

"Is that the fate you design for your constituents?

"Are you so determined to break the heart of the world that if you can not break it with grief you will break it with laughter?

"Doggone your pigmy minds, do you want to make the world choke itself to death laughing at us eagle birds?"

RAILROAD PASSES.

Mr. SHERMAN. I also present an article from the Manufacturers' Record, of Baltimore, Md., of September 11, 1919, relating to the free transportation issued to the McAdoo family, which I should like to have printed without reading.

The PRESIDENT pro tempore. It will be so ordered, without objection.

The matter referred to is as follows:

[From the Manufacturers' Record, Baltimore, Sept. 11, 1919.]

"THE BLUNDER OF MR. M'ADOO AND RAILROAD MANAGERS FOR ANNUAL FAMILY PASSES.

"The recent report to Congress of the fact that Secretary McAdoo, no longer in any way connected with the railroad service, has annual passes for himself, his wife, his son, and his daughter, will prove to the country a revelation of sad lack of wisdom on the part of Mr. McAdoo and the Railroad Administration alike. The pass to Mr. McAdoo, according to the report to Congress, was issued on the basis of 'special counsel for the State of New York.' If this was a satisfactory basis on which to issue a pass to Mr. McAdoo, every other special counsel for every other State and city would have an equal right to have a pass. But surely Mr. McAdoo can not claim that his wife and his son and his daughter are special counsels to the State of New York.

"Mr. McAdoo is not alone in this culpability. The railroad officials, of whom there are a large number, who secured annual railroad and Pullman passes for members of their families, have done a very unwise and stupid thing. It is possible that their annual passes may be within the strict legal requirements, and yet a moment's thought would have convinced these men that the issuing of annual railroad and Pullman passes to members of their families would be certain to create a more hostile feeling to all the railroad management of the country. There is no reason whatever why the wife, or the daughter, or the son, or 'the sisters and the cousins and the aunts' of railroad people should travel on passes, any more than it is right that anyone else who desires a pass should have it. Railroad officials and employees secure full pay for all their services. They can not travel on passes as an act of charity, and there is no other possible basis on which they have a justification to use passes, other than that to a certain extent the law permits passes to be issued to railroad employees and their families.

"The law itself, however, is unwise. It is an unfair discrimination against the public generally, but for the presidents of the railroads to use annual railroad and Pullman passes for 'their sisters, cousins, and aunts' displays a lack of judgment in this day of turmoil and unrest simply incomprehensible. It is bad enough that these railroad managers have displayed so little judgment and common sense, but that Secretary McAdoo, as an attorney in private practice, should have used his influence to continue to receive annual passes for himself and wife and son and daughter is amazing beyond degree. The lack of ethics is beyond description."

Mr. ROBINSON. Mr. President, in view of the matter which the Senator from Illinois has just had inserted in the RECORD respecting free transportation for Mr. McAdoo and dependent members of his family I ask unanimous consent to make a very brief statement.

The PRESIDENT pro tempore. The Chair hears no objection, and the Senator from Arkansas will proceed.

Mr. ROBINSON. The Senator from Illinois [Mr. SHERMAN] has just had inserted in the RECORD a statement from some paper published in Baltimore, which I have not had an opportunity of reading, but my attention has been called to statements published in other papers. In my opinion Mr. McAdoo is not subject to fair criticism for having received and used for himself and the dependent members of his family transportation on the railroads from the Federal Administration of Railroads.

He accepted the appointment from the Federal administration of railroads as special counsel in the State of New York for the Railroad Administration. He declined to receive any compensation therefor.

As is well known, Mr. President, Mr. McAdoo served as Director General of Railroads without receiving any compensation in addition to the compensation which was paid him as Secretary of the Treasury. His acceptance of a railroad pass from the Federal Administration of Railroads ought not to subject him to criticism, in view of the fact that he is now serving as special attorney in the State of New York for the Railroad Administration.

In my opinion it is unfair and unworthy of either Senators or great newspapers to make the attack upon Mr. McAdoo which is implied in the articles that have been called to my attention.

Mr. SHERMAN. Mr. President, with the consent of the Senate, for just a moment, may I ask whether the State railroad officials of Illinois, for instance, would be justified in carrying like transportation? Outside of New York City there are more steam railway offices in the city of Chicago than any other point in the Western Hemisphere. There are necessarily a number of State officials there who are engaged in like duties with the late Director General of Railroads. If the same rule would apply in other States, there would be a very considerable addition to the free transportation list in the United States.

Mr. ROBINSON and Mr. KELLOGG addressed the Chair.

The PRESIDENT pro tempore. The Senator from Arkansas.

Mr. ROBINSON. Let the Senator from Minnesota proceed, if he wishes to discuss this subject.

Mr. KELLOGG. I was going to say a word.

Mr. ROBINSON. I prefer that the Senator should proceed.

Mr. KELLOGG. Mr. President, I know nothing about the issue of transportation to Mr. McAdoo, but it would naturally occur to one as to whether he performed any service for the Railroad Administration in the State of New York. I do know that when the railroads of this country were losing to the Government several hundred millions a year and when the policy of the law for years had been against the issuance of transportation except to railroad officials, I think something like 5,000 passes have been issued, good on every railroad system in this country. I doubt if there has been a time in years when so many people have been traveling on railroad passes and Pullman passes as in a time when no one should have a pass. Congress ought to prohibit the issuance of passes at all. That in the Railroad Administration the Government should start out with such an issuance of passes is incomprehensible to me, when the railroads are losing so much money to the Government.

Mr. ROBINSON. Mr. President, I do not care to enter into a discussion at this time of the policy involved in the statement just made by the Senator from Minnesota, but he has, impliedly at least, criticized the Federal Administration of Railroads because it has issued too many passes. He has said that it has issued more than 5,000 passes good on railroads throughout the country when it should have issued none.

The Senator from Illinois [Mr. SHERMAN], in the statement which followed the remarks I made a moment ago, impliedly criticized the Federal Administration of Railroads because it would not issue more passes than have been issued, and referred to the fact that railroad passes had been denied certain State officials. I do not think that the subject matter of passes generally is germane to the purpose for which I rose, namely, to state that in my opinion the criticism of Mr. McAdoo for receiving railroad passes from the Federal Administration of Railroads is not justified and is unworthy of members of this body and of the newspapers which are indulging in it, in view of the fact that he is serving as special counsel for the railroad administration in the State of New York.

As to the services which he is performing—and I make this statement in reply to an innuendo contained in the remarks of the Senator from Minnesota [Mr. KELLOGG]—his services are largely advisory, according to the information which has reached me, but they are far in excess, from the standpoint of any lawyer, of the value of the railroad passes which he has received and is using.

Mr. REED. The Senator, I think, stated that the former Secretary of the Treasury is now acting as special counsel. Does the Senator understand that he is serving without compensation?

Mr. ROBINSON. Absolutely without compensation. Mr. McAdoo not only declined to receive any additional compensation for his services as director general during the period of the war when his services were of such great value, but he has also declined to receive any compensation as special counsel, unless the passes that have been issued to him be considered as a sort of compensation.

Mr. REED. That is what I thought.

Mr. ROBINSON. But the point I make, and which I wish to emphasize, is that it is small business on the part of United States Senators and small business on the part of partisan newspapers to make an attack on Mr. McAdoo under the circumstances, and I think the Senator from Missouri agrees with me.

Mr. REED. I wanted to have the point made plain that the Senator has made plain in respect to the services of Mr. McAdoo as counsel without compensation.

Mr. ROBINSON. I thank the Senator from Missouri.

Mr. SMOOT. I ask for the regular order.

WOMAN SUFFRAGE.

The PRESIDENT pro tempore presented a joint resolution adopted by the Legislature of the State of New Hampshire ratifying the proposed amendment to the Constitution of the United States extending the right of suffrage to women, which was ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 95) authorizing the Secretary of War to loan to the city of Atlanta, Ga., tents, cots, horses, and saddle equipments for the use of United Confederate Veterans in their convention from October 7 to 10, 1919, with an amendment, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. JOHNSON of South Dakota. I present resolutions adopted by the South Dakota Branch of the League to Enforce Peace, urging the ratification of the treaty with Germany, including the covenant for a league of nations, without amendment or reservation. I ask that the resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolved, That it is the sense of the South Dakota Branch of the League to Enforce Peace that the prompt approval by the Senate of the United States, without amendment and without any such reservations as would require the resubmission of the treaty of the allied and associated nations with Germany, including the covenant for a league of nations, to the nations which have joined therein, is, in our opinion, essential to the peace of the world, the establishment of the rule of reason and justice in the relations of nations to each other, and the immediate and future welfare of this Nation, and, indeed, of civilization itself. We therefore urge the Senate to speedily ratify the treaty, including the covenant, without amendment and without any reservation which would substantially affect the text or substance of the same.

Resolved further, That a copy of this resolution be transmitted to Senator STERLING, Senator JOHNSON, and the President.

WILLIS C. COOK,
E. W. FISKE,
FRANK H. JOHNSON,
H. K. WARREN,
U. S. G. CHERRY,
State Executive Committee.

By direction of the South Dakota Branch of League to Enforce Peace.

Mr. PHIPPS. I send to the desk resolutions adopted by the Larimer County Stock Growers' Association of Colorado, favoring the enactment of legislation providing price protection for the stock growers of the country. I move that the resolutions be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. CAPPER presented a petition of the Central Labor Union of Chanute, Kans., praying for an increase in salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

Mr. NEWBERRY presented petitions of sundry citizens of Jackson, Eaton Rapids, Kalamazoo, Grand Rapids, and Traverse City, all in the State of Michigan, praying for the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

He also presented a memorial of the Indiana-Michigan Division of the Brotherhood of Railroad Station Agents, of Kala-

mazoo, Mich., remonstrating against the adoption of the so-called Plumb plan for operation and control of railroads, which was referred to the Committee on Interstate Commerce.

Mr. KNOX presented memorials of sundry citizens of Philadelphia, Pittsburgh, Altoona, Erie, East Mauch Chunk, and Duquesne, all in the State of Pennsylvania, remonstrating against the establishment of a department of education, which were referred to the Committee on Education and Labor.

He also presented a petition of the Teachers' Institute of Altoona, Pa., and a petition of sundry citizens of Perryopolis, Pa., praying for the establishment of a department of education, which were referred to the Committee on Education and Labor.

He also presented a petition of sundry postal clerks of Philadelphia, Pa., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the executive committee of the Gear Manufacturers' Association, of Philadelphia, Pa., remonstrating against the adoption of the so-called Plumb plan for operation and control of railroads, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of sundry priests of the diocese of Pittsburgh, Pa., remonstrating against the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

Mr. PAGE presented a petition of Venerable Lodge, No. 414, Order Sons of Italy, of Rutland, Vt., praying for the annexation of Fiume to Italy, which was referred to the Committee on Foreign Relations.

Mr. MOSES presented a petition of Local Grange No. 13, Patrons of Husbandry, of Nashua, N. Y., and a petition of Local Grange No. 154, Patrons of Husbandry, of Fitzwilliam, N. H., praying for the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

Mr. NELSON presented the memorial of H. H. Chamberlain, of Minneapolis, Minn., relative to the sugar situation, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial from the Blount Shoe Co., of Marshall, Minn., relative to an investigation of the shoe industry, which was referred to the Committee on the Judiciary.

TREATY OF PEACE WITH GERMANY.

Mr. McCUMBER. Mr. President, as in open executive session and as a member of the Committee on Foreign Relations, I wish to submit an individual report upon the treaty with Germany. I am unable to agree with my Republican associates, either in their sentiments toward the league of nations or in the conclusions reached by them in reference to proposed amendments or reservations. I find it equally difficult for me to work in harness with the Democratic Party on any subject. Therefore, I have felt it incumbent upon me to make a wholly independent report, expressing my views upon the treaty, which I ask may be printed in the RECORD, and also printed under the rules heretofore adopted with reference to such reports.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The views of a minority, submitted by Mr. McCUMBER, are as follows:

[Senate Report No. 176, part 3, Sixty-sixth Congress, first session.]

TREATY OF PEACE WITH GERMANY.

"Mr. McCUMBER, from the Committee on Foreign Relations, submitted the following views of a minority:

"It has always been understood that the purpose of a report from any Senate committee was to briefly explain the object of a bill or treaty reported and the reasons for any amendments thereto. And this has been the general rule adopted by all committees in reporting any matter to the Senate. The majority of the Committee on Foreign Relations have deviated from this rule in reporting this treaty. The great purposes of the covenant upon which 27 nations, the great and small of the world, studied and labored for six months in an attempt to formulate a plan that would tend to insure good fellowship among the nations of the world and prevent another such catastrophe as we have just passed through have not been even alluded to. Not one word is said, not a single allusion made, concerning either the great purpose of the league of nations or the methods by which those purposes are to be accomplished.

"Irony and sarcasm have been substituted for argument, and positions taken by the press or individuals outside the Senate seem to command more attention than the treaty itself. It is regrettable that the animosity which centers almost wholly against the league of nations provisions should have been engendered against a subject so important to the world's welfare. It is regrettable that the consideration of a matter so foreign to any kind of partisanship should be influenced in the country as well as on the floor of this Senate by hostility toward or subserviency to the President of the United States. No matter how just may be any antagonism against President Wilson, the aspirations and hopes of a wounded and bleeding world ought not to be denied because, under our Constitution, the treaty must first be formulated by him.

"The purpose of this treaty is, first, to settle the score of this unprovoked war, this murder of practically a score of millions of the best people of the world, that the ambitions of an autocratic sovereign, with his Junker following, might be satisfied at the expense of the liberty of the other nations of Europe; second, to secure an agreement among all of the great nations of the world, a compact with and between them all, to combine their councils to prevent another such tragedy and to henceforth assure the settlement of international disputes by arbitration or other peaceful method.

"As the United States, though somewhat belated, performed an important part in bringing the war to a successful close, and as the United States must be one of the signatory powers to the treaty of peace, one can scarcely understand this studied effort on the part of a majority of the committee to eliminate the United States as a factor in determining any question relating to the final settlement of this conflict. Neither can one understand why a country whose whole history has been devoted to the advocacy of the peaceful settlement of international disputes is suddenly to have its policy reversed and to become, in effect, an opponent of the only means that has ever been attempted to assure world peace, namely, an agreement, not between two nations or between two groups of nations that they will settle their difficulties by arbitration, but an agreement among all nations that they shall not resort to war without first submitting their controversies, either for arbitration or discussion, to a council of all; that no nation shall begin a war of aggression against another without such submission, and that if such recalcitrant nation does attempt a war of aggression and wrong the other nations to the compact will prevent the consummation of such felonious policy.

"There has been written into this compact a great underlying principle which is the very soul of the agreement, that the same code of morality which governs people in their relations to each other in every highly organized state of the world shall govern nations in their relations to each other; that no nation shall rob another nation of its territory or its independence; that no nation shall have the right to murder the people of another nation for the selfish purpose of extending its own domains.

"No statesman, no philosopher, has ever yet given a single reason why nations, which are but collections of individuals, should not be governed in their international relations by the same code of ethics that governs the peoples of communities or States in their internal relations.

"For the first time in the history of the world this great advance step is attempted. The whole issue is whether nations can so eliminate their selfish desires, so restrain their national avarice, as to accord equal justice to all people. As in the community every individual assumes to assist in the enforcement of law, in the protection of the life, liberty, and property of every other citizen, so in this international code of ethics each nation assumes to do its part in guarding the international rights of every other nation. As in every State a forum has been provided for the settlement of individual disputes, and no individual is allowed the right to disregard the law of his community, so in this international court a forum is provided for the settlement of international disputes, and each nation is forbidden to determine when it may commit an act of aggression against another nation until it has at least brought its case into this forum for consideration and settlement if possible.

"The instrument is not as complete and as binding as the constitution of a State or nation. It still leaves to each nation the right of withdrawal, and depends to a great extent upon the moral sentiment of each nation to comply with its own obligation or the enforcement of such obligation upon a recalcitrant member. It is a mighty step in the right direction. Every sentiment of justice and morality is on its side. Some of its provisions are yet crude and uncertain of application. But the whole purpose is most noble and worthy. And as in our American Constitution we were compelled, in order to form a more perfect union, to depend upon the right of amendment, so in this great world constitution experience will undoubtedly necessitate many changes in order to make a more perfect instrument that will work for the benefit of humanity. All of these noble and lofty purposes have been ignored in the majority report or treated with sarcastic disdain or jingoistic contempt.

"Most of the amendments proposed are those which eliminate the United States from any part in the conclusion and the settlement of this Great War, in which we took a most noble and conspicuous part. They not only seek to isolate the United States as a world power from the rest of the civilized nations of the world, but to compel this country to abandon its allies and fail in its duties to consummate the purposes for which the war was fought.

"The necessity and duty of the United States to assist in the remapping of continental Europe and western Asia, the creation of a new Poland and Czechoslovakia, the revision of the boundaries of Italy and Greece, and the expulsion of the Turk from Europe have been urged on the floor of the Senate in eloquent words by some of those who joined in this majority report. If it was our duty to assist in bringing about this result, how inconsistent our attitude in now saying that it is not our duty to extend to these countries which we brought into being the hand of protection until they can stand without our assistance. The purpose of the proposed committee amendment is to relieve ourselves of any further duty in protecting these children born of the exigencies of this war, and to compel those who suffered most in this awful conflict, who are staggering to-day under wounds that are almost fatal, to perform that duty without any assistance from us. To my mind such attitude is most selfish, immoral, and dishonorable.

"It is asserted in the majority report:

"'In regard to amendments generally it should be stated at the outset that nothing is more groundless than the sedulously cultivated and constantly expressed fear that textual amendments would require a summoning of the peace conference, and thereby cause great delay. There will be no necessity of summoning the peace conference, because it is in session now in Paris, with delegates fully representing all the signatory nations, as it has been for six months, and it seems likely to be in session for six months more.'

"No one, so far as I know, has asserted that delegates of this peace conference are not still in Paris. They are there for the purpose of carrying out certain provisions that are in the treaty itself. It required six months of arduous labor to bring the minds of all the signatory nations to a point where they could sign this treaty. It was important that every provision in the treaty should satisfy every signatory member. The treaty has been consummated. The hundreds of experts and advisers who assisted in making the treaty have returned to their homes. Only the skeleton form of the conference remains.

"What is claimed by the opponents of these amendments is that they would require a reconsideration of the whole treaty because they present a new and different treaty. And, realizing the difficulties which had to be overcome in order to secure the assent of these 27 nations, we can not fail to recognize the added difficulties and uncertainties that would arise in a resubmission of the whole question to the peace conference.

"Let us take the first amendment. It is proposed to increase the vote of the United States more than sixfold. The committee report says:

"'But if Great Britain has six votes in the league assembly, no reason has occurred to the committee and no argument had been made to show why the United States should not have an equal number.'

"If the United States is to have its votes increased sixfold, certainly France and Italy will insist upon like additional representation and voting power. And undoubtedly every other member will ask the same. The unit of representation provided in the league is that of the nation, without reference to size or importance. Any other basis would have been impossible.

"The situation growing out of this great world conflict is unique. Every nation that declared it was at war with Germany is made a party to this treaty, though such nation never furnished a soldier or a gun or a single dollar to maintain the war. Hedjaz, with a population scarcely as large as the city of Washington, has the vote of a nation. Panama, with a population scarcely larger, has a vote. Hunduras and Uruguay, each with a population approximating half a million, have the same power as Great Britain or France or the United States in the assembly. None of them did anything to carry on the war. Canada, on the other hand, with a population of nearly eight and a half million people, and which fought valiantly through all the long years of the war, losing hundreds of thousands of soldiers, imposing a mighty burden upon her people for centuries to come, asks that she be given a vote in the assembly, not in the council, carrying the same power that you give to black Liberia, or Haiti, or Hedjaz. Australia and New Zealand, who suffered likewise, and whose sons achieved great victories in defense of the great world principle which was at stake, ask that there be some forum in which they may have a separate vote equal to that of these nations which did absolutely nothing to maintain this war. While they may be said to be parts of the British Empire, they are, nevertheless, self-governing and independent domains. The tie is one of friendly good will and interest rather than of dependency. To all intents and purposes these countries are independent, self-governing nations. They were given a voice only in the assembly distinct from that of Great Britain. They ought to have been given this voice in that forum. That forum decides nothing in dispute among nations unless the nations themselves are willing to have the cause transferred from the council. The United States is in no danger from any one of them, because, first, she must assent to the transfer of a dispute to the assembly, and she will not do so unless she feels that her rights will be equally protected in the assembly; second, in every dispute affecting the Western Hemisphere these self-governing domains of Great Britain have always showed a disposition to side with the dominant country in this hemisphere—the United States. On the other hand, the European countries could complain with far greater reason that the United States will so dominate every nation in the Western Hemisphere as to have a voting power that would overrule the influence or power of the older nations than that the British Empire would have a voting power that would overrule the purposes and interests of this country. These nations in the Western Hemisphere which declared war against Germany did so to please the United States rather than for any effect their action might have on the results of the war. France or Italy or Great Britain could with as much reason say that the United States in every contest with a European nation will control Cuba and Panama and practically every Central and South American State. But these countries know as we know that all disputes between great nations will be settled in the council and not in the assembly.

"But there is a third reason why the attempt to increase our voting strength is unnecessary and improper.

"It is the British Empire that is represented in the council where every dispute will be settled; and no self-governing dominion or part of that Empire has separate representation in the council. And even if we should agree, which we need never do, to transfer any dispute with Great Britain, or with any of her self-governing colonies or dependencies, to the assembly, it would be the British Empire and not the separate parts which would be a party to the dispute. In other words, a dispute with the dominant member is a dispute with each part of the Empire, and a dispute with any part is a dispute with the whole, so that even if the dispute between the United States and Great Britain or any part of the British Empire were transferred to the assembly, the votes of that Empire and each member would be excluded the same as our own. This is the construction given by the President, and, I think, is the only logical construction. But lest there might be any misunderstanding, the construction which we claim can be declared by an appropriate reservation in form such as reservation No. 6 attached hereto.

"Neither can there be any objection to a reservation which in proper language declares that in withdrawing from the league the United States must be the sole judge whether all its obligations have been fulfilled.

"The only objection to reservation No. 1 is the manner in which it is expressed. As worded, it would indicate to the world that this country assumed the right to withdraw whether its obligations were fulfilled or not. If, as stated in the majority report, the United States has never broken an international obligation, why use language that would indicate a right to do so? It would be far better and far more appropriate to declare that the United States would be the sole judge as to whether her obligations under the treaty had been fulfilled at the time of her withdrawal than to indicate a right to disregard her obligations.

"The second reservation recommended by a majority of the committee is objectionable for several reasons. First, it is an amendment pure and simple, and an amendment of the most important article in the league of nations. Its purpose is to take the United States as a power for the peace of the world out of the league entirely. Our disinterestedness, our freedom from the ordinary jealousies that affect the European mind, our power, and our resources place us in the front rank of influence in this council of nations. We are the keystone of the arch upon which must rest the superstructure of a successful league of nations. So situated we ought not only to be willing but eager to help a distracted world which so needs the moral assistance of our membership and the potential assistance of our known power. Second, it places this country in a false and wrong position, an attitude of encouraging powerful countries to inflict or impose any wrong upon weaker nations, by our declared policy of nonintervention. The better policy and the right policy is to let the

world understand that in all probability the United States will not stand idly by and allow a great wrong to be perpetrated by one country against another. Third, that policy of nonintervention is asserted in a dictatorial and offensive way. It is not couched in the language which should govern friendly nations in answering proposals one to another.

"Under my construction, and I think under the construction of the greater number of those who have studied this league of nations provision, the question of interference and extent of interference, if any, must finally be decided by the Congress when the occasion arises, and no obligation rests upon the United States to interfere in any way unless its Congress shall so decide at such time. This committee reservation should be modified so as to place this country in a proper attitude toward the world, to let the world know that the United States is against international crime, and that she can be counted upon to throw the weight of her great moral influence in favor of right and justice, leaving to the Congress to determine whether and to what extent it will intervene when the occasion arises. A substitute reservation (No. 2 annexed) will be offered to place our country on the moral side of these great questions, but leaving the matter wholly in the hands of the Congress.

"In considering the Shantung amendment the majority report reads:

"'The majority of the committee were not willing to have their votes recorded at any stage of the proceedings in favor of the consummation of what they consider a great wrong.'

"In this instance and, it seems to me, in many others the committee would prefer to express an idle sentiment rather than accomplish a result for the good of China. This declaration is not necessary, because there need be no conflict between a sentiment favorable to China and an act which will unquestionably relieve China from an embarrassing situation in which she has placed herself. If the committee amendment is adopted, Japan is thrown out of the league, or, more accurately, kicked out of it, by the United States. China is made to break her treaty with Japan. Japan outside the league is, of course, relieved, so far as the league is concerned, from any obligation to make good her treaty with China for a return of Shantung; and China is in no position to insist upon the fulfillment of a treaty which she, with the assistance or by the act of the United States, has abruptly and unceremoniously broken. We are met, therefore, in this Shantung proposition with a practical question. If China keeps her agreement and becomes a member of the league and Japan becomes a member of the league, then Japan must keep her counter agreement with China, and that counter agreement is to return the German concessions to China. This can be made clear by a brief statement of the facts.

"In 1898 Germany secured from China a 99 years' lease on both sides of the entrance of Kiaochow Bay; a concession on both the northern and southern side of the entrance to the bay, wherein Germany could exercise administrative rights; certain islands in the bay and islands lying to the seaward; and the right to construct two lines of railway in Shantung.

"When the war broke out and Japan took her place by the side of the Allies, the project allotted to her was the seizure of the German forts and all German rights in China. This she accomplished in a few months. China rendered her no assistance whatever in accomplishing this result. Shortly thereafter, and on May 25, 1915, Japan secured a treaty from China whereby China agreed that Japan should acquire the German leasehold and interest rights which Germany had theretofore held. Granted that China would have preferred to have had the Germans ousted without having the Japanese substituted for them. But China could not do it, and would not make the attempt. Japan could do it and did do it, and at no little cost in blood and treasure. Whatever Japan took she took from Germany and not from China, and long before China became even a paper ally. However, China received a very valuable advantage in her treaty with Japan over what she held under her treaty with Germany, because as a part of the treaty, and as a part of the consideration, Japan agreed as follows:

"'When, after the termination of the present war, the leased territory of Kiaochow Bay is completely left to the free disposal of Japan, the Japanese Government will restore the said leased territory to China under the following conditions:

"'1. The whole of Kiaochow Bay to be opened as a commercial port.

"'2. A concession under the exclusive jurisdiction of Japan to be established at a place designated by the Japanese Government.

"'3. If the foreign powers desire it, an international concession may be established.

"'4. As regards the disposal to be made of the public buildings and properties of Germany and the conditions and procedure relating thereto, the Japanese Government and the Chinese Government shall arrange the matter by mutual agreement before the restoration.'

"That the whole of Kiaochow Bay was to be opened as a commercial port is in no way injurious to China. It simply means that all nations of the world may carry on trade relations with China through that port as through other ports. It is the open-door policy.

"The concession mentioned under No. 2 is simply the right to have a place, the same as Great Britain, France, Italy, Belgium, and other countries have, where the Japanese may maintain a residence district under their control.

"The third is a like concession, where the nationals of any number of powers, if such nationals desire it, may reside.

"The fourth pertains only to buildings and properties belonging to the German Government of no important value and concerning which there could be little ground for dispute.

"There is nothing in these conditions to which any just complaint could be made, unless it be that the grant is to Japan and not to some other nation.

"Now, what great advantage does China secure by this treaty? She secures the right of immediate return of these German concessions to her at the close of this war, when the treaty shall become obligatory and the said concessions are left to the free disposal of Japan. That does not mean any time, 10 years hence, or 5 years, or 3 years, or even 1 year hence. It means that as soon as the treaty is signed Japan shall begin the process of returning the leased territory to China. If Japan should fail to do this, she will have been the first nation in the league to break her treaty agreement, both with China and with the league of nations, because, under the league of nations, she is 'held to a scrupulous respect for all her treaty obligations.' Her failure to comply with her treaty obligations would be a cause for war. On complaint of China the matter would have to go to the council of the league of nations. If, in defiance of the recommendation of that council, Japan still refused to comply with her treaty she would be ousted from the league of nations and the nations would be compelled to maintain the rights of China. But this is on the assumption that China herself comes before the league with clean hands and unbroken covenants. If, however, we compel her by this amendment to break her treaty, she can not insist upon Japan performing the conditions of a treaty which she herself has repudiated. Japan, being forced out of the league, will be under no obligation to conform to any of its provisions. To-day she holds the German rights, which in effect control the Shantung Peninsula, by both the right of conquest and a treaty with China. If we break China's treaty, we will be in no position to compel Japan to yield that right of conquest. Great Britain, France, and Italy, by reason of their treaty obligations, whereby they agreed that Japan might hold what she had taken from Germany, can bring to bear upon her no pressure. China will then be at the mercy of Japan. We will not go to war against Japan to settle a quarrel between Japan and China.

"Our true as well as practical course is to say to China, 'Keep your own record clear and your covenants unbroken.' Then the league of nations can properly say to Japan, 'You must keep your record clear and your covenant unbroken; and your covenant is to return the Shantung German leasehold to China immediately after your power to do so has come into existence by the adoption of this treaty.'

"By this process China will not only secure all the rights which she conceded to Germany, with these minor conditions which I have mentioned, but will also be assured hereafter against any further attempt on the part of any nation to obtain unconscionable rights over her or to dismember her empire.

"The declaration by the majority of the committee that the German rights were taken from one faithful ally and handed over to another ally is far from a correct statement of the case. The German rights were not taken from China. They were taken from Germany. Nor was China an ally of ours in any sense, either when Japan took the German rights from Germany or when she transferred those rights to Japan. In fact, she never became an ally except on paper, and that about two years later.

"There is but one proper way to proceed, and that is not to break agreements but to insist upon nations keeping their agreements. And that is China's salvation in this case.

"To the substance of some of the proposed reservations there can be no serious objection. But against the manner in which they are asserted I do most earnestly protest. They are couched in a defiant, discourteous, and overbearing manner, and seem intended to express a jingoistic spirit that ought to be eliminated from American statesmanship.

"I placed in the RECORD some days ago certain reservations which I think should be adopted in lieu of those which have been

presented by the majority of the committee. These proposed reservations introduced by me into the RECORD cover subjects not referred to in the reservations adopted by the committee. I shall make them a part of this report.

"The reservations referred to read as follows:

"'1. That whenever the two years' notice of withdrawal from the league of nations shall have been given by the United States, as provided in article 1, the United States shall be the sole judge whether all its international obligations and all its obligations under this covenant shall have been fulfilled at the time of withdrawal.

"'2. That the suggestions of the council of the league of nations as to the means of carrying the obligations of article 10 into effect are only advisory, and that any undertaking under the provisions of article 10 the execution of which may require the use of American military or naval forces or economic measure can under the Constitution be carried out only by the action of the Congress, and that the failure of the Congress to adopt the suggestions of the council of the league, or to provide such military or naval forces or economic measures, shall not constitute a violation of the treaty.

"'3. The United States reserves to itself the right to decide what questions are within its domestic jurisdiction and declares that all domestic and political questions relating to its internal affairs, including immigration, coastwise traffic, the tariff, commerce, and all other purely domestic questions are solely within the jurisdiction of the United States and are not by this covenant submitted in any way either to arbitration or to the consideration of the council or the assembly of the league of nations or to the decision or recommendation of any other power.

"'4. The United States does not bind itself to submit for arbitration or inquiry by the assembly or the council any question which in the judgment of the United States depends upon or involves its long-established policy commonly known as the Monroe doctrine, and it is preserved unaffected by any provision in the said treaty contained.

"'5. That in advising and consenting to the ratification of said treaty the United States understands that the German rights and interests, renounced by Germany in favor of Japan under the provisions of articles 156, 157, and 158 of said treaty, are to be returned by Japan to China at the termination of the present war by the adoption of this treaty, as provided in the exchanged notes between the Japanese and Chinese Governments of date May 25, 1915.

"'6. That the United States understands and construes the words "dispute between members" and the words "dispute between parties" in article 15 to mean that a dispute with a self-governing dominion, colony, or dependency represented in the assembly is a dispute with the dominant or principal member represented therein and that a dispute with such dominant or principal member is a dispute with all of its self-governing dominions, colonies, or dependencies, and that the exclusion of the parties to the dispute provided in the last paragraph of said article will cover not only the dominant or principal member, but also its dominions, colonies, and dependencies.'

"P. J. MCCUMBER."

REPORTS OF COMMITTEE ON CLAIMS.

Mr. GRONNA, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 209) for the relief of John T. Eaton (Rept. No. 186);

A bill (S. 642) for the relief of Mary C. Mayers (Rept. No. 187); and

A bill (S. 1194) for the relief of Elizabeth Marsh Watkins (Rept. No. 188).

ROOSEVELT MEMORIAL ASSOCIATION.

Mr. TOWNSEND. From the Committee on Post Offices and Post Roads I submit a unanimous report on the bill (S. 2972) to extend the cancellation-stamp privilege to the Roosevelt Memorial Association. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, and it was read as follows:

Be it enacted, etc., That the Postmaster General of the United States be, and he is hereby, authorized and directed to permit the employment by the Roosevelt Memorial Association of a cancellation stamp bearing the following words: "Roosevelt Memorial Association, October 20–27."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EMPLOYMENT OF STENOGRAPHER.

Mr. SMOOT, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 185, submitted by Mr. MCNARY on the 12th instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Irrigation and Reclamation of Arid Lands, or any subcommittee thereof, be, and hereby is, authorized during the Sixty-sixth Congress to send for persons, books, and papers, to administer oaths, and to employ a stenographer, at a cost not exceeding $1 per printed page, to report such hearings as may be had in connection with any subject which may be before said committee, the expenses thereof to be paid out of the contingent fund of the Senate, and that the committee, or any subcommittee thereof, may sit during the sessions or recesses of the Senate.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WADSWORTH:

A bill (S. 2999) to authorize the holding of terms of the United States District Court in Rensselaer County, New York (with accompanying papers); to the Committee on the Judiciary.

By Mr. THOMAS:

A bill (S. 3000) granting a pension to Mary L. Pope; to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 3001) granting a pension to Martha M. Childs; to the Committee on Pensions.

By Mr. SPENCER:

A bill (S. 3002) to amend section 1274, Revised Statutes of the United States, giving to officers retired from active service 75 per centum of the pay and allowances of the rank upon which they are retired; to the Committee on Military Affairs.

By Mr. SUTHERLAND:

A bill (S. 3003) granting a pension to Leon H. Coombs; and

A bill (S. 3004) granting an increase of pension to Thomas J. Lockhart; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 3005) for the relief of Ivy L. Merrill; to the Committee on Claims.

By Mr. WILLIAMS:

A joint resolution (S. J. Res. 108) authorizing the Secretary of the Interior to issue patent to Alice Q. Lovell and W. S. Lovell; to the Committee on Public Lands.

FEDERAL TRANSPORTATION BOARD.

Mr. FRELINGHUYSEN. Mr. President, I send to the desk a bill providing for railroad reorganization, and I ask that it be referred to the Committee on Interstate Commerce.

The bill (S. 2998) to provide for the creation and organization of a Federal transportation board, to define its powers and duties, to authorize the organization of national railroad companies, to define their rights, duties, and liabilities, and for other purposes, was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. FRELINGHUYSEN. Mr. President, I desire to make a brief statement at this time. The bill is introduced without any desire to embarrass the Committee on Interstate Commerce, of which I am a member. It is introduced simply in order that it may in some way, if possible, furnish additional thought to that committee in its deliberations on the subject.

This bill embodies the plan of railroad legislation worked out by the national transportation conference. This conference, which met at the invitation of the Chamber of Commerce of the United States, was called together by that body "to consider the broader aspects of the transportation problem and the formulation of a basis for the control and operation of the transportation facilities of the United States after the conclusion of the present Government control."

In calling the conference together the National Chamber of Commerce recognized that many different interests throughout the Nation are affected by transportation, and that each interest should have a voice in determining what shall be done with the railroads after the present emergency has passed. Prominent men belonging to each important interest affected by transportation—commercial, industrial, agricultural, financial, labor, governmental, economic, civic, and social—were invited to attend the conference and to take part in its deliberations. About 50 men, representing these various interests, were present. The conclusions finally reached by the conference are the best expression that has been made of the views of the public as a whole concerning the question, "What shall be done with the railroads?"

I shall not impose upon the patience of the Senate by reading the list of men who constituted the conference, but, with the permission of the Senate, will print in the RECORD the names, together with a brief statement of the provisions of the bill and also the referendum of the chamber of commerce on the questions which were submitted to the various commercial bodies throughout the country, together with the vote that was taken upon those questions.

The PRESIDENT pro tempore. Without objection, permission to do so is granted.

The names referred to are as follows:

"Among the prominent shippers and manufacturers were Frederick J. Koster, president of the San Francisco Chamber of Commerce; W. W. Salmon, president of the General Railway Signal Co., of Rochester, N. Y.; and W. S. Dickey, president of the W. S. Dickey Clay Manufacturing Co., of Kansas City.

"Among the prominent agriculturalists who took an active part in the deliberations was the Hon. H. C. Stuart, former governor of Virginia, and chairman of the National Agricultural Advisory Committee.

"Among the bankers who helped to work out the plan of railroad legislation were Harry A. Wheeler, vice president of the Union Trust Co., of Chicago, and three times president of the Chamber of Commerce of the United States; and Paul M. Warburg, formerly vice governor of the Federal Reserve Board.

"The labor leaders who participated in the deliberations of the conference included, among others, the executives of the railway brotherhoods, and Frank Morrison, secretary, and Henry Sterling, legislative representative, of the American Federation of Labor.

"An active part in the deliberations of the conference was taken by Daniel Willard, president of the Baltimore & Ohio Railroad; S. T. Bledsoe, general counsel of the Atchison; and E. G. Buckland, president of the New Haven.

"The conference was twice addressed by Hon. Walker D. Hines, Director General of Railroads, and an active part in the discussions at the successive sessions of the conference was taken by Winthrop M. Daniels, member of the Interstate Commerce Commission, and by Charles E. Elmquist, president of the National Association of Railroad and Utilities Commissioners.

"Prominent university professors who have given special attention to transportation economics contributed their knowledge to the work of the conference. These professors of economics included Edwin R. A. Seligman, of Columbia University; Emory R. Johnson, of the University of Pennsylvania; W. Z. Ripley, of Harvard; John R. Commons, of the University of Wisconsin; and Henry W. Farnam, of Yale University. Of these men Prof. Johnson and Prof. Seligman were most active.

"The men who were present to represent the civic and social viewpoints rather than any particular business interests included, among others, R. G. Rhett, former president of the Chamber of Commerce of the United States; Alexander W. Smith, ex-president of the Georgia Bar Association; and Charles P. Neill, who was Commissioner of Labor during the Roosevelt administration."

Mr. FRELINGHUYSEN. Mr. President, such was the personnel of the conference it would be hard to conceive of a more representative group of men. They are men of high standing who labored disinterestedly to perfect a plan of railroad legislation that would give due consideration to all the various interests affected by transportation.

The work of the conference was thorough, painstaking, and comprehensive. The conference as a whole met on five different occasions, each meeting lasting for two days. The first meeting was in December of 1918, the last was in June of this year. At these five different meetings 22 sessions were held, and between the meetings committees of the conference had numerous sessions. A majority of the members of the conference attended practically all of the sessions, and voted in favor of the program finally adopted.

As indicative of the freedom of discussion that prevailed in the conference, and of the open-mindedness and fairness of those who participated in the work, reference may be made to a statement made before the House Committee on Interstate and Foreign Commerce by Mr. W. N. Doak, vice president of the Brotherhood of Railroad Trainmen. Mr. Doak said:

I want to make this statement in fairness and justice to the gentlemen of the conference—that they have made a most exhaustive study, and all of their deliberations have been conducted with the utmost frankness and freedom. They tried to assemble as many representative men as it was possible in this conference from the different walks of life, and every one has had an opportunity in their conferences to frankly and freely express his views, and I am quite sure that the committee can well afford to give consideration to their plan. I am convinced that there are no selfish or ulterior motives that prompted these gentlemen during their deliberations.

The plan of railroad legislation adopted by these gentlemen, working in the disinterested manner I have described, would, if adopted, provide for—

Briefly stated, the plan for railroad legislation recently submitted to Congress by the National Transportation Conference provides for—

1. Return of the railroads to private ownership and operation as soon as the necessary remedial legislation can be enacted.
2. Consolidation of existing railroads into strong competitive systems.
3. Requirement that all carriers engaged in interstate commerce subject themselves as corporations to Federal jurisdiction.
4. Exclusive Federal regulation of the capital expenditures and the security issues of all carriers engaged in interstate commerce.
5. Interstate Commerce Commission to retain its present powers and to be given additional powers over rates.
6. Creation of a Federal transportation board, to promote the development of a national system of rail, water, and highway transportation; to pass upon the public necessity for capital expenditures; to regulate security issues; to administer and enforce the measures that may be adopted for strengthening and stabilizing railroad credit; to determine the grouping or consolidation of railroads deemed to be in the public interest; and to carry out plans authorized by Congress for merging all railroads engaged in interstate commerce into strong competing systems.
7. Adjustment of the wages and working conditions of railroad employees by boards consisting of equal numbers of representatives of railroad employees and railroad officers, with the Federal Transportation Board as referee.
8. Adoption by Congress of a plan for the stabilization of railroad revenues and credit by means of (a) enactment of a statutory rule providing that the rate structure established by public authority shall be designed to yield a net return of six (6) per cent per annum upon the aggregate fair value of the property of the roads in each traffic section of the country, such fair value to be determined after due consideration of both physical value and earning power. (b) Use of the aggregate property investment accounts of the railroads as the fair value of the property for rate-making purposes pending the completion of the valuation now being made by the Interstate Commerce Commission. (c) Creation of two kinds of contingent funds—an individual railroad contingent fund established by each road to support its own credit, and a general railroad contingent fund maintained by contributions from all prosperous roads, managed by trustees appointed by the Federal Transportation Board and used to support the credit of all of the railroads of the country. Any excess in the general railroad contingent fund above $750,000,000 is to be used for the general development of the transportation system of the country.
9. Creation of a railroad reserve fund administered by the Federal Transportation Board to facilitate the prompt stabilization of railroad credit, and loan of $500,000,000 to this fund by Congress as soon as the railroads are returned to their owners; this loan to be used, if necessary, in making advances to the general railroad contingent fund, and to be repaid with interest from moneys contributed by the railroads to the general railroad contingent fund.
10. Determination and announcement by the Federal Transportation Board of the grouping or consolidation of railroads deemed to be in the public interest; and authorization for the board to require such consolidations if they shall not have been effected or well advanced within a period of five years after the board has declared them to be desirable.
11. Organization of the board of directors of each consolidated railroad system with 12 members of the board, 8 to be elected by the stockholders and 4 to be representatives of the employees and of the public interests.

This program of legislation has been put into appropriate legislative form in the bill which I have the honor to introduce. I believe this bill contains the soundest and most comprehensive plan of railroad legislation that has been presented to Congress. It is based upon the principle that the railroads in the United States should be privately owned and operated, subject to comprehensive regulation by the Federal Government; that the railroads should be so grouped as to eliminate the weak and struggling systems while maintaining effective competition among the strong systems that are perpetuated; these strong systems are in due time to be controlled by Federal corporations whose securities are to be regulated by the United States; the Interstate Commerce Commission is to regulate rates, both interstate and intrastate, in so far as the latter affect interstate commerce; a Federal transportation board is to be created to exercise the many administrative functions of regulation; wages and working conditions of employees are to be adjusted as at present by boards consisting of equal numbers of representatives of employees and railroad officials; the credit of the railroads is to be restored and maintained by the enactment of a statutory rule of rate making designed to yield the railroads as a whole a net return of not less than 6 per cent per annum upon the aggregate fair value of the railroads; and to make practicable the working of this statutory rule, each railroad company is to accumulate a company contingent fund to be drawn upon in lean years, and all railroads having earnings in excess of 6 per cent per annum upon the fair value of their property are to contribute a portion of the excess earnings to a general railroad contingent fund which may be drawn upon by the railroads as a whole when the rates fixed by public authority yield less than the 6 per cent per annuum upon the aggregate fair value of the railroad property.

To provide for the maintenance and prompt stabilization of railroad credit during the period of transition from Government to corporate operation of the railroads, Congress is to loan $500,000,000 to the Federal transportation board to be employed as necessary in accordance with the provision of the bill; and lastly the boards of directors of the future consolidated railroad

systems are each to consist of 12 members, 8 of whom are to be elected by the stockholders and 4 of whom are to be representatives of the employees and of the public interests served by the several systems.

While the deliberations of the national transportation conference were in progress and before its final program had been adopted, the Chamber of Commerce of the United States held its annual meeting in St. Louis, beginning of the 30th of April, 1919. At this meeting the board of directors of the chamber received from and adopted a report of the railroad committee of the chamber of commerce. The members of this committee were participating in the deliberations of the national transportation conference and the report that they submitted to the board of directors of the chamber embodied most of the principles that were subsequently adopted by the transportation conference. The board of directors of the chamber submitted the report of the railroad committee to a referendum vote of the organization members of the chamber, including local chambers of commerce and other business associations. The favorable vote on this referendum by the chambers of commerce throughout the country is the best expression that could be obtained of the business sentiment of the country upon the program of railroad legislation that should be adopted by Congress.

The principles of railroad legislation approved by the business interests of the country, as expressed by the referendum vote taken by the national chamber, include:

(1) Corporate ownership and operation of railroads.
(2) Return of the roads to their owners as soon as the necessary legislation can be enacted.
(3) Consolidation of existing roads in strong, competing systems.
(4) Compulsory Federal incorporation.
(5) Federal regulation of capital expenditures and security issues.
(6) Federal regulation of intrastate rates affecting interstate commerce.
(7) Adoption of a statutory rule of rate making that will assure to the railroads revenue sufficient to enable them to furnish the public with adequate facilities and efficient and economical service.
(8) Creation of a Federal transportation board to promote the development of a national system of rail, water, and highway transportation.

The principles voted upon in this referendum were embodied in 10 specific propositions:

I. The committee recommends adherence to the policy of corporate ownership and operation, with comprehensive regulation, 1,458 votes in favor, 11 votes opposed.

II. The committee recommends return of roads to corporate operation as soon as remedial legislation can be enacted, 1,458 votes in favor, 13 votes opposed.

III. The committee recommends adherence to the period of Federal control as now fixed unless and until impossibility of remedial legislation in this period clearly appears, 1,339½ votes in favor, 114½ votes opposed.

IV. The committee recommends permission for consolidation in the public interest, with prior approval by Government authority, in a limited number of strong competing systems, 1,309½ votes in favor, 125½ votes opposed.

V. The committee recommends a requirement that railroad companies engaging in interstate commerce become Federal corporations, with rights of taxation and police regulation reserved for States, 1,224 votes in favor, 193 votes opposed.

VI. The committee recommends exclusive Federal regulation of capital expenditures and security issues of railroads engaged in interstate commerce, with provision for notice and hearing for State authorities, 1,334½ votes in favor, 90½ votes opposed.

VII. The committee recommends Federal regulation of intrastate rates affecting interstate commerce, 1,329½ votes in favor, 116½ votes opposed.

VIII. The committee recommends a statutory rule providing that rates in each traffic section shall yield an adequate return on a fair value of the property as determined by public authority, 1,223½ votes in favor, 209½ votes opposed.

IX. The committee recommends payment into a fund of a share of the excess earned by any railroad system under application of the above statutory rule over an equitable minimum return upon fair value of property, this fund to be used as Congress directs for strengthening general railroad credit and increasing general railroad efficiency, 863½ votes in favor, 542½ votes opposed.

X. The committee recommends a Federal transportation board to promote development of a national system of rail, water, and highway transportation and articulation of all transportation facilities, 1,197 votes in favor, 244 votes opposed.

In accordance with these votes, the chamber is committed to each of the propositions I to VIII, inclusive, and proposition X, since more than one-third of the voting strength of the chamber was recorded upon each, and more than two-thirds of the votes thus cast, representing more than 20 States, were in favor of each of the propositions I to VIII, inclusive, and proposition X. The chamber is not committed to proposition IX, since two-thirds of the votes cast were not in favor of that proposition.

These principles include most of the features of the plan of railroad legislation adopted by the national transportation conference. It is entirely accurate to say that the principles upon which the plan of railroad legislation is embodied in the bill which I have the honor to introduce have been approved by the business organizations of the country. This is a fact of great significance. A plan that was adopted after six months' deliberation by a group of between 40 and 50 men representing all the principal economic and social interests of the country has found favor with the business men of the country. I believe that a careful consideration of the plan by Congress will cause the plan to receive the support here which it has already attained from business men.

I also ask permission to present and have printed in the RECORD a digest of the bill just introduced by me.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

DIGEST OF BILL.

"To provide for the creation of a Federal transportation board, to define its powers and duties, to authorize the organization of Federal railroad companies, to define their rights, duties, and liabilities, and for other purposes."

The contents of the bill, section by section, are summarized below:

Sections 1 and 2 provide a short title and definitions.

Section 3 provides that the act shall not apply to Territories or possessions.

Section 4 creates a Federal transportation board composed of five members, appointed by the President with the consent of the Senate. Members of the board are provided with salaries of $12,000 a year and terms of 10 years. At least one member of the board must be a person experienced in the management of railroads.

Section 5 authorizes the transportation board to make its rules of procedure, elect its officers, appoint a secretary, and employ other assistants.

Sections 6 and 7 permit the board to examine the books and papers of railroad companies and to require by subpœna the attendance of witnesses and the production of documentary evidence. Testimony may also be taken by deposition.

Section 8 requires the board to report annually to Congress.

Section 9 provides that the board shall promote the development of a national system of rail, water, and highway transportation, properly articulated. The board is also required to inquire into the practices and operations of railroad companies.

Sections 10 and 11 provide that national railroad companies may be incorporated under this act for the purpose of carrying on the business of common carriers by railroad. These corporations may be organized under the supervision of the transportation board by any number of natural persons not less than five.

Sections 12 and 13 provide for the form and content of the organization certificate and the filing of the certificate, while section 14 gives the national railroad corporation general corporate powers and the power of eminent domain.

Sections 15 and 16 provide that the affairs of every national railroad company shall be managed by 12 directors, of whom two are elected by the employees, eight are elected outright by the stockholders, while the remaining two are selected by the stockholders from among persons nominated by the transportation board.

Sections 17, 18, and 19 provide that the capital stock of every national railroad company shall be divided into shares of $100 each. The transportation board may prescribe the amount which must be paid in on such stock in advance. The company may later change its articles of association so as to increase its authorized capital. Section 20 specifies the voting privileges connected with such stock.

Sections 21, 22, and 23 permit any existing railroad company to convert itself into a national railroad company if a majority of its stock assents and if the transportation board approves, notwithstanding any State constitution or laws. It is provided that such conversion shall not interrupt the business of such railroad company.

Section 24 forbids any person other than a national railroad company organized under this act to engage in the business of a common carrier by railroad in interstate commerce, from and after two years from the passage of the act, unless the transportation board grants an extension of time in the case of a particular carrier.

Section 25 provides that no railroad company may issue stock, bonds, or other securities without the approval of the transportation board.

Section 26 makes unlawful the charging or collecting of any rate which injuriously affects interstate commerce, thus extending the rule of the Shreveport case.

Section 27 requires the Interstate Commerce Commission to divide the United States into traffic sections for rate-making purposes. These sections may be based on geographical boundaries or groupings of railroads, or both.

Sections 28 and 29 provide for representatives of the railroads meeting in conferences, and constructing schedules of rates designed to produce revenue sufficient to yield earnings of not less than 6 per cent on the aggregate value of all the railroad property in each traffic section. The Interstate Commerce Commission then passes upon these schedules as a whole, after which they are initiated by the individual carriers affected, when they become subject to all the provisions of the interstate commerce act.

Section 30 supplements section 19a of the interstate commerce act respecting the valuation of railroads. Pending the completion of the commission's valuation, the aggregate property investment accounts of the railroads in each traffic section shall be deemed to represent the fair value of the railroad property in such section.

Section 31 provides that in any year when the earnings of any railroad exceed 6 per cent of the value of its property, one half of the excess shall be placed in a contingent fund to be maintained by each railroad company, and the other half shall be paid into a general railroad contingent fund. Provision is made for revising the permitted rate of return decennially.

Section 32 permits a railroad company to draw upon its own contingent fund when, and to the extent that, its net income falls below 6 per cent of the value of its property.

Section 33 requires any railroad company which has accumulated an adequate contingent fund to turn over two-thirds of its excess income into the general railroad contingent fund, the remaining one-third to be retained by the company.

Section 34 provides that the general railroad contingent fund, which is to be managed by five trustees, shall be used to recompense railroad companies which do not earn a 6 per cent return in any year. The money is to be distributed in proportion to the gross earnings of the railroads in each section.

Section 35 provides that the general railroad contingent fund shall be maintained at $750,000,000, any excess to be used for developing a

national transportation system, or for reducing the capital or investment accounts of railroad companies. Such excess may also be covered into the Treasury of the United States, if Congress so directs.

Section 36 appropriates $500,000,000 for a railroad reserve fund to pay deficiencies which the general railroad contingent fund is unable to pay within 10 years after the passage of this act. Such sums so paid must be repaid with interest by the carriers.

Section 37 provides that the acts of Congress which prohibit monopolies and combinations shall be construed to prevent consolidations and mergers under this act.

Section 38 requires the transportation board and the railroads to prepare plans for grouping the railroads of the country into a "limited number of strong competitive systems, so arranged that each traffic center shall be served by more than one such system." Within five years after the board completes and approves such plans, the railroads are required to effect the mergers, consolidations, and reorganizations prescribed by the board.

Section 39 provides that the power of the States over railroad companies with respect to taxation and police regulation shall not be impaired by the incorporation or reincorporation of a railroad under this act.

Section 40 provides for labor boards, composed of equal numbers of representatives of railroad companies and employees to consider demands relating to wages, hours, or working conditions. Decisions of these boards are binding on the company and on the employees. In case of a deadlock, the transportation board acts as referee.

Section 41 appropriates $300,000,000 to be used as a revolving fund to enable the transportation board to make necessary loans to railroads which deserve financial assistance and which can not secure loans elsewhere.

Section 42 appropriates $500,000 to meet the expenses of administering the act.

Section 43 provides that the invalidity of any part of the act shall not affect the validity of the remainder.

Section 44 provides that the act shall become effective on the termination of Federal control of the railroads, except that those sections creating the transportation board and vesting it with certain powers and duties shall take effect on the passage of the act.

DEVELOPMENT OF WATER POWER.

Mr. KNOX submitted an amendment intended to be proposed by him to the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes, which was referred to the Committee on Commerce and ordered to be printed.

NATIONAL PROHIBITION.

Mr. SHERMAN. Mr. President, I have here a telegram from Mr. Houghton, president of the Leslie E. Keeley Liquor Cure Institute, which I would like to have read to the Senate, as it relates to certain provisions of the pending prohibition bill. I ask that it be read for the information of the Senate. I believe it to be of enough importance, in view of the pending legislation, to have it read.

There being no objection, the Secretary read as follows:

DWIGHT, ILL., *September 14, 1919.*

Hon. LAWRENCE Y. SHERMAN,
United States Senate, Washington, D. C.:

House bill 6810, according to published reports, will restrict administration of liquor in Keeley institutes treating liquor patients to a dangerous extent; we only give liquor to prevent shock and collapse and never as a beverage; most Keeley institutes are small and have no registered pharmacist; compounding and administering medicines and liquor is done by registered physicians; have bill amended to permit reputable establishments to administer liquor in suitable cases and in proper quantities. We have been in business over 40 years, and have branches throughout the United States. We have cured hundreds of thousands of men and women. This bill, unless amended, will hinder our work and not only seriously injure us but thousands of others who need our help. We urge you to use your influence to have this bill amended so that registered physicians in our institutes can administer to our patients the liquor their condition demands.

LESLIE E. KEELEY CO.,
J. R. HOUGHTON, *President.*

LEAGUE OF NATIONS.

Mr. LODGE. Mr. President, I send to the desk a brief telegram, which I ask may be read. The fact stated has already appeared in the newspapers, but I should like to have it also go into the RECORD.

There being no objection, the telegram was read, as follows:

COLUMBUS, OHIO, *September 12, 1919.*

Senator HENRY CABOT LODGE,
United States Senate, Washington, D. C.:

National Encampment Grand Army just declared, by overwhelming majority, its absolute disapproval of league of nations.

THOMAS S. HOPKINS,
Past Department Commander,
Delegate from Washington, D. C.

Mr. LODGE. I also present and ask that it may be printed in the RECORD, without reading, an article which I cut from the New York Sun of yesterday in regard to the attitude of Switzerland in reference to the league of nations.

There being no objection, the article referred to was ordered to be printed in the RECORD, as follows:

"SWISS ARE BEING FORCED INTO LEAGUE—CONSTANT WAR MENACE AND NO BENEFITS ARE SEEN BY REPUBLIC—LOOK TO UNITED STATES FOR RELIEF—COUNCIL OF LEADING MILITARY MEN WARNED AGAINST PERILS OF JOINING.

"ZURICH, *August 21.*

"Will the largest Republic save the oldest Republic? The people of Switzerland hope the American Senate, backed by the majority of the American people, will save them, not only Switzerland but all the other small nations that are being forced into the league of nations, so called, against their own will.

"The Swiss people, through their Government, protested against the covenant framed in Paris, but their objections were ruthlessly brushed aside. Switzerland was told she must join or economic ruin would follow. Reservations will not be permitted. She must join within two months after ratification by three of the principal powers or she will become a third-rate member of the league instead of a second-rate member.

"The Swiss people will have to vote on the question whether to join the league or not. Among the Swiss people there is not one in a hundred who really cares to see his country join the league; there is not one in a thousand who enthusiastically supports this kind of a league, and there is not one in ten thousand who does not regret the sacrifice of the independence of the oldest Republic of the world.

"The principal argument put forward by the 'advocates' of the league is this: 'It is true it is bad for Switzerland to join this league; it is humiliating; our independence and economic life are being jeopardized, but we might as well join, for should we stay out our fate will be worse. So let's go in and try to improve matters in the course of time. At any rate, we may get out again after giving two years' notice.'

"Now all eyes are turned toward America. All hearts are hoping, and all hearts are praying, that the American Senate in behalf of the American people will deliver them from the league, will smash the fetters that are to enchain a people that heretofore was the freest in Europe. And the same prayers are said in Holland, in Denmark, in Norway, and in Sweden. All these peoples are appealing to the American Nation, asking the strongest democracy to save the weaker ones.

"GOVERNMENT SURRENDERS.

"In Switzerland tremendous pressure has been exerted in order to bring about submission. When the covenant was first published there was practical unanimity in condemnation. The friends of a real league were shocked. The press was stunned. Members of the Government were dumbfounded. Then the screws were set. They were tightened from time to time. The Government finally succumbed. It now recommends joining the league in a lengthy message in which it concedes the injurious features of the covenant, but also appears to find a few extenuating circumstances. The legislature will have to decide next, and then the question will be submitted to the people as a whole.

"The Swiss Government is cowed. There is no doubt about it. It declared in favor of the league, but its sincerity is being doubted. Some people say the Government did not dare to oppose the scheme, but hope the people will kill it. Some pertinent questions are being asked in the newspapers, in mass meetings, and at political conventions. The people want to know whether their representatives were coerced by outside influences. Of course, the Government will not tell them.

"There is one thing as certain as death: If the American Senate smashes the league there will be bonfires on every mountain peak of the Alps and a magnificent majority of Swiss citizens will joyfully vote against joining the octopus. A huge load will be lifted from the body of the Swiss people, who again will be able to draw a free breath.

"Edward Schuerch, editor of the Berne Bund, one of the leading journals of the country, addressing a convention of his party, said: 'We can not save ourselves. We tried to, but we failed. I hope America will save us.'

"Schuerch was one of five Swiss journalists who, upon the invitation of the United States Government, visited America only a few months ago and is supposed to know a little about American sentiment, although a strict censorship prevents any real American news from reaching our country.

"Every Swiss newspaper is filled with discussion of the league. Says the Zurich Post:

"'If the covenant were defective in form only, if there were any possibility of improving it, we could waive our objections. But there is no such possibility. If Switzerland joins the league of nations she will have to sacrifice her traditional policy of neutrality, proven valuable for hundreds of years. And the league will not guarantee to us that economic security of which so many have been dreaming. We must not only give up our cherished neutrality, but also part of our sovereignty. Swit-

zerland will be merely a vassal State. She will have no say as to whether she wants to go to war, but she will be told by others when she is to send out her youth to give battle.

"NEUTRALITY NOT PROTECTED.

"'We have been told that the league will not affect our neutrality in a military respect. Article 21 of the covenant and article 435 of the peace treaty have been pointed out to us. We are told these articles will protect our neutrality. But this statement will not stand the test of closer examination. Article 21 mentions the Monroe doctrine, but it does not mention Swiss neutrality. There is no doubt about the obligation of the United States to take part in a war of execution in spite of the so-called recognition of the Monroe doctrine. This proves that international agreements mentioned in that article do not release any member of the league from taking part in a war.

"'To believe that the league would lessen the peril of war is a delusion. It may have removed the danger so far as Germany and Austria, now without power and defense, are concerned. But it is not true of Serbo-Croatia and the other Balkan States. Who would guarantee that friendship between those two Latin sisters, France and Italy, will last much longer? The league imposed disarmament upon the defeated nations only, not upon the victors. Douglas Haig tells Britain even to reorganize her military system after the Prussian model.

"'The Paris league's principal organic defect is the omission of a court of arbitration. There should be an international tribunal of justice which would decide according to law. But there is no longer any international law, and the league's council will not decide according to justice, but according to the interests of the principal powers constituting the council. Wherever the interests of those principal powers are affected the other nations can not expect a fair decision.'

"The Zurich Gazette says:

"'The establishment of a league of nations was the last of the 14 points President Wilson announced as the objects of the war. The Entente nations reluctantly accepted point 14, because they wanted Wilson's cooperation in framing the peace terms according to their own wishes. Those wishes England, France, and Italy had agreed upon in secret conference long before Wilson arrived in Europe. In making these secret agreements the subscribers to the 14 points ruthlessly violated point 1, declaring for open covenants, to begin with. * * *

"SUPPORTERS SKEPTICAL.

"Even the advocates of the league admit they are filled with misgivings and doubts, but they insist that political aspects should be ignored. They base their reasons for joining the league upon economic grounds. They promise us a revision of the covenant. They tell us the Central Powers would soon be admitted to membership, thus eliminating the danger of Switzerland becoming the principal battle ground in the next war. They argue we might as well join the league, for if we should not join we would be compelled to do the very things the Entente wants us to do in case of necessity. We are assured that Germany could not very well find fault with us for joining the league, so long as Germany herself was only too glad to join if permitted. But are we really to base the future of our nation upon hopes so vague, upon fears and upon futile speculations?

"'The league of nations is a compromise arrived at by the big victors after severe strife. It is idle to think that Switzerland could induce these victors to change one iota of their cherished plan. Besides, any "improvements" would not amount to anything. Of course Germany would like to be admitted to membership in order to escape the yoke of slavery placed upon her shoulders. But for this very reason she will not be admitted. In consequence, the enmity between the league on the one hand and Germany and her friends on the other hand will increase and become more intense as the years pass by. Thus another war is inevitable. Switzerland being a member of the league will have to take part in this war. If not a member of the league she will probably have to fight just the same. But in that case at least we shall have saved our honor. Let us at least maintain our independence until we are forced to give it up. Let us not surrender it voluntarily. Let us uphold our honor.'

"NO WAR IMMUNITY.

"All the papers, whether in favor of the league or against it, admit that Switzerland will have to surrender her neutrality if she joins. Neutrality and membership in the league exclude one another. It has been agreed in Paris, in alleged conversations but not on paper, that Switzerland would not be called upon to take part in a war of execution in a military sense, but she would be required to participate in economic measures against the enemy. The Swiss people well know that you can not separate economic warfare from military warfare. In this respect the late World War has been an illuminating example. The Swiss people have enjoyed the results of economic warfare, and they are still enjoying some of the after effects. They know an enemy is bound to attack, militarily as well as otherwise, a country that was waging war, whether confined to economic war measures or not. For economic measures may decide the outcome of the war more forcibly than military operations. There are people who believe the late World War was decided by economic blockade more effectively than by guns and bayonets.

"The question as to how the league would affect Switzerland from a military point of view was submitted to the national council of defense, a body composed of the leading military officers of Switzerland. This council, by a majority vote, decided to warn against joining the league. It decided the question from a purely military standpoint. The recommendation signed by the council's majority has been kept secret by the Government, who decided to disregard it. The press and public are now demanding the document should be made public, as the people are entitled to know all about the dangers confronting them if they should join the league and Switzerland become the principal battle ground of a future war, as predicted by the highest military authorities of the country.

"The date of the special election to decide the momentous question has not been fixed. It was to have been this month, but it will probably not be called until the treaty has been ratified by three principal powers. Switzerland, being between the devil and the deep sea, is putting off the day as long as possible, hoping something will intervene. If the American Senate should intervene, there would be general rejoicing. America would again ingratiate herself with her poor little sister Republic now in deepest distress and pleading for help."

Mr. FLETCHER. I have received a communication from the secretary of the League to Enforce Peace, together with a petition to Members of the Senate, dated August 27, 1919, which I ask to have printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

LEAGUE TO ENFORCE PEACE,
New York, August 27, 1919.

Hon. DUNCAN U. FLETCHER,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I beg to call your attention to the inclosed petition to Members of the Senate signed by representative citizens of 39 States and the District of Columbia. Since the League to Enforce Peace has strong organization in every State, it would have been easily possible to secure thousands of signatures if such had been desired. The purpose, on the contrary, was to reach representative people in all walks of life who know and are competent to express the public opinion of their States. Since the southern Senators represent practically unanimous support of the South for the league of nations, no effort was made to get signatures from that section, except in a few instances where the signers represent organizations of national membership.

Very truly, yours, W. H. SHORT, *Secretary.*

To the Senate of the United States:

In the Senate at Washington, now that the Committee on Foreign Relations has reported the treaty, the lines are sharply drawn between the immediate ratification of the treaty of peace with Germany and its amendment with a reassembling of the conference and a reopening of negotiations that would bring great delay and prolonged uncertainty in settling the great issues of the peace. No partisan plea can be made. Party lines are already broken.

Standing at a distance from the conflict in the Senate Chamber, we plead for immediate ratification without delay. Our land requires it. A state of nervous strain, tension, and unrest exists, manifesting itself in disturbances, which in some cases have no self-evident connection with the war, but which are in fact its aftermath. The world is put in imminent peril of new wars by the lapse of each day. Dissensions between us and our former Allies are being sown. We firmly believe and solemnly declare that the States and cities in which we dwell desire immediate peace.

The waging of war steadied and united the American people. Peace will bring prosperity, and prosperity content. Delay in the Senate postponing ratification in this uncertain period of neither peace nor war has resulted in indecision and doubt, bred strife and quickened the cupidity of those who sell the daily necessities of life and the fears of those whose daily wage no longer fills the daily market basket.

We beseech the Senate to give the land peace and certainty by a ratification which will not keep us longer in the shadows of possible wars but give the whole world the light of peace. Reservations in the nature of clarifications in the meaning of the

treaty, not inconsistent with its terms, will not require the reopening of the negotiations with Germany and with our associates in the war, which we all and each united to win.

But there is no possibility of doubt that amendment of the treaty, as is now proposed by the Senate Committee on Foreign Relations, would require negotiation and a reopening of all the questions decided at Paris. Months of delay would follow. The perils of the present would become the deadly dangers of the near future. All the doubt engendered would aid the plots for violent revolution in this and other lands. The issues here and elsewhere between capital and labor, the conspiracy of speculator and profiteer, would all grow and become more perilous.

This can not be. The American people can not, after a victorious war, permit its Government to petition Germany, which has accepted the treaty, for its consent to changes in the treaty. Yet if the United States should amend the treaty for its own purpose and policy, Germany would have full right to ask for concessions. Germany has agreed to make no claim in regard to enemy property seized in this country to an amount of $700,000,000. Our recent foe could ask for a reopening of this issue and of the *Lusitania* claims. It could raise every question open before hostilities in regard to submarine warfare and the treatment of its nationals in this country. All the provisions for our trade in Germany raised by the economic clauses of the treaty, many of them vital to our industries and our farms, as in dye patents, dye supplies, and fertilizers, the working of the reparation commission which superintends the trade of all with Germany could all be brought up by Berlin for readjustment by our negotiators, acting for the United States alone and no longer associated with other victorious powers or supported by a victorious American Army on the German border.

Peace itself, the peace of the world, is delayed until ratification comes. And any amendment postpones peace. Germany and England alone of the principal powers have ratified. The other principals necessarily await our action, influential and powerful as we are to-day in the world's affairs. The ravages of war on more than a score of fighting fronts are continued by any needless delay. Let the Senate give the world peace by ratification without amendment.

Even the amendment for which most can be said, the provision in regard to Shantung, will secure nothing which can not be gained if China, backed by the powerful advocacy of the United States, addresses itself to the machinery for righting international wrongs and meeting just claims created by the league between nations. China, after 80 years of oppressive treaties and despoiled rights, by which all the great powers have profited directly or indirectly, has for the first time, in this covenant and treaty, the means and method to secure justice and the removal of the oppressive economic interference of stronger nations whose citizens are within her gates, protected by a long succession of international agreements. Moreover, it should be remembered that the clause regarding Shantung was made upon the statement by Japan that she will return the territory to China, and, therefore, upon that condition, compliance with which promise the league can require.

The peace of the present and the righteousness of the future can be best secured by the ratification of the covenant and treaty without amendment. Let the Senate take no action that will give any party to the treaty, and especially Germany, ground for maintaining that the ratification of the United States is not complete and that changes requiring a resumption of conference and negotiations have been made in it.

(Signed) California: Frank M. Angellotti, chief justice Supreme Court of California; Luther Burbank, naturalist; Mrs. Josiah Evans Cowles; Silas Evans, president Occidental College; Lyman J. Gage, formerly Secretary of the Treasury; R. B. Hale, merchant; Charles C. Moore, president Panama exposition; Warren Olney, jr., associate justice supreme court; Benjamin Ide Wheeler, president University of California; Curtis D. Wilbur, associate justice supreme court.

Colorado: Mrs. James H. Baker, educator; L. Ward Bannister, lawyer; Mrs. Mary C. C. Bradford, State superintendent public institutions; C. A. Duniway, president Colorado College; Julius C. Gunter, ex-governor; Francis J. McConnell, Methodist bishop; James H. Pershing, lawyer; John Franklin Shafroth, ex-United States Senator; S. Harrison White, formerly justice supreme court.

Connecticut: Irving Bacheller, author; Chauncey B. Brewster, bishop; Charles R. Brown, dean Yale School of Religion; Charles Cheney, manufacturer; Harrison B. Freeman; Irving Fisher, political economist; Arthur R. Kimball, publisher; William Howard Taft, ex-President United States; Isaac N. Ullman, president New Haven Chamber of Commerce.

Delaware: George Gray, judge; Samuel C. Mitchell, president Delaware College.

District of Columbia: Alexander Graham Bell, inventor; Samuel Gompers, president American Federation of Labor; William H. Johnson, president International Association of Machinists; Frank Morrison, secretary American Federation of Labor.

Georgia: W. A. Candler, bishop.

Idaho: James H. Hawley, ex-governor.

Illinois: John R. Alpine, vice president American Federation of Labor; Edgar A. Bancroft, lawyer; Anita McCormick Blaine, philanthropist; Louise de Koven Bowen, social worker; Jacob M. Dickinson, ex-Secretary of War; John V. Farwell, merchant; Anna A. Gordon, president National Women's Christian Temperance Union; Edmund D. Hulbert, president Merchants' Loan and Trust Co.; Edward N. Hurley, formerly chairman United States Shipping Board; Charles Cheney Hyde, lawyer; David B. Jones, Mineral Point Zinc Co.; Thomas D. Jones, president Mineral Point Zinc Co.; Ira Landrith, foremrly moderator Presbtyerian General Assembly; Cyrus H. McCormick, manufacturer; Mary E. McDowell, settlement worker; Shailer Mathews, educator, editor; T. A. Rickert, president International Garment Workers of America; Graham Taylor, sociologist; John H. Walker, formerly president State Federation of Labor; Harry A. Wheeler, formerly president Chamber of Commerce of United States; Oliver Wilson, master of National Grange; Matthew Woll, president International Photo Engravers' Union.

Indiana: Frank Duffy, secretary United Brotherhood of Carpenters and Joiners; Jacob Fischer, secretary Journeymen Barbers' International Union; William Dudley Foulke, publicist; Elwood Haynes, inventor; John H. Holliday, financier; Franklin McCray, State senator; Daniel J. Tobin, treasurer American Federation of Labor; Ulric Z. Wiley; James A. Woodburn, educator.

Iowa: George W. Clarke, ex-governor; J. H. T. Main, president Iowa College; E. T. Meredith, editor Successful Farming; Wallace M. Short, mayor of Sioux City; Lafayette Young, ex-governor.

Kansas: C. Q. Chandler, banker; A. A. Hyde, manufacturer; Chester I. Long, ex-Senator; Charles F. Scott, ex-Congressman; Frank Strong, president Kansas University; William Aller White, publicist.

Kentucky: Desha Breckinridge, editor; J. N. Camden, formerly United States Senator; Thomas Combs, formerly State senator; E. F. Farquhar, professor, University of Kentucky; James Hervey Hazelrigg, formerly chief justice State court of appeals; William Rogers Clay, justice, State court of appeals; W. E. Settle, justice, State court of appeals; Charles Stewart, editor; Augustus Thomas, justice, State court of appeals.

Maine: Robert T. Whitehouse, lawyer.

Maryland: William F. Cochran; Henry D. Harlan, judge; Emerson C. Harrington, governor; Theodore Marburg, formerly United States minister to Belgium; Edwin Warfield, ex-governor; Daniel Willard, president Baltimore & Ohio Railway; Henry W. Williams, lawyer.

Massachusetts: Roger W. Babson, president Babson's Statistical Association; Kenyon L. Butterfield, president Massachusetts Agricultural College; Francis E. Clark, founder United Society Christian Endeavor; Edward Cummings, general secretary World Peace Foundation; W. L. Douglas, ex-governor; James Duncan, president Granite Cutters' International Association of America; Albert Parker Fitch, professor, Amherst College; Mrs. J. Malcolm Forbes, philanthropist; Harry A. Garfield, United States Fuel Administrator; Mrs. Augustus Hemenway, philanthropist; Charles C. Jackson, broker; A. Lawrence Lowell, president Harvard University; Herbert Myrick, president Orange Judd Co.; Ellen F. Pendleton, president Wellesley College; Daniel A. Poling associate president United Society Christian Endeavor; Ellery Sedgwick, president Atlantic Monthly Co.; Joseph Walker, trustee; Mary E. Wooley, president Mount Holyoke College.

Michigan: Caroline Bartlett Crane, minister; Loren D. Dickenson, lieutenant governor; Woodbridge N. Ferris, ex-governor; Clay H. Hollister, banker; Harry B. Hutchins, president University of Michigan; W. D. Mahon, president Amalgamated Association of Street and Electric Railway Employees of America; Dudley E. Waters, banker; Charles D. Williams, bishop; A. W. Wishart, clergyman.

Minnnesota: Marion L. Burton; E. J. Couper, manufacturer; C. B. Elliott, jurist; John Lind, ex-governor.

Missouri: J. Lionberger Davis, formerly president St. Louis Chamber of Commerce; Frederick D. Gardner, governor; Charles M. Hay, lawyer; William T. Kemper, banker; Mrs. Philip North Moore, president National Council of Women; Andrew Steel, international executive board, United Mine Workers; Daniel S. Tuttle, bishop; Willard D. Vandiver, ex-

Congressman; Festus J. Wade, banker; Rolla Wells, formerly mayor of St. Louis.

Montana: S. V. Stewart, governor.

Nebraska: Norris Brown, ex-Senator; C. N. Dietz, lumber merchant; Gould Dietz, lumber merchant; W. A. Fraser, sovereign commander Woodmen of the World; Jeremiah J. Harty, archbishop; Edward P. Smith, mayor of Omaha; Homer C. Stuntz, bishop; G. W. Wattles, banker.

Nevada: Emmet D. Boyle, governor; Hugh H. Brown, lawyer.

New Hampshire: James F. Colby, professor of law; Ernest M. Hopkins, president Dartmouth College; John B. Jameson; Huntley W. Spaulding, manufacturer; William J. Tucker, educator.

New Jersey: Everett Colby, lawyer; Thomas A. Edison, inventor; Maxmillian Groszmann, educator; Thomas W. Lamont, banker; Henry van Dyke, formerly minister to the Netherlands.

New Mexico: Neill B. Field, lawyer.

New York: Lyman Abbott, editor the Outlook; Arthur J. Brown, secretary Presbyterian Board of Foreign Missions; John Burroughs, naturalist; Irving T. Bush, president the Bush Terminal Co.; Carrie Chapman Catt, president National American Woman Suffrage Association; Miss Sara A. Conboy, secretary United Textile Workers of America; Frank Crane, editorial writer Associated Newspapers; Henry P. Davidson, banker; Eugene Delano, banker; Melvil Dewey, president National Efficiency Society; Homer Folks, social worker; John Golden, international president United Textile Workers of America; Hamilton Holt, editor the Independent; Herbert S. Houston, publisher World's Work; Charles E. Jefferson, clergyman; Darwin P. Kingsley, president New York Life Insurance Co.; S. Adlophus Knopf, physician; Adolph Lewisohn, banker; Henry N. MacCracken, president Vassar College; Charles S. MacFarland, general secretary Federal Council of the Churches of Christ in America; V. Everit Macy, capitalist; John Mitchell, chairman State Industrial Commission; William Fellowes Morgan, president Merchants' Association of New York; Alton B. Parker, jurist; George A. Plimpton, publisher; Theodore H. Price, editor and owner Commerce and Finance Weekly; George E. Roberts, banker; William L. Saunders, engineer; William Jay Schieffelin, president Citizens' Union; Jacob H. Schiff, banker; Albert Shaw, editor Review of Reviews; Alfred E. Smith, governor; Oscar S. Straus, formerly ambassador to Turkey; Augustus Thomas, playwright; Frederick D. Underwood, president Erie Railroad; George W. Wickersham, formerly United States Attorney General; Talcott Williams, journalist; Luther B. Wilson, bishop; Stephen S. Wise, rabbi Free Synagogue, New York.

North Dakota: Lynn J. Frazier, governor; E. F. Ladd, president North Dakota Agricultural College; Frank W. White; C. B. Waldron, horticulturist; J. H. Worst, agriculturist.

Ohio: James M. Cox, governor; John P. Frey, editor International Molders' Journal; William Green, secretary-treasurer United Mine Workers of America; W. G. Lee, president Brotherhood Railway Trainmen; Timothy Shea, acting president Brotherhood Locomotive Firemen and Enginemen; L. E. Sheppard, president Order of Railway Conductors; Warren S. Stone, grand chief Brotherhood of Locomotive Engineers; W. O. Thompson, president Ohio State University; Charles F. Thwing, president Western Reserve University; Joseph F. Valentine, president International Molders' Union of North America.

Oklahoma: Edgar Fenton, labor leader; J. B. A. Robertson, governor.

Oregon: Charles H. Carey, judge; Richard W. Montague, lawyer; Walter Taylor Sumner, bishop; William D. Wheelwright, lumber merchant.

Pennsylvania: George Burnham, jr., president Civil Service Reform Association; Samuel Harden Church, president of board, Carnegie Institute; R. H. Conwell, president Temple University; Cyrus H. K. Curtis, publisher; A. B. Farquhar, president A. B. Farquhar Co.; Samuel Fels, manufacturer; William Flinn, financier; Richard Gilbert, secretary-treasurer Miners' State Union; Vance C. McCormick, chairman War Trade Board; Benjamin Thaw, financier; John A. Voll, president Glass Bottle Blowers' Association.

Rhode Island: Richard B. Comstock, president State Bar Association; Caroline Hazard, formerly president Wellesley College; Charles Dean Kimball, ex-governor.

South Carolina: Robert Goodwyn Rhett, formerly president Chamber of Commerce of the United States of America.

South Dakota: Willis C. Cook, member National Railways Commission; Coe Isaac Crawford, ex-governor and ex-United States Senator; Thomas O'Gorman, bishop of Sioux Falls; Mrs. John H. Pyle, president South Dakota Equal Suffrage Society; H. K. Warren, president Yankton College.

Texas: Mrs. Percy V. Pennybacker, formerly president general Federation of Women's Clubs.

Utah: Simon Bamberger, governor; John C. Cutler, ex-governor; Harden Dunion, secretary of state; Heber J. Grant, president Church of Christ of Latter Day Saints; B. L. Riter, manager Riter Bros. Drug Co.; W. W. Riter, chairman board of regents, University of Utah.

Vermont: H. C. Ide, judge; Samuel Everett Pingree, ex-governor; John Spargo, publicist; Roland H. Stevens, lawyer.

Virginia: Edwin A. Alderman, president University of Virginia.

Washington: N. B. Coffman, president Washington Bankers' Association; Charles W. Fassett, mayor of Spokane; Frederic W. Keator, bishop; Josephine Corliss Preston, president National Education Association.

West Virginia: John J. Cornwell, governor.

Wisconsin: Melvin A. Brannon, president Beloit College; A. M. Brayton, editor; C. E. Broughton, editor; George W. Burton, banker; Richard T. Ely; political economist; Edward Evans, physician; W. L. Evans, lawyer; W. S. Goodland, editor; Albert Hougen, lawyer; John Kline, editor; George W. Mead, manufacturer; R. E. Minahan, physician; Thomas Morris, formerly lieutenant governor; John M. Olin, lawyer; Samuel Plantz, president Lawrence University; John Schuette, merchant; Gilbert E. Seaman, physician; James A. Stone, lawyer; George Vits, manufacturer; August Vogel, manufacturer; W. P. Welch, editor; John M. Whitehead, lawyer; Roy P. Wilcox, State senator; John B. Winslow, chief justice supreme court.

Wyoming: Harry W. Fox, president State Federation of Labor; Duncan McLeod, international executive board, United Mine Workers of America; James Morgan, secretary Miners' Organization.

INTERNATIONAL AIR NAVIGATION (S. DOC. NO. 91).

Mr. KNOX. Mr. President, in my address a few days ago on the treaty of peace with Germany I made reference to the convention relating to international air navigation, which was not printed in the RECORD as a part of my remarks. As it is a part of the German treaty, I ask that it may be printed in the RECORD and also printed as a public document, with illustrations.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

CONVENTION RELATING TO INTERNATIONAL AIR NAVIGATION.

The attached document is the international convention for the regulation of international air navigation agreed by the representatives of the allied and associated powers serving on the international commission dealing with aerial navigation and appointed as a subcommission of the peace conference.

The convention has been agreed to by all the representatives, subject to certain reservations. The convention has not been formally approved by the supreme council of the peace conference. It has, however, been agreed that it should be issued for the information of the public of the allied and associated States.

CHAPTER I.

GENERAL PRINCIPLES.

Article 1.

The contracting States recognize that every State has complete and exclusive sovereignty in the air space above its territory and territorial waters.

Article 2.

Each contracting State undertakes in time of peace to accord freedom of innocent passage above its territory and territorial waters as well as above the territories and territorial waters of its colonies to the aircraft of the other contracting States, provided that the conditions established in this convention are observed.

All regulations made by a contracting State as to the admission over its territory of the aircraft of the other contracting States shall be applied without distinction of nationality.

Article 3.

Each contracting State has the right, for military reasons or in the interest of public safety, to prohibit the aircraft of the other contracting States, under the penalties provided by its legislation and subject to no distinction being made in this respect between its private aircraft and those of the other contracting States, from flying over certain areas of its territory.

If it makes use of this right, it shall publish and notify beforehand to the other contracting States the location and extent of the prohibited areas.

Article 4.

Every aircraft which finds itself above a prohibited area shall, as soon as aware of the fact, give the signal of distress provided in paragraph 17 of Annex D and land outside the prohibited area as near to it as possible and as soon as possible at one of the aerodromes of the State unlawfully flown over.

CHAPTER II.

NATIONALITY OF AIRCRAFT.

Article 5.

No contracting State shall, except by a special and temporary authorization, permit the flight above its territory of an aircraft which does not possess the nationality of a contracting State.

Article 6.

An aircraft possesses the nationality of the State on the register of which it is entered, in accordance with the provisions of section 1 (c) of Annex A.

Article 7.

An aircraft shall not be entered on the register of one of the contracting States unless it belongs wholly to nationals of such State.

An incorporated company can not be the registered owner of an aircraft unless it possesses the nationality of the State in which the aircraft is registered, and unless the president or chairman of the company and at least two-thirds of the directors possess the same nationality, and unless the company fulfills all other conditions which may be prescribed by the laws of each State.

Article 8.

An aircraft can not be validly registered in more than one State.

Article 9.

The contracting States shall every month exchange among themselves and transmit to the International Commission for Air Navigation copies of registrations and of cancellations of registration which shall have been entered on their official registers during the preceding month.

Article 10.

All aircraft engaged in international navigation shall bear their nationality and registration marks as well as the name and residence of the owner in accordance with Annex A.

CHAPTER III.

CERTIFICATES OF AIRWORTHINESS AND COMPETENCY.

Article 11.

Every aircraft engaged in international navigation shall, in accordance with Annex B, be provided with a certificate of airworthiness issued or rendered valid by the State whose nationality it possesses.

Article 12.

The commanding officer, pilots, engineers, and other members of the operating crew of every aircraft shall, in accordance with Annex E, be provided with certificates of competency and licenses issued or rendered valid by the State whose nationality the aircraft possesses.

Article 13.

Certificates of airworthiness and of competency and licenses issued or rendered valid by the State whose nationality the aircraft possesses, in accordance with the regulations established by Annex B and Annex E and hereafter by the International Commission for Air Navigation, shall be recognized as valid by the other States.

Each State has the right to refuse to recognize for the purpose of flights within the limits of and above its own territory certificates of competency and licenses granted to one of its nationals by another contracting State.

Article 14.

No wireless apparatus shall be carried without a special license issued by the State whose nationality the aircraft possesses. Such apparatus shall not be used except by members of the crew provided with a special license for the purpose.

Every aircraft used in public transport and capable of carrying 10 or more persons shall be equipped with sending and receiving wireless apparatus when the methods of employing such apparatus shall have been determined by the International Commission for Air Navigation.

This commission may later extend the obligation of carrying wireless apparatus to all other classes of aircraft in the conditions and according to the methods which it may determine.

CHAPTER IV.

ADMISSION TO AIR NAVIGATION ABOVE FOREIGN TERRITORY.

Article 15.

Every aircraft of a contracting State has the right to cross another State without landing. In this case it shall follow the route fixed by the State over which the flight takes place. However, for reasons of general security it will be obliged to land if ordered to do so by means of signals provided in Annex D.

Every aircraft which passes from one State into another shall, if the regulations of the latter State require it, land in one of the aerodromes fixed by the latter. Notification of these aerodromes shall be given by the contracting States to the international commission for air navigation and by it notified to all the contracting States.

The establishment of international airways shall be subject to the consent of the States flown over.

Article 16.

Each contracting State shall have the right to reserve to its national aircraft the carriage of persons and goods for hire between two points on its own territory.

Article 17.

If a contracting State establishes restrictions of the kind permitted by article 16, its aircraft may be subjected to the same restrictions in any other contracting State, even though the latter State does not itself impose these restrictions on other foreign aircraft.

Restrictions and reservations provided in article 16 shall be immediately published, and shall be communicated to the international commission for air navigation, which shall notify them to the States interested.

Article 18.

The passage or transit of any aircraft, with or without landing over or through the territory of any contracting State, including stoppages reasonably necessary for the purpose of such transit, shall not entail any seizure or detention of the aircraft by or on behalf of such State or any person therein, on the ground that the constitution or mechanism of the aircraft is an infringement of any patent, design, or model, duly granted or registered in such State. Every claim for an infringement of this kind shall be duly made in the country of origin of the aircraft.

CHAPTER V.

RULES TO BE OBSERVED ON DEPARTURE, ON LANDING, AND WHEN UNDER WAY.

Article 19.

Every aircraft engaged in international navigation shall be provided:

(a) With a certificate of registration in accordance with Annex A.

(b) With a certificate of airworthiness in accordance with Annex B.

(c) With certificates and licenses of the commanding officer, pilots, and crew in accordance with Annex E.

(d) If it carries passengers, with a list of their names.

(e) If it carries freight, with bills of lading and manifest.

(f) With log books in accordance with Annex C.

(g) If equipped with wireless, with the special license prescribed by article 14.

Article 20.

The log books shall be kept for two years after the last entry.

Article 21.

Upon the departure of an aircraft the authorities of the country shall have, in all cases, the right to visit the aircraft and to verify all the documents with which it must be provided.

Article 22.

Upon the landing of an aircraft the authorities of the country shall have, in all cases, the right to visit the aircraft and to verify all the documents with which it must be provided.

Article 23.

All persons on board an aircraft shall conform to the laws and regulations of the State visited.

In case of flight made without landing, from frontier to frontier, all persons on board shall conform to the laws and regulations of the country flown over, the purpose of which is to ensure that the passage is innocent.

Legal relations between persons on board an aircraft in flight are governed by the law of the nationality of the aircraft.

In case of crime or misdemeanor committed by one person against another on board an aircraft in flight the jurisdiction of the State flown over applies only in case the crime or misdemeanor is committed against a national of such State and is followed by a landing during the same journey upon its territory.

The State flown over has jurisdiction:

(1) With regard to every breach of its laws for the public safety and its military and fiscal laws.

(2) In case of a breach of its regulations concerning air navigation.

Article 24.

Aircraft of the contracting States shall be entitled to the same measures of assistance for landing, particularly in case of distress, as national aircraft.

With regard to the salvage of aircraft wrecked at sea the regulations of the several contracting States as to the salvage of ships will apply so far as practicable.

Article 25.

Every aerodrome in a contracting State, which upon payment of charges is open to public use by its national aircraft, shall likewise be open to the aircraft of all the other contracting States.

In every such aerodrome there shall be a single tariff of charges for landing and length of stay applicable alike to national and foreign aircraft.

Article 26.

Each contracting State undertakes to adopt measures to ensure that every aircraft flying above the limits of its territory, and that every aircraft under its flag, wherever it may be, shall comply with the regulations contained in Annex D of the present convention. It will punish all persons who do not obey these regulations.

CHAPTER VI.

PROHIBITED TRANSPORT.

Article 27.

The carriage by aircraft of explosives and arms and munitions of war is forbidden in international navigation. No foreign aircraft shall be permitted to carry such articles between any two points in the same contracting State.

Article 28.

Each State may prohibit or regulate the carriage or use of photographic apparatus. Any such regulations shall be at once notified to the International Commission for Air Navigation, which shall communicate this information to all the other contracting States.

Article 29.

As a measure of public safety the carriage of objects other than those mentioned in articles 27 and 28 may be subjected to restrictions by each contracting State. Any such regulations shall be at once notified to the International Commission for Air Navigation, which shall communicate this information to all the other contracting States.

Article 30.

All restrictions mentioned in article 29 shall be applied equally to national and foreign aircraft.

CHAPTER VII.

STATE AIRCRAFT.

Article 31.

The following are deemed to be State aircraft:

(a) Military aircraft.

(b) Aircraft exclusively employed in State service, such as posts, customs, police.

Every other aircraft is a private aircraft. All State aircraft other than military, customs, and police aircraft shall be treated as private aircraft and as such shall be subject to all the provisions of the present convention.

Article 32.

Every aircraft commanded by a person in military service detailed for the purpose is deemed to be a military aircraft.

Article 33.

Neither the flight of a military aircraft of a contracting State over the territory of another nor its landing upon such territory shall be permitted without special authorization.

In case of such authorization the military aircraft shall enjoy in the absence of special stipulation the privileges of exterritoriality which are customarily accorded to foreign ships of war.

A military aircraft which is forced to land or which is required or compelled to land shall, by reason thereof, acquire no right to exterritoriality.

Article 34.

Agreements between State and State will determine in what cases police and customs aircraft can be authorized to cross the frontier. They shall in no case be entitled to the privileges of exterritoriality.

CHAPTER VIII.

INTERNATIONAL COMMISSION FOR AIR NAVIGATION.

Article 35.

There shall be instituted, under the name of the International Commission for Air Navigation and as part of the organization of the league of nations, a permanent commission composed of—

Two representatives of each of the following States: The United States of America, France, Italy, and Japan;

One representative of Great Britain and one of each of the British Dominions and of India;

One representative of each of the other contracting States.

Each of the five States first named (Great Britain, the British Dominions, and India counting for this purpose as one State) shall have the least whole number of votes which, when multiplied by five, will give a product exceeding by at least one vote the total number of votes of all the other contracting States.

All the States other than the five first named shall each have one vote.

The International Commission for Air Navigation shall determine the rules of its own procedure and the place of its permanent seat, but it shall be free to meet in such places as it may deem convenient. Its first meeting shall take place at Paris. This meeting shall be convened by the French Government as soon as a majority of the signatory States shall have notified to it their ratification of the present convention.

The duties of this commission are:

(a) To receive proposals from or to make proposals to any of the contracting States for the modification or amendment of the provisions of the present convention and to notify changes adopted.

(b) To carry out the duties imposed upon it by the present article and by articles 9, 13, 14, 15, 17, 28, 29, and 38 of the present convention.

(c) To amend the provisions of the technical annexes.

(d) To collect and communicate to the contracting States information of every kind concerning international air navigation.

(e) To collect and communicate to the contracting States all information relating to wireless, meteorology, and medical science which may be of interest to air navigation.

(f) To insure the publication of maps for air navigation in accordance with the provisions of Annex F.

(g) To give its opinion on questions which the States may submit for examination.

Any modification of the provisions of any one of the annexes may be made by the International Commission for Air Navigation when such modification shall have been approved by three-fourths of the total possible vote and shall become effective from the time when it shall have been notified by the International Commission for Air Navigation to all the contracting States.

Any proposed modification of the articles of the present convention shall be examined by the International Commission for Air Navigation, whether it originates with one of the contracting States or with the International Commission for Air Navigation itself. No such modification shall be proposed for option by the contracting States unless it shall have been approved by at least two-thirds of all the possible votes which could be cast if all the States were present.

All such modifications of the articles of the convention (not of the provisions of the annexes) must be formally adopted by the contracting States before they become effective.

The expenses of organization and operation of the International Commission for Air Navigation shall be borne by the contracting States in proportion to the number of votes at their disposal.

The expenses occasioned by the sending of technical delegations will be borne by their respective States.

CHAPTER IX.

FINAL PROVISIONS.

Article 36.

Each contracting State undertakes to cooperate as far as possible in international measures concerning—

(a) The collection and dissemination of statistical, current and special meteorological information in accordance with the provisions of Annex G.

(b) The publication of standard aeronautical maps and the establishment of a uniform system of ground marks for flying in accordance with the provisions of Annex F.

(c) The use of wireless in air navigation, the establishment of the necessary wireless stations, and the observation of international wireless regulations.

Article 37.

General provisions relative to customs in connection with international air navigation are the subject of a special agreement contained in Annex H to the present convention.

Nothing in the present convention shall be construed as preventing the contracting States from concluding, in conformity with its principles, special protocols as between State and State in respect of customs, police, posts, and other matters of common interest in connection with air navigation.

Article 38.

In the case of a disagreement of two or more States relating to the interpretation of the present convention, the question in dispute shall be determined by the permanent court of international justice to be established by the league of nations, and until its establishment by arbitration.

If the parties do not agree on the choice of the arbitrators they shall proceed as follows:

Each of the parties shall name an arbitrator, and the two arbitrators shall meet to name a third. If the arbitrators can not agree the parties shall each name a third State and the third State so named shall proceed to designate the third arbitrator by agreement or by each proposing a name and then determining by lot the choice between the two.

In case of the disagreement of two or more contracting States relating to one of the technical regulations annexed to the present convention, the point in dispute shall be determined by the decision of the international commission for air navigation by a majority of votes.

In case the difference involves the question whether the interpretation of the convention or that of a regulation is concerned, final decision shall be made by arbitration as provided in the first paragraph of this article.

Article 39.

In case of war the provisions of the present convention do not affect the freedom of action of the contracting States either as belligerents or as neutrals.

Article 40.

The provisions of the present convention are completed by the Annexes A–H, which have the same effect and come into force at the same time as the convention itself.

Article 41.

The British Dominions and India are deemed to be States for the purposes of the present convention.

Protectorates, or territories administered by the league of nations or placed under its control, are, for the purposes of the present convention, deemed to form part of the protecting or mandatory States, both as regards their territory and as regards their nationals.

Article 42.

The present convention shall come into force as between any of the contracting States as soon as such States shall have exchanged ratifications, which shall take place within one year.

The ratifications shall be deposited in the archives of the Ministry of Foreign Affairs of the French Republic.

Article 43.

The States which have not taken part in the present war shall be admitted to adhere to the present convention upon their simple declaration notified to the Ministry of Foreign Affairs of the French Republic, which shall inform the contracting States of such adherence.

Article 44.

Any State which took part in the present war but which did not take part in the negotiation of this convention may express its desire to adhere to this convention and may be admitted to adhere to it if such State is a member of the league of nations, or until January 1, 1923, by a unanimous vote of the signatory and adhering States, or after January 1, 1923, by an affirmative vote comprising at least three-fourths of the total possible votes of the signatory and adhering States, the votes of the different States having the same weight as that provided by article 35 of this convention for the international commission for air navigation.

The ministry of foreign affairs of the French Republic shall receive requests for adherence to this convention under the conditions provided by this article, shall communicate them to the contracting States, shall receive the votes of the contracting States, and shall announce the result of the vote.

Article 45.

The denunciation of the present convention shall take effect with regard only to the State which shall have given notice of it. Such notice shall not be given before January 1, 1922 (nineteen hundred and twenty-two), and the denunciation shall not take effect until at least one year after the giving of notice.

Notices under this article shall be given to the ministry of foreign affairs of the French Republic, who shall communicate them to the contracting States.

In faith whereof the delegates have appended their signatures to the present convention.

Done at Paris the day of , 1919, in the English and French languages, which shall be of equal validity and authority, in a single copy, which shall remain deposited in the archives of the French Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the contracting States.

ANNEX A.

THE MARKING OF AIRCRAFT.

I.

GENERAL.

(a) The nationality mark will be represented by capital letters in Roman characters, e. g.:

France ..... F

The registration mark shall be represented by a group of four capital letters; each group shall contain at least one vowel, and for this purpose the letter Y shall be considered as a vowel. The complete group of five letters shall be used as a call sign of the particular aircraft in making or receiving signals by wireless telegraphy or other methods of communication, except when opening up communication by means of visual signals, when the usual methods will be employed. The nationality and registration marks are assigned in accordance with the table contained in Section VIII of this annex.

(b) On aircraft other than State and commercial the registration mark shall be underlined with a black line.

(c) The entry in the register and the certificate of registration shall contain a description of the aircraft and shall indicate the number or other identification mark given to it by the maker; the nationality and registration marks mentioned above; the usual station of the aircraft; the full name, nationality, and residence of the owner and the date of registration.

(d) All aircraft shall carry affixed to the car or to the fuselage in a prominent position a metal plate inscribed with the names and residence of the owner and the marks of nationality and registration.

CERTIFICATE OF REGISTRATION.

(Provisional form.)

Nationality .....
Nationality mark .....
Registration marks .....
Date of registration .....
Type of aircraft .....
- Tourist .....
- Commercial .....
- State .....

Maker .....
Maker's number .....
Description .....
Owner's full name .....
Owner's residence .....
Owner's nationality .....
Station of the craft .....

.....
(Signature and seal of authority issuing this certificate.)

II.

LOCATION OF MARKS.

The nationality and registration marks shall be painted in black on a white ground in the following manner:

(a) Flying machines: The marks shall be painted once on the lower surface of the lower main planes and once on the upper surface of the top main planes, the top of the letters to be toward the leading edge. They shall also be painted along each side of the fuselage between the main planes and the tail planes. In cases where the machine is not provided with a fuselage the marks shall be painted on the nacelle.

(b) Airships and balloons: In the case of airships the marks shall be painted near the maximum cross section on both sides and on the upper surface equidistant from the letters on the sides.

In the case of balloons the marks shall be painted twice near the maximum horizontal circumference as far as possible from one another.

In the case both of airships and balloons the side marks shall be visible both from the sides and ground.

III.

ADDITIONAL LOCATION OF NATIONALITY MARKS.

(a) Flying machines and airships: The nationality mark shall also be painted on the left and right sides of the lower surface of the lowest tail planes or elevators and also on the upper surface of the top tail planes or elevators, whichever is the larger. It shall also be painted on both sides of the rudder or on the outer sides of the outer rudders if more than one rudder is fitted.

(b) Balloons: The nationality mark shall be painted on the basket.

IV.

MEASUREMENTS OF NATIONALITY AND REGISTRATION MARKS.

(a) Flying machines: The height of the marks on the main planes and tail planes, respectively, shall be equal to four-fifths of the chord and in the case of the rudder shall be as large as possible. The height of the marks on the fuselage or nacelle

shall be four-fifths of the depth of the narrowest part of that portion of the fuselage or nacelle on which the marks are painted.

(b) Airships and balloons: In the case of airships the nationality marks painted on the tail plane shall be equal in height to four-fifths of the chord of the tail plane and in the case of the rudder the marks shall be as large as possible. The height of the other marks shall be equal to at least one-twelfth of the circumference at the maximum transverse cross section of the airship.

In the case of balloons the height of the nationality mark shall be four-fifths of the height of the basket, and the height of the other marks shall be equal to at least one-twelfth of the circumference of the balloon.

(c) General: In the case of all aircraft the letters of the nationality and registration marks need not exceed 2.5 meters in height.

V.

MEASUREMENT, TYPE OF LETTERS, ETC.

(a) The width of the letters shall be two-thirds of their height and the thickness shall be one-sixth of their height. The letters shall be painted in plain block type and shall be uniform in shape and size. A space equal to half the width of the letters shall be left between the letters.

(b) In the case of underlined letters the thickness of the line shall be equal to the thickness of the letter and the space between the bottom of the letters and the line shall be equal to the thickness of the line.

VI.

SPACING BETWEEN NATIONALITY AND REGISTRATION MARKS.

Where the nationality and registration marks appear together a hyphen of a length equal to the width of one of the letters shall be painted between the nationality mark and registration mark.

VII.

MAINTENANCE.

The nationality and registration marks shall be displayed to the best possible advantage, taking into consideration the constructional features of the aircraft. The marks must be kept clean and visible.

VIII.

TABLE OF MARKS.

The nationality mark of the State named below applies to the aircraft of its dominions, colonies, protectorates, dependencies, or of countries of which it is the mandatory State.

Country.	Nationality mark.	Registration marks.
United States of America	N	All combinations made in accordance with the provisions of section I (a) of this annex, using a group of 4 letters out of the 26 of the alphabet, each group containing at least 1 vowel, e. g., ADCJ, PURN.
British Empire	G	
France	F	
Italy	I	
Japan	J	
Bolivia	C	All combinations made with R as first letter.
Cuba	C	All combinations made with C as first letter.
Portugal	C	All combinations made with P as first letter.
Roumania	C	All combinations made with R as first letter.
Uruguay	C	All combinations made with U as first letter.
Czechoslovakia	L	All combinations made with B as first letter.
Guatemala	L	All combinations made with G as first letter.
Liberia	L	All combinations made with L as first letter.
Brazil	P	All combinations made with B as first letter.
Poland	P	All combinations made with P as first letter.
Belgium	O	All combinations made with B as first letter.
Peru	O	All combinations made with P as first letter.
China	X	All combinations made with C as first letter.
Honduras	X	All combinations made with H as first letter.
Serbia, Croatia, Slavonia	X	All combinations made with S as first letter.
Haiti	H	All combinations made with H as first letter.
Siam	H	All combinations made with S as first letter.
Ecuador	E	All combinations made with E as first letter.
Greece	S	All combinations made with G as first letter.
Panama	S	All combinations made with P as first letter.
Hedjaz	A	All combinations made with H as first letter.

ANNEX B.

CERTIFICATES OF AIRWORTHINESS.

The following main conditions govern the issue of certificates of airworthiness:

1. The design of the aircraft in regard to safety shall conform to certain standard minimum requirements.

2. A satisfactory demonstration must be made in flying trials of the actual flying qualities of the type of aircraft examined, provided that machines subsequently manufactured which conform to the approved type need not be subject to such trials. The trials shall conform to certain standard minimum requirements.

3. The construction of every aircraft with regard to workmanship and materials must be approved. The control of the construction and of the tests shall be in accordance with certain standard minimum requirements.

4. The aircraft must be equipped with suitable instruments for safe navigation.

5. The standard minimum requirements of paragraphs 1 to 3, inclusive, shall be fixed by the international commission for air navigation. Until they have been so fixed each contracting State shall determine the regulations under which certificates of airworthiness shall be granted or remain valid.

ANNEX C.

LOG BOOKS.

I.

JOURNEY LOG.

This shall be kept for all aircraft and shall contain the following particulars:

(a) Category to which the aircraft belongs; its nationality and registration marks; the full name, nationality, and residence of the owner; name of maker; and the carrying capacity of the aircraft.

(b) In addition for each journey—

(i) The names, nationality, and residence of each of the members of the crew.

(ii) The place, date, and hour of departure; the route followed; and all incidents en route, including landings.

II.

AIRCRAFT LOG.

This is obligatory only in the case of aircraft carrying passengers or goods for hire, and shall contain the following particulars:

(a) Category to which the aircraft belongs; its nationality and registration marks; the full name, nationality, and residence of the owner; name of maker; and the carrying capacity of the aircraft.

(b) Type and series number of engine; type of propeller, showing number, pitch, diameter, and maker's name.

(c) Type of wireless apparatus fitted.

(d) Table showing the necessary rigging data for the information of persons in charge of the aircraft and of its maintenance.

(e) A fully detailed engineering record of the life of the aircraft, including all acceptance tests, overhauls, replacements, repairs, and all works of a like nature.

III.

ENGINE LOG.

This is obligatory only in the case of engines installed in aircraft carrying passengers or goods for hire, and in such cases a separate log book shall be kept for each engine and shall always accompany the engine. It shall contain the following particulars:

(a) Type of engine, series number, maker's name, power, normal maximum revolutions of engine, date of production, and first date put into service.

(b) Registration mark and type of aircraft in which the engine has been installed.

(c) A fully detailed engineering record of the life of the engine, including all acceptance tests, hours run, overhauls, replacements, repairs, and all work of a like nature.

IV.

SIGNAL LOG.

This is obligatory only in the case of aircraft carrying passengers or goods for hire, and shall contain the following particulars:

(a) Category to which the aircraft belongs; its nationality and registration marks; the full name, nationality, and residence of the owner.

(b) Place, date, and time of the transmission or reception of any signal.

(c) Name or other indication of the person or station to whom a signal is sent or from whom a signal is received.

V.

INSTRUCTIONS FOR USE OF LOG BOOKS.

(a) The constructor should fill in and sign the original entries in the log books, as far as he is in a position to do so. Subsequent entries should be made and signed by the pilot or other competent person.

(b) A copy of the certificate of airworthiness should be kept in the pocket at the end of the aircraft log book.

(c) All entries to be in ink, except in the case of journey and signal log books; the entries for these may be made in pencil in a rough notebook, but should be entered in ink in

the log book every 24 hours. In the event of any official investigation the rough notebook may be called for.

(d) No erasures should be made in, nor pages torn from, any log book.

(e) A copy of these instructions should be inserted in each log book.

ANNEX D.

RULES AS TO LIGHTS AND SIGNALS—RULES OF THE AIR.

DEFINITIONS.

The word "aircraft" comprises all balloons, whether fixed or free; kites, airships, and flying machines.

The word "balloon," either fixed or free, shall mean an aircraft using gas lighter than air as a means of support and having no means of propulsion.

The word "airship" shall mean an aircraft using gas lighter than air as a means of support, and having means of propulsion.

The words "flying machine" shall mean all aeroplanes, seaplanes, flying boats, or other aircraft heavier than air, and having means of propulsion.

An airship is deemed to be "under way" within the meaning of these rules when it is not made fast to the ground or any object on land or water.

I.

RULES AS TO LIGHTS.

The word "visible" in these rules when applied to lights shall mean visible on a dark night with a clear atmosphere. The angular limits laid down in these rules as shown in the sketch (attached) shall be determined when the aircraft is in its normal attitude for flying on a rectilinear horizontal course.

1. The rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited. The prescribed navigation lights must not be dazzling.

2. A flying machine, when in the air or maneuvering on land or water under its own power, shall carry the following lights:

(a) Forward, a white light visible in a dihedral angle of 220 degrees bisected by a vertical plane through the line of flight, and of such a character as to be visible at a distance of 8 kilometers.

(b) On the right side a green light so constructed and fixed as to show an unbroken light between two vertical planes whose dihedral angle is 110 degrees when measured to the right from dead ahead, and of such a character as to be visible at a distance of 5 kilometers.

(c) On the left side, a red light so constructed and fixed as to show an unbroken light between two vertical planes whose dihedral angle is 110 degrees when measured to the left from dead ahead, and of such a character as to be visible at a distance of at least 5 kilometers.

(d) The said green and red side lights shall be fitted so that the green light shall not be seen from the left side nor the red light from the right side.

(e) At the rear, and as far aft as possible, a white light shining rearward and visible in a dihedral of 140 degrees bisected by a vertical plane through the line of flight and of such a character as to be visible at a distance of at least 5 kilometers.

(f) In the case where, in order to fulfill the above conditions, the single light has to be replaced by several lights, the field of visibility of each of these lights should be so limited that only one can be seen at a time.

3. The rules determined for the lighting of flying machines shall apply to airships subject to the following modifications:

(a) All lights shall be doubled; the forward and aft lights vertically, and the side lights horizontally in a fore and aft direction.

(b) Both lights of each pair forward and aft shall be visible at the same time.

The distance between the lights comprising a pair shall not be less than 2 meters.

4. An airship, when being towed, shall carry the lights specified in paragraph 3, and, in addition, those specified in paragraph 6 for airships not under control.

5. (a) A flying machine, or airship, when on the surface of the water, and when not under control, that is to say, not able to maneuver as required by the Regulations for the Prevention of Collisions at Sea, shall carry two red lights not less than 2 meters apart one over the other, and of such a character as to be visible all around the horizon at a distance of at least 3 kilometers.

(b) The aircraft referred to in this paragraph, when not making way through the water, shall not carry the side lights, but when making way shall carry them.

6. An airship which from any cause is not under control, or which has voluntarily stopped her engines shall, in addition to the other specified lights, display conspicuously two red lights, one over the other, not less than 2 meters apart, and constructed to show a light in all directions, and of such a character as to be visible at a distance of at least 3 kilometers.

By day an airship, when being towed, which from any cause is not under control, shall display conspicuously two black balls or shapes, each 60 centimeters in diameter, placed one over the other not less than 2 meters apart.

An airship moored, or under way but having voluntarily stopped its engines, shall display conspicuously by day a black ball or shape, 60 centimeters in diameter, and shall be treated by other aircraft as being not under control.

7. A free balloon shall carry one bright white light below the car at a distance of not less than 5 meters, and so constructed as to show an unbroken light in all directions, and of such a character as to be visible at a distance of at least 3 kilometers.

8. A fixed balloon shall carry in the same position as the white light mentioned in paragraph 7, and in lieu of that light, three lights in a vertical line one over the other, not less than 2 meters apart. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible in all directions at a distance of at least 3 kilometers.

In addition, the mooring cable shall have attached to it at intervals of 300 meters, measured from the basket, groups of three lights similar to those mentioned in the preceding paragraph. In addition, the object to which the balloon is moored on the ground shall have a similar group of lights to mark its position.

By day the mooring cable shall carry in the same position as the groups of lights mentioned in the preceding paragraph, and in lieu thereof, tubular steamers not less than 20 centimeters in diameter and 2 meters long, and marked with alternate bands of white and red, 50 centimeters in width.

9. An airship when moored near the ground shall carry the lights specified in paragraphs 2 (a) and (e) and 3.

In addition, if moored but not near the ground, the airship, the mooring cable, and the object to which moored, shall be marked in accordance with the provisions of paragraph 8, whether by day or by night.

Sea anchors or drogues used by airships for mooring purposes at sea are exempt from this regulation.

10. A flying machine stationary upon the land or water but not anchored or moored shall carry the lights specified in paragraph 2.

11. In order to prevent collisions with surface craft:

(a) A flying machine when at anchor or moored on the water shall carry forward, where it can best be seen, a white light, so constructed as to show an unbroken light visible all round the horizon at a distance of at least 2 kilometers.

(b) A flying machine of 50 meters or upwards in length, when at anchor or moored on the water, shall, in the forward part of the flying machine, carry one such light, and at or near the stern of the flying machine, and at a height that it shall not be less than 5 meters lower than the forward light, another such light.

The length of a flying machine shall be deemed to be the overall length.

(c) Flying machines of 50 meters or upwards in span, when at anchor or moored in the water, shall in addition carry at each lower wing tip one light as specified in (a) of this paragraph.

The span of a flying machine shall be deemed to be the maximum lateral dimension.

12. In the event of the failure of any of the lights specified under these rules to be carried by aircraft flying at night, such aircraft shall land at the first reasonably safe opportunity.

13. Nothing in these rules shall interfere with the operation of any special rules made by the government of any State with respect to the additional station or signal lights for two or more military aircraft, or for aircraft in formation, or with the exhibition of recognition signals adopted by owners of aircraft which have been authorized by their respective Governments and duly registered and published.

II.

RULES AS TO SIGNALS.

14. (a) Aircraft wishing to land at night on aerodromes having a ground control shall before landing:

Fire a green Very's light or flash a green lamp, and in addition shall make by international Morse code the letter group forming its call-sign.

(b) Permission to land will be given by the repetition of the same call-sign from the ground, followed by:

A green Very's light or flashing a green lamp.

15. The firing of a red Very's light or the display of a red flare from the ground shall be taken as an instruction that aircraft are not to land.

16. An aircraft compelled to land at night shall, before landing, fire a red Very's light or make a series of short flashes with the navigation lights.

17. When an aircraft is in distress and requires assistance, the following shall be the signals to be used or displayed, either together or separately:

(a) The international signal, S O S, by means of visual or wireless signals.

(b) The international code flag signal of distress, indicated by NC.

(c) The distant signal, consisting of a square flag having either above or below it a ball, or anything resembling a ball.

(d) A continuous sounding with any sound apparatus.

(e) A signal, consisting of a succession of white Very's lights fired at short intervals.

18. To warn an aircraft that it is in the vicinity of a prohibited zone and should change its course, the following signals shall be used:

(a) By day: Three discharges, at intervals of 10 seconds, of a projectile showing, on bursting, white smoke, the location of the burst indicating the direction the aircraft should follow.

(b) By night: Three discharges, at intervals of 10 seconds, of a projectile showing, on bursting, white stars, the location of the burst indicating the direction the aircraft should follow.

19. To require an aircraft to land, the following signals shall be used:

(a) By day: Three discharges, at intervals of 10 seconds, of a projectile showing on bursting black or yellow smoke.

(b) By night: Three discharges, at intervals of 10 seconds, of a projectile showing on bursting red stars or lights.

In addition, when necessary to prevent the landing of aircraft other than the one ordered, a searchlight which shall be flashed intermittently shall be directed toward the aircraft whose landing is required.

20. (a) In the event of fog or mist rendering aerodromes invisible, their presence may be indicated by a balloon acting as an aerial buoy and/or other approved means.

(b) In fog, mist, falling snow, or heavy rainstorm, whether by day or night, an aircraft on the water shall make the following sound signals with a sound apparatus:

(1) If not anchored or moored, a sound at intervals of not more than two minutes, consisting of two blasts of about five seconds' duration with an interval of about one second between them.

(2) If at anchor or moored, the rapid ringing of an efficient bell or gong for about five seconds at intervals of not more than one minute.

III.

RULES OF THE AIR.

21. Flying machines shall always give way to balloons, fixed or free, and to airships. Airships shall always give way to balloons, whether fixed or free.

22. An airship, when not under its own control, shall be classed as a free balloon.

23. Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing and angle of elevation of an approaching aircraft. If neither the bearing nor the angle of elevation appreciably change, such risk shall be deemed to exist.

24. The term "risk of collision" shall include risk of injury due to undue proximity of other aircraft. Every aircraft that is required by these rules to give way to another to avoid collision shall keep a safe distance, having regard to the circumstances of the case.

25. While observing the rules regarding risk of collision contained in paragraph 24, a motor-driven aircraft must always maneuver according to the rules contained in the following paragraphs as soon as it is apparent that, if it pursued its course, it would pass at a distance of less than 200 meters from any part of another aircraft.

26. When two motor-driven aircraft are meeting end-on, or nearly end-on, each shall alter its course to the right.

27. When two motor-driven aircraft are on courses which cross, the aircraft which has the other on its own right side shall keep out of the way of the other.

28. An aircraft overtaking any other shall keep out of the way of the overtaken aircraft by altering its own course to the right, and must not pass by diving.

Every aircraft coming up with another aircraft from any direction more than 110 degrees from ahead of the latter, i. e., in such a position with reference to the aircraft which it is overtaking that at night it would be unable to see either of that aircraft's side lights, shall be deemed to be an overtaking aircraft, and no subsequent alteration of the bearing between the two aircraft shall make the overtaking aircraft a crossing aircraft within the meaning of these rules, or relieve it of the duty of keeping clear of the overtaken aircraft until it is finally past and clear.

As by day the overtaking aircraft can not always know with certainty whether it is forward or abaft the direction mentioned above from the other aircraft, it should, if in doubt, assume that it is an overtaking aircraft and keep out of the way.

29. Where by any of these rules one of the two aircraft is to keep out of the way the other shall keep its course and speed. When in consequence of thick weather or other causes the aircraft having the right of way finds itself so close that collision can not be avoided by the action of the giving-way aircraft alone, it shall take such action as will best aid to avert collision.

30. Every aircraft which is directed by these rules to keep out of the way of another aircraft shall, if the circumstances of the case admit, avoid crossing ahead of the other.

31. In following an officially recognized air route every aircraft, when it is safe and practicable, shall keep to the right side of such route.

32. All aircraft on land or sea about to ascend shall not attempt to "take off" until there is no risk of collision with alighting aircraft.

33. Every aircraft in a cloud, fog, mist, or other conditions of bad visibility shall proceed with caution, having careful regard to the existing circumstances and conditions.

34. In obeying and construing these rules due regard shall be had to all dangers of navigation and collision and to any special circumstances which may render a departure from the above rules necessary in order to avoid immediate danger.

IV.

BALLAST.

35. The dropping of ballast other than fine sand or water from aircraft in the air is prohibited.

V.

RULES FOR AIR TRAFFIC ON AND IN THE VICINITY OF AERODROMES.

36. At every aerodrome there shall be a flag hoisted in a prominent position which shall indicate that if an aircraft about to land or leave finds it necessary to make a circuit or partial circuit such circuit shall be left-handed (anticlockwise) or right-handed (clockwise), according to the color of the flag. A white flag shall indicate a right-handed circuit, i. e., that the flag is kept to the right side, or side which carries the green light of the aircraft, and a red flag shall indicate a left-handed circuit—i. e., that the red flag is kept to the left side, or side which carries the red light of the aircraft.

37. When an aeroplane starts from an aerodrome it shall not turn until 500 meters distance from the nearest point of the aerodrome, and the turning then must conform with the regulations provided in the preceding paragraph.

38. All aeroplanes flying between 500 and 1,000 meters distance from the nearest point of an aerodrome shall conform to the above-mentioned circuit law, unless such aeroplanes are flying at a greater height than 2,000 meters.

39. Acrobatic landings are prohibited at aerodromes of contracting States used for international aerial traffic. Aircraft are prohibited from engaging in aerial acrobatics within a distance of at least 2,000 meters from the nearest point of such aerodromes.

40. At every recognized aerodrome the direction of the wind shall be clearly indicated by one or more of the recognized methods—e. g., landing tee, conical streamer, smudge fire, etc.

41. Every aeroplane when taking off or alighting on a recognized aerodrome used for international air traffic shall do so upwind, except when the natural conditions of the aerodrome do not permit.

42. In the case of aeroplanes approaching aerodromes for the purpose of landing the aeroplanes flying at the greater height shall be responsible for avoiding the aeroplane at the lower height and shall, as regards landing, observe the rules of paragraph 28 for passing.

43. Aeroplanes showing signals of distress shall be given free way in attempting to make a landing on an aerodrome.

44. Every aerodrome shall be considered to consist of three zones when looking upwind. The right-hand zone shall be the taking-off zone, and the left-hand shall be the landing zone. Between these there shall be a neutral zone. An aeroplane when landing should attempt to land as near as possible

to the neutral zone, but in any case on the left of any aeroplanes which have already landed. After slowing up or coming to a stop at the end of its landing run, an aeroplane will immediately taxi into the neutral zone. Similarly, an aeroplane when taking off shall keep as far as possible toward the right of the taking-off zone, but shall keep clear to the left of any aeroplanes which are taking off or about to take off.

45. No aeroplane shall commence to take off until the preceding aeroplane is clear of the aerodrome.

46. The above rules shall apply equally to night landings on aerodromes, when the signals shall be as follows:

(a) A red light shall indicate a left-hand circuit, and a green light shall indicate a right-hand circuit (see paragraph 36). The right-hand zone will be marked by white lights placed in the position of an "L," and the left-hand zone will be similarly marked. The "Ls" shall be back to back; that is to say, the long sides of the "Ls" will indicate the borders of the neutral zone, the direction of landing shall invariably be along the long arm of the "L," and toward the short arm. The lights of the "Ls" should be so placed that the lights indicating the top extremity of the long arm shall be the nearest point on the aerodrome upon which an aeroplane can safely touch ground. The lights indicating the short arm of the "L" should indicate the limit of safe landing ground for the aeroplanes; that is, that the aeroplane should not overrun the short arm (see diagram A).

(b) Where it is desired to save lights and personnel the following system may be used:

Two lights shall be placed on the windward side of the aerodrome to mark the limits of the neutral zone mentioned in paragraph 44, the line joining the lights being at right angles to the direction of the wind. Two more lights shall be placed as follows: One on the leeward side of the aerodrome on the line drawn parallel to the direction of the wind and passing midway between the two lights on the windward side, to show the extent of the aerodrome and the direction of the wind, and the other shall be placed midway between the two lights marking the limits of the neutral zone (see diagram B).

Additional lights may be symmetrically put along the boundary lines of the neutral zone, and on the ends of the taking-off and landing zones on the line through the three lights on the windward side.

47. No fixed balloon, kite, or moored airship shall be elevated in the vicinity of any aerodrome without a special authorization, except in the cases provided for in paragraph 20.

48. Suitable markings shall be placed on all fixed obstacles dangerous to flying within a zone of 500 meters of all aerodromes.

VI.

GENERAL.

49. Every aircraft maneuvering under its own power on the water shall conform to the regulations for preventing collisions at sea, and for the purposes of these regulations shall be deemed to be a steam vessel, but shall carry the lights specified in the preceding rules, and not those specified for steam vessels in the regulations for preventing collisions at sea, and shall not use, except as specified in paragraphs 17 and 20 above, or be deemed to hear the sound signals specified in the above-mentioned regulations.

50. Nothing in these rules shall exonerate any aircraft, or the owner, pilot, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of the air, or by the special circumstances of the case.

51. Nothing in these rules shall interfere with the operation of any special rule or rules duly made and published relative to navigation of aircraft in the immediate vicinity of any aerodrome or other place, and it shall be obligatory on all owners, pilots, or crews of aircraft to obey such rules.

ANNEX E.

MINIMUM QUALIFICATIONS NECESSARY FOR OBTAINING CERTIFICATES BY PILOTS AND NAVIGATORS.

I.

CERTIFICATES FOR PILOTS OF FLYING MACHINES.

(A) *Private pilot's flying certificate (not valid for purposes of public transport).*

1. Practical tests:

In each practical test the candidate must be alone in the flying machine.

(a) Test for altitude and gliding flight: A flight without landing, during which the pilot shall remain for at least an hour at a minimum altitude of 2,000 meters above the point of departure. The descent shall finish with a glide, the engines cut off at 1,500 meters above the landing ground. The landing shall be made without restarting the engine and within 150 meters or less of a point fixed beforehand by the official examiners of the test.

(b) Tests of skill: A flight without landing around two posts (or buoys) situated 500 meters apart, making a series of five figure-of-eight turns, each turn reaching one of the two posts (or buoys). This flight shall be made at an altitude of not more than 200 meters above the ground (or water) without touching the ground (or water). The landing shall be effected by:

(i) Finally shutting off the engine or engines at latest when the aircraft touches the ground (or water).

(ii) Finally stopping the flying machine within a distance of 50 meters from a point fixed by the candidate before starting.

2. Special requirements:

Knowledge of rules as to lights and signals and rules of the air. Rules for air traffic on and in the vicinity of aerodromes. A practical knowledge of international air legislation.

(B) *Pilot's flying certificate for flying machines used for purposes of public transport.*

1. Practical tests:

In each practical test the candidate must be alone in the flying machine.

(a) The tests for altitude and gliding flight and for skill are the same as those required for a private pilot's flying certificate. Candidates already in possession of the latter certificate are not required to pass these tests again.

(b) Test of endurance consisting of a cross-country or oversea flight of at least 300 kilometers, after which the final landing shall be made at the point of departure. This flight shall be made in the same flying machine within eight hours. It shall include two obligatory landings (during which the machine must come to rest), which shall not be at the point of departure, but which shall be fixed by the judges.

At the time of departure the candidate shall be informed of his course and furnished with the appropriate map. The judges will decide whether the course has been correctly followed.

(c) Night flight: A thirty minutes' flight, made between two hours after sunset and two hours before sunrise, at a height of at least 500 meters.

2. Technical examination:

After satisfactory practical tests have been passed, candidates will, when summoned, submit themselves to examination on—

(a) Flying machines:

Theoretical knowledge of the resistance of the air as concerns its effect on wings and tail planes, rudders, elevators, and propellers; functions of the different parts of the machine and of their controls.

Assembling of flying machines and their different parts.

Practical tests on rigging.

(b) Engines:

General knowledge of internal combustion engines, including functions of the various parts; a general knowledge of the construction, assembling, adjustment, and characteristics of aero-engines.

Causes of the faulty running of engines and of breakdown.

Practical tests in running repairs.

(c) Special requirements:

Knowledge of Rules as to Lights and Signals and Rules of the Air, and Rules for Air Traffic on and in the vicinity of Aerodromes.

Practical knowledge of the special conditions of air traffic and of international air legislation.

Map reading, orientation, location of position, elementary meteorology.

REMARKS.

The practical tests shall be carried out within a maximum period of one month.

They may be carried out in any order, and each may be attempted twice. They shall be witnessed by properly accredited examiners, who will forward the official reports to the proper authorities.

The official reports will give the different incidents, especially those of landings. The candidates shall furnish before each test proper identity forms.

A barograph shall be carried on all practical tests, and the graph, signed by the examiners, shall be attached to their report.

Pilots who hold the military pilot's certificate shall be entitled to the private pilot's flying certificate, but in order to obtain the pilot's flying certificate for purposes of public transport it will be necessary to pass the technical conditions for navigation as required by B (2) (c).

II.

CERTIFICATES FOR PILOTS OF BALLOONS.

1. Practical tests:

The candidate must have completed the following certified ascents—

1. By day: 3 ascents under instruction.
1 ascent in control under supervision.
1 ascent alone in the balloon.
2. By night: 1 ascent alone in the balloon.

Each ascent shall be of at least two hours' duration.

2. Theoretical tests:

Elementary aerostatics and meteorology.

3. Special requirements:

General knowledge of a balloon and its accessories; inflation; rigging; management of an ascent; instruments; precautions against cold and high altitudes.

Knowledge of rules as to lights and signals and rules of the air; rules for air traffic on and in the vicinity of aerodromes.

Practical knowledge of international air legislation. Map reading and orientation.

III.

CERTIFICATES FOR AIRSHIP OFFICER PILOTS.

Every airship officer pilot shall have qualified as pilot of a free balloon.

There shall be three classes of airship officer pilots.

The holder of a first-class certificate is qualified to command any airship.

The holder of a second-class certificate is qualified to command airships under 20,000 cubic meters capacity.

The holder of a third-class certificate is qualified to command airships under 6,000 cubic meters capacity.

All military and naval airship officer pilots are entitled to a third-class certificate.

All military and naval airship officer pilots who have commanded airships over 6,000 cubic meters capacity are entitled to a first-class certificate.

QUALIFICATIONS FOR THIRD-CLASS CERTIFICATE.

Practical tests:

(a) Twenty certified flights (three of which shall be by night) in an airship, each flight being of at least one hour's duration. In at least four of these flights the candidate must have handled the airship himself, under the supervision of the commanding officer of the airship, including ascent and landing.

(b) One cross-country flight on a predetermined course of at least 100 kilometers, terminating with a night landing, and made with a duly authorized inspector on board.

Theoretical examination:

Aerostatics and meteorology. (Density of gases, laws of Mariotte and of Gay-Lussac; barometric pressure, Archimedes principle; confinement of gases; interpretation and use of meteorological information and of weather charts.)

Physical and chemical properties of light gases and of materials used in the construction of airships.

General theory of airships.

Dynamic properties of moving bodies in air.

General knowledge:

Elementary knowledge of internal combustion engines.

Elementary navigation; use of the compass; location of position.

Inflation; stowage; rigging; handling; controls and instruments.

QUALIFICATIONS FOR SECOND-CLASS CERTIFICATE.

Practical tests:

To be eligible for a second-class certificate a candidate must be holder of a third-class certificate and have at least four months' service as a third-class officer on an airship, and also have completed at least 10 flights as third-class officer on an airship of capacity above 6,000 cubic meters, in which he has handled the airship himself, including ascent and landing, under the supervision of the commanding officer of the airship.

Theoretical examination:

Advanced knowledge of the subjects required for the third-class certificate.

QUALIFICATIONS FOR FIRST-CLASS CERTIFICATE.

Practical tests:

To be eligible for a first-class certificate a candidate must be holder of a second-class certificate, have at least two months' active service as a second-class officer on an airship, and also have completed at least five flights as second-class officer of an airship of capacity above 20,000 cubic meters, in which he has handled the airship himself, including ascent and landing, under the supervision of the commanding officer of the airship. Each flight must be at least of one hour's duration with a minimum of 15 hours for the five flights.

Theoretical examination:

As required for a second-class certificate.

IV.

CERTIFICATE FOR NAVIGATORS.

Aircraft used for public transport carrying more than 10 passengers and having to make a continuous flight between two points more than 500 kilometers apart overland, or a night flight, or a flight between two points more than 200 kilometers apart oversea, must have on board a navigator who has been granted a certificate as such after passing a theoretical and practical examination in the following:

1. Practical astronomy—

True and apparent movements of the celestial bodies. Different aspects of the celestial sphere.

Hour angles, mean, true, and astronomical time.

Shape and dimensions of the earth.

Star globes and maps.

Method of determining latitude, longitude, time, and azimuth.

2. Navigation—

Maps and charts—how to read them.

Compass, magnetic meridian, variation, deviation.

Courses, bearings, and their corrections.

Compensation of compasses (technical and practical).

Calculations of azimuth.

Flight by dead reckoning, measure of the relative speed, drift, traverse table.

Chronometer, chronometer rate, comparisons.

Sextants, adjustments.

Nautical almanac.

Determination of positions by means of bearing and altitude of stars.

Knowledge of great-circle navigation.

Aeronautical navigational instruments.

3. General knowledge—

International rules for air and maritime navigation.

International air legislation.

Practical knowledge of meteorology and of weather charts.

V.

MEDICAL CERTIFICATES.

International medical requirements for air navigation.

1. Every candidate before obtaining a license as a pilot, navigator, or engineer of aircraft engaged in public transport will present himself for examination by specially qualified medical men (flight surgeons), appointed by or acting under the authority of the contracting State.

2. Medical supervision, both for the selection and the maintenance of efficiency, shall be based upon the following requirements of mental and physical fitness:

(a) Good family and personal history, with particular reference to nervous stability. Absence of any mental, moral, or physical defect which will interfere with flying efficiency.

(b) The minimum age for pilots and navigators engaged in public transport shall be 19 years.

(c) General surgical examination: The aeronaut must neither suffer from any wound, injury, or operation, nor possess any abnormality, congenital or otherwise, which will interfere with the efficient and safe handling of aircraft.

(d) General medical examination: The aeronaut must not suffer from any disease or disability which renders him liable suddenly to become incompetent in the management of aircraft. He must possess heart, lungs, kidneys, and nervous system capable of withstanding the effects of altitude and also the effects of prolonged flight.

(e) Eye examination: The aeronaut must possess a degree of visual acuity compatible with the efficient performance of his duties. No pilot or navigator shall have more than two dioptres of latent hypermetropia; muscle balance must be good and commensurate with the refraction. He must have a good field of vision in each eye and must possess normal color perception.

(f) Ear examination: The middle ear must be healthy. The aeronaut must possess a degree of auditory acuity compatible with the efficient performance of his duties.

(g) The vestibular mechanism must be intact and neither unduly hypersensitive or hyposensitive.

(h) Nose and throat examination: The aeronaut must possess free nasal air entry on either side and not suffer from serious acute or chonic affections of the upper respiratory tract.

3. Each contracting State shall for the present fix its own methods of examination until the detail of tests and the minimal standard of requirements have been finally settled by the

authorized medical representatives of the International Commission for Air Navigation.

4. The successful candidate will receive a medical certificate of acceptance, which must be produced before the license can be issued.

5. In order to insure the maintenance of efficiency, every aeronaut shall be reexamined periodically, at least every six months, and the findings shall be attached to his original record. In case of illness or accident, also, an aeronaut shall be reexamined and pronounced fit before resuming air duties. The date and result of each reexamination shall be recorded on the aeronaut's flying certificate.

6. No aeronaut who, before the date of the present convention, has given proof of his flying ability, shall, so long as he retains such ability, be necessarily disqualified because he fails to fulfill all of the above requirements.

7. Each contracting State may raise the conditions set forth above, as it deems fit, but these minimal requirements shall be maintained internationally.

ANNEX F.

INTERNATIONAL AERONAUTICAL MAPS AND GROUND MARKINGS.

International maps shall be made and ground marks established in accordance with the following general principles:

I.

MAPS.

1. Two types of aeronautical maps shall be used. They are hereafter mentioned as general maps and local maps.

2. The index scheme for the aeronautical maps, both general and local, shall be based on the index scheme, adopted for the "International 1:1,000,000 scale map" by the official international congress convened for the purpose in London in 1909 and in Paris in 1913.

NOTE.—Extract from the resolutions adopted by the conferences at London and Paris.

The sheets of the International 1:1,000,000 scale map shall include 6 degrees of longitude and 4 degrees of latitude. The limiting meridians of the sheets shall be at successive intervals, reckoning from Greenwich, of 6 degrees, and the limiting parallels, reckoning from the Equator, shall be at successive intervals of 4 degrees.

The longitudinal sectors, from longitude 180° east or west of Greenwich, are given numbers from 1 to 60, increasing in an easterly direction.

The 22 zones of 4 degrees in depth, extending from the Equator on each side to 88° latitude, are given letters from A to V.

The polar areas, extending for 2 degrees, are lettered Z.

In the northern hemisphere each sheet shall bear a descriptive symbol composed of the letter N, followed by the zone letter and sector number corresponding to its position, thus N.K.—12.

In the southern hemisphere the letter S shall replace the letter N. Example, S.L.—28.

3. The meter shall be used as the standard of measurement for lengths, distances, heights, depths, reserving for each nation the right to add figures expressing these quantities in its own units.

4. The colors, symbols, and arrangements for production adopted for the International 1:1,000,000 scale map shall be used as far as practicable on the aeronautical maps.

5. The general maps shall be drawn on Mercator's projection and shall be to a scale of 1 degree of longitude equals 3 centimeters. The general maps shall have marked on them in fine lines the meridians and parallels of each degree, and the meridians and parallels limiting the unit sections of the 1:1,000,000 map shall be accentuated. The same designation of unit sections shall be used as for the 1:1,000,000 map.

6. Each general (Mercator) map shall bear the French heading "Carte Générale Aéronautique Internationale (see the conventional sign plate, fig. 1), and under it a translation of this heading in the language of the country publishing the map. It shall also bear an appropriate geographical name.

Each sheet shall show at least the following: Principal physical features and geographical names, wireless stations, marine lighthouses (height and range at sea level, color, and character of the light); national frontiers, prohibited areas, principal air routes, lines of equal magnetic variation, South Polar distance, latitude, old and new notation of longitude (see par. 7), with an outer margin containing letters and numbers referring to the index of the 1:1,000,000 map, legend of symbols in English or French and in the language of the country publishing the maps, publisher's name, and date of publication and of successive editions.

7. The local maps shall be drawn to a scale of 1:200,000.

NOTE.—For local aeronautical maps of sparsely inhabited countries, the scale of 1:500,000 or 1:1,000,000, as appropriate, may be used.

In addition to the customary latitude and longitude notations, the local aeronautical maps shall bear numbers inclosed in rectangles, corresponding to a new system of coordinate reckoning based on the antimeridian of Greenwich and the South Pole. The new grid reckoning, with regard to latitude, shall commence with the South Pole as zero and increase northward by degrees and minutes to 180° at the North Pole, and with regard to longitude shall commence with the antimeridian of Greenwich as zero and run eastward by degrees and minutes to 360°.

8. Each unit sheet of the local aeronautical maps shall bear the French heading Carte Normale Aéronautique Internationale (see the conventional sign plate, fig. 2), and under it a translation of this heading in the language of the country publishing the map. It shall comprise one degree of latitude and one degree of longitude, and shall be designated by a locality name and by the new coordinates described in paragraph 7 of the southwest corner of the sheet, the unit digits being accentuated. In these designating coordinates, the figures referring to the South Polar distance shall invariably be written first.

EXAMPLES.—The sheet whose southern boundary is 49° N. (i. e., 139° South Polar distance) and western boundary 2° E. (i. e., 182° from the antimeridian of Greenwich) will be numbered 139–182.

Or the sheet whose southern boundary is 36° S. (i. e., 54° South Polar distance) and western boundary 7° W. (i. e., 173° from the antimeridian of Greenwich) will be numbered 54–173.

9. The local aeronautical unit sheets shall show, as far as the data is known, the following:

(a) Within the limiting meridians and parallels: Twenty-minute projection grid; roads divided into two classes according to their relative visibility from the air; railways of all kinds, cities and towns in outline and the plan of the principal public roads crossing them (villages similarly if practicable, otherwise their positions indicated); principal features of the surface water system; woodlands and other areas unsuitable for landing, aerodromes, hangars for airships, plants for balloon inflation, permanent landing places on ground and water, aeronautical ground marks (beacons and fixed navigational lights), marine lighthouses (height, range at sea level, color, and character of the light); wireless stations, meteorological stations, overhead electric-power lines, remarkable objects, national frontiers, prohibited areas, principal air routes, names of important bodies of water, towns, and important villages; the topographical relief by shading and figures indicating heights, the most important of which to be surrounded by an oval ring as (712)

(b) Outside the limiting meridians and parallels: A title, consisting of the name designating the locality and the index numbers of the sheet; a border scale graduated to minutes; the names of the neighboring sheets; latitude, South Polar distance, old and new notation of longitude (see par. 7); scale of kilometers; legend of symbols in English or French and in the language of the country publishing the map; magnetic variation diagram; key map showing abridged numbers of the sheet concerned and the eight surrounding sheets; frontiers and the names of the countries, parts of which are embraced by the key map; publisher's name and date of publication.

10. The forms of the general and local maps, titles, marginal notations, diagrams, and legends shall be as shown by the accompanying illustrations.

11. The general and local aeronautical maps and guide books of the areas traversed by the most important routes which may be established by international agreement shall be prepared first.

NOTE.—On account of the inadequacy of the usual methods of topographic mapping for making aeronautical maps, it is strongly recommended that steps be taken to survey from the air the areas along the most important international routes. Such surveys would furnish indispensable information regarding the features necessary to be shown on the maps the aviator is to use.

II.

UNIVERSAL SYSTEM OF GROUND MARKS.

1. All ground marks shall conform with the scheme of numbering adopted for the unit sheets of the local international aeronautical maps.

For this purpose each mark shall show (see the diagrams):

(a) The abridged number which designates the sheet within which it lies.

(b) An open rectangle, whose short sides shall be oriented north-south; the frames shall be open toward the opposite half of the unit sheet.

(c) A dot indicating the approximate position of the mark on the north or south half of the corresponding unit sheet.

The numbers shall be placed close to the frame at the top, bottom, or sides, but not inside.

Where marks are placed so close to each other as to admit of possible confusion, the round dot may be replaced by a square, triangular, or star-shaped dot.

It is recommended that the minimum dimensions of the marks be those indicated in the sketches.

2. Special attention shall be given to the distribution of marks along chosen international routes.

NOTE.—Steps to establish suitable marks for landing at night shall be eventually taken, in accordance with the decision of the international commission for air navigation.

ANNEX G.

COLLECTION AND DISSEMINATION OF METEOROLOGICAL INFORMATION.

1. Nature and object of meteorological information to be furnished by contracting States:

(A) "Statistical" is required for the purpose of indicating the degree of safety and convenience of different routes or aerodromes for different types of aircraft.

It consists of—

(a) Analysis and summaries of past meteorological records.

(b) Summaries of current observations.

(B) "Current" is required for the purpose of—

(a) Keeping a current record of the weather.

(b) Making forecasts.

It consists of—

1. The results of daily observations.

2. Lists of active stations at which these observations are taken.

(C) "Forecasts" are for the purpose of telling all concerned when and where flying is possible and the best conditions for the same. They are statements of conditions anticipated:

(a) "Short period," during the next three or four hours.

(b) "Normal," during the next 20 to 30 hours.

(c) "Long period," during the next two or three days.

(d) "Route," for particular region or route during the next six hours.

2. Methods and times of furnishing the different types of information:

(A) "Statistical" is furnished by central meteorological offices for general information.

(a) Analysis and summaries of past records—by the publication of special handbooks giving averages, frequencies, and extremes of the principal meteorological elements, together with charts and diagrams; prominence to be given to meteorological conditions of areas known to have special meteorological peculiarities.

(b) Summaries of current observations—by the monthly publication of the information obtained each month.

(B) "Current" is furnished by meteorological offices to meteorological offices.

(a) Results of daily observations telegraphically by—

1. Regular reports at fixed hours (see Appendix I); and

2. By special reports at intermediate times when requested (see Appendix II).

(b) Lists of stations, whenever necessary, to keep other countries informed where observations are being taken, giving also local and topographical details affecting weather conditions at each station.

(c) "Forecasts" are furnished by meteorological offices for general information by publication in the public press, telegraphically to other countries, if required, or any other, the best, means to bring them to the notice of those requiring them (see Appendix III).

APPENDIX I.

REGULAR REPORTS.

These are of two kinds:

1. Individual station reports.

2. Collective station reports.

1. Individual station reports are the results of observations of individual stations, taken at 0100, 0700, 1300, and (1800 or) 1900 G. M. T. The reports are made as soon as the observation has been taken and are rendered to a central collecting station or office; where reports for only two of these hours are possible or sufficient, the hours should be separated by an interval of 12 hours. (It is recommended that the standard hours be changed to 0300, 0900, 1500, and 2100 G. M. T. by international agreement.)

Reports will give information on the following whenever possible:

1. Wind,
2. Pressure,
3. Temperature and humidity,
4. Fog and visibility,
5. Clouds,
6. Precipitation,
7. Thunderstorms, hurricanes, tornadoes, dust storms,
8. Other weather phenomena,
9. State of sea,

and also on upper air currents and upper air temperature and humidity from stations where facilities are available for observation.

Reports will be made in the general form and in the codes given in Appendix IV.

2. Collective reports are a collection of the individual reports received by a central station or office and transmitted to other central offices. They are of three classes:

Class 1. The central office in this case is usually the main office of a country; it transmits its reports, within one and one-half hours of the time the observations are taken at the individual stations, to all main offices of other countries within a radius of 1,500 kilometers.

Class 2. These are reports made for the purpose of giving countries over 1,500 kilometers distant information essential to making their own forecasts. The central office is that of a selective State which possesses a high-power wireless station capable of world-wide ranges (minimum range, 3,000 kilometers). The report is made within three hours of the observations and is a collection of reports selected from the class 1 reports and abridged. (See Appendix IV.) It should include a forecast of conditions in the country of origin.

Class 3. These are local reports made by local centers to other local centers (any within 500 kilometers). The report is a collection of reports selected from the class 1 reports from stations in the vicinity and abridged. (See Appendix IV.) It is made within 30 minutes of the time of observation.

APPENDIX II.

SPECIAL REPORTS.

Special reports give the results of continuous observations at aerodromes having meteorological stations on recognized air routes. They are to be rendered within 30 minutes of a request from a central office on a specified aerodrome on the route. The maximum distance from which these reports will be required is 500 kilometers. The requests may take the form of a demand for hourly reports.

The reports are rendered by telephone or wireless and may be from one country to another in the case of an international air route. The reports when made by telegram will be in the form and code given in Appendix IV.

APPENDIX III.

FORECASTS.

Short-period forecasts covering three to four hours will give a statement of the anticipated conditions of cloud, weather, surface wind, and visibility, together with direction and speed of wind at heights of 1,000 and 2,000 meters, and an estimate of meteorological fitness for different types of aircraft.

Normal forecasts for 20 to 30 hours will give similar information, but in more general terms.

Long-period forecasts give a general statement of the prospects for the next two or three days.

Route forecasts are made twice daily by central offices from information received from individual stations and will give a statement of conditions anticipated in the different regions or routes of the country for about six hours ahead.

APPENDIX IV.

GENERAL FORM IN WHICH REPORTS ARE TO BE RENDERED AND CODES FOR THEIR TRANSMISSION.

Individual stations will be allotted station-call signs, i. e., an index group of letters or figures which will be used in all reports to indicate the station, and will also serve as the wireless-call sign. These should be internationally distinct.

The general form is given in meteorological symbols or letters. For purposes of transmission an appropriate figure value is given to each symbol or letter in accordance with the codes given below:

METEOROLOGICAL SYMBOLS OR LETTERS AND THEIR SIGNIFICATION.

Standard symbols.

BBB = barometer reduced to sea level and expressed in millibars and tenths, i. e., corrected for temperature gravity and index error. The initial 9 or 10 is omitted.

DD = direction of wind (true direction as distinguished from magnetic) at a height of 10–15 meters above the surface expressed on scale 1–72 (see Code XI).

F = force of wind on Beaufort scale (wind above force 9 to be specially noted at end of telegram).

ww = present weather (Code I).

TT = temperature in degrees A (0° A = − 273° C., 273° A = 0° C.), first figure omitted.

A = form of low cloud (Code III).

L = amount of low cloud (in tenths of sky covered, amount 10 telegraphed as 0).

B = form of medium or high cloud (Code III).

M = amount of medium or high cloud in tenths.

h = height of base of low cloud (Code IV (a)).

WW = past weather (Code II).

V = visibility (Code V).

H_1 = relative humidity (Code VI).

S = state of sea (Code VII).

β = characteristic of barometric tendency (Code IX).

pb = amount of barometric tendency in half millibars per 3 hours; 50 added for negative tendencies.

F_1 = fitness of weather conditions for flying machines (Code VIII (a)).

F_2 = fitness of weather conditions for airships (Code VIII (b)).

RR = rainfall: (i) in day, (ii) in night; in millimeters and tenths.

MM = maximum temperature in the day.

mm = maximum temperature in the night.

X = reserve figure.

SPECIAL SYMBOLS FOR UPPER AIR CURRENTS.

H = height (Code IV. (b)).

DD = direction on scale 1–72 (i. e., to nearest 5° (see Code XI.)).

VV = speed in kilometers per hour (for speed above 99 K/hr. use three figures).

SPECIAL SYMBOLS FOR UPPER AIR TEMPERATURE AND HUMIDITY.

p = height or pressure (Code IV. (c)).

HH = actual percentage of relative humidity.

SPECIAL SYMBOL FOR COLLECTIVE REPORTS. CLASS 2.

BB = barometer in whole millibars with the initial 9 or 10 omitted.

GENERAL FORMS OF MESSAGES IN METEOROLOGICAL SYMBOLS.

Regular Reports.

1. Individual station reports: Station call sign followed by the following groups:

BBBDD. FwwTT. ALBMh. wwVHS. βbbF_1F_2.
RRMMX (or RRmmX).

Additional two groups for reports from stations having facilities for observations of upper air currents, the first of these being:

A five-figure group, to indicate that upper air current information is contained in the group which follows and which has the general form HDDVV.

Additional two groups for reports from stations having facilities for observations of upper air temperature and humidity, the first of these being:

A five-figure group, to indicate that upper air temperature and humidity information is contained in the group which follows, and which has the general form ρTTHH.

(NOTE.—These indicative five-figure groups would be better, from a signaling point of view, as a special Morse signal.)

2. Collective station report, Class 1: The individual station reports are given in sequence in the same general form as above. Upper air conditions are given at the end for those stations for which available: Upper air currents being given only for the following heights, 500, 1,000, 2,000, 5,000 meters (see Code IV. (b)).

Example of general form of collective report (Class 1) giving information from four stations, A, B, C, D, of which stations B, C have given upper air currents, and stations B, D upper air temperatures and humidity.

Call sign for "A"—BBBDD—FwwTT—ALBMh—wwVHS—βbbF_1F_2.
Call sign for "B"—BBBDD—FwwTT—ALBMh—wwVHS—βbbF_1F_2.
Call sign for "C"—BBBDD—FwwTT—ALBMh—wwVHS—βbbF_1F_2.
Call sign for "D"—BBBDD—FwwTT—ALBMh—wwVHS—βbbF_1F_2.
Group or signal indicating that upper air current information follows.
Call sign for "B"—HDDVV.
Call sign for "C"—HDDVV.
Group indicating that upper air temperature and humidity information follows.
Call sign for "B"—ρTTHH.
Call sign for "D"—ρTTHH.

3. Collective station reports, class 2: The individual station reports are given in sequence in an abridged form, as follows:
Call sign for station—BBDDF—wwTTh—ALβbb.

Upper air currents are given at the end of the telegram for heights 2,000 and 5,000 metres for selected stations.

Example of general form of collective report (class 2) giving information from four stations A, B, C, D, of which stations "B," "C" are selected for upper air current conditions.

Call sign for "A"—BBDDF—wwTTh—ALβbb.
Call sign for "B"—BBDDF—wwTTh—ALβbb.
Call sign for "C"—BBDDF—wwTTh—ALβbb.
Call sign for "D"—BBDDF—wwTTh—ALβbb.
Group indicating that upper air current information follows:
Call sign for "B"—HDDVV.
Call sign for "C"—HDDVV.
Forecast of conditions in country of origin.

4. Collective station reports, class 3: The individual station reports are given in sequence in an abridged form, as follows:
Call sign of station—DDFF$_1$F$_2$—ALBMh—wwWWV.

NOTE 1.—The general form for transmission "of special reports" and of forecasts has not yet been formulated.

NOTE 2.—Observations from ships at sea and the transmission of such observations require special arrangements, which it has not yet been possible to formulate. Similarly for observation from aircraft and their transmission.

CODES.

Code I.—Present weather.—ww.

NOTE.—00 to 49 weather without precipitation; 50 to 70 and 77 to 97 with precipitation.

In Codes I and II, r=rain, d=drizzle, h=hail, s=snow, rs—sleet, tlr=thunderstorm, e=wet air, f=fog (see Code V).

NO MIST OR FOG.

00 Absolutely cloudless.
01 Cloud less than $\frac{1}{2}$.
02 About $\frac{1}{2}$ clouded.
03 About $\frac{9}{2}$ clouded.
04 Overcast, but small amount of blue visible.
05 Absolutely overcast.

HAZE, MIST, OR FOG, BUT NO PRECIPITATION.

06 Overcast and 1f.
07 Overcast and 2f.
08 Overcast and 3f.
09 Overcast and 4f.
10 Overcast and 5f.
11 Overcast and 6f.
12 Overcast and 7f.
13 Overcast and 8f.
14 Haze 1f.
15 Haze 2f.
16 Fog 3f.
17 Fog 4f.
18 Fog 5f.
19 Fog 6f.
20 Fog 7f.
21 Fog 8f.
22 Mist 1fe.
23 Mist 2fe.
24 Fog 3fe.
25 Fog 4fe.
26 Fog 5fe.
27 Fog 6fe.
28 Fog 7fe.
29 Fog 8fe.

SPECIAL PHENOMENA WITHOUT PRECIPITATION.

30 e (wet air).
31 Exceptional visibility.
32 Dust haze.
33 Dew.
34 Hoar frost.
35 Rime.
36 Glazed frost.
37 Glazed roads.
38 Solar halo.
39 Lunar halo.
40 Solar corona.
41 Lunar corona.
42 Aurora.
43 Squalls.
44 Gale.
45 Gloom.
46 Ugly; threatenings.
47 Thunder.
48 Lightning.
49 Thunder and lightning.

PRECIPITATION AND FOG (50–58).

50 Slight r
51 Moderate r } 2f. or 3f.
52 Heavy r
53 Slight r
54 Moderate r } 4f. or 5f.
55 Heavy r
56 Slight r
57 Moderate r } 6f. to 8f.
58 Heavy r

PRECIPITATION AND SQUALLS OF WIND (59–70).

59 Slight r.
60 Moderate r.
61 Heavy r.
62 Slight h.
63 Moderate r and h.
64 Heavy r and h.
65 Slight rs.
66 Moderate rs.
67 Heavy rs.
68 Slight s.
69 Moderate s.
70 Heavy s.

SNOW COVERING.

71 s over whole country.
72 s with bare patches.
73 Deep drifts.
74 } Reserve figures.
75 }
76 }

PRECIPITATION (77–97).

77 Slight d.
78 Moderate d.
79 Thick d
80 Slight r.
81 Moderate r.
82 Heavy r.

83 Slight h.
84 Moderate h.
85 Heavy h.
86 Slight rs.
87 Moderate rs.
88 Heavy rs.
89 Slight s.
90 Moderate s.
91 Heavy s.
92 Slight tlr } Without hail.
93 Moderate tlr } Without hail.
94 Heavy tlr } Without hail.
95 Slight tlr } With hail.
96 Moderate tlr } With hail.
97 Heavy tlr } With hail.
98 } Reserved figures.
99 } Reserved figures.

Code II.—Past Weather.—WW.

Note.—00–49 Weather without precipitation. 50–97 Weather with precipitation.

NO PRECIPITATION OF FOG (00–14).

00 equals Cloudless.
01 equals b and bc; med. or high cloud.
02 equals b and bc; low cloud.
03 equals b and c; mixed cloud.
04 equals bc and c; med. or high cloud.
05 equals bc and c; low cloud.
06 equals bc and c; mixed cloud.
07 equals c and o; med. or high cloud.
08 equals c and o; low cloud.
09 equals c and o; mixed cloud.

OVERCAST WITH BLUE PATCHES (10–12).

10 equals med. or high cloud.
11 equals low cloud.
12 equals mixed cloud.
13 equals completely overcast; low or mixed cloud.
14 equals b and o; low or mixed cloud.

FOG WITH CLOUD ABOVE (15–19).

15 equals overcast and 1f.
16 equals overcast and 2f.
17 equals overcast and 3f.
18 equals overcast and 4f or 5f.
19 equals overcast and 6f to 8f.

HAZE OR FOG (20–24).

20 equals haze 1f.
21 equals haze 2f.
22 equals fog 3f.
23 equals fog 4f. or 5f.
24 equals fog 6f to 8f.

WET FOG OR MIST (25–29).

25 equals mist 1fe.
26 equals mist 2fe.
27 equals fog 3fe.
28 equals fog 4fe. or 5fe.
29 equals fog 6fe. to 8fe.

SPECIAL PHENOMENA WITHOUT PRECIPITATION (30–49).

30 equals e (wet air).
31 Exceptional visibility.
32 Dust haze.
33 Due.
34 Hoar frost.
35 Rime.
36 Glazed frost.
37 Glazed roads.
38 Solar halo
39 Lunar halo.
40 Solar corona.
41 Lunar corona.
42 Aurora.
43 Squalls.
44 Gale.
45 Gloom
46 Ugly; threatening.
47 Thunder.
48 Lightning
49 Thunder and lightning.

PRECIPITATION.

Passing showers (50–61).

50 of slight } rain.
51 of moderate } rain.
52 of heavy } rain.
53 of slight } hail or r and h.
54 of moderate } hail or r and h.
55 of heavy } hail or r and h.
56 of slight } rs or r and rs.
57 of moderate } rs or r and rs.
58 of heavy } rs or r and rs.
59 of slight } snow.
60 of moderate } snow.
61 of heavy } snow.

OCCASIONAL PRECIPITATION (62–76).

62 occasional slight d.
63 occasional moderate d.
64 occasional thick d.
65 occasional slight r.
66 occasional moderate r.
67 occasional heavy r.
68 occasional slight r and h.
69 occasional moderate r and h.
70 occasional heavy r and h.
71 occasional slight } rs or r and rs.
72 occasional moderate } rs or r and rs.
73 occasional heavy } rs or r and rs.
74 occasional slight s.
75 occasional moderate s.
76 occasional heavy s.

CONTINUOUS OR NEARLY CONTINUOUS PRECIPITATION (77–91).

77 slight } drizzle.
78 moderate } drizzle.
79 thick } drizzle.
80 slight } rain.
81 moderate } rain.
82 heavy } rain.
83 slight } r and hail.
84 moderate } r and hail.
85 heavy } r and hail.
86 slight } rs or r and rs.
87 moderate } rs or r and rs.
88 heavy } rs or r and rs.
89 slight } snow.
90 moderate } snow.
91 heavy } snow.

THUNDERSTORMS (92–97).

92 slight tlr } without hail.
93 moderate tlr } without hail.
94 heavy tlr } without hail.
95 slight tlr } with hail.
96 moderate tlr } with hail.
97 heavy tlr } with hail.
98 } Reserve numbers.
99 } Reserve numbers.

Code III.—Form of cloud. {Low cloud.—A. Medium or high cloud.—B.

LOW CLOUD.

1 equals fracto cumulus.
2 equals mammato cumulus.
3 equals low strato cumulus (below 1,200 m.).
4 equals high strata cumulus (above 1,200 m.).
5 equals nimbus.
6 equals cumulus.
7 equals cumulo nimbus.
8 equals stratus.

HIGH CLOUD.

1 equals cirrus.
2 equals cirro stratus.
3 equals cirro cumulus.
4 equals false cirrus.

MEDIUM CLOUD.

5 equals thin alto stratus (sun or moon visible).
6 equals thick alto stratus.
7 equals alto cumulus (low) (below 3 km.).
8 equals alto cumulus (high) (above 3 km.).

Code IV (a), (b), (c).—Heights and pressures of upper air reports.

Code IV (a).—Height of base of low cloud—h.

0 equals cloud below 150 meters.
1 equals cloud below 150–300 meters.
2 equals cloud below 300–500 meters.
3 equals cloud below 500–750 meters.
4 equals cloud below 750–1,000 meters.
5 equals cloud below 1,000–1,500 meters.
6 equals cloud below 1,500–2,000 meters.
7 equals cloud below 2,000–2,500 meters.
8 equals cloud below 2,500–3,000 meters.
9 equals no low cloud.

Code IV (b).—Height of upper wind.—H.

1 equals 200 meters.
2 equals 500 meters.
3 equals 1,000 meters.
4 equals 1,500 meters.
5 equals 2,000 meters.
6 equals 3,000 meters.
7 equals 4,000 meters.
8 equals 5,000 meters.

Code IV (c).—Height or pressure to which temperature and humidity values refer—p.

0 equals surface.
1 equals 300 meters above surface.
2 equals pressure of 1,000 mb.
3 equals pressure of 950 mb.
4 equals pressure of 900 mb.
5 equals pressure of 850 mb.
6 equals pressure of 800 mb.
7 equals pressure of 750 mb.
8 equals pressure of 700 mb.
9 equals pressure of 600 mb.

Code V.—Surface Visibility and Fog.—V.

Code figure.	Most distant object visible.	Description.
0	Less than 25 meters	8f.
	25 meters	7f.
1	50 meters	6f.
	100 meters	5f.
2	200 meters	4f.
	500 meters	3f or 1V.
3	1,000 meters	3f or 2V.
4	2,000 meters	2f or 3V.
5	4,000 meters	2f or 4V.
6	7,000 meters	1f or 5V.
7	12,000 meters	1f or 6V.
8	20,000 meters	7V.
	30,000 meters	8V.
9	Above 30,000 and clear air	9V.

Code VI.—Relative Humidity.—H.

CODE FIGURES.

0 equals 95–100 per cent.
9 equals 90–94 per cent.
8 equals 80–89 per cent.
7 equals 70–79 per cent.
6 equals 60–69 per cent.
5 equals 50–59 per cent.
4 equals 40–49 per cent.
3 equals 30–39 per cent.
2 equals 20–29 per cent.
1 equals 10–19 per cent.

Code VII.—State of Sea.—S.

CODE FIGURE AND DESCRIPTION.

0 equals calm—glassy.
1 equals very smooth—slightly rippled.
2 equals smooth—rippled.
3 equals slight—rocks buoy.
4 equals moderate furrowed.
5 equals rather rough—much furrowed.
6 equals rough—deeply furrowed.
7 equals high rollers, steep fronts.
8 equals very high rollers, steep fronts.
9 equals phenomenal—precipitous.

Code VIII (a) and (b).—Fitness for flying.

Code VIII (a).—Fitness for aeroplanes.

CODE FIGURE.

0 equals entirely unfit; fog.
1 equals entirely unfit; rain and low cloud.
2 equals entirely unfit; gales.
3 equals very risky; mist.
4 equals very risky; wind and weather.
5 equals risky; mist.
6 equals risky; wind and weather.
8 equals very fit.
7 equals fit.
9 equals perfect.

Code VIII (b).—Fitness for airships.

CODE FIGURE.

0 equals entirely unfit; fog.
1 equals entirely unfit; rain, wind, and low cloud.
2 equals entirely unfit; gales.
3 equals very risky; high wind.
4 equals very risky; occasional squalls.
5 equals risky; strong wind.
6 equals risky; slight squalls.
7 equals fit.
8 equals very fit.
9 equals perfect.

Code IX.—Characteristic of barometric tendency.—B.

0 equals steady.
1 equals unsteady.
2 equals rising.
3 equals falling.
4 equals falling, then rising.
5 equals steady, then rising.
6 equals steady, then falling.
7 equals falling, now steady.
8 equals rising, now steady or falling.
9 equals line squall; sudden rise with marked change of wind and weather.

Code X.—Direction of wind.—DD.

Direction is specified to the nearest 5° by use of the numbers 1–72. The numbers corresponding with the usual "even" points of the old telegraphic scale are as follows:

04 equals NNE.	40 equals SSW.
09 equals NE.	45 equals SW.
13 equals ENE.	49 equals WSW.
18 equals E.	54 equals W.
22 equals ESE.	58 equals WNW.
27 equals SE.	63 equals NW.
31 equals SSE.	67 equals NNW.
36 equals S.	72 equals N.

To express directions calculated in degrees in this scale, divide the number of degrees by 5 (or multiply by 2 and divide by 10): e. g., 17° equals 03; 53° equals 11; 257° equals 51; 313° equals 63.

ANNEX H.

CUSTOMS.

GENERAL PROVISIONS.

1.

Any aircraft going abroad shall depart only from aerodromes specially designated by the customs administration of each contracting State, and named "customs aerodromes."

Aircraft coming from abroad shall land only in such aerodromes.

2.

Every aircraft which passes from one State into another is obliged to cross the frontier between certain points fixed by the contracting States. These points are shown on the aeronautical maps.

3.

All necessary information concerning customs aerodromes within a State, including any alterations made to the list and any corresponding alterations necessary on the aeronautical maps and the dates when such alterations become valid, and all other information concerning any international aerodromes which may be established, shall be communicated by the States concerned to each other and to the International Commission for Air Navigation, which shall notify such information to all of the contracting States. The contracting States may agree to establish international aerodromes at which there may be joint customs services for two or more States.

4.

When, by reason of a case of force majeure, which must be duly justified, an aircraft crosses the frontier at any other point than those designated, it shall land at the nearest customs aerodrome on its route. If it is forced to land before reaching this aerodrome it shall inform the nearest police or customs authorities.

It will only be permitted to leave again with the authorization of these authorities, who shall, after verification, stamp the log book and the manifest provided for in paragraph 5; they shall inform the pilot of the customs aerodrome where he must necessarily carry out the formalities of customs clearance.

5.

Before departure, or immediately after arrival, according to whether they are going to or coming back from a foreign country, pilots shall show their log books to the authorities of the aerodrome and, if necessary, the manifest of the goods and supplies for the journey which they carry.

6.

The manifest is to be kept in conformity with the attached Form No. 1.

The goods must be the subject of detailed declarations in conformity with the attached Form No. 2, made out by the senders.

Every contracting State has the right to prescribe for the insertion either on the manifest or on the customs declaration of such supplementary entries as it may deem necessary.

7.

In the case of an aircraft transporting goods the customs officer, before departure, shall examine the manifest and declarations, make the prescribed verifications, and sign the log book as well as the manifest. He shall verify his signature with a stamp. He shall seal the goods or sets of goods, for which such a formality is required.

On arrival the customs officer shall insure that the seal is unbroken, shall pass the goods, shall sign the log book, and keep the manifest.

In the case of an aircraft with no goods on board the log book only shall be signed by the police and customs officials.

The fuel on board shall not be liable to customs duties provided the quantity thereof does not exceed that needed for the journey as defined in the log book.

8.

As an exception to the general regulations certain classes of aircraft, particularly postal aircraft, aircraft belonging to aerial transport companies regularly constituted and authorized and those belonging to members of recognized touring societies not engaged in the public conveyance of persons or goods may be freed from the obligation of landing at a customs aerodrome and authorized to begin or end their journey at certain inland aerodromes appointed by the customs and police administration of each State at which customs formalities shall be complied with.

However, such aircraft shall follow the normal air route and make their identity known by signals agreed upon as they fly across the frontier.

REGULATIONS APPLICABLE TO AIRCRAFT AND GOODS.

9.

Aircraft landing in foreign countries are in principle liable to customs duties if such exist.

If they are to be reexported they shall have the benefit of the regulations as to permit by bond or deposit of the taxes.

In the case of the formation between two or more countries of the Union of touring societies the aircraft of the said countries will have the benefit of the regulations of the "Tryptique."

10.

Goods arriving by aircraft shall be considered as coming from the country where the log book and manifest have been signed by the customs officer.

As regards their origin and the different customs régimes, they are liable to the regulations of the same kind as are applicable to goods imported by land or sea.

11.

With regard to goods exported in discharge of a temporary receiving or bonded account or liable to inland taxes, the senders shall prove their right to send the goods abroad by producing a certificate from the customs of the place of destination.

AIR TRANSIT.

12.

When an aircraft to reach its destination must fly over one or more contracting States, without prejudice to the right of sovereignty of each of the contracting States, two cases must be distinguished:

1. If the aircraft neither sets down nor takes up passengers or goods, it is bound only to keep to the normal air route and

make itself known by signals when passing over the points designated for such purpose.

2. In other cases it shall be bound to land at a customs aerodrome, and the name of such aerodrome shall be entered in the log book before departure. On landing the customs authorities shall examine the papers and the cargo and take, if need be, the necessary steps to insure the reexportation of the craft and goods or the payment of the dues.

The provisions of paragraph 9 (2) are applicable to goods to be reexported.

If the aircraft sets down or takes up goods the customs officer shall verify the fact on the manifest, duly completed, and shall affix, if necessary, a new seal.

VARIOUS PROVISIONS.

13.

Every aircraft during flight, wherever it may be, must conform to the orders from police or customs stations and police or customs aircraft of the State over which it is flying.

14.

Customs officers and excise officials and generally speaking the representatives of the public authorities, shall have free access to all starting and landing places for aircraft; they may also search any aircraft and its cargo to exercise their rights of supervision.

15.

Except in the case of postal aircraft, all unloading or throwing out in the course of flight, except of ballast, may be prohibited.

16.

In addition to any penalties which may be imposed by local law for infringement of the preceding regulations such infringement shall be reported to the State in which the aircraft is registered, and that State shall suspend for a limited time, or permanently, the certificate of registration of the offending aircraft.

17.

The provisions of this annex do not apply to military aircraft visiting a State by special authorization (articles 31, 32, and 33 of the convention), nor to police and customs aircraft (articles 31 and 34 of the convention).

FORM NO. 1.

NOTE.—The manifest should not bear on it erasures or corrections except those approved by the proper customs officials, nor contain interlineations or several articles entered on the same line. As many extra sheets may be added as are necessary.

AIR NAVIGATION.

MANIFEST OR GENERAL DECLARATION OF CARGO.

Space reserved for entries by customs officers.	Machine	Registration mark.
	Commanding officer	Name: Residence: Nationality: Number of license:
	Goods	Place of departure: Country: Place of destination: Country: Number of annexed declarations:

The commanding officer guarantees the accuracy of the contents of this manifest under penalties provided by law. Consequently he has dated and signed this document immediately below the last entry.

File number of document.	Marks and numbers on the parcels.	Number (in figures and letters) and descriptions of parcels.	Nature of the goods.	Weight.	Observations.

AIR NAVIGATION. FORM NO. 2.

Place of departure:
Place of destination:
Customs declaration made by M. ——— ——— for the following goods:

Parcels.		Nature of Goods.	Detailed Description of Contents.	Country of Origin.	Value.	Weight.		Observations.
Marks and Numbers.	Number.					Gross.	Net.	

At ——— the ——— day of ———, 19—.

Consignor, ——— ———.

ANNIVERSARY OF LAFAYETTE'S BIRTHDAY.

Mr. WADSWORTH. Mr. President, on September 6 there was held in the city of New York a celebration of the anniversary of Lafayette's birthday. The gathering was addressed by the French ambassador to the United States, and messages were received from Mr. André Tardieu and Mr. Clemenceau, from the Prince of Wales, Marshal Haig, and other eminent persons of England and of France. I ask unanimous consent that the address of the French ambassador upon that occasion, together with the messages which were delivered from these eminent persons, be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

AMBASSADOR JUSSERAND'S SPEECH.

"When we met last year on the same anniversary of the birth of Gen. Lafayette, the defender of liberty in the two worlds, the third battle begun at the Marne was still going on, the first having been fought A. D. 451 against the Huns—the original Huns—the second by Joffre in 1914, and the third about to be won by Foch and his peers, Haig and Pershing. It was still the time of the communiqués (how delightfully far off this now seems), and the day's communiqué had informed us that the Germans were in retreat on a front of 40 kilometers between Peronne and Chauny.

"A more memorable statement was due to the chairman of our meeting then and of our meeting to-day:

"'I trust,' he said, 'it may be the privilege of the chairman of next year's gathering to tell you of a complete victory for the allied cause.' We knew Justice Dowling was a man of manifold qualities; let us honor him for one more and a rare one—that of being a prophet; a good prophet.

"We are delighted to have the same chairman; no 'I told you so' was ever more welcome than his to-day, and we are pleased to form with him, as last year, on this Lafayette day, a group in which several of those nations without whom the war would have been lost are represented by men who love and admire each other's countries.

ROOSEVELT'S VOICE IS MISSED.

"But we mourn the absence of one man, and hearing no more a voice which on momentous occasions reached from one end of the world to the other, teaching men how to attain better days through courage, sense of duty, good citizenship, a voice now hushed forever—the voice of Theodore Roosevelt.

"The solemn occasion of last year will ever remain for me the more solemn because it so happened that I then saw and heard for the last time that big-hearted friend of many years and pressed his hand, now still.

"The war has now ended the way it should; peace has been signed; the peace that was to be, not a peace of vengeance, but a peace of reparation and safety—the strictly necessary amount of reparation and safety; nothing more, rather something less.

"'This reparation,' Mr. Roosevelt had said in his speech before you last year, 'must take the form of action that will render it impossible for Germany to repeat her colossal wrongdoing.' President Wilson had spoken and has acted to the same effect.

"If any who have not seen what we have seen and suffered what we have suffered, the willful devastations, the shooting or carrying away of civilians, the ruining of mines and machinery, the methodical blowing up of a city like Chauny, house by house, if any such may be tempted to consider this a harsh and cruel peace, and that it would be in our interest to become the friend of our enemy and to say to the blood-stained German let bygones be bygones, we would simply reply to them: Remember.

WEAK PEACE WOULD CAUSE SCORN.

"A weak peace and weak resolves would only cause scorn and tempt to new aggressions; which is not a way of speaking, but the stating of actual incontrovertible facts—just remember.

"Was the peace of 1871 a harsh and cruel peace for the Germans? It was written at their own dictation; they took our billions and Provinces. Yet they never for one moment ceased to be on the lookout for an occasion to begin again and achieve the destruction of France. They very nearly started a new war in 1875, and desisted not out of a sense of justice but out of fear, the fear of the British and the Russians. France herself was, in the meantime, so bent on peace that she yielded and yielded, going even so far as to present to Germany part of a colony, the French Congo, which we had settled and civilized without, by the way, any bloodshed. But peace could not be had, could not be bought, and sure as fate the day was to come when Herr von Schoen would notify us that we had bombarded Nuremberg, which was news to us and to the inhabitants of Nuremberg, too, and that therefore German 'Schrecklichkeit' was ready for us, as indeed it was.

"If even the enemy changes and understands, confesses not from the lips but from the heart, then we, too, shall change; not before. Has he understood, has he changed? Only yesterday, as reported, the man whom they worship, both in the flesh and as a wooden idol, Hindenburg, was saying that all of us, the defenders of right, who had been so bold as to dare fight for our hearths and our ideals, we, whose women have been carried into captivity, whose villagers have been shot, are what? We are, in his words, 'Helots and Pariahs.' Since we are not Germans, we are Pariahs. Do you believe that men who think thus would hesitate to try again the destruction of Helots and Pariahs if they could? They must be prevented, that is all.

REVELRY OF DESTRUCTION.

"There was such a revelry of destruction and crimes wherever Germans set foot during the war that with all those supposedly harsh conditions, even fulfilled to the letter, the fate of the vanquished aggressor, in his comfortable, well-closed homes, with heat and electricity, everything in order, the streets and monuments, the factories, schools, and churches intact, will be a most enviable one as compared with that, next winter, of millions of victors, living in their dreary hovels, burrowing under the wreckage in the cold and the mud. For whom will the harshness be? One must have seen those places, and I saw them.

"During my recent stay in France I made the most memorable journey of my life, visiting first those parts of my country which are French again owing to American valor. Chateau-Thierry, St. Mihiel, and some reconquered by our British friends, like Lens and Vimy Ridge, then Verdun, where the German did not pass, then Metz, the Strasbourg, then the valley of the Rhine, to Mainz with the French, Coblenz with the Americans, Cologne with the British, the three Yorktown nations, now friends forever; mangled France, victorious France, vanquished Germany.

"The situation of the winners seemed to us in a number of places harsh indeed and cruel, that of the vanquished prosperous and enviable. One French village we crossed had been deliberately burned down by the Germans in the earliest days of the war, when they thought they could not give us early enough a taste of their kultur, of their 'Schrecklichkeit.' Some 50 civilians had been shot, not one house remained, the assistant mayor was busy trying to recover among the ruins the body of his mother, a woman of 80, shot by the Germans in cold blood in August, 1914; he wanted to give her a decent burial. Some inhabitants had returned; they lived in dugouts, and had to walk 15 kilometers twice a week to get salt meat from the Government; four children had returned; no milk for them. Whatever the case may be as regards the peace terms, their fate certainly seemed to us harsh and cruel.

"Then it was Metz, then Strassburg, with the Tricolor flying at the top of the steeple; Metz, where our thoughts wandered to those far-off days when, in the first part of the sixteenth century, the earliest plebiscite on record was held, and by self-determination the city declared she wanted to be French; to the time of the early siege which François de Guise compelled the Germans to raise in 1552, and a medal was struck with an appropriate admonition to Emperor Charles the Fifth, and a pun on the name of the city, 'Haec sibi meta,' a word for word equivalent of our 'Thou shalt not pass.' And we thought, too, of that dinner, in more recent times, given by Count de Broglie, the governor of the place, in 1776, where a tall, keen-eyed, but silent young officer, aged 19, was present, heard for the first time of American independence, and there and then, in the capital of Lorraine, the Province of Joan of Arc, 'his heart,' as he wrote later, 'enlisted.' At Metz, indeed, began the wonderful career of the man whom we honor to-day, Marquis de Lafayette.

TRUE-BORN SON OF METZ.

"The present was even more moving for us than the past, with a visit to Fort Kaizerin, now Fort Jeanne d'Arc, with a distant survey of the battle fields of 1870, while listening to the experiences of that true-born son of Metz, Gen. de Maud'huy, now in command of the selfsame place. He told us, and this may show you what were the feelings of Lorrainers, that it had occurred to him in 1894 it was a shame for a son of Metz, the prisoner city, to take any amusement, and he vowed to himself that he would never go to a play until he could enter the theater of Metz preceded by his buglers. He had kept his word, abstaining from going to plays for 25 years; and a short while before, his vow being accomplished, he had entered the theater of his native city, in his uniform and decorations, preceded by 20 buglers sounding, all the audience rising, wild with enthusiasm. 'And here is now my response,' he added. 'I can go to the play any night; anything they perform is new to me.'

"At Strassburg, one thing we heard deeply touching. When in the midst of cheers and applause our troops entered a city where they had not been seen for 47 years, the inhabitants exhibited at their windows the portraits of their dead parents, so that they, too, should know and see.

FUTURE FRANCE BEING BUILT.

"And now that war is finished and peace is signed, what is going on in France? Much that is neither perceived nor heard. We hear of the difficulties of the task, of red tape, of wheels within wheels, and the rest. But in the meantime, in spite of mistakes and imperfections, future France is being built. Do not think that those sturdy men whom in company with you stopped the onrush of the Germans now stand aghast and disheartened at the sight of their ruins and undeserved hardships in store for them, peace or no peace. No; they flock, on the contrary, to the dismal regions, where they are sure to suffer, but where their fathers lived before them, and they want their children to live after them. They are busy clearing the wreckage, filling the shell holes and the trenches, removing the barbed wire and the unexploded shells (several million at Lens alone), preparing future crops.

"The little village I alluded to, a mere mass of ruins, had recovered 25 inhabitants when we saw it at Easter; when we left France to return here it had 100. Of the 107,000 inhabitants evacuated from the Department of Oise in 1914, over 61,000 had returned by the beginning of June last.

"A cheering thing it is to see the pride and joy of the inhabitants scattered in the ruins of their city when for the first time smoke is discovered rising from the chimney of one of their wrecked factories. This has been seen at Rheims, at La Cateau, and elsewhere. The desire to usefully live again is intense. I saw at Arras, in a hole underground, a workman busy with some plumbing work; he was cheerily working away.

"'I am a lucky man,' he told me. 'I had buried in this cellar what I had most valuable, and the Germans did not find it.'

"'And what was that?'

"'My tools, and so I can begin life again.'

ONE THOUSAND THREE HUNDRED BRIDGES DESTROYED.

"There were about 1,300 destroyed railway bridges. From the state of advancement of the work when I left France, they must all be rebuilt by this time, some only provisionally, but most of them permanently. For the most important ones, as at Courcelettes, connecting Lille and Paris, the work was continued day and night.

"The St. Quentin Canal, of the utmost importance, as connecting Paris with the Belgian coast regions, had been destroyed with the thoroughness for which German Kultur is famous; the supermen had been there at their best; the two tunnels especially under which the canal passes were considered masterpieces of destruction. But our mere men have already undone the mischief, and from what I hear the canal must now be in use.

"The inhabitants of the devastated regions have a newspaper of their own to state their wants, give warnings, report progress. Quite characteristically in one of their recent numbers they complained of complainers, often mere slackers. 'To all those who go on repeating, "There is no progress, nothing is being done," let us give a spade, a pickax, a wheelbarrow. Things will perhaps progress better.'

"They are indeed progressing, and the modern Cincinnati, returned from the camp to the native fields, are not idle.

"When Lafayette heard of American independence his heart enlisted. When you heard of the danger of France your hearts enlisted; the severest claims on you, the widening of the limits of military age for your population, the increase of war taxes

were passed by a unanimous vote in the two Houses, and your descendants to the end of time will be proud of those ancestors of theirs who acted thus and fought so well in the great crisis.

VENERABLE MONUMENTS WRECKED.

"There is at Verdun a famous old cathedral which the Germans wanted very much to destroy; this was during the war a particular longing with them, as though one of the tenets of their kultur. I have seen a number of those venerable monuments all wrecked. The one at Arras will never be rebuilt; there are bushes, almost trees, growing now in the upper cornices. They could not see the one at Verdun owing to the hills, but they shelled it by the map, wrecking the nave, which is the oldest part, and missing the towers, which are more recent. On the day of the armistice last year the general in command told us some 400 Americans, soldiers, ambulance men, Red Cross men, and others, asked admittance. The one at their head explained that he was a Catholic priest; that others in the group were Catholics, Protestants, and Jews, and that all were united in the same desire, to be allowed to come into that church, kneel before the altar, and offer a hymn of gratitude for the glorious termination of the war.

"They were, of course, allowed, and, kneeling among the wreckage, sang their hymn, and then under the gaping vaults, through which the blue sky could be seen, they sang the 'Marseillaise' and the 'Star-Spangled Banner.'

"It occurred to the general that, since the towers remained, the bells must be safe, and by his order the 16 bells rang out in chimes, the first time they had been heard since they had sounded the tocsin for the general mobilization four years and a half before.

"He thereupon ordered, as a symbol of perennial union between our countries, the two flags to be raised on the two towers, the flag of France and that of America—the two flags of Lafayette, the Star-Spangled Banner, under which he had fought with Washington, and the flag which, in the early days of our revolution, he had devised for us, the tricolor of France."

DOWLING EULOGIZES ROOSEVELT.

"In his address of welcome Justice Dowling paid tribute to Col. Theodore Roosevelt, who spoke at the Lafayette Day exercises last year, and to the late French high commissioner to the United States, Edouard de Billy.

"'While many of our friends are here,' said Justice Dowling, 'we mourn one who last year gave us an address so timely and encouraging that the echo is still ringing in our ears. The loss which this country felt is doubly felt by this committee, and we have reason to thank God that He had given to this country in time of its emergency such a man as Col. Roosevelt. The place of Theodore Roosevelt in this country is safe for all time in the hearts of his countrymen.'

"Justice Dowling assured those who attended the exercises that the best assurance of peace was the fact that the great nations of the world allied in a common bond were still allies now that the fighting had ceased.

"These messages from distinguished men who had played big parts in the World War were read:

"'In the hours of trial and of the needed common efforts the American people and the French people united their thoughts in order to commemorate at once the birth of Lafayette and the battle of the Marne,' said President Poincaire. 'How could our two nations not seize, in this year of internal peace, the occasion to celebrate together the same anniversaries?

"'The brotherhood of America and France was born in the War of Independence. It has never been obscured since. It has found its final consecration in the great fight we have just fought shoulder to shoulder for the liberty of the world. It will keep all its strength in the future and contribute to consolidate, in the interest of humanity, the peace which has been established, at the cost of so many sacrifices, by the defenders of right.

"'To the people of the United States I send the greetings of the French Republic, to the American soldiers the cordial remembrance of their brothers in arms, to the American mothers who have lost their sons on the battle field of Europe the homage of my profound sympathy.'

"André Tardieu said:

"'Two years ago on the same date in the City Hall of New York I affirmed our common faith in the victory of right. Right has triumphed. To-day great duties await us which we shall fulfill only by maintaining in peace the closest solidarity of war.

"'Americans, you understood that it was your liberty that you came to defend with ours. Understand to-day that the future of our democracies is indissolubly bound and that the aiding of each other yesterday should be the law of to-morrow.'

CLEMENCEAU'S GREETING.

"Premier Clemenceau cabled:

"'The French nation takes profound joy in the thought that the American people associates this day in the same celebration the birthday of Lafayette and the anniversary day of the Battle of the Marne, the remembrance of the hero who immortalized himself in the struggle for American independence and the glorification of the victory which has assured the independence of France and of the world. You have proved to us how the noble example of Lafayette was always alive in the hearts of your sons. As he brought you the succor of his sword at the hour when you fought to become free, so, at the critical moment of our formidable struggle to escape barbarism, you came to give us the aid which assured victory. A witness of the valor of its soldiers, I send to the American people my warm and cordial greeting on this day, which commemorates two great anniversaries equally dear to the cause of liberty and of right.'

"The telegram from the Prince of Wales said:

"'I am proud to be asked to associate myself with your celebration. The British Empire can never forget its debt to France for the immortal victory of the Marne, the first great action of the war in which the French and British armies side by side imposed their will upon the enemy.'

HAIG'S CONGRATULATIONS.

"Marshal Haig wired:

"'It is a happy coincidence that on the anniversary of Lafayette's birthday America can celebrate also the first great victory won by the French and British armies for those principles of national liberty with which the name of Lafayette is closely identified. With traditions of a free people to guide her, it was, I think, inevitable that America should join the contest into which France and Britain had already been compelled to enter. It is a matter for congratulation on both sides of the Atlantic that she should have done so and to such purpose, and that henceforth the two great English-speaking peoples look back on sacrifices shared and victories won in common.'

"Admiral Beatty's message reads:

"'On the anniversary birthday of M. le Marquis de Lafayette and of the Battle of the Marne, the first since the termination of the greatest world struggle of all time, it is good to reflect on the following facts: That this distinguished Frenchman was one of the greatest upholders of freedom and opponents of tyranny; that the Battle of the Marne was the first great victory achieved in defense of a free world against tyrannical militarism that ruthless enemies attempted to force on it; that the teachings and example of this distinguished patriot and the valuable achievements on the Marne on this historic day in the cause of freedom go hand in hand, a sign that right and justice must triumph.'

PERSHING SENDS REGRETS.

"This is what Gen. Pershing sent:

"'I sincerely regret that I shall not be present in New York for the exercises in the City Hall celebrating the Lafayette-Marne anniversary. The first celebration of this joint anniversary since the signing of peace should be fraught with new significance to all Americans. Lafayette's services directly influenced our course of action in the war. The first Battle of the Marne saved the world from an overwhelming disaster. The memory of Lafayette and of the Marne must be kept fresh in the minds of every generation of our people.'

"Secretary Lansing wrote:

"'I deeply regret that my engagements prevent my presence at the celebration of two anniversaries which are so worthy of commemoration as those of Lafayette and the first Battle of the Marne. Both stir our minds with the thought of the struggle and triumph of liberty, of sacrifice and glorious achievement. High among the heroes of America's war for independence is inscribed the name of Lafayette, and no name will find a higher place in the annals of the great war for democracy than that of Joffre, the victor of the Marne. Both fought that men might be free from autocracy. Both saw the cause of humanity triumphant. To these two great sons of France the New World and the Old World owe a debt of gratitude which can never be forgotten while patriotism burns in the hearts of men.'"

LEAGUE OF NATIONS.

Mr. WILLIAMS. Mr. President, I ask unanimous consent to have inserted in the RECORD a resolution passed by Amherst Grange, No. 16, Patrons of Husbandry, of Amherst, Mass., upon the subject of the league of nations.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

AMHERST GRANGE, No. 16,
Amherst, Mass., September 5, 1919.

At its regular meeting, September 5, Amherst Grange, No. 16, passed the following resolution:

"*Resolved*, That we are in favor of a league of nations to conserve peace and the establishment of a court of arbitration and the establishment of an international police force under such rules and regulations as the peace envoys shall determine.

H. M. THOMSON,
LORIN A. SHAW,
Mrs. CARRIE HAWLEY,
Resolution Committee.
FRED KENTFIELD, *Master.*
RUTH S. RUDER, *Secretary.*

LOAN OF TENTS.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 95) authorizing the Secretary of War to loan to the city of Atlanta, Ga., tents, cots, horses, and saddle equipments for the use of United Confederate Veterans in their convention from October 7 to 10, 1919, which was to amend the title to read as follows: "Joint resolution authorizing the Secretary of War to loan to the city of Atlanta, Ga., tents, cots, blankets, and other camp equipment for the use of United Confederate Veterans in their convention from October 7 to 10, 1919."

Mr. SMITH of Georgia. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

BILLS OF EXCHANGE.

The PRESIDENT pro tempore. Morning business is closed.

Mr. SMITH of Georgia. I ask unanimous consent that the Senate proceed to the consideration of House bill 7478, being the bill which we had before the Senate on Friday and which went over then with the understanding of those present that it should be taken up this morning.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7478) to amend section 5200 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918.

MILITARY JUSTICE.

Mr. CHAMBERLAIN. Mr. President, I desire to make a few observations in answer to a communication or rather to one of the syndicated articles of ex-President Taft which appears in the Washington Post this morning, and which, I assume, likewise appears in many other publications throughout the country. The heading of the article in question is as follows:

Taft defends courts-martial and opposes Chamberlain plan for a review by a civil tribunal—Declares administration of military justice has been vindicated—Errors few in number—Army must control trial to insure discipline or it will become a "mob."

Strange, Mr. President, as it may seem, in the very next column of the Post of this morning, paralleling Mr. Taft's, is an article prepared by a distinguished Member of Congress, Maj. ROYAL C. JOHNSON, now in Paris. He was an officer in the American Expeditionary Force, made a splendid record, and gave a good account of himself. The article is as follows:

BRUTAL TO A. E. F. MEN—PARIS PRISON OFFICIALS ACCUSED BY CHAIRMAN JOHNSON—BLAMES COL. E. P. GRINSTEAD—FINDS NO REASON FOR REDUCING "HARD-BOILED" SMITH'S SENTENCE—SOUTH DAKOTA REPRESENTATIVE SAYS MEDICAL OFFICER FOUND GUILTY OF MOST BRUTAL TREATMENT WAS RESTORED TO DUTY BY ORDER OF GENERAL HEADQUARTERS—DISPOSITION TO CONDONE OUTRAGES, HE SAYS.

[By ROYAL C. JOHNSON, United States Representative from South Dakota and chairman of committee investigating War Department expenditures.]

PARIS, *September 14.*

The treatment of military prisoners in and around Paris during the summer and fall of 1918 was undoubtedly brutal in the extreme, and no punishment could be too severe for those responsible for the conditions.

Men were robbed, starved, beaten, and abused, and apparently no officer above the rank of first lieutenant has been held responsible. I am not prepared to say at this time where the responsibility lies, but Col. Winship, of the judge advocate's office, in his testimony, and Gen. Donaldson in his report, clearly and specifically state that, in their opinion, Col. Edgar P. Grinstead, of the One hundred and fifty-eighth Infantry, was not free from blame. He was tried before an efficiency board in France, the board apparently consisting of three reputable colonels, and cleared.

REJECTS BOARD'S FINDINGS.

Upon testimony produced before the committee this seems unbelievable, but the Judge Advocate General refused to accept the findings of the board and ordered Grinstead to be returned to the United States for immediate demobilization. Further investigation will be necessary to determine all the facts and the ultimate responsibility.

The outstanding feature of the present investigation is the fact that the general headquarters of the American Expeditionary Forces reduced sentences of "Hard-Boiled" Smith without any apparent reason for the action.

The testimony showed conclusively that the medical officer at prison farm No. 2 was guilty of most brutal treatment to prisoners, had refused them medical treatment, exposed the men to the most vicious forms of infection, and yet when he was tried and found guilty by general court-martial and sentenced to be dishonorably dismissed from service the general headquarters again stepped in and restored him to duty and allowed him again to resume charge of the lives of American soldiers. The responsibility for this action has not been definitely fixed.

HEARS REVOLTING TESTIMONY.

There is not an American, however, who could believe that an American of any type could commit the acts of brutality which numberless witnesses testified had been committed by this so-called physician. The testimony is so revolting that it can not be published, and I feel no hesitancy in stating that an outrage was committed when this particular individual was restored to duty as an officer in the American Army. Much wonderful work has been done by our doctors in the American Army, but one blot on the record should not be allowed to condemn the entire organization.

There have been officers in the American Army who seemed to desire to condone the acts of brutality committed in American military prisons. Maj. Bennett, of the Inspector General's Department, has submitted report after report showing the most brutal acts, but his recommendations have universally been that no action should be taken and that the cases be dropped. I believe that the committee will be able to submit a unanimous report as to the prison conditions in the American Expeditionary Forces.

That article is by the chairman of the subcommittee of the Committee on War Expenditures of the House of Representatives, who is over in France examining the charges of brutality and other charges which have been made from time to time against Army officials as affecting the enlisted personnel of the Army.

I do not intend at this time to address the Senate at any great length, Mr. President. I want to go into the subject later more fully than it is possible to do at this moment, and I merely wish to direct attention to some of the statements made by ex-President Taft in the article referred to. May I say that I am very fond of the ex-President, and in criticizing his position I do so without other than the most cordial good feeling and in the interest of substantial justice to our fighting men? One of his Republican friends, in a speech a few days ago, said that ex-President Taft has more friends in the United States than almost any other man, but fewer followers, and I do not know but that that is true. As one of my colleagues suggests as he passes me now, all respect him, but few follow him, which is another way of expressing the same sentiment. I am wondering how many followers he will have in his present contention.

Mr. President, from the reading of the article prepared by Mr. Taft it is evident that he has not given this subject any more than a one-sided consideration and has evidently read and relies upon the views expressed by the very department of the Government that has subjected itself to severe criticism. In it, amongst other things, he says:

In a letter under date of March 10, 1919, Gen. Crowder, at the invitation of the Secretary of War, took up the chief criticisms of Col. Ansell and his congressional supporters, and his suggestions for changes, and answered them. His letter is a very able document. It is a complete refutation of the attacks by statistical tables and a most overwhelming disclosure, by reference to the War Department records, of Col. Ansell's disingenuous methods, his inconsistency, and his lack of loyalty to his chief and generous friend. He makes it clear that the relieving of Col. Ansell from duty was due to his secret and devious course in securing the order of his appointment. The Crowder letter is a strong vindication of the administration of military justice in this war. When we consider the increase of our Army from less than 100,000 men to 4,000,000 and the necessity of adapting the machinery of justice to that enormous swelling of the number to be brought within military discipline, we may well feel satisfied with the results.

Mr. President, Mr. Taft may feel satisfied with the results, but I say to you without fear of contradiction that the American people are not satisfied with the results, nor is the Expeditionary Force nor the Army that remained in the United States satisfied with the results. He says further—and I am not going to read all of his article into the RECORD—that there were a very small number of errors committed by military tribunals in the war just closed. He continues:

Col. Ansell charged that the present system is an archaic one, with the abuses of centuries past. The truth is that the Articles of War were revised in 1916 by Congress, under the recommendations of Gen. Crowder, and were brought up to date after a full consideration of all the systems in vogue in all countries. Col. Ansell charged that courts-martial were completely under the control of the commanding generals and that they were in the habit of ignoring the action and recommendations of the Judge Advocate General as to errors and injustices in the record. Gen. Crowder shows that the percentage of cases in which the commanding generals failed to act upon the recommendations of the Judge Advocate General was so small as to be negligible.

I may say, parenthetically, that the reason they were so small as to be negligible was because they were not considered at all, many of them, by the office of the Judge Advocate General. Continuing:

Col. Ansell charged that the statute gave to the Judge Advocate General the right to revise and reverse the decision of the commanding general, but that the Secretary of War and Gen. Crowder refused so to construe the statute and to exercise the needed power. Gen.

Crowder shows that the statute had been held not to confer such power by the Judge Advocate Generals of the past, including Judge Advocate General Holt, and that this view had been sustained by the Federal court. He points out, moreover, that Col. Ansell's position in this regard, which Ansell seeks to have embodied in the new statute, would make the Judge Advocate General the supervisory officer of the action of the President, who created him and who is the Commander in Chief of the Army and Navy.

Mr. President, the Secretary of War about the 10th of March last published a letter in vindication of the present system; and although I requested that the other side of the controversy might be published at the same time and given the same publicity as the letter which he was issuing to the public, that opportunity was denied by the Secretary of War. I know that, because the Secretary of War was visiting some of the cantonments in the country in company with the Chief of Staff, and the subject was one of such great importance to the people of this country that I wired him myself and asked that Gen. Ansell's version of the matter might be submitted with the letter which the Secretary had given to the public. That request was refused. So ex-President Taft is making the same mistake, and he is giving the same one-sided statement and view of the subject, based entirely, I fear, upon the letter of Gen. Crowder.

Mr. President, Mr. Taft has permitted his generous friendship for the Judge Advocate General to lead him into great error. He has taken the statement of his friend without question or inquiry, thereby doing himself little credit and an innocent man gross wrong. It is unfortunate that he did not look at the record. The record neither shows nor suggests the slightest disingenuous conduct upon the part of Gen. Ansell. On the other hand, it shows that his conduct in these matters was characteristically frank and candid. So much, I regret, can not be said for others. Mr. Taft should have observed that Gen. Ansell could not have been relieved for any such reason as he assigns. The conduct of Gen. Ansell referred to was in November, 1917. He was kept on duty as Acting Judge Advocate General throughout the war, and at the end of the war received the highest honor that can come to a soldier—the distinguished-service medal, which was awarded him by the Secretary of War upon the recommendation of the Judge Advocate General. Nobody saw fit to call his conduct disingenuous until nearly two years afterwards, and not until he had criticized this system of military justice. Mr. Taft should have read the statement of Gen. Ansell, which the Secretary of War suppressed. It has since appeared in the CONGRESSIONAL RECORD, and in pertinent portion is as follows:

HIS (GEN. CROWDER'S) CRITICISMS OF MY PERSONAL CONDUCT.

1. He claims that my efforts to establish a revisory power within the department through the office opinion of November 10 to that end was without his knowledge.

Assuming this to be true, it was well known in the department at that time that he had authorized me to manage the office in my own way and without further reference to him, except for certain appointments having political significance. But, as I heretofore said to the Secretary of War in the paper published in the New York Times, I did take occasion to consult Gen. Crowder upon the subject, and he replied:

"I approve heartily of your effort. Go ahead and put it over. I suspect, however, that you may have some difficulty with the military men arising out of article 37."

I knew of no change of attitude in him until I was advised shortly thereafter that he had prepared a brief in opposition, and two or three days later he resumed charge of the office and filed the brief. When I found this to be so, I went to Gen. Crowder and accosted him about his change of attitude. In explanation thereof he said:

"Ansell, I had to go back on you. I am sorry, but it was necessary to do it in order to save my official reputation."

He then added that he was nearing the end of his service; that he could not afford to be held responsible for the injustice that had gone on, if the existing law could be construed to have prevented it, and adverted to the fact that fixing such responsibility upon him would injure his career in this war. He then told me that the Secretary of War held him personally responsible and had "upbraided" him at the Army and Navy Club for sitting by and permitting this injustice to go uncorrected. The general then said that, humiliated at such imputation, he had gone back to the Provost Marshal General's office and consulted some of his friends there, and they decided that it was necessary for his self-protection to oppose the opinion the office had prepared and that two of the officers there helped him prepare the counter memorandum.

2. He says that I surreptitiously obtained an order appointing me as Acting Judge Advocate General in his absence.

Please look at his defense, pages 54 and 55. He admits that he said:

"It will be entirely agreeable to me to have you take up directly and in your own way with the Secretary of War the subject matter of your letter of yesterday."

I did take it up in a formal memorandum addressed to the Chief of Staff, the channel of communication prescribed by orders. I never spoke to the Chief of Staff on the subject and never endeavored in any way to obtain favorable action upon the memorandum. I let it take its course. Under 1132 Revised Statutes it was necessary that I be designated as Acting Judge Advocate General if I was to be charged with the policies and responsibilities of the office. Otherwise, the policies and responsibilities were Gen. Crowder's, who was not in a position to assume them. In furtherance of his ambitions he held three and sometimes four positions during this war, and he was in no position to perform the duties of Judge Advocate General or prescribe the policies of that office. Therein lies the difficulty. I was held responsible for the output, but for means and power was kept dependent upon an officer who was absent, absorbed in other tasks, and who differed with me on the policy of military justice.

The general bases his charge of surreptition solely on the ground that his approval of my designation as Acting Judge Advocate General was conditioned upon my taking it up "directly" with the Secretary of War. I had assumed that his language was frank and candid and not governed by the quibbling construction he now places upon it.

His other charge of surreptitious method is likewise based solely upon the fact that I made a recommendation on the subject of military justice in France to the Chief of Staff in a written memorandum which spoke for itself and which was never supplemented by any word or action of mine in support of it to secure favorable action. It is quibbling to say, as he does say (p. 58), that my statement to the effect that the commanding general of the American Expeditionary Forces was opposing means for a better supervision of military justice was untrue for the reason that the opposition was officially voiced to the department not by Gen. Pershing in person, but by his senior judge advocate and staff officer, Gen. Bethel, the staff officer, of course, representing the views of his chief.

3. He says that I myself had at first approved the death penalty in the cases from France. If I had done so the record would show it. The record is to the contrary. Neither is it to be expected that I should have once approved them and then have written a strong memorandum against approval without reference to my former position. The truth is, at the time the cases were being studied by Gen. Crowder, so far as he did study them, and his assistants I was away from the office in Canada. Col. Mayes, senior officer in my absence, has recently called my attention to this fact and informs me further that he has recently testified before the Inspector General that he had looked over the cases, but that I had not.

The War Department has indeed undertaken to maintain this vicious system at all costs and by methods which reveal the weakness of both the system and the department.

If ex-President Taft will take up this controversy as a lawyer and as a judge—and I may say that I do not know why this article was given to the public at this particular time, when a subcommittee of the Military Affairs Committee of the Senate is investigating the whole subject—and read the evidence that has been offered, he will completely change his view. He has changed his views occasionally. I think he was in favor of the covenant of the league of nations as it was printed the first time, but later suggested some amendments to it. He was in favor of the covenant of the league of nations as published the second time, and later thought some amendments or reservations ought to be made to it. I am satisfied, Mr. President, that if he will only hear this matter impartially and know of the injustices that have been done to the American youth, he will change his mind and espouse the side of the controversy championed by Gen. Ansell and other distinguished lawyers, both civil and military.

Mr. President, the controversy is largely a legal one. Mr. Taft does not mention that. Section 1199 of the Revised Statutes provides:

> The Judge Advocate General shall receive, revise, and cause to be recorded the proceedings of all courts-martial, courts of inquiry, and military commissions, and perform such other duties as have been performed heretofore by the Judge Advocate General of the Army.

It is the construction of that statute which makes the line of demarcation between the contention of the Judge Advocate General upon the one side and Gen. Ansell and those who agree with him upon the other, the Judge Advocate General and the War Department insisting that the power to revise does not give any power to do more than to suggest to the commanding officer, who has entire jurisdiction, a course which he ought to pursue, and that the Judge Advocate General, where the court below had jurisdiction and the proceedings were regular, has no other than this advisory power, while I insist, and many lawyers insist, and Gen. Ansell, who is a very distinguished officer and lawyer as well, insists that the power to revise gives to the Judge Advocate General not only an advisory power but the power to revise, modify if need be, and to change the judgment of the court below.

Mr. President, the revising power has not been exercised, with the result that innumerable cases have been tried before summary and general courts-martial, and terrible injustices have been perpetrated against the young men of the Army without any power of revision or modification or reversal lodged anywhere; and the only power asserted by the Judge Advocate General, and the War Department, through Mr. Baker, as well, is a power to examine these proceedings, which is sometimes done in a cursory way, and advise the commanding general as to whether or not the judgment ought to be approved.

In proof of that I am going to call attention to a few cases here, and to only a few. I am going to address myself to these and other cases in detail some time, and I will show the outrages that have been perpetrated against these men. This Army is not the ordinary peace-time Army, when many men who went into it went into it as professionals; men frequently who were out of a job, and who had in many cases no higher ambition than to live without very hard work; men who were used as roustabouts in the garrisons and camps, by the commanding officers as chauffeurs and gardeners and lawn keepers and stable keepers, and such things as that. The Army to-day is composed of the flower and chivalry of America. The millionaire and the laboring man, the man in the higher walks of social life and the man in the

humblest stations, are working in this Army side by side and shoulder to shoulder, without any distinctions of wealth or caste, or anything else. To say that these young men who have come from the factory and the farm shall be treated as criminals and as serfs is an outrage against American citizenship, and I propose at some future time to endeavor to show it up in such a way that I think even Mr. Taft may be induced to change his view.

Mr. Taft says that in the increase of the Army from less than 100,000 to 4,000,000 there were some injustices, but he does not say how many cases there were. It appears from authentic sources that there were 322,000 trials by inferior courts in the Army since this war began and up to the armistice, and over 22,000 general court-martial trials for the same period, and that the average general court-martial sentence of confinement alone, including the most trivial offenses, reaches the period of seven years. This excludes sentences of life imprisonment and of death.

Now, notwithstanding the assertion of ex-President Taft that there were few injustices, there were 28,000 aggregate years of sentence imposed upon 4,000 of those who were tried by general court-martial for the period named, and since the armistice this aggregate of sentences has been reduced from 28,000 years to 6,700 years, and the work is still progressing; and it is progressing because a courageous man like Gen. Ansell and some distinguished lawyers who did not hesitate to tell conditions in the War Department have been insisting, in season and out of season, that these outrages against American citizenship ought to be corrected. They are being corrected, but they are being corrected in a way that does not render complete justice. The young men against whom these injustices have been perpetrated, instead of being able to have a court of last resort pass upon their cases and say whether or not they were guilty in the first instance, are compelled to come to the President of the United States begging for clemency, and then are pardoned for crimes which they never would have been adjudged to have committed if their cases had been properly tried and reviewed.

Mr. President, Mr. Taft in his article blames Gen. Ansell for speaking of this system as an archaic system. It is archaic. As evidence of that, Mr. President, let me call attention to the fact that the Articles of War that we now have were the British articles of war of 1774. These articles of war had been in force since feudal days without very much, if any, change. They were in force at a time when the King was the commander of the army, and moved it as pawns on a chessboard at his sweet will and pleasure. The enlisted men of his army had no other rights than were permitted them by the bounty and generosity of the King himself. Those articles of war were adopted with little change by the Continental Congress, and it is a remarkable fact of authentic history that Adams and Jefferson themselves expressed wonder that the articles could have been adopted by the Continental Congress without having been critically examined and without any opposition. It was emergency legislation of the Revolutionary period, and we all know what that means.

Mr. HITCHCOCK. Mr. President, I ask the Senator to clarify a little the point he is making. Does he maintain that the present system results in unjust convictions or in excessive punishments?

Mr. CHAMBERLAIN. Both.

Mr. HITCHCOCK. As far as excessive punishments are concerned, the present method seems to have worked satisfactorily by reducing the excesses, according to the figures which the Senator gives, the sentences having been reduced from many thousand to a very few thousand. Am I correct in that?

Mr. CHAMBERLAIN. No; the Senator is not correct, and I will state why.

Mr. HITCHCOCK. I had the impression from conversations with Gen. Ansell that most of the abuse consisted in excessive punishments, and it seems to me that the figures given by the Senator indicate that that evil has been eliminated by the clemency board, as I understand it is called. If there is also an evil of unjust convictions, I have not understood it to be very great. I thought it was chiefly a question of excessive punishments. I thought that possibly the Senator could clarify that.

Mr. CHAMBERLAIN. I will try to do it. Suppose the Senator's son was a member of the American Expeditionary Forces, a volunteer, or a man drafted into the service, for they stand on the same footing. A charge is made against him, we will say, of sleeping on his post, and he is tried. He is not given an opportunity to call the necessary witnesses. The environment of this young man at the time of the commission of the crime is not taken into consideration, as it ought always to be. The evidence might have been wholly insufficient, and yet this young man, we will say the Senator's son, is convicted of a crime which involves death or imprisonment in the penitentiary. His case goes up to the commanding officer, who approves the sentence of the court. From that conviction there is absolutely no appeal anywhere, provided only that the court had jurisdiction and the proceedings were regular. The sufficiency and character of the evidence do not enter into it at all. If the court had jurisdiction and the trial was regular, this young man is sent to the penitentiary or ordered to be shot, and the Judge Advocate General has no power to revise the judgment. He can, under his view of the law, only advise the commanding officer, who can entirely ignore such advice.

Assuming that it was a case where a young man in a civil tribunal had been convicted in an inferior court. He has the right of appeal to the supreme court; the supreme court looks over the record and finds that improper evidence was admitted, or that prejudicial error was committed, or that there was irregularity in the trial that warranted a reversal; the case is reversed and goes back to the lower court, with possibly instructions to dismiss or for a retrial, it makes no difference which; but in any event the young man is not a convict in the eyes of the law until he is finally convicted by the court of last resort, and the stigma of conviction does not attach to him. He is not turned loose upon the world branded as a convict. Suppose the soldier, in the illustration I have taken, undertakes to appeal to the Judge Advocate General. The Judge Advocate General looks over the record and says, "The court had jurisdiction. There may have been improper evidence admitted or insufficient evidence to warrant conviction; there may have been prejudicial error or gross irregularities in the trial; the court did not go into the case as fully as it ought; and yet I have no power, the War Department has no power, to revise." The only power the Judge Advocate General has, under his construction of the law, is to send it back, with his advice, to the commanding officer.

Mr. NORRIS. Mr. President, will the Senator yield for a question?

Mr. CHAMBERLAIN. In just a moment I shall be glad to yield.

The difference between the two cases is here: In the case of the young soldier he is convicted and he has the stigma of a convict upon his brow which he can not get away from. The evidence before the subcommittee shows that that verdict follows that young man wherever he goes. He is pursued by the Army itself, and wherever he applies for employment, no matter where he goes in this country, he is always a convict; while in the other case the stigma of conviction does not attach. The young soldier is compelled to go to the President of the United States as a suppliant and ask for a pardon for a crime that he did not commit and to have restored to him the rights of citizenship. That is the difference.

Mr. LENROOT. Mr. President, if the Senator will yield, with reference to the query of the Senator from Nebraska [Mr. HITCHCOCK], as to whether the complaints or cases cited by Gen. Ansell were not almost wholly those of excessive punishments, the Senator from Oregon will remember that in every case, I think, that he brought before the subcommittee it involved prejudicial error in the admission of evidence or irregularity in procedure and not excessive punishments.

Mr. CHAMBERLAIN. Entirely so. It was admitted by the witnesses before our subcommittee, and some who sustain the present system, that the court-martial system is a system of terrorism. There is no question about that, is there, I will ask the Senator from Wisconsin?

Mr. LENROOT. I agree with the Senator.

Mr. CHAMBERLAIN. It is a system of terrorism rather than of doing justice to the individual.

Now I yield to the Senator from Nebraska.

Mr. NORRIS. It may be that the Senator will bring out what I want to ask him, but from some of my information and conversations, not only with Gen. Ansell but other officers in the Army, I formed the conclusion, and I wanted to know from the Senator whether there is any justification for it, that one of the great wrongs perpetrated is just what the Senator has referred to, that the young man, a private, let us say, is arrested for some charge, and whether he is innocent or guilty all agree that he ought to have a fair trial; the man selected as his attorney is selected by the same official who selects the prosecutor—the commanding general—and invariably, if it is a private soldier, it is the lowest commissioned officer who is selected. He is not selected because he is, in fact, an attorney. He may know nothing about legal procedure or nothing about procedure before a court-martial. One of the evils, as I understood it, is that all the men, not only the members of the court but the prosecuting officer as well as the attorney for the defense, are selected by the man who makes the charge

in reality, and from whom every one of these officials, if they get a promotion, must secure it. Is that right?

Mr. CHAMBERLAIN. Absolutely.

Mr. NORRIS. Of course, that surrounds the young man with an air of injustice to begin with.

Mr. CHAMBERLAIN. There is no question about that. The commanding officer appoints the court, he appoints the prosecutor, he appoints the counsel for the defendant, he decides upon the admissibility of evidence, he approves or disapproves the sentence when it is rendered. He either says, "I disapprove the sentence because you have not punished him enough," or "I disapprove the sentence because you have punished him too much." So the commanding officer has charge of the whole business from beginning to finish. The cases are not infrequent where the commanding officer disapproves of the sentence because the man was not punished severely enough or not punished at all. He orders the court to reconvene and retry the man and convict him of a higher crime, with a severer punishment.

Mr. NORRIS. Is it not a fact that in that kind of a trial all the persons connected with the trial, both of the prosecution and the defense, being officers under the commanding officer, if they know the kind of sentence he wants will be rather inclined, at least, not to bring any other judgment than that which the commanding officer expects, and that particularly the man who is called an attorney and who is not an attorney, unless he just happens to be one, who is defending the man, does not, in the first place, know anything about procedure and in the next place he would not want to go contrary to the wishes of the commanding officer, on whom he must depend if he ever gets a promotion or anything of that kind?

Mr. CHAMBERLAIN. I would not want to impeach so generally the officers of the Army, but that is true in a great many cases.

Mr. NORRIS. That is perfectly natural, it seems to me.

Mr. CHAMBERLAIN. If I may digress for a moment, I will say that all the distinguished Senator has to do is to sit in the Military Committee room some time and listen to testimony of witnesses on the subject of Army reorganization. Many of them, I do not care how brave they may be, or what great soldiers they have been, or what records they have made, hesitate to tell what they think about these things in opposition to higher authority, and sometimes, I am sorry to say—if it was necessary I could call attention to individual cases—there are cases where men have dared to come before the committee and tell the truth, and they have been demoted for it. I will refer to only one, Gen. Ansell, who was practically demoted and put in a position on this clemency board of innocuous desuetude, where he could not do anything he wanted to do in the way of reforming a vicious system, surrounded, as he was, by men who were against him, and while he was not driven from the Army he occupied a position in it that no honorable man would want to occupy, where he had stood for years for rectifying the wrongs that had been perpetrated against these young men, and then was turned down by his chief and not even permitted to give publicity to his views, except as it is permitted to be done through the Congress of the United States.

But, Mr. President, I have digressed from what I had in mind. Mr. Taft denies that this is an archaic system. I say that both Jefferson and Adams expressed wonder that the Articles of War of 1774 were engrafted into laws of this country, with only some slight changes in them.

There are men in the Army who claim, Mr. President, that the President of the United States—they put a question mark after it—inherited some of the prerogatives of the king, and that Congress could not interfere with his prerogatives. Think of claiming, in this day and generation, that the President of the United States had such prerogatives! I call attention to the so-called Kernan report. I want Senators to read it, because in that the question is asked, Has Congress the power to interfere with this inherited kingly prerogative and power? I say that Congress can wipe out the Articles of War entirely if it sees fit to do so, or can change them so radically that injustice shall not and can not be done to the American youth.

The articles of 1774, the British articles, were verbally revised in 1806, again verbally revised two or three times, and finally revised in 1916. I know something about that, because I happened to be a member of the Military Affairs Committee at the time. But no radical changes have been made in them, simply changes in verbiage and in phraseology. The best thing that was put in the revised articles of 1916 was the power vested in The Adjutant General to take these young men who had been convicted of crimes, and, in due course, restore them to the colors if they behaved themselves well; and many young men took advantage of it and restored themselves to the colors by good conduct, showing that they were not criminals at heart.

The articles of 1774 have not been changed in system and but little in substance. The revision of 1916 was not such a revision, yet we find that the articles of Great Britain have been radically changed since those early days for use in the British Army.

The articles of war of France have been changed so as to give them a civilian touch.

Mr. Taft speaks of the necessity for keeping the administration of justice within military control in order to maintain discipline by a sort of terrorism and by instilling fear in the hearts of the young men in the Army, so that they will do their duty. Mr. President, under the British system the Judge Advocate General of the Army is not a soldier; he is independent of the Army; and he has appellate and revisory power and jurisdiction. The Senator from Nebraska [Mr. NORRIS] asked me if the commanding officer here and under our system appointed the prosecutor and the defender. I answered in the affirmative. Under the British system the Judge Advocate General has a law officer even on the field court to advise, not to prosecute a man, not to defend a man, but he is there as a friend of the Government of Great Britain as a judge, to see to it that justice is done to every young man who comes before the court. He is independent of military authority, except in so far as he may be influenced, as in this country sometimes, by social or other influence. But he is supposed to be independent of the Army.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Missouri?

Mr. CHAMBERLAIN. Certainly.

Mr. REED. I wish to ask the Senator, in view of the fact that we are just inaugurating a general world millennium and all harshness and cruelty are to come to end, if he does not think we might possibly mitigate the treatment of our own boys in our own Army, particularly when they are going to serve in the field of peace where there is to be no more war?

Mr. CHAMBERLAIN. I think charity ought to begin at home.

Mr. REED. Now, asking a question in a serious vein, the Senator has spoken about the origin of this code of military procedure and has traced it back to the Middle Ages. Is it not a fact that at that time it was the common thing to impress men into the military service, even to impress inhabitants of other countries that had been conquered, to take them and put them in the army and force them to serve, and I ask the Senator if he does not think that the cruelties of this system of law can be directly attributed to the fact that it was written at a time when they were forcing men to serve by the processes of which I have spoken?

Mr. CHAMBERLAIN. I do not know the original inception of it, but it is said that the British articles of 1774, which met the approval of Gustavus Adolphus, were a part of the old Roman military code, so that America, of all these powers, has not kept pace with advancing civilization in amending the Articles of War to meet changed and changing conditions.

Mr. REED. There is no doubt about the fact that in the fourteenth, fifteenth, sixteenth, and seventeenth centuries, and early in the eighteenth century it was very common for a country to be invaded and for the people to be put into the army and compelled to serve. Men back of them had the power to try and convict them if they did not serve, and when that service was given it was entirely involuntary.

Mr. CHAMBERLAIN. There is no question about that.

Mr. REED. Under those circumstances, of course, one can understand that the soldier was serving as a result of force and that brutality was essential to compulsion.

It seems to me, if the Senator will pardon the interruption, that in this day of education, in this day when the Government rests upon the consent of the governed, a different system of dealing with our young men is necessary; that the boy who leaves his home to-day, voluntarily or under the draft, is entitled in the Army to be regarded not only as a human being, but as an American citizen, and that any failure to have regard for that fact will put the Army in disrepute and will ultimately result in such a feeling against an army as to greatly injure the country.

Mr. CHAMBERLAIN. I am in thorough accord with the views of the Senator. I might give innumerable instances of hardships that have been perpetrated against them. Why, Mr. President, without going into lengthy details, take the case of the negro soldiers convicted down in Texas a few years ago. Those men were convicted by court-martial and the sentences approved by the commanding officer and the men shot within

48 hours. Where was there any chance to review the cases? The records came to the Judge Advocate General's office some four months after the men had been executed.

Without going into the merits of the controversy as to whether the execution of these men was proper or not, they had a right as American citizens to have their cases looked into by some one higher in authority.

Take the case of the sergeants, another case in Texas, tried and convicted as mutineers. They were splendid men and had violated some slight regulation of the camp, playing cards or something of the kind. While they were under arrest they were ordered to perform military duty, and they refused to perform the duty on the ground that while in arrest they were not subject to military duty. Then they were tried as mutineers and were convicted, and the sentence was approved, and although the War Department had an opportunity to examine the records, and conceded the illegality and injustice, the department sustained the findings, and those soldiers, who were training the men on the Mexican border, were dishonorably dismissed from the Army and their pay forfeited.

Mr. REED. Is that the way the case went?

Mr. CHAMBERLAIN. That is the way the case went. They went out of the service. The reviewing officer, when he reviewed that case, held that the court had jurisdiction.

Mr. REED. Did the Senator say that the reviewing officer held that, by operation of the law, it could not be corrected?

Mr. CHAMBERLAIN. That was the fate of the men.

Mr. REED. The reviewing officer ought to be tried.

Mr. CHAMBERLAIN. I think so myself. The Senator has tried a great many very important criminal cases, and there is no man in the Senate who knows more about criminal law than the Senator, both for the prosecution and for the defense. Take a case, by way of illustration, where 20 men are on trial charged with complicity in the commission of some crime. They have a right to sever in their defense, though the same court tries them all. Suppose they sever, and the court convicts the first man. It may become necessary for each of these men to examine the others. Their defenses may be entirely dissimilar. The defense of one would not be the defense of the other, and yet these men are tried by the same court, and if one of the men is convicted they will all be convicted, for that is the usual result. The same man prosecutes; the same man defends. Where is the chance for justice? There are cases of that kind.

Take the case of the four young men in France sentenced to be shot. The Senate is probably familiar with it, but I want the country to become familiar with it, and it seems impossible to get the facts before the country in a way that will attract attention and cause a demand for the remedy of these abuses. I dislike to read it into the RECORD——

Mr. NORRIS. I wish the Senator would do so.

Mr. CHAMBERLAIN. I read from a letter addressed by Gen. Ansell to me and heretofore printed in the RECORD:

(c) The four death cases from France: The next cases cited by the Judge Advocate General as illustrating the justice with which the system meets "the stern necessities of war discipline" were four death sentences from France in the cases of four 18-year-old boys, who had volunteered at the beginning of the war—Nos. 110753, 110754, and the companion cases, 110751 and 110752. These were the first death sentences received from France. In the first two the death penalty was awarded for a charge of sleeping upon post, and in the last two for refusal to go to drill. The trials were legal farces, as any lawyer who will look at the records will see. In each of two of the cases the trial consumed about three-quarters of an hour, and the record occupies less than four loosely typewritten pages. The other two consumed slightly more time, and resulted in a slightly larger record. The courts were not properly composed, and in two of the cases were clearly disqualified. The accused were virtually denied the assistance of counsel and the right of defense. A second lieutenant as counsel made no effort to assist. That they were hindered rather than helped in their defense by counsel is domonstrated by the fact that in the case where a plea of guilty was entered the sole effort of counsel consisted of his calling a witness and asking him this question:

"Q. Was the accused's record good up to this time?—A. It was not. It is one of the worst in the company."

Two pleaded guilty to a capital offense and the other two made not the slightest fight for their lives. Even if the men had been properly tried and convicted, no just judge could have awarded the death penalty. These young soldiers had been driven to the point of extreme exhaustion. At the time of commission of the offenses the military authorities evidently regarded them lightly. The two who were charged with sleeping on post were not relieved from post nor were they arrested or accused for 10 days thereafter, and the two who were charged with refusal to go to drill were not arrested or charged for a month thereafter.

The offenses, under the circumstances of their commission, evidently were not considered as very serious at the time. Evidently something came up later that made the War Department or the commanding officer feel that this practice of terrorism ought to be indulged in against these men and an example set to the Army by taking their lives.

Mr. KIRBY. May I ask from what statement of fact the Senator is reading?

Mr. CHAMBERLAIN. I am reading from an article which I had inserted in the RECORD.

Mr. KIRBY. Whose statement?

Mr. CHAMBERLAIN. It is a letter which Gen. Ansell wrote me and which was heretofore printed in the RECORD. If the question is intended to impeach Gen. Ansell, Mr. President, the numbers of the cases are given, and I challenge the Senator or anyone else to say that this statement of fact is wrong in any way or particular whatsoever. I invite the Senator, and I invite anybody, if the records have not been changed, to go to the War Department and get them and insert them in the RECORD.

Mr. KIRBY. I do not know what the facts are, and I do not propose to go anywhere and get them to put in the RECORD. The thought I had in mind was to have the Senator state from what document he was reading in making a statement of fact.

Mr. CHAMBERLAIN. There was an implication in the question of the Senator, not intended possibly, that he questioned the statement of fact.

Mr. KIRBY. Not at all. I only desired information as to who made the statement of fact.

Mr. CHAMBERLAIN. Gen. Ansell is the man.

Mr. KIRBY. I have the information; I thank the Senator.

Mr. CHAMBERLAIN. I have never found him to vary from the truth at any time. But that does not make very much difference; assuming there is some inaccuracy in the statement, even if it should be exaggerated a little, that does not affect what I am going to get at in a minute.

But at this juncture the authorities abruptly changed their policy and decided to make an example of these men.

That is, after having waited quite awhile to prefer charges against them and for the trial of both.

Gen. Pershing, who under the law had nothing whatever to do with these cases, injected his power and authority into the course of justice, clamored for the death penalty, and asked that the cable be used to transmit to him the mandate of death.

What became of the cases of these boys? Nothing in the world saved them except the fact that the death penalty could not be executed until the record had reached Washington.

Mr. President, these records reached in due course the office of the Judge Advocate General. That was their final resting place. The Judge Advocate General must have had some mental reservations about the justice of taking the lives of these young men. His correspondence with the War Department, with the Chief of Staff, shows that, and yet he finally approved the sentences. He approved them, and taking the records and evidence by the four corners and reading it, it is shown that he approved them to establish this practice of terrorism, and he approved them really in order to set an example to the balance of the Army. The Chief of Staff approved them. They were approved by all the military authorities. All of them, from the commanding officer up to Gen. Pershing and the authorities here, approved the finding in the cases of these young men, and yet the evidence shows that these young fellows were completely exhausted, two asleep at their posts, and the others who declined to drill.

Now, what happened to them? The discussion shows that Gen. Ansell was brave enough to say in terms that these convictions ought not to have been had, and that the sentences should not be approved. He probably ought to have been court-martialed himself for the efforts he made to save the lives of these young men, but he knew what had taken place, and that there was no chance to save them through military channels, so he placed the record of the cases in the hands of a Member of Congress with the request that he submit them to the President and get the President to intervene to save the lives of these poor boys—they were nothing but boys, Mr. President. The President did intervene and commuted the death sentence. That meant imprisonment for these young fellows. The surroundings and condition of the young men were not taken into consideration at the trial.

What happened? What further became of them? We had an enlightening statement about two of them a few days ago, when the Secretary of War addressed the President a letter and stated that two of these young fellows, whose names were given, had been permitted to go to the battle front; one of them had died in action, fighting for his country in one of the hard-fought battles of the war, while the other was wounded in action. But the letter referred to was silent as to the other two. Following is the correspondence, taken from the Washington Post of August 22, 1919:

BOYS SAVED BY PRESIDENT PROVE HEROES—SLEPT AT POSTS; PARDONED—ONE IS KILLED IN WAR, SECOND WOUNDED.

An exchange of letters between President Wilson and Secretary of War Baker yesterday revealed the redemption of two boy soldiers sentenced to die after a court-martial in France for sleeping on outpost duty, but later

pardoned by the President. The letters, which tell the story, are as follows:

"MY DEAR MR. PRESIDENT: You will recall that early in 1918 four death sentences were presented to you from France. Two, for disobedience of orders, you remitted to terms of imprisonment, and two young boys, Sebastian and Cook, who were convicted of sleeping on outpost duty, you fully pardoned.

"It will interest you to know that upon restoration to duty both made good soldiers. Sebastian died in battle in the Aisne offensive in July, 1918. Cook was wounded in the same battle and restored to health in time to fight in the Meuse-Argonne Battle, when he again fought gallantly and was the second time wounded. He has now been restored to health through medical attention and has been honorably discharged from the service.

"Respectfully, yours, "NEWTON D. BAKER."

Here is the President's reply:

"MY DEAR BAKER: Thank you for your thoughtfulness in telling me about the records made by Sebastian and Cook, the two youngsters who were pardoned for sleeping on outpost duty. It is very delightful to know that they redeemed themselves so thoroughly, and it was very thoughtful of you to give me the pleasure of learning about it.

"Cordially and faithfully, yours,

"WOODROW WILSON."

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Colorado?

Mr. CHAMBERLAIN. I have been wondering, Mr. President, what became of the other two boys. It is fair to assume they were sent to the penitentiary, probably for life. Now I yield to the Senator from Colorado.

Mr. THOMAS. I am sure the Senator wants to do justice to all who are concerned in this matter, and it is for that reason that I venture to interrupt by suggesting that in his letter to the Secretary of War last May, I think it was, the Judge Advocate General, Gen. Crowder, declares that it was through his efforts as well that the attention of the President was drawn to these circumstances.

Mr. CHAMBERLAIN. I appeal to the only record I have to contradict that statement. The Senator may be correct, but I give the record I have.

Mr. THOMAS. I do not know anything about it beyond the fact that the letter referred to, which was somewhat generally circulated, was received by me in California. I was very much surprised when I read it, after listening to Gen. Ansell, to find recorded in it the statement that it was through the efforts of the Judge Advocate General, as well as those of Gen. Ansell, that the conviction of these young men was directed to the attention of the President. I neither affirm nor deny the truth of the statement, but if it is correct, then some note should be made of it as we go along in this discussion.

Mr. CHAMBERLAIN. I am glad to have the Senator from Colorado call attention to it.

Mr. THOMAS. I may say, Mr. President, that I am in hearty sympathy with Gen. Ansell, and I was so during the entire period of his appearance before the Senate committee at the last session of Congress. I think he has done a great deal and is still doing a great deal to mitigate the severity of courts-martial, and is entitled to the thanks of the country for his earnest efforts in that direction.

Mr. CHAMBERLAIN. Right in that line, I had not intended to quote it, but I am going to give Gen. Crowder's record in regard to these cases, for if he claimed to have interceded for the lives of these boys the claim is not sustained by the record. Gen. Ansell was in intimate touch with the situation generally there and he knew all about it. Here is what he says. I read from Gen. Ansell's letter to me under date of August 16, which was printed in the RECORD. This touches the very subject of which the Senator from Colorado was speaking. Says Gen. Ansell:

According to the Judge Advocate General, Gen. Pershing urged the adoption of the inexorable policy of awarding the death penalty in all cases of sleeping on post, and he insists that no one should be criticized for agreeing with this policy or acceding to Gen. Pershing's urgent request. And then the Judge Advocate General makes this surprising statement:

"I myself, as you know, was at first disposed to defer to the urgent recommendation of Gen. Pershing, but continued reflection caused me to withdraw from that extreme view, and some days before the case was presented for your final action the record contained a recommendation from me pointing in the direction of clemency."

This last was written by Gen. Crowder to the Chief of Staff. There were some prickings of conscience there no doubt that made him feel that he ought not to consent to the execution of these young fellows. Gen. Ansell proceeds to say:

The record shows an entirely different attitude. It shows that on March 29 to April 4 Gen. Crowder wrote the reviews in these cases, but did not as yet conclude them with his recommendation. On April 5 he sent them to Gen. March in this unfinished state, accompanied by a letter in which, while indicating that by right and justice these boys ought not to die, he suggested, nevertheless, that since Gen. Pershing insisted upon the death penalty the department should uphold him and present a united front to the President. He asked for a conference with the Chief of Staff in order that there might be unanimity in the department to that end.

Unanimity to what end? Unanimity to present a solid military front sustaining the execution of these young fellows. Here is Gen. Crowder's language:

You will notice that I have not finished the review by embodying a definite recommendation.

He was dodging; his conscience was disapproving while his fear of the military bureaucracy was yielding to what was asked to be done. Says Gen. Crowder:

It would be unfortunate indeed if the War Department did not have one mind about these cases. There is no question that the records were legally sufficient to sustain the findings and sentence. There is a very large question in my mind as to whether clemency should be extended.

Now, listen to this and think of the fear, the terrorism that this department insists on inspiring not only in the enlisted men but in the commissioned personnel of the Army:

Undoubtedly Gen. Pershing will think if we extend clemency that we have not sustained him in a matter in which he has made a very explicit recommendation.

May we have a conference at an early date?

He is appealing to the Chief of Staff. He did confer with Gen. March and they agreed to present a united front. Think of a law officer appealing to the head of the Military Establishment when he ought to have sustained it, if at all, on a legal ground.

He did confer with Gen. March, and they agreed to present the united front, to uphold the hands of Gen. Pershing, and to recommend the execution of the sentence of death. On April 6 Gen. Crowder brought back from his conference with the Chief of Staff the unfinished reviews and immediately concluded them by adding to them the following recommendation:

"I recommend that the sentence be confirmed and carried into execution"—

I call the attention of the Senator from Colorado to that—

"With this in view there is herewith inclosed for your signature a letter transmitting the records to the President for his action thereon, together with an Executive order designed to carry this recommendation into effect should such action meet with your approval.

"(Signed) E. H. CROWDER,
"Judge Advocate General."

Does that look very much like Gen. Crowder had done much to save these boys? He had assisted in presenting a united front to carry out the death sentences against these young men. If Gen. Crowder has any other evidence upon the subject, I am sure it will be produced, and I hope it will be.

As I said a while ago, it was only because of the fact that Gen. Ansell dared violate the military proprieties, went around and outside of military channels, and placed this matter in the hands of a Member of Congress, who presented it to the President, that clemency was exercised in behalf of these young men. Mr. President, Mr. Taft would have us believe that Gen. Ansell was rather a bad man! He served in the Army for days and weeks after he assisted in saving the lives of these boys, and testified that he did it, and they dared not undertake to court-martial him. Why? Simply because they knew he was not only appealing to the head but to the heart of the American people, and any court that convicted him would have to get out of the Army and get out of the country in order to be safe against the anger of an outraged public.

It was ordered, however, that Gen. Ansell's conduct be investigated by the Inspector General. It is all in the record here. He challenged them to go ahead with the investigation and prosecution and refused to testify before the Inspector General of the Army—another violation of military discipline. Why did they not put him out of the Army? Simply because he was appealing for justice for the young men who had assisted in making the world safe for democracy, if you please, and by his conduct hoped to have democratic methods applied to the Army itself.

Mr. NORRIS. Mr. President, may I interrupt the Senator?

Mr. CHAMBERLAIN. Certainly.

Mr. NORRIS. Before the Senator closes I desire to call his attention to what is an apparent discrepancy in regard to the law. Since the Senator knows what the law is on the subject, I wish he would enlighten me. The Senator refers to the men convicted in France and sentenced to death, and calls attention to the fact that the law would not permit the death sentence to be carried out without the approval of the President.

Mr. CHAMBERLAIN. These happened to belong to that small class of death sentences that in time of war require the confirmation of the President. All others come now to the department only by regulation.

Mr. NORRIS. There is no law to that effect?

Mr. CHAMBERLAIN. No, sir.

Mr. NORRIS. Apparently there was a different regulation down on the Mexican border, where they shot a number of men.

Mr. CHAMBERLAIN. The execution of those men and Gen. Ansell's protest led to the adoption of the regulation to give a man a chance to be heard by the legal authorities. Not only has that regulation been put in force since those men were shot

in Texas, but another regulation has been put in vogue by the President very recently. If these appeals to the country do not do any other good, they at least led to a mitigation of sentences and to regulations. Only a few days ago a regulation was issued, as I understand, that men who had been acquitted by a court-martial should not be retried and convicted by order of a commanding officer. The rules of evidence in civil cases are ignored in most of these military trials, and it is astounding that the country has stood the system so long without protest. Not only were there unjust sentences imposed, but after the sentences had been imposed these young men were herded with criminals. An Army officer was in my office only a day or two ago who said that in the St. Anne Prison, in France, in a room not bigger than one of the cloakrooms here, there were crowded from three to four hundred men, some of whom had merely been absent without leave, having failed to catch the train to get out of Paris. They were herded with criminals.

Somebody is responsible not only for the passing the sentences to which I have referred, but somebody is responsible for the cruelties which have been practiced against the American Army. Can you wonder that some of these boys are coming back with their hands raised against the Government? Can you wonder that some of them have imbibed the spirit of Bolshevism, when they feel and know that they and their friends have been compelled to undergo severe sentences without any helping hand whatsoever?

Mr. President, I am unfortunate in some respects. Whenever I suggest legislation or indulge in criticism of conditions in order to ameliorate the situation of the men of the Army I am charged with criticizing the administration. I suppose if I were subject to court-martial I would be tried and shot. I am criticizing the law under which an un-American system is allowed to be maintained and injustices practiced on the young men of the Army.

Why should Mr. Taft object to a civil tribunal to hear appeals in such cases? We see from Gen. Crowder's own statement he was afraid not to put up a united front for the execution of these boys. Why afraid, if his conscience told him that he was doing the right thing? He was afraid that those in authority who were above him would relieve him of his job. That is why he was afraid, Mr. President.

Why not have a civil tribunal composed of eminent lawyers, disassociated from the Army, not to undertake to control the Army, but so that when these young men are convicted in the field or elsewhere their cases may be brought up, and the question determined by these tribunals as to whether the sentence of conviction ought to stand, for irregularities or otherwise? Why not adopt the progressive system of France and even of Great Britain, if you please, and make the Judge Advocate General entirely independent of the Army, and have those who follow the camps around and attend these courts-martial civilian officers rather than military officers, responsible only to the Judge Advocate General? Great Britain has done it. Why not progressive America?

I may say here and now that unless some change is made in this system, America is going to have a pretty hard time to raise an army in another emergency, because not only those who have suffered under the injustices of courts-martial but those who have been present and who know of the injustices that have been practiced in the Army will insist that some change shall be made. That is the only purpose of the bill which I have introduced and which Mr. Taft condemns—to ameliorate the situation of these young men and bring about changes which will see to it that when a man is willing to offer up his life on the altar of his country and goes to the battle front he shall be treated just exactly as any man in civil life is treated under similar circumstances.

I apologize for having taken so much of the time of the Senate, but I wanted the Senate to know my views in answer to the statement that ex-President Taft has made.

BOSTON POLICE AND LABOR UNIONS.

Mr. THOMAS. Mr. President, I wish briefly to refer to another article in the Post of this morning, and I preface it by the reminder that the recent riotous demonstration in Boston seems to have subsided, partly because of the mobilization of the State military forces, but largely because the president of the American Federation of Labor very properly requested it; thus demonstrating my assertion of last week that the affiliation of a police union with the Federation of Labor implied the assumption of obligations which were out of harmony with their requirements and their duty as peace officers. Mr. Gompers undoubtedly performed a public service in taking this course, but we can not be assured that his successor may follow his example. The important fact is that the little finger of Mr. Gompers, as president of a private association, has proved as thick as the loins of the Commonwealth, his request more effective than the command of the governor, for instantly his request was transmitted to the striking policemen they offered to return to work and resume their duties as peace officers. That offer was denied by the governor of the State, and properly so, for, as he aptly said, these peace officers were not strikers but deserters.

The police commissioner of the city of Boston, Mr. President, is appointed by the governor and responsible only to him. The mayor has no control over the police commissioner or the police department, except in the matter of salaries, in which he has concurrent responsibility with the commissioner. Therefore the riotous conditions which immediately succeeded the voluntary suspension of duty by the members of the police force necessarily required executive action, and that action up to this time has been prompt, efficient, and commendable. The governor of Massachusetts, an American-born citizen, measures up to the standard set by the mayor of Seattle, a naturalized citizen. It is to such men that we must look for the preservation of American institutions, and I commend their example to every lover of his country.

I think, Mr. President, it is eminently proper that the telegram of Gov. Coolidge to the president of the American Federation of Labor, published in full in the Washington Post of this morning, be honored by a place in the RECORD. I therefore ask unanimous consent for the privilege of inserting it.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[From the Washington Post of Monday, Sept. 15, 1919.]

Replying to your telegram, I have already refused to remove the police commissioner of Boston. I did not appoint him. He can assume no position which the courts would uphold except what the people have by the authority of their law vested in him. He spoke only with their voice. The right of the police of Boston to affiliate has always been questioned, never granted, is now prohibited. The suggestion of President Wilson to Washington does not apply to Boston. There the police have remained on duty. Here the policemen's union left their duty, an action which President Wilson characterized as a crime against civilization.

Your assertion that the commissioner was wrong can not justify the wrong of leaving the city unguarded. That furnished the opportunity, the criminal element furnished the action. There is no right to strike against the public safety by anybody, anywhere, at any time.

You ask that the public safety again be placed in the hands of these same policemen, while they continue in disobedience to the laws of Massachusetts and in their refusal to obey the orders of the police department. Nineteen men have been tried and removed. Others, having abandoned their duty, their places have under the law been declared vacant on the opinion of the attorney general. I can suggest no authority outside the courts to take further action.

DETERMINED TO MAINTAIN AUTHORITY.

I wish to join and assist in taking a broad view of every situation. A grave responsibility rests on all of us. You can depend on us to support you in every legal action and sound policy. I am equally determined to defend the sovereignty of Massachusetts and to maintain the authority and jurisdiction over her public officers, where it has been placed by the constitution and laws of her people.

BILLS OF EXCHANGE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918.

The PRESIDENT pro tempore. The question is upon the amendment of the Senator from Nevada [Mr. HENDERSON].

Mr. SMOOT. Mr. President, the Senator from Nevada [Mr. HENDERSON] has just entered the Chamber, and therefore I will not state what I rose to say. The amendment of the Senator from Nevada is now before the Senate, and as he was out of the Chamber I was going to call attention to the fact, and speak upon the bill until the Senator could be sent for and could arrive; but as the Senator is now in the Chamber I will not say what I had intended to say.

Mr. HENDERSON. Mr. President, relative to the amendment now pending to the bill under consideration, I withdraw the amendment, so as not to interfere with the passage of the bill. I understand there is a very urgent necessity for this legislation.

Mr. POMERENE. Mr. President, I know that there is another Senator who is very much interested in this matter, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Chamberlain	Curtis	France
Bankhead	Colt	Dillingham	Frelinghuysen
Beckham	Culberson	Edge	Gay
Capper	Cummins	Fletcher	Gerry

Gronna	McCumber	Page	Sutherland
Hale	McKellar	Phelan	Swanson
Harris	McLean	Phipps	Thomas
Harrison	McNary	Pittman	Townsend
Henderson	Moses	Pomerene	Trammell
Johnson, S. Dak.	Nelson	Reed	Walsh, Mass.
Jones, N. Mex.	New	Sheppard	Walsh, Mont.
Jones, Wash.	Newberry	Smith, Ga.	Warren
Kendrick	Norris	Smith, Md.	Watson
Keyes	Nugent	Smoot	Williams
Lenroot	Overman	Spencer	Wolcott
Lodge	Owen	Sterling	

Mr. GERRY. The senior Senator from Louisiana [Mr. RANSDELL], the senior Senator from South Carolina [Mr. SMITH], the junior Senator from South Carolina [Mr. DIAL], the junior Senator from Arkansas [Mr. KIRBY], the senior Senator from Montana [Mr. MYERS], the senior Senator from Arkansas [Mr. ROBINSON], and the junior Senator from Kentucky [Mr. STANLEY] are detained on official business. I wish also to announce that the Senator from Oklahoma [Mr. GORE] is detained from the Senate by illness.

Mr. CURTIS. I wish to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Senate on account of illness in his family.

The PRESIDENT pro tempore. Sixty-one Senators have answered to their names. There is a quorum present. The bill is as in Committee of the Whole and open to amendment.

Mr. OWEN. Mr. President, on examining the bill I find that there are certain insertions made in the existing law. On page 2 of the bill, after the words "That the discount of bills of exchange drawn in good faith against actually existing values," which is the present law, there are inserted the words "including drafts and bills of exchange secured by shipping documents conveying or securing title to goods shipped and including demand obligations when secured by documents covering commodities in actual process of shipment," which might be regarded as phrases merely explanatory of the existing law. Then there follows a further insertion:

> And also including bankers' acceptances of the kinds described in section 13 of the Federal reserve act.

The insertion of this latter clause will make, I think, a substantive change in the existing statute because section 13 of the Federal reserve act put a limitation of 50 per cent of the capital and surplus on the amount of such bankers' acceptances, and if this language is inserted in the manner proposed, coupled with the language which follows on line 21, "shall not be considered as money borrowed within the meaning of this section," I think it will remove any limitation whatever on the extent of the acceptances that may be issued. In view of the fact that we have been extending credits very largely, and the cost of living is affected by the expansion of credit, I doubt the wisdom of leaving bankers' acceptances without limitation.

Mr. SMOOT. Mr. President, I take it for granted we all understand that the last sentence of the paragraph just read by the Senator is inserted for the very purpose of doing away with the 50 per cent limitation. There is no purpose for those words other than that, and the Senator is perfectly correct in his construction.

Mr. OWEN. I will say to the Senator that he is of a directly contrary opinion to that of the chairman of the House Committee on Banking and Currency, and he agrees with my interpretation.

Mr. SMOOT. I agree with the Senator's interpretation.

Mr. OWEN. It depends, then, upon what the Senate wish to do about it, whether they wish to leave bankers' acceptances without any limit or whether they do not. I wanted the Senate to understand what is being done. I doubt, myself, the wisdom of leaving no limitation whatever upon these acceptances.

Mr. SMOOT. I was going to say to the Senator that, since the chairman of the Banking and Currency Committee of the House reported to a number of Senators his idea of it, I have tried to construe it in the light in which he has construed it, but I can not read this provision in any other way than the Senator from Oklahoma has just construed it.

Mr. OWEN. I think that allowing acceptances to go up to the limit of the capital would be just as far as we ought to go; but to put no limitation whatever upon the sale of acceptances simply means to allow a banker who is not discreet or a banker who is willing to sell his profit without limit, and it might lead to some very serious embarrassment to our banking system. I do not think it is a wise thing to leave the sale of acceptances without any limit whatever. But if the Senate wants to do that, the power is in the hands of the Senate, and I must content myself with explaining what the meaning of it is.

Mr. POMERENE. Mr. President, as I construe section 1 and section 2, if passed as they appear in the pending bill there will be no limitation on the amount of money that can be gotten out of a bank by discounting this paper, save and except that of the legal reserves which are required by the reserve act.

Mr. OWEN. I will say to the Senator that on the 24th of September, 1918, the act was modified so as to leave "the discount of bills of exchange drawn in good faith against actually existing values" and "the discount of commercial or business paper actually owned by the person, company, corporation, or firm negotiating the same" without limitation. I think it was a mistake to do it, too.

Mr. POMERENE. Mr. President, I realize that that change was made at that time, but if my attention was called to it I did not appreciate that there was no limitation upon the amount of paper that could be discounted, and I think it is high time that we place a limitation upon it.

Mr. OWEN. The change actually made in the existing statute is by inserting the words I have just read, "including drafts and bills of exchange secured by shipping documents conveying or securing title to goods shipped, and including demand obligations when secured by documents covering commodities in actual process of shipment," which might be regarded as merely explanatory of the preceding terms. This section puts no limitation at all upon acceptances. I think there ought to be a limitation upon acceptances.

Mr. POMERENE. Mr. President, I think, with all due respect, the language that is used is even more than an explanation, because if the Federal Reserve Board had been perfectly clear in their own minds that the "drafts and bills of exchange secured by shipping documents conveying or securing title to goods shipped and including demand obligations when secured by documents covering commodities in the actual process of shipment" were included in the phrase "bills of exchange drawn in good faith against actually existing values" there would have been no occasion for adding those words; and they have broadened the scope of paragraph 1 as it appeared in the bill, in my judgment.

Mr. OWEN. It does broaden it to the extent that the phrase is used—"including drafts and bills of exchange." The first language was "the discount of bills and exchange." This latter reads "including drafts and bills of exchange" without expressly saying "discounts"; but I assume that the discount refers to drafts and bills of exchange secured by shipping documents.

I wanted expressly to call attention to what section 13 of the existing law really means. Section 13 provides a 50 per cent limitation, at least, on bankers' acceptances. This eliminates it and leaves no limitation whatever on bankers' acceptances. I thought it would be advisable to insert after "described," in line 7, the words "and to the extent of the issue fixed in section 13 of the Federal reserve act." I make a motion to that effect.

Mr. SMITH of Georgia. Mr. President, so far as I am concerned, I will not object to that amendment. I am assured by the chairman of the Committee on Banking and Currency of the House that his construction of the law is that without the amendment it would have that meaning. The amendment certainly clarifies it. I am doubtful as to the meaning without the amendment and I will not resist the amendment.

Mr. POMERENE. If I may ask the Senator from Oklahoma a question, Mr. President, after the amendment which has just been offered by the Senator from Oklahoma is adopted, if it shall be adopted, what limitation will there be upon the amount of money that can be secured from a given bank?

Mr. OWEN. As far as acceptances are concerned, it will be limited to 50 per cent. As far as these other items are concerned there is no limitation on it.

Mr. POMERENE. So that you can get 50 per cent of a bank's money by discounting bankers' acceptances, which perhaps would be the best class of paper that you could have, and then, when it comes to paper which is secured by a commodity, there will be no limitation upon it?

Mr. OWEN. That is undoubtedly the meaning of it.

Mr. POMERENE. Then let me ask the Senator further, Does he think it wise that there shall be a limitation of 50 per cent upon the very highest class of paper that can be had, namely, the discount of bankers' acceptances, and no limitation on the other paper?

Mr. OWEN. I think, if the actually existing values are in existence, it comprises a very high class of securities.

Mr. SMITH of Georgia. Will the Senator allow me further to state that in the one case it is bills payable in the future,

and in the other case it is a sight draft, which is immediately cashed, and fairly represents a transfer from the bank where it is drawn to the bank at the place of the drawee?

Mr. POMERENE. Mr. President, if the Senator will permit me further, that all means simply that if there is no shrinkage in the value of the goods against which the draft is drawn then the Senator from Georgia is right in his conclusion; but if there is a shrinkage, then there will be a liability. I think the mistake that is being made here is, that we are in effect saying that if a man borrows money at a bank and gives his note for it, that is a loan; but if he takes a draft, indorses it, discounts it, and is paid in full, then it is not a loan; it is an exchange. But if there is a shrinkage of 50 per cent, let us say by way of illustration, in the value of the goods against which the draft is drawn, or if the draft turns out to be a forgery, then it is in fact a loan, and there is where the risk comes when there is no limitation.

Mr. SMOOT. Let me suggest to the Senator from Oklahoma that I think that can be corrected by just three words in the way of an amendment. After the word "described" on line 7, page 2, insert the words "and as limited by secton 13 of the Federal reserve act."

Mr. OWEN. That is the substance of my amendment.

Mr. SMOOT. It seems to me that just that small amendment meets the difficulty.

Mr. OWEN. The language of my amendment "to the extent of the issue fixed" covers it.

Mr. SMOOT. I think the amendment should be "and as limited by section 13 of the Federal reserve act."

Mr. OWEN. "As limited and issued" would relieve it of ambiguity.

Mr. SMOOT. I think it would be very much clearer to have it read "and as limited by section 13."

Mr. OWEN. There are two limitations; one is of issue and the other is not of issue, and I do not want to leave it ambiguous.

Mr. SMOOT. What was the Senator's suggestion?

Mr. OWEN. "Limited as of issue," or "of the limited issue," any words that will describe the limit of issue.

Mr. SMOOT. In either way it is limited by section 13 of the Federal reserve act. Whatever limitations there are are covered by it. I would just as soon have the wording of the Senator, if he will offer that amendment.

Mr. OWEN. I offered an amendment, in line 7, page 2, after the word "described," to insert "and to the extent of the issue fixed," so as to read, "and also including bankers' acceptances of the kinds described and to the extent of the issue fixed in section 13 of the Federal reserve act."

Mr. POMERENE. Mr. President——

Mr. OWEN. I am going to answer the Senator from Ohio in a moment if I can dispose of this amendment.

The PRESIDENT pro tempore. The Secretary will report the amendment.

The SECRETARY. On page 2, line 7, after the word "described," insert the words "and to the extent of the issue fixed."

The amendment was agreed to.

Mr. OWEN. Answering the suggestion of the Senator from Ohio [Mr. POMERENE] with regard to the language used, "including drafts and bills of exchange," of course that does not impose any limitation upon it. The difference between that language and the language used in section 3 is the difference between lending on warehouse receipts of goods that may undergo serious depreciation and lending on a draft secured by commodities that have been sold to a purchaser. That draft has behind it the credit of the seller, the credit of the buyer, the bank that indorses it, and the commodity, too. It is limited to a number of days, 90 days, or some such matter. So in order to have it fail the commodity must prove to be utterly worthless at that time, the purchaser must fail, and the bank must fail, which is highly incredible and under the law of averages would not really be a very serious danger to be contemplated.

In the case of the language used in lines 11 to 17, which are in the existing law, I will say to the Senator that the words there deal with warehouse receipts, and so forth, and provided for a limitation of 25 per cent, and I think that limitation is absolutely necessary.

I am admonished that 2 o'clock has so nearly arrived that the bill may be interfered with unless I yield the floor, which I do.

OPEN EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business as in open session.

Mr. SMITH of Georgia. Before the motion is put I wish to ask the Senator from Massachusetts if he will not permit us to have a vote on this bill now without further debate?

Mr. POMERENE. Mr. President——

Mr. LODGE. I think the motion is not debatable.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to, and the Senate proceeded to the consideration of executive business in open session.

TREATY OF PEACE WITH AUSTRIA (S. DOC. NO. 92).

Mr. LODGE. Mr. President, before I call up the treaty of peace with Germany I have in my hand a copy of the peace treaty with Austria, which I owe to the kindness of the Chicago Tribune. It was sent on September 2 with the letter of transmittal to the Austrian delegation, with a notice in the letter that they must take it as presented, and five days were given them in which to sign. Owing to the absence of Dr. Renner the treaty was not signed until the 10th. But this is the text which was sent and which was signed without change. I think it will be useful to the Senate to have it here for consideration or examination while the treaty of peace with Germany is before us.

I shall ask to have it read, so that it may go into the RECORD, but not now, because the Senator from New Mexico [Mr. JONES] has given notice of a speech on the treaty with Germany, and I wish to give way to him at once, but I send it to the desk and shall ask that it be read later. I also ask that it be printed as a Senate document. I also send to the desk the letter of transmittal, which is in print, and the answer of the allied and associated powers to the Austrian note of the 20th of July requesting certain modifications. That is also in print. I will ask that they be printed as a Senate document without reading.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LODGE. When the Senator from New Mexico has concluded I shall ask for the reading of the Austrian treaty, which is in English, so that it may appear in the RECORD as well as a document.

On the suggestion of some Senators about me I will withhold the two letters of transmittal and the response to the Austrian note and have them translated.

LEAGUE OF NATIONS.

Mr. OVERMAN. Mr. President, I desire to give notice that as soon as I can get recognition from the Chair after the close of the morning business to-morrow, Tuesday, I shall address the Senate on the league of nations.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. I move that the Senate proceed to the consideration of the treaty of peace with Germany.

The motion was agreed to.

The PRESIDENT pro tempore. The Chair lays before the Senate the treaty of peace with Germany.

Mr. JONES of New Mexico. Mr. President, on July 10 the President of the United States submitted to the Senate for ratification the treaty of peace with Germany, and on that day it was referred to the Committee on Foreign Relations. On September 10—last Wednesday—a majority of the Foreign Relations Committee reported the treaty back to the Senate and recommended the adoption of a resolution ratifying the treaty with certain vital reservations and amendments. We are told by Mr. Will S. Hays, chairman of the Republican national committee, in a public interview, that—

> The committee reservations constitute the irreducible minimum of the requirements of a substantial majority of the Senators.

I hope this statement was not made by authority. The effect of the adoption of such reservations as those presented has heretofore been fully discussed in this Chamber. This treaty will fail. If we ever have a treaty with Germany, it will be a negotiated and not a victorious treaty. The United States will not participate in restoring and preserving peace and bringing order out of the world's chaos. It can not be that such results are desired. Is it possible that there is anything objectionable in this treaty of such transcendant importance as to justify its rejection? That is the question which the report of the majority of the committee presents to us for decision. Let me appeal for calm and unimpassioned consideration.

Mr. President, the chief reasons advanced for opposition to the covenant are founded upon the assumption that this covenant creates a superstate, superpower, or some superentity to which the sovereignty of the United States is to be surrendered.

On February 22 of this year the Senator from Idaho [Mr. BORAH], in discussing the covenant of the league of nations, uses the following language:

> The national state can no longer serve the cause of civilization, and therefore we must resort to the international state. That was disclosed by every line and paragraph of this instrument. It is a distinct an-

nouncement that we must internationalize and place the sovereign powers of this Government to make war and control our economic forces in an international tribunal.

On February 19 the Senator from Washington [Mr. POINDEXTER] said:

They want to set up over the world a government such as that which our fathers set up over the States of the American Union and subject our Nation to those powers which the Federal Government exercises over the States.

The senior Senator from Massachusetts [Mr. LODGE] on February 28 said:

We are asked, therefore, in a large and important degree to substitute internationalism for nationalism and an international state for pure Americanism.

The Senator from Illinois [Mr. SHERMAN] said:

The revised draft of the league of nations extends over every Government the scepter of an international sovereign.

The thing created in the original league still endures. It rises in the affairs of men as a vast structure, endowed with all the vital organs of an independent State.

On May 26 the Senator from Missouri [Mr. REED] used this language:

Now, it is proposed that we shall end by setting up a European, an Asiatic, an African tribunal, in which we shall be a minority stockholder and shall give to it the right to control the fate of America.

The Senator from Pennsylvania [Mr. KNOX], in his speech March 1, says:

Cast up in your mind the colossal powers granted to the executive council, in which, be it always remembered, we are but one of nine participating powers; recall the far-reaching and vital covenants into which we shall enter as one of the high contracting parties, and hold in mind that we are to give up the power to say when we shall have war, when peace, what shall our Army number, how many vessels of war shall we have, how, when, where, and under what conditions shall our Army and Navy be used, when shall our treaties be binding, what shall our treatment of commerce be, how great shall our gift of funds to other powers, and therefore how great the tribute we shall pay. Consider all these and you can not but say that our sovereignty has in matters of national life and death been destroyed.

On August 1 my distinguished colleague, in a very able discussion of the covenant, said:

Measured by all the definitions of a government, the league, if constituted, is a government. The league articles themselves limit the sovereignty of the various members joining the league exactly as the constitutional provisions limited directly the rights of the various States forming this Federal Union in the matter of making treaties, of making war or declaring war, of interference with interstate commerce.

I have read these excerpts for the purpose of getting before us the views which these distinguished Senators would impress upon the citizens of our country, and also the very broad way in which they have been expressed. It may be said also that in every speech which has been made against this covenant some apprehension has been expressed either directly or by inference that somehow the United States may be subjected to foreign control. If these views are to be accepted as a reasonable construction of the covenant of the league of nations as embodied in this treaty with Germany, it would not meet with the approval of any American. I feel sure that the American people are not willing to join in the creation of an independent supergovernment which shall dictate the policies, either domestic or foreign, of the United States. We are not willing that any superentity shall draft our armies and direct their movements in foreign combat. We are not willing to engage in the disputes and turmoils of other countries at the behest of a foreign directing force. We are not willing that any other power shall tell us what taxes we shall levy or what troops and munitions should be furnished in the prosecution of foreign wars. Nor are we willing to surrender the governmental institutions which we have builded, surrender our nationalism, or declare allegiance to any foreign authority bearing the insignia of an international government. On these questions we are all of one mind, and any proposal which should run counter to them would meet with instant and universal condemnation. But it is said that this proposed covenant of the league of nations, if carried into effect, would do each and all of these things. Can this be true?

I have given to this covenant of the league of nations careful and analytical consideration, and while I do not pretend any superior wisdom, and with due deference to all those who have reached a different conclusion, I fail to find anything in this covenant of the league of nations which even tends to justify these invectives which have been directed against it. I can understand how the wisdom of some of the provisions of this covenant may be drawn in question, but there should be no difference of opinion as to the creation of a supergovernment to which we shall surrender our sovereignty. The time may come bringing such mutations as will warrant the creation of a superentity supported by such forces as will enable it to direct and command the peace of the world, but in my judgment the time has not yet arrived.

At the threshold of our examination of this covenant of the league of nations we should not forget that it was framed for the most part by the five great nations which were associated in the prosecution of the dreadful conflict with Germany, and its terms have been accepted by the representatives of 26 other Governments. It must not be forgotten that whatever restrictions under this covenant are imposed upon the United States are also imposed upon all the other nations signatory to the treaty. Therefore we should hesitate before concluding that the representatives of all those nations would bring upon their Governments and their fellow countrymen all the calamitous results which it is said our representatives would impose upon us. The document in question is presented to us in the English language, and the combined wisdom of the Senate should be able to reach no uncertain conclusion concerning this momentous question which overshadows all other phases of this covenant. Let us, therefore, lay aside all prejudice, whether personal or political, take up this instrument by its four corners, and reach a clear and definite conclusion beyond a reasonable doubt as to whether or not a supergovernment is created to which we are to surrender our sovereignty.

The instrument is entitled "The covenant of the league of nations," and these words in some measure constitute an index to the ideas which are expressed in the various articles. The word "covenant" properly implies a written instrument containing the terms of an agreement solemnly arrived at.

The word "league" is defined as "a combination of different associations or bodies of persons for the promotion of common purposes." In discussions various plans under that general name have been suggested, but there is nothing in the word as used in this instrument which implies anything more than a "combination for the promotion of common purposes." Moreover, the purposes of the covenant are clearly expressed in the preamble, which declares that "the high contracting parties, in order to promote international cooperation and to achieve international peace and security, by the acceptance of obligations not to resort to war; by the prescription of open, just, and honorable relations between nations; by the firm establishment of the understandings of international law as the actual rule of conduct among governments; and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, agree to this covenant of the league of nations." Clearly, there is nothing in this declared purpose of the covenant which bears any thought of the creation of a supergovernment.

The further examination of the question will be simplified by a consideration only of those provisions which affect the members of the league. We may safely lay aside all consideration of those provisions which involve the German colonies or other peoples incapable of sustaining self-government, as only those provisions which relate to members of the league can affect the sovereignty of the United States.

Article 2 of the covenant provides that "the action of the league under this covenant shall be effected through the instrumentality of an assembly and of a council, with a permanent secretariat." It is evident, therefore, that if any superdirecting force has been created the necessary attributes or powers have been vested in or conferred upon the assembly, the council, or the secretariat. No claim has been made that the secretariat has authority to perform any duties other than ministerial, and if any attributes of government are conferred we must find them among the duties and powers of either the assembly or the council, or both of them acting in concert.

Under article 3 the assembly shall consist of representatives of the members of the league. This language is significant and important.

A representative is an agent, deputy or substitute, who supplies the place of another being invested with his authority. In the case we are considering our representative in the assembly would act as the agent or substitute of the United States and be invested with its authority. His acts would be the acts of the United States. His powers would be limited to the scope of the authority conferred. Being only an agent, deputy, or substitute, there would be no presumption that he possessed any power or authority to direct or command the Government which appointed him. The words themselves imply the converse. The presumption is that the agent is at all times subject to and under the direction and control of his principal, and this presumption must prevail unless clear proof to the contrary is presented. He who contends that the representatives of which the assembly consists are clothed with authority to direct or command the nations which appoint them must furnish the proof. No intendments to that effect will be indulged. The same observations apply to the council. Article 4 provides that—

The council shall consist of representatives of the principal allied and associated powers, together with representatives of four other members of the league.

So far as these representatives are concerned this covenant is only a power of attorney.

With this rule of construction established, let us examine the authority conferred upon the assembly and the council. First let us consider the authority which is conferred in general or broad terms.

In article 3 it is stated:

The assembly may deal at its meetings with any matter within the sphere of action of the league or affecting the peace of the world.

In article 4 the identical language is used with respect to the council. This language has been seized upon as conferring unlimited jurisdiction not only to consider any matters affecting the peace of the world, but also as conferring authority to direct and command the nations which brought these assemblages into being. In this connection also should be considered article 11, which is as follows:

Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the secretary general shall on the request of any member of the league forthwith summon a meeting of the council.

It is also declared to be the friendly right of each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

Contention has frequently been made that under these articles the assembly or the council is invested with authority to consider any circumstance whatever affecting international relations which threaten to disturb international peace or the good understanding of nations upon which peace depends, and in addition thereto, according to some Senators, either the assembly or council is thereby clothed with power to direct the member nations as to what they shall do with respect thereto. The language used is, of course, broad and comprehensive. Language, however, is not to be interpreted solely by definition of the words used. It must be considered in relation to the subject matter under consideration. Authority to deal with any matter affecting the peace of the world may accomplish very different results, depending upon the persons or bodies on which the authority is conferred. An ordinary debating society is usually clothed with authority to "deal with any matter affecting the peace of the world," and it frequently does, but it does not dictate to nations. Quite a different notion would be conveyed if unlimited authority were conferred upon Gen. Foch, at the command of a fully equipped army of 10,000,000 men, to deal with any matter affecting the peace of the world.

Further illustrations are unnecessary, and the meaning of this general language used in the covenant should not be confusing when we consider the declared purpose for which the league is organized, the membership of the assembly and council, the means at their command, and the duties specifically assigned. Neither the assembly nor the council is provided with an army, with any munitions of war, or the power through taxation or otherwise to raise the funds necessary to equip or maintain an army. At their command is neither sheriff nor policeman, and no means is provided whereby they can be obtained. So far as these bodies are concerned the idea of force must be eliminated, and no government can function without force, actually at hand or accessible.

While these clauses do not confer any directing authority necessary to a supergovernment, these bodies under this language may, as will be pointed out later, perform a very great service in securing the peace of the world.

Parenthetically, I may say it has been argued with much force that the provisions of articles 3 and 4, to which I have referred, relate only to the order of business at meetings of the assembly and the council. Such is probably the correct construction to put upon them; but for the purpose of this discussion I have been willing to give to them the effect of conferring jurisdiction in the broadest language so as to meet on common ground the argument of those who contend that the covenant creates a supergovernment.

Let us now examine the remaining covenants of the league and ascertain, if we can, whether or not any specific authority has been conferred upon either the assembly or the council to exercise any of the functions of government. This examination will fortify the conclusion just reached as to the interpretation of the broad powers, as general language in a power of attorney is always to be construed in the light of the specific authority conferred.

Under article 4 the assembly is authorized, in concurrence with the council, to name additional members of the league whose representatives shall be members of the council, and with like concurrence increase the number of representatives on the council.

Under article 15 disputes which are not composed through arbitration may be referred to the assembly. In such case the assembly will endeavor to effect a settlement, and if its efforts are successful it shall make a public statement of the facts and terms of settlement. If the dispute is not thus settled, the assembly either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Under article 19 it is provided that the assembly may from time to time advise the reconsideration by members of the league of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

What has been said is a full presentation of every power conferred or duty imposed upon the assembly, and I submit without further argument that no reasonable mind can entertain the thought that the assembly when organized can or will perform any supergovernmental act or function.

Let us now consider the specific authority of the council. Article 8 of the covenant contains the provisions relating to the reduction of national armaments, and in this connection it is provided that—

the council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several governments.

Such plans shall be subject to reconsideration and revision at least every 10 years.

After these plans shall have been adopted by the several governments the limits of armaments therein fixed shall not be exceeded without the concurrence of the council.

The members of the league agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The council shall advise how the evil effects attendant upon such manufacture can be prevented.

The duties of the council in this respect are both simple and plain. The ambassadors or representatives of the nine governments composing the council would consider the subject matter. No plan could be adopted without the concurrence of the American ambassador, and such plan when formulated does not go into effect until adopted by the several governments. After the plan has once been adopted, according to the agreement of the members of the league the governments will not increase their armaments unless their respective ambassadors in joint session shall unanimously agree respecting such increase. There is no hint here of any supercontrol of the United States.

Article 10 provides that—

the member of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression or in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled.

There has been much discussion of the effect of this article, but the function which the council shall perform is so clear that discussion can not distort it. Here, again, the ambassadors of the respective governments composing the council meet for the purpose of considering a problem affecting the peace of the world, and if it is wise that it should be dealt with at all, it seems to me no better plan could be suggested than to have the ambassadors of each of the leading nations of the world meet in common council for the purpose of devising a plan which shall meet the emergency. After such plan shall have been formulated these representatives submit the plan to their respective governments for action. In actual practice I have no doubt that in the case of the United States any such plan so submitted would be adopted and acted upon. Our representative would be under the control and direction of our Government, delegated to perform a specific duty, which he would perform in accordance with the sentiment and desires of our Government. After having performed his duty, it would then be incumbent upon our Government to consider the plan thus recommended, and, if found satisfactory, to adopt it.

Much has been said as to the advisability of entering into an agreement such as is contained in article 10, but nothing can be said as the result of logical analysis in support of the contention that the council in this respect is exercising any function of a supergovernment. Sophistical minds may prate about it and conjure various specters, but the common, everyday citizen will easily understand it and not be frightened by transparent ghosts.

Article 12 simply provides that any dispute between members of the league likely to lead to a rupture which is not submitted to arbitration shall be submitted to inquiry or investigation by the council, and in this connection it needs no further comment.

Article 13 provides for voluntary arbitration, and in the event of failure to carry out such an award the council shall propose what steps shall be taken to give effect thereto. Here we have a contingency which in all probability will never occur. No civilized nation has ever voluntarily agreed to submit a matter

to arbitration and thereafter failed to perform the award, but if such an instance should occur this section provides that the council shall "propose" what steps should be taken to give effect to the award. Here, again, in practical operation, the representatives of the governments composing the council would meet in conference and advise their respective governments as to what steps should be taken, but there is no suggestion of authority for the council to direct or coerce the governments which are represented.

Article 14 provides that the council shall formulate and submit to the members of the league for adoption plans for the establishment of a permanent court of international justice. This article needs no comment.

Article 15 provides that—

If there should arise between members of the league any dispute likely to lead to a rupture, which is not submitted to arbitration, * * * the members of the league agree that they will submit the matter to the council. * * * The council shall endeavor to effect a settlement of the dispute, and if such efforts are successful a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof which the council may deem appropriate. If the dispute is not thus settled, the council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto. * * * If the dispute between the parties is claimed by one of them and is found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report and shall make no recommendation as to its settlement. The council may in any case under this article refer the dispute to the assembly.

The portions of article 15 which I have just read contain everything regarding the authority possessed by the council or the duties imposed upon the council with respect to disputes between the members of the league which are not submitted to arbitration. Here we find that from the action of the council there can result only a statement of facts and explanations regarding the dispute, and the terms of settlement which the council may deem appropriate. Attributes of government are not found in statements of facts or in recommendations.

Article 16 deals with the question of a member of the league resorting to war in disregard of its covenants, and it is provided that it shall be the duty of the council in such cases to recommend to the several Governments concerned what effective military, naval, or air force the members of the league shall severally contribute to the armed forces to be used to protect the covenants of the league. Again, the only authority conferred upon the council is to recommend to the several Governments what military operations should be undertaken by the Governments. It is further provided in this article that any member of the league which has violated any covenant of the league shall be declared to be no longer a member of the league by a vote of the council concurred in by the representatives of all the other members of the league represented thereon.

Article 17 is as follows:

In the event of a dispute between a member of the league, or between States not members of the league, the State or States not members of the league shall be invited to accept the obligations of membership in the league for the purposes of such dispute, upon such conditions as the council may deem just. If such invitation is accepted, the provisions of articles 12 to 16, inclusive, shall be applied with such modifications as may be deemed necessary by the council.

Upon such invitation being given, the council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

If a State so invited shall refuse to accept the obligations of membership in the league for the purposes of such dispute and shall resort to war against a member of the league, the provisions of article 16 shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the league for the purposes of such dispute, the council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

I have now presented every clause of this covenant which has any relation to the authority or duties of the assembly or the council, or both of them combined, so far as they affect in any degree the Governments which are members of the league. I have brought these provisions together with but slight comment for the purpose of presenting in close review all the provisions of the covenant which are supposed to create a supergovernment to which any sovereignty of the United States might be surrendered. It will be observed that the assembly and council are only empowered by specific authority to effect settlements through negotiation and to "formulate plans," "make inquiry," "advise," "submit," "report," "propose," and "recommend."

These are certainly no distinguishing attributes of government. I submit this statement to the judgment of the Senate and of the country. I fail to find in these simple provisions any foundation for the impassioned oratory which would present to the public gaze the specter of an overreaching power destined to destroy American institutions and make vassals of American citizens. This is the time of all times when intellectual integrity should be maintained and when mere inflammatory utterances should be restrained.

Mr. President, some Senators and some publicists outside this Chamber do not boldly assert the creation of a supergovernment, but with insidious declamation poison the public mind.

The Senator from Massachusetts, the leader of the Republican Party, a few days ago in his phillipic denouncing the covenant of the league of nations was bold to say—

Grover Cleveland was a Democrat and Theodore Roosevelt was a Republican, but they were both Americans, and it is the American spirit which has carried this country always to victory, and which should govern us to-day, and not the international spirit which would in the name of peace hand the United States over bound hand and foot to obey the fiat of other powers.

Again, he said:

I have never had but one allegiance; I can not divide it now. I have loved but one flag, and I can not share that devotion and give affection to the mongrel banner invented for the league.

In a recent address at Santa Fe, N. Mex., Gen. Leonard Wood declared:

The armies of America are never going to any war without the approval of the American people, and never under the mandate of any foreign nation or group of nations.

Many other quotations of like import might be presented. I shall not characterize such utterances, and am content that the American people shall determine whether or not there is in this covenant any foundation which justifies such utterances. I have been unwilling to believe that any Senator would deliberately mislead public thought. I have endeavored by much mental effort to discover the processes which could lead to such declamations. One query to which I make no answer continually arises. Is there bias or prejudice unconscious or otherwise? To some natures the failure to secure for a constituent a desired Federal appointment would arouse such personal hostility toward the President that it would be impossible to look with favor upon any proposal emanating from the Chief Executive, and any peace document proposed by him would provoke instant and withering scorn. It may be that others convinced of their unequaled fitness to negotiate a peace treaty were unable to believe that any treaty of merit was possible unless they had had some participation in its construction. In such cases failure to receive an invitation to join in the peace negotiations might in advance have so affected the intellectual integrity as to preclude the probability of sympathetic consideration. It may be that others keenly sensed the partisan thought that the conclusion of a treaty contributing to the future peace of the world following a victorious war would give to the President's party an assured advantage in approaching political contests. Should the greatest undertaking of this or any other age end in an ignominious failure it may be there are others with presidential visions now dark who would be able to catch some flashes of meteoric light.

Preconceived notions might also contribute to an erroneous examination and conclusion. It is easy to see how the public mind might have conceived the notion that as a result of the negotiations at Paris there might be proposed the creation of an entity empowered to decide international questions and be provided with the means to enforce its decisions. Especially during the last few decades many plans have been formulated for securing the peace of the world. These plans varied in scope from the establishment of tribunals for the arbitration of questions voluntarily submitted to the organization of a world republic which should legislate concerning and administer international affairs. A world force consisting of both army and navy was frequently referred to even in casual common discussion. One of the most extensive and influential organizations was called a League to Enforce Peace. Many eminent citizens had advocated the establishment of some power so equipped as to enforce peace throughout the world. Theodore Roosevelt, at Christiania, in 1910, in a speech accepting the Nobel peace prize, advocated as follows:

It would be a master stroke if those great powers honestly bent on peace would form a league of peace not only to keep the peace among themselves but to prevent, by force if necessary, its being broken by others. The supreme difficulty in connection with developing the peace work of The Hague arises from the lack of any executive power, of any police power, to enforce the decrees of the courts.

The one permanent move for obtaining peace which has yet been suggested with any reasonable chance of attaining its object is by an agreement among the great powers in which each should pledge itself not only to abide by the decisions of a common tribunal but to back with force the decision of that common tribunal. The great civilized nations of the world which do possess force, actual or immediately potential, should combine by solemn agreement in a great world league for the peace of righteousness.

They should, furthermore, agree not only to abide, each of them, by the decision of the court but all of them to unite with their military forces to enforce the decree of the court as against any recalcitrant member. Under these circumstances it would be possible to agree on a limitation of armaments that would be real and effective.

In a speech delivered at Union College prior to the last presidential election the Senator from Massachusetts [Mr. LODGE] spoke as follows:

> What can we do in the larger sense toward securing and maintaining the peace of the world? This is a much more difficult question; but turn it back and forth as we may, there is no escape from the proposition that the peace of the world can only be maintained, as the peace and order of a single community are maintained, as the peace of a single nation is maintained, by the force which united nations are willing to put behind the peace and order of the world. Nations must unite as men unite in order to preserve peace and order. The great nations must be so united as to be able to say to any single country, "You must not go to war"; and they can only say that effectively when the country desiring war knows that the force which the united nations place behind peace is irresistible. We have done something in advancing the settlement by arbitration of many minor questions which in former times led to wars and reprisals, although the points of difference were essentially insignificant, but as human nature is at present constituted and the world is at present managed there are certain questions which no nations would submit voluntarily to the arbitration of any tribunal, and the attempt to bring such questions within the jurisdiction of an arbitral tribunal not only fails in its purpose but discredits arbitration and the treaties by which the impossible is attempted. In differences between individuals the decision of the court is final, because in the last resort the entire force of the community is behind the court decision. In differences between nations which go beyond the limited range of arbitrable questions peace can only be maintained by putting behind it the force of united nations determined to uphold it and to prevent war. No one is more conscious than I of the enormous difficulties which beset such a solution of such a scheme, but I am certain that it is in this direction alone that we can find hope for the maintenance of the world's peace and the avoidance of needless wars. Even if we *could* establish such a union of nations, there might be some wars which could not be avoided, but there are certainly many which might be prevented.
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> It might be easily said that this idea, which is not a new one, is impracticable; but it is better than the idea that war can be stopped by language, by speech making, by vain agreements, which no one would carry out when the stress came, by denunciations of war and laudations of peace, in which all men agree, for these methods are not only impracticable but impossible and barren of all hope of real result. It may seem Utopian at this moment to suggest a union of civilized nations in order to put a controlling force behind the maintenance of peace and international order, but it is through the aspiration for perfection, through the search for Utopias, that the real advances have been made. At all events, it is along this path that we must travel if we are to attain in any measure to the end we all desire of peace upon earth. It is at least a great, a humane purpose to which, in these days of death and suffering, of misery, and sorrow among so large a portion of mankind, we might well dedicate ourselves. We must begin the work with the clear understanding that our efforts will fail if they are tainted with the thought of personal or political profit or with any idea of self-interest or self-glorification. We may not now succeed, but I believe that in the slow process of the years others who come after us will reach the goal. The effort and the sacrifice which we make will not be in vain when the end in sight is noble, when we are striving to help mankind and lift the heaviest of burdens from suffering humanity.

It is needless to say that the views so expressed do not harmonize with the more recent utterances of the Senator from Massachusetts, and no attempt has been made by the Senator to explain why he should have entertained such views prior to the last presidential election and why he has discarded them now. Undoubtedly those vigorous expressions impressed upon the public mind the idea that the creation of an international force might be expected.

While the negotiations at Paris were hardly commenced, through insidious propaganda, the idea was disseminated throughout the country that a United States of the World would be created and that Woodrow Wilson was ambitious to become its first President. It was generally understood that France and some other nations were insisting upon an international army and navy. Nearly every day, following what seemed to be a definite program, Senators reviewed in fantastic horror provisions which it was assumed had been agreed upon at Paris. At one time it was attempted to be demonstrated that under the organization evolved in Paris the world would be governed by kings. On another occasion Great Britain ruled the world. On still another occasion the United States and all white people were to be dominated by Negroes and other dark races. On still another day the Pope, under the proposed plan for the league of nations, was accorded the opportunity to assume the temporal government of the world. Certain newspaper organizations took up the hue and cry and daily sought to impress the public that all our cherished institutions were to be subjected to the domination of a superforce. A Republican publicity organization conducted a systematized campaign tending, if not intended, to create the notion that the league of nations in process of formation was to be a distinct entity apart and above all nations, and ruling over them, so that the very name "league of nations" should be brought into popular disfavor and disrepute.

In concluding this part of the discussion I wish to state, not in dogmatic fashion, but as the result of the analysis which has been presented that in the further examination of the provisions of this covenant we may definitely eliminate any notion of a supergoverning tribunal. Let us rather think of the assembly and the council as meetings at which the representatives or ambassadors of the several nations confer and counsel as to matters affecting the peace of the world for the purpose of making recommendations to their respective governments.

Mr. President, I shall not take up the time of the Senate to discuss in detail the duties and powers of the league with respect to the German colonies and those peoples who are incapable of sustaining self-government. The agency of the league with respect to those peoples is the council, and the council in handling those matters acts in the capacity of a joint commission established by the members of the league, and subject to the direction and control of the governments who are members of the league, and whose representatives comprise the council. It may be added that the United States under the provisions of the covenant will not become a mandatory for any people except by its own consent, and can not be called upon to perform any duties with respect thereto unless such duties meet with its full approval.

The constitutional questions which have been raised are very enticing to all of us whose chief labors have hitherto been devoted to the legal profession. I am convinced, however, that further discussion of these questions would serve no useful purpose. A number of able lawyers nationally recognized as such have discussed them exhaustively on the floor of the Senate. Notably among these are the Senator from Montana [Mr. WALSH] and the Senator from Minnesota [Mr. KELLOGG]. These discussions by those two Senators in every respect were fortified by precedent and judicial authority. If exhaustive research, logical reasoning, precedent, and judicial authority can settle any question in the United States Senate, it seems to me that the conclusions of those distinguished Senators should be a finality. In my judgment it clearly appears that only one legal principle is involved. Can the treaty-making power obligate the United States in a given case where by the Constitution Congress is empowered to legislate? This constitutional question is involved in practically every treaty which the United States has made. A simple illustration will suffice. In our treaty with Spain, with which most of the present generation is familiar, the United States agreed to pay to Spain twenty millions of dollars. Under the Constitution the Congress as distinct from the treaty-making power is the only authorized authority to appropriate money from the Federal Treasury. Yet no one has ever contended that the treaty-making power was without authority to obligate the United States for the payment of that sum of money. If that act by the treaty-making power was constitutional and in conformity with the institutions and policies of our country, no reasonable question can be raised against any of the provisions of this covenant on the ground of constitutionality. In the early history of our Government the lower House of Congress on different occasions contended against this right of the treaty-making power, but in no instance has Congress failed to fully perform any obligation entered into by that governmental agency.

Much has been said about the limitations of the sovereignty of the United States. The word "limitations" as thus used may and probably does clearly convey the idea intended. By the covenant the United States agrees as to how it will act, or withhold action, in certain contingencies. These agreements may be limitations of sovereignty, but they can more properly be considered the result of the exercise of sovereignty. If by retaining complete sovereignty we mean that the Nation shall not agree to any restraints or to any methods of intercourse with other nations, then any nation retaining its sovereignty in an unlimited way has no place in the civilized world. Any individual who insists in being a law unto himself has no place in modern society.

I submit therefore that only two questions remain. Will the provisions of this covenant if carried into operation promote the peace and security of the nations of the world, and are the methods proposed advisable? These two questions may well be considered together.

It is contemplated that the membership of the assembly will consist of 45 Governments and each Government entitled to one vote, which shall be registered by not more than three representatives. There will be nine nations members of the council, each with one representative, and each casting one vote. The United States, England, France, Italy, and Japan shall always be members of the council. The other four members are to be selected by the assembly, and until such selection these four members will be Belgium, Greece, Spain, and Brazil.

The powers and duties of the agencies of the league will doubtless be made clearer if we consider them in the order in which they will probably be exercised. I presume that the appointment of the commissions authorized by the covenant will first be considered. By article 9 it is provided that a permanent commission shall be constituted to advise the council on the execution of the provisions of articles 1 and 8 and on military, naval,

and air questions generally. Article 1 relates to membership in the league and article 8 to the reduction of armaments. Article 14 provides that the council shall formulate and submit to the members of the league for adoption plans for the establishment of a permanent court of international justice. The court shall be competent to hear and determine any dispute of an international character which the parties to the dispute submit to it. The court may also give an advisory opinion upon any dispute or question referred to it by the council or by the assembly. Article 22 provides that a permanent commission shall be constituted to receive and examine the annual reports of the mandatories and to advise the council on all matters relating to the observance of the mandates. I know of none who is in doubt as to the purpose for which these commissions are to be created, or who doubts the advisability of the creation of such commissions if the league is to become a reality.

Attention would naturally be next directed to the provisions of the covenant relating to existing treaties between the member nations. Article 20 provides for the abrogation of all treaties or understandings which are inconsistent with the terms of the covenant, and the members of the league undertake to procure their release from any obligations so in conflict. Article 18 provides that every treaty or international engagement entered into hereafter by any member of the league shall be forthwith registered with the secretariat, and shall as soon as possible be published by it, and that no such treaty or international engagement shall be binding until so registered. Article 19 provides that the assembly may from time to time advise the reconsideration by members of the league of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world. The purpose of these articles is undoubtedly to insure that international obligations shall be evidenced only by open covenants. Secret treaties common in the past are to end, and with their disappearance will also disappear some causes that have resulted in countless wars which have hitherto afflicted and decimated the human race. The assembly, it is true, has no directing authority, but through it the civilized nations of the world by their representatives will meet at stated intervals to consider the world welfare. If there was ever any virtue in The Hague conferences or the Pan American Union, there can be no doubt that this assembly will perform a tremendous world service. Whenever the nations of the world meet in common counsel and discuss before the world international obligations and welfare, it may be safe to assume that wars of aggression and conquest will, in all probability, be no more. We may reasonably expect that international laws, which now rest upon no secure foundation, will be codified and made certain. A spirit of fairness and fellowship will develop, and the nation will be bold indeed which shall undertake to run counter to or do any act against the world opinion established and voiced through the assembly. We may expect that in this assembly will congregate great intellects from all nations, and that any recommendations it may make regarding treaties or international law or other international relations will meet with general approval. The decisions of the assembly as to these matters must be by unanimous vote, and this fact will be pointed out as one destroying the efficiency of the assembly. No doubt many questions will be discussed and no decision thereon reached. However, discussion alone will tend to make clear vital points and establish the trend of world thought. The only other important function of the assembly is the consideration of disputes between nations, which may be referred to it through the council.

It was because of the probable exercise of these simple and innocent powers of the assembly that Senators, drawing upon their oratorical imagination, sought to frighten the country with dire predictions of the control of the world by kings, the colored races, by Great Britain, or the Pope. I feel safe in expressing it as my belief that our fellow countrymen may cast aside such fears and not be disturbed by these fancies which surpass all poetical license.

Let us now consider in the natural order of events the activities of the council. Article 8 provides for the reduction of armaments and the control of the manufacture of war munitions through plans to be devised by the council and adopted by all the members of the league.

If armaments are to be reduced and manufacture by private enterprise of munitions and implements of war is to be controlled, it is difficult to see what better plan for the accomplishment of such purposes could be devised than that here proposed. It is unreasonable to suppose that without some concerted action anything in this connection may be expected. So long as each nation must depend upon its own resources for its protection from other nations just so long will each nation strive to maintain as great an organization for military and naval purposes as it shall consider necessary to secure such self-protection. Some nations, of course, will be more warlike than others, and they will maintain military forces not only for such purpose, but to constitute a threat against less powerful nations so that aggressions and selfish ambitions may be realized. The history of the past teaches us that except for brief intervals there is somewhere in the world some nation striving for world supremacy and world domination. Judging the future by the past, no nation is safe in being wholly unprepared for war, nor could any nation be expected to begin the reduction of its own armaments until it could know what reductions would be made by other nations. The extent of the military forces which each nation necessarily maintains bears direct relation to the forces maintained by other nations. It must be accepted, therefore, that any reduction of armaments must be brought about through concerted action. It is reasonable to suppose that if the nine largest and most representative nations of the world through their ambassadors confer upon this subject, and come to an agreement, such plan so arrived at would be accepted by the nations of the world, if it is possible to bring about a reduction of armaments. Any plan devised by the members of the council is only advisory, and each Government must act for itself in adopting or rejecting the plan. The Governments would be induced to accept the plan, because the provisions in the covenant for common defense against external aggression would render large armies and navies unnecessary.

In the speeches in opposition to the league of nations many appeals have been made to the patriotism of American citizens by the claim that no foreign Governments should tell us what armies we should assemble or what ships we shall build. A mere reading of the article should be convincing that no such result is in contemplation under this article, and no such result contemplated by those who support this covenant. It must be remembered that even the plan which may be proposed must receive the affirmative consent of the representative of the United States. If there remains any thought that whatever the council may advise in this respect must be adopted, a remedy is easily found. The covenant of the league of nations does not specify how the representatives of the members of the league constituting the council shall be selected. There is no doubt but what in the United States legislation will be necessary. Doubtless the Congress will enact that the representative of the United States shall be appointed by the President and confirmed by the Senate. In such legislation it would be feasible if thought necessary to provide that our representative should give assent to no plan which, prior thereto, had not been submitted either to the Senate or to the Congress for approval. In this manner the fears of the most skeptical can be satisfied.

Mr. WALSH of Montana. It has also been suggested that any plan that might be devised would not go into effect until it was ratified; that is, our representative was authorized only to give qualified approval.

Mr. JONES of New Mexico. Undoubtedly many suggestions may be made how to handle that question. The point is that if anybody has any apprehension about it, there are ample means to protect themselves from any such fear.

With the disappearance of secret treaties and the reduction of armaments the council will turn its attention to the consideration and amicable settlement of disputes arising between nations which might lead to war. Hitherto a neutral nation has had no international right to make even friendly suggestions for the settlement of disputes between other nations, and generally speaking, whenever a neutral nation has so interposed its good offices, one of the parties to the dispute has resented the action. By article 11 any war or threat of war is declared a matter of concern to the league, and the league is given the right to take any action that may be deemed wise and effectual to safeguard the peace of nations. Under this provision the members of the council would give due consideration to any question which might threaten the peace of the world. It can readily be imagined that the probabilities for good arising out of this provision are almost unlimited. It will be remembered that the action of the council in this respect must be by unanimous vote, and I respectfully submit that it is almost impossible to conceive that any nation contemplating an act which would result in war would practically commit national suicide by refusing to accept the suggestions and representations which would thus be made by the council, backed up as they would be by the prestige of the nations which comprise the council. Doubtless through this means many questions would be settled without first having been submitted either to arbitration or to inquiry, as further provided in the covenant. If, however, the dispute should persist, and the parties immediately concerned should not agree to arbitration,

then it would be necessary for the council to enter into a formal and deliberate inquiry as to the causes of the dispute, with a view to making a public recommendation as to what should be done. It is provided in article 15 that in such instances—

The council shall endeavor to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public, giving such facts and explanations regarding the dispute and the terms of settlement thereof as the council may deem appropriate.

If the dispute is not thus settled, the council, either unanimously or by a majority vote, shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Any member of the league represented on the council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

Much speculation may be indulged in as to both the probabilities and improbabilities of the effectiveness of this provision. Such action may not settle all disputes, but it will invoke the conscientious consideration throughout the world of the facts in dispute. World discussion would follow, and in most cases public opinion would be clearly defined. This process may not prevent all wars, and some nations may be bold enough to defy world opinion as thus expressed, but I submit that it is unreasonable to suppose that any such contingency would probably arise, and that it is possible to conceive that by this means alone all future wars may be averted. In any event all will agree that much good can be done, and no harm can come from the undertaking.

Under article 17—

In the event of a dispute between a member of the league and a State which is not a member of the league, or between States not members of the league, the State or States not members of the league shall be invited to accept the obligations of membership in the league for the purposes of such dispute upon such conditions as the council may deem just.

If such an invitation is accepted, the provisions of the covenant with respect to arbitration and inquiry and the result which would follow the waging of war by members of the league without resorting to arbitration or inquiry would apply to such special members.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the league for the purposes of such dispute, the council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

In any case arising under this provision the council in all probability would begin an independent inquiry as to the causes of the dispute and seek some method for bringing about an amicable adjustment. That such efforts would succeed I believe there can be no reasonable doubt. In the given case we would have the dispute between two nonmembers brought to the attention of representatives of the nine representative and most powerful nations of the earth. Recognizing the horrors of war, these nine representatives would without question give to the matter in dispute earnest and energetic consideration, supported by an unselfish desire to adjust in a fair and equitable manner the difficulties in question without hope of any gain except the peace of the world.

In the event, however, of the failure of the good offices of the council to effect a settlement, and the nonmembers should still maintain their hostile attitude, the members of the council would be authorized to submit to their respective Governments such measures as might be deemed necessary for the prevention of war. If the members of the council should agree that affirmative action by their respective Governments was necessary, and a plan of joint action were devised, it seems to me there can be no reasonable doubt but that such action would be taken as would result in the prevention of hostilities beween these nonmembers.

I confidently believe that with the treaty relations between member nations being made public, and armaments reduced according to a plan accepted by the members, a strong inducement would arise for the further reduction of armaments, and that world thought would be directed to peaceful ends. Such disputes as might arise would doubtless be adjusted through the provisions for arbitration or inquiry. But if the unexpected should happen and any nation should engage in external aggression against any member of the league, under article 10 it would be the duty of the council in this last resort to advise their respective Governments as to the means which should be employed to preserve the members of the league from such external aggression against the territorial integrity or political independence of the member of the league so threatened. It has been claimed for the provisions of this article that the United States would be compelled to go to war under the mandate of foreign power, and that Congress would have no voice in the declaration of war or in the extent of forces to be employed. It has even been contended that under the direction of the council the President of the United States would not only be warranted in using the armed forces in accordance with such mandates, but that it would be his duty so to do. I respectfully submit that no such interpretation should be placed upon the provisions of this article, but if there be any doubt about it, Congress would have the power and might be justified in providing that our representative upon the council should not give any advice or make any recommendation without first having submitted the same to Congress. It would be an extreme case indeed that would call for the application of this article, and the probability that any action under it would ever become necessary is exceedingly remote. The existence in the covenant, however, of this article will unquestionably exert a most wholesome influence. It will remain in the background, giving its support to the operation of the less drastic provisions of the covenant. It gives the world to understand that it is the desire of the signatories to this covenant that there shall be world peace; that disputes should be settled by peaceful means, but that in no contingency shall war be commenced against a member of the league for purposes of political conquest or the destruction of political independence.

We have now reviewed the methods proposed in accordance with which the assembly and the council, the agencies of the members of the league, are to act, and by which their actions are circumscribed. It may be that a better plan could be devised, but thus far it has not been suggested.

Mr. President, I trust it has been shown that the actions of the assembly and of the council in accordance with the powers conferred will constitute a very effective utility in the promotion of the peace of the world, notwithstanding the fact that they can only "confer," "consider," "advise," "propose," and "recommend." The covenant, however, does not rely exclusively upon these created agencies. The members of the league assume certain very broad and solemn obligations, and it seems to me that we are justified in bringing these obligations together for the purpose of a comprehensive view and the consideration of their efficiency in the promotion of the objects of the covenant. Here again I think it advisable to consider these obligations in the order in which they will probably be acted upon rather than in the order in which they appear in the covenant. Doubtless the first obligations to be carried into effect are the ones relating to treaties. Article 20 provides that—

The members of the league severally agree that this covenant is accepted as abrogating all obligations or understandings inter se which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any member of the league shall, before becoming a member of the league, have undertaken any obligations inconsistent with the terms of this covenant, it shall be the duty of such member to take immediate steps to procure its release from such obligations.

Article 18 provides that—

Every treaty or international engagement entered into hereafter by any member of the league shall be forthwith registered with the secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

Under article 8 it is provided—

The members of the league recognize that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The members of the league agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those members of the league which are not able to manufacture the munitions and implements of war necessary for their safety.

The members of the league undertake to interchange full and frank information as to the scale of their armaments, their military, naval, and air programs and the condition of such of their industries as are adaptable to warlike purposes.

Article 12 provides that—

The members of the league agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the council.

Article 13 provides that—

The members of the league agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which can not be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration.

The members of the league agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a member of the league which complies therewith.

Under article 15 it is provided that—

If there should arise between members of the league any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with article 13, the members of the league agree that they will submit the matter to the council. Such dispute shall be referred at the request of either party to the assembly.

Article 16 provides that—

Should any member of the league resort to war in disregard of its covenants under articles 12, 13, or 15 it shall ipso facto be deemed to have committed an act of war against all other members of the league, which hereby undertake immediately to subject it to the severance of

all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the league or not.

The members of the league agree further that they will mutually support one another in the financial and economic measures which are taken under this article in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the members of the league which are cooperating to protect the covenants of the league.

Article 10 provides that—

The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league.

These provisions regarding open treaties and reduction of armaments will unquestionably remove many of the irritating causes which have heretofore led to disputes and ruptures, and if these two provisions alone were put in operation the number of wars would be greatly diminished. If, however, disputes should arise, peaceful means are provided for their settlement. Every inducement is offered for the settlement of disputes by diplomatic methods. The very fact that they agree to either submit their disputes to arbitration or inquiry would have a tendency to promote settlements through diplomacy. The result of a mere inquiry would be the submission of the ascertained facts to the court of world opinion, accompanied by a recommendation as to what the disputants should do. It would be an extreme case, indeed, which would cause any nation to resort to war against the unanimous opinion of the leading nations of the world. In any event, the nations agree not to go to war for three months after the facts are found, recommendations made, and publicity given thereto. This provides a cooling time during which any nation contemplating war contrary to public opinion would after calm deliberation make further efforts to settle the dispute by peaceful means. Such measures have long been advocated, and heretofore we have entered into treaties with no less than 20 nations which provide for the submission of all disputes either to arbitration or inquiry, and which obligate these countries not to go to war for one year after the submission to inquiry. As already stated, these are the methods provided for the friendly settlement of national disputes. The covenant, however, does not stop there.

Sections 16 and 10 provide for the necessary force in the background. Under section 16, if any member of the league should resort to war in disregard of its covenants, this would constitute an act of war. It would not, however, constitute a state of war or necessarily result in war by all the members of the league. If such an act of war be committed, the other members of the league agree to enforce the boycott which is provided. The fact that provision is made for this economic boycott through its deterring influences would prevent, in most cases, the occurrence of the causes which might lead to its enforcement. The provisions of article 10 would not be brought into operation until after the provisions for arbitration, inquiry, and economic pressure had been exhausted. It seems to me that no one will question the advisability of coercing in some manner any member of the league which should decline to submit a matter of dispute to either arbitration or inquiry. Refusal being a breach of its solemn obligations, would brand such nation as an outlaw among civilized peoples. It is almost inconceivable how the enforcement of the provisions of article 10 should ever become necessary. Under the terms of the covenant there can be no external aggression by any member of the league against another member until the provisions for arbitration and inquiry had failed and the economic pressure imposed, and the possible war must have for its purpose an attack upon the territorial integrity or political independence of the other nation. As to the wisdom of this article there seems to me to be no question. This is a declaration to the world that war for conquest shall end and that this declaration will be supported by the combined power of all the other members of the league. With such assurance all the members of the league, both small and large, would be relieved of the anxieties of the past and be warranted in devoting themselves to peaceful pursuits as never before in the history of the world. In my humble judgment, if this covenant is entered into, wars may possibly occur, but such occurrence will be exceedingly improbable.

Mr. President, let us now consider briefly the principal objections which have been urged against the covenant. It is contended that Congress should be free to consider on its merits any case which might arise for the reduction of armaments under article 8, or the enforcement of the provisions of article 10. In my judgment, by the plain terms of these articles the Congress would be free to act on the merits of any case which might be presented, but if it should be thought necessary to safeguard the rights of Congress in these respects it may easily be done by instructions to the representative of the United States in the council. No reservation is necessary to that end.

Objection is also made to that clause of article 15 which is as follows:

If the dispute between the parties is claimed by one of them, and is found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report, and shall make no recommendation as to its settlement.

It is admitted by all that it is not the intention of this covenant to bring purely domestic questions under the jurisdiction of the league; but it is said that the council should not be clothed with authority to decide what is a domestic question. It seems to be admitted that there is no probability that the council would ever assume jurisdiction over any question which the United States might consider a domestic question, as all the other nations members of the league would bind themselves by any ruling which might be established as against the United States; but there seems to be a determination on the part of some Senators to remove all possibility of such a decision and reserve to the United States the sole right in every instance to determine for itself whether or not the question presented is one wholly of domestic concern. If such right be reserved, not only as to the United States but as to all other members of the league, it is easy to conjecture that the whole scheme devised for the peace of the world could be rendered of no avail. In clear cases, such as questions affecting immigration, the tariff, coastwise trade, and so forth, any decision against us would be purely arbitrary, and if we can conceive that the membership of the council would act arbitrarily it is more reasonable to conceive that a single nation would, if it suited its purposes, resort to arbitrary action. All international questions in a sense are of domestic concern, and only one arbitrary step further is needed to claim that the question is one solely within the domestic jurisdiction. Let us weigh these consequences against the ills which we should have to bear in the event that the council should make a mistake and take jurisdiction of a question which was actually, according to international law, one solely of domestic jurisdiction. Let us take the most horrifying example, which has frequently been referred to, because it appears so obnoxious to the American people, that of Japan seeking to have her citizens given all the rights of alien immigrants in the United States. We will assume that Japan has presented her claim to the council, that the council has decided that the question of immigration is one within its jurisdiction, and that under the treaty existing between the United States and Japan the citizens of Japan have a right to enter the United States. Of course, it is inconceivable that such would ever occur; but let us assume that it does occur, and show how the provisions of the covenant would operate with respect thereto and see how far we would be injured by any of the requirements of this covenant. In this contingency the council, after having found that the Japanese had a right to emigrate to the United States, would recommend that the United States permit them so to do. Of course, the United States would not feel bound to comply with any such outrageous decision and would not comply.

The only penalty provided is our obligation not to go to war about it. The situation could be easily met and the difficulties overcome by means other than war. Such a recommendation of the council could only be made by reason of that provision in the treaty existing between the United States and Japan, which gives to the citizens of Japan all the rights of citizens of the most-favored nations; or, in other words, the rights of citizens of other countries, such as those of England or France. In the event of such a decision as this the Congress would not only be impelled to do so but would be justified in passing a law prohibiting immigration from all countries. Thus a means would readily be found which would settle this most serious of imaginable disputes, and without resort to war. I am unable to conceive of any controversy arising under this provision which could not be properly met without any necessity for hostile combat. But if a decision should be made against our contention which could not be circumvented, would it not be better to conclude that we were wrong rather than go to war about it? It must be remembered that no obligation would arise not to resort to war, in case the dispute was with Japan, unless there should be a unanimous decision and recommendation against us by England, France, Italy, Belgium, Greece, Spain, and Brazil, if the dispute were submitted for inquiry by the council. If we felt that those seven nations were so hostile to the United States that they would probably render an arbitrary decision against us, we would have the right to transfer the matter to the assembly. If

the matter were presented to the assembly, there could be no recommendation against us without the unanimous vote of the seven nations mentioned and a majority of all the other members of the league. So the final recommendation against us before it would have any binding effect must have the unanimous vote of the 7 nations comprising the membership of the council and the affirmative vote of at least 20 other nations. It is inconceivable that any decision unless the question should be extremely doubtful would receive the affirmative support of this array of nations, and would we not conclude to find some means with which to meet the situation other than resort to war? If Japan should resort to war against us, we would not be obligated to refrain from making war against war and in our defense.

Mr. WALSH of Montana. Mr. President——

Mr. JONES of New Mexico. I am glad to yield to the Senator.

Mr. WALSH of Montana. Is there anything in the covenant at that point by virtue of which Japan could call upon the other nations to help her under the circumstances to make war upon us?

Mr. JONES of New Mexico. Absolutely none, so far as I have been able to discover.

Mr. WALSH of Montana. Is there any way provided in the league covenant under which that demand could be enforced against us?

Mr. JONES of New Mexico. Absolutely none.

But I submit we have no right to assume that the vast majority of the nations of the world are going to agree upon any decision which is purely arbitrary. Any such assumption would preclude the establishment of any international relation which would bring about concerted action regarding world conditions. No individual has a right to be a law unto himself, and no nation has a right under all circumstances to be a judge in its own case. Civilization means association, and if nations are to join in any plan looking toward peaceful intercourse each must be prepared to submit to enlightened and organized opinion of the civilized world. It is unthinkable that the American people want to perpetuate that old doctrine that each nation is privileged to take and hold what it can. That doctrine was the inspiration of Germany in the recent conflict, and it was because of our opposition to such doctrine that we sent our millions of men to Europe and expended our billions of treasure.

Objection is also urged that by this covenant we surrender the privilege of maintaining upon our own responsibility the traditional policy known as the Monroe doctrine. Article 21 provides:

> Nothing in this covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

No one has attempted to define the Monroe doctrine, but whatever it is, it is excluded from the jurisdiction of the league, and its validity specifically recognized. This statement is disputed, but I am willing to believe that the American people will accept what appears to be the plain and simple interpretation of this language. The Monroe doctrine is specifically named, and by no construction can any meaning be given to those words without reaching the conclusion that its validity is not to be affected. It is universally recognized that in the construction of a statute or an obligation each word should be given some meaning and effect, if it is possible to do so. Applying this rule to the article in question, unless the words "Monroe doctrine" as therein used are given the obvious effect, they have no meaning whatever.

The objections, however, go further. It is also insisted that the time might come when a question would arise as to whether or not a given case would fall within the Monroe doctrine. No jurisdiction is given to the council to define this doctrine. But it is said that a dispute might arise regarding some question which the United States would claim to fall within this doctrine, and in such controversy the council would be required to pass judgment upon it. This Monroe doctrine was promulgated about a century ago, and has been applied in several specific cases. In fact, concrete cases to which the doctrine has been applied have been sufficient, it seems to me, to establish in this practical way every essential element of the doctrine. Clearly, the principles involved in these concrete cases would be recognized by the provisions of this article as having a binding force in any decision of the council or assembly. If we assume, as we must, an honest decision, any fundamental principle materially affecting our interests would be recognized. Doubtful questions, of course, are conceivable, but I submit that they can not affect the vital interests of the United States. No illustration of any such doubtful, vital question has been presented. The primary purpose of this doctrine was to prevent European nations from so establishing themselves within the Western Hemisphere as to become a menace to the United States. I shall not consume the time of the Senate in discussing the language of the doctrine, or the cases which have arisen under it, but respectfully request that if any Senator has in mind any specific situation within the spirit of that doctrine which would vitally affect the security of the United States, and which does not fall within the clear language of the doctrine as announced by President Monroe, or the principles established in the application of that doctrine in our dealings with England, France, Spain, and Germany, it would be illuminating to have it presented. Thus far nothing of the kind has been done. If, however, some doubtful question should arise, would it not be far better for us to submit it for unanimous decision by England, France, Italy, Belgium, Greece, Spain, and Brazil, as members of the council, and a majority of the other members of the assembly, rather than to go to war about it? All that I have said in discussing jurisdiction of domestic questions applies with equal force here.

It is also objected that our right to withdraw from the league is dependent upon the will of other nations. The provision of article 1 in regard thereto is as follows:

> Any member of the league may, after two years' notice of its intention so to do, withdraw from the league, provided that all its international obligations and all its obligations under this covenant shall have been fulfilled at the time of its withdrawal.

On August 19 President Wilson and the members of the Foreign Relations Committee met at the White House for the purpose of discussing the terms of the covenant. In a formal statement the President, in referring to this withdrawal provision, said:

> The right of any sovereign State to withdraw had been taken for granted, but no objection was made to making it explicit. Indeed, so soon as the views expressed at the White House conference were laid before the commission it was at once conceded that it was best not to leave the answer to so important a question to inference. No proposal was made to set up any tribunal to pass judgment upon the question whether a withdrawing nation had in fact fulfilled "all its international obligations and all its obligations under the covenant." It was recognized that that question must be left to be resolved by the conscience of the nation proposing to withdraw; and I must say that it did not seem to me worth while to propose that the article be made more explicit, because I knew that the United States would never itself propose to withdraw from the league if its conscience was not entirely clear as to the fulfillment of all its international obligations. It has never failed to fulfill them and never will.

Later, during the conference, the following colloquy ensued:

> Senator BORAH. Mr. President, if no one else desires to ask a question, I want, so far as I am individually concerned, to get a little clearer information with reference to the withdrawal clause in the league covenant. Who passes upon the question of the fulfillment of our international obligations, upon the question whether a nation has fulfilled its international obligations?
>
> The PRESIDENT. Nobody.
>
> Senator BORAH. Does the council have anything to say about it?
>
> The PRESIDENT. Nothing whatever.
>
> Senator BORAH. Then, if a country should give notice of withdrawal it would be the sole judge of whether or not it had fulfilled its international obligations—its covenants—to the league?
>
> The PRESIDENT. That is as I understand it. The only restraining influence would be the public opinion of the world.
>
> Senator BORAH. Precisely; but if the United States should conceive that it had fulfilled its obligations that question could not be referred to the council in any way, or the council could not be called into action.
>
> The PRESIDENT. No.
>
> Senator BORAH. Then, as I understand, when the notice is given the right to withdraw is unconditional?
>
> The PRESIDENT. Well, when the notice is given it is conditional on the faith of the conscience of the withdrawing nation at the close of the two-year period.
>
> Senator BORAH. Precisely; but it is unconditional, so far as the legal right or the moral right is concerned?
>
> The PRESIDENT. That is my interpretation.
>
> Senator BORAH. There is no moral obligation on the part of the United States to observe any suggestion made by the council?
>
> The PRESIDENT. Oh, no.
>
> Senator BORAH. With reference to withdrawing?
>
> The PRESIDENT. There might be a moral obligation if that suggestion had weight, Senator, but there is no other obligation.
>
> Senator BORAH. Any moral obligation which the United States would feel would be one arising from its own sense of obligation?
>
> The PRESIDENT. Oh, certainly.
>
> Senator BORAH. And not by reason of any suggestion by the council?
>
> The PRESIDENT. Certainly.
>
> Senator BORAH. Then the idea which has prevailed in some quarters that the council would pass upon such obligation is an erroneous one, from your standpoint?
>
> The PRESIDENT. Yes; entirely.
>
> Senator BORAH. And, as I understand, of course, you are expressing the view which was entertained by the commission which drew the league?
>
> The PRESIDENT. I am confident that that was the view. That view was not formulated, you understand, but I am confident that that was the view.

That interpretation by the President should be conclusive. It was published throughout the world on August 20, and not a suggestion against it has come from any authoritative source. It may well be accepted as having been concurred in by the representatives of all the other nations who participated in the preparation of the covenant.

It is also urged that we should obey the admonition of George Washington and not enter into any foreign alliances. This subject has been the theme of orators, and any reference thereto is a strong appeal to the sympathetic consideration of the American people. In my humble judgment, however, these orators do the memory of Washington a grievous wrong. The admonition left to us by him is generally recognized as having been both timely and wise. But Washington never said that this admonition should last for all time. He never said that conditions would not change. He never contended that there would never be such progress in civilization as to warrant the association of nations. On the other hand, if we consider his life and acts, we must be convinced that he recognized that changes would come. A notable illustration can be given by referring to the Constitution of the United States. That document is conceded to be the greatest instrument of national government ever devised at one time. George Washington was president of the convention which framed it. He had as his associates the recognized leaders of public thought from the several confederated States. To this instrument he devoted his best time and efforts, and in the work had the cooperation, advice, and assistance of the other members of the convention. If any time ever existed when an immutable law could or should be established, controlling the conduct of the United States, that was the time to prescribe it. But no thought was even suggested that it would be immutable, and so provision was made for its change by amendment. It is not conceivable that Washington thought our domestic affairs more subject to change than our foreign relations, and these changes have come. It has been asserted on the floor of the Senate by the Senator from Idaho that the situation now is precisely the same as it was in the days of Washington, and therefore his advice given more than a century ago should be followed. I shall not dwell upon the economic changes, the scientific changes, the financial and other changes which have taken place since that time, as they are known to even the casual readers of the country. The only similarity between the situation at the present time and that which existed at the time when Washington spoke lies in the mere fact that now we are at the conclusion of a war, and we were so then. I am sure that the views expressed by the Senator from Idaho are not entertained by any considerable number of his countrymen.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from North Dakota?

Mr. JONES of New Mexico. I do.

Mr. McCUMBER. I desire to ask the Senator if he considers an agreement between all nations of the world to keep the peace, and not to resort to war, an alliance in any sense whatsoever?

Mr. JONES of New Mexico. Mr. President, I certainly do not; and I should take great pleasure in discussing this subject at greater length. The Senator from North Dakota understands, however, that in a general discussion of this kind we must stop somewhere. I should like very much to enter into the very inviting field which the inquiry of the Senator presents to us. There is no similarity between an alliance such as Washington had in mind and an association under this covenant of the league of nations.

It has also been suggested that we should not enter this league because we would be assuming large burdens and with no direct or material benefit. According to my notion, if such be the case, we would be justified in becoming a member of the league. To my mind the peace of the world means so much for mankind if this league only tended to bring about peace in Europe and would have no tendency to save the life of any American, I would still be willing to make even greater sacrifices for its accomplishment. The unselfish, the ideal, the altruistic motives which have inspired this league are sufficient inducements for all the sacrifices and effort which we will be called upon to make in carrying out its provisions. But if there are those who insist upon some direct and material benefit to the United States, they ought to be satisfied. Already the unsavory condition in Mexico has cost us much treasure and has taken the lives of hundreds of our fellow countrymen. I shall not discuss the details of that situation. They are known in a great measure to all of us. It is evident that the situation there is daily growing intolerable. The time is near at hand when order must be brought out of that national chaos. That nation prior to the revolution was in close contact with the rest of the civilized world. Citizens of the United States, Great Britain, France, and other nations had established themselves and had acquired interests there upon the invitation of that Government. The financial interests are still there, and also many of the citizens of these countries. The situation must be dealt with in the near future. It is true that we are powerful enough to deal with it alone, but it must be recognized that by reason of jealousy or other causes the good offices of the United States are not acceptable to the present régime in Mexico. It may also be recognized that this régime has its sympathizers in some other countries on the Western Hemisphere. It would seem, therefore, that if the settlement of that situation is to devolve upon the United States alone nothing but armed intervention will suffice. Such intervention, of course, means war. We could lay aside the thought of the financial burden as a thing inconsiderable, but we can not with coolness contemplate the sacrifice of American lives which would ensue. We do not want war with Mexico, but we do want Mexican lawlessness to cease. I submit that no greater agency can be conceived for the purpose of bringing about peace in Mexico without war than the establishment of this league of nations. With it established the Mexican situation would probably be brought to the attention of the council.

If this were done, and the processes authorized by this covenant employed, can there be a serious doubt that they would be effective? Any representation coming from the council as the spokesman for the United States, Great Britain, France, Italy, Japan, Belgium, Greece, Spain, and Brazil would be convincingly persuasive. The Mexican régime would instantly realize that it could no longer remain a menace to its neighbors and to civilization. Of course, I am not speaking for those American citizens, if any there be, who may be looking forward to the time when the United States shall enter with her Army into Mexico for the purpose of conquest, with resultant material benefits to themselves. But I do have in mind the untold satisfaction which would come to that vast majority of our men and women who want to look upon, deal with, and think of Mexico as a friendly neighbor. There are blood ties which bind many of our citizens to the citizens of Mexico, and we do not want these ties severed by the horrors of war. Doubtless some will suggest that we have the right, and that it is our exclusive privilege to deal with Mexico and take the situation into our own hands, by reason of the Monroe doctrine. I submit, however, that no such contention can be sustained either by the language of President Monroe or any precedent established under it. The United States has never assumed the right to supervise the conduct of nations on the Western Hemisphere. It has never assumed the responsibility of sponsor for their conduct. The United States has never guaranteed investments within their boundaries. And foreign nations, with respect to their citizens and their investments, have the same rights in Mexico as has the United States. The only thing which we insist upon is that the territorial integrity and political independence of Mexico shall not be jeopardized by foreign action.

If further selfish interest is desired to accrue from this league of nations it can be found in tremendous proportions. Our financial relation to the rest of the world has been completely changed by this war. Prior to the war we were indebted to foreign countries in the sum of about $5,000,000,000. To-day the rest of the world is indebted to the United States in the sum of $12,000,000,000. Prior to the war our annual foreign commerce, both exports and imports, were about $4,000,000,000. During the last fiscal year the exports alone amounted to more than seven and one-half billions of dollars. We are expending in the construction of a merchant marine more than $2,000,000,000. The future prosperity of this country depends upon this foreign commerce. We must have world peace; we must have stable conditions in all countries with which we deal. We need the products of other countries, and those countries need our products. Our personal comfort as well as our prosperity depend upon the relationship which we shall establish with foreign nations. Peace is a prime essential. Without it all else fails.

Mr. President, this treaty is before us for final action. The responsibility resting upon us has been equaled only by that which weighed so heavily when by our votes the United States of America dedicated her resources and the flower of her manhood to the preservation of democratic civilization. Resources measured in billions, the product of toil and sacrifice, found their way across the mighty Atlantic. In millions of homes mothers with deft fingers plied the needle and consecrated their handiwork with unwilling tears. Millions of American sons bade farewell to those most dear and offered lives full of hope and promise to the service of their country. Seventy-five thousand sleep the everlasting sleep beneath the sod of devastated France. Other thousands maimed in body or weakened in mind during future years will mingle with their fellows living reminders of sacrifices made in harkening to their country's call. One hundred times, yea, twice one hundred times 75,000 of other lands lie

moldering in untimely graves. Millions of mothers, sisters, wives, and innocent prattling children have felt the increasing pangs of hunger and met the gruesome demands of starvation. We hear the voices of these hovering spirits calling. Do they call in vain? What words of comfort have we for loved ones left behind? Shall they face a future dark with impending clouds of other wars? Autocracies have disintegrated; Republics have been erected. Their peoples plead for existence. Are our hearts turned to stone? What shall our answers be? May God give us wisdom to decide aright is my prayer.

TREATY OF PEACE WITH AUSTRIA.

The PRESIDENT pro tempore. The Secretary will read the proposed treaty with Austria, on the request of the Senator from Massachusetts [Mr. LODGE].

Mr. HITCHCOCK. Mr. President, I desire to ask whether the Senator from Massachusetts requested unanimous consent for the reading of the treaty with Austria?

The PRESIDENT pro tempore. The Chair understands that the Senator from Massachusetts did request unanimous consent for the reading of the treaty with Austria, and that it was granted.

Mr. HITCHCOCK. I entered the Chamber while the Senator from Massachusetts was on his feet, and I did not hear the request.

Mr. LODGE. I made the request. I do not think it requires unanimous consent.

Mr. HITCHCOCK. The Senator from Massachusetts assured me, and assured the Senate, that to-day he would lay before the Senate for consideration the proposed treaty with Germany.

Mr. LODGE. It is now before the Senate.

Mr. HITCHCOCK. Then, if he proposes to read an entirely different treaty, which, in my opinion and in the opinion of the country, will be considered nothing more nor less than the squandering of time, I suppose the Senator from Massachusetts is willing to take the responsibility for assuming such a position. But I could not believe it possible. I supposed that in good faith the Senator from Massachusetts proposed to bring into the Senate to-day the treaty with Germany, and proceed to have that treaty read; and to think that he is now to take the valuable time of the Senate, when the whole country is waiting for action upon the treaty with Germany, to read an entirely different treaty, which has not even been sent to the Senate by the President of the United States, was to me incredible. I could not consider that the Senator from Massachusetts would do a thing of that sort. To me it is nothing more nor less than trifling with the Senate. It is nothing more nor less than flying in the face of the public demand for action here, and I am amazed that the Senator from Massachusetts should take such a position. He knows that while the so-called treaty with Austria is being read here, it will not be listened to by a dozen Senators. He knows that if he wants to give it publicity he can attain that by having it printed in the RECORD, and to take up the time of the Senate for hours in reading a treaty that is not before the Senate, and can not come before the Senate for some time, and which must again be read to the Senate when it comes from the proper authority, seems to me such a useless proceeding——

Mr. WILLIAMS. He has already obtained unanimous consent to have it read.

Mr. HITCHCOCK. I am told that the Senator has already obtained unanimous consent. I relied upon the statement of the Senator from Massachusetts that at 2 o'clock he would call up the treaty with Germany.

Mr. LODGE. I did so.

Mr. HITCHCOCK. I entered the Chamber a minute or two after 2 o'clock, and the Senator from Massachusetts was still on his feet, as I supposed presenting the treaty with Germany, and now I am told that in that minute and a half the Senator secured unanimous consent for squandering hours of the time of the Senate in reading something that has nothing to do with this treaty whatever. I appeal to the Senator from Massachusetts to withdraw the request and to simply have the treaty printed, if it has to be printed at public expense, and not take the time of the Senate when we are gathered here for business.

Mr. LODGE. Mr. President, of course I can not undertake to be responsible for all the suppositions of the Senator from Nebraska. I presented this Austrian treaty, and a number of Senators about me asked that it be read, and said that it ought to be read. Personally I am perfectly willing to have it printed in the RECORD without reading. It was my intention when I came in the Chamber just now to ask, if there was no objection, that it be printed without reading; but after the Senator made his genial remarks I have been very much inclined to insist on its being read. I do not care to have it read; I do not desire to take up time in reading it. It ought to go before the Senate, but I am perfectly willing to withdraw the request and let it go into the RECORD without reading.

Mr. WILLIAMS. Mr. President, I would like to ask the Senator from Massachusetts what copy of the treaty this is and whence it comes.

Mr. LODGE. I explained that this morning. It was a copy of the treaty brought out here by a correspondent of the Chicago Tribune. It is a copy that was sent to Austria with the note of transmittal saying that they must take the treaty just as it stood and sign it within five days. Owing to the absence of Dr. Renner, the time was extended to seven days, and it was signed on the 10th. I think it is a very interesting document in connection with the treaty with Germany.

Mr. WILLIAMS. After all, then, it is a newspaper report of the treaty.

Mr. LODGE. No; it is an original copy brought from Paris.

Mr. WILLIAMS. It is what purports to be an original copy as published in a newspaper.

Mr. LODGE. No; it was not published in a newspaper. This is the original text; one of the official copies.

Mr. WILLIAMS. I thought the Senator said it was published in the Chicago Tribune.

Mr. LODGE. They may have published it this morning; I do not know. What I presented was the official, certified copy with the accompanying letter.

Mr. WILLIAMS. Do you mean a copy of it or the official copy itself?

Mr. LODGE. No; I mean in the sense in which you say a copy of a book. It is one of the official prints, if that word is more exact, of the treaty with Austria.

Mr. MOSES. Mr. President, it may serve to illuminate the subject to state that the copy the Senator from Massachusetts has presented is exactly of the same character in typography and paper and in every external aspect as that copy of the treaty with Germany which the Senator from Massachusetts some weeks ago received, probably as a "receiver of stolen goods, and by bribery."

Mr. LODGE. Which turned out to be exact.

Mr. MOSES. Which did turn out to be exact, despite the assertions of the Senator from Nebraska [Mr. HITCHCOCK].

Mr. LODGE. It turned out to be one of the copies, if I may use that word, one of the official prints, of the treaty with Germany. There are also two letters in French. The treaty is in English. I have not the least desire to delay the Senate unnecessarily. I was asked by many Senators to have it read, and I thought perhaps that was the only way Senators would ever read it, was by hearing the Secretary read it. I am perfectly willing to let it go into the RECORD without reading.

The PRESIDENT pro tempore. The Chair is not certain, upon reflection, that unanimous consent was granted for its reading, although the Senator from Massachusetts did prefer the request. By unanimous consent, if there be no objection, the document referred to will be printed in the RECORD without reading.

Mr. LODGE. I also ask that it be printed as a document.

The PRESIDENT pro tempore. That was agreed to.

There being no objection, the treaty was ordered to be printed in the RECORD, as follows:

TREATY OF PEACE BETWEEN THE PRINCIPAL ALLIED AND ASSOCIATED POWERS AND AUSTRIA.

THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE, ITALY and JAPAN,

These Powers being described in the present Treaty as the Principal Allied and Associated Powers;

BELGIUM, BOLIVIA, BRAZIL, CHINA, CUBA, ECUADOR, GREECE, GUATEMALA, HAITI, THE HEDJAZ, HONDURAS, LIBERIA, NICARAGUA, PANAMA, PERU, POLAND, PORTUGAL, ROUMANIA, THE SERB-CROAT-SLOVENE STATE, SIAM, CZECHO-SLOVAKIA and URUGUAY,

These Powers constituting, with the Principal Powers mentioned above, the Allied and Associated Powers,

of the one part;

And AUSTRIA,

of the other part;

Whereas on the request of the former Imperial and Royal Austro-Hungarian Government an Armistice was granted to Austria-Hungary on November 3, 1918, by the Principal Allied and Associated Powers in order that a Treaty of Peace might be concluded, and

Whereas the Allied and Associated Powers are equally desirous that the war in which certain among them were successively involved, directly or indirectly, against Austria-Hungary, and which originated in the declaration of war against Serbia on

July 28, 1914, by the former Imperial and Royal Austro-Hungarian Government, and in the hostilities conducted by Germany in alliance with Austria-Hungary, should be replaced by a firm, just and durable Peace, and

Whereas the former Austro-Hungarian Monarchy has now ceased to exist, and has been replaced in Austria by a republican government, and

Whereas the Principal Allied and Associated Powers have already recognized that the Czecho-Slovak State, in which are incorporated certain portions of the said Monarchy, is a free, independent and allied State, and

Whereas the said Powers have also recognized the union of certain portions of the said Monarchy with the territory of the Kingdom of Serbia as a free, independent and allied State, under the name of the Serb-Croat-Slovene State, and

Whereas it is necessary, while restoring peace, to regulate the situation which has arisen from the dissolution of the said Monarchy and the formation of the said States, and to establish the government of these countries on a firm foundation of justice and equity;

For this purpose the HIGH CONTRACTING PARTIES represented as follows:

THE PRESIDENT OF THE UNITED STATES OF AMERICA, by:

The Honourable Frank Lyon POLK, Under Secretary of State;

The Honourable Henry WHITE, formerly Ambassador Extraordinary and Plenipotentiary of the United States at Rome and Paris;

General Tasker H. BLISS, Military Representative of the United States on the Supreme War Council;

HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, by:

The Right Honourable David LLOYD GEORGE, M. P., First Lord of His Treasury and Prime Minister;

The Right Honourable Arthur James BALFOUR, O. M., M. P., His Secretary of State for Foreign Affairs;

The Right Honourable Andrew BONAR LAW, M. P., His Lord Privy Seal;

The Right Honourable Viscount MILNER, G. C. B., G. C. M. G., His Secretary of State for the Colonies;

The Right Honourable George Nicoll BARNES, M. P., Minister without portfolio;

And

for the DOMINION of CANADA, by:

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for the COMMONWEALTH of AUSTRALIA, by:

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for the UNION of SOUTH AFRICA, by:

---

for the DOMINION of NEW ZEALAND, by:

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for INDIA, by:

THE PRESIDENT OF THE FRENCH REPUBLIC, by:

Mr. Georges CLEMENCEAU, President of the Council, Minister of War;

Mr. Stephen PICHON, Minister for Foreign Affairs;

Mr. Louis-Lucien KLOTZ, Minister of Finance;

Mr. André TARDIEU, Commissary General for Franco-American Military Affairs;

Mr. Jules CAMBON, Ambassador of France.

HIS MAJESTY THE KING OF ITALY, by:

Mr. S. CRESPI, Deputy;

HIS MAJESTY THE EMPEROR OF JAPAN, by:

Viscount CHINDA, Ambassador Extraordinary and Plenipotentiary of H. M. the Emperor of Japan at London;

Mr. K. MATSUI, Ambassador Extraordinary and Plenipotentiary of H. M. the Emperor of Japan at Paris;

Mr. H IJUIN, Ambassador Extraordinary and Plenipotentiary of H. M. the Emperor of Japan at Rome;

HIS MAJESTY THE KING OF THE BELGIANS, by:

Mr. Paul HYMANS, Minister for Foreign Affairs, Minister of State;

Mr. Jules van den HEUVEL, Envoy Extraordinary and Minister Plenipotentiary, Minister of State;

Mr. Emile VANDERVELDE, Minister of Justice, Minister of State;

THE PRESIDENT OF THE REPUBLIC OF BOLIVIA, by:

Mr. Ismael MONTES, Envoy Extraordinary and Minister Plenipotentiary of Bolivia at Paris;

THE PRESIDENT OF THE REPUBLIC OF BRAZIL, by:

Mr. Pandià CALOGERAS, Deputy, formerly Minister of Finance;

THE PRESIDENT OF THE CHINESE REPUBLIC, by:

Mr. Lou Tseng-Tsiang, Minister for Foreign Affairs;

Mr. Chengting Thomas WANG, formerly Minister of Agriculture and Commerce;

THE PRESIDENT OF THE CUBAN REPUBLIC, by:

Mr. Antonio Sanchez de BUSTAMANTE, Dean of the Faculty of Law in the University of Havana, President of the Cuban Society of International Law;

THE PRESIDENT OF THE REPUBLIC OF ECUADOR, by:

Mr. DORN Y DE ALSÚA, Envoy Extraordinary and Minister Plenipotentiary of Ecuador at Paris;

HIS MAJESTY THE KING OF THE HELLENES, by:

Mr. Eleftherios VENISÉLOS, President of the Council of Ministers;

Mr. Nicolas POLITIS, Minister for Foreign Affairs;

THE PRESIDENT OF THE REPUBLIC OF GUATEMALA, by:

Mr. Joaquim MÉNDEZ, formerly Minister of State for Public Works and Public Instruction; Envoy Extraordinary and Minister Plenipotentiary of Guatemala at Washington, Envoy Extraordinary and Minister Plenipotentiary on special mission at Paris;

THE PRESIDENT OF THE REPUBLIC OF HAITI, by:

Mr. Tertullien GUILBAUD, Envoy Extraordinary and Minister Plenipotentiary of Haiti at Paris;

HIS MAJESTY THE KING OF THE HEDJAZ, by:

Mr. Rustem HAÏDAR;

M. Abdul Hadi AOUNI;

THE PRESIDENT OF THE REPUBLIC OF HONDURAS, by:

THE PRESIDENT OF THE REPUBLIC OF LIBERIA, by:

The Honourable Charles Dunbar Burgess KING, Secretary of State;

THE PRESIDENT OF THE REPUBLIC OF NICARAGUA, by:

Mr. Salvador CHAMORRO, President of the Chamber of Deputies;

THE PRESIDENT OF THE REPUBLIC OF PANAMA, by:

Mr. Antonio BURGOS, Envoy Extraordinary and Minister Plenipotentiary of Panama at Madrid;

THE PRESIDENT OF THE REPUBLIC OF PERU, by:

Mr. Carlos G. CANDAMO, Envoy Extraordinary and Minister Plenipotentiary of Peru at Paris;

THE PRESIDENT OF THE POLISH REPUBLIC, by:

Mr. Ignace PADEREWSKI, President of the Council of Ministers, Minister for Foreign Affairs;

Mr. Roman DMOWSKI, President of the Polish National Committee;

THE PRESIDENT OF THE PORTUGUESE REPUBLIC, by:

Dr. Affonso COSTA, formerly President of the Council of Ministers;

Mr. Augusto SOARES, formerly Minister for Foreign Affairs;

HIS MAJESTY THE KING OF ROUMANIA, by:

Mr. Ion I. C. BRATIANO, President of the Council of Ministers, Minister for Foreign Affairs;

General Constantin COANDA, Corps Commander, A. D. C. to the King, formerly President of the Council of Ministers;

HIS MAJESTY THE KING OF THE SERBS, THE CROATS, AND THE SLOVENES, by:

Mr. Nicolas P. PACHITCH, formerly President of the Council of Ministers;

Mr. Ante TRUMBIC, Minister for Foreign Affairs;

Mr. Milenko VESNITCH, Envoy Extraordinary and Minister Plenipotentiary of H. M. the King of the Serbs, the Croats and the Slovenes at Paris;

HIS MAJESTY THE KING OF SIAM, by:
Prince CHAROON, Envoy Extraordinary and Minister Plenipotentiary of H. M. the King of Siam at Paris;
Prince Traidos PRABANDHU, Under Secretary of State for Foreign Affairs;
THE PRESIDENT OF THE CZECHO-SLOVAK REPUBLIC, by:
Mr. Karel KRAMAR, President of the Council of Ministers;
Mr. Edouard BENES, Minister for Foreign Affairs;
THE PRESIDENT OF THE REPUBLIC OF URUGUAY, by:
Mr. Juan Antonio BUERO, Minister for Foreign Affairs, formerly Minister of Industry;
AUSTRIA, by:
Mr. Charles RENNER, Chancellor of the Austrian Republic.
WHO, having communicated their full powers, found in good and due form, have AGREED AS FOLLOWS:

From the coming into force of the present Treaty the state of war will terminate.

Austria is recognized under the name of the "REPUBLIC OF AUSTRIA."

From that moment, and subject to the provisions of this Treaty, official relations will exist between the Allied and Associated Powers and the Republic of Austria.

PART I.

THE COVENANT OF THE LEAGUE OF NATIONS.

THE HIGH CONTRACTING PARTIES,

In order to promote international co-operation and to achieve international peace and security

by the acceptance of obligations not to resort to war,

by the prescription of open, just and honourable relations between nations,

by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and

by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another,

Agree to this Covenant of the League of Nations.

Article 1.

The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accession shall be effected by a Declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

Any fully self-governing State, Dominion or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments.

Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

Article 2.

The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council, with a permanent Secretariat.

Article 3.

The Assembly shall consist of Representatives of the Members of the League.

The Assembly shall meet at stated intervals and from time to time as occasion may require at the Seat of the League or at such other place as may be decided upon.

The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

At meetings of the Assembly each Member of the League shall have one vote, and may have not more than three Representatives.

Article 4.

The Council shall consist of Representatives of the Principal Allied and Associated Powers, together with Representatives of four other Members of the League. These four Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of Belgium, Brazil, Spain and Greece shall be members of the Council.

With the approval of the majority of the Assembly, the Council may name additional Members of the League whose Representatives shall always be members of the Council; the Council with like approval may increase the number of Members of the League to be selected by the Assembly for representation on the Council.

The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

At meetings of the Council, each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

Article 5.

Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting.

All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the Members of the League represented at the meeting.

The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

Article 6.

The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary General and such secretaries and staff as may be required.

The first Secretary General shall be the person named in the Annex; thereafter the Secretary General shall be appointed by the Council with the approval of the majority of the Assembly.

The secretaries and staff of the Secretariat shall be appointed by the Secretary General with the approval of the Council.

The Secretary General shall act in that capacity at all meetings of the Assembly and of the Council.

The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

Article 7.

The Seat of the League is established at Geneva.

The Council may at any time decide that the Seat of the League shall be established elsewhere.

All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

Article 8.

The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

Such plans shall be subject to reconsideration and revision at least every ten years.

After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval and air programmes and the condition of such of their industries as are adaptable to war-like purposes.

Article 9.

A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military, naval and air questions generally.

Article 10.

The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

Article 11.

Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the Secretary General shall on the request of any Member of the League forthwith summon a meeting of the Council.

It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

Article 12.

The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

In any case under this Article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

Article 13.

The Members of the League agree that whenever any dispute shall arise between them which they recognise to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration.

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

For the consideration of any such dispute the court of arbitration to which the case is referred shall be the court agreed on by the parties to the dispute or stipulated in any convention existing between them.

The Members of the League agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

Article 14.

The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

Article 15.

If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with Article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary General, who will make all necessary arrangements for a full investigation and consideration thereof.

For this purpose the parties to the dispute will communicate to the Secretary General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

The Council shall endeavour to effect a settlement of the dispute, and if such efforts are successful, a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

If the dispute between the parties is claimed by one of them, and if found by the Council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

The Council may in any case under this Article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within fourteen days after the submission of the dispute to the Council.

In any case referred to the Assembly, all the provisions of this Article and of Article 12 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

Article 16.

Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13 or 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

Article 17.

In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles 12 to 16 inclusive shall be applied with such modifications as may be deemed necessary by the Council.

Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the State taking such action.

If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

Article 18.

Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

Article 19.

The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

Article 20.

The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

Article 21.

Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

Article 22.

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centers of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

Article 23.

Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:

(*a*) will endeavour to secure and maintain fair and humane conditions of labour for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations;

(*b*) undertake to secure just treatment of the native inhabitants of territories under their control;

(*c*) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;

(*d*) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;

(*e*) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection the special necessities of the regions devastated during the war of 1914–1918 shall be borne in mind;

(*f*) will endeavour to take steps in matters of international concern for the prevention and control of disease.

Article 24.

There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaux or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

Article 25.

The Members of the League agree to encourage and promote the establishment and co-operation of duly authorised voluntary national Red Cross organisations having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.

Article 26.

Amendments to this Covenant will take effect when ratified by the Members of the League whose Representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

No such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

ANNEX.

I. ORIGINAL MEMBERS OF THE LEAGUE OF NATIONS SIGNATORIES OF THE TREATY OF PEACE.

United States of America.	China.
Belgium.	Cuba.
Bolivia.	Ecuador.
Brazil.	France.
British Empire.	Greece.
Canada.	Guatemala.
Australia.	Haiti.
South Africa.	Hedjaz.
New Zealand.	Honduras.
India.	Italy.

Japan.	Portugal.
Liberia.	Roumania.
Nicaragua.	Serb-Croat-Slovene State.
Panama.	Siam.
Peru.	Czecho-Slovakia.
Poland.	Uruguay.

STATES INVITED TO ACCEDE TO THE COVENANT.

ARGENTINE REPUBLIC.	PERSIA.
CHILI.	SALVADOR.
COLOMBIA.	SPAIN.
DENMARK.	SWEDEN.
NETHERLANDS.	SWITZERLAND.
NORWAY.	VENEZUELA.
PARAGUAY.	

II. FIRST SECRETARY GENERAL OF THE LEAGUE OF NATIONS.

The Honourable Sir James Eric DRUMMOND, K. C. M. G., C. B.

PART II.

FRONTIERS OF AUSTRIA.

Article 27.

The frontiers of Austria shall be fixed as follows (see Map):

1. *With Switzerland and Lichtenstein:*

the present frontier.

2. *With Italy:*

From the point 2645 (Gruben J.) eastwards to point 2915 (Klopaier Spitz),

a line to be fixed on the ground passing through point 1483 on the Reschen-Nauders road;

thence eastwards to the summit of Dreiherrn Spitz (point 3505),

the watershed between the basins of the Inn to the north and the Adige to the south;

thence south-south-eastwards to point 2545 (Marchkinkele),

the watershed between the basins of the Drave to the east and the Adige to the west;

thence south-eastwards to point 2483 (Helm Spitz)

a line to be fixed on the ground crossing the Drave between Winnbach and Arnbach;

thence east-south-eastwards to point 2050 (Osternig) about 9 kilometres northwest of Tarvis,

the watershed between the basins of the Drave on the north and successively the basins of the Sextenbach, the Piave and the Tagliamento on the south;

thence east-south-eastwards to point 1492 (about 2 kilomètres west of Thörl),

the watershed between the Gail and the Gailitz;

thence eastwards to point 1509 (Pec),

a line to be fixed on the ground cutting the Gailitz south of the town and station of Thörl and passing by point 1270 (Cabin Berg).

3. *On the South, and then with the Klagenfurt area,* subject to the provisions of Section II of Part III (Political Clauses for Europe):

from point 1509 (Pec) eastwards to point 1817 (Malestiger),

the crest of the Karavanken;

from point 1817 (Malestiger) and in a north-easterly direction as far as the Drave at a point situated about 1 kilometre south-east of the railway bridge on the eastern branch of the bend made by that river about 6 kilometres east of Villach,

a line to be fixed on the ground cutting the railway between Mallestig and Faak and passing through point 666 (Polana);

thence in a south-easterly direction to a point about 2 kilometres above St. Martin,

the course of the Drave;

thence in a northerly direction as far as point 871, about 10 kilometres to the east-north-east of Villach,

a line running approximately from south to north to be fixed on the ground;

thence east-north-eastwards to a point to be chosen near point 725 about 10 kilometres north-west of Klagenfurt on the administrative boundary between the districts of St. Veit and Klagenfurt,

a line to be fixed on the ground passing through points 1069 (Taubenbühel), 1045 (Gallinberg), and 815 (Freudenberg);

thence eastwards to a point to be chosen on the ground west of point 1075 (Steinbruch Kogel),

the administrative boundary between the districts of St. Veit and Klagenfurt;

thence north-eastwards to the point on the Gurk where the administrative boundary of the district of Völkermarkt leaves this river,

a line to be fixed on the ground passing through point 1076;

thence north-eastwards to point 1899 (Speikkogl),

the administrative boundary between the districts of St. Veit and Völkermarkt;

thence south-eastwards to point 842 (1 kilometre west of Kasparstein),

the north-eastern boundary of the district of Völkermarkt;

thence eastwards to point 1522 (Hühner Kogel),

a line to be fixed on the ground passing north of Lavamünd.

4. *With the Serb-Croat-Slovene State,* subject to the provisions of Section II of Part III (Political Clauses for Europe):

From point 1522 (Hühner Kogel) eastwards to point 917 (St. Lorenzen),

a line to be fixed on the ground passing through point 1330;

thence eastwards to the point where it meets the administrative boundary between the districts of Marburg and Leibnitz,

the watershed between the basins of the Drave to the south and the Saggau to the north;

thence north-eastwards to the point where this administrative boundary meets the Mur,

the above-mentioned administrative boundary;

thence to the point where it meets the old frontiers of 1867 between Austria and Hungary 5 kilometres south-east of Radkersburg,

the principal course of the Mur downstream;

thence northwards to a point to be fixed east of point 400 about 16 kilometres north of Radkersburg,

the old frontier of 1867 between Austria and Hungary;

thence north-eastwards to a point to be fixed on the watershed between the basins of the Raab and the Mur about 2 kilometres east of Toka,

a line to be fixed on the ground, passing between the villages of Bonisfalva and Gedoudvar.

This point is the point common to the three frontiers of Austria, Hungary and the Serb-Croat-Slovene State.

5. *With Hungary:*

From the point above defined north-eastwards to point 353 about 6 kilometres north-north-east of Szentgotthard,

a line to be fixed on the ground passing through point 353 (Janke B.), then west of the Radkersburg-Szentgotthard road and east of the villages of Nagyfalva, Nemetlak and Rabakeresztur;

thence in a general north-easterly direction to point 234 about 7 kilometres north-north-east of Pinka-Mindszent,

a line to be fixed on the ground passing through point 323 (Hochkogel), then south of the villages of Zsamand, Nemetbükkös and Karacsfa, and between Nagysaroslak and Pinka-Mindszent;

thence northwards to point 883 (Trött Kö) about 9 kilometres south-west of Köszeg,

a line to be fixed on the ground passing through points 241, 260 and 273, then east of Nagynarda and Rohoncz and west of Dozmat and Butsching;

thence north-eastwards to point 265 (Kamenje) about 2 kilometres south-east of Nikitsch,

a line to be fixed on the ground, passing south-east of Liebing, Olmod and Locsmand, and north-west of Köszeg and the road from Köszeg to Salamonfa;

thence northwards to a point to be selected on the southern shore of Neusiedler See between Holling and Hidegseg,

a line to be fixed on the ground, passing east of Nikitsch and Zinkendorf and west of Kövesd and Nemet-Pereszteg;

thence eastwards to point 115 situated about 8 kilometres south-west of St. Johann,

a line to be fixed on the ground, crossing the Neusiedler See, passing south of the island containing point 117, leaving in Hungary the branch railway running north-westwards from the station of Mexiko as well as the entire Einser canal, and passing south of Pamhagen;

thence northwards to a point to be selected about 1 kilometre west of Antonienhof (east of Kittsee), this point being the point common to the three frontiers of Austria, Hungary, and the Czecho-Slovak State,

a line to be fixed on the ground, leaving entirely in Hungarian territory the Csorna-Karlburg railway and passing west of Wüst-Sommerein and Kr. Jahrndorf, and east of Andau, Nikelsdorf, D. Jahrndorf and Kittsee.

6. *With the Czecho-Slovak State:*

From the point above defined north-westwards to the bend of the old frontier of 1867 between Austria and Hungary about 2½ kilometres north-east of Berg,

a line to be fixed on the ground, cutting the Kittsee-Pressburg road about 2 kilometres north of Kittsee;

thence northwards to a point to be selected on the principal channel of navigation of the Danube about 4½ kilometres upstream from the Pressburg bridge,

a line to be fixed on the ground following as much as possible the old frontier of 1867 between Austria and Hungary;

thence westwards to the confluence of the Morava (March) with the Danube,

the principal channel of navigation of the Danube;

thence the course of the Morava upstream, then the course of the Thaya upstream to a point to be selected about 2 kilometres south-east of the intersection of the Rabensburg-Themenau road with the Rabensburg-Lundenburg railway;

thence west-north-westwards the above-mentioned administrative boundary between Lower Austria and Moravia situated about 400 metres south of the point where this boundary cuts the Nikolsburg-Feldsberg railway,

a line to be fixed on the ground passing through points 187 (Dlouhyvrch), 221 (Rosenbergen), 223 (Wolfsberg), 291 (Raistenberg), 249 and 279 (Kallerhaide);

thence west-northwestwards the above-mentioned administrative boundary;

thence westwards to a point to be selected about 3 kilometres east of the village of Franzensthal,

the old administrative boundary between Lower Austria and Bohemia;

thence southwards to point 498 (Gelsenberg) about 5 kilometres north-northwest of Gmund,

a line to be fixed on the ground passing east of the Rottenschachen-Zuggers road and through points 537 and 522 (G. Nagel B.);

thence southwards and then west-north-westwards to a point on the old administrative boundary between Lower Austria and Bohemia situated about 200 metres north of the point where it cuts the Gratzen-Weitra road,

a line to be fixed on the ground passing between Zuggers and Breitensee, then through the most south-easterly point of the railway bridge over the Lainsitz while leaving to Austria the town of Gmünd and to the Czecho-Slovak State the station and railway works of Gmünd (Wolfshof) and the junction of the Gmünd-Budweis and Gmünd-Wittingau railways, then passing through points 524 (Grundbühel), 577 (north of Hohenberg) and 681 (Lagerberg);

thence south-westwards the above mentioned administrative boundary, then north-westwards the old administrative boundary between Upper Austria and Bohemia to its point of junction with the frontier of Germany.

7. *With Germany:*

The frontier of August 3, 1914.

Article 28.

The frontiers described by the present Treaty are traced, for such parts as are defined, on the one in a million map attached to the present Treaty. In case of differences between the text and the maps, the text will prevail.

Article 29.

Boundary Commissions, whose composition is fixed by the present Treaty, or will be fixed by a Treaty between the Principal Allied and Associated Powers and the, or any, interested States, will have to trace these frontiers on the ground.

They shall have the power, not only of fixing those portions which are defined as "a line to be fixed on the ground", but also, where a request to that effect is made by one of the States concerned, and the Commission is satisfied that it is desirable to do so, of revising portions defined by administrative boundaries; this shall not however apply in the case of international boundaries existing in August, 1914, where the task of the Commission will confine itself to the re-establishment of sign-posts and boundary-marks.

They shall endeavour in both cases to follow as nearly as possible the descriptions given in the Treaties, taking into account as far as possible administrative boundaries and local economic interests.

The decisions of the Commissions will be taken by a majority, and shall be binding on the parties concerned.

The expenses of the Boundary Commissions will be borne in equal shares by the two States concerned.

Article 30.

In so far as frontiers defined by a waterway are concerned, the phrases "course" or "channel" used in the descriptions of the present Treaty signify, as regards non-navigable rivers, the median line of the waterway or of its principal branch, and, as regards navigable rivers, the median line of the principal channel of navigation. It will rest with the Boundary Commissions provided for by the present Treaty to specify whether the frontier line shall follow any changes of the course or channel which may take place, or whether it shall be definitely fixed by the position of the course or channel at the time when the present Treaty comes into force.

Article 31.

The various States interested undertake to furnish to the Commissions all documents necessary for their tasks, especially authentic copies of agreements fixing existing or old frontiers, all large scale maps in existence, geodetic data, surveys completed but unpublished, and information concerning the changes of frontier watercourses.

They also undertake to instruct the local authorities to communicate to the Commissions all documents, especially plans, cadastral and land books, and to furnish on demand all details regarding property, existing economic conditions, and other necessary information.

Article 32.

The various States interested undertake to give every assistance to the Boundary Commissions, whether directly or through local authorities, in everything that concerns transport, accommodation, labour, material (signposts, boundary pillars) necessary for the accomplishment of their mission.

Article 33.

The various States interested undertake to safeguard the trigonometrical points, signals, posts or frontier marks erected by the Commission.

Article 34.

The pillars will be placed so as to be intervisible; they will be numbered, and their position and their number will be noted on a cartographic document.

Article 35.

The protocols defining the boundary and the maps and documents attached thereto will be made out in triplicate, of which two copies will be forwarded to the Governments of the limitrophe States and the third to the Government of the French Republic, which will deliver authentic copies to the Powers who sign the present Treaty.

PART III.

POLITICAL CLAUSES FOR EUROPE.

Section I.

ITALY.

Article 36.

Austria renounces, so far as she is concerned, in favour of Italy all rights and title over the territory of the former Austro-Hungarian Monarchy situated beyond the frontier laid down in Article 27 (2) and lying between that frontier, the former Austro-Hungarian frontier, the Adriatic Sea, and the eastern frontier of Italy as subsequently determined.

Austria similarly renounces so far as she is concerned in favour of Italy all rights and title over other territory of the former Austro-Hungarian Monarchy which may be recognized as forming part of Italy by any treaties which may be concluded for the purpose of completing the present settlement.

A Commission composed of five members, one nominated by Italy, three by the other Principal Allied and Associated Powers, and one by Austria, shall be constituted within fifteen days from the coming into force of the present Treaty to trace on the spot the frontier line between Italy and Austria. The decisions of the Commission will be taken by a majority and shall be binding on the parties concerned.

Article 37.

Notwithstanding the provisions of Article 269 of Part X (Economic Clauses), persons having their usual residence in the territories of the former Austro-Hungarian Monarchy transferred to Italy who, during the war, have been outside the territories of the former Austro-Hungarian Monarchy or have been imprisoned, interned or evacuated, shall enjoy the full benefit of the provisions of Articles 252 and 253 of Part X (Economic Clauses).

Article 38.

A special Convention will determine the terms of repayment in Austrian currency of the special war expenditure advanced during the war by territory of the former Austo-Hungarian Monarchy transferred to Italy or by public associations in that territory on account of the Austro-Hungarian Monarchy under its legislation, such as allowances to the families of persons mobilised, requisitions, billeting of troops, and relief to persons who have been evacuated.

In fixing the amount of these sums Austria shall be credited with the amount which the territory would have contributed to Austria-Hungary to meet the expenses resulting from these payments, this contribution being calculated according to the proportion of the revenues of the former Austro-Hungarian Monarchy derived from the territory in 1913.

Article 39.

The Italian Government will collect for its own account the taxes, dues and charges of every kind leviable in the territories transferred to Italy and not collected on November 3, 1918.

Article 40.

No sum shall be due by Italy on the ground of her entry into possession of the Palazzo Venezia at Rome.

Article 41.

Subject to the provisions of Article 204 of Part IX (Financial Clauses) relative to the acquisition of, and payment for, State property and possessions, the Italian Government is substituted in all the rights which the Austrian State possessed over all the railways in the territories transferred to Italy which were administered by the Railway Administration of the said State and which are actually working or under construction.

The same shall apply to the rights of the former Austro-Hungarian Monarchy with regard to railway and tramway concessions within the above-mentioned territories.

The frontier railway stations shall be determined by a subsequent agreement.

Article 42.

Austria shall restore to Italy within a period of three months all the wagons belonging to the Italian railways which before the outbreak of war had passed into Austria and have not returned to Italy.

Article 43.

Austria renounces as from November 3, 1918, on behalf of herself and her nationals in regard to territories transferred to Italy all rights to which she may be entitled with regard to the products of the aforesaid territories under any agreements, stipulations or laws establishing trusts, cartels or other similar organizations.

Article 44.

For a period of ten years from the coming into force of the present Treaty central electric power stations situated in Austrian territory and formerly furnishing electric power to the territories transferred to Italy or to any other establishment the exploitation of which passes to Italy shall be required to continue furnishing this supply up to an amount corresponding to the undertakings and contracts in force on November 3, 1918.

Austria further admits the right of Italy to the free use of the waters of Lake Raibl and its derivative water-course and to divert the said waters to the basin of the Korinitza.

Article 45.

(1) Judgments rendered since August 4, 1914, by the courts in the territory transferred to Italy in civil and commercial cases between the inhabitants of such territory and other nationals of the former Austrian Empire, or between such inhabitants and the subjects of the allies of the Austro-Hungarian Monarchy, shall not be carried into effect until after endorsement by the corresponding new court in such territory.

(2) All decisions rendered for political crimes or offences since August 4, 1914, by the judicial authorities of the former Austro-Hungarian Monarchy against Italian nationals, including persons who obtain Italian nationality under the present Treaty, shall be annulled.

(3) In all matters relating to proceedings initiated before the coming into force of the present Treaty before the competent authorities of the territory transferred to Italy, the Italian and Austrian judicial authorities respectively shall until the coming into force of a special convention on this subject be authorized to correspond with each other direct. Requests thus presented shall be given effect to so far as the laws of a public character allow in the country to the authorities of which the request is addressed.

(4) All appeals to the higher Austrian judicial and administrative authorities beyond the limits of the territory transferred to Italy against decisions of the administrative or judicial authorities of this territory shall be suspended. The records shall be submitted to the authorities against whose decision the appeal was entered. They must be transmitted to the competent Italian authorities without delay.

(5) All other questions as to jurisdiction, procedure or the administration of justice will be determined by a special convention between Italy and Austria.

Section II.

SERB-CROAT-SLOVENE STATE.

Article 46.

Austria, in conformity with the action already taken by the Allied and Associated Powers, recognizes the complete independence of the Serb-Croat-Slovene State.

Article 47.

Austria renounces so far as she is concerned in favour of the Serb-Croat-Slovene State all rights and title over the territories of the former Austro-Hungarian Monarchy situated outside the frontiers of Austria as laid down in Article 27 of Part II (Frontiers of Austria) and recognised by the present Treaty, or by any Treaties concluded for the purpose of completing the present settlement, as forming part of the Serb-Croat-Slovene State.

Article 48.

A Commission consisting of seven members, five nominated by the Principal Allied and Associated Powers, one by the Serb-Croat-Slovene State, and one by Austria, shall be constituted within fifteen days from the coming into force of the present Treaty to trace on the spot the frontier line described in Article 27 (4) of Part II (Frontiers of Austria.)

The decisions of the Commission will be taken by a majority and shall be binding on the parties concerned.

Article 49.

The inhabitants of the Klagenfurt area will be called upon, to the extent stated below, to indicate by a vote the State to which they wish the territory to belong.

The boundaries of the Klagenfurt area are as follows:

From point 871, about 10 kilometres to the east-north-east of Villach, southwards to a point on the Drave about 2 kilometres above St. Martin,

a line running approximately from north to south to be fixed on the ground;

thence in a north-westerly direction as far as a point about 1 kilometre south-east of the railway bridge on the eastern branch of the bend formed by the Drave about 6 kilometres to the east of Villach,

the course of the Drave;

thence in a south-westerly direction to point 1817 (Malestiger),

a line to be fixed on the ground passing through point 666 (Polana) and cutting the railway between Mallestig and Faak;

thence in an east-south-easterly direction, then north-west to point 1929 (Gushowa),

the watershed between the basins of the Drave to the north and the Save to the south;

thence north-east to point 1054 (Strojna),

a line to be fixed on the ground following in a general manner the western boundary of the basin of the Miess, passing through points 1558, 2124 and 1185;

thence north-east to point 1522 (Hühner Kogel),

a line to be fixed on the ground, crossing the Drave to the south of Lavamünd;

from the Hühner Kogel westwards to point 842, 1 kilometre west of Kasparstein,

a line to be fixed on the ground passing to the north of Lavamünd;

thence as far as point 1899 (Speikkogl),

the north-eastern administrative boundary of the district of Völkermarkt;

thence in a south-westerly direction and as far as the river Gurk,

the north-western administrative boundary of the district of Völkermarkt;

thence in a south-westerly direction as far as a point on the administrative boundary to the west of point 1075 (Steinbruch Kogel),

a line to be fixed on the ground, passing through point 1076;

thence in a westerly direction and as far a point to be fixed near point 725, about 10 kilometres north-west of Klagenfurt,

the administrative boundary between the districts of St. Veit and Klagenfurt;

thence as far as point 871, which was the starting point of this description,

a line to be fixed on the ground, passing through points 815 (Freudenberg), 1045 (Gallinberg) and 1069 (Taubenbühel).

Article 50.

With a view to the organisation of a plebiscite, the Klagenfurt area will be divided into two zones, the first to the south and the second to the north of a transversal line of which the following is a description:

From the point where the western boundary of the area leaves the Drave in a northerly direction as far as the point about 1 kilometre to the east of Rosegg (Saint-Michael),

the course of the Drave downstream;

thence in a north-easterly direction and as far as the western extremity of the Wörther See, south of Velden,

a line to be fixed on the ground;

thence in an easterly direction to the outlet of the Glanfurt from the lake,

the median line of that lake;

thence eastwards to its confluence with the river Glan,

the course of the Glanfurt downstream;

thence eastward to its confluence with the river Gurk,

the course of the Glan downstream;

thence in a north-easterly direction, to the point where the northern boundary of the Klagenfurt area crosses the river Gurk,

the course of the Gurk.

The Klagenfurt area will be placed under the control of a Commission entrusted with the duty of preparing the plebiscite in that area and assuring the impartial administration thereof. This Commission will be composed as follows: four members nominated respectively by the United States, Great Britain, France and Italy, one by Austria, one by the Serb-Croat-Slovene State, the Austrian member only taking part in the deliberations of the Commission in regard to the second zone, and the Serb-Croat-Slovene member only taking part therein with regard to the first zone. The decisions of the Commission will be taken by a majority.

The second zone will be occupied by the Austrian troops and administered in accordance with the general regulations of the Austrian legislation.

The first zone will be occupied by the troops of the Serb-Croat-Slovene State and administered in accordance with the general regulations of the legislation of that State.

In both zones the troops, whether Austrian or Serb-Croat-Slovene, shall be reduced to the numbers which the Commission may consider necessary for the preservation of order, and shall carry out their mission under the control of the Commission. These troops shall be replaced as speedily as possible by a police force recruited on the spot.

The Commission will be charged with the duty of arranging for the vote and of taking such measures as it may deem necessary to ensure its freedom, fairness and secrecy.

In the first zone the plebiscite will be held within three months from the coming into force of the present Treaty, at a date fixed by the Commission.

If the vote is in favour of the Serb-Croat-Slovene State, a plebiscite will be held in the second zone within three weeks from the proclamation of the result of the plebiscite in the first zone, at a date to be fixed by the Commission.

If on the other hand the vote in the first zone is in favour of Austria, no plebiscite will be held in the second zone, and the whole of the area will remain definitively under Austrian sovereignty.

The right of voting will be granted to every person without distinction of sex who:

(*a*) Has attained the age of 20 years on or before January 1, 1919;

(*b*) Has on January 1, 1919, his or her habitual residence within the zone subjected to the plebiscite; and,

(*c*) Was born within the said zone, or has had his or her habitual residence or rights of citizenship (*pertinenza*) there from a date previous to January 1, 1912.

The result of the vote will be determined by the majority of votes in the whole of each zone.

On the conclusion of each vote the result will be communicated by the Commission to the Principal Allied and Associated Powers, with a full report as to the taking of the vote, and will be proclaimed.

If the vote is in favour of the incorporation either of the first zone or of both zones in the Serb-Croat-Slovene State, Austria hereby renounces, so far as she is concerned and to the extent corresponding to the result of the vote, in favour of the Serb-Croat-Slovene State all rights and title over these territories.

After agreement with the Commission the Serb-Croat-Slovene Government may definitively establish its authority over the said territories.

If the vote in the first or second zone is in favour of Austria, the Austrian Government, after agreement with the Commission, will be entitled definitively to re-establish its authority over the whole of the Klagenfurt area, or in the second zone, as the case may be.

When the administration of the country, either by the Serb-Croat-Slovene State, or by Austria, as the case may be, has been thus assured, the powers of the Commission will terminate.

Expenditure by the Commission will be borne by Austria and the Serb-Croat-Slovene State in equal moieties.

Article 51.

The Serb-Croat-Slovene State accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by these Powers to protect the interests of inhabitants of that State who differ from the majority of the population in race, language, or religion.

The Serb-Croat-Slovene State further accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as these Powers may deem necessary to protect freedom of transit and equitable treatment of the commerce of other nations.

Article 52.

The proportion and nature of the financial obligations of the former Austrian Empire which the Serb-Croat-Slovene State will have to assume on account of the territory placed under its sovereignty will be determined in accordance with Article 203 of Part IX (Financial Clauses) of the present Treaty.

Subsequent agreements will decide all questions which are not decided by the present Treaty and which may arise in consequence of the cession of the said territory.

Section III.

CZECHO-SLOVAK STATE.

Article 53.

Austria, in conformity with the action already taken by the Allied and Associated Powers, recognizes the complete independence of the Czecho-Slovak State, which will include the autonomous territory of the Ruthenians to the south of the Carpathians.

Article 54.

Austria renounces so far as she is concerned in favour of the Czecho-Slovak State all rights and title over the territories of the former Austro-Hungarian Monarchy situated outside the frontiers of Austria as laid down in Article 27 of Part II (Frontiers of Austria) and recognised in accordance with the present Treaty as forming part of the Czecho-Slovak State.

Article 55.

A Commission composed of seven members, five nominated by the Principal Allied and Associated Powers, one by the Czecho-Slovak State, and one by Austria, will be appointed fifteen days after the coming into force of the present Treaty to trace on the spot the frontier line laid down in Article 27 (6) of Part II (Frontiers of Austria) of the present Treaty.

The decisions of this Commission will be taken by a majority and shall be binding on the parties concerned.

Article 56.

The Czecho-Slovak State undertakes not to erect any military works in that portion of its territory which lies on the right bank of the Danube to the south of Bratislava (Pressburg).

Article 57.

The Czecho-Slovak State accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by these Powers to protect the interests of inhabitants of that State who differ from the majority of the population in race, language or religion.

The Czecho-Slovak State further accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as these Powers may deem necessary to protect freedom of transit and equitable treatment for the commerce of other nations.

Article 58.

The proportion and nature of the financial obligations of the former Austrian Empire which the Czecho-Slovak State will have to assume on account of the territory placed under its sovereignty will be determined in accordance with Article 203 of Part IX (Financial Clauses) of the present Treaty.

Subsequent agreements will decide all questions which are not decided by the present Treaty and which may arise in consequence of the cession of the said territory.

Section IV.

ROUMANIA.

Article 59.

Austria renounces, so far as she is concerned, in favour of Roumania all rights and title over such portion of the former Duchy of Bukovina as lies within the frontiers of Roumania which may ultimately be fixed by the Principal Allied and Associated Powers.

Article 60.

Roumania accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by these Powers to protect the interests of inhabitants of that State who differ from the majority of the population in race, language or religion.

Roumania further accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as these Powers may deem necessary to protect freedom of transit and equitable treatment for the commerce of other nations.

Article 61.

The proportion and nature of the financial obligations of the former Austrian Empire which Roumania will have to assume on account of the territory placed under her sovereignty will be determined in accordance with Article 203 of Part IX (Financial Clauses) of the present Treaty.

Subsequent agreements will decide all questions which are not decided by the present Treaty and which may arise in consequence of the cession of the said territory.

Section V.

PROTECTION OF MINORITIES.

Article 62.

Austria undertakes that the stipulations contained in this Section shall be recognised as fundamental laws, and that no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them.

Article 63.

Austria undertakes to assure full and complete protection of life and liberty to all inhabitants of Austria without distinction of birth, nationality, language, race or religion.

All inhabitants of Austria shall be entitled to the free exercise, whether public or private, of any creed, religion or belief, whose practices are not inconsistent with public order or public morals.

Article 64.

Austria admits and declares to be Austrian nationals *ipso facto* and without the requirement of any formality all persons possessing at the date of the coming into force of the present Treaty rights of citizenship (*pertinenza*) within Austrian territory who are not nationals of any other State.

Article 65.

All persons born in Austrian territory who are not born nationals of another State shall *ipso facto* become Austrian nationals.

Article 66.

All Austrian national shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion.

Differences of religion, creed or confession shall not prejudice any Austrian national in matters relating to the enjoyment of civil or political rights, as for instance admission to public employments, functions and honours, or the exercise of professions and industries.

No restriction shall be imposed on the free use by any Austrian national of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings.

Notwithstanding any establishment by the Austrian Government of an official language, adequate facilities shall be given to Austrian nationals of non-German speech for the use of their language, either orally or in writing, before the courts.

Article 67.

Austrian nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Austrian nationals. In particular they shall have an equal right to establish, manage and control at their own expense charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

Article 68.

Austria will provide in the public educational system in towns and districts in which a considerable proportion of Austrian nationals of other than German speech are residents adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such Austrian nationals through the medium of their own language. This provision shall not prevent the Austrian Government from making the teaching of the German language obligatory in the said schools.

In towns and districts where there is a considerable proportion of Austrian nationals belonging to racial, religious or linguistic minorities, these minorities shall be assured an equitable share in the enjoyment and application of the sums which may be provided out of public funds under the State, municipal or other budgets for educational, religious or charitable purposes.

Article 69.

Austria agrees that the stipulations in the foregoing Articles of this Section, so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of a majority of the Council of the League of Nations. The Allied and Associated Powers represented on the Council severally agree not to withold their assent from any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.

Austria agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or any danger of infraction, of any of these obligations, and that the Council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances.

Austria further agrees that any difference of opinion as to questions of law or fact arising out of these Articles between the Austrian Government and any one of the Principal Allied and Associated Powers or any other Power, a Member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Austrian Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

Section VI.

CAUSES RELATING TO NATIONALITY.

Article 70.

Every person possessing rights of citizenship (*pertinenza*) in territory which formed part of the territories of the former Austro-Hungarian Monarchy shall obtain *ipso facto* to the exclusion of Austrian nationality the nationality of the State exercising sovereignty over such territory.

Article 71.

Notwithstanding the provisions of Article 70, Italian nationality shall not, in the case of territory transferred to Italy, be acquired *ipso facto;*

(1) by persons possessing rights of citizenship in such territory who were not born there;

(2) by persons who acquired their rights of citizenship in such territory after May 24, 1915, or who acquired them only by reason of their official position.

Article 72.

The persons referred to in Article 71, as well as those who (*a*) formerly possessed rights of citizenship in the territories transferred to Italy, or whose father, or mother if the father is unknown, possessed rights of citizenship in such territories, or (*b*) have served in the Italian Army during the present war, and their descendants, may claim Italian nationality subject to the conditions prescribed in Article 78 for the right of option.

Article 73.

The claim to Italian nationality by the persons referred to in Article 72 may in individual cases be refused by the competent Italian authority.

Article 74.

Where the claim to Italian nationality under Article 72 is not made, or is refused, the persons concerned will obtain *ipso facto* the nationality of the State exercising sovereignty over the territory in which they possessed rights of citizenship before acquiring such rights in the territory transferred to Italy.

Article 75.

Juridical persons established in the territories transferred to Italy shall be considered Italian if they are recognized as such either by the Italian administrative authorities or by an Italian judicial decision.

Article 76.

Notwithstanding the provisions of Article 70, persons who acquired rights of citizenship after January 1, 1910, in territory transferred under the present Treaty to the Serb-Croat-Slovene State, or to the Czecho-Slovak State, will not acquire Serb-Croat-Slovene or Czecho-Slovak nationality without a permit from the Serb-Croat-Slovene State or the Czecho-Slovak State respectively.

Article 77.

If the permit referred to in Article 76 is not applied for, or is refused, the persons concerned will obtain *ipso facto* the nationality of the State exercising sovereignty over the territory in which they previously possessed rights of citizenship.

Article 78.

Persons over 18 years of age losing their Austrian nationality and obtaining *ipso facto* a new nationality under Article 70 shall be entitled within a period of one year from the coming into force of the present Treaty to opt for the nationality of the State in which they possessed rights of citizenship before acquiring such rights in the territory transferred.

Option by a husband will cover his wife and option by parents will cover their children under 18 years of age.

Persons who have exercised the above right to opt must within the succeeding twelve months transfer their place of residence to the State for which they have opted.

They will be entitled to retain their immovable property in the territory of the other State where they had their place of residence before exercising their right to opt.

They may carry with them their movable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

Article 79.

Persons entitled to vote in plebiscites provided for in the present Treaty shall within a period of six months after the definitive attribution of the area in which the plebiscite has taken place be entitled to opt for the nationality of the State to which the area is not assigned.

The provisions of Article 78 relating to the right of option shall apply equally to the exercise of the right under this Article.

Article 80.

Persons possessing rights of citizenship in territory forming part of the former Austro-Hungarian Monarchy, and differing in race and language from the majority of the population of such territory, shall within six months of the coming into force of the present Treaty severally be entitled to opt for Austria, Italy, Poland, Roumania, the Serb-Croat-Slovene State, or the Czecho-Slovak State, if the majority of the population of the State selected is of the same race and language as the person exercising the right to opt. The provisions of Article 78 as to the exercise of the right of option shall apply to the right of option given by this Article.

Article 81.

The High Contracting Parties undertake to put no hindrance in the way of the exercise of the right which the persons concerned have under the present Treaty, or under treaties concluded by the Allied and Associated Powers with Germany, Hungary or Russia, or between any of the Allied and Associated Powers themselves, to choose any other nationality which may be open to them.

Article 82.

For the purposes of the provisions of this Section, the status of a married woman will be governed by that of her husband, and the status of children under 18 years of age by that of their parents.

Section VII.

POLITICAL CLAUSES RELATING TO CERTAIN EUROPEAN STATES.

1. BELGIUM.

Article 83.

Austria, recognizing that the Treaties of April 19, 1839, which established the status of Belgium before the war, no longer conform to the requirements of the situation, consents so far as she is concerned to the abrogation of the said treaties and undertakes immediately to recognize and to observe whatever conventions may be entered into by the Principal Allied and Associated Powers, or by any of them, in concert with the Governments of Belgium and of the Netherlands, to replace the said Treaties of 1839. If her formal adhesion should be required to such conventions or to any of their stipulations, Austria undertakes immediately to give it.

2. LUXEMBURG.

Article 84.

Austria agrees, so far as she is concerned, to the termination of the régime of neutrality of the Grand Duchy of Luxemburg, and accepts in advance all international arrangements which may be concluded by the Allied and Associated Powers relating to the Grand Duchy.

3. SCHLESWIG.

Article 85.

Austria hereby accepts so far as she is concerned all arrangements made by the Allied and Associated Powers with Germany concerning the territories whose abandonment was imposed upon Denmark by the Treaty of October 30, 1864.

4. TURKEY AND BULGARIA.

Article 86.

Austria undertakes to recognize and accept as far as she is concerned all arrangements which the Allied and Associated Powers may make with Turkey and with Bulgaria with reference to any rights, interests and privileges whatever which might be claimed by Austria or her nationals in Turkey or Bulgaria and which are not dealt with in the provisions of the present Treaty.

5. RUSSIA AND RUSSIAN STATES.

Article 87.

1. Austria acknowledges and agrees to respect as permanent and inalienable the independence of all the territories which were part of the former Russian Empire on August 1, 1914.

In accordance with the provisions of Article 210 of Part IX (Financial Clauses) and Article 244 of Part X (Economic Clauses) of the present Treaty, Austria accepts definitely so far as she is concerned the abrogation of the Brest-Litovsk Treaties and of all treaties, conventions and agreements entered into by the former Austro-Hungarian Government with the Maximalist Government in Russia.

The Allied and Associated Powers formally reserve the rights of Russia to obtain from Austria restitution and reparation based on the principles of the present Treaty.

2. Austria undertakes to recognize the full force of all treaties or agreements which may be entered into by the Allied and Associated Powers with States now existing or coming into existence in future in the whole or part of the former Empire of Russia as it existed on August 1, 1914, and to recognize the frontiers of any such States as determined therein.

Section VIII.

GENERAL PROVISIONS.

Article 88.

The independence of Austria is inalienable otherwise than with the consent of the Council of the League of Nations. Consequently Austria undertakes in the absence of the consent of the said Council to abstain from any act which might directly or indirectly or by any means whatever compromise her independence, particularly, and until her admission to membership of the League of Nations, by participation in the affairs of another Power.

Article 89.

Austria hereby recognises and accepts the frontiers of Bulgaria, Greece, Hungary, Poland, Roumania, the Serb-Croat-Slovene State and the Czecho-Slovak State as these frontiers may be determined by the Principal Allied and Associated Powers.

Article 90.

Austria undertakes to recognise the full force of the Treaties of Peace and Additional Conventions which have been or may be concluded by the Allied and Associated Powers with the Powers who fought on the side of the former Austro-Hungarian Monarchy, and to recognise whatever dispositions have been or may be made concerning the territories of the former German Empire, of Hungary, of the Kingdom of Bulgaria and of the Ottoman Empire, and to recognize the new States within their frontiers as there laid down.

Article 91.

Austria renounces so far as she is concerned in favour of the Principal Allied and Associated Powers all rights and title over the territories which previously belonged to the former Austro-Hungarian Monarchy, and which, being situated outside the new frontiers of Austria as described in Article 27 of Part II (Frontiers of Austria), have not at present been assigned to any State.

Austria undertakes to accept the settlement made by the Principal Allied and Associated Powers in regard to these territories, particularly in so far as concerns the nationality of the inhabitants.

Article 92.

No inhabitant of the territories of the former Austro-Hungarian Monarchy shall be disturbed or molested on account either of his political attitude between July 28, 1914, and the definitive settlement of the sovereignty over these territories, or of the determination of his nationality effected by the present Treaty.

Article 93.

Austria will hand over without delay to the Allied and Associated Governments concerned archives, registers, plans, title-deeds and documents of every kind belonging to the civil, military, financial, judicial or other forms of administration in the ceded territories. If any one of these documents, archives, registers, title-deeds or plans is missing, it shall be restored by Austria upon the demand of the Allied or Associated Government concerned.

In case the archives, registers, plans, title-deeds or documents referred to in the preceding paragraph, exclusive of those of a military character, concern equally the administrations in Austria, and cannot therefore be handed over without inconvenience to such administrations, Austria undertakes, subject to reciprocity, to give access thereto to the Allied and Associated Governments concerned.

Article 94.

Separate conventions between Austria and each of the States to which territory of the former Austrian Empire is transferred, and each of the States arising from the dismemberment of the former Austro-Hungarian Monarchy, will provide for the interests of the inhabitants, especially in connection with their civil rights, their commerce and the exercise of their professions.

PART IV.

AUSTRIAN INTERESTS OUTSIDE EUROPE.

Article 95.

In territory outside her frontiers as fixed by the present Treaty Austria renounces so far as she is concerned all rights, titles and privileges whatever in or over territory outside Europe which belonged to the former Austro-Hungarian Monarchy, or to its allies, and all rights, titles and privileges whatever their origin which it held as against the Allied and Associated Powers.

Austria undertakes immediately to recognise and to conform to the measures which may be taken now or in the future by the Principal Allied and Associated Powers, in agreement where necessary with third Powers, in order to carry the above stipulation into effect.

Section 1.

MOROCCO.

Article 96.

Austria renounces so far as she is concerned all rights, titles and privileges conferred on her by the General Act of Algeciras of April 7, 1906, and by the Franco-German Agreements of February 9, 1909 and November 4, 1911. All treaties, agreements, arrangements and contracts concluded by the former Austro-Hungarian Monarchy with the Sherifian Empire are regarded as abrogated as from August 12, 1914.

In no case can Austria avail herself of these acts and she undertakes not to intervene in any way in negotiations relating to Morocco which may take place between France and the other Powers.

Article 97.

Austria hereby accepts all the consequences of the establishment of the French Protectorate in Morocco, which had been recognized by the Government of the former Austro-Hungarian Monarchy, and she renounces so far as she is concerned the régime of the capitulations in Morocco.

This renunciation shall take effect as from August 12, 1914.

Article 98.

The Sherifian Government shall have complete liberty of action in regulating the status of Austrian nationals in Morocco and the conditions in which they can establish themselves there.

Austrian protected persons, semsars and "associés agricoles" shall be considered to have ceased, as from August 12, 1914, to enjoy the privileges attached to their status and shall be subject to the ordinary law.

Article 99.

All movable and immovable property in the Sherifian Empire belonging to the former Austro-Hungarian Monarchy passes *ipso facto* to the Maghzen without compensation.

For this purpose, the property and possessions of the former Austro-Hungarian Monarchy shall be deemed to include all the property of the Crown, and the private property of members of the former Royal Family of Austria-Hungary.

All movable and immovable property in the Sherifian Empire belonging to Austrian nationals shall be dealt with in accordance with Sections III and IV of Part X (Economic Clauses) of the present Treaty.

Mining rights which may be recognised as belonging to Austrian nationals by the Court of Arbitration set up under the Moroccan Mining Regulations shall be treated in the same way as property in Morocco belonging to Austrian nationals.

Article 100.

The Austrian Government shall ensure the transfer to the person nominated by the French Government of the shares representing Austria's portion of the capital of the State Bank of Morocco. This person will repay to the persons entitled thereto the value of these shares, which shall be indicated by the State Bank.

This transfer will take place without prejudice to the repayment of debts which Austrian nationals may have contracted towards the State Bank of Morocco.

Article 101.

Moroccan goods entering Austria shall enjoy the treatment accorded to French goods.

Section II.

EGYPT.

Article 102.

Austria declares that she recognises the Protectorate proclaimed over Egypt by Great Britain on December 18, 1914, and that she renounces so far as she is concerned the régime of the capitulations in Egypt.

This renunciation shall take effect as from August 12, 1914.

Article 103.

All treaties, agreements, arrangements and contracts concluded by the Government of the former Austro-Hungarian Monarchy with Egypt are regarded as abrogated as from August 12, 1914.

In no case can Austria avail herself of these instruments, and she undertakes not to intervene in any way in negotiations relating to Egypt which may take place between Great Britain and the other Powers.

Article 104.

Until an Egyptian law of judicial organization establishing courts with universal jurisdiction comes into force, provision shall be made, by means of decrees issued by His Highness the Sultan, for the exercise of jurisdiction over Austrian nationals and property by the British Consular Tribunals.

Article 105.

The Egyptian Government shall have complete liberty of action in regulating the status of Austrian nationals and the conditions under which they may establish themselves in Egypt.

Article 106.

Austria consents so far as she is concerned to the abrogation of the decree issued by His Highness the Khedive on November 28, 1904, relating to the Commission of the Egyptian Public Debt, or to such changes as the Egyptian Government may think it desirable to make therein.

Article 107.

Austria consents, in so far as she is concerned, to the transfer to His Britannic Majesty's Government of the powers conferred on His Imperial Majesty the Sultan by the Convention signed at Constantinople on October 29, 1888, relating to the free navigation of the Suez Canal.

She renounces all participation in the Sanitary, Maritime, and Quarantine Board of Egypt and consents, in so far as she is concerned, to the transfer to the Egyptian Authorities of the powers of that Board.

Article 108.

All property and possessions in Egypt of the former Austro-Hungarian Monarchy pass to the Egyptian Government without payment.

For this purpose, the property and possessions of the former Austro-Hungarian Monarchy shall be deemed to include all the property of the Crown, and the private property of members of the former Royal Family of Austria-Hungary.

All movable and immovable property in Egypt belonging to Austrian nationals shall be dealt with in accordance with Sections III and IV of Part X (Economic Clauses) of the present Treaty.

Article 109.

Egyptian goods entering Austria shall enjoy the treatment accorded to British goods.

Section III.

SIAM.

Article 110.

Austria recognises, so far as she is concerned, that all treaties, conventions and agreements between the former Austro-Hungarian Monarchy and Siam, and all rights, title and privileges derived therefrom, including all rights of extraterritorial jurisdiction, terminated as from July 22, 1917.

Article 111.

Austria, so far as she is concerned, cedes to Siam all her rights over the goods and property in Siam which belonged to the former Austro-Hungarian Monarchy, with the exception of premises used as diplomatic or consular residences or offices as well as the effects and furniture which they contain. These goods and property pass *ipso facto* and without compensation to the Siamese Government.

The goods, property and private rights of Austrian nationals in Siam shall be dealt with in accordance with the provisions of Part X (Economic Clauses) of the present Treaty.

Article 112.

Austria waives all claims against the Siamese Government on behalf of herself or her nationals arising out of the liquidation of Austrian property or the internment of Austrian nationals in Siam. This provision shall not affect the rights of the parties interested in the proceeds of any such liquidation, which shall be governed by the provisions of Part X (Economic Clauses) of the present Treaty.

Section IV.

CHINA.

Article 113.

Austria renounces, so far as she is concerned, in favour of China all benefits and privileges resulting from the provisions of the final Protocol signed at Peking on September 7, 1901, and from all annexes, notes and documents supplementary thereto. She likewise renounces in favour of China any claim to indemnities accruing thereunder subsequent to August 14, 1917.

Article 114.

From the coming into force of the present Treaty the High Contracting Parties shall apply, in so far as concerns them respectively:

(1) The Arrangement of August 29, 1902, regarding the new Chinese customs tariff;

(2) The Arrangement of September 27, 1905, regarding Whang-Poo, and the provisional supplementary Arrangement of April 4, 1912.

China, however, will not be bound to grant to Austria the advantages or privileges which she allowed to the former Austro-Hungarian Monarchy under these Arrangements.

Article 115.

Austria, so far as she is concerned, cedes to China all her rights over the buildings, wharves and pontoons, barracks, forts, arms and munitions of war, vessels of all kinds, wireless telegraphy installations and other public property which belonged to the former Austro-Hungarian Monarchy, and which are situated or may be in the Austro-Hungarian Concession at Tientsin or elsewhere in Chinese territory.

It is understood, however, that premises used as diplomatic or consular residences or offices, as well as the effects and furniture contained therein, are not included in the above cession, and, furthermore, that no steps shall be taken by the Chinese Government to dispose of the public and private property belonging to the former Austro-Hungarian Monarchy situated within the so-called Legation Quarter at Peking without the consent of the Diplomatic Representatives of the Powers which, on the coming into force of the present Treaty, remain parties to the Final Protocol of September 7, 1901.

Article 116.

Austria agrees so far as she is concerned to the abrogation of the leases from the Chinese Government under which the Austro-Hungarian Concession at Tientsin is now held.

China, restored to the full exercise of her sovereign rights in the above area, declares her intention of opening it to international residence and trade. She further declares that the abrogation of the leases under which the said concession is now held shall not affect the property rights of nationals of Allied and Associated Powers who are holders of lots in this concession.

Article 117.

Austria waives all claims against the Chinese Government or against any Allied or Associated Government arising out of the internment of Austrian nationals in China and their repatriation. She equally renounces, so far as she is concerned, all claims arising out of the capture and condemnation of Austro-Hungarian ships in China, or the liquidation, sequestration or control of Austrian properties, rights and interests in that country since August 14, 1917. This provision, however, shall not affect the rights of the parties interested in the proceeds of any such liquidation, which shall be governed by the provisions of Part X (Economic Clauses) of the present Treaty.

PART V.

MILITARY, NAVAL AND AIR CLAUSES.

In order to render possible the initiation of a general limitation of the armaments of all nations, Austria undertakes strictly to observe the military, naval and air clauses which follow.

Section I.

MILITARY CLAUSES.

CHAPTER I.

GENERAL.

Article 118.

Within three months of the coming into force of the present Treaty, the military forces of Austria shall be demobolised to the extent prescribed hereinafter.

Article 119.

Universal compulsory military service shall be abolished in Austria. The Austrian Army shall in future only be constituted and recruited by means of voluntary enlistment.

CHAPTER II.

EFFECTIVES AND CADRES OF THE AUSTRIAN ARMY.

Article 120.

The total number of military forces in the Austrian army shall not exceed 30,000 men, including officers and depot troops.

Subject to the following limitations, the formations composing the Austrian Army shall be fixed in accordance with the wishes of Austria:

(1) The effectives of units must be fixed between the maximum and minimum figures shown in Table IV annexed to this Section.

(2) The proportion of officers, including the personnel of staffs and special services, shall not exceed one twentieth of the total effectives with the colours, and that of non-commissioned officers shall not exceed one fifteenth of the total effectives with the colours.

(3) The number of machine guns, guns and howitzers shall not exceed per thousand men of the total effectives with the colours those fixed in Table V annexed to this Section.

The Austrian Army shall be devoted exclusively to the maintenance of order within the territory of Austria, and to the control of her frontiers.

Article 121.

The maximum strength of the Staffs and of all formations which Austria may be permitted to raise are given in the Tables annexed to this Section; these figures need not be exactly followed, but must not be exceeded.

All other organisations for the command of troops or for preparation for war are forbidden.

Article 122.

All measures of mobilisation, or appertaining to mobilisation, are forbidden.

In no case must formations, administrative services or staffs include supplementary cadres.

The carrying out of any preparatory measures with a view to requisitioning animals or other means of military transport is forbidden.

Article 123.

The number of gendarmes, customs officers, foresters, members of the local or municipal police or other like officials may not exceed the number of men employed in a similar capacity in 1913 within the boundaries of Austria as fixed by the present Treaty.

The number of these officials shall not be increased in the future except as may be necessary to maintain the same proportion between the number of officials and the total population in the localities or municipalities which employ them.

These officials, as well as officials employed in the railway service, must not be assembled for the purpose of taking part in any military exercises.

Article 124.

Every formation of troops not included in the Tables annexed to this Section is forbidden. Such other formations as may exist in excess of the 30,000 effectives authorised shall be suppressed within the period laid down by Article 118.

CHAPTER III.

RECRUITING AND MILITARY TRAINING.

Article 125.

All officers must be regulars (officers *de carrière*). Officers now serving who are retained in the Army must undertake the obligation to serve in it up to the age of 40 years at least. Officers now serving who do not join the new army will be released from all military obligations; they must not take part in any military exercises, whether theoretical or practical.

Officers newly appointed must undertake to serve on the active list for 20 consecutive years at least.

The number of officers discharged for any reason before the expiration of their term of service must not exceed in any year one twentieth of the total of officers provided for in Article 120. If this proportion is unavoidably exceeded the resulting shortage must not be made good by fresh appointments.

Article 126.

The period of enlistment for non-commissioned officers and privates must be for a total period of not less than 12 consecutive years, including at least 6 years with the colours.

The proportion of men discharged before the expiration of the period of their enlistment for reasons of health or as a result of disciplinary measures or for any other reasons must not in any year exceed one twentieth of the total strength fixed by Article 120. If this proportion is unavoidably exceeded, the resulting shortage must not be made good by fresh enlistments.

CHAPTER IV.

SCHOOLS, EDUCATIONAL ESTABLISHMENTS, MILITARY CLUBS AND SOCIETIES.

Article 127.

The number of students admitted to attend the courses in military schools shall be strictly in proportion to the vacancies to be filled in the cadres of officers. The students and the cadres shall be included in the effectives fixed by Article 120 of the present Section.

Consequently all military schools not required for this purpose shall be abolished.

Article 128.

Educational establishments, other than those referred to in Article 127, as well as all sporting and other clubs, must not occupy themselves with any military matters.

CHAPTER V.

ARMAMENT, MUNITIONS AND MATERIAL, FORTIFICATIONS.

Article 129.

On the expiration of three months from the coming into force of the present Treaty, the armament of the Austrian Army shall not exceed the figures fixed per thousand men in Table V annexed to this Section. Any excess in relation to effectives shall only be used for such replacements as may eventually be necessary.

Article 130.

The stock of munitions at the disposal of the Austrian Army shall not exceed the amounts fixed in Table V annexed to this Section.

Within three months from the coming into force of the present Treaty the Austrian Government shall deposit any existing surplus of armament and munitions in such places as shall be notified to it by the Principal Allied and Associated Powers.

No other stock, depot or reserve of munitions shall be formed.

Article 131.

The number and calibre of guns constituting the fixed normal armament of fortified places existing at the present moment in Austria shall be immediately notified to the Principal Allied and Associated Powers, and will constitute maximum amounts which must not be exceeded.

Within three months of the coming into force of the present Treaty the maximum stock of ammunition for these guns shall be reduced to and maintained at the following uniform rates:

1500 rounds per gun for those the calibre of which is 105 mm. and under;

500 rounds per gun for those of higher calibre.

Article 132.

The manufacture of arms, munitions and war material shall only be carried on in one single factory, which shall be controlled by and belong to the State, and whose output shall be strictly limited to the manufacture of such arms, munitions and war material as is necessary for the military forces and armaments referred to in Articles 120, 123, 129, 130 and 131.

The manufacture of sporting weapons is not forbidden, provided that sporting weapons manufactured in Austria taking ball cartridge are not of the same calibre as that of military weapons used in any European army.

Within three months from the coming into force of the present Treaty, all other establishments for the manufacture, preparation, storage or design of arms, munitions or any other war material shall be closed down or converted to purely commercial uses.

Within the same length of time, all arsenals shall also be closed down, except those to be used as depots for the authorised stocks of munitions, and their staffs discharged.

The plant of any establishments or arsenals in excess of the amount required for the manufacture authorised shall be rendered useless or converted to purely commercial purposes in accordance with the decisions of the Military Inter-Allied Commission of Control referred to in Article 153.

Article 133.

Within three months from the coming into force of the present Treaty, all arms, munitions and war material, including any kind of anti-aircraft material, of whatever origin, existing in Austria in excess of the quantity authorised shall be handed over to the Principal Allied and Associated Powers.

Delivery shall take place at such points in Austrian territory as may be appointed by the said Powers, who shall also decide on the disposal of such material.

Article 134.

The importation into Austria of arms, munitions and war material of all kinds is strictly forbidden.

The manufacture for foreign countries and the exportation of arms, munitions and war material shall also be forbidden.

Article 135.

The use of flame throwers, asphyxiating, poisonous or other gases, and all similar liquids, materials or devices being prohibited, their manufacture and importation are strictly forbidden in Austria.

Material specially intended for the manufacture, storage or use of the said products or devices is equally forbidden.

The manufacture and importation into Austria of armoured cars, tanks or any similar machines suitable for use in war are equally forbidden.

TABLE I.—*Composition and maximum effectives of an infantry division.*

Units.	Maximum effectives of each unit.	
	Officers.	Men.
Headquarters of an Infantry Division	25	70
Headquarters of Divisional Infantry	5	50
Headquarters of Divisional Artillery	4	30
3 Regiments of infantry [1] (on the basis of 65 officers and 2,000 men per regiment)	195	6,000
1 Squadron	6	160
1 Battalion of Trench Artillery (3 Companies)	14	500
1 Battalion of Pioneers [2] (3 Companies)	14	500
Regiment Field Artillery [3]	80	1,200
1 Battalion Cyclists (comprising 3 Companies)	18	450
1 Signal Detachment [4]	11	330
Divisional medical corps	28	550
Divisional parks and trains	14	940
Total for an Infantry Division	414	10,780

[1] Each Regiment comprises 3 Battalions of infantry. Each Battalion comprises 3 Companies of infantry and 1 Machine gun Company.

[2] Each Battalion comprises 1 Headquarters, 2 Pioneer Companies, 1 Bridging Section, 1 Searchlight Section.

[3] Each Regiment comprises 1 Headquarters, 3 Groups of Field or Mountain Artillery, comprising 8 Batteries; each Battery comprising 4 guns or howitzers (field or mountain).

[4] This Detachment comprises: telephone detachment, 1 listening section, 1 carrier pigeon section.

TABLE II.—*Composition and maximum effectives for a cavalry division.*

Units.	Maximum number authorised.	Maximum effectives of each unit.	
		Officers.	Men.
Headquarters of a Cavalry Division	1	15	50
Regiment of Cavalry [1]	6	30	720
Group of Field Artillery (3 Batteries)	1	30	430
Group of motor machine guns and armoured cars [2]	1	4	80
Miscellaneous services	"	30	500
Total for a Cavalry Division		259	5,380

[1] Each Regiment comprises 4 Squadrons.

[2] Each group comprises 9 fighting cars, each carrying one gun, 1 machine gun, and 1 spare machine gun, 4 communication cars, 2 small lorries for stores, 7 lorries, including 1 repair lorry, 4 motor cars.

NOTE.—The large Cavalry Units may include a variable number of regiments and be divided into independent brigades within the limit of the effectives laid down above.

TABLE III.—*Composition and maximum effectives for a mixed brigade.*

Units.	Maximum effectives of each unit.	
	Officers.	Men.
Headquarters of a Brigade	10	50
2 Regiments of Infantry [1]	130	4,000
1 Cyclist Battalion	18	450
1 Cavalry Squadron	5	100
1 Group Field Artillery	20	400
1 Trench Mortar Company	5	150
Miscellaneous services	10	200
Total for Mixed Brigade	198	5,350

[1] Each Regiment comprises 3 Battalions of Infantry. Each Battalion comprises 3 Companies of Infantry and 1 Machine gun Company.

TABLE IV.—*Minimum effectives of units whatever organisation is adopted in the Army.*

(Divisions, mixed brigades, etc.)

Units.	Maximum effectives (for reference).		Minimum effectives.	
	Officers.	Men.	Officers.	Men.
Infantry Division	414	10,780	300	8,000
Cavalry Division	259	5,380	180	3,650
Mixed Brigade	198	5,350	140	4,250
Regiment of Infantry	65	2,000	52	1,600
Battalion of Infantry	16	650	12	500
Company of Infantry or Machine-guns	3	160	2	120
Cyclist Group	18	450	12	300
Regiment of Cavalry	30	720	20	450
Squadron of Cavalry	6	160	3	100
Regiment of Field Artillery	80	1,200	60	1,000
Battery of Field Artillery	4	150	2	120
Company of Trench Mortars	3	150	2	100
Battalion of Pioneers	14	500	8	300
Battery of Mountain Artillery	5	320	3	200

TABLE V.—*Maximum authorised armaments and munition supplies.*

Material.	Quantity for 1,000 men.	Amount of munitions per arm (rifles, guns, etc.).
		Rounds.
Rifles or Carbines	1,500	500
Machine guns, heavy or light	15	10,000
Trench Mortars, light	2	1,000
Trench Mortars, medium		500
Guns or howitzers (field or mountain)	3	1,000

(1) Automatic rifles or carbines are counted as light machine guns.

NOTE.—No heavy gun, i. e. of a calibre greater than 105 mm., is authorised, with the exception of the normal armament of fortified places.

Section II.

NAVAL CLAUSES.

Article 136.

From the date of the coming into force of the present Treaty all Austro-Hungarian warships, submarines included, are declared to be finally surrendered to the Principal Allied and Associated Powers.

All the monitors, torpedo boats and armed vessels of the Danube Flotilla will be surrendered to the Principal Allied and Associated Powers.

Austria will, however, have the right to maintain on the Danube for the use of the river police three patrol boats to be selected by the Commission referred to in Article 154 of the present Treaty.

Article 137.

The Austro-Hungarian auxiliary cruisers and fleet auxiliaries enumerated below will be disarmed and treated as merchant ships:

Bosnia.
Gablonz.
Carolina.
Africa.
Tirol.
Argentina.
Lussin.
Teodo.
Pelikan.
Herkules.
Pola.
Najade.
Pluto.
President Wilson (ex-Kaiser Franz Joseph).
Trieste.
Baron Bruck.
Nixe.
Gigante.
Dalmat.
Persia.
Prince Hohenlohe.
Gastein.
Helouan.
Graf Wurmbraud.
Elizabet.
Melcarich.
Baron Call.
Gaea.
Cyclop.
Vesta.
Nymphe.
Buffel.

Article 138.

All warships, including submarines, now under construction in Austrian ports, or in ports which previously belonged to the Austro-Hungarian Monarchy, shall be broken up.

The work of breaking up these vessels will be commenced as soon as possible after the coming into force of the present Treaty.

Article 139.

Articles, machinery and material arising from the breaking up of Austro-Hungarian warships of all kinds, whether surface vessels or submarines, may not be used except for purely industrial or commercial purposes.

They may not be sold or disposed of to foreign countries.

Article 140.

The construction or acquisition of any submarine, even for commercial purposes, shall be forbidden in Austria.

Article 141.

All arms, ammunition and other naval war material, including mines and torpedoes, which belonged to Austria-Hungary at the date of the signature of the Armistice of November 3, 1918, are declared to be finally surrendered to the Principal Allied and Associated Powers.

Article 142.

Austria is held responsible for the delivery (Articles 136 and 141), the disarmament (Article 137), the demolition (Article 138), as well as the disposal (Article 137) and the use (Article 139) of the objects mentioned in the preceding Articles only so far as these remain in her own territory.

Article 143.

During the three months following the coming into force of the present Treaty, the Austrian high-power wireless telegraphy station at Vienna shall not be used for the transmission of messages concerning naval, military or political questions of interest to Austria, or any State which has been allied to Austria-Hungary in the war, without the assent of Principal Allied and Associated Powers. This station may be used for commercial purposes, but only under the supervision of the said Powers, who will decide the wave-length to be used.

During the same period Austria shall not build any more high-power wireless telegraphy stations in her own territory or that of Hungary, Germany, Bulgaria or Turkey.

Section III.

AIR CLAUSES.

Article 144.

The armed forces of Austria must not include any military or naval air forces.

No dirigible shall be kept.

Article 145.

Within two months from the coming into force of the present Treaty, the personnel of the air forces on the rolls of the Austrian land and sea forces shall be demobilised.

Article 146.

Until the complete evacuation of Austrian territory by the Allied and Associated troops the aircraft of the Allied and Associated Powers shall enjoy in Austria freedom of passage through the air, freedom of transit and of landing.

Article 147.

During the six months following the coming into force of the present Treaty, the manufacture, importation and exportation of aircraft, parts of aircraft, engines for aircraft, and parts of engines for aircraft shall be forbidden in all Austrian territory.

Article 148.

On the coming into force of the present Treaty, all military and naval aeronautical material must be delivered by Austria and at her expense to the Principal Allied and Associated Powers.

Delivery must be effected at such places as the Governments of the said Powers may select, and must be completed within three months.

In particular, this material will include all items under the following heads which are or have been in use or were designed for warlike purposes:

Complete aeroplanes and seaplanes, as well as those being manufactured, repaired or assembled.

Dirigibles able to take the air, being manufactured, repaired or assembled.

Plant for the manufacture of hydrogen.

Dirigible sheds and shelters of every kind for aircraft.

Pending their delivery, dirigibles will, at the expense of Austria, be maintained inflated with hydrogen; the plant for the manufacture of hydrogen, as well as the sheds for dirigibles, may, at the discretion of the said Powers, be left to Austria until the time when the dirigibles are handed over.

Engines for aircraft.

Nacelles and fuselages.

Armament (guns, machine guns, light machine guns, bomb-dropping apparatus, torpedo apparatus, synchronisation apparatus, aiming apparatus).

Munitions (cartridges, shells, bombs loaded or unloaded, stocks of explosives or of material for their manufacture).

Instruments for use on aircraft.

Wireless apparatus and photographic or cinematograph apparatus for use on aircraft.

Component parts of any of the items under the preceding heads.

The material referred to above shall not be removed without special permission from the said Governments.

Section IV.

INTER-ALLIED COMMISSIONS OF CONTROL.

Article 149.

All the Military, Naval and Air Clauses contained in the present Treaty for the execution of which a time limit is prescribed shall be executed by Austria under the control of Inter-Allied Commissions specially appointed for this purpose by the Principal Allied and Associated Powers.

The above-mentioned Commissions will represent the Governments of the Principal Allied and Associated Powers in dealing with the Austrian Government in all matters concerning the execution of the Military, Naval and Air Clauses. They will communicate to the Austrian authorities the decisions which the Principal Allied and Associated Powers have reserved the right to take or which the execution of the said Clauses may necessitate.

Article 150.

The Inter-Allied Commissions of Control may establish their organisations at Vienna and shall be entitled, as often as they think desirable, to proceed to any point whatever in Austrian

territory, or to send a sub-commission, or to authorise one or more of their members to go, to any such point.

Article 151.

The Austrian Government must furnish to the Inter-Allied Commissions of Control all such information and documents as the latter may deem necessary to insure the execution of their mission, and all means (both in personnel and in material) which the above-mentioned Commissions may need to ensure the complete execution of the Military, Naval or Air Clauses.

The Austrian Government must attach a qualified representative to each Inter-Allied Commission of Control with the duty of receiving from the latter any communications which it may have to address to the Austrian Government, and furnishing it with, or procuring, all information or documents demanded.

Article 152.

The upkeep and cost of the Commissions of Control and the expense involved by their work shall be borne by Austria.

Article 153.

It will be the special duty of the Military Inter-Allied Commission of Control to receive from the Austrian Government the notifications relating to the location of the stocks and depots of munitions, the armament of the fortified works, fortresses and forts, and the location of the works or factories for the production of arms, munitions, and war material and their operations.

It will take delivery of the arms, munitions, war material and plant intended for war construction, will select the points where such delivery is to be effected, and will supervise the works of destruction, and rendering things useless, or of transformation of material, which are to be carried out in accordance with the present Treaty.

Article 154.

It will be the special duty of the Naval Inter-Allied Commission of Control to proceed to the building yards and to supervise the breaking-up of the ships which are under construction there, to take delivery of arms, munitions and naval war material, and to supervise the destruction and breaking-up provided for.

The Austrian Government must furnish to the Naval Inter-Allied Commission of Control all such information and documents as the Commission may deem necessary to ensure the complete execution of the Naval Clauses, in particular the designs of the warships, the composition of their armaments, the details and models of the guns, munitions, torpedoes, mines, explosives, wireless telegraphic apparatus, and in general everything relating to naval war material, as well as all legislative or administrative documents or regulations.

Article 155.

It will be the special duty of the Aeronautical Inter-Allied Commission of Control to make an inventory of the aeronautical material which is actually in the possession of the Austrian Government, to inspect aeroplane, balloon and motor manufactories, and factories producing arms, munitions and explosives capable of being used by aircraft, to visit all aerodromes, sheds, landing grounds, parks and depots which are now in Austrian territory, and to authorise where necessary a removal of material and to take delivery of such material.

The Austrian Government must furnish to the Aeronautical Inter-Allied Commission of Control all such information and legislative, administrative or other documents which the Commission may consider necessary to ensure the complete execution of the Air Clauses, and, in particular, a list of the personnel belonging to all the air services of Austria and of the existing material, as well as of that in process of manufacture or on order, and a list of all establishments working for aviation, of their positions, and of all sheds and landing grounds.

Section V.

GENERAL ARTICLES.

Article 156.

After the expiration of a period of three months from the coming into force of the present Treaty, the Austrian laws must have been modified and shall be maintained by the Austrian Government in conformity with this Part of the present Treaty.

Within the same period all the administrative or other measures relating to the execution of this Part must have been taken by the Austrian Government.

Article 157.

The following portions of the Armistice of November 3, 1918: paragraphs 2 and 3 of Chapter I (Military Clauses), paragraphs 2, 3, 6 of Chapter I of the annexed Protocol (Military Clauses), remain in force so far as they are not inconsistent with the above stipulations.

Article 158.

Austria undertakes, from the coming into force of the present Treaty, not to accredit nor to send to any foreign country any military, naval or air mission, nor to allow any such mission to leave her territory; Austria further agrees to take the necessary measures to prevent Austrian nationals from leaving her territory to enlist in the Army, Navy or Air service of any foreign Power, or to be attached to such Army, Navy or Air service for the purpose of assisting in the military, naval or air training thereof, or generally for the purpose of giving military, naval or air instruction in any foreign country.

The Allied and Associated Powers undertake, so far as they are concerned, that from the coming into force of the present Treaty they will not enrol in nor attach to their armies or naval or air forces any Austrian national for the purpose of assisting in the military training of such armies or naval or air forces, or otherwise employ any such Austrian national as military, naval or aeronautic instructor.

The present provision does not, however, affect the right of France to recruit for the Foreign Legion in accordance with French military laws and regulations.

Article 159.

So long as the present Treaty remains in force, Austria undertakes to submit to any investigation which the Council of the League of Nations, acting if need be by a majority vote, may consider necessary.

PART VI.

PRISONERS OF WAR AND GRAVES.

Section I.

PRISONERS OF WAR.

Article 160.

The repatriation of Austrian prisoners of war and interned civilians shall take place as soon as possible after the coming into force of the present Treaty, and shall be carried out with the greatest rapidity.

Article 161.

The repatriation of Austrian prisoners of war and interned civilians shall, in accordance with Article 160, be carried out by a Commission composed of representatives of the Allied and Associated Powers on the one part and of the Austrian Government on the other part.

For each of the Allied and Associated Powers a Sub-Commission composed exclusively of representatives of the interested Power and of delegates of the Austrian Government shall regulate the details of carrying into effect the repatriation of prisoners of war.

Article 162.

From the time of their delivery into the hands of the Austrian authorities, the prisoners of war and interned civilians are to be returned without delay to their homes by the said Authorities.

Those among them who, before the war, were habitually resident in territory occupied by the troops of the Allied and Associated Powers are likewise to be sent to their homes, subject to the consent and control of the military authorities of the Allied and Associated armies of occupation.

Article 163.

The whole cost of repatriation from the moment of starting shall be borne by the Austrian Government, who shall also provide means of transport and working personnel as considered necessary by the Commission referred to in Article 161.

Article 164.

Prisoners of war and interned civilians awaiting disposal or undergoing sentence for offences against discipline shall be repatriated irrespective of the completion of their sentence or of the proceedings pending against them.

This stipulation shall not apply to prisoners of war and interned civilians punished for offences committed subsequent to June 1, 1919.

During the period pending their repatriation, all prisoners of war and interned civilians shall remain subject to the existing regulations, more especially as regards work and discipline.

Article 165.

Prisoners of war and interned civilians who are awaiting trial or undergoing sentence for offences other than those against discipline may be detained.

Article 166.

The Austrian Government undertakes to admit to its territory without distinction all persons liable to repatriation.

Prisoners of war or Austrian nationals who do not desire to be repatriated may be excluded from repatriation; but the Allied and Associated Governments reserve to themselves the right either to repatriate them or to take them to a neutral country or to allow them to reside in their own territories.

The Austrian Government undertakes not to institute any exceptional proceedings against these persons or their families nor to take any repressive or vexatious measures of any kind whatsoever against them on this account.

Article 167.

The Allied and Associated Governments reserve the right to make the repatriation of Austrian prisoners of war or Austrian nationals in their hands conditional upon the immediate notification and release by the Austrian Government of any prisoners of war and other nationals of the Allied and Associated Powers who are still held in Austria against their will.

Article 168.

The Austrian Government undertakes:

(1) To give every facility to Commissions to enquire into the cases of those who cannot be traced; to furnish such Commissions with all necessary means of transport; to allow them access to camps, prisons, hospitals and all other places; and to place at their diposal all documents whether public or private which would facilitate their enquiries;

(2) To impose penalties upon any Austrian officials or private persons who have concealed the presence of any nationals of any of the Allied or Associated Powers, or who have neglected to reveal the presence of any such after it had come to their knowledge.

Article 169.

The Austrian Government undertakes to restore without delay from the date of the coming into force of the present Treaty all articles, money, securities and documents which have belonged to nationals of the Allied and Associated Powers and which have been retained by the Austrian authorities.

Article 170.

The High Contracting Parties waive reciprocally all repayment of sums due for the maintenance of prisoners of war in their respective territories.

Section II.

GRAVES.

Article 171.

The Allied and Associated Governments and the Austrian Government will cause to be respected and maintained the graves of the soldiers and sailors buried in their respective territories.

They agree to recognise any Commission appointed by the several Governments for the purpose of identifying, registering, caring for or erecting suitable memorials over the said graves, and to facilitate the discharge of its duties.

Furthermore, they agree to afford, so far as the provisions of their laws and the requirements of public health allow, every facility for giving effect to requests that the bodies of their soldiers and sailors may be transferred to their own country.

Article 172.

The graves of prisoners of war and interned civilians who are nationals of the different belligerent States and have died in captivity shall be properly maintained in accordance with Article 171 of this Part of the present Treaty.

The Allied and Associated Powers on the one part and the Austrian Government on the other part reciprocally undertake also to furnish to each other:

(1) A complete list of those who have died, together with all information useful for identification;

(2) All information as to the number and positions of the graves of all those who have been buried without identification.

PART VII.

PENALTIES.

Article 173.

The Austrian Government recognises the right of the Allied and Associated Powers to bring before military tribunals persons accused of having committed acts in violation of the laws and customs of war. Such persons shall, if found guilty, be sentenced to punishments laid down by law. This provision will apply notwithstanding any proceedings or prosecutions before a tribunal in Austria or in the territory of her allies.

The Austrian Government shall hand over to the Allied and Associated Powers, or to such one of them as shall so request, all persons accused of having committed an act in violation of the laws and customs of war, who are specified either by name or by the rank, office or employment which they held under the Austrian authorities.

Article 174.

Persons guilty of criminal acts against the nationals of one of the Allied and Associated Powers will be brought before the military tribunals of that Power.

Persons guilty of criminal acts against the nationals of more than one of the Allied and Associated Powers will be brought before military tribunals composed of members of the military tribunals of the Powers concerned.

In every case the accused will be entitled to name his own counsel.

Article 175.

The Austrian Government undertakes to furnish all documents and information of every kind, the production of which may be considered necessary to ensure the full knowledge of the incriminating acts, the discovery of offenders and the just appreciation of responsibility.

Article 176.

The provisions of Articles 173 to 175 apply similarly to the Governments of the States to which territory belonging to the former Austro-Hungarian Monarchy has been assigned, in so far as concerns persons accused of having committed acts contrary to the laws and customs of war who are in the territory or at the disposal of the said States.

If the persons in question have acquired the nationality of one of the said States, the Government of such State undertakes to take, at the request of the Power concerned and in agreement with it, all the measures necessary to ensure the prosecution and punishment of such persons.

Article 177.

The Allied and Associated Governments affirm and Austria accepts the responsibility of Austria and her allies for causing the loss and damage to which the Allied and Associated Governments and their nationals have been subjected as a consequence of the war imposed upon them by the aggression of Austria-Hungary and her allies.

Article 178.

The Allied and Associated Governments recognise that the resources of Austria are not adequate, after taking into account the permanent diminutions of such resources which will result from other provisions of the present Treaty, to make complete reparation for such loss and damage.

The Allied and Associated Governments however require, and Austria undertakes, that she will make compensation as hereinafter determined for damage done to the civilian population of the Allied and Associated Powers and to their property during the period of the belligerency of each as an Allied and Associated Power against Austria by the said aggression by land, by sea and from the air, and in general damage as defined in Annex I hereto.

Article 179.

The amount of such damage for which compensation is to be made by Austria shall be determined by an Inter-Allied Commission to be called the *Reparation Commission* and constituted in the form and with the powers set forth hereunder and in Annexes Nos. II–V inclusive hereto. The Commission is the same as that provided for under Article 233 of the Treaty with Germany, subject to any modifications resulting from the present Treaty. The Commission shall constitute a Section to consider the special questions raised by the application of the present Treaty: this Section shall have consultative power only, except in cases in which the Commission shall delegate to it such powers as may be deemed convenient.

The Reparation Commission shall consider the claims and give to the Austrian Government a just opportunity to be heard.

The Commission shall concurrently draw up a schedule of payments prescribing the time and manner for securing and discharging by Austria, within thirty years dating from May 1, 1921, that part of the debt which shall have been assigned to her after the Commission has decided whether Germany is in a position to pay the balance of the total amount of claims presented against Germany and her allies and approved by the Commission. If, however, within the period mentioned, Austria fails to discharge her obligations, any balance remaining unpaid may, within the discretion of the Commission, be postponed for settlement in subsequent years or may be handled otherwise in such manner as the Allied and Associated Governments acting in accordance with the procedure laid down in this Part of the present Treaty shall determine.

Article 180.

The Reparation Commission shall, after May 1, 1921, from time to time consider the resources and capacity of Austria, and, after giving her representatives a just opportunity to be heard, shall have discretion to extend the date and to modify the form of payments such as are to be provided for in accordance with Article 179, but not to cancel any part except with the specific authority of the several Governments represented on the Commission.

Article 181.

Austria shall pay in the course of the years 1919, 1920 and the first four months of 1921, in such instalments and in such manner (whether in gold, commodities, ships, securities or otherwise) as the Reparation Commission may lay down, a reasonable sum which shall be determined by the Commission.

Out of this sum the expenses of the armies of occupation subsequent to the Armistice of November 3, 1918, shall first be met, and such supplies of food and raw materials as may be judged by the Governments of the Principal Allied and Associated Powers essential to enable Austria to meet her obligations for reparation may also, with the approval of the said Governments, be paid for out of the above sum. The balance shall be reckoned towards the liquidation of the amount due for reparation.

* * * * * * *

ANNEX I.

Compensation may be claimed from Austria in accordance with Article 178 above in respect of the total damage under the following categories:

(1) Damage to injured persons and to surviving dependents by personal injury to or death of civilians caused by acts of war, including bombardment or other attacks on land, on sea or from the air, and of the direct consequences thereof and of all operations of war by the two groups or belligerents wherever arising;

(2) Damage caused by Austria or her allies to civilian victims of acts of cruelty, violence or maltreatment (including injuries to life or health as a consequence of imprisonment, deportation, internment or evacuation, of exposure at sea, or of being forced to labour) wherever arising, and to the surviving dependents of such victims;

(3) Damage caused by Austria or her allies in their own territory or in occupied or invaded territory to civilian victims of all acts injurious to health or capacity to work or to honour, as well as to the surviving dependents of such victims;

(4) Damage caused by any kind of maltreatment of prisoners of war;

(5) As damage caused to the peoples of the Allied and Associated Powers, all pensions or compensations in the way of pensions to naval and military victims of war, including members of the air force, whether mutilated, wounded, sick or invalided, and to the dependents of such victims, the amount due to the Allied and Associated Governments being calculated for each individual as being the capitalised cost of such pensions and compensations at the date of the coming into force of the present Treaty on the basis of the scales in force in France on May 1, 1919;

(6) The cost of assistance by the Governments of the Allied and Associated Powers to prisoners of war, to their families and dependents;

(7) Allowances by the Governments of the Allied and Associated Powers to the families and dependents of mobilised persons or persons serving with the forces, the amount due to them for each calendar year in which hostilities occurred being calculated for each Government on the basis of the average scale for such payments in force in France during that year;

(8) Damage caused to civilians by being forced by Austria or her allies to labour without just remuneration;

(9) Damage in respect of all property, wherever situated, belonging to any of the Allied or Associated States or their nationals, with the exception of naval or military works or materials, which has been carried off, seized, injured, or destroyed by the acts of Austria or her allies on land, on sea, or from the air, or damage directly in consequence of hostilities or of any operations of war;

(10) Damage in the form of levies, fines and other similar exactions imposed by Austria or her allies upon the civilian population.

ANNEX II.

1.

The Commission referred to in Article 179 shall be called the "Reparation Commission" and is hereafter referred to as the "Commission."

2.

The Delegates to this Commission shall be appointed by the United States of America, Great Britain, France, Italy, Japan, Belgium, Greece, Poland, Roumania, the Serb-Croat-Slovene State and Czecho-Slovakia. The United States of America, Great Britain, France, Italy, Japan and Belgium shall each appoint a Delegate. The other five Powers shall appoint a Delegate to represent them all under the conditions indicated in the third sub-paragraph of paragraph 3 hereafter. At the time when each Delegate is appointed there shall also be appointed an Assistant Delegate, who will take his place in case of illness or necessary absence, but at other times will only have the right to be present at the proceedings without taking any part therein.

On no occasion shall Delegates of more than five of the above Powers have the right to take part in the proceedings of the Commission and to record their votes. The Delegates of the United States, Great Britain, France and Italy shall have this right on all occasions other than those referred to below. The Delegate of Belgium shall have this right on all occasions other than those referred to below. The Delegate of Japan will have this right when questions relating to damage at sea are under consideration. The Delegate representing the five remaining Powers mentioned above shall have this right when questions relating to Austria, Hungary or Bulgaria are under consideration.

Each of the Governments represented on the Commission shall have the right to withdraw after giving twelve months' notice to the Commission and confirming it six months after the date of the original notification.

3.

Such of the Allied and Associated Powers as may be interested shall have the right to name a Delegate to be present and act as assessor only while their respective claims and interests are under examination or discussion, but without the right to vote.

The Section to be established by the Commission under Article 179 of the present Part shall include representatives of the following Powers: the United States of America, Great Britain, France, Italy, Greece, Poland, Roumania, the Serb-Croat-Slovene State and Czecho-Slovakia. This composition of the Section shall in no way prejudge the admissibility of any claims. In voting, the representatives of the United States of America, Great Britain, France and Italy shall each have two votes.

The representatives of the five remaining Powers mentioned above shall appoint a Delegate to represent them all, who shall sit upon the Reparation Commission in the circumstances described in paragraph 2 of the present Annex. This delegate, who shall be appointed for one year, shall be chosen successively from the nationals of each of the said five Powers.

4.

In the case of death, resignation, or recall of any Delegate, Assistant Delegate or Assessor, a successor to him shall be nominated as soon as possible.

5.

The Commission shall have its principal permanent bureau in Paris, and shall hold its first meeting in Paris as soon as practicable after the coming into force of the present Treaty, and thereafter will meet in such place or places and at such time as may deemed convenient and as may be necessary for the most expeditious discharge of its duties.

6.

At its first meeting the Commission shall elect from among the Delegates referred to above a Chairman and a Vice-Chairman, who shall hold office for a year and shall be eligible for re-election. If a vacancy in the chairmanship or vice-chairmanship should occur during the annual period, the Commission shall proceed to a new election for the remainder of the said period.

7.

The Commission is authorised to appoint all necessary officers, agents and employees who may be required for the execution of its functions, and to fix their remuneration; to constitute Sections or Committees, whose members need not necessarily be members of the Commission, and to take all executive steps necessary for the purpose of discharging its duties; and to delegate authority and discretion to officers, agents, Sections and Committees.

8.

All the proceedings of the Commission shall be private unless on particular occasions the Commission shall otherwise determine for special reasons.

9.

The Commission shall be required, if the Austrian Government so desire, to hear within a period which it will fix from time to time evidence and arguments on the part of Austria on any questions connected with her capacity to pay.

10.

The Commission shall consider the claims and give to the Austrian Government a just opportunity to be heard, but not to take any part whatever in the decisions of the Commission.

The Commission shall afford a similar opportunity to the allies of Austria when it shall consider that their interests are in question.

11.

The Commission shall not be bound by any particular code or rules of law or by any particular rule of evidence or of procedure, but shall be guided by justice, equity and good faith. Its decisions must follow the same principles and rules in all cases where they are applicable. It will establish rules relating to methods of proof of claims. It may act on any trustworthy modes of computation.

12.

The Commission shall have all the powers conferred upon it and shall exercise all the functions assigned to it by the present Treaty.

The Commission shall, in general, have wide latitude as to its control and handling of the whole reparation problem as dealt with in this Part, and shall have authority to interpret its provisions. Subject to the provisions of the present Treaty, the Commission is constituted by the several Allied and Associated Governments referred to in paragraphs 2 and 3 above as the exclusive agency of the said Governments respectively for receiving, selling, holding and distributing the reparation payments to be made by Austria. The Commission must comply with the following conditions and provisions:

(*a*) Whatever part of the full amount of the proved claims is not paid in gold or in ships, securities, commodities or otherwise, Austria shall be required, under such conditions as the Commission may determine, to cover by way of guarantee, by an equivalent issue of bonds, obligations or otherwise, in order to constitute an acknowledgment of the said part of the debt.

(*b*) In periodically estimating Austria's capacity to pay the Commission shall examine the Austrian system of taxation; first, to the end that the sums for reparation which Austria is required to pay shall become a charge upon all her revenues prior to that for the service or discharge of any domestic loan, and, secondly, so as to satisfy itself that in general the Austrian scheme of taxation is fully as heavy proportionately as that of any of the Powers represented on the Commission.

The Reparation Commission shall receive instructions to take account of:

(1) The actual economic and financial position of Austrian territory as delimited by the present Treaty; and

(2) The diminution of its resources and of its capacity for payment resulting from the clauses of the present Treaty.

As long as the position of Austria is not modified the Commission shall take account of these considerations in fixing the final amount of the obligations to be imposed on Austria, the payments by which these are to be discharged, and any postponement of payment of interest which may be asked for by Austria.

(*c*) The Commission shall, as provided in Article 181, take from Austria, by way of security for and acknowledgment of her debt, gold bearer bonds free of all taxes or charges of every description established or to be established by the Austrian Government or by any authorities subject to them. These bonds will be delivered at any time that may be judged expedient by the Commission, and in three portions, of which the respective amounts will be also fixed by the Commission, the crowns gold being payable in conformity with Article 213 of Part X (Financial Clauses) of the present treaty:

(1) A first issue in bearer bonds payable not later than May 1, 1921, without interest. There shall be specially applied to the amortisation of these bonds the payments which Austria is pledged to make in conformity with Article 181 of this Part, after deduction of the sums used for the reimbursement of the expenses of the armies of occupation and other payments for foodstuffs and raw materials. Such bonds as may not have been redeemed by May 1, 1921, shall then be exchanged for new bonds of the same type as those provided for below (paragraph 12, (c) 2).

(2) A second issue in bearer bonds bearing interest at 2½ per cent. between 1921 and 1926, and thereafter at 5 per cent. with an additional 1 per cent. for amortisation beginning in 1926 on the whole amount of the issue.

(3) An undertaking in writing to issue, when, but not until, the Commission is satisfied that Austria can meet the interest and sinking fund obligations, a further instalment of bearer bonds bearing interest at 5 per cent., the time and mode of payment of principal and interest to be determined by the Commission.

The dates for the payment of interest, the manner of employing the amortisation fund and all other questions relating to the issue, management and regulation of the bond issue shall be determined by the Commission from time to time.

Further issues by way of acknowledgment and security may be required as the Commission subsequently determines from time to time.

In case the Reparation Commission should proceed to fix definitely and no longer provisionally the sum of the common charges to be borne by Austria as a result of the claims of the Allied and Associated Powers, the Commission shall immediately annual all bonds which have been issued in access of this sum.

(*d*) In the event of bonds, obligations or other evidence of indebtedness issued by Austria by way of security for or acknowledgment of her reparation debt being disposed of outright, not by way of pledge, to persons other than the several Governments in whose favour Austria's original reparation indebtedness was created, an amount of such reparation indebtedness shall be deemed to be extinguished corresponding to the nominal value of the bonds, etc., so disposed of outright, and the obligation of Austria in respect of such bonds shall be confined to her liabilities to the holders of the bonds, as expressed upon their face.

(*e*) The damage for repairing, reconstructing and rebuilding property situated in the invaded and devastated districts, including re-installation of furniture, machinery and other equipment, will be calculated according to the cost at the date when the work is done.

(*f*) Decisions of the Commission relating to the total or partial cancellation of the capital or interest of any of the verified debt of Austria must be accompanied by a statement of its reasons.

13.

As to voting the Commission will observe the following rules:

When a decision of the Commission is taken, the votes of all the Delegates entitled to vote, or in the absence of any of them, of their assistant Delegates, shall be recorded. Abstention from voting is to be treated as a vote against the proposal under discussion. Assessors shall have no vote.

On the following questions unanimity is necessary:

(*a*) Questions involving the sovereignty of any of the Allied and Associated Powers or the cancellation of the whole or any part of the debt or obligations of Austria;

(*b*) Questions of determining the amount and conditions of bonds or other obligations to be issued by the Austrian Government and of fixing the time and manner for selling, negotiating or distributing such bonds;

(*c*) Any postponement, total or partial, beyond the end of 1930, of the payment of instalments falling due between May 1, 1921, and the end of 1926 inclusive.

(*d*) Any postponement, total or partial, or any instalments falling due after 1926 for a period exceeding three years.

(*e*) Questions of applying in any particular case a method of measuring damages different from that which has been previously applied in a similar case.

(*f*) Questions of the interpretation of the provisions of this Part of the present Treaty.

All other questions shall be decided by the vote of the majority.

In the case of any difference of opinion among the Delegates, which cannot be solved by reference to their Governments, upon the question whether a given case is one which requires a unanimous vote for its decision or not, such difference shall be referred to the immediate arbitration of some impartial person to be agreed upon by their Governments, whose award the Allied and Associated Governments agree to accept.

14.

Decisions of the Commission, in accordance with the powers conferred upon it, shall forthwith become binding and may be put into immediate execution without further proceedings.

15.

The Commission shall issue to each of the interested Powers in such form as the Commission shall fix:

(1) A certificate stating that it holds for the account of the said Power bonds of the issues mentioned above, the said certificate on the demand of the Power concerned being divisible into a number of parts not exceeding five;

(2) From time to time certificates stating the goods delivered by Austria on account of her reparation debt which it holds for the account of the said Power.

Such certificates shall be registered and, upon notice to the Commission, may be transferred by endorsement.

When bonds are issued for sale or negotiation, and when goods are delivered by the Commission, certificates to an equivalent value must be withdrawn.

16.

Interest shall be debited to Austria as from May 1, 1921, in respect of her debt as determined by the Commission after

allowing for sums already covered by cash payments or their equivalent by bonds issued to the Commission or under Article 189. The rate of interest shall be 5 per cent. unless the Commission shall determine at some future time that circumstances justify a variation of this rate.

The Commission, in fixing on May 1, 1921, the total amount of the debt of Austria, may take account of interest due on sums arising out of reparation and of material damage as from November 11, 1918 up to May 1, 1921.

17.

In case of default by Austria in the performance of any obligation under this part of the present Treaty the Commission will forthwith give notice of such default to each of the interested Powers and may make such recommendations as to the action to be taken in consequence of such default as it may think necessary.

18.

The measures which the Allied and Associated Powers shall have the right to take, in the case of voluntary default by Austria, and which Austria agrees not to regard as acts of war, may include economic and financial prohibitions and reprisals and in general such other measures as the respective Governments may determine to be necessary in the circumstances.

19.

Payments required to be made in gold or its equivalent on account of the proved claims of the Allied and Associated Powers may at any time be accepted by the Commission in the form of chattels, properties, commodities, businesses, rights, concessions within or without Austrian territory, ships, bonds, shares or securities of any kind or currencies of Austria or other States, the value of such substitutes for gold being fixed at a fair and just amount by the Commission itself.

20.

The Commission in fixing or accepting payment in specified properties or rights shall have due regard for any legal or equitable interests of the Allied and Associated Powers or of their nationals therein.

21.

No member of the Commission shall be responsible, except to the Government appointing him, for any action or omission as such member. No one of the Allied and Associated Governments assumes any responsibility in respect of any other Government.

22.

Subject to the provisions of the present Treaty this Annex may be amended by the unanimous decision of the Governments represented from time to time upon the Commission.

23.

When all the amounts due from Austria and her allies under the present Treaty or the decisions of the Commission have been discharged, and all sums received, or their equivalents, have been distributed to the Powers interested, the Commission shall be dissolved.

ANNEX III.

1.

Austria recognises the right of the Allied and Associated Powers to the replacement ton for ton (gross tonnage) and class for class of all merchant ships and fishing boats lost or damaged owing to the war.

Nevertheless and in spite of the fact that the tonnage of Austrian shipping at present in existence is much less than that lost by the Allied and Associated Powers in consequence of the aggression of Austria and her allies, the right thus recognised will be enforced on the Austrian ships and boats under the following conditions:

The Austrian Government on behalf of themselves, and so as to bind all other persons interested, cede to the Allied and Associated Governments the property in all merchant ships and fishing boats belonging to nationals of the former Austrian Empire.

2.

The Austrian Government will, within two months of the coming into force of the present Treaty, deliver to the Reparation Commission all the ships and boats mentioned in paragraph 1.

3.

The ships and boats in paragraph 1 include all ships and boats which (*a*) fly or may be entitled to fly the Austro-Hungarian merchant flag and are registered in a port of the former Austrian Empire, or (*b*) are owned by any national, company or corporation of the former Austrian Empire or by any company or corporation belonging to a country other than an Allied or Associated country and under the control or direction of nationals of the former Austrian Empire: or (*c*) which are now under construction (1) in the former Austrian Empire (2) in other than Allied or Associated countries for the account of any national company or corporation of the former Austrian Empire.

4.

For the purpose of providing documents of title for the ships and boats to be handed over as above mentioned, the Austrian Government will:

(*a*) Deliver to the Reparation Commission in respect of each vessel a bill of sale or other document of title evidencing the transfer to the Commission of the entire property in the vessel, free from all encumbrances, charges and liens of all kinds as the Commission may require;

(*b*) Take all measures that may be indicated by the Reparation Commission for ensuring that the ships themselves shall be placed at its disposal.

5.

Austria undertakes to restore in kind and in normal condition of upkeep to the Allied and Associated Powers within two months of the coming into force of the present Treaty in accordance with procedure to be laid down by the Reparation Commission any boats and other movable appliances belonging to inland navigation which, since July 28, 1914, have by any means whatever come into her possession or into the possession of her nationals and which can be identified.

With a view to make good the loss in inland navigation tonnage from whatever cause arising which has been incurred during the war by the Allied and Associated Powers, and which cannot be made good by means of the restitution prescribed above, Austria agrees to cede to the Reparation Commission a portion of the Austrian river fleet up to the amount of the loss mentioned above, provided such cession shall not exceed 20 per cent. of the river fleet as it existed on November 3, 1918.

The conditions of this cession shall be settled by the arbitrators referred to in Article 300 of Part XII (Ports, Waterways and Railways) of the present Treaty, who are charged with the settlement of difficulties relating to the apportionment of river tonnage resulting from the new international régime applicable to certain river systems or from the territorial changes affecting those systems.

6.

Austria agrees to take any measures that may be indicated to her by the Reparation Commission for obtaining a full title to the property in all ships which have, during the war, been transferred or are in process of transfer to neutral flags without the consent of the Allied and Associated Governments.

7.

Austria waives all claims of any description against the Allied and Associated Governments and their nationals in respect of the detention, employment, loss or damage of any Austrian ships or boats.

8.

Austria renounces all claims to vessels or cargoes sunk by or in consequence of naval action and subsequently salved in which any of the Allied or Associated Governments or their nationals may have any interest either as owners, charterers, insurers, or otherwise, notwithstanding any decree of condemnation which may have been made by a Prize Court of the former Austro-Hungarian Monarchy or of its allies.

ANNEX IV.

1.

The Allied and Associated Powers require and Austria undertakes that in part satisfaction of her obligations expressed in this Part she will, as hereinafter provided, devote her economic resources directly to the physical restoration of the invaded areas of the Allied and Associated Powers to the extent that these Powers may determine.

2.

The Allied and Associated Governments may file with the Reparation Commission lists showing:

(*a*) Animals, machinery, equipment, tools and like articles of a commercial character which have been seized, consumed or destroyed by Austria, or destroyed in direct consequence of military operations, and which such Governments, for the purpose of meeting immediate and urgent needs, desire to have replaced by animals and articles of the same nature which are in being in Austrian territory at the date of the coming into force of the present Treaty;

(*b*) Reconstruction materials (stones, bricks, refractory bricks, tiles, wood, window glass, steel, lime, cement, etc.), machinery, heating apparatus, furniture and like articles of a commercial character, which the said Governments desire to

have produced and manufactured in Austria and delivered to them to permit of the restoration of the invaded areas.

3.

The lists relating to the articles mentioned in 2 (*a*) above shall be filed within sixty days after the date of the coming into force of the present Treaty.

The lists relating to the articles in 2 (*b*) shall be filed on or before December 31, 1919.

The lists shall contain all such details as are customary in commercial contracts dealing with the subject-matter, including specifications, dates of delivery (but not extending over more than four years) and places of delivery, but not prices or value, which shall be fixed as hereinafter provided by the Commission.

4.

Immediately upon the filing of such lists with the Commission, the Commission shall consider the amount and number of the materials and animals mentioned in the lists provided for above which are to be required of Austria. In reaching a decision on this matter the Commission shall take into account such domestic requirements of Austria as it deems essential for the maintenance of Austrian social and economic life, the prices and dates at which similar articles can be obtained in the Allied and Associated countries as compared with those to be fixed for Austrian articles, and the general interest of the Allied and Associated Governments that the industrial life of Austria be not so disorganised as to affect adversely the ability of Austria to perform the other acts of reparation stipulated for.

Machinery, equipment, tools and like articles of a commercial character in actual industrial use are not, however, to be demanded of Austria unless there is no free stock of such articles respectively which is not in use and is available, and then not in excess of 30 per cent. of the quantity of such articles in use in any one establishment or undertaking.

The Commission shall give representatives of the Austrian Government an opportunity and a time to be heard as to their capacity to furnish the said materials, articles and animals.

The decision of the Commission shall thereupon and at the earliest possible moment be communicated to the Austrian Government and to the several interested Allied and Associated Governments.

The Austrian Government undertakes to deliver the materials, articles and animals as specified in the said communication, and the interested Allied and Associated Governments severally agree to accept the same, provided they conform to the specification given or are not, in the judgment of the Commission, unfit to be utilised in the work of reparation.

5.

The Commission shall determine the value to be attached to the materials, articles and animals to be delivered in accordance with the foregoing, and the Allied or Associated Power receiving the same agrees to be charged with such value, and the amount thereof shall be treated as a payment by Austria to be divided in accordance with Article 183 of this Part of the present Treaty.

In cases where the right to require physical restoration as above provided is exercised, the Commission shall ensure that the amount to be credited against the reparation obligations of Austria shall be fair value for work done or material supplied by Austria, and that the claim made by the interested Power in respect of the damage so repaired by physical restoration shall be discharged to the extent of the proportion which the damage thus repaired bears to the whole of the damage thus claimed for.

6.

As an immediate advance on account of the animals referred to in paragraph 2 above, Austria undertakes to deliver in equal monthly instalments in the three months following the coming into force of the present Treaty the following quantities of live stock:

TO THE ITALIAN GOVERNMENT.

4,000 milch cows of from 3 to 5 years;
1,000 heifers;
50 bulls from 18 months to 3 years;
1,000 calves;
1,000 working bullocks;
2,000 sows.

TO THE SERB-CROAT-SLOVENE GOVERNMENT.

1,000 milch cows of from 3 to 5 years;
300 heifers;
25 bulls from 18 months to 3 years;
1,000 calves;
500 working bullocks;
1,000 draught horses;
1,000 sheep.

TO THE ROUMANIAN GOVERNMENT.

1,000 milch cows of from 3 to 5 years;
500 heifers;
25 bulls from 18 months to 3 years;
1,000 calves;
500 working bullocks;
1,000 draught horses;
1,000 sheep.

The animals delivered shall be of average health and condition.

If the animals so delivered cannot be identified as animals taken away or seized, the value of such animals shall be credited against the reparation obligations of Austria in accordance with paragraph 5 of this Annex.

7.

As an immediate advance on account of the articles referred to in paragraph 2 above, Austria undertakes to deliver during the six months following the coming into force of the present Treaty in equal monthly instalments such supplies of furniture in hard and soft wood intended for sale in Austria as the Allied and Associated Powers shall ask for month by month through the Reparation Commission and which the Commission shall consider justified on the one hand by the seizures and destruction carried out in the course of the war on the territory of the said Powers and on the other hand proportionate to the supplies at the disposal of Austria. The price of the articles so supplied shall be carried to the credit of Austria under the conditions provided for in paragraph 5 of this Annex.

ANNEX V.

1.

Austria shall give, as partial reparation, to the Allied and Associated Governments severally an option during the five years following the coming into force of the present Treaty for the annual delivery of the raw materials hereinafter enumerated: the amounts delivered to bear the same relation to their annual importations of these materials before the war from Austria-Hungary as the resources of Austria as now delimited by the present Treaty bear to the resources before the war of the former Austro-Hungarian Monarchy.

Timber and timber manufactures;
Iron and iron alloys;
Magnesite.

2.

The price paid for the products referred to in the preceding paragraph shall be the same as the price paid by Austrian nationals under the same conditions of shipment to the Austrian frontier and shall be subject to any advantages which may be accorded similar products furnished to Austrian nationals.

3.

The foregoing options shall be exercised through the intervention of the Reparation Commission, which subject to the specific provisions hereof shall have power to determine all questions relative to procedure and qualities and quantities of products and the times and modes of delivery and payment. In giving notice to the Austrian Government of the foregoing options, the Commission shall give at least 120 days' notice of deliveries to be made after January 1, 1920, and at least 30 days' notice of deliveries to be made between the coming into force of the present Treaty and January 1, 1920. If the Commission shall determine that the full exercise of the foregoing options would interfere unduly with the industrial requirements of Austria, the Commission is authorised to postpone or to cancel deliveries and in so doing to settle all questions of priority.

ANNEX VI.

Austria renounces on her own behalf and on behalf of her nationals in favour of Italy all rights, titles or privileges of whatever nature in any submarine cables or portions of cables connecting Italian territory, including the territories which are assigned to Italy under the present Treaty.

Austria also renounces on her own behalf and on behalf of her nationals in favour of the Principal Allied and Associated Powers all rights, titles and privileges of whatever nature in the submarine cables, or portions thereof, connecting the territories ceded by Austria under the terms of the present Treaty to the various Allied and Associated Powers.

The States concerned shall provide for the upkeep of the installations and the proper working of the said cables.

As regards the cable from Trieste to Corfu, the Italian Government shall enjoy in its relations with the company owning this cable the same position as that held by the Austro-Hungarian Government.

The value of the cables or portions of cables referred to in the two first paragraphs of the present Annex, calculated on the basis of the original cost, less a suitable allowance for depreciation, shall be credited to Austria in the reparation account.

Section II.

SPECIAL PROVISIONS.

Article 191.

In carrying out the provisions of Article 184 of this Part Austria undertakes to surrender to each of the Allied and Associated Powers respectively all records, documents, objects of antiquity and of art, and all scientific and bibliographical material taken away from the invaded territories, whether they belong to the State or to provincial, communal, charitable or ecclesiastical administrations or other public or private institutions.

Article 192.

Austria shall in the same manner restore objects of the same nature as those referred to in the preceding Article which may have been taken away since June 1, 1914, from the ceded territories, with the exception of objects bought from private owners.

The Reparation Commission will apply to these objects the provisions of Article 208 of Part IX (Financial Clauses) of the present Treaty, if these are appropriate.

Article 193.

Austria will give up to each of the Allied and Associated Governments respectively all the records, documents and historical material possessed by public institutions which may have a direct bearing on the history of the ceded territories and which have been removed during the last ten years. This last-mentioned period, as far as concerns Italy, shall be extended to the date of the proclamation of the Kingdom (1861).

The new States arising out of the former Austro-Hungarian Monarchy and the States which receive part of the territory of that Monarchy undertake on their part to hand over to Austria the records, documents and material dating from a period not exceeding twenty years which have a direct bearing on the history or administration of the territory of Austria and which may be found in the territories transferred.

Article 194.

Austria acknowledges that she remains bound, as regards Italy, to execute the obligations referred to in Article 5 of the Treaty of Zurich of November 10, 1859, in Article 18 of the Treaty of Vienna of October 3, 1866, and in the Convention of Florence of July 14, 1868, concluded between Italy and Austria-Hungary, in so far as the Articles referred to have not in fact been executed in their entirety and in so far as the documents and objects in question are situated in the territory of Austria or her allies.

Article 195.

Within a period of twelve months after the coming into force of the present Treaty a Committee of three jurists appointed by the Reparation Commission shall examine the conditions under which the objects or manuscripts in possession of Austria, enumerated in Annex I hereto, were carried off by the House of Hapsburg and by the other Houses which have reigned in Italy. If it is found that the said objects or manuscripts were carried off in violation of the rights of the Italian provinces the Reparation Commission, on the report of the Committee referred to, shall order their restitution. Italy and Austria agree to accept the decisions of the Commission.

Belgium, Poland and Czecho-Slovakia may also submit claims for restitution, to be examined by the same Committee of three jurists, relating to the objects and documents enumerated in Annexes II, III and IV hereto. Belgium, Poland, Czecho-Slovakia and Austria undertake to accept the decisions taken by the Reparation Commission as the result of the report of the said Committee.

Article 196.

With regard to all objects of artistic, archæological, scientific, or historic character forming part of collections which formerly belonged to the Government or the Crown of the Austro-Hungarian Monarchy and are not otherwise provided for in this present Treaty, Austria undertakes:

(*a*) to negotiate, when required, with the States concerned for an amicable arrangement whereby any portion thereof or any objects belonging thereto which ought to form part of the intellectual patrimony of the ceded districts may be returned to their districts of origin on terms of reciprocity, and

(*b*) For twenty years, unless a special arrangement is previously arrived at, not to alienate or disperse any of the said collections or to dispose of any of the above objects but at all times to ensure their safety and good condition and to make them available, together with inventories, catalogues and administrative documents relating to the said collection, at all reasonable times to students who are nationals of any of the Allied and Associated Powers.

ANNEX I.

TUSCANY.

The Crown jewels (such part as remains after their dispersion); the private jewels of the Princess Electress of Medici; the medals which form part of the Medici heirlooms and other precious objects—all being domanial property according to contractual agreements and testamentary dispositions—removed to Vienna during the eighteenth century.

Furniture and silver plate belonging to the House of Medici and the "jewel of Aspasios" in payment of debts owed by the House of Austria to the Crown of Tuscany.

The ancient instruments of astronomy and physics belonging to the Academy of Cimento removed by the House of Lorraine and sent as a present to the cousins of the Imperial House of Vienna.

MODENA.

A "Virgin" by Andrea del Sarto and four drawings by Correggio belonging to the Pinacothek of Modena and removed in 1859 by Duke Francis V.

The three following MSS. belonging to the library of Modena:

Biblia vulgata (Cod. Lat. 422/23),

Brevarium Romanum (Cod. Lat. 424) and

Officium Beatæ Virginis (Cod. Lat. 262),

carried off by Duke Francis V in 1859.

The bronzes carried off under the same circumstances in 1859.

Certain objects (among others two pictures by Salvator Rosa and a portrait by Dosso Dossi) claimed by the Duke of Modena in 1868 as a condition of the execution of the Convention of June 20, 1868, and other objects given up in 1872 in the same circumstances.

PALERMO.

Objects made in Palermo in the twelfth century for the Norman kings and employed in the coronation of the Emperors, which were carried off from Palermo and are now in Vienna.

NAPLES.

Ninety-eight MSS. carried off from the Library of S. Giovanni a Carbonara and other libraries at Naples in 1718 under the orders of Austria and sent to Vienna.

Various documents carried off at different times from the State Archives of Milan, Mantua, Vienna, Modena and Florence.

ANNEX II.

I. The Triptych of S. Ildephonse, by Rubens, from the Abbey of Saint-Jacques sur Cowdenberg at Brussels, bought in 1777 and removed to Vienna.

II. Objects and documents removed for safety from Belgium to Austria in 1794:

(*a*) Arms, armour and other objects from the old Arsenal of Brussels.

(*b*) The Treasure of the "Toison d'or" preserved in previous times in the "Chapelle de la Cour" at Brussels.

(*c*) Coinage, stamps, medals, and counters by Theodore van Berckel which were an essential feature in the archives of the "Chambre des Comptes" at Brussels.

(*d*) The original manuscript copies of the "carte chorographique" of the Austrian Low Countries drawn up by Lieut.-General Comte Jas de Ferraris between 1770 and 1777, and the documents relating thereto.

ANNEX III.

Object removed from the territory forming part of Poland subsequent to the first partition in 1772:

The gold cup of King Ladislas IV, No. 1,114 of the Court Museum at Vienna.

ANNEX IV.

(1) Documents, historical memoirs, manuscripts, maps, etc., claimed by the present State of Czecho-Slovakia, which Thaulaw von Rosenthal removed by order of Maria Theresa.

(2) The documents originally belonging to the Royal Aulic Chancellory of Bohemia and the Aulic Chamber of Accounts of Bohemia, and the works of art which formed part of the installation of the Royal Chateau of Prague and other royal castles in Bohemia, which were removed by the Emperors Mathias, Ferdinand II, Charles VI (about 1718, 1723 and 1737) and Francis Joseph I; all of which are now in the archives, Imperial castles, museums and other central public institutions at Vienna.

PART IX.

FINANCIAL CLAUSES.

Article 197.

Subject to such exceptions as the Reparation Commission may make, the first charge upon all the assets and revenues of Austria shall be the cost of reparation and all other costs arising

under the present Treaty or any treaties or agreements supplementary thereto, or under arrangements concluded between Austria and the Allied and Associated Powers during the Armistice signed on November 3, 1918.

Up to May 1, 1921, the Austrian Government shall not export or dispose of, and shall forbid the export or disposal of, gold without the previous approval of the Allied and Associated Powers acting through the Reparation Commission.

Article 198.

There shall be paid by the Government of Austria the total cost of all armies of the Allied and Associated Governments occupying territory within the boundaries of Austria as defined by the present Treaty from the date of the signature of the Armistice of November 3, 1918, including the keep of men and beasts, lodging and billeting, pay and allowances, salaries and wages, bedding, heating, lighting, clothing, equipment, harness and saddlery, armament and rolling-stock, air services, treatment of sick and wounded, veterinary and remount services, transport services of all sorts (such as by rail, sea, or river, motor-lorries), communications and correspondence, and, in general, the cost of all administrative or technical services the working of which is necessary for the training of troops and for keeping their numbers up to strength and preserving their military efficiency.

The cost of such liabilities under the above heads, so far as they relate to purchases or requisitions by the Allied and Associated Governments in the occupied territory, shall be paid by the Austrian Government to the Allied and Associated Governments in crowns or any legal currency of Austria which may be substituted for crowns at the current or agreed rate of exchange.

All other of the above costs shall be paid in the currency of the country to which the payment is due.

Article 199.

Austria confirms the surrender of all material handed over or to be handed over to the Allied and Associated Powers in accordance with the Armistice of November 3, 1918, and subsequent Armistice Agreements, and recognises the title of the Allied and Associated Powers to such material.

There shall be credited to the Government of Austria, against the sums due from it to the Allied and Associated Powers for reparation, the value, as assessed by the Reparation Commision, of such of the above material for which, as having nonmilitary value, credit should, in the judgment of the Reparation Commission, be allowed to the Government of Austria.

Property belonging to the Allied and Associated Governments or their nationals restored or surrendered under the Armistice agreements in specie shall not be credited to the Government of Austria.

Article 200.

The priority of the charges established by Article 197 shall, subject to the qualifications made in the last paragraph of this Article, be as follows:

(*a*) The cost of the armies of occupation, as defined under Article 198, during the armistice;

(*b*) The cost of any armies of occupation, as defined under Article 198, after the coming into force of the present Treaty;

(*c*) The cost of reparation arising out of the present Treaty or any treaties or conventions supplementary thereto;

(*d*) The cost of all other obligations incumbent on Austria under the Armistice Conventions or under this Treaty or any treaties or conventions supplementary thereto.

The payment for such supplies of food and raw material for Austria and such other payments as may be judged by the Principal Allied and Associated Powers to be essential to enable Austria to meet her obligations in respect of reparation shall have priority to the extent and upon the conditions which have been or may be determined by the Governments of the said Powers.

Article 201.

The right of each of the Allied and Associated Powers to dispose of enemy assets and property within its jurisdiction at the date of the coming into force of the present Treaty is not affected by the foregoing provisions.

Article 202.

Nothing in the foregoing provisions shall prejudice in any manner charges or mortgages lawfully effected in favour of the Allied and Associated Powers or their nationals respectively before the date at which a state of war existed between Austria-Hungary and the Allied or Associated Power concerned by the former Austrian Government or by nationals of the former Austrian Empire on assets in their ownership at that date, except in so far as variations of such charges or mortgages are specifically provided for under the terms of the present Treaty or conventions supplementary thereto.

Article 203.

1. Each of the States to which territory of the former Austro-Hungarian Monarchy is transferred, and each of the States arising from the dismemberment of that Monarchy, including Austria, shall assume responsibility for a portion of the debt of the former Austrian Government which is specifically secured on railways, salt mines or other property, and which was in existence on July 28, 1914. The portion to be so assumed by each State shall be such portion as in the opinion of the Reparation Commission represents the secured debt in respect of the railways, salt mines, and other properties transferred to that State under the terms of this Treaty or conventions supplementary thereto.

The amount of the liability in respect of secured debt so assumed by each State, other than Austria, shall be valued by the Reparation Commission, on such basis as the Commission may consider equitable, and the value so ascertained shall be deducted from the amount payable by the State in question to Austria in respect of property of the former or existing Austrian Government which the State acquires with the territory. Each State shall be solely responsible in respect of that portion of the secured debt for which it assumes responsibility under the terms of this Article, and holders of the debt for which responsibility is assumed by States other than Austria shall have no recourse against the Government of any other State.

Any property which was specifically pledged to secure any debt referred to in this Article shall remain specifically pledged to secure the new debt. But in case the property so pledged is situated as the result of the present Treaty in more than one State, that portion of the property which is situated in a particular State shall constitute the security only for that part of the debt which is apportioned to that State, and not for any other part of the debt.

For the purposes of the present Article there shall be regarded as secured debt payments due by the former Austrian Government in connection with the purchase of railways or similar property; the distribution of the liability for such payments will be determined by the Reparation Commission in the same manner as in the case of secured debt.

Debts for which the responsibility is transferred under the terms of this Article shall be expressed in terms of the currency of the State assuming the responsibility, if the original debt was expressed in terms of Austro-Hungarian paper currency. For the purposes of this conversion the currency of the assuming State shall be valued in terms of Austro-Hungarian paper kronen at the rate at which those kronen were exchanged into the currency of the assuming State by that State when it first substituted its own currency for Austro-Hungarian kronen. The basis of this conversion of the currency unit in which the bonds are expressed shall be subject to the approval of the Reparation Commission, which shall, if it thinks fit, require the State effecting the conversion to modify the terms thereof. Such modification shall only be required if, in the opinion of the Commission, the foreign exchange value of the currency unit or units substituted for the currency unit in which the old bonds are expressed is substantially less at the date of the conversion than the foreign exchange value of the original currency unit.

If the original Austrian debt was expressed in terms of a foreign currency or foreign currencies, the new debt shall be expressed in terms of the same currency or currencies.

If the original Austrian debt was expressed in terms of Austro-Hungarian gold coin, the new debt shall be expressed in terms of equivalent amounts of pounds sterling and gold dollars of the United States of America, the equivalents being calculated on the basis of the weight and the fineness of gold of the three coins as enacted by law on January 1, 1914.

Any foreign exchange options, whether at fixed rates or otherwise, embodied explicitly or implicitly in the old bonds shall be embodied in the new bonds also.

2. Each of the States to which territory of the former Austro-Hungarian Monarchy is transferred, and each of the States arising from the dismemberment of that Monarchy, including Austria, shall assume responsibility for a portion of the unsecured bonded debt of the former Austrian Government which was in existence on July 28, 1914, calculated on the basis of the ratio between the average for the three financial years 1911, 1912, 1913, of such revenues of the distributed territory and the average for the same years of such revenues of the whole of the former Austrian territories as in the judgment of the Reparation Commission are best calculated to represent the financial capacity of the respective territories. In making the above calculation, the revenues of Bosnia and Herzegovina shall not be included.

The responsibilities in respect of bonded debt to be assumed under the terms of this Article shall be discharged in the manner laid down in the Annex hereto.

The Austrian Government shall be solely responsible for all the liabilities of the former Austrian Government incurred prior to July 28, 1914, other than those evidenced by the bonds, bills, securities and currency notes which are specifically provided for under the terms of the present Treaty.

Neither the provisions of this Article nor the provisions of the Annex hereto shall apply to securities of the former Austrian Government deposited with the Austro-Hungarian Bank as security for the currency notes issued by that bank.

ANNEX.

The amount of the former unsecured Austrian Government Bonded Debt, the responsibility for which is to be distributed under the provisions of Article 203, shall be the amount that debt as it stood on July 28, 1914, after deducting that portion which represents of the liability of the former Hungarian Government for that debt as provided by the additional Convention relating to the contribution of the countries of the Sacred Hungarian Crown to the charges of the general debt of the Austro-Hungarian State approved by the Austro-Hungarian Law of December 30, 1907, B. L. I. No. 278.

Each State assuming responsibility for the old unsecured Austrian Government debt shall, within three months of the coming into force of the present Treaty, if it has not already done so, stamp with the stamp of its own Government all the Bonds of that debt existing in its own territory. The distinguishing numbers of the Bonds so stamped shall be recorded and shall be furnished, together with the other records of the stamping, to the Reparation Commission.

Holders of Bonds within the territory of a State which is required to stamp old Austrian Bonds under the terms of this Annex shall, from the date of the coming into force of the present Treaty, be creditors in respect of these Bonds of that State only, and they shall have no recourse against the Government of any other State.

Each State which, under the terms of Article 203, is required to assume responsibility for a portion of the old unsecured Austrian Government Debt, and which has ascertained by means of stamping the old Austrian Bonds that the Bonds of any particular issue of such old Austrian Bonds held within its territory were smaller in amount than the amount of that issue for which, in accordance with the assessment of the Reparation Commission, it is held responsible, shall deliver to the Reparation Commission new Bonds equal in amount to the difference between the amount of the issue for which it is responsible and the amount of the same issue recorded as held within its own territory. Such new Bonds shall be of such denominations as the Reparation Commission may require. They shall carry the same rights as regards interest and amortisation as the old Bonds for which they are substituted, and in all other respects the conditions of the new Bonds shall be fixed subject to the approval of the Reparation Commission.

If the original Bonds was expressed in terms of Austro-Hungarian paper currency, the new Bond by which it is replaced shall be expressed in terms of the currency of the State issuing the new Bond, and for the purpose of this currency conversion, the currency of the new State shall be valued in terms of Austro-Hungarian paper kronen at the rate at which those kronen were exchanged for the currency of the new State by that State when it first substituted its own currency for Austro-Hungarian paper kronen. The basis of this conversion of the currency unit in which the Bonds are expressed shall be subject to the approval of the Reparation Commission, which shall, if it thinks fit, require the State effecting the conversion to modify the terms thereof. Such modification shall only be required if, in the opinion of the Commission, the foreign exchange value of the currency unit or units substituted for the currency unit in which the old Bonds are expressed is substantially less at the date of the conversion than the foreign exchange value of the original currency unit.

If the original Bond was expressed in terms of a foreign currency or foreign currencies, the new Bond shall be expressed in terms of the same currency or currencies. If the original Bond was expressed in terms of Austro-Hungarian gold coin, the new Bond shall be expressed in terms of equivalent amounts of pounds sterling and gold dollars of the United States of America, the equivalents being calculated on the basis of the weight and fineness of gold of the three coins as enacted by law on January 1, 1914.

Any foreign exchange options, whether at fixed rates or otherwise, embodied explicitly or implicitly in the old Bonds shall be embodied in the new Bonds also.

Each State which under the terms of Article 203 is required to assume responsibility for a portion of the old unsecured Austrian Government Debt, which has ascertained by means of stamping the old Austrian Bonds that the Bonds of any particular issue of such old Austrian Bonds held within its territory were larger in amount than the amount of that issue for which it is held responsible in accordance with the assessment of the Reparation Commission, shall receive from the Reparation Commission its due proportionate share of each of the new issues of Bonds issued in accordance with the provisions of this Annex.

Holders of unsecured Bonds of the old Austrian Government Debt held outside the boundaries of the States to which territory of the former Austro-Hungarian Monarchy is transferred, or of States arising from the dismemberment of that Monarchy, including Austria, shall deliver through the agency of their respective Governments to the Reparation Commission the Bonds which they hold, and in exchange therefor the Reparation Commission shall deliver to them certificates entitling them to their due proportionate share of each of the new issues of Bonds corresponding to and issued in exchange for their surrendered Bonds under the provisions of this Annex.

The share of each State or private holder entitled to a share in any new issue of Bonds issued in accordance with the provisions of this Annex shall bear such proportion to the total amount of Bonds of that new issue as the holding of the State or private owner in question of the old issue of Bonds bears to the total amount of the old issue presented to the Reparation Commission for exchange into new Bonds in accordance with the provisions of this Annex. Each such participating State or private holder will also be entitled to its or his due proportionate share of the new Bonds issued under the terms of the Treaty with Hungary in exchange for that portion of the former Austrian Government Debt for which Hungary accepted liability under the Agreement of 1907.

The Reparation Commission shall, if it think fit, arrange with the holders of the new Bonds provided for by this Annex a consolidation loan of each debtor State, the Bonds of which loan shall be substituted for the various different issues of new Bonds on such terms as may be agreed upon by the Commission and the bondholders.

The State assuming liability for any Bond of the former Austrian Government shall assume any liability attaching to the Bond in respect of unpaid coupons or sinking fund instalments accrued since the date of the coming into force of the present Treaty.

Article 204.

1. In case the new boundaries of any States, as laid down by the present Treaty, shall divide any local area which was a single unit for borrowing purposes and which had a legally constituted public debt, such debt shall be divided between the new divisions of the area in a proportion to be determined by the Reparation Commission in accordance with the principles laid down for the reapportionment of Government Debts under Article 203, and the responsibility so assumed shall be discharged in such a manner as the Reparation Commission shall determine.

2. The public debt of Bosnia and Herzegovina shall be regarded as the debt of a local area and not as part of the public debt of the former Austro-Hungarian Monarchy.

Article 205.

Within two months of the coming into force of the present Treaty, each one of the States to which territory of the former Austro-Hungarian Monarchy is transferred and each one of the States arising from the dismemberment of that Monarchy, including Austria, shall, if it has not already done so, stamp with the stamp of its own Government the securities of various kinds which are separately provided for, representing the bonded war debt of the former Austrian Government as legally constituted prior to October 27, 1918, and existing in their respective territories.

The securities thus stamped shall be withdrawn and replaced by certificates, their distinguishing numbers shall be recorded, and any securities withdrawn, together with the documents recording the transaction, shall be sent to the Reparation Commission.

The stamping and replacement of a security by a certificate under the provisions of this Article shall not imply that the State so stamping and replacing a security thereby assumes or recognizes any obligation in respect of it, unless the State in question desires that the stamping and replacement should have this implication.

The aforementioned States, with the exception of Austria, shall be free from any obligation in respect of the war debt of the former Austrian Government, wherever that debt may be

held, but neither the Governments of those States nor their nationals shall have recourse under any circumstances whatever against any other States including Austria in respect of the war debt bonds of which they or their nationals are the beneficial owners.

The war debt of the former Austrian Government which was prior to the signature of the present Treaty in the beneficial ownership of nationals or Governments or States other than those to which territory of the former Austro-Hungarian Monarchy is assigned shall be a charge upon the Government of Austria only, and no one of the other States aforementioned shall be held responsible for any part thereof.

The provisions of this Article shall not apply to the securities of the former Austrian Government deposited by that Government with the Austro-Hungarian Bank as security for the currency notes of the said bank.

The existing Austrian Government shall be solely responsible for all the liabilities of the former Austrian Government incurred during the war, other than those evidenced by the bonds, bills, securities and currency notes which are specifically provided for under the terms of the present Treaty.

Article 206.

1. Within two months of the coming into force of the present Treaty, each one of the States to which territory of the former Austro-Hungarian Monarchy is transferred, and each one of the States arising from the dismemberment of that Monarchy, including Austria and the present Hungary, shall, if it has not already done so, stamp with the stamp of its own Government the currency notes of the Austro-Hungarian Bank existing in its territory.

2. Within twelve months of the coming into force of the present Treaty, each one of the States to which territory of the former Austro-Hungarian Monarchy is transferred, and each one of the States arising from the dismemberment of that Monarchy, including Austria and the present Hungary, shall replace, as it may think fit, the stamped notes referred to above by its own or a new currency.

3. The Governments of such States as have already converted the currency notes of the Austro-Hungarian Bank by stamping or by the issue of their own or a new currency, and in carrying out this operation have withdrawn, without stamping them, a portion or all of the currency notes circulating in their territory, shall either stamp the notes so withdrawn or hold them at the disposal of the Reparation Commission.

4. Within fourteen months of the coming into force of the present Treaty, those Governments which have replaced notes of the bank by their own or new currency, in accordance with the provisions of this Article, shall transfer to the Reparation Commission all the notes, stamped or unstamped, of the bank which have been withdrawn in the course of this replacement.

5. All notes transferred to the Reparation Commission under the provisions of this Article shall be dealt with by that Commission in accordance with the provisions of the Annex hereto.

6. The Austro-Hungarian Bank shall be liquidated as from the day succeeding the day of the signature of this Treaty.

7. The liquidation shall be conducted by receivers specially appointed for that purpose by the Reparation Commission. In conducting the liquidation of the bank, the receivers shall follow the rules laid down in the Statutes or other valid instruments regulating the constitution of the bank, subject however to the special provisions of this Article. In the case of any doubt arising as to the interpretation of the rules concerning the liquidation of the bank, whether laid down in these Articles and Annexes or in the Statutes of the bank, the decision of the Reparation Commission or any arbitrator appointed by it for that purpose shall be final.

8. The currency notes issued by the bank subsequent to October 27, 1918, shall have a claim on the securities issued by the Austrian and Hungarian Governments, both former and existing, and deposited with the bank by those Governments as security for these notes, but they shall not have a claim on any other assets of the bank.

9. The currency notes issued by the bank on or prior to October 27, 1918, (in so far as they are entitled to rank at all in conformity with these Articles), shall all rank equally as claims against all the assets of the bank, other than the Austrian and Hungarian Government securities deposited as security for the various note issues.

10. The securities deposited by the Austrian and Hungarian Governments, both former and existing, with the bank as security for the currency notes issued on or prior to October 27, 1918, shall be cancelled in so far as they represent the notes converted in the territory of the former Austro-Hungarian Monarchy as it existed on July 28, 1914, by States to which territory of that Monarchy is transferred or by States arising from the dismemberment of that Monarchy, including Austria and the present Hungary.

11. The remainder of the securities deposited by the Austrian and Hungarian Governments, both former and existing, with the bank as security for the currency notes issued on or prior to October 27, 1918, shall be retained in force as security for, and in so far as they represent, the notes issued on or prior to October 27, 1918, which on June 15, 1919, were outside the limits of the former Austro-Hungarian Monarchy as it existed on July 28, 1914, that is to say, firstly, all notes of this description which are presented to the Reparation Commission in accordance with paragraph 4 of this Article, and secondly all notes of this description which may be held elsewhere and are presented to the receivers of the bank in accordance with the Annex hereto.

12. No claims on account of any other currency notes issued on or prior to October 27, 1918, shall rank either against the general assets of the bank or against the securities deposited by the Austrian and Hungarian Governments, both former and existing, as security for the notes, and any balance of such securities remaining after the amount of securities mentioned in paragraphs 10 and 11 has been calculated and deducted shall be cancelled.

13. All securities deposited by the Austrian and Hungarian Governments, both former and existing, with the bank as security for currency note issues and which are maintained in force shall be the obligations respectively of the Governments of Austria and the present Hungary only and not of any other States.

14. The holders of currency notes of the Austro-Hungarian Bank shall have no recourse against the Governments of Austria or the present Hungary or any other Government in respect of any loss which they may suffer as the result of the liquidation of the bank.

ANNEX.

1.

The respective Governments, when transmitting to the Reparation Commission all the currency notes of the Austro-Hungarian Bank withdrawn by them from circulation in accordance with the terms of Article 206, shall also deliver to the Commission all the records showing the nature and amounts of the conversions which they have effected.

2.

The Reparation Commission, after examining the records, shall deliver to the said Governments separate certificates stating the total amount of currency notes which the Governments have converted:

(*a*) within the limits of the former Austro-Hungarian Monarchy as they existed on July 28, 1914;

(*b*) elsewhere.

These certificates will entitle the bearer to lodge a claim with the receivers of the bank for currency notes thus converted which are entitled to share in the assets of the bank.

3.

After the liquidation of the bank is completed, the Reparation Commission shall destroy the notes thus withdrawn.

4.

No notes issued on or prior to October 27, 1918, wherever they may be held, will rank as claims against the bank unless they are presented through the Government of the country in which they are held.

Article 207.

Each one of the States to which territory of the former Austro-Hungarian Monarchy is transferred, and each one of the States arising from the dismemberment of that Monarchy, including Austria, shall deal as it thinks fit with the petty or token coinage of the former Austro-Hungarian Monarchy existing in its territory.

No such State shall have any recourse under any circumstances, on behalf either of itself or of its nationals, against any other State with regard to such petty or token coinage.

Article 208.

States to which territory of the former Austro-Hungarian Monarchy is transferred and States arising from the dismemberment of that Monarchy shall acquire all property and possessions situated within their territories belonging to the former or existing Austrian Government.

For the purposes of this Article, the property and possessions of the former or existing Austrian Government shall be deemed to include the property of the former Austrian Empire and the interests of that Empire in the joint property of the Austro-Hungarian Monarchy, as well as all the property of the Crown, and the private property of members of the former Royal Family of Austria-Hungary.

These States shall, however, have no claim to any property of the former or existing Government of Austria situated outside their own respective territories.

The value of such property and possessions acquired by States other than Austria shall be fixed by the Reparation Commission and placed by that Commission to the credit of Austria and to the debit of the State acquiring such property on account of the sums due for reparation. The Reparation Commission shall deduct from the value of the public property thus acquired an amount proportionate to the contribution in money, land or material made directly by any province or commune or other autonomous local authority towards the cost of such property.

Without prejudice to Article 203 relating to secured Debt, in the case of each State acquiring property under the provisions of this Article, the amount placed to the credit of Austria and to the debit of the said State in accordance with the preceding paragraph shall be reduced by the value of the amount of the liability in respect of the unsecured Debt of the former Austrian Government assumed by that State under the provisions of Article 203 which, in the opinion of the Reparation Commission, represents expenditure upon the property so acquired. The value shall be fixed by the Reparation Commission on such basis as the Commission may consider equitable.

Property of the former and existing Austrian Governments shall be deemed to include a share of the real property in Bosnia-Herzegovina of all descriptions for which, under Article 5 of the Convention of February 26, 1909, the Government of the former Austro-Hungarian Monarchy paid £ T. 2,500,000 to the Ottoman Government. Such share shall be proportionate to the share which the former Austrian Empire contributed to the above payment, and the value of this share, as assessed by the Reparation Commission, shall be credited to Austria on account of reparation.

As exception to the above there shall be transferred without payment:

(1) The property and possessions of provinces, communes and other local autonomous institutions of the former Austro-Hungarian Monarchy, including those in Bosnia-Herzegovina which did not belong to the former Austro-Hungarian Monarchy;

(2) Schools and hospitals the property of the former Austro-Hungarian Monarchy;

(3) Forests which belonged to the former Kingdom of Poland.

Further, any building or other property situated in the respective territories transferred to the States referred to in the first paragraph whose principal value lies in its historic interest and associations, and which formerly belonged to the Kingdom of Bohemia, the Kingdom of Poland, the Kingdom of Croatia-Slavonia-Dalmatia, Bosnia-Herzegovina, the Republic of Ragusa, the Venetian Republic or the Episcopal Principalities of Trient and Bressanone, may, subject to the approval of the Reparation Commission, be transferred to the Government entitled thereto without payment.

Article 209.

Austria renounces, so far as she is concerned, all rights accorded to her or her nationals by Treaties, Conventions or Agreements, of whatsoever kind, to representation upon or participation in the control or administration of Commissions, State Banks, Agencies or other financial or economic organisations of an international character exercising powers of control or administration and operating in any of the Allied or Associated States, or in Germany, Hungary, Bulgaria or Turkey, or in the dependencies of these States, or in the former Russian Empire.

Article 210.

1. The Austrian Government agrees to deliver within one month from the coming into force of the present Treaty to such authority as the Principal Allied and Associated Powers may designate the sum in gold deposited in the Austro-Hungarian Bank in the name of the Council of the Administration of the Ottoman Public Debt as security for the first issue of Turkish Government currency notes.

2. Without prejudice to Article 244 of Part X of the present Treaty, Austria renounces so far as she is concerned any benefit disclosed by the Treaties of Bucharest and Brest-Litovsk and by the Treaties supplementary thereto.

Austria undertakes to transfer either to Roumania or to the Principal Allied and Associated Powers, as the case may be, all monetary instruments, specie, securities and negotiable instruments or goods which she has received under the aforesaid Treaties.

3. The sums of money and all securities, instruments and goods, of whatsoever nature, to be delivered, paid or transferred under the provisions of this Article, shall be disposed of by the Principal Allied and Associated Powers in a manner hereafter to be determined by those Powers.

4. Austria recognises any transfer of gold provided for by Article 259 (5) of the Treaty of Peace concluded at Versailles on June 28, 1919, between the Allied and Associated Powers and Germany, and any transfer of claims provided for by Article 261 of that Treaty.

Article 211.

Without prejudice to the renunciation of any rights by Austria on behalf of herself or of her nationals in the other provisions of the present Treaty, the Reparation Commission may, within one year from the coming into force of the present Treaty, demand that Austria become possessed of any rights and interests of her nationals in any public utility undertaking or in any concession operating in Russia, Turkey, Germany, Hungary or Bulgaria, or in the possessions or dependencies of these States, or in any territory formerly belonging to Austria or her allies to be transferred by Austria or her allies to any State, or to be administered by a mandatory under any Treaty entered into with the Allied and Associated Powers, and may require that the Austrian Government transfer, within six months of the date of demand, to the Reparation Commission all such rights and interests and any similar rights and interests owned by the former or existing Austrian Government.

Austria shall be responsible for indemnifying her nationals so dispossessed, and the Reparation Commission shall credit Austria on account of sums due for reparation with such sums in respect of the value of the transferred rights and interests as may be assessed by the Reparation Commission, and the Austrian Government shall, within six months from the coming into force of the present Treaty, communicate to the Reparation Commission all such rights and interests, whether already granted, contingent or not yet exercised, and shall renounce on behalf of itself and its nationals in favour of the Allied and Associated Powers all such rights and interests which have not been so communicated.

Article 212.

The Austrian Government undertakes to refrain from preventing or impeding such acquisition by the German, Hungarian, Bulgarian or Turkish Governments of any rights and interests of German, Hungarian, Bulgarian or Turkish nationals in public utility undertakings or concessions operating in Austria as may be required by the Reparation Commission under the terms of the Treaties of Peace or supplementary Treaties or Conventions concluded between the Allied and Associated Powers and the German, Hungarian, Bulgarian or Turkish Governments respectively.

Article 213.

Austria undertakes to transfer to the Allied and Associated Powers all claims in favour of the former or existing Austrian Governments to payment or reparation by the Governments of Germany, Hungary, Bulgaria or Turkey, and in particular all claims which may arise now or hereafter in the fulfillment of undertakings made after July 28, 1914, until the coming into force of the present Treaty.

The value of such claims shall be assessed by the Reparation Commission, and shall be transferred to the Reparation Commission for the credit of Austria on account of the sums due for reparation.

Article 214.

Any monetary obligation arising out of the present Treaty and expressed in terms of gold kronen shall, unless some other arrangement is specifically provided for in any particular case under the terms of this Treaty or conventions supplementary thereto, be payable at the option of the creditors in pounds sterling payable in London, gold dollars of the United States of America payable in New York, gold francs payable in Paris, or gold lire payable in Rome.

For the purposes of this Article, the gold coins mentioned above shall be defined as being of the weight and fineness of gold as enacted by law on January 1, 1914.

Article 215.

Any financial adjustments, such as those relating to any banking and insurance companies, savings banks, postal savings banks, land banks, mortgage companies or other similar institutions, operating within the territory of the former Austro-Hungarian Monarchy, necessitated by the partition of that Monarchy and the resettlement of public debts and currency provided for by these Articles, shall be regulated by agreement between the various Governments concerned in such a manner as shall best secure equitable treatment to all the parties interested. In case the Governments concerned are unable to come to an agreement on any question arising out of this financial adjustment, or in case any Government is of opinion that its nationals have not received equitable treatment, the Reparation Commission shall, on the application of any one of the Govern-

ments concerned, appoint an arbitrator or arbitrators, whose decision shall be final.

Article 216.

The Government of Austria shall be under no liability in respect of civil or military pensions granted to nationals of the former Austrian Empire who have been recognized as nationals of other States or who become so under the provisions of the present Treaty.

PART X.

ECONOMIC CLAUSES.

Section I.

COMMERCIAL RELATIONS.

CHAPTER I.

CUSTOMS REGULATIONS, DUTIES AND RESTRICTIONS.

Article 217.

Austria undertakes that goods the produce or manufacture of any one of the Allied or Associated States imported into Austrian territory, from whatsoever place arriving, shall not be subjected to other or higher duties or charges (including internal charges) than those to which the like goods the produce or manufacture of any other such State or of any other foreign country are subject.

Austria will not maintain or impose any prohibition or restriction on the importation into Austrian territory of any goods the produce or manufacture of the territories of any one of the Allied or Associated States, from whatsoever place arriving, which shall not equally extend to the importation of the like goods the produce or manufacture of any other such State or of any foreign country.

Article 218.

Austria further undertakes that, in the matter of the régime applicable on importation, no discrimination against the commerce of any of the Allied and Associated States as compared with any other of the said States or any other foreign country shall be made, even by indirect means, such as customs regulations or procedure, methods of verification or analysis, conditions of payment of duties, tariff classification or interpretation, or the operation of monopolies.

Article 219.

In all that concerns exportation, Austria undertakes that goods, natural products or manufactured articles, exported from Austrian territory to the territories of any one of the Allied or Associated States, shall not be subjected to other or higher duties or charges (including internal charges) than those paid on the like goods exported to any other such State or to any other foreign country.

Austria will not maintain or impose any prohibition or restriction on the exportation of any goods sent from her territory to any one of the Allied or Associated States which shall not equally extend to the exportation of the like goods, natural products or manufactured articles, sent to any other such State or to any other foreign country.

Article 220.

Every favour, immunity, or privilege in regard to the importation, exportation or transit of goods granted by Austria to any Allied or Associated States or to any other foreign country whatever shall simultaneously and unconditionally, without request and without compensation, be extended to all the Allied and Associated States.

Article 221.

By way of exception to the provisions of Article 286 of Part XII (Ports, Waterways and Railways), products in transit by the ports which before the war were situated in territory of the former Austro-Hungarian Monarchy shall, for a period of three years from the coming into force of the present Treaty, enjoy on importation into Austria reductions of duty corresponding with and in proportion to those applied to such products under the Austro-Hungarian Customs Tariff of February 13, 1906, when imported by such ports.

Article 222.

Notwithstanding the provisions of Articles 217 to 220, the Allied and Associated Powers agree that they will not invoke these provisions to secure the advantage of any arrangements which may be made by the Austrian Government with the Governments of Hungary or of the Czecho-Slovak State for the accord of a special customs régime to certain natural or manufactured products which both originate in and come from those countries, and which shall be specified in the arrangements, provided that the duration of these arrangements does not exceed a period of five years from the coming into force of the present Treaty.

Article 223.

During the first six months after the coming into force of the present Treaty, the duties imposed by Austria on imports from Allied and Associated States shall not be higher than the most favourable duties which were applied to imports into the former Austro-Hungarian Monarchy on July 28, 1914.

During a further period of thirty months after the expiration of the first six months this provision shall continue to be applied exclusively with regard to the importation of fruits (fresh and dried), fresh vegetables, olive oil, eggs, pigs and pork products, and live poultry, in so far as such products enjoyed at the above mentioned date (July 28, 1914) rates conventionalised by Treaties with the Allied or Associated Powers.

Article 224.

(1) The Czecho-Slovak State and Poland undertake that for a period of fifteen years from the coming into force of the present Treaty they will not impose on the exportation to Austria of the products of coal mines in their territories any export duties or other charges or restrictions on exportation different from or more onerous than those imposed on such exportation to any other country.

(2) Special agreements shall be made between Poland and the Czecho-Slovak State and Austria as to the supply of coal and of raw materials reciprocally.

(3) Pending the conclusion of such agreements, but in no case during more than three years from the coming into force of the present Treaty, the Czecho-Slovak State and Poland undertake that no export duty or other restrictions of any kind shall be imposed on the export to Austria of coal or lignite up to a reasonable quantity to be fixed, failing agreement between the States concerned, by the Reparation Commission. In fixing this quantity the Reparation Commission shall take into account all the circumstances, including the quantities both of coal and of lignite supplied before the war to present Austrian territory from Upper Silesia and from the territory of the former Austrian Empire transferred to the Czecho-Slovak State and Poland in accordance with the present Treaty, and the quantities now available for export from those countries. Austria shall in return furnish to the Czecho-Slovak State and Poland supplies of the raw materials referred to in paragraph (2) in accordance with the decisions of the Reparation Commission.

(4) The Czecho-Slovak State and Poland further undertake during the same period to take such steps as may be necessary to ensure that any such products shall be available for sale to purchasers in Austria on terms as favourable as are applicable to like products sold under similar conditions to purchasers in the Czecho-Slovak State or Poland respectively or in any other country.

(5) In case of disagreement in the execution or interpretation of any of the above provisions the Reparation Commission shall decide.

CHAPTER II.

SHIPPING.

Article 225.

The High Contracting Parties agree to recognise the flag flown by the vessels of any Contracting Party having no seacoast, which are registered at some one specified place situated in its territory; such place shall serve as the port of registry of such vessels.

CHAPTER III.

UNFAIR COMPETITION.

Article 226.

Austria undertakes to adopt all the necessary legislative and administrative measures to protect goods the produce or manufacture of any one of the Allied and Associated Powers from all forms of unfair competition in commercial transactions.

Austria undertakes to prohibit and repress by seizure and by other appropriate remedies the importation, exportation, manufacture, distribution, sale or offering for sale in her territory of all goods bearing upon themselves or their usual get-up or wrappings any marks, names, devices, or descriptions whatsoever which are calculated to convey directly or indirectly a false indication of the origin, type, nature or special characteristics of such goods.

Article 227.

Austria undertakes, on condition that reciprocity is accorded in these matters, to respect any law, or any administrative or judicial decision given in conformity with such law, in force in any Allied or Associated State and duly communicated to her by the proper authorities, defining or regulating the right to any regional appellation in respect of wine or spirits produced in the State to which the region belongs or the conditions under which the use of any such appellation may be permitted; and the importation, exportation, manufacture, distribution, sale or offering for sale of products or articles bearing regional appellations inconsistent with such law or order shall be prohibited by the Austrian Government and repressed by the measures prescribed in the preceding Article.

CHAPTER IV.

TREATMENT OF NATIONALS OF ALLIED AND ASSOCIATED POWERS.

Article 228.

Austria undertakes:—

(*a*) not to subject the nationals of the Allied and Associated Powers to any prohibition in regard to the exercise of occupations, professions, trade and industry, which shall not be equally appliable to all aliens without exception;

(*b*) not to subject the nationals of the Allied and Associated Powers in regard to the rights referred to in paragraph (*a*) to any regulation or restriction which might contravene directly or indirectly the stipulations of the said paragraph, or which shall be other or more disadvantageous than those which are applicable to nationals of the most favoured nation;

(*c*) not to subject the nationals of the Allied and Associated Powers, their property, rights or interests, including companies and associations in which they are interested, to any charge, tax or impost, direct or indirect, other or higher than those which are or may be imposed on her own nationals or their property, rights or interests;

(*d*) Not to subject the nationals of any one of the Allied and Associated Powers to any restriction which was not applicable on July 1, 1914, to the nationals of such Powers unless such restriction is likewise imposed on her own nationals.

Article 229.

The nationals of the Allied and Associated Powers shall enjoy in Austrian territory a constant protection for their persons and for their property, rights and interests, and shall have free access to the courts of law.

Article 230.

Austria undertakes to recognise any new nationality which has been or may be acquired by her nationals under the laws of the Allied and Associated Powers, and in accordance with the decisions of the competent authorities of these Powers pursuant to naturalisation laws or under treaty stipulations, and to regard such persons as having, in consequence of the acquisition of such new nationality, in all respects severed their allegiance to their country of origin.

Article 231.

The Allied and Associated Powers may appoint consuls-generals, consuls, vice-consuls and consular agents in Austrian towns and ports. Austria undertakes to approve the designation of the consuls-general, consuls, vice-consuls and consular agents, whose names shall be notified to her, and to admit them to the exercise of their functions in conformity with the usual rules and customs.

CHAPTER V.

GENERAL ARTICLES.

Article 232.

The obligations imposed by Austria by Chapter I above shall cease to have effect five years from the date of the coming into force of the present Treaty, unless otherwise provided in the text, or unless the Council of the League of Nations shall, at least twelve months before the expiration of that period, decide that these obligations shall be maintained for a further period with or without amendment.

Nevertheless it is agreed that unless the League of Nations decides otherwise an Allied or Associated Power shall not after the expiration of three years from the coming into force of the present Treaty be entitled to require the fulfilment by Austria of the provisions of Articles 217, 218, 219 or 220 unless that Power accords correlative treatment to Austria.

Article 228 of Chapter IV shall remain in operation, with or without amendment, after the period of five years for such further period, if any, not exceeding five years, as may be determined by a majority of the Council of the League of Nations.

Article 233.

If the Austrian Government engages in international trade, it shall not in respect thereof have or be deemed to have any rights, privileges or immunities of sovereignty.

Section II.

TREATIES.

Article 234.

From the coming into force of the present Treaty and subject to the provisions thereof the multilateral Treaties, Conventions and Agreements of an economic or technical character concluded by the former Austro-Hungarian Monarchy and enumerated below and in the subsequent Articles shall alone be applied as between Austria and those of the Allied and Associated Powers party thereto:

(1) Conventions of March 14, 1884, December 1, 1886, and March 23, 1887, and Final Protocol of July 7, 1887, regarding the protection of submarine cables.

(2) Convention of October 11, 1909, regarding the international circulation of motor-cars.

(3) Agreement of May 15, 1886, regarding the sealing of railway trucks subject to customs inspection, and Protocol of May 18, 1907.

(4) Agreement of May 15, 1886, regarding the technical standardisation of railways.

(5) Convention of July 5, 1890, regarding the publication of customs tariffs and the organisation of an International Union for the publication of customs tariffs.

(6) Convention of April 25, 1907, regarding the raising of the Turkish customs tariff.

(7) Convention of March 14, 1857, for the redemption of toll dues on the Sound and Belts.

(8) Convention of June 22, 1861, for the redemption of the Stade Toll on the Elbe.

(9) Convention of July 16, 1863, for the redemption of the Toll dues on the Scheldt.

(10) Convention of October 29, 1888, regarding the establishment of a definite arrangement guaranteeing the free use of the Suez Canal.

(11) Conventions of September 23, 1910, respecting the unification of certain regulations regarding collisions and salvage at sea.

(12) Convention of December 21, 1904, regarding the exemption of hospital ships from dues and charges in ports.

(13) Convention of September 26, 1906, for the suppression of nightwork for women.

(14) Conventions of May 18, 1904, and May 4, 1910, regarding the suppression of the White Slave Traffic.

(15) Convention of May 4, 1910, regarding the suppression of obscene publications.

(16) Sanitary Convention of December 3, 1903, and the preceding Conventions signed on January 30, 1892, April 15, 1893, April 3, 1894, and March 19, 1897.

(17) Convention of May 20, 1875, regarding the unification and improvement of the metric system.

(18) Convention of November 29, 1906, regarding the unification of pharmacopœial formulæ for potent drugs.

(19) Convention of November 16 and 19, 1885, regarding the establishment of a concert pitch.

(20) Convention of June 7, 1905, regarding the creation of an International Agricultural Institute at Rome.

(21) Conventions of November 3, 1881, and April 15, 1889, regarding precautionary measures against phylloxera.

(22) Convention of March 19, 1902, regarding the protection of birds useful to agriculture.

(23) Convention of June 12, 1902, regarding the guardianship of minors.

Article 235.

From the coming into force of the present Treaty the High Contracting Parties shall apply the conventions and agreements hereinafter mentioned, in so far as concerns them, Austria undertaking to comply with the special stipulations contained in this Article.

Postal Conventions:

Conventions and agreements of the Universal Postal Union concluded at Vienna, July 4, 1891.

Conventions and agreements of the Postal Union signed at Washington, June 15, 1897.

Conventions and agreements of the Postal Union signed at Rome, May 26, 1906.

Telegraphic Conventions:

International Telegraphic Conventions signed at St. Petersburg July 10/22, 1875.

Regulations and Tariffs drawn up by the International Telegraphic Conference, Lisbon, June 11, 1908.

Austria undertakes not to refuse her assent to the conclusion by the new States of the special arrangements referred to in the Conventions and Agreements relating to the Universal Postal Union and to the International Telegraphic Union, to which the said new States have adhered or may adhere.

Article 236.

From the coming into force of the present Treaty the High Contracting Parties shall apply, in so far as concerns them, the International Radio-Telegraphic Convention of July 5, 1912, Austria undertaking to comply with the provisional regulations which will be indicated to her by the Allied and Associated Powers.

If within five years after the coming into force after the present Treaty a new convention regulating international radio-telegraphic communications should have been concluded to take the place of the Convention of July 5, 1912, this new conven-

tion shall bind Austria, even if Austria should refuse either to take part in drawing up the convention, or to subscribe thereto.

This new convention will likewise replace the provisional regulations in force.

Article 237.

The International Convention of Paris of March 20, 1883, for the protection of industrial property, revised at Washington on June 2, 1911, and the agreement of April 14, 1891, concerning the international registration of trade marks shall be applied as from the coming into force of the present Treaty, in so far as they are not affected or modified by the exceptions and restrictions resulting therefrom.

Article 238.

From the coming into force of the present Treaty the High Contracting Parties shall apply, in so far as concerns them, the Convention of the Hague of July 17, 1905, relating to civil procedure. This provision, however, will not apply to France, Portugal and Roumania.

Article 239.

Austria undertakes, within twelve months of the coming into force of the present Treaty, to adhere in the prescribed form to the International Convention of Berne of September 9, 1886, for the protection of literary and artistic works, revised at Berlin in 1908, and the Act and Protocol of March 20, 1914, relating to the protection of literary and artistic works.

Until her adherence, Austria undertakes to recognise and protect by effective measures and in accordance with the principles of the said Convention the literary and artistic works of nationals of the Allied and Associated Powers.

In addition, and irrespective of the above-mentioned adherence, Austria undertakes to continue to assure such recognition and such protection to all literary and artistic works of the nationals of each of the Allied and Associated Powers to an extent at least as great as upon July 28, 1914, and upon the same conditions.

Article 240.

Austria undertakes to adhere to the following Conventions:

(1) Convention of September 26, 1906, for the suppression of the use of white phosphorus in the manufacture of matches.

(2) Convention of December 31, 1913, regarding the unification of commercial statistics.

Article 241.

Each of the Allied or Associated Powers, being guided by the general principles or special provisions of the present Treaty, shall notify to Austria the bilateral agreements of all kinds which were in force between her and the former Austro-Hungarian Monarchy, and which she wishes should be in force as between her and Austria.

The notification referred to in the present Article shall be made either directly or through the intermediary of another Power. Receipt thereof shall be acknowledged in writing by Austria. The date of the coming into force shall be that of the notification.

The Allied and Associated Powers undertake among themselves not to apply as between themselves and Austria any agreements which are not in accordance with the terms of the present Treaty.

The notification shall mention any provisions of the said agreements which, not being in accordance with the terms of the present Treaty, shall not be considered as coming into force.

In case of any difference of opinion, the League of Nations will be called on to decide.

A period of six months from the coming into force of the present Treaty is allowed to the Allied and Associated Powers within which to make the notification.

Only those bilateral agreements which have been the subject of such a notification shall be put in force between the Allied and Associated Powers and Austria.

The above rules apply to all bilateral agreements existing between any Allied and Associated Powers signatories to the present Treaty and Austria, even if the said Allied and Associated Powers have not been in a state of war with Austria.

Article 242.

Austria hereby recognizes that all treaties, conventions or agreements concluded by her, or by the former Austro-Hungarian Monarchy, with Germany, Hungary, Bulgaria or Turkey since August 1, 1914, until the coming into force of the present Treaty are of no effect.

Article 243.

Austria undertakes to secure to the Allied and Associated Powers, and to the officials and nationals of the said Powers, the enjoyment of all the rights and advantages of any kind which she, or the former Austro-Hungarian Monarchy, may have granted to Germany, Hungary, Bulgaria or Turkey, or to the officials and nationals of these States by treaties, conventions or arrangements concluded before August 1, 1914, so long as those treaties, conventions or arrangements are in force.

The Allied and Associated Powers reserves the right to accept or not the enjoyment of these rights and advantages.

Article 244.

Austria recognises that all treaties, conventions or arrangements which she, or the former Austro-Hungarian Monarchy, concluded with Russia, or with any State or Government of which the territory previously formed a part of Russia, or with Roumania, before July 28, 1914, or after that date until the coming into force of the present Treaty, are of no effect.

Article 245.

Should an Allied or Associated Power, Russia, or a State or Government of which the territory formerly constituted a part of Russia, have been forced since July 28, 1914, by reason of military occupation or by any other means or for any other cause, to grant or to allow to be granted by the act of any public authority, concessions, privileges and favours of any kind to the former Austro-Hungarian Monarchy, or to Austria or to an Austrian national, such concessions, privileges and favours are *ipso facto* annulled by the present Treaty.

No claims or indemnities which may result from this annulment shall be charged against the Allied or Associated Powers or the Powers, States, Governments or public authorities which are released from their engagements by the present Article.

Article 246.

From the coming into force of the present Treaty Austria undertakes, so far as she is concerned, to give the Allied and Associated Powers and their nationals the benefit *ipso facto* of the rights and advantages of any kind which she or the former Austro-Hungarian Monarchy has granted by treaties, conventions, or arrangements to non-belligerent States or their nationals since July 28, 1914, until the coming into force of the present Treaty, so long as those treaties, conventions or arrangements are in force for Austria.

Article 247.

Those of the High Contracting Parties who have not yet signed, or who have signed but not yet ratified, the Opium Convention signed at The Hague on January 23, 1912, agree to bring the said Convention into force, and for this purpose to enact the necessary legislation without delay and in any case within a period of twelve months from the coming into force of the present Treaty.

Furthermore, they agree that ratification of the present Treaty should in the case of Powers which have not yet ratified the Opium Convention be deemed in all respects equivalent to the ratification of that Convention and to the signature of the Special Protocol which was opened at The Hague in accordance with the resolutions adopted by the Third Opium Conference in 1914 for bringing the said Convention into force.

For this purpose the Government of the French Republic will communicate to the Government of the Netherlands a certified copy of the protocol of the deposit of ratifications of the present Treaty, and will invite the Government of the Netherlands to accept and deposit the said certified copy as if it were a deposit of ratifications of the Opium Convention and a signature of the Additional Protocol of 1914.

Section III.

DEBTS.

Article 248.

There shall be settled through the intervention of Clearing Offices to be established by each of the High Contracting Parties within three months of the notification referred to in paragraph (*e*) hereafter the following classes of pecuniary obligations:

(1) Debts payable before the war and due by a national of one of the Contracting Powers, residing within its territory, to a national of an Opposing Power, residing within its territory;

(2) Debts which became payable during the war to nationals of one Contracting Power residing within its territory and arose out of transactions or contracts with the nationals of an Opposing Power, resident within its territory, of which the total or partial execution was suspended on account of the existence of a state of war;

(3) Interest which has accrued due before and during the war to a national of one of the Contracting Powers in respect of securities issued or taken over by an Opposing Power, provided that the payment of interest on such securities to the nationals of that Power or to neutrals has not been suspended during the war;

(4) Capital sums which have become payable before and during the war to nationals of one of the Contracting Powers

in respect of securities issued by one of the Opposing Powers, provided that the payment of such capital sums to nationals of that Power or to neutrals has not been suspended during the war.

In the case of interest or capital sums payable in respect of securities issued or taken over by the former Autro-Hungarian Government the amount to be credited and paid by Austria will be the interest or capital in respect only of the debt for which Austria is liable in accordance with the Financial Clauses of the present Treaty, and the principles laid down by the Reparation Commission.

The proceeds of liquidation of enemy property, rights, and interests mentioned in Section IV and in the Annex thereto will be accounted for through the Clearing Offices, in the currency and at the rate of exchange hereinafter provided in paragraph (*d*), and disposed of by them under the conditions provided by the said Section and Annex.

The settlements provided for in this Article shall be effected according to the following principles and in accordance with the Annex to this Section:

(*a*) Each of the High Contracting Parties shall prohibit, as from the coming into force of the present Treaty, both the payment and the acceptance of payment of such debts, and also all communications between the interested parties with regard to the settlement of the said debts otherwise than through the Clearing Offices.

(*b*) Each of he High Contracting Parties shall be respectively responsible for the payment of such debts due by its nationals, except in the cases where before the war the debtor was in a state of bankruptcy or failure, or had given formal indication of insolvency, or where the debt was due by a company whose business has been liquidated under emergency legislation during the war.

(*c*) The sums due to the nationals of one of the High Contracting Parties by the nationals of an Opposing State will be debited to the Clearing Office of the country of the debtor, and paid to the creditor by the Clearing Office of the country of the creditor.

(*d*) Debts shall be paid or credited in the currency of such one of the Allied and Associated Powers, their colonies or protectorates, or the British Dominions or India, as may be concerned. If the debts are payable in some other currency they shall be paid or credited in the currency of the country concerned, whether an Allied or Associated Power, Colony, Protectorate, British Dominion or India, at the pre-war rate of exchange.

For the purpose of this provision the pre-war rate of exchange shall be defined as the average cable transfer rate prevailing in the Allied or Associated country concerned during the month immediately preceding the outbreak of war between the said country concerned and Austria-Hungary.

If a contract provides for a fixed rate of exchange governing the conversion of the currency in which the debt is stated into the currency of the Allied or Associated country concerned, then the above provisions concerning the rate of exchange shall not apply.

In the case of the new States of Poland and the Czecho-Slovak State the currency in which and the rate of exchange at which debts shall be paid or credited shall be determined by the Reparation Commission provided for in Part VIII, unless they shall have been previously settled by agreement between the States interested.

(*e*) The provisions of this Article and of the Annex hereto shall not apply as between Austria on the one hand and any one of the Allied and Associated Powers, their colonies or protectorates, or any one of the British Dominions or India on the other hand, unless within a period of one month from the deposit of the ratification of the present Treaty by the Power in question, or of the ratification on behalf of such Dominion or of India, notice to that effect is given to Austria by the Government of such Allied or Associated Power or of such Dominion or of India as the case may be.

(*f*) The Allied and Associated Powers which have adopted this Article and the Annex hereto may agree between themselves to apply them to their respective nationals established in their territory so far as regards matters between their nationals and Austrian nationals. In this case the payments made by application of this provision will be subject to arrangements between the Allied and Associated Clearing Offices concerned.

ANNEX.

1.

Each of the High Contracting Parties will, within three months from the notification provided for in Article 248, paragraph (*c*), establish a Clearing Office for the collection and payment of enemy debts.

Local Clearing Offices may be established for any particular portion of the territories of the High Contracting Parties. Such local Clearing Offices may perform all the functions of a central Clearing Office in their respective districts, except that all transactions with the clearing office in the Opposing State must be effected through the central Clearing Office.

2.

In this Annex the pecuniary obligations referred to in the first paragraph of Article 248 are described as "enemy debts," the persons from whom the same are due as "enemy debtors," the persons to whom they are due as "enemy creditors," the Clearing Office in the country of the creditor is called the "Creditor Clearing Office," and the Clearing Office in the country of the debtor is called the "Debtor Clearing Office."

3.

The High Contracting Parties will subject contraventions of paragraph (*a*) of Article 248 to the same penalties as are at present provided by their legislation for trading with the enemy. They will similarly prohibit within their territory all legal process relating to payment of enemy debts, except in accordance with the provisions of this Annex.

4.

The Government guarantee specified in paragraph (*b*) of Article 248 shall take effect whenever, for any reason, a debt shall not be recoverable, except in a case where at the date of the outbreak of war the debt was barred by the laws of prescription in force in the country of the debtor, or where the debtor was at that time in a state of bankruptcy or failure or had given formal indication of insolvency, or where the debt was due by a company whose business has been liquidated under emergency legislation during the war. In such case the procedure specified by this Annex shall apply to payment of the dividends.

The terms "bankruptcy" and "failure" refer to the application of legislation providing for such juridical conditions. The expression "formal indication of insolvency" bears the same meaning as it has in English law.

5.

Creditors shall give notice to the Creditor Clearing Office within six months of its establishment of debts due to them, and shall furnish the Clearing Office with any documents and information required of them.

The High Contracting Parties will take all suitable measures to trace and punish collusion between enemy creditors and debtors. The Clearing Offices will communicate to one another any evidence and information which might help the discovery and punishment of such collusion.

The High Contracting Parties will facilitate as much as possible postal and telegraphic communication at the expense of the parties concerned and through the intervention of the Clearing Offices between debtors and creditors desirous of coming to an agreement as to the amount of their debt.

The Creditor Clearing Office will notify the Debtor Clearing Office of all debts declared to it. The Debtor Clearing Office will, in due course, inform the Creditor Clearing Office which debts are admitted and which debts are contested. In the latter case, the Debtor Clearing Office will give the grounds for the non-admission of debt.

6.

When a debt has been admitted, in whole or in part, the Debtor Clearing Office will at once credit the Creditor Clearing Office with the amount admitted, and at the same time notify it of such credit.

7.

The debt shall be deemed to be admitted in full and shall be credited forthwith to the Creditor Clearing Office unless within three months from the receipt of the notification or such longer time as may be agreed to by the Creditor Clearing Office notice has been given by the Debtor Clearing Office that it is not admitted.

8.

When the whole or part of a debt is not admitted the two Clearing Offices will examine into the matter jointly and will endeavour to bring the parties to an agreement.

9.

The Creditor Clearing Office will pay to the individual creditor the sums credited to it out of the funds placed at its disposal by the Government of its country and in accordance with the conditions fixed by the said Government, retaining any sums considered necessary to cover risks, expenses or commissions.

10.

Any person having claimed payment of an enemy debt which is not admitted in whole or in part shall pay to the Clearing Office, by way of fine, interest at 5 per cent. on the part not admitted. Any person having unduly refused to admit the whole or part of a debt claimed from him shall pay, by way of fine, interest at 5 per cent. on the amount with regard to which his refusal shall be disallowed.

Such interest shall run from the date of expiration of the period provided for in paragraph 7 until the date on which the claim shall have been disallowed or the debt paid.

Each Clearing Office shall in so far as it is concerned take steps to collect the fines above provided for, and will be responsible if such fines cannot be collected.

The fines will be credited to the other Clearing Office, which shall retain them as a contribution towards the cost of carrying out the present provisions.

11.

The balance between the Clearing Offices shall be struck monthly and the credit balance paid in cash by the debtor State within a week.

Nevertheless, any credit balances which may be due by one or more of the Allied and Associated Powers shall be retained until complete payment shall have been effected of the sums due to the Allied or Associated Powers or their nationals on account of the war.

12.

To facilitate discussion between the Clearing Offices each of them shall have a representative at the place where the other is established.

13.

Except for special reasons all discussions in regard to claims will, so far as possible, take place at the Debtor Clearing Office.

14.

In conformity with Article 248, paragraph (*b*), the High Contracting Parties are responsible for the payment of the enemy debts owing by their nationals.

The Debtor Clearing Office will therefore credit the Creditor Clearing Office with all debts admitted, even in case of inability to collect them from the individual debtor. The Governments concerned will, nevertheless, invest their respective Clearing Offices with all necessary powers for the recovery of debts which have been admitted.

15.

Each Government will defray the expenses of the Clearing Office set up in its territory, including the salaries of the staff.

16.

Where the two Clearing Offices are unable to agree whether a debt claimed is due, or in case of a difference between an enemy debtor and an enemy creditor or between the Clearing Offices, the dispute shall either be referred to arbitration if the parties so agree under conditions fixed by agreement between them, or referred to the Mixed Arbitral Tribunal provided for in Section VI hereafter.

At the request of the Creditor Clearing Office the dispute may, however, be submitted to the jurisdiction of the Courts of the place of domicile of the debtor.

17.

Recovery of sums found by the Mixed Arbitral Tribunal, the Court, or the Arbitration Tribunal to be due shall be effected through the Clearing Offices as if these sums were debts admitted by the Debtor Clearing Office.

18.

Each of the Governments concerned shall appoint an agent who will be responsible for the preservation of the Mixed Arbitral Tribunal of the cases conducted on behalf of its Clearing Office. This agent will exercise a general control over the representatives or counsel employed by its nationals.

Decisions will be arrived at on documentary evidence, but it will be open to the Tribunal to hear the parties in person, or according to their preference by their representatives approved by the two Governments, or by the agent referred to above, who shall be competent to intervene along with the party or to reopen and maintain a claim abandoned by the same.

19.

The Clearing Offices concerned will lay before the Mixed Arbitral Tribunal all the information and documents in their possession, so as to enable the Tribunal to decide rapidly on the cases which are brought before it.

20.

Where one of the parties concerned appeals against the joint decision of the two Clearing Offices he shall make a deposit against the costs, which deposit shall only be refunded when the first judgment is modified in favour of the appellant and in proportion to the success he may attain, his opponent in case of such a refund being required to pay an equivalent proportion of the costs and expenses. Security accepted by the Tribunal may be substituted for a deposit.

A fee of 5 per cent. of the amount in dispute shall be charged in respect of all cases brought before the Tribunal. This fee shall, unless the Tribunal directs otherwise, be borne by the unsuccessful party. Such fee shall be added to the deposit referred to. It is also independent of the security.

The Tribunal may award to one of the parties a sum in respect of the expenses of the proceedings.

Any sum payable under this paragraph shall be credited to the Clearing Office of the successful party as a separate item.

21.

With a view to the rapid settlement of claims, due regard shall be paid in the appointment of all persons connected with the Clearing Offices or with the Mixed Arbitral Tribunal to their knowledge of the language of the other country concerned. Each of the Clearing Offices will be at liberty to correspond with the other and to forward documents in its own language.

22.

Subject to any special agreement to the contrary between the Governments concerned, debts shall carry interest in accordance with the following provisions:

Interest shall not be payable on sums of money due by way of dividend, interest, or other periodical payments which themselves represent interest on capital.

The rate of interest shall be 5 per cent. per annum, except in cases where, by contract, law, or custom, the creditor is entitled to payment of interest at a different rate. In such cases the rate to which he is entitled shall prevail.

Interest shall run from the date of commencement of hostilities (or, if the sum of money to be recovered fell due during the war, from the date at which it fell due) until the sum is credited to the Clearing Office of the creditor.

Sums due by way of interest shall be treated as debts admitted by the Clearing Office and shall be credited to the Creditor Clearing Office in the same way as such debts.

23.

Where by decision of the Clearing Offices or the Mixed Arbitral Tribunal a claim is held not to fall within Article 248, the creditor shall be at liberty to prosecute the claim before the Courts or to take such other proceedings as may be open to him.

The presentation of a claim to the Clearing Office suspends the operation of any period of prescription.

24.

The High Contracting Parties agree to regard the decisions of the Mixed Arbitral Tribunal as final and conclusive, and to render them binding upon their nationals.

25.

In any case where a Creditor Clearing Office declines to notify a claim to the Debtor Clearing Office, or to take any step provided for in this Annex intended to make effective in whole or in part a request of which it has received due notice, the enemy creditor shall be entitled to receive from the Clearing Office a certificate setting out the amount of the claim, and shall then be entitled to prosecute the claim before the courts or to take such other proceedings as may be open to him.

Section IV.

PROPERTY, RIGHTS AND INTERESTS.

Article 249.

The question of private property, rights and interests in an enemy country shall be settled according to the principles laid down in this Section and to the provisions of the Annex hereto:

(*a*) The exceptional war measures and measures of transfer (defined in paragraph 3 of the Annex hereto) taken in the territory of the former Austrian Empire with respect to the property, rights and interests of nationals of Allied or Associated Powers, including companies and associations in which they are interested, when liquidation has not been completed, shall be immediately discontinued or stayed and the property, rights and interests concerned restored to their owners.

(*b*) Subject to any contrary stipulations which may be provided for in the present Treaty, the Allied and Associated Powers reserve the right to retain and liquidate all property, rights and interests which belong at the date of the coming into force of the present Treaty to nationals of the former Austrian Empire, or companies controlled by them, and are within the territories, colonies, possessions and protectorates of such Powers (including territories ceded to them by the present Treaty) or are under the control of those Powers.

The liquidation shall be carried out in accordance with the laws of the Allied or Associated State concerned, and the owner shall not be able to dispose of such property, rights or interests nor to subject them to any charge without the consent of that State.

Persons who within six months of the coming into force of the present Treaty show that they have acquired *ipso facto* in accordance with its provisions the nationality of an Allied or Associated Power, including those who under Article 72 or 76 obtain such nationality with the consent of the competent authorities, or who under Articles 74 or 77 acquire such nationality in virtue of previous rights of citizenship (*pertinenza*) will not be considered as nationals of the former Austrian Empire within the meaning of this paragraph.

(*c*) The price or the amount of compensation in respect of the exercise of the right referred to in paragraph (*b*) will be fixed in accordance with the methods of sale or valuation adopted by the laws of the country in which the property has been retained or liquidated.

(*d*) As between the Allied and Associated Powers and their nationals on the one hand and nationals of the former Austrian Empire on the other hand, as also between Austria on the one hand and the Allied and Associated Powers and their nationals on the other hand, all the exceptional war measures, or measures of transfer, or acts done or to be done in execution of such measures as defined in paragraphs 1 and 3 of the Annex hereto shall be considered as final and binding upon all persons except as regards the reservations laid down in the present Treaty.

(*e*) The nationals of Allied and Associated Powers shall be entitled to compensation in respect of damage or injury inflicted upon their property, rights or interests, including any company or association in which they are interested, in the territory of the former Austrian Empire, by the application either of the exceptional war measures or measures of transfer mentioned in paragraphs 1 and 3 of the Annex hereto. The claims made in this respect by such nationals shall be investigated, and the total of the compensation shall be determined by the Mixed Arbitral Tribunal provided for in Section VI or by an arbitrator appointed by that Tribunal. This compensation shall be borne by Austria, and may be charged upon the property of nationals of the former Austrian Empire, or companies controlled by them, as defined in paragraph (*b*), within the territory or under the control of the claimant's State. This property may be constituted as a pledge for enemy liabilities under the conditions fixed by paragraph 4 of the Annex hereto. The payment of this compensation may be made by the Allied or Associated State, and the amount will be debited to Austria.

(*f*) Whenever a national of an Allied or Associated Power is entitled to property which has been subjected to a measure of transfer in the territory of the former Austrian Empire and expresses a desire for its restitution, his claim for compensation in accordance with paragraph (*e*) shall be satisfied by the restitution of the said property if it still exists in specie.

In such case Austria shall take all necessary steps to restore the evicted owner to the possession of his property, free from all encumbrances or burdens with which it may have been charged after the liquidation, and to indemnify all third parties injured by the restitution.

If the restitution provided for in this paragraph cannot be effected, private agreements arranged by the intermediation of the Powers concerned or the Clearing Offices provided for in the Annex to Section III may be made, in order to secure that the national of the Allied or Associated Power may secure compensation for the injury referred to in paragraph (*e*) by the grant of advantages or equivalents which he agrees to accept in place of the property, rights or interests of which he was deprived.

Through restitution in accordance with this Article, the price or the amount of compensation fixed by the application of paragraph (*e*) will be reduced by the actual value of the property restored, account being taken of compensation in respect of loss of use or deterioration.

(*g*) The rights conferred by paragraph (*f*) are reserved to owners who are nationals of Allied or Associated Powers within whose territory legislative measures prescribing the general liquidation of enemy property, rights or interests were not applied before the signature of the Armistice.

(*h*) Except in cases where, by application of paragraph (*f*), restitutions in specie have been made, the net proceeds of sales of enemy property, rights or interests wherever situated carried out either by virtue of war legislation, or by application of this Article, and in general all cash assets of enemies, other than proceeds of sales of property or cash assets in Allied or Associated countries belonging to persons covered by the last sentence of paragraph (*b*) above, shall be dealt with as follows:

(1) As regards Powers adopting Section III and the Annex thereto, the said proceeds and cash assets shall be credited to the Power of which the owner is a national, through the Clearing Office established thereunder; any credit balance in favour of Austria resulting therefrom shall be dealt with as provided in Article 189 of Part VIII (Reparation) of the present Treaty.

(2) As regards Powers not adopting Section III and the Annex thereto, the proceeds of the property, rights and interests, and the cash assets, of the nationals of Allied or Associated Powers held by Austria shall be paid immediately to the person entitled thereto or to his Government; the proceeds of the property, rights and interests, and the cash assets, of nationals of the former Austrian Empire, or companies controlled by them, as defined in paragraph (*b*), received by an Allied or Associated Power shall be subject to disposal by such Power in accordance with its laws and regulations and may be applied in payment of the claims and debts defined by this Article or paragraph 4 of the Annex hereto. Any such property, rights and interests or proceeds thereof or cash assets not used as above provided may be retained by the said Allied or Associated Power, and if retained, the cash value thereof shall be dealt with as provided in Article 189 of Part VIII (Reparation) of the present Treaty.

(*i*) Subject to the provisions of Article 267, in the case of liquidations effected in new States, which are signatories of the present Treaty as Allied and Associated Powers, or in States which are not entitled to share in the reparation payments to be made by Austria, the proceeds of liquidations effected by such States shall, subject to the rights of the Reparation Commission under the present Treaty, particularly under Articles 181 (Part VIII) and 211 (Part IX), be paid direct to the owner. If, on the application of that owner, the Mixed Arbitral Tribunal provided for by Section VI of this Part, or an arbitrator appointed by that Tribunal, is satisfied that the conditions of the sale or measures taken by the Government of the State in question outside its general legislation were unfairly prejudicial to the price obtained, they shall have discretion to award to the owner equitable compensation to be paid by that State.

(*j*) Austria undertakes to compensate her nationals in respect of the sale or retention of their property, rights or interests in Allied or Associated States.

(*k*) The amount of all taxes or imposts on capital levied or to be levied by Austria on the property, rights and interests of the nationals of the Allied or Associated Powers from November 3, 1918, until three months from the coming into force of the present Treaty, or, in the case of property, rights or interests which have been subjected to exceptional measures of war, until restitution in accordance with the present Treaty, shall be restored to the owners.

Article 250.

Austria undertakes, with regard to the property, rights and interests, including companies and associations in which they were interested, restored to nationals of Allied and Associated Powers in accordance with the provisions of Article 249, paragraph (*a*) or (*f*):

(*a*) to restore and maintain, except as expressly provided in the present Treaty, the property, rights and interests of the nationals of Allied or Associated Powers in the legal position obtaining in respect of the property, rights and interests of nationals of the former Austrian Empire under the laws in force before the war;

(*b*) not to subject the property, rights or interests of the nationals of the Allied or Associated Powers to any measures in derogation of property rights which are not applied equally to the property, rights and interests of Austrian nationals, and to pay adequate compensation in the event of the application of these measures.

ANNEX.

1.

In accordance with the provisions of Article 249, paragraph (*d*), the validity of vesting orders and of orders for the winding up of businesses or companies, and of any other orders, directions, decisions or instructions of any court or any department of the Government of any of the High Contracting Parties made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights and interests is confirmed. The interests of all persons shall be regarded as having been effectively dealt with by any order, direction, decision or instruction dealing with property in which they may be interested, whether or not such interests are specifically mentioned in the order, direction, decision, or instruc-

tion. No question shall be raised as to the regularity of a transfer of any property, rights or interests dealt with in pursuance of any such order, direction, decision or instruction. Every action taken with regard to any property, business or company, whether as regards its investigation, sequestration, compulsory administration, use, requistion, supervision or winding up, the sale or management of property, rights or interests, the collection or discharge of debts, the payment of costs, charges or expenses, or any other matter whatsoever, in pursuance of orders, directions, decisions or instructions of any court or of any department of the Government of any of the High Contracting Parties, made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights or interests, is confirmed. Provided that the provisions of this paragraph shall not be held to prejudice the titles to property heretofore acquired in good faith and for value and in accordance with the laws of the country in which the property is situated by nationals of the Allied and Associated Powers.

The provisions of this paragraph do not apply to such of the above-mentioned measures as have been taken by the former Austro-Hungarian Government in invaded or occupied territory, nor to such of the above-mentioned measures as have been taken by Austria or the Austrian authorities since November 3, 1918, all of which measures shall be void.

2.

No claim shall be made or brought against any Allied or Associated Power or against any person acting on behalf of or under the direction of any legal authority or department of the Government of such a Power by Austria or by any Austrian national or by or on behalf of any national of the former Austrian Empire wherever resident in respect of any act or omission with regard to his property, rights or interests during the war or in preparation for the war. Similarly no claim or action shall be made or brought against any person in respect of any act or omission under or in accordance with the exceptional war measures, laws or regulations of any Allied or Associated Power.

3.

In Article 249 and this Annex the expression "exceptional war measures" includes measures of all kinds, legislative, administrative, judicial or others, that have been taken or will be taken hereafter with regard to enemy property, and which have had or will have the effect of removing from the proprietors the power of disposition over their property, though without affecting the ownership, such as measures of supervision, of compulsory administration, and of sequestration; or measures which have had or will have as an object the seizure of, the use of, or the interference with enemy assets, for whatsoever motive, under whatsoever form or in whatsoever place. Acts in the execution of these measures include all detentions, instructions, orders or decrees of Government departments or courts applying these measures to enemy property, as well as acts performed by any person connected with the administration or the supervision of enemy property, such as the payment of debts, the collecting of credits, the payment of any costs, charges or expenses, or the collecting of fees.

Measures of transfer are those which have affected or will affect the ownership of enemy property by transferring it in whole or in part to a person other than the enemy owner, and without his consent, such as measures directing the sale, liquidation, or devolution of ownership in enemy property, or the cancelling of titles or securities.

4.

All property, rights and interests of nationals of the former Austrian Empire within the territory of any Allied or Associated Power and the net proceeds of their sale, liquidation or other dealing therewith may be charged by that Allied or Associated Power in the first place with payment of amounts due in respect of claims by the nationals of that Allied or Associated Power with regard to their property, rights and interests, including companies and associations in which they are interested, in territory of the former Austrian Empire, or debts owing to them by Austrian nationals, and with payment of claims growing out of acts committed by the former Austro-Hungarian Government or by any Austrian authorities since July 28, 1914, and before that Allied or Associated Power entered into the war. The amount of such claims may be assessed by an arbitrator appointed by M. Gustave Ador, if he is willing, or if no such appointment is made by him, by an arbitrator appointed by the Mixed Arbitral Tribunal provided for in Section VI. They may be charged in the second place with payment of the amounts due in respect of claims by the nationals of such Allied or Associated Power with regard to their property, rights and interests in the territory of other enemy Powers, in so far as those claims are otherwise unsatisfied.

5.

Nothwithstanding the provisions of Article 249, where immediately before the outbreak of war a company incorporated in an Allied or Associated State had rights in common with a company controlled by it and incorporated in Austria to the use of trade-marks in third countries, or enjoyed the use in common with such company of unique means of reproduction of goods or articles for sale in third countries, the former company shall alone have the right to use these trade-marks in third countries to the exclusion of the Austrian company, and these unique means of reproduction shall be handed over to the former company, notwithstanding any action taken under war legislation in force in the Austro-Hungarian Monarchy with regard to the latter company or its business, industrial property or shares. Nevertheless, the former company, if requested, shall deliver to the latter company derivative copies permitting the continuation of reproduction of articles for use within Austrian territory.

6.

Up to the time when restitution is carried out in accordance with Article 249, Austria is responsible for the conservation of property, rights and interests of the nationals of Allied or Associated Powers, including companies and associations in which they are interested, that have been subjected by her to exceptional war measures.

7.

Within one year from the coming into force of the present Treaty the Allied or Associated Powers will specify the property, rights and interests over which they intend to exercise the right provided in Article 249, paragraph (*f*).

8.

The restitution provided in Article 249 will be carried out by order of the Austrian Government or of the authorities which have been substituted for it. Detailed accounts of the action of administrators shall be furnished to the interested persons by the Austrian authorities upon request, which may be made at any time after the coming into force of the present Treaty.

9.

Until completion of the liquidation provided for by Article 249, paragraph (*b*), the property, rights and interests of the persons referred to in that paragraph will continue to be subject to exceptional war measures that have been or will be taken with regard to them.

10.

Austria will, within six months from the coming into force of the present Treaty, deliver to each Allied or Associated Power all securities, certificates, deeds, or other documents of title held by its nationals and relating to property, rights or interests situated in the territory of that Allied or Associated Power, including any shares, stock, debentures, debenture stock, or other obligations of any company incorporated in accordance with the laws of that Power.

Austria will at any time on demand of any Allied or Associated Power furnish such information as may be required with regard to the property, rights and interests of Austrian nationals within the territory of such Allied or Associated Power, or with regard to any transactions concerning such property, rights or interests effected since July 1, 1914.

11.

The expression "cash assets" includes all deposits or funds established before or after the existence of a state of war, as well as all assets coming from deposits, revenues, or profits collected by administrators, sequestrators, or others from funds placed on deposit or otherwise, but does not include sums belonging to the Allied or Associated Powers or to their component States, Provinces, or Municipalities.

12.

All investments wheresoever effected with the cash assets of nationals of the High Contracting Parties, including companies and associations in which such nationals were interested, by persons responsible for the administration of enemy properties or having control over such administration, or by order of such persons or of any authority whatsoever, shall be annulled. These cash assets shall be accounted for irrespective of any such investment.

13.

Within one month from the coming into force of the present Treaty, or on demand at any time, Austria will deliver to the Allied and Associated Powers all accounts, vouchers, records, documents, and information of any kind which may be within

Austrian territory, and which concern the property, rights and interests of the nationals of those Powers, including companies and associations in which they are interested, that have been subjected to an exceptional war measure, or to a measure of transfer either in the territory of the former Austrian Empire or in territory occupied by that Empire or its allies.

The controllers, supervisors, managers, administrators, sequestrators, liquidators, and receivers shall be personally responsible under guarantee of the Austrian Government for the immediate delivery in full of these accounts and documents, and for their accuracy.

14.

The provisions of Article 249 and this Annex relating to property, rights and interests in an enemy country, and the proceeds of the liquidation thereof, apply to debts, credits and accounts. Section III regulating only the method of payment.

In the settlement of matters provided for in Article 249 between Austria and the Allied or Associated Powers, their colonies or protectorates, or any one of the British Dominions or India, in respect of any of which a declaration shall not have been made that they adopt Section III, and between their respective nationals, the provisions of Section III respecting the currency in which payment is to be made and the rate of exchange and of interest shall apply unless the Government of the Allied or Associated Power concerned shall within six months of the coming into force of the present Treaty notify Austria that one or more of the said provisions are not to be applied.

15.

The provisions of Article 249 and this Annex apply to industrial, literary and artistic property which has been or will be dealt with in the liquidation of property, rights, interests, companies or businesses under war legislation by the Allied or Associated Powers, or in accordance with the stipulations of Article 249, paragraph (*b*).

Section V.

CONTRACTS, PRESCRIPTIONS, JUDGMENTS.

Article 251.

(*a*) Any contract concluded between enemies shall be regarded as having been dissolved as from the time when any two of the parties became enemies, except in respect of any debt or other pecuniary obligation arising out of any act done or money paid thereunder, and subject to the exceptions and special rules with regard to particular contracts or classes of contracts contained herein or in the Annex hereto.

(*b*) Any contract of which the execution shall be required in the general interest, within six months from the date of the coming into force of the present Treaty, by the Government of the Allied or Associated Power of which one of the parties is a national, shall be excepted from dissolution under this Article.

When the execution of the contract thus kept alive would, owing to the alteration of trade conditions, cause one of the parties substantial prejudice the Mixed Arbitral Tribunal provided for by Section VI shall be empowered to grant to the prejudiced party equitable compensation.

(*c*) Having regard to the provisions of the constitution and law of the United States of America, of Brazil, and of Japan, neither the present Article, nor Article 252, nor the Annex hereto shall apply to contracts made between nationals of these States and nationals of the former Austrian Empire; nor shall Article 257 apply to the United States of America or its nationals.

(*d*) The present Article and the Annex hereto shall not apply to contracts the parties to which became enemies by reason of one of them being an inhabitant of territory of which the sovereignty has been transferred, if such party shall acquire under the present Treaty the nationality of an Allied or Associated Power, nor shall they apply to contracts between nationals of the Allied and Associated Powers between whom trading has been prohibited by reason of one of the parties being in Allied or Associated territory in the occupation of the enemy.

(*e*) Nothing in the present Article or the Annex hereto shall be deemed to invalidate a transaction lawfully carried out in accordance with a contract between enemies if it has been carried out with the authority of one of the belligerent Powers.

Article 252.

(*a*) All periods of prescription, or limitation of right of action, whether they began to run before or after the outbreak of war, shall be treated in the territory of the High Contracting Parties, so far as regards relations between enemies, as having been suspended for the duration of the war. They shall begin to run again at earliest three months after the coming into force of the present Treaty. This provision shall apply to the period prescribed for the presentation of interest or dividend coupons or for the presentation for repayment of securities drawn for repayment or repayable on any other ground.

(*b*) Where, on account of failure to perform any act or comply with any formality during the war, measures of execution have been taken in the territory of the former Austrian Empire to the prejudice of a national of an Allied or Associated Power, the claim of such national shall, if the matter does not fall within the competence of the Courts of an Allied or Associated Power, be heard by the Mixed Arbitral Tribunal provided for by Section VI.

(*c*) Upon the application of any interested person who is a national of an Allied or Associated Power the Mixed Arbitral Tribunal shall order the restoration of the rights which have been prejudiced by the measures of execution referred to in paragraph (*b*), wherever, having regard to the particular circumstances of the case, such restoration is equitable and possible.

If such restoration is inequitable or impossible the Mixed Arbitral Tribunal may grant compensation to the prejudiced party to be paid by the Austrian Government.

(*d*) Where a contract between enemies has been dissolved by reason either of failure on the part of either party to carry out its provisions or of the exercise of a right stipulated in the contract itself the party prejudiced may apply to the Mixed Arbitral Tribunal for relief. The Tribunal will have the powers provided for in paragraph (*c*).

(*e*) The provisions of the preceding paragraphs of this Article shall apply to the nationals of Allied and Associated Powers who have been prejudiced by reason of measures referred to above taken by the authorities of the former Austrian Government in invaded or occupied territory, if they have not been otherwise compensated.

(*f*) Austria shall compensate any third party who may be prejudiced by any restitution or restoration ordered by the Mixed Arbitral Tribunal under the provisions of the preceding paragraphs of this Article.

(*g*) As regards negotiable instruments, the period of three months provided under paragraph (*a*) shall commence as from the date on which any exceptional regulations applied in the territories of the interested Power with regard to negotiable instruments shall have definitely ceased to have force.

Article 253.

As between enemies no negotiable instrument made before the war shall be deemed to have become invalid by reason only of failure within the required time to present the instrument for acceptance or payment or to give notice of non-acceptance or non-payment to drawers or indorsers or to protest the instrument, nor by reason of failure to complete any formality during the war.

Where the period within which a negotiable instrument should have been presented for acceptance or for payment, or within which notice of non-acceptance or non-payment should have been given to the drawer or indorser, or within which the instrument should have been protested, has elapsed during the war, and the party who should have presented or protested the instrument or have given notice of non-acceptance or non-payment has failed to do so during the war, a period of not less than three months from the coming into force of the present Treaty shall be allowed within which presentation, notice of non-acceptance or non-payment or protest may be made.

Article 254.

Judgments given by the Courts of an Allied or Associated Power in all cases which, under the present Treaty, they are competent to decide, shall be recognised in Austria as final, and shall be enforced without it being necessary to have them declared executory.

If a judgment or measure of execution in respect of any dispute which may have arisen has been given during the war by a judicial authority of the former Austrian Empire against a national of an Allied or Associated Power, or a company or association in which one of such nationals was interested, in a case in which either such national or such company or association was not able to make their defence, the Allied and Associated national who has suffered prejudice thereby shall be entitled to recover compensation to be fixed by the Mixed Arbitral Tribunal provided for in Section VI.

At the instance of the national of the Allied or Associated Power the compensation above-mentioned may, upon order to that effect of the Mixed Arbitral Tribunal, be effected where it is possible by replacing the parties in the situation which they occupied before the judgment was given by the Austrian Court.

The above compensation may likewise be obtained before the Mixed Arbitral Tribunal by the nationals of Allied or Asso-

ciated Powers who have suffered prejudice by judicial measures taken in invaded or occupied territories, if they have not been otherwise compensated.

Article 255.

For the purpose of Sections III, IV, V and VII, the expression "during the war" means for each Allied or Associated Power the period between the commencement of the state of war between that Power and the former Austro-Hungarian Monarchy and the coming into force of the present Treaty.

ANNEX.

I.—General Provisions.

1.

Within the meaning of Articles 251, 252, and 253, the parties to a contract shall be regarded as enemies when trading between them shall have been prohibited by or otherwise became unlawful under laws, orders or regulations to which one of those parties was subject. They shall be deemed to have become enemies from the date when such trading was prohibited or otherwise became unlawful.

2.

The following classes of contracts are excepted from dissolution by Article 251 and, without prejudice to the rights contained in Article 249(*b*) of Section IV, remain in force subject to the application of domestic laws, orders or regulations made during the war by the Allied and Associated Powers and subject to the terms of the contracts:

(*a*) Contracts having for their object the transfer of estates or of real or personal property where the property therein had passed or the object had been delivered before the parties became enemies;

(*b*) Leases and agreements for leases of land and houses;

(*c*) Contracts of mortgage, pledge, or lien;

(*d*) Concessions concerning mines, quarries or deposits;

(*e*) Contracts between individuals or companies and States, provinces, municipalities, or other similar juridical persons charged with administrative functions, and concessions granted by States, provinces, municipalities, or other similar juridical persons charged with administrative functions.

3.

If the provisions of a contract are in part dissolved under Article 251, the remaining provisions of that contract shall, subject to the same application of domestic laws as is provided for in paragraph 2, continue in force if they are severable, but where they are not severable the contract shall be deemed to have been dissolved in its entirety.

II.—Provisions relating to certain classes of Contracts.

STOCK EXCHANGE AND COMMERCIAL EXCHANGE CONTRACTS.

4.

(*a*) Rules made during the war by any recognised Exchange or Commercial Association providing for the closure of contracts entered into before the war by an enemy are confirmed by the High Contracting Parties, as also any action taken thereunder, provided:

(i.) That the contract was expressed to be made subject to the rules of the Exchange or Association in question;

(ii.) That the rules applied to all persons concerned;

(iii.) That the conditions attaching to the closure were fair and reasonable.

(*b*) The preceding paragraph shall not apply to rules made during the occupation by Exchanges or Commercial Associations in the districts occupied by the enemy.

(*c*) The closure of contracts relating to cotton "futures," which were closed as on July 31, 1914, under the decision of the Liverpool Cotton Association, is also confirmed.

SECURITY.

5.

The sale of a security held for an unpaid debt owing by an enemy shall be deemed to have been valid irrespective of notice to the owner if the creditor acted in good faith and with reasonable care and prudence, and no claim by the debtor on the ground of such sale shall be admitted.

This stipulation shall not apply to any sale of securities effected by an enemy during the occupation in regions invaded or occupied by the enemy.

NEGOTIABLE INSTRUMENTS.

6.

As regards Powers which adopt Section III and the Annex thereto the pecuniary obligations existing between enemies and resulting from the issue of negotiable instruments shall be adjusted in conformity with the said Annex by the instrumentality of the Clearing Offices, which shall assume the rights of the holder as regards the various remedies open to him.

7.

If a person has either before or during the war become liable upon a negotiable instrument in accordance with an undertaking given to him by a person who has subsequently become an enemy, the latter shall remain liable to indemnify the former in respect of his liability notwithstanding the outbreak of war.

III.—Contracts of Insurance.

8.

Contracts of insurance entered into by any person with another person who subsequently became an enemy will be dealt with in accordance with the following paragraphs.

FIRE INSURANCE.

9.

Contracts for the insurance of property against fire entered into by a person interested in such property with another person who subsequently became an enemy shall not be deemed to have been dissolved by the outbreak of war, or by the fact of the person becoming an enemy, or on account of the failure during the war and for a period of three months thereafter to perform his obligations under the contract, but they shall be dissolved at the date when the annual premium becomes payable for the first time after the expiration of a period of three months after the coming into force of the present Treaty.

A settlement shall be effected of unpaid premiums which became due during the war or of claims for losses which occurred during the war.

10.

Where by administrative or legislative action an insurance against fire effected before the war has been transferred during the war from the original to another insurer, the transfer will be recognised and the liability of the original insurer will be deemed to have ceased as from the date of the transfer. The original insurer will, however, be entitled to receive on demand full information as to the terms of the transfer, and if it should appear that these terms were not equitable they shall be amended so far as may be necessary to render them equitable.

Furthermore, the insured shall, subject to the concurrence of the original insurer, be entitled to retransfer the contract to the original insurer as from the date of the demand.

LIFE INSURANCE.

11.

Contracts of life insurance entered into between an insurer and a person who subsequently became an enemy shall not be deemed to have been dissolved by the outbreak of war, or by the fact of the person becoming an enemy.

Any sum which during the war became due upon a contract deemed not to have been dissolved under the preceding provision shall be recoverable after the war with the addition of interest at 5 per cent. per annum from the date of its becoming due up to the day of payment.

Where the contract has lapsed during the war owing to non-payment of premiums, or has become void from breach of the conditions of the contract, the assured or his representatives or the persons entitled shall have the right at any time within twelve months of the coming into force of the present Treaty to claim from the insurer the surrender value of the policy at the date of its lapse or avoidance.

Where the contract has lapsed during the war owing to non-payment of premiums the payment of which has been prevented by the enforcement of measures of war, the assured or his representative or the persons entitled shall have the right to restore the contract on payment of the premiums with interest at five per cent per annum within three month from the coming into force of the present Treaty.

12.

Where contracts of life insurance have been entered into by a local branch of an insurance company established in a country which subsequently became an enemy country, the contract shall, in the absence of any stipulation to the contrary in the contract itself, be governed by the local law, but the insurer shall be entitled to demand from the insured or his representatives the refund of sums paid on claims made or enforced under measures taken during the war, if the making or enforcement of such claims was not in accordance with the terms of the contract itself or was not consistent with the laws or treaties existing at the time when it was entered into.

13.

In any case where by the law applicable to the contract the insurer remains bound by the contract notwithstanding the non-payment of premiums until notice is given to the insured of the termination of the contract, he shall be entitled, where the giving

of such notice was prevented by the war, to recover the unpaid premiums with interest at five per cent. per annum from the insured.

14.

Insurance contracts shall be considered as contracts of life assurance for the purpose of paragraphs 11 to 13 when they depend on the probabilities of human life combined with the rate of interest for the calculation of the reciprocal engagements between the two parties.

MARINE INSURANCE.

15.

Contracts of marine insurance including time policies and voyage policies entered into between an insurer and a person who subsequently became an enemy shall be deemed to have been dissolved on his becoming an enemy, except in cases where the risk undertaken in the contract had attached before he became an enemy.

Where the risk had not attached, money paid by way of premium or otherwise shall be recoverable from the insurer.

Where the risk had attached effect shall be given to the contract notwithstanding the party becoming an enemy, and sums due under the contract either by way of premiums or in respect of losses shall be recoverable after the coming into force of the present Treaty.

In the event of any agreement being come to for the payment of interest on sums due before the war to or by the nationals of States which have been at war and recovered after the war, such interest shall in the case of losses recoverable under contracts of marine insurance run from the expiration of a period of one year from the date of the loss.

16.

No contract of marine insurance with an insured person who subsequently became an enemy shall be deemed to cover losses due to belligerent action by the Power of which the insurer was a national or by the Allies or Associates of such Power.

17.

Where it is shown that a person who had before the war entered into a contract of marine insurance with an insurer who subsequently became an enemy entered after the outbreak of war into a new contract covering the same risk with an insurer who was not an enemy, the new contract shall be deemed to be substituted for the original contract as from the date when it was entered into, and the premiums payable shall be adjusted on the basis of the original insurer having remained liable on the contract only up till the time when the new contract was entered into.

OTHER INSURANCES.

18.

Contracts of insurance entered into before the war between an insurer and a person who subsequently became an enemy, other than contracts dealt with in paragraphs 9 to 17, shall be treated in all respects on the same footing as contracts of fire insurance between the same persons would be dealt with under the said paragraphs.

RE-INSURANCE.

19.

All treaties of re-insurance with a person who became an enemy shall be regarded as having been abrogated by the person becoming an enemy, but without prejudice in the case of life or marine risks which had attached before the war to the right to recover payment after the war for sums due in respect of such risks.

Nevertheless if, owing to invasion, it has been impossible for the re-insured to find another re-insurer, the treaty shall remain in force until three months after the coming into force of the present Treaty.

Where a re-insurance treaty becomes void under this paragraph, there shall be an adjustment of accounts between the parties in respect both of premiums paid and payable and of liabilities for losses in respect of life or marine risks which had attached before the war. In the case of risks other than those mentioned in paragraphs 11 to 17 the adjustment of accounts shall be made as at the date of the parties becoming enemies without regard to claims for losses which may have occurred since that date.

20.

The provisions of the preceding paragraph will extend equally to re-insurances, existing at the date of the parties becoming enemies, of particular risks undertaken by the insurer in a contract of insurance against any risks other than life or marine risks.

21.

Re-insurance of life risks effected by particular contracts and not under any general treaty remain in force.

22.

In case of a re-insurance effected before the war of a contract of marine insurance, the cession of a risk which had been ceded to the re-insurer shall, if it had attached before the outbreak of war, remain valid and effect be given to the contract notwithstanding the outbreak of war; sums due under the contract of re-insurance in respect either of premiums or of losses shall be recoverable after the war.

23.

The provisions of paragraphs 16 and 17 and the last part of paragraph 15 shall apply to contracts for the re-insurance of marine risks.

Section VI.

MIXED ARBITRAL TRIBUNAL.

Article 256.

(*a*) Within three months from the coming into force of the present Treaty, a Mixed Arbitral Tribunal shall be established between each of the Allied and Associated Powers on the one hand and Austria on the other hand. Each such Tribunal shall consist of three members. Each of the Governments concerned shall appoint one of these members. The President shall be chosen by agreement between the two Governments concerned.

In case of failure to reach agreement, the President of the Tribunal and two other persons, either of whom may in case of need take his place, shall be chosen by the Council of the League of Nations, or, until this is set up, by M. Gustave Ador if he is willing. These persons shall be nationals of Powers that have remained neutral during the war.

If in case there is a vacancy a Government does not proceed within a period of one month to appoint as provided above a member of the Tribunal, such member shall be chosen by the other Government from the two persons mentioned above other than the President.

The decision of the majority of the members of the Tribunal shall be the decision of the Tribunal.

(*b*) The Mixed Arbitral Tribunals established pursuant to paragraph (*a*) shall decide all questions within their competence under Sections III, IV, V and VII.

In addition, all questions, whatsoever their nature, relating to contracts concluded before the coming into force of the present Treaty between nationals of the Allied and Associated Powers and Austrian nationals shall be decided by the Mixed Arbitral Tribunal, always excepting questions which, under the laws of the Allied, Associated or Neutral Powers, are within the jurisdiction of the National Courts of those Powers. Such questions shall be decided by the National Courts in question, to the exclusion of the Mixed Arbitral Tribunal. The party who is a national of an Allied or Associated Power may nevertheless bring the case before the Mixed Arbitral Tribunal if this is not prohibited by the laws of his country.

(*c*) If the number of cases justifies it, additional members shall be appointed and each Mixed Arbitral Tribunal shall sit in divisions. Each of these divisions will be constituted as above.

(*d*) Each Mixed Arbitral Tribunal will settle its own procedure except in so far as it is provided in the following Annex, and is empowered to award the sums to be paid by the loser in respect of the costs and expenses of the proceedings.

(*e*) Each Government will pay the remuneration of the member of the Mixed Arbitral Tribunal appointed by it and of any agent whom it may appoint to represent it before the Tribunal. The remuneration of the President will be determined by special agreement between the Governments concerned; and this remuneration and the joint expenses of each Tribunal will be paid by the two Governments in equal moieties.

(*f*) The High Contracting Parties agree that their courts and authorities shall render to the Mixed Arbitral Tribunals direct all the assistance in their power, particularly as regards transmitting notices and collecting evidence.

(*g*) The High Contracting Parties agree to regard the decisions of the Mixed Arbitral Tribunal as final and conclusive, and to render them binding upon their nationals.

ANNEX.

1.

Should one of the members of the Tribunal either die, retire, or be unable for any reason whatever to discharge his functions, the same procedure will be followed for filling the vacancy as was followed for appointing him.

2.

The Tribunal may adopt such rules of procedure as shall be in accordance with justice and equity and decide the order and time at which each party must conclude its arguments, and may arrange all formalities required for dealing with the evidence.

3.

The agent and counsel of the parties on each side are authorized to present orally and in writing to the Tribunal arguments in support or in defence of each case.

4.

The Tribunal shall keep record of the questions and cases submitted and the proceedings hereon, with the dates of such proceedings.

5.

Each of the Powers concerned may appoint a secretary. These secretaries shall act together as joint secretaries of the Tribunal and shall be subject to its direction. The tribunal may appoint and employ any other necessary officer or officers to assist in the performance of its duties.

6.

The Tribunal shall decide all questions and matters submitted upon such evidence and information as may be furnished by the parties concerned.

7.

The High Contracting Parties agree to give the Tribunal all facilities and information required by it for carrying out its investigations.

8.

The language in which the proceedings shall be conducted shall, unless otherwise agreed, be English, French, Italian or Japanese, as may be determined by the Allied or Associated Power concerned.

9.

The place and time for the meetings of each Tribunal shall be determined by the President of the Tribunal.

Article 257.

Whenever a competent court has given or gives a decision in a case covered by Sections III, IV, V or VII, and such decision is inconsistent with the provisions of such Sections, the party who is prejudiced by the decision shall be entitled to obtain redress which shall be fixed by the Mixed Arbitral Tribunal. At the request of the national of an Allied or Associated Power, the redress may, whenever possible, be effected by the Mixed Arbitral Tribunal directing the replacement of the parties in the position occupied by them before the judgment was given by the court of the former Austrian Empire.

Section VII.

INDUSTRIAL PROPERTY.

Article 258.

Subject to the stipulations of the present Treaty, rights of industrial, literary and artistic property, as such property is defined by the International Conventions of Paris and of Berne, mentioned in Articles 237 and 239, shall be re-established or restored, as from the coming into force of the present Treaty, in the Territories of the High Contracting Parties, in favour of the persons entitled to the benefit of them at the moment when the state of war commenced, or their legal representatives. Equally, rights which, except for the war, would have been acquired during the war in consequence of an application made for the protection of industrial property, or the publication of a literary or artistic work, shall be recognised and established in favour of those persons who would have been entitled thereto, from the coming into force of the present Treaty.

Nevertheless, all acts done by virtue of the special measures taken during the war under legislative, executive or administrative authority of any Allied or Associated Power in regard to the rights of nationals of the former Austrian Empire in industrial, literary or artistic property shall remain in force and shall continue to maintain their full effect.

No claim shall be made or action brought by Austria or Austrian nationals or by or on behalf of nationals of the former Austrian Empire in respect of the use during the war by the Government of any Allied or Associated Power, or by any persons acting on behalf or with the assent of such Government of any rights in industrial, literary or artistic property, nor in respect of the sale, offering for sale, or use of any products, articles or apparatus whatsoever to which such rights applied.

Unless the legislation of any one of the Allied or Associated Powers in force at the moment of the signature of the present Treaty otherwise directs, sums due or paid in respect of the property of persons referred to in Article 249 (*b*) and in virtue of any act or operation resulting from the execution of the special measures mentioned in the second paragraph of this Article shall be dealt with in the same way as other sums due to such persons are directed to be dealt with by the present Treaty; and sums produced by any special measures taken by the Government of the former Austrian Empire in respect of rights in industrial, literary or artistic property belonging to the nationals of the Allied or Associated Powers shall be considered and treated in the same way as other debts due from Austrian nationals.

Each of the Allied and Associated Powers reserves to itself the right to impose such limitations, conditions, or restrictions on rights of industrial, literary or artistic property (with the exception of trade-marks) acquired before or during the war, or which may be subsequently acquired in accordance with its legislation, by Austrian nationals, whether by granting licences, or by the working, or by preserving control over their exploitation, or in any other way, as may be considered necessary for national defence, or in the public interest, or for assuring the fair treatment by Austria of the rights of industrial, literary and artistic property held in Austrian territory by its nationals, or for securing the due fulfilment of all obligations undertaken by Austria in the present Treaty. As regards rights of industrial, literary and artistic property acquired after the coming into force of the present Treaty, the right so reserved by the Allied and Associated Powers shall only be exercised in cases where these limitations, conditions or restrictions may be considered necessary for national defence or in the public interest.

In the event of the application of the provisions of the preceding paragraph by any Allied or Associated Power, there shall be paid reasonable indemnities or royalties, which shall be dealt with in the same way as other sums due to Austrian nationals are directed to be dealt with by the present Treaty.

Each of the Allied or Associated Powers reserves the right to treat as void and of no effect any transfer in whole or in part of or other dealing with rights of or in respect of industrial, literary, or artistic property effected after July 28, 1914, or in future which would have the result of defeating the objects of the provisions of this Article.

The provisions of this Article shall not apply to rights in industrial, literary or artistic property which have been dealt with in the liquidation of businesses or companies under war legislation by the Allied or Associated Powers, or which may be so dealt with by virtue of Article 249, paragraph (*b*).

Article 259.

A minimum of one year after the coming into force of the present Treaty shall be accorded to the nationals of the High Contracting Parties, without extension fees or other penalty, in order to enable such persons to accomplish any act, fulfil any formality, pay any fees, and generally satisfy any obligation prescribed by the laws or regulations of the respective States relating to the obtaining, preserving, or opposing rights to, or in respect of, industrial property either acquired before July 28, 1914, or which, except for the war, might have been acquired since that date as a result of an application made before the war or during its continuance, but nothing in this Article shall give any right to reopen interference proceedings in the United States of America where a final hearing has taken place.

All rights in, or in respect of, such property which may have lapsed by reason of any failure to accomplish any act, fulfil any formality, or make any payment, shall revive, but subject in the case of patents and designs to the imposition of such conditions as each Allied or Associated Power may deem reasonably necessary for the protection of persons who have manufactured or made use of the subject matter of such property while the rights had lapsed. Further, where rights to patents or designs belonging to Austrian nationals are revived under this Article, they shall be subject in respect of the grant of licences to the same provisions as would have been applicable to them during the war, as well as to all the provisions of the present Treaty.

The period from July 28, 1914, until the coming into force of the present Treaty shall be excluded in considering the time within which a patent should be worked or a trade mark or design used, and it is further agreed that no patent, registered trade mark or design in force on July 28, 1914, shall be subject to revocation or cancellation by reason only of the failure to work such patent or use such trade mark or design for two years after the coming into force of the present Treaty.

Article 260.

The rights of priority provided by Article IV of the International Convention for the Protection of Industrial Property of Paris of March 20, 1883, revised at Washington in 1911, or by any other Convention or Statute, for the filing or registration of applications for patents or models of utility, and for the registration of trade marks, designs and models which had not expired on July 28, 1914, and those which have arisen during the war, or would have arisen but for the war, shall be extended by each of the High Contracting Parties in favour of all nationals of the other High Contracting Parties for a period of six months after the coming into force of the present Treaty.

Nevertheless, such extension shall in no way affect the right of any of the High Contracting Parties or of any person who before the coming into force of the present Treaty was *bona fide* in possession of any rights of industrial property conflicting with rights applied for by another who claims rights of priority in respect of them, to exercise such rights by itself or himself personally, or by such agents or licensees as derived their rights from it or him before the coming into force of the present Treaty; and such persons shall not be amenable to any action or other process of law in respect of infringement.

Article 261.

No action shall be brought and no claim made by nationals of the former Austrian Empire, or by persons residing or carrying on business within the territory of that Empire on the one part, and on the other part by persons residing or carrying on business in the territory of the Allied or Associated Powers, or persons who are nationals of such Powers respectively, or by any one deriving title during the war from such persons, by reason of any action which has taken place within the territory of the other party between the date of the existence of a state of war and that of the coming into force of the present Treaty, which might constitute an infringement of the rights of industrial property or rights of literary and artistic property, either existing at any time during the war or revived under the provisions of Articles 259 and 260.

Equally, no action for infringement of industrial, literary or artistic property rights by such persons shall at any time be permissible in respect of the sale or offering for sale for a period of one year after the signature of the present Treaty in the territories of the Allied or Associated Powers on the one hand or Austria on the other, of products or articles manufactured, or of literary or artistic works published, during the period between the existence of a state of war and the signature of the present Treaty, or against those who have acquired and continue to use them. It is understood, nevertheless, that this provision shall not apply when the possessor of the rights was domiciled or had an industrial or commercial establishment in the districts occupied by the Austro-Hungarian armies during the war.

This Article shall not apply as between the United States of America on the one hand and Austria on the other.

Article 262.

Licences in respect of industrial, literary or artistic property concluded before the war betwen nationals of the Allied or Associated Powers or persons residing in their territory or carrying on business therein, on the one part, and nationals of the former Austrian Empire, on the other part, shall be considered as cancelled as from the date of the existence of a state of war between the former Austro-Hungarian Monarchy and the Allied or Associated Powers. But, in any case, the former beneficiary of a contract of this kind shall have the right, within a period of six months after the coming into force of the present Treaty, to demand from the proprietor of the rights the grant of a new licence, the conditions of which, in default of agreement betwen the parties, shall be fixed by the duly qualified tribunal in the country under whose legislation the rights had been acquired, except in the case of licences held in respect of rights acquired under the law of the former Austrian Empire. In such cases the conditions shall be fixed by the Mixed Arbitral Tribunal referred to in Section VI of this Part. The Tribunal may, if necessary, fix also the amount which it may deem just should be paid by reason of the use of the rights during the war.

No licence in respect of industrial, literary or artistic property, granted under the special war legislation of any Allied or Associated Power, shall be affected by the continued existence of any licence entered into before the war, but shall remain valid and of full effect, and a licence so granted to the former beneficiary of a licence entered into before the war shall be considered as substituted for such licence.

Where sums have been paid during the war in respect of the rights of persons referred to in Article 249 (*b*) and by virtue of a licence or agreement concluded before the war in respect of rights of industrial property or for the reproduction or the representation of literary, dramatic or artistic works, these sums shall be dealt with in the same manner as other debts or credits of such persons as provided by the present Treaty.

This Article shall not apply as between the United States of America on the one hand and Austria on the other.

Section VIII.

SPECIAL PROVISIONS RELATING TO TRANSFERRED TERRITORY.

Article 263.

Of the individuals and juridical persons previously nationals of the former Austrian Empire, including Bosnia-Herzegovinians, those who acquire *ipso facto* under the present Treaty the nationality of an Allied or Associated Power are designated in the provisions which follow by the expression "nationals of the former Austrian Empire"; the remainder are designated by the expression "Austrian nationals."

Article 264.

The inhabitants of territories transferred by virtue of the present Treaty shall, notwithstanding this transfer and the change of nationality consequent thereon, continue to enjoy in Austria all the rights in industrial, literary and artistic property to which they were entitled under the legislation in force at the time of the transfer.

Article 265.

The questions concerning the nationals of the former Austrian Empire, as well as Austrian nationals, their rights, privileges and property, which are not dealt with in the present Treaty, or in the Treaty prepared for the purpose of regulating certain immediate relations between the States to which territory of the former Austro-Hungarian Monarchy has been transferred, or arising from the dismemberment of that Monarchy, shall form the subject of special conventions between the States concerned, including Austria; such conventions shall not in any way conflict with the provisions of the present Treaty. For this purpose it is agreed that three months from the coming into force of the present Treaty a Conference of delegates of the States in question shall take place.

Article 266.

The Austrian Government shall without delay restore to nationals of the former Austrian Empire their property, rights and interests situated in Austrian territory.

The amount of taxes and imposts on capital which have been levied or increased on the property, rights and interests of nationals of the former Austrian Empire since November 3, 1918, or which shall be levied or increased until restitution in accordance with the provisions of the present Treaty, or, in the case of property, rights and interests which have not been subjected to exceptional measures of war, until three months from the coming into force of the present Treaty, shall be returned to the owners.

The property, rights, and interests restored shall not be subject to any tax levied in respect of any other property or any other business owned by the same person after such property had been removed from Austria, or such business had ceased to be carried on therein. If taxes of any kind have been paid in anticipation in respect of property, rights and interests removed from Austria, the proportion of such taxes paid for any period subsequent to the removal of the property, rights and interests in question shall be returned of the owners.

Cash assets shall be paid in the currency and at the rate of exchange provided for the case of debts under Articles 248 (*d*) and 271.

Legacies, donations and funds given or established in the former Austro-Hungarian Monarchy for the benefit of nationals of the former Austrian Empire shall be placed by Austria, so far as the funds in question are in her territory, at the disposition of the Allied or Associated Power of which the person in question are now nationals, in the condition in which these funds were on July 28, 1914, taking account of payments properly made for the purpose of the Trust.

Article 267.

Notwithstanding the provisions of Article 249 and the Annex to Section IV the property, rights and interests of Austrian nationals or companies controlled by them situated in the territories which formed part of the former Austro-Hungarian Monarchy shall not be subject to retention or liquidation in accordance with these provisions. Such property, rights and interests shall be restored to their owners freed from any measure of this kind, or from any other measure of transfer, compulsory administration or sequestration, taken since November 3, 1918, until the coming into force of the present Treaty, in the condition in which they were before the application of the measures in question.

The property, rights and interests here referred to do not include property which is the subject of Article 208 of Part IX (Financial Clauses).

Nothing in this Article shall affect the provisions laid down in Part VIII (Reparation) Section I. Annex III, as the property of Austrian nationals in ships and boats.

Article 268.

All contracts for the sale of goods for delivery by sea concluded before January 1, 1917, between nationals of the former Austrian Empire on the one part and the administrations of the former Austro-Hungarian Monarchy, Austria, or Bosnia-Herzegovina, or Austrian nationals of the other part shall be annulled, except in respect of any debt or other pecuniary obligation arising out of any act done or money paid thereunder.

All other contracts between such parties which were made before November 1, 1918, and were in force at that date shall be maintained.

Article 269.

With regard to prescriptions, limitations, and forfeitures in the transferred territories, the provisions of Articles 252 and 253 shall be applied with substitution for the expression "outbreak of war" of the expression "date, which shall be fixed by administrative decision of each Allied or Associated Power, at which relations between the parties became impossible in fact or in law," and for the expression "duration of the war" of the expression "period between the date above indicated and that of the coming into force of the present Treaty."

Article 270.

Austria undertakes not to impede in any way the transfer of property, rights or interests belonging to a company incorporated in accordance with the laws of the former Austro-Hungarian Monarchy, in which Allied or Associated nationals are interested, to a company incorporated in accordance with the laws of any other power, to facilitate all measures necessary for giving effect to such transfer, and to render any assistance which may be required for effecting the restoration to Allied or Associated nationals, or to companies in which they are interested, of their property, rights or interests whether in Austria or in transferred territory.

Article 271.

Section III, except Article 248 (d), shall not apply to debts contracted between Austrian nationals and nationals of the former Austrian Empire.

Subject to the special provisions laid down in Article 248 (d) for the case of the new States, these debts shall be paid in the legal currency at the time of payment of the State of which the national of the former Austrian Empire has become a national, and the rate of exchange applicable shall be the average rate quoted on the Geneva Exchange during the two months preceding November 1, 1918.

Article 272.

Insurance companies whose principal place of business was in territory which previously formed part of the former Austro-Hungarian Monarchy shall have the right to carry on their business in Austrian territory for a period of ten years from the coming into force of the present Treaty, without the rights which they previously enjoyed being affected in any way by the change of nationality.

During the above period the operations of such companies shall not be subjected by Austria to any higher tax or charge than shall be imposed on the operations of national companies. No measure in derogation of their rights of property shall be imposed upon them which is not equally applied to the property, rights or interests of Austrian insurance companies; adequate compensation shall be paid in the event of the application of any such measures.

These provisions shall only apply so long as Austrian insurance companies previously carrying on business in the transferred territories, even if their principal place of business was outside such territories, are reciprocally accorded a similar right to carry on their business therein.

After the period of ten years above referred to, the provisions of Article 228 of this Part of the present Treaty shall apply in regard to the Allied and Associated companies in question.

Article 273.

Special agreements will determine the division of the property of associations or public corporations carrying on their functions in territory which is divided in consequence of the present Treaty.

Article 274.

A special convention shall determine all questions relative to the records, registers and copies in connection with the protection of industrial, literary or artistic property, and fix their eventual transmission or communication by the Offices of the former Austro-Hungarian Monarchy to the Offices of the States to which are transferred territory of the said Monarchy and to the Offices of new States.

States to which territory of the former Austro-Hungarian Monarchy is transferred, and States arising from the dismemberment of that Monarchy, shall recognize and give effect to rights of industrial, literary and artistic property in force in the territory at the time when it passes to the State in question, or re-established or restored in accordance with the provisions of Article 258. These rights shall remain in force in that territory for the same period as that for which they would have remained in force under the law of the former Austro-Hungarian Monarchy.

Article 275.

Without prejudice to other provisions of the present Treaty, the Austrian Government undertakes so far as it is concerned to hand over to any Power to which territory of the former Austro-Hungarian Monarchy is transferred, or which arises from the dismemberment of that Monarchy, such portion of the reserves accumulated by the Governments or the administrations of the former Austro-Hungarian Monarchy, or by public or private organisations under their control, as is attributable to the carrying on of Social or State Insurance in such territory.

The Powers to which these funds are handed over must apply them to the performance of the obligations arising from such insurances.

The conditions of the delivery will be determined by special conventions to be concluded between the Austrian Government and the Governments concerned.

In case these special conventions are not concluded in accordance with the above paragraph within three months after the coming into force of the present Treaty, the conditions of transfer shall in each case be referred to a Commission of five members, one of whom shall be appointed by the Austrian Government, one by the other interested Government and three by the Governing Body of the International Labour Office from the nationals of other States. This Commission shall by majority vote within three months after appointment adopt recommendations for submission to the Council of the League of Nations, and the decisions of the Council shall forthwith be accepted as final by Austria and the other Government concerned.

PART XI.

AERIAL NAVIGATION.

Article 276.

The aircraft of the Allied and Associated Powers shall have full liberty of passage and landing over and in the territory of Austria and shall enjoy the same privileges as Austrian aircraft, particularly in case of distress.

Article 277.

The aircraft of the Allied and Associated Powers shall, while in transit to any foreign country whatever, enjoy the right of flying over the territory of Austria without landing, subject always to any regulations which may be made by Austria, and which shall be applicable equally to the aircraft of Austria and to those of the Allied and Associated countries.

Article 278.

All aerodomes in Austria open to national public traffic shall be open for the aircraft of the Allied and Associated Powers, and in any such aerodome such aircraft shall be treated on a footing of equality with Austrian aircraft as regards charges of every description, including charges for landing and accommodation.

Article 279.

Subject to the present provisions, the rights of passage, transit and landing provided for in Articles 276, 277 and 278 are subject to the observance of such regulations as Austria may consider it necessary to enact, but such regulations shall be applied without distinction to Austrian aircraft and to those of the Allied and Associated countries.

Article 280.

Certificates of nationality, airworthiness, or competency and licences issued or recognised as valid by any of the Allied or Associated Powers, shall be recognised in Austria as valid and as equivalent to the certificates and licences issued by Austria.

Article 281.

As regards internal commercial air traffic, the aircraft of the Allied and Associated Powers shall enjoy in Austria most favoured nation treatment.

Article 282.

Austria undertakes to enforce the necessary measures to ensure that all Austrian aircraft flying over her territory shall comply with the Rules as to lights and signals, Rules of the Air and Rules for Air Traffic on and in the neighbourhood of aerodromes, which have been laid down in the Convention relative to Aerial Navigation concluded between the Allied and Associated Powers.

Article 283.

The obligations imposed by the preceding provisions shall remain in force until January 1, 1923, unless before that date Austria shall have been admitted into the League of Nations or shall have been authorised by consent of the Allied and Associated Powers to adhere to the Convention relative to Aerial Navigation concluded between those Powers.

PART XII.

PORTS, WATERWAYS AND RAILWAYS.

Section I.

GENERAL PROVISIONS.

Article 284.

Austria undertakes to grant freedom of transit through her territories on the routes most convenient for international transit, either by rail, navigable waterway or canal, to persons, goods, vessels, carriages, wagons and mails coming from or going to the territories of any of the Allied and Associated Powers, whether contiguous or not.

Such persons, goods, vessels, carriages, wagons and mails shall not be subjected to any transit duty or to any undue delays or restriction, and shall be entitled in Austria to national treatment as regards charges, facilities and all other matters.

Goods in transit shall be exempt from all customs or other similar duties.

All charges imposed on transport in transit shall be reasonable, having regard to the conditions of the traffic. No charge facility or restriction shall depend directly or indirectly on the ownership or on the nationality of the ship or other means of transport on which any part of the through journey has been, or is to be, accomplished.

Article 285.

Austria undertakes neither to impose nor to maintain any control over transmigration traffic through her territories beyond measures necessary to ensure that passengers are *bona fide* in transit; nor to allow any shipping company or any other private body, corporation or person interested in the traffic to take any part whatever in, or to exercise any direct or indirect influence over, any administrative service that may be necessary for this purpose.

Article 286.

Austria undertakes to make no discrimination or preference, direct or indirect, in the duties, charges and prohibitions relating to importations into or exportations from her territories, or, subject to the special engagements contained in the present Treaty, in the charges and conditions of transport of goods or persons entering or leaving her territories based on the frontier crossed; or on the kind, ownership, or flag of the means of transport (including aircraft) employed; or on the original or immediate place of departure of the vessel, wagon or aircraft or other means of transport employed, or its ultimate or intermediate destination; or on the route of or places of transshipment on the journey; or on whether the goods are imported or exported directly through an Austrian port or indirectly through a foreign port; or on whether the goods are imported or exported by land or by air.

Austria particularly undertakes not to establish against the ports and vessels of any of the Allied and Associated Powers any surtax or any direct or indirect bounty for export or import by Austrian ports or ships, or by those of another Power, for example by means of combined tariffs. She further undertakes that persons or goods passing through a port or using a vessel of any of the Allied and Associated Powers shall not be subjected to any formality or delay whatever to which such persons or goods would not be subjected if they passed through an Austrian port or a port of any other Power, or used an Austrian vessel or a vessel of any other Power.

Article 287.

All necessary administrative and technical measures shall be taken to expedite, as much as possible, the transmission of goods across the Austrian frontiers and to ensure their forwarding and transport from such frontiers, irrespective of whether such goods are coming from or going to the territories of the Allied and Associated Powers or are in transit from or to those territories, under the same material conditions in such matters as rapidity of carriage and care *en route* as are enjoyed by other goods of the same kind carried on Austrian territory under similar conditions of transport.

In particular, the transport of perishable goods shall be promptly and regularly carried out, and the customs formalities shall be effected in such a way as to allow the goods to be carried straight through by trains which make connection.

Article 288.

The seaports of the Allied and Associated Powers are entitled to all favours and to all reduced tariffs granted on Austrian railways or navigable waterways for the benefit of any port of another Power.

Article 289.

Austria may not refuse to participate in the tariffs or combinations of tariffs intended to secure for ports of any of the Allied and Associated Powers advantages similar to those granted by Austria to the ports of any other Power.

Section II.

NAVIGATION.

CHAPTER 1.

FREEDOM OF NAVIGATION.

Article 290.

The nationals of any of the Allied and Associated Powers as well as their vessels and property shall enjoy in all Austrian ports and on the inland navigation routes of Austria the same treatment in all respects as Austrian nationals, vessels and property.

In particular the vessels of any one of the Allied or Associated Powers shall be entitled to transport goods of any description, and passengers, to or from any ports or places in Austrian territory to which Austrian vessels may have access, under conditions which shall not be more onerous than those applied in the case of national vessels; they shall be treated on a footing of equality with national vessels as regards port and harbour facilities and charges of every description, including facilities for stationing, loading and unloading, and duties and charges of tonnage, harbour, pilotage, lighthouse, quarantine, and all analogous duties and charges of whatsoever nature, levied in the name of or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind.

In the event of Austria granting a preferential régime to any of the Allied or Associated Powers or to any other foreign Power, this régime shall be extended immediately and unconditionally to all the Allied and Associated Powers.

There shall be no impediment to the movement of persons or vessels other than those arising from prescriptions concerning customs, police, sanitation, emigration and immigration, and those relating to the import and export of prohibited goods. Such regulations must be reasonable and uniform and must not impede traffic unnecessarily.

CHAPTER 2.

CLAUSES RELATING TO THE DANUBE.

1. GENERAL CLAUSES RELATING TO RIVER SYSTEMS DECLARED INTERNATIONAL.

Article 291.

The following river is declared international: the Danube from Ulm; together with all navigable parts of this river system which naturally provide more than one State with access to the sea, with or without transhipment from one vessel to another, as well as the portion of the course of the Morava (March) and the Thaya (Theiss) forming the frontier between Czecho-Slovakia and Austria, and lateral canals and channels constructed either to duplicate or to improve naturally navigable sections of the specified river system or to connect two naturally navigable sections of the same river.

The same shall apply to the Rhine-Danube navigable waterway, should such a waterway be constructed, under the conditions laid down in Article 308.

Any part of the above-mentioned river system which is not included in the general definition may be declared international by an agreement between the riparian States.

Article 292.

On the waterways declared to be international in the preceding Article, the nationals, property and flags of all Powers shall be treated on a footing of perfect equality, no distinction being made to the detriment of the nationals, property or flag of any Power between them and the nationals, property or flag of the riparian State itself or of the most favoured nation.

Article 293.

Austrian vessels shall not be entitled to carry passengers or goods by regular services between the ports of any Allied or Associated Power, without special authority from such Power.

Article 294.

Where such charges are not precluded by any existing convention, charges varying on different sections of a river may be levied on vessels using the navigable channels or their approaches, provided that they are intended solely to cover equitably the cost of maintaining in a navigable condition, or of improving, the river and its approaches, or to meet expenditure incurred in the interests of navigation. The schedule of such charges shall be calculated on the basis of such expenditure and shall be posted up in the ports. These charges shall be levied in such a manner as to render any detailed examination of cargoes unnecessary, except in cases of suspected fraud or contravention.

Article 295.

The transit of vessels, passengers and goods on these waterways shall be effected in accordance with the general conditions prescribed for transit in Section I above.

When the two banks of an international river are within the same State goods in transit may be placed under seal or in the custody of customs agents. When the river forms a frontier goods and passengers in transit shall be exempt from all customs formalities; the loading and unloading of goods, and the embarkation and disembarkation of passengers, shall only take place in the ports specified by the riparian State.

Article 296.

No dues of any kind other than those provided for in this Part shall be levied along the course or at the mouth of these waterways.

This provision shall not prevent the fixing by the riparian States of customs, local octroi or consumption duties, or the creation of reasonable and uniform charges levied in the ports, in accordance with public tariffs, for the use of cranes, elevators, quays, warehouses, and other similar constructions.

Article 297.

In default of any special organisation for carrying out the works connected with the upkeep and improvement of the international portion of a navigable system, each riparian State shall be bound to take the necessary measures to remove any obstacle or danger to navigation and to ensure the maintenance of good conditions of navigation.

If a State neglects to comply with this obligation any riparian State, or any State represented on the International Commission, may appeal to the tribunal instituted for this purpose by the League of Nations.

Article 298.

The same procedure shall be followed in the case of a riparian State undertaking any works of a nature to impede navigation in the international section. The tribunal mentioned in the preceding Article shall be entitled to enforce the suspension or suppression of such works, making due allowance in its decisions for all rights in connection with irrigation, water-power, fisheries, and other national interests, which, with the consent of all the riparian States or of all the States represented on the International Commission, shall be given priority over the requirements of navigation.

Appeal to the tribunal of the League of Nations does not require the suspension of the works.

Article 299.

The régime set out in Articles 292 and 294 to 298 above shall be superseded by one to be laid down in a General Convention drawn up by the Allied and Associated Powers, and approved by the League of Nations, relating to the waterways recognised in such Convention as having an international character. This Convention shall apply in particular to the whole or part of the above-mentioned river system of the Danube, and such other parts of that river system as may be covered by a general definition.

Austria undertakes, in accordance with the provisions of Article 331, to adhere to the said General Convention.

Article 300.

Austria shall cede to the Allied and Associated Powers concerned, within a maximum period of three months from the date on which notification shall be given her, a proportion of the tugs and vessels remaining registered in the ports of the river system referred to in Article 291 after the deduction of those surrendered by way of restitution or reparation. Austria shall in the same way cede material of all kinds necessary to the Allied and Associated Powers concerned for the utilisation of that river system.

The number of the tugs and boats, and the amount of the material so ceded, and their distribution, shall be determined by an arbitrator or arbitrators nominated by the United States of America, due regard being had to the legitimate needs of the parties concerned, and particularly to the shipping traffic during the five years preceding the war.

All craft so ceded shall be provided with their fittings and gear, shall be in a good state of repair and in condition to carry goods, and shall be selected from among those most recently built.

Wherever the cessions made under the present Article involve a change of ownership, the arbitrator or arbitrators shall determine the rights of the fomer owners as they stood on October 15, 1918, and the amount of the compensation to be paid to them, and shall also direct the manner in which such payment is to be effected in each case. If the arbitrator or arbitrators find that the whole or part of this sum will revert directly or indirectly to States from whom reparation is due, they shall decide the sum to be placed under this head to the credit of the said States.

As regards the Danube the arbitrator or arbitrators referred to in this Article will also decide all questions as to the permanent allocation and the conditions thereof of the vessels whose ownership or nationality is in dispute between States. Pending final allocation the control of these vessels shall be vested in a Commission consisting of Representatives of the United States of America, the British Empire, France and Italy, who will be empowered to make provisional arrangements for the working of these vessels in the general interest by any local organisation, or failing such arrangements by themselves, without prejudice to the final allocation.

As far as possible these provisional arrangements will be on a commercial basis, the net receipts by the Commission for the hire of these vessels being disposed of as directed by the Reparation Commission.

2. SPECIAL CLAUSES RELATING TO THE DANUBE.

Article 301.

The European Commission of the Danube reassumes the powers it possessed before the war. Nevertheless, as a provisional measure, only representatives of Great Britain, France, Italy and Roumania shall constitute this Commission.

Article 302.

From the point where the competence of the European Commission ceases, the Danube system referred to in Article 291 shall be placed under the administration of an International Commission composed as follows:

2 representatives of German riparian States;

1 representative of each other riparian State;

1 representative of each non-riparian State represented in the future on the European Commission of the Danube.

If certain of these representatives cannot be appointed at the time of the coming into force of the present Treaty, the decisions of the Commission shall nevertheless be valid.

Article 303.

The International Commission provided for in the preceding Article shall meet as soon as possible after the coming into force of the present Treaty, and shall undertake provisionally the administration of the river in conformity with the provisions of Articles 292 and 294 to 298, until such time as a definitive statute regarding the Danube is concluded by the Powers nominated by the Allied and Associated Powers.

The decisions of this International Commission shall be taken by a majority vote. The salaries of the Commissioners shall be fixed and paid by their respective countries.

As a provisional measure any deficit in the administrative expense of this International Commission shall be borne equally by the States represented on the Commission.

In particular this Commission shall regulate the licensing of pilots, charges for pilotage and the administration of the pilot service.

Article 304.

Austria agrees to accept the régime which shall be laid down for the Danube by a Conference of the Powers nominated by the Allied and Associated Powers, which shall meet within one year after the coming into force of the present Treaty, and at which Austrian representatives may be present.

Article 305.

The mandate given by Article 57 of the Treaty of Berlin of July 13, 1878, to Austria-Hungary, and transferred by her to Hungary, to carry out works at the Iron Gates, is abrogated. The Commission entrusted with the administration of this part of the river shall lay down provisions for the settlement of accounts subject to the financial provisions of the present Treaty. Charges which may be necessary shall in no case be levied by Hungary.

Article 306.

Should the Czecho-Slovak State, the Serb-Croat-Slovene State, or Roumania, with the authorisation of or under mandate from the International Commission, undertake maintenance, improvement, weir, or other works on a part of the river system which forms a frontier, these States shall enjoy on the opposite bank, and also on the part of the bed which is outside their territory, all necessary facilities for the survey, execution and maintenance of such works.

Article 307.

Austria shall be obliged to make to the European Commission of the Danube all restitutions, reparations and indemnities for damages inflicted on the Commission during the war.

Article 308.

Should a deep-draught Rhine-Danube navigable waterway be constructed, Austria hereby undertakes to accept the application to the said navigable waterway of the same régime as that prescribed in Articles 292 and 294 to 299 of the present Treaty.

CHAPTER 3.

HYDRAULIC SYSTEM.

Article 309.

In default of any provisions to the contrary, when as the result of the fixing of a new frontier the hydraulic system (canalisation, inundations, irrigation, drainage, or similar matters) in a State is dependent on works executed within the territory of another State, or when use is made on the territory of a State, in virtue of pre-war usage, of water or hydraulic power, the source of which is on the territory of another State, an agreement shall be made between the States concerned to safeguard the interests and rights acquired by each of them.

Failing an agreement, the matter shall be regulated by an arbitrator appointed by the Council of the League of Nations.

Article 310.

Unless otherwise provided, when use is made for municipal or domestic purposes in one State of electricity or water, the source of which as the result of the fixing of a new frontier is on the territory of another State, an agreement shall be made between the States concerned to safeguard the interests and rights acquired by each of them.

Pending an agreement, central electric stations and waterworks shall be required to continue the supply up to an amount corresponding to the undertakings and contracts in force on November 3, 1918.

Failing an agreement, the matter shall be regulated by an Arbitrator appointed by the Council of the League of Nations.

Section III.

RAILWAYS.

CHAPTER 1.

FREEDOM OF TRANSIT TO THE ADRIATIC FOR AUSTRIA.

Article 311.

Free access to the Adriatic Sea is accorded to Austria, who with this object will enjoy freedom of transit over the territories and in the ports severed from the former Austro-Hungarian Monarchy.

Freedom of transit is the freedom defined in Article 284 until such time as a General Convention on the subject shall have been concluded between the Allied and Associated Powers, whereupon the dispositions of the new Convention shall be substituted therefor.

Special Conventions between the States or Administrations concerned will lay down the conditions of the exercise of the right accorded above, and will settle in particular the method of using the ports and the free zones existing in them, the establishment of international (joint) services and tariffs including through tickets and waybills, and the maintenance of the Convention of Berne of October 14, 1890 and its supplementary provisions until its replacement by a new Convention.

Freedom of transit will extend to postal, telegraphic, and telephonic services.

CHAPTER 2.

CLAUSES RELATING TO INTERNATIONAL TRANSPORT.

Article 312.

Goods coming from the territories of the Allied and Associated Powers, and going to Austria, or in transit through Austria from or to the territories of the Allied and Associated Powers, shall enjoy on the Austrian railways as regards charges to be collected (rebates and drawbacks being taken into account), facilities, and all other matters, the most favourable treatment applied to goods of the same kind carried on any Austrian lines, either in internal traffic, or for export, import or in transit, under similar conditions of transport, for example as regards length of route. The same rule shall be applied, on the request of one or more of the Allied and Associated Powers, to goods specially designated by such Power or Powers coming from Austria and going to their territories.

International tariffs established in accordance with the rates referred to in the preceding paragraph and involving through way-bills shall be established when one of the Allied and Associated Powers shall require it from Austria.

However, without prejudice to the provisions of Article 288 and 289, Austria undertakes to maintain on her own lines the régime of tariffs existing before the war as regards traffic to Adriatic and Black Sea ports, from the point of view of competition with North German ports.

Article 313.

From the coming into force of the present Treaty the High Contracting Parties shall renew, in so far as concerns them and under the reserves indicated in the second paragraph of the present Article, the Conventions and Arrangements signed at Berne on October 14, 1890, September 20, 1893, July 16, 1895, June 16, 1898, and September 19, 1906, regarding the transportation of goods by rail.

If within five years from the date of the coming into force of the present Treaty a new Convention for the transportation of passengers, luggage and goods by rail shall have been concluded to replace the Berne Convention of October 14, 1890, and the subsequent additions referred to above, this new Convention and the supplementary provisions for international transport by rail which may be based on it shall bind Austria, even if she shall have refused to take part in the preparation of the Convention or to subscribe to it. Until a new Convention shall have been concluded, Austria shall conform to the provisions of the Berne Convention and the subsequent additions referred to above, and to the current supplementary provisions.

Article 314.

Austria shall be bound to co-operate in the establishment of through ticket services (for passengers and their luggage) which shall be required by any of the Allied and Associated Powers to ensure their communication by rail with each other and with all other countries by transit across the territories of Austria; in particular Austria shall, for this purpose, accept trains and carriages coming from the territories of the Allied and Associated Powers and shall forward them with a speed at least equal to that of her best long-distance trains on the same lines. The rates applicable to such through services shall not in any case be higher than the rates collected on Austrian internal services for the same distance, under the same conditions of speed and comfort.

The tariffs applicable under the same conditions of speed and comfort to the transportation of emigrants going to or coming from ports of the Allied and Associated Powers and using the Austrian railways, shall not be at a higher kilometric rate than the most favourable tariffs (drawbacks and rebates being taken into account) enjoyed on the said railways by emigrants going to or coming from any other ports.

Article 315.

Austria shall not apply specially to such through services, or to the transportation of emigrants going to or coming from the ports of the Allied and Associated Powers, any technical, fiscal or administrative measures, such as measures of customs examination, general police, sanitary police, and control, the result of which would be to impede or delay such services.

Article 316.

In case of transport partly by rail and partly by internal navigation, with or without through way-bill, the preceding Articles shall apply to the part of the journey performed by rail.

CHAPTER 3.

ROLLING-STOCK.

Article 317.

Austria undertakes that Austrian wagons shall be fitted with apparatus allowing:

(1) of their inclusion in goods trains on the lines of such of the Allied and Associated Powers as are parties to the Berne Convention of May 15, 1886, as modified on May 18, 1907, without hampering the action of the continuous brake which may be adopted in such countries within ten years of the coming into force of the present Treaty, and

(2) of the inclusion of wagons of such countries in all goods trains on Austrian lines.

The rolling stock of the Allied and Associated Powers shall enjoy on the Austrian lines the same treatment as Austrian rolling stock as regards movement, upkeep and repairs.

CHAPTER 4.

TRANSFERS OF RAILWAY LINES.

Article 318.

Subject to any special provisions concerning the transfer of ports, waterways and railways situated in the territories transferred under the present Treaty, and to the financial conditions relating to the concessionnaires and the pensioning of the personnel, the transfer of railways will take place under the following conditions:

(1) The works and installations of all the railroads shall be handed over complete and in good condition.

(2) When a railway system possessing its own rolling-stock is handed over in its entirety by Austria to one of the Allied and Associated Powers, such stock shall be handed over complete, in accordance with the last inventory before November 3, 1918, and in a normal state of upkeep.

(3) As regards lines without any special rolling-stock, the distribution of the stock existing on the system to which these lines belong shall be made by Commissions of experts designated by the Allied and Associated Powers, on which Austria shall be represented. These Commissions shall have regard to the amount of the material registered on these lines in the last inventory before November 3, 1918, the length of track

(sidings included), and the nature and amount of the traffic. These Commissions shall also specify the locomotives, carriages and wagons to be handed over in each case; they shall decide upon the conditions of their acceptance, and shall make the provisional arrangements necessary to insure their repair in Austrian workshops.

(4) Stocks of stores, fittings and plant shall be handed over under the same conditions as the rolling-stock.

The provisions of paragraphs 3 and 4 above shall be applied to the lines of former Russian Poland converted by the Austro-Hungarian authorities to the normal gauge, such lines being regarded as detached from the Austrian and Hungarian State systems.

CHAPTER 5.

PROVISIONS RELATING TO CERTAIN RAILWAY LINES.

Article 319.

When as a result of the fixing of new frontiers a railway connection between two parts of the same country crosses another country, or a branch line from one country has its terminus in another, the conditions of working, if not specifically provided for in the present Treaty, shall be laid down in a convention between the railway administrations concerned. If the administrations can not come to an agreement as to the terms of such convention, the points of difference shall be decided by commissions of experts composed as provided in the preceding Article.

The establishment of all the new frontier stations between Austria and the contiguous Allied and Associated States, as well as the working of the lines between those stations, shall be settled by agreements similarly concluded.

Article 320.

With the object of insuring regular utilization of the railroads of the former Austro-Hungarian Monarchy owned by private companies which, as a result of the stipulations of the present Treaty, will be situated in the territory of several States, the administrative and technical reorganization of the said lines shall be regulated in each instance by an agreement between the owning Company and the States territorially concerned.

Any differences on which agreement is not reached, including questions relating to the interpretation of contracts concerning the expropriation of the lines, shall be submitted to arbitrators designated by the Council of the League of Nations.

This arbitration may, as regards the South Austrian Railway Company, be required either by the Board of Management or by the Committee representing the bond-holders.

Article 321.

Within a period of five years from the coming into force of the present Treaty, Italy may require the construction or improvement on Austrian territory of the new transalpine lines of the Col de Reschen and the Pas de Predil. Unless Austria decides to pay for the works herself, the cost of construction or improvement shall be paid by Italy. An arbitrator appointed by the Council of the League of Nations shall, after the lapse of such period as may be fixed by the Council, determine the portion of the cost of construction or improvement which must be repaid by Austria to Italy on account of the increase of revenue on the Austrian railway system resulting from these works.

Austria shall hand over to Italy gratuitously the surveys, with their annexes, for the construction of the following railway lines:

The line from Tarvis to Trieste by Raibl, Plezzo, Caporetto, Canale and Gorizia;

The local line from S. Lucia de Tolmino to Caporetto;

The line from Tarvis to Plezzo (new scheme);

The Reschen line connecting Landeck and Mals.

Article 322.

In view of the importance to the Czecho-Slovak State of free communication between that State and the Adriatic, Austria recognises the right of the Czecho-Slovak State to run its own trains over the sections included within her territory of the following lines:

(1) from Bratislava (Pressburg) towards Fiume *via* Sopron, Szembathely and Mura Keresztur, and a branch from Mura Keresztur to Pragerhof;

(2) from Budejovic (Budweiss) towards Trieste *via* Linz, S. Michael, Klagenfurt, and Assling, and the branch from Klagenfurt towards Tarvisio.

On the application of either party, the route to be followed by the Czecho-Slovak trains may be modified either permanently or temporarily by mutual agreement between the Czecho-Slovak Railway Administration and those of the railways over which the running powers are exercised.

Article 323.

The trains for which the running powers are used shall not engage in local traffic, except by agreement between Austria and the Czecho-Slovak State.

Such running powers will include, in particular, the right to establish running sheds with small shops for minor repairs to locomotives and rolling stock, and to appoint representatives where necessary to supervise the working of Czecho-Slovak trains.

Article 324.

The technical, administrative and financial conditions under which the rights of the Czecho-Slovak State shall be exercised shall be laid down in a Convention between the Railway Administration of the Czecho-Slovak State and the Railway Administrations of the Austrian systems concerned. If the Administrations cannot come to an agreement on the terms of this Convention, the points of difference shall be decided by an arbitrator nominated by Great Britain, and his decisions shall be binding on all parties.

In the event of disagreement as to the interpretation of the Convention or of difficulties arising unprovided for in the Convention, the same form of arbitration will be adopted until such time as the League of Nations may lay down some other procedure.

CHAPTER 6.

TRANSITORY PROVISION.

Article 325.

Austria shall carry out the instructions given her, in regard to transport, by an authorised body acting on behalf of the Allied and Associated Powers:

(1) For the carriage of troops under the provisions of the present Treaty, and of material, ammunition and supplies for army use;

(2) As a temporary measure, for the transportation of supplies for certain regions, as well as for the restoration, as rapidly as possible, of the normal conditions of transport, and for the organisation of postal and telegraphic services.

CHAPTER 7.

TELEGRAPHS AND TELEPHONES.

Article 326.

Notwithstanding any contrary stipulations in existing treaties, Austria undertakes to grant freedom of transit for telegraphic correspondence and telephonic communications coming from or going to any one of the Allied and Associated Powers, whether neighbours or not, over such lines as may be most suitable for international transit and in accordance with the tariffs in force. This correspondence and these communications shall be subjected to no unnecessary delay or restriction; they shall enjoy in Austria national treatment in regard to every kind of facility and especially in regard to rapidity of transmission. No payment, facility or restriction shall depend directly or indirectly on the nationality of the transmitter or the addressee.

Article 327.

In view of the geographical situation of the Czecho-Slovak State Austria agrees to the following modifications in the International Telegraph and Telephone Conventions referred to in Article 235 of Part X (Economic Clauses) of the present Treaty.

(1) On the demand of the Czecho-Slovak State Austria shall provide and maintain trunk telegraph lines across Austrian territory.

(2) The annual rent to be paid by the Czecho-Slovak State for each of such lines will be calculated in accordance with the provisions of the above-mentioned Conventions, but unless otherwise agreed shall not be less than the sum that would be payable under those Conventions for the number of messages laid down in those Conventions as conferring the right to demand a new trunk line, taking as a basis the reduced tariff provided for in Article 23, paragraph 5, of the International Telegraph Convention as revised at Lisbon.

(3) So long as the Czecho-Slovak State shall pay the above minimum annual rent of a trunk line;

(*a*) The line shall be reserved exclusively for transit traffic to and from the Czecho-Slovak State;

(*b*) The faculty given to Austria by Article 8 of the International Telegraph Convention of July 22, 1875, to suspend international telegraph services shall not apply to that line.

(4) Similar provisions will apply to the provision and maintenance of trunk telephone circuits, but the rent payable by the Czecho-Slovak State for a trunk telephone circuit shall, unless otherwise agreed, be double the rent payable for a trunk telegraph line.

(5) The particular lines to be provided together with any necessary administrative, technical, and financial conditions not

provided for in existing International Conventions or in this Article shall be fixed by a further Convention between the States concerned. In default of agreement on such Convention they will be fixed by an arbitrator appointed by the Council of the League of Nations.

(6) The stipulations of the present Article may be varied at any time by agreement between Austria and the Czecho-Slovak State. After the expiration of ten years from the coming into force of this Treaty the conditions under which the Czecho-Slovak State shall enjoy the rights conferred by this Article may, in default of agreement by the parties, be modified at the request of either party by an arbitrator designated by the Council of the League of Nations.

(7) In case of any dispute between the parties as to the interpretation either of this Article or of the Convention referred to in paragraph 5, this dispute shall be submitted for decision to the Permanent Court of International Justice to be established by the League of Nations.

Section IV.

DISPUTES AND REVISION OF PERMANENT CLAUSES.

Article 328.

Disputes which may arise between interested Powers with regard to the interpretation and application of this Part of the present Treaty shall be settled as provided by the League of Nations.

Article 329.

At any time the League of Nations may recommend the revision of such of the above Articles as relate to a permanent administrative régime.

Article 330.

The stipulations in Articles 284 to 290, 293, 312, 314 to 316, and 326 shall be subject to revision by the Council of the League of Nations at any time after three years from the coming into force of the present Treaty.

Failing such revision, no Allied or Associated Power can claim after the expiration of the above period of three years the benefit of any of the stipulations in the Articles enumerated above on behalf of any portion of its territories in which reciprocity is not accorded in respect of such stipulations. The period of three years during which reciprocity cannot be demanded may be prolonged by the Council of the League of Nations.

The benefit of the stipulations mentioned above cannot be claimed by States to which territory of the former Austro-Hungarian Monarchy has been transferred, or which have arisen out of the dismemberment of that Monarchy, except upon the footing of giving in the territory passing under their sovereignty reciprocal treatment to Austria.

Section V.

SPECIAL PROVISION.

Article 331.

Without prejudice to the special obligations imposed on her by the present Treaty for the benefit of the Allied and Associated Powers, Austria undertakes to adhere to any General Conventions regarding the international régime of transit, waterways, ports or railways which may be concluded by the Allied and Associated Powers, with the approval of the League of Nations, within five years of the coming into force of the present Treaty.

PART XIII.

LABOUR.

Section I.

ORGANISATION OF LABOUR.

Whereas the League of Nations has for its object the establishment of universal peace, and such a peace can be established only if it is based upon social justice;

And whereas conditions of labour exist involving such injustice, hardship and privation to large numbers of people as to produce unrest so great that the peace and harmony of the world are imperilled; and an improvement of those conditions is urgently required: as, for example, by the regulation of the hours of work, including the establishment of a maximum working day and week, the regulation of the labour supply, the prevention of unemployment, the provision of an adequate living wage, the protection of the worker against sickness, disease and injury arising out of his employment, the protection of children, young persons and women, provision for old age and injury, protection of the interests of workers when employed in countries other than their own, recognition of the principle of freedom of association, the organisation of vocational and technical education and other measures;

Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries;

The High Contracting Parties, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world, agree to the following:

CHAPTER I.

ORGANISATION.

Article 332.

A permanent organisation is hereby established for the promotion of the objects set forth in the Preamble.

The original Members of the League of Nations shall be the original Members of this organisation, and hereafter membership of the League of Nations shall carry with it membership of the said organisation.

Article 333.

The permanent organisation shall consist of:

(1) a General Conference of Representatives of the Members, and

(2) an International Labour Office controlled by the Governing Body described in Article 338.

Article 334.

The meetings of the General Conference of Representatives of the Members shall be held from time to time as occasion may require, and at least once in every year. It shall be composed of four Representatives of each of the Members, of whom two shall be Government Delegates and the two others shall be Delegates representing respectively the employers and the workpeople of each of the Members.

Each Delegate may be accompanied by advisers, who shall not exceed two in number for each item on the agenda of the meeting. When questions specially affecting women are to be considered by the Conference, one at least of the advisers should be a woman.

The Members undertake to nominate non-Government Delegates and advisers chosen in agreement with the industrial organisations, if such organisations exist, which are most representative of employers or workpeople, as the case may be, in their respective countries.

Advisers shall not speak except on a request made by the Delegate whom they accompany and by the special authorisation of the President of the Conference, and may not vote.

A Delegate may by notice in writing addressed to the President appoint one of his advisers to act as his deputy, and the adviser, while so acting, shall be allowed to speak and vote.

The names of the Delegates and their advisers will be communicated to the International Labour Office by the Government of each of the Members.

The credentials of Delegates and their advisers shall be subject to scrutiny by the Conference, which may, by two-thirds of the votes cast by the Delegates present, refuse to admit any Delegate or adviser whom it deems not to have been nominated in accordance with this Article.

Article 335.

Every Delegate shall be entitled to vote individually on all matters which are taken into consideration by the Conference.

If one of the Members fails to nominate one of the non-Government Delegates whom it is entitled to nominate, the other non-Government Delegate shall be allowed to sit and speak at the Conference, but not to vote.

If in accordance with Article 334 the Conference refuses admission to a Delegate of one of the Members, the provisions of the present Article shall apply as if that Delegate had not been nominated.

Article 336.

The meetings of the Conference shall be held at the seat of the League of Nations, or at such other place as may be decided by the Conference at a previous meeting by two-thirds of the votes cast by the Delegates present.

Article 337.

The International Labour Office shall be established at the seat of the League of Nations as part of the organisation of the League.

Article 338.

The International Labour Office shall be under the control of a Governing Body consisting of twenty-four persons, appointed in accordance with the following provisions:

The Governing Body of the International Labour Office shall be constituted as follows:—

Twelve persons representing the Governments;

Six persons elected by the Delegates to the Conference representing the employers;

Six persons elected by the Delegates to the Conference representing the workers.

Of the twelve persons representing the Governments eight shall be nominated by the Members which are of the chief industrial importance, and four shall be nominated by the Members selected for the purpose by the Government Delegates to

the Conference, excluding the Delegates of the eight Members mentioned above.

Any question as to which are the Members of the chief industrial importance shall be decided by the Council of the League of Nations.

The period of office of the Members of the Governing Body will be three years. The method of filling vacancies and other similar questions may be determined by the Governing Body subject to the approval of the Conference.

The Governing Body shall, from time to time, elect one of its members to act as its Chairman, shall regulate its own procedure and shall fix its own times of meeting. A special meeting shall be held if a written request to that effect is made by at least ten members of the Governing Body.

Article 339.

There shall be a Director of the International Labour Office, who shall be appointed by the Governing Body, and, subject to the instructions of the Governing Body, shall be responsible for the efficient conduct of the International Labour Office and for such other duties as may be assigned to him.

The Director or his deputy shall attend all meetings of the Governing Body.

Article 340.

The staff of the International Labour Office shall be appointed by the Director, who shall, so far as is possible with due regard to the efficiency of the work of the Office, select persons of different nationalities. A certain number of these persons shall be women.

Article 341.

The functions of the International Labour Office shall include the collection and distribution of information on all subjects relating to the international adjustment of conditions of industrial life and labour, and particularly the examination of subjects which it is proposed to bring before the Conference with a view to the conclusion of international conventions, and the conduct of such special investigations as may be ordered by the Conference.

It will prepare the agenda for the meetings of the Conference.

It will carry out the duties required of it by the provisions of this Part of the present Treaty in connection with international disputes.

It will edit and publish in French and English, and in such other languages as the Governing Body may think desirable, a periodical paper dealing with problems of industry and employment of international interest.

Generally, in addition to the functions set out in this Article, it shall have such other powers and duties as may be assigned to it by the Conference.

Article 342.

The Government Departments of any of the Members which deal with questions of industry and employment may communicate directly with the Director through the Representative of their Government on the Governing Body of the International Labour Office, or failing any such Representative, through such other qualified official as the Government may nominate for the purpose.

Article 343.

The International Labour Office shall be entitled to the assistance of the Secretary-General of the League of Nations in any matter in which it can be given.

Article 344.

Each of the Members will pay the travelling and subsistence expenses of its Delegates and their advisers and of its Representatives attending the meetings of the Conference or Governing Body, as the case may be.

All the other expenses of the International Labour Office and of the meetings of the Conference or Governing Body shall be paid to the Director by the Secretary-General of the League of Nations out of the general funds of the League.

The Director shall be responsible to the Secretary-General of the League for the proper expenditure of all moneys paid to him in pursuance of this Article.

CHAPTER II.

PROCEDURE.

Article 345.

The agenda for all meetings of the Conference will be settled by the Governing Body, who shall consider any suggestion as to the agenda that may be made by the Government of any of the Members or by any representative organisation recognised for the purpose of Article 334.

Article 346.

The Director shall act as the Secretary of the Conference, and shall transmit the agenda so as to reach the Members four months before the meeting of the Conference, and, through them, the non-Government Delegates when appointed.

Article 347.

Any of the Governments of the Members may formally object to the inclusion of any item or items in the agenda. The grounds for such objection shall be set forth in a reasoned statement addressed to the Director, who shall circulate it to all the Members of the Permanent Organisation.

Items to which such objection has been made shall not, however, be excluded from the agenda, if at the Conference a majority of two-thirds of the votes cast by the Delegates present is in favour of considering them.

If the Conference decides (otherwise than under the preceding paragraph) by two-thirds of the votes cast by the Delegates present that any subject shall be considered by the Conference, that subject shall be included in the agenda for the following meeting.

Article 348.

The Conference shall regulate its own procedure, shall elect its own President, and may appoint committees to consider and report on any matter.

Except as otherwise expressly provided in this Part of the present Treaty, all matters shall be decided by a simple majority of the votes cast by the Delegates present.

The voting is void unless the total number of votes cast is equal to half the number of the Delegates attending the Conference.

Article 349.

The Conference may add to any committees which it appoints technical experts, who shall be assessors without power to vote.

Article 350.

When the Conference has decided on the adoption of proposals with regard to an item in the agenda, it will rest with the Conference to determine whether these proposals should take the form: (*a*) of a recommendation to be submitted to the Members for consideration with a view to effect being given to it by national legislation or otherwise, or (*b*) of a draft international convention for ratification by the Members.

In either case a majority of two-thirds of the votes cast by the Delegates present shall be necessary on the final vote for the adoption of the recommendation or draft convention, as the case may be, by the Conference.

In framing any recommendation or draft convention of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organization or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

A copy of the recommendation or draft convention shall be authenticated by the signature of the President of the Conference and of the Director and shall be deposited with the Secretary-General of the League of Nations. The Secretary-General will communicate a certified copy of the recommendation or draft convention to each of the Members.

Each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than eighteen months from the closing of the session of the Conference, bring the recommendation or draft convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action.

In the case of a recommendation, the Members will inform the Secretary-General of the action taken.

In the case of a draft convention, the Member will, if it obtains the consent of the authority or authorities within whose competence the matter lies, communicate the formal ratification of the convention to the Secretary-General and will take such action as may be necessary to make effective the provisions of such convention.

If on a recommendation no legislative or other action is taken to make a recommendation effective, or if the draft convention fails to obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member.

In the case of a federal State, the power of which to enter into conventions on labour matters is subject to limitations, it shall be in the discretion of that Government to treat a draft convention to which such limitations apply as a recommendation only, and the provisions of this Article with respect to recommendations shall apply in such case.

The above Article shall be interpreted in accordance with the following principle:

In no case shall any Member be asked or required, as a result of the adoption of any recommendation or draft convention by the Conference, to lessen the protection afforded by its existing legislation to the workers concerned.

Article 351.

Any convention so ratified shall be registered by the Secretary-General of the League of Nations, but shall only be binding upon the Members which ratify it.

Article 352.

If any convention coming before the Conference for final consideration fails to secure the support of two-thirds of the votes cast by the Delegates present, it shall nevertheless be within the right of any of the Members of the Permanent Organisation to agree to such convention among themselves.

Any convention so agreed to shall be communicated by the Governments concerned to the Secretary-General of the League of Nations, who shall register it.

Article 353.

Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request. The Director shall lay a summary of these reports before the next meeting of the Conference.

Article 354.

In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any convention to which it is a party, the Governing Body may communicate this representation to the Government against which it is made and may invite that Government to make such statement on the subject as it may think fit.

Article 355.

If no statement is received within a reasonable time from the Government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

Article 356.

Any of the Members shall have the right to file a complaint with the International Labour Office if it is not satisfied that any other Member is securing the effective observance of any convention which both have ratified in accordance with the foregoing Articles.

The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Enquiry, as hereinafter provided for, communicate with the Government in question in the manner described in Article 354.

If the Governing Body does not think it necessary to communicate the complaint to the Government in question, or if, when they have made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may apply for the appointment of a Commission of Enquiry to consider the complaint and to report thereon.

The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a Delegate to the Conference.

When any matter arising out of Articles 355 or 356 is being considered by the Governing Body, the Government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the Government in question.

Article 357.

The Commission of Enquiry shall be constituted in accordance with the following provisions:

Each of the Members agrees to nominate within six months of the date on which the present Treaty comes into force three persons of industrial experience, of whom one shall be a representative of employers, one a representative of workers, and one a person of independent standing, who shall together form a panel from which the Members of the Commission of Enquiry shall be drawn.

The qualifications of the persons so nominated shall be subject to scrutiny by the Governing Body, which may by two-thirds of the votes cast by the representatives present refuse to accept the nomination of any person whose qualifications do not in its opinion comply with the requirements of the present Article.

Upon the application of the Governing Body, the Secretary-General of the League of Nations shall nominate three persons, one from each section of this panel, to constitute the Commission of Enquiry, and shall designate one of them as the President of the Commission. None of these three persons shall be a person nominated to the panel by any Member directly concerned in the complaint.

Article 358.

The Members agree that, in the event of the reference of a complaint to a Commission of Enquiry under Article 356, they will each, whether directly concerned in the complaint or not, place at the disposal of the Commission all the information in their possession which bears upon the subject-matter of the complaint.

Article 359.

When the Commission of Enquiry has fully considered the complaint, it shall prepare a report embodying its findings on all questions of fact relevant to determining the issue between the parties and containing such recommendations as it may think proper as to the steps which should be taken to meet the complaint and the time within which they should be taken.

It shall also indicate in this report the measures, if any, of an economic character against a defaulting Government which it considers to be appropriate, and which it considers other Governments would be justified in adopting.

Article 360.

The Secretary-General of the League of Nations shall communicate the report of the Commission of Enquiry to each of the Governments concerned in the complaint, and shall cause it to be published.

Each of these Governments shall within one month inform the Secretary-General of the League of Nations whether or not it accepts the recommendations contained in the report of the Commission; and if not, whether it proposes to refer the complaint to the Permanent Court of International Justice of the League of Nations.

Article 361.

In the event of any Member failing to take the action required by Article 350, with regard to a recommendation or draft Convention, any other Member shall be entitled to refer the matter to the Permanent Court of International Justice.

Article 362.

The decision of the Permanent Court of International Justice in regard to a complaint or matter which has been referred to it in pursuance of Article 360 or Article 361 shall be final.

Article 363.

The Permanent Court of International Justice may affirm, vary or reverse any of the findings or recommendations of the Commission of Enquiry, if any, and shall in its decision indicate the measures, if any, of an economic character which it considers to be appropriate, and which other Governments would be justified in adopting against a defaulting Government.

Article 364.

In the event of any Member failing to carry out within the time specified the recommendations, if any, contained in the report of the Commission of Enquiry, or in the decision of the Permanent Court of International Justice, as the case may be, any other Member may take against that Member the measures of an economic character indicated in the report of the Commission or in the decision of the Court as appropriate to the case.

Article 365.

The defaulting Government may at any time inform the Governing Body that it has taken the steps necessary to comply with the recommendations of the Commission of Enquiry or with those in the decision of the Permanent Court of International Justice, as the case may be, and may request it to apply to the Secretary-General of the League to constitute a Commission of Enquiry to verify its contention. In this case the provisions of Articles 357, 358, 359, 360, 362 and 363 shall apply, and if the report of the Commission of Enquiry or the decision of the Permanent Court of International Justice is in favour of the defaulting Government, the other Governments shall forthwith discontinue the measures of an economic character that they have taken against the defaultnig Government.

CHAPTER III.

GENERAL.

Article 366.

The Members engage to apply conventions which they have ratified in accordance with the provisions of this Part of the present Treaty to their colonies, protectorates and possessions which are not fully self-governing:

(1) Except where owing to the local conditions the convention is inapplicable, or

(2) Subject to such modifications as may be necessary to adapt the convention to local conditions.

And each of the Members shall notify to the International Labour Office the action taken in respect of each of its colonies, protectorates and possessions which are not fully self-governing.

Article 367.

Amendments to this Part of the present Treaty which are adopted by the Conference by a majority of two-thirds of the votes cast by the Delegates present shall take effect when ratified by the States whose representatives compose the Council of the League of Nations and by three-fourths of the Members.

Article 368.

Any question or dispute relating to the interpretation of this Part of the present Treaty or of any subsequent convention concluded by the Members in pursuance of the provisions of this Part of the present Treaty shall be referred for decision to the Permanent Court of International Justice.

CHAPTER IV.

TRANSITORY PROVISIONS.

Article 369.

The first meeting of the Conference shall take place in October, 1919. The place and agenda for this meeting shall be as specified in the Annex hereto.

Arrangements for the convening and the organisation of the first meeting of the Conference will be made by the Government designated for the purpose in the said Annex. That Government shall be assisted in the preparation of the documents for submission to the Conference by an International Committee constituted as provided in the said Annex.

The expenses of the first meeting and of all subsequent meetings held before the League of Nations has been able to establish a general fund, other than the expenses of Delegates and their advisers, will be borne by the Members in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

Article 370.

Until the League of Nations has been constituted all communications which under the provisions of the foregoing Articles should be addressed to the Secretary-General of the League will be preserved by the Director of the International Labour Office, who will transmit them to the Secretary-General of the League.

Article 371.

Pending the creation of a Permanent Court of International Justice, disputes which in accordance with this Part of the present Treaty would be submitted to it for decision will be referred to a tribunal of three persons appointed by the Council of the League of Nations.

ANNEX.

FIRST MEETING OF ANNUAL LABOUR CONFERENCE, 1919.

The place of meeting will be Washington.

The Government of the United States of America is requested to convene the Conference.

The International Organising Committee will consist of seven Members, appointed by the United States of America, Great Britain, France, Italy, Japan, Belgium and Switzerland. The Committee may, if it thinks necessary, invite other Members to appoint representatives.

Agenda:

(1) Application of principle of the 8-hours day or of the 48-hours week.

(2) Question of preventing or providing against unemployment.

(3) Women's employment:

(*a*) Before and after child-birth, including the question of maternity benefit;

(*b*) During the night;

(*c*) In unhealthy processes.

(4) Employment of children:

(*a*) Minimum age of employment;

(*b*) During the night;

(*c*) In unhealthy processes.

(5) Extension and application of the International Conventions adopted at Berne in 1906 on the prohibition of night work for women employed in industry and the prohibition of the use of white phosphorus in the manufacture of matches.

Section II.

GENERAL PRINCIPLES.

Article 372.

The High Contracting Parties, recognising that the well-being, physical, moral and intellectual, of industrial wage-earners is of supreme international importance, have framed, in order to further this great end, the permanent machinery provided for in Section I and associated with that of the League of Nations.

They recognise that differences of climate, habits and customs, of economic opportunity and industrial tradition, make strict uniformity in the conditions of labour difficult of immediate attainment. But, holding as they do, that labour should not be regarded merely as an article of commerce, they think that there are methods and principles for regulating labour conditions which all industrial communities should endeavour to apply, so far as their special circumstances will permit.

Among these methods and principles, the following seem to the High Contracting Parties to be of special and urgent importance:

First.—The guiding principle above enunciated that labour should not be regarded merely as a commodity or article of commerce.

Second.—The right of association for all lawful purposes by the employed as well as by the employers.

Third.—The payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country.

Fourth.—The adoption of an eight-hours day or a forty-eight-hours week as the standard to be aimed at where it has not already been attained.

Fifth.—The adoption of a weekly rest of at least twenty-four hours, which should include Sunday wherever practicable.

Sixth.—The abolition of child labour and the imposition of such limitations on the labour of young persons as shall permit the continuation of their education and assure their proper physical development.

Seventh.—The principle that men and women should receive equal remuneration for work of equal value.

Eighth.—The standard set by law in each country with respect to the conditions of labour should have due regard to the equitable economic treatment of all workers lawfully resident therein.

Ninth.—Each State should make provision for a system of inspection in which women should take part, in order to ensure the enforcement of the laws and regulations for the protection of the employed.

Without claiming that these methods and principles are either complete or final, the High Contracting Parties are of opinion that they are well fitted to guide the policy of the League of Nations; and that, if adopted by the industrial communities who are members of the League, and safeguarded in practice by an adequate system of such inspection, they will confer lasting benefits upon the wage-earners of the world.

PART XIV.

MISCELLANEOUS PROVISIONS.

Article 373.

Austria undertakes to recognize and to accept the conventions made or to be made by the Allied and Associated Powers or any of them with any other Power as to the traffic in arms and in spirituous liquors, and also as to the other subjects dealt with in the General Acts of Berlin of February 26, 1885, and of Brussels of July 2, 1890, and the conventions completing or modifying the same.

Article 374.

The High Contracting Parties declare and place on record that they have taken note of the Treaty signed by the Government of the French Republic on July 17, 1918, with His Serene Highness the Prince of Monaco defining the relations between France and the Principality.

Article 375.

The High Contracting Parties, while they recognize the guarantees stipulated by the Treaties of 1815, and especially by the Act of November 20, 1815, in favour of Switzerland, the said guarantees constituting international obligations for the maintenance of peace, declare nevertheless that the provisions of these treaties, conventions, declarations and other supplementary Acts concerning the neutralized zone of Savoy, as laid down in paragraph 1 of Article 92 of the Final Act of the Congress of Vienna and in paragraph 2 of Article 3 of the Treaty of Paris of November 20, 1815, are no longer consistent with present conditions. For this reason the High Contracting Parties take note of the agreement reached between the French Government and the Swiss Government for the abrogation of the stipulations relating to this zone which are and remain abrogated.

The High Contracting Parties also agree that the stipulations of the Treaties of 1815 and of the other supplementary Acts concerning the free zones of Upper Savoy and the Gex district are no longer consistent with present conditions, and that it is for France and Switzerland to come to an agreement together

with a view to settling between themselves the status of these territories under such conditions as shall be considered suitable by both countries.

ANNEX.

I.

The Swiss Federal Council has informed the French Government on May 5, 1919, that after examining the provisions of Article 435 of the Peace conditions presented to Germany by the Allied and Associated Powers in a like spirit of sincere friendship it has happily reached the conclusion that it was possible to acquiesce in it under the following conditions and reservations:

(1) The neutralized zone of Haute-Savoie:

(*a*) It will be understood that as long as the Federal Chambers have not ratified the agreement come to between the two Governments concerning the abrogation of the stipulations in respect of the neutralized zone of Savoy, nothing will be definitively settled, on one side or the other, in regard to this subject.

(*b*) The assent given by the Swiss Government to the abrogation of the above mentioned stipulations presupposes, in conformity with the text adopted, the recognition of the guarantees formulated in favour of Switzerland by the Treaties of 1815 and particularly by the Declaration of November 20, 1815.

(*c*) The agreement between the Governments of France and Switzerland for the abrogation of the above mentioned stipulations will only be considered as valid if the Treaty of Peace contains this Article in its present wording. In addition the Parties to the Treaty of Peace should endeavour to obtain the assent of the signatory Powers of the Treaties of 1815 and of the Declaration of November 20, 1815, which are not signatories of the present Treaty of Peace.

(2) Free zone of Haute-Savoie and the district of Gex:

(*a*) The Federal Council makes the most express reservations to the interpretation to be given to the statement mentioned in the last paragraph of the above Article for insertion in the Treaty of Peace, which provides that "the stipulations of the Treaties of 1815 and other supplementary acts concerning the free zones of Haute-Savoie and the Gex district are no longer consistent with present conditions." The Federal Council would not wish that its acceptance of the above wording should lead to the conclusion that it would agree to the suppression of a system intended to give neighbouring territory the benefit of a special régime which is appropriate to the geographical and economical situation and which has been well tested.

In the opinion of the Federal Council the question is not the modification of the customs system of the zones as set up by the Treaties mentioned above, but only the regulation in a manner more appropriate to the economic conditions of the present day of the terms of the exchange of goods between the regions in question. The Federal Council has been led to make the preceding observations by the perusal of the draft Convention concerning the future constitution of the zones which was annexed to the note of April 26 from the French Government. While making the above reservations the Federal Council declares its readiness to examine in the most friendly spirit any proposals which the French Government may deem it convenient to make on the subject.

(*b*) It is conceded that the stipulations of the Treaties of 1815 and other supplementary acts relative to the free zones will remain in force until a new arrangement is come to between France and Switzerland to regulate matters in this territory.

II.

The French Government have addressed to the Swiss Government, on May 18, 1919, the following note in reply to the communication set out in the preceding paragraph:

In a note dated May 5 the Swiss Legation in Paris was good enough to inform the Government of the French Republic that the Federal Government adhered to the proposed Article to be inserted in the Treaty of Peace between the Allied and Associated Governments and Germany.

The French Government have taken note with much pleasure of the agreement thus reached, and, at their request, the proposed Article, which had been accepted by the Allied and Associated Governments, has been inserted under No. 435 in the Peace conditions presented to the German Plenipotentiaries.

The Swiss Government, in their note of May 5 on this subject, have expressed various views and reservations.

Concerning the observations relating to the free zones of Haute-Savoie and the Gex district, the French Government have the honour to observe that the provisions of the last paragraph of Article 435 are so clear that their purport cannot be misapprehended, especially where it implies that no other Power but France and Switzerland will in future be interested in that question.

The French Government, on their part, are anxious to protect the interests of the French territories concerned, and, with that object, having their special situation in view, they bear in mind the desirability of assuring them a suitable customs régime and determining, in a manner better suited to present conditions, the methods of exchanges between these territories and the adjacent Swiss territories, while taking into account the reciprocal interests of both regions.

It is understood that this must in no way prejudice the right of France to adjust her customs line in this region in conformity with her political frontier, as is done on the other portions of her territorial boundaries, and as was done by Switzerland long ago on her own boundaries in this region.

The French Government are pleased to note on this subject in what a friendly disposition the Swiss Government take this opportunity of declaring their willingness to consider any French proposal dealing with the system to be substituted for the present régime of the said free zones, which the French Government intend to formulate in the same friendly spirit.

Moreover, the French Government have no doubt that the provisional maintenance of the régime of 1815 as to the free zones referred to in the above mentioned paragraph of the note from the Swiss Legation of May 5, whose object is to provide for the passage from the present régime to the conventional régime, will cause no delay whatsoever in the establishment of the new situation which has been found necessary by the two Governments. This remark applies also to the ratification by the Federal Chambers, dealt with in paragraph 1 (*a*), of the Swiss note of May 5, under the heading "Neutralized zone of Haute-Savoie."

Article 376.

The Allied and Associated Powers agree that where Christian religious missions were being maintained by Austrian societies or persons in territory belonging to them, or of which the government is entrusted to them in accordance with the present Treaty, the property which these missions or missionary societies possessed, including that of trading societies whose profits were devoted to the support of missions, shall continue to be devoted to missionary purposes. In order to ensure the due execution of this undertaking the Allied and Associated Governments will hand over such property to boards of trustees appointed by or approved by the Governments and composed of persons holding the faith of the Mission whose property is involved.

The Allied and Associated Governments, while continuing to maintain full control as to the individuals by whom the Missions are conducted, will safeguard the interests of such Missions.

Austria, taking note of the above undertaking, agrees to accept all arrangements made or to be made by the Allied or Associated Government concerned for carrying on the work of the said missions or trading societies and waives all claims on their behalf.

Article 377.

Without prejudice to the provisions of the present Treaty, Austria undertakes not to put forward directly or indirectly against any Allied or Associated Power, signatory of the present Treaty, any pecuniary claim based on events which occurred at any time before the coming into force of the present Treaty.

The present stipulation will bar completely and finally all claims of this nature, which will be thenceforward extinguished, whoever may be the parties in interest.

Article 378.

Austria accepts and recognises as valid and binding all decrees and orders concerning Austro-Hungarian ships and Austrian goods and all orders relating to the payment of costs made by any Prize Court of any of the Allied or Associated Powers, and undertakes not to put forward any claim arising out of such decrees or orders on behalf of any Austrian national.

The Allied and Associated Powers reserve the right to examine in such manner as they may determine all decisions and orders of Austro-Hungarian Prize Courts, whether affecting the property rights of nationals of those Powers or of neutral Powers. Austria agrees to furnish copies of all the documents constituting the record of the cases, including the decisions and orders made, and to accept and give effect to the recommendations made after such examination of the cases.

Article 379.

The High Contracting Parties agree that, in the absence of a subsequent agreement to the contrary, the Chairman of any Commission established by the present Treaty shall in the event of an equality of votes be entitled to a second vote.

Article 380.

Except where otherwise provided in the present Treaty, in all cases where the Treaty provides for the settlement of a question affecting particularly certain States by means of a

special Convention to be concluded between the States concerned, it is understood by the High Contracting Parties that difficulties arising in this connection shall, until Austria is admitted to membership of the League of Nations, be settled by the Principal Allied and Associted Powers.

Article 381.

In the present Treaty the expression "former Austrian Empire" includes Bosnia and Herzegovina except where the text implies the contrary. This provision shall not prejudice the rights and obligations of Hungary in such territory.

The present Treaty, in French, in English, and in Italian, shall be ratified. In case of divergence the French text shall prevail, except in Parts I (Covenant of the League of Nations) and XIII (Labour), where the French and English texts shall be of equal force.

The deposit of ratifications shall be made at Paris as soon as possible.

Powers of which the seat of the Government is outside Europe will be entitled merely to inform the Government of the French Republic through their diplomatic representative at Paris that their ratification has been given; in that case they must transmit the instrument of ratification as soon as possible.

A first procès-verbal of the deposit of ratifications will be drawn up as soon as the Treaty has been ratified by Austria on the one hand, and by three of the Principal Allied and Associated Powers on the other hand.

From the date of this first procès-verbal the Treaty will come into force between the High Contracting Parties who have ratified it. For the determination of all periods of time provided for in the present Treaty this date will be the date of the coming into force of the Treaty.

In all other respects the Treaty will enter into force for each Power at the date of the deposit of its ratification.

The French Government will transmit to all the signatory Powers a certified copy of the procès-verbaux of the deposit of ratifications.

In faith whereof the above-named Plenipotentiaries have signed the present Treaty.

Done at , the day of , one thousand nine hundred and nineteen, in a single copy which will remain deposited in the archives of the French Republic, and of which authenticated copies will be transmitted to each of the Signatory Powers.

TREATY OF PEACE WITH GERMANY AND THE LEAGUE OF NATIONS.

The Senate resumed the consideration of the treaty of peace with Germany.

The PRESIDENT pro tempore. The Secretary will proceed to read the treaty with Germany.

Mr. LODGE. Mr. President, I do not know whether anyone is ready to go on this afternoon. A number of Senators have notified me that they desire to speak before the reading of the treaty is begun, but I do not know that any Senator desires to speak at this time.

Mr. CURTIS. I think some of the Senators who desired to speak left the Senate because they thought the Austrian treaty would be read after the Senator from New Mexico [Mr. JONES] concluded his speech.

Mr. OVERMAN. Mr. President, I gave notice that I would speak to-morrow morning, because I thought the time would be taken up this afternoon with the reading of the Austrian treaty. As it was ordered printed in the RECORD without being read, I will change the notice and begin my speech right now.

Mr. President, I desire to discuss the treaty. My position on it was well known. I have made several speeches in favor of the treaty in my own State, but it seems that some of the metropolitan papers have misunderstood my position, and therefore I desire to state my position, and to make a speech for the treaty.

Mr. President, from far across the seas, from a foreign land, amidst pæans of praise and songs of triumph, our brave soldier boys have returned to their dear old homeland crowned with a glorious victory upon the battle field. They whipped the Germans to a standstill—a victory of arms—an armistice and a cessation of hostilities. But the victory of this most stupendous and most horrible of all wars is not yet complete, and will not be complete until all they fought and died for is settled and settled for humanity, for justice, liberty, freedom, a world democracy, and for universal and international peace. It will not be settled and completed until the league of nations, the covenant of peace for the nations of the world, is ratified. Until this is done there can be no peace, but unrest, revolution, starvation, and anarchy will stalk up and down the world, bringing in their wake destruction of nations, social disorder, wretchedness, and, finally, the extermination of the races of men.

Since the days of the lowly Nazarene coming out of the wilderness proclaiming peace on earth and good will to men, for more than 2,000 years, after experiencing the horrors of war, the fathers have dreamed and prayed that wars would cease in all the earth, and the time would come when the sword shall be beaten into the plowshare and the spear into the pruning hook, and war shall be no more.

Our country for years and years attempted to negotiate treaties of peace. This has been the announced policy. It was attempted during the McKinley, the Roosevelt, and Taft administrations, and during the first term of President Wilson's administration—peace with armament, peace without armament, the Bryan treaties, peace through The Hague convention. We have had the Hay treaties, the Root treaties, and the Knox treaties. All this has been of no avail, and it has been followed by the greatest of wars.

The question of the peace of the world is still unsettled. Now, the greatest opportunity for a world peace is here—at this time, when a great part of the world's surface is drenched with blood and tears; when millions of men lie dead and buried in the shell-torn fields of France and other lands, when millions of widows and fatherless children are crying out in their distress and can not be comforted and see no hope for the future, when millions of men who have survived walk about in a dazed condition, almost without hope for the future, when the nations of the earth are so burdened with debt that bankruptcy is staring them in the face—at such a time the great opportunity has arrived "to stop, look, and listen," to endeavor to secure peace, to restore order, preserve society, and provide domestic tranquillity, and to inspire the breasts of suffering humanity with hope for a new and better order of things, out of which shall come democracy, freedom, and liberty to the individual citizen, higher civilization, and a government in all lands such as we have by the consent of the governed.

I have read the treaty, heard it discussed, studied it, and thought over it, and have determined it is my duty to support its ratification to meet the great responsibility resting upon us and aid in the completion of the victory for which our boys fought and died.

Shall we in this country, who for years have advocated peace among all nations, stand in the way of its ratification? Shall we refuse to accept that which we have advocated and prayed for, that which we proclaimed to the world was our purpose? In this great crisis shall we admit that all our professions and promises have been mere pretense and camouflage, and thus have our country looked upon with contempt, when the fact is that treaty practically contains all the provisions of the several treaties for peace which we have negotiated in the past, such as reduction of armament, arbitration, cooling time, high international court for trial of justiciable questions, and other remedies?

Mr. President, one of the greatest events in the world's history was when our great Commander in Chief, the President of the United States, appeared on the 2d day of April, 1917, before a joint session of the Senate and the House of Representatives and delivered his great war message. After reciting the hostile acts of the Imperial German Government against our country, among other things he said:

> While we do these things, these deeply momentous things, let us be very clear and make very clear to all the world what our motives and our objects are. My own thought has not been driven from its habitual and normal course by the unhappy events of the last two months, and I do not believe that the thought of the Nation has been altered or clouded by them. I have exactly the same things in mind now that I had in mind when I addressed the Senate on the 22d of January last, the same that I had in mind when I addressed the Congress on the 3d of February and on the 26th of February. Our object now, as then, is to vindicate the principles of peace and justice in the life of the world as against selfish and autocratic power and to set up amongst the really free and self-governed peoples of the world such a concert of purpose and of action as will henceforth insure the observance of those principles. Neutrality is no longer feasible or desirable where the peace of the world and the freedom of its peoples is involved, and the menace of that peace and freedom lies in the existence of autocratic governments backed by organized force which is controlled wholly by their will, not by the will of their people. We have seen the last of neutrality in such circumstances. We are at the beginning of an age in which it will be insisted that the same standards of conduct and of responsibility for wrong done shall be observed among nations and their governments that are observed among the individual citizens of civilized States.
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> We are now about to accept gauge of battle with this natural foe to liberty and shall, if necessary, spend the whole force of the Nation to check and nullify its pretensions and its power. We are glad, now that we see the facts with no veil of false pretense about them, to fight thus for the ultimate peace of the world and for the liberation of its peoples, the German peoples included, for the rights of nations, great and small, and the privilege of men everywhere to choose their way of life and of obedience. The world must be made safe for democracy. Its peace must be planted upon the tested foundations of political liberty. We have no selfish ends to serve. We desire no conquest, no dominion. We seek no indemnities for ourselves, no material compensation for the sacrifices we shall freely make. We are but one of the champions of the rights

of mankind. We shall be satisfied when those rights have been made as secure as the faith and the freedom of nations can make them.

It is a fearful thing to lead this great peaceful people into war—into the most terrible and disastrous of all wars. Civilization itself seems to be in the balance. But the right is more precious than peace, and we shall fight for the things which we have always carried nearest our hearts—for democracy, for the right of those who submit to authority to have a voice in their own governments, for the right and the liberties of small nations, for a universal dominion of right by such concert of free peoples as shall bring peace and safety to all nations and to make the world itself at last free. To such a task we can dedicate our lives and our fortunes, everything that we are and everything that we have, with the pride of those who know that the day has come when America is privileged to spill her blood and her might for the principles that gave her birth and happiness and the peace which she has treasured. God helping her, she can do no other.

Soon after the delivery of this wonderful message each House returned to its Chamber, and four days later, to wit, on the 6th day of April, declared war against Germany, without a dissenting voice and without protest from any Senator or Member of the House of Representatives against the principles announced in the message and as to our purposes in going to war.

Then and there the keynote as to the purposes of the war was sounded by our great President, which rang all around the world, thrilling the hearts of the people in every warring country and inspiring them with new hope and new aspirations that a new order of things would come about, and peace would finally reign and men should be free.

This was the slogan which was sounded upon every stump, in every pulpit, and upon every platform in this broad land; in meetings held for the sale of Liberty bonds, thrift stamps, for the raising of funds for the Red Cross, Young Men's Christian Association, Salvation Army, and other war purposes.

All the people were made to understand the purposes of the war, and they rallied to the cause as they never had before. It was not our purpose to send our soldiers to a foreign land simply and for the only purpose of aiding the Allies in whipping Germany, because Germany made war on us, but also it was for a higher and nobler purpose—to fight for justice, humanity, liberty, freedom, and the future peace of the world. This was the slogan and eloquent sentiment which thrilled the hearts of our people, stirred their patriotism, and caused them to open their purse strings and to subscribe more liberally and more generously than anyone ever dreamed they would do. It caused every true American, with the greatest enthusiasm, to do his utmost to help win the war, and the good women of our land to take upon themselves great burdens and make every sacrifice in order to be of help and comfort. Democracy and peace were the great watchwords which stirred the very souls of our people and aroused them to the noblest, most patriotic, and most glorious activities.

Shall it all go for nothing? Shall all the blood shed and the treasure expended go simply to have helped the Allies whip Germany? Shall our boys have suffered and died in a foreign land for this purpose only? No; the victory won on the battle field must extend further than that. The people of this country demand that this treaty be ratified in order to complete the victory and establish in all the world the principles for which we fought, as announced by the President in his celebrated message.

We are told on the other side of this Chamber that this is all altruism and idealism. Mr. President, that is what the Tories and English stated in 1776, when in our Declaration of Independence we declared that all men are created equal and that they are endowed by their Creator with certain inalienable rights, and that among these are life, liberty, and the pursuit of happiness, and that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

If it is idealism and altruism to lift the people of the world to a higher plane of civilization, to give righteousness and justice, and to aid governments which derive their just powers from the consent of the governed—a government of the people, by the people, and for the people—to promote peace in the world, then I am an altruist and idealist.

The keynote which was sounded by the President of the United States was echoed and reechoed by leaders of men and the great statesmen in all the countries at war with Germany.

Mr. David Lloyd-George caught it up and spoke as follows:

> The world will then be able, when this war is over, to attend to its business in peace. There will be no war or rumor of war to disturb and to distract. We can build up, we can reconstruct, we can till, we can cultivate and enrich, and the burden and terror and waste of war will have gone. The best security for peace will be that nations band themselves together to punish the peace breaker.

Mr. Balfour said:

> Here we come face to face with the great problem which lies behind all the changing aspects of this tremendous war. When it is brought to an end, how is civilized mankind so to reorganize itself that similar catastrophes shall not be permitted to recur? * * * Surely even now it is fairly clear that if substantial progress is to be made toward securing the peace of the world and a free development of its constituent nations, the United States of America and the British Empire should explicitly recognize, what all instinctively know, that on these great subjects they share a common ideal. * * * If in our time any substantial effort is to be made toward securing the permanent triumph of the Anglo-Saxon ideal, the great communities which accept it must work together.

Lord Northcliffe said:

> A close federation of the nations now fighting the good fight will be the only insurance against the autocracy that made this war possible and the horrors that the armies of the autocrat perpetrated on innocent noncombatants. The world must be made free for democracy.

Premier Viviani, the great French orator, soon after the President had delivered his great message, said:

> And now we see all America rise and sharpen her weapons in the midst of peace for the common struggle. Together we will carry on that struggle; and when by force we have at last imposed military victory our labors will not be concluded. Our task will be—I quote the noble words of President Wilson—to organize the society of nations. After material victory we will win this moral victory. We will shatter the ponderous sword of militarism; we will establish guaranties for peace.

If I had the time I could go on and give the sentiments expressed by other great world statesmen who uttered similar statements, but I give only those few extracts to show that the whole world has reechoed the sentiment of the President and was inspired with a new hope that after the victory should come to our armies the purpose for which we went to war should be realized through a league of nations in order to complete the victory.

Should we refuse to ratify the league of nations undoubtedly the nations of Europe would be in despair. The possibility is that there would be revolutions, social conflicts, and great upheavals, which would be worse even than the horrible war itself.

Here I desire to read a statement made by Mr. Venizelos, the great premier of Greece, probably the greatest statesman of them all:

> I permit myself to say that the outlook in Europe would be one of utter despair without the league of nations. * * * We shall have in future either a sincere effort to prevent war under the league of nations or we shall be menaced by internal crises and civil wars. If our democracies see coming before them the possibility of our great wars, the result will be a social conflict and upheaval that may be worse than the international war itself. * * *
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> The basis of the whole peace is the league of nations, and the covenant and the other terms are inextricably bound together. It therefore is not possible to separate the covenant from the rest of the treaty terms. If this were attempted by the legislative authorities in America and there was failure to ratify the terms as a whole, Germany would say—and truly say—that the treaty was not sanctioned by one of the parties, and she would proceed to evade its provisions. I allow myself to say that opposition in America arises in large measure, if not wholly, from a misinterpretation of the significancies of the clauses of the covenant and the lack of full understanding of the extent to which the treaty depends on the covenant for the working out of the terms. * * *
>
> Perhaps we have not been very happy in wording this (Monroe doctrine) provision, but I am sure I speak for everyone. Nobody had any thought of interfering with the Monroe doctrine.
>
> I finish by saying I fear that America has not yet an exact idea of the greatness of her position. You have taken such a position in the world that you can not ignore its responsibilities.

Mr. President, after many weary months of incessant and untiring labor, the President of the United States returned from Versailles, bringing with him this treaty, and which, as under the Constitution it is made his duty to do, he has submitted to the Senate for its advice, consent, and ratification. Mr. President, not his treaty or such a treaty as he would have it; not the treaty of Lloyd-George or Gen. Smuts; not the treaty of Clemenceau or just as he would have it; not a treaty as other members of the peace commission would have written it, but the result of the combined wisdom of all the great representatives of the many nations of the world which were represented at the peace commission, all being devoted to one single purpose—that of promoting the peace of the world and promoting happiness and justice to all mankind.

Here it has been denounced and criticized even before it was signed and agreed upon. Since the signing of the "round robin," so called, most strenuous efforts have been made to defeat it for one purpose or another. Some are absolutely opposed to any league whatever. Some are in favor of interpretations, and some in favor of reservations, mild or drastic.

I do not believe the Senate will refuse to ratify it. The American people are behind it, and, after all our promises and pledges and the prayers of our people for peace, for 50 years, we can not afford from the standpoint of honor to defeat it.

More than two-thirds of the nations of the world are now willing to join hands with us in ratifying such a league, and we can not afford to block the way of the fulfillment of that which we have advocated, hoped for, and dreamed of for years. We should at least be willing to try it. This is the first time in the world's history that we have been face to face with this great opportunity which is now offered to bring about a new

order of things for the happiness and welfare of the people of the earth.

It is easy to find fault, easy to criticize, easy to see ghosts and make evil predictions. But taking the covenant as a whole, with its 26 articles, except those which provide for organization and detail, every article contains provision looking to preserving the peace of the world. We should do as our fathers did when the great league of colonies, the Constitution of the United States, was submitted. Many disapproved, some refused to sign, some rejected, but when considered as a whole the majority, acting upon the principle stated by the great statesman, Benjamin Franklin, signed it; and momentous has been the result. We now speak of it as an inspired instrument—the greatest ever penned by mortal man. Here is what that wise old statesman, Benjamin Franklin, then a feeble old man 80 years of age, said:

I confess that there are several parts of this Constitution which I do not at present approve, but I am not sure I shall ever approve them. For, having lived long, I have experienced many instances of being obliged by better information or fuller consideration to change opinions, even on important subjects, which I once thought right but found to be otherwise. It is, therefore, the older I grow the more apt I am to doubt my own judgment and to pay more respect to the judgment of others.

I doubt, too, whether any other convention we can obtain may be able to make a better Constitution. For you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with these men all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a perfect production be expected? It therefore astonishes me, sir, to find this system approaching so near to perfection as it does, and I think it will astonish our enemies, who are waiting with confidence to hear that our councils are confounded, like those of the builders of Babel, and that our States are on the point of separation, only to meet hereafter for the purpose of cutting one another's throats. Thus I consent, sir, to this Constitution, because I expect no better and because I am not sure that it is not the best. The opinions I have had of its errors I sacrifice to the public good. I have never whispered a syllable of them abroad. Within these walls they were born and here they shall die. If every one of us in returning to our constituents were to report the objections he has had to it and endeavor to gain partisans in support of them, we might prevent its being generally received, and thereby lose all the salutary effects and great advantages resulting naturally in our favor among foreign nations as well as among ourselves from our real or apparent unanimity. * * *

On the whole, sir, I can not help expressing a wish that every member of the convention who may still have objections to it would with me, on this occasion, doubt a little of his own infallibility, and to make manifest our unanimity, put his name to this instrument.

And these should be the principles which should guide us when the final vote is taken for ratification.

As to Shantung, we can do absolutely nothing at this time. We could not remedy the wrong if we would. We could not help the situation at the peace conference, and we can not do so now either by rejecting the treaty or by amendment, reservation, or interpretation. Japan by the fortunes of war has come into possession of all the rights, title, and interest in the Shantung Peninsula which Germany surrendered to her. She has acquired it by treaty with China, also with Great Britain, France, and Italy. The time for us to protest was when Germany forced it from China 21 years ago. Instead of that we have sat silently by all these years until now, when, in order to defeat the treaty, some hold up their hands in holy horror at the great wrong inflicted upon China. We do not want to go to war with Japan, neither do we wish to make her our enemy. We can do nothing except trust in the solemn pledge made by Japan to President Wilson to turn back Shantung to China in a reasonable time.

The principal objections to the treaty by those who oppose it and favor reservation are to article 10, touching the guaranty of territorial integrity of the nations forming the league, to the Monroe doctrine and to purely domestic questions, which, as it is contended, are subject to determination by the council, and to the provision for the two years withdrawal clause. But the chief objection, and upon which the great arguments have been made in opposition to the ratification of the treaty, is article 10, which reads as follows:

The members of the league undertake to respect and preserve, as against external aggression, the territorial integrity and existing political independence of all members of the league. In case of any such aggression or in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled.

In my opinion this is the very cream and crux of the covenant, so far as the preservation of the peace of the world is concerned, for without it the treaty would have very little vitality and the real purpose of the covenant would be nullified and very little would be accomplished to carry out the purposes for which it is intended.

It is argued that the article will be productive of war—involve us in wars all over the world, and require our soldiers to be sent to foreign lands to suffer and die in wars waged for remote countries in whose welfare we have but little interest. This article has no such terrors for me, and such arguments have very little force and lodgment in my mind. It will have the contrary effect. It simply prescribes for all nations a policy essentially similar to the Monroe doctrine, which practically guarantees the territorial integrity of the countries of the South and Central Americas, which has had the moral effect, and, without going to war, has prevented any foreign country acquiring territory in the Republics to the south of us. Other nations knew that to attempt to encroach on that territory meant a fight, and they have desisted and without question have respected this great policy of ours.

With this article in the treaty no nation will ever attempt to interfere with the territorial integrity or political independence of any nation which is a member of the league when it well knows that besides the other punishments which are provided in the covenant shall be visited upon the offending nation it might finally result in having to fight 30 or more nations. This in itself is a most overwhelming deterrent from engaging in war. But before invoking the provisions of article 10 the council will be required to exhaust every other remedy provided by the terms of the treaty to prevent war. The whole covenant is based upon cooperation, mediation, and conciliation for the peaceful settlement of threatened disputes between the nations by diplomacy, by mediation, by arbitration, by the submission to the high court to be established for the determination of justiciable questions which may arise, restraining war until three months' cooling time has elapsed. And, further, after all this machinery for peaceful settlement has failed, if there is a breach it is provided by the covenant that the offending nation shall be penalized by an immediate and universal boycott of the offending nation. Not until all these mediatorial provisions shall have been tried and have failed, then and not until then, can the council consider the question of proceeding under article 10. The council is nowhere given the power to declare war. In case of any violation of the article the council can only advise, under its expressed terms and provisions, a plan for fulfilling its obligations, and the plan will have to be unanimously agreed upon, and the representative of the United States is always there to veto by refusing his consent to anything that might be proposed which is not in accord with the views expressed or implied by the people of this country.

Under the Constitution of our country the Congress only can declare war and provide for the raising and equipment of armies and navies. As the Constitution follows the flag, so the Constitution is present with our representatives in the assembly and the council, and our delegates will advise, of course, with Congress before final action is taken.

I admit that we are in honor bound to carry out the provisions to the letter of any treaty we may make, and we would not shrink from any duty which it imposes upon us. But with all these provisions for peaceful settlement of disputes between nations, I insist that war would be a very remote possibility. We have never failed to keep faith and carry out the terms of any treaty we have ever made, except, possibly, the treaty made with New Grenada, now Colombia, when instead of protecting her from external and internal dissensions, as we agreed to do for a consideration, we aided and abetted in the secession and rape of Panama, and we are soon, I am glad to say, to rectify our act by paying Colombia $25,000,000. But we shall always in honor be bound to keep faith and strictly adhere to the contract we here entered into, even at the expense of war, should it become absolutely necessary. There is no danger of our being involved in war. No nation would ever even consider going to war with a member of the league. The boycott provision alone would prevent it.

The prospect of her withering ostracism, forbidden the use of foreign markets, denial of food and raw material from the rest of the world, severance of all trade and financial relations, would alone mean her downfall; and then, above all, staring her in the face, finally the fact that an overwhelming number of the nations of the world would be arrayed against her. It is simply preposterous to think that we would be compelled to go to war under article 10.

This article, it must be observed, also does not protect changes in boundaries, enlargement or reduction of States, even the establishment of new States, but simply forbids the taking by force territory from a member of the league or overthrowing by force its established government; and also the provision does not in any way provide against internal dissension or revolution but only external aggression. As by the Monroe doctrine, simply announced, we have succeeded in protecting the territorial integrity of our sister Republics to the south of us without the loss of the life of a single soldier or the firing of a shot, so I contend that there is no danger of our ever being called

upon to make use of the provisions of the article or to declare war. In my judgment it needs no amendments, no interpretations or reservations.

Even before the treaty was signed and while it was being considered by the peace commission, the obstructionists began to criticize the proposed draft, and not only signed what is now called the "round robin" but they bitterly protested because our time-honored Monroe doctrine and our domestic questions, as they claimed, would be left to the determination of the league. Such, in my judgment, was not so, but in deference to that sentiment or protest the peace commission incorporated in the new draft of the treaty—which was finally signed and is now before us—article 15 and article 21, which, in my judgment, take from the council the consideration and determination of those purely domestic questions as the tariff, immigration, our coastwise trade, and the Monroe doctrine.

Mr. Veniselos, the great Greek statesman, who was a member of the peace commission and recognized as one of the greatest statesmen in Europe, said in an interview:

> Perhaps we have not been very happy in wording this (Monroe doctrine) provision, but I am sure I speak for everyone. Nobody had any thought of interfering with the Monroe doctrine.

Why were these things inserted in the new draft of the treaty if not for the purpose of excepting and eliminating them from consideration by the council?

Not only must every action, except in matters of procedure, taken by the council be unanimous when we are directly interested, thereby giving the veto power to this country through our own delegates and member of the council, but in the very first article it is provided that we can withdraw from the league after giving two years' notice, provided we have fulfilled all of our international obligations under the covenant. Mr. President, we will fulfill them and keep faith, and we can withdraw whenever the people of our country say we shall, and we shall say whether our obligations have been kept or not. All these provisions are plain to me, and I can see no need of amendments, reservations, or written interpretations made to the article.

Germany is still strong and wonderful in her resources. Conditions in the countries which are parties to this contract are very unsatisfactory. I fear delay with all the unrest in the world.

Mr. President, the sovereignty, the integrity, of our country and our vital honor will in no way be affected by the ratification of this treaty. Our vital interests are amply safeguarded. Our delegate to the council goes with the Constitution in one hand and, in effect, the veto power in the other, and with the provision for the reduction of armaments, the nations being pledged to do so by article 8.

With the pledge to submit all disputes to arbitration, pledges not to go to war until three months after the award by the arbitrators or the report by the council, pledges to respect each other's territory and political independence, and with the boycott provision contained in article 16, besides the general pledge given by each to the other to do all in their power, either by diplomacy, conciliation, or mediation, to adjust and settle disputes, how can there be war?

A number of Senators fear that the language in some of the articles is ambiguous, and by reason of their ambiguity these articles should be plainly interpreted in the resolution of ratification as to what they do mean. Provided such reservation is not an amendment to the treaty, I confess I would not object. I fear, however, the adoption of any reservation or interpretation to the treaty would throw the whole matter back in conference. Other nations might ask for similar reservations or interpretations, especially Germany, dissatisfied as she is with the treaty, and, being a party to it, would insist on reopening the whole matter, and thus delay final ratification of the treaty and peace. This would be a calamity and bring untold trouble to the world. It would absolutely bring chaos. The question is whether we can afford to take the risk.

It is a treaty for international or world peace. These covenants therein contained will bring it about. Ratify the treaty and complete the great victory. Ratify it and make the heart of the world glad. Ratify it and bring order out of chaos, and give domestic tranquillity to those unhappy nations lately cutting each other's throats. Ratify it and make the world safe for democracy. Ratify it and sound the death knell of absolutism and the divine right of the Hapsburgs and the Hohenzollerns to rule. Ratify it and give to the world such as we have the light of liberty, the right of equal opportunity, the right to govern by and with the consent of the governed, liberty, and the preservation of happiness. Let us have peace. Let this Christian civilization stand not in the way, but let us lead the way for light, justice, humanity, and peace.

Mr. SMITH of Georgia. Mr. President, I move that the Senate return to legislative session. I understand that there is no desire to proceed with the executive session further this afternoon.

Mr. HITCHCOCK. Is that the program of the chairman of the Committee on Foreign Relations?

Mr. LODGE. I have no objection to that procedure. There is no Senator, I think, who desires to continue to-night the discussion of the treaty. It is now half past four; and if the Senator from Georgia desires to go on with his bill I shall be very glad to oblige him, so far as I am concerned.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Georgia?

Mr. HITCHCOCK. Before making objection I should like to get a little light. I understood the Senator from Massachusetts made the announcement that he proposed, in bringing the treaty before the Senate to-day, to keep it here without interruption and have it the exclusive business of the Senate after 2 o'clock. Now, is it proposed at any time to suspend the consideration of the treaty and resume legislative business?

Mr. LODGE. Mr. President, at half past 4 o'clock in the afternoon on the first day of the consideration of the treaty, if there are other Senators who desire to speak and do not wish to go on this afternoon, I am not going to try to force them to speak; I can not do so. While I am in charge of the management of the treaty I shall do the best I can to expedite its consideration and keep it before the Senate steadily; but I am not going to interfere with the Senator from Georgia if by taking half an hour in the late afternoon he can dispose of an important bill.

Mr. HITCHCOCK. I think the Senator does not intend to give the impression that the consideration of the treaty can not proceed unless some Senator is ready to speak. We have now reached the stage where under the rules the second reading of the treaty is in order, and it is to be read under rules, as I understand, article by article.

Mr. LODGE. It can be read in that way or we can have the formal reading and consume five or six days. If the Senator wants that procedure followed, we will begin.

Mr. HITCHCOCK. I certainly do not. I wish to ascertain the Senator's intentions. I understood him the other day to state that he proposed to bring the treaty before the Senate to-day——

Mr. LODGE. I have done so.

Mr. HITCHCOCK. And keep it here without interruption and to the exclusion of all other business.

Mr. LODGE. I did not say "to the exclusion of all other business."

Mr. HITCHCOCK. Well, what are the Senator's intentions in that respect? Does he propose to lay the treaty aside?

Mr. LODGE. My intention is to go on with it every day until it is disposed of.

Mr. HITCHCOCK. I understand now the Senator proposes to lay it aside for legislative business, although we have just reached the reading stage.

Mr. LODGE. There is now probably half an hour before the Senate will adjourn; the Senator from Georgia has in charge a bill which is just on the verge of passage. I pushed him aside this afternoon at 2 o'clock in order to bring the treaty up, and I now propose, so far as I am personally concerned, to allow him to take up his bill and finish it if he can do so in half an hour. If the Senator from Nebraska thinks that he can make anything out of that, he is welcome to do so.

Mr. HITCHCOCK. I am simply desirous of finding out the exact position of the Senator. I think the matter can be arranged this afternoon under the circumstances, but I am asking for the future. I should like a plain statement from the Senator whether he proposes to begin to-morrow at least, if not to-day, to take up the treaty and give it attention to the exclusion of other business, or does he propose to lay it aside?

Mr. LODGE. My intention is to bring the treaty before the Senate every day and have it dealt with until disposed of. I am not going to say what I am going to do each day, for I do not know. On Wednesday we have a holiday. I shall not have it up that day. On Thursday we are to receive Gen. Pershing. I shall not have it up that day.

Mr. HITCHCOCK. Probably not.

Mr. LODGE. I can not tell what will come up from day to day. My intention is to keep the treaty before the Senate until disposed of. What we shall do each day I can not undertake to say. It is for the Senate to determine.

Mr. SWANSON. Mr. President, may I ask the Senator whether it is his purpose to have the second reading, or will he ask unanimous consent now that the second reading of the treaty

may be dispensed with? It will take four or five days to do that, and perhaps a week.

Mr. LODGE. Mr. President, my plan was to have it read, to have the second reading, and have the amendments offered as the treaty is read. If we have it read formally, as it is called—that is, if we have the treaty read a second time—then the amendments will be offered without a rereading of the treaty. My plan is to have it treated just as we treat an appropriation bill.

Mr. SWANSON. My idea was to suggest to the Senator to dispense with the second reading of the treaty.

Mr. LODGE. I do not need to do that, under the rules.

Mr. SWANSON. I understand that it must be read the second time.

Mr. LODGE. Mr. President, the Senator evidently has not examined the question. Under the rules of legislative business a bill is read a first and second time before being referred. Under the rule affecting treaties, it is read a first time. That reading was not called for, and it went without a formal reading. Now, under the rule, it is to be read a second time. I shall not ask for a formal reading the second time. I will have it read for amendment. It has to be read, and I will have it read for amendment.

Mr. SWANSON. That is what we suggest—that the Senator ask unanimous consent that that be done.

Mr. LODGE. We do not need unanimous consent to have it done.

Mr. HITCHCOCK. The Senator does not hold, then, that a second formal reading of the treaty is necessary?

Mr. LODGE. Why, there is no formal reading. The treaty has to be read. You can either read it en bloc, right through, which is what is usually called the formal reading, or you can read it and take up the amendments as it is read, which I think is the more workmanlike way of doing.

Mr. HITCHCOCK. It is my understanding that that is the rule. I was surprised to hear the Senator put the other interpretation upon it. My understanding is that the first formal reading occurred before it was referred to the committee.

Mr. LODGE. That has taken place.

Mr. HITCHCOCK. Then, after the committee reports the treaty, it has to lie over at least one day.

Mr. LODGE. Yes; and take a second reading.

Mr. HITCHCOCK. Then the second reading occurs, and the committee amendments are considered article by article as the reading progresses.

Mr. LODGE. Certainly.

Mr. HITCHCOCK. If that is the Senator's understanding, that is satisfactory.

Mr. LODGE. That is my understanding.

Mr. HITCHCOCK. I withdraw my objection.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Georgia?

Mr. POMERENE. Mr. President——

Mr. SMITH of Georgia. Mr. President, mine was a motion. My motion was that we return to legislative session.

The PRESIDENT pro tempore. The Chair understood it to be a request for unanimous consent.

Mr. LODGE. No; the Senator can make the motion. It is a privileged motion.

Mr. SMITH of Georgia. I move that the Senate return to legislative session.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Georgia that the Senate return to legislative session.

Mr. POMERENE. Mr. President, before that question is put——

Mr. LODGE. It is not a debatable question; but I am not going to make that point.

Mr. POMERENE. I think that is true, but I simply want to offer this suggestion:

I feel very keenly the importance of this bill, and I do believe that it is a step in the direction of increased inflation in this country, and I am not willing that this matter shall be voted upon without there being a quorum present. I have not any objection to taking up this bill again in the morning hour, and if the majority of the Senate decide that I am wrong the responsibility must belong to that majority. I think, however, it will be very difficult to get a quorum here to-night, and if it can be taken up to-morrow morning, I shall assist in getting it up; but I want to have a vote upon this question.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Georgia that the Senate return to legislative session.

The motion was agreed to, and the Senate resumed legislative business.

CALLING OF THE ROLL.

Mr. POMERENE. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Harris	Nelson	Smith, Ga.
Bankhead	Harrison	New	Smoot
Brandegee	Henderson	Newberry	Sutherland
Capper	Hitchcock	Norris	Swanson
Colt	Johnson, S. Dak.	Nugent	Thomas
Cummins	Jones, N. Mex.	Overman	Townsend
Curtis	Jones, Wash.	Owen	Trammell
Dillingham	Kellogg	Page	Underwood
Fall	Kenyon	Phelan	Walsh, Mass.
Fletcher	Keyes	Phipps	Walsh, Mont.
France	Lenroot	Pittman	Watson
Frelinghuysen	Lodge	Pomerene	Wolcott
Gay	McKellar	Robinson	
Gerry	McNary	Sheppard	
Gronna	Moses	Simmons	

Mr. GERRY. The Senator from Oregon [Mr. CHAMBERLAIN], the junior Senator from Arizona [Mr. ASHURST], the Senator from South Carolina [Mr. SMITH], the Senator from Louisiana [Mr. RANSDELL], the senior Senator from Arizona [Mr. SMITH], and the Senator from Maryland [Mr. SMITH] are necessarily detained from the Senate on public business.

The PRESIDENT pro tempore. Fifty-seven Senators have answered to their names. There is a quorum present.

BILLS OF EXCHANGE.

Mr. SMITH of Georgia. I move that the Senate resume the consideration of House bill 7478.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918.

Mr. POMERENE. Mr. President, I move to amend the bill by inserting, on page 3, on line 9, after the word "under," the characters "(1)" and "(2)," so that it will read:

Described under (1), (2), and (3) hereof.

If this amendment should be adopted, I shall follow it by another amendment, so as to make the text clear, by inserting, on page 3, line 8, after the word "liabilities," the words "arising out of the discount of bills of exchange, including drafts and bills of exchange, and the discount of commercial or business paper described in paragraphs (1) and (2)."

The purpose of this limitation is to make it apply to liabilities upon bills of exchange and upon commercial or business paper described in paragraphs (1) and (2), as well as in paragraph (3), upon the discount of notes; and I should like to take the time of the Senate to explain this amendment again as I see it.

If the Senators who care to follow me will refer to the bill, they will find that in the proviso beginning at the top of page 2 there are four classes of paper referred to. The first one is "the discount of bills of exchange drawn in good faith against actually existing values," and so forth. I will not read the rest of that, because it is not necessary for the purpose I have in mind.

Second. "The discount of commercial or business paper actually owned by the person, company, corporation, or firm negotiating the same."

Third. "The discount of notes secured by shipping documents," and so forth.

Fourth. "The discount of any note or notes secured by not less than a like face amount of bonds or notes of the United States."

Those four classes of paper are made the subject of the following verb, on line 21:

Shall not be considered as money borrowed within the meaning of this section.

The first part of this section places a limitation upon the amount that one can borrow from a bank at 10 per cent of the paid-in capital stock and surplus. The limitations that we find, then, on the amount of accommodations which the borrower can get will be found at the bottom of page 2 and on page 3, and this provides that as to that kind of paper which is designated in paragraph 4, and which relates to paper which is secured by bonds of the United States, or certificates of indebtedness of the United States, the borrower can get an additional accommodation of 10 per cent. In other words, if a borrower has United States bonds or certificates of indebtedness, under this act he can get 20 per cent of the paid-up capital stock and surplus. But there is a further enabling clause whereby the Comptroller of the Currency can increase this

amount when the security he gives consists of bonds or certificates of indebtedness of the United States, and the Comptroller of the Currency has issued an order whereby that can now be increased to $100 for every $105 of bonds and certificates of indebtedness which he will furnish to the bank.

Then comes the limitation upon class 3. Class 3 provides for the discount of notes secured by shipping documents, warehouse receipts, and so forth, and the limitation placed upon this class of discounts is 25 per cent of the paid-in capital stock and surplus, provided that the amount of the existing values which is furnished as collateral shall be 110 per cent of the amount borrowed. As I construe this language, and I think I am right, with security of the kind last mentioned they can get 25 per cent of the paid-up capital stock and of the surplus, plus the 10 per cent provided for in the first portion of the section.

Mr. President, we have this situation before us then: When it comes to the discount of bills of exchange described in paragraph 1, or the discount of commercial and business paper described in paragraph 2, there is no limitation on the amount of money which the borrower, or the discounter, if I may use that term, can get, other than that which is provided by the limit in the amount of deposits. In other words, by discounting this kind of paper in classes 1 and 2 they can get the entire contents of the bank less the legal reserves.

It is said in answer to this that such has been the law for a good while, even under the national banking act; but I submit that the danger to our financial institutions consists in the great amount of borrowing by an individual borrower, and is not due to the borrowing by a multitude of borrowers. This adds to the inflation that is going on. The greater the credits that are extended the more the amount of inflation which we will have. It is not, in my judgment, going to assist any community in the United States for one man to be able to go to one bank and get this large amount of accommodation.

It is said that this measure is necessary in order to finance commercial transactions in certain sections of the country. Personally, I do not believe that is a correct statement of the situation, because there are many banks in every section, and it is not necessary to get all this money from one bank. If the borrower needs more capital, he can get part of it at one bank and part of it at another.

I have made this just as clear as I think language can express it. I am opposed to that kind of banking, and I believe that these limitations ought to be placed upon the amount which the borrower can get.

Mr. SMITH of Georgia. Mr. President, I desire to call the attention of the Senate to just what the Senator from Ohio [Mr. POMERENE] is trying to do. This bill is, in a few respects, new; it is largely the existing law. As to drafts which could be cashed, sight drafts, without being estimated as part of the 10 per cent of the capital stock loaned by the bank, the law already provides the discount of bills of exchange drawn in good faith against actually existing values. That has been the law all along. The business of the country has been done by drawing those sight drafts against existing values, and they have been cashed by the banks at which they are presented without estimating their amount as part of the 10 per cent of the capital of the bank. To the old law this bill adds language chiefly of explanation, making it clear, and indicating exactly to what it refers.

This practice has been followed for a long time. The business of this country has been conducted in that way. The movement of crops has been almost exclusively through drawing sight drafts with bills of lading attached, not always on a great city, but from a country town to the near-by distributing point. The producer puts his goods in the depot, gets his bill of lading, draws his sight draft on a city perhaps 100 miles off, and the small bank cashes that sight draft. The draft goes right on to the city, and the money goes in the central city to the credit of the country bank. It is really a cash transaction. The country banker or the smaller banker would not cash the draft unless he knew that the drawer was good. If he had any doubt, he would use the telegraph wire. It is simply a means of transferring money from the smaller bank to the bank more centrally located. It is really a cash transaction, and it has always been the law that such transactions are not regarded as loans to the party drawing the sight draft, and they have never been charged up as part of the 10 per cent of the capital stock that a bank could advance to one customer.

What does the Senator from Ohio [Mr. POMERENE] propose to do? Suppose you amend the existing law by reducing the amount of such drafts to 25 per cent of the capital stock of the bank cashing them.

Section 2 is an old provision. Section 2 is nothing new. It provides for "the discount of commercial or business paper actually owned by the person, company, corporation, or firm negotiating the same." It has always been the law that a bank can discount paper of a person or corporation not limited to 10 per cent of the capital of the bank. That has been the national bank law, so far as I can recall, indefinitely during the past.

Now the Senator from Ohio [Mr. POMERENE] proposes to amend that provision of the national bank law under which the business of this country has long been done, so far as I can recall, by reducing the amount that any one bank can carry of paper discounted in the bank to 25 per cent of its capital stock and surplus. Surely the Senate will not accept such a view, such a radical change of the national banking law of the country.

The third division, which is new, permits "the discount of notes secured by shipping documents, warehouse receipts, or other such documents conveying or securing title covering readily marketable nonperishable staples, including live stock, when the actual market value of the property securing the obligation is not at any time less than 110 per cent of the face amount of the notes secured by such documents and when such property is fully covered by insurance."

Later on in the bill it is provided that these advances of these discounted papers, with warehouse receipt attached, shall not be discounted beyond the amount of 25 per cent of the capital stock of the bank, and that 25 per cent must include all loans or advances to the person so discounting notes with warehouse certificates attached.

The bill was recommended by the Federal Reserve Board, it was approved by the Comptroller of the Currency, it was approved by the Banking and Currency Committee of the House, and passed the House. It has been recommended favorably by the Banking and Currency Committee of the Senate. I hope the Senate will vote down the proposed amendment of the Senator from Ohio.

Mr. ROBINSON. Mr. President, I join in the opinion expressed by the Senator from Georgia [Mr. SMITH] that the amendment of the Senator from Ohio [Mr. POMERENE] should not be agreed to. If I correctly construe that amendment, it will make the law more restrictive than it now is as to what we know as (1) and (2) classes of paper in the bill. Both those classes are now embraced in existing law.

I ask leave to have inserted in the RECORD at this point, in connection with my remarks, the act approved June 22, 1906, amending section 5200 of the Revised Statutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The act referred to is as follows:

[PUBLIC—No. 269.]

An act to amend section 5200, Revised Statutes of the United States, relating to national banks.

Be it enacted, etc., That section 5200 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"SEC. 5200. The total liabilities to any association, of any person, or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of such associations, actually paid in and unimpaired and one-tenth part of its unimpaired surplus fund: *Provided, however*, That the total of such liabilities shall in no event exceed 30 per cent of the capital stock of the association. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as money borrowed."

Approved, June 22, 1906.

Mr. ROBINSON. The first paragraph, which is, as I have just stated, embraced in existing law, is amplified by the present bill. It is the belief of those responsible for the legislation that the existing law was intended to embrace the paper that is more definitely described in paragraph 1.

"The discount of bills of exchange drawn in good faith against actually existing values" ordinarily would be considered, without this amendment, to include "drafts and bills of exchange secured by shipping documents conveying or securing title to goods shipped," and would also be construed to include "demand obligations when secured by documents covering commodities in actual process of shipment."

Mr. SMITH of Georgia. If the Senator will allow me, is it not true that that has been the construction and has been the practice for years past?

Mr. ROBINSON. Yes, and under the present ruling of the comptroller's office. As I understand it, however, it becomes necessary, if that practice is to continue, to make this amendment, so that the purpose of the bill in so far as paragraph 1 is concerned, "discount of bills of exchange drawn in good faith against actually existing values," is to carry into effect the law as it is now written and as it has been heretofore construed.

With reference to (2), "the discount of commercial or business paper actually owned by the person, company, corporation, or firm negotiating the same," the only change that is proposed in the existing law is the addition of the words "company, corporation, or firm," which are added to "person." So there is no important change in that.

The amendment of the Senator from Ohio is intended to make the limitation in (3) applicable to (1) and (2); that is, he would change existing law and restrict the 25 per centum of the amount of the association's paid in and unimpaired capital stock and surplus, the amount that may be advanced or paid out on paper of the character described in (1) and (2), whereas the practice has been as to this class of paper to cash in whole, and it is absolutely necessary that that practice shall be continued or great difficulty will be experienced in financing the crops.

The Senator from Ohio made a statement as to the effect of his amendment in which I do not concur, and I ask the attention of the Senator from Georgia, who is more familiar with the matter than I am, to this phase of it. The Senator from Ohio said that the limitation of 25 per centum of the amount of the association's paid in and unimpaired capital stock and surplus, carried in lines 9 to 14 of the bill, is in addition to the limitation of 10 per cent. I should like to ask the Senator from Ohio, if he feels disposed to address his thought to the statement he made a moment ago, how he reaches that conclusion. The language, to my mind, is so clear that it is not susceptible to that construction. The language is:

The liabilities upon notes secured in the manner described under (3) hereof, shall not at any time exceed 25 per centum of the amount of the association's paid-in and unimpaired capital stock and surplus.

Mr. POMERENE. Mr. President——

Mr. ROBINSON. The clear meaning of this language, as it appears to me, is that the maximum amount of liability which may be incurred by any bank on that class of paper is 25 per cent, and not 35 per cent, as stated by the Senator from Ohio. I yield to the Senator.

Mr. POMERENE. Mr. President, I recognize the fact that this language is not quite as clear as it ought to be, but I think a lawyer of the ability of the Senator from Arkansas or the Senator from Georgia will agree with me that, under the canons of construction, we must give effect to all the language of a section if it is possible.

The Senator from Arkansas calls attention to the language, which reads as follows:

The liabilities upon notes secured in the manner described under (3) hereof, shall not at any time exceed 25 per centum of the amount of the association's paid-in and unimpaired capital stock and surplus.

Now, we turn to (3) and we find that that is a limitation upon the amount which can be borrowed or secured, by what? "The discount of notes secured by shipping documents," and so forth.

Mr. ROBINSON. No; the Senator——

Mr. POMERENE. Pardon me; let me finish my explanation, because we both want to be right about it. That is as I understand it. In other words, this means that the liability upon notes secured in the manner described shall not at any time exceed 25 per cent of the amount of the association's paid-in and unimpaired capital stock and surplus. But now, when we go back to the earlier part of that section, if Senators will follow me, they will find that in the proviso four classes of paper are mentioned for discount.

The first is the discount of bills of exchange drawn in good faith, and so forth; second, the discount of commercial or business paper, and so forth; third, the discount of notes secured by shipping documents, and so forth; fourth, the discount of any note or notes secured by not less than a like face amount of bonds or notes. Those four classes named are the subject of the verb on line 21, "shall not be considered as money borrowed within the meaning of this section." So we have in class (3) 25 per cent of the paid-up capital stock and surplus of the bank, and the draftsman of this measure says that shall not be included in the amounts which may be borrowed under this section.

The first part of the section reads:

The total liabilities to any association of any person or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed 10 per cent.

So we have in the first part of the section a provision authorizing the borrower to get 10 per cent of the paid-up capital stock and surplus, and then we provide for his getting accommodations in four other classes of paper and they are not included in the amount which may be borrowed, and these four classes shall not be considered as money borrowed within the meaning of this section.

I do not see how one can place any other construction upon it, if we are to give full force to the entire language. It, therefore, in my judgment, means 25 per cent of the paid-up capital and surplus if you borrow it on notes which you discount and which are secured by shipping documents or warehouse receipts, and in addition to that another 10 per cent.

Mr. ROBINSON. Mr. President, notwithstanding the statement of my friend, the Senator from Ohio, that he is unable to see how this section is susceptible of any other construction than that which he has placed upon it, I nevertheless believe that I can make it entirely clear that the construction which he has placed upon it is erroneous. If the Senator and other Senators interested will follow me for a moment I will attempt to do that. The language of that portion of the act relating to the limitation of 10 per cent of the paid-up capital stock and surplus fund is as follows:

The total liabilities to any association of any person or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed 10 per cent of the amount of the capital stock of such association.

And so forth.

That relates to money borrowed.

The limitation of 10 per cent applies only to money borrowed. The language of 1, 2, 3, and 4 contained in the bill is that paper of the character described in each one of them shall not be considered as money borrowed. Therefore the limitation of 10 per cent shall not apply to any one of the four, and if it were not for the limitation of 25 per cent in line 9 there would be no limitation in the bill on the amount that might be paid out under (3). So the limitation of 25 per cent, applying to paper which shall not be considered as constituting a loan, is the total amount that may be advanced as to that class of paper. The limitation of 10 per cent applies only to money borrowed, and the act we are seeking to pass expressly declares that paper of the character described in (3) shall not be money borrowed. Therefore it is equivalent to saying that the limitation of 10 per cent shall not apply to that at all. So there is no limitation of the amount except that contained in line 9, which is 25 per cent.

Mr. POMERENE. Mr. President——

Mr. ROBINSON. I yield to the Senator from Ohio.

Mr. POMERENE. Assume for the sake of the argument that I go to a bank on my individual note without any collateral whatsoever. I succeed in borrowing 10 per cent of the paid-in capital and surplus. That would be my limit of credit under the first paragraph of the bill. But suppose that later on, after I have borrowed that 10 per cent, I go to the bank with other notes, and I have them secured by shipping documents, warehouse receipts, and so forth, could I not, under the provisions of this bill, get 25 per cent more?

Mr. SMITH of Georgia. Will the Senator from Arkansas yield to me?

Mr. ROBINSON. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. The Senator's first loan became a liability on his part to the bank, did it not?

Mr. POMERENE. Yes; if I give my note it is a liability.

Mr. SMITH of Georgia. The Senator says he first goes and borrows 10 per cent. He then goes to the bank with his warehouse receipt. Now, let us see what the bill says about that.

Mr. POMERENE. I am going to the bank with other notes now.

Mr. SMITH of Georgia. The Senator is going to the bank with other notes and with his warehouse receipt.

Mr. POMERENE. Yes; that is right.

Mr. SMITH of Georgia. Now, what does the bill say? It reads:

The total liabilities to any association of any person or of any company, corporation, or firm for money borrowed, including the liabilities upon notes secured in the manner described under (3) hereof, shall not at any time exceed 25 per cent.

If the Senator's first loan was a part of his liability, then the bill provides that his total liability, that which he first borrowed and that which he borrowed on his warehouse receipt, shall not, as a total liability, exceed 25 per cent. If he borrowed on the first note 10 per cent, he can borrow but 15 per cent the next time on his warehouse receipt.

Mr. POMERENE. With all due respect to the great legal ability of my friend from Georgia——

Mr. SMITH of Georgia. I do not think it requires any legal ability to see that; it is plain language.

Mr. POMERENE. The bill which the Senator is discussing is not the bill which is now before the Senate.

Mr. SMITH of Georgia. I read exactly the language of the bill.

Mr. POMERENE. I know that; but if language means anything, I will undertake to get a loan up to 35 per cent, if I can get some bank to trust me to that extent.

Mr. ROBINSON. If the Senator from Ohio will look at the language last quoted by the Senator from Georgia, he will see that my statement that 25 per cent is the maximum that may be advanced under subdivision (3) is correct. The language is:

The total liabilities to any association of any person or of any company, corporation, or firm for money borrowed, including the liabilities upon notes secured in the manner described under (3) hereof—

It does not mean excluding; it says "including"—

shall not at any time exceed 25 per cent of the amount of the association's paid-in and unimpaired capital stock and surplus.

That is saying, just as plainly as language can express it, that no person upon such notes, including the notes described in section 3, can borrow more than 25 per cent of the paid-up capital stock and surplus of a bank. I rest the case with the language of the bill itself, which I think is as clear as language can make it.

Mr. LENROOT. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. The question is upon the amendment of the Senator from Ohio [Mr. POMERENE]. Does the Senator from Arkansas yield to the Senator from Wisconsin?

Mr. ROBINSON. I yield.

Mr. LENROOT. Do I understand the Senator from Arkansas to say, although subdivision 3 is expressly mentioned as being included, that it would also include subdivisions 1 and 2?

Mr. ROBINSON. The language is:

The total liabilities to any association of any person or of any company, corporation, or firm for money borrowed, including the liabilities upon notes secured in the manner described under (3) hereof, shall not at any time exceed 25 per centum——

Mr. LENROOT. But that limitation would not apply to subdivisions 1 and 2?

Mr. ROBINSON. No; certainly not.

Mr. SMOOT. Mr. President, if we are going to vote upon this bill to-night, I wish to say a few words. I did intend to speak at some length upon the bill, but I shall not do so if it is possible to get a vote to-night.

I merely wish to say, Mr. President, that my experience as a banker tells me that this is an unwise bill to pass. There is no question if the bill is to relieve the situation in this country in order to do so it must further inflate our currency. That is the only way in which it can possibly benefit any person, association, or corporation.

I agree with the Senator from Arkansas [Mr. ROBINSON], that under subdivisions 3 and 4 the total liabilities can not exceed 25 per cent. That includes the 10 per cent a person may borrow referred to by the Senator from Ohio before he goes to the bank to borrow more money on a warehouse certificate. The total liability can not exceed 25 per cent of the amount of the association's paid-in and unimpaired capital and surplus. That is 150 per cent more than the law allows to-day. I recognize the fact that there are a few States in the Union that allow to individuals and corporations or associations loans up to 25 per cent of the capital stock and unimpaired surplus of banking institutions, but I have never considered that to be safe banking.

A banking institution ought to be operated for the purpose of assisting the business interests of the community in which the bank is located and its customers who may be located outside of the immediate district; in other words, to take care of all of its depositors and those who do business with it. Bankers in the past have agreed that 10 per cent should be the limit of loans to individuals or associations. There are some States, such as my own State, that have allowed as high as 15 per cent in the case of State banks; but I now predict that the safe banker in the United States is not going to take advantage of this bill in increasing individual loans, for he will know from past experience that it is unwise to undertake to put such a great percentage of his business in one channel.

Now, as to subdivisions 1 and 2 of section 1 of the bill, there is no question that they were unlimited until the amendment was agreed to this morning in subdivision 2. So far as subdivision 1 is concerned, it is now unlimited. So far as subdivision 2 is concerned, with the amendment that was adopted this morning limiting——

Mr. SMITH of Georgia. Allow me to correct the Senator from Utah. The amendment was not in subdivision 2, but in the last clause of subdivision 1, referring to section 13 of the Federal reserve act.

Mr. SMOOT. In the last clause of section 1. I stand corrected. It refers to section 13 of the Federal reserve act, and that falls within paragraph 1. So there is a limitation of 100 per cent. That limitation is a safeguard; but where is the banker who is going to lend 100 per cent——

Mr. POMERENE. Mr. President——

Mr. SMOOT. Just a moment—without knowing beforehand that there is only one place where he can go and get the money to use if he is forced to before the collection is made, and that one place is the Federal Reserve Board here at Washington. That is how the inflation of currency is going to take place if this bill is made use of in general trade.

Mr. POMERENE. May I suggest——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SMOOT. Yes.

Mr. POMERENE. May I suggest to the Senator that 100 per cent is 100 per cent of the capital, surplus, and deposits, less the legal reserve.

Mr. SMOOT. I understand that, and I know that should not be so; but there is one safeguard about it, namely, that this whole matter will be under the direct supervision of the Federal Reserve Board. It is so late now that I am not going to say any more in relation to the bill——

Mr. McKELLAR. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Tennessee?

Mr. SMOOT. In just a moment I will yield. I hope that the bill, if it is enacted into law, will be the means of helping a certain section of the country in handling a product the value of which runs into the hundreds of millions of dollars, and a section of the country where the banking facilities are not so great as they are in other sections. I hope there may be some good come from it, and I hope that no evil will come from its enactment, but I do know that the door will be left wide open for a lot of trouble when the bill passes if wisdom is not used in granting credits and purchasing paper.

Mr. McKELLAR. Mr. President——

Mr. SMOOT. I yield.

Mr. McKELLAR. In connection with what the Senator has just said, in Memphis, where I live, the largest banks are State banks. One of them was a national bank, but had to give up its charter and become a State bank in order to care for the business that naturally came to it. It never made a great success until it relinquished its Federal charter, because under the law limiting it to 10 per cent it could not take care of the big customers that came to it. The State banks have been the most successful in the city, and there is not a thing in the world that is dangerous in connection with their business as it is being conducted. They have tremendous deposits; they have large surpluses, and their banking business is of a most successful character. They are able by reason of the larger limit given them by the State laws to get the big customers that naturally come to banks that can handle their business. For that reason it seems to me that there is no danger. The records of these banks show distinctly that there can be no danger.

Mr. SMOOT. Mr. President, I will say to the Senator that there are bankers in this country who, if there were not a single line of law, if no restriction were laid upon them by the law, because of the experience they have had, certainly would not go so far as this bill, if it becomes a law, will allow them to go. I will say to the Senator frankly that I would not do so. If I were the president of any bank in the United States, I would not go so far as this bill would allow me to go along certain lines.

Mr. McKELLAR. Mr. President, I realize that what the Senator says is correct in a very large measure, but there are certain seasons in the year, especially when cotton is being gathered and shipped and sent to the presses, when it is absolutely impossible for a national bank to do the business because of the limitations upon it.

Mr. SMOOT. I recognized that fact, as the Senator knows, when I referred to the handling of a product in a certain section. I did not use the word "cotton," but every Senator knew that I meant the crop of cotton and the Southern States when I referred to a section of the country where the banking facilities are not so great as they are in other sections. I recognize there are just as good banks in the South, according to their size, as there are any place in the world; but I recognize also that in the South, as in the West, as in the East, as in the North, and as in every country there are banks managed by men who are not so careful as they should be when handling other people's funds.

Mr. SMITH of Georgia. Is not the Senator also familiar with the fact that it has been the practice for years to draw sight drafts with bill of lading attached and for the banks to cash such sight drafts without estimating them as a part of the 10 per cent of their capital and considering them as a loan?

Mr. SMOOT. That has been the practice in the past.

Mr. SMITH of Georgia. The provisions of the first part of the first paragraph allow a draft to be drawn against actually existing values, and this has long been the law. Has not the practice under the law now of force extended to all the provisions covered by the added language?

Mr. SMOOT. I will say to the Senator that I know of banks that have taken no consideration of the amount they have issued on bills of exchange drawn upon manufacturers or other banks or institutions. The practice in the case of many of the banks has been, just as soon as a draft is drawn to credit the amount of the draft, the same as though it had been that much money. I know of two or three cases in the West where small banks have almost been ruined by that practice.

I have known of drafts drawn by such banks for, say, $35,000; and I remember once of a bank, whose entire capital stock was $50,000 and whose deposits were not very large, accepting such a draft for a trainload of cattle, and the man who presented the draft was credited with the amount of the draft the same as if it had been actual money; but when the draft was presented to the parties upon whom it was drawn they refused to pay the draft. The little bank was up against it. It was impossible for it to meet the $35,000 without going out and borrowing the money.

It is just because of that class of cases, Mr. President, that I hesitate to open the door and allow greater latitude to a bank to make an obligation upon its own resources and the deposits that belong to the people. As I say, however, in this bill there is one check upon it, and that is that it is under the direction of the Federal Reserve Board.

Mr. SIMMONS. Mr. President——

Mr. KELLOGG. Mr. President, I should like to ask the Senator from Utah a question, if the Senator will permit me.

Mr. SIMMONS. Yes.

Mr. KELLOGG. Was this bill recommended by the Committee on Banking and Currency?

Mr. SMOOT. Yes; I understand that a majority of the Committee on Banking and Currency agreed to the bill.

Mr. KELLOGG. Was it a unanimous report?

Mr. SMOOT. It was not unanimous.

Mr. FRELINGHUYSEN. Mr. President, may I interrupt the Senator? I am not aware that there was any committee hearing on this bill, or that it was considered by the committee. I understand—although I know now that the chairman of the committee is supporting the bill—that in the absence of the chairman of the committee it was reported by the ranking member, and that certain members of the committee were polled. I am a member of the Committee on Banking and Currency. I was not polled on this bill.

I have no objection to accommodations being extended through these various banks for a particular line of credit; but we have jealously guarded the conservative policy of the Federal Reserve Banking System, and this more or less breaks down those safeguards. I have not been opposed to it, but I believe it should be carefully considered by the full committee as a question of banking policy. I do not wish to oppose the bill, but I think the committee should carefully consider the bill, because it involves a change in the conservative policy of the Federal Reserve System. I think the bill should be recommitted, and that the committee should reconsider it carefully in session.

Mr. SMOOT and Mr. POMERENE addressed the Chair.

Mr. SIMMONS. Mr. President, I thought I had the floor.

Mr. SMOOT. A question was asked me. I did not ask the Senator to yield, and, of course, I do not want to interfere with the Senator at all.

Mr. SIMMONS. If the Senator wishes to interrupt, I have no objection.

Mr. POMERENE. I simply rose to answer, in part, the question which was asked by the Senator from Minnesota [Mr. KELLOGG].

Mr. SIMMONS. I have no objection.

Mr. POMERENE. The Senator from Minnesota asked whether or not this bill was considered by the committee. The clerk of the committee called upon me at my office with a copy of the bill to take a poll. It was at a time when I was engaged in the hearings in the Interstate Commerce subcommittee on railroads, and I said to the clerk that I was opposed to the bill. What other hearings there were I can not say.

Mr. CURTIS. Mr. President, may I ask a question of the Senator in charge of the bill? I should like to know if he expects to finish the consideration of the bill to-night. If not, could we not adjourn now? It is nearly 6 o'clock.

Mr. SMITH of Georgia. I think so.

Mr. CURTIS. That is, the Senator thinks we could adjourn now?

Mr. SMITH of Georgia. I think so; yes.

Mr. SIMMONS. Mr. President——

Mr. SMITH of Georgia. The Senator from North Carolina has the floor.

Mr. SIMMONS. I have just suggested to the Senator from Georgia that I thought it was advisable to let this matter go over until to-morrow. I shall be glad if he will do so, and I shall submit the remarks I desire to make on the bill at that time.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, September 16, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *September 15, 1919.*

The House met at 12 o'clock noon.

Rev. William Couden, late chaplain of the Second Division, American Forces in Germany, offered the following prayer:

Our Father which art in Heaven, grant to all men the consolations of Thy truth and the inspirations of Thy gospel. Bless our nation and all righteous governments, and bring them all into relations of permanent peace and amity through the impulses of the spirit.

May we who are gathered here walk with Thee throughout this day, as in that ancient time Enoch walked with God. Forgive the meagre offering of our hands; but accept us for our desire and intent to serve Thee, and justify us by our faith in Thy truth and love. Through Jesus Christ our Lord, amen.

The Journal of the proceedings of Saturday, September 13, 1919, was read and approved.

UNITED CONFEDERATE VETERANS' CONVENTION, ATLANTA, GA.

Mr. WISE. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 95, authorizing the Secretary of War to loan to the city of Atlanta, Ga., tents, cots, horses, and saddle equipments for the use of United Confederate Veterans in their convention from October 7 to 10, 1919.

The SPEAKER. The gentleman from Georgia asks unanimous consent for the present consideration of a Senate resolution, which the Clerk will report.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the immediate consideration of the resolution?

There was no objection.

The SPEAKER. The Clerk will report the joint resolution.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan, in his discretion, under such rules and regulations, including a cash deposit, should the Secretary deem such necessary, as the Secretary may prescribe, to the reunion executive committee of Atlanta, for the use of the United Confederate Veterans, in their encampment to be held in Atlanta from October 7 to October 10, 1919, such tents, cots, blankets, and other camp equipment as the Secretary of War, in his discretion, deems sufficient for the purpose of the encampment: *Provided*, That no expense shall be caused the United States Government by delivery and return of said property, the same to be delivered to said committee at such time prior to the holding of said encampment as may be agreed upon by the Secretary of War and the chairman and treasurer of said committee: *Provided further*, That the Secretary of War, before delivering said cots, tents, blankets, and other camp equipment to the committee, shall take from the chairman and treasurer of said reunion executive committee of Atlanta a bond with good and sufficient security for the safe return of said property in good order and condition, the same to be without expense to the United States Government.

The SPEAKER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to a third reading, and was accordingly read the third time, and passed.

By unanimous consent the title was amended to conform to the text.

RATIFICATION OF WOMAN-SUFFRAGE AMENDMENT BY NEW HAMPSHIRE.

The SPEAKER laid before the House a communication from the secretary of state of the State of New Hampshire announcing the ratification by the legislature of that State of the proposed amendment to the Constitution of the United States extending the right of suffrage to women.

THE FLAG.

Mr. CLARK of Missouri. Mr. Speaker, a question of privilege. What has gone with the flag that usually hangs above your head?

The SPEAKER. The Chair understands it has been taken down to be repaired.

UNANIMOUS-CONSENT DAY.

The SPEAKER. To-day is unanimous-consent day. The Chair thinks it is but fair to the House that he should state that, after some time, which will depend upon the progress made in the consideration of requests for unanimous consent, the Chair will recognize Members for suspensions of the rules. The Clerk will call the first bill on the Calendar for Unanimous Consent.

REPORT ON SUGAR BY FEDERAL TRADE COMMISSION.

The first business on the Calendar for Unanimous Consent was House resolution 150, directing the Federal Trade Commission to investigate and report to the House certain information regarding sugar.

The resolution was read, as follows:

Resolved, That the Federal Trade Commission is hereby directed to make an immediate investigation and report to the House of Representatives its findings on the subject of sugar used for domestic and manufacturing purposes, both as to its market price, wholesale and retail, and whether these prices are reasonable; and the amount of sugar now in the United States, both raw and refined, in the possession of sugar refiners, wholesale dealers, or in storage; said investigation to involve a report of supplies in the possessions of the United States, raw and refined, and the causes of the present sugar scarcity.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. ANDERSON. Reserving the right to object, I was under the impression that this joint resolution was objected to on last unanimous-consent day and stricken from the calendar.

Mr. TINKHAM. It was objected to, but was allowed to remain on the calendar.

Mr. ANDERSON. Ought it not to have gone to the foot of the calendar in that case?

The SPEAKER. The Chair is informed that unanimous consent was given that it should retain its place on the calendar. Is there objection to the present consideration of the joint resolution?

Mr. MONDELL. Reserving the right to object, I think the House has been sufficiently informed with regard to these matters to know that under the law the House alone can not properly order these investigations. In view of the provisions of the law requiring action by both Houses to authorize investigations by the Federal Trade Commission, I had hoped gentlemen would not present these matters in the form of House resolutions. Let us have these inquiries presented in a way that will surely get the facts. I know the gentleman from Massachusetts [Mr. TINKHAM] wants the facts.

Mr. TINKHAM. Will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. TINKHAM. About a month ago, with the consent and cooperation of the honorable Representative from Wyoming, an order very similar to this was passed, asking the Federal Trade Commission to report the same character of information in regard to shoes which is now desired in regard to sugar.

Mr. MONDELL. Yes; and attention was then called to the fact that under the law the House, acting alone, has no authority to order the Federal Trade Commission to make these investigations. Of course, we hoped that, having been notified and informed with regard to that provision of law, gentlemen would in future follow the provisions of the law in making these requests. I know the gentleman from Massachusetts [Mr. TINKHAM] has been most earnest and persistent in this matter, but I doubt if we can get the facts in this way.

Mr. TINKHAM. Will the honorable Representative yield for a question?

Mr. MONDELL. Yes.

Mr. TINKHAM. Is not the law made from day to day by this House? Does not that supersede any law that may have been made by any previous Congress, and will not any request upon the Federal Trade Commission by the House be courteously answered, and does not the honorable Representative realize that this question——

Mr. MONDELL. If the gentleman will allow me to answer his question and not go into a discussion of the proposition, the gentleman from Massachusetts, of course, knows that the House acting alone can not change a law which has been passed by both Houses and signed by the President. Of course, the gentleman understands that.

Mr. TINKHAM. Does anything forbid the Federal Trade Commission to do this?

Mr. MONDELL. My understanding is that under the law the Federal Trade Commission is not authorized to make investigations except at the request or on the order of the Congress.

Mr. TINKHAM. Does the law forbid the Federal Trade Commission to make an investigation of this character?

Mr. MONDELL. It provides that they shall do it at the request of the Congress, and that is definite and specific. Of course, the Federal Trade Commission would neither have the authority to spend money nor be obligated by a request on the part of the House acting alone for an investigation of this character.

Mr. MOORE of Virginia. Mr. Speaker, may I ask the gentleman from Wyoming a question?

Mr. MONDELL. Yes.

Mr. MOORE of Virginia. My recollection is that when the Igoe resolution was under consideration the very fact which is now stated was suggested, and it was determined to pass the resolution in the form of a request to the board to make the investigation.

Mr. MONDELL. The House good-naturedly allowed that to go through. Many Members had not had their attention called then to the provision of the law, but everyone was on notice thereafter as to the provision of the law in this regard, and we ought to follow the law.

The House of Representatives ought to proceed in accordance with the law. If the House had been disposed to have the Federal Trade Commission enter upon inquiries and investigations at the request of one House only, I assume that the House would have been able to have had its way in that matter in the enactment of the law, but evidently the gentlemen at both ends of the Capitol thought in view of the very important activities of the Federal Trade Commission they should not have the unusual and extraordinary burdens placed upon them without the action of the Congress.

Mr. MOORE of Virginia. I asked the gentleman a question in view of what I had heard in regard to it.

Mr. MONDELL. Now, we are insisting on assuming to instruct the Federal Trade Commission which, under the law we passed, this House has no authority to do.

Mr. MOORE of Virginia. I beg the gentleman to consider that this is a most meritorious matter, and I think the Federal Trade Commission will respond to the resolution.

Mr. MONDELL. I think the measure is very meritorious, but this is also true of the Federal Trade Commission; it has full authority to report on every matter referred to in this resolution. It could do it without any request on the part of Congress. I have no doubt that in the ordinary course of business it does make certain inquiry along these lines, but Congress deliberately provided, when the Federal Trade Commission was constituted, that it was to have placed upon it no unusual burden, no unusual inquiry or investigations unless requested by the Congress, and I think the House should act in accordance with the law as it was placed on the statute books. My recollection is that one of the members of the Federal Trade Commission, in a hearing before the Appropriations Committee a few days ago, called attention to the limitation of the authority of the commission, and that the Federal Trade Commission had no authority to carry on an investigation unless requested by the Congress. That is all I have to say. I shall not object. I have simply said what I have to call attention to the fact that we are constantly ignoring the law in making these requests, and that we embarrass the Trade Commission in making a request they have no authority to comply with.

Mr. JOHNSON of Washington. Is the gentleman objecting?

Mr. MONDELL. I have not objected and shall not. I know we want all the information we can get in regard to sugar, but I fear we will not get it this way.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CANNON. Mr. Speaker, after listening to the statement of the gentleman from Wyoming, who, I think, has stated the facts as they are, I object.

The SPEAKER. Objection is made.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed with amendment the bill (H. R. 8624) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, in which the concurrence of the House of Representatives was requested.

PRESENT AND FUTURE SUPPLY OF TIE TIMBER.

The next business on the Calendar for Unanimous Consent was the House resolution 186, requesting the Interstate Commerce Commission to make an investigation regarding the present and future supply of tie timber.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CLARK of Missouri. Reserving the right to object, who is in charge of this resolution?

Mr. DYER. I have charge of it.

Mr. CLARK of Missouri. What is the purpose of the resolution?

Mr. DYER. The object of this resolution is to ascertain what the present supply of tie timber is in the United States with reference to its needs, and whether or not there are available any other materials for railroad ties which can be had.

I will say to my colleague that at the hearings had before the Committee on Interstate and Foreign Commerce, from which committee this resolution was reported unanimously, the Forester of the Department of Agriculture stated that at the present time the country is producing only one-third of the amount of timber that is now needed for ties and now being consumed; in other words, the consumption is two-thirds greater than the production, and something must be done in some way to provide for the shortage. This only authorizes the Interstate Commerce Commission to make an inquiry touching the matter which will not require much time.

Mr. CLARK of Missouri. Does not the gentleman think that the men engaged in the tie business would give the information without any investigation?

Mr. DYER. We had before the Committee on Interstate and Foreign Commerce the officers of the Department of Agriculture, the assistant forester, who gave the facts and figures in the hearings touching the amount of timber available now and that which is being consumed. We had before the committee the officials of the railroad companies, those having charge of construction work, and they stated the needs of the railroads with reference to ties at the present time. Practically every railroad in the country is in a bad condition on account of the condition of the ties and not being able to obtain, so they state, sufficient ties to make the roads safe. They say they are trying to find some method to meet this situation.

Mr. CLARK of Missouri. The gentleman stated a minute ago that there was an effort to find new material to make ties of. Under this new process of doctoring wood I have understood that cottonwood or anything of that sort would make as good a tie as the old-fashioned white-oak tie.

Mr. DYER. There was testimony in the hearings touching that, and I think it was stated that there has been some use made of that, and that there has been a process of doctoring them up and making them last longer, and also some testimony to show that some of the railroads—the Chicago & Alton and some in Pennsylvania—have made an effort to find a substitute. They have experimented upon other materials, particularly steel, and this is merely to have the Interstate Commerce Commission investigate. One ground is not only the necessity for something to preserve the forests of the country, which are being depleted, but also as a matter of safety. Wooden ties in bad condition cause many wrecks and loss of life. If something can be found to make a railroad safer in this respect, it comes under the safety provisions of the Interstate Commerce Commission, authorizing that commission to make an investigation.

Mr. CLARK of Missouri. How much is this investigation going to cost?

Mr. DYER. I doubt if it will cost anything. There is a fund now available to the Interstate Commerce Commission under the safety section for investigating devices and things pertaining to the safety of railroad travel, and that same section of the Interstate Commerce Commission could make this investigation. They have funds available. They have not stated to anybody, so far as I know, that they would require any additional funds to make this investigation.

Mr. CLARK of Missouri. Did the committee take into consideration the fact that white oak, which it is universally conceded makes the best ties, had been used heretofore principally to make whisky barrels, and that the whisky-barrel business was now busted and that white oak might go into ties?

Mr. DYER. That matter was not brought out, I will say to the gentleman.

Mr. KING. Mr. Speaker, will the gentleman yield?

Mr. DYER. Yes.

Mr. KING. Does the gentleman know whether one Charles Lathrop Pack will be employed in the investigation of the proposition?

Mr. DYER. I never heard of the gentleman.

Mr. KING. He is the gentleman who conducted the war-garden commission and is now in the forestry business.

Mr. DYER. No; he had nothing to do with this.

Mr. KING. Did he testify before the committee?

Mr. DYER. He did not. I never heard of the gentleman.

Mr. JOHNSON of Washington. Mr. Speaker, reserving the right to object, let me ask if in these hearings the amount of timber in the forest reserves of the United States, available for tie timber, was discussed?

Mr. DYER. We discussed all of the timber that was available in the United States, and the condition of the forests generally, and the Assistant Forester, Mr. E. H. Clapp, appeared before the committee and gave a very thorough analysis of the forestry situation.

Mr. JOHNSON of Washington. I do not wish to object, nor will I object to any inquiry that the commission might make; but if it makes a fair report it will come to about the following conclusion: The United States reserves and holds from use its timber in forest reserves, including tie timber. Taxes are increasing upon the outside timber and many of the holders of private timber are liquidating; that is to say, getting out from under. They, many of them, are cutting timber into ties that never should be cut into ties, thereby reducing the quantity of larger timber to be available in the future. I think any investigation that is made will be a useless procedure. The amount of timber owned by the Government and privately owned is well known. An investigation is likely to develop the well-known fact that a shortage of ties to railroads, particularly in the East, is partly due to increased railroad rates on ties from a distance. In the great State of Washington and in Oregon and in Idaho, the great timber section, there is timber, quantities of it, billions upon billions of feet, rotting for want of use—all locked up in forest reserves. Yet we propose to investigate the matter to see whether there is a shortage of tie timber?

Mr. RAKER. Mr. Speaker, reserving the right to object, did the gentleman observe closely the strictures made by the gentleman from Wyoming regarding House resolution 150, directing the Federal Trade Commission to investigate respecting sugar, which was just objected to, to the effect that the House can not require the Federal Trade Commission to act in the circumstances? What is the distinction between this resolution and the one just objected to in respect to the point made by the gentleman from Wyoming [Mr. MONDELL]?

Mr. DYER. I am not acquainted with the matter to which the gentleman referred; but the request here is that the Interstate Commerce Commission do this. That commission makes investigations of this kind.

Mr. RAKER. The gentleman from Wyoming made the statement about resolution 150 that the House can not require the Federal Trade Commission to make a report to the House upon sugar. Does this resolution, as was the case with the one just objected to, involve the question of interstate commerce or combinations or antitrust laws?

Mr. DYER. No. Nothing of that kind. It merely asks the Interstate Commerce Commission to make an investigation and advise the House as to the present and future supply of tie timber, as to the best and most practical methods of meeting the present and future demands of such supply, the extent and practicability of the use of substitutes of metal, concrete, or other material, and the relative cost of ties made of such materials as compared with those made of wood.

Mr. RAKER. Has the gentleman any doubt that the House has the right to call on the Federal Trade Commission as was done by House resolution 150?

Mr. DYER. I have none, I will say; but I do not pretend to be a great lawyer.

Mr. RAKER. I do not understand the strictures of the gentleman from Wyoming [Mr. MONDELL] a moment ago on the other House resolution which required the Federal Trade Commission to make a report on sugar.

Mr. DYER. I think the commissions created by this Congress are authorized, and should be under the law, to give to the Congress information from time to time.

Mr. RAKER. I hope this resolution will pass, and I am sorry that the resolution just objected to, House resolution 150, was objected to on the ground that the House has no authority to ask the Federal Trade Commission for this information. Now, we come to a resolution of this kind and there is no objection to this, apparently.

The SPEAKER. Is there objection?

Mr. LANKFORD. Mr. Speaker, I object to the consideration of the resolution.

The SPEAKER. Objection is heard, and the Clerk will report the next business.

CAMP A. A. HUMPHREYS, VA.

The next business on the Calendar for Unanimous Consent was House joint resolution 161, authorizing the Secretary of War to expend certain sums appropriated for the support of the Army for the fiscal years ending June 30, 1919, and June 30, 1920, at Camp A. A. Humphreys, Va.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. ANDERSON. Mr. Speaker, reserving the right to object, this resolution seems to carry a good deal of money, and I think there ought to be some sort of an explanation.

Mr. KAHN. Mr. Speaker, I wish to state to the House that joint resolution 161 carries approximately $500,000 with which to perform some work at Camp A. A. Humphreys, Va.

It is of a rather temporary character. The Committee on Military Affairs did not feel it was necessary to use as much money as the sum specified in resolution No. 161. A subcommittee of the Committee on Military Affairs recently visited Camp A. A. Humphreys, and that committee recommended that $116,000 be expended in lieu of the half million dollars provided for by this resolution, and at the proper time, if unanimous consent is given, I shall move to strike out or shall move to substitute another resolution which the gentleman from Kansas [Mr. ANTHONY] introduced on the 12th instant, which provides for $116,000 instead of the amount carried in the original resolution. The nine members of the Subcommittee on Military Affairs who visited Camp A. A. Humphreys came to the conclusion that to conserve property which is already in the course of construction that latter amount ought to be expended at this time.

Mr. SNELL. Will the gentleman yield for a question?

Mr. ANDERSON. I will yield to the gentleman from New York.

Mr. KAHN. Certainly.

Mr. SNELL. If we make this initial expenditure now, does that mean that we must make the entire expenditure called for by the War Department for the improvement of this plant there?

Mr. KAHN. Oh, no. Of course the very purpose of coming to Congress and asking for this expenditure of money is to enable the War Department to make some repairs and continue some improvements which were in progress when the amendment to the Army appropriation bill stopping all new construction and purchase of land was adopted by Congress.

Mr. SNELL. What I am afraid of is that if we start in with this appropriation that next year they may come in here and in a little while try to spend the whole $32,000,000 estimated for the improvement of these grounds.

Mr. KAHN. This has nothing to do with the establishment of a permanent military engineer school at this point. The committee was careful to see to it that it was not a case of the camel getting his nose under the tent.

Mr. SNELL. This provides for something between $500,000 and $600,000.

Mr. KAHN. No; the original——

Mr. SNELL. The original estimate calls for that.

Mr. KAHN. Yes. The subcommittee of the Committee on Military Affairs who went to Camp A. A. Humphreys came to the conclusion that they could get along with $116,000 in lieu of the $500,000.

Mr. SNELL. Well, the first time they came before the Rules Committee they said it was absolutely necessary to have that amount; that they could not get along with anything less; and now they come in and say they can cut it to $116,000. If by making one visit——

Mr. KAHN. Oh, at that time the members of the Committee on Military Affairs had not visited the camp.

Mr. SNELL. I am pleased that they made that one visit, because that saves the Government something like $400,000.

Mr. KAHN. Now, the gentleman from Kansas, who is very careful and conscientious, is chairman of the subcommittee which made that visit. He went over the ground very carefully, and he stated to his colleagues on the committee that he was satisfied that this money should be expended so as to make the place habitable this winter. There are many bungalows which have been put up for officers' quarters. They have no roof on and they have to be roofed. There is no heating apparatus, and they are to be occupied this winter.

Mr. SNELL. It is not the intent of the Committee on Military Affairs to make this a permanent camp?

Mr. KAHN. No.

The SPEAKER. Is there objection to the immediate consideration of the resolution?

Mr. ANDERSON. Mr. Speaker, reserving the right to object, I do not know that I exactly understand the purpose of the gentleman from California with reference to the substitute resolution.

Mr. KAHN. Mr. ANTHONY introduced House joint resolution 208 on Friday afternoon, I think, which provides for the expenditure of $116,000 in lieu of the $500,000 originally provided in this pending resolution.

Mr. ANDERSON. If the gentleman will permit, does the new resolution the gentleman proposes to offer as a substitute eliminate all the items in section 2?

Mr. KAHN. Yes.

Mr. ANDERSON. And practically all the elements in section 1, and reduces it to $116,000?

Mr. KAHN. Exactly.

Mr. ANDERSON. So the RECORD will show what has happened?

Mr. KAHN. The resolution itself will appear in the RECORD.

Mr. FESS. Will the gentleman yield?

Mr. KAHN. I will.

Mr. FESS. Is the resolution now proposed the same as it was before the Committee on Rules?

Mr. KAHN. No; it eliminates a great many items which were in the original resolution and carries $116,000 instead of the aggregate of money of over $500,000.

Mr. FESS. The elements which were objectionable——

Mr. KAHN. Are eliminated.

Mr. HASTINGS. Will the gentleman yield?

Mr. KAHN. I will.

Mr. HASTINGS. How is the $116,000 to be used? Is it intended that any additional land shall be purchased with this money?

Mr. KAHN. Oh, no; the land belongs to the Government already, and some of it has belonged to the Government since, I think, 1904. This is to complete some construction that has been going on at Camp A. A. Humphreys.

Mr. HASTINGS. It is not for the purpose of buying any additional land?

Mr. KAHN. Oh, no.

Mr. RUCKER. Will the gentleman yield?

Mr. KAHN. I will yield to the gentleman from Missouri.

Mr. RUCKER. The resolution which was introduced by the gentleman which calls for some $500,000 was introduced upon the request, I take it, of the War Department?

Mr. KAHN. Yes.

Mr. RUCKER. They drew it and their officers and engineers have viewed the situation and are thoroughly familiar with it?

Mr. KAHN. Yes.

Mr. RUCKER. And stated that $500,000 was needed?

Mr. KAHN. Exactly.

Mr. RUCKER. And subsequently the Committee on Military Affairs visited the place—nonexperts—and they think that $116,000 is proper, and the chairman is disposed to recognize the recommendation of that subcommittee?

Mr. KAHN. I have every confidence in my colleagues on the committee.

Mr. RUCKER. It is the purpose of the committee to do by piecemeal what the gentlemen sought to do originally in one resolution?

Mr. KAHN. We can not do it by piecemeal.

Mr. RUCKER. Could not another resolution be offered?

Mr. KAHN. Yes; Camp Humphreys is rather near Washington. You can go over there in about an hour and a half, and the members propose to visit these various military posts. Heretofore the attention of the Committee on Military Affairs has never been given to that proposition. But it seems to be the desire of the members of the committee to keep themselves informed as to the military posts.

Mr. RUCKER. I understand, then, it is not the purpose of the gentleman or of his committee, so far as he knows, to introduce other resolutions in reference to the items he is now striking out?

Mr. KAHN. It certainly is not.

Mr. RUCKER. I want to commend the subcommittee for visiting Camp Humphreys, for it is money well spent, and I think it would be well for the gentlemen to go to many places to curb the War Department in its desire to acquire property, which will bankrupt this Nation if it is not stopped.

Mr. KAHN. I thank the gentleman from Missouri, and I want to tell him that we have appointed a subcommittee of nine Members who will visit in the near future all the camps and cantonments that were involved in the legislation passed by the House last July in the Army appropriation bill.

Mr. RUCKER. Not with the hope of forestalling the work of that committee, I will say that I hope they will not recommend $116,000 at those other places.

Mr. BEGG. Will the gentleman yield?

Mr. KAHN. I will yield to the gentleman from Ohio.

Mr. BEGG. The question I would like to ask is, If I understood the gentleman correctly, he said that most of this money was to complete construction that was started—of bungalows, and so forth—for officers' quarters?

Mr. KAHN. Exactly; quarters for officers who are teachers over there in the Engineers' school.

Mr. BEGG. Now, I should like to ask the gentleman another question. We had a good many camps in this country practically fully completed, did we not?

Mr. KAHN. We had 16 camps and cantonments.

Mr. BEGG. At Camp Sherman, I think we have a very creditable and well-equipped camp. Would it be impossible for the War Department to use some of these camps without even expending $116,000?

Mr. KAHN. I believe those camps are now being used, or have been used, for the demobilization of the troops. In other words, when the boys have been brought from France they are first sent to some debarkation camp near New York City, and then sent to these cantonments that the gentleman speaks of for final discharge.

Mr. BEGG. And the majority of them are discharged now?

Mr. KAHN. There are still about half a million men to be discharged.

Mr. BEGG. Will the gentleman make the statement that there is no room in buildings already equipped in cantonments to do this work that is asked to be done and house the officers that are asked to be housed at Camp Humphreys? Is that a fact?

Mr. KAHN. I do not think it is possible to do this work at any other place. I could go into an explanation of that.

Mr. BEGG. That is not necessary. The gentleman's word is satisfactory to me.

Mr. KAHN. The engineers, of course, have to be taught how to build wharves and bridges, including pontoon bridges, and all work of that kind. The land at Belvoir is absolutely suited to that kind of work, and it would not be suitable in most of the other places.

Mr. HAMILTON. I would like to ask the gentleman a question. How many acres of land does the Government own at Camp A. A. Humphreys?

Mr. KAHN. I think something like 9,000 acres.

Mr. HAMILTON. I suppose the Government owns large areas of land elsewhere. What, if the gentleman knows, is to be the policy of the Government with reference to this land, the title to which it has acquired?

Mr. KAHN. Well, of course, that is a very large proposition. The Committee on Military Affairs became somewhat impatient over the purchase, or reported purchase, or intention to purchase, additional lands. We thought the Government had all the land for military purposes that it might require. And, if the gentleman recalls, when the Army appropriation bill was passed by Congress a provision was put in prohibiting the further purchase of land and also prohibiting the completion of any improvements that were in progress at the camps and cantonments. That immediately stopped further construction at Camp A. A. Humphreys. Now, the subcommittee that went down there feels satisfied that these quarters for officers who are teachers there ought to be at least completed to the extent of putting on roofs, finishing the interiors, putting in heating apparatus, and things of that sort. That is as far as the legislation will go.

Mr. HAMILTON. That phase of the situation is not what is troubling me. I was thinking of the larger question, of what is proposed to be done with this immense area of land.

Mr. KAHN. We have asked for information from the War Department on that very proposition, and we are still awaiting a final answer.

The SPEAKER. Is there objection to the consideration of the resolution?

Mr. THOMPSON of Oklahoma. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman a question. Was this camp in existence before the breaking out of the war, or before we entered it?

Mr. KAHN. I understand the military were in possession of that land and had some kind of buildings over there.

Mr. THOMPSON of Oklahoma. Will the gentleman say what is being done over there at this time?

Mr. KAHN. Yes; I can say what is being done there at this time. My colleague on the committee, the gentleman from Ohio [Mr. KEARNS], says that there was no construction over there before the war.

Mr. KEARNS. And only part of the land was owned, too.

Mr. KAHN. Yes. Belvoir, if you remember, was owned by the Government for some years. It was the intention on the part of Congress to put up the District of Columbia workhouse on that land. The ladies of the Mount Vernon Association—Mount Vernon adjoining Belvoir—filed protests against the construction of the workhouse at that place, and then Congress decided to build it elsewhere. But the land remained in the possession of the Government.

Mr. THOMPSON of Oklahoma. But it was not purchased for military purposes?

Mr. KAHN. No; and in the meantime, when the war broke out, additional land was purchased. The United States Engineer School has been at the Washington Barracks here, in the District of Columbia, for many years. It was found that those buildings down there were inadequate during the war for the larger activities of the Engineer Department. Many of the buildings, as I understand it, are used now for storehouses. Of course, the officers' quarters are still in use. But, at any rate, the Engineer school claimed that they were crowded out of an area at the Washington Barracks, and they began to construct a temporary camp at Camp A. A. Humphreys. They had about 20,000 troops down there in training as Engineers. They had intrenchments and gas retorts, and the Engineer troops were taught everything that was necessary to enable them to fight in this war. It was impossible to do that at the Washington Barracks, and so these new buildings, temporary in character, were constructed at Camp A. A. Humphreys.

Mr. THOMPSON of Oklahoma. The war is over now.

Mr. KAHN. Yes.

Mr. THOMPSON of Oklahoma. And what is the necessity of continuing this improvement down there?

Mr. KAHN. Well, there are some 300 students in the Army in the Engineer Corps, many of them graduates from West Point.

Mr. ANTHONY. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. ANTHONY. I think there are 110 students, according to my information.

Mr. KAHN. One hundred and ten. They were all, I think, members of certain classes of West Point who were graduated ahead of time by reason of the war. Then, the war being over, they were sent back to school to finish their education. They are now at Camp A. A. Humphreys, there being no place for them at Washington Barracks, as I understand it.

Mr. THOMPSON of Oklahoma. That is all that we have there at this time—110 students?

Mr. KAHN. I am informed there are 280 students in all.

Mr. THOMPSON of Oklahoma. That is all we have down there?

Mr. KAHN. Yes.

Mr. THOMPSON of Oklahoma. During the progress of the war we had down there not only a great many officers in the Engineer school but many thousands of troops?

Mr. KAHN. Yes. They were in training.

Mr. THOMPSON of Oklahoma. I say they were in training. There were a great many down there, were there not?

Mr. KAHN. Yes; 20,000 in tents, and so on.

Mr. THOMPSON of Oklahoma. Is there not a sufficient number of buildings to take care of those 280 students?

Mr. KAHN. Oh, no. The buildings we have down there are not of the character that are useful for officers who are teachers in the school.

Mr. THOMPSON of Oklahoma. It is intended, then, to make this a permanent institution down there, is it?

Mr. KAHN. No.

Mr. THOMPSON of Oklahoma. When is it expected to be abandoned?

Mr. KAHN. That remains with Congress. I will say frankly that the Committee on Military Affairs have not looked with favor upon the establishment of a permanent engineer school at this place.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

Mr. KAHN. Yes.

Mr. RAKER. What became of all the buildings that were there?

Mr. KAHN. They are down there yet, those that were used during the war.

Mr. RAKER. Some six months ago they were tearing them down. They had four or five hundred men at work taking down the buildings, and there were still at that time, as it seemed to me, enough to accommodate about 20,000 people.

Mr. KAHN. I am quite sure that there are only those buildings that are necessary at the present time to carry on the temporary establishment down there. The gentleman from Virginia [Mr. HARRISON] is very familiar with the place, and he can give gentlemen the desired information.

Mr. RAKER. Let me ask the gentleman this question: Is it the intention that this appropriation shall be used to construct new buildings down there?

Mr. KAHN. Decidedly no. This is intended to put on roofs on about 40 sets of officers' quarters.

Mr. HARRISON. Thirty-two.

Mr. KAHN. Yes; 32 sets of officers' quarters, finishing the interior and putting in heating apparatus and making them habitable.

Mr. RAKER. My recollection is that we had 40,000 men down there. There were about 10,000 negroes on one side, and white quarters on the other, and it seems to me there were enough buildings there to house about ten or fifteen thousand men in permanent buildings.

Mr. KAHN. No. As I recall those quarters, they were not of a very permanent character. If we wanted to make them habitable this winter we would have to spend a great deal more money on them.

Mr. HARRISON. We would have to spend as much.

Mr. RAKER. I have been there.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield there?

Mr. KAHN. Yes.

Mr. McKENZIE. I wanted to ask my colleague whether there are not more students at this place for engineers at the present time, due to their graduation ahead of time, than there will be hereafter when the regular classes are graduated, and there will be no such demands on this camp in the coming year as there is at this time?

Mr. KAHN. The gentleman is quite right.

Mr. ANTHONY. Reserving the right to object, Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANTHONY. If consideration is given to this bill, would it be open for amendment?

The SPEAKER. Yes; until the previous question is ordered.

Mr. KAHN. I stated that the gentleman was in the committee room and could not come over immediately. I stated in his absence that if permission is granted I will offer as a substitute the resolution which the gentleman introduced last Friday.

Mr. ANTHONY. I have a statement that I desire to make in regard to Camp Humphreys, which I will make when the bill is under consideration.

Mr. CANNON. I want to ask a question.

Mr. MONDELL. Mr. Speaker, reserving the right to object, I understand, if unanimous consent is given, the Committee on Military Affairs, which reported this bill, will support a motion made by the chairman of that committee to reduce the amount?

Mr. KAHN. Yes, Mr. Speaker.

Mr. CANNON. I want to ask a question.

Mr. KAHN. Yes.

Mr. CANNON. It seems from the inquiries and answers that at Camp Humphreys the only thing desired is to perfect and finish 40 sets of quarters, with heating apparatus and everything of that kind, for officers?

Mr. KAHN. Yes.

Mr. CANNON. There is enough for students there already?

Mr. KAHN. Yes.

Mr. CANNON. Now, what is between this camp and Baltimore—Camp Meigs, is it?

Mr. KAHN. That is over in the other direction altogether.

Mr. CANNON. That is on a railroad, is it not?

Mr. KAHN. Yes; but this place is a little further south than the Mount Vernon property.

Mr. CANNON. I understand that, but are there not hospitals and officers' quarters both at Meigs and at Meade, near by, practically on a railroad?

Mr. KAHN. They are both far away. It is an hour and a half ride from Camp Humphreys to Washington, and to Meade from Camp Humphreys it is two hours and a half or three hours.

Mr. CANNON. But how far is it by rail?

Mr. KAHN. There is no direct rail communication to Camp Humphreys.

Mr. CANNON. Oh, yes.

Mr. KAHN. No; you go on the Southern road to a little station called Accotink. There are only a certain number of trains that stop at that place, and there is a spur from there.

Mr. CANNON. I am speaking about the camps in the other direction—Meigs and Meade.

Mr. KAHN. Of course, there is no railroad direct to Meade, but there is a railroad to Annapolis Junction, which is fairly near Meade.

Mr. CANNON. Yes; I know. I have been over there, and so has the gentleman.

Mr. KAHN. Yes.

Mr. CANNON. There are hospitals and officers' quarters there, as I understand it, galore. Here the proposition is to spend $116,000 to fix up quarters for the officers, which the gentleman confesses are to be only temporary.

Mr. KAHN. If the gentleman will allow me, Camp Meade at the present time is occupied by the First Division, and will be occupied by the First Division for some time, and this place at Camp A. A. Humphreys is occupied only by engineer students.

Mr. CANNON. Oh, but the officers——

Mr. KAHN. Who are teaching them.

Mr. CANNON. But their quarters will not be done before the snow flies.

Mr. KAHN. Oh, yes; the very purpose of passing this appropriation is to allow it all to be done before the snow flies.

Mr. CANNON. Camp Meade is being used for demobilization, but they will all be gone.

Mr. KAHN. There are nearly 500,000 men still to be demobilized.

Mr. CANNON. But there are any number of places to demobilize them, and it will all be done before cold weather.

Mr. THOMPSON of Oklahoma. I was over in Texas the other day, and I understood at Camp Bowie they sold all the improvements, houses and everything which had cost the Government over $3,000,000, and the Government only received for them $66,000. They had plenty of room there to send these men.

Mr. CANNON. They have got plenty of room at any number of places.

Mr. RAKER. There is a railroad into Camp Humphreys, is there not?

Mr. KAHN. Yes; a spur track which strikes the main road at a place called Accotink.

Mr. RAKER. Yes; I have been there. Now, is it not a fact that over 5,000 officers—that is, men who were studying to be Engineer officers—have occupied these same quarters at different times—the same buildings that are there now?

Mr. KAHN. My colleague from Kansas [Mr. ANTHONY] has been over the ground very recently, and he can tell the gentleman all about it. I yield to my colleague.

Mr. ANTHONY. I should like unanimous consent to proceed for 15 minutes.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. CANNON. I think we had better have the explanation first. The gentleman may make it plain that it should not be done.

Mr. ANTHONY. A special subcommittee was appointed to look into some of these pending matters concerning appropriations that are being asked for by the War Department at some of these Army camps and cantonments. On last Tuesday this subcommittee visited Camp Humphreys and looked into the necessity for the appropriations asked for in the resolution now before the House.

The situation down there is this: The engineering school was formerly installed at Washington Barracks in buildings and officers' quarters that cost probably very near $1,000,000 that, I think, were in every way fitted for the continued housing of the Engineer school. A short time ago, however, the War Department, for a reason which I think was a very trivial one, concluded to change the location of that school from these splendid buildings down at Washington Barracks that had been constructed for them to Camp Humphreys, where they say they want to utilize the terrain there, which is, in fact, adapted for field engineer operations. But, gentlemen, the only purpose, as far as I could see, for the removal of the Engineer school from these splendid officers' quarters and buildings at Washington Barracks was so that the officers at the War College could occupy the quarters which were formerly occupied by the officers and students of the Engineer school. That is the only reason I can see for making this change which may involve the Government in the expenditure of an enormous amount of money.

The committee looked into the situation as we found it, caused by this unhappy change of location. There is no way I can see to avoid keeping the engineer school at Camp Humphreys at least for this winter, and the committee decided that it would be reasonable and proper to allow the department just a sufficient sum of money so that they could go ahead and complete bungalows for officers quarters, which they had already partially constructed. There are 28 of these buildings ranging from 10 per cent to 90 per cent completed. There is no heating plant installed in any of them. The $116,000 we propose to allow the War Department is solely for the purpose of completing the buildings that the War Department started the construction of without any authority or warrant from Congress, by using funds voted for the conduct of the war on

construction which is intended for an engineer school for peace-time use.

Mr. SNELL. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. SNELL. The gentleman says that this move was made entirely without any authority whatever from Congress?

Mr. ANTHONY. Well, some authority; they had the authority of the Military Committee to adopt that location temporarily for the engineer school during the war, because they said they desired to use the Washington Barracks for other purposes; but the only military purpose of the great buildings of the engineer school there is apparently to store draft records and provide quarters for the officers of the War College.

Mr. SNELL. Why could not they move the records of the draft to some other place and move the engineer school back to these quarters here?

Mr. ANTHONY. That is what I think should be done, but the committee feels that this land at Camp Humphreys, 6,000 acres, now owned by the Government, is useful and necessary for the training of engineer students. We are willing to allow them the grounds for summer use and field work and training. But I, for one member of the committee, feel that they should be compelled to come back and occupy the buildings at the Washington Barracks which were erected for that purpose, as the permanent quarters of the engineer school.

But let me tell the gentleman another thing, and this is really the bug under the chip at Camp Humphreys. We were shown a magnificent set of plans down there, that must have cost hundreds of dollars to prepare, of one of the most magnificent set of buildings ever constructed in this country or in the world to house the proposed new engineer school. In response to a question we were told that the buildings and housing for the new school would cost $32,000,000. We were told that the General Staff had approved of the plan and that the Secretary of War had approved it.

Now, gentlemen, the danger in making further appropriations for Camp Humphreys lies in not safeguarding the appropriation so that the money can be used by the War Department for permanent construction on this wild, wasteful, extravagant plan to cost $32,000,000 for a permanent school. I believe we should pass the bill with the amendment which the committee will offer, and a provision that none of the funds now or heretofore appropriated shall be spent for any part of a permanent engineer school at Camp Humphreys without specific authority from Congress.

Mr. SNELL. One more question. How are we going to stop them if they do it without authority, and Congress comes in and appropriates the money for them to do what they did without authority?

Mr. ANTHONY. We feel that the act has been done, the school has been moved, it is in operation, and it will be wise to maintain the school there at least through the coming winter. The gentleman must understand that in time of peace the families of these officers are with them and should be made comfortable.

Mr. SNELL. Could not they be moved back to the Washington Barracks now?

Mr. ANTHONY. I doubt if it could be done without time to properly provide for quarters for officers at the War College. There are 28 bungalows which are from 10 per cent to 90 per cent completed, and it would be the practical thing to finish them.

Mr. SNELL. Would it not be possible to use the buildings here and put the school back where it was for years?

Mr. ANTHONY. It ought to be done, but I do not think it would be wise to do it now, because the school is now at Camp Humphreys and in operation. The school should be moved back to Washington Barracks next spring, but the Military Committee feels that the Camp Humphreys land should be retained as a field training ground for engineer work.

Mr. SNELL. Would that interfere with keeping it for any other purposes. My idea is that we ought to move it back and not spend any more money there.

Mr. ANTHONY. If immediately moved back it would involve securing quarters for officers of the War College. That could be taken care of if we moved them back next spring.

Mr. SNELL. They had the same officers there once before.

Mr. ANTHONY. Yes; but they have a vastly increased number now at the War College.

Mr. SNELL. What is the policy as to the number of officers there; how many?

Mr. ANTHONY. The War Department has increased the number of officers at the War College.

Mr. SNELL. I am against making appropriations for departments where they go out and spend money without the authority of Congress.

Mr. ANTHONY. That is just what the Committee on Military Affairs is trying to stop. The limitation in the last appropriation bill stopped the construction and equipment at these places which was going on without authority of Congress. Now they have come for this authority at Camp Humphreys, and we deem it wise that they should complete these bungalows that are nearly completed.

Mr. SNELL. What assurance have we that they will not start something else?

Mr. ANTHONY. I think if a proviso is put on the bill against construction of permanent buildings of the new school plan there it will effectually stop it.

Mr. KAHN. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. KAHN. Does the gentleman think that it is necessary in view of the fact that Congress passed the bill forbidding the purchase of other additional ground and the construction of new quarters in any of these camps and cantonments?

Mr. ANTHONY. I will say to the gentleman that if there is any possibility by which the War Department could get hold of any of the money that we have provided in the last appropriation bill, I think they would not hesitate to do it and spend it for that purpose, unless we explicitly prohibit it.

Mr. KAHN. The War Department has sent up a great many propositions which it wants completed, showing, at any rate, that they are paying some deference to the law.

Mr. ANTHONY. I think that is commendable on the part of the department.

Mr. JOHNSON of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. JOHNSON of Kentucky. I desire to ask the gentleman whether or not there is provision being made for the heating of these houses during the coming winter?

Mr. ANTHONY. Yes. I was informed by one of the officers there that $116,000 would complete these uncompleted bungalows and heat them.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. McKENZIE. I want to say in prefacing my question that I fully agree with the recommendation of the subcommittee on cutting the amount in this bill, and shall vote for that amendment, but I also agree with my colleague and object to the proposition of making this a permanent engineers' school. I want to ask the gentleman from Kansas if it is not a fact that the War Department, when asked to find storage for the registration of records of the various soldiers, looked around Washington and finally decided that the only secure place they could put these records was in these magnificent buildings that have been used for the engineers' school, on the ground that they are fireproof, when as a matter of fact they had all kinds of space in the Munitions Building which could have been utilized, and if they did not in that way undertake to force Congress to build a permanent school at Camp Humphreys?

Mr. ANTHONY. I think the statement made by the gentleman is correct, and it illustrates the absolute lack of business judgment in the War Department in handling these questions.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. CANNON. Was this engineers' school there last winter?

Mr. ANTHONY. I can not answer that.

Mr. CANNON. Was Camp Humphreys used last winter?

Mr. ANTHONY. I think last winter it was used as an engineers' training camp for units of the National Army, but I do not think it was used as a regular engineers' school.

Mr. CANNON. Precisely, and the officers were there during that time doing their duty?

Mr. ANTHONY. Yes.

Mr. CANNON. And a great many more than will be utilized this winter?

Mr. ANTHONY. Yes.

Mr. CANNON. I object.

Mr. ANTHONY. Let me explain to the gentleman further. Can I get the attention of the gentleman from Illinois?

Mr. CANNON. Yes.

Mr. ANTHONY. Last winter the Army was on a war basis. Officers were quartered in buildings which were not comfortable, in which it would be impossible for the officer to have his family with him, and in which it would be impossible to have a school. Unless we give the small measure of relief asked for in this bill it will be impossible to conduct an engineers' school this winter.

Mr. CANNON. I do not see the impossibilities. I would be perfectly willing to spend $50,000 to put the families in buildings in Washington.

Mr. ANTHONY. And the gentleman would probably destroy an investment of about $200,000 already made in these quarters.

Mr. KEARNS. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. Yes.

The SPEAKER. Does the gentleman from Illinois withdraw his objection?

Mr. CANNON. Oh, I withdraw it; I yield to the importunities of the Military Committee.

Mr. THOMPSON of Oklahoma. Mr. Speaker, I object.

The SPEAKER. Objection is made, and the Clerk will report the next bill.

DISPUTED CLAIMS OF ENTRYMEN IN FLORIDA.

The next business on the Calendar for Unanimous Consent was the bill (S. 55) to authorize the Secretary of the Interior to adjust disputes or claims by entrymen, selectors, grantees, and patentees of the United States against the United States and beween each other arising from faulty surveys in Townships 36, 37, and 38 south, ranges 29 and 30 east, Tallahassee meridian, in the State of Florida, and for other purposes.

The SPEAKER. Is there objection?

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

GRANTING CITIZENSHIP TO CERTAIN INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 5007) granting citizenship to certain Indians.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CANNON. Mr. Speaker, what is the bill about?

Mr. HASTINGS. Mr. Speaker, I will say that this is a bill which was introduced by the chairman of the Committee on Indian Affairs, and it simply gives citizenship to those Indians who are not now citizens of the United States who enlisted and saw service in the last war. It is optional with them. The bill is favorably reported by everybody, including the Indian Department, the Interior Department, and the House Committee on Indian Affairs.

Mr. ANDERSON. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS. Yes.

Mr. ANDERSON. What is the effect of granting citizenship to these Indians upon their property rights?

Mr. HASTINGS. None whatever. It is properly safeguarded, as the gentleman will see from reading the bill.

Mr. ANDERSON. I have not a copy of the bill here.

Mr. HASTINGS. Mr. Speaker, I suggest that the Clerk report the bill. There is a clause that it has no effect whatever upon property rights.

The SPEAKER. Without objection, the Clerk will report the bill.

There was no objection, and the clerk read as follows:

Be it enacted, etc., That every American Indian, if he so desires, who served in the Military or Naval Establishments of the United States during the war against the Imperial German Government, and who has received or who shall hereafter receive an honorable discharge, shall, on proof of such discharge and after proper identification before a court of competent jurisdiction, be granted full citizenship with all the privileges pertaining thereto, without in any manner impairing or otherwse affecting the tribal rights of any such Indian or his interest in tribal or other Indian property.

With the following committee amendments:

Line 3, page 1, after the word "Indian," strike out the words "if he so desires"; line 7, page 1, after the word "discharge," insert the words "if not now a citizen and if he so desires"; line 9, page 1, after the word "jurisdiction," insert the words "and without other examination except as prescribed by said court"; and line 2, page 2, strike out the word "tribal" and insert the word "property," and after the word "rights" insert the words "individual or tribal."

Mr. ANDERSON. Mr. Speaker, I do not object.

The SPEAKER. Is there objection to the immediate consideration of the bill? [After a pause.] The Chair hears none. The Clerk will again report the bill.

The bill was again reported.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HASTINGS, a motion to reconsider the vote by which the bill was passed was laid on the table.

HOMESTEAD CREDIT TO WIDOWS.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 5000) to allow credit for husbands' military service in case of homestead entries by widows, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the immediate consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. FRENCH. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, That in the case of the death of any person who would be entitled to a homestead under the provisions of the act of Congress approved February 25, 1919 (Public, No. 273), entitled "An act to extend the provisions of the homestead laws touching credit for period of enlistment to the soldiers, nurses, and officers of the Army and the seamen, marines, nurses, and officers of the Navy and the Marine Corps of the United States, who have served or will have served with the Mexican border operations or during the war between the United States and Germany and their allies," his widow, if unmarried and otherwise qualified, may make entry of public lands under the provisions of the homestead laws of the United States and shall be entitled to all the benefits enumerated in said act, subject to the provisions and requirements as to settlement, residence, and improvement therein contained: *Provided*, That in the event of the death of such homestead entrywoman prior to perfection of title, leaving only a minor child or children, patent shall issue to the said minor child or children upon proof of death, and of the minority of the child or children, without further showing ar compliance with law.

The committee amendments were read, as follows:

Page 2, line 9, after the word "or," insert the word "minor"; page 2, line 10, after the word "said," strike out the word "minor"; and page 2, line 11, strike out "and of the minority of the child or children."

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FRENCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLIC SCHOOL BUILDINGS, PETERSBURG, ALASKA.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 7709) to authorize the incorporated town of Petersburg, Alaska, to issue bonds in any sum not exceeding $75,000 for the purpose of constructing and installing a municipal electric light and power plant and for the construction of a public school building.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the immediate consideration of the bill?

Mr. ANDERSON. Mr. Speaker, reserving the right to object, I do not see the Delegate from Alaska here, and I ask unanimous consent that the bill go over without prejudice.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

BOARD OF HARBOR COMMISSIONERS, HAWAII.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 7632) to amend section 2 of an act entitled "An act to ratify, approve, and confirm sections 1, 2, and 3 of an act duly enacted by the Legislature of the Territory of Hawaii, relating to the Board of Harbor Commissioners of the Territory."

The SPEAKER. Is there objection to the immediate consideration of this bill?

Mr. IGOE. Mr. Speaker, reserving the right to object——

Mr. WILSON of Illinois. Mr. Speaker, reserving the right to object, if the Delegate from Hawaii is here I would like to know something about this matter.

Mr. KALANIANAOLE. Mr. Speaker, this is a bill to give to the Territory of Hawaii through its Board of Harbor Commissioners the authority and right to charge a tonnage tax or toll on goods passing over wharves, landings, and so forth.

It simply amends the present law by changing the word "except" to read "including."

While the Government has expended large sums of money for the improvement and enlarging of our wharves, yet the Government has never had the right to levy any tax, and it is nothing but right and fair that we be allowed this privilege in order to raise some revenue which is neeeded for maintenance purposes as well as for paying the interest and sinking fund on the bonds issued for harbor improvement.

Mr. KNUTSON. Will the gentleman yield?

Mr. KALANIANAOLE. I will.

Mr. KNUTSON. As I understand this bill it permits the imposition of a tax for purely maintenance purposes?

Mr. KALANIANAOLE. Yes. The Territory has for years spent much money for the improvements of our lands, docks, wharves, and so forth. Besides the money spent in these improvements, which was appropriated by the legislature from the general revenues of the Territory, we have also borrowed on Territorial bonds about $2,500,000 and the last session of the legislature authorized another bond issue of $2,250,000, all for improving and enlarging our wharves and shipping facilities.

Mr. KNUTSON. Will the gentleman yield further?

Mr. KALANIANAOLE. I will.

Mr. KNUTSON. This is simply to maintain the wharves and public improvements?

Mr. KALANIANAOLE. Yes; and pay the interest and sinking fund on our bonds.

Mr. KNUTSON. That seems fair enough.

Mr. WILSON of Illinois. Mr. Speaker, I withdraw my reservation of the point of order.

The SPEAKER pro tempore (Mr. FESS). Is there objection to the immediate consideration of the bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 2 of an act entitled "An act to ratify, approve, and confirm sections 1, 2, and 3 of an act duly enacted by the Legislature of the Territory of Hawaii relating to the board of harbor commissioners of the Territory, as herein amended, and amending the laws relating thereto," approved March 28, 1916, is hereby amended to read as follows:

"SEC. 2. Section 685 of the Revised Laws of Hawaii, 1915, is hereby amended to read as follows:

"'SEC. 685. Powers and duties of board. Said board shall have and exercise all the powers and shall perform all the duties which may lawfully be exercised by or under the Territory of Hawaii relative to the control and management of the shores, shore waters, navigable streams, harbors, harbor and water-front improvements, ports, docks, wharves, quays, bulkheads, and landings belonging to or controlled by the Territory, and the shipping using the same, and shall have the authority to use and permit and regulate the use of the wharves, piers, bulkheads, quays, and landings belonging to or controlled by the Territory for receiving or discharging passengers and for loading and landing merchandise, with a right to collect wharfage and demurrage thereon or therefor, and, subject to all applicable provisions of law, to fix and regulate from time to time rates for services rendered in mooring vessels, charges for the use of moorings belonging to or controlled by the Territory, rates or charges for the services of pilots, wharfage or demurrage, rents or charges for warehouses or warehouse space, for office or office space, for storage of freight, goods, wares, and merchandise, for storage space for the use of donkey engines, derricks, or other equipment belonging to the Territory, under the control of the board, and to make other charges, including toll or tonnage charges on freight passing over or across wharves, docks, quays, bulkheads, or landings. The board shall likewise have power to appoint and remove clerks, wharfingers, and their assistants, pilots and pilot-boat crews, and all such other employees as may be necessary, and to fix their compensation; to make rules and regulations pursuant to this chapter and not inconsistent with law; and generally shall have all powers necessary fully to carry out the provisions of this chapter.

"'All moneys appropriated for harbor improvements, including new construction, reconstruction, repairs, salaries, and operating expenses, shall be expended under the supervision and control of the board, subject to the provisions of this chapter 100. All contracts and agreements authorized by law to be entered into by the board shall be executed on its behalf by its chairman.

"'The board shall prepare and submit annually to the governor a report of its official acts during the preceding calendar year, together with its recommendations as to harbor improvements throughout the Territory.'"

SEC. 2. That the Legislature of the Territory of Hawaii may amend or repeal section 685 of the Revised Laws of Hawaii, 1915, as amended by section 2 of the act of Congress approved March 28, 1916, save and except such portion thereof as relates to the public lands of the Territory of Hawaii.

SEC. 3. That this act shall take effect upon its approval.

The committee amendment was read, as follows:

Strike out all of section 2 and renumber section 3 to read "Section 2."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KALANIANAOLE, a motion to reconsider the vote by which the bill was passed was laid on the table.

ABSENCE OF HOMESTEAD SETTLERS AND ENTRYMEN.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 277) to authorize absence of homestead settlers and entrymen, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ANDERSON. Mr. Speaker, reserving the right to object, it seems we ought to have some explanation. I have no objection whatever to it.

Mr. SINNOTT. Mr. Speaker, this bill merely grants to wounded soldiers who are taking vocational training credit for the length of time they are engaged in that training, credit upon their homestead entry, except that in any event they must reside upon their entry for a period of at least one year. At present soldiers before they are discharged are given this credit, but after they are discharged and are engaged in vocational training they are looked upon as discharged soldiers and can not obtain the credit given to the ordinary soldier before his discharge.

Mr. ANDERSON. May I ask the gentleman what is the effect of the amendments suggested by the department and agreed to by the committee?

Mr. SINNOTT. That is to confine it to wounded soldiers, to disabled soldiers. That is explained in the letter of the Secretary. In the Secretary's letter he states:

The present bill is intended to benefit only such persons heretofore in the military service who have been disabled.

Mr. ANDERSON. I understand that, but what is the effect of this amendment?

Mr. SINNOTT. The purpose of the amendment is to confine the credit solely to the disabled soldier taking vocational training.

Mr. ANDERSON. It strikes me it was already confined to him without that amendment.

Mr. SINNOTT. That was the idea of the Secretary in advancing that amendment. It was suggested to the Senate committee. The amendment was put in in the Senate. The gentleman is referring to a Senate bill and not to the House bill.

Mr. ANDERSON. I am referring to the amendment inserted by the House, which reads as follows:

Upon the ground that he comes within article 3 of the act of October 6, 1917, fortieth volume, Statutes at Large, page 398.

Does that restrict the operation of the bill?

Mr. SINNOTT. That was not a House amendment. That was put in in the Senate. The House has made no amendments to the bill.

Mr. ANDERSON. It is in the bill that I have as a House amendment.

Mr. SINNOTT. It is not in the one that I have.

Mr. CANNON. What is the number? Is it 277 or 276?

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The bill is on the Union Calendar.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 277) to authorize absence by homestead settlers and entrymen, and for other purposes.

Be it enacted, etc., That every person who, after discharge from the military or naval service of the United States during the war against Germany and its allies, is furnished any course of vocational rehabilitation under the terms of the vocational rehabilitation act approved June 27, 1918, upon the ground that he comes within article 3 of the act of October 6, 1917, fortieth volume, Statutes at Large, page 398, and who before entering upon such course shall have made entry upon or application for public lands of the United States under the homestead laws, or who has settled or shall hereafter settle upon public lands, shall be entitled to a leave of absence from his land for the purpose of undergoing training by the Federal Board of Vocational Education, and such absence while actually engaged in such training shall be counted as constructive residence: *Provided*, That no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. SINNOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

STOCK-RAISING HOMESTEADS.

The next business on the Calendar for Unanimous Consent was the bill (S. 276) to amend sections 4 and 5 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. IGOE. Reserving the right to object, I would like to have a statement of what this bill is intended to do.

Mr. SINNOTT. The gentleman who reported the bill is not present, but I may say in explanation that under the present enlarged-homestead act a person may take additional land contiguous to his present entry. If he does so, he is not compelled to live upon the contiguous or adjoining land, but he is also given the privilege of taking similar lands within a 20-mile radius of his present entry. In case he does that, he has to take up his residence upon the noncontiguous entry, and it was thought by the department, and it was also thought by the committee, that a man who takes up the noncontiguous land should have the same privilege as the man with contiguous land, and should not be penalized, should not be compelled to abandon his residence upon his present entry and take up his residence 20 miles from where he has his original land. It was to give both the same privilege.

Mr. BEGG. Will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Oregon yield to the gentleman from Ohio?

Mr. SINNOTT. I yield.

Mr. BEGG. I would like to have the gentleman advise us as to what the limit as to acreage is that one man may homestead under this particular bill.

Mr. SINNOTT. The limit of land is 640 acres. If a man has 320 acres, he may take an additional 320, but it is a very arid character of land. It is land that is not capable of rais-

ing a domestic agricultural crop. It is really grazing land, land that does not contain any timber, and land that can not be irrigated.

Mr. MONDELL. Will the gentleman yield?

Mr. SINNOTT. I yield.

Mr. MONDELL. It is a fact, is it not, that what is proposed in this bill was really the intent of those who had to do with the drafting of the original bill, which it is now proposed to amend?

Mr. SINNOTT. That was really the intent, and one can make a very good, plausible argument that the present law provides for what we are trying to do under this proposed bill; but the department has interpreted otherwise.

Mr. MONDELL. And you are simply making clear the original interpretation of the bill as it was originally passed and as those who are familiar with it understood it at the time it was passed?

Mr. SINNOTT. Carrying out the intention of the act.

Mr. HICKS. Will the gentleman yield?

Mr. SINNOTT. I will.

Mr. HICKS. I realize, of course, that if this act is passed some distance would have to be stated in the bill.

Mr. SINNOTT. It is already in the act. They can only take it, by virtue of another provision, within a radius of 20 miles. They can not go beyond 20 miles from the original entry and take the additional land.

Mr. HICKS. Just why was that 20 miles adopted as a limit? We know some limit had to be adopted, but why 20?

Mr. SINNOTT. It was more or less arbitrary. Some limit had to be adopted, of course.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. SINNOTT. Mr. Speaker, I move that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 276) to amend sections 4 and 5 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916.

Be it enacted, etc., That sections 4 and 5 of the act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916, be amended to read as follows:

"SEC. 4. That any homestead entryman of lands of the character herein described who has not submitted final proof upon his existing entry shall have the right to enter, subject to the provisions of this act, such amount of lands designated for entry under the provisions of this act, within a radius of 20 miles from said existing entry, as shall not, together with the amount embraced in his original entry, exceed 640 acres, and residence upon the original entry shall be credited on both entries, but improvements must be made on the additional entry equal to $1.25 for each acre thereof: *Provided*, That the entryman shall be required to enter all contiguous areas of the character herein described open to entry prior to the entry of any noncontiguous land.

"SEC. 5. That persons who have submitted final proof upon or received patent for lands of the character herein described under the homestead laws and who own and reside upon the land so acquired may, subject to the provisions of this act, make additional entry for and obtain patent to lands designated for entry under the provisions of this act within a radius of 20 miles from the lands theretofore acquired under the homestead laws, which, together with the area theretofore acquired under the homestead laws, shall not exceed 640 acres, on proof of the expenditure required by this act on account of permanent improvements upon the additional entry: *Provided*, That the entryman shall be required to enter all contiguous areas of the character herein described open to entry prior to the entry of any noncontiguous land."

Mr. RAKER. Mr. Speaker, I move to strike out the last word. A question was asked as to the intention of those who reported the bill as to the designation of 20 miles. And in that connection I ask that a letter of the Acting Secretary of the Interior, dated June 27, 1919, be inserted in the RECORD as a part of my remarks.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent to extend his remarks in the RECORD by inserting a letter from the Acting Secretary of the Interior. Is there objection? [After a pause.] The Chair hears none.

The following is the letter referred to:

DEPARTMENT OF THE INTERIOR,
Washington, June 27, 1919.

MY DEAR SENATOR: I am in receipt of your request for report upon S. 276, a bill to amend sections 4 and 5 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916.

Under the existing law, as construed by this department, homestead entrymen of lands of the character described in said act may, after designation of their lands, enter an additional amount of lands of similar character and designation within 20 miles of the original entry, the total acreage of the two entries not to exceed 640 acres. Those entrymen who are able to make additional entries upon lands contiguous to their original entries are not required by existing law and departmental rulings to remove from the original entry to the additional, but may obtain patent upon proof of the expenditure of the amount required by law in permanent improvements upon the additional entry, and if they have submitted satisfactory final proof or obtained patent upon the original entry, patent issues upon the additional, upon submission of proof of the making of the permanent improvements required by statute. As to lands sought in additional entries noncontiguous to the original and within a radius of 20 miles, the existing law requires the entryman to comply with the requirements of the homestead laws as to residence and improvement for three years from the date of additional entry.

S. 276 proposes to place both classes of additional entries upon the same basis, and where satisfactory final proof has been made or patent issues upon the original, to allow patent to issue upon the additional upon proof of the expenditure required by the law in permanent improvements upon the additional.

It would seem both fair and logical to extend to entrymen who are not able to secure contiguous lands, but who make additional entries within the 20-mile limit, the same rights and privileges extended to those who are fortunate enough to secure adjoining lands by the making of additional entries.

To avoid confusion and to carry out the intent of the author of the bill, as well as the purpose of the original act, I suggest that the second proviso to section 3 of the act of December 29, 1916, be added to both sections 4 and 5 as proposed to be amended by this bill, viz: "*Provided*, That the entryman shall be required to enter all contiguous areas of the character herein described open to entry prior to the entry of any noncontiguous land."

So amended, I recommend the enactment of S. 276.

Cordially, yours,

ALEXANDER T. VOGELSANG,
Acting Secretary.

Hon. REED SMOOT,
Chairman Committee on Public Lands,
United States Senate.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. SINNOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLIC-SCHOOL BUILDING, PETERSBURG, ALASKA.

Mr. CURRY of California. Mr. Speaker, I ask unanimous consent to return to H. R. 7709, No. 50 on the calendar, a bill to authorize the town of Petersburg, Alaska, to issue bonds for certain purposes.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent to return to H. R. 7709. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 7709) to authorize the incorporated town of Petersburg, Alaska, to issue bonds in any sum, not exceeding $75,000, for the purpose of constructing and installing a municipal electric light and power plant, and for the construction of a public-school building.

The SPEAKER pro tempore. Is there objection?

Mr. MONDELL. Reserving the right to object, I would like to have the gentleman from Alaska inform us as to the necessity for this legislation.

Mr. RAKER. Mr. Chairman, I inquired for the gentleman from Alaska at his office this morning—in fact, I knew it before I inquired after him—and was told that by reason of important business the Delegate from Alaska had to go home. That is where he is now. He has left this bill in charge of the gentleman from California [Mr. CURRY].

The SPEAKER pro tempore. Is there objection?

Mr. ANDERSON. Reserving the right to object, Mr. Speaker, I would like to have an explanation of it.

Mr. CURRY of California. Mr. Speaker, this bill provides for the issuing of $75,000 worth of bonds by the city of Petersburg, Alaska, $50,000 of which is to extend the municipal electric light and power plant and to apply hydroelectric power to the production of the light and power instead of fuel, which they now have to use. It is a saving to the city. Twenty-five thousand dollars is to provide a schoolhouse for more than 100 children who at the present time are without adequate school accommodations.

Under the organic act the city of Petersburg is prohibited from levying a tax of over 2 per cent. The only way that this money can be obtained is through the enactment of this bill authorizing the town to issue $75,000 worth of bonds. It has been presented to the people, and all but four voted in favor of it, and the bonds will be taken up locally.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the incorporated town of Petersburg, Alaska, is hereby authorized and empowered to issue bonds in any sum, not exceeding $75,000, for the purpose of constructing and installing a municipal electric light and power plant, and for the construction of a public-school building.

SEC. 2. That before said bonds shall be issued a special election shall be ordered by the common council of the town of Petersburg, at which election the question of whether such bonds shall be issued shall be submitted to the qualified electors of said town of Petersburg whose names appear on the last assessment roll of said town for municipal taxation. Thirty days' notice of such election shall be given by publication thereof in a newspaper printed and published and of general circulation in said town before the day fixed for such election.

SEC. 3. That the registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as near as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon the condition that a majority of the votes cast at such election in said town shall be in favor of issuing said bonds.

SEC. 4. That the bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate to be fixed by the common council of Petersburg, not to exceed 8 per cent per annum, payable semiannually, and shall not be sold for less than their par value with accrued interest, and shall be in denominations not exceeding $1,000 each, the principal to be due in 20 years from date thereof: *Provided, however*, That the common council of said town of Petersburg may reserve the right to pay off such bonds in their numerical order at the rate of $5,000 thereof per annum from and after the expiration of five years from their date. Principal and interest shall be payable in lawful money of the United States of America at the office of the town treasurer, or at such bank in the city of New York, in the State of New York, or such place as may be designated by the common council of the town of Petersburg, the place of payment to be mentioned in the bonds: *And provided further*, That each and every such bond shall have the written signature of the mayor and clerk of said town of Petersburg, and also bear the seal of said town.

SEC. 5. That no part of the funds arising from the sale of said bonds shall be used for any purpose other than specified in this act. Said bonds shall be sold only in such amounts as the common council shall direct, and the proceeds thereof shall be disbursed for the purposes hereinbefore mentioned and under the order and direction of said common council from time to time as the same may be required for said purposes: *Provided*, That not to exceed $50,000 of the proceeds of the sale of said bonds shall be expended for the construction and installation of the electric light and power plant and not to exceed $25,000 thereof shall be expended for the construction of the public-school building.

With a committee amendment, as follows:

Page 2, in line 20, strike out the figure "8" and in lieu thereof insert the figure "7."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CURRY of California, a motion to reconsider the vote whereby the bill was passed was laid on the table.

HOMESTEAD ENTRY OF PUBLIC LANDS FOR MINORS.

The SPEAKER pro tempore. The Clerk will report the next one.

The next business on the Calendar for Unanimous Consent was the bill (S. 1729) permitting minors of the age of 18 years or over to make homestead entry or other entry of the public lands of the United States.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. SNELL. Reserving the right to object, Mr. Speaker, as I understand the condition of public lands at the present time, there are very few acres remaining available for settlement. Those which are available now are not of good enough quality to allow our soldiers to make entry upon them, and for that reason I do not think they should be opened up to young men under 21 years of age.

Mr. SMITH of Idaho. I hope the gentleman will not object to the consideration of this bill. It is intended to take care of the young men who are already living in the public-land States. If the boys 18 years old are old enough to fight for their country abroad, they are certainly old enough to take up land.

Mr. MONDELL. The gentleman knows that if a man serves in the Army at the age of 18 he can take a homestead entry.

Mr. SMITH of Idaho. That is true; but it does not apply to those who served in the Navy or Marine Corps.

Mr. SNELL. This is open to the boys all over the country, not to the boys of the immediate territory only.

Mr. TAYLOR of Colorado. Mr. Speaker, will the gentleman yield?

Mr. SNELL. Yes.

Mr. TAYLOR of Colorado. If the gentleman from New York had had time to look at the report, he would have observed that on the 31st day of August last year Congress passed a law authorizing the boys who have served in the Army, of the age of 18 years or over, to take up homestead claims. But it does not apply to those serving in the Navy or in the Marine Corps, and the committee felt that they ought to be put on an equality certainly with the boys who served in the Army proper.

Mr. SNELL. Are you going to put them on an equality with the Army boys—pension them, and all that? It does seem to me that if we have already included the Army and Navy and Marine Corps we are including practically all young men from 18 to 21. From the statement made in the Public Lands Committee when we were discussing the soldiers' public-lands bill, it was brought out plainly that there were very few acres of public lands of real value left available. If that is so, we should not open what is left to boys 18 years of age.

Mr. TAYLOR of Colorado. Will the gentleman permit me for a moment to have the floor?

Mr. SNELL. Yes.

Mr. TAYLOR of Colorado. I have lived out there practically all my life, and I know that there are many millions of acres of public land left in the Western States. But substantially all of it is of a poor quality. It is rough, broken, barren, and arid, and hard to clear. There is no very good land left any more.

Mr. SNELL. And you should not start boys 18 years old on such land.

Mr. TAYLOR of Colorado. We in the West feel that we know what is for the welfare of the people out there and what is best for the building up of that country. Let me say that Canada has had a law like this for years and years, allowing 18-year-old boys to locate homesteads. We are trying to prevent some of our boys from going over there and locating those homesteads by enacting this bill. This was Senator STERLING'S bill originally. The Senators and Representatives from those Northern States have been trying for years and years to pass it. It has been passed time and time again by the Senate. Our Public Lands Committee has reported it out several times, and every time it has been reached somebody who comes from a State that has no public lands in it objects to it and prevents the passage of the bill.

Now, we feel this way about it: If you want to give the boys who are raised on the farm an opportunity of getting something to connect themselves with a farm, inducing them to stay there, we should provide that when boys are 18 or 19 years old they may go and locate a home. If you provide that they can not get a homestead until after they are 21 years of age, they are very largely going to go to the towns and cities, and you will thereby lose the best prospective American farmers that you could get by not giving them an opportunity to get a farm and putting in a few years' time trying to get a home.

Mr. SNELL. If, as the gentleman from Colorado says, attempts have been made for several years to get this bill passed and it has always failed, I do not think it should be passed now. I object.

The SPEAKER. Objection is made, and the bill goes off the calendar.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the bill be allowed to retain its place on the calendar.

Mr. SNELL. Mr. Speaker, I object.

The SPEAKER. The gentleman from New York objects and the bill is stricken from the calendar.

TRAVEL ALLOWANCE.

Mr. KAHN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2624) to provide travel allowances for certain retired enlisted men and Regular Army reservists.

The SPEAKER. The gentleman from California moves to suspend the rules and pass a bill, which the Clerk will report.

The Clerk read the title of the bill.

Mr. BLANTON. Mr. Speaker, would it be in order to have the bill reported in full?

The SPEAKER. Without objection, the Clerk will report the bill in full.

Mr. WELLING. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WELLING. Will the House recur to the Unanimous Consent Calendar again this afternoon?

The SPEAKER. The Chair will state that there are four or five bills for the passage of which, under suspension of the rules, motions will be made. If they are completed in time the House will return again to the consideration of the Unanimous Consent Calendar. In the opinion of the Chair these bills will not take a great while.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. The House having used two hours in the consideration of bills on the Unanimous Consent Calendar, and the Speaker having stated that there will be four or five motions to suspend the rules, will there be an opportunity after these bills have been disposed of to take up the Calendar on Motions to Discharge Committees?

The SPEAKER. No; we will return to the Unanimous Consent Calendar. The Clerk will report the bill called up by the gentleman from California [Mr. KAHN].

The Clerk read as follows:

Be it enacted, etc., That section 126 of the act entitled "An act for making further and more effectual provisions for the national defense, and for other purposes," approved June 3, 1916, as amended by section 3 of an act entitled "An act permitting any person who has served in the United States Army, Navy, or Marine Corps in the present war to retain his uniform and personal equipment, and to wear the same under certain conditions," approved February 28, 1919, shall be held to apply

to any enlisted man for whom the law authorizes travel allowances as an incident to entry upon and relief from active duty with the Army who has been called into active service during the present emergency, or who shall hereafter be called into active service.

The SPEAKER. Is a second demanded?

Mr. ANDERSON. I demand a second.

Mr. KAHN. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from California has 20 minutes and the gentleman from Minnesota [Mr. ANDERSON] has 20 minutes.

Mr. KAHN. I yield to the gentleman from Vermont [Mr. GREENE]. [Applause.]

Mr. GREENE of Vermont. Mr. Speaker, the purpose of this legislation is simply to provide the authority for equalizing the allowances that may be paid to all soldiers who served in the armies of the United States during the emergency so far as they relate to the subject matter of this bill. I think I may say, as expressing your minds, that at no time since the development of the emergency up to the present has there been any intention on the part of Congress to treat the soldiers of the United States otherwise than upon a plane of general equality as to their pay and allowances, according to their several grades and ranks.

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. GREENE of Vermont. Yes.

Mr. JOHNSON of Washington. Does this bill cure the situation by which men were invited to come from Alaska and Honolulu to become officers in the Engineer Corps, and to come, for instance, to Camp Humphreys, making their applications on blanks which stated that mileage would be allowed to them, but who found afterwards that no mileage was allowed them?

Mr. GREENE of Vermont. I can not pass judgment on the specific instance that the gentleman refers to.

Mr. JOHNSON of Washington. I have introduced a bill to cover their cases, and I was wondering whether this covers them.

Mr. GREENE of Vermont. I do not know as to any special case which may be covered, except the matters set out in the following letter from the Secretary of War. If the gentleman will permit me to read it, he will find out whether this covers his cases or not.

The letter from the Secretary of War to the chairman of the Committee on Military Affairs, under date of June 26, 1919, after quoting the text of the proposed bill, continues as follows:

> The foregoing is for the purpose of affording relief for those enlisted men who have previously been retired or furloughed to the reserve, and later were called to active service during the present emergency, the Comptroller of the Treasury having held that the act approved February 28, 1919, does not permit the payment of 5 cents per mile to these men upon being placed upon inactive duty for the second time. The comptroller has ruled that these men upon being relieved from active duty shall receive travel pay at 3½ cents per mile only, as provided by the act approved July 9, 1918.
>
> This situation arises by reason of the choice of words in the law of July 9, 1918, enacted to cover the cases of certain enlisted men (retired enlisted men and reservists called to active duty), which provides for these men the same allowance "now prescribed by law for discharged soldiers," the word "now" limiting the allowances to those in effect at the date of the passage of the law—July 9, 1919.

As I said in the beginning, it has been the general intention of Congress at all times to see that all enlisted men were treated on an equality so far as pay and allowances in their respective grades were concerned. It turns out that perhaps the accidental choice of a word in a statute has been construed to prohibit particular soldiers from getting what other soldiers get. This is simply to cure that, so that they will all receive alike.

Mr. JOHNSON of Washington. I see that this bill does not take care of the officers I spoke of who came from distant points but who were not allowed travel pay.

Mr. GREENE of Vermont. No.

Mr. JOHNSON of Washington. I will ask the gentleman in his capacity as a member of the Committee on Military Affairs to bear these officers in mind. For a long time these men coming from distant points were ordered to report for duty at their first station at the engineer camp in Virginia. Some of them came thousands of miles, but they received no travel pay. Later, when the War Department saw the inequality of the thing, they would order a man to report for first duty at his nearest military post, which in Alaska would be a post there, or in Utah would be Fort Logan. But prior to that a great many men lost all chance of claiming mileage for proceeding to their first station to which they were called.

Mr. GREENE of Vermont. I will be very glad to look into it.

Mr. REAVIS. In that same connection I will state that I have in my office now certain documents which were sent to these officers by the War Department in which there was an absolute promise that their mileage should be paid at the rate of 5 cents a mile.

Mr. JOHNSON of Washington. Yes.

Mr. REAVIS. They came clear across the continent to Camp Humphreys, and then the War Department refused to pay their mileage.

Mr. GREENE of Vermont. Has the gentleman himself or any other Member presented a bill to correct that?

Mr. REAVIS. I have introduced a bill that corrects it.

Mr. GREENE of Vermont. The committee will be very glad to consider it. Measures like this that may be brought to your attention from time to time are intended to cure these constructions of law that are made necessary perhaps by an unfortunate choice of words in a statute or amendment or some technical status of affairs arising since the emergency that prevents what was manifestly the intention of Congress to treat all soldiers in their respective grades upon an equality as to pay, allowances, and all similar matters.

Mr. KAHN. Mr. Speaker, the purpose of this bill is to enable some 12,000 soldiers to receive the same travel pay that all the millions of men in the Army during the war have received. Under our law prior to our getting into the war the enlistment period was three years with the colors and four years in the reserves. Something like 12,000 men had served their three-year period and had been furloughed into the reserves at the time we got into the war.

When the war came, they were called back again to the colors and served throughout the war. But the language of the amendment to one of the bills allowing increased travel pay did not take care of these 12,000 men. The comptroller held that it was not broad enough to give those in the reserves the 5-cent travel pay which the law gave to all the other soldiers. And so this resolution is made necessary in order that these reservists can get 5 cents a mile travel pay instead of 3½ cents a mile. This is all there is to the proposition. I reserve the balance of my time.

Mr. CANNON. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. CANNON. Is Senate 2624 and House joint resolution 175 the same?

Mr. KAHN. They are not the same. I will explain House resolution 175 later.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

PAYMENT OF TRAVEL PAY, UPON DISCHARGE, TO MEN OF REGULAR ARMY ENLISTED PRIOR TO APRIL 2, 1917.

Mr. KAHN. Mr. Speaker, I move to suspend the rules and pass House joint resolution 175.

The SPEAKER. The gentleman from California moves to suspend the rules and pass House joint resolution 175, which the Clerk will report.

The Clerk read as follows:

> Joint resolution (H. J. Res. 175) to provide for the payment of travel pay upon discharge to men of the Regular Army enlisted prior to April 2, 1917.
>
> *Resolved, etc.*, That those enlisted men of the Army who enlisted in the Regular Army prior to April 2, 1917, and who have accepted or may accept their discharge from such enlistment in order to reenlist under the terms of the act entitled "An act to authorize the resumption of voluntary enlistment in the Regular Army, and for other purposes," approved February 28, 1919, shall upon such discharge receive travel pay at the rate provided in the act entitled "An act permitting any person who has served in the United States Army, Navy, or Marine Corps in the present war to retain his uniform and personal equipment and to wear the same under certain conditions," approved February 28, 1919, from the place of such discharge to their actual bona fide home or residence or original muster into the service, as they may elect. The Secretary of War is authorized to discharge any or all of these men enlisted prior to April 2, 1917, who desire discharge from their old enlistment for the purpose of so reenlisting, regardless of whether or not the period of their original contract or enlistment has been completed: *Provided*, That in case any enlisted man has been or hereafter shall be discharged for the purpose of reenlisting in the Regular Army, he shall be entitled to the payment of $60 as provided in section 1406 of the act entitled "An act to provide revenue, and for other purposes," approved February 24, 1919.

The SPEAKER. Is a second demanded?

Mr. ANTHONY. In order that we may have an explanation of the bill I demand a second.

Mr. KAHN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from California asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. KAHN. Mr. Speaker, this resolution is somewhat similar to the Senate bill which the House has just passed.

As I stated before, under the law that was in existence before we got into the war the enlistment period was for seven years—three years with the colors and four years in the reserves. The men who were in the Regular Army when this war broke out ought to be furloughed into the reserves when their period of enlistment is over. The comptroller has held, in construing the existing law, that these particular men—and I think there is something like 30,000 of them—are not entitled to the $60 bonus that was provided for in the revenue bill which passed in the last Congress at the last session.

This refers only to the men in the Regular Army. Many of them have been in the Regular Army for many years, some probably 20 years. They have remained in the hope of getting the benefit of the law which allows them to retire at the end of 30 years' service.

Many of these men are willing to reenlist at the present time and disregard the provision of their previous enlistment of four years with the reserves. But the comptroller has held that they are not entitled to the $60 bonus until they get a final discharge. This legislation is intended to give these men of the Regular Army an opportunity to get the same bonus that is to be paid to all the other forces of the United States.

Mr. ANDERSON. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. ANDERSON. Does not the bill go further and give the men travel pay from the place where they would be discharged to their homes had they been discharged?

Mr. KAHN. That feature is the same as in the bill we previously passed. The comptroller has held that they would only be entitled to 3½ cents a mile, and the desire is to give them 5 cents a mile.

Mr. BEE. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. BEE. Let me see if I understand the case. It means that any man now in the Regular Army at his discharge after the passage of this act will be entitled to travel pay allowance and $60 bonus, even if he immediately reenlists.

Mr. KAHN. Exactly.

Mr. BEE. Whereas if he reenlisted without this law he would get none of these benefits.

Mr. KAHN. The gentleman has stated it exactly.

Mr. KITCHIN. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. KITCHIN. Do all the men in the Regular Army have to be discharged and reenlist to get this?

Mr. KAHN. No; it is optional with them whether they reenlist or not.

Mr. KITCHIN. These men in the Regular Army, to get the $60 bonus, will have to be discharged in order to get it.

Mr. KAHN. As I understand it, many of them desire to reenlist, and if they reenlist they will get this as will the others.

Mr. KITCHIN. If I am in the Regular Army to-day, and want to get this $60 bonus, I ask for my discharge and they discharge me to-day, and then I reenlist to-morrow.

Mr. KAHN. Yes.

Mr. KITCHIN. And the only object of this bill is to permit these enlisted men in the Regular Army to get the $60?

Mr. KAHN. That is the idea.

Mr. KITCHIN. Because under the present law they can only get the $60 if their enlistment expires?

Mr. KAHN. Yes.

Mr. KITCHIN. So I imagine from the department's letter here that every man in the Regular Army will be discharged at once and will at once reenlist in order to get the $60.

Mr. KAHN. No; it will be an optional thing for the man to reenlist, but he would not get his final discharge until the period of his going into the reserves would expire, which might be three years or four years hence.

Mr. KITCHIN. I should think that he would exercise the option if he could get the $60 by doing so. We had this matter up in conference in the revenue bill, and that was one of the reasons we did not include what this bill now provides, because the man would be discharged to-day and go right back in to-morrow in order to get the $60. How much appropriation will this take?

Mr. KAHN. There are about 30,000 of these men.

Mr. HICKS. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. HICKS. Must a man physically obtain his discharge before he can get his $60?

Mr. KAHN. Absolutely.

Mr. PARRISH. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. PARRISH. Will the gentleman tell me whether or not the man who has been in the Regular Army, say for four years in March, is entitled under the law to an absolute furlough to the reserves?

Mr. KAHN. He would be at the end of his second enlistment.

Mr. PARRISH. If he enlisted four years under the seven years' term, with the right to be called back for three years' reserve?

Mr. KAHN. He must have enlisted after that, because the law only provides for a three years' enlistment with the colors. But this is possible: If he was in the reserves at the time of the breaking out of the war, he would be called back to the colors, but of course if he serves for a year, or a year and a half, that time would be included in his enlistment period.

Mr. PARRISH. Would he be entitled now as a matter of law to be furloughed to the reserves and dropped out of active service.

Mr. KAHN. I rather think he would.

Mr. PARRISH. The reason I ask is that I have a case of that kind.

Mr. KITCHIN. Mr. Speaker, will the gentleman yield again?

Mr. KAHN. Yes.

Mr. KITCHIN. Take the case of an enlisted soldier in the Regular Army, who is not drafted. He did not have to leave his business or his home except voluntarily to make the Regular Army his profession. He goes out to-day and reenlists to-morrow and gets his $60. When his term of reenlistment comes and he reenlists a second time, would he get another $60?

Mr. KAHN. Oh, no.

Mr. KITCHIN. Would he not get the other $60 under the provisions of the revenue act?

Mr. KAHN. I do not think that applies to any soldier except those soldiers who were in the war up to the time the revenue bill passed.

Mr. KITCHIN. I am very fearful that under the language here and the provisions of the revenue act he will get two bonuses, because the revenue act says that he can have his bonus of $60 when he is permanently discharged—that is, when his term of enlistment expires. Say that a man's term would expire three years from now. Under this bill he will be discharged to-day and reenlist to-morrow for another term, and he would get this $60, and then when his term of enlistment expires, under a new enlistment would he not also get $60?

Mr. KAHN. I yield to the gentleman from Vermont.

Mr. GREENE of Vermont. Mr. Speaker, I think there is nothing provided in the terms of this act that differs essentially from the policy already carried in existing law. The existing law contemplates the possibility of an interim between the periods of service of a man who continues throughout his life in the military profession as an enlisted man of the Regular Army. For instance, it allows him to have three months between the period when his first enlistment expires and he is discharged therefrom and his subsequent and second enlistment, so that he may reenter at the end of three months, if he waits that long upon his second enlistment, and it will all count as if it were a continuous service. And so on with each succeeding reenlistment. He gets an actual physical discharge from the Army at the end of each one of these enlistments. He is given a little leeway—I think it is three months, as I remember now—in which he may make up his mind whether he will reenter. If he does reenter within that limitation, then it is construed as continuous service.

Mr. KITCHIN. Is that existing law?

Mr. GREENE of Vermont. Yes; and men have gone through for years and years that way.

Mr. KITCHIN. Then he would not get his two bonuses?

Mr. GREENE of Vermont. Oh, no. Each enlistment has to expire and be terminated by formal discharge. Then there is a period in which a man is free, and that period may run for three months. If during that period he enlists, it is construed that he has had continuous service, so far as longevity is concerned.

Mr. KITCHIN. So that he would not get two bonuses.

Mr. GREENE of Vermont. Oh, no.

Mr. BEE. Mr. Speaker, will the gentleman yield?

Mr. KAHN. Yes.

Mr. BEE. Take the case of a man who was in the Regular Army prior to April 6, 1917, who has served on the border in the Mexican campaigns and everything else. The war comes on. He enters the war, reenters, and has service in France. The purpose of this bill is to put him on the same status as the man that went in after April 6, 1917, with reference to travel allowance and the bonus?

Mr. KAHN. That is the purpose of the bill.

Mr. BEE. That is the only purpose of the bill.

Mr. KAHN. Yes. I now yield to my colleague on the committee.

Mr. CALDWELL. I noticed in answer to the question of the gentleman from Texas a few moments ago the gentleman said that a man who had continued long in the service as a reservist actually would be entitled to discharge. He would only be entitled to return to the reserve provided the Secretary of War said that the emergency was over and he could go back.

Mr. KAHN. That was the intention of my answer. I meant that he would have to finish the balance of the period in the reserve.

Mr. OLIVER. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. OLIVER. Does the gentleman object to the bill being amended so as to include those in the regular service of the Navy?

Mr. KAHN. We can not consent to it, because we are under suspension of the rules and we can not have an amendment where we suspend the rules. I suggest to the gentleman that he get a bill of that kind applicable to the Navy.

Mr. OLIVER. Unquestionably if this bill passes those serving in the Regular Navy should be placed on exactly the same basis.

Mr. KAHN. I think that should be done, and I believe if the Navy Department were appealed to it would recommend such legislation. I reserve the balance of my time.

Mr. ANDERSON. I am ready to yield time to anybody who desires to discuss the bill. I only demanded a second in order that the bill might be explained.

Mr. OLIVER. Will the gentleman yield further?

Mr. KAHN. I will.

Mr. OLIVER. Are there any other special benefits that go to the second enlistment other than those that the gentleman has mentioned?

Mr. KAHN. Not that I know of. I do not think that there are any other benefits than those I have mentioned.

Mr. OLIVER. It does not operate on the second enlistment to increase the pay, then?

Mr. KAHN. Oh, no.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. McLAUGHLIN of Michigan. Are there any obligations assumed by those who enlist now which were not assumed before?

Mr. KAHN. No; there are no new obligations. The only advantage that they have in enlisting now is that they get the increased pay which the Congress voted at the outbreak of the war. Before that period they were only getting $15 a month, and we raised the pay to $30 a month. Of course, we have not by congressional legislation reduced the pay and therefore they get that additional amount.

Mr. McLAUGHLIN of Michigan. We have heard a good deal about the reenlistments and the efforts being made by the War Department to secure reenlistment, about inducements being offered, and a good deal is said about these men enlisting for the purpose or of their being liable to be sent to the end of the earth. Well, now, do they assume any liability of that kind of being sent anywhere the Secretary of War may please to send them, or any obligation that does not rest upon them by virtue of their present enlistment?

Mr. KAHN. That is a very large question. The question of the soldiers being sent to different places is one that, in the opinion of the legal authorities, rests entirely with the Commander in Chief of the Army, the President of the United States. Congress has had the matter up a number of times during our history, notably during the Civil War period, in connection with the fight between Congress and the President. I think the Congress has finally yielded in every instance to the proposition that the Commander in Chief of the Army can send the soldiers where he deems it necessary for the soldiers to be sent. Congress in the final analysis has invariably accepted that decision of the Commander in Chief. I want to say that I have stated upon this floor repeatedly that so far as I am concerned I am in favor of bringing every American soldier home at the speediest opportunity; but it seems we can not enforce our will upon the Executive.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield a little further? We hear a great deal about the efforts being made to secure enlistments and reenlistments particularly where efforts are being made by the department to secure reenlistments. I may be mistaken, but this looks to me like an effort to secure reenlistments with the idea that there are some obligations that rest upon the men who reenlist that do not rest upon them now and some rights they are waiving that they now have.

Mr. KAHN. No.

Mr. McLAUGHLIN of Michigan. It looks to me as if there was such an acknowledged effort that there must be something back of it in such effort to secure reenlistments.

Mr. KAHN. I want to say to the gentleman from Michigan that the War Department is having no difficulty whatever in securing reenlistments, none whatever. We are paying our men, the lowest-paid American soldier, to-day $30. He gets in addition to that his uniform, he gets his food, he gets transportation, he gets his housing—in short, he gets what I assume is equivalent at least to $75 or $80 a month; so there is no difficulty in finding men who volunteer to enlist.

Mr. CANNON. Will the gentleman yield for one question right there?

Mr. KAHN. Yes.

Mr. CANNON. Suppose he is ordered by the Commander in Chief to go to Constantinople or Armenia, he would get 20 per cent more, would he not?

Mr. KAHN. Yes; he would get 20 per cent additional for foreign service. I yield now to my colleague on the committee.

Mr. McKENZIE. My question was suggested by the question of the gentleman from Michigan. I do not know that my colleague caught the full import of the question. There is no difference, as I understand it, between the obligation of the soldier enlisting in the Regular Army prior to going into the war, during the war, or now?

Mr. KAHN. None whatever.

Mr. ANDERSON. Will the gentleman yield right there?

Mr. KAHN. I will.

Mr. ANDERSON. This bill now contemplates reenlistments?

Mr. KAHN. Yes.

Mr. ANDERSON. Are they reenlisted for the same period as the first enlistment?

Mr. KAHN. No; three years with the colors and four in the reserves—seven years—although I think the proposition in the old law of four years with the reserves has been repealed.

Mr. McKENZIE. We repealed the law and made the period of enlistment three years.

Mr. ANDERSON. So that a man can reenlist under this bill—he is permitted to do it—although he has still two or three years to serve on his former enlistment, and can get travel pay and bonus and the whole business?

Mr. KAHN. The gentleman misunderstands. If he had enlisted prior to April 2, 1917—and that is the only class of soldiers this law refers to—at the period when he is subject to discharge he would have to go into the reserves for a period of four years. And after that four-year period expires he would then get his discharge. But this legislation is asked for to enable him to get his discharge immediately.

Mr. ANDERSON. When you say "immediately," do you mean now or when his enlistment period in active service expires?

Mr. KAHN. Either. He can probably be discharged now or he can ask for it when his enlistment period in active service expires. And I am inclined to think almost all the soldiers that are in the Regular Army who are subject to the four-year reserve have been discharged, practically.

The SPEAKER pro tempore (Mr. LONGWORTH). The time of the gentleman from California has expired.

Mr. ANDERSON. Mr. Speaker, this colloquy was had in the time of the gentleman from Minnesota.

Mr. McLAUGHLIN of Michigan. May I ask a question?

Mr. KAHN Yes.

Mr. McLAUGHLIN of Michigan. If this should become a law and a soldier should elect to be discharged, he would be entitled automatically to receive $60. Would he also be entitled to receive travel pay, whether he traveled or not?

Mr. KAHN. Yes; he would be entitled to his travel pay to the place of his residence. But that is the existing law. Every soldier is entitled to that pay, whether he travels or not.

Mr. McLAUGHLIN of Michigan. A good deal has been said here about a soldier asking for a discharge, although his term runs for some time, for the purpose of getting travel pay. If he is discharged under those circumstances and reenlists the next day, would he receive travel pay for travel he never did?

Mr. KAHN. He would; and he would under the existing law, even if this should not pass. The provision in this bill allows him to receive 5 cents per mile, whereas under the comptroller's decision he would only get 3½ cents per mile.

The SPEAKER pro tempore. The question is on the motion of the gentleman from California [Mr. KAHN] to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

AMBASSADOR TO BELGIUM.

Mr. ROGERS. Mr. Speaker, I move to suspend the rules and pass Senate joint resolution No. 75, which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 75) authorizing the appointment of an ambassador to Belgium.

Resolved, etc., That the President be, and he is hereby, authorized to appoint, as the representative of the United States, an ambassador to the Kingdom of Belgium, who shall receive as compensation the sum of $17,500 per annum.

The SPEAKER pro tempore. Is a second demanded?

Mr. ANDERSON. For the purpose of receiving an explanation of the legislation, I ask for a second.

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Massachusetts [Mr. ROGERS] is recognized for 20 minutes and the gentleman from Minnesota [Mr. ANDERSON] for 20 minutes.

Mr. ROGERS. Mr. Speaker, I think the resolution is self-explanatory. It simply provides that the United States shall be represented at Brussels, Belgium, by an ambassador instead of by a minister. Belgium has already raised its minister to the United States to the rank of ambassador, and has also officially raised its representatives to France, Great Britain, and Italy within a few days from the rank of ministers to the rank of ambassadors. Italy, Great Britain, and France have within the last two months raised their Belgian legations to embassies, and it is unofficially announced that Spain, Brazil, and Japan are about to follow suit. In other words, each of the seven greatest powers of the world other than the United States has made, or is about to make, its representative at Brussels an ambassador. It would seem the proper thing, for many reasons, for the United States to do likewise. I shall be very happy to answer any questions that I can that any Member of the House may care to ask.

Mr. RAMSEYER. I would like to know what it is that determines whether we should send a minister or an ambassador to a certain place. Is it the amount of business or what?

Mr. ROGERS. Ordinarily it is one of two considerations—either the size of the country, irrespective of any peculiar relationship between that country and ourselves, or, in the second place, a peculiar relationship between the United States and the other country. As an illustration of the former class I may cite Italy, Great Britain, and France; as an illustration of the latter I may cite Mexico; and perhaps a still more recent instance is the Republic of Peru, which the United States raised from a legation to an embassy within a few months. In this particular case I suppose the consideration is, in part, a sentimental one—our recognition of the sufferings and hardships which Belgium has undergone during the past five years, and our desire to pay tribute to the gallantry and heroism with which, almost defenseless as she was, she resisted the invasion of the Prussian armies.

Mr. CANNON. Will the gentleman yield?

Mr. ROGERS. Certainly.

Mr. CANNON. Is this bill reported by the Committee on Foreign Affairs?

Mr. ROGERS. This resolution passed the Senate on July 23. It is a Senate resolution and was unanimously reported by the House Committee on Foreign Affairs on August 27.

I ask for a vote, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Massachusetts to suspend the rules and pass the resolution.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the resolution was agreed to.

THEFT OF AUTOMOBILES.

Mr. DYER. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 9203.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9203) to punish the transportation of stolen motor vehicles in interstate or foreign commerce.

Be it enacted, etc., That this act may be cited as the national motor vehicle theft act.

SEC. 2. That when used in this act—

(a) The term "motor vehicle" shall include an automobile, automobile truck, automobile wagon, motor cycle, or any other self-propelled vehicle not designed for running on rails;

(b) The term "interstate or foreign commerce," as used in this act, shall include transportation from one State, Territory, or the District of Columbia, to another State, Territory, or the District of Columbia, or to a foreign country, or from a foreign country to any State, Territory, or the District of Columbia.

SEC. 3. That whoever shall transport or cause to be transported in interstate or foreign commerce a motor vehicle, knowing the same to have been stolen, shall be punished by a fine of not more than $5,000 or by imprisonment of not more than five years, or both.

SEC. 4. That whoever shall, with the intent to deprive the owner of the possession thereof, receive, conceal, store, barter, sell, or dispose of any motor vehicle, moving as, or which is a part of, or which constitutes interstate or foreign commerce, knowing the same to have been stolen, shall be punished by a fine of not more than $5,000, or by imprisonment of not more than five years, or both.

SEC. 5. That any person violating this act may be punished in any district in or through which such motor vehicle has been transported or removed by such offender. A judgment of conviction or acquittal upon the merits under the laws of any State, Territory, or the District of Columbia, of any defendant charged with stealing any motor vehicle shall, as against any such defendant, be a bar to a prosecution hereunder for transporting such motor vehicle in interstate commerce.

Mr. REAVIS. Mr. Speaker, I demand a second.

Mr. ANDERSON. Mr. Speaker, I make a point of order there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] Evidently a quorum is not present.

Mr. ANDERSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Ellsworth	Langley	Reed, N. Y.
Alexander	Elston	Lea, Calif.	Reed, W. Va.
Andrews, Md.	Emerson	Lehlbach	Riordan
Ashbrook	Esch	Lesher	Robsion, Ky.
Babka	Ferris	Linthicum	Rouse
Bankhead	Flood	Luce	Rowan
Barkley	Fordney	McArthur	Rowe
Benson	Foster	McClintic	Sabath
Black	Frear	McCulloch	Sanders, Ind.
Bland, Ind.	Ganly	McFadden	Sanders, N. Y.
Booher	Gard	McKinley	Scully
Bowers	Garland	McKinley	Sears
Britten	Garrett	McLane	Sells
Brooks, Ill.	Godwin	McPherson	Sherwood
Brooks, Pa.	Goldfogle	MacGregor	Siegel
Browne	Goodall	Madden	Sinclair
Brumbaugh	Goodwin	Magee	Sisson
Burke	Gould	Maher	Slemp
Butler	Graham, Ill.	Major	Small
Byrnes, S. C.	Graham, Pa.	Mann	Smith, N. Y.
Campbell, Kans.	Green, Iowa	Mapes	Snyder
Campbell, Pa.	Griest	Mead	Steele
Cantrill	Griffin	Merritt	Stephens, Miss.
Carew	Hadley	Michener	Stephens, Ohio
Carter	Hamill	Miller	Stevenson
Casey	Hamilton	Montague	Stiness
Classon	Haugen	Moon	Strong, Pa.
Collier	Hersman	Moore, Pa.	Sullivan
Cooper	Hill	Moore, Va.	Taylor, Ark.
Copley	Houghton	Morin	Taylor, Tenn.
Costello	Hudspeth	Mott	Temple
Crago	Hulings	Nicholls, S. C.	Tilson
Cramton	Husted	Nolan	Tinkham
Crisp	Hutchinson	O'Connell	Towner
Crowther	Johnson, S. Dak.	O'Connor	Vare
Cullen	Johnston, N. Y.	Ogden	Walsh
Darrow	Kahn	Olney	Walters
Davis, Minn.	Kelley, Mich.	Parker	Ward
Dempsey	Kelly, Pa.	Pell	Wason
Denison	Kennedy, Iowa	Peters	Watson, Pa.
Dewalt	Kennedy, R. I.	Phelan	Whaley
Donovan	Kettner	Porter	White, Me.
Dooling	Kiess	Rainey, Henry T.	Wilson, Pa.
Drane	Kleczka	Rainey, John W.	Winslow
Eagle	Kreider	Rayburn	Zihlman
Edmonds	LaGuardia	Reber	

The SPEAKER pro tempore (Mr. LONGWORTH). Two hundred and forty gentlemen have answered to their names, a quorum. The Sergeant at Arms will open the doors.

Mr. DYER. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

Mr. ANDERSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ANDERSON. Has a second been ordered on the bill?

The SPEAKER pro tempore. Unanimous consent is asked that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. DYER] is recognized for 20 minutes, and the gentleman from Nebraska [Mr. REAVIS] for 20 minutes.

Mr. DYER. Mr. Speaker and gentlemen of the House, this bill is for the purpose of providing punishment for those stealing automobiles and automobile trucks and taking them from one State to another State.

At the present time there is a great emergency demanding this kind of legislation. In the United States at this time there are in use approximately 6,500,000 automobiles. During the past year the number of thefts of automobiles has been very large throughout the United States, and particularly in some cities of the Middle West. In Chicago 2,500 thefts of this kind have occurred. St. Louis has had 2,241 automobiles stolen, and other cities in proportion. In most cities the percentage that has been lost entirely and not recovered is very large. Kansas City, Mo., has suffered the greatest loss in this respect.

The Congress of the United States can scarcely enact any law at this session that is more needed than the bill herein recommended, and that has for its purpose the providing of severe punishment of those guilty of the stealing of automobiles in interstate or foreign commerce. There has been and is now a most widespread demand for such a law. State laws upon the subject have been inadequate to meet the evil. Thieves steal automobiles and take them from one State to another and ofttimes have associates in this crime who receive and sell the stolen machines. The losses to the people of the United States by reason of this stealing amount to hundreds of thousands of dollars every year. It is getting worse. It is getting so now that it is difficult for the owners of the cheaper cars to obtain theft insurance, due to the great loss that insurance companies have sustained. During the past year automobile theft insurance on this class of cars has increased 100 per cent. It is automobiles of that price that are generally stolen. Automobile thieves who make a specialty of this crime do not steal many of the higher-priced cars, the reason being, of course, that they are not so easily sold. I submit the following table in proof of the above statement relative to the increased cost, and so forth, of automobile theft insurance:

Comparative statement showing increase in cost of automobile theft insurance between June 1, 1918, and June 1, 1919.

	Class A, $3,500 and up.		Class B, $2,500–$3,499.		Class C, $1,800–$2,499.		Class D, $799–$1,799.		Class E, $799 and under.	
	1918	1919	1918	1919	1918	1919	1918	1919	1918	1919
New cars	$0.50	$0.25	$0.75	$0.60	$1.00	$1.00	$1.75	$3.00	$2.75	$5.00
1 year old	.50	.25	.75	.60	1.00	.90	1.50	2.75	2.25	4.00
2 years old	.50	.25	.75	.50	.75	.75	1.25	2.40	1.25	3.00
3 years old	.50	.25	.75	.50	.75	.60	1.00	1.90	1.25	2.50

NOTE.—It will be noticed that the cost of theft insurance on cars selling at $799 (f. o. b.) and under has increased approximately 100 per cent in the period between June, 1918, and June, 1919, while the cost on cars in class D, $799 to $1,799, shows a correspondingly large increase.

Thieves have found the automobile field one in which they can reap huge harvests, due to the fact, no doubt, that there are so many automobiles now in use in the United States. On July 1, 1919, the number of automobiles and trucks registered in the United States amounted to a total of 6,353,233. July and August are always heavy selling months. It is therefore quite certain that the number of automobiles now in use has increased to approximately 6,500,000 cars, with an average estimated value of $1,200 each, giving a total value for all cars now in use at $7,800,000,000. I submit the following table showing how these cars are distributed according to States, as of July 1 last:

Cars and trucks in United States, July 1, 1919.

[All duplicate registrations deducted.]

Ohio	464,826
New York	436,932
Pennsylvania	407,923
Illinois	401,371
California	349,734
Iowa	276,500
Michigan	273,396
Texas	249,346
Indiana	246,000
Minnesota	229,570
Wisconsin	212,490
Masssachusetts	210,063
Kansas	206,033
Missouri	201,484
Nebraska	183,000
New Jersey	144,763
Washington	125,219
Oklahoma	124,501
Georgia	115,454
South Dakota	91,808
Colorado	88,315
Connecticut	85,200
Tennessee	84,000
Virginia	82,000
North Carolina	79,475
Maryland	75,590
Kentucky	75,259
North Dakota	73,015
Oregon	65,417
South Carolina	59,000
Alabama	55,402
Montana	53,420
Florida	48,598
Louisiana	46,150
West Virginia	45,019
Maine	43,656
Arkansas	43,238
Mississippi	39,399
District of Columbia	37,928
Idaho	35,817
Utah	30,760
New Hampshire	26,230
Rhode Island	26,112
Arizona	24,298
Vermont	22,094
Wyoming	18,200
New Mexico	16,875
Delaware	14,200
Nevada	8,153
Total	6,353,233

The total number of cars reported stolen in 18 western and mid-western cities during 1918 was 22,273. The city of Detroit, Mich., headed the list with 2,637 cars stolen; Chicago came second with 2,611; and St. Louis third with 2,241. Kansas City, Mo., led in the list of a total percentage of stolen cars not recovered with 46 per cent. St. Louis was second with 40 per cent of stolen cars being lost absolutely. The following table gives, in addition to the cities mentioned, the record of the other 18 cities referred to:

Record of stolen cars in 18 cities.

	Stolen.	Recovered.
Chicago	2,611	1,954
St. Louis	2,241	1,354
Kansas City	1,144	606
Denver	901	627
Omaha	1,039	669
Columbus, Ohio	451	352
Cincinnati	348	291
San Francisco	1,122	1,082
Los Angeles	1,629	1,499
Oakland	895	860
Seattle	1,451	1,376
Portland	1,088	990
Salt Lake City	797	790
Boston	856	607
Detroit	2,637	1,834
Indianapolis	404	
Oklahoma City	571	484
Cleveland	2,076	1,816

The power of the Congress to enact this law and to punish the theft of automobiles in one State and the removing of them into another State can not be questioned, in view of laws of similar nature heretofore enacted by Congress and the decisions of the Supreme Court of the United States touching same.

The purpose of the commerce clause in the Constitution was to regulate and promote the freedom of commercial intercourse between the States and foreign nations. The power granted under this clause is absolute and practically without qualification. Commerce has frequently been defined by the courts as "intercourse," but not all intercourse is commerce. To render intercourse commerce there must be present the element of transportation. Transportation is essential to commerce, or rather is commerce itself, and the commodities transported may be tangible or intangible. Neither are they limited to those known at the time of the adoption of the Constitution.

In Pensacola Telegraph Co. *v.* Western Union Telegraph Co. (96 U. S., 1) the court said:

> The powers granted by the "commerce clause" are not confined to the instrumentalities of commerce or the Postal Service known or in use when the Constitution was adopted, but they keep pace with the progress of the country and adapt themselves to the new developments of time and circumstances. They extend from the horse with its rider to the stagecoach; from the sailing vessel to the steamboat; from the coach to the steamboat and the railroad; and from the railroad to the telegraph, as the new agencies are successively brought into use to meet the demands of increasing population and wealth.

Under this general principle the simile may well be extended from the coach to the automobile. The doctrine thus laid down has never been questioned. So communications passing between a correspondence school and its pupils are interstate commerce. (International Textbook Co. *v.* Pigg, 217 U. S., 91.)

Over interstate commerce the Federal Government has, therefore, an authority equal in extent to that possessed by the States over domestic commerce or by the United States with reference to foreign commerce. This the Supreme Court has repeatedly declared. The control of interstate and foreign

commerce being granted to the Federal Government without limitation, the grant is, according to a general principle governing the interpretation of grants of Federal power, construed to be plenary.

In Champion v. Ames (188 U. S., 321) the Supreme Court, in sustaining an act of Congress for the suppression of the lottery traffic through interstate commerce, said:

The cases cited show that the power to regulate commerce among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions in the exercise of power as are found in the Constitution of the United States; that such power is plenary, complete in itself, and may be exerted by Congress to the utmost extent, subject only to such limitations as the Constitution imposes upon the exercise of the powers granted by it; and that in determining the character of the regulations to be adopted Congress has a large discretion, which is not to be controlled by the courts simply because in their opinion such regulations may not be the best or most effective that could be employed.

Congress has enacted various laws for the regulation of interstate commerce which have uniformly been sustained by the courts. Among them are those relating to the use of safety appliances, hours of labor of employees, monthly reports of accidents, arbitration of controversies between railroads and their employees, the exclusion of impure goods and lottery tickets, employers' liability, and so forth. Specific reference may be made to the interstate-commerce act, wherein interstate-commerce railroads are forbidden to form combinations or pools for the maintenance of rates, and also the antitrust act of July 2, 1890, wherein every contract combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States, was declared a crime and made punishable as such. Larceny of goods from railroad cars being transported in interstate commerce has also been declared a crime by act of Congress.

The purpose of the proposed law is to suppress crime in interstate commerce. Automobiles admittedly are tangible property, capable of being transmitted in interstate commerce. The larceny of automobiles is made a crime under the laws of all the States in the Union. No good reason exists why Congress, invested with the power to regulate commerce among the several States, should not provide that such commerce should not be polluted by the carrying of stolen property from one State to another. Congress is the only power competent to legislate upon this evil, and the purpose of this bill is to crush it with the penalties attached.

This bill has been given very careful consideration by the Committee on the Judiciary. The full committee, with the earnest desire to present to the House a measure that would as far as possible wipe out the numerous stealings of automobiles, gave mose careful consideration to the same. Prior to doing so it was considered by a subcommittee of the Committee on the Judiciary, and after its consideration by the full committee and after a number of meetings changes were made in it from time to time, and the bill as finally agreed upon was introduced by me and given its present number. But prior to this the bill had been considered in substantially the same form for some time, and at a meeting some time ago the Committee on the Judiciary directed that my bill be reported to the House favorably and unanimously.

It provides, gentlemen, for only two things. Section 3 provides for the punishment of a thief stealing a car and transporting it from one State to another. Section 4 provides for the receipt of the stolen car by thieves in another State for the purpose of selling and disposing of it.

One of the reasons why this legislation is needed so badly is because, on account of so many cars having been stolen in the last few years, automobile theft insurance has advanced in the past year over 100 per cent on cars costing from $500 to $900. The cheaper cars are stolen, and the need is apparent for that reason, among others. In fact, Mr. Speaker, it is getting now so that it is almost impossible for the owners of these cheaper cars to obtain at any rate automobile theft insurance.

Mr. Speaker, how much time have I used?

The SPEAKER. The gentleman has used five minutes.

Mr. DYER. I desire to reserve the remainder of my time.

Mr. ANDERSON. Mr. Speaker, will the gentleman yield?

Mr. DYER. Before I sit down I will yield to the gentleman from Minnesota.

Mr. ANDERSON. I will ask the gentleman whether the committee meant the same thing in its definition of interstate commerce in section 2 as it meant in section 4?

Mr. DYER. I think so. If the gentleman will point out wherein it differs, I shall be glad.

Mr. ANDERSON. In the definition under section 2 interstate commerce means transportation from one State to another, while if you refer to section 4 you find there you have a vehicle or motor car constituting interstate or foreign commerce, and you scarcely have a sensible section.

Mr. DYER. I will say to the gentleman that if there is any difference there, which I do not see, the matter would be construed by the Supreme Court, which has passed many times upon what is meant by interstate and foreign commerce. I think it really is not necessary to put the definition in this bill. It was done at the request of some of the members of the committee. The Supreme Court has decided many times what is interstate commerce. I do not think myself that any definition is necessary.

Mr. ANDERSON. I think the bill would be a better bill if the definition were not there.

Mr. CLEARY. Mr. Speaker, will the gentleman yield?

Mr. DYER. Yes; I yield to the gentleman.

Mr. CLEARY. I notice in section 3 it is provided that "whoever shall transport or cause to be transported," and so forth. I have in mind the conditions in New York City and Jersey City. There are thousands of cars crossing the ferries at all hours of the day and night, and I was wondering whether the intention was to hold the ferry companies responsible for carrying these automobiles?

Mr. DYER. Not unless they know they are stolen.

Mr. Speaker, I reserve the balance of my time.

Mr. REAVIS. Mr. Speaker, I demanded a second.

The SPEAKER. The gentleman is recognized for 20 minutes.

Mr. REAVIS. Gentlemen of the House, this bill has only been called to my attention within the last few minutes. While I am a member of the Judiciary Committee, I was not privileged to be present when this bill was considered. I regret exceedingly that the bill is before the House under parliamentary conditions that will not permit it to be amended, as I do not believe the bill as now constituted should be passed at this time. I presume that, coming from the locality in which I live, the necessity for this legislation is as apparent as it is in any other locality, because I live right in the southeastern corner of my State, within 4 miles of the Kansas line and 10 miles of the Missouri line, where every opportunity is offered for transporting stolen vehicles in interstate commerce.

Mr. CAMPBELL of Kansas rose.

Mr. REAVIS. I refuse to yield to the gentleman from Kansas.

Mr. RUCKER rose.

Mr. REAVIS. I refuse to yield to the gentleman from Missouri. [Laughter.]

Mr. RUCKER. Does the gentleman refer to automobiles taken from Missouri into Nebraska?

Mr. REAVIS. I refuse to yield to either gentleman. [Laughter.] I am very much in favor of making it a felony under the Federal law, not alone to transport stolen automobiles from one State to another but to transport any stolen property. I do not see the necessity of discriminating in favor of automobiles and leaving horses and all other sorts of property to go scot-free. I believe that if this Congress is to pass a law making it a felony to transport stolen property from one State to another, it should include stolen property of every character and not one kind specifically. I believe, further, that the fifth section of this bill practically nullifies the whole measure. The bill provides that it shall be a felony punishable by fine and imprisonment, or both, to transport a stolen automobile, knowing it to have been stolen, from one State to another, or from a Territory or the District of Columbia to another State. Now, gentlemen, the plea of autrefoits acquit—the plea that a man can not be placed twice in jeopardy for the same offense—has been one of the safeguards of the race. It has come down through the ages, protecting the rights of innocent men. But you have an application of that principle in this bill that I doubt very much has ever been equaled in any legislation ever presented to a legislative body. Bearing in mind that the offense defined by this measure is the transportation of a stolen automobile, knowing it to have been stolen, from one State to another, section 5 declares this:

A judgment of conviction or acquittal upon the merits under the laws of any State, Territory, or the District of Columbia, of any defendant charged with stealing any motor vehicle shall, as against any such defendant, be a bar to a prosecution hereunder for transporting such motor vehicle in interstate commerce.

So you have a judgment of acquittal or a judgment of conviction in one character of offense a bar to a prosecution for an entirely different character of offense. For instance, in the community in which I live I might be operating a fence for the reception of stolen property. There are no crooks in Nebraska, but if any lived there they might bring stolen property to me, and I would rush it across into Kansas, where there is a ready sale for stolen automobiles. [Laughter.] If I should be ar-

rested for stealing that car, I would say, "No; I did not steal it. I took it, knowing it to have been stolen. I transported it south to the State of Kansas, knowing it to have been stolen, and I sold it there," and under that I would have to be acquitted of the offense of stealing the automobile; and even though I had confessed to a violation of every word of this law, a prosecution against me for transporting the automobile, knowing it to have been stolen, would then be barred. It is an absolute defense, rather than a means of conviction. All you have to do is to secure a judgment of acquittal of the charge of stealing an automobile and you never could be convicted of transporting the automobile from one State to another, knowing it to have been stolen. I doubt if any Member of this body has ever seen the principle of double jeopardy applied in any such way, where a conviction or an acquittal in one kind of a case is an absolute bar to a prosecution in an entirely different kind of a case. I do not believe that the bill should be passed with any such safeguards to the crooks of this country as is contained in section 5. It is all right to say that when the bill goes over to the Senate that rather absurd provision can be straightened out; but, gentlemen of the House, I have grown a little tired of the constant reiteration that this House should do a foolish thing because the Senate will protect the people from the inefficiencies and absurdities of the House of Representatives. That is no excuse for our doing a foolish thing. As I have stated to you, I will be very glad indeed to vote for a bill making it a felony to transport stolen property of any kind from one State to another. I do not see why there should be special legislation in favor of the automobile, while horses and cattle and all other kinds of property are left free to the depredation of offenders.

Further than that, there is probably not a State in the Union that has not a statute making it a felony to receive stolen property, knowing it to have been stolen. Now, you make it a felony here to transport stolen property from one State to another, and then if you are acquitted or convicted of an entirely different offense, even though you confess that you have violated every provision of this law, the prosecution is absolutely barred.

Mr. JUUL. Mr. Speaker, will the gentleman yield for a question?

Mr. REAVIS. With pleasure.

Mr. JUUL. Is it not a fact that there have been acquittals in some States, and that there could not be a conviction anywhere for the transportation of an automobile as being stolen, if the court had decided that the automobile was not stolen?

Mr. REAVIS. But the court in an acquittal in a case of that kind does not determine that the automobile was not stolen. It only determines that the defendant did not steal it. Now, if I am charged with larceny, and if you fail to prove that I committed it, it is of no consequence so far as that case is concerned whether a larceny was committed or not. The automobile may have been stolen. I might admit that I transported it from one State to another. I might admit that it had been stolen. I might admit that I took possession of it knowing that it had been stolen. I might admit that I transported it from one State to another for the purpose of disposing of it, but you could not convict me under such testimony if, having been charged with stealing it, I had been acquitted of that charge. If under a mistaken idea of the facts I had been charged with the larceny of the automobile and acquitted, then you could not prosecute me for transporting the stolen goods from one State to another. I think for that reason the bill should be defeated.

I reserve the balance of my time, and I should like to inquire how much time I have used?

The SPEAKER. The gentleman has used nine minutes.

Mr. DYER. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. IGOE].

Mr. IGOE. Mr. Speaker, I want to answer the gentleman from Nebraska [Mr. REAVIS] on section 5. Evidently the gentleman has not read it carefully or he would not have made the statements he has just made. The offenses punishable in this act are based on the stealing of an automobile and the transportation of that automobile in interstate commerce.

Mr. VENABLE. Will the gentleman yield?

Mr. IGOE. I yield, but I have only five minutes.

Mr. VENABLE. I can conceive of a case where you have two confederates—you and me. You steal the automobile and turn it over to me and I transport it. I am charged with the stealing.

Mr. IGOE. I am going to answer that.

Mr. REAVIS. I will give the gentleman one minute if he will answer a question.

Mr. IGOE. Very well.

Mr. REAVIS. How can a Federal law punish a man for stealing an automobile?

Mr. IGOE. We are punishing him for transporting the stolen automobile. Section 5 makes it a defense in a Federal prosecution for transporting a stolen automobile, to show that the same defendant has been charged in a State with having stolen the automobile and has been acquitted or convicted. Now, there may be another man who transports the machine after it was stolen, but section 5 only creates a defense to be invoked by a man who was charged with stealing it and who was convicted or acquitted. The offense sought to be reached in the act is the transportation, the taking it across the line, taking it from one State to another.

If a man steals an automobile and is convicted or acquitted, it was thought that it would not be proper to put him on trial for the offense of transporting the same automobile in interstate commerce. It was thought that it was only fair to accept the judgment of the court of the State in which the theft was committed.

If that machine was transported and the man who transported it was a different person, committed a different offense, it might well be possible that the witnesses on that particular feature of the crime could be produced in the Federal court, but could not be brought into the State court.

Mr. AYRES. Will the gentleman yield?

Mr. IGOE. Yes.

Mr. AYRES. Suppose two men were prosecuted jointly; they were prosecuted for stealing and it was shown that one was guilty and the other was acquitted. The one that was acquitted transported the automobile. Would not this be a bar against his being prosecuted for the transportation?

Mr. IGOE. If he was acquitted or convicted of the theft, then that individual could not be charged under this act.

The SPEAKER. The time of the gentleman has expired.

Mr. REAVIS. I will yield to the gentleman an additional minute.

Mr. VENABLE. Will the gentleman yield?

Mr. IGOE. Yes.

Mr. VENABLE. What would be the situation under this state of affairs: There are two confederates who steal an automobile. You steal the automobile and turn it over to me. I am charged with the theft, and am acquitted because I did not do the stealing. But I am guilty of the transportation, and under this section the acquitting of the stealing would bar the prosecution for transportation.

Mr. IGOE. The man who is acquitted or convicted of the theft of the automobile can not be prosecuted under this act.

Mr. VENABLE. If I am acquitted of the theft, why should not I be prosecuted for the transportation?

Mr. IGOE. This is intended to supplement the State laws and reach cases that could not be otherwise reached. But it was thought that if a man was tried for a crime which is a part of this offense that the judgment of the State court might well be accepted.

Mr. KEARNS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KEARNS. Is the parliamentary situation such that an amendment can not be offered?

The SPEAKER. Under a motion to suspend the rules no amendment can be offered.

Mr. REAVIS. Mr. Speaker, I yield four minutes to the gentleman from Texas [Mr. BEE].

Mr. BEE. Mr. Speaker, I want to make a suggestion to the House in reference to this bill. If there is one thing the American people have sustained and insisted upon it is the question of vicinage in the trial of cases where a man is charged with crime. This is a bill not subject to amendment under the peculiar way in which it appears before the House.

Let me illustrate a case. A man is arrested and charged with having received knowingly stolen vehicles upon the statement of some man, who in truth and in fact was the guilty party. This man lives in the State of Ohio while the other lives in the State of California. They hale him from the State of Ohio to California away from his vicinage, away from the place he is entitled under the Constitution and the laws to answer the charge, and try him in the Federal court.

That is one suggestion. Another suggestion that occurs to me is why single out automobiles? I make no appeal merely because it is an automobile, for the automobile is the vehicle of everybody. But why should a man be permitted to take a carload of cattle and transport them from Texas to Missouri and have the authorities to go through the slow process of extradition by the governor before he can be brought back into the State of Texas?

Why should we not include a carload of grain that might be stolen, or a bale of cotton, or a carload of hogs, or hundreds

of other things that might be mentioned, as to which there would not be this privilege and allowance, but as to which they would have to resort to the slow process of extradition? Not as pertinent to the question, but as illustrating how far the tendency has gone to take away from the States the right and the power to try offenses committed within their vicinage, and how far we have gone to enlarge the scope of interstate commerce, I want to cite one thing.

A red-handed murderer, with the blood of his victim dripping from his hands, crosses the State line from Arkansas into Texas and stands in the sight of the officers while the processes of extradition are sent to the governor of Arkansas and from the governor of Arkansas back to the governor of Texas, and then back to the officers in Texarkana. That process is necessary in the instance I have cited, but where a man lays his hand on a motorcycle—and I notice that the bill says any vehicle propelled that is not upon rails—we make a different rule. I do not know much about the subject, but I have seen velocipedes that have self-propelling power. I do not know whether the gentleman means to include a velocipede as one of the vehicles for the stealing of which you can take a man 2,000 miles away.

Mr. DYER. Mr. Speaker, I will say to the gentleman that section 5, the section complained of by the gentleman from Nebraska [Mr. REAVIS], is there for the very purpose of protecting the rights of the State to which the gentleman has referred. In other words, where an offense may be punished in a State, it is not the intention that the Federal courts shall take jurisdiction.

Mr. BEE. But suppose the Federal court takes jurisdiction before the State court takes jurisdiction? The Federal court's jurisdiction is supreme, and then the suggestion of the gentleman is of no weight and effect against the citizen.

Mr. DYER. This is for the purpose of giving some jurisdiction authority to bring witnesses from one State to another. You can not do that under existing law, but they can be brought to the Federal grand jury to testify.

Mr. BEE. Therefore the gentleman offers another suggestion. If a motorcycle or a velocipede or an automobile in somebody's barn is stolen, witnesses may be taken from the State of their residence at a dollar a day and mileage and carried to the State of Maine to testify against the man charged with the offense. I think the bill is vicious as it is drawn. If we could amend it in some way it would be different.

Mr. DYER. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. NEWTON].

Mr. NEWTON of Missouri. Mr. Speaker, the bill now under consideration is a good bill and ought to become a law. There is no evil from which there is a greater need for relief than the larceny of automobiles which is being perpetrated by bands of thieves throughout the United States.

The automobile business has grown in the past few years until it has become one of the great industries of the country. As a means of travel the automobile has almost entirely supplanted the horse and carriage and has become of such general use that to-day there are more than 6,500,000 automobiles being used in the United States, which have an estimated value of $7,800,000,000, and there is no article of value more attractive to a thief, more constantly exposed to larceny, or more easily carried away than an automobile; and there is no article which has a more ready sale, thereby rendering it easily disposed of by the culprit.

The larceny of automobiles in this country has grown to be a profitable business, and those engaged therein are finding the business so secure that they are rapidly increasing in number. I have not the figures available to show the total number of automobiles stolen in the United States during the past year but I have collected the figures showing the total number of automobiles stolen in 21 of the principal cities of the country in 1918, together with the total estimated value of such automobiles; also the total number unrecovered, together with the total amount of profits realized by the thieves in the 21 cities from which I have collected such data, and this information is contained in the following table:

City.	Population.	Stolen.	Total value.	Unrecovered.	Unrecovered value.
Boston	780,540	866	$796,720	259	$238,280
Buffalo	500,000	1,262	1,161,040	348	320,160
Cincinnati	630,000	348	320,160	57	52,440
Cleveland	860,000	2,076	1,919,920	260	239,200
Columbus		451	414,920	99	91,080
Chicago	2,596,680	2,611	2,611,000	657	657,000
Denver	268,000	901	$828,290	274	$252,080
Detroit	850,000	2,639	2,118,896	705	574,980
Indianapolis	315,000	404	371,680		
Kansas City	375,000	1,144	1,062,480	538	494,960
Los Angeles	600,000	1,629	1,498,680	130	119,600
New York City	5,872,143	2,900	2,668,000		
Oakland	206,405	895	823,400	35	32,200
Oklahoma City	110,000	571	525,320	87	60,040
Omaha	200,000	1,043	959,560	347	319,240
Portland, Oreg	310,000	1,088	1,000,960	178	163,760
Philadelphia	1,800,000	2,960	2,844,155	576	576,000
Salt Lake City	118,000	797	733,240	7	6,440
San Francisco	550,000	1,122	1,032,240	41	37,720
St. Louis	800,000	2,241	2,061,720	688	798,560
Seattle	356,445	1,451	1,334,920	75	69,000
Total	18,098,213	29,399	27,087,301	5,541	5,102,740

So frightful has this menace become that automobile clubs and automobile protective associations have been formed, and they have been joined by chambers of commerce and commercial clubs all over the country in an effort to stamp out this lawless industry. Police officers and sheriffs together with prosecuting officials have joined hands and have conscientiously cooperated with these organizations, and yet any citizen in any part of the country who leaves his automobile upon the street while he goes to his office, to the church or the theater has the constant dread in his mind that when he returns his automobile may be gone.

All of the States have adequate laws for the apprehension and punishment of automobile thieves. But thieves are adroit and cunning in seeking a method of plying their trade with the least danger of conviction and punishment. They have learned that the Federal Government has no law providing for apprehension and punishment for the larceny of automobiles which are carried away and disposed of in interstate commerce, and they are now plying their trade with great industry in those cities and towns which are situated near State and border lines. Permit me to call your attention to the figures which I presented a few minutes ago and to urge you to give special attention to the difference in the number of larcenies perpetrated during the year of 1918 in cities situated in the interior as compared with those situated upon or near State lines. For instance Boston, which is an interior city, has a population of 780,540, and during the year 1918 there were 860 automobiles stolen in that city, while Detroit, which is situated upon the border and has 850,000 people, lost 2,639 automobiles by theft, and St. Louis, which is situated near a State line, with 800,000 people, lost 2,241 automobiles by theft.

It will be further observed that Indianapolis, which is situated in the interior of the State and has a population of 315,000, had 404 automobiles stolen in 1918, while Kansas City, which is situated near a State line and has a population of 375,000, had 1,144 cars stolen, and Omaha, which is situated near a State line and has 200,000 people, had 1,043 cars stolen, and Portland, which is situated within 6 miles of a State line and has a population of 310,000, had 1,088 cars stolen. An examination of the figures which I have given will show that this comparison prevails generally throughout the country. These figures further show that, in the 21 cities which I have enumerated, during the year 1918 the estimated value of those automobiles stolen in border cities amounted to more than $20,000,000, while the value of those stolen in cities located at points remote from State lines were valued at $7,000,000, a strong evidence that the auto thieves of the country are fully awake to the security and protection which they enjoy by operating in interstate commerce. Will Congress permit this protection and security to continue? The passage of the bill now under consideration will stop it.

There is no class of criminals enjoying more lucrative gain as a reward for their industry than the automobile thieves of the country. The figures which I have given show that the total population in the 21 cities enumerated amounts to a little more than 18,000,000 of people. That the total value of automobiles stolen and not recovered in those cities during the year 1918 amounts to more than $5,000,000. Automobile thieves are operating in the entire country, in the rural districts as well as in the cities, and if the ratio found in the cities given prevails throughout the Unted States, then their profit during the year 1918 must have been approximately $25,000,000, a large sum to be permitted to go to a criminal class, and a sum calculated to stimulate this evil to dreadful proportions unless drastic steps are taken for its eradication.

A business so lucrative as automobile larceny naturally attracts the most intelligent and cunning criminals, and an industry so profitable supplies them with abundant funds for protection and defense. In order that you may more readily understand the tremendous importance of legislation of this character and the total inefficiency of State laws to deal with the situation, permit me to detail to you some of the difficulties encountered by the police officers and prosecuting officials of St. Louis, which are fairly illustrative of the difficulties encountered by officials in every border-line city in the country. At St. Louis there are three public bridges and one ferry line between Missouri and Illinois, thus affording automobile thieves easy access to cross the State line, both day and night. Bands of thieves have been formed who operate in St. Louis, and as soon as an automobile is stolen it is transported across the river and stored with garage keepers in Illinois who are frequently in collusion with the thieves. The police officers of St. Louis have no authority to pursue these criminals across the State line, and the prosecuting officials of St. Louis have no power to compel witnesses, available around such garages to identify the thief who stores the stolen property, to appear in the St. Louis courts to identify such criminal. Thus the prosecuting officials when they attempt to prosecute the larceny committed on the Missouri side are helpless, because they have no power to compel witnesses from the Illinois side to attend the trial after the criminal has been apprehended and indicted. These criminals are abundantly able to make the most thorough defense to every charge. In some cases they bribe the witnesses to stay away from court, in some they intimidate them. If the witnesses can not be corrupted or intimidated, but are willing to voluntarily appear without process of law, then the defendants resort to technicalities and delay until such voluntary witnesses become worn out and disgusted and refuse to waste more time. Then, of course, the cases have to be dropped and the culprits go free.

If this bill is enacted into law and the Federal grand jury is empowered to investigate such larcenies, all the witnesses from anywhere in the United States can be compelled to appear and testify, and a full and complete investigation can be had in every case, and when a case is called for trial, the barrier of the State line having been swept away, the witnesses will be compelled to appear and testify in open court, with the result that conviction and adequate punishment will follow. Furthermore, every criminal dreads the Federal court. He feels that from Uncle Sam there is little hope of escape. His prosecutions are more vigorous and the penalties are more certain, and nothing will strike terror to the hearts of this rapidly increasing criminal class like the enactment of a law of this character.

So prevalent has this evil become that scores of antithief and auto locking devices have been invented, and inventors and accessory dealers are making huge profits in the sale of these devices, all at the expense of the automobile owners, and yet so ingenious are the automobile thieves of the country that as rapidly as devices are invented with which to thwart their evil work they devise schemes to overcome them. As a result of the risk to which every automobile owner is subjected, larceny insurance has grown by leaps and bounds, until to-day almost every owner in the land holds a larceny policy, and yet the losses have been so great that the premiums have steadily increased. Such premiums on the smaller cars were doubled in amount during the past year, and unless relief is given soon the rate of larceny insurance will soon become prohibitive.

That there is a crying need for relief from this rapidly growing evil there can be no question. That the States have been unable to effectively deal with the problem has been fully demonstrated. I have no doubt but that 90 per cent of the cars that are stolen and not recovered cross State lines before they are disposed of. The use which the automobile thief is making of interstate commerce takes him into a sphere which is beyond the reach of State control, and into a field where he can operate with security and where he will continue to do so until Congress asserts its power by the passage of a bill such as the one now under consideration.

But it has been seriously argued by Members of this House that Congress has no power to pass such a law; that such legislation is an invasion of the rights of the States. But if you will study the laws upon kindred subjects heretofore enacted by Congress and will read the decisions of the courts sustaining such laws I do not believe that a doubt will remain in the mind of even the most ardent States-rights advocate as to the powers of Congress upon this subject.

In the Minnesota Rate case (230 U. S., 398) the Supreme Court, in discussing the power of Congress to regulate commerce between the several States and the extent of that power, states the rule as follows:

> The general principles governing the exercise of State authority when interstate commerce is affected are well established. The power of Congress to regulate commerce among the several States is supreme and plenary. It is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution.

On page 399 of the same decision the Supreme Court further said:

> The authority of Congress extends to every part of interstate commerce and to every instrumentality or agency by which it is carried on, and the full control by Congress of the subjects committed to its regulation is not to be denied or thwarted by commingling of interest with intrastate operations.

In the case of Hopkins against United States, which is found in One hundred and seventy-first United States Supreme Court Reports, page 597, the court in defining the term "commerce" used the following language:

> Definitions as to what constitutes "commerce" are not easily given so that they shall clearly define the full meaning of the term. We know from cases decided in this court that it is a term of very large significance. It comprehends, as it is said, intercourse for the purpose of trade in any and all its forms, including transportation, purchase, sale, and exchange of commodities between the citizens of different States, and the power to regulate it embraces all of the instruments by which such commerce may be conducted.

In the case of Adair against United States, found in Two hundred and eighth United States Supreme Court Reports, page 176, the court defines "interstate commerce" as follows:

> The question has been frequently propounded in this court and the answer has been—and no more specific answer could well have been given—that commerce among the several States comprehends traffic, intercourse, trade, navigation, communication, the transit of persons, and the transmission of commercial intercourse among the several States, but not to that commerce completely internal which is carried on between man and man in a State or between different parts of the same State and which does not extend to or affect other States. The power to regulate interstate commerce is the power to prescribe rules by which such commerce must be governed.

In the face of the decisions which I have just read, can there be any question but what an automobile which is stolen in one State and transported across a State line into another State for the purpose of yielding a profit to the person transporting the same constitutes "interstate commerce"? It certainly constitutes "transportation and intercourse" between the States for the purpose of "trade, sale, or exchange" of articles of value. However, it may be argued that a thief gains control of an automobile in one State and that in transporting the same to another State only one person is involved and that after it has reached its destination he begins negotiations for the disposition of same, and that such a transaction does not constitute commerce between the States; but in the case of United States *v.* Chicago, Milwaukee & St. Paul Railroad Co. (149 Fed., 486), a case in which the Government sought to hold the railroad company liable for transporting cars with defective appliances in interstate commerce, the court said:

> A carrier operating its own construction train which hauls its own rails and products from a point in one State to a point in another State, for its own use, is engaged in interstate commerce.

Not only may an article or commodity which is a subject of sale or exchange become interstate commerce and subject to regulation under laws enacted by Congress, but the vehicles and instrumentalities by which such article or commodity is transported are held to be subject to regulation as interstate commerce; and at this point I desire to quote from Covington Bridge Co. *v.* Kentucky (154 U. S., 218), in which the court said:

> With reference to the second question, an attempt is made to distinguish a bridge from a ferryboat and to argue that while the latter is an instrument of interstate commerce the former is not. Both are, however, vehicles of such commerce, and the fact that one is movable and the other is a fixture makes no difference in the application of the rule. "Commerce" was defined in Gibbons *v.* Ogden (9 Wheat., 189) to be "intercourse," and the thousands of people who daily pass and repass this bridge may be as truly said to be engaged in interstate commerce as if they were shipping cargoes of merchandise from New York to Liverpool.

Another subject which bears upon this question and which has been held to be a subject of interstate commerce is found in section 8694, United States Compiled Statutes, 1916, under the heading of "Interstate and foreign commerce," and is set forth in the following language:

> Nor shall any person, company, or corporation drive on foot or transport in private conveyances from one State or Territory into another, or from one State into the District of Columbia, or from the District of Columbia into any State any live stock knowing them to be affected with any contagious, infectious, or communicable disease.

Thus it will be observed that no particular vehicle of transportation is necessary in order to make the article transported interstate commerce, nor is it necessary that the article should be transported for any specific purpose. All that is necessary for it to become interstate commerce is that it shall be transported from one State to another, even though it be live stock driven on foot.

The diseased-cattle law, which was enacted by Congress and which I have just read, grew out of a situation somewhat similar to the one now under consideration. Diseases in cattle developed in certain sections of the country and such diseases were being distributed among herds in other sections of the country by persons driving such cattle overland. The State officials in the various States were unable to cope with the problem and a general dissemination of such diseases threatened the herds of the whole country. The result was the passage of the act which I have just read and which was held constitutional in an exhaustive opinion in the case of the United States *v.* Slater (123 Fed., 115).

If the driving of diseased cattle from one State to another is interstate commerce, as held in the decision just cited, and as held by the Supreme Court of the United States in the case of Railroad *v.* Huson (95 U. S., 465), then the driving of a stolen automobile from one State to another certainly falls within the meaning of that term.

Another subject which bears upon this question, and which has been held to be a subject of interstate commerce, is found in section 8813, United States Compiled Statutes, 1916, which is set forth in the following language:

Any person who shall knowingly transport or cause to be transported in interstate or foreign commerce any woman or girl for the purpose of prostitution or debauchery, or for any other immoral purpose, or with the intent and purpose to induce, entice, or compel such woman or girl to become a prostitute or to give herself up to debauchery or to engage in any other immoral practice, shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment of not more than five years, or by both such fine and imprisonment, in the discretion of the court.

The act of Congress which I have just read and which makes it a felony to transport a woman from one State to another for immoral purposes has been sustained in the case of United States *v.* Burck (226 Fed., 974) in the following language:

The transportation of persons has long been held to be "commerce." "Interstate commerce," then, is among other things the passage of persons or property from one State to another. It does not necessarily involve the idea of a common carrier or the payment of freight or fare. Interstate commerce being, therefore, in so far as applicable here, the passage of persons from one State to another, the declaration of the act "that any person who shall transport any woman in interstate commerce" is equivalent to the declaration "that any person who shall transport any woman from one State to another." It was in transportation from State to State, for the purpose mentioned, that Congress intended to prohibit, and did prohibit, and no such transportation need be by common carrier alone. In these days it is just as easy to transport a woman or girl by automobile as by rail, and the former method may in many cases be much more expeditious and clandestine than the latter.

If the transportation of a woman from one State to another, by means of an automobile, for prostitution, constitutes interstate commerce, then how can it be argued, with any show of color, that the driving of a stolen automobile from one State to another for profit is not interstate commerce?

Not only has Congress the power to act in this matter, but it is its duty to do so. For it has been shown that transporting a stolen automobile from one State to another in order to dispose of the same or for any other purpose is interstate commerce, and the power to assert legislative control over interstate commerce is vested exclusively in Congress. In support of this contention I beg leave to call your attention to the case of Railroad Co. *v.* Huson (95 U. S., 465), in which it was held that a statute enacted by the Legislature of Missouri prohibiting the driving of Texas, Mexican, or Indian cattle into the State of Missouri was unconstitutional because Congress alone has the power to regulate interstate commerce. The Supreme Court of the United States, in deciding the case, said:

It seems hardly necessary to argue at length that, unless the statute can be justified as a legitimate exercise of the police power of the State, it is a usurpation of the power vested exclusively in Congress. It is a plain regulation of interstate commerce, a regulation extending to prohibition. Whatever may be the power of a State over commerce, that is completely internal, it can no more prohibit or regulate that which is interstate than it can that which is with foreign nations. Power over one is given by the Constitution of the United States to Congress in the same words in which it is given over the other to the States, and in both cases it is necessarily exclusive. That the transportation of property from one State to another is a branch of interstate commerce is undeniable, and no attempt has been made to deny it.

It is apparent that something must be done to rid the country of these culprits and to protect the people from their depredations. It is evident that they are operating in a field which is beyond the scope of State control and which rests within the exclusive jurisdiction of Congress, a field where they will continue to operate with great loss and inconvenience to the people and with millions in profits to themselves unless Congress acts to curb them. And I hope this House will pass this bill, which, in so far as these interstate criminals are concerned, will strike down State lines which serve as barriers to protect them from justice, and which will give to the Federal courts the power to end their nefarious business.

Mr. REAVIS. Mr. Speaker, I want just a word further on this bill. As I stated a moment ago, there is no one more in sympathy with the proposition that a man should not be put in jeopardy twice for the same offense than am I; but the provisions of this bill, when they come to be construed, prevent the possibility of a man being put in jeopardy once, even though he admits the offense. For instance, take a case where a man is in possession of a stolen automobile. It is known in the community that the automobile has been stolen and the man is seen in the possession of it.

The unexplained possession of the property immediately after the offense is presumptive evidence of guilt which would justify the issuance of a warrant. He is prosecuted for stealing the car. He admits that he had it in his possession. He admits that he knew it was stolen. He admits that he transported it to another State. He admits every element which constitutes the crime as defined in the bill we are now considering. He is found not guilty of stealing the automobile. This bill operates as a bar to the prosecution for transporting the automobile, so that instead of preventing a man from being placed in jeopardy twice for the same offense, the bill would prevent his being placed in jeopardy once for an offense that he admitted that he committed. I do not believe that any such measure as that should pass this House. I do not believe that the Judiciary Committee gave this bill any consideration or any adequate consideration.

Mr. DYER. Will the gentleman yield?

Mr. REAVIS. I will.

Mr. DYER. I will say to the gentleman that the Committee on the Judiciary considered this at a number of meetings not only in the subcommittee but in the full committee. Of course, the gentleman was not there. I do not say it was his fault, because he was busy, perhaps, on other matters, but the committee did consider this and rewrote the bill three times.

Mr. REAVIS. Let me state this. The gentleman who is now addressing the House was not before the committee. He has been busy with the Committee on Expenditures in the War Department, but this bill was introduced on the 11th of this month, it was reported out on the 12th of this month, and it is now up for consideration to-day——

Mr. DYER. Will the gentleman yield again?

Mr. REAVIS. And it is up under consideration under the parliamentary status where you can not amend it on the 15th day of this month. That is the amount of consideration——

Mr. DYER. It has been considered for some six or seven weeks, and has finally been agreed upon with only some slight changes. The bill has been before the House more than five weeks.

Mr. REAVIS. Will the gentleman answer me this question? When was section 5 written into this bill?

Mr. DYER. Substantially it has been in the bill from the beginning.

Mr. REAVIS. This bill was not introduced in this House until the 11th. It was reported out of the committee the day after the bill says it was introduced. It is up now for consideration by this House under a parliamentary status that prevents an amendment, three days after the bill was reported out, and I think the bill should be defeated.

Mr. DYER. Mr. Speaker, I have six minutes, and I yield five minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS of Virginia. Mr. Speaker, this bill seems to be attacked on two inconsistent grounds. One objection is that it is too strong, or to use a favorite phrase that it has too many teeth in it, the other is, that it is not strong enough. Evidently the measure can not be justly amenable to both criticisms. The very objection that is urged by the gentleman from Nebraska [Mr. REAVIS], ought to commend it to that portion of this House which believes in State rights, because that objection is urged to the reservation in the last section in the interest of such rights. That section provides that a conviction, or acquittal of the larceny of a motor-propelled vehicle in a State court shall be a bar to a Federal prosecution. Why should anyone who believes in the authority of the States object to a reservation which gives such authority to the findings of a State court that they will operate as a bar to a prosecution for a Federal offense? The gentleman from Texas [Mr. BEE] objects to the bill on the ground that it is too drastic, and far-reaching. Further he thinks that there are other articles of personal property to which a law of this character, if enacted at all, ought to apply. Grant that this bill ought to be enlarged to include specifically the cases cited, I fail to see why this suggestion furnishes a valid objection to the pending measure,

conceding that present conditions justify the proposed action on our part, affecting automobiles. Certainly the facility with which property of this character may be stolen and moved in interstate commerce and the extent to which this is being done, affords a sufficient reason why, so far as this body is concerned, it should undertake to afford some adequate remedy to correct a nation-wide evil. Suppose the bill does provide that a man who has been convicted in a State court of the theft of an automobile shall not be prosecuted for the offense of transporting the stolen article, in interstate commerce, why should that reservation afford a ground for defeating the bill as a whole? That is all that this last section of which such complaint is made, undertakes to do. It provides that the Federal Government, in tenderness to the authority of a State, will not execute its own authority with respect to an offense against its own sovereignty, provided such State has taken jurisdiction of the State offense, as described, and a conviction, or an acquittal has been afforded.

Mr. REAVIS. Will the gentleman yield?

Mr. SAUNDERS of Virginia. With pleasure.

Mr. REAVIS. The State could not have an offense such as we find in the bill.

Mr. SAUNDERS of Virginia. Certainly, I have admitted that.

Mr. REAVIS. And so the acquittal in one sort of prosecution under the State law would be a bar to any prosecution in an entirely different offense under Federal law.

Mr. SAUNDERS of Virginia. Precisely. I have sought to emphasize that fact. I have sought to point out that this is an abdication on the part of the national sovereignty, in a sort of tenderness of regard for State sovereignty in that it declines to prosecute an offense against its own sovereignty merely because a State has prosecuted the offender for another and different offense in violation of a State law. This situation is unlike the situation which confronted us when we enacted the prohibition act. We are not dealing with a question of concurrent jurisdiction. There is one offense here against the laws of the State and another and different offense against the Federal statute. No question of double jeopardy can possibly arise.

The Nation says in substance: "While I have authority to convict in respect to this situation, and push a prosecution for the interstate offense, if I so will, to its logical conclusion, I surrender this right as to the offender provided one of the component States of the Union, has prosecuted such offender for the larceny of the article, either to acquittal, or conviction."

Mr. BEE. If a man steals an automobile in Texas and transports it to the State of Ohio, and he is indicted by the courts in Texas and indicted by the Federal court in Ohio, under this bill the Federal court will take the jurisdiction.

Mr. SAUNDERS of Virginia. Not necessarily to a finality.

Mr. BEE. It will transport the witnesses to the State of Ohio.

Mr. SAUNDERS of Virginia. Suppose the State proceeds to the final act, of acquittal or conviction. Such acquittal or conviction will be a bar to further prosecution in the Federal court. This bill says that the acquittal or conviction in a State court of the particular offense described shall be a bar to prosecution in the Federal courts.

Mr. BEE. I say when both cases are pending.

Mr. SAUNDERS of Virginia. Suppose they are pending, the final action in the State court may be pleaded in the Federal court.

Mr. HASTINGS. I want to direct the gentleman's attention to section 4. Suppose an automobile is stolen, say, in the State of Virginia at some one point and is transported to some other point in the State of Virginia and sold to some one there who knows that property to have been stolen, would that be a Federal offense under section 4?

Mr. SAUNDERS of Virginia. I think not. How would it be? Up to that point what has been done has not reached the dignity of a Federal offense. The Federal offense begins when there is a movement in interstate commerce.

Mr. HASTINGS. Section 4 provides that anyone receiving stolen property knowing it to have been stolen, and it does not require it to have gone across State lines, as you will perceive if you read section 4 closely.

Mr. SAUNDERS of Virginia. The gentleman did not read the language in line 10, which says:

> Moving as, or which is a part of, or which constitutes interstate or foreign commerce.

And that answers the difficulty of the gentleman from Oklahoma.

Mr. DYER. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is, Will the House pass the bill under suspension of the rules?

The question was taken, and the Speaker announced that the Chair was in doubt.

Accordingly the House divided; and there were—ayes 85, noes 26.

Mr. HUDDLESTON. Mr. Speaker, I demand the yeas and nays, and pending that I make the point that a quorum of the House is not present.

The SPEAKER. The gentleman from Alabama makes the point of order that no quorum is present. The Chair is of the opinion that a quorum is not present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members. Those in favor of the passage of the bill will, as their names are called, answer "yea" and those opposed will answer "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 200, nays 40, answered "present" 4, not voting 186, as follows:

YEAS—200.

Almon	Echols	Lee, Ga.	Rogers
Aswell	Evans, Mont.	Lehlbach	Romjue
Ayres	Fairfield	Little	Rose
Bacharach	Ferris	Lonergan	Rubey
Baer	Fess	Longworth	Rucker
Barbour	Fisher	Luce	Sanders, La.
Barkley	Focht	Lufkin	Sanford
Begg	Freeman	Luhring	Saunders, Va.
Benham	French	McAndrews	Scott
Black	Fuller, Ill.	McClintic	Shreve
Bland, Mo.	Fuller, Mass.	McKeown	Sinnott
Bland, Va.	Gallagher	McLaughlin, Mich.	Smith, Idaho
Blanton	Gallivan	McLaughlin, Nebr.	Smith, Ill.
Boies	Gandy	MacCrate	Smith, Mich.
Booher	Glynn	Mason	Smithwick
Brand	Good	Mays	Snell
Briggs	Goodwin, Ark.	Minahan, N. J.	Stedman
Brinson	Goodykoontz	Mondell	Strong, Kans.
Brooks, Ill.	Green, Iowa	Moon	Sumners, Tex.
Browning	Greene, Mass.	Mooney	Sweet
Burdick	Hardy, Colo.	Moore, Ohio	Swope
Burroughs	Haskell	Morgan	Taylor, Colo.
Campbell, Kans.	Hastings	Mudd	Thompson, Ohio
Candler	Hawley	Murphy	Thompson, Okla.
Cantrill	Hayden	Neely	Tillman
Carss	Heflin	Nelson, Wis.	Timberlake
Chindblom	Hernandez	Newton, Minn.	Tincher
Christopherson	Hersey	Newton, Mo.	Tinkham
Clark, Mo.	Hicks	Nichols, Mich.	Treadway
Cleary	Hoch	O'Connor	Upshaw
Coady	Hull, Iowa	Oldfield	Valle
Cole	Igoe	Osborne	Venable
Crowther	Ireland	Overstreet	Voigt
Currie, Mich.	Jacoway	Padgett	Volstead
Curry, Calif.	James	Paige	Watson, Va.
Dale	Johnson, Ky.	Parrish	Weaver
Dallinger	Johnson, Wash.	Platt	Webster
Davey	Jones, Pa.	Pou	Welty
Davis, Minn.	Jones, Tex.	Purnell	Wheeler
Davis, Tenn.	Juul	Quin	White, Kans.
Dickinson, Mo.	Kearns	Radcliffe	Williams
Dickinson, Iowa	Keller	Ramsey	Wilson, Ill.
Dominick	Kendall	Ramseyer	Wilson, La.
Doremus	Kincheloe	Randall, Wis.	Wilson, Pa.
Dowell	King	Rhodes	Woods, Va.
Dunbar	Kinkaid	Ricketts	Woodyard
Dunn	Kitchin	Riddick	Wright
Dupré	Lampert	Robinson, N. C.	Yates
Dyer	Lanham	Robsion, Ky.	Young, N. Dak.
Eagan	Larsen	Rodenberg	Young, Tex.

NAYS—40.

Anderson	Doughton	Humphreys	Raker
Andrews, Nebr.	Elliott	Johnson, Miss.	Rayburn
Bee	Evans, Nebr.	Kraus	Reavis
Blackmon	Garner	Lankford	Slemp
Box	Greene, Vt.	Layton	Steagall
Buchanan	Hardy, Tex.	Lazaro	Thomas
Caldwell	Harrison	Martin	Watkins
Caraway	Hickey	Moores, Ind.	Webb
Connally	Huddleston	Nelson, Mo.	Wingo
Dent	Hull, Tenn.	Oliver	Wise

ANSWERED "PRESENT"—4.

Byrns, Tenn.	Cannon	Knutson	Schall

NOT VOTING—186.

Ackerman	Casey	Elston	Griffin
Alexander	Clark, Fla.	Emerson	Hadley
Andrews, Md.	Classon	Esch	Hamill
Anthony	Collier	Evans, Nev.	Hamilton
Ashbrook	Cooper	Fields	Haugen
Babka	Copley	Fitzgerald	Hays
Bankhead	Costello	Flood	Hersman
Bell	Crago	Fordney	Hill
Benson	Cramton	Foster	Holland
Bland, Ind.	Crisp	Frear	Houghton
Bowers	Cullen	Ganly	Howard
Britten	Darrow	Gard	Hudspeth
Brooks, Pa.	Dempsey	Garland	Hulings
Browne	Denison	Garrett	Husted
Brumbaugh	Dewalt	Godwin, N. C.	Hutchinson
Burke	Donovan	Goldfogle	Jefferis
Butler	Dooling	Goodall	Johnson, S. Dak.
Byrnes, S. C.	Drane	Gould	Johnston, N. Y.
Campbell, Pa.	Eagle	Graham, Pa.	Kahn
Carew	Edmonds	Graham, Ill.	Kelley, Mich.
Carter	Ellsworth	Griest	Kelly, Pa.

Kennedy, Iowa	Mann	Randall, Calif.	Stevenson
Kennedy, R. I.	Mansfield	Reber	Stiness
Kettner	Mapes	Reed, N. Y.	Strong, Pa.
Kiess	Mead	Reed, W. Va.	Sullivan
Kleczka	Merritt	Riordan	Summers, Wash.
Kreider	Michener	Rouse	Taylor, Ark.
LaGuardia	Miller	Rowan	Taylor, Tenn.
Langley	Monahan, Wis.	Rowe	Temple
Lea, Calif.	Montague	Sabath	Tilson
Lesher	Moore, Pa.	Sanders, Ind.	Towner
Linthicum	Moore, Va.	Sanders, N. Y.	Vare
McArthur	Morin	Scully	Vestal
McCulloch	Mott	Sears	Vinson
McDuffie	Nicholls, S. C.	Sells	Walsh
McFadden	Nolan	Sherwood	Walters
McGlennon	O'Connell	Siegel	Ward
McKenzie	Ogden	Sims	Wason
McKinley	Olney	Sinclair	Watson, Pa.
McKinley	Park	Sisson	Welling
McLane	Parker	Small	Whaley
McPherson	Pell	Smith, N. Y.	White, Me.
MacGregor	Peters	Snyder	Winslow
Madden	Phelan	Steele	Wood, Ind.
Magee	Porter	Steenerson	Zihlman
Maher	Rainey, H. T.	Stephens, Miss.	
Major	Rainey, J. W.	Stephens, Ohio	

So, two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. KNUTSON with Mr. BELL.

Mr. BLAND of Indiana with Mr. SMALL.

Mr. BOWERS with Mr. ASHBROOK.

Mr. FREAR with Mr. O'CONNELL.

Mr. HADLEY with Mr. PHELAN.

Mr. HOUGHTON with Mr. PELL.

Mr. JOHNSON of South Dakota with Mr. FLOOD.

Mr. MADDEN with Mr. CRISP.

Mr. MAGEE with Mr. LINTHICUM.

Mr. MOORE of Pennsylvania with Mr. SHERWOOD.

Mr. MCARTHUR with Mr. SISSON.

Mr. MCPHERSON with Mr. MAJOR.

Mr. STEPHENS of Ohio with Mr. OLNEY.

Mr. WALSH with Mr. CARTER.

Mr. OGDEN with Mr. CLARK of Florida.

Mr. WALTERS with Mr. DRANE.

Mr. MAPES with Mr. CASEY.

Mr. ROWE with Mr. BANKHEAD.

Mr. TOWNER with Mr. EVANS of Nevada.

Mr. MANN with Mr. FITZGERALD.

Mr. SELLS with Mr. ALEXANDER.

Mr. PETERS with Mr. BYRNES of South Carolina.

Mr. BROOKS of Pennsylvania with Mr. TAYLOR of Arkansas.

Mr. TEMPLE with Mr. MCKINIRY.

Mr. FOSTER with Mr. MONTAGUE.

Mr. NOLAN with Mr. CAMPBELL of Pennsylvania.

Mr. COPLEY with Mr. SMITH of New York.

Mr. FORDNEY with Mr. MOORE of Virginia.

Mr. STINESS with Mr. MANSFIELD.

Mr. ANTHONY with Mr. VINSON.

Mr. KELLY of Pennsylvania with Mr. HOLLAND.

Mr. ELSTON with Mr. HENRY T. RAINEY.

Mr. ANDREWS of Maryland with Mr. WELLING.

Mr. ELLSWORTH with Mr. JOHN W. RAINEY.

Mr. TAYLOR of Tennessee with Mr. MCLANE.

Mr. MCKENZIE with Mr. GARD.

Mr. DENISON with Mr. ROWE.

Mr. STRONG of Pennsylvania with Mr. MAHER.

Mr. DEMPSEY with Mr. SABATH.

Mr. MCKINLEY with Mr. GANLY.

Mr. WINSLOW with Mr. CULLEN.

Mr. PORTER with Mr. BENSON.

Mr. DARROW with Mr. SCULLY.

Mr. CRAGO with Mr. SEARS.

Mr. VARE with Mr. EAGLE.

Mr. COSTELLO with Mr. SIMS.

Mr. MCFADDEN with Mr. GARRETT.

Mr. CLASSON with Mr. STEVENSON.

Mr. BUTLER with Mr. STEELE.

Mr. SANDERS of Indiana with Mr. BABKA.

Mr. KAHN with Mr. HUDSPETH.

Mr. BURKE with Mr. SULLIVAN.

Mr. HUTCHINSON with Mr. JOHNSTON of New York.

Mr. HAUGEN with Mr. KETTNER.

Mr. BROWNE with Mr. COLLIER.

Mr. HAMILTON with Mr. LEA of California.

Mr. GRIEST with Mr. LESHER.

Mr. LANGLEY with Mr. FIELDS.

Mr. TILSON with Mr. MCGLENNON.

Mr. GRAHAM of Pennsylvania with Mr. MCDUFFIE.

Mr. GARLAND with Mr. MEAD.

Mr. KREIDER with Mr. GODWIN of North Carolina.

Mr. WASON with Mr. DOOLING.

Mr. ESCH with Mr. NICHOLLS of South Carolina.

Mr. STEENERSON with Mr. BRUMBAUGH.

Mr. KLECZKA with Mr. GOLDFOGLE.

Mr. EMERSON with Mr. PARK.

Mr. WHITE of Maine with Mr. DEWALT.

Mr. EDMONDS with Mr. RIORDAN.

Mr. KENNEDY of Rhode Island with Mr. HERSMAN.

Mr. MORIN with Mr. CAREW.

Mr. KELLEY of Michigan with Mr. HOWARD.

Mr. COOPER with Mr. STEPHENS of Mississippi.

Mr. ACKERMAN with Mr. WHALEY.

Mr. KENNEDY of Iowa with Mr. HAMILL.

Mr. WATSON of Pennsylvania with Mr. DONOVAN.

Mr. KIESS with Mr. GRIFFIN.

Mr. KNUTSON. Mr. Speaker, I desire to withdraw my vote of "yea" and vote "present." I am paired.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. KNUTSON, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

On motion of Mr. DYER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS MINNESOTA RIVER, MINN.

Mr. NEWTON of Minnesota. Mr. Speaker, I move to suspend the rules and to consider the bill H. R. 9091.

The SPEAKER. The gentleman from Minnesota moves to suspend the rules and consider the bill H. R. 9091, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9091) granting the consent of the Congress to the county of Hennepin to construct, maintain, and operate a bridge across the Minnesota River.

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Hennepin, in the State of Minnesota, and its successors, to construct, maintain, and operate a bridge and approaches thereto across the Minnesota River, at a point suitable to the interests of navigation, at or near the intersection of that certain public highway in said county commonly known and designated as Lyndale Avenue, with the said Minnesota River, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. The question is on the passage of the bill under suspension of the rules.

Mr. ANDERSON. Mr. Speaker, I would be glad to have that done, but I think we are entitled to have the question put as to whether a second is demanded or not.

The SPEAKER. Is a second demanded? If not, the Chair will put the question. Those in favor of the passage of the bill under suspension of the rules will say "aye"; those opposed will say "no."

The question was taken; and the Speaker announced that two-thirds having, in the opinion of the Chair, voted in the affirmative, the rules were suspended and the bill was passed.

CALENDAR FOR UNANIMOUS CONSENT.

Mr. SMITH of Idaho. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SMITH of Idaho. Is it the intention to resume the consideration of the Unanimous Consent Calendar?

The SPEAKER. That is the purpose. The Clerk will proceed with the call of the Unanimous Consent Calendar.

Mr. THOMPSON of Oklahoma. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and sixty-six Members are present.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, we have done a pretty good day's work, and I do not think the Members should be kept here for roll calls at this hour of the day. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 19 minutes p. m.) the House adjourned, pursuant to the order previously made, until to-morrow, Tuesday, September 16, 1919, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury transmitting estimate of appropriation for rent of temporary quarters for Government officials at Nashville, Tenn., and Newport, R. I., and asking authorization for payment of membership fees in certain technical societies and

for traveling expenses in connection therewith for the Office of the Supervising Architect (H. Doc. No. 249) was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SELLS, from the Committee on Pensions, to which was referred sundry bills of the House, reported in lieu thereof the bill (H. R. 9281) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, accompanied by a report (No. 318), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9002) granting a pension to Jessie A. Haynes; Committee on Pensions discharged and referred to the Committee on Invalid Pensions.

A bill (H. R. 8984) granting a pension to Samuel Durham; Committee on Pensions discharged and referred to the Committee on Invalid Pensions.

A bill (H. R. 9186) granting a pension to Harriet A. Green; Committee on Pensions discharged and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CANNON: A bill (H. R. 9270) authorizing the Secretary of War to donate St. Viator College, Bourbonnais, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. BEGG: A bill (H. R. 9271) granting a gratuity of $100 to officers and enlisted men of the Army whose names appear upon the Army and Navy medal-of-honor roll; to the Committee on Military Affairs.

By Mr. HAYDEN: A bill (H. R. 9272) to amend section 852 of the Revised Statutes of the United States, relating to jurors' fees; to the Committee on the Judiciary.

By Mr. KREIDER: A bill (H. R. 9273) authorizing the Secretary of War to donate to the borough of Millersburg, Pa., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 9274) authorizing the Secretary of War to donate to the city of Harrisburg, Pa., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 9275) authorizing the Secretary of War to donate to the borough of Hummelstown, Pa., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 9276) authorizing the Secretary of War to donate to the city of Lebanon, Pa., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 9277) authorizing the Secretary of War to donate to the borough of Middletown, Pa., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 9278) authorizing the Secretary of War to donate to the city of Carlisle, Pa., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 9279) authorizing the Secretary of War to donate to the borough of Mechanicsburg, Pa., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 9280) authorizing the Secretary of War to donate to the borough of Shippensburg, Pa., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. SELLS: A bill (H. R. 9281) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. MASON: A bill (H. R. 9282) to appropriate money to pay stationary engineers and others in the District of Columbia; to the Committee on Appropriations.

By Mr. KREIDER: A bill (H. R. 9283) prohibiting fraud upon the public by making or disseminating false statements or assertions concerning any merchandise, commodities, securities, or service, and providing penalties for the violation thereof; to the Committee on the Judiciary.

Also, a bill (H. R. 9284) for the purchase of a site and the erection thereon of a public building at Middletown, Pa.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9285) authorizing payment for damage to township roads by United States troops while encamped at Camp Meade during the War with Spain; to the Committee on War Claims.

By Mr. HAYDEN: A bill (H. R. 9286) to provide for marking the carcasses of goats with the words "Goat meat"; to the Committee on Agriculture.

By Mr. GREENE of Massachusetts: Resolution (H. Res. 291) requesting information of the Secretary of the Navy; to the Committee on the Merchant Marine and Fisheries.

By Mr. IRELAND: Resolution (H. Res. 296) directing inquiry in the interest of economy, efficiency, and coordination into the employment, duties, and compensation of the employees of the House; to the Committee on Rules.

By Mr. RAKER: Joint resolution (H. J. Res. 209) directing the Federal Trade Commission to investigate and report to Congress certain information regarding sugar; to the Committee on Interstate and Foreign Commerce.

By Mr. HICKS: Joint resolution (H. J. Res. 210) to provide for the payment of travel pay upon discharge to men of the Navy enlisted prior to April 2, 1917; to the Committee on Naval Affairs.

By Mr. MASON: Concurrent resolution (H. Con. Res. 32) declaring peace with all the world; to the Committee on Foreign Affairs.

By the SPEAKER: Memorial of the Legislature of Hawaii requesting Congress to amend the land laws of the Territory of Hawaii; to the Committee on the Territories.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 9287) granting an increase of pension to Fletcher Duling; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9288) granting a pension to Joseph Hutzell; to the Committee on Invalid Pensions.

By Mr. BACHARACH: A bill (H. R. 9289) granting an increase of pension to Mary Jane King; to the Committee on Pensions.

By Mr. BEGG: A bill (H. R. 9290) granting an increase of pension to Edward Stoyle; to the Committee on Pensions.

By Mr. CLARK of Florida: A bill (H. R. 9291) granting a pension to Sibria Armstrong; to the Committee on Invalid Pensions.

By Mr. FULLER of Illinois: A bill (H. R. 9292) to reimburse Thomas Nicholson, late a lieutenant in the United States Army, American Expeditionary Forces, for loss of company funds stolen from him and repaid by him; to the Committee on War Claims.

By Mr. FRENCH: A bill (H. R. 9293) granting an increase of pension to Garner Aldrich; to the Committee on Invalid Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 9294) granting an increase of pension to Harrison Flinton; to the Committee on Invalid Pensions.

By Mr. HAYS: A bill (H. R. 9295) granting an increase of pension to Levi Morrill; to the Committee on Invalid Pensions.

By Mr. KEARNS: A bill (H. R. 9296) granting a pension to Christina Holden; to the Committee on Pensions.

By Mr. KENDALL: A bill (H. R. 9297) granting a pension to John F. Bittner; to the Committee on Invalid Pensions.

By Mr. KREIDER: A bill (H. R. 9298) granting a pension to J. N. Mortimer, alias J. N. Mooney; to the Committee on Pensions.

Also, a bill (H. R. 9299) to remove the charge of desertion from the military record of John F. Kelly; to the Committee on Military Affairs.

Also, a bill (H. R. 9300) for the relief of Sarah Haverstick; to the Committee on Claims.

Also, a bill (H. R. 9301) granting a pension to Robert A. Ryder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9302) granting an increase of pension to William M. Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9303) granting a pension to Ida M. Cunkle; to the Committee on Invalid Pensions.

By Mr. LAMPERT: A bill (H. R. 9304) granting an increase of pension to Ellen Sanville; to the Committee on Invalid Pensions.

By Mr. McKENZIE: A bill (H. R. 9305) granting an increase of pension to Warren G. Bent; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 9306) granting an increase of pension to Charles C. Twyford; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 9307) for the relief of the estate of Sarah H. Flack, deceased; to the Committee on Claims.

By Mr. SELLS: A bill (H. R. 9308) granting an increase of pension to Edward McClellan; to the Committee on Pensions.

By Mr. SLEMP: A bill (H. R. 9309) to authorize the Commissioner of Patents to investigate the extension of a patent issued to Earnest W. Ladd, Hunter Arnold, William H. Rohrer, Harry L. Wheatley, B. M. McQuinn, and Thomas J. Farrer; to the Committee on Patents.

By Mr. THOMPSON of Ohio: A bill (H. R. 9310) granting a pension to Mary Ellen R. Hatch; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 9311) granting a pension to Alice G. Donze; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 9312) granting an increase of pension to John L. Mead; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DOWELL: Petition of residents of Des Moines, Iowa, relative to return of American troops from Russia; to the Committee on Military Affairs.

By Mr. FULLER of Illinois: Petition of W. C. Ritchie & Co., of Chicago, Ill., concerning patent legislation; to the Committee on Patents.

By Mr. LUFKIN: Petition of Post No. 80, American Legion, Ipswich, Mass., in favor of congressional investigation to place responsibility for all alleged unnecessary wrongs inflicted against officers and soldiers of the American Expeditionary Forces; to the Committee on Military Affairs.

By Mr. GARNER: Petition of A. W. Bloor, chairman National Guard Association of Texas, asking Congress to establish and maintain a national militia corps; to the Committee on Military Affairs.

By Mr. McCLINTIC: Petition of sundry citizens of Oklahoma in favor of the Kenyon bill, Senate bill 2022; to the Committee on Interstate and Foreign Commerce.

By Mr. O'CONNELL: Petition of George F. Sykes, of New York, protesting against the passage of the Longworth bill; to the Committee on Ways and Means.

Also, petition of D. Auerbach & Sons, of New York, favoring the passage of House bills Nos. 5011, 5012, and 7010; to the Committee on Patents.

By Mr. RAKER: Petition of Bank of California National Association, San Francisco, Calif., indorsing the bill introduced by Senator CALDER to amend that section of the revenue act which provides for a tax on the interest of accounts of foreign corporations and individuals in this country; to the Committee on Ways and Means.

Also, petition of San Francisco Chamber of Commerce, San Francisco, Calif., protesting against the granting to the Interstate Commerce Commission of jurisdiction over water carriers engaged in port-to-port traffic in interstate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of San Francisco Chamber of Commerce, San Francisco, Calif., protesting against the Plumb plan for Government ownership and operation of the railroads, and any other plan with that end in view; to the Committee on Interstate and Foreign Commerce.

Also, petition of A. S. Fleming, county clerk of Placer County, Calif., in which the supervisors of Placer indorses all resolutions passed to preserve the natural beauty of Lake Tahoe; to the Committee on the Judiciary.

Also, petition of El Dorado County Chamber of Commerce, requesting support of the Townsend national highway measure; to the Committee on Roads.

Also, petition of railway postal clerks, Tracy, Calif., indorsing an increase in salary for postal employees and asking support of such legislation; to the Committee on the Post Office and Post Roads.

By Mr. ROUSE: Petition of the James Wallace Costigan Post, No. 11, American Legion, Newport, Ky., urging the Members of Congress to refuse to seat VICTOR BERGER as a Member of Congress; to the Committee on Elections No. 1.

By Mr. YATES: Petition of Wunderle garage, Weitkamper grocery, Mathein & Pfau cigar store, Kaiser meat market, Albert J. Feuerbacher drug store, Leininger grocery, Striffler Bros. Ice & Cold Storage Co., Vopel bakery, Spellman Lumber Co., Baker's cigar store, Runte meat market, and Lauer Bros., all of Lincoln, Ill., protesting against the Siegel bill; to the Committee on Agriculture.

Also, petition of Sterling Merchants' Association, Sterling, Ill., containing protest against the Jones bill, Senate bill 2904; to the Committee on the Judiciary.

Also, petition of the Travelers' Protective Association of America, Post D, Illinois Division, Springfield, Ill., urging the passage of House bill 4378; to the Committee on Interstate and Foreign Commerce.

Also, petition of Sterling Association of Commerce, Sterling, Ill., urging the passage of House bill 8080 and Senate bill 2492, to create Federal home loan bank; to the Committee on Banking and Currency.

Also, petition of Chicago Wheel & Manufacturing Co., Chicago, Ill., urging the passage of House bills 5011, 5012, and 7010, concerning the Patent Office; to the Committee on Patents.

Also, petition of Hon. S. E. Bradt, superintendent of highways, State of Illinois, containing protest against proposed legislation to place an embargo on the use of open-top cars for the carrying of all materials except coal; to the Committee on the Judiciary.

Also, petition of North Western Expanded Metal Co., Chicago, Ill., urging the passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

Also, petition of W. C. Ritchie & Co., Chicago, Ill., urging passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

SENATE.

TUESDAY, *September 16, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we lift our hearts to Thee. In Thy providence we have been brought face to face with great issues affecting the life of the world. These issues have given rise to large differences of opinion, and as we face them to-day we would remember the divine order, for Thou hast taught us that we should seek first the Kingdom of God and His righteousness, with the promise that all these things shall be added to us. So we pray that with a consciousness of our right relation to God we may address ourselves boldly and fearlessly to the tasks that have been committed to our hearts and minds, and may the outcome of our deliberations justify our place of leadership and power among the nations of the earth. For Christ's sake. Amen.

On request of Mr. BRANDEGEE and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

POLICY OF UNITED STATES IN EUROPE.

Mr. BRANDEGEE. Mr. President, I ask unanimous consent that a letter written by Frank H. Simonds, published in the New York Sunday Tribune, upon the European situation may be read by the Secretary. I would read it myself, but I am suffering from a heavy cold.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

[From the New York Tribune, Sunday, Sept. 14, 1919.]

"EUROPE RESENTS AMERICAN DOMINATION OF HER AFFAIRS—COMPROMISES VIEWED AS PROOF BRITAIN AND FRANCE HAD REJECTED LEAGUE PRINCIPLES—BITTER DISLIKE IS MANIFEST IN MANY INSTANCES OVER COURSE OF UNITED STATES POLICY IN EUROPE.

"[By Frank H. Simonds.]

"Unless all signs fail, the relations between the United States and the various countries of Europe are about to enter a new phase. All over the Continent there are indications that European peoples and governments are now seeking to escape from that virtual domination of European affairs by the United States which, to a greater or lesser degree, has endured from the moment when both the associate and enemy governments almost a year ago consented to an armistice following an acceptance of the 14 points. From that hour to the present America has consistently dominated the peace conference, and if American proposals have frequently been modified we are just reaching the point where they are being deliberately set aside.

"The immediate justification and warrant of President Wilson's journey to the peace conference was the acceptance by enemy and associated governments alike of his 14 points as the basis of peace. Mr. Wilson concluded that this acceptance meant that those who officially agreed actually subscribed to the principles expressed in these 14 points. He believed that the masses of the various nations, German quite as much as

French, Austrian equally with Italian, saw what he saw in the league of nations, were prepared to make the sacrifices necessary to remove all the causes of rivalry and of grudge and to enter a new world without surviving antipathies.

"PROPOSALS NOT ACCEPTED IN SENSE OFFERED.

"Now, what were the facts? In the first place it seems reasonably clear, in the light of subsequent events, that the 14 points were not accepted by any people in the sense Mr. Wilson and a large number of American people believed they had been accepted by all. The Germans, on the edge of supreme political disaster, seized upon Mr. Wilson's proposal as the single alternative to invasion. They believed that Mr. Wilson would so press his 14 points that Germany would escape the logical consequences of her attack upon her neighbors, and they recognized that however far short of this the result might fall nothing could be worse than the future which stared her in the face in October, 1918.

"Our associates, on the contrary, recognized that any break with Mr. Wilson at that time, in the presence of their own war-weary people, would be fatal and might easily enable the German to escape his fate. They saw if the terms of the armistice were drawn by them that Germany would be disarmed and helpless, and that provided they continued to control the making and application of the armistice terms they could afford to leave to the future the discussion of the 14 points. Those 14 points were only officially accepted by our associates. They had never effected a lodgment in the minds of the statesmen or the soldiers controlling allied affairs, nor were they generally known or widely accepted by the populations of the several western nations.

"In point of fact, therefore, none of the European groups of powers accepted the American proposals in the sense in which they were made. To the Germans these proposals held out a promise of a reduction of the penalties they had incurred, a mitigation of the extent of their punishment.

"MEANT LITTLE MORE THAN WORDS TO THE ALLIES.

"To the Allies they meant little more than words of the precise sort which had been uttered from the very beginning of the struggle, not in insincerity, but with a frank recognition of the limitations which actuality always places upon abstract idealism. It was not in the minds of those who subscribed to Mr. Wilson's proposals for our associates that those proposals would be applied against them, nor were they yet able to think of anything except the single objective on which they had concentrated their attention for more than four years—namely, the defeat of Germany.

"When Mr. Wilson went to Europe he carried with him the conviction that the application of the 14 points and the creation of the league of nations would insure a peace of understanding among continental peoples and a future safeguard against war. He found in the welcome which awaited him from all the publics of the countries which had been associated with us in the struggle a further proof that the principles which he advocated had effected lodgment in the minds and hearts of the millions of European citizens of various nations. He was convinced that the French people, the Italian people, the members of the different races newly liberated, those who lived in countries only yesterday hostile would rally behind him in his deliberate purpose to translate the 14 points from language into fact.

"Now, it is essential to recognize that when Mr. Wilson went to Europe certain material factors assured him the position of commanding influence in the peace conference. Every associated nation around the table was our debtor. Not only this, but every associated nation was, by reason of its recent losses and war expenditures, bound to seek in America still further loans, still greater aids. Mr. Wilson represented the greatest Nation in the world in effective military resources and in unimpaired financial reserves. His country was at this precise moment still feeding millions of French, Belgians, Poles, and Italians, while each month saw further extension of American credit to various nations.

"DELIBERATE OPPOSITION TO WILSON IMPOSSIBLE.

"It was not possible in the circumstances for the Governments of the various associated nations deliberately to oppose Mr. Wilson. The material consequences of such a break would be obvious. Moreover, the break itself would be seized upon infallibly by the radical and Bolshevik elements seeking to overthrow the several Governments, while the masses themselves, seeing their Governments quarrel with that rich and generous America, on whose bounty many of them were now living, might easily be persuaded to join in the wave of anarchy which was brewing with dangerous violence over western Europe.

"On the other hand—and the point is capital—there was no public, there was no Government, which was prepared to or could without immediately falling accept Mr. Wilson's proposals as he now presented them to the Paris conference. The English people were in no mood to consent to the abolition or the regulation of that control of the sea which had been the basis of their independence and greatness for centuries. They had specifically excluded this point when called upon by the President to accept his whole scheme.

"The French people were in no mood, nor was their Government, to consent to any reduction in the reparations to be demanded of Germany that the cause of international peace in the future might be advanced. Their northern regions in ruins, their factories wrecked, their mines destroyed, their sole resource against permanent ruin was discoverable in the price to be demanded of Germany.

"As to the Italians, they had entered the war only when they had received from Great Britain, France, and Russia specific promises enabling them to acquire territory which they had long looked upon as rightfully their own. No acceptance of the 14 points suggested to any Italian, high or low, renunciation of Fiume, and the millions of Italians who cheered Mr. Wilson in January were capable, as the events showed, of cursing him in April when he called upon them for their performance under his interpretation of their acceptance of the 14 points.

"And if the great powers, associated and enemy alike, never did more than lip service to that American policy represented by Mr. Wilson, there was not even this degree of adherence by the smaller races. The Poles, the Czecho-Slovaks, the Roumanians and the Greeks, the southern Slavs, never for a single hour conceived the possibility of resigning any fraction of that dream they had cherished for their country and their ancestors had cherished over centuries and centuries.

"Now the progress of events at Paris, properly interpreted, clearly discloses the truth. When Mr. Wilson undertook to call upon the British for performance under the 14 points they politely but firmly indicated to him that the one point which transfixed their own most precious interest—namely, sea power—must be ignored. In the formation of a league of nations, with the limitation of sea power out of the question, they were prepared to give Mr. Wilson every assistance, even against their recent allies, but British support of the larger scheme was contingent upon the sacrifice of that point which concerned the freedom of the seas.

"Moreover, Mr. Wilson was presently to discover that the British in the course of the war and in association with the French had made a series of secret treaties, each of them in direct conflict with one or more of the 14 points and each of them representing a price assured to another nation as a reward for entering or remaining in the conflict. And Mr. Wilson was also destined to discover that while the British representatives at Paris were prepared to give him every possible moral assistance in forcing the beneficiaries of these secret treaties to abandon them, Great Britain still felt herself bound to stand by them if he was unsuccessful in persuading their allies to surrender.

"FRANCE DEMANDED GUARD AGAINST THIRD INVASION.

"When it came to France, Mr. Wilson discovered that the French, from the prime minister to the peasant, were agreed that Germany should be compelled to pay the last dollar that could be extracted from her to reimburse France for wanton injuries which were in the aggregate beyond the capacity of Germany to repair, and that in addition, as a consequence of two unprovoked assaults and invasions in less than half a century, France insisted upon her right to take precautions against a third invasion, precautions which involved territorial arrangements contrary to the 14 points.

"Americans associated with Mr. Wilson at Paris promptly denounced these British and French positions as revelations of an imperialistic purpose. This was grotesquely untrue. At bottom both represented precisely as justifiable a concern for national security as the United States presently disclosed in its insistence that the Monroe doctrine should be excluded from the purview of the league of nations. Without unrestricted sea power, if her fleet were under the direction of an international body Britain felt herself in instant jeopardy. Without the guaranty of the Rhine, France saw herself open to invasion, while without German reparation she saw herself ruined.

"Mr. Wilson, then, early in the peace conference faced a hopeless dilemma. He had either to surrender, so far as the 14 points were concerned, in the case of Britain in the matter of sea power, in the case of France in the matter of security and indemnity, or break with the French and British, with the absolute certainty that on these issues the British and French people would support their Governments.

"But if he should yield to the British and the French, both of whom were united in the matter of reparations, and if he should in addition fulfill his pledge in the matter of the Poles, then no peace of understanding with Germany was even conceivable. Deprived of 30,000 square miles of her richest territory, faced with the most colossal indemnity in all history, her eastern frontiers so mutilated that an enemy boundary was pushed within a hundred miles of Berlin, and a barrier interposed between East Prussia and the rest of Germany, there was not the smallest possibility that Germany would accept this peace in any other spirit than that of a conquered nation that momentarily bows to the irresistible power of the victor.

"American purpose, while controlling the Paris conference, by reason of material factors frequently confused with moral force, thus broke down at a very early stage in the peace negotiations. In those circumstances, vital to their existence, the British and the French representatives refused to accept the 14 points. Moreover, they jointly proclaimed a policy, the justice of which was patent, with respect to Germany which made the chance of a peace of conciliation illusory. The compromise which covered this crisis changed nothing. An agreement to waive the issue of the freedom of the seas, to consent to an alliance with France as a substitute for the Rhine barrier and to the recognition of French claims to indemnities, including the Saar Basin—comprises which, while they preserved the name of the league of nations and its existence on paper, were ultimate proofs of the fact that Great Britain and France had themselves refused to adopt the principles underlying the league, while the comprises insured German hostility and made certain German effort to escape by war whenever the opportunity came.

"ITALY AND JAPAN ALSO REJECTED 14 POINTS.

"Following the French and British examples came the Italian and Japanese episodes. Italy positively declined to permit the 14 points to be applied against her in the Adriatic, pointing to her treaty with Great Britain and France and calling upon her British and French allies to carry out their promises. Japan in Shantung made similar demands with a similar appeal to the same allies, and in both cases France and Great Britain signified their intention to stand by their written pledge, however repugnant it might be to them. Here again was irrefutable proof that two more great powers had accepted only with fatal reservations and limitations the American policy in the matter of peace and world reorganization.

"What the great powers had done the smaller powers now proceeded to imitate. The Serbs went into Albania; the Roumanians into Hungary; the Greeks gave unmistakable evidence of an unwillingness to surrender age-long claims in Thrace at American behest. Roumania went to Budapest against an American-procured veto of the conference of Paris and stayed there as long as she chose, meantime mobilizing other armies to drive her Serb neighbors out of that portion of the Banat awarded to the Serbs at Paris.

"Meantime, with ever-increasing clarity, there was manifesting itself in Europe an impatience with American policy which is becoming one of the most significant and dangerous circumstances in the European situation. So far as the British are concerned, American policy has in each separate instance yielded to British desires. We have waived the issue of the freedom of the seas, permitted the British to annex the greater portion of the German colonies, recognized a British protectorate in Egypt, and looked with complacency upon British possession of the large part of the Arab world. But if there has been no clash as a consequence there exists in Great Britain a very considerable and very influential element which looks with dismay upon a British foreign policy which in a large measure has supported America in a long series of conflicts with European nations who were recently the allies of Great Britain, and may, as a consequence of recent events, be driven into a new German alliance. Moreover, so far as the league of nations is concerned, the British Government has only accepted it when it has been so denatured as to carry no threat to any special British interest.

"AMERICAN POLICY VIEWED WITH SUSPICION BY FRENCH.

"On the part of the French, American policy is viewed and has been from the start with ever-increasing suspicion. American opposition, futile in the end, to French demands for reparation, American hostility to the French occupation of the Rhine barrier and the annexation of the Saar Basin have provoked deep resentment, while more and more thoughtful Frenchmen have viewed with alarm the fashion in which France, by consenting to various American decisions contrary to the desires of Italy, Roumania, and Greece, has been piling up dangerous hostility to herself on the part of these nations.

"Meantime the Roumanians, quitting the Paris conference, have resorted to arms to enforce their claims, and in this course they have the tacit sympathy of many Frenchmen and the open approval of the Italians.

"We have, then, in 11 months, during which we have endeavored to impose upon Europe an American conception of what just peace terms should be and of how the world should be reorganized to secure peace, failed in the case of Great Britain, France, Italy, and the Japanese, to coerce the Governments or persuade the people to accept our views. We have surrendered completely to the British and to the Japanese. We have compromised with the French by undertaking to send our troops to aid in the defense of France at the Saar rather than permit France to defend herself at the Rhine, and in the case of Italy we confront a deadlock which has existed for nearly half a year.

"We have incurred bitter resentment in Italy by refusing to recognize Italian claims, and whatever good will we might have earned in Japan by our surrender has already been destroyed by the course of the Senate in questioning that surrender. Having refused to recognize the French right to occupy the Rhine barrier, we shall now earn permanent French distrust and worse unless we agree to fulfill Mr. Wilson's promise to give American Armies in exchange for geographical advantages if the Germans strike again. Among the small peoples, the Roumanians and the Greeks, and even the Serbs and Poles, one holding us responsible for the bestowal of Slovene lands upon Italy and the other indicting us for the Danzig compromise, are denouncing us.

"RESENTMENT IN EUROPE TOWARD AMERICAN POLICY.

"On the other hand, can it be said that the German feels more kindly to us or is more willing, except under duress, to accept the decision of the treaty of Versailles? Does he not, as a matter of fact, indict us as a Nation for having failed to fulfill his conception of the meaning of the 14 points? Does he not hold us responsible for having persuaded him to surrender and then, when he had grounded his arms, allowed his enemies to despoil him? As to Austria, Hungary, and Bulgaria, dismembered however justly, the two former reduced from the conditions of really great States to that of pitiable principalities, is it conceivable that they will either regard the present settlement as permanent or have anything but hatred for the Nation which to all outward appearance, at least, dominated the Paris conference and accepted responsibility for its decision?

"In sum it seems to me that the course of American foreign policy in Europe between the signing of the armistice and the present moment has resulted in the creation of a resentment, rising to bitter dislike in many cases, in all European nations. We are to-day as unpopular among our recent associates, with the possible exception of Great Britain, and for obvious reasons, as we have been and remain among our recent enemies. Our solutions for the future reorganization of the world, accepted only after modification in the beginning, are now being set aside both privately and publicly. A peace of understanding, to procure which we went to Europe, has not been had. The Germans, the Austrians, the Bulgarians, and the Hungarians are not reconciled to the peace terms, most of all to those peace terms which conform most closely to the 14 points.

"Roumanian troops have seized Hungarian cities and territories; Italian troops still remain in Dalmatia and in Fiume. More and more Europe is going back to the old familiar method of dealing with its problems, and, what is more deplorable than all, that effort on the part of the United States to contribute to making peace permanent and to abolish hatred is resulting in the concentration of European dislike, to use no stronger word, upon the United States.

"EUROPE SEEKS FREEDOM FROM AMERICAN INFLUENCE.

'Underlying all this situation, not without its danger for the future, it seems to me there must be discovered a fundamental mistake. I did not find in the six months I spent in Europe any general or considerable acceptance of any part of the American doctrine as expressed by the American representatives at Paris. I do not find any belief in the league of nations, and it was plain that neither the British, the French, the Italians, nor the Japanese were ready to adopt the 14 points, save where these did not imperil a national interest.

"Now, it seems to me that Europe, slowly struggling to her feet once more, is both consciously and unconsciously seeking to free herself from the control of American policy and more and more to get back to those conditions which are the result of centuries of history and at least a working knowledge of the facts as contrasted with the theories of European life."

SURPLUS WAR DEPARTMENT EQUIPMENT.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of War, trans-

mitting, in response to a resolution of June 30, 1919, a report of the number and description of cars, trucks, and so forth, on hand, which are not needed by the War Department. The communication will be printed in the RECORD and referred to the Committee on Military Affairs.

The communication is as follows:

WAR DEPARTMENT,
Washington, September 15, 1919.

SIR: In accordance with Senate resolution No. 109, dated June 30, 1919, I have the honor to submit the following report on the question of the number and description of cars, trucks, etc., which are not needed by the War Department, and the steps which have been taken to inventory or classify such equipment and to sell and dispose of same.

On April 15, 1919, the Chief of Staff declared a surplus of 5,503 passenger cars, and 30,849 motor trucks.

Prior to this declaration and immediately subsequent thereto, there were transferred with funds to other Government departments, such as the Navy, Marine Corps, Department of the Interior, etc., approximately 600 vehicles.

Congress had enacted legislation prior to April 15 authorizing, under certain conditions, the transfer of motor vehicles and equipment as follows:

Public act No. 185, July 2, 1918, section 8, for use of the Postal Service.

Public act No. 299, February 28, 1919, section 7, to the Department of Agriculture (Bureau of Public Roads).

Public act No. 326, March 3, 1919, to the Treasury Department for the use of the Public Health Service.

Requisitions for the transfer of vehicles under these acts were submitted to the War Department and allotments made in accordance with the requisitions received.

The Post Office requisitioned 1,534 passenger cars and 5,343 trucks.

The Bureau of Public Roads requisitioned 3,466 passenger cars and 24,359 trucks.

The Public Health Service requisitioned 251 passenger cars and 892 trucks.

To fill these requisitions all of the remaining surplus vehicles were required, leaving none available for public sale. These requisitions, after receiving the approval of the Office of the Director of Sales, were delivered to the Motor Transport Corps for action. Up to August 29 there had been actually delivered, or in process of delivery, to the—

Post Office, 1,033 passenger cars and 2,727 trucks.

Bureau of Public Roads, 1,543 passenger cars and 11,289 trucks.

Public Health Service, 155 passenger cars and 480 trucks.

The sundry civil bill, passed July 19, 1919, section 5, has been interpreted by the Judge Advocate General and approved by the Secretary of War as prohibiting further transfers under section 7 of the Post Office appropriation act to the Department of Agriculture, in so far as transfers of motor-propelled vehicles and motor equipment to be made without the transfer of funds. Deliveries have, therefore, been stopped to the Bureau of Public Roads. The undelivered balance of 1,923 passenger cars and 13,070 trucks are now available for sale. Prior to offering these vehicles to the public the Bureau of Public Roads, as well as the other Government departments, are being given an opportunity to purchase such of the vehicles as they may require. As soon as the requirements of the other Government departments have been met the remaining vehicles will be placed on sale to the public. The unserviceable vehicles will be sold by the Salvage Division of the Motor Transport Corps at public auction. It is expected that the first sales will be held the latter part of this month. Used but serviceable motor trucks and passenger cars will be sold by the Surplus Property Division, Office of the Director of Purchase and Storage. There are no new passenger cars included in the War Department surplus.

The preceding information refers principally to trucks, motor cars, etc., which is understood to be the information desired primarily. Report on other war equipment and supplies is being prepared and will be submitted as soon as practicable.

Very truly, yours,

NEWTON D. BAKER,
Secretary of War.

To the CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
United States Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills and joint resolution:

S. 276. An act to amend sections 4 and 5 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916;

S. 277. An act to authorize absence by homestead settlers and entrymen, and for other purposes.

S. 2624. An act to provide travel allowances for certain retired enlisted men and Regular Army reservists; and

S. J. Res. 75. Joint resolution authorizing the appointment of an ambassador to Belgium.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 5000. An act to allow credit for husbands' military service in case of homestead entries by widows, and for other purposes;

H. R. 5007. An act granting citizenship to certain Indians;

H. R. 8778. An act to amend and modify the war-risk insurance act;

H. R. 9091. An act granting the consent of the Congress to the county of Hennepin to construct, maintain, and operate a bridge across the Minnesota River;

H. R. 9203. An act to punish the transportation of stolen motor vehicles in interstate or foreign commerce; and

H. J. Res. 175. Joint resolution to provide for the payment of travel pay upon discharge to men of the Regular Army enlisted prior to April 2, 1917.

PETITIONS AND MEMORIALS.

Mr. TOWNSEND. I present a letter in the nature of a petition from James H. Pound, of Detroit, Mich., having reference to the league of nations. I move that it be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. CURTIS presented a memorial of sundry citizens of Moundridge, Kans., and a memorial of sundry citizens of Lebo, Kans., remonstrating against universal military training, which were referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Cherryvale, Kans., and a petition of sundry citizens of Chanute, Kans., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Grange, Patrons of Husbandry, of Mound City, Kans., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

He also presented a petition of the Homer J. Ball Post, American Legion, of Emporia, Kans., praying for the passage of the so-called Sweet bill, providing for lump-sum payments of war-risk insurance, which was referred to the Committee on Finance.

He also presented a memorial of the Commercial Club of Eureka, Kans., remonstrating against the enactment of legislation providing for the marking of cost and selling prices of merchandise, which was referred to the Committee on the Judiciary.

Mr. PHELAN presented a petition of the Board of Supervisors of Los Angeles, Calif., praying for the construction of an all-American Canal for Imperial Valley, Calif., which was referred to the Committee on Commerce.

Mr. CAPPER presented a petition of Local Union No. 183, International Brotherhood of Boilermakers, Iron Shipbuilders, and Helpers of America, of Chanute, Kans., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of McPherson County, Kans., and a memorial of sundry citizens of Moundridge, Kans., remonstrating against universal military training, which were referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. McLEAN, from the Committee on Banking and Currency, to which was referred the bill (S. 2377) to amend section 1 of the act approved July 17, 1916, known as the Federal farm-loan act, so as to provide for the payment of the expenses of the Federal Farm Loan Board and employees by the Federal land banks and joint stock land banks, reported it without amendment and submitted a report (No. 191) thereon.

Mr. NEW, from the Committee on Territories, to which was referred the bill (H. R. 7417) to amend an act of Congress approved March 12, 1914, authorizing the President of the United to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, reported it without amendment and submitted a report (No. 189) thereon.

ISSUANCE OF BONDS.

Mr. NEW. From the Committee on Territories, I report back favorably, without amendment, the bill (S. 2609) to authorize the incorporated town of Petersburg, Alaska, to issue bonds in any sum, not exceeding $75,000, for the purpose of constructing and installing a municipal electric light and power plant, and for the construction of a public-school building, and I submit a report (No. 190) thereon.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Indiana [Mr. NEW]. It gives authority to the town of Petersburg, Alaska, to issue bonds for securing an electric-light plant and for a public-school building in that town.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent for the present consideration of the bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the incorporated town of Petersburg, Alaska, is hereby authorized and empowered to issue bonds in any sum, not exceeding $75,000, for the purpose of constructing and installing a municipal electric light and power plant, and for the construction of a public-school building.

SEC. 2. That before said bonds shall be issued a special election shall be ordered by the common council of the town of Petersburg, at which election the question of whether such bonds shall be issued shall be

submitted to the qualified electors of said town of Petersburg whose names appear on the last assessment roll of said town for municipal taxation. Thirty days' notice of such election shall be given by publication thereof in a newspaper printed and published and of general circulation in said town before the day fixed for such election.

SEC. 3. That the registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as near as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon the condition that a majority of the votes cast at such election in said town shall be in favor of issuing said bonds.

SEC. 4. That the bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate to be fixed by the common council of Petersburg, not to exceed 8 per cent per annum, payable semiannually, and shall not be sold for less than their par value with accrued interest, and shall be in denominations not exceeding $1,000 each, the principal to be due in 20 years from date thereof: *Provided, however,* That the common council of said town of Petersburg may reserve the right to pay off such bonds in their numerical order at the rate of $5,000 thereof per annum from and after the expiration of five years from their date. Principal and interest shall be payable in lawful money of the United States of America at the office of the town treasurer, or at such bank in the city of New York, in the State of New York, or such place as may be designated by the common council of the town of Petersburg, the place of payment to be mentioned in the bonds: *And provided further,* That each and every such bond shall have the written signature of the mayor and clerk of said town of Petersburg, and also bear the seal of said town.

SEC. 5. That no part of the funds arising from the sale of said bonds shall be used for any purpose other than specified in this act. Said bonds shall be sold only in such amounts as the common council shall direct, and the proceeds thereof shall be disbursed for the purposes hereinbefore mentioned and under the order and direction of said common council from time to time as the same may be required for said purposes: *Provided,* That not to exceed $50,000 of the proceeds of the sale of said bonds shall be expended for the construction and installation of the electric light and power plant and not to exceed $25,000 thereof shall be expended for the construction of the public-school building.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STATE BUDGET SYSTEMS.

Mr. EDGE. On behalf of the junior Senator from Illinois [Mr. MCCORMICK], I submit a preliminary report from the special committee to devise a plan for a budget system. It is a digest of various State budget systems. I ask that it be referred to the Committee on Printing with a view to having it printed as a public document.

The PRESIDENT pro tempore. That order will be made, without objection.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. LENROOT:

A bill (S. 3006) to provide educational facilities for persons serving as members of the United States military or naval forces in the war with Germany and honorably discharged from such forces, and for other purposes; to the Committee on Military Affairs.

By Mr. CURTIS:

A bill (S. 3007) for the relief of Henry and William King (with accompanying papers); to the Committee on Indian Affairs.

By Mr. PHELAN:

A bill (S. 3008) granting a pension to George Bingham (with accompanying papers); to the Committee on Pensions.

By Mr. MOSES:

A bill (S. 3009) granting an increase of pension to John A. Sargent (with accompanying papers); to the Committee on Pensions.

By Mr. HENDERSON:

A bill (S. 3010) to provide for an increase of salary of the United States marshal for the district of Nevada; to the Committee on the Judiciary.

By Mr. CALDER:

A bill (S. 3011) to protect interstate commerce in foods, drugs, and medicines, and to extend the provisions of the food and drugs act of June 30, 1906; to the Committee on Agriculture and Forestry.

By Mr. SUTHERLAND:

A bill (S. 3012) granting an increase of pension to George B. Taylor; to the Committee on Pensions.

A bill (S. 3013) for the relief of Willis Cross; to the Committee on Military Affairs.

By Mr. OWEN:

A bill (S. 3014) granting an increase of pension to George W. Case (with accompanying papers); to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 3015) granting an increase of pension to Mary E. Abbott; to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 3016) to authorize the disposition of certain grazing lands in the State of Utah, and for other purposes; to the Committee on Public Lands.

By Mr. CALDER:

A joint resolution (S. J. Res. 109) to suspend for five years the operation of section 9 of the civil-service act; to the Committee on Civil Service and Retrenchment.

WAR-RISK INSURANCE.

Mr. HARDING submitted an amendment intended to be proposed by him to the bill (H. R. 8778) to amend and modify the war-risk insurance act, which was referred to the Committee on Finance and ordered to be printed.

ADDRESS BY HON. HOKE SMITH.

Mr. OVERMAN. Mr. President, I present and ask unanimous consent to have printed in the RECORD an address delivered by the senior Senator from Georgia [Mr. SMITH] before the American Cotton Association at New Orleans, La., September 8, on the cotton situation.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS OF SENATOR HOKE SMITH DELIVERED BEFORE THE AMERICAN COTTON ASSOCIATION, NEW ORLEANS, LA., SEPTEMBER 8, 1919.

"Gentlemen of the American Cotton Association, we meet to consider the work for the American Cotton Association.

COTTON VALUE A NATIONAL ASSET.

"The immediate problem confronting the Southeastern States is marketing the cotton crop. It is more than a sectional question; it is a great national question.

"The export of cotton during the past century has brought back to the United States from foreign countries more than $20,000,000,000.

"Until the European war the exportation of cotton and its sale abroad met largely our yearly liabilities in foreign countries, and now the price of cotton exported is of great importance to the commerce of our entire country. We have almost a monopoly in the great raw material needed to clothe the world. Its value as a national asset can not be too highly appreciated.

"During recent years the Southeastern States have made great progress in raising food supplies and can feed their own people from their own soil. But cotton is still the money crop, and upon the profits from its sale depend the prosperity of all classes in these States and their contributions by purchases to the industry of all the other States. It is therefore important to consider the conditions which will surround marketing the crop to aid in determining at what price cotton should sell.

"The cotton farmer already knows that his last two crops have been cultivated at a higher cost than heretofore. Estimates from many localities place the cost at over 30 cents a pound. He knows that before the European war began, with the economic conditions then existing, 12 cents a pound for cotton meant an income of about $325 a year for a family consisting of a man, his wife, and three children. Twice that price for cotton at that time would only have paid the cotton farmer a reasonably decent living, and three times the ante bellum price now, with the increased cost of production, would give the cotton farmer a smaller income than that paid for work requiring the same intelligence in the cities.

BETTER PRICES OR QUIT RAISING COTTON.

"It is useless to cry 'Back from the cities to the farm' unless the prices for farm products offer opportunity from farm life reasonably to the opportunities furnished in the cities.

"The Southern States would be to-day in a vastly more prosperous condition if they had never raised a bale of cotton. Their farm lands are splendidly suited for raising food crops. In no section can cattle and hogs be raised at less cost. In these States pasturage is good nine months out of the year. Corn can be produced in limitless quantities. Peanuts and velvet beans fatten hogs and cattle at nominal cost.

"The farmers of the Middle West grew rich by producing foodstuffs. Their lands reached a value of $150 per acre, while lands in the Southern States, due to cotton, were worth less than $20 per acre.

"The culture of cheap cotton impoverished the southern farmer and depreciated the value of southern lands. While manufacturers were growing rich by changing lint cotton into material to clothe the world, the farmers of the section who produced the lint cotton eked out a pauper existence. The prices they received for their cotton kept them so poor they

were compelled to sacrifice their cotton by forcing it upon the market as soon as it was gathered and to accept whatever was offered.

"I earnestly hope that the farmers will quit raising cotton in America, unless they can receive a vastly better price for it. You must stand together, collectively, organized by counties, and hold your cotton until it brings you a price that will compensate for the labor put into its culture and for the real value of your lands, or devote your time and your lands to other crops, if you expect to prosper.

"I shall intensely support the work of the American Cotton Association, because through it I hope for the financial freedom of the farmers of this section.

VALUE OF PRESENT COTTON CROP.

"The cotton farmer should, during the coming season, receive at least as high a price for his cotton as that at which cotton has sold at any time during the past 12 months, and I wish to discuss conditions that will affect the price.

"During the first week of September, 1918, middling lint cotton sold for 37 to 38 cents a pound.

"A study of conditions surrounding cotton sales show them to be more favorable to the seller now than they were in September, 1918. The supply of cotton on hand at that time was greater and the crop larger than this year.

"The war is now over. The markets of the world are all open for the export and sale of cotton, and they will remain open. Demand and consumption will be greater than last year.

HOSTILE INFLUENCES ENDED.

"When in September last year cotton reached the price of 37 to 38 cents a pound, the War Industries Board was in full operation. This was more than two months before the armistice. On the 4th of September the War Industries Board announced its purpose, 'with the approval of the President,' to appoint a committee to study the desirability and feasibility of affecting 'stabilization of cotton prices.' As the price of cotton at that time was steadily rising, this proposition to stabilize prices was an expression of disapproval of the rise in prices.

"On September 13, 1918, the War Industries Board issued another statement, declaring that 'the Government, through early agreement with the Allies, must act as a common buyer for allied purchases.' The statement further declared that, 'subject to the approval of the President,' a committee was to be appointed to protect against 'the present chaotic condition of the market' and to 'eliminate speculation and hoarding.' The statement further declared it 'may be a part of this committee's duty to recommend basic prices on cotton. After investigation upon the part of the committee, a fair price may be fixed.'

"This criticism of the price at which cotton was selling and threat to create a single purchasing agency for cotton exported to England, France, Italy, Japan, and the other allied countries was simply a threat to remove all competition among buyers and arbitrarily determine at what cotton could sell. Of course the market broke. It fell so low that finally it was concluded by those in authority that no necessity for a single purchasing agency existed. So the committee of the War Industries Board was disbanded and announcement was made that they had no authority to fix a price. But cotton had already been forced down to below 25 cents a pound by their action.

"The President during 1917 placed cotton on the embargo list, and it could only be exported under rules and regulations he made. He created the War Trade Board and intrusted to this board the issuance of licenses for the exportation of cotton. No cotton could be exported except by a license issued by the War Trade Board. This board continued to restrict exports long after the armistice. Indeed, the latter part of November they were not only restricting exports to countries contiguous to Germany but to Spain and to other points where no possible opportunity for the cotton to reach Germany existed.

"Not until in June of the present year were the restrictions of the War Trade Board removed from cotton export. Cotton responded to the broadened market and went rapidly to 36 cents a pound.

"No War Industries Board or War Trade Board can interfere with the markets or the price of your cotton during the coming year.

OTHER CONDITIONS IMPROVED.

"A year ago we had over 2,000,000 of men in France. Ships were necessary to carry them supplies, food, clothing, and munitions. Even after the war ended, almost to the present time, ship tonnage was required to carry food to France for our soldiers. It was often impossible to obtain ships to export cotton. The construction of many ships has been completed during the past 12 months. During the coming year there should be no lack of vessels with which to export cotton to foreign countries.

"Our farmers, merchants, and bankers are in better condition to hold their cotton than they were 12 months ago, and there will be no necessity to market more rapidly than the consumers require it.

"All these conditions, together with the high cost of making the crop, should be considered in estimating the price at which cotton will probably sell.

DEMAND WILL EXCEED SUPPLY.

"I ask your attention now to the most important factors which may influence the price. I refer to the supply and the demand, to the amount of American-raised cotton which will constitute the supply until the crop of next year can reach the mills, and to the demand which may be expected by the manufacturers for this cotton.

"I will deal with the cotton which concerns all cotton farmers and the trade generally without account of sea-island cotton or linters.

"Linters are frequently confused with lint cotton in the estimate of supply. Linters are really nothing but the scrapings of the cotton seed at the oil mills. They are not sold by farmers; they are not used by spinning mills; they constitute no part of the cotton from which cloth is made. They should no more be considered in estimating the supply of cotton than should cotton hulls.

COTTON SUPPLY.

"Various estimates have been made of the amount of American cotton in existence on July 31 last. They run from four to six million bales. The Department of Commerce has sought information on the subject by inquiry as to the quantity at mills, by inquiry as to cotton on board vessels, by inquiry as to cotton in the ports, and elsewhere. If these estimates are inaccurate, they are overestimates, as it is quite possible for the same cotton to have been reported at more than one place, and the mills would hardly underestimate their supply.

"One reason for questioning the existence of the amount of cotton shown by these estimates is the fact that, adding together the known production of American cotton during a number of years past, and deducting the known consumption, there would remain a less supply on hand July 31 last than that indicated by reports furnished to the Department of Commerce.

"I do not mean by this criticism to doubt that the Department of Commerce sought the most accurate information obtainable. I only show that other records would indicate the supply on July 31 last was substantially smaller than the figures I am using.

Estimate of probable stock of American cotton on July 31 last.

[From reports to Department of Commerce—500 pounds per bale.]

	Bales.	
In American mills	1,252,000	
In continental mills	175,000	
In British mills	110,000	
In mills of other countries	250,000	
In continental ports	207,000	
In British ports	503,000	
At sea, going to Britain	254,000	
At sea, going to the Continent	75,000	
		2,826,000
In public storage in America	2,180,000	
In ports and elsewhere in America	775,000	
		2,955,000
Total		5,781,000

"While the cotton in continental and British mills is much less than that in American mills, the cotton in British ports and at sea is really for these mills, and can be treated as cotton in the mills.

"It is customary for statisticians who seek to keep down the price of cotton to add the entire estimated stock of July 31 to the crop of the current year and compare this supply of cotton with the consumption by the mills for 12 months. This calculation is erroneous.

"Little cotton of a current year reaches the mills until after the 1st of October. The cotton must be picked, ginned, compressed, and shipped before it reaches the mills. Practically no cotton of a current year reaches American mills during the month of August and little in September. No cotton of a current year reaches foreign mills in August and practically none in September.

"Distributed to the mills at all times there must be as much as 1,000,000 bales of cotton to keep them in a position to continue operation, and this amount must be on hand October 1 of the present year and October 1, 1920.

"American cotton is now being consumed by the mills at the rate of 1,200,000 bales each month, so that 2,400,000 out of the July supply will be consumed by October 1. This sum and the 1,000,000 bales which must always be in the mills should be deducted from the total supply of July 31, which gives us:

	Bales.
Estimated supply July 31	5,781,000
Consumption to October 1 and necessary mill supply then	3,400,000
Amount available from former crops for ensuing year	2,381,000

"The Agriculture Department last Tuesday estimated this year's crop at 11,200,000 bales. This estimate was made upon an estimate of deterioration of the crop, which many believe would have justified a lower estimate. The estimate did not take into consideration the fact that during the month of August, on account of continuous rains and boll weevil, much more than a normal acreage of cotton was abandoned as worthless.

"But, accepting the figures of the Agriculture Department as correct, we have as the supply for the next 12 months:

	Bales.
This year's crop	11,200,000
Amount available from former crops for ensuing year	2,381,000
Total for the year	13,581,000

CONSUMPTION.

"Now, let us turn our attention to the question of consumption. For five years the world has been engaged in war and production by the mills has not met the world's demand. There is a shortage of manufactured products needed for clothing and of other commodities made from cotton. The soldiers are out of the Army, and the facilities for production of goods manufactured from cotton are greatly improved. The world needs the manufactured product. There is every reason why the owners of mills should seek to meet the world's demand.

"It is conceded that there will be consumed by American mills 6,000,000 bales. Many place the amount larger.

"For four years prior to the war we averaged an export of 9,448,000 bales. During these four years Great Britain averaged 3,775,000 bales; Germany, 2,670,000 bales; France, substantially over 1,000,000 bales; Italy, over 500,000 bales; and Spain, over 300,000 bales. Last year Japan used 784,000 bales of American cotton.

"England to-day is earnestly striving to increase her foreign commerce. Active efforts are being made to use their cotton mills to full capacity.

"Germany has been practically without lint cotton for four years. There is every reason why Germany should seek to develop her cotton-mill production to full capacity. It is suggested that the condition of foreign exchange will hinder purchases by England and Germany. On the other hand, it is essential for these countries to develop their foreign commerce, and they can do this by manufacturing cotton goods for export.

"There are two bills now before Congress, which I believe will shortly pass, creating corporations intended to aid in financing foreign exports. England, Germany, France, and Italy each have commodities our people want. Potash alone from Germany, purchased for our use, should furnish the means of payment for a substantial amount of cotton to Germany.

"It is a conservative estimate to say that England, Germany, France, Japan, Italy, and Spain will consume 7,500,000 bales of American cotton during the coming year. I will not consider the other countries which take American cotton, but any study of their present consumption justifies the claim that they will take 1,000,000 bales, and foreign mills, which took an average of 9,448,000 bales yearly for four years before the war, may confidently be relied upon to require and to consume—if we have it to furnish them—8,500,000 bales during the coming year. The consumption of cotton during the next year may be conservatively estimated as:

	Bales.
In American mills	6,000,000
Export cotton	8,500,000
	14,500,000

"Our supply for the coming year can not be estimated at over 13,581,000 bales.

"The American cotton required for consumption during the 12 months before next year's crop reaches the mills in a substantial way will more than equal this year's crop and all of the cotton on hand. In other words, we should have an active market for all cotton remaining from the estimate of July 31 and all raised this year.

"Instead of the farmer being called upon to hunt a market, he can market only as the mills need it, relying upon the fact that all his cotton will be required for manufacture before the next crop reaches the mills.

FOREIGN COTTON SUPPLY UNUSUALLY SMALL.

"Some consideration should be given to the production of cotton outside of the United States.

"Prior to the war Russia furnished from the Provinces of Turkestan and Transcaucasia approximately a million and a half bales, but owing to the unsettled condition existing in that country, together with the shortage of food, the crop went down in 1917 to 500,000 bales. It is believed to have been still further reduced since 1917.

"Egypt produced last year nearly a million bales of long-staple cotton, but this cotton does enter into competition with the American cotton. It is used for thread and very fine fabrics, and competes with our sea-island cotton.

"India produced last year nearly three million bales of cotton. Approximately two million of the Indian crop is consumed by mills in India. Japan alone consumed last year 1,250,000 bales in excess of cotton received from the United States. This cotton is supposed to have been obtained from India and from China, so that the surplus Indian crop will not substantially compete with the crop of the United States. Besides, it has a short, coarse fiber, and can not be utilized in the manufacture of any except very low grade yarns.

"The supply for the mills of the world, of cotton not raised in the United States, during the coming year is much less than normal.

BAD MARKETING LOWERED THE PRICE.

"For a long time our farmers put their cotton on the market in two or three months. The manufacturer could not take it. It was forced on the market with only the speculator to buy it. It was a favorite pastime with cotton farmers to abuse cotton speculators, when the real criticism should have been placed upon the farmers' mode of marketing cotton. They did not hold their cotton until the consumer required the product.

MARKET AS MANUFACTURERS NEED IT.

"Our farmers have learned that a 10,000,000-bale crop will sell for more than a 16,000,000-bale crop, and that it is foolish to raise more than the consumption of the mills requires. They have furthermore learned that their lands are splendidly adapted to the cultivation of foodstuffs; that we can raise in the Southern States everything that the people of the section need to eat and a large amount in excess of local requirements.

"We can raise cattle and hogs cheaper than in any other part of our country, and I congratulate you upon the splendid herds of both that can now be found in every community.

"The farmers are to-day, most of them, able to carry their cotton crop until the consumer needs it, and this is a condition of great value when we seek to estimate what should be the market price for cotton.

"Farmers must adopt the policy of selling their cotton no faster than one-twelfth each month. Farmers can safely take this course now, as consumers will need all the supply.

"If our present crop is offered for sale only as the manufacturers need it, it should easily command a price equal to the best it brought during the past 12 months.

"Most of the cotton mills are in a position to operate during the next 12 months to their full capacity. Many of them have made immense profits during the past three years. The prices at which goods manufactured from cotton are now selling, I am advised, would justify a price of substantially over 50 cents a pound for cotton.

THE GREAT WORK OF THE ASSOCIATION.

"One of the great works of the American Cotton Association must be to unite farmers, merchants, and bankers to change the mode of marketing cotton and to put an end forever to depreciating the market price of cotton by selling it as soon as it is gathered and in such large quantities that the consumer can not absorb it.

"The American Cotton Association will inspire farmers to unite and prevent a sacrifice of the crop by sales faster than the manufacturers need it. If this is done, the time will have passed, never to return, when raising cheap cotton will impoverish the farmers of our country, and we will never again have prewar prices, based upon pauper compensation to those engaged in raising cotton.

"It should be the work of the American Cotton Association not only to inspire farmers, merchants, and bankers to see that the crop is marketed gradually as consumers need it, but I urge you to inspire our people with courage during the coming year.

"During the past year cotton sold in the early part of September for about 38 cents a pound. Adverse influences depressed the market, and it went down to below 25 cents a pound, but before the season was over it came back to 36 cents a pound.

"The market will fluctuate again this year. Do not be frightened by fluctuations. When the market goes off, keep your cotton, as all your cotton will be needed for consumption during the year. If you respond to a fall of price by keeping your cotton, you may be sure that the price will advance. Never sell on a declining market. Do not let it break your nerve. The price will return to just value.

"The cost of producing the crop, the present value of lands, the relative value of other commodities, the law of supply and demand applied to the present crop justify better prices for cotton during the coming year than any received during recent years.

"You must organize in every county in the cotton-growing States. Merchants, bankers, and even cotton manufacturers should realize the benefits which the sale of cotton at substantial profits will bring.

"Farmers should keep new cotton off the market entirely during the present month, and from the 1st of October on sell slowly, only as the manufacturers need it. Each county organization should see that of the total cotton raised in the county not more than one-twelfth is sold each month. They should help each other to bring about this result.

"You need not worry about the New York Exchange market if this is done. In 30 days the speculator would respond to your action, and the price there would rise. They are now compelled upon exchanges to meet future sales with spinable cotton, and if they see you intend to market slowly and wisely, they will quickly respond by putting up the prices on the exchanges.

"In the meantime, while gradually selling your cotton, plant foodstuffs and raise cattle and hogs. Let the world understand that you will meet the situation again next fall independent and owning your cotton.

"I view the situation with confidence, because I believe in the courage, the nerve, and intelligence of our people when once aroused.

"It is for the American Cotton Association to bring them into action.

"Ours is a section upon which the Almighty has, with lavish hand, bestowed His richest material gifts. Let us see that they are used to strengthen our people and our section, not alone for our own advantage, but that we may contribute to our Nation a full part in its growth and progress, and I earnestly hope that we may do so commercially, mentally, and spiritually.

"May you lead the farmers of the cotton-producing States to receive all the benefits which the conditions surrounding them justify."

LEAGUE OF NATIONS.

Mr. WILLIAMS. Mr. President, I hold in my hand an editorial from the Living Church, which strikes the keynote of international honor so finely, and represents the higher thought of the world so loftily, that I have thought it would be beneficial to Senators and other people to read it. I therefore ask unanimous consent to have it inserted in the RECORD. It is entitled "The honor of the American people is at stake."

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The matter referred to is as follows:

"THE HONOR OF THE AMERICAN PEOPLE IS AT STAKE.

"The American people ought seriously to realize that if the United States Senate should carry the recommendation of its Foreign Affairs Committee into effect, amending the pending treaty of peace by providing for the transfer of Shantung to China instead of to Japan, it would involve three things: A national dishonor to ourselves, an act of perfidy toward three of our Allies, Great Britain, France, and Japan, and an irritant to at least the latter that might be deemed a casus belli, and would certainly be viewed—quite rightly—as a very unfriendly act. On the other hand, since we would be powerless on our own motion to effect the transfer to China unless we chose to make the attempt by declaring war against the three nations mentioned and should win the war, the proposed change in the language of the treaty would be of not the slightest value to China, while by repudiating the treaty, as we should thus do, we should relieve Germany of all the obligations relating to ourselves which she has been forced to assume and should dissociate ourselves from the forces of civilization that are now compelling Germany to make some form of restitution for her misdeeds in the past.

"For it must be remembered that the chief issue involved in this Shantung matter, so far as the powers are concerned, is the sanctity of treaties. And the Senate committee is deliberately demanding that Great Britain and France make of their treaty with Japan a 'scrap of paper,' with the penalty that the United States will withdraw from the association with these powers in making peace with Germany if they refuse to do so.

"As representing the conscience of some considerable part of the American people, we unhesitatingly declare that position to involve national dishonor for the American Nation.

"Whatever wrong was done to China—and it was a genuine wrong—was done by Germany when, in 1898, she forced the treaty which gave her the 'lease' of the Kiaochow Bay section of the Province of Shantung; and it was a wrong in which Russia, England, and France immediately afterwards participated by seizing other desirable portions of the China coast and forcing similar 'leases' in their respective interests. If the United States had protested against this wrong at the time it was committed she would have some color, though not much, for the present demand of the Senate committee that Japan, as successor to the 'rights' of Germany, should be deprived of those 'rights,' while no such demand is made upon England or France. The United States made no such protest. The world has acquiesced in the wrong then committed. No nation, unless it be China herself, can intervene now, 20 years too late, and say that the lease to Germany can not be taken over by Japan, who ousted the Germans from their possessions in China precisely as Great Britain and her dominions ousted them from other German colonies, as incidents in the World War.

"That long before we entered the war Great Britain and France made a secret treaty with Japan guaranteeing to the latter her succession to the German lease on condition that she oust the Germans from it is regrettable to us, who do not believe in secret treaties, though entirely in accordance with the general practice of other nations than our own. But as we were holding ourselves carefully aloof from the nations that were straining their resources to repel the German invasion, we have very little right to criticize these for making the engagement. The fact that the treaty was a secret one does not relieve the signatory powers from their obligations under it. Moreover, even if these powers were bound by Mr. Wilson's denunciation of secret treaties made three years later, which, of course, is a preposterous position, it still remains that Mr. Wilson in his 14 points never demanded that secret treaties already made should be repudiated, but only that in future there should be no more of them.

"Mr. Wilson's attitude at Versailles with respect to Shantung, if we understand it aright, was an earnest plea to Japan voluntarily to recede from the rights she had won in China, in order to cooperate in the beginning of a new world era in which weak nations should no longer be despoiled by stronger nations. It would have been a magnificent thing for Japan if she had voluntarily accepted that principle. It would have given her the confidence of the world. It would have guaranteed to her such a moral influence in Chinese affairs as would have been of lasting value to her. It would have cemented her friendship with America. It would have made her the world's leader in dealing with the problems of territorial reconstruction.

"But Japan did not. She insisted upon her rights under the treaty. She had every legal right thus to insist upon them. Great Britain and France fulfilled their obligations to guarantee those rights to her. These nations would have shared in the perfidy of Germany if they had violated their obligation. And if Mr. Wilson had insisted that they do so, on pain of refusing American assent to the treaty of peace, he would have committed the American Nation to a demand that Great Britain and France, having profited by their treaty with Japan, now repudiate their obligations under that treaty.

"That is precisely what the United States Senate will have done if it amends the treaty in accordance with the recommendation of Mr. LODGE'S committee. But the Senate, in that event, will also adopt a peculiarly discourteous method in doing that which is in itself dishonorable. Instead of negotiating with Japan, England, and France in diplomatic manner in an attempt to undo their own treaty on the ground that we, whom it does not concern, disapprove of it, the Senate is asked by its committee to use its own constitutional power of force—for we will not call it a right—to refuse assent to the treaty of peace except on the condition that these nations comply with our demand.

"The United States, as the disinterested friend of Japan and China, was entirely within her rights in urging the former of these to recede from her rights under that treaty; but she has not the faintest color of right to demand that Japan do so. To formulate such a demand, even in a diplomatic manner, would be a national impertinence which would be, and ought to be, indignantly resented by Japan. And now, from being two years ago an appreciated friend of the nations that were in

distress, we shall become, if this committee recommendation shall be made the action of the Senate, an international bully, selecting the most offensive way in which to accomplish that which is in itself dishonorable. And the absolute futility of the action is as conspicuous as its impropriety.

"Do the American people realize that this position has been deliberately avowed by a Senate committee and that there is grave danger that it will be accepted by the Senate itself?

"This is not a political issue; it is an issue in which the honor of the American people is involved, and it is the paramount duty of religious leaders of the Nation to demand that the Senate act both honorably and courteously toward those nations that have solemnly entered into treaty obligations with each other, which obligations now they must fulfill.

"And it should be made perfectly clear to those who are promoting this act of national perfidy in the Senate that the religious sense of the Nation will hold them personally responsible, and any political party which may uphold them politically responsible, for what will have become the blackest chapter in American history.

"All that our boys have won in France for American prestige and American honor is now being seriously imperiled by the men who bear the responsibility of the American people in the Senate.

"We *shall* hope that this may be thoroughly understood throughout the country, and that the conscience of the American people will assert itself in demands upon their Senators that they emphatically reject the amendment which has been proposed by their Committee on Foreign Affairs."

ADDRESS BY HON. WESLEY O. HOWARD.

Mr. CALDER. I ask unanimous consent for the printing in the RECORD of an address delivered by Hon. Wesley O. Howard, supreme court justice of the third judicial district of New York, entitled "The Destiny of the Stars and Stripes."

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

THE DESTINY OF THE STARS AND STRIPES.

[By Wesley O. Howard, Supreme Court Justice, Third Judicial District.]

"Under the covenant of the league of nations the United States can never expand; under the Stars and Stripes it will expand.

"From the thirteen Colonies fringing the Atlantic seaboard, the United States has expanded across the continent; expanded over the Arctic Circle; expanded into the heart of the Pacific Ocean; expanded into the Orient; expanded across the Isthmus of Panama; expanded into the torrid zone. If the doctrine of the league of nations had been proclaimed at the close of the Revolutionary War, the United States would have been to-day, as Chile is, only a long, narrow strip of territory bordering the sea.

"But the first century of our existence was an age of rugged, primitive men. Stalwart statesmen lived then; statesmen who acted and conquered, who explored and expanded—and never dreamed.

"In these days of altruism, while the affairs of Europe are absorbing the activities of statesmen and sapping the energies of the Nation, and while the advice of Washington and the doctrine of Jefferson are being repudiated, and while foreign entanglements, instead of domestic development, are being cultivated, and while the frontiers of the British Empire, instead of the border lines of the United States, are being extended—in the midst of this astounding departure from our settled policy of government, it is well to divert the attention of the people for a moment from exotic problems and direct it to the history and fame of America.

WONDER OF THE AGES.

"Our long struggle for independence, our adoption of a republican form of government, our inimitable Federal Constitution, our sturdy resentment of foreign aggression, our marvelous growth and development, our rational laws and salubrious institutions, our firm cohesion after the turmoil and devastation of the Civil War, our limitless resources and enormous wealth—all these have excited the wonder and admiration of the world.

"Our wide expanse of fertile lands, our abundant crops, our railroads, our mines, our canals, our cities, our finances, our skyscrapers, our forests, our public buildings, our capitalists, our manufactories, our water powers, our scenery, our climate, are unsurpassed within the borders of any other nation on the earth. And all this has been attained by the policy of attending to our own business.

"Notwithstanding the altruistic dogmas of to-day, one can not help but admire the rugged, robust, picturesque, conquering characters of our early history. The thirteen Colonies constituted only a slender strip of territory along the Atlantic Ocean, extending from Maine to Florida. They each laid claim to territories far to the westward of their established habitations, but these territories were neither bounded, known, nor settled.

"The bold pioneers began to crowd westward toward the Mississippi. Before the revolution William Bean had crossed the Alleghenies and built a log cabin in Tennessee on the banks of the Watauga. Daniel Boone had invaded the primeval solitude of Kentucky, and John C. Symmes had settled in the wildness north of the Ohio. These were encroachments upon the lands of the Indians.

THE GREAT PURCHASE.

"But the expansion of the United States by the acquisition of alien territory from European powers did not commence until the administration of Thomas Jefferson. There was no provision in the Constitution either for the acquisition or the government of new domains. But Jefferson was a practical as well as a farsighted statesman. He not only looked into the future to some extent and saw the vast possibilities of the immense territory known as Louisiana, but he adopted measures not recognized by the Constitution for acquiring it.

"And thus in 1803, for the insignificant sum of $15,000,000—less than the cost to us of one day of the European war—1,000,000 square miles of the richest land on the surface of the earth were added to the dominions of the United States. In 1815 England undertook to wrest this splendid province from us, but Andrew Jackson, at the Battle of New Orleans, ignominiously defeated the invaders and drove them back into the Gulf of Mexico.

"Nearly three years before the purchase of Louisiana, in his inaugural address, Jefferson had reiterated Washington's doctrine that the United States would not meddle in European politics. He epitomized the great American principle in one laconic expression—'Honest friendship with all nations, entangling alliances with none.' Although Spanish interference with the free navigation of the Mississippi River was the immediate incentive to the purchase of Louisiana, nevertheless Jefferson, in a degree, anticipated the 'Monroe doctrine' when he acquired Louisiana, for his desire to purchase this French territory grew largely out of his wish to remove all temptation on the part of European nations to meddle in America.

MOVING ONWARD.

"Florida was added next as one of the realms of the Republic. The courage and impetuosity of Andrew Jeckson were the immediate cause of the acquisition of this beautiful land of sunshine, oranges, and flowers. In the War of 1812 the Creek Indians were the allies of England. Jackson drove them out of the United States and they fled to Florida and took refuge with the Seminoles. But they were not content in the security of that Spanish territory. Continuously hostile bands of savages burst over the frontier to maraud, murder, ravage, and wreak vengeance. Gen. Jackson was sent to the border to protect the American settlements; but he had never heard of 'watchful waiting,' and with characteristic decision he rushed over the Spanish boundary line, captured two Spanish forts, hanged two English spies, and dispersed the lawless Indians. This rashness evoked vigorous protests from Spain and finally led to the cession of Florida to the United States, in 1819, for the consideration of $5,000,000.

"Next came Texas. And this introduces another stalwart, resolute, dramatic, picturesque American hero—Sam Houston. Progressing by rapid strides to the very forefront in public life, Sam Houston, at the age of 34, was elected governor of Tennessee. Soon afterwards he was married to Eliza Allen, the daughter of a wealthy and aristocratic family, and one of the most estimable and accomplished ladies of the State. Three months afterwards, suddenly, dramatically, and without assigning any cause, Houston separated from his wife, resigned his office as governor of Tennessee, left the State, crossed the Mississippi River, plunged into the wilderness, joined the Cherokee Indians, adopted the costume of the savages, took a squaw to be his spouse, sat in the doorway of his wigwam while she parched his corn, assumed the Indian name of Co-lon-neh, became a subchief under the great Oolooteka, and for more than three years lived the life of a barbarian.

TWO PIONEERS.

"Then he went to Texas. Andrew Jackson was at that time President of the United States. He was a friend of Houston, and he greatly admired the daring, erratic, picturesque frontiersman and adventurer. The age of altruism had not yet arrived. Americanism was rampant then, and Andrew Jackson and Sam Houston were Americans of the primitive type. It was their policy not to meddle with European boundary lines, but to expand the American frontiers. They were not interested in

the Jugo-Slavs, but they wanted Texas, and they proposed to take it. Secretly, Jackson lent aid to the Texas rebels. Houston was chosen commander in chief of the rebel army; he defeated the Mexicans in the decisive Battle of San Jacinto; he captured their president, Santa Anna; and he secured the independence of the Lone Star State.

"The annexation of Texas followed, and then came war with Mexico and the conquest of that Republic. A vast area covering more than 500,000 square miles was wrested from Mexico and added to the public domain. This included what is now California, Nevada, Utah, most of New Mexico and Arizona, and parts of Wyoming and Colorado. Later the 'Gadsden Purchase' was negotiated, and another area about as large as the State of New York was acquired from Mexico. In the meantime England withdrew from her 'joint occupation' of Oregon, and that rich region became absolutely American.

"In 1867 Alaska was purchased from Russia for $7,200,000. In 1898 the Hawaiian Islands were annexed. The Spanish War brought us Guam, Porto Rico, and the Philippines. In 1904 Theodore Roosevelt 'took the Panama Canal Zone,' to use his own expression, 'while Congress debated' the subject. In 1917 the Virgin Islands were purchased from Denmark.

"And this completes the far-flung dominions of the United States. Not one foot of this territory do we regret having acquired; not one foot of it will we ever surrender. Every American feels proud of every province, and every province feels secure under the American flag.

WHEN WASHINGTON SPOKE.

"Washington's advice to the United States to keep out of foreign entanglements, and Monroe's scheme of keeping foreign entanglements out of the United States, have become welded together into a rigid fundamental American doctrine which has been observed by every President of the United States up to the inauguration of Woodrow Wilson. By adhering to this basic principle of government, and by devoting our energies to our own development and expansion, the United States has progressed with amazing strides until she is to-day one of the giants among the Governments of the earth.

"But suddenly this wise policy pursued by a long line of American Presidents is to be reversed and we are to step our feet into a network of foreign entanglements covering the surface of every continent on the globe. This precipitate plunge from the solid planks placed under our feet by the fathers of the Republic, this reckless leap into the intricate meshes of European intrigue and oriental duplicity, stagger the sober-minded American citizen. The standing armies, the enormous navies, the huge national debts, the ominous war clouds, the rival dynasties, the dubious frontiers, the crowding populations, the racial hatreds—all these European plagues which we have looked upon at a distance now loom up immediately before our eyes. These are the foreign entanglements which Washington foresaw and which Jefferson dreaded and Monroe shunned.

"But we are rushed on so hastily from the paths of prudence into the quagmires of danger that we are not allowed to halt and inquire whither we go. In fact, scarcely anybody dares to inquire. It is almost lese majesty to inquire. Therefore the timid and the irresolute go along with the multitude. Now and then a robust character halts to warn the thoughtless throng. He stops to examine the chart of the Republic, but his temerity rouses the voice of intolerant clamor. He assumes to quote the words of the early patriots, but he is met with ridicule and contempt. He protests at the desertion of Ireland, but he is told that England, the mandatory of small nations, is to continue to act as the benefactor and ruler of the Celtic race. He is shocked at the betrayal of China and the barter of Shantung, but the unselfish and philanthropic purposes of Japan have convinced the President that this apparent perfidy is in fact probity, and the common citizen should ask no more.

IN HEADLONG HASTE.

"And so, with headlong haste, the Nation rushes on. The citizen who stops to reason and inquire is overwhelmed with resentment. The subtleties and complexities of the covenant of the league of nations are answered by the ambiguities and generalities of Executive eloquence. The obligations imposed by article 10 appear far-reaching and momentous. Even the partisans of the President hesitate to espouse this provision of the charter. Perhaps the ordinary mind can not accurately analyze the purport of this significant clause, but construed by the common standards of interpretation it would seem that the United States has contracted to equip armies to assist in policing the world; contracted to help guard the frontiers of France and picket the outposts of England; contracted to guarantee the stolen borders of imperial Japan against encroachment by the republican armies of China.

"And what are we to get out of this? How are the tax-burdened people of the United States to profit by assuming these heavy obligations? The enthusiast, the partisan, and the sycophant do not wish to know. 'The President wants it,' they say, and that is enough. Serious citizens, however, some of them, pause occasionally to ask, under their breath, why it is that the fundamental principles of our Government, our individuality, and our national life are to be abandoned suddenly and the doctrine of internationalism espoused? Has Americanism failed us? Has the Constitution of the United States become inadequate? Let us see.

"There is some reason, other than chance, why the United States has grown to such immense proportions. All the nations on the continent of South America combined together do not equal us either in population, resources, wealth, or power. No nation in Europe or in the world, barring Great Britain, approaches us in magnitude. In population there are only two that surpass us—Great Britain and China. Up to the time we launched into the European war not one of the great powers of the earth was so free from the crushing burden of national debts as the United States.

"To what must we attribute this unparalleled progress? The answer is apparent. It is chiefly to the wisdom of our forefathers in adopting the Constitution of the United States and thus laying the foundation stones of the Republic that our grandeur must be ascribed. It must not be supposed, however, that the Constitution was agreed upon suddenly or unanimously. Indeed, the exact contrary is the fact. It took the convention at Philadelphia four months to frame it, and many times during that memorable session the delegates despaired of the result. Finally, in September, 1787, the imperishable document was completed and submitted to the people. But then the most violent opposition broke out against it.

GIANTS OF THOSE DAYS.

"Patrick Henry—eloquent, powerful, patriotic, impassioned—denounced it. John Randolph of Roanoke, with the blood of Pocahontas running in his veins, tall, lean, eccentric, sarcastic, although a mere boy at that time, opposed it. Luther Martin, the 'most formidable of American advocates,' but so improvident that every other lawyer of Maryland was forced by statute to contribute $5 a year toward his support—he bitterly attacked it.

"The great weight of Washington's influence was cast on the side of the Constitution. Calm, patient, dignified, trusting in the hand of Providence, he reasoned with his countrymen. Benjamin Franklin, gray haired, sagacious, philosophic, exerted his powerful logic in favor of its adoption. But Alexander Hamilton was the foremost champion of the Constitution. Born in the West Indies, he was, at the age of 30, the genius of that momentous epoch. He wrote most of the able arguments which afterwards became the Federalist, and he swung the New York Legislature into line, and the battle was won.

"There can be no doubt that this solid foundation gave stability to the superstructure of state. But in no less degree did the policy of our first President give it stability, the policy of avoiding European entanglements. Those early patriots were gifted with almost supernatural penetration. They read the future; they saw the shoals of danger.

"But it was their fortitude that contributed in no less degree than their wisdom to the straightforward progress of the ship of state. They were neither opportunists nor idealists. Doggedly they stood steadfast against the storms of public clamor. In 1793 England, Prussia, Austria, and other allied monarchies were waging war on the newborn Republic of France. Washington was President. Only 12 years had elapsed since Lafayette, at the head of the French forces, stood by the side of Washington at the surrender of Cornwallis. The sense of gratitude to France was fresh and keen in the heart of every patriot. A great tidal wave of sympathy rolled over the land for France. The people were overwhelmingly in favor of lending assistance to the infant Republic in her day of needs, as she, while yet a monarchy, had lent it to us in our hour of disaster. But with calm determination Washington resisted the uproar and indignation of the people, and on April 22, 1793, he issued his famous 'Proclamation of Neutrality.' This seemed to the people of the United States like the most despicable ingratitude, but with a depth of understanding which transcends the vision of the idealist Washington saw that the integrity of this Republic, as well as its prosperity, depended upon its standing absolutely aloof from the tangles and turmoils of European politics.

TIMES HAVE CHANGED.

"One hundred and thirty-nine years have elapsed since France helped us to win our independence. Gratitude to France was a thousand times more urgent when Washington was President than it is to-day, and yet the Father of his Country proclaimed at that time that gratitude should not urge the United States

into a war in Europe. Nevertheless, assigning gratitude as his only incentive, and in direct contravention of the precedent established by Washington, and at a time when neither gratitude nor public clamor demands it, Mr. Wilson signs a treaty of alliance in Paris pledging the United States to fight in the wars of Europe in case of the invasion of France. Thus not only is the doctrine of Washington abrogated, but his reasoning is repudiated.

"The covenant of the league of nations is a world constitution. If it is ever adopted, it will supersede the Constitution of the United States, not in every particular, it is true, but in many of the most essential particulars. The Constitution of the United States will no longer be the supreme law of this country. To the extent that the United States does not surrender its sovereignty in the new document to the league of nations, the Constitution will, of course, remain intact; and then the remnant of our Constitution will bear much the same relation to the covenant of the league of nations as our State constitutions bear to the Federal Constitution.

"The league of nations is a scheme of stagnation. No nation is to grow, none is to diminish. The great nations are to remain great; the little nations are to remain small. The powerful nations are to remain powerful; the weak nations are to remain insignificant.

"And not only is the league of nations a scheme of stagnation, but it is a contrivance of subjugation. Under article 22 the peoples of the greater part of Africa are forbidden to bear arms, build fortifications, establish naval bases, or practice military training. This is the most dangerous device of tyranny. It has been employed by the strong against the weak in every age of the human race. It is a device not only of civilization but of savagery. The Iroquois Indians knew the deadly effect of forbidding subjugated peoples to bear arms. Three hundred years ago they formed a league of nations—'the five nations'—and in their league of nations they pursued exactly the same device of oppression which is ingrafted in the covenant of the league of nations. The most notable instance of this was in their overthrow of the Lenapes. This conquered nation was not only held in subjugation by the Iroquois and compelled to adopt the name of women, but was forbidden to bear arms.

SEES EXPANSION'S END.

"The end of our territorial expansion has come if the league of nations be adopted. Inertia, not energy, will henceforth mark the national life. Ambition can no longer urge America on to her destiny. Her boundary lines will be fixed forever. But that can never be. The Stars and Stripes is more potent than the league of nations, and under this banner the United States will march on to future achievements.

"To the south of us lies Mexico, a country blessed with every advantage of nature and cursed with every defect of government. At the time of the discovery of America a vast empire, stretching far and wide over the land, occupied much of the same territory now included within the borders of the Mexican Republic. Populous cities, immense public buildings, spacious open squares, great highways, standing armies, formidable ramparts, imposing temples, luxuriant gardens, laws, courts, police, turrets, baths, aqueducts, causeways—these constituted the empire of the Aztecs.

"The ancient City of Mexico itself lay in a splendid valley approximately 7,500 feet above the sea level, and at the time that Cortez invaded the country it contained, according to the estimate of historians, 60,000 buildings and 300,000 inhabitants and was twice as large as the city of London was at that time. Like Venice, Mexico was built on an archipelago of small islands and was penetrated by a system of canals. It was planted in the waters of a magnificent lake on the bosom of which floated innumerable wandering islands covered with voluptuous flowers, delicious fruits, and luxuriant verdure. This metropolis of the Aztec empire was founded in 1325, nearly 200 years before its conquest by Cortez.

"In November, 1519, Cortez, with his soldiers, entered the palace of Montezuma, treacherously seized the person of the emperor, overthrew the government of the Aztecs, and established the rule of Spain in the empire. From that day to this, barring the period of the dictatorship of Porfirio Diaz, Mexico has been the scene of misgovernment, oppression, disorder, bloodshed, revolution, confusion, and chaos. No stable government has ever been established. There is no security for life, liberty, or property. For the last five or six years the country has writhed in the throes of revolution. One bloodthirsty chieftain succeeds another, and the land is distracted by rapine, murder, famine, and disease. The ferocious Mexican soldiery are not content with butchering each other, but repeatedly they make forays across the border, murdering, robbing, and outraging American citizens.

"This condition of affairs can not last. The period of 'watchful waiting' is almost ended. Soon the American Army will cross over the Rio Grande as it did when Zachary Taylor was in command, and soon our battleships will enter the harbor of Vera Cruz as they did when Gen. Scott marched to the Mexican capital over the route of Cortez. And then, when we invade Mexico the next time, the Stars and Stripes will be once more unfurled over the site of the ancient palace of Montezuma, never to be hauled down again.

"When this is accomplished Mexico will enjoy the blessings of good government. With lands, forests, mines, harbors, climate, oil wells, and other natural resources unsurpassed on any continent of the globe, Mexico will then be one of the most prosperous regions of the earth.

"When the subject comes up squarely for consideration, as it inevitably will in the near future, there will be much opposition to the annexation of Mexico. Internationalism, instead of expansion, is the policy to-day of the Democratic Party. Thomas Jefferson, however, the founder of the Democratic Party, was an expansionist; but his vision of expansion reached far beyond Mexico. In a letter to James Monroe in 1801 he said:

"However our present interests may restrain us within our own limits, it is impossible not to look forward to distant times, when our rapid multiplication will expand itself beyond those limits and cover the whole northern, if not the southern, continent.

"When Jefferson made this prophecy the doctrine of inertia propounded by the league of nations had not yet been proclaimed. But notwithstanding that doctrine, Jefferson's prediction will come true, for it is destiny, not treaties, that shapes the course of nations. And destiny has decreed that the Stars and Stripes shall float over every foot of North America from the Arctic Ocean to the Gulf of Darien."

TRAVEL PAY IN THE REGULAR ARMY.

H. J. Res. 175, joint resolution to provide for the payment of travel pay upon discharge to men of the Regular Army enlisted prior to April 2, 1917, was read twice by its title and referred to the Committee on Military Affairs.

Mr. WADSWORTH. Mr. President, in regard to the joint resolution just received from the House and referred to the Committee on Military Affairs, I desire to say that I have taken the liberty of polling the Committee on Military Affairs in order to ascertain their judgment on the measure and secure action, if possible, to-day, and a substantial majority of the committee have signified their assent to the terms of the joint resolution.

There is an excellent reason, I believe, why the joint resolution might probably be passed to-day, if the Senate consents. It authorizes the payment to men of the Regular Army whose terms of enlistment in active service are about to expire of the same travel pay and bonus that has been paid to soldiers of the emergency Army under similar circumstances. It so happens that a ruling from the department is to the effect that these men who were members of the Regular Army before we went into the war against Germany are not to have the same benefit with respect to travel pay and bonus as men of the emergency Army. The law thereby discriminates against these veteran soldiers, many thousands of whom are in the First Division, which is to parade here to-morrow. I was about to, and do now, ask unanimous consent for the immediate consideration of the joint resolution (H. J. Res. 175) to provide for the payment of travel pay upon discharge to men of the Regular Army enlisted prior to April 2, 1917, reporting it, as I do, from the Committee on Military Affairs, and I submit a report (No. 195) thereon.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. SMOOT. The joint resolution is reported from the committee, as I understand?

Mr. WADSWORTH. Yes; I report it back favorably.

Mr. SMOOT. And the Senator asks unanimous consent for its immediate consideration?

Mr. WADSWORTH. Yes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, and it was read as follows:

Resolved, etc., That those enlisted men of the Army who enlisted in the Regular Army prior to April 2, 1917, and who have accepted or may accept their discharge from such enlistment in order to reenlist under the terms of the act entitled "An act to authorize the resumption of voluntary enlistment in the Regular Army, and for other purposes," approved February 28, 1919, shall upon such discharge receive travel pay at the rate provided in the act entitled "An act permitting any person who has served in the United States Army, Navy, or Marine Corps in the present war to retain his uniform and personal equipment, and to wear the same under certain conditions," approved February 28, 1919, from the place of such discharge to their actual bona fide home or residence or original muster into the service, as they may elect. The Secretary of War is authorized to discharge any or all of these men enlisted prior to April 2, 1917, who desire discharge from their old enlistment for the purpose of so reenlisting, regardless of whether or not the period of their original contract or enlistment has been completed: *Provided,*

That in case any enlisted man has been or hereafter shall be discharged for the purpose of reenlisting in the Regular Army, he shall be entitled to the payment of $60 as provided in section 1406 of the act entitled "An act to provide revenue, and for other purposes," approved February 24, 1919.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILLS REFERRED.

H. R. 5000. An act to allow credit for husbands' military service in case of homestead entries by widows, and for other purposes, was read twice by its title and referred to the Committee on Public Lands.

H. R. 5007. An act granting citizenship to certain Indians was read twice by its title and referred to the Committee on Indian Affairs.

H. R. 9091. An act granting the consent of the Congress to the county of Hennepin to construct, maintain, and operate a bridge across the Minnesota River was read twice by its title and referred to the Committee on Commerce.

H. R. 9203 An act to punish the transportation of stolen motor vehicles in interstate or foreign commerce was read twice by its title and referred to the Committee on Interstate Commerce.

HEIGHT OF BUILDINGS IN THE DISTRICT OF COLUMBIA.

Mr. JONES of Washington. Mr. President, I should like to ask a question of the Senator from Illinois [Mr. SHERMAN], the chairman of the Committee on the District of Columbia.

I note that a few days ago Senate bill 2945, with reference to the height of buildings in the District of Columbia, was reported from the committee and is now on the calendar. I desire to ask if the Senator would have any objection to having that bill recommitted to the committee, in order that the persons affected may have an opportunity to be heard?

Mr. SHERMAN. The bill is one introduced by the senior Senator from California [Mr. PHELAN]. I have no objection, if the Senator from California has none, to having the bill recommitted to the committee, in order that hearings may be had upon it.

Mr. PHELAN. I have no objection to the recommitment of the bill for the purpose of having hearings. There seems to be some question as to the measurements. The bill was prepared by the Fine Arts Commission, I think, under the impression that where the building adjoins Meridian Hill Park it was to reach a height of 85 feet. As a matter of fact it reaches a height of 77 feet, and the bill calls for a height of 75 feet. I think, under those circumstances, it would be well to have a hearing.

Mr. SHERMAN. I ask that the bill be recommitted to the Committee on the District of Columbia.

The PRESIDENT pro tempore. Without objection, the bill will be recommitted to the Committee on the District of Columbia.

THANKS OF CONGRESS TO GEN. PERSHING.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 211) tendering the thanks of the American people and the Congress of the United States to Gen. John J. Pershing, and to the officers and men of the American Expeditionary Forces, in which it requested the concurrence of the Senate.

The joint resolution (H. J. Res 211) tendering the thanks of the American people and the Congress of the United States to Gen. John J. Pershing, and to the officers and men of the American Expeditionary Forces, was read twice by its title and referred to the Committee on Military Affairs.

Mr. WADSWORTH. I am authorized by the members of the Committee on Military Affairs to report back favorably the joint resolution, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole, and it was read as follows:

Resolved, etc., That the thanks of the American people and of the Congress of the United States are due, and are hereby tendered, to Gen. John J. Pershing for his highly distinguished services as commander in chief of the American Expeditionary Forces in Europe, and to the officers and men under his command for their unwavering devotion and heroic valor throughout the war.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The morning business is closed and the calendar under Rule VIII is in order.

CALLING OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hale	McNary	Smith, Md.
Beckham	Harding	Moses	Smoot
Brandegee	Harris	Nelson	Spencer
Calder	Harrison	New	Stanley
Capper	Henderson	Newberry	Sterling
Chamberlain	Hitchcock	Norris	Sutherland
Colt	Johnson, S. Dak.	Nugent	Swanson
Culberson	Jones, N. Mex.	Overman	Thomas
Cummins	Jones, Wash.	Page	Townsend
Curtis	Kenyon	Phelan	Trammell
Dillingham	Keyes	Phipps	Underwood
Edge	Kirby	Pittman	Wadsworth
Fletcher	Knox	Pomerene	Walsh, Mont.
France	Lenroot	Sheppard	Warren
Gay	Lodge	Sherman	Watson
Gerry	McKellar	Simmons	Williams
Gronna	McLean	Smith, Ga.	Wolcott

Mr. GERRY. The Senator from Oklahoma [Mr. GORE] is detained from the Senate by illness.

Mr. CURTIS. I wish to announce that the Senator from Wisconsin [Mr. LA FOLLETTE] is absent from the Senate on account of illness in his family. I desire also to announce that the Senator from New Jersey [Mr. FRELINGHUYSEN] is detained from the Senate on official business.

Mr. GERRY. The Senator from Massachusetts [Mr. WALSH], the Senator from Louisiana [Mr. RANSDELL], the Senator from South Carolina [Mr. SMITH], and the senior Senator from Arizona [Mr. ASHURST] are detained from the Senate on public business. The junior Senator from Arizona [Mr. SMITH] and the Senator from Wyoming [Mr. KENDRICK] are also detained from the Senate on official business.

The PRESIDENT pro tempore. Sixty-eight Senators have answered to their names. There is a quorum present.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business in open session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

Mr. LODGE. I now call up the treaty of peace with Germany.

The Senate resumed the consideration of the treaty of peace with Germany.

Mr. REED. Mr. President, I desire to announce that on Friday, if the Senate is in session, I shall address the Senate on certain phases of the league of nations.

Mr. SHERMAN. Is it agreeable for me to proceed on the treaty?

Mr. LODGE. Certainly; I expected the Senator from Illinois to proceed.

Mr. SHERMAN. Mr. President, the treaty and the league of nations are so printed and referred to us as to constitute one document. The report of the minority, made September 11, 1919, printed as Report 176, part 2, on page 5, makes a general summary of what the league, as well as the treaty, would do.

It is the only plan proposed to redeem the world from war, pestilence, and famine.

These are very extensive claims, Mr. President. Since the beginning of history those scourges have devastated the world. If we have now discovered a cure or a preventive for those calamities to which the human race has been subject it certainly marks an era in the history of the world. I wish it were so. Very gladly would I support any measure of that character.

It has been assumed, however, in the discussion of the league and the treaty by its advocates, that these desired blessings would instantly result from its ratification and adoption by the various nations sought to be brought under its benign sway. The assumption of these manifold benefits constitutes, however, the substance of the discussion. We do not grant the assumption.

There are various phases of this discussion presented. Today I particularly wish to keep in mind the alleged indebtedness this country owes to Europe, or possibly, as claimed, to the whole world.

Mr. President, while seeming to labor under the impression that the chief aim of the American people is to serve as hewers of wood and drawers of water for Europe, the senior Senator from Nebraska [Mr. HITCHCOCK] addressed the Senate September 3, 1919, demanding the immediate ratification of the German treaty. Through his entire discourse runs a somewhat querulous note admonishing us we had not done enough for the expectant peoples of the Old World. They would be grievously

disappointed if we do not continue to pour out our wealth and spill our blood in all their future controversies. He repeats our good President's belief that their hearts will break unless we mingle in their frays forever.

Deserters it is suggested we would indeed be, the Senator cried out, unless we gave even to our ultimate extinction. Having already given the service of 3,700,000 of our country's young men, 2,000,000 in actual service and 1,700,000 in camps awaiting further call, and $35,000,000,000 of our taxes in a war made exclusively in Europe, the Senator stigmatizes a refusal to give if required all we have left as the acts of poltroons and even cowards. This great sacrifice the President, in his Boston address last February, called "a little essay at generosity." If this be a little essay at generosity, Mr. President, then a more extensive essay would leave us bankrupt and exhausted.

The future generations, however, who pay war taxes and keep alive the memory of their dead will, like the living, resent such an allusion. The good Samaritan is smitten with a dog-day madness when he unlooses his fancy thus to run away. Because we fought this war with our associated nations against a common German danger, it is now demanded we pledge ourselves to fight in every future war whether our own safety is concerned or not. After reflecting that our strength contributed to win a great war, with no annexations and no indemnities, the Senator insists we devote the remaining energies of the American people to taking territory, making reparations, and collecting indemnities for the victorious powers of Europe and Asia.

Long ago the President sounded the altruistic slogan of peace without victory to any of the European belligerents. What a mighty gulf yawns to-day between the time of that demand—January 22, 1917—and this treaty! Then he sought to commit us to an indecisive end of the war with no terms imposed and no penalties inflicted. We were then a neutral country, but its President sought to meddle with and to advise the belligerents to conclude their hostilities, leaving Germany wholly unpunished. At that time Germany's crimes against humanity were accomplished.

The book of fate had been closed, and nothing remained but for the impartial historian to record upon his tablets what had occurred.

Her guilt called as loudly for expiation as when our President sat at the peace table, or when he proclaimed his now extinct fourteen points. On one principle, and one only, the Senate and the President have agreed. We ask no material gain for our country.

Yet after the President sat with the representatives of the Allies he stripped Germany of her territory on three continents and every sea. Vast quantities of property and huge sums devoted to reparation are exacted. Not only is such a victory interwoven with the peace terms embodied in this treaty but the entire gigantic spoil of war is given the Allies. Our responsibility is solely to join in enforcing the treaty and securing those benefits for others. Germany's punishment is merited. Weighed by Old World standards, and particularly by Great Britain, France, and Belgium, Germany deserves the tremendous penalties inflicted. Bismarck set the example and history is filled with precedents. The victors' stern decrees ought not be abated or mitigated by so much as a single article. It is for those who impose such terms to weigh their value and calculate well their future power to enforce them. If the President's responsibility be gauged by all his known utterances, the punishment imposed is not of his making. Why, then, should we weight ourselves and our posterity with the bloody service of inflicting it, because so surely as this planet circles in its orbit time will harvest the usual result. I oppose pledging our Government to defend Europe's spoils of war, which are not the pledges of peace but gages of battle.

This is the sole question discussed by the Senator from Pennsylvania [Mr. KNOX]. He explicitly avows the justice of the terms from the angle of the Allies. He is unwilling to impose the huge burden of this treaty on the American people.

We receive no benefits except the incidental one in the event of the future occurrence of a like danger, and of a friendly ally to be met when that emergency shall have presented itself.

For this same attitude his course has been assailed as one of cowardice and poltroonery. Such a charge to me, Mr. President, seems characteristic of those who would rather do a foolish act of their own than adopt the wise act of another, for we have now reached that crisis in our affairs where we must choose between exhausting ourselves to make the Old World safe for some of its nations and making the United States safe for the American people.

No such colossal prize of conquest ever before passed from a vanquished enemy by the fortunes of war. Every map of the Old World's three continents and the islands and waters of their seas must be retraced by the cartographer to delineate the mighty changes wrought by this treaty.

If its articles be executed and kept without bloodshed in the years to come, then, indeed, has man, in his essential nature, been changed. If this treaty shall endure, Great Britain has reached the summit of her world empire in the thousand years since Alfred drove the Danes from England and set his nation on the course of her imperial dominion. For this great people we have no envy, no jealousy of power, no unfriendly rivalry in her wide sway on land and sea. We believe she will in the fullness of time rule temperately and administer justice to all her possessions.

But we can not forget the elemental difference between our country and Great Britain. We inhabit a continent, not an island. Our domain is compact, sufficient in itself to supply all our wants and furnish every necessary instrument of self-defense. Providence never before so abundantly endowed a nation with the facilities to be and continue great and powerful by remaining at home and attending to its own business. Nothing requires us to scatter our strength over earth's seven seas and dissipate our energies and resources in crusading in the affairs of every warring people except an impossible idealism drunk with phrase making and cajoled by European diplomacy into spending our national strength to underwrite the war risks of Europe, Asia, and Africa.

But, exclaims the senior Senator from Nebraska [Mr. HITCHCOCK]:

> The United States is young; the United States is strong; the United States is rich. It alone of all the nations of the world is able at the present moment to confer upon the world, the distressed and despairing world, benefits such as no other nation can confer.

Because we are young and strong and rich, shall we therefore beggar our people, bankrupt our industries, and exhaust our resources? If we had before this time mingled with Europe's ceaseless wars, all her quarrels, we would long since have squandered our inheritance and been unable to care for ourselves or help others in this great crisis as we have done. The Senator advocates prodigal obligations and further heavy burdens imposed upon the American people. When we reply that we have sacrificed enough life, borne enough of war taxes, that we are content for the benefits of victory to pass to other powers, leaving us the security of self-defense incident to a joint victory and friendly relations if like dangers recur, the Senator declares that such a course is that of deserters and poltroons.

What would be the burden falling upon us by the most natural method of computation under the league and the treaty if both were ratified by the required two-thirds majority of this body? We are at present, outside of two oriental nations, one a colony and the other an independent nation subject to the aggression of every power in the world—we are, with the exception of British East India and the Chinese Republic, the largest one Nation in the world excepting only Russia. It is a mixed population and at present no one knows its future. With 110,000,000 population, with a wealth estimated last July by the Census Bureau at this Capital of $250,000,000,000 of private taxable wealth, I ask what would be the share apportioned to this country if the burdens under this treaty and league be assumed? I know in peace of but one way of distributing burdens. It is by exercising the sovereign power of taxation. In war we exercise both the power of taxation and the taking of our men. What is the basis of contribution? We contribute taxes in proportion to our means, and we contribute men in proportion to our military population. Based upon those two inevitable grounds, the burden put upon this country would exceed that of any other country in the league. We have the largest population of any of the proposed signatory nations—32 signatory and 13 to be invited. Of all those powers our military strength is the greatest. We have as much private taxable property as almost the entire European continent. When it came to the distribution of financial burdens of carrying out the obligations of these various articles, we would pay in proportion to our taxable wealth. As we are supposed to be the wealthiest Nation in the world, we would pay more than all the powers in Europe, either the Central Powers or the Allies, when it came to the financial contribution. There is always a practical way which statesmen and diplomats adopt in distributing these burdens.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from Illinois yield to the Senator from Nebraska?

Mr. SHERMAN. I yield.

Mr. HITCHCOCK. The Senator has quoted me, and I wish to refer to that for a minute. The Senator is in error in assuming that the advocates of the treaty believe that it will

impose burdens upon the United States. We are firmly of the opinion that in reduced taxes it will save the United States immense sums of money, because we believe, if the league of nations is not established, the United States, like other nations of the world, must take the only alternative that remains and prepare for war upon a larger scale than ever before. We believe that can be escaped and all those great burdens of war saved to this country if we enter into the league. So I wish to assure the Senator at the outset that instead of being willing to assume great burdens as a member of the league of nations, we believe it will save the United States thousands of millions of dollars in future expenditures.

I should like to ask the Senator, in conclusion, to what section of the treaty he refers or to what article of the league of nations he refers in assuming that of the small burdens that will be involved in maintaining the league of nations the United States must pay the largest part? Of course, he must have some warrant for making that statement. I ask him to point it out.

Mr. SHERMAN. I will gladly do so. It is because the council, in the event of emergencies arising, shall advise the means by which the threatened emergency may be averted. The President has said that such advice becomes not obligatory but consists in the nature of a moral obligation. The council have entire discretion in advising. They can apportion the financial burdens and the military levies, as well as the Navy if it be required, that the nations shall contribute to meet any pressing emergency which they consider. That power in the league, Mr. President, is all-sufficient as the foundation of the criticism I am making.

Mr. HITCHCOCK. I shall come to article 10 in a minute, but I wish to remind the Senator that the only provision in the league of nations for the raising of expenditures consists of a statement that they shall be borne by all the nations of the world on the same basis that postal charges and expenses are provided for in the Postal Union. There is no other provision made for ascertaining and paying the expenses of the league of nations.

Then, coming to article 10, from which the Senator quotes, I wish to call his attention to the fact, in the first place, that the United States is named as the first member of the council. It is a member in perpetuity, always there, and the council, when an emergency arises, is charged with the duty of advising the nations what they should contribute in forces that may be necessary to preserve the peace of the world. That council can only act by agreement; that is, by unanimity. It requires the vote of the representative of the United States on that council even to give the advice, and the representatives of the United States on that council is under the control of the Government of the United States. So the advice can not even be given to the United States without the approval of the Government of the United States, and after the advice is given it still remains for the constitutional authorities in each country to decide whether the advice shall be accepted or not.

Mr. SHERMAN. The expenditures contemplated by the Postal Union basis are merely the operating expenses of the secretariat of the league. I do not think, I am certain, they do not cover the expenses incident to any great emergency, whether it be a demonstration to avert war or the actual levy to conduct the war. War, when it proceeds to that extremity under the league, is not an expense of the league that is referred to in the distribution provided in the Postal Union basis. That is merely for the operating expenses of the league. The secretary general of the secretariat, which is the executive body that always remains, is apparently a fixed perpetual charge upon the league. To Sir Eric Drummond's salary we must contribute. To all of his staff of helpers we must contribute. To the building, the rents, the clerical help, the printing bills, the telegraph, the telephone, all the incidental charges to the maintenance of that office, the United States must contribute in proportion as provided by the rules of the Postal Union. The last paragraph of article 5 expressly limits the expenses to be apportioned on the Postal Union basis to the expenses of the secretariat.

Mr. WALSH of Montana. Mr. President——

Mr. SHERMAN. In just a moment. But if it came to war, that is a matter which is in the discretion of the council of the league, and is not limited by the reading of article 5 to the Postal Union basis.

Mr. HITCHCOCK. The Senator is mistaken. It is not in the discretion of the council. The council has no power except to give advice, and the advice can not be given except by unanimity, and unanimity can not occur except with the vote of the representative of the United States, who is under the control of Congress.

Mr. SHERMAN. I will come to that in a moment. The Senator in part quoted that before. I yield to the Senator from Montana.

Mr. WALSH of Montana. Before the Senator from Illinois goes further in the discussion of that feature of the matter, I desire to correct the statement made by him concerning the attitude of the President with relation to article 10, to which he has referred. The Senator has stated that the duty devolves upon the council to advise concerning the means by which the obligation of that article is to be fulfilled, and he has quoted the President as saying that our country would be under a moral obligation to observe the advice so given. The Senator will not find any statement of that kind made by the President. The President declared not that the obligation arising under the second sentence of article 10 is a moral obligation, but the obligation arising under the first sentence of article 10, namely:

> The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league.

The President declared there was a moral obligation upon this country to observe the provisions of that sentence; and he described it as a moral obligation because there was no provision for the enforcement of the obligation; it was left to the conscience of the country. The President never declared that there was a moral obligation to observe the provisions of the second sentence of that article, which reads:

> In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled.

And the President has repeatedly declared that we are at liberty to take the advice or not to take the advice as we may then determine.

Mr. SHERMAN. Mr. President, the Senator from Montana, in speaking of the moral obligation applied to article 10, limits that moral obligation, on the interpretation of the President, to that part of the article alone. I have understood the Senator correctly, have I, that the moral obligation is limited to that part of article 10?

Mr. WALSH of Montana. The President used the expression "moral obligation" with respect to article 10, and with respect to sentence 1 in article 10, not with respect to sentence 2.

Mr. SHERMAN. As to article 10 let it be so. There is little distinction in such a matter between a moral obligation and a duty resting in our discretion; to illustrate, we may or may not, as we see fit, obey the advice of the council under that article.

Mr. WALSH of Montana. Mr. President, I think the word "obey" is not accurately used by the Senator from Illinois. We obey only those who have the right to command. The council has no right to command.

Mr. SHERMAN. Observe or comply with it, if the Senator prefer; obedience to a moral obligation or a discretionary power is accurate. But outside of article 10 there is no moral obligation arising from action under the other articles—for example, article 11, article 15, or article 16. Take article 16, to be specific. I am in the habit of summarizing by saying that that is the ipso facto declaration of war article, because it provides that any covenant-breaking State that commits certain acts upon another State is ipso facto declared to have committed an act of war against all the member nations of the league, and thereby we are found at war not by declaration of our constitutional authority, but we are declared to be at war by the ipso facto provisions of article 16. Whenever a covenant-breaking state has perpetrated certain acts, we are declared to be at war.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Montana?

Mr. SHERMAN. Yes, sir; I yield.

Mr. WALSH of Montana. I think we are not. Article 16 merely declares that it is "an act of war."

Mr. SHERMAN. That it is "an act of war?"

Mr. WALSH of Montana. Yes; but an act of war may be perpetrated against this country without this country being at war. This country can not be at war until Congress declares war.

Mr. SHERMAN. Taking the Senator's own interpretation and assuming, then, that we are living under the league and that a covenant-breaking State commits an act of war against us, we must either go to war or must acquiesce in the insult or the injury, whichever it may be. This article binds us to join the other member nations in an economic boycott against the offender. It is true we have been so habituated by the customary aggressions on the Mexican border to acts of war being committed upon our sovereignty without paying attention to them that possibly our feelings or our national sentiments have

become calloused and dead, but I shall assume that in proper time they will be made quick and alive. So an act of war under article 16 perpetrated against this country will be accepted, if we enter the league, as an act of war, and our conduct thereafter will be measured by the enormity of the act. Therefore it is either a moral obligation under article 10, or it is something to which we can pay attention as an act of war under article 16, or we can pay no attention to any of it under the provisions where there is no moral obligation. In that event the whole value of the league becomes no more than that of The Hague convention, either the one of 1899 or that of 1907. We already have what is equivalent to that interpretation of the league. If we are possessed of discretion to ignore or heed outside of article 10 at our discretion, then there is nothing binding in this league more than in the last Hague convention of 1907; in fact, it is not so good a document for general international purposes, because that does declare a code of international law. It prohibits certain barbaric practices under the ban of all civilized nations; in effect it declares a nation that perpetrates the forbidden act an international criminal that puts itself outside the pale of civilized consideration. The Senator's interpretation of this power converts it into a theory or a mere subject for debate.

Now, to recur to the matter referred to by the Senator from Nebraska [Mr. HITCHCOCK], that in the apportionment of expenses there will be no undue burdens placed upon us, because they must be distributed by unanimous consent of all who are sitting in the council of the league. We are one of the five permanent members of the league; we will have a representative in the league so long as it shall endure, and therefore it is argued—and it is a fair matter to be presented to the Senate—that no undue burden can fall upon us unless we consent to it, and, having consented it it, we have no further complaint to make.

There are five members of the league representing the principal allied and associated powers. They are the permanent members. It is a self-perpetuating body. When vacancies happen in the other four places they are filled by the five permanent members. Therefore the five sit on the question of distributing the burdens either of money or of men. Suppose the three European countries, Great Britain, France, and Italy, and the one Asiatic country, Japan, sitting in the council, oppose our view of the distribution. If four of the members of the council should impose upon us a certain burden to meet a given emergency and if the United States, exercising its right to veto the action of the other four, should refuse to accept the responsibility under article 10 or article 16, as imposed by the other four, then we would assume the burden of whatever error or reprobation is contained in that refusal, and there would be put upon us a moral pressure under which I would not for a moment place my country. While the requirement of unanimous action would stay the order, still it would put upon us the sole responsibility of opposing ourselves to the entire league's council, at least the European and Asiatic members of the council, because the other four being countries of Europe and Asia will reflect the sentiment of the greater part if not all the member nations of those two great continents.

There is such a thing as moral pressure upon a country, and it is always prudent to avoid being placed in that attitude. So, while the requirement of unanimous action is often invoked as our complete defense against any unfair burden, as a matter of practical affairs it is not a defense, and we ought not to put ourselves, even if there be moral pressure only, in that attitude or permit others to place us there. I am not therefore mistaken. The council does impose its will upon us if we enter the league. If we find a majority of the council against us it would be most embarrassing for us to refuse. If we were alone in our dissent it would be impossible to remain a member and refuse compliance.

I repeat, then, there is a danger that the distribution of the burden financially will be upon us; that we will have, because we are the wealthiest Nation in the world, the greater part of the burden to bear. If we refuse we will be assailed for refusing to bear our share. For instance, in article 16 it is recited:

> It shall be the duty of the council in such case to recommend to the several governments concerned what effective military, naval, or air force the members of the league shall severally contribute to the armed forces to be used to protect the covenants of the league.

That is a complete discretion in the council, subject only to be vetoed by the opposition of our country—a single voice raised against the recommendations of the council in some emergency.

In the matter of the Army or Navy we will pay in like manner in proportion to our military strength; and I repeat that we incur the obligation, moral in its character, as all obligations on a sovereign are, of paying the larger part of the financial burden and the military and naval obligations as well by going into this arrangement.

The President therefore, Mr. President, denounces all who do not follow him as contemptible quitters and vacillating time-servers, as ostriches with their heads in the sand; and the chairman of the Democratic national committee, not to be a laggard in the distribution of proper descriptive epithets, refers to those who do not support the league and the treaty as senatorial imbeciles and wretched creatures of the Senate. So we have all been properly classified. We have been under observation in the detention cell long enough to have our apt designation. Gentlemen whose orientations are perfect, political alienists, have examined us and found out, as they conceive, where we properly belong. The President himself, when it comes to quitters—and I am not disposed, when it is a mere matter of descriptive language, to lag in the rear myself—the President himself is the crowned monarch of quitters, without a rival in the Western Hemisphere. No man in public life, to say nothing of Presidents only, ever quit quicker, oftener, or so profoundly as he. His silence and speed when escaping from his imperishable principles of yesterday, to which he has just sworn his followers in eternal fealty, is as abysmal and swift as primal chaos or a fallen angel sweeping to his predestined doom. His executive echoes—a general description, Mr. President—lacking the agility and silence of their chief, make a considerable exhibition of themselves in the subordinate rôles of beating a more vociferous retreat.

What do we now owe the Old World, Mr. President? Our indebtedness to the Old World is a theme of constant discussion. Why are we charged by the Senator with desertion and poltroonery when we declare it is time we safeguarded our own country as every other country is now doing? No nation can be a Republic as our perpetual dependent ward. Who would be free himself must strike the blow. That is not only good poetry but it is good statesmanship, and it is immemorially a historical fact. Switzerland has survived amid intrigue and revolution while thrones have toppled to their fall and rulers have been swept away in the wars that have reddened Europe for 400 years. It is because she carries in her population the instinctive principles of republicanism and free government. Hereafter she survives, as she has in the past, by the strength of her own population. Shall we declare ourselves the conservator of all the nationally incompetent and unfit in the Old World? And still the league and the treaty do so. Hereafter, if we answer the President's call, mothers will but cradle their sons to fill the muster rolls of armies to give their lives in foreign wars. The future seedtime and harvest, our industrial and commercial strength, must be poured out, it is insisted, to restore the decrepit organisms arrested and smitten by despotic misrule. We must spend our substance, it is further insisted, to resurrect and redeem peoples stunted by racial faults and vices and schooled for generations in chronic revolt and general insubordination against the tranquillity of peaceful life. We are undertaking to become the guardians of all the failed nations in the world, whether they fail by their own inherent vices or by the superior strength of an aggressive power.

When we decline to undertake such burdens, which we think will ruin ourselves, wreck our Government, and destroy our country by a mad crusade around the world as the guardian general of mankind and knight-errant of oppressed humanity everywhere we are denounced as quitters and poltroons by the Senator from Nebraska [Mr. HITCHCOCK] and our Executive Don Quixote.

Are they not now trying to make up by the clamorous zeal of the neophyte for the wise foresight of the statesman so lamentably and conspicuously absent between 1914 and 1917? What were they doing during this fateful period when the German legions swayed and bent the line that stayed their advance to Paris and the Atlantic coast? How did those distinguished internationalists busy themselves when a half century of Prussian preparation, equipped for scientific and desolating warfare, suddenly burst on defenseless, unprepared western Europe? How did their clarion voices ring out when Belgium's woes cried to Heaven and eastern France sank under the invader's savage heel? Did they beat the skies with blatant phrase of poltroon and coward when the submarine rose from its silent depths and sent American women and their babes to their unmarked ocean grave or when the bloody, restless border hordes of Mexico left our dead in a pillaged city in the gray dawn on the soil of an American State? Then it was these valorous knights of oppressed humanity spoke earnestly of neutrality—aye, neutrality in word and act. Secure we were, far removed from the death grapple of nations. Let them alone in their struggles, which belonged and would remain across the sea. They drew about them the mantle of what they now call insular nationalism and loudly proclaimed our duty to remain within our own shores. When a systematic

policy of frightfulness defied the laws of civilized warfare and shamed the savagery of barbaric ages, these distinguished vicegerents of a universal mundane protectorate declared three days after the *Lusitania* tragedy we were too proud to fight. They contemplated unmoved the butchery of innocence and saw with tranquillity the assaults on the only free Governments of Europe by a military despotism whose avowed purpose was to subjugate all other nations.

Against this common peril, which cast its sinister shadow across our continent, the President said:

> There is such a thing as a nation being so right that it does not need to convince others by force that it is right.

And this to the American people May 10, 1915, three days after the *Lusitania* went down. There were then more red-blooded Americans who felt that then was the time to assert the dignity and power of this Government in defense of our rights than at any other time upon a single given provocation.

If this principle, announced by our beloved Executive, possesses great strength, why not trust to it to enforce this treaty? He repeatedly has said it was the greatest document in the world. If this treaty is so right that its very justice will enforce it at the bar of civilized mankind, then provide no such articles as 16, as 15, as 12, as 11 in the league of nations, because they all have in the background military and naval force.

Our President opposed preparedness, and insisted that we had not been negligent in our national defense. He informed us—and we all remember the occasion—that he would not alter his attitude because some were nervous and excited. When this was uttered, December 8, 1914, the storm had already burst on Europe, and four months of destruction had laid waste Belgium and eastern France. Why, even his Secretary of War Baker nonchalantly dismissed strengthening our Army when, before a Senate committee, with a wave of his hand he made the smug statement that the war was 3,000 miles away. We went into the war pitifully unprepared. There is not a Regular Army officer that does not know it. There is not an average well-informed American citizen that did not feel it, even if he did not know it. We paid the penalty for electing a candidate who both kept us out of war and kept us from being ready to go to war. We must remember that we got both in the same operation. All who decline to engage in every war are now poltroons, contemptible quitters, and ostriches; to be more specific, with a submerged thinking apparatus. The last classic phrase would no doubt go at Princeton in a course of rhetoric as a figure of speech that has not been known hitherto to the classics.

At St. Louis September 5, 1919, the President believed we ought to advance four or five billion dollars to put Europe on its feet. We have been putting Europe on its feet for two and one-half years, either by loans or by gifts.

Is this the same official who, in 1913, compelled American banks to withdraw from the six-power Chinese loan because it might involve our Government in foreign affairs? Where are the four or five billions to come from? Taxes, more taxes—Europe's rehabilitation, taxes; the world's rehabilitation, taxes without end!

At Kansas City we learn from the President that the ratification of the peace treaty and the league is a cause greater than the Senate, greater than the United States. Our Government is created by and exists under the Constitution. The President's oath binds him to preserve, protect, and defend the Constitution.

He seems to have abjured that oath and sworn a new allegiance to an alien government, created in Europe, whose capital is at Geneva. To decline to follow him abroad is to incur his epithets.

We who oppose the league and the treaty in its present form would rather desert our beloved President than to desert our country. If we must take our choice, we will let the President travel his journey alone along the course indicated by the league and the treaty. We will remain under our own Government. We believe it is greater and better for us than the instrument he brought from Paris.

So long as Senators are quoted in what they said on some occasions, it is eminently fit that I quote from an address of the Executive, delivered on May 6, 1914, when Commodore Barry's statue was unveiled at the park facing on Fourteenth Street, in Washington, when the President took occasion to make the following remarks:

> There are just as vital things stirring now that concern the existence of the Nation as were stirring then—

Referring to the time when Barry furnished his naval service—

> and every man who worthily stands in this presence should examine himself and see whether he has the full conception of what it means that America should live her own life. Washington saw it when he wrote his Farewell Address. It was not merely because of passing and transient circumstances that Washington said that we must keep from entangling alliances. It was because he saw that no country had yet set its face in the same direction in which America had set her face. We can not form alliances with those who are not going our way; and in our might and majesty and in the confidence and definiteness of our own purpose we need not and we should not form alliances with any nation in the world. Those who are right, those who study their consciences in determining their policies, those who hold their honor higher than their advantage, do not need alliances.
>
> When we go out from this presence we ought to take this idea with us, that we, too, are devoted to the purpose of enabling America to live her own life, to be the justest, the most progressive, the most honorable, the most enlightened Nation in the world.

In his message of December 8, 1914, after the war had been declared, the President said to Congress:

> We mean to live our own lives as we will, but we mean also to let live.

On October 11, 1915, the President addressed the Daughters of the American Revolution. This was five months after the *Lusitania* sank, and at that time he thus advised us:

> America has schooled its heart to love the things that America believes in, and believing that America stands apart in its ideals, it ought not to allow itself to be drawn, so far as its heart is concerned, into anybody's quarrel.

Our merchant ships had been sunk, the lives of our citizens abroad had been taken, when that was uttered.

In his message to Congress in December, 1915, he further announced:

> We have stood apart, studiously neutral. It was our manifest duty to do so. Americans must have a consciousness different from the consciousness of every other nation in the world.

He was an American President when he so declared our traditional attitude. It is equally true now. The principles of the American Government have not changed since then. He was an American then, but he has changed since then. Now we are stigmatized as poltroons for adhering to the same changeless traditional principles he announced then. I submit war has not destroyed one of them. Neither will we permit the President to destroy any of them, even if he does think his league greater than our Government.

April 2, 1917, in his war message to Congress he found a united body in this Chamber and in the House when he said:

> There is one choice we can not make, we are incapable of making—we will not choose the path of submission and suffer the most sacred rights of our Nation and our people to be ignored or violated. We enter this war only where we are clearly forced into it because there are no other means of defending our rights.

In response to that statement we voted him power unbounded in armies and navies, in vast appropriations, in great delegations of domestic authority, both of which shamed the gold of Croesus and the scepter of imperial Rome. Some of us voted not because ordinarily we believed in it as a governmental principle, but because he asked for the power, and we gave him everything he asked in order that he might successfully prosecute the war.

In Congress the people of America spoke in the unbroken voice of our solid ranks because it was to defend our country, and we would not permit the most sacred rights of our Nation and people to be ignored or violated by an alien power. The spirit of Lexington and Gettysburg lived in a worthy posterity that massed themselves behind our President in the hour of national peril.

We who responded to our country's call heard with amazement the President's statement at Boston last February when he returned with the first and imperative draft of the constitution of the league of nations. We learned he had pledged our people to redeem the whole world. He is no longer Wilson, the American President of the United States. Now he is Wilson, the internationalist aspirant for first president of the world's league of nations. Our country has sunk below his horizon, and the Republic of Washington, of Jefferson, of Lincoln, is forgotten. Hear the new evangel of the international creed:

> The sweet revenge, therefore, is this: That we believed in righteousness, and now we are ready to make the supreme sacrifice for it—the supreme sacrifice of throwing in our fortunes with the fortunes of men everywhere.

Now we are told "we are ready to insist that everywhere men shall be champions of liberty." "At present we have to mind our own business. Under the covenant of the league of nations we can mind other people's business, and anything that affects the peace of the world, whether we are parties to it or not, can by our delegates be brought to the attention of mankind. We can force a nation on the other side of the globe to bring to the bar of mankind any wrong that is afoot in that part of the world which is likely to affect the good understanding between nations, and we can oblige them to show cause why it should not be remedied."

Again he inquires, "Shall America redeem her pledges to the world?" Who made those pledges? Did we make them when we declared war? Did we declare we went to war to secure the

right to mind other people's business, to meddle everywhere in everything? Did we believe in the Senate April 6, 1917, we had voted to keep 40,000 American soldiers in Poland, 150,000 in Armenia, no one knows how many in Russia? Did the President think so when June 14, 1917, he declared:

> It is plain enough how we were forced into the war. The extraordinary insults and aggresions of the Imperial German Government left us no self-respecting choice but to take up arms in defense of our rights as a free people and of our honor as a sovereign Government.

How far he has departed from this original purpose can only be known by following his fugitive, evanescent interpretations of the league and treaty. All who will not go with him in his flight around the world are classified under the well-known Executive epithets. We can escape his sovereign displeasure only if we make our country forever "the fruitful mother and the copious nurse" for the whole world.

January 22, 1917, we listened in his message to him saying "that no right anywhere exists to hand peoples about from sovereignty to sovereignty as if they were property." To-day we read his treaty delivering 36,000,000 Chinese to an alien despotism.

The same arrogant power that drove us to war to save our rights severed them from their mother country. Again we see him deny Italy her historic national rights redeemed by her loyalty and sacrifice in the great struggle against a common foe. Again we hear the President saying on December 4, 1917, that no nation or people shall be robbed or punished because of irresponsible warfare or damnable wrong. Each descending sun sees a new revelation extorted from a reluctant Executive or published in the capitals of Europe for our official information.

An ancient and friendly nation dismembered! The pledges of three great powers to Italy broken by an ex post facto edict of a dreamer and a novice, the twin crusaders in the bloody chaos of internationalism, President Wilson and Col. House. Here the self-determination of peoples would solidify, stabilize, preserve, build up States against future despotisms; it is scouted and ignored. In the Balkan region, where it is a firebrand of domestic tumult, it is invoked as a sacred maxim of popular rights. The very gods must smile at the huge contradiction of aspiring mortals chained in personal self-interest or lost in the bottomless egotism reaching out for a passport to the regions of international immortality. All must pass under the yoke of his epithets who will not respond to his flight into the dim world of Wilsonian dreams. A Chief Magistrate of this Republic an accomplice of the active receiver of stolen territory, the betrayer of an outraged, plundered people, associated with a cut-purse of empires in a coalition of powers to divide and share three continents! Having picked their defeated enemy of the last available pound of flesh, which we do not question, they turn upon and rob one friendly ally and betray and desert another. This we do question.

They not only inveigle in the Old World our President into a perpetual covenant to defend all those evils but charge him to the capacity limits with the thought that our Government owes them a vast moral debt pledged by our Executive in total disregard either of his powers or of the verdict of the American people, and at last the public must bear the burden, both in men and in money. A numerous school echoes this false assumption that we are still indebted to Europe, and all this cavern of counterfeit moralities and this cock-loft of scholastic gabble has the sublime assurance to asperse Senators who refuse to abase themselves before the tottering throne of the chief rhetorician whose metaphysical thunder no longer inspires either respect or fear, in this Chamber or elsewhere. Let the swarm of satellites basking in the sunshine of patronage and sniffing the fragrant trade winds of administration favors gratify him with their anthems of ineffable perfection. It is all he wishes to hear, and the man who does not sound it incurs his suspicion; he is no longer loyal "to my administration." So be it; let them proceed. The louder their hallelujahs now, the more fervent the maledictions at the inevitable end.

Hundreds of millions of our food, clothing, and money have gone in charity to relieve the distress of war victims. No nation ever gave more generously or promptly. Nearly $10,000,000,000 in loans attest our financial support at a critical time in allied credit. All our soldiers sent abroad at last to our war-worn Allies. All these are dismissed by our President as a "small essay at generosity." Well, in the name of human life and worldly treasure, if this be a small essay at generosity, when will something large begin? It could be well asked if such an Executive is longer a safe guide for the American people.

The Senator from Nebraska [Mr. HITCHCOCK] charges us with a change of front. He asserts that we have fallen from the heights of unconditional surrender last autumn to the depths of unconditional peace. The Senator wars with words and not with principles. He is a victim of form, not of substance. We opposed a negotiated peace when we remembered the President's peace without victory dictum. We labored under the delusion that we must pay some attention to what he had deliberately said. We know better now. An indecisive end threatened to make our sacrifices in vain. We recalled his vacillations, his delays, his fatal propensity to pursue the ignis fatuus of academic phrases until lost in the morasses of interminable notes and documents. The American people instinctively feared, the Senate well knew, the bootless goal of all our efforts, if our President in an evil hour were permitted to engage in deadly verbal combat with a German metaphysician.

Not a quotation cited by the Senator does more than ask that war continue until the enemy is defeated and reparation made as a guaranty of the permanent removal of the German menace. So spoke the Senator from Pennsylvania [Mr. KNOX] and the Senator from Indiana [Mr. NEW]. The senior Senator from Massachusetts [Mr. LODGE] knew the danger when last October he declared the best diplomatists in Europe were the armies of the Allies and ourselves and "that unconditional surrenders are not obtained by clever discussion and exchange of notes. They are won by armies in the field."

No Senator whose vision sweeps the whole field of the then potential danger doubts what these Senators had in mind. Can we question what the Senator from Massachusetts [Mr. LODGE] meant when he stated, October 7, 1918, "the mischief is in any discussion of the principles upon which peace should be debated"?

Likewise the Senator from Washington [Mr. POINDEXTER] when he favored "an unqualified victory of subduing the military power of Germany and of imposing upon her a peace and a reestablishment of conditions after the war to be dictated by the Allies."

The apprehension then was the inadequacy of negotiations, the dangers of a negotiated peace, as against an unconditional surrender and a dictated peace. This was the attitude of the senior Senator from Iowa [Mr. CUMMINS]. Does this apprehension commit us to an eternal pact with the Allies to enforce a negotiated peace, the far-reaching terms of which no Senator on the other side of the Chamber even now knows? Scarcely a day does not bring to light a new connection or concealed compact, a hidden relation, inextricably woven into the tangled web of a European diplomacy and territorial and racial feuds. Does not an unknown treaty, offensive and defensive, rise to view with each successive day? Mesopotamia confronts us one day, a British protectorate over Hedjaz another. The future of Egypt is on yesterday or for to-morrow as mysterious as her sphinx, and to-day a hitherto unknown treaty with Persia is made known to us from the usual unofficial sources. We learn from London, the principal source of our knowledge, of what our President has been doing in our foreign relations, that we have a treaty binding us in all probability to defend Belgium. We must conjecture on the nature of the treaties with Austria, Hungary, Bulgaria, and Turkey. The declaration of June 16, 1919, on the military occupation of the Rhine, to which we seem to be bound to contribute, was submitted to the House of Commons last 4th of July. The President declines to submit it to us, although Congress, if it be binding upon us at all, must furnish men and money to execute it. Yet the treaty and the league engage us irrevocably to defend and make secure these undivulged coalitions and protectorates. Where do those alien obligations end? Who can measure the illimitable scope to which we may be committed, the draft on the young life of America for foreign service, the vast gulfs into which we must cast the tax levies of future years if we follow the President, who has subordinated our Government to second place in his zeal to bind us in a league of nations.

Not only the unknown covenants of foreign Governments schooled in intrigue and trained in the diplomatic ability and disposition to care for themselves give us concern. Our President pursues the devious path of stealth and concealment in dealing with the Senate. Our embarrassment and risks are multiplied by his habitual secretiveness and distrust of those who are his constitutional and necessary advisers and colleagues. The French treaty came to us grudgingly with an Executive breach of faith manifest on its face. The reasons for the Shantung articles were given to the public before the Senate. We now hear of an agreement he seeks to impose on us in an Armenian mandate. His Secretary of War estimates 150,000 men will be required to administer it. The Senator from Indiana [Mr. NEW], of the Committee on Military Affairs, rising in his seat September 10, 1919, informs us two regiments are now being recruited for foreign service—where, no one in this Chamber knows. How many clandestine arrangements he has made binding us, so far as Executive commitments can do so, to engage us in boundless responsibilities incurred to foreign Governments, no one can tell. Every week witnesses a fresh obligation, a new price promised to be paid by him to obtain

another vote for his league of nations and for his concealed swarm of foreign obligations. To what interminable lengths can mad ambition drive an aspirant for a dusty chapter in the history of our age! The American people may well distrust a leader who so conceals his motives and suppresses what so vitally concerns them. Let us end these sight drafts on disaster. May not Senators well pause in assuming the mighty and lasting obligations seen and known to be assumed by this treaty?

Is not the Senator from Pennsylavnia [Mr. KNOX] rendering an inestimable public service to the country in revealing those obligations found in this momentous document? Add the unknown entanglements reaching out from this treaty and enmeshing themselves in the triple-bound continents, islands, and archipelagoes of the Old World, and our doubts increase. Upon these place our President's habitual, reluctant, secret course in dealing with the Senate and our doubts accumulate and deepen into an anxiety that matures into an inexorable opposition to this document. For voicing these prudent conclusions to safeguard the American people the Senator from Pennsylvania [Mr. KNOX] is accused of a policy of scuttle and run, of folly and poltroonery. We have helped fight the Allies' enemy to defeat. They have framed the treaty, gathering the fruits of the victory for themselves. It is their victory as well as ours. President Wilson did not write the treaty embodying the terms of the victory. His usefulness ended in procuring the armistice that saved Germany from invasion and retribution for her crime. His high function was to agree to it.

The wily diplomats, grizzled and old in the ways of this naughty earth, soon discovered our President wanted a league of nations more than anything else. They wanted a treaty; they cared but little for the league. What the President promised to get his league—an adopted child of British paternity—no Senator knows. Our information comes on the installment plan, and we must be content. We will take it as we can get it, but I think the required majority to ratify will withhold their votes until we are sufficiently informed, notwithstanding the mad clamor for instant ratification.

But the Senator from Nebraska [Mr. HITCHCOCK] appeals to our pecuniary instincts. We can have no indemnity for the *Lusitania* dead unless we ratify the treaty. Read article 232 of that document. Under it Germany only undertakes to make compensation for "all damages done to the allied and associated powers and to their property during the period of the belligerency of each as an allied and associated power against Germany by land, by sea, and from the air." Annex 1 limits the "damages to injured persons and surviving dependents by personal injury or death of civilians by acts of war by the two groups of belligerents wherever arising." The United States was a neutral, not a belligerent, when the *Lusitania* was sunk. Under this treaty we can not collect a dollar from Germany for our dead in this disaster. For all our merchant ships sunk, for all of the crews and passengers on those merchant ships that found violent deaths before we declared war, not one pound sterling can be collected from the defeated enemy under this treaty. We can collect only after the 6th day of April, 1917, when we assumed the status of a belligerent.

The Senator likewise suggests our nationals can not recover their losses from Germany or her nationals without the treaty. We do not need to ratify for that. Our claims are secure. This Government holds a billion dollars of German nationals' property seized under an act of Congress. This is security for damage to our nationals and their property. We can cover this by future negotiations on our own account. The Allies are entering into treaties and manifesting considerable thrift in their affairs, it seems. If the Germans want their property sooner, let them come and get it. I do not share in the Senator's alarms. We can abundantly care for our exports and damages. We need no guardian in Europe if we stay out of the league.

On January 27, 1916, the senior Senator from Nebraska [Mr. HITCHCOCK] supported an embargo on the export of arms and ammunition. It was known that Germany had accumulated immense stores of war munitions. For many years the Central Powers had prepared to assail and annex the territory between Germany and the Atlantic. The Allies were not ready to meet the attack. Great Britain's navy, fortunately for us and the other free Governments of the world, controlled the seas. Without this check on the Germans the Senate would in all probability be debating another subject to-day. Yet in this crisis in the affairs of France, Italy, Belgium, and Great Britain the Senator's action would have prostrated them helpless at the feet of long-prepared Germany. His embargo would have paralyzed the British Navy and continued the German advance toward Paris and the channel ports. The Senator then thought it more important to move American grain in domestic shipments than to permit the unprepared Allies to buy arms and explosives in our neutral market to defend their sorely beleaguered countries. This, of course, was before the Senator's altruism was born. His chief had not begun to hear voices in the air, nor the Senator himself to demand the last pound of German flesh to be removed by us and given to others. We show our noble unselfishness and our altruism in applied form by guaranteeing the beneficiaries of the spoils against the hatred of the defeated nations. The limit of the Senator's altruism in 1916 was the hauling of a few grain cars and leaving the Allies to fight empty handed. Now he wishes to make a general assignment of our country to them in perpetuity. Something has come over the spirit of the Senator's dreams. Whether it is an ascent from the deserted levels of neutrality and embargo to the sublime heights of article 10 or a precipitate descent from grain freights to exhausting ourselves for the benefit of foreign governments the Senator can decide at leisure.

His course then gave such satisfaction to the German element that his portrait appeared on the front page of Vierick's Fatherland. Laudatory mention of the Senator's valuable services appeared there. Indeed, whenever the rafters rang with the Senator's denunciation of keeping our markets open to the Allies to supply them in their desperate struggle while converting their industries to a war basis the Fatherland echoed a heartfelt response.

The Senator introduced Senate bill 380 December 7, 1915, Sixty-fourth Congress, first session, to prohibit the sale of war munitions in our markets to any belligerent. This by force of conditions denied to Great Britain and France access to indispensable supplies. Germany could not buy because she could not break the Atlantic blockade by the British Navy. This bill was supported by the German-American Alliance, the German press, and the German embargo conference. The stream of petitions that congested Congress was the result of a crusade conducted by those pro-German agencies. They were all for bill 380. It was a crisis in Europe. The submarines were sinking our merchant ships as well as those of the Allies, although we were still nominally, at least, at peace; the campaign of frightfulness was under way, nameless atrocities disgraced the German name, the extremity of the Allies was well known. The Senator wished to exclude them from our market. But a presidential campaign was approaching. The President and the Senator were industriously engaged in keeping us out of war, and incidentally in reelecting themselves. No altruistic sentiments for the democracies of Europe or the world's suffering humanity were permitted to interfere with the campaign of our distinguished fellow citizens. The French and British line that held back the Hun might fight barehanded with their backs to the wall if our worthy friends could be reelected. The Senator denounced in ringing tones sending them supplies from our market as a "damnable trade" and the breeder of a "heritage of hate abroad." He feared, too, it would breed hate among our different races at home "to behold the great resources of our country dedicated to the manufacture of deadly weapons to be sent abroad to kill their relatives in the Old World." If an embargo had been laid under the Senator's bill, the Allies would have lost the war before either of them could have kept us out of it before their election or got us into it afterwards.

Yet the Senator now charges the Senator from Pennsylvania [Mr. KNOX] with defending the German cause and adopting their argument before the peace conference. He is driven to the ungenerous reflection, "It is only necessary to read those communications to see where the Senator from Pennsylvania derived his thoughts." This does not answer the latter's denial of the justice or wisdom of committing the American people and future generations to defend a treaty made in Europe by Europe for the benefit of the Old World. This is his contention and not a criticism of the terms of the treaty. For loyalty to America the Senator is accused in substance of pro-Germanism. It comes with singular infelicity from one whose prior acts sought to cripple the Allies in the crisis of their mighty struggle.

It must have become notorious to even the casual observer that an influential group of international bankers are exerting their silent pressure to the limit of their great power to ratify the league and treaty. Their affiliated banking houses are showing results throughout the country. Quietly the lines are tightened, communications established, reasons marshaled, and avenues of approach to Members of the Senate are surveyed. The subtle campaign is on. I can not mistake the communications I receive from bankers who know no more of our foreign questions than I know of the detailed operations of their banks. I can not be mistaken in the systematic crusade of certain bond and security houses, of the great life insurance companies that hold liberal investments of foreign bonds, who are opening their advance now upon Members of this body. They have

already crumbled some of the opposition to this league before their insidious touch. It is difficult to name or locate the details, but it is material and powerful and is moving steadily toward the accomplishment of its purposes. To them, Europe and Asia offer an immense field for profit. Development following the recovery from war promises investments at remunerative rates. The United States has no such field to be exploited or developed. We are now a creditor Nation. No one appreciates it more than the international banker. The time for the American to become an international banker seems to this group to be at hand.

But the league and the treaty must be the basis of all such undertakings. Great Britain is an instructive teacher on this subject. Her colonies and her merchant shipping have built up the island empire. Her great navy has served a double purpose. It defends her in war and convoys a cosmopolitan commerce in peace. With Great Britain, stability and the reign of law and justice are indispensable. Give her full credit for becoming the lawgiver of nations, but with her philanthropy and commerce often go hand in hand.

The American international bankers know the United States Government must be the silent power to guarantee their undertakings. Our traditional policy of continental isolation is a barrier in the world-wide plan. The league and the treaty are a breach in that policy. It therefore happens most agreeably that the Utopia of universal peace and profitable banking are in complete accord. As with Great Britain, the relief of oppressed humanity and attractive investments resulting from trade and foreign promotions become synonymous.

Let commerce go where it will. Investments and the rights of American property must be protected by our diplomacy and our Navy abroad in every reasonable way. Mexico has long given us a melancholy example of what not to do. But from the criminal indifference of our Government in Mexico to the frenzied intermeddling with Europe and the whole Eastern Hemisphere is too great a transition. We have been able to see too many things on the other side of the world and too oblivious to the outrages occurring on our home border. I respectfully direct the attention of the pro-leaguers to the situation. I will not heed the demands of international bankers to give them the league and treaty to serve as the instruments to underwrite their adventures by our Government. It commits us to an army and navy perpetually in foreign service. The rights of person are with me superior to the rights of property. To the former all other things are subordinate. The blood of an American soldier or sailor is more sacred to me than the bonds of all the international bankers in the country.

Mr. President, I wish to read a letter in relation to this subject. It gives us an insight into the interest of Great Britain. It is dated September 13, 1919. The name of the writer I do not wish to make public. Senators may learn of it if they are sufficiently interested, but I will not insert the name in the RECORD.

The following incident may throw some light upon the cause of the advocacy of the projected league of nations which is so pronounced in influential financial circles. I relate it precisely as it occurred.

Early last May there called upon me at my office a Mr. J. J. O'Neil, whose engraved card described him as London manager of the Manchester Guardian, of Manchester, England. Mr. O'Neil, who was a stranger to me, immediately introduced the subject of the league of nations and took me to task because of my opposition to that project. Upon inquiring of him why an Englishman should be in this country instructing an American in the latter's national duty and receiving no clear answer, I asked him bluntly what was the actual purpose of his visit to the United States. He replied that he was here upon a mission connected with the internationalization of the war debt. I asked him if he meant me to understand that he was here upon the business of inducing the United States to guarantee the war debt of the nations recently at war, including that of Great Britain and that of Germany. He said he was. I told him that he would find little sentiment in this country favorable to such a project. This seemed to surprise him; he said that I was the first American he had met who did not favor it. I then asked him whom he had seen, and he replied that upon the previous day he had seen Mr. J. P. Morgan, and that Mr. Morgan had expressed himself as being in favor of the plan.

Mr. McCUMBER. Mr. President, will the Senator allow me to state that that sounds very much like Henry A. Wise Wood?

Mr. SHERMAN. Well, the Senator can adapt the euphony of the situation to suit his own auditory nerves.

Mr. McCUMBER. I thought the Senator guarded it so carefully, and yet there is not a Senator who has not received the same letter—not one.

Mr. SHERMAN. If the other Senators want to give the name, they can do so. I am not in the habit of divulging correspondence until I am authorized to do so, even if it is also addressed to every one of the other 95 Senators.

Mr. McCUMBER. I think Henry A. Wise Wood has no objection to his attitude on this subject being known. Certainly he has not, as evidenced by the vast number of letters he has written.

Mr. SHERMAN. He can give his name to his epistolary activities if he wishes. I now offer some additional evidence, to which I commend the Senator's kindly attention.

The great life insurance companies of the United States, doing business on the level-rate premium plan, have the largest individual investments of any enterprises in the world.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Kansas?

Mr. SHERMAN. I yield.

Mr. CURTIS. This is a pretty important question; and I wanted to know if the Senator would yield in order that I might make the point of no quorum, so that we will get a quorum here to hear him.

Mr. SHERMAN. I have no objection to the Senator's making the point——

Mr. CURTIS. I make the point of no quorum.

Mr. SHERMAN. But I dislike greatly to have Senators think that I called them over here just because I am making an address.

The PRESIDENT pro tempore. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Hitchcock	McNary	Sherman
Calder	Johnson, S. Dak.	Nelson	Smith, Ga.
Chamberlain	Jones, N. Mex.	New	Spencer
Cummins	Jones, Wash.	Newberry	Sterling
Curtis	Kellogg	Norris	Sutherland
Fall	Kendrick	Nugent	Swanson
Fletcher	Kenyon	Overman	Townsend
France	Keyes	Owen	Trammell
Gay	Kirby	Page	Walsh, Mass.
Gronna	Knox	Phipps	Walsh, Mont.
Hale	Lenroot	Pomerene	Warren
Harding	Lodge	Reed	Watson
Harrison	McCumber	Robinson	Williams
Henderson	McKellar	Sheppard	Wolcott

Mr. REED. The Senator from Oklahoma [Mr. GORE] is detained from the Senate by illness.

Mr. McKELLAR. The Senator from Louisiana [Mr. RANSDELL] and the Senator from South Carolina [Mr. SMITH] are absent on public business.

Mr. HARRISON. The Senator from Arizona [Mr. SMITH] is detained from the Senate by illness. The Senator from Rhode Island [Mr. GERRY], the Senator from California [Mr. PHELAN], and the Senator from Nevada [Mr. PITTMAN] are detained on official business.

The PRESIDENT pro tempore. Fifty-six Senators have answered to their names. There is a quorum present. The Senator from Illinois.

Mr. SHERMAN. Mr. President, I have received communications from many of those enterprises, not from the executive officers, but from those who represent a very numerous constituency, the agents, the local soliciting agents, the district agents, and the general managers of States and given areas, all of them directly connected with the life insurance business. I do not criticize them for making their preference known. They ought to do so. If they have opinions about the league or the treaty, in discharging their duty as citizens they have a right to communicate with their Representatives and Senators.

But there is a remarkable unanimity in the views entertained by this great body of influential citizens. I took occasion a few days ago to incorporate in the RECORD three letters. Two of the letters were from Chicago and one from Springfield, Mass. The one from Springfield, Mass., was from a person interested in the life insurance business. The one from Chicago was from a person interested in the life insurance business, quite an old-established house. They are a thousand miles apart. The letters are precisely the same.

They are form letters, furnished to each of the writers of the letters from some central authority. A broker in bonds and stocks in Chicago wrote me on precisely the same blank, making the same request. I took those three as typical of the organization that has begun in this great international bankers' movement.

One life insurance company in the United States has nearly one billion of assets to-day. Others are not far behind. These assets represent the reserves, in large part, that secure the policyholders. Those reserves must be invested. They are invested in every known form of safe security. Sometimes the securities fluctuate, of course. They have invested very liberally, not only in our own bonds—Liberty bonds and Victory bonds—but they have invested in the bonds of the allied powers of Europe. Whether from the desire to make a good investment at a reasonable rate or expressing their sympathy with the Allies at an early time, some of these large life insurance companies made very large investments in British bonds, in Anglo-

French bonds, in French bonds—the Republic and its municipalities—and in other forms of securities that were liberally offered on our markets prior to our entering the war. They bought those bonds as investments. They yet hold them as investments. By turning to the market quotations I find that those securities, like our own bonds, are quoted at less than par. In estimating the value of those securities, actuaries will be obliged to take them at their now market value. There is a depreciation between the cost price of those securities and the present market price. In other words, the assets of the companies have shrunk by so much.

What I say of the life insurance companies is true of many of the large metropolitan banks. The banks in New York, Philadelphia, and Chicago have invested liberally in foreign bonds. They, too, have experienced the same depreciation in the fall of securities on the market.

There is a well-grounded movement on foot in this country, keeping step with the movement among the allied powers of Europe. It is to internationalize the entire war debt. It will not be many months before that project will appear in Congress. There will be suitable public sentiment created first. After that shall have been done, by both approaching the individual and by prepared articles in the public press, the proper legislation, or, if legislation is not necessary, under the provisions of the league and the treaty, the debt will be internationalized as one of the means of binding the signatory nations together in an indissoluble league, held together by an indebtedness. The entire war debt of the several nations will be assumed by the league of nations or underwritten by the joint act of all the signatory powers. It is known that a common public debt is a binding tie between nations, the strength of which can hardly be estimated. The Turk would not be in Europe to-day—he would not exist even in Asia—were it not for the fact that the Turkish debt is held in every capital in Europe, and some in this country. In other words, Turkey's strength has been her public debt not her weakness; but her strength, because some of the great powers must protect the holders of her securities.

Therefore, Mr. President, the international banker is not overlooking the main chance. The first bill in this world-wide undertaking passed this Senate a few days ago. I am not opposed to that bill on principle. There is nothing objectionable in the bill by itself. But it is the first step in this great world-wide undertaking, financed and promoted by the international bankers of the country, and bottomed, the international bankers erroneously believe, on the league and the treaty.

That is why these communications are coming to me. It is why others have received them. It is why many more will receive them in the days to come. They propose to exploit and develop Europe. From being a debtor nation we have passed to the position of the greatest creditor nation in the world. The international banker is quick to perceive the change. He sees the business opportunity. Those who have been content to do merely a domestic banking business are approached, and there are converts made daily among them by the alluring prospects spread before them by the international banker.

Therefore, Mr. President, it is with that in view that this crusade is beginning. It is an additional pressure being brought upon Members, which will develop in the weeks to come, to ratify the league and the treaty. It is purely selfish. There is in it not one element of patriotism. There is nothing in it but cold coin and resulting profits.

The international banker ever sees his bonds and his gold before he sees the blood of the sons of America that will fight the battles of this league after we are bound by it, by his schemes, his promotions, his investments. For myself, they can take care of their bonds; that is a secondary matter. I think more of the blood of my own people than I think of the bonds and securities of all the international bankers of the United States and Europe.

Selfishness and philanthropy, assumed in this league and treaty, are walking to-day as handmaids in the same common enterprise. Instead of such vast schemes, let us give some regard, Mr. President, to the present conditions of our commerce in Europe. The third of the 14 points declares for the establishment of an equality of trade conditions. Peace exists among Great Britain, France, and the United States, at least, including Italy, Belgium, and some of the smaller powers. We believe friendly relations now prevail and will continue to prevail among those powers.

Let me call attention to what has occurred among friendly powers in relation to our commerce. This letter, I am reasonably certain, has not been received by all the Senators, probably, as the last one I quoted from has been. It is dated August 28, 1919. It is written from a well-known house in Chicago. I have no authority to make it public, and therefore will only recite the facts. It is one of the largest type founders and manufacturers of printers' specialties in the world. I have known either the founders or the present head of this house for more than 25 years. I take that what they write in the letter is true.

Last June a French agent from Paris was in the United States intending to buy a large amount of printing material. This house sold the agent, for his employer, a large bill of merchandise. Other orders through American houses were made about the same time. The French agent, just before sailing for home, wrote the American house at Chicago that France had added from 30 to 35 per cent to its tariff on such merchandise coming in from the United States and 15 per cent on the same kind of merchandise coming into France from Great Britain. This is a difference of double the rate of duty at the customhouses which our manufacturers must meet in order to compete with the British manufacturers of the same type founders and printers' specialties. This is certainly reciprocity and gratitude, Mr. President, both in the same breath.

I should greatly like, when they are asking us for more, when the Senator says that we owe them a great moral debt, more, more, if they are to be in the attitude of the Oliver Twist of the world, I beg them to give us fair treatment at the customhouse under at least the most-favored nation clause or the third of the forgotten 14 points an equality of commercial conditions.

This is not the only complaint. Other exporters in Chicago have met with like experiences. In other words, our friends who are asking us to go into the league of nations to protect their frontiers, to finance them, to internationalize the war debts, to restore them to power, to help to build up their industries are to-day engaged in open, shameless discrimination against our exports when we reach their customhouses. I would like for them to practice a little of the Christian charity, at least the equality that they ask us to practice every day and which I think we have in the days and years past abundantly shown.

It will not be long. As soon as the treaty has been signed we will find Germany enjoying preferential rights against us if we continue exhausting ourselves for Europe's benefit. The reply is we must ratify the treaty and league to open the door to this equality. Even the singular suggestion is made that we can not ask the Allies to credit Germany with what we release of a conqueror's share unless we are a party to the treaty. In the ledger of civilized governments the United States is not, or ever will be, reduced to the poor necessity of signing obnoxious treaties to make itself heard in the audit of nations. Such logic is worthy of a Middle-Age casuist. By some still more cryptic reasoning the distinguished Senator concludes unless we ratify the treaty we can forego taking it with or without the treaty, which leaves it in Germany's hands. The Allies will surely not overlook this additional asset in the enemy's possession in calculating how much more Germany can pay and survive. Those who make such distinctions a lifelong study may estimate the difference in the result.

December 4, 1917, we listened to our President's saying to us "You catch with me the voices of humanity that are in the air." When our Chief Magistrate begins to hear voices in the air it is time for the rest of us to keep close to mother earth. I have been acquainted with men in private life who have a habit of hearing voices in the air. Most of them are incarcerated in State institutions. Alienists say that their orientation is bad. I think that is what is the matter with our distinguished gentlemen, many of them abroad, who are engaged in urging the immediate ratification of the league and the treaty. Their orientation, especially on foreign affairs, is very bad. While the President is swinging around the great American circle he is hearing more voices in the air. We quote some of them. July 13, 1919, my esteemed former colleague, Senator Lewis, then on a visit in Washington, said, referring to the President's then-recent message, it "creates a new alignment of politics in the United States. The dividing line will be the Wilson foreign policy. The people will not regard him as a third-term candidate, but a first-term candidate on the new issue for America." Translated into campaign language, here is the way I put it, "President Wilson has resolved to run for a third term on this platform: European internationalism against obsolete Americanism."

The President's second hegira from the Capital is the threshold of that candidacy. We think it is swinging around the circle for the league and the treaty. It is the beginning of 1920 and the third term. We may just as well settle it that way as any other. I delight in meeting the main issue. When I was preparing pleadings at common law, which we have in my State, I

sometimes disliked the method of pleading by which at times we were led on to try an inconsequential issue on a false plea, something that did not settle the case.

This way we try the main issue, something that will settle the case and give the American people a chance to express themselves. I do not want to hear voices in the air. I want to know how many votes will be counted in the ballot box on this question. This will be final.

The President has announced that the league and the treaty are greater than our Government. He is ready to die for it. Never have I heard him say in his most exalted heights of altruism or self-devotion that he has been ready to die for our Government. Many of our people have died for the Government within the last two and a half years, but he is the only one willing to die for the league.

Let me read something. I would like to quote it, but it might not be deemed so authentic. It is a favorite passage of mine. This is act 1, scene 2, of the great dramatist in portraying the tragedy of Julius Cæsar. The scene opens with Casca and Brutus.

BRUTUS. Ay, Casca; tell us what hath chanced to-day, that Cæsar looks so sad.

CASCA. Why, you were with him, were you not?

BRUTUS. I should not then ask Casca what had chanced.

CASCA. Why, there was a crown offered him; and being offered him, he put it by with the back of his hand, thus; and then the people fell a-shouting.

BRUTUS. What was the second noise for?

CASCA. Why, for that too.

CASSIUS. They shouted thrice; what was the last cry for?

CASCA. Why, for that too.

BRUTUS. Was the crown offered him thrice?

CASCA. Ay, marry, was't, and he put it by thrice, every time gentler than the other; and at every putting-by mine honest neighbours shouted.

CASSIUS. Who offered him the crown?

CASCA. Why, Antony.

BRUTUS. Tell us the manner of it, gentle Casca.

CASCA. I can as well be hanged as tell the manner of it; it was mere foolery; I did not mark it. I saw Mark Antony offer him a crown—yet 'twas not a crown neither, 'twas one of these coronets—and, as I told you, he put it by once; but, for all that, to my thinking, he would fain have had it. Then he offered it to him again; then he put it by again; but, to my thinking, he was very loath to lay his fingers off it. And then he offered it the third time; he put it the third time by; and still as he refused it, the rabblement hooted and clapped their chapped hands, and threw up their sweaty night-caps, and uttered such a deal of stinking breath because Cæsar refused the crown, that it had almost choked Cæsar, for he swounded and fell down at it; and for mine own part, I durst not laugh, for fear of opening my lips and receiving the bad air.

CASSIUS. But, soft, I pray you: what, did Cæsar swound?

CASCA. He fell down in the market place, and foamed at mouth, and was speechless.

That the Executive never did; he never became speechless yet.

BRUTUS. 'Tis very like; he hath the falling sickness.

CASSIUS. No, Cæsar hath it not; but you and I and honest Casca, we have the falling sickness.

CASCA. I know not what you mean by that, but I am sure Cæsar fell down. If the tagrag people did not clap him and hiss him, according as he pleased and displeased them, as they used to do the players in the theater, I am no true man.

BRUTUS. What said he when he came unto himself?

CASCA. Marry, before he fell down, when he perceived the common herd was glad he refused the crown, he plucked me ope his doublet and offered them his throat to cut. And I had been a man of any occupation, if I would not have taken him at a word, I would I might go to hell among the rogues. And so he fell. When he came to himself again, he said if he had done or said anything amiss, he desired their worships to think it was his infirmity. Three or four wenches, where I stood, cried, "Alas, good soul!" and forgave him with all their hearts; but there's no heed to be taken of them; if Cæsar had stabbed their mothers, they would have done no less.

So goes the third term now. It is in process of being offered the third time, and my esteemed colleague gave the opening cry to this adventure.

A third term he puts by again and again. He is loath to speak of it when it is mentioned, but each time that he refuses, it is gentler, as it was in the tragedy, than the other.

To save the greatest document in the world's history no sacrifice will be refused. A third term on an issue of subordinating our Government to the league is as little as an internationalist patriot can offer to the world. Who would not hear voices in the air on such a proposal? The gravity of such a service will justify him in doing anything. The issue is joined now. As he exalts the league above our Government, as at Kansas City, so he exalts himself above the Constitution and the acts of Congress under which he was elected and which he has sworn to preserve, defend, and obey.

Section 9, Article II of the Constitution, declares:

No person holding any office of profit or trust under the United States shall, without the consent of the Legislature, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign State.

It is worthy of note this section was unanimously adopted in the Federal Convention of 1787.

Our anniversary of the adoption of that document will be to-morrow, 132 years ago.

In order to make this article more prohibitive it was expressly provided by the act of August 18, 1856:

No diplomatic or consular officer shall * * * ask or accept, for himself or any other person, any present, emolument, pecuniary favor, office, or title of any kind, from any such (foreign) Government.

President Wilson sat at the peace conference either as President or as a diplomatic officer or representative of this country, or both. As either or both he was within the inhibition of the law. If he was President, he is covered by the Constitution. If he was a diplomatic officer, he is within the statute. If he was both, he is within the Constitution and the statute both. Either singly or jointly he can not rise above or escape the law, either constitutional or statutory.

Last December, on the occasion of the President's first departure for the peace conference, I remarked upon the illegality of his absence. He left our shores attended by nearly 1,400 persons in military and civilian life. The pomp and magnificence of his journey have no equal in the hitherto simple annals of our Republic. I have sometimes wondered, Mr. President, what has become of Jeffersonian simplicity. It has fallen likely with many of the traditions under which we have so long lived. Amid a splendor and ostentatious display he proceeded to Paris and the scene of his subsequent achievements. The palaces and gold plate, the lackeys, the furniture and tapestry of emperors and princes of departed days were devoted to his accommodation. This Government, through its Congress, had given him what is known in England as a civil list during the war of $150,000,000. It saw no such dissolute extravagance when it trusted him with this vast sum.

Who had in his wildest flight of fancy thought the Executive would abandon his seat of government and remain in Europe for months. But saith some defenders of the only true faith, the Constitution does not prohibit it. Neither does it prohibit him from staying on foreign soil the whole of his term. Neither does the Constitution prohibit Congress from convening in Peking, China. It could convene at any place except as provided by statute, which it could repeal, for the same parliamentary authority that enacts a statute can repeal it. No parliament can bind the hands of subsequent parliaments, nor can any Congress bind the hands of any subsequent Congress. Congress could repeal the statute and go where it pleased. There is nothing in the Constitution that in express terms prohibits us from meeting at any alien capital; but any constitutional Dogberry who affirmed it could lawfully do so would not be regarded as distinguished authority. The implied prohibitions of the Constitution are of equal power, dignity, and significance with the express written ones. The violation of an implied power ranks in its turpitude or danger with the deliberate guilt of breaking an express power. The President has broken both.

On April 18, 1919, the Washington Times contained the following:

PRESIDENT'S GIFTS HERE FROM EUROPE.

A carload of European gifts to President and Mrs. Wilson has been received at the White House. The shipment is in about 40 large boxes and will not be unpacked until the Wilsons return.

These boxes entered at Boston or the port at that point. They paid no duty and they were not valued or even inspected unless in the most informal way. The value no one in this country knows. Cloakroom gossip, however, that beats a free press in speed and universality of service lays the value at half a million dollars. Who will ask for an investigation of the alien bounty bestowed on our long-absent President, who now says the league of nations and the treaty are greater than the Government of the United States. From what source did he absorb that alien view? Is the President above the laws? Is he already acting under the league of nations so as to absolve himself from all obligations under our Government? We ask him not to die for the league but to live under the Constitution and laws of our country. That will do more good.

When the President went abroad he took with him a full uniform of the Commander in Chief of the Army of the United States, so veracious local wiseacres have it. So far as we know he contented himself with citizen's clothes. This is the only mitigating circumstance appearing in the overseas pilgrimage of our chief. The Treasury is charged with his and his retinue's expenses. All the former appropriations are exhausted. He has asked the House for $825,000 more and been refused until an itemized report of his expenditures is made. How have these millions been used?

There has been filed a general expense account, which reminds me of the general prayer at the conclusion of a bill in chancery, "and your orator prays such other and further relief as the premises may require and as to the court shall seem meet." There is not anything in the report that gives any information. Whose names are on the pay roll? Only rumor

hath it so far, somewhat buttressed by a vigilant press. I understand that Col. House's brother-in-law is on the commission; that his son-in-law has been present in Paris, and also his son-in-law's partner. If there are any uncles and cousins and aunts their names have not yet been divulged, but I have no doubt that the ancient play of "Pinafore" will be rivaled when the truth is known.

Whose names are on the pay roll? What is their compensation? What have they done? What were their qualifications when they undertook to perform the service? Were they experts? No doubt they were. This country swarms with fiat experts, made overnight by passing resolutions; but we wish to know whether they are real experts or whether they are those created by the breath of potentates or executives.

But the President returned to our shores—we are all agreed on this—with every dollar of the fund spent. He brought with him gifts presented him in Europe besides which the generosity and glory of Solomon and Crœsus seem a beggar's pittance. The golden sands of Pactolus never poured down greater wealth for the sovereigns of an antique age than that given by the American Republic to its President. In return for all this he exalts this alien league exotic above the Government of his own country and swears allegiance to a hybrid power across the sea. If this be his conception of official duty, fortunate indeed would it have been for this Republic if he had never returned to his native shores but had remained in the arms of his foreign friends and associates.

God grant we may return to the Government built by our fathers and preserved by their successors. Let, too, the simplicity and love of country, the frugal customs and lowly habits under which the Nation grew from colonial days to the memorable day in April, 1917, when we called to arms from this historic Chamber to preserve, protect, and defend the American people against the German Empire return once more to the hearts of all. As we received it from our predecessors, a government of free people, regulated by law moving in the established orderly channels of the Constitution, with no one so great as to be above it and none so humble as to be beneath its watchful care, with but one allegiance to one government and those abiding beneath it a rule of law above labor unions, socialism, soviet, or lawless multitude, so will we deliver it to posterity, the priceless gift of our sacrifice and the patriotic devotion of our generation. [Applause in the galleries.]

The PRESIDENT pro tempore. The Chair reminds occupants of the galleries that it is contrary to the rules of the Senate to manifest approval or disapproval.

Mr. McKELLAR. Mr. President, I desire to occupy about 10 minutes of the time of the Senate in brief answer to some statements made by the distinguished Senator from Illinois [Mr. SHERMAN] who has just taken his seat.

LET US BE FAIR.

Ever since the armistice was signed on November 11, 1918, many Senators in this Chamber have seen fit on innumerable occasions to criticize and abuse the President of the United States for his conduct of the war and his terms of peace. Sometimes criticisms have been made for which there was some foundation, but more often criticism and abuse have been hurled at him and his policies without rhyme or reason and without regard to facts. The remarks to which we have just listened are an illustration in point. Before the armistice, when we were fighting, as these very gentlemen admitted, for a victorious war and an enduring peace, everything the President did or said was exactly right—the 14 points, the league of nations, a dictated peace, and all the rest. But when the armistice was signed guaranteeing a complete surrender by Germany and her allies, and a victorious war won by the United States and her allies, his political enemies immediately changed front, and, an election being seen in the distance, in all their plans politics superseded patriotism. They knew, of course, that the chief honor of winning the war would naturally fall to President Wilson, and immediately upon the realization of that fact every one of those who during the war had claimed to be his friends but who were not, who claimed to be for his policies but who were not, began their tirade of abuse and vilification and their machinations to prevent his getting credit for winning the war or for securing peace. Immediately, in their eyes, nothing that he had ever done or ever would do was or could be right. He was not only wrong when they said he was wrong, but he was wrong even when they, during the war, for their own political reasons, had said he was right.

During the war, when Wilson demanded a dictated peace, they applauded the utterance as the personification of American patriotism. When Wilson secured a dictated peace, immediately they turned turtle and said it was too harsh on Germany. During the war they all claimed they wanted an enduring peace and a league to guarantee it. Wilson secured this, and immediately it was all wrong. During the war they wanted an ending of it that would primarily be satisfactory to the two great English-speaking countries. After the armistice and after Wilson had obtained what they asked in this respect they found that this was just what they did not want—England ought not to have anything to do with the treaty or league.

During the war they always demanded that France should have every protection. At the peace table Wilson gave France every protection. Immediately they changed their minds and wanted no entangling alliances with France. During the war they demanded that the five great allies should always act in concert. Wilson secured this demand, and immediately they changed their minds and wanted to substitute China for Japan, though China had had practically nothing to do with winning the war, and doubtless the most of her people hardly knew it was won. During the war and even when the peace conference was assembled they constantly urged that the United States should in all things act in concert with her allies. Wilson did this, and now they have repudiated and deserted our allies. During the war, either publicly or privately, they criticized the Irish in Ireland for not going into the war as they believed they should. After the war was over, and an election in sight, they have had nothing but praise for the Irish and condemnation for the English. The Irish have more votes in this country than the English. Those of us who genuinely sympathize with and favor the Irish must not be misled by this change of front. Many of these gentlemen are not now and never have been the real friends of Ireland. They shout in one breath that America must not meddle in European affairs, and in the next breath that Fiume must go to Italy. They shout in one breath that America must isolate herself, and in the next that it will be a crime if America does not in this treaty restore Shantung to China.

During the war when Wilson gave out his 14 points they praised them all. When Wilson secured their enactment into a treaty they immediately said they were all wrong, and then blamed him for not getting all of them into the treaty. The conclusion is inevitable from all these changes in position that if they were sincere in their views toward the President's policies during the war they are not sincere now. If they are sincere now, they were not sincere in their pledges of patriotism then. They can take either horn of this dilemma.

That President Wilson has made many mistakes can not be successfully controverted. No man who does not make them ever gets very far. That he has accomplished some of the greatest things that have ever been accomplished by any President is just as undeniable. Under these circumstances ought we not all to be fair to him?

Take the case of his celebrated 14 points. These applied only to the settlement of the war with Germany. I am not going to discuss those 14 points, but I am going to submit to his opponents in the Senate and in the country his 14 other American points and challenge these opponents to controvert them. I have arranged these 14 points in a very simple way. They are arranged in 14 questions with a blank for the answer. I am going to ask that they be published in the RECORD this way, so that any Senator or any citizen may have the opportunity of writing in the name of the President which, in their judgment, answers the question. All that I ask it that they be candidly answered.

I here and now promise to give as full publication as I can to the answers.

THE 14 AMERICAN POINTS.

1. During whose administration has the American farmer received the greatest returns for his toil? _____

2. During whose administration has the American laborer had his fullest dinner pail and received his greatest pay? _____

3. During whose administration has the American business man made his largest profits? _____

4. During whose administration has the American banker and American stockholder in other corporations received their largest dividends? _____

5. During whose administration has America enjoyed her greatest prosperity? _____

6. During whose administration has the greatest merchant marine ever owned by America been built? _____

7. During whose administration has the greatest banking system ever known been created? _____

8. During whose administration has the wealth of America been made to bear its just proportion of taxation by the passage of income-tax laws? _____

9. During whose administration did America become the great financial center of the world? _____

10. During whose administration has the American Navy reached its highest efficiency? _____

11. During whose administration was it found that American citizens, untrained in times of peace, could be transformed in a few short months into better soldiers than those trained for a lifetime in the standing armies of Europe? _____

12. During whose administration did America achieve for herself and aid in achieving for allies the greatest victory of all the ages? _____

13. During whose administration was America changed from the greatest debtor nation to the greatest creditor nation in the world? _____

14. During whose administration has America made her greatest strides toward becoming the first world power and has a President of the United States become the acknowledged peer of any ruler on earth? _____

I ask both Republican and Democratic opponents of President Wilson to answer these 14 questions fairly. To those Senators who oppose him I address myself particularly. He is the head of our Government. Under his leadership this Nation has been prosperous and successful at home and victorious abroad, and it has progressed as never before in its history. If under his leadership has been accomplished the 14 American facts indicated in these questions, surely every 100 per cent American should be willing, in all fairness, to accord him the justice of an answer. These facts are the result of Wilson's 14 American policies. If all 14 European policies are all wrong—and I believe they are all right—still every American must admit these 14 American policies are what the American people wanted, and every true American takes the greatest pride in each and every one of them. You can not set aside these 14 American points.

Political opponents of the President in every part of our country, be fair! You worked with him in declaring the war. You worked with him to make that war a success. You agreed with him as to the announced principles for which we were fighting. Now that under his leadership the war has been a success, when we have gained everything we went into the war for, do not act the part of a cuckoo. There is no place in our country for cuckoo Americans. Be men enough to complete the job in the same patriotic spirit in which the war was declared and carried on.

Farmers, laboring men, bankers, business men, great and small, I want to warn you. Your conditions have been the best you have ever known. You have no just cause of complaint, taken as a whole. Do not you think it unwise to interfere with these conditions? By reason of delay, conditions are getting unsettled. Do you not think you had better advise your representatives to quit quibbling over details and get our affairs settled? Our people want peace and rest and normal conditions in this country.

Full-blooded Americans, think it over! One hundred per cent Americans, let us give our President and his policies a square deal! His policies have made us great at home and the first power abroad. His policies have honored us in every land. They have made the name America the synonym of all that is fair and just wherever civilization exists throughout the world. Free peoples and would-be free peoples of every clime look to America for guidance in every upward movement.

Americans love fair play. We are not being fair to our greatest citizen and our most successful leader. He has been faithful both in war and in peace. He has been most successful in both our domestic and our foreign affairs. We have had a long and destructive war. Our people are tired of war and its attending disturbing conditions. Mr. Wilson has negotiated a reasonable peace, honorable alike to ourselves and our allies and our former enemies, and giving the greatest assurance of enduring permanence. It is probably better than could be gotten if we tried it all over again. Let us not send it back to conference. Let us take it as it is, without reservations and without amendments. In the words of Gen. Grant, "Let us have peace," and have it without delay. [Applause in the galleries.]

The PRESIDENT pro tempore. The Chair suggests that the rule of the Senate is constantly being violated.

Mr. CURTIS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegee	Harding	McKellar	Sheppard
Calder	Harris	Nelson	Simmons
Capper	Jones, Wash.	Newberry	Smith, Md.
Chamberlain	Kellogg	Norris	Smoot
Cummins	Kendrick	Nugent	Spencer
Curtis	Kenyon	Overman	Sutherland
Dillingham	Keyes	Page	Swanson
Fall	Kirby	Phipps	Thomas
France	Knox	Pittman	Trammell
Gay	Lenroot	Pomerene	Walsh, Mass.
Hale	Lodge	Robinson	Williams

Mr. GAY. The Senator from Nevada [Mr. HENDERSON], the Senator from Louisiana [Mr. RANSDELL], and the Senator from South Carolina [Mr. SMITH] are necessarily absent on public business.

Mr. MCKELLAR. The Senator from Oklahoma [Mr. GORE] is detained from the Senate by illness. The senior Senator from Kentucky [Mr. BECKHAM], the junior Senator from Kentucky [Mr. STANLEY], and the Senator from Oregon [Mr. CHAMBERLAIN] are temporarily absent on official business.

The PRESIDENT pro tempore. Forty-five Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absent Senators.

The Secretary called the names of the absent Senators, and Mr. HITCHCOCK and Mr. MCNARY answered to their names when called.

Mr. KIRBY. I desire to announce the absence of the junior Senator from South Carolina [Mr. DIAL], who is unavoidably detained on public business.

Mr. BALL entered the Chamber and answered to his name.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. There is not a quorum present.

Mr. SMOOT. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

Mr. WADSWORTH, Mr. NEW, and Mr. WARREN entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-one Senators have answered to their names. There is a quorum present.

Mr. LODGE. Mr. President, during the debate which has been going on here now for some time Senators on the other side have quoted frequently from a speech that I made at the Union College commencement exercises in 1915, and I think it must have been printed in the RECORD fifteen or twenty times. It did not seem to me worth paying any attention to it. It helped many a laboring hour, and it did not disturb me, because I think personal inconsistencies, if they exist, have absolutely no importance as to the merits of a case. The mere fact that a man happens to have changed his mind, if he has changed it, does not bear on the merits of any question; and even if a man happens to be a convert, some good work has been done by converts from the days of St. Paul to the present time.

Mr. President, the President of the United States has now seen fit to refer to the speech that I made in 1915, and as he has done that, I think perhaps it is worth while for me to say a little about it. I think I can not put it better or any more briefly than I did the only time I alluded to it—in a debate I had with President Lowell, of Harvard, in Boston, on the 19th of March last—and I will read a brief extract from that speech. I said then:

"I have also been charged with inconsistency. In the autumn of 1914 Theodore Roosevelt made a speech in which he brought forward the idea of a league of nations for the prevention of future wars. In the following June, of 1915, speaking at Union College in New York on commencement, I took up the same idea and discussed the establishment of a league of nations backed by force. I spoke of it only in general terms."

I may add I did not say anything about sacrificing the interests of the United States in order to obtain it.

"I spoke again in favor of it in the following winter before the meeting of the League to Enforce Peace.

"But the more I reflected upon it and the more I studied it the more difficult the problem appeared to me. It became very clear to me that in trying to do too much we might lose all; that there were many obstacles and many dangers in the way; and that it would require the greatest skill and self-restraint on the part of the nations to make any league that would really promote and strengthen and make more secure the peace of the world.

"In January, 1917, the President of the United States brought forward a plan for a league to enforce peace in an address to the Senate, and I discussed it at some length, showing the dangers of the proposition and the perils which it would bring, not only to peace but to the United States."

I shall refer to that again, and ask that I may reprint it at the end of what I am now saying.

"During all this time, I may say, I was in consultation or I was talking with Theodore Roosevelt in regard to it. His position and mine did not then differ.

"On December 21, 1918, I made a speech in the Senate in which I discussed the 14 points and some of the momentous questions raised by the proposition for a league of nations.

"Col. Roosevelt wrote an article in the Kansas City Star upon that speech, approving it and commending it. I read a single paragraph from it."

I did this at the time and I do it now because Col. Roosevelt's position was the same as mine. He, too, was charged with inconsistency and he, too, has been misrepresented and misquoted. I read a single paragraph from the article in the Kansas City Star written by Col. Roosevelt:

"Our need is not as great as that of the vast scattered British Empire, for our domains are pretty much in a ring fence. We ought not to undertake the task of policing Europe, Asia, and northern Africa; neither ought we to permit any interference with the Monroe doctrine or any attempt by Europe or Asia to police America. Mexico is our Balkan Peninsula. Some day we will have to deal with it. All the coasts and islands which in any way approach the Panama Canal must be dealt with by this Nation and by this Nation in accordance with the Monroe doctrine.

"On January 3 of the present year—the Friday before his death—he dictated another editorial which appeared in the Kansas City Star after his death. I wish time would permit me to read it all, but I will read only one paragraph:

"* * * Let each nation reserve to itself and for its own decision, and let it clearly set forth questions which are nonjusticiable. * * * Finally, make it perfectly clear that we do not intend to take a position of an international Meddlesome Mattie. The American people do not wish to go into an overseas war unless for a very great cause and where the issue is absolutely plain. Therefore, we do not wish to undertake the responsibility of sending our gallant young men to die in obscure fights in the Balkans or in Central Europe or in a war we do not approve of. Moreover, the American people do not intend to give up the Monroe doctrine. Let civilized Europe and Asia introduce some kind of police system in the weak and disorderly countries at their thresholds. But let the United States treat Mexico as our Balkan Peninsula and refuse to allow European or Asiatic powers to interfere on this continent in any way that implies permanent or semipermanent possession. Every one of our Allies will with delight grant this request if President Wilson chooses to make it, and it will be a great misfortune if it is not made.

"Two weeks before his death I was with Theodore Roosevelt for some hours, seeing him for two mornings in succession. The draft now before the country was not then before us, but we discussed fully the league of nations in all its bearings. We were in entire agreement.

"The position that I have taken, and now take, had his full approval. The line I have followed in the Senate and elsewhere was the one he wished to have followed. I do not say this to transfer any responsibility from my shoulders to his. All I do and all I say is on my own responsibility alone. But it is a help and a strength to me to feel that I have behind me the approval, the support of the great American, the great patriot, the great man whose death has been such a grievous loss, not only to the United States but to the entire world in this hour.

"Now, just a word in regard to inconsistency. I do not think I have been inconsistent, but it does not matter whether I have or not. Individual inconsistencies have no relation to the merits of any question. If nobody ever changed their minds it would be a stagnant world. The only difficulty comes, as it comes with many habits, harmless in moderation, but dangerous in excess.

"When inconsistencies become excessive they are apt to suggest self-seeking and insincerity or lack of real conviction. I think it is hardly worth while to discuss inconsistencies. No one can tell where the discussion may lead.

"On May 6, 1914, at the unveiling of the Barry monument in Washington, President Wilson said:

"There are just as vital things stirring now that concern the existence of the Nation as were stirring then, and every man who worthily stands in this presence should examine himself and see whether he has the full conception of what it means that America should live her own life. Washington saw it when he wrote his Farewell Address. It was not merely because of passing and transient circumstances that Washington said that we must keep from entangling alliances.

"I pause a moment to say that Washington did not say that we should keep clear from entangling alliances in the Farewell Address. He said that we should keep clear of permanent alliances, and that temporary alliances would be sufficient to meet an emergency—as they were in the war just closed.

"I merely mention this because the phrase 'entangling alliances,' which is so familiar to the country, was the utterance of Thomas Jefferson in his first inaugural. He warned us from entangling alliances. He, too, like Washington, I know is considered antiquated by many people. I merely recall it for the benefit of Jeffersonian Democrats, if any still survive.

"In Washington, on January 6, 1916, addressing the Pan American Congress, President Wilson said:

"The Monroe doctrine was proclaimed by the United States on her own authority. It always has been maintained and always will be maintained upon her own responsibility.

"I think I am not to blame for wishing it to be maintained now."

That is what I said then, but I think perhaps if we are investigating inconsistencies I will go a little further to-day. In a speech at Shadow Lawn September 30, 1916, the President said:

The certain prospect of the success of the Republican Party is that we shall be drawn in one form or another into the embroilments of the European war.

I now quote from the interview at the White House on August 19, 1919:

Senator McCUMBER. Would our moral conviction of the unrighteousness of the German war have brought us into this war if Germany had not committed any acts against us without the league of nations, as we had no league of nations at that time?

The PRESIDENT. I hope it would eventually, Senator, as things developed.

Senator McCUMBER. Do you think that if Germany had committed no act of war or no act of injustice against our citizens that we would have gotten into this war?

The PRESIDENT. I do think so.

Senator McCUMBER. You think we would have gotten in anyway?

The PRESIDENT. I do.

On the 19th of August, 1914, the President said:

The United States must be neutral in fact as well as in name during these days that are to try men's souls. We must be impartial in thought as well as in action, must put a curb upon our sentiments as well as upon every transaction that might be construed as a preference of one party to the struggle before another.

When we entered the war, on the 6th of April, 1917, evidently the President had seen reason to change his mind—very fortunately, as I think, and greatly to his credit. But if we are looking for inconsistencies they can be found even in the greatest men.

The Great War—

He said again in an address before the League to Enforce Peace, at Washington, May 27, 1916—

The Great War, that broke so suddenly upon the world two years ago, and which has swept within its flame so great a part of the civilized world, has affected us very profoundly, and we are not only at liberty, it is perhaps our duty, to speak very frankly of it and of the great interests of civilization which it affects.

With its causes and its objects we are not concerned. The obscure fountains from which its stupendous flood has burst forth we are not interested to search for or explore.

On the 19th of August, 1919, he stated to the committee, as I have just read, that we should have gone into the war anyway even if Germany had not committed acts which required us to go into the war. Again, I think, I may have pointed out certain inconsistencies.

He then said in his speech at Des Moines on February 1, 1916:

There are actually men in America who are preaching war, who are preaching the duty of the United States to do what it never would before, seek entanglements in the controversies which have arisen on the other side of the water—abandon its habitual and traditional policy and deliberately engage in the conflict which is now engulfing the rest of the world. I do not know what the standard of citizenship of these gentlemen may be. I only know that I for one can not subscribe to those standards.

And yet to-day he is urging upon us a treaty which involves our entanglement in every European broil that comes up.

He said, at Kansas City, on February 2, 1916:

It would tear the heartstrings of America to be at war with any of the great nations of the world. We can show our friendship for the world and our devotion to the principles of humanity better and more effectively by keeping out of this struggle than by getting into it.

Subsequently we got into it. Now we are preparing to get into some more, as I think.

We have been neutral—

He said in the speech accepting renomination—

We have been neutral not only because it was the fixed and traditional policy of the United States to stand aloof from the politics of Europe * * * but because it was manifestly our duty to prevent, if it were possible, the extension of the fires of hate and desolation kindled by that terrible conflict.

That was on the 2d of September, 1916, and the following April we were at war. He said in Chicago on the 31st of January, 1916:

I believe that we can serve the nations at war better by remaining at peace and holding off from this contest than we could possibly serve them in any other way. Your interest, your sympathy, your affection may be engaged on one side or the other, but it is your duty to stand off and not let this Nation be drawn into the war.

That was on the 31st of January, 1916, and in April, 1917, a little over a year later, we were at war, justly, rightly, and I commend his doing it; I do not criticize him because he was inconsistent, but he was inconsistent a year later.

In the first *Lusitania* note of May 10, 1915, he said:

Long acquainted as this Government has been with the character of the Imperial German Government and with the high principles of equity by which they have in the past been actuated and guided, the Government of the United States can not believe that the commanders of the vessels which committed these acts of lawlessness did so except under a misapprehension of the orders issued by the Imperial German naval authorities.

He then said on May 10, 1915:

The example of America must be a special example. The example of America must be the example of peace, not merely because it will not fight, but of peace because peace is the healing and the elevating influence of the world and strife is not. There is such a thing as a man being too proud to fight.

On October 11, 1915, he said:

America stands apart in its ideals; it ought not to allow itself to be drawn, as far as its heart is concerned, into anybody's quarrel.

We went to war in April, 1917, and now we are making a treaty which involves us, by its terms, in literally everybody's quarrels for an indefinite future.

On the 24th of October, 1918, he said:

If you have approved of my leadership and wish me to continue to be your unembarrassed spokesman at home and abroad, I earnestly beg that you will express yourself unmistakably to that effect by returning a Democratic majority in both the Senate and the House of Representatives.

I do not charge him with any inconsistency there. That was simply a misapprehension and a misfortune—a misfortune for him in making the appeal.

On May 17, 1916, he said:

Since the rest of the world is mad, why should we not refuse to have anything to do with the rest of the world in the ordinary channels of action?

To-day we are supposed to have the ordinary channels of action. Peace has come. He thought the rest of the world was mad, but now he does not seem to be in favor of having nothing to do with the rest of the world in the ordinary channels of action. We are told that all the hope of humanity is there.

On December 8, 1914, he said:

More than this, proposed at this time, permit me to say, would mean merely that we had lost our self-possession; that we had been thrown off our balance by a war with which we have nothing to do, whose causes can not touch us.

I do not say whether he was right or wrong. This is not the time to debate merits or demerits. I merely want to point out that when we come to inconsistencies, they can be found in many places.

On July 23, 1915, he said:

The Government of the United States and the Imperial German Government are contending for the same great object; have long stood together in urging the very principles upon which the Government of the United States now so solemnly insists. They both are contending for the freedom of the seas.

At that time we were contending for the same great principle for which Germany was contending, and the principle for which she was contending at sea was the submarine and the mine and interference with every form of neutral commerce. I have found nothing that contradicts that statement; it has never apparently been changed; but the freedom of the seas has gone with much else in the Paris treaty—well gone, I think, for it was a German freedom of the seas for which the President was then standing.

On February 3, 1906, the President said:

We believe that we can show our friendship for the world and our devotion for the purposes of humanity better by keeping out of this trouble than by getting into it.

On January 25, 1919, he said:

This was a war not only to redeem France from an enemy but to redeem the world from an enemy.

In 1916 he thought to show our devotion to the world we ought at all hazards to keep out of the war then raging, but in 1919 he thought we were wise and that it was right that we should go in to redeem France and to defeat Germany. I think his second opinion was correct, and I am glad he changed his first opinion.

On February 3, 1916, he said:

I have no indictment against any form of government.

And on June 14, 1917, he said:

They (the German Empire) impudently denied us the use of the high seas and repeatedly exercised the threat that they would send to their death any of our people who ventured to approach the coasts of Europe. * * * This flag under which we serve would have been dishonored had we withheld our hand.

I think that is a very good imitation of an indictment against a certain form of government. I sympathized with the indictment but not with the refusal to indict. On December 20, 1916, the President said:

I take the liberty of calling attention to the fact that the objects of the statesmen of the belligerents on both sides are virtually the same, as stated to their own people and to the world.

On April 1, 1917, speaking of the German war, he said:

It is a war against all nations. * * * The challenge is to all mankind.

On the next day he said:

The world must be made safe for democracy. Its peace must be planted upon the tested foundations of political liberty.

Again an inconsistency. I think the second decision was right, and it would have been unfortunate if the President had not changed his mind. On April 2, 1917, the President also said:

We do not wish to fight her (Germany) either with arms or hostile arrangements of trade, if she is willing to associate herself with us and other peace-loving nations of the world in the covenants of justice and fair dealing. We wish her only to accept a place of equality among the peoples of the world—the new world in which we live—instead of a place of mastery.

On December 4, 1917, he said:

This intolerable thing of which the masters of Germany have shown us the ugly face, this menace of combined intrigue and force, which we now see clearly as the German power * * *.

Mr. President, I have merely introduced a few quotations. I could go on at great length piling up contradictions as to other matters, but I do not think the fact that the President has changed his mind in regard to the war in Europe, in regard to entangling alliances, and in regard to our mixing in the broils of Europe has any relation whatever to the merits of the case. I never should have thought of citing these instances if the President had not become distressed about my inconsistencies.

Mr. President, in conclusion I wish to read just a few words from the close of the speech to which I have referred, and which was delievered by me in the Senate on Thursday, February 1, 1917:

As an example of what I mean, let me call your attention to the resolution offered by the Senator from Idaho. It meets with my full approval at the present time, for I now see in this tortured and distracted world nothing but peril in abandoning our long and well-established policies, which have behind them not only the authority of Washington and Jefferson and Adams and Monroe, but a long acceptance by the American people. Let it not be forgotten that if we pass that resolution we close the door for the time being, so far as the Senate is concerned, upon a proposition that we should join a league for peace backed by the organized major force of mankind.

That was the President's proposition.

This resolution commits us without reserve to the policy, in regard to foreign nations, of Washington, Monroe, and Jefferson, whose statements are as clear as the unclouded sun at noonday, and are not collections of double-meaning words under which men can hide and say they mean anything or nothing. Let there be no mistake about what we are doing in this direction. I would not have our action misunderstood there any more than I should wish to see a mistake made if resolutions were adopted in a sense to which I was opposed. There is no lurking place for a league for peace "supported by the organized major force of mankind" in the sentences of George Washington and Thomas Jefferson set forth in the preamble to which the resolution of the Senator from Idaho declares our allegiance.

This war will end; the passions of mankind will die down; individual ambitions will vanish with the evanescent beings who cherish them; but the Republic and the American people will remain. Let us beware how we take any steps which may precipitate this country and the people who are to come after us, and whose inheritance it is, into dangers which no man can foresee. We can not secure our own safety nor build up the lasting peace of the world upon peace at any price. The peace of the world, to be enduring, must be based on righteousness at any cost.

That was the prediction which I made and the position which I ventured to take in February, 1917, before we entered the war. From that position at least I have never swerved. One of the reasons why I object to the provisions of this treaty is that it endangers the sovereignty and the independence of the United States. I think now, as I always have thought and believed, that the United States is the best hope of mankind and will remain so as long as we do not destroy it by mingling in every broil and quarrel that may desolate the earth. [Applause in the galleries.]

I ask to have printed at the conclusion of my remarks the speech delivered by me in the Senate on February 1, 1917.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The speech referred to is as follows:

THE PRESIDENT'S PLAN FOR A WORLD PEACE.

[Speech of Hon. HENRY CABOT LODGE, of Massachusetts, in the Senate of the United States, Thursday, Feb. 1, 1917.]

"Mr. LODGE. Let me say, first, Mr. President, that I shall make no allusion whatever to the note from Germany which has startled the country this morning. That note is in the hands of the President, in the hands of the Chief Executive. It places upon him a great responsibility, and no word shall fall from my lips which by any possibility could embarrass him in dealing with that note. I shall confine myself absolutely to the propositions of the recent address by the President to the Senate.

"Mr. President, I have cherished an earnest hope that we might conclude the necessary business of Congress before the 4th of March and spare to ourselves and to the country the misfortune of another summer session. It is therefore with extreme reluctance that I venture to take any time in discussing a subject not immediately connected with the measures now demanding action if we are to avoid an extra session. I can find justification for

doing so only in the extreme seriousness of the questions forced upon the attention of Congress by the President's address delivered in the Senate Chamber on Monday, the 22d day of January. Moreover, the President was kind enough to say that he sought this opportunity to address us because he thought that he owed it to us, as the council associated with him in the final determination of our international obligations, to disclose to us without reserve the thought and purpose that had been taking form in his mind in regard to the duty of our Government in the days to come when it will be necessary to lay afresh and upon a new plan the foundations of peace among the nations.

"The President has thus recognized the duties imposed upon the Senate by the Constitution in regard to our foreign relations and has invited an expression of our opinions. We have abundant evidence of the gravity of the questions thus presented. The newspaper press and others, employing generous if inaccurate language, have decorated the speech with the adjective 'epochal,' which calls at once to mind the movement of glaciers and vast tracts of geologic time. I shall content myself with a simpler word and say that the President's utterances in this Chamber, especially as he declared that he said what the people of the United States would wish him to say, and that he was setting forth the principles of mankind, are in a high degree important. I do not think that the failure on the part of the Senate to discuss the President's statements would imply either approval or disapproval or would by implication bind either the Senate or the country to any given course of action. But none the less it seems to me most desirable that as we were chosen in this instance to be the medium of communication with foreign nations and with the people of the United States we should at least give our own understanding of what the President proposed.

"It is not necessary, of course, to say anything as to the many general and just observations made by the President in regard to the horrors and miseries of war, or the dangers and complications with which the present conflict threatens the United States, or as to his or our duty as servants of humanity. Of course, we all agree most heartily with the proposition that peace—just and righteous peace—is infinitely better than war; that virtue is better than vice; that, in Browning's words:

> "It's wiser being good than bad;
> It's safer being meek than fierce;
> It's fitter being sane than mad.

"In all these declarations we must be cordially and thoroughly of one mind. All that I desire to do is to speak briefly of the substantive propositions contained in the President's address and, by analysis, discover, if I can, to precisely what policies and course of action he is undertaking to commit the country. We have a right—indeed, it is our duty—to learn, if possible, just what the President means and whither he is trying to lead us. To attain this object we must, in his own language, 'uncover the realities.'

"As I understand it, the President is aiming at two objects, both in the highest degree admirable—to bring to an end the war now raging in Europe, and to make provision for the future and permanent peace of the world. It is to the promotion of the second purpose that he proposes action on the part of the United States, saying that we should frankly formulate the conditions upon which this Government would feel justified in asking our people to approve its firm and solemn adherence to a league for peace. He then proceeds to state the two purposes in this way:

> "The present war must first be ended; but we owe it to candor and to a just regard for the opinion of mankind to say that, so far as our participation in guarantees of future peace is concerned, it makes a great deal of difference in what way and upon what terms it is ended. The treaties and agreements which bring it to an end must embody terms which will create a peace that is worth guaranteeing and preserving, a peace that will win the approval of mankind, not merely a peace that will serve the several interests and immediate aims of the nations engaged. We shall have no voice in determining what those terms shall be, but we shall, I feel sure, have a voice in determining whether they shall be made lasting or not by the guarantees of a universal covenant; and our judgment upon what is fundamental and essential as a condition precedent to permanency should be spoken now, not afterwards, when it may be too late.

"It will be observed that in this paragraph of his address the President says explicitly that the first condition precedent to any action for a league for peace must be the ending of the present war. He then declares that the treaties and agreements which bring the war to an end must create a peace which is worth guaranteeing and preserving. He says further that we shall have no voice in determining what those terms shall be, but that they can never be lasting or permanent unless they meet with our approval. It seems to me that this is equivalent to saying that we are to have no voice in what the terms of the peace which ends the present war shall be, but that at the same time the terms must be what we approve or we shall not be able to enter into any future league to preserve the peace of the world. In other words, our action is to be conditioned upon the terms of a peace which we have no voice in determining. If the belligerents when they come to make peace do not make all the terms satisfactory to us, they can not look to us to aid in making that peace lasting and permanent. The President then goes on to lay down the general principles upon which the terms of the peace, in which we are to have no voice, shall be based if the peace thus obtained is to be a peace worth having.

"In the first place, it must be a peace without victory. It is not quite clear just what this means, unless it is intended to be a declaration in the interest of one group of belligerents who, having abandoned the original hope of complete victory, wish to make peace in the most advantageous way now open to them. This interpretation must be at once dismissed, for it is not to be supposed for a moment that this can be the President's object, because we all know how devoted he is to neutrality—how it has been his belief from the beginning that it was the duty of the American people to be neutral even in their thoughts—and he is, of course, well aware that it is as easy to be unneutral in forcing a peace favorable to one side as it is to help one side against the other while war is raging. Peace without victory can only mean therefore that neither side is to gain anything by the terms of peace through victory in the field, because if there are no victories on either side there can be neither gains nor losses in the final settlement except through the voluntary self-sacrifice and generosity of the combatants; in other words, all the lives have been given in this war and all the money spent in vain and Europe is to emerge from the conflict in exactly the same situation as when she entered it. It seems to me incredible that people who have made such awful sacrifices as have been made by the belligerents should be content to forego the prospect of victory, in the hope of bringing the war to an end, with everything left just as it was. In such a result they might well think that all their efforts and losses, all their miseries and sorrows, and sacrifices were a criminal and hideous futility. Both sides have been inspired by the hope of victory; both sides are still so inspired. Some of the belligerents, at least, believe that the one object of the war is to win a victory which will assure a permanent peace and would regard a reproduction of the old conditions, with all their menacing possibilities, as something far worse than war. They are determined that the dark peril which has overshadowed their own lives and threatened the independence and very existence of their own countries shall not be permitted to darken the future and be a curse to their children and their children's children. For this they are fighting and suffering and dying. Perhaps they ought not to think in this way; perhaps they ought to feel as the President does. But we must deal with things as they are; we must uncover realities, and there is no doubt of the reality of the desire among many of the great nations of Europe to close this war with a victory which will give them a peace worth having, and not a mere breathing space filled with the upbuilding of crushing armaments and then another and a worse war. Such, I think, is their point of view; but as a practical question for us, dealing with a condition on which we are to build a future league for peace to which we are to be a party, how are we going to provide that it shall be a peace without victory? How are we to arrange that there shall be no victories?

"The President says that a peace won by victory would leave a bitter memory upon which peace terms could not rest permanently but only as upon quicksand. There has been pretty constant fighting in this unhappy world ever since the time when history begins its records, and in speaking of lasting peace in terms of history we can only speak comparatively. I think, however, that I am not mistaken in saying that since the fall of the Roman Empire the longest period of general peace which Europe and the Western World have enjoyed was during the 40 years following the Battle of Waterloo. During that time there were, of course, a few small and unimportant wars, but there was no great general conflict among great nations anywhere, and yet the peace of 1815 was a peace imposed upon France by the victorious allies if ever such a thing happened in the history of mankind. There was an attempt to settle that Napoleonic war by a treaty 'without victory' and between equals. The treaty was signed at Amiens on March 27, 1802. This 'peace without victory' lasted exactly 13 months and 19 days, and then war came again and continued for 12 years, and was ended by a peace through victory of the most absolute kind, and that peace has lasted between England and France for a hundred years and has never been broken. Our War with Spain ended with a peace based on the complete victory of the United States by land and sea. There is no reason to suppose that because it was a peace obtained by victory it is

not a lasting peace. I might cite other examples, but one affirmative instance is enough to shatter a universal negative. As the Frenchman said, 'No generalization is ever completely true, not even this one.' It is a little hasty, therefore, to say that no peace can endure which is the fruit of victory. The peace which lasts is the peace which rests on justice and righteousness, and if it is a just and righteous peace it makes no difference whether it is based on the compromises and concessions of treaties or upon victories in the field. But I return to and repeat the main question before I leave this point. If peace without victory is to be a condition precedent of lasting peace to be maintained by the covenant in which we are to take part, how are we practically to compel or secure the existence of such a condition?

"The next condition precedent stated by the President without which we can have no peace that 'can last or ought to last' is the universal acceptance of the idea that governments derive all their just powers from the consent of the governed and that any peace which does not recognize and accept this principle will inevitably be upset. Must the fact that any given government rests on the consent of the governed be determined by a popular vote or by the general acceptance by the people of the existing form of government? Who is to decide whether the principle is recognized under the different governments of the world with whom we are to form the league for peace 'supported by the organized major force of mankind'? If the recognition of this principle is to be essential to the lasting peace which we are to support—and every American, of course, believes in and admires the principle—what is to be done about Korea, or Hindustan, or Alsace-Lorraine, or the Trentino, or the Slav Provinces of Austria, or the Danish Duchies? Does the government of Armenia by Turkey, with its organized massacres, rest on the consent of the governed, and if it does not are we to take steps to remedy it, or is Turkey to be excluded from the league, or is the league to coerce Turkey to an observance of our principles? As a preliminary of the peace which we are to help enforce must we insist that it can not exist if there are any people under any government who have been handed from sovereignty to sovereignty as if they were property? I am not contesting the justice of the principle—far from it—but we may well ask how we are going to compel the adoption of that principle by other governments, and this is no idle question but a real and practical one which can not be evaded. If we enter upon this most desirable reform of other nations, there may be people sufficiently malevolent to ask whether we secured Louisiana by a vote of the people of that Territory, or California and other acquisitions from Mexico, or the Philippines, or Porto Rico, or even Alaska, where there were Russian inhabitants who were handed over for a price, very much like property or as serfs adscripti glebae.

"The next condition precedent where I should like to 'uncover the reality' is that to obtain a firm and lasting peace we must have 'freedom of the seas.' The President does not say whether it is the high seas or all seas. Let us assume that it is the high seas. The demand must apply either to time of war or time of peace, or both; but for many, many years there has been no interference with the freedom of the seas in time of peace. I think we may therefore assume again that the President's 'freedom of the seas' must mean the freedom of the seas in time of war. Is the plan, then, to compel all nations to abandon the rights of belligerents to blockade a hostile port in time of war or to seize contraband going to their enemy? To attain this end we should have to begin by sweeping away all existing doctrines as to the rights of belligerents at sea in time of war—doctrines which were so widely extended in regard to contraband and blockade by the decisions of our own Supreme Court during our Civil War. These doctrines were established by us in the face of very general opposition and have been since accepted and acted upon by belligerents in other wars as the sound construction of international rights. We should therefore have to begin at once by tearing down the fabric of law on this point which we ourselves created and built up.

"In the Appendix to the CONGRESSIONAL RECORD (64th Congress, 2d session, pp. 236 to 238) there is a printed code prepared by a committee of the American Institute of International Law, which has been accepted by the institute and is to be presented to the 21 American Republics. This code deals with the freedom of commerce, the rights and duties of belligerents, and the rights and duties of neutrals in time of war. The committee was appointed to deal with this subject on the suggestion of Mr. Lansing, and this code is the result. I have no right to infer that this code represents what the President meant by the freedom of the seas in his recent address, but it embodies in concrete form some of the supposed cases which I have just suggested to the Senate. To state the propositions of the code fully—still more to discuss its details—would occupy hours, and I have only minutes to spare; but what Mr. Temple said when he presented it covers, in a general way, the general purposes of the code. Mr. Temple said:

"The seas are already free in time of peace. The new code provides for the freedom of the seas in time of war. It abolishes blockade entirely, forbids interference with the mails, declares that merchant ships of the enemy, as well as those of neutrals, shall be free from capture, and abolishes the right of visit and search. Even vessels carrying contraband may in no case be confiscated or sunk under any pretext whatever, though the contraband itself may be confiscated or destroyed by the captor.

"These are the radical changes which I have just been imagining as possible, and this code, if adopted, would sweep away practically all the most important belligerent rights at sea which have hitherto existed, as well as the doctrines which we extended and laid down during our Civil War and the decisions of our Supreme Court. I do not suppose that there is any idea of overthrowing and sweeping away international law, the work of centuries, in regard to belligerent rights at sea during the present war, which began with the old system fully recognized by the world and which could not now be altered, except by an entire breach of neutrality if attempted by neutrals. I assume that this new code is to take effect after the war.

"There are only two comments which I desire to make upon it. One is that if it embodies the freedom of the seas spoken of by the President in general terms it would require for its enforcement the navies of all nations who were parties to the league for peace, for, if belligerents engaged in war rested their rights on existing law and long-established usage they could only be brought into obedience to the new code by force, and, as I have already said, we should then, as a party to the league, be obliged by force of arms to take our share in preventing the exercise of these long-established rights. The conference of neutrals provided for in the code would be looked to for its maintenance and the occurrences of the present war do not give us much hope that such a conference would be very effective in future wars.

"My other comment is this: There has been no violation of the rights of neutrals so glaring as the planting of contact mines on the high seas. That is a method of destruction without warrant of international law or the customs and usages of nations. A contact mine is no respecter of persons. It is just as likely to destroy a perfectly innocent ship without contraband and on a perfectly innocent voyage as it is to destroy the warship of a belligerent. No worse attack upon the rights of neutrals could have been made than by this planting of contact mines on the high seas. So far as I am aware no neutral has protested against it—certainly no neutral has protested effectively—and I observe with some surprise that in all this long code for the protection of neutral rights upon the seas in time of war there is not one word said to prevent the planting of contact mines upon the high seas. If this code represents the President's conception of the freedom of the high seas, it is in this respect, at least, very imperfect. It will also be observed that in this code it is provided that—

"In important cases the conference may authorize severe measures against the belligerent or against the neutrals refusing to respect the rights and duties of neutrality.

"Such measures may be public blame, pecuniary indemnity, commercial boycott, and even the use of international force, to be determined by the conference.

"So that whether or not a league for peace is created, under the conference of neutrals proposed by this code we should be obliged to take very strong measures for the enforcement of neutral rights as agreed to by the conference, and at the bidding of the majority of the conference we should be forced into war in order to compel the belligerents to obey our rules. Therefore this proposal does not differ in essence from the league for peace supported by the major force of mankind. Whether the cases which I have supposed or the new code suggested by the institute represent the freedom of the seas, it would seem as if the enforcement of this new doctrine would surely involve us, and those nations which sign the covenant with us, in every war which might occur between maritime nations.

"Closely allied with this proposition for the freedom of the seas, the President tells us, is the limitation of armaments and the cooperation of the navies of the world in keeping the seas free and safe. This, as I have just pointed out, would involve the use of our Navy in any war where the belligerents saw fit to exercise their long-established rights. The limitation of armaments, although not made by the President a condition precedent for lasting peace, is treated by him as of great importance, and opens up some very difficult questions. If all naval armaments are to be limited, or, still more, if they are to be abolished, the result would be to leave the nation

having the largest mercantile marine in complete control of the seas if war occurred, because if there were no naval ships the nation which could arm and put afloat the greatest number of merchant vessels for naval purposes would, of course, be supreme in the absence of ships of war. Before entering upon the freedom of the seas, allied with the limitation of armaments, it would be well to consider whether the world would thereby be left under a system which in time of war would confer absolute power upon the nation possessing the largest mercantile marine.

"It will also be necessary for the firm and lasting peace which the league proposed by the President is to bring about that every great people now struggling toward a full development of its resources and its powers be assured a direct outlet to the sea. The President confines this important right to the 'great peoples,' which does not seem to harmonize entirely with his earlier proposition that there must be no difference, recognized or implied, between big nations and small, 'between those which are powerful and those which are weak,' or with the declaration that the equality of nations, upon which peace must be founded, must be an equality of rights. If the right of access to the sea is to be confined, as the President says, to 'every great people,' small nations are excluded. We have ample access to two great oceans, so that this proposed reform of the President has the enormous advantage of being wholly altruistic. It is entirely for the benefit of others.

"Coming down to the practical question, in order that we may obtain lasting peace are we to see to it that a direct right of way to Constantinople shall be secured to Russia, that she may reach the Mediterranean, and to Germany, that she may have a direct route to Bagdad and the Persian Gulf? Must we see to it that if Italy regains the Trentino, Trieste shall be kept open, so that Germany and Austria may have access to the Mediterranean, and are Serbia and Switzerland to be deprived of the right of way giving them access to the sea because they are small? Are we to bring the doctrine into the American Hemisphere and provide that Bolivia and Paraguay shall have direct access to the sea? Are we to carry the doctrine to Asia and make sure that Afghanistan has a right of way to the sea, or is Afghanistan excluded as a small power? It seems to me that this plan for securing free access to the sea to all the great nations of Europe, and still more to the nations, both great and small, would involve us in some very difficult questions wholly outside our proper sphere of influence; and yet the President states this as one of the essentials for the lasting peace which we are to covenant to bring about and to enforce.

"The President says that he proposes, as it were, that the nations with one accord should adopt the doctrine of President Monroe as the doctrine of the world. In the effort which I am making to uncover the realities which lie behind the President's propositions and to avoid 'the soft concealments' to which he justly objects, I do not find it easy to determine precisely what is meant by making the doctrine of President Monroe the doctrine of the world. Let me begin by quoting the doctrine as stated by President Monroe. The Monroe doctrine appears, as everyone knows, in the President's annual message of December 2, 1823. It is found in two separate passages. The first is connected with the statement made by the President as to the proposition of the Russian Government to arrange by negotiation the respective rights of the two nations upon the northwest coast of this continent. President Monroe then says:

"In the discussions to which this interest has given rise and in the arrangements by which they may terminate the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.

"The second declaration of the doctrine occurs in connection with that portion of the message devoted to South America and to the purposes of the Holy Alliance, and is as follows:

"We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the Governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them or controlling in any other manner their destiny by any European power in any other light than as the manifestation of an unfavorable disposition toward the United States.

"John Quincy Adams who formulated and President Monroe who proclaimed the doctrine, which rightly bears the latter's name, were eminent men of very large experience, both in public affairs at home and in diplomacy. They knew well the value of words. Mr. Adams was a scholar with a remarkable power of expression. No doubt they both could, if they had seen fit, have said something which meant nothing, for that is an art as old as language itself. But it may be doubted if either was able or would have consented to say something which might mean anything. They were upright, straightforward men, and Mr. Monroe stated his famous doctrine in plain, unmistakable terms which he who ran might read. When we examine the message of 1823 it will be observed that the Monroe doctrine is strictly local in its application; that is, it applies only to the American Hemisphere and is based on the theory that there are two spheres in the world which are entirely separate in their political interests. How are we to reframe the first portion of the Monroe doctrine so as to give it a world-wide application? It asserts that the American Continents are not to be considered as subjects for future colonization by any European power. How is this proposition to be turned into a world doctrine? If all the European powers accepted that doctrine and agreed with us that they would attempt no colonization here, we should have the recognition of the doctrine by European powers, but the doctrine would apply to the same territory as before. How are we to make it a world doctrine in any other way? How are we to turn into a world doctrine President Monroe's second statement that he should regard it as an unfriendly act if any European power interfered with the independence of any American Government? Is the transformation to be effected by having Europe and Asia and Africa adopt a doctrine that there shall be no colonies established by any power on any of those great continents, and that if, for example, any European power should establish a new colony somewhere in Africa we should regard it as an unfriendly act? It has been suggested that the Monroe doctrine would cover the protection of small nations. The Monroe doctrine has nothing to do with the rights of small or great powers as such. Its declared purpose was simply to protect the independence of all American States, great and small, from the interference of Europe and to prohibit European colonization. How can it be said that it concerns the rights of small States when Argentina and Brazil have taken control of Paraguay, when Chile has by force of arms annexed part of Peru, and when we took by conquest the larger part of Mexico, and no one, either at home or abroad, ever suggested that these acts constituted in any way an infraction of the Monroe doctrine? The Monroe doctrine defined our position and defined nobody else's position, and if we are to extend that doctrine to the other nations the only sanction it could carry would be that we should regard European colonization in all continents as an unfriendly act. Or does the President's proposition mean that the Monroe doctrine is to be extended to all the world and thereby be abandoned under the law laid down by John Fiske in regard to myths—that when we find a story of something which has happened everywhere we may be quite sure that it never happened anywhere—so that if we have a Monroe doctrine everywhere we may be perfectly certain that it will not exist anywhere? If we are to abandon the Monroe doctrine, this is one way of doing it.

"I have tried very briefly to set forth the conditions precedent which the President says are essential to a lasting peace. I have endeavored in a very general and imperfect way to 'uncover the realities' and to get rid of all 'soft concealments.' Now, having clearly in our minds these conditions precedent, vital to the establishment of a lasting peace which we are to help bring about, I desire to consider the part which we are to take in maintaining it. Let me say at the outset, by way of preface, that it seems to me unwise to entangle the question of what shall be done to make peace permanent after the conclusion of the present war with the peace which is to terminate this war. It confuses two wholly distinct questions, and is certainly injurious to the prospect of the success of any attempt to make the peace which comes at the end of this war permanent. It tends also to create ill feeling toward the United States on one side or the other, and perhaps on both, and the influence of the United States in behalf of the future peace of the world will not be increased but will, I fear, be sadly diminished if we endeavor, directly or indirectly, to meddle with the terms of the peace which shall conclude the present war, because in so doing we should inevitably takes sides with one group of belligerents or with another.

"Let us now consider what has already been done in behalf of world peace and what it is proposed we shall do in the future, because that question has been forced upon us. All international associations or agreements for the promotion of the world's peace have hitherto been voluntary; that is, there has been no sanction behind the decisions of the international tribunals or behind the international agreements. If any signatory of the agreements or treaties, or any party to an arbitration, declined to be bound by a decision of the tribunal which had been created or by the provisions of an international convention,

there was no means of compelling such signatory to abide by them, a fact which has been most dismally demonstrated since this war began.

"The chief practical result of international associations for the promotion of peace has taken the form of arrangements for the arbitration of disputed questions. The subjects of these arbitrations have been limited and the submission of the nations to the international tribunals and their decisions has been purely voluntary. Much good has been obtained by voluntary arbitration. Many minor questions which a hundred years ago led to reprisals, and sometimes to war, have been removed from the region of armed hostilities and brought within the range of peaceable settlement. Voluntary arbitrations, which have gone on in steadily increasing number and in the promotion of which the United States has played a large, creditable, and influential part, have now reached, as they were certain to do, their natural limits; that is, they have been made to include in practice all the questions which can at present be covered by voluntary arbitration. The efforts which have been made to carry voluntary arbitration beyond its proper sphere—like our recent treaties involving a year's delay and attempting to deal with the vital interests of nations—are useless but by no means harmless. They are, indeed, distinctly mischievous, because in time of stress and peril no nation would regard them, and a treaty which can not be or will not be scrupulously fulfilled is infinitely worse than no treaty at all. No greater harm can be done to the cause of peace between the nations than to make treaties which will not be under all conditions scrupulously observed. The disregard of treaties is a most prolific cause of war. Nothing has done more to envenom feeling in the present war or to prolong it than the disregard of the treaty guaranteeing the neutrality of Belgium and the further disregard of The Hague conventions, for this has implanted in the minds of men the belief that treaties bring no settlement and are not worth the paper upon which they are written; that the only security of peace is to be found in the destruction of the enemy and in placing an opponent in a physical condition where he is unable to renew war, because there is no assurance of safety in a duly ratified treaty.

"If, then, voluntary arbitration and voluntary agreements, by convention or otherwise, without any sanction, have reached their limits, what is the next step? There is only one possible advance, and that is to put a sanction behind the decision of an international tribunal or behind an agreement of the nations; in other words, to create a power to enforce the decree of the international courts or the provisions of the international agreements. There is no other solution. I have given a great deal of thought to this question and I admit that at first it seemed to me that it might be possible to put force behind the world's peace. The peace and order of towns and cities, of States and nations, are all maintained by force. The force may not be displayed—usually there is no necessity for doing so—but order exists in our towns, in our cities, in our States, and in our Nation, and the decrees of our courts are enforced solely because of the existence of overwhelming force behind them. It is known that behind the decrees of the courts of the United States there is an irresistible force. If the peace of the world is to be maintained as the peace of a city or the internal peace of a nation is maintained, it must be maintained in the same way—by force. To make an agreement among the nations for the maintenance of peace and leave it to each nation to decide whether its force should be used in a given case to prevent war between two or more other nations of the world does not advance us at all; we are still under the voluntary system. There is no escape from the conclusion that if we are to go beyond purely voluntary arbitration and purely voluntary agreements, actual international force must be placed behind the decisions or the agreements. There is no halfway house to stop at. The system must be either voluntary or there must be force behind the agreement or the decision. It makes no difference whether that force is expressed by armies and navies, or by economic coercion, as suggested by Sir Frederick Pollock. It is always force, and it is of little consequence whether the recalcitrant nation is brought to obedience by armed men and all the circumstance of war, or by commercial ruin, popular suffering and perhaps starvation, inflicted by the major force of mankind under the direction of the league for peace. It is ever and always force.

"Everyone must feel, as I do, the enormous importance of securing in some way the peace of the world and relieving the future of humanity from such awful struggles as that which is now going on in Europe, but if the only advance is to be made through the creation of an international force we are brought face to face with the difficulties of that system. The President sees this clearly. He proposes that we should adhere to a league for peace and then says:

"It will be absolutely necessary that a force be created as a guarantor of the permanency of the settlement so much greater than the force of any nation now engaged or any alliance hitherto formed or projected that no nation, no probable combination of nations, could face or withstand it. If the peace presently to be made is to endure, it must be a peace made secure by the organized major force of mankind.

"Nothing could be plainer or more direct than that statement, and if we are to advance from the voluntary stage it must be, as the President says, by a league for peace behind which is the organized major force of mankind. I fully agree with the President that if we are to have a league such as he describes and are to enforce peace it must be done in just the way he has stated. As a general proposition nothing could be more attractive for those who desire the peace of the world. I confess that when I first began to consider it some two years ago it presented great attractions to me, but the more I have thought about it the more serious the difficulties in the way of its accomplishment seem to be. This is a matter which can not be determined by verbal adherence to a general principle. Everything here depends upon the details. In the first place, a league to enforce the peace of the world and create a major force of mankind to carry out the purposes of the league must be made by treaty or convention among the nations agreeing. The agreement must be of the most solemn and binding kind. When disputes arise among nations, whether such nations are members of the league or not, those disputes must either be determined by an international tribunal created by the treaties agreed to by the members of the league, or they must be settled by representatives of the league after due consideration. So far all is simple. It is no new thing to create international tribunals or to make agreements as to methods to be employed in war, the rights of neutrals, and the many other subjects now covered by the voluntary Hague conventions. The first difficulty comes when the league is confronted by the refusal of a nation involved in dispute with another nation to abide by the decision of the league when that decision has been rendered by an international tribunal or in any other way. Submission to such a decision can only be compelled as submission to a decision of the court is compelled—by force—in this case the organized major force of mankind. If, therefore, a decision has been made in a dispute between nations by the tribunal and authority of the league, all the members of the league are bound by their treaties to contribute their share toward the enforcement of the decision, and if a recalcitrant nation resists, it means war and the vindication of the power of the league which has the control of the major force of organized mankind. The authorities of the league would, of necessity, have the power to call on every member of the league to send out its quota to the forces of the league and the nations forming the league would find themselves, of necessity, involved in war.

"The first question that would occur to any one of us is what the numbers of the league force will be. I will not venture a guess myself, but I will quote the opinion of Prof. Albert Bushnell Hart, the distinguished historian, a close student and high authority on all American policies and a most friendly critic of the President's address. In a very interesting article in the New York Times of January 28, 1917, Prof. Hart says:

"He (the President) does incline toward the general plan which is pushed by the League to Enforce Peace. For, he says: 'It will be absolutely necessary that a force be created as a guarantor of the permanency of the settlement so much greater than the force of any nation now engaged, or any alliance hitherto formed or projected, that no nation, no probable combination, could face or withstand it.'"

"If that means anything definite, it means an international police force of not less than 5,000,000 men, in which the share of the United States would be at least 500,000.

"There is the estimate of a dispassionate and competent observer. Will it not be worth while to pause a moment before we commit ourselves to an Army of 500,000 men, to be held ready for war at the pleasure of other nations in whose councils we shall have but one vote if we are true to the President's policy of the equality of nations?

"Arrangements would have to be made for the command of the forces of the league, and the commander would have to be taken from some one of the signatory nations. The quota or units of the international army and navy would have to be inspected at least annually. The inspectors would be of necessity officers of the league's army and navy. Are we ready to have our Army and Navy inspected and reported upon at regular intervals by the officers of foreign services? It may be said by those who wish to have the world's peace assured by force, without using force to do it, why conjure up these phantoms of unpleasant possibilities? My reply is that they are not phantoms but simply the realities which it is our duty to uncover and upon which the whole scheme is founded. You

can not make effective a league for peace, 'supported by the organized major force of mankind,' by language or high-sounding phrases, which fall so agreeably upon the ear, when there is no thought behind it. The forces of the league must consist of an army and navy. They must have rifles and machine guns and cannon, battleships and battle cruisers, submarines and aeroplanes, and all the terrific machinery of modern war. They can not set that machinery in motion by 'calling spirits from the vasty deep' like Glendower. They must have men of flesh and blood to man their ships and fight their guns, and these men must be officered and commanded. Then when they order these forces to move they can enforce peace, and they will do it by war, if necessary, in which each member of the league must bear its part. Representatives of the league would thus be vested with the authority to make war and to put the league forces under the control of some commander whom they should select.

"If we are to adhere to the principle of the equality of nations laid down by the President, each nation, great and small, having equality of rights, would have an equal voice in the decision of the league, and a majority would set the forces of the league in motion. It might happen that the majority would be composed of the smaller and weaker nations, who, if they are to have equality of rights, would thus be enabled to precipitate the greater nations into war, into a war perhaps with one of the greatest nations of the league. In the present state of human nature and public opinion is it probable that any nation will bind itself to go to war at the command of other nations and furnish its army and navy to be disposed of as the majority of other nations may see fit? It seems to me that it is hardly possible, and yet in what other way can we come to the practical side of this question? In what other way are you to enforce the decisions of the league? If you undertake to limit the questions of disputes between nations which the league shall decide, you will not be able to go beyond the limits already imposed in voluntary arbitration and there will be no need of force. If a real advance is to be made, you must go beyond those limitations, you must agree to submit to the decision of the league questions which no nation will now admit to be arbitrable. You would be compelled, if a decree of the league were resisted, to go to war without any action on the part of Congress and wholly on the command of other nations. We are all anxious to promote peace in every possible way, but if we are to maintain the peace of the world by force it can only be maintained in the way I have described, and no amount of shouting about the blessings of peace will relieve us from the obligations or the necessities imposed by putting force behind the peace of the world as we put it behind the peace of a city.

"Let us now consider this plan from our own point of view alone and with reference solely to the United States. The policy of the United States hitherto has been the policy laid down by Washington, and its corollary expressed in the message of President Monroe. Washington declared that we had a set of interests separate from those of Europe and that European political questions did not concern us. Monroe declared that we had a set of questions which did not concern Europe, and that, as we did not meddle with Europe, Europe must not meddle with us. These doctrines were approved and stated with great force and explicitness by Jefferson. From the time of their enunciation these policies have been followed and adhered to by the United States. I have the greatest possible reverence for the precepts of Washington; no wiser, no more farseeing, man ever lived. I only wish that we had followed all his precepts as closely as we have that which he laid down as to our relations with Europe. But I have no superstition in regard to Washington's policy, nor do I think he had. He set forth his policy under conditions not unlike those which now exist, and he stated very explicitly that we should not involve ourselves in any way in the ordinary vicissitudes of European politics. I think he meant that we should hold ourselves aloof and that this should be our guiding rule. I am far from thinking that the man who won the Revolution largely through the alliance with France would have suggested that there could be no possible situation in which it might not be well for us to form an alliance with some other nation or nations. But that situation certainly has hitherto never arisen. The wisdom of Washington's policy, supplemented by that of Monroe, has been demonstrated by the experience of more than a century, and this at least must be said, that we should not depart from it without most powerful reasons and without knowing exactly where that departure would lead. We are now invited to depart from it by giving our adherence to a league for peace when the present war closes, without knowing how far it is proposed to go or what is to be demanded of us. If an effective league for peace among the nations is to be made, it must be one backed by the force which the President has described. Are we prepared to commit ourselves to a purely general proposition without knowing where we are going or what is to be demanded of us, except that we shall be compelled to furnish our quota of military and naval forces to the service of a league in which we shall have but one voice? We are asked to place ourselves in a position where our military forces could be used for war by the decree of other nations. This would be a very momentous step. Surely we ought to pause and consider very carefully and know every detail before we commit ourselves to any vague, general propositions involving such serious results and responsibilities.

"The first service which the United States can render to the cause of peace is to preserve its own. I do not mean within its own borders, but to preserve its peace with the other nations of the earth. This can be done in only one way—by the most absolute and scrupulous observance of every treaty or agreement that we enter into; by the termination of all treaties for arbitration which we know well we should not under certain conditions and in time of stress regard, for no such war-breeding treaties ought to cumber the ground; and, lastly, by the establishment of such national defenses, both by land and sea, as to insure our country, so far as it can be done, from wanton attack. When we have taken steps to insure our own peace and have national defenses sufficient for that purpose, the next step, if we are to become members of this league for peace, would be to put our national forces, or a portion of them, at the disposition of the league under conditions established by the terms of the treaty which creates the league. If we are not prepared to take these obligations; if we are not ready to submit questions which we consider of vital interest to the decision of the league; if we are not fully prepared to carry out all our obligations which a league for peace would necessarily require, we had better restrict ourselves to the voluntary arbitration, which we know can be carried out, until the people of the United States are ready to go further. A league for peace has a most encouraging sound, but this is altogether too grave a question to be satisfied with words. We must realize that a league for peace means putting force behind peace and making war on any nation which does not obey the decisions of the league. It may be that the world's peace can be secured in this manner, but we should not attempt it without a full appreciation of just what it involves. Effective leagues for peace can not be sustained by language alone nor by moral suasion as their only weapons. I reiterate with all possible emphasis that when they pass beyond the present voluntary stage they must be sustained by men and arms, and if we are ready to assume that responsibility, then we may proceed to take the necessary steps, but not otherwise.

"Let me take two examples of questions which we must be prepared to face as members of a league for peace 'supported by the major force of mankind.' If, as I have already said, such a league is formed, it must deal with questions of vital interest and go beyond the limitations of voluntary agreements, for if it does not there will be no advance on the present conditions. Assume that such a league has been formed, with the powers which I have outlined. China and Japan, we will say, acting on the principles of the brotherhood of man which this league is to embody, come before the representatives of the league and demand for their people the right of free emigration to Canada, Australia, and New Zealand, which now practically exclude them. Suppose the league decides that the people of China and Japan ought not to be deprived of the right to migrate anywhere, and that Canada, Australia, and New Zealand, backed by England, decline to accept this decision. The league will then proceed to enforce its decision, and we shall find ourselves obliged to furnish our quota to a force which will compel the admission of Asiatic labor to Canada. Are we prepared to make war upon Canada in such a cause as this, our quota of the forces of the league perhaps being under the orders of a Japanese commander in chief? Let us turn the question the other way. Suppose the Asiatic powers demand the free admission of their labor to the United States, and we resist, and the decision of the league goes against us. Are we going to accept it? Is it possible that anyone who wishes to preserve our standards of life and labor can be drawn into a scheme, veiled by glittering and glancing generalities, which would take from us our sovereign right to decide alone and for ourselves the vital question of the exclusion of Mongolian and Asiatic labor? These are not fanciful cases drawn from the region of the imagination. They are actual, living questions of the utmost vitality and peril to-day. In them is involved that deepest of human instincts which seeks not only to prevent an impossible competition in labor but to maintain the purity of the race. Are we prepared

to make any agreement which would put us in such a position as that? Before we give our adhesion to a league for peace let us consider all these contingencies. The time will not be wasted which we give to such consideration.

"I hear already the clamor of those who have been shrieking for peace at any price and denouncing all armaments, rising around us with the passionate demand that we shall immediately join a league for peace, about the details of which they neither know nor care, but which will compel the establishment of large naval and military forces, and which may plunge us into war in any quarter of the globe at any moment at the bidding of other nations. Such is the magic of a word to those who are content with vocal sounds and ask only that the word they love be shouted with sufficient loudness. But they, too, if they persist, will meet the day when words are vain, when there is no help or shelter in language, and when they must face relentless, unforgiving realities. I know well the question which can be put to me, and probably will be put to me here and elsewhere: 'Are you, then, unwilling to use the power and influence of the United States for the promotion of the permanent peace of the world?' Not at all; there is nothing that I have so much at heart. But I do not, in my eagerness to promote the permanent peace of the world, desire to involve this country in a scheme which may create a situation worse than that which now exists. Sometimes it is better to 'bear the ills we have than fly to others that we know not of.' There are measures which will promote peace and which are wholly practicable. The first and most important is the protection of our own peace against foreign attack. That can only be done by national defense, and we have no adequate national defense now. We have no means of repelling the invasion of a great power as it must be repelled, and such weakness, combined with great wealth, constitutes an invitation and a temptation to war. Against that danger we should insure ourselves by adequate national defenses, and by reducing the danger of war being forced upon us we to that extent promote the peace of mankind and we likewise put ourselves in a position where our influence and power in the world for the maintenance of general peace would be enormously increased. The next thing to which we ought to address ourselves on the conclusion of this war should be the rehabilitation and reestablishment of international law. International law represents a great mass of customs and usages which have become law and which have been observed, cited, and referred to by the nations. International law has had an ever-increasing power in guiding and controlling the conduct of nations toward each other. The fact that it has been violated and disregarded in many instances during the present conflict is no reason for adopting the counsel of despair and saying that it is of no value and must be abandoned. It is of enormous value and should be restored and upbuilt on the conclusion of this war with all the energy and influence which we can bring to bear. We should try also, within the necessary and natural limits, to extend the use of voluntary arbitration, so far as possible, and create, as we can well do, a powerful public opinion behind the system and behind the maintenance of peace. We can also do much in urging a general reduction of armaments by all nations.

"It may be said that these are but slight improvements and but moderate advances. This may all be true, but what I propose has at least this merit—it is not visionary, and I suggest nothing which is not practical and reasonable and which will not, within its limitations, do substantial good. If there is any way in which we can go further without creating a worse condition nobody will be more rejoiced than I; but I do not wish to plunge blindly forward, misled by phrases and generalities, into undertakings which threaten worse results than the imperfect conditions now existing. We are as a people altogether too prone to be satisfied with words; to believe that we advance the cause of peace or any good cause merely by shouting for it. When we approach such questions as are involved in our relations with the other nations of the earth and such a mighty issue as the maintenance of the world's peace, to be misled by words and to take words for deeds would be a fatal error. Whatever we decide to do, let us know precisely what we are doing and what we may reasonably expect.

"As an example of what I mean, let me call your attention to the resolution offered by the Senator from Idaho. It meets with my full approval at the present time, for I now see in this tortured and distracted world nothing but peril in abandoning our long and well-established policies, which have behind them not only the authority of Washington and Jefferson and Adams and Monroe but a long acceptance by the American people. Let it not be forgotten that if we pass that resolution we close the door for the time being, so far as the Senate is concerned, upon a proposition that we should join a league for peace backed by the organized major force of mankind. This resolution commits us without reserve to the policy, in regard to foreign nations, of Washington, Monroe, and Jefferson, whose statements are as clear as the unclouded sun at noonday, and are not collections of double-meaning words under which men can hide and say they mean anything or nothing. Let there be no mistake about what we are doing in this direction. I would not have our action misunderstood there any more than I should wish to see a mistake made if resolutions were adopted in a sense to which I was opposed. There is no lurking place for a league for peace 'supported by the organized major forces of mankind' in the sentences of George Washington and Thomas Jefferson set forth in the preamble to which the resolution of the Senator from Idaho declares our allegiance.

"This war will end; the passions of mankind will die down; individual ambitions will vanish with the evanescent beings who cherish them; but the Republic and the American people will remain. Let us beware how we take any steps which may precipitate this country and the people who are to come after us, and whose inheritance it is, into dangers which no man can foresee. We can not secure our own safety or build up the lasting peace of the world upon peace at any price. The peace of the world, to be enduring, must be based on righteousness at any cost. [Applause in the galleries.]"

Mr. WILLIAMS. Mr. President, it is a familiar thing when two little children are quarreling for one of them to call the other a name and then for the other one to say, "You are one, too." It seems from what has just occurred that "grown-ups" are not exempt from this habit of the children.

I agree with the Senator from Massachusetts about one thing: It is of no importance what any man thought or said three years, four years, or six years ago; the question is as to whether he is thinking honestly and thinking sincerely and has intellectual integrity in his thoughts and in his utterances to-day. If he said something four years ago that was not in accord with what he says to-day, he ought to be able to say, "My only explanation is that four years ago I believed what I then said and I now believe what I now say." That is sufficient answer to all that sort of thing.

But, Mr. President, all men, even great sections, are capable of all sorts of inconsistency. You will remember when the North and the South went into the late Civil War, the South went in contending that it had seceded and that therefore it had formed a separate and independent government and was "outside of the Union." The North contended that the South could not get outside of the Union and was "in the Union," no matter what it said about itself. Then, when the war was over they both changed position at once; and the South claimed to be in the Union and claimed all of her "constitutional" rights as States in the Union, while the North claimed that the South was out of the Union and was subject to be treated like conquered territory and would be and could be "readmitted" to the Union only on compliance with certain prescribed "terms of the conqueror." What had occurred? Was there any real inconsistency? In mere words, perhaps there was, but the inconsistency was apparent rather than real.

The Senator from Massachusetts calls attention to what he calls the inconsistencies of the President to-day, but I dare say that there is no inconsistency about any of it. Let us run over it rapidly and see.

The Great War broke out; the world was shocked, amazed, paralyzed, astonished. The President's first position was one of "regret." Then the war went on and became a very serious thing, and the President's next position was one of announced "neutrality." Then the war went on still further, and German barbarities beginning to excite our abhorrence, he begged us to keep out of it, notwithstanding his own and our strong sympathy with the victims, and endure, yet to observe our neutrality. The war continued still further, the German barbarities increased everywhere, involving our citizens, and we got into it, and now the President says, having been in it and through it, to a successful issue, "do not scuttle out of its obligations"; "do not desert your allies and associates"; do not give notice, as somebody in Germany lately said, that you are holding up "the hope of a red dawn" of rehabilitation and final victory for Germany by creating division among the Allies, caused by the delays of the Senate, in America first. I say there is no real inconsistency in any of it. Conditions changed from day to day, and the President with magnificent common sense confronted each condition as it arose. The inconsistency, if any, was in the conditions themselves, in the historical sequence of events. I can follow him back and say with all my heart that I think he was right at each stage, except that I do not think we got into

the war quite quickly enough, although many people thought we got in too soon.

Mr. President, I just said that the President's last position is, "having tried to keep out of it, having done all we could, having been injured nationally, having had our ideas of civilization shocked, having seen barbarism threaten civilization with demolition, having seen autocracy threaten democracy with conquest, having in consequence of all of this got into it, whether we wanted to or not"—and none of the American people at the beginning wanted to get into it—"shall we or shall we not evade and shirk our obligations?" Shall we take no part in harvesting the fruits of the struggle after it has been completed; or shall we scuttle out of it all and deny our responsibility for the consequences of the things that we have helped as joint victors to establish?

Upon that question—and that is the main object of my rising—I ask unanimous consent to put into the RECORD an editorial from the New York Journal of Commerce of September 12, entitled "An evasion of national responsibility," in which evasion the Senator from Massachusetts is chief sinner.

The PRESIDENT pro tempore. Without objection, leave to print in the RECORD is granted.

The matter referred to is as follows:

[From the New York Journal of Commerce of Sept. 12, 1919.]

"AN EVASION OF NATIONAL RESPONSIBILITY.

"The spirit in which Republican leaders in the Senate have dealt with the most momentous issue ever presented to a representative assembly finds expression in the phraseology in which they attempt to dismiss the fear that other nations may not accept the covenant of the league as they have undertaken to amend it: 'That is one thing that certainly will not happen. * * * The other nations will take us on our own terms, for without us their league is a wreck and all their gains from a victorious peace are imperiled.' But why 'their' league? If the league be not vitally and inevitably ours as well as theirs there is an end to all discussion about it. We either admit that we share the common determination of most of the civilized world to prevent the recurrence of a devastating war like that through which we have just passed and are willing to accept our share of the responsibility for making that effective or we elect to assume the risk and cost, not to mention the moral odium of standing alone. No amendment can be written into the treaty of peace in advance of the formation of the council of the league of nations without reopening the discussion of the entire instrument by those who framed it. For the peace conference the treaty is finished business. It is a characteristically cheap gibe to which the majority of the Foreign Relations Committee lend themselves when they say that the conference still sitting in Paris 'might at least be as usefully employed as they now are in dividing and sharing southeastern Europe and Asia Minor,' presumably by taking to pieces the treaty of peace with Germany to satisfy the scruples of certain Republican Party politicians in the Senate of the United States.

"The work now before the conference happens to include the tracing of new boundaries in southeastern Europe and Asia Minor, because these are part of the treaties with Austria, Bulgaria, and Turkey, the first of which has been signed, while the others are still under consideration. Of course, if the United States is to try the experiment of holding itself as a Nation apart in a world otherwise occupied by people seeking a common basis for their security and peace the clownish irrelevance of the majority of the Foreign Relations Committee may pass as merely another illustration, however superfluous, of the contempt for international good manners that distinguishes the United States Senate among all similar assemblies in the world. But surely this is not the spirit in which we entered the war; it is, manifestly, as far as the poles asunder from the scrupulous loyalty to our associate nations with which we discharged the responsibilities that our participation in the struggle involved. The simple formula seems to require repetition; the powers who won the war with our help as we won it with their's propose to maintain the peace with our help and that we shall maintain it with their's. The momentous decision which the Senate is required to make on behalf of the American people is whether all that they gained by going to war shall be imperiled by a refusal to take the part that belongs to them in preserving a dearly bought peace.

"If the senatorial objectors are to have their way, it is to a policy of cowardly evasion that the people of the United States will find themselves committed. The disguises under which it is sought to conceal a plain counsel of scuttle are too transparent to deceive any but blind partisans. There is no need to reserve the right to withdraw from the league on our own volition, none to reserve the right to determine what questions come within our exclusive domestic jurisdiction, and equally none to protect the Monroe doctrine against European interpretation. Explicitly or implicitly, all these are already fully covered by the terms of the covenant. The declination to accept any of the legal or moral obligations of article 10 of the covenant is either absolute or conditional. If the former, it means a refusal to approve the fundamental principle of the agreement, and that is the end of it. If it means merely that action under article 10 can be taken only with the consent of the Congress of the United States, it makes a claim that nobody has ever questioned, or, in the very nature of things, would ever dare to do. The fine display of indignation over the transfer to Japan of German rights in Kiaochow and special privileges in the whole Province of Shantung ignore the fact that it is an injustice which can be easily remedied by the action of the league of nations. The sincerity of the protest would be less open to question had our course in regard to the original wrong been in harmony with it. So also the claim that the United States has never broken an international obligation would command more respect but for the fact that our Chinese exclusion laws were in frank contradiction to the terms of the treaties made with China from 1858 to a comparatively recent date.

"If the country is to find in the majority report of the Senate committee the slogan for the Republican campaign of 1920, then the party is in a very bad way. It was open to the Republicans in the Senate to claim that their initial objections had been instrumental in transforming the league into an effective working instrument. To make an appeal for public confidence on the ground that they had destroyed it would be an act of political suicide. It is simply inconceivable that on such grounds as those outlined in the majority report of the Foreign Relations Committee the hopes and aspirations which the great mass of our people share with their associates in the war should suffer shipwreck. The leaders in this destructive movement are mainly those who are responsible for the loss of popular confidence in their own party. Their success in an enterprise pernicious beyond expression and harmful beyond all precedent would stand for all time as the blackest chapter in our history."

Mr. SMOOT. Mr. President, I move that the Senate proceed to the consideration of legislative business.

Mr. HITCHCOCK. Mr. President, is it not expected to proceed with the reading of the treaty?

Mr. SMOOT. It is 4.30 o'clock in the afternoon now, and we will not get along very far with it. What we would like to do is to take up this afternoon, if we can, the so-called power bill. Perhaps we could read that bill through this afternoon before the time we want to adjourn—5 o'clock. I will say to the Senator that it is only to hasten matters that we take this action.

Mr. HITCHCOCK. Mr. President, I want to put this matter before the Senator from Utah in a perfectly candid way.

This is the great emergency business of the Senate. It is the business on which the Senate is engaged above everything else. We have had a regular morning hour on each day of meeting so far, but practically we have not been taking up the treaty until 2 o'clock. We have not read a line of the treaty yet and we have been in session on it now two or three days—not a line. It certainly seems to me that if we delay taking it up every day until the morning business is concluded we ought to spend the rest of the day upon the treaty.

Mr. SMOOT. It was taken up about 12.30 to-day. There is no intention whatever of delaying the consideration of the treaty. There is 30 minutes now before the time when the Senate ought to adjourn; as nobody desires to proceed with any remarks on the treaty at this time, having 30 minutes only, I can not see but that we could hasten action in relation to legislation by doing just what I have asked the Senate to do.

Mr. HITCHCOCK. Let me call the attention of the Senator to the fact that the first amendment to be considered is on page 19 of the treaty. Is there any reason why we could not read the treaty up to that point, at least? It certainly is not necessary for the Senate to abdicate and abandon the consideration of the treaty simply because no Senator is ready to speak, as long as the treaty has to be read. There are hours of reading of the treaty.

Mr. SMOOT. If there were an hour at the present time, or more than an hour, it would be used in reading the treaty, unless some Senator wanted to address the Senate; but here is this water-power bill, for the passage of which there is such a demand, and we thought perhaps we could get that read to-day. That is all there is, and we have now spent five minutes of the day in discussing this question. The Senator discussed it yesterday in the same way.

Mr. HITCHCOCK. Yes, Mr. President; and I endeavored to secure from the Senator an avowal that he would in good faith carry out his purpose of keeping the treaty before the Senate to the exclusion of other business.

Mr. LODGE. Mr. President, my good faith and what I intend to do is my business.

Mr. SMOOT. And I want to say to the Senator, as far as the Members of the Senate are concerned, that I think they feel that the Senator has kept the treaty before the Senate. Far be it from me or any other Republican Senator to delay the consideration of the treaty; but why should we spend 25 minutes here to-day in just beginning the reading of the treaty, when we have other business that we know——

Mr. HITCHCOCK. It has to be done at some time. We should not have other business. This is the big business before the country that the whole country is talking about. Of course the Senator has a bill there. Other Senators have other bills. There are great legislative measures waiting, and it is all the more reason why we should crowd this treaty through.

I put it to the Senator from Massachusetts again: Does he or does he not intend to carry out in good faith his declared purpose of keeping the treaty before the Senate until it is finished?

Mr. LODGE. I certainly do; and I propose to do it in my own way, without advice from the Senator from Nebraska. [Applause in the galleries.]

Mr. HITCHCOCK. I presume the Senator will do it in the way that the Senate decides.

The PRESIDENT pro tempore. Will the Senator from Nebraska suspend for a moment? The Chair has tolerated applause in the galleries at the termination of speeches made in behalf of and against the league of nations, but the Chair will not tolerate signs of approval or disapproval with respect to interchanges between Senators upon a motion like this, and if it is repeated the galleries will be cleared.

Mr. HITCHCOCK. Mr. President, I think at this point I ought to say a word on that subject. It is my opinion——

The PRESIDENT pro tempore. May the Chair ask the Senator from Nebraska whether, in his opinion, the motion made by the Senator from Utah is debatable?

Mr. SMOOT. Of course it is not debatable.

Mr. SWANSON. After 2 o'clock it is debatable.

The PRESIDENT pro tempore. The Chair is of the opinion, unless otherwise advised, that the motion made by the Senator from Utah is not a debatable motion.

Mr. LENROOT. Mr. President, it is after 2 o'clock.

Mr. SMOOT. But this is simply a motion to return to legislative session.

The PRESIDENT pro tempore. The motion is a motion to return to legislative session, and the Chair is of the opinion that it is not debatable.

Mr. HITCHCOCK. Mr. President, permit me to say that a motion to proceed to the consideration of executive business is not debatable, for obvious reasons; but certainly a motion to proceed to the consideration of anything in legislative session is always debatable.

The PRESIDENT pro tempore. But this is not a motion to consider any matter pending before the Senate. It is simply a motion to change the character of the session.

Mr. SMOOT. I have no objection to the Senator debating the question.

Mr. HITCHCOCK. If the Senator will permit me, I do not desire to debate that question; but I have in my mind a thing to say that I think ought to be said.

In my opinion, many people who come to these galleries are not aware of the rule against applause; and I think either the Chair or the Committee on Rules ought to cause to be printed cards warning those who enter the galleries that they violate the rule if they applaud. I think if that could be done daily it would soon relieve the Senate of this occasional annoyance. It is done largely through ignorance.

Mr. SMOOT. I will say to the Senator that that has been tried two or three times since I have been in the Senate of the United States. We must remember that the galleries are filled with people from all over the United States. Perhaps half the people in the galleries have never been in the galleries before, and if we undertook to do a thing like that we would have to have a notice in every seat in the galleries, and have it there every day the Senate is in session.

Mr. HITCHCOCK. I disagree with the Senator. There is a doorkeeper at every door. He sees every person who enters, and he can hand him a card with that warning. I believe it would relieve the Senate from a great deal of annoyance and the occupants of the galleries from a great many mistakes.

I now ask the Senator to permit the reading of the treaty, at least down to the first amendment, so that we can make some progress.

Mr. WILLIAMS. Mr. President, will the Senator yield to me for just a moment? I disagree with both Senators. I do not think the galleries are "half filled" or a third filled "with people who never were in them before." I think substantially the same crowd that has been packing them for some time has them in its possession now. But, having said that much, I want to say this:

I never was to the slightest degree in sympathy with the idea that the occupants of the galleries ought not to be permitted to applaud. It is a rule of the Senate, and as such, of course, it ought to be carried out. It is not a rule of the House of Representatives, and the House of Representatives has always gotten along very well without it. Where spectators are permitted to come to the galleries, any rule prohibiting them from applauding ought to be abolished, and they ought to be allowed to applaud whenever they please. Of course that does not relieve the Chair from his duty of enforcing the rule of the Senate; but I just wanted to say, as far as I am concerned, that it is a rule of which I have never approved.

The PRESIDENT pro tempore. The Chair feels a certain responsibility in the matter; and while he may give latitude in certain instances, the Chair will feel it his duty to prevent recurring applause as repartee takes place between Senators on the floor. The motion is that the Senate return to legislative session. It is not a debatable motion.

Mr. HITCHCOCK. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LODGE. I make the point of no quorum.

The PRESIDENT pro tempore. The Senator from Massachusetts suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegee	Harrison	McKellar	Smoot
Capper	Hitchcock	McNary	Spencer
Cummins	Johnson, S. Dak.	New	Sutherland
Curtis	Jones, Wash.	Newberry	Swanson
Fall	Kellogg	Norris	Thomas
Fletcher	Kendrick	Nugent	Trammell
France	Kenyon	Page	Wadsworth
Gay	Keyes	Phipps	Walsh, Mass.
Gerry	Kirby	Pittman	Warren
Hale	Knox	Pomerene	Williams
Harding	Lenroot	Reed	Wolcott
Harris	Lodge	Sheppard	

Mr. SHEPPARD. The Senator from North Carolina [Mr. OVERMAN] and the Senator from Arizona [Mr. ASHURST] are detained on official business.

The PRESIDENT pro tempore. Forty-seven Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absent Senators.

The Secretary called the names of the absent Senators, and Mr. MCCUMBER and Mr. SIMMONS answered to their names when called.

Mr. OVERMAN, Mr. BANKHEAD, Mr. DILLINGHAM, Mr. WATSON, Mr. STERLING, Mr. NELSON, and Mr. PHELAN entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-six Senators have answered to their names. There is a quorum present.

Mr. SMOOT. I ask unanimous consent to withdraw my motion that the Senate proceed with legislative business.

The PRESIDENT pro tempore. Without objection, the motion of the Senator from Utah is withdrawn.

Mr. LODGE. I move that when the Senate adjourns it be to meet on Thursday at 1.45 o'clock p. m.

Mr. HITCHCOCK. Is it the Senator's purpose to have the Senate at that time meet to participate in the joint session?

Mr. LODGE. That was my purpose.

Mr. HITCHCOCK. Is it the purpose to proceed with any other business on that day?

Mr. LODGE. It was not my purpose. I thought that as we would receive Gen. Pershing on that day, it would be a broken day, and the Senate would not proceed with other business.

Mr. HITCHCOCK. That is satisfactory to me.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Massachusetts that when the Senate adjourns it be to meet on Thursday at 1.45 o'clock in the afternoon.

The motion was agreed to.

Mr. KIRBY. I move that the Senate adjourn.

The motion was not agreed to.

The PRESIDENT pro tempore. The Secretary will proceed to read the treaty of peace with Germany for action on the amendments proposed by the Committee on Foreign Relations.

The Secretary read as follows:

"TREATY OF PEACE WITH GERMANY.

"THE UNITED STATES OF AMERICA, THE BRITISH EMPIRE, FRANCE, ITALY and JAPAN.

"These Powers being described in the present Treaty as the Principal Allied and Associated Powers,

"BELGIUM, BOLIVIA, BRAZIL, CHINA, CUBA, ECUADOR, GREECE, GUATEMALA, HAITI, THE HEDJAZ, HONDURAS, LIBERIA, NICARAGUA, PANAMA, PERU, POLAND, PORTUGAL, ROUMANIA, THE SERB-CROAT-SLOVENE STATE, SIAM, CZECHO-SLOVAKIA and URUGUAY,

"These Powers constituting with the Principal Powers mentioned above the Allied and Associated Powers,

of the one part;

"And GERMANY,

of the other part;

"Bearing in mind that on the request of the Imperial German Government an Armistice was granted on November 11, 1918, to Germany by the Principal Allied and Associated Powers in order that a Treaty of Peace might be concluded with her, and

"The Allied and Associated Powers being equally desirous that the war in which they were successfully involved directly or indirectly and which originated in the declaration of war by Austria-Hungary on July 28, 1914, against Serbia, the declaration of war by Germany against Russia on August 1, 1914, and against France on August 3, 1914, and in the invasion of Belgium, should be replaced by a firm, just and durable Peace,

"For this purpose the HIGH CONTRACTING PARTIES represented as follows:

"THE PRESIDENT OF THE UNITED STATES OF AMERICA, by:

"The Honourable Woodrow WILSON, PRESIDENT OF THE UNITED STATES, acting in his own name and by his own proper authority;

"The Honourable Robert LANSING, Secretary of State;

"The Honourable Henry WHITE, formerly Ambassador Extraordinary and Plenipotentiary of the United States at Rome and Paris;

"The Honourable Edward M. HOUSE;

"General Tasker H. BLISS, Military Representative of the United States on the Supreme War Council;

"HIS MAJESTY THE KING OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND AND OF THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, by:

"The Right Honourable David LLOYD GEORGE, M. P., First Lord of His Treasury and Prime Minister;

"The Right Honourable Andrew BONAR LAW, M. P., His Lord Privy Seal;

"The Right Honourable Viscount MILNER, G. C. B., G. C. M. G., His Secretary of State for the Colonies;

"The Right Honourable Arthur James BALFOUR, O. M., M. P., His Secretary of State for Foreign Affairs;

"The Right Honourable George Nicoll BARNES, M. P., Minister without portfolio;

"And

"for the DOMINION of CANADA, by:

"The Honourable Charles Joseph DOHERTY, Minister of Justice;

"The Honourable Arthur Lewis SIFTON, Minister of Customs;

"for the COMMONWEALTH of AUSTRALIA, by:

"The Right Honourable William Morris HUGHES, Attorney General and Prime Minister;

"The Right Honourable Sir Joseph COOK, G. C. M. G., Minister for the Navy;

"for the UNION OF SOUTH AFRICA, by:

"General the Right Honourable Louis BOTHA, Minister of Native Affairs and Prime Minister;

"Lieutenant-General the Right Honourable Jan Christiaan SMUTS, K. C., Minister of Defence;

"for the DOMINION of NEW ZEALAND, by:

"The Right Honourable William Ferguson MASSEY, Minister of Labour and Prime Minister;

"for INDIA, by:

"The Right Honourable Edwin Samuel MONTAGU, M. P., His Secretary of State for India;

"Major-General His Highness Maharaja Sir Ganga Singh Bahadur, Maharaja of BIKANER, G. C. S. I., G. C. I. E., G. C. V. O., K. C. B., A. D. C.;

"THE PRESIDENT OF THE FRENCH REPUBLIC, by:

"Mr. Georges CLEMENCEAU, President of the Council, Minister of War;

"Mr. Stephen PICHON, Minister for Foreign Affairs;

"Mr. Louis-Lucien KLOTZ, Minister of Finance;

"Mr. André TARDIEU, Commissary General for Franco-American Military Affairs;

"Mr. Jules CAMBON, Ambassador of France;

"HIS MAJESTY THE KING OF ITALY, by:

"Baron S. SONNINO, Deputy;

"Marquis G. IMPERIALI, Senator, Ambassador of His Majesty the King of Italy at London;

"Mr. S. CRESPI, Deputy;

"HIS MAJESTY THE EMPEROR OF JAPAN, by:

"Marquis SAÏONZI, formerly President of the Council of Ministers;

"Baron MAKINO, formerly Minister for Foreign Affairs, Member of the Diplomatic Council;

"Viscount CHINDA, Ambassador Extraordinary and Plenipotentiary of H. M. the Emperor of Japan at London;

"Mr. K. MATSUI, Ambassador Extraordinary and Plenipotentiary of H. M. the Emperor of Japan at Paris;

"Mr. H. IJUIN, Ambassador Extraordinary and Plenipotentiary of H. M. the Emperor of Japan at Rome;

"HIS MAJESTY THE KING OF THE BELGIANS, by:

"Mr. Paul HYMANS, Minister for Foreign Affairs, Minister of State;

"Mr. Jules van den HEUVEL, Envoy Extraordinary and Minister Plenipotentiary, Minister of State;

"Mr. Emile VANDERVELDE, Minister of Justice, Minister of State;

"THE PRESIDENT OF THE REPUBLIC OF BOLIVIA, by:

"Mr. Ismael MONTES, Envoy Extraordinary and Minister Plenipotentiary of Bolivia at Paris;

"THE PRESIDENT OF THE REPUBLIC OF BRAZIL, by:

"Mr. João Pandiá CALOGERAS, Deputy, formerly Minister of Finance;

"Mr. Raul FERNANDES, Deputy;

"Mr. Rodrigo Octavio de L. MENEZES, Professor of International Law of Rio de Janeiro;

"THE PRESIDENT OF THE CHINESE REPUBLIC, by:

"Mr. Lou Tseng-Tsiang, Minister for Foreign Affairs;

"Mr. Chengting Thomas WANG, formerly Minister of Agriculture and Commerce;

"THE PRESIDENT OF THE CUBAN REPUBLIC, by:

"Mr. Antonio Sánchez de BUSTAMANTE, Dean of the Faculty of Law in the University of Havana, President of Cuban Society of International Law;

"THE PRESIDENT OF THE REPUBLIC OF ECUADOR, by:

"Mr. Enrique DORN Y DE ALSÚA, Envoy Extraordinary and Minister Plenipotentiary of Ecuador at Paris;

"HIS MAJESTY THE KING OF THE HELLENES, by:

"Mr. Eleftherios K. VENISÉLOS, President of the Council of Ministers;

"Mr. Nicolas POLITIS, Minister for Foreign Affairs;

"THE PRESIDENT OF THE REPUBLIC OF GUATEMALA, by:

"Mr. Joaquin MÉNDEZ, formerly Minister of State for Public Works and Public Instruction, Envoy Extraordinary and Minister Plenipotentiary of Guatemala at Washington, Envoy Extraordinary and Minister Plenipotentiary on special mission at Paris;

"THE PRESIDENT OF THE REPUBLIC OF HAITI, by:

"Mr. Tertullien GUILBAUD, Envoy Extraordinary and Minister Plenipotentiary of Haiti at Paris;

"HIS MAJESTY THE KING OF THE HEDJAZ, by:

"Mr. Rustem HAÏDAR;

"Mr. Abdul Hadi AOUNI;

"THE PRESIDENT OF THE REPUBLIC OF HONDURAS, by:

"Dr. Policarpo BONILLA, on special mission to Washington, formerly President of the Republic of Honduras, Envoy Extraordinary and Minister Plenipotentiary;

"THE PRESIDENT OF THE REPUBLIC OF LIBERIA, by:

"The Honourable Charles Dunbar Burgess KING, Secretary of State;

"THE PRESIDENT OF THE REPUBLIC OF NICARAGUA, by:

"Mr. Salvador CHAMORRO, President of the Chamber of Deputies;

"THE PRESIDENT OF THE REPUBLIC OF PANAMA, by:

"Mr. Antonio BURGOS, Envoy Extraordinary and Minister Plenipotentiary of Panama at Madrid;

"THE PRESIDENT OF THE REPUBLIC OF PERU, by:

"Mr. Carlos G. CANDAMO, Envoy Extraordinary and Minister Plenipotentiary of Peru at Paris;

"THE PRESIDENT OF THE POLISH REPUBLIC, by:
"Mr. Ignace J. PADEREWSKI, President of the Council of Ministers, Minister for Foreign Affairs;
"Mr. Roman DMOWSKI, President of the Polish National Committee;
"THE PRESIDENT OF THE PORTUGUESE REPUBLIC, by:
"Dr. Affonso Augusto DA COSTA, formerly President of the Council of Ministers;
"Dr. Augusto Luiz Vieira SOARES, formerly Minister for Foreign Affairs;
"HIS MAJESTY THE KING OF ROUMANIA, by:
"Mr. Ion I. C. BRATIANO, President of the Council of Ministers, Minister for Foreign Affairs;
"General Constantin COANDA, Corps Commander, A. D. C. to the King, formerly President of the Council of Ministers;
"HIS MAJESTY THE KING OF THE SERBS, THE CROATS, AND THE SLOVENES, by:
"Mr. Nicolas P. PACHITCH, formerly President of the Council of Ministers;
"Mr. Ante TRUMBIC, Minister for Foreign Affairs;
"Mr. Milenko VESNITCH, Envoy Extraordinary and Minister Plenipotentiary of H. M. the King of the Serbs, the Croats and the Slovenes at Paris;
"HIS MAJESTY THE KING OF SIAM, by:
"His Highness Prince CHAROON, Envoy Extraordinary and Minister Plenipotentiary of H. M. the King of Siam at Paris;
"His Serene Highness Prince Traidos PRABANDHU, Under Secretary of State for Foreign Affairs;
"THE PRESIDENT OF THE CZECHO-SLOVAK REPUBLIC, by:
"Mr. Karel KRAMÁŘ, President of the Council of Ministers;
"Mr. Eduard BENEŠ, Minister for Foreign Affairs;
"THE PRESIDENT OF THE REPUBLIC OF URUGUAY, by:
"Mr. Juan Antonio BUERO, Minister for Foreign Affairs, formerly Minister of Industry;
"GERMANY, by:
"Mr. Hermann MÜLLER, Minister for Foreign Affairs of the Empire;
"Dr. BELL, Minister of the Empire;

"Acting in the name of the German Empire and of each and every component State,

"WHO having communicated their full powers found in good and due form have AGREED AS FOLLOWS:

"From the coming into force of the present Treaty the state of war will terminate. From that moment and subject to the provisions of this Treaty official relations with Germany, and with any of the German States, will be resumed by the Allied and Associated Powers.

"PART I.

"THE COVENANT OF THE LEAGUE OF NATIONS

"THE HIGH CONTRACTING PARTIES,

"In order to promote international co-operation and to achieve international peace and security

"by the acceptance of obligations not to resort to war,

"by the prescription of open, just and honourable relations between nations,

"by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and

"by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another,

"Agree to this Covenant of the League of Nations.

"Article 1.

"The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accession shall be effected by a Declaration deposited with the Secretariat within two months of the coming into force of the Covenant. Notice thereof shall be sent to all other Members of the League.

"Any fully self-governing State, Dominion or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments.

"Any Member of the League may, after two years' notice of its intention so to do, withdraw from the League, provided that all its international obligations and all its obligations under this Covenant shall have been fulfilled at the time of its withdrawal.

"Article 2.

"The action of the League under this Covenant shall be effected through the instrumentality of an Assembly and of a Council with a permanent Secretariat.

"Article 3.

"The Assembly shall consist of Representatives of the Members of the League.

"The Assembly shall meet at stated intervals and from time to time as occasion may require at the Seat of the League or at such other place as may be decided upon.

"The Assembly may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

"At meetings of the Assembly each Member of the League shall have one vote, and may have not more than three Representatives."

The first amendment of the Committee on Foreign Relations was, on page 19, to insert the following proviso at the end of article 3:

(1): *Provided*, That when any member of the league has or possesses self-governing dominions or colonies or parts of empire, which are also members of the league, the United States shall have votes in the assembly or council of the league numerically equal to the aggregate vote of such member of the league and its self-governing dominions and colonies and parts of empire in the council or assembly of the league.

Mr. LODGE. I ask that the amendment be passed over.

The PRESIDENT pro tempore. Without objection——

Mr. HITCHCOCK. Will the Senator explain his understanding of what the status of the amendment will be? When will it then be the subject of consideration in case unanimous consent is given?

Mr. LODGE. The usual practice in connection with all bills is that when an amendment is passed over it may be called up at any time.

Mr. HITCHCOCK. It may be called up by whom at any time?

Mr. LODGE. By the Senator in charge of the bill. That is the practice.

Mr. HITCHCOCK. Can an understanding be had that it will be called up within any definite time?

Mr. LODGE. No; I shall make no understanding about when I shall call it up. There are Senators away who desire to be heard on the amendment and who have asked to be heard on it. I assured them that it would be passed over, and it can be passed over.

Mr. HITCHCOCK. Will the Senator give any assurance that it will be subject to consideration some time next week?

Mr. LODGE. I suppose it will be, but I can not give any assurances or promises of any kind.

Mr. HITCHCOCK. I notice that the Senator is very reticent on that point.

Mr. LODGE. No; I shall make no assurances or promises of any kind, and there is no use in the Senator trying to cross-question or to draw me into anything of that sort.

Mr. HITCHCOCK. Is the Senator ready to vote on this amendment?

Mr. LODGE. Now?

Mr. HITCHCOCK. Yes.

Mr. LODGE. I am not; the Senate is not.

Mr. HITCHCOCK. Of course, Mr. President, I have no objection to any reasonable delay, but it seems to me that in fairness the Senator ought to be able to give the Senate some assurance as to when, if the amendment is passed over by unanimous consent at the present time, he would be disposed to call it up for consideration. I am not asking for a definite day.

Mr. LODGE. I have not the slightest idea of interposing any artificial delay of any kind to the consideration of this treaty. I am as much against such a course as the Senator from Nebraska. But let me assure the Senator that he will not advance the treaty by undertaking to harry me all the time about it.

Mr. HITCHCOCK. I have no disposition to harry the Senator, but he is asking for unanimou consent at the present time, and I am seeking some assurance——

Mr. LODGE. If the Senator is going to resist unanimous consent he will force me into measures to prevent the consideration of the amendment at this time. He will not advance the treaty. A request to pass over an amendment is never refused; it never has been refused in my experience in the Senate.

Mr. HITCHCOCK. The Senator will realize that I am making a very reasonable suggestion.

Mr. LODGE. I know exactly what the Senator is doing.

Mr. HITCHCOCK. If the Senator can give some assurance that within the next week he will call up this amendment——

Mr. LODGE. I can give no assurances of any kind.

Mr. HITCHCOCK. It is not a binding matter.

Mr. LODGE. I am going to do all I can to promote the consideration of the treaty. I am as much against any artificial delay of any sort as the Senator can possibly be, but I am going to have due consideration by Senators who wish to debate the treaty. I have been asked to-day by two Senators on the Senator's own side of the Chamber if I could give them assurance that there would be no vote before Monday, as they wished to go away, one on account of a friend who is ill and the other because it was necessary for him to return to his own State. There is another Senator away on account of the illness of his wife. I told them I did not think a vote would be reached this week, and I do not think a vote will be reached.

Mr. SMOOT. Does the Senator from Nebraska believe that this amendment ought to be voted upon at once and before any other amendment is voted on?

Mr. HITCHCOCK. It is an amendment which was considered and digested very carefully by the committee, and I presume the only reasonable occasion for delay is the absence of the author of it.

Mr. SMOOT. Does not the Senator from Nebraska really believe that time would be saved if we went on and read the treaty, and let amendments be passed over when desired, and then return to the first amendment, and take it up and dispose of it, and then take up and discuss the next amendment passed over?

Mr. HITCHCOCK. I am not disposed to object to the request. I am merely inquiring of the Senator from Massachusetts whether we can reasonably expect consideration within the next week. If he does not know——

Mr. LODGE. As to this particular amendment I can not tell. There are a great many Senators who wish to speak upon it, and there will be considerable debate on the amendment.

Mr. SWANSON. I understand the interpretation put upon the action of the Senate in granting unanimous consent now would be that the only way it could be disposed of in the future would be by the action of the chairman of the Committee on Foreign Relations, who has charge of the treaty, or until we have concluded the reading of the entire treaty and come back to consider the amendments passed over.

Mr. LODGE. Both those courses are pursued ordinarily with bills.

Mr. SWANSON. This is the only amendment that is offered to the covenant of the league of nations.

Mr. LODGE. No; there is another one.

Mr. SWANSON. I was going to suggest that we temporarily pass over this and the other amendment so that the Senate may take them up later when they see fit.

Mr. LODGE. The request is always to pass over an amendment temporarily.

Mr. SWANSON. The Senator is asking unanimous consent to do that?

Mr. LODGE. I ask that the amendment be passed over until I call it up. It may not be called up until we get to the end of the reading of the treaty.

Mr. SWANSON. I should like to have it left to the decision of somebody else besides the Senator. Others might want to call it up before we finish the reading of the entire treaty.

Mr. LODGE. If a majority of the Senate wish to take it up, of course it is in their power to do it.

Mr. SWANSON. A majority of the Senate could do it?

Mr. LODGE. Yes.

Mr. SWANSON. I understood the Senator to say it could only be done on his request.

Mr. LODGE. I was speaking merely of the unbroken practice here. I have never known a request refused when made by the chairman of a committee in charge of a bill to pass over an amendment. That gives the Senator in charge a chance to call it up when he thinks it is best for the bill to do it. I have seen it done in connection with great bills like the revenue bill. The Senator from North Carolina [Mr. SIMMONS] constantly had to do it. If Senators want to undertake to force the amendment up at any time they can try it on.

Mr. HITCHCOCK. The Senator will realize that this treaty is very different in one respect from an ordinary bill. As a general proposition, when a Senator, the chairman of a committee, is in charge of a bill, he is in favor of the bill; he is not seeking to alter it or destroy it. It seems to me to be rather unfair for the Senator, as chairman of the committee, to assume that if we give unanimous consent to pass it over he alone can control the time to bring it up.

Mr. LODGE. I never suggested that for a moment. I have been long enough in the Senate to learn that the majority of the Senate control. I was speaking merely of the unbroken custom. But if the Senator thinks it is wise to throw aside all the customs of the Senate and fight it in this way, the delay will rest on him, not on me.

Mr. HITCHCOCK. The Senator from Massachusetts then states that if this amendment be temporarily passed over at the present time it will be subject at any time to be called up upon the motion of any Senator?

Mr. LODGE. There is no doubt of that whatever. It is the rule.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Massachusetts that the amendment proposed by the committee at this point be passed over?

Mr. LODGE. Temporarily passed over.

The PRESIDENT pro tempore. In order that the Chair may be advised, what does the Senator from Massachusetts mean by "temporarily passed over"?

Mr. LODGE. I am only putting it in the usual form of such a request. It is the usual request, that it shall be temporarily passed over, or, I might put it, that it be passed over for the present. I suppose such words are put in to show that it is intended to return to the amendment and deal with it.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the amendment now reached be temporarily passed over. Is there objection to the request? The Chair hears none, and the amendment is passed over temporarily. The Secretary will continue the reading:

The Secretary read as follows:

"Article 4.

"The council shall consist of representatives of the principal allied and associated powers, together with representatives of four other members of the league. These four members of the league shall be selected by the assembly from time to time in its discretion. Until the appointment of the representatives of the four members of the league first selected by the assembly, representatives of Belgium, Brazil, Spain, and Greece shall be members of the council.

"With the approval of the majority of the assembly, the council may name additional members of the league whose representatives shall always be members of the council; the council with like approval may increase the number of members of the league to be selected by the assembly for representation on the council."

ADJOURNMENT TO THURSDAY.

Mr. LODGE. As in legislative session, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned, the adjournment under the previous order being until Thursday, September 18, 1919, at 1.45 o'clock p. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *September 16, 1919.*

The House met at 11 o'clock a. m. and was called to order by the Clerk (William Tyler Page), who read the following communication:

SEPTEMBER 16, 1919.

To the CLERK OF THE HOUSE:

I designate Mr. CAMPBELL of Kansas to preside in the House to-day.

F. H. GILLETT.

Mr. CAMPBELL of Kansas took the chair as Speaker pro tempore amid general applause.

Rev. William Couden, late chaplain of the Second Division, American forces in Germany, offered the following prayer:

O Thou who art the author of every perfect gift, we are surrounded on every hand with the evidences of Thy love and providence. We hunger, and there is food; we thirst, and there is drink. Against cold and storm Thou hast given us shelter. And that we may use the riches of the earth, Thou hast endowed us with intelligence and skill in the appropriation of all the materials and forces of nature. Verily Thou dost prepare a table before us in the presence of our every enemy.

But, Lord, around us shines Thy truth, and we will not see; embracing us Thy love and we do not respond; before us stands Christ and we do not accept. O forgive our folly, remove our transgressions far from us, and help Thou our unbelief. Change within us our wrong into rectitude, our error into truth, our hate and selfishness into love and helpfulness. Thus may we live in the world but not of the world, and enjoy even in this temporal sphere a life hidden with Christ in Thee. Amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

Mr. DYER. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. WINGO. Will the gentleman withhold that just a moment?

Mr. DYER. I withhold it.

Mr. WINGO. As I understood the reading of the Journal by the Clerk, Mr. THOMPSON of Arkansas made the point of no quorum. I would like to have the Clerk refer to that part of the Journal.

The SPEAKER pro tempore. The Chair is informed that the Journal shows that the gentleman from Oklahoma [Mr. THOMPSON] made the point of order.

The Journal was approved.

CALL OF THE HOUSE.

Mr. DYER. I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Missouri makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. MONDELL. I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The doors will be closed, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, when the following Members failed to answer to their names:

Ackerman	Gandy	McFadden	Rowan
Anderson	Ganly	McKenzie	Sabath
Anthony	Gard	McKiniry	Sanders, Ind.
Ashbrook	Garland	McKinley	Sanders, N. Y.
Babka	Garrett	McLane	Sanford
Bell	Godwin, N. C.	McLaughlin, Mich.	Scully
Benson	Goldfogle	McPherson	Sears
Blackmon	Goodall	MacGregor	Sells
Bland, Ind.	Goodwin, Ark.	Madden	Sherwood
Bland, Va.	Gould	Magee	Shreve
Bowers	Graham, Pa.	Maher	Sims
Britten	Graham, Ill.	Major	Sinclair
Browne	Greene, Vt.	Mann	Sisson
Brumbaugh	Griest	Mapes	Smith, N. Y.
Burke	Griffin	Mason	Smithwick
Butler	Hamill	Mead	Snyder
Campbell, Pa.	Hamilton	Merritt	Steagall
Cantrill	Harrison	Michener	Steele
Carew	Haugen	Miller	Stephens, Miss.
Casey	Hawley	Montague	Stephens, Ohio
Classon	Hays	Moon	Stevenson
Collier	Hill	Moore, Pa.	Stiness
Connally	Holland	Morin	Strong, Pa.
Cooper	Houghton	Mott	Sullivan
Copley	Hudspeth	Mudd	Summers, Wash.
Costello	Hutchinson	Nelson, Mo.	Sweet
Cramton	James	Nichols, Mich.	Taylor, Ark.
Crisp	Jefferis	O'Connell	Taylor, Tenn.
Curry, Calif.	Johnson, S. Dak.	O'Connor	Temple
Darrow	Johnston, N. Y.	Oldfield	Thompson, Ohio
Davey	Jones, Pa.	Olney	Thompson, Okla.
Davis, Minn.	Juul	Padgett	Towner
Davis, Tenn.	Kelley, Mich.	Parker	Upshaw
Dempsey	Kelly, Pa.	Pell	Vare
Denison	Kendall	Peters	Vestal
Dewalt	Kennedy, Iowa	Phelan	Volstead
Donovan	Kennedy, R. I.	Porter	Walters
Dooling	Kettner	Purnell	Wason
Drane	Kiess	Quin	Watson, Pa.
Eagan	Kleczka	Rainey, H. T.	Webb
Eagle	Kreider	Rainey, J. W.	White, Me.
Edmonds	LaGuardia	Reavis	Williams
Ellsworth	Langley	Reber	Wilson, Ill.
Emerson	Larsen	Reed, N. Y.	Wilson, Pa.
Esch	Lea, Calif.	Riddick	Winslow
Fitzgerald	Lesher	Riordan	Wise
Flood	Linthicum	Rogers	Woodyard
Focht	McArthur	Romjue	
Foster	McClintic	Rose	
Frear	McCulloch	Rouse	

The SPEAKER pro tempore. On this roll call 232 Members, a quorum, have answered to their names. The Doorkeeper will open the doors.

Mr. MONDELL. I move to dispense with further proceedings under the call.

The motion was agreed to.

LEAVE TO EXTEND REMARKS.

Mr. NEWTON of Missouri. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on House bill 9203.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to revise and extend his remarks in the RECORD. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

Mr. SUMNERS of Texas. Mr. Speaker, my colleague, Mr. HUDSPETH, is in Texas on account of illness in his family. I am not sure that he has been excused, and I ask unanimous consent that he be excused indefinitely, on account of illness in his family.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that his colleague, Mr. HUDSPETH, be given indefinite leave of absence on account of illness in his family. Is there objection?

There was no objection.

By unanimous consent leave of absence was granted—

To Mr. DRANE, for to-day and to-morrow, on account of illness.

To Mr. WHITE of Maine (at the request of Mr. HERSEY), on account of illness.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the joint resolution (S. J. Res. 95) authorizing the Secretary of War to loan to the city of Atlanta, Ga., tents, cots, horses, and saddle equipments for the use of United Confederate Veterans in their convention from October 7 to 10, 1919, which was to amend the title to read as follows: "Joint resolution authorizing the Secretary of War to loan to the city of Atlanta, Ga., tents, cots, blankets, and other camp equipment for the use of United Confederate Veterans in their convention from October 7 to 10, 1919."

The message also announced that the Senate had passed the bill (S. 2972) to extend the cancellation stamp privilege to the Roosevelt Memorial Association, in which the concurrence of the House of Representatives was requested.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2972. An act to extend the cancellation stamp privilege to the Roosevelt Memorial Association; to the Committee on Post Offices and Post Roads.

LAFAYETTE DAY.

Mr. HUSTED. Mr. Speaker, I ask unanimous consent to proceed for three minutes on the subject of Lafayette Day in the city of New York.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to proceed for three minutes. Is there objection?

Mr. CANNON. Mr. Speaker, I will not object to three minutes, but the deficiency bill is ready and I hope with the full attendance that we have on both sides of the House we shall proceed to its consideration as quickly as possible.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HUSTED. Mr. Speaker, on September 6 Lafayette Day was generally observed throughout the United States. It was the anniversary not only of the birth of Lafayette but also of the first battle of the Marne. The governors of several of our States issued special proclamations asking for suitable observance. The same action was taken by the mayors of a number of our cities. The principal exercises were held in the City Hall of the city of New York, at which Supreme Court Justice Victor J. Dowling presided. On that occasion some notable addresses were made and messages read. Ambassador Jusserand made a notable address, and there were messages from President Poincaré, Premier Clemenceau, and André Tardieu, of France; from the Prince of Wales, Field Marshal Haig, and Admiral Beatty, of Great Britain; and also from the Secretary of State and Gen. Pershing.

The occasion was so important and the addresses and messages were of such a character that I think they should be made a public record, and I therefore, Mr. Speaker, ask unanimous consent to extend and revise my remarks by having printed in the RECORD the address of Ambassador Jusserand and the messages from the distinguished citizens of France, Great Britain, and the United States which were read upon the occasion of these exercises in the City Hall of the city of New York. [Applause.]

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The address and messages follow:

AMBASSADOR JUSSERAND'S SPEECH.

Ambassador Jusserand said:

"When we met last year on the same anniversary of the birth of Gen. Lafayette, the defender of liberty in the two worlds, the third battle begun at the Marne was still going on, the first having been fought in A. D. 451 against the Huns (the original Huns), the second by Joffre in 1914, and the third about to be won by Foch and his peers, Haig and Pershing. It was still the time of the communiques—how delightfully far off this now seems—and the day's communique had informed us that the Germans were in retreat on a front of 40 kilometers between Peronne and Chauny.

"A more memorable statement was due to the chairman of our meeting then and of our meeting to-day:

"'I trust,' he said, 'it may be the privilege of the chairman of next year's gathering to tell you of a complete victory for the allied cause.' We knew Justice Dowling was a man of manifold qualities; let us honor him for one more, and a rare one, that of being a prophet—a good prophet.

"We are delighted to have the same chairman. No 'I told you so' was ever more welcome than his to-day, and we are pleased to form

with him, as last year, on this Lafayette Day a group in which several of those nations without whom the war would have been lost are represented by men who love and admire each other's countries.

ROOSEVELT'S VOICE IS MISSED.

"But we mourn the absence of one man, and hearing no more a voice which on momentous occasions reached from one end of the world to the other, teaching men how to attain better days through courage, sense of duty, good citizenship, a voice now hushed forever—the voice of Theodore Roosevelt.

"The solemn occasion of last year will ever remain for me the more solemn because it so happened that I then saw and heard for the last time that big-hearted friend of many years and pressed his hand, now still.

"The war has now ended the way it should; peace has been signed, the peace that was to be, not a peace of vengeance but a peace of reparation and safety—the strictly necessary amount of reparation and safety; nothing more, rather something less.

"'This reparation,' Mr. Roosevelt had said in his speech before you last year, 'must take the form of action that will render it impossible for Germany to repeat her colossal wrongdoing.' President Wilson had spoken and has acted to the same effect.

"If any who have not seen what we have seen and suffered what we have suffered, the willful devastations, the shooting or carrying away of civilians, the ruining of mines and machinery, the methodical blowing up of a city like Chauny, house by house, if any such may be tempted to consider this a harsh and cruel peace, and that it would be in our interest to become the friend of our enemy and to say to the blood-stained German let bygones be bygones, we would simply reply to them, 'Remember.'

WEAK PEACE WOULD CAUSE SCORN.

"A weak peace and weak resolves would only cause scorn and tempt to new aggressions; which is not a way of speaking, but the stating of actual incontrovertible facts—just remember.

"Was the peace of 1871 a harsh and cruel peace for the Germans? It was written at their own dictation; they took our billions and Provinces. Yet they never for one moment ceased to be on the lookout for an occasion to begin again and achieve the destruction of France. They very nearly started a new war in 1875 and desisted, not out of a sense of justice but out of fear—the fear of the British and the Russians. France herself was, in the meantime, so bent on peace that she yielded and yielded, going even so far as to present to Germany part of a colony—the French Congo—which we had settled and civilized without, by the way, any bloodshed. But peace could not be had, could not be bought, and as sure as fate the day was to come when Herr von Schoen would notify us that we had bombarded Nuremberg, which was news to us and to the inhabitants of Nuremberg, too, and that therefore German Schrecklichkeit was ready for us, as indeed it was.

Has the German understood, has he changed? Only yesterday, as reported, the man whom they worship, both in the flesh and as a wooden idol, Hindenburg, was saying that all of us, the defenders of right, who had been so bold as to dare fight for our hearths and our ideals, we, whose women have been carried into captivity, whose villagers have been shot, are what? We are, in his words, 'Helots and Pariahs.' Since we are not Germans, we are Pariahs. Do you believe that men who think thus would hesitate to try again the destruction of Helots and Pariahs if they could? They must be prevented, that is all.

REVELRY OF DESTRUCTION.

"There was such a revelry of destruction and crimes wherever Germans set foot during the war that with all those supposedly harsh conditions, even fulfilled to the letter, the fate of the vanquished aggressor, in his comfortable, well-closed homes, with heat and electricity, everything in order, the streets and monuments, the factories, schools, and churches intact, will be a most enviable one as compared with that, next winter, of millions of victors, living in their dreary hovels, burrowing under the wreckage, in the cold and the mud. For whom will the harshness be? One must have seen those places, and I saw them.

"During my recent stay in France I made the most memorable journey of my life, visiting first those parts of my country which are French again owing to American valor. Chateau-Thierry, St. Mihiel, and some reconquered by our British friends, like Lens and Vimy Ridge, then Verdun, where the Germans did not pass; the Metz, the Strassburg, then the valley of the Rhine, to Mainz with the French, Coblenz with the Americans, Cologne with the British, the three Yorktown nations, now friends forever; mangled France, victorious France, vanquished Germany.

"The situation of the winners seemed to us in a number of places harsh indeed and cruel, and that of the vanquished prosperous and enviable. One French village we crossed had been deliberately burned down by the Germans in the earliest days of the war, when they thought they could not give us early enough a taste of their kultur, of their 'Schrecklichkeit.' Some 50 civilians had been shot, not one house remained, the assistant mayor was busy trying to recover among the ruins the body of his mother, a woman of 80, shot by the Germans in cold blood in August, 1914; he wanted to give her a decent burial. Some inhabitants had returned; they lived in dugouts, and had to walk 15 kilometers twice a week to get salt meat from the Government; four children had returned; no milk for them. Whatever the case may be as regards the peace terms, their fate certainly seemed to us harsh and cruel.

"Then it was Metz, then Strassburg, with the tricolor flying at the top of the steeple; Metz, where our thoughts wandered to those far-off days when, in the first part of the sixteenth century, the earliest plebiscite on record was held, and by self-determination the city declared she wanted to be French, to the time of the early siege which Francois de Guise compelled the Germans to raise in 1552, and a medal was struck with an appropriate admonition to Emperor Charles the Fifth, and a pun on the name of the city, 'Haec sibi meta,' a word for word equivalent of our 'Thou shalt not pass.' And we thought, too, of that dinner, in more recent times, given by Count de Broglie, the governor of the place, in 1776, where a tall, keen-eyed, but silent young officer, aged 19, was present, heard for the first time of American independence, and there and then, in the capital of Lorraine, the Province of Joan of Arc, 'his heart,' as he wrote later, 'enlisted.' At Metz, indeed, began the wonderful career of the man whom we honor to-day, Marquis de Lafayette.

TRUE-BORN SON OF METZ.

"The present was even more moving for us than the past, with a visit to Fert Kaizerin, now Fort Jeanne d'Arc, with a distant survey of the battle fields of 1870, while listening to the experiences of that true-born son of Metz, Gen. de Maud'huy, now in command of the selfsame place. He told us, and this may show you what were the feelings of Lorrainers, that it had occurred to him in 1894 it was a shame for a son of Metz, the prisoner city, to take any amusement, and he vowed to himself that he would never go to a play until he could enter the theater of Metz preceded by his buglers. He had kept his word, abstaining from going to plays for 25 years; and a short while before, his vow being accomplished, he had entered the theater of his native city, in his uniform and decorations, preceded by 20 buglers sounding, all the audience rising, wild with enthusiasm. 'And here is now my response,' he added. 'I can go to the play any night; anything they perform is new to me.'

"At Strassburg, one thing we heard deeply touching. When in the midst of cheers and applause our troops entered a city where they had not been seen for 47 years, the inhabitants exhibited at their windows the portraits of their dead parents, so that they, too, should know and see.

FUTURE FRANCE BEING BUILT.

"And now that war is finished and peace is signed, what is going on in France? Much that is neither perceived nor heard. We hear of the difficulties of the task, of red tape, of wheels within wheels, and the rest. But in the meantime, in spite of mistakes and imperfections, future France is being built. Do not think that those sturdy men whom, in company with you, stopped the onrush of the Germans, now stand aghast and disheartened at the sight of their ruins and undeserved hardships in store for them, peace or no peace. They are busy clearing the wreckage, filling the shell holes and the trenches, removing the barbed wire, and the unexploded shells (several million at Lens alone) preparing future crops.

"The little village I alluded to, a mere mass of ruins, had recovered 25 inhabitants when we saw it at Easter; when we left France to return here it had 100. Of the 107,000 inhabitants evacuated from the Department of Oise in 1914, over 61,000 had returned by the beginning of June last.

"A cheering thing it is to see the pride and joy of the inhabitants scattered in the ruins of their city when for the first time smoke is discovered rising from the chimney of one of their wrecked factories. This has been seen at Rheims, at La Cateau, and elsewhere. The desire to usefully live again is intense. I saw at Arras, in a hole under ground, a workman busy with some plumbing work; he was cheerily working away.

"'I am a lucky man,' he told me. 'I had buried in this cellar what I had most valuable, and the Germans did not find it.'

"'And what was that?'

"'My tools, and so I can begin life again.'

1,300 BRIDGES DESTROYED.

"There were about 1,300 destroyed railway bridges; from the state of advancement of the work when I left France they must all be rebuilt by this time, some only provisionally, but most of them permanently. For the most important ones, as at Courcelettes connecting Lille and Paris, the work was continued day and night.

"The St. Quentin Canal, of the utmost importance, as connecting Paris with the Belgian coast regions, had been destroyed with the thoroughness for which German kultur is famous; the supermen had been there at their best; the two tunnels, especially, under which the canal passes were considered masterpieces of destruction. But our mere men have already undone the mischief and from what I hear the canal must now be in use.

"The inhabitants of the devastated regions have a newspaper of their own to state their wants, give warnings, report progress. Quite characteristically in one of their recent numbers they complained of complainers, often mere slackers. 'To all those who go on repeating, "There is no progress, nothing is being done," let us give a spade, a pickax, a wheelbarrow. Things will perhaps progress better.'

"They are, indeed, progressing, and the modern Cincinnati, returned from the camp to the native fields, are not idle.

"When Lafayette heard of American independence his heart enlisted. When you heard of the danger of France your hearts enlisted; the severest claims on you, the widening of the limits of military age for your population, the increase of war taxes were passed by a unanimous vote in the two Houses, and your descendants to the end of time will be proud of those ancestors of theirs who acted thus and fought so well in the great crisis.

VENERABLE MONUMENTS WRECKED.

"There is at Verdun a famous old cathedral which the Germans wanted very much to destroy; this was during the war a particular longing with them, as though one of the tenets of their kultur. I have seen a number of those venerable monuments all wrecked. The one at Arras will never be rebuilt; there are bushes, almost trees, growing now in the upper cornices. They could not see the one at Verdun owing to the hills, but they shelled it by the map, wrecking the nave, which is the oldest part, and missing the towers, which are more recent. On the day of the armistice last year, the general in command told us some 400 Americans—soldiers, ambulance men, Red Cross men, and others—asked admittance. The one at their head explained that he was a Catholic priest, that others in the group were Catholics, Protestants, and Jews, and that all were united in the same desire, to be allowed to come into that church, kneel before the altar, and offer a hymn of gratitude for the glorious termination of the war.

"They were, of course, allowed, and, kneeling among the wreckage, sang their hymn, and then under the gaping vaults through which the blue sky could be seen they sang the 'Marseillaise' and the 'Star-Spangled Banner.'

"It occurred to the general that, since the towers remained, the bells must be safe, and by his order the 16 bells rang out in chimes, the first time they had been heard since they had sounded the tocsin for the general mobilization four years and a half before.

"He thereupon ordered, as a symbol of perennial union between our countries, the two flags to be raised on the two towers, the flag of France and that of America, the two flags of Lafayette, the Star-Spangled Banner under which he had fought with Washington and the flag which, in the early days of our revolution, he had devised for us, the tricolor of France."

DOWLING EULOGIZES ROOSEVELT.

In his address of welcome, Justice Dowling paid tribute to Col. Theodore Roosevelt, who spoke at the Lafayette Day exercises last year, and to the late French high commissioner to the United States, Edouard de Billy.

"While many of our friends are here," said Justice Dowling, "we mourn one who last year gave us an address so timely and encouraging that the echo is still ringing in our ears. The loss which this country felt is doubly felt by this committee, and we have reason to thank God

that He had given to this country in time of its emergency such a man as Col. Roosevelt. The place of Theodore Roosevelt in this country is safe for all time in the hearts of his countrymen."

Justice Dowling assured those who attended the exercises that the best assurance of peace was the fact that the great nations of the world allied in a common bond were still allies, now that the fighting had ceased.

These messages from distinguished men who had played big parts in the World War were read:

"In the hours of trial and of the needed common efforts the American people and the French people united their thoughts in order to commemorate at once the birth of Lafayette and the Battle of the Marne," said President Poincaré. "How could our two nations not seize, in this year of internal peace, the occasion to celebrate together the same anniversaries?

"The brotherhood of America and France was born in the War of Independence. It has never been obscured since. It has found its final consecration in the great fight we have just fought shoulder to shoulder for the liberty of the world. It will keep all its strength in the future and contribute to consolidate, in the interest of humanity, the peace which has been established, at the cost of so many sacrifices, by the defenders of right.

"To the people of the United States I send the greetings of the French Republic, to the American soldiers the cordial remembrance of their brothers in arms, to the American mothers who have lost their sons on the battle field of Europe the homage of my profound sympathy."

André Tardieu said:

"Two years ago on the same date in the city hall of New York I affirmed our common faith in the victory of right. Right has triumphed. To-day great duties await us which we shall fulfill only by maintaining in peace the closest solidarity of war.

"Americans, you understood that it was your liberty that you came to defend with ours. Understand to-day that the future of our democracies is indissolubly bound and that the aiding of each other yesterday should be the law of to-morrow."

CLEMENCEAU'S GREETING.

Premier Clemenceau cabled:

"The French nation takes profound joy in the thought that the American people associates this day in the same celebration, the birthday of Lafayette and the anniversary day of the Battle of the Marne, the remembrance of the hero who immortalized himself in the struggle for American independence and the glorification of the victory which has assured the independence of France and of the world. You have proved to us how the noble example of Lafayette was always alive in the hearts of your sons. As he brought you the succor of his sword at the hour when you fought to become free, so, at the critical moment of our formidable struggle to escape barbarism, you came to give us the aid which assured victory. A witness of the valor of its soldiers, I send to the American people my warm and cordial greeting on this day, which commemorates two great anniversaries equally dear to the cause of liberty and of right."

The telegram from the Prince of Wales said:

"I am proud to be asked to associate myself with your celebration. The British Empire can never forget its debt to France for the immortal victory of the Marne, the first great action of the war in which the French and British Armies side by side imposed their will upon the enemy."

HAIG'S CONGRATULATIONS.

Marshal Haig wired:

"It is a happy coincidence that on the anniversary of Lafayette's birthday America can celebrate also the first great victory won by the French and British Armies for those principles of national liberty with which the name of Lafayette is closely identified. With traditions of a free people to guide her, it was, I think, inevitable that America should join the contest into which France and Britain had already been compelled to enter. It is a matter for congratulation on both sides of the Atlantic that she should have done so and to such purpose, and that henceforth the two great English-speaking peoples look back on sacrifices shared and victories won in common."

Admiral Beatty's message reads:

"On the anniversary birthday of M. le Marquis de Lafayette and of the Battle of the Marne, the first since the termination of the greatest world struggle of all time, it is good to reflect on the following facts: That this distinguished Frenchman was one of the greatest upholders of freedom and opponents of tyranny; that the Battle of the Marne was the first great victory achieved in defense of a free world against tyrannical militarism that ruthless enemies attempted to force on it; that the teachings and example of this distinguished patriot and the valuable achievements on the Marne on this historic day in the cause of freedom go hand in hand, a sign that right and justice must triumph."

PERSHING SENDS REGRETS.

This is what Gen. Pershing sent:

"I sincerely regret that I shall not be present in New York for the exercises in the City Hall celebrating the Lafayette-Marne anniversary. The first celebration of this joint anniversary since the signing of peace should be fraught with new significance to all Americans. Lafayette's services directly influenced our course of action in the war. The first battle of the Marne saved the world from an overwhelming disaster. The memory of Lafayette and of the Marne must be kept fresh in the minds of every generation of our people."

Secretary Lansing wrote:

"I deeply regret that my engagements prevent my presence at the celebration of two anniversaries which are so worthy of commemoration as those of Lafayette and the first battle of the Marne. Both stir our minds with the thought of the struggle and triumph of liberty, of sacrifice and glorious achievement. High among the heroes of America's war for independence is inscribed the name of Lafayette, and no name will find a higher place in the annals of the great war for democracy than that of Joffre, the victor of the Marne. Both fought that men might be free from autocracy. Both saw the cause of humanity triumphant. To these two great sons of France the New World and the Old World owe a debt of gratitude which can never be forgotten while patriotism burns in the hearts of men."

THANKS OF THE PEOPLE AND CONGRESS TO GEN. JOHN J. PERSHING.

Mr. KAHN. Mr. Speaker, I desire to offer House joint resolution 211 and shall ask unanimous consent for its immediate consideration. I first ask that it be read.

The SPEAKER pro tempore. The gentleman from California sends to the Clerk's desk the resolution of which he asks the present consideration.

The Clerk read as follows:

House joint resolution 211, tendering the thanks of the American people and the Congress of the United States to Gen. John J. Pershing and to the officers and men of the American Expeditionary Forces.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the thanks of the American people and the Congress of the United States are due, and are hereby tendered, to Gen. John J. Pershing for his highly distinguished services as commander in chief of the American Expeditionary Forces in Europe and to the officers and men under his command for their unwavering devotion and heroic valor throughout the war.

[Applause.]

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. KAHN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question now is on the adoption of the joint resolution.

Mr. RUCKER. Mr. Speaker, I ask for a standing vote on the adoption of the resolution.

The SPEAKER pro tempore. The gentleman from Missouri asks for a division.

The question was taken, and there were 227 ayes and 1 no. [Applause.]

On motion of Mr. KAHN, a motion to reconsider the vote whereby the joint resolution was agreed to was laid on the table.

COMMITTEE ON MILITARY AFFAIRS.

Mr. KAHN. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs or any subcommittee thereof may sit during the sessions of the House for the rest of this session of Congress.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that the Committee on Military Affairs or any subcommittee thereof may sit during the sessions of the House for the remainder of the session. Is there objection?

There was no objection.

DEPARTMENT OF LABOR—EMPLOYMENT SERVICE.

The SPEAKER pro tempore. Under the special order some days ago the gentleman from California [Mr. NOLAN] is recognized for 40 minutes.

Mr. NOLAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, if the extension is to consist of the remarks of the gentleman himself, I have no objection, but concerning any matter anonymously signed or otherwise, I object. I have no objection to the gentleman extending his own remarks.

The SPEAKER pro tempore. Does the gentleman object?

Mr. BLANTON. Unless it is limited to the gentleman's own remarks, I do object.

Mr. BAER. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. I shall object unless he indicates what he wants to put in.

The SPEAKER pro tempore. The gentleman from Texas makes a conditional objection to the request of the gentleman from California.

Mr. BLANTON. With the limitations stated I have no objection.

Mr. NOLAN. Mr. Speaker, I shall not transgress the rules of the House nearly as much as the gentleman did upon several occasions. Communications that I have received and that I have verified, of which I have found out the author, I desire at least in one instance to put into the RECORD.

Mr. BLANTON. To such instruments as were sent to the press gallery by the gentleman's office, I object.

Mr. DYER. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The gentleman from Texas objects. The gentleman from California is recognized for 40 minutes.

Mr. NOLAN. Mr. Speaker, in asking permission to take up the time of this House for 40 minutes, I have done so rather reluctantly. I do not desire to engage in controversies any more than anyone else. I do not shirk them when they come. The gentleman from Texas [Mr. BLANTON] on one occasion, in an extension of remarks covering approximately 23 pages of the CONGRESSIONAL RECORD, saw fit to attack the Joint Committee on Labor of the House and Senate, and also the gentleman from New York [Mr. MACCRATE] and myself, by inserting in the RECORD certain statements regarding happenings before that joint committee, to which I shall later refer. The other day the gentleman from Texas, in addressing the House, referred to a certain document which he claimed was libelous,

and which he said slandered him, which he stated I had sought to circulate or give to the press. In that connection I will state that I have had pretty stormy times during my career, but I have never fought a man in any manner except according to the rules of the game, and when I find a man surreptitiously attacking me in the RECORD I have not much regard for the proprieties in the way in which I handle that individual.

On the morning of the day that the Secretary of Labor returned his answer in response to House resolution 225 I was aware of the fact that that document was coming down here, because I inquired at the department the day before and was informed that it would be laid before the House the following morning. I went to the Speaker's clerk, Mr. Cannon, before the House convened on that day and asked him if that report of the Secretary of Labor would be laid formally before the House, so that I might have an opportunity to ask that this letter that I am going to refer to might be read from the Clerk's desk. He told me that the RECORD would show the following day that this communication had been received, but that it would be referred to the Committee on Labor.

I insert at this point the letter of the Secretary of Labor in reply to House resolution 225:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, August 28, 1919.

The SPEAKER,
The House of Representatives.

SIR: I have the honor to acknowledge the receipt of attested copy of House resolution 225, dated August 14, 1919, directing the Secretary of Labor to report forthwith to the House of Representatives of the United States of America the following facts:

"(1) Copies of all such instructions mentioned by John B. Densmore as having been received by him during the months of May, June, July, August, September, and October, 1918, he having said:

"SAN FRANCISCO, CALIF., *November 1, 1918.*

"Hon. W. B. WILSON,
"*Secretary of Labor, Washington, D. C.*

"SIR: Pursuant to instructions received from time to time during the past six months, I have the honor to report that I have conducted a secret and altogether informal inquiry into the Mooney case, and beg leave to submit herewith the results of my investigations."

The only instructions issued to John B. Densmore in connection with the Mooney case were oral instructions that he [Mr. Densmore] should get any additional information that might be of value in securing a full understanding of the case for submission to the President and if necessary to the governor, and to utilize the services of the immigration inspectors assigned to him for the investigation of frauds in immigration cases for that purpose.

"(2) The names of all persons who, under the direction of any branch of the Department of Labor, had anything to do with the investigation of Thomas J. Mooney, charged with and convicted for heinous crime in California, stating in detail their respective activities, the amount of compensation paid them, respectively, and the expenses of such investigation itemized in detail during the six months between May 1 and November 1, 1918."

The representatives of the Department of Labor who investigated the Mooney case were at the same time cooperating with the Department of Justice in securing evidence in other criminal cases. It is not deemed compatible with the public interest to make public the names of these persons or to itemize their expenses. The total salaries of the inspectors referred to during the period of investigation amounted to $6,101.68. The total of all other expenses incurred by or for them was $1,043.02.

"(3) What connection in behalf of the Department of Labor, if any, since the punishment of said Thomas J. Mooney was commuted to life imprisonment, and since November 1, 1918, has any employee of the Department of Labor had with said case of Thomas J. Mooney, stating such activities in detail, the expense of same itemized in detail, and upon what authority of law, attaching copies of all reports made thereunder to the Department of Labor."

The Department of Labor, through its Immigration Bureau, is directed to deport alien anarchists. Its investigations in these cases have developed clues that lead to the Mooney case. It is continuing these investigations, and it is not deemed compatible with the public interest to disclose at this time its activities in detail, to itemize its expenses in detail, or to attach copies of reports thereunder to the Department of Labor. The authority of law is found in the act of February 5, 1917, and the act of October 16, 1918.

"(4) What activities, if any, are now being conducted in behalf of Thomas J. Mooney?"

It is not deemed compatible with the public interest to make public the present activities of the department that affect the case of Thomas J. Mooney.

"(5) Attach copies of vouchers of McPherson, Kelly, and Kilmer for July, 1918, covering their trip from San Francisco to Los Angeles, the purpose of such trip, and expense of same itemized."

There are no vouchers of McPherson, Kelly, and Kilmer for July, 1918, covering any trip from San Francisco to Los Angeles. No such trip has been authorized by the Department of Labor, nor has any expense been incurred in connection with any such trip. There is not now and there has not been any McPherson or Kilmer on the rolls of the Department of Labor. There is a John A. Kelly and there was a T. R. Kelly in the Employment Service of the department at San Francisco, a Henry Kelly in the Immigration Service at Tucson, Ariz., and a William P. Kelly in the Immigration Service at Boston, Mass., none of whom has ever made any trip from San Francisco to Los Angeles at the expense of the Department of Labor.

"(6) Attach copy of letter of instructions sent by John B. Densmore to H. L. Cobb after Cobb was sent to Texas on propaganda trip for Employment Bureau, and expense of trip itemized in detail."

H. L. Cobb was not sent to Texas on a propaganda trip. He was sent on official business of the Employment Service. No instructions were sent by John B. Densmore to H. L. Cobb after Cobb was sent to Texas. The itemized expense account of Mr. Cobb is herewith attached.

"(7) Attach all reports of Gallagher and Martin for their six weeks spent in Philadelphia, spring of 1919, investigating F. R. Welsh, with statement of expenses fully itemized in detail."

There have been no "reports of Gallagher and Martin for their six weeks spent in Philadelphia, spring of 1919, investigating F. R. Welsh," received by this department or any of its bureaus or services. There is no person by the name of Gallagher employed by the department. There is an Albert S. Martin in the Immigration Service at El Paso, Tex.; an Alice M. Martin in the Immigration Service at Ellis Island, N. Y.; an Isaac Martin in the Immigration Service at Charlotte, N. Y.; and an Arthur S. Martin, clerk, in the department at Washington, D. C., none of whom has ever made any investigation of F. R. Welsh. The department has never made any investigation of F. R. Welsh, and consequently there has been no expense incurred for that purpose.

"(8) Attach report of John B. Densmore on Immigration Service investigation at San Francisco, with full statement of expense thereof itemized in detail."

The report of John D. Densmore on Immigration Service investigation at San Francisco is herewith attached. As this investigation was made in cooperation with the Department of Justice, it is not deemed compatible with the public interest to state the expenses thereof itemized in detail.

Respectfully submitted.

W. B. WILSON,
Secretary of Labor.

Itemized statement of expenses of Harvey L. Cobb, May 27 to June 25, 1919, on trip to Texas, via Detroit, paid out of the appropriation war emergency employment service, 1919.

Date.	Character of expenditure.	Amount.	Total.
	Per diem from May 27 to June 25 1919, inclusive, 30 days, at $4	.....	$120.00
1919.	Transportation	.....	195.25
May 26	Left Washington, official station, 11.40 a. m. Arrived Detroit 9.30 a. m. Railroad fare, $17.97. LE43256. Pullman, Washington to Detroit, $2.80. LE43257.		
	Pullman porter fee	$0.25	
26	Taxi fare, necessary on account of working in office till 11.16, and two pieces official baggage; typewriter and data express to railroad station	1.00	
26	Lunch on train, $1; dinner, $1; tip, 25 cents	2.25	
27	Car fare, Detroit, official business	.10	
28	Phone, official business, 15 cents; checking baggage, 2 days	.55	
29	Left Detroit 12.20 a. m. Arrived Dallas 2.10 p. m., 31st; railroad fare, $35.22. LE43258. Pullman, Detroit to Dallas, $7. LE43259.		
	Porter fee	.25	
30	Checking baggage, St. Louis, between trains	.30	
	Porter fee	.20	
31	Car fare, 20 cents; phone, 15 cents; checking baggage, 20 cents	.55	
31	Railroad fare, Dallas to San Antonio, $8.74; arrived 7.30 a. m. LE43260.		
	Pullman, Dallas to San Antonio, $2. LE46111.		
	Pullman porter fee	.15	
June 1	Car fare, 40 cents; phone, 20 cents	.60	
2	Phone, 5 cents; car fare, 25 cents	.30	
3	Phone and car fare, 15 cents	.15	
4	Car fare, 30 cents	.30	
5	Phone and car fare, 25 cents	.25	
	Railroad fare, $7.75; Pullman fare, $2. LE46115. Left San Antonio 11.30 p. m.; arrived Galveston 8 a. m. LE46116.		
	Pullman porter fee	.25	
	NOTE.—LE46112-3 canceled on account of instructions to change itinerary after ticket was bought.		
6	Car fare, 30 cents; phone, 15 cents; checking baggage, 20 cents	.65	
7	Phone, 15 cents; car fare, 20 cents	.35	
8	Electric car from Galveston to Houston (receipt attached, $1.25, plus tax, 10 cents); reason for taking electric, quicker, cheaper, and save time	1.35	
8	Checking official baggage	.30	
8	Car fare, 35 cents; phone, 10 cents	.45	
	Left Houston 8.15 p. m.; arrived Cleburne 6.45 a. m. LE46116. Railroad fare, $8.20; Pullman, $2. LE46117.		
	Pullman porter fee	.25	
9	Left Cleburne 6 p. m.; arrived Abilene 7 a. m. LE46118. Railroad fare, Cleburne to Abilene, $6.80. Pullman, Fort Worth to Abilene, $1.22. LE46119.		
	Transfer S. C. S. F. depot to T. P. at Fort Worth	.50	
10	Pullman car fee	.25	
11	Left Abilene 11.30 p. m.; arrived Dallas 10 a. m. Railroad fare, $5.78. LE46121. Pullman, Abilene to Fort Worth, $1.22. LE46120.		
	Pullman car tip	.25	
12	Car fare, 30 cents; phone, 15 cents; check baggage, 20 cents	.65	
13	Car fare, 20 cents; phone, 10 cents	.30	
14	Left Dallas 9 a. m.; arrived Waco 2.10 p. m. Railroad fare, $2.99. LE46122.		
	Telephone, 15 cents; car fare, 40 cents	.55	
15	Left Waco 4.50 p. m.; arrived Dallas 8.40 p. m. Railroad fare, $2.99. LE46123.		
16	Car fare	.20	
17	Left Dallas 11 p. m.; arrived San Antonio 7.30 a. m. Railroad fare, Dallas to San Antonio, $8.75. LE46125. Pullman, $2, Dallas to San Antonio. LE46124.		
	Pullman car fee	.25	
18	Car fare, 40 cents; phone, 20 cents	.60	
19	Phone, 10 cents; car fare, 20 cents	.30	
20	Left San Antonio 7.45; arrived Austin 10.30 a. m. Railroad fare, San Antonio to Austin, $2.50. LE46126.		

Itemized statement of expenses of Harvey L. Cobb, etc.—Continued.

Date.	Character of expenditure.	Amount.	Total.
1919.	Transportation—Continued.		
June 20	Car fare	$0.35	
	Checking baggage	.30	
20	Left Austin 11.30 p. m.; arrived Houston 8.17 a. m. Railroad fare, Austin to Houston, $4.94. LE46127. Pullman, Austin to Houston, $2. LE46128.		
	Pullman car tip	.25	
21	Car fare, 20 cents; phone, 15 cents	.35	
22	Left Houston 8 a. m.; arrived Waco 5.10 p. m. Railroad fare, $5.55. LE46129. Pullman seat, Houston to Bremen (point of transfer), 75 cents. LE46130.		
23	Left Waco 1.15 p. m.; arrived Dallas 5 p. m. Railroad fare, $2.99. LE29371.		
	Car fare	.20	
24	Car fare, 35 cents; phone, 15 cents	.50	
24	Left Dallas for official station 4.15 p. m. Railroad fare, Dallas to Washington, $42.90. LE29372. Pullman, Dallas to Memphis, $2.60. LE29373.		
25	Pullman porter tip	.25	
25	Pullman, Memphis to Washington, $5.50. LE29374.		
	Pullman porter tip	.25	
26	Breakfast on train, $1; lunch, $1	2.00	
	Arrived Washington, D. C., 2 p. m.		$19.10
	Total		344.35

NOTE.—All the car fare, telephone calls, checking baggage, porter fees, and the one taxi were on account of Government business.

That afternoon shortly after the House convened I told the Speaker of this House—and he will verify my statement—that I had intended, if he had laid that reply of the Secretary of Labor before the House, to ask unanimous consent to have read from the Clerk's desk a document that would throw light on House resolution 225, and especially upon the report of the Secretary of Labor, which was a very dignified report. Inasmuch as I am deprived of the opportunity of extending my remarks in the RECORD—I intended to refer to only part of it—I am going to take the time to read the letter that I received, and before I read it I am going to tell you exactly what happened.

I received this communication somewhere about August 22. It was sent to the Speaker, to the members of the Committee on Labor, to the gentleman from Georgia [Mr. UPSHAW], to the gentleman from Colorado [Mr. VAILE], to the gentleman from Texas [Mr. HARDY], to the gentleman from Alabama [Mr. HUDDLESTON], to the gentleman from Massachusetts [Mr. WALSH], to the former Speaker of the House, the distinguished gentleman from Missouri [Mr. CLARK], to the present Speaker pro tempore of the House, the gentleman from Kansas [Mr. CAMPBELL], to the gentleman from Louisiana [Mr. ASWELL], to the majority leader of the House [Mr. MONDELL], to the gentleman from Minnesota [Mr. STEENERSON], to the gentleman from West Virginia [Mr. REED]—all who took part in the debate in the House when House resolution 225 was under consideration—to the distinguished Secretary of Labor, to Senator KENYON, of Iowa; to Senator CULBERSON, of Texas; to Senator SHEPPARD, of Texas; and a copy was sent to the Hon. THOMAS L. BLANTON, which I presume the gentleman received. I was a little bit doubtful about giving much consideration to the proposition, and I tried to find out who the author was.

Mr. BLANTON. Mr. Speaker, a point of order.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. BLANTON. Mr. Speaker, under the Constitution of the United States and under Jefferson's Manual of Rules, it is provided that the motives of a Member of the House of Representatives concerning matters that are connected with business on the floor of the House can not be impugned or drawn into question by another Member.

Under that constitutional provision and privilege and under the privilege granted by Jefferson's Manual, to the exact section to which I shall cite the Chair, if he desires, I submit to the Chair that if a Member can not impugn the motives of another Member concerning business of the House and his attitude toward public business, then for that much greater reason a Member may not read from the floor of the House a scurrilous document which is anonymous in its character and which seeks to bring into disrepute the motives of a Member of Congress concerning his actions with respect to public business. The Chair is familiar with this document which the gentleman from California [Mr. NOLAN] seeks to read, because a copy was sent to him, as stated by the gentleman. I can produce proof, if the Chair so desires, that the document is anonymous, prepared by parties who kept their names in the dark, and that only recently, when required by members of the press to disclose their identity, did they disclose it. I submit to the Chair in all fairness that such anonymous, scurrilous document under the rules of this House, the Constitution of the United States, and under Jefferson's Manual of Rules should not be permitted to be read in an attempt to bring a Member of the House into disrepute. I submit the matter to the Chair for decision.

Mr. NOLAN. Mr. Speaker, I trust this will not be taken out of my time.

The SPEAKER pro tempore. Certainly not. This will not come from the time of the gentleman from California.

Mr. NOLAN. Mr. Speaker, I want to have a word to say on that point of order before the Chair rules.

The SPEAKER pro tempore. The Chair will hear the gentleman.

Mr. NOLAN. I want to say that after careful investigation I found the author of this document.

He produced a satisfactory affidavit and proved to my satisfaction that he and another gentleman or two collaborated in preparing the document, and he furthermore offered to take me down town to a hotel where he registered as C. H. Mathews and prove he was the man who signed this document, C. H. Mathews, that reached the membership of this House. I also intend to prove to the satisfaction of every Member of this House that this communication, anonymous as it is, was made the basis by the gentleman from Texas for the resolution that passed this House. He told this House he had the facts in his possession to back it up.

Mr. WELLING. Will the gentleman yield for a question?

Mr. NOLAN. Yes; I yield for a question.

Mr. WELLING. Does not the document itself bear internal evidence, while it was still an anonymous document, that the gentleman from Texas was operating under it?

Mr. NOLAN. Absolutely, on the face of it. [Applause.] And if the gentleman from Texas wants his constituents, as he always says he does, to know the facts, it would be better for him to allow this thing to go in and then defend himself before his constituents on the stump in the next election.

The SPEAKER pro tempore. The Chair is ready to rule. Up to this time the gentleman from California has remained within his rights. If during the time of the gentleman from California he should undertake to read any matter it is with the gentleman from Texas or any other Member as to whether or not he shall object. Or if objectionable statements are made or read by the gentleman from California the gentleman from Texas or any other Member of the House may ask that such statements be taken down.

Mr. BLANTON. Mr. Speaker, a further point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BLANTON. My point of order is this: If the Chair is familiar with the document which he seeks to read, I believe he will hold it to be against the rules of the House. Now, if it is read it goes into the RECORD. Has not a Member of the House the privilege of raising a point of order with the Chair and asking a ruling as to whether or not a scurrilous or anonymous document could be read into the RECORD?

SEVERAL MEMBERS. Regular order!

The SPEAKER pro tempore. The Chair has indicated to the gentleman from Texas and the Members of the House the way in which the gentleman from Texas or any other Member may be protected from the reading of this or any other matter that the gentleman from California undertakes to read.

Mr. BLANTON. That is what he is attempting now.

The SPEAKER pro tempore. If the gentleman from California undertakes to read any document the gentleman from Texas may object.

Mr. BLANTON. I object to the gentleman reading an anonymous document on the floor of this House, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from California will proceed in order.

Mr. NOLAN. It is addressed to the gentlemen I spoke of under date of August 21, 1919——

Mr. BLANTON. I again raise the point of order, Mr. Speaker, that the reading of the document is out of order.

The SPEAKER pro tempore. The gentleman from California can not read the document if objection is made.

Mr. NOLAN. I am reading it in my own time.

The SPEAKER pro tempore. The gentleman from California could not even read his own speech if any Member of the House objected to its being read.

Mr. SMITH of Idaho. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. For what purpose does the gentleman from Idaho rise?

Mr. SMITH of Idaho. Has the Speaker any official advance notice of what is in this document?

The SPEAKER pro tempore. It makes no difference what is in the document if objection is made by any Member.

Mr. DYER. Mr. Speaker, a parliamentary inquiry.

Mr. NOLAN. Mr. Speaker, a parliamentary inquiry. I want to inquire under what rule of the House the Speaker bases his present ruling and what precedent he has to substantiate it?

The SPEAKER pro tempore. The Chair will cite the rule:

When the reading of a paper other than one upon which the House is called to give a final vote is demanded and the same is objected to by any Member it shall be determined without debate by a vote of the House.

Again:

The reading of papers other than the one on which the vote is about to be taken is usually permitted without question (V, 5258), and the Member in debate usually reads or has read such papers as he pleases, but this privilege is subject to the authority of the House if another Member objects (V, 5285–5288, 5289–5291).

And there are cited a number of precedents:

This principle applies even to the Member's own written speech (V, 5258) or a report which he proposes to have read in his own time or to read in his place (V, 5293).

Mr. CALDWELL. Mr. Speaker, a parliamentary inquiry.

Mr. LONGWORTH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Ohio.

Mr. LONGWORTH. Would it be in order to move that the gentleman from California be permitted to read?

The SPEAKER pro tempore. Such a motion is in order.

Mr. LONGWORTH. Mr. Speaker, I move that the gentleman from California be permitted to proceed with the reading of the paper.

The SPEAKER pro tempore. The gentleman from Ohio moves that the gentleman from California be permitted to read the document in question. This motion is not subject to debate.

The question was taken, and the Speaker pro tempore announced the ayes seemed to have it.

Mr. BLANTON. Mr. Speaker, division, and pending that I ask for the yeas and nays, and pending that I make the point of order of no quorum. [Laughter.]

The SPEAKER pro tempore. The gentleman from Texas makes the point of order of no quorum. The Chair will count. [After counting.] One hundred and sixty-five gentlemen are present, not a quorum. The Doorkeeper will close the doors——

Mr. DYER. I ask for tellers.

Mr. GARNER. The gentleman can not get tellers when there is no quorum.

Mr. DYER. Tellers will disclose whether there is a quorum or not.

Mr. CALDWELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CALDWELL. If this motion is maintained and the gentleman is allowed to proceed——

Mr. DYER. Mr. Speaker, I make the point of order there is no business in order except the call of the roll.

Mr. CALDWELL. I am making a parliamentary inquiry.

The SPEAKER pro tempore. That is true. The regular order is demanded, and the Clerk will call the roll.

The question was taken; and there were—ayes 238, nays 14, answered "present" 4, not voting 174, as follows:

AYES—238.

Alexander	Collier	Green, Iowa	Kincheloe
Almon	Crago	Greene, Mass.	King
Anderson	Crowther	Hadley	Kinkaid
Andrews, Md.	Cullen	Hamilton	Kitchin
Aswell	Currie, Mich.	Hardy, Colo.	Knutson
Ayres	Dale	Hardy, Tex.	Kraus
Bacharach	Denison	Haskell	Kreider
Baer	Dent	Hastings	Lampert
Bankhead	Dickinson, Mo.	Hawley	Lanham
Barbour	Dickinson, Iowa	Hayden	Lankford
Barkley	Dominick	Heflin	Layton
Bee	Doremus	Hernandez	Lazaro
Bell	Doughton	Hersey	Lee, Ga.
Benham	Dowell	Hersman	Little
Bland, Va.	Dunbar	Hickey	Lonergan
Boies	Dunn	Hicks	Longworth
Box	Dupré	Hoch	Lufkin
Brand	Dyer	Holland	McAndrews
Brinson	Eagan	Howard	McClintic
Brooks, Ill.	Echols	Huddleston	McDuffie
Brooks, Pa.	Edmonds	Hulings	McKenzie
Browning	Elliott	Hull, Iowa	McKeown
Buchanan	Elston	Hull, Tenn.	McLaughlin, Mich.
Burdick	Evans, Mont.	Humphreys	MacCrate
Burroughs	Fess	Husted	Mansfield
Byrnes, S. C.	Fisher	Hutchinson	Martin
Byrns, Tenn.	Focht	Igoe	Miller
Caldwell	Fordney	Ireland	Minahan, N. J.
Campbell, Kans.	Freeman	Jacoway	Monahan, Wis.
Candler	Fuller, Ill.	James	Mondell
Cannon	Fuller, Mass.	Johnson, Ky.	Mooney
Cantrill	Gallagher	Johnson, Miss.	Moore, Ohio
Caraway	Gallivan	Johnson, Wash.	Moore, Va.
Carss	Garner	Jones, Pa.	Moores, Ind.
Chindblom	Glynn	Juul	Morgan
Christopherson	Good	Kahn	Mudd
Clark, Mo.	Goodwin, Ark.	Kearns	Murhpy
Coady	Goodykoontz	Keller	Neely
Nelson, Wis.	Ricketts	Stephens, Miss.	Walsh
Newton, Mo.	Riddick	Stephens, Ohio	Ward
Nolan	Robsion, Ky.	Stiness	Watkins
O'Connor	Romjue	Strong, Kans.	Watson, Va.
Ogden	Rowe	Summers, Wash.	Weaver
Oliver	Rubey	Sumners, Tex.	Webster
Osborne	Sanders, La.	Sweet	Welling
Overstreet	Saunders, Va.	Swope	Whaley
Padgett	Schall	Taylor, Colo.	Wheeler
Paige	Scott	Thompson, Ohio	White, Kans.
Park	Shreve	Tillman	Williams
Platt	Siegel	Tilson	Wilson, Ill.
Pou	Sims	Timberlake	Wilson, La.
Purnell	Sinnott	Tincher	Wingo
Quin	Slemp	Tinkham	Winslow
Radcliffe	Small	Treadway	Wright
Raker	Smith, Idaho	Vaile	Yates
Ramsey	Smith, Ill.	Venable	Young, N. Dak.
Ramseyer	Smith, Mich.	Vestal	Young, Tex.
Rayburn	Snell	Vinson	Zihlman
Reed, W. Va.	Stedman	Voigt	
Rhodes	Steenerson	Volstead	

NAYS—14.

Andrews, Nebr.	Clark, Fla.	Jones, Tex.	Parrish
Begg	Connally	Larsen	Thomas
Booher	Evans, Nebr.	McLaughlin, Nebr.	
Briggs	French	Nelson, Mo.	

ANSWERED "PRESENT"—4.

Blanton	Gandy	Mays	Rucker

NOT VOTING—174.

Ackerman	Ferris	Luhring	Robinson, N. C.
Anthony	Fields	McArthur	Rodenberg
Ashbrook	Fitzgerald	McCulloch	Rogers
Babka	Flood	McFadden	Rose
Benson	Foster	McGlennon	Rouse
Black	Frear	McKiniry	Rowan
Blackmon	Ganly	McKinley	Sabath
Bland, Ind.	Gard	McLane	Sanders, Ind.
Bland, Mo.	Garland	McPherson	Sanders, N. Y.
Bowers	Garrett	MacGregor	Sanford
Britten	Godwin, N. C.	Madden	Scully
Browne	Goldfogle	Magee	Sears
Brumbaugh	Goodall	Maher	Sells
Burke	Gould	Major	Sherwood
Butler	Graham, Pa.	Mann	Sinclair
Campbell, Pa.	Graham, Ill.	Mapes	Sisson
Carew	Greene, Vt.	Mason	Smith, N. Y.
Carter	Griest	Mead	Smithwick
Casey	Griffin	Merritt	Snyder
Classon	Hamill	Michener	Steagall
Cleary	Harrison	Montague	Steele
Cole	Haugen	Moon	Stevenson
Cooper	Hays	Moore, Pa.	Strong, Pa.
Copley	Hill	Morin	Sullivan
Costello	Houghton	Mott	Taylor, Ark.
Cramton	Hudspeth	Newton, Minn.	Taylor, Tenn.
Crisp	Jefferis	Nicholls, S. C.	Temple
Curry, Calif.	Johnson, S. Dak.	Nichols, Mich.	Thompson, Okla.
Dallinger	Johnston, N. Y.	O'Connell	Towner
Darrow	Kelley, Mich.	Oldfield	Upshaw
Davey	Kelly, Pa.	Olney	Vare
Davis, Minn.	Kendall	Parker	Walters
Davis, Tenn.	Kennedy, Iowa	Pell	Wason
Dempsey	Kennedy, R. I.	Peters	Watson, Pa.
Dewalt	Kettner	Phelan	Webb
Donovan	Kiess	Porter	Welty
Dooling	Kleczka	Rainey, H. T.	White, Me.
Drane	LaGuardia	Rainey, J. W.	Wilson, Pa.
Eagle	Langley	Randall, Calif.	Wise
Ellsworth	Lea, Calif.	Randall, Wis.	Wood, Ind.
Emerson	Lehlbach	Reavis	Woods, Va.
Esch	Lesher	Reber	Woodyard
Evans, Nev.	Linthicum	Reed, N. Y.	
Fairfield	Luce	Riordan	

So the motion was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. BLAND of Indiana with Mr. CARTER.

Mr. BOWERS with Mr. ASHBROOK.

Mr. FREAR with Mr. O'CONNELL.

Mr. HOUGHTON with Mr. PELL.

Mr. JOHNSON of South Dakota with Mr. FLOOD.

Mr. EMERSON with Mr. BABKA.

Mr. MADDEN with Mr. CRISP.

Mr. MAGEE with Mr. LINTHICUM.

Mr. MOORE of Pennsylvania with Mr. SHERWOOD.

Mr. MCARTHUR with Mr. SISSON.

Mr. MCPHERSON with Mr. MAJOR.

Mr. WOODYARD with Mr. EVANS of Nebraska.

Mr. WOOD of Indiana with Mr. FERRIS.

Mr. WHITE of Maine with Mr. MCKINIRY.

Mr. WATSON of Pennsylvania with Mr. FITZGERALD.

Mr. WASON with Mr. GANLY.

Mr. WALTERS with Mr. GARD.

Mr. VARE with Mr. GARRETT.

Mr. TOWNER with Mr. GODWIN of North Carolina.

Mr. TEMPLE with Mr. GOLDFOGLE.

Mr. TAYLOR of Tennessee with Mr. GRIFFIN.

Mr. STRONG of Pennsylvania with Mr. BENSON.

Mr. SNYDER with Mr. BLACK.

Mr. SELLS with Mr. BLACKMON.

Mr. SANFORD with Mr. BLAND of Missouri.

Mr. SANDERS of New York with Mr. BRUMBAUGH.

Mr. SANDERS of Indiana with Mr. CAMPBELL of Pennsylvania.
Mr. ROSE with Mr. CAREW.
Mr. ROGERS with Mr. CASEY.
Mr. RODENBERG with Mr. CLEARY.
Mr. REAVIS with Mr. DAVEY.
Mr. RANDALL of Wisconsin with Mr. DAVIS of Tennessee.
Mr. PORTER with Mr. DEWALT.
Mr. PETERS with Mr. DONOVAN.
Mr. PARKER with Mr. DOOLING.
Mr. NICHOLS of Michigan with Mr. DRANE.
Mr. MORIN with Mr. EAGLE.
Mr. MERRITT with Mr. HAMILL.
Mr. MASON with Mr. HARRISON.
Mr. MAPES with Mr. HUDSPETH.
Mr. MANN with Mr. JOHNSTON of New York.
Mr. MCKINLEY with Mr. KETTNER.
Mr. MCFADDEN with Mr. LEA of California.
Mr. MCCULLOCH with Mr. LESHER.
Mr. LEHLBACH with Mr. MCGLENNON.
Mr. LANGLEY with Mr. FIELDS.
Mr. KLECZKA with Mr. MCLANE.
Mr. KIESS with Mr. MAHER.
Mr. KENNEDY of Rhode Island with Mr. MEAD.
Mr. KENNEDY of Iowa with Mr. MONTAGUE.
Mr. KELLY of Pennsylvania with Mr. MOON.
Mr. KELLEY of Michigan with Mr. NEELY.
Mr. HAUGEN with Mr. NICHOLLS of South Carolina.
Mr. GRIEST with Mr. OLDFIELD.
Mr. GREENE of Vermont with Mr. OLNEY.
Mr. GRAHAM of Illinois with Mr. PHELAN.
Mr. GRAHAM of Pennsylvania with Mr. HENRY T. RAINEY.
Mr. GOULD with Mr. JOHN W. RAINEY.
Mr. GOODALL with Mr. RANDALL of California.
Mr. GARLAND with Mr. RIORDAN.
Mr. FOSTER with Mr. ROBINSON of North Carolina.
Mr. FAIRFIELD with Mr. ROWAN.
Mr. ESCH with Mr. SABATH.
Mr. DEMPSEY with Mr. SCULLY.
Mr. DAVIS of Minnnesota with Mr. SEARS.
Mr. DARROW with Mr. SMITH of New York.
Mr. DALLINGER with Mr. SMITHWICK.
Mr. CURRY of California with Mr. STEAGALL.
Mr. CRAMTON with Mr. STEVENSON.
Mr. COSTELLO with Mr. SULLIVAN.
Mr. COPLEY with Mr. TAYLOR of Arkansas.
Mr. COOPER with Mr. THOMPSON of Oklahoma.
Mr. CLASSON with Mr. UPSHAW.
Mr. BUTLER with Mr. STEELE.
Mr. BURKE with Mr. WEBB.
Mr. BROWNE with Mr. WELTY.
Mr. BRITTEN with Mr. WILSON of Pennsylvania.
Mr. ANTHONY with Mr. WISE.
Mr. ACKERMAN with Mr. WOODS of Virginia.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The yeas have it, and the gentleman from California [Mr. NOLAN] is authorized to read the letter.

Mr. BLANTON. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. Where the rules of the House, and especially section 356, to which I directed the Speaker's attention, Jefferson's Manual, say that no Member on the floor of the House shall impugn the motives of any other Member concerning his action with respect to former business of the House, is this in order? First, to get my position clearly before the Speaker——

The SPEAKER. The gentleman does not state a point of order.

Mr. BLANTON. The point of order is this——

The SPEAKER. The gentleman should make the point of order.

Mr. BLANTON. I do.

The SPEAKER. The gentleman will state it.

Mr. BLANTON. Where the rules prohibit a Member from impugning the motives of another Member, and the Member seeks to read an anonymous communication on the floor, the effect of which does impugn the motives of a Member on the floor, can those rules be set aside by a mere vote of the House without the Rules Committee bringing in a rule to change the rules of the House?

The SPEAKER. The gentleman does not make a point of order. The gentleman's question is not a point of order.

Mr. BLANTON. I make the point of order that that is improper.

The SPEAKER. What is improper?

Mr. BLANTON. The gentleman admits the communication is anonymous; that it was signed by a man purporting to be named Matthews when there was no such man named Matthews.

The SPEAKER. There is no point of order in that.

Mr. BLANTON (continuing). That somebody registered down here at the hotel in the name of Matthews when his name was not Matthews.

The SPEAKER. There is no point of order in that. The fact that the communication is anonymous does not keep it in order. The gentleman from California will proceed.

Mr. NOLAN. Mr. Speaker, I do not approve of any man or set of men trapping other men through anonymous communications. I do not approve of the methods adopted in this instance, except as I think the House of Representatives is interested; and if it were not for the fact that I made an investigation to find out the author of this document, and found out there was a person in Washington who sent this communication, I would never even have attempted to have it published, much less bring it to the attention of the House.

I have here an affidavit made by one George Parson, who signed himself "C. H. Matthews," and I would like to take time to read this, but I will insert it in the RECORD.

Mr. Speaker, I want the House to know that I did make some investigation of it, and, as you authorized me to read this communication, I deem it my duty to publish the affidavit made by George Parson, the author of this communication signed "C. H. Matthews." I want you to understand that, so far as I know, this man is willing to appear before any committee of this House or before anybody to back up this communication that is anonymous, so called. And, inasmuch as there is not anything to my motion that transgresses the rules of the House in this affidavit, I ask that it be published in the RECORD for the benefit of the Members of the House.

SEVERAL MEMBERS. Read it!

Mr. BLANTON. Mr. Speaker, a point of order. I have not seen the communication. I would like to hear it read.

Mr. NOLAN. It is as follows:

WASHINGTON,
District of Columbia, ss:

Personally appeared before me this 28th day of August, 1919, George Parson, who being first duly sworn deposes and says: That he is now, and has been during the past year, an employee of the United States Department of Labor; that on or about the 28th day of July, 1919, he drafted a letter to the Hon. THOMAS L. BLANTON, a Member of the United States House of Representatives, of which the attached carbon copy, marked "Exhibit A," is the original first carbon or facsimile; that this letter was subsequently placed in a plain envelope bearing the proper amount of postage and mailed to the said THOMAS L. BLANTON at his official Washington address; that to the best of affiant's knowledge and belief the various statements contained in the said letter which reflect in any way upon the Department of Labor or the officials thereof are all purposely false and misleading.

Deponent further states that on the 15th day of August, 1919, he drafted a second letter to the said THOMAS A. BLANTON; that the attached carbon copy, marked "Exhibit B," is the original first carbon or facsimile of this second letter, which was mailed, as in the first instance, to the said THOMAS L. BLANTON at his official address in Washington, D. C.; that in response to the suggestion made in this second letter there did appear in the personal column of the Washington Evening Star for the 16th day of August, 1919, an advertisement addressed to "Sidney" and signed "Helen," which advertisement affiant is morally certain was caused to be inserted in the said paper by the said THOMAS L. BLANTON.

That affiant subsequently drafted a circular letter addressed under date of August 21, 1919—

Which, by the way, is the letter the House has authorized me to read—

to the Hon. FREDERICK H. GILLETT and other Members of the House and Senate of the United States, as well as to the Hon. W. B. Wilson, Secretary of Labor, setting forth the above and other facts relating to the two letters mentioned; that the attached "Exhibit C" is a sample copy of this circular letter, similar in all respects, even to the matter of the paper upon which it is written, to those mailed to the various Members of Congress and to the Secretary of Labor

That on August 21, 1919, with copies of these circular letters in his possession affiant proceeded to the Capitol Park Hotel, on Union Station Plaza, in the city of Washington and District of Columbia, and did there register as a guest of the said hotel under the purely fictitious name of C. H. Matthews, of Chicago; that he was assigned to room 58, on the south side of the hotel and on the floor immediately above the lobby.

That he occupied this room from about noon on August 21 to about 8 o'clock on the following morning; that during this time he was rung up on the telephone by a confederate on the outside who sought to convey the impression in the minds of the hotel clerks that affiant was a union-labor man visiting the city to confer with labor leaders.

That affiant's sole idea and purpose in thus posing as a labor man by the name of Matthews, from Chicago, was to furnish himself with a bogus personality in order the more successfully to expose the said THOMAS L. BLANTON and his methods of antagonizing the Federal Department of Labor.

That on the morning of August 22, 1919, affiant mailed the various copies of the circular letter above mentioned at the central post office near Union Station, using first-class postage and special-delivery stamps for the purpose.

That the above action from first to last was initiated and carried through without the knowledge of any of affiant's official superiors and with the sole cooperation of I. H. McCarty, another inspector in the United States Department of Labor.

GEORGE PARSON.

Subscribed and sworn to before me this 28th day of August, 1919.
[SEAL.] ROBERT E. BRIGGS,
Notary Public in and for the District of Columbia.

Now, Mr. Speaker, this gentleman called on me prior to his visit to the press gallery, which he speaks about, because I wanted to find out if there was a man who passed as C. H. Matthews, and if there was such an individual as C. H. Matthews, and he presented this affidavit to me, and also asked me to accompany him to the Capitol Park Hotel, where he said the clerk or those in charge of that hotel would identify him as the man who registered as C. H. Matthews, the author of this so-called anonymous communication which the gentleman from Texas [Mr. BLANTON] quoted liberally from the other day, all for his own benefit.

Mr. Speaker, I am going to try to read this letter so that I will come within the rules of the House. I do not want to read anything in it that transgresses the rules of the House. I would be willing to submit the letter——

SEVERAL MEMBERS. Read it!

A MEMBER. You have a right to read it to the House.

Mr. NOLAN. This is the letter:

WASHINGTON, D. C., *August 21, 1919.*

TO HONS. FREDERICK H. GILLETT; JOHN M. C. SMITH; JOHN I. NOLAN; IRA G. HERSEY; FREDERICK N. ZIHLMAN; NORMAN J. GOULD; OSCAR E. BLAND; JOHN MACCRATE; B. FRANK MURPHY; JAMES P. MAHER; WALTER A. WATSON; JOHN J. CASEY; WILLIAM L. CARSS; WILLIAM D. UPSHAW; WILLIAM N. VAILE; RUFUS HARDY; SAMUEL C. MAJOR; GEORGE HUDDLESTON; JOSEPH WALSH; CHAMP CLARK; PHILIP P. CAMPBELL; JAMES B. ASWELL; FRANK W. MONDELL; HALVOR STEENERSON; STUART F. REED; W. B. WILSON, Secretary of Labor; WILLIAM S. KENYON, United States Senate; CHARLES A. CULBERSON, United States Senate; MORRIS SHEPPARD, United States Senate.

(Copy to Hon. THOMAS L. BLANTON.)

GENTLEMEN: In order to disclose to the friends of labor and the public at large the questionable methods occasionally made use of by Representative BLANTON, of Texas, three members in good standing of the American Federation of Labor recently subjected him to a novel test. If you will have the goodness to wade through the following details, which are not wholly lacking in interest, you will gain a comprehensive insight into the facts and be in a position to estimate at its true worth any explanation that the gentleman from Texas may have the effrontery to offer in defense of himself.

The object of the test to which the three union-labor men put Mr. BLANTON was simply to satisfy themselves that his utterances on the floor of Congress were frequently based on irresponsible and incompetent data. They wanted to demonstrate, in other words, that he seldom or never investigates the truth or falsity of his information before giving voice to it in the House of Representatives.

They accomplished their object by writing the gentleman from Texas a letter. It was not an ordinary missive by any means. The claim will doubtless be made (and will certainly not be denied) that as a letter it was highly improper and reprehensible. Its principal and most glaring characteristic was a certain Blantonese carelessness in handling the truth. Perhaps this was the reason that the letter made such a favorable impression on the gentleman from Texas. But let the letter speak for itself.

This letter, as I gather from the affidavit, was written on or about July 28, and House resolution 225 was introduced into this House on August 1, a few days after. I insert the resolution at this point to show how the gentleman from Texas acted after receiving this letter.

Resolution.

Resolved, That the Secretary of Labor be, and he is hereby, directed to report forthwith to the House of Representatives of the United States of America the following facts:

(1) Copies of all such instructions mentioned by John B. Densmore as having been received by him during the months of May, June, July, August, September, and October, 1918, he having said:

"SAN FRANCISCO, CALIF., *November 1, 1918.*

"Hon. W. B. WILSON,
"*Secretary of Labor, Washington, D. C.*

"SIR: Pursuant to instructions received from time to time during the past six months, I have the honor to report that I have conducted a secret and altogether informal inquiry into the Mooney case, and beg leave to submit herewith the results of my investigation.

(2) The names of all persons who, under the direction of any branch of the Department of Labor, had anything to do with the investigation of Thomas J. Mooney, charged with and convicted for heinous crime in California, stating in detail their respective activities, the amount of compensation paid them respectively, and the expenses of such investigation itemized in detail during the six months between May 1 and November 1, 1918.

(3) What connection in behalf of the Department of Labor, if any, since the punishment of said Thomas J. Mooney was commuted to life imprisonment, and since November 1, 1918, has any employee of the Department of Labor had with said case of Thomas J. Mooney, stating such activities in detail, the expense of same itemized in detail, and upon what authority of law, attaching copies of all reports made thereunder to the Department of Labor.

(4) What activities, if any, are now being conducted in behalf of Thomas J. Mooney.

(5) Attach copies of vouchers of McPherson, Kelly, and Kilmer for July, 1918, covering their trip from San Francisco to Los Angeles, the purpose of such trip and expense of same itemized.

(6) Attach copy of letter of instructions sent by John B. Densmore to H. L. Cobb after Cobb was sent to Texas on propaganda trip for Employment Bureau and expense of trip itemized in detail.

(7) Attach all reports of Gallagher and Martin for their six weeks spent in Philadelphia, spring of 1919, investigating F. R. Welsh, with statement of expenses fully itemized in detail.

(8) Attach report of John B. Densmore on Immigration Service investigation at San Francisco, with full statement of expense thereof itemized in detail.

[Confidential.]

DEAR MR. BLANTON: Please consider this confidential, as I would probably lose my job if it became known that I had passed you any official information. My immediate chief is a martinet, while the higher-ups—but you know what the higher-ups are. Please introduce a resolution in the House calling upon the Secretary of Labor for a copy of Densmore's report in the latter's Immigration Service investigation at San Francisco. In this report you will find a reference to the Hon. Judge F. W. Henshaw and his excellent article on "Our Relations with Japan," written from the standpoint of immigration economics; the judge's abilities and personal standing are extolled in the highest terms. This is the same Henshaw so mercilessly crucified in Densmore's Mooney report.

By the way, the immigration report was transmitted by the Secretary of Labor, and any Member of the House can have access to it. It is printed as a public document.

"In fact, so far as Henshaw is concerned, Densmore's Immigration Service report completely nullifies and repudiates his Mooney report. Densmore eats his own words and takes back all the slanders previoulsy spread concerning Henshaw."

There is not a word in the immigration report about Henshaw.

"There is another point you ought to look up: In Densmore's immigration investigation a crook by the name of Hinklemeyer was trapped by Densmore's dictaphone in the act of accepting $4,500 in marked bills, paid over to him by Densmore's operatives. This was not stage money, but was obtained by Densmore through regular channels on what is known as a 'blue voucher—expenses that can not be itemized.' It has never been paid back. The only way possible to get at the facts is by passing a resolution directing the Secretary to furnish all the facts in the Hinklemeyer case, together with the expense thereof. His name is Agathon L. Hinklemeyer, and the poor devil is now doing time in the pen. The Hinklemeyer case was entirely separate from the Mooney investigation.

"Also get vouchers of three of Densmore's men (McPherson, Kelly, and Kilmer) for July, 1918, in which you will see that these worthies traveled from San Francisco to Los Angeles and return in a hired high-power car costing $20 a day, not counting the chauffeur, the whole trip lasting two weeks, at a combined per diem which I figure at about $75. The whole trip was useless and accomplished nothing. It was a joy party, Kelly being so drunk in Los Angeles that he got into a jam with the police.

"Ask also why H. L. Cobb was sent to Texas, and get the letter of instructions sent to him by Densmore after he arrived there. It is juicy.

"Have the Secretary furnish details and expense returns, including all written reports of two operatives by the name of Gallagher and Martin, who for six weeks last spring were in Philadelphia investigating a man by the name of Welch, just because the latter had exposed Densmore. These men spent huge sums of money—threw it away like water. You will find items for automobiles galore; also some more of those 'expenses which can not be itemized.'

"Wishing you success in your attack on rottenness in the civil service, and with best wishes, I am,

"Sincerely, yours, "SAFETY FIRST."

It is necessary at this point to insert a brief word of explanation in regard to the statements contained in this reprehensible though somewhat ingenious communication.

That is how this gentleman characterizes his anonymous communication to the gentleman from Texas [Mr. BLANTON]:

In the first place, if there is a single word of truth in the letter it crept in by mistake. The letter writers knew nothing of Densmore's immigration report, but they surmised that a reputed whitewash of disreputable old Henshaw would be wonderfully good news to Henshaw's mouthpiece in Congress. Henshaw, it should be explained, is one of the clique that framed Billings and Mooney in California; he is also the same delightful old scoundrel who accepted the $410,000 bribe in the celebrated Fair will case.

The Hinklemeyer incident was concocted out of whole cloth. It is believed that such a person as Hinkelmeyer really exists, but according to the San Francisco Examiner of November 9, 1918, he was trapped by the Department of Justice and Densmore had nothing to do with it—certainly nothing to do with furnishing the money. All that stuff about the "blue voucher" is scenery and local color, pure and simple.

McPherson, Kelly, and Kilmer are fictitious characters. The high-power car, the $20 a day, the joy ride, and the trouble with the Los Angeles police all belong to the realm of the imagination and are put in for what the fiction hacks call "verisimilitude."

BLANTON has stated in private conversation that Cobb was sent to Texas to stir up trouble between the Congressman and his constituents. The letter writers could not resist the temptation to intimate that this preposterous yarn had some foundation in fact.

Gallagher and Martin belong to the same ghostly company as McPherson, Kelly, and Kilmer. They do not exist. Welsh does exist. He is the friend and fellow worker of BLANTON, Fickert (the district attorney of San Francisco who framed the Mooney defendants), and Henshaw. As a sort of scurrilous pamphleteer he is the author of numerous studied misstatements on the subject of Mooney, Fickert, union labor, Secretary Wilson, Densmore, and the Department of Labor generally. Anything that concerns Welsh is of interest to BLANTON. The letter writers correctly surmised that the gentleman from Texas would be enormously shocked and chagrined to learn that the Department of Labor had investigated this agent in the East of the San Francisco frame-up gang. So far as the letter writers are aware, the Department of Labor did nothing of the kind.

And now, with this light on the subject, it is proper to make inquiry as to just what Mr. BLANTON did with the letter.

Did he throw it into the wastebasket, where it properly belonged? Or did he put it aside for future study and investigation?

The gentleman from Texas did neither of these things. Instead, he introduced in the House of Representatives of the United States of America a resolution calling upon the Secretary of Labor for all the nonexistant data mentioned in the anonymous letter, omitting only the $4,500 story in regard to Hinklemeyer, which was probably too preposterous for even BLANTON to swallow. The resolution contained eight paragraphs, and in speaking in support of them upon the floor of the House the gentleman from Texas solemnly said (see p. 3805 of the CONGRESSIONAL RECORD for Aug. 12, 1919):

"I drew the resolution and I know that the facts exist in each one of them."

This is in arguing against the point of order made by the gentleman from Massachusetts [Mr. WALSH] against the consideration of the resolution.

By thus knowingly, deliberately, and willfully making a false statement to the United States House of Representatives the gentleman from Texas forever discredits himself and the shady causes which he so ardently espouses.

On this same day, August 12, 1919, approximately one-third of the entire House proceedings were devoted to a discussion of the Blanton resolution. The author urged its adoption with great apparent candor and honesty.

"The facts will show," he said in discussing the paragraph relating to the phantom trio (McPherson, Kelly, and Kilmer), "that these three men hired an expensive, high-power automobile and paid an enormous sum per day for it and ran back and forth from San Francisco to Los Angeles, back and forth and forth and back, costing this Government hundreds of dollars. And incidentally the facts will show that instead of being engaged in a lawful purpose, one was arrested by the officers of the law for violating the law in particular." (See p. 3804 of the CONGRESSIONAL RECORD for Aug. 12, 1919.)

I have the particular paragraphs and sentences marked in the CONGRESSIONAL RECORD for that date.

In speaking of the bogus incident in which Welsh is alleged to have figured, the gentleman from Texas said: "This man Welsh sent me certain information, and therefore Densmore had to send men to Philadelphia to investigate Welsh. I am asking the Secretary of Labor to send the report of these men in Philadelphia who investigated Mr. Welsh for six weeks, and an itemized statement of their expenses there. Is not that a fact?"

That is the language of the gentleman from Texas in relation to these fictitious individuals.

This is Government money that has been spent, and there is nothing in any of these eight subdivisions in this resolution that does not call for a fact. (See p. 3804 of the CONGRESSIONAL RECORD for Aug. 12, 1919.)

That is the language of the gentleman from Texas, found on page 3804 of the CONGRESSIONAL RECORD for August 12, 1919.

The discussion which took place on the floor of the house upon the question of the propriety of the resolution was participated in by Representatives HUDDLESTON, WALSH, SMITH of Michigan, CLARK of Missouri, UPSHAW, CAMPBELL of Kansas, ASWELL, VAILE, MONDELL, STEENERSON, REED of West Virginia, the Speaker of the House, and our friend from Texas, Mr. BLANTON. The debate filled page after page of the RECORD for August 12, and was continued on the 14th. The author of the resolution argued eloquently in its behalf. Occasionally he sought to whet the appetites of his fellow Members for the coming feast:

"I will state to the Members of the House," he said on August 14, when again referring to his demand for information in regard to the unsubstantial McPherson, the gossamerlike Kelly, and the ghostly Kilmer—"I will state to the Members of the House that that will be a very interesting document to the gentlemen of the House when we get it." (See p. 3869 of the CONGRESSIONAL RECORD for Aug. 14, 1919.)

As a result of Mr. BLANTON'S representations that he was asking for bona fide facts, the resolution was agreed to, whereupon the three unrepentant members of the American Federation of Labor who had had the temerity to subject the gentleman from Texas to this unfeeling test, held a further conference and decided that it was time to send him another letter.

There is a thing in this letter which is an absolute misstatement of fact, about membership in the American Federation of Labor, which it was unnecessary for the gentleman to introduce into this letter. I bring this matter to the attention of the House, and I do not approve of it; not because it referred to the fact that they were members of the American Federation of Labor, which subsequently was disproved, but they did not need, in my estimation, to make any statement except the facts in the case.

They accordingly composed and dispatched the following communication.

The resolution passed on August 14 and this communication was dispatched on August 15 to the gentleman from Texas [Mr. BLANTON]:

WASHINGTON, D. C., *August 15, 1919.*

DEAR MR. BLANTON: There was considerable excitement around the department when your resolution was introduced, and copies of the CONGRESSIONAL RECORD have been much in demand. My immediate chief, who has charge of nearly all the field accounts, in addition to being the custodian of all vouchers that have been approved by the Auditor for the State and Other Departments, has been very busy, indeed. Up to this time I haven't been able to fathom just what is going on, but the accounts (vouchers) of the various employees named in your resolution have all been lying on the chief's desk for the past 48 hours. It is my own personal opinon, based on fragments of conversation that have come to me, and aiso on the actions of the file clerk, who has been very busy getting up other vouchers on the typewriter (occasionally consulting those on the chief's desk), that the genuine originals will soon be buried so deep that they can never be dug up. Inasmuch as the disbursing clerk's accounts show nothing but the totals of the various vouchers it would be virtually impossible to check up the individual items comprising them in event the originals should be replaced by others. This may seem a lax way to handle the public accounts, and it is; but there are times when this laxity comes in very handy, as you can readily perceive.

I am writing this to ask if you think it would be a good idea to secure copies of these originals before anything happens to them. We have what are known as A files and B files, the former being the originals and the latter duplicates. I can still get the B-file copies of the vouchers in question and no one would ever miss them.

I want you to keep in mind that suggestion—"I can still get the B-file copies of the vouchers in question and no one would ever miss them."

Even if search happened to be made for them, nothing would be thought out of the way if they were not found, as the B files are only about 60 per cent complete, and nobody ever really expects to find anything in them. If you think this a wise precaution—and it is—I would suggest your advising me through the medium of a line in the personal column of the Star, stating your wishes in the premises. You can address the notice to "Sidney" and sign it "Helen," so that I will understand who it is from. I am with you in this matter until hell freezes over.

I have some further data on the Welsh investigation in Philadelphia which is very interesting, tending to show the active participation of a high outside labor man in the matter. This is shown in a series of letters which I am copying at odd times, and which I will let you have within a few days—probably by the first of the week. The idea of this official of the American Federation of Labor cooperating with two unscrupulous agents of a Federal department in seeking to besmirch the character of this man in Philadelphia is enough to make the angels weep. I have copied about half of the correspondence and will complete the rest in a couple of days. It has to be done piecemeal; otherwise I would have had it finished before this.

With a wife and children dependent on me, I have no desire to emulate Lynn—at least not to the extent of becoming a martyr and losing my job. This caution I am sure you will understand and respect. If I were a single man, I would come into the open gladly and take my chances.

With renewed assurances of my heartiest cooperation, I am,

Sincerely, yours,

SAFETY FIRST.

This letter was, if anything, even more reprehensible than the first one. It should be remembered that to remove Government records from the files unlawfully is a serious matter, punishable by a fine and imprisonment under section 128 of the Criminal Code. The very rawness of the letter was therefore against the probability of its finding favor in the eyes of BLANTON, since the authors, in effect, proposed to have the Congressman (an ex-judge) conspire with them to commit a felony.

The second letter was received by Mr. BLANTON on August 16. Instead of tossing it aside as an unworthy pleasantry, the gentleman from Texas actually hastened to have the following notice printed in the personal column of the Evening Star for the same day:

"SIDNEY: Obtain copies and forward data at earliest possible.

"HELEN."

And the gentleman from Texas said he caused his secretary to have inserted this personal addressed to "Sidney," and stating—

Sidney: Obtain copies and forward data at earliest possible. Helen.

[Laughter.]

Mr. Speaker, the gentleman from Texas the other day laid great emphasis upon the fact that he did not ask for originals in inserting this personal in the Star, that he knew the law, that he did not ask for originals. I call attention to the fact that the gentleman who signed himself "Safety First" never suggested to him that he ask for originals; that he suggested to him that he put a personal in the Star asking for copies. The gentleman from Texas the other day said he was aware of the fact that it was a frameup, and that he did not walk into the trap. The gentleman from Texas inserted the very personal suggested by this man who called himself "Safety First." And let me call your attention to the fact that prior to that the gentleman from Texas [Mr. BLANTON] had had one experience in getting an employee of the United States Government to take letters and documents from the files in the person of this man Lynn. He excused it on the floor of the House and he excused it before the Committee on Labor, and gave as a reason for it that the man was appearing before a committee of the House, and that he, as a Member of Congress, had the right to authorize or demand from any subordinate working in any department in Washington that he bring before a committee of this House any documents that he desired him to have.

The letter of the gentleman from Texas to Mr. Lynn is as follows:

WEDNESDAY, *June 25, 1919.*

Mr. BLANTON. Mr. Lynn, what position do you hold here in Washington? What position are you in in Washington?

Mr. LYNN. I am working in the transportation section.

Mr. BLANTON. Of what service?

Mr. LYNN. Employment Service. I used to be in the correspondence section, assistant chief and acting.

Mr. BLANTON. Mr. John B. Densmore is your employer, is he not, the director general?

Mr. LYNN. Yes, sir.

Mr. BLANTON. Yesterday I sent you this notice:

Mr. STANLEY R. LYNN,

United States Employment Service, Washington, D. C.

SIR: The joint sessions of the Senate and House Committee on Labor have authorized me to present before such session to-morrow at 10 o'clock a. m., in room 201, Senate Office Building, certain evidence.

I respectfully request that you kindly appear there at that time, as I desire to interrogate you concerning certain business of your department. Kindly bring with you the following documents:

1. The record of travel for Luther S. Steward for months of July, August, September, October, November, and December, 1918.

2. Request for transportation No. L517736 by Jeanette V. Densmore, July 4, 1918, from New York to Atlantic City, N. J., and the three Pullman coupons attached thereto, numbered, respectively, as follows:

Office Form 2357, No. 5071,
Office No. 2357, Form 2, 5072, and
Office No. 2357, Form 2, 5073, all of same being from New York to Atlantic City, issued July 4, 1918.

3. Request for transportation No. L517737 signed by Jeanette V. Densmore, July 7, 1918, from Atlantic City, N. J., to New York, and the Pullman coupon from Atlantic City, N. J., to New York, July 7, 1918.

4. Voucher No. 30682, travel expense Miss Jeanette V. Densmore for $747.33, trip begun about September 3, 1918. I might add that I have personally inspected the above, and they should be easily found in your department.

I will also ask you to be prepared to tell what you know concerning about $300 collected by Mr. Harry Parks, Personnel Section, official station, Washington, for trips he took away.

Also please investigate voucher No. 20479 for $13.75 to Lillian Haberkost, Akron, Ohio, December 12, 1918, and voucher No. 27137 for $12.70 to Lillian Haberkost, Akron, Ohio, March 6, 1919.

Do you know anything about a conversation occurring between Mr. Mason and Mr. Smythe, when by way of an excuse Smythe told Mason he could go to Cleveland to inspect furniture?

Kindly investigate voucher for $15.10 giving reason of S. Tyson Kinsell to go to his home in Philadelphia.

Hoping that you will kindly reply with the foregoing requests, I am,
Very truly, yours.

Now, gentlemen, I am going to make a suggestion here. Anybody that wants the original of the Declaration of Independence, which is down in the State Department, needs only to get acquainted with some clerk down there, introduce a resolution, if you want to see it and want to verify the handwriting of John Hancock or Thomas Jefferson or any one of the rest of the signers of that document; if you adopt the method of the gentleman from Texas, you can have it brought up here, and people can abstract documents from the files of the departments and bring them up to meetings of committees of the House. That is in accordance with the practice of the gentleman from Texas [Mr. BLANTON].

Mr. THOMAS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMAS. I desire to inquire how the reading of these letters will reduce the high cost of living? [Laughter.]

The SPEAKER. The gentleman is out of order.

Mr. NOLAN. I will suggest to the gentleman from Kentucky that if the House watches its privileges which it extends to Members of this House in the future it will save the high cost of printing in extending privileges to Members of this House.

Mr. THOMAS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. NOLAN. I can not yield. I want to get along.

The SPEAKER. The gentleman declines to yield.

Mr. NOLAN. I read further:

What more need be said? We have here the sad spectacle of a high member of the legislative branch of the Government, who is solemnly sworn to uphold the law, using his time and energy to undermine in the most surreptitious and despicable manner other lawfully created and efficiently functioning bureaus of the Federal establishment. We see him busily engaged in vain attempts at scandal mongering, with a view to discrediting those executive departments of the Government which are charged by law with the duty of fostering, promoting, and developing the welfare of the wage earners of the country. In the mad pursuit of his object he does not hesitate to conspire with a supposed employee of the Government to commit an offense against existing law.

The gentleman is an avowed foe of organized labor. It is a matter of common repute that he is the mouthpiece in Congress of the National Manufacturers' Association, the Southern Lumberman's Association, the San Francisco Chamber of Commerce, and other organizations which have been fighting unionism and advocating the "open shop." His activities along these lines have thrown him into the company of some of the worst men among the employer interests—the sort of men who will go to almost any lengths to discredit union labor. He corresponds with such men as Fickert and Welsh—two men who have done everything in their power, as the tools of the antilabor forces, to bring to a successful issue the unspeakable frameup against the Mooney defendants. BLANTON'S good faith has long been questioned by those who have the best interests of labor at heart. He preaches patriotism and inveighs against anarchy; but, alas, at the same time he champions the cause of every man who by word and deed advocate lawlessness.

It is believed that the caliber and motives of this Representative from Texas should be shown up without pity in order that the wage earners may know him for what he is and that the House of Representatives and the public at large may learn how much dependability is to be placed in any statement whatever that the gentleman may make.

Very truly, yours,

C. H. MATHEWS,
Capitol Park Hotel, Washington, D. C.

Now, Mr. Speaker, the thing that ought to concern the Members of this House is the statement that the gentleman from Texas made during the consideration of House resolution 225, when the point of order was made against it. On page 3802, the gentleman from Massachusetts [Mr. WALSH] raised the point of order against the resolution. On page 3804, the gentleman from Texas, in response to an inquiry by the gentleman from Massachusetts [Mr. WALSH], makes the following statement:

Mr. BLANTON. I will gladly answer the gentleman. For instance, the facts will show that these three men hired an expensive, high-power automobile and paid an enormous sum per day for it and ran back and forth from San Francisco to Los Angeles, back and forth and forth and back, costing this Government hundreds of dollars. And incidentally the facts will show that instead of being engaged in a lawful purpose one was arrested by the officers of the law for violating the law in particular.

I also desire to insert the following extract from page 3869 of the RECORD of August 14:

Mr. BLANTON. Gentlemen of the House, this resolution further directs the Secretary of Labor to send to the House vouchers covering the expenses of McPherson, Kelly, and Kilmer, three different men from the Department of Labor, who made trips from San Francisco to Los Angeles. I will state to the Members of the House that that will be a very interesting document to the gentlemen of the House when we get it, to show the items of expense incurred by those three men, in the hiring of a high-powered automobile to make trips from San Francisco to Los Angeles—not on a proper mission of business for this Government, because, if my information, which comes straight, is correct, these men went there for other purposes, in violation of laws instead of in enforcement of laws.

The men mentioned here were purely fictitious characters; however, Mr. BLANTON stated this as a fact in connection with House resolution 225.

That relates to paragraph No. 5 of the resolution, which calls upon the Secretary of Labor to attach copies of vouchers of McPherson, Kelly, and Kilmer for July, 1919, covering their trip from San Francisco to Los Angeles, the purpose of such trip and the expense of same itemized; and the gentleman from Texas solemnly assured the Members of this House that the facts would show that that incident took place in connection with three members connected with the Department of Labor. On the same page of the RECORD I read:

Mr. BLANTON. I am asking the Secretary of Labor to send the report of these men in Philadelphia who investigated Mr. F. R. Welsh for six weeks and an itemized statement of their expenses there. Is not that a fact? This is Government money that has been spent and there is nothing in any of these eight subdivisions that does not call for a fact.

Paragraph 7 of the resolution calls upon the Secretary of Labor to attach all reports of Gallagher and Martin for their six weeks spent in Philadelphia, spring of 1919, investigating F. R. Welsh, with statement of expenses fully itemized in detail.

On page 3805, in response to a question from the gentleman from Wyoming [Mr. MONDELL] asking him to yield, Mr. BLANTON said:

I drew the resolution, and I know that the facts exist in each one of them.

Gentlemen of the House, the thing that you are concerned with is the statement made by the gentleman from Texas in securing the passage of House resolution 225 by the American House of Representatives. This anonymous communication does not alone ridicule the gentleman from Texas, but it also ridicules the House of Representatives. It shows that when a Member of this House gets up on the floor and solemnly assures the membership of the House that he has facts to back up statements the House passes the resolution, and then the facts come out in connection with the anonymous communication I have just read.

Mr. Speaker, there is a lot that I would like to say. What I want to present in the RECORD is extracts from proceedings before committees of the House and the House itself, and I ask unanimous consent that I be permitted to extend my remarks by printing extracts from the CONGRESSIONAL RECORD and from the proceedings before the Joint Committee on Labor of the House and Senate and documents printed by the Government.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks by inserting extracts from hearings before the Committee on Labor and other Government documents. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, I feel sure that in connection with the gentleman's remarks, if he is granted the right to extend them, under the peculiar circumstances of this case, where I am attacked by anonymous letters, the House will give me 15 minutes in which to reply to the gentleman, explaining these matters; and I ask, in connection with the gentleman's statement, that I be granted, at the conclusion of the gentleman's remarks, 15 minutes in which to explain this situation.

Mr. NOLAN. I join with the gentleman in that request, Mr. Speaker.

The SPEAKER. The gentleman from Texas joins to the request of the gentleman from California the request that he be given 15 minutes. Is there objection?

There was no objection.

Mr. NOLAN. The gentleman from Texas in his speech of September 11, page 5238, CONGRESSIONAL RECORD, criticized the Secretary of Labor for his reply to House resolution 65, when the facts are that only one department, the Interstate Commerce Commission, furnished the information called for. Why did Mr. BLANTON single out the Department of Labor.

The following summary shows the deficiency estimate filed with the committee on appropriations by several departments, the Department of Labor estimate being the lowest:

House Document.	To comply with—	Disposition.	Department.	Amount.
106	House resolution 65.	Salaries and printing.	Labor	$1,541
138	House resolution 67.	do	Interior	5,000
105-107	House resolution 69.	do	Justice	2,500
92	House resolution 75.	do	Treasury	2,500
129	House resolution 74.	do	War	30,000
101	House resolution 76.	do	Commerce	2,200
Total				43,741

The gentleman from Texas [Mr. BLANTON] in his extension of remarks of July 28 made the following statement:

By the fight I have made against the present wasteful, improper United States Employment Service I have saved to the people since March 1 last the enormous sum of $11,233,808.10. Against the appropriation of $1,800,000 contained in the former sundry civil bill, which failed of passage, and the proposed appropriation of $10,033,808.10 defeated by reason of my fight against it, there has been given to this department in all only $600,000, making a clear saving of $11,233,808.10. Time and recent developments have amply justified my action. In addition to the above saving on appropriations, thousands of dollars of the unexpended money available has been saved through the reduction of unreasonable salaries.

Let us see what the facts are in connection with the appropriations for this service. The only appropriations recommended by the committee were $276,000 in a deficiency bill and $200,000 inserted in the sundry civil bill, which went out on a point of order, but the item was increased in the Senate to $400,000, so there has been appropriated for this service since March 1 the sum of $676,000, and the most that the House Committee recommended was $476,000, so the gentleman from Texas [Mr. BLANTON] would lead the people to believe he saved millions when no such amounts were even seriously considered either by the House or Senate committees much less brought before the House itself. In fact, the total appropriations for the Department of Labor for the fiscal year ending June 30, 1919, were as follows:

Appropriations for Labor Department, fiscal year June 30, 1919.

Legislative, etc., bill	$1,218,970.00
Sundry civil bill	9,830,431.25
Deficiency (third)	304,549.75
Total	11,353,951.00

The above amounts included the appropriations for the Employment Service and all activities of the Department of Labor. The figures are furnished me by the clerk of the Committee on Appropriations.

The gentleman from Texas introduced several witnesses before the joint committee holding hearings on the Kenyon-Nolan bill. The following is from the testimony of a man by the name of Le Prohon, a labor agent for the Atlantic Forwarding Co., that had a contract for a shell-loading plant in New Jersey. This is one of the nefarious cost plus 10 per cent contracts, and Mr. Le Prohon was one of Mr. BLANTON's star witnesses:

Mr. NOLAN. And how many men were employed in your plant?
Mr. LE PROHON. From 4,000 to 9,000.
Mr. NOLAN. And you had a labor turnover of 1,500 a month?
Mr. LE PROHON. Oh, yes; 4,000 a month.
Mr. NOLAN. Four thousand a month?
Mr. LE PROHON. Yes, sir.
Mr. NOLAN. And where did you get those men outside of the 1,500 men that you got out of your office?
Mr. LE PROHON. Well, we got it out of New York.
Mr. NOLAN. Through what kind of service?
Mr. LE PROHON. Well, I will tell you, prior to this time that I learned of the employment service going to take over the control of the unskilled men, I sent West for an employment man. He was a No. 1 man, and I took him up with the intention of putting him on in New York, and putting him in our office. We had no fee, and we furnished the transportation and deducted that transportation if a man did not stay with us for two weeks—one week if he was a laborer and two weeks if he was a mechanic. I went to Mr. Barnes, who was the State director of labor in New York, with Mr. Turner, who was my representative, and I introduced myself and requested permission to open an office and to advertise, and I was told that I could not have permission; that I could not put a man in the Federal Employment Service; and that I could not ship men out of New York. Well, here I was; I had brought this man 3,500 miles, and I had him on my hands and we were getting short of men. So I went down and placed Mr. Turner in charge of the transportation with a fee-charging agency, and the company agreed to pay the fee, so that the men would have no charges.
The CHAIRMAN. This was a cost-plus plan that you were working on?
Mr. LE PROHON. Yes, sir.

This man's complaint was that the employment service prevented him from going out and indiscriminately hiring everybody else's men and then charging the Government the cost of the fee to the private agency and railroad fare plus 10 per cent under the contract, as he said he did in shipping his men from New York in violation of an Executive order of the President which had for its purpose the stabilizing of labor.

I stated on the floor of the House some time ago that one of Mr. BLANTON's witnesses, the man that stole the documents from the files of the Department of Labor, lied, and that the gentleman sat there and heard his witness lie about not having met with or talked with Mr. BLANTON before the day on which he testified. The following from the hearings will show whether this man was telling the truth; and this is the man that the day before the gentleman from Texas stated was an involuntary witness from the enemy's camp, who would not appear if he knew he did not have to. All through his testimony he showed he was disgruntled, because he did not get one of the plums given out:

[Hearings, Thursday, June 26, 1919.]

Mr. NOLAN. What is your position down there now?
Mr. LYNN. Typewriter.
Mr. NOLAN. Your position now, I mean?
Mr. LYNN. Typewriter.
Mr. NOLAN. And have you got access to the records, or have you charge of them that you brought up with you?
Mr. LYNN. No.
Mr. NOLAN. You have not?
Mr. LYNN. No.
Mr. NOLAN. And what is the rule in the Employment Service about taking records out without permission?
Mr. LYNN. Well, I think that this letter was enough.
Mr. NOLAN. And did you take this letter up with your superior officer?
Mr. LYNN. No.
Mr. NOLAN. You brought them here on the strength of that letter——
Mr. LYNN (interrupting). Yes, sir.
Mr. NOLAN. And you considered a letter from a Member of Congress enough, did you?
Mr. LYNN. Yes, sir.
Mr. NOLAN. Without any notification to your chief?
Mr. LYNN. Yes.
Mr. NOLAN. Did you ever tell any of them about it after you took the records?
Mr. LYNN. No; I did not have time to do that and to get it here.
Mr. NOLAN. What time did you get that letter?
Mr. LYNN. I think it was near 9 o'clock.
Mr. NOLAN. Near 9 o'clock in the morning?
Mr. LYNN. Yes.
Mr. NOLAN. Were there none of your superiors in the office when you went to get those records?
Mr. LYNN. No.
Mr. NOLAN. None at all?
Mr. LYNN. No.
Mr. NOLAN. What time do they get there?
Mr. LYNN. Nine o'clock.
Mr. NOLAN. And you did not consider it advisable to inform your superior officers that you were extracting from the records of the Department of Labor public records to take before a committee on the authority of a letter from a Member of Congress?
Mr. LYNN. No; there is a lot of them kicking——
Mr. NOLAN (interrupting). Were you at the Department of Labor yesterday morning in the Employment Service?
Mr. LYNN. Yes; I went down there.
Mr. NOLAN. You were there yesterday morning at 9 o'clock?
Mr. LYNN. Yes, sir.
Mr. NOLAN. And you took the records yesterday morning?
Mr. LYNN. Yes.
Mr. NOLAN. Did you have any of those records in your possession prior to yesterday morning?
Mr. LYNN. No.
Mr. MACCRATE. Prior to yesterday morning, Mr. Lynn, did you know what records Mr. BLANTON wanted?
Mr. LYNN. No.
Mr. MACCRATE. And the first intimation that you had or the first thing you knew about it was the letter that you received from him that he wanted these records?
Mr. LYNN. Yes.
Mr. MACCRATE. You never told Mr. BLANTON about certain records being in the department?
Mr. LYNN. No.
Mr. MACCRATE. And you do not know where Mr. BLANTON got his information about these cards and Pullman tickets?
Mr. LYNN. That is his matter; I do not know.
Mr. MACCRATE. Did you ever have any communication with him before yesterday morning as to these records?
Mr. LYNN. I have known him.
Mr. MACCRATE. I did not ask you that. I asked you if you had any communication with him as to these records before yesterday morning?
Mr. LYNN. No.
Mr. MACCRATE. Did you ever hear that it was a criminal offense to remove public records——
Mr. LYNN (interrupting). Not with a letter of authority. I consider it is all right.
Mr. MACCRATE. And you had never spoken to Mr. BLANTON before yesterday morning about these Pullman tickets?
Mr. LYNN. No.
Mr. MACCRATE. And are you positive of that?
Mr. LYNN. Yes.
Mr. MACCRATE. And you had never spoken to him about these card records of any of the employees of the department or that bureau before yesterday morning?
Mr. LYNN. Well, I say I had a little conversation with him, but it did not amount to anything.
Mr. MACCRATE. When was that conversation?
Mr. LYNN. About two or three days ago.
Mr. MACCRATE. Did you mention then anything about any records in the Labor Employment Service?

Mr. LYNN. Why, I—about this—when I come to think of it, about the transportation requests that passed through my hands; that is all.

Mr. MACCRATE. Was not Mr. BLANTON at the department a few days before that?

Mr. LYNN. In the——

Mr. MACCRATE. Was not Mr. BLANTON at the department a few days before that?

Mr. LYNN. I did not see him; I met him on the street.

The following voucher shows the full expense account of Miss Densmore, which fully vindicates the lady, as it covers her entire expenses for the month of July, 1918, and shows that she did not charge up the Pullman tickets, as stated by the gentleman from Texas [Mr. BLANTON]. This voucher can be found on page 251 of the hearings before the Joint Committee on Labor:

VOUCHER FOR SALARY, PER DIEM, AND TRAVELING EXPENSES.

[Appropriation: "War Emergency Employment Service, 1919."]

The United States, to Jeanette V. Densmore, Dr.

Official station: New York City.

	Period of service.	Rate per day.	Amounts.
For services as clerk from July 4, 1913, to July 25, 1918, inclusive.	*Days.*		
For per diem in lieu of subsistence July 5, 6, 21, 22, 23, 24, 25, 26	8	$4.00	$32.00
For reimbursement of traveling expenses during the month of July, 1918 (as shown within and by sub-vouchers annexed), under travel order No. 1103/2, or written authorization attached, 560/198			3.43
Total			35.43

Examined by H. C. S. 8–26–18.

MEMORANDUM VOUCHER.

This statement must be prepared by the officer in charge of district and the sum of the items must be the same as the amount in which the voucher is submitted.

District No. Adm.
Voucher No. 2007.

Expenses of United States Employment Service:

Additional compensation	$32.00
Traveling expenses	3.43
Paid by check No. 5471, dated Aug. 29, 1918, for	35.43

MEMORANDUM.

Character of expenditure:

July 4, 1918, left O. S. 3.30 p. m. for Atlantic City via Pennsylvania Railroad, $1.25, L51736—	
Pullman (cash fare paid, no war tax), check attached	$0.98
Arrived Atlantic City 6.30 p. m. Pullman porter fee	.25
Transfer official baggage	.25
July 5, 1918, at Atlantic City (official detail).	
July 6, 1918, at Atlantic City (official detail).	
July 7, 1918, left Atlantic City for New York City, O. S., at 9.15 a. m. via Pennsylvania Railroad; fare, $1.25; L51737—	
Pullman (cash fare paid, no war tax)	.98
Arrived New York City, O. S., 12.15 p. m. Pullman porter fee	.25
Transfer official baggage	.25
July 20, 1918, left New York City, O. S., for Washington D. C., at 11.08 a. m., L48953; Pullman seat (check attached) L48954—	
Arrived Washington, D. C., 6 p. m. Pullman porter fee	.25
Transfer official baggage	.25

On detail in Washington, D. C., up until July 27, which date official station was changed to same.

RECAPITULATION.

July 5, 6, 21, 22, 23, 24, 25, 26; 8 days at $4 per diem $32.00

(Photograph of four Pullman checks omitted in printing.)

Memorandum of travel performed upon transportation requests.

Date of travel.	Transportation request No.	From—	To—	Via railroad.	Amount.
July 4	L 51736	New York City..	Atlantic City.....	Pennsylvania.	$1.25
7	L 51737	Atlantic City....	New York City...	.....do.....	1.25
20	L 48953	New York City..	Washington, D.C.	.....do.....	1.38
20	L 48954	Pullman, New York.	.....do.....	.....do.....	.....

Mr. NOLAN. I ask that I may be permitted five minutes more, Mr. Speaker.

The SPEAKER. The gentleman from California asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. NOLAN. Mr. Speaker, I want to call the attention of the House to the extension of remarks of 23 pages made by the gentleman from Texas [Mr. BLANTON] under date of Monday, July 28. The gentleman in opening up the extension of remarks makes the following preliminary statement:

Mr. Speaker, I sincerely thank my colleagues for this privilege unanimously granted me (p. 2808) to discuss in detail my position and the reasons for now opposing the Nolan-Kenyon United States Employment measure.

The gentleman, on page 2808, got the following permission:

Mr. BLANTON. Mr. Speaker, I ask unanimous consent to extend my remarks on the Nolan-Kenyon bill.

And prints in the CONGRESSIONAL RECORD about 23 pages, going from A to Z on every subject that he had anything to do with, in this or any other Congress.

Now, Mr. Speaker, during the gentleman's extension of remarks he saw fit to attack the Committees on Labor of the House and the Senate, and the gentleman from New York [Mr. MACCRATE] and myself in particular. I am not going to go into detail on that, but I think if ever the Employment Service bill comes before the House we will have it out thoroughly. But during the course of his remarks he saw fit to characterize the editor of the San Francisco Call, which is not like the New York Call, a Socialist paper, but is a leading San Francisco daily newspaper, Fremont Older, a man who was 25 years editor of the San Francisco Bulletin, one of the most progressive and upstanding newspapers of the country, and which has been characterized, as I understand, as one of the five leading dailies of the United States. I do not have to defend Fremont Older. If Fremont Older is an anarchist, as stated by the gentleman from Texas, then every man who makes a fight for civic decency and against political corruption in this country is also an anarchist. Fremont Older all his life in San Francisco has been fighting for the things that are right, and every right-thinking man in San Francisco who may not agree with him on the subject of preparedness or militarism will agree that Fremont Older is an honest worker in every cause that most needs aid.

I want to say in passing that I am honored by having the friendship of Fremont Older. I did not seek his friendship or support—it can not be gained in that way—but he supported me in every campaign I have made. If it was not for the support of men like Fremont Older, a man like me, who came from the ranks of labor holding a position paying $40 per week to a position paying $625 a month would never have an opportunity of sitting with you gentlemen in the most representative legislative body in the world. [Applause.]

Now, Mr. Speaker, I do not need to rise in the defense of Fremont Older. He needs no defense at my hands. He enjoys the confidence and esteem of the best people of the State of California. Such men as Senator HIRAM W. JOHNSON and other leaders in California, who drove the corrupt Southern Pacific political machine out of the State, always had the benefit of Mr. Older's assistance, and they value highly his friendship.

I want to say in passing that the gentleman from Ohio [Mr. LONGWORTH] was not even immune from attack by the gentleman from Texas. He told about numerous letters that he, the gentleman from Texas, had received, and he said that during the 15 years of the career of the gentleman from Ohio he, the gentleman from Ohio, never received that many letters commending his course.

I do not care whether the gentleman from Texas serves in this House 15 minutes or 50 years, he will never leave this House with the respect and admiration of the rest of the membership of the House like that which will be enjoyed by the gentleman from Ohio when he terminates his long and honorable career in this body. [Applause.] Another record the gentleman from Ohio will not be able to equal will be found in the attached record of roll calls and divisions demanded by the gentleman. In something like 28 votes on roll calls and divisions he was able to muster, counting his own vote, 101 votes all told, this in a little less than four months of the present session. This summary was made hurriedly and may be subject to slight correction, but is, in the main, correct. I insert the record of votes:

	In favor of Blanton motion or resolution.	Against Blanton motion or resolution.
May 28, p. 367, H. R. 3478, H. Report No. 11 (garden seeds), amendment by Blanton defeated. Congressman Blanton and one other voted alone	2	93
June 11, p. 977, deficiency appropriation, under the motion to instruct conferees to insist on the elimination of Senate amendment No. 49. Result of vote was Congressman Blanton and one other voted alone	2	216
June 17, p. 1236, Blanton voted alone on a demand by him for ayes and noes on the previous question for the report of conference committee on H. R. 3478 (1919 deficiency bill). On the same day and on the acceptance of the report being voted on, the question was taken, and on a division demanded by Blanton, and the result was Congressman Blanton voted alone	1	208

	In favor of Blanton motion or resolution.	Against Blanton motion or resolution.
June 30, p. 2093, on the passage of the sundry civil bill as amended by the Senate, Blanton's amendment that the conferees be instructed to disagree with the Senate amendment which restored the item of $400,000 for the Employment Service, on a division requested by him, was defeated by vote. Mr. Blanton voted alone	1	188
July 1, p. 2243, sundry civil bill, on the question of agreement with the Senate on the conference committee's report, on a call of the House by Mondell, on the question of a division, the vote was Congressman Blanton voted alone	1	103
July 1, p. 2244, on motion by Blanton that the House conferees be instructed to disagree, a division being demanded by Blanton, the vote was Congressman Blanton and one other voted alone	2	90
The point of no quorum being raised by him showed	10	209
July 1, p. 2246, H. R. 3184, on the question of the consideration of the water-power bill, Blanton opposed consideration, and on a division, Congressman Blanton voted alone	1	141
July 9, p. 2319, H. R. 2847, providing $40,000 for the American Printing House for the Blind. The House refused to strike out the word "annual" in the amendment proposed by Blanton. Congressman Blanton and two others voted alone	3	72
On the same day, in the same bill, Blanton sought to reduce the amount of the appropriation from $40,000 to $20,000. On a division requested by Blanton the amendment was defeated, Congressman Blanton voting alone	1	214
On the same day and bill, Blanton's motion to recommit, on a division requested by Blanton, showed that Congressman Blanton voted alone	1	124
The point of no quorum was raised by Blanton, and on subsequent roll call, the motion to recommit, Congressman Blanton and one other voted alone	2	278
July 9, p. 2332, H. R. 5723, Blanton's amendment to strike out enacting clause, on division requested by him, amendment was defeated, and Congressman Blanton voted alone	1	118
July 22, p. 3305, H. R. 5723, on motion to recommit, the ayes and noes refused by a vote of 1. Congressman Blanton voted alone	1	219
July 23, p. 3165, motion by Blanton that H. R. 2452, for relief of Charles Carey, letter carrier, who was injured while on duty be laid on the table, a division being asked by him, the result was that Congressman Blanton voted alone	1	160
A roll call after a point of no quorum by him, the result was that Congressman Blanton and one other voted alone	2	220
On this bill Blanton voted favorably in a previous session of Congress, and would not yield to Congressman Rogers of Massachusetts so that he could be reminded of it, the amount involved being $132.57.		
Aug. 22, p. 4228, question of adjournment, motion made by Congressman Blanton, result of vote by tellers on request by him. On this Congressman Blanton voted alone	1	220
Aug. 28, p. 4459, on motion to adjourn by Congressman Blanton on a request for a division by Blanton. On this Congressman Blanton voted alone	1	223
Aug. 29, p. 4523, before the House S. 2322. Congressman Blanton and 15 others voted against the passage of the bill	16	181
Sept. 2, p. 4642, matter being considered, H. R. 185. Motion by Congressman Blanton to strike out the enacting clause was defeated, Congressman Blanton and 13 others voting in favor	14	69
Sept. 2, p. 4642 Division asked by Blanton. He voted alone	1	84
Sept. 5, p. 4945, H. R. 1853, on the question of favorable consideration of bill by committee on the question of division demanded by Congressman Blanton. Congressman Blanton and two others voted in favor	3	116
Sept. 10, p. 5189, House joint resolution 87, under discussion on amendment offered by Congressman Garrett. Vote was on division demanded by Congressman Blanton, Congressman Blanton voting alone	1	80
Sept. 10, p. 5189, House joint resolution 87. On the passage of resolution the House divided on demand by Congressman Blanton, the result being Congressman Blanton and two others voting "No"	3	103
Sept. 10, p. 5204, H. R. 9065 was under consideration. On the amendment offered by Congressman Platt Congressman Blanton asked for a division. The result of the vote indicated that Congressman Blanton voted against the amendment, 35 voting for it	1	35
Sept. 10, p. 5211, H. R. 9065. On the passage of H. R. 9065, on amendment offered by Congressman Platt, Congressman Blanton asked for a division, the result of the vote being	0	74
On Sept. 10, p. 5211, H. R. 9065, on the passage of the bill, Congressman Blanton asked for division, the result of the vote being Congressman Blanton and six others voting in the negative	7	108
Sept. 11, p. 5266, House Resolution No. 270. On the passage of the resolution Congressman Blanton raised the point of no quorum and the roll call resulted as follows	29	246

There are 17 other members of the Texas delegation. There is something in common between the great State of Texas and the State of California. They are the only two States in the Union that were at one time a republic. I have devoted some time, even though I have not much time to read, to reading the history of Texas and to traveling through Texas. When the Employment Service bill was before the joint committee the gentleman from Texas introduced a witness, the man Lynn that I referred to.

The SPEAKER. The time of the gentleman has expired.

Mr. NOLAN. I ask for two minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. NOLAN. When the Employment Service bill was before the joint committee the gentleman from Texas introduced a witness to attack the character of a woman because she happened to be unfortunate enough to be related to the Director of the Employment Service—her name is Jeanette B. Densmore. The joint committee went all over this charge, as I have shown by the record, and the lady, in the opinion of every member of the committee, was exonerated. It is the first time I have known where a Texan, a man from the great State of Texas, sought to stab a man through the heart of one of the women of his family, and I hope for the sake of Texas it will be the last. [Applause.]

I insert at this time a privileged resolution introduced by the gentleman from Arkansas [Mr. WINGO], CONGRESSIONAL RECORD, September 11, 1919, page 5255. This resolution, after dividing same, was adopted almost unanimously:

Mr. WINGO. Mr. Speaker, I rise to a question of privilege, and I offer a privileged resolution.

The SPEAKER. The gentleman from Arkansas presents what he claims to be a privileged resolution, which the Clerk will report.

The Clerk read as follows:

"Whereas in the record of the proceedings of the House of Representatives of September 5, 1919, as the same appears in the CONGRESSIONAL RECORD, on pages 4942 and 4943, there appears in the remarks of the gentleman from Pennsylvania [Mr. DEWALT] what purports to be statements made by the gentleman from Texas [Mr. BLANTON], as follows, to wit:

"'He is mad because I will not permit him to ruthlessly waste and misappropriate the people's money from the Treasury.

"'I ask the Chair to keep the gentleman in order without forcing me to continually interrupt him. If he were not protected under the rules of this House, as construed by the present occupant of the chair, he would not dare to thus abuse me. He is now applauded by Members who have in their pockets private bills seeking to take public money out of the Treasury and put it into the pockets of private individuals and corporations without argument and without proper consideration, and they are all mad because I blocked the proceedings. The gentleman from Pennsylvania [Mr. DEWALT] imagines that he will injure me with my constituents. He does not know west Texans. They will size up his bunk, and in the next election I will get 10 votes to every 1 he gets.

"'The gentleman's statement is untrue. He is mad because I have forced him to come to the House of Representatives occasionally.

"'Against such childish abuse repeatedly continued in violation of the Chair's ruling and the rules of this House. The gentleman knows he is not stating the truth, for it was only by such objections that I prevented numerous pernicious and unmeritorious measures from passing, which angered certain friends of such legislation.

"'Falsely and wrongly. When he knows he is not stating the truth.

"'The gentleman is maliciously and willfully abusing me personally, when he would not dare do it off the floor of the House, and is willfully violating the rules of the House.'"

And

"Whereas the said statements were not, as a matter of fact, made by the gentleman from Texas [Mr. BLANTON] upon the floor, but were by him without the knowledge of the gentleman from Pennsylvania [Mr. DEWALT], and without the leave of the House, inserted by interlining the typewritten copy of the stenographer's notes furnished to the Government Printing Office; and

"Whereas the greater part of said statements so injected were unparliamentary, out of order, and a violation of the privileges of the House; and if the same had been uttered upon the floor of the House, would have been subject to a point of order: Now, therefore, be it

"Resolved by the House of Representatives—

"First. That it condemns the said falsification of the records of its proceedings; and

"Second. That the said remarks of the gentleman from Texas [Mr. BLANTON] be stricken from the RECORD."

This resolution is incorporated because of the fact that it shows the action of the House a few days ago when the methods of the gentleman from Texas [Mr. BLANTON] were questioned.

In connection with the extension of remarks inserted in the RECORD by the gentleman from Texas [Mr. BLANTON] under date of July 28, 1919, which filled 23 full pages of the RECORD, I am informed on reliable authority that the National Association of Manufacturers are industriously circulating this document out of their New York office and using the frank of the gentleman from Texas [Mr. BLANTON]. I do know, however, from my own knowledge that numerous sacks of mail containing this extension of remarks have at times clogged the corridors in front of the gentleman's office in the House Office Building addressed to the National Association of Manufacturers at their New York office. The document that I read in the House to-day accuses the gentleman from Texas of being the mouthpiece of this organization; what his connections are with it I do not know. I do know that the lobbyists representing this organization were

thoroughly discredited in the hearings held before the committees appointed by the House and Senate to investigate the Mulhall charges during the Sixty-third Congress. This association and its representatives are absolutely opposed to recognition of labor in any form and they have consistently opposed legislation in the interest of the wage workers of the country and have even opposed the child-labor bill during the hearings held by the Committee on Labor since I became a Member of the House.

If the gentleman is permitting his frank to be used in this connection by the National Association of Manufacturers he is severely abusing the franking privilege of the House of Representatives and depriving the Government of its just dues in securing postage from the National Association of Manufacturers for the transmission of this document. I expect to have positive information in reference to this franking privilege within a short time.

The Mooney case has been brought before the House of Representatives, through resolutions introduced by the gentleman from Texas [Mr. BLANTON] and passed by the House, and through his extension of remarks in the RECORD on a number of occasions. The Secretary of Labor in response to the passage by the House of House resolution 128 transmitted the so-called Densmore report, as well as the testimony and proceedings before the grand jury in the matter of F. C. Oxman and Charles M. Fickert.

I also incorporate for the benefit of the House a letter from the judge that tried Thomas J. Mooney for murder and who sentenced him to death. This letter was written to the attorney general of the State after the publication of the Oxman letters.

I also incorporate a statement by Attorney General U. S. Webb, of the State of California, after receiving Judge Griffin's letter.

I also incorporate a statement from Judge Robert M. Clerk, assistant attorney general of the State, who attended the grand jury when the matter of indicting Oxman came before that body.

I also incorporate Judge Griffin's letter to Gov. Stephens under date of November 19, 1918, urging a new trial for Mooney.

JUDGE GRIFFIN'S LETTER TO ATTORNEY GENERAL WEBB.

SAN FRANCISCO, *April 25, 1917.*

Hon. U. S. WEBB,
Attorney General of State of California.

MY DEAR GENERAL: On the 9th day of February, 1917, in the case of The People *v.* Thomas J. Mooney, then pending in my department of the superior court, there was rendered against the defendant Mooney a verdict of guilty of murder of the first degree without recommendation. Subsequently a motion for a new trial was made by the defendant, which was in due time denied; judgment was thereupon pronounced, and from such judgment and the order denying the defendant's motion for a new trial, an appeal to the Supreme Court has been taken and is now pending. It seems unnecessary to tell you that Mooney is one of those indicted for participation in the bomb outrage of July 22, 1916.

In the trial of Mooney there was called as a witness by the people one Frank C. Oxman, whose testimony was most damaging and of the utmost consequence to the defendant. Indeed, in my opinion, the testimony of this witness was by far the most important adduced by the people at the trial of Mooney. In confirmation of this statement I would respectfully call your attention to the transcript filed on the appeal.

Within the past week there has been brought to my attention certain letters written by Oxman prior to having been called to testify, which have come to the knowledge and into the possession of defendant's counsel since the determination of the motion for new trial. The authorship and the authenticity of these letters, photographic copies of which I transmit herewith, are undenied and undisputed. As you will at once see, they bear directly upon the credibility of the witness and go to the very foundation of the truth of the story told by Oxman on the witness stand. Had they been before me at the time of the hearing of the motion for a new trial I would unhesitatingly have granted it. Unfortunately, the matter is now out of my hands jurisdictionally, and I am therefore addressing you as the representative of such action on your part as will result in returning the case to this court for retrial.

The letters of Oxman undoubtedly require explanation, and, so far as Mooney is concerned, unquestionably the explanation should be heard by a jury which passes upon the question of guilt or innocence.

I fully appreciate the unusual character of such a request coming from the trial court in any case and I know of no precedent therefor. In the circumstances of this case, I believe that all of us who were participants of the trial concur that right and justice demand that a new trial of Mooney should be had in order that no possible mistake shall be made in a case where a human life is at stake.

Respectfully, yours,

FRANKLIN A. GRIFFIN.

Mr. Webb issued a rather lengthy statement in explanation of his attitude and decision.

The letter written by Superior Judge Franklin A. Griffin, who presided over the trial of Mooney, to the attorney general, urging that a new trial be granted Mooney, is emphasized in the statement.

"In view of these facts, and of these statements and requests so made by the judge who tried the case," says the attorney general, in concluding his statement, "it would seem proper for this office to act in accordance with his suggestion.

"Otherwise this appeal will be decided on the record now on file, which does not include any reference to any of these matters, and should the judgment be affirmed on such record, no opportunity would be presented at any time in this case to have these matters considered and their weight determined. It is as important to the people as to the defendant that such opportunity be afforded.

HAS EXAMINED RECORD.

"I have examined the record on appeal and am not prepared to state that it contains reversible error, and am not disposed to enter confession of error when reversible error does not clearly appear to exist. It would seem, therefore, that the only method by which the result requested by the trial be reversed, and should this court judge can be accomplished is by consent of respondent that the judgment deem it proper to act in accordance with such consent and enter its order reversing the judgment and remanding the cause for a retrial, such trial can be speedily held and all of these matters presented.

WILL SUBSERVE JUSTICE.

"Believing that justice will be subserved by a retrial of this case, as the representative of respondent, I hereby stipulate and consent that the judgment and order heretofore entered in this case by the trial court be reversed and the cause remanded for a trial."

The attorney general's statement is addressed to the Chief Justice and the associate justices of the supreme court. After reciting the facts of the explosion, the indictment, trial, and conviction of Mooney, the attorney general says:

"During said trial one Frank C. Oxman was called on behalf of the prosecution and examined as a witness. The testimony given by said Oxman was both material and relevant, and tended strongly to establish the guilt of the defendant."

[The Bulletin, May 4, 1917.]

ATTORNEY GENERAL'S PROSECUTOR SAYS EVIDENCE WAS AMPLE TO WARRANT INDICTING OF OXMAN.

Judge Robert M. Clarke, appointed as a special investigator by Attorney General Webb to go into every phase of the Oxman perjury expense, stated to the Bulletin to-day that he believed there was ample evidence before the grand jury upon which to return an indictment against Oxman.

Clarke made an unsuccessful attempt to induce the grand jury to delay action until after hearing the story of Estelle Smith. With this, the attitude of the investigation appointed at its request, and without having heard the Smith story, the grand jury last night voted not to indict Oxman.

Judge Clarke authorized the Bulletin to use his statement in regard to the sufficiency of the evidence against Oxman.

SAN FRANCISCO, CALIF., *November 19, 1918.*

Hon. WILLIAM D. STEPHENS,
Governor of California, Sacramento, Calif.

YOUR EXCELLENCY: You may recall, and the record is now before you, that subsequent to the trial of Thomas J. Mooney, and after an appeal from my order denying his motion for a new trial, I addressed a letter to the attorney general, in which I requested him to take such action as would send the Mooney case back to my court to be tried anew.

I believed then that simple justice and fair play demanded such action, and from that position I have never for a moment receded. On the contrary, that stand has been by later developments greatly strengthened, and, if I may, I would trespass upon your valuable time to put before you as briefly as the circumstances will permit the reasons why I so firmly believe a new trial of the Mooney case should be had.

In the trial of Mooney there were four witnesses, and four only, who connected him with the explosion which occurred at Steuart and Market Streets. They were John McDonald, Frank C. Oxman, Mrs. Mellie Edeau and her daughter Sadie. Of these, Oxman and McDonald placed Mooney at the scene of the crime, and the Edeaus testified to his presence at 721 Market Street, from which point, the prosecution avers, Billings, Weinberg, Mooney, and his wife drove in Weinberg's jitney with an unidentified man to the place of the crime.

OXMAN MOST IMPORTANT.

Oxman was by far the most important of these witnesses. His testimony was unshaken on cross-examination, and his very appearance bore out his statement that he was a reputable and prosperous cattle dealer and landowner from the State of Oregon. There is no question but that he made a profound impression upon the jury and upon all those who listened to his story on the witness stand, and there is not the slightest doubt in my mind that the testimony of Oxman was the turning point in the Mooney case, and that he is the pivot around which all the other evidence in the case revolves. It was because of the extreme importance of this witness and his naive simplicity on the witness stand that when the disclosure of the letters he had written to Rigali and his mother, which are before you, was made, I deemed it my duty to address the attorney general as I did.

The testimony of Mrs. Mellie Edeau and her daughter, Sadie Edeau, was, that on the day of the preparedness parade Mooney, Mrs. Mooney, Billings, and Weinberg were together at 721 Market Street, from which point they drove away in the direction of the ferry in Weinberg's automobile jitney. They were the only witnesses who claim to have seen the Mooneys at that point, and their testimony is important in that it corroborates Oxman's statement that the same four people arrived at Steuart and Market Streets in the same conveyance a short time after its departure from the Edeau's observation.

EDEAUS DISCREDITED.

At the trial of Billings the Edeaus did not disclose in their testimony then given that they had seen Mooney and his wife. This in itself was a suspicious circumstance, but as it was developed at Mooney's trial and thus was before the jury for consideration, I do not comment upon it. But the testimony of the Edeaus has now been entirely discredited by Inspector Smith, of the Oakland police department; Capt. Peterson, of the United States Army, former chief of police of Oakland; and Lieut. Goff, of the San Francisco police department. The sworn testimony of these police officials adduced at the trials of the defendants Rena Mooney and Israel Weinberg, before Judge Seawell, of Sonoma County, who presided for Judge Dunne, disclosed that immediately after the tragedy at Steuart and Market Streets the mother called on the Oakland police officials, claimed then that she and her daughter were not at 721 Market Street, but at the scene of the crime, and saw the perpetrators thereof, was brought by Inspector Smith to San Francisco, where she was shown the defendants, who were then under arrest, and in the presence of Smith and Goff was not only unable to identify any of them, but then stated that they were not the guilty parties. It is important to bear in mind that this is the testimony of police officials, whose natural sympathies are not with defendants charged with the commission of such an offense as this, and that because of the very nature of the case, its tremendous importance to the community, and

the reputed character of the defendants, they would be unwilling to testify to a single fact or occurrence of which they were not absolutely certain.

M'DONALD UNRELIABLE.

I do not intend to state the testimony of John McDonald. It is brief and doubtless will receive the careful analysis of yourself or your secretary. I do not hesitate to say, however, that in my judgment McDonald is unworthy of belief, and in view of two indisputable facts which are established beyond all peradventure of a doubt, his testimony is worthless. These are, first, the time of the explosion, 2.06 p. m.; and second, the time Mooney is first shown on the roof of the Eilers Building, 1.58 p. m. The first of these facts is established by Capt. Duncan Matheson, in charge of the bomb case; the second by the photograph, subsequently enlarged, taken by the young man employed by the Eilers Music Co. Bearing these facts in mind, the testimony of McDonald demonstrates its own falsity and is itself unanswerable evidence that what he claimed to have seen could not have occurred.

Since the trial of Mooney two other of the bomb defendants have been tried in another department of this court, and each has been acquitted of the charge. In these trials McDonald and Mrs. Edeau and her daughter have been witnesses. Oxman has never been produced. There were submitted to each of the juries in these cases all of the matters which have been developed since the trial of Thomas J. Mooney, except, of course, the Oxman letters, with the result above indicated.

CONVICTED BY LIES.

The situation of Mooney is that he stands condemned to death upon evidence concerning the truth of which, to say the least, there has arisen a very grave doubt. Since his trial facts and circumstances have come to light which seriously reflect upon the credibility of three of the four witnesses who link him with the crime of preparedness day, and which shake the very foundation of the case upon which the people rely for his conviction.

The highest courts in the State and Nation have declared themselves to be without power to relieve him. Upon the shoulders of the Chief Executive, therefore, rests this great responsibility.

It was my judgment and opinion that Mooney should receive a new trial upon the Oxman letters alone. In that judgment and opinion I was not alone, for upon examination of the record the attorney general concurred therein and stipulated in open court that the case should be reversed. The supreme court of the State held, however, that it was without power to act upon such a stipulation in a criminal case.

Since the Oxman revelation many other circumstances, these few of which I have vainly attempted to skeletonize, have arisen, which have strengthened and made more firm my belief that to carry into execution the judgment now existent against Mooney would be a travesty upon justice and a blot upon the administration of justice which this State can not afford to bear.

NO PERSONAL INTEREST.

I have no personal interest in Thomas J. Mooney, but I have a deep personal interest in the case of The People against Thomas J. Mooney, not because I was the judge who presided at its trial and pronounced the judgment, but because, firstly, there is a human life involved, and, secondly, inseparable from the case, there is the great principle upon which this Government rests, that no man, whatever his condition, position, conviction, or belief may be, shall be denied justice.

A GRAVE MATTER.

In conclusion, let me apologize for the extreme length of this letter. The gravity of the case is alone my excuse for burdening you. I have not touched upon the many circumstances which to-day are matters of common knowledge and public notoriety, and which add enormously to the total of doubt and uncertainty now surrounding the result of Mooney's trial, but have merely dwelt upon these indisputable outstanding facts, themselves now matters of public record, and I can only say, as I said to Gen. Webb, that right and justice demand a new trial for Thomas J. Mooney, in order that these facts, so material and of such importance to the issue of his guilt or innocence, and unavailable to him at the time of his trial, may be presented to a jury for consideration and determination.

Yours, very respectfully, FRANKLIN A. GRIFFIN.

The SPEAKER. The gentleman from Texas [Mr. BLANTON] is recognized for 15 minutes.

Mr. BLANTON. Mr. Speaker, I am sure that the House is interested in finding out the author or authors of an anonymous attack upon any Member of the House of Representatives for doing what he thought was his duty according to his conscience.

Who are the men who sent the anonymous letters? Ignatius McCarty and George Parson are two of them of whom the gentleman from California speaks and whose names he gives. Ignatius McCarty and George Parson! Why did not the gentleman from California tell you that these are the two men who on behalf of John B. Densmore placed in the office of the district attorney of California a dictograph machine? For what purpose? To help the district attorney enforce the law? No; for the purpose of framing up on law and order of California in the hope of freeing a convicted anarchist from just punishment of the law. But when these men were brought before the grand jury of California they pleaded their privilege not to testify because their testimony, forsooth, would incriminate them with a felony. And these are the men who, according to their own report, attempted a frame up on a Member of Congress.

The gentleman takes much pleasure in telling you that in signing the fictitious name of C. H. Matthews to a communication to try and get it through, George Parson went down to the Capitol Park Hotel in Washington and registered, if you please, under the fictitious name of C. H. Matthews. And you applaud him for it because some of you are incensed against the gentleman from Texas.

I knew when I started the fight in behalf of law and order that would prevent the kind of happenings that have disgraced Boston and this Nation in the last few days that I was going up against the biggest power in the United States.

I am able to stand your gaffs. Stick them in me. I want to say to my colleagues that if by giving up my life to-day I could preserve this Republic from what is staring us in the face—lawlessness and anarchy if we go further in our actions as we have done in the past—I would willingly give my life to preserve this Republic from such disgraceful scenes as happened in Boston when the police, officers like you and me, gave over that great city to the thugs and lawbreakers, and in one night $300,000 worth of property was destroyed, and innocent women were attacked.

Now, was I misled by these letters?

The gentleman from California [Mr. NOLAN] seems to think that I had no other source of information. Why, I call your attention to Mr. Burroughs, an employee of this Government to-day, an auditor, if you please, in the Shipping Board, who said what? Here is where the third conspirator comes in. Who was the third conspirator who appeared in that press gallery with George Parson, the dictograph man, and tried to get the newspapers to publish this libel in the papers, which they refused to do—and yet you gentlemen are willing to let it go into the CONGRESSIONAL RECORD? The newspapers refused to publish it. Who was he? It was Luther C. Steward, if you please, the president of the Employees' Union in Washington. What did the auditor in the Shipping Board testify? The auditor said that although drawing $2,750 from the Employees' Union, at the same time this Luther C. Steward, under Mr. Densmore, was drawing $3,500 a year as an assistant director in the Employment Service, and that his station was in Washington, and that during the last six months of last year, when he was not entitled to a per diem or to traveling expenses, the vouchers, the exact numbers of which he gave you, showed that during the last six months of last year Luther C. Steward drew from the people's Treasury of this Nation over $100 per month in traveling expenses, in addition to his big salary and his $4 per diem. They are the conspirators.

Why, when I got this letter telling me they would bring me files if I would answer this telegram, my secretary, who sits in that gallery, will tell you that immediately upon that letter being shown me I said, "There is just one of two things; this is either some ignorant employee down there who has not got bat sense, or else it is a frame up." My secretary said, "Are not you going to answer it?" I said, "Yes; we will see who is behind this; we will find out whether it is real, and I am satisfied it is not; we will find out, and if it is not real, who is behind it." Did I ask him for the files? No; I had that answer framed. I merely asked him for copies—copies which I had the right to have. If anything is going on wrong in a department of your Government, and a man sends you an anonymous letter and tells you what is going on, and tells you he can show it to you by the records, and you have been making an investigation of such matters, are you going to sit still and pay no attention to it? I have been trying for months to get this Congress to make an investigation of that department, and I can not get a committee to order an investigation. Why? Let the gentleman from California [Mr. NOLAN] answer that question to the people of this Nation, because he is in the majority party in Congress. Why? I have shown you by the testimony of Mr. Burroughs, an honored auditor, who testified before the Joint Labor Committee of the House and Senate, that hundreds of thousands of dollars in Densmore's department have been misapplied and wasted.

I showed you by the evidence of Stanley R. Linn, a Royal Arch Mason, who testified before that committee, that it was the most wasteful and extravagant department of the Government that he had ever seen, who gave instance after instance where money was misapplied and wasted and squandered, and what happened to Mr. Linn? Within three days after he testified before that committee he was called before Mr. Densmore, and cursed like a dog and fired from his position. That is what Congress is standing behind. Why? God knows, if the Department of Labor is so intrenched by such a labor power that it is more powerful than Congress, when it can turn down our requests for information—God knows we ought to be held responsible to the people of this country.

Mr. GOODWIN of Arkansas. Mr. Speaker, will the gentleman yield?

Mr. BLANTON. In a moment. Was I taken in by this? Why, they speak of this Cobb report in Texas. If you get that report of the Secretary of Labor, which gave me that Cobb account and gave it to you, you will find out this report brought to light the very facts I wanted to bring to light, to wit, that Cobb was spending the money of the people for nothing; that he jumped from Washington to Texas by way of Detroit, Mich.

He went 500 miles out of his way on the way to Texas, and then jumped straight to San Antonio, in the southwest portion of Texas. Then the Secretary of Labor said there were no instructions sent him. That was the only thing asked for—the instructions sent him. The Secretary of Labor said there were no instructions sent him. Get this Cobb's report of his expense account, and in that very report you will see that Cobb himself says that he bought transportation to one place in Texas on June 5, and then, because of instructions he received, he changed his itinerary, cashed in that railroad transportation, and bought other; and then where did he go? He went straight from Houston, Tex., to Abilene, Tex., my home, my little home city out there, where he stayed two whole days, and for what purpose? I introduced here the record of newspapers the other day, at least two of them, showing that from the time Cobb reached Texas until he left it was one attack upon me after another.

Mr. GOODWIN of Arkansas. Mr. Speaker, will the gentleman now yield?

Mr. BLANTON. I yield, although I hope the gentleman will get me a little more time.

Mr. GOODWIN of Arkansas. I voted for a certain resolution introduced by the gentleman from Texas [Mr. BLANTON]—I think it is the one to which the gentleman from California [Mr. NOLAN] referred—in absolute good faith, as did the great majority of the membership of this House, because the gentleman from Texas [Mr. BLANTON] stated he knew the alleged facts to be absolutely true and correct.

Mr. BLANTON. I am coming to that.

Mr. GOODWIN of Arkansas. The gentleman just stated that he thought this letter was a frame up, and yet he answered it, he says, in order to ascertain the facts. Why did the gentleman, following that letter, state upon the floor of the House that he knew these allegations to be absolutely true and correct, thus—I will not say deceiving—misleading the membership of the House to vote for his resolution?

Mr. BLANTON. Mr. Speaker, I am glad the gentleman has said that, because the gentleman has assumed just what the gentleman from California [Mr. NOLAN] assumed, that I did not have anything else to base my resolution on except this one anonymous letter. The gentleman does not know. He talks about my being the friend of Welsh, District Attorney Fickert, and others. I never saw Welsh or Fickert in my life. And I have never represented a corporate interest in my life. I have had communications with them. They furnished me with some very valuable information. I had a communication with Welsh about whether or not he had been investigated, and I have his letter stating that parties called on him in his office in Philadelphia, carrying out and bolstering up the statement made in this letter. The gentleman talks about my not having any further information. I wish to God you would give me a committee that will listen to this testimony and not rule it out, like the Committee on Labor did. The gentleman says I criticized the Committee on Labor. I only criticized it for not letting me put my evidence in. Whenever I offered something detrimental to the Labor Department, when I offered to put that in the RECORD, objection was raised by the gentleman from California and others, and they threw my evidence out. That was the only objection I made. I was criticizing the fact that a Member of Congress could not get evidence before a committee; that is the only fact. Now, so far as these fellows running from San Francisco to Los Angeles, I have statement after statement from witnesses showing that the whole investigation out there was nothing in the world but an attempt to free Mooney from a just punishment, and that money in large sums of this Government was wasted, extravagantly wasted, thrown away, by the employees, lots of them on pleasure trips and lots on joy trips. I did not know the names of the various parties. Mr. Ignatius McCarty and Mr. George Parson were two of them, because the grand jury had those men before them. He talks about Mr. Fremont Older. I furnished to the committee, to which the gentleman from California refers, if you will read it, the testimony from Fremont Older given before the grand jury. The grand jury foreman sent me that in order to give you the benefit of it, and you will see whether Mr. Fremont Older is sympathetic with anarchists or not. Read his testimony. Why, he absolutely refused to answer question after question asked him by the grand jury. And yet there is the testimony, and from a little editorial in his paper, which he wrote himself, that I put in the RECORD, you will see that very Mooney report which he published in his paper on November 1, 1918, was given to him by John B. Densmore himself.

The SPEAKER. The time of the gentleman has expired.

Mr. BLANTON. Mr. Speaker, may I proceed for two more minutes?

The SPEAKER. The gentleman from Texas asks unanimous consent to speak for two minutes. Is there objection?

Mr. GALLIVAN. Mr. Speaker, reserving the right to object, unless the gentleman will yield to me for a question in connection with a statement that he has made about the police strike in Boston, I shall object.

Mr. WALSH. I object, Mr. Speaker.

The SPEAKER. Objection is heard.

FIRST DEFICIENCY APPROPRIATION BILL.

Mr. GOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9205, and, pending the motion, I desire to see if we can not agree upon time for general debate. Mr. Speaker, I ask unanimous consent that the time for general debate be limited to three hours, half to be controlled by the gentleman from Tennessee [Mr. BYRNS] and the remaining half by myself. I hope the gentleman will agree to that because——

The SPEAKER. The gentleman asks unanimous consent that general debate be limited to three hours, half to be controlled by himself and half by the gentleman from Tennessee.

Mr. GOOD. And the debate be limited to the bill and subjects of Government finance.

The SPEAKER. Is there objection?

Mr. HEFLIN. Mr. Speaker, I object.

Mr. BYRNS of Tennessee. Mr. Speaker, may I say to the gentleman I have only three requests on this side by gentlemen who wish to discuss other matters outside of this bill.

Mr. GALLIVAN. I shall desire five minutes.

Mr. GOOD. Then I ask that the time be limited to three hours, one-half to be controlled by the gentleman from Tennessee and one-half to be controlled by myself.

The SPEAKER. Is there objection?

Mr. BYRNS of Tennessee. Reserving the right to object, could the gentleman make it three and a half hours? I have another request.

Mr. GOOD. I will say to the gentleman I have had a number of requests. I have talked with gentlemen on this side who are anxious to expedite the business of the House, and I have declined other requests excepting on matters touching the bill or on Government finance. I have had requests for two hours of time, and I have declined at the request of men who are anxious that this bill shall become a law as soon as possible, and I hope the gentleman will agree to the three-hour limit.

Mr. BYRNS of Tennessee. I will say, Mr. Speaker, I think if I may be given the privilege of controlling the time on this side I can comply with the requests already made, but I can not take care of any other requests.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9205, the first deficiency bill, with Mr. WALSH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9205, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes.

Mr. GOOD. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to dispensing with the first reading of the bill? [After a pause.] The Chair hears none.

Mr. GOOD. Mr. Chairman, before taking up the items in the bill I desire to discuss in a general way the Government's finances. A few weeks ago I made a statement as to the appropriations for this fiscal year. I realized then, as I do now, that any statement of appropriations in these times gives one a very inaccurate and maybe an erroneous conception of the drafts to be made upon the Treasury during the fiscal year for which the appropriations are made. The expenditures during these obnormal times bear but a remote relation to the appropriations for the fiscal year. Formerly and during times of peace the difference between appropriations and actual expenditures for a fiscal year was negligible. Not so now. During 1917–18 we appropriated billions of dollars that could not be paid out during those years. These appropriations were made in anticipation of entering into contracts for ordnance and war material. Deliveries of war material and equipment ordered in 1917 and 1918

are now being made and are being paid for out of appropriations previously made.

Imagine my surprise when, a few days ago, I saw in the public press the statement which I made with regard to appropriations for this fiscal year being used as indicating the amount that would be drawn out of the Treasury of the United States during this fiscal year.

During the past few months an army of officers in the War and Navy Departments have been at work on canceling contracts and making settlements of Government obligations. Six months ago 27,500 separate contracts for supplies in the War Department remained to be adjusted. Settlements on these contracts have been made until there remain but 5,500 unsettled contracts. The work along this line has progressed to a point where those charged with the adjustment of these contracts feel that they can with some degree of accuracy estimate the drafts which these obligations will make upon the Treasury during the fiscal year ending June 30, 1920.

The demands upon the Treasury call for an expenditure of money during this fiscal year that is simply staggering. The actual condition confronting the Treasury is so alarming that we may well pause and calmly consider obligations already existing and that must be met before entering on enlarged programs which will call for additional expenditures. During the past week the House passed two important bills, one giving a justifiable increase to postal employees, and the other giving additional compensation under the war-risk insurance act. Yet these bills, calling for an expenditure of approximately $125,000,000 annually, have not been taken into consideration in the figures I have given, nor have I taken into consideration the amount carried in the pending bill.

I have them here on this chart, the appropriations for the fiscal year of 1920. [Indicating.] There are appropriated: Department of Agriculture, $33,899,761; Army, $772,324,877.50; Diplomatic and Consular Service, $9,843,661.67; District of Columbia, $15,364,421; fortifications, $11,214,291; Indian affairs, $11,131,397.03; legislative, executive, and judicial act, $97,963,831.77; Military Academy, $2,277,932.20; naval affairs, $616,096,838.88; pensions, $215,030,000; post offices and post roads, $609,466,149; rivers and harbors, $33,378,364; sundry civil appropriation bill, $607,160,207.95, making a total of regular annual appropriations of $3,035,151,733.

There should be added to that the aggregate of appropriations for deficiency for that fiscal year, as follows: Second deficiency bill of $292,714,084.71, third deficiency bill of $24,325,929.40, the war-risk and pension deficiency bills, of $45,044,500, the railroad deficiency bill of $750,000,000, expenses incident to the first session of the Sixty-sixth Congress of $385,720, or a total carried in the deficiency appropriation acts of $1,112,470,234.11.

The appropriations for this fiscal year carried in the miscellaneous acts are as follows:

The wheat guaranty, $1,000,000,000; the relief in Europe, $100,000,000; the Public Health Service, for hospitals, $9,835,333; vocational rehabilitation, $6,000,000; the revenue act, $7,525,000; and sundry miscellaneous acts of $348,103.47, making a total of miscellaneous appropriations of $1,123,708,436.47.

In addition to this there are the permanent and indefinite appropriations, as follows: Interest on the public debt, $1,000,000,000; miscellaneous; public-debt redemption fund, the 5 per cent redemption fund carried in the revenue act, $964,020,000; miscellaneous, permanent, and indefinite appropriations, $85,266,880; additional compensation for the Government employees, or what is known as the bonus provision, $25,000,000; a total of permanent and indefinite appropriations of $2,074,288,880, making a grand total of appropriations for the fiscal year ending June 30, 1920, of $7,345,617,283.58.

Mr. KELLER. Will the gentleman yield for a question?

Mr. GOOD. I would rather not until I have explained the charts. Then I shall be glad to yield for any question.

I wish we might stop here, but we can not. The chart up to this point gives a very inadequate—yes; an erroneous—idea of what the obligations of the Government are that must be paid out of the Treasury during this fiscal year. In the first place, it contains items that will not be paid out of the Treasury during this fiscal year, and, in the second place, it fails to contain items that were appropriated for in previous years but which will be paid for during this fiscal year.

I desire now to invite your attention to chart No. 2, which shows the estimated requirements for the fiscal year 1920 that must be met. You will observe that I have taken, to commence with, the grand total of the appropriations carried on the first chart, of $7,345,617,283.58. From that there are certain deductions. I have deducted those items which it has been estimated by the various departments will not be expended during this fiscal year, for one cause or another. For example, in the permanent and indefinite appropriations is an item of $964,020,000, known as the 5 per cent redemption fund. This fund was intended to be drawn upon in the purchase and redemption of Government bonds. The Secretary of the Treasury does not intend to use that fund in the purchase or redemption of bonds or in stabilizing the bond market. He proposes whenever he purchases a bond to redeem that bond; but he will pay the money out of the Treasury, and in order to get the money in the Treasury with which to buy the bonds he proposes to issue a 90-day note of the Government. So it is fair to say that that amount should in all fairness be deducted.

But in deducting it here I wish to refer to the item, certificate of indebtedness, $3,634,000,000 issue certificate of indebtedness in order to purchase Government bonds. That item may be largely increased, which in the end would only add to our deficit.

The Army and the Navy Departments both figure that they will not spend during the fiscal year all of the appropriations made for this fiscal year. And that is perfectly natural. They are purchasing certain things during this fiscal year that may not be delivered until July or August of next year, or even later. So, too, they will issue checks before the 1st day of July, during the month of June, and those checks by the very nature of things, going out through the hands of various disbursing officers, do not reach the Treasury until after the 1st day of July. And so the money will not be paid out during this fiscal year.

The War Department estimates that about $193,352,809.72 of their appropriation will not be paid out, and the Navy Department estimates that $205,365,613.88 of the appropriation for this fiscal year will not be paid out during the fiscal year. And therefore I have taken the exact figures estimated by the War and the Navy Departments, that will not be drawn out of the Treasury, and that were appropriated for this fiscal year, to wit, $398,718,423.60, as a deduction.

As to the deficiency appropriations for 1919, it is estimated that $250,000,000 carried in the deficiency bills were paid out during the last fiscal year and before the 1st day of July of this year. That being true, of course it is not a charge on the Treasury and can not be made as an offset against the revenue that will come into the Treasury during this fiscal year. It was paid out before the beginning of the fiscal year and therefore should be deducted, although it was an appropriation made for the fiscal year. In many cases these deficiency appropriations were made immediately available. They were paid out immediately to the extent indicated before the 1st day of July.

The Post Office appropriation bill carried an item for good roads of $78,000,000, to be paid out by express terms in 1921. So the total of these four items, aggregating $1,690,738,423.60, should be deducted from the total of appropriations for the fiscal year, in order that we may ascertain how much of the appropriations for this fiscal year will be actually drawn out of the Treasury during the fiscal year.

We thus find that the net cash withdrawals from the Treasury under the 1920 appropriations amount to $5,654,878,859.98—a stupendous sum, a sum more than five times the amount annually appropriated and expended for all the departments of the Government prior to 1917. And yet that sum is only a little more than one-half the actual demands which the various departments estimate will be made and drawn from the Treasury of the United States during this fiscal year.

For example, the War Department—and the withdrawals from that department will be larger than those from any other department out of appropriations made for previous fiscal years—the War Department now owes the Shipping Board $155,000,000 for shipping and for the transportation of troops on the sea. That work has been done by the Shipping Board, and the War Department must pay the bill, and expects to pay it. Out of previous and continued appropriations, appropriations largely carried in the fortification bills for the fiscal years 1917 and 1918, the War Department estimates it will pay this year $577,000,000. This money is required to pay for the delivery of ordnance, for shot and shell and war material of many kinds.

The War Department owes, or will owe, the Railroad Administration for the transportation of troops and supplies in continental United States during the year $80,000,000 in excess of any appropriation carried for this purpose in an appropriation act for this fiscal year, and this sum will be paid out of appropriations previously made.

The War Department estimates that it will pay for foreign liquidations, mostly in France, $150,000,000. This does not take into consideration the sale recently made by the War Department to the Government of France for something over $400,000,000 of supplies and plants and docks and other prop-

erty that the Government of the United States had in France and sold to the Government of France. For that property we have agreed to take the obligations, the bonds, of the Republic of France. But I am advised by the War Department that we owe vast sums to our Allies, especially in France, to individuals and corporations, and that the total which we will be compelled to pay to France and to Italy and to England will approximate $150,000,000, and that that sum will all be paid during this fiscal year. The $400,000,000 before referred to still will be owing to the United States. There was no deduction or striking of a balance in making that settlement.

Six months ago the War Department had 27,500 contracts for ordnance and war materials that were undisposed of and unsettled. In most cases the contracts had either been wholly terminated or terminated in part. In most cases there is involved the damages that we would have to pay because of the cancellation of the contracts. Twenty-two thousand of the twenty-seven thousand five hundred contracts have already been adjusted. There remains 5,500 contracts that have to be settled and adjusted. The War Department, basing its conclusion on the settlement of 27,000 contracts, estimates that it will require $200,000,000 to make settlement of the remaining 5,500 terminated contracts.

Then the War Department carries into its miscellaneous account items for the purchase of odds and ends, some of them in contracts, covering a wide variety of items, and estimates that out of appropriations previously made they will pay during the fiscal year for miscellaneous items $150,000,000 under that heading, making a total that the War Department will pay out of the Treasury from appropriations made prior to the appropriations of this year of $1,312,000,000.

The Navy Department has arrived at its conclusion in the same way, and estimates that it will be compelled to pay this year out of the Treasury from appropriations made in previous years $600,000,000. These figures are not my figures. They are the estimates of the departments of the Government; and while I might take issue with some policy adopted, and might take issue with some of the results, I do feel that these figures have been arrived at by the officials in those respective departments after a most thorough and painstaking examination, and in the main they are conservative and can be relied upon as conservative estimates.

The various bond acts authorized loans to be made to our Allies during the war to the extent of $10,000,000,000. The advances made to the allied countries under this authorization to June 30, 1919, totaled $9,102,285,015.56. The credits established up to September 4, 1919, aggregated $9,684,272,567.84, leaving a balance of the credit to the allied nations established and to draw against in the fiscal year 1920 of $581,987,552.28. Of this amount $188,925,945.99 has been advanced between June 30 and September 11, 1919, leaving a balance of the credit already established, which will be drawn out before the end of the fiscal year 1920, of $393,061,606.29. There still remains a balance of the authorization which may be allotted and withdrawn during the year of $315,727,432.16; but this latter contingency I have not considered at all.

I understand it is the purpose and the thought of the Treasury Department that it will be necessary to make additional loans, and that the full amount carried in the revenue act of $10,000,000,000 will before the year, or shortly thereafter, be loaned and paid out to the allied Governments. But in making this statement I have taken the amount that has been credited at this time; and if the Treasury Department shall in the future make additional credits and advancements to the allied Governments in excess of this amount they will only serve to swell the deficit that will confront the country at the end of the year.

There was outstanding on June 30, 1919, $3,640,000,000 worth of Government obligations maturing in the main every three months; short-time certificates of indebtedness, issued by the Secretary of the Treasury, which must be paid out as they mature. The balance in the Treasury on June 30 was $1,251,664,827. You can not use, I am advised by the Secretary, all of that balance to retire the certificates of indebtedness. The Secretary of the Treasury states that the least amount that the Treasury can operate on as a working capital is $300,000,000; that that amount ought to be in the Treasury of the United States in order that it can function in a proper way and pay the bills as they are presented to the Treasury. Therefore, if we subtract the $300,000,000 of working capital from the $1,251,000,000 in the Treasury, we have, with which to pay the $3,634,000,000 of certificates of indebtedness, only $951,664,827, leaving a balance of unpaid certificates which must be paid in some way of $2,682,335,173, making a grand total of the cash requirements of the Government of the United States that must be paid out of the Treasury of the United States before June 30 next of $10,831,201,585.26.

Now, where are we going to get the money with which to pay this stupendous sum? The figures are so staggering, and the situation is so critical, and it so appeals to the business judgment of every man, that it has seemed to me that while we are passing bills every day that sooner or later will call for money out of the Treasury we could well stop to-day for a few minutes and study these figures.

We may well consider as a business proposition the question where the Government is to get the money with which to pay this indebtedness. This deficit does not take into consideration the bill we passed the other day increasing postal salaries, which will call for about $50,000,000 during the year. It does not in any respect take into consideration the very meritorious bill we passed the other day amending the war-risk insurance act, taking $75,000,000 more out of the Treasury of the United States. It does not take into account this pending bill, carrying over $14,000,000. The money will have to be paid; and just as we pass these bills, just in the proportion that we legislate carrying provisions that will result in a charge upon the Government of the United States, just to that extent we add to that total of $10,831,000,000 of cash requirement that must be paid out of the Treasury of the United States during the year.

Mr. FESS. Will the gentleman yield?

Mr. GOOD. Yes; I yield to the gentleman from Ohio.

Mr. FESS. Our revenue law of last year provides for $4,000,000,000 for 1920. Secretary of the Treasury Glass has repeatedly stated that we have issued our last bonds. The $4,000,000,000 under the revenue act, together with the other figures given by the gentleman, would amount to only $5,250,000,000 with which to pay all this money. How are we going to get the money to meet these bills without another bond issue?

Mr. GOOD. I think the Secretary of the Treasury has been misquoted in the statement that there would not be another bond loan floated. What he did say was that there would not be another popular loan, but that in all probability it might be necessary to sell additional bonds. That is the statement that the Secretary of the Treasury has made to me, and I think there is nothing secret about it. I think he has made it generally to Members of the House that in all likelihood in order to meet this draft it might and probably would be necessary to float additional bonds.

Mr. GARNER. Is it not also a fact that he is now selling certificates of indebtedness, which come due in December, 1920?

Mr. GOOD. I do not know about that. I did not know he was selling certificates maturing so far in the future.

Mr. GARNER. That is the statement of the Treasury Department, that they are issuing two classes of certificates, one bearing 4¼ per cent interest, due in six months, and the other bearing 4½ per cent interest and due in December, 1920.

Mr. LONGWORTH. If the statement of the gentleman from Texas is correct, does not the gentleman think that the financing of a total obligation of $10,000,000,000 by something over $4,000,000,000 worth of Treasury certificates is not very good financing for the future?

Mr. GOOD. I certainly think so.

Mr. GARNER. Will the gentleman yield? If that is not good financing, I think it is up to the gentleman from Ohio and his committee to suggest a better method by which these obligations can be financed.

Mr. GOOD. What I am trying to say to-day is this, that I do not think it is good finance to add another dollar to the burden of the Government in the way of appropriations if we can avoid it, because with every dollar we add we only increase the burden upon the American people and we will only help increase in the long run the high cost of living, as I shall try to explain presently.

Mr. GARNER. I am very much in agreement with the gentleman on that theory, but when the gentleman from Ohio [Mr. LONGWORTH] makes the charge of bad financing, I think it is up to him to suggest a better method of financing.

Mr. LONGWORTH. I will make a very brief answer to the gentleman from Texas, if the gentleman from Iowa will permit. The gentleman from Texas has not forgotten that the Committee on Ways and Means that was controlled by a majority of his party left to us a legacy of reduced revenue rather than increased revenue.

Mr. GARNER. Yes; but the Congress is in session, and you can change that tax bill very easily.

Mr. LONGWORTH. I simply want to remind the gentleman that it was his side of the House that was responsible for the reduced revenue.

Mr. GOOD. I am trying to present a business proposition, free from every partisan tinge or political considerations.

[Applause.] This $10,831,201,585 must be paid out of the Treasury of the United States, and whether or not we are to put new legislation on the statute books is a matter for subsequent consideration. I certainly hope our financing may be accomplished without laying new taxes, and if we will only keep our heads we may within a year or two reduce some taxes now on the books. It depends all on economy in administration and in judicious appropriations.

Mr. KNUTSON. Will the chairman of the Committee on Appropriations yield for a question?

Mr. GOOD. For a brief question.

Mr. KNUTSON. I notice from the chart which the gentleman has presented here that $9,641,000,000 has been advanced in loans to the Allies. How much longer does this Government contemplate making advances to the Allies?

Mr. GOOD. I have already explained that the total amount of advances to the Allies which had been authorized was $10,000,000,000, and that up to September 4, 1919, we had advanced $9,641,000,000, leaving over $300,000,000 yet to be advanced if it was desired to advance it.

Mr. HICKS. Will the gentleman yield for a question?

Mr. GOOD. Yes.

Mr. HICKS. The tremendous amounts brought to our attention by the gentleman are startling, but in the items we had one amount of $1,000,000,000 to guarantee the price of wheat. Is there not very great possibility that that will not be expended?

Mr. GOOD. I will speak of that in a minute.

Mr. WELLING. In connection with the gentleman's statement about loans to the Allies, I would like to ask whether or not the interest is being paid on those loans.

Mr. GOOD. I will get to that in a moment. That properly comes under the next chart.

I have here a third chart of the estimated revenue for the fiscal year of 1920. These, too, are figures for which I am not responsible, except to a limited extent. I think one item is a little different from those furnished me, which I will explain hereafter. The internal revenue receipts is estimated for the year at $4,940,000,000. That amount, it is estimated, will come in during the year. Gentlemen will understand that a part of the tax of 1918 is paid into this year, and the two last items for this year will go into next year's receipts. It is estimated by the Secretary of the Treasury that $4,940,000,000 will come in during the year. Those are the same figures that were furnished the gentleman from Texas [Mr. GARNER] and placed in the RECORD with the letter of the Secretary of the Treasury under the date of July 25.

Customs duties, $260,000,000; public lands, $3,000,000; miscellaneous, including war sales, and so forth, $600,000,000.

My recollection is that the original estimate of the Secretary of the Treasury as furnished in the letter to Mr. GARNER estimated that such receipts would be $300,000,000. Since the letter was written the Secretary of War, or Gen. Lord, the head of the Finance Department of the War Department, has sold $140,000,000 worth of wool, while he has $80,000,000 more of wool which he expects to sell in the near future, making $220,000,000 of receipts from that source alone.

I think the Secretary of War would agree that those figures are conservative. I would place it at more than that. I think the sales ought to proceed with greater rapidity than they have. We ought to sell things that the War and Navy Departments have no military use for, and we ought to sell them as quickly as possible, not only to relieve the condition of the Treasury, but because if sold to-day they will bring more money than if we sell them to-morrow. [Applause.] But I do not care to bear on that question. I only refer to it to explain the increase and my reasons for it.

I believe that when the year is ended it will show that that amount has been received by the Treasury for such purpose. Perhaps my statement in this respect is a little misleading. The item does include something more than war sales. It includes a great many minor receipts.

Now, the Treasury Department is soon to receive the balance due on the Victory loan. In a few days it will receive $1,032,000,000, which is the last installment on that loan. It is also estimated that we will receive from the Postal Service during the year $404,928,240, making a grand total of receipts from all sources of $7,239,928,240.

Mr. GARNER rose.

Mr. LONGWORTH. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. LONGWORTH. Before the gentleman leaves those figures I would like to have a little more information as to how the first item was arrived at.

Mr. GOOD. Let me conclude, and then I will yield to both gentlemen on that subject.

Now, I do not mean to say that those are all the sources of revenue of the Government. The Government has some assets from which revenue may be reasonably expected. For example, we appropriated, as shown by the chart, $1,000,000,000 for wheat. Five hundred million dollars was appropriated for the War Finance Corporation, $150,000,000 to the United States Grain Corporation, $67,500,000 to the United States Housing Corporation. We have appropriated $1,250,000,000 for the Railroad Administration and $2,847,701,000 for the United States Shipping Board, the Emergency Fleet Corporation.

From all of these sources, save two, we can not expect to receive very much money during this fiscal year. I am satisfied that there will be paid back to the Treasury during the year approximately all of the billion-dollar wheat guaranty fund. That fund is not being drawn on to any very great extent, and the sales so far made are for cash; but if, perchance, in the administration of that fund we should commence to sell wheat for credit to the countries of Europe, and those charged with the administration of that fund claim that they have that authority, it is possible that some of it will be tied up for years, and some of it will not come back for a long time, if ever. We ought to get back in all reasonable probability a billion dollars from that wheat guaranty fund. We ought to get back not a large amount, but something, from the $67,500,000 Housing Corporation.

The amount that we will receive from the sale of the housing property will not be large, because the total amount appropriated is only $67,500,000.

We have appropriated $1,250,000,000 for railroads. If we turn the railroads back the first of the year, our loss in operating the roads will total approximately $750,000,000. The $500,000,000 additional appropriation will not come back during the next year except possibly a few small loans. Some of the loans made by the Railroad Administration are long-time loans, and it was the statement of Mr. Sherley, who has gone into this matter very carefully since he has been connected with the Railroad Administration, that many of these loans, while thought to be good and would come back, would not be paid off within the next few years.

So far as the Shipping Board is concerned, we will do well if during the next two years we sell enough shipping to pay for completing vessels under contract and that are authorized. I do not expect to see a policy adopted or carried out in regard to this investment that will bring a dollar into the Treasury of the United States during the next two years that can be used for general purposes. All of that will be necessary to carry on that work. So, therefore, the only sources I can see where we will get any money into the Treasury from these assets is from the wheat-guaranty fund and some from the War Finance Corporation, but not very much, because that agency is to be used for purchasing bonds for stabilization of Government bonds, and some from the United States Housing Corporation. Some of the War Finance Corporation's funds are tied up in loans and it is not estimated by the Secretary of the Treasury that we can look to that fund to any great extent, if at all, for relief.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. GARNER. Why can we not get some money back out of the $150,000,000 Grain Corporation fund?

Mr. GOOD. I was coming to that. I was about to say that that leaves but one fund, and that is a fund of $150,000,000 in the United States Grain Corporation. I am not sure whether or not we will get back all of the billion dollars. I am afraid that before the year ends, when we get into the cold months of the winter and hunger threatens some of the countries of Europe, we may do just what we did last year and commence to sell grain on credit, if not give it away, and I think the gentleman will agree with me when I say that we can not with certainty count on all of the billion dollars being returned, and we ought not to figure on very much as coming out of the $150,000,000 Grain Corporation fund in cash. There are so many contingencies. We all will be pleased to see it all returned this year, but is it safe to count on it with certainty? In his letter to the gentleman from Texas [Mr. GARNER], the Secretary of the Treasury did not regard it would with certainty be returned this year. There are a lot of little items that might in a way change the total here and there, but after carefully studying these estimates I am firmly convinced that we will be indeed fortunate if we get more than a billion and one hundred million dollars from these assets, leaving, therefore, statements standing of total requirements for the year of $10,831,201,585.26, with total revenues of only $7,229,928,240, leaving a deficit staring us in the face on June 30 next of $3,591,273,345.26, with probable contingency of getting $1,100,000,000, leaving an actual deficit in the Treasury of the United States on June 30 next of $2,491,273,345.26.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?
Mr. GOOD. Yes.
Mr. LONGWORTH. The gentleman's statement is very illuminating and tremendously interesting, but some of the items that he has been later referring to are not items that can be regarded as permanent revenues of the Government.
Mr. GOOD. No. I do not insert them in the chart because of that fact. They depend on contingencies.
Mr. LONGWORTH. I want to call attention to that particular phase of this subject. In fact, the only items on the gentleman's chart of estimated revenues which are permanent in their nature are the first two items, the essential return from the present revenue law and the return from customs and the Postal Service, which leaves a considerable margin to fill. It makes it all the more important that we should analyze the first item the gentleman has there of estimated returns from the present revenue law for the fiscal year 1920 of $4,940,000,000. Has the gentleman taken into consideration the fact that half of the return, the taxation return for the year 1920, will be an automatic reduction of the present law of 25 per cent?
Mr. GOOD. Mr. Chairman, in that respect the gentleman knows the estimate of the Treasury is that for the last half of last year we would receive $2,000,000,000, and that would apply to this fiscal year—but that only related to income and excess profits and did not include miscellaneous items—and that for this year, not counting the two last installments of excess profits and income taxes, we would collect $2,940,000,000. As to that I have made some inquiry. I can only accept the estimate of the Secretary of the Treasury and the experts. I am told that the monthly collections, so far as those other items are concerned, excluding excess profits and income taxes are running pretty close to the Treasury's estimate. I have no way of knowing, but I think we can perhaps rely upon the estimate of the Secretary of the Treasury, who says that because of his experience in collecting these taxes and their running so closely with the estimates he has not found any reason to change his estimate of $4,940,000,000.
Mr. LONGWORTH. I sincerely trust the estimate of the Secretary of the Treasury is correct, but in view of the fact that, as the gentleman states, this reduction applies to income and excess profits taxes and that those are practically the entire return or very much the preponderating return, and further that this bill now in existence was designed not to produce more than $4,000,000,000 at the outside, and in view of the further fact that the estimate there was not allowed the probable reduction from the loss of taxes on liquor, due to the prohibition act, it would seem very extraordinary to me if the present revenue law, when the automatic reductions take effect, which were recommended by Mr. McAdoo shortly before his retirement from the Treasury, will produce at the outside $3,250,000,000. I fear that estimate of the Treasury Department is very much in excess of what the actual returns will be.
Mr. GOOD. If it is, it only serves to accentuate what I have been trying to show, which is the tremendous problem that faces the Government of the United States in financing its maturing contracts and short-time certificates.
Mr. LONGWORTH. Unquestionably, and it is for that reason that I am supporting the argument of the gentleman from Iowa. On this revenue question, let me for a moment state a little history—and I think the gentleman from Texas [Mr. GARNER] will correct me if I am wrong. The Treasury Department at the outset insisted that the Ways and Means Committee bring in a revenue bill which would raise not less than $8,000,000,000. The work of the Ways and Means Committee, therefore, was to bring in this bill. We brought it in, and this House passed it. Not long after that, however, shortly after the armistice was signed, the Treasury Department through Mr. McAdoo recommended that the amount be reduced so as to raise not to exceed $6,000,000,000. A little later than that the Secretary of the Treasury, then Mr. McAdoo, appeared before the Ways and Means Committee and said it would not be necessary after the fiscal year 1919 to raise by taxation more than $4,000,000,000, and recommended that the taxes should be automatically reduced 25 per cent. At that time I took the position, and a good many others did, that it was extremely inadvisable, in view of the fact of how difficult it was to estimate the necessary expenditures for the fiscal year 1920, to undertake at that time any reduction of taxation.
The statement of the gentleman from Iowa to-day seems to me to abundantly demonstrate the accuracy of that statement. It is perfectly apparent, as the gentleman from Iowa says, that even if his estimates of the present law will raise as much as $4,920,000,000 there is still going to be a deficit of something over three and a half billion dollars, which must be looked after in some way.
Mr. WHEELER. Will the gentleman yield?
Mr. GOOD. For a question.
Mr. WHEELER. The Railroad Administration in the last days of the last Congress asked for $750,000,000. That appropriation was not passed. At the beginning of this Congress they asked for $1,240,000,000. We appropriated $750,000,000. Now, they have been running behind from thirty to forty million dollars a month. Does the gentleman think it will require a billion dollars more to meet that?
Mr. GOOD. I am advised by the Treasury Department that the judgment of the Congress in only appropriating $750,000,000 for the Railroad Administration for the rest of the fiscal year was a good guess, and that it would not likely be necessary to call upon Congress for an additional appropriation of money to be paid out during this fiscal year for this purpose.
Mr. ANDREWS of Nebraska. Will the gentleman yield?
Mr. GOOD. For a question.
Mr. ANDREWS of Nebraska. I note the gentleman has in his figures on June 30 a net cash balance of $1,251,000,000.
Mr. GOOD. Yes.
Mr. ANDREWS of Nebraska. The daily Treasury statement indicates for that same date that there were warrants outstanding in excess of that amount——
Mr. GOOD. I understand; but that is all taken care of in the rest of the figures. That is taken care of in these other items of appropriation.
Mr. ANDREWS of Nebraska. That statement has not been correct since the last day of September, 1915.
Mr. GOOD. That may be true, so far as that is concerned; but this chart does take that fact into consideration.
Mr. ANDREWS of Nebraska. I understand; but I am simply calling attention to the fact that the daily statement, beginning July 1 and coming down to date, shows warrants in excess of cash $204,000,000 at the minimum and only $1,112,000,000 at the maximum.
Mr. GARNER. Will the gentleman yield?
Mr. GOOD. I will.
Mr. GARNER. If I understand it by the gentleman's chart and his deductions from the figures there on July 1, 1920, there will be an outstanding indebtedness of over $6,000,000,000; $3,634,000,000 outstanding on the 30th day of June, 1919, and an additional $2,491,000,000 that the gentleman estimates in addition to that would make a little over $6,000,000,000 in addition to the taxes we will have to have to take care of the situation on the 1st day of July 1920.
Mr. GOOD. No; the gentleman is mistaken. It will only be necessary to pay the certificates once, and there will be outstanding at the end of the fiscal year only $3,591,273,345.26 of certificates of indebtedness. I do not know how it will be paid——
Mr. GARNER. I say that much money we have got to have. Now, we have given the Treasury Department authority to issue $10,000,000,000 of certificates. If those certificates are still being taken as they are now, it will not be necessary to sell bonds.
Mr. HICKS. Will the gentleman permit a question?
Mr. GOOD. A question.
Mr. HICKS. Has the gentleman taken into consideration of the receipts for 1920 the payment of any interest on our foreign debt?
Mr. GOOD. I have not.
Mr. HICKS. Is it not a fair thing to assume that some of that money will be paid in the shape of interest?
Mr. GOOD. I think it is a pertinent inquiry as to whether we will get any money in the way of interest from the foreign governments on the $10,000,000,000 we have loaned. I call attention again to the Secretary's letter to the gentleman from Texas, in which not a single penny is mentioned there as a prospective receipt from that source. I understand that it is not expected we will get anything from that source during the fiscal year. I know nothing about it personally, and that matter was left out, because, as I have said before, these are not my figures; they are the figures of the executive officers of the Government, whose duty it is to pass upon these claims, and the Secretary of the Treasury, who must finally pay them. The Treasury Department does not expect any payments of interest this year.
Mr. GOODYKOONTZ. If the gentleman will permit, I will say, for information, that in the conversation with the governor of the Reserve Board he informed me that it was not expected that these foreign Governments would even pay the interest on these loans at any time within the period of two years, and that interest would be charged up to the principal during that period.
Mr. GOOD. I think that is the fact.

Mr. FESS. Will the gentleman yield for a question?
Mr. GOOD. Yes.
Mr. FESS. The astonishing thing to me and to all the Members is the tremendous drain, and we want to know whether there is any hope of scaling it down next year in the shape of expenditures?
Mr. GOOD. Well, I am going to read a letter here that might indicate there may be prospects of increasing that greatly. I have a letter——
Mr. FESS. Before the gentleman reads, this last item in the middle of the chart, permanent and indefinite appropriations estimate, all of these items run continuously, like interest on the public debt.
Mr. GOOD. Of course interest on the public debt will be increased if we increase the public debt. The bills carry appropriations for the payment of such interest. That is an indefinite and a permanent appropriation. Congress does not pass on it every year. Each act authorizes the issuance of bonds and provides for the payment of interest.
Mr. FESS. This item alone sums up twice the total of all the expenditures before the war and does not take in those on the first chart.
Mr. GOOD. Mr. Chairman, how much time have I consumed? I do not wish to be impolite, but I have not touched on the bill.
The CHAIRMAN. The gentleman has consumed one hour.
Mr. GOOD. I will ask not to be interrupted until I can conclude.
Mr. OLIVER. One question. In the $10,831,000,000 you have included the oustanding certificates of $2,682,335,173?
Mr. GOOD. Certainly.
Mr. OLIVER. And this same sum of $2,682,335,173 is also included in the estimated deficit.
Mr. GOOD. Certainly. It is not a duplication.
Mr. OLIVER. So if the outstanding certificates are continued, then after you deduct the $1,100,000 which you estimate can be deducted as additional income from miscellaneous sources during 1920, you really would have no deficit other than the present outstanding Treasury certificates?
Mr. GOOD. And if you continue to loan money on certificates of indebtedness.
Mr. OLIVER. If you continue the outstanding certificates of indebtedness you have a balance of accounts?
Mr. GOOD. Yes.
Mr. OLIVER. One other question. You speak of $155,000,000 due from the War Department to the Shipping Board and $80,000,000 due to the Railroad Administration. What use do you contemplate the Shipping Board and Railroad Administration will make of these items when paid by the War Department?
Mr. GOOD. The Railroad Administration will want this money to pay labor and other costs of administering the railroads and pay their rental contracts to the railroad companies. The Shipping Board will use these funds to pay for ships. You will recall we took this into consideration when the sundry civil bill was enacted. It will be necessary for them to have it all.
Mr. OLIVER. Did you take those items into account in making the statement that if the railroads were returned to private control in January, 1920, the Government would lose $750,000,000?
Mr. GOOD. Yes.
Mr. MONDELL. Will the gentleman yield?
Mr. GOOD. For a question.
Mr. MONDELL. I wanted to make this suggestion in regard to the gentleman's speech. The House is tremendously interested in what the gentleman has to say. This is perhaps as important a matter as we will have before us this session. The House will be very glad to give the gentleman all the time that he needs, and my suggestion to him is that perhaps it will be well for him to yield to inquiries of gentlemen which are pertinent, because it is very important that we all understand the figures which he is presenting. There will be no question about the gentleman having all the time he desires, I am sure.
Mr. CANNON. I hope that will be settled here and now, because the gentleman has not referred to the pending bill. I am not criticizing, but approving. But I think before he sits down he ought to explain the pending bill.
Mr. GOOD. I want to do that.
Mr. MONDELL. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa [Mr. GOOD] shall have such time as he desires to conclude his remarks, in addition to the hour which he has used, which I assume is taken from the general debate.
The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent that the gentleman from Iowa may have such time as he needs in which to conclude his remarks.
Mr. BYRNS of Tennessee. Mr. Chairman, reserving the right to object, and I shall not object, because the gentleman from Iowa is making a very interesting and valuable statement, I call attention to the fact that a while ago when I asked for about 15 minutes more the gentleman objected to it.
Mr. GOOD. I hope the gentleman from Wyoming will not press that request.
Mr. MONDELL. I shall not insist on it.
Mr. BYRNS of Tennessee. I shall not insist on my request, but if we should need 15 minutes more, I hope no one will object.
Mr. MONDELL. The gentleman from Iowa [Mr. GOOD] was compelled to decline to yield to anybody because of the brevity of the time.
Mr. BYRNS of Tennessee. I have not the slightest objection to giving him an hour more, but I want 15 minutes more myself.
Mr. MONDELL. Gentlemen of the House want an opportunity to interrogate the gentleman from Iowa in regard to this matter.
Mr. LONGWORTH. Might I make a request that the gentleman have a half hour additional? The reason I do so is that I agree with the gentleman from Wyoming that the House can not more profitably employ itself in anything than in the discussion of the subject on which the gentleman is talking.
Mr. BYRNS of Tennessee. Who objected to the request of the gentleman from Wyoming?
The CHAIRMAN. The gentleman withdrew the request.
Mr. MONDELL. I understood there was an objection.
The CHAIRMAN. There was not.
Mr. MONDELL. I do not withdraw it, then.
Mr. GOOD. Is my time running? If so, I wish to proceed.
Mr. MONDELL. Let the request be submitted.
The CHAIRMAN. The gentleman from Iowa——
Mr. GARNER. Mr. Chairman, has he received unanimous consent to continue his remarks?
The CHAIRMAN. Does the gentleman from Iowa [Mr. GOOD] yield; and if so, to whom?
Mr. GOOD. The gentleman from Wyoming is submitting a unanimous-consent request.
Mr. MONDELL. I withdraw my request.
Mr. GOOD. Then I refuse to yield.
Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent——
Mr. LONGWORTH. Do I understand that the gentleman from Iowa [Mr. GOOD] refuses to yield to any further questions?
Mr. BYRNS of Tennessee. Will the gentleman from Iowa yield to me?
Mr. GOOD. I yield to the gentleman from Tennessee.
Mr. BYRNS of Tennessee. I ask unanimous consent that the gentleman from Iowa may be allowed to conclude his remarks, not to be taken out of the time agreed upon.
Mr. GARNER. Not to be taken out of the time nor to be more than an hour.
The CHAIRMAN. The Chair will state that the time on this bill was fixed by the order of the House. The Chair does not see how the committee, even by unanimous consent, can agree to an extension of time, the time having been fixed in the House. The only way the debate can be extended is by action of the House.
Mr. GOOD. I will endeavor to yield for a few questions, but first I would like to explain the bill. I say that, judging from a letter which I received on yesterday, I am inclined to think that policies may be adopted that may largely swell that deficit. I will not read all of the letter that I received from Henry A. Wise Wood, but I will read a part of it. He says:

> Early last May there called upon me at my office a Mr. J. J. O'Neill, whose engraved card described him as London manager of the Manchester Guardian, of Manchester, England. * * * I asked him bluntly what was the actual purpose of his visit to the United States. He replied that he was here upon a mission connected with the internationalization of the war debt. I asked him if he meant me to understand that he was here upon the business of inducing the United States to guarantee the war debt of the nations recently at war, including that of Great Britain and that of Germany. He said that he was. I told him that he would find little sentiment in this country favorable to such a project. This seemed to surprise him; he said that I was the first American he had met who did not favor it. I then asked him whom he had seen, and he replied that upon the previous day he had seen Mr. J. P. Morgan, and that Mr. Morgan had expressed himself as being in favor of the plan.

Do we realize what this means if such plan should be adopted?

Mr. DAVIS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. GOOD. No; I can not yield. I want to use just a little time myself now.

Do we realize just what this means? The United Kingdom has a national wealth of $70,000,000,000. She has a national debt of $37,000,000,000. France has a national wealth of $60,000,000,000. She has a national debt of almost $28,000,000,000. Italy has a national wealth of $20,000,000,000. She has a national debt of more than $10,000,000,000. Austria-Hungary has a national wealth of $55,000,000,000 and a national debt of $25,000,000,000. Germany has a national wealth of $85,000,000,000, with a national debt of more than $40,000,000,000, and to the national debts of Germany and Austria-Hungary must be added the indemnities that they must pay. The United States has a national wealth of $230,000,000,000, with a national debt of only $25,000,000,000. But if we are to internationalize the debts of the nations at war, all the figures that I have presented here amount to nothing and give us a very poor conception of what our obligations will be. I anticipate that that proposition, before it can come to a realization, will come before the membership of this House. When it does, I hope that the entire membership of the House will swat it so that it will never raise its head again in the United States. [Applause.]

In this connection, I wish to remind the House that this Congress is young. Before it ends many bills will be enacted calling for drafts upon the Treasury. The figures I have given do not include the $14,184,704.67 carried by the bill which we have under consideration. It takes no account of future deficiencies or of the two bills to which I have referred, the bill increasing the salaries of postal employees and the bill amending the war-risk insurance act, which have passed the House during the past week and will unquestionably become laws in the near future, and which will mean during the year an additional draft on the Treasury of approximately $125,000,000. Other bills on the calendar calling for large expenditures of money will no doubt pass. Still others are pending before committees, which, if enacted into law, will call for large expenditures of money that must in some way be provided for. Certainly future legislation calling for large appropriations of money should provide the ways and means by which the money shall be raised with which to pay the obligations incurred. Additional obligations can not be paid out of the Treasury of the United States, which is already face to face with a deficit on June 30 next of almost $3,600,000,000.

I understand there has been reported to the House a bill requiring the payment of pensions monthly, instead of every quarter. That will take at least $200,000 a year out of the Treasury for clerk hire in Washington. Another bill, to increase the pensions of old soldiers from $30 to $50 a month, would, if enacted, add $50,000,000 more to that item. These items may be meritorious in ordinary times, but they certainly should be deferred now.

I picked up my paper from home the other day and read with great satisfaction the action of that splendid organization in my State—and a similar organization is in your State and in yours—the American Legion. There is no finer body of men anywhere.

The American Legion had a State convention the other day in my State and passed resolutions of which I am proud. Just as they donned the khaki and went into the service in order to carry the flag to imperishable glory, they, now that the war is over, seem to realize a fact that there is a heavy legacy of war debt that is staring the people in the face. [Applause.] They passed a resolution. I do not have the resolution; I tried to get it from the Library. But the papers give it in this form:

Expressing the legion as satisfied with the bonus already granted, but willing to take more if Congress grants it.

Of course, they will take more if Congress grants it. Who would not? But I thank God that those boys showed that same degree of patriotism and good common sense when they said they were satisfied with the bonus that they had already received. [Applause.] I hope we will do justice by these soldiers. We have always done that, and we always will.

Every Member of this Congress, whether he be Republican or Democrat, was elected on a platform of economy. We each agreed to do our full share to help in a financial readjustment, guaranteeing an early reduction in taxes. That was the big issue in the last campaign. And it well becomes us now to pause for a moment and calmly and dispassionately consider how we will redeem that promise. Is it not best that we should meet the problem now, fulfilling our pledges honestly and faithfully, than to be compelled to offer humiliating excuses later? I submit this question to every Member of this House, for both parties made the same pledges and the members of both parties are equally bound to redeem those promises.

These figures that I have presented are not gratifying; but they are cold, stubborn facts that you and I must deal with, and we should deal with them in a broad and patriotic way, not only when we are considering appropriation bills but when we are considering in the committee room and on the floor of the House legislation which will mean an enlarged draft on the Treasury of the United States. Every law that is passed calling for the expenditure of money for this fiscal year, every appropriation that is hereafter made for this fiscal year, will but add to the burden of the taxpayer and swell the deficit that will confront the Treasury on June 30 next.

If, therefore, the cuts made in the pending bill are greater than some of you might have wished for, let me remind you that it was with a full realization of the Nation's obligations and the threatened deficit in the Treasury that led the committee to eliminate or reduce wherever the elimination or reduction could be made without crippling a needed Government service. The subcommittee that considered the estimates for the pending bill gave a most thorough and painstaking examination into every estimate submitted. I feel a personal sense of obligation to every member of that subcommittee, which gave so freely of their time and judgment on all of the estimates submitted. I am especially under obligation to the gentleman from Virginia [Mr. SLEMP] for so ably assisting me in compiling the figures I have submitted with regard to Government receipts and expenditures.

Let me now briefly analyze the bill before us for consideration. The estimates upon which this bill is based aggregate $47,752,481.94. The bill carries $14,184,704.67, and is a reduction of the estimates considered of $33,567,777.27. The reduction in a broad way falls into a few departments. For example, there is a reduction of $982,041.67 in the Department of State. Of this there was a reduction of $327,000 in the estimate for offices and employees, $437,000 in the estimate for the American mission to negotiate peace, and $130,000 in the estimate to purchase an embassy building at Santiago, Chile. The President requested an appropriation of $825,000 for the American mission to negotiate peace. The State Department was not able at this time to furnish the details of the $1,500,000 allotted by the President out of the national security and defense fund for this purpose up to June 30. The Secretary of State has promised that the details of this expenditure will be forthcoming when the next deficiency bill is under consideration, and the committee therefore followed the suggestion of the Secretary of State by appropriating at this time only the amount which he has alloted for this purpose out of the $700,000 secret fund for the State Department carried in the Diplomatic and Consular appropriation bill.

There was a reduction of $10,019,175.39 in the estimates of the Treasury Department. Included in this amount is $1,986,000, estimated for a national archives site and building, and $7,695,370 for the Bureau of War Risk Insurance. The Director of the Bureau of War Risk Insurance estimated for $6,275,370 for salaries for employees; the bill carries $4,000,000 for this purpose. It may not be enough, but it was the opinion of the committee that it was nearer right than the amount estimated, and that it may be found to be entirely sufficient for the service. The service is undergoing certain changes, and the amount required will depend somewhat upon the extent to which the soldiers continue their insurance. Hence, being somewhat in the experimental stages, the committee felt that $4,000,000 additional would be sufficient for this bureau at this time. The committee declined to report out an appropriation of $2,595,000 to be used for advertising. It was the desire of Col. Cholmeley-Jones, the director, who is working very hard and, I think, very efficiently, and who is very enthusiastic in his effort to try to bring order out of chaos in that great department, that there should be this appropriation for advertising in the magazines and newspapers of the United States. It seemed to the subcommittee, as it did to the full committee, that that was a departure so radical in its effects, in permitting the Government to spend millions of dollars in advertising, that it did not seem justified. We knew that if we embarked upon this policy it would be enlarged by other departments, and in the end the press of the country would be a subsidized press, subsidized by appropriations out of the National Treasury. [Applause.] The committee thought it was dangerous and expensive, and while we realize that in a commercial way insurance companies do resort to advertising and get results from it, yet we considered that our insurance is a governmental insurance, where the Government is doing something out of the ordinary, and it was not thought to be wise for the Government, even in this case, to appropriate large sums of money for this purpose.

So, too, there was an estimate for $1,800,000 to pay for the money orders purchased by the holders of war-risk insurance when they sent in their premiums. We carry a provision in the bill directing the Postmaster General to prescribe forms and regulations for the postmasters and the carriers to collect the insurance, but we do not appropriate any money for that. We have already increased the salaries of postal employees in this Congress by the action of the House to the extent of $50,000,000, and if we throw upon them a little additional burden to help their brothers who went into the Great War to preserve the honor and integrity of the flag, we think they will gladly and willingly do that little extra service which this bill entails upon them, without an additional appropriation.

There are other items in the bill that I think, perhaps, can be explained under the five-minute rule, except the question of the high cost of living.

There was an estimate of $18,600,000 for the Naval Establishment, $5,000,000 of which was for the maintenance for the Bureau of Yards and Docks, $2,100,000 for maintenance of the Bureau of Supplies and Accounts, $6,500,000 for the Bureau of Construction and Repair, for construction and repair of vessels, and $5,000,000 for the Bureau of Steam Engineering. The bill does not carry any appropriation for this service. It does, however, carry a legislative provision authorizing the transfer from the "Pay of the Navy" and "Provisions, Navy," of $9,300,000 for the purposes estimated for. It was, indeed, a mooted question whether this authority should be given, but in view of the statement made by Admiral Benson and Assistant Secretary Roosevelt as to the military necessities, the committee was of the opinion that inasmuch as the appropriations for "Pay of the Navy" and "Provisions, Navy," were larger than were necessary, and that the military necessities required additional work to be done in the repair of vessels, we carry the legislative provision referred to, with certain limitations.

The appropriations for this year for these purposes were about four times more than the appropriations for like purposes for 1916. While our Navy is larger and the cost of making the repairs has increased, it seemed to the committee that the Navy ought to have been able to get along with the appropriations already made, and the committee was only moved to take the course agreed upon because of the very urgent request of Admiral Benson and Assistant Secretary Roosevelt. It was their opinion that unless the authority was granted, many of the vessels now needing repair would be tied up for more than two years. The committee believes that the limitations placed upon this legislation will result in securing as much work for $9,300,000 as would otherwise have been obtained by the expenditure of the full amount estimated.

Mr. CANNON. Will the gentleman yield right there?

Mr. GOOD. Yes.

Mr. CANNON. If I recollect aright, the Secretary of the Navy acquiesced in the $9,000,000 provision.

Mr. GOOD. Yes; he practically acquiesced; and I think, if you will talk with him, you will get the impression perhaps that he thinks that a great saving will be the result of this legislation. The committee had in mind going further than that, and providing that no man should be paid out of that appropriation whose efficiency was below a fair standard.

Mr. GARNER. Why did you not do that?

Mr. GOOD. Well, we have done some things at times which have met with the presidential veto. We were trying to get a bill through that would not meet any serious obstacle along that line; and in these times of considerable trouble we thought perhaps this would accomplish the same result and yet at the outset not be quite so harsh.

Mr. GARNER. Any time that Congress wants to enact legislation looking toward the correcting of inefficiency, if the President wants to veto it, Congress can consider that veto.

Mr. GOOD. It is, indeed, difficult to state accurately to what extent the estimates relate to the high cost of living. Some estimates like those from the Department of Agriculture were only an estimate of the difference between the amount originally estimated for by the department for the year and the amount granted by Congress. They in fact, therefore, had nothing to do with regard to the present emergency, so far as living costs are concerned, for the estimates were made more than a year ago. Practically the same thing is true with regard to the estimates in the Department of Labor.

The bill carries $150,000 for the Federal Trade Commission, which is the amount the commission felt they could expend in giving temporary aid. How much of benefit the Federal Trade Commission will be able to accomplish in reducing the cost of living, no member of the commission was prepared to say. They have no enthusiasm over the job and make no promises as to results. Whether it will accomplish anything along the line of reducing prices is doubtful. I personally do not believe it will. The bill does not carry the appropriation of $502,000 asked for in the Department of Agriculture for this purpose, nor does it carry the appropriation asked for by the Department of Labor. The bill does carry $12,000 for the Bureau of Labor Statistics, to permit that bureau to complete certain investigations now under way, touching the cost of living, and to publish the same.

The Department of Commerce also asked for $485,000 for investigation of this subject, and the Department of Justice asked an appropriation of $200,000 for the enforcement of antitrust laws, $1,000,000 for the detection and prosecution of crime, and $345,000 for special assistants to the Attorney General, and these appropriations have to a greater or less degree special reference to bringing about some reduction in the cost of living. It was pointed out very clearly by the representatives from the Agricultural Department in support of their estimates that the cause of the high cost of living is founded primarily on the increase in our circulating medium, and that but a small per cent of it—5 per cent, as I recall—is due to hoarding and profiteering. The committee felt that it should give to the Department of Justice all the money that is required to enforce the laws to prevent hoarding and profiteering. Some of this appropriation will be required to enforce the prohibition act, but a great deal of it necessarily will be expended in prosecuting profiteers and hoarders of the necessaries of life, if any practical relief is to be given from the present high cost of living. And it is to this department of the Government that the committee feels we must look for practical relief.

Of the estimates submitted by the Department of Commerce for relief from the high cost of living, $75,000 was for the purpose of demonstration of methods of preparing and cooking fish. Congress has had some experience with this department on this very same subject. In the act approved June 21, 1916, the Department of Commerce was given $25,000 to conduct investigations and experiments with regard to dogfish. Out of that appropriation the department did make an investigation and demonstration in the matter of cooking and canning dogfish and gave the results of its investigation to the canners. A great many canners of fish canned dogfish in accordance with the instructions of this department. The result was not satisfactory. After these fish had been canned and disposed of the cans commenced to explode, and last year the Department of Commerce came before Congress with an estimate of $60,000 to reimburse these canners who had canned dogfish in accordance with the methods which had been demonstrated by the Department of Commerce.

A great many of these estimates for reducing the high cost of living are of the dogfish character and if granted would give just about as much relief as did the $25,000 previously appropriated for dogfish demonstrations. The people want relief from high prices, not dogfish demonstrations.

The bill carries a large number of important and necessary appropriations. For example, it carries $1,210,000 for constructing three lighthouse tenders and vessels. We have a large number of lighthouse vessels, and the ordinary requirement is about four new vessels per year, when as a matter of fact we have not constructed a single lighthouse vessel or tender for the Lighthouse Service for the past seven or eight years.

The bill carries $495,000 for the Bureau of Standards. This bureau is practically swamped by the work which has been thrown upon it by the various departments of the Government and the manufacturing public. The War and Navy Departments during the past two years have used this agency as never before, and the need of testing all Government supplies and materials is becoming more and more apparent. For example, the Government tests every pound of cement that it purchases, and it has been found that 10 per cent of all the cement tested is rejected because it does not comply with the standard requirements. It was the opinion of the committee that the money expended in this way was well spent, and that the bureau ought not to be hampered because of the lack of funds.

In a general way the committee feels that the bill carries all that is necessary to appropriate at this time, and, while many of the items carried are not, strictly speaking, deficiencies, the appropriation is necessary to supplement appropriations already made for the respective services.

A word in regard to the high cost of living. Living costs are high. In many of the necessities of life they are oppressively so. Every possible relief from this condition should be granted, but to apply the real remedy might be worse than the disease with which we are suffering. It is generally admitted that the high costs of living are due primarily to four principal causes.

First and foremost, the increase in our circulating medium. Since the outbreak of the war, our circulating medium has practically doubled, and it is a singular fact that at all times and in

all countries where the circulating medium is quickly increased the price of commodities rises correspondingly.

Second, increased prices are made necessary to meet increased cost of production, due to (a) increase in wages, (b) decrease in labor efficiency, and (c) an increase in taxes. The increase in the wage scale in many industries is more than 100 per cent, and according to the testimony before the committee labor is only from 50 to 65 per cent efficient. A tax of almost $5,000,000,000 on the American people is in the long run passed on to the consumer, for it is an element in the cost of production and in many cases could not be paid at all unless the amount of the tax was added to the price of the article, for it is computed as a part of the cost of production.

Third, our excess of exports. In 1914 the total of our exports of foodstuffs of all kinds was $430,713,457, while our exports of this same class of products increased in 1919 to $2,504,895,554. Can it be possible that we could export almost six times as much in 1919 as we did in 1914 of this prime necessary of life without feeling some effect so far as an increase in the price is concerned? Especially is this true when we remember that we are furnishing not only the foodstuffs and other necessaries to Europe, but we are furnishing money with which to pay therefor, and as long as Europe can induce us to furnish the foodstuffs and wearing apparel and other necessaries of life and also the money with which to buy them, they are not particularly interested as to the price. And this has had a tendency to fix the high price in the home markets.

Fourth, the world has lost tremendously both in man power and property. This loss has vitally affected world production. While production in the United States was maintained, yet the great world shortage has had a potent influence in increasing prices.

The committee concluded that so far as decreasing the cost of living is concerned we would not accomplish much, if anything, by granting every penny that was asked for for investigations. There never was a time in the country's history when we had more complete detailed information as to the production, stores on hand, exports and imports, and prices than we have to-day. We have had the information during all of the past years, and as the information has accumulated prices have rapidly increased, for with the collecting of the information and the publishing of it prices have gone steadily up. People who are asking for a reduction in the cost of living will not be satisfied with an investigation. They know that prices are high and they want these prices reduced.

The House by almost a unanimous vote directed the War Department to sell its surplus of material. This was the first and by all odds the most important step taken to reduce living costs. Should not the Government set the example in this regard, for if the War and Navy Departments are to become the greatest hoarders in the country, how can the Government complain if individuals or corporations shall also hoard? The price of living may be reduced somewhat by a vigorous enforcement of laws; but no real benefit will be felt until the cost of production is reduced, and it may be necessary to reduce very materially our circulating medium. If these principles are sound, it must be apparent to anyone who thinks that the action of the committee in refusing these large appropriations is wise, for to have granted them would bring additional burdens to the taxpayer, would take men out of the productive vocations of life, and would add to rather than relieve the burdens of our people.

If the Nation is to receive relief from present unrest and from high prices of the necessaries of life our people must practice the strictest economy. It is to be regretted that the estimates submitted for the deficiencies did not more fully recognize this principle. It is to be hoped that the estimates now being compiled for the next fiscal year will fully recognize the fact that the Government is to be administered with strict economy. We have arrived at a time in this country when we must resist the incentive to buy, and to spend money, and we must commence to practice those plain, homely virtues of thrift, saving, and frugality. The Government, through its executive departments, should lead in this crusade; for if we are to receive relief from these high prices we must stop buying things that we can well get along without, and the Government must stop authorizing the doing of those things which are not purely governmental functions, but benefit only a given locality, a certain industry, or a few producers.

The forthcoming estimates should carry not a single dollar in excess of the actual requirements of the Government to function in a healthy and progressive way. The forthcoming estimates should reveal greater economy than they have ever exhibited before. The various departments of the Government should be correlated, duplications in the service should be wiped out, and waste and extravagance that pervade every department should be eliminated. In the British Parliament the Haldane committee has proposed the establishment in each department of the Government of "an officer of high grade especially charged with financial duties, provided with a financial staff sufficiently strong to enable him to maintain a continuous survey of all proposals for expenditures originating within the department, and regularly consulted before any decision on a matter of financial importance is arrived at by the minister." As a temporary expediency the condition of the Treasury warrants the President in taking similar action. He has the authority under the law, and should exercise it to the end that estimates for appropriations may be greatly reduced, and that the Treasury, which is the first line of defense against public extravagance, may reestablish its lines on a policy of efficiency and economy.

In its deliberations the committee has followed those broad principles that should always control the deliberations of Congress, which have been so admirably expressed by President Wilson. In his book on Congressional Government he says:

> It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the Government, the country must be helpless to learn how it is being served; and unless Congress both scrutinize these things and sift them by every form of discussion, the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct. The informing function of Congress should be preferred even to its legislative function. The argument is not only that discussed and interrogated administration is the only pure and efficient administration, but, more than that, that the only really self-governing people is that people which discusses and interrogates its administration. The talk on the part of Congress which we sometimes justly condemn is the profitless squabble of words over frivolous bills or selfish party issues. It would be hard to conceive of there being too much talk about the practical concerns and processes of government. Such talk it is which, when earnestly and purposefully conducted, clears the public mind and shapes the demands of public opinion.

TABLE I.

Appropriations for the fiscal year 1920.

REGULAR ANNUAL ACTS.		
Agriculture	$33,899,761.00	
Army	772,324,877.50	
Diplomatic and Consular	9,843,661.67	
District of Columbia	15,364,421.00	
Fortifications	11,214,291.00	
Indian	11,131,397.03	
Legislative, etc	97,963,831.77	
Military Academy	2,277,932.20	
Naval	616,096,838.88	
Pension	215,030,000.00	
Post Office	609,466,149.00	
River and harbor	33,378,364.00	
Sundry civil	607,160,207.95	
Total, regular annual acts		$3,035,151,733.00
DEFICIENCY APPROPRIATION ACTS.		
Second deficiency, fiscal year 1919	$292,714,084.71	
Third deficiency, fiscal year 1919	24,325,929.40	
War-risk insurance and pension deficiency	45,044,500.00	
Railroad deficiency	750,000,000.00	
Expenses incident to the first session of Sixty-sixth Congress	385,720.00	
Total, deficiency acts		1,112,470,234.11
APPROPRIATIONS IN MISCELLANEOUS ACTS.		
Wheat-price guaranty	$1,000,000,000.00	
Relief in Europe	100,000,000.00	
Public Health Service Hospitals	9,835,333.00	
Vocational rehabilitation	6,000,000.00	
Revenue act	7,525,000.00	
Sundry miscellaneous acts	348,103.47	
Total miscellaneous acts		$1,123,708,436.47
PERMANENT AND INDEFINITE APPROPRIATIONS (ESTIMATED).		
Interest on public debt	1,000,000,000.00	
Miscellaneous public debt redemption	964,020,000.00	
Miscellaneous permanent and indefinite appropriations	85,266,880.00	
Increased compensation to certain Government employees	25,000,000.00	
Total permanent, etc		$2,074,286,880.00
Grand total		7,345,617,283.58

TABLE II.

Estimated requirements, fiscal year 1920.

Total appropriations, fiscal year 1920		$7,345,617,283.58
Deductions:		
Miscellaneous public debt redemptions	$964,020,000.00	
Army and Navy funds not to be withdrawn during fiscal year 1920	398,718,423.60	

Deductions—Continued.		
Deficiency appropriations withdrawn in fiscal year 1919	$250,000,000.00	
Good roads (1921)	78,000,000.00	
Total deductions		$1,690,738,423.60
Net withdrawal under 1920 appropriations		5,654,878,859.98
Withdrawals in 1920 from previous appropriations:		
War Department—		
Due Shipping Board	155,000,000.00	
Continuing appropriations	577,000,000.00	
Railroad transportation in United States	80,000,000.00	
Foreign liquidations (mostly France)	150,000,000.00	
Payment 5,500 terminated contracts	200,000,000.00	
Miscellaneous to come due	150,000,000.00	
Total, War Department		1,312,000,000.00
Navy Department		600,000,000.00
Loans to Allies:		
Credits established to Sept. 4, 1919	9,684,272,567.84	
Advances to June 30, 1919	9,102,285,015.56	
Balance which may be drawn during 1920 under credits already established		581,987,552.28
Certificates of indebtedness:		
Outstanding June 30, 1919	$3,634,000,000.00	
Balance in general fund June 30, 1919 ($1,251,664,827), less $300,000,000 needed as working balance	951,664,827.00	
Balance of certificates		2,682,335,173.00
Grand total requirements		10,831,201,585.26

TABLE III.

Estimated revenues, fiscal year 1920.

Internal revenue, including income and excess-profits and estates taxes	$4,940,000,000.00
Customs	260,000,000.00
Public lands	3,000,000.00
Miscellaneous, including war sales, etc	600,000,000.00
Total ordinary	5,803,000,000.00
Victory loan	1,032,000,000.00
Postal Service	404,928,240.00
Grand total	7,239,928,240.00

RECAPITULATION.

Total requirements	$10,831,201,585.26
Total revenues	7,239,928,240.00
Probable deficit	3,591,273,345.26

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HICKS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed without amendment joint resolution (H. J. Res. 175) to provide for the payment of travel pay upon discharge to men of the Regular Army enlisted prior to April 2, 1917.

The message also announced that the Senate had passed without amendment the following resolution (H. J. Res. 211) tendering the thanks of the American people and the Congress of the United States to Gen. John J. Pershing, and to the officers and men of the American Expeditionary Forces.

FIRST DEFICIENCY APPROPRIATION BILL FISCAL YEAR 1920.

The committee resumed its session.

The CHAIRMAN. The gentleman from Tennessee [Mr. BYRNS] is recognized for one hour and a half.

Mr. BYRNS of Tennessee. Mr. Chairman, the gentleman from Iowa [Mr. GOOD] has made a very interesting, illuminating, and valuable address to the House on the subject of the expenditures and the revenues of the Government during this fiscal year. It was a very important speech, and I am sure will appeal to every Member of this House, for it shows the very serious problem that confronts the Congress and the country with reference to our finances. It shows that the very closest scrutiny should be given to every appropriation which may be asked of the Congress and that the most rigid economy must be practiced.

It has another valuable aspect to my mind, and that is this: It is a splendid illustration of the necessity of the establishment of some sort of a budget system in this country. This is the first time within my knowledge that in presenting a big appropriation bill to the Congress the chairman of the Committee on Appropriations has made it a point to give to the House a statement of the expenditures that will be made and will be necessary in the present fiscal year and at the same time submit to the Congress a statement as to the estimated revenues. The gentleman from Iowa has ably presented in a limited way—limited because of the fact that he did not have an extended length of time—what might be called a sort of a budget to this House which I hope will be carefully studied and considered.

I regretted that the gentleman departed for a moment from his excellent address to refer to a letter that had been sent out by Mr. Henry A. Wise Wood to every Member of Congress, in which he undertakes to detail a conversation which he had with some man named O'Neill, who he says is a newspaper man from the city of London, and is over here for the purpose of inducing this country to ratify the league of nations. The gentleman from Iowa built up a straw man in his appeal to this House not to indorse the alleged intention of the league of nations to commit this country to the internationalization of the war debts and to guarantee the debts of Europe growing out of this Great War. If the gentleman had read the hearings before the Committee on Foreign Relations of the Senate he would have known that no such idea has ever been entertained by the administration or by our Government from the very inception of the consideration of the treaty of peace in Paris. If he had read the testimony of Mr. Norman Davis, who was one of the financial experts and the representative of the Treasury in Paris during the consideration of the treaty of peace, he would have found that he was asked that very question by some of the Senators, and that Mr. Davis stated there was absolutely not one scintilla of truth in the intimation that this had been determined upon or that the league of nations was expected to commit this country to the guaranty of the debts of Europe growing out of this war.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. GOOD. I purposely did not read any part of the letter with regard to the league of nations, so as to keep all politics out of the matter, if politics is involved—and the President says it is not—and I excluded that part of the letter. I read only the part of the letter where the man said that that was the program, that that was what he was in America for, and that he had talked with many Americans and that they were in favor of it, and then said Mr. Morgan was in favor of it. That is the only part of the letter that I read.

Mr. BYRNS of Tennessee. I understand the gentleman referred to the letter, and I think every Member of the House has received a copy of the letter which the gentleman held in his hand. The gentleman says that he did not intend to bring politics into the matter, and I accept his disclaimer as to that fact, although the letter was sent out for just that purpose, and I do not exactly understand why the gentleman should have alluded to it, because he knows and we all know that this Government could not be committed to a guaranty of the debts of Europe unless Congress first agreed to such guaranty, and I trust the gentleman has too much confidence in the committees of this House, made up in the majority, as they are, from his own party, to believe that the committees would recommend to the House or that the House would adopt such a recommendation any proposal to guarantee the debts of Europe in this war.

Mr. EAGAN. Does it not seem passing strange that Mr. Henry A. Wise Wood, referring to an interview had with Mr. O'Neill in May, should wait until September to call this very important matter to the attention of the Members of Congress?

Mr. BYRNS of Tennessee. Very strange, indeed; and it is also very strange, indeed, to me that some newspaper correspondent from London, of whom we never before heard, should be the man sent over on the important mission of seeing that the Senate of the United States and this country indorse the league of nations.

Mr. BYRNES of South Carolina. What the letter stated and what the gentleman stated was that an "Englishman" by the name of O'Neill wanted this Government to guarantee the war debt of Germany as well as this country—an Englishman named O'Neill!

Mr. BYRNS of Tennessee. Aside from that, Mr. Chairman, I want for a few moments to discuss certain features of this bill. I am not prepared to say that I agree to every item recommended in the bill. There are some items of appropriation in the bill which I thought possibly might have been changed, but I recognize that provision can be made for certain departments of the Government hereafter, if it should be found necessary, and I shall not allude to them. I am as anxious as the gentleman from Iowa to see the appropriations made by this Congress and future Congresses held down to the lowest possible minimum. That has been my record ever since I have been a member of the Committee on Appropriations, and certainly at

this time, as was clearly demonstrated by the gentleman from Iowa in his address a few moments ago, there is a special reason for the most rigid economy in the future. There were certain estimates submitted by various departments of the Government having to do with the reduction of the high cost of living, and it is proper for me to say that I am not entirely in accord with the committee in its declination to recommend in some amount some of the estimates submitted by those departments, in addition to the amount recommended for the Department of Justice and the Federal Trade Commission. I am influenced in this respect by the fact that we all recognize that the most serious and vital problem confronting the people to-day is the present high cost of living; that it is fostering Bolshevism, unrest, and dissatisfaction all over the country. In fact, so imperative is it that something shall be done, that this Government shall do what it can do to arrest the high cost of living, that more than five weeks ago the President of the United States sent an earnest request to the House that it reconsider its determination to take a five weeks' recess and remain in session for the purpose of enacting necessary legislation to provide the funds necessary for the Government to conduct its campaign against the high cost of living.

The House readily acceded to that request, and on August 8 the President of the United States delivered a message to a joint session of both Houses of Congress, in which he called attention to specific legislation that was needed and also to the funds which were necessary to be appropriated in order that certain departments of this Government might conduct a campaign to reduce the high cost of living. Unfortunately not one single request submitted by the President of the United States more than five weeks ago has been enacted into a finality. He asked for legislation regulating cold storage, and it has not even been reported from the committee. The President asked for a simple amendment to the food-control bill extending its provisions so as to take in fuel and clothing in addition to food. He asked for a simple amendment to that bill providing a penalty of fine and imprisonment for those who are guilty of hoarding and profiteering under its provisions. It was two weeks to the day before the proper committee of this House reported that simple piece of legislation.

Mr. TINCHER. Will the gentleman yield?

Mr. BYRNS of Tennessee. I do.

Mr. TINCHER. Is the gentleman aware of the fact that the delay of one week of that time was due to the fact that the President's Department of Justice was not sure of how it wanted that bill worded, and that committee, just as quickly as the Department of Justice indicated the way it wanted the bill worded, reported the bill to the House and it was passed?

Mr. BYRNS of Tennessee. I was not aware of that. I thank the gentleman for the information; but why the delay of two weeks? I do know that the President of the United States asked that a penalty be attached to the food-control bill, and I do know that it was suggested that that bill be extended so it would include fuel and clothing, and I have never been able to understand why it should have taken two weeks, even considering the week to which the gentleman from Kansas refers, in order to report that bill to the House. It is also true that although it passed the House promptly after it was reported, that bill has not yet become a law. It passed the other end of the Capitol last Friday, and not even so far as I recall has a request been made in this House to take it up and throw it into conference so it can be finally ironed out and agreed upon between the two Houses.

Mr. TINCHER. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield to the gentleman.

Mr. TINCHER. I hope the gentleman will not hold the Agricultural Committee responsible for the fact it took the Department of Justice two weeks to decide how they wanted the bill worded, and I hope the gentleman will not blame the Agricultural Committee for the fact that the President is now on the western coast and is not here to sign the bill.

Mr. BYRNS of Tennessee. But I will call the attention of the gentleman to the fact that he could not sign it until Congress duly enacted it, and, as a matter of fact, it is now over five weeks—nearly six weeks—since the President delivered his message to the Congress, and if Congress had acted quickly, as it ought to have done, in view of the acute situation confronting the country, that bill would have been passed and enacted into law and signed by the President before he ever left upon his tour in the interest of the treaty of peace. [Applause.]

Mr. LONGWORTH. Will the gentleman yield?

Mr. BYRNS of Tennessee. I do.

Mr. LONGWORTH. Is the gentleman aware of the fact that within a few days the President in a speech in the West recommended that this Government should advance something like $4,000,000,000 to the countries of Europe outside of any existing war expenditures?

Mr. BYRNS of Tennessee. No; I will say to the gentleman from Ohio I am not aware of any such fact.

Mr. LONGWORTH. Well, it is a fact, I will say to the gentleman. Does the gentleman think that would have a tendency to reduce the high cost of living in this country?

Mr. BYRNS of Tennessee. I want to say to the gentleman from Ohio that he is entirely mistaken in his statement that the President of the United States indicated that the Government of the United States should lend an additional amount to the European Governments. He did say something, I think in his St. Louis speech, that it would be necessary to render aid to European countries in order to help get them upon their feet, but I did not understand that the President stated that that aid should come from the United States Treasury. I rather inferred that it was his idea that this aid should come from individuals in this country in the way of financial loans.

Mr. LONGWORTH. Well, I would not care to take issue with the gentleman, because all I know is the newspaper accounts, but my strong impression is that the President heartily indorsed the suggestion made by Mr. Hoover specifically that this Government should advance more than $4,000,000,000 worth of additional credit to foreign countries, and if that is true I would like to know if the gentleman thinks that would have a tendency to reduce the cost of living?

Mr. BYRNS of Tennessee. I certainly do not. I will say frankly to the gentleman that I do not think anything that will have a tendency to increase the taxes upon the people of this country will serve to decrease the high cost of living, for we all know that taxes are one of the elements which enter into the cost of living, because they are always passed on to the consumer.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BYRNS of Tennessee. I want to get on this bill particularly. I was led off in my reference to a matter which is really foreign to the bill, because Congress has not proceeded with prompt dispatch to enact some legislation which would give additional authority to the Department of Justice, which I understand has the information now and is simply waiting in order that Congress may provide it with the necessary power to put some of these profiteers and these speculators in the necessaries of life in jail, where they ought to be.

Mr. GREEN of Iowa. It was merely in relation to that that I wanted to ask the question, and if that is done if he expected to secure that result.

Mr. BYRNS of Tennessee. I undoubtedly do, because I am glad to say that we have an Attorney General now who is not only a man of a very high order of ability, but whose heart throbs with sympathy for the consuming public of this country [applause], and I am satisfied that if this Congress will only give him what he and the President ask, and what they asked more than five weeks ago, the power to put these speculators and profiteers in jail, the Attorney General will do it or make them quit their practices.

Mr. MONDELL. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Tennessee yield to the gentleman from Wyoming?

Mr. BYRNS of Tennessee. For a brief question.

Mr. MONDELL. I was unavoidably out of the Chamber for a moment, but I understand the gentleman criticized the delay in sending the amendment to the food-control bill to conference. The gentleman did make such a criticism, as I understand.

Mr. BYRNS of Tennessee. In passing I criticized the delay of Congress in not enacting that legislation.

Mr. MONDELL. The gentleman is informed, I suppose, that the bill has not gone to conference because a gentleman on his side has served notice that he will object to its going to conference, and it is because of that notice of objection that the bill has not gone to conference?

Mr. BYRNS of Tennessee. I do not know of any gentleman in the House who objected to its going to conference, but I suggest to the gentleman, if that be true, there is a Rules Committee of this House, which I have found has been very frequently appealed to by the gentleman during this session in order to bring legislation before the House, and the House can always do its business when it desires to do so, regardless of the objection of any one Member.

Mr. MONDELL. We will do that; but I desired to give the gentlemen a little time, in the hope that they might change their minds in this obstruction business.

Mr. BYRNS of Tennessee. I am sure there is no Member who will offer any objection if allowed time for discussion. So

far I have not heard even a request made for unanimous consent for the purpose of sending that bill to conference, although it passed the Senate, as I have stated, on last Friday.

As to the estimates submitted on the high cost of living, the committee has, I am happy to say, allowed every dollar the Department of Justice has asked in order to conduct its campaign against the high cost of living. We all recognize that it is the one agency of this Government which can most effectively deal with the situation. And as I stated a moment ago, if given the power and authority to put some of these profiteers and speculators in the necessaries of life in jail it will do so; the Attorney General proposes to do so unless they quit their practices of profiteering upon the consuming public of this country. In addition to that, the Federal Trade Commission asked for $500,000; $150,000 of this amount was asked for an immediate and quick investigation of the present causes of the high cost of living.

It was stated by Mr. Colver that the Federal Trade Commission could spend only the sum of $150,000 in a wise and orderly manner for that purpose, and the committee has recommended the $150,000. They asked $350,000 in addition for the purpose of bringing the investigation with reference to fuel from January 1 to the present date and keep it current in anticipation of a possible coal famine this winter, also to print the report on leather and keep that current, and they desired to begin the investigation of certain basic industries bearing on the question of the high cost of living, all of which Mr. Murdock, the chairman of the commission, stated could not be done unless this sum was allowed. I do not say the committee should have recommended the full amount requested, but I regret that some amount was not recommended in addition to $150,000, so that at least those investigations which have been made in reference to fuel and leather could be brought down to date and kept current. In addition, the Department of Agriculture, as the gentleman from Iowa [Mr. GOOD] states, asked something like $505,000 for the purpose of investigating the storage of food in certain portions of the country and the retail prices being paid in larger cities. The Bureau of Census asked for $200,000, which it stated would be necessary if the Department of Justice asked for any statistical information from it in reference to present conditions. The Department of Labor asked for $375,000 to investigate living conditions and costs and the reasons therefor in various cities. I do not know whether any of these amounts would have proven particularly advantageous, nor does anyone know. But I do say, gentlemen, that owing to the acute situation which confronts this country Congress can not hold itself blameless unless it is willing to give to every department which has any facilities for making investigation along this line sufficient funds with which to make that investigation where it appears that this investigation may be of value in the effort to reduce the high cost of living.

The President stated that the Department of Justice would not only proceed in the most effective way, but these other departments were in a position to give material aid to the Department of Justice in the prosecutions and other steps it proposes to take, and I regret that the committee did not allow at least a small amount to some of the departments for the purpose of conducting this investigation.

Of course we all know that legislation in itself will not reduce the high cost of living. Legislation can not change the law of supply and demand. Something more is needed. It is necessary for the people of this country to increase production and decrease the demands. It is necessary for the people of this country, every one of them, to become producers so far as they can do it and to cut out the extravagance which has grown up in the last few years, and particularly during the war, on account of the larger wages and profits and the great amount of money that has been floating around through the country. But Congress can do something, and the people have the right to expect that Congress and the Government will promptly take such steps as can be taken in the effort to reduce the high cost of living and relieve the suffering public. [Applause.]

Mr. Chairman, I reserve the balance of my time.

Mr. FORDNEY. Mr. Chairman, I ask unanimous consent to have printed in the RECORD two very short petitions and have them referred to the proper committees, which have been presented by soldier boys from Walter Reed Hospital.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD by printing some petitions. Is there objection? [After a pause.] The Chair hears none.

Mr. FORDNEY. While there are only four names to the petitions, there are 664 names to the original, which I have in my office.

The following are the petitions:

WALTER REED GENERAL HOSPITAL,
Takoma Park, September 16, 1919.

To the Military Affairs Committee of the House of Representatives.

GENTLEMEN: Attached to this memorandum is a copy of the letter of grievance, the original of which was this day presented to the Finance Committee of the Senate.

We ask that you give this your undivided attention.

We are, very respectfully,

O. C. RIFFLE.
HERMAN L. SHEPPARD, of Illinois.
OLIN I. LEWIS, of New Mexico.
JOHN J. FALLON, of New York.
JOHN T. HOTTEL.
HERMAN L. BUSH, of Massachusetts.

A LETTER OF GRIEVANCE.

Owing to the policy of the War Risk Insurance Bureau in using undue influence upon the soldiers to cause them to subscribe nearly one-fourth their pay for protection in case of disability and the failure of said insurance bureau to live up to the initial agreement, we feel it our duty to write this letter.

The representation made to us in regard to the above-mentioned insurance was as follows:

That all service men so insured who were injured in line of duty would be compensated for any disability so received, whether mental or physical, regardless of former occupation or earning capacity.

We, the undersigned service men and veterans of the World War, do hereby appeal to the people and the Congress of the United States of America to have this grievance righted by causing the Bureau of War Risk Insurance to honor the claims of the seriously, permanently, and partially disabled soldiers, sailors, and marines, who are ignored by said insurance bureau.

Our recommendations are as follows:

1. That all men disabled be paid their insurance in full from time of injury until they are discharged from the hospital.

2. After they are discharged to be paid the amount of insurance as determined by the percentage of disability.

We, the undersigned disabled soldiers, sailors, and marines, do therefore present this letter of grievance with the understanding that every statement is true and every claim just contained therein, and believe that the wrongs we have suffered will be speedily redressed.

—

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Mr. BYRNS of Tennessee. Mr. Chairman, I yield 30 minutes to the gentleman from Alabama [Mr. HEFLIN]. [Applause on the Democratic side.]

Mr. HEFLIN. Mr. Chairman and gentlemen of the committee, I want to submit some nonpartisan remarks on a subject that is very vital to the masses of America.

Some politicians do not seem to understand how the great heart of the American people is yearning for the ratification of the peace treaty and the establishment of a league of nations. It is true that certain gentlemen who remained at home in their places of safety and who had no sons old enough to go to war, or who did not go, can not understand just how the fathers and mothers and relatives of four millions of boys feel about this horrible thing called war. Gen. Sherman said, and said truly, that "war is hell." And, gentlemen, the war that he spoke of was a mild thing compared to the bloody butchery of the awful war just ended. [Applause.] The rifle, the bayonet, and the cannons that our fathers used in the sixties were mild implements compared to the shrapnel, the

machine guns, the big field guns, the airplanes, the liquid fire, and poisonous gases and other deadly implements used in this terrible war of rapine and murder. [Applause.] Gentlemen, modern war is so monstrous and deadly that the world is demanding that it be put down. [Applause.]

Here is an opportunity to put it down. The allied nations that banded themselves together to prevent Germany from conquering the world are determined now to see to it that some international tribunal such as was suggested by Senator LODGE in 1915 and in 1916 be established for the promotion of peace and the prevention of war. [Applause.] Senator LODGE was as thoroughly and completely committed to a league of nations as is the great ex-President, Mr. Taft, a Republican; as much as is the President of the United States, Woodrow Wilson. Just three years ago he committed himself heart and soul to this movement.

The President went away to the peace conference and when he first returned he submitted to the members of the Foreign Affairs Committee of the Senate a draft of the league of nations, and these gentlemen, members of that committee, made suggestions as to changes that they desired made in the league of nations plan. The President took them back to the peace conference, submitted them to the delegates, and they agreed to the changes suggested by these gentlemen, Members of the United States Senate, but, strange to say, when the peace treaty came back amended as suggested we find this same Republican leader, Senator LODGE, of Massachusetts, according to newspaper reports, before the Senate convened, wiring to Republican Senators not to commit themselves to the league of nations until they could have a party caucus upon the subject. My! My! What an awful situation! A man who had advocated a league of nations and had made suggestions, which were adopted, as to changes that he desired made in the league plan turns round and puts party success above the welfare of his country and above the welfare of the world.

The CHAIRMAN. The Chair desires to call the gentleman's attention to the rule that precludes a Member of the House from referring in terms of criticism to a Member of the coordinate body.

Mr. HEFLIN. I do not desire, Mr. Chairman, to violate the rules.

Mr. BANKHEAD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BANKHEAD. Does that apply to a reference to a Member of the other body outside of the forum debate in the Senate?

The CHAIRMAN. If the gentleman's remarks as a Member of the House reflect upon or criticize a Member of the coordinate branch, it is a breach of the rule.

Mr. HEFLIN. Mr. Chairman, I hope this will not be taken out of my time.

The CHAIRMAN. No. The gentleman is not now criticizing a statement made by a Member of the coordinate branch, but he is criticizing the attitude of a United States Senator and saying that it is a reflection on the attitude of his country.

Mr. BANKHEAD. I do not want to take up the time, but would it be legitimate argument on the floor of the House for the present speaker, the gentleman from Alabama, to make observations in criticism of the remarks that the gentleman from California is making?

The CHAIRMAN. There is nothing in the rules of the House against referring to a newspaper statement concerning a Member of the coordinate body if the Member in referring to that statement does not mention the Member by name or speak disrespectfully or in a way to violate the proprieties that are supposed to exist between the two branches.

Mr. BANKHEAD. I will say to the Chairman that according to my understanding of the rule it does not prohibit the characterization of a Senator by name.

The CHAIRMAN. That is not a parliamentary inquiry, and it does not affect the ruling of the Chair.

Mr. HEFLIN. Mr. Chairman, ex-President Taft, a big American patriot, charges, I understand, that Republican leaders in the Senate in caucus have somehow packed the Committee on Foreign Affairs with men opposed to the league of nations. Now, gentlemen, here is a Republican who has held the highest office in our country indicting Republican leaders for packing this committee with men opposed to an international tribunal to prevent war. Gentlemen, that is a serious indictment of the present-day leadership of the Republican Party, and do not be deceived, gentlemen, the American people are going to hold you responsible for playing such costly politics at the expense of the human race and the peace of the world.

Gentlemen, your party in the Senate, aided and encouraged by some of you over here, may be able now to kill this league of nations. I do not know but that you will. I fear that you will. I say that with a sad heart. But when you kill it you will defeat the desire and incur the displeasure of nearly 100,000,000 of peace-loving loyal Americans. [Applause.] The disloyal Americans will rejoice. Every pro-German in the United States will clap his hands for joy. But I give you notice now that you will have aroused the determined antagonism of Christian civilization in America and you will call down upon your heads the wrath of all civilized nations.

Gentlemen, do not fool yourselves; the battle will not stop when you lay this treaty down in ruins in the Senate. It will have but begun. [Applause.] The fathers and mothers in America, the boys who fought abroad, all of these will be arrayed against you. Pro-German interests here can not save you. The gunmakers and munition makers of the United States, who want the privilege of selling guns and munitions to the nations of the earth as they arm themselves for another war, can not save you. Their contributions to your campaign fund in 1920 can not save you. The blood of our boys will rise above their barter in bullets and the manhood of American men will be exalted above the money-making projects of American munition makers. [Applause.]

Mr. Chairman, how long have I spoken?

The CHAIRMAN. The gentleman has used 10 minutes.

Mr. HEFLIN. I wish the Chair would remind me when I have spoken 10 minutes more.

Mr. TINCHER. Mr. Chairman, will the gentleman yield for a question?

Mr. HEFLIN. I have not time, but I will yield briefly for a question.

Mr. TINCHER. I understood your reference to a pro-German. You mean that anyone who is opposed to the league of nations without reservations or amendments is a pro-German?

Mr. HEFLIN. No. I do not mean that. I never said anything like that.

Mr. TINCHER. You practically said that. You will change it when you put it in the RECORD.

Mr. HEFLIN. No; I will not change it. I stick to what I said. Every pro-German in the United States—and they are here in abundance—and the munition makers and gunmakers in the United States, and they are in Pennsylvania, Connecticut, New Jersey, and Massachusetts, all fighting the league of nations, and my judgment is that they are now buying newspaper space for those who are fighting the league of nations, and I think that they are paying the expenses of some who are speaking around the country in opposition to a league of nations that seeks to prevent war.

I do think that they are defraying the expenses of the propaganda back of the opposition to the league of nations. I should like to see the company that some gentlemen round about kept before they started out to trail the President—trailing and traducing the President as he pleads for the peace of the world.

I am reminded of the two negroes who jostled each other in a narrow path. One of them said, "Who are you tryin' to run over?"

"I ain't tryin' to run over nobody," the other one said.

"But when you see me comin' you must get out o' the way."

"They call me Bad Bill up where I live," said the first one.

"They would call you Sweet William down where I live," the second one replied.

"Well, the' ain't no use multiplyin' words about it. Let's just settle it right now." And doubling up his fist he made ready for action.

The other nigger commenced to look around to see if any witnesses were in sight.

"What are you taking so much time lookin' round for?" said the other.

"Well," came the reply, "After dis difficulty is over and dey gits in de courthouse where dey is holding er inquest over you dey er goin' to ask who was you last seed with." [Laughter.]

That is what I want to know, Mr. Chairman, about some of these speakers and writers who call themselves trailing the President. I would like to know who some of them were last seen with. This applies also to one who spoke down at Atlanta, Ga., and at Birmingham, Ala. They do not speak for the heart of America. I declare that to this Congress and the country. Gentlemen, when they kill the league of nations they take out of the heart the hope of peace, and they leave humanity groping in the gathering gloom with not a ray of light anywhere. [Applause.] Germany will rejoice. She wants to be left to prepare for another war. Ludendorff is filling American papers with a German prepared story of the war. The old military masters of Germany are hopeful. They are encouraged by the action of the leaders of the Republican Party in the United States. Wilson is denounced by some of these

papers that are now carrying to every quarter of the country the story of Ludendorff, the bloodthirsty general of Germany. Oh, yes; they are reading about him now in the United States when President Wilson is trying to lay the hand of civilization upon Germany and to make Germany conform to the rules of right and the laws of justice. Senator KNOX is quoted as saying that the terms of the treaty are too hard on Germany. Think of that! In 1918 these same gentlemen were afraid that President Wilson would be too easy in his peace terms on Germany. Oh, consistency, thou art a jewel! Herostratus burned to the ground the great temple of Diana. And here, gentlemen, the leaders of the Republican Party in the Senate of the United States are trying to prevent the building and dedication of the greatest temple ever constructed by the children of men—a temple for the safeguarding of human life and dedicated to the cause of peace. [Applause.] Away with it, say the disappointed old military masters of Germany. Away with it, cry the munition and gun makers of the United States. Mr. Chairman, the treaty was nearly complete, and the President was geting ready to bring the completed treaty home and submit it to the Senate for its consideration. Did Republican leaders wait for the completed copy? No.

It is claimed that a copy was procured from Germany. And this incomplete copy was furnished to Germany by the Allies, so that she would understand it and be ready to sign it. Germany slipped a copy to the Republican leaders of the United States, and that copy of the treaty was printed in the CONGRESSIONAL RECORD when the Chief Executive of the United States, the Commander in Chief of the Army and Navy in the war against Germany, begged Republican leaders not to do it, and said it would violate his faith with the other Allies, and that it was not a complete copy of the peace treaty and league covenant. But in spite of all the President said they printed that German-procured incomplete copy in the CONGRESSIONAL RECORD. Now, this great American, the President of the United States, is speaking around the country in the interest of peace for America and peace for the world. [Applause.] Ex-President Taft, a Republican, the only ex-President living, and Woodrow Wilson, the present President, are walking arm in arm, thank God, across the country, pleading for the promotion of peace and the prevention of war. [Applause.]

Ex-Attorney General Wickersham, a Republican; Frank Hitchcock, former chairman of the Republican national committee; and your last nominee for President, Mr. Hughes, are all for the league of nations. And who is arrayed against it? These mighty Republican leaders from the great munitions and gun making States of the Union. You know Paul said that environment is a powerful thing, and that is true. You frequently hear the expression that a man has "found himself." Well, it frequently happens that somebody else finds him and appropriates him before he finds himself. [Laughter.] Then when he finds himself he is in the fix that the nigger said Germany was in when she went to war with the United States. Two niggers were talking about the war, and one said, "What did we get into the war about, anyhow?" The other negro said, "Well, this here Government is jes like I is: It don't want to fight if it can help it; but you let a nigger come fussing around me and I will walk away from him and argufy with him back over my shoulder; but don't let him overtake me." [Laughter.] And that's the way it was with our Government. Our Government was out on the high sea, where John Paul Jones said she had a right to be, and Germany comes along in a submarine like a big automobile coming down the road, and says "Honk, honk, honk," to America, "Get off the sea." And America says, "No; I ain't goin' to get off no sea!" And then Germany says, "You is going to get off the sea." And America says, "Germany, let me tell you something: You better get some sense in your head." And America kept walking off, argufying with Germany and looking back over her shoulder. Germany kept following after her until she overtook her, and now she is in a hell of a fix. [Laughter and applause.]

So it is, Mr. Chairman, with the fellow who, it may be, is filled with good intentions, finds himself on the side of greed and avarice and darkness and war. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield 10 minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Chairman, some days ago I made some comments on the various bills which have been introduced in this House giving to the soldiers and the sailors of the recent Great War additional compensation. I have arisen to-day for the purpose of serving notice on the Committee on Military Affairs that the friends of this legislation expect action. We have all read about the great parades and celebrations in honor of the soldiers and sailors of the World War. That is all very good. It is a fine thing to do honor to these men; they are deserving of all honors that can be bestowed upon them. But they expect, and have the right to expect, something more than praise and cheers and tears.

I saw the other day a picture in a newspaper which made quite an impression. A soldier was standing guard in front of a great establishment in a great city, having taken the place of a policeman who had struck and left his post of duty. And I was reminded that the surest dependence of this Nation is in these men of the Army and Navy who served so well and brought victory in the Great War. A gentleman took me to task some days ago, intimating that I was encouraging a Bolshevistic spirit in the position I took. The finest thing this Nation can do is to so act toward these men that they will feel that there has been a reasonable amount of gratitude bestowed upon them. [Applause.] The greatest security this Nation can have against the growth and spread of Bolshevism is contentment and satisfaction among the men who fought the Great War.

Mr. TILSON. Will the gentleman yield?

Mr. POU. Yes.

Mr. TILSON. Has the gentleman a specific recommendation to make on that point?

Mr. POU. I certainly have. The suggestion I have made is to pay these men, in addition to the $60 they have received, $180, which would make $240. That will be the identical bonus you have paid to people who never smelled gunpowder, who came to this city and agreed to work for a specified sum, who never saw danger, who made no sacrifice, who have received $240, while the men who went abroad and offered their all only received $60. That is the suggestion I make. It is a far more reasonable proposal than any one of the reclamation bills that have been talked about here. And it is a far more practical suggestion than that which would put the soldier on an abandoned piece of cut-over land and expect him to work out his salvation there.

Mr. PLATT. You propose to give these soldiers $240, which is so much gratitude, why not give them $1,000 and have a thousand dollars' worth of gratitude?

Mr. POU. That is no answer to the suggestion of the several bills that have been introduced. I will ask my friend if he is satisfied to pay people in this city $240 in addition to what they agreed to work for while the soldier receives only $60?

Mr. PLATT. Those men who are receiving the $240 are at work now.

Mr. POU. It is a bonus, and I ask the gentleman if he would be content that these people who came here and agreed to work for a specified sum receive $240 annually in addition, while the soldier must be satisfied with $60? The soldier must be satisfied with cheers, hurrahing, and parades, while these people who sacrificed nothing get $240. Is the gentleman surprised that there is dissatisfaction among the men of the Army and Navy?

Mr. PLATT. It is not a bonus; it is an increase in pay.

Mr. POU. It is equally an increase of pay to the soldier and sailor. I have been particular in the bill I introduced not to call it a bonus. Now, I am going to assume that the Committee on Military Affairs is favorable to this legislation. I know that quite a number of them are. The friends of this legislation on both sides of the aisle have been conducting a canvass, and I am safe in saying to-day that an overwhelming majority of this House on both sides of the aisle are in favor of at least doing as much for the soldiers and sailors as you are now doing for the people who never saw danger. [Applause.] We are going to insist on action by the Committee on Military Affairs, and I hope it will be their pleasure to take action in the near future on some one of these bills.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. POU. Yes.

Mr. LAGUARDIA. It is quite true that there are many in favor of the proposition to give a bonus to the soldiers. Would the gentleman be willing to so amend his bill that every soldier who rendered service to his country shall not be deprived of a vote regardless of his color?

Mr. POU. I do not think that needs any answer.

Mr. LAGUARDIA. I think it does.

Mr. POU. I have said what I have intended to say. The friends of this measure have asked for a hearing before the Committee on Military Affairs.

Mr. QUIN. Mr. Chairman, will the gentleman yield?

Mr. POU. Yes.

Mr. QUIN. I would like to say that I am in thorough accord with the statement of the gentleman from North Carolina [Mr. POU], and I think the bill the gentleman has before the com-

mittee is the best one. He is seeking to be heard, and the chairman of the committee has agreed to give him a hearing on that bill. I think we ought to do that for the soldiers.

Mr. POU. I thank my friend from Mississippi for his help. Permit me to say this in conclusion: I am not playing politics here. I know I am sincere in the position I take, and it gets on my nerves whenever we are discussing this measure for some gentleman to rise up and try to inject politics into it.

Mr. REED. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. POU. I would be glad to yield if I had the time.

Mr. BYRNS of Tennessee. Mr. Chairman, I yield two minutes to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Chairman, I yield those two minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman and gentlemen of the committee, on May 16, 1917, a little over one month after we had declared war, one of the distinctive features before the Committee of the Whole, when we were discussing the military measure, was to increase the pay of the enlisted man from $25 to $30 a month. I find the vote on that question recorded on page 2396 of the CONGRESSIONAL RECORD of the Sixty-fifth Congress, first session. That vote on that proposition shows—yeas 199, nays 178. Among the nays is recorded the vote of the gentleman from North Carolina [Mr. POU], who has just taken his seat. We did our duty at that time by a substantial majority, and raised the pay of the soldier from $25 to $30 a month, and it were better for those who voted against that proposition to have spoken then, when action was on, and to keep still at this time. [Applause on the Republican side.]

Mr. BYRNS of Tennessee. Mr. Chairman, I yield six minutes to the gentleman from New Jersey [Mr. EAGAN].

Mr. EAGAN. Mr. Chairman and gentlemen of the committee, I can not hope to add anything to the splendid address of the gentleman from Iowa [Mr. GOOD], the chairman of the Committee on Appropriations, in presenting this bill to the House. I think he has performed a very great service in the preparation of the bill and in his presentation of it to the Congress and to the country. I am sure that his admonitions as to the necessity for the practice of rigid economy in all the expenses of the Federal Government will not be lost on the membership of the House. A study of the figures presented here to-day must convince every Member of the House that we are presented with a very difficult situation indeed in the fiscal administration of the Government, and yet I found myself in the subcommittee somewhat at variance with the majority members of the committee with respect to two or three items. One of them is the item for the Federal Trade Commission—that part of the $350,000 estimate providing for the bringing up to date of their investigations and reports on some of the basic industries. I had hoped that the commission might have been given $50,000 additional for that work, but in deference to the sentiments of the majority members of the committee I do not propose to press that item.

There are two other items, however, which I have reserved the right to offer as amendments at the proper time and place. One of these is the item of $125,000 for what is known as the retail food price information.

I probably should not urge that particular item but for the fact that this is an activity that we have already provided for to some extent in the past, but which we ceased providing for on the 30th of June of this year. It is for the purpose of furnishing to "consumers, newspapers, producers, and dealers accurate information regarding supplies of fruits, vegetables, dairy and poultry products, meats, fish, and other food products received on farmers', municipal, and other city markets, and prices for which such products are sold; and information regarding such products when in abundance or oversupply," and to that extent, at least, to help to reduce the mounting cost of living. As to that particular item, I believe, if we grant it this year we will be relieved of the necessity of appropriating for it hereafter, because I think it is properly a municipal function. Detroit is already providing for that sort of work, and the State of Connecticut has made an appropriation for the furnishing of this information in three or four of her cities.

There is another item that I propose to offer as an amendment at the proper place in the bill, under the five-minute rule, and that is for the control of the insect pest known as the Japanese beetle. The Japanese beetle at the present time threatens to become a national menace. We hope to be able to control it with this appropriation in an area of about 15,000 acres in Burlington County, N. J. I believe if the matter had been presented with a little greater insistence at the time it was brought before the subcommittee, the subcommittee would have recommended the appropriation.

I think it should be said with regard to the appropriation for the Department of Justice that while we grant practically all that the department asked for, the activities of the department, so far as enforcement of the food-control act is concerned, are largely confined to investigating charges of profiteering and hoarding and to the prosecution of the profiteer and hoarder of foodstuffs. While we all agree that profiteering and hoarding should be punished to the limit, and while profiteering is undoubtedly an element in the increase of the cost of living, it was brought out repeatedly in the hearings that it is perhaps relatively a small item. It has had a very prominent place—and properly so—in all discussions of the high cost of living; but inflation of the currency, lack or lowering of production, high taxes, enormous exports of foodstuffs to Europe, and waste are all very important factors contributing to the increase in the cost of living. I believe with this money the department will do all it can do so far as profiteering and hoarding are concerned.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

By unanimous consent, Mr. EAGAN was granted leave to extend and revise his remarks in the RECORD.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent also to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The gentleman from Alabama [Mr. HEFLIN] is recognized for 10 minutes.

Mr. HEFLIN. Mr. Chairman, I have a statement I wish to read from ex-President Taft, and that got misplaced, and which I wanted to be in this speech.

On September 11, after the Committee on Foreign Relations in the Senate had reported and made several amendments and reservations to the peace treaty, Mr. Taft gave out a statement, published in the Washington Post on September 11, in which he said:

> Senator LODGE is reported to have said that the second reservation framed by the Senate Foreign Relations Committee in respect to article 10 only differs in phraseology and not in substance from the reservations in respect to the same article of the mild reservationists. Such a statement can not be supported. This reservation goes far beyond Mr. Hughes's reservations, Mr. Root's reservations, or any of the reservations suggested by Mr. MCCUMBER, Mr. KELLOGG, or Mr. MCNARY. Those of the Senators last named only qualify and explain the undertakings of article 10.

Now, Mr. Chairman, here, as I said before, is a great American who has been honored with the office of President, and he is a Republican. In spite of the deplorable fact that partisan politics is raging all around him, he says deliberately that when this peace treaty, garbled and butchered as it has been, is submitted back to the Senate the amendments and reservations destroy it. Here in another place in that article he says:

> The reservation of the Foreign Relations Committee in effect is a declination on the part of the United States to become bound in any way by the obligations of the league so far as it provides a union with other nations to secure the peace of the world. It is a notice to the world that we are willing to enjoy the benefits of the league for ourselves, but that we are not willing to obligate ourselves in any way to aid the rest of the world in securing those benefits. It is a reservation that no one of the other nations could accept with any sense of self-respect.

Now, gentlemen, what is the purpose of these reservations and amendments? As I said before, my judgment is they were and are intended to kill the plan for arbitration of disputes between nations. And it looks now like your shortsighted leaders are going to kill it. And kill it for what? Mr. Taft is quoted as saying that certain Republicans are fighting it because it was submitted by a Democratic President. When the incomplete copy of the treaty was procured from Germany and submitted to the Senate for publication in the RECORD, Senator MCCUMBER, a great Republican, stood upon that floor and said that he would not vote to print the copy thus secured in the CONGRESSIONAL RECORD. He said that he had made it a rule for 20 years to vote against publishing any treaty until it was submitted by the President himself to the Senate, and that he could not change his attitude now because there was a change in administration. There was another patriot that Republican leaders could not whip into line.

Is the attempt to play politics about to destroy the hope of peace? Why should there be any politics in the league of nations plan? Is there any fear about the league of nations getting us into trouble? No; no well-founded fear. We can withdraw from it in two years. In two years' time this Government can say to the league, if conditions justify it, "You have perverted it from the ends of its institution, and we serve notice on you now that we are going to withdraw."

Gentlemen, are we not justified in joining, and are we not in duty bound to join, with the peace-loving forces who fought

with us to end this murderous war in an effort to prevent another such war? [Applause.]

Think of all that it promises, and remember that we can get out of it in two years' time if we desire to do so. Are we not justified, I repeat, in going into a league that promises permanent peace, and when it is the only plan and hope that we have?

They do not offer a thing to take its place, not one single thing. You leave humanity here and abroad in the grasp of the bloody old system that has produced all of the bloody wars of the past. That cruel old system will produce more war in the future. We all know that. Here is an opportunity to turn away from that murderous old system and to set up a tribunal that gives us hope that we can prevent the recurrence of wars in the future. [Applause.]

I recall an incident that took place in this city. It is said that Bob Ingersoll, the great Republican infidel, lectured in this city, and Senator Joe Blackburn, of Kentucky, was in the audience, and after the lecture was over Col. Ingersoll went back to the old Riggs House and saw Senator Blackburn in the lobby, and he went over to him and said:

Senator, I felt honored to see you in my audience. I would like to know what you thought of my lecture.

And Senator Joe Blackburn said:

Suppose you should see a one-legged man in the street out there—a poor cripple—hobbling along with only one crutch on the slippery streets, and a great crowd was surging about the moving street cars, and somebody should go up and take that crutch away from the poor cripple. What would you think of him?

Bob Ingersoll said:

I would call him a brute.

And Senator Joe Blackburn said:

You have expressed my opinion of your lecture. I heard you for an hour and a half to-night trying to take away from poor, struggling mortals the only crutch they had on which to lean, the crutch of Christianity.

[Applause.]

I saw humanity, with its shortcomings and its grief, leaning upon that blessed crutch, groping along and finding comfort on its way through life, and I saw you for one hour and a half to-night pervert your masterful intellect and mighty eloquence in an effort to take that crutch away. You left nothing on which to lean. You gave not a word of comfort. You left no word of hope behind.

[Applause.]

Gentlemen, the peace conference in Paris sat within 50 miles of the graves of 4,000,000 dead. Every day the President and the other delegates when they went upon the streets saw men hobbling along with one leg gone, with one arm gone, some blind, others bent over with chests drawn, their lungs burned and injured with poisonous gases, some with eyes burned out with tear gas. These great men in the peace conference, with an army of cripples moving all about them, sat there and heard all of the gruesome stories of rapine and murder, and they said, "By the help of God we will set up a tribunal that will hereafter treat war as a crime." [Applause on the Democratic side.] We will set up this international tribunal and say to the outlaw nation, as Mr. LODGE, in 1915, suggested we should say, "You shall not go to war." [Applause.]

The league of nations is the only crutch on which our Nation and all the other peace-loving nations will have to lean. No substitute has been provided. It is the hope offered in the crutch and agency of the new dispensation for peace in the league of nations or it is the hopelessness and black despair of the old system, which means war—monstrous, murderous, modern war. Will these Republican leaders take away from us the only hope on which humanity has to lean? Let us say to the outlaw nations that we intend to lead as God intended we should in establishing law and order in the world and peace on earth and good will to men. [Prolonged applause.]

The CHAIRMAN. The time of the gentleman from Alabama has expired. The Clerk will read.

The Clerk read as follows:

CIVIL SERVICE COMMISSION.

For temporary employees for the Civil Service Commission, $50,000: *Provided*, That not more than two persons shall be employed hereunder at a rate of compensation exceeding $1,400 per annum and no person shall be employed hereunder at a rate of compensation exceeding $1,800 per annum.

Mr. GOOD. Mr. Chairman, in arranging the time I had promised to yield to the gentleman from Kansas [Mr. TINCHER] 10 minutes, but I consumed all the time I had at my disposal. I ask, therefore, that he may be permitted to proceed for 10 minutes out of order.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the gentleman from Kansas [Mr. TINCHER] be allowed to proceed for 10 minutes out of order. Is there objection?

Mr. QUIN. Reserving the right to object, Mr. Chairman, of course I want the gentleman to have his time, but I myself applied for time and could not get it. I would like to have the same privilege for seven minutes.

Mr. TINCHER. I have no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. TINCHER. Mr. Chairman, those who do not fully agree with the President on the league of nations have been pronounced pro-German by the gentleman from Alabama [Mr. HEFLIN] in this House at least four times within the last three months.

Mr. HEFLIN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Alabama?

Mr. TINCHER. No; I do not yield.

Mr. HEFLIN. I beg the gentleman's pardon. The gentleman is misrepresenting the gentleman from Alabama.

Mr. TINCHER. At first I paid little attention to the insinuation; but considering the fact that the President stayed in this city a few days at his post of duty before starting the 1920 campaign and did not see any Democratic Congressmen that I know of except the distinguished gentleman from Alabama [Mr. HEFLIN], and that the President has gone West on his political trip for 1920 proclaiming practically the same thing, I think this attitude toward those who can not fully agree with him may fairly be considered the definite policy of the administration toward all people who do not fully agree with his policies. I desire, at the risk of being considered presumptuous, to characterize that attitude and expression as being political profiteering, prompted entirely by one of three things, namely, ignorance, arrogance, or an immoral great mind.

I say that to characterize those who do not agree with him as pro-German and other names, simply because they do not agree with his policy, is a sign of a weak cause.

Just think of the absurdity of the President, who stood around for three years writing notes to the "Imperial German Government, praising the virtue, tolerance, and progress of Germany," now calling men like Senators LODGE, BORAH, and JOHNSON "pro-German"; but worse, think of soldiers that actually participated in the war, men you are acquainted with, who are men of learning and who absolutely differ with the President—think of either President Wilson or the gentleman from Alabama calling them pro-German.

I have some friends in town, men of affairs, who gave up their business and went to the war—are here for the Pershing parade—who do not agree with the President. Do you suppose that dubbing them pro-German, either by the President or by the gentleman from Alabama [Mr. HEFLIN], will make you or me or anyone else think any the less of them?

Your opponent may be pig-headed, wrong, ignorant, or even dishonest, but it is cowardly and unfair to try to gain your point by saying he is pro-German; that is a deliberate effort to use patriotism as camouflage for political profiteering.

Suppose these soldier boys, who differ with the President and are classed as pro-German by the President and the gentleman from Alabama [Mr. HEFLIN], were to say that they accounted for the lack of air protection in the Argonne as pro-Germanism—of course, men who fought for their country have too much manhood for such charges. Suppose a Republican Congressman should attempt to account for our blunder in not accepting the French and English offer of the right to manufacture their planes during the war instead of spending billions in an effort to invent one and finally not having any as pro-Germanism.

Suppose I should attempt to account for the President's unwarranted expense of $150,000 to Barney Baruch, as shown by his recent report, as pro-Germanism. I have a right to say and do say that that item of expense was wasteful, unwarranted, and an outrageous way to handle the public funds; but I know nothing that would warrant me in saying it was pro-German.

Suppose I should say concerning the $30,000 item in that report, which the report shows was used for entertaining royalty, was pro-German. I have a right to say and do say that it was an outrage to use this Government money in that way in these times, but I have no right to say it is pro-German.

Suppose I should say that the President and Secretary Baker's permanent army bill, now pending in both the House and Senate, calling for compulsory military training and service are pro-Germanism. I have a right to say and do say they are wrong—that we do not want that kind of an Army policy—that the President should not have all the boys in the country between the ages of 19 and 21 at his beck and call to police Europe, guard railroads in Russia, look after elections in Silesia, during peace time, but I have a right to say and do

say that the Prussian system of compulsory training of all boys at 19, so as to destroy their individuality and break their souls and make machines instead of men of them is wrong, but I have no right to say that because the President wants that army policy as a part of his league of nations he is pro-German.

Suppose I should say that because the White House has truck load after truck load of presents from royalty to the President and his family in it right now, that the President is pro-German. I have a right to say and do say that the framers of our Constitution were right and that those presents should not have been accepted, but I have no right to call the President a pro-German for accepting them.

Suppose I should say that the President, on issuing his now famous letter demanding the election of a Democratic Congress, but in which letter he says he will abide by the verdict of the voters, then after the voters had agreed upon that verdict and the appropriations for the fiscal year had failed to pass—and he did not abide by their verdict and convene Congress and say you were chosen by the people for this work, but on the other hand he waited until such time as he thought that in order to get those bills through he and his departments could say to the new Congress, Here is your medicine; you take it. Suppose I should say this conduct was pro-German. I have a right to say and do say that he broke his word and attempted to evade the people's verdict, but that would not warrant me in classing any man as pro-German.

I am not worried about the President, or even the distinguished gentleman from Alabama [Mr. HEFLIN], making any headway with this attempt to attract public attention to their claim on a monopoly of patriotism; their mehods are ridiculous, the people know it and it is time we get up and say so. [Applause.]

Mr. HEFLIN, by unanimous consent, was given leave to revise and extend his remarks.

Mr. LONGWORTH. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen, I rise merely to call the attention of the committee to the figures revealing the financial state of this country submitted this morning by the distinguished chairman of this committee. At a later date I hope to have something to say on this subject and elaborate it to some extent, because I think the gentleman from Iowa this morning has presented the most essential and vital question that faces this Congress. It appears from the estimates submitted by the Treasury Department to the Committee on Appropriations that the amount of money which this Congress will be called upon to raise to pay expenses for the fiscal year of 1920 will amount to the huge sum of $10,900,000,000. To finance that we have, according to this statement, available at the outside from all known or expected sources not to exceed seven and one-half billion dollars. In other words, the necessary expenses we are called upon to finance exceeds the total amount that is now in sight by the appalling sum of three and one-half billion dollars, three and one-half times as much, gentlemen, as it ever cost to maintain this Government in all its departments in any one year before the war. This is the sort of thing that ought to make thoughtful Members of Congress stop and think, because bound up in this question is some of the most vital legislation we will be called upon to consider.

I have no doubt that the mail of every Member here, just as does my mail, consists by at least half of requests, on the one hand, for reducing taxation, and requests, on the other hand, for increased appropriations for some purpose or other.

How, at the very best, with taxes as high as they are now and appropriations no greater, can taxation be reduced when we see a deficit facing us of three and a half billion dollars? What do you propose to do about it? The last Congress made one serious mistake. We accepted the statement of the late Secretary of the Treasury, Mr. McAdoo, that $4,000,000,000 of taxation would be sufficient to finance this Government next year. Now we find that $4,000,000,000 of taxation will not come within nearly $7,000,000,000 of meeting the present estimate of our actual expenses.

We ought never to have proceeded in the dark in the reduction of taxation, but the Secretary came to us shortly before he resigned his office and asked that we reduce for the next year our taxation by 25 per cent. In other words, that instead of raising $6,000,000,000 a year by taxation we should not raise to exceed $4,000,000,000. Congress accepted that statement, and automatically the taxes for the calendar year of 1919 are reduced 25 per cent from the taxes of the calendar year of 1918. Why, instead of reducing them it seems probable that we might well have increased them. Now, the fact is that there are many of these taxes that ought to be eliminated. There are some very obnoxious taxes in the present revenue law that ought not to be continued permanently, and yet you can not afford, now that this situation faces us of a deficit of three and a half billion dollars, which can not be raised any way except by a bond issue, to consider for a moment the reduction of taxes, no matter how obnoxious they may be.

Mr. PLATT. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. PLATT. If we should increase the taxes, it would increase the bond issue and the cost of living?

Mr. LONGWORTH. Unquestionably. Every bond that this Government issues will increase the cost of living, at least to the extent of the taxes it involves necessary to raise the revenue, which taxes will be passed on to the consumer. And how about these appropriations which we are called upon to make—tremendous increases involving billions of dollars? In the face of the statement submitted to us by the chairman of the Committee on Appropriations, can we seriously consider at this time very greatly increasing the expenses of the Treasury? Many gentlemen come to me on the floor and ask if I think the Ways and Means Committee will consider reducing the tax on automobiles, on jewels, or on furs or things of that sort. How can we do it? You are flying in the face of Providence if you undertake substantial reductions in taxation at this time.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. LONGWORTH. Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LONGWORTH. Would any gentleman here view with great pleasure the thought of going out over this country and advocating an additional bond issue when Liberty bonds are standing in the market to-day somewhere about 92 or 93, if I am correctly informed?

I rose to-day only to call to the attention of gentlemen present the vital seriousness of this situation that confronts us, and to urge them to think carefully before they advocate on the one hand very large increases in appropriations, and on the other hand a reduction of taxes which are necessary to pay our bills. [Applause.]

The Clerk read as follows:

For all expenses necessary in connection with the collection of information as may be directed by the President of the United States, or within the scope of its powers, regarding the production, ownership, manufacture, storage, and distribution of foodstuffs, or other necessaries, and the products or by-products arising from or in connection with the preparation and manufacture thereof, together with figures of cost and wholesale and retail prices, $150,000.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent that the gentleman from Mississippi [Mr. QUIN] may be allowed to proceed for seven minutes out of order.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. QUIN. Mr. Chairman, the discussion of this matter has gone far afield this afternoon. I do not want to indulge in any partisan or political discussion. The question of three and a half billion dollars of deficit staring us in the face is indeed a grave and serious one, but notwithstanding that I rise to champion the cause of the private soldiers, marines, and sailors and noncommissioned officers of this country and to plead for Congress to pay each of them a bonus of six months' pay in addition to the $60 already allowed them. The gentleman from North Carolina [Mr. POU] stated that little had been done, and he is right; but in justification of this Congress and the committee of which I have the honor to be a member, I want to say that the Congress gave the soldiers, sailors, and marines their entire uniform, their underclothing, overcoat, hat, shoes, and all, and in addition to that $60 bonus for every soldier, marine, and sailor when he was discharged from the service. That was deliberately done by the committee for the purpose of having in the pockets of these poor boys when they went back home the sum of $60 with which to buy civilian clothes, to get into their every-day occupations. Our committee knew that the time would soon come when the Congress should do more for the soldiers, sailors, and marines, and the question of what was to be done, of the amount, was based upon what the Treasury of this Nation could stand. We do not propose to commercialize the services of the soldiers. They are not mercenaries, but the Government owes them some consideration. Many of them went back home to find their live stock sold and with nothing to begin farming with. I think the Government pursued a wise policy in not giving them the entire bonus at once, for if we had given them the entire bonus at the time of discharge many of the men might have wasted the money before going back to work. All men engaged in farming and in industrial pursuits were called immediately to their jobs, but after

they have gone back home and have engaged in work, the Congress of the United States should give them, in my judgment, $180 each in addition to the $60 already received. It is true that this would cost this Government about $1,000,000,000, but as Congress has been spending much money to protect the contractors to keep them from losing money, surely the great Government of this Nation owes this to these brave soldiers who went out ready to make the supreme sacrifice upon the field of battle. Many of them actually faced death in foreign fields, and many of them stood in front of gas, shelled as they were by the enemy, with the bullets whistling all around them, bogged up waist deep in mud. Would the American people question this Congress giving to these men six months' more pay? Would the constituency of any man in this House be against this Government giving to the soldiers that bonus, doing so because we represent the hearthstones of the people back home?

The soldier does not demand anything of this Congress, but we, as the Representatives of the people, should give that to them which is their just due. In my judgment, the man who bared his breast to the bullets of the enemy is the man who must protect this country against inward trouble. Right here in the city of Boston, out next-door neighbor, the police went out on a strike, and who was it that came to the rescue of the city and kept the thieves and thugs from robbing stores and running through the households of that beautiful city?

It was the soldier, the man who had worn the uniform in camp and on the field of battle and on the high seas. So it must be in every section of this Republic when the disloyal elements, when the Bolshevist would overturn society, disrupt business, it must be the heart of the man who went into the service, combined with the conservative civilian citizenship back in every community of this Republic, to safeguard the liberties of the people and life and property. The soldier then should have the encouragement from his Government. The boys who have gone through the hardships and the struggle, with this encouragment from their Government, would feel in the future like placing themselves in the breach against the enemies within as well as they did against the enemies without. The American people are an appreciative people, and notwithstanding that a large deficit of three and a half billion dollars stares us in the face, $1,000,000,000 more must be added, in my judgment, to do the proper and the right thing for those patriotic men who wore the uniform of their country and defended this Nation at all times during the war against Germany, in the camps, on the battle fields, and on the high seas. [Applause.] Gentlemen, I thank you.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word, and I will apologize to the committee if I hold myself to the subject under discussion. Now, here is an appropriation of $150,000 for the purpose of enabling the Federal Trade Commission to gain information concerning the production, ownership, manufacture, storage, and distribution of foodstuffs. As I understand it, we have a Department of Agriculture spending several million dollars trying to get this information; we have the Attorney General spending incidentally millions of dollars in getting information. The food-control bill has been on the statute books for two years, and that gives ample powers to enable the Department of Agriculture and the Attorney General to get this very information. Now, can the chairman of the committee give me any reason why we should appropriate an additional $150,000 for this purpose?

Mr. GOOD. Mr. Chairman, I realize that the inquiry is a very pertinent one. The Federal Trade Commission had one million in addition to the appropriation of $55,000 for salaries of the commission. Last year they expended, as I recall it, all of their appropriation but $200,000. The Federal Trade Commission did not want to take this work. They said they could not expend more than that amount. The gentleman will recall that the Department of Agriculture asked for $502,000 to investigate the high cost of living. The Department of Commerce asked for $485,000; the Department of Labor asked for $475,000; and it seemed to me that there was a duplication of work that they proposed to do out of these appropriations; and now the committee did not grant anything to the Department of Agriculture for that purpose, it did not grant anything to the Department of Commerce, and nothing but $12,000 to print some reports for the Department of Labor.

The President in his message had said that this was one of the agencies that he wanted to make some investigations. The Federal Trade Commission is making investigations along this line. It is doubtful if the million dollars which was appropriated would be sufficient to permit them to make their investigations and publish them, and also to do this work which the President has indicated. Now, if this commission can do something to give relief, why, the expenditure of $150,000 is a mere bagatelle; and while I do not expect that the entire appropriation carried in this bill will reduce as much as one-tenth of 1 per cent the high cost of living, I am sure the gentleman would not want to take the responsibility nor the Congress would want to take the responsibility of not appropriating anything when the President was asking for the appropriation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAGUARDIA. Mr. Chairman, I ask for an additional one minute to ask the gentleman a question.

The CHAIRMAN. Is there objection to the time of the gentleman being extended one minute? [After a pause.] The Chair hears none.

Mr. LAGUARDIA. Is this $150,000 a deficiency or is it to be spent in addition to the $1,000,000 which the Federal Trade Commission has now?

Mr. GOOD. It is to be expended; it is not a deficiency.

Mr. LAGUARDIA. I press my motion.

Mr. GOOD. What is the motion?

Mr. LAGUARDIA. To strike out the last word—"$150,000."

Mr. GOOD. The last word is "per annum"—I was looking at the wrong paragraph. The gentleman wants to strike out the paragraph?

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the paragraph. If we are going to economize, let us start now and cut out this appropriation. The Federal Trade Commission has a million dollars to spend, and I feel that they can carry on the work without this additional appropriation.

Mr. GOOD. Mr. Chairman, I desire to say only a word in regard to this item. I have said practically all I desire to say. I do not believe it is going to result in decreasing the cost of living, but I do think, in view of the fact that the President has asked for some money for some of these departments to use in order to get this information, that at least this department that has been obtaining such information ought to have some money to bring that report down to date and to continue. Give them a chance and see what, if anything, can be accomplished.

Mr. LAGUARDIA. This agency has now a million dollars.

Mr. GOOD. Unquestionably, and it is all allotted for work other than this work here, and they say they will not be able to do any work along this line unless an additional appropriation is made.

Mr. LAGUARDIA. What did the Federal Trade Commission do with this million dollars?

Mr. GOOD. If the gentleman will take the hearings, he will find, on page 77, a large list of items of investigations that this department is carrying on.

Mr. LAGUARDIA. Is it doing any constructive good?

Mr. GOOD. So far as reducing the prices of living is concerned, I do not think they accomplish much along that line.

Mr. LAGUARDIA. Is it doing any good to stimulate trade and industry?

Mr. GOOD. I believe a great many people think it is. I do not care to pass on that proposition, as it is not at issue at all.

Mr. BYRNES of South Carolina. Will the gentleman yield? I want to ask the gentleman if it is not a fact that the Federal Trade Commission in many instances is conducting an investigation as the result of a resolution passed by the Senate, which they have to comply with, and they have no discretion in the matter at all?

Mr. GOOD. There are several of those resolutions, and investigations are being made under them.

Mr. LAGUARDIA. Well, they have a million dollars.

Mr. BYRNES of South Carolina. And that is well spent.

Mr. HAUGEN. Will the gentleman yield?

Mr. GOOD. I yield to the gentleman.

Mr. HAUGEN. This work is being done by the Department of Agriculture—the collection of data.

Mr. GOOD. Oh, no. If the Department of Agriculture is investigating the price of coal or shoes and things of that kind, it is doing something it was never created to do. The Department of Agriculture is not doing all the things that is intended to be done by this department. I will say to the gentleman from Iowa [Mr. HAUGEN] it was not intended to spend any money out of the $150,000 carried here for investigating with regard to cold storage.

Mr. HAUGEN. Mr. Chairman, let me call the gentleman's attention to the language of "production, ownership, manufacture, storage, and distribution of foodstuffs."

Mr. GOOD. It also says, "as may be directed by the President of the United States." If the gentleman will read the language in full he will find that the matter is left to the President. This is the language of the estimate. Under the food act the President has such broad powers that he can ask

them to do almost anything, and the President has in the past designated this commission, as a rule, to investigate these matters.

Now, we did not appropriate a dollar for the Department of Agriculture, we did not appropriate a dollar for the Department of Commerce for this purpose, and only $12,000 for the Department of Labor. The only other agency was the Department of Justice. It did seem the President might well complain and the country might complain, because the country is not going to get relief from the high cost of living, as is anticipated by some, and they might complain, and complain bitterly, if we refused to give any appropriation at all for any investigation.

Mr. HAUGEN. Just one minute.

Mr. GOOD. Mr. Chairman, I move that all debate on this paragraph and amendments thereto close in five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HAUGEN. Mr. Chairman, I am not particularly interested whether one department or the other is to do this work, but I protest against the Federal Trade Commission and the Department of Agriculture and the Bureau of Census all continuing the same line of activities. If so, you will have duplication of work carried on by three branches of this Government. If the Federal Trade Commission can do better, very well. I trust it may. However, I do protest against three departments carrying on and doing the very same work, and in that way doubling up the expense.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. HAUGEN. Certainly.

Mr. McLAUGHLIN of Michigan. The committee of which the gentleman is chairman is now considering a bill called the "cold-storage bill," and if the bill becomes a law the Secretary of Agriculture will have more or less authority over cold-storage plants, and it will be directly in line with that work for him to investigate the supply of foods, and so forth, and the amount in storage, the production and the ownership of foods stored in this country—the very thing that this appropriation would authorize the Federal Trade Commission to perform. Of course, there is no desire to duplicate the work.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. In a moment. But some of this work, if necessary, is work which the Department of Agriculture can well do in carrying out the purposes of the cold-storage act, and there would have to be some duplication. It would necessarily result if the provision carried in the Agricultural bill is carried out and the provision in the deficiency bill is enacted into law.

Mr. HAUGEN. We recently appropriated $2,600,000 for the Bureau of Markets, much of it for the very purpose presented here. I believe we should at least provide that this work should be done in cooperation with the Department of Agriculture, so as not to have two agencies following on the same trail and gathering the same information.

Mr. BYRNS of Tennessee. This is just what the Federal Trade Commission calls a quick investigation—an investigation for the purpose of procuring information quickly for the benefit of the Department of Justice; information as to clothing and canned goods and other food supplies, and other things and elements that enter into the high cost of living. This is a quick investigation that they propose to make now.

Mr. HAUGEN. If that is the understanding, and it is not intended to duplicate the work of the Department of Agriculture, I have no objection. I have no quarrel with the Federal Trade Commission.

Mr. BYRNS of Tennessee. The representative of that department that came before us said that this was to be a quick investigation, and this amount is what could be wisely expended in that connection.

Mr. HAUGEN. We get a bushel basket of reports and bulletins containing reports called for here every morning and get but little value from them. Now you propose to add $150,000 to be expended by another branch of the Government in the same activity. Let one branch of the Government carry on the activity.

Mr. BYRNS of Tennessee. It is only for the purpose of giving aid to the Department of Justice in its activities.

Mr. HAUGEN. Yes. The Department of Agriculture in cooperating with the Department of Justice in its attempt to reduce the cost of living. I am not particular as to who does it.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I offer an amendment. Page 2, line 10, after the word "powers," insert "and in cooperation with the Department of Agriculture."

Mr. GOOD. Mr. Chairman, I make a point of order on that.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. McLAUGHLIN of Michigan: Page 2, line 10, after the word "powers," insert "and in cooperation with the Department of Agriculture."

Mr. GOOD. I make the point of order on that. It is not germane to the paragraph.

The CHAIRMAN. The gentleman from Iowa makes the point of order on the amendment.

Mr. GOOD. Mr. Chairman, it certainly is not germane to have the Department of Agriculture do the work or cooperate in this work. If the Department of Agriculture would only cooperate a little more with itself, it would accomplish a great deal in this respect. [Laughter.] Take as an illustration an item under the Bureau of Markets, where we have different bureaus in the Department of Agriculture getting information as to the price of cheese alone, and then talk about cooperation with some one else! There ought to be cooperation within the department and within the various bureaus of the same department. Here is a provision where I do not expect to see any cooperation; but I do insist that when we put on a provision here to the effect that the Federal Trade Commission shall do certain work that it is now doing we should not put on an additional provision that some other department shall have any connection at all with the work that is to be done by the Federal Trade Commission. It seems to me it is not germane at all to the paragraph. If adopted and the subsequent results do not justify the expenditure, the excuse will be that Congress by asking two departments to do the work prevented any good results to flow from the appropriation.

Mr. HAUGEN rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HAUGEN. To discuss the point of order.

The CHAIRMAN. The Chair will be glad to hear the gentleman.

Mr. HAUGEN. The Department of Agriculture has heretofore been cooperating with the Federal Trade Commission. The fact is we got but little information from the Federal Trade Commission until the Department of Agriculture cooperated with the commission. The Department of Agriculture has the power under the law to get information that the Federal Trade Commission has not got. If appropriation is made we should give them the authority. The Federal Trade Commission has not the authority. It is clearly a limitation on the appropriation.

Mr. GOOD. Oh, no; it is not.

Mr. HAUGEN. If that work is being done by one department and it is the intention to duplicate the work in addition, then it is an unnecessary expense.

Mr. CANNON. The gentleman will see at once the difficulty. Which one is going to appoint agents and send them out over the country? Will the two together have to appoint them? Will they divide it up, and will the Trade Commission appoint half or a quarter and the Department of Agriculture the remainder? This runs to the Trade Commission alone. It may be that it would be in order to offer an amendment for the Department of Agriculture to cooperate, but by this amendment we legislate.

Mr. HAUGEN. I will say to the gentleman that I have no quarrel with the Federal Trade Commission; but the fact remains that the Department of Agriculture has authority under the law to get the information, which the commission has not, and for that reason authority was given the Department of Agriculture, and it came to the rescue of the commission, and we now have valuable information; as a result both are rendering valuable service along that line.

Mr. CANNON. I am not denying that.

Mr. HAUGEN. For that reason it is necessary to cooperate and to make an appropriation for the commission. We have made an appropriation for the Department of Agriculture. And I take it that it is now necessary to add to the appropriation made for the commission. If not, why increase the appropriation?

Mr. CANNON. Which one would make the appointment?

Mr. HAUGEN. That is immaterial. They both have their agents.

Mr. CANNON. You have got to make it a legal appointment.

Mr. HAUGEN. I take it that agents would be sent out both from the Department of Agriculture and from the Federal Trade Commission.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I am not very strong on these points of order; but if the amendment I

have offered is subject to a point of order, then the ruling invoked against it can be invoked almost every day when we are considering appropriation bills, because nearly every appropriation bill carries provisions for cooperation between different departments of the Government. It is not unusual. It is done for the purpose of preventing duplication of work.

The Department of Agriculture is now doing this kind of work. It has been doing these very things, at the request of the Federal Trade Commission, for which we are proposing to make this appropriation of $150,000, and I will venture the opinion that if this appropriation is made, a part of the work will be done by the Department of Agriculture at the request of the Federal Trade Commission. As I said before, the Committee on Agriculture is now considering a comprehensive cold-storage bill, and one section of the bill imposes a duty on the Secretary of Agriculture which is thought to be proper and necessary in connection with the regulation and control of cold-storage warehouses and cold-storage products. That duty is to ascertain the amount, the ownership, the transportation, the prices, and so forth, of the kinds of food products stored in cold-storage warehouses. It seems to me it would not be proper to pass a cold-storage bill without including in it some provision of that kind, and that it is a proper and necessary duty for the Secretary of Agriculture to perform in connection with his work of supervising cold-storage warehouses and the cold-storage business. We should make some appropriation for that. I think everyone would think it is proper, and the Secretary of Agriculture will be doing that work when that bill becomes law; the Federal Trade Commission will be doing similar work under this appropriation, and there will be duplication.

There will be no trouble about a conflict of authority, as suggested by the distinguished gentleman from Illinois [Mr. CANNON], if these two agencies cooperate. This cooperative work is done every day. There are numerous instances in which cooperative work is done by and between the different departments of the Federal Government; and, while each may be jealous of its authority, and while there may occasionally be some difficulty in arriving at a conclusion as to which one shall select the employees and direct the work, they evidently reach satisfactory conclusions, because this cooperative work is going on all the time among the departments of the Government. I submit that the amendment I offer is not subject to a point of order, and if it appeals to the judgment of the committee as I think it should, it will be adopted.

Mr. GOOD. Mr. Chairman, it is very evident that gentlemen have not read the hearings at all, and it only illustrates how widely we may go astray in offering amendments on the floor of the House, based on some preconceived notion and not founded on the hearings at all.

What is it that the President wants the Federal Trade Commission to do? The President wants the Federal Trade Commission under this appropriation to make an investigation and report on meat, on shoes, on leather, on textiles, on lumber, on canned goods, on coke, on coal, on steel, and so forth. Has the Department of Agriculture anything to do with an investigation of shoes, or steel, or lumber, or textiles? And what will happen if you adopt this amendment? In my opinion this will happen: I do not think we are going to accomplish anything in reducing the cost of living by this investigation, but I do think if you do not appropriate a fair sum you will give a good excuse to some people as to why they did not accomplish something. We denied the Agricultural Department their estimate.

Mr. McLAUGHLIN of Michigan. The gentleman says the President wants the Federal Trade Commission to get the figures in relation to steel and shoes and all that kind of stuff. How will they get it if you authorize them to get the figures in regard to the ownership, manufacture, and distribution of foodstuffs and other necessaries and by-products arising therefrom?

Mr. GOOD. "As the President may direct." We did not draw the language. The language was submitted by the Federal Trade Commission.

The CHAIRMAN. The Chair will say to the gentlemen that they are discussing the merits of the proposition and not the point of order.

Mr. HAUGEN. In reply to the gentleman's assertion, the Secretary of Agriculture has that authority now. If the gentleman will turn to section 2 of the food-production act, he will find the authority given on all the articles necessary for production.

The CHAIRMAN. The Chair is ready to rule. This is an appropriation for the Federal Trade Commission, connected with its activities provided for by statute. The amendment is to insert, in line 10, after the word "powers," the words "cooperation with the Department of Agriculture." The gentleman from Iowa makes the point of order that the amendment is not germane, and also that it is legislation upon one of the general appropriation bills.

An examination of the paragraph discloses that this is an appropriation for expenses necessary in connection with information that may be collected by the President of the United States, within the scope of the powers of the Federal Trade Commission.

The amendment seeks to provide that the investigation shall be conducted in cooperation with another branch of the Government, namely, the Department of Agriculture. In the view of the Chair it is clearly not germane to the paragraph to which it is offered, and it is also in the nature of legislation. The Chair therefore holds that the amendment is out of order. All time on this paragraph has expired, and the question is on the amendment offered by the gentleman from New York to strike out the paragraph.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SMITHSONIAN INSTITUTION.

National Museum: For heating, lighting, ventilating, electrical, and telephonic service for the Freer Building, $14,715.

To enable the Regents of the Smithsonian to heat, and to fit up for an exhibition of the aircraft and accessories produced by this Government since the declaration of war, the temporary metal structure erected in the Smithsonian Grounds by the War Department under the authority of public resolution No. 5, approved June 9, 1917, $14,000: *Provided*, That the Secretary of War is hereby authorized to transfer the custody and control of the said building to the Regents of the Smithsonian Institution.

Mr. LAGUARDIA. Mr. Chairman, I move to strike out the last word. I can understand the necessity of heating this building, for surely any American citizen who enters this exhibition having in mind that we expended a billion dollars and seeing what it produced with that money will certainly get a chill. [Laughter.]

I would like to know why we have to spend $14,000 when we have already appropriated money for this very purpose in the resolution?

Mr. GOOD. The question of heating the building is not in issue. In explaining the matter the following statement was made:

The money required is principally for sheathing the building so that it can be heated. The building is of metal and will have to be sheathed and ceiled at an estimated cost of $6,000; $1,000 will be required for the floors and $2,000 for the roof; $4,400 for purchase and installation of radiators, piping, valves, and other fittings; and $600 for painting. The total cost is estimated at $14,000. We will heat it from our steam plant.

The committee carried the estimate as provided and in the language provided for.

Mr. LAGUARDIA. Is it a permanent exhibition?

Mr. GOOD. A permanent exhibition. The building is turned over to the Smithsonian Institution by the War Department.

Mr. LAGUARDIA. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

DEPARTMENT OF STATE.

Salaries: For additional officers and employees in the Department of State during the fiscal year 1920, $100,000: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding $4,500 per annum.

Mr. SIEGEL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 3, line 15, after the word "annum," insert "*And provided further*, That hereafter a fee of $3 shall be collected for the issuance of each and every passport."

Mr. GOOD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. SIEGEL. Mr. Chairman, at the present time the Department of State receives for issuing passports the sum of $727,481 per year. It appears at the same time that the employees of the Department of State are receiving the smallest salaries which can be paid for the arduous and exacting work they are doing. They are all overworked, and on account of being underpaid many of them are resigning and entering private employ at larger salaries. There is no reason why people applying for passports should not pay the sum of $3. By this amendment there would be brought into the Treasury of the United States at least $1,400,000 in addition to the $727,000 received during the past year. I have a letter here written by the chief of the bureau explaining the number of passports issued and other valuable information in reference to this important service. I do not know of any logical reason why $3 should not be charged for each passport. I therefore think that the amendment should be adopted. It will bring into the

Treasury at least a million and a half dollars a year additional without a single individual feeling it, because everyone leaving this country can well afford to pay $3 for a passport. If they had to pay for the postage they would have to pay 12 cents additional for each passport mailed. To-day the Government simply receives $1. Let us be fair to the people and at the same time pay these highly trained employees a living wage.

The CHAIRMAN. Does the gentleman from Iowa insist on the point of order.

Mr. GOOD. Mr. Chairman, personally I am in favor of increasing the fee for passports, but I will say to the gentleman that a committee of the House is now considering the extension of the passport law. I do not feel, therefore, that the Committee on Appropriations ought to take jurisdiction of this legislative provision, and I therefore make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SIEGEL. Mr. Chairman, I ask unanimous consent that the letters which I have read may be inserted at this point in the RECORD.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by inserting at this point in the proceedings the letters referred to. Is there objection?

There was no objection.

The letters referred to are as follows:

DEPARTMENT OF STATE,
Washington, June 13, 1919.

Hon. ISAAC SIEGEL,
House of Representatives, Washington.

DEAR MR. SIEGEL: In response to your request, I send you herewith a memorandum giving the approximate amount of the fees received by this Government in connection with the issuance of American passports and the viséing of foreign passports. I hope that this estimate will be sufficient for your purposes.

Very sincerely, yours, R. W. FLOURNOY, Jr.

DEPARTMENT OF STATE,
BUREAU OF CITIZENSHIP,
June 12, 1919.

DEAR MR. FLOURNOY: In accordance with your directions, I have ascertained the number of passports issued during the week beginning June 4 and ending June 10. The number is 1,922. Taking this as an average, during a year we issue approximately 99,944 passports to persons making applications in the United States. Under the espionage act of June 15, 1917, a fee of $1 is required to be charged for the issuance of a passport. It will be seen that during the course of a year the department realizes approximately $99,944 from this source.

Under the act mentioned a fee of $1 is also charged for the preparation and execution of applications for passports. This service was performed by the department and its passport agents in New York and San Francisco in 668 cases during the period beginning June 4 and ending June 10, and the fees, amounting to $668, have been or will be turned into the Treasury. The balance of the applications were executed before clerks of the Federal and State courts. The fees collected by the clerks of the Federal courts for this service are turned into the Treasury through the Department of Justice. The fees charged by the clerks of State courts for this service are not turned into the United States Treasury. I have been unable to ascertain whether the fees are retained by the clerks or are turned into the State treasuries. As the passport rules require that where there is both a Federal and State court (and this is generally the case in all large cities) the application must be executed before the clerk of the Federal court, the result is that about two-thirds of the applications upon which passports are issued are prepared and executed before clerks of Federal courts or before the department or its passport agents in New York City and San Francisco. The approximate number of applications executed before clerks of such courts, the department, and its passport agents during the period mentioned was 1,281. During a period of one year, taking the above as a fair average, 66,624 applications are prepared and executed by the department, its passport agents, and clerks of Federal courts, and, as the fee of $1 in each case is turned into the Treasury, approximately $66,624 is realized by the Government from this source. In addition to the above, the Government derives considerable revenue from the fact that this department declines to issue passports upon about one-fourth of the applications which we receive; or, in other words, it declines to issue passports in about one-third as many cases as it issues passports. Assuming that two-thirds of the applications turned down were executed before the department, its passport agents, and clerks of Federal courts, it will be seen that during a year approximately $22,213 is derived and turned into the Treasury from the preparation and execution of applications upon which passports are not issued.

We receive weekly approximately 300 applications for passports executed before American diplomatic and consular officers abroad. The fee for the preparation and execution of an application abroad is, as you know, the same as in the United States. From this source we derive during a year approximately $15,600, and from the passports which the department issues upon these applications we derive $15,600. The average number of applications prepared and executed and upon which emergency passports are issued by diplomatic and consular officers abroad is about 250 per week. The annual revenue from this source is approximately $26,000.

Mr. Schnare, of the visé section, states that, in his opinion, approximately $40,000 a month is now being turned into the Treasury by this department as fees for the preparation and execution of applications for and the granting of visés to aliens desiring to come to the United States. From this source about $480,000 is derived annually by the department and is turned into the Treasury.

The issuance of certificates of registration by consular officers abroad probably results in about $1,500 annually being turned into the Treasury.

The following is a summary of the sources and the approximate revenue derived by the Government for work performed in or directed from this division:

The average number of passports issued annually, based upon the number of passports issued during the week beginning June 4 and ending June 10 is 99,944, from which the Government derives the sum of	$99,944
The average number of applications prepared and executed before the department, its passport agents, and clerks of Federal courts, and upon which passports are issued, is 66,624, from which the Government derives the sum of	66,624
The approximate number of applications prepared and executed by the department, its passport agents, and clerks of Federal courts upon which the department declines to issue passports is 22,213, from which the Government derives the sum of	22,213
The approximate number of applications prepared and executed by American diplomatic and consular officers abroad is 15,600, from which the Government derives the sum of	15,600
The approximate number of passports issued upon applications prepared and executed before American diplomatic and consular officers abroad is 15,600, from which the Government derives the sum of	15,600
The approximate number of applications prepared and executed abroad and upon which emergency passports are issued abroad is 13,000 annually, and as $1 is charged for the performance of duties in connection with the application and $1 is charged for the issuance of the emergency passport the Government derives from this source the sum of	26,000
The approximate number of certificates of registration issued by American consular officers abroad is 1,500, and from this source the Government derives	1,500
The approximate fees received annually for the preparation and execution of applications for and the issuance of visés to aliens desiring to come to the United States are	480,000
Total	727,481

The Clerk read as follows:

FOREIGN INTERCOURSE.

To reimburse the appropriation "Emergencies arising in the Diplomatic and Consular Service, fiscal year 1920," on account of allotments made therefrom for expenses of the American Mission to Negotiate Peace, $388,000.

Mr. FESS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question. In line 20 on page 3 there is provided the sum of $388,000 on account of allotments made on the appropriation for emergencies arising from the Diplomatic and Consular Service, fiscal year 1920, on account of expenses of the American mission to negotiate peace. Has the gentleman the figures as to the amount that the peace mission has cost the Government up to date?

Mr. GOOD. Mr. Chairman, I have not the amount of the expenses of this mission up to date. The gentleman will recall the statement of the President some time ago to the effect, as I remember it, that it had cost about $1,500,000. Here is also the estimate that the expenses from December 1, 1918, to December 1, 1919, will be about $1,500,000. The situation was this: The President asked for an appropriation of $825,000 for the expenses of the American mission to negotiate peace.

Mr. FESS. When was that amount asked?

Mr. GOOD. That was asked in these estimates. The date of the letter is August 28. The committee requested rather detailed information as to the expenditures up to this time by the peace mission. The line of information desired by the committee was the names of the persons who were employed, the salaries received, and the other allowances in the way of quarters, and so forth. That information was not available. Secretary Lansing advised me that detailed accounts were kept of every expenditure, but that the books containing them were in Paris, and that the man who kept the books was the man who would have to explain them, and that he could not get the books and the man here in time so that we could make the examination. He stated that inasmuch as he had allotted out of the appropriation of $700,000 for emergencies arising in the Diplomatic and Consular Service for this fiscal year the sum of $388,000 for the expenses of this mission to negotiate peace, if we would appropriate just the amount he had allotted out of that appropriation that would carry him to about the 1st of January, and that at that time he would bring before the committee, when he would have to ask for a supplemental deficiency appropriation, all the information with regard to the expenditures by the mission. The committee has therefore followed that suggestion and has carried just the amount allotted out of that emergency appropriation for the Diplomatic Service, and will leave to future time the matter of making appropriation for this expense.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. FESS. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FESS. I wanted to remind the chairman that in the statement of the expenses as printed in the press it was stated that it was only a partial statement of the expenses.

Mr. GOOD. Yes.

Mr. FESS. It was not submitted as the full statement?

Mr. GOOD. That matter was called to the attention of the Secretary of State, and the Secretary said that he will furnish the committee full and true accounting of every penny that was expended and all the information that we would want.

Mr. FESS. The partial statement made by the President August 23 is as follows:

Expenses of the American Commission to Negotiate Peace.

EXPENSES.

Expenses from December 1, 1918, to June 30, 1919:		
Travel and subsistence	$15,843.48	
Subsistence	144,914.03	
Salaries	103,815.95	
Wages to employees of Hotel Crillon	53,345.33	
Stationery, office supplies, printing, furniture and fixtures, repairs, newspapers, and miscellaneous expenditures	40,432.71	
Rents	5,720.06	
Food and hotel supplies	128,828.10	
Hire and launder of hotel linens	31,583.48	
Fuel, heat, light, and compressed air	20,038.78	
Telephone	166.17	
Inventories and legal services	3,329.75	
Special allotments to investigating commissions dispatched to the Baltic Provinces, Poland, Turkey, the Balkans, Russia, and the Caucasus	105,610.26	
Confidential expenses	13,587.19	
Purchase of automobiles	14,602.96	
		$666,859.29
Traveling expenses, stationery, and supplies (disbursements by the Department of State in Washington)		38,009.02
		$704,868.31
Reimbursement of the Government by members of the American Commission to Negotiate Peace on account of subsistence furnished their wives; official entertainment by the Secretary of State and Edward House; unexpended allotments; and miscellaneous items		18,721.42
Total net expense, Dec. 1, 1918, to June 30, 1919, exclusive of the rent of the Hotel Crillon and telegraph charges		686,146.89

LIABILITIES.

Rent of Hotel Crillon from Dec. 1, 1918, to Sept. 30, 1919, including damages, the amount of which are not yet known, approximately $35,000 monthly	$350,000.00	
Telegraph and cable service through the War Department, bills not yet rendered and amount not yet known, though the expense will be large		
Expenses of the commission from July 1, 1919, to July 30, 1919, exclusive of rent and telegraph service	150,629.74	
Expenses of the commission from Aug. 1, 1919, to Aug. 31, 1919, exclusive of rent and telegraph service (estimated)	125,000.00	
Expenses of the commission from Sept. 1, 1919, to Dec. 31, 1919 (estimated for four months)	440,000.00	
Total estimated and actual liabilities so far as known to date		$1,250,629.74
Less rental of the Hotel Crillon to June 30, 1919, which is payable out of the appropriation for the national security and defense		245,000.00
Total appropriation required on the assumption that the conference may be prolonged to Dec. 31, 1919		$820,629.74
Total expenses of commission, actual and estimated		1,506,776.63

Mr. GOOD. The gentleman can say that the information not being available the committee could not go into it at all.

Mr. FESS. Would the gentleman care to say whether the report that $5,000,000 had been asked for the second trip of the President—does the gentleman care to say whether the committee took that under consideration at all?

Mr. GOOD. That was a little different from this item. That was the item asked for by the President in the sundry civil bill in the last Congress and again this year he asked for an appropriation of $5,000,000 for the national security and defense fund which could be used for this purpose, as well as a great many other purposes.

Mr. FESS. Was that allowed?

Mr. GOOD. No. That was not allowed in that Congress and has not been allowed in this.

Mr. FESS. One other question. Eight hundred thousand dollars was asked for this time——

Mr. GOOD. Eight hundred and twenty-five thousand dollars.

Mr. FESS. To complete the work. Is the peace commission still in session?

Mr. GOOD. Well, I think so.

Mr. FESS. What is this statement of the President, then, that it would not do to return the treaty because the peace commission would have to be reassembled?

Mr. GOOD. Well, that commission was in Paris to negotiate peace, and since the President's return it has been working on the treaty, as I understand it, with Austria-Hungary.

Mr. FESS. That is true.

Mr. GOOD. I do not know; I suppose——

Mr. FESS. They would be in session, would they not?

Mr. GOOD. Well, I do not know, but I would assume that they are there. The bookkeeper is there, and the cashier is there——

Mr. FESS. I want to say to my friend I am not trying to embarrass him, neither do I want to be pernicious——

Mr. GOOD. I understand that. I regret that I am not fully informed.

Mr. FESS. But it strikes me there seems to be a contradiction there.

Mr. GOOD. I assume that the commissioners are there; I do not know just to what extent they are in session.

Mr. KNUTSON. Will the gentleman yield?

Mr. GOOD. I have not the floor.

Mr. KNUTSON. Mr. Chairman, I move to strike out the last two words. I would like to ask the chairman of the Committee on Appropriations if the committee inquired into the necessity for the 1,400 clerks and satellites who accompanied the President to Paris?

Mr. GOOD. I can not answer the gentleman any fuller than I have answered the gentleman from Ohio. The Secretary of State told me he would furnish the full information. The Secretary of State said that this amount would barely carry the fund along until the 1st of January. I saw, therefore, that there would be no question but what we could get the information, and the committee wanted the information. We wanted the salaries paid and to know to what extent this money was properly expended. We did not ask the Secretary to come before us, but simply have reported this out on his letter that this information will be forthcoming, and then we will have the information all together at one time.

Mr. KNUTSON. I understand that on several occasions the ladies accompanying the American party to Paris hired practically all the taxis in the town. Now, I want to know if this money came out of the expense account of the American Peace Commission.

Mr. FESS. Will the chairman put in the RECORD a statement of the expenses at this point?

Mr. GOOD. This is printed as a public document, and I am perfectly willing it should go in at this point. It is as follows:

Expenses of the American commission to negotiate peace.

EXPENSES.

Expenses from December 1, 1918, to June 30, 1919:		
Travel and subsistence	$15,843.48	
Subsistence	144,914.03	
Salaries	103,815.95	
Wages to employees of Hotel Crillon	53,345.33	
Stationery, office supplies, printing, furniture and fixtures, repairs, newspapers and miscellaneous expenditures	40,432.71	
Rents	5,720.06	
Food and hotel supplies	128,828.10	
Hire and launder of hotel linens	31,583.48	
Fuel, heat, light, and compressed air	20,038.78	
Telephone	166.17	
Inventories and legal services	3,329.75	
Special allotments to investigating commissions dispatched to the Baltic Provinces, Poland, Turkey, the Balkans, Russia, and the Caucasus	105,610.26	
Confidential expenses	13,587.19	
Purchase of automobiles	14,602.96	
		$666,859.29
Traveling expenses, stationery, and supplies (disbursements by the Department of State in Washington)		38,009.02
		$704,868.31

Reimbursement of the Government by members of the American commission to negotiate peace on account of subsistence furnished their wives, official entertainment by the Secretary of State and Edward House, unexpended allotments, and miscellaneous items		$18,721.42
Total net expenses, Dec. 1, 1918, to June 30, 1919, exclusive of the rent of the Hotel Crillon and telegraph charges		686,146.89
LIABILITIES.		
Rent of Hotel Crillon from Dec. 1, 1918, to Sept. 30, 1919, including damages, the amount of which are not yet known, approximately $35,000 monthly	$350,000.00	
Telegraph and cable service through the War Department, bills not yet rendered and amount not yet known, though the expense will be large		
Expenses of the commission from July 1, 1919, to July 30, 1919, exclusive of rent and telegraph service	150,629.74	
Expenses of the commission from Aug. 1, 1919, to Aug. 31, 1919, exclusive of rent and telegraph service (estimated)	125,000.00	
Expenses of the commission from Sept. 1, 1919, to Dec. 31, 1919 (estimated for four months)	440,000.00	
Total estimated and actual liabilities, so far as known, to date	$1,250,629.74	
Less rental of the Hotel Crillon to June 30, 1919, which is payable out of the appropriation for the national security and defense	245,000.00	
Total appropriation required on the assumption that the conference may be prolonged to Dec. 31, 1919		820,629.74
Total expenses of commission, actual and estimated		1,506,776.63

Mr. BANKHEAD. Will the gentleman yield? Will the gentleman furnish us the source for the statement he has just made?

Mr. KNUTSON. I was asking the chairman for information.

Mr. BANKHEAD. I know; but the gentleman proceeded to state he has been informed.

Mr. KNUTSON. Yes; Members of Congress who went to Paris at the time the conference was in session tried to hire taxies and found that practically all the taxies in Paris had been engaged by the American peace commission in order to furnish transportation for guests for some social function that was given. Now, I wanted to know if these taxies were hired and paid for out of the money we are squeezing from the American taxpayer. I think it is a pertinent question.

Mr. BANKHEAD. What Members of Congress?

Mr. KNUTSON. I am sorry the chairman was not able to get the information from the Secretary of State. I serve notice now, as far as I am concerned, I am not going to vote for any more blanket appropriations. Give us itemized statements and let us know for what purpose moneys asked for will be used. I want to know what this administration is doing with the money that we are voting with such a free hand. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, there is not the slightest objection on the part of the Secretary of State to furnish the information to which the gentleman from Minnesota [Mr. KNUTSON] and other gentlemen have alluded. The gentleman from Iowa [Mr. GOOD] clearly stated that when he called upon the Secretary of State and told him that the committee would expect full information as to the expenditures made in Paris during the time the peace treaty was under consideration, the Secretary of State said that he would gladly furnish that information, but that it was in Paris, and that he could not now possibly give the committee the explicit information that it wished on the subject, but that he would be able to give it next December, when the next deficiency bill is under consideration.

Now, there is not any disposition on the part of the Secretary of State or any member of the administration to withhold this information. It is subject to the will of Congress and will be given to Congress just as soon as it can be made available. But this bill could not be held up and the hearings could not be prolonged until some one could come here from Paris with the information for which the committee called. Now, that is all there is to it.

Mr. TINCHER. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield.

Mr. TINCHER. I notice in the partial report filed by the President that they mention rent and also damage to the building occupied by the commission while in Paris. Is the gentleman in possession of any information that he can give me on that? Has the building been damaged, or is that a Paris phrase?

Mr. BYRNS of Tennessee. I have not the slightest information as to the items that go to make up these expenses, nor has anyone else here that I know of. The committee, as the gentleman from Iowa states——

Mr. TINCHER. Was there any information furnished to the committee as to the amount of rental?

Mr. BYRNS of Tennessee. There was no information furnished to the committee as to the amount of rental or any of the other items that go into this expense, so far as I know.

Mr. GOOD. Mr. Chairman, I understand that the Hotel Crillon was rented by the commission for $35,000 a month for 10 months, or $350,000.

That includes damages, and I suppose an item was put in there that would compel the commission to put the hotel back in as good a condition as it was before they rented it.

Mr. BYRNS of Tennessee. I presume the gentleman from Iowa [Mr. GOOD] is correct, but the committee held no hearings on this subject. I do not know what the gentleman from Iowa [Mr. GOOD] may have learned in his personal interview with the Secretary of State, but there were no hearings by the committee on this proposition. But there will be in December or January, and the gentleman from Minnesota [Mr. KNUTSON] can possess his soul in patience with the full assurance that ample and full information will be given out as soon as it is received.

Mr. KNUTSON. Suppose a subsequent investigation develops the fact that we could have refrained from making this appropriation of $388,000. How will we proceed to recover that amount?

Mr. BYRNS of Tennessee. This is not an appropriation.

Mr. KNUTSON. It is a deficiency appropriation.

Mr. BYRNS of Tennessee. It is not in the form of a direct appropriation. It is reimbursing a fund from which the Secretary of State has paid out certain sums.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KNUTSON. Mr. Chairman, I ask unanimous consent that the gentleman from Tennessee [Mr. BYRNS] be given two additional minutes.

The CHAIRMAN. Is there objection?

Mr. BANKHEAD. I object.

Mr. ROBSION of Kentucky. Mr. Chairman, I move to strike out the last three words. I want to ask the chairman a question.

The CHAIRMAN. The gentleman from Kentucky moves to strike out the last three words.

Mr. ROBSION of Kentucky. Has the gentleman from Iowa any information as to whether the fitting up of the *George Washington* and the buying of automobiles and things like that are included in this?

Mr. GOOD. I can only say to the gentleman that the only information outside of the letter of Secretary Lansing is found in Senate document No. 80, which is the President's statement, and in that there is an item of $14,602.96 for the purchase of automobiles. I do not know anything more about it.

Mr. ROBSION of Kentucky. The gentleman has no information as to the fitting up of the *George Washington?*

Mr. GOOD. No; nothing at all. As I stated, that matter will be taken up later. The committee has communicated to the Secretary of State the fact that Congress wanted full information on the subject, and the Secretary has assured me that he has no disposition to withhold a single item of expenditure from the Congress, and that full information will be given.

Mr. ROBSION of Kentucky. And the purpose of the appropriation is to reimburse the State Department?

Mr. GOOD. Yes; to reimburse the State Department.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

For the contribution of the United States toward the maintenance of the Interparliamentary Union for the Promotion of International Arbitration at Brussels, Belgium, $2,000.

Mr. GOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. STEENERSON, by unanimous consent, was granted leave of absence, for one week, on account of duties in connection with the Joint Commission on Postal Salaries.

INTERNATIONALIZATION OF THE WAR DEBT.

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter in relation to the internationalization of the war debt.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD by printing a letter on the internationalization of the war debt. Is there objection?

There was no objection.

Following is the letter referred to:

NEW YORK, *September 13, 1919.*

Hon. GEORGE HOLDEN TINKHAM,
Congressional Office Building, Washington, D. C.

SIR: The following incident may throw some light upon the cause of the advocacy of the projected league of nations, which is so pronounced in influential financial circles. I relate it precisely as it occurred:

Early last May there called upon me at my office a Mr. J. J. O'Neill, whose engraved card described him as London manager of the Manchester Guardian, of Manchester, England. Mr. O'Neill, who was a stranger to me, immediately introduced the subject of the league of nations and took me to task because of my opposition to that project. Upon inquiring of him why an Englishman should be in this country instructing an American in the latter's national duty, and receiving no clear answer, I asked him bluntly what was the actual purpose of his visit to the United States. He replied that he was here upon a mission connected with the internationalization of the war debt. I asked him if he meant me to understand that he was here upon the business of inducing the United States to guarantee the war debt of the nations recently at war, including that of Great Britain and that of Germany. He said that he was. I told him that he would find little sentiment in this country favorable to such a project. This seemed to surprise him. He said that I was the first American he had met who did not favor it. I then asked him whom he had seen, and he replied that upon the previous day he had seen Mr. J. P. Morgan, and that Mr. Morgan had expressed himself as being in favor of the plan.

Whether this was or was not a correct statement of Mr. Morgan's position, I have no means of knowing. But it might be valuable at this time to inquire publicly what plans, if any, are afoot to induce Europe's proposed new partner, the United States, to assume the obligations of the financially hard-hit members of the projected copartnership, who are about to open the business of pooling their troubles under the title of the league of nations.

Yours, very truly, HENRY A. WISE WOOD.

ADJOURNMENT OVER UNTIL THURSDAY AT 1.30 P. M.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn until 1.30 o'clock p. m. on Thursday.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn until 1.30 o'clock p. m. on Thursday next. Is there objection?

There was no objection.

FOOD-CONTROL ACT.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 8624) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, disagree to all the Senate amendments, and ask for a conference without instruction.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill H. R. 8624, disagree to all the Senate amendments, and send the same to conference. Is there objection?

Mr. HAUGEN. Without instructions.

Mr. JOHNSON of Kentucky. Mr. Speaker, out of 435 Members, more than 400 are absent. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Kentucky makes the point of order that there is no quorum present.

Mr. MONDELL. Does the gentleman make the point of no quorum?

Mr. JOHNSON of Kentucky. Yes. This is an important matter, and 35 out of 435 ought not to consider it.

Mr. MONDELL. There are more than 35 present.

Mr. JOHNSON of Kentucky. I beg the gentleman's pardon; there are not.

Mr. MONDELL. It is very important that this bill go to conference.

Mr. WALSH. You can not do it without a quorum.

The SPEAKER. The Chair will count. [After counting.] The Chair is satisfied that there is no quorum present.

ADJOURNMENT.

Mr. MONDELL. If the gentleman does not want this bill to go to conference, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned, pursuant to orders previously made, until Thursday, September 18, 1919, at 1.30 o'clock p. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of War, submitting a deficiency estimate of appropriation required by the War Department for rent of buildings for the department, fiscal year 1919 (H. Doc. No. 250), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WATSON of Pennsylvania, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 8992) for the construction of a bridge across the Susquehanna River at Laceyville, Wyoming County, Pa., reported the same without amendment, accompanied by a report (No. 319), which said bill and report were referred to the House Calendar.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 8986) granting the consent of Congress to the Paris-Hugo Bridge Co. to construct a bridge and approaches thereto across Red River, near Arthur City, Lamar County, Tex., reported the same with amendment, accompanied by a report (No. 320), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5116) granting an increase of pension to Nancy A. Meredith; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5885) granting an increase of pension to John G. Heck; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 770) granting a pension to James W. Hendrickson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1922) granting a pension to Philip Owen; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7949) granting a pension to Reuben I. Seibert; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8972) granting an increase of pension to Henry W. Feldman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 9313) authorizing examination, survey, and report by the War Department, as a preliminary to the improvement, construction, and maintenance of a national system of motor-truck defense and military highways and post roads, with laterals in the States of Washington, Oregon, and California, adapted to heavy transportation, and to protect the Pacific coast of the United States from invasion by any alien enemy and for commercial and other purposes in time of transportation emergency; to the Committee on Military Affairs.

By Mr. VOIGT: A bill (H. R. 9314) to amend sections 4 and 10 of the act of June 29, 1906, as amended, relating to naturalization, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. GALLIVAN: A bill (H. R. 9315) to increase the rate of pension allowed to certain widows; to the Committee on Invalid Pensions.

By Mr. LAGUARDIA: A bill (H. R. 9316) to provide for the salaries of a minister and consuls to the Republic of Ukraine; to the Committee on Foreign Affairs.

Also, a bill (H. R. 9317) to provide for the salaries of a minister and consuls to the Republic of Lithuania; to the Committee on Foreign Affairs.

Also, a bill (H. R. 9318) to provide for the salaries of a minister and consuls to the Republic of Esthonia; to the Committee on Foreign Affairs.

Also, a bill (H. R. 9319) to provide for the salaries of a minister and consuls to the Republic of Latvia; to the Committee on Foreign Affairs.

By Mr. HASTINGS: A bill (H. R. 9320) to amend section 15 of the act approved July 17, 1916, known as the Federal farm-loan act; to the Committee on Banking and Currency.

By Mr. FAIRFIELD: A bill (H. R. 9321) granting additional compensation to all soldiers, sailors, marines, and others who served in the armed forces of the United States in the war against Germany and Austria; to the Committee on Military Affairs.

By Mr. FESS: A bill (H. R. 9322) to provide educational facilities for persons serving as members of the United States military or naval forces in the war with Germany and honorably discharged from such forces, and for other purposes; to the Committee on Education.

By Mr. JONES of Pennsylvania: A bill (H. R. 9323) for the purchase of a site and the erection thereon of a public building at Philipsburg, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. STEENERSON: Resolution (H. Res. 297) authorizing the printing of 3,000 copies of House Document No. 61, Sixty-sixth Congress, first session; to the Committee on Printing.

By Mr. TINKHAM. Resolution (H. Res. 298) requesting the Secretary of State and the Secretary of the Treasury and the governor of the Federal Reserve Board to transmit to Congress certain information; to the Committee on Banking and Currency.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bill and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of Nebraska: A bill (H. R. 9324) granting a pension to Lorenzo D. Brown; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 9325) for the relief of the Leavenworth Bridge Co., of Leavenworth, Kans.; to the Committee on Claims.

By Mr. BENHAM: A bill (H. R. 9326) granting an increase of pension to Hannah A. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9327) granting an increase of pension to Marshall Caldwell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9328) granting an increase of pension to Samuel J. McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9329) granting an increase of pension to Lafe Strickland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9330) granting a pension to Lucinda Holloway; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9331) granting a pension to Eliza Cotton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9332) granting an increase of pension to William E. McGee; to the Committee on Invalid Pensions.

By Mr. BROWNE: A bill (H. R. 9333) granting an increase of pension to Thomas McBean; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9334) granting an increase of pension to Fred A. Safford; to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 9335) granting an increase of pension to George P. Robertson; to the Committee on Pensions.

Also, a bill (H. R. 9336) granting a pension to Jetora E. Anderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9337) for the relief of the Cornwell Co.; to the Committee on Claims.

By Mr. FULLER of Illinois: A bill (H. R. 9338) granting an increase of pension to William Snyder; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H. R. 9339) for the relief of John P. Willard; to the Committee on Military Affairs.

By Mr. LUFKIN: A bill (H. R. 9340) for the relief of Walter Porter; to the Committee on Claims.

By Mr. MURPHY: A bill (H. R. 9341) granting an increase of pension to Joseph P. Dawes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9342) granting an increase of pension to G. J. Chamberlain; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9343) granting an honorable discharge to George Duncan; to the Committee on Military Affairs.

By Mr. NEWTON of Missouri: A bill (H. R. 9344) granting a pension to George V. M. Sommerhauser; to the Committee on Pensions.

By Mr. RHODES: A bill (H. R. 9345) granting an increase of pension to James Kelley; to the Committee on Pensions.

By Mr. RICKETTS: A bill (H. R. 9346) granting an increase of pension to William Devore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9347) granting a pension to Rachel Tooill; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 9348) granting a pension to Jennie Jaggi; to the Committee on Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 9349) to correct the military record of Francis E. Hale; to the Committee on Military Affairs.

By Mr. TINCHER: A bill (H. R. 9350) granting an increase of pension to Nelson I. Dean; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BROWNE: Petition of sundry citizens of Grand Rapids, Wis., for the repeal of the luxury-tax law; to the Committee on Ways and Means.

Also, petition of business men of the village of Almond, Wis., protesting against the passage of the Siegel bill, House bill 8315; to the Committee on Agriculture.

By Mr. ESCH: Petition of Amalgamated Sheet Metal Workers, Local No. 176, of Milwaukee, Wis., protesting against the passage of the so-called Cummins bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Southern Newspaper Publishers' Association meeting, held at Asheville, N. C., opposing the return to the flat-rate system of postage because of its unfairness to newspaper publishers and to the Government; to the Committee on Ways and Means.

By Mr. FOCHT: Papers to accompany H. R. 6701, granting an increase of pension to Catharine McConaughay; to the Committee on Invalid Pensions.

By Mr. GARNER: Petition of State highway department of the States of Arkansas, Mississippi, Texas, Oklahoma, and Tennessee, favoring the bill now pending in Congress to appropriate the sum of $400,000,000, in addition to sums already provided and appropriated, for the purpose of encouraging and aiding road construction in the several States; to the Committee on Roads.

By Mr. JOHNSON of Washington: Petition of 87 employees of the Tacoma (Wash.) post office, urging early and favorable consideration of Senate joint resolution 84; to the Committee on the Post Office and Post Roads.

By Mr. LINTHICUM: Petition of sundry citizens of Baltimore, Md., favoring the passage of the bill now pending relative to the payment of a war bonus of $360 to ex-service men; to the Committee on Military Affairs.

Also, petition of Miss A. P. Miller, of Baltimore, Md., favoring the passage of Senate bill 1737 and house bill 2492; to the Committee on Military Affairs.

Also, petition of S. T. Bleakley, of Baltimore, Md., favoring the passage of House bill 8991; to the Committee on Military Affairs.

By Mr. MORIN: Petition of Branch No. 1, Knights of St. George, Pittsburgh, Pa., Charles J. Glock, president, protesting against the passage of the Smith-Towner educational bill; to the Committee on Education.

By Mr. MURPHY: Memorial of 33 citizens of Steubenville, Ohio, praying for support of Congress for Senate joint resolution No. 84, granting an increase of 35 per cent in salary to postal employees; to the Committee on the Post Office and Post Roads.

By Mr. O'CONNELL: Petition of Southern Newspaper Publishers' Association, opposing the return to the flat-rate system of postage because of its unfairness to newspaper publishers and to the Government; to the Committee on Ways and Means.

By Mr. RAKER: Letter and confirmation of telegram from the Holt Manufacturing Co., Stockton, Calif., recommending the enactment of such legislation to strengthen the foreign exchange situation as is embodied in Senator EDGE's bill, Senate bill 2472; to the Committee on Foreign Affairs.

Also, letter and telegrams from the Valley Camp Coal Co., Cleveland, Ohio, urging the return of the railroads to private ownership and showing the need of help in the transportation problem; to the Committee on Interstate and Foreign Commerce.

Also, letter from the Brotherhood of Locomotive Firemen and Engineers, Dunsmuir, Calif., indorsing the Plumb plan for Government ownership of railroads; to the Committee on Interstate and Foreign Commerce.

SENATE.

THURSDAY, *September 18, 1919.*

The Senate met at 1 o'clock and 45 minutes p. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, amid the glad acclaim with which we welcome home our soldier boys and seek to do honor to the great leader of our expeditionary forces we would not forget to raise our hearts in humble gratitude to Thee, the author of our freedom and the source of our power. We would be the most ungrateful of all men if we forgot the hand that has blessed us and the heart that has loved us through all the years, and the arm that has defended and saved us.

We pray Thy blessing upon our returning soldiers, that as they enter into the walks of life they may carry with them the same devotion to duty, the same high idealism that inspired them on the battle field, and that they may each have the guidance and blessing of the God of our fathers. We pray that our Nation, born anew out of the conflict of nations, may take its place in the leadership of those who love peace and justice and God. We ask it for Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of Wednesday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

Mr. FLETCHER. I present resolutions adopted by U. S. S. Tampa Post, No. 5, American Legion, of Tampa, Fla., which I ask to have printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Resolution by U. S. S. Tampa Post, No. 5, American Legion, Tampa, Fla.

Whereas various measures have been introduced in the Congress of the United States for the aid of the discharged soldier, sailor, and marine, veterans of the late war; and

Whereas among such measures is H. R. 487, referred to as the Mondell bill, otherwise the national soldier settlement act; and

Whereas such a measure will not benefit all soldiers, sailors, and marines, and even under the most favorable circumstances, it is limited to approximately 80,000 out of 4,800,000; and

Whereas under the terms of said bill an initial capital of not less than $1,200 is required of each soldier, sailor, and marine; and

Whereas said bill is not confined to the public lands of the United States but provides for "projects" to be purchased in the several States, thus opening the way for fraud, reckless expenditures of public funds, and real estate grafting of all natures and kinds; and

Whereas a certain measure has been introduced in the Congress of the United States providing for loans for the purpose of securing to the discharged soldier, sailor, and marine, veterans of the late war, city or country homes, and in the sum of from $1,000 to $5,000 at 4 per cent interest and payable over 40 years of time; and

Whereas this in the judgment of this post of the American Legion is the fairest and most equitable of all such measures, both to the soldier and to the United States: Therefore be it

Resolved by U. S. S. Tampa Post, No. 5, American Legion:

First. That we condemn and oppose H. R. 487, known as the national soldier settlement act.

Second. That we favor and acclaim that measure providing loans to the discharged soldier, sailor, and marine, veterans of the late war, whereby they will be loaned a sum of from $1,000 to $5,000 at 4 per cent interest, covering a period of 40 years time and for the purpose of providing a home either in the city or country.

Third. That this resolution be spread upon the minutes of this post.

Fourth. That a copy of these resolutions under the seal of this post be mailed to Senator DUNCAN U. FLETCHER, Senator PARK TRAMMELL, Congressmen H. J. DRANE, W. J. SEARS, FRANK CLARK, and J. H. SMITHWICK, who are requested to exert every effort to defeat the said national soldier settlement act, and, on the other hand, to support and secure the passage of that measure providing for the loan to the discharged soldier, sailor, and marine, veterans of the late war, of the sum of $1,000 to $5,000 at 4 per cent interest covering a period of 40 years in time, and to secure for the soldier, sailor, and marine a home either in the city or country.

Fifth. That our Senators and Congressmen aforesaid be and they are hereby requested to acknowledge receipt of these resolutions and to indicate their intentions in this matter.

Sixth. That copies of these resolutions be printed and mailed to all adjoining posts of the American Legion, requesting and inviting similar action on their part.

Respectfully submitted.

MORRIS M. GIVENS, *Chairman,*
W. H. MORTON,
JUDSON EDWARDS,
H. C. CULBREATH,
PEYTON T. JORDAN, *Committee.*

HEADQUARTERS U. S. S. TAMPA POST, NO. 5,
AMERICAN LEGION,
Tampa, Fla., September 8, 1919.

Unanimously adopted in regular meeting this the 8th day of September, A. D. 1919.

E. B. PRIEST, *Commander.*
W. H. JACKSON, *Adjutant.*

Mr. FLETCHER. I also present a communication from the secretary of the National Retail Hardware Association inclosing a digest of resolutions adopted at the twentieth annual convention of that association at Pittsburgh, Pa., June 23–27, 1919. I ask that the communication and accompanying resolutions be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE NATIONAL RETAIL HARDWARE ASSOCIATION,
Argos, Ind., September 15, 1919.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

MY DEAR SIR: That you may be informed of the desires of the country's retail hardware merchants with respect to present or prospective legislation we are inclosing a digest of certain resolutions recently passed by the twentieth annual convention of this organization.

I may also add that by special referendum vote the members of this organization concur in the program for railway legislation recently submitted by the Chamber of Commerce of the United States to the Committee on Interstate and Foreign Commerce, House of Representatives, and favor the early passage of remedial measures by Congress.

These resolutions were adopted not in a merely formal way but seriously, in the belief that all the matters named are of sufficient importance and urgency to merit your thoughtful consideration and the early attention and action of Congress.

Yours, very truly,
HERBERT P. SHEETS,
Secretary-Treasurer.

NATIONAL RETAIL HARDWARE ASSOCIATION—HEADQUARTERS, ARGOS, IND.

[Digest of resolutions of twentieth annual convention, Pittsburgh, Pa., June 23–27, 1919.]

1. Urge firm policy in suppressing Bolshevism and similar vicious doctrines destructive of stabilized government and American institutions and principles, with deportation of undesirable aliens.
2. Favor membership of United States in a league of nations.
3. Urge prompt adoption of national budget system.
4. Approve extension of our merchant marine so that American goods may be carried under the American flag to all parts of the world.
5. Urge national development of our waterways.
6. Favor repeal of luxury tax because of difficulty and cost of application and collection.
7. Condemn manufacture and sale of misbranded merchandise and all forms of misleading, untruthful, exaggerated, unfair, fraudulent, and otherwise harmful advertising and selling, and urge laws to eliminate such practices.
8. Indorse recommendation of Federal Trade Commission for early passage of equitable price-maintenance law.

Mr. KENYON presented a petition of sundry citizens of Marshalltown, Iowa, praying that an increase of pension be granted to all disabled veterans of the Spanish-American War, which was referred to the Committee on Military Affairs.

Mr. PHELAN presented a memorial of Local Union No. 36, United Brotherhood of Carpenters and Joiners of America, of Oakland, Calif., remonstrating against the deportation of Hindus from America, which was referred to the Committee on Foreign Relations.

Mr. WOLCOTT presented a petition of Local Lodge No. 184, International Association of Machinists, of Wilmington, Del., praying for the safe return to England of Miss Lillian Scott Troy, who was deported by the British Government during the war, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. PAGE, from the Committee on Naval Affairs, to which was referred the bill (S. 1446) for the relief of Ellen M. Willey, submitted an adverse report (No. 193) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. CALDER, from the Committee on Commerce, to which was referred the bill (S. 3011) to protect interstate commerce in foods, drugs, and medicines, and to extend the provisions of the food and drugs act of June 30, 1906, asked to be discharged from the further consideration of the bill and that it be referred to the Committee on Agriculture and Forestry, which was agreed to.

MEMBER OF FEDERAL RESERVE BOARD.

Mr. McLEAN. As in executive session, I ask unanimous consent to report from the Committee on Banking and Currency the nomination of Henry A. Moehlenpoh, of Clinton, Wis., to be a member of the Federal Reserve Board, to fill out the unexpired term of Frederick A. Delano, resigned.

The PRESIDENT pro tempore. The nomination will be placed on the Executive Calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 3017) to provide for the commissioning of officers of the Medical Reserve Corps in the permanent Medical Corps, United States Army, who entered active service previous to April 6, 1917, were within the prescribed age limit at that time, and served with credit throughout the emergency; to the Committee on Military Affairs.

A bill (S. 3018) granting an increase of pension to Clifford T. Cheek;

A bill (S. 3019) granting an increase of pension to Caspar Hopp;

A bill (S. 3020) granting a pension to Frank M. Compton;

A bill (S. 3021) granting an increase of pension to Bernard Krebs;

A bill (S. 3022) granting a pension to Arabella Roberts;

A bill (S. 3023) granting an increase of pension to Harvey L. Smith;

A bill (S. 3024) granting an increase of pension to Robert A. Carlton;

A bill (S. 3025) granting an increase of pension to Samuel McCord;

A bill (S. 3026) granting an increase of pension to Jacob Brown;

A bill (S. 3027) granting an increase of pension to Lewis Nicholson; and

A bill (S. 3028) granting an increase of pension to William Russell; to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 3029) granting an increase of pension to Charles Van Doren (with accompanying papers); and

A bill (S. 3030) granting an increase of pension to Julius Cohn (with accompanying papers); to the Committee on Pensions.

LEAGUE OF NATIONS.

Mr. NEWBERRY. Mr. President, I present a communication from A. H. Vandenberg, editor and publisher of the Grand Rapids (Mich.) Herald, inclosing clippings from the Sunday edition of the Herald covering the poll of Grand Rapids soldiers and sailors showing overwhelming sentiment that league of nations be made safe for the United States. I ask that the communication and accompanying editorials be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"The GRAND RAPIDS HERALD,
"*September 14, 1919.*

"Hon. TRUMAN H. NEWBERRY,
"*United States Senate, Washington, D. C.*

"MY DEAR SENATOR: I inclose herewith complete clippings from the Sunday Herald covering the poll concerning which I wired you in advance. You are at liberty to make whatever use you please of this information.

"With warm personal regards and best wishes, I am
"Cordially and faithfully, yours,
"A. H. VANDENBERG,
Editor."

"SERVICE MEN STRONG IN DEMAND FOR RESERVATIONS—POLL OF GRAND RAPIDS SOLDIERS AND SAILORS SHOWS OVERWHELMING CHALLENGE THAT LEAGUE BE MADE SAFE FOR UNITED STATES—VOTE HEAVY AGAINST EXTREMISTS.

"[By A. H. Vandenberg, the editor of the Herald.]

"In order to seek out, if possible, and determine the real attitude of service men in the contemporary league-of-nations crisis the Herald went this week to a representative coterie of service men themselves.

"Three hundred local soldiers and sailors fresh from the Army and the Navy were asked for frank expression of opinion. Those who participated in the ballot are described in detail later. Suffice it to say, by way of introduction, that it is surely fair to deem them completely representative of the Army's and the Navy's thought.

"Out of the number polled definite expression was secured from 230, and this, in concrete epitome, is what their verdict says:

"Favoring unlimited ratification	21
"Favoring complete rejection	13
"Favoring reservations	196

"A more completely overwhelming verdict could not possibly be imagined. It is no longer necessary for any advocate to 'guess' at the sort of 'peace' that is wanted by the men who made 'peace' possible. By a vote of 209 to 21—ten to one—they are opposed to the program for which President Wilson contends in his transcontinental sweep—because all those favoring complete rejection must be joined with the reservationists in such an accounting.

"OPPOSE SENATE EXTREMISTS.

"By an equally overwhelming majority they are opposed to such few Senate extremists as would kick over the whole undertaking—although definite figures on this score are impossible, because many declared that they would stand against the whole treaty rather than accept it without reservations. The program that they favor by such preponderance that the totals are positively commanding is a program of effective reservations to make the league safe for the United States.

"Is not this a signboard to the feelings of our whole people? Is not this division typical in almost every walk of life? And is it not the inevitable eventual outcome? If it is, since the statesmen at these opposite extremes pretend such solicitude for popular desires, why should not both extremes give way—the President and his apostles at one end and wholly hostile Senators at the other—and bring this favorable composition now instead of a month from now? The Senators are ready. That is known to all who analyze the rolls. The situation waits upon the President. The country does not want him to have his whole way. He can not get his whole way. His tour is not affecting conditions one single bit, as evidenced by constant additions to the ranks of reservationists in the Senate itself.

"WHY NOT NOW.

"The voice of ex-service men should be the final pointer to the final goal. And—as a well-known advertiser says—'if eventually, why not now?'

"In making the lists of men for the purposes of this poll the Herald went primarily to the local records of the American Legion. The membership of the local post composes substantially the bulk of the lists that were used. Upon these lists were men from every branch of service and of every rank from private up to major. In connection with this report is printed a list of the names of such of these men as attached their signatures to their votes for publication. The names thus printed are typical of the entire list that was used and that responded.

"More than half of the cards were marked and returned without signature for publication. But the names that we are permitted to present eloquently tell the whole story of the whole poll.

"RESERVATIONS AS OUTLINED.

"The 'reservations' for which this overwhelming majority voted were detailed in the Herald's letter as follows:

"First. Proclamation that we shall never permit alien jurisdiction over our immigration and tariff laws.

"Second. Proclamation that we shall never allow the 'league' covenant to be interpreted as limiting our 'Monroe doctrine' authority in any respect.

"Third. Proclamation that we recognize no moral obligation to follow 'league' leadership into future foreign wars, except as our own American Congress, by free and untrammeled decision, shall vote us into these wars under the authority provided in the Constitution of the United States.

"Fourth. Proclamation that we shall always construe our rights of withdrawal from the 'league' as being absolute and unhampered by 'league' veto.

"In a few instances, but in a few only, the service men amended this schedule. In a very considerable number of instances they indicated that while satisfied with reservations, they would be well pleased to have the Senate go still further and make amendments. And in a number of other cases they volunteered the information that if adequate reservations are not secured they favor complete rejection rather than complete ratification.

"HOW SERVICE MEN VOTED IN HERALD LEAGUE POLL.

"FOR RESERVATIONS.

"Capt. Tom Thoits, Lieut. Howard C. Brink, Maj. Edward B. Strom, Harold L. Stuart, Theodore D. Bright, Herman Battjes, F. H. Andrews, Stanley J. Rice, Lieut. Avery C. Gilleo, Maj. Burton R. Corbus, Lieut. Charles H. Simpson, Capt. Emil B. Gansser, Lieut. Erwin M. Treusch, Edward M. Friedman, Clarence Van Wyk, B. T. Pyle, Fred Treat, W. T. Crossman, Weston B. Banks, R. Emmet Shanahan, Maj. Alex M. Campbell, Lieut. Don M. Coffman, Maj. F. C. Warnshuis, Capt. S. C. Westra, Lieut. Walter S. Palmer, Maj. J. B. Whinery, Capt R. T. Urquhardt, William Edward Winegar, Michael T. Riordan, Benjamin Patterson, Leon F. Orlikowski, Robert D. Shook, Ray Corliss, W. S. Coleman, jr., H. L. Van Valkenberg, W. B. Williams, Glenn Shannon, E. W. Hunting, Burrit A. Parks, Lieut. Gerald De Boer, Maj. William Alden Smith, jr., Capt. Stephen W. Collins, Lieut. C. L. Conger, Paul O. Strawhecker, Charles B. Decker, Joseph E. P. Newhall, Capt. Howard F. Baxter, Maj. Earl R. Stewart, Louis F. Hartman, Dougald E. Ferguson, Lieut. George C. Ohland, Lieut. Wesley W. Wrenn, Capt. H. D. MacNaughton, Lyle R. Ullery, G. T. Kennedy, Maj. Forrest D. Stevens, G. H. Gall, Francis Hooker, D. G. Swarthout, Capt. William Haze, Clifford G. Sutton, Edgar R. Cochrun, and E. H. Kilmer.

"FOR COMPLETE REJECTION.

"Maj. John H. Schouten, Capt. Ray C. Conlon, Maj. C. J. Bailey, and Capt. Harburg F. Shaw.

"FOR COMPLETE RATIFICATION.

"Lieut Eugene C. Spraker, Maj. Edgar H. Campbell, George C. Thompson, A. M. Lynn, Carl B. Loveland, Capt. T. D. Gordon, W. B. Jensen, Capt. George H. Curry, Clark F. Phillips, Wilfred A. Munday, and Lieut. Col. Richard R. Smith."

"SOLDIERS AND THE LEAGUE."

[By A. H. Vandenberg, the editor of the Herald.]

(Editor's note—The Herald from day to day is analyzing President Wilson's speeches from the standpoint of that American majority which believes the treaty of peace should be ratified, but only with effective American reservations which shall make the proposed "league of nations" safe for the United States.—No. 10.)

"Throughout President Wilson's intemperate appeal against 'contemptible quitters' (who ought to be hung on a high 'gibbet' because in their 'selfish passion' or their 'ignorance' or their 'ostrich foolishness' in refusing sled-length consent to Mr. Wilson's personal conception of what a 'league of nations' ought to be) runs a constant inference that unless we do this exact thing exactly as he commands, we shall disappoint the American soldier and repudiate the pledge we gave him when we sent him into a war 'to end all war.' The President has rung the changes on this subtle sentimentality. He has pretended to possess an imaginary mandate from our fighting sons—a mandate to impose this unlimited 'league' upon us as being the thing for which we went to war and for which our Armies fought. He has rhetorically aligned opponents to his will—'reservationists' and all—*against the* men who joined the colors.

"The Herald has long believed that this pretense is unwarranted; that the American soldier went to war 'in defense of our rights as a free people' (the President's own words in 1917), and not primarily for some prospective experiment in international contracts; that he feels no greater debt to the world than toward his own American posterity; that he has neither interest nor intention to reenlist for automatic participation in all the future embroilments of all the world; that he is intensely partisan to a pure and unadulterated (and even 'selfish,' if you please) Americanism; and that while he favors any experiment which holds any peace hopes for the future (as the 'league' unquestionably does) he desires no adventure in which such an experiment does not guarantee complete protection to vital American essentials (as the 'league'—without reservations—does not).

"Certainly the men who fought to win this peace have an inalienable right of consultation in determining what the fruits of that peace shall be. But their posture should not be a matter of speculation—fitted artificially to the needs of advocates upon one side or the other. Their indorsement should not be sacrosanctly claimed to suit an orator's expedient convenience. If the President's proposals, in these regards, are justified, then it would be a powerful argument in favor of his swallow-whole idea. But if they are not justified, as the Herald has believed, then their reiteration smacks of sham and sacrilege.

"To settle the contention we have gone straight to the service men themselves. We have trusted to no uncertain 'voices in the air.' They spoke for themselves beyond the oceans. They can speak for themselves back here at home.

"Elsewhere in this morning's Sunday Herald we print a poll. It is no ordinary 'straw ballot.' It was addressed to 300 ex-service men in Grand Rapids—officers and privates, majors, captains, lieutenants, sergeants, corporals—men who fought upon the land, men who swept the seas. The lists came largely from the headquarters of the American Legion. The names were taken without regard to any ulterior considerations. We wanted to know the mind of the defenders. And we think we have found out.

"Surely this list—typified by its published names—can be deemed representative of the group whose bulk opinion we have sought. We would cheerfully have taken all the ex-service men in town if their names and addresses had been available. But can there be much doubt that this cross-section tells the story?

"Was ever a conclusion driven home with keener steel?

"Some of the ex-service men—a very few—favor the Nation's complete acquiescence in the unlimited 'league' responsibilities which were fashioned for us behind the closed doors of the secret cabinet at Versailles. All honor to them for the good conscience of their opinions. We have no disposition to reciprocate the malignant epithets which are showered upon his opposition by the great Executive whom Mr. Henry Ford has frankly nominated for 'President of the world.'

"Some few more—still a minority—favor the Nation's complete rejection of an experiment which they evidently deem desperately inimical to the perpetuated American liberties for which they gave so freely of themselves when the President called us 'to a defense of our rights as a free people.' All honor to them, too, for their opinions. Surely those who were ready for the valley of the shadow, in the national defense, have completest right to speak their honest minds without let or hindrance—and, particularly, without earning harsh invitation to adorn a 'gibbet.'

"But a vast, preponderating majority speaks up for that program to which a majority of the Senate is committed; speaks up for candid, courageous, effective American reservations which shall make the 'league' safe for the United States.

"Here is a real mandate, if the soldier will and the sailor wish are to be consulted. So far as President Wilson and his obdurate demand for sled-length obeisance to his unlimited 'league' charts are concerned, this voice of the Army and the Navy denies Mr. Wilson's gratuitous assumption that this exact thing which he would force upon the country and the Senate is the net result for which the Army and the Navy fought. It denies—overwhelmingly—that fears lest fracture happen to 'the heart of the world' is paramount in the American martial breast. It denies that we dare not look to our own American concerns when negotiating a new, experimental alliance with nervous nations beyond the seas. And if these men be 'contemptible quitters,' we are happy to join them in their obloquy.

"When they speak up for the program of reservations which the Herald submitted to them—and which the Herald has many times submitted to its readers—they are 'quitters' only in that they 'quit' internationalism at the point (1) where it might rob us of our right to rule our own immigration standards and establish our own tariffs; (2) where it might permit Europe and Asia a voice in the administration of our time-honored Monroe doctrine (which Mr. Wilson himself once said 'must always be maintained upon American responsibility' alone); (3) where it might allow the Old World a strategic veto upon our free and untrammeled right of withdrawal from the 'league' if secession should ever prove ultimately essential to our independent self-determination; (4) where it might put us under 'an absolutely compelling moral obligation'—the President's own words—to follow an alien-controlled 'league' authority into foreign wars which are none of our immediate concern and in which we would be disinclined to participate. To these extents—and these only—they are 'quitters.' In such a cause, an honorable distinction!

"The trouble with presidential logic, on this latest tour, is that Mr. Wilson bundles his whole opposition into one condemned sect. In delivering his dubious compliments he does not differentiate between those who would reject his whole treaty undertaking and those who would take it with necessary limitations—reservations—preservations. Therefore his opposition, thus bulked by the President himself, must be considered as a whole; and as a whole, so far as this poll reflects the opinion of ex-service men, it flatly challenges the 'league' program for which Mr. Wilson speaks in his personal crusade.

"Fair analysis of this symposium, of course, likewise compels a verdict against extremists at the other end of the equation—those Senators who insist upon textual amendments to the treaty text—even as it compels a verdict against the President at his end of the line. This would be worthy of equal emphasis if there was reasonable prospect that complete defeatists or textual amendments could ever muster a senatorial majority. But this is out of the question. The issue—when we consult realities—is reservations. And the 'mandate' from ex-service men speaks up in thunders on their behalf. It is the view the Herald has preached for months. For the sake of its possible influence upon the world for good and peace, we must ratify the treaty with its covenant; for the sake of avoiding the delays attendant upon reopened Versailles negotiations, we must not attempt textual amendments, if America can be adequately protected otherwise; but for the sake of perpetuated American constitutional independence, we must attach reservations to our signature so that American safety is left neither to chance nor to an unshared idealism.

"When Mr. Wilson accepts this view and joins in this posture, as he ultimately will, the war for peace will be over. Why does he not get the Rubicon behind him? If he waits too long before taking this much of a 'league' victory, does not the trend of the times warn that he may fail of any 'victory' at all?

"'An Irishman went into one of those antiquated institutions known as a saloon. He saw two men fighting in the corner. He went to the bartender and said: "Is this a private fight or can anybody get in?" * * * In the true Irish spirit we are abolishing private fighting and making a law of mankind that it is everybody's business and everybody can get in, consequently there will be no attempts at private fighting.'

"This verbatim quotation is one authority's measure of 'the league of nations' as it stands. Like the belligerent who thirsted for a chance to mix in a saloon brawl, America is on the

threshold of an opportunity to make 'fighting' 'everybody's business' so that 'everybody can get in.'

"Does not that sound like the exaggerated—'jaundiced' would be the presidential adjective—argument of some extremist seeking recklessly to ridicule the 'league' idea? In the name of 'peace' we propose to make fighting 'everybody's business'! Like a saloon brawler, we contemplate answer to an itching appetite to break into other people's wars! Is that, really, a fair estimate of the contract we are asked to sign as humbly and as unquestioningly as the Germans signed in the Hall of Mirrors at Versailles? Does it not go a bit too far in its indictment?

"Listen, reader! That quotation is not from one of the 'contemptible quitters' bent upon 'breaking the heart of the world.' It is not from rejectionists like JOHNSON and BORAH, nor from reservationists like SPENCER and MCCUMBER. It is not even from a still more friendly critic. It is a verbatim quotation from the St. Paul speech of the author of the covenant itself. It is President Wilson speaking in favor of unlimited 'league' acceptance! He himself gives us the simile; himself likens our prospective posture to the Irishman aching for a fight!

"Could there be a more profound demonstration that language is frequently susceptible of being read two diametrically opposite ways? What the President means, of course, is that the Irishman will prove to be a peacemaker—thanks to the retardent effect of his prospective participation in hostilities. But the perfectly logical and time-honored 'interpretation' of that ancient story which men have put upon it for years is that the Irishman hungers for his share of gore. In other words, the President needs to attach an effective 'reservation' to his malapropos example in order to make it 'safe' for the purposes he seeks to accomplish. And with such a 'reservation' it is entirely safe.

"So with 'the covenant.' It can be read safely or unsafely for the United States—depending upon the temper of the parliament of nations we are about to erect. The sole purpose of reservationists is to effectively guarantee that it must always be read safely so far as concerns America. We refuse to be the 'Irishman' in pursuit of trouble. Too frequently that 'Irishman' lands in the hospital with damaged dignity or in jail with curtailed freedom."

JOINT MEETING—WELCOME TO GEN. PERSHING.

The PRESIDENT pro tempore. The hour having arrived for the joint meeting of the two Houses, the Sergeant at Arms will conduct the Senate to the Hall of the House of Representatives.

The Senate, preceded by the Sergeant at Arms and the Assistant Doorkeeper, and by the President pro tempore and the Assistant Secretary, proceeded to the Hall of the House of Representatives.

At 2 o'clock and 53 minutes p. m. the Senate returned to its Chamber, and the President pro tempore resumed the chair.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Friday, September 19, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *September 18, 1919.*

The House met at 1 o'clock and 30 minutes p. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

With gratitude welling up in our hearts, Father in heaven, for the rich qualities resident in the soul of man, which in times of stress and great danger make him a hero and bring the appreciative to their knees in adoration and praise—illustrated by the thousands who came from their homes with glad acclaim for the brave men who marched before them, bringing some of their wounded with them, leaving their dead on the bloody fields of France, where they won a victory for democracy, justice, liberty for all men. A sight long to be remembered by those who witnessed it and will forever gild the pages of history.

And now the Congress of the United States of America will do itself honor in a joint session of thanksgiving and praise to the great general who planned the battles and led on to victory. All hail to Gen. John J. Pershing! May he live long and enjoy the prestige which he won for himself and the American soldier; and longer yet, his deeds and their valor, inspire our freeborn sons with patriot fire. In the name of the world's greatest Hero, our Lord and Master. Amen.

The Journal of the proceedings of Tuesday, September 16, was read and approved.

SEATS FOR THE SENATE.

The SPEAKER. The Chair will state that he is informed that the first three rows of seats will be required for the Senate to-day, and therefore he hopes that Members will leave those rows unoccupied.

PRESENTATION OF FLAG.

Mr. MONDELL. Mr. Speaker, the attention of Members has undoubtedly been called to the very beautiful new banner suspended back of the Speaker's desk. [Applause.] Relative to that banner I desire to ask for the reading of a letter from Mrs. George Thacher Guernsey, president general of the National Society of the Daughters of the American Revolution.

The SPEAKER. Without objection, the Clerk will report the letter.

The Clerk read as follows:

WASHINGTON, D. C., *August 19, 1919.*

To the UNITED STATES HOUSE OF REPRESENTATIVES,
Washington, D. C.

DEAR SIRS: It having come to the knowledge of the president general of the National Society of the Daughters of the American Revolution that an American flag presented to the United States House of Representatives some years ago by one of the chapters of the society has become so soiled and worn as to be unsightly the matter was brought to the attention of the board of management of the National Society of the Daughters of the American Revolution by the president general, and by unanimous consent of the board it was voted that a new flag be given by the national society to the House of Representatives. It is with great pleasure, therefore, that the National Society of the Daughters of the American Revolution presents to the United States House of Representatives a flag to be hung in its august Chamber. May this symbol of freedom inspire every Member of the House of Representatives.

Very sincerely,

SARAH E. GUERNSEY,
(MRS. GEORGE THACHER GUERNSEY),
President General National Society of the Daughters of the American Revolution.

[Applause.]

Mr. MONDELL. Mr. Speaker, I submit a resolution formally accepting the beautiful flag which has been thus gracefully presented by the National Society of the Daughters of the American Revolution through their president general and ask for its immediate consideration.

The SPEAKER. The gentleman from Wyoming offers a resolution and asks unanimous consent for its present consideration. The Clerk will report it.

The resolution was read as follows:

Resolved, That the House of Representatives accepts gratefully the flag of the United States presented by the National Society Daughters of the American Revolution, and will cause it to be displayed within the Hall of the House.

The SPEAKER. Is there objection to the immediate consideration of the resolution?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

Mr. MONDELL. I ask for a division, Mr. Speaker, so that we may have a rising vote.

The House divided; and there were—ayes 261, noes none.

Accordingly the resolution was agreed to.

Mr. MONDELL. Mr. Speaker, Members of the House have long been inspired by the beautiful banner presented to the House years ago by the Daughters of the American Revolution, which is displaced by the new banner now occupying space back of the Speaker's chair. In order that the old banner which has so long hung in glory and honor in this Hall may be appropriately preserved, I offer the following preamble and resolution and ask for its immediate consideration.

The SPEAKER. The gentleman from Wyoming asks unanimous consent for the immediate consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

Whereas the flag which was displayed in the Hall of the House of Representatives from the year 1901 until displaced by the flag presented to the House by the National Society of the Daughters of the American Revolution, and this day accepted by the House, a period of time covering the first 19 years of the twentieth century, during which the House of Representatives participated in the events preliminary to and in the enactment of legislation for the prosecution of the war with the Imperial German Government and with the Royal Austro-Hungarian Government, and during which time also many other historic and important acts originated, were perfected, or consummated herein: Therefore be it

Resolved, That because of the association of said flag with the legislative history of the United States during the period aforesaid, and in token of the House's appreciation of the patriotism of the members of said society and of the women of the United States, the Clerk of the House of Representatitves is hereby authorized and directed to deliver said flag to the board of management of the National Society of the Daughters of the American Revolution, to be displayed and carefully preserved in the archives of said society, together with a copy of this preamble and resolution.

The SPEAKER. Is there objection to the immediate consideration of the resolution?

There was no objection.

Mr. MONDELL. I move the adoption of the resolution, Mr. Speaker.

The resolution was unanimously agreed to.

ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION.

Mr. SAUNDERS of Virginia. Mr. Speaker, on to-morrow our colleague from Iowa [Mr. TOWNER] has 40 minutes to address the House on the subject of the adoption of the Federal Constitution. My colleague from Virginia [Mr. MOORE] represents a district that sent some notable historic figures to that convention, including Gen. Washington, and also some very notable historic figures to the Virginia convention which ratified the Federal Constitution. I ask unanimous consent that in that connection and on that subject matter he may have 20 minutes in which to address the House, immediately following the address of the gentleman from Iowa [Mr. TOWNER].

The SPEAKER. The gentleman from Virginia [Mr. SAUNDERS] asks unanimous consent that his colleague [Mr. MOORE of Virginia] may address the House for 20 minutes to-morrow, immediately following the gentleman from Iowa [Mr. TOWNER]. Is there objection?

Mr. GOOD. Mr. Speaker, reserving the right to object, I want to say to the gentleman from Virginia that the deficiency bill is pending, and we expect to take it up this afternoon. We can not finish the bill to-day. Already the consideration of it has been very much protracted. I do not think a bill of that importance should be set aside for speeches of any kind, and unless there is some very good reason why these exercises should go on, I shall be compelled to object.

Mr. SAUNDERS of Virginia. Let me say to my friend from Iowa that his colleague [Mr. TOWNER] has already obtained the time referred to for to-morrow, and this request is for a bare 20 minutes to follow that address. To-morrow will be quite a historic occasion, and as I have pointed out, the gentleman on whose behalf I prefer the request represents a district of Virginia that sent more notable historic figures to the convention that ratified the Federal Constitution, as well as to the convention which framed it, than any other district of my State. My colleague from Virginia has not occupied much of the time of the House; and while I am fully in accord with the idea of hastening the consideration of the deficiency bill, the 20 minutes asked on his behalf will not materially delay the passage of that measure. [Applause.]

Mr. GOOD. I am sure we will all be very glad to hear the gentleman, but the consideration of the deficiency bill had to await the washing of dirty linen by the Department of Labor and the American Federation of Labor for about three hours the other day, and when we begin to set aside the regular proceedings for speeches there is no telling where it will end. Therefore, Mr. Speaker, I am compelled to object.

Mr. GARNER. Mr. Speaker, if we meet to-morrow at 11 o'clock, this will merely take up the hour before 12 o'clock, the regular hour of meeting, and the gentleman from Iowa will have 40 minutes and the gentleman from Virginia 20 minutes. So the gentleman [Mr. GOOD] will be able to come in with his bill at 12 o'clock, the same as if we met at the regular time.

Mr. CAMPBELL of Kansas. Mr. Speaker, if the gentleman from Iowa [Mr. GOOD] will withhold his objection for a moment, I shall make a request for unanimous consent that the House meet at 11 o'clock to-morrow morning. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from Kansas asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent that following the address of the gentleman from Iowa [Mr. TOWNER] the gentleman from Virginia [Mr. MOORE] may address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Kansas. [After a pause.] The Chair hears none, and it is so ordered.

GEN. JOHN J. PERSHING—JOINT SESSION OF SENATE AND HOUSE.

At 1 o'clock and 55 minutes p. m. the Doorkeeper, Bert W. Kennedy, announced the President pro tempore of the Senate and the Members of the United States Senate.

The Members of the House rose.

The Senate, preceded by the President pro tempore and by the Assistant Secretary (Henry M. Rose) and Sergeant at Arms (David S. Barry), entered the Chamber.

The President pro tempore took the chair at the right of the Speaker and the Members of the Senate took the seats reserved for them.

At 2 o'clock p. m. the Doorkeeper announced the General of the Armies of the United States and the members of his staff.

Gen. John J. Pershing, escorted by the members of his staff, entered the Hall of the House amid prolonged applause, and they occupied the seats assigned to them.

The SPEAKER. Gentlemen of the Senate and the House of Representatives, and guests, the committee on arrangements has prepared a program of exercises for this occasion, and, first, we will listen to an address of welcome, in the absence of the Vice President of the United States, by the President pro tempore of the Senate, Senator CUMMINS, of Iowa. [Applause.]

Senator CUMMINS. Gen. Pershing, it is my high privilege to extend to you the sincere and cordial greeting of the Senate of the United States. The message that I have the honor to bear is not a greeting alone but an earnest welcome and a hearty congratulation upon your safe, victorious return to your native land. [Applause.] Nor is it a welcome only, for it is full of deep appreciation of the splendid task you have so wonderfully and worthily accomplished. You were called upon to assume the immeasurable responsibility of commanding the greatest body of soldiers who ever marched under the American flag, and you led this superb, invincible host of our brightest, best, and bravest boys to the very summit of military fame and glory. [Applause.]

While our tears are falling and our hearts are breaking as we solemnly remember the tens of thousands who sailed away with spirit so resolute, courage so perfect, and who will return never more until God calls all of us on His judgment day, we receive with unbounded joy and undying gratitude those who have passed unharmed through the perils of the cruelest war in the history of the world.

Your entrance into France, followed by an army which exceeded in numbers and surpassed in daring the most enthusiastic prophecies, was the most impressive spectacle in all the annals of warfare, for America hastened to the aid of that stricken but defiant country in a way and to a degree never before witnessed, and which has no parallel in the record of nations in this or any other age. A little more than a year later, with a purpose which never faltered and a skill which never failed, the United States had accomplished its mission, and when the day of the armistice dawned it had won the admiration and held the confidence, esteem, and affection of every country of the earth whose people loved justice, revered liberty, and honored manhood. [Applause.] Upon that day the name and fame of the American soldier and the Nation of his allegiance had risen to the highest point ever attained in the sacred cause of humanity.

May the Ruler of the universe, the Divine Master, help us to maintain in all the stormy years to come the respect and faith which you and your gallant army so magnificently won for America and her beloved institutions. [Applause.]

The SPEAKER. The committee on arrangements thought it was fitting that, after the eloquent periods of the Presiding Officer of the Senate, which certainly need no supplement, there should be a few plain and homely words on behalf of the Representatives of the people. [Applause and laughter.] Tradition relates that when one of the marshals of Louis XIV was about to leave Paris for a campaign he went to take farewell of his sovereign, and the well-disposed monarch said to him, "Go and fight my battles, and I will protect you against your enemies at home," to which the blunt warrior responded, "I would prefer, sire, that you should protect me from my friends. I can protect myself against my enemies." So I wonder if our distinguished guest to-day, under the constant fire of receptions and reviews and banquets and compliments to which he is exposed, does not sometimes feel like asking to be protected from his friends. [Laughter.] He certainly needs no protection against his enemies, for in this country he has none. [Applause.]

Human nature loves to personify its ideals. It loves a hero and hero worship. And so we all rejoice to-day to see personified in the commanding general the gallantry, the high purpose, the unconquerable determination of our crusading Army. [Applause.] Those boys went out from loving homes all over the land. They were our bravest and best. It is the duty and the glory of youth to fight the battles of their generation. To those who fell we render tearful homage. To those who return maimed and crippled we owe tender care and support. But for the great Army which has come back, disciplined in body and in character, having bravely offered the supremest sacrifice, which was found unnecessary, stored with recollections and experiences and friendships which will enrich their whole lives and which nothing could buy from them—for them I have indeed gratitude and admiration. But my strongest emotion is envy.

[Applause.] They will be our heroes. In all the relations of life, in business, in politics, in love, they will be a favored class. None can compete with them except by their own misbehavior. And in you, sir, their commanding general, we like to see typified the spirit of that noble Army—the courage, the self-reliance, the endurance, the chivalrous daring which made them invincible. As their fit representative, sir, we, Representatives of the people, welcome you home. [Applause.]

But I would not intimate that our welcome is entirely impersonal. Of the details of your generalship and strategy we are not now qualified to judge. In due time that will be adjudicated by history. But we do know that you were gloriously successful. [Applause.] We know, too, that you had abundant opportunity for mistakes. You were surrounded by pitfalls. Far from your own Government, in a foreign land, you had to rely upon yourself. Even in what you said you must be prudent, for you must not depreciate your allies while vindicating your own country.

There was every chance for errors. But, sir, if you made them, either in policy or in statement, we have not heard of them. [Applause.] I have wondered whether if there had not been at the head of our forces such a strong American character we would have had a truly American Army or a truly American offensive. [Applause.] We only know that with you, sir, we had both. [Applause.] You have seemed to us not only a successful general bending all his great powers without favor and without leniency to the one stern purpose of victory, but you have also seemed a wise, discreet, restrained, farsighted man. And, sir, I may add that to those of us who know you it is refreshing but not surprising to find that, after all the supreme power, the high station, the lordly associates, and the unstinted compliments to which you have become accustomed, you have developed neither arrogance nor affectation, but that you have come back as you went away—modest, straightforward, unspoiled. [Applause.] It was of such men as you that Burns wrote:

The rank is but the guinea's stamp;
The man's the gowd for a' that,
For a' that and a' that,
His dignities and a' that,
The pith of sense and pride of worth
Are higher ranks than a' that.

And as we rejoiced to give you the rank to which your extraordinary service entitled you, we rejoice still more in the sterling character which that rank decorates. [Applause.]

Congress recently passed a resolution tendering its thanks to Gen. Pershing, and the intent and purpose of that resolution will now be more fully expressed by ex-Speaker CLARK, from the general's home State of Missouri. [Applause.]

Mr. CLARK of Missouri. Mr. President, Mr. Speaker, Gen. Pershing, and ladies and gentlemen, Mr. Speaker GILLETT failed to state one great secret in enumerating what the soldiers were going to be and to do in the time to come, and that is that in a very few years from now they will occupy both the House and the Senate. [Laughter.] Gen. Pershing, since you landed in New York on September the 8th you must have been surfeited with speeches. Orators to the left of you, orators to the right of you, orators in front of you, volleyed and thundered. This is the greatest oratorical nation on the face of the earth, and the House and Senate are two representative bodies in character of American oratory, and they contribute their linguistic mite to the welcome extended to you from the Atlantic to the Pacific. [Laughter and applause.]

"Grim-visaged war hath smoothed his wrinkled front," and peace, with healing in her wing, like a gentle spirit, now is brooding over a blood-drenched and storm-rocked world, God be thanked! And you, Gen. Pershing, were a master workman in this wondrous and blessed transformation—a consummation so devoutly wished by all peoples, kindreds, and tongues.

For reasons which the world knows by heart President Wilson recommended war. The Congress voted war. From all our able officers you were selected as commander of our Armies overseas. The administration, the Congress, and the whole American people did everything within their power to hold up your hands and to furnish you and the brave men under you everything possible to comfort and to cheer. Your countrymen and countrywomen watched your conduct with bated breath and with implicit faith. While all the other nations changed commanders, we never did. Both you and the American people were constant as the northern star. [Applause.]

I am happy in the belief that the typical American rises equal to any emergency in which he finds himself placed. A great opportunity came to you which you seized with resolute hand and unquailing spirit and wrote your name on the scanty list of the world's great captains. That your high career both satisfied and gratified the American people is amply attested by your splendid continent-wide welcome home—a welcome not from the lips only but hot from the great, proud, pulsing heart of the mightiest Nation in all the hoary registers of time. No welcome to any other of our fellow citizens returning to America from foreign strands is comparable to yours except that to Gen. Grant after his trip around the world and that to Admiral Dewey after his victory at Manila Bay and that to President Wilson fresh from his arduous labors at Paris—Grant, Dewey, Wilson, Pershing—most assuredly a famous quartet of American worthies. Their deeds will be celebrated in story and chanted in song till the sun grows cold. [Applause.]

What we say here will be little heeded, but the memory of what you and your gallant men did over there will be cherished forever as part of the precious treasures of the mighty Republic.

You and your men did not fight to add to the area or wealth of our beloved country, but to uphold the principles of right and truth and justice. Our soldiers who died in the war did not die in vain, but to make men free. As long as the Republic endures—which we all hope will be to the last syllable of recorded time—their graves in France will be sacred shrines. [Applause.]

Their spirits wrap the dusky mountain,
Their memories sparkle o'er the fountain;
The meanest rill, the mightiest river,
Rolls mingling with their fame forever.

General, you commanded more men than any other American soldier ever commanded—more, we hope, than any other American will ever command; for every sane and patriotic American most fervently hopes that our country, so favored by Heaven in all that makes for true manhood and womanhood, will never be involved in another war. [Applause.]

Your singular fortune has given you command of troops on three continents—America, Asia, and Europe. In the World War your vast army not only carried America's honor upon their bayonets but complete victory for the country and the cause for which they fought and for which thousands died and more thousands bled.

By universal acclaim your conduct was superb and makes 110,000,000 of Americans proud to claim you as our countryman.

Of all your actions the one for which we are most profoundly grateful and for which we love you best was that you strongly and triumphantly insisted that you and your men would fight only as an American Army and not merely as replacement troops for British, French, Italians, or Belgians. [Applause.] That feat was the acid test of your robust Americanism. It caused all our hearts to swell with ineffable pride and entitled you to our eternal gratitude.

It has been said that "duty" is the sublimest word in our vernacular. A most important duty—in very truth, an awful duty—was assigned to you and you discharged it so as to fill the world with your renown and to raise the fame of American valor to the highest point among the nations of the world even unto the ends of the earth.

Extraordinary military rank should be conferred only for extraordinary services in the field. In appreciation of your services the Congress, voicing the sentiments of the American people, have conferred on you in perpetuity the extraordinary rank of full general—the highest military honor within our power to bestow, and in honoring you we feel that we are honoring ourselves. Grant, Sherman, Sheridan, Pershing—the only four permanent full generals we have ever had.

In addition to the permanent generalship, the Congress has tendered you individually and to your officers and men en masse the thanks of the American people and of the Congress of the United States—a rare honor in itself conferred in our entire history on only a very few of our distinguished citizens for extraordinary services to the Republic. A vote of thanks by name to a man confers upon him free access to the floor of the House and Senate—a privilege which we hope you will frequently exercise to our delight.

The resolution of thanks is in these words:

The thanks of the American people and of the Congress of the United States are due, and are hereby tendered, to Gen. John J. Pershing for his highly distinguished services as commander in chief of the American Expeditionary Forces in Europe, and to the officers and men under his command of their unwavering duty and valor throughout the war.

The chief reason why the committee of arrangements appointed me for this most pleasant function is the fact that you are not only a great American but also the foremost living Missourian than which there is no finer type of American, while I happen to be the dean of the Missouri delegation in Congress. I am proud and happy to present you as "Exhibit A," showing forth to the world what sort of men Missouri grows when in her most prodigal of moods—

Tall men, sun crowned, who live above the fog
In public duty and in private thinking.

[Loud applause.]

Gen. Pershing rose, and was greeted by loud and prolonged applause on the floor and in the galleries, the Members rising.

Gen. PERSHING. Mr. President, Mr. Speaker, and gentlemen of the Congress, I am deeply sensible of the privilege of appearing before you as a representative of the American Expeditionary Forces, and am filled with emotion at the sentiments that have just been expressed. This honor affords me profound gratitude as a recognition of the achievements of our splendid Army. [Applause.] In receiving at your hands an expression of the approval of our people I am richly rewarded. [Applause.]

A final report of the organization and the operations of our Armies will be made to the Secretary of War. The manner in which this great force was developed into an instrumentality for victory is well known to you. The burdens that fell to the lot of our soldiers have been heavy, and the way beset by many obstacles, but faith in the righteousness of our cause and trust in Almighty God have given us courage and inspiration. [Loud applause.]

The trials of battle demanded Spartan endurance and utmost self-sacrifice. Never have men faced a more difficult task nor borne greater hardship, and never have troops shown a finer spirit of willingness or more resolute purpose. [Applause.]

The might of America lay not only in her numbers and her wealth but also in the spirit of the people and their determination to succeed at whatever cost. [Applause.] While every man who went to France courageously did his part, behind him were millions of others eager to follow, all supported by a loyal people who deprived themselves to sustain our Armies and to succour our Allies.

Whether billeted in French, Belgian, or Italian villages, or in the camps of England, our young men have left behind them a standard of frankness, of integrity, of gentleness, and of helpfulness, which will give the other nations of the world a firmer belief in the sincerity of our motives. [Applause.]

The benefits flowing from the experience of our soldiers will be broadly felt. They have returned in the full vigor of their manhood, strong and clean. [Applause.] In the community of effort, men from all walks of life have learned to know and to appreciate each other. Through their patriotism, discipline, and association they have become virile, confident, and broadminded. Rich in the consciousness of honorable public service, they will bring into the life of our country a deeper love for our institutions and a more intelligent devotion to the duties of citizenship. [Applause.]

To you, gentlemen of the Congress, we owe the existence and the maintenance of our Armies in the field. With a clear conception of the magnitude of the struggle you adopted the draft as the surest means of utilizing our man power. You promptly enacted wise laws to develop and apply our resources to the best effect. You appropriated the fabulous sums required for military purposes. Many of your Members visited our armies in the field and cheered us by their interest and sympathy. You made possible the organization and the operations by which victory was achieved. [Applause.]

Throughout the war the President reposed in me his full confidence, and his unfailing support simplified my task. [Applause.] The Secretary of War made repeated visits to the front, and I am deeply grateful for his wise counsel. [Applause.] Under him the various staffs, bureaus, and departments, with all their personnel, are deserving of especial acknowledgment for the ability with which their problems were met. [Applause.] The officers and soldiers who served at home are entitled to their full share in the victory. [Applause.] There existed a unity of purpose between our Government in all of its branches and the command of the troops in the field that materially hastened the end.

Our Navy performed a brilliant part in transporting troops and supplies and in maintaining our sea communications. [Applause.] The Army was convoyed across the seas with the maximum of safety and comfort and with incredibly small loss. [Applause.] In this arduous service the generous assistance of the seamen of Great Britain deserves our lasting appreciation. [Applause.]

A special tribute is due to those benevolent men and women who ministered to the needs of our soldiers at home and abroad. [Applause.] The welfare societies, maintained by a generous public, gave us invaluable aid. In our hospitals the surgeons and nurses, both permanent and temporary, served with a skill and fidelity that will ever be worthy of our grateful remembrance. [Applause.]

Business and professional men abandoned their private interests and gave their service to the country. Devoted men, women, and even children, often in obscure positions, zealously labored to increase the output of ships, munitions, war material, and food supplies, while the press and the pulpit stimulated patriotic enthusiasm. [Applause.]

Our admiration goes out to our war-worn Allies, whose tenacity after three years of conflict made possible the effectiveness of our effort. [Applause.] Through their loyal support and hearty cooperation a genuine spirit of comradeship sprang up among us which should firmly unite the peoples as it did their armies. [Applause.]

The cheerfulness and fortitude of our wounded were an inspiration and a stimulus to their comrades. [Applause.] Those who are disabled should become the affectionate charge of our people, whose care they have so richly earned. [Prolonged applause.] Let us in sympathy remember the widows and the mothers who to-day mourn the loss of their husbands and sons. [Applause.]

Our hearts are filled with reverence and love for our triumphant dead. Buried in hallowed ground which their courage redeemed, their graves are sacred shrines that the Nation will not fail to honor. [Applause.]

The glorious record made in the fight for our treasured ideals will be a precious heritage to posterity. It has welded together our people and given them a deeper sense of nationality. The solidity of the Republic and its institutions in the test of a world war should fill with pride every man and woman living under its flag. The great achievements, the high ideals, the sacrifices of our Army and our people belong to no party and to no creed. [Prolonged applause.] They are the Republic's legacy to be sacredly treasured and carefully transmitted to future generations. [Prolonged applause, the Members rising.]

The SPEAKER. Gentlemen, this closes the exercises of the day, but the House is still in session, and Members are requested to retain their seats while our guests retire.

Gen. Pershing and his staff retired from the Hall amid loud applause, the Members rising.

The Members of the Senate retired.

THE MILITARY REVIEWS OF 1865 AND 1919.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by placing therein certain observations which I have made upon the grand review of yesterday in comparison with that of 1865.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the subject of the review of yesterday and that of 1865. Is there objection? [After a pause.] The Chair hears none.

DEFICIENCY APPROPRIATIONS.

Mr. GOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9205.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9205, with Mr. WALSH in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF AUDITOR FOR NAVY DEPARTMENT.

For additional employees from October 1, 1919, to June 30, 1920, inclusive, at annual rates of compensation, as follows: Clerks—10 of class 4, 10 of class 3, 10 of class 2, 10 of class 1; assistant messenger at $720; 2 laborers at $660 each; messenger boy at $480; in all, $46,890.

Mr. LITTLE. Mr. Chairman, I would like to ask the chairman a question, and I move to strike out the last word. I notice that the appropriations for clerks in the office of the Auditor for the Navy are enormously larger than anywhere else. I suppose that, of course, there is some reason for it. I would like to know what it is; that is all.

Mr. GOOD. The work in the auditor's department of the Navy is very much in arrears, more than a year behind in the auditing of the accounts.

Mr. LITTLE. Why is that?

Mr. GOOD. The work is behind because of the unusually large expenditures during the war. The statement made before the committee was that they were considerably more than a year behind with their work. They asked for $164,000 for these clerks, and while the committee recognized the fact that this auditing department was behind with its work, we felt that with the force that we were giving, coupled with the further fact that the expenditures now must commence to fall off, this would enable the Navy Department to catch up with its work.

Mr. LITTLE. The $164,000 is for all the auditors, is it not?

Mr. GOOD. No. That was just for the Navy Department alone, the amount that was estimated for this deficiency, and we only gave $46,890.

Mr. LITTLE. Is there any more reason why they should be more behind that the others?

Mr. GOOD. They have a large force there. We recognized the fact that there would be a great amount of work thrust on the auditors of the War Department, and the legislative bill was perhaps a little more generous to that department than to this one. We felt this appropriation absolutely necessary, if these accounts are to be audited at some time within close proximity of the date of their payment.

Mr. LITTLE. I think they ought to be audited all right.

Mr. ANDREWS of Nebraska. Mr. Chairman, I move to strike out the last two words. Referring to the discussion as to the accounts in the office of the Auditor of the Navy Department a word of explanation may be helpful with reference to this delinquency. It is not uncommon for this department to advance to the paymasters on shipboard large sums of money when vessels are starting out on cruises. They may be gone for six months; possibly for a year. Moneys are received through the various fiscal agencies around the world when the cash on shipboard runs short. It is nothing uncommon for these paymasters to hold their accounts in reserve until they return from a cruise. That makes them very late in delivery to the administrative office. When so delivered the administrative office would have 60 days under the law within which to make the administrative examination and forward them to the Auditor for the Navy Department. The Auditor for the Navy Department would then, of course, take them up in order, and from the date of sailing it will require in many instances the lapse of a year, and possibly a year and a half, before such accounts are audited in their regular turn. Many ships, we know, have been out for a considerable period of time, and the closing of the war will enable those paymasters on shipboard to return a large amount of work to the department and to the auditing office. Hence you readily see that under existing conditions the ordinary return of accounts would be delayed and delinquencies would be multiplied because of these peculiar conditions. I can readily see why a much larger force would be needed in that office just at this time for a period of perhaps six months or more to clear up such delinquent work.

I make this explanation because of the fact that I have traced this out many times in connection with the business of the other auditing offices of the department, and I know that it is quite natural that such conditions would appear at this time.

The CHAIRMAN. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

PUBLIC BUILDINGS.

Operating supplies: For operating supplies for public buildings, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1919, $157,406.11.

Mr. TILSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Connecticut offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TILSON: Page 5, after line 25, insert a new paragraph as follows:

"The Secretary of the Treasury is hereby authorized, in his discretion and with the consent of the contractors, to modify and readjust the terms of the contract for the sale of the old post-office property in New Haven, Conn., entered into March 13, 1917, in such manner as he may deem equitable and just, if he shall determine that said contract has become inequitable and unjust on account of the unforeseen conditions arising since its execution, with respect to the Government's failure to deliver the property as soon as expected."

Mr. GOOD. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Iowa reserves a point of order on the amendment.

Mr. TILSON. Mr. Chairman, a new Federal building for New Haven, Conn., having been provided for by an authorization and an appropriation, the Government proceeded to sell the old post-office building for future delivery. It was sold for the sum of $445,000. One-fourth of the purchase price was to be paid at once, which was done, and the other payments were to be deferred and made in annual installments. The purchasers have fulfilled their part of the contract. On account of the war it was practically impossible to finish the building on time. The Government failed to finish the new building until almost a year and a half beyond the time anticipated, and consequently could not deliver the old building at the time agreed. Therefore, instead of delivering the old building to the purchasers on March 21, 1918, as the Government had stipulated by contract it would do, it did not give possession of the building to the purchasers until August 12, 1919.

Meanwhile, not only were the purchasers losing interest on the advance payment already made but in accordance with the contract they paid interest on the deferred payments and were kept out of the use of the property from March 21 until August 12, 1919.

The Secretary of the Treasury over his own signature has made a statement of the account as it stands, and has asked that this legislation—for it is legislation—be enacted in order to authorize him to make just and equitable the contract which has become unjust and inequitable on account of the failure of the United States to perform its part of the contract. Under these conditions, Mr. Chairman, in order that the injustice may be righted as soon as possible, I move this amendment. I hope the chairman of the committee will be not constrained to make the point of order against it.

Mr. GOOD. Mr. Chairman, will the gentleman yield for a question?

Mr. TILSON. I yield.

Mr. GOOD. I understand the purchase price was $445,000?

Mr. TILSON. That is right.

Mr. GOOD. And we paid $111,250 as the first installment in March, 1918?

Mr. TILSON. The gentleman is correct as to the amount, but the payment was made much earlier than that.

Mr. GOOD. The Government was to give possession March 21, 1918?

Mr. TILSON. Yes; and it was not given until August 12, 1919.

Mr. GOOD. What does the gentleman's amendment do?

Mr. TILSON. My amendment authorizes the Secretary of the Treasury to adjust this contract in accordance with the facts; that is, that the purchasers may be repaid what they lost by way of interest, and that their indebtedness for the interest on deferred payments on the building shall be canceled.

Mr. GOOD. Has the gentleman taken this up with the Secretary of the Treasury?

Mr. TILSON. I have; and I have his letter here.

Mr. GOOD. What does he say?

Mr. TILSON. This is what the Secretary of the Treasury says in his letter:

TREASURY DEPARTMENT,
Washington, August 30, 1919.

Hon. JOHN Q. TILSON,
House of Representatives.

MY DEAR CONGRESSMAN: I note your letter of the 15th instant, transmitting the petition of the Union & New Haven Trust Co., for relief in connection with the company's contract for the purchase of the old post office in New Haven, Conn.

The department feels that under all the circumstances it would be fair to give the purchasers the relief prayed for, i. e., to cancel the deferred installments' interest for from March 21, 1918, to August 12, 1919, the date possession was given, and for the Government to pay the purchasers interest at 4 per cent (the same rate charged them) upon their cash payment for the same "overtime." This is what they asked for in their petition to Congress and also in their petition received here March 4, 1918.

Thus, with a few minor items, adjustment would be as follows:

Purchase price		$445,000.00
Cash payment		111,250.00
Deferred, in three annual installments		333,750.00
Purchasers have paid two years' interest to Mar. 21, 1919		26,700.00
Government is entitled to interest for first year		13,350.00
Paid interest to be refunded		13,350.00
Plus interest from the Government on the cash payment for "overtime"		6,192.92
Gross credit to contractors' account		19,542.92
Less interest on belated cash payment—12 days late	$148.33	
Less interest on past due deferred installments' interest which should have been paid Sept. 21, 1917 ($342.65), and Mar. 21, 1918 ($209.15), but not paid until Jan. 3, 1919	551.80	
		700.13
Net credit to purchasers' account		18,842.79

Under this arrangement deferred installments would be pushed forward from the dates originally stipulated for a period corresponding to the alleged delay in possession, i. e., 1 year, 4 months, and 21 days, and the interest thereon would begin August 12, 1919, the date possession was given, this postdating to be in lieu of the modification of contract heretofore granted purchasers as to deferred installments.

For your convenience I inclose a tentative draft of the bill.

The purchasers' petition and their attorneys' letter of the 13th instant are returned herewith.

Very truly, yours, CARTER GLASS, *Secretary.*

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. GOOD. Mr. Chairman, I ask unanimous consent that the gentleman may have three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. TILSON. The relief asked for amounts to this: To cancel the deferred installments of interest from March 21, 1918, to

August 12, 1919, the date when possession was given, and that the Government pay the purchasers interest at 4 per cent during this period for their cash payment. The correction amounts to $18,842.79.

Mr. GOOD. I will say to the gentleman that my attention was called to the matter by him after the hearings were concluded. I think the statement shows a meritorious claim against the Government, but I do think that a matter of this kind ought to be pretty fully thrashed out in the committee. We have tried to make every department prove its case.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. TILSON. Yes.

Mr. CANNON. The Lord knows—I do not, and I do not know that anybody else does—how many different claims that are absolutely meritorious are unadjusted. I have only one objection to this as one Member of the House. Query: Are we not liable to get this bill turned into a claims bill instead of an appropriation bill if we let down the bars? And should not either the Committee on Claims or the Committee on Public Buildings and Grounds or other appropriate committee legislate in the premises?

Mr. TILSON. Of course the committee can protect itself at any time by the objection of a single member.

Mr. CANNON. If the bars are let down in one case, we may have 10 or 20 pages of these claims. If you go to the Senate——

Mr. TILSON. Possibly the Senate will put it on.

Mr. CANNON. Possibly.

Mr. TILSON. But I should rather have it put on here if I *can*.

Mr. CANNON. The only objection I have is what I have stated.

The CHAIRMAN. The time of the gentleman from Connecticut has again expired.

Mr. LITTLE. Mr. Chairman, a point of order. I want to get some information.

The CHAIRMAN. The gentleman will state the point of order.

Mr. LITTLE My point of order is that it is not germane. I reserve it for a moment to get some information.

The CHAIRMAN. A point of order is pending.

Mr. GOOD. Mr. Chairman, of course there are a great many requests from Members for items of this kind, and personally I have not had the time to investigate them, nor have the other members of the subcommittee to whom Members have gone with regard to these items. They are items that really ought to come in the regular way before the committee; and if we should waive the point of order on one, the gentleman from Connecticut can well see how we would have to extend a like privilege to other Members of the House. Therefore, while I believe that the gentleman has a case that is meritorious and one that the Government will have to take care of, yet for the present, in view of the fact that there will have to be a deficiency bill along in January, I suppose, I feel compelled to make the point of order.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

BUREAU OF WAR RISK INSURANCE.

For expenses of the Bureau of War Risk Insurance, as authorized by law: For salaries of the director and commissioners, and of such deputies, assistants, accountants, experts, clerks, and other employees in the District of Columbia, as the Secretary of the Treasury may deem necessary, $4,000,000; stationery and minor office supplies, $550,000; miscellaneous expenses, including telephones, telegrams, freight, express, foreign postage, not exceeding $100 for street car fares, not exceeding $500 for law books, books of reference, and periodicals, $60,000; not to exceed $800,000 of the appropriation for "salaries and expenses of employees engaged in field investigations and expenses of branch offices, fiscal year 1920," is made available for printing and binding to be done at the Government Printing Office, and necessary printing of forms, etc., for use abroad may be done abroad; furniture, equipment, and supplies, $75,000; traveling expenses (exclusive of field investigations), $10,000; purchase, maintenance, and repair of motor-propelled passenger vehicle, $1,000; for payment to the National Museum on account of repairs and other expenses made necessary by the occupancy of that building by the Bureau of War Risk Insurance, $5,640; in all, $4,701,640: *Provided*, That all employees appropriated for by this paragraph shall be engaged exclusively on the work of the Bureau of War Risk Insurance during the fiscal year 1920.

Mr. BLANTON. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the Appropriations Committee a question. During the war there were thousands of employees whose employment was authorized in appropriation bills alone, and the necessity for whose employment was by reason of the war alone. I should like to ask the chairman of the committee what steps have been taken by the Appropriations Committee toward removing these unnecessary employees from the pay roll of the Government and sending them back home?

Mr. GOOD. Not very much.

Mr. BLANTON. Has there been any such action? In other words, if we keep these employees here, it may be done only by making appropriations for their salaries.

Mr. GOOD. We have here by months a statement of the number of employees in the Bureau of War Risk Insurance.

Mr. BLANTON. I am not referring particularly to that department, because possibly it will need the war-service employees more than almost any other department of the Government. I am asking with regard to all departments of Government and the extra war workers whose services may not be needed now and in the future.

Mr. GOOD. The Civil Service Commission gave us some information with regard to the number of employees in the various departments of the Government, and the gentleman will find the table on page 11 of the hearings. It shows that the total for the 37 weeks from November 10, 1918, to July 25, 1919, was changed as follows: There were additions of 39,392 employees during that period, and there were separations from the service of 42,002, making a net reduction from November 10, 1918, the day before the armistice was signed, until July 25, 1919, of 2,610.

Mr. BLANTON. And that is a very small reduction, comparatively, I am sure the chairman of the committee will admit.

Mr. GOOD. Oh, yes. There are about 101,000 Government employees now in Washington.

Mr. BLANTON. May I ask the chairman of the committee what is going to be the policy of the Committee on Appropriations, in so far as its power lies, in sending back to their homes these thousands of unnecessary employees from now on?

Mr. GOOD. Many of these employees are in the Treasury Department and in the War Department. For example, the Treasury Department alone has 31,442 employees. The War Department has 26,692 employees.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLANTON. I ask unanimous consent that the gentleman may have additional time in which to state the policy of the committee, if it has a policy.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time of the chairman of the committee may be extended so as to allow him to answer a question as to the policy of the committee, if it has a policy. Is there objection?

There was no objection.

Mr. GOOD. Mr. Chairman, the Committee on Appropriations has only one policy, whether it be for money to buy material or for the employment of clerks, and that is not to appropriate money for the purchase of a single dollar's worth of material or for the employment of a single clerk that is not absolutely necessary for the department. That is the only policy that the committee can have, and the difficulty, as the gentleman can well see, is not the policy of the Committee on Appropriations, but it is the policy and practice of the departments. I am satisfied that there are an excess of clerks, for example, in the War Department, who should be discharged and who should have been discharged long ago. A few weeks ago an officer came to me from the War Department and said he was just leaving the service. He said he went through various departments and took with him his secretary, and would open a door and would count and would say to his secretary, "Ten men and five women; three of them busy." He said he was amazed to find the number of women in the department who were crocheting.

I wish you would go down some morning to the Treasury Department and look at the number of magazines spread on the curb right in front of the Treasury Building. I think I counted one day over 100 different publications which were there on the curb, an invitation to clerks to buy; and the clerks were coming along by the hundreds buying them, putting them under their arms and going in to their desks.

Mr. BLANTON. Are we not responsible for that?

Mr. GOOD. No. How can any committee or Congress itself do anything to prevent a practice of that kind. It is a departmental matter pure and simple.

Mr. BLANTON. We ought to bear down on them hard.

Mr. GOOD. It is a matter of the efficiency of every department of the Government; and the Committee on Appropriations have tried at all times to make every department come in and prove its case, that it needs these men, and it has only given the appropriations when the persons responsible for the work of that bureau or department would come before it and say that they were running behind, that their clerks were working overtime, that they were not reading, that they were not crocheting, but were doing their work. And when that showing was made, we have had to give the money.

Mr. BLANTON. Just one question more.

The CHAIRMAN. Does the gentleman yield?

Mr. GOOD. Yes.

Mr. BLANTON. If we stop their pay, they will have to go home, will they not?

Mr. GOOD. Yes.

Mr. BLANTON. Then let us stop their pay, if they are unnecessary.

Mr. GOOD. But whose pay are you going to stop?

Mr. BLANTON. The pay of all unnecessary employees.

Mr. KNUTSON. Why not stop the Government?

Mr. GREEN of Iowa. Mr. Chairman, the Bureau of War Risk Insurance has been under fire ever since its organization, and what has been the result? The other day we increased the salary of the director, for one thing, and now we are adding more employees. I am not prepared to say that the Committee on Appropriations is at fault in the matter. I do not know where the fault is, but I do know that we are not getting anywhere, and, just as the gentleman from Texas said, instead of decreasing these expenses we are increasing them every day. Have we gotten any better service out of it? Perhaps the new director is improving the service. He has not had time to demonstrate whether he is or is not, but no one has been impressed that way so far.

Mr. EVANS of Nebraska. Mr. Chairman, is it not a fact that there is a joint committee of the Senate and the House investigating this matter of employees?

Mr. GREEN of Iowa. Not that I am aware of—that is, investigating the Bureau of War Risk Insurance. If there is I have not the benefit of any of their investigations.

Mr. CANNON. Oh, there is a committee investigating the reclassification of salaries in all of the departments.

Mr. GREEN of Iowa. But that has nothing to do with this matter at all, if that is what the gentleman from Nebraska [Mr. EVANS] was referring to. What I am talking about is the efficiency of employees.

Mr. DALE. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. DALE. As I understand the gentleman, he says that there is no committee investigating the Bureau of War Risk Insurance.

Mr. GREEN of Iowa. I did not say that, but I am not aware of any.

Mr. DALE. There is a committee investigating the War Risk Insurance, and when they make their report I think the gentleman will be satisfied that they have been investigating it.

Mr. GREEN of Iowa. I sincerely hope that will be the result. I have been waiting for something of that kind for a long time. Will the gentleman inform me what committee it is?

Mr. DALE. It is the Committee on Investigation of Expenditures in the Treasury Department.

Mr. GREEN of Iowa. Then I think that committee has been very well employed.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. FESS. If the gentleman will permit, there was a resolution before the Committee on Rules asking for authority to investigate by a special committee the War Risk Insurance Bureau. Before the committee came the new director, preceding the one now in office, Col. Lindsley. He had been in office only 10 days, and he asked that we give him a chance to see what could be done. He stated to the committee that the War Risk Insurance Bureau had ceased to function. We thought it was a proper thing to give him some time to see what he could do. He has resigned. Another director has been appointed.

Mr. GREEN of Iowa. I understood that; yes.

Mr. FESS. I do not know anything else that is promising other than the change of heads and the increases of salary.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. RAYBURN. In reply to the gentleman from Ohio [Mr. FESS] I would say that I talked to several members of the Committee on Rules, after the director, Col. Lindsley, appeared there, and they said it was the consensus of opinion, after he came before the committee and explained the work he was trying to do, that an investigation would impede the work rather than make it more efficient.

Mr. FESS. That is correct. That is the reason we did not report the rule.

Mr. GREEN of Iowa. Mr. Chairman, I decline to yield further. The Committee on Appropriations attempted to get, and probably got, as much information from the director as they could with reference to the comparative cost of doing the work in the department and doing that same work by the ordinary insurance companies; but after going over the hearings I am unable to make any satisfactory comparison. What little comparison I can make would induce me to believe that it is costing at least twice as much down at the department to have work done as it would cost an ordinary insurance company. This department ought to have its work in such shape that it would be decreasing every day. There can not be any question about that, and yet the director comes in and asks for an appropriation and gets an appropriation for additional employees, although the allotment and allowance division is passing out of existence. This bureau ought to have its work so systematized that from time to time and from day to day it would be growing less and less as it goes along. Instead of that the director reports that he must have more employees. The only way to ascertain about that is to have some one investigate the efficiency of the department, and the director himself ought to be the first one to welcome such an investigation. So far as I know, he has introduced no objection to it, but the investigation ought to be made, and it ought to be a thorough one. No further additions should be made to his force until a report is made showing what the conditions in fact are.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. KNUTSON. Mr. Chairman, I move to strike out the last two words. I notice that on page 7, line 17, there is an item of $550,000 for stationery and minor office supplies, and on page 8, line 3, I find an item of $75,000 for equipment and supplies. What is the difference between the supplies asked for on page 7 and the supplies asked for on page 8?

Mr. GOOD. Mr. Chairman, the stationery allowance of $550,000 will not give anything like the amount that was appropriated for stationery last year. Our appropriation for stationery was very small for this year, but $550,000 was estimated for stationery, and no appropriation is carried for the $2,290,000 asked for advertising.

So that by denying the amount asked for advertising to get in touch with the holders of policies of war-risk insurance the department will have to get in touch with them by correspondence, so the committee allowed the full amount estimated. The $75,000 referred to is to be expended for the purchase of machines—addressographs, and the like—on which will be placed the names of persons who are paying their insurance and who are regarded as permanent holders of policies. This item is for the purchase of machinery or supplies of this kind.

Mr. KNUTSON. Did the committee look into the relative cost of conducting this bureau and the cost of conducting a similar organization under private control?

Mr. GOOD. We tried to get some information, but the gentleman can well understand that here was an organization of over four millions of policyholders at one time, and immediately upon demobilization the boys dropped their insurance, and an effort was started toward having the men keep their insurance and for those who had allowed their premiums to lapse to continue carrying their policies. This has been a herculean task, involving a great deal of work, and I take it a good deal of money has been expended in that way. Then, as the gentleman can well understand, the law provides for a certain amount of work which the private insurance companies do not have. For example, tied up with the actual insurance provision is the allotment and allowance and compensation features that, as a general rule, old-line life insurance companies do not carry. There are, of course, companies that have sick benefits and compensation insurance, but no private company does all these things; and the matter has been in such a transition state, and I think that the director well explained the matter by stating that until we could get down to something like normal conditions a fair comparison is not possible.

Mr. KNUTSON. Well, now, Mr. Chairman, as I remember, this bureau was organized by the act approved October 5, 1917. I dare say every Member of this House is receiving letters at this late date, 9 or 10 months after the armistice, from allottees and other dependents saying they have written to the Bureau of War Risk Insurance and have been unable to receive any reply, and they must appeal to their Congressmen to get action. I am very glad to hear the gentleman from Vermont [Mr. DALE] state that this bureau is going to receive a thorough overhauling. I think it needs it. I think this bill should carry an item for ball bearings to put under that bureau, so we can get a little action. I yield back whatever time there remains.

Mr. BYRNS of Tennessee. Mr. Chairman, this bureau was created solely in the interest of the soldiers and sailors who were engaged in this World War, and ever since its creation there has been from various quarters considerable criticism of the bureau. I know there is a disposition upon the part of some to transfer the jurisdiction of this bureau from the Treasury Department, where it now exists, and place it in the Pension Bureau, but I do not say that this has inspired all of the criticisms that have been offered. Mr. Chairman, here is a great insurance company or a bureau having to do with insurance amounting at

the present time to about thirty-eight or thirty-nine billions of dollars, not only with the insurance of the soldier to look after but with allotments and allowances made by the soldiers on behalf of their dependents, and also with the claims for compensation that have come from those injured during the war. This business was thrust upon this bureau all at once. There was not an opportunity, as in the case of an ordinary insurance company, for it to gradually grow and increase in size, but it was dumped all at once upon this bureau, and necessarily there was a great deal of confusion incident to the fact that the director found himself, upon the organization of this bureau, with a great volume of business and hundreds of untrained clerks to take care of it. Now, gentlemen are familiar with what has been done with reference to this bureau. I think there have been two or three directors of the bureau since its first creation. The present director took charge several months ago. The gentleman from Iowa says that he has hardly had an opportunity to show just what he can do with reference to it. And I want to say to the gentleman from Minnesota that I have not found the difficulty of which he complains, and I think I have had a good deal of business to do with this bureau in behalf of the constituents from my district. I have always found prompt attention. Some cases have been held up for investigation in the field, but I have always found a uniform desire on the part of those in charge of this bureau to give those matters attention.

Now, the gentleman must remember that this bureau is now engaged in converting insurance policies. This bureau is engaged in receiving applications from soldiers who carry insurance and in converting those policies into term insurance, and they need clerks for that reason. In addition to that, there are hundreds of compensation claims that are coming in daily. They have to have a great medical force down there for the purpose of examining those claims and seeing that exact justice is done to the Treasury and to the soldier who is making the application.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. BYRNS of Tennessee. I do.

Mr. NEWTON of Minnesota. Can the gentleman inform the committee as to just how many employees the bureau has and how they are divided as to work, showing the number under allotment, under compensation, and under insurance?

Mr. BYRNS of Tennessee. I think all that information is in the hearings, but I can not from memory give the gentleman the manner in which those various employees are divided.

Mr. NEWTON of Indiana. That is in the hearings in connection with the sundry civil bill?

Mr. BYRNS of Tennessee. No; with the deficiency bill which is now under consideration.

Mr. GOOD. On pages 197 and 198.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BYRNS of Tennessee. The gentleman will find it on pages 197 and 198. There you will find a full statement from the director showing just how many employees there are in the bureau at the present time and how they are engaged. I yield to the gentleman from Iowa.

Mr. GREEN of Iowa. The gentleman spoke about the disposition on the part of some Members to transfer this department from the Treasury to the Pension Bureau. Does the gentleman know whether the Treasury officials give any attention to this bureau?

Mr. BYRNS of Tennessee. I do not understand the gentleman.

Mr. GREEN of Iowa. Does the gentleman know whether any of the Treasury officials give any attention to this bureau?

Mr. BYRNS of Tennessee. Why, undoubtedly they give attention to it. There is one Assistant Secretary a great portion of whose time is taken up with this particular bureau. I refer to Assistant Secretary Shouse, a former Member of this House.

Mr. GREEN of Iowa. Is not the gentleman aware that the Assistant Secretary that we are getting pretty close to spends a great deal of time traveling around on free transportation in the Railroad Administration?

Mr. BYRNS of Tennessee. I do not know to what the gentleman alludes. The gentleman from Iowa has information which I do not possess.

Mr. GREEN of Iowa. If the gentleman will examine the records he will have no trouble in finding out who it is.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIEGEL. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended one minute in order that I may ask him a question.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Tennessee may be extended for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. SIEGEL. What has become of the plan to divide the country into several districts and move the offices to various cities throughout the country, so that each particular section of the country can be handled from those offices instead of from here?

Mr. BYRNS of Tennessee. The Director of the War Risk Insurance appeared before the Committee on Appropriations and requested that he be authorized to use funds for the purpose of establishing a branch office in each of the different States of the Union. At least he stated it was his purpose to establish them in nearly all the States. He stated that there might be some States where there were so few soldiers that it would not be necessary to have a branch office. But the committee did not give him that authority.

Mr. SIEGEL. Does not the gentleman think that the work could be handled in that way more quickly and thereby remove from Washington a large number of these clerks?

Mr. BYRNS of Tennessee. That was the idea of the director. But the gentleman from New York will remember that we had branch pension offices throughout the country and that Congress abolished them a few years ago with a saving of more than $200,000 a year, and, so far as I have heard, there has been no criticism of the action of Congress in discontinuing those branch offices. On the contrary, I think the service was improved.

Mr. SIEGEL. Except that at that time you were dealing with a limited number of people and to-day you have to deal with 4,000,000 of families for the purpose of reaching them. For instance, if you had an office in the city of New York you could reach the State of New Jersey as well as the State of New York.

Mr. BYRNS of Tennessee. I think there is an advantage. But, as I have stated, the director has now authority to establish not to exceed eight offices throughout the country.

Mr. SIEGEL. Does the gentleman know how he intends to do that?

Mr. BYRNS of Tennessee. I think he already has those offices, one of which is in New York City.

Mr. SIEGEL. If that be the fact, the director should at least inform the Representatives from New York City, so that their constituents could more quickly remedy defects in papers instead of having to write to Washington, causing unnecessary hardships and delays.

Mr. GOOD. Mr. Chairman, I move to strike out the last three words.

The Bureau of War Risk Insurance asks for $6,275,370 as a deficiency for clerk hire. The committee has reported out $4,000,000 for this purpose, and in reporting out $4,000,000 we do not provide for an organization nearly as large as that now engaged in the bureau. It was the opinion of the committee that inasmuch as the work in the Division of Allotments and Allowances should fall off very rpidly from this on, the 2,258 clerks employed in that division might soon be scattered throughout the bureau and take up other work that there was in the bureau, such as the transfer of policies and with regard to having the soldiers keep up their insurance. The committee cut to a point where the director feels he will have to ask for an additional deficiency later on. The committee believes that with real efficient methods in the department—and we feel that the director is going to do all he can to bring about a degree of efficiency in that department that will permit him to reduce his force—the appropriations will be enough to permit him to carry on the work.

The director is very much in earnest over an estimate that the committee disallowed, and that is the right to establish in every State a branch office. As the gentleman from Tennessee [Mr. BYRNS] well stated, the Government has had considerable experience with regard to the establishment of branch offices and the difficulty in separating these branch offices from the Government. We had a number of agencies throughout the States with regard to disbursement of pensions—18 all told—and finally those agencies were dissolved and the work was brought here to Washington, with the result that there was a saving of about $200,000 a year in the appropriations made for the disbursements of pensions to the old soldiers. Now, this work is different, the director desiring to have State agencies that will compare somewhat with the State agencies of large insurance companies, with agents trying to keep in touch with these men who have this insurance. Since the hearing the director has appealed to the members of the committee as well as to the chairman. He is very earnest in his demands, but there seems to be so much objection to engaging upon a program that is so big and fraught with so many possibilities for big expenditures that the committee is a unit in declining this recommendation. I have spoken in regard to the advertising. The department desires $2,595,000 for advertising. The committee decided not to allow this amount. It is thought this would establish a policy that is not in line with the historic policy of the Government by engaging upon buying space in the

newspapers for advertisements for work of this kind, and therefore the committee refused to grant the amount asked for.

Mr. FESS. Mr. Chairman, I rise in opposition to the pro forma amendment just to make this observation.

I think the members of the committee are in entire sympathy with the problem that the Appropriations Committee has on its hands—the effort to reduce the force that has been induced by the stress of war. Every department holds on as long as possible to what force it has, and some of them are increasing. Our great desire, of course, is to reduce this force. Those agencies that have been created under the stress of war are appealing to every Member of Congress to continue them, putting it up to us that unless we do it we are not forward looking, because these things were created under the stress of war and ought to be carried on in time of peace. We will face that demand right along in the next year. I appreciate the difficulty of any committee to make these reductions, but most certainly, gentlemen, we have got to use the knife somewhere. [Applause.] It seems to me there is nothing more inevitable than that necessity. To-day's daily statement of the Treasury shows more than $1,000,000,000 expenditure this month. I know how the chairman of this committee and the other members of this committee on both sides of the aisle have to operate under these pleadings on the part of these various agencies. The truth about the matter is that this War Risk Bureau has the biggest problem that will probably be inherited from the war, and they have some semblance of a necessity for an increased force. But, Mr. Chairman, Col. Lindsley said openly that it had ceased to function, and the Rules Committee agreed to give him a chance to see what could be done. Every Member of this House knows that in his effort to accomplish a reform he found the situation such that he resigned. Now comes the present director, promoted, and the only letters I have received from him are promises that this or that will be immediately looked after. Universal complaints come from everywhere that nothing especially efficient is being done, and every Congressman that visits the department is faced with the situation that here are supernumerary clerks in the clerical force almost clogging the department, so that you can scarcely get through when you want to go through a department, and still they are saying that the efficiency of the agency will not permit them to reduce the expenses, but that we must increase the expenses. [Applause.] I am getting tired of these pleas, and I want to congratulate the committee for using the knife to the degree that it has already done it.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. FESS. I yield to the gentleman.

Mr. KNUTSON. I heartily agree with what the gentleman from Ohio says with reference to the Committee on Appropriations. Does not the gentleman think that the Committee on Appropriations is greatly handicapped by having bureau heads before it whose sole desire in life seems to be to get appropriations to spend and squander?

Mr. FESS. In reply to my friend I think that any committee is embarrassed by having the facts presented by heads of departments or bureau chiefs without having opportunity to confirm the necessity through an investigation. What I would like to see done would be to see some sort of an investigation made to ascertain if this clerical force can not be reduced, and not merely take the word of a chief. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. NEWTON of Minnesota. Mr. Chairman, I move to strike out the last four words.

The CHAIRMAN. The gentleman from Minnesota moves to strike out the last four words.

Mr. NEWTON of Minnesota. The gentleman from Tennessee [Mr. BYRNS] has intimated that possibly only those who are interested in a transfer of this bureau to the Bureau of Pensions have had any complaints to register against the War Risk Insurance Bureau. I have no interest myself as to whether this work is administered in one department of the Government or another, but I do want to see it administered.

My own experience has been somewhat like this: Sometimes we would get replies from the department in my office and sometimes we would not, but repeatedly I have received letters from men in the service and from their dependents who tell me that they have written the bureau and have not been able to get even an acknowledgment from them. Those things ought not to exist. Furthermore, not long ago my secretary told me that she had been unable to get action on several claims, and I had to call up the secretary to the director and ask him to get busy and see that somebody got on the job there.

My own opinion is that when this work was started, when the bureau started in October of 1917, if the primary thought had been service instead of politics, we would not now have a department in such condition that no one seems to be able to straighten it out. When this most important bureau was started they placed it under the jurisdiction of a man who was then Secretary of the Treasury, with its manifold duties to perform, and also Director General of Railroads, with the added duties of that position. Why did they not get some insurance man, some one connected with the organization end of a great insurance business, and have him organize that bureau? If they had, it would not be in the condition it is to-day.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. NEWTON of Minnesota. Yes.

Mr. BYRNS of Tennessee. Is the gentleman aware of the fact that the very first director of this bureau was a very prominent insurance man?

Mr. NEWTON of Minnesota. No, I am not; and if he was I am fearful of the fact that he did not stay there very long, because of the situation and because of the one who was at the head of it.

Mr. BYRNS of Tennessee. He was at the head of it.

Mr. NEWTON of Minnesota. He was at the head of it only in name.

Mr. BYRNS of Tennessee. He was in full charge of it, and the present director is an insurance man, and his predecessor was an insurance man.

Mr. NEWTON of Minnesota. Have they not been handicapped by the fact that their superior was Secretary of the Treasury, busy with Liberty loans and trying to run the railroads of the country? Why put everything under one departmental head?

Mr. SAUNDERS of Virginia rose.

Mr. GOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto be limited to five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SAUNDERS of Virginia. Mr. Chairman, I have listened to many of the speeches, made in this connection and I do not see why it is that the Bureau of War Risk Insurance is made the special target of so much vehement and cruel attack. That the bureau deserves criticism in some respects may be true, but the same may be said of other departments of the Government. My experience in connection with the work of the Bureau of War Risk Insurance is that much of the criticism which it has received is directly traceable to the action of the War Department in connection with the payment of allotments. The action of the War Department in declining to pay allotments upon the authority of the papers on file with the Bureau of War Risk and insisting upon a new authority from the soldier has caused an incredible amount of delay and criticism which has been chiefly directed against the bureau. The real difficulty of the situation is not that the Bureau of War Risk Insurance is indisposed to answer letters. The gentleman who has just taken his seat [Mr. NEWTON of Minnesota] has brought that charge against the officials of the bureau, and so have others. It may be true that in many cases much time elapsed before a letter is answered. But that delay occurs in many of the departments of the Government. Any Member who has had much occasion to call on the War Department has long since found out that the Bureau of War Risk is by no means alone in respect of delay in making response to inquiries. I have had a great deal of experience with a number of the departments, and have had many cases of delayed replies to urgent inquiries. Many of my constituents who have taken up matters with the War Department, and written once, twice, and perhaps three times, have given up in despair, and later made this appeal to me: "Can you not do something to have our letters answered?" I do not think it is quite fair to single out the Bureau of War Risk Insurance for these envenomed and sweeping attacks.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS of Virginia. I have but a moment.

Mr. GREEN of Iowa. I just want to corroborate what the gentleman says on that point. I wrote to the War Department last spring concerning a certain matter, and I have just received a reply.

Mr. SAUNDERS of Virginia. The gentleman confirms and corroborates my statement with respect to delay in other quarters in making reply to letters of inquiry. The Bureau of War Risk Insurance transacts an immense volume of daily business. When it began its work it did not possess an experienced corps of employees, like the Pension Office. The suggestion has been made that its work should be turned over to the Pension Office. I think that would be the most unfortunate step that could

be taken. The fact is that the War Risk Insurance Bureau has had a most gigantic task imposed upon it. Unlike the other departments of the Government, it did not begin its work with a nucleus of trained and experienced employees. The work of that bureau was enormous from the very beginning, and it had to be discharged in large measure by inexperienced and untrained clerks. That fact has caused a great deal of confusion and delay. But that was inevitable. It was impossible to enter upon an absolutely new line of work such as this bureau has been doing, gather up the necessary clerks as best it could, at a time when every other department was scrambling for clerks, and accomplish much better results than have been accomplished.

Reference has been made to the fact that Secretary McAdoo was both Director of the Railways and Secretary of the Treasury. Conceded. But he did not interfere with the conduct of the Bureau of War Risk Insurance. He gave the director of that bureau a free hand. So far as he was able to do under existing conditions, he selected the very best assistants that he could secure, but for the time being they were confronted by a stupendous task, one sufficient to tax the utmost capacity of any body of men that could be assembled under normal conditions, much less under the competition for efficient human material that prevailed during the period of war. The lack of adequate and sufficient buildings to house the employees and store the ever-increasing accumulation of papers has also greatly impeded the efficient organization and conduct of the work of this bureau.

Mr. KNUTSON. I agree with what the gentleman has said with reference to the Pension Department. It takes from 11 to 15 months to get action in the Pension Department.

Mr. SAUNDERS of Virginia. Yes. I have had that experience. One gentleman says, "Why can we not have an investigation, and ascertain the actual conditions in this bureau?" I think it was my friend from Ohio [Mr. FESS] who made this statement. Well, why do not you have it? You have a majority of the House. Appoint a committee, and begin this investigation. I have voted for every investigation that has been asked for, and if our Republican friends wish to investigate the work of this bureau I will be glad to vote for a resolution to that end.

Mr. FESS. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes; certainly.

Mr. FESS. Personally I was in favor of an investigation.

Mr. SAUNDERS of Virginia. Let us have one.

Mr. FESS. But in each case we were asked to give them a little longer time, and see whether they could not work it out.

Mr. SAUNDERS of Virginia. Why give heed to such requests. The gentleman stated his proposition as if there were some one interfering or seeking to interfere with the desire of the House of Representatives to order such an investigation. I know no reason why this investigation should not be ordered if desired, and will gladly support a proposition of that character.

Mr. FESS. My contention is that it is not safe to take the estimate of a bureau chief as to the needs of his clerical force.

Mr. SAUNDERS of Virginia. Yes. For that reason I suggested that you should disregard the objections of the bureau chiefs and order an immediate investigation.

Mr. FESS. I should like to have it.

Mr. SAUNDERS of Virginia. Well, there is no reason why you should not have it. Your party controls the present House.

Mr. GREEN of Iowa. I think the gentleman from Virginia has confused my remarks somewhat with the remarks of the gentleman from Ohio. I was the one who suggested that there was no investigation going on and asking why it was not made.

Mr. SAUNDERS of Virginia. The gentleman may have contributed to the contention of the gentleman from Ohio. I ask now, as I have asked heretofore, why not have this investigation? No one can hinder us from taking that action, if it is desired. This House is in supreme control of the situation.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

The Secretary of the Treasury and the Postmaster General shall formulate and promulgate such regulations as will enable persons insured under the provisions of the war-risk insurance act to make payments of premiums at such post offices or branches or stations of post offices as they may designate or to any city letter carrier or rural carrier while on duty. The Post Office Department is hereby authorized and directed to receive sums so tendered in payment of such premiums, and to receive and transmit to the Bureau of War Risk Insurance applications for the reinstatement of lapsed insurance.

Mr. BLACK. Mr. Chairman, I make the point of order that that paragraph is new legislation on an appropriation bill.

The CHAIRMAN. The gentleman from Texas makes the point of order on the paragraph. Does the gentleman from Iowa [Mr. GOOD] desire to be heard on the point of order?

Mr. GOOD. Mr. Chairman, I have not examined very closely recently into the rulings with regard to the Holman rule. I am not advised fully as to the extent that a reduction must be shown on the face of the bill or whether it may be shown on the bill as compared with the estimates.

What happened in this case was this: The Secretary of the Treasury, by House Document No. 144, made an estimate of $1,800,000 for an appropriation to pay for money orders. The plan was to let these boys who have policies of insurance pay the local postmaster or pay the carrier or other postal official, and for the post office to charge for that service, and then for the Government to appropriate to pay the postal employee for performing that service. That was the request that was made by the Secretary of the Treasury. Suppose we had granted the request of the Secretary of the Treasury. The appropriation would necessarily have to be in the neighborhood of $1,800,000 for that service, simply for paying for the money orders. Now, instead of accepting that estimate, the committee thought that, in view of the fact that we had recently increased the pay of postal employees $50,000,000 a year, the postal employee would be a pretty mean sort of a fellow who would not be willing to collect a few dollars from an ex-service man and send the money to the Government of the United States. Therefore we provided that his part of the compensation should not be appropriated out of the Treasury, but we provided by this legislation for the performance of the work. It certainly is a reduction in the appropriation that would otherwise be made without the legislation. While it does not appear on the face of the bill, if the Chair will take the estimate submitted through the Speaker to the Committee on Appropriations he will find that there was an estimate for $1,800,000. This legislation obviates the necessity of making that appropriation. Certainly it is a reduction, and we are able to make the reduction only through the legislation that is objected to.

I do not understand why there should be any objection from the Post Office Department to the employees of that department performing this service. I do not know why the Postmaster General should ask some one in Congress to interpose a point of order to a proposition that I think every Member of this House will agree is a businesslike proposition, and I trust the gentleman from Texas [Mr. BLACK] will withdraw the point of order and let the committee vote upon the simple question whether or not we will permit these postal employees to have the right to perform this service without additional compensation.

Mr. SANDERS of Indiana. Does the director of the bureau desire this legislation?

Mr. GOOD. The Director of the Bureau of War Risk Insurance came before us in support of his estimate. I do not think the committee took up with the director the matter of this legislation.

The CHAIRMAN. The Chair would like to hear the point of order discussed and not the merits of the proposition.

Mr. GOOD. I think, Mr. Chairman, I have said all I desire to say with regard to the point of order. I do not know just to what extent the holdings of the Chair have gone with regard to requiring the reduction to be shown on the face of the bill itself, but it does seem to me that in a case like this, in a deficiency bill where an estimate is made coming to the committee through the office of the Speaker of the House asking for $1,800,000, if the committee can work out a plan whereby the same work can be accomplished by putting a little legislation on the statute books and thereby obviate the necessity of making the appropriation, it is at least along the line of good business, and it ought to be along the line of good legislation, and there ought not to be anything in the rule so technical as to prevent that being done.

Mr. GREEN of Iowa. Mr. Chairman, I desire to be heard for just a moment.

The CHAIRMAN. Does the gentleman desire to be heard upon the point of order?

Mr. BLACK rose.

Mr. GREEN of Iowa. Yes; but if the gentleman from Texas desires recognition I will yield for him.

The CHAIRMAN. The Chair is ready to rule.

Mr. GREEN of Iowa. I would like to call the Chair's attention to one thing.

The CHAIRMAN. The Chair will hear the gentleman from Iowa.

Mr. GREEN of Iowa. The ordinary rule that applies to amendment is not the same as that which applies to this provision which is brought in by the committee. In the case of amendments to the bill offered from the floor, the rule is that they must reduce the amount of the appropriations carried by the bill, but where the provision is brought in by the committee itself it seems to me to be covered by the last provision of the Holman rule:

Provided, That it shall be further in order to amend such bills upon the report of the committee—

Which I take it to be the committee bringing in the bill—

or any joint commission authorized by law or the House Members of any such commission having jurisdiction of the subject matter of such amendment, which amendment being germane to the subject matter of the bill—

And this certainly is germane—

shall retrench expenditures.

This will retrench expenditures.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BLACK. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BLACK. Mr. Chairman, in arguing a point of order I do not think it is proper for a Member to go out of the record, as the lawyers would say, and argue extraneous matter not connected with the point of order. The gentleman from Iowa [Mr. GOOD], the chairman of this committee, I think did that very thing to some extent in the way of criticism of the Post Office Department for opposing this legislative proposal. As a matter of fact the Post Office Department, so far as I know or am informed, is not opposed to any proper cooperation that can be arranged between it and the War Risk Insurance Bureau, but the House can readily see that it is a big proposition to make the Post Office Department the collecting agency for 3,000,000 or 4,000,000 insurance policies, if indeed that many shall be renewed, and in the hearings the Post Office Department and the post-office officials were not asked to appear before the committee and work out comprehensive and adequate legislation along this line. This is too big a subject to be treated in just one paragraph of an appropriation bill. It will have to be worked out in greater detail than this paragraph now under discussion would do. What would be the result if we adopted an amendment of this sort? It would make 43,000 rural carriers collecting agents; it would make some 36,000 or 37,000 letter carriers collecting agents, making more than 80,000 in all. They would be under no bond for this particular purpose. The bonds which they are now working under cover only the receipts of the Postal Service, and I submit that it would be imposing upon the Post Office Department and the heads of that department a financial responsibility without proper safeguards that would not be warranted under the circumstances. I know that there is no higher class of men than the rural carriers; I know that there is no higher class of men than the letter carriers, and for the most part they would administer the duty well, but it is a responsibility that we ought not to ask the Post Office Department to assume without proper legislation and proper safeguards. That was the attitude of the Postmaster General. If in the wisdom of the Congress it seems proper to make the Post Office Department the collecting agency for the War Risk Insurance Bureau, then that subject ought to be gone into in a comprehensive way before the proper committee, and the parties in interest ought to be heard. It was for that reason that I made the point of order, and not because I have the slightest antagonism to any properly-worked-out plan of cooperation between the two departments.

The Clerk read as follows:

WAR DEPARTMENT.

CONTINGENT EXPENSES.

For purchase of professional and scientific books, law books, including their exchange; books of reference, blank books, pamphlets, periodicals, newspapers, maps; typewriters and adding machines; furniture and repairs to same; carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges, fuel, gas, and heating apparatus for and repairs to buildings (outside of the State, War, and Navy Department Building) occupied by the War Department and its bureaus; purchase and exchange of motor trucks and motor cycles; maintenance, repair, and operation of motor trucks and motor cycles, and one motor-propelled, passenger-carrying vehicle, to be used only for official purposes; freight and express charges; street car fares, not exceeding $1,000; and other absolutely necessary expenses, including a per diem allowance not to exceed $4 in lieu of subsistence, $400,000.

Mr. LITTLE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 9, line 13, after the word "and" in line 12, strike out line 13 and the words "only for official purposes" in line 14.

Mr. WINGO. Mr. Chairman, I rise to reserve points of order against certain items in the paragraph.

Mr. LITTLE rose.

The CHAIRMAN. The gentleman from Kansas will give way while the point of order is stated against the paragraph.

Mr. WINGO. Mr. Chairman, I wish to make a point of order against the provision in the following language in lines 8, 9, and 10:

And heating apparatus for and repairs to buildings (outside of the State, War, and Navy Department Building) occupied by the War Department and its bureaus.

There is no authority of law whereby heating apparatus for and repairs to private buildings that are rented by the Government may be purchased and made. It is contrary to existing law.

Mr. GOOD. Does the gentleman reserve the point of order?

Mr. WINGO. I reserve the point of order.

Mr. GOOD. I think that is not the intention of the War Department. As I recall it, the War Department is occupying several rented buildings, and under the terms of the leases they are compelled to make certain repairs on the heating apparatus. This is only to enable them to heat the buildings and do the work that may be necessary upon the heating apparatus under the terms of the deed. When the lease provides that the landlord shall make the repairs and furnish the apparatus, of course the War Department will not do it.

Mr. WINGO. What necessity is there for the War Department retaining these buildings? They can get releases from their leases now very easily. The owners of the buildings would be very glad to take the buildings off their hands. We have vacant space galore in buildings owned by the Government under the control of the War Department. The War Department can surrender every private building they have now and the owners will be glad to relieve them, because they can rent them for two or three times what the War Department is paying now. Why should we keep up these buildings for these private owners when we have space not being used, owned by the Government?

Mr. GOOD. The gentleman is mistaken about that, unless the committee having charge of the matter is mistaken, because they say that there is no space available now for some of the departments that are obliged to go out and rent others.

Mr. WINGO. The reason is this, that those who have those departments and those who are in the buildings do not want to mix them up; but if the gentleman will go to the Munitions Building and look for himself, as I have, he will find plenty of space.

Mr. GOOD. I want to say with reference to this item, that it is the identical item that was carried in the legislative bill. The legislative bill carried an appropriation of $34,229.12.

A part of that was for buildings rented prior to the war on a long-time lease that has not expired, and I do not know of a dollar that is being used of this amount with regard to the expenditures on heating. If the gentleman wants to strike it out, I have no objection.

Mr. WINGO. I will say this to the gentleman, that, of course, I do not want to cripple the War Department, but the gentleman remembers that even when the Democrats had control of the House I protested, and I shall continue to protest, as long as I am a Member of the House, against blanket lump-sum appropriations, because that is all it is; it covers everything from automobiles to soap, ice, and rent—everything—and gives the lump-sum appropriation of $400,000, which takes in files, newspapers, typewriters, furniture, ice, soap; they can do anything under the sun they want to, and I am going to keep it up. It is not an objection against any particular branch. Gentlemen talk about a budget system. If you want a budget system, we have got to say to the executive departments: Itemize your accounts when you bring them before the Congress, and then Congress may determine. Do not include in one paragraph everything from soap and ice to automobiles. I am going to insist on the point of order, so as to enforce the giving of proper estimates.

Mr. GOOD. Mr. Chairman, it is not subject to the point of order. It is the same item in which this appropriation has been carried for years. To-day there is a deficiency in the office of The Adjutant General of the Army, all of which has been expended for the purchase of steel file cases. Gen. Pershing wired before he left France to The Adjutant General to prepare a large number of steel file cases, so that he could have the assorting made to place in those file cases certain correspondence in regard to the Expeditionary Forces. The files are coming in, some permanent requests for files from the draft boards. There is no place and there must be some filing facilities furnished them, and over $300,000 of this amount is for the purchase of these file cases.

The CHAIRMAN. Will the gentleman from Iowa state any statutory authority for making appropriations for "repairs to buildings—outside of the State, War, and Navy Department Buildings—occupied by the War Department and its bureaus"?

Mr. WINGO. There is no authority of law.

The CHAIRMAN. The Chair was asking the gentleman from Iowa.

Mr. GOOD. That is carried in the appropriation bill for this year.

Mr. WINGO. That does not make it law.

Mr. GOOD. There is a provision for the purchase of scientific books, law books, blank books, newspapers, periodicals,

maps, typewriters, adding machines, furniture and repairs to same, filing cases, towels, ice, and so forth, and heating apparatus for and repairs to buildings, outside of the State, War, and Navy Department Building. That has been carried in the bill for 10 or 12 years to my knowledge. Now, as to whether there is any law the burden is on the gentleman making the point of order, according to the ruling of the Chair for a number of years, to show there is not permanent law for the provision carried in the bill. The burden of proof is on the side making the point of order and not on the committee reporting the bill.

The CHAIRMAN. The Chair will state that the gentleman from Arkansas states there is no statutory authority, and no statutory authority has been shown to the Chair as yet for this appropriation.

Mr. GOOD. Has the statute been shown to the Chair with regard to the rental of buildings for the War Department and the application of the lessor and the lessee under that authority——

The CHAIRMAN. The only authority that has been cited to the Chair is that in the appropriation bill, and, of course, that is not statutory authority.

Mr. SAUNDERS of Virginia. Mr. Chairman, may I say just a word on the subject of the parliamentary status as suggested by the gentleman from Iowa? The burden is not on the Member who makes the point of order on an item in an appropriation bill. It has been most emphatically decided that when a point of order is made to an item on an appropriation bill the burden is on the proponent to sustain the proposition objected to.

Mr. WINGO. In other words, the burden of proof is on the gentleman presenting the bill to show the authority for the item to which the point of order is directed.

Mr. GOOD. Unquestionably; and I do not think the gentleman from Arkansas will take issue with the statement that the War Department has authority to rent buildings and to occupy them, and with that authority is carried the authority incident to the occupation. If heat is not furnished, why, of course, the War Department would have to furnish the heat. It has been in pursuance of that the general authority to rent buildings by the War Department that this language has been carried, and an objection has never been made in regard to it.

Mr. WINGO. The courts have held that the word "repairs" might include a new construction added onto the building. Would the gentleman say that because under the current appropriation, and that is all it is, we give authority to rent, and the War Department agrees that if they rented for a period of years the War Department would tear down a building or add a new building or——

Mr. GOOD. Well, that question would never get to the courts——

Mr. WINGO. Not so far as the Federal Government is concerned; but the word "repairs" has been considered by the courts and its meaning defined.

Now, will the gentleman permit me right there? If the gentleman will insert an item for filing cases for Gen. Pershing, I shall not object. This is a rental item. If he comes in with an item for filing cases for the Expeditionary Forces, I shall not object to that. But here is a blanket appropriation that has been carried as a current appropriation and is not under existing statute. I have not been able to find any law that authorizes the War Department to make repairs on a building that is rented.

Mr. GOOD. I will say to the gentleman that there is authority for the War Department to rent buildings, and under that general authority they have rented buildings. They have from time immemorial under that item done things incident to the occupation of a rented building. But I will say to the gentleman not a penny of this amount of $400,000 was estimated for this purpose at all. Practically all of it is for filing cases and devices of that kind.

Mr. WINGO. Why did not the gentleman put in an item that the House could understand, such as filing cases for the records of the American Expeditionary Forces and, if you want, rental for safe quarters for the same?

Mr. GOOD. It is paid out of the contingent fund of the War Department, and the committee did not want to start another fund down there with a bureau chief over it and with a whole lot of clerks to keep books. This is a contingent-fund item, and that is the same language that it has been carried in for years. I submit it is not subject to a point of order.

The CHAIRMAN. The point of order is made to the language:

Heating apparatus for and repairs to buildings (outside of the State, War, and Navy Department Building) occupied by the War Department and its bureaus.

In the view of the Chair this calls for the expenditure of money upon other than Government property, and unless there is statutory authority for such an expenditure of money, that language, in the opinion of the Chair, is subject to a point of order, and the point of order is sustained.

Mr. GOOD. Mr. Chairman, a parliamentary inquiry. Just what language goes out?

The CHAIRMAN. The language in line 8, beginning with the word "and," down to and including the word "bureaus," in line 10, page 9.

Mr. GOOD. Does the Chair mean to say that out of this appropriation no money can be paid for fuel and heat for Government buildings that are to be taken under a lease where the War Department agrees to heat the building?

Mr. WINGO. "Fuel and gas" did not go out, but the "heating apparatus." You can not buy new apparatus in the rental of a new building.

Mr. CANNON. Will the Chair indulge me for a single word? This is for contingent expenses. Now, then, we have fallen into the habit of adding much language that might all go out, and which is appropriate under the words "contingent expenses." Now, what is the exception? "And heating apparatus for and repairs to buildings—outside of the State, War, and Navy Department Building—occupied by the War Department and its bureaus." Now, all understand that the State, War, and Navy Building is the building just beyond the White House.

We all know, as a matter of fact, that the War Department occupies buildings down on the Mall. There must be heating and lighting and care for the buildings that are occupied outside whether rented or owned by the Government. A lease by the Government is a temporary ownership, and I apprehend—in fact, I am sure—that if a lease was made by the Government of a building for a year or for 10 years, and I have no doubt there are many such leases, unless it can be paid for as contingent expenses you could not either heat or light them.

Mr. GOOD. Will the gentleman yield there?

Mr. CANNON. Yes.

Mr. GOOD. I think there is one matter that the attention of the Chair ought to be called to, and the gentleman's remarks suggested it.

The Government owns the old Ford Theater. That is not a part of the State, War, and Navy Department Building at all, but it is occupied by the War Department. It pays for repairs to this building, and if it has a heating apparatus it comes out of that. The Government occupies other buildings of its own, and the repair and upkeep is paid out of the contingent fund of the War Department. This item goes out. I observe there is an estimate here for typewriters, furniture, and so forth. I do not know to what extent that relates to Government-owned buildings, but I want to call the attention of the Chair to this, and I should have called his attention to it before, that a part of these buildings are Government-owned buildings, and certainly the Government has the right to bear the expense of heating apparatus in its own buildings, even though occupied by the War Department.

Mr. LITTLE. Mr. Chairman, I might say in regard to the point of order that I had a lawsuit on this once, and the courts have long since decided that a man who rents a building does not have to repair it; and the Government does not have to repair this. It seems very easy to spend money and very hard to save a little. The Lord knows, I am starting out to give you a chance to save little enough. It is a very small item, but it is a large principle.

There has been a good deal of oratory this afternoon, as I started to say, about saving money. I read here, and I will move to cut it out, an appropriation "for the operation of one motor-propelled, passenger-carrying vehicle, to be used only for official purposes." Now, when this appropriation was made, the War Department originally figured how many automobiles they should have, but it appears somebody was overlooked. In the old appropriation bills of this House years ago there were appropriations for horses and vehicles for Congressmen. There are none now. If you need to go to the War Department on the business of your constituents you have to pay your fare. This appropriation gives $1,000 for car fare for the War Department. And why on earth do they want that one other motor-propelled vehicle? A Congressman is liable to be run down now most any day by an automobile run by a fellow with shoulder straps who should be in his office at work. I am sick and tired of this business. There is a principle involved here, and it is time for you to put your foot down. I greatly hate to criticize, but think we ought to do a little work along the line of economy. Gentlemen, our people work hard to supply the funds that run our Government. They do not make their sacrifices so military men who never fought can have automobiles await their beck and nod.

The committee has done some splendid work for economy, work which I have admired greatly, and I commend them for it. They have done such a lot of hard work that I think they will be glad to have a little help in the line of economy.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. I can not yield now. Here is a principle. Why not say to the War Department, "There are thirty billions of debt hanging over this country. We want you to begin retrenching, and when you want to go round the corner you will have to walk." A lot of our people will have to walk if they keep on paying taxes as they have been doing recently. Here is a good place to draw the line. We could not set a better precedent to the War Department than to say, "Gentlemen, this must stop. We were willing to spend money like water during the war, but what is the use in buying or maintaining these machines?" They have already all the machines they need. What business has anybody in the War Department to have a machine, anyway? If you want to see any of them, you must go down there and hunt them up. That is their place. Let them stay there. There are miles of machines parked down there now. You can find machines costing the very highest price often standing there ready to bring men in uniform to dinner.

Gentlemen, be true to your oratory. If gentlemen who have spoken here in the last hour will stay with me, we will carry this amendment. This in itself is a small matter, and therefore it is easy here to draw the line. But there is principle involved. This money has got to be paid by the taxpayers. Here is a mighty easy place to stop. If you will now notify them that they must descend to earth again, must walk or ride on street cars, you will begin to get the idea into the heads of the War Department that money costs money.

Mr. CANNON. What is the gentleman's motion?

Mr. LITTLE. My motion is to strike out the provision there in line 13, giving somebody another automobile in which to parade around town. I do not see any reason for it.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kansas [Mr. LITTLE].

The Clerk read as follows:

Amendment offered by Mr. LITTLE: Page 9, line 13, strike out all of line 13 and the words "only for official purposes" in line 14.

Mr. GOOD. Mr. Chairman, I would like to see if we can agree as to time.

Mr. GREEN of Iowa. I would like to have three minutes.

Mr. GOOD. I ask unanimous consent that the debate close in 11 minutes, 3 minutes to be used by the gentleman from Nebraska [Mr. REAVIS], 3 minutes by my colleague [Mr. GREEN], and——

Mr. WINGO. Debate on this amendment?

Mr. GOOD. Yes.

Mr. BYRNES of South Carolina. I want three minutes. I may not use it.

Mr. LITTLE. Reserving the right to object, I would like to make a formal motion.

Mr. GOOD. The gentleman has made his motion.

Mr. LITTLE. Yes; but I would like to make another.

The CHAIRMAN. Is there objection?

Mr. HAUGEN. I object.

The CHAIRMAN. Objection is made.

Mr. REAVIS rose.

The CHAIRMAN. The gentleman from Nebraska is recognized for five minutes.

Mr. REAVIS. Mr. Chairman, I am not at all certain that the information I have in mind is pertinent to this amendment, because I am not sure that the motor vehicles now controlled and owned by the War Department could be used for the purposes for which the one herein provided for is required.

Mr. GOOD. I will say to the gentleman that a car is not required here at all.

Mr. REAVIS. The item says, "And one motor-propelled, passenger-carrying vehicle, to be used only for official purposes."

Mr. GOOD. I will say to the gentleman what I explained before. The committee has done what it has done for 20 years. In reporting deficiency bills the custom is to carry the deficiency in the exact language of the former appropriation, and so we simply use that language and put in the amount of deficiency. That is the reason why this appears here.

Mr. REAVIS. What I have in mind was this: I do not know whether this deficiency appropriation is to be utilized for the purpose of purchasing an automobile or not, but I do know that the War Department now has 47,000 surplus automobiles. I know that the War Department has received from the factories since the signing of the armistice automobiles aggregating in value approximately $175,000,000, and that within an hour's ride of Washington are new Cadillacs, Dodges, Buicks, Chandlers, and Hudsons that are piled five high in the crates from which they have never been taken, covering acres of ground. I know that the War Department has many thousands of motor vehicles that have been standing from November until September in open storage, with no covering on them, until the upholstering has rotted, until the tops have rotted and fallen, and until the radiators are so covered with rust that you can scarcely see the enamel; that from November last until September this year no cars have been sold, although Gen. Drake, Chief of the Motor Transport Corps, testified that he had issued 472 orders to the sale department which declared the vehicles surplus and authorized their sale.

It seems to me, gentlemen, that if the War Department has a surplus of 47,000 cars, many of which have never been taken from the crates, thousands of which have been standing in the open for nearly 11 months, it is a good deal of effrontery for it to come in here and ask this Congress to appropriate money to enable them to buy one more.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. REAVIS. I will be glad to yield.

Mr. BYRNES of South Carolina. I submit to the gentleman that this language, as clearly as the English language can express it, provides for the maintenance, repair, and operation of motor trucks and motor cycles and of one motor-propelled passenger-carrying vehicle. It provides for maintenance and operation. It does not provide for purchase, and every bill that has ever provided for the purchase of an automobile specifically provides for the purchase of a motor-propelled vehicle.

Mr. WINGO. Mr. Chairman, will the gentleman yield there? I will state that——

Mr. REAVIS. In line 10 this language is called to my attention: "Purchase and exchange of motor trucks and motor cycles."

Mr. WINGO. And a semicolon. I have an amendment at the desk to strike that out. It is an amendment different from that of the gentleman from Kansas [Mr. LITTLE].

Mr. REAVIS. I stated at the beginning of my remarks that I was not at all certain that the information I had in mind was applicable to the amendment of the gentleman from Kansas. I sought this opportunity, Mr. Chairman, to make this statement when we were all talking economy.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. REAVIS. I ask unanimous consent that my time may be extended five minutes.

Mr. BYRNES of South Carolina. I yield to the gentleman three minutes of my time.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. NEWTON of Minnesota. The other day I received a letter from the sales department, giving notice of the fact that several hundred unserviceable cars were to be placed on sale throughout the country. Some two or three months ago I took up with the department the possible sale of some of these cars that the gentleman has mentioned, and was informed that those cars were not for sale and were not going to be sold. Several requests in writing had come in to know when the War Department was going to place these cars on sale, saying that the automobile factories could not turn out certain makes of cars except on a wait of three or four months, and wondering if they could get the new cars that the War Department had in storage.

Mr. REAVIS. I do not know whether the War Department is going to sell them or not, but in the immediate future the committee of which I am a member will bring into the House a report as to the condition which now exists and to ascertain whether or not Congress will take action on the conduct of the War Department in holding for 11 months millions of dollars' worth of automobiles that are rotting and rusting and going to ruin, notwithstanding Gen. Drake, Chief of the Motor Transport Corps, a most excellent officer and a very frank witness, testified that 470 communications had gone from his office to the sales department of the War Department, pleading for and ordering the sale of these machines, and he said that notwithstanding that fact not one of them has been sold.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BYRNS of Tennessee. Mr. Chairman, the gentleman from Nebraska [Mr. REAVIS] has criticized the War Department for its failure to dispose of these automobiles. The gentleman from Nebraska is no doubt aware of the fact that Congress passed a statute which authorized the Secretary of War to transfer these motor trucks to certain departments of the Government,

and that the Secretary of War has doubtful authority, in the face of that statute, to make a sale of these motor trucks.

The provision in the Public Health Service act, section 3 of the act of March 3, 1919, says:

The Secretary of War is hereby authorized and directed to transfer without charge to the Secretary of the Treasury, for the use of the Public Health Service, such hospital furniture and equipment, including hospital and medical supplies, motor trucks, and other motor-driven vehicles, in good condition, not required by the War Department, as may be required by the Public Health Service for its hospitals.

There is also a similar provision of law as to the Post Office Department. The provision contained in the Post Office appropriation act reads as follows:

That the Secretary of War be, and he is hereby, authorized, in his discretion, to transfer to the Secretary of Agriculture all available war material, equipment, and supplies not needed for the purposes of the War Department but suitable for use in the improvement of highways, and that the same be distributed among the highway departments of the several States to be used on roads constructed in whole or in part by Federal aid, such distribution to be made upon the value basis of distribution, the same as provided by the Federal aid road act approved July 11, 1916: *Provided*, That the Secretary of Agriculture, at his discretion, may reserve from such distribution not to exceed 10 per cent of such material, equipment, and supplies for use in the construction of national-forest roads or other roads constructed under his direct supervision.

Col. Ritchie stated that the Agricultural Department alone has requisitioned 27,982 motor vehicles of various kinds, and I take it that the Secretary of War does not wish to sell these vehicles until he knows how many will be required by the departments. If they can be made useful in the building of highways, then they should be so used.

Mr. REAVIS. Will the gentleman yield?

Mr. BYRNS of Tennessee. I yield.

Mr. REAVIS. Following the passage of that statute in March, the same Congress in July passed a statute providing that no more of these motor vehicles should be turned over to the departments without full compensation. The Judge Advocate General issued an opinion upon the July law, stating that there was no authority on the part of the department to turn over any more of these motor vehicles to the departments unless they paid for them, but subsequent to the rendering of that opinion, as late as August, the Secretary of War issued an order turning over all motor vehicles for which orders had gone out. In violation of that law, and in contemptuous disregard of Congress, he turned over to these departments approximately $163,000.000 worth of motor vehicles without the payment of a dollar.

Mr. BYRNS of Tennessee. The amendment to which the gentleman refers was included in the sundry civil bill. The provision contained in the sundry civil appropriation act approved July 9, 1919, section 5, reads as follows:

The Secretary of War is authorized to transfer any unused and surplus motor-propelled vehicles and motor equipment of any kind, the payment for same to be made as provided herein, to any branch of the Government service having appropriations available for the purchase of said vehicles and equipment: *Provided*, That in case of the transfers herein authorized a reasonable price not to exceed actual cost, and if the same have been used, at a reasonable price based upon length of usage, shall be determined upon and an equivalent amount of each appropriation available for said purchase shall be covered into the Treasury as a miscellaneous receipt, and the appropriation in each case reduced accordingly: *Provided further*, That it shall be the duty of each official of the Government having such purchases in charge to procure the same from any such unused or surplus stock if possible: *Provided further*, That hereafter no transfer of motor-propelled vehicles, and motor equipment, unless specifically authorized by law, shall be made free of charge to any branch of the Government service.

Of course, I do not know what action the Secretary of War has taken since that provision was passed. I assume that the gentleman is fully acquainted with the facts; but I rose for the purpose of saying that the gentleman from Nebraska [Mr. REAVIS] has criticized the War Department for its failure to sell these automobiles, when, as a matter of fact, there is a statute now on the books which authorizes him not to sell them, but on the contrary to turn them over to the departments, and in pursuance of that statute he has transferred to the Public Health Service 720 vehicles. He has transferred to the Post Office Department 4,888 vehicles, and he has transferred more than 5,200 to the Agricultural Department.

The Judge Advocate General construed these enactments, and I quote from his opinion:

It is the opinion of this office that so far as the previous statutes, enumerated and quoted from, specifically authorize the transfer of motor-propelled vehicles and motor equipment to be made free of charge to other branches of the Government service, they are not repealed, but that so far as they do not specifically authorize such transfer of such vehicles or equipment to be made free of charge, such statutes are superseded.

Measured by this rule, the provisions quoted relating to the transfer to the Secretary of Agriculture of all available war material, equipment, and supplies not needed for the purposes of the War Department, is repealed so far as inconsistent with the later act, inasmuch as it neither specifically mentions motor-propelled vehicles and motor equipment nor specifically authorizes a transfer free of charge.

It is the opinion of this office that the other two statutes referred to, namely, the act of March 3, 1919 (40 Stat., 1303), directing the transfer without charge, for the use of the Public Health Service, of motor trucks and other motor-driven vehicles not required by the War Department and the act of July 2, 1918 (40 Stat., 753), authorizing the transfer to the Postmaster General, without charge, of such automobiles or parts thereof as may prove to be or shall become unsuitable for the purposes of the War Department, both specifically authorized the transfer of motor-propelled vehicles and motor equipment to be made free of charge to other branches of the Government service, and are not repealed, but that transfers of motor vehicles to the last two named services may continue to be made without charge.

It will thus be seen that the Judge Advocate General expressly ruled that these vehicles may be transferred to the Public Health Service and the Post Office Department without charge and notwithstanding the aforesaid provision in the sundry civil bill; and the statute passed by Congress directs such transfer to be made. I do not wish to take issue with the Judge Advocate General, but it would seem that the same reasoning would apply to the Agricultural Department, for in my opinion motor trucks can be included in the war equipment and material referred to in the statute.

Mr. REAVIS. Will the gentleman yield?

Mr. BYRNS of Tennessee. I will yield briefly.

Mr. REAVIS. I want to make this statement, that I had in mind the order to the department to turn these over. The sworn testimony of the Chief of the Motor Transport Service, Gen. Drake, is that they have 47,000 surplus automobiles over and above the requirements of the departments, and the 47,000 surplus automobiles that I had in mind are automobiles with which the other departments, under the law, have nothing to do.

Mr. BYRNS of Tennessee. Now, in regard to the manner in which these cars are being stored. Col. Ritchie was asked the direct question as to what steps were being taken to preserve these automobiles and trucks.

Mr. HUSTED. Will the gentleman yield?

Mr. BYRNS of Tennessee. In a few minutes I will yield. I quote the following from the hearings before the committee. Col. Ritchie was asked this question:

A Member of Congress told me night before last that he had been over there and that he has a picture of them, and that a moving-picture man had gone there to get a picture of them, and that he saw cars there with the bodies taken off and the vehicles big boxes of rust.

Col. RITCHIE. I can not answer that except to say that the last time I was at Relay, Md., two months ago, they had sufficient covered storage to take care of all the vehicles at that time at Relay, and the vehicles there then consisted only of Ford touring cars and Commerce chassis.

The CHAIRMAN. Perhaps I am referring to another place. You have another place near Baltimore where you have a large number of trucks?

Col. RITCHIE. The Motor Transport Corps has.

The CHAIRMAN. Where is that?

Col. RITCHIE. That is at Camp Holabird.

The CHAIRMAN. Do you know anything about that?

Col. RITCHIE. Yes, sir.

The CHAIRMAN. Are those out in the open?

Col. RITCHIE. Yes, sir; but they are all in such shape that they are not deteriorating; they are properly slushed and greased.

Mr. PHILLIPS. I suggest right there, Mr. Chairman, that a Member of Congress called my attention to the fact the other day that he had a letter from a resident of Relay, Md., in which this resident wrote this Congressman that he personally knew it to be a fact that there were 25,000 vehicles at Relay, Md., between 20,000 and 25,000 at Camp Meade, Md., which is toward Annapolis from Baltimore, and that there were at least 100,000 in open storage at Camp Holabird, which is the Motor Transport Corps general supply depot, supplying the Eastern and Northeastern Departments.

I went back to the office, and in order to obtain this information had a statement of all the vehicles gotten up for me and furnished to him. That statement shows that there were about 12,000 vehicles at Camp Holabird, that there were between seven and eight hundred motor vehicles at Relay, Md., which had been transferred by the Motor Transport Corps to the Post Office Department. Those vehicles were absolutely under the control of the Post Office Department. We have no longer anything to do with them. There are at Camp Meade, where he said there were between twenty and twenty-five thousand vehicles, 170 vehicles in all, including motor cycles and bicycles. There were at Camp Holabird between eleven and twelve thousand vehicles.

Mr. REAVIS. Will the gentleman yield to me further for a statement?

Mr. BYRNS of Tennessee. In just a moment.

Mr. REAVIS. The statement of the witness that there are between 11,000 and 12,000 automobiles at Camp Holabird is correct. There are approximately 11,000 cars there, but the statement that they are protected is incorrect. There are 3,700 trucks at Camp Holabird, many of them with the beds or bodies off and with all their parts exposed to the snows of winter and the rains of summer, and anyone who says they have not deteriorated certainly has not seen them. I saw them day before yesterday.

Mr. GARNER. Mr. Chairman, may I ask the gentleman a question in the time of the gentleman from Tennessee [Mr. BYRNS]?

Mr. REAVIS. Yes.

Mr. GARNER. What reason is given why these cars are not sold?

Mr. REAVIS. Mr. Chairman, will the gentleman from Tennessee yield to me to answer the question?

Mr. BYRNS of Tennessee. Yes.

Mr. REAVIS. I have so far not found out. Gen. Drake, the Chief of the Motor Transport Corps, took out 500 passenger cars, what they call pleasure cars—I saw Hudson limousines and Packards and other standard cars—in February of this year and parked them, and he notified the sales department that they were surplus and should be sold. In the latter part of July, after receiving 470 orders and communications from Gen. Drake, the sales department, under charge of a Mr. Hutchinson, sent all of the orders back and said he wanted nothing to do with it. Mr. Hutchinson, at the head of that department, was the general manager of the Willys-Overland Automobile Co. before he took that job, and not one of those cars has been sold.

Mr. BYRNS of Tennessee. In further answer to the gentleman from Texas I wish to read the statement of Mr. Phillips, which was made before the committee, with reference to just why these cars have not been put in storage.

Mr. REAVIS. Who is Mr. Phillips, may I ask the gentleman?

Mr. BYRNS of Tennessee. Mr. Phillips appeared with Col. Ritchie and is connected with the motor equipment. He is a civilian, and, I think, in direct charge of this matter under that officer.

Mr. REAVIS. I will state to the gentleman, if I may interrupt him, that the two men in charge are Gen. Drake, Chief of the Motor Transport Corps, and Mr. Hutchinson, who has charge of the department of sales.

Mr. BYRNS of Tennessee. I understand that, but Mr. Phillips, who is a civilian, is directly connected with this matter under these officers. Mr. Phillips stated, in response to a question of the chairman, which was as follows:

> I understood you to say that you have a large number of War Department machines at Relay?
>
> Mr. PHILLIPS. Those are all machines that have been transferred to the Post Office Department. By the way, Mr. Chairman, may I say that, as far as that open storage is concerned at Camp Holabird, you probably know that a provision in the Army appropriation act prevented us from going ahead with construction for storage purposes at Holabird, as it did at other camps. All of our construction was stopped——

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

My BYRNS of Tennessee (reading)—

> We intended to put up some more storage facilities at Holabird, but we are absolutely prohibited from doing that under the provisions of that appropriation act. We are absolutely prohibited from putting up any construction at all.

Mr. GARNER. That does not answer the question as to why they did not sell these vehicles.

Mr. BYRNS of Tennessee. They are prohibited under the statute from selling them.

Mr. GARNER. If they are prohibited by law, that settles it.

Mr. REAVIS. Under what statute?

Mr. BYRNS of Tennessee. The statute which directed the Secretary of War to turn them over to the departments.

Mr. REAVIS. The gentleman is mistaken, because there are 47,000 cars over and above the demands of the departments.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. GOOD. I think the gentleman is mistaken when he says they are prohibited under the statutes from selling them.

Mr. BYRNS of Tennessee. They are prohibited this far, at least. The Secretary of War was authorized to turn over to the Agricultural Department such machines as it needed for highway purposes, and directed to make transfers to the Public Health Service and the Post Office Department, and certainly the Secretary of War is not at liberty, under the statute, to sell these machines until he is advised that these departments will not need them.

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. GARNER. Mr. Chairman, I ask for recognition.

Mr. GOOD. Mr. Chairman, I have allowed this debate to run along too long now. It is getting far afield from the appropriation. I shall object to any remarks that are not on the item under discussion.

Mr. GARNER. Then, Mr. Chairman, I ask unanimous consent that the gentleman from Iowa [Mr. GOOD] may have three minutes. I think here is a good opportunity for Congress to ascertain whether or not there is a law on the statute books prohibiting the sale of these automobiles.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the gentleman from Iowa may proceed for three minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Iowa is recognized.

Mr. GOOD. Mr. Chairman, I yield to the gentleman from Texas [Mr. GARNER].

Mr. GARNER. Mr. Chairman, if there is a law on the statute books prohibiting the sale of these automobiles or trucks the sooner we know it the better, and there must be then some law passed authorizing the sale of them. The gentleman from Tennessee [Mr. BYRNS] contends that there is no law upon the statute books, and that is the construction of the War Department, saying that they are not allowed to sell these automobiles. The gentleman from Nebraska [Mr. REAVIS] and the gentleman from Iowa [Mr. GOOD] contend that they are permitted to sell these automobiles.

Mr. BYRNS of Tennessee. Mr. Chairman——

Mr. GARNER. Just a moment.

Mr. BYRNS of Tennessee. Let me correct my friend. Does the gentleman yield?

Mr. GARNER. Yes—oh, never mind.

Mr. GOOD. Mr. Chairman, I yield the rest of the three minutes to the gentleman from Nebraska [Mr. REAVIS].

Mr. REAVIS. Mr. Chairman, let me make this statement and then I will yield if I have any time. The first law that was passed was in the Post Office appropriation bill in March, that authorized the War Department to turn over to other governmental departments such motor vehicles as they needed. That is not the exact language, but that is the purport of the law. These other departments made requisition on the War Department for their needs in motor-propelled vehicles, and after all their needs were taken into account there were 47,000 surplus cars.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman yield?

Mr. REAVIS. According to the testimony of Gen. Drake, Chief of the Motor Transport Corps, given before my committee on the second of this month——

Mr. BYRNES of South Carolina. Mr. Chairman, there is a statement to be found on page 843, inserted at the request of the chairman, which shows the total number of cars in the United States is only 40,000; that they have already authorized 15,000, and that they have requisitions for further requirements amounting to 24,000, taking up every car.

Mr. REAVIS. When was that statement made?

Mr. BYRNES of South Carolina. In the last week.

Mr. REAVIS. I think the automobiles now in the United States in charge of the War Department—I can not give the exact figures—are in excess of 100,000.

Mr. BYRNES of South Carolina. The number here given is 40,052.

Mr. FESS. Will the gentleman yield?

Mr. REAVIS. I will.

Mr. FESS. If there is no authority to sell these cars, what about this announcement of the War Department of September 10, 1919, which says:

> The director of sales announced that the Motor Transport Corps will offer for sale at public auctions to be held in the immediate future at Army camps and storage yards enumerated in the appended list the total of 1,243 used passenger cars, trucks, ambulances, motorcycles, side cars, and bicycles—

And so forth.

Mr. REAVIS. The reading of that answers the inquiry.

Mr. GOOD. Mr. Chairman, I would like to agree upon the time for closing debate upon this amendment. I understand that there is another amendment to be offered.

Mr. SAUNDERS of Virginia. I want to ask the gentleman from Nebraska a question in this connection.

Mr. GOOD. I ask unanimous consent that all debate upon this amendment be closed in five minutes.

Mr. SAUNDERS of Virginia. Would the gentleman permit a question?

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa that all debate upon the pending amendment close at the expiration of five minutes? [After a pause.] The Chair hears none.

Mr. SAUNDERS of Virginia. Mr. Chairman, this is my question in connection with the matter that has been discussed. The gentleman from Tennessee states that the War Department offers as a reason why they do not sell these automobiles, that they have been forbidden by statute to do so, and when asked to give the statute to that effect, we are referred to the provision in

existing law authorizing the Secretary of War to turn over certain surplus trucks, and other material, suitable for road-making purposes to the Department of Agriculture to be divided between the road departments of the several States. Now I understand that the Secretary of Agriculture is having difficulty in securing this material from the War Department, that department claiming that it has no authority to turn over these vehicles for apportionment between the States.

Mr. GOOD. I can not give the gentleman all of my five minutes.

Mr. SAUNDERS of Virginia. I do not desire further time, but conclude my inquiry by asking on what ground is it that the Secretary of War declines to execute the authority heretofore given him by Congress to turn over the above material to the Secretary of Agriculture?

Mr. GOOD. Under the Post Office appropriation act the Secretary of War was directed and authorized at his discretion to transfer to the Secretary of Agriculture all available war material, equipment, supplies, including war supplies, not needed for the purpose of the War Department and suitable for the purpose of improving the highways, and subsequently the sundry civil bill provided that the Secretary of War was authorized to transfer any unused and surplus motor-propelled vehicles and motor equipment of any kind, and payment for the same to be made as provided therein, to any branch of the Government service, and so forth. Now, the Comptroller of the Treasury has held that inasmuch as the sundry civil bill passed subsequent to the enactment of the Post Office appropriation bill, and inasmuch as the language authorizing the transfer in the Post Office appropriation bill was general and the requirement for payment when transfers were made was in the sundry civil bill, that the provisions of the sundry civil bill suspended the provisions in the Post Office bill so far as motor-propelled vehicles were concerned, and that payment would have to be made. Notwithstanding that after Gen. Drake held that they could not transfer without, I understand that about 11,000 automobiles and trucks were transferred. I think the proposition of the gentleman from Tennessee draws an unwarranted conclusion from this. Now, I want to come to the question of the motion of the gentleman from Kansas. It will be noticed that this provision for $1,000 is for the maintenance, repair, and operation of motor trucks and motor cycles and one motor-propelled, passenger-carrying vehicle, to be used only for official purposes.

Now, it is estimated that they have in the War Department in Washington five motor trucks. The Secretary of War does have a passenger-carrying car, and this appropriation could be used for the maintenance of that car, and I submit that there is not a provision in this bill to take from the Secretary of State, the Secretary of the Navy, the Secretary of Agriculture, from the Vice President, or the Speaker of this House the provision for the maintenance of his car; and the Secretary of War is entitled to just as much consideration as any other Secretary or member of the President's Cabinet. While I believe in cutting down these appropriations, let us do it in a spirit of justice to the department. This provision is carried here because it is in the general language of the appropriation. There are five of these trucks carrying mail and things of that kind between the department and various buildings of the War Department. They must be maintained. I would not object in the least having the provision for purchase and exchange of motor trucks and motor cycles go out, because I do not believe that the War Department intends to spend a dollar for the purchase of them. They should not purchase any for several years. I do not believe that it will expend anything for such purpose, because they have them to sell, and they have more than are needed. That language, as I said before, is carried only because it has been the custom from time immemorial to carry the regular provision of law making appropriations for deficiency.

The CHAIRMAN. The time of the gentleman has expired; all time has expired; and the question is on the amendment offered by the gentleman from Kansas.

The question was taken, and the amendment was rejected.

Mr. WINGO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. WINGO: Page 9, lines 10 and 11, strike out the following words: "Purchase and exchange of motor trucks and motor cycles."

Mr. GOOD. There is no objection to that.

Mr WINGO. Mr. Chairman, I am glad the gentleman has conceded that, and I only desire to say a word. As I understood the colloquy between the gentleman from Tennessee and the gentleman from Iowa, the gentleman from Tennessee says that the War Department contends that it has not authority to sell these trucks. The gentleman from Iowa contends that is a construction of the law. Now, be that as it may, I think it is not good common horse sense for Congress to twiddle over the interpretation of the present existing statutes. If they have the trucks, if the statement of reputable witnesses are true, that they have trucks and automobiles they do not need, then, if they contend that they have not got authority of law, for God's sake let us give them authority and let them sell them instead of letting them go to waste. [Applause.]

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. WINGO. I yield.

Mr. BYRNS of Tennessee. I agree with the gentleman that these automobiles and motor cycles ought to be sold. The gentleman referred to my contention. What I wanted to say was this, that Congress has passed a statute which directed the Secretary of War to furnish these motor trucks to the Agricultural Department for highway purposes. In view of that statute, it was my contention that the Secretary of War no doubt felt he had no authority to sell cars which the Department of Agriculture might need.

Mr. WINGO. I have no quarrel with the gentleman's contention.

Mr. GARNER. Will the gentleman yield?

Mr. WINGO. I will.

Mr. GARNER. I wish to say that in conference with a member of the Military Affairs Committee a few moments ago—the gentleman from Mississippi [Mr. QUIN]—it was stated that the testimony before the Military Committee was that they had full power to sell these cars.

Mr. WINGO. We have a confused contention. The people of the country have read statements about these trucks, and they believe these things are going to waste. Now, if it be true, why can not the Congress, through a committee having jurisdiction, bring in a resolution here authorizing and directing the War Department to immediately sell surplus trucks and relieve this scandal, because it has grown to be a scandal?

Mr. GOOD. I want to say to the gentleman that I do not see what better language we could enact than that in the appropriation provision:

Sale of war supplies: That the President be, and he hereby is, authorized, through the head of any executive department, to sell, upon such terms as the head of such department shall deem expedient, to any person, partnership, association, corporation, or any other department of the Government, or to any foreign State or Government, engaged in war against any Government with which the United States is at war, any war supplies, material and equipment, and any by-products thereof, and any building, plant, or factory, acquired since April 6, 1917, including the lands upon which the plant or factory may be situated, for the production of such war supplies, materials, and equipment which, during the present emergency, may have or may hereafter be purchased or acquired or manufactured by the United States.

Mr. WINGO. Was that before or after the passage of the sundry civil act that the gentleman read a while ago?

Mr. GOOD. The passage of that act only provided they should not give them away.

Mr. WINGO. The gentleman does not answer my question.

Mr. GOOD. It was before, of course.

Mr. WINGO. All right. Now, the gentleman is a lawyer. I think there is something in the War Department contention that in the effort to protect the public interest we have three different statutes here which possibly conflict and evidently confuse. Now, let us stop disputing what the law is. We all agree that they ought to sell these surplus cars and trucks. Let the proper committee bring in a resolution here authorizing and directing the War Department to sell these surplus motor vehicles.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, I ask that all debate on this paragraph and all amendments thereto close in 10 minutes.

Mr. HAUGEN. Mr. Chairman, this is——

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes. Is there objection?

Mr. HAUGEN. Mr. Chairman, reserving the right to object, I wish to say that millions and hundreds of millions of dollars are involved in the matter, and we can afford to spend five minutes. Every Member seems to be of the opinion that these automobiles should be disposed of. In view of the fact that the gentleman says that the President has authority and that the President neglected to use it, let us direct it to be done.

Mr. GOOD. That is not the amendment before the House.

The CHAIRMAN. Is there objection?

Mr. GOOD. The chairman has accepted the amendment before the House.

Mr. TINCHER. Mr. Chairman, reserving the right to object, I want to offer an amendment right there that I would like two or three minutes to explain.

Mr. GOOD. Mr. Chairman, I ask unanimous consent for 15 minutes.

The CHAIRMAN. Is there objection to closing the debate in 15 minutes?

Mr. HAUGEN. I will have to object if it includes all the amendments.

Mr. GOOD. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from Iowa moves that all debate on this paragraph and all amendments thereto close in 20 minutes.

The question was taken, and the motion was agreed to.

Mr. REAVIS. Mr. Chairman, the gentleman from Arkansas had five minutes yielded, did he not?

Mr. WINGO. Was that agreed to?

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that the gentleman from Arkansas may have five additional minutes. Is there objection?

Mr. GOOD. Mr. Chairman, is that to be taken out of the 20 minutes?

The CHAIRMAN. Yes.

Mr. GOOD. I object to that. The time was fixed at 20 minutes.

Mr. WINGO. I think it was fixed with the understanding that that question was pending. I have not taken up the time. We are getting down to a discussion here that I think will be profitable.

Mr. GOOD. I have no objection to the gentleman having five minutes.

Mr. WINGO. I will do this: I am going to offer an amendment directing and authorizing the sale of these surplus trucks in order to shut this off.

Mr. REAVIS. I do not want to take any further time on this, but merely in response to what the gentleman from Arkansas [Mr. WINGO] says I have prepared an amendment along the line he has just suggested. But there is no confusion on the part of the War Department in reference to their right regarding the disposal of these automobiles. While none of these machines have been sold or offered for sale, we started the investigation of these automobiles largely at Camp Holabird and at Camp Jessup, at Atlanta, Ga. They are scattered all over the country, so far as that is concerned. Gen. Drake testified—I think it was on the afternoon of the 2d of September, the 2d of this month—that he had done everything in his power to get the sales department to have Mr. Hutchinson sell these automobiles, but he could not get even a reply to his correspondence nor any action upon his order, and that in the month of July, after he had been issuing orders to them and notifying them of it for 11 months, the sales department returned all his orders and his correspondence to him and stated they wanted nothing to do with it.

Now, with reference to whether or not there is confusion among the various statutes that we have passed regarding these automobiles, since these statements have been made, since the 2d of September, when Gen. Drake, the Chief of the Motor Transport Corps, made these statements that he could not get action through the sales department, and the committee exposed the wasteful delay, the sales department is now writing all over the country announcing that it is putting these machines on sale. There is absolutely no doubt in the mind of the War Department as to their right, their legal right, to sell these machines.

Mr. HUSTED. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Nebraska yield to the gentleman from New York?

Mr. REAVIS. I yield to the gentleman.

Mr. HUSTED. Does not the gentleman think that if the War Department had been in any doubt as to its authority to sell these cars, when there are thousands of these cars going to wrack and ruin that have cost this Government millions of dollars, the War Department could have come to Congress and asked for specific authority to sell them?

Mr. REAVIS. There is no question about that in my mind. There is no question in my mind but that the sales department is pursuing identically the policy with reference to automobiles that it pursued with reference to food. I have no question but that it will dispose of the surplus according to the circular which they issued in January, "so as not to injure industrial conditions in America."

Now, those surplus automobiles, of which the Army has no need, were not only lying in the open and rusting and rotting, but while they were in that condition and while that immense surplus was there, they permitted the same automobile manufacturers to send, for five months after the armistice, approximately $163,000,000 worth of additional new cars that have never been taken out of the crates and which are piled up five high at Camp Holabird, within 50 miles of Washington.

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. REAVIS. Yes.

Mr. BARBOUR. Is it not a fact that the War Department announced the other day the sale at Camp Holabird of 100 automobiles?

Mr. REAVIS. As to the 100 automobiles that are for sale at Camp Holabird, which I saw day before yesterday, I would not give $75 for the hundred of them. Many of them are broken to pieces. Many of them have no motors in them. The glass has been broken. They have been absolutely standing out in the open since the armistice, in the weather, without anything to protect them.

Mr. BARBOUR. Has not the War Department announced sales for the 21st and 22d and 23d of automobiles at Camp Kearny, San Diego, and other camps on the Pacific coast?

Mr. REAVIS. All those announcements of sales come after the committee exposed the fact that they were not selling these automobiles. All those automobiles are what are called nonserviceable automobiles.

Mr. WINGO. Condemned and nonserviceable automobiles?

Mr. REAVIS. Yes; condemned and nonserviceable automobiles.

Mr. GOODYKOONTZ. Mr. Chairman, the War Department has furnished me with certain tabulated statements and data concerning motor vehicles held by that department. The documents show the number of such vehicles now on hand in the United States. There are no figures as to the number that were left in France. On April 15, 1919, there was reported to director of sales for disposition a surplus of 39,723 motor vehicles. This number does not include 5,382 unserviceable vehicles which were to be auctioned. But according to the data, as furnished me by Mr. Phillips who brought the information to my office, it was indicated that it was the purpose of the War Department to hold a reserve of machines until after Congress had passed upon the proposition of the department to create a standing peace Army of 509,000 men and 27,000 officers, which may never be authorized.

Mr. REAVIS. Mr. Chairman, will the gentleman yield to me?

Mr. GOODYKOONTZ. Yes, sir.

Mr. REAVIS. The statement of Gen. Drake is that even if they had that Army they would still have 17,000 surplus.

Mr. GOODYKOONTZ. It is plain to be seen that no effort is being made to dispose of these vehicles; that whether there be or be not a statute authorizing the sale of the vehicles, the same is of no concern to the War Department; that it is the purpose and intention of the department to make no disposition of the vehicles, but that they will be allowed to decay or become destroyed by the operation of the elements.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. GOODYKOONTZ. Yes.

Mr. BYRNS of Tennessee. The gentleman is, of course, aware of the fact that every State highway department and every county highway department in the United States is asking for these trucks and motor machines for highway purposes.

Mr. GOODYKOONTZ. Yes; and every Congressman in this body has been besieged by letters from people in his district asking for the trucks, but the people have not been able to get them. Only a few of the trucks have been released.

Mr. BYRNS of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. GOODYKOONTZ. Yes.

Mr. BYRNS of Tennessee. They got over $12,000,000 worth the other day, according to the statement in the paper.

Mr. WINGO. What use would a highway department have for a Hudson or a Buick limousine?

Mr. GOODYKOONTZ. The same for general purposes would be perfectly worthless and utterly worthless.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. GOODYKOONTZ. Yes.

Mr. GARNER. I was very much interested in the statement made by the gentleman from Nebraska [Mr. REAVIS], to the effect that Gen. Drake had made the statement that in case we had an Army of 509,000 and 27,000 officers, they would still have 17,000 surplus automobiles. I gather from that that each officer in the Army is going to have an automobile. If you make the calculation suggested there, you will find that each officer will have an automobile.

Mr. REAVIS. I am not at all surprised.

Mr. GOODYKOONTZ. The number of reservations they seek to make for the project of a new peace Army of 509,000 men and 27,000 officers would give about one machine for every 11 men.

Mr. Chairman, I ask unanimous consent that I may have permission to extend my remarks by inserting in the RECORD the tabulated statements and data as furnished me by Mr. Phillips in connection with this matter of motor vehicles.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. GOODYKOONTZ. Mr. Chairman, I subjoin the papers furnished me by Mr. Phillips, of the War Department, as follows:

MEMORANDUM FOR COL. FURLOW.

AUGUST 26, 1919.

Subject: Peace-time requirements of motor vehicles.

1. When the United States declared war on Germany there was on hand only sufficient motor vehicles for the peace-time Army as then constituted. Most of these vehicles were in use in the Southern Department and along the Mexican border. One of the lessons our Allies had learned before our entrance into the war was the fact that motor vehicles are of great importance not only for supply purposes but also for use as combat vehicles and for transportation of troops. It became necessary for provision to be made for a very large supply of motor vehicles for equipping our troops to be sent to France. This was covered in program of production instituted in June, 1917, and amended from time to time in accordance with amendments to military program. At the time of the armistice the United States Army had on hand and in production on contracts motor vehicles shown in chart attached, marked No. 76, total floated to the American Expeditionary Forces, 113,587, and total to be in the United States when production was completed, 101,225.

2. It was recommended by the Motor Transport Corps in the plan for demobilization of the Motor Transport Corps, in a memorandum to the Chief of Staff, dated November 12, 1918, that the surplus motor vehicles in France be disposed of in Europe, and that the surplus motor vehicles in this country be disposed of, first, by distribution to civil governmental organizations, such as the Post Office Department, the express *company*, if the same remained under governmental control, and for use in the completion of large Government projects, irrigation work, etc.; second, by sale of the property. As much of this material will be new, it should bring original cost. The number of motor vehicles to be retained is, of course, dependent on the military policy of the country, giving the size and composition of the Regular Army. This, of course, is dependent on what action Congress will take, and Congress has just commenced hearings on the proposed military policy. When the future size of the Army has been determined by Congress, a definite surplus of motor vehicles can be declared and disposed of in accordance with existing law.

3. In order to avoid keeping on hand a large surplus of motor vehicles that might deteriorate and never be used, the Secretary of War decided to retain only the amount of motor vehicles required for equipping the proposed peace-time Army of 509,000 men. This number of vehicles is shown, chart No. 159, total 47,840 vehicles of various types, ranging from bicycles to 5-ton trucks. There has been reported April 15, 1919, as surplus 39,723 vehicles, which have been reported to the Director of Sales for disposition in accordance with existing law and regulations. The following motor vehicles have been turned over: To the Post Office Department, 4,701; Public Health, 760; to Department of Agriculture, 12,832; to other departments, 682. There are now 5,382 unserviceable motor vehicles awaiting sale at auction, and these will be disposed of in the near future, authority having been granted on August 22, 1919, for the Motor Transport Corps to handle details of their disposition.

4. There are a large number of motor vehicles that are not standard military types, that are now in use at ports of debarkation, demobilization camps, supply depots, and other points which will be surplus and available for disposal when demobilization is completed, or shortly afterwards. It is believed that it would be a poor policy and a very uneconomical one to temporarily replace this nonstandard equipment with new or standard equipment, available from that retained for the 509,000-men Army, for the reason that it would involve considerable outlay for transportation charges. If the nonstandard vehicles are disposed of now, rather than later, there will be no appreciable increase in amount obtained for their sale. It is considered much more desirable to leave the new vehicles retained for the peace-time Army in storage for issue after demobilization and get as much use as possible out of the vehicles now in use that are already second-hand.

5. The motor vehicles not in use, retained for the peace-time Army, are now being stored at Camp Holabird and other motor transport general depots and Purchase, Storage and Transportation storage points. These vehicles are being properly cared for to prevent deterioration. These motor transport general depots, especially Camp Holabird, were designed and prepared for training and organizing repair organizations of the Motor Transport Corps for service in France and for crating and preparing motor vehicles and Motor Transport Corps supplies for shipment overseas. Up until November 11, 1918, every effort was made and facilities provided for storing and caring for motor vehicles in this country, it being assumed that this was a problem to be met and solved at the proper time. After the armistice preparations were made for storage facilities, but upon interpretation of the Army appropriation act for the fiscal year 1920 by the Judge Advocate General this work was stopped, and for this reason the best possible use had to be made of the available storage facilities.

6. Authority for sale of these vehicles has been invested in the Motor Transport Corps by an agreement entered into August 1, 1919, with the Director of Sales and approved by the Secretary of War on August 22, 1919. This action should expedite disposition of these vehicles.

7. The policy adopted retaining the amount of motor vehicles required for equipping an Army of 509,000 is necessary, logical, and in the interests of economy and for the reason that these vehicles are being properly cared for. Issues are now being made to Regular Army divisions returning from France, and in a short time the only vehicles left in storage will be the difference between the Army as now constituted and the proposed Army of 509,000, as per House resolution 14560. It is believed that had all of the motor vehicles except those required for minimum peace-time necessities been disposed of and if Congress provide for an Army of 509,000 men or less, then there would be a basis for considerable criticism by Congress. The present Mexican situation emphasizes the importance of retaining sufficient motor vehicles for properly equipping forces required for emergencies. The use of motor vehicles for military purposes is bound to increase, and should future exigencies require the use of troops in Mexico or on the Atlantic or Pacific coasts, motor vehicles will play a very important part.

Equipment transferred to other Government activities.

	Bureau of Public Roads.	Post Office Department.	Public Health Service.	Camp Community Service.	Food Administration.	Superintendent of State, War, and Navy Building.	Department of Labor.	Agriculture Department.	Reserve Officers' Training Camp.	Department of Commerce.	Engineer Corps.	Other departments (see note).	Commissioners of District of Columbia.	Interior Department.	Treasury Department.	Housing Corporation.	Navy and Marine Corps.	Total.
Ford touring	1,101	1,031	148	39	.....	.....	1	.....	3	.....	1	1	3	92	.....	.....	.....	2,420
Miscellaneous American cars	442	.....	3	.....	8	.....	.....	.....	.....	.....	.....	2	.....	1	.....	1	40	497
Ford ambulances	.....	.....	95	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	96
Ford delivery cars	.....	151	21	.....	.....	.....	.....	1	.....	1	.....	.....	.....	1	.....	2	.....	177
Ford chasses	.....	318	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	9	.....	.....	.....	327
G. M. C., ¾-ton	136	.....	6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	142
Commerce trucks	.....	1,191	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,191
Miscellaneous, 2-ton	591	414	5	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	1,011
Pierce-Arrow, 2-ton	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2	.....	.....	1	3
Light aviation	448	237	85	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	770
Miscellaneous, 3-ton	1,639	49	6	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	3	10	46	1,754
Packard, 3-ton	.....	31	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	72	104
Heavy aviation	1,426	148	146	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	58	1,778
Nash Quads	7,049	13	102	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	9	.....	.....	25	7,198
Ambulances	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
Staff observation	.....	15	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	18
Miscellaneous, all makes	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	8	8
Motor cycle (Indian)	.....	1,057	140	.....	.....	.....	.....	.....	.....	2	.....	4	.....	1	.....	.....	57	1,261
Motor cycle (Harley-Davidson)	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	49	49
Motor cycle (Cleveland)	.....	31	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	31
Miscellaneous deliveries	.....	15	1	.....	.....	1	.....	.....	.....	.....	.....	3	.....	.....	.....	.....	.....	20
Miscellaneous tanks	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	7	7
F. W. D	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	60	60
White, ½-ton chassis	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	51	51
Total	12,832	4,701	760	39	8	2	1	1	3	3	1	11	3	116	3	13	478	18,975

Number of motor vehicles, including total floated and total in United States, at completion of production.

Name of vehicle.	Symbol.	Capacity.	Ordered.	Completed.	Still due.	Floated.	In United States.
1	2	3	4	5	6	7	8
Motor cars:							
Ford	*	Light	6,779	6,779	.....	2,244	4,535
Dodge	*	Medium	8,257	8,257	.....	3,390	4,867
Cadillac	*	Heavy	2,312	2,300	12	1,503	797
Miscellaneous American	.....	.....	1,921	1,918	3	953	965
Total motor cars	.....	.....	19,269	19,254	15	8,090	11,164

Number of motor vehicles, including total floated and total in United States, at completion of production—Continued.

Name of vehicle.	Symbol.	Capacity.	Ordered.	Completed.	Still due.	Floated.	In United States.
1	2	3	4	5	6	7	8
Ambulances:							
Ford	*	Light	6,114	5,722	392	4,352	1,360
G. M. C	*	Heavy	7,811	6,319	1,492	4,001	2,318
Miscellaneous American			57	57		57	
Total ambulances			13,982	12,098	1,884	8,420	3,678
Trucks, light delivery, Ford	*	600 lbs	8,722	8,722		7,203	1,516
Trucks, light repair:							
Dodge	*	1,000 lbs	3,454	3,454		1,342	2,112
Dodge, Special OD	#		1,012	1,012		460	552
Total			4,466	4,466		1,802	2,664
Trucks, Class AA:							
G. M. C	*	½ ton	5,102	181	4,921	165	16
Commerce	#	1 ton	1,548	1,548		272	1,276
White	#	...do	2,695	2,695		80	1,886
Miscellaneous American			1,995	1,995		1,995	
Total, Class AA			11,340	6,419	4,921	3,241	3,178
Total under 1½ tons			24,528	19,607	4,921	12,249	7,358
Trucks, Class A:							
White	*	1½ ton	4,202	2,412	1,790	1,445	967
Garford	#	...do	2,010	1,307	703	499	808
Light aviation	#	...do	3,900	3,886	14	1,829	2,057
Pierce	#	2 ton	3,123	2,540	583	534	2,006
Miscellaneous American			3,203	2,640	563	1,204	1,436
Total, Class A trucks			16,438	12,785	3,653	5,511	7,274
Trucks, Class B:							
Standardized B	*	3-5 tons	18,005	11,432	6,573	7,655	3,777
Heavy aviation	#	3 tons	4,675	4,496	179	2,110	2,386
Packard	#	...do	7,184	5,910	1,274	3,479	2,431
Mack	#	3½ and 5½ tons.	3,575	3,141	434	1,643	1,498
Riker	#	4 tons	2,190	1,848	342	1,351	497
Pierce-Arrow	#	5 tons	2,570	2,304	266	1,660	644
Miscellaneous American			3,497	2,126	1,371	913	1,213
Total, Class B trucks			41,696	31,257	10,439	18,811	12,446
F. W. D. type:							
Nash	#	2 tons	14,784	11,415	3,369	7,034	4,381
F. W. D	#	3 tons	14,473	10,060	4,413	4,748	5,312
Total			29,257	21,475	7,782	11,782	9,693
Grand total, all trucks			111,919	85,124	36,795	48,353	36,771
Motor cycles:							
Harley-Davidson	*		15,987	14,666	1,321	20,007	12,677
Indian	*		20,670	18,018	2,652		
Cleveland		Solo	1,526	1,476	50	1,003	473
Miscellaneous American			57	57		57	
Total			38,240	34,217	4,023	21,067	13,150
Side cars: [1]							
Harley-Davidson	*		15,599	14,332	1,267	19,160	11,976
Indian	*		19,924	16,804	3,120		
Total			35,523	31,136	4,387		
Bicycles: Westfield	*		31,402	30,404	998	27,657	2,747
Total, all vehicles			214,812	181,097	33,715	113,587	67,510

[1] Side cars not included in "Total, all vehicles."

NOTES.

Column 2:
* indicates standardized make of vehicle.
indicates approved temporary substitute.
Columns 4, 5, and 6: From "Status of Production of Motor Vehicles" (Jan. 9, 1919); report issued as of Dec. 31, 1918, by Motors and Vehicles Division, O. D. P. Cancellations deducted.
Column 7: From M. T. C. Chart No. 75 (based on embarkation reports)
Column 8: Column 5 minus (−) column 7.

Name of vehicle.	Total to be in United States.	Maximum Army requirements.	Peace Army requirements.	Excess over maximum Army requirements.	Surplus and deficiency of standardized equipment with—		Quantity available for disposal on basis of—	
					Maximum Army requirements.	Peace Army requirements.	Maximum Army requirements.	Peace Army requirements.
	9	10	11	12	13	14	15	16
Motor cars:								
Ford	4,535	5,188	4,291	+4,214	+4,214	+5,111		
Dodge	4,867							
Cadillac	809	302	124	+ 507	+ 507	+ 685		
Miscellaneous American	968							
Total motor cars	11,179						5,689	6,764

Number of motor vehicles, including total floated and total in United States, at completion of production—Continued.

Name of vehicle.	Total to be in United States.	Maximum Army requirements.	Peace Army requirements.	Excess over maximum Army requirements.	Surplus and deficiency of standardized equipment with—		Quantity available for disposal on basis of—	
					Maximum Army requirements.	Peace Army requirements.	Maximum Army requirements.	Peace Army requirements.
	9	10	11	12	13	14	15	16
Ambulances								
Ford	1,752	5,135	446	+ 427	+ 427	+5,116		
G. M. C.	3,810							
Miscellaneous American								
Total ambulances	5,562						427	5,116
Trucks, light delivery, Ford	1,516							
Trucks, light repair:								
Dodge	2,112							
Dodge, Special OD	552							
Total	2,664							
Trucks, Class AA:								
G. M. C.	4,937	4,510	1,830	+7,769	+ 427	+3,107		
Commerce	1,276							
White	1,886							
Miscellaneous American								
Total, Class AA	8,099							
Total under 1½ tons	12,279						7,769	10,449
Trucks, Class A:								
White	2,757	10,759	2,305	−1,831	−8,002	+ 452		
Garford	1,511							
Light aviation	2,071							
Pierce	2,589							
Miscellaneous American	1,999							
Total, Class A trucks	10,927						168	8,622
Trucks, Class B:								
Standardized B	10,350	19,487	6,269	+ 814	−9,137	+4,081		
Heavy aviation	2,565							
Packard	3,705							
Mack	1,932							
Riker	839							
Pierce-Arrow	910							
Miscellaneous American	2,584							
Total, Class B trucks	22,885						3,398	16,616
F. W. D. type:								
Nash	7,750	11,674	1,849	+5,801	+5,801	+15,626		
F. W. D.	9,725							
Total	17,475						5,801	15,626
Grand total, all trucks	63,566						17,136	51,313
Motorcycles:								
Harley-Davidson	16,650	21,742	6,089	−5,092	−5,092	+10,561		
Indian								
Cleveland	523							
Total	17,173							11,084
Side cars:[1]								
Harley-Davidson	16,363	21,085	5,595	−4,722	−4,722	+10,768		
Indian								
Total								10,768
Bicycles: Westfield	3,745	6,880	2,501	−3,135	−3,135	+ 1,244		1,244
Total, all vehicles	101,225						23,252	75,521

[1]Side cars not included in "Total, all vehicles."

NOTES.

Column 9: Column 8 plus (+) column 6.
Column 10: From M. T. C. Chart No. 31.
Column 11: From M. T. C. Chart No. 64.
Column 12: Column 9 (excluding "Miscellaneous") minus (−) column 10.
Columns 13 and 14: Status of standardized equipment to be in the United States, as related to columns 10 and 11.

Chart showing motor vehicle equipment required for one army of 538,608, composed of organizations contained in the tables of organization dated Jan. 15, 1919, compiled by Equipment Section, General Staff, and approved Apr. 25, 1919.

Column number	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Standardized chassis symbol			C.	D.	AA.					A.		B.							T.		
	Number of units.	Table of organization number.	Motor cars, heavy, open and closed (CT & CL) (a).	Motor cars, medium, open and closed (DT & DS) (b).	Trucks, ¾-ton, ambulance, heavy and light (AAA) (c).	Trucks, ¾-ton, cargo (AA).	Trucks, ¾-ton, machine gun (AAM).	Trucks, ¾-ton, reconnaissance (AAR).	Trucks, ¾-ton, tank (gas or water) 180 gal. (AAG & AAW).	Trucks, 1½-2 ton, cargo (A).	Trucks, 1½-2 ton, special bodies (A—) (d).	Trucks, 3-5 ton, cargo (B).	Trucks, 3-5 ton, artillery repair (BAR).	Trucks, 3-5 ton, artillery supply (BAS).	Trucks, 3-5 ton, equipment repair (BER).	Trucks, 3-5 ton, machine shop, body without equipment, office (BM-BMC-BO) (f).	Trucks, 3-5 ton, tank, 1,000 gal. (BT).	Trucks, 3-5 ton, special (winch, wrecking, etc.) (B—) (g).	Trucks, 4 WD, cargo (ammunition) (TC).	Trucks, special searchlight.	Trucks, special searchlight power.
1. Infantry division, Jan. 15, 1919	16	.....	64	1,024	704	624	512	208	.....	768	32	2,512	128	464	48	16	160	32	960	.....	.....
2. Infantry division, Jan. 14, 1918, revised	4	.....	16	388	164	128	128	88	.....	800	8	628	36	128	12	8	80	8	1,000	.....	.....
3. 1 Cavalry division, Jan. 15, 1919	.....	.....	3	46	36	32	33	.....	.....	48	16	135	3	6	3	1	10	.....	1	.....	.....
4. 5 corps troops for 1 corps, Jan. 15, 1919	.....	.....	275	105	5	155	320	.....	.....	145	10	270	.....	.....	.....	.....	30	35	23	.....	.....
5. Army troops, for one army	.....	.....	58	301	35	86	.....	24	.....	15	7	120	74	165	6	60	56	64	800	24	12
6. Air Service	.....	.....	3	311	51	155	.....	.....	146	294	31	82	.....	.....	.....	166	.....	166	297	.....	.....
7. Tank Corps	.....	.....	.....	40	15	60	.....	.....	.....	.....	.....	195	20	20	.....	.....	45	.....	.....	.....	.....
8. Motor Transport Corps	.....	.....	385	786	.....	336	.....	.....	.....	648	.....	1,280	.....	.....	.....	100	194	100	432	.....	.....
9. Medical Department[1]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
10. Total, Army troops	.....	.....	804	3,001	1,010	1,576	993	320	146	2,718	104	5,222	261	783	69	351	575	405	3,550	24	12
11. Medical Department	.....	.....	11	44	221	36	.....	.....	.....	60	.....	44	.....	.....	.....	.....	.....	26	.....	.....	.....
12. Service schools	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
13. Medical and veterinary schools	.....	.....	3	5	26	5	.....	.....	.....	28	.....	9	.....	.....	.....	.....	.....	6	.....	.....	.....
14. Air Service ground schools	.....	.....	.....	51	10	18	.....	.....	6	68	5	43	.....	.....	.....	4	.....	17	.....	.....	.....
15. Air Service flying schools	.....	.....	.....	65	22	44	.....	.....	28	60	6	51	.....	.....	.....	3	.....	16	.....	.....	.....
16. Infantry School of Arms	.....	.....	5	40	4	50	32	5	.....	4	.....	50	1	.....	2	.....	.....	.....	.....	.....	.....
17. Other service schools	.....	.....	8	40	10	25	6	14	.....	40	.....	50	4	8	8	8	8	4	20	2	1
18. Total service schools	.....	.....	16	201	72	142	38	19	34	200	11	203	5	8	10	15	8	43	20	2	1
19. Militia	.....	.....	.....	8	370	180	148	.....	.....	198	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
20. Total, lines 10, 11, 18, and 19 to carry forward	.....	.....	831	3,254	1,673	1,934	1,179	339	180	3,176	115	5,469	266	791	79	366	583	474	3,570	26	13

Column number	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41
Standardized chassis symbol	AT.	MS.	W.	X1.		X3.				X4.	X5.			X8.	X9.			.....	.....	.....
	Trucks, tractor, 4-wheel steer (AT).	Motorcycles, with side cars (MS).	Bicycles (W).	Trailers, ¾-ton, tank water, 180 gal. (X1W) (b).	Trailers, ¾-ton, ration and spare parts (X1R & X1M).	Trailers, 1½-ton, 2-wheel, light aviation (X3A).	Trailers, 1½-ton, 2-wheel, kitchens, A & B type (X3K).	Trailers, 1½-ton, 4-wheel, cargo (X3).	Trailers, 1½-ton, 4-wheel special bodies (X3-) (k).	Trailers, 3-ton, gun and caisson (X4).	Trailers, 4-ton, 4-wheel, cargo (X5).	Trailers, 4-ton, 4-wheel (m) machine shop, spare parts (X5M).	Trailers, 4-ton, 4-wheel, special bodies (X5-) (n).	Trailers, 5-ton, tire press (X8T).	Trailers, 10-ton, portable crane (X9C).	Trailers, 10-ton, Tank Corps, with ramp (X9T).	Tractors, artillery, 2½-ton.	Tractors, artillery, 5-ton.	Tractors, artillery, 10-ton.	Total.
1. Infantry division, Jan. 15, 1919	.....	4,656	3,008	368	32	.....	464	.....	64	.....	.....	.....	.....	.....	.....	16	688	1,744	.....	19,296
2. Infantry division, Jan. 14, 1918, revised	.....	1,736	1,244	84	20	.....	148	.....	16	.....	.....	.....	.....	.....	.....	4	80	532	.....	7,484
3. 1 Cavalry division, Jan. 15, 1919	.....	122	57	6	2	.....	14	.....	4	.....	.....	.....	.....	.....	.....	1	.....	1	.....	580
4. 5 corps troops for 1 corps, Jan. 15, 1919	.....	475	.....	40	20	.....	55	.....	50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1,990
5. Army troops, for 1 army	.....	566	.....	72	.....	.....	79	.....	.....	16	.....	30	82	24	6	6	27	.....	144	3,019
6. Air Service	.....	533	.....	.....	.....	93	125	181	125	.....	20	166	74	.....	.....	.....	31	31	.....	3,081
7. Tank Corps	.....	105	.....	30	.....	.....	50	.....	.....	.....	195	.....	.....	.....	.....	285	.....	.....	.....	1,080
8. Motor Transport Corps	.....	377	.....	.....	.....	.....	97	.....	.....	.....	.....	.....	200	100	.....	.....	.....	.....	.....	5,035
9. Medical Department	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
10. Total, Army troops	.....	8,570	4,309	620	74	93	1,032	181	259	16	215	196	356	124	6	312	826	2,308	144	41,566
11. Medical Department	.....	160	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	602
12. Service schools	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
13. Medical and veterinary schools	.....	10	.....	2	.....	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	96
14. Air Service ground schools	.....	79	.....	.....	.....	2	4	19	5	.....	.....	8	9	.....	.....	.....	5	5	.....	339
15. Air Service flying schools	.....	104	.....	.....	.....	42	6	.....	6	.....	.....	6	5	.....	.....	.....	5	5	.....	493
16. Infantry School of Arms	.....	32	100	20	.....	.....	20	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	366
17. Other service schools	8	80	50	8	.....	.....	8	8	.....	8	8	8	.....	8	8	2	.....	8	.....	468
18. Total, service schools	8	305	150	30	.....	44	40	27	11	8	8	23	14	8	8	2	10	18	.....	1,762
19. Militia	.....	768	640	112	24	.....	112	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2,560
20. Total, lines 10, 11, 18, and 19 to carry forward	8	9,803	5,099	762	98	137	1,184	208	270	24	223	219	370	132	14	314	836	2,326	144	46,849

[1] Equipment for combat units included in above.

NOTE.—For explanations of column headings see table preceding.

Mr. TINCHER. Mr. Chairman, I have an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

Mr. WINGO. There is one amendment pending, and the debate has been limited on that.

Mr. TINCHER. I have drawn this amendment at the request of my colleague [Mr. ANTHONY]. I will ask that it be read for information.

The CHAIRMAN. The gentleman asks unanimous consent to have his amendment reported for the information of the committee. Is there objection?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. TINCHER: After line 17, page 9, insert a new paragraph, as follows:

"For the purchase of bridge across Missouri River connecting the two portions of the United States military reservation at Fort Leavenworth, Kans., $35,000."

Mr. BYRNS of Tennessee. I reserve a point of order on that amendment.

The CHAIRMAN. The amendment was simply read for the information of the committee. It is not yet offered.

Mr. TINCHER. Mr. Chairman, I have drawn this amendment at the request of my colleague [Mr. ANTHONY], who is compelled to be absent from the House to-day. The bridge sought to be purchased connects the Missouri side with the Kansas side of the Government-owned land at the Federal penitentiary. As I understand it, there are a thousand acres on the Missouri side of the river. This bridge belongs to a private corporation. During the war the Government spent some considerable money in reconstructing the bridge, and up until the time the armistice was signed it looked as though they were going to have to pay some $160,000 to procure title to the bridge. Now the Secretary of War has agreed to settle with the owners of the bridge for $35,000. It will give them the use of this 1,000 acres of land. To purchase an equal amount of land on the Kansas side would cost, perhaps, $300 an acre. The Secretary of War has written to the chairman of the committee. There seems to have been some misunderstanding about it, and he asks that the appropriation be made, and that they be allowed to pay for the bridge, so that they may use the land on the Missouri side in their agricultural work in connection with the penitentiary. I hope the gentleman will not make a point of order, because I do not think there should be any contest about it.

Mr. REAVIS. Mr. Chairman, I offer an amendment, which I would like to have considered as pending.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. REAVIS: Page 9, line 19, after the period add the following:

"The Secretary of War is hereby directed to sell all surplus motor vehicles now in the War Department."

Mr. GOOD. I reserve a point of order on the amendment.

Mr. REAVIS. I do not care to debate it further. I have stated my views.

Mr. BYRNS of Tennessee. Mr. Chairman, I ask unanimous consent to extend my remarks by incorporating the statute with reference to the sale of motor trucks and the decisions of the Comptroller of the Treasury thereon.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks by inserting the statute with reference to the sale of motor trucks and the decisions of the Comptroller of the Treasury thereon. Is there objection?

There was no objection.

Mr. WINGO. Mr. Chairman, I will ask for a vote on my amendment, which the chairman of the committee says he is willing to have adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas.

Mr. GOOD. May we have the amendment reported?

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. WINGO: Page 9, lines 10 and 11, strike out the following words:

"Purchase and exchange of motor trucks and motor cycles."

Mr. GOOD. There is no objection to that.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Kansas [Mr. TINCHER] has offered an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TINCHER: After line 17, page 9, insert a new paragraph, as follows:

"For the purchase of bridge across Missouri River connecting the two portions of the United States military reservation at Fort Leavenworth, Kans., $35,000."

Mr. BYRNES of South Carolina. Mr. Chairman, I am constrained to make a point of order against the amendment.

The CHAIRMAN. The gentleman from South Carolina makes a point of order against the amendment. Does the gentleman from Kansas desire to be heard on the amendment?

Mr. TINCHER. I think the amendment is subject to the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. REAVIS. Mr. Chairman, I would like to have my amendment voted on.

Mr. SAUNDERS of Virginia. I would like to offer an amendment to that amendment.

The CHAIRMAN. The gentleman from Virginia offers an amendment to the amendment of the gentleman from Nebraska [Mr. REAVIS], to which a point of order is pending.

Mr. SAUNDERS of Virginia. I offer my amendment subject to the reservation of the point of order.

The CHAIRMAN. The gentleman from Virginia offers an amendment to the amendment, which the Clerk will report. Is this offered as a substitute for the amendment or to follow it?

Mr. SAUNDERS of Virginia. It is an amendment to the amendment. I offer it to follow the language just read, as a proviso.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SAUNDERS of Virginia: At the end of the amendment offered by Mr. REAVIS insert: "*Provided* not required to enable the Secretary of War to execute the authority afforded by section 7 of the act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920."

Mr. GOOD. I reserve a point of order on that amendment.

Mr. SAUNDERS of Virginia. My amendment was offered subject to the point of order. I wish to say just a word or two in this connection. In the act referred to, which was the Post Office act, the House included this provision:

That the Secretary of War be, and he is hereby, authorized, in his discretion, to transfer to the Secretary of Agriculture all available war material, equipment, and supplies not needed for the purposes of the War Department but suitable for use in the improvement of highways, and that the same be distributed among the highway departments of the several States to be used on roads constructed in whole or in part by Federal aid, such distribution to be made upon the value basis of distribution, the same as provided by the Federal aid road act approved July 11, 1916: *Provided*, That the Secretary of Agriculture, at his discretion, may reserve from such distribution not to exceed 10 per cent of such material, equipment, and supplies for use in the construction of national forest roads or other roads constructed under his direct supervision.

I believe that provision, affecting as it did every State in the Union, received the assent of every member of every delegation of every State, when it was under consideration by the House. Subsequent to the passage of the above act, including the provision cited, the sundry civil appropriation bill was enacted containing the following provision:

The Secretary of War is authorized to transfer any unused and surplus motor-propelled vehicles, and motor equipment of any kind, payment for same to be made as provided herein, to any branch of the Government service having appropriations available for the purchase of said vehicles and equipment.

I believe it is claimed that that provision supersedes the provision contained in the Post Office appropriation bill. But to my mind this contention is not well taken. I think I would be amply able to demostrate to the House if time allowed that the two sections are perfectly harmonious and consistent.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS of Virginia. With pleasure.

Mr. BLACK. Certainly the gentleman is not reading all of that act, because I remember to have been here on the 1st of July, when the conference report was brought in, and the language is—

unless specifically authorized by law.

Mr. SAUNDERS of Virginia. To what does the gentleman refer, the sundry civil appropriation act?

Mr. BLACK. Yes.

Mr. SAUNDERS of Virginia. If the gentleman can find the language cited, I will be glad to have him point it out in the act.

Mr. BLACK. I do not know what the gentleman is reading from.

Mr. SAUNDERS of Virginia. I am reading from the sundry civil act, as given to me by the clerk of the Committee on Appropriations.

Mr. BLACK. The gentleman is not reading it all, evidently.

Mr. SAUNDERS of Virginia. I know nothing about the language cited by the gentleman.

Mr. BLACK. I am calling attention to it, in order that the gentleman might not make an unwarranted statement——

Mr. SAUNDERS of Virginia. Will the gentleman point out to me the language quoted by him?

Mr. BLACK. The gentleman from Iowa [Mr. GOOD] will point it out, because I called his attention to the fact that that would be the construction of the War Department, and it has been, and I think correctly so.

Mr. SAUNDERS of Virginia. Oh, the gentleman means the conclusion of the proviso, as follows:

That hereafter no transfer of motor-propelled vehicles and motor equipment, unless specifically authorized by law, shall be made free of charge to any branch of the Government service.

Mr. BLACK. Yes.

Mr. SAUNDERS of Virginia. That language strengthens my contention, because the transfer to the Secretary of Agriculture was specifically authorized in the Post Office appropriation act in the language heretofore cited.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS of Virginia. I can not yield, for lack of time. I have just made the statement that it would be easy to satisfy the House, if necessary, that the provision of the sundry civil act is not a supersession of the provision in the Post Office bill, and was never intended so to be. But be that as it may, I offer an amendment to the amendment of the gentleman from Nebraska so as to save for the benefit of the road department of every State in the Union, the material authorized to be turned over by the Secretary of War to the Secretary of Agriculture.

Mr. GOOD. Mr. Chairman, reserving the point of order on these amendments, I want to say just a word. There is no question in the War Department, with any officer of the War Department, but that the War Department has full authority to sell any surplus of motor-propelled vehicles. I have here before me the statement, under date of August 26, by the Chief of the Motor Transport Corps, in which it is stated:

6. Authority for the sale of these vehicles has been vested in the Motor Transport Corps by an agreement entered into August 1, 1919, with the director of sales and approved by the Secretary of War on August 22, 1919.

I think the Secretary of War should sell all of this surplus material. I have no objection to the thing being done that the gentleman from Nebraska [Mr. REAVIS] desires to have done here, but I say to the gentleman from Nebraska and the House that this is no place to do that. This is an appropriation bill. It is the duty of the Secretary to sell surplus material, and if the House wants to do as it did in the resolution directing him to sell food, I shall vote for it gladly. But, Mr. Chairman, to tie all of these things and the directions that might be necessary onto an appropriation bill it seems to me is not good behavior on our part.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. GARNER. I agree with the gentleman that it is not the proper way to legislate, but I call the attention of the gentleman to the fact that all of the law we have on the subject of automobiles is contained in appropriation bills—the Post Office appropriation bill and the sundry civil.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, I make the point of order upon the amendment offered by the gentleman from Nebraska and upon the amendment offered to that amendment. It is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Nebraska desire to be heard upon the point of order?

Mr. REAVIS. No; I concede the point of order.

The CHAIRMAN. The point of order is sustained. The gentleman from Virginia offered an amendment to the amendment of the gentleman from Nebraska, to which a point of order was also made. The point of order to the amendment to the amendment is sustained.

Mr. GOOD. Mr. Chairman, I ask unanimous consent to return to line 13, page 8, for the purpose of offering an amendment which I overlooked at the time.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to return to page 8, offering an amendment. Is there objection?

There was no objection.

Mr. GOOD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 8, after line 12, insert: "American Printing House for the Blind: To enable the American Printing House for the Blind more adequately to provide books and apparatus for the education of the blind in accordance with the provisions of the act approved August 4, 1919, $30,000."

Mr. GOOD. Mr. Chairman, on August 4 of this year there was approved an act authorizing the appropriation at the rate of $40,000 annual additional for the American Printing House for the Blind. It was perhaps the duty of the officer in charge of this institution to request the Secretary of the Treasury to submit estimates for this deficit. Not knowing the law with regard to it, it seems that the estimate was not sent in.

Their regular appropriation is a permanent annual appropriation and hence their attention was not called to it. My attention has been called to the fact that under this legislation for the American Printing House for the Blind to print these books there will be needed about $30,000 for the remainder of this year. Every Member of the House, as I recall, voted for the bill. After my attention was called to it, it seemed to me I ought to present an amendment so that the spirit of that law could be complied with.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

MISCELLANEOUS.

Transportation to China of Chinese refugees: For defraying the cost of transportation and subsistence to China of certain Chinese refugees from Mexico who have been under military jurisdiction since 1917, to be expended under the direction of the Secretary of War, $31,165.

Mr. BARBOUR. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question or two. Can the chairman inform the committee how many Chinese refugees there are?

Mr. GOOD. My recollection is that there are between four and five hundred; quite a number that came with Gen. Pershing across the line out of Mexico. Gen. Pershing felt they rendered great assistance to him in his expedition into Mexico, and they came over into Texas with him. They have been serving as cooks, and so forth, in the Army ever since. They found that they could not go back, and they ask for transportation by rail to some port, which substantially costs this amount. The original estimate was $86,000.

Mr. BARBOUR. Have they been drawing pay as cooks in the Army?

Mr. GOOD. There were 409 of them all told. I will say to the gentleman I made inquiry as to their receiving pay and was advised that they did draw pay during the time they have been serving in the Army.

Mr. BARBOUR. These Chinese are still along the Mexican border, are they?

Mr. GOOD. Yes.

Mr. BARBOUR. I will say the reason I asked that question is that there have been quite a good many Chinese deportations, possibly not by the War Department but by some other department, in which some of the officers in charge have appointed their friends as deputies to go out, one for each two or three Chinamen, on a joy ride to the Pacific coast, and the Government paid the expenses. I am going to offer the suggestion that one good Pacific coast policeman could handle about 40 Chinamen without any difficulty.

Mr. GOOD. They will go on Army transports. They did not want to go back to China. They did not want to be compelled to go back into Mexico, because they feared they might be roughly handled. They did want to go to California——

Mr. BARBOUR. We do not want them——

Mr. GOOD. Under the law they can not live here.

Mr. HICKS. Will the gentleman yield?

Mr. GOOD. I will.

Mr. HICKS. Under what terminology are they called "refugees"? Just how are they considered refugees if they are employed in the Army?

Mr. GOOD. Well, the committee is not responsible for that term, but they followed the Army of the United States out of Mexico, where they had rendered assistance to that Army. They have been in the Army ever since. They really have no legal status in the United States, and in that sense they are refugees.

Mr. HICKS. Were they employed in the Army in Mexico?

Mr. GOOD. I do not know to what extent they were employed, only that they were employed by the Army in Mexico, but they have been employed in the Army since they came out of Mexico.

Mr. HICKS. They came out of Mexico with the Army for fear, I suppose, of the Mexicans?

Mr. GOOD. I suppose so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 9205), had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent leave of absence for five days was granted to Mr. HARDY of Texas on account of making some speeches.

REPRINT OF A BILL.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent for a reprint of the bill H. R. 8624, with Senate amendments. This is the antiprofiteering bill.

The SPEAKER. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 44 minutes p. m.) the House adjourned to meet to-morrow, Friday, September 19, 1919, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MONTAGUE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 2961) authorizing the county of Accomac, Va., to construct certain bridges to connect Chincoteague Island and the mainland, reported the same without amendment, accompanied by a report (No. 321), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 9026) to revive and reenact the act entitled "An act to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild, reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee," approved April 5, 1916, reported the same with amendment, accompanied by a report (No. 322), which said bill and report were referred to the House Calendar.

Mr. RAMSEYER, from the Committee on the Post Office and Post Roads, to which was referred the bill (S. 2972) to extend the cancellation-stamp privilege to the Roosevelt Memorial Association, reported the same with amendment, accompanied by a report (No. 323), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GANDY, from the Committee on Indian Affairs, to which was referred the bill (S. 1018) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims, reported the same with amendment, accompanied by a report (No. 324), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUMPHREYS: A bill (H. R. 9351) providing for the extension of the post-office building at Greenwood, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. JUUL: A bill (H. R. 9352) to provide for a public building at Des Plaines, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. FESS: A bill (H. R. 9353) to create a national university at the seat of the Federal Government; to the Committee on Education.

By Mr. CARAWAY: A bill (H. R. 9354) authorizing local drainage districts to drain certain public lands in the State of Arkansas, counties of Greene and Craighead, and subjecting said lands to taxation; to the Committee on the Public Lands.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 9355) granting one year's pay to all members of the military and naval forces of the United States who served during the present war; to the Committee on Military Affairs.

By Mr. KAHN: Joint resolution (H. J. Res. 212) providing an allowance of credits in the Reserve Officers' Training Corps for active service in the Army or for intensive training not received at educational institutions; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DAVIS of Tennessee: A bill (H. R. 9356) to correct the military record of E. D. Judkins; to the Committee on Military Affairs.

By Mr. FERRIS: A bill (H. R. 9357) for the relief of S. S. Markley; to the Committee on the Public Lands.

By Mr. GREEN of Iowa: A bill (H. R. 9358) granting an increase of pension to John Wilson; to the Committee on Invalid Pensions.

By Mr. HULINGS: A bill (H. R. 9359) granting an increase of pension to Thomas Rennard; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 9360) for the relief of Edward F. Dunne, jr.; to the Committee on Claims.

By Mr. McKENZIE: A bill (H. R. 9361) granting an increase of pension to Francis A. Caughey; to the Committee on Invalid Pensions.

By Mr. MASON: A bill (H. R. 9362) granting a pension to Annie E. Ranke; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 9363) granting a pension to Brooklyn Hodges; to the Committee on Pensions.

By Mr. SNYDER: A bill (H. R. 9364) granting an increase of pension to Myrtle L. Hart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9365) granting an increase of pension to Cynthia M. James; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Ohio: A bill (H. R. 9366) for the relief of the estate of Elizabeth K. De Bus, deceased; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BRIGGS: Petition of highway departments of Alabama, Arkansas, Mississippi, Oklahoma, Tennessee, and Texas, requesting that motor vehicles and other war materials suitable for road building be immediately transferred to the several States; to the Committee on Military Affairs.

By Mr. NOLAN: Petition of the St. Paulus Unterstutzungs-Verein, of San Francisco, Calif., protesting against the Smith-Towner bills; to the Committee on Education.

By Mr. O'CONNELL: Petition of Retail Dry Goods' Association of New York, protesting against the passage of House bill 8315; to the Committee on Interstate and Foreign Commerce.

Also, petition of American Enameled Brick & Tile Co., Steinfeld Bros., and Westinghouse Lamo Co., favoring the passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

Also, petition of C. B. Carter, of Philadelphia, Pa., protesting against the Longworth bill, House bill 8078; to the Committee on Ways and Means.

By Mr. ROWAN: Petition of William A. Gardner, of New York, favoring the passage of the Sells bill, House bill No. 2; to the Committee on Pensions.

Also, petition of Windels and Holtzoff, of New York, favoring the passage of the Sweet bill; to the Committee on the Judiciary.

Also, petition of B. M. Jewell, H. E. Wills, and J. J. Forrester, of Washington, D. C., favoring the Plumb plan; to the Committee on Interstate and Foreign Commerce.

Also, petition of George Sykes, of New York, protesting against the Longworth bill; to the Committee on Ways and Means.

Also, petition of Steinfeld Bros. and D. Auerbach & Sons, favoring the passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

SENATE.

FRIDAY, *September 19, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, amid the ever-increasing responsibilities and duties of life we cling to the precious promises of Thy word. Hitherto Thy grace has been sufficient for us; Thy good will has been with us, leading us through days of danger and turmoil and strife. We still follow the light of Thy truth along the pathway that is before us. We pray that we may measure up to the added responsibilities of each day, and as men of God seek to do Thy will in us as a Nation. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 7632. An act to amend section 2 of an act entitled "An act to ratify, approve, and confirm sections 1, 2, and 3 of an act duly enacted by the Legislature of the Territory of Hawaii relating to the Board of Harbor Commissioners of the Territory, as herein amended, and amending the laws relating thereto," approved March 28, 1916; and

H. R. 7709. An act to authorize the incorporated town of Petersburg, Alaska, to issue bonds in any sum, not exceeding $75,000, for the purpose of constructing and installing a municipal electric-light and power plant, and for the construction of a public-school building.

The message also announced that the House had agreed to the concurrent resolution of the Senate providing for the printing of 5,500 copies of the hearings and 10,000 copies of the report of the committee entitled "Brewing and liquor interests and German propaganda and Bolshevik propaganda," etc., with an amendment, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTIONS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled joint resolutions, and they were thereupon signed by the President pro tempore:

H. J. Res. 175. Joint resolution to provide for the payment of travel pay upon discharge to men of the Regular Army enlisted prior to April 2, 1917; and

H. J. Res. 211. Joint resolution tendering the thanks of the American people and the Congress of the United States to Gen. John J. Pershing and to the officers and men of the American Expeditionary Forces.

PETITIONS AND MEMORIALS.

Mr. NEWBERRY presented petitions of sundry citizens of Pontiac, Eaton Rapids, Covert, Grand Rapids, and Detroit, all in the State of Michigan, praying for the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

He also presented a memorial of sundry soldier patients at the Walter Reed Hospital, Washington, D. C., remonstrating against the policy of the War Risk Insurance Bureau in using undue influence upon soldiers to cause them to subscribe nearly one-fourth of their pay for protection in case of disability and failure of that bureau to live up to the initial agreement, which was referred to the Committee on Finance.

Mr. WALSH of Massachusetts. I present memorials signed by several hundred citizens of the State of Massachusetts of Irish descent, remonstrating against the ratification of the league covenant unless amended to secure to the United States representation equal to that of any other nation. I ask that the body of one of the petitions be printed in the RECORD.

There being no objection, the petitions were ordered to lie on the table and the body of one of them was ordered to be printed in the RECORD, as follows:

We, the undersigned citizens of Massachusetts, hereby petition the Senate of the United States not to ratify the peace treaty with the covenant of the league of nations as it is now proposed. We protest against the acceptance of any league of nations—

1. Which allows any other nation to have a greater representation in any of its bodies than the United States.
2. Which allows the questions of our purely domestic concern to be passed upon by any body other than our own Government.
3. Which allows the Monroe doctrine, its interpretation, and its application to be determined by any foreign body.
4. Which deprives the Congress of these United States of its constitutional power to make war.
5. Which guarantees in perpetuity the territorial integrity and political independence of any nation.
6. Which prevents this country from withdrawal therefrom without the consent of any other nation or nations.

JOSEPH F. O'CONNELL
(And others).

Mr. CAPPER presented a memorial of the Board of Young Friends Activities, of Richmond, Ind., remonstrating against universal military training, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Board of Young Friends Activities, of Richmond, Ind., remonstrating against intervention in Mexico by the United States, which was referred to the Committee on Foreign Relations.

Mr. LODGE presented memorials of sundry citizens of Boston, Somerville, Newton, Waltham, Wellesley, Waden, Everett, Attleboro, Taunton, Malden, Melrose, Cambridge, Sharon, Billerica, Revere, Beverly Farms, Newburyport, Milford, Bellingham, Lynn, Medway, Holbrook, Dedham, Woburn, and Westwood, all in the State of Massachusetts, remonstrating against the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

Mr. NELSON presented a petition of General Samuel D. Sturgis Garrison, No. 120, Army and Navy Union, of St. Paul, Minn., praying for the abolishment of the present court-martial system, which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 56) to enable the United States to participate in the work of the International Aircraft Standards Commission, reported it with amendments and submitted a report (No. 198) thereon.

Mr. SHERMAN, from the Committee on the District of Columbia, to which was referred the bill (H. R. 1199) to prohibit the purchase, sale, or possession for the purpose of sale of certain wild birds in the District of Columbia, reported it with amendments and submitted a report (No. 199) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 430) to authorize the exchange of certain lands within the Fishlake National Forest, Utah (Rept. No. 194);

A bill (S. 2758) providing for an exchange of lands between the Swan Land & Cattle Co. and the United States (Rept. No. 195); and

A bill (H. R. 1429) adding certain lands to the Idaho National Forest and the Payette National Forest, in the State of Idaho (Rept. No. 196).

LANDS AT BOULDER, COLO., FOR MUNICIPAL PURPOSES.

Mr. SMOOT. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 6410) authorizing the city of Boulder, Colo., to purchase certain public lands, and I submit a report (No. 197) thereon.

Mr. THOMAS. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. Is there objection?

Mr. LENROOT. Before consent is granted, as I was not a member of the subcommittee, will the Senator from Colorado state what the bill proposes.

Mr. THOMAS. The bill is very short and I will ask that the Secretary may read it.

Mr. LENROOT. I do not want to agree to give unanimous consent until I know what the bill is.

Mr. THOMAS. Of course, I did not expect its consideration without full knowledge of what the bill contains.

The PRESIDENT pro tempore. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That the city of Boulder, in the county of Boulder, Colo., is hereby authorized, for a period of five years from and after the passage of this act, to purchase, and the Secretary of the Interior is hereby directed to convey to said city for use in connection with the lands heretofore purchased by said city under the provisions of the act of Congress entitled, "An act to grant certain lands to the city of Boulder, Colo.," approved March 2, 1907 (34 Stat., p. 1223), for purposes of water storage and supply of its waterworks, the following described lands, to wit: The west half of section 27 and the north half of the northwest quarter of section 34, township 1 north, range 73 west, sixth principal meridian, containing 400 acres within the Colorado National Forest, or any part of said lands.

SEC. 2. That the said conveyance shall be made upon the payment by said city for the lands purchased at the rate of $1.25 per acre: *Provided*, That the conveyance hereby authorized shall not include any lands which at the date of the issuance of patent shall be covered by a valid existing bona fide right or claim initiated under the laws of the United States: *Provided further*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the lands so granted and all necessary use of the lands for extracting the same: *And provided further*, That said city shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as hereinbefore described; and if the said land shall not be used for such municipal purpose, the same, or such parts thereof not so used, shall revert to the United States; the conditions and reservations herein provided for shall be expressed in the patent.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. NORRIS. Mr. President, I have no objection to the bill, but I wish to offer an observation on it. I am a member of the Committee on Public Lands, but was not present when the bill came up, or I should have moved to amend it in one respect. It is properly safeguarded by the necessary stipulations in regard to reversion to the United States, so that the land could not be used for private speculation or anything of that kind; but, Mr. President, it seems to me that when the public lands of this country are granted to a municipality, a State, or any other public corporation of that nature we ought not to charge the municipality any money for them; we ought to give the lands to them. It is putting the land to a public use, and, to my mind, the city of Boulder ought not to be required to pay $1.25 an acre or any other sum to get the land.

I am not going to offer an amendment to that effect, but it seems to me that that should be our policy.

Mr. THOMAS. I sympathize with that view, but in view of the fact that the city is perfectly willing to pay for the land I can see no objection to requiring the payment.

Mr. NORRIS. I know. I have believed for some time that in the granting of rights for water power, for the development

of electricity, and so forth, there ought to be no charge made where the public is getting the full benefit of the land or of the right, whatever it may be.

Mr. SMOOT. Mr. President——

Mr. NORRIS. I yield to the Senator from Utah.

Mr. SMOOT. I wish to call the attention of the Senator from Nebraska to the fact that $1.25 an acre would scarcely pay the expenses that the Government will be put to, or has already been put to, in order to get the land in such a condition that it can be transferred. It has always been the policy in the past, where public land has been transferred to a municipality, that a minimum charge of $1.25 an acre shall be made, and the Public Lands Committee has followed that practice in this case, just the same as in the past.

Mr. NORRIS. I do not believe there is a Member of Congress who is more desirous or more anxious than I am that the public lands and other property of the United States should be properly conserved; I think Senators who know my record while I have been in the Senate and in the House realize that I am often called a crank on the subject; but I believe in the kind of a policy I have suggested in order to let the people get the full benefit of the public property. I would be glad if the municipality, the State, or any other subdivision would utilize any land like this for a watershed or for a park or anything else wherever the people get the full benefit of it, and it does not seem to me that the Government of the United States ought to charge for it.

Mr. LENROOT. Will the Senator yield?

Mr. NORRIS. I yield.

Mr. LENROOT. I should like to say to the Senator from Nebraska that there is another very good reason for imposing a minimum charge. The minimum charge that is imposed in the bill is not onerous or burdensome to any community that has any need for the public lands, but with the minimum charge, when a community is compelled to pay something, it is the strongest kind of evidence that there is a real community need for the land. Without any charge Congress would be flooded with bills from every community where there are any public lands for lands of this character. With a minimum charge if is no hardship upon the community, and we are then limited in the consideration of such bills to where there is an actual need for the lands by the community.

Mr. NORRIS. What the Senator from Wisconsin says is true, and yet the principle remains the same. I am opposed to it on principle. We might have more bills for consideration, but as long as we have such property we ought to be willing to investigate every application, and if it is made in good faith I do not believe we ought to exact a charge for it. It takes the property where it ought to go—to the public—and the public is getting the full benefit of it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SMOOT. I ask that the report submitted by me on the bill be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The report this day submitted by Mr. SMOOT is as follows:

Mr. SMOOT, from the Committee on Public Lands, submitted the following report:

The Committee on Public Lands, to which was referred the bill (H. R. 6410) authorizing the city of Boulder, Colo., to purchase certain public lands, having had the same under consideration, report favorably thereon without amendment with the recommendation that the bill do pass.

The necessity of this legislation is fully set forth in House Report No. 254, this Congress, in the following language:

"This bill authorizes the city of Boulder, Boulder County, Colo., to purchase 400 acres of land in a compact body 1¼ miles in length by one-half mile in width, within the limits of the Colorado National Forest. The bill provides for the payment by the city of $1.25 per acre, exempts from its operation any lands covered by valid existing rights, or claims initiated in good faith under the laws of the United States, and contains the usual reservation of oil, coal, or other mineral deposits. By a committee amendment which will be offered to correct a clerical error (insertion of the word "not" after the word "shall" in line 14, page 2) the city must use the land only for the municipal purpose of water storage and supply of its waterworks, and the patent shall provide for the reversion of title to the Government upon failure to use the land for such municipal purpose."

This bill was submitted to the Secretary of the Interior, whose report follows:

DEPARTMENT OF THE INTERIOR,
Washington, July 25, 1919.

Hon. N. J. SINNOTT,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. SINNOTT: I am in receipt by your reference of June 23, 1919, for report on H. R. 6410, a bill "authorizing the city of Boulder, Colo., to purchase certain public lands," and in response thereto I have the honor to submit the following report:

The land embraced in the bill, aggregating 400 acres, was withdrawn by proclamation of March 2, 1907 (35 Stat., 2155), for the Medicine Bow National Forest.

The grant proposed by the bill to the city is for the "purposes of water storage and supply of its waterworks." The bill also refers to the act of March 2, 1907 (34 Stat., 1223), which authorized this city to purchase 1,524.26 acres for its water supply, and this bill appears to be an addition to the grant by said act.

It also appears from the records in the General Land Office that under the act of February 28, 1899 (30 Stat., 915), this city was donated 1,601.75 acres as a park and again under the act of August 22, 1912 (37 Stat., 325), the city purchased 1,200 acres for park purposes.

An obvious error occurs in line 14 on page 2 of the bill, which reads that said city shall have the right to sell or convey the land herein mentioned. The word "not" was evidently inadvertently omitted and should be inserted after the word "shall," said line 14.

Inasmuch as the land is within a national forest, I recommend that the bill be referred to the Secretary of Agriculture for a report. I find no objection to the bill when amended by the insertion of the word "not" above suggested if the Secretary of Agriculture has no objection to urge to the bill.

Cordially, yours,

FRANKLIN K. LANE,
Secretary.

Pursuant to the suggestion of Secretary Lane, the bill was referred to the Secretary of Agriculture. The Secretary, while making no objection to the bill, and approving its purpose, and reciting that similar legislation has been approved in a number of cases, suggests that a general law be enacted "under which the President, on request from the proper municipal authorities, would be authorized to withdraw from all forms of entry such national forest lands as in his judgment are essential to the adequate protection of a municipality's water supply," and transmits a draft of such a bill, which has been introduced by the chairman of the Committee on the Public Lands, under the number of H. R. 8580, and will be considered by the committee in the near future. The letter from the Acting Secretary is here recited in full for the information of the House, in deference to a desire recently expressed on the floor that this should be done in similar cases.

JULY 16, 1919.

Hon. N. J. SINNOTT,
Chairman Committee on the Public Lands,
House of Representatives.

DEAR MR. SINNOTT: Receipt is acknowledged of your request for a report on the bill (H. R. 6410) "authorizing the city of Boulder, Colo., to purchase certain public lands."

The bill proposes that the city shall have the right to purchase, at a price of $1.25 per acre, 400 acres of land now within the boundaries of the Colorado National Forest, which are to be used for purposes of water storage and supply of the city's waterworks. A similar grant of 1,557 acres was made to the city by an act approved March 2, 1907 (34 Stat., 1223). The city is now changing its water-supply system, and as a result of the change ten 40-acre subdivisions, not included in the previous grant and not affecting the water supply under their old plans, will be crossed by the city's pipe line or fences or will to some extent contribute to the water-supply system.

At the present time there are approximately 1,300 cities and towns which obtain their water supply from national forests. In all of these cases the municipalities are interested, of course, in seeing that every reasonable protection possible be given to the water supply in order that there may be no injury to the health of the citizens. To meet this desire the department has worked out a form of cooperative agreement which provides for a restricted use of the watershed under such conditions as meet the approval of the municipal health officers. This arrangement works very satisfactorily and enables the municipalities to secure substantially what they desire, and at the same time enables the department to carry out the purposes for which the national forests were created. The only real flaw in this arrangement is that there is no law to prevent prospecting and mining operations on city watersheds, the mineral-land laws being applicable to such lands exactly as to all other lands in the national forests.

In recent years a number of acts for particular towns and cities have been passed, having to do in some form with a municipal water supply. In some cases grants were desired for small tracts on which the main waterworks were to be constructed. In others the cities sought extensive rights of way for such reservoirs and conduits as were needed. Examples of such right-of-way grants are those made to the cities of Los Angeles and San Francisco, Calif. A third class of laws authorizing cooperation are those which particularly have in view the protection of the watershed from which the water supply is secured. Examples of such laws are those for protecting the watersheds of the city of Colorado Springs and the town of Manitou, Colo. (act of Feb. 27, 1913; 37 Stat., 684), and Salt Lake City, Utah (act of Sept. 17, 1914; 38 Stat., 714). Each of these acts provide that the lands described therein shall be reserved from all forms of location or entry and set aside as a municipal water-supply reservation to be administered by this department in cooperation with the municipalities named, for the purpose of conserving the water supply and protecting it from pollution, as well as preserving the timber on the lands to accomplish more fully such purposes. In both cases the title to the land remains in the Government and the land continues a part of the national forest, but is dedicated to the particular purpose of water-supply protection.

These more recent acts indicate the progress of practical legislation and administration. Only the earlier acts passed title to the land from the Government to the municipality. In such cases, as is evidenced by the example of Boulder, the legislation is not adequate, since a change of plan of construction may at any time require the use or regulation of more or less land and the enactment of a remedial measure by Congress.

In view of the number of municipalities which obtain their water supply from the national forests, and the experience that the department has already had in entering into cooperative agreements looking to the protection of the watersheds, it is felt that the time is ripe for constructive watershed legislation which would make patch-work legislation of this kind unnecessary. It is therefore recommended that, instead of a special act in this case, to be inevitably followed by an increasing number of special bills to meet the individual requirements of each municipality, general legislation be enacted under which the President, on request from the proper municipal authorities, would be authorized to withdraw from all forms of entry such national forest lands as in his judgment are essential to the adequate protection of a municipality's water

supply. Should legislation of such a character be enacted, there would be no difficulty in entering into cooperative agreements restricting the use of such areas in accordance with the views of the municipal authorities, while at the same time allowing the principal work of forestry to be carried on so far as proves to be consistent with the proper use of the land as a water-supply source. The expense of special sanitary patrol desired by municipalities should, it is felt, be borne by them, while the Forest Service would continue to do the work required by the protection and improvement of the forest. This could be controlled by the terms of the cooperative agreement in each case.

The inclosed draft of bill is, therefore, recommended to your committee as a substitute for the measure which you have submitted for report. If, however, your committee considers desirable the passage of H. R. 6410, your attention is invited to the fact that the two clauses of the proviso commencing at line 13, page 2, seem to be contradictory in terms, the word "not" apparently having been omitted from line 14, after the word "shall."

Very truly, yours,

CLARENCE OUSLEY,
Acting Secretary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 3031) to appropriate $1,189.35 for the relief of the Southern Iron & Metal Co., Jacksonville, Fla., for salvage material consisting of submarine cable purchased from the War Department (with accompanying papers); to the Committee on Claims.

By Mr. BANKHEAD:

A bill (S. 3032) for the relief of Nancy A. Parsons, C. M. Parsons, D. F. Staggs, Ollie Staggs, Roas Staggs, Lena Birchfield, Alice Birchfield, Bertie Gwin, Greely Gilbert, Linville Gilbert, and Nelson Gilbert; to the Committee on Claims.

By Mr. LODGE:

A bill (S. 3033) for the relief of Capt. John Q. A. Brett, United States Army, retired; to the Committee on Military Affairs.

By Mr. SPENCER:

A bill (S. 3034) for the relief of William S. Judkins; to the Committee on Military Affairs.

By Mr. JOHNSON of South Dakota:

A bill (S. 3035) granting a pension to George Wortser (with accompanying papers); to the Committee on Pensions.

SPEECHES BY PRESIDENT WILSON.

Mr. HITCHCOCK. Mr. President, I ask unanimous consent to have printed in the RECORD the speeches made by the President on September 8, 9, and 10. A similar request was granted for previous dates, and this brings them up to date.

Mr. LODGE. There is no objection to that.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The speeches referred to are as follows:

THE PRESIDENT AT DES MOINES, IOWA, SEPTEMBER 6, 1919.

"Mr. Chairman and fellow countrymen, you make my heart very warm with your generous welcome, and I want to express my unaffected gratitude to your chairman for having so truly struck the note of an occasion like this. He has used almost the very words that were in my thought, that the world is inflamed and profoundly disturbed, and we are met to discuss the measures by which its spirit can be quieted and its affairs turned to the right courses of human life. My fellow countrymen, the world is desperately in need of the settled conditions of peace, and it can not wait much longer. It is waiting upon us. That is the thought, that is the burdensome thought, upon my heart to-night, that the world is waiting for the verdict of the Nation to which it looked for leadership and which it thought would be the last that would ask the world to wait.

"My fellow citizens, the world is not at peace. I suppose that it is difficult for one who has not had some touch of the hot passion of the other side of the sea to realize how all the passions that have been slumbering for ages have been uncovered and released by the tragedy of this war. We speak of the tragedy of this war, but the tragedy that lay back of it was greater than the war itself, because back of it lay long ages in which the legitimate freedom of men was suppressed. Back of it lay long ages of recurrent war in which little groups of men, closeted in capitals, determined whether the sons of the land over which they ruled should go out upon the field and shed their blood. For what? For liberty? No; not for liberty, but for the aggrandizement of those who ruled them. And this had been slumbering in the hearts of men. They had felt the suppression of it. They had felt the mastery of those whom they had not chosen as their masters. They had felt the oppression of laws which did not admit them to the equal exercise of human rights. Now all of this is released and uncovered and men glare at one another and say, 'Now we are free and what shall we do with our freedom?'

"What happened in Russia was not a sudden and accidental thing. The people of Russia were maddened with the suppression of Czarism. When at last the chance came to throw off those chains, they threw them off, at first with hearts full of confidence and hope, and then they found out that they had been again deceived. There was no assembly chosen to frame a constitution for them, or, rather, there was an assembly chosen to choose a constitution for them and it was suppressed and dispersed, and a little group of men just as selfish, just as ruthless, just as pitiless, as the agents of the Czar himself, assumed control and exercised their power by terror and not by right. And in other parts of Europe the poison spread—the poison of disorder, the poison of revolt, the poison of chaos. And do you honestly think, my fellow citizens, that none of that poison has got in the veins of this free people? Do you not know that the world is all now one single whispering gallery? Those antennæ of the wireless telegraph are the symbols of our age. All the impulses of mankind are thrown out upon the air and reach to the ends of the earth; quietly upon steamships, silently under the cover of the Postal Service, with the tongue of the wireless and the tongue of the telegraph, all the suggestions of disorder are spread through the world. Money coming from nobody knows where is deposited by the millions in capitals like Stockholm, to be used for the propaganda of disorder and discontent and dissolution throughout the world, and men look you calmly in the face in America and say they are for that sort of revolution, when that sort of revolution means government by terror, government by force, not government by vote. It is the negation of everything that is American; but it is spreading, and so long as disorder continues, so long as the world is kept waiting for the answer to the question, What kind of peace are we going to have and what kind of guaranties are there to be behind that peace? that poison will steadily spread more and more rapidly, spread until it may be that even this beloved land of ours will be distracted and distorted by it.

"That is what is concerning me, my fellow countrymen. I know the splendid steadiness of the American people, but, my fellow citizens, the whole world needs that steadiness, and the American people are the makeweight in the fortunes of mankind. How long are we going to debate into which scale we will throw that magnificent equipoise that belongs to us? How long shall we be kept waiting for the answer whether the world may trust us or despise us? They have looked to us for leadership. They have looked to us for example. They have built their peace upon the basis of our suggestions. That great volume that contains the treaty of peace is drawn along the specifications laid down by the American Government, and now the world stands at amaze because an authority in America hesitates whether it will indorse an American document or not.

"You know what the necessity of peace is. Political liberty can exist only when there is peace. Social reform can take place only when there is peace. The settlement of every question that concerns our daily life waits for peace. I have been receiving delegations in Washington of men engaged in the service of the Government temporarily in the administration of the railways, and I have had to say to them, 'My friends, I can not tell what the railways can earn until commerce is restored to its normal courses. Until I can tell what the railroads can earn I can not tell what the wages that the railroads can pay will be. I can not suggest what the increase of freight and passenger rates will be to meet these increases in wages if the rates must be increased. I can not tell yet whether it will be necessary to increase the rates or not, and I must ask you to wait.' But they are not the only people that have come to see me. There are all sorts of adjustments necessary in this country. I have asked representatives of capital and labor to come to Washington next month and confer—confer about the fundamental thing of our life at present; that is to say, the conditions of labor. Do you realize, my fellow citizens, that all through the world the one central question of civilization is, 'What shall be the conditions of labor?' The profound unrest in Europe is due to the doubt prevailing as to what shall be the conditions of labor, and I need not tell you that that unrest is spreading to America.

"In the midst of the treaty of peace is a Magna Charta, a great guaranty for labor. It provides that labor shall have the counsels of the world devoted to the discussion of its conditions and of its betterment, and labor all over the world is waiting to know whether America is going to take part in those conferences or not. The confidence of the men who sat at Paris was such that they put it in the document that the first meeting of the labor conference under that part of the treaty should take place in Washington upon the invitation of the President of the United States. I am going to issue that invitation, whether we can attend the conference or not. But think of the mortification! Think of standing by in Washington itself and seeing the world take counsel upon the fundamental matter of

civilization without us. The thing is inconceivable, but it is true. The world is waiting, waiting to see, not whether we will take part but whether we will serve and lead, for it has expected us to lead. I want to testify that the most touching and thrilling thing that has ever happened to me was what happened almost every day when I was in Paris. Delegations from all over the world came to me to solicit the friendship of America. They frankly told us that they were not sure they could trust anybody else, but that they did absolutely trust us to do them justice and to see that justice was done them. Why, some of them came from countries which I have, to my shame, to admit that I never heard of before, and I had to ask as privately as possible what language they spoke. Fortunately they always had an interpreter, but I always wanted to know at least what family of languages they were speaking. The touching thing was that from the ends of the earth, from little pocketed valleys, where I did not know that a separate people lived, there came men—men of dignity, men of intellectual parts, men entertaining in their thought and in their memories a great tradition, some of the oldest people of the world—and they came and sat at the feet of the youngest nation of the world and said, 'Teach us the way to liberty.'

"That is the attitude of the world, and reflect, my fellow countrymen, upon the reaction, the reaction of despair, that would come if America said, 'We do not want to lead you. You must do without our advice. You must shift without us.' Now, are we going to bring about a peace, for which everything waits? We can not bring it about by doing nothing. I have been very much amazed and very much amused, if I could be amused in such critical circumstances, to see that the statesmanship of some gentlemen consists in the very interesting proposition that we do nothing at all. I had heard of standing pat before, but I never had before heard of standpatism going to the length of saying it is none of our business and we do not care what happens to the rest of the world.

"Your chairman made a profoundly true remark just now. The isolation of the United States is at an end, not because we chose to go into the politics of the world but because by the sheer genius of this people and the growth of our power we have become a determining factor in the history of mankind, and after you have become a determining factor you can not remain isolated, whether you want to or not. Isolation ended by the processes of history, not by the processes of our independent choice, and the processes of history merely fulfilled the prediction of the men who founded our Republic. Go back and read some of the immortal sentences of the men that assisted to frame this Government and see how they set up a standard to which they intended that the nations of the world should rally. They said to the people of the world, 'Come to us; this is the home of liberty; this is the place where mankind can learn how to govern their own affairs and straighten out their own difficulties,' and the world did come to us.

"Look at your neighbor. Look at the statistics of the people of your State. Look at the statistics of the people of the United States. They have come, their hearts full of hope and confidence, from practically every nation in the world, to constitute a portion of our strength and of our hope and a contribution to our achievement. Sometimes I feel like taking off my hat to some of those immigrants. I was born an American. I could not help it, but they chose to be Americans. They were not born Americans. They saw this star in the west rising over the peoples of the world, and they said, 'That is the star of hope and the star of salvation. We will set our footsteps toward the west and join that great body of men whom God has blessed with the vision of liberty.' I honor those men. I say, 'You made a deliberate choice which showed that you saw what the drift and history of mankind was.' I am very grateful, I may say in parentheses, that I did not have to make that choice. I am grateful that ever since I can remember I have breathed this blessed air of freedom. I am grateful that every instinct in me, every drop of blood in me remembers and stands up and shouts at the traditions of the United States. But some gentlemen are not shouting now about that. They are saying, 'Yes; we made a great promise to mankind, but it will cost too much to redeem it.' My fellow citizens, that is not the spirit of America, and you can not have peace, you can not have even your legitimate part in the business of the world unless you are partners with the rest. If you are going to say to the world, 'We will stand off and see what we can get out of this,' the world will see to it that you do not get anything out of it. If it is your deliberate choice that instead of being friends you will be rivals and antagonists, then you will get exactly what rivals and antagonists always get, just as little as can be grudgingly vouchsafed you.

"Yet you must keep the world on its feet. Is there any business man here who would be willing to see the world go bankrupt and the business of the world stop? Is there any man here who does not know that America is the only nation left by the war in a position to see that the world does go on with its business? And is it your idea that if we lend our money, as we must, to men whom we have bitterly disappointed, that money will bring back to us the largess to which we are entitled? I do not like to argue this thing on this basis, but if you want to talk business, I am ready to talk business. If it is a matter of how much you are going to get from your money, I say you will not get half as much as antagonists as you will get as partners. Think that over, if you have none of that thing that is so lightly spoken of, known as altruism. And, believe me, my fellow countrymen, the only people in the world who are going to reap the harvest of the future are the people who can entertain ideals, who can follow ideals to the death.

"I was saying to another audience to-day that one of the most beautiful stories I know is the story that we heard in France about the first effect of the American soldiers when they got over there. The French did not believe at first, the British did not believe, that we could finally get 2,000,000 men over there. The most that they hoped at first was that a few American soldiers would restore their morale, for let me say that their morale was gone. The beautiful story to which I referred is this, the testimony that all of them rendered that they got their morale back the minute they saw the eyes of those boys. Here were not only soldiers. There was no curtain in front of the retina of those eyes. They were American eyes. They were eyes that had seen visions. They were eyes the possessors of which had brought with them a great ardor for a supreme cause, and the reason those boys never stopped was that their eyes were lifted to the horizon. They saw a city not built with hands. They saw a citadel toward which their steps were bent where dwelt the oracles of God himself. And on the battle field were found German orders to commanders here and there to see to it that the Americans did not get lodgment in particular places, because if they ever did you never could get them out. They had gone to Europe to go the whole way toward the realization of the teaching which their fathers had handed down to them. There never were crusaders that went to the Holy Land in the old ages that we read about that were more truly devoted to a holy cause than these gallant, incomparable sons of America.

"My fellow citizens, you have got to make up your minds, because, after all, it is you who are going to make up the minds of this country. I do not owe a report or the slightest responsibility to anybody but you. I do not mean only you in this hall, though I am free to admit that this is just as good a sample of America as you can find anywhere, and the sample looks mighty good to me. I mean you and the millions besides you, thoughtful, responsible American men and women all over this country. They are my bosses, and I am mighty glad to be their servant. I have come out upon this journey not to fight anybody but to report to you, and I am free to predict that if you credit the report there will be no fighting. It is not only necessary that we should make peace with Germany and make peace with Austria, and see that a reasonable peace is made with Turkey and Bulgaria—that is not only not all of it, but it is a very dangerous beginning if you do not add something to it. I said just now that the peace with Germany, and the same is true of the pending peace with Austria, was made upon American specifications, not unwillingly. Do not let me leave the impression on your mind that the representatives of America in Paris had to insist and force their principles upon the rest. That is not true. Those principles were accepted before we got over there, and the men I dealt with carried them out in absolute good faith; but they were our principles, and at the heart of them lay this, that there must be a free Poland, for example.

"I wonder if you realize what that means. We had to collect the pieces of Poland. For a long time one piece had belonged to Russia, and we can not get a clear title to that yet. Another part belonged to Austria. We got a title to that. Another part belonged to Germany, and we have settled the title to that. But we found Germany also in possession of other pieces of territory occupied predominately or exclusively by patriotic Poles, and we said to Germany, 'You will have to give that up, too; that belongs to Poland.' Not because it is ground, but because those people there are Poles and want to be parts of Poland, and it is not our business to force any sovereignty upon anybody who does not want to live under it. When we had determined the boundaries of Poland we set it up and recognized it as an independent Republic. There is a minister, a diplomatic representative, of the United States at Warsaw right now in virtue of our formal recognition of the Republic of Poland.

"But upon Poland center some of the dangers of the future. South of Poland is Bohemia, which we cut away from the Austrian combination. Below Bohemia is Hungary, which can

no longer rely upon the assistant strength of Austria, and below her is an enlarged Roumania. Alongside of Roumania is the new Slavic Kingdom, that never could have won its own independence, which had chafed under the chains of Austria-Hungary, but never could throw them off. We have said, 'The fundamental wrongs of history center in these regions. These people have the right to govern their own Government and control their own fortunes.' That is at the heart of the treaty, but, my fellow citizens, this is at the heart of the future: The business men of Germany did not want the war that we have passed through. The bankers and the manufacturers and the merchants knew that it was unspeakable folly. Why? Because Germany by her industrial genius was beginning to dominate the world economically, and all she had to do was to wait for about two more generations when her credit, her merchandise, her enterprise, would have covered all the parts of the world that the great fighting nations did not control. The formula of pan-Germanism, you remember, was Bremen to Bagdad—Bremen on the North Sea to Bagdad in Persia. These countries that we have set up as the new home of liberty lie right along that road. If we leave them there without the guaranty that the combined force of the world will assure their independence and their territorial integrity, we have only to wait a short generation when our recent experience will be repeated. We did not let Germany dominate the world this time. Are we then? If Germany had known then that all the other fighting nations of the world would combine to prevent her action, she never would have dreamed of attempting it. If Germany had known—this is the common verdict of every man familiar with the politics of Europe—if Germany had known that England would go in, she never would have started it. If she had known that America would come in, she never would have dreamed of it. And now the only way to make it certain that there never will be another world war like that is that we should assist in guaranteeing the peace and its settlement.

"It is a very interesting circumstance, my fellow countrymen, that the league of nations will contain all the nations of the world, great and small, except Germany, and Germany is merely put on probation. We have practically said to Germany, 'If it turns out that you really have had a change of heart and have gotten nonsense out of your system; if it really does turn out that you have substituted a genuine self-governing Republic for a Kingdom where a few men on Wilhelmstrasse plotted the destiny of the world, then we will let you in as partners, because then you will be respectable.' In the meantime, accepting the treaty, Germany's Army is reduced to 100,000 men, and she has promised to give up all the war material over and above what is necessary for 100,000 men. For a nation of 60,000,000! She has surrendered to the world. She has said, 'Our fate is in your hands. We are ready to do what you tell us to do.' The rest of the world is combined, and the interesting circumstance is that the rest of the world, excluding us, will continue combined if we do not go into it. Some gentlemen seem to think they can break up this treaty and prevent this league by not going into it. Not at all.

"I can give you an interesting circumstance. There is the settlement, which you have heard so much discussed, about that rich and ancient Province of Shantung in China. I do not like that settlement any better than you do, but these were the circumstances: In order to induce Japan to cooperate in the war and clear the Pacific of the German power England, and subsequently France, bound themselves without any qualification to see to it that Japan got anything in China that Germany had, and that Japan would take it away from her, upon the strength of which promise Japan proceeded to take Kiaochow and occupy the portions of Shantung Province, which had been ceded by China for a term of years to Germany. The most that could be got out of it was that, in view of the fact that America had nothing to do with it, the Japanese were ready to promise that they would give up every item of sovereignty which Germany would otherwise have enjoyed in Shantung Province and return it without restriction to China, and that they would retain in the Province only the economic concessions such as other nations already had elsewhere in China—though you do not hear anything about that—concessions in the railway and the mines which had become attached to the railway for operative purposes. But suppose that you say that is not enough. Very well, then, stay out of the treaty, and how will that accomplish anything? England and France are bound and can not escape their obligation. Are you going to institute a war against Japan and France and England to get Shantung back for China? That is an enterprise which does not commend itself to the present generation.

"I am putting it in brutal terms, my fellow citizens, but that is the fact. By disagreeing to that provision, we accomplish nothing for China. On the contrary, we stay out of the only combination of the counsels of nations in which we can be of service to China. With China as a member of the league of nations, and Japan as a member of the league of nations, and America as a member of the league of nations, there confronts every one of them that now famous article 10, by which every member of the league agrees to respect and preserve the territorial integrity and existing political independence of all the other member States. Do not let anybody persuade you that you can take that article out and have a peaceful world. That cuts at the root of the German war. That cuts at the root of the outrage against Belgium. That cuts at the root of the outrage against France. That pulls that vile, unwholesome Upas tree of Pan Germanism up by the roots, and it pulls all other 'pans' up, too. Every land-grabbing nation is served notice, 'Keep on your own territory. Mind your own business. That territory belongs to those people and they can do with it what they please, provided they do not invade other people's rights by the use they make of it.' My fellow citizens, the thing is going to be done whether we are in it or not. If we are in it, then we are going to be the determining factor in the development of civilization. If we are out of it, we ourselves are going to watch every other nation with suspicion, and we will be justified, too; and we are going to be watched with suspicion. Every movement of trade, every relationship of manufacture, every question of raw materials, every matter that affects the intercourse of the world, will be impeded by the consciousness that America wants to hold off and get something which she is not willing to share with the rest of mankind. I am painting the picture for you, because I know that it is as intolerable to you as it is to me. But do not go away with the impression, I beg you, that I think there is any doubt about the issue. The only thing that can be accomplished is delay. The ultimate outcome will be the triumphant acceptance of the treaty and the league.

"Let me pay the tribute which it is only just that I should pay to some of the men who have been, I believe, misunderstood in this business. It is only a handful of men, my fellow citizens, who are trying to defeat the treaty or to prevent the league. The great majority, in official bodies and out, are scrutinizing it, as it is perfectly legitimate that they should scrutinize it, to see if it is necessary that they should qualify it in any way, and my knowledge of their conscience, my knowledge of their public principle, makes me certain that they will sooner or later see that it is safest, since it is all expressed in the plainest English that the English dictionary affords, not to qualify it—to accept it as it is. I have been a student of the English language all my life and I do not see a single obscure sentence in the whole document. Some gentlemen either have not read it or do not understand the English language; but, fortunately, on the right-hand page it is printed in English and on the left-hand page it is printed in French. Now, if they do not understand English, I hope they will get a French dictionary and dig out the meaning on that side. The French is a very precise language, more precise than the English language, I am told. I am not on a speaking acquaintance with it, but I am told that it is the most precise language in Europe, and that any given phrase in French always means the same thing. That can not be said of English. In order to satisfy themselves, I hope these gentlemen will master the French version and then be reassured that there are no lurking monsters in that document; that there are no sinister purposes; that everything is said in the frankest way.

"For example, they have been very much worried at the phrase that nothing in the document shall be taken as impairing in any way the validity of such regional understandings as the Monroe doctrine. They say, 'Why put in "such regional understandings as"? What other understandings are there? Have you got something up your sleeve? Is there going to be a Monroe doctrine in Asia? Is there going to be a Monroe doctrine in China?' Why, my fellow citizens, the phrase was written in perfect innocence. The men that I was associated with said, 'It is not wise to put a specific thing that belongs only to one nation in a document like this. We do not know of any other regional understanding like it; we never heard of any other; we never expect to hear of any other, but there might some day be some other, and so we will say "such regional understandings as the Monroe doctrine,"' and their phrase was intended to give right of way to the Monroe doctrine in the Western Hemisphere. I reminded the Committee on Foreign Relations of the Senate the other day that the conference I held with them was not the first conference I had held about the league of nations. When I came back to this our own dear country in March last I held a conference at the White House with the Senate Committee on Foreign Relations, and they made various suggestions as to how the covenant should be altered in phraseology. I carried those suggestions back to Paris,

and every one of them was accepted. I think that is a sufficient guaranty that no mischief was intended. The whole document is of the same plain, practical, explicit sort, and it secures peace, my fellow citizens, in the only way in which peace can be secured.

"I remember, if I may illustrate a very great thing with a very trivial thing, I had two acquaintances who were very much addicted to profanity. Their friends were distressed about it. It subordinated a rich vocabulary which they might otherwise have cultivated, and so we induced them to agree that they never would swear inside the corporate limits, that if they wanted to swear they would go out of town. The first time the passion of anger came upon them they rather sheepishly got in a street car and went out of town to swear, and by the time they got out of town they did not want to swear. That very homely illustration illustrates in my mind the value of discussion. Let me remind you that every fighting nation in the world is going to belong to this league, because we are going to belong to it, and they all make this solemn engagement with each other, that they will not resort to war in the case of any controversy until they have done one or other of two things, until they have either submitted the question at issue to arbitration, in which case they promise to abide by the verdict whatever it may be, or, if they do not want to submit it to arbitration, have submitted it to discussion by the council of the league.

"They agree to give the council six months to discuss the matter, to supply the council with all the pertinent facts regarding it, and that, after the opinion of the council is rendered, they will not then go to war if they are dissatisfied with the opinion until three more months have elapsed. They give nine months in which to spread the whole matter before the judgment of mankind, and if they violate this promise, if any one of them violates it, the covenant prescribes that that violation shall in itself constitute an act of war against the other members of the league. It does not provide that there shall be war. On the contrary, it provides for something very much more effective than war. It provides that that nation, that covenant-breaking nation, shall be absolutely cut off from intercourse of every kind with the other nations of the world; that no merchandise shall be shipped out of it or into it; that no postal messages shall go into it or come out of it; that no telegraphic messages shall cross its borders; and that the citizens of the other member States shall not be permitted to have any intercourse or transactions whatever with its citizens or its citizens with them. There is not a single nation in Europe that can stand that boycott for six months. There is not a single nation in Europe that is self-sufficing in its resources of food or anything else that can stand that for six months. And in those circumstances we are told that this covenant is a covenant of war. It is the most drastic covenant of peace that was ever conceived, and its processes are the processes of peace. The nation that does not abide by its covenants is sent to coventry, is taboo, is put out of the society of covenant-respecting nations.

"This is a covenant of compulsory arbitration or discussion, and just so soon as you discuss matters, my fellow citizens, peace looks in at the window. Did you ever really sit down and discuss matters with your neighbor when you had a difference and come away in the same temper that you went in? One of the difficulties in our labor situation is that there are some employers who will not meet their employees face to face and talk with them. I have never known an instance in which such a meeting and discussion took place that both sides did not come away in a softened temper and with an access of respect for the other side. The processes of frank discussion are the processes of peace not only, but the processes of settlement, and those are the processes which are set up for all the powerful nations of the world.

"I want to say that this is an unparalleled achievement of thoughtful civilization. To my dying day I shall esteem it the crowning privilege of my life to have been permitted to put my name to a document like that; and in my judgment, my fellow citizens, when passion is cooled and men take a sober, second thought, they are all going to feel that the supreme thing that America did was to help bring this about and then put her shoulder to the great chariot of justice and of peace which was going to lead men along in that slow and toilsome march, toilsome and full of the kind of agony that brings bloody sweat, but nevertheless going up a slow incline to those distant heights upon which will shine at last the serene light of justice, suffusing a whole world in blissful peace."

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THE PRESIDENT AT AUDITORIUM, OMAHA, NEBR., SEPTEMBER 8, 1919.

"Mr. Chairman, my fellow citizens, I never feel more comfortable in facing my fellow citizens than when I can realize that I am not representing a peculiar cause, that I am not speaking for a single group of my fellow citizens, that I am not the representative of a party but the representative of the people of the United States. I went across the water with that happy consciousness, and in all the work that was done on the other side of the sea, where I was associated with distinguished Americans of both political parties, we all of us constantly kept at our heart the feeling that we were expressing the thoughts of America, that we were working for the things that America believed in. I have come here to testify that this treaty contains the things that America believes it.

"I brought a copy of the treaty along with me, for I fancy that, in view of the criticisms you have heard of it, you thought it consisted of only four or five clauses. Only four or five clauses out of this volume are picked out for criticism. Only four or five phrases in it are called to your attention by some of the distinguished orators who oppose its adoption. Why, my fellow citizens, this is one of the great charters of human liberty, and the man who picks flaws in it—or, rather, picks out the flaws that are in it, for there are flaws in it—forgets the magnitude of the thing, forgets the majesty of the thing, forgets that the counsels of more than 20 nations combined and were rendered unanimous in the adoption of this great instrument. Let me remind you of what everybody admits who has read the document. Everybody admits that it is a complete settlement of the matters which led to this war, and it conains the complete machinery which provides that they shall stay settled.

"You know that one of the greatest difficulties in our own domestic affairs is unsettled land titles. Suppose that somebody were mischievously to tamper with the land records of the State of Nebraska, and that there should be a doubt as to the line of every farm. You know what would happen in six months. All the farmers would be sitting on their fences with shotguns. Litigation would penetrate every community, hot feeling would be generated, contests not only of lawyers, but contests of force, would ensue. Very well, one of the interesting things that this treaty does is to settle the land titles of Europe, and to settle them in this way, on the principle that every land belongs to the people that live on it. This is actually the first time in human history that that principle was ever recognized in a similar document, and yet that is the fundamental American principle. The fundamental American principle is the right of the people that live in the country to say what shall be done with that country. We have gone so far in our assertions of popular right that we not only say that the people have a right to have a government that suits them, but that they have a right to change it in any respect at any time. Very well, that principle lies at the heart of this treaty.

"There are peoples in Europe who never before could say that the land they lived in was their own, and the choice that they were to make of their lives was their own choice. I know there are men in Nebraska who come from that country of tragical history, the now restored Republic of Poland, and I want to call your attention to the fact that Poland is here given her complete restitution; and not only is she given the land that formerly belonged to the Poles, but she is given the lands which are now occupied by Poles but had been permitted to remain under other sovereignties. She is given those lands on a principle that all our hearts approve of. Take what in Europe they call High Silesia, the mountainous, the upper, portions of the district of Silesia. The very great majority of the people in High Silesia are Poles, but the Germans contested the statement that most of them were Poles. We said, 'Very well, then, it is none of our business; we will let them decide. We will put sufficient armed forces into High Silesia to see that nobody tampers with the processes of the election, and then we will hold a referendum there, and those people can belong either to Germany or to Poland, as they prefer and not as we prefer.' And wherever there was a doubtful district we applied the same principle, that the people should decide and not the men sitting around the peace table at Paris. When these referenda are completed the land titles of Europe will be settled, and every country will belong to the people that live on it to do with what they please. You seldom hear of this aspect of this treaty, my fellow citizens.

"You have heard of the council that the newspaper men call the 'big four.' We had a very much bigger name for ourselves than that. We called ourselves the 'supreme council of the principal allied and associated powers,' but we had no official title, and sometimes there were five of us instead of four. Those five represented, with the exception of Germany, of course, the great fighting nations of the world. They could have done anything with this treaty that they chose to do, because they had the power to do it, and they chose to do what had never been chosen before, to renounce every right of sovereignty in that settlement to which the people concerned did

not assent. That is the great settlement which is represented in this volume.

"And it contains, among other things, a great charter of liberty for the workingmen of the world. For the first time in history the counsels of mankind are to be drawn together and concerted for the purpose of defending the rights and improving the conditions of working people—men, women, and children—all over the world. Such a thing as that was never dreamed of before, and what you are asked to discuss in discussing the league of nations is the matter of seeing that this thing is not interfered with. There is no other way to do it than by a universal league of nations, and what is proposed is a universal league of nations. Only two nations are for the time being left out. One of them is Germany, because we did not think that Germany was ready to come in, because we felt that she ought to go through a period of probation. She says that she made a mistake. We now want her to prove it by not trying it again. She says that she has abolished all the old forms of government by which little secret councils of men sitting nobody knew exactly where determined the fortunes of that great nation and, incidentally, tried to determine the fortunes of mankind; but we want her to prove that her constitution is changed and that it is going to stay changed; and then who can, after those proofs are produced, say 'No' to a great people 60,000,000 strong, if they want to come in on equal terms with the rest of us and do justice in international affairs? I want to say that I did not find any of my colleagues in Paris disinclined to do justice to Germany. But I hear that this treaty is very hard on Germany. When an individual has committed a criminal act, the punishment is hard, but the punishment is not unjust. This nation permitted itself, through unscrupulous governors, to commit a criminal act against mankind, and it is to undergo the punishment, not more than it can endure, but up to the point where it can pay it must pay for the wrong that it has done.

"But the things prescribed in this treaty will not be fully carried out if any one of the great influences that brought that result about is withheld from its consummation. Every great fighting nation in the world is on the list of those who are to constitute the league of nations. I say every great nation, because America is going to be included among them, and the only choice, my fellow citizens, is whether we will go in now or come in later with Germany; whether we will go in as founders of this covenant of freedom or go in as those who are admitted after they have made a mistake and repented.

"I wish I could do what is impossible in a great company like this. I wish I could read that covenant to you, because I do not believe, if you have not read it yourself and have only listened to certain speeches that I have read, that you know anything that is in it. Why, my fellow citizens, the heart of that covenant is that there shall be no war. To listen to some of the speeches that you may have listened to or read, you would think that the heart of it was that it was an arrangement for war. On the contrary, this is the heart of that treaty: The bulk of it is concerned with arrangements under which all the members of the league—that means everybody but Germany and dismembered Turkey—agree that they never will go to war without first having done one or other of two things—either submitted the question at issue to arbitration, in which case they agree absolutely to abide by the verdict, or, if they do not care to submit it to arbitration, submitted it to discussion by the council of the league of nations, in which case they must give six months for the discussion and wait three months after the rendering of the decision, whether they like it or not, before they go to war. They agree to cool off for nine months before they yield to the heat of passion which might otherwise have hurried them into war.

"If they do not do that, it is not war that ensues; it is something that will interest them and engage them very much more than war; it is an absolute boycott of the nation that disregards the covenant. The boycott is automatic, and just as soon as it applies, then this happens: No goods can be shipped out of that country; no goods can be shipped into it. No telegraphic message may pass either way across its borders. No package of postal matter—no letter—can cross its borders either way. No citizen of any member of the league can have any transactions of any kind with any citizen of that nation. It is the most complete isolation and boycott ever conceived, and there is not a nation in Europe that can live for six months without importing goods out of other countries. After they have thought about the matter for six months, I predict that they will have no stomach for war.

"All that you are told about in this covenant, so far as I can learn, is that there is an article 10. I will repeat article 10 to you; I think I can repeat it verbatim, the heart of it at any rate. Every member of the league promises to respect and preserve as against external aggression—not as against internal revolution—the territorial integrity and existing political independence of every other member of the league, and if it is necessary to enforce this promise—I mean, for the nations to act in concert with arms in their hands to enforce it—then the council of the league shall advise what action is necessary. Some gentlemen who doubt the meaning of English words have thought that advice did not mean advice, but I do not know anything else that it does mean, and I have studied English most of my life and speak it with reasonable correctness. The point is this: The council can not give that advice without the vote of the United States, unless it is a party to the dispute; but, my fellow citizens, if you are a party to the dispute you are in the scrap anyhow. If you are a party, then the question is not whether you are going to war or not, but merely whether you are going to war against the rest of the world or with the rest of the world, and the object of war in that case will be to defend that central thing that I began by speaking about. That is the guaranty of the land titles of the world which have been established by this treaty. Poland, Czechoslavakia, Roumania, Jugoslavia—all those nations which never had a vision of independent liberty until now—have their liberty and independence guaranteed to them. If we do not guarantee them, then we have this interesting choice: I hear gentlemen say that we went into the recent war because we were forced into it, and their preference now is to wait to be forced in again. They do not pretend that we can keep out; they merely pretend that we ought to keep out until we are ashamed not to go in.

"This is the covenant of the league of nations that you hear objected to, the only possible guaranty against war. I would consider myself recreant to every mother and father, every wife and sweetheart in this country, if I consented to the ending of this war without a guaranty that there would be no other. You say, 'Is it an absolute guaranty?' No; there is no absolute guaranty against human passion; but even if it were only 10 per cent of a guaranty, would not you rather have 10 per cent guaranty against war than none? If it only creates a presumption that there will not be war, would you not rather have that presumption than live under the certainty that there will be war? For, I tell you, my fellow citizens, I can predict with absolute certainty that within another generation there will be another world war if the nations of the world do not concert the method by which to prevent it.

"But I did not come here this morning, I remind myself, so much to expound the treaty as to talk about these interesting things that we hear about that are called reservations. A reservation is an assent with a big but. We agree—but. Now, I want to call your attention to some of these buts. I will take them, so far as I can remember the order, in the order in which they deal with clauses of the league itself.

"In the first article of the covenant it is provided that a nation can withdraw from the league on two years' notice, provided at the time of its withdrawal, that is to say, at the expiration of the two years, it has fulfilled all its international obligations and all its obligations under the covenant. Some of our friends are very uneasy about that. They want to sit close to the door with their hands on the knob, and they want to say, 'We are in this thing but we are in it with infinite timidity; we are in it only because you overpersuaded us and wanted us to come in, and we are going to try this thing every now and then and see if it is locked, and just as soon as we see anything we don't like, we are going to scuttle.' Now, what is the trouble? What are they afraid of? I want you to put this to every man you know who makes this objection, what is he afraid of? Is he afraid that when the United States withdraws it will not have fulfilled its international obligations? Is he willing to bring that indictment against this beloved country? My fellow citizens, we never did fail to fulfill an international obligation and, God guiding and helping us, we never will. I for one am not going to admit in any connection the slightest doubt that, if we ever choose to withdraw, we will then have fulfilled our obligations. If I make reservations, as they are called, about this, what do I do? This covenant does not set up any tribunal to judge whether we have fulfilled our obligations at that time or not. There is only one thing to restrain us, and that is the opinion of mankind. Are these gentlemen such poor patriots that they are afraid that the United States will cut a poor figure in the opinion of mankind? And do they think that they can bring this great people to withdraw from that league if at that time their withdrawal would be condemned by the opinion of mankind? We have always been at pains to earn the respect of mankind, and we shall always be at pains to retain it. I for one am too proud

as an American to say that any doubt will ever hang around our right to withdraw upon the condition of the fulfillment of our international obligations.

"I have already adverted to the difficulties under article 10 and will not return to it. That difficulty is merely, as I repeated it just now, that some gentlemen do not want to go in as partners, they want to go in as late joiners, because they all admit that in a war which imperils the just arrangements of mankind, America, the greatest, richest, freest people in the world must take sides. We could not live without taking sides. We devoted ourselves to justice and to liberty when we were born, and we are not going to get senile and forget it.

"They do not like the way in which the Monroe doctrine is mentioned. Well; I would not stop on a question of style. The Monroe doctrine is adopted. It is swallowed, hook, line, and sinker, and, being carefully digested into the central organism of the whole instrument, I do not care what language they use about it. The language is entirely satisfactory so far as I understand the English language. That puzzles me, my fellow citizens. The English language seems to have got some new meaning since I studied it that bothers these gentlemen. I do not know what dictionaries they resort to. I do not know what manuals of conscience they can possibly resort to. The Monroe doctrine is expressly authenticated in this document, for the first time in history, by all the great nations of the world, and it was put there at our request. When I came back to this dear country in March I brought the first draft, the provisional draft, of the covenant of the league. I submitted it to the Foreign Relations Committee of the Senate of the United States, and I spent an evening discussing it with them. They made a number of suggestions. I carried every one of those suggestions to Paris, and every one of them was adopted. Now apparently they want me to go back to Paris and say, 'We are much obliged to you, but we do not like the language.' I suggested the other night that if they do not like that language there is another language in here. That page is English [illustrating]; this page is French [illustrating]—the same thing. If the English does not suit them, let them engage the interest of some French scholar and see if they like the French better. It is the same thing. It is done in perfect good faith. Nobody was trying to fool anybody else. This is the genuine work of honest men.

"The fourth matter that they are concerned about is domestic questions, so they want to put in a reservation enumerating certain questions as domestic questions which everybody on both sides of the water admits are domestic questions. That seems to me, to say the least, to be a work of supererogation. It does not seem to me necessary to specify what everybody admits, but they are so careful—I believe the word used to be 'meticulous'—that they want to put in what is clearly implied in the whole instrument. 'Well,' you say, 'why not?' Well, why not, my fellow citizens? The conference at Paris will still be sitting when the Senate of the United States has acted upon this treaty. Perhaps I ought not to say that so confidently. No man, even in the secrets of Providence, can tell how long it will take the United States Senate to do anything, but I imagine that in the normal course of human fatigue the Senate will have acted upon this treaty before the conference in Paris gets through with the Austrian treaty and the Bulgarian treaty and the Turkish treaty. They will still be there on the job. Now—every lawyer will follow me in this—if you take a contract and change the words, even though you do not change the sense, you have to get the other parties to accept those words. Is not that true? Therefore every reservation will have to be taken back to all the signatories of this treaty, and I want you to notice that that includes Germany. We will have to ask Germany's consent to read this treaty the way we understand it. I want to tell you that we did not ask Germany's consent with regard to the meaning of any one of those terms while we were in Paris. We told her what they meant and said, 'Sign here.' Are there any patriotic Americans who desire the method changed? Do they want me to ask the assembly at Weimar if I may read the treaty the way it means but in words which the United States Senate thinks it ought to have been written in? You see, reservations come down to this, that they want to change the language of the treaty without changing its meaning and involve all the embarrassments. Because, let me say, there are indications—I am judging not from official dispatches but from the newspapers—that people are not in as good a humor over in Paris now as they were when I was there, and it is going to be more difficult to get agreement from now on than it was then. After dealing with some of those gentlemen I found that they were as ingenious as any American in attaching unexpected meanings to plain words, and, having gone through the mill on the existing language, I do not want to go through it again on changed language.

"I must not turn away from this great subject without adverting to one particular in the treaty itself, and that is the provision with regard to the transfer of certain German rights in the Province of Shantung, China, to Japan. I have frankly said to my Japanese colleagues in the conference, and therefore I can without impropriety say it here, that I was very deeply dissatisfied with that part of the treaty. But, my fellow citizens, Japan agreed at that very time and as part of the understanding upon which those clauses were put into the treaty, that she would relinquish every item of sovereignty that Germany had enjoyed to China, and that she would retain only what other nations have elsewhere in China, certain economic concessions with regard to the railway and the mines, which she was to operate under a corporation and subject to the laws of China. As I say, I wish she could have done more. But suppose, as some have suggested, that we dissent from that clause in the treaty. You can not sign all of the treaty but one part, my fellow citizens. It is like the President's veto. He can not veto provisions in a bill. He has got either to sign the bill or veto the bill. We can not sign the treaty with the Shantung provision out of it, and if we could, what sort of service would we be doing to China?

"Let us state the facts with brutal frankness. England and France are bound by solemn treaty, entered into before the conference at Paris, before the end of the war, to give Japan what she gets in this treaty in the Province of Shantung. They can not in honor withdraw from that promise. They can not consent to a peace treaty which does not contain those provisions with regard to Shantung. England and France, therefore, will stand behind Japan, and if we are not signatories to the treaties and not parties she will get all that Germany had in Shantung, more than she will get under the promises which she made to us, and the only way we can get it away from her is by going to war with Japan and Great Britain and France. Does that look like a workable proposition? Is that doing China a service? Whereas, if we do accept this treaty, we are members of the league of nations, China is a member of the league, and Japan is a member of the league, and under that much-criticized article 10 Japan promises and we guarantee that the territorial integrity and political independence of China will be respected and preserved. That is the way to serve China. That is the only possible way in the circumstances to serve China.

"Therefore we can not rewrite this treaty. We must take it or leave it, and gentlemen, after all the rest of the world has signed it, will find it very difficult to make any other kind of treaty. As I took the liberty of saying the other night, it is a case of 'put up or shut up.' The world can not breathe in the atmosphere of negations. The world can not deal with nations who say, 'We won't play!' The world can not have anything to do with an arrangement in which every nation says, 'We will take care of ourselves.' Is it possible, my fellow citizens—is it possible, for the sinister thing has been suggested to me—that there is a group of individuals in this country who have conceived it as desirable that the United States should exercise its power alone, should arm for the purpose, should be ready for the enterprise, and should dominate the world by arms? There are indications that there are groups of citizens in this country who do not find that an unpalatable program. Are we going to substitute for Pan-Germanism a sinister Pan-Americanism? The thing is inconceivable. It is hideous. No man dare propose that in plain words to any American audience anywhere. The heart of this people is pure. The heart of this people if true. This great people loves liberty. It loves justice. It would rather have liberty and justice than wealth and power. It is the great idealistic force of history, and the idealism of America is what has made conquest of the spirits of men.

"While I was in Paris men of every race, from every quarter of the globe, sought interviews with us in order to tell us how absolutely they believed in America and how all their thoughts, all their pleas for help, all their hope of political salvation, reached out toward America, and my heart melted within me. I said to some of the simpler sort among them, 'I pray you that you will not expect the impossible. America can not do all the things that you are expecting her to do. The most that I can promise is that we will do everything we can.' And we are going to redeem that promise, not because I made it, but because when I made it I spoke the purpose and heart of the United States. If I felt that I personally in any way stood in the way of this settlement, I would be glad to die that it might be consummated, because I have a vision, my fellow citizens, that if this thing should by some mishap not be accomplished there would rest forever upon the fair name of this people a stain which could never be effaced, which would be

intolerable to every lover of America, inconceivable to any man who knew the duty of America and was ready with stout heart to do it.

"I said just now at the opening that I was happy to forget on a campaign like this what party I belonged to, and I hope that you will not think that I am recalling what party I belong to if I say how proud I have been to stand alongside of Senator HITCHCOCK in this fight. I would be just as glad to stand by Senator NORRIS if he would let me. I refer to Senator HITCHCOCK because I know this is his home town and because of my personal regard for him, and because I wanted to make it the preface to say I want to be the brother and comrade and coworker of every man who will work for this great cause. It heartens me when I find, as I found in Des Moines and I find here, that there are more Republicans on the committees that meet me than Democrats. That may be in proportion to the population, but nevertheless I judge from what I see of these gentlemen that they are, at any rate, very favorable specimens and that I can take it for granted, because of what I see in my dealing with them, that they do represent some of the permanence and abiding influences of great communities like this. Why, the heart of America beats in these great prairies and on these hillsides. Sometimes in Washington you seem very far away. The voices that are most audible in Washington are not voices that anybody cares to listen to for very long, and it is refreshing to get out among the great body of one's fellow citizens and feel the touch of hand and the contact of shoulder and the impulse of mass movement which is going to make spiritual conquest of the world."

THE PRESIDENT AT COLISEUM, SIOUX FALLS, S. DAK., SEPTEMBER 8, 1919.

"Gov. Norbeck, my fellow citizens, I must admit that every time I face a great audience of my fellow countrymen on this trip I am filled with a feeling of peculiar solemnity, because I believe, my fellow countrymen, that we have come to one of the turning points in the history of the world, and what I as an American covet for this great country is that, as on other great occasions when mankind's fortunes hung in a nice poise and balance, America may have the distinction to lead the way.

"In order to enable you to realize some part of what is in my thought to-night, I am going to ask you to turn your thoughts back to the tragedy through which we have just passed. A little incident as we came along in the train to-day brought very close home to me the things that have been happening. A very quiet lady came up with a little crowd at a way station to shake hands with me, and she had no sooner taken my hand than she turned away and burst into tears. I asked a neighbor what was the matter, and he said she had meant to speak to me of her son who was dead in France, but that the words would not come from her lips. All over this country, my fellow citizens, there are women who have given up their sons, wives who have given up their husbands, young women who have given up their sweethearts, to die on the other side of the sea for a great cause which was not the peculiar cause of America but the cause of mankind and of civilization itself. I love to repeat what the people on the other side of the water said about those boys of ours. They told us that they did not look like any of the other soldiers, that they did not seem to be merely soldiers, that they seemed to be crusaders, that there was something in their eyes that they had never seen in the eyes of any other army, and I was reminded of what I had so often seen on former journeys across the seas: Going over in the steerage, bright-eyed men who had been permeated with the atmosphere of free America; coming back, among the immigrants coming from the old countries, dull-eyed men, tired-looking men, discouraged-looking men. They were all of them, going both ways, men who had come from across the sea, but going out they were going with the look of America in their eyes to visit the old people at home; coming back they had the fatigue of Europe in their eyes and had not yet got the feeling that penetrates every American, that there is a great future, that a man can handle his own fortunes, that it is his right to have his place in the world, and that no man that he does not choose is his master. And that is what these people saw in the eyes of the American boys who carried their arms across the sea. There was America in every one of those lively eyes, and America was not looking merely at the fields of France, was not merely seeking to defeat Germany; she was seeking to defeat everything that Germany's action represented, and to see to it that there never happened such a thing again.

"I want to remind you, my fellow countrymen, that that war was not an accident. That war did not just happen. There was not some sudden occasion which brought on a conflagration. On the contrary, Germany had been preparing for that war for generations. Germany had been preparing every resource, perfecting every skill, developing every invention, which would enable her to master the European world; and, after mastering the European world, to dominate the rest of the world. Everybody had been looking on. Everybody had known. For example, it was known in every war office in Europe, and in the War Department at Washington, that the Germans not only had a vast supply of great field guns but that they had ammunition enough for every one of those guns to exhaust the gun. Yet we were all living in a fool's paradise. We thought Germany meant what she said—that she was armed for defense; and that she never would use that great store of force against the rest of her fellow men. Why, my friends, it was foreordained the minute Germany conceived these purposes that she should do the thing which she did in 1914. That assassination of the Austrian Crown Prince in Serbia was not what started the war. They were ready to start it and merely made that an occasion and an excuse. Before they started it, Serbia had yielded to practically every demand they made of her, and they would not let the rest of the world know that Serbia had yielded, because they did not want to miss the occasion to start the war. They were afraid that other nations would prepare. They were afraid that they had given too much indication of what they were going to do and they did not want to wait. What immediately happened, when the other foreign offices of Europe learned of what was going on, was that from every other foreign office, so far as I have been able to learn, messages went to Berlin instructing their representatives to suggest to the German Government that the other Governments be informed and that an opportunity be obtained for a discussion, so as to see if war could not be avoided. And Germany did not dare discuss her purpose for 24 hours.

"I have brought back from Europe with me, my fellow citizens, a treaty in which Germany is disarmed and in which all the other nations of the world agree never to go to war without first of all having done one or other of two things, either having submitted the question in dispute to arbitration, in which case they will abide by the verdict, or, if they do not care to submit it to arbitration, having submitted it to discussion by the league of nations; that they will allow six months for the discussion; that they will publish all the facts to all the world; and that not until three months after the expiration of the six will they go to war. There is a period of nine months of cooling off, and Germany did not dare cool off for nine days! If Germany had dreamed that anything like the greater part of the world would combine against her, she never would have begun the war, and she did not dare to let the opinion of mankind crystallize against her by the discussion of the purposes which she had in mind. What I want to point out to you to-night is that we are making a fundamental choice. You have either got to have the old system, of which Germany was the perfect flower, or you have got to have a new system. You can not have a new system unless you provide a substitute, an adequate substitute, for the old, and when certain of our fellow citizens take the position that we do not want to go into any combination at all but want to take care of ourselves, all I have to say to them is that that is exactly the German position.

"Germany through the mouth of her Emperor—Germany through the mouths of her orators, Germany through the pens of her writers of all sorts—said, 'Here we stand, ready to take care of ourselves. We will not enter into any combination. We are armed for self-defense and no nation dares interfere with our rights.' That, it appears, is the American program in the eyes of some gentlemen; and I want to tell you that within the last two weeks the pro-German element in this country has lifted its head again. It is again heartened. It again has air in its lungs. It again says, 'Ah, now we see a chance when America and Germany will stand outside this league and take care of themselves.' Not take care of themselves as partners, I do not mean to intimate that, but where America will play the same rôle that Germany plays, under that old order which brought us through that agony of bloody sweat, that great agony in which the whole world seemed to be caught in the throes of a crisis, when for a long time we did not know whether civilization itself was going to survive or not. And do not believe, my fellow countrymen, that civilization is saved now. There were passions let loose upon the field of the world by that war which have not grown quiet yet, which will not grow quiet for a long time, and every element of disorder, every element of chaos, is hoping that there may be no steadying hand from a council of nations to hold the order of the world steady until we can make the final arrangements of justice and of peace. The treaty of peace with Germany is very much more than a treaty of peace with Germany. The German part of it takes a good many words, because there are a great many technical details to be arranged, but that is not the heart of the treaty. The heart of the treaty is that it undoes the injustice that Germany did; that it not only

undoes the injustice that Germany did but it organizes the world to see that such injustice will in the future be impossible.

"And not forgetting, but remembering with intense sympathy the toiling mass of mankind, the conference at Paris wrote into the heart of that treaty a great charter of labor. I think that those of us who live in this happy land can have little conception of the conditions of labor in some of the European countries up to the period of the outbreak of this war, and one of the things that that treaty proposes to do is to organize the opinion of all nations to assist in the betterment and the release of the great forces of labor throughout the world. It is a laboring man's treaty in the sense that it is the average man's treaty. Why, my fellow citizens, the thing that happened at Paris was absolutely and literally unprecedented. There never was a gathering of the leading statesmen of the world before who did not sit down to divide the spoils, to make the arrangements the most advantageous that they could devise for their own strong and powerful Governments. Yet this gathering of statesmen sat themselves down to do something which a friend of mine the other day very aptly described as establishing the land titles of the world, because the principle underlying the treaty was that every land belonged to the native stock that lived in it, and that nobody had the right to dictate either the form of government or the control of territory to those people who were born and bred and had their lives and happiness to make there. The principle that nobody has the right to impose the sovereignty of any alien government on anybody was for the first time recognized in the counsels of international deliberation. In this league of nations covenant, which some men ask you to examine in a spot here and there with a magnifying glass, there lies at the heart of it this great principle, Nobody has the right to take any territory any more.

"You will see what our situation was: The Austrian Empire, for example, had gone to pieces, and here we were with the pieces on the table. The Austrian treaty is not yet completed, but it is being made on the same principle as the German, and will serve as an illustration. In the old days they would have compacted it between armies. They did not do that this time. They said, 'This piece belongs to the Poles and to nobody else. This piece belongs to the Bohemians and to nobody else. This piece belongs to Roumania, though she never could have got it for herself; we are going to turn it over to her, though other people want it. This piece belongs to the Slavs, who live in the northern Balkans—the Jugo-Slavs as we have come to know them to be—and they shall have what belongs to them.' When we turned to the property of Germany, which she had been habitually misgoverning—I mean the German colonies, particularly the colonies in Africa—there were many nations who would like to have had those rich, undeveloped portions of the world; but none of them got them. We adopted the principle of trusteeship. We said, 'We will put you in charge of this, that, and the other piece of territory, and you will make an annual report to us. We will deprive you of your trusteeship whenever you administer it in a way which is not approved by our judgment, and we will put upon you this primary limitation, that you shall do nothing that is to the detriment of the people who live in that territory. You shall not enforce labor on it, and you shall apply the same principles of humanity to the work of their women and children that you apply at home. You shall not allow the illicit trade in drugs and in liquors. You shall not allow men who want to make money out of powder and shot to sell arms and ammunition to those who can use them to their own disadvantage. You shall not make those people fight in your armies. The country is theirs, and you must remember that and treat it as theirs.' There is no more annexation. There is no more land grabbing. There is no more extension of sovereignty. It is an absolute reversal of history, an absolute revolution in the way in which international affairs are treated; and it is all in the covenant of the league of nations.

"The old system was, Be ready, and we can be ready. I have heard gentlemen say, 'America can take care of herself.' Yes, she can take care of herself. Every man would have to train to arms. We would have to have a great standing army. We would have to have accumulations of military material such as Germany used to have. We would enjoy the luxuries of taxes even higher than we pay now. We could accumulate our force, and then our force would have to be directed by some kind of sufficiently vigorous central power. You would have a military government in spirit if not in form. No use having a fighting nation if there is not somebody to swing it! If you do not want your President to be a representative of the civil purposes of this country, you can turn him into merely a commander in chief, ready to fight the world. But if you did nobody would recognize America in those strange and altered circumstances. All the world would stand at amaze and say, 'Has America forgotten everything that she ever professed?' The picture is one that every American repudiates; and I challenge any man who has that purpose at the back of his thought to avow it. If he comes and tells you that America must stand alone and take care of herself, ask him how it is going to be done, and he will not dare tell you, because you would show him the door and say, 'We do not know any such American.'

"Yet we can not do without force. You can not establish land titles, as I have expressed it, and not maintain them. Suppose that the land titles of South Dakota were disturbed. Suppose the farm lines were moved, say, 10 feet. You know what would happen. Along every fence line you would see farmers perching with guns on their knees. The only reason they are not perching now is that there are land deeds deposited in a particular place, and the whole majesty and force and judicial system of the State of South Dakota are behind the titles. Very well, we have got to do something like that internationally. You can not set up Poland, whom all the world through centuries has pitied and sympathized with, as the owner of her property and not have somebody take care that her title deeds are respected. You can not establish freedom, my fellow citizens, without force, and the only force you can substitute for an armed mankind is the concerted force of the combined action of mankind through the instrumentality of all the enlightened Governments of the world. This is the only conceivable system that you can substitute for the old order of things which brought the calamity of this war upon us and would assuredly bring the calamity of another war upon us. Your choice is between the league of nations and Germanism. I have told you what I mean by Germanism—taking care of yourselves, being armed and ready, having a chip on your shoulder, thinking of nothing but your own rights and never thinking of the rights of anybody else, thinking that you were put into this world to see that American might was asserted and forgetting that American might ought never to be used against the weak, ought never to be used in an unjust cause, ought never to be used for aggression; ought to be used with the heart of humanity beating behind it.

"Sometimes people call me an idealist. Well, that is the way I know I am an American. America, my fellow citizens—I do not say it in disparagement of any other great people—America is the only idealistic Nation in the world. When I speak practical judgments about business affairs, I can only guess whether I am speaking the voice of America or not, but when I speak the ideal purposes of history I know that I am speaking the voice of America, because I have saturated myself since I was a boy in the records of that spirit, and everywhere in them there is this authentic tone of the love of justice and the service of humanity. If by any mysterious influence of error America should not take the leading part in this new enterprise of concerted power, the world would experience one of those reversals of sentiment, one of those penetrating chills of reaction, which would lead to a universal cynicism, for if America goes back upon mankind, mankind has no other place to turn. It is the hope of nations all over the world that America will do this great thing. Yet I find some gentlemen so nervous about doing right that their eyes rest very uneasily on the first article of the covenant of the league of nations, and they say 'That says that we can get out after two years' notice, if we have fulfilled all our international obligations at that time. Now, we want to make it perfectly clear that we will get out when we want to.' You can not make it perfectly clear in the way they want it, unless you make it perfectly clear at the outset that you want to get out. You can not choose the seat by the door and keep fumbling with the knob without creating the impression that you are going to get out in a minute; that you do not like the company you are in; that you do not like the job; that you are by constitution and disposition a scuttler! If America goes into this thing, she is going to stay in, and she is going to stay in in order to see that justice is done. She can see to it, because if you read this covenant of the league you will find that, America being one of the members of the council of the league, nothing material can be done under that league without a unanimous vote of the council. America can determine what action is going to be taken. No action that is against her policy or against her will can be taken, unless her judgment is rendered in some case where she is one of the disputants, but, my fellow citizens, if she is one of the disputants, she is in trouble anyhow. If the war that they are trying to avert is her war, then I do not see that she is any more benefited by being out of the league than in it. On the contrary, if she is in the league, she has at least the good offices of other friendly States to see that some accommodation is reached.

"And she is doing exactly what she has done already. Some gentlemen forget that we already have nearly 30 treaties with

the leading nations of the world. Yes; and to do the very thing that is in this covenant, only we agree to take 12 months to discuss everything, whereas the league gives 9 months. The American choice would be 12. We promise not to fight without first talking. I want to call a great many here witness to this circumstance, for I am sure by looking at you that you know something about it. What is the certain way to have difficulty between capital and labor? It is to refuse to sit down in the same room and talk it over. I can not understand why one man or set of men should refuse to discuss claims or grievances with another set of men, unless they know to begin with that they are wrong. I am very averse from discussing anything when I know I have got the wrong end, but when I think I have got either the right end or as good an end as the other fellow, then I am perfectly willing to discuss it. There is an old saying accredited to a rather cynical politician of what I hope I may regard as the older school, who said to his son, 'John, do not bother your head about lies; they will take care of themselves; but if you ever hear me denying anything, you may be sure it is so.' The only thing we are afraid of, the only thing we dodge, is the truth. If we see facts coming our way, it is just as well to get out of the way. Always take this attitude, my friends, toward facts: Always try to see them coming first, so that they will not catch you at unawares. So with all matters, grading up from the smallest to the greatest. Human beings can get together by discussion, and it is the business of civilization to get together by discussion and not by fighting. That is civilization. The only reason this country is civilized is because we do not let two men who have a difference fight one another. We say, 'Wait a minute; we have arranged for that. Just around the corner there you will find a courthouse. On certain days the court is sitting. Go and state the matter to those men, and neither before nor after the decision shall you touch one another.' That is civilization. You have got the ordered processes of consultation and discussion. You have got to act by rule, and justice consists in applying the same rule to everybody, not one rule to the rich man and another to the poor; not one rule to the employer and another to the employee, but the same rule to the strong and to the weak.

"That is exactly what is attempted in this treaty. I can not understand the psychology of men who are resisting it. I can not understand what they are afraid of, unless it is that they know physical force and do not understand moral force. Moral force is a great deal more powerful than physical. Govern the sentiments of mankind and you govern mankind. Govern their fears, govern their hopes, determine their fortunes, get them together in concerted masses, and the whole thing sways like a team. Once get them suspecting one another, once get them antagonizing one another, and society itself goes to pieces. We are trying to make a society instead of a set of barbarians out of the governments of the world. I sometimes think, when I wake in the night, of all the wakeful nights that anxious fathers and mothers and friends have spent during those weary years of this awful war, and I seem to hear the cry, the inarticulate cry of mothers all over the world, millions of them on the other side of the sea and thousands of them on this side of the sea, 'In God's name, give us the sensible and hopeful and peaceful processes of right and of justice!'

"America can stay out, but I want to call you to witness that the peace of the world can not be established without America. America is necessary to the peace of the world. And reverse the proposition: The peace and good will of the world are necessary to America. Disappoint the world, center its suspicion upon you, make it feel that you are hot and jealous rivals of the other nations, and do you think you are going to do as much business with them as you would otherwise do? I do not like to put the thing on that plane, my fellow countrymen, but if you want to talk business, I can talk business. If you want to put it on the low plane of how much money you can make, you can make more money out of friendly traders than out of hostile traders. You can make more money out of men who trust you than out of men who fear you. You can bring about a state of mind where by every device possible foreign markets will be closed to you, and men will say, 'No; the wheat of America tastes bitter; we will eat the wheat of Argentina; we will eat the wheat of Australia, for that is the wheat of friendship, and this is the wheat of antagonism. We do not want to wear clothes made out of American cotton; we are going to buy just as much cotton from India as we can. We are going to develop new cotton fields. America is up to something; we do not know just what, and we are going to shut and lock every door we can against her.' You can get the world in that temper. Do you think that would be profitable? Do you think there is money in that? But I am not going to dwell upon that side of it. I am just as sure of what you are thinking as I am of what I am thinking. We are not thinking of money. We would rather retain the reputation of America than have all the money in the world. I am not ready to die for money, and neither are you, but you are ready and I am ready to die for America.

"A friend of mine made a very poignant remark to me one day. He said, 'Did you ever see a family that hung its son's yardstick or ledger or spade up over the mantelpiece?' But how many of you have seen the lad's rifle, his musket, hung up! Well, why? A musket is a barbarous thing. The spade and the yardstick and the ledger are the symbols of peace and of steady business; why not hang them up? Because they do not represent self-sacrifice. They do not glorify you. They do not dignify you in the same sense that the musket does, because when you took that musket at the call of your country you risked everything and knew you could not get anything. The most that you could do was to come back alive, but after you came back alive there was a halo about you. That boy was in France! That boy served his country and served a great cause! That boy risked everything to see that the weak peoples of the world were redeemed from intolerable tyranny! Here comes—ah, how I wish I were going to be in Washington on the 17th—here comes, do you not hear it, the tread of the First Division; those men, along with their comrades, to whom the eyes of all Europe turn! All Europe took heart when they saw that brilliant flag unfurled on French soil.

"Did you ever hear that thrilling song that is being sung so much now of the blind Frenchman wishing to know if the Americans had come, bidding his son watch at the window. 'Look, my lad, what are they carrying? What are the colors? Are they red stripes upon a field of white? Is there a piece of heaven in the corner? Is that piece of heaven full of stars? Ah, the Americans have come! Thank God, the Americans have come!' That is what we have at our hearts, my fellow citizens, and we hang the musket up, or the sword, over the mantelpiece. And if the lad is gone and dead, we share the spirit of a noble lady, who said to me, without the glimmer of a tear in her eye, 'I have had the honor of losing a son upon the fields of France. I have had the honor, not the pain. I have had the distinction of losing a son of mine upon the field of honor.' It is that field of honor that we are going to redeem. We are not going to redeem it with blood any more, but we are going to make out of the counsels of the people of the world counsels of peace and of justice and of honor."

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THE PRESIDENT BEFORE STATE LEGISLATURE, ST. PAUL, MINN., SEPTEMBER 9, 1919.

"Mr. Speaker, your excellency, gentlemen of the legislature, ladies and gentlemen, I esteem it an unusual privilege to stand in this place to-day and to address the members of this great body, because the errand upon which I have left Washington is so intimate a matter of the life of our own Nation as well as of the life of the world. Yet I am conscious, standing in this presence, that perhaps the most appropriate things I could allude to are those which affect us immediately. I know that you have been called together in special session for special objects. One of those objects you have achieved, and I rejoice with you in the adoption of the suffrage amendment. Another of the objects, I understand, is to consider the high cost of living, and the high cost of living is one of those things which are so complicated; it ramifies in so many directions that it seems to me we can not do anything in particular without knowing how the particulars affect the whole. It is dangerous to play with a complicated piece of machinery, piece by piece, unless you know how the pieces are related to each other.

"The cost of living at present is a world condition. It is due to the fact that the man power of the world has been sacrificed in the agony of the battle field and that all the processes of industry have been either slackened or diverted. The production of foodstuffs, the production of clothing, the production of all the necessaries of life has either been slackened or it has been turned into channels which are not immediately useful for the general civil population. Great factories, as I need not tell you, in our own country which were devoted to the uses of peace have recently been diverted in such fashion as to serve the purposes of war, and it will take a certain length of time to restore them to their old adjustments, to put their machinery to the old uses again, to redistribute labor so that it will not be concentrated upon the manufacture of munitions and the other stuffs necessary for war, but will be devoted to the general processes of production so necessary for our life.

"Back of all that—and I do not say this merely for an argumentative reason, but because it is true—back of that lies the fact that we have not yet learned what the basis of peace is going to be. The world is not going to settle down, my fellow

citizens, until it knows what part the United States is going to play in the peace. And that for a very interesting reason. The strain put upon the finances of the other Governments of the world has been all but a breaking strain. I imagine that it will be several generations before foreign Governments can finally adjust themselves to carrying the overwhelming debts which have been accumulated in this war. The United States has accumulated a great debt, but not in proportion to those that other countries have accumulated when you reckon our wealth as compared with theirs. We are the only nation in the world that is likely in the immediate future to have a sufficient body of free capital to put the industrial world, here and elsewhere, on its feet again. Until the industrial world here and elsewhere is put on its feet you can not finally handle the question of the cost of living, because the cost of living in the last analysis depends upon the thing we are always talking about but do not know how to manage—the law of supply and demand. It depends upon manufacture and distribution. It depends upon all the normal processes of the industrial and commercial world. It depends upon international credit. It depends upon shipping. It depends upon the multiplication of transportation facilities domestically. Our railroads at this moment are not adequate to moving the commerce of this country. Every here and there they run through a little neck—for example, the Pennsylvania system at Pittsburgh—where everything is congested and you are squeezing a great commerce through a little aperture. *Terminal* facilities at the ports are not adequate. The problem grows the more you think of it. What we have to put our minds to is an international problem, first of all—to set the commerce of the world going again and the manufacture of the world going again. And we have got to do that largely. Then we have got to see that our own production and our own methods of finance and our own commerce are quickened in every way that is possible. And then we, sitting in legislatures like this and in the Congress of the United States, have to see to it, if you will permit a vulgar expression, that 'nobody monkeys with the process.'

"I understand that one of the excellent suggestions made by your governor is that you look into the matter of cold storage. Well, there are other kinds of storage besides cold storage. There are all sorts of ways of governing and concentrating the reserve stocks of goods. You do not have to keep everything cold, though you can keep the cold hand of control on it; you can manage by a concert that need not be put on paper to see to it that goods are doled out to the market so that they will not get there so fast as to bring the price down. The communities of the United States are entitled to see that these dams are removed and that the waters that are going to fructify the world flow in their normal courses. It is not easy. It is not always pleasant. You do not like to look censoriously into the affairs of your fellow citizens too much or too often, but it is necessary to look with a very unsympathetic eye at some of the processes which are retarding distribution and the supply which is going to meet the demand.

"Not only that, but we have got to realize that we are face to face with a great industrial problem which does not center in the United States. It centers elsewhere. But which we share with the other countries of the world. That is the relation between capital and labor, between those who employ and those who are employed, and we might as well sit up straight and look facts in the face, gentlemen. The laboring men of the world are not satisfied with their relations with their employers. Of course, I do not mean to say that there is universal dissatisfaction, because here, there, and elsewhere, in many cases fortunately, there are very satisfactory relations, but I am now speaking of the general relationship which exists between capital and labor. Everywhere there is dissatisfaction, with it much more acute on the other side of the water than on this side, and one of the things that have to be brought about for mankind can be brought about by what we do in this country, because, as a matter of fact, if I may refer for a moment to the treaty of peace, there is a part of that treaty which sets up an international method of consultation about the conditions of labor. It is a splendid instrument locked up in that great document. I have called it frequently the Magna Charta of labor, for it is that, and the standards set up, for standards are stated, are the standards of American labor so far as they could be adopted in a general conference. The point I wish to make is that the world is looking to America to set the standards with regard to the conditions of labor and the relations between labor and capital, and it is looking to us because we have been more progressive than other nations in those matters, though sometimes we have moved very slowly and with undue caution. As a result of our progressiveness the ruling influences among our working men are conservative in the sense that they see that it is not in the interest of labor to break up civilization, and progressive in the sense that they see that a constructive program has to be adopted. By a progressive I do not mean a man who is ready to move, but a man who knows where he is going when he moves. A man who has got a workable program is the only progressive, because if you have not got a workable program, you can not make it good and you can not progress. Very well, then, we have got to have a constructive program with regard to labor, and the minute we get it we will relieve the strain all over the world, because the world will accept our standards and follow our example. I am not dogmatic about this matter. I can not presume that I know how it ought to be done. I know the principle upon which it ought to be done. The principle is that the interests of capital and the interests of labor are not different but the same, and men of business sense ought to know how to work out an organization which will express that identity of interest. Where there is identity of interest there must be community of interest. You can not any longer regard labor as a commodity. You have got to regard it as a means of association, the association of physical skill and physical vigor with the enterprise which is managed by those who represent capital; and when you do, the production of the world is going to go forward by leaps and bounds.

"Why is it that labor organizations jealously limit the amount of work that their men can do? Because they are driving hard bargains with you; they do not feel that they are your partners at all, and so long as labor and capital are antagonistic production is going to be at its minimum. Just so soon as they are sympathetic and cooperative it is going to abound, and that will be one of the means of bringing down the cost of living. In other words, my fellow citizens, we can do something, we can do a great deal, along the lines of your governor's recommendation and along the lines that I took the liberty of recommending to the Congress of the United States, but we must remember that we are only beginning the push, that we are only learning the job, and that its ramifications extend into all the relationships of international credit and international industry. We ought to give our thought to this, gentlemen: America, though we do not like to admit it, has been very provincial in regard to the world's business. When we had to engage in banking transactions outside the United States we generally did it through English bankers or, more often, through German bankers. You did not find American banks in Shanghai and Calcutta and all around the circle of the world. You found every other bank there; you found French banks and English banks and German banks and Swedish banks. You did not find American banks. American bankers have not, as a rule, handled international exchange, and here all of a sudden, as if by the turn of a hand, because of the sweeping winds of this war which have destroyed so many things, we are called upon to handle the bulk of international exchange. We have got to learn it, and we have got to learn it fast. We have got to have American instrumentalities in every part of the world if American money is going to rehabilitate the world, as American money must.

"If you say, 'Why should we rehabilitate the world?' I will not suggest any altruistic motive; but if you want to trade you have got to have somebody to trade with. If you want to carry your business to the ends of the world, there must be business at the ends of the world to tie in with. And if the business of the world lags your industries lag and your prosperity lags. We have no choice but to be the servants of the world if we would be our own servants. I do not like to put it on that ground because that is not the American ground. America is ready to help the world, whether it benefits her or not. She did not come into the world. she was not created by the great men who set her Government up, in order to make money out of the rest of mankind. She was set up in order to rehabilitate the rest of mankind, and the dollar of American money spent to free those who have been enslaved is worth more than a million dollars put in any American pocket.

"It is in this impersonal way that I am trying to illustrate to you how the problem that we are facing in the high cost of living is the end and the beginning and a portion of a world problem, and the great difficulty just now, my fellow citizens, is in getting some minds adjusted to the world. One of the difficulties that are being encountered about the treaty and the league of nations, if I may be permitted to say so—and perhaps I can say so the more freely here because I do not think this difficulty exists in the mind of either Senator from this State—the difficulty is, not prejudice so much but that thing which is so common and so inconvenient—just downright ignorance. Ignorance, I mean, of the state of the world and of America's relation to the state of the world. We can not change that relation. It is a fact. It is a fact bigger than anybody of us,

and one of the advantages that the United States has it ought not to forfeit; it is made up out of all the thinking peoples of the world. We do not draw our blood from any one source; we do not draw our principles from any one nation; we are made up out of all the sturdy stocks of the round world. We have gotten uneasy because some other kinds of stocks tried to come in; but the bulk remains the same; we are made up out of the hard-headed, hard-fisted, practical and yet idealistic, and forwarding-looking peoples of the world, and we of all people ought to have an international understanding, an ability to comprehend what the problem of the world is and what part we ought to play in that problem. We have got to play a part, and we can play it either as members of the board of directors or as outside speculators. We can play it inside or on the curb, and you know how inconvenient it is to play it on the curb.

"There is one thing that I respect more than any other, and that is a fact. I remember, when I was governor of the State of New Jersey, I was very urgently pressing some measures which a particular member of the senate of the State, whom I knew and liked very much, was opposed to. His constituents were very much in favor of it, and they sent an influential committee down personally to conduct his vote; and after he had voted for the measure they brought him, looking a little sheepish, into my office to be congratulated. Well, he and I kept as straight faces as we could, and I congratulated him very warmly, and then with a very heavy wink he said to me behind his hand, 'Governor, they never get me if I see 'em coming first.' Now, that is not a very high political principle, but I commend that principle to you with regard to facts. Never let them get you if you see them coming first; and any man with open eyes can see the facts coming, coming in serried ranks, coming in overwhelming power, not to be resisted by the United States or any other nation. The facts are marching and God is marching with them. You can not resist them. You must either welcome them or subsequently, with humiliation, surrender to them. It is welcome or surrender. It is acceptance of great world conditions and great world duties or scuttle now and come back afterwards.

"But I am not arguing this with you, because I do not believe it is necessary in the State of Minnesota. I am merely telling you. It is like the case of the man who met two of his fellow lawyers and asked them what they were discussing. They said, 'We were discussing who is the leading member of the bar of this county,' and the other said, 'Why, I am.' They said, 'How do you prove it?' He said, 'I don't have to prove it; I admit it.' I think that that is the state of mind of the thoughtful persons of our country, and they, thank God, are the chief portions of it, with regard to the great crisis that we are face to face with now.

"It has been a privilege, gentlemen, to be permitted in this informal way to disclose to you some part of the thought which I am carrying about with me as really a great burden, because I have seen the disturbed world on the other side of the water. I know the earnest hope and beautiful confidence with which they are looking toward us, and my heart is full of the burden of it. It is a great responsibility for us to carry. We will have to have infinite intelligence and infinite diligence in business to fulfill the expectations of the peoples of the world; and yet that is our duty, our inescapable duty, and we must concert together to perform it.

"Everywhere I have been on this trip the majority of the committee that has received me has consisted of Republicans, and nothing has pleased me so much, because I should be ashamed of myself if I permitted any partisan thought to enter into this great matter. If I were a scheming politician and anybody wished to present me with the peace of the world as a campaign issue, it would be very welcome, because there could be no issue easier to win on; but everybody knows that that is not a worthy thought, everybody knows that we are all Americans. Scratch a Democrat or a Republican and underneath it is the same stuff. And the labels rub off upon the slightest effort—not the memories, the recollections; some of them are very stubborn, but it is the principle that matters. The label does not make much difference. The principle is just the same, and the only thing we differ about is the way to carry out the principle. Back of all lies that wonderful thing, that thing which the foreigner was amazed to see in the faces of our soldiers, that incomparable American spirit which you do not see the like of anywhere; that universal brightness of expression, as if every man knew there was a future and that he had something to do with molding it, instead of that dull, expressionless face which means that there is nothing but a past and a burdensome present. You do not see that in the American face. The American face mirrors the future, and, my fellow citizens, the American purpose mirrors the future of the world."

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. Mr. President, I ask that the hearings on the treaty of peace with Germany be printed as a Senate document, as only a small number were printed for the use of the committee. They are completely exhausted, and there is much demand for them.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the hearings had on the treaty of peace with Germany be printed as a Senate document. Without objection, it is so ordered.

THE KOREAN QUESTION.

Mr. SPENCER. Mr. President, I have had presented to me a comprehensive statement and brief in connection with the Korean situation, which, if there is no objection, I should like to have printed in the RECORD for the information of Senators and referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. Without objection, the statement will be received and printed in the RECORD and so referred.

The statement is as follows:

KOREAN QUESTION BEFORE THE FOREIGN RELATIONS COMMITTEE OF THE UNITED STATES SENATE.

[Statement and brief for the Republic of Korea, by Mr. Fred A. Dolph, counselor of the Republic of Korea.]

"THE CHARGES AGAINST JAPAN.

"Conforming to usual procedure, we first present for Korea the 'Charges against Japan,' although in this particular matter the facts embody obvious indictments in themselves.

"We preface these charges with this statement, which we now emphasize and which we wish all who are to pass upon these matters to keep continually in mind, that Korea for over 4,000 years, prior to any steps being taken by Japan to obtain sovereignty, was an independent nation, recognized and dealt with as such by all peoples and nations of the world. She had entered into treaties of amity and commerce with the principal powers—even Japan had made such a treaty in 1876—and had open diplomatic relations with all those powers, receiving diplomatic representatives into her country and being in turn represented in foreign countries by her diplomatic agents.

"Our own United States, in 1882, made such a treaty with Korea, not only recognizing Korea as an independent nation, but by the second paragraph of article 1 of that treaty specifically and mutually agreeing with Korea as follows:

"'If other powers deal unjustly or oppressively with either Government, the other will exert their good offices, on being informed of the case, to bring about an amicable arrangement, thus showing their friendly feelings.'

"This was the status of Korea until 1894—undisputed, admitted, and recognized by all powers.

"Korea charges that Japan, during the period from 1894 to the present time, by successive acts of pretended friendship, cajolery, intimidation, and force of arms; using first one means and then another, and sometimes all, has obtained fraudulent possession of Korea and now claims complete sovereignty over the nation and is seeking to extinguish the lives and property rights of a race of 19,000,000 people to gratify her ambition to control first the Far East and then the world.

"Japan, in 1894, using as a means to an end the threat of Chinese encroachment upon Korea, obtained a treaty from Korea, permitting her military occupation of Korea during the period of her war with China. When that war was over, she did not remove all her troops as she had agreed to do by treaty, but instead began to bring pressure upon the King to secure all sorts of economic rights in Korea and to dominate the policies of the country.

"The Queen was vigorously protesting and using her influence to prevent this usurpation, and one night in October, 1895, at the direct instigation of the Japanese minister, Viscount Miura, Japanese entered the palace, searched until they found the terror-stricken Queen, murdered her, hacked her body into pieces, wrapped the pieces in a blanket, saturated the whole with oil, and burned the body. The grief-stricken King shortly after that, in February, 1896, made his successful escape to the Russian Embassy.

"This was a heavy blow to the Japanese. They saw that they had lost the person of the King, which to the oriental mind meant everything, and that methods must be devised to get the Emperor back within their power.

"Negotiations were opened up with the Russians, resulting in the agreement at Moscow and the subsequent protocol between Russia and Japan, made June 9, 1896, which recognized Korea as an independent nation and acknowledged her right to have her own armed force and police.

"Through the joint efforts of Russia and Japan, the King was induced to return to his palace and Japan agreeing to main-

tain only a consulate guard in Korea. Japan, for the time being, was louder and louder in her protestations of love and friendship for Korea and was ostentatiously instrumental in having the King proclaimed Emperor in order that he might be classed with the Emperor of Japan. The King was not impressed, but many of his subjects were.

"Then came the threat of Russian invasion. Due advantage of this was taken by Japanese propagandists, and in February, 1904, Korea was again induced to permit Japanese troops to occupy Korea for the purpose of repelling the Russian invasion, to remain during the war between Russia and Japan. The result of the Russian War was that in the treaty of Portsmouth, in 1905, Russia recognized 'the paramount rights of Japan in Korea.'

"Japan proceeded to exert her claimed 'paramount rights.' She remained in Korea with her troops in violation of her treaty agreements with Korea. She sought to profit by her experiences in trying to gain possession after the Chinese War, to use more positive and more aggressive means. In August, 1904, she forced Korea to consent to the appointment of official Japanese financial and diplomatic advisers, and to agree that no treaties should be made with foreign powers without her consent, and in April, 1905, she forced Korea to turn over to Japan all telephone and telegraph lines and other means of communication, and a few months later forced permission for Japanese vessels to navigate along the coast and in the inland waters of Korea.

"It was necessary, in furtherance of Japan's ambitions, that Dr. Allen, the American minister to Korea, a man of the highest American type, a true and fearless believer in fair play, should be removed. He had been in Korea during the previous attempt at usurpation after the Chinese War. He knew too much. His removal was accomplished through some means, and a Mr. Morgan was appointed to his place, a man wholly unfamiliar with previous happenings.

"All of these things decided the Emperor upon an appeal to the United States for protection under the treaty of 1882. He called in his personal friend and confidant, Prof. H. B. Hulbert, an American, and intrusted him with a letter for delivery to the President, containing a recital of Japanese oppression and a protest to our Government. Prof. Hulbert's first duty as a loyal American was to inform Mr. Morgan, the American minister, of his mission, which he did, and in October, 1905, left for America to carry out the Emperor's wish.

"By some means, whether fair or foul, the Japanese learned of the object of Prof. Hulbert's visit to the United States, and from that moment they brought to bear upon Korea all the force and aggressive methods their ingenuity could devise. Finally, in desperation, they resorted to brute force. They filled the palace with armed soldiers, and, assembling the Korean ministers, without call or legal notice, demanded of them and of the Emperor that they sign a treaty giving Japan a protectorate over Korea. They refused. The prime minister was taken into a side room and with drawn sword his life was threatened. He preferred to die rather than stultify himself or betray Korea. Awed before such evidence of courage and principle, the hand of the Japanese officer was stayed, and he returned to the audience chamber with great show of sheathing his sword, saying to the other ministers, 'Now, will you sign?' Through the night long this method of intimidation was continued until finally three of the weaker members of the ministry consented. The Emperor never did consent or sign, and to his dying day at every opportunity he protested the outrage. During the conference the Emperor managed to send word to have the great seal thrown into the lake, so that it could not be used, but the Japanese managed to secure the seal before this order could be carried out, and compelled the sealing of the alleged protectorate treaty of November 17, 1905.

"In the meantime Prof. Hulbert was speeding on his way to Washington. It was a race, with the future of Korea the stake. The so-called treaty of protectorate was forced on Korea almost simultaneously with his arrival in Washington, but although he immediately announced the arrival of the message, he was prevented either by circumstances or design from actually depositing the document until after Japan had announced that the treaty had been signed. Japan asserted that the treaty was entirely satisfactory to the Government and people of Korea. Her word was taken as true, and the appeal of the Emperor became simply a part of the files of the State Department. The next day Prof. Hulbert received a cable from the Emperor stating that the protectorate was invalid and that it had been obtained at the point of the sword. This was taken to the State Department by Prof. Hulbert, and it, too, became a part of the files.

"The Emperor, finding that some further appeal was necessary then set about presenting the matter to The Hague convention which was to sit in 1907. Upon Prof. Hulbert's return to Korea he was given formal commissions as envoy to the other powers, all identical in form, each reciting the fraudulent procurement of the alleged protectorate and asking for the good offices and intervention of the powers under their treaty stipulations.

"Japan was aware of these moves and successfully blocked the attempt on the part of Korea to secure a hearing at The Hague. Prof. Hulbert started on his second mission, but Japan, before he reached his destination, had forced the abdication of the Emperor in favor of his son. Prof. Hulbert's credentials being executed by the ex-Emperor, were considered nullified by his abdication, and the question of Korea's oppression was not considered by The Hague.

"The pitiful spectacle of the crowning of the new Emperor in August, 1907, amid the sullen silence of a resentful people has been repeatedly told by writers and historians. He had been non compos mentis from birth. The Japanese did all that was possible to prevent outside publicity. One writer says: 'In this they were well advised. No one who looked upon the new Emperor as he entered the hall of state, his shaking frame upborne by two officials, or as he stood later, with open mouth, fallen jaw, indifferent eyes, and face lacking even a flickering gleam of intelligent interest, could doubt that the fewer who saw this the better.'

"The first order procured by the Japanese from their puppet Emperor was an order disbanding the Korean Army. The superior officers were called to the residence of the Japanese commander, and the order read to them. They were told to assemble their men the next morning without arms and to dismiss them, and that in the meantime their arms would be secured in their absence. At least one officer committed suicide rather than execute the order. His men put up a sturdy resistance against all odds. From 8.30 in the morning until noon they fought desperately, until they were overpowered by sheer force of numbers. Thus the order was finally executed, and Korea was at Japan's mercy. All weapons were confiscated. Koreans were not allowed and are not now allowed to have arms or weapons of any kind. One butcher knife is permitted for the common use of five families, and when not in use it must be hung in a designated public place in plain view of Japanese police and gendarmes.

"With the crowning of the puppet Emperor Japan's control of Korea became absolute, but the watchful care of an idiot Emperor and the buying of toys and baubles became irksome to the aggressive Japanese, and in 1910 they came out openly and boldly with a proclamation of annexation.

"The old Emperor lived until January 24 of this year, always with the hope that he might do something to restore Korea to her place among nations and to gain freedom for his people. His last act was to gather up his few trinkets of jewelry to defray the expense of a delegation to the peace conference at Paris to present Korea's claims. The Japanese learned of this, and he suddenly died. Japan reported that he died of apoplexy. Other stories, fully as authentic and probable, are that he was murdered, that he committed suicide, and that he died of despair and a broken heart. The world may never know how he died, but when death did come he still had the love, sympathy, and trust of his people.

"This deprivation of the inherent right to self-government and our much talked of principle of self-determination is sufficient to make us pause and then act. If Japanese control had been humane and coupled with unselfish, sincere motives the principle of self-determination would even still hold true. But Japanese control has been distinctly bad, inhumane, and selfish. Koreans have been taxed to the limit. Their lands have been confiscated in favor of Japanese individuals and a Japanese controlled and chartered exploitation company. Japanese has been imposed upon the Koreans as the national language. Koreans are not given educational privileges. Their banks have been forced to consolidate with a Japanese controlled central bank. Unconscionable regulations are imposed upon Korean merchants and tradesmen. Their mines and forests have been confiscated. Police regulations are intolerable. There is said to be a policeman or gendarme for every five families. Koreans must tell where they want to go and why, and well-to-do Koreans must employ a Japanese butler, who regulates what they should buy and where. All news to the outside world is censored. Korean papers have been suppressed and ancient Korean historical records destroyed.

"The administration expense of such a government is enormous. This is defrayed wholly by a tax against Korea, with no representation whatever, of over 18 per cent of the gross income from all sources. License fees from infamous pursuit

not before permitted in Korea, and revenues derived by Japan from the opium traffic, all of which she fosters and protects in Korea, are retained by Japan as her profits.

"It is not the purpose of this preliminary statement of the charges against Japan, however, to go into every detail of oppression and injustice. Those details, with evidentiary facts and proofs, will follow. It is sufficient if we here show violations of inherent rights. The details are but evidence of those violations.

"It is obvious that all of these acts of barbarity and oppression could not pass by without substantial resentment. There were many uprisings and much bloodshed, held in check more or less by the fact that the old Emperor was still alive. There were factions that feared injury to the old Emperor, whom they loved and respected with an adoration that is only possible with the oriental's inborn respect for ancestry and tradition. His death loosed all these ties, and, with a unanimity and organizing ability that has astonished the world, Koreans rose up with one voice for 19,000,000 people and proclaimed their restored independence on March 1, 1919, adopted their constitution along lines similar to ours, elected their officers, and announced to the world that there was the Republic of Korea.

"You already have before you the indisputable evidence of the ruthless manner in which Japan handled this uprising. It is all that can be expected of a militaristic government. Hundreds met horrible and brutal death, thousands were imprisoned, women were outraged, and all the brutalities and atrocities in Belgium were repeated again and again.

"These are Korea's 'Charges against Japan.' They are, necessarily, but an outline. All can not be told within the limits of one volume and by one man, and we must stop in order that we may within reasonable space give your committee the evidential proofs of these conditions.

"FACTS—DESCRIPTIVE DATA.

"The matters which we submit to the committee require a full statement of the political history of Korea and the political aspects of the Korean question.

"Data as to population, economic values, and resources are not technically involved in the principles for decision. At the same time this information is of interest because it bears upon the importance of the question, and as so little is known in the West about Korea of the Far East we digress for a brief reference to descriptive data.

"LOCATION, AREA, AND POPULATION.

"Korea is in about the same latitude and has about the same area and climate as New York and Pennsylvania combined, and is more densely populated by about one-half. To be exact, the latitude is north 33° to 42°, and the area is 84,173 square miles, including mainland, in the form of a peninsula about the shape of Florida and certain coast-lying islands. When the last census was taken in 1915 there were about 1.8 per cent Japanese. The total population was 16,278,389, divided between Japanese 303,659, Koreans 15,957,630, and foreigners 17,100. At the present time the Japanese population has probably increased to 3 per cent of the whole, and the population is now about 19,000,000.

"RESOURCES AND COMMERCE.

"The principal productions are from agriculture, mining, and fisheries. Very little manufacturing is done, and all resources and commerce are controlled by Japanese. They reported in 1917 that the total reached about 336,000,000 yen, or about $168,000,000. Of this amount about 75,000,000 yen, or $37,500,000, was exported. The imports were 57,000,000 yen, or $28,500,000.

"The Japanese percentage of foreign commerce, as they report, was about 73 per cent, the United States about 6 per cent. There is an unexplained discrepancy in the Japanese reports which would raise their percentage considerably. For instance, while they only report exports as 75,000,000 yen, yet in another part of their report they give the agricultural production as 300,000,000 yen, coupled with the statement that 70 per cent of that production was exported, which would be 210,000,000 yen, or 135,000,000 yen in excess of the entire total reported. Undoubtedly the Japanese percentage of exports and imports is nearer 95 per cent of the whole than the 73 per cent which they admit.

"AGRICULTURE.

"According to Japanese reports of 1917, about 80 per cent of the population was engaged in agricultural pursuits, and 15 per cent of the whole area of the country was under cultivation. This cultivated area would represent 8,080,640 acres, which they report produce 300,000,000 yen, or about $150,000,000, averaging $17.50 per acre.

"The principal products reported as to volume are, in the order named: Rice, wheat, barley, beans, millet, potatoes, sweet potatoes, cotton, cocoons, and cattle. Opium, ginseng, medicinal herbs, and the like are not reported.

"A Japanese exploitation company, chartered as the Oriental Development Co., seems to dominate the agricultural development and products of the country. It owns outright, according to its own reports, 73,382 cho—a cho being in the neighborhood of 2½ acres; this means 281 square miles, or 179,840 acres. It received, according to its statements, as rentals from this land a total of 1,688,000 yen, an average of $4.60 per acre.

"It will be noted that, while the Japanese were only 1.8 per cent of the whole population, this one exploitation company alone, Japanese controlled, owns 2.2 per cent of all of the tillable land. Data is not obtainable as to the amount of land owned by Japanese individuals, in addition to the holdings of this one Japanese corporation, but it is very evident that the Japanese are absorbing and confiscating all lands, and will eventually own all of the agricultural lands in Korea.

"An agricultural product that is not reported, for obvious reasons, is opium. Thousands of acres of poppy fields are cultivated under regulations which require the output to be delivered to the Japanese Government. How this branch of industry is fostered and encouraged by the Japanese is explained by William R. Giles in an article entitled, 'Korean poppies growing opium for Japanese,' published in the Buffalo Commercial July 1, 1919.

"MINING.

"The total mineral production as reported by the Japanese for 1916 was 20,830,000 yen—$10,415,000—consisting of gold and silver, $9,500,000; hard coal, $400,000; iron, $200,000; tungsten and copper, $150,000 each; and mica and miscellaneous ores, $15,000. The most successful gold-mining operations in Korea have been carried on by American corporations, but since the pretended annexation of Korea by Japan mining laws have been enacted and enforced prohibiting foreigners from securing any new concessions, and the status of the existing American concessions is at least precarious.

"Korea is very rich in natural mineral resources. The gold deposits are compared with those of Colorado; the anthracite coal fields to those of Pennsylvania; the iron deposits to those of Michigan; and the copper deposits to those of Montana. A recent news dispatch announcing the formation of a Japanese steel corporation, capitalized at $75,000,000, to get its iron ore from Korea seems to bear out these claims so far as iron ore and coal is concerned.

"FISHERIES.

"The Japanese report for 1916 gives the annual value of the fishery product at $7,975,000. Ten thousand six hundred Japanese boats earned $3,995,000, while it took, according to the Japanese reports, 34,000 Korean boats to earn an equal amount. This is evidently another instance of Japanese favoritism to Japanese and oppression of Koreans.

"RAILROADS.

"There are 1,066 miles of railroads in Korea earning a gross of about $4,000 per mile, divided 51 per cent freight and 49 per cent passenger. The total train-mileage operated in 1916 was 3,964,409 miles.

"The electric lines and tramways have a mileage of 84.4 and earned in 1916 572,465 yen with an operating expense of 301,726 yen, producing a net of 270,739 yen; about $135,000 on an investment of approximately $2,000,000.

"NAVIGATION.

"There are 19 lines of unsubsidized boats served with 5,491 vessels, not steamers, with a total tonnage of 55,000, and 154 steamers with a total tonnage of 40,000. There are 14 routes subsidized served by 1 ocean-going steamer, 22 coastwise boats, and 134 river boats.

"BANKS.

"The whole banking system is practically centralized into the Bank of Chosen, Japanese controlled, and a report from that bank in 1916 shows deposits of about $17,000,000; loans, about $15,000,000; discounts, about $13,000,000; and bank notes issued, $47,000,000. In addition to the above, the postal savings deposits were shown as around $5,000,000. The average deposit being about $5.

"POSTAL SERVICE.

"The postal service collected 89,000,000 pieces of ordinary mail and distributed 97,000,000; collected 1,300,000 parcels and delivered 1,500,000. The receipts were about $23,475,000 and the expenditures about $100,000 less.

"SCHOOLS.

"The 19,000,000 of Koreans are provided with but 526 schools with 87,000 pupils, or 1 pupil to every 220 of the population. This is less than five-tenths of 1 per cent. The 300,000 of Japanese are provided with 367 schools with 37,000 pupils, or 1 in every 8 of the population, a ratio of 12 per cent.

"CHURCHES.

"The Christians have 3,164 churches, the Buddhist 258, and the Shinto 65. There are 6,690 Christian ministers, 313 Buddhist priests, and 103 Shinto priests.

"FACTS—JAPANESE ADMINISTRATIVE GOVERNMENT.

"TAXES.

"Koreans have no vote, no representation, and no voice in the Government in any manner, shape, or form. The Japanese budget for administrative expenses for Korea for 1917 was 62,589,309 yen ($31,290,000). The resources of the country—that is, the earnings, so to speak—are reported at 336,000,000 yen ($168,000,000). The Korean therefore pays 18½ per cent of gross earnings and income to Japan for taxes, without any voice or representation.

"The largest item in this 1917 budget is for public undertakings, highways, harbors, etc., 20,802,634 yen ($10,400,000). This is used to improve public roads and harbors; obviously to improve Korea as a military base.

"The next highest item, and one out of all proportion with expenditures for like purposes in other countries, is 6,965,499 yen ($3,480,000) for courts and police. This is made necessary by the rigid and exacting police regulations. There is said to be a policeman or gendarme for every five families. The comings and goings of every Korean are registered. The most rigid censorship of news and communication is maintained. There is constant search for concealed weapons. Freedom of speech is denied and is prevented by the police. Household expenses are supervised. The most vigilant watch is kept over every act.

"In strong contrast to these two exorbitant items is the lowest item on the entire list, about $150,000 for the Korean schools. It is impossible to imagine the education Koreans must get at the rate of 7 cents per annum per capita.

"FORM OF GOVERNMENT.

"The Imperial edict of Japan, dated August 29, 1910, provides:

"We order the establishment of the office of governor general of Korea. The governor general will, under our direction, exercise the command of the army and navy, and a general control over all administrative functions of Korea.

"Imperial ordinance No. 354, dated October 20, 1910, follows this edict, detailing the government for Korea. Article 2 provides that the governor general shall be appointed from the Shin-nin rank, and shall be either a general or an admiral; article 3 that he shall be directly responsible to the Emperor; article 4 that he shall issue ordinances, the violation of which may be punished with penal servitude or imprisonment not exceeding one year, detention, or a fine of not exceeding 200 yen; and by article 5 he is given authority to abrogate all orders and regulations promulgated by those under him.

"Article 9 creates five departments—General affairs; home affairs; finance; agriculture, commerce, and industry; and the department of justice. By article 2 the governor general is given the following officials: Five departmental directors of the Choku-nin rank, nine bureau chiefs of the Choku-nin or So-nin rank, and the following officials of the So-nin rank: Two counselors, 19 secretaries, 19 assistant secretaries, 30 technical experts, 6 interpreters, and 367 officials of the Nan-nin rank. By article 20 two military attachés are provided for and one adjutant. The attachés to be major generals or rear admirals. The adjutant to be an officer below the rank of major general and rear admiral.

"COURTS.

"Imperial edict is that all judges and clerks of courts must be Japanese subjects, and in practical conduct of the courts only Japanese lawyers are recognized or permitted to practice.

"No bail is allowed in criminal cases. Habeas corpus is not known, and the fundamental rule that a man is presumed to be innocent until he is proven guilty is actually reversed. In Korea he is presumed to be guilty and must prove his innocence.

"The Korean arrested without notice, lodged in jail, given no opportunity to communicate with friends, represented—if he has any lawyer—by a Japanese who detests his client, before a Japanese judge, may be innocent, but his conviction is certain.

"On page 128 of Japan's report on 'Reforms and Progress in Korea,' for 1916–17 is found the statement that out of 82,121 offenders arrested 30 proved their innocence. It is beyond comprehension that only one man arrested out of every 2,500 was found to be innocent; yet this is what the Japanese say happened by their own record. Of course it is ridiculous and impossible. Thousands of Koreans, innocent of the charges made against them, are wrongfully convicted.

"It would make no difference with the result whether the accused was Korean or American. The percentages against him would be the same. The American would have the same 2,500 to 1 chance to lose that the Korean had. This is illustrated by the Mowry and Bell cases that were the subject of the resolution recently introduced by Senator HOKE SMITH.

"The Japanese reports show another practice that shocks the sense of justice, appalling and unbelievable. Yet there it is in black and white in Japan's own report, an exhibition of absolute lack of moral sense, referred to by them as a great thing they have accomplished—a great efficiency they have shown. They say they are able to convict a majority of the criminals arrested without a trial and that thereby they have saved the courts the expense of a trial. Great efficiency! The following are the actual figures reported:

"In 1913 there were 21,483 convictions without a trial out of 36,953.

"In 1914 there were 32,333 convictions without a trial out of 48,763.

"In 1915 there were 41,236 convictions without a trial out of 59,436.

"In 1916 there were 56,013 convictions without a trial out of 81,139.

"The acquittals in those years above tabulated, respectively, were 800, 93, 47, and 30. The total arrests increased each year, but the acquittals decreased in number each year. How come? These convictions involved not only sentences imposing fines but imprisonment at hard labor and flogging.

"No data is available as to civil procedure in the courts, but it is only fair to assume that the same measure of injustice was meted out.

"COMMERCE.

"As a matter of special interest to American exporters and importers, let us call attention to the fact that in the declaration of annexation communicated to the powers by Japan on August 29, 1910, that the existing schedule of customs duties expires with August 29, 1920, by article 2 of that declaration, and that by article 3 the 'open door' for vessels under the flags of other powers expires on the same date.

"MINING.

"We quote the following from the Japanese report of 1916, section 75, entitled 'Mining.'

"'As alluded to in the annual report for 1915, the mining ordinance was promulgated in December, 1915, to replace the old mining regulations. The main points of change are (1) the prohibition of foreigners from acquiring new mining permits in Chosen, except in the case of a corporation organized by foreigners as a Japanese legal being.' Those applications for mining permits filed with the authorities by foreigners according to the old regulations, and not granted by the time of the enforcement of the new regulations, have all been rejected.

"The minister of agriculture, commerce, and industry is the sole authority on all mining matters, subject only to the orders of the governor general, as shown by the following articles of the mining law:

"'ART. 7. The minister of agriculture, commerce, and industry shall have the power *to refuse permission* for mining, in case he considers such a step to be necessary in the public interest *or for any other reason.*

"'ART. 11. In case the holder of a mining right does not carry on operations properly or when his method of work is considered to involve danger or to be injurious to public interests, the minister of agriculture, commerce, and industry shall order the required improvement or precautionary measures *or the suspension of operations.*

"'ART. 12. The minister of agriculture, commerce, and industry may revoke the permission to carry on mining operations in the following cases:

"'A. When it is discovered that the permission was obtained by fraudulent means or granted by mistake.

"'B. When work has been stopped for one year or upward without adequate reason or when work has not been commenced within one year from the date when permission was obtained.

"'C. When the order mentioned in the second clause of article 9 or that mentioned in article 11 has not been obeyed.

"'D. *When the mining operations are considered to be injurious to public interests.*

"'E. When the land to be used for mining operations has been utilized for some other purpose.

"'F. When the royalty or ground tax has not been paid within the specified period.

"'G. When the holder of a mining right mentioned in the third clause of article 25 has not paid the contributions within the specified period.

"'H. When a fine has not been paid within the specified period.'

"Can we, by any stretch of imagination, conceive of a Korean obtaining a permit or of holding on to one he had obtained pre-

viously in the face of powers given a Japanese minister of the Choku-nin rank as above quoted, especially those italicized. By the same token are not American concessions already obtained and being operated upon with hundreds of thousands of dollars invested endangered by the provisions of article 12 and clauses 'D' and 'E' of article 12? Their rights are in the hands of this Japanese minister. He can easily find an excuse under those provisions to revoke the permit or to suspend operations.

"BANKS.

"On July 26, 1909, an order was made providing for the establishment of a central bank 'to perform such functions as pertain to the central financial medium in Korea and to deal in addition with the money of the Japanese treasury, if so requested by the Bank of Japan.' This central bank was to take over the redemption of the bank notes issued by a Japanese stock company, and the principal officers were to be appointed from among the Japanese. The Government of Korea was to guarantee a dividend of 6 per cent on the shares for a period of five years.

"This was before the alleged annexation, and after the annexation was asserted by Japan by law No. 48, promulgated March, 1911, the Bank of Chosen was chartered, and it became the bank for Korea. This bank was capitalized at 10,000,000 yen, of which Japan took 3,000,000 yen, and none but Japanese subjects were permitted to take the balance. The governor general of Korea appoints the directors and the governor of the bank is appointed by the Japanese Government. The bank may, with the sanction of the governor general, appoint agencies and correspondents and establish branch banks, and must appoint such as he designates on his own initiative, and the governor general has the power to suspend the bank at his discretion.

"The bank's report made in 1916 shows that it then had outstanding bank notes to the amount of $46,240.000, which was largely in excess of the deposits and the capital stock. Its condition was such that our comptroller, if the bank was within his jurisdiction, would be derelict in his duty if he did not close the doors. Yet it is in such a bank that the Korean must deposit his savings, and through which he must arrange his financial transactions.

"PERSONAL LIBERTY.

"We have already referred to the curtailment of personal liberty of the Koreans by the police and the courts while in Korea. Koreans outside of Korea can not return to their native land. Passports will not be issued without being visèed by Japanese consuls. Japanese consuls will not visé the passports unless the applicant will take an oath of allegiance to Japan. It is, of course, impossible for a loyal, conscientious Korean to take that oath.

"Koreans can not leave Korea for any purpose, even for educational purposes, except that permissions are given students to go to Japan. These permissions, however, are very rare, and the rule is not to permit the Korean to attend school above a certain prescribed elementary grade.

"FACTS—TREATIES.

"We have compiled all of the treaties and conventions affecting the political status of Korea, including those between Japan and Korea and between Japan and other countries, which relate to Korea, beginning with 1876, and present the relevant extracts from them seriatim.

"FEBRUARY 26, 1876—KOREA AND JAPAN.

"Article 1.

"'Chosen being an independent State enjoys the same sovereign rights as does Japan.

"'In order to prove the sincerity of the friendship existing between the two nations, their intercourse shall henceforth be carried on in terms of equality and courtesy, each avoiding the giving of offense by arrogance of manifestations of suspicion.

"Article 7.

"'The coasts of Chosen having hitherto been left unsurveyed are very dangerous for vessels approaching them, and in order to prepare charts showing the positions of islands, rocks, and reefs, as well as the depth of water whereby all navigators may be enabled to pass between the two countries, any Japanese mariners may freely survey said coasts.

"NOTE.—Other covenants and provisions of treaty are the usual diplomatic provisions as to exchange of envoys, treatment of subject, etc.

"AUGUST 24, 1876—KOREA WITH JAPAN.

"'Makes Fusan and two other ports open to Japanese trade, including certain territory contiguous to each port.

"MAY 22, 1882—KOREA WITH THE UNITED STATES.

"Article 1.

"'There shall be perpetual peace and friendship between the President of the United States and the King of Chosen and the citizens and subjects of their respective Governments.

"'If other powers deal unjustly or oppressively with either Government, the other will exert their good offices, on being informed of the case, to bring about an amicable arrangement, thus showing their friendly feelings.

"Article 11.

"'After the conclusion of this treaty of amity and commerce the high contracting powers may each appoint diplomatic representatives to reside at the court of the other, and may each appoint consular representatives at the ports of the other which are open to foreign commerce, at their own convenience.'

"'This treaty was ratified by the Senate and signed by President Arthur and Secretary of State Frederick T. Frelinghuysen on June 4, 1883. It had been previously signed on the first date given by Commodore R. W. Shufeldt.

"NOVEMBER 26, 1883—KOREA WITH GREAT BRITAIN.

"Article 1.

"'1. There shall be perpetual peace and friendship between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, her heirs and successors, and His Majesty the King of Korea, his heirs and successors, and between their respective dominions and subjects, who shall enjoy full security and protection for their persons and property within the dominions of the other.

"'2. In case of differences arising between one of the high contracting parties and a third power, the other high contracting party, if requested to do so, shall exert its good offices to bring about an amicable arrangement.

"Article 11.

"'1. The high contracting parties may each appoint a diplomatic representative to reside permanently or temporarily at the capital of the other, and may appoint a consul general, consuls, or vice consuls, to reside at any or all of the ports or places of the other which are open to foreign commerce.

"JUNE 26, 1884—KOREA WITH ITALY.

"Article 1.

"'There shall be perpetual peace and friendship between His Majesty the King of Italy, his heirs and successors, and His Majesty the King of Korea, his heirs and successors, and between their respective dominions and subjects, who shall enjoy full security and protection for their persons and property within the dominions of the other.

"'2. In case of differences arising between one of the high contracting parties and a third power, the other high contracting party, if requested to do so, shall exert its good offices to bring about an amicable arrangement.

"Article 11.

"'1. The high contracting parties may each appoint a diplomatic representative to reside permanently or temporarily at the capital of the other, and may appoint a consul general, consuls, or vice consuls to reside at any or all of the ports or places of the other which are open to foreign commerce; and whenever they shall not deem it necessary to send a consul of their own country to any of the aforesaid ports or places, they may intrust some consul of a friendly power with the duties of Italian or Korean consul.

"APRIL 18, 1885—CHINA AND JAPAN.

"'It is hereby agreed that China shall withdraw her troops now stationed in Korea, and that Japan shall withdraw hers stationed therein for the protection of her legation. The specific term for effecting the same shall be four months commencing from the date of the signing and sealing of this convention, within which term they shall respectively accomplish the withdrawal of the whole number of each of their troops in order to avoid effectively any complications between the respective countries. The Chinese troops shall embark from Masampo and the Japanese from the port of Ninsen.

"'The said respective powers mutually agree to invite the King of Korea to instruct and drill a sufficient armed force that she may herself assure her public security, and to invite him to engage into his service an officer or officers from amongst those of a third power, who shall be intrusted with the instruction of the said force. The respective powers also bind themselves each to the other, henceforth not to send any of their own officers to Korea for the purpose of giving said instruction.

"'In case of any disturbance of a grave nature occurring in Korea which necessitates the respective countries, or either of them, to send troops to Korea, it is hereby understood that they shall give, each to the other, previous notice in writing of their intention so to do, and that after the matter is settled they shall withdraw their troops and not further station them there.

"JUNE 4, 1886—KOREA WITH FRANCE.

"'Articles 1 and 2 are identical with the same articles in the treaty with Great Britain.

"JULY 14, 1894—KOREA WITH JAPAN.

"'1. That the independence of Korea was declared, confirmed, and established, and in keeping with it the Chinese troops were to be driven out of the country.

"'2. That while war against China was being carried on by Japan, Korea was to facilitate the movements and to help in the food supplies of the Japanese troops in every possible way.

"'3. That this treaty should only last until the conclusion of peace with China.

"APRIL 1, 1895—CHINA WITH JAPAN (SHIMONOSEKI).

"'China recognizes definitely the full and complete independence and autonomy of Korea, and in consequence the payment of tribute and the performance of ceremonies and formalities by Korea to China in derogation of such independence and autonomy shall wholly cease for the future.'

"MAY 14, 1896—RUSSIA WITH JAPAN.

"'I. While leaving the matter to His Majesty's, the King of Korea, return to the palace entirely to his own discretion and judgment, the representatives of Russia and Japan will in a friendly way advise His Majesty to return to that place, when no doubts concerning his safety there could be entertained.

"'II. The Japanese representative, on his part, gives the assurance that the most complete and effective measures will be taken for the control of Japanese soshi.

"'III. The representative of Russia quite agrees with the representative of Japan that, at the present state of affairs in Korea, it may be necessary to have Japanese guards stationed at some place for the protection of the Japanese telegraph line between Fusan and Seoul, and that these guards, now consisting of three companies of soldiers, should be withdrawn as soon as possible and replaced by gendarmes, who will be distributed as follows: Fifty men at Tai-ku, 50 men at Kaheung, and 10 men each at 10 intermediate posts between Fusan and Seoul. This distribution may be liable to some changes, but the total number of the gendarme force shall never exceed 200 men, who will afterwards gradually be withdrawn from such places where peace and order have been restored by the Korean Government.

"'IV. For the protection of the Japanese settlements of Seoul and the open ports against possible attacks by the Korean populace, two companies of Japanese troops may be stationed at Seoul, one company at Fusan, and one at Gensan, each company not to exceed 200 men. These troops will be quartered near the settlements, and shall be withdrawn as soon as no apprehension of such attack could be entertained.

"'For the protection of the Russian Legation and consulate, the Russian Government may also keep guards not exceeding the number of Japanese troops at those places, and these will be withdrawn as soon as tranquillity in the interior is completely restored.

"JUNE 9, 1896—RUSSIA WITH JAPAN.

"'I. For the remedy of the financial difficulties of Korea, the Governments of Russia and Japan will advise the Korean Government to retrench all superfluous expenditure and to establish a balance between expenses and revenues. If, in consequence of reforms deemed indispensable, it may become necessary to have recourse to foreign loans, both Governments shall, by mutual concert, give their support to Korea.

"'II. The Governments of Russia and Japan shall endeavor to leave to Korea, as far as the financial and commercial situation of that country will permit, the formation and maintenance of a national armed force and police of such proportions as will be sufficient for the preservation of internal peace without foreign support.

"APRIL 25, 1898—RUSSIA WITH JAPAN.

"'Baron Nishi, minister for foreign affairs of His Majesty the Emperor of Japan, and Baron Rosen, le Conseiller d'Etat actuel et Chambellan, envoy extraordinary and minister plenipotentiary of His Majesty the Emperor of all the Russias, duly authorized to that effect, have agreed upon the following articles in pursuance of article 4 of the protocol signed at Moscow on June 9 (May 28), 1896, between Marshal Marquis Yamagata and Prince Lobanow, secretary of state:

"'ARTICLE I. The Imperial Governments of Japan and Russia definitely recognize the sovereignty and entire independence of Korea and mutually engage to refrain from all direct interference in the internal affairs of that country.

"'ART. II. Desiring to avoid every possible cause of misunderstanding in the future, the Imperial Governments of Japan and Russia mutually engage in case Korea should apply to Japan or to Russia for advice and assistance not to take any measure in the nomination of military instructors and financial advisers without having previously come to a mutual agreement on the subject.

"'ART. III. In view of the large development of Japanese commercial and industrial enterprises in Korea, as well as the considerable number of Japanese subjects resident in that country, the Imperial Russian Government will not impede the development of the commercial and industrial relations between Japan and Korea.

"SEPTEMBER 11, 1899—KOREA WITH CHINA.

"'ARTICLE I. There shall be perpetual peace and friendship between the Empire of Korea and the Empire of China and between their respective subjects, who shall enjoy equally in the respective countries of the high contracting parties full protection and the advantages of favorable treatment.

"'If other powers should deal unjustly or oppressively with either Government, the other, on being informed of the case, will exert their good offices to bring about an amicable arrangement, thus showing their friendly feelings.

"'ART. II. After the conclusion of the treaty of amity and commerce the high contracting parties may each appoint diplomatic representatives to reside at the court of the other and may each appoint consular representatives at the ports of the other which are open to foreign commerce at their own convenience.

"JANUARY 30, 1902—JAPAN WITH GREAT BRITAIN.

"'ARTICLE I. The high contracting parties, having mutually recognized the independence of China and Korea, declare themselves to be entirely uninfluenced by any aggressive tendencies in either country. Having in view, however, their special interests, of which those of Great Britain relate principally to China, while Japan, in addition to the degree, politically as well as commercially and industrially, in Korea, the high contracting parties recognize that it will be admissible for either of them to take such measures as may be indispensable in order to safeguard those interests if threatened either by the aggressive action of any other power or by disturbance arising in China or Korea and necessitating the intervention of either of the high contracting parties for the protection of the lives and property of its subjects.

"FEBRUARY 23, 1904—KOREA WITH JAPAN.

"'ARTICLE I. For the purpose of maintaining a permanent and solid friendship between Japan and Korea and firmly establishing peace in the Far East, the Imperial Government of Korea shall place full confidence in the Imperial Government of Japan and adopt the advice of the latter in regard to improvements in administration.

"'ART. II. The Imperial Government of Japan shall in a spirit of firm friendship insure the safety and repose of the Imperial House of Korea.

"'ART. III. The Imperial Government of Japan definitely guarantee the independence and territorial integrity of the Korean Empire.

"'ART. IV. In case the welfare of the Imperial House of Korea or the territorial integrity of Korea is endangered by aggression of a third power or by internal disturbance, the Imperial Government of Japan shall immediately take such necessary measures as the circumstances require, and in such cases the Imperial Government of Korea shall give full facilities to promote the action of the Imperial Japanese Government.

"'The Imperial Government of Japan may, for the attainment of the above-mentioned objects, occupy, when the circumstances require it, such places as may be necessary from strategical points of view.

"'ART. V. The Government of the two countries shall not in future, without mutual consent, conclude with a third power such an arrangement as may be contrary to the principles of the present protocol.

"AUGUST 22, 1904—KOREA WITH JAPAN.

"'ARTICLE I. The Korean Government shall engage as financial adviser to the Korean Government a Japanese subject commended by the Japanese Government, and all matters concerning finance shall be dealt with after his counsel has been taken.

"'ART. II. The Korean Government shall engage as diplomatic adviser to the department of foreign affairs a foreigner commended by the Japanese Government, and all important matters concerning foreign relations shall be dealt with after his counsel has been taken.

"'ART. III. The Korean Government shall previously consult the Japanese Government in concluding treaties and conventions with foreign powers, and in dealing with other important diplomatic affairs, such as the grant of concessions to or contracts with foreigners.

"APRIL 1, 1905—KOREA WITH JAPAN.

"'ARTICLE I. The Imperial Government of Korea shall transfer and assign the control and administration of the post, telegraph, and telephone services in Korea (except the telephone

service exclusively pertaining to the department of the imperial household) to the Imperial Japanese Government.

"'ART. II. The land, buildings, furnitures, instruments, machines, and all other appliances connected with the system of communications already established by the Imperial Government of Korea, shall, by virtue of the present agreement, be transferred to the control of the Imperial Japanese Government.

"'ART. III. When it is deemed necessary by the Japanese Government to extend the communications system in Korea they may appropriate land and buildings belonging to the State or to private persons; the former without compensation and the latter with proper indemnification.

"'ART. V. All appliances and materials which are deemed necessary by the Imperial Government of Japan for the control or the extension of the system of communications shall be exempt from all duties and imposts.

"'ART. VII. In respect of the arrangement formerly entered into by the Korean Government with the Governments of foreign powers, concerning the post, telegraph, or telephone services, the Japanese Government shall, in behalf of Korea, exercise the rights and perform the obligations pertaining thereto. Should there arise in the future any necessity for concluding any new convention between the Government of Korea and the Governments of foreign powers concerning the communications services, the Japanese Government shall assume the responsibility of concluding such convention in behalf of the Korean Government.

"'ART. VIII. The various conventions and agreements respecting the communications service hitherto existing between the Governments of Japan and Korea are mutually abolished or modified by the present agreement.

"———, 1905—RUSSIA WITH JAPAN (PORTSMOUTH).

"'The Imperial Russian Government acknowledging that Japan possesses in Korea paramount political, military, and economical interests, engage neither to obstruct nor interfere with the measures of guidance, protection, and control which the Imperial Government of Japan may find it necessary to take in Korea.

"'It is understood that Russian subjects in Korea shall be treated exactly in the same manner as the subjects or citizens of other foreign powers; that is to say, they shall be placed on the same footing as the subjects or citizens of the favored nation.

"'It is also agreed that in order to avoid all cause of misunderstanding the two high contracting parties shall abstain, on the Russo-Korean frontier, from taking any military measure which may menace the security of Russian or Korean territory.

"AUGUST 15, 1905—KOREA WITH JAPAN.

"'ARTICLE I. Japanese vessels shall be at liberty to navigate along the coasts, and in the inland waters of Korea, for the purpose of trade in accordance with the stipulations of the present agreement, which, however, shall not be applicable to navigation between the open ports.

"'ART. VIII. When a Japanese vessel or the crew thereof infringes the stipulations of the present agreement or of other treaties, or when a member of the crew commits any crime, the Japanese consular offices shall deal with the case in accordance with the provisions of the treaties and the laws of Japan.

"SEPTEMBER 27, 1905—JAPAN WITH GREAT BRITAIN.

"' (a) The consolidation and maintenance of the general peace in the regions of eastern Asia and of India;

"' (b) The preservation of the common interests of all powers in China by insuring the independence and integrity of the Chinese Empire and the principle of equal opportunities for the commerce and industry of all nations in China;

"' (c) The maintenance of the territorial rights of the high contracting parties in the regions of eastern Asia and of India, and the defense of their special interests in the said regions.

"'ART. III. Japan possessing paramount political, military, and economic interests in Korea, Great Britain recognizes the right of Japan to take such measures of guidance, control, and protection in Korea as she may deem proper and necessary to safeguard and advance these interests, provided always that such measures are not contrary to the principle of equal opportunities for the commerce and industry of all nations.

"OCTOBER, 1905—THE KOREAN EMPEROR PROTESTS JAPANESE OPPRESSION TO UNITED STATES.

"'The Emperor of Korea, being aware of the fact that in his treaty with America there was a clause in which the American Government promised to use its good offices if Korea was endangered and announced the fact to us, determined to appeal to our Government to carry out that important clause of the treaty. The following is a translation of his letter to the Washington Government;

"'Ever since 1883 the United States and Korea have been in friendly treaty relations. Korea has received many proofs of the good will and the sympathy of the American Government and people. The American representatives have always shown themselves to be in sympathy with the welfare and progress of Korea. Many teachers have been sent from America who have done much for the uplift of our people.

"'But we have not made the progress that we ought. This is due partly to the political machinations of foreign powers and partly to our mistakes. At the beginning of the Japan-Russia War the Japanese Government asked us to enter into an alliance with them, granting them the use of our territory, harbors, and other resources, to facilitate their naval and military operations. Japan, on her part, guaranteed to preserve the independence of Korea and the welfare and dignity of the royal house. We complied with Japan's request, loyally lived up to our obligations, and did everything that we had stipulated. By so doing we put ourselves in such a position that if Russia had won she could have seized Korea and annexed her to Russian territory on the ground that we were active allies of Japan.

"'It is now apparent that Japan proposes to abrogate their part of this treaty and declare a protectorate over our country in direct contravention of her sworn promise in the agreement of 1904. There are several reasons why this should not be done.

"'In the first place, Japan will stultify herself by such a direct breach of faith. It will injure her prestige as a power that proposes to work according to enlightened laws.

"'In the second place, the actions of Japan in Korea during the past two years give no promise that our people will be handled in an enlightened manner. No adequate means have been provided whereby redress could be secured for wrongs perpetrated upon our people. The finances of the country have been gravely mishandled by Japan. Nothing has been done toward advancing the cause of education or justice. Every move on Japan's part has been manifestly selfish.

"'The destruction of Korea's independence will work her a great injury, because it will intensify the contempt with which the Japanese people treat the Koreans and will make their acts all the more oppressive.

"'We acknowledge that many reforms are needed in Korea. We are glad to have the help of Japanese advisers, and we are prepared loyally to carry out their suggestions. We recognize the mistakes of the past. It is not for ourselves we plead, but for the Korean people.

"'At the beginning of the war our people gladly welcomed the Japanese, because this seemed to herald needed reforms and a general bettering of conditions, but soon it was seen that no genuine reforms were intended and the people had been deceived.

"'One of the gravest evils that will follow a protectorate by Japan is that the Korean people will lose all incentive to improvement. No hope will remain that they can ever regain their independence. They need the spur of national feeling to make them determine upon progress and to make them persevere in it. But the extinction of nationality will bring despair, and instead of working loyally and gladly in conjunction with Japan, the old-time hatred will be intensified and suspicion and animosity will result.

"'It has been said that sentiment should have no place in such affairs, but we believe, sir, that sentiment is the moving force in all human affairs, and that kindness, sympathy, and generosity are still working between nations as between individuals. We beg of you to bring to bear upon this question the same breadth of mind and the same calmness of judgment that have characterized your course hitherto, and, having weighed the matter, to render us what aid you can consistently in this our time of national danger.

"' (Private seal of the Emperor of Korea.)

"NOVEMBER 17, 1905—KOREA WITH JAPAN (PROTESTED AS FRAUDULENT).

"'ARTICLE 1. The Government of Japan, through the department of foreign affairs at Tokyo, will hereafter have control and direction of the external relations and affairs of Korea, and the diplomatic and consular representatives of Japan will have charge of the subjects and interests of Korea in foreign countries.

"'ART. 2. The Government of Japan undertake to see to the execution of the treaties actually existing between Korea and other powers, and the Government of Korea engage not to conclude hereafter any act or engagement having an international character, except through the medium of the Government of Japan.

"'ART. 3. The Government of Japan shall be represented at the court of His Majesty the Emperor of Korea by a resident

general, who shall reside at Seoul, primarily for the purpose of taking charge of and directing matters relating to diplomatic affairs. He shall have the right of private and personal audience of His Majesty the Emperor of Korea. The Japanese Government shall also have the right to station residents at the several open ports and such other places in Korea as they may deem necessary. Such residents shall, under the direction of the resident general, exercise the powers and functions hitherto appertaining to Japanese consuls in Korea, and shall perform such duties as may be necessary in order to carry into full effect the provisions of this agreement.

"'ART. 4. The stipulation of all treaties and agreements existing between Japan and Korea not inconsistent with the provisions of this agreement shall continue in force.

"'ART. 5. The Government of Japan undertake to maintain the welfare and dignity of the Imperial House of Korea.

"NOVEMBER 22, 1905—JAPANESE DECLARATION OF FOREGOING TREATY.

"'The relations of propinquity have made it necessary for Japan to take and exercise, for reasons closely connected with her own safety and repose, a paramount interest and influence in the political and military affairs of Korea. The measures hitherto taken have been purely advisory, but the experience of recent years has demonstrated the insufficiency of measures of guidance alone. The unwise and improvident action of Korea, more especially in the domain of her international concerns, has in the past been the most fruitful source of complications. To permit the present unsatisfactory condition of things to continue unrestrained and unregulated would be to invite fresh difficulties, and Japan believes that she owes it to herself and to her desire for the general pacification of the extreme East to take the steps necessary to put an end once and for all to this dangerous situation. Accordingly, with that object in view and in order at the same time to safeguard their own position and to promote the well-being of the Government and people of Korea, the Imperial Government have resolved to assume a more intimate and direct influence and responsibility than heretofore in the external relations of the Peninsula. The Government of His Majesty the Emperor of Korea are in accord with the Imperial Government as to the absolute necessity of the measure, and the two Governments, in order to provide for the peaceful and amicable establishment of the new order of things, have concluded the accompanying compact. In bringing this agreement to the notice of the powers having treaties with Korea, the Imperial Government declare that in assuming charge of the foreign relations of Korea and undertaking the duty of watching over the execution of the existing treaties of that country, they will see that those treaties are maintained and respected, and they also engage not to prejudice in any way the legitimate commercial and industrial interests of those powers in Korea.'

"NOVEMBER 25, 1905—UNITED STATES RECEIVES KOREAN PROTEST.

"See receipt therefor from Secretary of State, which appears on page 3925 of CONGRESSIONAL RECORD of August 18, 1919.

"NOVEMBER 26, 1905—KOREAN EMPEROR CABLES PROTEST TO UNITED STATES.

"See page 3925 of CONGRESSIONAL RECORD of August 18, 1919, containing following copy of cablegram delivered to the State Department:

"I declare that the so-called treaty of protectorate recently concluded between Korea and Japan was extorted at the point of the sword and under duress, and therefore is null and void. I never consented to it and never will. Transmit to American Government.

"THE EMPEROR OF KOREA.

"JUNE 22, 1906—EMPEROR OF KOREA APPOINTS SPECIAL ENVOY TO POWERS TO PROTEST JAPANESE ACTION.

"'By virtue of the power vested in us as the Emperor of Korea, and in accordance with the right granted us in the treaties between Korea and the various friendly powers, we hereby constitute and appoint Homer B. Hulbert as our special envoy to the Governments of the United States, Great Britain, France, Germany, Russia, Austria-Hungary, Italy, Belgium, and China; and we hereby delegate to him full authority to represent our interests and those of the Korean Empire at the seat of each of these Governments.

"'In consonance with this we have instructed him to deliver to each of these Governments a document relative to the present political situation in Korea and to take such steps as may lead to the peaceful settlement of the difficulties which have arisen between our Government and that of Japan.

"'We hereby give him special authority to secure the adjustment of the matter before the peace conference at The Hague.

"'In witness whereof we here affix the imperial seal.

"'Done in Seoul this 22d day of June, A. D. 1906, and of the dynasty the five hundred and fifteenth year.'

"JUNE 22, 1906—EMPEROR EXECUTES FORMAL APPEAL TO GREAT BRITAIN, FRANCE, BELGIUM, ITALY, CHINA, GERMANY, AND AUSTRIA.

"All identical in form with following, directed to the King of England:

"'For many years the Government of Korea has been in friendly treaty relations with the Government of Great Britain, and has often received evidences of the good will of that power. In this time of our difficulty we feel sure that all people who desire to see justice done will sympathize with us. In order to show that great injustice has been done us we hereby declare that the so-called treaty of November 18, 1905, was fraudulent, because (1) the signatures of certain members of our cabinet were obtained by intimidation and under duress, (2) we never authorized the cabinet to sign the document, and (3) the meeting of the cabinet at which it was signed was illegal, having been convened neither at our call nor that of the prime minister, but by the Japanese themselves.

"'We denounce that document as invalid in law, and we declare that under no circumstances will we voluntarily consent to the ratification of any instrument which impairs the independence of the Korean Empire.

"'Furthermore, in view of the violent manner in which the so-called treaty of last November was carried through, we deem it necessary and proper to declare to you that if at any future time any power shall claim to have obtained our consent to such an agreement that claim will either be wholly false or will be based upon acts wrung from us by force of arms or under threats of personal violence.

"'In view of the fact that we are at the present time de jure an independent power and nation, we request you to reassert your right to establish a legation at Seoul, or at least to prepare for such establishment by helping us to bring the matter before The Hague tribunal, in order that our legal and just claim to independence may be legally established.

"'Any further information that may be desired will be given by our fully accredited envoy, at whose hand we are transmitting this document.'

"JULY 19, 1907—OLD EMPEROR ABDICATES.

"'Let heaven hear. For over 40 years we have followed the work of our illustrious ancestors. Many troubles have come to us, and events have gone opposite to what we desired. Perhaps we have not always selected the best men for the national posts. Disturbances have constantly grown more acute, and all efforts to remedy them have generally failed. Difficulties have become pressing, and never has the distress among our people, or the heavy work of governing them, been so harassing as now. We are in fear and trepidation, and we feel as though walking on ice covering deep water. Occupants of our throne have become weary of their duty before us, and have resorted to abdication. We hereby hand over to the Crown Prince the task of administering the great affairs of state, and order the bureau of ceremony of the imperial household to carry out the details thereof.'

"The following account is given by a writer of Current History of the coronation of the new Emperor, said to be a non compos mentis (see The Tragedy of Korea, pp. 163 and 164):

"'The new Emperor of Korea was crowned amid the sullen silence of a resentful people. Of popular enthusiasm there was none. A few flags were displayed in the streets by the order of the police. In olden times a coronation had been marked by great festivities, lasting many weeks. Now there was gloom, apathy, indifference. News was coming in hourly from the Provinces of uprisings and murders. The Il Chin Hoi—they called themselves reformers, but the nation has labeled them traitors—attempted to make a feast, but the people stayed away. "This is the day not for feasting but for the beginning of a year of mourning," men muttered one to the other.

"'The Japanese authorities who controlled the coronation ceremony did all they could to minimize it and to prevent independent outside publicity. In this they were well advised. No one who looked upon the new Emperor as he entered the hall of state, his shaking frame upborne by two officials, or as he stood later, with open mouth, fallen jaw, indifferent eyes, and face lacking even a flickering gleam of intelligent interest, could doubt that the fewer who saw this the better. Yet the ceremony, even when robbed of much of its ancient pomp and all its dignity, was unique and picturesque.

"JULY 24, 1907—KOREA WITH JAPAN (PROTESTED).

"'ARTICLE 1. The Government of Korea shall act under the guidance of the resident general in respect to reforms in administration.

"'ART. 2. The Government of Korea engage not to enact any laws, ordinances or regulations, or to take any important

measures of administration without the previous assent of the resident general.

"'ART. 3. The judicial affairs in Korea shall be set apart from the affairs of ordinary administration.

"'ART. 4. The appointment and dismissal of all high officials in Korea shall be made upon the concurrence of the resident general.

"'ART. 5. The Government of Korea shall appoint as Korean officials the Japanese subjects recommended by the resident general.

"'ART. 6. The Government of Korea shall not engage any foreigner without the concurrence of the resident general.

"JULY 30, 1907—NEW EMPEROR DISBANDS KOREAN ARMY.

"We quote the following from The Tragedy of Korea, page 159:

"'A few days later a fresh rescript was issued in the name of the new Emperor, ordering the disbanding of the Korean Army. This was written in the most insulting language possible. "Our existing army, which is composed of mercenaries, is unfit for the purposes of national defense,' it declared. It was to make way "for the eventual formation of an efficient army." To add to the insult the Korean Premier Yi was ordered to write a request to the resident general begging him to employ the Japanese forces to prevent disturbances when the disbandment took place. It was though the Japanese, having their heel upon the neck of the enemy, slapped his face to show their contempt for him. On the morning of August 1 some of the superior officers of the Korean Army were called to the residence of the Japanese commander, Gen. Hasegawa, and the order was read to them. They were told they were to assemble their men next morning, without arms, and to dismiss them, after paying their gratuities, while at the same time their weapons would be secured in their absence.

"AUGUST 1, 1907—JAPANESE IMPERIAL ORDINANCE NO. 319.

"'This ordinance is practically the same in its provisions as Ordinance No. 354, dated October 30, 1910, which has already been referred to by us under the title of "Japanese Administrative Government," except that the governor general was a civil officer and not a military officer. It contained an article, however, permitting him to call upon the commander in chief of the Imperial Army stationed in Korea whenever he deemed is necessary.

"MAY 15, 1908—JAPAN WITH UNITED STATES.

"'ARTICLE 1. The Japanese Government shall cause to be enforced in Korea simultaneously with the operation of this convention, laws and regulations relative to inventions, designs, trade-marks, and copyrights similar to those which now exist in Japan.

"'These laws and regulations are to be applicable to American citizens in Korea equally as to Japanese and Korean subjects. In case the existing laws and regulations of Japan referred to in the preceding paragraph shall hereafter be modified, those laws and regulations enforced in Korea shall also be modified according to the principle of such new legislation.

"JULY 12, 1909—KOREA WITH JAPAN.

"'ARTICLE 1. Until the system of justice and prisons in Korea shall have been recognized as complete, the Government of Korea delegates to the Government of Japan the administration of justice and prisons.

"'ART. 4. The Korean local authorities and public functionaries shall, according to their respective functions, submit to the control and direction of Japanese competent authorities in Korea, and render assistance to those authorities in respect of the administration of justice and prisons.

"AUGUST 29, 1910—JAPAN WITH KOREA.

"'ARTICLE 1. His Majesty the Emperor of Korea makes complete and permanent cession to His Majesty the Emperor of Japan of all rights of sovereignty over the whole of Korea.

"'ART. 2. His Majesty the Emperor of Japan accepts the cession mentioned in the preceding article, and consents to the complete annexation of Korea to the Empire of Japan.

"'ART. 3. His Majesty the Emperor of Japan will accord to Their Majesties the Emperor and ex-Emperor and His Imperial Highness the Crown Prince of Korea and their consorts and heirs such titles, dignty, and honor as are appropriate to their respective ranks, and sufficient annual grants will be made for the maintenance of such titles, dignity, and honor.

"'ART. 4. His Majesty the Emperor of Japan will also accord appropriate honor and treatment to the members of the Imperial House of Korea and their heirs, other than those mentioned in the preceding article, and the funds necessary for the maintenance of such honor and treatment will be granted.

"AUGUST 29, 1910—JAPANESE IMPERIAL RESCRIPT ON ANNEXATION.

"'We, attaching the highest importance to the maintenance of permanent peace in the Orient and the consolidation of lasting security to the Empire, and finding in Korea constant and fruitful sources of complication, caused our Government to conclude in 1905 an agreement with the Korean Government by which Korea was placed under the protection of Japan in the hope that all disturbing elements might thereby be removed and peace assured forever.

"'For the four years and over which have since elapsed, our Government have exerted themselves with unwearied attention to promote reforms in the administration of Korea, and their efforts have, in a degree, been attended with success. But at the same time the existing régime of government in that country has shown itself hardly effective to preserve peace and stability, and in addition a spirit of suspicion and misgiving dominates the whole peninsula. In order to maintain public order and security and to advance the happiness and well-being of the people, it has become manifest that fundamental changes in the present system of government are inevitable.

"'We, in concert with His Majesty the Emperor of Korea, having in view this condition of affairs and being equally persuaded of the necessity of annexing the whole of Korea to the Empire of Japan in response to the actual requirements of the situation have now arrived at an arrangement for such permanent annexation.

"'His Majesty the Emperor of Korea and the members of his Imperial House will, notwithstanding the annexation, be accorded due and appropriate treatment. All Koreans, being under our direct sway, will enjoy growing prosperity and welfare, and with assured repose and security will come a marked expansion in industry and trade. We confidently believe that the new order of things now inaugurated will serve as a fresh guarantee of enduring peace in the Orient.

"'We order the establishment of the office of Governor General of Korea. The Governor General will, under our direction, exercise the command of the army and navy and a general control over all administrative functions in Korea. We call upon all of our officials and authorities to fulfill their respective duties in appreciation of our will and to conduct the various branches of administration in consonance with the requirements of the occasion, to the end that our subjects may long enjoy the blessings of peace and tranquillity.

"AUGUST 29, 1910—JAPANESE NOTICE TO POWERS OF ANNEXATION.

"'By virtue of that important act which shall take effect on its promulgation on the 29th August, the Imperial Government of Japan undertake the entire government and administration of Korea, and they hereby declare that matter relating to foreigners and foreign trade in Korea shall be conducted in accordance with the following rules:

"'(1) The treaties hitherto concluded by Korea with foreign powers ceasing to be operative, Japan's existing treaties will, so far as practicable, be applied to Korea.

"'(2) Independently of any conventional engagements formerly existing on the subject, the Imperial Government of Japan will, for a period of 10 years, levy upon goods imported into Korea from foreign countries or exported from Korea to foreign countries, and upon foreign vessels entering any of the open ports of Korea, the same import and export duties and the same tonnage dues as under the existing schedules.

"'The same import or export duties and tonnage dues as those to be levied upon the aforesaid goods and vessels will also, for a period of 10 years, be applied in respect of goods imported into Korea from Japan or exported from Korea to Japan and Japanese vessels entering any of the open ports of Korea.

"'(3) The Imperial Government of Japan will also permit, for a period of 10 years, vessels under the flags of powers having treaties with Japan to engage in the coasting trade between the open ports of Korea and between those ports and any open ports of Japan.

"APRIL 21, 1913—JAPAN WITH POWERS.

"'A protocol agreed to at the conference held between the director of the bureau of foreign affairs of the government general of Chosen and the consular representatives of treaty powers concerned relating to the abolition of the system of foreign settlements in Chosen.

"'ARTICLE 1. The foreign settlements in Chosen, namely, Chemulpo, Chinnampo, Kunsan, Mokpo, Masampo, and Songehin shall be incorporated with the respective newly organized communes of Chosen, to which they appropriately belong.

"'ART. 3. The common funds and property, if any, belonging to the municipal councils of the said foreign settlements shall be transferred to the local authorities concerned.'

"TREATIES VOID BY REASON OF FRAUD AND DURESS.

"We have just furnished the committee, chronologically, all of the treaties and conventions and the formal official acts necessary to an understanding of the political status of Korea. No attempt has been made up to this time to introduce the concurrent facts, except in so far as they are developed by the formal treaties, conventions, and official protests that are matters of public record.

"The old Emperor's protest to the United States, already quoted at page 36, gave notice of Japan's oppression and selfish motives as evidenced by her acts, and seeks assistance and the good offices of the United States to prevent the consummation of the Japanese threatened destruction of the independence of Korea. This protest was prepared and dispatched before the alleged protectorate had been asserted by Japan, although its delivery was prevented by wily, crafty, diplomatic Japanese intrigue until after Japan had asserted its alleged protectorate.

"The official record shows you that this protest was prepared in October; that the protectorate was asserted November 17, 1905; that Japan gave out notice on November 22, 1905, to the powers that this protectorate was entirely agreeable to the Korean Government and the Korean people, now known by the world to have been a false announcement, but then taken without proof to be true; that on November 25, 1905, the Emperor's protest, prepared and dispatched in October to the United States, was officially delivered to the State Department; and that on November 26, 1905, the cable from the old Emperor asserting that the protectorate was obtained at the point of the sword and was null and void and that he had not consented to it and never would was also filed with the State Department of the United States. That cable has already appeared at page 39 of this statement and brief.

"The official record already quoted also shows your committee that the old Emperor found that a further appeal was necessary. On June 22, 1906, he commissioned a special envoy (see p. 5602 of this statement and brief) to the United States, Great Britain, France, Germany, Russia, Austria-Hungary, Italy, Belgium, and China, with full authority to represent the interests of the Korean Empire at the seat of each of those Governments, and instructed him to deliver to each of those Governments a document relative to the political situation in Korea, and to take such steps as might lead to the peaceful settlement of the difficulties which had arisen with Japan. He was also given special authority to secure an adjustment of the matter before the peace conference at The Hague.

"This document which the special envoy was instructed to present to the powers has already been shown in the official record at page — of this statement and brief. It recited the fraudulent character of the asserted protectorate by Japan, declared that it was invalid, and that under no circumstances would the Government of Korea voluntarily consent to the ratification of any instrument which would impair the independence of Korea, and that if any power claimed that the protectorate had been with the consent of Korea that such claim would be wholly false; and in view of the fact that Korea was a de jure independent power and nation the powers were requested to reassert their right to establish diplomatic relations with Korea, and were also requested to aid Korea in bringing the matter before The Hague Tribunal in order that Korea's legal and just claim might be legally established.

"This is the official record, and it might well be said that it is sufficient in and of itself, without reference to extraneous proof to establish that the asserted protectorate of November 17, 1905, was void. The old Emperor, the acknowledged and recognized ruler of the Korean nation, that has had a national independent existence for over 4,000 years—to be exact ever since 2333 B. C.—officially denounces the announcement of the asserted protectorate as false. His denouncement and his assertions should be taken as true.

"Japan herself up to this time had been loudest in asserting to the world that Korea was an independent nation.

"For the purposes of proper explanation of the questions here involved, to your committee, we have not deemed it necessary to go back in the political history of Korea of 1876.

"By solemn treaties and conventions Japan reiterated again and again the sovereign independence of Korea. In the treaty with Korea dated February 26, 1876, Japan says: 'Chosen (Korea) being an independent State, enjoys the same sovereign rights as Japan.' In her treaty with China dated April 18, 1885, Japan agreed to withdraw her troops then stationed in Korea and forced China to agree to the same stipulation; and forced China to a mutual agreement to invite Korea to instruct and drill a sufficient armed force, to the end that she might herself protect her national security and to invite Korea to engage the services of officers of a third power to instruct such armed force, both China and Japan binding themselves not to send any of their officers to Korea for the purpose of giving such instruction.

"By Japan's treaty with Korea dated July 14, 1894, Japan covenanted 'That the independence of Korea was declared, confirmed, and established, and in keeping with it the Chinese troops were to be driven out of the country.'

"By her treaty with China dated April 1, 1895, Japan forced China to recognize definitely the full and complete independence of Korea.

"By her treaty with Russia dated June 9, 1896, Japan forced Russia to consent to the formation and maintenance by Korea of the national armed force.

"In the treaty with Korea dated February 23, 1904, Japan solemnly covenants by article 3 of that treaty as follows: 'The Imperial Government of Japan definitively guarantee the independence and territorial integrity of the Korean Empire.' In the same year that a protectorate was asserted Japan recognized the independent national existence of Korea by making two treaties with Korea by which she and her subjects acquired economic rights in Korea. On April 1, 1905, she covenanted with Korea for the purpose of acquiring the post, telegraph, and telephone lines in Korea, and on August 13, 1905, only a brief period of three months before asserting the alleged protectorate, she entered into a treaty with Korea, thereby recognizing the national independent existence of Korea and recognizing the right and jurisdiction of Korea to control navigation within her territorial limits, to permit Japanese vessels to navigate along the coast and in inland waters of Korea for the purpose of trade.

"So it appears that within a few months of the asserted protectorate that Japan recognized the national independent existence of Korea and had proclaimed that national independent existence to the world by her solemn treaties and covenants, and in more than one instance had forced other powers to do the same.

"Under such circumstances, why should not the protestation and written assertion of the recognized ruler of Korea, that the asserted protectorate was invalid, be accepted?

"However, in a presentation of such a momentous question, we might be considered derelict if we did not also present the extraneous proof to show that the Japanese announcement of November 22, 1905, to the powers, of the asserted protectorate of November 17, 1905, was false; that by crafty and malicious diplomatic intrigue she prevented delivery of the Korean protest to the United States until after her announcement of November 22, 1905; that by the same crafty and fraudulent diplomatic methods of intrigue, and by force, she procured the abdication of the old Emperor on July 19, 1907, in order to annul the previously executed authority to the Korean envoy and the protestation to the powers, thus making it impossible for the powers or The Hague convention to officially receive the envoy and to officially consider the protest; that Japan fraudulently and by political and diplomatic intrigue procured the crowning of a new Emperor—an unfortunate known to be non compos mentis from birth—and procured the disbanding of the Korean army; and how Japan dominated and influenced this poor unfortunate new Emperor by alternate threats and promises of new uniforms and toys, until she finally openly asserted the annexation of Korea and announced the abdication of this puppet Emperor on August 29, 1910.

"If we were to consider what must have been the attitude and temper of the Korean Government and of the Korean people at the time that Japan asserted the protectorate of 1905, we realize how absurd and impossible it would be for the Korean Government and the Korean people to voluntarily consent to this protectorate.

"The Koreans could not but remember, and we can not but remember, that in 1894 Japan procured permission to occupy Korea with her troops during her war with China, under the expressed promise to withdraw the troops at the conclusion of the war, and how at the conclusion of the war with China, Japan violated her treaty in this respect and entered upon a camapign of threats to secure economic privileges and to dominate Korea.

"How could Koreans forget, or we forget, that awful night in October, 1895, when, by Japanese instigation, the Queen, who, with all the power and influence with which she was endowed, was seeking to protect her beloved people from Japanese aggression, was ruthlessly murdered in cold blood and her body burned, and how the grief-stricken Emperor was finally obliged to flee from his own palace and from Japanese domination and threats and to take refuge in the Russian Embassy, a fugitive in his own country and among his own people.

"How can Koreans forget or we forget how intensively the Japanese then brought into play all their abilities of diplomatic craft and intrigue, and finally succeeded in getting the Emperor (then holding the title of King) to return to his palace, upon joint assurances of both Russia and Japan, and how for the time being Japan protested a love and friendship for Korea—that Korea, to her sorrow, and the world, to its horror, has since learned to be insincere.

"Koreans must have had in mind and we must bear in mind how Korea in February, 1904, again gave permission to Japan to occupy Korea with troops during the war with Russia, and how, flushed with her success in the Russian War, Japan, throwing off the guise of friendship, again violated her treaty and refused to withdraw her troops, virtually imprisoning the Emperor and boldly set about to confiscate the economic resources of the country and to dominate its governmental policies.

"It was fresh in the Korean mind that Japan at the end of a great war had defeated Russia and that in lieu of indemnity she had forced Russia to acknowledge her 'paramount rights' in Korea.

"It is impossible to conceive that Korea should forget all of these things and that it should voluntarily and of its own free will consent to, much less welcome, a protectorate from a country by whom she had been so misused.

"As we go back over the situation as it must have been in November, 1905, it becomes clearer and clearer that the crafty Japanese announcement of November 22, 1905, that Korea had consented to and welcomed the asserted protectorate, was absurdly and ridiculously false, and we became more and more convinced of the truth and sincerity of the old Emperor's protestations that the protectorate had not been consented to and would never be consented to by the Korean Government and Korean people.

"It seems so needless to present outside evidence; the most that can be said is that it is cumulative. We hesitate to burden your committee with a volume of outside proof on this matter, and feel that we must swerve from our original purpose to present all of the evidence and content ourselves with only a few quotations from authors of concurrent history.

"You already have before you the statement of Prof. Hulbert, which appears on pages 3924 to 3926 of the CONGRESSIONAL RECORD, in issue of August 18, 1919, to which you can refer.

"We have already quoted from the Tragedy of Korea, a contemporaneous history of current events by Mr. F. A. MacKenzie, on pages 41 and 42 of this statement and brief, covering the crowning of the new Emperor and the disbanding of the Korean Army. Mr. MacKenzie is a writer of note and a man of unimpeachable integrity, thoroughly familiar with the Korean question. The first edition of his work is said to be exhausted and a second edition is in process of publication, but the work can be obtained from any library.

"Prof. Hulbert, to whom we have had occasion to refer so many times in this statement and brief, is also the author of a work on Korean history entitled 'The Passing of Korea.' His thorough and intimate knowledge of the subject can not be questioned.

"There are many other authors and historians of note who have written of and treated the Korean question. The limited space to which we must confine ourselves prevents reference to or quotations from such writers. Permit us, however, to quote the following from pages 131 to 137 of Mr. MacKenzie's work, 'The Tragedy of Korea,' as showing what actually transpired in Korea during that month of November, 1905:

"'Early in November the Marquis Ito arrived in Seoul as special envoy from the Emperor of Japan, and he brought with him a letter from the Mikado saying that he hoped the Korean Emperor would follow the directions of the marquis and come to an agreement with him, as it was essential for the maintenance of peace in the Far East that he should do so. On November 15 Marquis Ito was received in formal audience and there presented a series of demands drawn up in treaty form. These were, in the main, that the foreign relations of Korea should now be placed entirely in the hands of Japan, the Korean diplomatic service be brought to an end, and the ministers recalled from foreign courts. The Japanese minister to Korea was to become supreme administrator to the country under the Emperor and the Japanese consuls in the different districts were to be made residents, with the powers of supreme local governors. In other words, Korea was entirely to surrender her independence as a State and was to hand over control of her internal administration to the Japanese. The Emperor met the request with a blank refusal. The conversation between the two, as reported at the time, was as follows:

"'The Emperor said:

"'"Although I have seen in the newspapers various rumors that Japan proposed to assume a protectorate over Korea, I did not believe them, as I placed faith in Japan's adherence to the promise to maintain the independence of Korea which was made by the Emperor of Japan at the beginning of the war and embodied in a treaty between Korea and Japan. When I heard you were coming to my country I was glad, as I believed your mission was to increase the friendship between our countries, and your demands have therefore taken me entirely by surprise."

"'To which Marquis Ito rejoined:

"'"These demands are not my own; I am only acting in accordance with a mandate from my Government, and if Your Majesty will agree to the demands which I have presented, it will be to the benefit of both nations, and peace in the East will be assured forever. Please, therefore, consent quickly."

"'The Emperor replied:

"'"From time immemorial it has been the custom of the rulers of Korea, when confronted with questions so momentous as this, to come to no decision until all the ministers, high and low, who hold or have held office, have been consulted and the opinion of the scholars and the common people have been obtained, so that I can not now settle this matter myself."

"'Said Marquis Ito again:

"'"Protests from the people can easily be disposed of, and for the sake of the friendship between the two countries Your Majesty should come to a decision at once."

"'To this the Emperor replied:

"'"Assent to your proposals would mean the ruin of my country, and I will therefore sooner die than agree to them."

"'The conference lasted nearly five hours, and then the marquis had to leave, having accomplished nothing. He at once tackled the members of the cabinet, individually and collectively. They were all summoned to the Japanese legation on the following day, and a furious debate began, starting at 3 o'clock in the afternoon and lasting till late at night. The ministers had sworn to one another beforehand that they would not yield. In spite of threats, cajoleries, and proffered bribes, they remained steadfast. The arguments used by Marquis Ito and Mr. Hayashi, apart from personal ones, were twofold. The first was that it was essential for the peace of the Far East that Japan and Korea should be united. The second appealed to racial ambition. The Japanese painted to the Koreans a picture of a great united East, with the Mongol nations all standing firm and as one against the white man, who would reduce them to submission if he could. The Japanese were determined to give the cabinet no time to regather its strength. On the 17th of November another conference began at 2 in the afternoon at the legation, but equally without result. Mr. Hayashi then advised the ministers to go to the palace and open a cabinet meeting in the presence of the Emperor. This was done, the Japanese joining in.

"'All this time the Japanese Army had been making a great display of military force around the palace. All the Japanese troops in the district had been for days parading the streets and open places fronting the imperial residence. The field guns were out and the men were fully armed. They marched, countermarched, stormed, made feint attacks, occupied the gates, put their guns in position, and did everything short of actual violence that they could to demonstrate to the Koreans that they were able to enforce their demands. To the cabinet ministers themselves and to the Emperor all this display had a sinister and terrible meaning. They could not forget the night in 1895 when the Japanese soldiers had paraded around another palace and when their picked bullies had forced their way inside and murdered the queen. Japan had done this before; why should she not do it again? Not one of those now resisting the will of Dai Nippon but saw the sword in front of his eyes and heard in imagination a hundred times during the day the rattle of the Japanese bullets.

"'That evening Japanese soldiers, with fixed bayonets, entered the courtyard of the palace and stood near the apartment of the Emperor. Marquis Ito now arrived, accompanied by Gen. Hasegawa, commander of the Japanese army in Korea, and a fresh attack was started on the cabinet ministers. The marquis demanded an audience of the Emperor. The Emperor refused to grant it, saying that his throat was very bad and he was in great pain. The marquis then made his way into the Emperor's presence and personally requested an audience. The Emperor still refused. "Please go away and discuss the matter with the cabinet ministers," he said.

"'Thereupon Marquis Ito went outside to the ministers. "Your Emperor has commanded you to confer with me and settle this matter," he declared. A fresh conference was

opened. The presence of the soldiers, the gleaming of the bayonets outside, the harsh words of command that could be heard through the windows of the palace buildings were not without their effect. The ministers had fought for days, and they had fought alone. No single foreign representative had offered them help or counsel. They saw submission or destruction before them. "What is the use of our resisting?" said one. "The Japanese always get their way in the end." Signs of yielding began to appear. The acting prime minister, Han Kew Sul, jumped to his feet and said he would go and tell the Emperor of the talk of traitors. Han Kew Sul was allowed to leave the room and then was gripped by the Japanese secretary of the legation, thrown into a side room, and threatened with death. Even Marquis Ito went out to him to persuade him. "Would you not yield," the marquis said, "if your Emperor commanded you?" "No," said Han Kew Sul, "not even then!"

"'This was enough. The marquis at once went to the Emperor. "Han Kew Sul is a traitor," he said. "He defies you and declares that he will not obey your commands."

"'Meanwhile the remaining ministers waited in the cabinet chamber. Where was their leader, the man who had urged them all to resist to death? Minute after minute passed, and still he did not return. Then a whisper went round that the Japanese had killed him. The harsh voices of the Japanese grew still more strident. Courtesy and restraint were thrown off. "Agree with us and be rich, or oppose us and perish." Pak Che Sun, the foreign minister, one of the best and most capable of Korean statesmen, was the last to yield. But even he finally gave way. In the early hours of the morning commands were issued that the seal of state should be brought from the foreign minister's apartment and a treaty should be signed. Here another difficulty arose. The custodian of the seal had received orders in advance that, even if his master commanded, the seal was not to be surrendered for any such purpose. When telephonic orders were sent to him he refused to bring the seal along, and special messengers had to be dispatched to take it from him by force. The Emperor himself asserts to this day that he did not consent.'

"NOTICE TO POWERS OF FRAUD IN PROCURING TREATIES.

"If we were to discuss this subject independently, we would repeat much that has already been said. In the treatment of other phases of this matter we have necessarily referred to Korea's official and unofficial protests to the powers and to her appeals for protection under the clauses of her treaties with those powers of amity and commerce. Korea's case has never been decided by any of the powers. She has never been permitted to even present her case. Her appeals and her protests are nevertheless notice of her rights. She did all that she could, and those notices and those appeals amount to an international lis pendens.

"However the nations, particularly the United States, may have dealt with Japan with respect to Korea, since the asserted protectorate of Japan over Korea, those dealings have been with full notice of Korea's claims and subject to her rights.

"The fact that the United States, or other nations, may or may not have erroneously accepted Japan's false announcement of November 22, 1905, that the alleged protectorate was with the consent of Korea is not material. To persist in a wrong course, to persist in assisting Japan in a wrong course after we know it is wrong, is to become particeps criminis to the original wrong and injury. We might be excused, or we might be forgiven, for our error in originally accepting Japan's false statement without proof, but we can not be excused and we can not be forgiven if we persist in that erroneous action after learning the falsity of Japan.

"Must the Government of the United States sit idly by and see this monstrous thing ruthlessly and cold-bloodedly executed without remonstrance or protest, when our mere remonstrance or mere protest, emphatically voiced, would shame and awe Japan, by its very moral force and strength, into undoing the international crime against Korea that it has committed and would save a nation of 19,000,000 souls from bondage and extinction?

"Korea, it may seem to us, in her simplicity, does not believe in the use of armed force. She has delighted to call her country the land of the 'Morning Calm,' significant of that morning hour of refreshed being, when all is peace and contentment, and significant of the passive, contemplative, and kindly spirit of her people. She believes that moral strength and justice are superior to brute force and materialism. Who are we, that we should say that she is not right?

"Korea does not ask for arms and ammunition with which to assert her rights. She does not ask that we or that any of the powers intervene to protect her by force. She asks only that we give her the moral strength that comes from the assertion of a righteous sentiment by a nation that is known to be just, impartial, and unselfish. We can do no less.

"FACTS—THE INDEPENDENT MOVEMENT.

"In spite of the passive, contemplative, nonresisting, and kindly characteristics of the whole Korean people, it was impossible that this aggression and domination by Japanese should not be resented. There were many uprisings at points where Japanese brutality, arrogance, and aggression were particularly active. These were always met by ruthless methods of oppression, and even up to the time of the death of the old Emperor, on January 24 of this year, there had been much bloodshed by patriotic Koreans.

"Instilled with 4,000 years of inherited love for ancestry and tradition, no organized effort was made to restore independence, many factions fearing that this would result in injury or torture to their old beloved Emperor.

"It would seem that they were patiently and passively waiting for the time to come when the old Emperor should be beyond the avenging hand of Japan.

"Subsequent events prove this to be literally true. Immediately upon his death all restraint was removed, and the Koreans, with a unanimity, determined purpose, and organizing ability that astonished the world, rose up as one voice for their 19,000,000 people and proclaimed their restored independence.

"The sincerity, determination, and ability with which this movement was conducted is all the more appreciated when the circumstances are known. The Koreans had no newspapers, their printing presses had been confiscated; they were under the strictest form of police surveillance and censorship; every Korean was registered by the police, and he was obliged to give a strict account of his whereabouts at all times, and no gatherings of Koreans of over five in number were permitted by the police without their sanction or presence. Yet, in spite of all this, communications and notices were in some way mimeographed or duplicated, and the people did meet and did confer. This was all carefully done with the utmost secrecy, not even their friends the missionaries having an inkling of what was transpiring. They organized in every precinct and in every district of Korea, determined upon the exact wording of their declaration of independence, and somehow at some place they procured and distributed copies of the document to every precinct in Korea. In the meantime they selected 33 representative men to sign the document, and it is evidence of their ideas of justice and fair play that they selected as such representative men 15 Christians, 15 members of the Heavenly Way Society, and 3 Buddhists. With a thoroughness and intelligent attention to detail that would do credit to any of our own best constitutional lawyers, they arranged for the day and hour when the declaration of restored independence should be publicly read in every city and precinct in Korea. March 1 was fixed as the day and 2 o'clock as the hour upon which the declaration was to be read, and it was arranged that simultaneously with the reading of the declaration copies should be delivered to Korean boys disguised as Japanese newsboys to be distributed to all the people. Promptly on the day and hour the 33 representatives elected to sign the declaration formally executed it, and it was read, and the boys distributed it as arranged. Many of the readers were shot down, but there was always some one in the crowd at another point who took up the reading where it was stopped. Many of these patriotic boys met their death, but there was always another boy to carry out the program. But all of this is better told by eyewitnesses. Mr. V. M. McClatchy, editor of the Sacramento Bee, was in Seoul, Korea, at the time of this demonstration, and he is one of the many messengers who brought back to America a copy of that declaration. Upon his return he published in his paper a graphic account of the demonstration under the title 'Greatest example in world history of organized passive resistance for an ideal.'

"'Suddenly, on the Saturday preceding the funeral, March 1, at 2 p. m., without warning or hint to the foreign population and without suspicion evidently on the part of the Japanese ruler, there was inaugurated in every large city of Korea on behalf of its 20,000,000 subject people a peaceful demonstration and demand for national independence. This demonstration continued in various forms throughout the Korean Peninsula up to the date of our departure from Yokohama March 17. Since that time the veil which conceals or distorts happenings in the Far East has dropped for us as it has for all westerners.

"'In Seoul the demonstration consisted of a reading of the proclamation in a public park; of the rushing of many thousands of white-robed Koreans down the wide main street, shouting "Mansei," the Korean equivalent to the Japanese "Banzai"; exhortations to the students of the various schools to join in the demonstration and to maintain a peaceful agitation until they

secured national freedom and an attempt to enter the palace gates and present a petition to young Prince Yi, etc.

"'The police and gendarmes could not stop the crowd at first, but soldiers were called out, and clubbed muskets and swords were used effectively, over 150 prisoners being taken to jail that afternoon, some of them rather severely injured. Somewhat similar demonstrations were made on Monday and on Wednesday; but they did not last long, the Japanese being prepared, and several hundred demonstrators being made prisoners, among them some girl students. The demonstrations in other cities took on a similar character.

"'The vernacular press of Japan during the first week of the demonstration was filled with accounts from several special correspondents, declaring that in Seoul and elsewhere throughout the peninsula the Koreans had attacked, injured, and even killed gendarmes, police, and soldiers and injured property. Up to the morning of March 6, when we left Seoul, I am confident that no such thing occurred in that city, and I have reasons to believe it did not occur elsewhere. The most conclusive evidence on this point is the interview published in the Japan Advertiser by the Japanese minister of communication, Noda, who, with other high officials of the Government, went to Seoul to attend the funeral of the former Emperor Yi. Noda did not leave Seoul until March 5, and his interview, published on his return to Tokyo, declared that the Koreans had not committed acts of violence or injured property either in Seoul or anywhere else in Korea.

"'On the morning on which we left Seoul, five days after the demonstration commenced, there appeared on posts and walls a second proclamation from the Korean leaders, though unsigned, in which the people were congratulated on the manner in which they had testified to Japan and to the world their desire to be free and on the self-control and forbearance with which they had endured injury and arrest. They were reminded that as Koreans they must stand up for the sacred cause to the last man, and they were cautioned again to do no violence and no injury to property. "He who does this," the proclamation said, "is an enemy to his country and will most seriously injure the cause."

"'Meanwhile, the Koreans had carried on the policy of passive resistance by closing up all the schools, the Korean children having ceased to attend, and by ceasing work in the various public utility and manufacturing enterprises.'

"Mr. J. A. Armstrong, secretary of the board of foreign missions of the Presbyterian Church of Canada, was in Seoul as late as March 17. His description follows:

"'During those two days in Seoul I saw, read, and learned much about the Korean revolution for independence. (I spent three months in Korea in the latter half of 1918 and was therefore somewhat informed as to the conditions which made the people dissatisfied with Japanese rule.) The "adequate reason" was that the missionaries desired that, as a missionary secretary was about to leave for North America, I should know the facts about the movement. Press dispatches are both meager and inaccurate, a fact which should be kept in mind when reading what may come over the cables to our papers. It is unwise for anyone in Korea to send any facts through the mails because of censorship. Only by travelers can the truth reach the outside world, even Japan itself.

"'What I learned roused my indignation and sympathy—indignation at the cruel treatment given the Koreans by Japanese police and soldiers; sympathy for an oppressed and defenseless people crying out for justice. I hope to prepare a fuller statement later, and shall therefore set down here only a few points which should be noted.

"'1. Missionaries and other foreigners in Korea were as ignorant about the plans of the Koreans as the Japanese themselves. The civil authorities acknowledge this, but the military and the Japanese press in Japan charge the missionaries with instigating the uprising.

"'2. It did not originate in mission schools, as alleged, though they are in it, as Government schools are.

"'3. Foreigners marvel at the ability and thoroughness with which the Koreans organized and are carrying on the campaign. Even the oldest British and American citizens had no idea that the Koreans were capable of planning and conducting such a widespread rebellion.

"'4. Their methods are those of passive resistance, that no violence be used nor resistance offered to arrest. They, even schoolgirls, go to prison singing, cheering, and shouting "Mansei" (Japanese "Banzai," lit., ten thousand times ten thousand years). This cry, or, as it is sometimes expressed, "Tongnip Mansei" (independence forever), has united the whole nation.'

"We might pursue this line of statement indefinitely, but it would be mere repetition and cumulative.

"What we have quoted, however, emphasizes what we have had occasion to say before, that the Koreans are using no force; they believe implicitly in the strength of moral force as against brute force, and is it not possible that they are more enlightened than many of their brothers of the white race?

"Following the passing of this declaration for restored independence, and with the same thoroughness and attention to detail, they elected delegates to a constitutional convention. These delegates, in order that they might not be disturbed, met secretly until they had as between themselves agreed upon a constitution for the government of Korea; then determined upon April 23, 1919, as the date and upon Seoul, Korea, as the place for the formal public meeting of their convention and election of officers. With no printing presses, the type for their constitution was hand carved on blocks of wood and copies were taken from these wooden blocks. When the time came for the holding of the convention it was held at the time and place appointed and the constitution adopted, and Dr. Syngman Rhee was elected president, and other executive officers were duly elected at the same time.

"Their declaration of independence and their constitution is as near our own as the circumstances and conditions in Korea will permit. They declare for and provide for free speech, freedom of religion, and give every Korean—man and woman alike—the right to vote.

"This similarity is not to be wondered at, in view of the fact that the majority of the members of the Korean National Council and the representative officers of the new Korean republic have been graduated from American colleges and universities. They have studied, with oriental thoroughness, all of the different forms of government, and it is no small compliment that they should pattern after the United States.

"In strong contrast to the ideal treatment of the situation by the Koreans, is the positively low, brutal, atrocious treatment of the situation by the Japanese, which we shall now comment on.

"FACTS—ATROCITIES.

"This subhead has reference to the proof of inhuman, bestial, wanton, and willful brutality of the Japanese toward the Koreans.

"The evidence of these atrocities is already before the Senate and will be found in the CONGRESSIONAL RECORD, July 15, 1919, pages 2594 and 2595; July 17, 1919, pages 2697 to 2717; July 18, 1919, page 2816; and August 18, 1919, pages 3924 to 3926.

"Thousands have been murdered; more thousands have been wounded and maimed, and still many more thousands have been imprisoned and tortured; churches have been burned; whole villages have been reduced to ruins; women have been outraged and beaten, and even the hands of little children have been cut off, because those tiny hands held aloof the flag of their country.

"The record before you contains the direct, first hand, eyewitness proof of 361 of those murders; time, place, and circumstance. The same record gives you the same detail with reference to 860 wounded and maimed men. You find there direct proof of the burning of churches and destruction of villages. Eyewitnesses and victims themselves tell you how young women and girls were stripped naked and were beaten and flogged, and how their trembling bodies, perspiring from terror and pain, were dashed with pails of cold water; how their fingers were tied together and then pulled out of joint, and how they were then packed into cells, men and women together, with no ventilation or sanitation. The record tells you how the hospitals were forbidden to care for the wounded, and what indignities and punishments were meted out to Americans and others who dared to assist the wounded, or care for the dead.

"This record comes from a source that can not be disputed. Realizing that Japan had isolated Korea from the world by a rigid censorship, the men who brought you this information took their lives in their hands and their integrity and truthfulness is vouched for by America's best and most upright citizens.

"All of these brutalities and atrocities can not be told. Many of them will never be told. They lie buried in the ashes of ruined villages; have passed into mortal oblivion along with the sanity of grief-crazed women or lie locked in the breast of the guilty man who perpetrated the outrage.

"All these things did not occur in the heat of battle. The excitement of mortal combat did not blind men's senses and deprive them of an appreciation of their acts. It was cold-blooded, premeditated, methodical, ruthless brutality.

"We are appalled spectators, seeing the Koreans a people with no arms, no ammunition, and no weapons of any kind, for

the time being helpless before the Japanese, with guns, ammunition, and all modern weapons and instruments of death and destruction.

"We see a reign of terror that has only one close parallel in history—Belgium. Parallel only in some respects, for Belgium had guns, ammunition, and modern weapons of warfare. She was able to, and did, fight back, defending every inch of her territory.

"We see back of Korea her 4,000 years of national existence and independence and the moral force that goes with right and justice. We see back of Japan only the materialistic brute force of an imperial autocracy.

"We are horrified. How long can Japanese autocracy withstand the contempt that must lie in the heart of her own people and in the hearts of the peoples of all nations? The great battle is on between moral force and brute force, and we wonder whether all this is not for some great purpose—to show the world the necessity for ending all autocracy and imperialism.

"In their patient, persistent way the Koreans were insisting upon the God-given right of free speech, humbly believing that if the world but knew their condition and the injustices to which they were being subjected, that somewhere, some place, all these things would be righted. They plead only for a hearing. Who can say but that their way was best? The world has heard. Japan must now receive the verdict and abide the sentence.

"IN CONCLUSION.

"This Korean question, as presented by the facts that we have referred to, presents situations and conditions of strong contrast.

"The Koreans, with their modern republican form of government, representative in character, which stands for the right of self-determination; the Japanese, with their ancient autocratic government, militaristic to the core, believing in the divine right of emperors.

"The idealism of the Korean, believing implicitly in passive resistance only and that right and justice will prevail eventually by sheer force of moral strength, as opposed to the Japanese view that might and selfish desire make right and that all things are accomplished by brute force.

"We have no choice as to the side upon which we must array ourselves. It can not be on the side of the exponents of autocracy and brute force.

"Korea has been shamefully wronged and outraged. We must not permit this shameful outrage to continue, especially if by mere announcement of our position and attitude we can be the means and moral force that will rectify this wrong.

"Korea does not ask us to physically intervene. Her kindly spirit would be troubled if we were to make any physical sacrifices in her behalf. All she asks is that we say to Japan that you have been and that you are treating Korea in a shameful and wrongful manner, and that unless you desist and rectify these wrongs by restoring Korean independence you will be despised and ostracised by all nations.

"Respectfully submitted.

"FRED A. DOLPH,
"*Counselor to the Republic of Korea.*"

OFFICE OF ALIEN PROPERTY CUSTODIAN.

Mr. CALDER. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate resolution 172, and I ask unanimous consent for its present consideration.

Mr. UNDERWOOD. Let the resolution be first read.

The Secretary read the resolution submitted by Mr. CALDER on the 22d ultimo, as follows:

Whereas the trading-with-the-enemy act passed by Congress, approved on the 6th day of October, 1917, provided for the office of Alien Property Custodian; and

Whereas under such authorization the President appointed A. Mitchell Palmer, who held the position until the 3d day of March, 1919, at which time he was succeeded by Francis P. Garvan; and

Whereas in the conduct of said office they have administered upon nearly 40,000 separate estates or trusts, having an aggregate value of nearly $1,000,000,000; and

Whereas under the provisions of said act they have exercised the right to make numerous appointments of lawyers, directors, supervisors, clerks, assistants, and accountants, and have exercised the right to fix, allow, and pay to the individuals so appointed by them such compensation as they might determine, and have exercised the right to designate numerous banks and trust companies as depositaries of the proceeds of sale of alien property which has come into their possession; and

Whereas the President on or about October 12, 1917, vested in the Alien Property Custodian "the executive administration of all of the provisions of section 7 (a), section 7 (c), and section 7 (d) of the trading-with-the-enemy act," including, among other things, the power "to require the conveyance, transfer, assignment, delivery, or payment to himself at such time and in such manner as he shall prescribe, of any moneys or other properties owing to or belonging to or held for, by, or on account of, or on behalf of, or for the benefit of any enemy or ally of an enemy * * * which, after an investigation, said Alien Property Custodian shall determine is so owing, or so belongs, or is so held"; and

Whereas under the provisions of subdivision C of section 7 of trading-with-the-enemy act "no person shall be liable in any court for or in respect to anything done or omitted in pursuance of any order, rule, or regulation by the President under the authority of this act"; and

Whereas it is possible that after peace shall have been declared, claims may be made against the United States for the recovery of moneys and for the value of property which it may be alleged have been taken by the Alien Property Custodian without authority; and

Whereas any bond which has been furnished by the Alien Property Custodian, if any such bond has been furnished, can under the circumstances provide for a penalty of not more than a nominal amount; and

Whereas said A. Mitchell Palmer has publicly declared his desire that his administration of the office of Alien Property Custodian be fully investigated: Now, therefore, be it

Resolved, That a special committee be selected by the Senate, to consist of five Senators, three of whom shall be members of the majority party and two of the minority party, which committee is hereby directed to examine and audit the accounts of said A. Mitchell Palmer, Alien Property Custodian, and of said Francis P. Garvan, as Alien Property Custodian, and to investigate the administration by them of said office from the date of their respective appointments to the present time; and be it further

Resolved, That said committee be, and hereby is, authorized and directed to proceed with such investigation without unnecessary delay, to send for persons, books, and papers; to administer oaths; to employ a stenographer, at a cost not to exceed $1 per printed page, to report such hearings as may be had in pursuance hereof; to sit during the sessions or recesses of the Senate at any place, either Washington, D. C., or elsewhere, as may be deemed proper by the committee; to employ such counsel and expert and other assistants as may be deemed necessary by the committee; to report its conclusions to the Senate as speedily as possible, the expenses thereof to be paid out of the contingent fund of the Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. UNDERWOOD. Mr. President, I do not desire to object to the consideration of the resolution at this time. An objection would carry it over until to-morrow, and I think this morning is just as good a time to dispose of the resolution as to-morrow would be; but I desire to offer an amendment to the resolution, and then, after the amendment shall have been considered, I may have a motion to make for the further disposition of the resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The Senate by unanimous consent proceeded to consider the resolution.

Mr. UNDERWOOD. I offer the amendment which I send to the Secretary's desk to be added at the end of the resolution. I ask that the amendment be read.

Mr. BORAH. Mr. President, if this resolution is coming up for consideration—and there seems to be an amendment to be offered to it—I should like to ask that the resolution be again read. At the time of its reading I was not paying any particular attention, as I did not suppose it would be considered this morning. I should like, therefore, to have the resolution again read, if there is no objection.

Mr. UNDERWOOD. I have no objection to that being done.

Mr. CALDER. May I suggest that the Secretary do no read the preamble of the resolution, but merely the resolution itself?

Mr. BORAH. Let the resolution be read in its entirety.

The PRESIDENT pro tempore. The Secretary will again read the resolution.

The Secretary again read the resolution.

The PRESIDENT pro tempore. The Secretary will now state the amendment proposed by the Senator from Alabama [Mr. UNDERWOOD].

The SECRETARY. It is proposed to add, at the end of the resolution, the following provisos:

Provided, That no person shall be employed by said committee as counsel, accountant, or other expert assistant who has at any time represented, been employed by, or who is interested in any way for any person, firm, or corporation whose property has been demanded or taken over by the Alien Property Custodian, or who has been interested in any claim of any character against the Alien Property Custodian; and

Provided further, That no expense shall be incurred by said committee for the employment of accountants to make examinations of any of the trusts being administered by the Alien Property Custodian, or any of the firms or corporations under his management or control, in cases where such accounts have heretofore been examined and certified by registered certified accountants.

The PRESIDENT pro tempore. The question is on the amendment to the resolution offered by the Senator from Alabama.

Mr. CALDER. As the mover of the resolution, I accept the amendment offered by the Senator from Alabama.

Mr. UNDERWOOD. I presume the amendment will have to be voted on, but I am glad the Senator from New York accepts it.

The PRESIDENT pro tempore. Without objection, the amendment to the resolution is agreed to.

Mr. JONES of New Mexico. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from New Mexico suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hale	McLean	Smith, Md.
Beckham	Harding	McNary	Smith, S. C.
Borah	Harris	New	Smoot
Brandegee	Henderson	Newberry	Spencer
Calder	Hitchcock	Norris	Stanley
Capper	Johnson, S. Dak.	Page	Sterling
Chamberlain	Jones, N. Mex.	Phelan	Sutherland
Culberson	Jones, Wash.	Phipps	Swanson
Cummins	Kellogg	Pittman	Thomas
Curtis	Kenyon	Pomerene	Trammell
Elkins	Keyes	Ransdell	Underwood
Fletcher	Knox	Robinson	Wadsworth
Frelinghuysen	Lenroot	Sheppard	Walsh, Mass.
Gay	Lodge	Sherman	Walsh, Mont.
Gerry	McCumber	Simmons	Warren
Gronna	McKellar	Smith, Ga.	Watson

Mr. CHAMBERLAIN. The senior Senator from Mississippi [Mr. WILLIAMS] is necessarily detained from the Senate by the death of a friend.

Mr. GERRY. The Senator from North Carolina [Mr. OVERMAN] is detained from the Senate on public business.

Mr. SMOOT. The Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Senate by illness in his family.

Mr. GERRY. The Senator from South Carolina [Mr. DIAL], the Senator from Idaho [Mr. NUGENT], and the Senator from Delaware [Mr. WOLCOTT] are detained from the Senate on public business. I also wish to announce that the Senator from Arizona [Mr. ASHURST], the Senator from Mississippi [Mr. HARRISON], the Senator from Arkansas [Mr. KIRBY], and the Senator from Wyoming [Mr. KENDRICK] are detained on official business. The Senator from Oklahoma [Mr. GORE] and the Senator from Arizona [Mr. SMITH] are detained from the Senate by illness.

Mr. BRANDEGEE. I desire to announce that the senior Senator from New Mexico [Mr. FALL] is detained from the Senate by his duties in connection with the subcommittee of the Committee on Foreign Relations investigating Mexican affairs.

The PRESIDENT pro tempore. Sixty-four Senators have answered to their names. There is a quorum present.

Mr. JONES of New Mexico. Mr. President, I desire to call the attention of the Senate to a matter of procedure here upon which I have expressed some views on previous occasions, and that is the matter of passing resolutions of this character without consideration by any committee of the advisability of the matters contained in the resolution.

We all know that we have been passing resolutions of this character day after day, and no consideration whatever has been given by any committee of the Senate as to the advisability of doing the thing called for by the resolution. The Committee to Audit and Control the Contingent Expenses of the Senate does not assume to pass upon the merits of these resolutions. Upon various occasions resolutions of this character have been referred to that committee, and the Senators proposing the resolutions have specifically protested against that committee making any investigation as to the advisability of the adoption of the resolutions. One notable instance was in the case of the resolution proposed by the Senator from New Jersey [Mr. FRELINGHUYSEN] to examine into an explosion which took place in that State. As a member of the Committee to Audit and Control the Contingent Expenses of the Senate, and the acting chairman of the committee at that time, I proposed that we ascertain from the War Department what was being done to find out the causes for that explosion. The Senator from New Jersey protested against the committee getting any information from any source, and so it has been with every resolution which has been presented up to this time. No committee of the Senate has passed upon the merits of these resolutions, and the same may be said of this resolution.

The Committee to Audit and Control the Contingent Expenses of the Senate did not assume to investigate in any respect the question as to whether or not such a resolution as this should be passed. No attempt was made by that committee even to approximate the expense of such an investigation as this. This resolution calls for an audit of all the transactions of the present Alien Property Custodian and his predecessor, and the employment of experts and assistants and counsel without limitation. There is no suggestion here, no information, as to how much this investigation is going to cost, nor is there anything before the Senate to show the effect of this investigation if it is had. We know that it deals with the property taken by the Alien Property Custodian from German citizens. We do not know how far the evidence which will be produced in this investigation will be utilized by Germany and German citizens against this country of ours. None of these things have been investigated, and I want to enter my earnest protest against the passage of any resolution of this kind without any investigation by some committee as to the advisability of the expenditures called for.

Mr. President, I move that this resolution as amended be referred to the Committee on the Judiciary.

Mr. BORAH. Mr. President, I understand that the Senator from New Mexico has made a motion to refer this resolution to the Judiciary Committee, and I also understand that that is a debatable question. Is that a debatable question—a motion to refer it to the Judiciary Committee?

The PRESIDENT pro tempore. The Chair is of the opinion that that motion is not debatable during the morning hour.

Mr. BORAH. I suppose, then, that the Senator was out of order when he was debating it.

Mr. THOMAS. He debated it before he made it.

Mr. BORAH. I ask unanimous consent, Mr. President, to make a suggestion.

The PRESIDENT pro tempore. The Senator from Idaho asks unanimous consent to make a suggestion. Is there objection?

Mr. THOMAS. Mr. President, may I inquire of the Senator what the length of his suggestion will be?

Mr. BORAH. It is not going to be very long.

The PRESIDENT pro tempore. The Chair begs to suggest to the Senator from Idaho that the Chair will not take him from the floor unless a point of order is made.

Mr. BORAH. Well, I will venture for a few moments upon the experiment.

I desired to say that I am rather in sympathy with the view of the Senator from New Mexico. We are constantly passing resolutions of investigation, and expending a vast amount of time and funds in the investigation, and that ends the matter. In other words, investigations very generally—not always but very generally—are ways of easing the matter out of public sight and public attention, and with the report interest in the matter dies. If I could feel that this was going to be an established rule, a permanent precedent, I should feel in entire sympathy with the matter; but is this to be applied simply to this particular resolution, and then are we to abandon the program hereafter and proceed along the lines which we have heretofore adopted?

Mr. UNDERWOOD. Mr. President, will the Senator allow me to make a suggestion?

Mr. BORAH. Yes.

Mr. UNDERWOOD. I am in sympathy with what the Senator has said. I am not apprehensive about the result of an investigation of this matter, because it has already been investigated by the Judiciary Committee pretty conclusively and pretty satisfactorily; but I want to say this:

Heretofore for many years the contingent fund of the Senate has run about $25,000 a year to take care of the contingent expenses. We have spent a good deal already in this Congress, and as a member of the Committee on Appropriations I find that the accounting officer of the Senate, Mr. Pace, has before us now items that aggregate $135,000 for additional contingent fund to carry us until December, caused by these investigations. In this matter of investigation the Alien Property Custodian now has some bonded accountants—which means the regular bonded accountants who must make their returns under oath—going over every book and scrap of paper in his office, and within 60 or 90 days they probably will have finished their report. This resolution contemplates that that shall all be done over again.

Mr. THOMAS. What would it cost?

Mr. UNDERWOOD. I understand that the cost of that procedure will be somewhere between $150,000 and $200,000, to hire another set of bonded accountants to do what one set is doing now. Therefore I am in sympathy with the motion of the Senator from New Mexico, that we refer the resolution to the Judiciary Committee and give them a chance to investigate it.

Mr. SMOOT. Mr. President, the Senator would not make that statement after the Senate has adopted his amendment to the resolution, because his amendment provides that wherever a certified accountant has already passed upon the accounts no part of the funds shall be used for that purpose; so there could not be a duplication of the investigation.

Mr. UNDERWOOD. But I am talking about the original purpose of the resolution. I offered my amendment to guard against that particular proposition.

Mr. SMOOT. And that has been agreed to.

Mr. UNDERWOOD. That part of it has been agreed to, except that up to this time the accountants have not made any

report, so they have not come within the terms of the amendment; and if the resolution passed, those in charge of the investigation could go out right now and employ some more accountants to start on this work. I think it is very much wiser, for that reason, to let the resolution go to the committee.

Mr. BORAH. Mr. President, may I ask this question: I prefer to ask it, perhaps, of the Senator in charge of the resolution. Supposing this investigation is had, what does the Senator hope to realize from it in the way of results?

Mr. CALDER. Mr. President, this resolution refers to a great bureau of the Government, a bureau that has taken over nearly a billion dollars' worth of property. Over 40,000 concerns are involved. There is no law permitting anyone to check up what this bureau has done. I have not attacked the Alien Property Custodian's office, nor did I seek to prevent the confirmation of Mr. Palmer as Attorney General; but if one-fourth of the charges made to me personally about the conduct of the business of that office are true, then it is a blot upon the fair fame of this Nation. What I want to find out is whether these charges are true.

I want to find out whether or not there has been collusion between men in this office and those outside of it. I am not interested in protecting Germans or obtaining information for them, although one would believe that I was from the statement made recently by Mr. Palmer in the newspapers. I am anxious to find out if that office was honestly conducted and whether or not men made vast sums of money because of their friendship with the Alien Property Custodian or his assistants.

Mr. UNDERWOOD. Will the Senator from New York allow me to interrupt him to ask him a question? Were not all the rumors and charges the Senator has heard about made before a subcommittee of the Judiciary Committee and an extended hearing had on the subject; and did not the committee report adversely to the whole thing and give a unanimous report in the other direction?

Mr. CALDER. Mr. President, many of the charges that have been brought to my attention were not referred to that committee.

Mr. UNDERWOOD. Why were they not laid before the committee?

Mr. CALDER. They were of such a character that they could not be, effectively, without subpœnaing witnesses and cross-examining them.

Mr. UNDERWOOD. Then does not that lead the Senator to the proposition that it is very much better to refer this to the Judiciary Committee, which already has information on the subject, let the Senator go before that committee and present these charges, and let them determine whether there is sufficient in the charges to warrant the expenditure of two or three hundred thousand dollars in an investigation before we go into all these expenses of investigation?

Mr. CALDER. Mr. President, the expenditure of $100,000——

The PRESIDENT pro tempore. Does the Senator from Idaho still further yield?

Mr. BORAH. I yield.

Mr. CALDER. The expenditure of $100,000 or $200,000, or even more than that, would be a splendid investment for the Government if we could obtain information that would either demonstrate the truth of these repeated assertions or show their falsehood.

Mr. STERLING. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from South Dakota?

Mr. BORAH. I yield.

Mr. STERLING. I am not quite in sympathy, I will say to the Senator from Idaho, with the idea of referring this matter to the Judiciary Committee. The chairman of the Judiciary Committee is not here, and I do not profess to speak at all for the chairman or for the Judiciary Committee, but one phase of the matter has been before a subcommittee of the Judiciary Committee, of which I was a member. We did not think that it was within the scope of the authority of the subcommittee to go into any thorough investigation of the acts of the Alien Propery Custodian. We examined some evidence in regard to special cases that were submitted, and reported favorably on the nomination of Mr. Palmer as Attorney General under the evidence that we had. We did not feel that we could go into the whole subject of the Alien Property Custodian's acts, and hence did not. We did not feel that we had the authority to do so. Witnesses were not subpœnaed, although witnesses appeared voluntarily before the committee. If there is to be an investigation, I think it would be better, as the matter now stands, to refer it to a select committee, as provided by the resolution.

Mr. BORAH. I understand the Senator was on this subcommittee?

Mr. STERLING. Yes, sir.

Mr. BORAH. And the subcommittee made considerable investigation?

Mr. STERLING. We examined the evidence that was submitted to us. We heard testimony in regard to two great properties which had come under the jurisdiction of the custodian. We heard the custodian's statement and explanation in regard to those properties, their management, their sale, and their entire disposition.

Mr. BORAH. After this investigation the subcommittee reported favorably upon the nomination?

Mr. STERLING. Yes, sir.

Mr. BORAH. That must have been, then, for the reason that so far as the subcommittee proceeded it found nothing objectionable in the facts.

Mr. STERLING. We found nothing that went to the qualifications of Mr. Palmer for the office of Attorney General of the United States. We found nothing so far as ability and integrity are concerned so far as we went, and hence our report.

Mr. WALSH of Montana. Mr. President, I understood the Senator from New York to say that the charges in relation to the administration of the Alien Property Custodian's office which had come to his knowledge affect the question of the honesty with which the office was administered. Charges are made of collusion in sales of property. Mr. President, that was the very matter which the committee had under consideration and the subject inquired into. The committee did not feel called upon, as suggested by the Senator from South Dakota [Mr. STERLING], to inquire into the question whether excellent business wisdom was exercised in the disposition of the property or generally in the management of the office. It did feel, however, compelled to go into any charges that were made that in any manner reflected upon the honesty with which the office was administered by Mr. Palmer, whose nomination was under consideration. Again and again the members declared that if there was any testimony which indicated collusion in the sale of the property upon the part of the Alien Property Custodian, or anyone over whom he seemed to have charge, the committee was desirous of hearing anything that could be offered along those lines, and the committee did hear everything that was offered.

Undoubtedly many complaints have been made to the Senator from New York [Mr. CALDER]. But by whom? Undoubtedly the German owners of this property bitterly complain as to the acts of the Alien Property Custodian. But the very serious question is, From what sources do these complaints come? Mr. President, for aught the Senate knows at this time every one of these complaints emanates from some German owner whose property has been taken over, and, of course, he feels bitterly about the matter. Why should it not be referred to some committee of the Senate to ascertain the sources, at least, from which these complaints come, to see whether any American interest of any kind is complaining of the administration of the office?

But I say again to the Senator from Idaho [Mr. BORAH] that the committee having the matter in charge did feel called upon to go into the consideration of any suggestion emanating from any source, whatever it was, as to the honesty and integrity with which the office of the Alien Property Custodian was administered.

Mr. CALDER. Will the Senator from Idaho permit me to inquire of the Senator from Montana [Mr. WALSH] in regard to a phase of the question?

Mr. BORAH. Certainly.

Mr. CALDER. Were not requests made of the committee to subpœna witnesses and call for the production of documents before the committee, so that witnesses and papers might be examined?

Mr. WALSH of Montana. I shall be glad to give the Senator full information about that. The matter to which the Senator from New York refers is simply this: A Mr. Lewis, said to have been formerly an attorney general of the State of New York, appeared and laid before the committee facts in relation to the disposition of the property of the Bosch Magneto Co. He was heard at length and gave us all the information he had on the subject. I may say, in this connection, that he reported to us, in the first place, that under the law the Alien Property Custodian had no power to dispose of the property at all; that he had no authority under the law to dispose of any property except such as was perishable in character. Subsequently he was compelled to come before the committee and admit that he was all wrong about it; that an amendment of the act had been passed subsequently which authorized the disposition of the property.

But after having told all about it, he was interrogated as to whom he represented, and he told us he represented a Mr.

Andrews, a lawyer who was with him before the committee. He was speaking for him, he said, because Mr. Andrews was quite deaf, and was unable himself to follow the proceedings. He represented to us that Mr. Andrews was a stockholder in the company, or, rather, had a contract under which he was to have certain stocks; that he had a large claim against the company, and therefore he was interested in the disposition of its property.

The committee then heard Mr. Palmer upon it; he went into the whole subject, and I may say that the bottom fell out of the whole thing. Those who made the charges were in a pitiable plight before the committee, pitiable for the reason, if for no other, that the man Andrews, who was the client of Mr. Lewis, was shown to have come before the Bosch Magneto Co. making a claim for large amounts due him on account of services to the company, when a check for $500 was produced, with a receipt on the back of it of Mr. Andrews to the effect that he had received that $500 check in full payment and discharge of any claim of any kind or description, past, present, or future, against the Bosch Magneto Co. Therefore, he was absolutely without any right in the premises at all. Under those circumstances, Mr. Lewis requested the committee that a subpœna be issued requiring the Alien Property Custodian to produce all the books and papers in his possession formerly belonging to the Bosch Magneto Co. He was asked what he expected to prove by those papers if they were brought, but he declined to say what he expected to prove, and the committee declined to order the books and papers produced. That is the whole story.

Mr. ROBINSON. Mr. President, I should like to ask the Senator from New York a question. Under the facts stated, if that had been a proceeding in court, would not the court have taken the same action that the Judiciary Committee took?

Mr. CALDER. Mr. President, I hesitate to criticize a committee of the Senate. The committee having this matter under advisement were inquiring into the fitness of Mr. Palmer for the position of Attorney General; they were inquiring into his character and general reputation, and they were not appointed to investigate the affairs of the Alien Property Custodian. I felt myself that they should have called for those books and papers and have brought out all the facts and circumstances; but they thought differently. I have not been quarreling about the confirmation of Mr. Palmer. I make no personal attack upon his character or integrity. I have no knowledge that he has done a wrong thing intentionally, but I submit——

Mr. ROBINSON. Will the Senator from Idaho yield to me to ask the Senator from New York a question?

Mr. BORAH. Certainly.

Mr. ROBINSON. Does the Senator from New York, under all the facts that have been stated in connection with the subject this morning, object to the appropriate committee of the Senate determining whether there should be an investigation as called for by the resolution?

Mr. CALDER. Mr. President, if this resolution were to be referred to the appropriate committee, that committee would be the Committee on Commerce. The Committee on Commerce prepared the trading-with-the-enemy bill, reported it to the Senate, and had charge of it on the floor of this body. But, Mr. President, the subject of the investigation of the Alien Property Custodian's office has been under consideration here in the mind of every Senator for months.

I understand that the Attorney General, the former Alien Property Custodian, is anxious to have the investigation. I can not conceive why Senators on the other side of the Chamber should put anything in the way of a thorough and complete investigation of that office by a committee of the Senate.

Mr. ROBINSON. Will the Senator from Idaho yield to me for another question?

Mr. BORAH. I yield.

Mr. ROBINSON. The Senator from New York knows, of course, that many of the matters relating to this subject have been, in a way, investigated by the Committee on the Judiciary. I repeat my question, Does the Senator from New York object to the motion made by the Senator from New Mexico [Mr. JONES], that the resolution be referred to the Judiciary Committee for the purpose of determining whether it is advisable that the investigation called for by the resolution be held?

Mr. CALDER. I do, Mr. President.

Mr. ROBINSON. Why does the Senator from New York object?

Mr. CALDER. Because a subcommittee of that committee, and the full committee itself, have had the matter under advisement.

Mr. ROBINSON. Then the Senator from New York thinks that the Judiciary Committee, as constituted, is an unfair tribunal to determine that question?

Mr. CALDER. Oh, no, Mr. President; I make no reflection upon the committee. I have made no reflection upon their reporting favorably on Mr. Palmer's nomination for Attorney General. But this is a matter completely apart from the work of that committee, and I believe the time to determine that question is here and now.

Mr. ROBINSON. Does the Senator from Idaho yield for a further question?

Mr. BORAH. I yield.

Mr. ROBINSON. The Senator from New York realizes, of course, that the passage of a resolution of this character, particularly after the statements that have been made by him this morning, is a reflection upon a high officer of the Government. The Senator realizes that the Senate would not pass a resolution of this character unless it had determined that there is a necessity for the investigation for which the resolution calls.

Mr. CALDER. I have made no personal reflection upon the Attorney General.

Mr. ROBINSON. The question I am asking the Senator is if he does not realize that the resolution itself, coupled with the statements which he has made, constitutes a reflection upon a high officer of the Government?

Mr. CALDER. No; I think not.

Mr. ROBINSON. The Senator does not mean to say that when charges of dishonesty or corruption or inefficiency are made against an officer of the Government, and those charges are recognized by the Senate and a resolution is adopted, that that does not of itself constitute a quasi finding of the Senate that there is sufficient foundation for the charges to justify an investigation of them? In view of all the facts, in view of the proceedings which have heretofore taken place in the Senate, in view of proceedings that have taken place elsewhere with which the Senator is familiar, does not the Senator think that the fair thing to do, the thing that is fair to the Attorney General of the United States, the proper thing for the Senate to do, the thing that is fair to the Senate, is to let a committee of this body, in which the Senate has confidence, determine whether or not the United States shall spend a hundred thousand dollars or more in an investigation of the character contemplated by his resolution? And if the Senator does not feel that way about it, is it not due to the fact that he has heretofore presented to a great committee of this body substantially the same charges that he now makes, and that committee found against him, vindicated Mr. Palmer upon every charge of corruption, dishonesty, and inefficiency, and now the Senator wants to continue the controversy, harass the officer, and embarrass the Senate? In view of the fact that the Judiciary Committee, in a former proceeding took jurisdiction of the subject matter of the resolution, what can be the objection of the Senator from New York, unless he impeaches either the integrity or the competency of the Judiciary Committee, to that committee passing upon the advisability of making the investigation?

Mr. CALDER and Mr. STERLING addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Idaho yield; and if so, to whom?

Mr. BORAH. I yield first to the Senator from South Dakota.

Mr. STERLING. The question asked by the Senator from Arkansas [Mr. ROBINSON] is a question addressed not alone to the Senator from New York [Mr. CALDER], but it is addressed to any Senator who might feel disposed to vote for the resolution. I shall vote for the resolution——

Mr. ROBINSON. Will the Senator yield for a question?

Mr. STERLING. Yes.

Mr. ROBINSON. Does the Senator from South Dakota object to a committee of the Senate first investigating the advisability of adopting the resolution; and if so, why does he object? Does the Senator object to the Judiciary Committee passing upon the question as to whether this investigation should be made?

Mr. STERLING. I can not help thinking, Mr. President, that a reference of the resolution now to a committee for the purpose of determining whether there should be an investigation or not is unnecessary. I put it primarily on the ground that the Senate can determine, without reference to a committee, whether such an investigation should be had.

Now, coming to the question suggested by the Senator from Arkansas, in voting for this resolution I cast no reflection whatever upon the Attorney General, either as Attorney General or as Alien Property Custodian; but here is property worth nearly a billion of dollars; here are 40,000 distinct properties involved, and the Attorney General himself has courted an investigation. He stated before the subcommittee that he would welcome an investigation.

I think for less causes and where a less amount was involved investigations have been had, and that, too, without reflecting upon the officer administering the place or performing the duty. With all this vast amount of property involved, worth nearly a billion dollars, is it not proper that the Senate of the United States should make inquiry, in order that not only the Senate but the people may be satisfied that there has been a proper conduct, a proper administration, of this great office under these circumstances?

The Alien Property Custodian had tremendous power under the trading-with-the-enemy act. Is there to be objection to an inquiry now to be made as to whether this office has been conducted properly or not, wisely or not, and that, too, without any reflection upon the character, the ability, or the integrity of the Attorney General, lately confirmed to that high office?

Mr. BORAH. May I ask the Senator from South Dakota a question before he takes his seat?

Mr. STERLING. Certainly.

Mr. BORAH. The feature of this investigation in which I am most interested is the results which are to follow. In case it is found that the administration has been an unwise administration, is there anything to be had out of the situation other than a condemnation or reflection upon the administration? Can any property rights be recovered? Can any interest be recovered that may have been forfeited or surrendered or unwisely disposed of?

Mr. LODGE. Mr. President, this involves a section of the treaty which I think the Senator will recall, that from this fund are to be taken payments of all prewar claims. This fund is responsible for all those claims, whatever they may be, much or little. Therefore, there is a direct interest of people who have lost vessels or people who went down on the *Lusitania*, and of the prewar claims in the disposal of this great fund of $1,000,000,000.

Mr. BORAH. Precisely.

Mr. UNDERWOOD. If the Senator will allow me——

Mr. BORAH. I yield to the Senator from Alabama.

Mr. UNDERWOOD. I think I can throw a little light on the disposition of those claims. I am in thorough accord with what the Senator from Massachusetts [Mr. LODGE] has just said. This was taken as a fund to punish German enemies behind the line for making war on us. But there are two sides to it. Under the treaty this $750,000,000 stands as a trust fund to take care of the claims of American citizens against German interests. But the German Government is undoubtedly trying to break down the status of the Alien Property Custodian fund.

I have in my hand, if the Senator will allow me, because it throws light on it, the report of Mr. Palmer, the Alien Property Custodian's report, which was sent to Germany when published and translated into German and a preface was written to that report. I have the preface in my hand, and it indicates the German attitude in reference to this very matter.

Mr. BORAH. Is the Senator going to read the preface?

Mr. UNDERWOOD. If the Senator will allow me to read an extract from it, I shall be very glad to do it.

Mr. BORAH. I shall be glad to have the Senator read it.

Mr. UNDERWOOD. In the first place, I want to say that the matter was called to the attention of the American peace commission in Paris by a letter from Mr. Charles B. Dyar, representing the Government, written from Berlin. The letter is dated July 26, 1919. Mr. Dyar, in the letter to the American peace commission, says:

BERLIN, *July 26, 1919.*

SIRS: I have the honor to transmit herewith for the information of the commission a copy of a translation of the Alien Property Custodian report—

Then follows some German that I can not read; the description of it in German—

which has been prepared by the foreign office and published as a public document. This document appears to be intended for use as propaganda and advance copies were sent to all the leading German papers for review. The press comment on the document has been exceedingly bitter.

Particular attention should be called to the introduction to the volume, which is signed Wiedenfeld, which endeavors to excuse the fictive transfers of German property to American citizens in the early years of the war as a perfectly natural measure of precaution at a time when the United States had not yet declared war on Germany, and makes the interesting statement that the idea that the United States would ultimately come into the war if the German successes continued suggested itself naturally to every German business man with interests in America.

Now, this is the point:

The introduction further expresses the hope that the Senate investigation of the administration of the custodian may lead to a review of the entire subject of the treatment of enemy property in the United States. The translation is made from a single copy of the original report which the foreign office succeeded in securing, and which may be consulted by interested parties in Germany. The cost of the German document is 11 marks per copy.

I have the honor to be, sirs,

Your obedient servant, CHARLES B. DYAR.

(Under separate cover copy of A. P. C. report in German.)

I have a copy of that preface to the Alien Property Custodian report in my hand, which I should be very glad in this connection to publish in the RECORD if there is no objection. I desire to read just one sentence from the report showing the attitude of the German Government and the German people in reference to this very investigation.

Mr. BORAH. May I ask a question before the Senator reads that?

Mr. UNDERWOOD. Certainly.

Mr. BORAH. What material benefit is to be derived by the German people and those who seem to be fathering this propaganda from this investigation?

Mr. UNDERWOOD. I do not think there will be any, because I think it returns to the point that the German interests are advocating. There were German interests that appeared before the Judiciary Committee and stated clearly what their purpose was. They did not conceal the fact that they wanted to destroy this trust fund for American citizens and get it back in the pockets of the Germans who originally owned it.

Mr. BORAH. That is the question—how could they do it?

Mr. UNDERWOOD. I do not think they can do it, but I think that question stands behind this whole matter.

Mr. HITCHCOCK. Will the Senator permit me to answer the question of the Senator from Idaho?

Mr. UNDERWOOD. Certainly.

Mr. HITCHCOCK. There is one way it can be done. Unless the Senate ratifies this treaty, the United States will lose the agreement of Germany for validation of the acts of the Alien Property Custodian, and if that is lost those acts become a natural claim of Germany to be settled by the United States, because there is no warrant for believing that the United States, either through its act of Congress or the act of its Alien Property Custodian, had any right to handle the property of German nationals as we did handle that property, and we can only vindicate ourselves by securing from Germany, as we have done in this treaty, the agreement for the validation of those acts.

Mr. UNDERWOOD. I will say to the Senator from Nebraska that it even goes further than that. There was supposed to be a treaty with the Prussian Government that was afterwards claimed to be ratified and made part of the treaties with this country and the German Imperial Government, by which it was provided that certain care should be taken of the property of two countries if they went to war, German property in this country and American property in Germany, and that certain disposition should be made of it. It is on that basis that the German Government is now claiming and did claim until they signed the treaty on the dotted line in Paris that they had the right to take back the property held by the Alien Property Custodian. That is their claim. But, of course, they waived that under the treaty of peace.

Mr. LODGE and Mr. BORAH addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Alabama yield; and if so, to whom does he yield?

Mr. UNDERWOOD. I yield to the Senator from Massachusetts.

Mr. LODGE. I do not want to be misunderstood in what I have said. I was speaking of no German claim; all I desire to do is to protect the American claimants to this fund.

Mr. UNDERWOOD. There can be no objection to that; and that ought to be done.

Mr. LODGE. That is all I desire to do. I do not want the fund to be used up in other ways; I want the American claimants protected. As for the custodian, if he is not protected under this treaty, no words can protect him.

Mr. UNDERWOOD. Undoubtedly; but——

Mr. LODGE. He is as absolutely protected as anybody can be. It is the one thing in the treaty that is thoroughly taken care of.

Mr. UNDERWOOD. Does the Senator understand that every dollar the Alien Property Custodian has gotten into his hands has gone into Liberty bonds, so that these claims, I think, are protected? If the Senator will allow me, however, I will read a sentence which I have been trying to get to in the preface to the Alien Property Custodian report that I hold in my hand which the Germans sent out. They make this statement:

That the administration of alien property is considered not without suspicion in the United States herself is evident in the action taken by the Senate because of the resolution presented last February by Senators FRELINGHUYSEN and CALDER, demanding an investigation of the Alien Property Custodian because of misappropriation

and favoritism. So far as is here known the Senate also has refused to appoint Mr. Palmer as Attorney General. It remains to be seen whether this investigation would not lead to a just inquiry into the management of the alien property and to a fairer judgment of German measures.

I ask that the whole of this paper may be inserted in the RECORD.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

The paper referred to is as follows:

"As in all enemy countries so also in the United States of American the sequestration of enemy property and, above all things, of German property was, as is well known, one of the most important war measures which was taken against the commercial power of Germany. The act of October 6, 1917, relating to trading with the enemy gives the President the authority to appoint a custodian of enemy property. Mr. A. Mitchell Palmer was in fact called to this duty, and we also know that he had at once entered on the execution of the sequestrations on a large scale. We have, however, thus far been extremely uninformed as to the manner in which the sequestration is carried out, upon what principles it is conducted, and what in fact is done with German property. Consequently our authorities could not give information that was in any wise comprehensive to the many questions which were put by German firms and private individuals who, being interested in the custody of wholly legal interests in America, were made uneasy by lack of information. This is now changed. The custodian of enemy property has under date of February 22, 1919, made an exhaustive report to the President of his activities. A copy of this report has come to hand. A partial translation is herewith given German publicity.

"In the translation and printing decided weight was laid on greatest possible speed. With this haste and the difficulties which were met during the printing, owing to the many strikes, it follows that inaccuracies of language must be taken into the bargain. Should any of those interested find anything ambiguous, which only can be cleared up through the original, they may direct definite questions to the Foreign Office (with the addition, A. H. Berlin W. S. Wilhelmstrasse 67a). The original text is at hand in only one copy at present, therefore can not be given out. In answering, a knowledge of this translation will be taken for granted.

"The voluminous work consists in a general, descriptive part and a statistical part. In the general part those passages in which the author concerns himself with a representation of German conditions are for the most part omitted. So far as they are correct they contain nothing new. To a great extent they give information which shows a very far-reaching lack of knowledge of German conditions and manifold—intentional or unintentional—misrepresentations. But for practical purposes, for which naturally the translation can only be followed, they come into consideration only in slight measure. The statements which are necessary for an understanding of the whole proceedings are of course taken up here.

"The tables in the second part are given in the original text. Any translation here where it concerns for the greater part technical expressions would lead to confusing misunderstanding. The expert who has had dealings with America will more easily get the facts in the original than in a translation. The special table of contents makes it easy for every reader to find the part which concerns him. Beyond the direct practical significance which the report certainly has throughout for German interests there is a second page as to its value. Hatefulness and injustice speaks in its representations such as in the war even our opponents who would deny us a belief in common human objectivity did not have its equal. In the translation we must, of course, refrain from taking a position with regard to the enumerable obliquities and falsehoods. A few remarks, however, are proper here to place Mr. Palmer's acts in the right light.

"The fact that the greater part of German property in North America was liquidated and had already before the treaty of peace been sold to purely American interests, Mr. Palmer justifies on the ground that German authorities had previously acted in similar fashion toward American property. But, as a matter of fact, Mr. Palmer must have known, as it was frequently reported to America through neutral channels, that although the German Government allowed itself to resort to reciprocal regulations after gaining information of American measures, that in fact during the whole war no American private or company property was liquidated. The Imperial Government officially put this in conformity to the facts on gaining knowledge of the Palmer report.

"The real motive of the Palmer proceedings comes to expression where this 'custodian' of enemy property declared it to be his task 'to gain hold of and destroy the German industrial army on American soil.' It is significant of the spirit of the whole report that Palmer speaks of an industrial army. But when he declares that the most important German investment in North America had served for the production of war material, and then as proof of this astonishing assumption presents a list of firms which, according to his own statement, principally produce magnetos for motors, woolen cloth for women's clothes, chemical articles such as dyes and farmers' pharmaceutical preparations, surgical instruments, and similar 'necessities of war,' one plainly sees how foundationless is his suspicion. We might assume that war sentiment had not so far suppressed his American readers' power of judgment that they should not recognize the unsoundness of his accusations.

"In another paragraph the report says 'when it is remembered that Germany's hopes for the future laid in the industrial conquest of this continent—a conquest which Germany believed in the year 1914 it was near to—then one may easily recognize * * *.' As proof of this remarkable assumption it is brought forward that the value of German ownership as it appeared on the books of the Palmer administration amounted to an estimated value of $326,855,090.39, the proceeds of 17,339 sequestrations. Besides this the number of undertakings intrusted to him for Germany, Austria-Hungary, Bulgaria, and Turkey, all in all, is given at 32,296. Mr. Palmer hopes to obtain therefrom, all told, $700,000,000. That is to say, the highest sum that is estimated for the undertakings of the Central Powers does not reach one-half the value of a single American industrial company such as the United States Steel Corporation and does not approach 1 per cent of the aggregate value of American industry. The report may therefore be doing American enterprise an injustice when he, in face of such a proportion, rises to the expression, 'the development of industry, commerce, and science in this country, which was oppressed and throttled by the attitude of German industrial interests, will now have a free hand.'

"Protest must also be made that the report puts down certain business customs which are common to international big capital and which, particularly in the United States, have been for decades the subject of extended discussions and the cause of legislative measures, as a specialty of German big industry and wholesale business groups. It is then not an accident that in all the world the American expression is used and trust methods are spoken of. The report also overlooks the grounds which lead to the establishment of German industrial plants in America. It was North American custom laws with their known high-tariff provisions which led American interests to call on their German friends—in like measure, of course, on the English and French groups—to erect factories in the United States under the protection of the North American tariff laws. They used to particularly emphasize that the German interests would thereby meet American wishes. This is borne out by the fact that a regular rivalry arose between States and communities where such plants might come in question, free land was offered for the factories, and many other facilities were assured.

"There was never any thought then that foreign capital should forthwith beconfe nationalized, as the report now demands; as also English and French capital has not nationalized itself. A reproach, therefore, from this connection does not lie against our German interest.

"On the other hand, it was a self-understood precaution when in the first years of the war, as the United States had not declared war on Germany, that German property should in a large measure be transferred to Americans. The thought that the United States in the progress of German success would finally enter the war did not lie so far off that every cautious German business man should not seek to protect himself from this danger while there was time. The sale was then so much the more the proper method, since thereby, according to all rules, the war profits still to be gained would be realized.

"Finally, let us call special attention to the fact that the report evidently supposes a reciprocal ultimate regulation of the profit derived from the confiscated property. This, therefore, is the reason for demanding the liquidation of alien property; it should supply the amounts that would satisfy the claims rendered by the citizens of that country against the foreign country.

"How far the measures of the Alien Property Custodian are within the law in individual cases is still left undecided. A number of confiscatory cases have been, according to the report, brought before the courts, and it remains to be seen whether or not the American Supreme Court would declare this procedure as unconstitutional. According to news dispatches, the movement of appealing to courts is growing, since many American citizens are interested in these German-American enterprises and are contesting the legality of this dispossession—executed outside of the regular public-court procedures—as being against the Constitution.

"That the administration of alien property is considered not without suspicion in the United States herself is evident in the action taken by the Senate because of the resolution presented last February by Senators FRELINGHUYSEN and CALDER, demanding an investigation of the Alien Property Custodian because of misappropriation and favoritism. So far as is here known, the Senate also has refused to appoint Mr. Palmer as Attorney General. It remains to be seen whether this investigation would not lead to a just inquiry into the management of the alien property and to a fairer judgment of German measures."

Mr. UNDERWOOD. What I say and what has been my position all the time—and I do not say this in any way as reflecting on the sentiments or the position of Senators on this floor who want this investigation, for I know that it is no reflection on them—is that the action of the Senate is misleading to the German mind. It makes German interests believe that there may be an open door for them to break through and get this fund. If there ever was a righteous act done, it was taking this money away from the German junker classes, who were promoting unrighteous war against this country.

Mr. LODGE. Of course, to that we all agree, but we want to preserve the fund for our countrymen.

Mr. UNDERWOOD. If that is so, why should we not follow the suggestion? This does not come from Mr. Palmer. Mr. Palmer did not want an investigation by interests that were adverse; but that is provided for in the amendments I have sent to the desk. So far as he is personally concerned, I know he has no objection to the investigation; I think the investigation would show vastly to his credit; but what I have in mind is that the written records of the Senate show that lawyers representing German interests amounting to millions of dollars have been before the Senate and will continue to be before Congress in an effort to get back this fund into German hands and take it away as a trust fund for the payment of American claims. I do not think any more just or American act was ever performed by Congress than when we hit the junker class of Germany by taking their property away. All I want is to see an organized committee of the Senate that will look into the facts, make a primary investigation of the facts in this case, and then report those facts to the Senate, if we are to have an investigation of facts, under which we may determine whether or not the investigation should lie, and not merely proceed on the theory of somebody outside that some things have been done which need investigation.

Mr. BORAH. Mr. President, I will make a single suggestion, and then I will yield the floor.

The Senator from Nebraska [Mr. HITCHCOCK] has stated that unless the treaty is ratified the Germans will have the right possibly to get at this fund. I am a little at a loss to understand how that is true, unless there have been invalid and illegal acts upon the part of the Alien Property Custodian. We had a perfect right to enact the alien-property-custodian law; we have a perfect right to do all that we did or that was authorized to be done under that act. If that which was done under the act was in accordance with the act, and if the act was administered according to law, there is nothing to validate, and the treaty could not add anything by its so-called validation. The treaty can only protect the situation and can only protect the Alien Property Custodian or protect the fund by validating something which has been invalid.

Mr. HITCHCOCK. Mr. President, I think the Senator from Idaho, if he investigates the question, will come to the directly opposite conclusion, and that he will conclude that the representatives of the United States were very wise when they incorporated in the treaty an agreement by Germany under which she validates the act of Congress and the action of the Alien Property Custodian. In the absence of fraud, those acts are absolutely valid. That stipulation was made for this reason: Germany had asserted before the peace commission a claim that the treaty of 1828 with Prussia was in force. That treaty revived certain provisions of the treaty of 1798; and those two treaties together were intended to operate in case of war between the United States and Germany. They provided that any national of Germany in the United States or any citizen of Germany having property in the United States should have that property protected in the event of war and should be permitted nine months, if he were a resident of the United States, in which to sell his property and leave the country, and that the property of her nationals was to be sacred from seizure.

Mr. BORAH. But, Mr. President, the act of Congress would repeal the treaty.

Mr. HITCHCOCK. The treaty was intended to exist during war.

Mr. BORAH. Precisely; but——

Mr. HITCHCOCK. And Congress could not violate that treaty——

Mr. BORAH. Oh, yes, it could; that is, could abrogate it.

Mr. HITCHCOCK. Without laying itself open to a claim by Germany which Germany could assert any time in the future. That claim is barred only by the provisions of the treaty.

Now, Mr. President, that was considered highly important at the time because it not only involved $750,000,000 which we have realized or are to realize from the sale of this property, but it made it possible to guarantee the payment out of this fund of certain claims which America must protect. There are claims amounting to $45,000,000 for damages which American citizens suffered while the United States was neutral; they are to be protected out of this fund. There is something in the neighborhood of $250,000,000 worth of American property in Germany which can not be safeguarded unless this fund is used for that purpose. There is also the indebtedness of German citizens to American citizens of an unknown amount, but which undoubtedly runs into a large figure. All of those claims are to be paid out of the proceeds of the liquidation of the property of German nationals in this country; and Germany assumes under the treaty to reimburse her nationals and guarantee that they shall have no claim against the United States for anything except in the case of fraud in the administration of the act. The Senator certainly does not think that the United States commissioners made a mistake in putting those clauses into the German treaty which thus validate the act of Congress, wipe out the old treaties of 1828 and 1798, and validate all of the acts of the Alien Property Custodian.

Mr. BORAH. I do not say that they made a mistake necessarily. I say, however, that when we declared war against Germany, by reason of that act we had a perfect right to pass the alien property custodian act, and in so far as that act conflicted with the provisions of the treaty with Prussia and with Germany it abrogated those treaties.

Mr. HITCHCOCK. But the Senator will realize that those treaties——

The PRESIDENT pro tempore. Senators will address the Chair. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I yield.

Mr. HITCHCOCK. The Senator will realize that those treaties were treaties intended to operate in case of war. They were not treaties that were killed by a declaration of war; they were reciprocal treaties, and they specifically provided that for nine months after the United States went to war with Germany they should be in effect and German nationals should be permitted to save their property. We disregarded that. Why? Because we believed we were going to beat Germany and because we were going to get in the treaty of peace a validation of our act.

Mr. BORAH. We had a perfect right to disregard the provisions of the treaty; and Germany could derive no benefit whatever by reason of the fact that Congress saw fit to do so.

Mr. HITCHCOCK. Does the Senator question the fact that if it were not for those provisions of the treaty of peace Germany would have an enormous claim to be asserted against the United States?

Mr. BORAH. I do question it.

Mr. HITCHCOCK. Which would probably lead to animosity and possibly ultimately lead to war.

Mr. BORAH. Animosity does not cut any figure; we can not control that; but I challenge the proposition that Germany would have any claim whatever if the alien property custodian law was executed according to its terms. We had a perfect right to pass it; we had a perfect right to execute it, and if the Alien Property Custodian performed his duties under the law and in accordance with the law there was no necessity for a validation of his acts.

Mr. HITCHCOCK. The Senator will understand that I am not here to argue that Germany is correct in her position.

Mr. BORAH. Oh, yes; I see.

Mr. HITCHCOCK. I am not here to argue that Germany was correct when she said the treaty of 1828 is still in force and that that perpetuates the treaty of 1798; but I say that the question is largely a legal question; it is a question of international law. When two countries make a treaty and agree that if they should go to war their nationals will be protected it is a question that may be asserted any time in the future unless it is wiped out by a treaty agreement, and it can not be wiped out in this instance unless the treaty is ratified.

Mr. WALSH of Montana. Mr. President——

Mr. BORAH. I yield to the Senator from Montana.

Mr. WALSH of Montana. There can be no doubt at all about the position taken by the Senator from Idaho that the alien property custodian act and the trading-with-the-enemy act are valid acts of Congress, the treaty of 1828 to the contrary notwithstanding; that is to say, that the courts of the United

States will recognize the acts of Congress as, one might say, abrogating the treaty; but of course the Senator would not contend that in an international forum of any kind the United States would be considered as escaping from its obligations under the treaty of 1828 because it passed such an act as the trading-with-the-enemy act. The power of Congress to abrogate a treaty by act of Congress is simply local in its operation; it does not affect the validity of the treaty when it is brought under consideration in an international forum; otherwise a treaty would have no significance at all, because either party could repeal it at will without any responsibility whatever and without being answerable.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New Mexico.

Mr. JONES of Washington. Mr. President, I wish to say just a word, so that my position will be plain. I am against the passage of the pending resolution. I think that Congress is making a very great mistake in trying to carry on investigations of this character. It is a waste of the people's money compared with what is accomplished. We would better spend our time as Senators in considering legislation instead of spending a lot of money and using our time trying to find something wrong with various administrative matters in connection with the prosecution of the war.

I doubt not that a great many mistakes have been made; I doubt not that there has been wrongdoing in many cases; there may have been collusion, and there may have been corruption; but no committee of Congress will ever find it out. If the committee would employ attorneys and accountants and prepare its case like a prosecuting attorney would prepare it, we might get somewhere, but my observation has been that these investigations have never convicted anybody of wrongdoing.

Mr. CALDER. Mr. President, I will say to the Senator that the resolution provides for the employment of counsel. I will further inquire of him, How does he expect to ascertain whether collusion or corruption exists in this department without some investigation of this character? There is no other way of finding out.

Mr. JONES of Washington. It may be true that the resolution provides for these things; but there are no Senators here who really have the time from their other duties to carry on an investigation of this kind as it ought to be carried on if it is to be made. We can not get quorums out to committee meetings now to consider important legislation that is urgent, and that ought to be passed promptly. Why? Not because Senators are neglecting their duties, but simply because they have so many committee meetings to attend and so many hearings with reference to legislation to attend that they can not attend all of them and some must be neglected.

I feel that the people of the country are not looking with very much patience upon the investigations that Congress is carrying on. They know that mistakes have been made in the conduct of the war. They know that there may have been waste and there may have been something criminal. It was natural, and was to be expected. They are expecting Congress, however, to look to the future, and to give its attention more to legislation to solve the problems that are confronting us, rather than giving its time to things that are past and that can not be remedied.

Mr. President, that is my view generally with reference to investigations by Congress at this time as to things in the past. Furthermore, I do not believe we ought to pass this resolution until it has been acted upon by a committee of the Senate that has jurisdiction over the subject matter. It will involve the expenditure of thousands and possibly hundreds of thousands of dollars. Attorneys and accountants are to be employed, as should be done if any such investigation is to be entered upon. Before entering upon such an investigation the Senate should have the recommendation of some committee that it believes, and has reason to believe from the showing made, that there ought to be an investigation, and that we are justified in spending this money for such purpose. I do not understand that the Committee to Audit and Control the Contingent Expenses of the Senate looks into these things. It does not go into the merits of the question, and for that reason alone I shall vote to refer the matter to the Committee on the Judiciary, because that committee has partially gone into it.

This legislation, as the Senator from New York suggested a while ago, came from the Committee on Commerce, and I am inclined to think that that would be the proper place for a resolution of this sort to go; but I do not want it to go to that committee. It would not come out of the committee with my consent unless a strong prima facie need for an investigation is shown A motion has been made to refer it to the Judiciary Committee, and I shall vote for that motion if I have the opportunity.

Mr. NELSON. Mr. President, there is a good deal of force in what the Senator from Washington has just said. We were all surprised at the reports that were made in reference to the airplane program of the War Department. We had an investigation, and at the head of it was Justice Hughes; and what was the result of it? Can anyone point to any effective results from that investigation—and that was probably as thorough an investigation as any?

I am opposed to the reference of this resolution to the Committee on the Judiciary, but for a reason different from all others. The nomination of Attorney General Palmer came before the Judiciary Committee. It was referred to a subcommittee of five, of which the senior Senator from Vermont [Mr. DILLINGHAM] was the head. That committee gave careful hearings and attention to the subject, and came to the conclusion unanimously that there was nothing in reference to the conduct of Mr. Palmer that justified the rejection of his nomination. I do not believe that this investigation will result in any good. In nearly every case where there was a disposal of alien property Mr. Palmer had a board of appraisers appointed and accepted their judgment.

The most that can possibly be shown against Mr. Palmer is the fact that in the matter of employing attorneys and other agents he favored his own friends and members of his own party; and while, according to the highest ethical principles that may not be entirely justified, yet in these days of partisan politics, from which we can not, however much we would like to, entirely disarm ourselves, it is to be expected that in such matters a man is likely to favor his political friends.

Being convinced—and I am unwilling to take the time of the Senate further—first of all that nothing serious can be discovered in this investigation, and being of the opinion that aside from the mere favoring of political friends in the matter of attorneyship and fees, Mr. Palmer has been entirely innocent, and that no good can be accomplished by this investigation, I therefore shall be very glad not to have this resolution go to the Judiciary Committee; and if I acted according to my own judgment I should move that the resolution be indefinitely postponed.

Mr. WADSWORTH. Mr. President, will the Senator yield a moment?

Mr. NELSON. Certainly.

Mr. WADSWORTH. Did I understand the Senator to say that, in his judgment, the Alien Property Custodian had used his office for political purposes?

Mr. NELSON. I understand that he has used it as a good many other good citizens do in the matter of appointments to places; they look to their own friends and party affiliations. I do not think even the Senator from New York himself, in his political career, can say that he has not favored his political friends instead of his political enemies.

Mr. WADSWORTH. The "Senator from New York" is not submitting himself to cross-examination; but the "Senator from New York" may remind the Senator from Minnesota that the office which Mr. Palmer held was that of a trustee for the people of the United States in time of war, which, to my mind, puts an entirely different color on this whole question; and I was interested to hear the Senator from Minnesota intimate, at least, that the Judiciary Committee had reached the conclusion that the Alien Property Custodian had used the office for politics in time of war.

Mr. NELSON. No; the committee did not reach that conclusion. That is my individual opinion.

Mr. WADSWORTH. I make that correction.

Mr. NELSON. The subcommittee never reached that conclusion, and I have not reached it. I have only said that, in my opinion, that is the utmost that can be proved against Mr. Palmer. It is not my opinion, even, that there is much in that.

Mr. UNDERWOOD. Mr. President, will the Senator yield to me?

Mr. NELSON. I yield to the Senator.

Mr. UNDERWOOD. If the Senator will allow me, I wish to renew what he has just said, that the committee reached no such conclusion in its findings; but, more than that, while of course Mr. Palmer appointed some Democrats and some Republicans, a majority of the members of the important boards on valuation were leading Republicans. He did not appoint them for that reason. More than that, some of the most important lawyers who had charge of this matter were Republicans. For instance, Mr. Bradley Palmer, who wrote the clauses in the treaty of peace, and represented the Alien Property Custodian in Paris, not only is a distinguished lawyer and a distinguished Republican of Boston, Mass., but I myself sat on the Judiciary Committee of the House with his father, representing a Pennsylvania district as a Republican. So I think if you will only investigate the matter you will find that outside of

those who are holding minor offices—and I can not speak as to those, because I do not know—when it comes to the leading men in this organization, there were as many Republicans as there were Democrats.

Mr. LODGE. Mr. President, if the Senator will allow me——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Massachusetts?

Mr. NELSON. Yes.

Mr. LODGE. Since the Senator has mentioned the name of Mr. Bradley Palmer, and he is a citizen of my State, there is no question of his standing at the bar or his standing as a man. It is the very highest; and to the best of my knowledge and belief—and I think it is good—he is a Republican.

Mr. CALDER. Mr. President, will the Senator yield for a moment?

Mr. NELSON. Yes.

Mr. CALDER. I want to respond to what the Senator from Alabama has said about the committee having charge of the supervision of sales. He stated that the majority of that committee were Republicans. The other day in discussing this subject he referred to one of them, a citizen of New York, Judge Ingraham, as being a Republican. I would inform the Senator from Alabama that Judge Ingraham was elected repeatedly to judicial office by Tammany Hall. He is a lifelong Democrat, and was a member of Tammany Hall. I will further say, if the Senator will permit me, that while many Republicans served in places of importance in the Alien Property Custodian's office, the men who got the emoluments and profits out of this office were largely Democrats.

Mr. UNDERWOOD. I should like to ask the Senator who got emoluments out of this? Most of the men that I know of that were employed by the Alien Property Custodian, outside of clerks, were working for a dollar a year, as a patriotic duty. Of course the clerks got their clerical pay, but I am talking about the leading men. I do not know who they were that got the emoluments in the employ of the Alien Property Custodian. If I recollect right, the Alien Property Custodian himself, a distinguished lawyer, now the Attorney General of the United States, a man of eminent ability, performed his services in handling a $750,000,000 trust fund at a salary of $5,000 a year. I do not see where there is any basis for a charge against him in that connection; and his was the highest salary paid.

Mr. CALDER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from New York?

Mr. NELSON. I yield.

Mr. CALDER. An investigation may demonstrate that large fees were not paid directly by the Alien Property Custodian; but it is charged that these excessive fees were paid in many cases out of the funds of enemy-owned corporations, with the knowledge and consent of the Alien Property Custodian, before these funds were turned over to him.

Mr. UNDERWOOD. Mr. President, I can deny that, and I do not want the record here to mislead. I will say to the Senator, as I know he does not know, but I do, that the Committee on Appropriations of the House called on Mr. Palmer for a statement as to what was paid in the way of fees in this matter. The largest fee that was paid was $25,000, in a very large case, with a volume 2 inches thick of what the lawyer, a New York lawyer, had to do. The next largest fee, as I recollect it, was $15,000. Those were the large fees paid, in very large matters. In the bulk of the thousands of cases in which lawyers were involved they worked for a dollar a year, or a nominal compensation, and if you should average the fees that were paid them they would not be as much as the pages on this floor are paid.

It is not a question for investigation by a committee of the Senate. You do not have to investigate it. If you go to the Committee on Appropriations of the House of Representatives, you can find it there; and there has been in the possession of that committee for months a complete report of every dollar that was paid. There was some little criticism of one fee of $25,000 until the enormous amount of work that was done in the matter was shown. That is not a question of investigation. It is a fact. If you do not want to go to the House, you can go to the Alien Property Custodian's office.

Mr. NELSON. Mr. President, I want to pour a little oil on the troubled waters. If the Senate wants to investigate the compensation paid, there is a better gold mine in investigating the Railroad Administration, where $50,000, $75,000, and $100,000 a year are paid. If compensation is a question to be investigated, we had better turn to the Railroad Administration.

Mr. BORAH. Mr. President, the Senator says that $50,000, $75,000, and $100,000 a year were paid. To whom were such payments made?

Mr. NELSON. To the men who run our railroads under the Government.

Mr. BORAH. Does the Senator mean the attorneys, or that the money was paid to somebody who held an office under the Government?

Mr. NELSON. Somebody to whom they gave the name of managers—big men, who were picked out, men whose bigness consists in the almighty dollar that you put into their pockets.

Mr. SMITH of Georgia. Mr. President, if the Senator from Minnesota will allow me, the figure actually paid was large enough, but I think the Senator is mistaken in stating the salaries to be beyond $50,000. There were several paid $50,000 a year, several paid $45,000, and so on down, as has appeared from a report made to Congress. That is enough. I was not excusing so large a figure, but I was sure the Senator would not carry it beyond that if he were advised he was mistaken.

Mr. NELSON. Perhaps I went a little too high. [Laughter.] But, Mr. President, what I wanted to say—and I wanted to say it to Senators in all seriousness—is that Mr. Palmer had a great task to perform, and he had to work through many instrumentalities. He had to take in the range of the entire country. I know from little matters that happened in my own State how some of the German interests took pains to cover up their tracks. I think he deserves, on the whole, great credit for his work in ferreting out German interests in this country and disposing of them and putting them into the hands of the Federal Government. There were instances in which he took over industries and changed them from being industries in the hands of Germans into American industries engaged in the work of production for the necessities of the war.

I am unwilling, Mr. President, to take up the time of the Senate more than to say it is my own opinion, from the investigation that took place before the Judiciary Committee, that no case can be made against Mr. Palmer, and there is no occasion for this investigation.

I regret to say, and, after all, I do not regret it, that I am unable to wrap myself up in a party political spirit in a matter of this kind. I look upon it from the standpoint of the ordinary American citizen. Mr. Palmer had a great task to perform; he performed it, in my opinion, as carefully and prudently as a man could under the circumstances. In all instances where he took possession of property and had to sell it he was careful, as he was in those cases that our committee investigated, to have a board of independent appraisers appraise the property, and he would act according to their judgment. What more could a man do?

Mr. President, I can see no good to be accomplished by this proposed investigation, and were it not for the fact that I do not want to hurt the feelings of my good friend from New York [Mr. CALDER], I should move to indefinitely postpone the resolution.

Mr. FRELINGHUYSEN. Mr. President, I did not intend to speak upon this question, but inasmuch as my name has been mentioned in an article which has been inserted in the RECORD in reference to the resolution which I introduced at a previous session of Congress, I feel that I ought to explain my position upon it.

I objected to the nomination of Mr. Palmer, and presented certain statements and criticisms to a subcommittee, and asked that they be investigated. I made no charges. I simply thought that the subcommittee should investigate the statements and criticisms which had been made to me.

The committee unanimously approved the nomination of Mr. Palmer, and he was confirmed. Therefore the question of Mr. Palmer's fitness for office has nothing to do with this resolution. That is a closed question. The question before the Senate is whether Senators care to investigate the Alien Property Custodian's office, which was intrusted with the trusteeship of $700,000,000 worth of industrial property and private trusts during the war. The disposition of the funds under the custody of Mr. Palmer is left with Congress. Is it not a matter of interest to Congress, and have they not a right to know, and is it not our duty to find out how those funds have been administered?

An investigation by a subcommittee of the Judiciary Committee has been spoken of. The subcommittee were not investigating the Alien Property Custodian's office. They were making an inquiry into the fitness of Mr. Palmer to be Attorney General. While I have no criticism to make against that subcommittee, there was no difference of opinion, except that I felt, and I still feel, that witnesses should have been called to prove or disprove the statements made before the subcommittee by Mr. Palmer and those who were criticizing him. However, the subcommittee felt, and I submitted to their judg-

ment, that it was not necessary to subpœna witnesses, or that it did not come within their power and scope.

Great business interests have been seized in this country and have been sold, and American interests are involved, because in many of those industries there were American stockholders, and there are criticisms from American citizens against the administration of the Alien Property Custodian's office, and it is our duty to investigate and ascertain whether the American interests have been conserved. I am not interested in German interests; I care nothing for them; but I do care whether Mr. Palmer, in his trusteeship and administration of his office, in any way injured American interests.

There is further information that Congress ought to have, and that is on the question of the formation of the Chemical Foundation. Mr. Palmer took all the German patents in his hands and sold them to a corporation. That corporation which he formed was headed by Mr. Garvan, who is now the Alien Property Custodian. Directors were appointed consisting of the board of advisers and appraisers which Mr. Palmer had appointed in New York. No one knows what those patents are worth, but they are worth more than the $250,000 for which they were sold to this private corporation founded at Mr. Palmer's instance. It is true that these officers receive no emolument, but they have control of all these patents and have the licensing power. Before an industry in this country can use or procure from that foundation permission to use those patents it must go before that corporation and procure a license to use them.

I do not know whether that policy is a good one or not, but, as a Senator, I want to know why those powers are conferred on a private corporation and whether industries in my State are being discriminated against or not. Notwithstanding the arguments which have been made here to prove that this investigation is unnecessary, I say where a man has been intrusted with the custodianship of a billion dollars it is the duty of Congress to know how that trusteeship has been administered.

Mr. JONES of New Mexico and Mr. POMERENE addressed the Chair.

The PRESIDENT pro tempore. The Senator from New Mexico.

Mr. JONES of New Mexico. Mr. President, if the Senator from Ohio desires to submit any remarks upon this question, I will yield to him.

Mr. POMERENE. Mr. President, I wish merely to make one suggestion. I am just as jealous of the record of this Government and of its officials as anyone can be. There has been a pretty full investigation of Mr. Palmer's official record, and now another investigation is asked for. It so happens that Mr. Palmer is now the Attorney General of the United States, and he is weighted down with the responsibilities of that great office. It is enough to tax his talents and take all his time to perform the duties there. If now he is to be called before the Judiciary Committee of the Senate or some other committee which may be investigating his official acts, it is going to take his time and attention away from his present official duties, in order that he may guard his own reputation against assaults which will be made upon him by German citizens, as well as others. I feel just this way about it: If the Judiciary Committee will come in here and say that in their judgment there ought to be an investigation, I will vote for it; but until the Judiciary Committee, or some other committee, says there should be an investigation, I shall not vote for it.

I simply wanted to make that perfectly clear. I think there is something due to Mr. Palmer in his present position.

The PRESIDENT pro tempore. The question is upon the motion of the Senator from New Mexico [Mr. JONES].

Mr. JONES of New Mexico. I ask for the yeas and nays.

Mr. LODGE. Mr. President, I have waited patiently to present some morning business. It is now too late to present it. I do not want to hold back any longer the chief business that should be before the Senate. I move that the Senate proceed to the consideration of executive business in open session.

Mr. NORRIS. Mr. President, will the Senator from Massachusetts yield?

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. LODGE. I yield.

POSTMASTER GENERAL AND CIVIL SERVICE COMMISSION.

Mr. NORRIS. Like the Senator, I had some morning business to submit. I have a Senate resolution that I wanted to introduce and have go over under the rule. I should like to have it read, and give notice that to-morrow, as soon as the routine morning business is disposed of, I shall address the Senate on it, and ask the Senate to make some disposition of it. If the Senator would yield, I should like to introduce the resolution and have it read.

The PRESIDENT pro tempore. Will the Senator from Massachusetts withhold his motion?

Mr. LODGE. I yield for that purpose.

Mr. NORRIS. I ask that the resolution which I send to the desk be read, and I wish to give notice that to-morrow, or at least within the next few days, if I can get recognition after the routine morning business, I shall address the Senate on the subject of the resolution and ask the Senate to make some disposition of it.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The resolution (S. Res. 186) was read, as follows:

Whereas it is currently reported in the public press that the Postmaster General has been actively engaged in interfering with the work of the Civil Service Commission in relation to the examination and certification by said commission of eligibles from which postmasters are to be selected, and is attempting to control said examinations and certifications with a view of securing partisan political appointments to such places; and

Whereas it is also reported that in carrying out such plan, the President has demanded the resignation of certain members of the Civil Service Commission; and

Whereas one of said commissioners in resigning his place has issued a public statement in which the foregoing facts are, in substance, charged: Therefore be it

Resolved, That the Committee on Civil Service and Retrenchment be, and they are hereby, instructed to investigate such charges and reports and report to the Senate, first, whether the Postmaster General has used the power of his office to control the action of the Civil Service Commission in such examinations and certifications, and, second, if the committee finds that the Postmaster General is guilty of such charges, then was such action on the part of the Postmaster General taken with the consent and the knowledge of the President of the United States.

The PRESIDENT pro tempore. The resolution will go over under the rule.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. I renew my motion to proceed to the consideration of the German treaty in open executive session.

The motion was agreed to, and the Senate resumed the consideration of the treaty in open executive session.

Mr. WADSWORTH obtained the floor.

Mr. LODGE. If the Senator from New York will yield to me for a moment before he begins to speak, I ask to have read a news dispatch from the Washington Star of yesterday evening.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The Secretary will read.

The Secretary read as follows:

[From the Washington (Evening) Star of Sept. 18, 1919.]

"MINERS VOTE DOWN LEAGUE APPROVAL—WHOLE SUBJECT TABLED AT CONVENTION—THEATRICAL WAVING OF BRITISH FLAG.

"CLEVELAND, OHIO, *September 18.*

"The convention of the United Mine Workers of America to-day voted down a resolution indorsing the league of nations and calling upon the Senate to ratify it without amendment and without further delay. The convention by a large majority then voted to table the entire subject, including motions against the adoption of the league of nations as now constituted.

"The debate showed a wide range of opinion for and against, indicating that the miners were sharply divided on this question. The motion to table the subject was carried largely on the argument that the peace treaty had now become a political issue on which a labor convention should not be called upon to take action.

"RESOLUTION AROUSES.

"The resolution precipitating the discussion, which was drafted by Secretary-treasurer William Green, of the international organization, and recommended for adoption by the committee on resolutions, declared for immediate ratification without amendment, in order to bring about the speedy establishment of normal conditions.

"It described the league covenant as purposing the settlement of disputes between nations by conciliation and arbitration rather than by force of arms and the ultimate disarmament of the nations of the world and as the first step forward in the direction of universal peace.

"Its advocates, all of whom admitted defects and weaknesses in the covenant and treaty as drafted, defended it on these grounds. Opposition speakers raised against it arguments based upon the larger voting power of Great Britain in the league, failing to provide independence and self-determination for Ireland and India, and the Shantung settlement. Critics of the 'imperialistic policy of the British Empire' and of the 'recognition and perpetuation of the autocratic power of the crowned heads of Europe' were numerous and were vigorously applauded.

"WAVES FLAG THEATRICALLY.

"Delegate Greathouse, of Flemington, W. Va., brought about a theatrical moment by mounting the stage with the British and American flags in his hands and crying out that though he favored a league of nations he would never vote to put the Union Jack above the Stars and Stripes by giving the British Empire seven votes to one for the United States in the league.

"Robert Harlin, president of the Washington State miners' organization, who recently returned from consultations with English labor leaders, argued that Great Britain was on the eve of the inauguration of a labor government, from whose hands Ireland and India had nothing to fear, and that seats in the league for Canada, Australia, and New Zealand meant not extra votes for an imperialist policy of the British Empire, but votes for really independent, democratic States, whose ideals were in thorough harmony with those of the United States.

"Duncan MacDonald, secretary of the Illinois Federation of Labor, hoped that the convention would not give support to a proposition which had now become political and for which, he declared, a fund of $100,000 was now being raised among 'Wall Street millionaires,' and opposed the league in its present form as one not composed of representative men and women of the nations of the world, but an alliance dominated by monarchial governments of the Old World.

"The United States had but a single vote in its councils, and under such a condition, he asked, what chance had the United States of securing the adoption of measures in which it was interested against the votes of these powers, when a unanimous vote on practically all questions was provided for. His view that the league covenant and the treaty of peace required amendment before acceptance by the United States was supported by other speakers during the debate, which occupied almost the entire morning session.

"A resolution to transfer the international headquarters of the United Mine Workers of America from Indianapolis to Cleveland was voted down."

Mr. WADSWORTH. Mr. President, the question before the Senate is of such tremendous importance that one is staggered at confronting it. As we shall decide it, so shall the destinies of generations of Americans yet unborn be guided and controlled. When one attempts to analyze and comprehend the ramifications and possibilities of the proposal laid before the Senate, one feels small and at a loss as to how to proceed.

The proposal is bigger than any man. It is bigger than any party. It is not, however, bigger than the Government of the United States, for the Government of the United States is the representative and agent of the people of the United States, and unless our institutions have already proved a failure anything that is bigger than the Government is bigger than the people. To that doctrine as enunciated by the President in a recent speech I can not subscribe. Nor can I pursue a discussion of this topic in what has become the conventional way. To my mind there is no room for epithets or invectives. I do not intend to condemn any man or group of men for thinking differently than I do, but merely to assume the right, as a Senator of the United States, to express my convictions and to do my best to perform the duties which the Constitution of this great Republic imposes upon me as a Senator.

As the discussion has proceeded thus far, it would seem to me that a good many of the proponents of the covenant of the league of nations, as now presented, have forgotten that this American people is not as other peoples are. Its proponents seem to overlook some exceedingly important differences existing between the American people in their composition and all other peoples of the earth. I would not insist, Mr. President, that the ideals of the American people are better than the ideals of any other people. It would be unseemly thus to boast. Nor would I boast that the intelligence of the American people is higher than the intelligence of any other people. It is not necessary to conduct a discussion upon that plane.

But I do insist that the ideals and methods of thought of the American people are different from the ideals and the methods of thought of every other people, and they are different because of the peculiar composition of this people and its position geographically.

When we won our independence as a result of the War of the Revolution our people were made up largely of immigrants or the descendants of immigrants who came from England, Scotland, Ireland, Holland, Germany, and France—from France especially the group known as the French Huguenots. They were a composite people even at that early day. The first group who came to this country came here seeking religious liberty, if I recollect history correctly, and they were followed as time went on by other and larger groups seeking political liberty; and they in turn were followed by other and still larger groups, as the years went by, seeking economic opportunity. But our make-up, even 130 years ago, was the result of immigration from five or six countries, and the population over which the Government of the United States was established in 1789, and of which Washington was President, contained several different nationalities and peoples of different racial origin. Since that time we have received upon our shores an ever-increasing number of people coming from Europe, and even from parts of Asia. To the English, the Scotch, the Irish, the Dutch, the Germans, and the French, who in a large measure composed the Revolutionary population, we have had added to our numbers vast aggregations of Hungarians, Austrians, Poles, Russians, Greeks, Syrians, Armenians, Roumanians, Bulgarians, Portuguese, Serbians, and people from other nations that I shall not take the time to endeavor to recollect. The wonder of it all has been that for 130 years these groups of people of widely different racial origin and widely different nationality, with all the prejudices which go with nationality, have been able to live side by side in the United States in peace and happiness. Very few statesmen of the Old World have understood how we have done it; and, as a matter of fact, Senators will recollect, I have no doubt, that prior to our entrance into the German war and for the first few months after our entrance into that conflict the alleged savants and scholars of Germany predicted the complete breakdown of this country because, not understanding our institutions and our peculiar national psychology, they figured that the people of the United States were not and could not be a united people owing to this variety in their origin. Few people abroad comprehend what this means, and I fear, Mr. President, that a great many people in the United States are to-day forgetting what it means. It is this phase of the subject which I wish to emphasize for a few moments before the Senate, because I regard it as vital. If we do not understand it, if we do not comprehend the meaning of our institutions and the secret of our success here, great composite people as we are, we are apt to endanger the future happiness of this Nation which has been hailed by other peoples as the hope of the world.

I can not pose as a student of history to the extent which would justify me in attempting to read the thoughts of George Washington, but I do think I know enough about the history of this country and his utterances and the atmosphere in which he lived to warrant the belief that Washington looked toward the future when he made his Farewell Address and saw coming to the shores of America all these different groups, and that the thing which concerned him most of all, and which concerned his contemporaries, Jefferson among them, was the prospect that these great groups of people coming to the United States would find themselves unable to weld themselves together into one American people. He knew they could not be welded together in one great American people unless they exercised unceasing vigilance against the injection of European politics into American domestic politics. The country from his day to this day has managed to assimilate this tremendous tide of immigration, because as fast as these people have reached our shores and have started in to earn their living and to pursue their happiness, they have found an atmosphere removed completely and entirely from the intrigues and the turmoils of the countries from which they came. The result has been that the Greeks and the Bulgarians have lived here side by side in peace; the Englishman and the Irishman have lived here side by side in peace, as have the German and the Frenchman, the Austrian and the Hungarian, the Pole and the Russian, not forgetting the affection which they naturally owe to their mother countries, but conscious of the fact that they have reached a country where they are free from those prejudices, intrigues, and turmoils, and where men, no matter what their national or racial origin, could start out free and endowed with the opportunity of working out their own salvation as American citizens and American citizens first. So they have forgotten the politics, the intrigues, and the frictions of the Old World; and by reason of their being able to forget them this American people is a united people to-day. I think Washington saw that; I think Washington hoped and prayed that we would maintain that atmosphere here in the United States and would keep our politics free from European issues.

Some may not consider this an important side of the discussion now going on, but with those who are disposed to pass it by casually I can not agree. Already we see the effects in this country of the proposals contained in the covenant of the league and the treaty; already we see the effects of the partial participation in which this Government of ours has indulged in European frictions and disputes. Some examples of it have come to my personal attention, and it was these incidents which opened my eyes for the first time to the importance of the situation.

Senators will remember that the President of the United States, while he was in Paris, issued a public statement to the Italian people, for, as I recollect, his statement was addressed to them, and in a sense was addressed to them over the heads of the Italian Government, in which he declared it as his opinion—and necessarily his opinion was deemed to represent the opinion of the Government of the United States, he being the head of the Government—that the city of Fiume should be awarded to Jugo-Slavia and not to Italy. Within eight days of the publication of the President's statement in Paris on that question my mail was filled with letters and petitions and circulars from Italian-born citizens of the United States urging me, as a Member of the Senate, to use what influence I had—and, of course, it was next to nothing, although they did not know that, apparently—as a Member of the Congress to see that the Government of the United States took sides with Italy as against Jugo-Slavia. In other words, European politics appeared in American politics. It was entirely natural that these Italian-born American citizens should have addressed me in that way; it was the most natural thing in the world; but it was the first clear sign coming to my attention of what this internationalism may mean in America. They addressed me and probably addressed other Senators. They saw our Government taking part in the settlement of the frictions and disputes of Europe. They were American citizens, and very naturally they exercised the right of petition to Congress or to Members of Congress to influence our Government in settling the dispute in favor of the mother country—in this case Italy.

I have heard from delegations of Lithuanians, who, in the same way, seeing the Government of the United States about to cast a deciding vote, perhaps, as to whether there shall be a Lithuania independent of Russia or independent of Poland; they have written me, as they have doubtless written other Senators, using their political influence—and in an entirely legitimate way, mind you—in the body politic of America to have the Government of the United States settle a dispute in Europe in a certain way. I could relate many instances of the same kind, Mr. President.

I do not decry the spirit of the citizens who have written me or who have petitioned me in that way. I can well understand it. They are entirely human in trying so to influence the Government of the United States; but as I contemplate the possibilities of the future, when, as I understand, the Government of the United States must take part, directly or indirectly, in the settlement of every dispute on earth—when I contemplate the possibilities of such a situation I wonder whether we can remain a united people upon this continent; I wonder whether it will not result in breaking us apart into groups of people, each gathered together in accordance with its national or racial origin, each intent upon using its political influence upon the Government at Washington in order that their ideas may be carried out in far-away Europe or far-away Asia.

We have had a tremendous task in this country in assimilating these people; and they are a splendid people who have come here. We have been fortunate, Mr. President, on account of our geographical position; fortunate, too, because we have avoided, up to this hour at least, permanent alliances which would inject us into the politics of Europe; and our very avoidance of the pitfalls which must necessarily exist in European and Asiatic politics accounts for our being an American people to-day with an allegiance to America first.

The Committee on Foreign Relations of the Senate have seen something of this same tendency. Delegations have come before the committee and urged the claims of far-away countries. I do not criticize the committee for a moment for permitting them to come. That is what we have got to do from now on if we take this covenant and this treaty as proposed. This is to be but the beginning, Mr. President. The Congresses of the future will find it absolutely impossible to close the doors against groups who seek to come before the committees and exercise their influence, not as American citizens first, but as American citizens anxious to control something in the politics of Europe. When you shall have that situation in the United States you will have poisoned the political life of this people.

Mr. President, as I recollect, from having read the treaty as carefully as I can, we are about to set up several new nations. This was inevitable, coming out of this great war, and I make no complaint against it; but I think it well for Senators to stop and think a moment and analyze, if we can, some of the possibilities of this situation. It was best expressed by Mr. Lloyd-George in a statement which he made to the House of Commons several months ago. He used this expression, as I recollect it: "We are Balkanizing central Europe"—in other words, that central Europe was being cut up into several comparatively small nations, and that the map of central Europe will take on somewhat the appearance of the old-time map of the Balkans.

Out of this war is emerging Poland, a restored and independent Poland, and we all rejoice at it; a restored and independent Bohemia, or Czechoslovakia, and we all rejoice at it; a separate Hungary; a separate Austria; a new Jugo-Slav State; a readjusted Greece; a readjusted Bulgaria; a readjusted Roumania. These readjustments, it is apparent, are not going on with that degree of smoothness for which we have hoped.

The Poles are now fighting, as I understand, upon three fronts. The Roumanians only the other day invaded Hungary and seized the capital of that country; and it may be of interest to note that they paid no attention whatsoever to the mandate of the allied council at Paris instructing them to retire from Budapest. This is an indication in part, at least, of the respect for international authority held by the Roumanians. The Serbians and the Greeks, in certain portions of territory lower down in the Balkans, are standing armed to the teeth, watching each other. The Jugo-Slavs and the Italians have already had open outbreaks in and about Fiume; and we find cause for thought in the dispatches which come to us during the last two or three days, describing how the poet D'Annunzio has seized the town of Fiume with a group of Italian soldiers who apparently have deserted their lawful commanders, and is defying even the Italian Government, holding Fiume against the world for Italy. The dispatches indicate even that the British and French military forces—of course, very small in number—have been compelled to leave Fiume, and that the allied council has turned over to Italy the job of straightening out that tangle—the first indication that this international organization has not entire confidence in its ability to settle the dispute aroused by the poet.

Mr. President, the frictions and the jealousies that exist between these groups of people and between these nations that I have enumerated are centuries old. In many of them they are inborn, inbred. We Americans may be impatient at the evidences of them, but we might just as well make up our minds that those prejudices and animosities are there; and for one I do not believe that the people of the United States can ever come to understand them. We have no method of reaching an understanding of that condition which has existed for so many centuries; and when we attempt to take the lion's share of the responsibility in drawing every boundary line which shall separate those nations, and in settling every dispute which may arise between them for all time to come—I would not object so much if it were only for a year or two, but for all time to come—when we consent to take the lion's share of that responsibility, it is wise for us to understand what we are doing.

That brings one inevitably to a discussion of article 10.

There have been a good many explanations of that article. There have been a great many efforts to assure people that it does not mean what it says; and I do not suppose that there has ever occurred, in a discussion of two sentences, so much quibbling and squirming and ducking as in connection with the two sentences of article 10. To my mind the President has settled it, and settled it right, as to its meaning. He said it constitutes a binding moral obligation. All the play in and around the meaning of the word "advise" amounts to nothing. The important thing is the first part of the first sentence, which reads:

> The members of the league undertake to respect and preserve.

"Undertake to respect and preserve!" the territorial integrity, and so forth.

And the important word in the second sentence is the word "obligation." Taking the two together, we are under an obligation, if we sign that contract, to respect and preserve the boundaries of all the members of the league.

I can not conceive that there is any other way by which we can approach the interpretation of that article. I do not believe the United States can afford to indulge in any mental reservations on this question. I do not believe we can afford to go into a contract of this sort, and subscribe to it just as it is written, unless we are fully determined to live up to it in spirit as well as in letter. The article describes this undertaking as an obligation; and if we are honest men, and if we are an honest Nation, we must carry out our obligation. It will not do to say that in the event of the executive council advising us to contribute so many troops or so many dollars for the suppression of a conflict somewhere upon the earth, we are left at liberty to decide whether we will contribute those troops or those dollars, for the instant you revise downward the suggestion of the executive council you are deserting the obligation; and if it shall be conceded that under such an obligation we have the moral right to revise those estimates downward, then every other nation will claim the same right, and article 10 will mean nothing. There will be no contribution

worthy of the name toward the preservation of the political independence and territorial integrity of the State that is attacked.

No, Senators; we must live up to this thing in the spirit in which it is written, conscious of the fact that when we sign it we are imposing upon the people of America, for all time to come, a sacred obligation.

How about the habit of mind of the men who drew article 10? Unlike some prominent people in this country, I can not consent to ignore all the lessons of history. History teaches us a great deal more than visions teach us, and history is full of lessons concerning human nature; and human nature has not changed visibly in the last five years, nor do I believe it will change in a great many, many years to come in any fundamental way. The human race is a restless race. Its very restlessness accounts for its progress in large degree. An ideal captures the imagination of a group of people living somewhere upon the earth. It may be a religious ideal, it may be a political ideal, it may be some form of philosophy; but, whatever it is, it captures the imagination of a group of people somewhere, who, inspired with that ideal—and incidentally not all of them are accurate and correct and good—but inspired with that ideal, good or bad, those people go out to gain converts or to put their ideals or their philosophies into practice. History is replete with instances of how those movements, starting from some tiny seed, grow and grow and grow until they become great factors in the lives of a multitude of people. Sometimes they result in a revolution or rebellion, sometimes in civil war, sometimes in what might be termed "wars of aggression"; sometimes they finally result in great migrations of people which sweep across the face of the earth, trampling over political boundaries, tearing down systems of government, upsetting thrones, and changing the political map of the world.

History should teach us that the mandates or decrees of kings or emperors or of congresses or of parliaments are utterly futile and helpless in preventing this restless human race indulging in these activities, indulging in these efforts to improve its life, indulging in these efforts to climb upon a higher plane of civilization, indulging in these efforts to find the true God. And any group of men in the year 1919 who think they can establish a status quo, and mark out a system of boundaries which shall not be disturbed without their consent, and which shall preserve the existing political system subject to their revision, are afflicted with the height of human folly. They are flying in the face of all human experience, and are assuming to themselves a wisdom and an infallibility that no group of human beings has ever possessed.

Mr. President, classical legends tell us about Ajax, who defied the lightning. The men who drew article 10 outrival Ajax.

I hope most sincerely, sir, that that reservation which has been suggested and recommended by the Foreign Relations Committee—reservation No. 2—which has already been printed in the RECORD, and which I shall not read, will be adopted by the Senate, for if it is not adopted and we sign this contract with article 10 in it as now proposed, the people of the United States for all time to come—for this document can not be amended nearly as easily as has been suggested, it taking the unanimous consent of the executive council to amend this covenant—will be under obligations, when the call comes, to send their soldiers and their money in a fruitless endeavor to maintain for an indefinite period the statu quo of 1919; and when we stop to think and comprehend what that means I do not see how we can escape the conclusion that the Americans of the future are in for a forlorn hope. No organization, national or international, can put such a strait-jacket upon mankind. It may be that many good people wish that a strait-jacket could be placed on mankind. The important thing to remember is that it can not be done, whether it were wise to do it or not; and I doubt the wisdom of it. It can not be done, and I do not want to see my country and her soldiers devoted to any such purpose; for I believe that it would bring upon us the hatreds and the jealousies of peoples whom we can not understand and whose troubles and problems we have no means of learning about, and at the same time would place upon our shoulders a burden of obligation which the American people never expected would be placed upon their shoulders when they declared war against Germany.

Reverting for a moment more, Mr. President, to the peculiar composition of the American people and the effect which some of the provisions of this covenant and treaty may have upon our internal concerns, I invite attention to the language of article 16:

> Should any member of the league resort to war in disregard of its covenants under articles 12, 13, and 15, it shall ipso facto be deemed to have committed an act of war against all other members of the league, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the league or not.

Mr. President, there are several possibilities in this situation which I think it wise for us to take under consideration.

It is not at all certain, it seems to me, that Greece and Bulgaria will be able to live side by side at peace for any great length of time. It is entirely possible, at least, that some day, smarting under some grievance or alleged grievance, Greece might attack Bulgaria. The instant she does so she has committed an act of war against every member of the league, including the United States, and under article 16 the nationals of the United States are forbidden to have any financial or personal intercourse with any national of Greece.

If we were a normal country, in the make-up of our population, that might not excite any discussion. But, as I said before, we are not normal in the make-up of our population. We have several hundred thousand Greek citizens in the United States. The men who wrote that article apparently forgot this situation, for I can not believe they would knowingly have attempted to impose it upon us. We have several hundred thousand Greek citizens residing in the United States, not as yet naturalized. If their mother country, Greece, goes to war against Bulgaria, no American citizen can buy anything of a Greek in the United States. He can have no financial intercourse with him. Every little store kept by a Greek in this country must be closed. No matter what his business, great or small, it must cease, for the United States has promised the world that none of her citizens shall do any business with a Greek under those circumstances. What is to become of them? Are they to be deprived of their means of livelihood? Presumably they must all be interned somewhere and fed and clothed.

I do not want to conjure up things that may seem of little importance, but when we are reading this document through, and reading it carefully, and trying to apply it to the peculiar conditions of America, let us remember what America is.

If Austria should attack Hungary some day, every Austrian in the United States would be ostracized immediately; or perhaps every Hungarian would be ostracized under article 16.

Mr. President, what would we do here? Will any man contend that the people of the United States, when once confronted with a practical situation of that sort, would tolerate it? I venture to say that the Federal Government that attempted by appropriate legislation to enforce the provisions of article 16 in a situation of that sort would find the gravest difficulty in enforcing the law.

I do not believe that you could get the American people, even under such a contract as this, with all the prestige of an international supergovernment back of it, to refuse to trade with the Greek delicatessen store next door; to refuse to have their shoes shined occasionally by the national of some country that has, it is alleged, broken this covenant.

One might go on and multiply the possibilities. It will not do to brush it aside casually and say, "That will never happen." Five or six years ago, Mr. President, we did not think we would ever be in a great war with a European power; but it happened. Even in December, 1914, when the war was something like four months old, only a few people suspected that we would ever be in it, and they were told that they were nervously excited. It is well, Senators, to get a little nervously excited sometimes when one views the possibilities of the future and to prepare ourselves against them; and when we view the possibilities of friction and ill feeling inherent in article 16 in its effect upon the people of the United States in their home life, in their home industries, in their home towns, I think we would better go a little slowly and make up our minds whether we want to sign a contract of that sort.

That argument could not apply to a country like France, where all the people are Frenchmen; it could not apply to the British Isles, where all the people are British; it could not apply to Germany, where all the people are German. But this country for many, many years to come will contain within its borders literally hundreds of thousands of foreigners who will live among us, whom we hope to educate to the best type of American citizenship; and I hope we will be permitted to continue in the greatest task of its kind the world has ever known, the Americanization of this great people.

Mr. President, reverting again to article 10, let me say that I have no love for war. War is organized destruction. It deluges

the world with grief; modern war results in the death of millions of people, not only soldiers, but women and children, and it would be a blessing for the world if some substantial thing could be achieved toward making war impossible, or at least highly improbable.

But the thoughtful man can not deny, Mr. President, that occasions arise in the histories of peoples where war is the only means by which a people can secure freedom, can rid itself of oppression.

The American people did that in 1776. I do not think that anyone will contend that that was a wicked war. France came to our assistance. In coming to our assistance she attacked the territorial integrity of the British Empire, and had article 10 been in existence in 1776, or the year in which France came to our assistance, all the nations of Europe would have combined against France and the colonists and there would have been no free America.

Twenty years is but a moment of time in the history of a race, or the history, for that matter, of a nation. Let us look back 20 years, or 21 years to be exact, to the year 1898. People of the United States for many years had seen a condition of affairs in Cuba which pulled and stretched at their heartstrings. I do not have to describe them. It is not at all necessary. Suffice it to say that when, in that year, the situation in the neighboring island became such as to convince the American people that something had to be done, that convinced them that the situation was intolerable, that it must be stopped, the United States went to war against Spain to free the Cuban people, 2,500,000 of them. Some people may think that that was a wicked thing to do. I do not. In doing so we attacked the territorial integrity of Spain, and had article 10 been in existence in the year 1898 forty-odd nations would have combined themselves against the United States. One has but to state it to understand the possibilities, to realize, of course, that Cuba would not have been free.

Mr. President, this is the supercovenant of this league. It has been so described in the Senate by many of its proponents. It is the article of the covenant under which, no man can tell when, no man can tell where, it is possible for the United States, with all of her resources and all her ideals, to be employed in the suppression of the aspirations of some people struggling for liberty. I do not like even the possibility of such a thing. Some may say, "Oh, that is remote; that will not happen." How do we know it will not happen? Can we search the future with such unerring accuracy as to tell whether or not some struggling nation may, in an effort to free itself, be compelled to attack another nation? I think in the debates that have already taken place upon the floor something has been said about the future of Korea and the future of Shantung. One need not indulge in prophecies about those two unfortunate Provinces. One need only measure the possibilities of that Far Eastern situation and remember that it is entirely possible for one of the great Far Eastern powers to attack another of the great Far Eastern powers in an endeavor to bring freedom to Korea or Shantung, and in the event of such a happening under article 10 the United States must come to the support of the power that is attacked.

Mr. President, there have been several other phases of the discussion that have been enlarged upon by Senators who have preceded me in a far more able manner than I can discuss them, and yet I beg the indulgence of the Senate while I mention the Monroe doctrine. Information has come to us very recently that in the original manuscript of the proposed league of nations no mention was made whatsoever of the Monroe doctrine. Apparently it was not considered as of sufficient importance to warrant specific preservation. In the first draft of the covenant of the league of nations which we had presented for our consideration, unofficially it is true, no mention was made of it except that it was contended that article 10 extended the Monroe doctrine all over the world. That contention has been abandoned by the proponents of the covenant, and now an effort is made to include the proviso known as article 21, which shall have the effect of preserving the Monroe doctrine. It reads:

> Nothing in this covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

I do not suppose there is any Member of this body who will contend the Monroe doctrine is a regional understanding. I have not yet heard it so contended. Whoever drafted this article, whatever group of men drafted this definition of the Monroe doctrine, either did not know what the Monroe doctrine was or cared nothing for it. It is not a regional understanding, and everybody knows it is not. The term "understanding" implies something that has been assented to or agreed to by two or more people or nations. No two nations have ever agreed upon the Monroe doctrine. The United States has never asked any other nation to agree upon it or to reach any understanding concerning it. It was not proclaimed primarily for the purpose of securing the maintenance of peace. It was proclaimed primarily for the protection of the people of the United States. It is the declaration of the people of the United States, and it is not a declaration from any other people. In the language of the day, it may be described as a "keep off the grass" sign. It is put forth by the United States and by no other country. Its primary purpose was to guard the future development of the people of the United States, to maintain a state of affairs under which they would be free from any threat of European powers who might gain a lodgment upon the Western Hemisphere. Its incidental effect has been, to a considerable degree, the maintenance of peace, for it has kept the European nations politically and militarily outside of the Western Hemisphere.

I rejoice that the Committee on Foreign Relations proposes an amendment or a reservation which preserves that doctrine explicitly, for that doctrine is the principal bulwark protecting the safety and the independence of the people of the United States. I shall never consent with my vote to have the meaning of that doctrine passed upon by a foreign body. I shall never consent to have it interpreted, as was suggested by some of the British members of the peace commission, by the league of nations. It has been a cause of wonder to me that during all this discussion the attempt has been made to get the American people to believe that the Monroe doctrine means nothing to them any more and that it is entirely safe to permit a foreign body to interpret it. I hope the Senate will stand by the Committee on Foreign Relations in preserving the traditional policy of the United States, the Monroe doctrine, behind which we have lived free and secure since 1823.

Mr. President, I have referred to this covenant in part as a supercovenant and as establishing a supergovernment. I have expressed my hope that something might be done to make war impossible or improbable, and that leads me to discuss another phase of this subject which I think is fundamental.

This document, as I read it, attempts to set up a government of men. This supergovernment is to be headed by an executive council of nine, and there is to be an assembly composed of delegations from all of the members of the league, each country to be entitled to three delegates. I regret that the problem was approached in any such way. I had hoped, as many other people had hoped, that rather than to attempt to erect a government of men an attempt would be made to create a government of law. To my mind, it is highly regrettable that the best of the world's minds could not have been summoned to Paris or to some other appropriate capital and have been charged with the task of writing a code of international law. For many, many years, Mr. President, the most intelligent and eminent statesmen of the world have hoped and prayed that international law might finally be written in such a form as to claim the adherence and the allegiance of the civilized nations of the earth. The last great attempt in that direction, if I understand the situation, occurred in 1907, when, at The Hague convention, several new provisions of what it was hoped would become and remain international law were adopted. Others were suggested, but they failed of approval. I have been tempted to believe ever since that those other suggestions failed of approval because Germany, one of the members of that convention, had something up her sleeve for 1914 and did not want any more international law. However, that was the last attempt, Mr. President.

It is a pity, sir, that the nations of the earth, through their best legal minds, have not had an opportunity thus far since the day of the armistice of consulting together and writing a code of international law, a code which would describe and fix, if such a thing is possible, the rights of nations, which would give definition to international crimes; which would set up a code under which every nation could and would know just what it was entitled to do and just what it was not entitled to do; a code under which all nations would agree as to what should constitute a crime amongst nations. If we could once secure the adoption of such a code of international law, which all could understand, which all could agree upon, we would do more toward securing the peace of the world than by the creation of an executive council of nine human beings. For, mind you, Mr. President, the nine men who are to sit upon the executive council are not going to be archangels; they are going to be human beings first, last, and all the time, subject to the prejudices and the frictions and the jealousies and the influ-

ences to which all human beings, especially those in public life, are subject. The pity is that those men are not to be guided by any principle of law laid down and accepted by the civilized nations.

My principal protest, Mr. President, against the spirit underlying this document is that it constitutes an attempt to impose a system of international government downward upon the peoples of the earth; that it does not constitute an attempt to start at the bottom and build up upon sure foundations of accepted principles a system of laws which all civilized nations can understand and to which all civilized nations could give their adherence. That day, Mr. President, will come. We are getting off with a bad start toward that goal with this covenant and with this treaty; but the day will surely come when the common sense of the peoples of the world will demand that, instead of starting at the top, statesmen of the world start at the bottom and build something that will endure. When they have built a system of that sort we shall have something to which all nations may cling and cling properly.

Mr. President, pending the time when international law shall be agreed upon and proclaimed—and I believe that accomplishment is possible and more than possible—what is the highest duty of America? Can we be of more benefit to mankind by signing a contract some of the provisions of which I have attempted to describe? Can we do more toward lifting up the downtrodden and spreading the reign of liberty over the face of the earth as a member of a combination such as is here suggested?

To my mind, sir, the most precious possession of the American people during the 132 years of their existence has been their freedom of choice as between right and wrong in international affairs; freedom to choose, freedom to decide what their duty is in this event, in that event, in the other event; freedom to judge and to analyze conditions as they arise according to their peculiar political genius, according to their peculiar ideals and habits of thought. During all the years we have maintained that freedom. It is now proposed that we surrender it and no longer exercise that freedom of choice. It is proposed that we surrender it to the extent of following the advice of a body made up eight-ninths of men who can not understand American institutions and American ideals.

It has been argued that we are to have one member in that board of nine and that he can protect us; but has the time come, Mr. President, when the people of the United States are ready to rely upon the judgment of one man, sitting at the capital of Switzerland, who, by his vote, may pledge the support of the people of the United States to an undertaking with which they are utterly unfamiliar? Has the time come when we are to transfer that freedom of choice from the people and their Representatives in the Congress and repose it in the one American delegate in the executive council?

It was stated here upon the floor of the Senate the other day that that delegate would be under the control of the Congress. How would he be under the control of the Congress? Necessarily, he will have to be appointed by the President, and he will be 4,000 miles away from the Congress, sitting with his colleagues as a member of this supergovernment and charged with the responsibility of voting "yes" or "no" to the proposals that come before that body. I do not believe that his presence there would constitute a protection to the people of the United States.

The time has not come, sir, when we can be of the best service to the world by delegating the great power of this people in that manner. I believe, as the Senator from Massachusetts [Mr. LODGE] expressed it the other day, that America is the best hope of mankind. I believe she is mankind's best hope through the lofty example she sets, an example that has drawn to her shores millions and millions of people seeking refuge, an example that has inspired other nations to try to attain the same political ideals and the same political institutions. Many a constitution, Mr. President, in greater or less degree has been modeled after the Constitution of the United States.

And so I say, it is the duty of the people of the United States to maintain their freedom of choice. We have heretofore exercised it in international affairs; we exercised it in 1898; we exercised it on April 6, 1917, when we chose to go to war against the German Empire. We did not have to go; we had not signed any contract to obey anybody or to follow anybody's advice; we could have stayed out had we so desired; but we chose to go and we did go, because we were free to go and free to choose; and so long, Mr. President, as the people of the United States are free to choose they will lead the peoples of the earth toward a higher and better life. [Applause in the galleries.]

Mr. NELSON. Mr. President, I propose briefly to discuss the Russian situation, and then briefly to point out the fact that the treaties entered into at the close of the Napoleonic wars and what transpired then have no bearing upon the present situation in connection with the pending treaty. I propose, further, to show how utterly unjust is the second reservation in the resolution reported by the majority of the Committee on Foreign Relations. First, I wish to say a few words about Russia.

Owing to the collapse of the Czar's government and of the so-called Kerensky government, Russia was unable to render the Allies and our country any substantial assistance after the United States declared war; yet she had been of wonderful help to the Allies and their cause in weakening and diminishing the fighting strength of both Germany and Austria before that time. The Senator from Pennsylvania [Mr. KNOX], in the speech which he recently made, described the wonderful war record of Russia in the following terms, which I beg leave to quote:

> But there is one power we miss in all this, the power which met the brunt of the German shock while the rest of the world got ready; the power that mobilized in the allied cause some 21,000,000 men; that lost—killed in action—2,500,000; that lost in other casualties 3,500,000, of whom 1,500,000 are absolute invalids and badly mutilated; that lost in prisoners 2,000,000, of whom half died in prison; a power whose armies at the beginning of February in 1917 numbered 14,000,000 men under arms; who fought during the war over a front of 3,500 miles, and who had there pitted against her one-third of the whole German Army, two-thirds of the whole Austrian Army, all of the Hungarian Army, and two-thirds of the whole Turkish Army; a power who took as prisoners of war 400,000 Germans, 300,000 Hungarians, 300,000 Turks, and 1,000,000 Austrians. I speak of poor, ever despot-ridden Russia. I have but said China enjoyed a unique position; but I spoke in haste. Russia, who raised three times as many men as we planned to raise as a maximum; Russia, whose losses if imposed on us would have made every home in this land a house of mourning; Russia, whose men in battle front, unarmed and unequipped, stopped the German onrush of cold steel with bare breasts and clenched fists, so saving us and Europe from slavery; Russia, whose people and rulers stood forefront, our friends, even in the hours of our sore and most threatening distress; this Russia, with this record, is mentioned in this treaty, but only with ominous words that presage her national destruction.

After the Bolshevik or Soviet government, by the help of German intrigues, German money, German officers, and German ordnance and ammunition, under the lead of Lenin and Trotski, had been inaugurated, Russia ceased to be a factor in the war. In fact, by the abandonment of the cause of the Allies, by the demoralization of her soldiers, and by entering into the treaty of Brest-Litovsk, Russia became not only of no help to the Allies but of great assistance to our enemies by releasing many German troops from the eastern front and permitting their transfer to the western front to engage in the great drive of March and April, 1918. So it may be fairly said that the Bolshevik government, under the lead of Lenin and Trotski, turned out in fact, though not technically, to be an ally and help of Germany.

It is well known that the government of Lenin and Trotski had its origin in violence, in murder, and in rapine, and that by inaugurating a reign of terror it has been enabled to maintain itself to a certain extent in certain portions of Russia. This government, such as it is, is of the most radical and socialistic character, verging in many instances on anarchism.

The Russian soldiers had become weary of the war from long, hard service and lack of supplies and ammunition. They returned home for rest. The great bulk of the Russian peasants are a quiet, uneducated, and inoffensive people. Owing to the character of these people, to the spirit in which the soldiers returned, and to the indirect assistance that German officers have rendered, the Bolshevik government has been enabled to maintain in certain localities a species of government, but it is a government maintaining itself by a system of terrorism and by appealing to the rabble with the most radical brand of socialism.

It is impossible for Russia again to become a great nation of law and order under such men and such a system of government as that of Lenin and Trotski. It may take some time, with outside help, for Russia to find herself and to be rid of this terrible incubus.

I am satisfied in my own mind that if the Allies had rendered the Russian people a little more effective assistance some six or eight months ago the government of Lenin and Trotski would long ago have ceased to exist. If there had been an army of 15,000 or 20,000 men at Archangel and Murmansk who could have gone down the railroad and united with Kolchak's army at Vologda, between the united forces they could have easily captured Petrograd; and if a similar force had been sent to the Crimea or southern Russia to aid the army of Denikine the Bolsheviki could have been easily expelled from the Ukraine and from Little and White Russia.

To my mind it would be a great act of mercy to aid the Russian people to shake off this Bolshevik government and to leave the Russian people free to elect a constituent assembly for the purpose of determining their own future. The Bolshevik government not only broke up the last constituent assembly, but it has also refused to make any provision for another such body of men.

Having seized power by force and terror, they seek to maintain themselves by such means. So far as the welfare of Russia is concerned, the course of the Bolshevik government is suicidal. It is a principle of criminal jurisprudence that—

Whoever is present actually or constructively encouraging the violent and illegal death of another is responsible for such death, even though it was voluntarily submitted to by the deceased. (1 Whart., sec. 575.)

While I do not claim that our Nation would be guilty to the same extent or in the same manner as in the case cited, yet I believe there is in this case a moral responsibility resting upon the Allies as well as upon our country to help the Russian people to be rid of this bloody terror.

Holding these views as I do, I have never been able to reconcile myself to the clamor that has existed in certain quarters in respect to maintaining troops in Russia. I think the American soldiers were rightfully there, and that it would have been wiser to have aided them to a greater extent in accomplishing the relief of Russia. It is true some of our soldiers who have been over in Russia are homesick and anxious to get home. That is the case with most soldiers when there is no fighting to do. As soon as the fighting was done in the Argonne in November, 1918, our soldiers were eager to get back, homesick, as it were. Still, no one can criticize our soldiers in Siberia for being homesick and anxious to return home. Yet I feel that the Allies have been guilty of unintentionally, perhaps, prolonging the sufferings of Russia.

In the meantime, while the conditions that are now prevailing in Russia continue to exist, Germany will have a great field for her political and commercial propaganda in that country. Ambassador Francis, in his statement before the committee investigating the Bolshevik system, stated that even before the war Germany had absorbed much of the commercial and industrial business of Russia; in fact, that in certain lines of industry she had secured a complete monopoly. With the Bolshevik government simply eager to maintain itself at any cost and by any methods and means, Germany, by acquiescing in these methods and system, will have a free hand to exploit Russia, and Russia will thus become to a large extent an adjunct, commercially and industrially, if not politically, of Germany.

It must be evident to everyone who has given the subject consideration and attention that it is utterly out of the question to establish and maintain a permanent government of law and order in Russia under the principles and methods and system of the Bolshevik government. The Russian people, before they can establish a free government of law and order, must first of all be rid of the Bolshevik crowd, and I believe it is the moral duty of the Allies to help the Russian people to be relieved from this terrible incubus.

The history of the past affords us a lesson on this point. France, in 1871, after the German invasion in the Franco-Prussian war, had an experience somewhat similar to that of Russia at the present time, though on a more limited scale. In March, 1871, after the Germans had captured the city of Paris in the so-called first siege and were still occupying a part of the city and its suburbs, the revolution of the so-called Commune, composed of ultrasocialists, radicals, and anarchists, broke out, resulting in horrible excesses of murder, bloodshed, and the destruction of life and property. The Commune were in control from the middle of March until near the end of May, 1871, and this period had been termed the second siege of Paris. Aside from its destructive and leveling character, the avowed aim of the Commune was to establish a government consisting of a federation of all the municipal communes in France, a plan somewhat similar to the Soviet system of the Bolsheviki government in Russia. The occupation of a part of Paris and its suburbs by German troops aided Marshal MacMahon, at the head of some French troops, finally to suppress the Commune and restore law and order to a war weary and exhausted France.

Russia to-day needs the same remedy—the suppression of the Bolsheviki—for its rehabilitation and the restoration of an orderly government based upon the will of a freely and duly elected constituent assembly.

Mr. President, in some of the debates that occurred some time ago, it was attempted to draw lessons in connection with the treaty pending before the Senate from the treaties that occurred at the close of the Napoleonic wars. It eemed to me at the time far-fetched, and I have taken occasion to look up those matters; and I shall ask the indulgence of the Senate while I call attention to those treaties.

The close of the Napoleonic wars resulted in a number of treaties. Among these may be mentioned the Treaty of Chaumont of March 1, 1814. Napoleon was then at bay, and was fast being driven over the boundaries into France, and the chief aim of the treaty was to provide for the vigorous prosecution of the war. With that end in view, the treaty provided that each of the four allied powers should provide and maintain a field army of 150,000 men. The treaty further provided that neither of them should make peace or a truce without the consent of the others, and that they would protect each other against future aggressions of France—the power, under the lead of Napoleon, against which they were then making war. Article 16 aimed "to maintain the equilibrium of Europe"—another name for "status quo"—"to secure the repose and independence of its States and to prevent the invasions which during so many years had desolated the world."

The next treaty of importance was the treaty of the so-called first peace of Paris of May 30, 1814. This was after Napoleon had been vanquished, forced to abdicate, and was about to be sent to the Island of Elba. While Napoleon was in power he had broken up many of the big and small States in Europe. Some he had annexed outright to France; others he had set up nominally as independent States, but really under the control and tutelage of France. The main purpose of this treaty was to relegate France to the boundaries of 1792, and to restore the States he had seized and annexed to the status they had occupied before being seized and annexed. The treaty also related to the restoration of other property which Napoleon had seized, as well as to the restoration by the Allies of the lands and property they had captured during the war. As is well known, Napoleon left the Island of Elba and returned to France in the spring of 1815 to resume the control of France and resume the war against his enemies. This resulted in the Treaty of Vienna of March 25, 1815. This was a treaty of offensive and defensive alliance against Napoleon, prescribing the force which each of the Allies must keep in. The preamble of the treaty outlines its purpose, and is as follows:

In the name of the most holy and undivided Trinity.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the Emperor of Austria, King of Hungary and of Bohemia, having taken into consideration the consequences which the invasion of France by Napoleon Bonaparte, and the actual situation of that Kingdom, may produce with respect to the safety of Europe, have resolved, in conjunction with His Majesty the Emperor of all the Russias and His Majesty the King of Prussia, to apply to that important circumstance the principles consecrated by the Treaty of Chaumont.

They have consequently resolved to renew, by a solemn treaty, signed separately by each of the four powers with each of the three others, the engagement to preserve against every attack the order of things so happily established in Europe and to determine upon the most effectual means of fulfilling that engagement, as well as of giving it all the extension of which the present circumstances so imperiously call for.

Napoleon having been defeated at Waterloo and sent to St. Helena, this resulted in the treaty of Paris of November 20, 1815. This treaty relegated France to her frontiers of 1790, and otherwise changed and modified her boundaries, prescribed the indemnities she was required to pay, provided for occupation of part of her territory as security for the indemnity, and provided for carrying out the treaty of Paris of May 30, 1814, and the treaty of the Congress of Vienna of June 9, 1815.

The Congress of Vienna was the final episode of the great Napoleonic wars. It was a gathering of sovereigns, absolute and autocratic. Napoleon had not only disrupted or destroyed many States of Europe, but he had bred a spirit of unrest among their downtrodden subjects. Aside from England, Norway, and Switzerland all the Governments of Europe were more or less absolute and autocratic. The people, even where they had aspirations for freer governments, were not qualified to inaugurate or maintain such governments. True, there was a spirit of unrest, an aftermath of the many and frequent wars, but it was crude in aspirations and prone to obtain results by more or less violence. It was to suppress such aspirations and such violence and to maintain intact the various dynasties of legitimacy, of which there were then many more, especially in Germany and Austria, than to-day. The suppression of Napoleon and the restoration of the status quo ante bellum was the chief aim of the sovereigns who sat around the peace table at Vienna. They feared the spirit of Napoleon and the revolutionary spirit of unrest prevailing among the people. The first, they caged at St. Helena; the other, they sought to smother with their drastic laws and huge armies.

There is nothing in any of these treaties to which I have referred that is akin to or suggestive of the league of nations as provided for in this treaty; and there is nothing in the facts or environment out of which those treaties arose which can in any wise guide us or instruct us in the consideration of the present emergency.

Potentates like Alexander of Russia, Francis I of Austria, and Frederick William of Prussia, together with such heartless and wily statesmen as Metternich and Talleyrand, should not be compared with Clemenceau, Lloyd-George, Woodrow Wilson, Sonnino, and Veniselos. As there is a vast difference between

these two classes of men so there is even greater difference in the task they performed and the work they wrought.

When we scan the entire scope of this treaty, the vast field it covered, and the difficult problems it had to meet, we can not help but admire the wisdom and skill of these men of the twentieth century, before whom the men of 1814 and 1815 pale into insignificance. These men of the past operated in a world of the past, entirely different from the world of to-day. They labored under two nightmares, fear of Napoleon and anxiety for the maintenance of the so-called dynastic legitimacy. To draw a lesson from these men and their work is a far more difficult task than trying to draw nitrate from the atmosphere.

The sovereigns of Austria, Prussia, and Russia, being still alarmed over the spirit of unrest which prevailed among their subjects and being anxious to establish their divine right as rulers, and to make their subjects believe that they were governed, or rather oppressed, under the principles of the Christian religion, on the 26th of September, 1815, entered into the so-called treaty of holy alliance. The preamble of this treaty reads as follows, and is the true key of the treaty:

IN THE NAME OF THE MOST HOLY AND INVISIBLE TRINITY.

Holy alliance of sovereigns of Austria, Prussia, and Russia. Their majesties the Emperor of Austria, the King of Prussia, and the Emperor of Russia, having, in consequence of the great events which have marked the course of the three last years in Europe, and especially of the blessings which it has pleased Divine Providence to shower down upon those States which place their confidence and their hope on it alone, acquired the intimate conviction of the necessity of settling the steps to be observed by the powers, in their reciprocal relations, upon the sublime truths which the holy religion of our Saviour teaches.

GOVERNMENT AND POLITICAL RELATIONS.

They solemnly declare that the present act has no other object than to publish, in the face of the world, their fixed resolution, both in the administration of their respective States, and in their political relations with every other Government, to take for their sole guide the precepts of that holy religion, namely, the precepts of justice, Christian charity, and peace, which, far from being applicable only to private concerns, must have an immediate influence on the councils of princes, and guide all their steps, as being the only means of consolidating human institutions and remedying their imperfections. In consequence, their majesties have agreed on the following articles.

The treaty purports to be an alliance between these sovereigns and the holy Christian religion and our Saviour. We who are familiar with the use made of this treaty by these sovereigns know that it was rather an alliance between the powers of evil and darkness. And the wickedness of it is the garb of hypocrisy under which it was carried on, under which millions of poor people were oppressed. Such a treaty, it seems to me, can be neither a guide nor a warning to us of to-day, nor can the other treaties to which I have referred, and the conditions out of which they arose, afford us any guide to the present treaty, its origin, or its purposes.

Let the dead past bury its dead!
Act, act in the living present!
Heart within and God o'erhead!

I now come to discuss the second reservation reported by the majority of the Committee on Foreign Relations.

ON THE TREATY AND COVENANT.

The Poles rendered the Allies, as well as our country, great assistance in the recent war. This assistance they gave by enlisting in large numbers in our own Army and by forming an independent Polish Corps to aid in the war, and also by large desertions to the Russians from the German and Austrian armies. They were promised their independence with one accord by our people. The President, in his speech of January 10, 1918, where he laid down the so-called 14 points, declared that Poland was entitled to her independence and should be restored.

The Czecho-Slovenes of Bohemia, Moravia, and Slovakia have also been of great assistance in the war. A large number enlisted in our armies and in the armies of the Allies; and a large number of them during the war deserted to the Russian forces, thereby greatly weakening the power of Germany and Austria. They have also rendered great service in keeping open the Siberian Railroad from Vladivostok to the Ural Mountains; that road which has been reconstructed and put in condition by American engineers under the lead of Mr. Stevens. These Czecho-Slovaks were encouraged to believe that they would secure the independence of their country for which they had long aspired, especially in view of the great help and service they rendered to the cause of the Allies in this war.

In pursuance of these services and these encouragements and promises, the treaty of peace provides for an independent Poland and an independent Czecho-Slovak State. Articles 81–86, both inclusive, of the treaty relate to the establishment of the Czecho-Slovak State. Articles 87 and 88, together with an annex of six paragraphs, and articles 89–93, both inclusive, relate to the establishment of the Polish Nation.

Our country, by adopting this treaty with the articles I have mentioned in it, in connection with our allies, practically aids, as far as it is possible to do so by treaty, in setting up these two countries to which I have referred as independent States; to my mind a most laudable and fully justified action in which our people and our country can well take pride.

Having participated in giving birth to these two States, it seems to me that it is the duty of our country—at least by its moral force and strength, as distinguished from mere physical or military force—to see to it that these new States continue to live. We can not, after ratifying the treaty, afford to have them die stillborn.

Our country has always had, and will continue to have, aside from its mere military power, a great moral influence and weight in the affairs of the world. When Grover Cleveland issued his Venezuela message to England, we had a very scant Army and not a very great fleet as compared with England; yet England acquiesced in the terms of that message. The moral strength of a great nation—our Nation—was such that this message could not be, and was not, ignored. No nation will to-day or hereafter stand ready to defy the sober opinion or earnest wishes of the United States. Our influence will be all the greater if not accompanied with a brandishing of swords or the threat of war.

The second reservation reported by the majority of the Committee on Foreign Relations is wholly oblivious of these principles and of this factor. I quote the reservation, which is as follows:

2. The United States declines to assume, under the provisions of article 10, or under any other article, any obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between other nations, members of the league or not, or to employ the military or naval forces of the United States in such controversies, or to adopt economic measures for the protection of any other country, whether a member of the league or not, against external aggression or for the purpose of coercing any other country or for the purpose of intervention in the internal conflicts or other controversies which may arise in any other country, and no mandate shall be accepted by the United States under article 22, part 1, of the treaty of peace with Germany, except by action of the Congress of the United States.

This reservation, it will be perceived, in its entirety throws overboard and scatters to the four winds by its disavowals the whole moral weight and influence of the United States. It not only does that, but it says to Poland and Czechoslovakia, "Although we have joined the Allies in giving you statehood, we are wholly indifferent to your future welfare. It is no concern of ours whether you live or perish as a State. It is true we have breathed a little life into you by this treaty, but having done that we wash our hands of the whole business. We have no further concern in your future well-being." This is akin to the poor, disconsolate, helpless mother who deposits in a basket her unfortunate offspring on the doorsteps of some person who she hopes will take care of the poor infant and then leaves it without a trace of herself.

So here you deposit the new States of Poland and Czechoslovakia on the doorsteps of Germany, Russia, Austria, and Hungary, and then you propose in cold blood by your reservation to leave them entirely in the power of those great nations. The poor mother has good reason to believe that her infant will fall into friendly hands. You know that your two political infants will not fall into friendly hands; that their lives will be in danger from the very start; and yet you aid in their paternity!

To be consistent, if you adopt the reservation I have quoted, you should reject the provisions of the treaty relating to Poland and Czechoslovakia. The course of the Senator from Pennsylvania [Mr. KNOX], whom I greatly admire and respect, is much more consistent than that proposed by the majority of the committee. At least, his plan does not involve the creation of two new States and their abandonment, helpless and without concern, among hostile neighbors and unfriendly surroundings. Why should these new States not be entitled to the moral support and influence of our country, to all the support that can be given them aside from the resort to war? Our country will have an immense and effective influence, if it exerts it, to restrain hostile action without going to war. These new States are entitled, by reason of their creation and by reason of the services their people rendered to the cause of the Allies, to all the help we can give them short of war to maintain their existence. We boast of our unselfishness in this war and, to a large extent, this is warranted. But would it not be the height of selfishness to set up these new States and then to declare that their future welfare did not concern us; that we did not care as to what happened to them or became of them?

Yet this is precisely what is done in the second reservation. Mark the following words:

The United States declines to assume * * * any obligation to preserve the territorial integrity or political independence of any other country—

And so forth.

What is this language but a notice to Germany, Austria, Hungary, and Russia that while we have joined with the Allies in establishing these two new States, their future existence and future welfare is no concern of ours. By the terms of the reservation we do not regard ourselves under "any obligation," not even morally or diplomatically, for "any other country," not even for the two infant States we have joined in creating. There could be no more complete disavowal of our total indifference to the future existence of these States.

Reserving to ourselves the right of making and declaring war, regardless of the league, would be an ample reservation, and would leave the door open for our country to exert its moral strength through diplomatic channels for preserving the outer integrity of these new States, and, above all, it would not proclaim to the world that we are wholly oblivious and indifferent to their continued existence as free and independent States. To my mind the danger of future war lurks in Germany. The same old spirit is there. The establishment and maintenance of these two new States will be one of the best curbs and brakes on the military autocracy of Germany, and, above all, it will prove a great blessing to the people of those new States, who have been so long oppressed.

Mr. President, while I can support the other reservations, this reservation in its present form I can not support.

In conclusion permit me, Mr. President, to say that while I can not exclaim, as a Senator did in his speech on the treaty a short time ago, that "I was born an American," I can at least claim that, like Nicodemus, I have long ago been born again as an American in soul and in spirit. I think I can honestly and truly claim that ever since I attained years of discretion I have aimed to be a good, loyal American, in war and in peace, and I leave to my fellow citizens to determine whether I have succeeded in this aim. [Applause in the galleries.]

Mr. HITCHCOCK. I ask that the Secretary may proceed with the reading of the treaty.

Mr. SMOOT. There are so few Senators present that I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Harris	Nelson	Smith, S. C.
Calder	Hitchcock	New	Smoot
Capper	Johnson, S. Dak.	Newberry	Spencer
Chamberlain	Jones, Wash.	Norris	Sterling
Cummins	Kellogg	Nugent	Swanson
Curtis	Kendrick	Page	Thomas
Dillingham	Kenyon	Phipps	Townsend
Elkins	Keyes	Pittman	Trammell
Fletcher	Kirby	Pomerene	Walsh, Mass.
Frelinghuysen	Lenroot	Reed	Warren
Gay	Lodge	Sheppard	Watson
Gronna	McCumber	Simmons	
Hale	McKellar	Smith, Ga.	
Harding	McNary	Smith, Md.	

Mr. McKELLAR. The Senator from Arizona [Mr. SMITH] and the Senator from Oklahoma [Mr. GORE] are detained from the Senate by illness. The Senator from New Mexico [Mr. JONES], the Senator from Louisiana [Mr. RANSDELL], the Senator from Nevada [Mr. HENDERSON], the Senator from Kentucky [Mr. BECKHAM], the Senator from Montana [Mr. WALSH], the Senator from California [Mr. PHELAN], and the Senator from Rhode Island [Mr. GERRY] are detained on official business. The Senator from South Carolina [Mr. DIAL], the Senator from Delaware [Mr. WOLCOTT], the Senator from Arkansas [Mr. ROBINSON], and the Senator from North Carolina [Mr. OVERMAN] are detained on official business.

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. There is a quorum present.

Mr. REED. Mr. President, I announced to the Senate a day or two ago that I should ask the privilege of addressing it this afternoon. I find that I am not ready to go on, and I give notice that I shall speak on the league of nations next Monday. I understand an agreement has been arrived at for adjournment until next Monday when we adjourn to-day.

Mr. LODGE. Before the reading of the treaty begins, I move that when the Senate adjourns it adjourn to meet on Monday next at 12 o'clock.

Mr. JONES of Washington. Mr. President, I do not like to see the Senate adjourn until Monday. I should like to see it proceed just as rapidly as possible with the treaty. It ought to be disposed of very soon. I am ready to vote on it now or at any time, but I know that on an important matter like this the Senate very frequently, out of consideration for Senators who are not prepared to speak or go on with the consideration of the measure, either adjourns over or lays aside the matter then before the Senate, and takes up other matters. I had expected something of this kind in connection with the treaty, and had hoped that if such a thing should happen the Senate could take up the water-power legislation until it might be ready to go on with the treaty.

I would not want to do anything to retard or delay action upon the peace treaty, but rather than adjourn over for a day I would like to see the Senate take up the water-power legislation. That is very important legislation and ought to be disposed of at an early date. The House bill has been reported and is now on the calendar. But some of the Senators who are interested in water-power legislation are not desirous of taking it up to-morrow and therefore I shall not insist upon the Senate doing so, and under those circumstances will not vote against the motion of the Senator from Massachusetts.

Mr. HITCHCOCK. Mr. President, I will say that a discussion of the matter of adjourning over until Monday developed the fact that it might really facilitate progress with the treaty. If we agree to that motion, I understand, it is expected that we will then proceed with the reading of the treaty to-night and make very substantial progress before the usual hour of adjournment.

Mr. LODGE. It is my intention to go on with the reading of the treaty and make substantial progress, as the Senator from Nebraska has said. I do not intend that the Senate shall adjourn over Saturdays; far from it; I mean to ask the Senate to remain in session, but a number of Senators are away. They took advantage of the two days' holiday, practically, and went away, two of them certainly on account of illness, and with the understanding that there would be no voting before next week. As no one seems ready to go on to-morrow, I did not think there would be any material progress made, and in deference to those Senators I have made the motion, which I hope will prevail.

Mr. LENROOT. Mr. President, I should like to say just a word with reference to the suggestion made by the Senator from Washington [Mr. JONES] regarding the water-power bill. Next to the peace treaty the water-power bill is the most important measure upon the Senate Calendar. I wish to say that I shall oppose, at any time that it may be proposed, the bringing up of that important bill until the peace treaty has been disposed of. I do not think that anything should intervene in the consideration of the peace treaty, and especially a bill of such importance ought not to be brought up before the treaty is disposed of.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to.

Mr. LODGE. I ask that the reading of the treaty may be proceeded with.

The PRESIDENT pro tempore. The Secretary will continue the reading of the treaty.

The Secretary resumed the reading at the top of page 21, in article 4, of part 1, of the treaty, and read as follows:

"The Council shall meet from time to time as occasion may require, and at least once a year, at the Seat of the League, or at such other place as may be decided upon.

"The Council may deal at its meetings with any matter within the sphere of action of the League or affecting the peace of the world.

"Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League.

"At meetings of the Council each Member of the League represented on the Council shall have one vote, and may have not more than one Representative.

"Article 5.

"Except where otherwise expressly provided in this Covenant or by the terms of the present Treaty, decisions at any meeting of the Assembly or of the Council shall require the agreement of all the Members of the League represented at the meeting.

"All matters of procedure at meetings of the Assembly or of the Council, including the appointment of Committees to investigate particular matters, shall be regulated by the Assembly or by the Council and may be decided by a majority of the Members of the League represented at the meeting.

"The first meeting of the Assembly and the first meeting of the Council shall be summoned by the President of the United States of America.

"Article 6.

"The permanent Secretariat shall be established at the Seat of the League. The Secretariat shall comprise a Secretary General and such secretaries and staff as may be required.

"The first Secretary General shall be the person named in the Annex; thereafter the Secretary General shall be appointed by the Council with the approval of the majority of the Assembly.

"The secretaries and staff of the Secretariat shall be appointed by the Secretary General with the approval of the Council.

"The Secretary General shall act in that capacity at all meetings of the Assembly and of the Council.

"The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.

"Article 7.

"The Seat of the League is established at Geneva.

"The Council may at any time decide that the Seat of the League shall be established elsewhere.

"All positions under or in connection with the League, including the Secretariat, shall be open equally to men and women.

"Representatives of the Members of the League and officials of the League when engaged on the business of the League shall enjoy diplomatic privileges and immunities.

"The buildings and other property occupied by the League or its officials or by Representatives attending its meetings shall be inviolable.

"Article 8.

"The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations.

"The Council, taking account of the geographical situation and circumstances of each State, shall formulate plans for such reduction for the consideration and action of the several Governments.

"Such plans shall be subject to reconsideration and revision at least every ten years.

"After these plans shall have been adopted by the several Governments, the limits of armaments therein fixed shall not be exceeded without the concurrence of the Council.

"The Members of the League agree that the manufacture by private enterprise of munitions and implements of war is open to grave objections. The Council shall advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those Members of the League which are not able to manufacture the munitions and implements of war necessary for their safety.

"The Members of the League undertake to interchange full and frank information as to the scale of their armaments, their military, naval, and air programmes and the condition of such of their industries as are adaptable to war-like purposes.

"Article 9.

"A permanent Commission shall be constituted to advise the Council on the execution of the provisions of Articles 1 and 8 and on military, naval, and air questions generally.

"Article 10.

"The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression the Council shall advise upon the means by which this obligation shall be fulfilled.

"Article 11.

"Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations. In case any such emergency should arise the Secretary General shall on the request of any Member of the League forthwith summon a meeting of the Council.

"It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.

"Article 12.

"The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council.

"In any case under this Article the award of the arbitrators shall be made within a reasonable time, and the report of the Council shall be made within six months after the submission of the dispute.

"Article 13.

"The Members of the League agree that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration and which can not be satisfactorily settled by diplomacy, they will submit the whole subject matter to arbitration.

"Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration.

"For the consideration of any such dispute the court of arbitration to which the case is referred shall be the Court agreed on by the parties to the dispute or stipulated in any convention existing between them.

"The Members of the League agree that they will carry out in full good faith any award that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award, the Council shall propose what steps should be taken to give effect thereto.

"Article 14.

"The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

"Article 15.

"If there should arise between Members of the League any dispute likely to lead to a rupture, which is not submitted to arbitration in accordance with article 13, the Members of the League agree that they will submit the matter to the Council. Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the Secretary General, who will make all necessary arrangements for a full investigation and consideration thereof.

"For this purpose the parties to the dispute will communicate to the Secretary General, as promptly as possible, statements of their case with all the relevant facts and papers, and the Council may forthwith direct the publication thereof.

"The Council shall endeavor to effect a settlement of the dispute, and if such efforts are successful a statement shall be made public giving such facts and explanations regarding the dispute and the terms of settlement thereof as the Council may deem appropriate.

"If the dispute is not thus settled, the Council either unanimously or by a majority vote shall make and publish a report containing a statement of the facts of the dispute and the recommendations which are deemed just and proper in regard thereto.

"Any Member of the League represented on the Council may make public a statement of the facts of the dispute and of its conclusions regarding the same.

"If a report by the Council is unanimously agreed to by the members thereof other than the Representatives of one or more of the parties to the dispute, the Members of the League agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.

"If the Council fails to reach a report which is unanimously agreed to by the members thereof, other than the Representatives of one or more of the parties to the dispute, the Members of the League reserve to themselves the right to take such action as they shall consider necessary for the maintenance of right and justice.

"If the dispute between the parties is claimed by one of them, and is found by the Council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the Council shall so report, and shall make no recommendation as to its settlement.

"The Council may in any case under this article refer the dispute to the Assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within 14 days after the submission of the dispute to the Council."

The next amendment of the Committee on Foreign Relations was, in article 8, on page 31, after line 8, to insert:

(2) Whenever the case referred to the assembly involves a dispute between one member of the league and another member whose self-governing dominions or colonies or parts of empire are also represented in the assembly, neither the disputant members nor any of their said dominions, colonies, or parts of empire shall have a vote upon any phase of the question.

Mr. LODGE. Amendment No. 2 is dependent upon and involved in the first amendment; and I ask that it be passed over temporarily, so that we may take up the two amendments together.

Mr. HITCHCOCK. It is to be passed over, I assume, under the same conditions that the other amendment was passed over.

Mr. LODGE. Yes; under the same conditions.

Mr. HITCHCOCK. That is satisfactory.

The PRESIDENT pro tempore. Without objection, the amendment will be temporarily passed over.

The Secretary resumed the reading, and read as follows:

"In any case referred to the Assembly, all the provisions of this Article and of Article 12 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the Representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the Representatives of the parties to the dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the Representatives of one or more of the parties to the dispute.

"Article 16.

"Should any Member of the League resort to war in disregard of its covenants under Articles 12, 13, and 15, it shall *ipso facto* be deemed to have committed an act of war against all other Members of the League, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-breaking State, and the prevention of all financial, commercial or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a Member of the League or not.

"It shall be the duty of the Council in such case to recommend to the several Governments concerned what effective military, naval or air force the Members of the League shall severally contribute to the armed forces to be used to protect the covenants of the League.

"The Members of the League agree, further, that they will mutually support one another in the financial and economic measures which are taken under this Article, in order to minimise the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will take the necessary steps to afford passage through their territory to the forces of any of the Members of the League which are co-operating to protect the covenants of the League.

"Any Member of the League which has violated any covenant of the League may be declared to be no longer a Member of the League by a vote of the Council concurred in by the Representatives of all the other Members of the League represented thereon.

"Article 17.

"In the event of a dispute between a Member of the League and a State which is not a Member of the League, or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of membership in the League for the purposes of such dispute, upon such conditions as the Council may deem just. If such invitation is accepted, the provisions of Articles 12 to 16 inclusive shall be applied with such modifications as may be deemed necessary by the Council.

"Upon such invitation being given the Council shall immediately institute an inquiry into the circumstances of the dispute and recommend such action as may seem best and most effectual in the circumstances.

"If a State so invited shall refuse to accept the obligations of membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the State taking such action.

"If both parties to the dispute when so invited refuse to accept the obligations of membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

"Article 18.

"Every treaty or international engagement entered into hereafter by any Member of the League shall be forthwith registered with the Secretariat and shall as soon as possible be published by it. No such treaty or international engagement shall be binding until so registered.

"Article 19.

"The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

"Article 20.

"The Members of the League severally agree that this Covenant is accepted as abrogating all obligations or understandings *inter se* which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

"In case any Member of the League shall, before becoming a Member of the League, have undertaken any obligations inconsistent with the terms of this Covenant, it shall be the duty of such Member to take immediate steps to procure its release from such obligations.

"Article 21.

"Nothing in this Covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

"Article 22.

"To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.

"The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

"The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

"Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory.

"Other peoples, especially those of Central Africa, are at such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience and religion, subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, the arms traffic and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defence of territory, and will also secure equal opportunities for the trade and commerce of other Members of the League.

"There are territories, such as South-West Africa and certain of the South Pacific Islands, which, owing to the sparseness of their population, or their small size, or their remoteness from the centres of civilisation, or their geographical contiguity to the territory of the Mandatory, and other circumstances, can be best administered under the laws of the Mandatory as integral portions of its territory, subject to the safeguards above mentioned in the interests of the indigenous population.

"In every case of mandate, the Mandatory shall render to the council an annual report in reference to the territory committed to its charge.

"The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

"A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

"Article 23.

"Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the Members of the League:

"(a) will endeavour to secure and maintain fair and humane conditions of labour for men, women, and children, both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organisations;

"(b) undertake to secure just treatment of the native inhabitants of territories under their control;

"(c) will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children, and the traffic in opium and other dangerous drugs;

"(d) will entrust the League with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest;

"(e) will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914–1918 shall be borne in mind;

"(f) will endeavour to take steps in matters of international concern for the prevention and control of disease.

"Article 24.

"There shall be placed under the direction of the League all international bureaux already established by general treaties if the parties to such treaties consent. All such international bureaux and all commissions for the regulation of matters of international interest hereafter constituted shall be placed under the direction of the League.

"In all matters of international interest which are regulated by general conventions but which are not placed under the control of international bureaux or commissions, the Secretariat of the League shall, subject to the consent of the Council and if desired by the parties, collect and distribute all relevant information and shall render any other assistance which may be necessary or desirable.

"The Council may include as part of the expenses of the Secretariat the expenses of any bureau or commission which is placed under the direction of the League.

Article 25.

"The Members of the League agree to encourage and promote the establishment and co-operation of duly authorised voluntary national Red Cross organizations, having as purposes the improvement of health, the prevention of disease and the mitigation of suffering throughout the world.

"Article 26.

"Amendments to this Covenant will take effect when ratified by the Members of the League whose Representatives compose the Council and by a majority of the Members of the League whose Representatives compose the Assembly.

"No such amendment shall bind any Member of the League which signifies its dissent therefrom, but in that case it shall cease to be a Member of the League.

"ANNEX.

"I. ORIGINAL MEMBERS OF THE LEAGUE OF NATIONS SIGNATORIES OF THE TREATY OF PEACE.

United States of America.
Belgium.
Bolivia.
Brazil.
British Empire.
Canada.
Australia.
South Africa.
New Zealand.
India.
China.
Cuba.
Ecuador.
France.
Greece.
Guatemala.
Haiti.
Hedjaz.
Honduras.
Italy.
Japan.
Liberia.
Nicaragua.
Panama.
Peru.
Poland.
Portugal.
Roumania.
Serb-Croat-Slovene State.
Siam.
Czecho-Slovakia.
Uruguay.

"STATES INVITED TO ACCEDE TO THE COVENANT.

Argentine Republic.
Chili.
Colombia.
Denmark.
Netherlands.
Norway.
Paraguay.
Persia.
Salvador.
Spain.
Sweden.
Switzerland.
Venezuela.

"II. FIRST SECRETARY GENERAL OF THE LEAGUE OF NATIONS.

"The Honourable Sir James Eric Drummond, K. C. M. G., C. B."

Mr. LODGE. Mr. President, that concludes the reading of part 1 of the treaty, covering the league of nations. I understand the Chair has some matters which ought to be laid before the Senate. I move that the Senate proceed to the consideration of legislative business for that purpose.

The motion was agreed to, and the Senate resumed legislative business.

GERMAN PROPAGANDA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the concurrent resolution of the Senate providing for the printing of 5,500 copies of the hearings and 10,000 copies of the report of the committee, entitled "Brewing and Liquor Interests and German Propaganda and Bolshevik Propaganda," which was to strike out all after the resolving clause and to insert:

That there be printed 2,500 additional copies of Senate Document No. 62, Sixty-sixth Congress, entitled "Brewing and Liquor Interests and German and Bolshevik Propaganda," of which 1,000 copies shall be for the use of the Senate, 1,000 copies for the use of the House of Representatives, and 500 copies for the use of the Senate Committee on the Judiciary.

Mr. NELSON. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

HOUSE BILL REFERRED.

H. R. 7632. An act to amend section 2 of an act entitled "An act to ratify, approve, and confirm sections 1, 2, and 3 of an act duly enacted by the Legislature of the Territory of Hawaii, relating to the board of harbor commissioners of the Territory, as herein amended, and amending the laws relating thereto," approved March 28, 1916, was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

TOWN OF PETERSBURG, ALASKA.

H. R. 7709. An act to authorize the incorporated town of Petersburg, Alaska, to issue bonds in any sum, not exceeding $75,000, for the purpose of constructing and installing a municipal electric light and power plant and for the construction of a public-school building, was read the first time by its title.

Mr. NEW. Mr. President, I ask unanimous consent for the immediate consideration of the bill, and I wish to make a very brief statement concerning it.

This bill is identical with the bill which the Senate passed only a few days ago, and I would like to have the House bill passed. The Senate bill has not yet been sent to the House, and upon the passage of this bill the Senate bill can be indefinitely postponed, and it will close up the whole matter.

I will state that, so far as the bill is concerned, it affects only the town of Petersburg, Alaska. That is a little town in the neighborhood of Juneau having about 150 voters. This whole matter was up before the people, was voted on there, and the vote was in favor of the bond issue by 145 to 4.

Mr. THOMAS. Let the bill be read, Mr. President.

Mr. SMOOT. Before it is read, I ask the Senator from Indiana—this being the same bill that was passed by the Senate on Tuesday, I think—whether, if it is referred to the Committee on Territories, the Senator can not immediately report it out and ask unanimous consent for its consideration?

Mr. NEW. Very well; let that course be adopted.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the incorporated town of Petersburg, Alaska, is hereby authorized and empowered to issue bonds in any sum, not exceeding $75,000, for the purpose of constructing and installing a municipal electric light and power plant, and for the construction of a public-school building.

SEC. 2. That before said bonds shall be issued a special election shall be ordered by the common council of the town of Petersburg, at which election the question of whether such bonds shall be issued shall be submitted to the qualified electors of said town of Petersburg whose names appear on the last assessment roll of said town for municipal taxation. Thirty days' notice of such election shall be given by publication thereof in a newspaper printed and published and of general circulation in said town before the day fixed for such election.

SEC. 3. That the registration for such election, the manner of conducting the same, and the canvass of the returns of said election shall be, as near as practicable, in accordance with the requirements of law in general or special elections in said municipality, and said bonds shall be issued only upon condition that a majority of the votes cast at such election in said town shall be in favor of issuing said bonds.

SEC. 4. That the bonds above specified, when authorized to be issued as hereinbefore provided, shall bear interest at a rate to be fixed by the common council of Petersburg, not to exceed 7 per cent per annum, payable semiannually, and shall not be sold for less than their par value with accrued interest, and shall be in denominations not exceeding $1,000 each, the principal to be due in 20 years from date thereof: *Provided, however*, That the common council of said town of Petersburg may reserve the right to pay off such bonds in their numerical order at the rate of $5,000 thereof per annum from and after the expiration of five years from their date. Principal and interest shall be payable in lawful money of the United States of America at the office of the town treasurer, or at such bank in the city of New York, in the State of New York, or such place as may be designated by the common council of the town of Petersburg, the place of payment to be mentioned in the bonds: *And provided further*, That each and every such

bond shall have the written signature of the mayor and clerk of said town of Petersburg, and also bear the seal of said town.

SEC. 5. That no part of the funds arising from the sale of said bonds shall be used for any purpose other than specified in this act. Said bonds shall be sold only in such amounts as the common council shall direct, and the proceeds thereof shall be disbursed for the purposes hereinbefore mentioned and under the order and direction of said common council from time to time as the same may be required for said purposes: *Provided*, That not to exceed $50,000 of the proceeds of the sale of said bonds shall be expended for the construction and installation of the electric light and power plant, and not to exceed $25,000 thereof shall be expended for the construction of the public-school building.

Mr. NEW. I ask that the bill be referred to the Committee on Territories.

The PRESIDENT pro tempore. Without objection it will be so referred.

Mr. NEW. As the Committee on Territories have acted upon the Senate bill, which is identical with the House bill, I report back the House bill from the committee favorably, with a request for its immediate consideration.

The PRESIDENT pro tempore. The Senator from Indiana asks unanimous consent for the present consideration of the bill which he has reported from the Committee on Territories.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, the vote by which Senate bill 2609, of like title and substance, was ordered to a third reading and passed will be reconsidered and the bill will be indefinitely postponed.

DEATH OF REPRESENTATIVE THOMPSON, OF OKLAHOMA.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, communicated to the Senate the intelligence of the death of Hon. JOSEPH B. THOMPSON, late a Representative from the State of Oklahoma, and transmitted resolutions of the House thereon.

Mr. SHEPPARD. Mr. President, I ask that the resolutions just received from the House of Representatives be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. JOSEPH B. THOMPSON, a Representative from the State of Oklahoma.

Resolved, That a committee of 17 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect this House do now adjourn.

Mr. SHEPPARD. Mr. President, in the absence of the Senators from Oklahoma, and at their request, it becomes my painful duty to announce the death of Hon. JOSEPH B. THOMPSON, late a Representative from the State of Oklahoma, yesterday afternoon on a train en route to this city.

He was a native of Texas, and in his adopted State, the State of Oklahoma, rose to the highest positions of trust and honor. At a future time an hour will be designated for eulogies on his life and character. For the present I offer the resolutions which I send to the desk.

The resolutions (S. Res. 187) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. JOSEPH B. THOMPSON, late a Representative from the State of Oklahoma.

Resolved, That a committee of 10 Senators be appointed by the Vice President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased Representative the Senate do now adjourn.

Under the second resolution, the President pro tempore appointed Mr. OWEN, Mr. GORE, Mr. CURTIS, Mr. SHEPPARD, Mr. FERNALD, Mr. ASHURST, Mr. SPENCER, Mr. MYERS, Mr. PHIPPS, and Mr. JONES of New Mexico as the committee on the part of the Senate.

Mr. SHEPPARD. Mr. President, as a further mark of respect to the memory of the deceased Representative, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until Monday, September 22, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *September 19, 1919.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Incline Thine ear, Father in Heaven, and hear our petition. Guide these, Thy servants in their deliberations that all their enactments may be in consonance with the eternal fitness of things.

The eyes of all our people are centered upon the National Congress that they may smooth away the rough places, bring harmony out of chaos, establish peace and justice to all classes and conditions of men, lead on to greater achievements and all that pertains to clean living, to pure government, under a Constitution which has served its purpose for a hundred and thirty-two years.

And now O Father, comfort us who are called upon to mourn the going of a Representative who has served faithfully his State and Nation for lo, these many years. Comfort us, his stricken wife and children, by the blessed hope of the immortality of the soul and praise be Thine through Him who died and lives to uphold and strengthen the sorrowing forever and aye. Amen.

The Journal of the proceedings of yesterday was read and approved.

PENSIONS.

Mr. FULLER of Illinois, from the Committee on Invalid Pensions, reported the bill (H. R. 9369) to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows, dependent parents, and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases, which, with the accompanying report, was referred to the Committee of the Whole House on the state of the Union and ordered printed.

CALL OF THE HOUSE.

Mr. TREADWAY. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. Evidently a quorum is not present.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Kansas moves a call of the House. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Anderson	Gard	McKenzie	Rose
Anthony	Garland	McKeown	Rouse
Ashbrook	Garrett	McKinley	Rowan
Baer	Godwin, N. C.	McLane	Rucker
Bankhead	Goldfogle	McLaughlin, Mich	Sabath
Benson	Goodall	McLaughlin, Nebr.	Sanders, Ind.
Bland, Ind.	Graham, Pa.	McPherson	Sanders, N. Y.
Britten	Greene, Vt.	MacGregor	Sanford
Burke	Hamill	Madden	Saunders, Va.
Butler	Hamilton	Magee	Schall
Caldwell	Hardy, Tex.	Maher	Scully
Cannon	Harrison	Major	Sears
Cantrill	Hastings	Mann	Sells
Carew	Haugen	Mansfield	Sherwood
Carter	Hawley	Mapes	Sims
Christopherson	Hays	Martin	Sisson
Classon	Heflin	Mason	Smith, N. Y.
Cole	Hill	Merritt	Snell
Cooper	Howard	Michener	Snyder
Copley	Hudspeth	Miller	Steagall
Costello	Hulings	Mondell	Steele
Crago	Hull, Iowa	Moon, Tenn.	Steenerson
Cramton	Humphreys	Moore, Ohio	Stephens, Ohio
Crisp	Husted	Moore, Pa.	Stiness
Cullen	Hutchinson	Morin	Sullivan
Curry, Calif.	Igoe	Mott	Taylor, Ark.
Dempsey	James	Mudd	Thomas
Denison	Johnson, S. Dak.	Neely	Tilson
Dent	Johnson, Wash.	Newton, Minn.	Tinkham
Dominick	Johnston, N. Y.	Nicholls, S. C.	Vare
Donovan	Jones, Pa.	Nichols, Mich.	Venable
Dooling	Kahn	Nolan	Vestal
Doremus	Kearns	O'Connell	Vinson
Dunn	Kelley, Mich.	Olney	Ward
Dupré	Kendall	Osborne	Wason
Eagan	Kennedy, Iowa	Paige	Watson, Pa.
Echols	Kennedy, R. I.	Parker	Webb
Ellsworth	Kettner	Pell	Webster
Emerson	Kiess	Peters	White, Me.
Esch	Kleczka	Phelan	Wilson, Ill.
Fields	Kreider	Purnell	Wilson, Pa.
Fisher	LaGuardia	Rainey, H. T.	Winslow
Fitzgerald	Lea, Calif.	Rainey, J. W.	Wise
Flood	Lesher	Randall, Wis.	Wood, Ind.
Focht	Linthicum	Reed, N. Y.	Woodyard
Frear	Longworth	Riddick	Wright
Fuller, Mass.	McArthur	Riordan	
Gallivan	McClintic	Robinson, N. C.	
Gandy	McCulloch	Rogers	

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

LEAVE TO SIT DURING SESSIONS.

Mr. PLATT. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency or any subcommittee thereof may have permission to sit during the sessions of the House.

The SPEAKER. The gentleman from New York asks unanimous consent that the Committee on Banking and Currency or any subcommittee thereof may have permission to sit during the sessions of the House. Is there objection?

There was no objection.

ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION.

The SPEAKER. Under a special order of the House, the gentleman from Iowa [Mr. TOWNER] is recognized for 40 minutes. [Applause.]

CONSTITUTIONAL GOVERNMENT.

Mr. TOWNER. Mr. Speaker and gentlemen of the House, by your favor I was accorded the honor of addressing you on the anniversary of the adoption of the Constitution September 17. As it most fortunately happened that the reception to Gen. Pershing and the returning soldiers was arranged for that day, I very gladly deferred my address until to-day.

It was a happy coincidence that brought that reception at the Nation's Capital on the anniversary of the adoption of the Constitution. It was to preserve the Nation, born under that Constitution, and to vindicate its principles, that we sent that magnificent leader of armies and 2,000,000 of the best and noblest young manhood ever placed in arms across the seas. Their country greets them on their return with joy and gratitude, proud of their achievements, grateful for their service, and with a welcome that comes from the heart of every loyal American citizen to every American soldier called to service at home or abroad. We indulge the earnest wish and fervent hope that they may find amid the peace and plenty of this blessed country of ours both the desire and opportunity for service in civil life, in support of the Constitution and its established principles of liberty and justice, as worthily and as devotedly in peace as they have in war.

Eleven years after the Colonies declared their independence the Constitutional Convention assembled at Philadelphia. Its deliberations were commenced in May and were concluded with the adoption of the present Constitution September 17, 1787. The convention was in session 100 days.

Of the 55 members, 29 were university men, graduates of Harvard, Yale, Columbia, Princeton, Oxford, and Edinburgh. Washington and Franklin, for supreme intelligence and consummate tact, were easily at the head. Washington was then 55 years old, Franklin was 81. The two most profound and original thinkers were yet young men. Hamilton was 30, Madison 36. There were many others in the convention who possessed force, learning, and ability.

The framers of the Constitution were the most remarkable group of men ever associated in any governmental activity. It has been truly said that never in the history of the world has there been displayed so much insight into the principles of government, so much knowledge of the theory and practice of its different forms as that which accompanied the formation of the Constitution of the United States. James Madison, who knew intimately almost every member of the convention, who was never absent even for a single day from its meetings, and whose journal is the only authoritative record of the proceedings, near the close of his life thus wrote of its membership:

> I feel it my duty to express my profound and solemn conviction, derived from my intimate opportunity of observing and appreciating the views of the convention, that there never was an assembly of men, charged with a great and arduous trust, who were more pure in their motives or more exclusively or anxiously devoted to the object committed to them than were the members of the Federal convention of 1787.

The utmost anxiety attended the convening of the assembly. The delegates were slow to arrive. It was a week after the day fixed before even 7 of the 13 States were represented. The members who arrived appeared anxious and apprehensive. They realized that the work they were undertaking was vitally important and of tremendous difficulty. Indeed, the difficulties to be overcome seemed insurmountable. The confederacy had failed. Its requisitions were refused by the States. Commercial rivalry and discord between the States was pronounced. Open rebellion had appeared, foreign debts had become urgent, and the havoc of paper money had destroyed both business and confidence. Treaties had been violated and some of the States were threatening foreign alliances.

Confidence grew in the convention, however, with conference and debate. There was great divergence of opinion, but there was complete singleness of purpose. Compromises ended every serious disagreement. The wonder was not that differences existed, but that concessions on such great issues should have been obtained. No other assembly of like character in all history ever exhibited such wisdom, such courage, or such unselfish patriotism.

Once when the prospect for agreement seemed dark Washington addressed his associates, saying—

> It is possible that no plan that we propose will be adopted. Perhaps another dreadful conflict is to be sustained. If to please the people we offer what we ourselves disapprove, how can we afterwards defend our work? Let us here raise a standard to which the wise and honest can repair; the event is in the hand of God.

Such was the spirit and such the high resolve of the convention, and out of it was born the Constitution.

It will not be expected that I should attempt a detailed analysis of the Constitution in this address; a general characterization will be sufficient.

The makers of the Constitution established a democracy, and at the same time created a strong government. They made the President responsible to the people, but they gave him more power than is exercised by English kings. They sought always to secure the free exercise of the people's will, but at the same time they placed obstacles in the path to sudden action impelled by passion, great excitement, or deep resentment. They made the will of the people supreme, but they were careful to provide that their real will and considered judgment and not transient impulse should be ascertained.

For these reasons they established a lawmaking body with two chambers and gave the President a limited veto power. They made the adoption of amendments to the Constitution a slow and difficult process to prevent hasty and illy considered changes in our fundamenal law. They established a Supreme Court to keep the executive and legislative departments within their constitutional bounds and to protect the rights of the people from usurpation and encroachment.

The framers of our Constitution made our Government a "government of laws and not of men," which means that no man's authority, that no exercise of arbitrary power of any kind shall deprive the citizen of his life or liberty or property without "due process of law." [Applause.] It is the very antithesis of a rule of might and of the exercise of autocratic power. It places the law above kings and presidents and governors; above generals and armies and military power; above all earthly authority not exercised under and in accordance with the Constitution.

Judged by theoretical standards our Constitution is the most scientific of any ever created. It is the strongest charter of liberty that ever was written. It is the acknowledged model of fundamental law. Never before was a system of government so wisely conceived, so comprehensive in its scope, so democratic in its operations, so regardful of the rights of the people, so adjustable to the progress and expansion of a great Nation. In its provisions making for stability and permanency, coupled with its encouragement and promotion of every form of progress and development, it is unique and unapproachable. No such measure of freedom for the individual, no such opportunity for the exercise of every power, the development of every faculty, and the unchecked fulfillment of every laudable ambition was ever before offered. Abraham Lincoln said:

> Nowhere in the world is presented a government of so much liberty and equality. To the humblest and poorest amongst us are held out the highest privileges and positions.

The high opinion here expressed is not only that of Americans. Mr. Gladstone, the greatest English statesman of the last century, characterized our Constitution as "the most wonderful work ever struck off at a given time by the brain and purpose of man." Mr. Bryce, author of the American Commonwealth, the best commentary ever written on American institutions, said of the Government created by the Constitution that it was "the first true Federal State founded on a complete and scientific basis."

Judged by actual trial over a period of 132 years, the Constitution has been found successful in fullest measure. Under it the United States has grown and prospered as no other nation in all the history of the world has grown and prospered. Under it 13 struggling Colonies have grown to 48 great States. Under it the wealth of the Nation has grown to an extent that can not be paralelled by any other nation in existence. Under it the measure of individual liberty, of comfort, of generally diffused well-being and happiness is the envy and admiration of the world. To us it has come down as a priceless legacy, strengthened and broadened, and if we do not guard and cherish it we

shall be unworthy of those who bequeathed it to us, as well as foolishly and stupidly regardless of our own best interests.

Perhaps never before in our history has there been so much criticism of the Constitution or so many attacks upon it as now. In every form, with every motive, from individuals and associations they come. There are those who would utterly destroy it. There are others who would change its essential features but retain its form. Social issues unknown to the fathers are pressing for determination impossible of constitutional sanction. Objects meritorious in their nature are urged, and if the Constitution stands in the way of easy and early accomplishment the Constitution is denounced and derided. Humanitarian projects, born of a generous and sympathetic realization of the misfortune and suffering of others, are advocated by earnest and sincere men and women, and if the remedy proposed is not within the scope of governmental power the Constitution is declared obsolete and should be discarded.

The spirit of unrest consequent upon and probably the inevitable result of the war has strengthened the feeling of injustice which always abides with the unfortunate and improvident. The bitter strife which sometimes awakens between workmen and their employers is intensified. The continued increase in the cost of the necessities of life as well as the increased demands for those things which have heretofore been considered as luxuries present most difficult problems for solution.

All these conditions combining make the present a period of trial, amounting almost to a crisis. In such condition we will be wise if we act only upon the most careful consideration. If ever there was a time when departures from our constitutional system were hazardous, it is now. Experiments in government are ever dangerous; they are especially so in times like these.

We are living in an era of mighty changes. The Great War has made a new map of the world. Empires have fallen. New nations have been born in a day. Thrones are overthrown and their former occupants have suffered death or fled to exile. Everywhere the spirit of revolt is manifest. Everything established is challenged. Even anarchy is praised by those who live where men are free. Restraint, even for the protection of the poor and weak, is condemned and defied. Any barrier against selfish aggrandizement is attacked. While such conditions exist abroad it is not surprising that a spirit of protest and revolt should make itself manifest in our own country.

Complaints against our Constitution are never justified as long as it is subject to amendment. The right of amendment is absolute and extends to every part of the instrument. Any change may be lawfully made in the Constitution that the people desire to make. If changes are not made, it is simply proof that the people do not desire them.

It is complained that amendments should be made easier. But it should be remembered that the Constitution is our fundamental law. It is the foundation upon which the entire governmental structure rests. It rests upon great principles; their abandonment or their modification should be fully understood and fully considered. There are always people who have theories and desire changes, and they are more numerous now than ever before. Over 100 amendments to the Constitution have been proposed to Congress within the last three years, involving 27 different subjects.

Sometimes a thing greatly desired but which can not be obtained except by amending the Constitution, with its consequent delay, leads to a demand for a method of immediate change. How unwise this would be is shown by the fact that in many instances the delay has resulted in such a reversal of public opinion that the proposed amendment has been abandoned.

On the other hand, if the amendment has real merit the demand for its adoption grows during the period of consideration, and the amendment will be secured as the reasoned, matured judgment of the people.

The socialists frankly admit that they would destroy our Constitution and our entire present system of government. A leading socialist journal ridicules the term "patriot fathers," as applied to the framers of the Constitution. It brands them as "grafters," and charges they were more concerned with their own selfish interests than with the interests of the people in framing the Constitution. The socialists are principally interested in the abolition of private property, and every extension of the powers of government by which private property is taken meets with their favor. Every constitutional guaranty for the protection of private property they would repeal. Government ownership in any form meets with their approval.

Although avowed Socialism does not seem to be making much progress, the drift toward Socialism through the avenue of Government ownership appears strong. The power of the Government to take over private property for public use given by the Constitution seems to be a method by which large advances in this direction may be made. If the abolition of all private property be considered with approval, then this tendency can be regarded with complacency. But unless we can look forward to the absorption by the Government of all business—the railroads, the canals and water traffic, the telegraphs, the telephones, the mines, the farms, the factories, the shops and stores—as a benefit and blessing, we should carefully consider every proposition looking to the extension of Government ownership. [Applause.]

Just now it is urged that the Government should take over the railroads. Constitutionally the Government may take private property for public use. It is thought that the Government might be justified in taking over the railroads for the purpose of carrying the mails, which would be a public use. If, however, the Government should purchase or condemn the railroads for the purpose of turning them over to private persons in whole or in part, such taking would not be justified. [Applause.]

The Constitution provides that no private property can be taken by the Government without just compensation to the owners. If the Government should purchase or condemn the railroads, it would mean increasing our national debt $20,000,000,000, with an increase in our annual taxes of $1,000,000,000 for interest. Besides, Government control now entails an annual expense of $1,000,000,000 above the revenues derived from operation, which would add another billion dollars to our annual expense. As a financial proposition the outlook would not appear especially alluring.

But this is only part of the socialistic program. It is also proposed that the Government take over the canals and all shipping, both foreign and domestic, as well as all the telegraphs, telephones, and other means of communication. The mines also are to be "socialized."

With the mild socialists the program outlined stops there. But with the radicals it goes on to the absorption and "nationalizing" of the farms, the factories, and all other productive facilities; the distribution and disposition of all products; in short, the abolishment of all private property, its confiscation by the Government, and the establishment of a socialized State in which the Government shall own all the property and control and regulate the lives of all the people.

Of course, that means not only an abandonment of the Constitution, but also of every fundamental principle of government that America represents. It will be said "the thing is impossible; the American people will never consent to such a revolutionary scheme." But if the Government absorbs the railroads and other means of transportation, and the telegraphs, telephones, and other means of communication, it can force upon the people the other steps in confiscation whether the people desire or not.

Soon the winter will come, with an almost certain shortage of coal. The demand will be insistent and well-nigh irresistible that the Government shall take over the mines. Forgetting that the Government has not improved railroad service by its control, forgetting even that the Government made such a lamentable failure of controlling the mines during the war, there will come a clamorous demand for Government ownership.

In some mysterious manner it is persistently believed that the men who may be in control of the railroads and mines as agents of the Government will be wiser and more successful than those who control them for the owners. It should be understood that it is vastly better and safer that such enterprises should be dependent for success on the approval of the people, as they are under private ownership, than that they should be in control of those who are indifferent to the approval of the public as long as they are approved by their superior officers. [Applause.] It should also be understood that the politicalization of industry can never be in the interest of the people. [Applause.] It will always be in the interest of the party in power, which will use all its powers of coercion and favoritism to perpetuate itself. In the end it will be an absolutism as ruthless as any ever known in history.

Upon the entrance of this Nation as a participant in the great European war came the sudden exercise by the Government of the war powers granted by the Constitution in such emergencies. Almost every act of the citizen was put under Federal regulation. His food, his fuel, his business, even his personal habits and accustomed diversions were placed under Government control. His property was taken from him by unprecedented exactions. His liberty was taken from him by universal conscription. He was forced to enter the ranks, submit to discipline and training, and then to be sent across seas to fight for his country on the field of battle.

But all this was justified, because the very existence of the Nation was endangered, and the Constitution provides that in

such emergency every other provision must yield for the time being to the preservation of the Nation's existence.

As soon, however, as the war is ended and peace is declared, this extraordinary war power ceases, and the constitutional guaranties and limitations which have been superseded by the war powers during the emergency again come into full force and effect.

Every act passed by Congress which was only justified in the exercise of the war powers should be immediately repealed when peace is declared. [Applause.]

Every administrative order, military or civil, which depended for its validity upon the exercise of the war powers, should be at once revoked. No office, or bureau, or commission whose function was to assist in carrying on the war should be continued a day longer than the close of the war. [Applause.] No appeal for the continuance of such powers or offices should be entertained, if they are dependent alone upon the exercise of the war powers. Not a dollar should be appropriated from the Public Treasury for the continuance of such offices or the carrying on of such work which depends for its justification upon the existence of war. [Applause.]

This not only is our duty generally, it is a constitutional obligation resting upon the President, the Congress, and every military and administrative officer of the Government.

If there ever was a time when it was unwise to listen to the clamor of unjustifiable criticism, it is now. If there ever was a period when we should unhesitatingly repel attacks upon the Constitution from whatever quarter they may come, it is now. [Applause.] If there ever existed conditions which require that the people stand firm against any surrender of their constitutional powers, such conditions exist now. [Applause.]

Never until the present time has there been such serious attacks upon our Constitution. Throughout our past history the people have deeply reverenced and loved it. No foreign student but has noted this marked trait of the Nation's character. Our people have always considered the Constitution as the source from which we derived our ordered liberty and our individual protection. To it they have attributed in large measure our progress and the content and happiness of our people. Our national patriotism is based on our national charter.

And now there are those who would destroy it, and their attacks are vicious and vigorous. The people are hearing or reading these attacks. They are not students of government. Good men and women may be led to believe there is at least a measure of truth in these attacks unless they are met and refuted. We have been so confident of the supreme excellence of our Constitution and of its self-evident value that we have thought it unnecessary to even acquaint the people with its virtues, much less repel attacks.

But if that policy were ever justified it must be abandoned now. The question of the maintenance of our constitutional government should be made the supreme issue of the time. Beside that issue all others are small and insignificant. In defense of the Constitution all party lines should disappear. The Constitution is the Nation. Without it we should be something different from the United States of America. It is the foundation upon which our very existence is based.

Gentlemen of the House, I have spoken hitherto of the obligation which rests upon the membership in common with that of every American citizen. But we have a special and solemn obligation which particularly rests upon us. Every Member of the House before entering upon his duties was required to take an oath to support and defend the Constitution and to bear true faith and allegiance to the same.

Here within the House this obligation should ever bind us. As legislators we are the creatures of the Constitution. Its commands should always govern us. Its limitations should always restrain us. The powers which it confers upon us we should not surrender to any man or to any set of men. [Applause.] Its very spirit should guide us always, as the very pole-star of our purpose and our duty.

This obligation should rest upon us not only in the performance of our duties here, but also wherever and whenever by voice or pen we are privileged to reach and influence the people. Against this protest and rebellion we should stand as the steadfast champions and defenders of the Constitution. We should warn the people against the dangers that would follow its destruction. In some way the people should be made to know that the abolition of constitutional government in America means the beginning of anarchy, the inauguration of chaos.

And the danger is not fancied nor remote. It is here and impending. We should understand that Bolshevism is now an existing institution in the United States. The Communist party, recently organized, according to a statement issued by its secretary, belongs to the same group of International Socialists as the Bolsheviki of Russia. He declares that the party will take part in the 1920 campaign, and will have but one plank in its platform, the "domination of the working class and the abolition of capitalism."

There can be no possible excuse for the mischief-maker, much less the anarchist or terrorist, in this country. [Applause.] There is ample opportunity afforded for any change or reform that the people desire. The difficulty is that this class of men do not believe in a government of the people. They are unwilling to submit to the decision of a majority. It is minority rule, not majority rule, that they demand. They rail at the tyranny of the majority, and seek to substitute the tyranny of the minority. [Applause.] They denounce the autocracy of a government, and demand the autocracy of a faction. It is not the peoples' rule, it is class rule that they seek to establish.

There is no justification for disobedience to or defiance of the law in a country where the people make the law. There is no excuse for terrorism where free speech and a free press are guaranteed. There must be no submission to demands backed by threats when the way is open to secure the things demanded by peaceful means.

Chief Justice White, in a recent address, said:

> Look around in this great land to-day. Where is there a country like this? The world has never seen the equal of it.

And he adds—

> Many thoughtless persons to-day suppose that everything that is wrong is wrong in the institutions, when without the institutions there would be no right and everything wrong.

[Applause.]

And James Bryce, in summing up his review of American institutions, said.

> That America marks the highest level, not only of material well-being but of intelligence and happiness which the race has yet attained, will be the judgment of those who look not at the favored few for whose benefit the world seems hitherto to have framed its institutions, but at the whole body of the people.

And this highest level of material well-being and of intelligence and happiness the whole body of the people have attained under the Constitution, under American institutions, beneath "the gorgeous ensign of the Republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original luster, not a stripe erased or polluted, nor a single star obscured."

To that Constitution, to those institutions, to our beloved country, we may well on this day pledge anew our devotion and fealty:

> What were our lives without thee?
> What all our lives to save thee?
> We reck not what we gave thee;
> We will not dare to doubt thee,
> But ask whatever else, and we will dare.

[Prolonged applause.]

The SPEAKER. Under the order of the House the gentleman from Virginia [Mr. MOORE] is recognized for 20 minutes.

Mr. MOORE of Virginia. Mr. Speaker and gentlemen of the House, the Governor of Virginia some time ago issued a proclamation asking our people to observe the anniversary of the signing of the Constitution, the anniversary which fell on last Wednesday and which we celebrate here to-day. In the time allowed me, for which I thank the House, I propose to notice but necessarily in bare outline the part taken by Virginia in the adoption of the Constitution.

It is almost certain the effort to create a more perfect union would have failed had any of the more-important States disapproved, and it appears beyond doubt that, in the absence of active initiation and approval by Virginia, which was the most populous and wealthy of the 13 States, failure would have resulted. As furnishing another reason for the reference to the part played by Virginia, I may be permitted to recall her lavish gifts to the military and political leadership of that time, the outstanding fact alluded to by Senator Hoar, of Massachusetts, in such eloquent and generous terms in his address a few years ago to the Virginia State Bar Association. "What a constellation," he said, "then arose upon the sky. The list of her great names in that wonderful period is like a catalogue of fixed stars. For all time the American youth who would learn the principles of liberty protected by law; who would learn to frame constitutions and statutes; who would seek models of the character of the patriot, of the statesman, of the soldier may find instruction from her—may study her history as in a great university." [Applause.]

Following the War of the Revolution, the opinion was widespread that the Confederation as a system of government had proved, and would continue to prove, inadequate. Its weakness had nearly led to the defeat of the American cause, and during the several years after the decisive victory at Yorktown, while it was in effect, it furnished no means of preventing or curbing

the political and economic trouble which had steadily increased until many of the first men of the country were in despair. Alexander Hamilton, who all through that period rendered the country such vigilant and priceless service, said, "The Confederation was formed amidst the agitation and tumult of society. It is composed of unsound materials put together in haste." James Wilson, of Pennsylvania, who was to become a member of the Supreme Court by appointment of the first President, said, "Those whom foreign strength could not overpower have well-nigh become the victims of internal anarchy." Madison, late in life, recalling the conditions of confusion, unrest, and lawlessness which he had witnessed, wrote:

"The close of the war brought no cure for the public embarrassment. The States, relieved from the pressure of foreign danger and flushed with the enjoyment of independence and sovereign power, instead of a diminished disposition to part with it, persevered in omissions and in measures incompatible with their relations to the Federal Government."

No man was more apprehensive of the disaster which would overtake the experiment in free government on this side of the ocean unless a substitute could be found for the Confederation than Washington himself, who, of course, can never cease to be thought of as the master builder of the Union—the soldier who, having won liberty with his sword, made it secure by his work as a statesman. [Applause.] Holding to the view of Hamilton, Wilson, and Madison, he exerted himself to impress it on his contemporaries, deploring, as he wrote to one of his friends, the "illiberality, jealousy, and local feeling of the States" as likely "to sink the new Nation in the eyes of Europe into contempt." Save for the prestige and influence of Washington and his unwearied support of the efforts to preserve the fruits of the Revolution by establishing a new Federal system, the attempt might have failed altogether, and in any event the Constitution as we have it to-day would not have come into operation, and therefore his is the supreme name to be remembered on the anniversary we are now celebrating.

Conferring at Mount Vernon with those who shared his fears and longings, Washington offered the suggestion which led to a preliminary meeting. Responding to that suggestion, on the 21st day of January, 1786, the Virginia Legislature passed a resolution designating commissioners to meet commissioners that might be appointed by the other States for the purpose of constructing a comprehensive and harmonious method of regulating commercial intercourse among the States, so as to avoid the rivalries and collisions which were a continual menace to the trade and prosperity of all. Two of the commissioners named in the resolution were Madison and Edmund Randolph, the latter afterwards Attorney General and Secretary of State.

In September of the same year the Virginia commissioners conferred at Annapolis, Md., with such commissioners as the other States had appointed, the only other States represented being New York, New Jersey, Pennsylvania, and Delaware, although Massachusetts, New Hampshire, Rhode Island, and North Carolina had appointed commissioners who did not attend. One of the difficulties that impeded the political transactions of that time was due to the means of travel and communication being so meager. At no one session of the Philadelphia convention, for instance, were representatives present from all of the 12 States which had elected deputies. When the Virginia convention assembled, many months after the document had been drafted and signed, some of its members had not been able to procure a copy of the Constitution or a single copy of the Federalist. When the vote on ratification was cast in the Virginia convention it could not be known in Richmond that New Hampshire had already voted three days before, making the ninth State to ratify.

The conference at Annapolis was under the direction of Hamilton and Madison, who were determined to omit nothing which might further the establishment of a capable and efficient Government. Going beyond their instructions, the commissioners recommended that a convention should be called to take into consideration the general situation and devise whatever provisions might appear necessary to render the Federal Government adequate to the exigencies of the Union. It was the Legislature of Virginia that first accepted this recommendation, and gave emphasis to its action by appointing deputies, with Washington at their head, and by this example made a Federal convention possible. The light began to break when all of the States but one had followed this lead of Virginia.

The convention organized in Philadelphia on May 25, 1787, up to which time the deputies of fewer than eight States were in attendance. Supported by the North and the South, placed in nomination by a Pennsylvanian and seconded by a South Carolinian, Washington was unanimously chosen its President. [Applause.]

Touching the question, which has been a good deal discussed, as to who, if anyone, can be regarded as having first proposed any plan at all resembling that which is contained in the Constitution, I quote the following from the memorandum left by Madison, which is prefixed to his report of the debates of the convention:

As a sketch on paper—

He says—

the earliest, perhaps, of a constitutional government for the Union (organized with regular departments, with physical means operating on individuals), to be sanctioned by the people of the States acting in their original and sovereign character, was contained in the letters of James Madison to Thomas Jefferson of the 10th of March, 1787, to Gov. Randolph of the 8th of April, and to Gen. Washington of the 16th of April.

So the intellect of Madison—a powerful intellect in a frail body—just in advance of the meeting of the convention was busy formulating definite provisions which might aid in giving a fair start to its deliberations.

It is to him also that we are indebted for a report of the convention proceedings. The day of skillful stenographers had not come, and Madison, forecasting the strong desire which would arise to know what occurred in such an epoch-making assemblage, determined that he would be its reporter and thus supply the materials for a history of the convention, on which, as he believed, would be staked the happiness of a people, great even in its infancy, and possibly the cause of liberty throughout the world. In order to perform the task satisfactorily he took his seat immediately in front of the presiding officer, was not absent a single day, and testified that he was almost overcome by the double labor of listening to speeches and reporting them.

The Virginia deputies, when they reached Philadelphia, agreed that Gov. Randolph should present the Virginia plan, not to be binding on any of his colleagues, but which should, and, as the journal shows, did, become the basis on which the proceedings of the convention were conducted. Madison engaged in nearly all of the discussions, as did Randolph and Mason, and Washington spoke once relative to a matter which he considered of much importance, and when a conclusion was reached as to what the instrument should be Madison served on the committee of revision, which made the final draft.

The convention was comparatively small, only 56 members serving and only 41 signing. But, as universally agreed, never has there been a more notable gathering, and never at a given time in any country has the mind of man traveled so far in planning for the welfare of communities. Nor is there recorded any such shining instance of a body of statesmen of the first rank, representing the intellect, character, and ambition of an extensive country, of many States, having conflicting interests and diverse views, so completely surrendering their preconceptions and combining their compromises in a single document, providing a great political structure, different from any known before, and, notwithstanding, built upon the essential doctrines in defense of which the Revolution had been fought. [Applause.] In his biography of one of its framers, President Roosevelt [applause]—the valiant American whose death we so much deplore—praising the Constitution, described it as "not simply a compromise, but a bundle of compromises."

As none of those who signed the Constitution were entirely satisfied with it, some believing that it conferred excessive powers on the Federal Government, others believing that it would not prove sufficiently strong, and others objecting to specific provisions, none of them were confident that it would be ratified by a sufficient number of the more important States to render it a practical instrument of government. They recognized that while ratification by any nine States would give it a naked official status, dependence for anything substantial and lasting must be placed upon the action of the large and influential Commonwealths. They understood that its future was in a trembling and perilous balance, and its advocates looked forward to what the States might do with the utmost solicitude and misgiving. The opposition was more formidable in the pivotal States of Virginia and New York than elsewhere. Before the convention of either of these States met, eight States ratified. Virginia and New York had postponed, and the country waited anxiously for their action, persuaded that without these a government to replace the Confederation could not be secured. Had the action of Virginia been adverse, New York would hardly have ratified, and thus it is seen that in a large measure everything depended upon what Virginia might do. In both States there were men of weight who regarded any government as a necessary evil and who desired no government stronger than the Confederation. There were also those who, not entirely sharing that opinion, were dissatisfied with the Constitution as drafted and sought to bring about a second convention; and there were also those who insisted upon the instrument being amended

before being ratified. The forces led and directed by Washington stood for unconditional approval. Hamilton, apprehensive of amendment, said:

It appears to me susceptible of complete demonstration that it will be far more easy to obtain subsequent than previous amendments to the Constitution. The moment alteration is made in the present plan it becomes, for the purpose of adoption, a new one and must undergo a new decision from each State.

Washington repeatedly wrote:

There is no alternative, no hope of an alternative, no intermediate resting place between the adoption of this Constitution and a recourse to an unqualified state of anarchy with all of its deplorable consequences.

On June 2, 1788, when the Virginia convention met in Richmond, the destiny of the country was in its keeping. The foes of the Constitution claimed and its friends feared that a majority of the people of the State were antagonistic. The State was stirred by controversy and excitement during the election of the delegates, and the interest was universal and intense when they came together. The 170 members included nearly all of the foremost men of the Commonwealth. The principal exceptions were Washington and Jefferson, the one at Mount Vernon with his hand upon the pulse of the country and the State, and the other in France, where he was kept posted by his friends, Madison and Mason, as to the contending currents of opinion. With the assistance of the historians, among them the distinguished Hugh Blair Grigsby, who many years ago compiled a full and delightful account of the convention, and Senator Beveridge, the author of a most admirable life of John Marshall, recently published, we look back upon the convention as on a picture of a great scene spread upon a great canvass. Lest a Virginian be thought to overstate, I will use the words of Senator Beveridge:

In Virginia's convention the array of ability, distinction, and character on both sides was notably brilliant and impressive. The strongest debaters in the land were there; the most powerful orators and some of the most scholarly statesmen. Seldom in any land or age has so gifted and accomplished a group of men contended in argument and discussion at one time and place.

From every part of the State the delegates were drawn and from every occupation. There were the older statesmen, and the younger public men then entering upon the course that was to take many of them into the higher stations of the Federal Government. There were men from the eastern section, where the drama of the revolution had slowly unfolded to its consummation; from the slopes and valleys of the Allegheny Mountains; from the frontier—the remote Kentucky district, made up of the six Virginia counties soon to be a great State. [Applause.] In the list of the delegates who voted for ratification were the Kentucklans, Marshall and Breckenridge. [Applause.]

Many of the delegates were men of finished education and culture. Some had been trained at Oxford and Cambridge, and in the law at the Middle Temple and the Inns of the Court; some had spent their student days in the halls of William and Mary College and other American institutions of learning; and there were those who had been denied any educational advantage except that afforded by the school of experience and exertion. According to their convictions, they were all resolute in the purpose to serve faithfully the country in the new crisis, precisely as many of them had served it before the Revolution in the patriotic movements of that time, and during the war on the battle fields where the States had tried out their strength with the mother country. I believe it may be said of them with as little reserve as of any body of men who ever seriously and deliberately considered the business of government that they divested themselves of self-seeking and were inspired by that most worth while of all public virtues—a spirit of readiness to make any sacrifice essential to the common good.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. TOWNER. Mr. Speaker, I ask unanimous consent that the time of the gentleman from Virginia be extended 10 minutes.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the time of the gentleman from Virginia be extended 10 minutes. Is there objection?

There was no objection.

Mr. MOORE of Virginia. I thank my friend from Iowa and the House.

The decisive votes were taken on June 25. The intervening time of a little more than three weeks was the full period of debate, during which, under a rule agreed upon at the outset, every article and almost every section of the Constitution, in the order of its arrangement, was made the matter of scrutiny and discussion. The opposition, representing, as it confidently proclaimed, a large majority of the people, was led by Patrick Henry, then at the height of his fame, although he was more than a decade from the historic hour when, in the House of Burgesses, regardless of danger and defying protest, he had carried through his resolution against taxation without representation by a majority of one. To this audience it is perhaps unnecessary to suggest that the conception of Henry as simply an orator is erroneous. He was a statesman who served in many offices, one of them the governorship, and to whom the position of United States Senator was offered. He was also a remarkable lawyer, whose practice, as his diary shows, extended to the courts of Boston, and who when Washington came to make up the Supreme Court, was offered the place of Chief Justice. Henry's fundamental objection to the Constitution was that it unduly centralized in the Federal Government powers which he thought should be retained by the States. On this theme in all its aspects and variations he spoke from day to day, and sometimes with such force and eloquence as to disconcert his opponents. At one stage in an elaborate speech he urged upon the Delegates, and particularly upon those from Kentucky, that the Congress contemplated by the Constitution might ignore the interests of the Southern States and abandon the navigation of the Mississippi River to the Spaniards, and Madison wrote Washington, with whom he was in constant correspondence, that he feared this argument might serve to prevent ratification. Similarly impressed, Gouverneur Morris, who was in Richmond to watch the proceedings of the convention, wrote Hamilton that matters were not going as well as the friends of America could wish.

When the subject of the judiciary was reached, Henry, having already inveighed against the powers vested in Congress and in the Executive, exclaimed:

The purse is gone; the sword is gone; and this is the only thing of importance that remains to us.

Supporting Henry was George Mason, of Gunston Hall, said to have been spoken of by Mr. Jefferson as the wisest man he ever knew, the author of the first constitution of a free Commonwealth, and of the Fairfax Resolves, and of the Bill of Rights, which embraced substantially all of the principles which were afterwards written in the Declaration of Independence. He served in the Philadelphia Convention, and declined to approve or sign the Constitution, but he was concerned to make it as good as possible from his point of view. Among those on the same side were James Monroe, who was to become the fifth President; Gov. Tyler, the father of President Tyler; and Gov. Harrison, the father of one President and the great-grandfather of another. Among those who supported ratification, under the leadership of James Madison, who was to be the fourth President, were Gov. Randolph; Edmund Pendleton, the venerable president of the State court of appeals; George Wythe, the renowned chancellor who, as a teacher of law, impressed himself upon the career of so many of the young men of Virginia, including Henry Clay; Light Horse Harry Lee, the father of the wonderful soldier and stainless gentleman who, in the troubled time nearer to our own, led the armies of the Confederacy [applause]; and John Marshall, who, having fought through the Revolution and taken position as one of the influential younger leaders, was, after a while, to be accounted perhaps the greatest judge our race has produced. These were some of those who participated in that short and never-to-be-forgotten encounter whose result has so tremendously affected the course of government in America and everywhere. No detail or analysis is possible, but I may be permitted to refer to one of the questions that was in controversy. In respect to the contention often urged that the Supreme Court usurps power in declaring an act of Congress unconstitutional, it is tolerably significant that in the Virginia convention those who feared that the authority of Congress would be improperly exercised doubted whether its activities could be supervised or checked by the Federal courts, and that John Marshall, to allay their fears, put forward the theory to which he adhered whenever the question was presented from the time of the decision in Marbury against Madison, saying in one of his speeches:

"If Congress should make a law not warranted by any of the powers enumerated, it would be condemned by the Federal judges as an infringement of the Constitution, which they are to guard. They would not consider such a law as coming under their jurisdiction; they would declare it void."

No vote was had in the convention until a motion to amend previous to ratification was presented. On this the ayes and noes were demanded by Henry and seconded by Bland, and the motion was defeated by a majority of eight. Immediately another vote was taken on the motion to ratify, on which Mason, seconded by Henry, moved the ayes and noes, and the result was 89 in favor of ratification and 79 against it. These very slender majorities settled the fate of the Constitution, and in a large degree the fate of the country. How great was the

effect of the action of Virginia on that of New York is to be inferred from the circumstance that a little later the Constitution was ratified by the New York convention, although after its session began and before Virginia had reached a decision Hamilton, when asked the prospect, had replied, "God only knows; several votes have been taken by which it appears that they are two to one against it." Virginia and New York having acted, 11 States having ratified, the darkness was gone and the country stood in the full light of a new day. [Applause.]

I may refer again for a moment to some of the statesmen I have mentioned, because of their being identified with that part of Virginia whose vigorous and patriotic people I have the privilege of representing—the region which lies almost within the shadow of this Capitol and stretches from the Potomac to the blue range of mountains toward the west, a beautiful and fertile region, whose attractions captured the eager fancy of the early settlers as they made their way from tidewater to the interior. There in his tomb at Mount Vernon sleeps the master builder of the Republic, and there, near by, is the resting place of George Mason, his friend and coworker in the cause of liberty. There also lived James Madison, John Marshall, and James Monroe, the homes yet preserved that echoed to their voices. These we acclaim as among the very greatest founders of the Nation. So long as we are true to the memory of such men and faithful to the standards and ideals which they set for the guidance of a free people in a free land, in a noble sense they will remain—

> The dead but sceptered sovereigns who still rule
> Our spirits from their urns.

[Prolonged applause.]

REPORT ON LIQUOR INTERESTS AND GERMAN AND BOLSHEVIK PROPAGANDA.

Mr. KIESS. Mr. Speaker, I call up Senate concurrent resolution No. 4.

The SPEAKER. The gentleman from Pennsylvania calls up Senate concurrent resolution No. 4, which the Clerk will report.

The Clerk read as follows:

Senate concurrent resolution 4.

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 10,000 copies of the hearings and report of the committee entitled "Brewing and Liquor Interests and German Propaganda and Bolshevik Propaganda," held before a subcommittee of the Committee on the Judiciary, United States Senate, in the second and third sessions of the Sixty-fifth Congress, pursuant to S. Res. 307 and 469, of which 3,500 copies shall be for the use of the Senate, 6,000 copies for the use of the House of Representatives, and 500 copies for the use of the Senate Committee on the Judiciary.

With a committee amendment to strike out all after the enacting clause of resolution and insert:

That there be printed 2,500 additional copies of Senate document No. 62, Sixty-sixth Congress, entitled "Brewing and Liquor Interests and German and Bolshevik Propaganda," of which 2,000 copies shall be for the use of the Senate and 500 copies for the use of the Senate Committee on the Judiciary.

Mr. WALSH. Mr. Speaker, I desire to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Under what privileged status is this resolution now presented to the House? Is it taken from the Speaker's table or is it a report from the House Committee on Printing?

The SPEAKER. It is a report from the Committee on Printing.

Mr. WALSH. And the amendments that have been read are the amendments of the House committee?

The SPEAKER. They are.

Mr. KIESS. I move the adoption of the resolution as amended.

Mr. RANDALL of California. Does the House committee propose to deny to the House of Representatives any copies of this additional print and are they all to be for the use of the Senate?

Mr. KIESS. Mr. Speaker, the Senate passed this resolution some time ago, calling for the printing of 10,000 copies, which would have entailed a cost of $17,441.87. The House committee felt that inasmuch as there had been practically no requests from the Members of the House for these documents and that this was a large sum of money to expend, we declined to report the resolution favorably at that time. The Senators, however, have been very insistent on having this resolution passed, especially the members of the Senate Judiciary Committee. The House committee has reduced the number to 2,500 and reduced the expense from $17,441.87 to $4,389.02, and provided that 2,000 copies should go to the Senate and 500 to the Senate Committee on the Judiciary. For the information of Members of the House, I would say that the aditional cost per thousand is $1,783.33. I do not know of any request having been made, and I believe that the few Members who may desire copies can be supplied from the 2,000 that go to the Senate.

Mr. RANDALL of California. I appreciate the statement of the chairman of the Committee on Printing that it is advisable to reduce the expense, but it does seem to me that the Members of the House ought to have a few of these copies. I will say that I have myself had requests for more than 2,000 copies of this publication in the last few months. I am not getting very many requests now, but am getting some few, and other Members are getting requests. I suggest that the House ought to have a portion of those 2,500 copies, if the chairman of the committee thinks that would be proper.

Mr. KIESS. Mr. Speaker, I admit that this is a rather unusual procedure, but it was done entirely for the purpose of saving money, and as no Member of the House had mentioned the matter to the committee we felt justified in reporting the resolution in its present form.

Mr. WALSH. Will the gentleman yield?

Mr. KIESS. Yes.

Mr. WALSH. I gather from the reading of the resolution that the expense is to be borne from the contingent funds of the two Houses.

Mr. KIESS. Yes. The gentleman will understand that it is necessary to pass this concurrent resolution because the cost will exceed the $500, which is the limit the House or Senate can print.

Mr. WALSH. Yes; but why should the House pay half the expense of printing a document of which they are to have no copies to distribute? It seems to me that this resolution should provide that the expense of this printing for the Senate Judiciary Committee should be borne from the contingent fund of the Senate, and not be paid, half of it, out of the contingent fund of the House, particularly in view of the fact that the resolution as amended provides that this printing is to be for the use of the Senate Judiciary Committee only. It seems to me it is not wise to pass resolutions providing for the printing of documents of hearings held by Senate committees, to reduce the number, and then provide that the House shall pay half the expense, particularly when it costs $1,700 a thousand to print them. I trust the gentleman will withdraw the resolution in order that it may be amended in that way, or that he will offer such an amendment.

Mr. KIESS. We are very anxious to procure action on this, because of the insistence of the Senators who have held this hearing, and I will offer an amendment that 1,000 copies be for the use of the Senate and 1,000 copies for the use of the House.

Mr. WELLING. And 500 for the use of the Senate Judiciary Committee?

Mr. WALSH. Yes.

The SPEAKER. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out "2,000 copies" and insert in lieu thereof "1,000 copies," and after the word "Senate," insert the words "and 1,000 copies for the use of the House."

Mr. GALLAGHER. Mr. Speaker, will the gentleman yield?

Mr. KIESS. Yes.

Mr. GALLAGHER. How do you propose to distribute these 1,000 copies to the Members of the House?

Mr. KIESS. They will go to the folding room.

The SPEAKER. The Chair thinks they will go to the folding room and be distributed under the rule, so that each Member will receive his proportionate share.

Mr. GARD. May we now have the resolution read as it will read when amended?

The SPEAKER. Without objection, the Clerk will report the resolution as proposed to be amended.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 2,500 additional copies of Senate Document No. 62, Sixty-sixth Congress, entitled "Brewing and Liquor Interests and German and Bolshevik Propaganda," of which 1,000 copies shall be for the use of the Senate, 1,000 copies for the use of the House, and 500 copies for the use of the Senate Committee on the Judiciary.

Mr. WALSH. In order to have the language correct, it should be "1,000 copies for the use of the House of Representatives." The words "of Representatives" should be added.

Mr. KIESS. I move the adoption of the resolution as amended.

Mr. GREEN of Iowa. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GREEN of Iowa. Does not the amendment have to be adopted first?

The SPEAKER. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. KIESS].

The amendment was agreed to.

The SPEAKER. The question is on the adoption of the committee amendment.

The committee amendment was agreed to.

The resolution as amended was agreed to.

PRODUCTION AND CONTROL OF FOOD PRODUCTS.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 8624, disagree to all the Senate amendments, and ask for a conference, without instructions.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill H. R. 8624, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. TREADWAY. Reserving the right to object, I wish to make a parliamentary inquiry. Would it be in order to move to instruct the conferees to report the bill back with an amendment striking out the section added by the Senate known as the Ball rent-commission bill?

The SPEAKER. It would after the conference has been agreed to.

Mr. TREADWAY. A further inquiry. Can I amend the motion made by the gentleman from Iowa to send the bill to conference without instructions by a further motion to strike out the Ball amendment?

The SPEAKER. That is all done by unanimous consent.

Mr. TREADWAY. Personally, I must object to unanimous consent being granted with no instructions to the conferees as to that amendment. It has nothing to do with the bill being sent to conference, and in my opinion should not be a part of the bill. It should be dealt with on its merits before the House. The subject matter has never been acted on by the House. I shall feel obliged to object unless there is a motion to instruct the conferees to strike out the so-called Ball amendment.

Mr. GOOD. Will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. GOOD. The gentleman will have that right after it is sent to conference.

Mr. TREADWAY. The motion of the gentleman from Iowa is to send it to conference without instructions. I desire to see that they are instructed.

Mr. HAUGEN. Mr. Speaker, there are 11 amendments; one is this Ball amendment. My understanding is that it was drawn rather hurriedly. I have letters from Senators and others suggesting a number of changes. It was thought that it would be better to send it to conference and let the conferees give it due consideration.

Mr. TREADWAY. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. TREADWAY. The point I am making is that the Committee on Agriculture, for whom we have the highest regard, would have under consideration the bill entitled "An act to provide further for the national credit and defense by encouraging the production and controlling the distribution of food products and fuel." That is the title of the bill in conference. The amendment that it seeks to add is entitled "To create a rent commission in the District of Columbia."

If there is any sense whatever in submitting an amendment in the form of a rider to a bill controlling the distribution of food and fuel, adding to that a rent commission for the District of Columbia, I should like to know what it is. It seems to me that it is entirely out of the province of the Committee on Agriculture to deal with the great question involving a rent commission in the District of Columbia. Therefore, unless I can make such a motion, I shall feel compelled to object to the request of the gentleman from Iowa.

Mr. HAUGEN. The gentleman from Massachusetts will not hold the Committee on Agriculture responsible for the action of the Senate?

Mr. TREADWAY. Of course not.

Mr. HAUGEN. A somewhat similar amendment was offered to the bill when being considered in Committee of the Whole, and was voted in, but was later voted out, when the bill was reported back to the House. The bill deals with profiteering, not in the District of Columbia alone but in the whole country as well. The Ball amendment is incorporated in a bill reported by the Committee on Agriculture and passed by the House. As far as I am concerned I have no objection to a vote being taken on that particular amendment, the Ball amendment. If it goes in at all, it should go to conference in order that it may be more carefully considered.

Mr. WALSH. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. WALSH. I have heard the gentleman send a number of bills to conference heretofore. Why has he asked to send this particular bill to conference without instructions?

Mr. HAUGEN. Because I understand that is the usual way to put the motion. Since the question was raised the other day it seems to me that this will avoid delay. The contention is that this bill should go to conference. If we are going to spend the whole day deciding whether it shall go to conference or not, it will delay its consideration.

Mr. WALSH. I suppose the Committee on Rules is still functioning?

Mr. HAUGEN. Oh, yes.

Mr. WALSH. I do not know about the recent developments that the gentleman mentions, but do I understand that after the conferees have been appointed they can then be instructed?

Mr. HAUGEN. Not under my motion, but I am willing to modify it.

Mr. TREADWAY. I shall object to the request for unanimous consent.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to modify the motion so that we may vote on the question as to whether the Ball amendment goes in the bill or goes out.

Mr. TREADWAY. I am entirely agreeable to that procedure.

Mr. LEE of Georgia. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. LEE of Georgia. Is it the gentleman's intention to give a reasonable debate upon this matter?

Mr. HAUGEN. The gentleman from Kentucky [Mr. JOHNSON] has asked for time, and it is understood that he shall have 40 minutes, and then 5 minutes on this side. Mr. Chairman, I suggest that the time be fixed at 50 minutes; that 40 minutes be given to the gentleman from Kentucky [Mr. JOHNSON] and 10 minutes to the gentleman from Massachusetts.

Mr. TREADWAY. I do not want to monopolize all the time.

Mr. HAUGEN. We have up for consideration to-day the deficiency bill; gentlemen in charge of it desire us to dispose of this bill within the hour. If any length of time is desired for debate we will have to postpone action or refer to the committee. We thought that in view of the importance of early passage of the bill it should be sent to conference rathen than to the committee.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Do I understand that the gentleman from Iowa [Mr. HAUGEN] is now trying to send this bill to conference without instructions and to agree that any debate on a motion to instruct the conferees shall not exceed 40 or 45 minutes?

The SPEAKER. The Chair did not understand the last motion of the gentleman from Iowa. The Chair did not hear it.

Mr. WALSH. Of course, if a motion is made to instruct the conferees they can not tie up debate upon that.

The SPEAKER. The Chair thinks the gentleman is not stating a parliamentary inquiry.

Mr. TREADWAY. Mr. Speaker, will the gentleman from Iowa revise his request for unanimous consent in accordance with what I understood him to say a few moments ago, namely, that he was willing to have the Ball bill voted up or down, as to whether it shall be agreed to as an amendment to this bill?

The SPEAKER. The Chair did not hear the last request of the gentleman from Iowa and will ask the gentleman to repeat it.

Mr. HAUGEN. Mr. Speaker, my last request was that the bill be taken from the Speaker's table, that all amendments be disagreed to, that a conference be asked for, and that one motion be in order; that is, to instruct the conferees to strike out the Ball amendment. There are 11 amendments. If we are going to discuss the bill, I can not in honor agree to an extended debate, because the gentleman from Iowa [Mr. GOOD] has yielded time in which to consider this matter. If objection is to be made, then let the bill take its regular course; let it be sent to the committee, which action may delay it for a week or two. Gentlemen, you have the responsibility.

Mr. TREADWAY. Mr. Speaker, I think the gentleman is stating the case in rather an exaggerated manner when he says we will have the responsibility. We are willing to have the responsibility, but the Ball bill has never been considered by this body. Therefore, I say we must debate it. The gentleman from Iowa [Mr. HAUGEN] has stated how important this measure is. It is important; but if this Agricultural bill is important let him strike out the Ball bill as an amendment to that and take it up on its own merits.

Mr. HAUGEN. I am willing to have an expression from the House. I would be very glad to have it.

Mr. TREADWAY. I am trying to get an expression from the House.

Mr. HAUGEN. Mr. Speaker, if the gentleman will indicate the time desired, I will confer with the gentleman from Iowa [Mr. GOOD], and if he agrees to an extension of time then I will

be glad to yield, but under the agreement I have with the gentleman from Iowa I must make my word good, and I am not going to agree to any lengthy discussion which would deprive him of the right to go on with his deficiency bill.

Mr. RUBEY. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. RUBEY. The gentleman has suggested that we have a certain length of time—40 or 50 minutes—and in making this suggestion he states that the gentleman from Kentucky [Mr. JOHNSON] wants 45 minutes and the gentleman from Massachusetts wants some time.

Mr. HAUGEN. Ten minutes.

Mr. RUBEY. Both of those gentlemen are opposed to the Ball bill.

Mr. TREADWAY. Oh, I beg to differ with the gentleman, in a sense.

Mr. RUBEY. At least, the gentlemen are opposed to putting this Ball bill on this Agricultural bill.

Mr. TREADWAY. Yes.

Mr. RUBEY. And the point I want to make is that it is unfair to those of the House who are in favor of this legislation to be confined in debating it to 5 or 10 minutes when gentlemen who are opposing it have 40 or 50 minutes. If you are going to discuss the Ball bill, the time should be divided equally between those who are for it and those who are against it.

Mr. TREADWAY. That is agreeable to me.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to modify my request, that one hour and a half be given to debate, 45 minutes to be allotted to the gentleman from Georgia [Mr. LEE] and 45 minutes to myself, with the understanding that 45 minutes be for and 45 minutes against the amendment.

Mr. TREADWAY. And it is understood that a motion is in order to strike out the Ball bill?

Mr. WALSH. Mr. Speaker, I make the point of order that the request is not in order until it is decided whether we are going to send this measure to conference. The gentleman is trying to control the time of debate on the question of instructions. We may agree on time for debate on the motion to instruct and find that somebody will not agree to send it to conferenee.

The SPEAKER. The Chair assumes from the attitude of the gentleman from Iowa [Mr. HAUGEN] that he does not wish the matter sent to conference unless a limit can be put upon debate, and the Chair thinks there can be a request that the bill be sent to conference and also a request limiting debate, but it all depends whether there is objection made to it. The Chair will state, as he understands it, the request of the gentleman from Iowa, which is that this bill be taken from the Speaker's table, that all amendments be disagreed to, that it be sent to conference with the understanding that on one motion there shall be one hour and a half debate, 45 minutes to be controlled by the gentleman from Georgia [Mr. LEE] and 45 minutes by the gentleman from Iowa [Mr. HAUGEN].

Mr. BLANTON. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection to the request?

Mr. RUBEY. Mr. Speaker, reserving the right to object——

Mr. BLANTON. Mr. Speaker, I demand the regular order.

Mr. WALSH. Mr. Speaker, I make the point of order that the request has not yet been stated by the Chair.

The SPEAKER. The Chair may be mistaken in his statement. The Chair will ask the gentleman from Iowa to again state his request.

Mr. HAUGEN. Mr. Speaker, my request is to take from the Speaker's table H. R. 8624, disagree to all amendments thereto, and ask for a conference; that one amendment be in order, that is to strike out the Ball amendment——

Mr. DOWELL. To instruct.

Mr. HAUGEN. And that one hour and a half debate be granted, half of the time to be controlled by the gentleman from Georgia [Mr. LEE] and the other half by myself, with the understanding that half of the time is for and half of the time against the amendment.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry?

The SPEAKER. The gentleman will state it.

Mr. WALSH. From the latter part of the gentleman's request I assume when he says one amendment shall be in order that he means one motion to instruct the conferees will be in order on the matter of the Ball amendment?

Mr. HAUGEN. Exactly.

Mr. WALSH. And upon that there shall be one hour and a half debate?

The SPEAKER. The Chair thinks that is the intention.

Mr. BLANTON. Mr. Speaker, regular order.

Mr. WALSH. I think it should be so stated.

The SPEAKER. The Chair will state it again. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the bill, to disagree to all Senate amendments, and ask for a conference, and that there shall be allowed one motion to instruct, which will be to agree or disagree to the Ball amendment, and upon that motion there shall be debate of an hour and a half, one-half of the time to be controlled by the gentleman from Iowa and one-half by the gentleman from Georgia [Mr. LEE]. Is there objection?

Mr. LEE of Georgia. Mr. Speaker, reserving the right to object——

Mr. BLANTON. Mr. Speaker, I ask for the regular order.

The SPEAKER. Is there objection to the request?

Mr. LEE of Georgia. Mr. Speaker, reserving the right to object——

Mr. BLANTON. Mr. Speaker, I ask for the regular order.

The SPEAKER. The gentleman from Texas asks for the regular order. Either objection must be made or not. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

FIRST DEFICIENCY APPROPRIATION BILL.

Mr. GOOD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9205.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9205, the first deficiency appropriation bill, with Mr. WALSH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9205, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes.

The CHAIRMAN. When the committee arose yesterday there were no amendments pending, and the Clerk will read.

The Clerk read as follows:

Rock Island (Ill.) Arsenal: The remaining unexpended balances, not to exceed $450,000, of the appropriation of $2,965,000 for increasing the facilities for the manufacture of field artillery matériel, including the necessary buildings and equipment, and for providing additional storage space and other storage facilities, either by building and equipping new storehouses or by building and equipping shops for manufacturing purposes and equipping as storehouses shops thereby vacated and made available (act of June 12, 1917) and of the appropriation of $1,295,200 additional for increasing facilities for the manufacture of field artillery matériel, including the necessary buildings and equipment (act of Oct. 6, 1917), are made available for the erection of a shop building for the manufacture of recuperators at Rock Island Arsenal: *Provided*, That this sum shall not be available until the present plant for the manufacture of recuperators is disposed of.

Mr. KNUTSON. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee what kind of war matériel recuperators are—found in line 10, page 11?

Mr. GOOD. When we got into the war we had a very limited amount of field artillery. The War Department finally adopted the French model of field artillery, the 155-millimeter guns and howitzers, to be the principal gun, or rather the gun of which most were to be manufactured. The French recuperator, which is the recoil mechanism of the gun, was one of the most delicate pieces of machinery that the Government had to manufacture. We were no accustomed to manufacturing those recuperators, and it was stated by French officers that we would never be able to manufacture them. But we did undertake to manufacture them, and while we did not get any guns equipped with those recuperators in time to send them over before the armistice was signed, the testimony before the committee is that we were manufacturing those recuperators at the time the armistice was signed with as much perfection as they were manufactured in the arsenals in France. This factory that is referred to is located on the grounds of the Dodge Manufacturing Co., and that company have now agreed to buy the building at 40 per cent of its cost. The building is not suitable, as I understand it, for their manufacture, and they are willing to buy a good deal of the machinery for which the Government has no use, and there is a prospect of selling for $600,000 additional machinery that is not needed. So that by carrying this legislation we will obviate the necessity of paying a considerable sum, I do not know how much, but a considerable sum, as much as $125,000, for the land, and we are now under a yearly charge of about $40,000 for maintenance, including guarding the property, and it is the purpose to move the machinery that it is desired to retain to Rock Island, where a building will be put up and where no further charge will be made for guarding. They have the guards there.

Mr. KNUTSON. The plant is not located at the Rock Island Arsenal, then?

Mr. GOOD. No; the plant is at the Dodge Brothers' plant at Detroit.

Mr. KNUTSON. It came under the head of the Rock Island Arsenal, which was the occasion for the inquiry. I withdraw the pro forma amendment.

Mr. TILSON. Mr. Chairman, I move to strike out the last word. The importance of this item has been referred to by the gentleman from Iowa [Mr. GOOD], and he has stated very briefly the facts that make necessary this legislation. As is well known, at the outbreak of the war we had so little artillery, so few guns, that it was considered wiser to not attempt to increase our supply of the types we had, but to adopt the French models instead. In fact, there were so few guns that there was not as much as a battery for each camp to use for the training of soldiers in the use of artillery. Therefore we adopted for our use not only the 155 mm. howitzer and 155 mm. gun, as indicated by the gentleman from Iowa, but also the famous French 75. We had never manufactured that gun. It had a secret recoil mechanism, the recuperator, as it is called, known only to certain ordnance officers of the French Government. When we came into the war the French Government gave us access to the secret of this wonderful mechanism and invited us to make it. We undertook to make it and had considerable difficulty in doing so. In fact, we failed for many months to make an American model that would work satisfactorily. The recuperator as developed by the French is a very delicate piece of mechanism. It is necessary for certain parts of it to be dust proof and damp proof. In France much of the work on it is handwork. We tried to substitute American methods but with indifferent success.

Finally, as stated by the gentleman from Iowa, we learned to make it in the French way, and it is not boasting to say that we learned to make it just as well as the French made it. We did not make it in our own arsenals, because we had no arsenal equipped for the purpose. So we went outside, and the plant referred to by the gentleman from Iowa was selected as one of the very best places in which to make this mechanism, and there it was successfully made. The machinery for making it is there, and the equipment is also there. The purpose now is to utilize this machinery and equipment. It is the intention of this legislation to provide for securing this machinery and this equipment and turn it to the use of making recuperators for ourselves as we may need them. It is clearly for the best interest of the Military Establishment and the Government.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

PANAMA CANAL.

For civil government of the Panama Canal and Canal Zone: Salaries of district judge $7,500, district attorney $5,000, marshal $5,000, and for gratuities and necessary clothing for indigent discharged prisoners $150,000, to continue available until expended: *Provided*, That the additional compensation, authorized by section 7 of the legislative, executive, and judicial appropriation act for the fiscal year 1920, shall not be included in determining the compensation of any employee of the Panama Canal on the Canal Zone.

Mr. DOWELL and Mr. KNUTSON rose.

The CHAIRMAN. The gentleman from Iowa [Mr. DOWELL] is recognized.

Mr. DOWELL. Mr. Chairman, I raise a point of order against the proviso beginning on line 14 and running to the end of the section. It is new legislation, changing the law, and therefore subject to a point of order.

The CHAIRMAN. Does the gentleman from Iowa [Mr. GOOD], the chairman of the committee, desire to be heard on the point of order?

Mr. GOOD. I think it is subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TILSON. Further reserving the point of order against the phrase "to continue available until expended," I desire, under the reservation, to ask the gentleman in charge of the bill what is the purpose of making this item "to continue available until expended," when the sundry civil bill will be coming in before very long and deficiency bills are often before the House? Why is it important to make this item available until expended?

Mr. GOOD. That has always been the case with regard to appropriations for the Panama Canal and the civil government. And a very good reason exists for establishing that custom or carrying that provision of law. The Panama Canal has certain receipts that are available for expenditure, and therefore, taking the whole thing into consideration, it was thought that better administration would result if they could at the end of each year make a general statement, which they do, and that the appropriations should remain available until expended. And that is the general method of carrying the item. Of course, it is subject to a point of order, but it might result in a good deal of hardship if we attempted to change in the midst of a year the system of accounting and keeping the books of the appropriation.

Mr. TILSON. Mr. Chairman, on the statement of the gentleman from Iowa I withdraw the reservation of the point of order.

The CHAIRMAN. The gentleman from Connecticut withdraws the point of order, and the Clerk will read.

The Clerk read as follows:

In all, $9,300,000: *Provided*, That no part of this sum shall be expended upon repairs to any vessel which is not to be retained permanently in the Navy: *Provided further*, That the Secretary of the Navy shall submit to Congress not later than February 1, 1920, a statement showing for each navy yard and naval station the total number of employees, by occupations, on December 31, 1919, and the proportion of such employees who are below a fair standard of efficiency.

Mr. KRAUS. Mr. Chairman, I offer an amendment.

Mr. KNUTSON. Mr. Chairman——

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

Mr. KNUTSON. Mr. Chairman, I reserve a point of order against the whole paragraph. It is legislation.

Mr. KRAUS. If the point is made, I do not desire to offer the amendment. I take it the paragraph is subject to a point of order.

The CHAIRMAN. The gentleman from Indiana seeks to offer an amendment, and the gentleman from Minnesota, having reserved a point of order——

Mr. KNUTSON. I will reserve the point pending the consideration of it.

The CHAIRMAN. That can not be done.

Mr. KNUTSON. I make the point of order.

The CHAIRMAN. What is the point of order? The gentleman will state it.

Mr. KNUTSON. That it is legislation.

Mr. GOOD. The gentleman only makes his point of order now as to the last paragraph, which is the proviso. I doubt if a point of order would lie from line 9 down to line 16. I hope the gentleman will withdraw his point of order in regard to this item, because that is the provision where we are calling for a showing.

Mr. GREEN of Iowa. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GREEN of Iowa. Is the point of order against the whole paragraph or against part of it?

The CHAIRMAN. The Chair understood the gentleman from Minnesota to make a point of order against the paragraph.

Mr. KNUTSON. I desire to make a point of order on the paragraph down to line 8, page 13.

Mr. GOOD. We have passed that. It is too late.

Mr. BUTLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUTLER. Where does the paragraph begin and where does it end?

The CHAIRMAN. The Chair will state for the benefit of the gentleman from Pennsylvania that the paragraph begins on line 9, page 13, with the words "in all" and ends with the words "of efficiency," in line 16.

Mr. BUTLER. I earnestly hope the gentleman will not press his point of order.

Mr. DOWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DOWELL. Is not the phrase "in all, $9,300,000," a part of the paragraph?

The CHAIRMAN. The Chair thinks not.

Mr. GREEN of Iowa. If the Chair will permit, I desire to call attention to the fact that it is only separated by a semicolon and not by a period.

Mr. DOWELL. This seems to be a part of the succeeding paragraph. As I read it, I would take it that the entire preceding part is a part of this main paragraph.

Mr. KNUTSON. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Minnesota withdraws the point of order. The gentleman from Indiana [Mr. KRAUS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KRAUS: Page 13, line 16, after the word "efficiency," change comma to colon and insert:

"*Provided further*, That the following unexpended balances of appropriations for the support of the Naval Establishment for the fiscal year 1920, as hereinafter set forth, shall be carried to the surplus fund and covered into the Treasury immediately upon the approval of this act,

namely, Bureau of Navigation, 'Pay of the Navy,' $6,700,000; 'Provisions, Navy,' $2,000,000; total appropriations recovered, Bureau of Navigation, $8,700,000."

Mr. KRAUS. Mr. Chairman, I have no desire to take up the time of the House if the chairman of the committee will accept the amendment. I call the attention of the House to the fact that the testimony and the letter of Secretary Roosevelt show that the total sum of $18,000,000, part of which was appropriated for the pay of the Navy, $4,000,000 for provisions, Navy, is entirely unnecessary and can not be expended.

Now, in these days when we are practicing economy, and when we are requiring the Treasury to finance enormous appropriations, it is certainly the part of wisdom to withdraw at the very earliest moment possible any amount heretofore appropriated that can be withdrawn without detriment to the service; and there is no question, if anyone will read the hearings on this branch of the bill, that the department asserts and admits that $18,000,000 can be spared from these appropriations. As a matter of fact, this legislative provision is a mere transfer of $9,300,000 of that $18,000,000, and at this time I am asking that this committee approve this amendment, which will cover into the Treasury the sum of $8,700,000.

Mr. GOOD. Mr. Chairman, the amendment is not drawn in the proper form. The gentleman from Indiana [Mr. KRAUS] is mistaken in regard to the bureau. As I heard the amendment read, it referred to the Bureau of Navigation. These appropriations are carried under the head of Bureau of Supplies and Accounts. We realized that there would be a surplus there, but the year is so young and so many things might happen that it might be necessary in the future to do what we have done here in this bill by permitting a transfer of funds. I doubt the wisdom of covering anything into the Treasury just now. I will say to the gentleman from Indiana that we are all anxious, of course, that not a dollar shall be paid out that can be saved; but if there is any place in the Navy where they can not squander money, it is in the payment of the men, because they can not pay that money out for any purpose other than to compensate the men, and the men are not enlisted. The amount of the expenditure depends upon the personnel of the Navy. If the personnel is small, as it is now, the expenditures are small, and the money will necessarily have to be covered back.

But I will say to the gentleman that since this matter came up there has been a matter presented, but too late to come before the committee, asking that a million dollars of this fund be made available for the purpose of permitting the Navy to bring coal out of Alaska. They say that they have not a dollar now that can be used for that purpose, and they are anxious that some of this money shall be transferred for that purpose. While ordinarily I think that money should be covered into the Treasury as rapidly as possible—and I have not very much of an opinion about this—it seems to me it might be as well to let the matter go over until a little later in the year.

Mr. KRAUS. Mr. Chairman, will the gentleman yield?

Mr. GOOD. Yes.

Mr. KRAUS. On that theory, why not make enormous appropriations, knowing that the bureaus can not spend the money, while at the same time, as the gentleman must concede, we are compelling the Treasury to finance excessive appropriations?

Mr. GOOD. This money can not be paid out, and money appropriated for this purpose can not be used except for the payment of the men. It can not be used for building purposes or repair purposes.

Mr. KRAUS. But that does not relieve the Treasury from the necessity of selling bonds or procuring funds in some other way to meet increased expenditures.

Mr. Chairman, I ask permission to modify my motion by substituting "Supplies and Accounts" instead of the word "Navigation" where it occurs.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Amendment offered by Mr. KRAUS: Page 13, line 16, after the word "efficiency," change comma to colon and insert:

"*Provided further*, That the following unexpended balances of appropriations for the support of the Naval Establishment for the fiscal year 1920, as hereinafter set forth, shall be carried to the surplus fund and covered into the Treasury immediately upon the approval of this act, namely: Bureau of Supplies and Accounts, 'Pay of the Navy': $6,700,000; 'Provisions, Navy'; $2,000,000; total appropriations recovered, Bureau of Supplies and Accounts, $8,700,000."

Mr. PADGETT. Mr. Chairman, I think it would be hazardous to pass that amendment. We do not know how many men we will have between now and the 30th day of June. This appropriation is for the pay of the men, and I think it would be very hazardous to cut down the appropriation $8,000,000. The ships are tied up, and we are short of men now, and we are putting forth every effort to get men. I hope the amendment will be voted down.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BUTLER. I am going to ask my esteemed colleague [Mr. KRAUS] on the committee not to press his amendment. I agree with him that we ought to try to save money, and we are trying to save money. But we have already taken $9,000,000 out of this fund, and I do not know what the Secretary of the Navy will say about it when he returns home. I do not think he knows anything about it. It was done without his knowledge or consent. If the point of order had been made at the right place, it would have gone out. Nevertheless they need for this purpose some of this money to be taken from the Bureau of Supplies and Accounts, and I would be afraid, my friends, to reduce it any further. I would be afraid it might interfere with the force. I promise I will join in the attempt to save money and return it to the Treasury when opportunity offers. The gentleman from Indiana, however, is right when he says that the officers of the Government will have to finance the Treasury according to the appropriations that are made. And although this money may not be used, they have got to raise the $9,000,000. I would be afraid to cut this down any more. The gentleman is right, if we could be sure about it.

Mr. KRAUS. Is the gentleman from Pennsylvania aware of the fact that the testimony shows that the personnel of the Navy will be down to 115,000 by the 1st of December?

Mr. BUTLER. Yes.

Mr. KRAUS. While our appropriation takes care of 170,000. This appropriation is much in excess of the amount that is required.

Mr. BUTLER. My friend is entirely right; but the enlistments may start up in the spring of the year, and before the end of the year we may have the men in the service. It is true it looks as though we would have this fund left over, but we may not.

Mr. KRAUS. Does not the gentleman know that even if we recruit the Navy up to 170,000 by the 1st of December and keep it up to that figure until the 1st of next July, even if we reduce this amount we will still have ample funds to pay these two items, and, as a matter of fact, there is no justification to-day for giving them a single dollar of this money.

Mr. BUTLER. The gentleman has given me information that I did not have. I did not understand that this surplus would exist over and above the pay of the 170,000 men. I thought it would require this amount of money to pay the 170,000 who were authorized to be enlisted up to the 1st of next July.

Mr. PADGETT. Will the gentleman yield?

Mr. BUTLER. Yes.

Mr. PADGETT. The gentleman will recall that in making the appropriation originally we cut it $8,000,000 under the estimated amount.

Mr. BUTLER. I know we did.

Mr. PADGETT. We considered that $8,000,000 as an amount that, perhaps, would not be used in the shifting of the recruiting and demobilizing; but to take out an additional $8,000,000 in addition to the $9,000,000 transferable to other appropriations would be hazardous. We made an allowance of $8,000,000 in the original report of the bill, and I think we had better not make this further reduction.

Mr. BUTLER. I appreciate as well as anybody in the House, and perhaps better—because I think I know him better—the efforts made by my friend from Indiana [Mr. KRAUS]. I know he is absolutely sincere, and I do not like in any way to protest against his effort to save money. It is a laudable effort which the House ought to approve, and were it entirely safe I would be for it, and would ask everybody in the House to vote for it; but I fear that the proposition of the gentleman might in some way interfere with the recruiting and our effort to obtain men for the Navy next year. I dislike very much to oppose the gentleman, but that is my sincere belief.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROWNING. Mr. Chairman, I want to ask the chairman of the committee a question. On the top of page 13 is an item—

"Maintenance, Bureau of Yards and Docks," $2,500,000.

Will the chairman of the committee tell me what that $2,500,000 is to be used for? When the committee had before them

the question of yards and docks we went into the subject very closely, and we awarded to the Bureau of Yards and Docks all the money we thought it was necessary for them to use in this fiscal year. I see that by this bill they are getting $2,500,000 more, above what we gave them in the appropriation.

Mr. GOOD. The committee went into that matter very carefully, and it was the opinion of the officers, as well as of the Assistant Secretary, that if any cut was made it should be a percentage cut, every item in the same proportion; that is, if we only gave them one-half of the $18,600,000 which they asked for, or $9,300,000, we should cut each of the items 50 per cent. Now, so far as the item of "Maintenance, Bureau of Yards and Docks," is concerned, their revised estimate was for $12,500,000, and the current naval act carried $7,500,000. We went into that matter pretty carefully, as to what this maintenance item is. As I recall, it was the maintenance of those things at the yards and at the docks that properly fall within the operation of the yards and docks to maintain them; and maintenance, as I recall the term, does not have the signification of repair, but it is to maintain in operation. It is for the replacing of the wearing out and the rusting out, and the parts that become obsolescent, like the power plant——

Mr. BROWNING. They wanted a new power plant in almost every yard, and we cut them out; and while I shall not oppose it, I call attention to it.

Mr. BUTLER. I want to refresh and revise the recollection of my friend from New Jersey [Mr. BROWNING]. We did mighty well, and I congratulate ourselves on keeping these items down to a certain point, and I want to congratulate this committee on having done equally well, too. I want to ask the Committee on Appropriations to file with the Naval Affairs Committee the statements that were made before the Committee on Appropriations, because we will remember all these things when the time comes, and next winter they will be deducted all right. If they get the money now, they will not get it then.

Mr. FESS. Good for you. I hope you will stick to that.

Mr. GREEN of Iowa. As I understand, they did not get enough from the Naval Affairs Committee to equal the amount that they wanted, and then, when they did not get it from the Naval Affairs Committee, they went to the Committee on Appropriations, and under the guise of maintenance, when it looked as if we were going to lose some Government property if it is not properly cared for, they got an additional allowance on that account.

Mr. BUTLER. No; it is not for that.

Mr. GOOD. This is not maintenance of that kind.

Mr. BROWNING. I am inclined to agree with the gentleman from Iowa.

Mr. GREEN of Iowa. It is just the same; it is an additional appropriation transferred from another appropriation.

Mr. GOOD. The word "maintenance" is not used in that sense. This is to maintain a power plant and an electric-light plant as distinct from keeping them in repair.

Mr. GREEN of Iowa. That is just what I am saying. The whole thing is an imposition on the House. The House thinks on the first blush that it is to preserve Government property, while, as a matter of fact, it is to carry on more extensive operations.

The CHAIRMAN. All time has expired.

Mr. TILSON. Mr. Chairman, I move to strike out the last two words. I feel inclined to support the gentleman from Indiana [Mr. KRAUS] in his amendment. It is admitted that the money could not be used for the pay of sailors during the next year and that there will be something like a sum of $10,000,000 in excess of what can be expended for that purpose. Ten million dollars already appropriated furnishes a great temptation, as exemplified in this bill, where the Navy Department has come to the Committee on Appropriations and asked the committee to transfer from the items of "pay" and "provisions" to other items where it can be spent. As long as the money remains in the item of "pay" it is safe. Unless the Navy has the men the disbursing officers can not spend a dollar of it. But with a large amount like this, a large, juicy item of $10,000,000 already appropriated and suspended in plain sight, there is great temptation to come to the committee and ask that it be transferred to other items, where it can be and will be expended.

Mr. KRAUS. As a matter of fact, the chairman of the committee has already stated that they have asked for a transfer of another $100,000 out of the $10,000,000.

Mr. TILSON. The gentleman's statement bears out what I said. It seems to me that sort of a thing ought to be discouraged.

Mr. SMITH of Illinois. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. SMITH of Illinois. The gentleman says that there are $10,000,000 that are not to be used.

Mr. TILSON. Eighteen million six hundred thousand for these two items. This bill calls for a transfer of half of that amount to other items, and that leaves in the items of "pay" and "provisions" $9,300,000.

Mr. SMITH of Illinois. But suppose it becomes necessary to use $5,000,000 of this money?

Mr. TILSON. It can not be used for any other purpose than that for which it is appropriated, which is pay for the Navy and provisions.

Mr. SMITH of Illinois. But suppose the Navy was recruited up where you wanted $5,000,000, where would you get the relief?

Mr. TILSON. If the Navy was recruited up to that number we might need a part of the sum.

Mr. SMITH of Illinois. If it is not available, where could you get relief?

Mr. TILSON. In a subsequent deficiency bill.

Mr. GOOD. Assistant Secretary Roosevelt says that they will not need this $18,900,000. I think there will be no embarrassment, as far as that is concerned, if it should be covered into the Treasury if it was so desired.

Mr. DOWELL. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. DOWELL. The Naval Committee appropriated more money than was needed in this particular department.

Mr. BROWNING. Oh, no; the gentleman is wrong. We appropriated what we thought would be needed, but the recruiting has not come up to the expectations.

Mr. DOWELL. But just the same, the committee appropriated more than is needed, and now the Navy wants to use it somewhere else.

Mr. TILSON. Evidently the officials of that department have expressed a desire to have it transferred to other accounts in which they can expend it.

Mr. GOOD. During the last quarter they can not under any circumstances, unless there is a change in the law, recruit more than 170,000 men. So I do not see how there can be any embarrassment, as far as that part is concerned.

Mr. BYRNS of Tennessee. Mr. Chairman, I rise to oppose the amendment. I hope the amendment will not be adopted. It seems to me that the House ought not to adopt an amendment of this sort, at least until we have some information from the Navy Department as to whether or not it can be done without serious embarrassment to that department. We did have some hearings, and Assistant Secretary Roosevelt did say that $18,600,000 could be transferred for certain specific purposes. The committee finally decided to recommend that half of it be transferred. But now to come here with an amendment covering in this sum offered on the floor, without consulting the naval officials as to whether it is wise to do it, or whether or not it can be done without embarrassing the Navy Department, seems to me to be unwise. The money will remain in the Treasury whether it is covered in or not, as the gentleman from Iowa has stated. Unless they have the enlisted men to pay the money will not be paid out, and therefore the United States Treasury can not lose anything if the amendment is not carried, and I hope the amendment will not be adopted, especially since we have no information from the Navy Department.

Mr. KRAUS. Mr. Chairman, if the committee had approved of the request of the Assistant Secretary of the Navy to transfer the $18,600,000 which the Secretary stated he could not use for the purpose appropriated, you would not have embarrassed the Navy.

Mr. BYRNS of Tennessee. I think we would have run a chance of doing it.

Mr. KRAUS. The only reason why you did not transfer the $18,600,000, you were afraid to embarrass another part of the Navy.

Mr. BYRNS of Tennessee. I do not say that. The Assistant Secretary, Admiral Benson, and others came before the committee and said that it was exceedingly important that those ships which are to remain permanently in the Navy and are now in the navy yards should be repaired, and that he felt that these sums could be properly transferred for that purpose. Their original idea was that an appropriation should be made directly for this purpose. But when they found that was impossible, they said that the seriousness of the situation was such that they were willing to concede that the amount named could be transferred.

The Naval Committee originally considered this matter and, as the gentleman from Tennessee [Mr. PADGETT] states, cut this appropriation down $8,000,000, and now in the face of what the chairman of the Committee on Naval Affairs [Mr. BUTLER] has

said, backed up by what the gentleman from Tennessee [Mr. PADGETT], the ranking member on that committee, says, and in the face of the fact that the Navy Department has not been consulted about the covering in of this money to the Treasury, for the House to adopt this amendment, it seems to me, would be exceedingly hazardous, and I hope that it will not be done.

Mr. GOOD. Mr. Chairman, I ask unanimous consent that the debate upon this paragraph and all amendments thereto close in 15 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that debate upon this paragraph and all amendments thereto close in 15 minutes. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, I regret very much that I did not fully understand the situation with reference to this item of transfer at the time it was passed over. Otherwise I would have at least made a motion to reduce it, if not to strike it out entirely. The situation appears to be this: The Naval Committee went over this matter very carefully, and on part of the items at least allowed the Navy Department every nickel they thought they ought to have. Then the Navy Department subsequently finding it had some surplus in the matter of pay goes around to the Committee on Appropriations and succeeds in getting the sum that the Naval Committee would not allow them. This situation is the more peculiar because at this time our greatest competitor, the only nation that has a larger navy than ours, is laying aside almost one-half of its ships, has actually agreed to scrap 150 of them, and has suspended entirely the construction on her major ships and has very much decreased the work on other ships.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BUTLER. The gentleman is stating something that I should like to listen to, but I am afraid that some one has been giving him wrong information about the Englishmen having dispensed with the construction on large ships. We get quite the contrary information in the Naval Committee.

Mr. GREEN of Iowa. The statement was made in the daily papers just the other day.

Mr. BUTLER. I hope it is true, but we get information just the other way.

Mr. GREEN of Iowa. I suppose the gentleman is aware that there is very much complaint in England about the unnecessary amounts that were expended upon the navy?

Mr. BUTLER. There is no doubt about that.

Mr. GREEN of Iowa. And in view of this complaint, action has been taken by the English Admiralty toward cutting down expenses. Of course, the largest cut that has been made is in the matter of dirigible flying machines, where the cuts have been tremendous, but the daily newspapers have carried the statement that they have suspended the work on their major ships for the present. I am inclined to think the statement is correct. I know, of course, that we can always hear from the Navy Department about what great preparations are being made for war and what extensive additions are being made to the navies of other nations, but I have no reason to doubt this statement. In any event, so large a sum ought not to have been allowed the Navy Department for items that had been passed upon by the Naval Committee, and the least that we can do now is to adopt the amendment of the gentleman from Indiana [Mr. KRAUS] and put these unexpended balances where there will not be any temptation on the part of the Navy Department to expend them. Here is this great amount of over $9,000,000 that has not been spent, and if there is ever any money appropriated that a department has not spent, it seems that the department officials feel rather bad about it. They are always in here as soon as possible finding some other way to spend it. They can always find a way to do it and to impress the necessity for it upon the committees. I think the amendment of the gentleman from Indiana ought to be adopted.

Mr. SANDERS of Indiana. Mr. Chairman, I think the amendment of the gentleman from Indiana [Mr. KRAUS], who is a member of the Committee on Naval Affairs, ought to be adopted, and the argument for its adoption appears more clearly perhaps from the statements made by those who are opposing than by those favoring the amendment. It is claimed that the Assistant Secretary of the Navy wanted over $18,000,000 for these purposes; that he first asked for an original appropriation for that amount. He was willing to cut it in two, and asked for an original appropriation. Then it is stated when he found that could not be done, that he was willing that all of the funds should be transferred. Thereupon, because of this argument, there was placed in this bill an appropriation amounting to $9,300,000. It is clear from all of the statements that have been made that there is no possible chance of this money being used for the purpose for which it was originally appropriated by this House. This is a golden opportunity when the House can again cover into the Treasury of the United States money which it has appropriated and which will not be used for that purpose. If there shall ever be a need created for additional appropriations to pay for the personnel, there will be no difficulty in getting it. I think the amendment of the gentleman from Indiana ought to be adopted so as to remove all temptation from the Committee on Appropriations to take that fund and appropriate it for any other purpose, because if those other purposes are so worthy as to appeal to the committee, they will then make an original appropriation.

Mr. GOOD. Mr. Chairman, the Committee on Appropriations met a serious question in determining what to do with regard to this estimate for repair of ships in the Navy, for that is practically what was desired to be accomplished. At first it was the thought of the committee, and I am frank to say that thought still lingers in our minds to some extent, that this provision was to take care of some of the men in the various yards who will have to be discharged, and on that theory the committee was unanimous that nothing should be allowed. But Admiral Benson and the Assistant Secretary of the Navy came before us and told us of the condition that many of the ships are in—so much worse condition than they had anticipated or had reason to expect when the estimates were made, in worse condition than they had advised the Committee on Naval Affairs, and the necessity was strong for putting some of these vessels in repair immediately, or as soon as possible, for it is stated that in their present condition deterioration would go on much more rapidly than if they were placed in repair.

The committee did not want to take the responsibility of having a great many battleships tied up because of a lack of funds for repairs. The committee would not act upon this question without going to the committee that is composed of experts on the subject, and so called in the members of the Committee on Naval Affairs. This provision would not have been put in the bill at all if it had not been with the consent and even the advice of that committee, because we recognized what we reported out was in the nature of a supplemental appropriation rather than a deficiency appropriation, but when the members of that committee said they did not want to take the responsibility of denying this fund for fear the Navy might be needed for some reason or other and if needed many of the vessels tied up because we had not appropriated the money, it seemed to us we could not take that responsibility. The gentleman from Pennsylvania [Mr. BUTLER] and other members of the committee—the gentleman from Tennessee—were freely consulted, and I am frank to say we not only followed their advice, but all the information which the committee received will be gladly turned over to the Committee on Naval Affairs.

Mr. BUTLER. Will the gentleman yield?

Mr. GOOD. I yield.

Mr. BUTLER. I thank the gentleman for yielding. I was agreeable to this appropriation when the gentleman suggested the proviso should be added. I never would have agreed to it had it not been—that is, I would not have advised the committee to have reported the appropriation if it had not contained the proviso that no part of this fund shall be expended upon repairs to any vessel which is not to be retained permanently in the Navy.

Mr. GOOD. Absolutely. With that placed in there, not a dollar of this fund shall be expended on ships that are to be sold as junk. We put in another proviso that the Secretary of the Navy shall report the number of men employed in each yard and station and the number of such men who are below a fair standard of efficiency. It is to be regretted that the efficiency of the men in the navy yards has fallen 35 per cent since 1914. Only 65 per cent efficient is the testimony of the officers who have charge of these yards, and some yards ought to be closed. [Applause.] Some yards ought not to be permitted to run at all, because some yards are so inefficient to-day that there is no reason why they should be continued to exist with the low standard of efficiency.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KNUTSON. Mr. Chairman——

The CHAIRMAN. The gentleman from Minnesota is recognized for three minutes.

Mr. KNUTSON. Mr. Chairman, speaking of efficiency I would like to call to the attention of the committee the trouble that is being experienced by discharged naval service men in collecting the additional one and a half cents a mile voted them by Congress last February. A number of cases have been called to my attention where boys put in claims for additional mileage last April, May, and June, and these claims have not

been disposed of yet. Their discharges were sent in with the claim at the time, and I suggest that the Committee on Expenditures in the Navy Department investigate this particular phase and see if it is not possible to get a little action from some of the bureaus down at the other end of the Avenue. I yield back whatever of my time may remain.

The CHAIRMAN. The gentleman from New York [Mr. MACCRATE] is recognized for two and a half minutes.

Mr. MACCRATE. Mr. Chairman, I desire to say for the men employed in the Brooklyn Navy Yard that the efficiency there has been maintained at as high a standard as at any private shipyard in the locality. As a matter of fact when the twin hospital ships, the *Comfort* and *Mercy*, of the War Department were to be repaired, one was sent to the Brooklyn Navy Yard and one to a private concern for repair and overhauling, and the total cost for overhauling paid at the Brooklyn Navy Yard was about one-half the amount that it cost the Government at the private yard. Not only that, Mr. Chairman, but some people say they will not vote money simply to keep men in a job. Of course none of us will vote money only to keep men in useless jobs. But it is a fact that England granted 13 weeks' pay to all men and women who were employed in munition factories in order that they might adjust themselves to conditions after the war. I am not advocating and I am not asking Congress to vote money to keep men in employment without regard to the need for those men. But I do say we ought not to curtail and cut down the money necessary to run the navy yards so that the lay off will be great and sudden and these men thrown into the world without occupation or place to get occupation, especially when ships in fact need repairs. And I submit that for the present this limited appropriation is justified.

The CHAIRMAN. The tire of the gentleman has expired. All time has expired.

Mr. HICKS. Mr. Chairman, I ask unanimous consent to speak for two minutes on this question.

The CHAIRMAN. The gentleman from New York asks unanimous consent to proceed for two minutes, exclusive of the time fixed. Is there objection? [After a pause.] The Chair hears none.

Mr. HICKS. Mr. Chairman, I know that all members of the Committee on Naval Affairs realized last spring the urgent necessity of cutting down appropriations wherever it was possible, and when the estimates came before our committee from the various bureaus of the department, in order to practice rigid economy we cut down practically every item that was submitted to us. When our bill was reported to this Congress it contained only such items which we thought absolutely necessary for the peace maintenance of the Navy. After that it developed that there were certain items that the department had not correctly estimated. We are now confronted with the fact that owing to decrease in the personnel all the money appropriated is unnecessary, but, on the other hand, we are confronted with the positive fact that unless we do provide money for certain repairs and maintenance of ships those ships will deteriorate in value. I desire to pay my respects to the chairman of the Committee on Appropriations for the able way in which he has presented the subject this afternoon. Some members of the Committee on Appropriations asked my own opinion about it, and in my humble way I said I felt that $18,600,000 additional asked for by the department was not justified, but when the money comes by transfer, without taking one dollar from the taxpayers of the country in addition to the amounts appropriated, and placing it where that money is absolutely needed for the upkeep and maintenance of our Navy, where every patriotic American wants it to be, I feel that every dollar asked for in this bill should be granted, and I therefore oppose the amendment offered by the gentleman from Indiana.

Mr. DOWELL. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman has expired, all time has expired, and the question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the Chair announced the ayes seem to have it.

Mr. KRAUS. Division, Mr. Chairman. I withdraw that demand.

Mr. BUTLER. I ask for a division, then.

The CHAIRMAN. A division is asked for by the gentleman from Pennsylvania.

The committee divided; and there were—ayes 9, noes 33.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For maintaining registers of teachers and assisting officers of education in finding teachers for positions requiring special qualifications, including personal services in the District of Columbia and elsewhere, $5,000.

Mr. TOWNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

Mr. TOWNER. In line 6, strike out the figures "5,000" and insert "20,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. TOWNER: Page 14, line 6, strike out "$5,000" and insert in lieu thereof "$20,000."

Mr. TOWNER. Mr. Chairman, I hesitate to ask that any item in this bill be increased. However, I think there is entire justification for asking this small increase of this small appropriation. The appropriation that has hitherto been made for the support of this branch of the Bureau of Education has been $40,000, and the estimate made by the bureau for the continuance of this work was $40,000. It has been reduced to the sum of $5,000, which practically makes it impossible for the bureau to carry on this work.

Let me state very briefly the nature of the work and give an idea, if I may, of its great importance. Of course, we understand that there is a part of the educational work of the country which is national in its scope. And, by the way, let me say that it is nothing less than a crisis that confronts the Nation to-day with regard to its schools and colleges in the securement of teachers. So many of the teachers have been called to other service during the war, both in the field and in civil life, who are not returning, that there are literally tens of thousands of schools in the United States to-day unable to secure teachers. This work of the Bureau of Education in the placing of teachers, most of it, is interstate or national in its scope. For instance, a college desires a professor of chemistry or some other teacher in one of the departments. He can not be secured in the neighborhood or even in the State. It has been the work of this bureau to keep on hand schedules of the available material for teachers in the universities and schools of the land. It has been necessary, of course, to secure from them, in the form of questionnaires, a statement of the fact that they are available for places, and then applications are made to the Bureau of Education for these places by these schools and colleges and universities of the country. This work has been of very great importance. It is now more than ever of great importance.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. TOWNER. I yield.

Mr. NEWTON of Minnesota. During the régime of the Employment Bureau of the Department of Labor, as my information goes, they also had quite a force of employees engaged in securing positions for teachers, and a few other departments of the Government were apparently fulfilling the same function. Is that correct?

Mr. TOWNER. They were working in harmony with each other and supplementing the work of each other. The bureau of the Department of Labor was established as a part of their employment agencies in various sections of the United States to secure positions for teachers. They took care in large measure of the neighborhood or surrounding territory.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. TOWNER. I ask unanimous consent to proceed for five minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. TOWNER. And that work, I will say to the gentleman, is not, as I understand it now, being continued. I think I am justified in saying that there is no other place than this whereby teachers can find places and whereby schools can find teachers.

Now, gentlemen, this is, comparatively speaking, a very small amount.

Mr. HERSEY. Will the gentleman yield?

Mr. TOWNER. I will yield to the gentleman from Maine.

Mr. HERSEY. Does the gentleman think it is very practical to raise the amount above $5,000 and not raise the pay of the teacher?

Mr. TOWNER. I will state to the gentleman that the pay of the teacher is being raised, else the school could not be supplied. I admit the gentleman is correct is one sense. You can not get teachers unless you pay them an adequate salary.

Mr. HERSEY. When you pay the teacher a reasonable wage you will have no trouble in finding teachers.

Mr. TOWNER. I hardly think the gentleman is justified in making that statement, because they have got to be found. It is not at all uncommon for a teacher to be sent from New York or Massachusetts or Maine to California or to Louisiana. And these men do not know these places; they can not know them. It is not a matter that is determined by advertisements.

There is no method of publicity for such proceedings as this for the purpose of ascertaining where a place is vacant and where the teacher is available. There seems to be no other method that has so far been devised except this being carried on by the Bureau of Education.

Mr. FAIRFIELD. What facilities has this bureau for determining that these people have special qualifications?

Mr. TOWNER. They send out questionnaires, or, rather, upon the application of the teachers or upon the applications of the schools for particular teachers inquiries are made, and then information is furnished to the schools, so that they may determine whether or not the applicant, or a person available, may or may not be secured for that purpose.

Mr. FAIRFIELD. And I would ask whether there are private agencies that are engaged in the same work, and why they would be less efficient than this Government bureau in selecting teachers? These are special teachers, I understand?

Mr. TOWNER. A great many of them. The private educational employment agencies are, of course, paid agents. Both the schools that desire to secure the teachers and the persons who desire to secure employment, as I understand it, are compelled to pay the employment agencies. And it is natural, I suppose, that the universities and colleges and schools for principalships and superintendents should send to the Bureau of Education, making inquiry if it can supply them or furnish them or put them into communication with certain teachers that they desire.

Mr. BURROUGHS. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes; I yield to the gentleman.

Mr. BURROUGHS. Can the gentleman state to what extent, if he has the information, this bureau was able to furnish teachers, say, in the last year?

Mr. TOWNER. I wish I could give the gentleman the figures. They are very large and very satisfactory. They have done really a very great work in this emergency. They are doing it now. Of course, they have on hand much which could be made available. They have on hand now a great accumulation of material that could be made efficient if they had sufficient means to carry on the work. Five thousand dollars would not do more than enable them to maintain a nucleus of the department. They will not be able to carry on the work, as I understand it, with merely that amount. This increase from $5,000 to $20,000 for this great educational work in this particular emergency is amply justified, it seems to me, and therefore I have offered the amendment for this increase.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GOOD. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. GOOD. Mr. Chairman, my colleague [Mr. TOWNER] made a splendid address this morning, one of the best I have heard in many a day; and I was particularly gratified when he reached that portion of it wherein he stated that all of these war activities, now that the war is over, should cease, and I was somewhat surprised, therefore, when, immediately after this paragraph was reached, he offered an amendment to continue a war-time activity.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. GOOD. I will yield for a question.

Mr. TOWNER. Does the gentleman think that the procurement of teachers for the schools is a war-time activity?

Mr. GOOD. Well, we never had an appropriation before, within my recollection, which carried money for an agency to secure teachers for our schools. This was a war-time appropriation of $25,000. It was from the President's fund.

Now, Mr. Chairman, the gentleman says this is a small amount. That is the hard fact that the Committee on Appropriations has to go up against every day. It is the thousands of small items that reach into the millions and even billions when it comes to summing up appropriations.

Now, the commissioner estimated for a director for this service at $4,000. He estimated for an assistant director at $3,000. The committee did feel, for this year at least, that some of this work should be carried on while people are getting settled and teachers are finding places. It may be possible that it will be carried on as a permanent thing, as a sort of clearing house. But as I said, $5,000, if rightly expended, will permit them to maintain in the Bureau of Education a clearing house, with a chief clerk at $1,800 and a couple of stenographers to answer all inquiries, to receive questionnaires, to handle the information that teachers, directors of school boards, and trustees of colleges can supply, and to furnish such information as really ought to be available as a governmental activity.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. GOOD. I yield.

Mr. LAYTON. Is it not a fact that in all the States of the Union for the most part there is a great difficulty in getting teachers? There is not a surplus of teachers, but there is great difficulty in obtaining them?

Mr. GOOD. I think that is true, and I think it is because—and it is to be regretted—the salaries of teachers have not kept pace with the salaries paid to people in other positions requiring a like amount of intelligence and ability.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. FAIRFIELD and Mr. CANNON rose.

The CHAIRMAN. Does the gentleman from Illinois desire recognition?

Mr. CANNON. Yes.

The CHAIRMAN. The gentleman from Illinois is recognized as a member of the committee.

Mr. CANNON. Mr. Chairman, thank God the war, while not technically over, is practically over and we are getting back to normal. We have great trouble about the high cost of living. It is very simple. The increased price of commodities and the high cost of living come from the decreased purchasing power of the dollar. It is now about 50 cents. Put in another way, 50 cents when the war broke out would buy as much as $1 does now. If the war had kept on, God knows how far the currency would have been expanded and how much our credit would have been lowered. We have been very fortunate in keeping up the credit of the Government, notwithstanding the great increase in the currency and the liberty drives and the great issue of bonds. It is very fortunate, indeed, that the credit of the Government remains substantially unimpaired.

You may say, "What has that to do with this proposition?" The organizations authorized by war-time law—and I am not abusing any of them at this time—did much good work, and there was necessarily extraordinary demands upon the Treasury and much of waste and extravagant expenditure. If the respective States having common schools and caring for the agricultural schools and colleges—and there are a great number of colleges that do not depend upon appropriations—will perform their functions, as they are performing them now practically, in my opinion, for peace time, we will not have much trouble. As the cost of products decreases and the compensation of certain people and teachers amongst the communities increases, under the law of demand and supply we will get back to peace conditions.

I am not going to make any attack on this Bureau of Education. I will not say what some people suspect, that this is to pay very considerable salaries to monopolize the superintendence of teachers all over the country, somewhat similar to the work of the Department of Labor, duplicating to some extent the work of the Department of Education; "cooperating," they say. So far as I am concerned, I would be willing to make a motion to strike out this $5,000 entirely. Let us get back to normal.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. CANNON. Yes.

Mr. LAYTON. I would like to ask whether if it is not a fact that practically all the States of the Union have an educational employment bureau to supply the public schools?

Mr. CANNON. Oh, yes. That is a fact. I hope to live to see a return to normal conditions not only touching this industry, which would increase greatly if its demands were complied with, but with respect to many other industries, centralizing in Washington the functions of the Government with high-priced employees when centralization is not needed. Great heavens! I want to get back to let the States perform their functions. [Applause.]

Mr. FAIRFIELD. Mr. Chairman——

The CHAIRMAN. The gentleman is recognized for one minute.

Mr. FAIRFIELD. I think there is no doubt that every university in this country has an agency of its own to place its own products. Every State in the Union has an educational department, and information as to men who are available is not difficult to obtain. What I object to chiefly is not the increased $20,000 for this year; but once the nose of the camel is into the Treasury there are limitless possibilities about this whole thing; and I am quite in sympathy with the gentleman from Illinois [Mr. CANNON], who would strike out even the $5,000, but perhaps it ought to remain in. So I think, gentlemen, it is just as well to get away from extending and increasing the centralizing powers that will take business, education, and incidentally, perhaps, re-

ligion or no religion—which is a man's attitude on the subject of religion—away from the locality and concentrate it in Washington. So, perhaps, we should look, not to the cutting out of the amount carried for this year but to the possibilities of the future.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment.

Mr. LAYTON. I move to strike out the paragraph, lines 3, 4, and 5, on page 14.

The CHAIRMAN. The gentleman from Delaware moves to strike out the paragraph. The question will first be taken upon the amendment of the gentleman from Iowa [Mr. TOWNER], which is in the nature of a perfecting amendment.

The question being taken, the amendment was rejected.

Mr. BYRNS of Tennessee. Mr. Chairman, a parliamentary inquiry. Has debate been exhausted on the paragraph and the amendment just offered?

The CHAIRMAN. Upon the paragraph and all amendments thereto. The question is on the motion of the gentleman from Delaware [Mr. LAYTON] to strike out the paragraph.

The question being taken, the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BROWNING having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 6410) authorizing the city of Boulder, Colo., to purchase certain public lands.

FIRST DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

OUT OF THE POSTAL REVENUES.

OFFICE OF THIRD ASSISTANT POSTMASTER GENERAL.

For payment of limited indemnity for the injury or loss of pieces of domestic registered matter, insured, and collect-on-delivery mail for the fiscal years that follow:

For 1918, $100,000;

For 1919, $300,000.

Mr. FESS. Mr. Chairman, I move to strike out the last word. I want to bring to the attention of the committee two items in connection with this matter of indemnity. In looking over the request for appropriations to take care of these indemnities on parcel-post matter I notice that in 1918 we appropriated $320.000 for this item. The first deficiency bill asked for $180,000 and the second deficiency bill for $650,000. In 1919 the appropriation was $670,000. The amount asked for by the department when the first deficiency bill of this year was up was $890,000 and the estimate for this next year reaches the sum of $2,000,000. I am interested to know why this sum is so rapidly growing, from $320,000 last year to $2,000,000 this fiscal year.

Mr. GOOD. I will say to the gentleman that I do not have personal knowledge with regard to the matter. The question of the necessity of making the appropriation was gone into quite fully, but I do not believe the phase of the question to which the gentleman calls attention was brought out in the hearing of the officials of the Post Office Department. These amounts are paid out in small sums. My recollection is that the average payment is not over $5 or $6.

Mr. FESS. Between $3 and $10, I understand.

Mr. GOOD. Yes; the average, as I understand it, is about $6, or perhaps nearer $7. Now, I do not know whether it is because of the increased use of the insurance provision by persons who send by parcel post. It is barely possible that people have commenced to insure parcel-post matter more than they did formerly. The gentleman understands that formerly the Government did not insure the packages at all. Now, with the increased use of the insurance the gentleman can well see that there would be an increase in the liability of the Government. My recollection is that the amount appropriated for this purpose is about one-half the amount collected in insurance premiums. For example, in 1913, the fees collected amounted to only $259,000, while in 1918 they amounted to $3,229,000, and in 1919 it is estimated that they will reach $4,130,000. The indemnities for 1914 amounted to $175,000, whereas in 1918 they amounted to $1,180,000, and the estimates for this year amount to $1,351,000. It is barely possible that we are losing more mail than formerly. I do not know. The figures I have read would indicate that it is largely on account of the increased use of the service.

Mr. FESS. I would say to the chairman of the committee that I made a little investigation along this line, due very largely to some complaints that had come to my office about the difficulty in collecting indemnities; and in going into the matter I noticed this rapid increase in the amount of appropriations, which it seemed to me called for some explanation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. FESS. It occurred to me that in addition to the increased business under insurance there might also be an increase of the losses, due to the Government handling of the business.

Mr. BLACK. Will the gentleman yield for a moment?

Mr. FESS. I will yield to my friend from Texas.

Mr. BLACK. When the Post Office Department made their estimate to the Committee on the Post Office and Post Roads on this particular item there was some discussion about the increase in the amount appropriated to pay these losses, and it was brought out that the number of insured parcels had very greatly increased, and, of course, also the losses had naturally increased in proportion, and that in addition to that the large amount of mail matter sent to the different cantonments had caused more losses than there would be in the ordinary course of the service.

Mr. FESS. I will say to my friend from Texas that I also asked about that particular item, and that there had been a great many parcels sent to cantonments, and that the possibilities of loss were greter in that connection than in the regular service. I want it very clearly understood that my queries are based upon a full realization that it is not altogether proper to do nothing except find fault, because the public not having settlements made readily would at once become irritable. It is not that, it was to get at why this was growing. I was attempting to find just how we adjudicated the cases. It seems to me, if I may be permitted to make the statement without seeming to criticize, that we ought to have a little better plan for some sort of record in the department of the transportation of the articles insured. I have tried to find whether there is the name of the one to whom the package is addressed, whether the name of the sender is kept, whether the amount that is being sent is known, whether when a claim is made we might get at it to ascertain whether the Government is being in any way defrauded on misrepresentations by the sender. I have not been satisfied myself that the Government is guarding its own rights along that line. I have understood that there is a general order that expedites the settlement of smaller claims because they have so rapidly grown and accumulated. So that claims of about $5 and under are rushed through rapidly, and the question is whether the Government is guarding itself against false claims so as not to lose unduly. Let me ask my friend from Texas if there is a record kept?

Mr. BLACK. I will say to the gentleman that I do not think they keep a record with the same particularity that they do of registered mail packages, but of course it is the custom of the Post Office Department to require a very definite proof of the loss. I have no doubt that in spite of that fact the department is imposed upon at times, just as the loss and damage claims against railroads are sometimes put in that are not justified.

Mr. BEE. Mr. Chairman, I want to make this suggestion. In the first place, one of the principal difficulties in matters of this kind is the incomplete and insufficient addresses often put on by the parties sending the packages.

In regard to the keeping of records, I do not know just what records are kept.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. BEE. Mr. Chairman, I move to strike out the last word Now, I want to say to the gentleman from Ohio that I do not know whether the Post Office Department here is keeping the records, as suggested by the gentleman from Ohio. Of course, a record is kept in the local post office, and when a loss occurs the Post Office Department must necessarily depend on the records in the local post office. It would be a fine system to keep the records in the General Post Office here, but it must readily occur to anyone that to do so would put an additional burden on the already overburdened employees in these places, especially in the smaller places where they are allowed a very small amount for clerk hire and insufficient compensation.

Mr. FESS. Will the gentleman permit an interruption?

Mr. BEE. Yes.

Mr. FESS. It was stated to me on inquiry that the record was not being kept because it would entail an expenditure that would not be commensurate with the advantage that would accrue.

Mr. BEE. The only way that the records could be satisfactorily kept would be for Congress by appropriate legislation to increase the compensation of postmasters all over the country, especially in the small fourth-class post offices, giving them

additional help because when a person brings a package to mail the clerk has to fill in the different blanks and memorandum and have them signed, and those are kept in his office, but to cause them to keep records for transmission to the General Post Office would require, in many instances, the services of additional clerks.

In many of these offices the clerk hire, as the gentleman knows, is only a few dollars a month, which is an addition to some one who is already employed there. I do not think there is any chance for fraud against the Government in matters of this sort, more than there is in general claims against the railroads. Of course, frauds will creep in. If the Congress desires post offices, both in local offices and the central office, to keep complete and perfect records by which all matters could be definitely and quickly traced, they would have to largely increase the force.

Mr. FESS. Let me ask the gentleman if he thinks the additional expense would reach anything like the increase in saving?

Mr. BEE. I think the additional expense would not be commensurate with the advantages that were sought to be gained because the losses are not so very extensive, there are not so many, and can most always be proven by the only record that is kept.

Mr. CANNON. Will the gentleman yield?

Mr. BEE. Certainly.

Mr. CANNON. I have an impression that the extraordinary increase in losses is through the mail-order houses in the large cities, and that when you come to the fourth-class post offices there are not many packages that originate there. A good many are received because these mail-order houses are sending packages all over the country.

Mr. BEE. I think the gentleman from Illinois is correct. In other words, the history of the smaller post offices is that it is very seldom that these packages originate there. If so, they are for the transmission of trinkets and personal things between friends. The great bulk of the parcel-post matter comes through the enlargement and enhancement of mail-order houses which send to all persons of the country. It is a fine system, but sometimes it is destructive of the little fellow who has the country store and has built up a business and the parcel post is driving him out. However, the parcel-post system is of great advantage to the people and should be maintained in its full force and effect.

The Clerk read as follows:

For additional clerical and subclerical employees in the Department of Justice in the District of Columbia, $12,000.

Mr. LUCE. Mr. Chairman, I move to strike out the last word. I am a member of the Committee on Expenditures in the Department of Justice. When appointed to that committee I well understood that it was not expected to concern itself with appropriations, but was expected to concern itself with expenditures that had been made. I further understood that it was not likely that this committee would extensively function. In this expectation I have not been disappointed. I wish to take this opportunity to call to the attention of the chairman of the committee in charge of the matter now before us, in connection with his study of methods for improving the financial methods of our Government, the fact that inevitably I have contrasted the method here in use with that in use in a legislative body with which I am very familiar through somewhat long service. I have no grievance, no hobby to ride, no complaint to make, but venture the observation that there may be found merit in the system in use in my own State and in some other States, wherein a preliminary study of appropriations is made by a specialized committee whose judgment is then put at the command of the finance committee. For instance, in the few States that use this method, the judiciary appropriations now under consideration would have gone, first, for the study of a specialized committee. Its recommendations, if favorable, would then have been passed on by the Committee on Appropriations. The advantage of this system is that it secures weeding out of a great mass of trivial or worthless proposals which otherwise would take the time of the committee on finance; and in the second place it brings to the subject the study of men who, by year after year of service on the specialized committee, acquire a familiarity with the topics which makes their advice of value. Inasmuch as this method has been found of great service in the States to which I refer, is not a novel proposal, has been tested by long experience, I trust that the gentleman so much interested in reforming our financial procedure, and in charge of recommending to us new methods accompanying a budget proposal, will give the possibility of following the example of these legislative bodies serious consideration. I withdraw the pro forma amendment.

The Clerk read as follows:

Enforcement of antitrust laws: For the enforcement of antitrust laws, $200,000: *Provided, however,* That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further,* That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. BARBOUR. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 17, line 5, after the semicolon, strike out the balance of line 5, and also lines 6, 7, 8, and 9, and insert: *Provided further,* That no part of this appropriation shall be expended for the prosecution of producers of farm products or associations of farmers or organizations, corporate or otherwise, of farmers and others who organize and cooperate in an effort to and for the purpose to prepare for market and market and obtain and maintain a fair price for their products or the products of the members of any such association or organization.

Mr. BARBOUR. Mr. Chairman, my purpose in offering this amendment is to broaden somewhat the scope of the language of the bill and at the same time include farmers' marketing organizations, which I believe it was intended to include within the scope of the language. In the western part of the country there are organizations of farmers, or farmers' marketing organizations, which do not consist entirely of farmers, and I want to say to the Members of the House that I believe they are the most successful farmers' marketing organizations in existence. They are to-day the models that are followed by farmers' marketing organizations all over the United States. For 20 years the farmers and fruit growers of California tried to market their products by means of cooperative marketing associations. Year after year those organizations failed, not the same organizations, necessarily, but one was succeeded by another, and each was a failure until finally the scheme was adopted of incorporating and having capital stock. When this scheme was adopted the farmers' cooperative marketing associations in that part of the country were just about as far below par as they possibly could be in the estimation of the farmers. But, in order to help the cause along, bankers, business men, and professional men put money into these associations and bought stock for the purpose of helping the farmers in their communities and thereby helping their communities. Every one of those associations is to-day successful. As I say, they stand as the models of farmers' cooperative market associations throughout the country. They have established credit.

I know of my own knowledge that the first association of fruit growers that was organized along these lines in the year 1913 found it almost impossible to borrow $60,000 from the banks in order to handle the 1912 hold-over crop of raisins in our section of the country. Only a few days ago I was reading in one of the Washington papers that the banks of New York City had combined to advance to the California Associated Raisin Co., which is the first of these organizations to be formed, unlimited credit to handle the crop of the year 1919.

My purpose, as I stated a moment ago, in offering this amendment is to broaden the scope of the language, but at the same time I believe that it follows a meaning of the language in the bill.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. LAYTON. I want to say to the gentleman that I am not opposed to his amendment if it is necessary to vote upon it; on the contrary, I am in favor of it; but I would like to know from the gentleman and from the House generally whether there is any law in this country that prevents any organization of individuals from any combination or agreement having in view the increase of wages, and so forth, or is there any law in the country that prevents producers of farm products and associations from pursuing that course in order to obtain a fair and reasonable price?

Mr. BARBOUR. I believe there is. I will say to the gentleman that I understand that the Clayton Act exempts labor organizations from the provisions of the antitrust law. It was intended at that time, as I understand, and as I am told, to exempt farmers' organizations; but the language of the Clayton amendment——

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BARBOUR. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARBOUR. But the language of the Clayton amendment does not seem to exempt these marketing organizations.

Mr. LAYTON. I should support the gentleman's amendment.
Mr. IGOE. Will the gentleman yield?
Mr. BARBOUR. I will.
Mr. IGOE. As I caught the reading of the gentleman's amendment it refers to "others," to associations whether incorporated or not. How far would the gentleman go with this exemption?
Mr. BARBOUR. The last clause of the amendment limits its operation, I will say to the gentleman from Missouri, because that clause holds the organization to the marketing of the products of members of the organization.
Mr. IGOE. What does it mean by "others"?
Mr. BARBOUR. It means simply this, as I stated a moment ago——
The CHAIRMAN. The time of the gentleman from California has expired.
Mr. BARBOUR. I would ask for one more minute.
Mr. GOOD. Mr. Chairman, I want to see if we can agree on time for debate on this amendment and all amendments thereto. I ask unanimous consent that debate upon this paragraph and all amendments thereto be limited to—how much time does the gentleman want?
Mr. BARBOUR. Only sufficient to answer questions—five minutes.
Mr. HERSMAN. I would like to have some time.
Mr. GOOD. I will modify the request and say that all debate upon this amendment be limited to 25 minutes. I will only take 5 minutes.
The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the debate upon this amendment be limited to 25 minutes. Is there objection? [After a pause.] The Chair hears none.
Mr. IGOE. I want to find out from the gentleman whether this amendment would go to the extent——
The CHAIRMAN. The gentleman from Missouri is recognized for five minutes. The time of the gentleman from California has expired.
Mr. IGOE. Mr. Chairman, I am trying to get the scope and effect of the amendment of the gentleman by his inclusion in the amendment of the word "others" and also the use of the word "corporate." What I am trying to get at is this: Whether people who are not farmers, who are not producers, may engage or go into combination with those who are producers or with others in a similar situation and will they secure protection from prosecution?
Mr. BARBOUR. Now, in answer to that, I will again call the attention of the gentleman to the one organization particularly which I have in mind, which exists in California, and I have no doubt that there are others similar. When this organization was first proposed they had had several years' experience with cooperative market organizations, every one of which had been a failure. The suggestion was then made, in order to establish and create an association which would have a credit, that they incorporate under the laws of the State, with capital stock, fixed capital, and all the other attributes of a corporation. The farmers had had such disastrous experiences with the old cooperative associations that some of them did not take enthusiastically to the idea. Then it was organized as a sort of a community proposition, everybody getting behind it for the benefit of the community, merchants subscribing to stock, professional men subscribing to stock, and bankers. And now the percentage of stock that these men own is very small, compared with the total.
Mr. IGOIE. But suppose the packers get into some combination, what is to prevent them from being exempt from prosecution under the antitrust laws under this appropriation?
Mr. GOOD. Why should they not be exempt from prosecution just as much as any other combination of producers? If they unnecessarily increase prices——
Mr. IGOE. I am not asking that question.
Mr. GOOD. They do an unlawful thing.
Mr. IGOE. I am trying to get the effect of the gentleman's amendment. Of course, if the gentleman wants to exempt packers, I suppose he will not authorize any money to be appropriated or authorize any money——
Mr. GOOD. The gentleman is mistaken or he would not say that.
Mr. IGOE. The gentleman seems inclined to think packers and everybody else ought to be exempted.
Mr. GOOD. I would not exempt anybody guilty of violating the law, any more than any other violator of the law. Every violator of the law ought to be punished and——
Mr. IGOE. What I am trying to ask the gentleman from California is, How far he wants to extend the exemption that Congress has been writing into the laws in the past? We find ourselves up against the proposition that producers—that dairymen—are exempt. I am not going to argue that question, but are you going to permit the men who retail the milk in the cities, for instance, the distributors, now, to be protected from prosecution when you allow them to go and organize, to go out themselves and make a combination that will hold up the price to the people in the cities still further? I am not making any claim that this exemption is justified that is in the law now, but I want to call the attention of the House to the effect of the amendment suggested by the gentleman from California and ask if it is not worthy of serious consideration.
The CHAIRMAN. The time of the gentleman has expired.
Mr. SIEGEL. Mr. Chairman, I want to be heard in opposition to this amendment. At the present time the prosecuting officers of the United States Government in the State of New York are busily engaged in an effort to reach the gentlemen who have been increasing the price of milk in the city of New York, who do not happen to be farmers but who happen to belong to some of these organizations. If this amendment goes through the very thing that the United States authorities are trying to do there is going to be stopped immediately, because it prohibits the use of any of this $200,000 for that purpose. Now, I know the gentleman from California did not want to bring about such a condition of affairs, yet that is the effect of the language of his amendment.
Mr. BARBOUR. Will the gentleman yield?
Mr. SIEGEL. I certainly will.
Mr. BARBOUR. My amendment does not do that.
Mr. SIEGEL. The last line of your amendment takes in anybody who may belong to that organization. He does not have to be a farmer. He can be a manufacturer or the kind of a man who simply wants to get into an organization for the purpose of increasing the price. And that is what they have done in the State of New York, and that is why the people of the city of New York to-day are fighting hard to bring the price of milk down to a reasonable figure and not have it kept up.
Mr. BARBOUR. The last line of my amendment, the last clause, provides that these organizations, whether they are composed entirely of farmers or farmers and others——
Mr. SIEGEL. That is the point—"and others."
Mr. BARBOUR. Must market the product produced by farmers who are members of the organization. They could not go outside of the organization.
Mr. SIEGEL. I will say to you, gentlemen, that I have read the amendment very carefully. In the last line it reads:

And others who organize in an effort for the purpose to prepare for market, and market, and maintain a fair and reasonable price for their products or the products of the members of any such association.

And there is not anything in the world to prevent any Tom, Dick, Jack, or Harry, farmers or otherwise, from organizing such an association and putting up the price, as they have done in the State of New York. And I do not know of any amendment that would arouse more popular wrath than this kind of an amendment, which would permit this kind of an organization, because this is the very thing these organizations in the State of New York are trying at the present time to do, to prevent these profiteers from being sent to prison, where they properly belong. And they have put the price up to 18 cents.
Mr. PLATT. Will the gentleman yield?
Mr. SIEGEL. I will.
Mr. PLATT. Is there anything in the present law to prevent an organization being organized to handle a single product?
Mr. SIEGEL. It goes a step further. It says that no part of this fund shall be used for that purpose, and at this very minute, while we are discussing it here, the United States district attorney for the southern district of New York is engaged in preparing testimony and evidence in order to prosecute, and you take away the money from them.
Mr. LAYTON. Will the gentleman yield?
Mr. SIEGEL. I will.
Mr. LAYTON. What I would like to know is this: Do you not believe that the great agricultural interests of the country have a right to organize intelligently in order to get the best results for their labor, when you accord that privilege to everybody else in the country?
The CHAIRMAN. The time of the gentleman from New York has expired. The question is on the amendment.
Mr. HERSMAN. Mr. Chairman——
The CHAIRMAN. The gentleman from California [Mr. HERSMAN] is recognized for five minutes.
Mr. HERSMAN. I will say that at the present time there are pending two bills before the Judiciary Committee to clarify the situation in regard to the farmers of our Nation. I think there is not a person in this Congress that, knowing the situation, does not realize that it is vital to the farmers of this Nation to

organize into cooperative associations, not only for their own protection but for the protection of the consumer. The farmer is helpless when it comes to bargaining alone. Individually he can not protect himself against his organized enemies. He has never had a thing to say as to the price at which he should sell his goods or the price he should pay for his goods. The speculators and the gamblers of this country have taken charge of the farm products of our Nation, greatly to the detriment of the farmers and to the detriment of the consumers.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. HERSMAN. I will.

Mr. NEWTON of Minnesota. Does the gentleman know of any instance where any farmer has violated the laws of the land in reference to the antitrust act?

Mr. HERSMAN. I will say that at the present time the antitrust act is in such shape that the farmer does not know what his position is.

Mr. NEWTON of Minnesota. That is right.

Mr. HERSMAN. Those that produce the milk, not the men that deliver the milk, are under indictment in three States at the present time. At the present time the raisin growers of California are directed to appear before the Federal Trade Commission to show cause why they should not be indicted. I believe the Congress of the United States wants to give the farmer a chance, not to avoid the Sherman antitrust law nor to combine in restraint of trade, nor to combine for unlawful purpose, but the Congress of the United States wants to say that when the farmer engages in collective bargaining he is not in violation of the law, because he can not bargain alone.

Mr. NEWTON of Minnesota. Will the gentleman yield there?

Mr. HERSMAN. Yes.

Mr. NEWTON of Minnesota. Is that the way to get at it? Is not this the absolutely wrong way to get at it, to say that a thing is a crime, and then that a certain class of our communities shall not be prosecuted for violating it?

Mr. HERSMAN. Yes. I was not in here when this was first brought up, but I have heard enough to know that if the opportunity comes you gentlemen will say that the farmer, when he combines in a cooperative movement, is not in violation of the laws of this land. I want to tell you that the serious milk situation is not the fault of the farmer. Any man knows that the milk situation of this country and the high prices are controlled by world-wide conditions. The price of milk is reflected each day by the price of butter and cheese, and the farmers of this country are not getting an unreasonable price for their milk. There are 13 separate and distinct delivery wagons bringing milk to one apartment house of this city, and the waste comes not from the farmer, but from the distributing of that milk. And I will tell you, if I have time, where the farmers' cooperative marketing associations have increased production in their particular line 300 and 400 per cent. The almond growers of California were helpless under the old system. Their orchards were being neglected all over our great State, and the almond grower was getting 25 cents out of the consumer's dollar. Under cooperation he is to-day getting 75 cents out of the consumer's dollar and has never raised the price to the consumer through all these years.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HERSMAN. I want just one minute in which to say this——

The CHAIRMAN. The time of the gentleman has expired.

The Chair will recognize the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Chairman, I represent almost wholly an agricultural district. Never have I up to this time had a farmer or a representative of a farmer say to me that he was doing anything that was questionable under the antitrust law or that he had been accused of doing such a thing. His acts had never been questioned in that regard and no one has ever asked me to support this provision. I do not know where this whole legislation came from in regard to the farmer, but when I read that provision and when the committee read it I almost had to hang my head in shame to think that this Congress or that any Congress had placed on the statute books a law that prevented the prosecution of a crime.

I am in hearty sympathy with what President Wilson said when signing the sundry civil bill on June 23, 1913. He said he approved it because there were ample appropriations for the Department of Justice without touching this appropriation. But this is what he said:

> I have signed this bill because I can do so without, in fact, limiting the opportunity or power of the Department of Justice to prosecute violations of law by whomsoever committed. If I could have separated from the rest of the bill the item which authorizes the expenditure by the Department of Justice of the special sum of $300,000 for the prosecution of violations of the antitrust law, I would have vetoed that item, because it places upon the expenditure a limitation which is, in my opinion, unjustifiable in character and principle; but I could not separate it.

Further on he says:

> I can assure the country that this item will neither limit nor in any way embarrass the action of the Department of Justice on other appropriations supplying the department with abundant funds to enforce the law. The law will be interpreted in the determination of what the department should do by independent and I hope impartial judgments as to the true and just meaning of the substantive statutes of the United States.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. GOOD. No; I can not yield.

Mr. LAYTON. I wanted to ask the gentleman a question.

Mr. GOOD. Now, gentlemen, this bill carries a provision—to do what? To increase prices? No. The country to-day is not suffering because of low prices. It is suffering because prices are too high, and is demanding that they be reduced, and we carry here a provision to give the Department of Justice every penny it asks for, not to protect the man who is violating the law, not to place him in a class by himself and say to him, "You can violate the law with impunity and go scot free," but is to say to the hoarder, to say to the profiteer, to say to the violator of the law, "You must obey the law or you will be punished." And we have given the Department of Justice all it has asked for, every dollar it has asked for, to stop this combination or unlawful conspiracy to increase prices.

Why, the gentleman's amendment would permit these associations of farmers to cooperate with the packers, and they could raise the price of meats to any limit they desired, and yet the department could not spend a dollar of this appropriation in prosecuting them. It would permit an association of farmers to enter into a combination with an association of canners to place canned goods on the market at a certain increased price, and to hold them until they got the price, and not a penny of this appropriation could be used to prosecute them. Already, as President Wilson pointed out, we have gone far afield in throwing about the violators of the law certain immunities. I am not willing to go a step further. I would go back and wipe the whole thing from the statute books if I could. [Applause.]

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. CANNON rose.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Chairman, I, too, represent one of the best agricultural districts in the United States. I think I want to protect my constituents, whether they are engaged in coal mining or manufacturing—and there is much of coal mining and much of manufacturing in my district as there is also elsewhere in the State of Illinois. I believe in all legislation that will prevent conspiracies to increase prices beyond a reasonable limit.

Let us look at the thing a minute. Because a man, an American citizen, works in a coal mine, or works in a brickyard, or works on a farm, or is a merchant, or a packer, or what not, all the laws of the United States, like the grace of God, ought to cover every citizen of the United States, without discrimination or differentiation, rich and poor, great and small, alike. [Applause.]

Now, I am not for this amendment because I think it goes beyond the present law. Much has been said about the Clayton Act and the Sherman Antitrust Act. If the laws need amendment, let legislation amending them originate with the Committee on the Judiciary, with the proper committee under the rules of the House, rather than upon an appropriation bill. The jurisdiction of the Committee on Appropriations is confined to the recommendation of appropriations to the House of Representatives for its consideration, pursuant to existing law.

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from California?

Mr. CANNON. I have only five minutes.

Mr. BARBOUR. I would like to ask the gentleman a question.

Mr. CANNON. Make it very brief.

Mr. BARBOUR. Was not practically the same language that is included in this bill, after the word "further," included in the bill which Congress passed a week or 10 days ago, to prohibit hoarding, affecting the farmers?

Mr. CANNON. I was not on the Committee of Agriculture and probably was not in the House when the bill the gentleman refers to was considered. I do not know whether it was passed or not, but I am not in favor of giving any combination of American citizens, or people that deal in America, who are not citizens, in whole or in part, exemption where it is denied to all the other citizens of the United States. [Applause.]

Now, there is much abuse of the packers. I do not know whether they are guilty or not under the law. They say that their total profits are only 2 per cent. I am not going to discuss that. But if they have unlawfully conspired to cooperate to fleece the people, then they ought to be prosecuted under the laws that exist. But I am for extending just as much protection to the packers and to the mail-order houses and to the merchants and to the coal miner and to the farmers as to any other class. They should all be treated alike. Let the laws cover all the people in the United States. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. All time has expired. The question is on agreeing to the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

Mr. HERSMAN rose.

Mr. LUCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LUCE: Page 17, line 1, amend by striking out the words "or individual" and inserting in place thereof the words "other than an organization of public officers or any individual other than a public officer," so as to read:

"*Provided, however*, That no part of this money shall be spent in the prosecution of any organization other than an organization of public officers or any individual other than a public officer," etc.

Mr. LUCE. Mr. Chairman, two wards of the district that I represent are in the city of Boston, and therefore within the scope of the recent activities of the striking members of the Boston police department. This amendment is intended to put upon record the expression of this House, if it see fit, to the effect that the action of those policemen was what the governor of the Commonwealth has described as desertion and what the President of the United States has called a crime. [Applause.] While this amendment possibly has no direct influence or bearing upon the situation, it will, at least, tell the people that we, representing the people, agree with the President of the United States and with the governor of the Commonwealth of Massachusetts, and with all thoughtful men who have discussed this subject, that for public officers to desert their duty is a betrayal of duty. [Applause.] If time permitted and if it were of consequence, I would enter upon a discussion of the question of what is a public officer. I could recite to you at length the decisions of the courts holding that policemen are public officers—agents of the people. I could read to you a court decision showing that firemen are public officers; and I am thankful to tell you that the firemen of the city which, in part, I represent have given out the word that they do not intend to strike, that they do not intend to betray the government they have undertaken to serve, but that they will stand faithfully by the obligations of their office. [Applause.] All I ask is that you to-day shall make this particular declaration that the antitrust laws, at any rate, shall not be so treated as to exempt from their operation our officers, the agents of the people, our servants, our soldiers who have enlisted to fight in times of peace battles against crime, just as important to the safety of society as those that have just been fought on the fields of France. [Applause.]

Mr. McKENZIE. Will the gentleman yield?

Mr. LUCE. Certainly.

Mr. McKENZIE. The present law excludes labor organizations from the punishment prescribed for unlawful combinations, and the purpose of the gentleman's amendment is to take the officers of the law, such as policemen, out from under the protection of that section of the so-called Clayton antitrust law. Is that the gentleman's idea?

Mr. LUCE. That is my purpose, and my sole purpose. [Applause.]

Mr. TINCHER. Mr. Chairman, I desire to support the amendment. I have listened with great interest to the discussion of these two provisos of this bill, and it occurs to me that it is probably time that we have an understanding about the attitude of Congress toward the laws of the Nation. I favored the bill recommended by the Agricultural Committee in exempting the farmer to some extent from the charge of profiteering, believing then and now that the farmer should be his own judge as to when he should market his product and as to how he should handle his crops. But to have a criminal statute making a thing unlawful, and then an appropriation for the Department of Justice to enforce the statute, and to say to the Department of Justice, "You shall not use any part of this appropriation to enforce this law against some individual," is, it seems to me, the wrong kind of legislation. [Applause.] I think we ought to strike out both these provisos as wrong. I represent a farming community, but if any law applies to my constituents making a thing a crime, I do not want to have to go around to the Department of Justice and say, "Here, you can not enforce that law against my constituents, because the appropriation which you have prevents you from doing it."

Mr. BARBOUR. Mr. Chairman, will the gentleman yield for a question?

Mr. TINCHER. Yes.

Mr. BARBOUR. Is not the language of this second proviso, after the words "*Provided further*," almost exactly the same as the language in the bill reported by the Agricultural Committee and passed by the House a week or 10 days ago?

Mr. TINCHER. Yes; but in the Agricultural bill we refused to make it unlawful for the men to do these things. Now, I say it is unnecessary for the Appropriations Committee to provide that the Department of Justice shall not use their money to enforce the law. I believe the action of the Committee on Appropriations in deciding what law they will permit the Department of Justice to enforce against certain classes and exempting others is wrong. I believe the committee charged with the responsibility of recommending a criminal statute should take that responsibility, and that the committee charged with the responsibility of furnishing funds to the Department of Justice should take their own responsibility; and while I can not agree with the chairman of this committee in his accord with the President with reference to the agricultural people of the United States, I do agree with him that these provisos should have been left out of this bill.

Mr. BYRNES of South Carolina. Does the gentleman know that the President was in accord with the distinguished ex-President, Mr. Taft, who vetoed a bill for the reason that a similar provision was in it several years ago?

Mr. TINCHER. I do not; but I am not surprised that he had to have some good precedent for one good act. [Applause.]

I shall offer an amendment before we pass this section to strike out both these exemption provisos, and I serve notice on the Committee on Appropriations now that when we have a criminal statute, if any class are to be exempted from penalties, that exemption should be in the law itself and not in the appropriation for its enforcement. [Applause.]

Mr. BARBOUR. If you will strike out both provisos I will vote for this; but my purpose in offering the amendment to the second proviso was not to stand here in defense of any of the trusts or of the packers. I want to say that if they had no stronger friend on the floor of this House than I am they would be in a mighty bad way; but I say we should make no exceptions whatever. That is the purpose of my offering the amendment. I am not standing here in defense of the packers or the trusts, because I hold no brief for them.

Mr. TINCHER. Or policemen, either.

The CHAIRMAN. The time of the gentleman has expired, and all time has expired.

Mr. FESS. Mr. Chairman, has all time expired?

The CHAIRMAN. On the amendment of the gentleman from Massachusetts.

Mr. GOOD. Mr. Chairman, there is an amendment pending.

The CHAIRMAN. A perfecting amendment is pending offered by the gentleman from Massachusetts.

Mr. FESS. I would like, Mr. Chairman, to be heard on the motion to strike out.

Mr. CANNON. Before the gentleman from Ohio begins, is the motion that is pending to leave the paragraph with an appropriation for the enforcement of the antitrust laws of $200,000 and striking out the two provisos?

Mr. FESS. Yes; the motion is to strike out the two provisos only.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Amendment offered by Mr. FESS: Beginning at line 23, on page 16, strike out the two provisos.

Mr. GOOD. Mr. Chairman, there is an amendment pending, and I ask for a vote on the pending amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

Mr. FESS. Mr. Chairman, I am not sure at the present moment whether the gentleman's amendment is not a part of the proviso, and I do not want to strike that out.

Mr. BYRNES of South Carolina. It is a part of the proviso.

Mr. PLATT. If we strike out the provisos there will be no object in the amendment of the gentleman from Massachusetts.

Mr. LUCE. The amendment offered by the gentleman from Ohio is broader and includes my amendment. If his amendment goes through, and I hope to have the pleasure of voting for it, I shall be perfectly satisfied. [Applause.]

Mr. DOWELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DOWELL. The amendment of the gentleman from Massachusetts having been adopted, is it now in order to move to strike it out?

The CHAIRMAN. The Chair will state that the amendment offered by the gentleman from Massachusetts was in the nature of a perfecting amendment to the first proviso, and a motion to strike out that proviso and the rest of the paragraph is in order.

Mr. FESS. Mr. Chairman and gentlemen of the committee, I was in the House when this discriminatory legislation was first enacted. I thought there was a good deal of virtue in the Clayton bill and was anxious to support it because of its general purpose, but I was one of the few Members of Congress that voted against that bill because it wrote this particular feature in it. [Applause.] It defined a legal statute and then proceeded to exempt certain classes from its operation.

I have from the beginning thought that if we in Congress begin on a legislative program that discriminates in favor of one or against another we put ourselves in the position to being discriminated against. [Applause.] While I wanted to support the legislation known as the Clayton bill because of its value, it had one vicious feature in it, and that led me to vote against it. The fundamental basis of the American Government is that security that all are equal under the law. Any step to deny that protection is the entering wedge of danger.

There was another case that came up soon after exempting certain groups of people from the operation of the antitrust law known as the Sherman law. I voted against it and urged its defeat on the same ground that I urged against the Clayton law, that it is wrong to first define a crime and then write in the same law an exemption from prosecution of certain classes. [Applause.]

If I vote for a law that will punish one colleague and will exempt from punishment another colleague, both doing the same thing, I open the door to dangerous legislation. [Applause.] Time and time again this exemption is written into various appropriation bills. Many of us have resisted the exemption until finally everybody gave up and said what is the use to go further. Even this committee I do not believe individually or collectively favor this sort of thing. It brings it in because it seemed under the drift of legislation there was no value in objection.

I insist, Members of this House, that the time is now here, judged by the rapid drift of disintegrating forces against law and order throughout the world, for the American people to make an issue upon making laws that will apply to everybody alike and thereby exempt nobody. [Applause.] Opening the door to this sort of legislation invites classes of people with immunity or without it, and with impunity to state to us definitely, in the form of a demand, that if we do not do so and so we will hear from them. Our mails are bringing such demands. I am ready to make that issue at any time. It will first appear in the form of class legislation, and then it will come in a demand for new exemption, then it comes in making demands, as was done in 1916, that this Congress interfere with private contracts as to whether these men's wages shall be increased, and we in a humiliating way surrendered the Government to that demand, as we did in 1916 in the Adamson Act.

Now comes, under the threat, that additional and inevitable demand that unless we do so and so the whole transportation business of the country will be paralyzed. This goes not to wages but to a principle of public service which approaches a revolution, and we are given the order that we are expected to pass certain laws at the behest of special classes in spite of public interest or else we will hear from the men who are now giving us orders. These men, inspired by their success in 1916, are but advancing step by step along similar lines. Following that you will have the same thing appear in the fire departments; it will come in the police department, which is now threatening the Capital and the city of Boston. Success in these departments and it will come in the Army and then in the Navy, and then you have Russian sovietism ripened into full bloom right here in America. [Applause.]

I say to you the time has come for us to make the issue. I for one am ready for it. If it must come, it is best to let it come now and not attempt to play with it. I hope the Members of this body will prove their heritage and will have the courage to stand by the American standards of life whatever it may mean and not be dictated to by any group of men whatever be their names or station, whether capitalist or laborer, manufacturer or farmer. We must stand for the public good even though to do so invites determined opposition. [Applause.]

Mr. HERSMAN. Mr. Chairman, I take issue to a certain degree with the gentleman from Ohio [Mr. FESS], who just took his seat. The laws of this land say that when men combine in corporations they can discuss and set prices on their own goods, and they do so combine. We have great corporations, such, for instance, as the great steel corporations of this country. They do combine, and they are not in violation of the Sherman antitrust law; but if two farmers combine in this country they are in violation of the Sherman antitrust law and the Clayton Act.

Mr. PLATT. Mr. Chairman, will the gentleman yield?

Mr. HERSMAN. In just a moment. If two laborers combine, unless they are specifically excepted, they are in violation of the law. I say that the only way the farmers and the laborers of this country can bargain is by combination, and if you do not exempt them you take away from the laborer and farmer their only protection.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. HERSMAN. Yes.

Mr. FESS. Combinations not in restraint of trade or in violation of law are already permitted, and I represent a farming district, and Springfield, Ohio, in my district, is a splendid manufacturing center, with a large organization of labor. I do not think either the farmers or the laborers in my district are demanding this sort of legislation.

Mr. HERSMAN. Then why at the present time are the farmers of California under indictment, and why are the farmers of New York under indictment for violation of the Sherman antitrust law?

Mr. FESS. I do not know that they are, but if they have violated the law they ought to be.

Mr. PLATT. They are not being indicted. They are only being questioned.

Mr. HERSMAN. There are two cases against them, and I tell you right now that the farmers of Illinois, the milk producers, were cited and kept in jail over night.

Mr. PLATT. Under State laws. Certainly if two farmers get together and incorporate as a selling organization, or three farmers or a thousand farmers, there is no law whatever to stop them, and they can take anybody in the city in or leave them out. They are simply an incorporation for selling purposes, and unless they are an absolute monopoly there is no law that can stop them. There is no reason for this exception.

Mr. HERSMAN. If they are not in violation of the law, why are they annoyed and assailed? Why are they cited to appear all the time, and why are the milk producers under indictment at the present time?

Mr. PLATT. In some cases they are claimed to be monopolies, and the matter comes under a State law. I do not think that they have been prosecuted under Federal law.

Mr. SIEGEL. Mr. Chairman, will the gentleman yield?

Mr. HERSMAN. Yes.

Mr. SIEGEL. Only a few moments ago, in an amendment offered by the gentleman from California [Mr. BARBOUR], the situation was practically explained by the addition of the words "and others." The other gentlemen who are in with the farmers, who combine with the farmers, are being placed under indictment, and properly so.

Mr. HERSMAN. The amendment of the gentleman from California may have gone that far, but that was not his intention.

Mr. SIEGEL. I agree with the gentleman there.

Mr. HERSMAN. His intention was to say that the farmers of the country when they combine for cooperative selling are not in violation of the Sherman antitrust law. They do not want to be exempted from prosecutions for a monopoly, the farmers of this country do not want to be exempted from prosecutions for restraint of trade. They only want you to say that they have a right to combine for cooperative selling, because they have no other rights, and if they can not combine to bargain collectively they can not bargain at all; individually they are helpless.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. GOOD. Mr. Chairman, I ask unanimous consent that debate upon this paragraph and all amendments thereto close in 20 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that debate upon this paragraph and all amendments thereto close in 20 minutes. Is there objection?

There was no objection.

Mr. BYRNS of Tennessee. Mr. Chairman, I think the argument upon this amendment has gone far afield from the language carried in the appropriation. I want to read what the provisions of the bill are with reference to labor and farmers' organizations:

Provided, however, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further,* That

no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. Chairman, the labor organizations which can not be proceeded against are only those which are organized solely for the purpose of bettering conditions of labor or shortening the hours of labor or increasing the wages of labor, and which are perfectly legitimate purposes; but where a labor organization undertakes to make a combination in restraint of trade, there is not the slightest thing in this provision to prevent the prosecution of that organization. The same is true with reference to farmers' organizations, which are formed only for the purpose of securing a fair and reasonable price for the product of their own labor; but where they organize in restraint of trade they are liable to prosecution. I want to read to you just what the Attorney General, the law officer of the United States Government, had to say in the hearings relative to this provision and his construction of it:

Well, the combination of wage earners which can not be proceeded against is a combination having in view the increase of wages, the shortening of hours, or bettering the conditions of labor. If wage earners enter into a trust or combination in restraint of trade, not an association for the purposes set forth in the act, the fact that they work with their hands does not make them any less amenable to the law. This is only done to make it impossible to take action under the Sherman antitrust law against the union, against the labor organization, which has those purposes in mind. If men who belong to a labor organization go into a corporation, form a corporation which violates the Sherman antitrust law, they do not relieve themselves of liability because they happen also to belong to a labor union.

What Congress meant by it was that a labor organization formed for the purpose of increasing wages or shortening hours should not be considered a trust or combination in restraint of trade. That is what they meant by it, and that an association of farmers dealing in their own products should not be prosecuted under the Federal antitrust law, and this is the only way they could meet it; and while I would not say that we would not punish all violators of the law, because we will, I would not feel that I was free to give general instructions to persons employed and paid out of other funds to prosecute the persons you have said should not be prosecuted under this fund.

The proposition is whether you want to prevent labor from undertaking to better its condition or farmers from organizing for the purpose of securing a fair and reasonable price for their product. These objects are perfectly legitimate and proper, and Congress has so recognized them by carrying this identical provision for many years. They have never been relieved from liability in the event they should violate the Sherman antitrust law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

Mr. GOOD. Mr. Chairman, does the gentleman from South Carolina desire to use the time he has?

Mr. BYRNES of South Carolina. Mr. Chairman, I shall not use the five minutes. The gentleman from Tennessee [Mr. BYRNS] has called to the attention of the committee that which I desired to call to their attention. The language of the second proviso is as follows:

That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

I remember when that proviso was first added to the appropriation bill. Its purpose was simply to express the intention of Congress as to the antitrust law, that an association of farmers organized for the purpose of obtaining a fair and reasonable price for farm products did not constitute a violation of the law. Now, certainly the Congress is not of the opinion that we should appropriate money to prosecute an association of farmers organized for the purpose of obtaining a fair and reasonable price for their products. If the association exists for any other purpose, then the exemption does not apply. An association of farmers is exempt only where it exists for the purpose of obtaining a fair and reasonable price for their products, and I hope this proviso will not be stricken out.

Mr. SUMNERS of Texas. Mr. Chairman, I agree with those gentlemen who have expressed disapproval of this method of legislating. I believe it is not good legislative policy to provide that certain things may not lawfully be done, and then to prohibit the expenditure of money for the enforcement of the law against the doing of those things. My purpose in taking this time, however, is to direct the attention of the committee to a few fundamental things with which we are indirectly dealing. It should be borne in mind, gentlemen, especially those of you who live in great cities like New York, that to-day agriculture is compelled to bid against every other industry in this country in getting the labor to produce the food that we folks who live in the cities must have to eat. The men who work in the cities are organized, and their wages are going up constantly. Every time their wages are increased, that industry for which they work increases its bid against agriculture for the men that agriculture must try to hold on the farm to produce that which we have to eat. It must not be forgotten that when the great industrial revolution came with the application of steam and electricity to transportation and to the development of power factories, the farmer was not able to organize the selling end of his business as were agriculture's industrial competitors. The products of the factory go upon the market carrying in their initial price the cost of production, every overhead charge, and a profit. The farmer's products go to the market to the highest bidder regardless of the cost of production. When the farmer comes to exchange his products with the manufacturer, his first question is: "What is yours worth?" and the next question, "What is mine worth?" That economical disadvantage operated against the business of agriculture has drained the country districts of population and poured people into the cities. One of these days you men who stand upon the floor here representing great cities, antagonizing and defeating agriculture's effort to successfully bid against industry for population and labor, your constituents will be asking, not with regard to the high cost of living but we will slip a cog in the machinery of production, and you will be asked, "Where on the face of the earth can we get the things necessary to keep ourselves alive?" [Applause.]

Gentlemen, this is not the way to legislate, I agree. I am willing to strike out both of these provisions, and let us come in here and legislate right. I have been trying since I have been a Member of Congress to have Congress enact legislation which will give the farmers of this country an opportunity to get their commodities to the market. But with each farmer competing against every other farmer, with his stuff going to the market to the highest bidder, with agriculture thus handicapped, having each man in its service offered higher and higher wages by the industries of the city, it becomes my concern and your concern that agriculture be given the necessary help to enable it to raise its bid to meet the higher bid of industry. I would like to know how, in the name of common sense, we can expect to maintain equilibrium of population as between the city and the country, with wages in the city going up and prices to the farmer going down. Nobody is compelled to farm. The free schools have liberated the country youth from ancestral vocation. He auctions himself off to the highest bidder. Do you want him to stay on the farm? Then agriculture must meet the bid of industry! That is all there is to it. In order for agriculture to meet that bid before the decimation of its population shall have progressed far beyond the danger point—it has already reached the danger point—and before its margin between current production and imperative necessity shall have been further reduced, something must be done to remove the economic handicap now resting upon agriculture, growing out of its disadvantage in the exchange of commodities. Any human activity which can put into its initial selling price the cost of production, every overhead charge and a profit, regardless of what its labor costs, can get more than its share of productive energy, when its competitor for this energy is compelled to accept the highest offer made, regardless of whether that offer covers even the cost of production.

To regard the difficulties of agriculture encountered in the sale of its commodities as being of vocational concern only is a narrow view which, if pursued, will bring us to the penalty of our folly. Cooperative associations, reducing economic and food waste in distribution, are in accord with the soundest public policy. They contribute to the individual and collective economy of those who purchase. Those who purchase must reach over beyond every waste, every intervening charge and profit, and give to the producer enough out of every dollar paid by the consumer to make the producer's total net profit as great as any other vocation offers to him. Personally I do not consider the dealing with these great problems of special vocational concern, through a comprehensive organization of those engaged in the vocation, as the best method. It is not a wise governmental policy which forces groups of citizens to organize for industrial warfare. Such a policy makes for industrial anarchy. It is a better policy for government to provide for the individual those facilities and that protection which is now being sought for through organization along vocational lines. Small marketing groups are not dangerous. Community organization is helpful, but at the point which marks the limit of community efficiency government should begin to function. The Agricultural Department should come into the same definite grapple with the problems of sale and distribution of farm products as with the problems of production and preservation of soil fertility, for these constitute the three big problems of agriculture.

Ever since I have been in Congress I have been trying to bring this about, and I warn you now, gentlemen, that either the Government must provide a marketing machinery through which the economic sale and distribution of farm products may be

effected by small communities and small merchants, or great organizations and great businesses must do the work—organizations so great and comprehensive that they can dictate prices and policies, and businesses so great that they may fix their charges for services rendered through their power to levy toll rather than upon the basis of the economic value of the service rendered. And this in turn will lead, as it is leading, to an irresistible demand for bureaucratic control.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, this provision exempting labor unions and farmers' organizations from prosecutions under antitrust laws was first adopted in the sundry civil act approved June 23, 1913. Shortly prior to that time the same provision was incorporated in the sundry civil bill and passed the House and the bill containing it was vetoed by President Taft and came back, as I recall, and was passed over his veto. After that it was again placed in the sundry civil bill and the bill was approved by President Wilson June 23, 1913, but at the time he approved it he appended to his approval the note I have read, in which he said he would have vetoed this provision in the bill if it could have been separated from the bill. He regarded it as vicious legislation. Now conditions have greatly changed since that time. They have changed right along the line of the suggestions of the gentleman from Tennessee and the gentleman from South Carolina. The Clayton Act was enacted on October 15, 1914, more than a year after this provision first became law, and that act in section 6 provides:

SEC. 6. That the labor of a human being is not a commodity or article of commerce. Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations from lawfully carrying out the legitimate objects thereof; nor shall such organizations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade, under the antitrust laws.

That is the law, and since the enactment of that law it has been a waste of paper to place on the appropriation bill this limitation, for the limitation simply says that the money shall not be expended for prosecuting persons for that which the law says is not an offense. Now, I submit while we may continue to carry it just at this time when we are asking for the prosecution of every criminal, of every man who is a profiteer, of every man who is hoarding, of every man who is wasting or destroying the necessaries of life in order to increase the cost, I wonder whether or not we do not hold out to some one an invitation to violate the law by saying that he, because perchance he may be a member of some organization, is immune from prosecution under the law by reason of such membership.

We may talk all we please about the fair-price provision, but who is to determine what price is fair? The seller will say it is fair, but the buyer will say it is not. I will guarantee you this, that the farmer who is profiteering, and some of them are, will not say that the price he receives is unfair. The man that is selling shoes down on Pennsylvania Avenue at 100 per cent profit will say his price is fair. The man that is selling clothing at 100 per cent in advance of what he pays will say, "Oh, look at my expense; my advertising cost, my rent, my clerk hire, and all that. My price is fair." The question of whether a price is fair depends altogether upon all of the facts surrounding each individual case. And yet we hold out here an excuse for a man to violate the law, to profiteer, on the theory that perchance while the price of his produce is not fair, it will be impossible to prove that fact. I know that to strike this out will mean the raising of a political issue by some. There will be an attempt to make a political issue out of it. When, however, under present abnormal conditions we are appropriating money to enforce the criminal laws of the United States, both sides of the House ought to stand as a unit, insisting that every law, every criminal statute, should be enforced against the big criminal and the little criminal alike. [Applause.] And unless we do enforce these laws we will get no relief in the near future in the way of a reduction in the price of the necessaries of life. Let us leave no excuse for the enforcement of the law against every criminal.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, may I be recognized? Let me read the first two lines:

Enforcement of antitrust laws: For the enforcement of antitrust laws, $200,000.

Now, then, in comes the two provisos. If they are stricken out, does it take from or confer any additional power in the expenditure of this appropriation?

Mr. GOOD. I do not think it makes any particular difference. I think this matter is all provided for in the Clayton antitrust law. The law has been changed since those provisos were enacted, and the Clayton law expressly states that membership in such organizations, and so forth, are not violation of the Sherman or any other antitrust law.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HERSMAN. I would like to ask the gentleman one question. I noticed in the reading of the Clayton Act it says, "Farm organizations without capital stock."

Mr. GOOD. Yes.

Mr. HERSMAN. But, as a matter of fact, practically all of the farm organizations found themselves in a position where they had to have capital stock in order to exist. And they have provision in here that, with or without capital stock, the farm organizations would be protected.

Mr. GOOD. It is stated in the alternative, not having capital stock or conducted for profit.

Mr. HERSMAN. But when you have capital stock you are conducting for profit. You can not assume any other position, because you have to pay dividends on your capital.

Mr. GOOD. They ought not to be permitted to pay dividends out of profits made in violations of the law.

Mr. HERSMAN. You have to pay dividends on your capital stock or you can not sell your stock to anyone.

The CHAIRMAN. All time has expired. The question is on the amendment of the gentleman from Ohio [Mr. FESS].

Mr. GARD. Mr. Chairman, I ask that the amendment be again read.

The amendment was again reported.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the ayes appeared to have it.

On a division (demanded by Mr. MARTIN) there were—ayes 53, noes 19.

So the amendment was agreed to.

The Clerk read as follows:

Transportation of aliens: For expenses incident to the transportation of alien enemies to places of internment and to the return or removal of said aliens from places of internment in the United States to the countries of which they are citizens, or to their places of residence, or, in the discretion of the Attorney General, to such other places in the United States as they may elect; and for expenses of maintaining aliens in hospitals or otherwise outside of internment camps, $200,000, to be available also for expenses heretofore incurred for said purposes.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word for the purpose of asking unanimous consent, in connection with this appropriation, for permission to insert in the RECORD a statement regarding the signing of the warrants, after a delay of 20 years, for the deportation of Emma Goldman and Alexander Berkmann as anarchists.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD by inserting the matter indicated. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Department of Agriculture.

Mr. EAGAN and Mr. JOHNSON of Washington rose.

The CHAIRMAN. The gentleman from New Jersey [Mr. EAGAN], a member of the committee, is recognized.

Mr. EAGAN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. EAGAN: Page 21, after line 22, insert a new paragraph, as follows:

"To enable the Secretary of Agriculture to meet the emergency caused by the recent and sudden spread of the Japanese beetle in the State of New Jersey and to provide means for the control and prevention of spread of this insect in that State and to other States, in cooperation with the State of New Jersey and other States concerned and with individuals affected, including the employment of persons and means in the city of Washington and elsewhere, and all other necessary expenses, $25,000: *Provided*, That not exceeding $1,500 of the foregoing amount may be used in the discretion of the Secretary of Agriculture to reimburse owners of infested land for such damages as may occur by burning or any other action which may seem desirable in controlling the Japanese beetle.

Mr. GOOD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BLANTON. I make the point of order, Mr. Chairman.

The CHAIRMAN. Will the gentleman from Texas please state his point of order?

Mr. BLANTON. I make the point of order that there is no legislation authorizing the matter, and it is not proper in an appropriation bill, where there should be no legislation authorized.

The CHAIRMAN. The Chair will ask the gentleman from Texas if that is the sole ground upon which he bases his point of order?

Mr. BLANTON. Well, it is not germane to an appropriation bill, especially where there is no legislation authorized.

The CHAIRMAN. Does the gentleman from New Jersey desire to be heard on the point of order?

Mr. EAGAN. I wish to say that a small amount has been set aside for that purpose, Mr. Chairman, and this is simply to enlarge it, because of the very rapid growth of this pest in a limited area in New Jersey, which threatens to spread, according to the experts of the Department of Agriculture, all over the country. The State of New Jersey has appropriated $10,000 for this work, and an allotment of $25,000 has been made by the department to prevent the spread of this pest out of the appropriation of $105,780 for the investigation of insects affecting deciduous fruits, orchards, and vineyards. It is clearly in order.

The CHAIRMAN. The Chair desires to ask the gentleman from New Jersey if this is a deficiency appropriation?

Mr. EAGAN. I do not know that it is a deficiency appropriation, but it is to meet a very serious emergency.

The Japanese beetle, according to information secured from various sources, is one of the worst insect pests occurring in Japan, and observations made on the infestation in New Jersey bear out this estimate of its dangerous character. The beetle attacks a very large list of plants, including many crops, ornamental plants, shrubs, and so forth, and attacks the foliage of apple and other fruit trees, and certain berry bushes, as well as canteloupes, watermelons, asparagus, rhubarb, sweet potato, and other vegetables. It also attacks ornamental and shade trees and vines.

It was introduced into New Jersey about 1911, probably in iris plants imported from Japan. Since its introduction the insect has become well established and has spread with considerable rapidity. The Department of Agriculture declares that "unless energetic measures are taken immediately to eradicate it, it will without doubt continue to spread eventually over the entire United States." At present the infestation is confined to a comparatively restricted area in Burlington County, in the State of New Jersey. State and Federal authorities are cooperating in the eradication and suppression work.

Mr. BLANTON. Mr. Chairman, this is clearly a deficiency appropriation bill, and the appropriation suggested by the gentleman from New Jersey [Mr. EAGAN] is clearly not a deficiency. I submit to the Chair that his amendment is clearly subject to a point of order.

The CHAIRMAN. The Chair desires to ask the gentleman from New Jersey if the printed matter submitted with his amendment was taken from the Agricultural appropriation bill?

Mr. EAGAN. No; it was not. It was taken from the estimate submitted by the department for this particular item. As I have already stated, the sum of $25,000 has been allotted by the Department of Agriculture out of the $105,780 appropriation for the investigation of insects affecting deciduous fruits, orchards, and so forth.

The CHAIRMAN. The Chair will state in reference to the point of order that the purpose for which the expenditure is to be made is apparently to prevent the spread of injurious insects which are ravaging vegetation or crops in different sections of the United States. The proviso provides that in the discretion of the Secretary of Agriculture the owners of infested lands may be reimbursed for damages which may occur by burning or destroying vegetation or property, presumably in eradicating this pest. In the opinion of the Chair——

Mr. EAGAN. Mr. Chairman, I have no desire to insist upon that particular proviso. I ask unanimous consent to modify my amendment accordingly.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to modify his amendment by eliminating the proviso.

Mr. BLANTON. I object, Mr. Chairman.

Mr. EAGAN. Then I will offer the amendment with the proviso eliminated.

The CHAIRMAN. In the opinion of the Chair the purpose for which this paragraph is offered is covered by the basic law under which the Department of Agriculture is administered; but the Chair is not advised definitely as to the right of the Department of Agriculture to enter into agreements for the reimbursement of individuals for damages caused, and inasmuch as the proviso is a part of the amendment as offered, and the proviso seems to be out of order, the Chair will sustain the point of order.

Mr. EAGAN. Then I offer the amendment with the proviso eliminated.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New Jersey.

The Clerk read as follows:

Amendment offered by Mr. EAGAN: Page 21, after line 22, insert a new paragraph, as follows:

"To enable the Secretary of Agriculture to meet the emergency caused by the recent and sudden spread of the Japanese beetle in the State of New Jersey, and to provide means for the control and prevention of the spread of this insect in that State and other States in cooperation with the State of New Jersey and other States concerned and individuals affected, including employment of persons and means in the city of Washington and elsewhere, and all other necessary expenses, $70,000, which shall be immediately available."

Mr. GOOD. Mr. Chairman, I reserve a point of order on that.

Mr. BLANTON. I make the point of order, Mr. Chairman, that that is not germane; that it is not a deficiency matter. This is clearly a deficiency bill, and there is no legislation authorizing it.

Mr. BYRNS of Tennessee. Mr. Chairman, I want to call attention to the fact that in the gentleman's own district money is being spent by the Department of Agriculture for the eradication of the boll weevil. I can not see any distinction between the eradication of the boll weevil in the interest of the constituents of the gentleman from Texas and the eradication of the Japanese beetle, which is affecting sections of New Jersey. [Applause.]

Mr. GILLETT. Mr. Chairman, I happen to remember a decision that was made once by a Chairman of the Committee of the Whole when there was an appropriation made for the eradication of the boll weevil, and I submitted an amendment asking for an appropriation for the extermination of the gypsy moth, and they held that it was out of order, which, I should think, answers the suggestion of the gentleman from Tennessee. [Applause.]

Mr. BLANTON. Mr. Chairman, will the gentleman from Tennessee yield? I would like to ask him a question.

Mr. BYRNS of Tennessee. I have not the floor.

Mr. BLANTON. Then, Mr. Chairman, I ask for recognition in my own right.

The CHAIRMAN. To discuss the point of order?

Mr. BLANTON. Yes; to discuss the point of order.

In that connection I would like to state that if this were a matter which constituted a menace to the people scattered over any substantial portion of the United States I would unhesitatingly withdraw the point of order. If it were not just merely a local matter that the State authorities could take up in New Jersey and handle, I would not object. The State of New Jersey has appropriated only $10,000 to fight it. The question of the boll-weevil menace was one that affected many of the Southern States, and the State of Texas has spent huge sums in an attempt to exterminate this pest.

Mr. JOHNSON of Washington. And none in the Northern States.

Mr. BLANTON. It affected the cotton-growing industry, upon which the United States Government and other Governments largely depend. The cotton industry is not a local matter.

Mr. BEE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to his colleague?

Mr. BLANTON. I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. BLANTON. If the cotton districts were just a local matter, affecting just one State, clearly the point of order should have been made to that appropriation. But if the gentleman from New Jersey states that this is a matter which affects other localities, I will gladly withdraw the point of order.

Mr. EAGAN. I read from a communication of the Department of Agriculture:

Since its introduction the insect has become well established and has spread with considerable rapidity. Unless energetic measures are taken immediately to eradicate it, it will without doubt continue to spread eventually over the entire United States.

Mr. BLANTON. Since April this Congress has passed an appropriation bill specially for the Department of Agriculture, making appropriations for all matters that the Secretary of Agriculture called on Congress to appropriate for. Is not that the case?

Mr. EAGAN. The amount allotted, $25,000, for the control of the Japanese beetle pest, is utterly inadequate.

Mr. YOUNG of Texas. Mr. Chairman, I hope my colleague will withdraw the point of order.

Mr. BLANTON. At the request of my colleague from Texas, who is a member of the Agriculture Committee, I withdraw it. [Applause.]

Mr. GOOD. Mr. Chairman, I reserve the point of order. The Japanese beetle was brought into this country by an importer of bulbs. Those bulbs were delivered to a nurseryman in New Jersey. The area involved now is about 14,000 acres.

This is a very destructive beetle. I think the item is clearly subject to a point of order, but I do not wish to make it. I think, perhaps, we could well afford to make some appropriation for this purpose. This is a bill to supply deficiencies in appropriations already made. There has been no specific appropriation made for this purpose, but an allotment of $25,000 by the Secretary of Agriculture out of another appropriation. This beetle is very destructive to vegetable life, and it seems that some methods are being applied that promise to eradicate it. The State of New Jersey, however, has not done its full share in this matter. It seems to me that the State ought to have appropriated a great deal more than $10,000 for the eradication of this beetle, when the Department of Agriculture had allotted $25,000.

If the gentleman will modify his amendment, making the amount $25,000, I will not interpose any point of order, as far as I am personally concerned; but I do feel that an expenditure of $95,000 out of the National Treasury would be too much, with only $10,000 appropriated by the State of New Jersey.

Mr. EAGAN. I think we ought to have at least $35,000. I think they made out a pretty good case before the committee.

Mr. GOOD. If the gentleman will modify his amendment so that the amount will not exceed $25,000, I will not insist on the point of order.

Mr. EAGAN. In view of the gentleman's statement I ask unanimous consent to amend my amendment by inserting "$25,000" instead of "$70,000."

The CHAIRMAN. Does the gentleman withdraw his reservation of the point of order?

Mr. GOOD. I withdraw the reservation.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to modify his amendment by striking out "$70,000" and inserting "$25,000." Is there objection?

There was no objection.

Mr. GOOD. I will ask unanimous consent to modify the amendment further by striking out the words "which shall be immediately available."

Mr. EAGAN. I have no objection to that.

There was no objection.

The amendment of Mr. EAGAN as modified was agreed to.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word for the purpose of getting some information in regard to lines 10 and 11 on page 21. This item is to increase the salaries of guards at the McNeil Island Penitentiary. I am informed that on the 5th day of August the guards at that penitentiary were notified that their pay for the month of July had been reduced 10 per cent, and they were paid $90, instead of $100. They work 12 hours a day.

Mr. GOOD. That was because they got an increase under an appropriation which expired on the 1st day of July. We are now proposing to appropriate an amount that will permit the guards in that penitentiary to receive graded pay, commencing at $70 a month for the first year, and increasing to $80 a month for the second year, $90 a month for the third year, and $100 a month for the fourth year of service.

Mr. JOHNSON of Washington. It seems that these guards have been struggling along on very small pay. I think in these times $90 and $100 a month is too small. They were receiving $100 a month, but, as I have stated, found that for the month of July their salaries were reduced to $90. Under that reduction I think a majority of the guards there have quit that employment. I want to ask what this $1,600 is for?

Mr. GOOD. That is to pay the increased compensation under the authorization which I have stated.

Mr. JOHNSON of Washington. That is, after they have served four years?

Mr. GOOD. It will give an increase, as I understand it, to all those who have served more than a year. This item is based on the actual conditions as to service.

Mr. JOHNSON of Washington. This $1,600 does not reimburse the men who found that their July salary checks were $10 less than they had been receiving?

Mr. GOOD. No.

Mr. JOHNSON of Washington. I thank the gentleman for the information.

On motion of Mr. GOOD, the committee rose; and the Speaker having resumed the chair, Mr. WALSH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, and for other purposes, had come to no resolution thereon.

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LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROWNING, for three days, on account of important business.

To Mr. CLARK of Florida, for this day, on account of sickness.

To Mr. BANKHEAD, indefinitely, on account of the illness of his daughter in New York.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, the following concurrent resolution was taken from the Speaker's table and referred to its appropriate committee as indicated below:

Senate concurrent resolution 9.

Whereas the President of the United States has called or is about to call a conference of the representatives of labor, capital, and agriculture for the purpose of discussing questions relating to these great interests as affecting each other and the public: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States indorses the action of the President in calling such conference, and pledges to him its earnest support and cooperation for the success thereof.

Resolved further, That the Secretary of the Senate transmit a copy of this resolution to the President of the United States—

to the Committee on Labor.

ENROLLED JOINT RESOLUTIONS SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolutions of the following titles, when the Speaker signed the same:

H. J. Res. 175. Joint resolution to provide for the payment of travel pay upon discharge to men of the Regular Army enlisted prior to April 2, 1917; and

H. J. Res. 211. Joint resolution tendering the thanks of the American people and the Congress of the United States to Gen. John J. Pershing and to the officers and men of the American Expeditionary Forces.

DEATH OF REPRESENTATIVE THOMPSON OF OKLAHOMA.

Mr. MORGAN. Mr. Speaker, it becomes my painful duty to announce to the House the death of my colleague from Oklahoma, Hon. JOSEPH B. THOMPSON, a Representative from the fifth district of the State of Oklahoma.

Mr. THOMPSON passed away about 6 o'clock yesterday evening, while on a Baltimore & Ohio train in West Virginia on his way home.

I shall not at this time undertake to offer any appropriate eulogy, but at some future time either myself or one of my colleagues from Oklahoma will ask that a day be set aside in order that proper tributes may be rendered to the distinguished services which the deceased rendered to his State and his Nation.

Mr. Speaker, I offer the following resolution.

The SPEAKER. The gentleman from Oklahoma offers a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. JOSEPH B. THOMPSON, a Representative from the State of Oklahoma.

Resolved, That a committee of 17 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to, and the Speaker appointed as the committee on the part of the House Mr. FERRIS, Mr. CARTER, Mr. MORGAN, Mr. HASTINGS, Mr. MCCLINTIC, Mr. MCKEOWN, Mr. HOWARD, Mr. CAMPBELL of Kansas, Mr. JACOWAY, Mr. GOODWIN of Arkansas, Mr. YOUNG of North Dakota, Mr. BARKLEY, Mr. SUMNERS of Texas, Mr. DYER, Mr. KINCHELOE, Mr. RANDALL of California, and Mr. VAILE.

ADJOURNMENT.

Mr. MORGAN. Mr. Speaker, I offer the following resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect this House do now adjourn.

The resolution was agreed to.

Accordingly (at 4 o'clock and 28 minutes p. m.) the House adjourned until Saturday, September 20, 1919, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FULLER of Illinois, from the Committee on Invalid Pensions, to which was referred the bill (H. R. 9369) to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows, dependent parents, and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases, reported the same without amendment, accompanied by a report (No. 326), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 5565) granting a pension to Rose E. Wicoff, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. EDMONDS: A bill (H. R. 9367) to appoint a commission to facilitate the sale of merchant ships owned by the United States; to the Committee on the Merchant Marine and *Fisheries*.

By Mr. JOHNSON of Washington: A bill (H. R. 9368) authorizing and directing the removal of the office of the superintendent of the Quinault Indian Reservation; to the Committee on Indian Affairs.

By Mr. FULLER of Illinois: A bill (H. R. 9369) to revise and equalize rates of pension to certain soldiers, sailors, and marines of the Civil War, to certain widows, former widows, dependent parents, and children of such soldiers, sailors, and marines, and to certain Army nurses, and granting pensions and increase of pensions in certain cases; to the Committee of the Whole House on the state of the Union.

By Mr. KELLY of Pennsylvania: A bill (H. R. 9370) authorizing the Secretary of War to donate to the borough of Turtle Creek, Pa., one German cannon or fieldpiece; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 9371) granting a pension to De Witt C. Carpenter; to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 9372) to pay J. H. White $2,000 for personal injuries received at the hands of two United States soldiers; to the Committee on Claims.

By Mr. BOWERS: A bill (H. R. 9373) granting an increase of pension to Henry C. Jackson; to the Committee on Invalid Pensions.

By Mr. BROOKS of Illinois: A bill (H. R. 9374) to correct the military record of James A. Black; to the Committee on Military Affairs.

By Mr. BYRNS of Tennessee: A bill (H. R. 9375) granting an increase of pension to Robert L. Chick; to the Committee on Pensions.

By Mr. COPLEY: A bill (H. R. 9376) granting a pension to Sarah A. Vaughn; to the Committee on Invalid Pensions.

By Mr. DOMINICK: A bill (H. R. 9377) for the relief of the Anderson Phosphate & Oil Co.; to the Committee on Claims.

Also, a bill (H. R. 9378) for the relief of Hassie Cantrell; to the Committee on Claims.

Also, a bill (H. R. 9379) for the relief of Cecilia Rebecca Fretwell; to the Committee on Claims.

By Mr. JOHNSON of Washington: A bill (H. R. 9380) granting a pension to Cynthia E. Endicott; to the Committee on Pensions.

By Mr. KRAUS: A bill (H. R. 9381) granting an increase of pension to Simon H. Malott; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 9382) granting a pension to Lottie L. Tripp; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9383) granting a pension to Alfred Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9384) granting a pension to Laura B. Towns; to the Committee on Invalid Pensions.

By Mr. TIMBERLAKE: A bill (H. R. 9385) granting a pension to Frances Ann Lehman; to the Committee on Invalid Pensions.

By Mr. STINESS: A bill (H. R. 9386) granting a pension to Mary L. Tarbox; to the Committee on Invalid Pensions.

By Mr. VAILE: A bill (H. R. 9387) granting a pension to Charles B. Carlson; to the Committee on Pensions.

Also, a bill (H. R. 9388) granting an increase of pension to Susannah Sprague; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BEE: Petition of members of St. Michael's Branch, No. 887, Catholic Knights of America, opposing the Smith-Towner educational bill; to the Committee on Education.

By Mr. ESCH: Petition of Northwest Daily Press Association of Minneapolis, Minn., against the repeal of the present postal zone system; to the Committee on Ways and Means.

Also, petition of Charles B. Carter, of Philadelphia, Pa., protesting against the Longworth bill, House bill 8078; to the Committee on Ways and Means.

By Mr. HILL: Petition of residents of the city of Binghamton, N. Y., favoring the enactment of House bill No. 7; to the Committee on Education.

By Mr. KELLY of Pennsylvania: Petition of sundry citizens of Pittsburgh, Pa., opposing the passage of the Smith-Towner bill; to the Committee on Education.

By Mr. McCLINTIC: Petition of Farmers' Union of the State of Oklahoma, protesting against universal military training in times of peace; to the Committee on Military Affairs.

By Mr. O'CONNELL: Petition of the Regina Co., Clarence S. Walker, and Pistonis & Kriezis, of New York, favoring the passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

Also, petition of Northwest Daily Press Association of Minneapolis, Minn., opposing the repeal of the present postal zone system; to the Committee on the Post Office and Post Roads.

By Mr. OSBORNE: Petition of Samuel Goldwyn and 350 other citizens of the vicinity of Los Angeles, Calif., for the repeal of the taxes upon moving pictures; to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

SATURDAY, *September 20, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

With unfeigned love welling up in our hearts, Father in heaven, author of our existence, we approach Thee in reverence and gratitude, for there is nothing stronger than faith, more inspiring than hope, nor warmer than love.

Guide us by Thy spirit through the changing scenes of a newborn day that we may prove ourselves worthy of Thy preferments. For Thine is the kingdom, and the power, and the glory, forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

SPECIAL CANCELLATION STAMP FOR ROOSEVELT MEMORIAL ASSOCIATION.

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to take the bill S. 2972 from the Speaker's table.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take the bill S. 2972 from the Speaker's table and consider it. The Clerk will read the title of the bill.

The Clerk read as follows:

S. 2972. An act to extend the cancellation-stamp privilege to the Roosevelt Memorial Association.

The SPEAKER. Is there objection to the immediate consideration?

Mr. GARD. Reserving the right to object, what is the reason for taking this resolution up at this time?

Mr. RAMSEYER. Because the memorial association is going to have a drive from October 20 to October 27 to raise funds to erect an appropriate memorial to the late Theodore Roosevelt. The bill simply gives the Postmaster General authority to permit the use of cancellation stamps at such post offices as the Postmaster General may designate. In order to get any benefit of these cancellation stamps, as the drive will be on from October

20 to October 27, the bill should be passed immediately. It passed the Senate Monday, and it has been reported unanimously by the Post Office Committee of the House.

Mr. GARD. It has been acted upon by the Post Office Committee of the House?

Mr. RAMSEYER. Yes; with an amendment.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAMSEYER. Mr. Speaker, the bill is on the Union Calendar, and I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

An act (S. 2972) to extend the cancellation stamp privilege to the Roosevelt Memorial Association.

Be it enacted, etc., That the Postmaster General of the United States be, and he is hereby, authorized and directed to permit the employment by the Roosevelt Memorial Association of a cancellation stamp bearing the following words: "Roosevelt Memorial Association, October 20–27."

With the following committee amendment:

Strike out the language "by the Roosevelt Memorial Association of a cancellation stamp bearing the following words: 'Roosevelt Memorial Association, October 20–27,'" and insert in lieu thereof the following: "of special canceling stamps bearing the following words and figures: 'Roosevelt Memorial Association, October 20–27,' at such post offices as he may designate and under such rules and regulations as he may prescribe."

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The title was amended.

On motion of Mr. RAMSEYER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

By unanimous consent, Mr. RAMSEYER had leave to extend his remarks on the bill in the RECORD.

Mr. RAMSEYER. Mr. Speaker, it will be of interest to Members to know, in this connection, what authorizations have been made for the use of special canceling dies or stamps since 1913. I submit for publication in the RECORD at this place a letter and memorandum from the Post Office Department which gives that information:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., September 19, 1919.

Hon. HALVOR STEENERSON,
Chairman Committee on the Post Office and Post Roads,
House of Representatives.

MY DEAR MR. STEENERSON: In response to your telephonic request of yesterday I submit herewith a memorandum giving a list of the special canceling dies authorized during the period from December, 1913, to June 30, 1917.

Since that time a special die was issued to the post office at Vicksburg, Miss., to advertise the national memorial reunion held in that city from October 16 to 19, 1917. In addition to this, special dies were authorized for use at 20 offices in California and Colorado, at the request of the Department of Agriculture, in connection with the campaign inaugurated by the Forest Service to prevent fires in the national forests. Special dies were also used during the war to stimulate the sale of the first, second, third, and fourth Liberty loans, and also at 50 of the largest offices in connection with the campaign to conserve food.

The dies issued at the request of the Department of Agriculture were paid for by the Forest Service, while those used at the request of the Liberty loan committee were paid for by the Department of the Treasury. The Food Administration paid for those issued at its request.

Very sincerely, yours,

A. S. BURLESON,
Postmaster General.

SPECIAL CANCELING DIES.

This office took over the canceling-machine work in October, 1913, and all special canceling dies ordered by the department since that time are as follows:

Number of dies.	Name of post office.	Event.	Total cost.	Date of order.
3	Dallas, Tex.....	Sixth National Corn Exposition.	$38.00	Dec. 22,1913
1	Muskogee, Okla...	Sixth Annual Convention Southern Commercial Congress.	24.25	June 13,1914
4	Baltimore, Md....	National Star-Spangled Banner Centennial.	64.00	June 30,1914
1	Wichita, Kans....	International Dry Farming Congress.	18.00	Aug. 15,1914
2	Denver, Colo.....	.....do.....	34.50	Mar. 24,1915
1	Charleston, S. C...	Seventh Annual Convention Southern Commercial Congress.	19.50	July 30,1915
25	Various post offices in State of California.	Panama-California Exposition.	364.00	Jan.-Feb., 1916.
2	Denver, Colo.....	Rocky Mountain National Park.	33.40	Apr. 4,1916
1	Southbridge, Mass.	Centennial, 1816-1916.....	$16.00	June 22,1916
1	El Paso, Tex.....	International Dry Farming Congress.	9.00	Aug. 25,1916
1	.....do.....	.....do.....	21.00	Aug. 21,1916
3	Newark, N. J.....	Two hundred and fiftieth anniversary.	54.75	Aug. 29,1916
1	Norfolk, Va.....	Eighth Annual Convention Southern Commercial Congress.	19.50	Sept. 15,1916
1	Gulfport, Miss.....	Mississippi Centennial Exposition.	15.00	Jan. 4,1917
5	Seattle, Wash.....	Rainier National Park....	89.75	Mar. 30,1917
1	Tacoma, Wash....	.....do.....		
5	Washington, D. C.	United Confederate Veterans.	$85.00	Mar. 30,1917
1	Springfield, Ill....	Illinois Centennial Celebration.	21.00	Mar. 31,1917
2	Peoria, Ill.....	International Dry Farming Congress.	36.00	Apr. 7,1917
5	Washington, D. C.	Liberty Loan.....	78.32	June 9,1917
66	.....	Total.....	1,040.97	

In addition to the above permission was granted to use special canceling dies at Wichita, Kans. (International Wheat Show), and St. Paul, Minn. (Winter Carnival), the expense of which was paid by the parties interested in the events.

LEAVE TO EXTEND REMARKS.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address delivered by my colleague, Mr. O'CONNOR, before Carrol Council, Knights of Columbus, on the duty of the American citizen.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD by inserting an address delivered by his colleague, Mr. O'CONNOR, on the duty of the American citizen. Is there objection?

There was no objection.

FIRST DEFICIENCY APPROPRIATION BILL.

Mr. GOOD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9205, the deficiency bill.

The motion was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. FESS in the chair.

The CHAIRMAN. When the committee arose yesterday there was nothing pending, and the Clerk will read.

The Clerk read as follows:

For additional topographic and hydrographic draftsmen from October 1, 1919, to June 30, 1920, inclusive, at annual rates of compensation as follows: Three at $2,000 each; three at $1,750 each; in all, $8,437.50.

Mr. GOOD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 22, after line 22, insert the following: "For an amount to increase the compensation of the copper-plate engravers, in no case to exceed 33⅓ per cent of the basic compensation of any employee of the preceding item."

Mr. GOOD. The topographic and hydrographic draftsmen in this service are leaving because they can get so much higher pay in the Navy and other departments. The Navy pays practically twice as much, so we have increased the rate of pay in the Coast Survey not to exceed 33⅓ per cent. And so with the engravers. The question was overlooked by the committee. The engravers only receive one-half of what they receive at the Bureau of Engraving and Printing. They are leaving to go into private establishments. This does not give them anything like what they are asking for, but it is thought that it will permit the continued employment of a part of the force if this increase is given. If not, we can not blame these men for leaving. They have been there for years and have had practically no increase except the bonus, whereas in the Bureau of Engraving and Printing the men receive as much as $3,000 per year and are doing practically the same grade of work—it may be a little finer. These engravers are receiving less, and we can not expect them to remain.

The amount is small, and I think it affects only 16 employees. It seems to me that we ought to do something for these engravers.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

The Clerk read as follows:

For compensation, to be fixed by the Secretary of Commerce, of not to exceed $1,600 per annum to each person of clerks in the offices of shipping commissioners, $10,000: *Provided*, That one clerk may be employed hereunder at a compensation not to exceed $2,200 per annum.

Mr. GREENE of Massachusetts. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. GREENE of Massachusetts: Page 24, line 18, after the word "commissioners," strike out "$10,000" and insert "$15,000."

Mr. BLANTON. Mr. Chairman, on that I reserve the point of order.

Mr. GREENE of Massachusetts. Mr. Chairman, the estimate made for this work was $25,000. The committee has granted $10,000. I have been over the matter pretty thoroughly with the Department of Commerce and I find it is absolutely necessary for them to have an allowance of at least $5,000 more money, and in all probability that will hardly be sufficient to carry them through to the 1st of July. I think the amendment ought to pass, and I think the point of order can not lie against it.

Mr. Chairman, I ask unanimous consent to insert in the RECORD as a part of my remarks a communication that I have received from Mr. Chamberlain, the Commissioner of Navigation.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD by printing the matter indicated. Is there objection?

Mr. BLANTON. What is the document referred to? I reserve the right to object.

Mr. GREENE of Massachusetts. It is a document from the Commissioner of Navigation.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

DEPARTMENT OF COMMERCE,
BUREAU OF NAVIGATION,
Washington, September 15, 1919.

Hon. WILLIAM S. GREENE,
Chairman Committee on the Merchant Marine and Fisheries, House of Representatives.

DEAR MR. GREENE: I am very much obliged for your note of yesterday and I shall be glad to come up to see you any time you name. The situation, however, in a nutshell is this:

Congress has voted vast sums to build ships to win the war and you are getting the ships. Our seagoing ships of 1,000 gross tons or over amounted to 1,280 of 4,306,892 gross tons on July 1, 1918; on July 1, 1919, they numbered 2,058 of 7,300,022 gross tons. Besides these, we have 400,000 gross tons, mainly seized German ships, of merchant ships not registered, used as transports. During the past fiscal year 600 of these ships were manned by naval crews aggregating over 100,000 officers and men, according to the Navy, so the shipping commissioners had nothing to do with them. With the return of our troops, these ships are being turned over to merchant service and merchant crews are being shipped and discharged by shipping commissioners. The shipping commissioners can not keep up with the work, and the force, of course, should be increased if you wish the acts of Congress to be administered.

New ships every week make the situation more impossible. I have just given you the shipping total for July 1, 1919. Since then, on September 1, 1919, it has increased to 2,245 ships of 8,100,008 gross tons, and is growing at the monthly average rate of 100 ships of 400,000 gross.

The Shipping Board recruiting force for which you voted $6,250,000, and later a deficiency of $600,000, runs school ships to train officers and men, and pay them during training and all that sort of thing, have nothing to do with the shipment and discharge of merchant crews from voyage to voyage. In no spirit of complaint, I may say that they are paid at considerably higher rates than our services which are statutory, so there is neither economy nor good administration in asking them to do shipping commissioners' work.

The situation with wireless is even worse. Since 1916 the appropriation has remained at $45,000. Then we had only 604 American ships equipped with wireless; on July 1, 1919, we had 2,312, and the number is increasing about 100 a month. During the war this made no special difference for the Navy supplied wireless apparatus—what it could get and spare from its own needs—and furnished operators.

Matters are beginning to be normal; in August, 1919, 1,500 Navy operators were withdrawn from merchant ships quite suddenly and we are doing our best to license competent men to take their places. With the final establishment of peace, which I suppose will come some time, the embargo on land-transmitting stations will be lifted and this work will multiply suddenly also. The inspection work will be harder on account of the great progress in apparatus and methods of radio communication during the war, in which our wireless service men, who volunteered in the Army and Navy, had a big share.

In a word, there is no question of high cost of living or relative salaries in this bureau and elsewhere in the Government or private life involved in the deficiency estimates, as I explained to the subcommittee on the deficiency bill: It is solely a matter of carrying out the laws Congress has itself enacted. The work has more than doubled, and it can not be done without more men and more money.

Sincerely, yours,

E. T. CHAMBERLAIN,
Commissioner.

The CHAIRMAN. Does the gentleman from Texas press the point of order?

Mr. BLANTON. Mr. Chairman, I would like to ask the chairman of the committee whether or not this matter has been gone over by the Committee on Appropriations and approved by the committee?

Mr. GOOD. Mr. Chairman, the committee has taken no action since the bill was reported. A large part of the deficiency estimate was for increase in compensation of the clerks. It is true that they have to have some additional clerks. It is somewhat problematical just what work these clerks will be called on to perform. They have an appropriation of $50,000. It was apparent from the hearings that that would not be enough, but the committee thought by striking out any allowance for increase of compensation and by perhaps a little more efficient methods they could perform all the work that would be thrown upon the clerks by an additional appropriation of $10,000.

Mr. BLANTON. With the exception of one clerk at $2,200, the maximum compensation of all the balance is fixed by this act at $1,600 per annum.

Mr. GOOD. That is right.

Mr. BLANTON. Since the chairman thinks that $10,000 is sufficient, is he willing to accept this increase of $5,000?

Mr. GOOD. No; I believe we ought not to increase this.

Mr. BLANTON. Then, Mr. Chairman, I make the point of order.

Mr. GOOD. Mr. Chairman, I think it is not subject to the point of order.

Mr. GREENE of Massachusetts. Mr. Chairman, I am clearly of the opinion that it is not subject to the point of order.

The CHAIRMAN. What is the point of order?

Mr. BLANTON. That there is no law authorizing any additional employees in this particular department or increase in compensation of any of the employees, and, there being no law and this being a deficiency appropriation bill, clearly the amendment of the gentleman is not in order and is subject to the point of order.

The CHAIRMAN. The Chair overrules the point of order. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was rejected.

The Clerk read as follows:

Enforcement of navigation laws: To enable the Secretary of Commerce to provide and operate such motor boats and employ thereon such persons as may be necessary for the enforcement, under his direction by customs officers, of laws relating to navigation and inspection of vessels, boarding of vessels, and counting of passengers on excursion boats, $18,000.

Mr. GOOD. Mr. Chairman. I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 24, after line 27, insert the following:

"Wireless communication laws: To enable the Secretary of Commerce to enforce the acts of Congress 'to require apparatus and operators for radio communication on certain ocean steamers' and 'to regulate radio communication,' and to carry out the international radio telegraphic convention, and to employ such persons and means as may be necessary, traveling and subsistence expenses, purchase and exchange of instruments, technical books, rent, and all other miscellaneous items and necessary expenses not included in the foregoing, $20,000: *Provided*, That no part of this sum shall be used to increase the compensation of persons employed to enforce wireless communication laws."

Mr. GOOD. Mr. Chairman, for a number of years we have appropriated $45,000 for enforcing wireless communication laws. The number of vessels equipped with wireless in 1914 was 797. The number of vessels, merchant vessels, now equipped with wireless is 2,235. Many of these vessels during the war have been operated by the Navy Department, and the Navy Department furnished the wireless operators, but now that the Navy Department ceases to operate these vessels, it is necessary for the commissioner to supply the inspectors of the wireless apparatus on these vessels. Besides that, the commissioner makes an inspection under the law of every vessel coming into an American port, even though it is a foreign vessel. The amount that has been suggested in the amendment is the amount which the Commissioner of Navigation advises me is an amount that he thinks he can get along with during the rest of this year, and because of the fact that these inspections now are all made by the Commissioner of Navigation and the inspectors under him, I see no way of avoiding the appropriation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

The Clerk read as follows:

For enforcement of the laws regulating the immigration of aliens into the United States, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1919, $263,072.04.

Mr. BLANTON. Mr. Speaker, I reserve a point of order on the paragraph.

Mr. HICKS. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question. That item is a very large item, a quarter of a million dollars, and of course is a deficit in last year's appropriation. Is that deficit caused by the cessation of the war and an increase in the number of immigrants coming to this country, or is it due to some other cause?

Mr. GOOD. That deficit is caused by a mistake in the bookkeeping in the department. It is an actual deficiency and was not discovered until about the close of the year, if not until after that. The money has been all obligated and the Government probably received value for it. The amounts are owing to

sundry persons, and is a mistake that the department simply admits was made and it is an actual ascertained deficiency.

Mr. HICKS. Then this has nothing to do with immigration?

Mr. GOOD. It was all expended during the year or obligated during the year. They obligated that much more money than had been appropriated for the service. It is a deficiency for 1919.

Mr. ANDREWS of Nebraska. Will the gentleman yield for a question?

Mr. GOOD. I do not have the floor.

Mr. HICKS. I will yield to the gentleman from Texas.

Mr. BLANTON. Concerning the point of order, Mr. Chairman—does the gentleman prefer to yield first to the gentleman from Nebraska?

Mr. HICKS. I yield to the gentleman from Nebraska.

Mr. ANDREWS of Nebraska. Under what authority of law do departments create an obligation in excess of the appropriation that has been made by Congress?

Mr. HICKS. I will have to refer the gentleman to the gentleman from Iowa.

Mr. GOOD. All I can say is there is no authority at all. They went ahead and contracted an indebtedness under the assumption that they had the money.

Mr. O'DONNELL. The principal cause of the deficiency was a bookkeeping error. We have operated for the last 10 years, ever since we have been upon an annual appropriation, under an allotment system which was devised and perfected with a view to avoiding deficiencies and which has always enabled us to know exactly where we stood. The system is required to be operated by good accountants, but owing to the war conditions there were four men on this desk in one year, and one of the men was a green man. He happened to be the man on the job at the outset of the fiscal year 1919, and in casting up the salary obligations of the service, he in some way made an error of $246,000. In other words, he failed to take up by that much the total salary obligations of the service. That was not discovered until late in the fiscal year, in the month of May, to be exact. It was, of course, too late then to put on the brakes to a sufficient extent to shut off expenditures to a point that would enable us to save such a large amount as that.

Added to that sum, which amounted to $246,000, we were confronted in New York with a particularly cold spring, and the result was that our coal account there ran some $24,000 over the amount that had been set aside for fuel during the fiscal year, and you will see that the total amount of the estimate is considerably less than those two items put together, because we did make retrenchments as far as we could as soon as the mistake was discovered, and succeeded in making up a large portion of the amount.

Mr. JOHNSON of Washington. Was that any excuse for this department sending letters in congressional districts saying that on account of Congress not appropriating money they had to drop employees? As I understand the real excuse was their mistake.

Mr. GOOD. This deficiency is for 1919. I think the letters to which the gentleman refers were sent after——

Mr. JOHNSON of Washington. This year.

Mr. GOOD. And this has no relation to that.

Mr. JOHNSON of Washington. None whatever?

Mr. GOOD. No.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. HICKS. I yield to the gentleman from Nebraska further.

Mr. ANDREWS of Nebraska. It matters not what a bookkeeper may have done in a department, even the division of bookkeeping and warrants would be directly responsible for the last issue of accountable warrants to disbursing officers in excess of appropriations made. The account is stated. No auditor has any authority to state an account in excess of the appropriation made. The division of bookkeeping and warrants and the auditing department should be held directly responsible.

Mr. BLANTON. Mr. Chairman, I reserved the point of order for the purpose of eliciting some information from the chairman of the Appropriations Committee. The only basis for as much as $246,000 of this item is a statement made by the Secretary of Labor to the effect that a green employee made a mistake in estimating salary obligations that now makes necessary an appropriation as a deficiency this enormous amount. I want to call the attention of the chairman to the following which I read from committee report No. 181, filed July 30 of this year by the gentleman from Kentucky [Mr. LANGLEY], chairman of the Committee on Public Buildings and Grounds, concerning unreasonable increases in salaries made since the armistice was signed by the Housing Bureau, which is a branch of this Department of Labor, to wit:

On the 1st day of April, 1919, nearly five months after the signing of the armistice, this bureau had over 800 persons on its pay roll, about one-half of whom were at the Washington office and the remaining one-half were scattered over the country.

On the 15th day of June, 1919, more than seven months after the armistice was signed, this bureau still had 341 persons on its pay roll, 228 of whom were at the Washington office and 103 in the field.

With this immense force in the Washington office the bureau has a large part of one of the most magnificent buildings in Washington rented for its use at more than $20,000 per annum.

This bureau has a committee of its own officials whose duty it is to regulate salaries, but it appears that the chief "regulation" in which they have engaged has been the raising of salaries. Since the armistice many salaries have been raised, and here are some of them:

Name.	From—	To—	Name.	From—	To—
Carl V. Badger	$3,000	$3,500	E. E. Jacobsen	$3,500	$4,500
H. D. Belcher	3,500	4,000	Miss H. James	3,600	4,500
C. Birdseye	3,000	3,600	W. C. Lewis	4,500	6,000
C. H. Brewster	4,200	4,800	I. E. Macomber	4,000	6,000
F. A. Brown	1,800	2,400	L. Moses	4,000	5,000
E. R. Burn	1,920	2,580	C. R. Parker	3,990	4,800
C. P. Chase	3,000	5,000	E. V. Parker	2,500	3,600
S. Chevalier	3,600	6,000	L. K. Sherman	4,200	7,000
Wm. Dall	3,500	4,000	B. J. Treacy	3,000	5,000
W. W. Dibrell	3,500	4,000	Robert Watson	4,200	5,000
N. A. Dyer	4,500	5,000	H. M. Webster	5,000	9,996
W. Howe	3,000	5,000	L. W. White	3,000	4,500

Many other instances could be cited of the profligate expenditure of money by this bureau, but these are sufficient to show the reckless disregard for the interests of the Government with which these salaries have been raised since the cessation of hostilities.

Mr. GOOD. That has nothing to do with this.

Mr. BLANTON. The question I would like to ask the chairman of the Committee on Appropriations is this: When is Congress to reassume the constitutional function of fixing the salaries of the officers of this Government itself and not leave it to these many different bureaus of our land? How much of this $246,000 with respect to salaries in this item does the chairman of the committee know, and can he tell us, is embraced in just such kinds of irresponsible, unearned, undeserved raises in salaries, and I understand many of these men in this Housing Bureau are probably $1,200 men, and we find one whose salary has been raised since the armistice, if you please, from $5,000 to $9,996 per year. As above stated, this Housing Bureau is a branch of the Department of Labor, and these unconscionable raises by it in the salaries of its employees had to have the approval of and be arranged by the Secretary of Labor. This Immigration Bureau is also a branch of the Department of Labor, and so far as we know most of this $246,000 shortage in estimates may be due to just such unreasonable raises in salaries in this particular branch of his department, for which the Secretary of Labor should be held responsible.

I think it is time, Mr. Chairman, that this Congress reassumed its constitutional function of fixing the salaries of the officers of this Government. We were told the other day, and given the advice and the information, that in the railroad department there are men drawing salaries as high as $50,000 a year. I think the Appropriations Committee ought to look into these questions.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAYTON. Mr. Chairman, I would like to follow the committee in this matter. The committees, of course, give more attention to these things than the ordinary Member of the House, but in view of the fact that here is an item of more than a quarter of a million dollars, due to bad bookkeeping, do you not think before we pass this appropriation there ought to be a special investigation to find out where the fault of this matter lies?

Mr. GOOD. Mr. Chairman, I do not approve, of course, of the increases in salaries referred to in the article read by the gentleman from Texas [Mr. BLANTON]. That is with the United States Housing Corporation. The money for housing was appropriated directly to the President for that purpose and expended by the United States Housing Corporation. Congress never fixed those salaries. It has had nothing to do with them. But the item under consideration ought not to be confused with that item, because I think that the whole Housing Corporation is a poorly managed concern [applause]; that the officers there are not fit to occupy those positions; and their activities chiefly have been to raise their own salaries and the salaries of persons in that corporation. We have taken over already in this Congress the question of appropriating money directly and taking from the corporation to some extent the right to fix those salaries. I hope when the next deficiency bill comes in, when we have time to go into that matter, we may put some limitation on those salaries. But that is not this item. I do not justify this expenditure. I want to say that no man who is an official of the Government ought to permit a green clerk to make a mistake of this kind. The men having charge of the administration of this fund ought to have known where their salary lists would run to. It is altogether inexcusable to throw the question of the blame on a green clerk. I do not justify that excuse.

What is the condition that confronts Congress? Here are 5,000 vouchers unpaid, running all the way from a few dollars up to $1,000. The employees at Ellis Island, numbering 500, have not yet been paid the last installment of their June salaries.

The law places no limitation upon the amount that can be expended for this service. These people—employees and persons who have furnished supplies—have furnished their services and supplies to the Government believing that this branch of the service had the money with which to pay. I think you are not going to punish anyone except the innocent if you strike it out. It is not subject to a point of order, because the Congress has unlimited power to appropriate money, and this department has created an actual deficiency. Therefore we have got to appropriate the money whether we want to do so or not.

Mr. BLANTON. Will the gentleman yield now?

Mr. GOOD. Certainly.

Mr. BLANTON. The question I asked the chairman to answer was: Does he know that this $246,000 sought to be appropriated in this bill does not cover just such increases in salary since the armistice was signed as have appeared in other bureaus of the Department of Labor? If they are increases in salary and not the legitimate salaries provided for by Congress, then I do not think $246,000 of this item should be allowed. And the further question: I would like to ask that if, as a matter of fact, this estimate of $246,000 was a mistake of a green clerk in that department, as admitted by the Secretary of Labor, then does the chairman know that this estimate itself is not a mistake of some other green clerk, and that probably the other green clerk may have been correct? If there is one green clerk in the department who can make a mistake of a quarter of a million dollars, there might be another green clerk in the same department who likewise could do so.

Mr. GOOD. If the gentleman has asked his question, I would like to answer.

Mr. BLANTON. It is rather a long question.

Mr. GOOD. Yes; and somewhat involved.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, I ask unanimous consent for one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GOOD. There may be some increases of salary. I think they are slight. If there are increases they have been recognized and were made before the beginning of the year. So far as there being any increases in salaries comparable with the Housing Corporation increases, I can say to the gentleman that I am satisfied nothing of that kind exists, but that the deficiency is an actual and ascertained deficiency.

Mr. HICKS. Will the gentleman yield?

Mr. GOOD. I will.

Mr. HICKS. I would like to ask the gentleman if in all his Representative experience he ever knew a case before where a clerk forgot his own salary, such as appears in this item?

Mr. GOOD. I imagine this clerk got his own salary. That came out of the legislative bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHEELER. Mr. Chairman, I ask unanimous consent that the gentleman have one minute more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Iowa have one minute more. Is there objection? [After a pause.] The Chair hears none.

Mr. WHEELER. A resolution was introduced here two or three months ago to investigate the Housing Corporation. Does the gentleman think the House should take favorable action upon that resolution?

Mr. GOOD. I do not know just what investigation is to be made. My own personal belief is that the Housing Corporation, or some other institution, should sell that property just as soon as it can and put the money into the Treasury of the United States. [Applause.]

Mr. BYRNS of Tennessee. Mr. Chairman, this actual, ascertained deficiency of $263,000 does not represent any increases of salary that have been paid to anyone. It is simply this, as explained by the Assistant Commissioner of the Bureau of Immigration: In the beginning of the fiscal year 1919 the bookkeeper who had charge of this appropriation, in apportioning the amount appropriated by Congress for the ensuing fiscal year, made a mistake and allowed more than he should have done for the fore part of the year, making an error of $246,000—not increases in salary, but obligations for supplies and other general expenses. As a matter of fact, of this amount only about $20,000 is for salaries, representing the salaries of the employees at Ellis Island for the last half of June.

Mr. LAYTON. In all seriousness I would like to ask whether or not, if we passed this appropriation, we should stop there? Do you not think that, under the circumstances, where more than a quarter of a million dollars has been paid without law, that there should be some investigation as to how it was paid out, who was guilty of the mistake, and punish, by dismissing from the service, those that were responsible?

Mr. BYRNS of Tennessee. Undoubtedly if any employee of the Government has been guilty of any misfeasance or malfeasance, of course he should be dismissed and punished, if it appears proper. But here is a situation where the commissioner of the bureau frankly states that a mistake was made, and, as the gentleman from Iowa [Mr. GOOD] has said, there are accounts unpaid, people who have charges against the Government who are waiting for their vouchers to be cashed. We are confronted here with the proposition of whether or not Congress is going to take care of those legal obligations of the Government.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Pennsylvania?

Mr. BYRNS of Tennessee. I yield to the gentleman.

Mr. BUTLER. Is this deficiency to make up for what a clerk failed to report as to the amount of money that would be owing? I understand this clerk in making a computation of figures failed to take into the column certain charges that would have to be provided for here. Is that so, if the gentleman please?

Mr. BYRNS of Tennessee. The clerk explains it, and the only explanation he has is this. I do not want to read it again; the gentleman from Iowa has already read it. But I will read it again. It is this:

> Mr. O'DONNELL. The principal cause of the deficiency was a bookkeeping error. We have operated for the last 10 years, ever since we have been upon an annual appropriation, under an allotment system which was devised and perfected with a view to avoiding deficiencies and which has always enabled us to know exactly where we stood. The system is required to be operated by good accountants, but owing to the war conditions there were four men on this desk in one year, and one of the men was a green man. He happened to be the man on the job at the outset of the fiscal year 1919, and in casting up the salary obligations of the service he in some way made an error of $246,000. In other words, he failed to take up by that much the total salary obligations of the service. That was not discovered until late in the fiscal year, in the month of May, to be exact. It was, of course, too late then to put on the brakes to a sufficient extent to shut off expenditures to a point that would enable us to save such a large amount as that.

Mr. BUTLER. If, then, the clerk had made no mistake when this appropriation was made originally, we should make the appropriation now?

Mr. BYRNS of Tennessee. Yes; it is an actual deficiency, and the point raised by the gentleman from Texas [Mr. BLANTON] with reference to the salaries paid by the Housing Corporation has absolutely nothing to do with this item.

Mr. BUTLER. It has nothing to do with this item, but it has a great deal to do with the Treasury of the United States. [Applause.]

Mr. BYRNS of Tennessee. I do not deny that, but it is foreign to the matter under consideration.

Mr. BUTLER. It does not fit here or fit properly anywhere else.

Mr. SAUNDERS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. SAUNDERS of Virginia. I want to see if I have the situation correctly in my mind. Is this a case where the money has been actually paid out?

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SAUNDERS of Virginia. Mr. Chairman, I ask that the gentleman have one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SAUNDERS of Virginia. Or is this a case in which the money is owed, and they did not allow for it and account for it, and it is needed now to pay existing obligations?

Mr. BYRNS of Tennessee. It is a case where in the outset the bureau spent more money than it was authorized to spend under its own allotment system. Now it finds itself in the position of having thousands of vouchers due and no money with which to pay them.

Mr. SAUNDERS of Virginia. Was that money spent in the proper direction?

Mr. BYRNS of Tennessee. It was spent, as I understand it, in the employment of the persons who were employed to carry on the business of the bureau in the field.

Mr. SAUNDERS of Virginia. Without regard to that expense, there now exists proper claims against the Government for which provision must be made?

Mr. BYRNS of Tennessee. Undoubtedly; and unless Congress makes provision, these people with these lawful claims will not be paid.

The CHAIRMAN. The time of the gentleman from Tennessee has again expired.

Mr. ANDREWS of Nebraska. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Nebraska moves to strike out the last word.

Mr. ANDREWS of Nebraska. Mr. Chairman, I would like to ask the gentleman from Tennessee this question: Were all these salaries to be provided for under lump-sum appropriations?

Mr. BYRNS of Tennessee. Yes. The appropriation is made in the form of a lump sum.

Mr. ANDREWS of Nebraska. Then when the lump sum was exhausted was there any legal liability on the part of the Government as to that which was unpaid?

Mr. BYRNS of Tennessee. The gentleman probably knows more about the legal liability of the Government than I do, he having served as an auditor for a number of years; but I take it that the necessity was upon the bureau of continuing its work with reference to immigration.

Mr. ANDREWS of Nebraska. I want to reach the point in regard to legal liability that has been assumed in the discussion of this question, and for the purpose of ascertaining that I desired to know whether it was a lump-sum appropriation out of which these salaries were paid. If so, the liability of the Government ceased when the amount appropriated was exhausted. If the Congress fixed statutory salaries for the people in that service, a liability would run for the fixed salary under the statute. If the salary ran under an annual appropriation, when that appropriation ceased the liability of the Government ceased. In this question there is a creation of a liability by that department, not by any inexperienced clerk, not by some subordinate who shall be made the goat of this case, but by the officer directly responsible for the management of that business, who has deliberately sought to impose upon the Government a liability to the amount of $263,000.

Mr. BYRNS of Tennessee. Two hundred and forty-six thousand dollars.

Mr. ANDREWS of Nebraska. Without warrant of law for so doing, and there is no authority whatever in the law, as I understand the statement of the gentleman from Tennessee and the statement of the chairman of the committee, for the creation of a liability against the Government.

Mr. BYRNS of Tennessee. I take it that the gentleman does not take the position that in a case where services have been rendered to the Government by innocent parties in good faith they should not be paid.

Mr. ANDREWS of Nebraska. That is a question of a claim that should be considered with penalties for the man who created the liability without warrant of law.

Mr. Chairman, this simply uncovers a line of practice that will be utilized whenever there is an opportunity to utilize it and a department finds itself in the midst of embarrassment. It is nothing uncommon for Government officers to send forward an account to be audited by the auditing officers for the allowance of claims and certification for appropriations under the act of 1887, and under that act many officers for years have gone forward and drawn out of the Treasury on certificates of settlement hundreds of thousands of dollars beyond appropriations made by Congress.

The point I want to emphasize is this: Is Congress going to fix the limit of appropriations? If so, let it see to it that an investigation of this matter be carried to the point of fixing the liability of the man at the head of the office that made this mistake, and hold him and all others strictly to the amount appropriated, and then let them come in due time with their estimates for a deficiency.

Mr. NEWTON of Minnesota. Mr. Chairman, I rise in opposition to the pro forma amendment.

I would like to ask a question of the gentleman from Tennessee, if I may have his attention. The total appropriation for the fiscal year ending June 30, 1919, for this bureau was $2,450,000, was it not?

Mr. BYRNS of Tennessee. That is correct.

Mr. NEWTON of Minnesota. And the total amount that was overappropriated by means of the alleged mistake of some "green clerk" was $246,000, so that one-tenth of the total appropriation to this bureau has been overexpended, due, as it is claimed, to the alleged mistake of some "green clerk."

Can the gentleman explain how it was that the head of the bureau did not find out about this great overexpenditure until May of the fiscal year ending on the 1st of July?

Mr. BYRNS of Tennessee. I can not. The head of the bureau stated that it was necessary to have the best kind of an accountant to make this allotment, and the only explanation he offered was that on account of the war they had had during the fiscal year four different men at work upon this particular matter at different times, of course. Now, one of them, as he said, happened to be a green man, not accustomed to or experienced in this work, and he is the man who happened to be in charge of it at the beginning of the fiscal year, and who made this mistake through a bookkeeping error.

Mr. NEWTON of Minnesota. What I can not conceive of is the head of the bureau permitting a mistake of that kind to be made and not finding it out until two months preceding the close of the fiscal year.

Mr. HICKS. Will the gentleman yield for a question?

Mr. NEWTON of Minnesota. Yes.

Mr. HICKS. Does the gentleman know whether or not the head of this bureau was attending to his business, or whether he was out on some other matter of a personal nature?

Mr. NEWTON of Minnesota. I have no knowledge of that fact, I am sorry to say. Now, may I also ask this question of the gentleman from Tennessee: There was very little immigration to this country during the period of the war. I am unable to understand why during the period of the war, and with very little immigration, there should be any need of an overexpenditure of one-tenth of the total amount allotted to the bureau.

Mr. BYRNS of Tennessee. As the gentleman knows, the Bureau of Immigration has something to do besides its work in connection with the immigrants actually coming to this country.

Mr. NEWTON of Minnesota. I appreciate that fact.

Mr. BYRNS of Tennessee. The work has been greater than ever before in the matter of making investigations concerning aliens living in this country during the war. The gentleman knows that quite a number have been deported as a result of the work done by the Bureau of Immigration.

Mr. NEWTON of Minnesota. Yes.

Mr. BYRNS of Tennessee. And I submit that on account of conditions growing out of the war, and the necessity of seeing that these aliens in this country conducted themselves properly and in accordance with our laws, an increased burden was put upon this bureau. The gentleman must not confuse the work of this bureau with the simple work incident to immigrants coming in from day to day, because it is much greater than that.

Mr. NEWTON of Minnesota. But during this period was not substantially the same force employed and maintained at Ellis Island that was employed and maintained there previous to our entry into the war when immigration ceased?

Mr. BYRNES of South Carolina. If the gentleman will allow me, my recollection is that for immigration work the appropriation was not as large as it was in previous years.

Mr. NEWTON of Minnesota. Does the gentleman know how much it was cut down?

Mr. BYRNES of South Carolina. No; I have no recollection of it, and am not going to try to recall now. If the gentleman will take the last sundry civil bill he can get the exact figures, which will show how much the reduction was.

Mr. Chairman, if the gentleman from Minnesota yields the floor, I should like to be recognized. I see no reason for any great argument about this item. The facts are that this $2,450,000 was appropriated. The statement of the representative of the department is that a bookkeeper made a mistake in making the allotment, and allotted more than the $2,450,000. They do not divide the amount equally for each month. They often allot for the first few months of the year a larger sum than for later months in the year, and in May it was ascertained that this mistake had been made. As a result they were then confronted with the necessity of stopping all the work of the department or of proceeding and putting this matter up to Congress. The representative of the department states that when he discovered the mistake he immediately attempted to retrench, in order to try to avoid, if possible, asking for this amount, but he could not do it. As a result, the employees at Ellis Island have not received their salaries for the last half of the month of June. Because of the cold spring they had to buy additional fuel, and the bills for that fuel have not been paid. In addition to that, other bills contracted in order to run the station for the last few months were not paid, and the question now comes to the Congress whether we will pay those bills or refuse to pay them. It is not our mistake. It was a mistake of that clerk, but we are not freed from the responsibility, it seems to me, of appropriating this money in order that these clerks may be paid and these unpaid bills settled.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. BYRNES of South Carolina. No; not until I finish this statement. I do not know what the attitude of the chairman of the committee is. So far as I am concerned, if the Congress does not want to pay it, I am willing to let these clerks go to the Court of Claims and get their money. I know there is nobody

on this side of the House or on the committee who has any interest in it at all. If Congress does not want to appropriate this money to pay these bills, why just vote it out.

A MEMBER. And repudiate the bills!

The CHAIRMAN. Does the gentleman from Texas withdraw his point of order, or make it?

Mr. BLANTON. I withdraw it. I do not think it is subject to a point of order.

Mr. NEWTON of Minnesota. Will the gentleman from South Carolina yield now?

Mr. BYRNES of South Carolina. If my time has not expired, I will be glad to yield.

The CHAIRMAN. The gentleman's time has not yet expired.

Mr. NEWTON of Minnesota. Did the head of the bureau inform the committee just how and where this additional 10 per cent had been expended?

Mr. BYRNES of South Carolina. He stated it in this way, that $20,000 of the item was for salaries, that there were 5,000 vouchers to be paid in varying amounts, of from a few cents up to $1,000, that the fuel item was $24,000, and if the gentleman will look at the hearings he will find the different items as stated by the representative of the bureau, but there was no itemized statement filed.

Mr. NEWTON of Minnesota. That was the amount that he found he was short at the end of the year that he could not take care of?

Mr. BYRNES of South Carolina. Yes.

Mr. NEWTON of Minnesota. But were there increased expenditures during the year which absorbed this $246,000?

Mr. BYRNES of South Carolina. No; I am satisfied from his statement that there were no such increased expenditures. As I understand the statement, there was a mistake made in the allotment.

The CHAIRMAN. The gentleman's time has expired.

Mr. TINCHER. I ask unanimous consent that the gentleman's time be extended two minutes in order that he may answer a question.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the time of the gentleman from South Carolina be extended two minutes. Is there objection?

There was no objection.

Mr. TINCHER. Mr. Chairman, I remember when this bill was up in the House and an amendment was offered providing that no part of this appropriation for this department should be paid to the man in charge at Ellis Island, I think his name was Howe. I believe he has been removed.

Mr. BYRNES of South Carolina. He is out.

Mr. TINCHER. Is he the man that was supposed to have anything to do with these figures?

Mr. BYRNES of South Carolina. No; this was a mistake of the bookkeeper.

Mr. TINCHER. Does the gentleman think there was any intent on the part of these officials to underestimate their needs and then to bring in a deficiency bill?

Mr. BYRNES of South Carolina. Oh, no; the disposition is always to overestimate but never to underestimate.

Mr. TINCHER. The gentleman says that this man Howe, at Ellis Island, has been removed.

Mr. BYRNES of South Carolina. Yes; I understand that he resigned.

Mr. SAUNDERS of Virginia. Mr. Chairman, I ask unanimous consent that the gentleman from South Carolina have one minute more. I want to ask him a question in connection with his statement.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SAUNDERS of Virginia. Following the course that has been stated by the gentleman from South Carolina, I gather that this is the situation: That allotment was made for this bureau for expenditure, and the original error on the part of the official was in advising the bureau that it had more money to expend than really had been appropriated to them.

Mr. BYRNES of South Carolina. That they had more money to spend than the actual appropriation?

Mr. SAUNDERS of Virginia. Yes, and the expenditures were made in good faith, with the idea that they had that money to their credit.

Mr. BYRNES of South Carolina. No doubt about that.

Mr. SAUNDERS of Virginia. But later on it was discovered that they did not have so much money appropriated.

Mr. BYRNES of South Carolina. It was discovered that the clerk had made a mistake.

Mr. LAYTON. Mr. Chairman, I ask that the gentleman from South Carolina have one minute more in order that I may ask him a question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAYTON. Why take this poor, green clerk and lay the blame on him?

Mr. BYRNES of South Carolina. I have not taken him in the first place.

Mr. LAYTON. Where is the disbursing officer and where is the auditor? They are there to see that the appropriations are not exceeded. That is their function.

Mr. BYRNES of South Carolina. The gentleman said that he wanted to ask me a question.

Mr. LAYTON. That is the question I want to ask.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. GOOD. Mr. Chairman, I move to strike out the last word. I do so not for the purpose of laying the blame on some poor, green clerk, but placing the responsibility right where it belongs. No man charged with the responsibility that the Commissioner of Immigration is charged with and having at his command two and one-half million dollars is fit to occupy the position who does not observe the plain provisions of the law. [Applause.]

This gentleman who has been traveling about over the country making speeches ought to have guessed a little nearer to what the requirements of his service were. [Applause.] The provision of law is that he shall make his allotments by months or quarters so that there will be no deficiency at the end of the year. And then the law provides that any person violating any of the provisions in this section shall be summarily removed from office and may also be punished by a fine of not less than $100 or by imprisonment of not less than one month.

I want to say to the executive officials whose duty it is to enforce and obey that law that they will have some obligations staring them in the face if they ever come again before the Committee on Appropriations with a mess like this, and then attempt to throw it all on some poor, green clerk. Before I shall vote again to pay out money that has been expended in excess of the appropriation in rank violation of the law I shall demand that the provisions of the law be enforced and the officer removed and punished in accordance with the law. [Applause.]

Mr. LAYTON. Why not do it now?

The CHAIRMAN. The pro forma amendment is withdrawn and the Clerk will read.

The Clerk read as follows:

Not to exceed $25,000 of the unexpended balance of the appropriation for "Expenses of interned aliens, 1917–18," is continued and made available for expenditures incurred by the Immigration Service for interned aliens during the fiscal years 1919 and 1920.

Mr. MOONEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. MOONEY: Page 27, line 19, insert as a new paragraph:

"Miscellaneous expenses, Bureau of Naturalization: For compensation, to be fixed by the Secretary of Labor, of examiners, interpreters, clerks, and stenographers, for the purpose of carrying on the work of the Bureau of Naturalization, provided for by the act approved June 29, 1906, as amended by the act approved March 4, 1913 (Stat. L., vol. 37, p. 736), and May 9, 1918 (Stat. L., vol. 40, pp. 542–548, inclusive), including personal services in the District of Columbia, and for their actual necessary traveling expenses while absent from their official stations, including street car fare on official business at official stations, together with $4 per diem in lieu of subsistence, and for such per diem together with actual necessary traveling expenses of officers and employees of the Bureau of Naturalization in Washington while absent on official duty outside of the District of Columbia, telegrams, verifications of legal papers, telephone service in offices outside of the District of Columbia, carrying into effect section 13 of the act of June 29, 1906 (34 Stats., p. 600), as amended by the act approved June 25, 1910 (36 Stat. L., p. 765), and in accordance with the provisions of the sundry civil act of June 12, 1917; and for mileage and fees to witnesses subpœnaed on behalf of the United States (the expenditures from this appropriation shall be made in the manner and under such regulations as the Secretary of Labor may prescribe): *Provided*, That no part of this appropriation or of any appropriation hereafter made for the Bureau of Naturalization shall be available for the compensation of assistants to clerks of United States courts (acts June 29, 1906, vol. 34, p. 596, sec. 1; Mar. 4, 1913, vol. 37, p. 736, sec. 3; May 1, 1913, vol. 38, p. 1, sec. 1; May 9, 1918, vol. 40, pp. 542–548, secs. 1–3; July 19, 1919, vol. 41, p. 222, sec. 1), $268,600."

Mr. MOONEY. Mr. Chairman, I believe if the condition that confronts the naturalization department was known to the members of this committee this reservation of a point of order would not be made and the amendment would be accepted. At the outbreak of the war it was discovered that we were not one Nation but many nations living together, and patriotic citizens everywhere became unusually active for an Americanization program.

Coming, as I do, from one of our most cosmopolitan cities, I can testify to the enthusiasm of the membership of the Americanization council and value of the work they did. Yesterday this council in my city was addressed by the great governor of our great State, the mayor of Cleveland, and the superintendent of our schools.

All of them are enthusiastic in the work. The great value of it is recognized everywhere there. We have found that our foreign-born people welcome the opportunity to learn. They love our country and our institutions, and are clamoring for citizenship, 99 per cent of them. I submit that the record they made throughout the war entitles them to consideration now, and gentlemen who have not been active in this work can not realize the delays and disappointments that have come because of lack of funds in this department, which has been more than self-supporting. There is in my district one city ward where at this moment 1,100 Jugo-Slavic people, as loyal as may be found anywhere and as good men as you can find anywhere, are waiting for their final examination. They can not be examined because the bureau has been reduced from four examiners to one, because of lack of funds. There are in the city 8,000 persons ready to be naturalized. They are being naturalized at the rate of 150 persons a week. It is not a very encouraging outlook to hand to the students in these schools. It does not give us very much right to preach to these students that it is a duty and a very great privilege to secure citizenship, and that the Government welcomes them. I hope the gentleman will consider this delay and permit the amendment to pass.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. MOONEY. Yes.

Mr. JOHNSON of Mississippi. What is this money to be used for?

Mr. MOONEY. Very largely for examiners, and for help, to avoid delays in the department, both in Washington and in the various naturalization stations.

Mr. JOHNSON of Mississippi. Naturalization examiners?

Mr. MOONEY. Yes. I hope the amendment will be accepted; it is important. I ask unanimous consent to extend and revise my remarks in the RECORD by inserting therein a letter from one of my friends, himself foreign born, a very high type of patriotic citizen, who has taken a leading part in this work in Cleveland.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The letter referred to is as follows:

AMERIŠKA DOMOVINA,
Cleveland, Ohio, July 26, 1919.

Hon. CHARLES A. MOONEY,
Washington, D. C.

DEAR MR. MOONEY: I would like to call your attention to the Americanization proceedings which at present prevail in Cleveland. It is becoming unbearable on us teachers. I had a naturalization class of 678 pupils during the last six months. It was the largest class of its kind in the country. The fellows visited the school regularly and very eagerly learned not only the necessary things about the Constitution and laws, but I taught them history, geography, and common ways and habits of the American people. Their education in the old country was very badly neglected, and most of them could hardly sign their own name, but you ought to see them to-day when they answer you promptly such things as, What is the Monroe doctrine? Where and when was the first permanent colony established in the United States? What is the stamp act? Who invented steam, telephone, and other modern conveniences? What is the name of the presiding judge of the United States Supreme Court? What happens when the President vetoes a bill? How old must be a citizen to be elected Congressman? Tell the names of the 13 original States? Who became President after Lincoln was killed? etc. In order to bring up these fellows you must have some patience and good will, but they are very thankful when they see that we care for them. But it seems to me that the Government is not doing its part toward Americanizing the aliens. I will give you some examples of the proceedings now in practice: According to law, when a man files his petition for citizenship papers, 90 days must elapse before he is admitted to citizenship. But it takes a year nowadays. All those aliens who arrived in this country after June 29, 1906, must first apply for a certificate of arrival with the Commissioner of Naturalization in Washington. I wrote myself over 1,000 of such applications during the last five months. The Commissioner of Naturalization in Washington has the habit to withhold the applications for six or seven months instead to answer in seven days. I have over 400 pupils who sent in their applications for a certificate of arrival in February and March, and still they are waiting for a reply. Here is one hot example: In January, 1919, one John Jenic sent in his application for a certificate, and as he did not get any answer until April 22, 1919, I wrote in his name, on April 22, to the commissioner to explain why such a long silence. And the answer to this letter, written on April 22, just arrived in Cleveland July 25, saying: "We are in receipt of your letter asking us regarding your certificate of arrival. Owing to the insufficient force in our office, we beg to say that we can not consider your application at the present time, and you will be notified in due time about your certificate of arrival." The poor fellow might wait another year for an answer.

Still another bad example of the proceedings of naturalization: A citizen lost his citizenship paper, and he made a report in the court where he obtained his citizenship. They advised him to write to the Commissioner of Naturalization in Washington for further details. After a long wait he received an answer, saying that on account of war he can not get a duplicate of citizenship. Is that honest? Is that just? He was, in my opinion, illegally deprived of his citizenship for no other fault than on account of loss of papers. He could take the matter to the court, which would compel the commissioner to issue a duplicate, but he heard it will cost him some money to fight it out, so he let the matter drop, and to-day he is without any rights, and even can not get better work, being an "alien," as he can not produce his citizenship paper. With matter of this kind and others I have to deal every day—induce the people to patience, run around the courts, advising, helping, writing complaints, etc.

And the best part comes now. There are in Cleveland over 8,000 applicants for citizenship. From my school alone there are over 700. And God alone knows when they will be naturalized. We used to have in this city three or four naturalization examiners who expedited the proceedings quite satisfactorily. After July 1 three examiners lost their positions on account of Congress not appropriating funds for the continuation of their office. One lone examiner now handles the crowds daily besieging his office. And as the courts can not examine more than about 150 applicants for citizenship in one week you can imagine what chance the fellows have to become citizens. There are over 8,000 of them.

Talk about Americanization, better citizenship, learning English, alas, yes; all this is very fine and sounds beautifully, but when you come and practice what you preach there are put unsurmountable obstacles in the way of an alien with noble character and earnest wish to become an American citizen. You, gentlemen of Congress, do not know of these conditions as you do not come into contact with thousands whose most earnest wish is to become citizens. We mingle daily wth them, know their wants, their hearts, their honesty and loyalty toward this country, and I think it very proper to confide these conditions to you in order to obtain whatever help is possible. Do not drive honest people from you, from these beloved United States, extend a willing hand to help them along. A man that is educated is not a very apt object of Bolsheviki propaganda, but the uneducated, forgotten, not-taken-care-of element among the aliens falls as easiest prey into the fangs of Bolshevism with its kind, alluring words, promising so much, which, of course, can never become reality, but, nevertheless, is working upon the minds of the forgotten and uncared for who follow words and not deeds.

I am sure you will be interested in this matter and will gladly give information which you can depend on, as it comes from experience.

Thanking you for your patience, I am,

Very sincerely, yours,

LOUIS J. PIRZ, *Editor.*

Mr. JOHNSON of Mississippi. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The gentleman from Mississippi makes the point of order. The Chair will hear the gentleman from Mississippi on the point of order.

Mr. JOHNSON of Mississippi. Mr. Chairman, I do not care to argue it.

Mr. GOOD. Mr. Chairman, I make the point of order. This service has usually had about $275,000. For this year the amount is $450,000. If the Chair will observe the amendment he will note that it is not offered to supply a deficiency but is offered as a supplementary appropriation. If the Chair will also notice the provisos in the amendment he will see that it attempts to change existing law. For example, I read from the amendment:

Hereafter that no part of the appropriation or any appropriation hereafter made for the bureau—

And so forth.

It goes beyond the fiscal year for which the appropriation is made and seeks to enact general legislation.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard upon the point of order?

Mr. MOONEY. Mr. Chairman, I am willing to modify the amendment by striking out the part to which the chairman of the committee objects.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

Mr. LAYTON. Mr. Chairman, before the Clerk reads, is it in order now to offer an amendment on page 27?

The CHAIRMAN. To what paragraph?

Mr. LAYTON. To the paragraph under the head of the Department of Labor—the first paragraph.

Mr. GOOD. Mr. Chairman, it is not in order. We have passed that.

Mr. LAYTON. Mr. Chairman, I ask unanimous consent to return to that for the purpose of offering an amendment.

The CHAIRMAN: The gentleman from Delaware asks unanimous consent to return to the paragraph in order that he may offer an amendment. Is there objection?

Mr. GARNER. Mr. Chairman, the gentleman from Ohio [Mr. MOONEY] has been asking recognition of the Chair. He desires to modify his amendment and reoffer it with the objection eliminated that the gentleman from Iowa [Mr. GOOD] referred to.

The CHAIRMAN. The first thing to dispose of is the unanimous-consent request of the gentleman from Delaware.

Mr. GOOD. Mr. Chairman, reserving the right to object, what is the nature of the amendment that the gentleman desires to offer?

Mr. LAYTON. Mr. Chairman, I want to strike out the figures "$263,072.04," so that this House may have an opportunity to vote upon it.

Mr. GOOD. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The Chair has already ruled upon the point of order, and if the gentleman from Ohio wants to offer another amendment, he is in order.

Mr. MOONEY. I desire to offer a substitute amendment.

Mr. GOOD. Mr. Chairman, if the gentleman from Ohio desires to modify his amendment, I ask unanimous consent that this paragraph may be passed over temporarily in order that the gentleman may have that opportunity, to be returned to later.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LAYTON. Mr. Chairman, what became of my request to return to page 27 for the purpose of offering an amendment?

The CHAIRMAN. The request has been submitted and objected to. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MCFADDEN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed without amendment the bill (H. R. 7709) to authorize the incorporated town of Petersburg, Alaska, to issue bonds in any sum, not exceeding $75,000, for the purpose of constructing and installing a municipal electric-light and power plant and for the construction of a public-school building.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to concurrent resolution (S. Con. Res. 4) relative to the printing of hearings and report of the committee on brewing and liquor interests and German propaganda and Bolshevik propaganda.

FIRST DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Legislative.—House of Representatives.

Mr. BYRNES of South Carolina. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 28, line 10, after the words "House of Representatives," insert a new paragraph, as follows:

"To pay the widow of J. Willard Ragsdale, late a Representative from the State of South Carolina, $7,500."

Mr. BYRNES of South Carolina. Mr. Chairman, I desire to offer an additional paragraph, to pay to the widow of JOSEPH P. THOMPSON, late a Representative from the State of Oklahoma, the same amount.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BYRNES of South Carolina, to follow the amendment just reported: To pay the widow of JOSEPH P. THOMPSON, late a Representative from the State of Oklahoma, $7,500.

The CHAIRMAN. Is there objection to the consideration of the two amendments at once? If not, they will be so considered.

There was no objection.

The question was taken, and the amendments were agreed to.

The Clerk read as follows:

For stationery for Representatives, Delegates, and Resident Commissioners, $210.

Mr. GOOD. Mr. Chairman, I move to strike out the last word. I do so for the purpose of making a statement that affects the membership of the House. I dislike very much to call attention to the fact that some Members of the House are falling into the habit of conducting a portion of their correspondence by telegraph at the expense of the United States. I intended to read some samples of certain telegrams, but have decided not to do that. Speeches are practically sent out by telegraph that convey information which it is not necessary to convey in that way. During the war it was necessary for Members to use the wires very frequently, and in some instances to cable to France in matters affecting the soldiers, their release, sickness at home, and things of that kind. Nobody complained about that. A few have fallen into the habit in some cases of sending telegrams with regard to private business and charging it to the Government. Some Members are falling into the habit of sending telegrams and then saying to the person, "Wire me at my expense." The person answers by wire, but instead of it being at the expense of the Member it appears finally at the expense of the Government of the United States. Now, unless we can become sane and sensible with regard to this matter, there will have to be some regulation as to the sending of these telegrams. A telegram that is sent by a Member ought to be couched in as few words as he would couch a telegram if he paid for it out of his own pocket.

Mr. REAVIS. Will the gentleman yield?

Mr. GOOD. I will.

Mr. REAVIS. Does not the gentleman think that the statement that he has made is a very excellent reason for voting against this appropriation?

Mr. GOOD. Which appropriation?

Mr. REAVIS. This disposition on the part of any Member of this House to conduct his private business at the expense of the Government ought to be exposed to this House, that those who do not indulge in the practice ought not to rest under a charge of that kind.

Mr. GOOD. Well, I will say to the gentleman that the chairman of the Committee on Accounts [Mr. IRELAND], when he saw how these bills were running, made a rack giving each Member a pigeonhole wherein are placed the telegrams that are sent by the membership of the House, so that Members can go over them. Sometimes Members are not to blame. Their secretaries send telegrams and sign the Member's name. They are not always to blame, and they can now find out just exactly what is being charged to the Government because of their business.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. GOOD. I will.

Mr. BYRNS of Tennessee. I understand that these telegraph bills are audited by the Committee on Accounts of this House, are they not?

Mr. GOOD. That is true.

Mr. BYRNS of Tennessee. Is it not the duty of the Committee on Accounts to audit those bills, and where they are not strictly official to require the Members sending them to pay them out of their own pockets? [Applause.]

Mr. GOOD. I think that is done, and I will say to the gentleman now that my attention was called to a telegram the other day that cost, as I recall, about $3.50 or $4. The Member commenced by stating that "I said on the floor of the House the other day," so-and-so, and that this was "a principle that ought to be enacted into law," and so on. Now, that related to Government business; it was not in regard to private business; but, of course, it had no place in a telegram and ought not to have been sent.

Mr. BYRNS of Tennessee. And would not have been sent if it had to be paid for out of his own pocket.

Mr. HICKS. Will the gentleman yield?

Mr. GOOD. I will.

Mr. HICKS. When I was a member of the Committee on Accounts I know our policy then was this: The clerk would go over all the telegrams received and charged to Government account. Whenever in his opinion, backed up by the chairman of the committee, it looked like a personal telegram, we then sent to the Member and asked for the payment of that telegram.

Mr. TEMPLE. If the gentleman will permit a further question. Is not a Member required to indorse upon the telegram the statement that it is official business?

Mr. GOOD. Yes, I will say to the gentleman.

Mr. TEMPLE. Now, if a Member should do that and it is not official business, the remedy lies precisely where the former chairman of the Committee on Accounts indicates.

Mr. GOOD. I will say to the gentleman that perhaps I overstated the matter in regard to telegrams that relate to business that is not official. The trouble is that the big expense comes in the telegrams which in a sense relate to official business and yet contain matter that in the end could just as well be sent by letter. I think perhaps if we would sort those telegrams out we would find that there are very, very few of those that are charged to the Government that do not fall within Government business.

Mr. TEMPLE. There ought not to be any.

Mr. GOOD. I agree with the gentleman.

Mr. GARNER. Will the gentleman yield?

Mr. GOOD. I will.

Mr. GARNER. Let me suggest to the gentleman that we have a remedy now, if the Committee on Accounts will do its duty. I happened to be a member of the Committee on Accounts at one time, and I recall very distinctly that we gave considerable offense to Members of the House by refusing to pay for telegrams they sent on official business and which we determined was not official business. And we also excluded a number of telegrams and compelled the Members to pay for them where we thought they could as easily have been sent by letter. I want to suggest to the gentleman that the attention of the Committee on Accounts ought to be called to this fact by this committee, and give them to understand that they must do their duty or the House will undertake it.

Mr. GOOD. Mr. Chairman, I may be mistaken, but I have been informed by the members of the Committee on Accounts that it has never been the policy to exclude a telegram for its length or its cost if it related to public business. Many of these telegrams that cost so much money do refer to Government business. Some cablegrams have been sent to France costing $50 or $60, and I do not think any Member would object, and I do not object to that. Some of them detailed a condition in such a way that the soldier might be advised, but the trouble is that care is not taken in couching a telegram in a few words, instead of making it just a running, conversational telegram.

Mr. GARNER. That could be remedied, I think, by the Committee on Accounts itself, if it would call it to the attention of the Members who sent these various telegrams that contain a great many more words than necessary, and the various Members sending those telegrams, I think, would soon desist. What I am complaining of is that the Committee on Accounts is not going to the extent that it might go.

Mr. REAVIS. The gentleman stated that cablegrams were sent to France costing a large sum of money. I had the impression—I do not know whether it is correct or not—that there was an agreement with the foreign Governments that all governmental matters should go over the cables to France without cost to this Government.

Mr. GOOD. That may have been true before the wires were taken back, but the chairman of the Committee on Accounts advises it is not true now.

Mr. REAVIS. I am satisfied that such an agreement did prevail during the time the Government controlled the wires.

Mr. GOOD. Now, Mr. Chairman, I have made this statement in the absence of the chairman of the Committee on Accounts, who is temporarily called out of the city and who wished to make it himself; but I only want to emphasize this fact, that we ought not to put up to the chairman of the Committee on Accounts or the Committee on Accounts this question at all. Every Member ought to decide it himself. While we are asking every executive department of the Government to reduce expenditures and reduce estimates, we ought to practice that same degree of economy ourselves. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HICKEY. Mr. Chairman——

Mr. PARRISH. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa have two minutes more. I want to make a statement.

The CHAIRMAN. The gentleman from Indiana [Mr. HICKEY] is recognized.

Mr. HICKEY. Mr. Chairman, I do not rise for the purpose of discussing this very important piece of legislation, but for the purpose of calling the attention of the House to one of the most important incidents that has transpired in all history. The other day on this floor the people's Representatives paid fitting tribute to that splendid American and masterful soldier, Gen. John J. Pershing, who led our armies to victory over in France. To-day we have as guests in the House gallery two young men of the famous First Division, who so ably and gallantly supported the cause of America and the Allies n the battle fields of France. These young men are from my district, from the city of South Bend, Ind. Sergt. Alex. L. Arch was privileged to fire the first shot for the American forces in the Great World War. [Loud and prolonged applause, the Members rising.] This was on the morning of October 23, 1917. The other soldier, Corpl. Louis J. Varady, was his able assistant. [Loud and prolonged applause, the Members rising.]

It affords me great pleasure, indeed, Mr. Chairman and gentlemen of the committee, to be the Representative of a district that can furnish and did furnish such a splendid contribution to the Great World War. [Applause.]

I thank you, gentlemen, very much for giving me this opportunity of bringing this to your attention, and I thank you very much for the courtesy you have shown to my two brave soldier constituents. [Loud applause.]

The Clerk read as follows:

The unexpended balance of the appropriation of $50,000 for furnishing additional rooms in the House Office Building, contained in the public resolution approved October 24, 1913, is made available for additional office equipment for such of the rooms of that building as may be necessary on account of the appointment of additional clerks to Members.

Mr. KING. Mr. Chairman, I move to strike out the last word. I do this for the purpose of calling the attention of the committee to a condition which exists in the House Office Building restaurant. That restaurant ought to be abolished. [Applause.] If it were, it would not be necessary to appropriate $40,000 or $50,000 for the purpose of preparing additional rooms. It would release five good rooms to the membership of this House.

I do not speak for the Members of this House in condemning the House Office restaurant, but I speak for those for whom this restaurant was established—the secretaries, clerks, and other employees of the House, who can ill afford to pay the enormous and outrageous charges that are inflicted there. I have nothing to say about the restaurant below this Chamber. The Members patronize that, but I understand that both of them are run by the James brothers. [Laughter and applause.]

I want to call your attention just briefly within the time I have to some of the charges made in this magnificent and palatial restaurant. They are charging for a plate of ordinary thin soup, 15 cents. It can be bought at Wallis's or at Childs's restaurant for 10 cents, and you can ride upon the New York Central Railroad, at a speed of 50 miles an hour, in a palatial dining car, and pay 20 cents for it.

Chicken pie, made principally of carrots, 75 cents. Some of you have tasted that composition. At Wallis's you pay 65 cents, and on the Pennsylvania Railroad, 75 cents.

Beans, that great article in which we all so delight, 25 cents for a small handful of poorly cooked beans, without any pork. [Laughter and applause.] At Wallis's the price is 15 cents, and at Childs's restaurants 10 cents, and on the New York Central Railroad only 5 cents more than they charge in this restaurant, or 30 cents.

Browned potatoes, 20 cents; anywhere else, 15 cents and 10 cents.

A chicken sandwich, a cold, deathly cadaver, 40 cents in the House Office restaurant, and if you want it heated it is 5 cents extra. On the Pennsylvania Railroad it is 35 cents.

Coffee is 10 cents. A bowl of milk is 25 cents. One ear of corn, 15 cents. And, in addition to that, they insist on charging 15 cents for a package of smoking tobacco that you can buy anywhere else for 10 cents.

Now, they pay no rent. They buy no linen. Whether they wash it or not, I do not know. The lights are free, and the help practically works for nothing, at a mere small pittance of $5 per week. Think of it! We are raising the pay of everybody on earth and these poor fellows work for $5 a week. Why? Because they collect the balance off the poor girl stenographers and men stenographers and clerks that have to go there because they can not find any other convenient place. The balance of it is collected off them.

I do not know who has charge of this matter. It is not a political matter, gentlemen. I am not drawing the party line on this. It is a matter in which we are all vitally interested. But I do say this, that somebody in authority in this House, if we are not absolutely palsied legislatively, ought to look into this very simple proposition. The railway brotherhoods came here a few weeks ago and rapped upon the doors of this Congress and they said they wanted so and so. I really interpreted that to mean that they wanted us to wake up on the question of the high cost of living. The Congress was not to blame. But the House ought to look into this matter in addition to appropriating this money.

Recently the professoriate met in the city of Washington and decided that they would subject the people to philosophical and psychological treatment, and they started that "back to the basket" movement in the city of Washington.

Mr. JOHNSON of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. KING. Yes.

Mr. JOHNSON of Mississippi. Who has control of this restaurant?

Mr. KING. I do not know.

Mr. JOHNSON of Mississippi. I am informed that the Speaker of the House has control.

Mr. KING. I do not think so, because I think if he had he would remedy it. I would be glad if the gentleman would call attention to it.

Mr. JOHNSON of Mississippi. The gentleman does not indorse the giving of all of these privileges to a concern that charges these prices?

Mr. KING. Not without reducing the price 50 per cent. It was not the intention of Congress to allow this profiteering under this roof.

Well, as I said, they started this "back to the basket" movement here in the city of Washington. Not only that, but they began to lecture the people and grab the people, the common people, and say to this man and to that man, "You are living so extravagantly. Stop buying so recklessly in the markets." The very night that statement was made I saw a poor old lady down in a grocery store making some of these "extravagant" purchases. She purchased a nickel's worth of cheese, and one egg, and one tomato, and a small loaf of bread, and one thing and another like that, making a total purchase of 73 cents, and she threw down a dollar bill and put the change in her pocket. Do you want to feed the people on psychology or philosophy? [Laughter.] The first duty of a Republic is to feed its people,

and the first duty of Congress is to start right here in the Capitol Building and in its own Office Building and clean up its own mess. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To pay Samuel Robinson, William Madden, Joseph De Fontes, and Charles C. Allen, messengers on night duty during the Sixty-sixth Congress, first session, for extra services, $700 each; in all, $2,800.

Mr. MOONEY. Mr. Chairman, I ask unanimous consent to return to page 27, line 19.

Mr. GOOD. I will ask the gentleman to withhold that until we finish the bill. Then we can return to it.

Mr. MOONEY. Very well.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That section 7 of the legislative, executive, and judicial appropriation act, approved March 1, 1919, is amended by adding at the end of the first paragraph thereof the following additional proviso: "*Provided further*, That no employee of the Federal Government shall, for services in the Philippine Islands, receive additional compensation under this section at a rate which is more than 2 per cent of the rate of the total annual compensation received by such employee."

Mr. GOOD. Mr. Chairman, I offer an amendment to strike out the figure "2," at the end of line 16, and insert the figures "20."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Committee amendment: Page 29, line 16, strike out the figure "2" and insert the figures "20."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GOOD. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Committee amendment: On page 29 insert, after line 18, the following:

"SEC. 3. That the Bureau of Efficiency is directed to investigate the scope and character of the statistics needed by Government and the methods of collecting, compiling, and presenting statistical information by the several executive departments and independent Government establishments, and submit to Congress its report and findings, together with such recommendations as it deems proper."

Mr. GOOD. Mr. Chairman, one of the reasons for the increase in Government appropriations and expenses is the fact that we have so many different departments of the Government doing the same character of work, so far as statistics are concerned. For example, about 10 different agencies of the Government are collecting information on the consumption of coal. Eight different agencies are collecting information on the distribution of coal. Six different agencies are collecting informaton on the exports of coal, and the same number on imports. We had nine different agencies collecting information on the price of coal.

Now, something ought to be done to bring practical sense to bear upon the methods of collecting statistical information. They are all available. I fear that the trouble with them is that so many different agencies are collecting them that we do not get them as completely and reliably as we would if we had but one agency of the Government collecting all statistical information and all the other agencies needing this information going to that one for the information thus collected. This amendment authorizes the Bureau of Efficiency to investigate this matter and report.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Illinois?

Mr. GOOD. Yes.

Mr. CANNON. Is it not true that the ordinary Member of Congress, including myself, would need three or four expert clerks to utilize all this immense accumulation of figures?

Mr. GOOD. Oh, I believe three or four would not be sufficient. I think it would take a great many more than that. I have here a large volume, an index of the statistics that are gathered by the different Government agencies, compiled by the central bureau of planning and statistics. As the gentleman from Illinois well said, the statistical information is so scattered that when a Member gets the index he is confused to know to which of a dozen different places in the Government he should go in order to get the information he wants.

Mr. ANDREWS of Nebraska. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Nebraska moves to strike out the last word.

Mr. ANDREWS of Nebraska. Mr. Chairman, I want to cite one example in support of this amendment. Some years ago the Treasury Department was tabulating statistics in regard to consular-sealed goods. Two different bureaus were making similar tabulations. One bureau showed that in a given year the volume of consular-sealed goods that entered the United States was $30,000,000. Another bureau showed $42,000,000. They were tabulating from two different standpoints; but a person who did not know that fact would see two tabulated statements with a difference of $12,000,000.

I think the point of economy here is one of the most important and practical that can be singled out, to create one uniform agency for the tabulation of such statistics.

Just one word more. When the war was on I chanced to be in conversation with one of the statisticians from the National Council of Defense. One evening he came in quite weary with the day's work. He seemed greatly troubled. I said, "What is the trouble to-day?" He said, "We have been trying to find out how many different factories there are in the United States that manufacture leather, and how much they manufacture, and what kinds." I said, "What do you expect to accomplish by that?" He said, "Oh, we will need to know how much leather the Army will need, and how much the Navy will need, and where the leather can be found, and how the supply will correspond with the demand."

I said, "Do you suppose the War Department has ever had occasion to make an inquiry in regard to leather heretofore?" He said, "Yes; perhaps so. I will make some inquiry about that." He was a man who had been in the department work but a short time. He came back the next night grieved more than ever. In the course of that day somebody had discovered the very point involved in this amendment, and they began to draw away from the National Council of Defense a large number of these agencies and try to concentrate them at one point so that one agency would collect the information, and others desiring that information would go to that agency to get it. That will give uniformity, accuracy, and economy, and this amendment will go a long distance in that direction.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

The Clerk read section 3.

Mr. GOOD. Mr. Chairman, I ask unanimous consent that the figure "3" after "section" be changed to "4."

The CHAIRMAN. The gentleman from Iowa asks unanimouse consent that section 3 may be numbered as section 4. Is there objection?

There was no objection.

Mr. GOOD. Mr. Chairman, I ask unanimous consent to return now to page 27, at the end of line 14, so that the amendment offered by the gentleman from Ohio [Mr. MOONEY] may be reoffered.

The CHAIRMAN. That will be done. That was agreed to when we passed it before. The Clerk will report the amendment offered by the gentleman from Ohio [Mr. MOONEY].

The Clerk read as follows:

Amendment offered by Mr. MOONEY: Page 27, line 19, insert as a new paragraph:

"Miscellaneous expenses, Bureau of Naturalization: For compensation, to be fixed by the Secretary of Labor, of examiners, interpreters, clerks, and stenographers, for the purpose of carrying on the work of the Bureau of Naturalization, provided for by the act approved June 29, 1906, as amended by the act approved March 4, 1913 (Stats. L., vol. 37, p. 736), and May 9, 1918 (Stats. L., vol. 40, pp. 542–548, inclusive), including personal services in the District of Columbia, and for their actual necessary traveling expenses while absent from their official stations, including street car fare on official business at official stations, together with $4 per diem in lieu of subsistence, and for such per diem together with actual necessary traveling expenses of officers and employees of the Bureau of Naturalization in Washington while absent on official duty outside of the District of Columbia; telegrams, verifications of legal papers, telephone service in offices outside of the District of Columbia; carrying into effect section 13 of the act of June 29, 1906 (34 Stats., p. 600), as amended by the act approved June 25, 1910 (36 Stats. L., p. 765), and in accordance with the provisions of the sundry civil act of June 12, 1917; and for mileage and fees to witnesses subpœnaed on behalf of the United States: *Provided*, That no part of this appropriation shall be available for the compensation of assistants to clerks of United States courts (acts June 29, 1906, vol. 34, p. 596, sec. 1; Mar. 4, 1913, vol. 37, p. 736, sec. 3; May 1, 1913, vol. 38, p. 1, sec. 1; May 9, 1918, vol. 40, pp. 542–548, secs. 1–3; July 19, 1919, vol. 41, p. 222, sec. 1), $268,600."

Mr. GOOD. Mr. Chairman, I make the point of order that that is legislation on an appropriation bill. The trouble with this estimate is that it was prepared as a sort of composite of the lump-sum appropriation in the sundry civil bill and the specific appropriation carried in the legislative, executive, and judicial appropriation bill. I have not examined the amendment closely enough to point out all the defects, but, for example, the general appropriation in the sundry civil act should not authorize an expenditure for clerks in the District of Columbia. The law is that no money shall be expended in the District of Columbia for personal services, except that which is specifically authorized. The provision for clerks in the District of Columbia is carried

properly in the legislative bill and not in the sundry civil bill. The gentleman includes in this amendment a deficiency for personal services in the District of Columbia not authorized by law. And I think there are others. The whole amendment was prepared in the department as a composite of the two, and therefore carries legislation, and a great deal of it.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard?

Mr. MOONEY. I have nothing to say further than I said before.

The CHAIRMAN. The Chair sustains the point of order.

Mr. WELTY. I wish the Chairman would reserve the point of order for a moment.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. WELTY. On the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. WELTY. The point raised by the gentleman from Iowa [Mr. GOOD] is not germane to this amendment. There is no legislation in what the gentleman from Ohio [Mr. MOONEY] has offered. It simply takes care of a deficiency which the gentleman contends is not a deficiency, but the fact of it is that last year this Congress appropriated $675,000, while the appropriation bill of this Congress carried only $450,000. Now, I know it is the sense of this Congress not to appropriate any money that is unnecessary, and I would not want a penny of unnecessary expenditure to be made. But, gentlemen, let us look at the situation and what this provides. Congress, in the first place, can say where the money shall be spent—whether it shall be spent in Washington or outside of the city of Washington. I do not think there is anything to that proposition. There may be one matter that comes under the Holman rule, and I thought the gentleman would invoke that rule. But when Congress failed to appropriate enough money to carry out an existing law, that itself creates a deficiency. This Congress appropriated only $450,000, while the Sixty-fifth Congress appropriated $675,000, thus the Bureau of Naturalization was required to dismiss 167 clerks.

What has been the result. As the gentleman from Ohio [Mr. MOONEY] said, in Cleveland alone 8,000 aliens are waiting for certificates because they can not be delivered. The other day the Naturalization Commissioner notified me that in New York alone 15,000 applications are on file and can not be looked after, while in the offices in Washington there are about 10,000 applications not acted on, because they do not have a sufficient number of clerks. What else have you? During the war the Sixty-fifth Congress passed an act——

Mr. GOOD. Mr. Chairman, I insist that the debate be confined to the point of order.

Mr. WELTY. I am speaking to the point of order.

Mr. GOOD. No; the gentleman is discussing the merits.

Mr. WELTY. I do not think I am discussing the merits of the bill.

Mr. GOOD. I am quite sure the gentleman is not discussing the point of order.

Mr. WELTY. I do not think the gentleman from Iowa even raised a point of order. Mr. Chairman, I would like to be heard on this proposition. During the Sixty-fifth Congress a law was passed permitting every alien who became a soldier under our flag to become a naturalized citizen of this country. It required machinery to do that. There are 40,000 returned soldiers who are not permitted to receive the certificates because of a lack of appropriation.

Mr. GOOD. I make the point of order that the gentleman is not discussing the point of order.

Mr. WELTY. Mr. Chairman, I claim that a deficiency has been made because the amount that was appropriated at the time the bill was passed was not sufficient.

The CHAIRMAN. The Chair will be glad to hear the gentleman as to whether or not this amendment is a deficiency appropriation.

Mr. WELTY. I may say that it is a deficiency, because when we enacted a law making every one of these soldiers capable for citizenship we made a contract which was binding on the Government when he volunteered, but now there are 40,000 of these soldiers who can not get their certificates, because we do not have clerks sufficient to care for these matters.

Mr. GOOD. That has nothing to do with the point of order.

Mr. WELTY. If that is not a deficiency I do not know what is. Congress enacted a law declaring that the soldiers should become citizens if they enlisted and then did not provide the funds to make them citizens. Forty thousand of these soldiers have returned; there are 10,000 applications in Washington now, and the bureau can not take care of them. They only have two clerks to receive these applications, which come in 800 a day. I maintain that when Congress enacted the law granting soldiers citizenship, permitting them to make application, and then not providing appropriations for the machinery to make them citizens nor to issue the certificates, is really creating a deficiency.

I maintain that I am arguing the proposition. I maintain that the lack of appropriation created the deficiency, because the law was enacted during the Sixty-fifth Congress, and now we are bound to care for these men in accordance with the act. Otherwise we are not true to our obligations we made at the time when we declared that they should be citizens of the country. We are not issuing certificates, because there is no appropriation to take care of them. The deficiency was not declared by the Bureau of Naturalization, because the appropriation was not sufficient to take care of these matters, and they dismissed 167 clerks, and therefore they are unable to take care of these matters now.

Mr. GOOD. Mr. Chairman, I make the point of order that the gentleman is not discussing the point of order that I made and that is that this is legislation on an appropriation bill. I do not know what he is talking about.

Mr. WELTY. I am sorry the gentleman from Iowa is so dense that he can not understand plain English language. It is not legislation, but provides for an appropriation to care for this deficiency.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GOOD. Mr. Chairman, since reporting the bill the Secretary of War has written a letter to the chairman of the committee asking a change of wording on page 9, line 18. I therefore ask unanimous consent to return to page 9, line 18, to correct the language in accordance with the request of the Secretary of War.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to return to page 9, line 18, to make a correction. Is there objection?

There was no objection.

Mr. GOOD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 9, line 18, strike out the words "for rental of quarters" and insert in lieu thereof the following: "For rent of buildings." After the word "Columbia," in the same line, insert "for the use of the War Department."

Mr. GOOD. Mr. Chairman, I do not care to make any further statement except to say that this is the request of the Secretary of War.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

Mr. PLATT. Mr. Chairman, I ask unanimous consent to speak for 10 minutes out of order.

The CHAIRMAN. The gentleman from New York asks unanimous consent to speak for 10 minutes out of order. Is there objection?

Mr. MONDELL. Mr. Chairman, reserving the right to object, I think a little later on in the afternoon there may be an opportunity for some discussion, but I think we ought to proceed and dispose of this bill.

Mr. PLATT. I want to speak in reference to some remarks made by the chairman of the committee at the opening of the consideration of the bill. It would have been in order really earlier in the bill.

Mr. MONDELL. Mr. Chairman, I think the gentleman should make his remarks a little later in connection with another measure. I think this bill ought to be passed now.

The CHAIRMAN. Does the gentleman from Wyoming object?

Mr. MONDELL. I shall not object if the chairman of the committee does not.

Mr. GOOD. Mr. Chairman, I will state to the gentleman from Wyoming that a few moments ago when we were about to rise because of a lack of fodder to go in the machinery, I promised the gentleman from New York [Mr. PLATT] that I would not object, and I do not intend to object now.

The CHAIRMAN. Is there objection?

Mr. SMITH of Illinois. Mr Chairman, I object.

Mr. GOOD. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FESS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9205 and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. GOOD. Mr. Speaker, I move the previous question on the amendments and bill to final passage.

Mr. LAYTON. Mr. Speaker, I desire to offer a motion to recommit the bill.

The SPEAKER. The gentleman from Iowa is recognized. He is in charge of the bill.

Mr. LAYTON. Mr. Speaker, may I ask this question? Is there no chance to offer a motion to recommit this bill?

The SPEAKER. Certainly; but not at present. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. LANKFORD, Mr. BYRNES of South Carolina, and others rose.

Mr. NOLAN. Mr. Speaker, I ask a separate vote on the amendment striking out the provisos on pages 16 and 17 of the bill.

The SPEAKER. Is a separate vote demanded on any other amendment?

Mr. WINGO. Mr. Speaker, I think the gentleman from California has covered what I desire, but what I want is a separate vote on the amendment that strikes out the proviso against prosecuting farmers' cooperative associations.

Mr. NOLAN. Mr. Speaker, there are two provisos. The amendment strikes out the two provisos.

Mr. BYRNES of South Carolina. Mr. Speaker, as a member of the committee I ask for recognition——

The SPEAKER. There can not be any recognition. For what purpose does the gentleman rise?

Mr. BYRNES of South Carolina. If the Speaker says there can not be recognition——

The SPEAKER. The gentleman can not be recognized for debate at this time.

Mr. BYRNES of South Carolina. Certainly; and the gentleman did not say that he did not desire to be recognized for debate.

The SPEAKER. The gentleman will state why he desires recognition.

Mr. BYRNES of South Carolina. When the Speaker asked if a separate vote was desired on any amendment, I asked for recognition for the purpose of asking a separate vote on the amendment of the gentleman from Ohio [Mr. FESS] striking out both provisos. I do not know whether the gentlemen who have been recognized have asked for a separate vote on the amendment that strikes out both provisos. In any event I ask for a separate vote on the Fess amendment striking out those provisos.

Mr. NOLAN. That was my request.

The SPEAKER. The Chair is advised that a separate vote has been demanded on the amendment striking out those provisos. Is a separate vote demanded on any other amendment? [After a pause.] If not, the vote will be taken on the other amendments en gross. The question is on agreeing to the other amendments.

The other amendments were agreed to.

Mr. IGOE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. IGOE. Mr. Speaker, in the Committee of the Whole an amendment was offered by the gentleman from Massachusetts [Mr. LUCE] to the first proviso, which is included in the amendment of the gentleman from Ohio [Mr. FESS] striking out the proviso. In other words, before the provisos were stricken out the first proviso was amended. Subsequently the gentleman from Ohio moved to strike out both provisos. The parliamentary inquiry is this: If the amendment of the gentleman from Ohio should not be sustained by the House, what would be the effect then upon the amendment which was adopted offered by the gentleman from Massachusetts?

The SPEAKER. There would be no effect, because the failure of the Fess amendment would reinsert the language as amended in the bill. The question is on the amendment as to which a separate vote was asked by the gentleman from California [Mr. NOLAN], and the Chair will ask that that amendment be again reported.

The Clerk read as follows:

Page 16, line 23, after the figures "$200,000" strike out the colon, insert a period, and strike out the remainder of the paragraph down to and including line 9 on page 17.

Mr. GOOD. Mr. Speaker, I ask unanimous consent that the part stricken out may be reported to the membership of the House, so that they will know what is before the House.

The SPEAKER. Without objection, the Clerk will report the language stricken out.

There was no objection.

The Clerk read as follows:

Provided, however, That no part of this money shall be spent in the prosecution of any organization other than an organization of public officers, or any individual other than a public officer, for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further,* That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

The SPEAKER. The question is on agreeing to the amendment striking out the language just reported.

Mr. BLANTON. Mr. Speaker, I demand the yeas and nays on that amendment, and pending that I make the point of order that there is no quorum present.

The SPEAKER. The Chair suggests to the gentleman that he withhold his demand for a moment until the House has divided, at which time he can obtain what he desires.

Mr. BLANTON. Very well, I withdraw it for the present.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. Obviously there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 30, nays 201, answered "present" 1, not voting 197, as follows:

YEAS—30.

Ackerman	French	Kitchin	Tincher
Blanton	Garner	Layton	Tinkham
Boies	Good	Luce	Valle
Cannon	Green, Iowa	Merritt	Walters
Dickinson, Iowa	Griffin	Moores, Ind.	Webster
Evans, Nebr.	Hernandez	Newton, Minn.	Yates
Fairfield	Hicks	Platt	
Fess	Humphreys	Shreve	

NAYS—201.

Alexander	Dyer	Larsen	Rubey
Almon	Eagan	Lee, Ga.	Rucker
Anderson	Elliott	Lehlbach	Sanders, Ind.
Andrews, Nebr.	Esch	Little	Sanders, La.
Aswell	Evans, Nev.	Longworth	Saunders, Va.
Ayres	Focht	Luhring	Schall
Babka	Fordney	McAndrews	Scott
Baer	Foster	McDuffie	Sinclair
Barkley	Freeman	McFadden	Sinnott
Bee	Fuller, Ill.	McLaughlin, Nebr.	Small
Benham	Gallagher	Mansfield	Smith, Idaho
Black	Gandy	Martin	Smith, Ill.
Blackmon	Gard	Minahan, N. J.	Smith, Mich.
Bland, Mo.	Glynn	Monahan, Wis.	Smithwick
Bland, Va.	Goodwin, Ark.	Mondell	Stedman
Booher	Greene, Mass.	Montague	Stephens, Miss.
Box	Hadley	Moon	Stiness
Brand	Hamilton	Mooney	Strong, Kans.
Briggs	Hardy, Colo.	Moore, Va.	Strong, Pa.
Brinson	Hastings	Morgan	Summers, Wash.
Brooks, Ill.	Haugen	Mudd	Swope
Buchanan	Hawley	Murphy	Taylor, Tenn.
Burroughs	Hayden	Nelson, Mo.	Temple
Butler	Hays	Nelson, Wis.	Thomas
Byrnes, S. C.	Hersey	Newton, Mo.	Tillman
Byrns, Tenn.	Hickey	Nichols, Mich.	Timberlake
Campbell, Pa.	Hoch	Nolan	Towner
Candler	Houghton	O'Connor	Treadway
Carss	Howard	Ogden	Upshaw
Casey	Huddleston	Oldfield	Venable
Chindblom	Igoe	Oliver	Vestal
Clark, Fla.	Ireland	Overstreet	Vinson
Coady	Jacoway	Padgett	Voigt
Cole	James	Park	Watkins
Collier	Jefferis	Parrish	Watson, Pa.
Connally	Johnson, Ky.	Pou	Weaver
Cramton	Johnson, Miss.	Purnell	Welty
Currie, Mich.	Johnson, Wash.	Quin	Whaley
Curry, Calif.	Jones, Tex.	Raker	Wheeler
Dale	Juul	Ramseyer	White, Kans.
Darrow	Kearns	Randall, Calif.	Williams
Davis, Tenn.	Keller	Randall, Wis.	Wingo
Denison	Kelly, Pa.	Rayburn	Wise
Dewalt	Kincheloe	Reed, W. Va.	Woods, Va.
Dickinson, Mo.	King	Rhodes	Woodyard
Dominick	Kinkaid	Ricketts	Young, N. Dak.
Doremus	Kleczka	Robinson, N. C.	Young, Tex.
Doughton	Kraus	Robsion, Ky.	Zihlman
Dowell	Langley	Rodenberg	
Drane	Lanham	Romjue	
Dunbar	Lankford	Rose	

ANSWERED "PRESENT"—1.

Knutson

NOT VOTING—197.

Andrews, Md.	Begg	Brooks, Pa.	Caldwell
Anthony	Bell	Browne	Campbell, Kans.
Ashbrook	Benson	Browning	Cantrill
Bacharach	Bland, Ind.	Brumbaugh	Caraway
Bankhead	Bowers	Burdick	Carew
Barbour	Britten	Burke	Carter

Christopherson	Graham, Ill.	McLane	Sabath
Clark, Mo.	Greene, Vt.	McLaughlin, Mich.	Sanders, N. Y.
Classon	Griest	McPherson	Sanford
Cleary	Hamill	MacCrate	Scully
Cooper	Hardy, Tex.	MacGregor	Sears
Copley	Harrison	Madden	Sells
Costello	Haskell	Magee	Sherwood
Crago	Heflin	Maher	Siegel
Crisp	Hersman	Major	Sims
Crowther	Hill	Mann	Sisson
Cullen	Holland	Mapes	Slemp
Dallinger	Hudspeth	Mason	Smith, N. Y.
Davey	Hulings	Mays	Snell
Davis, Minn.	Hull, Iowa	Mead	Snyder
Dempsey	Hull, Tenn.	Michener	Steagall
Dent	Husted	Miller	Steele
Donovan	Hutchinson	Moore, Ohio	Steenerson
Dooling	Johnson, S. Dak.	Moore, Pa.	Stephens, Ohio
Dunn	Johnston, N. Y.	Morin	Stevenson
Dupré	Jones, Pa.	Mott	Sullivan
Eagle	Kahn	Neely	Sumners, Tex.
Echols	Kelley, Mich.	Nicholls, S. C.	Sweet
Edmonds	Kendall	O'Connell	Taylor, Ark.
Ellsworth	Kennedy, Iowa	Olney	Taylor, Colo.
Elston	Kennedy, R. I.	Osborne	Thompson
Emerson	Kettner	Paige	Tilson
Evans, Mont.	Kiess	Parker	Vare
Ferris	Kreider	Pell	Volstead
Fields	LaGuardia	Peters	Walsh
Fisher	Lampert	Phelan	Ward
Fitzgerald	Lazaro	Porter	Wason
Flood	Lea, Calif.	Radcliffe	Watson, Va.
Frear	Lesher	Rainey, H. T.	Webb
Fuller, Mass.	Linthicum	Rainey, J. W.	Welling
Gallivan	Lonergan	Ramsey	White, Me.
Ganly	Lufkin	Reavis	Wilson, Ill.
Garland	McArthur	Reber	Wilson, La.
Garrett	McClintic	Reed, N. Y.	Wilson, Pa.
Godwin, N. C.	McCulloch	Riddick	Winslow
Goldfogle	McGlennon	Riordan	Wood, Ind.
Goodall	McKenzie	Rogers	Wright
Goodykoontz	McKeown	Rouse	
Gould	McKinley	Rowan	
Graham, Pa.	McKinley	Rowe	

So the amendment was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. KNUTSON with Mr. BELL.

Mr. BLAND of Indiana with Mr. CARTER.

Mr. BOWERS with Mr. ASHBROOK.

Mr. FREAR with Mr. O'CONNELL.

Mr. JOHNSON of South Dakota with Mr. FLOOD.

Mr. MADDEN with Mr. CRISP.

Mr. MAGEE with Mr. LINTHICUM.

Mr. MOORE of Pennsylvania with Mr. SHERWOOD.

Mr. MCARTHUR with Mr. SISSON.

Mr. MCPHERSON with Mr. MAJOR.

Mr. TILSON with Mr. CLEARY.

Mr. VARE with Mr. CLARK of Missouri.

Mr. VOLSTEAD with Mr. CAREW.

Mr. WALSH with Mr. CARAWAY.

Mr. WARD with Mr. CANTRILL.

Mr. WASON with Mr. CALDWELL.

Mr. WHITE of Maine with Mr. BRUMBAUGH.

Mr. WINSLOW with Mr. BANKHEAD.

Mr. GRAHAM of Illinois with Mr. NEELY.

Mr. WOOD of Indiana with Mr. MCLANE.

Mr. GOULD with Mr. OLNEY.

Mr. MAPES with Mr. HERSMAN.

Mr. MOORE of Ohio with Mr. HEFLIN.

Mr. GRAHAM of Pennsylvania with Mr. NICHOLLS of South Carolina.

Mr. GREENE of Vermont with Mr. MEAD.

Mr. MORIN with Mr. HARRISON.

Mr. OSBORNE with Mr. HARDY of Texas.

Mr. PAIGE with Mr. HAMILL.

Mr. PARKER with Mr. GOLDFOGLE.

Mr. PETERS with Mr. GODWIN of North Carolina.

Mr. PORTER with Mr. GARRETT.

Mr. RADCLIFFE with Mr. GANLY.

Mr. COSTELLO with Mr. STEELE.

Mr. RAMSEY with Mr. GALLIVAN.

Mr. GRIEST with Mr. MAYS.

Mr. HASKELL with Mr. MAHER.

Mr. JONES of Pennsylvania with Mr. MCKEOWN.

Mr. KELLEY of Michigan with Mr. MCCLINTIC.

Mr. KENNEDY of Iowa with Mr. LONERGAN.

Mr. KENNEDY of Rhode Island with Mr. LESHER.

Mr. KIESS with Mr. LEA of California.

Mr. KREIDER with Mr. KETTNER.

Mr. MCCULLOCH with Mr. JOHNSTON of New York.

Mr. MCKINLEY with Mr. HULL of Tennessee.

Mr. MCLAUGHLIN of Michigan with Mr. HUDSPETH.

Mr. MANN with Mr. HOLLAND.

Mr. COPLEY with Mr. STEVENSON.

Mr. HUTCHINSON with Mr. MCKINLEY.

Mr. CROWTHER with Mr. SMITH of New York.

Mr. DALLINGER with Mr. SIMS.

Mr. DAVIS of Minnesota with Mr. SEARS.

Mr. DEMPSEY with Mr. SCULLY.

Mr. ECHOLS with Mr. SABATH.

Mr. EDMONDS with Mr. ROWAN.

Mr. ELSTON with Mr. RIORDAN.

Mr. FULLER of Massachusetts with Mr. JOHN W. RAINEY.

Mr. GARLAND with Mr. HENRY T. RAINEY.

Mr. GOODALL with Mr. PHELAN.

Mr. GOODYKOONTZ with Mr. PELL.

Mr. CRAGO with Mr. STEAGALL.

Mr. ANDREWS of Maryland with Mr. WRIGHT.

Mr. ANTHONY with Mr. WILSON of Pennsylvania.

Mr. BACHARACH with Mr. WILSON of Louisiana.

Mr. BEGG with Mr. WELLING.

Mr. BROOKS of Pennsylvania with Mr. WEBB.

Mr. BROWNE with Mr. WATSON of Virginia.

Mr. BROWNING with Mr. TAYLOR of Colorado.

Mr. BURKE with Mr. TAYLOR of Arkansas.

Mr. CAMPBELL of Kansas with Mr. SUMNERS of Texas.

Mr. COOPER with Mr. SULLIVAN.

Mr. REAVIS with Mr. FITZGERALD.

Mr. ROGERS with Mr. FISHER.

Mr. ROWE with Mr. FIELDS.

Mr. SANDERS of New York with Mr. FERRIS.

Mr. SANFORD with Mr. EVANS of Montana.

Mr. CHRISTOPHERSON with Mr. EAGLE.

Mr. SNELL with Mr. DUPRÉ.

Mr. SNYDER with Mr. DOOLING.

Mr. STEPHENS of Ohio with Mr. DONOVAN.

Mr. SWEET with Mr. DAVEY.

Mr. THOMPSON with Mr. CULLEN.

Mr. WILSON of Illinois with Mr. BENSON.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will unlock the doors. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. LAYTON. Mr. Speaker, I move to recommit this bill to the Committee on Appropriations, with instructions to report it——

The SPEAKER. Is the gentleman opposed to the bill?

Mr. LAYTON. I am opposed to that part of the bill that I wish to strike out.

The SPEAKER. The gentleman will state his motion.

Mr. LAYTON. I move to recommit the bill to the Committee on Appropriations, with instructions to report it back forthwith without lines 11, 12, 13, and 14, on page 27.

The SPEAKER. The gentleman from Delaware offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. LAYTON moves to recommit the bill to the Committee on Appropriations with instructions to report the same back forthwith with an amendment striking out on page 27, lines 11, 12, 13, and 14.

The SPEAKER. Without objection, the Clerk will report the lines asked to be stricken out.

The Clerk read as follows:

For the enforcement of the laws regulating the immigration of aliens into the United States, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1919, $263,072.04.

Mr. GOOD. Mr. Speaker, on that I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Delaware to recommit the bill.

The question was taken, and the motion was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

On motion of Mr. GOOD, a motion to reconsider the vote by which the bill was passed was laid on the table.

PRODUCTION AND DISTRIBUTION OF FOOD PRODUCTS AND FUEL.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 8624, disagree to all Senate amendments, and ask for a conference without instructions.

The SPEAKER. The gentleman from Iowa [Mr. HAUGEN], chairman of the Committee on Agriculture, asks unanimous consent to take from the Speaker's table the bill H. R. 8624, disagree to all the Senate amendments, and ask for a conference without instructions. Is there objection?

Mr. TREADWAY. Mr. Speaker, reserving the right to object, the question of there being no instructions made was brought up yesterday and objection was raised to it then. I would like

some understanding as to whether or not, before unanimous-consent agreement is reached, if any discussion on any of the amendments can be had?

Mr. HAUGEN. I will ask that an hour and a half be set aside for discussion, with the understanding that the gentleman from Georgia [Mr. LEE] have 40 minutes and the gentleman from Massachusetts [Mr. TREADWAY] 10 minutes. What time does the gentleman from Missouri [Mr. RUBEY] desire?

Mr. MONDELL. Mr. Speaker, a parliamentary inquiry. As I understand it, the gentleman from Iowa [Mr. HAUGEN] asks unanimous consent, as he has stated, and he couples with that a request that after unanimous consent has been granted and the bill has gone to conference there may be discussion as has been suggested?

Mr. TREADWAY. That is not my understanding, Mr. Speaker.

Mr. HAUGEN. Let it all be coupled in one agreement, with the understanding that we have an hour and a half of debate.

Mr. TREADWAY. I object, Mr. Speaker.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CLARK of Missouri, until Thursday next, on account of important business.

To Mr. HAWLEY, for one day, on account of illness.

ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 47 minutes p. m.) the House adjourned until Monday, September 22, 1919, at 12 o'clock noon.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 8461) granting a pension to Louisa C. Southerland, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LITTLE: A bill (H. R. 9389) to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force March 4, 1919; to the Committee on the Revision of the Laws.

By Mr. KEARNS: A bill (H. R. 9390) donating two condemned United States bronze or brass cannons to the town of Greenfield, Ohio; to the Committee on Military Affairs.

By Mr. HARDY of Colorado: A bill (H. R. 9391) authorizing the Secretary of War to donate to the town of La Veta, Huerfano County, in the State of Colorado, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. SINNOTT: A bill (H. R. 9392) regulating the disposition of lands formerly embraced in the grants to the Oregon & California Railroad Co. and Coos Bay Wagon Road Co.; to the Committee on the Public Lands.

By Mr. PURNELL: Resolution (H. Res. 302) for the relief of Annie R. Emmons, widow of Lucius H. Emmons, late an employee of the House of Representatives; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. TIMBERLAKE: A bill (H. R. 9385) granting a pension to Frances Ann Lehman; to the Committee on Invalid Pensions.

By Mr. ANDREWS of Nebraska: A bill (H. R. 9393) granting a pension to Mathias Hersmann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9394) granting a pension to William Merritt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9395) granting a pension to Thomas J. Turner; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 9396) for the relief of legal representatives of James H. Holladay, deceased; to the Committee on War Claims.

Also, a bill (H. R. 9397) for the relief of Gayle C. Coleman; to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 9398) for the relief of N. B. Pettibone; to the Committee on Claims.

By Mr. GOOD: A bill (H. R. 9399) granting a pension to Maggie Gordon; to the Committee on Pensions.

Also, a bill (H. R. 9400) granting a pension to Harry H. Rockey; to the Committee on Pensions.

By Mr. HASTINGS: A bill (H. R. 9401) granting a pension to Robert Ross; to the Committee on Invalid Pensions.

By Mr. HERSMAN: A bill (H. R. 9402) granting an increase of pension to Francis O. Nash; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9403) granting an increase of pension to Marshall P. Thatcher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9404) granting a pension to Minnie C. Waltenspiel; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 9405) granting an increase of pension to May J. Wode; to the Committee on Pensions.

By Mr. MERRITT: A bill (H. R. 9406) granting an increase of pension to Sarah E. Allen; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 9407) granting a pension to Patrick Flynn; to the Committee on Pensions.

By Mr. SINNOTT: A bill (H. R. 9408) granting a pension to Joseph F. Huff; to the Committee on Pensions.

By Mr. TINCHER: A bill (H. R. 9409) granting an increase of pension to Daniel Burket; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 9410) granting an increase of pension to Baxter Trevor; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 9411) granting a pension to Ann L. Simmons; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BEGG: Petition of residents of Frank, Seneca County, Ohio, protesting against the Smith-Towner bill; to the Committee on Education.

By Mr. BYRNS of Tennessee: Papers to accompany House bill 9375, granting an increase of pension to Robert L. Chich; to the Committee on Pensions.

By Mr. CLARK of Florida: Petition of U. S. S. Tampa Post, No. 5, American Legion, Tampa, Fla., opposing the enactment of House bill 487, known as the Mondell bill, and favoring passage of a bill providing for loans of money to discharged soldiers, sailors, and marines with which to buy homes; to the Committee on the Public Lands.

By Mr. EVANS of Nebraska: Petition of the soldiers, sailors, and marines of the late war residing in Oakland and Lyons, Burt County, Nebr., praying for one year's additional pay for each honorably discharged soldier, sailor, and marine; to the Committee on Military Affairs.

By Mr. FITZGERALD: Petition of Boston Raincoat Manufacturers' Association, of Boston, Mass., opposing the so-called Plumb plan bill (H. R. 8157); to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER of Illinois: Petition of Chicago Sand & Gravel Producers' Association, favoring the passage of the Cummins bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Brokaw-Eden Manufacturing Co., of Alton, Ill., favoring the passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

By Mr. GRIEST: Petition of Walter Wood, clerk of Eastland Preparative Meeting, voicing the protest of that body against legislation proposing compulsory military training; to the Committee on Military Affairs.

Also, petition of membership of the Nottingham (Pa.) Quarterly Meeting of Friends, expressing opposition to legislation proposing compulsory military training; to the Committee on Military Affairs.

Also, petition of the peace committee of Philadelphia Yearly Meeting of Friends, urging a peaceful solution of our existing international crisis consistent with true patriotism; to the Committee on Military Affairs.

By Mr. HUTCHINSON: Resolutions adopted by the Trenton Chamber of Commerce, of Trenton, N. J., advocating an American merchant marine; to Committee on the Merchant Marine and Fisheries.

By Mr. KEARNS: Petition of A. F. Marting, of Portsmouth, Ohio, protesting against the passage of the Siegel bill; to the Committee on Interstate and Foreign Commerce.

By Mr. LINTHICUM: Petition of Morton W. Bowen, of Baltimore, Md., favoring the passage of a bill granting an additional bonus to the ex soldiers, sailors, and marines; to the Committee on Military Affairs.

Also, petition of Clinton L. Riggs, of Baltimore, Md., favoring the passage of House bill 9213 for the relief of Lieut. Col. John R. White; to the Committee on Military Affairs.

Also, petition of John J. Kelly, of Baltimore, Md., favoring the passage of House bill 8991; to the Committee on Military Affairs.

Also, petition of Thomas Burling Hull and Matilda A. Price, of Baltimore, Md., protesting against the passage of the Kahn-Chamberlain bill; to the Committee on Military Affairs.

By Mr. MANSFIELD: Petition of Robert I. Cohen, Fowler & McVitie, J. M. Radford Grocery Co. (Inc.), F. W. Heitmann Co., S. G. Davis Hat Co. (Inc.), Clarke & Courts, Magnolia Paper Co., Southern Pine Lumber Co., Southern Implement Supply Co. (Inc.), all of the State of Texas, protesting against the repeal of the postal zone law; to the Committee on Ways and Means.

Also, petition of citizens of Alleyton, Tex., and citizens of Schulenburg, Tex., protesting against the Smith-Towner educational bill; to the Committee on Education.

By Mr. O'CONNELL: Petition of Modern Pen Co., and Simon Zinn (Inc.), of New York, favoring the passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

By Mr. OSBORNE: Petition of 158 citizens of Los Angeles, Calif., and vicinity, favoring the Plumb plan for Government ownership of railways; to the Committee on Interstate and Foreign Commerce.

Also, memorial of Los Angeles Chamber of Commerce, expressing approval of the Mondell bill (H. R. 487) and the Smith-Chamberlain bills (H. R. 7634 and S. 2536), relating to reclamation of arid lands; to the Committee on the Public Lands.

By Mr. RAKER: Petition of Wholesale Dry Goods Association of Los Angeles, Calif., urging completion of the San Carlos Reservoir project in Arizona; to the Committee on the Public Lands.

Also, petition of Henry A. Wise Wood, of New York City, in regard to the proposed league of nations; to the Committee on Foreign Affairs.

Also, petition of the Bank of Tehama County, Red Bluff, Calif., indorsing Senate bill 2856; to the Committee on Ways and Means.

Also, letter from the Holt Manufacturing Co., Stockton, Calif., protesting against the Plumb plan for Government ownership of the railroads; to the Committee on Interstate and Foreign Affairs.

By Mr. ROWAN: Petition of the American Legion of New York City, favoring an amendment to House bill 8288 to permit lump payments for term insurance under the war-risk insurance act; to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles B. Carter, of Philadelphia, Pa., protesting against the passage of the Longworth bill, House bill 8078; to the Committee on Ways and Means.

Also, petition of Stern Bros., of New York, protesting against the passage of House bill 8315; to the Committee on Interstate and Foreign Commerce.

Also, petition of Charles Baskerville, Pistonis & Kriezis, C. W. Hardy, C. C. Walker, F. J. Gubelman, Westinghouse Lamp Co., American Enameled Brick & Tile Co., R. P. Lentz, Truman Smith, Ajax Rubber Co. (Inc.), Charles W. Strohbeck, all of New York, favoring the passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

Also, petition of John Gibney, of New York, favoring an increase for the postal employees of 35 per cent for the fiscal year ending June 30, 1920; to the Committee on the Post Office and Post Roads.

By Mr. TOWNER: Petition of 269 citizens of Clarke County, Iowa, asking for the immediate return of American soldiers from Siberia; to the Committee on Military Affairs.

By Mr. WATSON of Pennsylvania: Protest filed by Branch No. 10, of the Glass Bottle Blowers' Association, against the deportation of Hindus and the demand that the persecution of these Hindus cease; to the Committee on Foreign Affairs.

SENATE.

MONDAY, *September 22, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, from the beginning of our national history we have committed our way to Thee. The voice of prayer has always been heard in our councils of State. In a time of crisis Thou hast been with us. Thy right arm has gotten us the victory. Thou hast brought us through a great conflict to victory. We come to Thee praising Thy name, and recommitting ourselves to Thee, and praying that in the days before us, with the ever-increasing weight of responsibility resting upon us, we may have the guidance of the God of our fathers. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of Friday last, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

LEAGUE OF NATIONS.

Mr. NEW. Mr. President, I have received two or three copies of a telegram which I send to the desk and ask to have read. I wish to say also that I know a number of copies of the same telegram have been received by other Senators.

The PRESIDENT pro tempore. The Secretary will read, without objection.

The Secretary read as follows:

NEW YORK, N. Y., *September 18, 1919.*

JAMES E. LILLY,
1920 North One hundred and eleventh Street,
Indianapolis, Ind.:

Crisis at hand; will determine whether America joins league of nations or forsakes allies and negotiates separate peace with Germany. Vote for any reservation may require resubmission and endanger treaty. Will you join 95 others in giving $1,000 each to League to Enforce Peace, William Howard Taft, president, for immediate use in arousing country to demand prompt ratification in form that will not send treaty back for urgent negotiation and delay? World pacification matter very urgent.

GEORGE W. WICKERSHAM.
CLEVELAND H. DODGE.
VANCE MCCORMICK.
OSCAR S. STRAUS.
HERBERT S. HOUSTON,
Treasurer, Bush Terminal Sales Building, New York.

Mr. NEW. Mr. President, it will be observed that the gentleman to whom this telegram was addressed is asked if he will be one of 99 to subscribe $1,000 each for the purpose of proselyting in favor of the league, and so on. The reply which they got from this particular gentleman was somewhat disconcerting to them, but the point I make is that since the treaty is now before the Senate it would be interesting to know just what particular disposition is proposed to be made of so large a sum as is called for by these telegrams, just what it is that these gentlemen expect to do with so large a fund to be expended in the behalf and in the interest of a proposition that is now before the Senate of the United States.

DAMAGES BY NAVAL VESSELS (S. DOC. NO. 104).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Acting Secretary of the Navy, submitting a supplemental estimate of appropriation in the sum of $6,289.94 to pay war claims for damages by naval vessels adjusted by the Navy Department, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

SCHEDULES OF CLAIMS (S. DOC. NO. 94).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, schedules of claims amounting to $1,160,332.82 allowed by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

LISTS OF JUDGMENTS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a list of judgments rendered against the Government by the district courts of the United States, and requesting an appropriation in the sum of $9,303.95 required to meet payment of these claims (S. Doc. No. 100), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims amounting to $116,414.93, which require an appropriation for their payment (S. Doc. No. 102), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

ESTIMATES OF APPROPRIATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, submitting a supplemental estimate of appropriation in the sum of $40,000 required by the Geological Survey for the collection of statistics of coal and coke production, fiscal year 1920 (S. Doc. No. 103), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Labor, submitting, at the request of the President,

an estimate of appropriation in the sum of $35,000 required for the expenses incident to the approaching industrial conference to be held in the city of Washington, D. C. (S. Doc. No. 101), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a supplemental estimate of appropriation in the sum of $200,000 required by the Engineer Department of the Army for continuing construction of the bridge across the Potomac River at Georgetown, fiscal year 1920 (S. Doc. No. 98), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting a deficiency estimate of appropriation in the sum of $550 required by the War Department for expenses of removing partitions in the State, War, and Navy Department (S. Doc. No. 97), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting a supplemental estimate of appropriation in the sum of $17,500 required by the War Department for salaries of accountants engaged upon the audit of accounts of the American National Red Cross (S. Doc. No. 99), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

ORIENTAL AND DOMESTIC BEANS (S. DOC. NO. 96).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Commerce, transmitting, in response to a resolution of the 20th ultimo, statistics showing the imports of beans and lentils into the United States during the fiscal years ending June 30, 1914 to 1919; exports of domestic beans from the United States during the fiscal years ended June 30, 1918, and 1919, etc., which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 9205) making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 2972) to extend the cancellation-stamp privilege to the Roosevelt Memorial Association, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 8624) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAUGEN, Mr. MCLAUGHLIN of Michigan, and Mr. RUBEY managers at the conference on the part of the House.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the President pro tempore:

S. 276. An act to amend sections 4 and 5 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916;

S. 277. An act to authorize absence by homestead settlers and entrymen, and for other purposes;

S. 2624. An act to provide travel allowances for certain retired enlisted men and Regular Army reservists;

H. R. 6410. An act authorizing the city of Boulder, Colo., to purchase certain public lands;

S. J. Res. 75. Joint resolution authorizing the appointment of an ambassador to Belgium; and

S. J. Res. 95. Joint resolution authorizing the Secretary of War to loan to the city of Atlanta, Ga., tents, cots, horses, and saddle equipments for the use of United Confederate Veterans in their convention from October 7 to 10, 1919.

PETITIONS AND MEMORIALS.

Mr. STERLING presented memorials of sundry citizens of Marion Junction, Dolton, Freeman, and Bridgewater, all in the State of South Dakota, remonstrating against universal military training, which were referred to the Committee on Military Affairs.

Mr. PENROSE presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the adoption of the so-called Plumb plan for control and operation of railroads, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the enactment of legislation providing for the establishment of a "free port" system for the United States, which was referred to the Committee on Commerce.

He also presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the enactment of legislation to establish an interstate marketing system, which was referred to the Committee on Interstate Commerce.

Mr. KEYES presented petitions of sundry citizens of Colebrook, Pittsfield, Madison, and Grantham, all in the State of New Hampshire, praying for the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

Mr. ELKINS presented a petition of the Ladies' Auxiliary of the Ancient Order of Hibernians of Wheeling, W. Va., praying for the independence of Ireland, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Elkins, W. Va., praying for the establishment of a department of education, etc., which was referred to the Committee on Education and Labor.

Mr. PHIPPS presented a petition of the Retail Grocers and Meat Dealers' Association of Denver, Colo., praying for an investigation into the high cost of living to determine wherein lies the blame for profiteering, which was referred to the Committee on Agriculture and Forestry.

Mr. SMITH of Maryland presented a petition of the Quarterly Meeting of Friends of Baltimore, Md., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

He also presented a memorial of the Quarterly Meeting of Friends of Baltimore, Md., remonstrating against universal military training, which was referred to the Committee on Military Affairs.

Mr. PAGE presented a petition of Pomona Grange, Patrons of Husbandry, of Shetford Center, Vt., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

Mr. WALSH of Massachusetts. I have received resolutions adopted at a joint convention of the Lithuanian Roman Catholic Federation on August 18–22, 1919, at Worcester, Mass., explanatory of the little-understood situation in Lithuania. I ask that the resolutions be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolutions were referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

"The following resolutions were adopted by the representatives of the Lithuanian National Council, Lithuanian Roman Catholic Federation of America, Lithuanian National Fund, Lithuanian R. C. Association of Labor, Lithuanian Total Abstinence Association, Lithuanian R. C. Women's Association, and Lithuanian Press Association in joint convention with the Lithuanian R. C. Federation on the 18th to 22d of August, 1919, at Worcester, Mass.

"We Americans of Lithuanian descent, having the interest, well-being, and future development of the Lithuanian Republic at heart, believing fully in her aspirations and sympathizing entirely with her suffering, have adopted the following resolutions:

"'Whereas Lithuanians are a distinct and separate race in Europe, neither Slavic nor Teutonic; and

"'Whereas Lithuania has declared her absolute independence and separation from Russia; and

"'Whereas Lithuanians of East Prussia have declared their independence of Germany and they have resolved to become an integral part of the Lithuanian Republic; and

"'Whereas the Lithuanian Republic is and has been administered during the two past years by officials chosen by the people, and the Government is functioning satisfactorily: Therefore be it

"'*Resolved*, That Lithuania be recognized as an independent nation; and be it further

"'*Resolved*, That the present Government of the Lithuanian Republic be recognized by the United States of America; and the president of this convention is directed to send a copy of

this resolution to the President of the United States and the Congress of the United States and to the peace conference in Paris.

"'Whereas Bolshevism is a danger to the democracies of the world; and

"'Whereas this danger can be suppressed or isolated by force and arms; and

"'Whereas Bolshevism uncombated may extend beyond its present limits; and

"'Whereas the armies of the Lithuanian Republic under the leadership and direction of Gen. Zukauskas have successfully maintained an active front against the armies of Lenin and Trotski; and

"'Whereas the Lithuanian Republic is handicapped in its laudable campaign through a shortage of food, clothing, medical, and military supplies; and

"'Whereas the need of military supplies and equipment in particular is imperative and immediate if the defense is to be continued successfully; and

"'Whereas the Lithuanian Republic by opposing Bolshevism is benefiting Europe, the United States, and the whole of mankind: Therefore be it

"'*Resolved*, That the Government of the United States negotiate with and furnish to the Lithuanian Republic necessary food, clothing, medical supplies, and military equipment.

"'Whereas the Lithuanian Republic after her declaration of independence elected a president and proceeded to function as a government, holding the confidence of the citizens of Lithuania and controlling almost all of ethnographic Lithuania, and a commission was sent to the peace conference in Paris to protect the interests of the Lithuanian Republic; and

"'Whereas the presence of this commission in Paris was known to the various representatives at the peace conference through the presentation of various documents supporting Lithuanian claims, and the chairman, Prof. A. Valdemar, of the Lithuanian commission, was received by the official delegates of the different countries represented in Paris, including Mr. Henry White, one of the five representatives of the United States; and

"'Whereas the peace conference made certain decisions seriously affecting the future of the Lithuanian Republic and her territory without considering the opinion of Lithuania's representatives, for example:

"'1. The river Niemen, which flows through purely Lithuanian territory, has been internationalized.

"'2. A temporary line of demarcation has been declared by the peace conference in Paris between the Lithuanian Republic and Poland, and the peace conference directed that hostilities cease in that territory, and this line benefits Poland, because it permits Polish armies to remain on purely Lithuanian territory and it gives Poland a free hand to carry on her propaganda.

"'Whereas making the river Niemen (Memel) free opens up a new object for future international misunderstanding, especially with Poland; and

"'Whereas Lithuanian representatives were not heard nor were their opinions considered in these very vital decisions: Therefore be it

"'*Resolved*, That the representatives of the United States to the peace conference in Paris take notice of the evident injustice done to the Lithuanian Republic and that they try and obtain a hearing before the peace conference for the Lithuanian Republic in these premises; and be it further

"'*Resolved*, That the attention of the Senate of the United States of America is called to the injustice above referred to, especially the internationalization of the river Niemen (Memel), and that they modify the treaty of peace by making the river Niemen purely Lithuanian, subject to the administration and control of the Lithuanian Republic.

"'Whereas the peace conference at Paris has taken cognizance of the existence of the Lithuanian Republic; and

"'Whereas the peace conference through Marshal Foch directed that a temporary neutral line of demarcation be maintained between Lithuanian Republic and Polish Government; and

"'Whereas the Lithuanian Republic has respected the suggestion of the peace conference; and

"'Whereas the Polish Government has ignored the peace conference suggestion; and

"'Whereas the Polish armies instead of fighting Bolshevism are invading the territory of the Lithuanian Republic; and

"'Whereas this invasion has extended far beyond the temporary line of demarcation suggested by the peace conference: Therefore

"'We Americans of Lithuanian descent solemnly protest against the overt acts of hostility by the Polish Government made against the Lithuanian Republic; and

"'We further protest against the presence of Polish troops upon Lithuanian territory: Therefore be it

"'*Resolved*, That the Government of the United States use her influence through Congress and the peace conference in Paris to the purpose of having Poland cease in her acts of hostility in Lithuania: *Further*, That Poland withdraw her forces to the line of demarcation already established; and be it further

"'*Resolved*, That the Government of the United States is represented to convey her disapproval of the above acts to Poland and the peace conference in Paris with the insistence that the wrongs above referred to be remedied at once.'

"B. F. MASTAUSKAS,
"*President Lithuanian National Council.*
"J. J. BILLSKIS,
"*Secretary Lithuanian National Council.*"

Mr. WALSH of Massachusetts. I have also received a communication from the secretary of the National Federation of Religious Liberals relative to the league of nations, which I ask to have printed in the RECORD. Accompanying the communication is a report of the proceedings of the ninth congress of the federation, which I ask may be referred with the communication.

The communication and accompanying report was ordered to lie on the table, and the communication was ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF RELIGIOUS LIBERALS,
Newton, Mass., September 4, 1919.

Hon. DAVID I. WALSH,
Senator from Massachusetts.

DEAR SIR: I am instructed by the council of this federation, which officially represents the union for common ends of the Societies of Progressive Friends, the Unitarian and Universalist Churches, and congregations of Jewish Reform in the United States, besides many individual religious liberals, to ask your courteous consideration of the action taken by it at its late session at Longwood, Pa., a printed copy of which I herewith transmit to you.

The expression of opinion in favor of an early ratification by the Senate of the treaty of peace with Germany without amendment, save such interpretations as may further explain our American understanding of it, was ardent and unanimous. We trust we may find your senatorial judgment coinciding with this view of our international obligations as a people.

I remain, very truly, yours,

CHARLES W. WENDTE, *Secretary.*

Mr. WALSH of Massachusetts. I present a memorial from the League for the Preservation of American Independence, praying for the adoption of certain reservations in ratifying the treaty of peace with Germany, together with a statement signed by 150 citizens of Massachusetts and other States approving the stand taken by that organization. I ask that the body of the memorial be printed in the RECORD.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

FREEDOM TO DEFEND A RIGHT; FREEDOM TO REFUSE TO FIGHT; FREEDOM TO MIND OUR OWN BUSINESS.

To the Senators of the United States:

The League for the Preservation of American Independence respectfully urges the careful and dispassionate consideration of the following:

I.

We affirm:

1. That no treaty obligations should be assumed which impair—

RIGHT OF SELF-DEFENSE.

(1) The right of self-defense and of friendly succor.

RIGHT TO REFUSE TO FIGHT.

(2) The right to refuse to go to war.

RIGHT TO MANAGE DOMESTIC AFFAIRS AND TO MAINTAIN MONROE DOCTRINE.

(3) The right to manage our own domestic affairs and to maintain our traditional policies.

ALL THESE RIGHTS DESTROYED OR IMPERILED BY THE COVENANT.

2. That the right of self-defense and of friendly succor is destroyed by article 15 of the covenant; that the right to refuse to go to war is destroyed by article 10 of the covenant; and that the right to manage our own domestic affairs and to maintain our traditional policies is imperiled by articles 16, 21, and 23.

AMENDMENT NEEDED, NOT INTERPRETATION.

3. That if these provisions of the covenant were good but obscure, they would require interpretation, but that as they are vicious and clear, what they need is amendment.

II.

CONSENT TO BE GIVEN SUBJECT TO SPECIFIC RESERVATIONS.

We therefore submit:

1. That the Senate should refuse to advise and consent to the making of the treaty with Germany unless its advice and consent is expressly made subject to such reservations as the Senate shall specify. According to established international usage, acceptance by the other parties signatory of such reservations can be accomplished by the separate action of the several chancelleries without either reconvening the peace conference or jeopardizing the stability of the peace with Germany.

RECONVENING OF PEACE CONFERENCE NOT NECESSARY.

2. That when consent has thus been given to the treaty the Senate should maintain its reservations even if other powers hesitate or decline to approve them, and should not under any circumstances yield to pressure exerted from abroad.

THE UNITED STATES MUST NOT YIELD TO FOREIGN POWERS.

3. That the reservations to be made by the Senate in giving consent to the treaty should include the following:

THE RIGHT OF SELF-DEFENSE.

First reservation: The United States expressly reserves its right to resort to war in self-defense or for the restoration of order in a neighboring territory or to succor a friendly nation, even if such action is disapproved by the unanimous vote of the council or of the assembly; such an exercise of sovereignty by the United States not to constitute a breach of any covenant or obligation under this treaty and not to subject the United States to any of the consequences prescribed therein in the case of disregard of covenants, anything in the treaty to the contrary notwithstanding.

THE RIGHT TO REFUSE TO FIGHT PRESERVED.

Second reservation: The United States expressly reserves its right to ignore a call to arms from either the council or the assembly and to refuse to adopt any military, naval, financial, or economic measures against any nation or nations except such as its uncontrolled judgment shall approve, anything in the treaty to the contrary notwithstanding.

THE RIGHT TO REGULATE DOMESTIC AFFAIRS AND TO MAINTAIN THE MONROE DOCTRINE PRESERVED.

Third reservation: The United States expressly reserves its right to determine its own domestic policies and to enforce its own regulations for the control of immigration and of its own coastwise trade and to formulate and enforce its own fiscal and tariff policies, and in particular the United States reserves its right to act in accordance with the Monroe doctrine with the same freedom and effect as if this treaty had not been made.

Respectfully submitted.

LEAGUE FOR THE PRESERVATION OF AMERICAN INDEPENDENCE,
By HENRY WATTERSON, *President.*
GEORGE WHARTON PEPPER, *Vice President.*
STUYVESANT FISH, *Treasurer.*
HENRY A. WISE WOOD, *Secretary.*
ALBERT J. BEVERIDGE, *Director.*
LOUIS A. COOLIDGE, *Director.*
THOMAS W. HARDWICK, *Director.*
DAVID JAYNE HILL, *Director.*
E. C. STOKES, *Director.*

I approve the position of the League for the Preservation of American Independence as above stated and request the Senators from my State to act in accordance with it.

(Signed) STANLEY C. ROBBINS,
Harwich, Mass.

REPORTS OF COMMITTEES.

Mr. SMITH of Arizona, from the Committee on Public Lands, to which was referred the bill (S. 2610) to provide for the disposal of certain waste and drainage water from the Yuma project, Arizona, reported it without amendment and submitted a report (No. 200) thereon.

Mr. McLEAN, from the Committee on Banking and Currency, to which was referred the bill (S. 2902) to amend section 5182, Revised Statutes of the United States, reported it without amendment and submitted a report (No. 201) thereon.

Mr. KELLOGG, from the Committee on Interstate Commerce, to which was referred the bill (H. R. 9203) to punish the transportation of stolen motor vehicles in interstate or foreign commerce, reported it with an amendment and submitted a report (No. 202) thereon.

Mr. NEWBERRY, from the Committee on Fisheries, to which was referred the bill (S. 2978) to establish additional fish-cultural subsidiary stations in the State of Michigan, reported it without amendment and submitted a report (No. 203) thereon.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill (S. 287) to authorize mining for metalliferous minerals on Indian reservations, submitted an adverse report (No. 212) thereon, which was agreed to and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 368) to cancel the allotment of Davie Skootah on the Lummi Reservation, Wash., and reallot the lands included therein, submitted an adverse report (No. 213) thereon, which was agreed to and the bill was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 806) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Iowa Tribe of Indians against the United States, reported it with an amendment and submitted a report (No. 207) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 193) to cancel the allotment of Little Bear, deceased Indian of the Crow Reservation, Mont. (Rept. No. 206);

A bill (S. 1329) to authorize the Secretary of the Interior to acquire certain Indian lands necessary for reservoir purposes in connection with the Blackfeet Indian reclamation project (Rept. No. 208); and

A bill (H. R. 446) authorizing the Commissioner of Indian Affairs to transfer fractional block 6, of Naylor's addition, Forest Grove, Oreg., to the United States of America, for the use of the Bureau of Entomology, Department of Agriculture (Rept. No. 211).

He also, from the same committee, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

A bill (S. 126) conferring jurisdiction on the Court of Claims to permit the Yankton and Cuthead Bands of Sioux Indians to intervene in the action of the Sisseton and Wahpeton Bands of Sioux Indians against the United States (Docket No. 33731), and to hear, determine, and render judgment in said action in claims of Yankton and Cuthead Bands of Sioux Indians against the United States (Rept. No. 205);

A bill (S. 2282) canceling Indian trust patents Nos. 307319 and 366449 (Rept. No. 209); and

A bill (S. 2709) authorizing the Secretary of the Interior to issue patent to school district No. 8, Sheridan County, Mont., for block 1, in Wakea town site, Fort Peck Indian Reservation, Mont., and to set aside one block in each township on said reservation for school purposes (Rept. No. 210).

MAJ. GEN. CROWDER.

Mr. KNOX. From the Committee on Military Affairs I report back favorably, without amendment, the bill (S. 2867) to authorize the President, when Maj. Gen. Crowder retires, to place him on the retired list of the Army as a lieutenant general, and I submit a report (No. 204) thereon. To the report is attached a letter from the Secretary of War and a report from The Adjutant General, which I ask to have printed in connection therewith.

The PRESIDENT pro tempore. In the absence of objection it will be so ordered.

GRAZING LANDS IN UTAH.

Mr. SMOOT. From the Committee on Public Lands I report back favorably, without amendment, the bill (S. 3016) to authorize the disposition of certain grazing lands in the State of Utah, and for other purposes, and I submit a report (No. 214) thereon. I present in connection with the bill a favorable report from the department. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That so much of the act of Congress approved March 3, 1905 (Public, No. 212), as limited the sale of Indian lands in the former Uintah Indian Reservation, in Utah, remaining undisposed of five years from the taking effect of the act to disposition in tracts of not more than 640 acres to any one person be, and the same is hereby, repealed, and such lands shall remain subject to disposition as provided by law, under rules and regulations to be prescribed by the Secretary of the Interior: *Provided*, That where the validity of purchases heretofore made under the act of March 3, 1905, have been or may hereafter be questioned in any departmental or court proceedings on the ground that a larger area than 640 acres has been, directly or indirectly, acquired by one person or corporation, the Secretary of the Interior is authorized, in his discretion, to accept a reconveyance of the lands involved in such proceeding and to repay to the purchaser or his assigns the purchase money paid therefor, or to validate, ratify, and confirm such sales, or to examine and determine the present value of said lands and upon payment by the patentee or purchaser or his assigns of the difference between the amount heretofore paid and such ascertained value, to validate, ratify, and confirm such sales.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMOOT. I ask that the report may be printed in the RECORD.

There being no objection, the report submitted this day by Mr. SMOOT was ordered to be printed in the RECORD, as follows:

Mr. SMOOT, from the Committee on Public Lands, submitted the following report (to accompany S. 3016):

The Committee on Public Lands, to whom was referred the bill (S. 3016) to authorize the disposition of certain grazing lands in the State of Utah and for other purposes, having had the same under consideration report favorably thereon without amendment, with the recommendation that the bill do pass.

This bill proposes to remove the limitation of 640 acres as a maximum purchase on all future sales, leaving the lands to be disposed of as otherwise provided by the act of 1905 (33 Stats. L., 1069), under rules and regulations to be prescribed by the Secretary of the Interior. It would be for the best interest of the Indians to remove this restriction in the interest of obtaining better prices for their lands, because the land is of such character as to be worthless in small tracts, while larger areas will afford an opportunity for use for grazing purposes.

The bill has the approval of the Secretary of the Interior, as will appear by the letter attached, which is made a part of this report.

SEPTEMBER 19, 1919.

MY DEAR SENATOR: I am in receipt of your letter of September 18, 1919, requesting an expression of my views on S. 3016, "A bill to authorize the disposition of certain grazing lands in the State of Utah, and for other purposes."

This bill appears to be a substitute for S. 2769, concerning which I submitted a favorable report on the 21st of last month. The present bill amends S. 2769, to the extent of adding after the word "sales," in the present draft of the bill, line 7, page 2, the following:

"To examine and determine the present value of said lands and upon payment by the patentee or purchaser, or his assignees of the difference

between the amount heretofore paid and such ascertained value, to validate, ratify, and confirm such sales."

I see no objection to the amendment, and recommend that Senate No. 3016 receive the favorable consideration of your committee.

Cordially, yours,

F. K. LANE, *Secretary.*

Hon. REED SMOOT,
Chairman Committee on Public Lands,
United States Senate.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STERLING:

A bill (S. 3036) granting a pension to Amos T. Duggan (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 3037) to authorize the Secretary of War to transfer free of charge certain surplus motor-propelled vehicles and motor equipment to the Department of Agriculture, Post Office Department, Navy Department, and the Treasury Department for the use of the Public Health Service, and certain other surplus property to the Department of Agriculture, and for other purposes; to the Committee on Military Affairs.

By Mr. MYERS:

A bill (S. 3038) granting to the trustees of the Congregational Church of Bowdoin, Mont., for the benefit of the Congregational Church at Bowdoin, Mont., lots 4 and 5, in block 12, town site of Bowdoin, State of Montana; to the Committee on Public Lands.

A bill (S. 3039) granting a pension to Jesse E. Ballinger; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3040) donating captured cannon and cannon balls to the city of Fredonia, Kans.; to the Committee on Military Affairs.

A bill (S. 3041) for the relief of Mrs. Silas Cooper (with accompanying papers); and

A bill (S. 3042) for the relief of James Walters (with accompanying papers); to the Committee on Claims.

By Mr. MOSES:

A bill (S. 3043) granting an increase of pension to Alonzo Knox (with accompanying papers); to the Committee on Pensions.

By Mr. KEYES:

A bill (S. 3044) granting an increase of pension to Hiram A. Campbell; to the Committee on Pensions.

By Mr. STANLEY:

A bill (S. 3045) to increase the limit of cost of the public building to be erected at Shelbyville, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. HALE:

A bill (S. 3046) granting an increase of pension to Hiram B. Orff (with accompanying papers); to the Committee on Pensions.

By Mr. ELKINS:

A bill (S. 3047) to authorize the retirement of enlisted men of the Army, Navy, and Marine Corps for disability; to the Committee on Military Affairs.

A bill (S. 3048) granting an increase of pension to James H. Osburn; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3049) for the relief of Samuel Wilson; to the Committee on Military Affairs.

A bill (S. 3050) for the relief of the Sanitary Co. of America (with accompanying papers); to the Committee on Claims.

A bill (S. 3051) granting an increase of pension to Charles F. Doepel;

A bill (S. 3052) granting an increase of pension to Washington B. Coder (with accompanying papers);

A bill (S. 3053) granting an increase of pension to John Klingler (with accompanying papers);

A bill (S. 3054) granting an increase of pension to John Fildes, jr. (with accompanying papers);

A bill (S. 3055) granting an increase of pension to Lewis A. Uhl (with accompanying papers);

A bill (S. 3056) granting a pension to Margaret Mars (with accompanying papers);

A bill (S. 3057) granting an increase of pension to Leroy Loveland (with accompanying papers); and

A bill (S. 3058) granting a pension to George McCaughin; to the Committee on Pensions.

By Mr. UNDERWOOD (for Mr. MARTIN):

A bill (S. 3059) granting a pension to Belle Carmody (with accompanying papers); to the Committee on Pensions.

By Mr. UNDERWOOD:

A joint resolution (S. J. Res. 110) authorizing the Secretary of the Interior to issue patent to Alice Q. Lovell and W. S. Lovell; to the Committee on Public Lands.

AMENDMENT TO FIRST DEFICIENCY APPROPRIATION BILL.

Mr. CURTIS submitted an amendment proposing to appropriate $35,000 for the purchase of a bridge across Missouri River connecting the two portions of the United States Military Reservation at Fort Leavenworth, Kans., intended to be proposed by him to the first deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

STRIKE OF STEEL MILL EMPLOYEES.

Mr. CURTIS. On behalf of the junior Senator from Iowa [Mr. KENYON] I offer a resolution, which I ask may go over under the rule.

The resolution (S. Res. 188) was read, as follows:

Whereas a strike of the employees of the steel mills of the United States has been called; and

Whereas such strike adds to the troublesome conditions already existing and becoming a question of great public moment; and

Whereas it is the duty of Congress to investigate the causes and purposes of said strike and see if the situation can in any way be relieved by Federal action: Now, therefore, be it

Resolved, That the Committee on Education and Labor of the United States Senate is hereby instructed to immediately investigate said strike and report to the Senate within the shortest possible time the causes and reasons therefor.

Mr. CURTIS. Mr. President, I give notice that the Senator from Iowa [Mr. KENYON] will call up the resolution to-morrow morning.

The PRESIDENT pro tempore. The resolution will go over under the rule and be printed.

RACE RIOTS AND LYNCHINGS.

Mr. CURTIS submitted the following resolution (S. Res. 189), which was read and referred to the Committee on the Judiciary:

Resolved, That the Committee on the Judiciary of the United States Senate be, and it is hereby, authorized and directed at as early a date as possible, by subcommittee, to investigate the race riots in the city of Washington, D. C., and other cities in the United States, and to investigate lynchings which have occurred in different parts of the United States, and to ascertain as far as possible the causes for such race riots and lynchings and report what remedy or remedies should be employed to prevent the recurrence of the same. Said subcommittee shall have power to have meetings in any part of the United States, to call and examine witnesses, to examine papers and to take such action as may be necessary to secure the facts.

PRICE OF WOOL.

Mr. PHIPPS. Mr. President, I send to the desk a telegram which I have received from Mr. W. A. Snyder, of Denver, Colo., representing the woolgrowers of the Western States, which I ask to have read and referred to the Committee on Agriculture and Forestry.

There being no objection, the telegram was ordered to be read and referred to the Committee on Agriculture and Forestry, as follows:

DENVER, COLO., *September 21, 1919.*

LAWRENCE C. PHIPPS,
United States Senate, Washington, D. C.:

We have advices from London that the British Government is going to ship 50,000,000 pounds of their wool to Boston and sell same at public auction in November. If England is allowed to do this, it is going to demoralize prices on wool, not only for present clip which is stored in Boston but also next year's clip. I have taken this matter up with all our western growers, and they are unanimous in the opinion that England should not be allowed to use United States as dumping ground for her wool, and it will be appreciated by every grower in this western country if you will use your best efforts to block England's game. The high cost of living agitation that is going on in the country has been directed principally at the meat industry, and prices have declined on both cattle and sheep to such an extent that every grower that is marketing his stuff at the present time is losing money; and we feel we are entitled to some protection on our wool for at least one year to come. United States has 684,000,000 pounds of wool on hand, which is ample for all requirements. The producer of live stock is entitled to reasonable protection, and if it is not given production is going to be curtailed—the very thing nobody wants to see.

W. A. SNYDER.

ARTICLE BY M. F. O'DONOGHUE ON STRIKES.

Mr. MYERS. Mr. President, I have a short article from The Chief, a civil-service employees' weekly publication. It is written by Mr. M. F. O'Donoghue, a respected and faithful employee of the Government Patent Office. It relates to the subject of strikes by Government employees and others, and it contains so much good sense and patriotism in this day of strikes and threatened strikes that I ask for its publication in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"STRIKES" OF ALL KINDS MUST GO AND AMERICANISM RULE AGAIN.
[By M. F. O'Donoghue.]

"'Coming events cast their shadows before' is a line from one of Walter Scott's poems. I have foreshadowed some events in The Chief that have come to pass. I make another prophecy. Put down upon the tablets of your memory, 'The strike must go.' Not the policeman's strike alone; not the civil servants' strike alone; but every and any form of 'strike.' The 'strike' will follow the saloon. It was the offspring of the saloon. The men who backed the 'saloon' went with it. The men whose strength is in the 'strike' will go out of existence with the 'strike.' Why will the 'strike go?' Because it's wrong! Because it's inhuman! Because it's selfishness personified! Because it's un-American! Everything that is un-American will go, or will be eliminated from American soil. The danger of the 'strike' came to a climax in Washington when the commissioners were told that only privates of the force would be permitted to become members of the union. The members of the committee were then catechised about this rule, why it had been adopted, and if it would not be changed to allow the officials and higher officers of the department to become members of the union. They were informed that the rule would not be amended.

"Now, you have the whole thing in a nutshell. There had been a policemen's association. The chief of police had joined it. Then there was a 'union' affiliated with the American Federation of Labor, but he would not be permitted to join that. Here was the quintessence of Bolshevism: 'Only privates of the force would be permitted to become members of the union.' Are we in Petrograd or in Washington, D. C.? Is this a dream or a figment of the imagination? No! My friends, it is a stern reality. It is a deliberate attempt to substitute the Bolshevism of Trotski and Lenin for the Americanism of Washington and Lincoln. The members of the union had their opportunity when Police Commissioner Brownlow ordered them to resign from the union. Those who delayed a moment branded themselves as disloyalists. The officers of the American Federation of Labor had the same opportunity. They should at once have insisted that the police association dissever itself from the American Federation of Labor as reliable guardians of the law and loyal Americans.

"We must and we will perpetuate the American system of order regulated by law. Those who are not prepared to adhere to that program must go out of the United States of America or they will be driven out or incarcerated. Every man, woman, and child will have his or her day in court, and they must abide in the consequences.

"Retirement is in abeyance. Now that the N. A. L. C. has reelected its former officers, there may be something doing. These men are experienced, able, and discreet. They are above all things conservative, which goes a long way in these times. The radicalism that was tolerated during the war has run its course. It is on the down grade. The common horse sense of the average American is manifesting itself."

TREATY OF PEACE WITH GERMANY.

Mr. THOMAS. Mr. President, during the last three weeks I have received a large number of copies of resolutions emanating from the various Democratic county organizations in my State, including also the State executive committee of the Democratic committee of Colorado, requesting me to vote for the treaty including the league of nations in its present form. I replied at length to the communication received from the State executive committee, but the others have become somewhat numerous, too numerous, in fact, to admit of the time necessary to make a similar communication to each. I therefore ask unanimous consent to have inserted in the RECORD a copy of my letter of September 4 to Hon. Philip Hornbein, chairman of the Democratic State executive committee, of Denver, Colo., which will enable me to answer in this manner all the correspondence I have on the subject.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 4, 1919.

To the Hons. PHILIP HORNBEIN (chairman), GERTRUDE A. LEE (vice chairman), G. B. MCFALL (secretary), JOHN H. MITCHELL, WATT G. SHELDON, JOHN W. MALONEY, W. H. GATES, and A. W. GRANT,
Members of the Democratic State Executive Committee,
Denver, Colo.

GENTLEMEN: I am in receipt of your resolutions indorsing the covenant of the league of nations, deploring efforts made by the opposition to belittle and embarrass the President, and requesting me "to exert every effort to bring about the immediate ratification of the league of nations without reservation or amendment," which I have read with due appreciation of its recitals.

In replying to this resolution I shall assume, and I hope with your approval, that it is not partisan, although emanating from a party committee. The proportions of the subject are international in their scope and operation; their stupendous importance to us, to posterity, and to the world lift it far above the limitations of party organisms. Efforts have been made to confine it to that narrow and sordid plane, and many hope that it may become an issue of the next national election. I trust not, but if it should become such an issue, popular sentiment will destroy existing party lines and create new political divisions, charged with possibilities of danger to our institutions and ill equipped for the formidable tasks now within the horizon of our future.

The covenant of the league of nations consists of 2 of 15 parts and 67 of 441 articles of the treaty negotiated at Versailles on June 28 last between 27 allied and associated powers, including the United States and the new Government of Germany. Three of these powers were born of the travail of the war just ended. The operation of the covenants of this treaty upon us will be neither individual nor partisan, but national. Our attitude toward the treaty should be national also. It is an old, and I trust a true, saying that we are partisan within our geographical boundaries and are Americans beyond them. The truth of this aphorism now approaches the supreme test, and it will be a sad hour for our country if it does not survive the ordeal.

I am fully aware that some eminent Republicans, of whom Senator BORAH is an example, insist that the covenant of the league not only should be, but is in fact, a party issue. I know, too, that much of the opposition to it is inspired by partisan motives, and Republicans have no monopoly of this attitude, for many Democrats are similarly disposed in the other direction. But the wisdom of the mass, too obviously resentful of this tendency, will effectually check its general acceptance.

Since I entered public life I have affiliated with and recognized the obligations of the Democracy, but I have never for a moment permitted any party consideration to influence my judgment in the exercise of the treaty-making power, and so long as I remain in the Senate I never will.

Lest I have misapprehended the character of your resolution, however, I must add just here that while I concede the right of your committee to officially advise me as to all matters of a party nature, I am unable to acknowledge its extension into other domains of public duty. Hence I shall treat your communication as embodying the view of eight of my esteemed friends and fellow citizens and reply to it in similar fashion.

I do not know how many of you have read the treaty nor how familiar you may be with its terms. Several times I have read and pondered over its many and complicated covenants, and my task is still incomplete. Indeed I have done this so long and so anxiously that some of my constituents reproach me with being unable or unwilling to reach definite conclusions through timidity, vacillation, or some equally ignoble impulse. But I have been actuated at all times by the very earnest desire to support the treaty by squaring its provisions, if possible, with the dictates of duty and of conscience. This task I have been unable to accomplish.

If the league, when established, would function as so confidently asserted by its supporters, many of whom are not familiar with its provisions, I would accept it. But if it does not, and I fear it will not so function, the reaction among these very supporters will justly make us the first objects of their condemnation, since ours was the responsibility of final action.

The President in his New York address last March declared that the league would be so woven into the general fabric of the treaty that it would be very difficult to separate it therefrom. That has been done. Hence one must familiarize himself with the entire document or he can not intelligently comprehend the nature and probable operation of the league. My opinion is that this is a victor's treaty, a treaty of force, a treaty of punishments, a treaty of partition, a treaty burdened with conditions accepted by the vanquished only at the point of the sword. Doubtless Germany deserves its punishments and much more, but the treaty is nevertheless freighted with a ghastly cargo of future wars, only awaiting opportunity for their bloody development. Germany, like France before her, will submit to her burdens only so long as she must. Both herself and Russia are excluded from the league. It now seems probably that she can and will control that great but suffering nation in the near future, and operate within her vast dominions unhindered by any treaty limitations. Russian Bolshevism means, and has always meant, German activity in Russia.

Through Lenin she has acquired ownership of a majority of Russian manufacturing equipment. The population of the two countries is fully 250,000,000, more than twice that of Great Britain, France, and Italy, and equal to the combined population of these three countries and the United States. And we have antagonized all elements in Russia by a hesitant and ineffective policy, obnoxious to the present dominant class, and deservedly unsatisfactory to the rest of the Russian people. Poland, Czechoslovakia, and the Balkan States are bitterly resentful of the boundaries prescribed for them, some of which must be hereafter defined by plebiscites. Moreover, they are populated by composite but conflicting races, whose bloody collisions have been occasionally avoided in the past by a dominating authority now wholly removed. Italy has no intention of abandoning her demand for Fiume, nor is Jugo-Slavia less determined to retain it. Italy clashes with Greece in Albania and Asia Minor, while France and England even now look askance at each other from their vantage points in Syria and Palestine. Across the Pacific the Shantung problem looms large and sinister. All these situations with others of minor import lurk in the treaty; their outlines scarcely concealed by the elaborate phraseology of its ponderous recitals. Roumania has just defied the authority of the allied and associated powers, overrun Hungary, and arrogantly refuses to surrender a foot of its occupied territory. Hungary must be protected by the Allies if protected at all, and that seems impossible, except by armed intervention.

Do you see any prospect of restoring normal conditions here by merely settling the international problem of the league? Or that when one of these storms breaks from three to five thousand miles distant from America, the burden of their suppression under the league must fall upon us because ours is the only great power still possessed of the financial and military sinews of war? And do you believe the public sentiment of our countrymen will approve our entry into any such war waged upon other continents than ours, to settle differences wholly alien to our hemisphere? Speaking solely for myself, I can not perceive the wisdom of ratifying a treaty pregnant with strife and conflict, and hoping to avoid them by intertwining its articles with covenants for a league of nations. This is possible only to an alliance offensive and defensive, equipped actually and potentially with power to enforce its mandates. I know, of course, that the new and the Balkan nations, save Bulgaria, are to be members of the league, yet Italy, Roumania, and Bulgaria are approaching an entente, sure to be countered by similar action between Greece and the Serbian confederation. Europe can not change the habits nor control the propensities born of experiences centuries old. Her ways are not our ways, nor her purposes our purposes. Peace has been an interlude with her. With us it is a normal state. Her memories are of war and the punishments they have inflicted, of wrongs endured, of hates engendered, of reprisals hoped for. Ours have not yet been darkened by shadows such as these. Her exaltation upon the close of the war and after years of awful sacrifice, with the menace of Germany behind her, was spiritual and supreme. But it was only transient. That has gone. It subsided months ago and her ancient attitude has emerged from its effacement. It is reflected in every line of the treaty, save the covenant of the league, and the President secured that upon terms which must have been abhorrent to his ideals as they are repugnant to his sense of justice.

I can not review specific objections to the plan of the league without expanding this reply to tedious proportions. But I will send to each of you the speech I delivered in the Senate on August 22 upon the provisions of part 13, which I trust you will do me the honor of reading. Some of my friends have advised me that it was not a good party speech. It is not a party speech at all, nor one involving a party or even a strictly national problem. If my construction of part 13 is wrong, I feel sure some of the advocates or opponents of the league will say so to the country and establish the fact by cogent and conclusive arguments. No man will be more greatly relieved than myself should this be done.

Part 1 has been materially changed since it was first given to the public. These changes have greatly improved it, but others are still essential. Even Mr. Taft, its foremost unofficial advocate, now concedes the fact. Those which I shall advocate relate to articles 1, 10, 11, and 21, and to part 13, the reasons for which have been discussed so much and so frequently that I am sure you are already familiar with them.

The league in one or two very important particulars fails to measure up to the President's requirements for a successful covenant. For example, Mr. Wilson said, on January 22, 1917, that—

> mere agreements may not make peace secure. It will be absolutely necessary that a force be created as a guarantor of the permanency of the settlement so much greater than the force of any nation now engaged, or any alliance hitherto formed or projected, that no nation nor probable combination of nations could face or withstand it. If the peace presently to be made is to endure it must be a peace made secure by the organized major force of mankind.

No such organized force stands behind this league. It does not embrace half the world's population.

On September 27, 1918, the President said:

> Economic rivalries * * * have been the prolific source in the modern world of the plans and passions that make for war. It would be an insincere as well as an insecure peace that did not exclude them in definite and binding terms.

May I say that the proposed league does not exclude them in definite and binding terms, or at all? The sole reference to the subject is found in article 23, clause (e), which is confined to the congress of members of the league. The President recently told the Senate Committee on Foreign Relations that this clause did not conflict with the control of members of the league over their economic legislation.

In the same address the President said:

> That price [of a secure and lasting peace] is impartial justice in every item of settlement, no matter whose interest is crossed; and not only impartial justice, but also the satisfaction of the several peoples whose fortunes are dealt with. That indispensable instrumentality is a league of nations formed under covenants that will be efficacious.

Need I here do more than mention Shantung, whose disposition can not be reconciled with this indispensable requirement?

On January 22, 1917, the President said:

> A victor's terms impressed upon the vanquished * * * would be accepted in humiliation, under duress, at an intolerable sacrifice, and would leave a sting, a resentment, a bitter memory upon which terms of peace would rest, not permanently but upon a quicksand.

This is the eloquent expression of an eternal truth.

The President has also said that a league of nations must be a league of democracies and devoted to the principle of popular government; that it could not admit of association with autocracy, which could not be relied upon to keep faith with its associates, and which would become a nest of intrigue, eating away the very heart of the league. But Japan, the one surviving autocracy of the world, is to be a member and one of the most important members of this league, and with a controlling vote in the proceedings of the executive council. I indorse all these utterances of the President as he gave them to the people, and I am more than ever convinced of their soundness; yet the league as outlined in the treaty conforms to none of those fundamental conditions. And I am surely justified in testing it by the rigid standards of one of its greatest authors in my effort to analyze its covenants and forecast its consequences.

You very properly "deplore the efforts made by the opposition to belittle and embarrass the President," and so do I. They are unworthy alike of their authors and of the mighty problem confronting them. I have had naught but admiration for the President and sympathy with his ideals and purposes. I have never failed to say so. I have denounced these miserable naggings and reflections upon the President's motives, his abilities, and his judgment more than once upon the floor of the Senate and elsewhere. I know the difficulties besetting him in Paris and the beasts with which he fought there, as did Paul at Ephesus. I know he performed his great task as well as any man similarly circumstanced could have done. It is with sorrow that I find myself compelled to differ from him upon a great question of international concern lying so near to his heart. But on occasions like these my first duty is to my country and myself as I am given to perceive and understand that duty. Therefore, after months of vigil and anxious thought, after viewing this treaty from every standpoint, historical, political, economical, and practical, I can not under my oath of office cast my vote for the ratification of this treaty in its present form.

Let me add in conclusion that ample provision is made by the treaty for ending war in advance of its final ratification. In a speech in the Senate on August 28 last Senator KNOX thus disposed of the subject: "In the last article, the fourth and third clauses preceding the testimonial clause read as follows:

> A first procès-verbal of the deposit of ratification will be drawn up as soon as the treaty has been ratified by Germany, on the one hand, and by three of the principal allied and associated powers on the other hand. From the date of this first procès-verbal the treaty will come into force between the high contracting parties who have ratified it. For the determination of all periods of time provided for in the present treaty this date will be the date of the coming into force of this treaty.
>
> Germany and Great Britain have already ratified the treaty. So soon therefore as the treaty has been ratified by any two of the remaining allied and associated powers, the remaining powers being the United States, France, Italy, and Japan, and when the procè verbal of such deposit of ratifications has been drawn up "the state of war will terminate," as a reading of the many treaty clauses coming into force at that time and making the further conduct of the war impossible will clearly show.

The events here outlined would not establish the league, but they would end the state of war now theoretically existing.

It pains me deeply to differ from friends like yourselves upon a subject of such vital concern to our country and to the world. But it is for that supreme reason that I have studied the problem from the records of the past, the conditions of the present, and the welfare of the future. These guides point to the only path I can follow, and whatever the results, I shall have the consolation of my judgment and my conscience.

Very sincerely, yours,

C. S. THOMAS.

LEAGUE OF NATIONS.

Mr. SMITH of Arizona. I present a resolution adopted by Miami Miners' Union No. 70, of Arizona, favoring the ratification of the covenant of the league of nations. It is very short, and I ask without a violation of the rule that I have laid down for myself that it be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Whereas the covenant of the league of nations recognizes labor as a sensate force of human attributes; has the right to be considered when its voice is raised in conclaves of men deliberating on the affairs of humanity; and whose destiny is also involved in whatever fortunes is meted to the peoples of the world; and

Whereas the recognition of these several attributes, human and social, by the covenant, stabilizes the economic relations between the various nations of the world and therefor promotes peace endeavors: Be it

Resolved, That Miami Miners' Union No. 70, International Union of Mine, Mill, and Smelter Workers, as an integral part of the forces of labor, align itself with the spirit of the covenant that raises labor from a mechanical device to a living and vocative expression of men whose collective genius is the foundation upon which the structure of civilization rests; and further

Resolved, That the Union through these resolutions invoke the Congress of the United States to ratify the covenant of the league of nations and thus be a party to the upholding of a new thought, a new order for good, that arose out of the ashes of a devastating war.

Adopted by Miami Miners' Union in regular meeting September 10, 1919.

[SEAL.] F. H. COLLINS, *President*.
KENNETH CLAYTON, *Secretary*.

ADDRESS BY HON. CHARLES H. RUTHERFORD.

Mr. ASHURST. Mr. President, I ask unanimous consent to have inserted in the RECORD a copy of an address delivered by Hon. Charles H. Rutherford, vice president for Arizona of the American Bar Association, who ably discusses the proposed league of nations.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

LEAGUE OF NATIONS.

[Address delivered by Hon. Charles H. Rutherford, vice president of the American Bar Association for Arizona, before the Verde District Bar Association, at Clarkdale, Ariz., July 18, 1919.]

"Mr. President and gentlemen of the Verde District Bar Association, while I feel greatly honored by being privileged to address you on the momentous question of the league of nations—a question that I conceive to be the greatest that has been before the American people since the drafting of the Declaration of Independence, I feel also that it is a question so many-sided that it would be impossible in the time at my disposal to cover more than a single phase of the subject. I will therefore attempt to consider it only from the purely legal side, as providing for the first time in the history of civilization a real court of last resort for the settlement of international differences.

"We have a great corpus of what we call international law. We all burned in our day more or less midnight oil in striving to master its intricacies, and as soon as we were admitted to practice we forgot what little we ever knew about it. And why? Because it was—and is—but a pure abstraction.

"This statement may be questioned, but I submit that it is the plain, unvarnished truth. What really constitutes a body of practical working law?

"In the first place, we must have either the statute or the customary law as a foundation—international law has no such basis, except it be the mass of treaties, agreements, balances of power, and other tools of the diplomats, and we have reason to know by the bitter experience of the past four years that these are, after all, but 'scraps of paper' to be obeyed or to be torn up as the whim of any nation may dictate. I maintain that any working law must have a surer foundation than this, else, as a corpus juris, it does not exist.

"We hear and read much of justiciable and nonjusticiable matters and the text writers are able to draw lines of the utmost fineness and delicacy between the two. What, may I ask, becomes of these fine-spun distinctions when one nation throws down the gage of battle and another picks it up? Read the answer in the crimes committed by the Germans in France, in Belgium, in Serbia, and in Russia. How many of the so-called Hague conventions governing the conduct of civilized war did they observe or respect? Not one. For them international law was nonexistent and The Hague conventions but another 'scrap of paper' to be disregarded whenever their interest seemed to indicate such course as tending to possible victory.

"I repeat that for the Germans there was no such thing as law, whether of God or of man.

"In the next place, in order that we may have laws that are effective we must have courts to construe them.

"I need not say to this body of practicing attorneys that even the finest and most perfect statutes that the wit of man could devise would be but so much waste paper unless we had courts to adjudicate and determine the rights of the people under those statutes, to construe them, and, most important of all, to enforce them.

"And in order that the decree of the court may be translated into action the court must have its officers authorized and qualified to execute the decrees, its sheriffs and bailiffs to enforce the writs of judgment, its jails to hold the recalcitrant, aye, and its hangman to execute those condemned to the halter by its due processes.

"Eliminate any of these prerequisites and your system of law and law enforcement falls like a child's house of cards.

"Herein, as I see it, lies the everlasting weakness of international law. In the first place, it is a vague and utterly uncodified system, largely dependent upon text writers, diplomats, and treaty makers, and without any substantial basis on which all peoples are agreed. It is well nigh pure theory and is subject to infinite change with every trifling variation in the affairs of nations. No man can truthfully say that he knows much about it, and, as Germany has shown us, it has no basis in solid fact.

"In the next place, there is not now nor ever has been any court to determine the rights of litigants or to adjudicate disputed questions. We have had treaties by the thousand, some open and some signed in secret and preserved with every care from the knowledge of the world. We have had triple alliances, quadruple alliances, balances of power, balances of armies and navies, Hague conventions, peace palaces, peace commissioners, peace promises, disarmament agreements, arbitration treaties, and all other makeshifts and expedients that diplomats could invent, and what have they or any one of them amounted to when submitted to the acid test of practice? The answer is simple—less than nothing.

"I defy any man to cite to me a single treaty that was not just exactly what the Germans declared it to be, 'a scrap of paper' that might be disregarded at any time that it became to the interest of either party to so treat it.

"The treaty between nations is no whit different from the contract between individuals—it is absolutely worthless without a court to construe it and with power to enforce its findings.

"You may say that the treaty becomes binding by virtue of the mutual pledges of good faith and by the solemn covenants that it contains, and you may add that the nation that breaks a treaty incurs thereby everlasting shame and disgrace. I submit that no such fate has befallen any one of the nations that has broken treaties ever since the first one was drawn. In the late war Italy was bound to the German-Austrian alliance by treaties as solemn as could be made. Is she eternally disgraced because she failed to live up to her contract? Germany was pledged to respect the integrity of Belgium. Did she do so?

"I maintain that before we can have treaties that are not 'scraps of paper' we must have a tribunal of some sort that has the right to adjudicate between nations, and when we have that tribunal we shall need no more treaties.

"This tribunal can be erected only by the common agreement of the nations, and this agreement, this necessary contact of minds, we have for the first time in the history of mankind in the league of nations.

"My third point was that a court was not a court in the true sense of the term unless it has the power to enforce its decrees to the uttermost. Our civil and criminal courts all have such power, and therefore they are working, practical, potent institutions. Take away that power of enforcement and you have, ipso facto, done away with your court.

"Where do you find such a court in the realm of international law? Nowhere until now, but you do find it in the league of nations, which is equipped with all the machinery necessary to make its decrees effective.

"This league or tribunal has every necessary function and appurtenance of a working court. It has a body of codified law under which it acts; it is constituted for the express purpose of construing that law, and it has the 'teeth' to render its constructions effective.

"I maintain that this breaks new ground in international history and in international law, and to the great man whose fertile brain conceived the splendid idea I render my homage, careless of what political party he espouses or of what his other qualifications may be. It is not necessary that I should be of his particular opinion on matters of American politics, to his surpassing political genius I render my respect and my admiration, and, gentlemen, I feel that I am well within the truth when I say that President Woodrow Wilson will be remembered with affection and gratitude as long as the history of the race is written by reason of this magnificent achievement in political and diplomatic affairs by which, for the first time since the dawn of history, there seems a possibility of the final and complete elimination of the greatest curse of humanity—war.

"There are not wanting those who would take from President Wilson much of the credit for this stupendous idea, this magnificent conception. It is doubtless true that the adumbration of the idea has possessed the minds and hearts of men ever since the dawn of civilization, but it remained for him and his genius to crystallize the theory into practice and to present a working and workable plan for the solution of world difficulties and international disputes.

"Let us not hesitate, whether we be Republicans, Democrats, or what not, to give credit where credit is due, and I might submit that when all is said and done it is to Woodrow Wilson and to no one else that we must credit the conception of the league of nations as a workable, practical entity.

"And I am convinced that the common consent of all the peoples of the world is with him and is backing up the idea. In it they can see at least a hope of relief from their heaviest burdens, for let us not forget that we alone of the nations of the world have been free from the horrid necessity of maintaining great armies and navies. Every nation of Europe has been held back for centuries by the financial and physical burden of military and naval preparedness. We have often read of Europe as 'an armed camp,' and we know that the phrase was but a literal statement of the truth. Had a tithe of the cost of armaments been devoted to education or to the alleviation of social conditions Europe would be to-day a paradise instead of a hell.

"It may well be that the covenant of the league is not precisely as he first conceived it—it would be simply miraculous if it should be, as miraculous as was alleged to be the Septuagint translation of the Bible, in which, according to tradition, 70 individual men made a translation of the original text and each one of those translations was the same as the others, word for word and letter for letter.

"The covenant of the league was, after all, but a human document and therefore subject to human error. So was our Constitution, admittedly one of the greatest efforts of the human brain. But we have found it necessary to amend the Constitution—not once or twice, but repeatedly—and we shall, in the years to come, find it necessary to make still further changes for 'tempora mutantur et nos mutamur in illos.'

"So, I apprehend, shall we find it neccessary to amend and change the covenant of the league of nations to keep it abreast of the advances of civilization and in harmony with the times and with the varying needs of its signers. But this does not detract from the majesty of the original conception nor from the genius of its original framer. Let the carpers and critics jeer and jibe as they will, the fact remains that to Woodrow Wilson every fair-minded man must give the credit for enunciating in concrete form the yearnings and desires of centuries for a world to which war shall be a stranger and over which the white dove of peace shall spread her snowy wings.

"I am willing to go a step further and to admit, for the sake of argument, that the league may prove a complete and utter failure. I still maintain that, if such shall prove the lamentable fact, every credit is due its framer as having suggested the first remedy, the first real remedy, that has ever been suggested. I do not for a moment believe that the league is destined to fail—and this for the great reason that the world wants it. The peoples of the five continents and of the islands of the seven seas cry for peace, assured peace, and for relief from the constant soul-shrivelling fear of war. And what the whole world wants with single-hearted zeal, that it is sure to receive. I believe as surely as I believe that the sun will rise to-morrow morning that the covenant of the league will be accepted by the great common sense of the world, and that it can and will be made effective, because it is so designed that its decrees will not be 'scraps of paper' but decrees that can and will be enforced.

"We have seen the sorry spectacle of certain people attempting to make of this great achievement a partisan matter. We have heard the league ridiculed, cursed, and declared but the product of a visionary, impracticable and bound to become the very mother of new wards. I can but sympathize with those who elevate party above country and that will oppose so monumental a project simply because the man who conceived it happens to be of the opposite political stripe.

"I am proud to be able to say that this is not invariably the case, but that, on the contrary, no small section of the Republican Senators and leaders are in most hearty sympathy with the idea, and, what is more to the point at this moment, will support it with their votes. I maintain that this is no more a party question than was the winning of the war, and I brand as traitor to the best interests of his country the alleged statesman who will oppose it solely and simply on party grounds.

"I venture the assertion with every boldness that 80 per cent of the men and women voters of America are in favor of the plan, and I believe that if it were or could be submitted to a vote of the entire electorate of the United States the vote against it would be so insignificant as to be not worth mentioning. I will go a step further and say that if a plebiscite of the entire world could be taken there would not be a handful of votes cast against it—and these would be cast in Germany and Russia.

"And here in Arizona we have another matter on which we may congratulate ourselves—the fact that our Senators and Congressmen are supporting the league with every power at their command. I do not think there is one of us who does not know what the answer will be when the Secretary of the Senate calls the names of HENRY ASHURST and MARK SMITH, or what the responses would be were the question put in the House of Representatives when the Clerk came to the name CARL HAYDEN.

"These three statesmen have been true to the interests of America throughout the war, and their votes have been cast ever on the side of right. They voted as they did, not because they were Democrats, but because they are patriots; and as they voted throughout the dark and bitter days of the war so they will vote for the acceptance of the plan that we hope will, in God's good providence, put an end to war.

"The opponents of the league tell us that we shall sacrifice our national independence, that the league means internationalism, and that it is but a first step to world socialism. Were I addressing an audience of men untrained and unskilled in the law, I might consider such arguments worth refuting—to an audience like this such action is not necessary. I defy any man to put his finger on one single clause in the covenant that any court of law would construe as an abandonment of one American right.

"Rather than a loss of rights, the covenant means an increase of rights. It means a close partnership of the civilized nations of the world, each retaining its individual sovereignty unimpaired and intact, but all united in what even the league's bitterest opponents must confess is an attempt to solve the world's greatest problem.

"The fantastic visionary, the dreamer, may see a world confederation as an outcome of the league. The man of clearer and saner vision can see in it but a court armed with the powers that are essential to any court—that is, to function adequately and properly. It is often said that courts can punish but not reward, and this is true of the league of nations. Its sole function is to preserve world peace and world order. To that end it is clothed with the necessary powers, just as is any other court, and, I may say in passing, that even the power of guardianship over weak and unadvanced peoples is included. It stands on all fours, with every law court of which we have knowledge, in its organization, its equipment, its power to make decisions, and its power to enforce them when made.

"Before the tribunal of the league, the nations, great and small, must come with their disputes, their differences, their interfering ambitions, and the great supreme council of the one and only international court will do as courts of justice have always done.

"Poise the cause in justice's equal scales,
Whose beam stands sure, whose rightful cause prevails."

TREATY WITH FRANCE.

Mr. WALSH of Montana. Mr. President, on the 7th of August last the Senate adopted a resolution as follows:

Whereas doubts have been expressed as to the authority of the treaty-making power under the Constitution to enter into the treaty with France, submitted to the Senate for ratification on the 29th day of July, 1919: Therefore be it

Resolved, That the Committee on the Judiciary be, and it hereby is, requested to inquire and advise the Senate as to whether there are any constitutional obstacles to the making of the said treaty.

I have the honor by direction of the subcommittee of the Committee on the Judiciary to submit its report.

Mr. ASHURST. I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[Senate Report No. 215, Sixty-sixth Congress, first session.]

CONSTITUTIONALITY OF THE TREATY BETWEEN THE UNITED STATES AND FRANCE.

September 22, 1919—Ordered to be printed.

Mr. WALSH of Montana, from the subcommittee of the Committee on the Judiciary, submitted the following report:

The subcommittee of the Committee on the Judiciary, which was directed by a Senate resolution of August 7, 1919, to advise the Senate as to whether there are any constitutional obstacles to the making of the treaty between the United States and France, signed at Versailles, June 28, 1919, have considered the question and beg to report as follows:

The text of the resolution is as follows:

"Whereas doubts have been expressed as to the authority of the treaty-making power under the Constitution to enter into the treaty with France, submitted to the Senate for ratification the 29th day of July, 1919: Therefore be it

"*Resolved*, That the Committee on the Judiciary be, and it hereby is, requested to inquire and advise the Senate as to whether there are any constitutional obstacles to the making of said treaty."

The treaty referred to in the resolution is as follows:

"AGREEMENT BETWEEN THE UNITED STATES AND FRANCE, SIGNED AT VERSAILLES JUNE 28, 1919.

"Whereas the United States of America and the French Republic are equally animated by the desire to maintain the peace of the world so happily restored by the treaty of peace signed at Versailles on the 28th day of June, 1919, putting an end to the war begun by the aggression of the German Empire and ended by the defeat of that power; and

"Whereas the United States of America and the French Republic are fully persuaded that an unprovoked movement of aggression by Germany against France would not only violate both the letter and the spirit of the treaty of Versailles to which the United States of America and the French Republic are parties, thus exposing France anew to the intolerable burdens of an unprovoked war, but that such aggression on the part of Germany would be and is so regarded by the treaty of Versailles as a hostile act against all the powers signatory to that treaty and as calculated to disturb the peace of the world by involving inevitably and directly the States of Europe and indirectly, as experience has amply and unfortunately demonstrated, the world at large; and

"Whereas the United States of America and the French Republic fear that the stipulations relating to the left bank of the Rhine contained in said treaty of Versailles may not at first provide adequate security and protection to France, on the one hand, and the United States of America as one of the signatories of the treaty of Versailles, on the other;

"Therefore the United States of America and the French Republic having decided to conclude a treaty to effect these necessary purposes, Woodrow Wilson, President of the United States of America, and Robert Lansing, Secretary of State of the United States, specially authorized thereto by the President of the United States, and Georges Clemenceau, president of the council, minister of war, and Stéphen Pichon, minister of foreign affairs, specially authorized thereto by Raymond Poincaré, President of the French Republic, have agreed upon the following articles:

"Article I.

"In case the following stipulations relating to the left bank of the Rhine contained in the treaty of peace with Germany signed at Versailles the 28th day of June, 1919, by the United States of America, the French Republic, and the British Empire among other powers:

"'ART. 42. Germany is forbidden to maintain or construct any fortifications either on the left bank of the Rhine or on the right bank to the west of a line drawn 50 kilometers to the east of the Rhine.

"'ART. 43. In the area defined above the maintenance and assembly of armed forces, either permanently or temporarily, and military maneuvres of any kind, as well as the upkeep of all permanent works for mobilization are in the same way forbidden.

"'ART. 44. In case Germany violates in any manner whatever the provisions of articles 42 and 43, she shall be regarded as committing a hostile act against the powers signatory of the present treaty and as calculated to disturb the peace of the world,'

may not at first provide adequate security and protection to France, the United States of America shall be bound to come immediately to her assistance in the event of any unprovoked movement of aggression against her being made by Germany.

"Article II.

"The present treaty, in similar terms with the treaty of even date for the same purpose concluded between Great Britain and the French Republic, a copy of which treaty is annexed hereto, will only come into force when the latter is ratified.

"Article III.

"The present treaty must be submitted to the council of the league of nations, and must be recognized by the council, acting, if need be, by a majority, as an engagement which is consistent with the covenant of the league. It will continue in force until on the application of one of the parties to it the council, acting, if need be, by a majority, agrees that the league itself affords sufficient protection.

"Article IV.

"The present treaty will be submitted to the Senate of the United States at the same time as the treaty at Versailles is submitted to the Senate for its advice and consent to ratification. It will be submitted before ratification to the French Chambers of Deputies for approval. The ratifications thereof will be exchanged on the deposit of ratifications of the treaty of Versailles at Paris or as soon thereafter as shall be possible.

"In faith whereof the respective plenipotentiaries, to wit: On the part of the United States of America, Woodrow Wilson, President, and Robert Lansing, Secretary of State, of the United States; and on the part of the French Republic, Georges Clemenceau, president of the council of ministers, minister of war, and Stéphen Pichon, minister of foreign affairs, have signed the above articles both in the English and French languages, and they have hereunto affixed their seals.

"Done in duplicate at the city of Versailles, on the 28th day of June, in the year of our Lord 1919, and the one hundred and forty-third of the Independence of the United States of America.

"[SEAL.] WOODROW WILSON.
"[SEAL.] ROBERT LANSING.
"[SEAL.] G. CLEMENCEAU.
"[SEAL.] S. PICHON."

The treaty-making power is withheld from the States and is conferred upon the President and the Senate in the following paragraph of the Constitution:

"He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." * * * (Art. II, sec. 2, cl. 2.)

The Constitution fortifies this power in the following terms:

"The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority * * *. (Art. III, sec. 2, cl. 1.)

"This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." (Art. VI, cl. 2.)

There is in the Constitution no express limitation or qualification upon this power. The evident purpose was to vest in the President and the Senate that full treaty-making power which by international law and usage belongs to every sovereign and independent nation. The only restrictions are such as relate to the integrity and rights of the States and to the structure, operation, and integrity of the Federal Government.

The treaty-making power can not do what the Government in its entirity is prohibited from doing. Justice Field, in the case of Geofroy *v.* Riggs (133 U. S., 267), has clearly and fully outlined the scope of the treaty-making power in the following terms:

"The treaty power, as expressed in the Constitution, is in terms unlimited except by those restraints which are found in that instrument against the action of the Government or of its departments, and those arising from the nature of the Government itself and of that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the Government or in that of one of the States, or a cession of any portion of the territory of the latter, without its consent. (Fort Leavenworth Railroad Co. *v.* Lowe, 114 U. S., 525, 541.) But with these exceptions, it is not perceived that there is any limit to the questions which can be adjusted touching any matter which is properly the subject of negotiation with a foreign country." (Ware *v.* Hylton, 3 Dall., 199; Chirac *v.* Chirac, 2 Wheat., 259; Hauenstein *v.* Lynham, 100 U. S., 483; 8 Opinions Attys. Gen., 417; The People *v.* Gerke, 5 California, 381.)

There are a number of older cases to the same effect which we deem it unnecessary to cite. The late case of O'Reilly de Camara *v.* Brooke (209 U. S., 45) is an illustration of the ratification of a tort treaty.

Willoughby on the Constitution (vol. 1, sec. 190) states the powers of the Federal Government in the following terms:

"SEC. 190. The Federal power all-comprehensive: The control of international relations vested in the General Government is not only exclusive, but all-comprehensive. That is to say, the authority of the United States in its dealings with foreign powers includes not only those powers which the Constitution specifically grants it, but all those powers which sovereign states in general possess with regard to matters of international concern."

And Hall (English) in his work on international law, in the first paragraph of Chapter X, describes the power in the following terms:

"It follows from the position of a state as a moral being, at liberty to be guided by the dictates of its own will, that it has the power of contracting with another state to do any acts which are not forbidden, or to refrain from any acts which are not enjoined by the law which governs its international relations, and this power being recognized by international law, contracts made in virtue of it, when duly concluded, become legally obligatory."

From various sources of information it appears that such doubt as exists concerning the authority of the treaty-making power constitutionally to enter into the treaty in question arises by reason of the provision of section 8 of Article I of the Constitution, which provides that the "Congress shall have power to declare * * * war."

But the subject of making war is not without the field which the treaty-making power may occupy, because Congress is empowered to legislate with reference to it. Congress is by the same article authorized to legislate with reference to a great number of subjects, interstate and foreign commerce, for instance, in respect to which innumerable treaties have been entered into, as is shown in addresses made by two members of your committee, copies of so much of which address as are pertinent to the present inquiry are appended to this report. They were made in vindication of the constitutionality of the covenant for the league of nations, and particularly article 10 thereof, but seems to the committee equally applicable to the question concerning which its views have been solicited.

Is the treaty in question of a character that the President and the Senate are authorized to make? To answer this question, without any purpose to justify the wisdom of the treaty, a brief statement of facts is necessary. It is evident that Germany in the recent war aimed at the crippling and destruction of France—our ally in the Revolutionary War. Our country entered into the war on the primary and technical ground that Germany had invaded, attacked, and in part destroyed our commerce on the high seas, and had sought to sever our commercial intercourse with both France and England, as well as with other portions of Europe. The menace came from Germany, and it was a continuing menace. To remove that menace, both for the present and the future, it became necessary for our country to cooperate with France, as well as with England, in the great struggle. Without their aid we could not by ourselves have vanquished Germany. It was, moreover, evident that if France and England were destroyed or seriously crippled, Germany would have a free hand against our country and our commerce, and we would be to a greater or less extent at her mercy.

While Germany has been vanquished, she is still, by reason of her great resources, her large population, and her military and imperialistic spirit, liable to be a menace in the future, for nothing but force is likely to restrain her from seeking world dominion at the earliest opportunity. Compared with France, her losses in the war were moderate. France, with a population of a little more than half of Germany, lost in killed over 1,200,000 of her population and in crippled and wounded more than twice that number. One-fifth of her territory, and

that the most valuable part, was devastated and reduced to a wilderness by the German armies. And she incurred a debt so large as to strain her credit to the utmost and to make it a most serious problem to liquidate the same. In resources and in man power Germany is nearly double that of France, and if left free and untrammeled—in the unrepentant mood she seems to be in—she could, in the near future, easily overrun and cripple, if not destroy, France. It is for the interest of our country that France should be allowed to recuperate and recover her old-time vigor, for she will then be a great shield and protection to us against the German menace in the future, and, besides, she will be a great source of profitable commercial intercourse.

Aside from England, no country under present conditions is more vitally interested in preserving the integrity of France than is our own country. And what we promise to do for France by the proposed treaty England is also ready to undertake.

The material covenant of the treaty is found in the following words:

"The United States of America shall be bound to come immediately to her [France] assistance in the event of any unprovoked movement of aggression against her [France] being made by Germany."

It will be seen that this covenant only aims at protection against Germany, and that it is of a temporary character, to be merged in and substituted by the authority of the league of nations when that is established and put into operation. As the armistice covers the ground between the end of the war and the ratification of the treaty of peace, so the treaty in question aims to cover the ground from the time of the adoption of the treaty until the league of nations, provided for in the treaty, can take its place. In other words, the treaty in question is of a temporary character, to be merged in the final treaty of peace.

Such a treaty is clearly warranted by international law and usage, and is, therefore, within the scope of the treaty-making power of the United States.

Vattel, in his Law of Nations, lays down the doctrine and rule of international law in the following terms:

"But as the weaker party ought, in his necessity, to accept with gratitude the assistance of the more powerful, and not to refuse him such honors and respect as are flattering to the person who receives them, without degrading him by whom they are rendered, so, on the other hand, nothing is more conformable to the law of nature than a generous grant of assistance from the more powerful State, unaccompanied by any demand of a return or, at least, of an equivalent. And in this instance, also, there exists an inseparable connection between interest and duty. Sound policy holds out a caution to a powerful nation not to suffer the lesser States in her neighborhood to be oppressed. If she abandon them to the ambition of a conqueror, he will soon become formidable to herself. Accordingly, sovereigns who are in general sufficiently attentive to their own interests seldom fail to reduce this maxim to practice." (Sec. 179, ch. 12, book 2.)

Wheaton, in his Elements of International Law, states:

"The convention of guaranty (or guarantee) is one of the most usual international contracts. It is an engagement by which one State promises to aid another where it is interrupted, or threatened to be disturbed, in the peaceable enjoyment of its rights by a third power. * * * The guaranty may also be contained in a distinct and separate convention or included among the stipulations annexed to the principal treaty intended to be guaranteed." (Pp. 378, 379 (1916).)

We deem it unnecessary to cite further authority on this point.

Without intending to indorse all that is said in the addresses hereto appended, the committee adopts the general argument thereof as in entire accord with its views.

It is advanced that though an ordinary treaty of alliance is not beyond the power of our Government, this particular treaty offends against the Constitution because, by article 3, there is an unlawful delegation of the power conferred by the Constitution, or that by it there is introduced an agency in the treaty-making power not recognized by the Constitution.

That article reads as follows:

"The present treaty must be submitted to the council of the league of nations and must be recognized by the council, acting, if need be, by a majority, as an engagement which is consistent with the covenant of the league. It will continue in force until on the application of one of the parties to it the council, acting, if need be, by a majority, agrees that the league itself affords sufficient protection."

But in the view of the committee that article merely expresses a condition upon which the treaty becomes effective in the first place and another condition upon the occurrence of which the treaty is terminated. It is scarcely open to controversy at this day that a statute is not invalid because of a condition that it is to go into effect upon a certain contingency, as, for instance, on its approval by the electorate of a State. Similarly, it may pass out of existence upon the happening of some other event in the statute prescribed. The principle involved had the express approval of the Supreme Court in Field *v.* Clark (143 U. S., 649) and more recent cases. There seems to be no reason to doubt that the principle is equally applicable to treaties.

No attempt is made in the treaty, it will be noted, to invest the council with power to add to or subtract from its provisions or to modify them in any way.

The treaty under consideration is clearly warranted by international law, and as such is within the scope of the treaty-making power; and there is nothing in the Constitution which can be construed to prohibit it.

EXCERPTS FROM THE SPEECH OF SENATOR THOMAS J. WALSH OF MONTANA IN THE SENATE ON JUNE 11, 1919.

THE COVENANT AND THE CONSTITUTION.

Mr. WALSH of Montana. Mr. President, in the general assault upon the plan devised by the statesmen assembled at the peace conference at Versailles for a league of nations to insure the future peace of the world it is insisted that the covenant submitted is in contravention of the Constitution of the United States, and ought for that reason to be rejected by the Senate.

* * * * * * *

This view has not only been advanced in speeches on the floor but there was introduced into the RECORD a contribution to the press by an eminent jurist of the District of Columbia, and wide circulation has been given to addresses of a former ambassador, a professor of law, in which it is elaborately supported.

More recently an address by a Federal judge, asserting that the covenant contravenes the Constitution, was made a part of the RECORD, and on yesterday a resolution was presented by the junior Senator from Pennsylvania, formerly Attorney General of the United States and later Secretary of State, in which the league is denounced and the demand is made that the covenant be separated from the other provisions of the treaty, one paragraph of the resolution, evidently aimed at the covenant, being as follows:

"That since the people of the United States have themselves determined and provided in their Constitution the only ways in which the Constitution may be amended, and since amendment by treaty stipulation is not one of the methods which the people have so prescribed, the treaty-making power of the United States has no authority to make a treaty which in effect amends the Constitution of the United States, and the Senate of the United States can not advise and consent to any treaty provision which would have such effect if enforced."

The basis of the recital from this high authority that the treaty of which the covenant forms a part is inconsistent with the Constitution will be referred to later.

Journals of wide circulation and more or less influence, antagonistic to the league, have assumed, without any attempt at demonstration, that the contention so made is confessedly sound, and that, as one such at least has expressed it, radical amendments of our organic law will be necessary before the United States can enter into the league. The eminent Senator from Massachusetts in the debate with President Lowell, of Harvard, which attracted wide notice, pursued this easy method of disputation, and having assumed the antagonism to be indisputable, added: "No doubt we could amend our Constitution to fit the league, but it would take some time."

The comment just made is offered lest, in view of the history of our country, to which reference will be made, this effort to refute the contention thus advanced might be deemed a work of pedantic supererogation.

BASIS OF CLAIM.

In the main it is founded upon the claim that by the treaty, of which the league is a constituent feature, in the making of which the House of Representatives has no part, our country becomes obligated in a way in which it can be bound, or becomes committed to a course or policy upon which it can enter only through the action of Congress—that is to say, the concurrent action of both Houses of the national legislature. It is particularly urged that the covenant obligates us to wage war in certain contingencies, while the Constitution (Art. I, sec. 8) declares that "Congress shall have power to declare war." The proposition is extravagantly expressed by some as an attempt to transfer the power to declare war from Congress to the league.

In an address delivered in the Senate on December 18 last by the junior Senator from Pennsylvania the question was raised by the following inquiry and comment:

"Suppose that it were proposed that the United States should bind itself in advance by treaty to go to war in given circumstances. Under the Constitution war can be declared only by the Congress. How could the President, by negotiating a treaty, and the Senate, by consenting to its ratification, bind this country to declare war? A declaration of war is, under the Constitution, a prerogative of the Congress. The appropriations to initiate or to conduct war are in the discretion of the Congress."

It will be noted that the Senator, whose acknowledged ability as well as his experience as Attorney General and Secretary of State give to his utterances on the subject he was discussing unusual weight, did not unequivocally commit himself to the view that the treaty-making power is not sufficiently broad to warrant a convention obligating the Nation to make war, either presently or upon a future contingency, yet the casual reader, and especially one disinclined, for any reason, to give the league his support, would unquestionably receive the impression from the language quoted that the Senator subscribed to and had announced that doctrine.

SUCH A TREATY NOT UNIQUE.

In this connection an incident in our diplomatic history, presently to be referred to, is illuminating. The covenant does undoubtedly, should the treaty be signed, obligate this country to make war. Article 10, frequently referred to, reads as follows:

"The members of the league undertake to respect and preserve, as against external aggression, the territorial integrity and existing political independence of all members of the league. In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled."

That plainly means that if the territory of any member is invaded or threatened by the military forces of any other nation within or without the league, all other members thereof will come to its assistance to repel the aggressor and coerce him into keeping the peace. It may be that commercial pressure and isolation contemplated by other provisions of the covenant may be found effective to restrain a threatened or anticipated military movement directed at a member of the league, but all efforts less drastic failing, the obligation can be honorably discharged only by joining our forces with those of the threatened or invaded country and of the other nations obligated with us and making war upon the disturber of the general peace.

Much eloquence has been expended in denunciation of this feature of the league, but it is the soul and spirit of the covenant. Cut it out, and the heart is cut out of the only plan the statesmanship of the world has been able to devise or has ever been able to offer for the preservation of the peace of the world as a substitute for the system which has again exhibited itself to an agonized world as a colossal and yet miserable failure, but to which some Senators still exhibit a fatuous attachment. It is true, beyond doubt, that that article obligates us to make war. But we have not hesitated heretofore to assume a like obligation. We entered into a treaty with the Republic of Panama, the first article of which is as follows:

"ART. 1. The United States guarantees and will maintain the independence of the Republic of Panama."

No one can doubt the significance of that undertaking. We go to war with any country that attempts to reduce the Republic through whose concession we built the Panama Canal. That treaty was entered into in the year 1904, the late Theodore Roosevelt being President of the United States and PHILANDER C. KNOX, now a Senator from the State of Pennsylvania, his Attorney General and official legal adviser. Whatever view may now be entertained by the latter, it is quite evident that in 1904, at least, he harbored no serious doubt of the binding character of a treaty under which the United States became obligated to resort to the dread arbitrament of war. It would be doing him, as well as the President of the United States who negotiated the treaty, a gross injustice to imagine that they accepted the grant of the Canal Zone upon the considerations named in the treaty, the first in importance to the feeble young Republic of Panama being the guaranty of its independence, if either of them at the time conceived that there was any doubt of the authority of the President and the Senate in the

exercise of the treaty-making power so to bind the Nation. The comment of the Senator above quoted may well arouse apprehensions on the part of the Government and people of Panama which, in view of his relation to the treaty, he will doubtless hasten to still, if his further study of the subject will permit, by the assurance that whatever doubts he may have entertained in the month of December last concerning the binding character of article 1 of the treaty of 1904, they have, on further reflection, been resolved in favor of the view that it is a solemn obligation of the United States entered into in conformity with the Constitution.

It is persuasive that though the treaty referred to was, at the time it was negotiated, the subject of heated controversy, the right of the President and the Senate under the Constitution to obligate the Nation, as recited in article 1, was questioned by no one, so far as the report of the public debates in relation to the treaty discloses, though there were then in the Senate many profound lawyers, life-long students of the Constitution, including Senators Bacon, Hoar, and Spooner.

Among those voting to ratify it were the following, still Members of the Senate: Senators LODGE, MCCUMBER, NELSON, PENROSE, SIMMONS, SMOOT, and WARREN. It was not without precedent in assuming that there was no transgression of the Constitution in the treaty. In the year 1846 a treaty was concluded with the Republic of New Granada, in which, mention having been made of means of transportation across the Isthmus of Panama and certain concessions in relation thereto granted to the United States, our Government subscribed to the undertaking, evidenced by the following clause thereof:

"And in order to secure to themselves the tranquil and constant enjoyment of these advantages, and as an especial compensation for the said advantages and for the favors they have acquired by the fourth, fifth, and sixth articles of this treaty, the United States guarantee, positively and efficaciously, to New Granada, by the present stipulation, the perfect neutrality of the before-mentioned Isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists; and, in consequence, the United States also guarantee in the same manner the rights of sovereignty and property which New Granada has and possesses over the said territory."

At the time of the ratification of that treaty Webster, Benton, Calhoun, and Clayton were Members of the Senate. None of them, so far as history discloses, had any misgivings concerning the power of the President and the Senate thus to agree for the Nation.

Webster had only recently returned after quitting the post of Secretary of State. Shortly thereafter, in the course of a speech delivered in the Senate, he referred to the provision of the treaty above quoted and alluded to it as a binding obligation of the Government, saying:

"This Government, looking upon this stipulation as a benefit obtained, a boon conceded by the Government of New Granada, as an equivalent for this consideration, entered on its part into an engagement to protect and guarantee and defend the neutrality of this whole Isthmus. This will be seen by reference to the thirty-fifth article of the treaty, which will be found in the volume of the laws of the last session. It is there very distinctly stated. There is no question about it. We are under treaty obligations to maintain the neutrality of this Isthmus and the authority of the Government of New Granada over it."

Senators who insistently protest against the league because the covenant under which it is to operate obligates each member to come to the aid of any that may be attacked by another nation—an obligation which contemplates the waging of war—but into which, it is asserted, this Government can not consistently with the Constitution enter, constitute themselves the special champions of the Monroe doctrine, the maintenance of which they aver to be essential to the preservation of the national integrity. With repeated professions of their devotion to America and her institutions, carrying faintly the suggestion that it is of a quality superior to that of those who differ with them concerning the wisdom of entering into the league, they proclaim that the Monroe doctrine must be upheld at all cost. But what is the Monroe doctrine but a voluntary obligation assumed by the United States to "respect and preserve as against external aggression"—external in this case signifying transoceanic—the Republics of South and Central America? It may be more, but it is at least that. If we were to enter into a treaty with Brazil, say these expounders of the Constitution, by which, upon some consideration moving to us, we undertook to "preserve as against external aggression" her "territorial integrity and existing political independence," it would be a void act, but we are even now bound to do so without a treaty under peril of national obliteration.

HISTORY OF THE CONTENTION.

The controversy over the limitations of the treaty-making power of the Government or of the Executive and the Senate, now renewed, is as old, almost, as the Constitution. It was precipitated by the famous Jay treaty, negotiated in 1794, during the administration of President Washington, and was then disposed of in a way that ought to have been regarded as a final interment of the contention that is the subject of this discussion. Like Banquo's ghost, however, it will not down. It has again and again been urged that in all cases in which, by the Constitution, the action of Congress is necessary—that is to say, participation by the House of Representatives is essential in order that the treaty may be carried out and its obligations discharged—the Executive and the Senate are without authority to enter into the treaty, wanting the concurrence of the House, or the subject altogether transcends the treaty-making power of the Government. The contention has been uniformly rejected, but it renews its youthful vigor from time to time and is urged with all the ardor that ordinarily attends a first presentation, and without the slightest reference to or regard for its unfortunate history. * * *

The Jay treaty gave rise to much acrimonious discussion in the country while it was before the Senate; feeling in respect to it, more or less partisan in character, ran high, but it was eventually ratified by a bare two-thirds vote. It provided for the appointment of various commissions to adjust boundary disputes and to report on claims growing out of the War for Independence. In due course, on the exchange of ratifications, bills were introduced in the House of Representatives making appropriations to meet the salaries of the commissioners so appointed and the other expenses attendant on their labors. Thereupon the contention heretofore adverted to was made, that inasmuch as the treaty could not be carried out without action by the House, it remained in the stage of negotiation until the approval of that body was accorded it, that any nation dealing with ours was bound to take notice of the limitation on the treaty-making power thus asserted, so that no breach of national faith could be charged if the House withheld its approval, and that the duty devolved upon that body to enter into an inquiry as to the wisdom of the still imperfect treaty submitted to it. This view secured the adherence of a majority of the House, which adopted a resolution calling upon the President for the correspondence and documents relating or leading to the treaty. President Washington declined to submit the papers, saying in a dignified reply made to the request of the House, "It is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty." Among other reasons advanced by him impelling his mind to that conclusion, he observed:

"Having been a member of the general convention and knowing the principles on which the Constitution was formed, I have ever entertained but one opinion on this subject; and from the first establishment of the Government to this moment my conduct has exemplified that opinion—that the power of making treaties is exclusively vested in the President, by and with the advice and consent of the Senate, provided two-thirds of the Senators present concur; and that every treaty so made and promulgated thenceforward became the law of the land. It is thus that the treaty-making power has been understood by foreign nations, and in all the treaties made with them we have declared and they have believed that when ratified by the President, with the advice and consent of the Senate, they became obligatory. In this construction of the Constitution every House of Representatives has heretofore acquiesced, and until the present time not a doubt or suspicion has appeared, to my knowledge, that this construction was not the true one. Nay, they have more than acquiesced; for till now, without controverting the obligation of such treaties, they have made all the requisite provisions for carrying them into effect."

The debate on the bills was renewed on the receipt of the President's reply, his position being eloquently championed by Fisher Ames, of Massachusetts. A resolution that the legislation ought to be enacted was carried by a close vote, and the bills were duly passed.

The baselessness of the contention appeared so obvious to Chancellor Kent that, referring to the resolution of April 7, 1796, heretofore adverted to, in his commentaries he said:

"It can not be mentioned at this day without equal regret and astonishment that such a resolution passed the House of Representatives."

The discussion of the subject was renewed over the Louisiana Purchase treaty. A like resolution was introduced in the House, which was called upon to make provision for the payment of the purchase price of the vast domain ceded by France—$15,000,000—but it was defeated, the Federalists leading in the contention that it was the right and the duty of the House to inquire into the merits of the treaty, as the Republicans, by which name the party of Jefferson was then known, had led in opposition to the Jay treaty. The historian does not hesitate to assign partisan bias as the moving influence in each instance for the attitude of those who insisted that the treaty was void or inchoate, wanting the approval of the House of Representatives, and the circumstance that the leaders of each of the parties of that day took a position in 1803 the very reverse of that they assumed in 1796 leaves little doubt of the justice of the judgment thus passed upon the official acts.

The chronicler of the events of our fateful day will not fail to note how statesmen who, scarcely more than three years ago, when the hope was reasonably indulged by them that the treaty of peace presently to be submitted to us would be negotiated during a Republican administration, extolled the plan of a league of nations to preserve the peace of the world, then contemplated as an integral part of the treaty, as worthy of all praise, a consummation most devoutly to be wished, now that it comes as the result of the labors of a Democratic President, denounce it as an abomination.

The resolution looking to an inquiry by the House of Representatives into the course of the negotiations resulting in the treaty with France having been disposed of, it quickly recognized the binding force thereof, the obligation which, through it, had been incurred by the Nation, and passed the necessary legislation for the liquidation of the debt.

The controversy was renewed, however, in 1816 over the commercial treaty with Great Britain; in 1834 in connection with a later treaty with France; in 1867 after the treaty with Russia ceding Alaska; in 1887 while the Hawaiian treaty was before the Senate; in 1899 over the treaty with Spain, by which the Philippines were acquired; and, in a mild way, in 1904, when the treaty with Panama was being considered.

SUBJECT NOT EXCLUDED FROM TREATY-MAKING POWER BECAUSE CONGRESS EMPOWERED TO LEGISLATE CONCERNING IT.

A number of the treaties referred to called for large appropriations to pay for territory acquired; others required legislation modifying our tariff and tonnage laws; others, as heretofore pointed out, bound us in defensive alliances, contemplating in each case war against the enemy of the other party to the treaty. In no case has Congress ever declined to pass the necessary legislation to make effective or to carry into execution the treaty.

It is of no consequence that the treaty deals with a subject with reference to which Congress is given power to legislate. The President, by and with the advice and consent of the Senate, is, by the Constitution, given power to make treaties which, with the Constitution and laws of the United States made in pursuance of it, are the supreme law of the land, as the Constitution declares.

It has been held by the Supreme Court so often that reference to specific cases is unnecessary, that a treaty in conflict with a prior act of Congress repeals it, and e converso that a later act of Congress inconsistent with a treaty renders it nugatory, the later law prevailing. There could, of course, be no conflict if the two did not occupy the same field.

"By the Constitution a treaty is placed on the same footing and made of like obligation with an act of legislation. Both are declared by that instrument to be the supreme law of the land, and no superior efficacy is given to either over the other." (Whitney *v.* Robertson, 124 U. S., 190.)

The theory that the treaty-making power does not extend to any subject with reference to which power is vested in Congress, if it ever was seriously maintained, was long ago exploded. I can not hope to expose its utter weakness with anything like the eloquence or lucidity with which the task was discharged by Hon. James Barbour, a Senator from Virginia, in the great debate on the commercial treaty with Great Britain in 1816. I submit, however, a few observations in that connection.

The Constitution gives to Congress power to legislate with reference to foreign commerce, but this does not mean that the President may not, by and with the advice and consent of the Senate, enter into commercial treaties. The constitutional convention clearly contemplated that such treaties would come within the power it proposed to confer upon the President and the Senate, since it rejected a proposition to require the assent of two-thirds of all the Members of the Senate for the ratification of commercial treaties, though the concurrence of two-thirds of those present would suffice in the case of other treaties. Commercial

treaties have been negotiated with nearly every civilized country, dealing with a multiplicity of questions affecting transactions in foreign commerce, in most instances either requiring action by Congress or stipulating against its action or constraining it to action along prescribed lines.

So Congress is given power by the first clause of section 8 of Article I of the Constitution to lay and collect duties, which further provides that all bills for raising revenue shall originate in the House of Representatives. Yet by the Louisiana Purchase treaty it was stipulated that for 12 years the ships of France or Spain entering any of the ports of the ceded territory shall be required to pay only such tonnage charges and duties upon their cargoes as should be exacted of the ships and citizens of the United States, and that such privileges should be extended to no other nation.

By article 1 of the treaty with Cuba, proclaimed December 17, 1903, it is provided that all products of that country then admitted to the United States free of duty should thereafter, so long as the treaty stood, be so admitted without payment of any duty, and by article 2 of the same treaty the United States bound itself to admit all other products of the young Republic with a differential in its favor of 20 per cent. An examination of the record discloses that among those voting to ratify that treaty was the senior Senator from Massachusetts, who in the debate with President Lowell, told his auditors that the treaty embracing the league covenant, "because the tariff is involved in the article for the boycott," and because it allows other nations to "meddle with our tariff," "runs up against a provision of the Constitution," which "provides that all revenue bills shall originate in the House of Representatives." The covenant contemplates that instead of resorting to war to coerce a recalcitrant nation commercial pressure or commercial isolation may be resolved upon by the league. If it recommends that course, the Nation binds itself to lay an embargo, a procedure expressly held by the Supreme Court more than a hundred years ago to be within the power of Congress to direct. The tariff is only remotely involved, if involved at all. By what provision of the covenant do we permit foreign nations to "meddle" with our tariff? It is difficult to conceive how our tariff could come before the league for consideration. It is a domestic question, expressly excluded from those with which the league deals, distinctively a matter of domestic policy which each nation has heretofore solved without question as to its right under international law to do so, in accordance with its own views of its interest. Our tariff has never yet brought us to the threshold of war with any country. If we do not discriminate against any particular nation—and our commercial treaties forbid us to do so; even if our settled policy did not—how can any complain? We have, as stated, repeatedly made treaties by which we, in consideration of reciprocal advantages they respectively accorded us, bound ourselves that Congress would not exercise its full powers with reference to the tariff, so extensive as to permit our Government to reward its friends and punish its enemies through discriminatory duties. In that sense we have permitted foreign nations in the past to "meddle" with our tariff * * *.

Again, the Constitution invests Congress with the power to "raise and support armies" and to "provide and maintain a navy," but it does not preclude the President and the Senate, in the exercise of the treaty-making power, from entering into a treaty limiting the size or nature of our Military Establishment or the number of ships we shall maintain as a part of our Navy, or the particular waters in which they may be stationed. We have, in fact, entered into a treaty with Great Britain, scrupulously observed for over a century, not to keep on the Great Lakes more than a limited number of armed vessels, fitted only for police and like duties appertaining to the collection of revenue, a reciprocal agreement having been entered into by the British Government on behalf of Canada. Despite repeated assaults upon that convention, it remains a solemn obligation of this Government, as was conclusively demonstrated a few days ago by the eloquent junior Senator from Arizona. There would seem to be no reason why we might not enter into a reciprocal treaty, under which both countries interested would undertake not to maintain military posts along the great international boundary line between this country and Canada, a policy that has been pursued by each since early in the last century without a treaty.

Congress is empowered to make laws in relation to the naturalization of aliens, but in perhaps every treaty through which any addition was made to our territory stipulations are found through which the subjects or citizens of the State making the cession, residing in the newly acquired territory, were admitted to citizenship. Such wholesale citizenship was conferred upon the inhabitants of Florida by the treaty of cession with Spain ratified in 1821. The United States even obligated itself by that treaty to admit Florida into the Union as one of the States.

Congress is authorized to make all needful rules and regulations concerning the territory and other property of the United States. We negotiated a treaty with Japan, Russia, and Great Britain by which the United States, in order to conserve the fur-seal herd, whose breeding grounds are on the Pribilof Islands, from extinction through pelagic sealing carried on by the citizens or subjects of those countries, agreed to kill annually the mature bachelor seals resorting to the islands and to divide the skins in proportions specified in the treaty between the nations named and our own, they and we agreeing to make pelagic sealing criminal. It may be that the seals in the sea are ferae natura, belonging to no one, but we have all the incidents of ownership in them while they are on the breeding grounds, the property of the United States.

Is there any doubt that a treaty could be made with Great Britain by which this country should make an island in Lake Superior a bird refuge, if she should devote an adjacent island on her side to the same purpose, or with Mexico to the effect that if she would establish a refuge for migratory birds wintering in her territory we would set apart certain territory in Alaska for their protection on which they make their summer home?

Note that the provision of the Constitution gives to Congress power not only to make all needful laws respecting the territory, but as well respecting other property of the United States. We have a treaty with Great Britain concerning the use of the Sault Ste. Marie Canal and another concerning the use of the Panama Canal. In all the heated controversy over the subject of the tolls, participated in by the ablest lawyers in America, no one ventured to contend that the treaty is void because dealing with a subject with reference to which Congress is given power to legislate.

The position that a subject is beyond the treaty-making power because within the powers granted to Congress is utterly indefensible and need be no longer noticed.

Heretofore one of the most distinguished expositors of this theory of our Constitution, now so eagerly embraced by the opponents of the league, was a German jurist—Dr. Ernest Meier, a professor in one of the universities of his country, who in a volume of his lectures commented as follows:

"Congress has, under the Constitution, the right to lay taxes and imposts, as well as to regulate foreign trade, but the President and the Senate, if the 'treaty-making power' be regarded as absolute, would be able to evade this limitation by adopting treaties which would compel Congress to destroy its whole tariff system. According to the Constitution, Congress has the right to determine questions of naturalization, of patents, and of copyright. Yet, according to the view here contested, the President and Senate, by a treaty, could on these important questions utterly destroy the legislative capacity of the House of Representatives. The Constitution gives Congress the control of the Army. Participation in this control would be snatched from the House of Representatives by a treaty with a foreign power by which the United States would bind itself to keep in the field an army of a particular size. The Constitution gives Congress the right of declaring war; this right would be illusory if the President and Senate could by a treaty launch the country into a foreign war. The power of borrowing money on the credit of the United States resides in Congress; this power would cease to exist if the President and Senate could by treaty bind the country to the borrowing of foreign funds. By the Constitution 'no money shall be drawn from the Treasury but in consequence of appropriations made by law'; but this limitation would cease to exist if by a treaty the United States could be bound to pay money to a foreign power. * * * Congress would cease to be the lawmaking power as is prescribed by the Constitution; the lawmaking power would be the President and the Senate. Such a condition would become the more dangerous from the fact that treaties so adopted, being on this particular hypothesis superior to legislation, would continue in force until superseded by other treaties. Not only, therefore, would a Congress consisting of two Houses be made to give way to an oligarchy of President and Senate, but the decrees of this oligarchy, when once made, could only be changed by concurrence of President and of senatorial majority of two-thirds."

The war has demonstrated how feebly the German mind has been able to comprehend the American character or the American system. The evils he foresees may, indeed, ensue, but none of them ever have befallen us, and the probability of our experiencing them is too remote to prompt us to revise our Constitution because of the defects and dangers he so generously points out. His apprehensions are quite like those that the opponents of the Constitution sought to arouse when it was before the people for ratification. The dangers inherent in the treaty-making power were a fruitful theme in those days. Indeed, the Constitutional Convention was not without a keen sense of the tremendous nature of the authority it was extending to the Executive and the Senate through the few brief words in which it is conveyed. But it rightly concluded that a compact with a foreign Government which commanded the support of the President and two-thirds of the Senate could scarcely be inimical to the welfare of the Union, so far as enlightened public opinion could discern the national interest, and that it was scarcely conceivable that such concert could be secured for a policy that was violative or destructive to American ideals.

LIMITATIONS ON TREATY-MAKING POWER CONSIDERED.

But it is asserted that though the treaty-making power may be vast, it is not unlimited. Undoubtedly so. It is said to be impossible to frame a power of attorney in terms so general as not to be subject to implied limitations. Whatever the limitations on the treaty-making power, they are implied; none whatever are expressed. "He [the President] shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators concur," is the simple language of the Constitution. Nothing is excluded in express terms. No particular kind of treaties is specified, so that all kinds are included—treaties of alliance, offensive and defensive, commercial treaties, extradition treaties, arbitration treaties.

In the opinion of the Supreme Court of the United States (Hauenstein v. Lynham, 100 U. S., 483) the following is quoted with approval from a speech delivered in the House of Representatives by William Pinkney, of Maryland:

"The word 'treaties' is nomen generalissimum and will comprehend commercial treaties, unless there be a limit upon it by which they are executed. It is the appellative, which will take in the whole species, if there be nothing to limit its scope. There is no such limit. There is not a syllable in the context of the clause to restrict the natural import of its phraseology. The power is left to the force of the generic term and is therefore as wide as a treaty-making power can be. It embraces all the varieties of treaties which it could be supposed this Government could find it necessary or proper to make, or it embraces none. It covers the whole treaty-making ground which this Government could be expected to occupy, or not an inch of it.

"It is a just presumption that it was designed to be coextensive, with all the exigencies of our affairs. Usage sanctions that presumption—expediency does the same. The omission of any exception to the power, the omission of the designation of a mode by which a treaty not intended to be included within it might otherwise be made, confirms it."

Reliance is placed upon the language of Justice Field in Geofroy v. Riggs (133 U. S., 258–267), as follows:

"The treaty power, as expressed in the Constitution, is in terms unlimited except by those restraints which are found in that instrument against the action of the Government or of its departments, and those arising from the nature of the Government itself and of that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the Government or in that of one of the States, or a cession of any portion of the territory of the latter, without its consent."

Which is followed by this sentence:

"But with these exceptions it is not perceived that there is any limit to the questions which can be adjusted touching any matter which is properly the subject of negotiation with a foreign country."

With much diffidence, but with the utmost confidence, I venture to assert that the territory of a State may either in whole or in part be ceded under the treaty power without its consent, though the dictum of the learned justice is supported by the authority of other great names. Had Mexico listened to the lure of the Zimmermann-Eckhardt note, joined her fortunes with those of Germany in an effort to regain the "lost provinces," and under the stern compulsion of a dictated peace following a decisive victory of Wilhelm and his allies, a treaty was signed by the President and ratified by the Senate ceding to Mexico Texas, New Mexico, and Arizona, can anyone doubt the efficacy of the act to transfer the sovereignty over that imperial domain to our prudent neighbor to the south which wisely ignored the invitation? Would it be asserted, for instance, that thereafter a Federal court could continue to function within the region affected; that United States revenue officers could

continue to discharge their duties therein as theretofore; and that their acts would be recognized by our courts as valid because the treaty was without constitutional warrant? Could the Secretary of the Interior be mandamused to issue a patent to lands therein to one otherwise becoming entitled to it? To my mind, it is of no consequence that the President and the Senate may have yielded their assent in order to save from subjection the remainder of the country or to preserve it from desolation. Manifestly an overweening necessity must be assumed to imagine such an exercise of the treaty-making power, but who is to judge of the necessity; who shall say when conditions are sufficiently grave to justify such a treaty? Obviously not the courts, and equally obvious is it that the determination rests with the President and the Senate.

What good reason is there to doubt that an exchange might be effected by treaty of islands lying off our coast, one being within the jurisdiction of one of the States of the Union, but devoted wholly to national uses, the other more suitable to our purposes belonging to the other party to the treaty? Assume the case of two islands in Puget Sound or the Strait of San Juan de Fuca, both uninhabited, the one a part of the State of Washington, and consequently of the United States, and the other within the jurisdiction of British Columbia. She is willing to exchange, and the National Government is desirous of acquiring her island with a view to devoting it to the better protection of that coast against an enemy or some purpose connected with the safer navigation of those waters. Can the State of Washington veto the transfer? It is unreasonable that she should; but is the rest of the country at the mercy of her whim? If the island were densely populated and the inhabitants adverse to going under foreign dominion, in all reasonable probability the President and the Senate would yield unhesitatingly to their desires. But that aspect of the case presents the question of the wisdom or justice of making and not to the power to make the treaty.

Without attempting to specify, I may say that considerations similar to those here advanced have led statesmen and jurists of no less eminence than those announcing a contrary view to the conclusion that under the treaty-making power even the territory of one of the States of the Union may be transferred to a foreign power.

In the adjustment of the northeast boundary dispute the formal assent of Maine and Massachusetts was secured, not because of the surrender of territory over which they asserted jurisdiction, for Massachusetts could claim none, but because they owned in common lands within the region which under the Webster-Ashburton treaty went to New Brunswick, as will appear from the speech of Mr. Webster in justification of the compromise made on his reentry into the Senate.

This particular inquiry is in the nature of a digression from the general subject. It has been followed to perhaps unpardonable length only to make more clear the very comprehensive character of the treaty-making power conferred by the Constitution.

But, whatever the limitations on the treaty-making power may be, they obviously do not embrace undertakings such as article 10 of the covenant, in effect, as pointed out, a treaty of alliance under which the United States is obligated to go to the aid of any member of the league attacked by another nation contrary to the covenant. Alliances were, and for centuries had been, common among the nations of the earth at the time the Constitution was adopted. The right to enter into such inheres in a sovereign independent State. The Representatives of the United States in Congress assembled having proclaimed, in the Declaration of Independence, that the Colonies are, and of right ought to be, free and independent States, continued, that as such "they have full power to levy war, conclude peace, contract alliances," and "do all other acts and things which independent States may of right do."

An alliance in international law is—

"A union or association of two or more States or nations, formed by league or treaty, for the joint prosecution of a war or for their mutual protection in repelling hostile attacks." (Black's Law Dictionary.)

Bouvier has the following definition of the term and comment thereon:

"In international law: A contract, treaty, or league between two or more sovereigns or States made for purposes of aggression or defense.

"Defensive alliances are those in which a nation agrees to defend her ally in case the latter is attacked. Offensive alliances are those in which nations unite for the purpose of making an attack or jointly waging war against another nation."

A modern writer on international law says:

"Alliances in the strict sense of the term are treaties of union between two or more States for the purpose of defending each other against an attack in war or jointly attacking third States or for both purposes."—Oppenheim.

It is inconceivable that the founders of our Government should, at its birth, specifically assert the right of the United States as an independent Nation to contract alliances and that they then contrived a Constitution which disabled the Nation from so contracting. As is well known, having declared their right so to do, they proceeded without delay to enter into a treaty of alliance with France. Some provisions of this treaty are interesting in this connection. Article 1 is as follows:

"If war should break out between France and Great Britain during the continuance of the present war between the United States and England, His Majesty and the said United States shall make it a common cause and aid each other mutually with their good offices, their counsels, and their forces, according to the exigence of conjunctures, as becomes good and faithful allies."

Article 8 as follows:

"Neither of the two parties shall conclude either truce or peace with Great Britain without the formal consent of the other first obtained; and they mutually engage not to lay down their arms until the independence of the United States shall have been formally or tacitly assured by the treaty or treaties that shall terminate the war."

Article 11, in part, as follows:

"The two parties guarantee mutually from the present time and forever against all powers, to wit: The United States to His Most Christian Majesty, the present possessions of the Crown of France in America, as well as those which it may acquire by the future treaty of peace. And His Most Christian Majesty guarantees on his part to the United States their liberty, sovereignty, and independence." (I Treaties and Conventions, pp. 480–481.)

This treaty was in full force and vigor at the time the Constitution was drafted and adopted. It gave rise to universal rejoicing at the time it was effected and retained, when the convention was engaged in its labors and throughout the stormy period that preceded the adoption of the Constitution, a high place in popular favor. The excesses of the French Revolution which followed speedily were largely responsible for the determination later arrived at and concurred in by nearly all our leading statesmen, to disregard some of its obligations, speedily condoned by France, which in a spirit of continued amity and with a quickened sense of a common interest ceded Louisiana to our country under Napoleon. There is no doubt that it was the distressing experience we had had with this treaty with France that led Washington to warn his countrymen in his Farewell Address against "entangling alliances." It will be remembered that in the same connection he descanted upon the unwisdom of entertaining either excessive love or excessive hatred toward any nation, having in mind the prevailing intensity of feeling with regard to France on the one hand and Great Britain on the other growing out of the War for Independence.

It is unnecessary to say that if in the opinion of Washington, and Hamilton, it might be added, for the latter undoubtedly collaborated in the preparation of the address, the treaty-making power did not, under the Constitution, extend to alliances, offensive or defensive, or both, there would have been no occasion to give the warning of which so much has been heard in this debate. The revered statesman, who was president of the convention which framed the Constitution, would have contented himself with an admonition to observe scrupulously the fundamental law, and a reminder to his readers that it forbade treaties of alliance.

* * * * * * *

Article 10 is unassailable on constitutional grounds. In its substantive part it is to all intents and purposes a treaty of alliance. It concludes, "In case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled." The purpose of this clause is obviously to secure concert of action, but it is left to each nation to determine for itself, the recommendation of the council notwithstanding, whether the occasion calls for action in fulfillment of its obligation and how that obligation ought to be discharged.

Under article 16 each member undertakes that it will, should any other resort to war in disregard of articles 12, 13, or 14, immediately interdict all trade or financial relations with the nationals of the covenant-breaking State—that is, institute a complete embargo against the offending State. In such a case it becomes the duty of the council to "recommend to the several Governments concerned what effective military and naval forces the members of the league shall severally contribute to the armaments or forces to be used to protect the covenants of the league," the obligation to make war in such case arising, if at all, by virtue of the covenant of article 10. Again, the only power the council has in the premises is to recommend what contribution each nation should make, that a recalcitrant may be reduced should a resort to arms be necessary.

NO DELEGATION OF AUTHORITY TO DECLARE WAR.

A careful study of the covenant will reveal that neither the council nor the assembly has any power to declare war or even to call upon the members to make war, unless the authority to issue such a call and the obligation to respond is implied in the first section of article 11, as follows:

"Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations."

At most the language quoted can not be construed to grant any more extensive authority than is reposed in the council under article 10 should a war of aggression be prosecuted by any member of the league, namely, to advise upon the means by which it is to be suppressed. Even if authority were reposed in either assemblage of league representatives to determine whether the obligation of article 10 had become active, and that it must be discharged by war against the offending State, there could be no valid objection to the covenant on constitutional grounds, for the various clauses through which such power would be granted would amount only to a covenant to make war whenever the league should determine as a fact that through external aggression the territorial integrity or political independence of a member was threatened. In any case there is no delegation of authority to the league to declare war or to make any order or proclamation as a result of which a state of war with all its consequences, like the suspension of all commercial intercourse, with which we have become familiar, immediately follows. A declaration of war by Congress is indispensable to put this country in a state of war unless actually attacked. The league covenant is a treaty by which our country binds itself at most to take the necessary steps to engage in war when the league determines that the occasion has arisen when, under the treaty, it should do so. This was recognized by the junior Senator from Washington in that part of one of his forceful addresses in which he assailed the league as being violative of the Constitution. But, he asserted, the action of Congress in such case would be perfunctory, there would be no escape from the obligation of the treaty "but in repudiation and dishonor." He is quite right. When by the treaty with France our country agreed to pay $15,000,000 for Louisiana, Congress was called upon perfunctorily to make the necessary appropriation. It could not in honor canvass the wisdom or the unwisdom of the purchase. The treaty obligated us to enact the necessary legislation. There was no escape from that obligation but in repudiation and dishonor. Similarly when by treaty we acquired Florida, Congress was called upon perfunctorily to make the necessary appropriation. And so with each successive acquisition of territory by treaty involving the payment of money—the purchase of Alaska and the Philippines, by way of illustration.

The Senator is right that there would be no escape from the obligation of the treaty but in repudiation and dishonor. But if he is correct in the view for which he contends, that the whole plan is violative of the Constitution, or is so violative in the particular feature involved in any transaction, there would be neither repudiation nor dishonor in declining to observe its terms. There is neither dishonor nor discredit in a man's declining to pay a promissory note executed in his name by one who never was authorized by him to make such an instrument.

FURTHER GROUNDS OF ATTACK CONSIDERED.

It would be gathered from much that has been said upon this subject that the league was to assume control of the whole subject (of armaments), increasing or authorizing an increase in the case of any nation at will, reducing or prescribing a reduction at its pleasure. Before attempting to consider how grievously the Constitution is disregarded in this particular it will be well to have in mind what authority is conferred.

The league is authorized to propose a plan for the reduction of armaments, which becomes operative when approved by the nations affected. They all agree, assuming all approve the plan, to reduce accordingly.

This is the voluntary act of each government. Then each agrees not to increase so as to exceed the limit agreed upon without the permission of the league; that is, beyond a further limit to be fixed by the council. The only reason urged against the constitutionality of these provisions is that as Congress is given power to "raise and support armies" and "to provide and maintain a navy," the stipulation is an invasion of the exclusive power of Congress. But if it has not been demonstrated beyond cavil or controversy that it is no valid objection to a treaty that it deals with a subject as to which Congress is given power to legislate this feeble effort has been all in vain.

Some suggestion has been made to the effect that the mandatory provisions run counter to the Constitution, but in what particular is left vague. There is no longer any doubt of the right of our Government to acquire new territory and to govern it. If we can exercise complete sovereignty over new lands for all time, it will be difficult to establish that we can not exercise a limited sovereignty for a limited time. Then it is offered that article 20, by which each signatory stipulates that it will not enter into a treaty inconsistent with the covenant, is void, because otherwise the treaty-making power would be limited. That condition arises in the case of every treaty made with two or more powers. In the case of every such treaty no new compact could be made with either or any of the other signatory powers inconsistent with the general treaty without violating it as to the party not participating in the later treaty. In effect the contention is that the United States may not enter into a treaty with two or more States.

Finally, referring to the dictum of Mr. Justice Field, quoted above, to the effect that the treaty-making power is not so extensive as to justify a treaty which makes a change in the character of the Government, it is urged that by reason of the large powers with which the league is invested the United States is transformed from an independent nation into a constituent subject member of a "supersovereignty" or "superstate." This is mere declamation. It may be said in passing that this particular limitation, pointed out by the learned justice, does not arise by reason of any peculiarity of the Constitution of this country. Such a limitation is implied in the case of the representatives of every nation to whom is intrusted the treaty-making power. Clemenceau could no more, through a treaty with some other power, transform France from a Republic into a monarchy than Wilson and the Senate could accomplish a like result as to the United States.

What are these "vast powers" that are conferred upon the league? I shall omit those which are arbitral in character, assuming that no one in this day will assert that the United States may not, consistently with the Constitution, enter into treaties of arbitration or that, in setting up a tribunal of arbitration, it surrenders any part of its sovereignty, or that it is in any sense violative of the Constitution to agree, on its part, faithfully to carry out the judgment and order of the arbitrators in the matter submitted.

By article 4 it is provided:

"The council may deal at its meetings with any matter within the sphere of action or affecting the peace of the world."

But it is given no power to do anything. Obviously this clause merely charges the league with the duty of considering, advising, and recommending. To a certainty, our Government has not bound itself by that clause to do anything as it has, for instance, by article 10. That clause is clearly intended to make the league a forum in which the representatives of the various powers would be brought together to adjust differences that might result in war.

By article 8 the league is authorized to formulate plans for a reduction of armaments, the only power given to it, as heretofore pointed out, being to grant to any country after the plan has been adopted, authority to exceed the limit thereby fixed, a unanimous vote being required for the authorization.

By article 10 the league, through the council, "shall advise upon the means by which the obligation" into which the members enter shall fulfill the obligation thereby undertaken, namely, "to respect and preserve as against external aggression the territorial integrity and political independence of all members of the league."

Article 11 provides:

"Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations."

But what action can it take other than to endeavor to compose, to advise, or recommend? The league has no army to make war; it has no treasury to meet the expenses of war. It can not initiate a blockade, nor even lay an embargo. No nation has bound itself by any provision of the covenant to observe any directions that may be given it in the premises by the league or to follow any recommendations it may make. The same article provides:

"It is also declared to be the fundamental right of each member of the league to bring to the attention of the assembly or of the council any circumstance whatever affecting international relations which threaten to disturb either the peace or the good understanding between nations upon which peace depends."

The observations made apply equally to these provisions.

By article 13 the members agree to submit international controversies to arbitration. "In the event of failure" on the part of any nation which has thus submitted a controversy in which it is interested to carry out the award made, "the council shall propose what steps should be taken to give effect thereto." As no nation has ever declined or omitted to comply with an award, this duty is not likely to be burdensome, but all the league can do in the premises is to "propose" the steps to be taken in order to give effect to the award. The very term used implies that the nations affected may or may not take the steps proposed. None of them agree to do so or to take any steps at all.

Article 14 authorizes the league to set up a permanent court of international justice, which may or may not be resorted to by any of the powers and which may be called upon for an opinion by the league.

By article 16 the council is authorized to recommend to the several governments concerned what effective military or naval forces the members of the league shall severally contribute to the armaments of forces to protect the covenants of the league should any member make war in disregard thereof. It may do likewise under article 17 should a nonmember resort to war against a member, the latter declining to accept special membership in the league for the consideration of the controversy, or, having done so, making war in violation of the covenant.

By article 22 the league assumes a supervisory control over new governments brought into being by the treaty and over the German colonies and other regions similarly situated, incapable of governing themselves, and undertakes to govern them, respectively, through members willing to undertake the task.

If full governmental authority may be exercised for all time over newly acquired territory consistently with the Constitution, how can it be doubted that a limited authority may be exercised for a limited time over regions not now a part of our possessions.

Article 23 speaks for itself, as follows:

"ART. 23. Subject to and in accordance with the provisions of international conventions existing or hereafter to be agreed upon, the members of the league (a) will endeavor to secure and maintain fair and humane conditions of labor for men, women, and children both in their own countries and in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organizations; (b) undertake to secure just treatment of the native inhabitants of territories under their control; (c) will intrust the league with the general supervision over the execution of agreements with regard to the traffic in women and children and the traffic in opium and other dangerous drugs; (d) will intrust the league with the general supervision of the trade in arms and ammunitions with the countries in which the control of this traffic is necessary in the common interest; (e) will make provision to secure and maintain freedom of communication and of transit and equitable treatment for the commerce of all members of the league. In this connection the special necessities of the regions devastated during the war of 1914–1918 shall be in mind; (f) will endeavor to take steps in matters of international concern for the prevention and control of disease."

It is idle to assert that an organization thus equipped is a government at all. It has no army and no treasury, and no means of securing either. It is not even invested with authority to appoint a commander in chief, should the nation members, in accordance with the terms of the covenant take the field to force observance by a recalcitrant or to repel an attack made in violation of article 10. Though it may render decisions, it can not make laws, neither can it levy taxes. It deals with States as entities—not with individuals—negativing the idea that it is a government, according to Alexander Hamilton, who said, in urging the adoption of our Constitution:

"We must resolve to incorporate into our plan those ingredients which may be considered as forming the characteristic difference between a league and a government; we must extend the authority of the Union to the persons of our citizens—the only proper objects of government." (Federalist, No. 15.)

It may pass in this Chamber or on the hustings, but it is ventured that there is not a lawyer among us who would have the hardihood to contend before the Supreme Court of the United States in a proceeding to enjoin the expenditure of public funds to pay the salaries of our league representatives, or in some other cause in which the question might properly be raised, that the covenant is void because, in the language of Justice Field, it effects "a change in the character of the Government." Incidentally it may be remarked that no treaty has ever been held by the Supreme Court to be violative of the Constitution, either in whole or in part. * * *

EXCERPTS FROM THE SPEECH OF SENATOR FRANK B. KELLOGG, OF MINNESOTA, IN THE SENATE ON AUGUST 7, 1919.

TREATY-MAKING POWER AND THE LEAGUE OF NATIONS.

Mr. KELLOGG. Mr. President, it is my intention at this time to address myself, at least partially, to the resolution heretofore submitted by the Senator from Montana [Mr. WALSH] calling upon the Judiciary Committee of the Senate for an expression of opinion as to the constitutionality of the proposed treaty of alliance with France; and as that treaty embraces in principle the same questions as are involved in the league of nations, I beg leave of the Senate to submit some observations upon that question.

I shall at this time discuss two propositions: First, whether the league of nations is within the treaty-making power of the President and the Senate under the Constitution of the United States; and, second, whether reservations in and amendments of the covenant are necessary to protect the United States.

As an appendix to my remarks I ask to have printed in the RECORD some reservations which have been prepared by certain Senators as suggestions in relation to the pending treaty.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

[The matter referred to will be found in Appendix A at the conclusion of Mr. KELLOGG'S speech.]

Mr. KELLOGG. Mr. President, the covenant of the league of nations has been before the people of the United States for practically six months. It has probably been discussed in the Senate, in the forum of the people, and in the press of the country more than any instrument ever submitted since the Jay treaty. I believe every Senator has made up his mind how he intends to vote.

The peace treaty, the most momentous document ever submitted to any body, has been before the Committee on Foreign Relations nearly a month; and, while I am making no criticism of that committee, I am stating what I believe to be the public sentiment of this country when I say that there is a strong desire that this treaty and the league of nations covenant, bringing an end of this war, shall be disposed of at the earliest possible moment. The Nation has made great sacrifices; its sons have given their lives upon the fields of France; industry and commerce have been disarranged; the people wish this issue settled and that our attention be turned to the economic problems which always follow a great world convulsion such as we have passed through.

I should not take the time of the Senate to discuss even these questions were it not for the fact that the peace treaty is still before the Foreign Relations Committee, and there is no legislation immediately pending before the Senate, since it is now being considered in the committees of Congress.

I am aware that the discussion of a constitutional question is a very dry subject and interests very few people, but I take it that no Senator desires or would for one moment think of voting for a treaty that he believes to be beyond the constitutional power of the Government simply because it would do no harm.

From an examination of the speeches made by certain Senators and from declarations in the press I assume that the provisions of the covenant which are declared to be in violation of the Constitution are:

Article 8, providing for the reduction of national armaments, and stipulating that the manufacture by private enterprise of munitions and implements of war is open to grave objection;

Article 10, providing that members of the league agree to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league;

Article 11, providing that any war or threat of war shall be a matter of concern to the whole league, and that the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations;

Article 16, providing that any member of the league resorting to war in disregard of its covenants under certain articles shall suffer the sever-

ance of all trade or financial relations and the prohibition of all intercourse by its nationals; and

Other provisions of the covenant providing for mandates in relation to the freedom in transit and equitable treatment of commerce.

I shall not now discuss the wisdom of these provisions—whether they should be amended or whether, if the treaty is ratified, certain reservations should be made which we believe will protect this country, although, perhaps, I ought to say that one of those questions I shall later consider in the course of my remarks. The immediate question, however, to which I now invite attention is the constitutional power of this Government to agree to respect or to guarantee the independence of any country or agree to the limitation of armament or make a treaty containing provisions which may affect our trade and commerce.

SOURCE AND SCOPE OF TREATY-MAKING POWER.

When the Constitution of the United States was adopted the treaty-making power was conferred upon the President and the Senate. The provisions of the Constitution are as follows:

"No State shall enter into any treaty, alliance, or confederation. * * * (Art. I, sec. 10, cl. 1.)

"No State shall, without the consent of Congress, * * * enter into any agreement or compact with another State or with a foreign power. * * * (Art. I, sec. 10, cl. 2.)

"He (the President) shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur. * * * (Art. II, sec. 2, cl. 2.)

"The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority. * * * (Art. III, sec. 2, cl. 1.)

"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." (Art. VI, cl. 2.)

In this broad grant of power there is embodied no definition of the subjects embraced within the treaty-making power. It may, therefore, be accepted that the people of the United States intended to confer upon the Federal Government no less power than was at the time exercised and enjoyed by other nations. In fact, not only by practice, but by authority, the treaty-making power has been held to embrace all those subjects which it has been the practice and custom of nations to exercise. These include treaties of alliance, both offensive and defensive; guaranties of political independence and territorial integrity; agreements as to colonies; agreements to neutralize territories and nations; treaties affecting the status of foreign citizens in this country, their right to engage in business, to own, transfer, and inherit property; questions of customs and duties, navigation of rivers, lakes, and internal waterways; the limitation of armament; the acquisition of territoy; the settlement and payment of damages; and other subjects too numerous here to mention.

The men who framed the Constitution were versed in the history and practice of nations and in international law. They were students of government. Had it been intended to limit the sovereign power of the United States in the exercise of the usual treaty-making rights such restrictions would have been stated in the Constitution. In fact, in limiting the States it was provided that they should not enter into any treaty, alliance, or confederation, but no limitation was placed in the Federal Constitution. It is impossible for me to recite to the Senate the declarations of the statesmen of that time in the formation of the Constitution and its adoption by the several States or the discussions which early in the history of this Government dwelt upon the treaty-making power. But those discussions make it perfectly clear that the Constitution was intended to confer upon the Federal Government the same general treaty-making power exercised by other nations, limited only by the express provisions of our Constitution. Furthermore, from the very inception of our Government to the present time we have placed a practical construction upon this power, and the Supreme Court of the United States has held that where there exists ambiguity or doubt, or where two views may well be entertained, contemporaneous and practical construction of constitutional powers are entitled to the greatest weight. (McPherson v. Blacker, 146 U. S., 1; Knowlton v. Moore, 178 U. S., 41.)

"TREATY OF ALLIANCE WITH FRANCE, 1778."

At the time the Constitution was adopted it was the practice of nations to enter into treaties of alliance, offensive and defensive; guarantee countries against internal aggression; enter into treaties of commerce affecting duties on exports as well as imports and regulating other phases of commerce; fixing the status of foreign citizens and defining their property rights; acquire territory or colonies; and exercise various other treaty-making powers. In fact, before our Constitution was adopted and during the struggle for independence the Confederation of States entered into a treaty with France for an offensive and defensive alliance. Article 1 of this treaty provided as follows:

"If war should break out between France and Great Britain during the continuance of the present war between the United States and England, His Majesty and the said United States shall make it a common cause and aid each other mutually with their good offices, their counsels, and their forces, according to the exigence of conjunctures, as becomes good and faithful allies."

Article 8 provides as follows:

"Neither of the two parties shall conclude either truce or peace with Great Britain without the formal consent of the other first obtained; and they mutually engage not to lay down their arms until the independence of the United States shall have been formally or tacitly assured by the treaty or treaties that shall terminate the war."

Article 11, in part, provides as follows:

"The two parties guarantee mutually from the present time and forever against all powers, to wit, the United States to His Most Christian Majesty, the present possessions of the Crown of France in America as well as those which it may acquire in the future treaty of peace. And His Most Christian Majesty guarantees on his part to the United States their liberty, sovereignty, and independence."

This treaty was in existence until 1798 and subsisted after the adoption of the Constitution. Hamilton, in his letters discussing the treaty-making power under the Federation and under the Constitution, referred to this treaty as an evidence of the power granted by the Constitution of the United States to enter into a treaty of alliance. Among other things, he said:

"The manner of exercising a similar power under the confederation shall now be examined.

"To judge of the similarity of the power it will be useful to quote the terms in which it was granted. They are these: 'The United States in Congress assembled shall have the sole and exclusive right and power of entering into treaties and alliances: *Provided*, That no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners as their own people are subject to, or from prohibiting the importation or exportation of any species of commodities whatsoever.'

"It will not be disputed that the words 'treaties and alliances' are of equivalent import and of no greater force than the single word 'treaties.' An alliance is only a species of treaty, a particular of a general; and the power of 'entering into treaties,' which terms confer the authority under which the former Government acted, will not be pretended to be stronger than the power 'to make treaties,' which are the terms constituting the authority under which the present Government acts; it follows that the power respecting treaties under the former and that under the present Government are similar.

* * * * * * *

"Under this power thus granted and defined the alliance with France was contracted, guaranteeing, in the case of a defensive war, her West India possessions, and when the casus fœderis occurs obliging the United States to make war for the defense of those possessions, and consequently to incur the expenses of war.

"Under the same power treaties of commerce were made with France, the Netherlands, Sweden, and Prussia. Besides that, every treaty of commerce is necessarily a regulation of commerce between the parties, it has been shown, in the antecedent comparison of those treaties with that lately negotiated, that produce the specific effects of restraining the legislative power from imposing higher or other duties on the articles of those nations than on the like articles of other nations, and from extending prohibition to them which shall not equally extend to other nations the most favored; and thus abridge the exercise of the legislative power to tax and the exercise of the legislative power to regulate trade."

JAY TREATY, 1794.

During the time the Constitution was pending before the conventions of the various States for adoption, much of the objection to the Constitution emanated from the extensive treaty-making power conferred upon the President and the Senate. All students of history will recall the storm of opposition and public indignation which swept over the country when the terms of the Jay treaty, proclaimed February 29, 1796, between Great Britain and the United States, were made public. All of the latent opposition to the Constitution was fanned into a flame and public meetings were held all over the country, at which the treaty was denounced. It was assailed in almost every aspect as being beyond the constitutional power of the President and the Senate.

It brought forth from Washington, Hamilton, Ellsworth, and many others who were familiar with the history of the formation of the Constitution and the grant of the treaty-making power the most illuminating and the ablest discussion upon this subject anywhere recorded in history.

Hamilton defended the treaty-making power in a series of letters over the signature of "Camillus," which for historical knowledge and power of logic have never been transcended. They stand as the last great monument to his fame. A brief summary of these objections may be useful.

It was alleged that the Jay treaty restricted the power of Congress to lay taxes or exact higher duties upon commodities; the power to regulate trade; the power to establish uniform naturalization; to define and punish piracies and felonies; that is violated the provision of the Constitution which declares that "no money shall be drawn from the Treasury but in consequence of appropriations made by law"; that it violated the constitutional power of Congress to dispose of and make uniform rules and regulations respecting territory and other property of the United States; that it violated that provision of the Constitution relating to the judicial department, and in many other respects.

In discussing these objections, Hamilton said:

"The power of treaty could not but be supposed commensurate with all these objects to which the legislative power of the Union extended, which are the proper subjects of compacts with foreign nations."

In discussing the understanding of the treaty-making power by the convention, Hamilton said:

"The manner in which the power of treaty, as it exists in the Constitution, was understood by the convention in framing it and by the people in adopting it is the point next to be considered.

"As to the sense of the convention, the secrecy with which their deliberations were conducted does not permit any formal proof of the opinions and views which prevailed in digesting the power of the treaty, but from the best opportunity of knowing the fact I aver that it was understood by all to be the intent of the provision to give to that power the most ample latitude—to render it competent to all the stipulations which the exigencies of national affairs might require; competent to the making of treaties of alliance, treaties of commerce, treaties of peace, and every other species of convention usual among nations; and competent in the course of its exercise for these purposes, to control and bind the legislative power of Congress, and it was emphatically for this reason that it was so carefully guarded, the cooperation of two-thirds of the Senate with the President being required to make any treaty whatever. I appeal for this with confidence to every member of the convention, particularly to those in the two Houses of Congress."

In summarizing the arguments of those who objected to the Jay treaty on constitutional grounds, he enumerated the various treaties which the United States could not enter into if the position of these objectors was correct:

"The absurdity of the alleged interferences will fully appear by showing how they would operate upon the several kinds of treaties usual among nations. These may be classed under three principal heads: (1) Treaties of commerce, (2) treaties of alliance, (3) treaties of peace.

"Treaties of commerce are, of course, excluded, for every treaty of commerce is a system of rules devised to regulate and govern the trade between contracting nations, invading directly the exclusive power of regulating trade which is attributed to Congress.

"Treaties of alliance, whether defensive or offensive, are equally excluded, and this on two grounds:

"1. Because it is their immediate object to define a case or cases in which one nation shall take part with another in war, contrary, in the sense of the objection, to that clause of the Constitution which gives to Congress the power of declaring war; and (2) because the succors stipulated, in whatever shape they may be, must involve an expenditure of money—not to say that it is common to stipulate succors in money, either in the first instance or by way of alternative. It will be pertinent to observe, incidentally, in this place that even the humane

and laudable provision in the seventeenth article, which all have approved, is within the spirit of the objection, for the effect of this is to restrain the power and discretion of Congress to grant reprisals till there has been an unsuccessful demand of justice. Nothing can better illustrate the unreasonable tendency of the principle.

"Treaties of peace are also excluded, or, at least, are so narrowed as to be in the greatest number of cases impracticable. The most common conditions of these treaties are restitutions or cessions of territory, on one side or on the other, frequently on both sides—regulations of boundary, restitutions and confirmations of property, pecuniary indemnifications for injuries or expenses. It will probably not be easy to find a precedent of a treaty of peace which does not contain one or more of these provisions as the basis of the cessation of hostilities, and they are all of them naturally to be looked for in an agreement which is to put an end to the state of war between conflicting nations.

"Yet they are all precluded by the objections which have been enumerated: Pecuniary indemnifications, by that which respects the appropriations of money; restitutions or cessions of territory or property, regulations of boundary, by that which respects the right of Congress to dispose of and make all needful rules and regulations concerning the territory and property of the United States. It is to be observed likewise that cessions of territory are almost always accompanied with stipulations in favor of those who inhabit the ceded territory, securing personal privileges and private rights of property, neither of which could be acceded to on the principles of that objection, which relates to the power of naturalization, for this power has reference to two species of rights, those of privilege and those of property. An act allowing a foreigner to hold real estate is so far an act of naturalization, since it is one of the consequences of alienism not to be able to hold real estate.

"It follows that if the objections which are taken to the treaty on the point of constitutionality are valid, the President, with the advice and consent of the Senate, can make neither a treaty of commerce nor alliance, and rarely, if at all, a treaty of peace. It is probable that on a minute analysis there is scarcely any species of treaty which would not clash in some particular with the principle of those objections, and thus, as was before observed, the power to make treaties granted in such comprehensive and indefinite terms and guarded with so much precaution would become esentially nugatory.

* * * * * * *

"But the construction which is combated would cause the legislative power to destroy the power of making treaties. Moreover, if the power of the executive department be inadequate to the making of the several kinds of treaties which have been mentioned, there is then no power in the Government to make them, for there is not a syllable in the Constitution which authorizes either the legislative or judiciary departments to make a treaty with a foreign nation. And our Constitution would then exhibit the ridiculous spectacle of a Government without a power to make treaties with foreign nations, a result as inadmissible as it is absurd, since, in fact, our Constitution grants the power of making treaties in the most explicit and ample terms to the President, with the advice and consent of the Senate. On the contrary, all difficulty is avoided by distinguishing the province of the two powers according to ideas which have been always familiar to us, and which were never exposed to any questions till the treaty with Great Britain gave exercise to subtleties of party spirit."

Chief Justice Ellsworth, who had been a member of the Federal convention and whose appointment to the Supreme Bench bears date of March 4, 1796, in a carefully prepared letter on the subject, under date of March 13, 1796, expressed similar views. He said:

"The grant of the treaty-making power is in these words: 'The President, with the advice and consent of the Senate, shall make treaties.' The power goes to all kinds of treaties, because no exception is expressed, and also because no treaty-making power is elsewhere granted to others, and it is not to be supposed that the Constitution has omitted to vest sufficient power to make all kinds of treaties which have been usually made or which the existence or interests of the Nation may require."

PRECEDENTS AND AUTHORITIES RESPECTING TREATY-MAKING POWER AND SUBJECTS.

We will thus see that the understanding of those who framed and were instrumental in adopting the Constitution was that this country had power to enter into the usual treaties negotiated by sovereign powers, including treaties of alliance, treaties guaranteeing the political independence and integrity of foreign nations; in fact, this country had entered into such a treaty, which was in force before the Constitution was adopted and for years thereafter; that from that day to the present time no question has been raised respecting the power of this country to negotiate such a treaty. Not only is this supported by the best writers on constitutional law, but by the decisions of the Supreme Court and the practice of this country during the entire life of the Republic.

Willoughby, recognized as one of the best of the modern authorities on constitutional law, makes the following statement concerning the treaty-making power of the Federal Government:

"The control of international relations vested in the General Government is not only exclusive but all-comprehensive. That is to say, the authority of the United States in its dealings with the foreign powers includes not only those powers which the Constitution specifically grants it, but all those powers which sovereign States in general possess with regard to matters of international concern. This general authority in the United States is fairly deducible from the fact that in its dealings with other States the United States appear as the sole representative of the American people; that upon it rests, therefore, the obligation to perform all the duties which international law imposed upon a sovereign State; and that, therefore, having these duties to perform it is to be presumed to have commensurate powers. (Sec. 190.)

"The power being expressly conferred by the Constitution on the President and Senate to make treaties, and there being no bounds set to their power, they are without limitation, except that they can not violate other provisions of the Constitution or invade the other departments of the Government."

In the case of Ferrioa dos Santos (2 Brock., 493), cited in Second Watson, on the Constitution, page 955, it is said:

"The treaty power, as expressed in the Constitution, is in terms unlimited, except by those restraints which are found in that instrument against the action of the Government or of its departments and those arising from the nature of the Government itself and of that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the Government or in that of one of the States, or a cession of any portion of the territory of the latter without its consent. (Fort Leavenworth Railroad Co. *v.* Lowe, 114 U. S., 525, 541.) But with these exceptions it is not perceived that there is any limit to the questions which can be adjusted touching any matter which is properly the subject of negotiation with a foreign country." (Per Field, J., in Geofroy *v.* Riggs, 133 U. S., 258, 266.)

In the same opinion it is said:

"That the treaty power of the United States extends to all proper subjects of negotiation between our Government and the Governments of other nations is clear."

In Holmes *v.* Jennison (14 Pet. U. S., 540) Chief Justice Taney, writing the opinion of the court, said:

"The power to make treaties is given by the Constitution in general terms, without any description of the objects intended to be embraced by it, and consequently it was designated to include all those subjects which in the ordinary intercourse of nations had usually been made subjects of negotiation and treaty and which are consistent with the nature of our institutions and the distribution of powers between the General and State Governments. And without attempting to define the exact limits of this treaty-making power or to enumerate the subjects intended to be included in it, it may safely be assumed that the recognition and enforcement of the principles of public law being one of the ordinary subjects of treaties, were necessarily included in the power conferred on the General Government. * * * Indeed, the whole frame of the Constitution supports this construction" (pp. 569–570).

In the case of The Cherokee Tobacco (11 Wall., 616) Judge Swayne said, at page 620:

"It need hardly be said that a treaty can not change the Constitution or be held valid if it be in violation of that instrument. This results from the nature and fundamental principles of our Government. The effect of treaties and acts of Congress, when in conflict, is not settled by the Constitution. But the question is not involved in any doubt as to its proper solution. A treaty may supersede a prior act of Congress (Foster *v.* Neilson, 2 Pet., 314) and an act of Congress may supersede a prior treaty (Taylor *v.* Morton, 2 Curtis, 454; The Clinton Bridge, 1 Walworth, 155)."

In Holden *v.* Joy (17 Wall., 243) Clifford, J., said:

"Under the powers given to the President and Senate to make treaties, it must be assumed that the framers of the Constitution intended that the power should extend to all those objects which in the intercourse of nations had usually been regarded as the proper subjects of negotiation and treaty, if not inconsistent with the nature of our Government and the relations between the States and the United States."

In Holmes *v.* Jennison (14 Pet., 569) it was said:

"The Constitution does not descend to details on the subject of treaties. It confers the power upon the President and Senate to make treaties, and this power is conferred in general and not specific terms. The power therefore includes all those matters which were the subjects of treaty at the time the Constitution was formed, providing they are consistent with the nature and provisions of the Constitution. The recognition and enforcement of the principles of public law being among the ordinary subjects of treaties were of necessity included in the power conferred upon the President and Senate to make treaties." (Cited in 2 Watson on the Constitution, p. 956.)

It is hardly necessary to enumerate the treaties involving such general provisions which have been entered into by the United States during its existence under the Constitution. Familiar examples are the Rush-Bagot agreement of 1817—made by the exchange of notes—whereby the United States and Great Britain agreed to limit their naval armament upon the Lakes forming the boundaries between the United States and Canada.

The Webster-Ashburton treaty of 1842, whereby Great Britain and the United States agreed to maintain a naval force on the coast of Africa for the suppression of the slave trade, the forces of the two nations to act in concert and cooperation.

The Clayton-Bulwer treaty of 1850, between Great Britain and the United States, relating to the subject of a ship canal between the Atlantic and Pacific Oceans, the two nations guaranteeing the neutrality of the canal and undertaking to protect it against unjust confiscation, seizure, or violence, and so forth.

The treaty of 1846 with Colombia, whereby the United States guaranteed "positively and efficaciously * * * to perfect neutrality" of the Isthmus of Panama, the treaty with Cuba, and the treaty by which we guaranteed the independence of Panama.

The treaty of 1889 with Germany and Great Britain respecting the Samoan Islands, and many others.

The treaties of arbitration are so well known that no reference is necessary. The two Hague conventions, the Hay treaties made following the first convention, and the Root treaties following the second, and, finally, the Bryan treaties of 1913, dealt so comprehensively with the whole subject of arbitration as to leave no doubt whatever concerning the uniform recognition of the ability of the treaty-making power to bind the United States to any form of agreement for the peaceful settlement of international disputes, with a corresponding covenant not to go to war over the subject of dispute until after the processes of arbitration or inquiry have been exhausted, so that, upon precedent, upon the testimony of the statesmen who framed the Constitution, and in practice there can be no doubt as to the power of this Nation to execute such guaranties, whatever may be its wisdom. In principle there is no difference between guaranteeing the independence of Panama and guaranteeing the independence of Great Britain or France. It is said that we have a proprietary interest in Panama on account of the construction of the canal. We have a proprietary interest in the canal, and it is to our benefit to have stable government on either side of the canal, and so it is to our interest to have stable governments in any country contiguous to the United States or in any part of the world which might otherwise threaten our peace. For that reason we practically guaranteed the independence of Cuba.

If this country had the power to negotiate a treaty of alliance with France—and that power has not been questioned for more than a hundred years—the power still subsists.

If we had power to enter into a treaty with Great Britain to limit armament upon the Great Lakes—the treaty with Great Britain, 1817, which power has not been questioned for more than a hundred years—we have the same power to agree with all nations at this time to limit our armament.

Another objection to the treaty is that Congress alone can declare war and establish an army and navy; that therefore it is within the sole

province of Congress to decide whether we will declare war to protect a foreign country or whether we will enlist a certain number of men and provide a certain army; that, as the legislative power is alone vested in Congress, only Congress can enter into such an agreement; and that any agreement the violation of which might cause war, or any agreement to limit armament which Congress might violate, is unconstitutional. This, as Hamilton says, would practically destroy the treaty-making power of the United States.

The argument is as old as the history of treaties in this country. It was presented with great ability by the opponents of the Jay treaty and overcome by the able statesmen of that time, foremost among whom was Alexander Hamilton. From that day to the present time the question has been frequently raised in connection with treaties for the payment of money, regulating commerce, fixing import duties, regulating rights of trade with foreign countries, fixing boundaries, and various other subjects; the objection being that as the power to legislate in relation to these matters was in the entire Congress, any treaty made by the President and the Senate was therefore void. But these objections have proved unavailing and a large number of treaties have been made and ratified by the Senate where legislation was necessary to carry them into operation. For those who desire a more detailed examination of these treaties they will be found stated and analyzed in Crandall on Treaties, their making and enforcement, chapters 12 to 17, inclusive.

I can not review them all, but let me discuss a few of them:

The Jay treaty provided for the payment of money, regulated commerce, and fixed the status of foreign citizens, their right to hold and inherit property in the States, and other like provisions. President Washington took the advice of the heads of his administration—of Hamilton and others—and declined to submit the treaty to the House of Representatives.

On March 30, 1796, in his reply to a resolution from the House, President Washington said:

"As, therefore, it is perfectly clear to my understanding that the assent of the House of Representatives is not necessary to the validity of a treaty, as the treaty with Great Britain exhibits in itself all the objects requiring legislative provisions, and on these, the papers called for can throw no light, and as it is essential to the due administration of the Government that the boundaries fixed by the Constitution between different departments should be preserved, a just regard to the Constitution and to the duty of my office, under all the circumstances of this case, forbids a compliance with your request."

The treaty with France for the purchase of land at the mouth of the Mississippi, approved May 3, 1802, required an appropriation of $2,000,000. President Jefferson submitted the treaty to the Senate alone, and after its ratification asked Congress to make the appropriation. A resolution requesting the President to submit the papers to the House of Representatives was defeated.

In the French treaty of July 4, 1831, it was agreed to pay to the United States 25,000,000 francs in settlement of certain claims. The treaty was signed by the French Government and the representatives of the United States and ratified by the Senate. The Chamber of Deputies of France refused to make the appropriation. The House of Representatives unanimously adopted a resolution declaring that in the opinion of the House the convention should be maintained and its execution insisted upon.

So that we ourselves have not only insisted that we have the right to make a treaty which is said to circumscribe the legislative or sovereign power of the Government, but we have invoked the same rule against others.

There are a number of these treaties entered into with the United States requiring the payment of money which have never been submitted to the Congress and which have been negotiated by the President and confirmed by the Senate. A list of these may be found on page 179, Crandall on Treaties, extending from 1796 to 1903.

In treaties involving the modification of revenue laws it has been the universal custom for the President and the Senate to negotiate such treaties, although the power to raise revenue is alone vested in the Congress, and such bills must originate in the House. This question was also determined as an incident to the Jay treaty. The discussion is very illuminating. John Forsyth, who was afterwards Secretary of State, instituted the contention in the House that legislation to administer the treaty was necessary, but he made no claim that the treaty itself was invalid. His statement is so clear on this question that I beg leave to quote therefrom:

"The basis of the bill is not the principle stated, that legislative aid is necessary to the validity of treaties. Gentlemen have exhausted their ingenuity, their time, and their eloquence in the discussion of a doctrine utterly denied by the bill and those who advocate it. The doctrine contended for is that in certain cases specified by the Constitution legislative aid is necessary to the execution of treaties. Is there no difference between the two propositions? * * * The distinction between the validity of an instrument and the execution of its provisions, between the obligation of contract and the performance of that obligation? * * * We insist not that it is the figment or shadow of a treaty but that it shall be neither more nor less than a treaty valid and obligatory as such as a contract, but not having the force of law in its operation upon the municipal concerns of this people without legislative enactment."

He makes a distinction between the carrying out of a treaty and the making of a treaty which is morally binding upon the Congress.

Heretofore there has been no tribunal in which such treaties could be judged, except the tribunal of public opinion.

The treaties with France in 1822 and 1831 providing for duties on French goods admitted into the United States were ratified and then submitted to Congress for legislation. But the Senate refused to ratify the treaty with the States of the German Zollverein, which changed the duties laid by law. Since 1854 many of the treaties affecting import duties contained a proviso that the treaty should take effect as soon as laws required to carry them into operation should be passed. For instance, in convention with Hawaiian Islands of 1875, the Senate advised ratification, "but not until a law to carry it into operation shall be passed by the Congress of the United States." A similar reservation was made in the reciprocity convention with Mexico of 1883 and various other reciprocity conventions subsequently negotiated.

In the tariff act of October 3, 1913, the President was "authorized and empowered to negotiate trade agreements with foreign nations wherein mutual concessions are made looking toward freer trade relations and further reciprocal expansion of trade and commerce: *Provided, however*, That said trade agreements before becoming operative shall be submitted to the Congress of the United States for ratification or rejection."

Whatever may be said respecting the propriety of the negotiation of a treaty by the President and the Senate which interferes with the tariff acts enacted by Congress, the power to negotiate such treaties is settled beyond question. My own opinion is that the wisdom of it is doubtful, and as the duty is placed upon Congress to raise revenue to support the Government, the treaty-making power should not be exercised in such a way as to infringe upon this authority. But it has been the practice of this Nation from the inauguration of its Government under the Constitution to negotiate such treaties and to simply ask Congress to pass the necessary legislation to carry them into operation.

The Supreme Court, in the so-called Insular cases, settled this question. In the case of De Lima *v.* Bidwell (182 U. S., 1) recovery was sought for duties paid under protest on goods brought into New York from the island of Porto Rico in 1899, after the exchange of ratification of the treaty but prior to any legislation by Congress. The court held that upon the exchange of ratification of the treaty of April 11, 1899, Porto Rico ceased to be a foreign country within the meaning of the tariff laws then existing, and that the duties were not legally exacted. That, in effect, was a repeal of the tariff laws by this treaty.

In the Fourteen Diamond Ring case (173 U. S., 176) the same decision was reached as to the Philippine Islands. It is true, however, that in the De Lima case there was the dissenting opinion of four judges, written by Mr. Justice White, to the contrary. But the De Lima case has been reaffirmed and must now be considered as the settled law of this country. This case was cited and approved in Dorr *v.* United States (195 U. S., 138), and has been cited with approval by the Supreme Court since that time.

Chief Justice White based his dissent upon the ground that it was not good policy for the Government to execute a treaty affecting duties, because the responsibility for raising revenue to support the Government was placed upon the Congress. But the court held the question of propriety was for the Senate and the President to determine when they made the treaty, Congress clearly reserving the right to refuse to carry it out or to repeal the treaty if it saw fit.

In the latter case, Mr. Justice Day, who delivered the opinion of the court, said:

"It may be regarded as settled that the Constitution of the United States is the only source of power authorizing action by any branch of the Federal Government. 'The Government of the United States was born of the Constitution, and all powers which it enjoys or may exercise must be either derived expressly or by implication from that instrument.' (Downes *v.* Bidwell (182 U. S., 244, 288) and cases cited.) It is equally well settled that the United States may acquire territory in the exercise of the treaty-making power by direct cession as the result of war and in making effectual the terms of peace, and for that purpose has the powers of other sovereign nations. This principle has been recognized by this court from its earliest decisions. The convention which framed the Constitution of the United States, in view of the territory already possessed and the possibility of acquiring more, inserted in that instrument, in Article IV, section 3, a grant of express power to Congress 'to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.'"

There is no question that the power to acquire territory, to fix boundaries and the status of the inhabitants, and to cede territory has not only been exercised many times by this Government but has been sustained as a part of the treaty-making power by the Supreme Court of the United States.

The Senator from Pennsylvania, in his speech of March 1, objects to certain articles of the treaty relating to finance and economy because the power to legislate upon interstate commerce is vested in Congress. This same objection was made to the Jay treaty and was met by the President and by many of the proponents of the treaty, conspicuous among whom was Alexander Hamilton. Hamilton said:

"This will the better appear from the entire clause. 'The Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes,' which is the same as if it had been said: The whole powers of regulating trade by law shall reside in Congress, except as to the trade within a State, the power to regulate which shall remain with such State. But it is clearly foreign to that mutual regulation of trade between the United States and other nations, which, from the necessity of mutual consent, can only be performed by treaty. It is, indeed, an absurdity to say that the power of regulating trade by law is incompatible with the power of regulating it by treaty, since the former can by no means do what the latter alone can accomplish; consequently it is an absurdity to say that the legislative power of regulating trade is an exception to the power of making treaties.

"Laws are the acts of legislation of a particular nation for itself. Treaties are the acts of the legislation of several nations for themselves jointly and reciprocally. The legislative powers of one State can not reach the cases which depend on the joint legislation of two or more States. For this resort must be had to the pactitious power, or the power of treaty. This is another attitude of the subject, displaying the fallacy of the proposition that the legislative powers of Congress are exceptions to or limitations of the power of the President, with the aid of the Senate, to make treaties."

SUPERIORITY OF TREATIES OVER STATE LAWS.

There is no doubt that in the absence of a treaty or legislation by Congress the States have power to establish the status of foreign citizens as to their rights to hold and inherit property and to engage in business within their several borders. And Congress undoubtedly has the power to provide for the naturalization of foreign subjects and prescribe conditions under which they shall become citizens of the United States. Notwithstanding this, it is settled beyond dispute that the Federal Government may by treaty define the status of a foreign subject residing within the States, and indicate the plans where he may travel, the business in which he may engage, the property he may own, both real and personal, and the disposition of such property upon his death; that such a treaty constitutes the supreme law of the land; that a State law contravening such a treaty is invalid and will be so declared by the courts in a suitable action. Certain it is that Congress may pass a law setting aside such a treaty, and that a treaty may be negotiated which shall supersede a law of Congress.

These propositions have been established by the laws of all civilized nations, by the history of all eras, by the opinion of statesmen who framed our Constitution, by the provisions of the Constitution, by the universal practice of negotiating such treaties, and, finally, by repeated decisions of the Supreme Court of the United States and many of the State courts during a period exceeding 100 years.

If the President and the Senate can make a treaty providing for the disposition of land in a State, they may make a treaty affecting foreign commerce, continually conceding the power of Congress to denounce the treaty.

Under the Articles of Confederation the Congress entered into treaties with foreign Governments defining the status of foreign citizens

within the several States, and their right to engage in business, and to own, dispose of, and inherit property, both real and personal. Such treaties were made with France, the Netherlands, Sweden, Great Britain, Morocco, and Prussia. (Treaty with France, Feb. 6, 1778, 8 U. S. Stat. L., 12; treaty with the State's General of United Netherlands, Oct. 28, 1782, 8 U. S. Stat. L., 32; treaty of peace with Great Britain, Nov. 30, 1782, 8 U. S. Stat. L., 54; treaty with Sweden, Apr. 3, 1783, 8 U. S. Stat. L., 60; treaty with Prussia, Sept., 1785, 8 U. S. Stat. L., 84; treaty with Morocco, Jan. 7, 1787, 8 U. S. Stat. L., 100.)

Since the adoption of the Constitution many treaties of this character have been made, such as the treaty with the Republic of Salvador in 1870 (Treaties and Conventions, p. 1537); the treaty with Peru, 1871 (Treaties and Conventions, p. 1431). In fact, nearly every one of our treaties contain provisions, varying in form, regulating some matter which is ordinarily within the jurisdiction of the State, and which, by the Constitution, is not committed to Congress other than by the treaty-making power.

That such treaties are valid and superior to the laws of the States is demonstrated by the discussions which occurred at the time the Constitution was adopted.

Time does not permit me to cite the expressions of the public men of that time, of Washington, Jefferson, Hamilton, Madison, Randolph, Pinckney, Adams, Wilson, together with the remarkable discussion of the Constitution by Hamilton, Madison, and Jay in the Federalist—a discussion which excited the admiration of statesmen the world over and compares favorably with the writings of such great students of government as Vattel, Montesquieu, Burke, Machiavelli, and Rousseau.

It is only necessary for me to cite to the Senate the various decisions of the Supreme Court of the United States, holding that these treaties were not only within the treaty-making power of the Senate and the President, but were superior to the laws of the various States.

Many of these decisions were rendered in the early days of the Republic, were participated in by men who were members of the Constitutional Convention and familiar with the history of the times and the objects to be attained by its adoption. I shall simply give the Senate a list of the leading cases, as follows: Elizabeth Rutgers *v.* Joshua Waddington, in the Mayor's Court of New York, 1784; Ware *v.* Hylton (3 Dall., 199); Chirac *v.* Chirac (2 Wheat., 259); Orr *v.* Hodgson (4 Wheat., 453); Fairfax's Devisee *v.* Hunter's Lessee (7 Cr., 603); Hughes *v.* Edwards (9 Wheat., 489); Hauenstein *v.* Lynham (100 U. S., 483); Geofroy *v.* Riggs (133 U. S., 263).

There have also been adjudicated cases to the same effect in the United States circuit and district courts, and a large number of cases in the State courts. In fact, every State which has passed on the question has followed the decision of the Supreme Court of the United States.

This is also the opinion of substantially all of the writers upon the treaty-making power, with one exception—Henry St. George Tucker, of Virginia—and he bases his opinion very largely upon certain expressions contained in certain decisions of the Supreme Court of the United States, notably in opinions rendered by Chief Justice Taney, in 1840, in Homes *v.* Jennison (14 Pet., 540); of Justice Daniel, shortly after, in the License cases (5 How., 504); and Chief Justice Taney and Justice Grier in the Passenger cases (7 How., 283), tending to support the theory that the treaty-making power does not extend to the subjects which by the Constitution are ordinarily committed to the relative jurisdiction of the States. In all of these cases there were opinions by several of the justices of the court, and it does not appear that the language used was approved by the majority. In fact, in the Passenger cases the language of Chief Justice Taney was used in a dissenting opinion. These decisions, however, do not purport to overrule the earlier decisions of the court to the contrary, and have never been followed by the court since that time. They were rendered at a time, now happily past, when the country was divided by an overwhelming issue which darkened the political sky and clouded the judgment of men. This undoubtedly had its effect upon the decisions of that great court, but the later decisions have dispelled whatever doubt may have existed.

CONSTITUTIONAL EXCEPTIONS TO TREATY-MAKING POWER.

It may be said, however, that if there are no implied limitations to the treaty-making power, the President, by and with the consent of the Senate, might dismember the Union, abolish the structure of government guaranteed by the Constitution, or convey away the territory of the States. In fact, the Senator from Pennsylvania, in his speech on June 17, said that under the treaty-making power King George of England could not be made President of the United States, nor could the House of Lords be substituted for and perform the functions of the Senate of the United States, nor could the House of Commons be made to take the place of the House of Representatives.

But these arguments are not new. They were advanced time and time again in the Constitutional Convention and in the convention of the various States called to consider the adoption of the Constitution.

The same argument was advanced against the Jay treaty. In reply, Hamilton said:

"The only constitutional exception to the power of making treaties is that it shall not change the Constitution; which results from this fundamental maxim, that a delegated authority can not alter the constituting act unless so expressly authorized by the constituting power. An agent can not new model his own commission. A treaty, for example, can not transfer the legislative power to the executive department nor the power of this last department to the judiciary; in other words, it can not stipulate that the President, and not Congress, shall make laws for the United States; that the judges, and not the President, shall command the national forces."

Undoubtedly the treaty-making power does not comprehend that the President and the Senate shall change the form of government or stipulate to destroy any of the fundamental powers of the Federal Government which are guaranteed by provisions of the Federal Constitution coordinately with the treaty clause.

A treaty abrogating the functions of the Supreme Court of the United States or of the legislative or executive bodies would undoubtedly be declared unconstitutional, because the provisions of the Constitution creating the departments of Government are of equal force and effect with those conferring the treaty-making power.

These questions, if not settled by ballot, can only be settled by the arbitrament of war.

This question has been settled and these limitations carefully defined by the Supreme Court of the United States in the case of Geofroy *v.* Riggs (133 U. S., 258).

But because a treaty limits sovereign power—I speak of sovereign power as the power to make laws—it is not thereby invalid. The treaty-making power as between nations embraces many of the subjects which are within the legislative power of the Nation. Every treaty we negotiate to a certain extent destroys certain freedom of sovereign action. A treaty, of which we have many, conferring certain privileges of trade is binding, and if we perform our agreement it limits legislative action. Treaties fixing duties and providing for imports; navigation treaties; treaties defining the status of foreign subjects, their right to own and hold property; in fact, there is not a treaty which does not to some extent limit the power of the Federal Government. Of course, it is conceded that Congress has the power to violate a treaty, and we have denounced some of our treaties. And the Supreme Court has decided that a treaty can not alter the Constitution and is void if it is in violation of that instrument. (Thomas *v.* Gay, 169 U. S., 264.)

But it is an entirely different proposition when Congress agrees to a treaty that may cause war. The violation of many of our treaties might cause war if the other party to the treaty so desired. Congress has no power, of course, to create a supergovernment and confer upon that government the right, without an act of Congress, to declare war.

But it is an entirely different proposition when Congress agrees to a treaty the violation of which may lead to war. By the guaranty of the political integrity of Panama, if we perform that guaranty, it may become necessary to render military service. The treaty itself, however, is valid. We can not, of course, confer upon Panama the power to declare war for the United States, but we can agree with Panama to perform acts which may involve us in war.

It is claimed that we can not enter into a treaty limiting armament, because Congress alone can raise and support armies and provide for a navy. By a treaty with Great Britain, negotiated in 1817, we agreed to limit armament on the Great Lakes. This treaty has been in existence more than 100 years, and no question has ever arisen as to its validity. If we may limit armament in a certain section we may limit it entirely. Whether it is advisable to do so is another question. It must also be remembered that we have negotiated a large number of treaties within the last 10 years, by which we agree to arbitration and to forego hostilities for periods of from three to six months. These are agreements not to make war. If the contention of certain Senators is correct that a treaty in which it is agreed to forego hostilities is void because the Congress has absolute power to declare war at any time, we have for many years been performing unconstitutional acts. In fact, any treaty would be void which Congress may violate by legislative act or which requires a legislative act before it becomes operative. * * *

REPORT ON BALTIC PROVINCES (S. DOC. NO. 105).

Mr. LODGE. Mr. President, I have here the official report on the Baltic Provinces by Robert Hale, who was the legal adviser of the Paris peace commission on those provinces and who visited them. It is a very valuable document and I should like to have it printed as a Senate document.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

"WHY AMERICA IS FREE."

Mr. BORAH. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the New York Times under date of September 21, 1919, entitled "Why America is Free."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sunday, Sept. 21, 1919.]

"WHY AMERICA IS FREE.

"Would it not be a good idea to reprint The Federalist and invite the attention of reviewers and the public in general to it as a new and remarkable work, shedding some light on American institutions? Might it not be well to do the same with Elliot's Debates and the correspondence of Thomas Jefferson? These questions are not asked ironically. The astonishing and humiliating fact has been forced upon the attention of Americans that the foundation principles of our Nation are unknown to or scoffed at by a large number of people who call themselves by the American name, but apparently have no idea of the theory of the Government under which they live.

"It may be that it was a hundred years or more ago that Percy Bysshe Shelley described this country:

> "'That land is like an eagle, whose young gaze
> Feeds on the noontide beam, whose golden plume
> Floats moveless on the storm, and in the blaze
> Of sunrise gleams when earth is wrapped in gloom;
> An epitaph of glory for the tomb
> Of murdered Europe may thy fame be made.
> Great people! as the sands shalt thou become;
> Thy growth is swift as morn when night must fade;
> The multitudinous earth shall sleep beneath thy shade.
> Yea, in the desert there is built a home
> For freedom. Genius is made strong to rear
> The monuments of man beneath the dome
> Of a new heaven; myriads assemble there,
> Whom the proud lords of man, in rage or fear,
> Drive from their wasted homes.
> * * * * * * *
> Nay, start not at the name—America!'

"If Shelley's mournful ghost could see the use which has been made of the opportunities which, as he thus glowingly told, the New World held out to the refugees of the old, what would he say? It would have been the puncturing of another of those dreams for the future of humanity which were so close to his heart. The United States was all that he said of it. There was, however, no magic in it. It was indeed a home of freedom and a city of refuge for the oppressed of all the world, but it was by no accident. It was because Americans every-

where understood the foundations on which their liberties rested and expected newcomers to learn what they themselves knew.

"The theory of our liberty, under which we have lived for a century and a quarter, was not that liberty meant anarchy or the rule of a class. It definitely excluded both. It limited the power of government and delegated to government only certain powers. It made such keen and careful provision that by no means could any group or faction obtain control of government. It was a theory which did not merely ignore classes, but took care that they should not exist, or, if they did, that no class could gain the reins of rulership. This it did by separating the powers of government. It balanced one power against another—a system of 'checks and balances,' to use the old phrase.

"It went further. It placed the legislative power in the hands of representatives of no class, men chosen for the purpose from all ranks of life by the people themselves. It provided, when it came down from theory to actual solidified enactment, that the representatives of the people should never take away from the people certain individual and personal rights, which the Constitution named in the most definite way. It provided that these principles should never be infringed either by the States or the Nation, and it created a judiciary to guard that provision.

"So there was nothing nebulous, vague, or intangible about American freedom. The Constitution, whose birthday the Nation celebrated a few days ago, was no glorious spree of words like the French declaration of the rights of man. It was made up of hard and practical declarations, and we have lived by them ever since. Now we are told suddenly that a new charter of human liberty has been discovered, and are invited to take it as our guide and sail unknown seas uttering invocations in its name. The old Constitution served us well. It served well the men who came here from other countries. Now that it is suddenly assailed by some among them who have been at no pains to learn what the instrument means, what the principles of our Government are, and by their intellectual blood relatives of American descent, the men and women who love it and believe in it should awake and stand by it."

COMMERCE AND FINANCES OF ENGLAND, FRANCE, AND ITALY.

Mr. OWEN. I have in my hand items showing the steps which are being taken by England, France, and Italy to rehabilitate and reconstruct their commerce and finances, including a short compilation by the National City Bank, which I ask to have printed in the RECORD without reading.

It will be seen that the inflated currency of Italy will be retired by a loan, in the nature of a legal tax, and the currency brought back to normal. A great advance forward in the resumption of specie payment. These 2½ per cent bonds can thus absorb the redundant currency of Italy. Doubtless the other nations will follow the example of Italy and the great mischief of inflation ended in France, Belgium, and the other nations of Europe.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"FRANCE'S BUDGET SHOWS ECONOMY—GERMANY'S NEEDS ARE LARGE—ITALY FLOATS COMPULSORY LOAN—OTHER NEWS.

[From a compilation by the National City Bank of New York.]

"M. Klotz, French minister of finance, has introduced into the chamber a proposal for a provisional vote of credit to cover the cost of civil services for the fourth quarter of the year.

"The amount involved is 5,767,000,000 francs ($1,113,031,000), a reduction of 1,200,000,000 francs ($231,600,000), as compared with the third quarter. Military credits for the same period will amount to 2,984,000,000 francs ($575,912,000), a reduction of 842,000,000 francs ($162,506,000), on the last quarter. The reductions are principally on account of pay and maintenance of the troops and material and are due to demobilization.

"The aggregate total for the whole year asked for in votes on account under the heading of exceptional expenditure is lower by 12,597,000,000 francs ($2,431,221,000) than the figure of the votes on account of last year.

"GERMANY'S NEEDS LARGE.

"According to a memorandum issued by Herr Erzberger, Germany will require £1,200,000,000 to meet her financial needs for the year. Of this amount £500,000,000 will be for the service of the debt, which is expected to reach £10,000,000,000.

"An illustration of the rates at which loans are now being floated is given by the issue of a 4 per cent Stuttgart municipal loan for 10,000,000 marks, irredeemable before 1926, after which it is to be paid off during a period of 45 years, at 95.80 per cent. A 4 per cent communal loan for the districts of Saxony, Thuringia, and Anhalt, amounting to 50,000,000 marks, is issued at 94.50 per cent. Redemption will be by drawings, beginning in 1921, amounting to 1 per cent of the total paid.

"ITALY'S COMPULSORY LOAN.

"The progressive tax upon capital which Signor Nitti announced in his program has taken the shape of a compulsory long-dated loan at low interest. The commission for the preparation of this loan, presided over by Signor Tedesco, secretary to the treasury, has already fulfilled the preliminary work, and Italy will be the first nation in resolutely applying the tax, while a similar scheme appears to have been dismissed in France and to be in a nebulous stage in the German and Austrian countries.

"Giving to the progressive tax this appearance of a loan, the Government trusts to take away from it the character of confiscation, and to succeed in simplifying the method of assessment. In a few weeks the scheme, completed in every particular, will be presented to the cabinet. The contributions from the great fortunes amassed during the war will be collected directly as extraordinary supertaxes.

"FRENCH AFTER EXPORT BUSINESS.

"The 'Banque Nationale Francaise du Commerce Exteriour,' or French National Bank for Foreign Trade, which the Clemenceau Government is anxious to bring into a corporate existence as quickly as possible, is intended to be a semiofficial institution. As a matter of fact, the bank has already been constituted, and the bill now before the French Parliament is intended to confirm and ratify the agreement arrived at with the founders of the new bank by Messrs. Klotz, minister of finance, and Clementel, minister of commerce.

"To aid in the establishment of the bank the State will advance sums which are to be returned to the State treasury when the special reserve fund exceeds 25,000,000 francs.

"The capital of the new bank is to be 100,000,000 francs, with power to increase shortly to 200,000,000 francs. The capital has already been underwritten by syndicates of French export merchants, manufacturers, and banks.

"The State is to take 30 per cent of the net profits after the shareholders shall have received a cumulative dividend of 6 per cent. The State's profits are to be reduced to 20 per cent when the 25,000,000 francs advanced by the State shall have been repaid.

"The Government is to have a controlling voice in the management of the bank by the appointment of two official actuaries, who are to check the accounts and books and who will have the right to assist at all board meetings.

"The services the bank will render to French trade are of two kinds. In France itself the bank will mobilize all long-term credits that French export houses are obliged to grant to foreign buyers of French goods. In its foreign branches the bank's agents and correspondents will keep themselves well informed as to the commercial standing and credit of local firms. At the same time they will collect moneys and undertake the reception and dispatch of goods to or from France.

"IN FAIR WAY TO WIN.

"The plans of Premier Nitti for economic reconstruction met with universal approval in Paris, in London, and in this country, and above all, Nitti's scheme of calling in all the excessive circulation of paper currency and of reducing it to normal by means of a loan of 2½ per cent, to which every citizen would be compelled to subscribe, according to the measure of his resources, has excited the good will of all financial experts. It means nothing more nor less than a saving to the treasury of 20,000,000,000 lire, through the giving up of the fictitious value of the paper currency in Italy in order to establish a real one.

"Moreover, Premier Nitti and his equally Americanophile foreign minister, Senator Tittoni, had by means of their conciliatory manner and transparent sincerity—so different from the aggressive trickiness of Baron Sonnino—won to such an extent the sympathy, the good will, and the confidence of France, Great Britain, and above all, of the United States, that Italy was in a fair way to obtain eventual possession of Fiume, the compromise negotiated being of a nature to bring about that object."

"ENGLAND ARRANGES EXPORT CREDITS—ADVANCES UP TO 80 PER CENT OF COST OF GOODS—TO ENCOURAGE TRADE WITH NEW EUROPEAN STATES—CONDITIONS ANNOUNCED BY THE BRITISH BOARD OF TRADE.

"LONDON, *September 4*.

"The board of trade announce that the Government is prepared, through their export credits department, at 10 Basinghall Street, to consider applications for advances up to 80 per cent of the cost of the goods, plus freight and insurance, for goods sold to Finland, the Baltic Provinces—Latvia, Esthonia, and Lithuania—Poland, Czechoslovakia, Jugo-Slavia, and the

areas in Russia to which the scheme for insurance against abnormal commercial risks applies, subject to the following conditions:

"1. Documents are to be surrendered to the buyers against their acceptance of a bill in sterling drawn by the sellers for the full amount of the invoices, together with security (see the next paragraph). The Government will release the drawers from any recourse against them for the amount of the advances made.

"2. The purchasers must agree to take up such documents against a deposit of currency calculated on the basis of the market exchanges, such deposit to be made with an approved bank in the country of purchase and to be held as security for the due payment of the bills.

"3. When the advance is needed, the relative documents will have to be accompanied by a letter of guaranty from an approved bank of the country of purchase stating that the documents will be promptly taken up against such deposit of currency and undertaking that the amount of such currency shall always be maintained at a figure sufficient to give a margin of 15 per cent over the value of sterling as based upon the exchanges (not upon the official exchanges, if any). All applications accompanied by a banker's guaranty of sterling payment at maturity of the bill will receive preferential consideration.

"4. * * * of the advance made to the cost (plus proposals for a deposit of produce or securties instead of currency).

"5. The advances made by the department will be a first charge upon the proceeds of the bills and securities, but if such proceeds are less than the cost, plus freight and insurance, the loss represented by the difference will be divided between the department and the drawer of the bill in the proportion of the advance made to the cost (plus freight and insurance).

"6. The credits are to outstand only for such periods as the department may determine in each case at the time of application for the advances.

"7. The Government will settle from time to time the countries and goods to which the scheme relates, but advances will not be made for the export of raw materials and preference will be given to the finance of goods where the larger part of the cost is due to manufacture in this country.

"8. All applications must be passed to the department by the bankers of the sellers, whose recommendation must be attached.

"9. After satisfaction of the advance the bill and securities will be handed to the seller if payment of the full amount of the bill has not been made.

"10. At any time after maturity of the bill or after any default the department will be entitled to close a transaction and hand over the security held, the seller bearing his proportion, as indicated above, of any loss incurred.

"11. The conditions set out above may be modified at any time or in special cases.

"With the consent of Barclays Bank (Ltd.), L. A. Davis, deputy foreign manager of that bank, has been appointed manager of the department."

OIL CONTROL AND BRITISH INTERESTS.

Mr. PHELAN. Mr. President, I ask to have printed in the RECORD an article appearing in the New York Times of yesterday on the control of oil passing into the hands of Great Britain. It is a matter to which I have called the attention of the Senate heretofore and which I think is of great importance.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 21, 1919.]

"SEES OIL CONTROL PASSING TO BRITAIN—AMERICA ALREADY IMPORTING PETROLEUM, SAYS E. MACKAY EDGAR—FOREIGN FIELDS GOBBLED—IN 10 YEARS AMERICAN IMPORTS, HE PREDICTS, WILL BE RESTORING STERLING EQUILIBRIUM.

"LONDON, *September 20.*

"Recently E. Mackay Edgar, head of the firm of Sperling & Co., expressed confident views on the ability of Great Britain to hold her own against American competition in an article in Sperling's Journal entitled 'The answer to Mr. Vanderlip.' In a further article in the same journal Mr. Edgar makes an equally optimistic deliverance on the future of the world's supply of petroleum, which he is convinced lies in British and not American hands at present. Mr. Edgar says it seems impossible to overthrow America's predominance in the oil industry, but just as America, although 30 or 40 years ago the great timber-producing country, is now in the grip of a timber famine, so he is convinced, first, that she is rapidly running through her stores of domestic oil and is obliged to look abroad for future reserves, and, secondly, that these reserves are owned or controlled by British capital.

"'More oil,' says Mr. Edgar, 'has probably run to waste in the United States than has ever reached the refiners. Improvidence, carelessness, a blind gambling spirit have marked all except the most recent phases of the industry. The great oil fields of the United States are nearing exhaustion, and it is not believed that the new ones which are being proved will yield anything like the old prodigal production. America has recklessly and in 60 years run through a legacy that, properly conserved, should have lasted her for at least a century and a half.

"'Already, although few people realize it, America is an importer of oil. Last year she imported from Mexico 38,000,000 barrels of 42 gallons each. Like farsighted men, however, Americans are now diligently scouring the world for new oil fields, only to find that wherever they turn British enterprise has been before them.'

"Mr. Edgar goes on to say that one finds that Americans have had comparatively little success in securing oil leases in Guatemala, Honduras, Nicaragua, Costa Rica, Panama, Colombia, Venezuela, and Ecuador, and that a decisive and really overwhelming majority of petroleum concessions in these countries is held by British subjects. Geologists are convinced that a continuous belt of oil runs from Mexico through the Isthmus and bifurcated into Venezuela and Ecuador. 'By far the most valuable concessions in these territories belong to the Alves group,' he adds. And Alves is a wholly British group. Then, again, 'that greatest of all organizations,' the Shell group, operating with a paid-up capital which Edgar estimates at £100,000,000, possesses exclusive or controlling interests in every important oil field in the world—in Mexico, Russia, the Dutch East Indies, Roumania, Egypt, Venezuela, Trinidad, India, Ceylon, Malay States, North and South China, Siam, the Straits Settlements, and the Philippines. In a few years, Edgar declares, it will control not far short of one-fourth of the world's supply.

"'We hold in our hands, then,' says Edgar, 'secure control of the future of the world's oil supply. We are sitting tight on what must soon become the lion's share of raw material indispensable to every manufacturing country and unobtainable in sufficient quantities outside the sphere of British influence.

"'I estimate that if their present curve of consumption, especially of high-grade products, is maintained, Americans in 10 years' time will be importing 500,000,000 barrels of oil yearly. At £2 a barrel, that means an annual payment of £200,000,000 per annum, most, if not all, of which will find its way into British pockets.'"

FREEDOM OF SPEECH IN WAR TIME (S. DOC. NO. 95).

Mr. LA FOLLETTE. Mr. President, I have here an article which appeared in the Harvard Law Journal, written by Zechariah Chaffee, jr., of the Harvard Law School. It is upon the freedom of speech in war time, and, so far as my observation goes, it is altogether the most comprehensive discussion of that subject which has yet appeared. I ask to have it printed as a Senate document.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is so ordered.

ROOSEVELT MEMORIAL ASSOCIATION.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2972) to extend the cancellation stamp privilege to the Roosevelt Memorial Association, which were, after the word "employment," in lines 4 and 5, to strike out the remainder of line 5 and all of lines 6 and 7, and insert "of special canceling stamps bearing the following words and figures: 'Roosevelt Memorial Association, October 20–27,' at such post offices as he may designate and under such rules and regulations as he may prescribe," and to amend the title so as to read: "An act to extend the cancellation stamp privilege for the Roosevelt Memorial Association."

Mr. TOWNSEND. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOUSE BILL REFERRED.

H. R. 9205. An act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1920, and prior fiscal years was read twice by its title and referred to the Committee on Appropriations.

THE CALENDAR.

Mr. NORRIS. Mr. President, I rose to ask that the Chair lay before the Senate the resolution introduced by me on last Friday, which went over under the rule, but I am just reminded that under the rule of the Senate on Monday the calendar should be called. I do not wish to interfere with that. I can just as well call up the resolution to which I have referred tomorrow or at the conclusion of the calendar, if it should be concluded before 2 o'clock.

Mr. THOMAS. Mr. President, the calendar is very small at present, and I ask unanimous consent that the rule be dispensed with this morning in order that the Senator may present his resolution.

Mr. NORRIS. I have no desire to do that. I would just as lief take up the resolution to-morrow morning or the next day. I do not like to interfere with the call of the calendar. There are Senators here having bills on the calendar which they desire to have taken up.

Mr. THOMAS. I withdraw the request.

Mr. McLEAN. I move that the Senate proceed to the consideration of Calendar No. 126, being House bill 7478. This is the bill that has been under discussion in the Senate for a week or 10 days, and I think it ought to be disposed of.

Mr. JONES of Washington. I suggest that that would be out of order unless by unanimous consent the call of the calendar is first dispensed with.

Mr. NORRIS. I should like to suggest to the Senator that the calendar be called, and when the bill referred to is reached on the calendar it can be taken up in its regular order. I do not like to dispense with the call of the calendar.

Mr. McLEAN. Very well.

The PRESIDENT pro tempore. The calendar, under Rule VIII, is in order.

The resolution (S. Res. 76) defining a peace treaty which shall assure to the people of the United States the attainment of the ends for which they entered the war, and declaring the policy of our Government to meet fully obligations to ourselves and to the world, was announced as first in order.

Mr. ASHURST. Let that go over.

The PRESIDENT pro tempore. The resolution will be passed over.

The bill (S. 529) for the relief of the heirs of Adam and Noah Brown was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

HEIRS OF SUSAN A. NICHOLAS.

The bill (S. 600) for the relief of the heirs of Mrs. Susan A. Nicholas was announced as next in order.

Mr. SMOOT. I ask that that bill go over.

Mr. RANSDELL. I ask the Senator to withdraw his objection for just a moment to allow me to make a very brief explanation of the bill. It is a bill which has been before Congress for a long time and is for the relief of two old ladies. One of them, Mrs. Caroline Nicholas Muller, is 75 years of age. Their father was a United States Senator from the State of Louisiana. He died in 1857. The facts are that this property was taken by the Union Army. It was composed of sugar, molasses, mules, sugar cane, and things of that kind. It was valued at $50,000 and the committee found that the claimants were entitled to $40,000. A large crop of growing sugar was also destroyed, but no account is taken of that, because the Army got no benefit of the growing crops. The Army did get the benefit of the sugar and molasses and other property.

These old ladies are now in a distressed financial condition. One of them has to work hard for a living, although she is 75 years of age. There have been no laches in this case. These ladies have been trying for 18 or 20 years, according to the record here—and I do not know what efforts they made before that—to get their claim adjusted. It is certainly a just and equitable one. I have tried for two or three Congresses to get it through. I sincerely hope the Senator will not press his objection, and will allow this case to proceed.

Mr. PENROSE. What is the amount of the claim?

Mr. RANSDELL. The amount found by the committee is $40,000. The evidence shows that the value of the property was $50,000.

Mr. SMOOT. Mr. President, claims of this kind have been presented to the Senate time and time again, ever since the close of the Civil War. Of late years none of them have passed the Senate. Omnibus claim bills have passed the Senate under rules adopted by both Houses of Congress, but not claims of this character.

The items on which the claim is based are as follows:

500 hogsheads sugar (1,120 pounds per hogshead), at 6 cents per pound	$33,600
500 barrels molasses, at 25 cents per gallon	5,000
43 sugar mules, at $200 per mule	8,600
14 sugar-cane wagons, at $150 each	2,100
5 bagasse carts, at $75 each	375
43 sets harness, at $10 per set	430

It is true that this is not quite as bad as some of the claims that have been made, such as 648 fence poles, 432 pounds of tobacco, and items given in detail, such as 3,000 bushels of wheat growing in the field at such and such a price per bushel, and so many pounds of cotton destroyed while in the field and worth so much.

I have taken great pains in the past to go into the testimony in cases of this kind, and in certain cases I have found that the number of pounds of tobacco or the number of fence poles that have been destroyed by the Federal armies were sworn and testified to by people who were not over 9 years old at the time the destruction of the property took place.

If these bills are going to pass, the proper way for them to be handled is by an omnibus bill, and have all of them come in under one head; not to pick out one as against another. If the Committee on Claims decides that these claims should be paid—claims for which I believe there is very little basis—let them all be paid. Similar claims have been sent to the Court of Claims. I can not say whether this has or not, but——

Mr. RANSDELL. I will state to the Senator that this particular one has not.

Mr. SMOOT. I do not say that it has. As I just stated before the Senator interrupted me, I do not know whether it has been sent to the Court of Claims or not, but let it go there before we undertake to pay it. Let the claimants present what testimony they have to that court, whether there is anybody——

Mr. RANSDELL. Mr. President, will the Senator permit an interruption?

Mr. SMOOT. Wait just a moment, and I will conclude.

Mr. RANSDELL. Has the Court of Claims jurisdiction now to act upon this matter? We removed that jurisdiction several years ago.

Mr. SMOOT. Yes; we removed the jurisdiction, but removing it does not prevent the Congress of the United States from asking that court to consider cases of this kind. Let the court be shown the facts by the testimony of the witnesses who know that there were 500 hogheads of sugar, who know whether there were 5 carts or 43 sets of harness or 43 sugar mules. It seems to me that that is the least that could possibly be asked on the part of the claimants—that they should establish their case, and not bring a claim of this character before the Senate and ask the Senate to pass it.

I recognize what the Senator says—that the father of one of these claimants was a Member of this body.

Mr. RANSDELL. The father of both of them.

Mr. SMOOT. Well, that does not make any difference. I would not care whether it was the humblest citizen living in Louisiana or any other State in the Union. Their claim against the Government is just as strong as the claim of the daughter of any Senator that ever lived. Let us try these cases in a uniform way, and let us have some evidence, at least, that the Government of the United States is a debtor, and that these people who are making this claim were loyal to the Government of the United States.

For that reason I object to the consideration of the bill.

The PRESIDENT pro tempore. The Senator from Utah objects, and the bill will be passed over.

MOSES M. BANE.

The bill (S. 1479) for the relief of the estate of Moses M. Bane was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the estate of Moses M. Bane, deceased, who was receiver of public moneys for the Territory of Utah, and paid office rent at Salt Lake City for the years 1877 and 1878 and for the first quarter of the year 1879, the sum of $1,080, the said sum for office rent having been advanced by the officer out of his private means.

Mr. PHELAN. I desire to ask the Senator from Utah if he approves of this measure?

Mr. SMOOT. The department approves of it, as I understand. I did not introduce the bill. The lady is living in Virginia to-day. I understand that while she was the wife of Col. Bane, he, as an official of the Land Department, during the years stated here, did pay that rent, and that the Government owes him $1,080. I have not any interest whatever in it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1223) for the relief of the owner of the steamer *Mayflower* and for the relief of passengers on board said steamer was announced as next in order.

Mr. LENROOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 174) for the relief of Emma H. Ridley was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

ARREARS OF PAY, BOUNTY, AND OTHER ALLOWANCES.

The bill (S. 631) repealing certain provisions contained in the urgent deficiency act approved December 22, 1911, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the following provisions contained in the urgent deficiency act approved December 22, 1911, to wit: "No claim for arrears of pay, bounty, or other allowances growing out of the service of volunteers who served in the Army of the United States during the Civil War shall be received or considered by the accounting officers of the Treasury unless filed in the office of the Auditor for the War Department on or before December 31, 1912"; "No claim for arrears of pay, bounty, or other allowances growing out of the service of volunteers who served in the Army of the United States during the War with Spain shall be received or considered by the accounting officers of the Treasury unless filed in the office of the Auditor for the War Department on or before December 31, 1914," relating to claims for arrears of pay, bounty, or other allowances growing out of the Civil War and the War with Spain are hereby repealed.

SEC. 2. That hereafter no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim for pay, bounty, or other allowances shall, directly or indirectly, contract for, demand, or receive for such services in preparing, presenting, or prosecuting such claim a sum greater than 20 per cent of the amount allowed by the accounting officers of the Treasury Department, which sum shall be payable only on the order of the said accounting officers; and any person who shall violate any of the provisions of this section, or shall demand, collect, or receive from the claimant the whole or any part of a claim allowed such claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding $500.

SEC. 3. That all acts or parts of acts inconsistent with this act are hereby repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF CHARLES BACKMAN.

The bill (S. 1722) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased, was announced as next in order.

Mr. PHELAN. Mr. President, is not that a very old claim, dating back to 1868?

Mr. WADSWORTH. It is my recollection that the claim has been pending for several years. There is not the slightest doubt but that the Government of the United States owes this estate the money.

Mr. PHELAN. It strikes me as very remarkable, when the Government of the United States destroys property of people in 1919 not only in my State, but in the Senator's State, that we should be compensating them in matters of loss by reason of a waste of liquor in 1868. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

LIEUT. EDWARD S. FARROW.

The bill (S. 2259) for the relief of Edward S. Farrow was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the laws regulating appointments in the Army be, and they are hereby, suspended only for the purpose of this act. And the President is hereby authorized to nominate and, by and with the consent of the Senate, appoint Edward S. Farrow, late first lieutenant, Twenty-first Regiment United States Infantry, a first lieutenant of Infantry in the Army of the United States, and thereupon place him, the said Edward S. Farrow, upon the retired list of the Army, with the rank, grade, pay, and allowances of first lieutenant, without regard to the number now authorized by law of said retired list.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1369) to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes, was announced as next in order.

Mr. PHELAN. In the absence of the Senator from New York [Mr. CALDER] I ask that the bill may go over, as the District Committee is now formulating some amendments to the act.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1699) for the retirement of employees in the classified civil service, and for other purposes, was announced as next in order.

Mr. THOMAS. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 168) to create a commission to investigate and report to Congress a plan on the questions involved in the financing of house construction and home ownership and Federal aid therefor was announced as next in order.

Mr. PENROSE. Let that go over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2224) to incorporate the Recreation Association of America was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

DIVISION OF TUBERCULOSIS.

The bill (S. 1660) to provide a division of tuberculosis in, and an advisory council for, the United States Public Health Service, and for other purposes, was announced as next in order.

Mr. PENROSE. Let that go over, Mr. President.

Mr. RANSDELL. Mr. President, I hope the Senator from Pennsylvania will permit me to make a brief explanation of the bill.

Mr. PENROSE. I object to the consideration of the bill at this time. If the Senate gives unanimous consent to the Senator from Louisiana to make an explanation, of course I shall not object.

Mr. RANSDELL. I did not hear what the Senator said.

Mr. PENROSE. I said I object to the consideration of the bill, but I shall not object to the Senator's speaking as long as he chooses if the Senate gives unanimous consent.

Mr. RANSDELL. Mr. President, I would like to make a brief explanation of the bill. I doubt if the Senator from Pennsylvania understands it. It is a bill to create a division of tuberculosis in the Public Health Service. It was objected to when it came up last, I think by the Senator from Utah [Mr. SMOOT], on the ground that it would cost a very large sum. I have a very brief memorandum here from the head of the Public Health Service, which I would like to read in explanation of the bill.

We all know that tuberculosis is a disease which causes more loss of human life than any other disease. It is very destructive of human life, and this year, with the influenza threatening us, we certainly ought to do everything possible to guard against this disease, so close kin in its disastrous effects to influenza. This memorandum, addressed to me, is dated August 20 and reads as follows:

TREASURY DEPARTMENT,
BUREAU OF THE PUBLIC HEALTH SERVICE,
Washington, August 20, 1919.

Memorandum for Senator JOSEPH E. RANSDELL.

It appears from the discussion on August 18, 1919, by the Senate of the bill (S. 1660) to provide a division of tuberculosis in the Public Health Service that there was no difference of opinion as to the necessity of the Public Health Service having appropriations for the study and control of tuberculosis, but there does seem to be a difference of opinion as to the administration of such a fund.

The necessity for the Federal Government bearing its just proportion of the work of the control of tuberculosis is set forth in the report of the Surgeon General of the Public Health Service, under date of January 18, 1919. I do not feel that it is necessary to make any supplemental statement in this regard.

I should like to say that the report which is attached to the bill shows that last year we lost approximately 145,000 people from tuberculosis, and that it was unquestionably the most fruitful cause of death in this country.

The memorandum continues:

There seems to be no opposition to the Federal Government undertaking its share of the work, but there does seem to be some opposition to the creation of an administrative division to carry on this work. Whether such administrative division is created or not, it is obvious that additional appropriations would require some additional administrative personnel, but the amount expended for administrative personnel would be a negligible part in the expenditure of funds appropriated for the investigation of tuberculosis. Administrative personnel would not be in the nature of large increases as has been forecasted, but would be somewhat along the lines that you have indicated, i. e., the detail of an additional medical officer to the bureau to take charge of the division, and the employment of some additional office personnel which probably would not exceed six or eight assistants and clerks. It has always been the policy of this bureau to decentralize so far as possible its work, and I believe that investigation will show that it conducts its activities with a smaller overhead charge for administration than any other bureau in the Federal Government.

Mr. PENROSE. The great building would come later on.

Mr. RANSDELL. If the Senator wants to take the responsibility of preventing Congress from doing all in its power to eradicate tuberculosis, and check, as much as is humanly possible, the greatest enemy of the human race, I am willing that he should take that responsibility. For my part I am going to lay this matter before the Senate, and let it decide whether it wants to pass the bill. My State does not feel any special interest in the establishment of this division. We care very little about it down there. We have our share of tuberculosis, but this is a matter that relates to the whole Union. I want to have it done for the benefit of humanity in the United States, and even if it does cost a considerable amount of money, the Congress that has been pouring out money as we have been pouring it out here for the last two years certainly ought not to balk, Mr. President and Senators, at a reasonable appropriation to control this awful curse.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. RANSDELL. I ask unanimous consent to be allowed to proceed so that I may finish reading this memorandum.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from Louisiana will proceed.

Mr. RANSDELL. The memorandum continues:

As to the statement that the creation of such a division would require a great building rented in the District of Columbia, I beg to assure you that there is no such intention on the part of this bureau, but a very large proportion of the sums appropriated for tuberculosis work would be expended in field investigations and demonstrations. All that would probably be necessary to house such a division in the District of Columbia would be the provision of four or five office rooms for administrative purposes and for the storing of records and correspondence. It is believed that the Treasury Department would be able to provide this space in buildings already under the control of that department.

I am glad to note in the RECORD that the Senator from Utah [Mr. SMOOT] has made the following statement:

"I have no objection to the Government making appropriations for the purpose of assisting in the investigation of tuberculosis. The Senator from Louisiana is no more interested in the subject than I am. The Senator from Louisiana does not know of its ravages and what it has done to the people of the United States more than I know it."

With the above explanation that only a relatively small office force will be involved in the creation of a new division in the bureau, taken in connection with the attitude, as indicated in the above quotation of the Senator, it is hoped that the Senator will withdraw his opposition and consent to the consideration of this bill, the enactment of which is urgently needed in order that the Federal Government may properly discharge its responsibilities to the Nation and the people.

J. C. PERRY,
Acting Surgeon General.

Just one word, Mr. President, and I shall have no more to say. I have tried for several years to get this bill passed. The Surgeon General of the Public Health Service insists that it is essential to the proper carrying on of this work. If Senators wish to object to its passage, they can take that responsibility. It is for them to decide, and not for me. I firmly believe, sir, that it ought to be passed. I firmly believe that it will do a great deal to check tuberculosis, in conjunction with the efforts of the respective States, and I sincerely hope, in behalf of the poor human beings who have suffered so much from this awful disease and those who may hereafter fall victims to it, that Congress will do what it can to check it. It will be a very small sum, and I earnestly hope that the Senator from Pennsylvania [Mr. PENROSE] will not insist on objecting to the present consideration of the bill.

Mr. SMOOT. Mr. President, just a word in answer to the Senator from Louisana. I object to this bill because it establishes another division, and not only a division within the Public Health Service—because that is not all it does—but a division and an advisory council for the United States Public Health Service. I have not any doubt but that the statement made by the Senator from Louisiana that they will begin with about five or six or seven officials is correct. But, Senators, how often have we heard stated upon the floor of the Senate that if we create this bureau, or create that division, at no time in the future will the expense of same be more than $10,000. I call to mind now the establishment of a division in the Department of Labor. The Senators who were in favor of it, and asking the Senators to adopt the measure, guaranteed to the Senate that at no future time would the expense of that division exceed $25,000. I venture to say, Mr. President, that last year there was appropriated nearly $300,000 for that division alone.

Mr. THOMAS. Mr. President, may I ask the Senator if there is any probability of the Senators who guaranteed against more than $25.000 being willing to make their guaranty good?

Mr. SMOOT. None whatever, Mr. President; and it has happened so often before that when the statement was made I had very little confidence in it.

Mr. OVERMAN. Mr. President, I would like to know some reason why they want a division. The department makes an estimate to the Appropriations Committee, as the Senator, being on the committee, well knows, of the amount it thinks necessary to carry on its work in the country. That is done through the head of the medical department, and we always give them the money they ask for. I want to know some reason why they want another division when they are doing the work now.

Mr. SMOOT. Mr. President, I have confidence enough in the United States Public Health Service to believe that if an appropriation is made for this specific activity in that service they can carry it on with the officials who are now in charge of the service. I say now that as a member of the Committee on Appropriations I will favor an appropriation for this specific work, but I want the money that is appropriated for it to go directly to the work in the field and not for the building up in the District of Columbia of another division occupying rooms that could well be occupied by other activities of the Government and for which the Government is paying rent, and high rent at that, in some cases as high as $1.75 a square foot, whereas before the war we thought that 33⅓ cents per square foot was an exceedingly high price. No one can tell me that this division, if created, is not going to grow in numbers and expand until there would be a building used entirely for its purposes. I speak that way, Mr. President, because all of the past experiences in the establishment of bureaus and divisions for the Government since I have been a Member of this body prove that to be the case.

I want officials of the United States Public Health Service to know that I am perfectly willing, and I say now that I believe that every member of the Appropriations Committee is perfectly willing, to give them money for this very purpose. It is a laudable purpose. It is a work that ought to be done by the Government of the United States, but let it be done under the present organization, and I am quite sure that it will be done just as successfully as if we created the new division. I know that it will save the United States hundreds of—I was going to say hundreds of thousands, which it would have in time, but it will save tens of thousands of dollars in the very near future to the Government of the United States by not creating this division.

I think the Senator from North Carolina [Mr. OVERMAN] will bear me out in stating that no division of the Government has been so liberally cared for with appropriations as the United States Public Health Service. I can not call to mind now one request within reason that has been made by them that has not been granted by your Committee on Appropriations. So far as I am concerned, it is not that I am opposed to a division in the Public Health Service only but I am opposed to the creation of any more bureaus or any more divisions in the departments of our Government. For that reason when the bill comes up I shall vote against it, and, of course, I want the Senator from Louisiana [Mr. RANSDELL] to know that it is not because I have any special objection to this division more than I would have to any division in any department that may be suggested in the future.

The PRESIDENT pro tempore. The Chair desires to announce that no motion has been made to continue consideration of the bill.

Mr. SMOOT. It was understood that we were talking by unanimous consent.

Mr. RANSDELL. Do I understand that the Senator from Pennsylvania insists upon his objection?

Mr. PENROSE. I do.

The PRESIDENT pro tempore. The bill will be passed over.

BILLS OF EXCHANGE.

The bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918, was announced as next in order.

Mr. McLEAN rose.

The PRESIDENT pro tempore. The Chair is advised that the bill has been read in full and that an amendment is now pending.

Mr. SMOOT. Will the Senator from Connecticut [Mr. McLEAN] allow it to go over until we can get through with the calendar? We can then take it up.

Mr. McLEAN. If there can be an understanding that after matters are objected to they will be passed over and this bill will be taken up, that will be satisfactory. If, however, there is to be a discussion of 10 minutes on every calendar number, the morning hour will soon be consumed.

Mr. SMOOT. I will say to the Senator that I do not know of another number on the calendar that is going to lead to any discussion.

Mr. McLEAN. Does the Senator know of any matter yet to be reached that is pressing for action?

Mr. SMOOT. I can not say that there is.

Mr. McLEAN. Then I think we might as well go ahead with this bill.

Mr. LENROOT. I ask that the bill may go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. SMITH of Georgia. Mr. President, a motion would be in order to proceed with the bill now, but if the Senator from Connecticut prefers to wait and make the motion when the calendar is concluded, that course will perhaps be better. Under the rule a motion is in order now to proceed to the consideration of the bill, but I will not make it, and I suppose the Senator will not make it at this time.

Mr. McLEAN. It is in order, but I do not think we will gain anything in time by making the motion now.

The PRESIDENT pro tempore. The next bill on the calendar will be announced.

Mr. POMERENE subsequently said: Mr. President, I simply wish to ask permission to offer an amendment to the bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918, which is on the calendar, so that Senators may be advised of it.

On page 2, line 22, of the bill, after the word "section," I desire to offer the amendment which I just sent to the desk, and which I ask to have printed in the RECORD; and also another amendment on page 3, line 9, to strike out the numerals "25" and insert "20."

The first amendment intended to be proposed by Mr. POMERENE is as follows:

On page 2, line 22, after the word "section," insert:
"The total liabilities to any association of any person, corporation, company, or firm, upon the discount of bills of exchange, drafts, demand obligations and commercial or business paper, as described in (1) and (2) hereof, shall not exceed at any time twice the paid-in and unimpaired capital stock and surplus of said association."

EDWARD W. WHITAKER.

The bill (S. 861) for the relief of Edward W. Whitaker was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments on page 2, line 2, after the words "United States," to strike out "after the date of the passage of this act" and insert "thereafter"; in line 5, after the word "the," to strike out "passage of this act" and insert "date of his commission as a retired officer"; and in line 7, after the word "act," to insert "*Provided further*, That no back pay, allowances, or other emoluments, except his pay as a retired lieutenant colonel of cavalry, shall accrue as a result of the passage of this act," so as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint Edward W. Whitaker, late lieutenant colonel First Regiment Connecticut Volunteer Cavalry, and brevet brigadier general, United States Volunteers, a lieutenant colonel of Cavalry in the Army of the United States; and when so appointed he shall be placed upon the retired list of the Army, unlimited, with the pay and emoluments of a retired officer of that grade the retired list being thereby increased in number to that extent: *Provided*, That on receiving the said retired pay under this act he shall relinquish all his right and claim to pension from the United States thereafter, and any payment made to him covering a period subsequent to the date of his commission as a retired officer shall be deducted from the amount due him on the first payment under this act: *Provided further*, That no back pay, allowances, or other emoluments, except his pay as a retired lieutenant colonel of Cavalry, shall accrue as a result of the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THE DIXIE HIGHWAY.

The joint resolution (S. J. Res. 79) exempting the Dixie Highway from the prohibition contained in the act approved July 11, 1919, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Military Affairs with an amendment, on page 2, line 4, after the words "Dixie Highway," to strike out "around" and insert "on," so as to make the joint resolution read:

Resolved, etc., That the completion of the construction of the detour in the Dixie Highway on the reservation at Camp Knox, Ky., out of unexpended balances of appropriations heretofore made for the support and maintenance of the Army or the Military Establishment be, and the same is hereby, exempted from the prohibition contained in the above-quoted provision of said act, and the War Department is hereby authorized to proceed to complete such construction.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was reported from the Committee on Military Affairs with an amendment, in the second whereas, after the word "detour," to strike out the word "around" and insert the word "on," so as to make the preamble read:

Whereas by an act approved July 11, 1919 (Public No. 7, 66th Cong., H. R. 5227), it is provided as follows:
"That no part of any of the appropriations made herein nor any of the unexpended balances of appropriations heretofore made for the support and maintenance of the Army or the Military Establishment shall be expended for the purchase of real estate of (or) for the construction of Army camps or cantonments except in such cases at National Army or National Guard camps or cantonments which were in use prior to November 11, 1918, where it has been or may be found more economical to the Government for the purpose of salvaging such camps or cantonments to buy real estate than to continue to pay rentals or claims for damages thereon, and except where industrial plants have been constructed or taken over by the Government for war purposes and the purchase of land is necessary in order to protect the interest of the Government"; and
Whereas under the terms of the said provision of said act, construction at Camp Knox, Ky., is prohibited, and among the items of construction being done at Camp Knox upon the date of the approval of said act was the construction of a portion of the Dixie Highway, made necessary by the discontinuance of the use of about 10 miles of said Dixie Highway through the reservation at Camp Knox, and the construction of a detour on the reservation to replace the broken link in the Dixie Highway; and
Whereas such detour is an essential part of the highway system of the State of Kentucky and its completion is in the national interest: Therefore be it.

The amendment was agreed to.

The preamble as amended was agreed to.

PANAMA CANAL ZONE.

The bill (S. 1273) to prohibit intoxicating liquors and prostitution within the Canal Zone, and for other purposes, was announced as next in order.

Mr. JONES of Washington. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

PAYMENTS TO DEPENDENTS OF DECEASED SOLDIERS.

The bill (S. 2497) to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct was announced as next in order.

Mr. SMOOT. Mr. President, I should like to ask the Senator from New York [Mr. WADSWORTH], before taking up the consideration of the bill, to explain the details of it, because I have not had time to read the report. On its face it seems to me the whole subject really is before the Finance Committee, and that they have dozens of bills with reference to the war-risk insurance affecting our soldiers. Will the Senator please explain it?

Mr. WADSWORTH. Mr. President, I am not aware, of course, of the bills which are before the Committee on Finance, but this bill has one specific object in view. It is to restore the provision of the law affecting the Regular Army up to the time of the enactment of the war-risk insurance law. Through an obvious error, the war-risk insurance act, by implication at least, repealed the provision of the law which had been upon the statute books for many years, under which the nearest of kin, in the event of the death of an officer or soldier in the Regular Army, received six months' pay in the nature of an insurance payment to tide over the emergency caused by the death of the head of the family. It is a privilege which Regular Army Officers' families and Regular soldiers 'families have had for many, many years.

Mr. SMOOT. I will ask the Senator if it is not true that they would also receive the insurance which the officers and men were carrying? Would not the dependent also receive the payment of $57.50 each month as provided for under the war-risk insurance act?

Mr. WADSWORTH. The Senator will find the following language in section 3 of the bill:

SEC. 3. That the sum received hereunder shall be deducted from any amount that may be, or may become, due and payable to any such widow, child, children, or dependent relative of such officer or enlisted man under the act entitled "An act to amend an act entitled 'An act to authorize the establishment of a Bureau of War Risk Insurance in the Treasury Department,' approved September 2, 1914, and for other purposes," approved October 6, 1917, or any act or acts amendatory thereof.

So the Senator will see that we have taken care of the particular matter to which he alludes.

Mr. SMOOT. Then the object of the bill is simply to authorize the Government to pay six months' pay immediately, so that the beneficiaries may have the use of the money at once?

Mr. WADSWORTH. It is.

The PRESIDENT pro tempore. The bill having heretofore been read, it is now before the Senate as in Committee of the Whole, and open to amendment. If there be no amendment proposed to the bill, it will be reported to the Senate.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONTROL OF FOOD PRODUCTS.

Mr. GRONNA. I ask the Chair to lay before the Senate the action of the House on the amendments of the Senate to H. R. 8624, the food-control bill, which have been returned disagreed to by the House.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8624) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GRONNA. I move that the Senate insist upon its amendment and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

Mr. JONES of Washington. Mr. President, I should like to ask the Senator from North Dakota whether he would have any objection to placing on the conference committee some member of the Committee on the District of Columbia?

Mr. GRONNA. I will say to the Senator that I would have objection, because the bill is under the jurisdiction and in the control of the Committee on Agriculture and Forestry.

Mr. JONES of Washington. I know; but the principal amendment is an amendment coming from the Committee on the District of Columbia.

Mr. GRONNA. Let me say to the Senator that the amendment was written into the bill by the Senate Committee on Agriculture and Forestry, and it was amended by the Senate.

Mr. JONES of Washington. I know there was a provision put in it by the Committee on Agriculture and Forestry. If the Senator objects, I will not press the suggestion.

Mr. GRONNA. Yes; in the absence of a more potent and just suggestion, I do object.

Mr. JONES of Washington. I think, really, that the District Committee ought to be represented in the conference.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from North Dakota [Mr. GRONNA].

The motion was agreed to; and the President pro tempore appointed Mr. GRONNA, Mr. NORRIS, and Mr. SMITH of Georgia conferees on the part of the Senate.

AMENDMENTS TO THE CONSTITUTION.

The joint resolution (S. J. Res. 41) proposing an amendment to the Constitution of the United States was announced as next in order.

The joint resolution was read as follows:

Resolved, etc., That Article V of the Constitution of the United States is hereby amended to read as follows, to wit:

"Article V.

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several States shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution when ratified within six years from the date of their proposal by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, or by the electors in three-fourths thereof, as the mode of ratification may be proposed by the Congress: *Provided*, That no State, without its consent, shall be deprived of its equal suffrage in the Senate."

Mr. ASHURST. Mr. President, I wish to make a brief observation on the joint resolution which has just been read. I am very much in favor of the joint resolution, but it is obvious that it can not be disposed of under the five-minute rule. I wish, however, again to urge the early adoption of an amendment to the Constitution of the United States which will provide that no amendment shall become a part of the Constitution unless it is ratified by the voters at the polls, each State voting separately.

The reasons which brought about the amendment to the Constitution providing for the direct election of Senators applies with equal force, even with greater force, to the suggestion that a constitutional amendment should not be adopted except by a vote of the people. I believe that the two amendments which were last proposed for ratification, viz, the one providing for woman suffrage and the other for prohibition—and I am earnestly in favor of both those amendments—were not forced upon the people, but that they were submitted in response to a demand made by the people. At the same time I am not oblivious to the fact that there are millions of citizens of high character who believe that lobbies intimidated the legislatures of the various States and even intimidated Congress into submitting those amendments. I do not believe that; I believe, as I have stated, that those amendments were in response to a demand of the people, and that they would be sustained by the people at the polls by a two-thirds majority; yet I feel that it is clearly our duty, in this day of progress, when we are forward looking, to say to the people, "On this grave question of your fundamental law you, the people, should have a right to say what sort of a Constitution you desire to live under."

Mr. POMERENE rose.

Mr. ASHURST. I have only five minutes, but I yield to the Senator.

Mr. POMERENE. I merely want to ask the Senator a question. This is a very interesting question.

Mr. ASHURST. I yield to the Senator from Ohio.

Mr. POMERENE. In some of the States where they have the referendum it is contended that there may be a referendum on the resolution of the general assembly ratifying an amendment to the Constitution. What is the Senator's view as to whether or not that is correct?

Mr. ASHURST. I have heretofore gone into that. While it is true that in States which have the referendum we treat the people as a part of the law-making body, yet I am convinced that when the framers of the Federal Constitution used the word "legislatures" they did not intend that the people should be included in the expression; in other words, I believe that when the Constitution was framed it was the intention of its framers that the legislatures of the States and not the people should ratify the various proposed amendments, unless ratification was brought about by a convention. Notwithstanding the fact that some courts have held that the referendum if resulting unfavorably to a proposed constitutional amendment is binding, I dissent from such view.

Mr. HARRISON. Mr. President——

Mr. ASHURST. I yield to the Senator from Mississippi.

Mr. HARRISON. If the Senator will permit me, I might say that some months ago I introduced and had referred to the Committee on the Judiciary a resolution carrying out that idea, and I showed it to the Senator before it was introduced. I hope that the Committee on the Judiciary will before long give a hearing on the resolution.

Mr. ASHURST. Let me say to the Senator from Mississippi in reference to his resolution—and he did me the honor of asking me to read it before he introduced it, and I remember the language of his resolution—that the Senate Committee on the Judiciary at the last Congress had before it a joint resolution proposed by the Senator from Connecticut [Mr. BRANDEGEE], and, having therefore considered that particular joint resolution, reported it favorably; but the fact that they have not reported the resolution of the Senator from Connecticut is in no sense a derogation of the resolution of the Senator from Mississippi.

Mr. President, under the limitations of the five-minute rule one can not discuss this question, and I ask unanimous consent of the Senate that I may be allowed to proceed four minutes longer on this subject.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and permission is granted.

Mr. ASHURST. The joint resolution before me provides that hereafter—and it is not retroactive in any sense—all proposed amendments to the Constitution submitted by Congress shall be adopted within six years. The joint resolution simply changes Article V of the Federal Constitution in this regard. Article V provides that the Constitution may be amended after the proposed amendment has been adopted by a two-thirds vote in each House of the Congress and when the legislatures of three-fourths of the States have adopted it or by conventions duly called in three-fourths of the States.

The joint resolution now pending proposing to amend the Constitution simply sets up an additional tribunal. It does not take away the two tribunals or two methods of amending the Constitution that now exist; it simply gives the Congress, the National Legislature, the right, the power, and the authority to submit amendments to a vote of the people if Congress shall see fit.

Mr. POMERENE. Mr. President, may I ask the Senator another question?

Mr. ASHURST. Yes.

Mr. POMERENE. Has the court of any State in which a referendum is a part of the State law held that such a referendum would not lie to a proposed amendment to the Constitution?

Mr. ASHURST. No; on the contrary, one court of high authority has held—I think a district court in a State which has a referendum—that notwithstanding the fact that the legislature had ratified the proposed constitutional amendment, if at a referendum the people disapprove the ratification of the legislature, the ratification is null and void. It is a respectable court, a court of high authority.

In addition to the fact that a further tribunal is set up by which the people may affirmatively pass on proposed amendments to the Constitution, there is another vital part of the joint resolution, to wit, the proposed amendment must be ratified within six years. The necessity for such a provision must be obvious when we reflect there are now pending two amendments which have been pending since the 15th of September, 1789, over 130 years; that there is another amendment submitted in 1810 which provides that no citizen of the United States shall accept any gift or anything of value or reward or title from any prince or foreign State. That proposed amendment was submitted 109 years ago and is still pending. It once lacked but one vote of being ratified. I am sure that such an amendment would meet the approbation of nine-tenths of the American people.

The PRESIDENT pro tempore. The joint resolution is before the Senate as in Committee of the Whole and open to amendment.

Mr. BRANDEGEE. Mr. President, this joint resolution was reported favorably by the Senate Committee on the Judiciary at

the last session, but, owing to the stress of business, it was not reached upon the calendar at that session. It was discussed at times briefly but not at all exhaustively; indeed, it would not seem that a very exhaustive discussion of the joint resolution were necessary. It was unanimously reported by the Senate Committee on the Judiciary both at the last session and at this session. I am not sure that every member of the committee was in attendance when it was reported, but there were no adverse votes, and there was no minority report.

The Senator from Arizona [Mr. ASHURST] has made a much more thorough study of the considerations pertaining to the necessity of this proposed amendment to the Constitution than have I, and I do not intend in any profound way to elucidate the resolution or to enter upon a discussion of the considerations that make it necessary. I think we are more or less familiar with them.

In brief, the reasons which I think and which the committee think make this proposed amendment to the Constitution proper and wise are these: As the Senator from Arizona has stated, the Constitution, in Article V, provides in substance that amendments to the Constitution of the United States may be made when proposed by two-thirds of each branch of Congress and ratified by the legislatures of three-fourths of the States or by conventions called in three-fourths of the States for that purpose.

In the whole history of the amendment of the Constitution since its existence, Congress has never availed itself of the second method of ratification; that is, it has never recommended that an amendment be ratified by conventions in the several States; but it has always, without exception, recommended that the other method proposed in the Constitution for ratification should be adopted, to wit, ratification by the legislatures of the several States.

In passing, I may say in relation to the inquiry interjected by the Senator from Ohio [Mr. POMERENE] as to whether, in such States as under their constitutions have to have their legislative proposals submitted to the people by what is known as the process of referendum for their approval before they can become valid, the constitutional language of submitting the proposed amendment of the United States Constitution to the legislatures of the several States compels its submission to the people of those States—I do not know that that question has been finally and definitely adjudicated in this country. I do not know whether it has been before the Supreme Court or not. There have been some decisions of inferior courts, one of which I seem to recall, that where the constitution of a State made a referendum to the people necessary for the validity of an act of the legislature, such referendum became a part of the legislative process, a part of legislation, and that the action of the people by referendum was really a part of the legislature of that State. I never have been able to persuade myself, though I have not given the subject very careful consideration, that that contention was well founded, because I think the ordinary rules applying to the construction of legal documents would require that the term "legislatures," as used in the Constitution of the United States, should be construed in the light of what the framers of that instrument at the time considered to be legislatures. At the time our Constitution was formed the referendum process had not entered into the public policies of any of the States, and "legislatures" then certainly meant to the framers of the Constitution the general assemblies of the States, as distinguished from the electors thereof.

I am going to ask, as my time is about to expire, that I may proceed and conclude my remarks on this question. The matter has been up several times, and I have always been willing to pass it over, but I should like to make a statement on it this morning, if there is no objection.

The PRESIDENT pro tempore. The Chair hears none, and it is so ordered.

Mr. POMERENE. Mr. President, before the Senator goes to another branch of the subject, the Senator has referred to a decision of one of the lower State courts. I am familiar with that. Has this matter been before any Federal court, so far as the Senator knows?

Mr. BRANDEGEE. I do not know, Mr. President. I will frankly state that I have not attempted to investigate that question. Whether it had or not, I should think that unless it had gone at least to a very high Federal court the decision would not be considered as final and conclusive until it was decided by the Supreme Court of the United States, since it is such a grave constitutional question.

The amendment proposes, in addition to the two methods now provided by the Constitution for the ratification of amendments, to add a third method, to wit, ratification by the electors of the States. It also proposes to fix a time limit, to wit, a period of six years, within which such amendments must be ratified in order to become valid.

It has been suggested that there had been no great abuse, in the history of the Government in the past, in the present method of ratification, and hence that this joint resolution is not very necessary. Mr. President, I do not think it is necessary to wait for abuses to arise. In view of the tendency in this country to make the people more and more interested in and responsible for the functions of government, I think it is an exceedingly wise provision that our fundamental law should not be changed except by direct participation of the people themselves. If the people are competent, as they are, to elect their representatives in this body, and if the former exclusive privilege of the legislatures in that respect was taken away from the legislatures and placed directly in the hands of the people, it would seem that the approval of a constitutional amendment could be justified by the same logic and the same reasoning which proved so efficacious to bring about the change as to the election of United States Senators.

Furthermore, if the process of amending the Constitution in the past has not been abused, it was largely due, in my opinion, to the fact that in prior years the Congress of the United States confined itself to such amendments of the Constitution as concerned our form of government and the distribution of its powers. Now that there are so many movements in the country to change the Constitution in reference to matters which intimately concern themselves and are irrevocably connected with the daily habits of each individual citizen, it seems to me that all the more, in justice and in fair play and in order to determine the accurate sentiment of the people, the people themselves should be the tribunal to whom should be proposed the question of whether or not they approve a proposed change in the Constitution.

The Senator from Arizona [Mr. ASHURST] has suggested that he would like to have it arranged so that it would be necessary for the people to approve such a proposed change in the Constitution. I, for my part, have no objection whatever to such an amendment being proposed, and in fact it meets my personal and individual views.

Mr. ASHURST. Mr. President, will the Senator yield to me at that point?

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Arizona?

Mr. BRANDEGEE. Certainly.

Mr. ASHURST. The Senator has correctly stated my view, that I would be glad, indeed, to see an amendment adopted even to this joint resolution which will let the people be the only and the exclusive tribunal to which the same should be or could be submitted, yet there are some practical difficulties in the way. It is a difficult thing to amend the Federal Constitution; and I am comforted by the reflection, and will be content to stand on it without proposing any amendment, that if the Senator's amendment should be proposed—and I believe it will be adopted if proposed—Congress would thereafter always avail itself of that just and proper tribunal, the people themselves. So I shall not offer any amendment, because I believe the philosophy of the situation would be that Congress itself would always submit the amendment to the proper tribunal, the people.

Mr. BRANDEGEE. I think the Senator is correct about that; and the reason why in drafting this proposed amendment I left in the existing methods of ratification was because I think it is wiser, in making a change in the Constitution, to make as little change as may be necessary to accomplish the object. Having in mind what I consider to be the certainty that Congress in the future will always submit these amendments to the people instead of to the legislatures or to conventions, if this amendment shall be ratified, I do not consider it essential to put in the ratification of the people as an exclusive method of ratification; but I am perfectly willing to have it go in if the Senate wants it in, or it can be put in in conference, or by the House, if the House prefers it that way, when this matter goes to the House.

Another reason why I would not like to offer such an amendment on the floor now is that I reported the joint resolution as the action of the committee, and I could offer the amendment personally, but I could not speak for the committee in advocating such an amendment.

It has been suggested to me since this amendment was reported from the committee that the Supreme Court, in passing on the language of the Constitution which provides that whenever two-thirds of both Houses shall deem it necessary Congress may submit an amendment, has recently decided that two-thirds of both Houses means two-thirds of a quorum of both Houses, which may mean much less than a majority, even, of each House, because a quorum consists of a bare majority in each House, and two-thirds of a bare majority would be just one-third, which is less than a majority, if I am correct in my figures; so that you have a small fraction of both branches proposing a constitutional

amendment, instead of two-thirds of the membership of both branches, which I think was really intended by the framers of the Constitution to be the constitutional requirement. So I am going to suggest as an amendment, solely on my own responsibility, that the joint resolution as proposed be amended so as to read:

The Congress, whenever two-thirds (of the Members) of both Houses shall deem it necessary—

So that it would require two-thirds of the total membership of each House to approve such a joint resolution. I think that would be a wise provision. I am not going to insist upon it if there is an objection, because I do not want to imperil the passage of the joint resolution.

Mr. President, I hesitate to press this matter to a vote this morning, not by reason of any fear of the result, but it is perfectly evident that there is not a quorum present at this minute; and inasmuch as the Constitution requires two-thirds to vote, I do not want to be responsible for taking what I regard as an important action with so few Members present. I am perfectly willing that it shall go to a vote if that is the regular order.

Mr. JONES of Washington. Mr. President, I simply want to suggest that if the Senator is going to urge a vote on the joint resolution, I shall object.

Mr. ASHURST. I am sure I should not urge a vote upon it. The Senator from Connecticut will be in charge of the joint resolution.

Mr. BRANDEGEE. The Senator will bear in mind the language I used, that if there was objection I should not press the amendment. I will not press the amendment.

Mr. ASHURST. Mr. President, I again thank the Senate for granting me this additional time.

My attention was drawn to this proposed reform or change in our Federal Constitution, not by any original thought within myself, but I think the Senator from Connecticut [Mr. BRANDEGEE] was the first person who suggested the same change, and I recall in the Judiciary Committee the words of the distinguished President pro tempore, who now presides over this Chamber, that if he could have his way there would be no intervening body whatever in the matter of proposing amendments to the people's fundamental law; that the people themselves should say, and they should alone say, under what sort of Government they desired to live.

Mr. President, this proposed amendment, if submitted by the Congress and ratified by the States, would change Article V of the Federal Constitution in two particulars, namely:

First. It would require the States to ratify or reject an amendment within six years from the date the amendment was proposed by the Congress.

Second. It would grant power to the Congress to submit an amendment to the qualified electors of the States as well as to the legislatures and to conventions.

Counting the woman-suffrage amendment, we have had 19 amendments to the Federal Constitution. I will treat the first 10 amendments as a part and parcel of the original Constitution, because when the Constitution was ratified it was upon the distinctly implied, in some cases expressed, understanding that amendments would be adopted. They were proposed and submitted by the First Congress on the 15th of September, 1789. They were 12 in number. The third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth were ratified by the required number of States within exactly two years and three months. But No. 1 and No. 2 are still pending, and on the 15th day of this present month had been pending 130 years.

So we perceive a wise suggestion in the amendment proposed by the Senator from Connecticut [Mr. BRANDEGEE] that there should be a time limit. Moreover, we have precedent. Congress, in submitting the prohibition amendment, laid a limit upon the time within which the State could ratify.

I call the attention of the Senate to the fact that the last 9 amendments—eliminating the first 10—have been brought about by "amendment periods." The eleventh and twelfth were adopted in the 10-year period between 1794 and 1804, the twelfth having been brought about by the unfortunate tie between Thomas Jefferson and Aaron Burr. Call that the first amendment period. Then, notwithstanding the fact that many score of amendments were introduced in Congress and two were proposed between 1804 and 1864, no amendment was adopted; thus there was a 60-year period of immobility with respect to amending our Federal Constitution.

Then came the second amendment period, which began in 1865 and lasted until 1875. In that 10-year period the thirteenth, fourteenth, and fifteenth amendments were proposed and adopted.

There came another period of nearly 40 years of silence, and then came the sixteenth, seventeenth, eighteenth, and, treating the woman-suffrage amendment as adopted, the nineteenth amendment—the third amendment period (1909 to 1919)—showing that these amendments move in great cycles.

The Federal Constitution conserves and protects all that real Americans hold precious; it should not be changed by legislative caucus, but by the direct vote of the people.

There is not a State in the Federal Union whose constitution may be amended by the State legislature. The various State constitutions may be amended only by the electorate of the State. How utterly archaic, therefore, it is to deny the electorate an opportunity to express itself upon the proposed change in our fundamental law.

If the consent of the voters be required to alter and amend a State constitution, a fortiori, the vote of the people should be required to change the Federal Constitution.

It is vital to our American system that the voter should have an opportunity to say at the ballot box what form of government he desires to live under.

If you are not willing that the State legislatures should choose United States Senators, for a much stronger reason the State legislatures should not change your fundamental law.

Every argument in favor of the election of Senators by a direct vote of the people is a stronger argument in favor of consulting the people on constitutional amendments.

I favored the amendments providing for the income tax, direct election of Senators, prohibition, and woman suffrage. I believe they were wise amendments, and that they were in response to the deliberate judgment and progressive thought of a vast majority of our countrymen; indeed, I believe those amendments were demanded by the people and were not forced upon the people. My belief, unfortunately, does not settle the question; for the stubborn fact exists that millions of our countrymen thoroughly believe that the prohibition and woman-suffrage amendments were adopted by cunning, by craftiness and indirection, and that the Congress and the State legislatures were either browbeaten into voting for the amendments or were induced to do so by an insidious lobby. It is my personal opinion that if a referendum to the people on the prohibition and woman-suffrage amendments could have been had, each amendment would have been adopted and ratified by at least a three-fourths majority of the electors. We should, therefore, take the requisite steps to preclude the opportunity in the future of a recurrence of such discontent and suspicion by providing a means by which the electors of each State may pass upon amendments to the Federal Constitution.

Mr. President, there are 435 Members of the House of Representatives and 96 Members of the Senate, in all 531. I ask unanimous consent to include in the RECORD, at this point in my remarks, a statement showing the exact number of State senators, number of members of the house or assembly, as the case may be, in the State legislatures.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Number of members in State legislatures.

State.	Senate.	House or assembly.
Alabama	35	106
Arizona	19	35
Arkansas	35	100
California	40	80
Colorado	35	60
Connecticut	35	258
Delaware	17	35
Florida	32	75
Georgia	44	189
Idaho	37	65
Illinois	51	152
Indiana	50	100
Iowa	50	108
Kansas	40	125
Kentucky	38	100
Louisiana	41	115
Maine	31	151
Maryland	27	132
Massachusetts	40	240
Michigan	32	100
Minnesota	67	130
Mississippi	49	133
Missouri	34	142
Montana	41	95
Nebraska	33	100
Nevada	17	37
New Hampshire	24	404
New Jersey	21	60
New Mexico	24	49
New York	51	150
North Carolina	50	120
North Dakota	49	113
Ohio	36	128
Oklahoma	44	111
Oregon	30	60
Pennsylvania	50	207
Rhode Island	39	100

Number of members in State legislatures—Continued.

State.	Senate.	House or assembly.
South Carolina	44	124
South Dakota	45	103
Tennessee	33	99
Texas	31	142
Utah	18	46
Vermont	30	246
Virginia	40	100
Washington	41	97
West Virginia	30	94
Wisconsin	33	100
Wyoming	27	57
	1,760	5,643

Members of senates	1,760
Members of houses or assemblies	5,643
Total	7,403

Mr. ASHURST. So we have a total of 7,403 members of the State legislatures, and, as the Senator from Connecticut [Mr. BRANDEGEE] says, a majority of that 7,400—not two-thirds, but a bare majority of that 7,400 men—may pass upon an amendment to the Constitution.

So we find ourselves in this posture: Two-thirds of the Congress and a majority of the 7,400, or about 4,500 men, pass upon the destiny of the most advanced people that ever lived in the tide of times. We set ourselves up as the leader among the nations in thought and as responsive to the people's will, and yet 4,500 men, if they saw fit, could Prussianize the Republic.

As the Senator from Ohio [Mr. POMERENE]—and I thank him for it—says, sotto voce, two-thirds of a quorum in Congress is all that is necessary.

Mr. President, it is startling to investigate and then reflect upon the perils that have come and that in the future may come by a continued failure to set a time limit within which a proposed amendment may be ratified.

Five different amendments duly proposed by the Congress are now pending before the States for their action. These amendments are as follows:

One, proposed September 15, 1789, 130 years ago, relating to enumeration and representation:

ARTICLE 1. After the first enumeration required by the first article of the Constitution there shall be one Representative for every 30,000 until the number shall amount to 100, after which the proportion shall be so regulated by Congress that there shall be not less than 100 Representatives, nor less than one Representative for every 40,000 persons, until the number of Representatives shall amount to 200, after which the proportion shall be so regulated by Congress that there shall not be less than 200 Representatives, nor more than one Representative for every 50,000 persons.

Another, proposed September 15, 1789, 130 years ago, relating to compensation of Members of Congress:

ART. 2. No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.

One proposed May 1, 1810—109 years ago—to prohibit citizens of the United States from accepting presents, pensions, or titles from princes or from foreign powers:

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

One proposed, March 2, 1861—58 years ago—known as the Corwin amendment, prohibiting Congress from interfering with slavery within the States:

No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State. (12 Stat., 251.)

And the woman suffrage amendment proposed June 4, 1919:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

On September 15, 1789, 12 constitutional amendments were proposed by the First Congress. The requisite number of States ratified proposed articles numbered 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 within exactly two years and three months, whilst Nos. 1 and 2, although proposed 130 years ago, have not, according to the latest available returns, received favorable action by the requisite number of States and are yet before the American people, or the States, rather, have been for 130 years, and are now subject to ratification or rejection by the States. After those two proposed amendments, to wit, Nos. 1 and 2, had been in nubibus—"in the clouds"—for 84 years, the Ohio State Senate in 1873, in response to a tide of indignation that swept over the land in opposition to the so-called "back-salary grab," resurrected proposed amendment No. 2 and passed a resolution of ratification through the State senate. No criticism can be visited upon the Ohio Legislature that attempted to ratify the amendment proposed in 1789, and if the amendment had been freshly proposed by Congress at the time of the "back-salary grab" instead of having been drawn forth from musty tomes, where it had so long lain idle, stale, and dormant, other States doubtless would have ratified it during the period from 1873 to 1881.

Thus it would seem that a period of 130 years, or 84 years, within which a State may act is altogether too long, and I will support a proposition limiting the time to 6, 8, or 10 years within which a State may act under a particular submission, so that we will not hand down to posterity a conglomerate mass of amendments floating around in a cloudy, nebulous haze, which a State here may resurrect and ratify, and a State there may galvanize and ratify.

We ought to have homogeneous, steady, united exertion, and certainly we should have contemporaneous action with reference to these various proposed amendments. Judgment on the case should be rendered within the ordinary lifetime of those interested in bringing about the change in our fundamental law. Final action should be had while the discussions and arguments are within the remembrance of those who are called upon to act.

There is still another reason why a time limit should be set: When the 12 amendments were submitted in 1789 there were only 13 States. Vermont had not been admitted, if I remember correctly.

Question: Should three-fourths of the States then in the Union or three-fourths of those now in the Union be the test as to what shall be the number required for ratification?

The amendment proposed on May 1, 1810, was submitted to the States under the most interesting and peculiar auspices that ever came before a legislative body, and was as follows:

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States and shall be incapable of holding any office of trust or profit under them, or either of them.

What was the reason for that proposed amendment? History does not disclose, but the reason was that when officials accept presents of great value they dissolve the pearl of independence in the vinegar of obligation.

Mr. PENROSE. Mr. President, will the Senator permit an inquiry?

The PRESIDENT pro tempore. Does the Senator from Arizone yield to the Senator from Pennsylvania?

Mr. ASHURST. I yield.

Mr. PENROSE. The Senator does not have in mind, I take it—or has he in mind—the very valuable and numerous presents brought back to this country by those in executive and diplomatic place affecting to represent the United States abroad?

Mr. ASHURST. I know, nothing, Mr. President, about any presents received by anybody. I do not know anything about that. But if any Democrat has received any present, he would receive my condemnation just as quickly as though he were a Republican. It is one of the habits of the majority party to receive presents, and I do not want the Democratic Party to get into that habit.

Mr. PENROSE. To state the matter bluntly, I am told that the President came back to this country laden and overburdened with presents from crowned heads and foreign governments——

Mr. ASHURST. I am sure the Senator from Pennsylvania does not believe that.

Mr. PENROSE. And that even the ladies in the Executive party brought back jewelry worth many hundreds of thousands of dollars. An official of the customhouse, I was informed, stated that jewelry amounting to $1,000,000 had been brought back by one of the party on a recent trip.

Mr. ASHURST. In the first place, Mr. President, I know of no ladies who are holding any office at this time under the Federal Government; and, secondly, I am not in the business of attacking women, anyhow.

Mr. PENROSE. I am not in the business, either, of attacking anybody; but I am simply stating a fact, that the presidential party, including the ladies of the party, brought back to this country presents from crowned heads and foreign governments amounting to several million dollars, and I was anxious to know whether the Senator from Arizona had referred to this constitutional amendment as applicable to modern cases.

Mr. ASHURST. I will read the amendment proposed in 1810, and the Senator may see to whom it would apply. This amendment was proposed, and is still pending, and with the views of the Senator from Pennsylvania as stated, I hope to enlist him for the amendment proposed by the Senator from Connecticut [Mr. BRANDEGEE]. This proposed amendment read:

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept or retain any present, pension, office, or emolument of any kind whatever from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

Unfortunately, the annals of Congress and contemporary newspapers do not give any of the debate upon this interesting proposition. The only light thrown upon the subject by the annals is the remark of Mr. Macon, who said "he considered the vote on this question as deciding whether or not we were to have members of the Legion of Honor in this country." What event connected with our diplomatic or political history suggested the need of such an amendment is not now apparent, but it is possible that the presence of Jerome Bonaparte in this country a few years previous, and his marriage to a Maryland lady, may have suggested this measure.

An article in Niles's Register (vol. 72, p. 166), written many years after this event, refers to an amendment having been adopted to prevent any but native-born citizens from being President of the United States. This is, of course, a mistake, as the Constitution in its original form contained such a provision; but it may be possible that the circumstances referred to by the writer in Niles relate to the passage of this amendment through Congress in regard to titles of nobility. The article referred to maintains that at the time Jerome Bonaparte was in this country the Federalist Party, as a political trick, affecting to apprehend that Jerome might find his way to the Presidency through "French influence," proposed the amendment. The Federalists thought the Democratic Party would oppose it as unnecessary, which would thus appear to the public as a further proof of their subserviency to French influence. The Democrats, to avoid this imputation, concluded to carry the amendment. "It can do no harm" was what reconciled it to all.

That amendment was submitted 109 years ago, and it was ratified within two years by Maryland, Kentucky, Ohio, Delaware, Pennsylvania, New Jersey, Vermont, Tennessee, Georgia, North Carolina, Massachusetts, and New Hampshire. It was rejected by two or three of the States. At one period of our national life the school-book histories and the public men stated that it was a part of our organic law, because in the early days of our Government the Secretary of State did not send messages to Congress announcing ratification or promulgate to the public any notice whatever as to when an amendment became a part of the Constitution. I have caused the journals, records, and files in the Department of State to be searched, and there may not be found any notice of any proclamation or promulgation of the ratification of the first 10 amendments to the Constitution. The States assumed—it was not an unwarranted or violent assumption—that when the requisite number of States had ratified an amendment it was then and there a part of our organic law.

When the War between the States began to throw its shadow over the land, men rushed here and there with a compromise to heal the breach, if possible, and tried to avert the shock that was apparently about to come to our governmental structure. Expedient after expedient was proposed, and just before the adjournment of Congress—to wit, on March 2, 1861—the following amendment, known as the Corwin amendment, to the Constitution of the United States was proposed to the States, and it read as follows:

No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State. (12 Stat., 251.) Proposed by Congress March 2, 1861.

That amendment was proposed by Congress on the 2d of March, 1861, and I warrant there are not 5,000 people in the United States to-day who know that such an amendment is now pending before the various States of the Union for their ratification. The amendment was ratified by the State of Ohio and by the State of Maryland through their legislatures and by the State of Illinois in 1862 by a convention.

Thus we perceive that a system which permits of no limitation as to the time when an amendment may not be voted upon by the State is not fair to posterity nor to the present generation. It keeps historians, publishers, and annalists, as well as the general public, constantly in doubt.

Having searched closely as to whether there is in the Constitution itself any expressed or implied limitations as to when an amendment may not be adopted, I am driven irresistibly to the conclusion that an amendment to the Constitution, once having been duly proposed, although proposed September 15, 1789, could not be recalled even by the unanimous vote of both Houses, if the Congress wished the same recalled, because the power to submit an amendment is specifically pointed out; but no power is given to recall it, and silence is negation.

I am not without authority on this subject, and I wish to include in the RECORD some data I have collected on this subject.

The PRESIDENT pro tempore. The time for the consideration of the calendar under Rule VIII has expired.

Mr. LODGE. Mr. President, I move that the Senate proceed to the consideration of executive business in open session.

The motion was agreed to.

Mr. ASHURST. I should like to conclude my remarks on the joint resolution.

Mr. LODGE. The Senator from Missouri [Mr. REED] gave notice that he would address the Senate at this time.

Mr. ASHURST. I am like a man pardoned out of the penitentiary, I was not allowed to finish my sentence. I was cut off by the motion of the Senator from Massachusetts, but I should like to finish.

Mr. REED (to Mr. ASHURST). Go ahead.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Arizona.

Mr. ASHURST. I will conclude by saying that I realize this is a serious matter, that this proposed constitutional amendment can not be disposed of in the morning hour, but I feel the debate has not been without some value to us all, and I am glad to note there is such unanimity of expression of opinion favorable to the resolution.

Mr. OWEN. I should like to say that there is no unanimity on it, but very resolute opposition to it.

Mr. ASHURST. For the first time I now know that the Senator from Oklahoma intends to deprive the people of the United States of voting upon what kind of government they wish to live under.

Mr. OWEN. The Senator from Arizona does not interpret correctly the "Senator from Oklahoma."

Mr. ASHURST. I am a very accurate interpreter, I think, and I will ask the Senator from Oklahoma whether he would prefer having 5,000 men pass on our Constitution or all of the voting people, men and women of our country? Does he prefer a constitution like Mexico or one of the people?

Mr. OWEN. The amendment which I offered a few moments ago, Senate joint resolution 33, called the "Gateway amendment," deprives the minority of either House or a minority of the States from preventing a proposed amendment to the Constitution being submitted to the people, as the pending resolution proposes, and places it in the hands of the people by majority vote of a majority of the congressional districts and a majority of all votes cast and permits amendments to be proposed by a majority of the Members either of the United States Senate or the House of Representatives. The proposed amendment which I offered fully sets forth my views. I shall be content with nothing less. I am utterly opposed to minority rule and will submit to it no longer than I am compelled to do so.

Mr. ASHURST. Then if the Senator has offered such an amendment as that he has offered one that will give the people more authority and has performed a valuable service.

Mr. OWEN. It not only gives the people more authority but enables a majority of their Representatives in either House to submit proposed amendments to the Constitution, which the majority of either House believe the people want. I demand the right of the people to rule be put in concrete form and without delay.

Minority rule in this Nation is now threatening to bring about mob rule as a remedy, which is another form of minority rule even more dangerous and chaotic in tendency than the present order.

Majority rule is the safe and middle course, and it is of urgent immediate importance. At present, anything in excess of one-third of the House or Senate membership or in excess of one-fourth of the States can block the right of the people to amend the Constitution, and organized financial and commercial power controls by this means the veto power against the majority of the people.

Mr. ASHURST. The Senator from Colorado [Mr. THOMAS] in his speech on August 22 reached heights of true eloquence. Concluding with a noble peroration, the Senator said:

I sometimes picture this great Republic as a majestic image, towering to the clouds from an eternal anchorage of justice and ordered liberty, its benignant features bathed in the eternal sunlight of heaven, its invincible arms extended above our continent-covering domain, shielding, protecting, encouraging. May such an image find sanctuary in the hearts of every man and woman and child under the national ensign, quickening their affection, stimulating their patriotism, and ministering to their sense of civic responsibility.

I devoutly share the hope expressed by the Senator from Colorado, whose genius spread that sublime picture before us, that "*such an image will find sanctuary in the heart of every man and woman under the national ensign.*" But while it is true that the heroic image of our American institutions lifts its head into the clouds, it is also true that it is neither anchored *securely* nor *anchored* at all; it stands upon a fragile pivot, the will of five thousand men; but if we see to it that the charter of American freedom shall not be changed except by a vote of the people then this heroic image will be supported by a pivot, the will of the people, a diamond pivot upon whose unbreakable, infrangible strength the destiny of the Republic may safely and easily revolve.

APPENDIX.

DISCUSSION OF CONSTITUTIONAL QUESTIONS INVOLVED.

(Jameson.)

SEC. 585. VI. Two further questions may be considered: (1) When Congress has submitted amendments to the States, can it recall them? and (2) How long are amendments thus submitted open to adoption or rejection by the States?

1. The first question must, we think, receive a negative answer. When Congress has submitted amendments, at the time deemed by itself or its constituents desirable, to concede to that body the power of afterwards recalling them would be to give to it that of definitely rejecting such amendments, since the recall would withdraw them from the consideration of the States and thus render their adoption impossible. However this may be, it is enough to justify a negative answer to say that the Federal Constitution, from which alone Congress derives its power to submit amendments to the States, does not provide for recalling them upon any event or condition, and that the power to recall can not be considered as involved in that to submit as necessary to its complete execution. It therefore can not exist.

2. The same consideration will, perhaps, furnish the answer to the second question. The Constitution gives to Congress the power to submit amendments to the States; that is, either to the State legislatures or to conventions called by the States for this purpose, but there it stops. No power is granted to prescribe conditions as to the time within which the amendments are to be ratified, and hence to do so would be to transcend the power given. The practice of Congress in such cases has always conformed to the implied limitations of the Constitution. It has contented itself with proposing amendments, to become valid as parts of the Constitution, according to the terms of that instrument. It is, therefore, possible, though hardly probable, that an amendment once proposed is always open to adoption by the nonacting or nonratifying States.

The better opinion would seem to be that an alteration of the Constitution proposed to-day has relation to the sentiment and the felt needs of to-day, and that, if not ratified early, while that sentiment may fairly be supposed to exist, it ought to be regarded as waived and not again to be voted upon unless a second time proposed by Congress.

SEC. 586. In discussing the question of the right of the States to vote upon proposed amendments at any time after the date of their proposal it is proper to look into the consequences of such a right. If they have the right there are now floating about us, as it were, in nubilous, several amendments to the Constitution proposed by Congress which have received the ratification of one or more States but not of enough to make them valid as parts of that instrument. Congress could not withdraw them, and there is in force in regard to them no recognized statute of limitations. Unless abrogated by amendments subsequently adopted they are, on the hypothesis stated, still before the American people to be adopted or rejected.

In 1873 the Senate of Ohio, acting upon the theory that once proposed an amendment to the Constitution is always open to ratification, adopted a joint resolution ratifying the second of the 12 amendments submitted to the States by Congress in 1789, but then rejected, providing that "no law varying the compensation of Members of Congress shall take effect until an election for Representative shall have intervened." This resolution, prepared by Madison, was an excellent one; but suppose it had been unjust, proposed, perhaps, in the interest of a section or of a party, and, failing at the time to receive the requisite majority, it had subsequently by a concerted rally of those interested in its adoption been carried without discussion or a clear expression of the existing public will; is that a true construction of the Constitution which may be followed by so dangerous consequences? And, supposing the right referred to exists, by what majority shall the resurrected amendments be adopted? If proposed in 1789, when the States numbered but 13 and when a majority of 10 States might have ratified the amendment, how many would have been requisite in 1873, when there were 38 States which would have been called upon to vote? If the answer should be that 29 States must have voted to ratify, since that number was three-fourths of all the States in 1873, however reasonable such an answer might seem, it would be founded upon no statute or custom of the country, and therefore different opinions as to its reasonableness might well be entertained. Hence the danger of confusion or conflict. We discuss this question here merely to emphasize the dangers involved in the Constitution as it stands and to show the necessity of legislation to make certain those points upon which doubts may arise in the employment of the constitutional process for amending the fundamental law of the Nation. A constitutional statute of limitation prescribing the time within which proposed amendments shall be adopted or be treated as waived ought by all means to be passed. (Jameson, John A. A treatise on constitutional conventions (4th ed., 1887), pp. 634–636.)

AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES PROPOSED BY CONGRESS BUT NOT RATIFIED BY THREE-FOURTHS OF THE STATES, COLLATED BY MR. ASHURST.

APPORTIONMENT OF REPRESENTATIVES.

After the first enumeration required by the first article of the Constitution, there shall be one Representative for every 30,000 until the number shall amount to 100; after which the proportion shall be so regulated by Congress that there shall be not less than 100 Representatives nor less than one Representative for every 40,000 persons, until the number of Representatives shall amount to 200; after which the proportion shall be so regulated by Congress that there shall not be less than 200 Representatives nor more than one Representative for every 50,000 persons. (1 Stat., 97.) (Submitted at the same time as those which became part of the Constitution as amendments 1 to 10.)

Proposed by Congress September 15, 1789.

Ratified by the following States:

New Jersey, November 20, 1789. (Senate Journal, p. 199, 1st Cong., 2d sess.)

Maryland, December 19, 1789. (Senate Journal, p. 106, 1st Cong., 2d sess.)

North Carolina, December 22, 1789. (Senate Journal, p. 103, 1st Cong., 2d sess.)

South Carolina, January 19, 1790. (Senate Journal, p. 50, 1st Cong., 2d sess.)

New Hampshire, January 25, 1790. (Senate Journal, p. 105, 1st Cong., 2d sess.)

New York, March 27, 1790. (Senate Journal, p. 53, 1st Cong., 2d sess.)

Rhode Island, June 15, 1790. (Senate Journal, p. 110, 1st Cong., 2d sess.)

Virginia, October 25, 1791. (Senate Journal, p. 30, 2d Cong., 1st sess.)

Pennsylvania, September 21, 1791. (Senate Journal, p. 11, 2d Cong., 1st sess.)

Vermont, November 3, 1791. (Senate Journal, p. 98, 2d Cong., 1st sess.)

Pennsylvania had first rejected the proposed amendment March 10, 1790.

Rejected by Delaware January 28, 1790.

The Journals give no record of the action of the Legislatures of Massachusetts, Connecticut, and Georgia.

COMPENSATION OF MEMBERS OF CONGRESS.

No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened. (1 Stat., 97.) (Submitted at the same time as those which became part of the Constitution as amendments 1 to 10.)

Proposed by Congress September 15, 1789.

Ratified by the following States:

Maryland, December 19, 1789. (Senate Journal, p. 106, 1st Cong., 2d sess.)

North Carolina, December 22, 1789. (Senate Journal, p. 103, 1st Cong., 2d sess.)

South Carolina, January 19, 1790. (Senate Journal, p. 50, 1st Cong., 2d sess.)

Delaware, January 28, 1790. (Senate Journal, p. 35, 1st Cong., 2d sess.)

Vermont, November 3, 1791. (Senate Journal, p. 98, 2d Cong., 1st sess.)

Virginia, December 15, 1791. (Senate Journal, p. 69, 2d Cong., 1st sess.)

Rejected by New Jersey, November 20, 1789 (Senate Journal, p. 199, 1st Cong., 2d sess.); New Hampshire, January 25, 1790 (Senate Journal, p. 105, 1st Cong., 2d sess.); Pennsylvania, March 10, 1790 (Senate Journal, p. 39, 1st Cong., 2d sess.); New York, March 27, 1790 (Senate Journal, p. 53, 1st Cong., 2d sess.); Rhode Island, June 15, 1790 (Senate Journal, p. 110, 1st Cong., 2d sess.).

The Journals give no record of the action of the Legislatures of Massachusetts, Connecticut, and Georgia.

TITLES OF NOBILITY.

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States and shall be incapable of holding any office of trust or profit under them or either of them. (2 Stat., 613.)

Proposed by Congress May 1, 1810.

Ratified by the following States:

Maryland, December 25, 1810.
Kentucky, January 31, 1811.
Ohio, January 31, 1811.
Delaware, February 2, 1811.
Pennsylvania, February 6, 1811.
New Jersey, February 13, 1811.
Vermont, October 24, 1811.
Tennessee, November 21, 1811.
Georgia, December 13, 1811.
North Carolina, December 23, 1811.
Massachusetts, February 27, 1812.
New Hampshire, December 10, 1812.

Rejected by New York (senate) March 12, 1811; Connecticut, May session, 1813; South Carolina, approved by senate November 28, 1811, reported unfavorably in house and not further considered December 7, 1813; Rhode Island, September 15, 1814.

AMENDMENT ABOLISHING OR INTERFERING WITH SLAVERY PROHIBITED (CORWIN AMENDMENT).

No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State. (12 Stat., 251.)

Proposed by Congress March 2, 1861.

Ratified by the following States:

Ohio, March 13, 1861.
Maryland, January 10, 1862.
Illinois (convention), February 14, 1862.

RATIFICATIONS ON SUFFRAGE AMENDMENT.

Illinois, June 10, 1919.
Wisconsin, June 10, 1919.
Michigan, June 10, 1919.
Kansas, June 16, 1919.
Ohio, June 16, 1919.
New York, June 16, 1919.
Pennsylvania, June 24, 1919.
Massachusetts, June 25, 1919.
Texas, June 28 1919.
Iowa, July 2, 1919.
Missouri, July 3, 1919.
Arkansas, July 28, 1919.
Montana, July 30, 1919.
Nebraska, August 2, 1919.

Mr. OWEN. Mr. President, I ask permission of the Senator from Massachusetts to offer an amendment, in the nature of a substitute, to the joint resolution (S. J. Res. 41) proposing an amendment to the Constitution of the United States, which I desire to have printed and lie on the table. I rose to offer the amendment and was precluded from doing so by the closing of the morning hour.

Mr. LODGE. Certainly; I have no objection to the Senator offering an amendment to be printed.

The amendment by Mr. OWEN is to strike out all after the resolving clause and insert:

That Article V of the Constitution shall be amended so as to read:

"This Constitution may be amended in the following manner and in no other way: An amendment or amendments or the calling of a constitutional convention may be proposed—

"By a majority vote of the Members enrolled in each House of Congress.

"By either House should the other House twice reject the proposal, and a failure for three months to act favorably shall constitute a rejection.

"Congress shall propose an amendment or amendments or the calling of a constitutional convention when requested by a majority of the State legislatures.

"Congress or either House may submit competing measures.

"Proposed amendments shall be transmitted by the Secretary of State to the secretaries of state of the several States of the Union for submission to such of the voters of the several States as are qualified to vote for the election of Members of the House of Representatives. To each voter there shall be mailed a copy of the proposals and a copy of the arguments, for and against, prepared by two committees composed of leading representatives of the opposing sides; and the entire expense shall be borne by the Government of the United States. Not less than two nor more than four months shall elapse between the time of issuing the voters' pamphlet and the date of the referendum vote.

"The returns shall be transmitted to the House of Representatives, and the will of a double majority shall prevail—a majority of those who vote on the measure in a majority of the congressional districts and a majority of all the votes cast thereon: *Provided, however*, That no State, without its consent, shall be deprived of its equal suffrage in the Senate."

TREATY OF PEACE WITH GERMANY.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business of the executive session, namely, the German treaty.

The Senate, in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. REED obtained the floor.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McNary	Smith, Ariz.
Ball	Gronna	Moses	Smoot
Bankhead	Hale	Nelson	Spencer
Beckham	Harding	New	Stanley
Borah	Harrison	Newberry	Sterling
Brandegee	Hitchcock	Norris	Sutherland
Capper	Jones, N. Mex.	Nugent	Thomas
Chamberlain	Jones, Wash.	Overman	Townsend
Colt	Kellogg	Owen	Trammell
Culberson	Kendrick	Page	Underwood
Curtis	Kenyon	Penrose	Walsh, Mass.
Dillingham	Keyes	Phelan	Walsh, Mont.
Edge	Kirby	Phipps	Warren
Elkins	Knox	Pittman	Watson
Fall	La Follette	Pomerene	Williams
Fernald	Lenroot	Reed	Wolcott
Fletcher	Lodge	Sheppard	
France	McCumber	Shields	
Gay	McKellar	Simmons	

Mr. GERRY. I desire to announce that the Senator from Oklahoma [Mr. GORE] is detained from the Senate by illness. I wish also to announce that the Senator from Nevada [Mr. HENDERSON], the Senator from Louisiana [Mr. RANSDELL], and the Senator from South Carolina [Mr. SMITH] are detained from the Senate on public business.

Mr. KIRBY. I desire to announce the unavoidable absence of the senior Senator from Arkansas [Mr. ROBINSON], who is detained on public business.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Seventy-three Senators have answered to their names. A quorum is present.

Mr. REED. Mr. President, in a number of recent speeches the President has declared that the assembly of the league of nations is largely "a debating society."

He has also said:

We can always offset with one vote the British six votes. I must say that I look with perfect philosophy upon the difference in number.

The distinguished Senator from Nevada [Mr. PITTMAN], who has been justly recognized as one of the spokesmen of the President, declared on the floor of the Senate on August 20, as follows:

Mr PITTMAN. Mr. President, this league of nations as it is construed by the President—and he is convinced, so he says, that the other framers agree with him—is hardly more to-day than a meeting place where the consensus of opinion of the civilized world may be obtained and the moral force brought to bear.

The above doctrine has been widely disseminated throughout the Union. The effort is to coax the people into the league by the claim that it is an innocuous and harmless thing.

But on other occasions the advocates of the league assert it is possessed of sufficient power to control the passions and ambitions of the world and hold in leash the armed forces of mankind. Both of these views can not be correct.

The truth is to be found in the written covenant now under consideration. I therefore venture to invite your attention to the language of that instrument.

But before I attempt that task, permit me to make a few observations in order to remove certain false arguments which have been advanced for the purpose of beclouding the issue.

I ask permission, Mr. President, to insert at the close of my remarks certain remarks made by Hon. Lee Meriwether, recently one of the representatives of our Government at Paris, certain remarks made by Gov. Glynn in his keynote speech at the St. Louis Democratic national convention which nominated the President in 1916, and certain experts from a letter written by Hon. Edward E. Yates, one of the most distinguished lawyers and Democrats of the Central West.

The PRESIDING OFFICER. Without objection, permission to do so is granted.

Mr. REED. Mr. President, the great question confronting the American people ought to be settled by a sober appeal to reason. Viewed in any light, its importance can not be overestimated. According to the President, it is to usher in "a new age," which he asserts will lift mankind to the highest levels. In the opinions of others, it involves the sacrifice of American sovereignty, plunges our Republic into the wars of the world, and jeopardizes the future of mankind.

Whichever view is correct the question is one of the deepest gravity. Its solution is fraught with infinite good or unspeakable ill to the world. Such a problem can only be solved by the study of facts and by the application of sound reason. If the President is right, then surely the case can be won by an appeal to the intellect of the American people.

The President has spent eight months in Europe helping frame this document, which contains first and last 80,000 words. He has, or he should have, intimate knowledge of all its terms and ought to be capable of demonstrating by cool reason and by the citation of the terms of the instrument that it will benefit mankind. The people had the right to expect that in his tour across the continent he would convey to them an intimate and concise knowledge of the contract into which he proposes to force the country and that he would make plain to them every doubtful proposition, but—

If a citizen refuses to repudiate the policies under which our country has become great, the President characterizes him as "pygmy minded."

If he declines to turn his back upon Washington and Jefferson, he is described as afflicted "with curious aberrations of thinking."

If he refuses to surrender with the pen what Washington gained with the sword, he is politely described as a "contemptible quitter."

If he can not see his way clear to embroil America in the wars of every country and to plunge her into controversies of every land, he sees with "jaundiced eyes."

If he venture to point out that article 10 binds us to send our soldiers to defend the frontiers of every land in every quarter of the globe, he is "afflicted with amazing ignorance."

If he looks with pride upon the glorious achievements of America's past and refuses to abandon the policies which have brought us to the heights of prosperity, he is "*a dreamer living in the forgotten age.*"

If after studying the league covenant lawyers and statesmen reach the conclusion that it is inimical to the public weal, they are classified as men "*whose heads are only fit to serve as knots to prevent their bodies from unraveling.*"

If Senators of the United States, sworn to defend the Constitution and to protect the Republic in strict accordance with the terms of their oaths, study the proposed covenant and reach the conclusion that it is their duty not to advise or consent to its ratification, they are denounced as "*dishonest opponents of the treaty who will be gibbeted and who will regret that the gibbet is so high.*"

Or, again, they are informed, as the President did declare in Washington a few weeks ago, that he would like to see them

"hung on a gibbet as high as heaven, but pointed in the opposite direction."

And so the resistless argument proceeds.

The President marshals his syllogisms as a general marshals the battalions of his army. They appear to advance in logical phalanx, but his soldiers are epithets; his battalions aggregations of bitter names; his army an assemblage of denunciatory epigrams.

Yet after it has passed the calm onlooker will recognize only the vapors of anger; the intemperance autocracy manifests at opposition.

If I could be so unkind as to reply in kind, I might answer that, of course, the President does it all unconsciously, in complete innocence, and possibly only when wrought upon by the "new magic." And that he substitutes fancies for facts, confuses the phantasms of his dreams with the actualities of life, mistakes the visions of ambition for the inspiration of idealism, and imagines that phrases can take the place of realities.

The President talks much of "duty of sacrifice," but even while he speaks, he, at Government expense, rides on special trains; sails upon magnificent ships, fitted with special glass pavilions; lives in the palaces of princes; receives presents from foreign nobility worth hundreds of thousands of dollars; commandeers entire hotels; summonses armies of retainers; creates diplomats without law; and wages war without authority.

Out of the public funds he provides the keep of his retainers. He compels the American taxpayers to furnish their food and to wash their dirty linen. He talks of sacrifices, but the sacrifices are to be made by American boys who perish in the snows of Siberia or who are yet to die beneath the suns of the Equator.

We stopped the onrushing Germans at the Marne, broke their attack at Chateau-Thierry, rolled them back at the Argonne, and forced their representatives to surrender at Paris.

Our Armies rescued our allies.

Our food fed them.

Our money maintained them.

To accomplish this work we left 50,000 dead in France, and sent staggering over our land another 50,000 brave men, blind, crippled, diseased.

We accumulated a debt of $20,000,000,000.

We disarmed Germany and dismembered Austria.

Having done all this, if we now say that the time has arrived to bring our soldiers home and to begin looking after the wants of our own people, we are "contemptible quitters."

Asserting that the league will bring universal peace, the President yet demands a standing Army of a half million men.

Insisting that war will be no more, he urges the doctrine of universal military training.

Proclaiming that the day has come when swords are to be beaten into plowshares, he demands millions for a Navy.

He advocates freedom of the seas, but consents that England shall remain mistress of the waters of the world.

He chafes at being kept at his presidential duties in Washington when he has been in this country only 60 days in the past 9 months.

He makes a speech declaring his own opinions and the next day asserts that his own speech is a solemn instruction by the people which he is dutifully carrying into effect.

He hears the echo of his own words, and the next day proclaims them the voice of God.

He denounces secret treaties, yet seeks to engage his country in a contract ratifying and confirming secret and cruel treaties by which our own Allies have been despoiled.

He preaches open covenants, openly arrived at, yet goes into secret conclaves and seizes cable lines and permits a censorship of European news.

He refuses to inform the Senate concerning his vote on racial equality, pleading that he would thereby disclose secrets which would cause international embarrassment, although the public statement of the Japanese statesman Baron Goto that Wilson and House had both voted with Japan on racial equality has for weeks gone unchallenged and undisputed. I insert that interview.

HOW DID PRESIDENT WILSON VOTE ON THE JAPANESE QUESTION OF RACIAL EQUALITY?

Testimony on August 20, 1919, before Foreign Relations Committee of the United States Senate:

The President referred to the fact that the Japanese had presented a resolution for racial equality, "but rather as an expression of opinion or hope, and it was not pressed for action."

Senator JOHNSON. May I ask, if permissible, how the representatives of the United States voted upon that particular proposition?

The PRESIDENT. I think it is very natural that you should ask that. I am not sure that I am at liberty to answer, because that touches the intimacy of a great many controversies that occurred in that conference, and *I think it is best, in the interests of international good understanding, that I should not answer.*

The facts as admitted by Baron Goto, member of Japan's Supreme Council on Foreign Relations. This interview has never been denied.

[From the Washington Post, Apr. 20, 1919.]

NEW YORK, *April 19, 1919.*

In an astonishingly frank interview Baron Goto declared that Japan considered herself the spokesman of all oriental peoples, *and, having already obtained the support of President Wilson, would not give up her fight for racial equality.*

"Both President Wilson and Col. House voted with Japan for racial equality at the peace conference," Goto said.

Because the Members of the Senate have not in answer to his dictation immediately approved the treaty he has in substance charged them with treasonable practices by intimating that they are now conspiring with Germany, a country with which we are still technically at war.

The statement is as false as it is infamous.

He goes about the country denouncing the Senate for the delay in passing upon the treaty, yet he refused to give to the Senate the practically completed draft of the treaty, although it was in the possession of all the chancelleries of Europe and was being sold upon the streets of Berlin and authenticated copies of it were in the hands of the great bankers of New York City.

He complains of delay, yet his adherents in the Senate conducted a filibuster to prevent the publication in the CONGRESSIONAL RECORD and to the country of an advance copy of the treaty.

He complains of delay, yet he withheld from the Senate the French treaty, which by express terms was to be laid before the Senate at the same time the German treaty was submitted.

He complains of delay, yet he even now withholds documents important to the proper understanding of the treaties pending before the Senate.

Mr. President, no man regrets the necessity of these remarks more than myself; but the time has come when we will determine whether the Senate of the United States is a part of the Government set up by the people of the United States, and whether it shall proceed to exercise its functions without fear or favor, without coercion, and without abuse.

Let me interpolate, I am not speaking for the dignity of the Senate merely as a body of men here assembled. It is a part of the Government erected by the people; and whosoever denies to that part of the Government the full and untrammeled exercise of its powers seeks to usurp the powers of the people themselves.

Mr. President, I shall undertake now, by a reference to the documents and by citation of proof as I proceed, to demonstrate a number of propositions.

THE LEAGUE OF NATIONS UNDERTAKES TO ESTABLISH A SUPERGOVERNMENT OF THE WORLD.

It is in fact a superstate.

I shall undertake to demonstrate six propositions.

First. That whether the entity now sought to be created be described as a "league," a "confederation," or an "empire," it nevertheless sets up a superstate, with rights, powers, and authorities superior to those of its constituent members, who, upon acceptance of membership, become subject to its governing control.

Second. That it has the power of self-extension both as to its membership and its jurisdiction.

Third. That it possesses a supreme jurisdiction over all matters international and over many purely national rights and policies.

Fourth. That member nations may be deprived of their most sacred rights in defiance of the will of their people or their governments.

Fifth. That nonmember States may be forced to obey the mandates of the superstate, even though their inhabitants unanimously protest.

Sixth. That the bodies authorized to decide these important questions are purely political, controlled by self-interests, and lack in every essential the attributes of courts or tribunals of justice.

THE LEAGUE ESTABLISHES A SUPERSTATE.

The league when consummated will constitute a distinct entity with every element of an independent and sovereign power or State.

It will possess:

(1) A permanent capital or seat of government.

(2) A flag.

(3) A membership composed of colonies, dependencies, and nations.

(4) Governing bodies, composed of the representatives of the members.

(5) A permanent organized body called a secretariat, which corresponds to an executive branch of government.

(6) Authority of control or command over matters embraced within a broad jurisdiction expressly granted.

(7) Force to execute its commands, judgments, and decrees.

THE CAPITAL.

The league possesses a capital or seat of government, with the power to change and move this capital at will.

"The seat of the league is established at Geneva.

"The council may at any time decide that the seat of the league shall be established elsewhere. * * * Representatives of members of the league and officials * * * the buildings and other property occupied by the league or its officials * * * shall enjoy diplomatic privileges and immunities." (Art. 7.)

The temporary capital buildings have already been secured.

The grounds for permanent buildings are being secured.

Soon we may expect to see the buildings of the world capital in process of erection.

THE FLAG.

A flag has always been defined as a "national standard." It is the visible sign of authority. Disrespect to a flag has always been regarded as an insult to the power it typifies. According to public press reports a league flag has already been adopted. It is the banner of the superstate being set up.

THE MEMBERSHIP.

Whether we regard the proposed organization as a mere international council or as a superstate, designed to govern the world, its membership is of vital importance. The character of the membership will determine the nature of its activities and measure its capacity for good or evil. Common prudence therefore demands a candid inquiry concerning our new partners and the influences likely to control their conduct. The table I have compiled shows:

Dark countries.					White countries.		
Country.	Year estimated.	Population.	Percentage of dark and mixed races.	Percentage of illiteracy.	Country.	Population.	Percentage of illiteracy.
1. Liberia	[1] 1916-17	2,000,000	100	98	1. United States	110,000,000	7.7
2. Haiti	1911	1,500,000	90	Very high.	2. Belgium	7,500,000	13.1
3. Hejaz	1911	300,000	100	High.	3. British Isles	45,000,000	11
4. Panama	1916	450,000	90	High.	4. Canada	8,300,000	11
5. Honduras	1911	562,000	85	68	5. Australia	5,000,000	1.8
6. Nicaragua	1914	703,500	90	High.	6. New Zealand	1,099,000	2
7. Guatemala	1903	1,842,000	85	92	7. Czechoslovakia	13,000,000	
8. Ecuador	1900	1,500,000	93	High.	8. France	39,500,000	3
9. Cuba	1907	2,048,000	33	44	9. Greece	2,750,000	57
10. Bolivia	1900	1,816,000	87	82	10. Italy	28,500,000	31
11. Peru	1908	4,500,000	86	[2] Very high.	11. Poland	10,000,000	
12. Brazil	1904	24,500,000	88	80	12. Portugal	6,000,000	68
13. South Africa		5,000,000	80	69	13. Roumania	7,500,000	41
14. Siam	1909	6,230,000	99	Very high.	14. Serbia	3,000,000	84
15. India	1911	294,361,000	95	92	15. Uruguay	1,378,000	
16. China	1906	407,253,000	100	High.			
17. Japan	1917	56,860,000	99	Low.			
		811,425,500	[3] 89			289,428,000	

[1] Negro Yearbook. [2] Statesman's Yearbook, 1169. [3] Average.

NOTE.—Figures are from Encyclopædia Britannica and Statesman's Yearbook.

An examination of the table discloses certain upstanding facts that:

(a) Counting Cuba, where miscegenation is commonly practiced, and race distinctions are not recognized, a majority of our partners belong to the dark-skinned races. It is therefore perfectly apparent that from the first a majority of the league will always vote for race equality.

(b) With the single exception of Japan, the degree of illiteracy among these dark-skinned peoples is alarmingly high. This fact demonstrates the backwardness of these peoples upon all questions of government, liberty, or morals.

(c) Approximately there are three dark-skinned men in the league for each white man in the league.

(d) The following countries, all populated by whites, are left out of the league and constitute the major portion of the white population of the earth:

WHITE NATIONS WHO ARE NOT MEMBERS OF THE LEAGUE OF NATIONS.

I—*States excluded from the league of nations covenant.*

State.	Population.	Per cent illiteracy.
Austria	28,571,934	18.7
Hungary	20,744,744	33.3
Bulgaria	5,517,700	65.5
Germany	67,812,000	.05
Russia	178,378,800	69.00
Total	301,025,178	[1] 37.31

[1] Average.

II—*States invited to accede to the covenant who have not joined.*

State.	Population.	Per cent illiteracy.
Denmark	2,940,979	0.2
Netherlands	6,583,227	.8
Norway	2,391,780	(1)
Sweden	5,757,566	.2
Switzerland	3,880,000	.3
Total	21,553,552	.34

[1] No figures given, but about the same as Sweden.

White nations who are not members of the league of nations: Austria, Hungary, Bulgaria, Germany, and Russia.

The total of the white population in the league now is 289,428,000.

States invited to accede to the covenant who have not joined: Denmark, Netherlands, Norway, Sweden, and Switzerland.

As the table shows, these States have a total white population of 21,553,552, and a degree of illiteracy of a little over three-tenths of 1 per cent—the lowest degree of illiteracy in the world.

III—*States invited to accede to covenant who have professed willingness to do so.*

State.	Population.	Per cent illiteracy.
Spain	20,747,893	58.7
Grand total	43,326,552	[1] 22.45
Total, excluding Spain	22,578,730	[2] 18.825

[1] Total average. [2] Average, excluding Spain.

Sources: Population from Statesman's Yearbook, 1918. Per cent illiteracy from estimates furnished by Bureau of Census to the New York World, World Almanac, 1918.

Spain has been invited to come in, and I understand has come in with her 20,000,000 of population; but the grand total shows that there are now outside of the league 343,326,552 white people.

(e) The member nations in every respect exhibit the widest contrast. Liberia contains only 50,000 civilized inhabitants. The total population of Hedjaz, civilized and uncivilized, is 300,000. Nevertheless, these and other insignificant countries are received into membership.

The absurd result is that a semibarbarous Bedouin has a representation in the league 368 times as great as an American, and 1,356 times as great as a Chinaman. Likewise a partially civilized negro from Liberia has representation equal to 2,200 white Americans, or 2,200 colored Americans, and the colored American of this country is as much outraged, as a matter of fact, by this provision as are the whites.

Embracing every kind of State from the most powerful nations to subject countries and dependent colonies; ranging in civilization from the basest barbarism to the most advanced culture;

in learning from the depths of ignorance to the heights of knowledge; in religion from the divine doctrines of Christianity to the child sacrifices of voodooism; in government from the democracy of liberty and equality to the despotism of chains and slavery, the membership presents an inharmonious blending of divergent races, conditions, and civilizations incapable of either a common interest or a common destiny.

Is it not written, "Thou shalt not yoke the ox and the ass together"?

With the exception of the British Empire each of these countries, of whatsoever degree or kind, has exactly the same representation in the league of nations as the United States. I would not be misunderstood. They are not all represented on the council, but they are all members.

THE PREDOMINANCE OF THE BRITISH EMPIRE.

Anomalous as are the facts to which I have adverted, they are nevertheless aggravated by the circumstance that the British Empire is given directly and immediately six times as many votes as the United States.

That was true until about the day before yesterday, when it was discovered that six is the exact mathematical equal of one. This result is accomplished by allowing a membership and a vote for Canada, Australia, New Zealand, South Africa, and India. Each of the countries named, while constituting only a fractional part of the Empire, is given a full vote in the assembly and is qualified for every place in the assembly. At the same time the Empire, composed in part of these fractions, is given a full vote.

The power of the British Empire to so increase its vote as to gain a complete dominance will be discussed later.

For the present I call attention to the fact that under the right to admit into full membership self-governing dominions, colonies, and States, Great Britain can at any time furnish a large number of lusty applicants for admission, who will be completely under her control and responsive to her will. The British Empire alone has an abundance of raw material out of which to create these new members. I shall return to that in a moment.

THE GOVERNMENT.

The league possesses the power of self-extension as to both its membership and jurisdiction. The government of the league is divided into three branches:

(1) *The assembly*, to consist of—

(a) One voting representative of each of the present members;

(b) One representative of each member of the league hereafter created.

(2) *The council*, the membership of which is divided into three classes:

(a) The permanent membership, namely, the representatives of Great Britain, France, Italy, Japan, and the United States, five in all.

(b) Four temporary or removable members. The present temporary members are the representatives of Belgium, Brazil, Greece, and Spain.

(c) Additional members which may be created as hereinafter pointed out. (Art. 4.)

(3) *The secretariat.*

The secretariat shall comprise a secretary general and such secretaries and staff as may be required. (Art. 6.)

That is a brief résumé. Now, let us turn to the assembly. This is the point that has been misrepresented or misunderstood throughout the country. To the point I am now going to make, and the one which follows, I challenge the thought of Members of the Senate.

THE ASSEMBLY.

The assembly possesses the absolute power of self-extension. By a two-thirds vote it can admit or by a one-third plus one vote exclude from membership more than one-half of the total white population of the earth.

And that power is referred to as the power of a debating society.

It has been frequently asserted and widely published that the assembly possesses no power of importance; that it is, in fact, little more than an "international debating society"; and that therefore its membership is of little consequence.

This is the special defense offered to the protest against the six votes allowed the British Empire, it being asserted that the five votes allowed the British dominions and colonies will not count for anything of importance, because according to the claim they are votes only to be cast in the assembly.

That body is, as I have said, contemptuously referred to as "largely a debating society."

In his speech at Spokane on September 13, the President is quoted as saying:

The league of nations assembly is largely a debating body and seldom will act on important questions, and when it does the United States with its one vote will have absolute veto under the rule requiring a unanimous vote.

That statement has been printed and millions of copies sent throughout this land to people who never read the covenant of the league and have had no chance to read it.

I shall later show that the assembly possesses a very wide jurisdiction. But for the present I challenge attention to the fact that the present membership of the assembly has the power by a two-thirds vote to admit into the league or by a one-third plus one vote exclude from the membership of the league any of the following States:

Austria, Hungary, Bulgaria, Germany, and Russia. These States are all populated by white peoples. Their importance and power is well understood. Their inhabitants number 301,025,178. The question whether they should be admitted or not may be vital, not only to the stability of the league but to the peace and safety of the world.

It is provided in the league covenant that the following European nations may join as of right, namely, Denmark, Netherlands, Norway, Sweden, Switzerland, and Spain, provided they shall join within two months after the going into force of the covenant. Of the States named, Spain has already indicated a willingness to join, but the other States have not.

Not counting Spain, they contain an aggregate population of 21,553,552 persons. They are among the most intelligent and highly educated people on earth, the degree of illiteracy being less than 0.4 per cent.

This is, in part, a repetition of what I have said, but I am trying to bring these matters together under topics.

In addition to the foregoing, the following States have been invited to join: Argentine Republic, Chile, Colombia, Paraguay, Persia, Salvador, and Venezuela, with a total population of 32,205,000.

Should any of these nations fail to join within the 60 days specified, then their admission may be accomplished by a two-thirds vote or their rejection by a one-third plus one vote of the assembly. In that event it would be within the power of the present membership to admit or exclude from membership the vast majority of the nations of Europe.

This power to admit into the league all these mighty nations or to reject them, in the latter instance by a one-third plus one vote, is the power to force upon us as partners some of the nations with which we have been recently at war, even though they may not have purged themselves of their offenses, even though every citizen of the United States should protest against it, for it is done by a two-thirds vote in the assembly, when we have but 1 vote out of a present vote of 32.

Upon the other hand, it is the power to unwisely exclude these and the nonoffending nations and to force all of the outside nations to unite themselves into an offensive and defensive alliance, thus separating the world into two great antagonistic organizations. Under such circumstances a single spark struck even in a remote and barbarous country may start a conflagration which will blaze around the world.

But, in addition to the States named, the league has the express right to receive other States. It is specifically recited:

Any fully self-governing State, dominion, or colony not named in the annex may become a member of the league if its admission is agreed to by two-thirds of the assembly. (Art. 1.)

Under the broad authority thus granted there is no limit to the membership which may be admitted except the lack of raw material.

Mr. President, I present here two tables, one of them a long list of States that are self-governing; another a long list of colonies which, if they are not absolutely self-governing, can be made self-governing by their respective countries within a few days' time. I shall not pause to read them. There is not one in the list that is not more entitled to membership than Liberia, that is not better qualified for membership than Haiti, and I could name some others. They take four pages of print. I shall print them as a part of my remarks, with the permission of the Senate.

[There being no objection, the matter was ordered to be printed in the RECORD, as follows:]

Among the States not invited to join are—

GROUP I.—*Recognized independent States.*

EUROPE.

1.	Albania	6,000
2.	Andorra	825,000
3.	Luxemburg	268,000
4.	Monaco	20,000
5.	San Marino	10,000
6.	Liechenstein	10,000

ASIA.	
1. Afghanistan	6,000,000
2. Arabia	3,500,000
3. Mongolia	3,000,000
4. Nepal	5,000,000
5. Oman	750,000
6. Siberia	10,377,000
7. Tibet	3,000,000
AFRICA.	
1. Abyssinia	8,000,000
2. Morocco	6,500,000
AMERICA.	
1. Costa Rica	427,000
2. Dominican Republic	710,000
3. Mexico	15,160,000

GROUP II.—(*Colonies, Protectorates, and Dominions*).

EUROPE.	
1. Iceland (Denmark)	85,000
2. Greenland (Denmark)	11,000
ASIA.	
1. Bhutan (granted a subsidy by England)	250,000
2. Cochin-China (France)	16,594,000
3. Bokhara (Russia before the revolution)	1,250,000
4. Khiva (Russia before the revolution)	800,000
5. Korea (Japan)	16,500,000
6. Formosa (Japan)	3,000,000
7. Goa (Portugal)	515,000
8. Timor (Portugal)	377,000
9. Straits Settlements (England—Crown Colony)	812,000
AFRICA.	
1. Egypt (England)	12,000,000
2. Sudan (England	3,000,000
3. Belgian Congo	15,000,000
4. Algeria (France)	5,600,000
5. Tunis (France)	1,900,000
6. Madagascar (France)	3,253,000
7. French Congo	1,000,000
8. Reunion (France)	176,000
9. French Somali	208,000
10. Sahara (France)	No estimate.
11. Senegal (France)	1,247,000
12. Guinea (France)	1,812,000
13. Ivory Coast (France)	1,417,000
14. Dahomey (France)	911,000
15. Sudan (France)	5,590,000
16. Niger (France)	850,000
17. Mauritania (France)	600,000
18. Eritrea (Italy)	450,000
19. Somaliland (Italy)	350,000
20. Tripoli (Italy)	1,000,000
21. Cape Verde Islands (Portugal)	149,000
22. Portuguese Guinea (Portugal)	289,000
23. Angola (Portugal)	2,124,000
24. Mozambique (Portugal)	2,000,000
25. Spanish Guinea (Spain)	200,000
AMERICA.	
1. British Guiana	296,000
2. British Honduras	42,000
3. Newfoundland and Labrador (England)	254,000
4. Jamaica (England)	906,000
5. Trinidad (England)	371,000
6. French Guiana	49,000
7. Guadeloupe (France)	212,000
8. Martinique (France)	193,000
9. Dutch Guiana (Netherlands)	91,000
10. Curacao (Netherlands)	57,000
11. Alaska (United States)	64,000
12. Porto Rico (United States)	1,200,000
13. Virgin Islands (United States)	23,000
OCEANIA.	
1. New Caledonia (France)	50,000
2. Papua (territory of Commonwealth of Australia, England)	201,000
3. Fiji (England)	163,000
4. Tonga (British protectorate)	23,000
5. British Solomon Islands	210,000
6. New Hebrides (England)	70,000
7. Java (Netherlands)	30,000,000
8. Sumatra (Netherlands)	4,000,000
9. Borneo (Netherlands)	1,300,000
10. Celebes (Netherlands)	2,600,000
11. Bali and Lombok (Netherlands)	1,207,000
12. Molucca Islands (Netherlands)	560,000
13. Philippines (United States)	8,879,000
14. Hawaii (United States)	217,000
15. Samoa (United States)	7,000
16. Guam (United States)	12,000

Mr. REED. So that the power to let in the world or keep out the world, to name the conditions, and so forth, that I shall discuss in a minute, this immense power of consolidating the world in one mighty thing or excluding the world from it is a mere grant of that enormous power. It is the greatest power ever sought to be granted to any body of men.

The charter members of the assembly are composed of 32 men, one of whom is an American citizen, 31 of whom are aliens to us, and probably not more than 3 of them, unless they are exceptions to their people, can even speak our tongue.

I come now to another power.

THE ASSEMBLY HAS THE POWER TO DICTATE THE GUARANTEES WHICH SHALL BE GIVEN BY APPLICANTS FOR MEMBERSHIP.

The language of the covenant is:

Any fully self-governing State, dominion, or colony not named in the annex may become a member of the league if its admission is agreed to by two-thirds of the assembly: *Provided, That it shall give effective guarantees of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the league in regard to its military, naval, and air forces and armaments.* (Art. 1.)

The power to receive or reject applicants for membership and the power to prescribe the nature and the character of the guarantees are found in a single sentence. Clearly the right to determine all these questions is lodged in the assembly.

The power to prescribe the nature and character of the guarantees may be so employed as to influence the conduct of any State seeking membership.

"What will constitute effective guarantees" rests wholly in the decision of the assembly. Should a State in dire necessity come into the league, guarantees might be exacted of such nature as to practically render it a vassal State or leave it so completely disarmed or crippled as to be without effective power of defense.

Notice that the language is that it shall accept the regulations, among other things, "in regard to its military, naval, and air forces and armaments."

It might be required to dismantle fortresses, to concede the control of navigable waters, or to even yield territory.

Upon the other hand, the only guarantees required might be a simple promise to abide by the rules of the league.

The power thus lodged is manifestly a great and important one, which can be so employed to the advantage of the dominant element in the league. States friendly to that element can be admitted upon generous terms; States unfriendly excluded or required to give such guarantees as to place them under control.

The results indicated may be regarded as certain to follow, for it must be remembered that in all international dealings nations have continuously held to the doctrine that it is the business of each State to have regard to its own interests. He who imagines that a membership in the league will change this century-old disposition is a visionary indeed.

Proof is found in the circumstances at this moment confronting us. Even as we form the league, and while the respective nations are proclaiming amity, good will, generosity, and disinterestedness with their lips, each is grabbing with both hands territories, peoples, and indemnities.

If, holding in sacred trust the rights of the American people, charged with the high duty of guarding their interests, we close our eyes to the plain facts of life and refuse to have regard for the lessons of history, we prove ourselves not only dreamers but fools.

WITHDRAWAL OF MEMBERS.

I now call attention to the withdrawal amendment. I want to get every Senator here to thinking about this question.

THE ASSEMBLY CAN DENY ANY STATE THE RIGHT TO WITHDRAW FROM THE LEAGUE.

THIS POWER IS FOUND IN THE AUTHORITY OF THE ASSEMBLY TO DECIDE WHETHER THE WITHDRAWING STATE HAS FULFILLED ALL ITS "INTERNATIONAL OBLIGATIONS AND ITS OBLIGATIONS UNDER THE COVENANT."

The provision regarding the withdrawal of members from the league is as follows:

Any member of the league may, after two years' notice of its intention so to do, withdraw from the league, *provided that all its international obligations and all its obligations under the covenant shall have been fulfilled at the time of its withdrawal.* (Art. 1.)

It will not be seriously contended that the State desiring to withdraw is entitled to decide for itself whether it has fulfilled all its international obligations and its obligations under the covenant.

Such a construction would deny to the league any jurisdiction over its members and would leave the case so that a State which had broken every obligation under the covenant, and every precept of international law, could also, without restriction, throw off its obligations of membership.

That is a denial of the very purpose alleged for the creation of the league, namely, that it is called into existence to decide international controversies and to prevent war by substituting its judgments for the will of individual nations.

It seems to me beyond dispute that the power of decision is therefore vested in the league.

The question, then, arises what tribunal of the league is to determine whether the applicant for withdrawal has fulfilled "all its international obligations and all its obligations under the covenant."

An examination of the context of the language just quoted seems to make the answer perfectly clear.

It will be observed that the provision touching withdrawal is found in the last paragraph of article 1. That article throughout deals with the question of league membership. It prescribes:

(a) Who the original members of the league are.

(b) That certain favored States named in the annex may become members, provided they shall join within two months after the league becomes effective. Otherwise they apparently forfeit their right to become members and fall into the class I next name.

(c) That any other "self-governing State, dominion, or colony may become a member by a two-thirds vote of the assembly upon giving effective guaranties that it will accept" regulations by the league in regard to "its military, naval forces, and armaments."

The foregoing clause is immediately followed by the provision that "any member of the league may withdraw after two years' notice of its intention so to do, *provided that all its international obligations and all its obligations under the covenant shall have been fulfilled at the time of withdrawal.*"

It will be noticed that the entire article deals with the question of membership and that the only tribunal authorized by the article to take any action whatsoever is the assembly. It seems perfectly clear, therefore, that the assembly, and it alone, has the power to decide whether a withdrawing member has fulfilled its obligations.

It being clear that before a State can withdraw the assembly must decide whether or not it has "*fulfilled all its international obligations and all its obligations under the covenant,*" the question arises must the assembly arrive at its decision—

(a) By a two-thirds vote;

(b) By a unanimous vote; or

(c) Is a majority vote sufficient?

Before we can answer this vital question we must determine whether the vote is governed by the provisions of article 1 or article 5; and if by the latter, whether the question is one involving a *decision*—I wish lawyers would bear that in mind—a decision or whether it is a mere "matter of procedure," in the former case a unanimous vote being required and in the latter only a majority vote.

As has been said, article 1 treats with the single subject of membership, and contains this clause:

> Any fully self-governing State, domain, or colony not named in the annex may become a member of the league *if its admission is agreed to by two-thirds of the assembly.*

Plainly enough a two-thirds vote can admit a member. But does the provision cover the last paragraph of article 1, which provides for the withdrawal of members, or is the withdrawal covered by the terms of article 5, which reads:

> EXCEPT WHERE OTHERWISE EXPRESSLY PROVIDED *in this* covenant or by the terms of the present treaty, *decisions*—

I call attention to that word "decisions"—

> at any meeting of the assembly or of the council *shall require the agreement of all the members* of the league represented at the meeting.
>
> *All matters of procedure*—

I call attention to that language—

> at meeting of the assembly or of the council, including the appointment of committees to investigate particular matters, shall be regulated by the assembly or by the council and *may be decided by a majority* of the members of the league represented at the meeting.

It seems to me that it can hardly be claimed that the question whether a withdrawing State has fulfilled all its obligations under the league and all its international obligations can scarcely be regarded as a mere "matter of procedure." It involves a decision of both law and fact and is of a highly judicial character. Whereas matters of procedure relate generally to the matter of conducting business, in law it applies to the methods of pleading, introduction of evidence, and so forth, and is substantially synonymous with the words "practice" or "process."

It seems to me, therefore, that we must reject any thought that a State can be permitted to withdraw by a mere majority vote.

It remains to inquire whether the two-thirds vote provided for in article 1 or the unanimous vote required by article 5 must be obtained.

Turning to article 1 we find that the very language itself which provides for a two-thirds vote is limited to the clause relating to the admission of members. It reads, "If the admission is agreed to by two-thirds of the assembly." To no other parts or provisions of that article does the language seem to apply. In order to make it apply to the withdrawal of members we must change the language by writing into it "any fully self-governing dominion or colony not named in the annex may become a member" or may *withdraw from membership*, "if agreed to by two-thirds vote of the assembly."

We are not justified in so altering the language of the covenant. It is therefore my judgment that the decision is governed by the general provision of article 5 and requires a unanimous vote.

It is therefore very clear that if once we enter this league we can not escape its thralldom unless we can secure the gracious permission of every member of the assembly. In that case any State, however insignificant, by the casting of a single negative vote, could deny the United States the right of withdrawal by refusing to concur in the unanimous decision that the United States had "fulfilled all its international obligations and all its obligations under the covenant."

I am aware of that fact that the President in his interview with the Foreign Relations Committee took the opposite view, holding to the doctrine, which is to me astonishing, that the right of withdrawal is absolute and that "it is unconditional, so far as the legal or the moral right (of withdrawal) is concerned."

I quote now from the published report of the interview between the President and the Foreign Relations Committee:

> Senator BORAH. * * * Who passes upon the question of the fulfillment of our international obligations, upon the question whether a nation has fulfilled its international obligations?
>
> The PRESIDENT. Nobody.
>
> Senator BORAH. Does the council have anything to say about it?
>
> The PRESIDENT. Nothing whatever.
>
> Senator BORAH. Then, if a country should give notice of withdrawal, it would be the sole judge of whether or not it had fulfilled its international obligations—its covenants—to the league?
>
> The PRESIDENT. That is as I understand it. *The only restraining influence would be the public opinion of the world.*
>
> Senator BORAH. Precisely; but if the United States should conceive that it had fulfilled its obligations, that question could not be referred to the council in any way, or the council could not be called into action?
>
> The PRESIDENT. No.
>
> Senator BORAH. Then, as I understand, when the notice is given the right to withdrawal is unconditional?
>
> The PRESIDENT. Well, when the notice is given *it is conditional on the faith of the conscience of the withdrawing nation* at the close of the two-year period.
>
> Senator BORAH. *Precisely; but it is unconditional, so far as the legal right or the moral right is concerned?*
>
> The PRESIDENT. *That is my interpretation.*
>
> Senator BORAH. There is no moral obligation on the part of the United States to observe any suggestion made by the council?
>
> The PRESIDENT. Oh, no.
>
> (Hearings before the Foreign Relations Committee on the treaty, p. 507.)

If this view is correct, then it applies equally to the whole of the membership obligation.

Moreover, if we have the right at the end of two years to withdraw without the let or hindrance of any tribunal, even though we have not fulfilled our obligations under the covenant, then we can withdraw at any time before the period of two years. If we are not bound in the one instance, we are not in the other. Let us follow that.

When we enter the league we agree—

(a) To stay for at least two years;

(b) That we will fulfill all our international obligations and all our obligations under the covenant;

(c) That our right of withdrawal is dependent upon giving a two years' notice of our intention to withdraw.

If we are under no legal or moral duty to fulfill our obligations under the league before withdrawing neither are we under any obligation to give the 24 months' notice, for that is merely one of the obligations of the league, one of the conditions precedent to withdrawal.

If the doctrine announced is sound, it is difficult to understand why any nation might not at any time repudiate all its obligations under the league and declare none of them either legally or morally binding except as it may see fit to regard them as binding upon—and I quote the President—"the faith of the conscience of the withdrawing nation."

If the right to withdraw without having fulfilled the obligations under the league is circumscribed by "only the restraining influence of the public opinion of the world," then truly the entire chain of the league so carefully welded together may be broken at any moment without any notice whatsover by the withdrawal of any one or a dozen nations, even though they have not fulfilled their obligations under the league or their international obligations. All this may be done without incurring any other penalty than the "restraining influence of the public opinion of the world."

In my humble judgment, the construction contended for is unsound. But if it be sound, and if it be the view of the President, then it should be plainly written into the document.

I venture the assertion that the proponents of the league will lift their hands in horror and their voices in protest against an amendment which shall clearly express the right of each nation to decide for itself whether it has fulfilled its "international obligations and its obligations under the league," and thereupon to withdraw without the let or hindrance and without the decision of either the council or the assembly.

I challenge gentlemen to state their positions upon that. Bear in mind we are now writing a document, and the time when a lawyer clarifies a document is before it is signed and not afterwards. When the parties find themselves in dispute

as to the meaning of a phrase, before they sign, always the lawyer ascertains then which view is correct and writes that into the instrument.

POWER TO CREATE AND CONTROL COUNCIL.

Now, Mr. President, I come to a topic of such importance and so fundamental that I again especially ask the kindest and most careful consideration. The assembly has the power to create and control the council.

The assembly has the power to elect four of the nine members of the council and thus make that body subservient to its will.

(1) As previously stated, there are five permanent members of the council, namely, the representatives of the British Empire, France, Italy, Japan, and the United States. There are four temporary or removable members. The temporary members are the representatives of Belgium, Brazil, Greece, and Spain. It is expressly stated in article 4 that:

These four members of the league shall be selected (as members of the council) by the assembly from time to time in its discretion. (Art. 4.)

The article continues:

Until the appointment of the representatives of the four members of the league first selected by the assembly, representatives of Belgium, Brazil, Greece, and Spain shall be members of the council. (Art. 4.)

The question at once arises by what vote does the assembly act in electing members of the council. Here again we are confronted with article 5. If the election of the four members of the council can be regarded as a "decision" by the assembly, then the vote must be unanimous, for article 4, which gives the power of election, fails to specify the kind of vote which shall be given in order to result in an election.

If the election requires a unanimous vote, then the absurd result follows that although Belgium, Brazil, Greece, and Spain are only named as temporary members of the council, and although it is expressly provided that the four temporary members of the council "shall be selected by the assembly from time to time in its discretion," nevertheless, the four temporary members when they have once been installed can never be ousted. This is so because no one of these nations would voluntarily relinquish its place upon the council, and it could not be ousted from that place so long as it refuses to consent to its own removal by joining in a unanimous vote to select another State as its successor. Accordingly, if the unanimous vote rule applies, then each of these States so named as temporary members of the council are in fact seated there forever. This construction would force the conclusion that the language inserted in article 4, "these four members of the council shall be selected by the assembly from time to time, in its discretion," is a mere fraud put upon the world.

Upon the other hand, if the election can be regarded as a matter of procedure, which I think is the better view, then the assembly may proceed by a majority vote. It follows that a simple majority of the assembly can easily dominate the council, for the power to elect at will four out of the nine members of the council can be easily so employed as to result in a complete control.

A simple illustration will suffice. It is inconceivable that the majority of the assembly should unite in electing four members of the council unless making a part of that majority, and probably directing its action would be found one or two great States, already represented among the permanent members of the council. In that event, the election of four additional members would assure a majority, and in the event that all of the five nations permanently represented on the council, or, indeed, four of them or three of them, were to act in accord in the election of the four temporary members, they could in this way oust nations from the council which refused to be subservient to their will and elect in their stead others that would join them in some desired unanimous decision.

The statement just made will be at once met by the claim that in that event the United States would not be harmed because the result referred to would only be brought about with her acquiescence. A moment's consideration, however, will show that circumstances might arise in which the power of the assembly could be employed to deprive us of a fair decision by the council in matters vital to our interests.

Assume that a controversy between the United States and Great Britain is impending and that the four temporary members of the council are friendly to the contention of the United States, whereas France, Italy, and Japan, being united with Great Britain by the closest ties, are friendly to her. Assume, further, that the nations just named are able to command, as they would probably be, a majority of votes in the assembly. That body could be immediately called into session. The four temporary members of the council could be at once ousted and the majority vote of the assembly employed to elect successors, every one of whom would be inimical to the United States. When the controversy between the United States and Great Britain then came before the council we would find ourselves and Great Britain excluded because of interest, but Great Britain would hold in the hollow of her hand the seven votes of the council and could secure a unanimous decision, having removed the four protesting members by the means I have suggested. A refusal on our part to obey would result in bringing upon us the united power of all the nations of the world solidified and bound together in the league or all the nations that could get in.

The case put may appear extreme, but careful consideration will show that it is not at all overdrawn. The conduct of the various nations at the peace conference demonstrate that each of the European and Asiatic nations are controlled alone by their self-interest. They are not disturbed by the illusions of idealism. In order to gain their ends they did not hesitate to make secret treaties, betraying their own allies. Before the smoke of carnage had cleared away they were striving to obtain every possible advantage.

These same selfish impulses and shrewd policies will continue to operate. From the moment the league is organized, or even in the process of its organization, each will seek to place its friends, satellites, and dependencies in positions of power so that if any question shall arise it will find itself stoutly fortified and prepared to secure a favorable decision. The British Empire is already so fortified.

I now take up another topic in connection with this question, and I call attention to the fact that the assembly, having the power to elect four of the nine members of the council by some vote—and I think by a majority vote—is referred to as a debating society, and we are told that the qualifications and character of its membership amount to nothing.

While the assembly can without the consent of the council add to its own membership, the council is powerless to add to its membership without the consent of the assembly.

The council may desire to add:

(a) To its permanent membership. In that event it must secure the permission of the assembly. Without that permission an increase in the permanent membership of the council can never be had. The power is a very important one and may be so exercised as to bar from permanent representation in the council any State not now enjoying that valuable advantage. The general language is:

With the approval of the *majority of the assembly*, the council may name *additional members* of the league whose representatives *shall always* be members of the council. (Art. 4.)

That is the permanent membership.

(b) Neither can the council increase its temporary or general membership without first obtaining the consent of the assembly. The language of the article is:

The council with like approval (the majority of the assembly) may increase the number of members of the league to be selected by the assembly for representation on the council. (Art. 4.)

The importance of these powers can scarcely be overemphasized. More than one-half of the white race are now outside of the league. It is natural to suppose in the process of time, if the league flourishes, that some of these nations may desire to enter the league. In the opinion of the United States and of a majority of the council, it may be highly desirable to admit one or more of these great States to the deliberations of the council, yet a bare majority of the assembly might be easily induced to refuse the council the right to increase its common or general membership. The infinite variety of circumstances which might make such action possible or, indeed, probable, lie in the womb of the future. What they may be we can not even conjecture, but the fact remains that there is vested in the assembly this great and potential control over the very composition of the council.

I desire to dispose of one further proposition, which has to do with the power of this superstate to change its very nature by changing the membership of both of its governing bodies.

The assembly and the council, acting jointly, can change the entire character of the league through the power of changing its membership and the membership of its governing bodies.

I have already shown that the assembly can increase its membership at will. I have also shown that the council may increase the membership of that body, permanent or temporary, if it obtains the consent of the assembly. It is, therefore, perfectly manifest that the two bodies, cooperating even for one hour, can completely change the control of the proposed world government. The assembly can admit nations with whom we desire neither partnership nor cooperation. The council and a majority of the assembly acting in concert can add to the council as permanent members any number of nations they see fit. Indeed, there is no legal reason why representatives from all the nations of the world might not thus be made permanent members of the council. While that danger may not be great, there is great danger that the two bodies may in the future be

willing to admit as members of the council, either permanent or temporary, nations highly objectionable to the people of the United States, if they were privileged to be consulted.

I call attention here to the fact that at no place save one are the people or the Government to be consulted. One man, one internationalist who happens to get on this board, can bind us in all these matters.

It should not go unnoticed that while the power to create permanent members exists, the power to oust or reject permanent members of the council necessarily can not exist.

It should not be overlooked that these radical changes in the membership of the governing bodies of the league can be effected without reference to any Government and without regard to the vote of any people on earth.

These governing bodies thus set up possess within themselves the immense power of procreation and extension by the exercise of which they can change the very nature and purpose of the league itself by changing the character of its membership.

The reply will, of course, be made that the United States can withdraw, but she can not withdraw without first giving two years' notice. Within that space of time the world may be overturned and our Republic destroyed.

Before leaving the question of the character of the inherent power of the governing bodies of the league, and especially the powers of the assembly in connection therewith, I want to call attention to the secretariat.

The secretariat—The assembly exercises a controlling influence over the executive branch of the government of the league.

The powers of the secretary general are not limited, as the name would seem to indicate, as the mere business recording officer. On the contrary, the secretariat is the executive arm of the government, possessing powers of the greatest importance. Very briefly I summarize these powers by quoting from the article:

The permanent secretariat shall be established at the seat of the league. The secretariat shall comprise a secretary general and such secretaries and staff as may be required.

The secretary general shall be appointed by the council with the *approval of the majority of the assembly.*

The secretaries and staff of the secretariat shall be appointed by the secretary general, with the approval of the council. (Art. 6.)

The language just quoted shows the power which may be exercised by the assembly. A simple majority of that body may refuse to concur in the unanimous selection of a council. It is a power which might easily be so exercised as to dictate the selection of a secretary general.

It is important in this connection to note the fact that the council and the assembly acting jointly have the absolute power of selection. That is to say, the executive is the creation of these two bodies. He has no independent source of authority. Here is found another marked distinction between the character of the world government and that of nearly every other government of the world, which generally recognizes the necessity of an executive owing his election to an independent source.

It is the closest and best-knit power trust ever conceived in the brain of man.

An examination of the peace treaty as well as the league covenant will show how important the control of the selection of the secretary general may be.

(a) He appoints the permanent staff; that is, permanent executive officers of the central government.

(b) He and his employees enjoy diplomatic privileges.

(c) The secretariat is, in fact, the executive arm and possesses powers of a very wide character. I can not at this time pause to discuss them. The point I now desire to emphasize is that he owes his election, in part, to the despised assembly, which is referred to as a mere "debating society."

Logical arrangement seems to require at this point a discussion of the sovereign powers possessed by the league. That arrangement I propose to temporarily disregard in order to impress, if possible, the great general jurisdiction vested in the assembly and its controlling power over the most important functions of the council.

THE ASSEMBLY POSSESSES A GENERAL JURISDICTION OVER ALL QUESTIONS AFFECTING THE PEACE OF THE WORLD.

A few quotations from the text of the covenant demonstrate the proposition just laid down:

The action of the league under this covenant shall be effected through the instrumentality of an *assembly* and of a *council*, with a permanent secretariat. (Art. 2.)

* * * The assembly shall meet at stated intervals and from time to time as occasion may require. * * *

The assembly may deal at its meetings with any matter within the sphere of action of the league or affecting the peace of the world.

At meetings of the assembly each member of the league shall have one vote. * * * (Art. 3.)

Here is a general all-embracing grant of jurisdiction and authority. It is unlimited by words of restriction. It is not said that "except as otherwise herein provided" "the assembly may deal with any matter within the sphere of action of the league or affecting the peace of the world," but the statement is broad, general, and unlimited.

Bear in mind that this is the body in which every member of the league has representation, where all stand upon an exact equality, and where each is permitted to cast the same vote, saving and excepting, of course, the British Empire. That is to be excepted always.

Bear in mind, also, that we are pretending to be setting up a world democracy, a democracy of equity and equality.

I quote the President. When he wrote down his 14 points he declared:

A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity *to great and small alike.*

At Mount Vernon on July 4, 1918, he said:

There must be a settlement of every question, whether of territory, of sovereignty, or economic arrangement, or of political relationship, *upon the basis of the free acceptance of that settlement by the people immediately concerned.*

On September 27, 1918, he said:

* * * As representing this Government's interpretation of its own duty with regard to peace:

"First, the impartial justice meted out must involve no discrimination between those to whom we wish to be just and those to whom we do not wish to be just. *It must be a justice that plays no favorites and knows no standard but the equal rights of the several peoples concerned.*"

On Memorial Day at Arlington, May 30, 1916, he declared:

That small and weak States have as much right to their sovereignty and independence as large and strong States.

He still declares for these doctrines.

At Tacoma on September 13, 1919, he said:

We shall fight * * * for democracy * * * for the rights and liberties of small nations.

At St. Louis, on September 4, he said:

The essential object of that treaty is to establish the independence and protect the integrity of the weak peoples of the world.

If these weak peoples are to be brought into the league and permitted no voice or vote, and if the assembly is a "mere debating society," then how are they to be protected?

If the business of this league is to be conducted by the council, and these small States are excluded from the council, what becomes of world democracy except the vain sound of words that lose themselves in the emptiness of space, as they were empty of good faith when uttered, if we give it this construction?

If the assembly is a "mere debating society," then the power of the league must be lodged in the council, from the membership of which body the weaker nations are lawfully excluded. If such a view is to be entertained, then it is an oligarchy of nine nations controlling the world. Such has not been the view of the league which has heretofore been presented.

The league is to be, or was to be, a "parliament of men, a confederation of the world."

Bear in mind also that the assembly is the only body at the present time in which 23 of the member nations have any voice or vote. It is the only tribunal through which they can speak.

To claim, therefore, that the grant of power just quoted is materially restricted by other provisions of the league and that the power thus denied to the assembly is vested in the council is at the same time to deny the democracy and equality of the league. It is to assert that the league, instead of being a world democracy in which all member States have the right to deal with all questions concerning the peace of the world, is in fact a world autocracy, governed and controlled by nine nations.

I said that awhile ago, and I repeat it now. It ought to be repeated every morning, not in my poor words, but in the language of some man who could command the powers of our English.

To affirm that 23 nations are, as to all questions "affecting the peace of the world," made subject and vassal States, that they are controlled neither by their own interests nor guided by their own conceptions of justice, but that they must answer to the brutal lash of power wielded by the hands of nine international overlords, is to assert that the league is a great power machine erected upon the ruins of independent States.

Plainly, therefore, if we have regard for the pretended purposes of this league, the grant of authority to the assembly must be given not only its natural but its widest significance.

With this rule of construction, and no other rule is consistent with world democracy or national sanity, what questions are embraced in the words, "the assembly may deal at its meetings with any matter within the sphere of action of the league or affecting the peace of the world?"

You can not wrench these words from their plain meaning. The assembly can do anything the league as a whole can do. Its jurisdiction is as broad as the jurisdiction of the league. Every power granted to the league may be exercised by the assembly.

How broad are these powers thus granted to the league and to the assembly as its agent. It "may deal with any matter affecting the peace of the world." That embraces every international question, every problem of international law; boundary disputes; rights upon the seas; rights of nationals; rights of trade; construction of treaties; violations of territory. All are drawn within the sweeping terms of the provision. They are of the very essence of national sovereignty. When they are yielded by a State it has yielded the power of self-determination and granted the authority of life and death.

Additional proof that this construction is correct and was intended is found in the fact that there are but two governing bodies in the league—the assembly and the council—and the identical language employed with reference to the assembly in article 3 is employed word for word in article 4 with reference to the council. The two bodies are thus placed upon an exact equality. Each of them "may deal with any matter within the sphere of action of the league or affecting the peace of the world."

Should any controversy affecting the peace of the world hereafter arise between the United States and any other country, and the assembly being in session should proceed to deal with that controversy, how could the United States, being a signatory of this agreement, challenge the jurisdiction of the assembly or repudiate the authority it had expressly granted?

That is a question I put to some of these gentlemen who are able to distinguish between moral and legal obligations of States and in matters of the world.

Now I am coming to an answer so complete to the contention of the President as to require a modification of his words. I am referring to his statement that upon all questions save the matter of election of membership the United States' one vote counts for as much as Great Britain's six, because we have an absolute veto power, and that therefore it makes no difference whether Great Britain has six votes or not; and we can sit down and indulge in the ecstasy of a sort of international dream, in which Great Britain appears in the character of a fool, with cap and bells, demanding six votes that count for nothing. This is the proposition that I lay down:

UPON MANY QUESTIONS OF VITAL IMPORTANCE THE ASSEMBLY CONSTITUTES A TRIBUNAL WITH POWER TO ANNUL, SET ASIDE, AND FOR NAUGHT HOLD THE UNANIMOUS DECISIONS OF THE COUNCIL. IT CAN COMPLETELY PARALYZE THE COUNCIL IN ITS MOST IMPORTANT FUNCTIONS. THIS MAY BE ACCOMPLISHED BY ANY 12 MEMBERS OF THE ASSEMBLY, 12 BEING A MAJORITY OF THE NON-COUNCIL MEMBERS OF THE ASSEMBLY.

The most important functions of the league, indeed, the functions which afford the most substantial arguments for its existence, are the provisions relating to the settlement of international disputes.

The machinery for the carrying out of these objects constitutes a curious and involved scheme which is set forth in articles 12, 13, 15, and 16. It will require some patience to straighten out the tangled skein. It is a very labyrinth of words. Nevertheless, the task is perhaps not impossible.

Article 12 contains two distinct provisions:

First. That all disputes *likely to lead to rupture* will be submitted for decision *either* to *arbitration* or to the *council*.

Second. That there shall be no resort to war until three months after the decision.

I quote:

The members of the league agree that if there should arise between them any dispute *likely to lead to a rupture*, they will submit the matter *either to arbitration or to inquiry by the council*.

And they agree in no case to resort to war until three months after the award by the arbitrators or the report by the council. * * * (Art. 12.)

It will be noticed that the provisions of article 12 seem to be limited to "any dispute likely to lead to rupture."

The provisions of article 13 are much broader. By its terms the members are made to agree "that whenever any dispute shall arise between them which they recognize to be suitable for submission to arbitration, they will arbitrate the whole subject matter."

It is then expressly declared that—

(1) "Disputes as to the interpretation of treaties";

(2) "Disputes as to any question of international law";

(3) "Disputes as to the existence of any fact which, if established, would constitute a breach of any international obligation";

(4) "Disputes as to the extent and nature of the reparation to be made for any such breach" of international obligations are declared to be "among those which are generally suitable for submission to arbitration."

The above language clearly includes every international question and dispute, including disputes involving the vital interests of the respective countries. Indeed it is difficult to conceive of any question which can arise between nations which is not embraced within the terms set forth. *When we enter the league we therefore solemnly agree that all these questions are arbitral and we will submit them to either the decision of the board or court of arbitration or to the council of the league.*

So far so good. Up to this point the tribunal of decision is either a court of arbitration or the council of the league; but article 15 qualifies and to a large extent nullifies all these provisions for submission to arbitration or to the council. This is accomplished by three provisions:

(1) By the provision which permits either party to insist in the first instance that the case shall not be decided by the court of arbitration but that it shall be sent to the council.

(2) By the provision which permits either party to remove the case from the council to the assembly.

(3) By the provision that the council may itself refer the dispute to the assembly for decision.

The language is:

If there should arise between the members of the league any dispute likely to lead to a rupture, *which is not submitted to arbitration as above* (viz, as provided in articles 12 and 13), the members of the league agree that they *will submit the matter to the council*.

Any party to the dispute may effect such submission by giving notice of the existence of the dispute to the secretary general, etc. (Art. 15.)

That carries it to the council.

The submission to the council is therefore an absolute right, and may be accomplished by either party filing a simple notice.

Thus the dispute is transferred from a tribunal of arbitration to the council.

The case being now in the council, it can be removed to the assembly by either one of two processes—

First. The council may upon its own motion transfer the dispute to the assembly for decision.

Second. Either party to the dispute may force such reference within 14 days after submission of the dispute to the council by simply making a request for transfer to the assembly.

The governing language of the section is:

The council may in any case under this article refer the dispute to the assembly.

The dispute *shall be* so referred *at the request of either party* to the dispute, provided such request be made within 14 days after the submission of the dispute to the council. (Art. 15.)

I may weary you a little by repetition, but let me follow that through.

Following these provisions through, it is clear—

First. That there is an agreement to arbitrate or to refer to the council.

Second. Either party may send the case to the council by a simple notice.

Third. Upon request of either party the case must be removed to the assembly for decision.

In the last analysis, therefore, the disputes mentioned in these important articles need not be, and probably will not be, decided by a board or court of arbitrators. Neither will they be decided by the council. The assembly will, by every probability, be the final and authoritative body which will render the decision.

Thus, I have shown that all the great international disputes covered by articles 12, 13, and 15 may be sent, by the simplest of processes, to the assembly for final determination.

It follows that in all disputes likely to provoke serious international difficulties or produce war one or the other of the parties will appeal to the assembly.

The result pointed out is bound to occur, because one or the other of the parties will naturally find its antagonist to have a natural advantage in the council. Upon discovering that fact, the nation disadvantaged will, of course, carry its case into the assembly, unless, indeed, it may know that body to be similarly prejudiced. To assume that any other course of conduct will be followed is to assert the incompetency of the contenders.

It is now important to inquire what is the effect of the removal of a dispute from the council to the assembly. A careful study of the document will show that—

THE POWER OF THE LEAGUE TO FORCE THE SETTLEMENT OF INTERNATIONAL DISPUTES BY THE UNANIMOUS DECISIONS OF THE COUNCIL MAY BE COMPLETELY NULLIFIED BY ANY 12 NON-COUNCIL MEMBERS OF THE ASSEMBLY REFUSING TO CONCUR IN THE UNANIMOUS DECISION OF THE MEMBERS OF THE COUNCIL.

To understand the above proposition it is necessary to call attention to the fact that it is provided—

If the report by the council (upon disputes arising under sections 12, 13, and 14) is *unanimously agreed to by the members thereof*, other than the representatives of one or more of the parties to the dispute, *the members of the league agree that they will not go to war with any party to the dispute which complies with the recommendations of the report.* (Art. 15.)

The thing that everybody who is for this league desires is that it shall make unanimous that the right to go to war shall cease.

But if the report is not unanimous, then the right is reserved to any State to go to war if it sees fit. The language is:

If the council fails to reach a report which is *unanimously* agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, *the members of the league reserve to themselves* the right to take such action as they shall consider necessary for the maintenance of right and justice. (Art. 15.)

Clearly, therefore, a unanimous decision by the council is of the utmost importance in order that war may be prevented, for if there is not such decision, the nations may immediately go to war, or at least at the end of three months.

Yet with the situation just described staring us in the face, we find the provision for the removal of the dispute to the assembly.

Now we have the dispute before the assembly, and it comes there upon the request of either party, to state the whole matter briefly.

When the controversy goes to the assembly in order that its decision may have the effect of a unanimous decision of the council, the unanimous vote of those members of the assembly who are members of the council—barring the disputants—must be secured, and also a majority of the noncouncil members of the assembly. If that majority is not secured, then the case stands as it would if it had remained in the council and that body had failed to unanimously agree. The governing language is:

In any case referred to the assembly all the provisions of this article and of article 12 relating to action and powers of the council shall apply to the action and powers of the assembly, provided *that the report made by the assembly, if concurred in by the representatives of those members of the league represented on the council and of a majority of the other members of the league, exclusive in each case* of the representatives of the parties to the dispute, shall have the same force and effect as a report by the council concurred in by all the members thereof other than the representative of one or more of the parties. (Art. 15.)

In the absence of a majority vote by the noncouncil members of the assembly the case then is in exactly the same condition as it would have been had it remained in the council and that body had failed to reach a unanimous decision. What then would be the situation?

It is, as I have already said, governed by the language:

If the council fails to reach a report which is unanimously agreed to by the members thereof, other than the representatives of one or more of the parties to the dispute, the members of the league reserve to themselves the right to take any such action as *they* shall consider necessary for the maintenance of right and justice. (Art. 13.)

That is to say, in the absence of a unanimous decision any nation is at liberty to go to war to enforce its claims or demands. It may "take such action as *it* shall consider necessary for the maintenance of right and justice."

Of course, every nation going to war claims to be going to maintain right and justice.

The absence of a unanimous decision by the council gives to each State, or leaves to each State, the right to decide the question for itself. All that is necessary, therefore, in order to authorize a State to go to war is that it shall secure a disagreement in the council, or if it can not secure a disagreement in the council, it may remove the case to the assembly. If it there can secure a majority of the noncouncil members, it is privileged to ravage the earth at will, the league of nations and the dream of world peace to the contrary notwithstanding.

The assembly being thus vested with the tremendous power by refusing concurrence in a unanimous decision of the council to deluge the world with war or by concurring to set in motion the alleged vast coercive machinery of the league—as is claimed—to preserve the peace of the world, is nevertheless referred to sneeringly by Senators and by the distinguished world advocate of the league as a mere international debating society.

If it be a mere debating society, then it is the most worthless machinery ever conceived in the brain of man, asleep or awake, thinking or dreaming.

THE POWER OF FINAL DECISION RESERVED TO THE ASSEMBLY GIVES TO THE BRITISH EMPIRE A DANGEROUS, IF NOT A DOMINATING, CONTROL OF THE LEAGUE, AND WILL ENABLE IT IN CASE THE COUNCIL SHOULD EVER BE PREPARED TO RENDER A DECISION AGAINST IT TO NULLIFY THE ACTION OF THE COUNCIL.

A simple illustration will serve to point the accuracy of the statement just made.

Assume that the United States has a dispute with the British Empire. The Empire refuses to arbitrate and the case goes to the council. Great Britain learns that all the members of the council not parties to the dispute are of the unanimous opinion that the contention of the United States is just. Thereupon Great Britain gives notice and the case is transferred to the assembly. The case comes on for decision. The seven members of the assembly—who are also members of the council and not parties to the controversy—namely, France, Italy, Japan, Belgium, Greece, Spain, and Brazil, all vote in favor of the United States. This leaves 23 members of the assembly who are not members of the council. Unless a majority of these members—to wit, 12—vote to concur with the members of the council, then the decision stands exactly as a decision of the council would stand which was not concurred in by all the members of the council. That is to say, the decision will have no binding force or effect whatever.

Great Britain can escape the effect of a unanimous decision provided 12 of the 23 noncouncil members of the assembly vote with her.

Accordingly the roll of the members of the assembly who are not members of the council is called. Upon this roll are found the following countries: Canada, Australia, New Zealand, South Africa, and India.

It needs no argument to prove that England starts with 5 of the necessary 12 votes in her pocket.

Neither does it require argument to show that Hedjaz, whose King is in the pay of the British Empire, will give an additional vote.

Likewise, it is certain that the vote of Siam would be similarly controlled.

This would give Great Britain 7 of the 12 votes necessary to block the effect of the unanimous decision of the council in favor of the United States. Thus she only needs 5 more votes.

Can any candid man looking over the list of member States doubt that British diplomacy and British gold and British power would secure the 5 necessary votes?

Consider, in this connection, Liberia, Haiti, and other semi-barbarous States, in some of which the governments are mere temporary military dictatorships established by first one revolutionist and then another, each seeking the office of ruler that he may loot the treasury and levy blackmail upon business.

Great Britain has an additional certain vote as soon as Persia joins, for she already holds that country in the hollow of her hand.

She can create others at any time by employing her six votes and her influence in the assembly to elect other British colonies and subject states as members.

At this point we will be met by this contention:

That the colonies and dependencies of the British Empire are constituent parts of the Empire, and therefore can not vote on any controversy to which the Empire is a party.

That is a good place to stop and stick a pin. When the President said we would always have a veto power, that our one vote would protect us in every controversy, he forgot that in every controversy where our life is at stake, where we are on trial, we have no voice and no vote, but alien states decide our fate and settle our right to live. That evokes a smile of pleasure and satisfaction from the distinguished leader of the league forces. [Laughter and applause in the galleries.]

If it were true, and it is not, as I shall show, that the colonies and dependencies of Great Britain can not vote in any controversy to which the British Empire is a party, still the fact would remain that in all other world questions coming before the assembly the empire would command six times the voting power of the United States.

Innumerable instances might arise where the British Empire was not a party and yet her interests be opposed both to the wishes and interests of the United States. In all such cases the predominance of her votes might be decisive and might give her a material advantage, to our great injury.

But is it true that the dominions and colonies are barred from a vote in cases where Great Britain is a party? I affirm—

First. THAT CANADA, AUSTRALIA, SOUTH AFRICA, NEW ZEALAND, AND INDIA ARE RECEIVED INTO THE LEAGUE AS INDEPENDENT POWERS AND THAT THEY ARE ENTITLED TO ALL THE RIGHTS OF ANY OTHER MEMBER, EXCEPT THAT THEY ARE NOT PRESENTLY NAMED AS MEMBERS OF THE COUNCIL.

Second. THAT THESE DOMINIONS AND COLONIES ARE, UPON ELECTION BY THE ASSEMBLY, QUALIFIED TO TAKE SEATS IN THE COUNCIL, THEIR RIGHT IN THAT RESPECT BEING—SAVE THE FIVE PERMANENT MEMBERS—EXACTLY THE SAME AS THE RIGHT OF ANY OTHER STATE, HOWEVER GREAT.

Third. IN ANY SUCH ELECTION BY THE ASSEMBLY THESE DOMINIONS AND COLONIES CAN AS MEMBERS OF THAT BODY CAST THEIR UNITED VOTES IN SUPPORT OF ANY ONE OR MORE OF THEIR NUMBER OR IN FAVOR OF ANY OTHER CANDIDATE FOR THE COUNCIL WHO MAY BE SUBSERVIENT TO BRITISH INTERESTS.

I am aware that these views have been challenged—indeed, they have been controverted—by the President. Permit me, therefore, to submit the proof:

(a) Article 1 reads: "The *original members* of the league of nations shall be those of the signatories named in the annex."

Among the signatories are to be found not only the British Empire, but also Canada, Australia, New Zealand, India, and the Union of South Africa, each of the latter signing exactly as the United States and other great nations.

To treat them as anything but full members is to deny the plain language of the instrument.

(b) Article 1 further provides:

Any fully self-governing State, dominion, or colony may become a member—

And so forth.

It does not say may become "a part of a member" or may become "a member some of the time." It declares that all "fully self-governing States, dominions, and colonies" may become members. "Self-governing States, dominions, and colonies" are all grouped together. The single requirement for membership is an election by the assembly.

(c) The representatives of the Dominion of Canada, Australia, New Zealand, India, and the Union of South Africa all actually sat on the peace council and took part in its proceedings as fully as any nation, except the five great powers, which, of course, dominated. Frequently, indeed, only three of the great powers sat to determine certain questions.

It may be remarked in passing that the Dominion of Canada took a more active part in the peace negotiations than many of the great nations, two Canadians sitting as representatives of the Dominion in the peace negotiations, while one of the three sat as the representative of the British Empire.

(d) All of these dominions and colonies were represented by ministers, who signed for their respective Governments, although Lloyd-George et al. had already appeared and signed, describing themselves as the representatives of "*His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British dominions beyond the seas, Emperor of India.*" These respective states appeared and signed by their duly accredited agents.

It is recited of those signing as follows:

WHO having communicated their full powers, found in good and due form, have AGREED AS FOLLOWS:

Then follows the peace treaty.

(e) These "self-governing dominions and colonies" were not only parties to the making of the treaty, represented by their duly authenticated agents, but the treaty itself has been submitted, or is in process of being submitted, for approval to the respective parliaments of these "self-governing dominions and colonies."

Within the past 30 days, after full consideration of the treaty, the Canadian Parliament solemnly approved the document.

All this seems to make a pretty conclusive showing of the question I am discussing, which is the full and complete membership of the British dominions and colonies.

Upon this point I present the further evidence that such is the construction of the British press and of the Canadian Government itself.

When the clause "any fully self-governing state, *dominion, or colony* may become a member" was written into the treaty, the London Times declared that as "the dominions are in this document recognized as nations before the world is a fact of profound significance in the history of these relations."

At about the same time British publicists declared the recognition of dominions and colonies of Great Britain as the equal of great States to be the finest triumph of British statesmanship in 200 years.

On September 3 Sir Robert Borden, Premier of Canada, in addressing the Canadian Parliament declared, in answering the inquiry, "What are the powers and what is the standing of Canada in the league?"—

The new and definite status of the dominions at the peace conference is further manifested in the constitution of the league of nations. Since they had enjoyed the same status at the peace conference as that of minor powers, we took the ground that the dominions should be similarly accepted in the future international relationship contemplated by the league. The league of nations commission, while inclined to accept this in principle, did not at the outset accept all its implications, as was apparent in the first draft of the covenant. This document, however, was professedly tentative. *The dominions' case was pressed, and in the final form, as amended and incorporated in the treaty of peace with Germany, the status of the dominions as to membership and representation in the assembly and the council was fully recognized. They are to become members signatory of the treaty, and the terms of the document make no distinction between them and other signatory members—*

Now, get this, for I am coming back to it—

An official statement as to the true intent and meaning of the provisions of the covenant in that regard was secured by me and is on record in the archives of the peace conference.

The British premier goes on to state that a similar question arose in respect to the constitution of the international labor organization and in substance declares that the representatives of the dominions and colonies forced its revision so as to recognize their status in that organization as it had been recognized in the league covenant. He then declared:

I hope the House will realize that the recognition and status accorded to the British dominions at the peace conference were not won without constant effort and firm insistence. In all these efforts the dominions had the strong and unwavering support of the British prime minister and his colleagues.

Further on he discusses the future of the British Empire, and in substance declares that the colonies are to be recognized as nations in their dealings with the British Empire itself, held together, however, by what he says is a British league of nations.

Referring back to the statement just quoted, I call attention to the clause in the statement of Sir Robert Borden—

An official statement as to the true intent and meaning of the provisions of the covenant in that regard (the status as to membership of the dominions and colonies) was secured by me and is on record in the archives of the peace conference.

That official statement filed in the archives of the peace conference was undoubtedly disclosed in the House of Commons of Canada on September 9 by Hon. Arthur Lewis Sifton, minister of public works, and one of the representatives of Canada at the Versailles conference, and one of the plenipotentiaries who signed the treaty for the Dominion.

After concurring generally in the statement made by Sir Robert Borden as to the struggles of the Dominion's statesmen to secure the full right to take part in the peace conference, he said:

And, undoubtedly, they did work—

The Canadian representatives—

*in conjunction with the permanent officials of the British Government * * * for the purpose of assisting in the formation of the treaty that would be of great advantage to Great Britain, to the advantage of the British Empire; and, as far as possible, a fair and honorable treaty for the world at large.*

That is the British view. It is a photograph of the British soul. I do not say that with unkindness for Great Britain; she is not a monster, but she is a great power that first secures great advantage to herself and then, *as far as possible, a fair and honorable treaty* for the other fellow.

I continue reading; I should not have broken the thread of my discourse. I read on:

That work—

That is, the work of securing this recognition—

was performed in connection with what I may call the peace treaty proper.

I continue reading:

The leader of the opposition contends that we can not take any part in the league of nations.

The President of the United States contends that they can not take any part in the league of nations; that they are only members of the council; that they have not any authority; that they are just admitted to a debating society. Let us see what these Canadians say:

The leader of the opposition contends that we can not take any part in the league of nations. Let me say that Clemenceau, President Wilson, and Lloyd-George disagreed absolutely with the honorable gentleman in that contention.

IN PROOF OF THIS HE SUBMITTED THE FOLLOWING LETTER SIGNED BY CLEMENCEAU, WILSON, and GEORGE:

The question having been raised as to the meaning of article 4 of the league of nations covenant, we have been requested by Sir Robert Borden to state whether we concur in his view that upon the true construction of the first and second paragraphs of that article representatives of the self-governing dominions of the British Empire may be selected or named as members of the council. We have no hesitation in expressing our entire concurrence in this view. If there were any doubt it would be entirely removed by the fact that the articles are not subject to a narrow or technical construction.

(Signed) G. CLEMENCEAU.
WOODROW WILSON.
D. LLOYD-GEORGE.

Dated at the Quai D'Orsay, Paris, the 6th day of May, 1919.

A debating society! [Laughter.] On the 6th day of May this letter was written. On the 19th day of September this body had so transformed itself that it had become a mere debating society in which votes are of no consequence, whether they are six or whether they are one!

Oh, memory, memory! How quick your footprints fade, and on the sands of time how futile it is to write the record of the years!

In view of this letter, which solemnly assures the Canadian statesman that the dominions were so fully recognized as members that their representatives were eligible to seats on the council, although the British Empire was already made a permanent member of that body, it would seem that argument ought to cease, and that any contention that the self-governing dominions and colonies are not received as separate and inde-

pendent entities with the full right of membership as independent States in every case, ought to be no longer heard.

Mr. LODGE. Mr. President, would it disturb the Senator if I should ask him a question?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. I yield; certainly.

Mr. LODGE. I have listened to the reading of that letter signed by M. Clemenceau and by Lloyd-George and by the President. As I understand it, they declare that one of the self-governing dominions or colonies is eligible to a seat in the council.

Mr. REED. Undoubtedly.

Mr. LODGE. Which is the highest function.

Mr. REED. Yes, sir.

Mr. LODGE. But the distinction the President draws, as I understand it—the Senator will correct me if I am wrong—is that though they are eligible for the council they can not vote in the league. Is that about it?

Mr. REED. That seems to be it. [Laughter and applause in the galleries.]

The PRESIDENT pro tempore. Will the Senator suspend a moment? The Chair has a duty to perform, imposed upon him by the rules. He does not intend to interfere unduly, but he gives the galleries notice now that if there is further interruption in the course of the speech the Chair will regard it as his duty to clear the galleries.

Mr. REED. Mr. President, I hope the Chair will not be too hard upon the occupants of the galleries. It is the only chance the American people are having to express their opinion nowadays, although I am not criticizing the Chair—the Chair is absolutely right—and I am not seeking to have the galleries applaud. The Chair is right. We ought to observe the rule all the time. We have not observed it for about six or seven weeks. It is a good time to begin now.

The PRESIDENT pro tempore. Let the Chair be fully understood.

Mr. REED. I fully understand the Chair. The Chair is right.

The PRESIDENT pro tempore. The Chair is endeavoring to follow the custom adopted by the honored permanent occupant of the chair, and he does not intend to clear the galleries because there may be applause at the close of the speech of the Senator from Missouri [laughter]; but he can not permit the continuous interruption of the speech by expressions of approval or disapproval.

Mr. REED. Mr. President, I congratulate the President pro tempore. He has drawn a distinction almost as fine as that between moral and legal obligations. [Laughter.] Anyway, we get out from under the rule, and disregard it.

THE PRESIDENT'S CONTENTION.

The President insists that the fact that the British Empire has six votes and the United States but one is utterly immaterial.

In his speech at Spokane on September 15, he said:

There is another matter * * * that this covenant was an arrangement for the dominance of Great Britain. They base that upon the fact that in the assembly of the council six units of the British Empire are represented, whereas the United States is represented as only one unit. Alike in the assembly and the council, the vote of the United States is an absolute veto. *We can always veto, always offset, with one vote the British six votes. I must say that I look with perfect philosophy upon the difference in number.* (Quoted from the Washington Post, Sept. 13, 1919.)

On September 18 at San Francisco, in a written answer to questions propounded by a San Francisco league of nations organization, the President said:

But it is not true that the British Empire can outvote us in the league of nations and therefore control the action of the league, *because in every matter except the admission of new members in the league no action can be taken without the concurrence of a unanimous vote of the representatives of the States which are members of the council*, so that in all matters of action the affirmative vote of the United States is necessary and equivalent to the united vote of the representatives of the several parts of the British Empire. The united vote of the several parts of the British Empire can not offset or overcome the vote of the United States.

If it be true that the United States can always with its one vote offset the six votes of the British Empire, then it is equally true that with one vote the United States can offset the vote of the other 31 members of the league; for if six times one is one, or the equivalent of one, by the same kind of mathematics it is the equivalent of thirty-one.

The President's view is, however—and I want to state it fairly—that except upon the single question of the admission of new States the single vote of the United States can bar any action whatsoever by either the council or the assembly, because he holds that it requires unanimous action.

It grieves me to be compelled to differ from the President, but with all due respect I must insist that the President's statement is erroneous to the last degree. He utterly overlooks many controlling clauses of the agreement which he is now asking the American people to accept without proper time for debate or consideration. He disregards three important facts:

(1) *That when the United States is a party in interest it is denied the right to vote at all. If the case is before the council, it is determined by the members of that body not concerned in the dispute.*

(2) *If the case in which the United States is interested is removed to the assembly, again the United States, as a party in interest*, is barred from voting, but the British Empire has six votes in the assembly which it can cast either to create the necessary majority of the noncouncil members of the assembly, which, concurring with the decision of the members of the assembly, who are members of the council, will give to the decision of the assembly the full force and effect of a unanimous decision of the council. Upon the contrary, it could cast those votes in the opposite direction; but that is not material at this moment.

(3) In a controversy between the United States and Great Britain, where neither is permitted to sit in judgment, the five colonies and dominions are, as I have shown, and I think conclusively, as independent, self-governing bodies, permitted to cast their votes, and may either form the necessary concurring majority to make the unanimous decision in favor of Great Britain or they may be employed to destroy that majority, and thus deprive the United States of the effect of a unanimous decision.

All this I have sought to elaborate and demonstrate in the remarks heretofore made. I have already shown that the ability to command 12 votes out of the 23 noncouncil members of the assembly is the power to either give to a decision by the assembly the effect of a unanimous decision of the council or to render such decision utterly nugatory.

These facts are not to be passed by lightly. They can not be disposed of by flowers of rhetoric or obscured by generalization although couched in the most delicate diction.

What are the controversies which are to be thrown in the assembly and on which, being a party to the dispute, we can not sit and therefore can not cast the one precious vote which would negative, according to the President, all other efforts, and to which the President so impressively refers?

The controversies are "any dispute likely to lead to a rupture" (Art. 12) between the United States and any other country; all—

Disputes as to the interpretation of a treaty, as to any question of international law, as to the existence of any fact which if established would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach. * * * (Art. 13.)

These questions, which cover the whole range of our possible international disputes and involve questions vital to our interests, may be forced before the assembly for decision.

Again, I repeat, when we are parties disputant we do not sit. We have neither voice nor vote in the decision. We are on trial. We are parties litigant, if indeed we are not haled before the tribunal like a prisoner brought to the bar of a criminal court. We therefore do not sit in judgment. We are not qualified for membership on the jury where our single negative vote might count.

Mr. JONES of New Mexico. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from New Mexico?

Mr. REED. I yield.

Mr. JONES of New Mexico. I simply wish to inquire of the Senator what difference there would be in the position of the United States whether it had one vote or six in the contingency to which the Senator has just referred? Would the privilege of having six votes avail the United States any more than the one vote?

Mr. REED. If the United States had six votes she would be barred with her six votes, and she could not sit, and she could not count them; but her great antagonist—not in that controversy perhaps, but in a thousand others, and perhaps directly interested, but not on the surface—Great Britain, sits here on the jury and has six members of that jury. That is the side of the case that the Senator from New Mexico and other Senators can not see. When you give a nation six times the votes we have in every single controversy we have, where we are not in conflict with her, she has six times the power in the league that we possess.

Mr. JONES of New Mexico. Mr. President——

Mr. REED. Just a moment. As I have shown, and I think conclusively, if our controversy was with Great Britain the British Empire could not sit, but her five colonies could sit.

Mr. JONES of New Mexico. Assuming a case which was not one of dispute between the United States and Great Britain, but to which the United States and some other country would be the parties, does the Senator believe that the United States would be prejudiced from the fact that England and her colonies together had six votes? Does the Senator feel that the colonies of Great Britain would be any more apt to decide against the United States than any of the other nations parties to this league?

Mr. REED. Mr. President, that would just simply depend on the question. I start with the proposition that Great Britain now, as in the past, and in the future as in the past, is going to look out for British interests, and if a question arose between the United States and Italy in which the British Empire had a particular interest, the British Empire and her six votes would be cast solidly.

Now, let me give you a case out of my mind, although a man ought not to attempt a thing of this kind while he is on his feet. Let us assume the United States has a controversy with Belgium. We might as well talk plainly. Belgium only exists, and only has existed, because she is sustained by Great Britain. That is the reason, or one of the reasons, that Great Britain so quickly went to war in defense of Belgium, because she was a buffer State, put there to protect the British Channel. Let us assume that we get into a controversy with Belgium, and that that controversy with Belgium is of such a nature that its decision one way or the other will affect the interests of the British Empire in sustaining that State in a particular condition. I would not blame Great Britain, sitting in this political tribunal, that has not one of the attributes of a court of justice, if she voted in her own interest, as I know we would vote in our own interest if we had a man there fit to represent us.

I must proceed. I will give you an illustration. The controversy is with Japan. That country, like our own, is barred from voting. The case proceeds to judgment. The seven members of the council, sitting as members of the assembly, are closely attached to Japan, or to Great Britain, the friend and ally of Japan; the seven members of the council sitting with the assembly vote against us; but our case is not yet lost if we can secure the majority of the 23 members of the assembly who are not members of the council. Then we save a unanimous decision against us, and the question is open for us to take such action as we see fit.

But when the roll is called 12 of the 23 votes are cast against us and we learn to our dismay that 5 of these votes were cast by British dominions and colonies, following the lead and answering to the dictates of the Imperial Government. We also learn that the representative of Hedjaz, in the pay of Great Britain, has cast another of the 12 fatal votes, and that Siam, a vassal and corrupt State controlled by British influence, has added another fatal vote. We turn in dismay from the scene, when we hear called the names of Liberia, Haiti, and the other semibarbarous and venal States. Surely it can not be claimed that we can offset Great Britain's six votes with our single vote, for in that case we are not permitted to vote at all.

Let us go back to that illustration a minute. Mark you, the British Empire, as a member of the council, one of the permanent members, wants to decide against us, and has voted that way. The seven members of the council who are not members of the controversy between us and Japan have voted against us. Our only means of escape is to secure 12 of the 23 noncouncil members of the assembly, and 5 of those are Britishers. Will they not follow the lead of the parent States, and the vote already cast? Is that any advantage to Great Britain? Might it be a disadvantage to us?

That controversy, sir, if you please, is over the question of racial equality, the right of Japan to have her citizens land in California and enjoy the same privileges as the children of the native-born whites of that State. But when that controversy comes up, we find Great Britain, that made a secret treaty with Japan to rob China while China stood at her side, and kept that treaty a secret, from our President, at least, even while we were preparing for this war and winnig it—we find Great Britain now allied with Japan on this race question. Will it, sir, be of any disadvantage to us if she has six more votes in the assembly? The argument that it is not is an argument that is beneath the level of contempt, and does not warrant our reply.

There are some things fine phrases can not do. All the fine phrases that ever were coined in the brain of a phrase maker never changed a fact of life.

I now return to my text. If it be argued that the picture is dark, I answer that every page of history is black with similar pictures of selfishness, perfidy, and double-dealing. When the President was talking about his 14 points and the establishment of international justice Great Britain and Japan were secretly plotting the dismemberment of China. When Chinese laborers were expiring in the trenches beneath the blast of German artillery in the cause of the Allies their fatherland was being parceled out by their associates in the war and their sacred cities surrendered to their great rival and antagonist.

At the very time the President insisted that our soldiers were going over the trenches inspired by visions of world justice and dreaming the dream that the day of eternal equity had dawned, while, when they were dying beside British soldiers in the cause of Great Britain, British statesmen were concealing from the President the abominable and cruel treaties with Japan and Italy wrought out in the secret plottings and conspiracies of their diplomats.

Let a question ever arise in which the interests of Great Britain are strongly opposed to those of the United States, the six votes of Great Britain can be cast to our detriment or destruction, whilst we, sitting at the bar of a packed court, are denied the privilege of casting even one vote.

Now I want to summarize the powers of the assembly, this despised debating society. I can not allude to that thing without pointing to the arrant hypocrisy, I almost said knavery, of inviting nations of the world into an organization, sovereign nations, as equals, telling them they have a membership in one of those bodies, and then saying to them, "While you have a membership it does not amount to anything. You are mere children, fools, things that have been trifled with." And yet we proclaim that this is a great world democracy. If, sir, it be true that they have drawn 32 of the nations of the world into this league, and if they came believing in the doctrine of world democracy, and if having come in they have no power to vote in the assembly, no power that amounts to anything, if they are stripped of everything except the obligations of membership, then, instead of this being a world democracy, a temple of equality, it is a pitfall to which they have been lured, and instead of it being a great tribunal of justice it is a tribunal of power, where the mastership of the world is brought within the hands of four or five men, where three or four or five men can meet, as they have recently met over in Europe, and determine to send the armies of this country to fight and die in other lands.

The morning paper tells us that they have ordered the United States marines into Fiume. Will they fight, or is it a mere attempt to coerce Italian patriots into a surrender of a land they believe is theirs? Shall our strength be employed brutally to crush; and if so, at whose command? Is it the three or four men sitting in secret council 3,000 miles from the United States who order these troops into action? Beware ere you surrender the control of your own Government.

Now, I want to summarize the powers of this assembly.

THE POWERS OF THE ASSEMBLY SUMMARIZED.

Briefly let us summarize the powers of the assembly and the votes by which it acts.

(1) By a two-thirds vote the assembly can increase its own membership. It may so exercise this power as to admit every self-governing country, dominion, or colony, regardless of its size or the state of its civilization.

(2) The assembly can specify the guaranties which must be given by new members and dictate the strength of their military, naval, and air forces.

(3) The assembly by one-third vote, plus one vote, can exclude from membership any of the great European countries not named in the protocol. These countries embrace in the aggregate more than one-half of the white people of the world. By the exercise of the authority of exclusion, it may force the nations excluded into the organization of a rival league which would certainly result in a great conflagration. Upon the other hand, it might admit those with whom we have no desire for partnership or other intimate relations.

(4) The assembly can deny a member the right to withdraw by deciding it has not fulfilled all its international obligations and all its obligations under the covenant. The decision probably has to be arrived at by a unanimous vote; but the trouble is the unanimous vote must be secured by the assembly, and a single vote can probably bar a nation from withdrawing.

(5) *The assembly has the power in its discretion at any time to supplant four of the nine members of the council and to elect others in their stead.* This can probably be done by a majority vote.

(6) The assembly by a majority vote can prevent the council from creating additional permanent members of the council even though the council should unanimously vote for such increase.

(7) The assembly by a majority vote can prevent the council from creating additional general members of the council even though the council should unanimously vote for such increase.

(8) The assembly can by a majority vote prevent the council from appointing the secretary general, whom it has chosen by a unanimous vote.

(9) *Most important of all is the fact that the assembly is the court of final resort in—*

(a) *All disputes between members likely to lead to rupture.*

(b) *Disputes as to the interpretation of treaties.*

(c) *Disputes as to any question of international law.*

(d) *Disputes as to the existence of any fact which, if established, would constitute a breach of any international obligation.*

(e) *Disputes as to the nature and extent of the reparation to be made for any such breach of international obligation.*

The above embrace substantially every conceivable international question, including those involving the vital interests of the country.

In none of these disputes is the United States permitted to sit or vote if it is a party to the dispute.

In all of them the unanimous vote of the members of the council may be nullified by the vote (as the league is now organized) of 12 noncouncil members of the assembly.

(10) The assembly possesses a general jurisdiction over "all matters within the sphere of action of the league or affecting the peace of the world."

The grant of jurisdiction and authority is unlimited. Whether in such case the league must proceed by unanimous vote to make a decision binding or whether it acts by majority may be in doubt; if a majority vote is sufficient, then the powers of the league for affirmative action are tremendous and practically unlimited.

If a unanimous vote is required, then the single vote of any country could bar a unanimous decision and the case would stand, as would a case pending before the council in which that body failed to arrive at unanimous decision. That is to say, the contending nation would be at liberty to immediately go to war. There seems to be no reason why the assembly might not in all cases assert its jurisdiction with the result above indicated.

To argue that an organization possessing these great and fundamental powers is a mere "debating society" is to talk in the teeth of the fact.

IF THE LEAGUE IS CAPABLE OF PRESERVING THE PEACE OF THE WORLD, THEN IT MUST HAVE IMMENSE POWERS.

The assembly possesses the great basic controlling and creative powers to which I have adverted. It is to the league substantially what the stockholders of a corporation are to the body corporate. They can control its policy by electing its board of directors and by asserting the fundamental rights inherent in them as stockholders. To these rights I have elsewhere called attention.

THE LEAGUE.

Its unlimited world jurisdiction.

IN THE AGGREGATE THE LEAGUE IS GRANTED THE POWER TO CONTROL THE WORLD IN ALL INTERNATIONAL MATTERS AND IN ALL DOMESTIC MATTERS AFFECTING THE PEACE OF THE WORLD.

I come now to a discussion of the powers of the league in the aggregate, regardless of whether the particular powers are vested in the assembly or council. At the risk of repetition, I call attention again to the language of the covenant:

The *assembly* may deal at its meetings with any matter within the sphere of action of the league or affecting the peace of the world. (Art. 3.)

Notice the next:

The *council* may deal at its meetings with any matter within the sphere of action of the league or affecting the peace of the world. (Art. 4.)

Identical, word for word, except that the word "council" is submitted for "assembly."

Now listen, you who talk about debating societies——

Mr. JONES of New Mexico. Mr. President, I have been very much interested in what the Senator has been pleased to term the general powers of the league. I will ask the Senator, suppose the covenant had provided that the Senator from Missouri might on any occasion deal with any subject affecting the peace of the world. What effect would that have in the control of the United States?

Mr. REED. I do not know why the Senator asks a question like that. If it has any bearing whatever on the case, I do not get it.

Mr. JONES of New Mexico. With the Senator's permission, I will make the illustration a little plainer.

Mr. REED. If you will say that the Senator from Missouri sits as a member of the body and that that body can deal with any question that affects the peace of the world, and then if you will give him six votes like Great Britain, and the other nations one vote, I will show you what the Senator from Missouri will do. [Laughter and applause in the galleries.]

Mr. JONES of New Mexico. I am willing to assume that the Senator from Missouri has all the votes.

Mr. REED. All right.

Mr. JONES of New Mexico. Assuming that he has all the votes of the assembly and could cast them as he sees fit, I should like to inquire of the Senator how, through those votes, he could affect the sovereignty of the United States or affect the interests of the United States so far as controlling its action is concerned?

Mr. REED. My dear sir, because we have specifically agreed when we entered this league that substantially every international question that may ever arise between us and any other power shall be decided by this league, and when we surrender to a body of foreign gentlemen the right to say what the United States shall do or shall not do in great questions affecting its life, its death, we surrender its sovereignty to that tribunal, and I think if we do this we graze the edge of treason.

I have read these two clauses and I have hitherto commented on the all-embracing jurisdiction conferred upon the league. That does not mean anything, according to the Senator from New Mexico, and according to all the advocates of the league. We have driven you to a point where your only plea is impotency, powerlessness; but you forget that when you plead that you lack power, you plead that you are still-born.

Mr. JONES of New Mexico. I do not care to take the Senator's name, but we do not plead impotency. What we do plead for is that in the forum of the world discussion and conference and counsel will have a very potent effect in settling the world's questions, and while we contend that the assembly has no army and no navy and no police force, yet in the same way that the Pan American Union or The Hague conferences have influenced the world there will come great benefit to the world through this assembly, although it has neither army nor navy.

Mr. REED. In other words, we are going to meet and talk it over. In other words, this body that is to control the passions of the world and that is given this broad and general and sweeping jurisdiction can not do anything but meet and talk it over. Who can do it? What tribunal or what body of men have the power?

Mr. JONES of New Mexico. None, unless the governments, through their representatives in this league, should choose to exert power.

Mr. REED. Are you willing to put in that it is to be nothing but a debating society? If so, we can end this right now. You can not stand here in one moment claiming that you have a power great enough to control the world and all of its evil passions and in the next moment, when you are driven to the wall and demonstration is made that that power may destroy our Republic, you can not turn around and say it is only a debating society, it has not any power. There ought to be some good faith about this matter.

Mr. JONES of New Mexico. I agree with the Senator.

Mr. REED. If this thing has no power let us write it in the face of the instrument that it has no power. Let us quit haggling about words.

Mr. JONES of New Mexico. I will ask the Senator to point out what power it does have.

Mr. REED. I have been pointing it out for three hours. [Applause in the galleries.]

Mr. JONES of New Mexico. I use the word "power" in the sense of force.

Mr. REED. Let us see. Are we going to have some more quibbling? Are we going to say this thing is not a thing of power because it itself does not have an army and a navy, but it is a thing of power because its ipse dixit will set the armies and navies of the world in motion? If that is the dodge we are to have—and I do not apply it to the Senator, of course—there never was a shyster who stood before a jury in a justice court that had the impudence to make that sort of a plea. It has to be either something or nothing. It does not make any difference, sir, whether I myself am going by my own will to start 5,000,000 men marching across the earth armed to the teeth by my own direct command or whether I can by a recommendation send the same 5,000,000 men forth with poisoned gas and death in other forms.

Mr. JONES of New Mexico. May I ask the Senator if the recommendation results in that, does it not mean that the recommendation carries such a spirit of fairness and bears a proposition which is so vital to the peace of the world at that time, that all these nations will accept that recommendation and act upon it?

Mr. REED. No, no. Let me show you why. I am surprised that that question should have been asked. It means only that the recommendation shall have force in so far as the nations

want to obey it. Who might want to obey it? Germany's monarch concluded he wanted a world war, and he exercised the kind of influence about which the Senator is talking. He did not command the other nations to come forward, but he just intimated to his brother of Austria and his brother of Turkey and his brother-in-law of some other place that now was a good time to loot the world and clean it up generally, and so it appealed so much to their conscience that they immediately fell in line, just as the Senator's illustration points out.

Mr. JONES of New Mexico. Does the Senator expect the United States to fall into line under such circumstances?

Mr. REED. I do not know whether they would or not; there have been so many foolish things done. But they might fall into line to crush us, sir. The trouble with you gentlemen who want to overturn the world is that you set up a proposition of a great power and you forget it is only going to be for our benefit; you forget it may be used for our assassination. You assume that it is going to be marshaled under the banner of Almighty God, commanded only by archangels, seeking alone the good of mankind. You forget that it will be marshaled under the banners of great nations, bent upon doing exactly what England is doing now—grabbing the world—and we may be the victims of it.

But I say further than that, when the decision is rendered we are bound to respond. Have we still got to stand here and discuss that question? The United States agrees to defend the frontiers of every member of the league against attack; and, having made that agreement, are we still sitting here to argue we do not have to keep it; that we have the power to violate it, and, therefore, it amounts to nothing? I thought those who had uttered that sentiment had grown ashamed of it. To argue that the United States binds herself to abide by the decision of these tribunals, and then to say, "Oh, but we do not have to keep it; Congress can refuse to keep it in the future," is to say that the United States will break her word, regard her treaties as scraps of paper, write dishonor upon her brow, brand her soul as that of a faith breaker, and place us in the catalogue of the most despised people of the world.

So far as I am concerned, sir, if we ratify this treaty and agree to protect the frontiers of every member of the league and China shall attack Japan to get back Shantung, I will be compelled to vote, and you will all be compelled to vote, to send an army to Japan to defend against China. I will not sit here saying that I voted to ratify the treaty with a lie on my lips, with perfidy in my heart, with a contemptible purpose to break the treaty whenever I want to, for if I so act I shall brand myself as unworthy a seat at the council table of the world. The United States will not do it.

Oh, what a miserable position you find yourselves in. You come forward here pleading, "Here is a great power that will control the world." Answer: "It may hurt us." Your answer to that: "Oh, it has not any power; it is simply a debating society." Here is a mighty thing that can command the armies and the navies of the world, can put them in motion, set them sweeping overseas and marching across lands; therefore, danger. Your answer, "It has nothing but an indirect influence." Our answer, "Then your force is impotent." Your answer, "Oh, but our indirect force is quite as effective as a direct force." Mr. President, the gorge rises; I will not finish it.

I started to enumerate the powers of the league. It has power—

(2) To formulate plans for the reduction of armaments, which plans when accepted by the Governments can never be exceeded without the unanimous permission of the council. (Art. 8.)

(3) Advise touching the regulation of the private manufacture of arms, and pass upon the necessities of the members of the league not able to manufacture arms for themselves. (Art. 8.)

Will that be an indirect power, or will it deny armies to the nations of the world that may want at some time to establish independent governments? "Oh, it is only indirect; we are merely going to debate that, but are going to get it done." That is your logic. The league has also the power to—

(4) Appoint a permanent commission to spy upon the members of the league to ascertain whether they have given to other members full information as to their armaments, military and naval programs, and industries adaptable to warlike purposes. (Arts. 8 and 9.)

(5) In case of any external aggression or threat of danger, to advise upon the means of enforcing the obligations of article 10, which require members to defend each other against such aggression. (Art. 10.)

(6) To decide all disputes as to the interpretation of treaties; questions of international law; facts constituting a breach of international law; and the extent and nature of reparation to be made. (Art. 13.)

(7) Upon failure to obey decisions rendered, the council proposes what steps shall be taken to give effect thereto. (Art. 13.)

(8) To formulate plans for the establishment of a permanent court of international justice. (Art. 14.)

(9) To decide that a dispute is one of domestic or international jurisdiction. (Art. 15.)

That is in this league covenant.

(10) To decide whether a member has resorted to war in disregard of its covenants under articles 12, 13, or 15, the effect of such decision being to find the defendant guilty of an act of war.

(11) To decide that a member of the league has disregarded its covenants under articles 12, 13, and 15, and thereupon to—

Subject it—has it any power to subject a State?—to the severance of all trade and financial relations; and to prevent all financial, commercial, or personal intercourse between the nationals of the State found guilty and the other members of the league. (Art. 16.)

(12) To recommend to the Governments of the members of the league the military and naval forces and armaments they shall contribute to punish the State found guilty. (Art. 16.)

Are we going to obey, keep faith and furnish our boys, or are we going to repudiate the agreement? If we repudiate the recommendation, every other State will do so, and your league will fall to pieces. You can not have both a league of power and a league that is powerless. You can not go out and tell the American people one day—if I may drop into the vernacular, which is now permissible—that you have a prize fighter that can knock out anything that ever went into the ring and the next day or at the same time declare that he is paralyzed in both his legs and both his arms and that all he can do is to talk. [Laughter.]

(13) It has the power to declare any member of the league an outlaw. (Art. 16.)

Does that mean anything? The league tells you what it means. It means that all intercourse is to be cut off; that goods can not be shipped to you. You are excommunicated. I do not want for a minute to offend anybody's religious sensibilities, but the man who wrote what would happen to a State that was cast out of the league must have read a papal bull of excommunication written in the fourteenth century. I say that with the utmost respect for that great church. When you are excommunicated and put out of the league your nationals can not trade; trade is cut off; commerce is destroyed. This is the thing that they are going to do to us in the name of humanity, and after they have put all this economic pressure on us then they are going to recommend the naval and other forces necessary.

Let me once and for all explode this doctrine of modern humanitarianism. Humane war, if war can be humane, consists in a situation where brave men with guns in their hands stand upon the field of battle and each shoots at the other; each is there to fight and one or the other overcomes. That is war in its humane quality; but when you want war in its hellish quality, when you want the kind of war that is conceived in the womb of hell and given birth through the brains of fiends, conceive that kind of war where instead of men fighting on the field, and thus reducing one or the other to surrender, the babies at home are starved. Economic pressure is the last and final brutality of brutal war. They hope to break the line at the front by breaking the heart of the soldier at the front by pointing to him that his wife's face is pale and pinched; that from the teeth of starvation she draws back the lips of want; that the little baby at her breast is tugging at a dry font; that its limbs are wasting and that death is written on its sweet little countenance. That is what you call economic pressure, is it? That is the humane proposition of modern reformers. It is the most fiendish thing ever conceived. Poison gas is decent compared with it; the torch is respectable; the thumb screw becomes an instrument of love, and the lash only the gentle means of caressing your enemy.

Mr. JONES of New Mexico. Mr. President, I should like to inquire of the Senator if he has ever known of any war in the history of the world where the combatants did not strive in every possible way to prevent supplies going to their adversaries?

Mr. REED. I knew the Senator would get there. Of course, that has been done in wars——

Mr. JONES of New Mexico. Has there ever been a war when it was not done?

Mr. REED. And it has always been regarded as the most brutal part of war. Now, the Senator, standing with the prophesy of the millennium in one hand and in the other the dove of peace, proclaims with his lips that we will preserve the most damnable and hellish characteristic of war, and we will call it economic pressure. Why do you go back and argue for atrocities by saying that atrocities have heretofore been com-

mitted? I thought we were to have no more atrocities, but only sweet love, the lullaby of mothers mingling with the cooing of infants, the laughter upon the lips of men mingling with the songs of joy upon the tongue of childhood. And over yonder comes the glorious orb, the orb of the millennium, sending its wondrous colors into the night of ignorance and fear; and riding here in its full effulgence, riding upon the white horse of peace and of promise, is the distinguished Senator from New Mexico, the sun like a halo behind him, and in his hand he proclaims the new doctrine of the millenium: "We will win wars by starving babies to death!" [Laughter.]

Mr. President, let us see whether there is any power of war vested here.

(14) The council may take jurisdiction and decide disputes between members of the league and States not members and decide disputes between two States neither of which are members, whether the nonmember States consent or not. (Art. 17.)

(15) In the case just mentioned the council is expressly authorized to make war upon the States having the dispute. The language is:

> The council *may take such measures and make such recommendations as will prevent hostilities* and will result in the settlement of the dispute.

The right to take the measures aforesaid is the right to employ armed force and to make war. (Art. 17.)

"The council may take such measures * * * as will prevent hostilities." There is no limit to that. What are those measures? The international army that you know is going to be formed, the nucleus of which is now in Europe, where, according to the arrangement we have made, we have got to keep our troops for 15 years. How long do you suppose it will be, with the good internationalists at the helm, until we will be contributing? Why did the Secretary of War come before the Military Affairs Committee and testify that he had to have 500,000 troops? We never had to have them before. Why did the Chief of Staff swear that he had to have that 500,000 troops in order to comply with our obligations under the league? And why did Josephus Daniels ask for nearly a billion dollars to build fighting ships when there is to be no more war? How can you go out to the people of this country—how dare you go to the people—and tell the mothers that there will be no more war if this league is created, yet asking for the mightiest Navy that ever was constructed under any one order?

Mr. JONES of New Mexico. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from New Mexico?

Mr. REED. I do.

Mr. JONES of New Mexico. If we do not have this league of nations, does not the Senator believe that we will have to have a large Army and a large Navy, and much larger than we would have to have if we did not have this league?

Mr. REED. Not at all, sir. Let me puncture that balloon. [Laughter.] It has floated around here long enough. Why will we have to have it? We got along here in this world very well for a long while with an Army of 25,000, without any Navy at all, and we built a few ships. Then they increased our Army, for our population had enormously increased, and we had what amounted to about a police force. In the days of Roosevelt and Taft we had an authorized Army of 75,000 to 85,000. Did we get along all right? Yes. Did anybody come over here to destroy us? No. Who is going to come now and destroy us?

Now, let us be honest. Let us be fair to the American people. Anyway, let us be fair to ourselves. A man may lie to his neighbor; he may lie to his wife; there may possibly be some reason for both at times [laughter]; but nobody ever ought to lie to himself. Who is going to destroy us?

Is it going to be Austria? We have rent her limb from limb, and have left her a dismembered State. She naturally might want to lick us, but what is she going to do it with? We have taken her guns. We have disarmed her.

Germany? Now, I do not think we need be afraid of Germany. There has been a good deal of talk about "putting up or shutting up," and I suppose it is temerity on the part of anybody, after having been challenged to "put up," if he dares utter a sentence; but I say, while I do not want to practice cruelty on the German people at all, that Germany ought to have been dismembered just as Austria was. She was put together about 50 years ago for the purpose of making a great war power. She embraced, I think, 26 principalities, independent States, and kingdoms, and she could have been taken apart for the same reason; but I waive that. She is disarmed. She is not allowed to make any guns. They have taken her coal mines. They have taken her ships. Is Germany to come over here and destroy us? And if she does, are England and France, that we rescued, going to stand there and see her come here? And if she does come, what will be her fate? Now, I assume that we are going to have sense enough next time to have some guns; and if you have the guns, the experience of this war has shown what will happen.

Well, Germany—anybody that is afraid of Germany for the next 50 years either reckons upon the fact that our associates over there are going to turn in and help her or he reckons without very much judgment.

Then who is going to do it, sir? Is it going to be England? The one great power that might hurt us is England. I am not so much of an Anglomaniac that I am sure she might not attempt it under some circumstances; but would England, with the blood of our sons yet fresh upon her banners, bespattered there by the shell and shrapnel fire of Germans, come over here to destroy us? If so, I want no partnership with her in the league of nations. [Applause in the galleries.]

Would France come—France, whose soil is made sacred by the dead bodies, the decaying dust of 50,000 American boys who went to their death with cheers upon their lips in the defense of France more than in the defense of ourselves? Will France come to pay us back in that coin of perfidy and dishonor which she would deal out to us were she to attack us?

Well, then, who will attack us? There remains but one possible nation, and that is Japan; and you, by this infamous treaty, propose to ratify the turning over to Japan of 40,000,000 Chinamen and to allow her to keep 20,000,000 Koreans, thus raising her for the first time in the history of the world to a great international power. Who is going to come over here and make it necessary to have this mighty army and this navy? And if Japan does ever come, to quote the phrase of another, we will welcome her with bloody hands to hospitable graves.

What is going to make this great army necessary? Is it true, now, that if we do not enter the league of nations France and Japan and Great Britain will join in a conspiracy to destroy us? If that be the quality of their civilization, if that be the character of these nations, then I join in the prayer of Thomas Jefferson: "Would to God that the Atlantic Ocean were a sea of fire, separating us forever from these other lands." If that be the kind and character of nations you are inviting into this partnership, then I say, pray God to forgive you for ever thinking of inviting them into a council with the United States.

These bugaboos will pass away. Of course, we will have some guns, and we will train our boys some, and we will have some ships; and if I were as sure of Great Britain's love and friendship as you gentlemen who advocate this league, I would not build the ships; but I am not quite sure of Great Britain.

Mr. JONES of New Mexico. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from New Mexico?

Mr. REED. I do.

Mr. JONES of New Mexico. Then the Senator believes we will not need an army and navy, because the millennium has already arrived?

Mr. REED. Indeed I do not. I do not think we need this great army and navy because the conditions are to-day substantially what they were before the war, except that Germany has been whipped; England and France are bankrupt; the only nations that can hurt us are comparatively less powerful than they were before, and we do not need to have the millennium, or all go half crazy, and dream dreams, and see visions, and catch at things in the air [laughter] in order to escape the burden of great military establishments in this country.

Let me tell you something. There was a time when a lot of the people in the world—and I believe that is the reason why we got into this war—believed that the Yankee, as they call us, was a fat, sleek, overfed lounge-lizard; that he would not fight; that he could not fight; that he was chasing dollars, and had no spirit in him that made it possible for him to go out and die.

And so Germany threw the glove in our face. But that mistake will not be made again for a century of time. [Applause in the galleries.] They found out you can take a boy off an American farm and land him in France, and in two weeks' time he could go over the top with the best of them. They found out these soldiers did not need the discipline of camp and of military establishment. They already had the discipline of American citizenship. They found out that these men could laugh in the face of death, and that they could go down into the shadows with a smile upon their lips. They found out that we can raise 10,000,000 men, if we have to, and that all the powers of earth and hell can not whip us on our own soil. [Applause in the galleries.]

I am not scared about this thing.

I want to finish this speech. I am nearly through. I wish I had not permitted an interruption, because I have made the speech interminably long.

(16) To advise the reconsideration of treaties. (Art. 19.)

(17) To advise regarding the changing of international conditions whose continuance might, in its opinion, endanger the peace. (Art. 19.)

(18) To establish mandatories and determine what States shall be placed under tutelage and guardianship, and regulate the conditions and laws under which millions of their inhabitants shall live. (Art. 22.)

(19) As members of the international labor organization provided for in part 13 of the peace treaty, it undertakes in every part of the world, including the United States, to regulate the hours of work; the labor supply; the prevention of unemployment; the provision of adequate living wages; the protection of the worker against sickness, disease, and injury; the protection of children, young persons, and women; to secure provision for old age and injury; protection of the interests of workers when employed in countries other than their own; to secure recognition of the principle of freedom of association; and to bring about the organization of vocational and technical education and other measures. (Art 23; and pt. 13, art. 387.)

(20) It undertakes general supervision over the traffic in women, children, opium, and other dangerous drugs. (Art. 23.)

(21) It undertakes the supervision of the trade in arms and munitions with countries which, in its opinion, should be regulated. (Art. 23.)

(22) It undertakes the regulation of communication and transit of the commerce of all members of the league. (Art. 23.)

(23) It undertakes the prevention and control of disease. (Art. 23.)

(24) It assumes general jurisdiction and control over all international bureaus and commissions now established for the regulation of matters of international interest. (Art. 24.)

(25) It agrees to promote the establishment of Red Cross organizations to prevent disease throughout the world. (Art. 25.)

And now, on top of all these powers and as a capsheaf, I call attention to article 11, which provides:

Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the *league*—

Not the States, but the league—

shall take *any action that may be deemed wise and effectual* to safeguard the peace of nations. In case any such emergency should arise, the *secretary general* shall, on the request of *any member of the league*, forthwith summon a meeting of the *council*.

It is also declared to be the friendly right of each member of the league to bring to the attention of the *assembly or of the council any circumstance whatever affecting international relations which threatens to disturb either the peace or the good understanding between nations upon which peace depends.*

What I want to drive home is that the true construction of this article (c), its purpose and effect, was disclosed in the speech of the President at Indianapolis on September 4. He said:

Article 11 is my favorite article in the treaty. * * * *At present we have to mind our own business, but under the covenant of the league of nations we can mind other peoples' business.*

Very true, but at the same time we acquire the right under article 11 to "mind the business" of the other nations of the world we grant to them the right to mind our business.

When we enter the league the provisions of the covenant bind us the same as they bind all other nations. When they grant to us the right to "attend to their business," we likewise grant to them the right to "attend to our business."

When George Washington compelled Cornwallis to haul down the flag of Great Britain at Yorktown he established the right of the American citizens to attend to the business of America.

When Woodrow Wilson left the peace table at Versailles he had sought to grant the right to attend to America's business to the representatives of 31 alien nations.

Where Washington fought to establish the right of this Nation as a sovereign to control its own affairs, Woodrow Wilson counsels with the representatives of kings to transfer the sovereignty Washington gained to a league which they will dominate.

Dropping into common phraseology, and according to the President, when America acquires the right to "stick her nose" into the "business" of 31 alien States, she gives the right to 31 alien States to "stick their 31 alien noses" into the business of the United States. [Laughter.]

The man who is willing to give to any nation or assemblage of nations the right to mind the business of the American people ought to disclaim American citizenship and emigrate to the country he is willing to have mind America's business for her.

In this connection and as showing the bent of the President's mind, I quote the following from his speech at Kansas City on September 6:

I have, let me say, without the slightest affectation, the greatest respect for the United States Senate; but, my fellow citizens, I have come to fight for a cause. That cause—the league of nations—*is greater than the Senate. It is greater than the Government.* It is as great as the cause of mankind.

I decline to help set up any government greater than that established by the fathers, baptized in the blood of patriots from the lanes of Lexington to the forests of the Argonne, sanctified by the tears of all the mothers whose heroic sons went down to death to sustain its glory and independence—the Government of the United States of America. [Prolonged applause on the floor and in the galleries.]

APPENDIX.

WHAT THE LEAGUE OF NATIONS MEANS FOR AMERICA.

[An address in Denver before the Colorado Bankers' Association at its annual convention, Sept. 12, 1919, by Lee Meriwether.]

"To every man there comes at some time in his life one moment bigger than any of the others, one supreme moment when a great decision must be made, a decision which may make or mar his career. So, too, it is with nations, and such a moment now confronts the American people. A grave problem faces us. If that problem is not wisely decided, the freedom we have thus far had from Old World wars will vanish forever. The splendid advantages resulting from our national youth and from our geographical position, 3,000 miles distant from the nearest of Europe's quarrelsome kingdoms and empires, will be thrown away; instead of being left free to decide for ourselves when it is our interest and duty to incur the terrible sacrifices always incident to war, America will be bound by solemn treaty to take part in any war that may break out in any part of the world. It will not be for the American people to say that American sons shall fight and die in foreign wars. Article 10 of the league of nations covenant expressly binds us to 'preserve the territorial integrity' of more than 40 foreign nations from 'external aggression'; and the same article says that the council of the league shall advise us 'upon the means by which' our 'obligations shall be fulfilled.' Mark well the word 'shall.' The league council, not the American people, decides when the American people must wage war, how many American lives shall be sacrificed, and how many American dollars shall be spent.

"For 125 years, by following Washington's wise advice to mind our own affairs, to let other nations mind theirs, and steadfastly to avoid entangling foreign alliances, America has waxed peaceful, powerful, and prosperous. In the 105 years ending in 1917 Europe fought one bloody war after another, but not into a single one of her more than 60 wars did it become either our duty or interest to enter. In 1917 an exceptional crisis forced us to fight a brutal military autocracy that had insulted our flag and murdered our citizens on the high seas of the world. Because we were obliged to wage this one war out of 60 wars that Europe fought in the nineteenth century it is now proposed to sign a treaty that binds us to take part in every future war that may be fought in any part of the world. And this regardless of whether those future wars have even a remote connection with American rights or interests.

"To justify this astounding policy men of high rank and official power preach strange doctrines and propound strange questions. They ask if we want to break the heart of Europe? Let us ask them if they want to break the heart of America, if they want to barter away the independence of America? No man wants to break the heart of Europe, but frankly, if forced to make a choice I would rather break the heart of Europe than crush the spirit of America and barter away the independence of my native land.

"The men urging us to abandon the policy of minding our own business, the men who want America to meddle in Europe's affairs, give no logical reasons for their amazing scheme. They deal only in glittering generalities. They support their position only by bold assertions. They talk only of visions and voices in the air.

"My friends, I, too, hear voices in the air—the voices of Washington, of Lincoln, of McKinley, of Grover Cleveland, of that great American, Theodore Roosevelt. I hear the voices of thousands of Americans who gave their lives that our country may live free and great and powerful. And these voices are beseeching me, they are beseeching you, my countrymen, to preserve America's independence. They beg you to keep out of Europe's race and religious wars. They implore you not to give away with the pen what Washington won with the sword. Whatever others may do, I shall heed these voices rather than the voices of internationalists who talk so much of the 'hearts

of men everywhere' that they forget the hearts of men in America; of dreamers who, to save the heart of Europe from breaking, are willing to break the heart of America; of visionary idealists who are willing to see America's sons fight and die in the wars of foreign lands with whose affairs America is not even remotely connected.

"The men who urge America to abandon Washington's advice to keep out of entangling foreign alliances, the men who want America to embark upon strange and stormy seas the opposite shores of which may be so rockbound as to dash our ship of state to destruction—these men deal in abuse rather than in appeals to reason. They denounce as pygmy minds with narrow vision all who prefer common sense to their visions and their voices in the air. Though they denounce my mind as pygmy and my vision as narrow, that shall not deter me from telling you frankly that my thoughts have ever been, and ever shall be, of my own people and of my own native America.

"Three years ago I went to France a nationalist; when I came back a few months ago I was more of a nationalist than before. No matter how blind a man may be, he can not remain three years in the Old World amid 57 varieties of peoples, 57 different races and religions, each race, each religion the age-long cause of uncounted feuds and wars and not become more of a nationalist, more of an American, than ever. When my war work in France ended and the clang and clamor of Europe's clashing interests faded from my ears; when at last I turned my back upon the many-tongued nations, each of them greedily grabbing the spoils awarded them as victors in a World War; when we entered New York Harbor and suddenly the Statue of Liberty towered high above us—ah, my friends, I confess to you that statue then seemed to me the most beautiful sight my eyes had ever beheld, and I understood what the soldier by my side meant when he exclaimed to the Goddess of Liberty:

"'Old girl, I love you; but if ever you want to see me again you'll have to turn your head and look toward the shore!'

"That soldier was content to remain the rest of his life in America. If another military colossus murders our citizens and insults our flag as Germany did, that soldier will be ready to cross the seas and fight again. But he will never be ready to cross the seas to fight in a war between foreign nations about controversies that do not concern either the interest or the duty of America. Where there is one world war in which America must perforce take a part, there are scores of small wars in which there is no reason on earth why we should interfere, and that soldier knows the league of nations covenant, as now drawn, will force us into those small wars, because article 10 of that covenant in express terms binds America to 'preserve as against external aggression the territorial integrity * * * of all members of the league.'

"If anybody attacks something you have pledged your honor to 'preserve,' the only way you can keep your pledge will be to fight the fellow who makes the attack. For instance, should China try to recover Shantung, which was carved by the sword out of her heart and given to Japan, not because Japan has a right to own a part of China but because Japan is strong and China is weak, that will be 'external aggression' by China against Japan—and article 10 binds us to preserve Japan's territorial integrity from 'external aggression.'

"Is it possible democratic America wants to fight for a despotic empire's 'right' to retain possession of another country's land; and that, too, of a country that is America's friend, of a country that stood by America's side in the fight against Prussian autocracy? China furnished men, ships, and money to help defeat Germany, and we reward her by assenting to Japan's forcibly taking from China one of her richest Provinces. Is not that shameful enough without pledging ourselves to use our fleets and armies to protect Japan if ever China seeks to undo the wrong done her? Suppose the Paris peace conference had given England New York; what would be thought of France if she not only assented to that crime, but if she also signed a treaty pledging the use of French armies and French fleets to fight us if we ever tried to take New York back again and replace it among our list of American States? Such a thing is, of course, unthinkable; the might and majesty of the American Republic is now known to all the world, and peace commissioners, when they rob a country of a Province, are careful not to select a rich and powerful Nation like ours. But the principle is the same. The Paris commissioners had no more right to give a Province of China to Japan than they had to give an American State to England. And so, fellow citizens, in spite of the great respect I feel for our President, I dare say to you, in first assenting to the rape of China and then in asking us to accept article 10, which binds America to guarantee Japan in the permanent possession of her ill-gotten spoils, President Wilson made a frightful mistake.

"Recently Archbishop Glennon, of St. Louis, said:

"'Every act of conquest, every acre of ground stolen, every land looted and taken over by the looter comes now, through article 10, for the world's benediction and protection.

"'And not only do we give through this article our approval and benediction to all the successful crimes of history, but we guarantee protection to the criminals!'

"Splendid words! Splendid archbishop!

"I am not a Catholic, but I am an American and I recognize, I admire, I love a patriot when I see him, regardless of his race, creed, or religion. America is fortunate in owning such patriots. And America is fortunate in having a Senate which dares do its duty in the face of popular clamor and despite the threats of men of exalted place and power. Those of us who remember our history recall that 20 centuries ago there was a republic whose dominion stopped only at the limits of the then known world. But that great republic became a despotism and the Roman Senate degenerated into a bunch of rubber-stamp puppets because it centered in Cæsar's hands, one after the other, all the powers of the Roman State.

"Thank God, my countrymen, that America's Senate scorns to make of itself a rubber stamp, that it refuses to make our Republic a one-man Government by placing in the President's hands all the powers of the American State. Though denounced as men who ought to be hanged, though by turns cajoled and threatened by the Executive power of our Government—a power far more absolute than that of many a kingdom or empire—the majority of our Senators dares to vote as their immortal reason and conscience bid them, and not as they are commanded to vote by a would-be president of the world.

SHALL AMERICA FIGHT THE BATTLES OF THE WORLD?

"Article 10 pledges us to 'preserve as against external aggression the territorial integrity' of all the nations which are now, or which may hereafter become, members of the league. That is, if any one of forty-odd foreign nations is attacked anywhere by anybody about anything, wholly regardless of the merits of the controversy, article 10 pledges America to fight for that nation. Are American mothers willing to make this pledge? Are they willing to sacrifice their sons to preserve from attack two score of foreign lands, all of them remote from our shores, many of them absolutely of no concern to either American duty or American interests? No matter how despotic a nation may be, no matter how righteous may be the effort of a people to break away from a despot's sway, if at any time in any land a fight for freedom is made, not only does article 10 pledge America to refrain from helping the patriots, as France helped George Washington's armies, but if any other nation helps them that will be 'external aggression' against the tyrant, and America will be obligated to use her fleet and Army to crush the patriots and help the tyrant.

"Fully to realize what frightful injustice article 10 is capable of working, let us apply it to American history.

"In 1776 had France been a member of a league containing such a pledge, instead of being free to help the American Colonies, she would have been in honor bound to help England the moment Von Steuben, Dekalb, Pulaski, Kosciusko, and other European lovers of liberty offered their swords to George Washington. Those men committed external aggression upon England's territorial integrity, whereupon, under her pledge to preserve England's territorial integrity, France automatically would have been required to use her fleet and army to fight the American Colonies instead of to help them.

"In 1898 we helped Cuba free herself from Spain, but had we then been a member of a league containing article 10 we would have been bound to stand aside while Spain crushed the Cubans. If, our hearts melted at the sight of suffering inflicted by Spanish tyranny, we had disregarded our treaty obligations and in spite thereof had gone to the aid of the Cuban patriots, then England, France, and every other member of the league would have been bound to attack the United States. For only by attacking us could they have fulfilled their pledge to preserve Spain's territorial integrity from external aggression. Our aid to the Cubans certainly was "external" aggression upon Spain; it resulted in Spain's losing a part of her territory—Cuba. But does any American regret the aid given to the islanders who fought so long for freedom? Does any American wish that in 1898 America had been a member of a league which would have obligated her to preserve Spain's territorial integrity?

"Do the proposers of the Paris plan think the time will never recur when a people may again be as right in fighting for free-

dom as were the American Colonies and the Cubans? And when that time comes again will Americans wish to use their fleet and Army to preserve the territorial integrity of the State, perhaps despotic State, against which the patriots of a future day will be struggling for freedom? Will they not rather wish to do as our fathers did—extend a helping hand to the patriots? The world may well wish to preserve the territorial integrity of a peaceful little State like Belgium when attacked by a military collosus like Germany, but what liberty lover will wish to preserve the territorial integrity of a despotic empire whose people demand liberty? Article 10 does not discriminate between a France helping American patriots, or an America helping Cuban patriots, and a Germany attacking Belgium. Technically, in 1776, France was as guilty of external aggression against England as in 1914 Germany was guilty of external aggression against Belgium. But morally the two cases are as wide apart as the poles, and article 10 ought to recognize that difference instead of regarding them both in the same light, and imposing the same penalties for a French aggression upon England for the noble purpose of helping the American Colonies in 1776 as for a German aggression upon Belgium in 1914 for the wicked purpose of gaining despotic mastery of the world. Article 10 will prevent a future France from helping a future infant nation win liberty from a future kingdom that may be as despotic as the Tory England of 1776.

"Article 10 is further open to the objection of being one-sided. It is as if a bankrupt gambler should say to a man who has prospered because he has worked hard and lived justly: 'You guarantee me and I will guarantee you.'

"Fine, surely, for the gambler, but is it fine for the other man? For centuries Europe's states have fought and persecuted one another in race and religious wars. Our ancestors got so tired of their eternal wars, they quit Europe and founded homes in a new world, where by minding their own business they have grown great and prosperous. But Europe kept on with feuds and fights; in the last century there was a war in Europe on an average of every other year—more than 50 wars in 100 years. Europe became bankrupt. And so now it says to us: 'You guarantee me and I will guarantee you.'

"With colonies all over the world England is liable to get into a row anywhere at any time. The United States, compact and geographically isolated, in all her history has never been attacked except by one power—England—and that was a century ago, when we were small and feeble. There is no reasonable probability that any state will again cross thousands of miles of ocean to attack the powerful people we have now become, and surely America has nothing to fear from Mexico, Costa Rica, or any other of our near neighbors. Therefore, in return for preserving us from dangers which do not exist we are asked to agree to fight in any part of the world where any of England's possessions—loot acquired in the wars of three centuries—may be made the subject of 'external aggression.' Suppose Uncle Sam and Miss Britannia are in a ballroom where people constantly trip over Miss Britannia's long train dress, and Miss Britannia says: 'Sam, if you will fight every man who steps on my long train gown I'll fight every fellow that steps on your pants.' Would that be fair play? Would Sam agree to such an arrangement simply because Miss Britannia called it 'reciprocal'?

SHALL AMERICA NOT ONLY ASSENT TO SHADY, SECRET BARGAINS, BUT ALSO SPEND AMERICAN MONEY AND SACRIFICE AMERICAN LIVES TO MAKE THOSE BARGAINS A PERMANENT SUCCESS?

"In February, 1917, after our diplomatic relations with Germany had been ruptured, when it was certain we soon would be in the war, Japan said to England:

"'We will let you take all the islands in the Pacific Ocean south of the Equator if you will let us take all the islands north of the Equator, and also the Chinese Province of Shantung containing 30,000,000 people and rich lands, railroads, and mines.'

"England agreed, and so at the Paris peace conference, despite the raw injustice of the deal, despite the fact that President Wilson himself declared it immoral and unjust, it was consummated; and now America is asked not only to sanction the deed but to 'preserve' the spoils of that secret bargain to the two nations who engaged in it. Shantung is as much China's to-day as it was before the Paris peace commissioners gave it to Japan, and while America may not care to fight Japan in order to compel her to return stolen goods, surely it would be infamous were America to help crush China if, as is probable, she should some day seek to drive the Japanese out of China back to Japan where they belong. Article 10 pledges America to do precisely this infamous thing; hence for this reason if no other the Senate should refuse to ratify the league of nations covenant as it now is drawn.

EVEN AMERICA'S RIGHT OF SELF-DEFENSE IS RESTRICTED BY THE LEAGUE.

"Under article 8 of the league covenant the representatives of foreign nations advise America what size fleet and army she may have; and, once the size is agreed on, it can never be increased except by the unanimous consent of those foreign nations.

"Suppose, because of frightful conditions in Mexico, or because of any other reason, an increase in the size of the American Army becomes necessary; as things now are it is the American people who decide that question, and add to their armed forces as they think their dignity and safety require. But under article 8 America must go hat in hand and ask the permission of eight foreign gentlemen sitting in a world capital at Geneva, Switzerland. And if a single one of those representatives of European and Asiatic kingdoms and empires says 'No,' then America must come home again, like a whipped cur with its tail between its legs, powerless to defend itself, powerless to add a single soldier to its Army or a single ship to its fleet because, forsooth, one of eight foreign gentlemen in Geneva refuses his gracious consent! Is it possible any red-blooded American can approve this shameful abdication of his country's sovereignty? Can any patriotic American approve a treaty which thus puts our proud Republic of 100,000,000 people at the mercy of any one of eight foreigners, representatives of kingdoms and empires, none of which loves us over well, and some of which would gladly see the American eagle plucked of its feathers?

AMERICA CLASSED BY THE LEAGUE WITH HAITI AND HEDJAZ.

"Article 3 gives Great Britain six votes in the league's assembly, America one. Even in passing on American questions Great Britain will have six votes to our one. We, with a hundred million population, are given only the same voting power as is given the Negro Republic of Liberia, in Africa; the nondescript kingdom of Hedjaz, in Asia; and the semisavage island of Haiti, in the Carribean Sea! I admire the many splendid pages written in history by England, but why give her, why give any foreign nation six times the voting power in the assembly of the league of nations that is given our own Republic?

"My countrymen, I assert—and I weigh my words as I speak—that it is a shameful betrayal of America's greatness and glory to give England six votes to our one, and to rank our Republic, with its hundred millions of the most civilized, intelligent people on earth, alongside the half-baked, semicivilized black and brown republics, kingdoms and republics on the continents of Europe, Asia, and Africa, and on all the islands of the Seven Seas! But Great Britain is given at the start six votes, and, because of her far-flung Empire, of her influence in all parts of the globe, she will dominate the votes of a number of other nations.

"The vision-voices-in-the-air statesmen answer this in two ways: First, they say India, Canada, New Zealand, Australia, and South Africa will vote as individual entities, not as parts of the British Empire, and not as Great Britain wishes them to vote; and, second, they say it really does not matter how many votes Great Britain has, since everything must be unanimous, and one vote is as good as a dozen to block any move or prevent any policy that a nation does not like. Were this second answer founded on fact, it would mean that this league-of-nations scheme, which is heralded as the greatest achievement of man since Magna Charta was wrung from King John at Runnymede, is in reality an impotent instrument; it would mean that the single voice of a half-savage Asiatic kingdom like Hedjaz or a black island Republic like Haiti could veto and prevent the efforts of all the great nations of the earth to effect some vital reform. But the answer is not founded on fact.

"On many vital questions a majority of the votes cast in the assembly of the league of nations is sufficient to adopt or reject a given policy. This being so, it is obvious that Great Britain will dominate and control the assembly because of her six votes to start with, and because of her great influence over most of the other nations represented in the league. France could not remain a great power if England were hostile to her; Italy, which projects like a great boot into the Mediterranean, has 1,500 miles of coast line to defend. Were England hostile to Italy the Italian nation's supply of food and coal would be cut off and the people would both starve and freeze. In any controversy between England and the United States, no matter how right Italy and France may believe the United States to be, is it certain they will be willing to incur the enmity of a near-by and powerful nation merely to do abstract justice to a distant country from which they have nothing either to fear or to hope? They may do so, but so may the friend and

neighbor of your opponent in a lawsuit decide the case impartially. But what would be thought of a lawyer who accepted as a juror the son or brother, or even an intimate friend, of his client's opponent? And yet our objection to giving England six votes as against America's one is met with the reply that England's colonies and dominions will vote to suit themselves and not as England wishes them to vote! On matters concerning only themselves no doubt they will vote to suit themselves, but where there is a controversy between England and America that does not affect any of England's dominions, to doubt that those dominions would be partial to England is to ignore the commonest principles which govern men, and which will continue to govern them as long as it is human nature to think of yourself, of your family, and of your friends before you think of strangers whose welfare is less dear to you and whose good or ill will is of less importance to you. Applaud England, if you will, for the great work done by her in the war, but for our own sake and our posterity's sake let us not give back to England the independence we forced from her at the point of Washington's sword. And that, my friends, is what we shall be doing if we accept this English-drawn covenant which gives England six votes at the head of the table, while the great American Republic is seated at the foot of the table alongside Hedjaz, Haiti, Liberia, and the other petty nations of the world.

"When, a few years ago, Japan connived with Mexico to obtain a naval base in Magdalena Bay south of California, our enforcement of the Monroe doctrine caused Japan to withdraw. Had the league of nations been then in force, the matter would have been referred to the council at Geneva, Switzerland, a council dominated by Great Britain, herself anxious to get a footing in Mexico, where there are oil fields capable of furnishing fuel to the British Navy for centuries. Is it likely such a council would respect our Monroe doctrine? But even if a square deal could be obtained from the council, under article 15 either Japan or Mexico would have the right to refer the dispute to the assembly, a body in which Haiti, Siam, Liberia, and the other 'half-baked' backward nations of the earth each have a voting power equal to that of the United States!

"Twenty years ago, when England trumped up a pretext to seize Venezuela, the strong, rugged President then in the White House lost no time asking European and Asiatic nations to make England behave. Grover Cleveland politely but firmly told England to get out of Venezuela, and England got!

"When Germany harbored designs upon South America and sought a footing where her guns might dominate the Panama Canal, Roosevelt did not ask the consent of eight men representing European and Asiatic nations to tell the Kaiser to stay on his own side of the ocean. Roosevelt bluntly told the German ambassador if the Kaiser did not abandon his designs upon South America, Dewey would go with the American Fleet and shoot the Kaiser out of South American waters!

"In 1866, when France installed an emperor in Mexico, America did not seek Europe's and Asia's consent before telling France we did not want an empire set up across our Texas border. We told France to get out or we would put her out!

"If ambitious European and Asiatic potentates again threaten our national safety by such encroachments, shall we settle those vital American questions ourselves, or shall we submit them to an executive council wherein America will have but one vote, and where the other eight votes will be cast by representatives of Old World nations, whose interests are different from and often opposed to ours? The best of European and Asiatic powers love America none too well; the best of them would not be averse to destroying our predominance in the Western Hemisphere; the best of them, if it could, would not hesitate to plant its flag on American soil.

"It is said America need not worry over the fact that opposed to her one vote will be eight votes of European and Asiatic nations, because the Paris plan confers no real power upon the executive council of the league; that the council may only 'advise' and 'recommend.' In several of the 26 articles very specific and very serious powers are conferred upon the executive council. But apart from those articles, and considering only articles 10 and 16, which say the executive council shall 'advise' and 'recommend' what 'effective or naval forces' shall be used to protect the pledges made by the States members of the league, let me observe that a treaty is not needed to confer the power to 'advise' or 'recommend.' Anyone has the right to recommend anything to anybody. If these articles merely confer a right which everybody in the world already has, then they are superfluous. Of course, the fact is that article 10 binds each and every nation in the league, at least morally, to do what the council advises. If this is not the case, if our promise to preserve the territorial integrity of other States does not mean that American armies and fleets will fight for those States if and when they are attacked; if our pledge will be fulfilled merely by writing a note telling Russia, Germany, or whatever power attacks a fellow State member of the league that such an attack is naughty—if that is all our promise means, then, of course, the Paris plan is not subject to the objection that it may involve America in wars regardless of America's wishes and regardless of the merits of the particular case. But if that is all the plan means, then the pledge to preserve other nations' territorial integrity will not be worth much either to them or to ourselves. And if that is all it means, the fact should be precisely stated, for lack of a precise statement as to whether a State did or did not have a right to secede the Constitution of the United States led to a civil war. But it is absurd to say article 10 would not bind America to fight for foreign nations. The language is too plain to dispute. Moreover, President Wilson himself stated at the recent White House conference with the Senate Foreign Relations Committee that under article 10 the United States will be under the 'strongest possible moral compulsion' to fight for any State member of the league that becomes hereafter the subject of 'external aggression.' What America is morally bound to do America will do. So the question is this: Shall we accept a treaty which means that American boys must fight and die for foreign lands whenever any one of those foreign lands is attacked by another nation? Speaking for myself, I shall always be willing to fight for America, and may sometimes be willing to fight for foreign nations, but when I fight for foreigners I want to be sure their cause is a just one. I do not want to fight on Japan's side if some day China tries to take back from Japan her stolen Province of Shantung. If compelled to fight in a Chinese-Japanese war, I would choose to fight for rather than against China. Article 10, however, leaves America no choice; in advance it pledges America to fight for Japan despite the fact that President Wilson and all of the American peace commissioners have recognized the injustice of giving Shantung to Japan and have protested formally against the wrong.

ARE WORLD CONDITIONS SO CHANGED THAT AMERICA CAN NO LONGER KEEP OUT OF EUROPE'S WARS?

"They who say the world is now so small that America can not stay out of Europe's troubles forget that in the recent war, as in all other wars for a thousand years, the English Channel enabled England's fleet to save England from invasion; and the English Channel is only 20 miles wide. With 3,000 miles of ocean to our east and 8,000 miles of ocean to our west, we, with our great population and resources, are practically invulnerable. Where is there in all the world a nation which has the power, even if it has the desire, to cross thousands of miles of water and conquer 100,000,000 people? There is no such nation, yet in order to escape a danger which does not exist some people urge America to pool its fortunes with the bankrupt States of Europe and Asia. If we follow this advice, America will lose the splendid advantage of her national youth, of her freedom from ancient feuds, of the vast benefits resulting from her geographical position—and gain what? A partnership in the jealousies, in the race and religious hatreds, in the age-long quarrels of the Old World! The world so small that America can no longer keep out of Europe's troubles? Why, for one European war big enough to involve America there were in the nineteenth century 50 European wars into which neither our duty nor our interest required us to enter. In 1812 England dragged us into the Napoleonic wars; in 1917 Germany forced us into the recent World War. But between 1812 and 1917 America enjoyed a profound peace, so far as European wars were concerned. Was this because there were no European wars? No; in the 105 years between 1812 and 1917 Europe had scores of wars. France blazed with revolution in 1830, as did all Europe in 1848. In 1856 England, France, Italy, Turkey, and Russia shed rivers of blood in the Crimea. There were frightful wars in two-thirds of Europe's States in 1864, 1866, 1870, and 1876. In 1897 Greece and Turkey cut each other's throats, and in 1899 England assaulted and crushed two small republics in South Africa. In 1905 Japan and Russia went to war, as did Serbia, Bulgaria, Greece, and Turkey in 1912, and again in 1913.

"If it be said none of these wars would have happened had there been a league of nations, we may admire the sincerity but we will hardly respect the judgment of the man who thus argues. Race antipathies being what they are, nations being so prone to resort to force to grasp what greed suggests, the man who asserts that a paper agreement to be good will make

men good must be either ignorant of history or must have a faith as beautiful and, alas! as groundless as is the faith of a child in Santa Claus.

"A striking illustration of this fact has occurred in our own time. In 1878 the congress of great powers at Berlin decreed, among other things, that the two Balkan States of Bosnia and Herzegovina should be free. Austria was to be their 'mandatory,' but all the powers of Europe solemnly promised to preserve the independence of those two Provinces. Thirty years passed; then without a word of warning Austria annexed Bosnia and Herzegovina and raised above their soil the Austrian flag. I happened to be traveling in those Provinces at the time Austria thus defied the great powers; Austrian soldiers were everywhere; the air was thick with rumors of war; Russia growled, England, France, and the other powers protested, but there was no war. Were it possible to turn an X-ray on the Austrian cabinet just before it decreed the annexation of the two forbidden Provinces we would find some of the more timid, or the more law-abiding, members of the cabinet saying to Baron Burian, the prime minister, 'All the great powers are pledged to protect Bosnia and Herzegovina; Austria can not stand up against all the great powers; therefore your policy, Mr. Prime Minister, will bring us not two Provinces, but a disastrous war.'

"Whereupon Baron Burian answered:

"'Gentlemen, much water has passed under the mill since 1878. Since then England and France have stood face to face at Fashoda, in Africa, on the verge of war. Italy has had her hands badly burned in Tripoli. The Russian bear's claws have been clipped by Japan. Do you think those countries have nothing better to do than go to war about a couple of Balkan Provinces? Nonsense. They will not do it. They have too much sense to wage war about a matter that in no way affects their own interests. Now, while they are busy trying to settle disputes that have arisen between themselves, now while they are harrassed by domestic problems that have arisen within their own borders—now, gentlemen, is the time for Austria to seize these rich Provinces. We can do so safely. The powers will grumble, but they will not incur the stupendous sacrifices of war merely to keep a foolish pledge made 30 years ago at Berlin.'

"The event proved Burian was right. The powers did grumble, but they did not declare war, and Austria retained possession of the two Balkan Provinces. Will not history repeat itself? President Wilson urges that Fiume be denied to Italy and given to the new Slavic nation, but will that lessen by a hair's breadth Italy's conviction that of right Fiume should be Italian? Six hundred years ago, in his 'Divine Comedy,' Dante said the steep mountain chain rising north and east of Fiume is Italy's natural boundary line. For six centuries Italians have believed with Dante that Italy's safety depends upon her control of the Adriatic's eastern shores, that only by such control can Italy safeguard herself. Every now and then during the past dozen centuries Venice, Ravenna, Bari, Brindisi, and other Italian cities have been plundered by the Slavs, the Turks, and the other fierce peoples of the East who poured through the Balkan mountain passes, descended to the Adriatic, crossed its narrow channel, and brought fire and sword to the Italian people. Will a mere paper decree, that hereafter men must be good and not attack their neighbors, convince Italy that she need fear no more attacks by her only half-civilized eastern neighbors? Certainly not; therefore what sensible man believes the decision of the Paris peace commissioners has changed the six-century old conviction of the Italian people that Italy ought to control the Adriatic Sea? If some years hence a future Italian prime minister follows Baron Burian's example—proposes to his colleagues to seize Fiume, which in 1919, according to the Italian view, was so unjustly awarded to the Slavic nation, will not that future cabinet discussion be a duplicate of the 1908 cabinet debate in Vienna? Shall we not hear one of the Italian cabinet say: 'Mr. Prime Minister, the league of nations is pledged to preserve the Slavs from external aggression. To seize Fiume will be external aggression, which according to article 10 means all the world will jump on us. Surely you do not imagine Italy can withstand all the world?'

"And we can hear the future Baron Burian reply:

"'Gentlemen, much water has passed under the mill since 1919. Trade disputes have arisen between France and England. Japan is not now pulling England's chestnuts out of the fire; she is too busy digesting the Provinces she stole from China. As for America, she accepted the sacrifices of war in 1917 because a military giant sank her ships and murdered her citizens; also because America knew if the German giant mastered Europe he would next try to master America. America had to get into that war, but America has no interest in Fiume; she is busy with troubles of her own, so you may rest assured, gentlemen, she will not accept the tremendous sacrifices of war merely to preserve Fiume to the Slavic nation.'

"When this or some similar crisis occurs will America forswear her promise to protect the Slavs from external aggression? Or will she send her fleets and armies across the ocean to fight Italy and prevent her from realizing her aspiration of 600 years? One of these courses she must pursue if she signs a treaty containing article 10, but the adoption of either course would be extremely unwise, extremely unfortunate for our national honor and for our welfare as a people.

"In 1787 some men feared the Federal Constitution would be a failure; their fears proved unfounded. Therefore fears that the league of nations will not work are unfounded.

"Thus argue the brilliant statesmen who see visions and hear voices in the air. Let us see if this argument squares with common sense. Once, when Uncle Sam proposed a partnership with Tom and Jerry, Mr. Doubting Thomas said all partnerships are doubtful affairs and predicted this one would not work. Uncle Sam said: 'Of course partnerships are uncertain, but Tom and Jerry are friends whom I have known for a long time. They live near me, and the interests we have in common will move us to bear and forbear when differences arise between us.'

"The partnership was formed, and even though they all knew each other and had interests in common it came near failing; in fact, they fell out with one another and fought like cats and dogs for four years. However, on the whole, the venture proved successful. Then, later on, Uncle Sam was invited to form a partnership, not with men he knew or whose interests were identical with his, but with a job lot of fellows who spoke 57 different languages, professed 57 different religions, and lived in remote parts of the world. Some of them were only half civilized, many of them were jealous of Sam's prosperity, and all of them were either anxious to borrow his money or to get a foothold on some part of his big farm. Will Uncle Sam be considered wise; will he be suspected of having even ordinary common sense if to this invitation he replies:

"'There is no use for anybody to warn me against entering this partnership. In 1787 Doubting Thomas said a partnership with my friends and neighbors would not work. Well, it did work, so now I believe in being partners with anybody and everybody in the world. I will not even draw the line at fellows like John Bull, who speak my language and have had some experience in business affairs. I mean to tie up with fellows of all races, religions, and languages; with fellows who are civilized, half civilized, and savage. If I can get along with Americans, why can not I get along with the wandering Arabs of Hedjaz, with the black voodoo worshippers of Haiti, with the turbulent Turk, with the inscrutable Japs, with the groveling creatures of all the backward countries of Europe, Asia, and Africa?'

"If Uncle Sam talks like this, no doubt he will thereby qualify as a vision-voices-in-the-air statesman, but what will be said of his sanity? And what will happen to his new partnership? Will he not quickly learn that the success of a partnership depends upon the character of the partners and the mutuality of their interests?

"The dreamers also say: 'Individuals no longer settle their own disputes; they refer them to courts of law. Why, then, may not nations settle their disputes by law instead of by arms?'

"Arbitration between nations is a splendid thing. By all means aim at that ideal; but it would be a fatal fallacy to disarm our Nation, make it as powerless as China, and trust to some untried world court to secure the rights, the happiness, and the prosperity of the American people. Those who, because individuals disarm themselves and settle private controversies in a law court, think, therefore, nations may do the same, lose sight of the limitations of human nature and human capacity. By expanding his plant and employing 40,000 men, Mr. Ford increased his factory efficiency. Because of this will anyone say the greater the plant and the more men employed the greater will be the factory's efficiency? Forty thousand may not be the limit to which man may go without reaching the point where size will be a drawback instead of an advantage, but that there is a limit somewhere can not be doubted. Certainly no man nor set of men can successfully manage a hundred million employees. Just where the limit lies I shall not venture to say, but certainly somewhere between Mr. Ford's 40,000 and a hundred millions there is a point where the plant would break of its own weight, a point where it would be physically and mentally impossible for any finite human in-

tellect to grasp all the details and coordinate them into a successful whole.

"The American people have succeeded beyond their expectations, and despite the prophecies of Mr. Doubting Thomas, in welding 48 States together. Does it follow that they can weld the whole world together? A citizen of one American State may say, 'The other 47 States are in the same boat with my State. We all speak the same language and have the same general interests; hence there is a good chance that we may get along together.'

"The citizens of the other American States feel the same way about it, and, barring one question which all the courts in America were not able to settle, a question that only four years of bloody civil war were able to settle, the plan has worked well. But because you can get along with friends and neighbors, does it follow that you can get along with a thousand fellows you never heard of, fellows some of whom are only half civilized, many of whom are greedy and grasping, all of whom are remote from you and opposed to you by reason of age-long race and religious passions and prejudices? You are willing to submit your private grievances to a Chief Justice of the United States, because you know him. Because, too, if he proves inefficient or unjust you can impeach him and choose a Chief Justice who will be efficient and just. But what will Americans know of the supreme judges of the world? Who will choose those judges? If they prove inefficient or unjust America can not remove them. Who can? And how can they enforce their decisions? Suppose a question of immigration arises. No country in the world has anything to fear from American immigration, but there is hardly one of the densely populated countries of Europe and Asia that does not look longingly at America's vast expanse of almost virgin land. A dispute arises, say, over the right of Japanese to settle in California. America claims this is a domestic question; Japan says it is not. The supreme court of the world is called on to decide the dispute. The judges of that court are composed of men from European and Asiatic kingdoms as anxious as is Japan to have the right to send emigrants to America. If they decide the dispute in Japan's favor, shall America abide by the result, as an individual abides by a decision of the Supreme Court at Washington?

"My friends, I have not time to make, nor have you the patience to hear, a detailed argument of this phase of the question; what I have said, however, may suffice to indicate the fallacy and the danger of settling great questions of State on lines of pure theory, leaving out of the account the limitations of human nature. The individual does well to throw away his gun and let local courts settle disputes which arise with his neighbors; a county does well to join with other counties and let county disputes be settled by a State supreme court.

"The 48 American States do well to let their disputes be decided by a Supreme Court at Washington. For we are all Americans; we all live in one country; we know one another and have national interests in common. But because these things are so, it does not follow that there is no limit to the principle. I am content that my home State, Missouri, shall be subordinate to the United States, but not in the present state of civilization, or rather lack of civilization, would I be willing to see our proud Republic, with its hundred million of the most intelligent people on earth subject to a world supreme court at Geneva, Switzerland, as Missouri is subject to the decrees of the Federal Supreme Court at Washington. The proposal to let Costa Rica, Siam, Liberia, Hedjaz, and a score of other semicivilized, and even savage, nations have a voice, however small, in the affairs of the American Republic—such a proposal is monstrous and should, and I believe will, be indignantly rejected by the United States Senate.

"Once it was my fortune to walk from one end of Europe to the other. I came to know the hot-blooded men of Spain and Portugal and the peasants of Italy, Bulgaria, Turkey, and Russia. I hobnobbed with the fierce mountaineers of Montenegro. And these experiences over all Europe during nearly two years gave me some understanding of the racial and religious hatreds which sway millions of people in the old world. Antagonisms a thousand years old still divide one State from another; yes, divide one section from another section of the same State. To-day, as for centuries past, the Spaniard of Catalonia hates the Spaniard of Andalusia, and only a few months ago wanted to secede from Spain and was prevented from doing so only by force.

"Since Cæsar threw his bridge across the Rhine French and German have regarded one another with distrust and suspicion. In Greece I have talked with men whose one aim in life seemed to be to cut a Bulgarian's throat, while in Bulgaria men have told me they regarded all Greeks as rascals and robbers. In parts of Dalmatia I noticed many men go armed to the teeth because in a space smaller than Denver is a confusion of tongues like unto that of the Tower of Babel. Each man thinks his race ought to prevail. The Slavs have history to prove they should rule, but the Italians have history to prove that Dalmatia was Italian when Diocletian left Rome to raise cabbages in the palace gardens at Spalato! Against both Slavs and Italians are the German-Austrians, who oppose their history. And so between the lot of them no man feels safe in leaving home unless armed with guns and daggers!

"Looking back upon my life with Europe's common people it is not possible to believe that any mere paper agreement to keep the peace will still the passions and prejudices or eradicate the selfishness of these many-tongued nations. And so this question arises: Is not America to be congratulated on following Washington's advice to avoid permanent foreign alliances? Had we not followed that advice, had we been a member of a league obligating us to intervene in Europe's wars, then instead of a century of profound peace—so far as Europe's wars are concerned—is it not certain America, like Europe throughout the nineteenth century, would have been involved in one war after another?

"In 1815 after Europe had been weltering in war for 20 years, the last three of which found the United States drawn into the turmoil, mankind longed for peace, as it longs now. And then, as now, a league of nations was proposed to abolish war. But the American statesmen of that day, while acknowledging the lofty idealism of the scheme, realized that human nature can not be changed over night, that men can not divest themselves of selfishness merely by adopting a resolution to follow the golden rule. And so our statesmen of that day declined to enter the league formed in Europe at the conclusion of the Napoleonic wars. Thomas Jefferson wrote to Thomas Leiper in 1815:

"'The less we have to do with the amities or enmities of Europe the better.'

"A few years earlier, in 1795, Washington wrote to Governeur Morris that America's policy should ever be to 'maintain friendly terms with, but to be independent of, all nations on the earth.'

"In some quarters it is now the fashion to regard Washington and Jefferson as old fogys, fit to take part in the politics of their day, but not qualified to advise the big country we have become. Those who think thus need to be reminded that fundamental principles are not changed by an increase in census returns, and that it may be as dangerous for us to mix in European intrigues to-day as it was in Washington's time. The leagues and alliances of Europe often change more swiftly than the scenes in a kaleidoscope. The friends of to-day may be the foes of to-morrow.

"England, which dealt a deadly blow to France at Waterloo, soon after Waterloo fought by France's side in the Crimea; Russia, which joined hands with Germany to crush Napoleon, later joined hands with Napoleon's country to crush Germany, and then still later repudiated her alliance with France, raised the red flag, and now stands against the world. Italy, for 20 years Germany's ally, changed front overnight and lined up with Germany's foes. In 1912 Bulgaria and Serbia smote Turkey hip and thigh, but three years later Bulgaria, side by side with Turkey, moved against Serbia, her former ally!

"History repeats itself. Within a few years there may be an entire regrouping of the Old World nations. Russia and Germany may be drawn together. Japan may find it to her interest to line up with the power controlling Siberia. And who can say that China will not awake from her slumber and join hands with the people of her own race and color, the Japanese? When these things come to pass it will be a tragic day for America if she is then a member of a league that will obligate her to submit vital American questions to the decision of eight European and Asiatic gentlemen sitting in Geneva.

"Those who think the world has so changed as to make it necessary for us to look to Europe and Asia for protection overlook the lesson just taught Germany. But if a few timid Americans overlook that lesson, history will not follow their example. Europe's kings and potentates now know our power as they never knew it before. And not in this generation will one of them sink another American ship or murder another American citizen. Future protests against violation of American rights will not be thrown into the wastebasket, as William of Prussia threw the submarine notes of President Wilson. For the whole world now knows the might and majesty of this great Republic.

"And so, having accomplished what we set out to do, having thrashed the insolent autocracy which flouted us, sank our ships, and drowned our women and children, if we now

leave Europe to settle her own affairs while we attend to ours on this side of the ocean, will not that be better alike for Europe and America? Problems await us not only at home but in States to the south of us all the way to the end of South America, and one need not be a pro-German in order to believe that the work cut out for America in the Western Hemisphere is a big enough job for any one nation. Speaking for myself, I confess I am earnestly opposed to fishing for trouble in European waters. And I am opposed to America accepting 'mandatories' for distant lands, such as Syria or Armenia.

WHAT DOES A MANDATORY REALLY MEAN?

"Fine phrases may conceal but they do not change facts, and the cold, costly fact is that acceptance of mandatories will impose upon the American people enormous losses in life and money. International mandates, international decrees do not enforce themselves. Fleets and armies are needed for that; and, in my judgment, if we adopt this policy we shall not only incur grievous burdens of taxes but we shall also sow seeds of discontent which may result in a harvest of radical agitation.

"It is one thing to ask men to leave home and fireside to cross the seas and fight a military empire that has sunk our ships and murdered our women and children. It will be a very different thing to ask men to cross the seas to do police duty in a foreign land whose affairs do not concern us, whose name is hardly known to us, whose people can by no possibility ever be a menace to us.

"We gave our sons freely, we submitted freely to a huge load of taxation, we denied ourselves many comforts of life so as to repel and punish Germany's brutal violation of our national rights. But if, instead of calling on men to fight such a foe for such a reason, the Washington Government goes into our homes, our workshops, our farms, our office buildings and says to our sons:

"'Take off that civilian suit. Don this uniform and cross the ocean. You must march over Syria's burning sands. You must fight in Bulgaria, perchance die in Armenia—not because America fears those countries. They do not threaten us, as Germany did; they are too weak ever to threaten us. But we are bound by treaty to police those countries and impose upon them our government.'

"If this be said, what will the answer be? Will not discontent reign in homes from which sons are snatched to fight in foreign lands, not to protect America, but for the sole benefit of those foreign lands? Will not a protest arise from the American people when they realize the terrible burden of taxation involved in that word 'mandatory'? The word may sound sweet, but it means that American blood and American money will be spent in trying to compose the quarrels and jealousies of Europe and Asia!

"Has America no problems of her own, that she should devote her time, her energies, her resources to policing distant lands? Without criticizing what has been done as a war measure, without disapproving the aid given during the war to struggling, war-worn peoples in Europe, is it not permissible to suggest that the time has come when a halt should be called to Uncle Sam's playing Santa Claus to foreign nations?

"When I think of the army of unemployed in America; of the tens of thousands of children forced by poverty to work in shops and mills, children who should be in school or in God's sunshine; of the deep mud through which American farmers haul their crops to railway stations; when I reflect that France has a hundred miles of rock roads to Missouri's one; that in my home State are swamp lands which might be reclaimed, but are not because we haven't the money to do it; when I think of the vast area of valley lands devastated almost annually by the flooding of the Mississippi River because we haven't the money to build levees; when I think that in the West there is a territory capable of affording comfort and happiness to millions of men, but which is an arid desert because we haven't money enough to build dams and dig irrigating canals—when I think of things like these it is difficult for me to understand how any well-informed man can look on America as a superstate, with no problems of its own, and with unlimited resources from which it can give freely to all the rest of the world.

"A league of nations which would preserve peace without impairing America's sovereignty, without obligating America to intervene in foreign wars, not if and when America thinks it her duty to intervene, but as she may be 'advised' to do by eight European and Asiatic gentlemen sitting around a table in Geneva, Switzerland—such a league might merit approval. But a league which excludes from the planning of its covenant such highly civilized countries as Holland, Norway, Sweden, and Switzerland, while admitting such countries as Haiti, Liberia, and Hedjaz, excites distrust to begin with. When a careful study of its articles reveals the fact that it is not a league to preserve peace but, on the contrary, is a league to project America into all of Europe's future wars, whether or not American interests and American duty are concerned—when that is proved to be the kind of league we are asked to accept, there must be this emphatic answer:

"America will stand true to the principles of Washington, of Jefferson, and of all her other Presidents down to and including the Woodrow Wilson of April 13, 1916, who said on that day:

"'God forbid that we should ever become directly or indirectly embrolled in quarrels not of our own choosing and that do not affect what we feel responsible to defend.'

"The Woodrow Wilson who said on May 16, 1914, at the unveiling of the John Barry statue:

"'We can not form alliances with those who are not going our way; and in our might and majesty and in the confidence and definiteness of our own purpose we need not and we should not form alliances with any nation in the world.'

"My countrymen, I conclude, as I began, with the reminder that America has grown great and powerful by following the wise advice of Washington—advice that has been given by every one of America's Presidents not excepting our present Chief Magistrate, for not until his return from a long sojourn among the potentates and prime ministers of Europe and Asia did President Wilson repudiate the principles that have made our country peaceful and powerful. Washington and Wilson—(up to 1916). Two great Presidents! Let us continue to stand on the splendid platform they constructed, and so perpetuate the glory and greatness of the American Republic."

President Wilson was reelected in 1916 on a platform denouncing the league of nations.

The following quotations are taken from Democratic campaign textbook of 1916, which was the official organ of the party:

"Gov. Glynn's speech sounds party's battle summons.

"* * * For the America of to-day and for the America of to-morrow, for the civilization of the present and for the civilization of the future, we must hold to the course that has made our Nation great; we must steer by the stars that guided our ship of state through the vicissitudes of a century.

"* * * What the people must determine through their suffrage is whether the course the country has pursued through this crucial period is to be continued; whether the principles that have been asserted as our national policy shall be indorsed or withdrawn.

"* * * The President of the United States stands to-day where stood the men who made America and saved America. * * *

"If Washington was right, if Jefferson was right, if Hamilton was right, if Lincoln was right, then the President of the United States is right to-day. * * *

"And whom, we ask, will the policy of our opponents (Republicans) satisfy, and for how long? Fighting for every degree of injury would mean perpetual war, and this is the policy of our opponents, deny it how they will. It would not allow the United States to keep the sword in the scabbard as long as there remains an unrighted wrong or an unsatisfied hope between the snowy wastes of Siberia and the jungled hills of Borneo. It would make America as dangerous to itself and others, as destructive and as uncontrollable as the cannon in Victor Hugo's tale of '93. It would give us a war abroad each time the fighting cock of the European weather vane shifted with the breeze. It would make America the cockpit of the world. It would mean the reversal of our traditional policy of government. * * * It would make all the other nations the wards of the United States and the United States the keeper of the world. What would become of the Monroe doctrine under such a policy? How long do our opponents suppose we would be allowed to meddle in European affairs while denying Europe the right to meddle in American affairs? The policy of our opponents is a dream. It never could be a possibility. It is not even advanced in good faith. * * * In a word this policy of our opponents would make the United States the policeman of Europe. Rome tried to be policeman of the world and went down. Portugal tried to be policeman of the world and went down. Spain tried and went down, and the United States proposed to profit by the experience of the ages and avoid ambitions whose reward is sorrow and whose crown is death * * *."

This reads like the speech of one of the men who has recently been denounced as a "contemptible quitter." Or like one of those who has been called "pygmy-minded." Or "a dream of a man living in a forgotten age."

As a matter of fact, it is the warp and woof of the Americanism plank of the platform upon which President Wilson was elected.

LETTER OF AUGUST 19, 1919, BY ED E. YATES, OF KANSAS CITY, MO., ON THE LEAGUE OF NATIONS.

"No Democrat can, by any possibility, stand for the league pact and treaty.

"As a document it is distinctly un-American.

"The whole runs flat against the teachings of the fathers, who were never internationalists, but always Americans. Friendship for all, entangling alliances with none, is made to read friendship for some, entanglements world wide—national liberty surrendered and our engagements with foreign powers become the paramount thing in our national life.

"That is not all.

"It is inconceivable that any Democrat can condone, as he must if he indorses the league, every act of spoliation, every rape of peoples, territory, and liberty; every crime that has been committed in the name of civilization, with which the national life of our allies is replete. Yet he must do all these things if he goes in for article 10. If we stand pledged to maintain the status quo of nations, then logically the status quo is right, no matter how much larceny, blood, crime of high and low degree may have been involved in the origin of the thing. Moreover, it annihilates the dream of future freedom for peoples now under dominion of world powers; for how can tributary people or a colony—an underling nation—hope for national life without aggression of some sort from without? And is it not conceivable that such aggression might not only be meritorious, but conditions might impose an obligation to help it along which no liberty-loving citizen would desire to ignore. The wholesale condonation of the national crimes of some of our allies, it is hardly necessary to say, if carried to the conclusion where the advocates of the league of nations should be required to take it, would utterly repudiate the means by which American independence was obtained, as well as the beneficent results.

"Why abandon a national policy always followed that has given virility and esprit to our Republic at all times in favor of one of entanglement, a policy which spells emasculation for all national spirit? Really, to my mind, the only people who give a possibly plausible reason for support of the pact are the remnant of Mr. Wilson's old peace pact. They say, 'Let's try it; if it only averts a war in a decade, it will have benefited mankind immeasurably.' Just so! This reason looked at, however, falls little short of senility, for the kindergarten classes will naturally inquire, 'What greater reason have we to suppose that the league will avert war rather than produce it?' A historic, philosophic investigation of the probabilities of the matter, I think, would justify one in selling pools either way at practically the same price.

"Be this as it may, why should we, the richest, the most powerful, Nation in the world promise subservience to other powers in advance—'sight unseen,' as we used to say? There may be a reason, but to take up the vernacular, 'you may search me'!

"Shall we underwrite the present foreign territorial conditions to the full extent of our boy power and money resources? Mr. Wilson says, 'Yes.' But his reasons are wholly illogical, sentimental, dreamy, and, what is weightier than all, smack too much of Old World greed and selfishness and too little of that which has made us a Nation 'set apart.'

"Mr. Wilson, if he succeeds in this policy, should be deified as the god of fate, for he and his cult teach that world conditions should be left where chance has chucked them. Why should any strive or look up for better things; have not the fatalists headed by this new leader decreed that whatever is is right? So kick not against the pricks, but accept the lot fate has allotted and be thankful it is not worse. All islands and continents held in leash cry against so damnable a doctrine.

"This touches but one phase of the question."

Mr. ASHURST. Mr. President, I rise to a question of order.

The PRESIDENT pro tempore. The Senator from Arizona will state it.

Mr. ASHURST. I am not stirred by sentiments of envy at the applause these eloquent speeches bring out, but I appeal to Senators like Senator LODGE, Senator HITCHCOCK, and other men who are statesmen and leaders to assist in preserving order in the Senate. No one here could admire more than I do the courageous speech just made by the Senator from Missouri. Whether the occupants of the galleries agree with him or not, whether we agree with him or not, we are bound to agree that he enriches the annals of the Senate when he speaks. Would you, occupants of the galleries, go into the Supreme Court and there applaud a decision? You would not. Yet we are here called upon to pass upon a greater cause than the Supreme Court ever had under its jurisdiction. We are passing upon the destiny of nations and of men. [Manifestations of disapproval in the galleries.] I see that you do not even agree with these statements. I am simply saying this for the dignity and honor of the Senate. The debates on this subject are going to wax warm. Before this debate is concluded we are going to have scenes here that will call into requisition the coolest nerve of men in order that we may keep order. Let the occupants of the galleries help us. We need their assistance and we need the presiding officer's help. The occupants of the galleries are our guests; they are invited here; they should assist in preserving order.

I have said this much in the hope that the honor of the Senate may be maintained; for what demagogues may say outside and what men may do outside to intimidate a Senator, let there be here a serene atmosphere, unmoved and uninfluenced by the occupants of the galleries, who, I am sure, do not appreciate that it is against one of the oldest rules of the Senate to express approbation or disapprobation of the speakers.

Mr. LODGE. Mr. President, in order that we may return to the serene and calm atmosphere described by the Senator from Arizona, I move, as in legislative session, that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate adjourned until to-morrow, Tuesday, September 23, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *September 22, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God our Heavenly Father, source of every blessing, we thank Thee for the preservation of our lives, a new day with its hopes and possibilities.

Cleanse us, we beseech Thee, from all guile. Imbue us plenteously with heavenly gifts, that we may hallow Thy name in all that we undertake. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Saturday, September 20, 1919, was read and approved.

AMENDMENT OF FOOD-CONTROL ACT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas submits a privileged report from the Committee on Rules, which the Clerk will report.

The Clerk read as follows:

Mr. CAMPBELL of Kansas, from the Committee on Rules, submits the following report:

The Committee on Rules, to which was referred House resolution 304, submit a privileged report on said resolution with the recommendation that the resolution be agreed to.

House resolution 304.

Resolved, That immediately upon the adoption of this resolution it shall be in order to take from the Speaker's table H. R. 8624, the same being "An act to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel, approved August 10, 1917,'" disagree to all Senate amendments, and send the same to conference without intervening motion or debate.

Mr. CAMPBELL of Kansas. Mr. Speaker, the resolution is for the purpose of getting the bill amending the Lever Act to conference. This bill amending that act has been delayed for some time, and it is thought that in the interest of the public good the matter should be sent to conference at once. This resolution is to accomplish that purpose.

Unless there is request for further debate of the resolution by some one else, I will yield five minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. JOHNSON of Kentucky. I would like to have about 45 minutes if I could get it.

Mr. CAMPBELL of Kansas. I yield to the gentleman from Massachusetts.

The SPEAKER. The gentleman from Massachusetts [Mr. TREADWAY] is recognized for five minutes.

Mr. TREADWAY. Mr. Speaker, the rule that the committee has brought in probably is perfectly in keeping with the program, but I want again to call to the attention of the House the inconsistency of the procedure which we are undertaking.

The bill before us is "To provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel." That is applicable throughout the United States, and was reported by the Committee on Agriculture and passed both branches with various minor amendments. There was

attached to the bill as a major amendment—because it is an absolutely separate and distinct proposition—what is known as the Ball Act, establishing in the District of Columbia a rent commission, applicable solely to the District of Columbia.

Now, I will not take up the time of the House to point out some of the defects in the Ball rent commission bill, but it is full of defects, as is acknowledged by its advocates in the other branch. We are told that the way to correct it is to send it to conference. The conferees are leading members of the Committee on Agriculture. We can perfect a bill, forsooth, establishing a rent commission in the District of Columbia by adding it as an amendment to a food bill, reported by the Committee on Agriculture, and refer this amendment to the agricultural conferees.

A great deal has been said at one time and another as to the defects of our system of placing riders on bills, and if the House saw fit and would accept this opportunity of expressing its dissatisfaction with that method of procedure, it would not adopt the rule which is now submitted by the Committee on Rules. We have a District of Columbia Committee. The distinguished chairman is sitting before us now, ready to deal with District matters.

The simplest thing in the world is to vote out this amendment, refer the Ball bill, if you wish, to the District Committee, let the District Committee hear it, and let it be considered on the floor of this House, and then take such action as we may see fit. The process that this rule makes possible is having a bill which has never been before the House, and which has never been considered by a committee of the House, and never debated on this floor, put onto a bill having nothing to do with the District of Columbia, having nothing to do with the establishment of a rent commission, and heard only by the conferees of the Committee on Agriculture.

If you can get a more inconsistent proposition than that before you in the way of the adoption of a rider, I do not know what it is. Therefore it seems to me that the right course of procedure is to consider the establishment of a rent commission in the District of Columbia purely on its own merits, not through the adoption of an amendment to an agricultural bill. It is the worst illustration of the so-called rider system that I have ever seen brought before the House in my term of service.

Mr. DENISON. Mr. Speaker, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. DENISON. I want to ask the gentleman if the only way we can accomplish that now is to vote down the rule?

Mr. TREADWAY. I think that would be the proper method, to vote down the rule.

Mr. DENISON. If you can accomplish it in that way, I agree with the gentleman that we ought to vote the rule down.

Mr. TREADWAY. I am not shaping the procedure of the House, and therefore I do not advocate that procedure too strongly, but it does seem to me that that is the course to pursue.

Mr. CAMPBELL of Kansas. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. MASON].

The SPEAKER. The gentleman from Illinois is recognized for two minutes.

Mr. MASON. Mr. Speaker, I rise not to oppose the rule, but to call attention to the first line in the second paragraph of the food-control act, "By reason of the existence of a state of war." I want to call the attention of my colleagues to the fact that that is a statement that is not true. There is no "state of war," except upon paper. The terms of peace have been agreed upon, so far as our enemy is concerned. There is no "state of war," and if an opportunity should come I hope to see an amendment offered to strike out that declaration. The only "state of war" exists by reason of the fact that it is a paper "state of war" and the fact that our troops are being sent all over the world without any act of Congress and without any declaration of war.

Some of my colleagues may remember that during this session I have before called your attention to the fact that 4,000 of my constituents are in Siberia. They are there without a declaration of war. There is no declaration of war, and we have a statement of a Member of Congress to the effect that when he called upon the department as to the sending of our troops to Silesia he ascertained that 5,000 of our troops had been ordered to Silesia without any declaration of war. Our troops are being used all over the world as policemen and guards, and I have offered evidence here which shows that our troops are being employed as track laborers in Siberia.

I call attention to this fact because I intend on every possible occasion to do so whenever I can. There has been no declaration of war against Silesia. The department tried to conceal from the people and from the Congress the fact that these men were sent there. It was denied to our colleague, Mr. WOOD of Indiana. They stated to him that they did not intend to have it known, but the fact came through Coblenz, and that dispatch was published in this country.

The SPEAKER. The time of the gentleman has expired.

Mr. MASON. I would like one minute more, because I had to wait about that long for one or two gentlemen who were standing near me.

Mr. CANDLER. We would like to have some more time over here.

Mr. CAMPBELL of Kansas. I can not yield any more time on this resolution. The purpose of it was not to provoke debate, but to get this very important bill into conference.

Mr. CANDLER. That is all I wanted to insist upon.

Mr. CAMPBELL of Kansas. If gentlemen are interested in getting this necessary legislation passed, there is only one way to do it, and that is to put this bill into conference at once. Therefore I move the previous question on the resolution.

Mr. KNUTSON. Mr. Speaker——

The SPEAKER. The gentleman from Kansas moves the previous question on the resolution.

The previous question was ordered.

Mr. KNUTSON. Mr. Speaker——

Mr. CAMPBELL of Kansas. I move the adoption of the resolution.

The SPEAKER. The question is on agreeing to the resolution. Those in favor of agreeing to the resolution will say "aye."

The affirmative vote was taken.

Mr. KNUTSON. I suggest the absence of a quorum, and therefore ask for a call of the House. I call for a division on the vote.

The SPEAKER. The motion would come on the division. Evidently there is no quorum present.

Mr. GARD. A parliamentary inquiry, Mr. Speaker. The negative vote has not been taken.

The SPEAKER. The ayes were called but not the nays. There is obviously no quorum present.

Mr. KNUTSON. I withdraw my point of no quorum and ask for a division.

Mr. WALSH. It is too late to withdraw the point now.

Mr. BLANTON. A point of order, Mr. Speaker.

The SPEAKER. The Chair thinks he has just stated that there is no quorum present, and that can not be withdrawn.

Mr. BLANTON. I was just going to make that point of order.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members. The question is on agreeing to the resolution. The Clerk will call the roll.

The question was taken; and there were—yeas 257, nays 12, answered "present" 2, not voting 158, as follows:

YEAS—257.

Ackerman	Chindblom	Gard	Kitchin
Alexander	Christopherson	Garner	Kleczka
Almon	Clark, Fla.	Glynn	Kraus
Anderson	Coady	Goodykoontz	Lampert
Andrews, Nebr.	Cole	Gould	Langley
Ashbrook	Collier	Graham, Ill.	Lanham
Aswell	Connally	Green, Iowa	Lankford
Ayres	Cooper	Greene, Mass.	Larsen
Babka	Crago	Hadley	Layton
Baer	Cramton	Hamilton	Lazaro
Bankhead	Crisp	Hardy, Colo.	Lee, Ga.
Barbour	Crowther	Harrison	Lehlbach
Bee	Currie, Mich.	Hastings	Little
Benham	Dale	Haugen	Longworth
Black	Darrow	Hawley	Luhring
Blackmon	Davis, Tenn.	Hayden	McDuffie
Bland, Mo.	Denison	Hays	McFadden
Bland, Va.	Dewalt	Hernandez	McKenzie
Blanton	Dickinson, Mo.	Hersey	McLane
Boies	Dickinson, Iowa	Hickey	McLaughlin, Mich.
Booher	Dowell	Hicks	McLaughlin, Nebr.
Box	Drane	Hoch	MacGregor
Brand	Dunn	Holland	Mansfield
Briggs	Dupré	Houghton	Mapes
Brinson	Eagle	Hull, Iowa	Martin
Brooks, Ill.	Elliott	Hull, Tenn.	Mason
Brooks, Pa.	Elston	Humphreys	Mays
Browne	Esch	Husted	Merritt
Buchanan	Evans, Mont.	Igoe	Michener
Burdick	Evans, Nebr.	Ireland	Minahan, N. J.
Burroughs	Evans, Nev.	James	Monahan, Wis.
Butler	Fairfield	Jefferis	Mondell
Byrnes, S. C.	Fess	Johnson, Miss.	Montague
Byrns, Tenn.	Fields	Johnson, Wash.	Moon
Caldwell	Fisher	Jones, Tex.	Mooney
Campbell, Kans.	Focht	Juul	Moore, Va.
Campbell, Pa.	Fordney	Kearns	Murphy
Candler	Foster	Keller	Neely
Cannon	Freeman	Kelly, Pa.	Nelson, Mo.
Carss	French	Kendall	Nelson, Wis.
Carter	Fuller, Ill.	King	Newton, Minn.
Casey	Gandy	Kinkaid	Newton, Mo.

Nicholls, S. C.	Ricketts	Stiness	Watson, Pa.
Nichols, Mich.	Riddick	Strong, Kans.	Weaver
O'Connor	Robinson, N. C.	Strong, Pa.	Webster
Ogden	Rodenberg	Summers, Wash.	Welling
Oliver	Romjue	Sweet	Welty
Osborne	Rose	Swope	Whaley
Overstreet	Rubey	Taylor, Colo.	Wheeler
Padgett	Rucker	Taylor, Tenn.	White, Kans.
Park	Sanders, Ind.	Temple	Williams
Parrish	Saunders, Va.	Thompson	Wilson, Ill.
Phelan	Schall	Tillman	Wilson, La.
Platt	Scott	Tilson	Wingo
Pou	Shreve	Timberlake	Wise
Purnell	Siegel	Tincher	Wood, Ind.
Quin	Sims	Towner	Woods, Va.
Raker	Small	Upshaw	Woodyard
Ramseyer	Smith, Idaho	Venable	Yates
Randall, Wis.	Smith, Ill.	Vestal	Young, N. Dak.
Rayburn	Smith, Mich.	Vinson	Young, Tex.
Reavis	Smithwick	Voigt	Zihlman
Reber	Stedman	Volstead	
Reed, W. Va.	Stephens, Miss.	Walters	
Rhodes	Stephens, Ohio	Watkins	

NAYS—12.

Gallagher	Hulings	McAndrews	Tinkham
Griffin	Johnson, Ky.	Oldfield	Treadway
Huddleston	Luce	Thomas	Walsh

ANSWERED "PRESENT"—2.

Dunbar	Knutson

NOT VOTING—158.

Andrews, Md.	Fitzgerald	Linthicum	Riordan
Anthony	Flood	Lonergan	Robsion, Ky.
Bacharach	Frear	Lufkin	Rogers
Barkley	Fuller, Mass.	McArthur	Rouse
Begg	Gallivan	McClintic	Rowan
Bell	Ganly	McCulloch	Rowe
Benson	Garland	McGlennon	Sabath
Bland, Ind.	Garrett	McKeown	Sanders, La.
Bowers	Godwin, N. C.	McKiniry	Sanders, N. Y.
Britten	Goldfogle	McKinley	Sanford
Browning	Good	McPherson	Scully
Brumbaugh	Goodall	MacCrate	Sears
Burke	Goodwin, Ark.	Madden	Sells
Cantrill	Graham, Pa.	Magee	Sherwood
Caraway	Greene, Vt.	Maher	Sinclair
Carew	Griest	Major	Sinnott
Clark, Mo.	Hamill	Mann	Sisson
Classon	Hardy, Tex.	Mead	Slemp
Cleary	Haskell	Miller	Smith, N. Y.
Copley	Heflin	Moore, Ohio	Snell
Costello	Hersman	Moore, Pa.	Snyder
Cullen	Hill	Moores, Ind.	Steagall
Curry, Calif.	Howard	Morgan	Steele
Dallinger	Hudspeth	Morin	Steenerson
Davey	Hutchinson	Mott	Stevenson
Davis, Minn.	Jacoway	Mudd	Sullivan
Dempsey	Johnson, S. Dak.	Nolan	Sumners, Tex.
Dent	Johnston, N. Y.	O'Connell	Taylor, Ark.
Dominick	Jones, Pa.	Olney	Valle
Donovan	Kahn	Paige	Vare
Dooling	Kelley, Mich.	Parker	Ward
Doremus	Kennedy, Iowa	Pell	Wason
Doughton	Kennedy, R. I.	Peters	Watson, Va.
Dyer	Kettner	Porter	Webb
Eagan	Kiess	Radcliffe	White, Me.
Echols	Kincheloe	Rainey, H. T.	Wilson, Pa.
Edmonds	Kreider	Rainey, J. W.	Winslow
Ellsworth	LaGuardia	Ramsey	Wright
Emerson	Lea, Calif.	Randall, Calif.	
Ferris	Lesher	Reed, N. Y.	

So the resolution was agreed to.

The following pairs were announced:

Until further notice:

Mr. KNUTSON with Mr. BELL.

Mr. BOWERS with Mr. SANDERS of Louisiana.

Mr. FREAR with Mr. O'CONNELL.

Mr. JOHNSON of South Dakota with Mr. FLOOD.

Mr. MCPHERSON with Mr. MAJOR.

Mr. MCARTHUR with Mr. SISSON.

Mr. MAGEE with Mr. LINTHICUM.

Mr. MADDEN with Mr. MAHER.

Mr. DAVIS of Minnesota with Mr. JOHNSTON of New York.

Mr. COPLEY with Mr. SUMNERS of Texas.

Mr. EDMONDS with Mr. SCULLY.

Mr. ROWE with Mr. CANTRILL.

Mr. COSTELLO with Mr. SULLIVAN.

Mr. KREIDER with Mr. CLARK of Missouri.

Mr. CURRY of California with Mr. STEVENSON.

Mr. WASON with Mr. DAVEY.

Mr. WINSLOW with Mr. CULLEN.

Mr. MORGAN with Mr. HAMILL.

Mr. WHITE of Maine with Mr. CAREW.

Mr. BURKE with Mr. CLEARY.

Mr. GRAHAM of Pennsylvania with Mr. JOHN W. RAINEY.

Mr. MOTT with Mr. LONERGAN.

Mr. GREENE of Vermont with Mr. PELL.

Mr. MORIN with Mr. GOODWIN of Arkansas.

Mr. MUDD with Mr. GOLDFOGLE.

Mr. GRIEST with Mr. OLNEY.

Mr. ANTHONY with Mr. WRIGHT.

Mr. BACHARACH with Mr. WILSON of Pennsylvania.

Mr. NOLAN with Mr. GODWIN of North Carolina.

Mr. SNYDER with Mr. DOOLING.

Mr. HASKELL with Mr. MEAD.

Mr. STEENERSON with Mr. DONOVAN.

Mr. VARE with Mr. DOMINICK.

Mr. KAHN with Mr. DENT.

Mr. PAIGE with Mr. GARRETT.

Mr. KELLEY of Michigan with Mr. MCCLINTIC.

Mr. BEGG with Mr. WEBB.

Mr. DALLINGER with Mr. STEELE.

Mr. SELLS with Mr. BARKLEY.

Mr. SLEMP with Mr. DOUGHTON.

Mr. KENNEDY of Iowa with Mr. LESHER.

Mr. BLAND of Indiana with Mr. WATSON of Virginia.

Mr. PARKER with Mr. GANLY.

Mr. KENNEDY of Rhode Island with Mr. LEA of California.

Mr. SANDERS of New York with Mr. BRUMBAUGH.

Mr. SANFORD with Mr. BENSON.

Mr. KIESS with Mr. JACOWAY.

Mr. DEMPSEY with Mr. STEAGALL.

Mr. PETERS with Mr. FITZGERALD.

Mr. BROWNING with Mr. TAYLOR of Arkansas.

Mr. PORTER with Mr. FERRIS.

Mr. ELLSWORTH with Mr. SABATH.

Mr. EMERSON with Mr. ROWAN.

Mr. FULLER of Massachusetts with Mr. RIORDAN.

Mr. DYER with Mr. SMITH of New York.

Mr. RAMSEY with Mr. EAGAN.

Mr. HUTCHINSON with Mr. MCKEOWN.

Mr. ROGERS with Mr. CARAWAY.

Mr. SINNOTT with Mr. GALLIVAN.

Mr. LUFKIN with Mr. HUDSPETH.

Mr. MCCULLOCH with Mr. HOWARD.

Mr. MCKINLEY with Mr. HERSMAN.

Mr. SNELL with Mr. DOREMUS.

Mr. GARLAND with Mr. RANDALL of California.

Mr. MANN with Mr. HEFLIN.

Mr. GOOD with Mr. HENRY T. RAINEY.

Mr. JONES of Pennsylvania with Mr. MCGLENNON.

Mr. ECHOLS with Mr. SEARS.

Mr. MOORE of Ohio with Mr. HARDY of Texas.

Mr. WARD with Mr. KETTNER.

Mr. MOORE of Pennsylvania with Mr. SHERWOOD (indefinitely).

Mr. KNUTSON. Mr. Speaker, in view of the fact that I am paired with the gentleman from Georgia, Mr. BELL, I desire to change my vote from "aye" to "present."

The result of the vote was then announced as above recorded.

A quorum being present, the doors were opened.

Mr. HAUGEN. Mr. Speaker, I move to take from the Speaker's table under the rule just adopted the bill H. R. 8624, and disagree to all the Senate amendments.

The SPEAKER. The gentleman from Iowa moves to take from the Speaker's table the bill H. R. 8624, disagree to all the Senate amendments, and send the same to conference without intervening motion or debate.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. HAUGEN, Mr. MCLAUGHLIN of Michigan, and Mr. RUBEY.

CHANGE OF REFERENCE.

Mr. WOODS of Virginia. Mr. Speaker, I ask unanimous consent that the bill H. R. 8658 be changed from the District of Columbia to the Judiciary Committee. I will state that I have asked the chairmen of both committees and there is no objection.

Mr. JOHNSON of Kentucky. Reserving the right to object, I would like to hear a statement from the gentleman of what the bill is about.

Mr. GARD. What is the bill about?

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 8658) for the repeal of a certain joint resolution passed by the Senate and House of Representatives in Congress assembled.

Be it enacted, etc., That the joint resolution of the Senate and House of Representatives of the United States of America in Congress assembled, No. 21, approved February 28, 1899 (30 Stats. L., p. 1390), be, and the same is hereby, repealed.

Mr. WOODS of Virginia. There is some conflict between this joint resolution and another resolution which ought to be coordinated with the laws now being acted upon by the Judiciary Committee. I introduced the resolution.

Mr. MONDELL. Mr. Speaker, for the present I shall have to object.

ANNIE R. EMMONS.

Mr. IRELAND. Mr. Speaker, I offer the following privileged resolution.

The Clerk read as follows:

The Committee on Accounts, to whom was referred House resolution 302, authorizing the usual payment of an amount equal to six months' salary and $250 to defray funeral expenses to the widow of a deceased employee of the House of Representatives, having had the same under consideration, find that Lucius H. Emmons was an employee of the House of Representatives on the soldiers' roll; that he died while an employee of the House; and that Annie R. Emmons is his lawful widow. It being the practice and custom of the House to so provide for the widow, the committee recommends the adoption of the resolution.

House resolution 302.

Resolved, That there shall be paid out of the contingent fund of the House to Annie R. Emmons, widow of Lucius H. Emmons, late an employee of the House of Representatives, a sum equal to six months of his compensation as such employee, and an additional amount, not exceeding $250, to defray the expenses of the funeral of said Lucius H. Emmons.

Mr. IRELAND. Mr. Speaker, I ask unanimous consent to proceed for not exceeding 10 minutes out of order.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for not exceeding 10 minutes out of order. Is there objection?

Mr. WALSH. Mr. Speaker, reserving the right to object, I trust that after the gentleman has proceeded for 10 minutes out of order he will take a few minutes to explain the purpose of the resolution, as there are one or two questions I desire to ask.

Mr. CANDLER. Mr. Speaker, on what subject does the gentleman desire to speak?

Mr. IRELAND. Mr. Speaker, I just want to submit a brief statement to the House upon the matter that was referred to on last legislative day here, respecting the telegraph bills of Members.

The SPEAKER. Is there objection?

There was no objection.

Mr. IRELAND. Mr. Speaker and gentlemen of the House, on Saturday last the chairman of the Committee on Appropriations, having in charge the deficiency appropriation bill, made some reference to the telegraph bills of Members of the House. I was unfortunately absent at the time, and want now to impose upon your good nature and time for a few moments to correct any possible misapprehension that may exist because of those statements, and to express regret that I was not here to do it on Saturday. Although the Committee on Accounts is perhaps correctly charged with censoring these telegrams as to matter, their audit as to accuracy is clearly a matter solely for the audit department of the Treasury and not for the Committee on Accounts.

For some time—and I shall not say whether from the membership of the House or from outside—complaint has been made to the Committee on Accounts respecting this matter, and we, the committee, have been loath to take up the subject simply because of embarrassment that it might cause because of some unintentional and certainly unconscious abuses of the privilege. I want to present these figures, which I take from the clerk's report, which will give some idea of the necessity for the mention, and the mention alone. Whatever I have to say on the subject is not by way of criticism of any Member of the House or of the House as a whole. Such violations, if any there be, such abuses as have occurred, I repeat, in my own mind, have been highly exaggerated, and have been committed unintentionally, I am sure, and, more often than not, unconsciously.

In 1914 the bills permissible to be paid through congressional frank amounted to $19,430.18. The figures I give are for the fiscal years ending on the 30th of June. For the fiscal year ending June 30, 1915, they amounted to $26,042.53. They commendably dropped at the end of the year ending June 30, 1916, to $11,919.02. In 1917 they amounted to $24,045.20. In 1918 they amounted to $44,814.46 and for 1919 they amounted to $108,947.53. There is great excuse for this seemingly unreasonable figure. There are many Members who have used their franks for cables abroad for the release of soldiers who were very sadly and badly needed at home because of bereavements, illness, and distress of their families, and I am bound to say that if the entire amount expended relieved the heart anguish of one single mother or brought home a single boy to his bereaved or distressed family every cent of it was well spent. [Applause.]

The abuse has not occurred in any respect, with very few exceptions, through the introduction of matter which was not within the purview of the privilege. That is to say, the amounts that I have given you have not been accumulated through direct abuse of the privilege enjoyed by Members of the House. They have not used the frank for extraneous purposes nearly so much as might have been imagined by many of us from the figures given, but we have, perhaps, become a little lax and, perhaps, have transgressed in the manner in which we have sent out cablegrams and telegrams. One might very well imagine that some Members were trying to fill the CONGRESSIONAL RECORD by writing a speech in their telegrams. As an instance, we took occasion to see how a telegram might be deleted and altered, as it would naturally be done in the severe economy pursued in one's private interest in sending personal telegrams. This is a concrete instance of two cablegrams, which cost, respectively, $26.30 and $31.40.

We have figured out that they might have been sent for $6 and $8, respectively, without the slightest fear of having them in any way misleading to the one to whom they were addressed. Another feature that might be eliminated is the statement made by many Members "reply at my expense." They usually did that. Ample allowance was made to the Army and the Navy for all telegraphic purposes, and instead of their being charged to our personal expense they were, of course, charged to the House account. Wherever there has been opportunity for comparison between one department and another, the House always gets the worst of it.

The promiscuous use of the frank by secretaries is a thing that should be frowned upon and could be eliminated to a great extent. Many telegrams come in that are difficult of solution as to just to whom they belong and to whom they should be charged.

Mr. Speaker, I have never posed as a reformer, and I certainly am not an informer. I regard the humble position that I hold, and that of my associates on the Committee on Accounts, as a confidential relation with all the other Members. I do not at any time desire to divulge the contents of telegrams or cablegrams that have been sent. I have taken this matter up only generally with the chairman of the Committee on Appropriations, and with him alone. The difficulty in the matter may in some way be appreciated by the membership when I tell you that I am informed that the Treasury Department, very excusably because of the onrush of business, is two years behind in its audit, and that it has taken three men a full week's time of consistent hard work to segregate the telegrams of the membership for the month of July only.

I have heard a great deal about economy from both sides of the House, and one side is just as great an offender as the other. Economy, like charity, might well begin at home. This is a matter that should not be disagreeably saddled upon the Committee on Accounts. It is a matter that each Member should see to himself and settle with himself, censoring his own wires, and thereby relieve us of further disagreeable duties in the performance of a most disagreeable position in the House.

The gentleman from New York [Mr. HICKS], who was referred to through an unprecedented typographical error as chairman of the Committee on Accounts—and I am sure that was a plain error, because I am positive he could not have been held so low in the estimation of his colleagues as to have been chairman of that committee—suggests a method by which these bills should be censored by the Committee on Accounts. It has been the effort of that committee not to ask you for additional clerical help, and we hope to get through with this matter without asking that.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. IRELAND. Mr. Speaker, may I proceed for five minutes more?

The SPEAKER. The gentleman from Illinois asks unanimous consent to speak for five minutes more. Is there objection?

There was no objection.

Mr. IRELAND. We hope to be able to handle this matter as well as we can ourselves and without additional assistance, but it is very tedious and very menial and very hard work. I have done some of it myself simply to familiarize myself with the situation, and I ask you sincerely to take this matter into your own hands and relieve the very delicate and disagreeable situation and responsibility entailed upon our committee.

Mr. HASTINGS. I think the chairman has made a very full and complete statement of the situation, and there is not anything I can think of that I can add to what has been stated. It is a very delicate situation. These telegrams do not reach the Committee on Accounts until some two or three months after they are sent. I might say in the chairman's time there is a very close twilight zone which creates a very delicate situation. It is difficult oftentimes for a Member to state whether the telegram comes strictly within the rule or not, and I want

to join the chairman in asking the Members of the House to help us in this delicate situation.

Mr. KNUTSON. May I suggest to the gentleman from Illinois that at the time he referred to the Government had control of the cables, so we were simply transferring the money from one pocket to another.

Mr. IRELAND. That did not cut down the bills, however, did it? I do not think the gentleman's suggestion is pertinent as a matter of economy.

Mr. RUCKER. Will the gentleman yield?

Mr. IRELAND. I yield to the gentleman from Missouri.

Mr. RUCKER. I want to congratulate the gentleman upon the very frank and considerate statement he has made, and I would like to ask this question if he can answer it. Of course, I am not asking for any name whatever, but assuming that Members have likely made mistakes in the length of telegrams, or in the character of messages to which the gentleman referred, I want to ask this: Is there any marked difference in the amount charged to Members, $108,000, prorated fairly well among the 435 Members? In other words, does one Member run up a large amount of expense when the rest of us keep within bounds?

Mr. IRELAND. I will say to my good friend from Missouri that the majority of Members are within bounds, and I regret very much to say there is a material difference, and that is as far as I would like to go.

Mr. RUCKER. That is as far as I would want the gentleman to go. I think if some notice was given those of us who have, maybe without being conscious of it, used the wires excessively, it would put the brakes on.

Mr. IRELAND. Yes, sir. I hope that will be the case.

Mr. RUCKER. And relieve the gentleman of the embarrassment which he reports here.

Mr. GARD. Will the gentleman yield?

Mr. IRELAND. I will.

Mr. GARD. Does the Committee on Accounts, or anyone on the Committee on Accounts, audit these telegrams and cablegrams to determine whether they are official or whether they are personal?

Mr. IRELAND. Yes; we are supposed to as to matter, but not as to the amount. As to the aggregate of the amount charged, that is supposed to be cared for by the Treasury Department.

Mr. GARD. I understand it is the business of the Committee on Accounts to determine whether the matter is official or unofficial?

Mr. IRELAND. I regret very much to say the gentleman is correct, and I am sorry it is.

Mr. GARD. Is the committee doing that?

Mr. IRELAND. We are. That is one thing we are endeavoring to correct, and I will say that the committee is doing its best to do its duty in the matter.

Mr. GARD. What is the course of the committee if after the audit you find the matter is unofficial?

Mr. IRELAND. The gentleman will remember that we have been in charge but a short time, and the matter has been so voluminous that we have only been able to segregate and catalogue one month. We will attend to it.

Mr. GARD. I realize the labor involved, but I wished to find out what has been done and the policy of the committee with reference to these unofficial telegrams?

Mr. IRELAND. That will be done.

Mr. POU. Will the gentleman yield?

Mr. IRELAND. I will.

Mr. POU. Why should any of this material be kept confidential. It seems to me it ought to be given publicity. It is public business.

Mr. IRELAND. The gentleman is quite right possibly, but it would only involve us in accusations and recriminations which would come to no real purpose or good.

Mr. POU. I do not see why public business should be kept secret.

Mr. IRELAND. I want to emphasize the fact that alarming as the amount of these telegrams is in a majority of cases, generally the Members have complied with the law and there has been ample excuse for the increase in volume. I do also want to call attention to the fact that the humble chairman does most of this work for the committee in trying to relieve his colleagues of extra work and embarrassment, and I am a fairly modest man—that is, modest for a Congressman [laughter]—and I have no desire to poke my official nose into any gentleman's private business or his domestic affairs.

The SPEAKER. The time of the gentleman has again expired.

Mr. HASTINGS. Mr. Speaker, I ask that the gentleman have two minutes more time.

Mr. WALSH. Oh, well——

Mr. IRELAND. I am sorry.

Mr. HASTINGS. I thought the gentleman wanted some information about the resolution.

The SPEAKER. The gentleman asks unanimous consent that the gentleman's time be extended for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. HASTINGS. Now, if the chairman will yield I will say that this resolution that is before us—I believe the gentleman wanted to make some explanation of the resolution that is before us.

Mr. IRELAND. Yes.

The SPEAKER. The gentleman does not require unanimous consent for that purpose.

Mr. HASTINGS. That is all I ask.

Mr. PARRISH. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. IRELAND. I yield.

Mr. PARRISH. In reply to the suggestion made by my colleague over at the left, I would say that those telegrams, under the direction of the chairman of the committee, are being segregated down in the office of the Committee on Accounts, and, as I understand it, there is no secrecy at all about them. They may be seen by anybody who desires to see them. I just simply wanted to make that statement so that the House would know there was no secrecy about it, that the public may know it; and, furthermore, the men who send those telegrams and who feel that they are treading upon questionable ground—and some of them have done that, although not so many, so far as I am advised, but some have done so—may know that the matter is being carefully investigated, and they may refrain from any further steps in that direction. I want to be absolutely fair with the House in every way, and at the same time protect the Public Treasury in that regard.

Mr. CONNALLY. Will the gentleman from Illinois yield?

Mr. IRELAND. I will.

Mr. CONNALLY. I was very much interested in the statement the gentleman just made that he did not care to poke his official nose into private business. Does the gentleman regard the Committee on Accounts and these telegrams as private business?

Mr. IRELAND. The gentleman misunderstood me. I was referring to matter that might be contained in some of the wires of Members.

Mr. CONNALLY. Is it not the duty of the committee to sift out those telegrams that relate to personal business and make the Members pay for them, instead of leaving with the House the imputation that we are using telegraph franks for private business?

Mr. IRELAND. Is it in the gentleman's mind that I would do that? There was certainly no intentional imputation against the House or any Member.

Mr. CONNALLY. Does not the gentleman think it would be much more effective to call it to the attention of these individual Members who are abusing these franks than to call it to the attention of the House publicly? Would not that be more apt to correct the abuse?

Mr. IRELAND. I disagree with the gentleman. It would not result in the good we should try to reach.

Mr. CONNALLY. Does not the gentleman think the Members have enough discretion to know what is public and private, and if a Member does not make that distinction it is the chairman's business to call attention to it and correct it?

Mr. IRELAND. If we do that, we will do it privately, and not on the floor of the House.

As to the resolution under consideration, it is the usual resolution making provision for the widow of a deceased employee of the House. This employee was one of the doorkeepers on the soldiers' roll. It is the usual resolution, granting to her not to exceed $250 for funeral expenses and six months' salary of the employee. If there is no question regarding it, I will move the adoption of the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

COAL-TAR PRODUCTS.

Mr. FORDNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8078, known as the dyestuffs bill.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8078.

Mr. FORDNEY. Mr. Speaker, pending that motion, I want to say to the gentleman from North Carolina [Mr. KITCHIN] that I have requests for considerable more time than I expect to grant. I want to know how much time the gentleman from North Carolina wants to consume on that side of the House.

Mr. KITCHIN. About as much as the gentleman's side will want to consume. I want to be fair. Will the general debate be confined to the bill? If so, we can save an hour or two. If not——

Mr. FORDNEY. With the exception of a very little debate. And if the gentleman will permit the matter to be confined to matters relating to import duties, with the exception of 30 minutes——

Mr. KITCHIN. We either ought to confine it to the bill or let it be open for general debate. The gentleman and myself in controlling the time ought to discourage as much as possible Members talking on other subjects.

Mr. FORDNEY. I will discourage debate, except on the bill, with the exception of 30 minutes on this side. I ask, Mr. Speaker, that one half of the time be controlled by the gentleman from North Carolina and the other half by myself, and that general debate——

Mr. KITCHIN. How much would you say?

Mr. FORDNEY. Give me about three hours and a half on this side.

Mr. KITCHIN. Three hours and a half to the side?

Mr. FORDNEY. Yes.

Mr. KITCHIN. Put it three hours.

Mr. LONGWORTH. I will say to the gentleman, if the Chair will pardon me, that I doubt very much, much as I dislike to trespass on the patience of the House, that I will be able to explain this bill, with the questions I expect to be asked, in less than an hour and a half.

Mr. KITCHIN. As you gentlemen are responsible for the facility with which it is to be passed, I yield.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent that the debate be limited to seven hours, one half to be controlled by the gentleman from North Carolina [Mr. KITCHIN] and the other half by myself.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the debate be limited to seven hours, one half of the time to be controlled by himself and the other half by the gentleman from North Carolina [Mr. KITCHIN]. Is there objection? [After a pause.] The Chair hears none. The question is on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8078, with Mr. TOWNER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 8078, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 8078) to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes."

Mr. FORDNEY. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. FORDNEY. Mr. Chairman, I yield one hour to the gentleman from Ohio [Mr. LONGWORTH]. [Applause.]

Mr. RUCKER. Mr. Chairman, will the gentleman from Ohio yield to me for a moment to ask him a question before he begins the discussion?

Mr. LONGWORTH. Yes.

Mr. RUCKER. As I read it and understand it, there is considerable discord and contradiction in the various aggregations of letters found on page 3. Will the gentleman explain, define, and pronounce those words to us?

Mr. LONGWORTH. I will say to the gentleman from Missouri that in due time I will go thoroughly into that.

Gentlemen of the committee, at the outset I am going to make a rather novel request, that the Clerk in my time read the majority report. I do this because I think it is important that the House should get at least a bird's-eye view of the tremendous questions that are involved in this bill. The report is not long, and I think it covers practically the entire subject in a briefer and more succinct way than I could express it on the floor. I desire to have it read by the Clerk, because it is obvious that the condition of my voice is such that I do not desire to inflict either the House or myself with any more words than are absolutely necessary. So I ask unanimous consent that the Clerk read in my time the majority report, and I ask that gentlemen may give attention, as it deals with a subject which I regard as of vital importance to this country.

The Clerk read as follows:

IMPORTATION OF COAL-TAR PRODUCTS.

The Committee on Ways and Means, to whom was referred H. R. 8078, "A bill to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled 'An act to increase the revenue, and for other purposes,'" having had the same under consideration, report it back to the House without amendment and recommend that the bill be passed.

This bill amends the present law in four important particulars. In its technical details it follows substantially the recommendations of the Tariff Commission in bringing the phraseology of the law up to date, so as to prevent evasions of its provisions through undervaluation or false designation of articles sought to be imported. Experience in the administration of the existing law has made it clear that it is not so worded as to completely give effect to the intent of Congress, and it is believed that these technical changes will fulfill that purpose. In the second place, it repeals that provision under which the specific duties shall be reduced at the rate of 20 per cent a year for five years. It increases the rates of duty from 15 per cent ad valorem and 2½ cents a pound on the intermediates to 40 per cent ad valorem and 6 cents a pound, and upon the finished product from 30 per cent ad valorem and 5 cents a pound to 45 per cent ad valorem and 7 cents a pound. Expert chemical opinion was unanimous that the rates of duty on the intermediates should be substantially the same as those upon the finished product. In the fourth place, the bill provides that for two years no foreign dyes can be imported except under a license granted by a board created in the bill.

The bill subdivides, as does the present law, the materials used in the dye industry into three classes—the crudes, the intermediates, and the finished product. The process of producing the crudes is comparatively simple, they being actually present in coal tar and only an isolation. Any country which like this has an abundant supply of cheap coal and a great steel industry requiring much coke has an unlimited supply of the raw material, and the crudes therefore require no protection. But with regard to the intermediates the situation is entirely different. Their production requires the most elaborate chemical processes, which can be carried out without the waste of a large proportion of the raw materials used only by men of the most profound chemical knowledge and long experience, and such men are not yet available in sufficient numbers in this country. Under these circumstances, therefore, it is apparent that this industry requires for the present at least a very high degree of protection.

All this is still more true of the finished product, which may take one of six different forms. By further chemical processes, in some cases very simple, these intermediates may be converted into dyes, perfumes, pharmaceuticals, tanning materials, high explosives like T. N. T. and picric acid, or into poison gas. As a class these finished products, requiring as they do further labor and skill of a class plentiful in Germany but still very scarce in this country, need a greater though not much greater measure of protection than do the so-called intermediates.

The remarkable interdependence of the dye and the explosive industry is well illustrated by the fact that once having obtained by a long series of elaborate chemical operations a certain intermediate, that intermediate may be converted by one very simple chemical change into sulphur black, one of the most widely used dyes, or into picric acid, one of the most important of high explosives. The technical knowledge and skill, the materials and the apparatus necessary to make high explosives as well, as poison gases and their antidotes are precisely what are to be found in any well-equipped dye works and nowhere else. A nation, therefore, which has a thoroughly complete dye industry capable of supplying its dye needs is always ready for a defensive or offensive war so far as the production of explosives and chemical gases are concerned. If, as seems likely, we are entering upon a period of international disarmament, the possession of such an industry becomes of infinite importance. In a world disarmed a nation possessing such a potential arsenal would be in a position to overwhelm any nation which had none and would be practically immune from attack.

An important, if not the most important, phase of this industry is its bearing upon the advancement of medical and industrial chemistry. It is the one industry which deals on a colossal scale with organic chemistry and it is upon organic chemistry that the progress of modern medicine rests. Salvarsan, for instance, was developed in a dye-works laboratory and is the first known certain cure for one of the most terrible scourges of humanity. It is confidently predicted that upon the further development of organic chemistry will rest the discovery of other cures for such devastating diseases as tuberculosis and even cancer.

This development rests upon the further development in this country of skilled research chemists, and it is only in a dye laboratory that large numbers of such chemists can find a livelihood. Accordingly, a well-developed dye industry in this country will furnish a tremendous reservoir of technically trained men and of scientific knowledge upon which the most important industries of the country may draw in time of peace and the Nation itself in time of war or of threatened war.

The economic importance of the industrial side of this question is illustrated by the fact that industries in this country producing nearly $3,000,000,000 worth of goods each year are absolutely dependent upon coal-tar dyes and industries producing as much more annually are indirectly dependent upon coal-tar dyes and kindred materials.

For many years before the war we had practically no dye industry in this country. Such dye works as we had were merely assembling plants for German materials and supplied only about one-tenth of the American market. Accordingly all the huge industries requiring dyestuffs were absolutely at the mercy of Germany, and could have been dealt a crushing blow by Germany at any time the German trust saw fit. That Germany realized this is illustrated by a dispatch sent on March 13, 1915, by Count von Bernstorff to his own Government, as follows:

"Serial No. 432 of March 13, 1915. It is reported to me by Hossenfelder, telegram No. 4, that the stock of dyes in this country is so small that by a German embargo about 4,000,000 American workmen might be thrown out of employment."

As a matter of fact, Germany early in 1915, by the withdrawal of her supplies of dyes, attempted to force this Government into hostile action against Great Britain, and if she had had the power to send

her own textiles into this country she would have inflicted a blow upon our textile industry from which probably it would have never recovered.

The war forced upon America the building up of the dye industry, for a situation arose under which many industries came to a practical standstill, and even the Government itself was in danger of having to cease to function in many important branches. For instance, the difficulty of securing printers' ink, which was entirely dependent upon dyes, brought about a situation under which the closing of the Government Printing Office seemed imminent and the Bureau of Printing and Engraving was in most serious embarrassment. The dyes necessary for even cheap and necessary clothing jumped in price in some cases 5,000 per cent and in other cases were not procurable at all. Fortunately we had in this country an unlimited supply of the raw materials, and patriotic Americans in all branches of industry set to work to remedy the situation by making their own dyes.

Vast amounts of capital were risked, without any assurance that it would not in the end be a total loss, as no one could guess how long the war would last, and as a result to-day we have in this country a dye industry which, although it is a mere baby, is able to supply the country's needs in most essentials, and will undoubtedly be able to supply the missing colors if given a reasonable time to get surely on its feet.

Under such conditions it would seem impossible that any loyal American would not realize the absolute necessity of saving and fostering such an industry as this. Only three methods of legislative assistance have been suggested—a tariff, a tariff supplemented by an antidumping provision, and a tariff supplemented by a licensing system. Your committee believes that only the last of these methods would be effective, and has accordingly recommended its adoption.

The plan as provided in this bill is to form a licensing commission, its members to be designated by associations engaged in and representative of both the producing and consuming industries. This commission will have power to grant licenses for the importation of foreign dyes under certain conditions. It is positively commanded to grant licenses to any applicant to import any foreign dye which is not obtainable in this country from domestic sources, and any dye which, while made in this country, is not obtainable at a reasonable price, of good quality, and within a reasonable time. Thus absolute assurance is given any American consumer of dyes that he can at any time obtain the foreign product where the American industry is unable to supply on favorable terms. Conversely, it will absolutely exclude importation of dyes which are made in this country of satisfactory quality and at fair prices and insure the development and extension of the manufacture of those dyes. Furthermore, the applications for the importation of such dyes as are not made here will promptly stimulate our manufacturers to make the same dyes by showing that a strong demand exists for them, and will thus guide the industry into the development which is really required.

During the life of this system a substantial number of dyes not made in this country will no doubt be imported, and, as they will be subject to the rates of duty provided in this bill, will produce a very substantial revenue for the Government.

Your committee does not suggest a license system as a permanent governmental policy, but feels that nothing else can meet the present emergency. Accordingly your committee recommends the license plan, together with an increased tariff, because as soon as the peace treaty is ratified the new American dye industry will be exposed to competition from an adversary so powerful and so desperate that no practical rate of duty can offer any real defense. The whole huge German dye industry, capable at the time of supplying the entire demand of the world, was combined in 1916 into a single immense trust, organized on purpose to fight its way back to the former German world monopoly. The combination is even now enormously prosperous. Starting with assets of nearly half a billion dollars, invested in the empire's most remunerative industry, plants of the trust have been busy throughout the war making all Germany's poison gases, many of her munitions, and at the same time enough dyes to accumulate a reserve capable of flooding the market of this or any other country. Recent observers report that the working forces have been held together complete and intact throughout the war and since its cessation, and that one at least of the component companies has made large additions to plants since the armistice.

The resources of the trust are therefore colossal, its plants are so huge and organized for such vast production that unless it can regain most of its former world market half its equipment must lie idle and the other half run at low efficiency. It must then recover its world market or cease to exist as a profitable business. Even before the war, when its supremacy was uncontested, the German industry's competition was utterly unscrupulous. It practiced ruthlessly every form of corrupt and unfair competition known to commerce. What can be more certain, then, than that in the almost immediate future, when instead of a comfortable and safe supremacy it faces possible destruction, it will attack all competitors with reckless disregard of all considerations of business decency?

This attack, unless Congress acts very speedily, will be concentrated upon us. Great Britain, France, and Japan have protected their own Government-aided dye industries by license laws essentially similar to the one herein recommended. The market of the United States is therefore, except that of China, Germany's last opening. To penetrate it and destroy our domestic producers the trust will surely be glad to spend millions of its surplus. Not many millions would be needed. A very few adroitly used in practically giving away selected dyes would kill the business of even the strongest of our companies and leave us once more at the trust's mercy. Such an onslaught would be dangerous even if Germany's costs of production were as high as ours; but they are not. Even if the prices of labor and material are equal, an old dye industry can always undersell a new one. In making textiles or typewriters or paper or almost any other article that could be mentioned the maker gets practically all of his raw material back in finished product. In making dyes, however, some is lost in each of the many steps in the manufacture. How great each of these successive losses is depends on the experience of the manufacturer. The total of his successive losses when the work is done by an inexperienced man is enormous. We, now at the job, lose half our raw material as the work goes on. The Germans, who have been at it for 40 years, lose but a trifling proportion. Their costs are thus far below ours and are likely to remain so, though in a decreasing degree, for a long time. An attempt to meet under such conditions such an assault from such an adversary would require unheard of tariff rates, and it is highly probable that by undervaluation, rebates, and concessions, coupled with the old German method of full-line forcing and bribery, the German trust could nullify their effect.

No antidumping law yet suggested seems at all likely to meet the conditions in this particular industry on account of its immense complexity and the ease with which imports can be camouflaged by the skilled and unscrupulous German chemist. It is apparent, then, that any tariff bill which could possibly become law might, and, indeed, probably would, fail to insure the development of this industry, which is so essential to our national defense and well-being. It is equally clear that the proposed license plan, faithfully administered, will certainly furnish the necessary protection and that, too, without sacrificing revenue. Your committee believes that the industry is too important to be risked, and therefore recommends the adoption of this certain though unusual means of defense. Your committee makes this recommendation also as the only suitable answer to the similar British, French, and Japanese license laws. Those laws keep the competition of our dyes out of Great Britain, France, and Japan. Your committee does not believe that we should aid in building up their new subsidized industries by giving them at the expense of our producers, unlimited access to our market. When by this simple expedient we can at the same time make sure of obtaining every foreign product we need and of building up our own vitally important industry, we feel that Congress ought not to hesitate or rest content with any doubtful remedy.

Mr. LONGWORTH. Mr. Chairman, I really must apologize for having had read so long and so complicated a report as this. But I desire to bring before your minds en bloc, as it were, the situation that faces the country to-day in regard to these coal-tar chemicals.

The report shows, in the first place, the intimate relation that exists not only between the dyes and explosives, which most of us knew before, but the intimate relation which also exists between these and many other articles such as the modern chemical and poison gases, and above all, medicinal preparations; for, gentlemen, to-day most of the great cures that are being developed for the most dangerous ills and diseases that afflict the people of this country are the direct result of experiments in organic chemistry, which can only be made in a dye works.

Thus this matter is of importance, and vital importance, to the country, not only from the business standpoint but from the purely national standpoint as well. And it will be my particular object to endeavor to impress upon you the need not only for action, but for speedy action, lest our present industry shall absolutely vanish from the face of the earth.

Before proceeding to any extended argument as to why this legislation should be enacted, I will take up the bill section by section and endeavor to explain its provisions, with a view of indicating just what it provides.

Mr. HICKS. Mr. Chairman, will the gentleman permit an inquiry there?

Mr. LONGWORTH. Yes.

Mr. HICKS. As to this commission that is proposed to be created, are their actions subject to any review by any higher authority?

Mr. LONGWORTH. If the gentleman will postpone his question until I come to that phase of the subject, I will go into it very fully, and I think I can explain to the satisfaction of the gentleman exactly what the powers of this commission are and that they are not excessive.

In the first place, allow me to say, gentlemen, that this is the third bill dealing with this subject that I have introduced in this Congress. The first bill, House bill No. 2706, dealt only with the tariff phase of this situation. It did not contain that provision which is now contained in the present bill in relation to a regulation of imports through a license system. It only went so far as the present law on the general subject and only changed that law in certain technical details and in the amount of duties to be placed upon these products. But the next bill, House bill No. 6495, contained this so-called license-system provision, not exactly as it is now, because it gave the commission considerably greater powers than are given in this bill. The so-called license system in this bill is the result of long and serious deliberation by the committee on the question of just how far we ought to go in giving any board the right of regulation of importations, and when I come to that portion of the bill I shall elaborate a little more extensively on that subject.

Up to page 9 of the bill before you, gentlemen, there are no changes of policy over the present law except in certain particulars which I shall enumerate. Generally speaking, this bill carries out the suggestions of the Tariff Commission for bringing the law up to date and preventing the evasion both of its letter and spirit that have gone on since the enactment of the present law. The Tariff Commission has given long and exhaustive consideration to this matter and recommends a number of technical changes in order to prevent violations of the law by all sorts of camouflage methods, of which the Germans are masters, in concealing the exact nature of the object sought to be imported.

In the first place, in the present law no items of the existing tariff law are repealed, and it has caused some confusion because these coal-tar chemicals are so infinitely varied in character that the merest change of substance or the merest technicality in construction of the customs law might shift them

over under the general tariff law where the duty is very slight, and thus avoiding the intent of Congress in dealing with coal-tar chemicals as a class.

Another possibility of evasion results from the fact that dyestuffs can be brought in in various states of concentration, thus entirely changing the identity or character of the article. The object of the recommendation of the Tariff Commission is to make the provisions of the law very clear in that regard.

This bill divides the materials, as does the present law, into three groups; what are called the crudes, the intermediates, the finished product. With regard to the first group, the so-called crudes, they still remain on the free list with some additions. No country in the world, gentlemen, is so blessed as is this country in the possession of the raw materials for making all coal-tar chemical products, whether they be dyes, medicines, gases, or high explosives, because we have an unlimited supply of coal, and a practically unlimited demand for coke, owing to our enormous steel industry.

And it is in the process of making coke for the steel industry and other coke consumers that all these substances are derived. For years in this country, when we made our coke in the so-called beehive coke oven, practically all of these materials went up in smoke, and until the by-product coke oven came into being we were wasting at least 90 per cent of the product, all of which is practically saved now, and goes into the production of coal tar and these other so-called crudes. There can be no better way, I think, of conserving the resources of this country than to develop in the greatest possible degree the use of the by-products of the coke oven.

The industry in many of these substances has developed enormously since the war began. Take, for instance, benzol and toluol, two of the main bases of both explosives and dyes. The production of benzol has increased from $3,000,000 in 1914 to more than $55,000,000 in 1918, and the production of toluol has increased from $600,000 in 1914 to more than $14,500,000 in 1918. It is a most healthy indication of the progress of this vital industry, and for the reason that there is practically no competition in this industry from other countries, certainly none now, it seems proper that these products should remain upon the free list as they now are.

We now come to group 2, which consists of what are generally known as the intermediates, or, as the Germans call them, the derivatives. You will see on page 3 of this bill a list of jawbreaking names. These are the final chemical refinements of the raw materials that I have just been speaking of, like benzol and totuol, to the stage when you decide what you are going to make out of them. You can make dyes with them, you can make synthetic tanning materials, you can make perfumery, you can make poison gas, you can make T. N. T., or any other form of high explosive. Their production requires very complicated chemical processes. The distinctive feature of the dyestuff industry is that it is really a combination of thousands and thousands of different industries. Practically no two processes are the same. These materials go through a large number of chemical changes, each of which may destroy the identity of the previous article. So you have no opportunity of judging, as you can in most industries, how much you are going to get out of your original raw product.

If you make a steel rail you know approximately how many tons of steel are going into that rail, but if you make a dye you have not the remotest idea how much of your original product will appear in that dye. That is one of the reasons why Germany is so immensely ahead of this country in the making of these materials; not only because her labor cost is very much less, but because by reason of her tremendous chemical staff and her long experience in the matter of these materials she gets an infinitely larger yield from the component materials than we do. For instance, in turning one of these intermediates into a finished dye a skilled German chemist will ordinarily get a yield of about 80 per cent, while even our very best chemists very seldom succeed in getting more than 40 per cent, for lack of practical experience, and we are still under tremendous disadvantage in competing with Germany to-day, not only with regard to our very much higher labor cost but in regard to our less well-developed chemical efficiency.

Mr. HUSTED. Will the gentleman yield?

Mr. LONGWORTH. I yield to the gentleman from New York.

Mr. HUSTED. How does this bill protect against newly invented intermediates which may accomplish the purposes now accomplished by the intermediates specifically enumerated in this section?

Mr. LONGWORTH. The only possible way of preventing the flooding of the market with them during the next two years is the so-called license system as contained in this bill.

Now, although many of the materials mentioned on page 2 are difficult to pronounce, as a matter of fact, if you will examine them, you will see they are very simple. Each name represents a grouping of the principal substances which have gone into the product.

Mr. KITCHIN. Will the gentleman mind trying to pronounce and giving us the meaning of the last word in line 3, on page 4?

Mr. LONGWORTH. I will say to the gentleman that I have a very bad throat to-day and was advised by my physician not to try to pronounce any of these names [laughter], but merely to explain what they consist of.

Mr. LAYTON. I will pronounce that word if the gentleman wants me to.

Mr. LONGWORTH. I will be very glad if the gentleman will do so.

Mr. LAYTON. Tol-u-y-le-ne-di'-a-min. [Applause.]

Mr. LONGWORTH. That is exactly the way I should have pronounced it if my throat had been in better condition. [Laughter.] It is a common custom in this body to call a bill after its author, and if there happens to be more than one author the bill is sometimes known by the names of its other authors, like the Payne-Aldrich law or the Esch-Townsend law. Occasionally we hear of a bill with the names of three authors. For instance, if the gentleman from North Carolina, my distinguished friend Mr. KITCHIN, and the gentleman from Illinois, Mr. RAINEY, and the gentleman from Texas, Mr. GARNER, should collaborate, each furnishing certain materials for a revenue bill, that bill would probably be known as the Kitchin-Rainey-Garner bill, which might look queer if spelled out in one word as some of the materials in this bill are. And if they were joined by the other gentleman from Texas, Mr. BLANTON, and his name added, the word would be even more difficult of pronouncement, and certainly the combination would seem to be about as difficult of amalgamation as some of the jawbreakers comprised in this bill. [Laughter.]

With regard to the tariff duties on the substances enumerated in group 2 of these intermediates we have made a substantial change. Under the present law these substances are dutiable at 15 per cent ad valorem and 2½ cents a pound.

As a matter of fact, their manufacture is practically as expensive as the manufacture of the finished dye. There are few processes involved in the turning of these materials into the finished dye and they are comparatively inexpensive, so the committee following expert opinion, which seemed unanimous upon the propostion that duties on the intermediates should be substantially as high as upon the finished dye, has made a much larger relative increase in the intermediates than in the finished dyes.

In this bill, instead of being 15 per cent ad valorem and 2½ cents a pound, the duties are 40 per cent ad valorem and 6 cents a pound. That seems a large increase, but let me quote to you some German authority for the necessity of a high protection on intermediates if we desire to retain them as an industry in this country, and retain them we must if we are to have an industry which can produce dyes, medicinals, chemical gasses, and explosives.

I read from a report submited to Count von Bernstorff on January 26, 1917, by Dr. Hugo Schweitser, who was the German expert in this country on this question, the "derivatives" he refers to being what we call "intermediates":

> The manufacture of the derivatives offers much greater difficulties for an industry still in the process of development for the reason that such an incredibly large variety of products is necessary. In a well-developed industry like that of the German a technical use is found in the end for all these products. In a less well-developed industry and in an industry which is only in the process of development, great hindrances stand in the way of the utilization of these derivatives.

He says further:

> The manufacture of derivatives stands in Germany on such an incredibly high plane that the prices for the manufactured articles are very low. It would take American industry many, many years before the same, even if it will ever be possible at all, could produce these derivatives as cheaply as German industry does. In order to show these differences of price, the following examples may be cited: * * *

Further on he says:

> The history of American tariff legislation has shown that, in general, a protective tariff of 30 per cent ad valorem does not afford sufficient protection to create an American industry.

So you see, gentlemen, that unless we provide a very substantial increase in duties over and above what they are now, to the producers of these intermediates, we might as well throw up our hands, because Germany will immediately take the entire business.

Mr. BLANTON. Will the gentleman yield?

Mr. LONGWORTH. Certainly.

Mr. BLANTON. The gentleman seems to give a great deal of credence to the German opinion of reports made to Count von Bernstorff. In view of the fact that those distinguished gentlemen were so badly fooled about matters in America in the recent emergency, can not the gentleman from Ohio take these reports with a little grain of salt?

Mr. LONGWORTH. Not such a report as this. Dr. Schweitzer was not romancing; there is no question about that; the Germans were not going about exploiting the American industry by any means. This was a confidential report, and you can be pretty sure that the exact truth was told with relation to the tremendous advantage that Germany had over us in this particular regard. And so, gentlemen, we have increased the duties very largely in this second group.

Mr. CALDWELL. Will the gentleman yield?

Mr. LONGWORTH. With pleasure.

Mr. CALDWELL. I have received a large number, running into the dozens, of letters from manufacturers who are protesting against this bill. I wondered whether the gentleman could tell the House whether the protesting manufacturers have had an opportunity to be heard, and if they have, why is not their protest a good one?

Mr. LONGWORTH. I will say to the gentleman that there is a propaganda going on to-day in this country in opposition to this bill. I do not want to say that it is a propaganda induced by purely selfish motives of those engaged in promoting the German dye industry in this country. I will show a little later on that some persons are protesting against this bill who have been for years protesting against any legislation assisting the American chemical industry at all. They protested against any increased duties under the Payne law. The very same persons are opposing this bill, and they may have been able to pull the wool over the eyes of perfectly bona fide manufacturers.

Mr. CALDWELL. I will say that none of the parties whom I have known, who have written me letters, can by any far cry be said to be pro-German. I do not believe that a single one is a Democrat; they are all Republicans.

Mr. LONGWORTH. I, of course, concede that; but I say that their protest may be the result of propaganda. I do not assert that it is, and I cast not the slightest possible reflection on the patriotism of any one of the gentleman's correspondents. I think they have been unduly alarmed, as for years textile manufacturers have been unduly alarmed as to the possibility of not being able to get dyes necessary to their business and under the impression stimulated by certain propagandists that America can not make them under any circumstances.

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Yes; I yield to my friend from Pennsylvania.

Mr. ROSE. I would like to say, along the line of the statement of the gentleman from New York [Mr. CALDWELL], that I have received dozens of protests and suggestions about this bill that have come from men who I know have no connection whatever with any German propaganda. I regret that some of them are not here to listen to what the gentleman from Ohio [Mr. LONGWORTH] has said about the report made to Count von Bernstorff. He has made the assertion that the Germans are in a position to make these dyes at a much less cost than we can make them in this country, and the man making the report gives an estimate of the cost of producing the dyes in this country and claims that this country is unable to produce them at the low cost which obtains in Germany. If that is true, then it seems to me that the protests against the passage of this bill would fall to a very great extent.

Mr. LONGWORTH. I am delighted that the gentleman from Pennsylvania feels as he does. Mr. Chairman, if gentlemen will postpone their questions on this particular feature until I have an opportunity to finally explain the so-called license system and its necessity I shall be glad, because I think I can show that such protests as come from bona fide manufacturers—and mind you, I am not saying for a moment that any protests sent by an American manufacturer of textiles against the passage of this bill is otherwise than absolutely bona fide—will be found to have been induced, whether they realized it or not, by certain propaganda sent out by persons who have for many years been interested in the importation of German dyestuffs into this country.

In the case of the finished dyes and all of the finished products of coal tar we have increased the duty from the present rate of 30 per cent and 5 cents a pound to 45 per cent and 7 cents a pound.

We have made another vital change—or, at least, a very important change—in the present law with regard to a certain group of materials which are specifically exempted from the duties in the present law, and I read further from the report of Dr. Schweitzer to His Excellency Count von Bernstorff, commenting on the existing law. He says:

> Happily, the following dyes are excluded from this specific duty: "Except natural and synthetic alizarin, and dyes obtained from alizarin, anthracene, and carbazol; natural and synthetic indigo and all indigoids, whether or not obtained from indigo, and medicinals, and flavors." This exception may well become the sheet anchor of the German industry. The dyestuffs which are excepted from this specific duty are the so-called vat dyes, and these vat dyes are a comparatively modern achievement of the German dye technique and are in general regarded as the most genuine dyes.

In other words, in the present law those dyes are specifically exempted, dyes in the manufacture of which Germany stands supreme, and in which we have to-day practically no industry whatever. They are the fastest of all dyes for certain purposes, and are used in dying certain classes of cotton goods. In this bill they are restored to the dutiable list and pay the same duty as all other finished dyes, thereby destroying what Dr. Schweitzer calls Germany's "sheet anchor." With regard to the possibility of the manufacture of this class of dyes in this country—and there are practically none manufactured to-day—Dr. Jones, the chemical expert of the Tariff Commission, says, on page 12 of the hearings, speaking of the so-called vat dyes:

> There is, however, no question that these dyes will be produced within a short time, provided the companies feel that they have sufficient protection to justify them in making the necessary additional investments required.

Under this bill, if you pass it as it is, we may hope to have added to American production the only portion of the dye industry which is to-day absolutely lacking.

Another important change was made. Under the present law the provision is that five years after its enactment the specific duties proposed in the law shall be decreased by 20 per cent a year, so that after five years they cease altogether. A further provision is that if five years after the passage of the law the President determines that at least 60 per cent of our total consumption is not being produced in this country these specific duties shall no longer be levied or collected, but go on the free list. Both these provisions are eliminated in this bill.

We come now to the so-called license system, the provisions of which I shall endeavor to explain and a little later try to show that it is absolutely necessary for at least two years to make some such provision as this, because no rate of duty, no matter how high, could meet the situation that to-day confronts us.

Section 503 (a) of the bill provides that for the next two years no dyes or other coal-tar chemicals mentioned in the bill can be imported except under a license granted by a commission formed for that purpose. The commission is to consist of 11 men, 10 of them engaged either in producing or consuming dyes, and 1, the chairman, a man not connected with any business either producing or consuming dyes. The members are to be chosen by the industries themselves and their names certified to the Secretary of the Treasury, and they thereupon shall receive their appointment. It will be observed that under this present bill there are six consumers and four producers of dyes on the board, so that it is to be assumed that all points of difference, if such exist, in case of any applications would be decided in favor of the American consumer rather than the American producer.

Mr. YATES. Eleven all together?

Mr. LONGWORTH. Yes. The 10 appointed by the various associations meet and elect a chairman, the chairman to be the only salaried member of the commission, and the commission is authorized to charge a small license fee in order to pay all expenses. So that there will be no expense attached to the creation or functioning of this commission, so far as the Treasury is concerned. The powers of the commission are simply these: Wherever an application is made to them by any American consumer to import German, English, Swiss, or French, or other dyes, a license must automatically issue if the fact is that that dye is not produced in this country or can not be obtained at a reasonable price. The fear expressed by some textile manufacturers that discrimination might be exercised in favor of some and against others is not warranted because that power is not lodged in the commission. They are commanded to issue licenses in every case where the fact is that these dyestuffs can not be procured within a reasonable time and for a reasonable sum in this country.

Mr. HICKS. Will the gentleman yield?

Mr. LONGWORTH. I will yield to the gentleman from New York.

Mr. HICKS. Speaking of this commission, it states on page 11 that they are allowed to issue this license "on such products only as may be unobtainable from domestic sources on reasonable terms as to price, quality, and delivery." Now, presuming

this commission grants a license on the import of some dyes which come under this item here, of course those dyes coming under that item will pay the duty that is already established in other parts of this bill. Is that so?

Mr. LONGWORTH. Yes.

Mr. HICKS. It merely gives the right to bring those dyes in, and it does not abrogate the duty on those dyes?

Mr. LONGWORTH. Absolutely not. And for that reason, gentlemen, for the two years that this license commission plan is in force it is expected that this bill will produce a very handsome revenue. All vat dyes for the time being will have to be imported. They are not produced here, and a license will automatically issue. They will bear the increased rate of duty provided in this bill and a large revenue will be derived. Another advantage will no doubt result. The mere demand, the mere application for a license to import a certain dye is constructive notice to the chemists and manufacturers of this country that there exists in this country a demand for that dye, and undoubtedly research work will at once begin in the direction of its production here. Because of that you can safely count that if for the next two years you give them a fair chance our producers will be able to show that we can make our own dyes here at home with American capital and with American labor and say to Germany "We do not need you." [Applause.]

Mr. DEWALT. Will the gentleman yield?

Mr. LONGWORTH. I will.

Mr. DEWALT. I notice in this provision on page 11 that the wording, in line 18, is this:

> Domestic manufacture, such of the products covered by section 503 (a) of this act, and such products only, as may be unobtainable from domestic sources on reasonable terms at the price, quality, and delivery.

Now, am I right in construing that to mean this, that this commission of 11, appointed, I believe, by the President——

Mr. LONGWORTH. No; they are appointed by the associations themselves.

Mr. DEWALT. This committee, appointed by these various associations, are also the judges as to the reasonableness of the price and of the quality and of the delivery?

Mr. LONGWORTH. No; I think the gentleman——

Mr. BUTLER. That is what I want to know.

Mr. LONGWORTH. If the gentleman will read that whole section and pay particular attention to the use of the word "shall," in line 16——

Mr. DEWALT. Yes.

Mr. LONGWORTH. It says "shall issue licenses"——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. I yield 30 minutes additional to the gentleman from Ohio.

Mr. LONGWORTH. And if the gentleman will also read the last paragraph—

> Nothing herein contained shall authorize the commission to refuse a license to a manufacturer, person, or agent to import for actual use by the manufacturer foreign dye when such domestic dye of equal quality is not immediately available for his use.

He will see that it is not a price-fixing commission by any means. The commission's hands are tied where a dye is not produced in this country or can not be delivered in a reasonable time. They must grant a license.

Mr. DEWALT. Will the gentleman yield for one question more?

Mr. LONGWORTH. With pleasure.

Mr. DEWALT. Conceding that the licensing commission shall issue, that is imperative; but notwithstanding that, is not that imperative order to issue that dependent upon these things, namely, when unobtainable from domestic sources on reasonable terms and as to price, quality, and delivery? Now, does not that import that there is some judgment there, and by whom is that judgment to be exercised as to price, quality, and delivery? And the question is, Is that judgment reposed in this commission?

Mr. LONGWORTH. My construction of that section is this, that exercise of discretion would not extend to a case where the dye could not be secured at all. In a case where the dye was produced here, but could not be secured in a reasonable time and for a reasonable price, some exercise of discretion might lie, but it would tend to be exercised for the benefit of the American consumer, for, mind you, a majority of this commission are manufacturers themselves, they are not producers of dyes.

Mr. DEWALT. They are the men who use the dyes?

Mr. LONGWORTH. They are the men who use them. They always have the majority, and should a question arise such as is suggested by the gentleman from Pennsylvania it is to be assumed that the textile manufacturers, the men who consume the dyes, are going to see to it that men in the same business receive fair treatment. I can not think of a case where any unfair discrimination could be used against the American consumer.

Mr. DEWALT. One question further.

Mr. LONGWORTH. I will yield to the gentleman, but I would like to proceed.

Mr. DEWALT. Could this be met with an antidumping clause?

Mr. LONGWORTH. I am coming to that. I will say briefly that in my judgment no antidumping clause could be framed that would help out in the situation that immediately confronts us, no matter how strong it was.

Mr. HICKS. Will the gentleman permit one question there? In the first part of his speech I interrupted him and asked a question as to whether or not the decision of this commission, under the term "reasonableness" is subject to a review by any court?

Mr. LONGWORTH. No; it is final, but, as a matter of fact, I can not conceive how, if a bona fide American consumer of dyes asks a license to import dyes after this bill is passed, it could be by any possibility refused to him if he could not procure those dyes here under reasonable terms and immediately.

Let me call your attention to this fact, too, gentlemen. Under the present regulations which provide that the War Trade Board shall issue licenses—as they have absolute authority to do—licenses have been granted within the last 10 days to import the next six months' supply of all necessary dyes. They have given licenses to everybody who applied for permission to import the dyes not produced here, and, I am told, though I have not seen the final figures, that the amount asked for is relatively insignificant, showing conclusively that America can produce practically all the dyes, except some of these specialties like vat dyes, that are necessary for American consumption at the present time.

Now, the commission proposed in this bill has a very much lesser authority than that now exercised by the War Trade Board.

Mr. HUSTED. Will the gentleman yield?

Mr. LONGWORTH. I will yield to the gentleman.

Mr. HUSTED. I am very much interested in the success of this proposition, and I want to see the bill meet every situation. I do not see how your licensing provision protects you under its language against the importation of newly invented German derivatives, for example, or newly invented dyes which have not been specifically enumerated, because your language distinctly says that your commission must grant a license where the dyes or derivatives are not manufactured in this country. Assume that in Germany they develop a lot of derivatives under different names by changing the process slightly, and those derivatives will accomplish the same purpose as the derivatives specifically enumerated in this bill, how does your licensing provision stop Germany from flooding our market with those derivatives that are not enumerated?

Mr. LONGWORTH. It would not prevent the importation of a given quantity if any bona fide American needed it for his own use and could not get it here. But it is not to be assumed that there will be a flood of importations, because we are to-day able to produce probably four-fifths of the American demand. I believe the average demand of the American market has run for a good many years at about 900 different colors, and we are now producing in this country about 400. At any rate, the fact is we are able, in most of the basic dyes, to supply the American demand to-day. The trouble would be that, without this licensing system, and under a tariff only, no matter how high, the accumulated stores of Germany would be dumped here regardless of cost. The immediate object of Germany is not to sell dyes for the next year or so in this country at a profit. They will be willing to give them away if only they can destroy the American chemical industry, the baby industry which was created by this war, and then they can sell their dyes and dyestuffs when American competition is removed, as they did before, at any profit they may see fit.

Mr. DEWALT. Possibly by yielding we can get the information more succinctly than we can in any other way. What I would like to know is this: This is not considered as a war measure, is it?

Mr. LONGWORTH. The gentleman, when he asks that question——

Mr. DEWALT. It was not in the minds of the framers of this bill?

Mr. LONGWORTH. In my opinion it is a necessary war measure, or perhaps it would be more accurate to say a necessary measure for war preparedness. Now, if the gentleman will let me go on——

Mr. DEWALT. All right.

Mr. LONGWORTH. So far I have been speaking mainly of the business side of this question, but as a matter of fact I subordinate it entirely to the national side.

The outstanding feature of this whole question is that it has two distinct sides, a business side and a national side, a peace side and a war side.

On the business side we find in this country an industrial production of $3,000,000,000 a year directly dependent upon dyestuffs and as much more dependent indirectly. On the national side we find that not only are we dependent upon dyestuffs for certain absolutely necessary materials for war, either defensive or offensive, like explosives and poison gases, but for many modern medicinal preparations in which the health of the community is bound up irrevocably. It is this mutual interdependence of these two widely different branches of human endeavor upon one industry which makes its study so fascinating and its importance to the Nation so vital. It is this that has caused one like myself, for instance, who has no practical skill in or erudite knowledge of chemistry to interest himself, as I have for the past four years, in endeavoring to bring it about that this country shall have a well-developed and permanent coal-tar chemical industry, sufficient at the very least to supply the needs of the American people both in time of peace and in time of war, and to for all time obviate the necessity that we should be dependent upon Germany or any other country for that which is vital not only to the welfare of the American people but to the safety of the Nation itself.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. LONGWORTH. Yes; I yield.

Mr. EVANS of Nebraska. I think I understood the gentleman to say that we had not been and were not now able to produce the vat dyes. What is the explanation of that, since there has been practically inhibition against free importation for the past two years, or during the war?

Mr. LONGWORTH. Because they are a comparatively recent development, and our chemists have not learned how to make them. We now have all the German patents. We did not know the methods before. It is certain if you will give our men two years they will make them all.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. LONGWORTH. I will.

Mr. GREEN of Iowa. I think there is a slight misunderstanding on the part of the gentleman from Nebraska. These dyes are for coloring certain materials like cotton.

Mr. LONGWORTH. They are not used in clothing at all.

Mr. EVANS of Nebraska. Were not our manufacturers permitted to use those patents during the war period?

Mr. LONGWORTH. Not at the beginning. We never got hold of them until quite recently. The Government has acquired all the German patents in this country, and it is only very recently that our chemists have had access to them.

Mr. BURROUGHS. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. I wish, gentlemen, to go on.

Mr. BURROUGHS. Just a question along that line.

Mr. LONGWORTH. Very well.

Mr. BURROUGHS. Will the gentleman state what our manufacturers have been using in place of these vat dyes during the war, when the German dyes were inhibited from being used?

Mr. LONGWORTH. They have had a hard time getting any, and that is the reason why our big textile manufacturers, almost to a man, who first opposed this legislation, are now for it, because when they were cut off from the German dyes and we had no industry of that kind in this country they were in great embarrassment, and they want at all hazards to avoid it again.

If this question had only its business side my interest in it would be far less intense than it is. In fact, I might hesitate to advocate any method outside of the protective tariff for a solution of the difficulty. But when I look upon the national side, both as it relates to the national defense and to the health and happiness of the people of America, I say to you with deliberate conviction that the need for this legislation is vital, and that this bill, notwithstanding the novelty of some of its features, ought to be passed substantially unamended.

In taking up the business side of this question I want first to very briefly review the history of the dye industry in the United States. Up to the 1st of August, 1914, it was an industry of practically no importance whatever. Congress every now and then had made spasmodic efforts to do something for it, but without any real success. The big textile manufacturers were almost a unit in opposition to any substantial increase in tariff duties on dyes and dye materials, as were, of course, the professional dye importers, almost all of whom were agents of the German trusts, and every effort was used to induce the belief that it was impossible for us ever to compete with Germany. Most of the concerns which produced dyes at all in this country were mere assemblying plants for German materials, and there were only two or three, like Schoolkopf Co., at Buffalo, and the Beckers Co., in Brooklyn, who really made dyes. At best, our industry produced only about a dozen different colors, out of the eight or nine hundred odd used in the American market, and was supplying only about 10 per cent of the American demand.

On the other hand, Germany controlled close to 90 per cent of the American market, in addition to being in practical control of the dye market of the world. As against the American production of some dozen or so different colors Germany produced in one concern alone more than 11,000 different colors.

Under these circumstances it is not difficult to imagine what happened here when the regular German supply was suddenly shut off. When Great Britain and the Allies assumed control of the seas, dyes in common use shot up by thousands per cent, and many of them were unobtainable at any price. Not only the consuming public but the Government found itself in serious embarrassment, for lack of colored inks used in the Bureau of Printing and Engraving and other bureaus.

Here is an example—and I take this from a very large number of cases that came to my attention when I was advocating the passage of the so-called Hill bill, which was in substance the present law but with a higher rate of duty. We had hundreds of instances submitted to us of the tremendous increase in the price of dyes in this country, and I am now going to read you this letter, received from a manufacturer of cotton:

NEW YORK, *February 23, 1916.*

Mr. NICHOLAS LONGWORTH,
Room 319, House Office Building, Washington, D. C.

MY DEAR CONGRESSMAN: I have just read the copy of Congressman HILL'S speech before Congress on the dyestuff bill, H. R. 702, and on page 11 I read that yourself and Mr. HILL discussed the writer's statement before the Ways and Means Committee regarding our recent dyestuff purchases in China.

In order to have the matter entirely correct in your mind, I would say that you will find, on page 119 of the printed hearing before the Ways and Means Committee on the dyestuff bill, that the writer answered your question as to exorbitant cost of dyestuffs, stating that my company had just paid $5.75 a pound for aniline black (made by Badische, in Germany), which we had purchased from China.

These identical goods in normal times would have cost us 20 cents per pound, or a total of $1,748, whereas we are now compelled to pay more than $52,000.

Since that time we have made another purchase of same goods from Shanghai, paying $7.50 per pound instead of $5.75, and on February 14 last we were quoted $12 a pound for exactly the same material from China.

This latest quotation means an advance of 6,000 per cent over the normal before-the-war figure of 20 cents per pound.

Yours, very truly,

R. H. COMEY CO.,
GEO. W. WILKIE,
For the Company.

In other words, here was a manufacturer of cheap cotton goods who, for goods that had cost him before the war 20 cents a pound, had to pay $12, for the reason that we had no industry of that kind in this country. We had never built it up and had allowed Germany to control our own markets. Of course, something was bound to happen the moment Germany was unable to ship her goods in.

Here was an instance of goods shooting up in a few months over 6,000 per cent. There are cases where they shot up 10,000 per cent, and in many cases the dyes were not obtainable at all, textile mills were shutting down, and Germany knew what the situation was. You remember in the report the telegram of Hossenfelder, the German consul in New York, to Bernstorff, saying that the total cutting off of German dyes would throw 4,000,000 men in America out of employment. That may come again if we do not do something for this industry. Here is an instance of the way it affected the Government of the United States. It is contained in a letter from Byron R. Newton, Acting Secretary of the Treasury, addressed to the Speaker of the House and referred to the Committee on Ways and Means. I will read it. He says:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, March 9, 1916.

SIR: Owing to conditions arising out of the European war, the Bureau of Engraving and Printing, which prepares all Government notes and other securities, national-bank notes and Federal reserve notes, postage and revenue stamps, and currency of the Philippine government, has found it impossible to purchase colors for inks in sufficient quantities in the United States to carry on its work. It has been compelled for over a year to use cheap and unsatisfactory substitutes for some of the colors, and as time has gone on even these substitutes have become more and more difficult to purchase, and it seems to be only a question of a short time until the supply of them will be exhausted.

At present the Bureau of Engraving and Printing has only two weeks' supply of reds and blues, which are the most important colors used by it.

Some time ago an order for 145,000 pounds of blues and reds was placed in Germany, and through the assistance of the State Department permission was granted for the exportation of these colors. The first of several consignments has just reached this country. Under the tariff act some, if not all, of these colors are dutiable, and it seems to me it is proper at this time and under these conditions for Congress by joint resolution to authorize the importation of all of these colors free. It is impossible to buy these colors here. The prices that are now paid for them in Germany are higher than the prices before the war plus the duty. The duty will be approximately $12,000, and it will be necessary to go to Congress for a deficiency appropriation if this duty is paid. There can be no question of this importation injuring in any manner any American industry.

I therefore have the honor to request that a joint resolution authorizing the admission free of duty of approximately 145,000 pounds of dry colors, valued at $40,000 to $50,000 (the exact amount not being determinable at this time owing to the fluctuations of exchange), from Germany for the use of the Bureau of Engraving and Printing, the same having been ordered December 10, 1915, and shipment being made to and in the name of the Secretary of the Treasury, said colors to be exclusively for the use of the Bureau of Engraving and Printing, may be passed by Congress. As part of these colors has already been shipped and some of them are now in this country, I request that immediate action on this resolution may be taken, if possible.

I inclose herewith a suggested form of resolution.

Respectfully,

BYRON R. NEWTON,
Acting Secretary.

Hon. CHAMP CLARK,
Speaker of the House of Representatives.

Mr. HULINGS. Will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. HULINGS. What proportion of these dyes that are now so greatly needed have they been able to produce in American factories?

Mr. LONGWORTH. They are making them all now—all these dyes.

Mr. WALSH. Will the gentleman yield?

Mr. LONGWORTH. I yield to the gentleman from Massachusetts.

Mr. WALSH. Who will represent the consuming public upon this commission?

Mr. LONGWORTH. No one will represent the consuming public directly, because the consuming public has no direct interest whatever in this matter. I will be glad to explain to the gentleman what I mean.

Mr. WALSH. I wish the gentleman would do that.

Mr. LONGWORTH. I had intended to take that up later in my remarks, but since the gentleman has asked that question I will be glad to answer it now.

Mr. YATES. Before the gentleman does that——

Mr. LONGWORTH. I wish the gentleman would let me answer this question first.

Mr. YATES. Certainly.

Mr. LONGWORTH. The gentleman from Massachusetts [Mr. WALSH] has asked me a question which ought to be vital in any discussion involving the tariff or legislation favoring industry. That is the question of what effect may it have upon the cost of living.

I will begin, first, with the question of the price of silk goods, where dyes form a more important item than they do in any other article of clothing of any kind. Silk requires a more expensive dye than any other fabric. The testimony before the committee shows that the highest estimate given by anyone as to the cost of the dye in a yard of silk selling for $5 a yard is between 4 and 5 cents a yard, so that even in the case of silks the cost is relatively nothing and would never be passed on to the customer. Think of it! In silk selling for $5 a yard, the total cost of the dye is only between 4 and 5 cents a yard.

In the cheaper articles—cotton goods—in which the poorer people are interested, the cost is much less. I will ask the Clerk to read this letter, to give my voice a rest for a moment. This is written by the treasurer of the United States Fininshing Co., which is, I believe, the largest consumer of these cotton dyes. It is with regard to the cost of the dyes in the goods.

The Clerk read as follows:

THE UNITED STATES FINISHING CO.,
320 Broadway, New York, N. Y., June 25, 1919.

Hon. JOSEPH W. FORDNEY,
Chairman Committee on Ways and Means,
House of Representatives, Washington, D. C.

DEAR SIR: I wish to supplement the statement which I made on June 18 at the dyestuff hearing before your committee in behalf of the National Association of Finishers of Cotton Fabrics. At that time I did not have with me the figures given below.

In order to emphasize the fact that the actual cost of dyestuffs, apart from the cost of other materials, such as chemicals, is a relatively small proportion of the total cost of finishing cotton goods, I submit the following information:

During the 12 months from July 1, 1913, to July 1, 1914, immediately preceding the outbreak of the European war, the average cost of dyes used by the United States Finishing Co. in its three plants at Pawtucket and Providence, R. I., and Norwich, Conn. (engaged in the dyeing and printing of colored cotton fabrics of a total yardage of 204,009,507), was one-eighth of 1 cent per yard of goods finished. Practically all of the dyes used at that time were imported from Germany.

During the 12 months of the year 1918, at the same mills, and upon a yardage of 180,525,317, the average cost of dyes used was one-half of 1 cent per yard of goods finished. A large majority of the dyes used in 1918 were made in the United States.

The costs of dyes at the present time, and especially during the year 1918, are admittedly high. They are higher than it is confidently expected that American dyes will be with the expected decline in the cost of raw materials and with the increase in the range of colors which progress in the dyestuff industry will certainly develop. In other words, I feel that our average cost of one-half of 1 cent per yard for colors is a maximum figure, which is likely to be less from now on.

The point I wish to make, therefore, is that, even with a protective duty added, the cost of dyes per yard of cotton goods finished is a relatively small portion of the total cost of finishing. Consumers of dyes, like ourselves, are very much more anxious to see a permanent and self-contained dyestuff industry established in this country than they are to obtain such relatively slight reductions in cost as would result from the unrestricted competition of foreign dyestuff manufacturers.

As consumers of dyes, upon whom the burden of taxation would necessarily fall, we are willing to bear such a burden as a measure of insurance against a recurrence of the demoralized situation in the dyestuff market we experienced in the early years of the war.

A protective tariff, coupled with a well-administered licensing system, such as has been proposed by the Chemical Foundation, would, in my judgment, meet the situation adequately and be satisfactory alike to the manufacturers and consumers of dyes.

Yours, faithfully,

ANDREW C. IMBRIE, *Treasurer.*

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. LONGWORTH. I dislike very much to inflict myself on the committee, but I have not nearly finished what it is necessary to say.

Mr. FORDNEY. I have applications for more time than I have left, but I will yield 10 minutes to the gentleman from Ohio, if that will do. We have either got to have an extension of time or else cut out some of our friends, because we have applications for more time than we have.

Mr. LONGWORTH. I doubt whether I can cover this subject at all in less than half an hour.

Mr. FORDNEY. I will yield to the gentleman 20 minutes, and let him see how near he can come to it.

Mr. BUTLER. I suggest that the gentleman from North Carolina [Mr. KITCHEN] will yield the gentleman some time.

Mr. KITCHIN. I yield the gentleman 10 minutes.

The CHAIRMAN. The gentleman is recognized for 30 minutes.

Mr. LONGWORTH. I am taking no particular pleasure in making this speech under the circumstances, because of my physical discomfort, but I feel that I ought to explain this bill fully.

Mr. WALSH. Will the gentleman yield further?

Mr. LONGWORTH. Yes.

Mr. WALSH. Does the gentleman care to venture the prediction that this dye-licensing commission will not be required after two years from the approval of this act?

Mr. LONGWORTH. I will say to the gentleman frankly that if I had my way, I would like to make it three years. I think three years would be the ideal time, but I think two years will settle the question that America can produce these things.

Mr. ANDERSON. On this commission proposition——

Mr. LONGWORTH. Will the gentleman let me postpone the discussion of the commission proposition for a little?

Mr. ANDERSON. Of course, if the gentleman desires it.

Mr. LONGWORTH. I will answer the question when I come to it.

Mr. ANDERSON. Very well.

Mr. LONGWORTH. I am discussing now what happened at the time of the war. In the first place, as I have said, the question of the cost of these dyes is immaterial, so far as the consuming public is concerned, because it will not know whether you increase the duties on dyes or not, for the cost of the dye in the goods the public buy is absolutely insignificant, only one-eighth of 1 cent a yard. It is too small to talk about. Even the figures given by the silk manufacturers refer to the present high cost of American dyes. Dyes to-day are higher than before the war, but they are going down all the time. For instance, one of the most important dyes used in this country, methyl violet, has gone down from $12 a pound in 1916 to $2.65 a pound in April, 1919. It is safe to assume that if you give American industry a chance to have competition all these present prices will be very speedily reduced.

The situation I have endeavored to describe to you when Germany went into this war called for drastic action. Congress endeavored to meet the situation to some extent by passing a bill which put a fairly protective duty on dyestuffs. This was the first time, so far as my knowledge goes, that a Democratic Congress ever used the tariff for the encouragement of an

American industry without any thought of revenue. The overwhelming necessity of the situation compelled them to ignore, to this extent at least, their time-honored political tenets, and they are to be congratulated for their patriotic action. Even though the rates of duty were plainly inadequate and by no means measured the difference in cost of production here and in Germany, at least they afforded some encouragement to men here to risk the investment of great quantities of capital to produce the dyes which were absolutely necessary for the needs of the Government and the consuming public, and gave ground for hope that whichever political party was in control of the Government when the war came to an end, it would be seen to that their investment was not a total loss. And so a great number of American business men made large investments in dye production, until on the day the armistice was signed the industry had grown in this country to such an extent that the major demand of the American market was amply provided for.

But it must be frankly admitted that it was not the rates of duty provided in the act of September 8, 1916, but the fact that the war itself acted as an unsurmountable barrier to the importation of German dyes that has so far saved this baby industry.

To my mind, those Americans who have risked the investment of probably somewhere near three hundred millions to turn out those substances of which not only the people but the Government itself were in dire need deserve the support of the Government. They took tremendous risks, and we should see to it that their property is not swept away. They had not only to construct, but to learn to construct. They built crudely, perhaps, at the beginning, but more effectively as time went on. It is not a hard matter to build a brick wall if you have the bricks handy, but if you have not only to make the bricks but to learn how to make them it is a different matter, and that was just the sort of problem that our dye producers had to meet.

Without an extension of the legal safeguards now in force it would be only a question of a few months, with foreign competition, and particularly German competition restored, when this wall would be completely undermined and would topple to the ground. It is the object of this bill to see to it that this industry is not undermined; that it is given an opportunity to flourish and to grow until the time shall come, and that within a very few years, when we can say to Germany and the rest of the world, "We don't need your dyes. All we need are being made in American factories and by American workingmen."

So much for the business side of this question. I submit that it is one of vast and far-reaching importance, and yet I subordinate it entirely to the other or national side of this question, which I will discuss for a moment, and that first with that portion of it which relates to the public health. Your committee had some very valuable information on this phase of the question from Dr. Charles Steiglitz, head of the department of chemistry of the University of Chicago, Chicago, Ill., expert advisor of the Federal Trade Commission during the war, and former president of the American Chemical Society, and a world authority on modern organic chemistry. Without commenting on his testimony in detail, I commend it to your most thoughtful attention. Generally speaking, it shows that the development of most of the modern cures for some of the most dreaded diseases are made from materials obtained from a coal-tar base and directly involved in this bill.

As he says:

> We use some materials which in the hands of the skilled organic chemist can be converted either to the production of dyes, explosives, poison gases, or to medicinals.

And again:

> The dye industry is the sole industry from which we can get our materials and our chemists and which can support the type of work which we have in mind.

In other words, gentlemen, unless we are to have a complete and self-sustaining dye industry in this country we will have to depend upon the chemists of foreign lands to make and to invent the remedies to make American life more secure and happy.

And now I come to the side of this question which relates to preparedness for the national defense. This consists of the relation of the dyestuffs industry to modern high explosives and to chemical gases. I shall not dwell at length upon the explosive question, because it has been a known fact for a long time that dyes and explosives bear the same relation as the Siamese twins. They are inextricably bound together. You can not make one without having the materials at hand to make the other. The fact is that in the same plant, with the same equipment and the same men, you can make either dyes or high explosives as you choose.

The relation between dyes and chemical gases, however, is of very recent development, and upon that point we had most interesting enlightenment from Gen. William L. Sibert, Chief of the Chemical Warfare Service, and from Col. Amos A. Fries, chief of the Chemical Warfare Service of the American Expeditionary Forces. A few quotations from their testimony will, I think, illuminate the situation.

Gen. Sibert, after having alluded to the enormous sums of money spent toward building of chemical and nitrate and other plants, and the fact that they probably cost at least twice as much as they would have cost if built in time of peace, said:

> If nitrate and dyestuff plants were built in time of peace, such plants would be a most essential preparation for war.

And further along he said:

> The dyestuff industry is the one peace-time enterprise which will furnish us with the plants and equipment which can be hurriedly converted to essential uses in time of war. If such plants do not exist in time of peace, they will have to be hastily constructed and equipped in time of emergency, and we will have the same situation arising as confronted us at the outbreak of this war.

And again:

> There is another point which is worthy of especial emphasis. We are not only concerned with plants and equipment, but also with the trained personnel needed. This war has shown that it takes two or three times as long to prepare the material of war as it does to train the personnel for war.

This latter point that Gen. Seibert makes, as it seems to me, strikes at the very root of the whole question. We have in this country in unlimited quantities the raw materials necessary for the manufacture of all these coal-tar products, whether they be dyes, tanning materials, medicinal preparations, high explosives, or poison gases; but we have not, as has Germany, the trained chemical force necessary to produce them in quantity and cheaply. Such a force can only be developed in time of peace, and then only in an industry which with proper legislative assistance can be conducted profitably, namely, the dye industry. Can it be questioned that the further development of poison gases and their antidotes will be of vital importance to the future of this Nation, both for preparedness for or insurance against war?

Col. Amos Fries went into the matter in even more detail. While at the start, when the Germans began to use these poison gases, it seemed to be a most barbarous and inhuman method of warfare, it has turned out that properly used it may be the most humane. Certain it is that while at the beginning, when these gases came as a surprise and no method of combating them was known, the casualties were very large, toward the end of the war they were comparatively insignificant.

You can make these gases of almost any strength, from the tear gases up. As Col. Fries says:

> The tear gases can be used against savages if we want to, or against any unprepared peoples, to drive them out of places without loss of life. If we had had it in the Philippines in times past we would not have needed to have lost our boys in taking those places, because there is no escape from it except in a mask.

I recall when I was in the Philippines some years ago that an uprising had just taken place in one of the southern islands. A lot of insurgents had gathered together in the bottom of an old dead crater, and we lost hundreds, I believe, of our men in trying to dislodge them. The only way our men could do was to climb up the sides of the crater and try to shoot the insurgents below. If we had had gas bombs fired over into the crater we might have captured every one of these men and not lost one of ours. That only shows what the possible future of chemical-gas warfare is. So far as its development in this country is concerned, it is dependent solely on the creation of a permanent, self-sustaining dyestuff industry.

Germany did not win the war, thank God, but it was not because of failure upon the chemical side of it. From the beginning to the end she had an unlimited and apparently inexhaustible supply of the bedrock of modern warfare—explosives and chemical gases. For 40 years she had planned for the exact situation that confronted her in the summer of 1914. Cut off from all her outside sources of supply, she at once turned over her huge chemical plants to the production of explosives and poison gases, and if her morale and her man power had not fallen down she might have been fighting yet, and perhaps for years to come. In this particular, if in no other, let us take pattern by Germany to the end that come what may we shall never again find ourselves deficient in at least the adequate potential supply of those materials which stand first as necessities for our national defense. Above all, let us see to it that for this supply we shall never again be dependent upon Germany.

I have attempted to sketch very briefly and very inadequately the reasons why the dyestuff industry is of such vital importance to the United States. I shall not even ask the question, Is it

worth saving? I believe that there is in this country to-day an extraordinary and unprecedented unanimity of opinion that this industry is absolutely essential and must be preserved at all hazards. I take it for granted that the membership of this House is united in the belief that we must preserve it somehow. I take it, too, that upon both sides of the House there exists the conviction that it must be done by some sort of tariff legislation. The President, in his message on the 20th of last May, said:

Nevertheless there are parts of our tariff system which need prompt attention. The experiences of the war have made it plain that in some cases too great reliance on foreign supply is dangerous and that in determining some parts of our tariff policy domestic considerations must be borne in mind which are political as well as economic. Among the industries to which special consideration should be given is that of the manufacture of dyestuffs and related chemicals. Our complete dependence upon German supplies before the war made the interruption of trade a case of exceptional economic disturbance. The close relation between the manufacturer of dyestuffs on the one hand and of explosives and poisonous gases on the other, moreover, has given the industry an exceptional significance and value. Although the United States will gladly and unhesitatingly join in its program of international disarmament it will nevertheless be a policy of obvious prudence to make certain of the successful maintenance of many strong and well-equipped chemical plants. The German chemical industry, with which we will be brought into competition, was and may well be again a thoroughly knit monopoly capable of exercising a competition of a peculiarly insidious and dangerous kind.

I think that you, my colleagues on the Democratic side, under the circumstances, will be willing to go very far to carry out these recommendations of your party leader. I think that you, my colleagues on this side, would be willing to go to the very limit of tariff protection, if by protection alone, as we generally understand it, we could solve this problem. For myself I wish it could be solved by a protective tariff. That is the natural, easy, old-fashioned Republican way, but I think that it would be only a very reactionary party which would decline to go further in a case so vitally important as this, not only to American industry, but to the national safety as well, merely because the remedy suggested is new. I confess that when this so-called license system was first proposed it rather hit me in the eye. I do not like licensing boards very much in time of war, still less in time of peace, but a thoroughly conscientious and pretty exhaustive study of this situation has absolutely convinced me that this situation can only be met by some such system as proposed in this bill, and that without it it would be practically ineffective. I would never think of advocating it as a permanent governmental policy. I would never propose it except as a purely temporary expedient to prevent what is bound to occur, namely, the dumping of a tremendous mass of dye materials into this country, regardless of price, regardless of cost, regardless of any tariff rates that Congress might fix.

As a matter of fact, the term "licensing system" is a misnomer. It does not mean "licensing" as we ordinarily comprehend it. It does not mean a license to do business. It means a regulation of importation. All that we propose is that no dyes shall be imported when the same dyes are now being produced here at a reasonable price. The proposed board in the vast majority of cases will act automatically and will have no power to interfere with legitimate American business.

We are proposing this system in addition to the increased tariff, because as soon as the peace treaty is ratified the new American dye industry will be at once exposed to the competition of an adversary so powerful, so fierce, and so desperate that no practicable rates of duty will offer a really effective defense.

Mr. ANDERSON. Mr. Chairman, before the gentleman leaves the question of the commission proposing a license, I should like to ask him where the committee found any legislative precedent or any constitutional warrant for the designation of a commission of this kind by purely unofficial, commercial organizations.

Mr. LONGWORTH. Mr. Chairman, I am not myself by any means convinced that that is the best way of dealing with the question—that is, to have the industrial bodies themselves name the commission—but I can not see myself any constitutional difficulty in the way. This is a prohibition of importation except under certain conditions.

Mr. ANDERSON. But this is the exercise of a governmental function, is it not?

Mr. LONGWORTH. Yes; it is a governmental function to prohibit the importation of goods.

Mr. ANDERSON. And the Constitution provides that the officials of the Government shall be appointed by the President and in other specified ways. I do not see where the Ways and Means Committee could get around that proposition.

Mr. LONGWORTH. Is the gentleman distinguishing between the war power and the peace power now?

Mr. ANDERSON. I was assuming that this legislation would not be passed as a part of the exercise of the war power.

Mr. LONGWORTH. The reason I asked that is that there is a board now exercising precisely the functions proposed to be exercised by this commission, except that its powers are very much larger.

Mr. ANDERSON. That may be true. I am not questioning the power of a commission properly appointed to exercise these functions, but what I am questioning is the power of Congress to say that this commission shall be designated by 11 or 9 or 10 wholly unofficial bodies which have no connection with the Government whatever.

Mr. LONGWORTH. I would not care to hazard my reputation as a constitutional lawyer that this method of appointment is constitutional, but in my opinion it is. I confess that I have not examined the precedents to any extent.

Mr. ANDERSON. Did not the committee make an investigation, or was there no testimony before the committee on this question?

Mr. LONGWORTH. There was no question raised as to the constitutionality of this method of dealing with the question. It was the method suggested by certain members of the committee who were opposed to the proposition that the President appoint this board or commission.

Mr. Chairman, how much more time have I?

The CHAIRMAN. The gentleman has eight minutes remaining.

Mr. LONGWORTH. Mr. Chairman, let me see if I can picture to you the German dye industry to-day. As we all know, its six great component companies controlled and produced all the dyestuffs necessary for practically the entire world's market. It employed more than 50,000 men and had assets of more than half a billion dollars. To-day those six concerns have been absorbed into one gigantic, Government-aided trust, formed in 1916, for the avowed purpose of fighting its way back, so soon as the war should be over, to the former German world monopoly.

Its plants have been busy throughout the war making all Germany's poison gases, most of her munitions, and, at the same time, enough dyes to establish a reserve which could not only overwhelm our market, but the markets of any other country in the world. This is the reason why England, France, and Japan, the principal dye-consuming and producing countries, have protected their own Government-aided lye industries by license laws substantially similar to the one proposed by this bill.

Did these plants suffer during the war, either by deterioration or loss of their trained personnel? On the contrary. From the beginning they were cherished and protected in every way by the German high command, because they were the sole source of supply of Germany's bedrock military necessities.

Consider the problem that the German dye trust has to face. With resources so colossal, with plants so huge and organized for such vast production, it must remain most of its former world market unless a part of its equipment is to lie idle and another part run at low efficiency. Without enormous production, it would cease to be a profitable business. Unless a profound change has come over German civilization and business methods it is unreasonable to suppose that its competition will be less unscrupulous than it was in the past, when it practiced every form of corrupt and unfair competition known to commerce. What can be more certain than when, instead of being in safe control of the world market, this industry faces destruction, that it will attack all competitors with ruthless disregard of any considerations of business decency. Where will this attack center? Not upon England, because England bars all importations of German dyes except under a license. Not France or Japan, because they similarly protect themselves. It is our market, therefore, that is Germany's real opening, and it is upon it that Germany's attack will be concentrated. Do you question that to penetrate it and destroy our budding chemical industry the German trust would hesitate for a moment to spend millions of its surplus, would use any method, fair or unfair, to gain its ends?

From all this it seems perfectly apparent that without further legislative assistance our coal-tar chemical industry is doomed to destruction, and that right speedily. Let me impress upon you that time is of the essence of this matter. The moment the peace treaty is ratified the various war boards which have exercised certain powers with regard to licensing importations of dyestuffs cease to operate and our only barrier against world competition will be our present entirely inadequate tariff protection. To double the duties, as this bill does, substantially, will not avail. To triple them or quadruple them will fall short of meeting the conditions that will soon be upon us.

The German trust would laugh at a duty of 500 per cent, for its immediate object is not so much to sell its vast accumulated store of dyes at a profit but to overwhelm and destroy our baby industry so that in a few years it may sell its goods here at whatever profit it pleases. If we can preserve our in-

dustry from this kind of cutthroat competition for the next two years we believe that it will have then expanded to the extent that the duties provided in this bill will insure its continued growth and expansion.

But these duties by themselves will fail immeasurably to meet the situation that immediately confronts us. We must go further or confess defeat in advance. We must provide a remedy, heroic if you please, but one which will do the job. England, France, and Japan have realized the situation and have met it in the only way it is possible effectively to meet it by prohibiting all importations of dyestuffs except under a Government license. Leaving Germany out of the question, are we justified in throwing open our markets to nations who close theirs to us? Such a policy, I think, would sound altruistic to even the most advanced internationalist. The policy we advocate can hurt no one except the German trust and its agents here. On the other hand the great mass of the American people are bound to receive substantial benefit and the country will be made secure for all time in the bedrock necessities for adequate national preparedness. Pass this bill, my colleagues, substantially as it is and we shall have removed forever the odious condition by virtue of which we have been dependent upon others for the supply of things vital not only to the welfare of our people but to the integrity of the Nation. [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. DEWALT. Mr. Chairman, has the gentleman any time left?

The CHAIRMAN. The gentleman has one minute remaining.

Mr. DEWALT. Will the gentleman yield for a question?

Mr. LONGWORTH. I will.

Mr. DEWALT. The framer of this bill or the committee framing the bill, when they did so, did they consider it as a revenue measure or did they consider it as a measure regulating foreign commerce, or both?

Mr. LONGWORTH. As I have explained, incidentally it will produce considerable revenue, but, of course, our purpose is to keep out German importations, except those that are temporarily necessary for the convenience of the American textile manufacturers.

Mr. DEWALT. Granting that it is a measure to regulate foreign commerce, and granting also that the power to regulate foreign commerce is in the Congress of the United States, did the framer of the bill or the committee itself take into consideration that there was a delegation of the power of Congress to this commission?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DEWALT. I ask that the gentleman's time be extended one-half minute to answer the question.

Mr. FORDNEY. I yield one-half minute to the gentleman to answer the question.

Mr. LONGWORTH. I attempted to answer the gentleman from Minnesota [Mr. ANDERSON]. I think there is no question in the world that the Congress has the right to prohibit the importation into this country of any article or provide an agency by which the question should be determined.

Mr. DEWALT. That is, to delegate the power to a commission of this kind?

Mr. LONGWORTH. That is, in so far as the importation of a certain article is concerned.

Mr. FORDNEY. Mr. Chairman, I yield 30 minutes to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Chairman, after the very full and illuminating description of the bill before us presented by our colleague, the gentleman from Ohio [Mr. LONGWORTH], possibly extensions and explanations are almost unnecessary, because he certainly has given us a very able and full description of the bill. I can not expect to add to your information through anything that I may say, but it is a very big subject, and possibly I may bring to you a little different viewpoint on certain of its features than has the gentleman from Ohio.

The bill under consideration, H. R. 8078, entitled "A bill to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled 'An act to increase the revenue, and for other purposes,'" offers one of the most interesting problems for consideration of this House that has come to my attention during my membership in this body. It may not be as far-reaching as some general bills from the Ways and Means Committee, such, for instance, as the revenue acts, but the subject with which it deals has the broadest ramifications. It is not my purpose to go into the tariff features of the bill in detail, other members of the committee with more experience and more intimate knowledge of the subject being much better qualified to explain to the House these sections. I am in hearty accord, however, with the tariff provisions and believe that it is in accordance with sound doctrine and Republican principles to provide the necessary protection to such an industry. Particularly is this true, as it is a well-known fact that dye manufacturing comes absolutely within the province of an infant industry, needing the support and assistance that a protective tariff provides. But the subject is much greater and broader than simply one of a protective duty.

IMPORTANCE OF DYE INDUSTRY.

The Committee on Ways and Means gave extended hearings on the original bill introduced by Mr. LONGWORTH, and supplemented by two further bills. The first, H. R. 2706, did not contain the section providing for the appointment of a licensing commission. The second, H. R. 6495, did contain this provision, and the bill now before the House, H. R. 8078, is the committee revision of the second Longworth bill. The hearings very clearly developed the principal interests of the proponents of the measure. It was early shown that the great textile interests of the country, which abound in New England, and particularly in Massachusetts, were not primarily the subject of solicitude, but rather the development of the manufacture of coal-tar products from the viewpoint of the scientist, the chemist, and the philanthropist. While having every sympathy with the altruistic purposes of the gentlemen interested, as the Massachusetts representative on the Ways and Means Committee, I for one could not overlook the claims of the textile people and the thousands of wage earners in their employ. The industries of Massachusetts and New England are very vitally interested in the use of dyes, and from my viewpoint these interests take precedence over the other questions involved in the pending legislation.

Illustrating the importance of this industry, I beg to insert the tables which are printed in the hearings before the committee. Table A is a list of the industries directly dependent on dyestuffs, showing the number of establishments to be 11,037; the number of persons employed, 1,070,460; the capital invested, $2,530,207,000; value of products, $2,631,390,000. I might add that nearly every one of these industries is represented in Massachusetts or New England and the same statement would apply to Table B. The tables are here given:

TABLE A.—*Industries directly dependent on dyestuffs.*

Industry.	Number of establishments.	Number of people employed.	Capital invested.	Value of products.
Dyeing and finishing textiles	507	48,467	$139,194,000	$109,292,000
Cotton textiles	1,287	385,964	678,809,000	688,094,000
Hosiery and knit goods	1,622	150,520	215,826,000	258,913,000
Silk goods	902	108,170	210,072,000	254,011,000
Woolen and worsted goods	799	158,692	399,653,000	379,484,000
Felt goods and wool felt hats	83	5,284	22,893,000	15,638,000
Carpets and rugs	97	31,309	85,154,000	69,128,000
Shoddy	64	2,145	6,421,000	7,707,000
Linen goods	21	3,567	8,810,000	6,960,000
Mats and matting	12	869	3,055,000	2,236,000
Fur felt hats	224	21,318	39,401,000	37,353,000
Leather industry	741	55,936	332,180,000	367,202,000
Paint and varnish industry	800	16,083	129,534,000	145,624,000
Printing inks	70	1,391	11,943,000	13,830,000
Paper industry (paper alone)	495	42,481	177,413,000	158,427,000
Blacking, stains, etc	197	1,766	4,986,000	9,882,000
Bluing	66	254	712,000	1,184,000
Perfumery and cosmetics	496	2,897	9,647,000	16,899,000
Inks, writing	54	512	2,464,000	2,784,000
Artificial flowers	217	4,808	3,349,000	7,614,000
Buttons	517	14,511	19,075,000	20,712,000
Feathers and plumes	239	4,483	5,396,000	11,451,000
Fur goods	1,322	9,030	29,677,000	43,633,000
Hair work	205	1,193	2,543,000	3,335,000
Total	11,037	1,070,460	2,530,207,000	2,631,390,000

TABLE B.—*Industries indirectly dependent on dyestuffs.*

Industry.	Number of establishments.	Number of people employed.	Capital invested.	Value of products.
Clothing, men's	4,830	173,747	$224,051,000	$458,211,000
Shirts	792	51,972	50,944,000	95,815,000
Suspenders, garters, etc	216	9,646	16,344,000	24,433,000
Hats and caps	580	7,322	6,847,000	18,593,000
Clothing, women's	5,564	168,907	153,549,000	473,888,000
Millinery	2,079	45,274	53,101,000	114,160,000

TABLE B.—*Industries indirectly dependent on dyestuffs*—Continued.

Industry.	Number of establishments.	Number of people employed.	Capital invested.	Value of products.
Awnings, etc	888	5,073	$9,958,000	$18,138,000
Horse clothing	37	1,669	4,482,000	5,150,000
Flags and banners	87	1,495	1,843,000	3,601,000
Regalia and badges, etc	138	2,010	4,122,000	5,025,000
Oilcloth and linoleum	31	5,651	28,041,000	25,598,000
Imitation leather	10	795	6,020,000	6,097,000
Finished products of leather	6,017	251,124	411,167,000	737,393,000
Manufactures of paper	1,711	74,630	138,888,000	174,681,000
Printing and publishing	33,471	272,092	720,232,000	901,534,000
Hat and cap materials	98	1,775	6,417,000	6,929,000
Total	56,549	1,073,182	1,836,006,000	3,069,246,000
Directly dependent	11,037	1,070,460	2,530,207,000	2,631,390,000
Grand total	67,585	2,143,642	4,366,213,000	5,700,636,000

AUTHORSHIP OF BILL.

With due deference to my distinguished colleague, whose name is associated with this bill, it probably is fair to say that at least he had colaborers in its preparation. The eminent counsel who appeared before us did not desire to assume the entire credit for the preparation of the bill, nor did the representative of the Federal Trade Commission acknowledge authorship. Likewise, the Alien Property Custodian showed a *disposition* to sidestep. But it was very apparent that its introduction did not come as a surprise to any one of these persons.

THE CHEMICAL FOUNDATION (INC.).

The hearings were conducted by Hon. J. Harry Covington and Joseph H. Choate, jr., as counsel for the Chemical Foundation and the American Dyes Institute. The Chemical Foundation is a recently formed organization of gentlemen in no way connected with previous manufacture of dyes for commercial purposes, but are gentlemen of high standing who evidently have become interested in the philanthropic side of the manufacture of coal-tar products. The president is Hon. Francis P. Garvan, until recently Alien Property Custodian, but, I believe, at the present time Assistant Attorney General. Hon. A. Mitchell Palmer, former Alien Property Custodian, disposed of practically all important German chemical patents which had been seized through him to the Chemical Foundation, reserving, however, to the Government itself the most important one, namely, the patent for the manufacture of salvarsan. Whether or not it is good ethics for the Alien Property Custodian to sell at a comparatively nominal price such enormously important and valuable rights as are contained in these patents to a company of which he himself is president I will not discuss. The only redeeming feature about the transaction is that neither he nor his associates in the Chemical Foundation need the financial benefit which certainly might accrue through this opportunity.

It will, therefore, be plainly seen that so far as the use of German patents is concerned the Alien Property Custodian has placed in the hands of a group of gentlemen a monopolistic control, which we are told by them will be used to the advantage of the general public. It is to be sincerely hoped that this promise is made in absolute good faith. Personally I have no reason to doubt but that it is. These patents will undoubtedly be made the basis of the future manufacture of dyestuffs in this country, as they have been very generally used during the period of the war, and the experimental work that is now being carried on by certain large manufacturers in this country is, I infer, largely based on their rights to use these seized German patents.

The personnel of the trustees of the Chemical Foundation amply demonstrates that the mercantile use of dyestuffs is absolutely subservient and secondary to the other interests involved. The people promoting the Chemical Foundation found it convenient to make use of names of prominent citizens rather than men interested in the commercial side of the question. That the names have been used in the above manner is evidenced by the fact that one of the trustees, at least, acknowledged in a letter to the clerk of the committee that he did not have sufficient knowledge to add anything to the information submitted to the committee. We can fairly criticize the form of the contract submitted by the Chemical Foundation to manufacturers desiring to use the German patents. This license agreement ties the hands of the manufacturers and in every way keeps the control within the reach of the Chemical Foundation. There is no possible loophole, and the manufacturer is entirely within the power of an organization in no way interested in the commercial feature of the use of the patents.

DEVELOPMENT OF DYESTUFF INDUSTRY.

The future of the dyestuff industry in this country is one of the most important developments following the war. It is important because of its threefold connection. Coal tar is the key and basis of dyestuffs, important chemical compounds, and high explosives, and the interrelation between the three is the interesting and very material feature of the bill before us. The production of dyes for world use previous to the war is another illustration of the keen perception of the German Government in cooperation with their business men. We, as Americans, would not admit that American genius and industry could not have perfected the use of coal-tar products in this country to the same extent as any other set of citizens. But the fact remains that we were lulled to sleep by the easy method of securing same through importation from Germany. Germany was glad to continue to supply the soporific influence, as her authorities realized the importance of the control of coal-tar products as a source of national defense, and the helplessness of the nation entering into war without the opportunity of quickly transferring the commercial factory for dyestuffs into a powerful war energy in the manufacture of high explosives. As an illustration of our dependence on Germany for dyestuffs previous to the war period, we only need to cite the instance that the cargo of the submarine *Deutschland* was practically entirely made up of dyestuffs or intermediates. It is safe to say that aside from a few students of chemistry at that time very few of our citizens realized the interrelation and the narrow separation between coal-tar products for commercial purposes and their use for high explosives. With the alertness displayed by our students of war problems and our manufacturers, it was but a short time after the declaration of war before this country was manufacturing dyestuffs and at the same time the necessary explosives to help win the war. The question confronting us to-day is, Shall such legislation be passed as will protect that infant industry and continue to have available for the future factories where a quick transfer can be made if occasion should require?

FUTURE DYE SUPPLY OF THIS COUNTRY.

We therefore face two problems, absolutely distinct and separate of themselves, but closely interwoven with each other, namely, the manner in which our manufacturers needing dyes will procure them in the future, and the chemical and explosive products from coal tar. I shall address myself principally to the first subject.

Owing to the intricate method of the manufacture of dyes and their easy change from one quality or color to another by chemical processes, it is claimed, and perhaps with some degree of truth, that it is almost impossible to exclude German dyes at this time, either through a high tariff or a stringent antidumping clause. The proponents of the licensing system hold out as a source of great fear to American interests the quantity of the German dyes probably now on hand and ready for shipment to this country at prices below market value. This scare is well answered in a recent address by one of the recognized authorities on tariff matters, Col. John P. Wood, of Philadelphia, from which I quote the following:

> By the time all the other countries that to-day want dyes have received their share of that present value $20,000,000 stock, and when from what is left is eliminated, those dyes that can not be sent here in competition with domestic products which can now be successfully sold in the world's markets, the remainder must be vastly less than normal.

It will therefore be seen that the quantity probably now on hand in Germany need not be a serious menace and that important manufacturers are not anticipating an undue supply. If it is so absolutely wrong at this time to use dyes of Germany, what explanation is offered of the announcement that the President has sent abroad an agent authorized to secure a six months' supply for use in this country? Reliable information has recently been received that the association of shirt makers of the country secured the appointment of this agent through the influence of the Alien Property Custodian, who is president of the Chemical Foundation.

Further, our manufacturers, being obliged to compete with goods of foreign production, must be in a position to secure those dyes best adapted to their immediate needs without regard to their cost and with as little delay as possible. In this connection it may be stated that, although the aggregate volume of dyes used in this country is enormous, the actual increase of the price of a yard of goods on account of the cost of the dye itself is very small. There are two large producers in this country who have entered the business as a result of

the war and who, it is claimed, will be the principal beneficiaries under this act, namely, the National Aniline & Chemical Co. and the Du Pont interests.

PRESENT LARGEST PRODUCERS IN AMERICA.

The National Aniline & Chemical Co. is a combination of those formerly interested in the German importations, but are now manufacturing upon a comparatively large scale in this country. The Du Ponts are also manufacturing a large quantity of dyes and we are informed are conducting very extensive experiments in their factories and laboratories. Neither of these companies submitted testimony before the committee, but their representatives were constantly in attendance and showed keen interest in the proceedings. It is fair to assume that in the three names to be submitted by the American Dyes Institute in the formation of the licensing board these two large concerns will not be unrepresented. What reason is assigned for the intense interest of the above organizations but failure to openly state their attitude before the committee and submit themselves to questions by the committee? If the American Dyes Institute is not actively controlled by these two concerns, their influence within it is sufficiently powerful to practically direct its action. If they are only looking to the greatest good for the greatest number and have no selfish motives to further, there would appear to be no reason for their remaining in the background during the time the hearings were held on the bill.

THE LICENSING SYSTEM.

The real crux of the bill is the proposal of a licensing system, as it is the only new suggestion under consideration. The tariff rates are largely augmented, as it is right they should be, but adoption of this system, other than as a positive war emergency, is a new departure and accompanied with dangerous possibilities. In addition to the direct interest of those forming the Chemical Foundation, the proponents placed their arguments before various prominent men in the textile industry and secured considerable support. Some of this support was afterwards qualified, but at the time of the hearings it is fair to state that the majority of the textile interests from whom the committee heard was evidently favorable to the licensing system.

Mr. YOUNG of North Dakota. Will the gentleman yield?

Mr. TREADWAY. Certainly.

Mr. YOUNG of North Dakota. I am satisfied that the gentleman from Massachusetts offered amendments to this bill in the committee which improved it very greatly, and I know that he was very fearful that the licensing feature of this bill would be dangerous to the manufacturing interests of the country. Is not that correct?

Mr. TREADWAY. I think that is correct.

Mr. YOUNG of North Dakota. Now, coming as I do from the Northwest, where we have no manufacturing to speak of, but are customers buying the cloth, and so forth, manufactured in the East, my thought is our interest in this legislation is just as great as that of the manufacturers. We are both interested in and must look to the quality, and I am satisfied, and I think the Members of Congress who are here to-day are satisfied, that the quality of the dyes that have been used during the past couple of years is very inferior and very much below the standard.

Mr. TREADWAY. I think the gentleman is correct in that statement, and it is a very interesting subject. The testimony the committee received can perhaps be explained something in this manner: The quality of the dyes as made in Germany appears as the result of many years of actual work in their preparation as regards their chemical analysis and the articles going to make them up. They have been able through this long period of years to perfect their methods so that the same quantity of the crudes will actually produce under their system a larger quantity of the intermediates or the finished dyes.

The testimony before the committee seemed to indicate that, dye for dye, so far as our efforts have gone during the brief period we have been making them, our chemists and manufacturers are perfecting the products so that they can compete successfully in quality now with the imported dyes. One reason probably for the poor quality to which the gentleman from North Dakota [Mr. YOUNG] refers, during the past two years, is the result of the great haste that has been necessary to get any dyes in this country to take the place of those we could not import. Further than that, the first concern of the manufacturers during this past two-year period, the time we were actually engaged in the war, was the necessary production of high explosives. The dye industry was secondary, of course, to the manufacture of high explosives. But looking to the future, giving chemists of this country the opportunity for study and labor in the preparation of dyes, there is absolutely no reason why, dye for dye, we eventually are not going to be able to compete with any product of any foreign country.

Mr. BURROUGHS. Will the gentleman yield right there?

Mr. TREADWAY. I will.

Mr. BURROUGHS. Right along that line, did not the testimony before the committee show that American dyes are already in a position to compete successfully and are competing successfully?

Mr. TREADWAY. A great many of them, but not all. We are not making in this country the so-called vat dyes.

Mr. BURROUGHS. Are we not exporting successfully any dyes we are not using to foreign countries and selling them?

Mr. TREADWAY. I am not able to give the gentleman much information on the export feature. But it is certainly true that with the intricacy of dye manufactures and thousands of different grades made by the chemical mixtures, we are making to-day comparatively few of the aggregate of those actually used in the manufacture of goods.

Mr. DICKINSON of Iowa. Will the gentleman yield?

Mr. TREADWAY. I will.

Mr. DICKINSON of Iowa. Was there any testimony taken before your committee showing the conditions under which any independent company could get from this Chemical Foundation the use of the formulas for making these dyes?

Mr. TREADWAY. The conditions will be referred to a little further on in my remarks, but if I do not answer the gentleman's question I shall be glad to be interrupted on that point.

Resuming in reference to the licensing system, it now appears evident that some of this support was the result of adroit arguments being laid before the business concerns and the support obtained without the parties thoroughly familiarizing themselves with the details of the bill or the effect upon their business the licensing system might have. Members of the committee, and I assume the Members of the House, have been hearing from representatives of the industries affected, and there evidently has been considerable change in public sentiment on the measure in the past few weeks. In my own district, where there are very large consumers of dyes, there was a great difference of opinion. The licensing sections as originally submitted were far from satisfactory, and I should have been opposed to the bill had not these sections been rewritten by the committee. Let me briefly note the changes. Originally the period of the life of the dye-licensing commission was to have been for five years. This has been reduced to two. In the first draft the commission was to have been appointed by the President. This was revised so that the commission was to be appointed by various organizations interested in the industry, but would have been controlled by the manufacturers of dyes rather than the industries using the dyes. In other words, the power to grant licenses would have been practically in the hands of the American Dyes Institute. The present draft, section 503 (b), forms the commission of six users of dyes and four manufacturers chosen from various organizations directly affected, so that the users will control the organization. Even with these changes in the personnel it has been found that the board does not meet the approval of the manufacturers, as evidenced by numerous protests reaching the members of the committee since the new draft was made public.

Another extremely important change is the removal of the decision to issue the license upon the judgment of the commission whether or not the dye can be procured in this country. It is now obligatory on the commission to issue the license for importation, provided it be shown that the person applying for the license can not procure the same dye through domestic markets.

Mr. YOUNG of North Dakota. I would like to ask my colleague this question: He has made the statement either that the users of dyes would control, or it is claimed that the users will control, the board. Granting a majority of the board is made up of manufacturers who use the dyes——

Mr. TREADWAY. There are to be six members, my colleague understands.

Mr. YOUNG of North Dakota. Let us assume, then, that six manufacturers are selected who will have that responsibility, and we will say that you are a manufacturer but that you do not happen to have a membership on that board; that you were not appointed, and you come to that board believing that you can not get a dye in the United States that will enable you to make a cloth that you can sell in South America in competition

with goods dyed, say, in Great Britain—now, I think we found during this war that men who served on these boards are human and they are not always alert to do their duty, and possibly from lack of interest or failure to attend a meeting, or possibly even because they envy the big business you have, or out of some old antagonism to you, one of the members of the board may suggest that they refuse to give the license to you, and thereby can compel you to buy that dye in this country against your judgment, when your judgment tells you you must get that dye in Germany or the quality of your product will suffer so much that you will lose business in South America. Now, then, in that case the board either might flatly refuse to give you that license or it might be suggested they let it go over until the next meeting, and by the next meeting you have lost your business or it has been seriously injured. Do you not think it is fair to assume that this licensing proposition involves discretion on the part of the board and it may be used against your interest?

Mr. TREADWAY. The latter part of the gentleman's inquiry brings up the question of delay in granting licenses, which was a very serious argument against the system. I think rather than saying that the granting of a particular license, to which he refers, should go over until the next meeting of the board, perhaps it would be fair to say that feature might be overcome by the general rules that undoubtedly will be laid down by the commission in granting licenses, and that as a matter of actually obtaining a license the manufacturer will not necessarily have to make his application to the full membership of the board. In other words, the chairman, who is the executive officer, and the only man under salary, will, of course, have a wide latitude of power in the use of authority granted to the commission. I think that is fairly safeguarded in the bill. The board will be allowed to make its own rules and regulations, and it is natural to assume that these people will be interested in the development of the industry, and in the industry itself, and in the use of the dyes, and the manufacture of the finished goods, because they themselves are manufacturers. It is hard to conceive that men big enough to represent these large organizations on such a board as this would be petty and small to a business competitor and bring forward the matter of a delay in order not to grant a license to a competitor. I do not think that would be an American proposition.

The rest of the gentleman's inquiry being directed to the question as to whether a manufacturer himself wants a foreign dye or not, that was thrashed out so fully that I think the committee were fairly agreed that the man applying for the license is the one whose judgment will actually be the decisive factor.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TREADWAY. May I have 10 minutes more, Mr. Chairman?

Mr. FORDNEY. Mr. Chairman, I yield to the gentleman 10 minutes more.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 10 minutes more.

Mr. FORDNEY. Mr. Chairman, will the gentleman yield for a question?

Mr. TREADWAY. Certainly.

Mr. FORDNEY. Does the gentleman from Massachusetts believe that the committee will issue a license to each merchant that comes along and asks for a license?

Mr. TREADWAY. Well, I think from the method of the formation of the board if a man says that a dye is not suitable for the kind of goods he wants to use it in, his word is the deciding factor rather than the judgment of the commission.

Mr. FORDNEY. Then why have the licenses made at all?

Mr. TREADWAY. I am not a keen supporter, as the gentleman knows, of the original proposition to establish this system.

Mr. HULINGS. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Certainly.

Mr. HULINGS. I understood the gentleman from Ohio [Mr. LONGWORTH], in answer to the question I asked of him, to say that we were now making these dyes in America. Did I understand him aright?

Mr. TREADWAY. We are making a great many of them, but as I explained in answer to the gentleman from North Dakota [Mr. YOUNG], we are not making all of them. I can not begin to say how many there are. I will ask the gentleman from Ohio [Mr. LONGWORTH] how many kinds and styles of dyes are there actually in use, and how many are made in this country? I would like the gentleman from Ohio to answer in detail that question.

Mr. LONGWORTH. The reports show that there are about 900 different colors that are in use.

Mr. HULINGS. Some of them we can not yet make?

Mr. LONGWORTH. Some of them we can not yet make, but a very few.

Mr. HULINGS. Why should we not protect the American dye makers by a tariff on these that we do not now make, so that any manufacturer can take up these imports that are brought here under that tariff, and at the same time be protecting the development by American manufacturers of these dyes that we do not yet make?

Mr. TREADWAY. That is exactly the claim of the proponents of the licensing system, that by establishing the license system we are protecting those dyes that are made in this country and giving them a chance to develop.

Mr. HULINGS. This Chemical Foundation owns these German patents. Nobody can use them except at their will?

Mr. TREADWAY. At the license of the Chemical Foundation, which, it seems to me, is a pretty powerful weapon that we are placing in the hands of a board in no way connected with dye manufacturing.

Mr. HULINGS. Why would it not be just as well if the Government should take up those patents and make them free to the use of any manufacturer, and then establish a tariff to protect them without any license?

Mr. TREADWAY. The gentleman from Ohio [Mr. LONGWORTH] answered very fully in his statement regarding what he considered to be the absolute need of the licensing system. As one of the members of the committee I am free to say that I have not followed quite so far as the gentleman from Ohio along the line of the imperative need of the licensing board. Probably the gentleman will see, from the nature of the remarks I have made, that I am not a very keen advocate even of the present licensing feature of the bill.

Mr. LONGWORTH. The German patents cover only a very small number of dyes now being made in America. A number of them have expired, and a number of them are about to expire, so that it does not involve the bedrock of the American production.

Mr. HULINGS. What is the relation of the Chemical Foundation that has these patents and the licensing commission?

Mr. LONGWORTH. There is none whatever. The Chemical Foundation has these patents, and this license commission deals only with importers of dyes, and has nothing to do with the manufacture of dyes in this country.

Mr. HULINGS. In that case I really can not see why there is any use in introducing this licensing system.

Mr. TREADWAY. I am afraid the gentleman from Pennsylvania has not been convinced by the argument that the gentleman from Ohio has made for two hours here.

I believe the gentleman from Iowa [Mr. DICKINSON] asked with reference to the form of the license to be issued by the Chemical Foundation?

Mr. DICKINSON of Iowa. And the conditions under which they are issued.

Mr. TREADWAY. The Chemical Foundation absolutely keeps control of the license it grants to any licensee. For further confirmation of that I would refer the gentleman to page 513 of the hearings, where the form of the license appears and the statement issued by the Federal Trade Commission. It is a very powerful and strongly drawn license. The gentleman may be interested in section 13 particularly: "This license may be canceled and terminated in the following manner." It proceeds to tell how the Chemical Foundation can cancel the license and give no reason whatever why it should do so. I fear that the form of the license will give unbounded authority.

Mr. DICKINSON of Iowa. The thought I had in mind was this: That with your license system in this bill and the necessity of procuring a license from the Chemical Foundation Co. you would practically say to an independent man that wanted to get into the dye business, "You can not get in unless you can get inside the combination of one organization or the other."

Mr. TREADWAY. Absolutely, if you doubt the altruistic intentions of the people who are bringing this legislation before us. They represent they are bringing this legislation before us, as I stated in the beginning of my remarks, for the broadest development of the industry, without any financial interest. But they are getting power and authority under this bill which, if lodged in the wrong hands, would be the most powerful agency for monopoly ever established in this country. The bill presents a method of controlling importations through the

license system, while the Chemical Foundation controls the local manufacture through ownership of German patents. You must believe in the men back of it in order to believe in the bill itself.

Mr. DICKINSON of Iowa. Will not the gentleman admit that danger?

Mr. TREADWAY. I do not hesitate to admit it. I have admitted it all along.

Mr. LONGWORTH. If the gentleman will pardon me, this bill in no way affects the Chemical Foundation. It has nothing to do with the Chemical Foundation. It gives them neither rights nor privileges.

Mr. EVANS of Nebraska rose.

Mr. TREADWAY. Does the gentleman from Nebraska desire to ask me a question?

Mr. EVANS of Nebraska. Yes. Then you separate the two? Are they not connected absolutely together in the ultimate result?

Mr. LONGWORTH. They are not connected together in any possible way, as the gentleman from Massachusetts explained. The Chemical Foundation owns some of these chemical patents, which it licenses to American manufacturers, who themselves are manufacturing dyes here in America. The licensing commission simply grants licenses to persons to import dyes to be used in America, not to manufacture dyes. The two things are as far apart as the poles. This bill affects the licensing commission and has nothing whatever to do with the Chemical Foundation.

Mr. TREADWAY. In conjunction with what the gentleman from Ohio [Mr. LONGWORTH] has just suggested, may I say that this fact appears that the Chemical Foundation controls, as we both have endeavored to explain, the use of the seized German patents, 4,500 of them here in the United States, which are in the hands of the Chemical Foundation. That is for dyes made in this country. Now, the Licensing Board is to permit the manufacturer desiring to import dyes to secure them by importation. The Chemical Foundation is domestic, the Licensing Board is for foreign products. But this fact is very distinct and plain, that the Chemical Foundation and the American Dye Institute are sufficiently closely allied so that the same counsel appeared before our committee for both organizations, and three members of the Licensing Board are to be members of the American Dye Institute, as provided in the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TREADWAY. I shall have to ask for 10 minutes more.

Mr. FORDNEY. I yield to the gentleman five minutes more.

Mr. KITCHIN. Would the gentleman like five minutes from this side?

Mr. TREADWAY. I would.

Mr. KITCHIN. I think gentlemen on that side are so much in need of enlightenment and information on this question that I am glad to yield five minutes more to the gentleman. [Laughter.]

Mr. FORDNEY. I thank the gentleman.

Mr. TREADWAY. As I started to explain, there are to be three members of the American Dye Institute on the Licensing Board. The Dye Institute and the Chemical Foundation are practically one. They are interrelated in such a way that as I say the same attorney appeared for both organizations. Consequently I can not agree to the statement of the gentleman from Ohio [Mr. LONGWORTH] that there is no relation between the two bodies, because there is. While the Chemical Foundation deals with one subject, there will be in the Licensing Board three members of the American Dye Institute, so that there is a very close relation between the two bodies, although they are for different purposes.

Mr. LONGWORTH. If the gentleman will pardon me, so that we may get this thing exactly straight——

Mr. TREADWAY. Certainly.

Mr. LONGWORTH. My statement was that there was no relation between their duties, and that this bill has no effect whatever one way or the other upon the Chemical Foundation.

Mr. TREADWAY. Not at all. I corroborate the gentleman's statement in that respect, that the Chemical Foundation has to do with domestic licenses and the Licensing Board has to do with foreign licenses, so that so far as their duties are concerned there is no connection.

LICENSES ONLY FOR WAR EMERGENCIES.

In general I am not a believer in the licensing system. As a war emergency it may have been necessary, but even during the strenuous period of the past two years its power has been seriously abused. Our manufacturers were willing during the stress of wars to submit to delays incident to control by licensing boards and the necessary governmental red tape. That condition is entirely removed at the present time. Both domestic and foreign competition will enter into and become a part of the successful carrying on of business. Customers of big manufacturing plants will not accept the reasons given for nondelivery during the war. While the proponents of the bill, men lacking in experience in the dye business, claim this licensing system would not delay the manufacture of goods, I prefer to weigh against this evidence that now being submitted by men to whom are intrusted the carrying on of the business itself. Again, I have in mind Col. Wood's address. We are told this is practically the only industry that will need the support of a license system. I fear the moment this is adopted other excuses, perhaps as valid as this one, will be presented for our consideration and the horrible example of adoption of this one will come back to trouble us.

I am absolutely opposed to any autocratic, departmental authority being granted over business, and I have with great reluctance consented to support the license system as finally drafted in this bill. I do this only in view of the fact that departmental authority has been completely eliminated. In its present form the licensing board does not recognize any governmental connection, and if we are to have licenses issued for any purpose in connection with business the method under which this one is constituted has as few objectionable features as any that have been suggested.

PERMANENCY OF DYE INDUSTRIES.

There is no industry so important in all its ramifications as the one we are considering. It must be fostered and made permanent in this country. The threefold purposes of coal-tar products are separately or collectively of sufficient importance to warrant almost any exception being made to what would be regarded as the general policy of legislation. The dyestuffs industry in this country must be put on a footing absolutely independent of Germany and able to compete in every way with German products in the near future. Never again must such a sword hang over this Nation as our prewar dependence on Germany for coal-tar products. We are therefore justified in adopting extraordinary and exceptional methods of both excluding German products and fostering our own industry in this country. [Applause.]

Unless some gentleman desires to ask me a question, I yield back the remainder of my time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WALSH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 2972) to extend the cancellation-stamp privilege for the Roosevelt Memorial Association.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 8624) to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GRONNA, Mr. NORRIS, and Mr. SMITH of Georgia as the conferees on the part of the Senate.

COAL-TAR PRODUCTS.

The committee resumed its session.

Mr. FORDNEY. I yield one-half minute to the gentleman from Kansas [Mr. HOCH].

Mr. HOCH. Mr. Chairman, I ask unanimous consent to extend my remarks upon this bill by inserting in the RECORD an address upon this subject recently made by Mr. Culberson, a member of the Tariff Commission.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

Mr. KITCHIN. I yield 20 minutes to the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Chairman and gentlemen of the House, to-day, under a special rule brought before the House, the rent antiprofiteering bill was sent to conference with only five minutes' debate. I had hoped to be able to say something at that time in criticism of what is known as the Ball rent bill, a bill introduced by Senator BALL, of Delaware, and which was put as a rider upon one of the agricultural bills.

Not having had an opportunity this morning to address myself to that bill, I am compelled to take advantage of this opportunity, when another bill is under discussion, for the purpose of discussing that bill.

It is my desire to take what is known as the Ball rent bill section by section and invite attention to what I think are unwise provisions in it. If I should say anything which might bear the construction in the least as reflecting upon its author I want to say at the outset that, if done, it will be thoughtlessly and unintentionally done, because I believe he has been actuated only by the very best motives.

I saw in the Washington Star of yesterday a short history of the life of the Senator whose name this bill bears. In that he describes himself as "a country doctor." I believe that since that is true, and since he has devoted his life to writing prescriptions instead of bills which must stand the constitutional test, accounts for some of the provisions in the bill which I deem to be quite unwise. In addition to that, I think I see all through this bill the voice of Jacob and the hand of Esau. This Congress is quite familiar with what I think of the successful attempts which defeated rent legislation in the last Congress.

This bill really was not considered in the Senate. As evidencing that I will read from the CONGRESSIONAL RECORD when the bill was under discussion. I read from the RECORD of September 12, 1919:

Mr. SHERMAN. There is a condition of that kind existing, and I think a section ought to be added to cover it, if it is not already covered. I had understood that there was a provision of that kind in the bill. I have not seen the print. I am just running through it now. The Senator has prepared a section of that kind.

Immediately after that Senator JONES from the State of Washington said:

Mr. JONES of Washington. I submitted a rough draft of a proposition of that kind to the chairman of the committee on yesterday. I have been busy myself, and I understood that it had been turned over to the drafting expert to be put in proper shape, and understood that it was going to go in the bill, but the only provision I see is the provision limiting it to September 15. I have not here the draft that I prepared. I will ask the Senator this question: Does the Senator think the commission that is provided for here could, to use a common expression, overhaul a lease of that kind?

A little further along in the debate this colloquy occurred:

Mr. ROBINSON. Mr. President, I have been unable to follow very accurately the amendments which have recently been adopted to this provision, and I want to ask some one who has charge of the measure whether, under the amendment last agreed to, the owner of a property or the purchaser of it can recover possession of his house if he desires to occupy it himself, but in order to recover possession of it he must occupy it, and will not be permitted to lease it or rent it to another? Is that the policy of the legislation that is proposed here?

The PRESIDING OFFICER. The Senator from Ohio can answer that question.

Mr. POMERENE. My mind was occupied with another question, and I was not following the query of the Senator from Arkansas.

Then a little later on Senator POMERENE undertook to answer the question. The Senator who is the author of the bill was absent. We have the Senator, the chairman of the Committee on the District of Columbia, offering it as an amendment to the agricultural bill when he had not read it.

Then we have the Senator from the State of Washington, Senator JONES, saying that he prepared an amendment and submitted it, and that it was to go into the bill, but that he could not find it in the bill. Then when the various Senators—and as far as I can ascertain there were only seven present—were discussing the proposition, Senator ROBINSON asked somebody to tell him something about it, and the presiding officer immediately referred to the Senator from Ohio, Senator POMERENE.

The bill first provides a commission to stop profiteering in rents, and before it concludes it takes away that means.

In the beginning of the bill we find this term:

The term "rental property," as defined in the bill, means "any building or any part thereof in the District of Columbia rented or hired for dwelling purposes and the furniture or furnishings therein, but does not include hotels or apartments."

Let me invite the attention of the House to the word "building" in that sentence. The term "rental property" means buildings.

Anybody who knows anything about rent profiteering in the District of Columbia knows that the United States Government is suffering terribly at the hands of the rent profiteers. It is suffering through the renting of vacant land. The United States in the District of Columbia to-day is paying an annual rent equal to one-half of what the vacant real estate is worth. Is it an accident that the bill was drawn so as to cover "buildings" alone and not real estate that the United States Government is renting? I will leave the answer to you.

Another definition in the bill is this:

The term "true value" is defined in the bill as meaning the "actual market value" of the property at the time in question.

In the body of the bill it provides that the rent shall be based on the "true value" of the property. Then under the definition clause it defines the "true value" to mean the "actual market value." For years it has been accepted by the courts that the real value is that fixed in a voluntary sale to a purchaser who is not compelled to buy. The "market value" in the District of Columbia to-day is the price realized by one who voluntarily sells to one who is compelled to buy or go out into the streets. Nobody can make me believe that that definition slipped into this bill by accident only. In my opinion it was put there by somebody, I know not by whom, for the purpose of getting rents not upon the real value but upon this compulsory market value.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. KING. Does the gentleman not want to state who injected that into the bill?

Mr. JOHNSON of Kentucky. I do not know who. If I knew I would unhesitatingly state.

The bill provides that a commission to be known as the rent commission of the District of Columbia be appointed by the President and confirmed by the Senate. Upon former occasions I have said, and I repeat it now, that it is next to impossible to find a man in the District of Columbia who amounts to anything who will take a position of that kind and do his duty. If he be a lawyer, as I have said on former occasions, he must get out of the practice of the law after he has done his duty to tenants. If he be a doctor, he must do the same thing, and if he be a merchant he must do the same thing. I said that before anybody was appointed in the District of Columbia to take care of the rights of tenants. The War Department took a lawyer here in town for that task. By and by he was made a captain, and he was sent to the courts every day to prevent the ejection of war workers. He himself told me only a few days ago that just as he was retiring from that position one of the most prominent real estate dealers in the town came to him and tauntingly said, "What are you going to do when you get out of this Army position?" Clearly, he tells me, implying thereby that he had to go out of the practice of law. Following that his law firm put him out. We have now presented the same proposition, that you are to have a commission of three men, pay them $6,000 a year each, and that each must live in the District of Columbia and must be confirmed by the Senate. If, after they are selected, the United States Senate does not confirm them any quicker than it has granted relief to the oppressed war-worker tenants of the District of Columbia, God knows that their confirmation will be long deferred.

I wish to now direct attention to another feature of the bill, and that is that no complaint can be made to the rent commission until the relation of landlord and tenant exists, and no complaint can be made after the relation of landlord and tenant ceases to exist. If no complaint can be made to the rent commission before the relation of landlord and tenant commences, then when is it to be made? Not until after the tenant is in the house, the apartment, or the room of the landlord, getting heat, light, elevator service, or the linen changed on his bed. Do you tell me that that tenant, even though he be one of our most oppressed war workers, is going to this commission and make complaint against the landlord, who under the terms of the bill can not put him out but who can make things so disagreeable around the house that the tenant can not remain? I predict that if this bill becomes a law there will never be a complaint, and in the meantime this commission of three men will be getting $6,000 a year each, another getting $2,000, with a secretary getting $3,000, a commission with carte blanche to employ whomsoever it pleases, including an attorney, at salaries to be fixed by the commission. The money will be absolutely thrown away, because, as I say, there will never be a complaint. The man who is able to pay the extortionate rent is going to pay it in silence, and the one who is unable to pay it is never going to complain, because the only remedy is a long-drawn-out lawsuit.

During the last Congress, when a rent antiprofiteering bill had passed this House and gone over to the other body, a hearing was held. In that hearing a man named Bates Warren appeared as a spokesman for the real estate people, and this colloquy appeared in the hearings:

Senator HOLLIS. Are you familiar with any place where they do have a rent administrator?

Mr. WARREN. Not in rents.

Senator HOLLIS. Is that an invention of your own, Mr. Warren?

Mr. WARREN. I will not claim it as my own. We all discussed it, and it comes out. I drafted the bill.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. KITCHIN. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. JOHNSON of Kentucky. Mr. Chairman, it is hardly worth while for me to proceed, because I can not discuss the matter in so short a time, but I ask unanimous consent to extend and revise my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to extend and revise his remarks in the RECORD. Is there objection?

There was no objection.

Mr. JOHNSON of Kentucky. Mr. Chairman, before I conclude I wish to present, so that it may be published in the RECORD, some figures obtained by me from the departments here in Washington which kept them from March 11, 1918, down to and including the 4th of November, 1918. This paper which I shall insert in the RECORD gives the number of clerks called to Washington by the Government in our recent emergency. It is not picked out for a particular time. It is all the record they have on the subject. It is made up from the time they commenced to keep the record until they ceased to keep it. During that time there were called here by the Government 68,694 clerks. Out of that number there were driven away from the District of Columbia by extortionate practices the enormous number of 31,962, which left to the Government a net gain in clerks of 36,732. In other words, in order to get 36,732 clerks 31,962 were driven away.

That list is as follows:

WEEK OF MAR. 11, 1918.

Name of department.	Appointments.	Separations.	Net additions.
Food Administration	71	16	55
Fuel Administration	5	13	−8
Library of Congress	8	7	1
Government Printing Office	43	42	1
Interior Department	74	37	37
Justice Department	5	1	4
Commerce Department	61	42	19
Interstate Commerce	7	3	4
Department of Agriculture	76	27	49
Department of War	551	124	427
Federal Trade Commission	13	6	7
Smithsonian Institution	6	7	−1
The Navy Department	60	18	42
Department of State	10	4	6
Emergency Fleet Corporation	116	15	101
United States Shipping Board	23	3	20
Civil Service Commission	27		27
District government	8	15	−7
American Red Cross			
Department of Labor	34	12	22
Treasury Department	437	88	349
United States War Trade Board	69		69
Council National Defense	2		2
Federal Reserve Board			
The Panama Canal			
Director General of Railroads			
Alien Property Custodian			
Total	1,706	480	1,226

WEEK OF MAR. 18, 1918.

Food Administration	45	27	18
Fuel Administration	4	9	−5
Library of Congress	9	4	5
Government Printing Office	64	19	45
Interior Department	67	41	26
Justice Department	4	4	
Commerce Department	62	44	18
Interstate Commerce	6	5	1
Department of Agriculture	46	32	14
Department of War	528	176	352
Federal Trade Commission	8	9	−1
Smithsonian Institution			
The Navy Department	51	18	33
Department of State	7		7
Emergency Fleet Corporation	115	14	101
United States Shipping Board	21		21
Civil Service Commission	8	4	4
District government	21	28	−7
American Red Cross			
Department of Labor	35	8	27
Treasury Department	437	88	349
United States War Trade Board	69		69
Council of National Defense	2		2
Federal Reserve Board			
The Panama Canal			
Director General of Railroads			
Alien Property Custodian			
Total	1,609	530	1,079

WEEK OF MAR. 25, 1918.

Name of department.	Appointments.	Separations.	New additions.
Food Administration	53	45	8
Fuel Administration	16	9	7
Library of Congress	6	5	1
Government Printing Office	43	45	−2
Interior Department	58	61	−3
Justice Department		1	−1
Commerce Department	74	61	13
Interstate Commerce	2	2	
Department of Agriculture	89	62	27
Department of War	557	263	294
Federal Trade Commission	4	8	−4
Smithsonian Institution			
The Navy Department	44	19	25
Department of State	6	3	3
Emergency Fleet Corporation	190	31	159
United States Shipping Board	19	1	18
Civil Service Commission	10		10
District government	11	14	−3
American Red Cross			
Department of Labor	18	8	10
Treasury Department	437	88	349
War Trade Board	69		69
Council of National Defense	3		3
The Panama Canal	1	2	−1
Federal Reserve Board			
Alien Property Custodian			
Director General of Railroads			
Total	1,710	728	982

WEEK OF APR. 1, 1918.

Fuel Administration	10	23	−13
Food Administration	53	26	27
Library of Congress	1	3	−2
Government Printing Office	57	31	26
Interior Department	72	52	20
Department of Justice		3	−3
Commerce Department	77	40	37
Interstate Commerce	11	10	1
Agriculture Department	70	66	4
Department of War	527	329	198
Federal Trade Commission	4	13	−9
Smithsonian Institution			
Navy Department	37	13	24
Department of State	5	2	3
Emergency Fleet Corporation	189	30	159
United States Shipping Board	19		19
Civil Service Commission			
District government	11	13	−2
American Red Cross			
Department of Labor	31	10	21
Treasury Department	287	48	239
War Trade Board	78		78
Council of National Defense	3		3
Federal Reserve Board			
Alien Property Custodian			
The Panama Canal			
Director General of Railroads			
Total	1,542	712	830

WEEK OF APR. 8, 1918.

Food Administration	32	62	−30
Fuel Administration	33	7	26
Library of Congress	1	5	−4
Government Printing Office	45	72	−27
Interior Department	38	42	−4
Department of Justice	4	2	2
Commerce Department	68	58	10
Interstate Commerce	11	10	1
Agriculture Department	53	84	−31
Department of War	772	268	504
Federal Trade Commission	5	6	−1
Smithsonian Institution	6	6	
Navy Department	44	27	17
Department of State	5	1	4
Emergency Fleet Corporation	377	67	310
United States Shipping Board	25	2	23
Civil Service Commission	5	4	1
District government	9	8	1
American Red Cross			
Department of Labor	11	7	4
Treasury Department	603	96	507
War Trade Board	77	31	46
Council of National Defense	3	2	1
Federal Reserve Board			
Alien Property Custodian			
The Panama Canal			
Director General of Railroads			
Total	2,227	867	1,360

WEEK OF APR. 15, 1918.

Name of department.	Appointments.	Separations.	New additions.
Food Administration	43	17	26
Fuel Administration	36	16	20
Library of Congress	1	2	−1
Government Printing Office	41	72	−31
Interior Department	68	41	27
Department of Justice	7	1	6
Commerce Department	77	33	44
Interstate Commerce	6	9	−3
Agriculture Department	58	54	4
Department of War	769	250	519
Federal Trade Commission	5	5	
Smithsonian Institution			
The Navy Department	75	7	68
Department of State	7	4	3
Emergency Fleet Corporation			
United States Shipping Board	18	5	13
Civil Service Commission	1	2	−1
District government	19	20	−1
American Red Cross			
Department of Labor	88	18	70
Treasury Department	485	87	398
War Trade Board	103	23	80
Council National Defense	3	2	1
Federal Reserve Board			
Alien Property Custodian			
The Panama Canal			
Director General of Railroads			
Total	1,910	668	1,242

WEEK OF APR. 22, 1918.

Name of department.	Appointments.	Separations.	New additions.
Food Administration	20	29	−9
Fuel Administration	7	19	−12
Library of Congress	7	2	5
Government Printing Office	61	47	14
Interior Department	44	40	4
Justice Department	10	2	8
Commerce Department	92	72	20
Interstate Commerce	6	5	1
Department of Agriculture	50	56	−6
Department of War	720	249	471
Federal Trade Commission	6	15	−9
Smithsonian Institution	1	2	−1
The Navy Department	50	15	35
Department of State	9		9
Emergency Fleet Corporation			
United States Shipping Board	21	3	18
Civil Service Commission	2	3	−1
District government	12	9	3
Department of Labor	36	18	18
American Red Cross			
Treasury Department	532	102	430
War Trade Board	31	32	−1
Council of National Defense	49	8	41
Federal Reserve Board			
Alien Property Custodian			
The Panama Canal			
Director General of Railroads			
Total	1,766	728	1,038

WEEK OF APR. 29, 1918.

Name of department.	Appointments.	Separations.	New additions.
Food Administration	65	17	48
Fuel Administration	36	9	27
Library of Congress	2		2
Government Printing Office	43	52	−9
Interior Department	52	46	6
Justice Department	4	3	1
Commerce Department	74	44	30
Interstate Commerce	19	16	3
Department of Agriculture	62	44	18
Department of War	374	309	65
Federal Trade Commission	9	4	5
Smithsonian Institution		6	−6
The Navy Department	28	14	14
Department of State	10	7	3
Emergency Fleet Corporation	450	96	354
United States Shipping Board	22		22
Civil Service Commission	7	2	5
District government	11	9	2
American Red Cross			
Department of Labor	42	16	26
Treasury Department	288	82	206
United States War Trade Board	11	9	2
Council National Defense	25	4	21
Federal Reserve Board	3		3
Alien Property Custodian			
The Panama Canal			
Director General of Railroads			
Total	1,637	789	878

WEEK OF MAY 6, 1918.

Name of department.	Appointments.	Separations.	New additions.
Food Administration	48	61	−13
Fuel Administration	13	3	10
Library of Congress	0	2	−2
Government Printing Office	28	39	−11
Interior Department	43	46	−3
Justice Department	0	0	0
Commerce Department	55	44	11
Interstate Commerce Commission	19	16	3
Department of Agriculture	60	77	−17
Department of War	335	202	133
Federal Trade Commission	4	10	−6
Smithsonian Institution	1	2	−1
The Navy Department	44	17	27
Department of State	7	5	2
Emergency Fleet Corporation			
United States Shipping Board	17	0	17
Civil Service Commission	8	1	7
District government	9	7	2
American Red Cross			
Department of Labor	26	10	16
Treasury Department	695	119	576
United States War Trade Board	39	21	18
Council of National Defense	41	4	37
Federal Reserve Board			
Alien Property Custodian			
The Panama Canal			
Director General of Railroads	20	1	19
Total	1,512	687	825

WEEK OF MAY 13, 1918.

Name of department.	Appointments.	Separations.	New additions.
Food Administration	32	34	−2
Fuel Administration	11	26	−15
Library of Congress	10	5	5
Government Printing Office	41	38	3
Interior Department	55	55	
Justice Department	4	6	−2
Commerce Department	47	20	27
Interstate Commerce Commission	19	16	3
Department of Agriculture	77	97	−20
Department of War	785	266	519
Federal Trade Commission	2	8	−6
Smithsonian Institution	9	7	2
Navy Department	25	22	3
Department of State	7	1	6
Emergency Fleet Corporation			
United States Shipping Board	27	3	24
Civil Service Commission	5	2	3
District government	24	20	4
American Red Cross			
Department of Labor	37	14	23
Treasury Department	245	131	114
United States War Trade Board	59	23	36
Council of National Defense	25	4	21
Federal Reserve Board	4	2	2
Alien Property Custodian			
The Panama Canal			
Director General of Railroads	30	2	28
Total	1,580	802	778

WEEK OF MAY 20, 1918.

Name of department.	Appointments.	Separations.	New additions.
Food Administration	44	17	27
Fuel Administration	33	24	9
Library of Congress	7	6	1
Government Printing Office	38	64	−26
Interior Department	73	65	8
Justice Department			
Commerce Department	70	27	43
Interstate Commerce	9	6	3
Department of Agriculture	77	79	−2
Department of War	568	307	261
Federal Trade Commission	4	10	−6
Smithsonian Institution	22	8	14
Navy Department	41	15	26
Department of State	5	2	3
Emergency Fleet Corporation			
United States Shipping Board	27	2	25
Civil Service Commission	3	3	
District government	10	11	−1
American Red Cross			
Department of Labor	48	19	29
Treasury Department	446	125	321
War Trade Board	43	31	12
Council of National Defense	45	7	38
Alien Property Custodian			
The Panama Canal			
Director General of Railroads			
Total	1,613	828	785

WEEK OF MAY 27, 1918.

Name of department.	Appointments.	Separations.	New additions.
Food Administration	66	36	30
Fuel Administration	16	12	4
Library of Congress	6	3	3
Government Printing Office	31	72	—41
Interior Department	70	49	21
Justice Department	7	2	5
Commerce Department	70	30	40
Interstate Commerce	3	10	—7
Department of Agriculture	85	57	28
Department of War	363	276	87
Federal Trade Commission	7	4	3
Smithsonian Institution	4	1	3
The Navy Department	51	21	30
Department of State	2	2	0
Emergency Fleet Corporation	429	191	238
United States Shipping Board	23	5	18
Civil Service Commission	6	6	0
District government	9	11	—2
American Red Cross			
Department of Labor	42	15	27
Treasury Department	196	98	98
United States War Trade Board	40	25	15
Council National Defense	41	8	33
Federal Reserve Board			
Alien Property Custodian			
The Panama Canal			
Director General of Railroads			
Total	1,567	934	633

WEEK OF JUNE 3, 1918.

Food Administration	18	29	—11
Fuel Administration	19	3	16
Library of Congress	7	7	0
Government Printing Office	60	46	14
Interior Department	22	52	—30
Justice Department	8	1	7
Commerce Department	45	26	19
Interstate Commerce	15	30	—15
Department of Agriculture	59	47	12
Department of War	399	234	165
Federal Trade Commission	14	17	—3
Smithsonian Institution	12	6	6
The Navy Department			
Department of State	11	6	5
Emergency Fleet Corporation			
United States Shipping Board	8	8	0
Civil Service Commission	3	7	—4
District government	20	39	—19
American Red Cross			
Department of Labor	64	29	35
Treasury Department	483	148	335
United States War Trade Board	28	58	—30
Counsel National Defense	49	4	45
Federal Reserve Board	3	0	3
The Panama Canal			
Director General of Railroads	15	0	15
Alien Property Custodian			
Total	1,362	797	565

WEEK OF JUNE 10, 1918.

Food Administration	57	45	12
Fuel Administration	31	23	8
Library of Congress	8	5	3
Government Printing Office	65	32	33
Interior Department	140	71	69
Justice Department	6	5	1
Commerce Department	67	19	48
Interstate Commerce	10	9	1
Department of Agriculture	108	83	25
Department of War	298	342	—44
Federal Trade Commission	10	3	7
Smithsonian Institution	1	12	—11
The Navy Department	56	6	50
Department of State	23	7	16
Emergency Fleet Corporation			
United States Shipping Board	40	4	36
Civil Service Commission	9	7	2
District government	17	12	5
American Red Cross			
Department of Labor	36	22	14
Treasury Department	72	103	569
United States War Trade Board	40	29	11
Council National Defense	77	12	65
Federal Reserve Board	9	1	8
The Panama Canal			
Director General of Railroads	18	5	13
Alien Property Custodian			
Total	1,798	857	941

WEEK OF JUNE 17, 1918.

Name of department.	Appointments.	Separations.	New additions.
Food Administration	43	38	5
Fuel Administration	45	32	13
Library of Congress	15	9	6
Government Printing Office	75	39	36
Interior Department	112	64	48
Justice Department	2	3	—1
Commerce Department	60	36	24
Interstate Commerce	16	15	1
Department of Agriculture	99	67	32
Department of War	486	264	222
Federal Trade Commission	15	6	9
Smithsonian Institution	3	2	1
The Navy Department	27	19	8
Department of State	14	4	10
Emergency Fleet Corporation			
United States Shipping Board			
Civil Service Commission	3	4	—1
District government	14	9	5
American Red Cross			
Department of Labor	98	49	49
Treasury Department	338	60	278
United States War Trade Board	52	27	25
Council of National Defense	78	12	66
Federal Reserve Board			
The Panama Canal			
Director General of Railroads			
Alien Property Custodian			
Total	1,595	759	836

WEEK OF JUNE 24, 1918.

Food Administration	44	55	—11
Fuel Administration	74	18	56
Library of Congress	11	8	3
Government Printing Office	44	50	—6
Interior Department	54	38	16
Justice Department	2	3	—1
Commerce Department	65	18	47
Interstate Commerce	19	13	6
Department of Agriculture	74	72	2
Department of War	603	204	399
Federal Trade Commission	17	6	11
Smithsonian Institution	5	7	—2
The Navy Department	132	42	90
Department of State	15	1	14
United States Shipping Board	84	13	71
Civil Service Commission	8	4	4
District government	20	19	1
American Red Cross			
Department of Labor	50	20	30
Treasury Department	616	160	456
United States War Trade Board	50	23	27
Council of National Defense	10	2	8
Federal Reserve Board			
Alien Property Custodian			
The Panama Canal			
Director General of Railroads			
War Industries Board	29	2	27
Total	2,026	778	1,248

WEEK OF JULY 1, 1918.

Food Administration	51	64	—13
Fuel Administration	156	27	129
Library of Congress	8	15	—7
Government Printing Office	38	37	1
Interior Department	84	57	27
Justice Department	3	2	1
Commerce Department	73	46	27
Interstate Commerce	11	4	7
Department of Agriculture	164	79	85
Department of War	392	247	145
Federal Trade Commission	9	2	7
Smithsonian Institution	11	4	7
The Navy Department	68	28	40
Department of State	21	8	13
United States Shipping Board	53	12	41
Civil Service Commission	6	1	5
District government	14	9	5
American Red Cross			
Department of Labor	70	39	31
Treasury Department	266	148	118
United States War Trade Board	71	26	45
Council National Defense	16	3	13
Federal Reserve Board	3		3
Alien Property Custodian			
The Panama Canal			
Director General of Railroads	31	2	29
War Industries Board	99	5	94
Total	1,718	855	853

WEEK OF JULY 8, 1918.

Name of department.	Appointments.	Separations.	New additions.
Food Administration	33	44	−11
Fuel Administration			
Library of Congress	5	0	5
Government Printing Office	18	33	−15
Interior Department	67	60	7
Justice Department	12	6	6
Commerce Department	53	45	8
Interstate Commerce	30	31	−1
Department of Agriculture	138	82	56
Department of War	445	324	121
Federal Trade Commission	10	12	−2
Smithsonian Institution	3	3	0
The Navy Department	33	12	21
Department of State	19	4	15
United States Shipping Board	16	7	9
Civil Service Commission	3	5	−2
District government	6	6	0
American Red Cross			
Department of Labor	21	18	3
Treasury Department	852	119	733
United States War Trade Board	52	15	37
Council National Defense	15	4	11
Federal Reserve Board			
Alien Property Custodian			
The Panama Canal			
Director General of Railroads			
War Industries Board	51	7	44
Total	1,882	837	1,045

WEEK OF JULY 15, 1918.

Name of department.	Appointments.	Separations.	New additions.
Food Administration	31	20	11
Fuel Administration	114	22	92
Library of Congress	3	7	−4
Government Printing Office	52	46	6
Interior Department	110	60	50
Justice Department	4		4
Commerce Department	42	26	16
Interstate Commerce	6	12	−6
Department of Agriculture	145	64	81
Department of War	644	190	454
Federal Trade Commission	5	3	2
Smithsonian Institution	11	3	8
The Navy Department	70	17	53
Department of State	7	5	2
United States Shipping Board	10	12	−2
Civil Service Commission	6	5	1
District government	5	3	2
American Red Cross			
Department of Labor	98	49	49
Treasury Department	627	87	540
United States War Trade Board	46	17	29
Council National Defense	6		6
Federal Reserve Board	5		5
Alien Property Custodian			
The Panama Canal			
Director General of Railroads	25	4	21
War Industries Board	57	12	45
Total	2,129	664	1,465

WEEK OF JULY 22, 1918.

Name of department.	Appointments.	Separations.	New additions.
Food Administration	27	24	3
Fuel Administration	3	7	−4
Library of Congress	3	4	−1
Government Printing Office	96	30	66
Interior Department	80	42	38
Justice Department	3	3	
Commerce Department	82	48	34
Interstate Commerce	5	6	−1
Department of Agriculture	94	99	−5
Department of War	826	253	573
Federal Trade Commission	30	2	28
Smithsonian Institution	2	4	−2
Navy Department	61	22	39
Department of State	9	3	6
United States Shipping Board	18	10	8
Civil Service Commission	5	3	2
District government	24	19	5
American Red Cross			
Department of Labor	96	42	54
Treasury Department	884	81	803
United States War Trade Board	71	34	37
Council National Defense	10	10	
Federal Reserve Board			
Alien Property Custodian			
The Panama Canal			
Director General of Railroads	11	1	10
War Industries Board	25	4	21
Total	2,465	751	1,714

WEEK OF JULY 29, 1918.

Name of department.	Appointments.	Separations.	New additions.
Food Administration	25	36	−11
Fuel Administration	155	35	120
Library of Congress	4	2	2
Government Printing Office	77	51	26
Interior Department	51	39	12
Justice Department	4	4	
Commerce Department	34	40	−6
Interstate Commerce Commission	5	6	−1
Department of Agriculture	95	106	−11
Department of War	948	274	674
Federal Trade Commission	15	6	9
Smithsonian Institution	1	3	−2
Navy Department	47	30	17
Department of State	16	6	10
United States Shipping Board			
Civil Service Commission	5	4	1
District government	8	11	−3
American Red Cross			
Department of Labor	131	51	80
Treasury Department	512	97	415
United States War Trade Board	61	14	47
Council of National Defense	11	7	4
Federal Reserve Board			
Alien Property Custodian			
The Panama Canal			
Director General of Railroads	5	3	2
War Industries Board	50	22	28
Total	2,260	847	1,413

WEEK OF AUG. 5, 1918.

Name of department.	Appointments.	Separations.	New additions.
Food Administration	26	33	−7
Fuel Administration	47	4	43
Library of Congress	8	5	3
Government Printing Office	47	37	10
Interior Department	51	56	−5
Justice Department	4	1	3
Commerce Department	65	37	28
Interstate Commerce	10	10	
Department of Agriculture	71	90	−19
Department of War	610	306	304
Federal Trade Commission	20	5	15
Smithsonian Institution			
Navy Department	66	37	29
Department of State	13	7	6
United States Shipping Board	18	12	6
Civil Service Commission	2	1	1
District government	22	11	11
American Red Cross			
Department of Labor	100	35	65
Treasury Department	539	125	414
United States War Trade Board			
Council of National Defense	15	2	13
Federal Reserve Board			
Alien Property Custodian			
Panama Canal			
Director General of Railroads	152	27	125
War Industries Board	52	26	26
Total	1,938	867	1,071

WEEK OF AUG. 12-19, 1918.

Name of department.	Appointments.	Separations.	New additions.
Food Administration	15	62	−47
Fuel Administration	65		65
Library of Congress	3	4	−1
Government Printing Office	51	35	16
Interior Department	50	50	
Justice Department	4	6	−2
Commerce Department	83	39	44
Interstate Commerce	5	14	−9
Department of Agriculture	100	89	11
Department of War	527	149	378
Federal Trade Commission	15	5	10
Smithsonian Institution	5	18	−13
Navy Department	38	23	15
Department of State	8	4	4
United States Shipping Board	34	22	12
Civil Service Commission	4	5	−1
District government	23	12	11
American Red Cross			
Department of Labor	70	30	40
Treasury Department	436	229	207
United States War Trade Board	89	23	66
Council National Defense	4		4
Federal Reserve Board	1		1
Alien Property Custodian			
Panama Canal			
Director General of Railroads	65	34	31
War Industries Board	49	10	39
Total	1,744	863	881

WEEK OF AUG. 19-26, 1918.

Name of department.	Appointments.	Separations.	New additions.
Food Administration	48	35	13
Fuel Administration	42	8	34
Library of Congress	7	3	4
Government Printing Office	109	37	72
Interior Department	36	29	7
Justice Department	20	8	12
Commerce Department	55	45	10
Interstate Commerce	6	11	−5
Department of Agriculture	94	105	−11
Department of War	821	509	312
Federal Trade Commission	15	3	12
Smithsonian Institution	4	5	−1
The Navy Department	75	10	65
Department of State	9	3	6
United States Shipping Board	22	32	−10
Civil Service Commission	3	6	−3
District government	27	13	14
Department of Labor	70	30	40
Treasury Department	807	116	691
United States War Trade Board	84	33	51
Council National Defense	5	2	3
Federal Reserve Board			
Director General of Railroads	29	6	23
War Industries Board	53	29	24
Panama Canal			
Total	2,441	1,078	1,363

WEEK OF AUG. 26-31, 1918.

Food Administration	19	38	−19
Fuel Administration	67	14	53
Library of Congress	1	10	−9
Government Printing Office	90	50	40
Interior Department	62	52	10
Justice Department	8	8	0
Commerce Department	144	66	78
Interstate Commerce	12	16	−4
Department of Agriculture	85	87	−2
Department of War	753	367	386
Federal Trade Commission	11	4	7
Smithsonian Institution	4	2	2
Navy Department	82	50	32
Department of State	8	2	6
United States Shipping Board	30	16	14
Civil Service Commission			
District government	27	13	14
Department of Labor	82	46	36
Treasury Department	465	94	371
United States War Trade Board			
Council of National Defense	18	2	16
Federal Reserve Board	0	0	0
Director General of Railroads	7	2	5
War Industries Board			
Panama Canal	4	2	2
Total	1,979	941	1,038

WEEK OF SEPT. 2-7, 1918.

Food Administration	33	23	10
Fuel Administration	105	66	39
Library of Congress	6	5	1
Government Printing Office	115	48	67
Interior Department	51	76	−25
Justice Department	5	3	2
Commerce Department	67	67	
Interstate Commerce	7	7	
Department of Agriculture	82	102	−20
Department of War	912	468	444
Federal Trade Commission	13	9	4
Smithsonian Institution	7	8	−1
The Navy Department	71	36	35
Department of State	14	2	12
United States Shipping Board	56	36	20
Civil Service Commission	5	7	−2
District government	11	16	−5
Department of Labor	67	25	42
Treasury Department	970	159	811
United States War Trade Board	54	23	31
Council National Defense	5	2	3
Federal Reserve Board			
Director General of Railroads	4	2	2
War Industries Board	82	18	64
Panama Canal			
Total	2,742	1,208	1,534

WEEK OF SEPT. 9-14, 1918.

Name of department.	Appointments.	Separations.	New additions.
Food Administration	27	63	−36
Fuel Administration	80	18	62
Library of Congress	7	9	− 2
Government Printing Office	85	46	39
Interior Department	53	38	15
Justice Department	9	7	2
Commerce Department	44	54	−10
Interstate Commerce	13	14	− 1
Department of Agriculture	96	131	−35
Smithsonian Institution	2	5	− 3
The Navy Department	36	49	−13
Department of State	23	6	17
United States Shipping Board	41	22	19
Civil Service Commission	6	9	− 3
District government	63	23	40
Department of Labor	76	30	46
Treasury Department	971	160	811
United States War Trade Board	33	31	2
Council National Defense	12	10	2
Federal Reserve Board	1		1
Director General of Railroads	25	9	16
War Industries Board	93	19	74
Department of War	987	402	585
Federal Trade Commission	20	7	13
Panama Canal	(1)	(1)	(1)
Total	2,803	1,162	1,641

WEEK OF SEPT. 16-21, 1918.

Food Administration	25	43	−18
Fuel Administration	29	86	−57
Library of Congress	5	18	−13
Government Printing Office	74	55	19
Interior Department	57	43	14
Justice Department	22	4	18
Commerce Department	85	53	32
Interstate Commerce Commission	19	24	−5
Department of Agriculture	98	113	−15
Smithsonian Institution	8	10	−2
Navy Department	56	52	4
Department of State	34	17	17
United States Shipping Board	68	34	34
Civil Service Commission	4	1	3
District government	21	12	9
Department of Labor	107	21	86
Treasury Department	738	229	509
United States War Trade Board	70	57	13
Council of National Defense	24	5	19
Federal Reserve Board	2	2	
Director General of Railroads	12	2	10
War Industries Board	88	38	50
Department of War	530	461	69
Federal Trade Commission	8	12	−4
Panama Canal	(1)	(1)	(1)
Total	2,184	1,392	792

WEEK OF SEPT. 23-28, 1918.

Food Administration	43	61	−18
Fuel Administration	30	42	−12
Library of Congress	14	8	6
Government Printing Office	71	77	−6
Interior Department	56	61	−5
Justice Department	1	5	−4
Commerce Department	35	68	−33
Interstate Commerce	4	19	−15
Department of Agriculture	70	147	−77
Smithsonian Institution	3	8	−5
Navy Department	37	35	2
Department of State	15	12	3
United States Shipping Board	26	28	−2
Civil Service Commission	4	12	−8
District government	60	22	38
Department of Labor	67	40	27
Treasury Department	1,568	303	1,265
United States War Trade Board	36	38	−2
Council National Defense	10	2	8
Federal Reserve Board	1		1
Director General of Railroads	69	15	54
War Industries Board	83	31	52
Department of War	905	484	421
Federal Trade Commission	6	8	−2
Panama Canal (month of September)		3	−3
Total	3,214	1,529	1,685

[1]Monthly report only.

WEEK OF SEPT. 30–OCT. 5, 1918.

Name of department.	Appointments.	Separations.	New additions.
Food Administration	0	25	−25
Fuel Administration	32	25	7
Library of Congress	20	12	8
Government Printing Office	42	45	−3
Interior Department	52	40	12
Justice Department	14	12	2
Commerce Department	18	36	−18
Interstate Commerce	3	18	−15
Department of Agriculture	76	110	−34
Smithsonian Institution	2	5	− 3
Navy Department	33	20	13
Department of State	30	11	19
United States Shipping Board	28	26	2
Civil Service Commission	3	5	−2
District government	21	17	4
Department of Labor	82	35	47
Treasury Department	1,313	411	902
War Trade Board	41	36	5
Council of National Defense	20	5	15
Federal Reserve Board	4	0	4
Director General of Railroads	66	60	6
War Industries Board	88	13	75
Department of War	970	453	517
Federal Trade Commission	16	8	8
Panama Canal	(1)	(1)	(1)
Total	2,974	1,428	1,546

WEEK OF OCT. 7–12, 1918.

Food Administration	49	46	3
Fuel Administration	95	68	27
Library of Congress	4	4	.....
Government Printing Office	49	37	12
Interior Department	54	38	16
Justice Department	17	7	10
Commerce Department	38	23	15
Interstate Commerce	26	18	8
Department of Agriculture	102	108	−6
Smithsonian Institution	1	5	−4
Navy Department	37	17	20
Department of State	17	5	12
United States Shipping Board	30	24	6
Civil Service Commission	1	4	−3
District government	21	26	−5
Department of Labor	64	20	44
Treasury Department	870	987	−117
United States War Trade Board	51	29	22
Council National Defense	6	7	−1
Federal Reserve Board	3	1	2
Director General of Railroads	24	1	23
War Industries Board	60	10	50
Department of War	360	293	67
Federal Trade Commission	14	4	10
Panama Canal (monthly report only)	.....	.....	.....
Total	1,993	1,782	211

WEEK OF OCT. 14, 1918.

Food Administration	23	23	−1
Fuel Administration	27	18	9
Library of Congress	8	4	4
Government Printing Office	51	26	25
Interior Department	34	35	−1
Justice Department	5	4	1
Commerce Department	28	38	−10
Interstate Commerce	18	10	8
Department of Agriculture	116	135	−19
Smithsonian Institution	5	2	3
The Navy Department	32	31	1
Department of State	13	5	8
United States Shipping Board	46	13	33
Civil Service Commission	4	7	−3
District government	14	13	1
Department of Labor	75	21	54
Treasury Department	930	223	707
United States War Trade Board	82	30	52
Council of National Defense	5	2	3
Federal Reserve Board	2	1	1
Director General of Railroads	16	.....	16
War Industries Board	69	21	48
Department of War	662	495	167
Federal Trade Commission	15	8	7
Panama Canal	(1)	(1)	(1)
Total	2,279	1,165	1,114

[1] Monthly report only.

WEEK OF OCT. 21–26, 1918.

Name of department.	Appointments.	Separations.	New additions.
Food Administration	33	62	−29
Fuel Administration	30	45	−15
Library of Congress	6	1	5
Government Printing Office	28	35	−7
Interior Department	37	33	4
Justice Department	3	12	−9
Commerce Department	12	14	−2
Interstate Department	10	9	1
Department of Agriculture	106	86	20
Smithsonian Institution	3	2	1
The Navy Department	19	13	6
Department of State	20	9	11
United States Shipping Board	41	19	22
Civil Service Commission	1	5	−4
District government	37	41	−4
Department of Labor	53	39	14
Treasury Department	543	287	256
United States War Trade Board	52	18	34
Council National Defense	17	4	13
Federal Reserve Board	.....	.....	.....
Director General of Railroads	36	.....	36
War Industries Board	60	37	23
Department of War	265	226	39
Federal Trade Commission	14	2	12
Panama Canal	(1)	(1)	(1)
Total	1,426	999	427

WEEK OF OCT. 28–NOV. 2, 1918.

Food Administration	31	19	12
Fuel Administration	15	37	−22
Library of Congress	7	9	−2
Government Printing Office	74	29	45
Interior Department	27	88	−61
Justice Department	14	10	4
Commerce Department	24	24	.....
Interstate Commerce	6	32	−26
Department of Agriculture	105	125	−20
Smithsonian Institution	.....	1	−1
The Navy Department	35	26	9
Department of State	19	11	8
United States Shipping Board	33	21	12
Civil Service Commission	3	3	.....
District government	25	33	−8
Department of Labor	110	74	36
Treasury Department	352	72	280
United States War Trade Board	55	52	3
Council of National Defense	6	2	4
Federal Reserve Board	.....	.....	.....
Director General of Railroads	19	6	13
War Industries Board	52	37	15
Department of War	726	93	633
Federal Trade Commission	11	3	8
Panama Canal (month of October)	11	8	3
Total	1,760	815	945

WEEK OF NOV. 4–9, 1918.

Food Administration	16	60	−44
Fuel Administration	5	25	−20
Library of Congress	6	7	−1
Government Printing Office	25	36	−11
Interior Department	29	60	−31
Justice Department	4	2	2
Commerce Department	32	37	−5
Interstate Commerce	8	18	−10
Department of Agriculture	93	112	−19
Smithsonian Institution	4	7	−3
The Navy Department	38	32	6
Department of State	10	5	5
United States Shipping Board	22	30	−8
Civil Service Commission	7	1	6
District government	9	11	−2
Department of Labor	79	24	55
Treasury Department	688	131	557
United States War Trade Board	70	26	44
Council of National Defense	15	2	13
Federal Reserve Board	2	.....	2
Director General of Railroads	15	4	11
War Industries Board	44	18	26
Department of War	376	173	203
Federal Trade Commission	6	4	2
Panama Canal	(1)	(1)	(1)
Total	1,603	825	778

[1] Monthly report only.

Just in the few minutes I have remaining let me invite your attention to another provision, which was shown by the testimony of Mr. Charles Shreve, a real estate man, who appeared before the Senate hearing. He said:

The real estate men's bill, in that their bill states that the rent administrator may fix rentals on the application of any person in interest.

That is found in Senate hearing, part 2, page 92.

It developed in that hearing that the real estate people insisted, until they got it, that there should be an appeal to the courts. Take one of these girls in one of the departments here and compel her to go before the rent administrator, quitting her work to do it, and losing her compensation. After the rent commission has determined the "reasonable" rent to be paid, the landlord can appeal to the court, and we are told every day that the courts are two and a half years behind with their docket, and this bill goes on to specify that these appeal cases shall take the course of all other civil suits. Was that put in accidentally?

It was put in so that the act itself would say that those cases had to take their course, notwithstanding the fact that the courts are two and a half years behind with their dockets. But that is not all on that score. It provides that if the court determines the findings of the rent commission not to be what they should that it goes back to the rent commission, and then the landlord can again appeal it to the court, which is two and a half years behind. In other words, they can get five years of appeal, when the law only lasts for four years. Where is your tenant during all that time? First, your tenant has got to employ a lawyer to prepare the charges that go to the rent commission, and, next, as the bill itself says, the appeal shall be by filing a petition in court. That, of course, means that a petition, which is made necessary, has to be filed, and the tenant can not do that without a lawyer. So I say, as I said in the beginning, that this bill itself provi les the means, and then before it concludes takes away every reasonable means.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. JOHNSON of Kentucky. May I ask the gentleman from Michigan to give me five minutes?

Mr. FORDNEY. Yes; I yield the gentleman five minutes.

Mr. JOHNSON of Kentucky. I thank you, sir. The bill undertakes to say to A that if he leases premises to B that he shall not charge B more than the amount fixed by the rent commission. I am afraid that is not constitutional, and if this whole proceeding is based upon premises that are unconstitutional, all that follows it must be. The penalty in this bill for anything that may be done in violation of its provisions is a fine of $5,000 or imprisonment for not exceeding one year, or both.

If the rent commission fixes the rate of rental not agreed to by the tenant and the landlord before the contract was commenced, but fixed by the commission afterwards, and that tenant should take sick or any other misfortune happen to her, and she be unable to pay that rent, what is the penalty? There is only one penalty in the bill, and it is fine and imprisonment. That is reviving the old law of imprisonment for debt. The bill further provides that if any section or any provision of the bill is held to be unconstitutional it shall relate to that provision only. Therefore, it is a clear, clean-cut proposition that the penalty clause must go out as unconstitutional; and if it goes out, then there is no penalty in the bill, and then you have exactly what the real estate men want.

They pretend to be opposed to this bill, and on several occasions the lady has come pretty nearly protesting too much. But the Star is the official organ for the real estate people and you do not find the Star attacking that bill as it has attacked other bills that would really stop rent profiteering. The realters are opposed to this bill only to the extent that they are opposed to any bill upon the subject. They would rather be left without any bill; but if they are to have any bill they are not opposed to this one. The last section of the bill provides:

That it is hereby declared that the provisions of this section are made necessary by emergencies growing out of the war with the Imperial German Government, resulting—

Listen, please—

in a scarcity of housing facilities in the District of Columbia—

And so forth.

So they undertake, by putting that last sentence in, to destroy the bill. That says to the court where these appeals are to go that this much be done because there is a scarcity of housing facilities in the District of Columbia. Then, those who will contest the bill will say that we undertake to do away with the law of supply and demand. [Applause.]

Mr. Chairman, I believe I have asked leave to revise and extend my remarks, but I will not so extend. Instead, I will await another opportunity to say more on this subject.

Mr. FORDNEY. Mr. Chairman, I yield 12 minutes to the gentleman from Nebraska [Mr. KINKAID].

Mr. KINKAID. Mr. Chairman and gentlemen of the committee, in view of the consideration being given to the pending bill, the purpose of which is to develop and conserve an American dyestuff industry, and likewise in view of several bills reported by the Ways and Means Committee intended to develop and protect American industries, especially those that were initiated by reason of our extremity in the war, I trust it may not be regarded as an abrupt departure for me to propound to you, Why not protect potash? And have we not reached a legislative stage midway this session when it becomes permissible to inquire, Why not preserve our infant domestic potash industry from the illegitimate competition of the German potash monopoly? Our domestic industry does not seek any special or exceptional privilege or advantage not usually accorded infant industries. It does seek economic equality with other American industries of a similar character and in like condition.

But let me make it clear, it is not my intention to complain, but it is my purpose to appeal, which I do very earnestly, for relief for our domestic potash industry. It is very exigent that relief be had and that it come soon.

But first I heartily congratulate the membership of the Ways and Means Committee on what they have so far accomplished in the advancement of measures for the development, preservation, and prosperity of home industries, and I feel that they deserve the commendation of the House and of the public generally for the faithful and arduous services they have performed. The policy thus evinced to encourage and develop American industries, wisely carried out, as it will be, is bound to promote our material progress and general prosperity. Such of these bills as have already been passed in the House have received my support. The favorable reports made upon these industrial bills reasonably warrants and forecasts like favorable action of this committee on H. R. 4870, introduced by the able chairman of the committee, entitled "An act to provide revenue for the Government and to safeguard, by a license control of imports of potassium salts and by imposing an import duty thereon, the interests of domestic potash producers."

But investors in the potash industry are not seeking legislative relief merely because it is being accorded to other mineral, metal, and other kinds of industries, brought into existence or advanced by the exigencies of the war. The potash industry is willing to submit its case on its own merits, which are second to none of the several industries for which protection in some form is now in contemplation, and stand or fall thereby. It seeks only the justice which should be granted by the Government under similar circumstances.

When war was imminent and after it had commenced, the same appeals were made and the same inducements held out by the President, the Secretary of the Interior, the Secretary of Agriculture, the chairman of the War Trade Board, and like sanctions given by the Director of the Bureau of Geological Survey, the Director of the Bureau of Mines, the Director of the Bureau of Soils, and by other proper officials, for the production of potash as for other minerals, ores, and metals essential to the prosecution of the war.

Mr. Chairman, so grave had become the situation on account of the meager supply of potash that, in accord with the recommendation made by the President, the Congress promptly passed the act "to authorize exploration for and disposition of potassium"—potash—which was approved October 2, 1917. This act provides specifically for the giving of leases on the alkaline waters of Searles Lake, Calif., for the operation of potash plants, and also provides specifically for leases on the public lands in Sweetwater County, Wyo., for potash production. On the whole, the act was intended to stimulate the production of potash in the United States by every feasible means.

Further, in behalf of the increased production of potash, the President by his proclamation delivered February 25, 1918, by authority of the act "to provide for the further national security and defense by encouraging the supply of foods, fuel, and so forth," approved August 10, 1917, declared fertilizers and their ingredients, including potash, to be essential to food production. Naturally this gave a further stimulus to the efforts made for the discovery and development of potash.

Again, on October 5, 1918, the President approved the act "to provide further for the national security and defense by encouraging the production" of numerous minerals, ores, and

chemicals, including manganese, pyrites, tungsten, and potassium—potash—and certainly this act contributed materially to efforts made for the production of potash and other things specified.

In the Agricultural appropriation bill for the fiscal year 1917 an appropriation of $175,000 was granted for the investigation and demonstration in the United States, for obtaining the best method of producing potash on a commercial scale from kelp, and to establish a plant or plants for that purpose. Again, in the Agricultural appropriation bill for the fiscal year of 1919, it was provided that so much of that appropriation of $175,000 as remained unexpended be reappropriated for a continuance of the experiment. But I should state that the experiments with kelp commenced in 1911 and have since continued.

Many more inducements were offered and appeals made in behalf of the production of potash and other war essentials, but I shall not now further specify what they were.

Mr. Chairman, what was the result of all these governmental appeals made and legislative acts passed to promote and increase the production of potash? The answer is, the effect was most gratifying, both in new discoveries made of potash resources and in the quantity produced. Geologists, mineralogists, miners, prospectors, and citizens generally promptly responded, to the end that a famine in potash and other minerals and materials useful in peace and essential in war might be averted.

Mr. CRISP. Will the gentleman yield?

Mr. KINKAID. I will.

Mr. CRISP. Did not these same patriotic gentlemen charge from $4 to $6 a unit when before the war the farmers got potash at 75 cents a unit, and will not the fact we increase the tariff on potash increase the cost of producing vegetables and food supplies and increase the cost of living to people living in the cities rather than reduce it?

Mr. KINKAID. I answer the gentleman by saying that the high price of potash was brought about directly by the course of the German potash monopoly and the indulgence extended to it for years when America was sleeping on its opportunity to itself develop the industry. That was the reason that potash sold for $6 when it should have been sold for $1.50, or perhaps $1, and it is just a recurrence of such an extremity as that which the Fordney bill would prevent.

Mr. CRISP. Will the gentleman yield to another question?

Mr. KINKAID. Certainly.

Mr. CRISP. The gentleman has held up the bugaboo about wanting to stop the German from coming in. Is it not true that the former German field—Alsace-Lorraine—is now the property of France, and if we thought sufficiently well of France to send our money and soldiers over there to assist her, would it not be a friendly act to have some commercial dealings with her?

Mr. KINKAID. I will answer my friend that, unfortunately, it is not true that the Alsace-Lorraine potash belongs to France.

Mr. CRISP. I will take issue with the gentleman. It does.

Mr. KINKAID. The owners are German, and it is under their individual control. My latest information is, and I think it is up to date, that it belongs to Germans, and that they boast that they will still control these mines. Germany is now trying to throttle development of the potash industry in the United States, just as it has always done, and just as it diligently tried to prevent the development of the industry for years previous to the war.

Mr. GARNER. Would the gentleman mind? There is a diversity of controversy here as to the ownership of the Alsace-Lorraine mines. The Ways and Means Committee have had hearings on the subject, and a man who has returned from there inside of 40 days gave us information. Would the gentleman mind giving the source of his information to the House?

Mr. KINKAID. My informant is the former chief of the fertilizer branch of the Department of Agriculture, Mr. Brown.

Mr. GARNER. Has he been over in France and did he secure this information there?

Mr. KINKAID. No; but he is about as up to date as anybody can be, because that is his calling, and he is up on potash questions.

Mr. GARNER. The Department of Commerce sent a man over there, and he reported back that those mines were under control of the French people, and that potash could be shipped from Alsace-Lorraine as cheaply as it could from Germany or any other place.

Mr. KINKAID. However, I regard that as wholly immaterial. The United States, having boundless resources of potash, would be untrue to its own interest if it did not develop that industry and keep itself self-sustaining and independent, as far as potash is concerned, of foreign countries. [Applause on the Republican side.]

Mr. GREEN of Iowa. Will my friend yield?

Mr. KINKAID. I yield.

Mr. GREEN of Iowa. In the first place, I am unable to agree with the gentleman from Texas as to the information in the hearings. It did develop there that the French had legal control over the mines, and I do not remember that anything was stated in the hearings as to just what capital was operating them. But still more important than that, as the gentleman is well aware, there is still in German territory, as left to Germany at the present day, very large and extensive deposits of potash that are claimed to be richer than those of Alsace-Lorraine.

Mr. KINKAID. I prefer American potash to French potash, if they may have it to spare, and especially do I prefer it to German potash, and in general in preference to the potash of any other country. And I prefer the American industry and the interests of American labor to that of any other country. [Applause on the Republican side.]

Mr. CRISP. Will my friend yield?

Mr. KINKAID. I will.

Mr. CRISP. The gentleman prefers Nebraska potash to California potash, does he not?

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. KINKAID. May I have a few minutes more?

Mr. FORDNEY. I yield five minutes more to the gentleman.

Mr. KINKAID. This is not a Nebraska question, a California question, a Georgia question, a down-South or up-North question, but it is an American question; and if we are true to the welfare of our country, when we have this great resource lying dormant, if we are true to the future of our country and the welfare of all of our citizens, we will do what we can in a reasonable way to develop and preserve the industry. [Applause on the Republican side.] And we will prevent a recurrence of that extremity which the gentleman from Georgia [Mr. CRISP] has referred to, namely, potash at $6 a unit.

Resuming, the testimony of Mr. W. E. Sharp, president of one of the largest potash companies, shows that "6,000 of the Nebraska citizens poured in their money to hasten quantity production of potash." "Great hordes of men worked feverishly day and night to erect mammoth plants and thereafter to operate them."

The reports of the hearings further show that nearly $50,000,000 has been invested in the potash industry in America. (See committee hearings on H. R. 4870, p. 271.) Of this $50,000,000, from $12,000,000 to $15,000,000 has been invested in plants and the development of the industry in the sand hills of western Nebraska.

In the United States there were more than 150 plants and factories manufacturing potash when the armistice was signed, which includes all the sources of potash. In Nebraska there were 9 large plants and from 15 to 20 smaller plants. These plants have 260 miles of 8 and 6-inch pipe line which have 26,000 wells connected up. These fine plants cost all the way from $600,000 to $1,500,000 each, and the 16 smaller plants all the way from $15,000 to $20,000 up to $100,000 each, according to statements made by Mr. Sharp, of Lincoln, Nebr. (Hearings before the Committee on Mines and Mining, Senate on S. 5557.)

At Searles Lake, Calif., are two very large plants and a third partly constructed. Utah has five large plants, and there are plants in Colorado, Georgia, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, Ohio, Pennsylvania, Tennessee, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. In all, there are more than 150 plants for the production of potash from American sources.

In Nebraska, the origin of the towns of Hoffland and Antioch, with a population of about 1,500 each, was due wholly to the establishment of potash plants on their sites. Likewise, the growth of the hitherto crossroads town of Lakeside to a population of 1,000 is due wholly to the development of the potash industry there.

The Great Western Sugar Co. has expended almost $500,000 in its plants at Gering and Scottsbluff, Nebr., in equipping to produce potash from Steffens water, a by-product of sugar beets. This company has also similarly equipped plants in some of its Colorado sugar-beet factories, and while it produced at the rate of 6,000 tons of pure potash in 1918, it is prepared to greatly increase this amount in the near future. There are more than 100 sugar-beet factories in the United States, which if properly equipped might produce potash in the same proportion.

The production of potash in the United States in 1918 was 60,000 tons of pure potash. The estimated consumption for the next few years is 100,000 tons, for fertilizer purposes.

So far the Nebraska plants have yielded the largest potash production. For the first six months of 1918 the Nebraska lakes yielded 43,219 tons of potash salts, equivalent to 10,232

tons of actual potash, which shows progressive and rapid development.

Mr. Chairman, notwithstanding the generous, energetic, and loyal responses to the appeals of the Government for an increased production of potash in the United States, notwithstanding the large amounts of money invested, and notwithstanding the rapid developments made, both in the discoveries of potash resources, and especially in its increased production, the industry and the investors therein now confront bankruptcy unless legislation be granted to safeguard them against the illegitimate competition of the German potash monopoly. Besides expending their own money the investors have found it necessary to borrow large sums, and must now meet the obligations they have incurred.

Contemporaneously with the signing of the armistice the demand for our domestic potash ceased because of the prospects that the importation of German potash into the United States would soon be resumed, as had been the practice before the war, when there was no domestic product.

For a time the stronger companies tried to stem the difficulty, hoping to survive until relief could be afforded by the Congress, but several months ago even these stronger companies, who were running with very heavy expenses for production without being able to make sale of any of the product, found themselves obliged to give up further expenditures and operations and shut down their plants.

Mr. Chairman, why depend upon Germany for potash when we have an abundance at home? The reports of the hearings on the Fordney bill show that it is the opinion of experts that enough potash can be derived from the leucite rock in the State of Wyoming alone for home consumption for the next 800 years. Adding to this what may be said to be in sight in other geological resources, it is fair to say there is enough potash recoverable from the earth to last 2,000 years without counting on probable new discoveries. Then adding to geological sources the great by-products resources and the kelp resources, we are fully warranted in assuming that all these combined potash resources are abundantly adequate to meet the wants of home consumption interminably.

Mr. Chairman, I think it will be patent to all who have given the question attention that the potash industry in the United States can not be possibly resumed and continued without being safeguarded against unfair competition with the German product. Both German and Alsatian potash are now being offered in America at from $1.50 to $1.70 per unit. Before the war the importations were sold at about 80 cents per unit, but it is estimated that due to the higher cost of labor and increased railway freight rates in Germany, as well as an increase of ocean freight rates, that the German potash is not likely to fall back to prewar prices. In fact, it is probable that prices will be maintained for an indefinite time at a higher level than that which prevailed before the war.

As all know, the American potash industry has been developed on a war-price basis for all necessary materials and labor required, with the result that during the war the production of pure potash cost about $4 per unit. The consequence is the American producers can not hope to break even on any surplus remaining in their hands after the signing of the armistice.

But the showings are conclusive that potash can now be produced in the United States and put on the market at $2.50 per unit, and accordingly American producers have proposed to the Ways and Means Committee, as the hearings will show, that the legislation they seek may provide that the maximum price to be paid per unit for their potash for the next year shall not exceed $2.50 per unit; but the act will leave it in the discretion of the Government officials or commission, as the case may be, to fix a lower price than $2.50 per unit when it may seem reasonable to do so.

Mr. Chairman, as an admission of the existing moral obligation of the Government to preserve those who so generously responded to the appeals made for the increased production of minerals, metals, ores, and other things necessary to the winning of the war, I cite the act of Congress approved March 2, 1917, "to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes." The act authorizes the Secretary of the Interior—

to adjust, liquidate, and pay such net losses as have been suffered by any person, firm, or corporation by reason of producing or preparing to produce either manganese, chrome, pyrites, or tungsten in compliance with the request or demand of the Department of the Interior, the War Industries Board, the War Trade Board, the Shipping Board, or the Emergency Fleet Corporation to supply the urgent needs of the Nation in the prosecution of the war, said minerals being enumerated in the act of Congress approved October 5, 1918, entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported or of which there is or may be an inadequate supply.

Eight million five hundred thousand dollars is appropriated by this act from which to reimburse for such expenses and losses in producing the minerals, metals, and ores specified, also expenses and losses sustained by those who contracted with the Government for the manufacture of equipment, material, supplies, etc., for war purposes. Adjustments of the claims under this act are now in progress, and the awards being made are to be paid out of the $8,500,000 appropriation. The producers of potash laudably and courageously have not sought governmental relief in the form provided by this act; but by reason of the phenomenal success they have made in the disclosures of potash resources and increased production they are convinced that the industry can be made permanent and profitable by the enactment of legislation which will preserve them from illegitimate German competition for but the short period of two years. They therefore seek the safeguarding of this infant industry in some form for this short time, and the license scheme provided in the Fordney bill will be acceptable to them.

In accordance with this commendable attitude of producers there was introduced in the Senate during the last session of the Sixty-fifth Congress Senate bill 5557 by Senator HENDERSON, and the Hon. Franklin K. Lane, the Secretary of the Interior, on February 12, 1919, wrote the chairman of the Committee on Mines and Mining a letter giving the provisions of this bill his unqualified indorsement. The letter from Secretary Lane to Senator HENDERSON reads as follows:

THE SECRETARY OF THE INTERIOR,
Washington, February 12, 1919.

MY DEAR SENATOR HENDERSON: In reply to your letter of February 8, requesting an opinion with regard to the Senate bill No. 5557, for the encouragement of the domestic production of potash. The need for such legislation lies in the fact that national necessity and high prices have led to the investment of a very large amount of capital (a minimum of at least twenty-five to thirty million dollars) in the development of this new industry.

Before the war potash salts were the most bulky of all overseas mineral imports, amounting to approximately 1,000,000 tons a year. It was the most important world mineral entirely controlled by Germany. The supply for fertilizer uses in this country was practically entirely cut off at the beginning of the European war. No adequate substitute for potash has been developed during this period of shortage.

The possible sources of potash supply in the United States were not very promising from a commercial standpoint in normal times. However, exploration of deposits, the development of new processes for treatment, and the investment of large amounts of capital have now brought the industry to a state which is more encouraging for the commercial production of a large part of our requirements. Potash can be produced from a wide variety of sources, including natural deposits and as a by-product in many industries. The supply of raw materials is practically unlimited. Some of the possible sources could supply the entire requirements of the United States for many years. The natural deposits at Searles Lake, Calif., the saline lakes of Nebraska, leucite rock in Wyoming, alunite in Utah, greensands, potash-bearing shale and feldspars in the Eastern United States; the potash recoverable from the dust in cement plants and blast furnaces, and from the wastes in beet-sugar plants, and from other industries represent a wide variety of important sources. Production from many of these sources is just emerging from the experimental stage, and the dumping on the market of cheap potash from foreign sources would tend to kill an industry which with a reasonable amount of encouragement may become a large and permanent one.

I believe that the proposed bill is necessary to insure a market for the domestic product for a sufficient period of time to give an opportunity for the improvement of processes, the recovery of by-products, and the reduction of costs which will ultimately permit competition with foreign sources of supply. If such action is not taken the large amount of invested capital and the experimental work which has been done may be largely lost.

The method proposed to insure a market for the domestic output by licensing imports imposes the least financial burden on the country by permitting the import of as much foreign material as is required at the cheapest prices obtainable, while at the same time providing for the distribution of the domestic material at higher prices. The average price from the two sources should not represent any undue burden.

I believe that there are many factors which make the situation with regard to potash peculiar, and especially deserving of such action. In the case of potash the resources in the natural deposits and by-products are sufficient as a basis for a permanent industry. This is not true of many of the other war minerals. More complicated methods and more extensive plants are required for the production of potash than in those minerals where the operation is purely of a mining character, following well-known and accepted methods. The chances are better for the improvement of methods and the reduction of costs to a basis where competition with foreign material is possible. The amount of capital invested is probably greater than in any other new "war mineral" industry. The transportation problem, while an important factor, is not so acute as in many of the other minerals, and may be partially overcome by the concentration of the material into a high-grade product. Furthermore, the development of potash is important now, not as a war measure but as a peace measure for the primary purpose of increasing agricultural production as well as affording a supply for other domestic uses in the future. I am clearly of the opinion that this measure should be confined exclusively to potash.

I direct particular attention to the memorandum prepared in the Geological Survey covering the potash situation and the importance of legislation for its encouragement.

I wish to express my approval of the bill and hope that favorable action will be taken with regard to it.

Cordially, yours,

FRANKLIN K. LANE, *Secretary.*

Hon. CHARLES B. HENDERSON,
United States Senate.

That same Senate bill also received the indorsement of the Secretary of Agriculture and the chairman of the War Trade Board, as well as the official sanctions or indorsements of the directors of the Geological Survey, the Bureau of Mines, and the Bureau of Soils.

I desire to call attention to the contents of a letter written Col. Myron M. Parker, Washington, D. C., attorney for the National Potash Association, by Hon. Willis L. Moore, for 18 years Chief of the United States Weather Bureau, and once Assistant Secretary of Agriculture, but now a farmer and fruit raiser on a large scale, with his post office at Rockville, Md. This letter expresses his firm support of the conservation of our domestic potash industry. The letter reads as follows:

MOORELAND FARM,
Rockville, Md., June 27, 1919.

Col. MYRON M. PARKER,
Washington, D. C.

MY DEAR COLONEL: The National Grange comes closer to the farmer than any other organization of farmers. It is composed of real farmers, and its organization is extensive. I am a member of the grange at Alvey, Md.

For 18 years I was Chief of the United States Weather Bureau, and also an Assistant Secretary of Agriculture, and for 13 years I have owned and personally operated a large fruit, grain, and stock farm at Rockville, Md. My interests are therefore wholly with the betterment of the agricultural conditions of the Nation.

One of the things that seems to me to be imperative is that the beginning that the United States has made as a necessity of war in the manufacture of potash should continue until this country becomes independent of Germany or any other nation in the supplying of this absolutely necessary fertilizer. Every farseeing farmer will willingly pay whatever price is necessary to protect this new American industry, to the end that we may become independent of other countries and ultimately get the American product cheaper than it can be shipped to us from abroad. No doubt the Germans will sell to us as soon as trade relations are resumed at less than the cost to the manufacturer in this country, but, as a farmer, I know that as soon as the American manufacturer is driven out of business and his plants destroyed the price of the foreign potash will go to an altitude beyond that which is now necessary to protect the American producers of this farm necessity. The price of food is not only high, but it will stay high for years to come, and I know that I and other farmers can use potash at the present price at a profit to ourselves, and the home industry of manufacturing potash be developed to the time when a healthy American competition will give us this commodity as cheap as it can be produced and shipped to us from over the seas.

Above all we should not adopt any shortsighted policy that will ever again put this country at the mercy of a foreign country for our supply of this plant food, especially if that country is now an enemy or is ever likely to become one.

Very respectfully,

WILLIS L. MOORE.

The New York Sun, in its issue of June 11 of this year, contained an article earnestly advocating the preservation of our domestic industries developed by the war, including potash. It reads:

ONCE WAR, NOW PEACE, INDUSTRIES.

The Congress hearings have begun on tariff questions, which should be settled straightway. While the war was on hundreds of millions of American capital went into the manufacture of dyestuffs, because this country was destitute of them and could not obtain them in any other way. Hundreds of millions likewise went into potash, nitrate, manganese, and magnesite products. These, at the time, were war industries pure and simple. Some of them were as essential to our victory abroad and to our safety at home as shells from the munition plants and ships from the shipbuilding plants.

But, with the war over, unlike shrapnel, bayonets, and torpedoes, they still are indispensable to our national security and national welfare. Whether by war of arms or by war of trade or by whatever circumstances this Nation of 110,000,000 people, in 48 State groupings, some of them bigger, richer, and more populous than kingdoms and republics of the Old World, must never again be caught unprepared to supply itself out of its vast resources with the basic needs of industries and the basic needs of foods as imperatively required by our national life as the water we drink and the air we breathe.

If, with our tariff laws and with whatever other action may be necessary, we do not preserve forever the industries which we did not possess before the war, but which we do now possess in almost full perfection, it will not be merely political ingratitude, it will be national lunacy.

Mr. Chairman, I have used the term "illegitimate German competition," meaning in the sale of German potash in our American market. I desire to say I have so used the words advisedly, for I do not regard it as fair and just to our domestic potash industry, having been brought into existence by the circumstance of war with Germany, provoked by its own hostilities, followed by its own embargo placed upon the exportation of potash into the United States and other countries, as a war measure, coupled with the further circumstance, very repellent, that the identical potash which Germany would now ship into the United States was produced in the German mines by prisoners of war. Who dare say that competition under such circumstances would be legitimate? Unrestricted German competition is repulsive for the additional reason that, in a legal sense, Germany has maliciously endeavored to stifle the development of the potash industry in the United States by intrigue, intimidation, and dumping. The great Kali Syndicate, composed of German stockholders, with the German Government itself interested, in order to save the sacrifice incident to a dumping policy, has tried to intimidate American investors from making developments of potash.

Mr. Harry O. Tucker, a representative of the American Trona Co., at Searles Lake, Calif., has made affidavit to the visit of one Paul Freudrichsen upon his company several times in the direct interests of this German Kali Syndicate for the Western States and Hawaii. These visits were made during the three or four months immediately preceding the declaration of war.

The affidavit further describes, in substance, the persistent efforts made by this agent of the German syndicate to both discourage and intimidate the Trona Co. from its undertaking to produce potash. I shall not take time to here read the affidavit, but it will be copied with my remarks.

[See p. 201 of committee hearings H. R. 4870.]

I, Harry O. Tucker, being first duly sworn, depose and say that I am a resident of Los Angeles, Calif., and the traffic manager of the American Trona Corporation, which owns and operates a potash reduction plant at Trona, Searles Lake, Calif., with an investment of approximately $5,000,000; that Paul Freudrichsen, whose official title is propaganda manager for the German Kali Syndicate for the Western States and Hawaii, came into the office of the Trona Corporation at different times during the three or four months immediately preceding the United States entering the World War, and stated in the presence of Mr. Ernest Gordon, assistant secretary and assistant treasurer of the American Trona Corporation, also in the presence of the affiant, that the stockholders of the American Trona Corporation were foolish and unwise to invest their money in a potash-reduction enterprise in the United States for the reason that the German Kali Syndicate and the Imperial German Government would after the conclusion of the war absolutely destroy the American potash industry by marketing the German potash in the United States at such low figures as to absolutely preclude and bar any and all competition; that the German Kali Syndicate and the Imperial German Government absolutely controlled the potash production and market of the world, and pictured in great detail the immensity and strength of the German Kali Syndicate, governmentally controlled, and stated that it was useless and futile for any potash-reduction enterprise in the United States to undertake to compete with the German potash, for said syndicate and the Imperial German Government intended to destroy all competition; that said Freudrichsen had no apparent reason for coming to the American Trona Corporation offices except to communicate above statements on behalf of the German Kali Syndicate; that the affiant was personally present and heard above statements in at least one of the said interviews, and personally knows of said Freudrichsen making other visits to said offices for the same purposes, it being at that time freely discussed by Mr. Gordon, the affiant, and other officers and employees of the American Trona Corporation; that said Freudrichsen was, by his statements aforesaid and his general conduct and bearing and ostentation endeavoring to dishearten, discourage, threaten, and intimidate the officers and stockholders of the American Trona Corporation in the matter of their proceeding with the development of potash production from the almost inexhaustible potash deposits of Lake Searles, Calif.; that the German Kali Syndicate maintains five offices in the United States as centers of propaganda work, and that the said Freudrichsen was connected with and operated from the San Francisco office, the other offices being at New York City, Chicago, Atlanta, and New Orleans, respectively; that in affiant's judgment the aforesaid conduct, attitude, tactics, threats, and intimidations were but a part and parcel of a general, insidious, and subtle program and system of propaganda carried on and conducted by said syndicate over the United States during the war and for the purposes aforesaid.

HARRY O. TUCKER.

Sworn and subscribed to before me this 7th day of February, 1919.

[SEAL.] MYRON M. CADY, *Notary Public.*

One Emery, at Bradford, Pa., as far back as 1902, engaged in the manufacture of oxalic acid from potash. His production was sold in 1902 at 16 cents per pound, but dumping from Germany forced the price down to less than 5 cents per pound. Emery persisted in his efforts to survive this competition, with the result that he lost in 1902, $28,692; in 1910, $45,278.53; in 1911, $12,897.18; in 1912, $84,047.48; in 1913, $36,936.11; and in 1914, $56,465.67. These losses resulted in the Emery manufactory being sold at sheriff's sale.

In the testimony given by Witness Dow, of the Dow Chemical Co., of Midland, Mich., manufacturers of pure pharmaceutical potassium carbonate, he stated as follows:

In the one particular instance where we did fight the German 10 or 12 years ago we were making it very much cheaper than they were making it in Germany, but they sold it in the United States for not only less than the cost, but for practically the cost of bringing it from Hamburg and distributing it in the United States. It was not a question of realizing any price at all in Germany.

But the adjustment of railway freight rates to the exigencies of the German expenses of potash transportation have helped to make competition with them disadvantageous and unequal. The report of Thompson, of Chicago, on railway statistics shows that Germany, owning 95 per cent of her railroads, has given cheaper freight rates for the export of German productions than on products for home consumption to seaboard points. Their railway policy has been to operate for the protection of German industries, both to discourage imports and encourage exports.

In the report of the committee hearings on page 129 is contained the admission of Herr Schneddekopf, director general of the potash syndicate, that the question of forestalling or stifling the development of the potash industry in the United

States was given consideration by the German potash syndicate eight years or more ago. His statement reads:

Over eight years ago the German Kali Works definitely decided not to do anything to interfere with the development of any legitimate potash industry in the United States. This plan has been strictly adhered to. (See pp. 129, committee hearings, H. R. 4870.)

I quote next the statement made by the eminent German scholar, Mr. Wilhelm Ostwald, winner of the Nobel prize in 1909:

America went into the war like a man with a rope around his neck, which is in the enemy's hands and is pretty tightly drawn. With its tremendous deposits, Germany has a world monopoly in potash, a point of immense value, which can not be reckoned too highly when once this war is going to be settled. It is in Germany's power to dictate which of the nations shall have plenty of food and which shall starve. Germany is in the position often realized by Bismarck, to handle the long arm of the lever. The dearth of potash as well as the ever-increasing results of the U-boat war is working in Germany's favor.

From the showings made and much more that we know besides it seems clear that it has been and will be the purpose of Germany to stifle the potash industry in the United States.

Mr. Chairman, it ought to be self-evident that the development of the potash industry in America will be competition making. In fact, that is just what Germany would prevent and what America needs. But some seem to fear that with our domestic product gaining the ascendency over that imported from foreign countries a monopoly in the industry may be created here at home. I am frank to say, for my part, if a monopoly in the industry is to occur anywhere I should rather patronize an American than a foreign monopoly. But my purpose is to call attention to the strong improbability that any monopoly in the production of potash would ever develop in the United States, even with foreign importations wholly shut out.

The difficulty in the way of monopoly in the United States is that the resources of this mineral are so widely distributed geographically over the United States. The mineral has been found in the East, Northeast, Southeast, West, Southwest, Northwest, and on the Pacific coast. The differences in the distances for transportation to consumers afford bases for competition. But another feature is the variety of sources from which potash salts are derived. Hitherto it has been extracted principally from the alkaline waters in the Nebraska and California lakes, but later large contributions will come from what is taken from potash mines. Besides this, sugar-beet factories, cement plants, and blast furnaces will make their contributions from their by-products, and last, but not least of any, we have overlooked the kelp source, which is being developed by Government appropriations. Now, is it not plain that this great variety of conditions must constantly preserve a strife to excel respectively?

Mr. Chairman, America's neglect to promote development of a variety of its mineral resources before the war was the less excusable because of the magnificent results achieved by the policy of fostering in their infant stage the manufactures of steel, tin-plate, beet sugar, and other industries.

Long since America became the greatest producer, both of steel and tin plate, of any nation, and its home market for both is admittedly the greatest of any in the world.

Due to the start given the production of beet sugar by fixing a bounty, paid by the National Government, also by some of the States for its production, and subsequently by a duty imposed by Congress upon its importation from foreign countries, the growing of beets and their manufacture into sugar, after an unsuccessful struggle of from 60 to 70 years, gained a permanent foothold in the United States.

Without these three industries thus developed America would have been placed at a still greater disadvantage in the World War than what proved to be the case. It is plain that without our great steel factories we could not have constructed for war purposes, as we did, so many miles of railways in France, equipped with the best quality of steel rails and the highest class of rolling stock for freight. Without our tin-plate manufactories we could not have commanded the tin plate required for the manufacture of receptacles with which to carry meats, vegetables, and other foods to our soldiers overseas.

And while passing we should not forget those large pay rolls of the steel and tin-plate manufactories and the relatively smaller, though yet large, monthly or weekly pay rolls in the aggregate of the more than 100 sugar-beet factories in the United States. Such productions and such pay rolls contribute to the contentment of labor, happy homes, and national prosperity.

Mr. Chairman, it is plain that the same fostering policy accorded to potash must produce the same rich results.

It is reliably estimated that the United States for the next year would be able to produce about one-third of the potash required for our domestic consumption, and the Fordney bill contemplates that licenses would be granted under the act for the importation of the remaining two-thirds, conditioned that the importer be required to buy of the American product an amount equal to 50 per cent of the amount imported at a reasonable price, to be ascertained by the representative of our Government.

In other words, that two units of the foreign potash at the price of $1.50 per unit be combined with one unit of American potash at $2.50 per unit and the potash then be sold to the American consumer at the average price of the three units, which would be $1.83 per unit. Figuring on this present basis of prices of foreign potash at $1.50 and domestic potash at $2.50, both of which prices will be inevitably reduced before long, the American industry can be preserved and become permanent. This means that it would cost the American consumer 33 cents more per unit for the time being than if permitted to buy imported potash at $1.50 per unit.

Mr. Chairman, is it not to the financial interest of every consumer of potash to pay a price therefor adequate to protect our own infant industry in order that we may become independent of foreign countries, and thus in a short time buy the home product cheaper than it would be shipped to us from abroad? Of course, with the American industry effectually strangled, the price of the foreign product will be as high as our consumers will stand.

But under the license scheme provided by the Fordney bill, the price of the combined American and German productions will gradually become reduced, and if the same should start upon the enactment of the measure at the price of $1.83 per unit, that price is sure to be gradually reduced, and it might be at the end of a year reduced to $1.50 per unit, and at the end of two years to possibly $1 per unit. It is plain that the enforced commercial combination of the American and German products would not tend to promote effort for a joint monoply. The strife for a survival of the fittest would yet exist, with the hope in each for ultimate ascendancy in the American market.

I here quote from an impartial authority in the form of an excerpt taken from a report made by the Bureau of United States Geological Survey. It is headed "Statement showing the almost inexhaustible American potash deposits by processes recently developed will in two years enable American producers to successfully compete with German potash syndicate."

New and more economical methods of potash reduction recently developed have revolutionized the American potash production, which is now in the transitional stage from the old to the new processes, and if the industry be safeguarded temporarily it can in two years successfully compete with the German potash syndicate.

I submit this is a very encouraging statement. The fact that it is purely official and not prepared for the occasion should give it great weight. This same paper further shows that the total American potash production in 1918 was about 60,000 tons of pure potash, or one-fourth of the total prewar importation of 240,000 tons, of which 180,000 tons were used with fertilizers. But it must be remembered that the production was greatly reduced by reason of many plants shutting down after the expiration of the first six months of 1918, due to the prospects of early importations of German potash.

Lower prices will be promoted of our domestic product, both by increased productions, improved processes, and better economies in every detail. For instance, it has been argued to the Ways and Means Committee that one reason why the American product can not compete with foreign importations is because of the greater cost in railway rates from the interior of the United States to the consumer than the amount of short-distance railway rates in Germany and France to the seaboard, thence low ocean rates to Atlantic seaboard points. It is true the cost per ton in the shipment of potash salts in Nebraska to the terminal market points in the East has been $13 per ton; but, surprising as it may seem, 75 per cent of this freight cost can be eliminated, and this will be accomplished by the separation of the pure potash from the gross potash salts, which pure production will weigh but one-fourth of the gross. Lower-priced coal and oil used as fuel, and lower-priced machinery and materials of all kinds, will contribute to a lowering of the price of the domestic product. The authority can be invoked under the license system to reduce the price as often and as fast as the cost of production may warrant. All competent authorities who have investigated the subject concur that by increasing productions and improving modes of operation in general and with lower cost of freight and materials, the American product can be made to compete successfully with the foreign product.

Mr. Chairman, it is a regrettable fact that when the war began there was no American production of potash, and it required almost two years before a single American plant passed beyond the experimental stage to a commercial basis.

It is plain that while the deft hand of Germany had been insidiously at work securing a strong grasp on our industrial pursuits, America was asleep to its own opportunity and wel-

fare while its birthright was being stolen by the country then and thereby preparing to be its enemy in the most gigantic and dreadful war the world has ever known. It will be patent to everyone that the American money paid for German potash constituted a contribution to the purchase of guns, munitions, and submarines wherewith to wage war, and that the United States became correspondingly less prepared for war by having no domestic potash industry of its own.

Mr. Chairman, while America may be pardoned in a measure on account of its ignorance of its potash resources for not developing the industry before the war, to now with knowledge of its extensive potash resources refuse to preserve the industry would constitute unpardonable economic folly and prodigality.

If the home industry by reason of ruthless German competition is to be shut out of our American market, the effect is to favor German labor at the expense of American labor. All the millions paid to Germany for its potash will be promotive of idle labor in America and greater prosperity in Germany.

Mr. Chairman, in my judgment the United States has become thoroughly committed to the development and manufacture of potash as a permanent industry by what it has done therefor during the war, but I urge that we had equally pledged our country to make the production of potash permanent before the war, and before war with Germany was expected. In 1911 we began in earnest to make explorations for potash in its natural form in the earth through the Bureau of Geological Survey, making annual appropriations of $20,000 for the direct search of potash alone. At the same time annual appropriations were made for investigations to be conducted by the Bureau of Soils how to ascertain the best mode of producing potash upon a commercial basis, including experiments in extracting potash from kelp. Appropriations for these two bureaus for this purpose have continued to be made annually since 1911 to the present time, including $175,000 appropriated for experiments with kelp by the Bureau of Soils made in 1917, with a reappropriation made this session of the unexpended portion of this $175,000 for further experimenting with kelp.

Mr. Chairman, how would it look, what kind of a record would it make, after all of these investigations, experiments, and many expenditures, to now yield up to Germany the production of the potash America is to consume? Why make all this great effort and large expenditure to discover how the industry may be developed and "put upon a commercial basis" if it was not the purpose to utilize the ascertainment? Why learn how to do it if it is not going to be done?

Mr. Chairman, I maintain the Government is morally obligated to now safeguard the industry, developed and advanced pursuant to the appeals made and the inducements held out by the administration so to do that we might win the war, including the appeals made by Cabinet officers, the heads of bureaus, the three acts of Congress which I have already specified, and the proclamations of the President made in accordance with the same. The act passed to provide relief in cases of contracts connected with the war, and authorizing the Secretary of the Interior to liquidate and pay net losses suffered by persons by reason of producing manganese, chrome, pyrites, and tungsten, and providing $8,500,000 therefor, is in point in principle.

Mr. Chairman, the alternatives are, on the one hand, adequate restrictions upon importations from Germany to permit of the development of the industry in America, or, on the other, that we permit Germany to reestablish and enjoy a perpetual potash monopoly in the United States.

Will not America preserve its national self-respect by emancipating its agriculture, now involved, from slavery to Germany? Shall we prefer the prosperity of labor in Germany to the welfare of labor in America? Shall we have potash "made in Germany" or potash made in America? Shall we prefer the profit of the German merchant marine rather than to sustain our present unprofitable American railways, with their employees now asking an increased wage or a lower cost of living? Shall we stand for American industrial independence or for slavery to Germany?

Mr. Chairman, protection of our domestic potash industry is bound to be sooner or later afforded in some form. To prevent the loss of millions, relief should be afforded now. [Applause.]

Mr. FORDNEY. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. KING].

Mr. KING. Mr. Chairman, there have been in the history of the world three great and memorable speeches made and all at certain crises. One was the speech of Mark Anthony over the dead body of Cæsar; the other was the famous speech by Patrick Henry, wherein he evolved and brought forth the beautiful idea of liberty or death; the third speech I am about to read in the time granted to me by the chairman of the committee.

I read:

A WORD OF WARNING FROM THE DEMOCRATIC SOUTH.

[Speech on league of nations by Hon. Thomas Watson, of Georgia, before 10,000 people at Harlem, Ga., reported in Columbia Sentinel, Harlem, Ga.]

"In the league, the great charter is engulfed, the sovereignty of the people disappears, and a universal monarchy is at last established.

"The council of the league will absorb within itself judicial power, legislative power, and executive power.

"It will be a supreme court of the world, a supreme legislature of the world, a supreme executive of the world.

"It will evolve its own army, its own treasury, its own system of finance, its own civil service.

"It will have in its hands both the purse and the sword, and nowhere on earth will there be a power to veto its measures or resist its usurpations.

"It will be another Venetian council of ten, meeting in secret, and despotically ruling not one small State but every State.

"It pretends to assimilate the yellow race, the brown race, the black race, and the white race.

"It pretends to harmonize democracy with imperialism, the kings with the republics.

"It pretends to reconcile the Buddhist with the Confucianist, the Mohammedan with the Christian.

"It pretends to make a seamless garment out of 33 variegated pieces.

"It pretends to expect international melody out of 33 discordant national notes.

"If its real purpose is to put an end to just such disorder as the American colonists created, and the French created, and the South Americans created when they broke the yoke of tyrannical kings, then the league will be a success.

"If the real purpose is to create an international guaranty and collection agency for the great bankers and bondholders of indebted nations, then the league will be a success.

"If the real purpose is to permanently fasten the yoke of the conquerors upon Egypt, Asia Minor, Africa, India, Oceanica, and the greater part of China, then the league will be a success.

"The President of the United States had no authority to make a new government for this country—but so far as his signature and official conduct could commit you to it he has done so.

"Sworn to defend, protect, and preserve your supreme law, he has usurped the authority to make a new law which your supreme law must obey, which your Government must obey, and which the people must obey.

"He, your agent, sells you into foreign bondage.

"He, the representative of your Government, signs away your Government into subordination to foreign Governments.

"The President admits that we will lose our independence in the league. Therefore he himself admits that he went to France and surrendered the very thing that our soldier boys fought and died to maintain. The martyrs of the Revolutionary War died in vain; the 50,000 martyrs of the Great War of 1914 died in vain. One man has betrayed everything that those martyrs won!

"The President says he will appeal to the country against the Senators who are battling to save our constitutional liberties and our national independence.

"An appeal to the country is just what the country wants.

"The country wants just such an appeal to it as Washington and Madison made in 1787, when they asked authority to amend the articles of the old confederation.

"The country wants such an appeal to it as was made when the present Constitution was referred to the States for discussion and ratification.

"The country wants an appeal to it similar to those made when each of the amendments were adopted by the votes of the people.

"Give the people a chance to vote on this league!

"The question can't be settled by speeches; it must go to the polls!

"The President says he will appeal to the country by making 50 speeches.

"Dadburn his 50 speeches!

"The whole world is sick and tired of his everlasting speeches.

"What the people want is a fair chance to make some speeches themselves.

"They've been bulldozed and gagged so long that they have an accumulated surplus of speeches to dispose of.

"Plague on this eternal flow of presidential rhetoric!

"We want to vote!

"Why is President Wilson afraid to refer this change of government to the people whose vital interests are involved?

"Let him divide the questions, because they are two different propositions.

"Let him separate the league from the treaty!

"The two have no business together.

"It was an artifice, and a very dishonest one, to so entangle the peace treaty with the league that they can hardly be separated except by the men who entangled them.

"Let the treaty stand on its merits in the Senate, and let the league go before the people as a separate proposition.

"What objection can be urged?

"They may say a popular vote on the league would delay the treaty; but one answer to that is that our Government went swiftly into the war, on a congressional resolution; and if it wants to it can quickly come out in the same way.

"Besides, American independence, which cost a war of seven years, ought not to be surrendered as hurriedly as though it were never worth the Revolutionary struggle.

"It is high time the voters of this Republic were allowed to take a hand in their governmental affairs.

"We have never had an administration whose methods were so full of secrecy, duplicity, favoritism for the lords of special privilege.

"No other administration ever showed such a fixed purpose to shut out the people from knowledge of what was going on behind the scenes, and to shut them off from any real influence over the policies of the Government.

"The people are now told that they shall have no chance to vote on the league, no right to self-determination, and no opportunity to effectively antagonize the men who propose to transfer our independence to a supreme council seated in Europe.

"Already Wilson has bound us to keep an army on the Rhine for 15 years. Already he has sent America to the Danube. Already he has sent an army into Silesia and another into Siberia.

"Already President Wilson is spreading the American Army over Europe and into Asia.

"In the name of the Creator that made us, when and where is this Wilsonian madness to stop?

"Never before in the history of the human race has any one man arrogated to himself the right to revolutionize the government of a people, unless he came as a foreign conqueror with a sword in his hand.

"It is an amazing thing, a monstrous thing, an almost incredible thing, that a President of the United States should appoint himself a minister to a European peace conference, should leave the country and be gone seven months, should secretly spend a hundred million dollars of the people's money while secretly juggling with foreign politicians, and should then come home bringing what he calls a peace treaty, but which is in reality another government to be imposed upon this people.

"It is the most astounding betrayal of trust that history records.

"Suppose President Wilson should tell you that during his private conferences with the kings and the capitalists of Europe he became convinced that the American colonists made a huge mistake when they fought to free themselves from European control.

"Suppose he should tell you that his Tory kinsfolk in England were right in opposing our Whig kinsfolk in America!

"Suppose he should say that we must undo what our Revolutionary forefathers did, surrender to foreign control the Government they established, and renounce the principles for which they sacrificed their lives!

"Suppose he should declare that the most dramatic and conclusive evidence of our sudden change of heart on this subject would be to make a public bonfire of the Declaration of Independence!

"Suppose he should declare that the most emphatic proof we can offer Europe of the fact that we have repudiated the time-honored policy of our Government would be to let the British ambassador publicly burn Washington's Farewell Address at the foot of the Washington Monument!

"Should he say such things as these, he would create a tempest of indignation throughout this Union, and his impeachment would be demanded.

"But his deeds since his second election can not be translated into any other words.

"What he has done is immensely more than equivalent to the destruction of the documents which contain the Declaration and of the Farewell Address.

"He has signed away independence itself; he has signed away the Americanism of the Farewell Address; he has surrendered what our forefathers gained under the shadow of a European crown.

"We, the people, are the sovereign. We, the people, wear the crown.

"That crown shall pass on to the next generation untarnished in its luster and radiant with every gem of Anglo-Saxon liberty.

"We can read our titles clear! By the light of the Revolutionary camp fires we can read our titles clear!

"Usurpers have moved our land lines and seized upon field after field that is ours; but by the God that made us, we will drive out the trespassers and regain full possession of our blood-bought inheritance."

[Applause on the Republican side.]

Mr. Chairman, I yield back the remainder of my time.

Mr. FORDNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill (H. R. 8078) to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes," had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. EAGAN, for three days, on account of important business.

To Mr. SANDERS of Louisiana, for 10 days, on account of important business.

To Mr. STEENERSON, indefinitely, on account of duties in connection with the Post Office Commission.

To Mr. OLIVER, for five days, on account of important business.

PERMISSION TO ADDRESS THE HOUSE.

Mr. FORDNEY. Mr. Speaker, I move that the House do now adjourn.

Mr. COOPER. Mr. Speaker, I ask unanimous consent that after the reading of the Journal next Wednesday and the disposition of the business on the Speaker's table I be permitted to address the House for not to exceed 30 minutes on the industrial unrest in our country to-day.

The SPEAKER. The Chair would suggest to the gentleman from Ohio that the rule requires that on Calendar Wednesday business can only be suspended by a two-thirds vote. The Chair is disposed to think that it is necessary, first, to dispense with the regular business on Calendar Wednesday. It has been the uniform policy of the Chair—not this Speaker but previous Speakers—to so rule. Can the gentleman make it some other day?

Mr. KITCHIN. Mr. Speaker, can you not do anything by unanimous consent? Can you not dispense with Calendar Wednesday by unanimous consent?

Mr. WALSH. No; you can not.

The SPEAKER. You can dispense with Calendar Wednesday by unanimous consent.

HOUR OF MEETING TO-MORROW—11 O'CLOCK A. M.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn until 11 o'clock to-morrow morning.

Mr. LONGWORTH. Reserving the right to object, Mr. Speaker, let me ask the gentleman from Wyoming if he expects to have Calendar Wednesday stand this week?

Mr. MONDELL. I think we will probably take up Calendar Wednesday business. I can not say positively at this time, but it occurs to me if we meet at 11 o'clock to-morrow morning the gentleman from Ohio could submit his request and have his time to-morrow morning, and then the gentleman could go on with the dye bill.

Mr. LONGWORTH. The reason why I asked that question is it is probable that we shall not complete the consideration of the dye bill to-morrow.

Mr. MONDELL. Mr. Speaker, is my request objected to?

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE.

Mr. COOPER. Now, Mr. Speaker, I ask unanimous consent that after the routine business to-morrow morning I may be permitted to address the House for not to exceed 30 minutes on the industrial situation.

The SPEAKER. The gentleman from Ohio asks unanimous consent to address the House for 30 minutes to-morrow immediately after the reading of the Journal and the disposition of the business on the Speaker's table. Is there objection?

There was no objection.

ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 6410. An act authorizing the city of Boulder, Colo., to purchase certain public lands.

The SPEAKER announced his signature to joint resolutions and bills of the following titles:

S. J. Res. 75. Authorizing the appointment of an ambassador to Belgium;

S. J. Res. 95. Authorizing the Secretary of War to loan to the city of Atlanta, Ga., tents, cots, horses, and saddle equipments for the use of United Confederate Veterans in their convention from October 7 to 10, 1919;

S. 276. To amend sections 4 and 5 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916;

S. 277. To authorize absence by homestead settlers and entrymen, and for other purposes; and

S. 2624. To provide travel allowances for certain retired enlisted men and Regular Army reservists.

ENROLLED JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that on September 20 the committee had presented to the White House for the approval of the President of the United States the following joint resolutions:

H. J. Res. 175. Joint resolution to provide for the payment of travel pay upon discharge to men of the Regular Army enlisted prior to April 2, 1917; and

H. J. Res. 211. Joint resolution tendering the thanks of the American people and the Congress of the United States to Gen. John J. Pershing and to the officers and men of the American Expeditionary Forces.

ADJOURNMENT.

Mr. FORDNEY. Now, Mr. Speaker, I renew my motion that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 1 minute p. m.) the House adjourned, pursuant to the order, until to-morrow, Tuesday, September 23, 1919, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. NICHOLS of Michigan, from the Committee on the Public Lands, to which was referred the bill (H. R. 202) to authorize the Secretary of the Interior to issue patent in fee simple to the county of Huron, in the State of Michigan, for a certain-described tract of land for public-park purposes, reported the same without amendment, accompanied by a report (No. 329), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 1694) providing for the refund of taxes collected for stamp tax on certain policies under the emergency-tax act of October 22, 1914, under the proviso to which act such policies were exempt, reported the same without amendment, accompanied by a report (No. 330), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9394) granting a pension to William Merritt; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8044) granting a pension to Samuel L. Lilly; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6388) granting a pension to Oma Durham; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 9412) to authorize the Secretary of War to transfer free of charge certain surplus motor-propelled vehicles and motor equipment to the Department of Agiculture, Post Office Department, Navy Department, and the Treasury Department for the use of the Public Health Service, and certain other surplus property to the Department of Agriculture, and for other purposes; to the Committee on Military Affairs.

By Mr. HAYDEN: A bill (H. R. 9413) making available additional moneys for the reclamation fund, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. HICKS: A bill (H. R. 9414) authorizing the Secretary of War to donate to the village of Bellmore, in the State of New York, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 9415) making available additional moneys for the reclamation fund, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. LUFKIN: A bill (H. R. 9416) prohibiting the issuance of papers of declaration of intention to become citizens or final papers of citizenship to certain aliens who claimed exemption from military service in the present war, and providing for the deportation of certain aliens who surrendered their first papers of citizenship in order to escape military service; to the Committee on Immigation and Naturalization.

By Mr. KING: A bill (H. R. 9417) to change the school system of the District of Columbia; to the Committee on the District of Columbia.

By Mr. FRENCH: A bill (H. R. 9418) to amend an act entitled "An act to pension the survivors of certain Indian wars from January 1, 1859, to January, 1891, inclusive, and for other purposes"; to the Committee on Pensions.

By Mr. GREENE of Massachusetts: A bill (H. R. 9419) providing for the recording of mortgages on vessels and notation thereof on certificates of registry or enrollment and license; creating jurisdiction in the district courts of the United States for the foreclosure of such mortgages, and providing procedure in connection therewith; also providing for maritime liens upon vessels for necessaries, etc., and their enforcement, and subordinating the same to the liens of mortgages; repealing all conflicting acts, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. STEPHENS of Ohio: A bill (H. R. 9420) for the construction, erection, maintenance, and protection of guideposts on rural post roads; to the Committee on the Post Office and Post Roads.

By Mr. HAYDEN (by request): A bill (H. R. 9421) to authorize the construction of the Lower Colorado River reclamation project, and for other purposes; to the Committee on Ways and Means.

By Mr. HASTINGS: Resolution (H. Res. 303) for the relief of James A. Duffy and Louise Harris; to the Committee on Accounts.

By Mr. RODENBERG: Resolution (H. Res. 305) for the appointment of James Clark as special messenger in the House of Representatives; to the Committee on Accounts.

By Mr. CAMPBELL of Kansas: Resolution (H. Res. 306) authorizing the printing and binding of a synopsis of procedure in the House of Representatives, by Clarence A. Cannon; to the Committee on Rules.

By Mr. BUTLER: Joint resolution (H. J. Res. 213) continuing temporarily certain allowances to officers of the Navy; to the Committee on Naval Affairs.

By Mr. HUDSPETH: Joint resolution (H. J. Res. 214) authorizing the Secretary of War to loan the city of Marfa, Tex., cots and blankets and to give to said city authority to purchase sufficient wood from the Government for barbecue purposes for their celebration from October 2 to 3, 1919, in honor of returning soldiers who participated in the late war with Germany; to the Committee on Military Affairs.

By Mr. DRANE: Memorial of the Legislature of Florida, requesting passage of laws for deportation of foreigners who evaded military duty by claiming to be subjects of foreign countries; to the Committee on Immigration and Naturalization.

Also, memorial of the Legislature of Florida relative to the postal-zone system; to the Committee on the Post Office and Post Roads.

Also, memorial of the Legislature of Florida, relative to return of cotton tax, collected by the United States Government, 1860 to 1867; to the Committee on Claims.

Also, memorial of the Legislature of Florida, relative to the centennial celebration of the purchase of the Territory of Florida; to the Committee on Industrial Arts and Expositions.

By Mr. CLARK of Florida: Memorial of the Legislature of Florida, asking Congress to participate and to invite foreign nations to participate in celebration of the centennial of the purchase of Florida; to the Committee on Industrial Arts and Expositions.

Also, memorial of the Legislature of Florida, advocating construction of a canal from Cumberland Sound through the St. Marys River and Suwannee River to St. Marks, on the Gulf of Mexico; to the Committee on Railways and Canals.

Also, memorial of the Legislature of Florida, asking repeal of postal zone law; to the Committee on the Post Office and Post Roads.

Also, memorial of the Legislature of Florida, asking for the deportation of aliens who, although enjoying the blessings of this Government, at the outbreak of the World War refused to fight for the United States; to the Committee on Immigration and Naturalization.

Also, memorial of the Legislature of Florida, asking refund of taxes levied and collected on cotton from 1863 to 1868; to the Committee on War Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 9422) granting an increase of pension to Jackson Vail; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 9423) granting an increase of pension to John L. B. Breighner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9424) for the relief of Aaron Schmulovitz; to the Committee on Military Affairs.

By Mr. CRAMTON: A bill (H. R. 9425) granting a pension to Walter E. Crackel; to the Committee on Pensions.

By Mr. ELLIOTT: A bill (H. R. 9426) granting an increase of pension to John C. Leonard; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 9427) granting an increase of pension to Walker Anderson; to the Committee on Pensions.

Also, a bill (H. R. 9428) granting a pension to Esther M. Openshaw; to the Committee on Pensions.

Also, a bill (H. R. 9429) granting a pension to John A. Shaw; to the Committee on Pensions.

By Mr. HOUGHTON: A bill (H. R. 9430) granting a pension to Stephen L. Tobey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9431) granting a pension to Charles E. Cortright; to the Committee on Pensions.

By Mr. IRELAND: A bill (H. R. 9432) granting a pension to Mary L. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9433) granting a pension to William L. Meister; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9434) for the relief of John E. Ramsden and Mary D. Ramsden; to the Committee on Interstate and Foreign Commerce.

By Mr. LANGLEY: A bill (H. R. 9435) granting an increase of pension to John Wilson; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Nebraska: A bill (H. R. 9436) granting a pension to William Bays; to the Committee on Pensions.

By Mr. NELSON of Missouri: A bill (H. R. 9437) granting a pension to William C. Scott; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 9438) granting an increase of pension to Warner L. Cole; to the Committee on Invalid Pensions.

By Mr. RAMSEYER: A bill (H. R. 9439) granting a pension to Kate Bressler; to the Committee on Invalid Pensions.

By Mr. REBER: A bill (H. R. 9440) granting an increase of pension to Susanna Noll; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Ohio: A bill (H. R. 9441) granting a pension to Mary Sheridan; to the Committee on Pensions.

By Mr. VESTAL: A bill (H. R. 9442) granting a pension to Mary M. Dillier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9443) granting a pension to Laura Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9444) granting an increase of pension to John W. Skiff; to the Committee on Invalid Pensions.

By Mr. WEAVER: A bill (H. R. 9445) granting a pension to John F. Ritter; to the Committee on Pensions.

By Mr. WOODYARD: A bill (H. R. 9446) granting an increase of pension to Henry Stahl; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 9447) granting a pension to Margaret P. Black; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURKE: Petition of 300 members of St. Michael's congregation, of South Side, Pittsburgh, Pa., opposing the passage of the Smith-Towner educational bill; to the Committee on Education.

By Mr. CAREW: Petition of Northwest Daily Press Association, of Minneapolis, Minn., protesting against the repeal of the present postal-zone system; to the Committee on the Post Office and Post Roads.

Also, petition of Retail Dry Goods Association, of New York, protesting against Senate bill 2904 and House bill 8315; to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Iowa: Petition of Jefferson County Community Club, of Fairfield, Iowa, opposing the Plumb plan for railroads; to the Committee on Interstate and Foreign Commerce.

Also, petition of Jefferson County Community Club, of Fairfield, Iowa, opposing bills introduced into Congress in their present form, bills proposing universal military service and augmenting the Regular Army; to the Committee on Military Affairs.

By Mr. LINTHICUM: Petition of John R. Given and Albert J. Shields, of Baltimore, Md., favoring a bonus of $360 to all ex-service men; to the Committee on Military Affairs.

By Mr. LONERGAN: Petition of Knights of Pythias Domain of New York, pledging earnest support of the Government against Bolshevism and anarchy; to the Committee on the Judiciary.

By Mr. MANSFIELD: Petition of retail merchants of southern Texas, favoring the passage of the Kenyon bill for the regulation of packers; to the Committee on Interstate and Foreign Commerce.

By Mr. O'CONNELL: Petition of D. E. Hemley Co., of New York, favoring the amendment of Senate bill No. 641, submitted by the New York Board of Trade and Transportation; to the Committee on Interstate and Foreign Commerce.

Also, petition of War Camp Community Service of New York City, favoring the enactment of Senate bill 2535; to the Committee on Military Affairs.

Also, petition of Corrugated Bar Co. (Inc.), of Buffalo, N. Y., favoring the enactment of House bills 5011, 5012, and 7010; to the Committee on Patents.

By Mr. VARE: Petition of National Association of Hosiery and Underwear Manufacturers, protesting against the passage of the Longworth bill; to the Committee on Ways and Means.

By Mr. YATES: Petition of the Springfield Commercial Association, Springfield, Ill., containing protest against the Jones bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Dan Williams Beckwith, Danville, Ill., protesting against the Jones bill, S. 2904; to the Committee on Interstate and Foreign Commerce.

Also, petition of Hon. J. H. Kimble, Port Deposit, Md., urging the early passage of House bill 7348; to the Committee on Interstate and Foreign Commerce.

Also, petition of Stewart-Warner Speedometer Corporation, Chicago, urging the early passage of House resolutions 5011, 5012, and 7010; to the Committee on Patents.

Also, petition of Everett J. Buswell, Kewanee, Ill., urging the early passage of the Gronna-Baer bill; to the Committee on Military Affairs.

SENATE.

TUESDAY, *September 23, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we have built up a great spiritual democracy out of the precepts of Thy holy Word. The entering in of Thy Word giveth light. We pray that as we face the problems of this day we may be enabled to apply those unchanging principles of divine truth, and that the outcome of it all may be for the permanency of our institutions and the blessing and welfare of all the people. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PETITIONS AND MEMORIALS.

Mr. FLETCHER. I present a communication from the secretary of state of the State of Florida transmitting certain memorials and resolutions of the Florida Legislature, which I ask may be printed in the RECORD.

The communication, resolutions, and memorials are as follows:

OFFICE OF THE SECRETARY OF STATE,
STATE OF FLORIDA,
Tallahassee, September 18, 1919.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

DEAR SIR: I inclose herewith certified copy of house memorial No. 2, house memorial No. 4, senate concurrent resolution No. 9, house concurrent resolution No. 31, and house concurrent resolution No. 32, passed by the Legislature of Florida, 1919.

Yours, very truly,
H. CLAY CRAWFORD,
Secretary of State.

House concurrent resolution 31.

Whereas that historic event, known as the Florida Purchase, occurred on July 10, 1821; and

Whereas the Florida Purchase Centennial will occur on July 10, 1921, and an event of such importance should be fittingly commemorated and celebrated both by the nation at large as well as by the State of Florida; and

Whereas it is especially important that the nations of South America, for whom the people of the United States, and particularly the State of Florida, entertain the highest regard and most friendly feeling, should be most closely united in bonds of mutual good will, fellowship, and understanding with the people of North America, to the great benefit of their common social and commercial advantage; and

Whereas at this period in the history of the world, when an era of world-wide reconstruction and commercial development is at hand, and such development and reconstruction will be greatly assisted and promoted by an international exposition; and

Whereas it is especially fitting, at this the close of the World War, that all nations should unite in an exhibition of their industries, products, literature, and art, in order that world-wide commercial and social understanding, comprehension, and trade may be made as complete, full, and perfect as possible, and that national ideals and aspirations may be more fully understood and appreciated throughout the brotherhood of nations: Therefore be it

Resolved by the Legislature of the State of Florida, That the people of the State of Florida are in favor of commemorating the Florida Purchase Centennial by an international fair to be held in the State of Florida, dedicated on July 10, 1921, and inaugurated on Victory Day, November 11, 1922, and to run or continue 12 months after that time, and that the people of Florida do hereby suggest to the President and Congress of the United States that such an international fair be held for the purposes expressed in these resolutions, and that every effort be made to induce all nations of the world to participate in such exposition or international fair: Be it further

Resolved, That the President and Congress of the United States are hereby requested to undertake, create, and realize the conception contained in these resolutions by such means, instrumentalities, and national legislation as in their judgment are proper: Be it further

Resolved, That the secretary of state of the State of Florida is hereby requested to transmit a copy of these resolutions to the President of the United States and to each House of Congress.

Approved June 9, 1919.

STATE OF FLORIDA,
Office of Secretary of State, ss:

I, H. Clay Crawford, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of house concurrent resolution 31, passed by the Legislature of Florida, 1919, and filed in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this the 18th day of September, A. D. 1919.

[SEAL.] H. CLAY CRAWFORD,
Secretary of State.

—

House concurrent resolution 32.

Whereas the construction of a canal from Cumberland Sound through the St. Marys River, thence to the Suwannee River, and through this river thence on to St Marks, on the Gulf, would be of untold advantage to the commerce of the Southeastern States, and especially the States of Georgia and Florida; and

Whereas by the routing of such a canal from Cumberland Sound through the St. Marys River, thence to the Suwannee River, and through this river thence on to St. Marks, on the Gulf, would entail the digging of only about 100 miles of such canal; and

Whereas the construction of such canal would open a water route for the coal fields of Alabama located on the Warrior River, and thereby reduce the traffic rates on this article; and

Whereas the construction of this canal would reduce the haul from the Southeast of all commerce going to Europe, South America, and Central America over 500 miles; and

Whereas it is believed that the cost of the construction of this canal would not compare with the benefits to the general commerce to be gained therefrom: Therefore be it

Resolved by the house of representatives (the senate concurring), That the Congress of the United States be petitioned to cause said proposed canal to be definitely located and constructed at as early a date as practicable.

Resolved further, That our Senators and Representatives in Congress be urged to secure the final survey and construction of said canal to be made at as early a date as practicable and to assist in procuring the construction of said canal; be it further

Resolved, That the secretary of state of the State of Florida be requested to furnish each of the Senators and Representatives aforesaid a copy of this memorial.

And respectfully requests the concurrence of the senate thereto.

Approved, June 9, 1919.

STATE OF FLORIDA,
Office of the Secretary of State, ss:

I, H. Clay Crawford, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of house concurrent resolution No. 32, passed by the Legislature of Florida, 1919, and filed in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this the 18th day of September, A. D. 1919.

[SEAL.] H. CLAY CRAWFORD,
Secretary of State.

—

Senate concurrent resolution 9.

Whereas every publication in this State and Nation has been inconvenienced and made to suffer in circulation, and consequent advertising patronage and business, as a result of the Federal zone Postal System; and

Whereas the newspapers of extensive circulation are great factors in education, in keeping the public informed, and, therefore, most helpful in the development of the country in every worthy way, it having been said that it would have been impossible to have won the war in so short a time or to have successfully put through any of the numerous drives for funds without the willing aid of the newspapers and other periodicals; and

Whereas it does not behoove either National or State legislators to in anywise cripple the press which carries the report of their acts to the people whose business the lawmakers are transacting: Therefore be it

Resolved by the senate (the house of representatives concurring), That Congress is hereby petitioned and memorialized to repeal at once the act providing for the division of this country into postal zones, with graduated rates for each zone: And be it further

Resolved, That the secretary of state is hereby instructed to mail a copy of this memorial to each of the Florida Senators and Representatives in Washington.

STATE OF FLORIDA,
Office of Secretary of State, ss:

I, H. Clay Crawford, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of senate concurrent resolution No. 9, passed by the Legislature of Florida, 1919, and filed in this office.

Given under my hand and the great seal of the State of Florida at Tallahassee, the capital, this the 18th day of September, A. D. 1919.

[SEAL.] H. CLAY CRAWFORD,
Secretary of State.

—

House memorial 2 to the Congress of the United States asking that the cotton tax collected from 1860 to 1868 be returned to the governors of the respective States from which it was collected, and providing for its distribution among the claimants upon proof of said claims.

Whereas there was collected by our Federal Government during the years 1860 to 1867 a large tax on raw cotton; and

Whereas it is within our opinion that moneys derived from said tax should be returned to the governors of the respective States from which it was collected, same to be placed in the State treasury and distributed among the claimants upon proof of said claims: Therefore be it

Resolved by the Legislature of the State of Florida, That the Congress of the United States is hereby requested to return said moneys.

Resolved further, That our Senators and Representatives in Congress are hereby requested to use all honorable means to secure the passage of a bill carrying out the purpose of this memorial.

Resolved further, That the secretary of state be directed to furnish each of our Senators and Representatives in Congress a copy of this memorial under the great seal of the State of Florida.

Approved May 5, 1919.

STATE OF FLORIDA,
Office of Secretary of State, ss:

I, H. Clay Crawford, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of house memorial No. 2, passed by the Legislature of Florida, 1919, and filed in this office.

Given under my hand and the great seal of the State of Florida at Tallahassee, the capital, this the 18th day of September, A. D. 1919.

[SEAL.] H. CLAY CRAWFORD,
Secretary of State.

—

House memorial 4, requesting the Members of Congress to use their efforts to have suitable laws passed deporting foreigners who claimed exemption and were exempt from military service in the recent war against German autocracy on the ground that they were subjects of and gave allegiance to foreign countries.

Whereas during the recent titanic struggle to banish from the earth German militarism, when practically all of the great nations of the world were in a death grapple, our great Republic entered the conflict to do battle for the rights of humanity, that American privileges, liberties, and rights might be made safe, that the glorious traditions of our beloved country might be upheld and defended; and

Whereas our Government called into its service thousands of loyal, red-blooded, and patriotic Americans, who answered the summons unflinchingly and without murmur or complaint, glad to take up arms in defense of their homeland; and

Whereas at that time there was scattered throughout this country thousands of able-bodied foreigners who claimed exemption from military service on the ground that they were subjects of and gave allegiance to a foreign country; and

Whereas these very foreigners who claimed and were granted such exemption came to our shores for the purpose of reaping the manifold benefits of a free country and to have the assurance of our constitutional liberties, which they were accorded, skulked like cowards they were, behind their foreign citizenship and their allegiance to foreign powers when America, the land in which they lived, called them to its defense, and, claiming exemption on that ground, they remained at home on American soil in safety and security, reaping the benefits of good positions and, in many instances, with high wages, while red-blooded young Americans, the very manhood of our Nation, went to battle and gave their lives in defense of our great American Republic and its traditions; and

Whereas these yellow-streaked aliens sneaked behind their foreign citizenship to escape a duty they owed America, the country in which they lived and which guaranteed to them freedom and protection, should be deported as so much worthless scum and baggage, thereby relieving this country of such undesirable and miserable slackers in order to properly show America's contempt for such ingrates and as a tribute to the glory of American arms and the valor and courage of America's red-blooded fighting men: Therefore be it

Resolved by the Legislature of the State of Florida, That our Representatives in Congress be, and they are hereby, respectfully requested and urged to exercise every honorable means to have Congress enact proper laws carrying out the intent of this memorial; be it further

Resolved, That the secretary of state of the State of Florida be, and he is hereby, requested to furnish each of our Representatives in the National Congress, under the great seal of the State of Florida, certified copies of this memorial.

Approved May 14, 1919.

STATE OF FLORIDA,
Office Secretary of State, ss:

I, H. Clay Crawford, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of house memorial No. 4, passed by the Legislature of Florida, 1919, and filed in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this the 18th day of September, A. D. 1919.

[SEAL.] H. CLAY CRAWFORD.
Secretary of State.

Mr. SHERMAN. I present a petition of 500 or 600 citizens in different parts of Illinois, referring to the league of nations, which I ask to have referred to the appropriate committee.

The PRESIDENT pro tempore. The petition will lie on the table.

Mr. OVERMAN presented memorials of sundry citizens of Transylvania County, N. C., remonstrating against the ratification of the proposed league of nations treaty unless certain reservations and amendments are adopted which will preserve American fundamental principles, which were ordered to lie on the table.

Mr. TOWNSEND presented a petition of the Republican Club of Detroit, Mich., praying for the return to private ownership of the railroads of the country, which was referred to the Committee on Interstate Commcrce.

He also presented petitions of sundry citizens of Jackson, Kalamazoo, and Allenville, all in the State of Michigan, praying for the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

He also presented a petition of Charles A. Larned Post, No. 1, American Legion, of Detroit, Mich., and a petition of Saginaw Post, No. 22, American Legion, of Saginaw, Mich., praying for the passage of the so-called Sweet bill providing for the lump-sum payment of war-risk insurance, which were referred to the Committee on Finance.

He also presented a petition of the Judson E. Ingram Post, No. 80, American Legion, of Houghton, Mich., praying for universal military training, which was referred to the Committee on Military Affairs.

He also presented petitions of sundry postal clerks of Tacoma, Wash., and of sundry third and fourth class postmasters of Curtis, Oologah, El Reno, Altus, Chickasha, and Miami, in the State of Oklahoma, praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. PHELAN presented a petition of Heliotrope Rebekah Lodge, No. 183, Independent Order of Odd Fellows, of Pomona, Calif., and a petition of Local Union No. 88, Lathers International Union, of Oakland, Calif., praying for the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

Mr. NELSON presented a memorial of sundry citizens of Hokah, Minn., remonstrating against the establishment of a Department of Education, which was referred to the Committee on Education and Labor.

He also presented the petition of C. L. Bennit, of Minneapolis, Minn., praying for the repeal of the tax on spectacles and eyeglasses, which was referred to the Committee on Finance.

Mr. NEWBERRY. I present resolutions adopted by the Detroit Republican Club, of Detroit, Mich, remonstrating against the adoption of the so-called "Plumb plan" for the control and operations of railroads. I ask that the resolutions be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the resolutions were referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

Resolutions adopted September 18, 1919.

Whereas representatives of the several railroad brotherhoods have made demands upon the Government of the United States to the effect that the railroads should be purchased by the Government and should be operated for the joint benefit of the railroad employees mostly, the public incidentally; and

Whereas this demand, in form of the so-called Plumb plan, was accompanied with an implied threat that unless promptly acceded to a universal strike would be called to coerce the Government into acceptance thereof; and

Whereas during the recent war the experience under Government control and operation of our rail and transportation lines resulted in a demonstration of higher cost, unsatisfactory service, and low efficiency; and

Whereas this demand would establish a railroad employees' aristocracy, the only object of which is control of the great railroad transportation systems for the benefit of about one-half of 1 per cent of our population to the detriment of the other 99½ per cent, and would further increase the cost of living; and

Whereas statistics furnished by the Director General of the Railroad Administration show that railroad employees receive as much as $385 in wages per month, or about $4,700 per year, which is more than the remuneration of high-class professional men, mechanics, and others after years of training without pay; and

Whereas our Government under the Constitution is not one of paternalism nor nationalism, and the railroad brotherhoods' suggestions are entirely along class lines and their demands carry a threat practically of revolution: Therefore be it

Resolved, That the Detroit Republican Club strongly opposes the demands of the Plumb plan and its sponsors, and we join with the labor and business interests of our country in calling upon the President and Congress to resist such demands at any cost; and be it

Resolved, That we request that the railroads be returned to their owners; that we favor the enactment of laws providing for private ownership and operation under strict Government control, with the prohibition of speculation and manipulation of stocks, bonds, and other railroad securities, providing for the highest wages possible commensurate with adequate service and efficiency; and be it further

Resolved, That the secretary be, and he is hereby, instructed to forward a copy of these resolution to the Senators from Michigan, Congressman CHARLES A. NICHOLS, and the daily papers.

Mr. NEWBERRY. I also present a memorial signed by six bishops of the African Methodist Episcopal Church, praying for an investigation into the recent race riots in Washington, D. C., Chicago, Ill., and Knoxville, Tenn. I ask that the memorial be printed in the RECORD and referred to the Committee on Education and Labor.

There being no objection, the memorial was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

A memorial.

To the Congress of the United States:

The Commission on After-War Problems of the African Methodist Episcopal Church, representing a religious organization numbering a million communicants and adherents, now in the one hundred and third year of its denominational existence, prompted by a sense of stern duty, respectfully directs your attention to the solemn and ominous statements which characterize the following poem, printed in the September issue of a magazine published by colored people in New York City:

"IF WE MUST DIE!

"If we must die, let it not be like hogs
Hunted and penned in an inglorious spot,
While round us bark the mad and hungry dogs,
Making their mock at our accursed lot.
If we must die, oh, let us nobly die
So that our precious blood may not be shed
In vain; then even the monsters we defy
Shall be constrained to honor us, though dead!

"Oh, kinsmen! We must meet the common foe;
Though far outnumbered, let us still be brave,
And for their thousand blows deal one deathblow!
What though before us lies the open grave?
Like men we'll face the murderous, cowardly pack,
Pressed to the wall, dying, but—fighting back!"

Though the poem is the production of a West Indian negro, a native of Jamaica, it nevertheless reflects the conviction of a large group of American citizens of African descent—a group who feel that death is preferable to a state halfway between slavery and freedom. This group has sworn by the blood of their kinsmen who fell on the battle fields of France, in a death grip with the foe, to help make the world safe for democracy, that they will no longer tamely submit to a denial of the rights guaranteed them by the National Constitution.

This does not mean that they intend to go around with a chip on the shoulder seeking for trouble; that they mean to be needlessly offensive; that they will provoke a conflict, or that they intend to resort to force to secure a fair measure of righteous justice. Not at all. It means that they will pursue the path of peace, imposing on themselves the virtue of self-restraint to the limit, impelled by the lofty purpose to agitate for a better understanding between the races. They will demand a hearing at the bar of public opinion.

It is quite certain, however, that the fulminating of the archaic and vicious dogma, "This is a white man's country," which of late has been resurrected, will not conduce to a better understanding between the races. Moreover, when Gen. Lee surrendered his sword to the commander of the triumphant armies of freedom at Appomattox, that dogma fell a shattered idol.

This year is the ter-centenary of the coming of our forebears to this country, which antedates by a year the coming of the Pilgrim Fathers. Our claim to an equitable ownership of this country is attested by three centuries of toil for its development and expansion, as well as by heroic deeds and sacrifices in its defense on fields of sanguinary conflict from Bunker Hill to Metz. We are here, and here to stay—not as aliens or pariahs but as a bona fide and integral part of the body politic. Our supreme desire is to be allowed to exercise our inalienable rights without let or hindrance, to prove a strong prop in the support of American institutions, and to continue a helpful factor in the development of American industry.

We most earnestly pray the Congress to make diligent inquiry as to the underlying cause of the race riots at Washington, D. C., Chicago, Ill., and Knoxville, Tenn., with the view of formulating such sugges-

tions for adoption by the people as, in your judgment, may prove a safeguard against similar outbreaks in the future, and also lead to the establishment of a more friendly relationship between the races.

And your petitioners will ever pray.

Charles S. Smith, chairman, Detroit, Mich., bishop, American Episcopal Church; John R. Hawkins, secretary, Washington, D. C., financial secretary, American Methodist Episcopal Church; Joseph S. Flipper, Atlanta, Ga., bishop, American Methodist Episcopal Church; J. Albert Johnson, Baltimore, Md., bishop, American Methodist Episcopal Church; William H. Heard, Jackson, Miss., bishop, American Methodist Episcopal Church; John Hurst, Jacksonville, Fla., bishop, American Methodist Episcopal Church; William D. Chappelle, Columbia, S. C., bishop, American Methodist Episcopal Church; Richard R. Wright, jr., Savannah, Ga., editor Christian Recorder, American Methodist Episcopal Church; Arthur S. Jackson, Waco, Tex., secretary of education, American Methodist Episcopal Church.

DETROIT, MICH., *September 22, 1919.*

Mr. NEWBERRY presented memorials of sundry citizens of Bay City, Pontiac, Cassopolis, Reed City, Fremont, Maple Rapids, Manton, Bad Axe, Dundee, Lake City, Coldwater, and Charlevoix, all in the State of Michigan remonstrating against the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. KELLOGG, from the Committee on the Judiciary, to which was referred the bill (S. 2085) relating to the maintenance of actions for death on the high seas and other navigable waters, reported it with amendments and submitted a report (No. 216) thereon.

MINNESOTA RIVER BRIDGE.

Mr. *NELSON.* From the Committee on Commerce I report back favorably without amendment (H. R. 9091) granting the consent of Congress to the county of Hennepin to construct, maintain, and operate a bridge across the Minnesota River. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Hennepin, in the State of Minnesota, and its successors, to construct, maintain, and operate a bridge and approaches thereto across the Minnesota River, at a point suitable to the interests of navigation at or near the intersection of that certain public highway in said county commonly known and designated as Lyndale Avenue, with the said Minnesota River, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the county of Hennepin, in the State of Minnesota, to construct, maintain, and operate a bridge across the Minnesota River."

TENNESSEE RIVER BRIDGE.

Mr. JONES of Washington. For the junior Senator from New York [Mr. CALDER] I report back favorably from the Committee on Commerce, with an amendment, the bill (S. 2910) to revive and reenact the act entitled "An act to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild, reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee," approved April 5, 1916, and I submit a report (No. 217) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, in section 1, page 1, line 5, after the word "rebuild," to insert "and," so as to make the section read:

That the act approved April 5, 1916, authorizing the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild and reconstruct, maintain, and operate a bridge across the Tennessee River near the city of Chattanooga, Tenn., be, and the same is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge be commenced within one year and completed within three years from the date hereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to revive and reenact the act entitled 'An act to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild and reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee,' approved April 5, 1916."

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 3060) providing commissions in the Regular Army for all commissioned officers in the United States Army as of their present grade, and for the granting to them of furloughs to the Regular Army Reserve under certain conditions; to the Committee on Military Affairs.

A bill (S. 3061) granting an increase of pension to John Beazan; and

A bill (S. 3062) granting an increase of pension to Vincent J. Turnidge; to the Committee on Pensions.

By Mr. POMERENE:

A bill (S. 3063) granting a pension to William Cannon (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of New Mexico:

A bill (S. 3064) to provide for the acquisition of a site and the erection thereon of a public building at Deming, N. Mex.; to the Committee on Public Buildings and Grounds.

By Mr. SHERMAN:

A bill (S. 3065) granting a pension to Melissa J. King; to the Committee on Pensions.

By Mr. CAPPER:

A bill (S. 3066) to provide for the incorporation of cooperative associations in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MOSES:

A bill (S. 3067) granting a pension to Charles Edward Stevens (with accompanying papers); to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 3068) granting a pension to Elijah Peck (with accompanying papers); and

A bill (S. 3069) granting a pension to Caroline Pearl; to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 3070) to provide for the annual election of chairmen of Federal boards and commissions, and for other purposes; to the Committee on Civil Service and Retrenchment.

DEVELOPMENT OF WATER POWER.

Mr. WADSWORTH submitted an amendment intended to be proposed by him to the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved August 8, 1917, and for other purposes, which was ordered to lie on the table and be printed.

AMENDMENT TO FIRST DEFICIENCY APPROPRIATION BILL.

Mr. JONES of Washington submitted an amendment proposing to increase the appropriation for civil government of the Panama Canal and Canal Zone, etc., from $150,000 to $192,000, intended to be proposed by him to the first deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT TO THE CONSTITUTION.

Mr. OWEN submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 41) proposing an amendment to the Constitution of the United States, which was ordered to lie on the table and be printed.

LABOR STRIKES.

Mr. THOMAS. Mr. President, I desire to offer the following resolution (S. Res. 190), and as I have not had time to put it in proper condition for the Secretary to read I beg the privilege of reading it myself:

Whereas the right of citizens to organize for the promotion of their views and the improvement of their condition and to utilize all means to the attainment of their ends which are consonant with law, justice, and the limitations of the Constitution; and

Whereas this right, long exercised and enjoyed, for some time past has been and is being utilized oppressively, unjustly, and for the accomplishment of aims and objects wholly repugnant to free institutions and to the inalienable rights of the citizen, thus promoting riot, restraining trade and commerce, overthrowing law and destroying order, and imperiling the lives and limbs of the people of States and communities: Therefore be it

Resolved, That we view with deep concern and disapproval all combinations, conspiracies, and disturbances designed to accomplish objects, lawful or unlawful, by frauds, force, disorder, or resort to other criminal methods.

That in America every citizen, in the enjoyment of life, liberty, and the pursuit of happiness, has the constitutional right to follow any calling or to refrain therefrom, as he may choose. That this right is mutual and universal, any denial of or interference with which is wholly contrary to free institutions and individual liberty.

That the so-called "closed shop," the denial to the citizen of the right to a livelihood for the support of himself and family free from limitations imposed upon him outside the law are tyrannous, un-American, and wholly in conflict with the fundamentals of American freedom.

That so-called strikes for power, paralyzing business, interfering with distribution, lowering production, defying the laws, and necessarily resulting in riot, insurrection, murder, and the destruction of property are conspiracies in restraint of trade, and should be prevented whenever possible and resisted at all times.

That no person, association, or corporation can be safely or constitutionally exempted or excluded from the obligations, penalties, and prohibitions of general laws enacted for the public safety and welfare.

To-morrow, Mr. President, when an appropriate occasion offers itself, I shall submit some remarks upon the resolution.

The PRESIDENT pro tempore. The resolution offered by the Senator from Colorado will lie over under the rule.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. Mr. President, I offer a resolution, for which I ask present consideration. I ought to say a word of explanation in regard to it. It is to print 98 additional copies of Senate Document No. 51, with maps, entitled "The Treaty of Peace with Germany." The maps had to be brought from Paris. Copies of the treaty with the maps have already been furnished to all the Senators, but there are still 98 complete sets of the maps remaining at the Printing Office. I ask for the adoption of this resolution in order that the 98 copies with all maps may be published, which will give each Senator one additional copy of the treaty with maps.

The PRESIDENT pro tempore. The resolution submitted by the Senator from Massachusetts will be read.

The resolution (S. Res. 191) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed 98 additional copies of Senate Document No. 51, Sixty-sixth Congress, first session, entitled "Treaty of Peace with Germany," with maps, for the use of the Senate document room.

LEAGUE OF NATIONS.

Mr. GAY. Mr. President, I present a letter signed by numerous citizens of Louisiana in regard to the league of nations. I think it fairly represents the sentiment of the people of the State of Louisiana, and I ask that it may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VIVIAN, LA., *September 20, 1919.*

Hon. EDWARD J. GAY,
Senate, Washington, D. C.

DEAR SENATOR: Your entire constituency are very anxious that you bring all of the pressure that you can command to bring about the ratification of the peace treaty and covenant at the earliest possible moment.

Believing as we do that humanity, commerce, industry, and labor and the whole social order urgently needs speedy ratification, the delay has already been too long.

We believe that you are working to this end, but wanted to let you know our wishes in the matter.

We remain,

Yours, very respectfully,

H. H. Huckaby, merchant; C. H. Thurmond; Daniel Crowe, postmaster; C. J. Lawton, merchant; T. H. Brown; L. C. Butler; J. P. Wilson, merchant; Vivian State Bank; J. A. Caldwell; Bank of Vivian; J. D. Houston; W. T. Adams.

Mr. MOSES. I have received a letter from a former member of this body, Hon. Henry W. Blair, of New Hampshire, who served in the Senate 30 years ago, making valuable suggestions to the Senate for the consideration of the treaty of peace. I ask that it may be printed in the RECORD without reading.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *September 22, 1919.*

Hon. GEORGE H. MOSES,
United States Senate.

DEAR SENATOR: Suggestions for world policy of the United States for present consideration:

Let the proposed treaty, league of nations, and covenant fail or be so modified as to suit the United States, regardless of party. The President and all of us have been imposed upon enough to justify if not to require this.

Let all the secret treaties and understandings to which any of the allies or enemies are, or have been, parties be made public and carried out if they think best, so far as any of them desire to attempt it, provided there be no injury done to the United States or interests she may feel bound to uphold and defend, in honor, or the dictates of humanity, or by responsibility already incurred.

Treat all negotiations and understandings and proposals involved in the existing international status as null and void so far as the United States is concerned unless the following condition is made fundamental and indispensable—alone securing ultimately everything, without it nothing, to wit:

The adoption and maintenance in each nation of a system of free public instruction and education in all the common branches of knowledge useful in the affairs of this life, including the nature of the different forms of government and of the rights and duties of citizenship under the several forms, especially of autocracy and democracy, so that every child in the world ultimately shall have opportunity to acquire that degree of intelligence and virtue necessary in a government of the people, by the people. Such systems of public schools and education shall be preferably nonsectarian, and shall inculcate the principle of toleration in all matters of religious belief and practice, so that the religious as well as civil liberty may prevail among the people of all nations, whatever may be their general faith, if any be prescribed by custom or local law.

Autocracy is force, and the simplest of all forms of government; democracy is intelligence of the majority, and the most complex of all forms of government.

The majority of the people must know enough to govern themselves or mankind must forever submit to autocracy or to anarchy.

The proposed peace has no foundation stone. It is built upon the sand and shall fall because it is not founded upon the rock of the education of the masses of the people, without which democratic government is impossible.

Such a peace is active preparation for final slavery or still greater wars. The education of the masses of the people is the supreme issue in the whole world. A treaty with China would accomplish the whole thing. Yielding to all other nations the right to make treaties as they please not injurious to the United States or the general principles of humanity, the United States reserves untrammeled the right to enter into any treaty or alliance with the Republic of China which may be agreeable to both Republics, to resist encroachments upon or violation of the rights of and for the maintenance and promotion of the democratic form of government in either or in any other nation, and to that end to make war or peace, which treaty may endure for the necessary period of time. Such a treaty might be analogous, but preferably public, to the treaty entered into secretly between Great Britain and Japan when both these nations were interested in China, but were apprehensive of Russian power. With such a treaty all three will let the Republic of China alone. It is safe to say that if such a treaty had been entered into by the United States and China when I most strongly urged it upon former President Taft there would have been no recent wars in the Orient and probably no World War during the last four years.

All other nations would have taken notice and would have kept the peace. Germany sought world power in China as much as in Europe. She wanted both or no present war.

China and the United States combined would and will hold this world in peace as nothing else will do it. Treaties do not require or often if ever result in the comingling of citizenship or social relations, much less in the assimilation of nations or races.

China has cheap labor, which is capital, and 50,000,000 fighting men, many good officers, and all the resources for overwhelming armies and navies.

The United States has all that China lacks. Capital and educated labor, without which capital is nothing, the best army and coming the best navy. Her officers are inferior to none. They can train the 50,000,000 of men into unflinching fighting masses for the battle field, and China has not yet forgotten the American record of two generations ago nor the Boxer War and American generosity.

Both these nations want peace and united they will have it. And again North and South America, thanks to the Monroe doctrine and the canal and increasing intercourse, are forever one.

We shall not fight Mexico, but we shall keep order, feed her people, and give them schools, work, and better pay. Then, we shall vacate, and God bless her. We shall always be friends if she will let us, but we must have real peace or fight.

Japan has cheap labor, China five times more. Great Britain, France, Italy, and Russia have more than enough else to do, and Japan will soon remember our early love and how she became great. She will cease to worship a man as her people study in the common school. Then, she will be free, indeed.

seeking peace, not war. And with China secure we shall help them all the more, including Germany, who disciplined our armies until we overthrew Burgoyne alone, when Cilley, of New Hampshire, swore his artillery into our service on the battle field of Saratoga. And France then gave her armies to avenge the loss of Canada and the Empire of India, 15 years before the Bourbon died in 1793. Lafayette was not France, but he led the spirit of young France into the fatherly arms of Washington.

Who can now pass the neglected statue of Steuben and not weep. We did not fight the Germany of Luther and liberty, nor our comrades in the Civil War. There is or there shall be a new Germany, but the Hohenzollern spirit must die.

Yet how can you get full reparation of the damage done by great nations from the fragments of such nations after they are cut up into exempted allied States. All such questions will be solved by the all prevailing sense of justice when once the Hohenzollern is dead.

Then shall be ushered in the day when—

> All crimes shall cease and ancient fraud shall fail,
> Returning justice lift aloft her scale,
> Peace o'er the world her olive wand extend
> And white-robed innocence from heaven descend.

To the above it should perhaps be added that education includes character, as well as facts and science. Also, that with a wisdom born of 2,000 years of accumulated Christian discretion in constant action, the Pope in a recent letter, published about the 8th instant, to Cardinal Lucan has thrown the tremendous influence of the Catholic Church in favor of democracy which is the destruction of autocracy, for that destruction is possible only where the common school and toleration of religious faith are the fundamental law of the land, thus indorsing the leading proposition of these suggestions and ending the long dispute which has separated the two great divisions of Christianity.

Does this mean even more? Will those divisions disappear in a restored and more glorious union than ever prevailed before, just as our Civil War was the birth of liberty for all the nations of the earth? Who knows? Be not faithless but believing.

Moreover, it should be remembered that the common people of all nations and races have fought side by side with those of the highest civilization, nine-tenths of whom were educated only in the common school. The victims of autocracy all know that the common school has made the difference between them. They will tell their neighbors what they have seen and know, and their neighbors will believe them. Every returning soldier of the oppressed and defective races is now worth 10 missionaries, although the missionary sowed the seed of it all—the Almighty God furnishing the seed.

HENRY W. BLAIR.

Mr. SHERMAN. I present a letter dated September 11, 1919, from the Mount Clemens News Bureau sent out to various papers in Illinois, soliciting an exchange with them and offering the service. It is a short communication, and I wish to have it printed in the RECORD without reading.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

MOUNT CLEMENS, MICH., *September 11, 1919.*

To all editors receiving Mount Clemens News Bureau League of Nations Service:

The Mount Clemens News Bureau would appreciate the courtesy of being included in your exchange list during the time that you are receiving its service on President Wilson's tour in behalf of the league of nations.

Comments on the service are invited. It is the desire of the bureau to furnish plate-using newspapers with a timely and complete report of the President's tour and any suggestions which will assist us in giving you better service will be appreciated.

Yours, very truly,

MOUNT CLEMENS NEWS BUREAU,
D. D. MARTIN, *Editor.*

Mr. SHERMAN. I also present an article from the Manufacturers' Record, published in Baltimore, Md., referring to the league of nations, which I should like to have printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE LEAGUE OF NATIONS AS A MORAL ISSUE.

[By Eugene Thwing.]

(That the request of American ministers of the gospel then in France that the peace conference be opened with some form of divine service for God's guidance was refused on the ground that there was no time available has been frequently mentioned in the Manufacturers' Record. These ministers do not feel authorized to publish the correspondence, but one of the signers, one of the foremost ministers of the country, has briefly stated the facts publicly and has repeatedly in letters to the Manufacturers' Record confirmed his announcement. The large majority of Americans who favor the league of nations do so because they have imagined that it was a religious duty to do so, and that the league would save the world from wars. The other side of the case and the significance of the refusal to hold any divine service is very strikingly presented in the following remarkable article by Eugene Thwing, a widely known author and publicist. Mr. Thwing tears away the claim that the league must be supported on moral or religious grounds or on the ground of saving the world from war, and he leaves not a thread of that garment with which to clothe a creature whose creators definitely refused to recognize the Supreme Creator as the overruling God of all world affairs.—Editor Manufacturers' Record.)

"'When an appeal is made to the American people it is a very dangerous thing for a party to get on the wrong side of a moral issue, and this is a moral issue much more than it is a political issue.' (The New York Times, July 27, 1919.)

"Serious fundamental truth lies in the words quoted above from an editorial in the New York Times urging the league of nations. The American people as a whole prefer righteousness rather than iniquity in its national affairs and in its dealings with other nations. Whatever their religious creed, and even where no religious creed is strictly held, the American people of all sects and all denominations believe at heart that 'righteousness exalteth a nation.' 'In God we trust' is not an empty phrase, and no political party can safely treat it with scorn or defiance.

"The league of nations as now proposed is a moral issue, above all else, and it is necessary for the American people to know why and how.

"I.

"The league of nations is a device of man's contrivance, which was built without recognition of God's governing hand in the affairs of men; it was constructed without any public acknowledgment of Him, and without any public appeal for His guidance.

"During all the sessions of the peace conference in Paris, when the most vital and fundamental issues of world policy were being considered; when the most serious and far-reaching problems of humanity were being discussed, amid bitter disputes and clashing interests; when the delegates of many nations were groping blindly for conclusions which would mean life or death, slavery or freedom, misery or happiness to hundreds of millions of human souls—not once was any appeal made to Almighty God for light and guidance in their counsels. Even the President of our own Christian Nation went away to his self-appointed task without any public acknowledgment of his dependence on God, nor any request to the people of America to seek Divine guidance for him in his mission. No religious service nor public prayer of any kind was allowed in connection with the long, troubled conference. Earnest written petition was presented by Christians outside the conference that there be some invocation of God's blessing and guidance in the work to be done, but official reply was made that there was no time for such service in connection with the conference. Man had serious work to do; there was no time to bother with God!

"And Almighty God turned away from that conference in anger at that moment and set His curse upon it, as of old, in these words: 'Woe to the rebellious children, saith the Lord, that take counsel, but not of me.' (Isaiah 30:1.)

"And in these words: 'Thus saith the Lord: Cursed be the man that trusteth in man, and maketh flesh his arm, and whose heart departeth from the Lord.' (Jeremiah 17:5.)

"And so, having rejected the counsel of the Almighty, these delegates of many nations proceeded to build their own devices, regardless of the warning that—

"'The Lord bringeth the counsel of the nations to nought; He maketh the devices of the people to be of none effect.' (Psalm 33:10.)

"They constructed an edifice of their own contriving, after many bargains and mutual threats and compromises of principles and violations of justice, disbelieving or defying the warning that 'except the Lord build the house, they labor in vain that build it.' And they ornamented their structure with beautiful words, and played before it the music of fine-sounding ideals, making it 'indeed appear beautiful outward,' while within it was 'full of dead man's bones and of all uncleanness.' And they called their edifice 'the league of nations,' dedicated to the 'peace of the world.'

"And, having ears, they heard not the awful sound which came from the Eternal Throne:

"'He that sitteth in the heavens shall laugh; the Lord shall have them in derision. Then shall He speak unto them in His wrath and vex them in His sore displeasure.' (Psalm 2:4–5.)

"II.

"The league of nations is in direct disobedience to the commands of God as given many centuries ago to His people when He delivered them from their oppressors and delivered into the hands of His people those enemies of His who had defied Him and worked abominations in His sight.

"'When the Lord thy God shall deliver them before thee, then shalt thou smite them, and utterly destroy them; thou shalt make no covenant with them nor show mercy to them.

"'Neither shalt thou make marriages with them; thy daughter thou shalt not give unto his son nor his daughter shalt thou take unto thy son.

"'For they will turn away thy son from following Me, that they may serve other gods; so will the anger of the Lord be kindled against you.' (Deuteronomy 7:2-4.)

"The 'utterly destroy' in the first part of this command, evidently, in the light of what follows, does not mean slaughter nor utter destruction of property, but complete destruction of power, and complete refusal of political and family alliances. The command is repeated many times, in various forms, emphasizing the need of separation between the nations whose God is the Lord and the nations who will have none of Him. In the new dispensation the command was made even more explicit:

"'Be ye not unequally yoked together with unbelievers; for what fellowship hath righteousness with unrighteousness? And what communion hath light with darkness?' (II Cor., 6:14.)

"Among the 32 members of the league of nations are many pagan nations. Their presence in the Paris peace conference was one of the things, no doubt, which prevented the recognition of God and a turning to Him for guidance. The United States, a Christian Nation, with only 1 vote in a total of 32, would certainly be 'unequally yoked together with unbelievers' in disobedience of the command of God. The offense would be increased when Germany, that great worker of abominations, is admitted as a member of the league of nations and a subscriber to and beneficiary of the 'covenant.' No good could come of this unequal yoking together, but only evil, as only evil has come during the first period of that yoke fellowship. The wish and the vote of the United States has been set at naught already by the wish and the vote of pagans. It would be so again and again.

"All this unequal yoking together has been covered up with finely spun sentiment and unfulfillable promises; but God's people are warned against this very thing.

"'Let no man deceive you with vain words, for because of these things cometh the wrath of God upon the children of disobedience. Be not ye therefore partakers with them, and have no fellowship with the unfaithful works of darkness.' (Eph. 5:6, 7, 11.)

"III.

"The league of nations is an instrument of evil and not an instrument of good.

"It could not be otherwise, since, in its making, the guidance of the God of Nations was not sought and recognition of Him was refused. It could not be otherwise, since it yields to, even if it is not dominated by, pagan influences.

"Its promises have been for justice, and its first definite acts have been acts of injustice. Thus already the world has been 'deceived with vain words.'

"In the concrete example of Shantung, the league of nations pledges itself to 'respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league,' and following that pledge it appends the name of China as one of its members to whom the pledge is made. Then, after formulating, and agreeing to, and proudly proclaiming to the world and to China this beneficent purpose of the league, the very men who made the league and the pledge proceeded to tear away from China, one of its own chosen members, a large part of its most important territory and 38,000,000 of its citizens, with the vast interests pertaining to them, and to turn them all over to an external aggressor who demanded them, in order to bribe that pagan aggressor to become also a member of that same league and to subscribe to that same pledge!

"Can any more grotesque or preposterous act of injustice and insincerity be imagined? The sponsors of the league of nations, solemnly agreeing to protect one another against any despoiler, deliberately compound with such a despoiler, the complete violation of their own most sacred pledge and rob one of their own weaker members at the command of the despoiler, in order that this very despoiler may be induced to come into the league and join in the pledge to 'respect and preserve the territorial integrity and political independence of all members!'

"What respect can the creators of the league have for their own pledge after so gross a violation in the very act of making it? What respect will that nation have for it that violated it as a condition to becoming a party to it? Even at the very beginning of his strange contrivance of men who refused to seek the blessing and guidance of Almighty God on their work, He was making 'the devices of the people to be of none effect.'

"Our own President yielded to this act of gross injustice against and despoliation of a friend. He acknowledges that he disapproved and tried to modify it, but felt compelled to consent to the wrong in order to get Japan into the league of nations. What a pity he did not have this warning blazoned in letters of fire before his eyes, 'When sinners entice thee, consent thou not!'

"The time to remember that the league of nations 'is a moral issue' was just then, when temptations to do wrong for seeming political advantage assailed the makers of the league. The very soul of the league was bartered away at the moment of its birth in order that it might have the appearance of power. And in gaining this appearance of power it showed that it possessed the very essence of weakness and failure.

"Whatever the temptations, whatever the threatenings, whatever the troublesome alternative, one simple rule, one final test, would have settled everything with honor and integrity and established the league of nations upon a solid rock. It is the rule followed by and emphasized by Theodore Roosevelt, 'The choice must ever be in favor of righteousness, and this whether the alternative be peace or whether the alternative be war. The question must not be merely, Is it to be peace or war? The question must be, Is the right to prevail? Are the great laws of righteousness to be fulfilled? And the answer from a strong, virile people must be "yes," whatever the cost. We scorn the man who would not stand for justice though the whole world come in arms against him.'

"Only as he is girded and guided by the God of righteousness can any man be strong enough and wise enough to stand thus at such a time. Only then can he translate into his words and acts of the twentieth century, as Roosevelt did, the proud confidence of King David of 30 centuries ago:

"'The Lord is my light and my salvation; whom shall I fear? The Lord is the strength of my life; of whom shall I be afraid?

"'When the wicked, even mine enemies and my foes, came upon me to eat up my flesh, they stumbled and fell.

"'Though an host should encamp against me, my heart shall not fear; though war should arise against me, in this will I be confident.'

"IV.

"The league of nations is foredoomed to utter failure because of its disobedience to God and its own inherent weakness.

"Many times, through the centuries, nations have tried similar plans, and all have failed. Again and again God rebuked and punished Israel and Judah for seeking to strengthen themselves with pagan alliances instead of with obedience to Him. And more modern history contains instances of leagues of nations, notably the one that was formed at Aix-le-Chapelle just a hundred years before the present peace conference met in Paris. The same idealistic pronouncements then, as now, 'seemed to promise the advent of the golden age.' But then, also, the league, formed 'as a sign of brotherly good will,' was merely a smiling mask behind which the great powers continued their own alliances 'by a secret protocol,' and the scheme came to naught.

"The inherent weakness of this new league of nations makes its failure certain, if even its actual career shall begin. This weakness lies in—

"1. Its composition politically, its membership of jealous, rival nations, their historical enmities, their geographical jealousies, their racial and religious hostilities, their trade rivalries and jealousies.

"2. Its composition morally, without God as the accepted Leader, and righteousness as the governing principle; with bitter hatred in many hearts. 'Everyone, from the least even unto the greatest, is given to covetousness—everyone dealeth falsely,' and 'inwardly they are ravening wolves.' Even if this is not true of some of the best, it is true undeniably of others, and no league containing such elements can be for long a federation of peace able to 'substitute the court of law for the arbitrament of war.'

"3. Its certainty of disagreement and split. No vital question of magnitude can be decided to the satisfaction of all. No strong nation will allow the others to vote against it with impunity. (Would we?) Secret intrigues and realignments already are going on. Expulsion or withdrawal of any strong nation is sure to result in a stupendous war.

"4. Its wrong basis of power. If any power at all exists, it is the power of strong nations, for the moment acting together, to enforce their will upon weak nations. They can not enforce their will upon one of their own number. They have already failed to do anything more than buy one another's consent by the giving of the property of the weak in return for consent. And this is weakness, not power. Certainly no moral power has been asked for nor conferred upon the league by the God from whom it has turned away.

"5. Its inconsistency and insincerity. It plans for disarmament while all its members feverishly increase their armaments, some members being particularly active in that respect. Claims are made in behalf of the league which are far from true. Its founders and advocates profess principles to govern its operation which they discard in its formation. It is urged as a means to world peace, but it contains the threat of innumerable wars. It is offered as a protector of weak nations against strong aggressors, and it begins by helping the strong aggressor to ravish its weaker neighbor. Therefore, 'be not deceived, God is not mocked; for whatsoever a man (or a nation) soweth, that shall he also reap.'

"The whole scheme of the Godless league is summed up in I Thessalonians, 5:3: 'When they shall say, "peace and safety," then sudden destruction cometh upon them, as travail upon a woman with child; and they shall not escape.' This was true in 1914; it is true in 1919. The new forces of 'sudden destruction' are in preparation at this very moment, some of them in the plain sight of men and some of them hidden away in the dark. Some of the preparers are in the league, and some are without, scheming to get in, so that they may carry on their preparations more expeditiously and effectively.

"The superficiality and futility of the whole glib and glittering program, with all its ceremony and theatrical display, is expressed in the sad lament of the Prophet Jeremiah: 'They have healed the hurt of the daughter of my people slightly, saying, peace, peace, when there is no peace.'

"The league of nations is only a splendid appearing structure, with no real living soul to hold its form together. It is an offense to the living God. It will crumble and disappear when the shouting and the tumult die. God keep America out of it! God turn the hearts of Americans to seek His guidance and accept His leadership!

"'The counsel of the Lord standeth forever. Blessed is the nation whose God is the Lord.'"

RAILROAD PASSES.

Mr. SHERMAN. I next offer a communication from Life, a source of perennial philosophy, a wellspring of humorous instruction to guide us when we laugh and free us from our nonsense with a smile. It is a profound observation on the railway deficit. I ask that it be printed in the CONGRESSIONAL RECORD. It notes that among those to whom free passes have been issued by the Railway Administration are included 33 widows and 4 mothers-in-law. I ask that the whole article, which is a very short one, be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"INFORMATION.

"To those who think that our railroad rates are too high, and that the whole system is more or less corrupt and incompetent, it will be good news to learn that not everybody is suffering from this high cost of travel. There are certain exceptions.

"According to the Hines report on July 1, 1919, there are 1,590 wives, daughters, sons, and relatives of the United States railroad officials who hold annual all-line railroad passes. Of these, 1,096 hold annual all-line Pullman passes. The ladies have by no means been neglected. Among them are 33 widows and 4 mothers-in-law.

"If you wish to travel free over our Government-controlled railroad system, the proper way is to get some relative a job as a United States railroad official."

GOVERNMENT-CONTROLLED RAILROADS.

Mr. THOMAS. Mr. President, in this connection I offer and ask to have read a very short letter from one of my constituents in southern Colorado, which I think contains some valuable information, which, however, is not entirely new.

The PRESIDENT pro tempore. Without objection the Secretary will read as requested.

The Secretary read as follows:

TRINCHERA, COLO., *September 18, 1919.*

Hon. CHARLES S. THOMAS,
United States Senator from Colorado.

DEAR SIR: I am writing you a private letter in regard to our railroad situation here. It is claimed there is a great shortage of labor, but it is not necessary the Government-controlled railroads have at least five times as many track workers as they formerly had.

Had the corporations used the same unbusiness-like methods it would have created just such a condition 10 years ago; perhaps the deficit would not have been quite so great as it is now.

I am a farmer here, but am unable to employ sufficient help to harvest and replant my crop without paying an unreasonable price for such help. I think the labor unions are in control of our Government.

We never had such poor service from the railroads, never was treated more contemptuously by its agents, and never paid so much money to be abused as we are paying under Government control. If those people want to strike let them do so.

Very truly, yours,

O. D. HOLLENBECK.

ENFORCEMENT OF ORDER—DECORUM IN THE GALLERIES.

Mr. OVERMAN. I offer the resolution which I send to the desk, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Senator from North Carolina submits a resolution and asks unanimous consent for its present consideration. The resolution will be read.

The Secretary read the resolution (S. Res. 192), as follows:

Resolved, That it is the sense of the Senate that in the interest of decorum and good order the presiding officer shall enforce section 6 of Rule XIX.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. SMOOT. Mr. President, I think it would be very much out of place for the Senate to pass a resolution calling upon its presiding officer to enforce the rules of the body. I think it would be unwise to do so.

Mr. McLEAN. I object to the consideration of the resolution. Let it go over until to-morrow.

Mr. OVERMAN. Mr. President, I desire to say before the Senator from Connecticut insists on his objection that there is no intention on my part of making any reflection upon the present occupant of the chair or the Vice President, but the resolution merely follows out a suggestion from the Vice President himself that he would like to know the sense of the Senate in regard to this matter, whether or not the rule should be enforced. The rule has not been enforced until the Senate has really taken on the aspects of a mob or a town meeting. I saw on yesterday a Senator of the United States, while standing upon the floor and inviting the Chair to enforce the rule, being hissed outrageously by the galleries. It is a shame. For the first time in the history of the Senate the galleries cheer and hiss while a colloquy between two Senators on the floor is taking place.

The PRESIDENT pro tempore. The present occupant of the chair desires to say that he very much needs the moral support of Senators if the rule is to be enforced. It is practically impossible to do so unless Senators express their desire to have it done.

Mr. OVERMAN. Mr. President, I was going to say to the Senate that the present occupant of the chair was right in what he said on yesterday, and the presentation of this resolution is intended as no reflection on any presiding officer; but I repeat the Vice President of the United States himself has invited the Senate to give an expression of its opinion in reference to the enforcement of the rule. I also know that the present occupant of the chair desires an expression from the Senate as to whether or not he should enforce the rule. The enforcement of the rule is always left to the sound judgment of the presiding officer. When a Senator makes a great speech in the Senate, whether or not the galleries should be permitted to cheer is one question, but that the galleries should cheer while two Senators are engaged in a colloquy upon the floor of the Senate is outrageous. If such demonstrations continue, we may have fights in the galleries, and the Senate may degenerate into a mob. Where is it going to lead?

Mr. President, recall in your own mind the presiding officers of this Chamber who have heretofore occupied that high position, such as the lamented Sherman, and Fairbanks, and that greatest of all presiding officers I have ever seen, William P. Frye—the gallaries would never have thought of doing such a thing in the days of those great presiding officers. I think in the interest of dignity and decorum the rule ought to be enforced.

I repeat that no reflection is intended on the present presiding officer, who himself has stated that he should like to know what the opinion of the Senate is in regard to the enforcement of the rule. I think I know what is the opinion of a majority of Senators.

Mr. NORRIS. Mr. President, may I ask the Senator from North Carolina a question

Mr. OVERMAN. I yield gladly to the Senator.

Mr. NORRIS. Without undertaking to contend that the Senator is in any way wrong, I should like to ask him how the presiding officer could enforce the rule in such cases? Take yesterday, for instance, what would have been the duty of the presiding officer on that occasion?

Mr. OVERMAN. If the presiding officer should clear the galleries but once, that would end these disorderly manifestations.

Mr. NORRIS. Let me ask the Senator another question. In the case of applause such as we had yesterday, for instance, and as we have had on other days, would the Senator from North Carolina have the presiding officer order the galleries cleared?

Mr. OVERMAN. I would, if the occupants of the galleries should cheer and hiss a Senator as they did on yesterday.

Mr. NORRIS. Assuming that we desire to pursue the course—I am not saying that I would not desire that it be done—of carrying out the Senator's idea in that manner, we would thereby prevent hundreds of people from occupying seats in the galleries who are not at all guilty of violating the rules. Not all of the people in the galleries cheer or hiss.

Mr. OVERMAN. Since I have been a Member of the Senate I have seen the galleries cleared, and it had a splendid effect.

Mr. NORRIS. If there could be a method of ejecting from the galleries those who were guilty of a violation of the rule and at the same time not interfere with other occupants of the gallery it would be a solution of the difficulty; but I do not know how that could be accomplished.

Mr. OVERMAN. I do not myself know how that could be done. The only way to do is, as I have seen done heretofore, to have the galleries temporarily cleared. That has the moral effect which goes with enforcing and carrying out the rules of the Senate.

Mr. NORRIS. But the Senator must admit that that would be punishing the innocent as well as the guilty.

Mr. OVERMAN. It is sometimes necessary to do that. The innocent have to suffer as well as the guilty in such cases.

Mr. LENROOT. Mr. President, I should like to remind the Senator from Nebraska that the people in the galleries are the guests of the Senate, and it is no punishment for them to be deprived of seats in the gallery for half an hour, if need be, in order to enforce discipline.

I desire also to remind the Senator that while the House of Representatives is very liberal and permits applause upon the part of Members upon the floor, the Senator from Nebraska in his long service there never heard and I never heard applause permitted from the galleries.

Mr. NORRIS. The Senator never heard the galleries in the House applaud?

Mr. LENROOT. I have seen them start to applaud, as the Senator has, but the Speaker has immediately prevented it under threat of clearing the galleries.

Mr. NORRIS. Why, Mr. President, I do not know that it would be a precedent here, but I have seen the galleries in the House applaud until it would make the applause that we have heard in the Senate "look like 30 cents." I am not objecting to some action if a proper rule can be secured; I am only calling attention to the fact that if the rule were enforced it would enable one person, if he desired to do so, to go into the gallery and applaud and make everybody else go out.

Mr. OVERMAN. No, Mr. President.

Mr. NORRIS. We are proposing to punish the innocent as well as the guilty. I never saw an instance when all the occupants of galleries were guilty.

Mr. OVERMAN. It is left to the sound discretion of the presiding officer. When he knows the Senate is standing back of him and going to help him to enforce the rule he can keep order. I have seen the galleries cleared once or twice when they paid no attention to the admonitions of the presiding officer. There is no reason why a presiding officer should clear the galleries if there is cheering after a great speech is delivered, but recall what took place in the Senate yesterday; the galleries were a mob. The Senator does not want to have hisses from the gallery.

Mr. NORRIS. No.

Mr. OVERMAN. He does not want to see his colleagues hissed?

Mr. NORRIS. No; I admit that.

Mr. OVERMAN. He does not want to see cheering going on in the galleries and loud noises made?

Mr. NORRIS. Let me suggest to the Senator that, in order not to discriminate against those who are obeying the rules of the Senate, if we find ourselves unable to have the rule enforced, we ought, it seems to me, to employ a few more doorkeepers, distribute them through the galleries and eject from the galleries, for instance, those who hiss.

Mr. OVERMAN. The presiding officer can do that now.

Mr. NORRIS. The presiding officer can not do that now. He can not point out the person who hisses.

Mr. OVERMAN. He can order the doorkeepers in the visitors' galleries to do so. It is a question with him how he shall do it.

Mr. NORRIS. He himself says he does not know how he should do it.

Mr. OVERMAN. And the Senator says he does not know how he would do it.

Mr. NORRIS. I have made my suggestion.

Mr. OVERMAN. But the Senator thinks it ought to be done.

The PRESIDENT pro tempore. Will the Senator from North Carolina hear a suggestion from the Chair?

Mr. OVERMAN. Certainly.

The PRESIDENT pro tempore. The difficulty under which the presiding officer labored yesterday lies in the somewhat indefinite language of the rule. The rule provides:

> Whenever confusion arises in the Chamber or the galleries, or demonstrations of approval or disapproval are indulged in by the occupants of the galleries, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator.

It does not provide that the galleries shall be cleared or that the doors shall be closed; and the present occupant of the chair would have great difficulty in reaching the conclusion that the galleries of the Senate should be closed to the public because a violation of the rule occurred in the galleries.

Mr. OVERMAN. It is just as I have said; it is left to the presiding officer how we will enforce the rule. Heretofore it has been enforced by the presiding officer, and we have had no trouble. If the galleries choose to cheer after a great speech is made, everybody recognizes the fact that that is all right; but when they get turbulent, as has been the case recently, the presiding officer can enforce the rule as he pleases and as it has been enforced in the past by Mr. Sherman and by Mr. Frye, as the Senator recollects. The presiding officer must use his own judgment.

The Vice President has stated that if the Senate would stand back of him he could enforce the rule and have order, and he invited an expression of the sentiment of the Senate. The present presiding officer himself said—and I intend no reflection on him—that he desired to know the sense of the Senate; and all I am trying to do is to get an expression of the sense of the Senate whether the rule ought to be enforced by the presiding officer in such manner as he thinks will keep order; that is all.

Mr. KNOX. Mr. President, I was struck the other day when the Vice President said he was going to put this matter squarely up to the Committee on Rules. That was his language. Occupying the position of chairman of that committee, I have been thinking over what the Committee on Rules could do. Suppose the Vice President did put it up to the committee. We do not make the rules of the Senate; we are not an executive branch of the Senate's authority. The rules are made by the Senate, and the duty of enforcing the rules rests upon the Vice President or upon whoever occupies the chair. We can not suspend the rules by advising him not to enforce the rule; it takes the Senate to do that; the Senate will have to modify the rule.

It seems to me, Mr. President, the Senate has got this matter very much in its own hands. We all know that, whatever the rule is, it will occasionally be broken. It is a rule which, I think, ought to be enforced in moderation. When there is an abuse of the rule the Senate has the remedy in its own hands by a motion to go into executive session, which automatically closes the galleries, and then proceed as in legislative session behind closed doors. In that way the remedy can be applied whenever the mischief reaches a point where it ought to be severely corrected. If we had a hundred rules, I do not believe, under extraordinary circumstances and in great crises such as we are passing through now, and passed through during the war, that we can prevent moderate expressions of approval, and sometimes of disapproval, on the part of occupants of the galleries.

Mr. OVERMAN. Mr. President, I agree with the Senator. We can not make a rule such as he says the Vice President invited; but the Vice President said that if the Senate would stand back of him the present rule was sufficient. Now, the moral effect of the Senate expressing itself upon this rule will, I have no doubt, be what the Vice President would like to have—an expression as to whether he should enforce it. I think it is his duty to do it; but, owing to what has been said upon this floor, the rules have not been enforced. The Senator admits that; the occupant of the chair admits it; and simply an expression from the Senate to the public that the Vice President or the occupant of the chair should enforce this rule would have a very

sound and healthy effect. The Senate can do as it pleases about it, of course.

Mr. SMOOT. Mr. President, I thought the position taken by the Vice President was a very sensible one. He gave notice to the Senate that he was going to enforce section 6 of Rule XIX, and that if the Senate wanted it otherwise than what he gave notice he intended to do, they should change the rules of the body.

Mr. President, I think that is the sensible thing to do. This resolution which is presented states that it is the sense of the Senate that in the interest of decorum and good order the presiding officer shall enforce section 6 of Rule XIX. The presiding officer knows what the rules of the body are to-day, and the matter is entirely in his hands. I think the Vice President was right when he stated that unless the Senate wanted this rule enforced they had better change the rules, because hereafter he intended to enforce them.

Mr. THOMAS. Mr. President, my service in the Senate has been a comparatively brief one, but during that time I can recall only one instance in which the rule was actually enforced. The order has been given on several occasions by the presiding officer, but has been met with a storm of protest from the occupants of the floor, the usual basis of the protest being that the applause or the violation of the rule began upon the floor rather than in the galleries.

My concern regarding this subject has to do with the existence of a rule which is chiefly honored by the breach. Nothing brings a law—whether it be a rule of a deliberative body or a statute—into disrepute so certainly and so quickly as a disregard of its provisions, especially if it be a prohibitory one. Hence, if this rule is not to be enforced it is better that it be deliberately repealed. Then there will be nothing that the occupants of the galleries can do, short of riotous demonstrations or throwing rotten eggs—as the Senator from Arizona [Mr. SMITH] suggests—which would not be within the purview of decorum, so far as general conditions are concerned.

Mr. President, I do not object to demonstrations from the galleries, even in this body, which claims to be—whether it is or not—the greatest deliberative body in the world; but I am convinced that such infractions of the rule as we have observed during the past three or four weeks will, if permitted to go on unchallenged and unabated, lead to far more serious conditions and may interfere with the due exercise of our duties upon this floor as representatives of the States and the people.

A Senator yesterday who rose to protest against an undue demonstration was hissed from the galleries. A few days ago the Senator from Mississippi [Mr. WILLIAMS], rising to reply to some remarks of the Senator from Massachusetts [Mr. LODGE], was hissed from the galleries. That is not a very pleasant demonstration for a man to encounter either in or out of the Senate; and if such manifestations are permitted one can readily imagine that they will be amplified by other and more robust expressions of disapproval.

The history of the French Assembly is somewhat illuminating upon this subject. There the galleries began by demonstrations of approval and ended by dictating the action of the assembly. I can readily imagine how, if the purpose is, as it may ultimately grow to be, to influence senatorial action from the galleries, that they will be occupied by individuals intent upon that purpose, and will manifest their requirements in no uncertain way, and may not always content themselves by merely interrupting the proceedings with disorderly remarks or other noisy expressions of disapprobation.

I hope that the rule will be reasonably enforced, and I hope that our guests in the galleries will appreciate the importance of conforming to those requirements and conditions which we impose, for their own benefit and ours, upon them as guests of the Senate. I do not want to see a repetition of such conduct as we witnessed yesterday. Perhaps the best thing to have done in the circumstances was done by the Senator from Massachusetts [Mr. LODGE], who promptly moved that the Senate adjourn; but the conduct to which I refer is discreditable and wrong, and I think the rebuke of the Senator from Arizona [Mr. ASHURST] yesterday was timely and was justified.

Mr. SMITH of South Carolina. Mr. President, the Senator said he did not object to a reasonable amount of discretion being allowed the Chair. Does not the Senator recognize the fact that it would be more onerous on the presiding officer than it is at present to determine just what should be allowed and what should not be allowed? Would it not be better to have a rule, and enforce it strictly, that no demonstration whatever from the galleries, either of approbation or of disapprobation, should be permitted? It is one of those difficulties that we find in all legislation—trying to take care of exceptions. You have to have a rule, and obey the rule strictly, without regard to what exceptions may arise.

Mr. THOMAS. I have already said that I think the rule should either be enforced or it should be repealed. What I meant by a reasonable relaxation of its requirements can perhaps be illustrated by many incidents with which the Senator is familiar and which occurred prior to the more recent and more noisy manifestations.

Now, I do not want to pose here as a Pharisee. I have started two applauses upon this floor myself.

Mr. SMITH of South Carolina. The Senator should not have done it.

Mr. THOMAS. I know I should not have done it, but I did it involuntarily; and I can understand how, in the enthusiasm of a given moment, the occupants of the galleries may act similarly. One of them occurred when my friend the Senator from Wisconsin [Mr. LA FOLLETTE] cast his vote for the Underwood bill. I was sitting over here, and his action was so pleasing to me that before I knew it I was clapping my hands; and I may add that I was called down for it very thoroughly and very vigorously by the late lamented Senator from Georgia, Mr. Bacon, who, in the cloakroom, told me in no uncertain tones what he thought of my conduct, and how grossly I had offended the dignity and propriety of the United States Senate.

Mr. McLEAN. Mr. President, I rise to a point of order.

Mr. THOMAS. The Senator need not make it. I will yield the floor.

The PRESIDENT pro tempore. The Senator from Connecticut will state his point of order.

Mr. McLEAN. I dislike very much to abbreviate the remarks of the Senator from Colorado——

Mr. THOMAS. I was through, anyway.

Mr. McLEAN. But I objected to the consideration of this resolution this morning, and I understand that it goes over until to-morrow.

The PRESIDENT pro tempore. The point of order is sustained. The Chair understands that the Senator from Connecticut objected to the present consideration of the resolution, and it goes over until to-morrow. The morning business is closed.

ORDER OF BUSINESS.

Mr. McLEAN. I move that the Senate proceed to the consideration of House bill 7478, Order of Business 126.

Mr. KENYON. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Iowa will state it.

Mr. KENYON. On yesterday I introduced a resolution which went over under the rule. I ask if that is given any preference?

The PRESIDENT pro tempore. Under the ruling of the Vice President, as the Chair understands it, such resolutions are to be called up by Senators and are not automatically laid before the Senate. If, however, the Senator desires to call up the resolution it is his privilege to do so, and it will be laid before the Senate.

Mr. KENYON. Another parliamentary inquiry. In view of the motion of the Senator from Connecticut [Mr. McLEAN], would a resolution coming over from yesterday have any parliamentary precedence of that motion?

The PRESIDENT pro tempore. The resolution which is first called up will be the resolution first laid before the Senate.

Mr. McLEAN. Will that take precedence of my motion?

The PRESIDENT pro tempore. Will the Senator from Connecticut state his motion again?

Mr. McLEAN. I move that the Senate proceed to the consideration of House bill 7478.

Mr. NORRIS. Mr. President, before the Chair rules——

The PRESIDENT pro tempore. The Chair is of the opinion that a suggestion to call up a resolution that went over under the rule yesterday takes precedence of a motion to proceed to the consideration of a bill on the calendar.

STRIKE OF STEEL MILLS EMPLOYEES.

Mr. KENYON. I ask, then, to take up Senate resolution 188, which went over yesterday under the rule.

The PRESIDENT pro tempore. The Secretary will state the resolution.

The Secretary read Senate resolution 188, introduced by Mr. KENYON on the 22d instant, as follows:

Whereas a strike of the employees of the steel mills of the United States has been called; and

Whereas such strike adds to the troublesome conditions already existing and becoming a question of great public moment; and

Whereas it is the duty of Congress to investigate the causes and purposes of said strike and see if the situation can in any way be relieved by Federal action: Now, therefore, be it

Resolved, That the Committee on Education and Labor of the United States Senate is hereby instructed to immediately investigate said strike and report to the Senate within the shortest possible time the causes and reason therefor.

Mr. KENYON. Mr. President, I want to say just a word. I do not introduce the resolution in behalf of either side of this controversy. I introduce the resolution because of the great third party to every strike, the party that is not represented, and that is the public. This strike seems to be the commencement of trouble. Industry is in rather a ticklish situation in the country and it needs every kind of steadying force. With these facts before the people, as there are now nearly 300,000 men on strike in an industry that reaches into every part of our industrial life and touches every family in the country, it seems to me that the Congress can not sit idly by and do nothing whatever in the matter.

Certain demands have been made by the union, apparently, according to the newspapers. Congress is not familiar with what those demands are on the part of the strikers. Certain positions have been taken by the employers. One is that the strike is really caused by aliens. That is a matter we ought to know about, for it is a very important matter. The whole situation will be helped by the publicity that an investigation by the Senate will give to it.

I know there is a general feeling—and I share in it, too—that such investigations do not amount to very much; but I remember full well when the Paint Creek and the Cabin Creek strike was taking place in West Virginia. A great deal of property had been destroyed before Congress acted. Many people were killed. It was veritably a civil war in West Virginia. A committee was appointed by the Senate that went to West Virginia, under the chairmanship of the able Senator from Virginia [Mr. SWANSON], and I shall always feel that his work as chairman of that committee had much to do with quieting that situation. The strike was stopped, property was saved, lives were saved, and there has not been a strike in that region since. I pay tribute to the Senator from Virginia for the way he handled that matter.

So, Mr. President, it seems to me that these men who are striking, who are the leaders of the strike, can be brought before a Senate committee, and it can find out what is the matter; and the owners of the property likewise can be brought before the Senate committee, and it can find out what is the matter. The day has gone by, I believe, in this country when either capital or labor has the right to precipitate upon the country conditions that are destructive of our industrial life. It is the purpose of my resolution to have a representative of the great third party to these strikes, the people of the United States.

We have no War Labor Board now. That is, it is not functioning and can not act. I do not know just the condition of the Mediation and Conciliation Board in the Department of Labor. Out of this may come some legislation, with larger powers of conciliation and mediation. I do not mean by that compulsory arbitration. I do not believe that can come in this country. But the point I am making is that this great strike seems to be the first skirmish in an industrial warfare in this country, and we may as well face it. There is no use putting our heads in the sand, ostrich like, and saying it does not amount to anything. It does. Let us face it, find out the facts, give it all publicity, and see if there is anything the American Congress can do.

Mr. SMITH of South Carolina. Mr. President, I should like to ask the Senator a question before he takes his seat. When the facts are determined, does he contemplate that the Congress then should attempt to remedy the condition by any legislation?

Mr. KENYON. If the Congress can. I do not know until we know the facts. I think the Senator must be rather disturbed, and as I think we all must be, about industrial conditions in this country. We at least ought to know the facts, and then determine whether we can do anything.

Mr. SMITH of South Carolina. I am greatly disturbed at the tendency that seems to be prevalent throughout the country, that the Congress of the United States shall be the place where the relations in the great industrial world are to be determined. I think the common sense of the people at large in their own private affairs should be tested out to the very last before we begin what in my mind seems to be a tendency toward socialism.

Mr. KENYON. Does the Senator think an investigation of a great strike that enters into all our industrial relationships is socialism?

Mr. SMITH of South Carolina. If we are looking toward legislation that is to regulate all our industrial affairs. It seems to me that the causes are now more or less known. They have not been kept secret. The public are very well advised as to what are the causes.

Mr. KENYON. Is the Senator advised as to the causes of the strike?

Mr. SMITH of South Carolina. I think they have been very assiduously published. If there is any other matter inside, while, as a matter of course, the public are vitally interested when it touches the great industries upon which we are all dependent, it seems to me that it is a case where it would be better to suffer some ill and preserve our Government as it is, and let such disease work themselves out as between man and man, rather than attempt to cure them by a worse disease.

Mr. KENYON. I am simply seeking for the facts. I have no remedy to offer as yet.

Mr. KNOX. Mr. President, I should like to make an inquiry of the Senator from Iowa, and if he will allow me I will precede my inquiry by a word.

I am not ordinarily in favor of miscellaneous investigations, and where conditions are as they have been suggested by the Senator from South Carolina, I think it is just as well, if they are localized and are definite and specific, to let them work themselves out. But it seems to me if what we see in the press is true there are issues upon which a development of facts in this case bears that are much broader than mere remedial legislation which might be passed to regulate strikes. I read in this morning's paper that in certain of the larger and older and better established mills in the city of Pittsburgh and in its vicinity, where now practically 100 per cent of American labor is employed, there is no strike. I saw it also stated that the principal difficulty was with the Slavs and other foreigners, for whom we have been pouring out blood and treasure in the last year and a half. I do not vouch for the truth of these statements, but suppose it is true that the Americans want to work and that the foreigners, for whom we have done so much and for whom we are being asked to do so much more, are striking. Why should we not ascertain the fact as a basis for a policy that the Government should pursue?

Mr. KENYON. I do not know that the Senator heard me. I suggested that that complaint had been made.

Mr. KNOX. I did not hear the Senator.

Mr. KENYON. And I said the facts we ought to know, and that is one of the reasons why I have been stimulated to introduce the resolution. Certainly knowing all the facts in the matter on both sides of the controversy can not do any harm and may result in good. I have nothing more to say on this question. Action, not words, is now needed.

Mr. OWEN. Mr. President, I feel a very warm sympathy for the suggestion made by the Senator from Iowa [Mr. KENYON] to examine into this matter. There are more things involved in this particular controversy by far than either the capital or the labor. All those who use steel products are face to face with a denial of those things which are essential and necessary in their lines of industry. The whole of the American people are concerned in this controversy, and there are direct conflicts of statement made with regard to the merits of the controversy itself. I think the United States Government may very properly, on behalf of the people of the United States, make an inquiry into it and ascertain what the truth is, so that a national policy may be based upon what may be found to be the truth in this very serious and widely extended matter. It goes into many States. It affects the whole country. I am altogether in favor of the resolution.

Mr. BRANDEGEE. Mr. President, I have not the resolution of the Senator from Iowa before me, and I ask him whether there is a provision in it for sitting in other places than the District of Columbia, and for the expenditure of the necessary money?

Mr. KENYON. I will say to the Senator that the resolution does not provide for the committee to sit outside of the District of Columbia, because it is perfectly apparent that Senators could not leave the city now. The idea was to bring a number of men here before the committee. I think it would not involve any expense, and if it does I shall ask for the adoption of a further resolution.

Mr. THOMAS. I understand the Senator from Iowa asks for the immediate consideration of the resolution?

Mr. KENYON. I do. It went over yesterday under the rule, and I think immediate consideration should be had.

Mr. THOMAS. I introduced a resolution relating to the same subject this morning. I am not prepared to discuss it at present. Personally I have no particular objection to the investigation, but I am not at all confident that it will result in any substantial advantage. We are given to investigating in the Senate very nearly everything now that occurs out of the usual order of things. If a controversy of this sort, extending, as the Senator from Oklahoma [Mr. OWEN] says, over a number of States, is to be investigated it will take the rest of the time of the Sixty-sixth Congress. I have no doubt all the time of the

committee will be occupied, and by the time its labors are through the strike will be over one way or the other, and we will have our trouble and expense for our pains.

I do not pretend, Mr. President, to be a judge of the causes of this strike, beyond the fact that it was announced, if the papers are reliable, a number of months ago that a war—I think that was the term used—or a contest for the unionization of the United States Steel Co.'s shops was determined upon, and would be prosecuted accordingly. I also know, from the publications of Sunday morning, that among other things the alleged cause of the strike is the refusal by Mr. Gary to confer with the heads of certain organizations, a refusal which I think was unwise and unjustified, because nothing can ever result injuriously from a conference over any matter which people who differ want to consider, and consider mutually.

I realize the gravity of this strike, I think, as keenly as any man in the United States, and I am not only troubled about it, but I apprehend that it is one of those constantly developing conditions which will put the institutions of the United States to their supreme test unless some changes occur within the near future, and it was because I have been so depressed with the gravity of the situation that I felt justified in announcing that I would say something about it to-morrow.

I shall not oppose this resolution. I merely wish to warn the Senate that it means a large expenditure and no substantial result will flow from it. The situation is too critical to admit of an extended investigation, because the investigation would last longer than the strike. However, if the Senate is of a different opinion, I shall yield very readily to its view.

Mr. NORRIS. Mr. President, no man can tell, I believe, now just what the result of this investigation will be, but I believe all will agree that there is disagreement now in the country as to just what is at issue in this strike. There always is in a strike of this magnitude.

The resolution of investigation does not propose any remedy. It may be that the investigation will develop the desirability of some remedy or some legislation, and it may be it will not. It will at least do two things, in my judgment—it will place before the country an authoritative statement as to just what the issue is in the controversy, and, second, it will give publicity to the facts that are involved.

After all, Mr. President, a fair, honest statement of the controversy, given publicity from a source in which the people had confidence, would probably do more to cure the evil, whatever it may be found to be, than would legislation.

It may develop, as the Senator from Colorado [Mr. THOMAS] has suggested, that some expense will be necessary. Under the resolution as it now stands the committee can not go to any expense. It may be that when they investigate they will find it necessary to spend some money and go out from Washington to get some of the facts. If they do, they can come back to the Senate and place the matter before the Senate, and the Senate can act on the question as to whether there shall be any money expended in a further investigation. It will be necessary for the committee to do that before it can expend public funds.

But, Mr. President, if the resolution is passed as it now stands, this investigation will come under the supervision of the committee named, of which the junior Senator from Iowa [Mr. KENYON] is chairman, and not only everybody in the Senate but everybody in the country knows that a determination of the facts by a committee headed by that Senator will be received by all honest-thinking men as true. It will have the confidence and the respect not only of this body but of the country at large. That kind of an investigation, made judicially and fairly, with a view of getting the truth and sifting out the error and the wrong, in my judgment, will do a great deal of good. If the employers are coercing the employees, or if the employees are demanding something that is not right or fair, I think this investigation will disclose the truth and will throw the light of publicity upon it, and around and behind that kind of a finding there will be the public sentiment of the country, which, after all, in the last analysis, is stronger than any law that can be passed.

There is a condition confronting the country that may bring evil. This strike, reaching into every State, into every community, or, I might say, into ever home, is bearing upon a product that we all use in all lines of business. The manufacturer in his millionaire plant and the farmer between the plow handles are affected by it. Everybody has an interest in it. If there is an honest way by which it can be avoided or the evil effect of it diminished by giving to the country publicity as to the real facts, the Senate ought not to hesitate to do it. It is different from some local affair. It is a national thing, Mr. President. As I said, the entire country is interested in it. It may not be necessary to do anything further than to give publicity to the truth, first finding out what the truth is. The people of the country ought to know that. It seems to me they are entitled to know it.

If there were any other tribunal that could do the work better or as well, I would not have any hesitancy to let that tribunal take it in charge. It may be the investigation could be conducted by some existing commission or body that exists as a matter of law. If that can be suggested, all well and good. Personally I do not know of any other instrumentality that is better equipped to do this particular work than is the committee named in the resolution.

Of course, it may be that the strike can not be stopped. If it can not, even if it goes on to the limit, the people of the country ought to know what the truth is in regard to it. They ought to know the claims of both sides and why those claims are made, so that every intelligent man for himself will be able to analyze and see where the evil is.

It may not be that any law on this particular subject will result from this resolution, but the information gained, as suggested by the Senator from Pennsylvania [Mr. KNOX], may be valuable even in a law that might propose to change our immigration law. There are a hundred things that might develop. I do not know that they will. I do not profess to know what the truth is. I only see the claims that we all see in the newspapers, and they do not agree. I do not know who is right. It may be that both sides are partially wrong. It may be that there is some evil which publicity will cure. It seems to me that we can not better perform a duty to the entire country, to all classes of our people, than to set this committee to work.

I have felt so much that this subject ought to be taken up that while, as between the Senator from Iowa [Mr. KENYON] and myself, I probably would have had the right of way under a resolution that I was going to take up yesterday and that went over until to-day, I was very glad to put it over again in order to take up this resolution and have it disposed of at once. The time is now. The investigation ought to begin to-day. There ought to be no delay. It seems to me when we have a question in which all the people of our country are so vitally interested, and which may bring such dire results, which may mean evil, the time to commence work is now, and I believe this is the committee that ought to commence it.

The PRESIDENT pro tempore. The question is on agreeing to the resolution offered by the Senator from Iowa [Mr. KENYON].

The resolution was agreed to.

BILLS OF EXCHANGE.

Mr. McLEAN. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by act of June 22, 1906, and September 24, 1918.

Mr. POMERENE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harrison	Newberry	Smith, Ga.
Ball	Henderson	Norris	Smith, Md.
Beckham	Hitchcock	Nugent	Smith, S. C.
Borah	Johnson, S. Dak.	Overman	Smoot
Brandegee	Jones, N. Mex.	Owen	Spencer
Capper	Jones, Wash.	Page	Stanley
Chamberlain	Kellogg	Penrose	Sterling
Colt	Kendrick	Phelan	Sutherland
Cummins	Kenyon	Phipps	Swanson
Curtis	Keyes	Pittman	Thomas
Dial	Kirby	Poindexter	Townsend
Dillingham	La Follette	Pomerene	Trammell
Elkins	Lenroot	Ransdell	Underwood
Fernald	Lodge	Reed	Wadsworth
Fletcher	McCumber	Robinson	Walsh, Mass.
Gay	McKellar	Sheppard	Walsh, Mont.
Gronna	McLean	Sherman	Warren
Hale	McNary	Shields	Watson
Harding	Nelson	Simmons	Williams
Harris	New	Smith, Ariz.	Wolcott

Mr. McKELLAR. The Senator from Oklahoma [Mr. GORE] is detained from the Senate by illness. The Senator from Rhode Island [Mr. GERRY] and the Senator from Montana [Mr. MYERS] are detained from the Senate on official business.

The PRESIDING OFFICER (Mr. ASHURST in the chair). Eighty Senators have answered to their names. There is a quorum of the Senate present.

Mr. McLEAN. Mr. President, I will ask the Senator from Ohio if he is willing to withdraw his amendment while I offer two or three formal amendments to correct the phraseology of the bill?

Mr. POMERENE. Before that is done I desire to say that I think the Senate has not as yet agreed to take up this bill.

Mr. McLEAN. I thought the Senate had already done so.

The PRESIDING OFFICER. The question is on the motion of the Senator from Connecticut that the Senate proceed to the consideration of House bill 7478.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918.

Mr. LENROOT. Mr. President, I make the point of order that this bill is not properly before the Senate and is improperly upon the Senate Calendar, because it has never been acted upon by the committee to which it was referred. I make the point of order upon the statements made by various members of the committee the other day when the bill was up for consideration. I would not ordinarily make such a point of order, because upon bills of local importance it is a common practice to poll members of the committee without a formal meeting of the committee.

The PRESIDING OFFICER. The present temporary occupant of the chair has never before had occasion to pass upon this identical question, and will therefore ask the Senator from Wisconsin to be so kind as to point the Chair to the rule under which he makes the point of order.

Mr. LENROOT. The Chair will find it on page 257 of Jefferson's Manual. There is no specific rule upon the question, for it is so elementary that it has not been contemplated that it would ever be necessary to incorporate it as a part of the rules. I will read the clause from Jefferson's Manual:

> A committee meet when and where they please, if the House has not ordered time and place for them, but they can only act when together, and not by separate consultation and consent—nothing being the report of the committee but what has been agreed to in committee actually assembled.

It was repeatedly stated upon the floor the other day that what had been done with regard to this bill was to take a poll of the committee; that there had never been any formal action upon the bill by the committee. Of course, if I am mistaken in that, my point of order does not lie. I make the point of order solely upon the strength of the statements which were made by various members of the committee the other day. If it be true that the bill was reported upon a poll of the members of the committee and that the committee never took any formal action—and I call the attention of the Chair to the fact that there is no printed report on the bill—if that be true, of course the bill is not before the Senate at all.

Mr. McLEAN. Mr. President, in the first place, the Senator from Wisconsin is mistaken in regard to there not being a printed report on the bill. The Senator from Vermont [Mr. PAGE] reported the bill and filed with it a printed report, which is on the calendar.

Mr. LENROOT. I do not question that, but it does not happen to be upon my calendar.

Mr. McLEAN. I do not understand that the rule from Jefferson's Manual which the Senator from Wisconsin has read has ever before been applied to the procedure of the Senate.

Mr. LENROOT. Will the Senator from Connecticut yield to me?

Mr. McLEAN. Yes.

Mr. LENROOT. It has been applied since I have been a Member of this body, which has only been a year and a half.

Mr. McLEAN. I have been here nearly nine years, and I do not remember of its ever having been invoked. Of course, every Senator knows that the polling of committees is a custom which is frequently followed. I was absent from the city at the time the bill was reported, but I understand from the Senator from Vermont [Mr. PAGE], who is not in the Chamber at present, that a majority of the committee signed or approved the report, and I think that is the fact. If that is not a proper proceeding, I call the attention of the Senate to the fact that the Committee on Banking and Currency held a meeting last Saturday with regard to this bill, at which the bill was discussed, and while a majority of the committee were not present, I do not understand that the fact that a majority of the committee approve this bill is questioned by any Senator.

If the bill is to be recommitted to the committee, it will be only for the purpose of killing time. I think if the Senate establishes this precedent it will find itself in a very uncomfortable position, because we all know that it is very difficult to secure a full majority of committees at this time. Members of the Senate are engaged in matters pending before so many committees that it is almost impossible to attend all the committee meetings, and I am very firm in the conviction that if we are to legislate—and I think Congress ought to enact some legislation and not spend all its time investigating matters—it will be necessary to pursue the usual practice.

This is an important bill; it has passed the other House, where it originated at the suggestion of the Federal Reserve Board. I understand that board is unanimously in favor of the bill. It seems to me that the point of the Senator from Wisconsin is purely for the purpose of delaying action upon the bill.

Mr. POMERENE. Mr. President, it is not my purpose now to delay, and I think I can fairly state that I have never pursued the practice of delaying the consideration of bills; but the learned chairman of the committee has just referred to an informal meeting of the Banking and Currency Committee which was held on Saturday. I believe that there were four members of the committee present at that time. We did have an informal conference, and I think it was very instructive to everyone who was there.

The Senator from Connecticut has said that he understands that the Federal Reserve Board is unanimously in favor of this bill. Gov. Harding, of that board, was before the committee informally. He is in favor of this bill, but I wish Senators here on the floor could have heard his argument in favor of it. I have the very highest opinion of Gov. Harding; I think he is one of the highest-class men in the public service, but I say—and I say it with all due respect—that to my mind his statement of the reasons for the bill in its present shape were anything but convincing, and I should like to have had the entire committee hear the statement.

Perhaps I am wrong about the position I have taken upon this subject; I do not think I am; and my belief is that if the question were left to the consideration of the depositors in the banks or the stockholders in the banks, they would not favor this bill as it is at present drawn. My belief is that they would favor the amendments which I intend to propose. I may be mistaken in that belief, but I think it is only just that the Senate should have this brief statement. If the Chair sees fit to overrule the point of order, very well; but I understand the point of order raised by the Senator from Wisconsin has been invoked on several occasions on the floor of the Senate. I remember it having been invoked very distinctly; but I do not have the exact case in mind.

Mr. FLETCHER. Mr. President, I was not in the Chamber when the Senator from Wisconsin pointed out the particular rule to which he appealed in connection with his point of order.

Mr. LENROOT. Jefferson's Manual, page 257.

Mr. FLETCHER. Then, it is something in Jefferson's Manual and not in the rules of the Senate? As I understand, the record shows that this bill came to the Senate regularly; that it was referred to the proper committee, the Committee on Banking and Currency, and that the committee reported it back to the Senate.

As to the procedure in the committee, that is a matter for the committee itself to regulate. There is no question raised by any member of the committee that the committee's procedure was irregular or that it did not properly consider the bill. As I understand, the committee proceeded in a manner that has grown to be quite the common practice. When a meeting is held, a quorum is not present, and it is important to dispose of matters before the committee, the clerk or some member of the committee who has charge of the measure polls the committee and reports the bill, if a majority favor it.

It is not necessary that there should be any written report on the subject; that is not required by any rule of the Senate. It is not necessary that there should be any formal procedure in order that the bill may come back to the Senate, except that the committee shall report it. The committee has reported the bill; it is regularly on the calendar, and it is a matter to be taken up at the option of the Senate.

Now the motion is made to proceed to the consideration of the bill. It is regularly here and regularly on the calendar. Of course, when it comes to the merits of the question——

The PRESIDING OFFICER. The Chair is ready to rule, if no Senator desires to be heard.

Mr. LENROOT. I am sure that the Chair will remember that this identical question has been before the Senate on other occasions, and there has never been any question raised as to the rule that the committee must have a formal meeting before reporting a bill to the Senate. A poll of the committee is not sufficient to give the Senate jurisdiction.

Mr. SMOOT obtained the floor.

Mr. SMITH of South Carolina. Mr. President, I should like to ask a question in connection with this matter.

Mr. SMOOT. I yield.

Mr. SMITH of South Carolina. I should like to inquire if there is a case in point where the polling of a committee rather

than a formal meeting caused the matter in question to be recommitted to the committee?

The PRESIDING OFFICER. The Chair is ready to rule, but of course it is his duty to hear any Senator who desires to speak.

Mr. SMITH of South Carolina. I am merely asking the question if there is any record of a case where the polling of a committee was not considered a legal procedure under the rule?

Mr. ROBINSON. Mr. President, in partial reply to the inquiry of the Senator from South Carolina, with the permission of the Chair, I will state that I know of no such decision. In the body at the other end of the Capitol the rule is uniform that after a report has been received and consideration of the bill reported has begun a point of order that the bill was not properly reported by the committee does not lie. That is the status of this case. So far as I know, although I have had no opportunity to investigate the authorities, there is no decision of the Senate that would authorize the Chair to determine that a bill on the calendar had been improperly reported. In the House I think that when a question of that kind is raised the matter is sometimes submitted to the body. If the Chair is in doubt as to the propriety of this report, upon the point of order being raised, I think the question should be submitted to the Senate rather than that the Chair should decide it after the consideration of the bill has proceeded for some days. I have nothing further to say.

Mr. SMITH of South Carolina. Mr. President, I should like to call the attention of the Chair to the fact of which I have been reminded that the telegraph and telephone control bill, of which I was in charge, was recommitted to the committee, but that action was taken because it was shown that a majority of the committee had not reported it. We had what was called a working majority, which the committee decided was sufficient to report the bill out, but the Senate decided that an actual numerical majority of the committee was essential properly to report the bill; and it was on that ground that the Senate decided that the bill was not properly before the Senate, because a majority of the committee had not signed the report. But I think even if the point had been raised to which the Senator from Arkansas now calls the attention of the Senate, possibly the point of order would not have been sustained, because, according to the precedents established, once a bill is reported and received as coming from a committee, the rule is that it is considered as being before the body.

Mr. LODGE. Mr. President, I think there can be no doubt of the fact that Jefferson's Manual, under endless decisions, I was going to say—but under many decisions—has been treated as authority in this body, although we have never made it part of the rules, as I think the House has; but under the practice in this body, if there has been no meeting of a committee, and objection is made on that ground, I think the precedents will be found to show that the bill has always been sent back under the rule of Jefferson's Manual. I do not know; I have not had time to look and see whether the question of the stage of the bill has any bearing upon it; but I should like to ask this question of the Senator from Arkansas, if he will allow me:

Is it not the case that where a bill is reported from a committee by a mere poll of the committee, without a meeting, if objection is made when it is attempted to take up the bill the bill always goes back?

Mr. ROBINSON. I think it is undoubtedly true, if the objection is made at the time the report is submitted. That is the rule in the House of Representatives.

Mr. LODGE. That is precisely the point. The Senator had the books before him?

Mr. ROBINSON. Yes.

Mr. LODGE. I think there is no question about that. Whether the objection can be made at a later stage I have not looked up, and I am not prepared to say.

Mr. LENROOT. Mr. President, will the Senator yield to me at that point? The Senate rule is specific upon that question:

A question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the Presiding Officer without debate.

And that has been repeatedly ruled in the Senate—that the point of order can be raised at any time during any stage of the proceedings; but the rule is different in the House, of course.

Mr. LODGE. I did not have the book before me, but of course a point of order can be made at any stage. This is a point of order. It certainly is the practice that if the point of order is made before action is taken it is effective, and under the Senate rule it seems to me it is clear that it must be effective at any stage. I think that has been the practice, but I do not dare to speak of it without looking up the precedents.

Mr. SMITH of Georgia. Mr. President, I should like to make just one suggestion. It does seem to me that to construe our rules to hold that a bill can be taken up by the Senate on a report of a committee and debated and debated and debated, and then, after days of work upon it, the point can be made that the committee's report was not as formal as it should have been, would put us in a rather awkward position.

Mr. LODGE. Mr. President, does not the Senator consider that nothing could be more dangerous than to permit some members of a committee, or perhaps even a bare majority, to have the right to sign a bill here while walking about the Senate Chamber and then report it without any meeting of the committee?

Mr. SMITH of Georgia. But, Mr. President, if anybody objects to what they did, if it was not a unanimous conclusion of the committee, the time to make the point, it seems to me, was when the matter first came before the Senate.

Mr. LODGE. Our rules say that the point of order is good at any time.

Mr. SMITH of Georgia. I do not think that is the kind of point of order which was referred to.

Mr. LODGE. If this is not a point of order, what is it?

Mr. SMITH of Georgia. It is an objection to a report of a committee.

Mr. LODGE. But it is a point of order, of course. It can not be anything else.

Mr. SMITH of Georgia. I do not think so. I do not think it is the kind of point of order that the rule has in view.

Mr. SMOOT. Mr. President, this only demonstrates the dangers that come from reporting bills by polling committees. I have been in the Senate over 16 years, and I have never signed a bill to be reported to the Senate in the way of a poll. I made up my mind when I first came to the Senate that it was wrong in principle. I never expect to do it, no matter how much longer I may serve in the Senate; and I should like to see the time come when no bill will ever be reported to this body unless it comes from a committee meeting, and at that meeting a majority of the committee, or at least a working majority of that comittee, report it out favorably.

I have always understood that Jefferson's Manual was made a part of our rules. Of course, it has not been adopted by the Senate, as it has in the House; I am perfectly aware of that; but I have always understood that it was a part of the rules on the decision of any question. It seems to me that the Senator from Massachusetts has stated the case exactly as it is.

Mr. ROBINSON. Mr. President, as illustrative of the fact that the rule cited by the Senator from Wisconsin does not apply to all points of order, let me point out the fact that some of the decisions sustain that contention. For instance:

If point of order is not made against an amendment to an appropriation bill in Committee of the Whole, it is too late to make it in the Senate, the question having been submitted if a point of order can not at any time be raised when the Senate wishes.

Now, there is a case exactly in point upon the general principle asserted by the Senator from Wisconsin. The very question raised then was as to the meaning of this rule cited by the Senator from Wisconsin, and whether a point of order could affect the matter when made at any time; and the decision, in a large number of cases, was to the effect that the point of order could not be made under those circumstances, notwithstanding the rule which provides that a point of order may be made at any time; and the reason in that case applies with greater force in this case.

Here is an instance where the Senate has taken consideration of a bill and has discussed it for several days, has amended it, and is almost ready to determine the matter. Now the question is raised as to whether the Senate has jurisdiction of the subject matter, whether the committee has actually made a report. I think it is worthy at least of consideration whether the Senate did not waive the right to insist upon a formal meeting of the committee when it took jurisdiction of the subject and proceeded to act upon the committee report, just as it did in the cases to which I have referred.

I have nothing further to submit.

Mr. LENROOT. Mr. President, will the Senator yield to me for a question?

Mr. ROBINSON. Certainly.

Mr. LENROOT. The Senator remembers, does he not, that within the last 60 days this very question has been before the Senate? The Chair rules that the point of order could be made at any stage of the proceedings, and the Senator from Mississippi [Mr. HARRISON], who raised the point, now has, I believe, a proposed amendment to the rules so that the point of order must be made at the beginning of the proceedings.

Mr. ROBINSON. I do not have in mind the precedent to which the Senator refers. I was not present when that question arose, but I do submit that the Senate, having received the report of a committee and having assumed to act upon it and to consider the bill, at this stage of the proceedings the Chair ought not to determine that the Senate has not jurisdiction of it. The Senate, of course, can itself send the bill back to the committee and the question can be determined in that way by a vote of the Senate; but we all know that for years the custom has prevailed in the Senate of obtaining committee reports by the process of polling Members. Now the Senator from Utah [Mr. SMOOT] has denounced that process, and it may be that he is right about it; but, nevertheless, it is the practice of the Senate, as the Senator from Utah will concede.

Mr. SMOOT. There is no doubt of it.

Mr. ROBINSON. It has occurred in a great many instances; and I say that, so far as my experience goes, there never has been an instance where the Senate waived any question of a formal meeting of the committee, accepted the report made by the chairman of the committee on the basis of a poll, proceeded to the consideration of the bill, continued that consideration for a very long period, and then, upon a point of order, sent the bill back to the committee.

Mr. SMITH of Georgia. And took away from the Senate the subject which it was considering. The Senate, of course, can send it back if it wants to. The Senate has perfect power to send it back.

Mr. ROBINSON. Certainly; it can recommit the bill.

Mr. SMITH of Georgia. But, after the Senate has taken the bill and worked upon it and worked upon it, surely the point comes too late.

Mr. LENROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Wisconsin?

Mr. SMOOT. Yes; I yield.

Mr. LENROOT. Just a word with reference to this matter of waiver. In the first place, it is very clear that there can be no waiver; but I want to call the attention of the Chair to the fact that, while this bill has been before the Senate on a number of occasions, it was not until the last time the bill was before the Senate that it developed that there never had been a meeting of the Senate committee. It was just before we concluded the consideration of the bill that it was stated upon this floor that there never had been a meeting of the committee, and nothing but a poll; and this is the first opportunity I have had to raise the point of order.

Mr. SMOOT. Mr. President, just one word.

The case cited by the Senator from Arkansas [Mr. ROBINSON] has reference only to appropriation bills; and the Chair will remember, and no doubt knows, that there are certain rules applying to appropriation bills that apply to no other bills before this body. That comes about because of the fact that in the closing days of a session if all the rules applying to other bills were applied to appropriation bills, perhaps we never could get an appropriation bill through. Not only that, but it applies to appropriation bills only after the bill has gone out from Committee of the Whole into the Senate. A point of order can be made against any item, even in an appropriation bill, as long as the bill is in Committee of the Whole, but after an appropriation bill passes from the Committee of the Whole into the Senate no point of order can be made against it, unless reserved. That is the only difference between a bill of this character and an appropriation bill.

The PRESIDING OFFICER. The present temporary occupant of the chair has a high regard for the opinions of all the Senators who have spoken on this question, but he does not deem it necessary at this time to pass on some of the questions that have been raised.

The reports of committees, both the reports of standing committees and the reports of conference committees, were analogous and in pari materia up to the time of the adoption of paragraph 2 of Rule XXVII. Until that time and for many years prior thereto the remedy in the Senate was to move to recommit the subject matter to the committee of conference or to the standing committee whenever a committee exceeded its jurisdiction. In the Sixty-fifth Congress the Senate saw fit to change the rule as to reports from conference committees, and did adopt a rule, which is now the rule of the Senate, to wit, that when the conferees exceed their authority a point of order would lie against the report, but the Senate did not treat or deal with reports of standing committees. Hence the rule expressio unius est exclusio alterius would apply—"the expression of one is the exclusion of the other." The Senate saw fit to change the rule regarding the reports of conference committees, but not the rule as to the reports of standing committees, hence the Chair overrules the point of order. The Chair will say to the Senator from Wisconsin that, in the opinion of the Chair, the remedy is to move to recommit the bill.

Mr. LENROOT. Mr. President, I respectfully appeal from the decision of the Chair, and I do so not because of any interest in this bill, but because I think the Senate ought to clearly understand the position that it would take and the precedent that it would create in sustaining the decision of the Chair upon this ruling. If the decision of the Chair on this ruling is sustained, it means that any committee of the Senate need hold no formal meeting whatever upon any bill that is referred to it, but that the signatures of a majority of the committee may be procured and the bill reported to the Senate. Thus the Senate, acting upon the belief that the committee has acted formally and has considered the matter formally, as the rules require, are misled, and the rules have been violated, because there never has been any action by the committee upon the bill.

Mr. President, upon the peace treaty that is now before us, if the decision of the Chair should be sustained, the majority of the members of the Foreign Relations Committee might never have called a meeting of the committee. A majority of them might have signed the report, giving the minority no opportunity to meet in committee or propose amendments. And yet, under the ruling of the Chair, the Senate would have jurisdiction and the only remedy would be a motion to recommit, the minority having no opportunity whatever to present the matter in committee, or be heard in the report.

That is what the Senate would bring itself to if this ruling were sustained. No further meetings of a committee will be necessary upon any bill, Mr. President, under the ruling that the Chair has made. The mere signatures upon the back of a bill, however important it may be, will be sufficient to give the Senate jurisdiction of that bill. If the Senate desires to make that kind of a precedent, well and good; but I can not permit it to go without an appeal.

The PRESIDING OFFICER. The Chair, of course, can not argue, but wishes to say he may not go de-hors the record. The Chair is bound by the record. On the calendar which is printed for us this morning we find Calendar No. 126—this bill. The calendar prepared by the Secretary under the authority of the Senate gives the bill as having been reported without amendment. The Chair on its own ipse dixit can not, of course, refer the bill back to the committee.

Mr. LENROOT. Mr. President, permit me one observation. The chairman of the committee this morning has informed the Chair that there never was a formal meeting of the committee upon the bill, and that the bill was reported upon a poll. So the Chair is in full possession of all the facts.

Mr. SMITH of Georgia. Mr. President, I desire to say just a word in support of the ruling of the Chair. This bill was reported weeks ago. It stayed on the calendar. It was called up in the Senate. It has been considered by the Senate. It has been considered a number of times by the Senate and has been amended by the Senate.

Mr. President, the serious danger that the Senator from Wisconsin has conjured up is not as serious as he has described it. If the time ever comes when a bill has been reported to the Senate in this way and members of the committee desire the bill to go back, that there may be a hearing on it, the Senate always has control of it. The Senate can send the bill back to the committee for consideration, though it is in the Senate. The Senate has control of it. No harm, no danger, could come from the situation which the Senator from Wisconsin [Mr. LENROOT] has described.

I submit that the decision of the Chair was right. This bill having been before the Senate day after day for consideration, it would indicate certainly a condition of our rules that was almost foolish if the Senate could not, if it desired to do so, proceed with the consideration of the bill.

Mr. ROBINSON. Mr. President, I move to lay the appeal of the Senator from Wisconsin on the table.

Mr. POMERENE. Mr. President, I wish to be heard just a moment.

Mr. ROBINSON. I withdraw the motion, that the Senator from Ohio may be heard.

Mr. POMERENE. Mr. President, I should regret exceedingly if the ruling of the Chair were to continue as a rule of this body. I say that with all due respect for one who I know is usually right. But why do we have committees? We have these committees so that Senators can get together and counsel together, so that objections may be raised and considered in the committee; so that they may have the benefit of hearings if, in the judgment of members of the committee, it is so desired.

Mr. McLEAN. Mr. President, may I interrupt the Senator from Ohio?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Connecticut?

Mr. POMERENE. I yield.

Mr. McLEAN. The Senator knows that on Thursday last the chairman of the committee wrote a letter to each member of the committee inclosing a copy of this bill and requesting a full attendance of the committee for the purpose of considering the bill. That meeting was held on Saturday last, and I think it hardly lies in the voice of the Senator from Ohio to suggest that opportunity was not given to any member of the committee to appear in committee and oppose the bill if he saw fit.

Mr. POMERENE. Mr. President, if my good friend the Senator from Connecticut will possess his soul in peace he will not find any fault with what I am going to say. I am arguing the parliamentary question now, and not the question as to what was done as to this particular bill. I am calling attention to the reasons which prevail for committee hearings. If we are not supposed to have hearings, if it is a proper practice to go about and poll a committee—and I have done it, as other Senators have when there were matters of minor importance pending—why refer bills to a committee at all? Why not do it right in the open Senate? We know that that would be bad practice; that it would lead to most vicious legislation.

For that reason it seems to me that we must sustain what the practice of the Senate is, when the question is raised, so that the Senate may have the benefit of the views of the committee, whether they are later approved by the Senate or not.

What is the situation? A bill comes before the Senate. It is true that I was visited by the clerk of the committee in my office and asked to approve it, as he said, by the direction of the chairman of the committee. I read it over, and said I could not approve it. Later on the bill was presented here in the Senate. It developed, as was stated by the Senator from Wisconsin, I think on the last day that the bill was under discussion, that there was no meeting of the committee. This matter was brought up in the Senate, and without its being referred back to the committee—and, of course, that is a technical point that I do not seek to take any advantage of at all—the chairman of the committee did, on Thursday probably, send to me—at least I received it—a notice that he was going to call his committee together on Saturday for a hearing. I went there at the appointed hour. The distinguished chairman was there, and during the course of the meeting I think two other members of the committee, the junior Senator from Michigan [Mr. NEWBERRY], the Senator from Florida [Mr. FLETCHER], and after one or the other of them went out the Senator from Vermont [Mr. PAGE] came in. They sent then for the governor of the Federal Reserve Board, and while the governor was there I think there were four Senators present at least a part of the time.

Mr. FLETCHER. If the Senator will allow me, I was present the whole time, from beginning to end.

Mr. POMERENE. I think that is correct. I accept the Senator's statement, in any event.

Mr. FLETCHER. And the Senator from Vermont [Mr. PAGE] and the Senator from Connecticut [Mr. McLEAN] were present.

Mr. POMERENE. Here is the situation. We have this very important bill, which deals with the amount of money that a single borrower can get out of a bank. It has not been heard and considered by the full committee, and I have such confidence in the committee as to justify me in saying that I would attach greater importance to the judgment of the committee when they were all together and exchanging their views, than when they indorse a bill as they may be polled from time to time.

The question here is a point of order merely. An appeal has been taken from the ruling of the Chair. To sustain the ruling means substantially that it is not necessary, under the rules of the Senate, to have a committee at all, but all that it is necessary to do is to have your committee polled. I am not willing, for one, to have that precedent established.

Mr. ROBINSON. Mr. President, I move that the appeal of the Senator from Wisconsin [Mr. LENROOT] be laid upon the table.

Mr. LENROOT. On that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JONES of Washington. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Washington suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Capper	Cummins	Elkins
Ball	Chamberlain	Curtis	Fall
Beckham	Colt	Dial	Fletcher
Brandegee	Culberson	Dillingham	France
Gay	Lodge	Poindexter	Sutherland
Hale	McCumber	Pomerene	Swanson
Harris	McKellar	Robinson	Thomas
Harrison	McLean	Sheppard	Trammell
Henderson	New	Simmons	Underwood
Hitchcock	Newberry	Smith, Ariz.	Wadsworth
Johnson, S. Dak.	Norris	Smith, Ga.	Warren
Jones, Wash.	Nugent	Smith, Md.	Walsh, Mont.
Kellogg	Overman	Smith, S. C.	Williams
Kendrick	Page	Smoot	Wolcott
Keyes	Penrose	Spencer	
Kirby	Phelan	Stanley	
Lenroot	Phipps	Sterling	

Mr. McKELLAR. The Senator from Oklahoma [Mr. GORE] is detained from the Senate by illness. The Senator from Alabama [Mr. BANKHEAD], the Senator from Rhode Island [Mr. GERRY], the Senator from Tennessee [Mr. SHIELDS], the Senator from Missouri [Mr. REED], the Senator from Nevada [Mr. PITTMAN], and the Senator from Louisiana [Mr. RANSDELL] are detained from the Senate on official business.

The PRESIDENT pro tempore. Sixty-five Senators have answered to their names. There is a quorum present.

Mr. LODGE. Mr. President, I move that the Senate proceed to the consideration of excutive business in open session.

The motion was agreed to.

Mr. FLETCHER. Mr. President, I desire to raise the question that there was an appeal from the decision of the Chair pending and the yeas and nays were ordered on that appeal, and I submit that that pending business ought to be disposed of.

Mr. LODGE. The only proceeding of the Senate that can not be interrupted is a call of the roll and that had not been begun. We do not necessarily have to have the yeas and nays immediately when ordered. I have known the yeas and nays to be ordered and carried over for 10 days or two weeks. There is nothing privileged in that situation, and I made a privileged motion.

Mr. SMITH of Georgia. What we meant to do was to appeal to the Senator from Massachusetts to withhold his motion until we can have this vote and get through with the question that is before the Senate, at least that is what I had hoped to do.

Mr. LENROOT. I wish to suggest to the Chair that the unfinished business would be placed before the Senate at 2 o'clock, and a privileged motion occupies exactly the same status.

The PRESIDENT pro tempore. Without respect to the merits of the point of order, it comes too late. The motion of the Senator from Massachusetts had been made and agreed to.

Mr. SMITH of Georgia. We were not making a point of order. We are merely asking to get rid of the matter that was before the Senate. I have no doubt the motion to proceed to executive business in open session was in order.

Mr. LENROOT. I call for the regular order.

Mr. LODGE. Of course, I shall be glad to grant the request, but the question of order now before the Senate and still open to debate is a very serious question, I am told. I do not know but that it may lead to a good deal of debate.

Mr. ROBINSON. Will the Senator from Massachusetts yield to me?

Mr. LODGE. Certainly.

Mr. ROBINSON. I point out the fact that under the present parliamentary status the question is not open to debate. The question is on the motion to lay the appeal on the table.

Mr. LODGE. I was not aware of the parliamentary status.

Mr. ROBINSON. The parliamentary status is that yeas and nays were ordered on the motion of the Senator from Arkansas to lay on the table the appeal of the Senator from Wisconsin [Mr. LENROOT], from the decision of the Chair, and of course the motion of the Senator from Arkansas is not debatable.

Mr. LODGE. I have made the motion, and it has been agreed to, and we are in open executive session. The regular order, of course, is to proceed with the treaty.

The PRESIDENT pro tempore. The Chair is of the opinion that it will be necessary to reconsider the motion of the Senator from Massachusetts.

Mr. FLETCHER. I will state to the Senator from Massachusetts that I rose and addressed the Chair before his motion was put and did my best to get recognition in order to present this matter at the time. It is not our fault.

Mr. LODGE. Of course, if the Senate desires to return to legislative session, that can be done.

Mr. SMITH of Georgia. Mr. President, I move that we reconsider the action just had, solely for the purpose——

Mr. LODGE. All the Senator needs to do is to move to return to legislative session.

Mr. SMITH of Georgia. I make that motion, Mr. President, solely for the purpose stated. If the Senate holds that the bill is not here in regular order it ought to be sent back to the committee at once, and we ought to get it into shape to bring it before the Senate.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Georgia [Mr. SMITH], that the Senate resume legislative session.

The motion was agreed to, and the Senate resumed legislative business.

The PRESIDENT pro tempore. The yeas and nays have been ordered, and the Secretary will call the roll on the motion of the Senator from Arkansas [Mr. ROBINSON] to lay on the table the appeal by the Senator from Wisconsin [Mr. LENROOT] from the ruling of the Chair.

Mr. ASHURST. Mr. President, I ask unanimous consent to be excused from voting on this question.

The PRESIDENT pro tempore. Without objection, the Senator from Arizona will be excused from voting. The Chair hears no objection, and the Senator from Arizona is excused. The Secretary will call the roll.

The Secretary proceeded to call the roll.

The VICE PRESIDENT resumed the chair.

Mr. WALSH of Montana (when his name was called). I have a pair with the Senator from New Jersey [Mr. FRELINGHUYSEN]. I am unable to secure a transfer, and in his absence I refrain from voting. If I were at liberty to vote, I would vote "yea."

The roll call was concluded.

Mr. HARRIS. I have a pair with the Senator from New York [Mr. CALDER]. I transfer that pair to the Senator from Rhode Island [Mr. GERRY] and vote "yea."

Mr. HENDERSON. I have a pair with the Senator from Illinois [Mr. MCCORMICK]. In his absence I withhold my vote. If at liberty to vote, I would vote "yea."

Mr. DILLINGHAM (after having voted in the negative). I observe that the senior Senator from Maryland [Mr. SMITH], with whom I have a general pair, is not in the Senate Chamber. I transfer my pair to the Senator from Illinois [Mr. SHERMAN] and allow my vote to stand.

Mr. OWEN. I have a pair with the Senator from New Jersey [Mr. EDGE]. I transfer that pair to my colleague the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. WALSH of Montana. I transfer my pair with the Senator from New Jersey [Mr. FRELINGHUYSEN] to the Senator from Alabama [Mr. BANKHEAD] and vote "yea."

Mr. HENDERSON. I transfer my general pair with the junior Senator from Illinois [Mr. MCCORMICK] to the senior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. SMITH of South Carolina (after having voted in the affirmative). I inquire if the Senator from South Dakota [Mr. STERLING] has voted?

The VICE PRESIDENT. He has not.

Mr. SMITH of South Carolina. I have a general pair with that Senator, which I transfer to the Senator from Utah [Mr. KING] and allow my vote to stand.

Mr. CURTIS. I wish to announce that the Senator from California [Mr. JOHNSON] is paired with the Senator from Virginia [Mr. MARTIN].

The result was announced—yeas 35, nays 37, as follows:

YEAS—35.

Beckham	Hitchcock	Ransdell	Swanson
Chamberlain	Jones, N. Mex.	Robinson	Thomas
Culberson	Kendrick	Sheppard	Trammell
Dial	McKellar	Shields	Underwood
Fletcher	McLean	Simmons	Walsh, Mass.
Gay	Myers	Smith, Ariz.	Walsh, Mont.
Harris	Owen	Smith, Ga.	Williams
Harrison	Page	Smith, S. C.	Wolcott
Henderson	Phelan	Stanley	

NAYS—37.

Ball	Harding	McNary	Smoot
Capper	Johnson, S. Dak.	Moses	Spencer
Colt	Jones, Wash.	New	Sutherland
Curtis	Kellogg	Newberry	Townsend
Dillingham	Kenyon	Norris	Wadsworth
Elkins	Keyes	Nugent	Warren
Fernald	La Follette	Penrose	Watson
France	Lenroot	Phipps	
Gronna	Lodge	Poindexter	
Hale	McCumber	Pomerene	

NOT VOTING—24.

Ashurst	Edge	King	Overman
Bankhead	Fall	Kirby	Pittman
Borah	Frelinghuysen	Knox	Reed
Brandegee	Gerry	McCormick	Sherman
Calder	Gore	Martin	Smith, Md.
Cummins	Johnson, Calif.	Nelson	Sterling

So the Senate refused to lay on the table Mr. LENROOT's appeal from the decision of the Chair.

The VICE PRESIDENT. The question recurs, Shall the ruling of the Chair stand as the decision of the Senate?

Mr. LODGE. Mr. President, I was not in the Chamber while this debate was proceeding except for a moment at the beginning, but I am glad it has been reopened, for I think the decision is a very dangerous one, indeed. There can be no doubt about the principle laid down in Jefferson's Manual. The only point, as I understand, that is made is that if any action has been taken on a bill reported simply by a poll of some members of the committee, it is then removed from liability to the point of order.

Mr. SMITH of Georgia. Mr. President, will the Senator yield to me for a moment?

Mr. LODGE. Yes.

Mr. SMITH of Georgia. I thought we could dispose of the matter at once on the motion to lay on the table; but that having been lost, I do not ask the further indulgence of the Senate to avoid the executive session.

Mr. LODGE. Mr. President, I should like to complete what I have to say on this subject.

Mr. SMITH of Georgia. I only wanted that understood, if the Senator will allow me.

Mr. LODGE. I do not propose to take any time. The question is not yet decided.

Mr. SMITH of Georgia. I understand that.

Mr. LODGE. All the Senate has done is to refuse to lay the appeal upon the table.

Mr. SMITH of Georgia. I understand that.

Mr. LODGE. And as the Senate has refused to lay it on the table, I desire to state my opinion that it is a very dangerous thing to permit the consideration of a bill by the Senate if the point of order is raised that the bill has not been considered by the committee, but has been reported here on a poll. I think that opens a very dangerous situation.

The principle of Jefferson's Manual is a perfectly correct one. Committees are appointed to consider measures. Sometimes it is necessary, and on unimportant bills it is not uncommon to poll a committee, and if no objection is made, that is all right; but if objection is made and if a Senator feels that a bill has not had the proper consideration of the committee, I think the principle laid down in Jefferson's Manual ought to be observed. We may get a bill in here on the poll of a bare majority of a committee, and if there is one day's discussion about it or if an amendment is offered to it, it is beyond the reach of the point of order, according to the decision, as I understand. I earnestly hope the Senate will consider well before it alters what I think has been the general practice heretofore.

Mr. McLEAN and Mr. UNDERWOOD addressed the Chair.

The VICE PRESIDENT. The Senator from Connecticut.

Mr. McLEAN. I ask unanimous consent to move that the bill be recommitted to the committee.

Mr. UNDERWOOD. I ask the Senator from Connecticut to withhold that request for a moment in order that I may address myself briefly to the pending question. I do not wish to object to his request.

Mr. President, I think the decision of the question now pending before the Senate is of vast importance to the orderly transaction of the business of the Senate. I know that Mr. Jefferson in his manual, which has been followed in the main by the two Houses of Congress, holds that a committee is not organized to act unless it acts together; and clearly that is logical and true. Jefferson's Manual, though, has never been adopted by the Senate as a part of its rules, as it has been by the House of Representatives. Therefore it is only binding on the Senate so far as the reasoning is concerned, and not so far as the rule is concerned.

But admitting that the proper action for a committee is to assemble in the room assigned to it, discuss the question of the bill pending before it, and decide by majority vote what shall be done—admitting that that is the logical way to work out the disposition of a bill, yet I think under the rules of the Senate it is impossible to transact the public business in that way.

I was little surprised when I first came to the Senate to find that a vast number of bills were reported to the Senate by the members of the committees giving their consent, either verbally or in writing, to the report of a bill. I felt some opposition to that practice when I first came here, because I had been trained in a different school; but I afterwards realized that the conditions in the Senate compelled the committees or the chairmen of the committees to follow that precedent.

The Senate is so organized and its committees are so large that a Senator has to serve on a number of committees; and, having to serve on a number of committees, there is continual conflict between meetings of the committees. The situation is familiar to us all. In many instances a committee has to secure the presence of a quorum over the telephone, because Members of the Senate who belong to the particular committee which desires to act are at the same time transacting their legislative business before some other committee of which they are members. Of course, if the Senate would change its rules and reduce the size of the committee to a limit that would be commensurate with the size of the Senate, and limit a Sena-

tor to membership on one or two committees, then we could transact business in an orderly way.

My objection to establishing an order against what has been the practice of the Senate for many years in allowing bills to be reported by giving consent is not in reference to the big bills or matters of great importance to the country. As a general rule a majority of the committee can be had at most of the hearings and at the time action is taken on such measures; but if by this vote we wipe out the precedent that a bill may be reported to the Senate, although there has not been an actual meeting of the committee, where a majority of the members of the committee, understanding what the bill is and being in favor of it, have given their consent in writing to its being reported, then we send to the wastebasket all the smaller or less important bills that come before this body if there is one Senator who desires to raise the point of order. Other Senators know as well as I do, in view of the manner in which the committees of the Senate are organized, that the bills of less importance to the country—I might say of less general interest to the country, because some of the bills not of great general interest are of vast importance to the people who are interested in them—that if we establish a precedent of that kind by the vote of the Senate to-day, we are sending to the discard minor bills that come before the Senate for consideration.

I do not contend against the logic of the argument; I do not contend against the principle laid down by Mr. Jefferson in his manual. That is the logical and proper way to handle business; but the way the Senate is organized it is the impossible way to handle business, and until we reform the Senate by cutting down the number of committees and the memberships of the committees so that the men who are on the committees can attend to public business, I think we had better follow this precedent, so that bills can come before the Senate promptly for consideration.

Mr. LODGE. Mr. President, I do not think there is any purpose of laying down the rule that no bill shall be reported in that way on a poll of the committee. I am not aware of that.

Mr. UNDERWOOD. But the Senator will agree that if this precedent is adopted, then any other bill reported in this way will be subject to a point of order.

Mr. LODGE. It ought to be subject to a point of order.

Mr. UNDERWOOD. That is where I differ with the Senator.

Mr. LODGE. It is a very dangerous privilege to give and one easily abused. Now, I appreciate about the committees just as much as the Senator from Alabama. I know they are large; I know how hard it is to get a quorum; but most of the committees, or many of them, certainly have a quorum for the transaction of certain business, and it is always possible for a Member who can not be present at a committee meeting to authorize his vote to be cast or to be called at the time and have the vote taken. I think taking away the right to make a point of order, and allowing bills to come here that never have been before a committee, without any check upon it, is a very dangerous step to take.

Mr. UNDERWOOD. If the Senator will allow me to interrupt him, the Senator says that it is a subterfuge to report a bill by a majority of the committee signing their names to it and approving it. It seems to me far more of a subterfuge to call a man over the telephone and ask him to be noted as present, when he does not even know what is going on. I would much prefer to have a bill reported by a majority of the committee with their names signed to a paper approving of the bill than to have a fictitious committee meeting when a majority was not present, and men were voted and counted present over the telephone; and that is what is done.

Now, I am not criticizing the situation. I am not criticizing the chairman of the committee. The whole fault and error lies in the Senate rules, in attempting to put on Senators more of the business of these committees than they can attend to.

Mr. LODGE. I think the privilege of doing that ought to be guarded by preserving the right on the part of Members of the Senate to make the point of order. As a matter of fact, it is rarely raised. Most of the bills that come here on polls are unobjected bills, and there is no trouble about it.

Mr. ROBINSON. Mr. President, will the Senator yield to me to set forth a matter that has been called to my attention? Our rule expressly provides for a case like this, and the requirement is that no report of a committee shall be made except by the concurrence of more than one-half of a majority of its entire membership. That is part of a rule adopted April 12, 1912, if I remember correctly, and was introduced in the Senate by the former Senator from Arkansas, Mr. Clarke, for the express purpose of meeting such a case as this.

I do not desire to object to the request made by the chairman, because, in my opinion, a re-reference of the bill to the committee will facilitate the action of the Senate upon the bill; but I do not want the occasion to pass without affirming, as the Senator from Alabama has affirmed, that if the Senate takes this step it only denies itself the privilege of considering the great majority of bills that are introduced here and which may be of importance either in a local or in some other less-than-general way; and I think it may well be understood that the rules of the Senate do authorize a committee of the Senate, when that committee is satisfied that the Senate should have a chance to consider a bill by the concurrence of a majority of the membership of that committee, to pass the consideration of the subject to the Senate.

In partial reply to the statement made by the Senator from Massachusetts that the precedent is a dangerous one, I assert that it is in the interest of prompt and wholesome legislation, for at last the committees of the Senate are but the agencies and instruments of that body. They are designed to bring to the Senate legislation for the consideration of that body; and when, as in a case of this character, a majority of a committee having jurisdiction of a bill make a report in favor of it, and the Senate, without objection, and with a full knowledge of the way in which the report was made, takes jurisdiction of the bill, considers it for several days, and amends it, it is not in the interest of legislation, it is not to preserve the dignity of the Senate, that a point of order should be made depriving the Senate—which is supreme over its committees—of the power to determine the questions involved. No harm can come to the United States if the Senate considers measures that are introduced and reported by polling the committee and passes or defeats them, for the Senate, and not the committee, is the body primarily responsible for the exercise of the power of legislation.

Take this case as an illustration of what might occur should the precedent contended for by the Senator from Wisconsin and the Senator from Massachusetts prevail.

The statement was made a week or more ago on the floor of the Senate that this bill had been reported by the concurrence of a majority of the members of the Committee on Banking and Currency without a formal meeting of the committee. Any Senator might then have made the point of order, and the time of the Senate would have been conserved by doing so; but we proceeded to debate this bill on two or three occasions by vote of the Senate to proceed to its consideration. We resumed consideration of the measure. We adopted, if I remember correctly, some amendments to the bill. In the meantime, as stated by the Senator from Connecticut, the committee was called together. Every member of the committee, including the Senator from Ohio, was invited and urged to attend a formal meeting of the committee. The committee met and heard a discussion of this bill and adhered to its action.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield to the Senator.

Mr. LENROOT. Is the statement correct that there were only four members present?

Mr. SMITH of Georgia. No.

Mr. ROBINSON. No; I am informed that it is not correct; but I was not present and I would not undertake to state what the proceedings of the committee were, except as stated by the chairman of the committee, the Senator from Connecticut. I make this point, however, that after the chairman of the committee had exerted himself to secure the attendance of Senators on the committee for the express purpose of considering this bill, notwithstanding the fact that the Senate had been discussing it for several days and had amended it, and notwithstanding the further fact that no point of order had been made against the committee report, after the Senator from Connecticut had done his best to secure the attendance of Senators who belonged to the committee, some of the very Senators, including the Senator from Ohio [Mr. POMERENE], found themselves unable to attend the meeting of the committee. There was no effort made, so far as I am informed, in the meeting that was formally called to reverse the action taken by a majority of the members of the committee. Nobody proposed in the committee to recommit the bill. The committee, by every rule of reason and justice, in every way that it can be, is committed to the report on this bill.

A majority of the members of the committee, in pursuance of the clause adopted in April, 1912, to meet just such a case as this, signed a favorable report on this bill. The Senate took it up and discussed it for days. The statement was made on the floor that the committee had not had a formal meeting, and the chairman of the committee did his best to get a formal meeting. He sent a copy of the bill to every Senator on the committee and urged him to attend. What more could he do? The Senators who did attend made no effort to reverse the

action taken through the concurrence of a majority of the committee. Now, after the Senate, which is master of its committees—I dare you to assert a contrary doctrine—has again resumed the consideration of the matter we are asked to say that in the interest of fair legislation, in the interest of justice, this time which the Senate has devoted to the bill must be counted as wasted and the committee and the chairman of the committee must suffer the reflection which would result from the proposed action.

Mr. SMITH of Georgia. Mr. President, may I ask the Senator what becomes of the amendments that the Senate has already made to this bill?

Mr. ROBINSON. There is not a Senator in this Chamber who can answer that question. The Senate has already acted in part upon the bill, and the bill now goes to the committee, if it goes at all, with amendments adopted by the Senate; so if you want to test the sense of the Senate on the subject you ought to make a motion to recommit the bill.

As before stated, I shall not object to the request of the Senator from Connecticut; but I merely want to assert that instead of——

Mr. McLEAN. Mr. President——

Mr. ROBINSON. I yield to the Senator.

Mr. McLEAN. I made the motion, or asked permission to make the motion, because I think it is unfortunate that this should be made a party matter. I am interested in the bill, and I think it is a wise, sound piece of legislation, and it is for that reason that I made the motion. I think it will expedite the progress of the bill if it is recommitted to the committee.

Mr. ROBINSON. I concur in all that the Senator from Connecticut has said, and as an evidence of that fact, and as conclusive proof of that, I conclude what I have to say on the subject.

Mr. LENROOT. Mr. President, I want to say just a word on the construction of the rule suggested by the Senator from Arkansas which he now invokes as authorizing reports of committees, and I do it only because I do not think the record should stand as he has made it. He referred to subdivision 3 of Rule XXV; but, unfortunately for him, he read only the last paragraph of the rule. If the Senator had read all of the rule he would have seen that instead of being in his favor the rule is conclusive against him. Let me read that rule. It reads:

> That the several standing committees of the Senate having a membership of more than three Senators are hereby respectively authorized to fix, each for itself, the number of its members who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee; but in no case shall a committee, acting under authority of this resolution, fix as a quorum thereof any number less than one-third of its entire membership, nor shall any report be made to the Senate that is not authorized by the concurrence of more than one-half of a majority of such entire membership.

It was only the last phrase that the Senator read; but he will see that it was dealing with a rule of the Senate that would permit committees to act with less than a majority of its members present to constitute a quorum. The very purpose of the rule was to meet the difficulty suggested by the Senator from Alabama [Mr. UNDERWOOD]. It provides that committees may act with less than a majority; that they may act with one-third of the membership constituting a quorum; but then comes the provision the Senator from Arkansas invokes, that in such cases, nevertheless, they must have a majority of a majority concurring in that one-third quorum. That was the purpose of it. Otherwise a majority of one-third of the committee could report a bill. So in providing for a quorum as low as one-third of the membership it was provided that, nevertheless, it must take one-fourth of the entire membership to order the report of a bill. So this rule, if there were any question about it before, settles conclusively that a committee can not act, except by assembling and meeting formally together; and provision is made that in such a case one-third of the entire membership may constitute a quorum, but there must be an affirmative vote in such case of at least half a majority of the entire membership.

Mr. NORRIS. Mr. President, I would not take up the time of the Senate now if I did not feel that the settlement of this question is very material and almost vital and that it ought to be determined properly in order that the Senate may properly consider legislation.

Mr. FLETCHER. May I interrupt the Senator?

Mr. NORRIS. I yield to the Senator from Florida.

Mr. FLETCHER. I wish to suggest that the settlement of the question on the motion pending is limited; that it simply decides whether the bill shall be recommitted. It leaves the record in this shape: A point of order was raised by the Senator from Wisconsin [Mr. LENROOT] to the consideration of the bill for the reasons stated. The Chair overruled the point of order, and an appeal was taken from the decision of the Chair. The pending question is the appeal. If the bill is recommitted, that is the end of the whole situation.

Mr. NORRIS. Is the Senator from Florida asking me a question?

Mr. FLETCHER. That is the end of the whole matter. The bill would be recommitted.

Mr. NORRIS. If the Senator had permitted me to get my second sentence delivered to the Senate, he would have ascertained that I am not in favor of the motion to recommit the bill. I want this appeal decided, so that we may determine now, I hope once for all, the question that is at issue. I understand the parliamentary situation, I think. At least, I understand it the same as the Senator from Florida has explained it. The Senator from Connecticut [Mr. McLEAN], I understand, did not make a motion. He attempted to get recognition, and said he wanted to ask unanimous consent. If that unanimous consent is requested, I am going to object. I hope the Senate will vote on this appeal, and let us decide now whether it is proper for a committee report to come into the Senate on a simple poll of the members of the committee, without any meeting of the committee.

Mr. President, that kind of a procedure would be revolutionary. It absolutely disregards every principle of parliamentary procedure, either in the committee or in the Senate. A committee is not a committee unless it meets as a committee. You might just as well say that when a bill is introduced here we could take that bill and go around and have every Member of the Senate, or a majority of the Senate, sign on the back of it a statement that "I am in favor of it," and then by such signatures have the Secretary certify to the House that the Senate had passed the bill. That would be on all fours with what we have before us now.

The point is made, and made well, that if the proper rule were enforced it would sometimes be difficult on account of the many committees on which each individual Senator holds membership. That is true, and the condition which confronts us now only brings us face to face with a proposition that has often been called to the attention of the Senate, that Members of the Senate are on too many committees. The committees ought to be cut down in membership, and Senators ought not to be allowed to serve on a lot of committees. We are all on too many committees. A man can not meet with three or four committees when they all meet at the same time. So if we are going to adopt a rule such as the gentlemen on the other side would like to have us construe this rule, that you can get a bill reported to the Senate by a simple poll of the committee to which it was referred, without ever having the committee meet, then we might as well disregard all committees; there should be none.

The Senator from Alabama [Mr. UNDERWOOD] says "this will not be urged against an important bill." Who is going to decide whether they are big bills or little bills? This is considered to be a big bill by a good many, and by some of us a small bill. If we adopt this precedent, then it would be possible, in the case of a tariff bill, to have the Finance Committee polled, and in the case of a political bill like that, as it has always been, you could get a majority of the committee to sign their names on the back of a tariff bill and have a report made the next day.

The theory of having a committee act on a bill is to give some information to the body to which the committee reports. They are to have hearings, they are to give it consideration, they are to consider amendments, and take everything into consideration that has any possible bearing upon the subject under consideration.

Mr. WADSWORTH. Mr. President, is it not also exceedingly important that the minority of a committee shall have a chance to attend a meeting and express their opinions before a report is made?

Mr. NORRIS. Certainly it is; and it has happened nine times out of ten that when a bill is brought up for consideration in a committee the minority, those who oppose, as well as those who favor, get their minds working together, and there will be amendments agreed on. You never would have such a thing as a committee amendment if this precedent became the established law of the Senate.

Mr. WADSWORTH. I simply desire to interject the observation that if this procedure were adopted permanently by the Senate there could not be contrived a better means of stifling the voice of the minority.

Mr. NORRIS. Absolutely not. We would get all kinds of jokers in legislation. It would be the easiest thing in the world to get undesirable legislation before the Senate, and the result would be that the Senate would have bills up for consideration that had never received any consideration from a committee. What we ought to do to meet the legitimate objections that are made is to cut down the membership of the committees. Make it impossible for any one Member of the Senate to be a member of a half dozen great committees of the Senate and you would not have the difficulty that you have now in getting quorums at the meetings of the committees.

Therefore, Mr. President, believing that this is vital, almost revolutionary, in the procedure of the Senate, if the Senator from Connecticut [Mr. McLEAN] makes a request for unanimous consent, I want to object to it. I want the appeal voted on. We ought to have a roll call on it and settle this matter once for all.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 7709) to authorize the incorporated town of Petersburg, Alaska, to issue bonds in any sum, not exceeding $75,000, for the purpose of constructing and installing a municipal electric light and power plant, and for the construction of a public-school building, and it was thereupon signed by the Vice President.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had approved and signed the following acts and joint resolution:

On September 16, 1919:

S. 1362. An act to authorize Hiram I. Sage, a citizen of Baldwin County, Ala., to construct and maintain a bridge across the Perdido River at or near Nunez Ferry.

On September 17, 1919:

S. 2395. An act amending section 25 of the act approved December 23, 1913, known as the Federal reserve act, as amended by the act approved September 7, 1916;

S. 2622. An act to provide necessary commissioned personnel for the Army until June 30, 1920; and

S. 2700. An act granting the consent of Congress to the D. E. Hewit Co. to construct and maintain a bridge across Tug River, connecting Martin County, Ky., and Mingo County, W. Va.

On September 15, 1919:

S. J. Res. 100. Joint resolution making Wednesday, September 17, 1919, a legal holiday in the District of Columbia.

REV. E. M. MOWRY AND REV. E. BELL (S. DOC. NO. 107).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate:

In response to the resolution adopted by the Senate on July 18, 1919, requesting the President, if not incompatible with the public interests, to transmit to the Senate the records in the cases and all papers in possession of the State Department connected with the legal proceedings against the Rev. E. M. Mallory (should be Mowry), charged with harboring criminals, and the Rev. Eugene Bell, charged with involuntary homicide, they being citizens of the United States and residents at the time in Korea, I transmit herewith a report by the Secretary of State on the above-mentioned subjects.

The report of the Secretary of State has my approval.

WOODROW WILSON.

THE WHITE HOUSE,
Washington, August 29, 1919.

TREATY OF PEACE WITH GERMANY.

Mr. HITCHCOCK. Mr. President, I move that the Senate proceed to the consideration of executive business in open session.

The motion was agreed to.

Mr. LODGE. Mr. President, before beginning the reading of the treaty, I ask to have printed the appeal for funds put out by the League to Enforce Peace. It has already been printed in the RECORD, but I should like to have it printed with the comment of the New York Sun in regard to it. I will not ask to have it read again.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From New York Sun, Sept. 21, 1919.]

"PRO-LEAGUERS SEEK BIG FUND—TELEGRAMS SENT TO HUNDRED MEN ASKING EACH FOR $1,000 DONATION—NEED CALLED URGENT—MONEY WILL BE USED FOR PROPAGANDA TO HASTEN RATIFICATION.

"One hundred financially and politically qualified citizens distributed over the eastern part of the country received the following 'very urgent' call yesterday from the League to Enforce Peace, with offices at 130 West Forty-second Street:

"'Crisis at hand will determine whether America joins league of nations or forsakes allies and negotiates separate peace with Germany. Vote for any reservations may require resubmission and endanger treaty. Will you join 99 others in giving $1,000 each to League to Enforce Peace, William H. Taft, president, for immediate use in arousing the country to demand prompt ratification in form that will not send treaty back for further negotiations and delay world pacification? Matter very urgent.

"'GEORGE W. WICKERSHAM,
"'CLEVELAND H. DODGE,
"'OSCAR S. STRAUS,
"'VANCE MCCORMICK,
"'HERBERT S. HOUSTON,
"'*Finance Committee, League to Enforce Peace.*'

"It is assumed that many of the 100 will respond because the names were selected from a card index conveniently noting the pecuniary ability and equally important detail of the political tendency of the 100 chosen citizens to dig down for the desired cash.

"Excepting Mr. Straus none of the five who signed the telegram could be reached yesterday, but he made it clear that Mr. McCormick had not evolved this idea. It had sprung into being spontaneously in the league's office when the full significance of 'the situation' was comprehended.

"'Publicity costs money,' observed Mr. Straus. 'There has been much misstatement about the league. The money is for publicity, for clarification in the minds of the public.'

"At the league office it was said telegrams were used not so much because this was an S O S to rescue the disputed and precarious document, but because one of the very first rules of all the latest volumes on salesmanship says that 'telegrams get results.'

"The results up to last night were not announced, however."

Mr. LODGE. I also ask to have printed this invitation, dated September 16, 1919, which was widely circulated by the League to Enforce Peace. It reads:

(Personal and confidential.)

"LEAGUE TO ENFORCE PEACE,
"*New York, September 16, 1919.*

"DEAR FELLOW COVENANTER: Nearly everybody, except political trimmers and self-seekers, wants the peace treaty and covenant ratified without further delay. Humanity, commerce, industry, labor, the whole social order need ratification now."

As that was written it would mean that humanity, commerce, industry, labor, the whole social order needed ratification. I know what they mean, of course. It continues:

"We urge that you immediately write, telephone, telegraph, or visit Senators and demand prompt and unqualified ratification, and that you get other persons of influence who can bring pressure to do so. No matter if you have done this; do it again and in a positive and conclusive manner. Don't wait on others; strike straight from the shoulder now, and put all your might behind the blow.

"Faithfully, yours, "W. R. BOYD, Jr.,
"*National Campaign Manager.*
"I. T. JONES,
"*Assistant National Campaign Manager.*"

The first circular that I put in is an appeal for money, in order to bring pressure upon the Senate. This is an appeal to all the best emotions of the human heart to bring pressure on the Senate. I am glad to read it and have it printed, because I think there is a certain unconscious humor in it, and also because it shows that the writers have not gotten beyond the point of considering that everyone who happens to differ from them must be a "political trimmer and self-seeker." I can only say to them by way of advice that machine-made pressure is perfectly obvious to those who have served in the House or the Senate. They know when a letter is real; they know when a telegram is real. They also know when they are machine made.

Now, in the reading of the treaty I believe the Secretary stopped at the beginning of part 2.

The Senate, as in Committee of the Whole, and in open executive session, resumed the consideration of the treaty of peace with Germany.

The VICE PRESIDENT. The reading of the treaty will be proceeded with.

The Secretary read as follows:

"PART II.

"BOUNDARIES OF GERMANY.

"*Article 27.*

"The boundaries of Germany will be determined as follows:

"1. *With Belgium:*

"From the point common to the three frontiers of Belgium, Holland and Germany and in a southerly direction:

"the north-eastern boundary of the former territory of *neutral Moresnet*, then the eastern boundary of the *Kreis* of Eupen, then the frontier between Belgium and the *Kreis* of Montjoie, then the north-eastern and eastern boundary of the *Kreis* of Malmédy to its junction with the frontier of Luxemburg.

"2. *With Luxemburg:*

"The frontier of August 3, 1914, to its junction with the frontier of France of the 18th July, 1870.

"3. *With France:*

"The frontier of July 18, 1870, from Luxemburg to Switzerland with the reservations made in Article 48 of Section IV (Saar Basin) of Part III.

"4. *With Switzerland:*

"The present frontier.

"5. *With Austria:*

"The frontier of August 3, 1914, from Switzerland to Czecho-Slovakia as hereinafter defined.

"6. *With Czecho-Slovakia:*

"The frontier of August 3, 1914, between Germany and Austria from its junction with the old administrative boundary separating Bohemia and the province of Upper Austria to the point north of the salient of the old province of Austrian Silesia situated at about 8 kilometres east of Neustadt.

"7. *With Poland:*

"From the point defined above to a point to be fixed on the ground about 2 kilometres east of Lorzendorf:

"the frontier as it will be fixed in accordance with Article 88 of the present Treaty;

"thence in a northerly direction to the point where the administrative boundary of Posnania crosses the river Bartsch:

"a line to be fixed on the ground leaving the following places in Poland: Skorischau, Reichthal, Trembatschau, Kunzendorf, Schleise, Gross Kosel, Schreibersdorf, Rippin, Fürstlich-Niefken, Pawelau, Tscheschen, Konradau, Johannisdorf, Modzenowa, Bogdaj, and in Germany: Lorzendorf, Kaulwitz, Glausche, Dalbersdorf, Reesewitz, Stradam, Gross Wartenberg, Kraschen, Neu Mittelwalde, Domaslawitz, Wedelsdorf, Tscheschen Hammer;

"thence the administrative boundary of Posnania northwestwards to the point where it cuts the Rawitsch-Herrnstadt railway;

"thence to the point where the administrative boundary of Posnania cuts the Reisen-Tschirnau road:

"a line to be fixed on the ground passing west of Triebusch and Gabel and east of Saborwitz;

"thence the administrative boundary of Posnania to its junction with the eastern administrative boundary of the *Kreis* of Fraustadt;

"thence in a north-westerly direction to a point to be chosen on the road between the villages of Unruhstadt and Kopnitz:

"a line to be fixed on the ground passing west of Geyersdorf, Brenno, Fehlen, Altkloster, Klebel, and east of Ulbersdorf, Buchwald, Ilgen, Weine, Lupitze, Schwenten;

"thence in a northerly direction to the northernmost point of Lake Chlop:

"a line to be fixed on the ground following the median line of the lakes; the town and the station of Bentschen however (including the junction of the lines Schwiebus-Bentschen and Züllichau-Bentschen) remaining in Polish territory;

"thence in a north-easterly direction to the point of junction of the boundaries of the *Kreise* of Schwerin, Birnbaum and Meseritz:

"a line to be fixed on the ground passing east of Betsche;

"thence in a northerly direction the boundary separating the *Kreise* of Schwerin and Birnbaum, then in an easterly direction the northern boundary of Posnania to the point where it cuts the river Netze;

"thence upstream to its confluence with the Küddow:

"the course of the Netze;

"thence upstream to a point to be chosen about 6 kilometres south-east of Schneidemühl:

"the course of the Küddow;

"thence north-eastwards to the most southern point of the reentant of the northern boundary of Posnania about 5 kilometres west of Stahren:

"a line to be fixed on the ground leaving the Schneidemühl-Konitz railway in this area entirely in German territory;

"thence the boundary of Posnania north-eastwards to the point of the salient it makes about 15 kilometres east of Flatow;

"thence north-eastwards to the point where the river Kamionka meets the southern boundary of the *Kreis* of Konitz about 3 kilometres north-east of Grunau:

"a line to be fixed on the ground leaving the following places to Poland: Jasdrowo, Gr. Lutau, Kl. Lutau, Wittkau, and to Germany: Gr. Butzig, Cziskowo, Battrow, Böck, Grunau;

"thence in a northerly direction the boundary between the *Kreise* of Konitz and Schlochau to the point where this boundary cuts the river Brahe;

"thence to a point on the boundary of Pomerania 15 kilometres east of Rummelsburg:

"a line to be fixed on the ground leaving the following places in Poland: Konarzin, Kelpin, Adl. Briesen, and in Germany: Sampohl, Neuguth, Steinfort, Gr. Peterkau;

"then the boundary of Pomerania in an easterly direction to its junction with the boundary between the *Kreise* of Konitz and Schlochau;

"thence northwards the boundary between Pomerania and West Prussia to the point on the river Rheda about 3 kilometres northwest of Gohra where that river is joined by a tributary from the north-west;

"thence to a point to be selected in the bend of the Piasnitz river about 1½ kilometres north-west of Warschgau:

"a line to be fixed on the ground;

"thence this river downstream, then the median line of Lake Zarnowitz, then the old boundary of West Prussia to the Baltic Sea.

"8. *With Denmark:*

"The frontier as it will be fixed in accordance with Articles 109 to 111 of Part III, Section XII (Schleswig).

"*Article 28.*

"The boundaries of East Prussia, with the reservations made in Section IX (East Prussia) of Part III, will be determined as follows:

"from a point on the coast of the Baltic Sea about 1½ kilometres north of Pröbbernau church in a direction of about 159° East from true North:

"a line to be fixed on the ground for about 2 kilometres;

"thence in a straight line to the light at the bend of the Elbing Channel in approximately latitude 54° 19½′ North, longitude 19° 26′ East of Greenwich;

"thence to the easternmost mouth of the Nogat River at a bearing of approximately 209° East from true North;

"thence up the course of the Nogat River to the point where the latter leaves the Vistula (Weichsel);

"thence up the principal channel of navigation of the Vistula, then the southern boundary of the *Kreis* of Marienwerder, then that of the *Kreis* of Rosenberg eastwards to the point where it meets the old boundary of East Prussia.

"thence the old boundary between East and West Prussia, then the boundary between the *Kreise* of Osterode and Neidenburg, then the course of the river Skottau downstream, then the course of the Neide upstream to a point situated about 5 kilometres west of Bialutten being the nearest point to the old frontier of Russia;

"thence in an easterly direction to a point immediately south of the intersection of the road Neidenburg-Mlava with the old frontier of Russia:

"a line to be fixed on the ground passing north of Bialutten;

"thence the old frontier of Russia to a point east of Schmallenigken, then the principal channel of navigation of the Niemen (Memel) downstream, then the Skierwieth arm of the delta to the Kurisches Haff;

"thence a straight line to the point where the eastern shore of the Kurische Nehrung meets the administrative boundary about 4 kilometres south-west of Nidden;

"thence this administrative boundary to the western shore of the Kurische Nehrung.

"*Article 29.*

"The boundaries as described above are drawn in red on a one-in-a-million map which is annexed to the present Treaty (Map No. 1.)

"In the case of any discrepancies between the text of the Treaty and this map or any other map which may be annexed, the text will be final.

"*Article 30.*

"In the case of boundaries which are defined by a waterway, the terms 'course' and 'channel' used in the present Treaty signify: in the case of non-navigable rivers, the median line of

the waterway or of its principal arm, and, in the case of navigable rivers, the median line of the principal channel of navigation. It will rest with the Boundary Commissions provided by the present Treaty to specify in each case whether the frontier line shall follow any changes of the course or channel which may take place or whether it shall be definitely fixed by the position of the course or channel at the time when the present Treaty comes into force."

Mr. WATSON. Mr. President, before we proceed further with the reading of the treaty, I should like to ask the Senator from Massachusetts [Mr. LODGE] whether he has any large maps to be hung on the wall to display these two boundary lines? We have the whole map of Europe practically rewritten, with many new nations created, and I think we would all be pretty much interested in knowing as much about the boundary lines as it has been possible for the members of the committee to know. Those of us not on the committee are not familiar with the boundary lines, and I think we would all be interested in knowing more about the geography of the new Europe, if there is any way we can get at it.

Mr. LODGE. Mr. President, I am sorry to say that I have no large maps. I suppose they could be prepared. Every Senator has the volume with maps in it, but to follow the boundary lines as the treaty is read is practically an impossibility. It can not be done with the small maps. I think there ought to be some large maps made showing the boundaries that are established for the different countries. I suppose that could be done, and if that is the desire of Senators I will take steps to have it done. I suppose it can be done on the request of the committee. I realize that perhaps the committee has been negligent in not attending to it before. It did not occur to me, I confess, until I heard the boundaries read here, how impossible it is for anybody to follow them or know just what the treaty provides for. I shall take advantage of the suggestion of the Senator from Indiana and see if we can not have some outline maps made which will show the boundaries of Germany—the old boundaries and the new boundaries—and to what other countries portions of Germany have been assigned.

Mr. SMOOT. I suggest to the Senator from Massachusetts that perhaps he will find such maps already prepared in the State Department. I have been informed that they have maps showing the new boundaries in Europe as agreed upon at Paris.

Mr. LODGE. Does the Senator mean large wall maps?

Mr. SMOOT. Yes; large wall maps. I have not seen one of them, I will say to the Senator, nor have I seen any maps with the exception of those contained in the volume to which he refers; but I think they are already prepared, and it would be a very good thing to have one here.

Mr. LODGE. If the State Department has them, that will expedite matters very much. I shall make inquiry at once and see if the State Department has large maps which will show the boundaries, new and old.

The VICE PRESIDENT. The Secretary will continue the reading.

The Secretary read as follows:

"PART III.

"POLITICAL CLAUSES FOR EUROPE.

"Section I.

"BELGIUM.

"Article 31.

"Germany, recognizing that the Treaties of April 19, 1839, which established the status of Belgium before the war, no longer conform to the requirements of the situation, consents to the abrogation of the said Treaties and undertakes immediately to recognize and to observe whatever conventions may be entered into by the Principal Allied and Associated Powers, or by any of them, in concert with the Governments of Belgium and of the Netherlands, to replace the said Treaties of 1839. If her formal adhesion should be required to such conventions or to any of their stipulations, Germany undertakes immediately to give it.

"Article 32.

"Germany recognizes the full sovereignty of Belgium over the whole of the contested territory of Moresnet (called *Moresnet neutre*)."

Mr. MOSES. Mr. President, I desire to ask the Senator in charge of the treaty whether the territory referred to in article 32 is that over which the newspaper dispatches inform us Belgium and Holland have come to disagreement and have ruptured diplomatic relations?

Mr. LODGE. I do not think that is the territory. However, I should have to look at the map and examine it carefully to answer with any authority. The territory in contest between Holland and Belgium, I understand, is chiefly with reference to what was the Duchy of Lemberg and the navigation of the Scheldt, the ownership of Holland, with which the Senator is familiar, on the southwestern side of the Scheldt, giving Holland control of the waters of the Scheldt. About this there are many treaties in existence, as the Senator from New Hampshire is no doubt aware; but what the Moresnet neutre is I do not pretend to know. I have not looked it up on the map, and I do not know exactly what it is. The Senator can probably find it in one of the maps printed with the treaty.

The VICE PRESIDENT. The Secretary will continue reading.

The Secretary read as follows:

"Article 33.

"Germany renounces in favour of Belgium all rights and title over the territory of Prussian Moresnet situated on the west of the road from Liége to Aix-la-Chapelle; the road will belong to Belgium where it bounds this territory."

Mr. LODGE. Mr. President, I think that confirms what I said to the Senator. I think the Dutch and Belgian differences are in regard to territory farther to the westward; that is my impression, because the line in article 33, as the Senator will notice, runs from Liege to Aix-la-Chapelle, and that, as I remember—I am speaking from memory—is in the eastern part of Belgium.

The reading of the treaty was resumed, as follows:

"Article 34.

"Germany renounces in favour of Belgium all rights and title over the territory comprising the whole of the *Kreise* of Eupen and of Malmédy.

"During the six months after the coming into force of this Treaty, registers will be opened by the Belgian authority at Eupen and Malmédy in which the inhabitants of the above territory will be entitled to record in writing a desire to see the whole or part of it remain under German sovereignty.

"The results of this public expression of opinion will be communicated by the Belgian Government to the League of Nations, and Belgium undertakes to accept the decision of the League."

Mr. MOSES. Mr. President, in the course of the reading of this article of the treaty before the Committee on Foreign Relations an amendment was offered which was afterwards withdrawn, and which does not happen, therefore, to be before the Senate at the present time; but it is worth while to call the attention of the Senate in connection with this article to the fact that the disposition of the sovereignty of the Kreise of Eupen and of Malmedy is made in an entirely different manner from other dispositions of sovereignty for which the treaty provides. Here a register is opened and the inhabitants record their desires in writing, with none of the safeguards which the treaty is supposed to throw about the rights of self-determination and with absolutely no interposition of the strong arm of the indispensable instrumentality of which we have heard so much in the last few months.

I merely wish to call the attention of the Senate to this fact in emphasis of the loosely drawn manner in which this treaty was put together and of the skill with which our European associates who sat with us at the council table at Versailles permitted themselves to leave us out of all problems with which they felt entirely confident to deal to their own satisfaction, and the care with which they equally tied us strongly into every problem where they required a goat upon whom they could wish the subsequent results.

The reading of the treaty was resumed, as follows:

"Article 35.

"A Commission of seven persons, five of whom will be appointed by the Principal Allied and Associated Powers, one by Germany and one by Belgium, will be set up fifteen days after the coming into force of the present Treaty to settle on the spot the new frontier line between Belgium and Germany, taking into account the economic factors and the means of communication.

"Decisions will be taken by a majority and will be binding on the parties concerned."

The next amendment of the Committee on Foreign Relations was, on page 57, article 35, line 2, before the word "Powers," to strike out the words "and Associated."

Mr. LODGE. Mr. President, this amendment is one of 34, all of which, with two exceptions, are similar or alike; and it makes no difference which one is discussed, because the same principle applies to all of them. Unless the Senator from New Mexico [Mr. FALL] particularly desires to go on this afternoon with those amendments, I suggest that we pass them for the present until he is ready to proceed, and that we continue the reading of the treaty. I think it will facilitate the reading if we treat these amendments as one.

Mr. FALL. Mr. President, the series of amendments to which the Senator from Massachusetts refers is composed altogether of some 30 amendments, and while I should personally very much prefer to adopt the course suggested by the Senator who is in charge of the treaty, I do not care to say that I am not physically able to discuss these amendments at the present time. I would very much prefer, however, to allow the discussion to go over while the amendments are read. I believe the last of these particular amendments is on page 163 of the treaty. The purpose of the amendments is simply to eliminate the United States from the different commissions which are to be provided for in the treaty itself, allowing the allied powers to appoint their own commissions to carry out the purposes expressed in the treaty.

I desire to discuss the matter a little more at length, and I do not think any time will be lost by pursuing the course suggested by the Senator from Massachusetts, as the amendments can all be discussed at one time.

Mr. MOSES. Mr. President——

Mr. FALL. I yield to the Senator from New Hampshire.

Mr. MOSES. The Senator, of course, in suggesting that the entire series of amendments which have come to be known as the Fall amendments are the same, simply means that they are the same in principle. There chances to be, as the Senator well knows, considerable variation in the form and application of the various commissions set up, as, for example, the one under article 35, comprising seven persons, will have not only the membership selected by the principal allied and associated powers, but it will also have the German and Belgium delegates, whereas in many of the other commissions set up under the treaty the stipulations call merely for five delegates or commissioners to be named by the principal allied and associated powers. It is possible, if I may suggest it to the Senator, that it will simplify the debate upon the whole series of amendments of this character if we have them all read before any are debated, inasmuch as there are these variations in form and function.

Mr. FALL. The Senator is entirely correct. It would very much simplify the discussion. Otherwise, in attempting to discuss the series of amendments it would be necessary to anticipate the reading of the treaty, while after the reading is concluded, at least in so far as this series of amendments is concerned, having it behind us, having some understanding of it, the Senate can discuss exactly the differences to which the Senator from New Hampshire has called attention. For instance, I call the attention of the Senate now, on page 77, to this language:

The governing commission—

This is in reference to the Saar Basin—

provided for by paragraph 16, shall consist of five members chosen by the council of the league of nations, and will include one citizen of France, one native inhabitant of the Saar Basin not a citizen of France, and three members belonging to three countries other than France or Germany.

The amendment there is to exclude the United States. So it does not affect the United States, as in the series generally, by simply striking out the words "and associated."

Mr. MOSES. The Senator need not leap so far in the text of the treaty to find differentiations such as those to which I have alluded, because, on page 61, with reference to certain international arrangements relating to the Grand Duchy of Luxemburg the Senator will find that the allied and associated powers are included.

Mr. FALL. I hope the Senate will pursue the course suggested by the Senator in charge of the treaty. There were several questions which were asked the President of the United States with reference to these amendments, and at the proper time I shall call attention to those questions and answers.

Mr. HITCHCOCK. Mr. President, it was my understanding that after passing over the first two amendments we would consider and vote upon each separate amendment as it was reached; and I feel constrained to object to passing this and other amendments over indefinitely. I would be willing to pass over until to-morrow those that may be reached in the reading to-day so as to give the Senator from New Mexico time to prepare his remarks, if that will be agreeable.

Mr. FALL. I am not assuming to set the time; and, so far as I am personally concerned, I will say to the Senator that that will be perfectly agreeable to me.

Mr. HITCHCOCK. Then we can proceed with the reading as far as we may to-day and take these amendments up to-morrow.

Mr. FALL. I think, as a matter of fact, that if we now proceed without discussion we would get to page 163 possibly, which would cover this series of amendments.

Mr. HITCHCOCK. I should not like to pass these amendments over in that way.

Mr. FALL. I am asking nothing whatsoever, but I will say to the Senator that we will not get a vote if we proceed with the discussion this afternoon. I have no earthly desire to delay, but it will simply be easier to discuss the amendments and to point out the differences between them, their purpose, and how they affect the treaty after they have all been read rather than to undertake to anticipate them by discussing them beforehand. The Senator can see that; but, so far as I am personally concerned, I have no objection to his suggestion.

Mr. HITCHCOCK. Is the Senator ready to proceed now with his argument?

Mr. FALL. No; I prefer not to do so.

Mr. LODGE. Mr. President, this presents a somewhat unusual case. Here is a series of amendments extending over a number of pages. The Senator who offered the amendments, which were adopted by the committee, desires to discuss those amendments in a group and dispose of them all at once. The treaty must be read, and it seems to me to make very little difference, so far as time goes, whether it is read now or read at some other time; but this desire to inconvenience a Senator and undertake to say when a Senator must speak on amendments is something I have never seen attempted heretofore in the Senate.

Mr. FALL. Mr. President, I do not care to discuss each amendment as we come to it; the principle involved in each is the same, although the reasons for the amendments are not exactly the same. They can all be disposed of, however, at one time, in my judgment; at least, I am willing to endeavor to discuss them together as intelligently as I may be able to do; but if that course is not pursued, then it will be necessary for me to explain each individual amendment of the thirty odd. So it seems to me that time would be saved by proceeding as suggested by the Senator from Massachusetts. I assure the Senator from Nebraska that so far as I am concerned there is no purpose of delay at all.

Mr. HITCHCOCK. Mr. President, we are ready to proceed this afternoon. I think the course I have suggested is a proper one; but if the Senator prefers to make his remarks to-morrow or begin to-morrow I would be willing to pass over the amendments until to-morrow for that purpose.

Mr. FALL. That is perfectly satisfactory to me.

Mr. LODGE. Mr. President, we might as well understand that the amendments will be passed over or taken up according to the will of the Senate; and I ask now—I move, if it is necessary for me to make a motion, that amendment No. 3 be passed over temporarily.

Mr. HITCHCOCK. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harrison	McNary	Simmons
Ball	Henderson	Moses	Smith, Ariz.
Beckham	Hitchcock	Myers	Smith, Ga.
Brandegee	Johnson, Calif.	Nelson	Smith, Md.
Capper	Johnson, S. Dak.	New	Smith, S. C.
Colt	Jones, N. Mex.	Newberry	Smoot
Culberson	Jones, Wash.	Norris	Spencer
Curtis	Kendrick	Nugent	Sutherland
Dial	Kenyon	Overman	Swanson
Dillingham	Keyes	Page	Thomas
Fall	Kirby	Penrose	Townsend
Fernald	Knox	Phelan	Trammell
Fletcher	Lenroot	Phipps	Walsh, Mass.
Gay	Lodge	Pittman	Walsh, Mont.
Gerry	McCumber	Poindexter	Watson
Harding	McKellar	Ransdell	Williams
Harris	McLean	Sheppard	

The VICE PRESIDENT. Sixty-seven Senators have answered to the roll call. There is a quorum present.

Mr. LODGE. Mr. President, now that the Senators have returned, I should like to explain, before we vote, the point that has arisen.

We have reached, on page 57, the third amendment, "and associated powers." That is one of a series of 32 amendments offered by the Senator from New Mexico [Mr. FALL] in the committee, all directed to one purpose, and based on one principle. The Senator from New Mexico desires to discuss those amendments of his en bloc, and the proposition was that this one should be passed over until all of his amendments have been read, because he does not wish to make the same discussion thirty times, once on each amendment. It would save time to do it in that way, and it would enable the Senator from New Mexico to discuss all of his amendments together. If we are obliged to take them up one by one it will greatly protract the debate. The suggestion I made was that we should pass it over temporarily; and, if it is necessary, I move to pass it over temporarily.

The VICE PRESIDENT. Is there objection to passing over the amendment?

Mr. HITCHCOCK. Mr. President, I made an objection to that, and I will state in doing so that I was perfectly willing to have a unanimous-consent agreement to pass over the amendment until to-morrow if the Senator from New Mexico desired a better occasion or better opportunity on which to present his case; but I do object to the indefinite postponement or to the passing over of the amendment in that way. If the Senator from Massachusetts is willing to arrive at a definite time at which this and other amendments of a similar sort may be considered, that can be easily arranged.

Mr. LODGE. I am making no agreements and giving no assurances which I have no power to give. We came to this amendment in the regular course of business. I have explained why this courtesy should be extended to a Senator, which I have never known to be refused before. As there seems to be objection to it I move that we pass over this third amendment temporarily.

Mr. HITCHCOCK. Mr. President, to that I make the point of order that we are operating under a unanimous-consent agreement for the reading of this treaty for committee amendments, and that no amendment can be passed over indefinitely without unanimous consent.

Mr. LODGE. Mr. President, we are not proceeding under a unanimous-consent agreement. We are proceeding under the rule, which is very explicit; and I take it that it is within the power of the Senate to decide when it will take up any one amendment.

The VICE PRESIDENT. We are proceeding under this rule:

> When a treaty is reported from a committee with or without amendment, it shall, unless the Senate unanimously otherwise direct, lie one day for consideration, after which it may be read a second time and considered as in Committee of the Whole, when it shall be proceeded with by articles, and the amendments reported by the committee shall be first acted upon, after which other amendments may be proposed; and when through with, the proceedings had as in Committee of the Whole shall be reported to the Senate.

That is far enough to read. We are in Committee of the Whole now in consideration of this treaty. It must be considered in accordance with the rule that applies to the consideration of any other question in the Committee of the Whole. We have reached a pending amendment, and the rules of the Senate provide that—

> When a question is pending, no motion shall be received but—
> To adjourn.
> To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.
> To take a recess.
> To proceed to the consideration of executive business.
> To lay on the table.
> To postpone indefinitely.
> To postpone to a day certain.
> To commit.
> To amend.

If this be a motion simply to pass the amendment over, the Chair sustains the point of order.

Mr. HITCHCOCK. Now I will say to the Senator from New Mexico that I shall be perfectly willing, on behalf of this side of the Chamber, to agree to take up the amendment to-morrow, and to give him every opportunity to present his case on all the amendments of the same kind. I do not intend any discourtesy to the Senator from New Mexico; and I understand from him that it is entirely acceptable to him to carry out that program, and that it will meet with his convenience.

Mr. LODGE. Mr. President, I did not see anything in the rule which prevented laying aside an amendment. The limitation of the rule is that the committee amendments shall be considered first. It does not prescribe any order in which they shall be considered. I take it that the committee has the right to call up any of its amendments before anyone else can offer one, and that is all.

The VICE PRESIDENT. The Chair is simply ruling in accordance with the invariable rule in the Committee of the Whole, and that is when there is a pending question—and there is one here——

Mr. LODGE. What is the question?

The VICE PRESIDENT. The question is on agreeing to this amendment.

Mr. LODGE. The amendment has not been read.

The VICE PRESIDENT. It has been read.

Mr. LODGE. If the amendment has been read, then it is a pending amendment.

The VICE PRESIDENT. It is a pending amendment and the pending question.

Mr. LODGE. And the Chair rules that it can not be laid aside by the vote of the Senate?

The VICE PRESIDENT. The Chair rules that it can not be laid aside by the Senate. The Chair rules that it can be postponed to a definite time, or you can indefinitely postpone it if you so move.

Mr. LODGE. Mr. President, if that is the ruling of the Chair, I move that this amendment be postponed until this day week.

Mr. HITCHCOCK. On that I demand the yeas and nays.

The VICE PRESIDENT. The question is on the motion of the Senator from Massachusetts to postpone the consideration of this amendment for one week. On that motion the yeas and nays are requested. Is the request seconded?

The yeas and nays were ordered.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. JOHNSON of California (when his name was called). I have a pair with the senior Senator from Virginia [Mr. MARTIN], and in his absence I withhold my vote. If permitted to vote, I would vote "yea."

Mr. WALSH of Montana (when his name was called). I have a pair with the senior Senator from New Jersey [Mr. FRELINGHUYSEN], which I transfer to the Senator from Alabama [Mr. BANKHEAD] and vote "nay."

The roll call was concluded.

Mr. HARRIS. I have a pair with the junior Senator from New York [Mr. CALDER]. I transfer that pair to the senior Senator from Colorado [Mr. THOMAS] and vote "nay."

Mr. CURTIS. I wish to announce that the Senator from New Jersey [Mr. EDGE] is paired with the Senator from Oklahoma [Mr. OWEN] and the Senator from Illinois [Mr. MCCORMICK] is paired with the Senator from Nevada [Mr. HENDERSON].

Mr. GERRY. The senior Senator from Oklahoma [Mr. GORE] is detained from the Senate by illness. The Senator from Nevada [Mr. HENDERSON], the Senator from Colorado [Mr. THOMAS], the junior Senator from Oklahoma [Mr. OWEN], and the Senator from Tennessee [Mr. SHIELDS] are detained from the Senate on public business.

The result was announced—yeas 43, nays, 40, as follows:

YEAS—43.

Ball	France	McLean	Reed
Borah	Gronna	McNary	Sherman
Brandegee	Hale	Moses	Smoot
Capper	Harding	Nelson	Spencer
Colt	Kellogg	New	Sterling
Cummins	Kenyon	Newberry	Sutherland
Curtis	Keyes	Norris	Townsend
Dillingham	Knox	Page	Wadsworth
Elkins	La Follette	Penrose	Warren
Fall	Lenroot	Phipps	Watson
Fernald	Lodge	Poindexter	

NAYS—40.

Ashurst	Hitchcock	Overman	Smith, Md.
Beckham	Johnson, S. Dak.	Phelan	Smith, S. C.
Chamberlain	Jones, N. Mex.	Pittman	Stanley
Culberson	Jones, Wash.	Pomerene	Swanson
Dial	Kendrick	Ransdell	Trammell
Fletcher	Kirby	Robinson	Underwood
Gay	McCumber	Sheppard	Walsh, Mass.
Gerry	McKellar	Simmons	Walsh, Mont.
Harris	Myers	Smith, Ariz.	Williams
Harrison	Nugent	Smith, Ga.	Wolcott

NOT VOTING—13.

Bankhead	Gore	McCormick	Thomas
Calder	Henderson	Martin	
Edge	Johnson, Calif.	Owen	
Frelinghuysen	King	Shields	

So Mr. LODGE's motion was agreed to.

Mr. LODGE. Mr. President, in my motion I named a time entirely at random. I have no desire to put it at an unreasonable distance, and I ask unanimous consent to change the time from one week to three days hence, and let it apply to all these amendments.

The VICE PRESIDENT. That is, to Friday of this week, the 26th?

Mr. LODGE. Friday of this week.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is unanimously agreed to.

The Secretary resumed the reading of the treaty at the top of page 57, article 35, and read as follows:

"Article 35.

"A Commission of seven persons, five of whom will be appointed by the Principal Allied and Associated Powers, one by Germany and one by Belgium, will be set up fifteen days after the coming into force of the present Treaty to settle on the spot the new frontier line between Belgium and Germany, taking into account the economic factors and the means of communication.

"Decisions will be taken by a majority and will be binding on the parties concerned."

The next amendment of the Committee on Foreign Relations was, after the word "Allied," in line 2 of article 35, page 57, to strike out the words "and Associated."

The VICE PRESIDENT. The amendment will be passed over until Friday.

The reading was continued, as follows:

"Article 36.

"When the transfer of the sovereignty over the territories referred to above has become definite, German nationals habitually resident in the territories will definitively acquire Belgian nationality *ipso facto*, and will lose their German nationality.

"Nevertheless, German nationals who became resident in the territories after August 1, 1914, shall not obtain Belgian nationality without a permit from the Belgian Government.

"Article 37.

"Within the two years following the definitive transfer of the sovereignty over the territories asigned to Belgium under the present Treaty, German nationals over 18 years of age habitually resident in those territories will be entitled to opt for German nationality.

"Option by a husband will cover his wife, and option by parents will cover their children under 18 years of age.

"Persons who have exercised the above right to opt must within the ensuing twelve months transfer their place of residence to Germany.

"They will be entitled to retain their immovable property in the territories acquired by Belgium. They may carry with them their movable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

"Article 38.

"The German Government will hand over without delay to the Belgian Government the archives, registers, plans, title deeds and documents of every kind concerning the civil, military, financial, judicial or other administrations in the territory transferred to Belgian sovereignty.

"The German Government will likewise restore to the Belgian Government the archives and documents of every kind carried off during the war by the German authorities from the Belgian public administrations, in particular from the Ministry of Foreign Affairs at Brussels.

"Article 39.

"The proportion and nature of the financial liabilities of Germany and of Prussia which Belgium will have to bear on account of the territories ceded to her shall be fixed in conformity with Articles 254 and 256 of Part IX (Financial Clauses) of the present Treaty.

"Section II.

"LUXEMBURG.

"Article 40.

"With regard to the Grand Duchy of Luxemburg, Germany renounces the benefit of all the provisions inserted in her favour in the Treaties of February 8, 1842, April 2, 1847, October 20–25, 1865, August 18, 1866, February 21 and May 11, 1867, May 10, 1871, June 11, 1872, and November 11, 1902, and in all Conventions consequent upon such Treaties.

"Germany recognizes that the Grand Duchy of Luxemburg ceased to form part of the German Zollverein as from January 1, 1919, renounces all rights to the exploitation of the railways, adheres to the termination of the régime of neutrality of the Grand Duchy, and accepts in advance all international arrangements which may be concluded by the Allied and Associated Powers relating to the Grand Duchy."

The next amendment of the Committee on Foreign Relations was, in article 40, on page 61, after the word "Allied," to strike out the words "and Associated."

The VICE PRESIDENT. The amendment will be passed over until Friday.

The Secretary continued the reading as follows:

"Article 41.

"Germany undertakes to grant to the Grand Duchy of Luxemburg, when a demand to that effect is made to her by the Principal Allied and Associated Powers, the rights and advantages stipulated in favour of such Powers or their nationals in the present Treaty with regard to economic questions, to questions relative to transport and to aerial navigation."

The next amendment of the Committee on Foreign Relations was, on page 61, in article 41, line 2, after the word "Allied," to strike out the words "and Associated."

The VICE PRESIDENT. The amendment will be passed over until Friday.

The Secretary continued reading as follows:

"Section III.

"LEFT BANK OF THE RHINE.

"Article 42.

"Germany is forbidden to maintain or construct any fortifications either on the left bank of the Rhine or on the right bank to the west of a line drawn 50 kilometres to the East of the Rhine.

"Article 43.

"In the area defined above the maintenance and the assembly of armed forces, either permanently or temporarily, and military manœuvres of any kind, as well as the upkeep of all permanent works for mobilization, are in the same way forbidden.

"Article 44.

"In case Germany violates in any manner whatever the provisions of Articles 42 and 43, she shall be regarded as committing a hostile act against the Powers signatory of the present Treaty and as calculated to disturb the peace of the world.

"Section IV.

"SAAR BASIN.

"Article 45.

"As compensation for the destruction of the coal-mines in the north of France and as part payment towards the total reparation due from Germany for the damage resulting from the war, Germany cedes to France in full and absolute possession, with exclusive rights of exploitation, unencumbered and free from all debts and charges of any kind, the coal-mines situated in the Saar Basin as defined in Article 48.

"Article 46.

"In order to assure the rights and welfare of the population and to guarantee to France complete freedom in working the mines, Germany agrees to the provisions of Chapters I and II of the Annex hereto.

"Article 47.

"In order to make in due time permanent provision for the government of the Saar Basin in accordance with the wishes of the populations, France and Germany agree to the provisions of Chapter III of the Annex hereto.

"Article 48.

"The boundaries of the territory of the Saar Basin, as dealt with in the present stipulations, will be fixed as follows:

"On the south and south-west: by the frontier of France as fixed by the present Treaty.

"On the north-west and north: by a line following the northern administrative boundary of the *Kreis* of Merzig from the point where it leaves the French frontier to the point where it meets the administrative boundary separating the commune of Saarhölzbach from the commune of Britten; following this communal boundary southwards and reaching the administrative boundary of the canton of Merzig so as to include in the territory of the Saar Basin the canton of Mettlach, with the exception of the commune of Britten; following successively the northern administrative boundaries of the cantons of Merzig and Haustadt, which are incorporated in the aforesaid Saar Basin, then successively the administrative boundaries separating the *Kreise* of Sarrelouis, Ottweiler and Saint-Wendel from the *Kreise* of Merzig, Trèves (Trier) and the Principality of Birkenfeld as far as a point situated about 500 metres north of the village of Furschweiler (viz., the highest point of the Metzelberg).

"On the north-east and east: from the last point defined above to a point about 3½ kilometres east-north-east of Saint-Wendel:

"a line to be fixed on the ground passing east of Furschweiler, west of Roschberg, east of points 418, 329 (south of Roschberg), west of Leitersweiler, north-east of point 464, and following the line of the crest southwards to its junction with the administrative boundary of the *Kreis* of Kusel;

"thence in a southerly direction the boundary of the *Kreis* of Kusel, then the boundary of the *Kreis* of Homburg towards the south-south-east to a point situated about 1000 metres west of Dunzweiler;

"thence to a point about 1 kilometre south of Hornbach:

"a line to be fixed on the ground passing through point 424 (about 1000 metres south-east of Dunzweiler), point 363 (Fuchs-Berg), point 322 (south-west of Waldmohr), then east of Jägersburg and Erbach, then encircling Homburg, passing through the points 361 (about 2½ kilometres north-east by east of that town), 342 (about 2 kilometres south-east of that town), 347 (Schreiners-Berg), 356, 350 (about 1½ kilometres south-east of Schwarzenbach), then passing east of Einöd, south-east of points 322 and 333, about 2 kilometres east of Webenheim, about 2

kilometres east of Mimbach, passing east of the plateau which is traversed by the road from Mimbach to Böckweiler (so as to include this road in the territory of the Saar Basin), passing immediately north of the junction of the roads from Böckweiler and Altheim situated about 2 kilometres north of Altheim, then passing south of Ringweilerhof and north of point 322, rejoining the frontier of France at the angle which it makes about 1 kilometre south of Hornbach (see Map No. 2 scale 1/100,000 annexed to the present Treaty).

"A Commission composed of five members, one appointed by France, one by Germany, and three by the Council of the League of Nations, which will select nationals of other Powers, will be constituted within fifteen days from the coming into force of the present Treaty, to trace on the spot the frontier line described above.

"In those parts of the preceding line which do not coincide with administrative boundaries, the Commission will endeavour to keep to the line indicated, while taking into consideration, so far as is possible, local economic interests and existing communal boundaries.

"The decisions of this Commission will be taken by a majority, and will be binding on the parties concerned.

"*Article 49.*

"Germany renounces in favour of the League of Nations, in the capacity of trustee, the government of the territory defined above.

"At the end of fifteen years from the coming into force of the present Treaty the inhabitants of the said territory shall be called upon to indicate the sovereignty under which they desire to be placed."

Mr. BRANDEGEE. Mr. President, in reference to the last sentence read, while it calls upon the inhabitants of the territory to indicate the sovereignty under which they desire to be placed, there is no provision that they shall be placed where they say they wish to be placed. That seems to me to be a very curious omission in the treaty. With a considerable appearance of magnanimity, the commission appointed by the council, after having exercised sovereignty over the Saar Basin for 15 years, is to call upon the inhabitants to say to what sovereignty they desire to be annexed. Apparently they can pocket the returns and "nothing doing." I suppose it would be sacrilege to offer any amendment to this sacred instrument, and if it were proper it would not be in order at this time, as committee amendments are to be first considered. It seems to me to be a curious omission in the treaty. That is all I have to say about it at the present time.

The Secretary continued the reading, as follows:

"*Article 50.*

"The stipulations under which the cession of the mines in the Saar Basin shall be carried out, together with the measures intended to guarantee the rights and the well-being of the inhabitant and the government of the territory, as well as the conditions in accordance with which the plebiscite hereinbefore provided for is to be made, are laid down in the Annex hereto. This Annex shall be considered as an integral part of the present Treaty, and Germany declares her adherence to it.

"ANNEX.

"In accordance with the provisions of Articles 45 to 50 of the present Treaty, the stipulations under which the cession by Germany to France of the mines of the Saar Basin will be effected, as well as the measures intended to ensure respect for the rights and well-being of the population and the government of the territory, and the conditions in which the inhabitants will be called upon to indicate the sovereignty under which they may wish to be placed, have been laid down as follows:

"CHAPTER I.

"CESSION AND EXPLOITATION OF MINING PROPERTY.

"1.

"From the date of the coming into force of the present Treaty, all the deposits of coal situated within the Saar Basin as defined in Article 48 of the said Treaty, become the complete and absolute property of the French State.

"The French State will have the right of working or not working the said mines, or of transferring to a third party the right of working them, without having to obtain any previous authorisation or to fulfil any formalities.

"The French State may always require that the German mining laws and regulations referred to below shall be applied in order to ensure the determination of its rights.

"2.

"The right of ownership of the French State will apply not only to the deposits which are free and for which concessions have not yet been granted, but also to the deposits for which concessions have already been granted, whoever may be the present proprietors, irrespective of whether they belong to the Prussian State, to the Bavarian State, to other States or bodies, to companies or to individuals, whether they have been worked or not, or whether a right of exploitation distinct from the right of the owners of the surface of the soil has or has not been recognized.

"As far as concerns the mines which are being worked, the transfer of the ownership to the French State will apply to all the accessories and subsidiaries of the said mines, in particular to their plant and equipment both on and below the surface, to their extracting machinery, their plants for transforming coal into electric power, coke and by-products, their workshops, means of communication, electric lines, plant for catching and distributing water, land, buildings such as offices, managers', employees' and workmen's dwellings, schools, hospitals and dispensaries, their stocks and supplies of every description, their archives and plans, and in general everything which those who own or exploit the mines possess or enjoy for the purpose of exploiting the mines and their accessories and subsidiaries.

"The transfer will apply also to the debts owing for products delivered before the entry into possession by the French State, and after the signature of the present Treaty, and to deposits of money made by customers, whose rights will be guaranteed by the French State.

"4.

"The French State will acquire the property free and clear of all debts and charges. Nevertheless, the rights acquired, or in course of being acquired, by the employees of the mines and their accessories and subsidiaries at the date of the coming into force of the present Treaty, in connection with pensions for old age or disability, will not be affected. In return, Germany must pay over to the French State a sum representing the actuarial amounts to which the said employees are entitled.

"5.

"The value of the property thus ceded to the French State will be determined by the Reparation Commission referred to in Article 233 of Part VIII (Reparation) of the present Treaty.

"This value shall be credited to Germany in part payment of the amount due for reparation.

"It will be for Germany to indemnify the proprietors or parties concerned, whoever they may be.

"6.

"No tariff shall be established on the German railways and canals which may directly or indirectly discriminate to the prejudice of the transport of the personnel or products of the mines and their accessories or subsidiaries, or of the material necessary to their exploitation. Such transport shall enjoy all the rights and privileges which any international railway conventions may guarantee to similar products of French origin.

"7.

"The equipment and personnel necessary to ensure the despatch and transport of the products of the mines and their accessories and subsidiaries, as well as the carriage of workmen and employees, will be provided by the local railway administration of the Basin.

"8.

"No obstacle shall be placed in the way of such improvements of railways or waterways as the French State may judge necessary to assure the despatch and the transport of the products of the mines and their accessories and subsidiaries, such as double trackage, enlargement of stations, and construction of yards and appurtenances. The distribution of expenses will, in the event of disagreement, be submitted to arbitration.

"The French State may also establish any new means of communication, such as roads, electric lines and telephone connections which it may consider necessary for the exploitation of the mines.

"It may exploit freely and without any restrictions the means of communication of which it may become the owner, particularly those connecting the mines and their accessories and subsidiaries with the means of communication situated in French territory.

"9.

"The French State shall always be entitled to demand the application of the German mining laws and regulations in force on November 11, 1918, excepting provisions adopted exclusively in view of the state of war, with a view to the acquisition of such land as it may judge necessary for the exploitation of the mines and their accessories and subsidiaries.

"The payment for damage caused to immovable property by the working of the said mines and their accessories and subsidiaries shall be made in accordance with the German mining laws and regulations above referred to.

"10.

"Every person whom the French State may substitute for itself as regards the whole or part of its rights to the exploitation of the mines and their accessories and subsidiaries shall enjoy the benefit of the privileges provided in this Annex.

"11.

"The mines and other immovable property which become the property of the French State may never be made the subject of measures of forfeiture, forced sale, expropriation or requisition, nor of any other measure affecting the right of property.

"The personnel and the plant connected with the exploitation of these mines or their accessories and subsidiaries, as well as the product extracted from the mines or manufactured in their accessories and subsidiaries, may not at any time be made the subject of any measures of requisition.

"12.

"The exploitation of the mines and their accessories and subsidiaries, which become the property of the French State, will continue, subject to the provisions of paragraph 23 below, to be subject to the régime established by the German laws and regulations in force on November 11, 1918, excepting provisions adopted exclusively in view of the state of war.

"The rights of the workmen shall similarly be maintained, subject to the provisions of the said paragraph 23, as established on November 11, 1918, by the German laws and regulations above referred to.

"No impediment shall be placed in the way of the introduction or employment in the mines and their accessories and subsidiaries of workmen from without the Basin.

"The employees and workmen of French nationality shall have the right to belong to French labour unions.

"13.

"The amount contributed by the mines and their accessories and subsidiaries, either to the local budget of the territory of the Saar Basin or to the communal funds, shall be fixed with due regard to the ratio of the value of the mines to the total taxable wealth of the Basin.

"14.

"The French State shall always have the right of establishing and maintaining, as incidental to the mines, primary or technical schools for its employees and their children, and of causing instruction therein to be given in the French language, in accordance with such curriculum and by such teachers as it may select.

"It shall also have the right to establish and maintain hospitals, dispensaries, workmen's houses and gardens and other charitable and social institutions.

"15.

"The French State shall enjoy complete liberty with respect to the distribution, dispatch and sale prices of the products of the mines and their accessories and subsidiaries.

"Nevertheless, whatever may be the total product of the mines, the French Government undertakes that the requirements of local consumption for industrial and domestic purposes shall always be satisfied in the proportion existing in 1913 between the amount consumed locally and the total output of the Saar Basin.

"CHAPTER II.

"GOVERNMENT OF THE TERRITORY OF THE SAAR BASIN.

"16.

"The Government of the territory of the Saar Basin shall be entrusted to a Commission representing the League of Nations. This Commission shall sit in the territory of the Saar Basin.

"17.

"The Governing Commission provided for by paragraph 16 shall consist of five members chosen by the Council of the League of Nations, and will include one citizen of France, one native inhabitant of the Saar Basin, not a citizen of France, and three members belonging to three countries other than France or Germany.

"The members of the Governing Commission shall be appointed for one year and may be re-appointed. They can be removed by the Council of the League of Nations, which will provide for their replacement.

"The members of the Governing Commission will be entitled to a salary which will be fixed by the Council of the League of Nations, and charged on the local revenues."

The next amendment of the Committee on Foreign Relations was, on page 77, chapter 2, paragraph 17, line 6, after the name "Germany," to insert "or the United State of America."

Mr. SMOOT. That is one of the amendments of the Senator from New Mexico [Mr. FALL], which it has been agreed should be passed over.

The PRESIDING OFFICER (Mr. GAY in the chair). The amendment will be passed over until Friday.

The reading of the treaty was resumed, as follows:

"18.

"The Chairman of the Governing Commission shall be appointed for one year from among the members of the Commission by the Council of the League of Nations and may be reappointed.

"The Chairman will act as the executive of the Commission.

"19.

"Within the territory of the Saar Basin the Governing Commission shall have all the powers of government hitherto belonging to the German Empire, Prussia, or Bavaria, including the appointment and dismissal of officials, and the creation of such administrative and representative bodies as it may deem necessary.

"It shall have full powers to administer and operate the railways, canals and the different public services.

"Its decisions shall be taken by a majority.

"20.

"Germany will place at the disposal of the Governing Commission all official documents and archives under the control of Germany, of any German State, or of any local authority, which relate to the territory of the Saar Basin or to the rights of the inhabitants thereof.

"21.

"It will be the duty of the Governing Commission to ensure, by such means and under such conditions as it may deem suitable, the protection abroad of the interests of the inhabitants of the territory of the Saar Basin.

"22.

"The Governing Commission shall have the full right of user of all property, other than mines, belonging, either in public or in private domain, to the Government of the German Empire, or the Government of any German State, in the territory of the Saar Basin.

"As regards the railways an equitable apportionment of rolling stock shall be made by a mixed Commission on which the Government of the territory of the Saar Basin and the German railways will be represented.

"Persons, goods, vessels, carriages, wagons and mails coming from or going to the Saar Basin shall enjoy all the rights and privileges relating to transit and transport which are specified in the provisions of Part XII (Ports, Waterways and Railways) of the present Treaty."

Mr. BRANDEGEE. Mr. President, a moment ago the Senator from Utah called attention to one of the amendments which were passed over. I wish to make sure that the amendments proposed by the Senator from New Mexico, to wit, striking out the words "and associated" before the word "powers," and appearing on preceding pages, should be noted in the RECORD as having been read by the Secretary. As the Secretary read, he did not state those proposed committee amendments, I presume on the theory that they had been passed over. I simply wish the CONGRESSIONAL RECORD to show that they are proposed. The Secretary did read the last amendment, to which the Senator from Utah called attention, but he did not read the previous ones—for instance, those on page 61, amendments numbered 4 and 5, where the words "and associated" are proposed to be stricken out. I simply want the amendments to appear in the CONGRESSIONAL RECORD as having been read.

Mr. HITCHCOCK. That is entirely correct, Mr. President.

The VICE PRESIDENT. The RECORD will show that the amendments have been read and passed over until Friday.

The reading of the treaty was resumed, as follows:

"23.

"The laws and regulations in force on November 11, 1918, in the territory of the Saar Basin (except those enacted in consequence of the state of war) shall continue to apply.

"If, for general reasons or to bring these laws and regulations into accord with the provisions of the present Treaty, it is necessary to introduce modifications, these shall be decided on, and put into effect by the Governing Commission, after consultation with the elected representatives of the inhabitants in such a manner as the Commission may determine.

"No modification may be made in the legal régime for the exploitation of the mines, provided for in paragraph 12, without the French State being previously consulted, unless such modification results from a general regulation respecting labour adopted by the League of Nations.

"In fixing the conditions and hours of labour for men, women and children, the Governing Commission is to take into consideration the wishes expressed by the local labour organisations, as well as the principles adopted by the League of Nations.

"24.

"Subject to the provisions of paragraph 4, no rights of the inhabitants of the Saar Basin acquired or in process of acquisition at the date of the coming into force of this Treaty, in respect of any insurance system of Germany or in respect of any pension of any kind, are affected by any of the provisions of the present Treaty.

"Germany and the Government of the territory of the Saar Basin will preserve and continue all of the aforesaid rights.

"25.

"The civil and criminal courts existing in the territory of the Saar Basin shall continue.

"A civil and criminal court will be established by the Governing Commission to hear appeals from the decisions of the said courts and to decide matters for which these courts are not competent.

"The Governing Commission will be responsible for settling the organisation and jurisdiction of the said court.

"Justice will be rendered in the name of the Governing Commission.

"26.

"The Governing Commission will alone have the power of levying taxes and dues in the territory of Saar Basin.

"These taxes and dues will be exclusively applied to the needs of the territory.

"The fiscal system existing on November 11, 1918, will be maintained as far as possible, and no new tax except customs duties may be imposed without previously consulting the elected representatives of the inhabitants.

"27.

"The present stipulations will not affect the existing nationality of the inhabitants of the territory of the Saar Basin.

"No hindrance shall be placed in the way of those who wish to acquire a different nationality, but in such case the acquisition of the new nationality will involve the loss of any other.

"28.

"Under the control of the Governing Commission the inhabitants will retain their local assemblies, their religious liberties, their schools, and their language.

"The right of voting will not be exercised for any assemblies other than the local assemblies, and will belong to every inhabitant over the age of twenty years, without distinction of sex.

"29.

"Any of the inhabitants of the Saar Basin who may desire to leave the territory will have full liberty to retain in it their immovable property or to sell it at fair prices, and to remove their movable property free of any charges.

"30.

"There will be no military service, whether compulsory or voluntary, in the territory of the Saar Basin, and the construction of fortifications therein is forbidden.

"Only a local gendarmerie for the maintenance of order may be established.

"It will be the duty of the Governing Commission to provide in all cases for the protection of persons and property in the Saar Basin.

"31.

"The territory of the Saar Basin as defined by Article 48 of the present Treaty shall be subjected to the French customs régime. The receipts from the customs duties on goods intended for local consumption shall be included in the budget of the said territory after deduction of all costs of collection.

"No export tax shall be imposed upon metallurgical products or coal exported from the said territory to Germany, nor upon German exports for the use of the industries of the territory of the Saar Basin.

"Natural or manufactured products originating in the Basin in transit over German territory and, similarly, German products in transit over the territory of the Basin shall be free of all customs duties.

"Products which both originate in and pass from the Basin into Germany shall be free of import duties for a period of five years from the date of the coming into force of the present Treaty, and during the same period articles imported from Germany into the territory of the Basin for local consumption shall likewise be free of import duties.

"During these five years the French Government reserves to itself the right of limiting to the annual average of the quantities imported into Alsace-Lorraine and France in the years 1911 to 1913 the quantities which may be sent into France of all articles coming from the Basin which include raw materials and semi-manufactured goods imported duty free from Germany. Such average shall be determined after reference to all available official information and statistics.

"32.

"No prohibition or restriction shall be imposed upon the circulation of French money in the territory of the Saar Basin.

"The French State shall have the right to use French money in all purchases, payments and contracts connected with the exploitation of the mines or their accessories and subsidiaries.

"33.

"The Governing Commission shall have power to decide all questions arising from the interpretation of the preceding provisions.

"France and Germany agree that any dispute involving a difference of opinion as to the interpretation of the said provisions shall in the same way be submitted to the Governing Commission, and the decision of a majority of the Commission shall be binding on both countries.

"CHAPTER III.

"PLEBISCITE.

"34.

"At the termination of a period of fifteen years from the coming into force of the present Treaty, the population of the territory of the Saar Basin will be called upon to indicate their desires in the following manner:

"A vote will take place by communes or districts, on the three following alternatives: (*a*) maintenance of the régime established by the present Treaty and by this Annex; (*b*) union with France; (*c*) union with Germany.

"All persons without distinction of sex, more than twenty years old at the date of the voting, resident in the territory at the date of the signature of the present Treaty, will have the right to vote.

"The other conditions, methods and the date of the voting shall be fixed by the Council of the League of Nations in such a way as to secure the freedom, secrecy and trustworthiness of the voting.

"35.

"The League of Nations shall decide on the sovereignty under which the territory is to be placed, taking into account the wishes of the inhabitants as expressed by the voting:

"(*a*) If, for the whole or part of the territory, the League of Nations decides in favour of the maintenance of the régime established by the present Treaty and this Annex, Germany hereby agrees to make such renunciation of her sovereignty in favour of the League of Nations as the latter shall deem necessary. It will be the duty of the League of Nations to take appropriate steps to adapt the régime definitely adopted to the permanent welfare of the territory and the general interest;

"(*b*) If, for the whole or part of the territory, the League of Nations decides in favour of union with France, Germany hereby agrees to cede to France in accordance with the decision of the League of Nations all rights and title over the territory specified by the League;

"(*c*) If, for the whole or part of the territory, the League of Nations decides in favour of union with Germany, it will be the duty of the League of Nations to cause the German Government to be reestablished in the government of the territory specified by the League.

"36.

"If the League of Nations decides in favour of the union of the whole or part of the territory of the Saar Basin with Germany, France's rights of ownership in the mines situated in such part of the territory will be repurchased by Germany in their entirety at a price payable in gold. The price to be paid will be fixed by three experts, one nominated by Germany, one by France, and one, who shall be neither a Frenchman nor a German, by the Council of the League of Nations; the decision of the experts will be given by a majority.

"The obligation of Germany to make such payment shall be taken into account by the Reparation Commission, and for the purpose of this payment Germany may create a prior charge upon her assets or revenues upon such detailed terms as shall be agreed to by the Reparation Commission.

"If, nevertheless, Germany after a period of one year from the date on which the payment becomes due shall not have effected the said payment, the Reparation Commission shall do so in accordance with such instructions as may be given by

the League of Nations, and, if necessary, by liquidating that part of the mines which is in question.

"37.

"If, in consequence of the repurchase provided for in paragraph 36, the ownership of the mines or any part of them is transferred to Germany, the French State and French nationals shall have the right to purchase such amount of coal of the Saar Basin as their industrial and domestic needs are found at that time to require. An equitable arrangement regarding amounts of coal, duration of contract, and prices will be fixed in due time by the Council of the League of Nations.

"38.

"It is understood that France and Germany may, by special agreements concluded before the time fixed for the payment of the price for the repurchase of the mines, modify the provisions of paragraphs 36 and 37.

"39.

"The Council of the League of Nations shall make such provisions as may be necessary for the establishment of the régime which is to take effect after the decisions of the League of Nations mentioned in paragraph 35 have become operative, including an equitable apportionment of any obligations of the Government of the territory of the Saar Basin arising from loans raised by the Commission or from other causes.

"From the coming into force of the new régime, the powers of the Governing Commission will terminate, except in the case provided for in paragraph 35 (*a*).

"40.

"In all matters dealt with in the present Annex, the decisions of the Council of the League of Nations will be taken by a majority.

"*Section V.*

"ALSACE-LORRAINE.

"The HIGH CONTRACTING PARTIES, recognising the moral obligation to redress the wrong done by Germany in 1871 both to the rights of France and to the wishes of the population of Alsace and Lorraine, which were separated from their country in spite of the solemn protest of their representatives at the Assembly of Bordeaux,

"Agree upon the following Articles:

"*Article 51.*

"The territories which were ceded to Germany in accordance with the Preliminaries of Peace signed at Versailles on February 26, 1871, and the Treaty of Frankfort of May 10, 1871, are restored to French sovereignty as from the date of the Armistice of November 11, 1918.

"The provisions of the Treaties establishing the delimitation of the frontiers before 1871 shall be restored.

"*Article 52.*

"The German Government shall hand over without delay to the French Government all archives, registers, plans, titles and documents of every kind concerning the civil, military, financial, judicial or other administrations of the territories restored to French sovereignty. If any of these documents, archives, registers, titles or plans have been misplaced, they will be restored by the German Government on the demand of the French Government.

"*Article 53.*

"Separate agreements shall be made between France and Germany dealing with the interests of the inhabitants of the territories referred to in Article 51, particularly as regards their civil rights, their business and the exercise of their professions, it being understood that Germany undertakes as from the present date to recognise and accept the regulations laid down in the Annex hereto regarding the nationality of the inhabitants or natives of the said territories, not to claim at any time or in any place whatsoever as German nationals those who shall have been declared on any ground to be French, to receive all others in her territory, and to conform, as regards the property of German nationals in the territories indicated in Article 51, with the provisions of Article 297 and the Annex to Section IV of Part X (Economic Clauses) of the present Treaty.

"Those German nationals who without acquiring French nationality shall receive permission from the French Government to reside in the said territories shall not be subjected to the provisions of the said Article.

"*Article 54.*

"Those persons who have regained French nationality in virtue of paragraph 1 of the Annex hereto will be held to be Alsace-Lorrainers for the purposes of the present Section.

"The persons referred to in paragraph 2 of the said Annex will from the day on which they have claimed French nationality be held to be Alsace-Lorrainers with retroactive effect as from November 11, 1918. For those whose application is rejected, the privilege will terminate at the date of the refusal.

"Such juridical persons will also have the status of Alsace-Lorrainers as shall have been recognised as possessing this quality, whether by the French administrative authorities or by a judicial decision.

"*Article 55.*

"The territories referred to in Article 51 shall return to France free and quit of all public debts under the conditions laid down in Article 255 of Part IX (Financial Clauses) of the present Treaty.

"*Article 56.*

"In conformity with the provisions of Article 256 of Part IX (Financial Clauses) of the present Treaty, France shall enter into possession of all property and estate, within the territories referred to in Article 51, which belong to the German Empire or German States, without any payment or credit on this account to any of the States ceding the territories.

"This provision applies to all movable or immovable property of public or private domain together with all rights whatsoever belonging to the German Empire or German States or to their administrative areas.

"Crown property and the property of the former Emperor or other German sovereigns shall be assimilated to property of the public domain.

"*Article 57.*

"Germany shall not take any action, either by means of stamping or by any other legal or administrative measures not applying equally to the rest of her territory, which may be to the detriment of the legal value or redeemability of German monetary instruments or monies which, at the date of the signature of the present Treaty, are legally current, and at that date are in the possession of the French Government.

"*Article 58.*

"A special Convention will determine the conditions for repayment in marks of the exceptional war expenditure advanced during the course of the war by Alsace-Lorraine or by the public bodies in Alsace-Lorraine on account of the Empire in accordance with German law, such as payment to the families of persons mobilised, requisitions, billeting of troops, and assistance to persons who have been evacuated.

"In fixing the amount of these sums Germany shall be credited with that portion which Alsace-Lorraine would have contributed to the Empire to meet the expenses resulting from these payments, this contribution being calculated according to the proportion of the Imperial revenues derived from Alsace-Lorraine in 1913.

"*Article 59.*

"The French Government will collect for its own account the Imperial taxes, duties and dues of every kind leviable in the territories referred to in Article 51 and not collected at the time of the Armistice of November 11, 1918.

"*Article 60.*

"The German Government shall without delay restore to Alsace-Lorrainers (individuals, juridical persons and public institutions) all property, rights and interests belonging to them on November 11, 1918, in so far as these are situated in German territory.

"*Article 61.*

"The German Government undertakes to continue and complete without delay the execution of the financial clauses regarding Alsace-Lorraine contained in the Armistice Conventions.

"*Article 62.*

"The German Government undertakes to bear the expense of all civil and military pensions which had been earned in Alsace-Lorraine on date of November 11, 1918, and the maintenance of which was a charge on the budget of the German Empire.

"The German Government shall furnish each year the funds necessary for the payment in francs, at the average rate of exchange for that year, of the sums in marks to which persons resident in Alsace-Lorraine would have been entitled if Alsace-Lorraine had remained under German jurisdiction.

"*Article 63.*

"For the purposes of the obligation assumed by Germany in Part VIII (Reparation) of the present Treaty to give compensation for damages caused to the civil populations of the Allied and Associated countries in the form of fines, the inhabitants

of the territories referred to in Article 51 shall be assimilated to the above-mentioned populations.

"Article 64.

"The regulations concerning the control of the Rhine and of the Moselle are laid down in Part XII (Ports, Waterways and Railways) of the present Treaty.

"Article 65.

"Within a period of three weeks after the coming into force of the present Treaty, the port of Strasburg and the port of Kehl shall be constituted, for a period of seven years, a single unit from the point of view of exploitation.

"The administration of this single unit will be carried on by a manager named by the Central Rhine Commission, which shall also have power to remove him.

"This manager shall be of French nationality.

"He will reside in Strasburg and will be subject to the supervision of the Central Rhine Commission.

"There will be established in the two ports free zones in conformity with Part XII (Ports, Waterways and Railways) of the present Treaty.

"A special Convention between France and Germany, which shall be submitted to the approval of the Central Rhine Commission, will fix the details of this organisation, particularly as regards finance.

"It is understood that for the purpose of the present Article the port of Kehl includes the whole of the area necessary for the movements of the port and the trains which serve it, including the harbour, quays and railroads, platforms, cranes, sheds and warehouses, silos, elevators and hydro-electric plants, which make up the equipment of the port.

"The German Government undertakes to carry out all measures which shall be required of it in order to assure that all the making-up and switching of trains arriving at or departing from Kehl, whether for the right bank or the left bank of the Rhine, shall be carried on in the best conditions possible.

"All property rights shall be safeguarded. In particular the administration of the ports shall not prejudice any property rights of the French or Baden railroads.

"Equality of treatment as respects traffic shall be assured in both ports to the nationals, vessels and goods of every country.

"In case at the end of the sixth year France shall consider that the progress made in the improvement of the port of Strasburg still requires a prolongation of this temporary régime, she may ask for such prolongation from the Central Rhine Commission, which may grant an extension for a period not exceeding three years.

"Throughout the whole period of any such extension the free zones above provided for shall be maintained.

"Pending appointment of the first manager by the Central Rhine Commission a provisional manager who shall be of French nationality may be appointed by the Principal Allied and Associated Powers subject to the foregoing provisions.

"For all purposes of the present Article the Central Rhine Commission will decide by a majority of votes."

The SECRETARY. In article 65, in the eighth line, on page 103, after the words "principal allied," it is proposed to strike out the words "and associated."

The VICE PRESIDENT. That amendment will go over until Friday.

The reading was continued, as follows:

"Article 66.

"The railway and other bridges across the Rhine now existing within the limits of Alsace-Lorraine shall, as to all their parts and their whole length, be the property of the French State, which shall ensure their upkeep.

"Article 67.

"The French Government is substituted in all the rights of the German Empire over all the railways which were administered by the Imperial railway administration and which are actually working or under construction.

"The same shall apply to the rights of the Empire with regard to railway and tramway concessions within the territories referred to in Article 51.

"This substitution shall not entail any payment of the part of the French State.

"The frontier railway stations shall be established by a subsequent agreement, it being stipulated in advance that on the Rhine frontier they shall be situated on the right bank.

"Article 68.

"In accordance with the provisions of Article 268 of Chapter I of Section I of Part X (Economic Clauses) of the present Treaty, for a period of five years from the coming into force of the present Treaty, natural or manufactured products originating in and coming from the territories referred to in Article 51 shall, on importation into German customs territory, be exempt from all customs duty.

"The French Government may fix each year, by decree communicated to the German Government, the nature and amount of the products which shall enjoy this exemption.

"The amount of each product which may be thus sent annually into Germany shall not exceed the average of the amounts sent annually in the years 1911–1913.

"Further, during the period of five years above mentioned, the German Government shall allow the free export from Germany and the free reimportation into Germany, exempt from all customs duties and other charges (including internal charges), of yarns, tissues, and other textile materials or textile products of any kind and in any condition, sent from Germany into the territories referred to in Article 51, to be subjected there to any finishing process, such as bleaching, dyeing, printing, mercerization, gassing, twisting or dressing.

"Article 69.

"During a period of ten years from the coming into force of the present Treaty, central electric supply works situated in German territory and formerly furnishing electic power to the territories referred to in Article 51 or to any establishment the working of which passes permanently or temporarily from Germany to France, shall be required to continue such supply up to the amount of consumption corresponding to the undertakings and contracts current on November 11, 1918.

"Such supply shall be furnished according to the contracts in force and at a rate which shall not be higher than that paid to the said works by German nationals.

"Article 70.

"It is understood that the French Government preserves its right to prohibit in the future in the territories referred to in Article 51 all new German participation:

"(1) In the management or exploitation of the public domain and of public services, such as railways, navigable waterways, water works, gas works, electric power, etc.;

"(2) In the ownership of mines and quarries of every kind and in enterprises connected therewith;

"(3) In metallurgical establishments, even though their working may not be connected with that of any mine.

"Article 71.

"As regards the territories referred to in Article 51, Germany renounces on behalf of herself and her nationals as from November 11, 1918, all rights under the law of May 25, 1910, regarding the trade in potash salts, and generally under any stipulations for the intervention of German organisations in the working of the potash mines. Similarly, she renounces on behalf of herself and her nationals all rights under any agreements, stipulations or laws which may exist to her benefit with regard to other products of the aforesaid territories.

"Article 72.

"The settlement of the questions relating to debts contracted before November 11, 1918, between the German Empire and the German States or their nationals residing in Germany on the one part and Alsace-Lorrainers residing in Alsace-Lorraine on the other part shall be effected in accordance with the provisions of Section III of Part X (Economic Clauses) of the present treaty, the expression 'before the war' therein being replaced by the expression 'before November 11, 1918.' The rate of exchange applicable in the case of such settlement shall be the average rate quoted on the Geneva Exchange during the month preceding November 11, 1918.

"There may be established in the territories referred to in Article 51, for the settlement of the aforesaid debts under the conditions laid down in Section III of Part X (Economic Clauses) of the present Treaty, a special clearing office, it being understood that this office shall be regarded as a 'central office' under the provisions of paragraph 1 of the Annex to the said Section.

"Article 73.

"The private property, rights and interests of Alsace-Lorrainers in Germany will be regulated by the stipulations of Section IV of Part X (Economic Clauses) of the present Treaty."

EXECUTIVE SESSION.

Mr. LODGE. Mr. President, there are some nominations to be disposed of, and I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the Senate proceeded to the consideration of executive business with closed doors.

After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate, as in legislative session, adjourned until to-morrow, Wednesday, September 24, 1919, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate September 23, 1919.

MEMBER OF THE FEDERAL TRADE COMMISSION.

Houston Thompson, of Colorado, to be a member of the Federal Trade Commission for a term of seven years. (A reappointment.)

REGISTER OF THE LAND OFFICE.

Ira J. Briscoe, of Tucumcari, N. Mex., to be register of the land office at Tucumcari, N. Mex., vice Rome P. Donohoo, term expired.

RECEIVER OF PUBLIC MONEYS.

Felipe Sanchez y Baca, of New Mexico, to be receiver of public moneys at Tucumcari, N. Mex., his term having expired. (Reappointment.)

UNITED STATES COAST AND GEODETIC SURVEY.

Ernest E. Reese, of New York, to be hydrographic and geodetic engineer (by promotion from junior hydrographic and geodetic engineer) in the United States Coast and Geodetic Survey, Department of Commerce.

PROVISIONAL APPOINTMENT, BY PROMOTION, IN THE REGULAR ARMY.

INFANTRY.

To be first lieutenants.

Second Lieut. John C. R. Hall, Infantry, from August 2, 1919.
Second Lieut. Robert A. Case, Infantry, from August 2, 1919.
Second Lieut. Ray W. Harris, Infantry, from August 3, 1919.
Second Lieut. Elbert W. Lockwood, Infantry, from August 3, 1919.
Second Lieut. Charles F. Frizzell, jr., Infantry, from August 6, 1919.
Second Lieut. William B. Oliver, jr., Infantry, from August 7, 1919.
Second Lieut. Robinson E. Duff, Infantry, from August 7, 1919.
Second Lieut. Leon W. Hilliard, Infantry, from August 7, 1919.
Second Lieut. Walter C. Blalock, Infantry, from August 8, 1919.
Second Lieut. Hamilton Johnston, Infantry, from August 8, 1919.
Second Lieut. Raymond G. Lehman, Infantry, from August 9, 1919.
Second Lieut. Irvine C. Scudder, Infantry, from August 9, 1919.
Second Lieut. John R. Deane, Infantry, from August 9, 1919.
Second Lieut. Richard Z. Crane, Infantry, from August 9, 1919.
Second Lieut. Hilliard V. MacGowan, Infantry, from August 10, 1919.
Second Lieut. James J. Roach, Infantry, from August 10, 1919.
Second Lieut. Guy S. Williams, Infantry, from August 10, 1919.
Second Lieut. William C. Briggs, Infantry, from August 10, 1919.
Second Lieut. William C. Price, jr., Infantry, from August 12, 1919.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY.

COAST ARTILLERY CORPS.

Second Lieut. David B. Latimer, Infantry, to be second lieutenant in the Coast Artillery Corps with rank from November 1, 1918.

INFANTRY.

Second Lieut. Ulric L. Fomby, Coast Artillery Corps, to be second lieutenant of Infantry with rank from November 1, 1918.

PROMOTIONS IN THE REGULAR ARMY.

FIELD ARTILLERY.

To be colonel.

Lieut. Col. Fox Conner, Field Artillery, from August 22, 1919.

To be lieutenant colonels.

Maj. Albert U. Faulkner, Field Artillery, from August 22, 1919.
Maj. George M. Apple, Field Artillery, from August 22, 1919.

To be majors.

Capt. Emery T. Smith, Field Artillery, from August 22, 1919.
Capt. Creed F. Cox, Field Artillery, from August 22, 1919.
Capt. Robert M. Danford, Field Artillery, from August 22, 1919.
Capt. Leo P. Quinn, Field Artillery, from August 22, 1919.
Capt. Walter H. Smith, Field Artillery, from August 22, 1919.

COAST ARTILLERY CORPS.

To be colonels with rank from August 22, 1919.

Lieut. Col. George H. McManus, Coast Artillery Corps.
Lieut. Col. Edward J. Timberlake, Coast Artillery Corps.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 23, 1919.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

Benton McMillin to be envoy extraordinary and minister plenipotentiary to Guatemala.

S. Abbot Maginnis to be envoy extraordinary and minister plenipotentiary to Bolivia.

SECRETARY OF EMBASSY OR LEGATION.

CLASS 4.

Christian A. Herter to be a secretary of embassy or legation of class 4.

MEMBER OF THE FEDERAL RESERVE BOARD.

Henry A. Moehlenpah to be a member of the Federal Reserve Board.

REGISTER OF THE LAND OFFICE.

Frank P. Wheeler to be register of the land office at Eureka, Calif.

RECEIVER OF PUBLIC MONEYS.

Miss Florence M. West to be receiver of public moneys at Pueblo, Colo.

POSTMASTERS.

COLORADO.

Catherine E. Melis, Aurora.
Edward Slates, Walsenburg.

FLORIDA.

James A. Douglas, Chipley.

NEBRASKA.

Olive C. Messler, Antioch.
Mary L. Hoyt, Bloomfield.
Arnold J. Fiala, Brainard.
John L. Delong, Bushnell.
Elbert M. Vaught, Genoa.
Charles A. Currie, Havelock.
John F. Buehner, Morrill.
Adda G. Newsom, North Bend.
Peter H. Petersen, Plainview.
Ralph E. Oliver, Superior.
Eutis Quinn, Sutherland.
Lew D. Holston, Trenton.
Joseph A. McGowan, Wilcox.

OHIO.

Julius C. E. Jacot, Apple Creek.
William O. Wallace, Columbiana.
Lewis B. Shaw, Gallipolis.
Wilson S. Potts, Lisbon.
Charles B. Chilcote, Mount Gilead.
Mary E. Gillespie, Rayland.
Richard S. Ryan, St. Clairsville.
William W. Rider, Spencerville.
Charles W. Miller, Versailles.
Michael M. Mowls, Waynesburg.

WISCONSIN.

Leon G. Schaar, Nekoosa.

REJECTION.

Executive nomination rejected by the Senate September 23, 1919.

POSTMASTER.

Charles F. Butts to be postmaster at Willis, Tex.

HOUSE OF REPRESENTATIVES.

TUESDAY, *September 23, 1919.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou Infinite Source of life and light, through whose boundless love we live and move and have our being, strengthen our arm of faith, brighten our star of hope, and fill our souls with high and glorious aspirations; that thus being in touch with Thee, we may walk worthy of the vocation wherewith we are called and merit at least the well done, good and faithful servant, enter Thou into the joy of Thy Lord; and songs of praises we will ever give to Thee. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

REVISED STATUTES.

Mr. WALSH. Mr. Speaker, I rise to a question of privilege of the House.

The SPEAKER. The gentleman will state it.

Mr. WALSH. It appears that on September 20 H. R. 9389, a bill to consolidate, codify, revise, and reenact the general and permanent laws of the United States in force March 4, 1919, was introduced by the gentleman from Kansas [Mr. LITTLE]. The bill as printed does not conform either to the rules of the House or to the law, it being printed in fine type, in double columns upon the page, consisting of some 43 pages, 555 sections. I have not had an opportunity to confer with the gentleman from Kansas [Mr. LITTLE], but I can not understand why such a measure was printed in such shape, when the law requires bills to be printed in the ordinary bill form, with the lines numbered and of the usual size. If this is intended for a report, of course there can be no objection to it. It does not appear to be a bill, because, while it has a title, it contains no enacting clause. It does, however, upon its title-page contain the note that it will be amended so that it will include all general and permanent laws in force March 4, 1919.

Clearly it would be extremely difficult for the committee or the House to amend such a measure, and, as it relates to revising and reenacting the general and permanent laws of the United States, it is almost certain that amendments will be made either in the committee or by the House. It seems to me that in its present form it is not such a measure as the committee has authority to consider; and the gentleman from Kansas [Mr. LITTLE], who, I assume, is chairman of the Committee on Revision of the Laws, which is an important committee, should have a reprint made in the usual form, to conform to the law, before consideration of the bill is begun.

Mr. LITTLE. Mr. Speaker, this character of legislation has not been attended to by the House for 45 years, and it is not surprising that the gentleman from Massachusetts [Mr. WALSH], learned as he is in the methods of the House, is not familiar with it. I presume the last time it was done was probably before the gentleman was born. The last time the statutes of the United States were revised and reenacted was in the Revised Statutes in 1874. We are pursuing the exact method that they pursued at that time. The gentleman states that there is no enacting clause, but if he will turn to the first page of the bill he will find it begins "Be it enacted," just as every other similar law does. It also is the method pursued in every State in the Union in which they have issued such a book. The gentleman will find the enacting clause there. Forty-five years ago the committee introduced just such a bill. The gentleman suggests that it will be amended. This bill will consist, probably, of 10,000 sections and about 1,500 pages or more. If it is amended it will never be passed at all. If I anticipated that it was to be the subject of debate and amendment, I would not ask the House to pass on it, because it would take 18 months to work with it at all. That is the reason that for 45 years the lawyers, the bench, and the litigants of this country have been wholly without any real facilities for finding out what the Federal statutes are. At present, in order to find out what the Federal law is you must read the Revised Statutes of 1874, or their second edition in 1878, which is the same thing in effect, and 23 Public Statutes at Large and 10 Private Statutes at Large. You have to read 34 books. I have from the United States attorneys and the Federal judges of this country a very universal and insistent demand that such a book be printed. There is not any other way to print it. We have introduced it just as it was introduced before, pursuing the same method. This was done after a long conference with the superintendent of work down there as to the best method of doing it, and was adopted at his suggestion. We also conferred with the chairman of the House Committee on Printing. I sent for Mr. Morgan, of the Government Printing Office, and secured his ideas. This bill as introduced here is merely a preliminary step in the nature of a report, as the gentleman from Massachusetts suggests, so that the House will have an opportunity to analyze it and go over it and suggest whatever it has to suggest to the committee. It will require to complete the bill probably a year. The Members will now have that time to examine it.

Mr. WALSH. Will the gentleman yield?

Mr. LITTLE. Certainly.

Mr. WALSH. Why was it not printed in the usual form?

Mr. LITTLE. I talked that over with Mr. Morgan, and he said to me that in the last few years there have been thousands of dollars wasted by reports such as the gentleman suggests, and bills and things of that kind printed in the other form, and he suggested that we had a right to print it in this form if it were so desired; that the law, the rules, and the custom would permit it, and it was at his immediate suggestion that I adopted this form. The bill is in bill form.

Mr. GARD. Will the gentleman pardon an interruption?

Mr. LITTLE. Yes.

Mr. GARD. This, I suspect, is merely a sample and a part of what the gentleman will introduce as his bill.

Mr. LITTLE. Yes; it will take about a year to get this bill ready.

Mr. GARD. And is it his purpose finally to introduce a completed bill so that the House may pass on it?

Mr. LITTLE. Yes; in about a year.

Mr. GARD. This part in connection with the parts to follow?

Mr. LITTLE. Yes.

Mr. GARD. And the gentleman is adopting this plan merely to advise the House of the first or preliminary steps?

Mr. LITTLE. Yes; that is the idea exactly. I am glad the gentleman from Massachusetts brought this up, because it gives me a little opportunity to put it before the House. However, I am not fully prepared to present the matter at this time, but at some time I will ask the House for time to explain it fully so that it may have time to consider it. It will take about a year to get the bill together. Probably we will not introduce any more now, but will have it in shape so that the House can examine it.

I have a letter from the Public Printer in which he states that the printing of the bill in the ordinary form would cost over $34,000, and to print it in this shape, when done, would cost $11,000. The reason we printed it this way is that we will save $23,000; and the gentleman from Massachusetts [Mr. WALSH] has done so much along that line that I think he will appreciate that.

If it should be the pleasure of the House and the Senate to pass the legislation when finally presented to them, it will be ready in a shape that will commend itself to the Committee on Printing as the best way to be printed, and will get it into a more compact form. Mr. Morgan states, after he went over it with me for three or four hours, that this is the type of the CONGRESSIONAL RECORD and the page of the CONGRESSIONAL RECORD, and the pages can be used with less expense than any other method of printing. There will be no change in machinery or type, and it can be run off immediately.

Also, the committee has decided, after reviewing the law back all of these years, that it is the most readable way for a lawyer to get at it, and combines cheapness and compactness for reading purposes and all those requisites. As I say, the superintendent of work said that it would save $23,000 in printing. When we get it done we will have a bill which can be run right off. They will take the type, make the casts from it, and be ready immediately to run off the book. There will be no additional expense to it, and it will save a great many thousand dollars and greatly expedite the work. Form of a bill is a legal matter; refers to legal forms, title, and enacting clause, for example, not to the way a printer sets it up.

Mr. WALSH. Well, Mr. Speaker, while it may be true that 45 years ago this matter was done in this way, the gentleman from Kansas realizes that sometimes we pass laws in a period of 45 years, and as it happened, we passed one of these laws within the 45 years relative to printing of bills for the consideration by the House of Representatives. We passed a law in 1905, and while we are very glad to have the views of the gentleman down at the Printing Office and to know that he is anxious to cooperate in saving money, yet under the law and the rules of this House this bill is not in proper form to be considered by the House, and until it is in proper form I submit that the committee has no authority to consider it in committee; because when a bill is introduced the law provides how it shall be prepared and introduced. I appreciate that the saving in printing the bill is considerable, but the House can not consider this bill in its present shape with any expedition. The lines are not numbered. If an amendment were to be offered, it would be confusing in view of the general practice which has been followed in the House, and under the rules of the House, to attempt to perfect a bill, or even correct errors that might appear in it.

It would seem to me that before the House can proceed to consider this bill it will have to be printed in the usual bill form. I submit to gentlemen that it would be better, even as important as this subject is, that it be printed in the usual way. I simply bring this to the attention of the House and to the Speaker. I am glad the gentleman from Kansas was present. I can appreciate that this measure in this form is in excellent form for the report from a committee, but it is not in the form for consideration by the committee and by the

House. I submit that in this form the committee is without jurisdiction to proceed and consider it.

Mr. LITTLE. Mr. Speaker, in view of the gentleman's suggestion that it ought to be printed in the other form for the House to take up and consider it, I will suggest that if the House proposes to consider this bill in the manner suggested the committee will quit right here. It can not be done. For 45 years committees have been shying away from the job, taking up a little now and then, but not getting anywhere. The bill of 1874 went through the United States Senate in 40 minutes. Mr. Roscoe Conkling was the chairman of the committee; he was asked if there were any mistakes in it, and he said possibly there were mistakes as there were mistakes in all things human, but if they undertook to discuss it they would never pass it. Up to that time there had been no general code of the United States. The only way to get the bill through is to have no discussion of the character which the gentleman mentions and no amendments. It would take more than two years, the whole life of a Congress, to consider it after such fashion in either branch. It is impossible. The only method that is possible at all is to take the method that was adopted before, and that is for the House to follow the method that was pursued 45 years ago. I have a long list of letters from United States attorneys and Federal judges insisting that this legislation be enacted.

Judge Hough, for example, of the Circuit Court of New York City, conceded, I believe, the equal of any lawyer who has had any practice in the Federal courts, says this is the way of getting at this, and that is to present this bill now, to present it to the House from time to time and give the membership of the House an opportunity to do what the gentleman from Massachusetts has now, of making any suggestion, and any suggestion which anyone desires to make the committee will be glad to have. We will make any correction of anything to which attention is called, in the years during which we will be at work upon it, and our hope is by that time the House shall know enough about it so that it will feel disposed to do what it did 45 years ago, when Benjamin F. Butler, of Massachusetts, a very learned lawyer, perhaps as good as Massachusetts has produced—and the gentleman coming from Massachusetts knows what an able lawyer Gen. Butler was—presented it to the House. When they had up the bill under consideration he described it as a codification of the laws of the United States. The House did lose some time in preliminary work then, but finally passed it when it got ready in a very short time without any general discussion. It then went to the Senate and they passed it in about 40 minutes. They had great lawyers over there, Morton, Conkling, Edmunds were on the committee; ex-Senator Poland, of Vermont, was chairman of the committee of this House when it finally went through; Butler was chairman when it was prepared. Those people finally decided that there was only one way of getting this kind of a bill passed to get a general code of the United States. We could have waited until the last minute and could have thrown it in here in great bulk, but we thought it was fair to the House and the lawyers of the country to take the preliminary step now. This bill does not violate any law I know of——

Mr. WALSH. Will the gentleman yield?

Mr. LITTLE. Yes.

Mr. WALSH. The gentleman is chairman of the great Committee on Revision of the Laws, and he certainly holding that position——

Mr. LITTLE. This is entirely within the spirit and purpose of the law.

Mr. WALSH (continuing). Ought to know that in 1905 we did pass a law saying how bills should be printed before they could be considered by the House.

Mr. LITTLE. I feel this is entirely within the spirit and purpose of that law.

Mr. WALSH. Mr. Speaker, we are very glad to know that there is one committee of our distinguished body that says unless they can have their own way they will quit; in other words, they are above the law. We are also glad to know that the House of Representatives has a matter pending before it or about to be pending before it that must be passed without amendment or reservation. The coordinate branch, I believe, is wrestling with a similar document or a similar problem which it is insisted must be passed without reservation or amendment. Now, if this codification of the laws must come before this House and be passed witnout amendment or change it would seem to me, if that is the attitude of the committee, that it must be done that way; that unless it can be considered in accordance with the rules of the House and the law that possibly public interest might not suffer if the committee did quit. But I submit, sir, that there is nothing affecting this problem of revising and codifying the laws that takes it out of the general rules and customs. Therefore I make the point of order, to bring the matter to a head, that the bill, H. R. 9389, as introduced and referred to the Committee on the Revision of the Laws, is not in proper form and therefore the committee has no jurisdiction to consider it.

Mr. LITTLE. Mr. Speaker, the gentleman has not quoted me fairly. I did not say the committee was going to quit because it could not have its own way. What I said was that to follow the system the gentleman suggested would make it impossible to complete the text in two years or in two Congresses; that for any Congress to take this up and consider it in the way he suggests is quite impossible. In the course of nature and in the experience of the bar, and of the Congress, it could not take this up in the method he suggests and ever get it finished. If the gentleman wants to lay the burden and expense upon this committee of going through all this work when we have the experience of a hundred years, why the gentleman can make his point of order, if there is such a point of order.

Mr. WALSH. Before the gentleman leaves that point.

Mr. LITTLE. Yes.

Mr. WALSH. If I understand the gentleman, he contends that to print this with numbered lines would make a great many more pages, and that because of the number of pages and volume of the work the committee would not be able to complete its consideration, whereas if it is printed in this form they could go through it expeditiously?

Mr. LITTLE. No. The point I had in mind was—the gentleman's statement is all right as far as it goes—if it was printed in the form he suggests, it would cost a vast amount of money and make a tremendous book. As soon as the consideration is terminated, it would be destroyed and thrown aside; it would have to be; and the expense would be tremendous. That suggestion I got from the superintendent of work. If we should undertake to take this up section by section and handle it in the way the gentleman suggests, we would never get done in the world.

Mr. WALSH. Will the gentleman yield?

Mr. LITTLE. Certainly.

Mr. WALSH. Of course, the matter of consideration by the House is a matter that could be determined later, and that probably would be considered under a special rule. But does not the gentleman think it ought to be in the usual shape?

Mr. LITTLE. It ought to be, but we can not do it.

The SPEAKER. The Chair is disposed to think that the technical point made by the gentleman from Massachusetts is correct. The law specifically provides that all legislation shall be first printed in bill form, which the Chair understands is in the form which we have always used, printed with lines numbered, and this obviously does not conform to that practice. Therefore the Chair at first blush would think that it does not conform to the law. Neither does it seem to conform to the law in the enacting clause. The gentleman from Kansas [Mr. LITTLE] states strong reasons for his action, but it seems to the Chair that that would have to be done by a joint resolution.

Mr. LITTLE. I think, Mr. Speaker, we are following the spirit and the purpose of the law, myself.

The SPEAKER. It may be that the spirit and the purpose of the law is economy, but the law specifically provides that all bills and resolutions shall be printed in bill form. The Chair does not see how this conforms to that provision.

Mr. LITTLE. I will make this request, then, that the gentleman from Massachusetts will withhold for the present his point of order. I think an examination will demonstrate that our position is correct.

Mr. WALSH. I reserve the point of order.

Mr. GARD. Mr. Speaker, I ask unanimous consent that the Committee on Revision of the Laws may consider the bill H. R. 9389 in its present form.

Mr. WALSH. I object, Mr. Speaker.

The SPEAKER. Does the gentleman from Massachusetts [Mr. WALSH] reserve the point of order?

Mr. WALSH. Yes.

The SPEAKER. By a special order of the House to-day the gentleman from Ohio [Mr. COOPER] has leave to address the House for 30 minutes. [Applause.]

Mr. LANKFORD. Mr. Speaker, the gentleman is to discuss an important subject, and I suggest the absence of a quorum.

Mr. COOPER. I would prefer that the gentleman would not do so, because I do not want to take up 30 minutes of the time of the House in calling the roll.

Mr. LANKFORD. I withdraw the point if the gentleman requests it.

Mr. COOPER. Yes.

Mr. LANKFORD. All right.

Mr. COOPER. Mr. Speaker and gentlemen of the House, during the month of August, 1914, there was a message flashed across the Atlantic Ocean to the American people that all of the great nations of Europe were at war. To our people it was like a bolt of lightning coming from a clear sky. But, nevertheless, it was true, and from that day on and until more than four years thereafter there raged in Europe the most terrible, bloody, and inhuman struggle that has ever been recorded in the history of the world. Countries were torn asunder by shot and shell, homes were destroyed, churches and cathedrals demolished, and the lifeblood of millions of young men of our own and of the European nations was shed upon the battle field.

When we received that fateful message little did we think that the day would come when we would be called upon to take a part in that gigantic struggle. We steadfastly did all in our power to preserve peace. For three years we suffered insult after insult. Our ships were destroyed upon the high seas, our citizens—men, defenseless women, and young children—were murdered in cold blood. But the time came when our patience ceased to be a virtue, and we decided to strike back at this despotic monster that was eating at the very heartstrings of civilization and undermining the foundations of Christianity.

It would be sacrilegious for me to say that Almighty God decreed that that great war should take place, but I do believe that at that critical hour, in 1917, when it seemed as if civilization was lost, when it seemd as if the church and the religion of Jesus Christ was tottering and falling, aye, when it seemed as if the whole world was soaked and drenched in human blood—I do believe that at that critical hour God Almighty called upon us as a Christian Nation and people to draw the sword and strike.

It is not my intention to try to tell you what part we had in the war, only to say that when we did go into the struggle our Nation, young and strong, rich in man power, money, and resources, threw her whole heart and soul into that fight. [Applause.] And our soldier boys, God bless them, our boys, who hesitated not when the war came, were ready to sacrifice their all in order that Christian civilization and righteousness might be saved.

Nowhere in the history of the world can be found a more glorious achievement than that which crowned the American soldier at Chateau Thierry, St. Mihiel, and the Argonne Forest. We all thank God that the war is over and that autocracy never again shall come to the nations of the earth to kill and devastate, and we feel proud of the part we had in this great fight for a Christian civilization and for righteousness.

But, my fellow Members, I trust we will not forget that the work is not done yet. To-day we face the great problems of reconstruction. It was not to be expected that at the end of four years of awful war and bloodshed, which brought so much sorrow and misery and suffering to the world, that we could immediately adjust ourselves to normal peace-time conditions again.

Mr. Speaker and Members of the House, I speak seriously, and I measure well my words when I say that I believe that we as a Nation to-day face more serious questions and more difficult problems than we did at any time during the war period.

The great question we face at this hour is not fighting for our lives and institutions against a foreign foe. The great problem which confronts us at this time is how are we going to get back to normal conditions again and bring back to our people that feeling of content and happiness we have enjoyed in the past in this country. [Applause.]

All over our land to-day we see and hear of the feeling of unrest. Discontent and dissatisfaction seem to be prevalent wherever we go. As we read our newspapers we get reports of the very disturbed conditions among the working classes employed in our industries and mines. We read of strike after strike, until it seems as if our wheels of industry have stopped. We read of some members of labor organizations who refuse to obey the mandates of their officials and defy their orders and strike after their officers have ordered them not to cease work. One of the best evidences of this condition is that in the last two or three months the officials of some of our railroad brotherhoods have expelled many men from their organizations for disobeying official orders.

I am one of those who believe that many of our great labor leaders are loyal American citizens who are interested not only in the welfare of the members of their own organizations but also in the welfare of all the people of our Nation. But I do not hesitate to say that it appears as if these conservative labor leaders may be pushed aside in order to let a more radical element take their places. I have the highest respect for Mr. Samuel Gompers, and the work he did during the war, and his efforts to maintain the American Federation of Labor as a conservative force. I believe he did all in his power to at least delay this steel strike. But I speak for a few minutes to-day to try to warn the American laboring man not to be led astray by these radical, so-called labor leaders, who would overthrow our form of Government and destroy the sacred institutions which in the past have been near and dear to the hearts of the American people. [Applause.]

There was started on Monday throughout all of the great steel industries of our country what is probably the greatest and the most serious strike that the American people have ever experienced, and if press reports are true, many of the plants of this great industry are closed to-day, and something like 284,000 men have ceased work.

Outside the Pittsburgh district the Mahoning Valley district of Ohio, which I have the honor to represent in Congress, is the largest steel district in the country. Therefore, as the representative of this district I am very much concerned about the situation, as is every good citizen of the community. We all wish this great strike could have been avoided. And how I wish that Mr. Gary, the head of the United States Steel Corporation, could have met his men and considered this great question. [Applause.]

Mr. Speaker, I fully realize what it may mean to me, coming from our great industrial district, to speak on this vital question, and possibly what I say here to-day may be misconstrued. In the limited time that I have I can not go into the important issues pending between the management of the steel industries and their employees. Most of the Members of Congress know what these issues are. I have now and always have had a warm feeling in my heart for the working classes, and I stand ready to assist them at any time in efforts to better their conditions. I believe in the eight-hour day, and I also believe that the time has come when men who work with their hands should have a fairer portion of the profits that industry earns. I further believe in the right of collective bargaining, and I trust that the day will soon come when there will be closer, more friendly cooperation between managers and men. From my own personal experience I think I know the feeling of the great army of employees who work by the hour and the day in the industries of our country.

But I want to solemnly warn the workers that at this time there are many agitators who are pushing themselves to places of prominence and leadership. Many of these men have not done an honest day's work in their lives [applause], and if reports are true they are stirring up a class hatred which will widen the gap between employer and employee instead of bringing them closer together.

I believe that our country needs a revival of that good old-time American spirit, and that we should not pay so much attention to foreign sentiment. [Applause.] If newspaper accounts are true, especially those contained in this morning's Washington Post, these agitators are a menacing danger. The fact was brought to my attention last week in my district that these agitators, when they held their meetings, threatened these foreign-born people and told them if they went out to work next Monday they would burn their homes down and kill their children.

These extremists are appealing especially to men of foreign birth who have little or no conception of American ideals and institutions, and it is to one of these men that I want to call the attention of Congress and the country. I hold here in my hand a book or a pamphlet entitled "Syndicalism." One of the authors and publishers of this book is a man named William Z. Foster. You have seen his name in the papers quite frequently in the last two or three weeks. I want you to know who William Z. Foster is. At the present time he is secretary-treasurer of the national committee which has had charge of organizing the steel workers throughout the country. I charge that Mr. Foster's own words in this book show his unfitness as a labor leader. [Applause.] They disqualify him from the name of an American citizen and the protection of that flag. [Applause.] I want to quote some of the things that Mr. Foster says and believes in. In his book on syndicalism, in referring to a general strike, he says:

> In his choice of weapons to fight his capitalist enemies the syndicalist is no more careful to select those that are "fair," "just," or "civilized" than is a householder attacked in the night by a burglar. He knows he is engaged in a life and death struggle with an absolutely lawless and unscrupulous enemy, and considers his tactics only from the standpoint of their effectiveness. With him the end justifies the means. Whether his tactics be "legal" and "moral" or not does not concern him, so long as they are effective. He knows that the laws, as well as the current code of morals, are made by his mortal enemies, and considers himself about as much bound by them as a householder would himself by regulations regarding burglary adopted by an association of housebreakers. Consequently he ignores them (the laws and the current code of morals) in so far as he is able and it suits his purpose. He proposes to develop, regardless of capitalist conceptions of "legality," "fairness," "right," etc., a greater power than his capi-

talist enemies have, and then to wrest from them by force the industries they have stolen from him by force and duplicity and so to put an end forever to the wages system. He proposes to bring about the revolution by the general strike.

Again, touching on the general strike and referring to armed forces, he says:

Once the general strike is in active operation, the greatest obstacle to its success will be the armed forces of capitalism—soldiers, police, detectives, etc. This formidable force will be used energetically by the capitalists to break the general strike. The syndicalists have given much study to the problem presented by this force and have found the solution for it. Their proposed tactics are very different from those used by rebels in former revolutions. They are not going to mass themselves and allow themselves to be slaughtered by capital's trained murderers in the orthodox way. Theirs is a safer, more effective, and more modern method. They are going to defeat the armed forces by disorganizing and demoralizing them.

Oh, men, it seems to me these words in some respects are coming home to us now. [Applause.]

Again he says:

Syndicalists in every country are already actively preparing this disorganization of the armed forces by carrying on a double educational campaign amongst the workers. On the one hand, they are destroying their illusions about the sacredness of capitalist property and encouraging them to seize this property wherever they have the opportunity. On the other, they are teaching working class soldiers not to shoot their brothers and sisters who are in revolt, but, if need be, to shoot their own officers and to desert the Army when the crucial moment arrives. This double propaganda of contempt for capitalist property "rights," and antimilitarism, are inseparable from the propaganda of the general strike.

Here is what he says about bloodshed:

Another favorite objection of ultralegal and peaceful socialists is that the general strike would cause bloodshed.

This is probably true, as every great strike is accompanied by violence. Every forward pace humanity has taken has been gained at the cost of untold suffering and loss of life, and the accomplishment of the revolution will probably be no exception. But the prospect of bloodshed does not frighten the syndicalist worker, as it does the parlor socialist. He is too much accustomed to risking himself in the murderous industries and on the hellish battle fields in the niggardly service of his masters—to set much value on his life. He will gladly risk it once, if necessary, in his own behalf. He has no sentimental regards for what may happen to his enemies during the general strike. He leaves them to worry over that detail.

Again Mr. Foster said:

The syndicalist is as "unscrupulous" in his choice of weapons to fight his every-day battles as for his final struggle with capitalism. He allows no considerations of "legality," "religion," "patriotism," "honor," "duty," etc., to stand in the way of his adoption of effective tactics. The only sentiment he knows is loyalty to the interests of the working class. He is in utter revolt against capitalism in all its phases. His lawless course often lands him in jail, but he is so fired by revolutionary enthusiasm that jails, or even death, have no terrors for him. He glories in martyrdom, consoling himself with the knowledge that he is a terror to his enemies, and that his movement, to-day sending chills along the spine of international capitalism, to-morrow will put an end to this monstrosity.

Now, friends, listen to this, and I will read only one more quotation from his book:

The syndicalist is a radical antipatriot. He is a true internationalist, knowing no country. He opposes patriotism, because it creates feeling of nationalism among the workers of the various countries and prevents cooperation between them, and, also, because of the militarism it inevitably breeds.

Ah, my friends, those are some of the teachings that Mr. William Z. Foster has been preaching to the workingmen of this country.

Mr. BLANTON. Mr. Speaker, will the gentleman yield for a question?

Mr. COOPER. I would rather the gentleman would not interrupt me just now. I have only 10 minutes more.

I also have here a copy of the Labor World, a paper which is published in Pittsburgh and is devoted to the interests of the working classes. In it are reproduced photographic proof of Foster's I. W. W.ism. Foster was one of the writers for the paper Solidarity, the eastern organ of the I. W. W. Here are photographic copies of his signatures, "Yours for the I. W. W., William Z. Foster"; "Yours for the revolution, William Z. Foster." This paper was published in New Castle, Pa., only a few miles from my home in Youngstown, Ohio.

Mr. Speaker, can it be possible that in this critical time of our Nation's history such men as William Z. Foster are spokesmen for the working classes of the country?

I appeal to the workingmen to wake up and not be led astray by such agitators as this man is. [Applause.] And I am wondering why the American Federation of Labor, most of whose members are honest, law-abiding citizens, permits such a man as Foster to take such a prominent part in organizing the steel workers when the federation itself has officially condemned him for the revolutionary agitator that he is. [Applause.]

I have in my possession the report of the thirty-first annual convention of the American Federation of Labor, held in Atlanta, Ga., November 13, 1911. In the proceedings of this convention appears the report of James Duncan, then and now vice president of the American Federation of Labor, the chief delegate of the federation at the international labor conference held in Budapest, Hungary, earlier in that year. A large part of Mr. Duncan's report consisted in a most illuminating statement of the activities of Foster as an American I. W. W. representative in Europe at that time. It appears that Foster was a bitter enemy of the Federation of Labor at that time. Mr. Duncan said in part:

The French delegation interposed an inquiry, which after some informal discussion was formally and definitely offered in substance, as follows: "Can a delegate to this meeting be required to answer a question as to whether he belongs to any political or civic organization outside of the trade center he represents."

As the discussion progressed, I discovered that the inquiry, in a veiled manner, was directed against my credentials as representing organized labor of North America. A misguided man named Foster, from Chicago, Ill., claiming to represent an alleged organization of labor in America, called the International Workers of the World, had been for some time in Paris, and had succeeded in convincing the French delegates that he represented a labor organization in America, and was entitled to be recognized by the secretariat, instead of the American Federation of Labor.

During the discussion on the motion misguided Foster lost control of his temper and gave the convention ocular demonstration of what an I. W. W. really is. His language was foul, vulgar, and vehement. He even threatened assault, and subsided only to prevent expulsion from the room. He spoke in English, and I had his language interpreted to the delegates, but his actions were equally detrimental to the purpose he had in mind, as was the interpretation. The Frenchmen were not dismayed at their tricolor being smudged with I. W. W. mire. They suggested that if the Foster aggregation were not admitted that the American Federation of Labor should be kept out of the international secretariat until both organizations became reconciled to a uniform policy.

After general discussion Foster was given an opportunity to tell his own story in his own way. * * * He claimed that in America the I. W. W. was the only body that organized unskilled workers; that 85 per cent of their skilled members were also in the American Federation of Labor unions; that those unions would not admit Socialists and revolutionary foreigners into membership; that the people he represented were 100 per cent Socialists and revolutionists, who were preparing for the international strike, which would strike terror into the hearts of capitalism, including the American Federation of Labor. The climax in his harangue was that he understood that other trade-union officials and I had been known to sit and eat at the same table with a President of the United States, with Bishop Potter, and with Archbishop Corrigan, of New York, and that, therefore, we were not qualified to represent the working class.

Again, after Mr. Duncan had read the portion of the report in reference to Mr. Foster he said:

During the proceedings a letter received by this man from Chicago was passed around among the delegates. As only a few of the delegates could read the letter, which was in English, I had it interpreted for the others. The letter is as follows:

INDUSTRIAL WORKERS OF THE WORLD,
518 CAMBRIDGE BUILDING,
Chicago, Ill., July 21, 1911.

VINCENT ST. JOHN,
General Secretary-Treasurer.
W. E. TRAUTMAN,
Assistant Secretary and General Organizer.

Mr. W. Z. FOSTER,
Care Mr. Fritz Kater,
C–54 Alte Schonhausen Strasse 20, Berlin, Germany.

FELLOW WORKER: Am mailing you by registered mail this date, general delivery, Budapest, Hungary, dope that we have on hand to date. If we are successful in getting additional dope, will send it on as fast as we get hold of it.

If suggestions are in order and this letter reaches you in time, I would suggest that you get into Budapest as early as possible, look up Basch, and hold down the town. Basch may also have some dope that will be of assistance to you.

Have had documents marked so as to help you out in getting at the matter, without having to search through the papers. The bound volume of Socialist Review has index marked. Try and take good care of all these documents, as they will come in handy in the future, no doubt.

With best wishes, I am,
Yours for industrial freedom,
(Signed) VINCENT ST. JOHN,
General Secretary.

He was the general secretary of the Industrial Workers of the World.

I read further from the report:

Vice President DUNCAN. All I have to say in addition to the letter is that I am somewhat fearful the "dope" had effect, because soon after the fracas to which I have referred in my official report took place Mr. Foster came to grief in Budapest. The following day a Hungarian, who had been in this country and could speak some English, came to me and said a subscription was being passed around to get Foster out of jail and enable him to return to Berlin. He had been arrested the night before because of some trouble he had with a street-car conductor for not paying his fare. I told my friend that since the Roman occupation of that part of the country the roads had been in excellent condition, that pedestrianism was good for the health, and I would therefore refrain from interfering with Mr. Foster's opportunity to benefit his health by walking back to Berlin.

My friends, I have read the report of James Duncan, the first vice president of the American Federation of Labor, as to Mr. Foster and his Industrial Workers of the World activities and Bolsheviki attitude at Budapest, Hungary. I am wondering why the great American Federation of Labor, which, I believe, has the interest of the working classes at heart, should allow this man to now take a prominent part as secretary-

treasurer of a great committee that has been organizing the steel workers in our country.

In conclusion, I would raise my voice most strongly against those who talk so freely about revolution in this country. [Applause.] Let the agitators and those whom they may mislead remember that in the United States of America every man has a vote, and before long every woman will have one. [Applause.] The citizens of this country have it in their power to determine who shall make and execute our laws. Under such conditions it is insane to talk about a revolution by violence and riot, and those who suggest it should be dealt with as enemies and traitors to society. [Applause.]

Government by the majority is not to the liking of the agitators, who think they see in the popular dissatisfaction against conditions a chance for a short cut to power and loot. This element would be glad to see our police and then our soldiers alienated from their sworn duty. Then would come their opportunity to fall upon a defenseless populace, and then they think they could get control of government. It was only when the soldiers deserted their Government that the French Revolution and its orgy of terror became possible, and it was only when Kerensky failed to maintain the discipline and loyalty of the Russian Army that the Bolshevists came into power. We all only have to recall what happened in Boston a few days ago to know what always takes place when the forces of law and order give way.

Of course our Government and our country is not perfect, for it is composed of human beings. But I am firm in my belief that it is the best Government and the best country in the world to-day [applause]; that the poor man, the workingman, has more freedom and greater privileges and opportunities here than in any other country on the face of the earth. [Applause.] Let those bloody agitators, anarchists, Bolshevists, and syndicalists point to some other land which is freer and fairer than ours, and then if they think there is such a country let them rid us of their presence and retire to that Utopia. [Applause.] I still agree with the immortal Lincoln that this is a "Government of the people, by the people, for the people," and that it "will not perish from the earth." [Prolonged applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1479. An act for the relief of the estate of Moses M. Bane;

631. An act repealing certain provisions contained in the urgent deficiency act approved December 22, 1911;

S. 2259. An act for the relief of Edward S. Farrow;

S. 861. An act for the relief of Edward W. Whitaker;

S. 2497. An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct;

S. 3016. An act to authorize the disposition of certain grazing lands in the State of Utah, and for other purposes; and

S. J. Res. 79. Joint resolution exempting the Dixie Highway from the prohibition contained in the act approved July 11, 1919.

CAMP A. A. HUMPHREYS, VA.

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 208, making an appropriation for Camp Humphreys, Va.

The SPEAKER. The gentleman from Kansas asks unanimous consent for the present consideration of a resolution, which the Clerk will report.

The Clerk read as follows:

House joint resolution 208, authorizing the Secretary of War to expend certain sums appropriated for the support of the Army for the fiscal years ending June 30, 1919, and June 30, 1920, at Camp A. A. Humphreys, Va.

Resolved, etc., That the Secretary of War be, and hereby is, authorized to expend the following sums appropriated for the support of the Army for the fiscal year ending June 30, 1919, at Camp A. A. Humphreys, Va., for the completion of bungalow quarters, now partially constructed, including gravel roads, walks, sidewalks, sewers, electric-light lines, heating, water lines, painting, clearing, brushing, grading, sodding, and alteration of existing buildings and miscellaneous incidental construction incident thereto, $116,000.

SEC. 2. That the Secretary of War be, and hereby is, authorized to expend from sums already appropriated for the support of the Army for the year ending June 30, 1920, such maintenance and repair funds as may be necessary for maintenance and repair work, storage of material, and clearing up débris at Camp A. A. Humphreys, Va.

The SPEAKER. Is there objection?

Mr. WALSH. Reserving the right to object, what is the urgency for the present consideration of this measure?

Mr. ANTHONY. I will say that the Military Committee asked me to secure, if possible, the consideration of this resolution at this time because of the urgent necessity for the appropriation of this money to enable the officers and men on duty at Camp Humphreys to go into winter quarters properly protected and properly housed. There are a number of incomplete bungalows there in various stages of completion—from 10 to 90 per cent. The principal need is to finish the structures which will house 100 officers and families and enable the continuance of the engineer school at that camp during the winter. Otherwise they will be forced to abandon the school. The amount has been cut down from $580,000 to $116,000.

Mr. WALSH. Was not this carried in the military appropriation bill?

Mr. ANTHONY. It was not. The House by restrictive action cut off all expenditure of money at Army camps and cantonments. The War Department asked for $580,000, but after investigation by the Committee on Military Affairs it was found that $116,000 will permit them to go through the winter.

Mr. CANNON. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. CANNON. Is this the same bill that was before the House a few days ago?

Mr. ANTHONY. This is the same bill that was called up under the Unanimous Consent Calendar and objected to. But the matter is so urgent that the committee would like to get it through as soon as possible.

Mr. CANNON. This is the camp for which they asked over half a million dollars, which sum the committee has now cut down to more than $100,000 to complete officers' quarters so that they can get over the winter?

Mr. ANTHONY. That is the idea.

Mr. CANNON. That means, if it means anything—and I hope the gentleman, if he can, will disabuse my mind—that this is to be an engineer school in perpetuity.

Mr. ANTHONY. I will say to the gentleman from Illinois that the Committee on Military Affairs believes that the engineers should have the advantage of summer field operations on this Camp Humphreys tract; but I believe it undoubtedly to be the sentiment of our committee that under no circumstances will we ever recommend the appropriation of a dollar for the creation of a permanent engineer school at Camp Humphreys. It is simply a business proposition. Here are about 70 buildings. On the average they are, I would say, about 80 per cent complete. If we do not complete them they will be very badly damaged this winter, deterioration will set in, and if completed they will be a valuable asset to the Government.

Mr. CANNON. Did the committee consider the proposition that the officers' quarters down here on the Potomac that were formerly occupied might perhaps be restored to their former use?

Mr. ANTHONY. We hope so.

Mr. CANNON. We could do it by an act of Congress, could we not, or by a joint resolution? If I recollect rightly, the action of the powers that be was condemned when they were driven out of those quarters.

Mr. ANTHONY. Let me say to the gentleman from Illinois that the War Department has moved an immense amount of heavy machinery from the site of Washington Barracks out to Camp Humphreys, in the hope that the permanent school would be there. The school is now using that machinery, and an enormous amount of it. It can not be moved back this winter in time for the students to utilize it, and if we do not let them go ahead there, at least this winter, with the plant which they have installed without securing the approval of Congress, they will have no engineer school.

Mr. CANNON. How far is it from the city down to this camp?

Mr. ANTHONY. About 20 miles.

Mr. CANNON. And the railroads run down near to it?

Mr. ANTHONY. I think within about 3 or 5 miles, but the Government has constructed a branch railroad into the camp. There is a very fine macadamized highway to Washington.

Mr. CANNON. So that there is good transportation. Did the committee consider how much it would cost the Government in a good apartment house or at a hotel to pay the expenses of the families of these officers?

Mr. ANTHONY. I think it would be almost impossible at this time to make provision for the housing of the officers and their families which now occupy these quarters at Washington Barracks. There is no available room in Washington, as the gentleman knows, that can be secured at this time. We can, however, construct suitable apartment quarters for these families, if given another year in which to do it., which will take care of the officers stationed at the War College, and we hope to have the entire plant of the engineer school back at Washington Barracks by another year.

Mr. CANNON. Will the gentleman submit to an amendment to this joint resolution which he asks unanimous consent to now consider, that the school shall be transferred back to the former quarters?

Mr. ANTHONY. I will say to the gentleman that it would meet with my hearty approval, if it would be possible to put such an amendment on.

Mr. CANNON. It can be done by unanimous consent, if the gentleman will offer the amendment that he speaks of now as part of this joint resolution. If he does so, I should not be inclined to object to its consideration, although to pay over $100,000 for officers' temporary quarters for three months upon a reservation that is to be abandoned seems to me to be poor business.

Mr. ANTHONY. I would say to the gentleman that it is not contemplated that the Humphreys reservation be abandoned. It will be retained for field operations and engineer training in the field.

Mr. CANNON. How many acres are there down there?

Mr. ANTHONY. About 6,000.

Mr. CANNON. Only 6,000?

Mr. ANTHONY. Yes. The Government owns it all, and it is admirably adapted for this purpose. Before the war the Government owned the Belvoir Peninsula there, containing about 1,600 acres, to which the Engineer Corps used to resort for this field training.

Mr. CANNON. Will the gentleman prepare and offer such an amendment?

Mr. ANTHONY. I would be very glad to do that, or I would yield to the gentleman from Illinois for that purpose.

Mr. CANNON. I am not on the Military Committee, and what I do not know about military would make a library.

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent that the resolution be amended——

Mr. GARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARD. Unanimous consent has not yet been given for its consideration, has it?

The SPEAKER. That must first be granted.

Mr. CANNON. Will the gentleman give the House opportunity to consider the amendment? I wish the gentleman would read the proposed amendment.

Mr. ANTHONY. The proposed amendment that the gentleman from Illinois suggests should read about as follows:

At the end of bill add the following:
"*Provided*, That the engineer school shall be returned to its former location at Washington Barracks at the first available opportunity."

Mr. CANNON. Oh, no; fix a time.

Mr. BUTLER. That might mean a thousand years.

Mr. ANTHONY. At the earliest practical time.

Mr. CANNON. The 1st of June next.

Mr. ANTHONY. Before the end of the present fiscal year, if that will satisfy the gentleman. It would take about that time to bring about the changes necessary.

Mr. CANNON. Will the gentleman submit the matter for unanimous consent, with that amendment which he has just repeated to be a part of the joint resolution?

Mr. ANTHONY. I will submit the amendment by unanimous consent as soon as we get unanimous consent for consideration of the resolution.

Mr. GARD. Mr. Speaker, further reserving the right to object for the purpose of asking the gentleman in charge of the proposed measure what is the intention of the Committee on Military Affairs, or those who have charge of this reservation, concerning the bill in a larger amount for some permanent improvement for Camp Humphreys which is pending on the Calendar for Unanimous Consent?

Mr. ANTHONY. The subcommittee to which it was referred cut the amount from $580,000 provided in the bill to which the gentleman from Ohio refers down to $116,000, as provided in this resolution, which we deem will amply take care of the existing partially completed construction.

Mr. GARD. The other bill was on the Calendar for Unanimous Consent and is still before the House——

Mr. ANTHONY. And was objected to.

Mr. GARD. It is still pending for disposition. What is to be done with that?

Mr. ANTHONY. I presume that will die a natural death if this resolution be passed.

Mr. GARD. Will the gentleman take some action so that the bill be not brought forward but lie upon the table?

Mr. CAMPBELL of Kansas. I suggest at the conclusion of the consideration of this resolution that the gentleman ask that that bill lie upon the table.

Mr. GARD. It should if this bill is considered. But if the Committee on Military Affairs says that this amount is sufficient, the other bill should not come before the House or any committee of the House.

Mr. CAMPBELL of Kansas. Certainly.

Mr. GARD. With that understanding, I shall not object.

Mr. CANNON. With the understanding also——

Mr. WALSH. Mr. Speaker, reserving the right to object, I desire to ask a further question. Do I understand it is not the purpose of making a permanent engineer school at Camp Humphreys?

Mr. ANTHONY. It is emphatically not. I would not appropriate a five-cent piece to build a permanent school there.

Mr. WALSH. Then the buildings that are to be completed will have to be scrapped eventually?

Mr. ANTHONY. No. They will be utilized for the same purpose they are now being utilized for, as quarters during these summer training periods. The school will be moved there during the summer for field practice, summer training, the digging of trenches, the operation of pontoons, the construction of mines, field entanglements, defenses, and so forth. It means Camp Humphreys will be the summer quarters of the engineer school, and they can occupy it with the buildings they have now if we let them complete these officers' quarters, which are nearly finished. It means the winter quarters will be moved back in the winter to Washington Barracks.

Mr. WALSH. How many are they going to have at this school?

Mr. ANTHONY. They propose to have 200 students there this winter. There are about 110 there now. There are a little over 100 married officers who have to be accommodated there or we have to provide commutation for quarters for them here in Washington. This will make an amount greater than the interest on this $116,000 by far.

Mr. WALSH. Well, Mr. Speaker, in view of the information which is not contained in the report but which has been given by the gentleman from Kansas and because he has expressed the sentiment that he would be willing to have this properly restricted, I shall not object, but it does not seem to me that this is the proper way to take up appropriations for military purposes by unanimous consent. I have no objection.

Mr. HULINGS. Mr. Speaker, I rise to reserve the right to object to ask a question. I would like to know if this proposition is part of the Secretary of War's scheme for an army of 576,000 men?

Mr. ANTHONY. I do not think so. The instruction of our engineer officers has always been a permanent part of the education of our Army, and undoubtedly will be required to an even greater extent in the next few years because of the fact particularly that we have graduated two classes from West Point of half-baked officers, many of them engineer officers, and there are about 120 of them who really need completion of their engineer instruction at this school down here before they are fully competent to become engineer officers.

Mr. HULINGS. I believe we have accommodations at our cantonments, and so forth, for about 2,000,000 troops, have we not?

Mr. ANTHONY. We have.

Mr. HULINGS. What, in the name of goodness, do we want now to expend $116,000 more money for making quarters for a lot of officers?

Mr. ANTHONY. I will say to the gentleman that at these cantonments there were no provisions made whatever for the accommodation of the family of an Army officer. In time of peace we must take care of the family of the officer of the United States Army. If we do not provide quarters, the law provides that we shall give them commutation in cash. We have got to do one or the other.

Mr. HULINGS. The gentleman has seen the accommodations provided for officers in some of these cantonments?

Mr. ANTHONY. They are utterly unfit to put a family in.

Mr. HULINGS. I do not know. I have lived in a great deal worse places with a family.

Mr. ANTHONY. Oh, I do not know; I think many day laborers have more comfortable homes than these old quarters would provide at the temporary cantonments.

Mr. BUTLER. When do you propose to abandon this school?

Mr. ANTHONY. We do not propose to abandon it.

Mr. BUTLER. You propose to keep it up?

Mr. ANTHONY. It is proposed to be kept as a training ground.

Mr. BUTLER. I understand the gentleman has modified his joint resolution with an amendment, or proposes to do it?

Mr. ANTHONY. Proposing to return the engineer school.

Mr. BUTLER. To take the engineer school away. Is it necessary to spend $116,000 down there to keep that school a year?

Mr. ANTHONY. No, I will say to the gentleman. I have explained it several times. There are 70 officers' quarters there, perhaps 85 per cent complete. This $116,000 provides for their completion. The school has been moved there without the consent of Congress. If we are to permit it to operate this winter, we must complete those quarters and heat them; and if we do not expend this $116,000, at the advent of cold weather there will be no engineer school at any place.

Mr. BUTLER. The $116,000 is to complete the engineer school?

Mr. ANTHONY. No; to complete the temporary quarters that will permit them to use Camp Humphreys for that purpose this winter.

Mr. HULINGS. I object, Mr. Speaker.

The SPEAKER. Objection is heard. Unanimous consent is asked by the gentleman from Pennsylvania [Mr. MOORE] to address the House for one minute. Is there objection? [After a pause.] The Chair hears none. [Applause.] The gentleman from Pennsylvania is recognized. [Loud applause, the Members rising.]

Mr. MOORE of Pennsylvania. Mr. Speaker and my friends of the House, nothing in my public life so affected me as the tribute paid by my colleagues here when you gave me a five weeks' absence "to attend to important business" in Philadelphia. I was speechless on that day—so speechless that I could not respond to what my heart prompted me to say. I went away almost regretful that I had asked the leave. But I have come back—less speechless during the five weeks than I was then—to find that that same fine spirit of good will and camaraderie you manifested then has not departed from you nor from this House.

Until my dying day I shall regard what you did then and what you have done in receiving me to-day as the finest tribute ever paid to me or to those who hold me dear. [Applause.]

Mr. Speaker and Members of the House, this is all I wanted to say. It is the "Thank you" that comes from the heart. [Applause.]

CAMP A. A. HUMPHREYS, VA.—SPECIAL RULE.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Kansas, from the Committee on Rules, submits a privileged report, which the Clerk will read:

The Clerk read as follows:

The Committee on Rules, to which was referred H. Res. 307, submit a privileged report on said resolution with the recommendation that it be agreed to, as follows:

House resolution 307.

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union, for the consideration of H. J. Res. 208, the same being a "Joint resolution authorizing the Secretary of War to expend certain sums appropriated for the support of the Army for the fiscal years ending June 30, 1919, and June 30, 1920, at Camp Humphreys, Va." That there shall be 30 minutes of general debate, one-half of the time to be used by those favoring the resolution and one-half by those opposing. That at the conclusion of the general debate the resolution shall be read for amendments, whereupon the resolution shall be reported to the House with amendments, if any. That the previous question shall be considered as ordered on the resolution and amendments to final passage without intervening motion, except one motion to recommit.

Mr. CAMPBELL of Kansas. Mr. Speaker, this resolution brings before the House for consideration the bill to which consideration has just been refused by unanimous consent. The condition as it has been brought to the Committee on Rules with respect to this matter is about this: During the fiscal year just closed the engineering school, without authority from Congress, but on the sole initiative of the War Department, was moved from the home established for it by Congress to Camp Humphreys. The winter is coming on, and the school if conducted there during the winter will be without heated quarters, and the school will have to close. The question is up to Congress at this moment whether or not it shall appropriate the amount of money necessary to complete the houses in which the men are to live with their families during the winter or whether the school shall be compelled to close. The Committee on Military Affairs by unanimous action reported the bill which the resolution I have just offered makes in order. So the bill comes as the unanimous report from the Committee on Military Affairs, as I have said, and the resolution making it in order comes as the unanimous report from the Committee on Rules. We were confronted with a condition that we could not dodge or avoid. The simple question was as to whether or not we should maintain during the ensuing winter an engineering school in connection with the War Department. And the present condition has been made necessary by the unwarranted action of the War Department in moving the school from the quarters created for it by Congress.

Mr. GARD. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield for a question.

Mr. GARD. I think I remember that when the report was read there was no designation by number. It was read with the number left blank.

Mr. CAMPBELL of Kansas. That was the number of the resolution I submitted. It will be numbered by the Clerk.

Mr. BUTLER. Mr. Speaker, when was the camp moved down to Virginia?

Mr. CAMPBELL of Kansas. During the last year.

Mr. BUTLER. And it was moved there without warrant?

Mr. CAMPBELL of Kansas. Without warrant of law.

Mr. BUTLER. Why not bring it back to the place where it has existed, then? They will spend $116,000. That is an awful lot of money.

Mr. CAMPBELL of Kansas. The buildings are filled up with material, reports, and so forth, and are also occupied by officers of the General Staff. As a matter of fact, the General Staff has crowded the engineering school out of Washington Barracks with the intention of making that a home for the General Staff.

Mr. BUTLER. There is only $116,000 involved, and the people will not care much about that—only for a few minutes.

Mr. KNUTSON. Does not the gentleman think, as long as we continue to make appropriations for these things that have been done without warrant of Congress, that the Congress will continue to be treated with contempt by the various departments and will not be consulted?

Mr. CAMPBELL of Kansas. That kind of thing can not go on more than a year and five months longer.

Mr. HULINGS. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. I yield.

Mr. HULINGS. I would like to ask the gentleman if Congress is to go out and condone these continual, unjustified, and illegal acts of the War Department? What is the idea of permitting these things? Where the Military Committees of the House and Senate refuse to make appropriations for the building of a camp down there in Georgia the Secretary of War went right along and made a contract and put the Government in for paying the price, and instead of a proceeding for the condemnation of the land moved the people off the land, and then came to Congress and said that all of that had been done and that there was nothing to do but to pay. How long is Congress going to permit that sort of thing?

Mr. CAMPBELL of Kansas. Well, we are in exactly the same position that a parent or a guardian would be in whose ward or son violated the law. It is up to the parent or the guardian to get the boy out of it the best he can. That is what we are trying to do.

Mr. ROSE. Mr. Speaker, will the gentleman yield to me?

Mr. CAMPBELL of Kansas. I yield to the gentleman for a question.

Mr. ROSE. I submit that the resolution now under consideration presents an entirely different feature from that suggested by the gentleman from Pennsylvania [Mr. HULINGS] and one worthy of our support. Along with a number of members of the Committee on Military Affairs I visited Camp Humphreys recently, and I found a condition there that leads me to believe that it is the duty of this Congress to appropriate the sum of money carried by the pending resolution in order to continue the school at Camp Humphreys. We visited a number of the buildings wherein the school has been moved and met with some of the students. Among other places that we visited were the officers' quarters, that are now nearly completed and are not fit for occupation during the coming winter. There is not a building there now occupied by the officers that is provided with a heating plant nor with sewerage.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. ROSE. Yes; I yield to the gentleman from Massachusetts.

Mr. WALSH. How did the officers live there last winter, when they had all those troops there?

Mr. HULINGS. And had their wives with them.

Mr. ROSE. They were heated by open fireplaces. We learned that from the officials while we were there. Oftentimes they were uncomfortable.

One thing further. I was not satisfied with the prices mentioned to me for the construction of these buildings. I am not a builder, but I am of the opinion that the prices paid for the buildings used by the officers were entirely unwarranted and that money was lavishly wasted.

But there is another consideration that should be borne in mind, and that is good roads have been built from Alexandria

down to Camp Humphreys at enormous cost, and if we abandon the school at this time I think it would be a useless waste of the public money; and in order to save it, since the school has been moved there on account of the crowded condition of the departments in Washington, it is our duty to care for these people during the winter months to come. Since the school has been moved there, it is the duty of Congress, as I view the situation, to appropriate the money asked for, in order that the officers now required to stay there may be comfortably quartered. For that reason I am in favor of the resolution.

Mr. CAMPBELL of Kansas. Mr. Speaker, I will yield time to any gentleman desiring it.

Mr. BLANTON. Mr. Speaker, will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. I yield.

Mr. BLANTON. The gentleman from Kansas stated that if we did not spend this $116,000 to build these quarters, the alternative would be to furnish commutation to 100 officers. Now, commutation to 100 officers for these few coming winter months would be much less than $116,000, would it not?

Mr. CAMPBELL of Kansas. I am not sure as to that.

Mr. BLANTON. It would be over $1,000 to the officer.

Mr. CAMPBELL of Kansas. It is also stated in that connection that if these houses are completed they will need more than the mere heating plant to complete them. They will be there for the summer, to be used by the school when the field operations of the engineer school are in activity.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. BUTLER. The gentleman's resolution provides for walks, sidewalks, paving, and a lot of other expenditures of money that might be avoided. It is said that it will be for the accommodation of these officers. I want them to be heated, but I have had so much to do with providing walks and sidewalks and trees and shrubbery, and so on, for the navy yards that this kind of thing makes one sick.

Mr. CAMPBELL of Kansas. This can be taken care of.

Mr. BUTLER. I know that they can get along without sidewalks and roads for the winter.

Mr. ANTHONY. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes; I yield to my colleague.

Mr. ANTHONY. I want to say to the gentleman from Pennsylvania [Mr. BUTLER] as to some things making him sick that I am getting a little bit tired of the kind of talk he indulges in. I am one member of the Committee on Military Affairs who has investigated this matter very thoroughly, and I assert that the opinion I have come to is my calm, deliberate judgment of what the business sense of this House is to-day. We have passed millions of dollars of appropriations which the gentleman's committee has brought in here without the batting of an eye, some of which no doubt on examination might be found subject to the same criticism as that which the gentleman has indulged in.

Mr. BUTLER. I have been quite safe in voting and recommending what I have voted and recommended.

Mr. ANTHONY. And down there if we do not provide a gravel walk the people will have to walk through a foot or two of Virginia mud or clay. Any man with an ounce of sense would know that it is necessary to build walks around these houses. If the gentleman from Pennsylvania has an honest criticism to present, I hope he will present it.

Mr. BUTLER. I have an honest criticism to make.

Mr. MONDELL. Mr. Speaker, will the gentleman from Kansas yield a few minutes to me?

Mr. CAMPBELL of Kansas. I yield to the gentleman three minutes.

Mr. MONDELL. Mr. Speaker, during the war Camp Humphreys was established. The War Department was acting within its authority in establishing the camp. The question of whether it is to be the headquarters of the engineering school is one for Congress to determine. It can not be determined at this time. The Committee on Military Affairs ought to consider it and legislate on it, if necessary. Camp Humphreys at the time of the signing of the armistice was in the unfinished condition of practically all the camps. Congress said that no further work, no further expenditure, should be made on these camps, but in doing that Congress realized that eventually, in order to salvage what we had and save the investment we had made and make proper provision for the Army, it would be necessary to make some expenditure at some of the camps.

Now, when it came to the question of Camp Humphreys the Committee on Military Affairs thought we were justified in spending nearly $500,000. There were some of us who did not think we were justified in spending that amount. The matter was reexamined, whereupon it was decided that about $116,000 was the sum that would enable us to so complete arrangements and construction there as to make it possible properly to utilize for a useful purpose the large investment we have at Camp Humphreys. The committee has made a very conservative estimate of what is needed for the completion of a temporary establishment for present use. We must either expend that amount of money or practically lose all the benefit of the very great expenditure at Camp Humphreys, and there ought to be no question about the passage of this bill.

Mr. KEARNS. May I have three minutes?

Mr. CAMPBELL of Kansas. I yield three minutes to the gentleman from Ohio.

Mr. KEARNS. Mr. Speaker, a few days ago some five or six members of the Committee on Military Affairs went down to Camp Humphreys to inspect these alleged bungalows that are in process of building. I was one of the party. There are some bungalows of a similar character there that are already completed. We were told that those that are fully completed cost $6,400 each to the Government; that the contractor who had the contract to build these bungalows had charged the Government that sum of money for their completion. It seems to me that, in the opinion of any man competent to judge, these bungalows are worth about $2,500 apiece in their completed stage. It should be remembered that in their construction the Government furnished free to the contractor all the weatherboarding and the roofing, that there is practically nothing in them that cost any considerable sum of money except the flooring. The weatherboarding and roofing are no part of the $6,400. The flooring is the only part of the bungalows that is worth mentioning. There is no question that the Government has been greatly defrauded in the construction of these bungalows at Camp Humphreys. There is no further question, however, that in order to house these officers for the winter this additional expenditure should be made. Let us bear in mind in this connection the facts that controlled the Military Affairs Committee in recommending this sum of $116,000 for the completion of this work. The Secretary of War, under a Democratic Congress, spent $10,000,000 at this camp. The same authority asked the present Military Affairs Committee for $580,000 for a further temporary activity at that place, but we have pruned that amount to $116,000, thereby making a saving to the Government of nearly one-half million dollars. A very handsome sum in one item, and let it further be remembered that $116,000 is very ample to complete this work now sought to be done.

Mr. LONGWORTH. Will the gentleman yield?

Mr. KEARNS. Yes.

Mr. LONGWORTH. Out of what appropriation were these sums paid to these contractors?

Mr. KEARNS. I do not know.

Mr. LONGWORTH. Was the payment made in the hope that Congress would in the future appropriate something for it, or was there an appropriation?

Mr. KEARNS. I think my colleague has hit the nail on the head, to use a homely expression, when he makes that suggestion. But, however that may be, there are officers with their families at Camp Humphreys, and they must be taken care of this winter, and it seems to me that it would be a greater expense to the Government if we should refuse to do this, although I can not help thinking that this Congress is not justified in allowing such reckless expenditure of money as has been expended at Camp Humphreys upon this entirely temporary work. [Applause.] It is just this kind of outrage and looting of public funds that is now being viewed with dismay by the men and women of this country who are called upon to pay the bills so unwisely and oftentimes criminally contracted.

Mr. HICKS. The gentleman was making a statement a moment ago that I would like to inquire about. What would be the difference in cost between the amount to be appropriated here and the expense if we commutated those officers' quarters?

Mr. KEARNS. I can not answer that with a degree of certainty. I have no figures at hand upon which to premise an accurate answer, but the difference would be slight. I can not see, however, how that camp can be retained with the officer personnel unless we make provision for the expenditure of this additional sum of money. You must remember that the Military Affairs Committee has cut down the request from half a million dollars and over to $116,000, and we think in the completion of these so-called bungalows at Camp Humphreys we are going to save the Government the difference between $116,000 and $580,000, and thereby avoid to this extent the wasteful extravagance that has been committed at Camp Humphreys in the past.

Mr. KNUTSON. The gentleman stated a moment ago that Congress had allowed this reckless waste. I assume that the gentleman meant the Sixty-fifth Congress. I should like to

have the gentleman explain to this House what Congress has got to do with the expenditure of money.

Mr. KEARNS. Congress appropriates for the expenditure of money, and therefore I think Congress should hold itself responsible when men are allowed to run riot with Government funds.

As I said before, there is not a completed bungalow there that any Member of this Congress, if he were building for himself, would think of paying over $3,000 for, and that would include the ground that it stands on. This price would include roofing and weatherboarding all of good quality.

Mr. KNUTSON. What did they cost?

Mr. KEARNS. They cost $6,400 each, so we were told when there, and the Government furnished to the contractor the weatherboarding and the roofing, and there is not a single square foot of plastering in one of those buildings. There is nothing that would cost any considerable amount of money in their construction except the flooring.

Mr. LAYTON. Is the flooring finished hardwood?

Mr. KEARNS. Yes.

Mr. KNUTSON. Who was the contractor?

Mr. KEARNS. I can not tell the gentleman.

Mr. Speaker, in conclusion let me say these bungalows, if indeed they should be so dignified, are frame structures of, I think, five rooms, kitchen, and bath. With the exception of flooring they are constructed of the very cheapest material. In size I should think the rooms would average about 14 by 16 feet. There is no plastering in any of them and none have cellar or basement. In lieu of plastering the very cheapest of cardboard has been clumsily nailed to the joist. Each, I believe, has a porch. None of them has been painted either inside or out. Each one represents a monumental and disgraceful fraud upon the taxpayers of this Nation. I will vote for this additional sum in order that we can save a part of the $10,000,000 already spent.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the previous question on the adoption of the resolution.

The SPEAKER. The question is on ordering the previous question.

The question being taken, on a division (demanded by Mr. YOUNG of North Dakota), there were—ayes 85, noes 14.

Accordingly the previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. According to the terms of the resolution the House resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the joint resolution, and the gentleman from Pennsylvania [Mr. MOORE] will take the chair. [Applause.]

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. J. Res. 208, which the Clerk will report.

The Clerk read the joint resolution (H. J. Res. 208) authorizing the Secretary of War to expend certain sums appropriated for the support of the Army for the fiscal years ending June 30, 1919, and June 30, 1920, at Camp A. A. Humphreys, Va., as follows:

Resolved, etc., That the Secretary of War be, and hereby is, authorized to expend the following sums appropriated for the support of the Army for the fiscal year ending June 30, 1919, at Camp A. A. Humphreys, Va., for the completion of bungalow quarters, now partially constructed, including gravel roads, walks, sidewalks, sewers, electric-light lines, heating, water lines, painting, clearing, brushing, grading, sodding, and alteration of existing buildings and miscellaneous incidental construction incident thereto, $116,000.

SEC. 2. That the Secretary of War be, and hereby is, authorized to expend from sums already appropriated for the support of the Army for the year ending June 30, 1920, such maintenance and repair funds as may be necessary for maintenance and repair work, storage of material and clearing up debris at Camp A. A. Humphreys, Va.

The CHAIRMAN. Under the rule there are 30 minutes allowed for general debate, to be equally divided.

Mr. ANTHONY. Mr. Chairman, I will say that I have no requests for time to debate this matter. I understand the gentleman from Illinois [Mr. CANNON] has an amendment that he desires to offer.

The CHAIRMAN. Is there anyone opposed to the bill?

Mr. WINGO. I am opposed to the bill, and I ask for recognition.

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONGWORTH. What was the Chairman's final majority? [Laughter and applause.]

The CHAIRMAN. That is hardly a parliamentary inquiry. The Chair has no objection to stating it privately.

[Mr. WINGO addressed the committee. See Appendix.]

Mr. ANTHONY. Mr. Chairman, I have listened with a great deal of interest to the indictment by the gentleman from Arkansas of his own administration, and particularly of his bitter criticism of the Secretary of War. Now, I want to say that all he said as to the waste and extravagance with which the money which Congress appropriated for the conduct of the war has been expended is all true, and no one condemns the waste and extravagance which is found on every hand in every branch of the military service more than this side of this Chamber.

One word more in regard to the pending bill. The Secretary of War asked Congress for over $500,000 to complete the temporary engineer project at Camp Humphreys. The Committee on Military Affairs, after patient and careful consideration, has cut that amount down to $116,000. We have practiced what we think is real economy, and we have presented our economical conclusion to the House, and we are going to ask you to ratify it.

Mr. MOORE of Virginia. May I have two or three minutes?

Mr. ANTHONY. I yield for a question.

Mr. MOORE of Virginia. I would like about two or three minutes.

Mr. ANTHONY. Before that I shall have to yield to the gentleman from Wyoming [Mr. MONDELL] five minutes.

Mr. SNYDER. Will the gentleman yield for a question before he sits down?

Mr. ANTHONY. I will yield.

Mr. SNYDER. Is the gentleman able to tell the committee how much money the War Department has already spent at Camp Humphreys?

Mr. ANTHONY. Oh, I imagine eight or ten million dollars, offhand.

Mr. SNYDER. Has the gentleman visited the camp recently?

Mr. ANTHONY. Yes; within the last week.

Mr. SNYDER. He must have seen a great deal of material that has been pulled down and lies in piles on the ground——

Mr. ANTHONY. There is an immense amount of building material there——

Mr. SNYDER. But what is the purpose of this appropriation now? How much of the camp do they propose to keep by reason of the expenditure of $116,000?

Mr. ANTHONY. As I have explained, this only completes certain officers' quarters which are now over 80 per cent completed and makes them habitable.

Mr. SNYDER. If the gentleman will yield for a further question, the capacity of the camp as a running plant is about 75,000 men?

Mr. ANTHONY. I had an idea it was about forty or fifty thousand. I think it is nearer 40,000.

Mr. SNYDER. My understanding is it was about 75,000. How many men do they propose to keep at this camp now if this money is appropriated?

Mr. ANTHONY. Between one or two thousand enlisted men, not over a regiment of Engineers, depending upon its strength, and about 200 officers under instruction.

Mr. SNYDER. The last time I was down there it was claimed there were about 11,000 men in the camp, and you could shoot a gatling gun through there and not hit one.

Mr. ANTHONY. These men had been demobilized, except about 750, when I was there the other day.

Mr. SNYDER. It seems to me, if you are going to attempt to keep that camp in operation, you are going to need a good deal more than $116,000. It looks nearer $116,000,000 would be needed.

Mr. ANTHONY. As a camp, it will not be kept in operation.

Mr. SNYDER. I should not think it should be. There is camp enough there for any army that this country ought to have in peace times.

Mr. ANTHONY. Mr. Chairman, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I rise primarily for the purpose of reassuring the fearful soul of my friend from Arkansas [Mr. WINGO] relative to railway legislation. Everyone knows—that is, everyone who is sufficiently interested to have kept track of the proceedings—that the Committee on Interstate and Foreign Commerce of the House is now and has been in almost continuous session since the beginning of this session of Congress, studying the many and important questions involved in the problem of the future of the railways of the country.

Mr. WINGO. Will the gentleman yield for a question?

Mr. MONDELL. And it is hoped and confidently expected that that committee will report their findings and conclusions to this session of the Congress. I am sure that no one anywhere has attempted to delay the work of that committee unless it may be some who desire a method of procedure not approved by

the great majority of the people. I am sure we all desire to pass upon the important questions involved as speedily as is consistent with thorough consideration.

Mr. WINGO. Will the gentleman yield for a question?

Mr. MONDELL. I yield.

Mr. WINGO. The gentleman says it is intended to report at this session. That is the rumor I heard, but rumor also says it will be held over until the next session. Will the gentleman promise it will be considered at this session?

Mr. MONDELL. The gentleman now speaking can make no promises, as he is not a member of the committee. I have stated it is hoped and confidently expected that the committee will be able to conclude its consideration of the matter and report during this session of the Congress, and the subject will be taken up and considered in the House as soon as it is possible to do so. I believe it highly important that reasonably early action be had.

Now, Mr. Chairman, with regard to Camp Humphreys. We spent, as I understand it and as I am informed—I desire to be corrected if I am misinformed—in the neighborhood of $10,000,000 at Camp Humphreys. We have a property there that ought to be of some value to the Government. In the last military appropriation bill we prohibited the Secretary of War from making any further expenditures on camps and cantonments without authority by Congress. I doubt if the gentleman from Arkansas [Mr. WINGO], who is now so anxious to have economy practiced, favored that legislation.

Mr. WINGO. On what does the gentleman base that?

Mr. MONDELL. At least there was opposition to it on that side of the Chamber. Gentlemen on that side did not seem disposed to restrict the Secretary of War in his expenditures. Nevertheless. Congress did restrict expenditures on these camps, but Congress did not do it with any fool notion that there would be no expenditure required anywhere on these camps. The effort of the Congress was to prevent the same kind of extravagance and unnecessary expenditure that had been going on. The administration has evidenced what it would have done at this particular camp if it had not been prohibited, by asking for $580,000, probably much less than the Secretary would have spent if we had left him free to make expenditures without coming to Congress for authority so to do. The Committee on Military Affairs has reduced the estimate of the department from $580,000 to $116,000, or approximately 1 per cent of our outlay at Camp Humphreys. We are proposing to spend approximately 1 per cent for the purpose of making available for use property secured at an enormous expenditure.

Now, I do not know whether this camp should be a permanent Engineers school or not. My own notion is that there are some very good arguments in favor of that being done, but that is a matter for the Military Committee to determine. At any rate, we must make this expenditure in order to make available for immediate use the buildings and the equipment we now have.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. ANTHONY. Mr. Chairman, how much time remains?

The CHAIRMAN. There are four minutes remaining.

Mr. ANTHONY. Mr. Chairman, I yield two minutes to the gentleman from Virginia [Mr. MOORE].

Mr. MOORE of Virginia. Mr. Chairman, I am not in sympathy with my friend from Arkansas [Mr. WINGO] in his criticism of the Committee on Interstate and Foreign Commerce. I know something about the railroad problem and am satisfied that it exceeds in importance and complexity almost any other great subject that is being considered by Congress. And my own conviction is that the committee would make a capital mistake in bringing a bill in here disposing of that problem except after the very fullest and most careful consideration. [Applause.]

Now, so far as the particular matter under discussion is concerned, the fact is that several members of the Committee on Military Affairs—I think some seven of them—visited Camp Humphreys and, after looking into the situation there, reached a conclusion which they bring to the House, as expressed in this resolution. That conclusion is opposed by my friend from Arkansas [Mr. WINGO], who admits that he speaks without the intimate knowledge which the Committee on Military Affairs, of course, possesses. In view of the very confident way in which, nevertheless, he states his position, the remark that Charles Lamb made about some one, of whom he said that "The twilight of dubiety never seems to fall upon him," might be applied to my distinguished friend.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MOORE of Virginia. I am very sorry, Mr. Chairman.

Mr. ANTHONY. I yield one minute more to the gentleman.

Mr. MOORE of Virginia. In one minute there is little opportunity.

The committee has investigated, and what do they find as the specific facts? Let us see: There has been an expenditure at Camp Humphreys which may have been wasteful or otherwise. There was a great school established there for the instruction of engineers, where engineers were instructed, may of whom, I understand, were sent to Europe during the war. There is no other camp in proximity to Washington where the physical conditions are such that an engineering school can be maintained for the present. The school can not be maintained at Humphreys without completing quarters for the officers. Those quarters are in process of being completed, and the question for us to determine is whether we will abandon Camp Humphreys as an engineering school or complete the quarters and allow that school to continue in operation for the present. That is, I think, a fair summary of the facts.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. MOORE of Virginia. One minute further, if I may be allowed.

The CHAIRMAN. The gentleman's time has expired.

Mr. MOORE of Virginia. Well, if I have no more time I will at least say that I am very glad that the Chairman of the Committee of the Whole, who has just returned to us from Philadelphia, had a very successful trip. [Applause.]

The CHAIRMAN. The gentleman from Kansas [Mr. ANTHONY] has one minute remaining.

Mr. ANTHONY. Mr. Chairman, I yield that one minute to the gentleman from Virginia [Mr. HARRISON].

The CHAIRMAN. The gentleman from Virginia is recognized for one minute.

Mr. HARRISON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HARRISON. I would like to ask unanimous consent for five minutes outside of the rule, without taking anybody's time.

The CHAIRMAN. That can not be done under the rule.

Mr. CAMPBELL of Kansas. The gentleman can get time under the five-minute rule.

Mr. HARRISON. Then I shall not take time now.

The CHAIRMAN. All time has expired. The Clerk will read the resolution for amendment.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and hereby is, authorized to expend the following sums appropriated for the support of the Army for the fiscal year ending June 30, 1919, at Camp A. A. Humphreys, Va., for the completion of bungalow quarters, now partially constructed, including gravel roads, walks, sidewalks, sewers, electric-light lines, heating, water lines, painting, clearing, brushing, grading, sodding, and alteration of existing buildings and miscellaneous incidental construction incident thereto, $116,000.

Mr. HARRISON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Virginia moves to strike out the last word.

Mr. HARRISON. Mr. Chairman and gentlemen of the committee, before the war the engineering school existed at the Washington Barracks. During the war the engineering troops were trained at Camp Humphreys, and some ten millions of dollars were spent on the place. At the conclusion of the hostilities the school, which originally had only 30 students, had increased to 110 students. In addition to this, there were about 180 of the West Point cadets, who had been graduated ahead of time, assigned to this place for the completion of their instruction. This makes a temporary condition at the camp which the Washington Barracks is wholly inadequate to meet. There is no room down at the Washington Barracks for the 110 additional students, and there is no room for the 180 West Point cadets.

The retention of the engineering school at the camp was not accomplished in the dark. The Military Affairs Committee was fully advised of the purpose of the War Department and deliberately and after full consideration so changed the phraseology found in former appropriation bills as to confer this authority on the War Department. And the bill reported by the Military Affairs Committee was enacted into law without amendment in this respect by the preceding Congress. Under this authority the War Department was proceeding with the necessary construction work when the legislation in the last appropriation bill put an end to all construction work. They had, I believe, about 70 buildings under contract. About 30 of them were nearly completed. Some of them have not yet been begun. The War Department asked an appropriation

of something like $500,000 to complete all the buildings which the officers required, which, as I have stated, were about 70. The Military Affairs Committee favorably reported the bill, but owing to the opposition in the House a great deal of delay has ensued. It is doubtful if the 70 buildings could be constructed now before winter. A subcommittee visited the camp and have agreed that all that would be necessary to do at the present time would be to complete those quarters for the officers which were now under construction, and therefore the appropriation has been reduced to $116,000, instead of $500,000 which the original bill contemplated. The change, therefore, takes care of quarters for 30 officers and the others will be given commutation. The constructions are of the bungalow type and are very plain and simple.

Now, if that is not done there will be a great loss on these bungalows, which are very nearly completed in some cases and in other cases just begun, a loss which could be saved by the completion of the bungalows. The Army must have an engineer school; I do not care what size of an Army we finally determine upon; and I want to insist here, as I have insisted before, that I am thoroughly opposed to this war program of having a great standing army, but all are in favor of the adequate training of those officers we must have in the essential branches of the service. I do not care how large or how small the Army is to be, the Army is obliged to have an engineer school somewhere. If we do not go ahead and complete the quarters for these officers at Camp Humphreys, we must build them somewhere else.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. BUTLER. Does the gentleman contemplate this to be retained permanently as an engineer school? I understood certain gentlemen to say that it was not so contemplated.

Mr. HARRISON. This appropriation does not contemplate that at all. It is simply to make temporary quarters for the officers until a final scheme can be concluded. I do not care where you go, gentlemen, whether you go to Camp Humphreys or elsewhere, you must incur this expense or pay commutation. Washington Barracks is no longer an adequate place for 110 students, and, at least temporarily, quarters must be found elsewhere.

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. HARRISON. Mr. Chairman, may I have five minutes more?

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. LAYTON. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. LAYTON. The gentleman seems to be very familiar with the necessities of the Government in respect to engineering matters.

Mr. HARRISON. I do not say that.

Mr. LAYTON. Do you know whether or not, with all the millions and billions we have spent all over the United States, there are already buildings in some camps that will house these people?

Mr. HARRISON. No; there is no place adequate——

Mr. LAYTON. Except this?

Mr. HARRISON. There is no place that is adequate for the training of engineers. You are going to wake up some day and find that this idea that you have got large housing facilities for officers and troops is a gross fallacy. There are only permanent quarters for 5,000 officers now and 73,000 soldiers. These cantonments are buildings that are rapidly going into decay. They have never been painted, and when we come to establish an Army you will find that there will be a big appropriation asked for construction work to make permanent quarters for both men and officers.

Mr. ANDREWS of Nebraska. Mr. Chairman, will the gentleman yield for a question?

Mr. HARRISON. Yes.

Mr. ANDREWS of Nebraska. How many officers are to be accommodated in these quarters?

Mr. HARRISON. I think about a hundred and some.

Mr. ANDREWS of Nebraska. Now, what would be the amount required for commutation in cash for these officers if these quarters were not furnished?

Mr. HARRISON. It would be a very expensive proposition. It is much cheaper to build these quarters than to pay commutation. I was coming to that in a minute.

Mr. ANDREWS of Nebraska. That was the point of comparison I had in mind. We pay out commutation, and the money is gone, and you have nothing to show for it.

Mr. HARRISON. You will find commutation is 10 per cent on $10,000. That is my recollection. I would not vouch for it offhand. Of course it depends on whether a man is married and has children and what family he has.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. HARRISON. Yes.

Mr. KEARNS. These bungalows, if completed, are only for the married officers?

Mr. HARRISON. Yes; and the estimated cost of these bungalows for these quarters is about $6,200 each. To make alterations in the cantonment buildings, owing to the flimsy construction of these buildings, would cost almost as much and the quarters provided would be most undesirable. Wherever we establish this permanent school of engineering we have got to provide officers' quarters, and this will not be money thrown away on a temporary project, because when you come to create the permanent project it will be years before you can get these permanent quarters finally constructed, and in the meantime these temporary quarters will serve the necessary purpose. I believe the time will come when it will be found that Camp Humphreys is so adequate for all the uses of an engineering school that it will be finally selected as a permanent camp; and if it is, the money that we spend down there now for these temporary quarters will not be wasted, because they will be necessary to house the officers until permanent quarters are finished. [Applause.]

The CHAIRMAN. The time of the gentleman from Virginia has expired.

Mr. CANNON. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. Section 1 of this joint resolution authorizes an expenditure from an appropriation of several million dollars already made, as I understand it, which appropriation was a lump sum?

Mr. ANTHONY. Yes.

Mr. CANNON. It provides—

That the Secretary of War be, and hereby is, authorized to expend—

And so forth.

Would the gentleman have any objection to inserting the words "not exceeding"?

Mr. ANTHONY. I think that would be an improvement.

Mr. CANNON. Very well, then. I will move to amend by inserting after the word "expend," in line 4, the words "not exceeding," so that he will be authorized to expend not exceeding the following sums.

Mr. ANTHONY. I suggest to the gentleman that perhaps the words "not exceeding" ought to go in just preceding the figures "$116,000," in line 11.

Mr. CANNON. I will adopt the gentleman's suggestion, and move to insert the words "not exceeding" after the word "thereto," in line 11.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CANNON: Page 1, line 11, after the word "thereto," insert the words "not exceeding."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. CANNON].

The amendment was agreed to.

Mr. CANNON. Mr. Chairman, one word further. The Clerk has at the desk an amendment which I wish to offer when the proper place in the bill is reached. In my five minutes I will ask the Clerk to report that amendment.

The CHAIRMAN. The Clerk will report the amendment for information only.

The Clerk read as follows:

Page 2, line 6, after the word "Virginia," insert:
"*Provided*, That the Engineer school shall be returned to its former location at Washington Barracks by the end of the present fiscal year."

Mr. CANNON. I will offer that as an amendment to section 2.

Mr. HARRISON. I reserve a point of order on that amendment.

The CHAIRMAN. It is not offered now. It is simply read for information. It is to come in as an amendment to section 2.

Mr. GARD. A parliamentary inquiry. Has section 2 been read?

The CHAIRMAN. No; the amendment was read in the time of the gentleman from Illinois, for information.

Mr. CANNON. Before the Clerk reads section 2 I will move to strike out the figures in line 11, page 1, "$116,000," and will move to amend by inserting the figures "$115,900," with the proviso which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amendment offered by Mr. CANNON: Page 1, line 11, strike out "$116,000" and insert in lieu thereof "$115,900: *Provided*, That the Engineer school shall be returned to its former location at Washington Barracks by the end of the present fiscal year."

Mr. CALDWELL. Mr. Chairman, I make a point of order against the amendment, on the ground that it is not germane to the subject matter of the joint resolution. Part of the amendment is germane in that it reduces the amount, but the remainder of the amendment is not germane, and part of it not being germane, the whole of it is out of order.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard?

Mr. CANNON. I think the amendment is germane. It reduces expenditures, and under the Holman rule I think it is in order.

The CHAIRMAN. The Chair will say to the gentleman from Illinois that this is not a general appropriation bill.

Mr. CANNON. I know it is not, and yet it is tolerably general. [Laughter.]

Mr. ANTHONY. Mr. Chairman, I want to suggest that the amendment of the gentleman from Illinois would undoubtedly be in order under the Holman rule, because of the fact that the plans of the War Department provide for the ultimate erection of a permanent school at Camp Humphreys, at a cost of $32,000,000, and the gentleman's amendment to move the engineering school back to Washington Barracks would ultimately save the Government $32,000,000.

Mr. CALDWELL. But this is not a question of the ultimate project. This is only for temporary construction on a piece of property that the United States Government owns. It is nothing about the engineering school, or any ultimate project to build a new school. The question now is whether you are going to give these officers a place to sleep in the wintertime, or whether you are going to stick them out in a tent.

Mr. SAUNDERS of Virginia. I wish to say a word or two with respect to the suggestion of the gentleman from Kansas [Mr. ANTHONY] that this amendment would come under the Holman rule. The statement of fact that he makes relates to a situation that is entirely outside of the record. Hence this body can not say whether the amendment would, or would not operate to reduce expenditures, since the House has no knowledge that the expenditures referred to by the gentleman are to be undertaken. The mere fact that the War Department has in mind, if authorized, to make large expenditures at Camp Humphreys does not operate to bring the amendment within the Holman rule, for the manifest reason that this scheme of the department may, or may not be carried into effect. Hence in that view, how can it be definitely said that this amendment of its own force, will serve to reduce expenditures?

Mr. ANTHONY. I will say to the gentleman that the information has been officially brought to the attention of a committee of Congress.

Mr. SAUNDERS of Virginia. Even if the department contemplates such a scheme still that scheme has not taken any definite form. It has not received the sanction of Congress. The amendment is not in order merely because it will reduce something that is in the mind of the War Department. This would be an extraordinary application of the Holman rule.

Mr. CANNON. This does reduce the amount.

Mr. SAUNDERS of Virginia. Yes, the amendment proposes a reduction, but the legislation proposed will not effect that reduction. It is always competent on motion to reduce the amount of an appropriation, but it is not in order, merely by proposing to reduce the amount of an appropriation, to hang on to it legislation that is not connected with the reduction, and which in itself does not operate to make that reduction. This proposition has been before the House many times. Plainly, the legislation proposed by the gentleman from Illinois will not in itself make the reduction. The reduction may be made without the aid of the balance of the amendment. At any time an amount in an appropriation bill may be reduced to any extent approved by the House. But I repeat that the legislation proposed will not operate to effect the reduction suggested. Hence it is not related, or germane, to the reducing part of the amendment. For that reason the entire amendment is out of order.

Mr. BLANTON. Mr. Chairman, the only law authorizing the removal of the engineer school even temporarily, as proposed, from the Washington Barracks to Camp Humphreys is in the resolution under consideration. Certainly if this resolution indirectly provides for the temporary removal of the engineer school from the Washington Barracks to Camp Humphreys, an amendment providing for the return of the engineer school to its original home would be germane and therefore would be in order. I submit that clearly, though not expressly provided therein, it is the sole purpose of this resolution to temporarily remove the engineer school, and why should not this amendment be in order when it provides that the school shall be brought back by a time certain?

Mr. SAUNDERS of Virginia. There is nothing of that sort in the resolution.

Mr. BLANTON. That is the purpose.

Mr. SAUNDERS of Virginia. The resolution simply makes an appropriation.

Mr. BLANTON. The Military Affairs Committee comes on the floor with the avowed purpose of providing for the temporary removal of the engineer school from Washington Barracks to Camp Humphreys. Most of this discussion since Congress convened to-day has revolved around this question of removal.

Mr. SAUNDERS of Virginia. The resolution does not move the engineer school. It contemplates the appropriation of a sum of money pure and simple.

Mr. BEE. Mr. Chairman, I am not going to argue the point of order, except to this extent: I see nothing in the resolution that says anything about the Washington Barracks. All the House can go by is the business before it. If gentlemen insert extraneous matter in order to make a proposition germane, it ought not to affect the rule, and the House has nothing to do with it. There is no mention of Washington Barracks in this resolution; it is merely a question of whether they will appropriate money for Camp Humphreys.

Mr. CALDWELL. Mr. Chairman, I will say in addition that the claim that this is for the purpose of moving the school does not fit the facts. The school is already at Camp Humphreys, and this is only for the purpose of giving temporary quarters to the Army engineers and their families assigned to duty at that place. All this talk about the removal of the engineer school is not germane, the amendment is not germane, and I ask the Chair to rule.

The CHAIRMAN. The bill provides that the Secretary of War is authorized to expend a certain sum of money for the completion of bungalow quarters, now partially constructed, including gravel roads, walks, sidewalks, sewers, electric-light lines, heating, water lines, painting, clearing, brushing, grading, sodding, and alteration of existing buildings and miscellaneous incidental construction incident thereto, $116,000.

The amendment proposes to reduce the appropriation to $115,900, with the following proviso:

That the engineer school shall be returned to its former location at Washington Barracks by the end of the present fiscal year.

The Holman rule applies only to general appropriation bills. It can not be invoked as to this bill. So far as the question of germaneness is concerned, it is clear to the Chair that under section 7 of Rule XVI, which reads as follows:

And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment—

the amendment is not germane. The point of order is sustained, and the Clerk will read.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. CAMPBELL of Kansas having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on September 16, 1919, approved and signed bill of the following title:

H. R. 6808. An act to incorporate the American Legion.

CAMP A. A. HUMPHREYS, VA.

The committee resumed its session.

The Clerk read as follows:

SEC. 2. That the Secretary of War be, and hereby is, authorized to expend from sums already appropriated for the support of the Army for the year ending June 30, 1920, such maintenance and repair funds as may be necessary for maintenance and repair work, storage of material, and clearing up débris at Camp A. A. Humphreys, Va.

Mr. CANNON. Mr. Chairman, I move to amend, on line 2, page 2, after the word "expend," by inserting the words "not exceeding $10,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 2, after the word "expend," insert the words "not exceeding $10,000."

Mr. CALDWELL. Will the gentleman yield?

Mr. CANNON. Yes.

Mr. CALDWELL. Is the gentleman sure that $10,000 will be sufficient to clean up all the débris and machinery around Camp Humphreys?

Mr. CANNON. This money comes from a many million dollars lump sum. Is the gentleman aware that they could spend hundreds of thousands of dollars in this way?

Mr. CALDWELL. I was going to ask the gentleman if he would not agree to make it $20,000 instead of $10,000, so as to be sure to have enough.

Mr. ANTHONY. I would state for the information of the gentleman that Congress appropriates large lump sums for the maintenance of barracks and quarters at all the posts, and the Secretary of War allots that generally at the beginning of the fiscal year, apportioning it to the different posts. He can use all of it probably at one place for the purpose of maintenance, but it is not probable, the committee thought, if we gave them authority to maintain the buildings at this camp, to repair them, that the authorities there would use any more than is absolutely necessary for that purpose. At the same time I agree with the gentleman from New York [Mr. CALDWELL] that it would perhaps be safer to make the amount $20,000 for the maintenance of such tremendous property as exists there.

Mr. CANNON. Very well; I will modify the amendment to make it read $20,000 instead of $10,000.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Modified amendment by Mr. CANNON:
Page 2, line 2, after the word "expend" insert the words "not exceeding $20,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

Mr. ANTHONY. Mr. Chairman, I move that the committee do now rise and report the joint resolution to the House with the amendments, with the recommendation that the amendments be agreed to and that the joint resolution as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MOORE of Pennsylvania, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration H. J. Res. 208, authorizing the Secretary of War to expend certain sums appropriated for the support of the Army for the fiscal years ending June 30, 1919, and June 30, 1920, at Camp A. A. Humphreys, Va., and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the resolution as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the joint resolution as amended.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. ANTHONY. Mr. Speaker, I move to reconsider the vote by which the joint resolution was passed and lay that motion on the table.

Mr. GARD. Mr. Speaker, pending that, will the gentleman yield for a question?

Mr. ANTHONY. I yield.

Mr. GARD. Is it the purpose of the gentleman to ask that House joint resolution 161 lie on the table?

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent that House joint resolution 161, which covers the very same question, do lie upon the table.

The SPEAKER. The gentleman from Kansas moves to reconsider the vote by which the joint resolution was passed and to lay that motion on the table.

The motion was agreed to.

The SPEAKER. The gentleman from Kansas asks unanimous consent that House joint resolution 161 do lie on the table. Is there objection?

There was no objection.

Mr. KEARNS. Mr. Speaker, I ask unanimous consent to extend and revise my remarks on the bill which has just been passed.

The SPEAKER. Is there objection?

There was no objection.

COAL-TAR PRODUCTS.

Mr. FORDNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 8078) to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes." Pending that motion I ask unanimous consent that we be allowed an additional hour for general debate. There have been many more requests for time in general debate than we expected. The gentleman from Pennsylvania [Mr. MOORE] has returned and will occupy an hour of time. It was not expected that he would be present. The chairman, therefore, would not have any time. I would like to have a little time in which to discuss the bill. I therefore ask unanimous consent that we may have one more hour of general debate, to be controlled by myself.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the time of general debate be extended for one hour, to be controlled by himself. Is there objection?

Mr. KITCHIN. Mr. Speaker, reserving the right to object, does the gentleman expect to give the gentleman from Pennsylvania [Mr. MOORE] any part of his time?

Mr. FORDNEY. I understood that the gentleman from North Carolina [Mr. KITCHIN] was going to give the gentleman from Pennsylvania a portion of his time. I would like to have three-quarters of an hour. I have only 20 minutes remaining, and the gentleman from North Dakota [Mr. YOUNG], a member of the committee, wants 30 minutes. I would be glad if the gentleman from North Carolina would yield some of his time to Mr. MOORE.

Mr. KITCHIN. Since the gentleman from Pennsylvania [Mr. MOORE] is right on some of the provisions in the bill, I will yield him an hour of my time.

Mr. FORDNEY. I know the gentleman is always fair, when he sees the light.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Michigan that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8078.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8078, with Mr. TOWNER in the chair.

The Clerk reported the title of the bill.

Mr. KITCHIN. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BEE].

Mr. BEE. Mr. Chairman and gentlemen of the committee, I am not going to undertake to discuss the bill under consideration, but will avail myself of the few minutes allotted to me to touch briefly upon a disaster that has almost destroyed the major portion of the district which I have the honor to represent. You probably have read in the newspapers of the storm upon the Texas coast. Over three-fourths of the devastated area is embraced within the fourteenth congressional district. I feel it would be improper for me to let this occasion pass without a word of appreciation not only to my colleagues in Congress but to the departments of the Government and the citizenship of the Union generally for their sympathy and aid and the universal response that has been made to the appeals that have gone out from the brave stricken people of that section. That response has come from every portion of the United States, and but illustrates the truth of the statement that "one touch of nature makes the whole world akin." The area devastated by this unusual storm is the fairest in the land. It nestles along the Texas coast, by the Gulf of Mexico, and in the numerous bays and inlets that dot it. It is the garden spot of the world. Not more than a week ago it held a happy, prosperous, and contented people. They had their crops, their herds, their fruit, semitropical in character, and almost without warning all has been swept away. Approximately $20,000,000 worth of property has been destroyed and not less than 500 men, women, and children have gone to their graves. Thousands of people are homeless, made so overnight, and left without even the ordinary wearing apparel. It is a situation that appeals to the sympathetic heart of this Nation, which has never failed to respond to the cry of distress, and has not this day failed.

In time they will rebuild, because the courage with which American people always meet misfortune will assert itself with them. I bring for them this message to the Congress, and say that in the midst of this terrific disaster, when darkness has fallen like the heavy pall of night over their happiness and their homes and the sea is giving up its dead, they are meeting their disaster with courage and their trials with that high mindedness of purpose and fidelity to life that gives us the hope in the years to come. I will close this tribute by saying to you in the language of the poet that the people, these now under

the pall of affliction and whom the heavy hand of death and misfortune has overwhelmed but not destroyed, can truthfully say:

In the fell clutch of circumstances they have not winced nor cried aloud,
Under the bludgeonings of chance their heads are bloody but unbowed.

Gentlemen, I thank you. [Applause.]

Mr. KITCHIN. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. HULINGS].

Mr. HULINGS. Mr. Chairman, I have always believed in a protective tariff. Perhaps I have been rather radical in the opinion that the importation of foreign manufactures of goods that we can produce in this country simply displaces that much American labor.

I need make no argument in regard to this matter. Abraham Lincoln put the whole argument into a nutshell. Said he, "If we buy our steel rails from England, we get the rails and England gets the money; but if we make our own rails, we get the rails and we keep the money."

So I am thoroughly in favor of the provisions of this bill that seeks by a tariff to protect American industry in the manufacture of dyestuffs.

I am confident that American skill and brains, if protected by an adequate tariff while the business is in its infancy, will do for dyestuffs practically what American skill and brains did for tin. We were producing no tin in this country. Somebody—and I think it was William McKinley—suggested a tariff on tin, which was jeered at; but a tariff was imposed which fostered the tin industry. It was not long until we were supplying ourselves with tin at prices about half that we had formerly paid to Wales, and now I understand we are the greatest exporters of tin in the world.

But I regard with grave doubt the wisdom of constructing an organization that shall have power to say who shall be authorized or licensed to import foreign dyes.

The Alien Property Custodian seized about 4,500 German patents for manufacturing dyes and sold them to a number of gentlemen who incorporated themselves under the laws of Delaware as the Chemical Foundation (Inc.), for the sum of $250,000.

Germany led the world in the science of dye making, and naturally all her most valuable discoveries in this art were protected by filing her patents with this Government, and it is hardly to be expected that she would go to the trouble and expense in filing patents with the American Patent Office that were worthless patents or that covered but a small proportion of the methods under which she had established a monopoly of the dye-making business in this country.

Presumably the Chemical Foundation did not pay more than these patents were worth, and presumably the Chemical Foundation Co. is composed of people who are interested in the dye business, and as owners of patents that cover the most valuable methods of making dyes that science has discovered the Chemical Foundation Co. has it within its power to retain the use of these patents for itself or for its constituent members or to make the terms upon which it will allow any competitor to use these patents.

And, if I am right about this, the Government in making sale of these patents, which, of course, conveys to the purchasers the exclusive right to use them, has already handed out a complete, obnoxious, rock-ribbed monopoly for the manufacture of American dyestuffs, which monopoly at the will of the Chemical Foundation will exist at least until new processes shall be invented which may be equal to or superior to the German patents.

That is the situation as regards American manufacture of dyestuffs.

But there are some dyes that we do not yet or perhaps can not make in America, and on the plea that we must still get certain kinds of foreign dyes this bill would give certain licensees permission to import such quantities of such dyes on such terms as the licensing commission created by this bill might choose to give.

There is a grave suspicion that there is a community of interest between the licensing commission and the owners of the German patents, and if there is not yet such community of interest, in the very nature of things there soon will be.

Assuming—and it is a most natural assumption—that the German patents cover the most recent and up-to-date methods that Germany in its laboratories has been able to discover, and with all these patents under the absolute control of the Chemical Foundation, its control of American manufacture of dyestuffs naturally follows.

It will naturally farm out these patents to its constituent dye manufacturers and thus insure within the circle of its favor a monopoly of the American-made dyes.

And now, on the top of this, when you create a licensing commission by this bill which shall have the right to say who shall buy foreign dyes, you have created a monopoly which no independent concern can ever hope to break down.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULINGS. May I have five minutes more?

Mr. KITCHIN. I yield the gentleman two minutes more.

Mr. HULINGS. Can not the gentleman make it five minutes? I will say four minutes.

Mr. KITCHIN. Let us divide; say, two and a half minutes. I yield three minutes additional to the gentleman.

Mr. HULINGS. I thank the gentleman.

Mr. LONGWORTH. Will the gentleman yield? I desire to correct the gentleman's statement. The gentleman in speaking has used the word "monopoly."

Mr. HULINGS. Yes.

Mr. LONGWORTH. Is the gentleman aware that the German patents control less than one-fifth of the dyes that are now made in the American market?

Mr. HULINGS. That may be.

Mr. LONGWORTH. But the gentleman speaks of a monopoly. Those patents only apply to less than one-fifth of the American product of dyes.

Mr. HULINGS. The Germans did monopolize the German dyestuffs in this country before the war.

Mr. LONGWORTH. But not due to patents in this country.

Mr. HULINGS. Through their patents.

Mr. LONGWORTH. The gentleman is entirely mistaken.

Mr. HULINGS. Perhaps I may be entirely mistaken, but I give it for what it is worth.

It seems entirely incredible that Germany would go to the trouble and expense of filing 4,500 patents and that those patents should only apply to less than one-fifth of the German product of dyes, as stated by the gentleman from Ohio.

Mr. Chairman, as stated in the outset, I am in favor of imposing a tariff to protect American manufacturers of dyestuffs, and instead of proceeding any further with this paternalism of Government and the creation of bureaus and licensing commissions, as we have done during the stress of war, I think the Government should begin condemnation proceedings to reacquire these patents and throw them open to the use of every citizen seeking to make dyes, and then pass a tariff law which will protect such industries against foreign competition, making the tariff high enough to stop the importation of such dyes as we already make and high enough on the kind of dyes that we do not yet make so as to create and develop the making of all kinds of dyes. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired. The Chair recognizes the gentleman from North Carolina [Mr. KITCHIN].

Mr. KITCHIN. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. MANSFIELD].

Mr. MANSFIELD. Mr. Chairman and gentlemen of the committee, I appear only for the purpose of correcting an erroneous impression created by the gentleman from Indiana, my good friend, Mr. WOOD, on August 21, while discussing the tariff bill. I will ask that the Clerk read the extract from the gentleman's speech on that occasion in my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

And I wish to call the attention of some of you southern gentlemen to the situation existing in your own country, where protection is needed for development more than in any other section of the United States. Before we got into this war a number of gentlemen, Members of this House, while in the State of Texas discovered that in all that country where previously there had been a great many sugar mills running only a few years ago when the protective tariff was upon the sugar industry, sufficient to warrant the manufacture of sugar, and when rice hullers were seen upon every side, every one of those sugar refineries was idle except one, every one of those rice hullers was idle. Why was it? You had only to ask the men who had raised cane and rice and they would tell you that it was due to the damning influence of the Underwood bill which had destroyed those industries.

In all of the country round about the one factory that was running at Sugar Land, in the State of Texas, they did not raise cane sufficient to satisfy one mill and they were importing it from Cuba.

Mr. MANSFIELD. Gentlemen, the question of growing cane in Texas has never been attempted by free labor. It has been grown and handled exclusively by convict labor. No man in Texas under the climatic conditions there would attempt to grow cane for making sugar with free labor, for the reason that the cane can not be harvested until late in the fall, until frost comes, because it is not profitable until then. It does not contain the properties for making sugar until cold weather strikes it. After that period arrives it must be cut and gathered in before a freeze comes, for the reason that the freeze ruins it entirely. The consequence is that a cane crop in Texas must be cut and gathered within a period of about three or four weeks ordinarily. The frost does not come in southern Texas until about the 1st of December. Then the cane must all be cut and wind-

rowed and protected from the freeze before the freeze strikes it, which is usually in the latter part of the month of December.

If you are to handle a crop of some five or six thousand acres of cane it will require several thousand men to do it within that short period of time. Up to about six years ago it was handled exclusively by convict labor. At that time the Legislature of Texas, under the administration of Gov. Colquitt, passed a law prohibiting the use of convict labor for that purpose and prohibiting the hiring of convicts to anyone for any purpose. The consequence was that every sugar mill in Texas that was not prepared to import its raw sugar from Cuba or from some other country went out of business. In fact, we had only two sugar mills—one, the Imperial, located at Sugar Land, as referred to by the gentleman from Indiana, my good friend, Mr. WOOD, and the other at Eagle Lake, known as the Lakeside.

Knowing this must be the condition, I telegraphed to the manager of the Imperial refinery, and I will ask the Clerk to read the telegram which I received from him in reply.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SUGAR LAND, TEX., *September 2, 1919.*

Hon. J. J. MANSFIELD, M. C.,
Washington, D. C.:

Replying to your wire of this date, you are informed that our output of refined sugar now exceeds that of former years, when growing our own cane, by many millions of pounds per annum. Our only reason for importing from Cuba is on account of labor conditions, and not on account of the tariff. Eldridge, sr., now en route New York.

W. T. ELDRIDGE, Jr.,
General Manager Imperial Sugar Refinery.

Mr. MANSFIELD. Mr. Chairman, the question of farm labor has been a serious question in Texas in recent years. Mexican labor has now to be imported for the purpose of gathering the cotton crop, and it would be quite impossible to secure enough labor from any source to gather a crop of sugar cane. When convicts were available for that purpose the sugar grower could procure them in sufficient numbers to cut and windrow the cane within the short period of time in which that work could be done. I am not criticizing the legislature for prohibiting the hiring of convicts. That is not my purpose. My only reason for mentioning the fact is to correct the impression made by the gentleman from Indiana [Mr. WOOD].

After the enactment of the law prohibiting the use of convict labor by sugar growers, the Imperial, one of the largest refineries in the world, began to utilize its lands for other crops and to import raw sugar from Cuba, it having its own railway and steamship lines to use in connection with the refinery.

As a matter of fact, there has been no diminution in the output of the Imperial refinery, but, as shown by the telegram of Manager Eldridge, there has been a great increase in the quantity of sugar refined. This is conclusive evidence that the tariff had nothing to do with the question, for if the tariff was the cause, as stated by the gentleman from Indiana [Mr. WOOD], the result would have been a decrease in the quantity of sugar refined instead of a decrease in the quantity of sugar cane grown.

The Imperial refinery is in full operation and prospering as it never prospered before. Its capacity has been greatly enlarged since commencing its great importations of raw sugar from Cuba, and Col. Eldridge, the president of the Sugar Land Railroad, which is operated in connection with the refinery, informed me a few days ago that no protective tariff was desired by the Imperial. This "infant" is able to stand alone, and is not asking for any subsidy at the hands of the taxpayers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULINGS. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on this bill.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HULINGS. I wish to also ask permission to speak about something that is not in this bill.

The CHAIRMAN. The gentleman asks leave also to extend his remarks with regard——

Mr. HULINGS. To the labor question. I was not here the other day when that bill was up.

The CHAIRMAN. Does the gentleman ask to do that in connection with these remarks?

Mr. HULINGS. Yes.

The CHAIRMAN. The gentleman from Pennsylvania asks leave also to extend his remarks to include the consideration of the labor situation. Is there objection? [After a pause.] The Chair hears none.

The gentleman from Michigan [Mr. FORDNEY] is recognized.

Mr. FORDNEY. Mr. Chairman and gentlemen, this bill in my opinion relates to a matter of very great importance to our people. Before the war there was produced in the world, in round numbers, $100,000,000 worth of dyestuffs. Seventy-five per cent of the world's production was produced in Germany, the other 25 per cent by many nations, chiefly England and Russia. The people of the United States consumed of that total world's production annually about 15 per cent. We have in this country all the raw material for the manufacture of dyestuffs for the entire world—coal tars and salt brine. We have the money and we have the labor and the skill, and the desire to produce the dyestuffs for our own people, for our entire consumption. And the only reason why we may not in the future produce all our dyestuffs is because of lack of adequate laws to protect the people engaged in their manufacture, in the wage scale paid to labor in this country, which is the highest paid labor in the world.

Whatever competition we had before the war from Europe, and which has disappeared because of this war, has sprung up in the Orient, and to-day China and Japan are the competitors of American manufacturers of dyestuffs, and a more keen competition may be expected from the Orient in the future than we ever had between this country and Europe, for the reason that the wages paid to labor in Japan and in China are much below the wage scale heretofore paid in Europe and that will be paid in the future. Our wage scale in this country to-day is between $4 and $5 per day on an average in the dyestuff industry, while the wage scale in Japan is from 15 to 30 cents a day for an 11½-hour day, while our labor is employed at 8 hours, though, in some instances, 10 hours. Therefore, gentlemen, it behooves the Congress of the United States to enact adequate laws to sustain that industry in the United States—an industry of such great importance not only to the dye manufacturers of this country, but to many other industries of greater importance, with more capital invested than that invested in the dye industry, and especially in time of war. We found ourselves during this last war lacking in explosives and chemicals of all kinds. A dyestuff institution, as shown by the testimony presented to the Committee on Ways and Means, can be very quickly and cheaply converted into an institution for the manufacture of explosives, and vice versa. At a very nominal cost the institution can be changed to the production of either one, dyestuffs or explosives.

This bill has my approval, with the single exception of one feature; and if it is the wisdom of the House that that feature shall remain in the bill and be enacted into law, I will acquiesce and vote for the bill. I will stand by the majority of my party at all times. That feature is the licensing feature. There is a provision in this bill that creates by law a commission, which is given power to control the importation of dyestuffs, and for fear that commission might be political, if appointed by the administration, the committee has provided a paragraph in the bill naming the associations which may appoint the members of that commission.

If we are to have this commission and it is found to be constitutional, I want to see that provision remain in this bill. The bill gives the power to the users of dyestuffs, together with the manufacturers of dyestuffs, to name that commission, and of the 11 men provided for as members of that commission, 6 are to be representatives of the industries that use dyestuffs.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. I will.

Mr. FESS. That feature of the bill has been very disturbing to me. To whom will this commission be responsible?

Mr. FORDNEY. The gentleman has asked a question that is very hard for me to answer.

Mr. FESS. It troubles me very much.

Mr. FORDNEY. I am opposed to the commission, I will say, in answer to the gentleman. But let me say that I believe by the adoption or the enactment into law of rates of duty sufficient to offset the difference between our cost of production and of that abroad, together with an adequate antidumping law, we will have given adequate protection to American institutions to enable them to continue.

Let me say for the benefit of the House that I have put in much time upon, and I have not yet quite concluded, a bill which I shall introduce in the very near future providing for an antidumping law.

Mr. YOUNG of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes; I yield.

Mr. YOUNG of North Dakota. Does the gentleman expect to have that bill discussed and passed at this session?

Mr. FORDNEY. Yes; I do. I hope to have that bill before the committee within the next 10 days. I will say to gentlemen of the House that it is a matter of very great importance in the drafting of that bill to have it constitutional, to have it stand the test of the challenge which will certainly be brought forward immediately by the importer who pays an ad valorem duty. It is intended to regulate the dishonest importer who will undervalue the products that he brings into this country in order to evade the payment of the just and equitable duties of the Treasury Department.

Only yesterday the Secretary of the Treasury very kindly directed three members of the board of appraisers at New York to come over here on Thursday of this week to help me frame that bill, or at least to discuss it and enable me to get their views and their judgment upon the legality of the proposed act. They are the men to whom those matters would be referred for decision if we had such a law upon our statute books.

With that antidumping clause in the law, let me repeat, together with a reasonable amount of duty imposed upon the imports, I believe our institutions can in the future be adequately protected against erroneous, unjust, and unlawful competition from abroad. [Applause.]

Mr. WELLING. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY Yes.

Mr. WELLING. You stated in your preliminary statement that the wages in Japan were about 20 cents a day?

Mr. FORDNEY. From 15 to 30 cents.

Mr. WELLING. And the wages here $4 a day?

Mr. FORDNEY. Yes.

Mr. WELLING. Would any tariff that we can levy here protect the American workman against a wage scale one-twentieth of ours?

Mr. FORDNEY. It would be difficult, for under our international laws we can not make a duty on imports coming from Japan different from the duty on imports coming from Europe, and there is where the difficulty comes in in framing a law that will protect us against all the world, for the reason that if the rates of duty in a law are high enough to protect us against Japanese labor, then those rates will be prohibitive to Europe, and if the rate only offsets the difference between our cost of production and the cost in Europe, it is not sufficiently high to give adequate protection to American labor against oriental labor. There is the difficulty, my friends, in framing a tariff law to make it equitable and just to all our people as against all the outside world.

Mr. WELLING. Would not that difficulty and necessity warrant a provision in this bill for a licensing board?

Mr. FORDNEY. No. The licensing board has nothing to do with the rates of duty. The licensing board would be legally or in justice bound to issue to you a license to bring into this country dyestuffs that you can not procure in this country, no matter from what country you wished to import. That is the fundamental authority of this licensing board. But, my good friends, there are many gentlemen on the Democratic side who do not agree with me as to a protective tariff. I do not criticize them, although they differ in their opinions from mine. They claim that a protective tariff creates a monopoly. I deny the correctness of that statement. I do not believe that a tariff law ever created a monopoly. But is there any question under the sun that the creation of this licensing board is a monopoly? You are enacting into law, without any question, a monopoly.

Let me tell you why, my good friends. First of all, at the beginning of this war it was found that the Germans held patents for the manufacture of chemicals in this country to the number of 4,500 patents. Our Alien Property Custodian took over those patents and sold them, in my opinion, in the wrong way. The law provided that property should be sold at public auction. But by Executive order those patents were sold at private sale to a corporation known under the title of the Chemical Foundation. The assistant custodian, Mr. Garvan, was made the president of the Chemical Foundation Corporation, which purchased these patents for $250,000. I have been reliably informed that one manufacturer states that he will give $50,000 a year for the use of one of those patents. Now, whether that is true or not I do not know, but my information comes from a Member of the House. If that be true, then those patents were in all probability sold for less money than they are worth. Whether that is true or not, I do not care. I am not arguing that question. But the Chemical Foundation controls 4,500 patents. Many of them are valueless, of course. But it is within their power to issue a license to whomsoever they choose for the manufacture of chemicals under those patents, and I have been informed already by one of the most reliable institutions of this country, a chemical manufacturer—I do not care to present his name, because he is one of the stockholders of the Chemical Foundation—that he has been refused a license to manufacture certain chemicals under those patents, although he is a stockholder of the corporation.

Therefore, my good friends, those licenses will be issued by the Chemical Foundation to their favorites, without any question. On the other hand, suppose that this licensing commission that will have control of the importations of dyestuffs meet with a number of gentlemen, say, 50 in number, who want licenses to import dyestuffs. Do you believe they will issue a license to the whole 50, to all applicants? If so, what is the necessity for a license? Why not let everybody import? If they do not grant permission to all who come and ask for it, then certainly they will select their friends. Let me give you an illustration under existing conditions. Our War Trade Board now have the authority to issue licenses. Importations of dyestuffs can not come into this country now except under licenses issued by the War Trade Board. I have a statement here from a member of an association that made application to the War Trade Board in April last to import dyestuffs, which they badly needed and claimed they could not secure in this country, and they were put off from time to time and could not get a hearing before that War Trade Board until August. Then, when they did get a hearing before a subcommittee, the War Trade Board said: "We admit that you need these dyestuffs and we are going to give you permission to import them, and we will give you a decided answer within 48 hours." I have a complete statement of the entire proceedings here, but I have not time to read it all to you. I am only stating the substance of it. The War Trade Board said: "We are going to permit you to import a six months' supply of these dyestuffs, but we are going to send our own man to Europe to get them." That man has not reported yet. Think of it. Manufacturers of cotton and woolen goods in April last wanting dyestuffs appealed to the War Trade Board, the only power on earth to give them relief, and here it is the 23d day of September and they have heard nothing from them yet and received no dyestuffs. They, the War Trade Board, sent Dr. Herty, whom I know, a most estimable gentleman, over to Switzerland to purchase those dyestuffs. Dr. Herty has not been heard from. When he will be heard from God only knows. Do you believe it is practicable for men with large investments in the manufacture of goods in this country to take orders from abroad or from the people at home to supply millions of dollars' worth of goods, and fool along 5 or 6 months and possibly 10 months with the War Trade Board, or any licensing board, in order to get their raw material? Of course not. That is not practicable. That is not business. If we create this licensing board, you may expect from them the same sort of expedition that we are receiving at the present time from the War Trade Board, which board now has the exclusive power to issue licenses for the importation of dyestuffs.

Mr. WATSON of Pennsylvania. Will the gentleman yield?

Mr. FORDNEY. I yield to the gentleman.

Mr. WATSON of Pennsylvania. Has the gentleman statistics to show whether there are enough dyestuffs in Germany to meet the American demand?

Mr. FORDNEY. There are about 900 varieties of essential dyestuffs made in the world. Some 300 of these are the really essential dyestuffs. I have here a statement from the Tariff Board which is a little old, but which is to the point, and it will answer the gentleman's question. The act of September 8, 1916, divided the coal-tar chemicals into three groups:

Group 1, crudes, on the free list.

Group 2, intermediates, dutiable at 15 per cent ad valorem and 2½ cents per pound.

Group 3, finished products, dutiable at 30 per cent ad valorem and 5 cents per pound.

The act of 1916 provided that the duties it imposed should be reduced 20 per cent per year for five years beginning five years from the date of that act.

The bill now before the House retains the three classifications or groups, but proposes an increase of duty on the second group, intermediates, to 40 per cent ad valorem and 6 cents per pound; and on group 3 proposes to increase the duty to 45 per cent ad valorem and 7 cents per pound, and the provision for the reduction of the duty 20 per cent a year for five years is repealed.

According to information from the Tariff Commission, 215 firms, not including coke ovens and gas houses and plants engaged exclusively in manufacture of explosives, reported the

production of chemicals derived from coal tar, and the total value of the product is given as follows for the year 1918:

Group 1, crudes	$22,474,000
Group 2, intermediates	123,817,000
Group 3, finished products	83,095,000
Total	229,386,000

Let me say, gentlemen of the committee, that I wired to many of the factories—all that I knew of that are producing dyestuffs—and asked them for the amount of their annual product being turned out and the capital invested. The capital invested is about $135,000,000 to $150,000,000 in the United States. I received replies from 20 out of 34 to whom I telegraphed, showing that their production was $91,782,000. Now, by looking over the record of imports and exports for the fiscal year I find that we imported $8,550,000 worth of dyestuffs the last fiscal year and we exported $16,822,000 worth, very largely to Canada. This exportation of dyestuffs is due very largely to the World War. None could be secured from Germany or Austria-Hungary, nor could many of these dyestuffs be secured from France or Great Britain. The essential varieties of dyestuffs are now made in this country. There are a great many varieties of very high grade dyestuffs used in very limited quantities in this country that we do not make. It is true that because of the extraordinarily high price of dyestuffs during the war many of the dyestuffs that were turned out were of poor quality; but that we can make dyestuffs in this country as good as are made in the world, if you will give us a little time, is a matter about which there is no question, because we have the skill and we have the raw material and we have the money and we have the desire, and all that is necessary is for the Congress of the United States to protect that industry by an adequate import duty.

Mr. WELLING. Is the American manufacturer to-day operating under the German or under his own patents?

Mr. FORDNEY. The manufacturers of this country are operating under their own patents with the exception of those that are authorized to manufacture by the Chemical Foundation Co. That company, as before stated, owns 4,500 patents, and a few of the concerns of this country have been authorized to manufacture under those licenses. That is what I am told, but just how many I do not know.

But before the war the owners of those patents were not compelled to manufacture in this country and they would not let anyone here manufacture. While I am ready to admit that the Chemical Foundation Co. is a monopoly, it is composed of American people who own the patents and they are American citizens, and if we are to have a monopoly, the Lord knows that I would much rather have that monopoly here than to have it abroad. That is the difference between the ownership of these patents now and before the war. I am in favor of their owning them here. I am in favor of changing our patent laws so that if a foreigner obtains a patent in this country he must manufacture in the United States within a given time at least or annul his patent. That is the kind of law that exists in Germany and other European countries, or did before the war. No American could go over there and obtain a patent under their laws unless in a very short time he began to produce the article in that country that granted him the patent.

Now, my friends, according to the information from the Tariff Commission, 176 intermediates were produced in 1918, and 23 others were produced in smaller quantities for sale principally for experimental purposes.

The coal-tar industry has made remarkable progress. The testimony before the committee left no room for doubt as to its inestimable value to the industrial progress of our national welfare

The industry is an asset to national defense. It is of great value to the textile and other industries and a great aid to medical science and to public health. Large numbers of research chemists are engaged, and the possibilities for discovery and progress seem to be without limit. We desire to aid the industry and hope that legislation to that end will be enacted. I believe an adequate tariff is the logical and only logical and effective means of establishing the industry in the United States.

We can not and should not be expected to accomplish in four years that we have engaged in this industry as much as the Germans have accomplished in 40 years' experience in manufacturing chemicals. It is not expected.

In the annual report of the Alien Property Custodian, Mr. Palmer, issued in January last, on page 25, you will there find a statement from him in which he shows the necessity for the protection of that industry in this country. He points out, in substance, as I now remember it, five chemical industries in this country, two of which have been in existence for some time and three started up as new industries. One chemical in particular they were making was oxalic acid, and it sold at 6 cents a pound. When the three new institutions with American capital began operations the price dropped to 4.4 cents a pound, and finally to 2.2 cents a pound. In due time the three new industries went to the wall and closed their doors.

One of the owners of these factories came before our committee and said he was obliged to buy in his own factory at a sheriff's sale. I am a little ahead of my story. When these three institutions closed their doors the price of oxalic acid went back to 7 cents a pound, 1 cent per pound above what it had been selling for before the three factories closed down. When the war broke out the three institutions began operating again, and the Alien Property Custodian then discovered that the two that had remained in operation were German-owned property, branch houses of a parent company in Germany. They had been operating by the support of their industry in Germany from what is known as the "yellow-dog" fund. They were making up their losses out of that fund until they put out of business the American capital invested in the three institutions, and then up went the price again to the American consumer above what it had been before. That was the unfair competition that we had before the war and will have in the future, no matter how high we put the tariff, unless we couple those tariff laws with a just and equitable antidumping law that will not permit them to sell in this country at a less price than they sell at home.

Let me give you another illustration. I have a letter in my office—I am sorry I have not got it here, but I will put it in the RECORD. The Dow Manufacturing Co., of Michigan, has its factory about 22 miles from my home. Mr. Dow is an estimable gentleman and is a dear friend of mine. He told me that he found that for one chemical he was producing from salt brine there was a much better market in Germany than he found in the United States. He sent some man over there, and in a little while he found a market for more than he could produce. He was selling in this country for 37 cents a pound, and he found a market there at 42 cents a pound, and he was making money. One day an old German gentleman came to his office and asked to see him privately. When they had retired to a room he—the German—said, "Mr. Dow, I represent the chemical institutions in Germany. You are selling," as I remember, "bromine in Germany, and I am here to tell you that we want you to get out of Germany or we will destroy you." Mr. Dow was a man of considerable resolution and said, "Go your limit, sir; I am with you." The man replied. "Mr. Dow, we have what we call a yellow-dog fund," and, as I now remember it, he stated that it was $25,000,000. "One half of that money is appropriated by our Government and the other half by manufacturers of Germany, and when we want to turn our guns on an institution in this world and put it out of business, we have that $25,000,000 yellow-dog fund back of us, and we will turn it on you." Mr. Dow said, "Go it, my good fellow, go it." He went away, and in a few days the price of that article in this country dropped from 37 cents a pound to 22 cents a pound. Mr. Dow said that he could not make it for less than 32 cents a pound. He paid no attention to the American market, but kept right on in Germany, and they fought him for three years and a half, and finally laid down their guns and put the price back in this country to 37 cents a pound That is the kind of competition that undervaluation brings to American institutions, and nobody who is not a resolute man with plenty of capital and brains back of him can meet that kind of competition. This antidumping clause and the rates provided for import duties in this bill will protect our people against just such unfair competition, if we can enact it into law. I shall present this antidumping clause to you for your consideration in the very near future.

The demand of the day, as you well know, is to lessen the high cost of living which the late war has saddled upon our country. This proposed licensing system for the importation of dyes is a step in the opposite direction. And, in this connection, you must remember that this commission is not proposed for the purpose of causing competition, obviating hoarding, curbing and preventing unscrupulous and inordinate profits, and other unfair trade practices—the usual excuses advanced to justify the creation of commissions. On the other hand, this proposed dye-licensing commission will operate just the other way from this and will permit, if not actually encourage and stimulate, the existence of all these illegal, unwise, and uneconomic things while at the same time directly serving to unduly harass the business man in his daily transactions.

A second and just as crying a need of the times is the simplification of the American business man's way of doing business. We have already such a complication of laws, rules, bureaus, and commissions that literally no business man knows how he can do business legally and rightfully, and no fair-minded lawyer dares to presume to tell him what the law really is.

What we want now are laws that work equally and automatically, clear and well known to the ordinary business man, so that those who run may read and understand. Let us have no more bureaus, commissions, complexities, delays, and uncertainties, with opportunities for privileges and favoritism. Surely the Federal Trade Commission, the War Trade Board, the Departments of Labor and Commerce, together with the Clayton Act, the Sherman antitrust law, the Lever Act, and other laws are fully sufficient to take care of any situation which may hereafter arise.

There is real danger of a breakdown of our whole industrial and economic system, and chaos threatens, with all these uncertainties, rules, decisions, regulations, provisions, and whatnot, clashing and conflicting and hampering as they are, facing the American business man. Congress, in my humble judgment, should awaken to the situation and insist upon no law in the future which will add to the confusion, but concentrate upon laws which will serve to simplify, clarify, unravel, and condense.

This proposed commission, also, in its practical workings, can not well help but play favorites. It will be a hindrance and a menace to the small manufacturers and the man of little influence and wealth. It is puerile to say that its functions are ministerial. They are clearly discretionary, as shown by the language of the bill itself and the very idea of creating such a commission. The question naturally arises, if the office of the commission is not discretionary, why the necessity for the commission at all? Of course, the commission will act in its discretion in all these matters over which it is given power, and therein lies the great danger.

Mr. Joseph H. Choate, jr., counsel and representative of the Alien Property Custodian's office, in appearing before our committee and testifying on behalf of the establishment of this commission, admits—page 403 of the hearings—as the author of the bill, that the commission will act as a court; and, of course, as a court it will surround and hedge itself in with all the red tape, formalities, rules, and regulations of a court, with consequent uncertainties, delays, and expense inherent in and inseparable from a court.

Then, too, this commission, by the manner of its practice, application, and operation, must, it seems to me, indubitably tend to foster monopoly in the dyestuff industry. The commission may be beautifully and ideally designed and intended, but its effects must tend toward the monopolistic, just as any artificial agent which interferes with the great natural law of supply and demand tends in this direction.

In addition to all these reasons I might enlarge and call your attention again to what you already know, that the establishment of these commissions is an innovation in American institutions, in which there is bound to follow a train of great and increasing evils. Commissions at their best seem to be justified only in war times or some such national crisis. They should be distinctly frowned upon and avoided in normal times.

Gentlemen, in the hearings, on page 260, there are 179 firms protesting against the commission, and all are in favor of adequate protection. On page 327 there are 12 more of the large firms of this country protesting against the creation of this commission, but all are asking for adequate protection to that industry. None of them are manufacturers of dyestuffs. They are users of dyestuffs. The point I want to make is—though I will bow to the will of the majority of this House—that we ought to strike from this bill the licensing feature and adopt a bill with the rate of duties provided for in the bill as now framed and then enact an antidumping clause to protect fully and adequately all institutions engaged in the manufacture of dyestuffs as well as all others.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. LONGWORTH. Does my friend still believe that we should have the licensing feature as applied to potash?

Mr. FORDNEY. I say to the gentleman from Ohio [Mr. LONGWORTH] here is the critical situation on potash: Potash can not be produced in this country as cheaply as it can be abroad. It is a matter of great importance to the agricultural interests of the country that we should have potash at the very lowest possible cost. I am willing to yield, I am willing to subordinate, my views on potash and put a most nominal rate of import duty on potash and place in the Agricultural Department the right to issue a license to import potash when in its judgment the price in this country has gone too high; but that is as far as I can go on the licensing commission.

Mr. LONGWORTH. The gentleman favors a licensing system to apply to potash but not to apply to dyestuffs?

Mr. FORDNEY. No; I do not favor it; but I accept it as an absolute necessity, in order to maintain that institution under any kind of a proposition. I would much rather rely on a protective-tariff measure relating to potash-licensing features, but I do not believe we can pass it through this House without the licensing feature coupled with it, for potash can not stand a high tariff.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. FESS. Referring to the commission, if it has no power it would not mean anything to be in the law. If it has power, authority, it must get that power and authority from some source. Is that source the Government or is it the people who make the appointments?

Mr. FORDNEY. We have aimed in this bill to create that commission by law and to avoid the political effect of the thing.

Mr. FESS. But to whom are they responsible? That is what I want to know.

Mr. FORDNEY. That is a pretty hard question to answer, except to say that they are responsible to the people they represent, who are the manufacturers of dyestuffs and the users of dyestuffs, the great institutions that manufacture cotton, wool, and silk, who appoint them to this commission.

Mr. FESS. Who would have the power to remove them if that power existed?

Mr. FORDNEY. The Congress of the United States, I believe, is the only power. There may be other power in the law that I have overlooked, but the Congress could remove them.

Mr. FESS. Reverting now to the authority, the Constitution plainly states that Congress can confer upon the President the power to make appointments, or upon the heads of departments, but is there any provision whereby you can confer it upon some industrial institution?

Mr. FORDNEY. That brings up a constitutional question in relation to this bill. Not being a lawyer I feel quite incompetent to answer it, but the Congress of the United States in the past has created commissions. Whether those commissions were clothed with the same official power that this bill would confer upon this commission I am unable to state, but it may be possible that it is unconstitutional for the Congress to do this, except in the way provided by the Constitution, permitting the President to name, by and with the advice and consent of the Senate, the members of the various commissions; but this commission has something to do with affecting the revenues of the Government, and this very moment I have grave doubt that that provision of this bill is constitutional. I am unable to decide that question, however, not being a lawyer——

Mr. FESS. I do not think there is warrant for it in the Constitution.

Mr. FORDNEY. And not having discussed it with some legal talent.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes; but I have very little time.

Mr. BUTLER. Would the gentleman prefer to have me ask these questions under the five-minute rule? I have some questions that I want to ask at some time.

Mr. FORDNEY. How much time have I consumed, Mr. Chairman?

The CHAIRMAN. Fifty minutes.

Mr. FORDNEY. I can answer the gentleman's questions for two or three minutes.

Mr. BUTLER. I have constituents manufacturing wool, worsted goods, cotton goods, and silk, and they are all greatly interested, and some are greatly alarmed about the licensing provision in this bill.

I do not think them selfish in their opposition. There are heavy penalties imposed in this measure on anyone importing dyestuffs without a permit from this commission. But is it not a fact that the commission, if it sees fit, can give you a permit to import such dyestuffs in quantities as you please——

Mr. FORDNEY. Oh, undoubtedly it lies in their discretion.

Mr. BUTLER. And is it not within their discretion and power to decline to give it to me?

Mr. FORDNEY. Absolutely so.

Mr. BUTLER. Might I not be forced to go to you to buy my dyestuffs if I need them? Suppose the commission declines to license me and does license you. You import such products as you see fit, and that compels me to go to you to buy them?

Mr. FORDNEY. Absolutely; you go to the man importing it, and you can not get it from anybody else except you buy American made. You have no other way than to go to the man who has the license.

Mr. BUTLER. I understand it is mandatory upon the commission to license the importation of a product not made in this country.

Mr. FORDNEY. Oh, no; it is entirely discretionary with the commission.

Mr. BUTLER. I understand the language of this bill says that the commission shall issue the license.

Mr. FORDNEY. Let me answer that right there. I just stated to you the War Board has been shown it was absolutely necessary for the importation of those dyestuffs requested by a large number of shirt manufacturers and others who went before them on April last and they have not received the dyestuffs yet.

Mr. BUTLER. I know. But I can not import that dyestuff without a permit.

Mr. FORDNEY. No, sir.

Mr. BUTLER. Now, then, suppose the commission says the material that I wish to import is made in this country.

Mr. FORDNEY. Yes.

Mr. BUTLER. But I say it is not as good as I wish to import.

Mr. FORDNEY. That is just what happened in the case I have cited.

Mr. BUTLER. Therefore they have compelled me to use an article I do not desire to use. It lies in their discretion.

Mr. FORDNEY. Absolutely discretionary.

Mr. LONGWORTH. Will the gentleman yield, please?

Mr. FORDNEY. Maybe I am wrong; if I am, I would like to be corrected.

Mr. LONGWORTH. Does the chairman of the Ways and Means Committee mean to say it is discretionary under this bill for the board to refuse a permit to import dyestuffs which are not made in this country?

Mr. FORDNEY. I say it is absolutely discretionary with them whether they issue a license at all or not, and although the law may say that they shall issue the license for dyestuffs that may not be procured in this country they will do undoubtedly in many instances just what the War Board has done in the case I bring to your attention. The War Board said, "You can get these dyestuffs in this country," and the consumers of dyestuffs said, "We can not," and they went along from April to August before the War Board admitted the dyestuffs could not be obtained in this country. They then said they would issue the license, and they sent a man abroad and they have not gotten them yet, and nearly six months have gone by.

Mr. LONGWORTH. Will the gentleman yield further. Does the gentleman claim to mean that the powers of the present War board are the powers conferred on this commission by this bill?

Mr. FORDNEY. I do not know of any greater powers given to this commission than were given to the War Trade Board.

Mr. LONGWORTH. Are not considerable less powers given?

Mr. FORDNEY. Well, they are limited to dyestuffs, whereas the War Trade Board is not. That is the only difference.

Mr. LONGWORTH. Does the gentleman mean to say seriously, as the chairman of the Committee on Ways and Means, that this commission will have any discretion whatever in reference to the issuance of licenses?

Mr. FORDNEY. I do. I repeat: No matter what we write in the law your commission will have discretionary power to say to you you can get those dyes in this country when they know well you can not do it.

Mr. BUTLER. Will the gentleman yield for a question?

Mr. FORDNEY. I will.

Mr. BUTLER. I want to get down to something specific, because this may involve the use of a plant in my congressional district known as the Aberfoyle Manufacturing Co. Here they use a dyestuff called indanthrene, and they can not use any other dye, because they rely upon fast colors. Suppose they ask a permit to import this, and suppose the commission says that indanthrene is made in this country. My constituent says that it is not made here. The commission replies that it is made here. My constituent says that it is not good quality. The commission says that it is of a good quality, and thus compels my constituent to buy the home product. Have I got that statement down right?

Mr. FORDNEY. I have tried to explain that it is entirely discretionary with them. The War Trade Board said that a number of these articles of dyestuffs could be produced here when the users said they could not, and five months went by before the War Trade Board admitted that those dyestuffs could not be procured in this country. Then they said, "We will let you bring them in"; but they have not brought them in yet. Let me be frank with you, gentlemen. The man who dominated that committee on the War Trade Board was a representative of the Du Ponts, who have $45,000,000 invested in the manufacture of American dyestuffs. He is the fellow who prevented the shirt manufacturers from getting dyestuffs when they asked for them. It makes me provoked when I think that men in the House of Representatives of common sense will listen to such things as that and then try to enact into law a measure that permits that sort of a monopoly to cripple you and your constituents and may not permit you to do business unless you do it with them.

I do not say that because they are capitalists, but I do say, if I have time to read it, that I have evidence to that effect.

Mr. BUTLER. If the gentleman will permit, I do not know who is behind it; I will take the gentleman's statement; but I am interested for my constituent. I am interested because of the embarrassment that may occur in the use of his mill. He has apprehended that it will occur. I am somewhat of a tariff man myself. I inherited it from people who believed in it. I do not want you to write something in a tariff bill that I can not vote for.

Mr. FORDNEY. I did not write it in there.

Mr. BUTLER. Why did not my friend sign a minority report? It goes to the country that he approves of this.

Mr. FORDNEY. Will the gentleman just hold his temper? I voted—well, I will not give away information as to what occurred in committee.

Mr. BUTLER. Do not do it.

Mr. FORDNEY. Do you consider, from my statement, that I wrote it into the law?

Mr. BUTLER. No. I forgive the gentleman, who is my good friend and in whom I have always confided.

Mr. FORDNEY. Let me tell you who the man was that dominated that committee with reference to giving shirt manufacturers the opportunity to import dyestuffs. It was Mr. Poucher, who represented the Du Pont people. He was a German representative at one time, so I am told, now employed by these people who manufactured dyestuffs in this country. Are you going to permit our manufacturers of goods to be dominated by such a power? I am opposed to it. I do not know what the devil you are going to do about it. [Laughter.]

Mr. BUTLER. I wish to say that I represent a district that has many manufacturing institutions in it, and I am for a tariff, but I am not for any monopoly side show that is going to take care of any one product.

Mr. FORDNEY. Your factories will operate by the permission of the licensing board if put into this law.

Mr. WATSON of Pennsylvania. If A and B are manufacturers of cloth, Mr. A is enabled to get a foreign dye, and therefore makes his output secure. Mr. B applies to the commission and they say, "We can give you a wholly domestic article." Is that the proposition?

Mr. FORDNEY. Yes.

Mr. WATSON of Pennsylvania. Then there is favoritism as to American industries if your bill passes as it is now written?

Mr. FORDNEY. No matter what the law may say about what the duties of the commission may be, every man must admit their power is discretionary; and whatever they do, there is no power on earth to change, except the Congress of the United States. From the commission's decision there is no appeal, except to the courts.

Mr. LAYTON. Will the gentleman yield for a moment?

Mr. FORDNEY. Yes, sir.

Mr. LAYTON. I wish the gentleman would make it plain why it was that the E. I. du Pont de Nemours Co. objected to a shirt manufacturer having dyes. I never knew they were interested in textiles of any sort whatever. What would be the object, therefore, of that company putting an obstacle in the way of a textile manufacturing company having dyes?

Mr. FORDNEY. It was claimed by their representative that the dyestuffs applied for for import could be made in this country, and the users of dyestuffs insisted it could not be; and I say that after that sort of argument had gone on back and forth from April to August the board admitted the dyestuffs could not be secured in this country, and they have not been secured yet.

Mr. LAYTON. The explanation lies in this fact, that the E. I. du Pont de Nemours Co., being engaged in the manufacture of dyes, possibly wanted to give themselves an opportunity to see whether they could work the proposition out or not?

Mr. FORDNEY. I judged from the statement made by the gentleman who gave me this statement that Mr. Poucher was their representative; that they were confronted by Mr. Poucher instead of the War Board itself.

Mr. BYRNES of South Carolina. Is there evidence of the statement of Mr. Poucher in the hearings?

Mr. FORDNEY. No, sir; but I have that evidence here. I will let any gentleman read it. It is a very lengthy and complete statement about the proceedings of those gentlemen that appeared before the committee and asked for a hearing and could not get it, and finally when they did get it, they went to the room, and Mr. Poucher stepped in from the side door and took the floor and made a speech and said, "You do not need

the dyestuffs you are asking for." Whether it is correct or not I do not know, but one of the gentlemen who was in the room read this statement and said he would make an affidavit in regard to its correctness.

Mr. BYRNES of South Carolina. By whom was the statement made?

Mr. FORDNEY. I would rather not just mention that now. I want you to take it from me that it was a gentleman who was present in the room at the time, making the request for the dyestuffs. And that gentleman and his representatives are dependent now upon the War Trade Board for dyestuff. If it were known who that man is they—the board—might crush him; he might be discriminated against by this board, just as any board might discriminate against the manufacturer if they were displeased with him. And sometimes competition makes people displeased with their neighbors.

I thank you, gentlemen. [Applause.]

Mr. KITCHIN. Mr. Chairman, I yield an hour to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, a more or less enforced absence of five weeks has caused me to overlook many of the details of the prolonged hearings of the Ways and Means Committee with regard to the Longworth dyestuffs bill. But the story is so interesting that perhaps it were better for a brief spell to talk without notes or without attempting to quote from the records.

Dyestuffs are fairly well protected now, so far as tariff duties are concerned. The bill before us proposes to put the rates so high that they will be practically prohibitive with respect to every one of the commodities referred to in section 500. There is very little that we use in the United States in the way of dyestuffs not comprehended in this bill. There may be some things the nomenclature of which does not come within our grasp. Dyestuff terms are peculiar, they are jaw breaking, but they are extremely important when it comes to specifying just what they are and what their effect is with regard to manufactures, with regard to war munitions. During the hearings much was made of the importance of the dyestuff industry to war munitions.

Probably that was the crux of the argument of the proponents of the bill, that this country must keep itself prepared with large dyestuff plants in order to be ready at any time to manufacture war munitions and to put itself, if that were possible, upon a par with Germany, which has been in the lead of us all until recent years in the production of dyestuffs.

German chemistry appears to have been the terror of all those who had to contend with Germany throughout the war in the manufacture of gases, in the manufacture of high explosives. In these and other war munitions the German chemists seemed to have had a hold upon the situation. The German chemists had also gotten well into the industry in the United States, and, if the truth be known, the German chemist is very strong with all the dye manufacturers of the United States to-day.

The statement made by the gentleman from Michigan [Mr. FORDNEY] a few moments ago in reference to Mr. Poucher is true. Before he became the representative of the Du Ponts, before he became powerful in the organization of what has become known as the American Dyes Institute, a very small aggregation of men engaged in the manufacture of dyes, he was the representative here of one of the greatest of the German concerns, and had been so for many years, and through the instrumentality of that concern had helped to introduce high-grade dyestuffs into the textile industries of the United States.

An effort was made during the war to catch up with the German chemists, and it was more or less successful. Some of us who are older in the service here will recall in the discussion of the Payne bill and the various Underwood bills that much stress was laid upon the upbuilding of the dye industry in the United States and that much depended upon a concern conducted by the Schoelkopf Co. at Buffalo. The demand for a protective tariff was due very largely to a desire to encourage the Schoelkopf Co. There were other manufacturers in the United States, but they were not strong, relatively.

When the war broke out our former dependence upon the German dyestuffs was manifest. We had been importing dyestuffs from Switzerland. We had been importing them from other countries, but principally from Germany and from Switzerland. Germany was a great textile manufacturing country. It was our greatest competitor in the production of hosiery and underwear, although we had to contend very strongly with Great Britain, which was strong in textile manufactures, but not so strong in the manufacture of dyes entering into the textile trade. Many of our laws were intended to protect the manufacturer of the United States not only against the dyestuffs which were raw material entering into the fabric but against the textile product itself, in clothing, in woolens, in worsteds, in cotton, in silk, and other fabrics, in shirtings, underwear, and hosiery. Our mills in the United States could not exist against the competition of Germany and Great Britain and France and Belgium and Italy without protective tariffs.

We endeavored to prove this when the Payne bill was passed. It was denied as a political proposition by those who did not agree with the Republicans in their economic beliefs, but the passage of the Underwood bills eventually proved that protection was necessary. Raw material would go from the United States—raw cotton, for example—into Europe, principally into Germany and Great Britain, and would there be manufactured and dyed and sent back to the United States. And it could be sent back and was sent back as finished product at a cost so far below that of the American cost, considering the higher wages paid here and the greater overhead charges, that it was absolutely necessary to maintain a protective tariff to preserve the industry in the United States.

Textile manufacturers generally depend very largely upon the demand of the people for the styles or colors which they bring out. What is popular this season is not popular next season. The color that is used this year is not popular next year. Preparations must be made months ahead for the distribution of the product of the mill. It may be that the taste of the good women who buy fabrics to work them up into dresses will run to blue or to gray or to polka dot or to any other color or style this year and that color or style will be utterly discarded next year. Color, which attracts the eye, enters very largely into the saleability of the article. Fast colors, of course, are more valuable and important than colors that run and that show up the cheapness of the garment. If you buy a necktie, you want one that holds its color, not one which when you get a little rain upon it or a little perspiration upon it will mark up the white shirt you wear. The Germans have had peculiar facility in preparing fast colors—colors that would hold, that would be just as good when the garment was thrown into the scrap heap, so far as the color itself was concerned, as it was when it first entered into the fabric.

England was not very well fortified in the manufacture of dyestuffs. England had been largely dependent upon the German chemists, just as we had been, but England had a lower wage scale than we had, and, as it was easier to obtain dyes from Germany than it was for the manufacturers of the United States, Great Britain had that advantage over the United States in the matter of overhead, and could make textiles cheaper than we could. On account of the long training and routine service of the workmen, she was able to turn out better goods, sometimes, than were turned out in the United States, because of the changing conditions here.

But the war proved up the necessity of establishing an independent dye output in England, and England proceeded at once after the war was declared in Europe to attempt at least to make herself independent of Germany in this respect. Large manufacturers in England, operating under the board of trade, which is substantially a Government department, were subsidized out of the British treasury and encouraged to establish dye works. It is said that England to-day is fairly independent of Germany, and can take care of her own necessities with reference to dyestuffs.

In the United States we were worse off; but our chemists were energetic. They were ambitious to outwit the Germans and do their part in a patriotic way. They were industrious, and they aided materially in the upbuilding of the industry in the United States. Their advancement in this regard can not be discounted.

The Alien Property Custodian, Francis P. Garvan, successor of A. Mitchell Palmer, the Attorney General, became one of the most active proponents of the dye industry in the United States, and allied himself early with many of the chemists who were encouraging the manufacturers here. I refer to him thus early in these remarks because he is the author of the statement that we had built up the dye industry in the United States during the war until $400,000,000 was invested and until that $400,000,000 capital in dyestuffs served $3,000,000,000 worth of textile business. I shall refer to Mr. Garvan briefly a little later on.

The Schoelkopf concern was the nucleus for the development of such dye industries as grew up here during the war. There were several independent concerns around Newark, N. J. There was a Buffalo plant, and there was one plant down in Tennessee. They began to sell stock. Eventually there was a consolidation of most of those companies, including the Schoelkopf concern, and they enlisted under the banner of the National Aniline & Chemical Co. Then the Du Ponts, who were

large manufacturers of powder and high explosives, became interested in the manufacture of dyes, and I think they also began to dispose of stock. The stock of the National Aniline & Chemical Co. was on the market. I think some of it is still upon the market, and it may be that the stock issued by these consolidated companies has something to do with the Garvan estimate of $400,000,000 actually invested in dye enterprises now in the United States. And $400,000,000 invested in the United States, if it be invested, and is a legitimate investment, is about a stand-off for the total amount said to be invested in the chemical industry in Germany. Therefore if the statement of these gentlemen interested in the dye business be true with regard to assets, liabilities, and capital stock, and stock put upon the market, the United States to-day ought to be on even terms with the manufacturers of dyestuffs in Germany, subsidized though they may be, although I doubt if they are.

Now, those of us who are opposing the licensing feature in this bill have no objection whatever to the rates fixed in the Longworth bill, which are in excess of the rates fixed in the existing law, known as the Hill bill when it passed the House. We have no objection whatever to the rates. We believe that these rates are not only sufficiently high to protect everything that is manufactured in the United States in the way of dyestuffs, but that they are positively prohibitive.

Mr. BUTLER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Pennsylvania.

Mr. BUTLER. The gentleman is very well acquainted with my constituency, and I want to convey to him the information they have sent to me, that while they fear this licensing provision for reasons that I will endeavor to give a little later on they are perfectly satisfied with the tariff rates suggested in the Longworth bill and ask to have them imposed.

Mr. MOORE of Pennsylvania. I will say to the gentleman that that is the consensus of the judgment of the textile industry of the United States, as I understand it. They do not object to the highest possible tariff rates being levied upon every one of these dyestuffs and these intermediates, but they do resent the notion that they must come to Washington every time they want to buy dyestuffs to get a permit to carry on their ordinary business.

Mr. BUTLER. Furthermore, Mr. Chairman, if the gentleman will permit, they wish me to state here that just as soon as Americans can produce this material that they use they are ready to buy the American dyestuffs, but up to this time they have not been able to get them and can not get them now, and can not get them for years to come.

Mr. MOORE of Pennsylvania. The gentleman's statement is correct. I have a number of constituents who are in exactly the same position as those represented by the gentleman. They can not obtain the particular fast colors that they have been accustomed to use, which are absolutely essential to hold the trade which they now have. In other words, they have designers, they have men who map out styles of garments they are going to put upon the market. They want the colors which they expect will cater to the public taste. They are specialists in their line, and upon their specialities they prosper; but the moment they can not obtain the dyestuffs that will permit them to make good to their customers, then their business leaves them.

Mr. BUTLER. They lose it through competition with others.

Mr. MOORE of Pennsylvania. They are unable to carry on their ordinary, normal lines of business.

Mr. MERRITT. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Connecticut.

Mr. MERRITT. Is the gentleman going to explain the relation of the Chemical Foundation to this before he gets through?

Mr. MOORE of Pennsylvania. I hope so. I hope I shall have time to do that. But with respect to the question asked me by the gentleman from Pennsylvania [Mr. BUTLER] as to whether with this boasted $400,000,000 of capital in the United States we are able to produce dyestuffs here, I have already indicated that that $400,000,000 is said to be about the amount that the Germans have invested in their great enterprises, and that this, if true, would put us on a par so far as capital is concerned.

Mr. LAYTON. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Delaware.

Mr. LAYTON. The gentleman doubtless has in his mind this fact: You might have $1,000,000,000 invested in the manufacture of dyes, but if you have not got the brains, if you have not got the chemists, if you have not got the knowledge of occult and secret processes, and of synthetic and analytical chemistry, it can only be developed by long years, and your dollars do not count.

Mr. MOORE of Pennsylvania. The gentleman does not abash me at all by that statement, because if, having that special knowledge and that occult discernment which the gentleman has indicated, I have built up my business and am entitled to have a return upon my business because I am versed in it I should not be compelled to go to a licensing commission in Washington and lay all my plans before it before I can do business, especially if the commission is made up of my competitors.

Mr. LAYTON. I am not saying that you should.

Mr. MOORE of Pennsylvania. I thought the gentleman was criticizing my statement.

Mr. LAYTON. Not at all.

Mr. MOORE of Pennsylvania. I want to protect the man who has the brains and original thought, and the man who has a business of his own, so that he may do business without having to go and lay all the details of it before a business rival, who may happen to be on a board here at Washington, to pass on the question whether he shall have the privilege of obtaining his raw materials. But with respect to the question asked by the gentleman from Pennsylvania [Mr. BUTLER], here is an extract from the prospectus of the National Aniline & Chemical Co. when it was putting its stock on the market, when it was rather boastful of what he could do after it had absorbed its competitors in the United States and put them into one big consolidated company, and when it so far succeeded that the Du Ponts were the only other large concern able to rival them in the United States. It said then—this was only within a year:

> The Germans will enjoy no supply of raw materials or intermediates which the National Co. does not now possess. With the depreciated currency and the labor unrest in Germany, it is not to be expected that the labor costs of the German manufacturers in the future will be proportionately as low as in the past. With the protective tariff on dyestuffs and the exclusions steps taken by the Alien Property Custodian, the National Co. certainly has no cause to fear German competition for some time to come.
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> Under the tariff act of September 8, 1916, all finished dyes are taxed 30 per cent ad valorem and 5 cents a pound specific duty, with a reduction each year after 1921 in the specific duty of 1 cent a pound. Intermediates are taxed under that law 15 per cent ad valorem and 2½ cents a pound specific duty, with a reduction of one-half cent a pound per year after 1921. Raw materials are admitted free of duty. On dyes worth $1 a pound, this duty would amount to 35 cents a pound.
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> The Chemical Foundation (Inc.) has been organized by the Alien Property Custodian with a capital stock of $500,000, and has acquired title to about 4,500 patents on processes and products covering all kinds of dyes and other chemicals which were registered in the United States by Germans or other alien enemies. The Chemical Foundation (Inc.) will issue nonexclusive licenses to American manufacturers to use these patents on a moderate royalty basis, and will protect all holders of licenses under these patents from the manufacture in the United States or the importation into the United States of all dyes or other chemicals made in any other country in the world under processes which infringe on the patents to which the Chemical Foundation holds title.

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. They were selling stock when that prospectus went out, and they were insisting that they had every secret that Germany had, and that with the protection of the Alien Property Custodian, concerning whom I shall speak later, they were prepared to meet all American demands. Yet in spite of that fact and the fact, according to Mr. Garvan, that they and others have $400,000,000 invested, they will want to prevent men doing business in the United States in the ordinary, legitimate, and normal way unless such men come down here to a Government commission, which will be made up very largely of men who have stood for this law, before they can get a permit to go and do business.

Mr. BUTLER. A permit from their rivals in business.

Mr. MOORE of Pennsylvania. From their rivals in business. That has happened throughout this entire war, and is one of the curses of this commission system, which we can not too speedily abolish in the United States. If the President of the United States were to declare by proclamation, as he is authorized to do in a number of bills which this House has passed, that a state of war with Germany no longer exists, a proclamation he might well issue at the present time, we would not only save this country millions of dollars, but we would wipe out these annoying commissions that are hamstringing business in the United States to-day.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. LONGWORTH. Does the gentleman mean that doing business in a "legitimate way" means buying all of our dyes in Germany?

Mr. MOORE of Pennsylvania. Not at all. That has been another one of the recourses of those who have been advocating this bill—that any man, particularly any Member of the American Congress, who dares to say that an American monopoly will be fostered if you pass a law like this is un-American. It is far afield to suggest any such thing; it is too late to raise that question now. We are entering into competition with the world, and we are going to do business and have competition among ourselves.

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield.

Mr. EVANS of Nebraska. Were the statements read by the gentleman from Pennsylvania as to the aniline claims true in fact, or does the gentleman know?

Mr. MOORE of Pennsylvania. The company put them out. The company is responsible for the statements. But I say to the gentleman—he possibly may not have heard me—that I take that statement and a number of others from the dye propagandists with a grain of salt, as some of them were selling stock to the public. They claimed to be prepared to meet in business any possible German competition, because, as has been stated, with the shield of the Alien Property Custodian thrown around them they would be able to supply the American demands and thus snap their fingers at German competition.

Mr. BUTLER. What is the date of that prospectus?

Mr. MOORE of Pennsylvania. Because of coming down suddenly this morning, I am unable to locate it now. It was issued within the year, however.

Mr. BUTLER. My constituents say they positively can not buy this material from these people or anywhere else.

Mr. MOORE of Pennsylvania. Then those who issued this prospectus may have fallen down.

Mr. BUTLER. They have.

Mr. MOORE of Pennsylvania. And having fallen down in their promise to give American manufacturers dyestuffs, they now ask for a licensing commission which will enable them to check up every American manufacturer who wants to get any dyestuffs from abroad.

Mr. JUUL. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. JUUL. I would like to know from the gentleman what he thinks of the legality and the propriety of having a number of organizations outside of this Congress nominate and create the commission, binding American citizens in the transaction of their business.

Mr. MOORE of Pennsylvania. I am very much opposed to it, because it is partial, it is special, it is in the nature of a privilege which ought not to be. This Congress should not delegate powers to a number of voluntary associations to exercise administrative functions which properly belong to an officer of the Government.

Mr. JUUL. Has the gentleman any suggestion to offer how a commission might be created that would be proper, according to his notions?

Mr. MOORE of Pennsylvania. If we want a commission—and I am opposed to all commissions in this connection—you might delegate this power to the Department of Commerce or to one of its bureaus.

Mr. BUTLER. But not to your competitors in business.

Mr. MOORE of Pennsylvania. That is the objection to it. I say to the gentleman that this present scheme was an afterthought. This bill came before the Ways and Means Committee in more forms than one. It was proposed at first that this commission should have arbitrary power. It was to say whether your constituents coming down from Chester, Pa., seeking a certain license for a certain kind of dyestuff which could not be obtained in the United States should or should not have it. It was to determine rates and prices and quantities, and to have power for a long term of years. You were to be dependent upon it for the price you were going to pay. And that was important, for I suggest now that one of the real reasons for the passage of this bill is to enable those in the United States who have got or expect to get about $10,000,000 worth of contracts for a certain kind of indigo blue to hold the price to 75 cents a pound when it could be had abroad at 13 cents a pound. Pretty good business that, when the commission is friendly.

Mr. BUTLER. Will the gentleman permit me?

Mr. MOORE of Pennsylvania. Yes.

Mr. BUTLER. My constituents say that it is pretended that every dollar of the stuff is made in the United States and can be sold as made in the United States. My constituents say that it is not the kind of material they can use, because they must guarantee the colors.

Mr. MOORE of Pennsylvania. The blues go into workingmen's overalls. Suppose the gentleman votes to-day to create a licensing commission which is in favor of holding a particular dyestuff up to $10 a pound in the United States when it can be had in copious quantities in foreign countries at $1 a pound. Is not the gentleman voting against the interests of his constituents?

Mr. BUTLER. Yes; but I do not like to vote against a tariff bill.

Mr. MOORE of Pennsylvania. Then vote to strike out the licensing provision. Does not the gentleman see that a commission which has the power to say whether or not a man shall have a license would be somewhat influential if the foreign price is very low and the American price is inordinately and monopolistically high, and that they could put the gentleman's constituents out of business?

Mr. LONGWORTH. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. LONGWORTH. Does the gentleman believe that it is within the bounds of possibility that a commission of consumers of dyes would attempt to hold any dye as high as $10 a pound, or at any such figure?

Mr. MOORE of Pennsylvania. I was using hypothetical figures, although I did in my original remarks, just prior to the question by the gentleman from Ohio, say that I had been informed that a certain indigo blue was being held at 75 cents a pound, whereas it could be secured abroad at 13 cents a pound. You can apply the proportions to higher grades.

Mr. LONGWORTH. The gentleman has not answered my question, which is, Does the gentleman believe that this would be a commission whose interest it would be to uphold the price of dyes, whereas, as a matter of fact, under the circumstances the majority of the commission would consist of dye users and not dye makers?

Mr. MOORE of Pennsylvania. I answer the gentleman in this way to best understand the question. It happened coming down on the train from Philadelphia this morning that a gentleman talked with me about another matter, not dyestuffs. He was very much concerned because he had purchased about $15,000 worth of a certain raw material in England and wanted to dispose of it here. He had been told that he would have to come to Washington to get a license, and he presumed that he would have to go to the State Department to do that. I told him I thought that was so; that the War Trade Board, one of "the floating kidneys" of the war administration, had been transferred to the State Department. When I asked him about the material, it developed that it was a drug the output of which is controlled by three large concerns in the United States, which obtain for it $9 an ounce, duty paid. I was informed it could be brought in from England, duty paid, at $7 an ounce. It appeared that the American concerns were interested in the administration here under War Trade Board conditions, and that they also had an agent in England. But the independent buyer was expected to obtain a license to get his goods into this country from those who thus "commissioned" the output. That is substantially the situation with regard to dyestuffs.

Mr. LONGWORTH. The gentleman has not answered my question. Does the gentleman believe that any commission formed under this act, where six are consumers of dyes and only four manufacturers—that there would be a tendency in that commission to unduly enhance the price of dyes, if it had the power?

Mr. MOORE of Pennsylvania. It is possible.

Mr. LONGWORTH. Does the gentleman think that would be the tendency, to raise the price of dyes?

Mr. MOORE of Pennsylvania. Let me ask the gentleman this—3 of the 11 members of the commission are to come from the American Dyes Institute. How many members are there in the institute?

Mr. LONGWORTH. Fifty.

Mr. MOORE of Pennsylvania. Fifty members, and they have 3 out of the 11 members on this commission. I want the gentleman to hold that for a moment.

Mr. LONGWORTH. I am holding it.

Mr. MOORE of Pennsylvania. Let me ask the gentleman if the American Dyes Institute is not made up of men interested only in the manufacture of dyes?

Mr. LONGWORTH. Surely.

Mr. MOORE of Pennsylvania. And they are to get three members of this commission?

Mr. LONGWORTH. Yes.

Mr. MOORE of Pennsylvania. Is the gentleman familiar with the National Association of Hosiery and Underwear Manufacturers?

Mr. LONGWORTH. I know that.

Mr. MOORE of Pennsylvania. They have seven or eight hundred members, every one of them users of dyes, who must purchase from the 50 members of the American Dyes Institute, and their business amounts to three-quarters of a billion dollars at least.

Mr. LONGWORTH. But the gentleman is begging the question.

Mr. MOORE of Pennsylvania. They must buy from the members of the commission, who were authorized by the Government to say whether they shall get dyestuffs or not, and at what price, and in what quantity.

Mr. LONGWORTH. But the gentleman has not answered my question yet. The vote is six to four——

Mr. MOORE of Pennsylvania. Does the gentleman know whether the Carpet Association of America is on this commission?

Mr. LONGWORTH. It makes no difference——

Mr. MOORE of Pennsylvania. If the National Association of Hosiery and Underwear Manufacturers is not represented on this commission——

Mr. LONGWORTH. No. But the dye users have 6 out of 10 votes. Is it to the interest of the dye users generally to make the price of dyes as high as possible?

Mr. MOORE of Pennsylvania. It is not to the interest of the dye manufacturers to fix the price as high as possible.

Mr. LONGWORTH. Is it to the interest of the dye users to have——

Mr. MOORE of Pennsylvania. It is not to the interest of the dye user to make the price as high as possible, no.

Mr. LONGWORTH. That is the only question I asked.

Mr. MOORE of Pennsylvania. Will the gentleman answer this: In whose interest is this bill being pressed? In the interest of the manufacturer or the dye consumer?

Mr. LONGWORTH. In the interest of the dye manufacturer, of course, and it is to prevent the dye manufacturers of this country from being thrown out of business by German competition.

Mr. SMITH of Illinois. Who wants the commission, the consumer or the dye manufacturer?

Mr. MOORE of Pennsylvania. I will answer that point because it is the only thing the gentleman has to cling to. The same old fear, notwithstanding the boasts that the American chemist now is on a par with the German chemist, with the same amount of capital and business, that we have consolidated our companies, the same old argument to keep up prices in the United States in the interest of the small companies that are now consolidated or dominating the dye industry, is that there will be German competition. Is the gentleman sure that there will not be a fierce British competition in textile manufactures and German textiles because we have not got the dyes to compete with them?

Mr. LONGWORTH. There is this substantial difference, I will say to the gentleman, between the situation to-day and the competition between this country and Germany that there was some time before the war: Before the war be had one dye concern in this country as against the big six of Germany. To-day we have 77 or more different dye producers in this country as against 1 in Germany.

Mr. MOORE of Pennsylvania. And I will ask the gentleman this: He is admitting that the American Dyes Institute, a new concern, dominated almost exclusively by the gentleman to whom Mr. FORDNEY refers, Mr. Poucher, of Du Ponts, was organized solely in the interest of the dye producers, the dye makers, the men who sell to the rest of us. Suppose we grant the extravagant claims of the dye manufacturers that they have $400,000,000 invested, which is questionable, and then we concede that Mr. Garvan, their particular friend, is right when he says the dye users in the United States represent $3,000,000,000. Is it fair to give the 50 Dyes Institute members 3 members of the commission, and the $3,000,000,000 of business only the remaining 7? Is that a fair proportion? I do not think the gentleman can answer that question successfully. That is too unfair a proportion, but that proportion represents the spirit of those who have been thrusting this bill upon the Congress, altering it from month to month, changing its features and its terms until they almost admit in the windup that those of us who oppose the licensing system are right, and that the licensing system is only in the interest of a monopoly and not in the interest of protection to American industry. I ask the gentleman from Ohio whether it is not true that the tariff rates fixed in the Longworth bill, according to every witness who appeared before the Committee on Ways and Means, are sufficient in the way of protection?

Mr. LONGWORTH. They will be sufficient, in my judgment and in the judgment of most of the witnesses before the committee, if in the next two years we can prevent the destruction of the American chemical industry, but they would not be sufficient if multiplied by two, in my judgment, to prevent the present German dumping of dyes in order to put our dye manufacturers out of business.

Mr. MOORE of Pennsylvania. Well, is it not a fair inference that while these consolidated companies are disposing of their stock, while they are fighting to keep up their rates and retain a war strangle hold upon the manufacturer who is bound to use the dyes if he is going to have a successful business—is it not a fair inference that these men are willing that certain mills shall close and their operations shall cease for want of dyestuffs that American manufacturers do not produce rather than let go this license commission to which they are wedded? As I see it those who want this license system are perfectly willing to permit certain manufacturing establishments to close rather than let them get the raw materials they need to go on with their business. That is a kind of monopoly I do not stand for. I am a protectionist, a reasonably high protectionist, but I do not stand and hope never to stand for a protection which spells monopoly to beat out competition and make inordinate profits for a few.

Mr. LAYTON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman.

Mr. LAYTON. If I apprehend this bill properly the object of it is to establish primarily the dye industry in the United States.

If that is the primary object, what was the object in putting the granting of licenses in the hands of the users of dyes? It seems to me that if you are going to protect the dye industry in the United States, to put the granting of licenses into the hands of those who use the dyes in order to enable them to import vast quantities of the foreign-made dyes, making it possible for them alone to say how much shall be brought in and how little shall be brought in, the licensing system defeats the primary object of the law you are about to enact, unless there is a "nigger in the woodpile."

Mr. MOORE of Pennsylvania. I really did not get the gentleman's question.

Mr. LONGWORTH. I will answer the question later. I do not want to take the time of the gentleman from Pennsylvania.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. CHINDBLOM. I find that the hearings relate to the bills H. R. 2706 and H. R. 6495. Is the present bill a substitute for those?

Mr. MOORE of Pennsylvania. The present bill is the residuum of a series of bills introduced from time to time. The original bills were much more drastic than this. In the Ways and Means Committee many of the provisions of the licensing system were cut down and cut out. But a skeleton remains, and we are trying to complete the job now by eliminating that skeleton. It ought not to be in the bill. Sufficient protection is permitted to the dyestuff industry and manufactures in the preceding paragraph. The licensing feature is a brand new proposition, tacked upon a tariff bill, something unheard of in economic legislation in the United States except in war times.

Mr. CHINDBLOM. Have hearings been held specifically on the bill H. R. 8078?

Mr. MOORE of Pennsylvania. They were held as we ran along, but several different bills were introduced. And I will tell how some of these new bills came in.

The agitation for this licensing commission apparently did not originate with the distinguished gentleman from Ohio [Mr. LONGWORTH], whose name is attached to the bill. It seems to have generated in the office of the Alien Property Custodian. It was unthought of before. It came about substantially in this way: We gave power to the Alien Property Custodian to seize enemy-owned property in the United States. The President had appointed Mr. Palmer, now the Attorney General, to be the Alien Property Custodian. He undertook his work with gusto. He employed attorneys and experts and bookkeepers and investigators ad libitum. He seized German property wherever it was to be found. He seized some property that was not alien property, but belonged to citizens, some of them natives of the United States. There are suits pending with regard to some of these seizures now. He found that some of the properties he took over were tremendously valu-

able. Indeed, the sum total of all his seizures amounted to approximately a billion dollars. He and his successor, Mr. Garvan, who was prime minister of his administration, laid great store upon the value of the dyestuff industry as it affected the textile industry, and laid heavier stress upon the fact that this dyestuff industry was indispensable for the purpose of prosecuting the war, being intensely patriotic on this subject all the time.

Finally it was discovered that over yonder in the Patent Office there were upward of 4,500 patents taken out by Germans in the regular way under our law, patents lawfully held by them. These the Alien Property Custodian seized. They were patents for the manufacture of about every kind of dyestuffs and intermediate known under the sun. If the Germans had superior knowledge on this subject, they had protected themselves by taking out patents in the United States, and the sum total of their knowledge was in that aggregation of patents over yonder which were protected by our American Patent Office trade-mark. We did not give Mr. Palmer power originally to dispose of property by private sale, but we did in a rider to one of our appropriation bills give him power to sell in certain instances, but to fortify himself he obtained from the President a very remarkable Executive order, which gave him the power to do almost anything he wanted to do, including the disposition of property at private sale, if he saw fit. And he began to sell at private sale. Some very large concerns were sold at private sale, some small ones were sold, both in this country and in our possessions. But when it came to these 4,500 patents over here, one of which alone, I have been informed, is worth a million dollars in royalties, the patent on salvarsan, a drug of very great use now in the Army and very important to the preservation of human life—as to those four thousand five hundred and odd patents, under the Executive order of the President, not signed by the President, but signed individually by Frank K. Polk, who probably had authorization from the President to make an Executive order, were sold at private sale to the Chemical Foundation (Inc.). Now, what was that?

It sounds big. It sounds like the Carnegie Foundation; like the Rockefeller Foundation; it sounds like some great, big philanthropic institution. But whence came this organization? It was born in the office of the Alien Property Custodian. The men who formed it were attached to the Alien Property Custodian's office, men who stood high in New York and other cities, some of them working for the Government for a dollar a year, but obtaining valuable information about alien property during the war as they went along. All patriotic; but they bought those patents for $250,000 at private sale. Nobody else had a chance to bid for them. It was done at the instance of Mr. Palmer, the Alien Property Custodian, under the Executive order of the President, signed by Frank K. Polk. Francis P. Garvan, then the power behind Mr. Palmer and now the Alien Property Custodian, became the president of that corporation. Mr. Joseph H. Choate, an energetic attorney from New York, became general counsel. He had been attached to the Alien Property Custodian's office. And I take my hat off to the activities, to the propaganda work, done by Mr. Garvan and by Mr. Palmer and by Mr. Choate in getting their enterprise before the public. They appeared before manufacturing associations; they went to some of these associations that are named here in the Longworth bill. They made speeches; they talked of the desire to crush the Germans. They told of the terrific influence the German property had exercised in this country; they told how they had seized it; how they proposed to drive the owner of it out; but, with regard to these patents, they said that was a philanthropic proposition——

Mr. BUTLER. Let me ask the gentleman a question.

Mr. MOORE of Pennsylvania. They proposed to conduct that corporation almost as a charity. They proposed to utilize these patents and issue them upon royalties, and get their money back in that way, but they did not propose to make any profits, although they were getting 6 per cent on the investment.

I yield to the gentleman from Pennsylvania.

Mr. BUTLER. Is this concern of which the gentleman speaks to be represented on this commission?

Mr. MOORE of Pennsylvania. No; it is not named. But that voluntary association, the Chemical Foundation (Inc.), chartered under the laws of the State of Delaware, had a very close connection with the Federal Trade Commission, which had certain powers granted it by Congress and certain other powers granted to it by the President under Executive order, and they rather swapped their ability to negotiate these patents.

They had their technical and their lawful terms for doing things, but the fact was that the acting president of the Federal Trade Commission during our hearings issued a circular to those who had taken patents on royalty asking whether they preferred to take their leases from the Federal Trade Commission or from the Chemical Foundation (Inc.), under the laws of Delaware, thus offering to deliver this business over to this private corporation, which was not to be conducted for profit, except the 6 per cent.

Now, these gentlemen went broadcast. Mr. Choate was eloquent. If you will read his testimony in the hearings you will find it is more like oratory than it is like evidence. You will find that he is a very able man; but he ran up against a number of snags as he went about, and so did Mr. Garvan. Mr. Choate appeared before a meeting of manufacturers in my city, and he urged the importance of the passage of a law that would protect the American dye manufacturers against the invasion of the German horde, and they cheered, because they believed in that sort of thing, and they signed his petition. When they signed the petition, or found it published down here after it came back to Washington, they found that they had signed for the highest possible tariff rates, which was all right, but that they had also signed for a license commission to cut their own throats and to put themselves in the hands of the men who made the stuff and who would require them to pay the price and get the quantities that the commission would permit them to have. Then they rebelled.

These speeches and this propaganda were carried over New England, and petitions were signed up there, and then came statements and petitions repudiating these clauses in favor of a licensing commission.

I have here a petition signed by hundreds of the leading manufacturers of eastern Pennsylvania, men representing large concerns and vast industrial wealth. It reads:

JULY 3, 1919.

To the CHAIRMAN AND MEMBERS OF THE
COMMITTEE ON WAYS AND MEANS,
House of Representatives, Washington, D. C.:

The undersigned textile manufacturers and textile dyers desire to protest against any legislation having for its purpose the requirement of licenses for the import of dyestuffs. We earnestly desire the development of a complete and independent domestic dye-manufacturing industry, but we believe that can be more certainly and securely attained by a system of protective import duties, antidumping legislation, and the enforcement by the Federal Trade Commission of laws against unfair competition than by any system of restrictive licensing.

License requirements, we believe, will seriously interfere with the operation of domestic industries which require colors not yet produced in the United States, and which will probably not be produced in commercial quantities for some time to come.

A protective tariff will encourage the development of domestic manufacture of these needed dyes but will not prevent nor hamper their importation during the period through which we must wait for the realization of an adequate domestic supply.

Mr. FAIRFIELD. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. I will not read the names of all these concerns, but they include the biggest in my vicinity.

Mr. FAIRFIELD. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. FAIRFIELD. I would like to know if there are enough dyestuffs of the kind used in manufacturing to-day to do the coloring necessary?

Mr. MOORE of Pennsylvania. There are certain fast dyes that can not yet be produced in the United States.

Mr. FAIRFIELD. I mean such as it is. They could furnish dyestuff, but not the fast dyes?

Mr. MOORE of Pennsylvania. These gentlemen of the Chemical Foundation, Inc., who represent this philanthropic concern which took over these 4,500 patents for $250,000 at private sale conducted by the Alien Property Custodian, have possession of the patents which produce the various fast colors that the people of this country want. But evidently they have not been produced here yet, or if produced here, by reason of the combination that has been formed, the price is so high as to be excessive.

Mr. FAIRFIELD. Then it will be that they can either furnish them or they will compel the use of inferior dyes?

Mr. MOORE of Pennsylvania. It may be.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent, Mr. Chairman, to extend and revise my remarks.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. BYRNES of South Carolina. Reserving the right to object, Mr. Chairman, will the gentleman tell the House whether he would vote for this bill if there is a license feature in it, or would he vote against it?

Mr. MOORE of Pennsylvania. I will not vote for the bill if the license feature is in it, because the license feature is an uncalled-for innovation, introduced on a tariff bill. It is a fungus that ought not to be there. Protection is provided in the bill itself to meet the requirements of the manufacturers of dyes in the United States, and, in addition, the War Trade Board, the Federal Trade Commission, and the President's war powers are all in force. They and the Allies' Supreme Council are sufficient to keep out unfair German dyes without creating a new commission to be paid for out of the United States Treasury. [Applause.]

Mr. Chairman, I submit herewith protests and resolutions against the licensing feature of the Longworth bill from the National Association of Hosiery and Underwear Manufacturers and from the Carpet Association of America:

PROTEST RESPECTFULLY ADDRESSED TO THE REPRESENTATIVES IN THE SIXTY-SIXTH CONGRESS BY THE NATIONAL ASSOCIATION OF HOSIERY AND UNDERWEAR MANUFACTURERS.

THE LONGWORTH BILL (H. R. 8078).

PHILADELPHIA, PA., *September 15, 1919.*

The National Association of Hosiery and Underwear Manufacturers respectfully asks your attention to a measure now pending before the House of Representatives, known as the Longworth bill, being H. R. 8078, which will shortly come up for debate and vote, and desires to emphatically and unqualifiedly register its opposition and protest against the provision in said bill to create and set up a so-called dye licensing commission, and hereby requests you most respectfully to vote against this portion of the bill, conformably to resolutions regularly adopted, and which are herewith quoted:

"*Resolved*, That we, the officers, board of directors, and advisory board of the National Association of Hosiery and Underwear Manufacturers in meeting assembled in Atlantic City, N. J., this 26th day of July, 1919, recommend that adequate protection be given to the dyestuffs industry by a protective tariff, instead by a licensing system.

—

"*Resolved*, That we, the Pennsylvania Division of the National Association of Hosiery and Underwear Manufacturers, in meeting assembled this 9th day of August, 1919, in Hamburg, Pa., oppose the passage by Congress of House bill 8078 (the Longworth bill) unless the provision for the creation of a dye licensing commission be eliminated; and

"*Resolved*, That we recommend that adequate protection be given to the dye industry of the United States by protective tariff instead of a licensing commission."

—

The following was adopted at a meeting of southern knit goods manufacturers, duly called by the president of the National Association of Hosiery and Underwear Manufacturers, and held at Whittle Springs, near the city of Knoxville, Tenn., on September 9, 1919:

"Whereas industry to be permanent and stable must be free from all abnormal restrictions and governed by the natural law of supply and demand: Now, therefore, be it

"*Resolved*, That we oppose the proposed dye licensing commission as being opposed to all sound principles of business, and especially those principles of American independence in trade upon which our industries have traditionally grown and prospered."

NOTE.—Each of the meetings at which the action above expressed was taken was duly called and was truly representative, in personnel and numbers, of the knitting industry of the United States.

The National Association of Hosiery and Underwear Manufacturers is heartily in favor of giving full and proper protection to the American dye-manufacturing industry; but it believes that this is amply provided for by the tariff feature of this bill, without adding thereto the secondary and hitherto unheard-of plan of absolutely prohibiting the importation of any dyes into this country unless passed upon previously and allowed by a dye-licensing commission.

Such a commission would be an artificial and unjustifiable restraint upon legitimate business; would increase the cost of doing business; would serve to complicate the methods of doing business which already need simplification; would, it is believed, in its practical workings, lead to favoritism and privileges; be cumbersome, embarrassing, entangling, unsatisfactory, uncertain, disturbing, distressing, and burdensome; cause loss of time and loss of business, and engender business precariousness of various sorts; would open a way for the betrayal of trade secrets, wire pulling, unfair trade practices, the offering of shoddy goods to the public, and would be surrounded by red tape, restrictions, and hamperings of many kinds; would tend inevitably to a monopoly of the American dye industry, all resulting, so far as the user, consumer, and general public are concerned, in trade repression, depression, strangulation, contraction, and cessation. Besides, such a commission would be a decided innovation in normal American business life, without any good and compelling justification being shown theretofore, and the significance and importance of which, with its manifold and potential dangers, is far-reaching, and should not be underestimated.

The National Association of Hosiery and Underwear Manufacturers is composed of some 800 individuals, firms, and corporations, some engaged in manufacturing and marketing textile goods, such as hosiery, underwear, sweaters, gloves, shawls, etc., and others in making textile machinery. Its members engaged in the manufacture of knit goods employ operatives in factories scattered over the entire United States, having an aggregate capital of hundreds of millions of dollars and paying annually in salaries and wages many millions of dollars. The products of the knitting industry of the United States distributed annually have a value (at the source of production) of more than three-quarters of a billion dollars, and there is disbursed in salaries and wages in excess of $196,500,000 annually.

Hosiery alone, amounting to 73,340,268 pairs, valued at $20,034,064, was exported from the United States during the first seven months of the present year, and it is apparent that the demand for hosiery and all classes of knit goods for export will increase with the gradual restoration of normal markets throughout the world. But, unless the manufacturers in the United States shall be enabled to obtain such colors and shades of dyes as may be required by their customers in foreign markets and which are being offered to their competitors in other countries, they will be seriously interrupted in the expansion of their foreign trade, and will be threatened with disaster to their business if for any reason the outlet for production in excess of domestic requirements suffer interference such as would be invited by the maintaining of a commission with discretionary power to limit importations of dyestuffs as to character or quantity.

If the knitted-goods manufacturers of the United States do not have free access to the colors and shades of dyes produced in other countries, knitted goods manufactured in such countries will be poured into the markets of the United States, in response to demands for dyeing known to be fast, and in colors which are not and for some years may not be obtainable from manufacturers in the United States, the knitting industry being thus threatened with competition at its very doors that would be difficult to meet. Unless a dye commission restricted importations of dyestuffs there would be no occasion for its creation. If it did, the knitting industry would suffer to a greater extent than would the dyestuffs industry were it to depend solely on adequate tariff for protection.

The National Association of Hosiery and Underwear Manufacturers has submitted its views as to the undsirability of having a dye-licensing commission, by special circular letter to possibly all of its members engaged in the manufacture of knitted goods, and, upon request, to persons, firms, and corporations comprising commercial dyers, and manufacturers of hats and paper and leather products, and other consumers of dyes, numbers of whom, of their own volition, since have filed with the association their disapproval of the proposal for a dye licensing commission, the signatures of protestants being affixed to cards of which the following is a copy:

"VOTE AGAINST COMMISSION INTERFERENCE WITH THE LEGITIMATE BUSINESS PURSUITS OF UNITED STATES TEXTILE MANUFACTURERS.

"I (or) we desire to be recorded as opposing any legislation for creating a dye licensing commission, as provided for in H. R. 8078 (the Longworth bill), believing that there ought to be no restrictions on the purchase of dyestuffs not available from manufacturers in the United States.

"I (or) we believe the United States dyestuff industry ought to be given adequate protection by a protective tariff such as would be designed to safeguard dyes manufactured in the United States from unprofitable competition with foreign-made dyes.

"(Signed) ——— ———.
"(For) ——— ———."

The names of approximately 300 reputable persons, firms, and corporations protesting through the National Association of Hosiery and Underwear Manufacturers against the establishing or creation of a dye-licensing commission are authorized by them to be hereto appended, and are made a part of this protest of the National Association of Hosiery and Underwear Manufacturers, together with an affidavit of the secretary that they are on file in the office of the association.

All of which is respectfully submitted.

C. B. CARTER, *Secretary.*

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[The Carpet Association of America (Inc.). Madison Square Hotel, 37 Madison Avenue, 38 East Twenty-sixth Street, New York, an association of manufacturers, importers, and merchants engaged in the wholesale and retail floor-covering business of America.]

EXTRACT FROM THE MINUTES OF A MEETING OF THE BOARD OF GOVERNORS OF THE CARPET ASSOCIATION OF AMERICA HELD AT THE CITY OF NEW YORK SEPTEMBER 8, 1919.

The president then directed the attention of the meeting to proposed legislation now pending before Congress relating to the importation of dyes and the protection of American manufacturers of dyestuffs, and recommended that some action be taken giving expression of the attitude of this association with respect to the proposed legislation embodied in House bill 8078.

This was followed by a full and free discussion of the dyestuff situation, and thereon the following resolution was proposed and unanimously approved and adopted:

"*Resolved*, That the board of governors of the Carpet Association of America hereby expresses its hearty appreciation of the remarkable progress recently made in the manufacture of dyestuffs in this country and its desire to cooperate with American manufacturers in the promotion and continuation of this industry, which has been developed with such laudable energy and skill during the war against Germany.

"*Resolved further*, That this board records its approval of liberal protective tariff rates upon imported dyes, whether in ad valorem or specific duties, so that this important and successful industry may be fully protected, promoted, and sustained in our country; and commends the protective features provided by the tariff rates in the Longworth bill now pending before Congress.

"*Resolved further*, That this board views with apprehension the injuries which would undoubtedly result to the floor-covering industry from an an enactment into law of those provisions in House bill 8078 which provides for an embargo against the importation from any country whatsoever of any foreign-made dyes except under a system of restrictive licensing to be controlled by a commission provided for in the bill; and accordingly briefly summarizes the reasons for its emphatic objections to such provisions as follows:

"1. A number of dyes required in floor-covering manufacture are not yet produced in the United States, and until they are produced in adequate amounts they must be imported.

"2. A licensing system must inevitably be attended by delays, complications, and uncertainties which would seriously impede and confuse the floor-covering manufacturers.

"3. Adequate protection to the American manufacturers of dyestuffs is apparently already provided for in the high tariff rates proposed. If they are not adequate, they could be increased.

"4. Under the terms of the peace treaty control of the prices of German products is given to a reparation commission.

"5. The proposed "antidumping" legislation, which is likely to be enacted at the present session of Congress, will provide additional barriers to foreign competition.

"*Resolved further*, That copies of these resolutions be forwarded to appropriate committees of Congress having consideration of the proposed legislation, and that members of this association be requested to communicate with their representatives in the House of Representatives and the Senate of the United States urging their assistance in eliminating from the Longworth bill the objectionable features above set forth."

Mr. GREEN of Iowa. Mr. Chairman, I yield the remainder of the time on this side to the gentleman from North Dakota [Mr. YOUNG].

The CHAIRMAN. The gentleman from North Dakota is recognized.

Mr. KITCHIN. Mr. Chairman, how much time has the gentleman been granted?

The CHAIRMAN. Thirty minutes.

Mr. KITCHIN. I yield him eight minutes.

The CHAIRMAN. That makes 38 minutes.

Mr. YOUNG of North Dakota. Mr. Chairman, I want to compliment the gentleman who introduced this bill, the gentleman from Ohio [Mr. LONGWORTH], for his very able and complete address yesterday covering this entire question.

I think it will be agreed that practically all of us favor a tariff duty upon dyestuffs, and we are also in favor, I think, of making that duty sufficiently high. We are in favor of a good, liberal duty. We are in favor of the duties carried in this bill. But some of us are opposed to the proposition of a licensing board. We are opposed to that on principle. This bill, I believe, has been carefully drawn, and if these particular paragraphs referring to the licensing board were eliminated, my impression is that the bill would receive very general support in this House.

The war is practically over now, and while licensing boards were tolerated during the war and could be defended during the war, now that we are entering a peace period I do not believe that any licensing board is justifiable. The gentleman from Michigan [Mr. FORDNEY] and the gentleman from Pennsylvania [Mr. MOORE] have told how the licensing boards worked during the war, and they have explained very thoroughly the great annoyance to business throughout the country occasioned by these various boards.

There is just one feature about these licensing boards which they have not mentioned, and that is the expense that small concerns were sometimes put to in order to present their matters to these boards in Washington. It is well known that in order to get action business concerns were compelled to employ lawyers, usually high-priced lawyers, to get results. Certain lawyers who were thought to have a drag, either with certain boards or otherwise, were employed to present the applications of business concerns. Now, to a big concern it was a trifling matter to hire a lawyer and pay him a good fee, but I have personal knowledge of cases where small concerns were compelled to pay out attorneys' fees that they could not at all afford to pay.

I think we shall all have to agree that the dye used in any garment is simply an incident, so far as cost goes. The question of the price, the value of the dyestuff that will be used in any garment that we are ever likely to buy will never amount to much, and the cost difference between one plan and any other plan would be trifling. But the quality is everything. I do not represent any manufacturers here, and so far as I know there is nobody in my congressional district manufacturing anything that dyes need to be used for. But like many of you sitting here, I represent the ultimate consumer. I represent the ordinary man and the ordinary woman who walk into a retail store to buy goods.

We all know that the prices of the various articles in the stores now are pretty high. It is a rare thing that anybody makes a speech here now when a reference is not made to the high cost of living. I think there are some gentlemen sitting here who wear suits of clothes that cost perhaps as much as $100.

Mr. BUTLER. They ought not to be here.

Mr. YOUNG of North Dakota. I really think there are not many. The dye used in a suit of clothes costs very little. I do not think any of us will quibble on the amount of the protection. We are willing to let them have all the protection they need in order to establish this industry. The difference in the cost of any suit of clothes will amount to very little. But if my friend from Pennsylvania [Mr. BUTLER] goes down here and pays $50 for a suit of clothes and finds that by reason of poor dyes the suit is no good, then it is a very serious matter.

Mr. BUTLER. Mr. Chairman, will it disturb the gentleman if I make a brief statement?

Mr. YOUNG of North Dakota. No. I yield to the gentleman.

Mr. BUTLER. The concern of my constituents is not as to the amount of duty. They are perfectly willing to pay the duty. Their concern is as to the quality of the dyestuffs which they can get.

Mr. YOUNG of North Dakota. My friend is no more concerned about the quality of the dyestuffs than are the farmers and the villagers in my State.

Mr. BUTLER. Is not everyone who wears any sort of material concerned in the stability of the colors, and is it not absolutely necessary that the colors should be fast?

Mr. YOUNG of North Dakota. Absolutely necessary. It is a tremendously serious proposition. When I say this to you, gentlemen, I am only telling you what you know already if you have been talking to your wife. I tell you that the prices being charged now for anything that you have to buy in a dry goods store are very high, and after paying a big price you very often, and practically in all cases, get something of little value.

Mr. HUSTED. Will the gentleman yield?

Mr. YOUNG of North Dakota. In just a minute I will. At our house we have a number of articles that Mrs. Young put aside and let me examine, and I brought them down to the committee room and let the members of the committee examine, stating the number of times they had been washed, and showing just exactly what washing did to them. One suit that I did not bring down to the committee room cost a good sum of money. It was purchased and made to order at one of the best stores in Washington, yet the dye ran so badly as to destroy the underwear, and after being worn now occasionally during the past three months, the garment itself from the outside shows that the dyes are not good, and in a short time it will have to be discarded or else the wearer of it will, when going down town, be ashamed of it. I could add to this list many other articles. I am simply mentioning this to show that the quality of the dyestuffs means just as much to a man living 20 miles from the railroad in North Dakota as it does to the man who wrote that letter that the gentleman [Mr. BUTLER] has in his hand.

Mr. BUTLER. And that is the manufacturer himself.

Mr. YOUNG of North Dakota. He can not keep his business if he puts out a poor product.

Mr. BUTLER. He can not.

Mr. YOUNG of North Dakota. A man may have been in business for a hundred years——

Mr. BUTLER. This concern has been established for more than 50 years, and in making this statement I am making it unselfishly. I never was in this mill, but I know where it stands. It has employed from 500 to 1,000 men and women and has always been running for the last 50 years. This man says unless he can get a certain kind of dye, made in a certain way and up to a certain standard, he can not operate his mill. He says that for several years the Americans have promised him dyestuffs, but he can not get them.

Mr. YOUNG of North Dakota. That simply means that a man may have been in business for 50 years, as this man has, or he may have succeeded his father who was in business before him, and his concern may have been running for 100 years and have built up a reputation based on the quality of goods that it has produced, goods that would stand up, which people, when they purchased, found would wear; and that concern, with a reputation which has grown and been built up during a century of good work, can lose that reputation in six months under this bill.

Mr. BUTLER. I do not think it is fair to my constituents to compel them to have to come down here to Washington and fondle and kiss and hug any member of any commission in order to be able to do business.

Mr. YOUNG of North Dakota. I do not think it is; and I want to say that the people of the United States may have to stand for this, because we may not have enough votes to amend the bill.

It may be that my constituents will have to buy goods dyed with inferior dyes, whether they are of any value or not. No matter how much money it costs, no matter how many suits are destroyed, no matter how many dresses are destroyed, no matter how much good hosiery is destroyed, by the use of poor dyes, it may be that they will have to stand it and these concerns will continue to sell to us, but they can not sell anything in South America in competition with similar goods made in Great Britain or other countries where they have access to good dyes.

It seems to me that this is a plain, everyday, ordinary business proposition and that we can not afford to build up one industry and at the same time destroy a great many others that have much more money invested and which mean more to the success and well-being of our own country.

Mr. LAYTON. Will the gentleman yield?

Mr. YOUNG of North Dakota. Yes.

Mr. LAYTON. I am an inquirer after knowledge. It seems to me that as far as this discussion has gone there is a dispute; one side claims that this commission would prevent the importation of dyes, and therefore prevent the manufacturer from getting what dyes he wants, while the other asserts that they, being manufacturers themselves engaged in the manufacturing business, will open the doors and let all sorts of importations into this country. Now, where is "the nigger in

the woodpile"? On the face of it I will admit that if you stand for a licensing system it looks good enough to me. When I see the national association, the American Association of Woolen Manufacturers, the silk associations, the American paper and pulp associations, and all these different concerns asking for it, it seems to me it is a pretty good proposition. Upon the face of it, if you are going have a licensing system, it seems pretty well constituted, but how can there be this contention?

Mr. GREEN of Iowa. If the gentleman from North Dakota will permit me, I will say to the gentleman from Delaware that in the hearings before the committee—and I think my friend from North Dakota will agree—both the dye makers and the dye consumers were a unit on the idea that we ought to preserve and build up the industry. Of course the question arose of how it could best be done. The gentleman from Ohio advocates one way and the gentleman from North Dakota does not agree with him. But these parties that ordinarily assume or occupy opposite interests both agree on the idea that the industry ought to be built up because the dye consumers during the war had so much difficulty in getting dyes that they never want to have it occur again. They were willing to consent to the tariff duties, and others were in favor of the licensing system and others objected to it.

Mr. RAKER. Will the gentleman from North Dakota yield for a question?

Mr. YOUNG of North Dakota. Yes.

Mr. RAKER. Did these 4,500 patents that were sold to the American company provide for all the kinds and character of dyes which we have been importing from Germany?

Mr. YOUNG of North Dakota. I think so.

Mr. LAYTON. I think that is an assumption.

Mr. RAKER. The gentleman from North Dakota is on the committee and very clear and well informed on this subject. That being the condition, what is the matter with these manufacturers in this country getting all the dyes in sufficient quantities for their purposes?

Mr. YOUNG of North Dakota. I do not think there is any reason why they should not buy them where their best judgment indicates.

When we get to the discussion as to the amount of tariff needed we ought to keep in mind that the production costs in Europe have been greatly increased by this war. Every day the news dispatches show that the living cost, the wage cost, the cost of everything that goes into the production of articles abroad, has been increased. When you take that into account, and the increased duty we are proposing in this bill, and the antidumping bill of the gentleman from Michigan [Mr. FORDNEY], it seems to me that we should be able to keep out enough of the German dyes without resorting to the un-American licensing system.

Mr. RAKER. If the gentleman will yield, this is only providing a method and means whereby the dyes can be manufactured in our own country if the people have the patience and the desire to have it done.

Mr. YOUNG of North Dakota. That is the case. We think it is very dangerous to adopt in time of peace a licensing board. It will throttle and hamper and annoy all the business concerns in this country, and perhaps drive some of them out of business if they happen to be unlucky enough to have created the antagonism or jealousy of members of the board.

Mr. HUSTED. Will the gentleman yield?

Mr. YOUNG of North Dakota. Yes.

Mr. HUSTED. Right in that connection the gentleman says that you put in the hands of the licensing board the power to throttle industries in this country. The licensing commission is interested in the development of the dye industry. It does not seem reasonable that parties interested in the development of the dye industry would consent to throttle an industry that uses the dyes.

Mr. YOUNG of North Dakota. The gentleman knows that some men who came to Washington during the war were recognized as patriotic, broad-minded gentlemen and who ought not to be expected to let any personal prejudice or animosity or jealousy interfere with their action. Still we know that these things did interfere with their action. I do not believe an American citizen ought to be compelled to crawl in on his stomach and ask permission of any board or commission to do business in the United States. People ought to have the right to do a legitimate business without coming to Washington and asking the permission of anybody.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. YOUNG of North Dakota. Yes.

Mr. MOORE of Pennsylvania. Philadelphia is but three hours away from Washington. Boston is somewhat farther off, but it is a large textile center. They are beginning to have large manufacturing industries in South Carolina and Mississippi. Under this licensing system would not the man near by have a decided advantage over the man who is far away?

Mr. YOUNG of North Dakota. Yes; if he lived in Philadelphia he could come to Washington and get back the same day. If he lived in Boston he could come one night and go back the next, and would be away from his business only one day. It would make quite a difference to those living at greater distances.

I want to say this, and I hope if gentlemen do not listen to anything else that I have said they will listen to this: I maintain that there is not a single store in Washington that will guarantee the color of a single article it is selling at this time. There is absolutely not a store of any kind selling anything with color in it that will guarantee it. Here is a card, which is only one of dozens, from Woodward & Lothrop's store, sometimes called the Boston Store, reputed to be one of the best in this city, which says: "We do not guarantee colors owing to the dye situation." And you will find the same thing at the other stores. That is a serious situation.

Mr. BURROUGHS. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of North Dakota. Yes.

Mr. BURROUGHS. Is it the gentleman's understanding that this licensing board in this bill will have discretionary power to say who shall receive these licenses?

Mr. YOUNG of North Dakota. If it does not have that discretion, what is the use of having the board at all? If the board has not any power, why do they ask for it? They say it is to keep dyestuffs from coming here from Germany. If that is what it is for, of course they must have discretion. If they have no discretion, then this bill does not do the thing its authors expected it to do.

Mr. BURROUGHS. If I want a license, and come down to the board and make an affidavit to the board that the particular dye I desire is not obtainable in this country, is it the gentleman's understanding that the board has the power to refuse to grant me that license on that showing?

Mr. YOUNG of North Dakota. I think so. I think they could say, "Mr. BURROUGHS, you can get that dye over here from Mr. Jones." You will say, "Yes; Jones does claim that he makes that same kind of dye, but I do not want to use it, because I have no confidence in it at all." Assuming that you have been in business for 50 years, you ought to know what you want to buy and what you do not want to buy. You do not think Jones has the dye, although Jones says that he has it, but he tips it off to the board, and I am on the board. Jones says to me, "I have got the very dye that BURROUGHS wants." The board has discretion, and can say, "Mr. BURROUGHS, you buy from Jones; you can not buy from anywhere outside of the United States."

Mr. BURROUGHS. More than all that, under this bill as it reads the board would have the further power to refuse me a license unless I could also show that that dye could not be obtained in this country at a reasonable price. I must show to the board that I can not obtain the dye in this country at a reasonable price in order to obtain a license. Is not that right?

Mr. YOUNG of North Dakota. I think it is up to the gentleman to make that showing, and it will be a matter of discretion with the board as to whether you have made out your case. The discretion rests with them. They can say that you have not made out your case or they can say that you have, and in any case you are at their mercy and there is no appeal.

Mr. BURROUGHS. Is there anything at all in the bill to define what the standard of reasonableness of price is? Is it not left entirely discretionary with the board to determine what is and what is not a reasonable price at which American dye can be obtained?

Mr. YOUNG of North Dakota. That is a matter of discretion with the board.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of North Dakota. Yes.

Mr. LONGWORTH. The gentleman, I think, is a little confused when he says that it is anything more than a question of fact as to whether a certain dye may be produced in this country.

Mr. YOUNG of North Dakota. I think I made that statement plain. Here is a manufacturer. He says that he does make a particular kind of dye that Mr. BURROUGHS wants. Mr. BURROUGHS says, "I have examined those dyes that Jones makes and they do not suit me and I have no confidence in them, and while he claims they are just the quality of dye that I want, just the variety, I have absolutely no confidence in his goods, and I have been in business for 50 years and

can not afford to ruin my business by taking those dyes, and I want to get some elsewhere."

Mr. LONGWORTH I know; but does the gentleman contend that a particular dye produced in Germany and the same dye produced in this country are chemically different?

Mr. YOUNG of North Dakota. When you come to that proposition, I do not think that a man who expects to buy dyes in this country is going to settle it by looking in a textbook to see what goes into this dye or that, to determine whether they are the same, because it may be that one concern using the same formula as another may not get the same results. There is an element of skill.

Mr. LONGWORTH. The same dye as finally produced must be chemically the same, whether produced here or somewhere else.

Mr. YOUNG of North Dakota. Well, personally I would not agree to that.

Mr. LONGWORTH. It must be; it has the same chemical substance.

Mr. YOUNG of North Dakota. I would not agree to that. Here is a manufacturer who says that he has got the precise thing that Mr. BURROUGHS wants, exactly the same thing being made in Germany, but we can not be sure that it is the same. I think the man who buys this stuff ought to be the final judge. That is the only American way.

Mr. BUTLER. Let me say right there that even the act itself speaks of domestic dye of equal quality.

Mr. LONGWORTH. If the gentleman will permit——

Mr. BUTLER. I did not mean to provoke discussion; but I would like very much if the gentleman from Ohio would make that clear to my mind. I do not ask him to do it now, but to make a memorandum of it, and I will thank him to explain it.

Mr. YOUNG of North Dakota. Now, I have used practically all of my time, so I can not yield for further interruptions. I think you will all agree there are factions in practically every organization in the United States, whether it is political or otherwise, and these various men who are selected by these different associations mentioned in the bill will be elected, perhaps, by a majority vote, and each will represent a certain faction, one from this concern and one from another, and when we come down to the three from the American Dyes Institute I know that there are factions in that concern, because I have letters from members of it on both sides of this proposition. So we are sure in getting a board to have it composed of men who do not see alike, who have been elected as representatives, perhaps, of certain cliques or certain factions, who have friends to reward and enemies to punish, and I do not think we can afford to assume that this board is always going to be impartial and prompt to pass on every question on its merits, and therefore I think the general public, which pays the bill—and the bill is pretty big now—has an immense stake in this proposition. A prohibitive tariff has never been a principle of the Republican Party, although its enemies have so claimed. It has never been the principle of any party, so far as I know, in the United States, and when you couple a license proposition with an ordinary tariff bill, such as is being done in this case, it becomes practically a prohibitive tariff. I do not think that the people of this country are going to stand for putting 11 men down at New York with baseball bats to hammer to death any man who tries to import goods into the United States even after paying a good stiff tariff on them. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FORDNEY. Mr. Chairman, I believe that ends debate to-day, and I was going to make the motion that the committee do now rise.

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONGWORTH. How much more time is left for general debate?

The CHAIRMAN. The gentleman from North Carolina has one hour and 24 minutes.

Mr. FORDNEY. Mr. KITCHIN, I believe, wants to use that time another day.

The CHAIRMAN. Does the gentleman now desire to submit his motion that the committee rise?

Mr. FORDNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 8078, had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1479. An act for the relief of the estate of Moses M. Bane; to the Committee on Claims.

S. 631. An act repealing certain provisions contained in the urgent deficiency act approved December 22, 1911; to the Committee on War Claims.

S. 861. An act for the relief of Edward W. Whitaker; to the Committee on Military Affairs.

S. 2259. An act for the relief of Edward S. Farrow; to the Committee on Military Affairs.

S. 2497. An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct; to the Committee on Military Affairs.

S. 3016. An act to authorize the disposition of certain grazing lands in the State of Utah, and for other purposes; to the Committee on the Public Lands.

S. J. Res. 79. Joint resolution exempting the Dixie Highway from the prohibition contained in the act approved July 11, 1919; to the Committee on Military Affairs.

ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 7709. An act to authorize the incorporated town of Petersburg, Alaska, to issue bonds in any sum not exceeding $75,000 for the purpose of constructing and installing a municipal electric light and power plant, and for the construction of a public-school building.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. WELTY was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Central Building & Loan Co., of Lima, Ohio, filed in the Sixty-fifth and Sixty-sixth Congresses, no adverse report having been made thereon.

ADJOURNMENT.

Mr. FORDNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 51 minutes p. m.) the House adjourned to meet to-morrow, Wednesday, September 24, 1919, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. KELLEY of Michigan, from the Committee on Naval Affairs, to which was referred the resolution (H. J. Res. 213) continuing temporarily certain allowances to officers of the Navy, reported the same without amendment, accompanied by a report (No. 331), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Michigan, from the Committee on Labor, to which was referred the resolution (S. Con. Res. 9) indorsing the plan of the President of the United States to call a conference of the representatives of labor, capital, and agriculture, reported the same with amendment, accompanied by a report (No. 333), which said resolution and report were referred to the House Calendar.

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (H. R. 348) to add certain lands to the Ochoco National Forest, Oreg., reported the same without amendment, accompanied by a report (No. 335), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FULLER of Illinois, from the Committee on Invalid Pensions, to which were referred sundry bills of the House, reported in lieu thereof the bill (H. R. 9448) granting pensions and increase of pensions to certain soldiers and sailors of the Civil

War and certain widows and dependent children of soldiers and sailors of said war, accompanied by a report (No. 334), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (S. 1375) for the relief of Catherine Grace, reported the same with amendment, accompanied by a report (No. 336), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 6454) for the relief of the estate of Henry E. Lawrence, and the same was referred to the Committee on War Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FULLER of Illinois: A bill (H. R. 9448) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; to the Committee of the Whole House and ordered to be printed.

By Mr. CLARK of Florida: A bill (H. R. 9449) to require the Secretary of War to cause a survey to be made for a canal from Cumberland Sound through the St. Mary's River, thence to the Suwanee River, and through the Suwanee River to St. Marks, on the Gulf of Mexico; to the Committee on Railways and Canals.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 9450) granting an increase of pension to David Hahn; to the Committee on Invalid Pensions.

By Mr. BARBOUR: A bill (H. R. 9451) granting a pension to Jesse L. Benoit; to the Committee on Pensions.

Also, a bill (H. R. 9452) granting a pension to William H. Haughawout; to the Committee on Pensions.

Also, a bill (H. R. 9453) granting a pension to Henry H. Boren; to the Committee on Pensions.

Also, a bill (H. R. 9454) granting a pension to Walter J. Miller; to the Committee on Pensions.

By Mr. BRINSON: A bill (H. R. 9455) granting a pension to Zadok K. Basden; to the Committee on Pensions.

By Mr. COADY: A bill (H. R. 9456) granting a pension to William J. Fitzpatrick; to the Committee on Pensions.

By Mr. HUSTED: A bill (H. R. 9457) granting an increase of pension to William Riley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9458) for the relief of Charles W. Johnson; to the Committee on Military Affairs.

By Mr. KELLY of Pennsylvania: A bill (H. R. 9459) granting a pension to Catherine Weber; to the Committee on Invalid Pensions.

By Mr. LITTLE: A bill (H. R. 9460) granting a pension to Theodore L. Shaffer; to the Committee on Pensions.

Also, a bill (H. R. 9461) granting a pension to James H. Hook; to the Committee on Pensions.

By Mr. MACGREGOR: A bill (H. R. 9462) granting an increase of pension to William F. Emrich; to the Committee on Invalid Pensions.

By Mr. NEWTON of Minnesota: A bill (H. R. 9463) granting an increase of pension to Tony K. Wilson; to the Committee on Pensions.

By Mr. PURNELL: A bill (H. R. 9464) granting an increase of pension to John B. Yelton; to the Committee on Invalid Pensions.

By Mr. RICKETTS: A bill (H. R. 9465) granting an increase of pension to Charles W. Veach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9466) granting an increase of pension to Peter Rider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9467) granting a pension to Jane Jadwin; to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 9468) for the relief of Arthur J. Bagshaw; to the Committee on Claims.

By Mr. ROMJUE: A bill (H. R. 9469) granting an increase of pension to Minnie Points; to the Committee on Invalid Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 9470) granting an increase of pension to Susan Sewell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9471) granting a pension to Nancy E. Hixson; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 9472) granting a pension to William Strawn; to the Committee on Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 9473) granting an increase of pension to Nelson R. Masters; to the Committee on Invalid Pensions.

By Mr. STEDMAN: A bill (H. R. 9474) to place James K. Stockard on the retired list of the Army; to the Committee on Military Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 9475) to correct the military record of Jerry R. Fryar; to the Committee on Military Affairs.

Also, a bill (H. R. 9476) for the relief of Arthur Allen; to the Committee on Claims.

By Mr. TOWNER: A bill (H. R. 9477) granting an increase of pension to John Fasnacht; to the Committee on Invalid Pensions.

By Mr. VOIGT: A bill (H. R. 9478) granting an increase of pension to Rosetta M. J. Tischer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DOWELL: Petition of sundry citizens of the State of Iowa, praying for the return of their boys from Russia; to the Committee on Military Affairs.

By Mr. KELLY of Pennsylvania: Petition of sundry citizens of Pittsburgh, Pa., protesting against the passage of the Smith-Towner educational bill; to the Committee on Education.

By Mr. MACGREGOR: Petition of Contact Process Co., of Buffalo, N. Y., favoring the passage of House bills Nos. 5011, 5012, and 7010; to the Committee on Patents.

By Mr. MONTAGUE: Petition of George Wayne Anderson and others, of Richmond, Va., praying for the return of their sons' bodies from France to America before the coming winter; to the Committee on Military Affairs.

By Mr. O'CONNELL: Petition of Brooklyn Chamber of Commerce, of Brooklyn, N. Y., objecting to the passage of legislation which would place common carriers by water under the jurisdiction of the Interstate Commerce Commission; to the Committee on Interstate and Foreign Commerce.

Also, petition of Fifteenth Regiment Infantry, New York Guard, favoring the legislation favored by the National Guard Association; to the Committee on Military Affairs.

Also, petition of Mississippi Valley Association, favoring the water power development bill; to the Committee on Rivers and Harbors.

By Mr. RAKER: Petition of Henry Cowell Lime & Cement Co., Llewellyn Iron Works, Paraffine Companies (Inc.), Schmidt Lithograph Co., and Pasadena Ice Co., all of California, urging improvement in the United States Patent Office and indorsing House bills 5011, 5012, and 7010; to the Committee on Patents.

Also, letter from the Pacific American Steamship Association, San Francisco, Calif., indorsing House bill 5516, which provides for the permanent transfer of the Coast Guard to the Navy Department from the Treasury Department; to the Committee on Military Affairs.

Also, petition of Northern California Hotel Association, San Francisco, Calif., urging that self-determination be given to the people of Washington, D. C.; to the Committee on the Judiciary.

Also, letter from a committee appointed by the mayor of the city of San Francisco, Calif., urging support of legislation establishing free zone systems; to the Committee on the Post Office and Post Roads.

Also, report of the Arizona-California river regulation committee of the Los Angeles Chamber of Commerce on the all-American canal; to the Committee on Irrigation of Arid Lands.

Also, letter from Miss M. Ruth Guppy, hostess, War Camp Community Service, Hall of States, New York City, urging support of Senate bill 2535, introduced by Senator CHAMBERLAIN; to the Committee on Military Affairs.

Also, letter from the Fageol Motors Co., Oakland, Calif., protesting against the adoption of the Plumb plan for the control of the railroads; to the Committee on Interstate and Foreign Commerce.

Also, letter from the League to Enforce Peace, 130 West Forty-second Street, New York City, urging support of the immediate ratification of the peace treaty and the league of nations; to the Committee on Foreign Affairs.

By Mr. ROWAN: Petition of Harry A. Marks, of New York City, favoring the passage of the Sells bill, House bill No. 2; to the Committee on Pensions.

Also, petition of C. E. Kendel, of Cleveland, Ohio, protesting against the present Postal Service system; to the Committee on the Post Office and Post Roads.

Also, petition of the Valley Camp Coal Co., of Cleveland, Ohio, protesting against the passage of the Kenyon bill, Senate bill 2202; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. M. McAllister Smith, chairman Americanization committee, protesting against the proposed German opera in the city of New York, which is to be at the Lexington Avenue Opera House; to the Committee on the Judiciary.

Also, petition of A. L. Johnson, Modern Pen Co., favoring the passage of House bills Nos. 5011, 5012, and 7010; to the Committee on Patents.

By Mr. SMITH of Michigan: Petition of James Butler and 30 other citizens of Michigan, asking for allowance of $50 per month to each soldier while in active service; to the Committee on Military Affairs.

By Mr. YATES: Petition of Alfred Gorham, Cambridge, Mass., urging that underground mail service by pneumatic tubes be restored in the large cities for economic reasons and to get the first-class mail out of the way of riots and strikes, and that the Burleson motor trucks be used on the rural free-delivery routes in the outlying country districts; to the Committee on the Post Office and Post Roads.

Also, petition of La Salle Cement Co., La Salle, Ill., urging the removal of the part of Senate explosives bill, No. 2896, which makes it necessary to license firms for the use of explosives; to the Committee on Ways and Means.

Also, petition of H. A. Clarke, Washington, D. C., urging the passage of House bill 8480; to the Committee on the Judiciary.

Also, petition of Crutchfield, Woolfolk & Clore, Chicago, Ill., protesting against Kenyon bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Belden Manufacturing Co., Chicago, urging passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

Also, petition of Illinois Agricultural Association, Chicago, concerning amendment of Senate bill 2775; to the Committee on Agriculture.

Also, petition of W. J. Biddle and others, of Chicago, urging passage of legislation placing all quartermaster clerks having not less than 12 years' continuous service on same footing with present authorized field clerks of the Quartermaster Corps; to the Committee on Military Affairs.

Also, petition of Brokaw-Eden Manufacturing Co., Alton, Ill., urging the passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

Also, petition of American Seed Trade Association, Cleveland, Ohio, protesting against the inadequate postal appropriations; to the Committee on the Post Office and Post Roads.

Also, petitions of L. F. Strockbine, of Casey; E. E. Apker, H. S. Dillon, and A. T. Powers, of Chicago, Ill.; and the Railway Mail Association, by H. L. Rohe, chairman, urging the increase in the salaries of postal employees; to the Committee on the Post Office and Post Roads.

SENATE.

WEDNESDAY, *September 24, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, look upon us with Thy favor to-day as we face the responsibilities that touch the life of so many people. We dare not face them alone. We cry to Thee asking for guidance, for direction, for wisdom, for grace, that that which we do may be acceptable in Thy sight and may work out Thy plan in us as a Nation. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. CURTIS. Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Dial	Harding	Kenyon
Bankhead	Dillingham	Harris	Keyes
Beckham	Edge	Harrison	King
Brandegee	Elkins	Henderson	Knox
Calder	Fletcher	Hitchcock	La Follette
Chamberlain	France	Johnson, Calif.	Lenroot
Colt	Frelinghuysen	Johnson, S. Dak.	Lodge
Culberson	Gay	Jones, N. Mex.	McKellar
Cummins	Gerry	Kellogg	McLean
Curtis	Hale	Kendrick	McNary
Moses	Phipps	Smith, Md.	Underwood
Nelson	Pittman	Smith, S. C.	Wadsworth
New	Poindexter	Smoot	Walsh, Mass.
Newberry	Pomerene	Spencer	Walsh, Mont.
Norris	Robinson	Sterling	Warren
Nugent	Sheppard	Swanson	Watson
Overman	Sherman	Thomas	Williams
Page	Simmons	Townsend	Wolcott
Phelan	Smith, Ga.	Trammell	

Mr. CURTIS. I announce the absence of the junior Senator from Kansas [Mr. CAPPER] on official business.

Mr. SHEPPARD. The senior Senator from Oklahoma [Mr. GORE] is detained from the Senate by illness.

Mr. HARRISON. The senior Senator from Arizona [Mr. SMITH], the junior Senator from Oklahoma [Mr. OWEN], the Senator from Kentucky [Mr. STANLEY], and the Senator from Rhode Island [Mr. GERRY] are absent on public business.

Mr. McKELLAR. The Senator from Louisiana [Mr. RANSDELL], the Senator from Arkansas [Mr. KIRBY], the junior Senator from Arizona [Mr. ASHURST], and the Senator from Tennessee [Mr. SHIELDS] are detained from the Senate on official business.

The VICE PRESIDENT. Seventy-five Senators have answered to the roll call. There is a quorum present.

HIGH COST OF LIVING (S. DOC. NO. 108).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Assistant Secretary of Labor, submitting an estimate of appropriation in the sum of $475,000 to investigate the cost of living, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

RECLAMATION PROJECTS (S. DOC. NO. 109).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of July 17, 1919, a statement from the Director of the United States Reclamation Service of all projects constructed by the United States Reclamation Service, which, with the accompanying paper, was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed.

MEAT PACKERS' PROFITS INVESTIGATION.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Federal Trade Commission in response to Senate resolution No. 177. It will be noted in the RECORD and lie on the table until the Senator introducing the resolution makes known what he desires to have done with it.

Mr. NORRIS. I ask that the communication be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

The VICE PRESIDENT. With the exhibits?

Mr. NORRIS. Let it be printed in the usual way, with the exhibits.

Mr. SMOOT. I do not think there is any objection to having any of them printed. I do not see any diagrams.

There being no objection, the communication and accompanying papers were referred to the Committee on Agriculture and Forestry, and the communication was ordered to be printed in the RECORD, as follows:

"To the PRESIDENT OF THE UNITED STATES SENATE:

"SIR: The Federal Trade Commission has the honor to make herewith report to the Senate in the matter of S. Res. 177 (Mr. NORRIS):

"IN THE SENATE OF THE UNITED STATES,
"*August 23 (calendar day, September 3), 1919.*

"*Resolved*, That the Federal Trade Commission be, and it is hereby, instructed to inform the Senate whether said Federal Trade Commission, prior to July 1, 1918, made a special investigation of the reasonableness of the maximum profit limitations fixed on the meat-packing industry by the Food Administration; and if such investigation was made, that the Federal Trade Commission be instructed to report to the Senate its conclusions and findings based thereon.

"The Federal Trade Commission, by direction of the President, did make such examination, and on June 28, 1918, made report to the President of the United States.

"On July 8, 1918, the Hon. Herbert Hoover, United States Food Administrator, commented upon the report made by the Federal Trade Commission in a letter addressed to the President, together with a covering letter, and on July 20, 1918, the Federal Trade Commission prepared a memorandum on the comments of Mr. Hoover. This latter, prepared in the form of a proposed letter to the President of the United States, was not then sent to the President at that time, but its form was confirmed by the commission and represented the commission's opinion at that time. The letter was not sent to the President at that time, for the reason that its contents were orally discussed, and the matter seemed to be closed.

"At the suggestion of representatives of the Food Administration, the commission is including in this return to the Senate Mr. Hoover's letters of July 8, and in order that the file may be complete, the commission has deemed it proper to include its memorandum of July 20, 1918.

"There are also included three exhibits, being reports independently made by (1) the accountants of the Federal Trade Commission, (2) by the public accounting firm of Perley Morse & Co., New York, certified public accountants, and (3) a report in which both the public accounting firm, the Federal Trade Commission's accountants, and Mr. Walter Y. Durand, a member of the Federal Trade Commission's economic staff, unite. These three exhibits contain the data upon which the report to the President of June 28 was based.

"The report of the Federal Trade Commission to the President, the letters of comment by Mr. Hoover, and the commission's memorandum follow, and to this report are annexed the three exhibits above identified. The report of the Federal Trade Commission to the President is as follows:

"'FEDERAL TRADE COMMISSION,
"'*Washington, June 28, 1918.*

"'SIR: On May 27, 1918, the President's Committee on Meat Policy in its report to you suggested that the Federal Trade Commission report to you before July 1 on the reasonableness of the present profit regulation of meat-packing companies as imposed by the Food Administration.

"'Immediately upon your direction that this be done, the commission undertook the task, and finds:

"'I. That the maximum profits for the five largest packers under the Food Administration regulations are unreasonably high. These rates of profit are estimated to be from two and one-quarter to three times as great as those earned in the prewar years of 1912, 1913, and 1914.

"'II. That the plan of regulation makes impossible adequate certification; so that to safeguard the public interest the plan should be changed.

"'Supplementing these conclusions, the commission makes the following specific recommendations:

"'(1) That the present aggregation of the business of the packers into classes be discontinued, and for the current year at least the regulation apply a single rate to the licensee's entire business, including foreign business and domestic subsidiaries and affiliations, without segregation or exemption of any kind.

"'(2) That net worth (actual invested capital represented by stock issued and surplus) as of November 1, 1917, be the basis upon which the allowed rate of profit be computed for all packers, large and small, and that gross sales as a basis, as well as "net investment," which now applies only to the five chief packers, be discontinued. "Net investment" including, as it does, borrowed money, may be subject to abuse by reason of excessive borrowing and is a very difficult figure to certify to, while "net worth" is simpler, fairer as between different packers, and more just to the public.

"'(3) That the rate be a sliding scale based on volume in weight of animals slaughtered, thereby stimulating production of meats without directly encouraging expansion into other lines.

"'(4) That the normal rate for the five chief packers be 7 per cent on net worth, with one-half per cent increased allowance for every 10 per cent increase in weight slaughtered and one-half per cent decrease in rate for every 10 per cent decrease in weight slaughtered, the maximum profit allowed not to go above 9 per cent. It is probable that this rule would result in about 8 per cent, which is 1 per cent more than their actual prewar earnings.

"'(5) That the maximum allowed the smaller packers be 9 per cent, increasing on a sliding scale to 11 per cent, but without a decreasing scale.

"'(6) That profits in excess of the prescribed rates be either turned over to the Treasurer of the United States or applied against future Government purchases.

"'(7) That all meat packers, as well as slaughterers, be included within the regulation, except that no licensee doing an annual business of less than $500,000 be subject to Federal limitation of profits. (The minimum limit for Canadian packers is $750,000.)

"'In reaching these conclusions and recommendations the commission has been assisted by a committee of three of its staff, to which committee was assigned the task of collecting the pertinent facts bearing on the situation. The following reports of the committee are inclosed herewith, and in them will be found a further development of the various points already raised:

"'(1) Final report of the committee signed by Messrs. Walter Y. Durand, Stuart Chase, and Perley Morse & Co., certified public accountants.

"'(2) Individual report of Perley Morse & Co.

"'(3) Individual report of Stuart Chase.

"'In connection with these reports the commission has on file supporting data and exhibits (notably a full transcript of hearings in which Mr. Morse examined the officers of the five chief packing companies in regard to the present regulations) and will be glad to submit, on request, such additional material as may be necessary to a more complete understanding of the situation.

"'Very respectfully,
(Signed) "'WILLIAM B. COLVER, *Chairman.*
"'JOHN FRANKLIN FORT, *Commr.*
"'VICTOR MURDOCK, *Commr.*

"'The PRESIDENT,
"'*The White House,*
"'*Washington, D. C.*'

"The letter of Mr. Hoover, commenting on the foregoing, together with Mr. Hoover's covering letter, are as follows:

"'JULY 8, 1918.

"'DEAR MR. PRESIDENT: I am inclosing you rather a lengthy letter in reply to the Federal Trade Commission's report on the Food Administration maximum profits allowed the packers. I have the feeling that if the Trade Commission report is made public, then this reply, in justice should be given coincident publicity. I do not, however, believe that any useful purpose is served by public ventilation of interdepartmental disagreements as to governmental policy.

"'The matters at issue are matters of considerable importance and principle. If Congress passes sufficiently strong excess profits legislation, it will automatically correct the situation and meet the views of both the Trade Commission and ourselves. If Congress does not do so, I am afraid you will need to make some decision in matters of principle.

"'My proposal is, therefore, that the whole matter shall be laid aside until the action of Congress is determinable. If, however, you think it desirable to have the matter inquired into at once, I would like to suggest that the Federal Trade Commission report, together with the letter which I inclose, should be submitted to some independent person, say Mr. Baruch, or ex-Gov. Stuart, of Virginia, both of whom could advise upon the matters of principle involved, without necessarily entering into details of fact.

"'Yours, faithfully,
"'(Signed) HERBERT HOOVER.

"'His Excellency the PRESIDENT OF THE UNITED STATES,
"'*The White House.*'

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"'JULY 8, 1918.

"'DEAR MR. PRESIDENT: I beg to acknowledge the report of the Trade Commission, which you have so kindly forwarded to me, upon the effect of the Food Administration regulation of the packers' profits.

"'I realize fully that in the discussion of this matter any sentence uttered that can be interpreted as in support of profits to the packing industry subjects one to the charge of corrupt influence, and, on the other hand, I recognize equally the easy road to popularity through denunciation of these profits. It is, however, our duty to separate the emotional aspects in these matters from justice and national necessity to secure war results.

"'1. At the initiation of these regulations last October, we called upon the Federal Trade Commission for information and advice, and members of the commission participated in the discussions with the packers which led up to the final regulations. Mr. Davies, who conducted the investigation of the packers and who participated in these discussions, has since made the statement:

"'The 9 per cent limitation of profit on the most efficient meat-packing plants is out of all proportion to the much larger profits made by the relatively similarly efficient steel and copper-producing agencies.

"'During the month of March, when it appeared that the profit limitations set out by the Food Administration were proving to be possibly larger than was anticipated, we requested through you that the Trade Commission should investigate the working of the regulations and advise as to their fairness, and we arranged that they were to take over the auditing of the accounts to determine the accuracy of the packers' profit statements.

"'2. The initial regulations were formulated on the basis that they should limit the maximum percentage or turnover to a figure no greater than the prewar average, with the further

limitation that the bulk of the business—that is, the most business—should not earn over 9 per cent, and that the specialty business involving foodstuffs should not earn more than 15 per cent. Certain classes of business were excluded altogether—that is, the businesses in foreign countries and nonfood businesses, such as sporting goods, banks, and manufactures into which foodstuffs did not enter, all these being outside the legal function of the Food Administration. The application of the 9 per cent limit fell upon 75 per cent of the regulated business—the meat business plus transfer value of by-products and 15 per cent limitation applied to the specialty business and completion of by-products. These percentages were computed upon the total capital used by the packer in these businesses, including borrowed money.

"'3. The Trade Commission report advises that the Food Administration should include all businesses (although this is not legally feasible), and that a flat maximum of profits should be imposed of 7 per cent plus 1 per cent additional for each 10 per cent increase in volume of weight of animals killed up to a maximum of 9 per cent. The prospective business during 1918 would probably allow the packers to realize the full 9 per cent. The Trade Commission basis, however, prescribes that borrowed capital should be excluded from calculations of earnings.

"'4. Taking as a basis the tables accompanying the report of the Trade Commission and excluding the nonfood and foreign business, and combining all of the five great packers, we find the following essential figures:

Total investment	$853,219,000
"Net worth"	389,885,000
Consequently borrowed capital	468,334,000
Total estimates of Food Administration maximum profit	87,443,000
Less interest	21,407,000
Net earning	66,036,000

"'The profits are gross, without deduction of taxes, which would amount to about $16,000,000, leaving about $50,000,000 net. The Trade Commission's allowance of 9 per cent on "worth," as applied to the above figure of $389,885,000 would give a net earning of $35,089,650. Whether this is before or after taxes, we do not know, but assume from the text that it is net for dividend purposes. We would submit that the estimated interest figure given in the above table is $2,000,000 less than the actual necessary payment on a 5 per cent basis, and that therefore the Trade Commission's recommendation would call for a reduction in the maximum earned on this class of business of about $29,000,000 without taxes, or about $13,000,000 if their figures are net. This would imply a reduction of about 40 per cent in one case or 20 per cent in the other, and therefore makes it difficult to understand the statement that the Food Administration regulation allows the earning to be from two and one-half to three times as great as normal. This probably arises from the assumption that the Food Administration could control outside profits—which are estimated at $25,000,000 per annum for the five packers.

"'5. The combined five packers will, in 1918, probably kill 12,000,000,000 pounds, live weight, of animals, resulting in 7,000,000,000 pounds of meat products. A profit of 1 cent a pound would be $70,000,000. Therefore the possible profits under the Food Administration regulation are less than 1 cent a pound, and the reduction proposed by the Trade Commission will amount to about one-third of a cent per pound. It is necessary to emphasize this, for the producing public may be misled into the belief that the bare volume in these figures, large as they are, will have actual and tangible results in reducing the cost of living. The fact of the case is that one-third of a cent per pound seldom reflects into realization in the hands of the subsequent distributing trades after the meat has left the packer.

"'6. The Trade Commission has the feeling that there is little or no risk attached to these enterprises, and that therefore their earnings should be reduced to practically the terms of a public utility. We feel that they have overlooked certain great risks. Something like $250,000,000 invested in food stocks are being carried at high prices and would depreciate 30 per cent if communications with Europe were cut off 30 days or if the production program in force should outrun the meat demands and there should be a fall in the animal market. An increased shipping program that would open other food markets to the Allies would have the same effect.

"'7. The Food Administration regulations permit earnings upon borrowed as well as packers' own capital, whereas the Trade Commission proposes that no profits should be allowed on borrowed capital. This appears to us to strike at the base of most business enterprises. As we understand it, a large part of the commerce and trade of the country is founded on the earnings of an excess sum on borrowed capital over the bare interest cost, and we feel that if this principle proposed by the Trade Commission were laid down as a precedent it would produce an absolute state of panic in the United States. This industry must borrow money largely on short-time paper to carry the large reserve stocks now created for the Army and the Allies if they are to be continuously provided for. We are confident if this question were submitted to any group of competent advisers they would affirm that businesses in general, and this business in particular, must earn a profit over and above interest charges on actual capital borrowed.

"'8. The food strategy necessary to the handling of war issues has involved the increase in our exports to the Allies and our Army and Navy by over 250 per cent. In order that we should be prepared for any emergency it has been necessary to call upon the packers to increase their stocks in storage. Furthermore, the program of stimulation of production, particularly the pork so critically needed for war purposes, and the maintenance of a stable minimum price on hogs has involved the packers in much larger stocks than would normally be acquired. All of this has necessitated an increased borrowing on the part of the packers that would not have been called for had they conducted their business in the normal manner. Therefore the compensation of the packers must bear some relation to their borrowed capital.

"'9. We must recognize that this great centralized industry is the cheap producer and that an administrative limitation of maximum profits in certain of their specialty businesses that will reduce them to popular ideas of earnings will throw into the hands of these centralized institutions all the business in these specialties by crowding out high-cost producers, and thus will eventually reduce production or aggrandize monopoly. We can not agree to the answer to this argument in the report as follows:

"'If it appears that the big packers can operate these specialty businesses more effectively than the independents, it is sound war-time efficiency to let them do it. The only danger in the situation would be the failure of the Government to continue its regulation of the packers and their affiliated companies after the war.

"'It is our belief that one of the greatest dangers to the whole of the food trades of the United States is the further expansion of these big packing industries and the elimination of smaller business and individual enterprise. It is not sound war-time efficiency to enable a monstrous growth of this kind to destroy individual enterprise of the United States on the mere hope that regulation of the industry will continue after the war. By that time the competitors will all be dead.

"'10. There is one prime difficulty in all regulation of profits in advance. Such advance regulation must provide for stimulation in production, give an incentive to serve war aims, and must provide sufficiently wide margins to cover all possible risk. If the concern regulated is so fortunate as to come through without incurring losses from the risks the profits may be inordinate. Having narrowed the possible profits of the packer to less than 1 cent a pound in protection to producer and consumer, our point of view was to encourage him to follow the national food strategy at his own risk.

"'11. In calling upon the Trade Commission to reexamine this problem we had in view some attempt to further regulate down the possible maximum profits of the packers.

"'Since that time proposals have been formulated in Congress to enact further strong excess-profits legislation. Such legislation would be much the most satisfactory remedy. The Food Administration regulations having in some degree accomplished stability in the market, having stimulated production and served war ends and eliminated vicious speculation, should be broadly supplemented by tax legislation that would restore to the public any inordinate earnings that might be secured by the more fortunate manufacturers. This method also has the great advantage of equalizing situations between different manufacturers, which is one of the objects sought by the Trade Commission plan.

"'12. An advance profit regulation operates, if too strictly drawn, to curb incentive, to destroy production, and to limit efficiency. The sound method, if possible, is to give a fairly loose profit regulation, sufficiently strict to prevent speculation, stabilize price levels, and then, by taxation, to appropriate to the Government any extraordinary profit that may have arisen. There is also a psychological point of great importance—any given business enterprise would willingly pay in the shape of a tax whatever may have been its extraordinary profits. But if its profits are limited in advance to the same sum the same enterprise will feel it is restricted, unable to protect itself against risks of loss, and the reaction will damage the efficiency and courage in the conduct of this enterprise.

"'In conclusion, we are not in disagreement as to the fact that the pakers may earn too large profits under the regulations. We

are in disagreement as to the method of establishing regulation and perhaps as to the actual percentage. On the other hand, we feel that the whole matter can quite well be deferred until the character of the action now being taken by Congress can be determined. If it should prove ineffective to accomplish these ends it would be necessary to revise the regulations, and I will take it up immediately upon my return from Europe.

"'I have written a letter to Senator SIMMONS, at his request, on the whole relation of a properly founded excess-profits tax in its bearing on regulation of industry, which expresses more fully the views which we have formulated in this matter, which I transmit herewith.

"'Yours, faithfully,

"'HERBERT HOOVER.

"'His Excellency the PRESIDENT OF THE UNITED STATES,
"'*The White House.*'

"The memorandum of the commission of July 20, 1918, in the form of a letter to the President, but not then sent, is as follows:

"'FEDERAL TRADE COMMISSION,
"'OFFICE OF THE CHAIRMAN,
"'*Washington, July 20, 1919.*

"'DEAR MR. PRESIDENT: It is with reluctance that we address you in the matter of the commission's report to you under date of June 28, 1918, and Mr. Hoover's letters to you apropos that report.

"'It may save your time if we restate briefly the history.

"'I. At Mr. Hoover's request, on March 26, 1918, a commission was appointed by the President to consider the Food Administration's regulation of the meat packers.

"'II. On May 27, 1918, the commission unanimously reported to you.

"'III. Among other suggestions was one that the Federal Trade Commission report to you before July 1, 1918, on the reasonableness of the present profit regulation of the meat packing companies as imposed by the Food Administration.

"'IV. On May 27, 1918, the President approved the report of the commission and directed that this and other work suggested be undertaken by the commission.

"'V. On the same day the Federal Trade Commission was notified of your direction by Mr. Hoover.

"'VI. On June 28, 1918, report was made to you as to the reasonableness of the profit margin under the present regulations. The commission found that the packer's maximum profits were unreasonable and suggested certain modifications of regulation.

"'VII. On July 8, 1918, Mr. Hoover addressed two letters to you concerning the report of the commission. Mr. Hoover's letters seem to revolve around a question of publicity. This is unfortunate. The commission's report made to you at your direction was not made with an eye to public reading, but to the end that your direction, made at Mr. Hoover's request, might be faithfully fulfilled to the best of our ability.

"'We agree that no "useful purpose is served by public ventilation of interdepartmental disagreements." We know of no such a disagreement here. Certain regulations were in effect. It was questioned whether or not they might, in the public interest, be amended. We suggested certain amendments. That seems to end our connection with the matter.

"'We have not suggested that our report, or any part of it, be made public, and it would seem from your letter of July 8 that a confusion arose between our report as to maximum profits, dated June 28, 1918, and that part of our report on the general food investigation having to do with the meat-packing industry made to you under date of July 3. It was this latter report that seemed to be a proper matter to be made public, in that it suggested certain legislation and naturally would be a public document. The report of June 28 on the reasonableness of the maximum profits suggested amendments to regulations, which might be made or rejected by the Food Administration without additional legislation, and hence might properly be a departmental matter and not a public one.

"'The Federal Trade Commission's report on maximum profits was not made in a spirit of criticism, but was made in good faith, and upon invitation. It was desired that it might be helpful. Having been made, its only value consists in what helpfulness may be extracted from it.

"'In the longer of the two letters of July 8 Mr. Hoover says:

"'In calling upon the Trade Commission to reexamine this problem we had in view some attempt to further regulate down the possible maximum profits of the packers.

"'Since that time proposals have been formulated in Congress to enact further strong excess-profits legislation. Such legislation would be much the most satisfactory remedy. * * *

"'It appearing that the report requested is no longer desired, the commission would cheerfully withdraw it, were it not for the fact that two questions have been raised by Mr. Hoover's letters. These questions are of such serious import that we ought not in good conscience be bound by silence.

"'(1) The doctrine is laid down that in computing return borrowed money shall be taken in as invested capital.

"'It is stated in Mr. Hoover's longer letter, on page 6, that the declaration of the principle that borrowed money should not be included as invested capital "would produce an absolute state of panic in the United States"; and, further, it is stated that "if this question were submitted to any group of competent advisers" it would be decided adversely to the position taken by the commission.

"'After diligent inquiry we can find no competent authority in the United States that takes a view contrary to that expressed by the commission. We quote Col. Robert H. Montgomery, pages 572–573, Income Tax Procedure, 1918, a standard and accepted work:

"'Capital in a commercial sense is what remains after debts are provided for. A man with no capital of his own may borrow $1,000 and lose it in his trade or business. He still owes it. As before, he has no capital, and now he does not even have economic capital.

"'Borrowed money is the capital of the lender, not of the borrower. Much has been said in favor of considering borrowed money as invested capital, but the author thinks that the arguments used are fallacious and impracticable. If banks were to consider all deposits invested capital a curious situation would arise. Its depositors might not like the idea.

"'The inclusion of interest as an expense of the business is a sufficient recognition of the use of borrowed money by the borrower.

"'In the case of corporations where the limitation on interest deduction may operate to prevent credit for the full amount paid there is, of course, an injustice, but the remedy is to remove the restriction on the interest allowance, not to consider borrowed money as capital.

"'Being asked if there was any more extensive written authority on this subject, Col. Montgomery has told us that since there is not even a schism on this principle and since it is of universal acceptance, its mere statement was considered by him to be sufficient in his textbook.

"'Col. Montgomery is an attorney, a certified public accountant, a former president of the American Association of Public Accountants, a professor of accounting in Columbia University, and at present the expert adviser of the War Department in such matters, as well as the War Department's representative on the price-fixing committee of the War Industries Board.

"'The second question is raised by the fact that running through both of Mr. Hoover's letters addressed to you under date of July 8 is the thought that legislation providing for stronger excess-profit taxes will "automatically correct the situation and meet the views of both the Federal Trade Commission and ourselves (the Food Administration)."

"'The Federal Trade Commission dissents wholly and entirely from this theory. Before excess-profit taxes may be collected from business concerns excess profits must first be taken from the consuming public or from the Government of the United States in the form of inflated prices. It is not business, but the people, both as consumers and as taxpayers and bond buyers, who provide the money collected indirectly as excess-profit taxes.

"'Our understanding is that the excess-profits tax was not a revenue device primarily, but a device designed, first, to discourage profiteering, and, second, to equalize any inequity which might be worked in the application of general price-fixing rules where, in order to secure production from high-cost concerns, prices had been fixed so high as to give undue profits to low-cost concerns. It is not our idea that prices should be fixed high so as to yield excess-profit taxes, but that excess-profits taxes are collected to prevent fixed prices from yielding confirming earnings in the hands of stockholders.

"'We dissent from the theory of taking back 30 cents or 50 cents or 60 cents or 80 cents from a dollar improperly taken from the people as consumers or from the Government. It is attempting to lift one's self by his boot straps and losing 60 or 40 or 20 per cent of the energy employed. A price structure built upon such a theory as this can not and should not be tolerated by the people of the country.

"'Aside from the impossibility of such a principle viewed from the public standpoint, it has a vicious effect upon business itself. The reflect shows itself in tax evasions and, worst of all, in inviting and encouraging wasteful and extravagant business operations. When a business reaches the point that its excess-profit tax will operate to take away a considerable part of its surplus earnings, it inevitably is tempted and in many, many cases the temptation has proven irresistible to spend extraordinary sums in unnecessary expenditures. These take the form of advertising looking to the building up of present or future

good will or of repairs and betterments not presently needed or made with an eye to the future and in anticipation of a return to peace-time basis. Such an expenditure is made on the theory that out of every dollar so spent the Government must contribute unknowingly from 60 to 20 per cent of the cost.

"'Since the Government takes 50 per cent of the meat product of the packers and all the packers' heavy hides, and since the civilian public consumes the remaining 50 per cent of the meat product, we are wholly unable to see that any tax legislation which would cover into the United States Treasury some percentage of excess profit would thereby "restore to the public any inordinate earnings that might be secured."

"'The foregoing is written to you in order that you may know the principles to which we are holding and with the hope that we may be advised if, in your judgment, we are in error. Manifestly, this letter is not written with an idea that it is a public document, and in this connection we would say that we can see no reason for the publication either of our report to you of the maximum profits of the packers under food regulations, or either of Mr. Hoover's letters founded thereon.

"'If, however, the Federal Trade Commission is asked by Congress to make any contribution to the discussion as to excess-profit tax legislation, it will feel constrained to make reply along the lines herein indicated, in which case we will find ourselves not agreeing with the doctrines laid down by Mr. Hoover in his letter to Senator SIMMONS, reference to which he makes in his letter to you. Such a statement on our part, however, will not be made with any idea "that it is a public ventilation of interdepartmental disagreement," but rather the reply that our conscience and our sense of public duty will require us to make.

"'By direction of the commission.

"'Respectfully,

"'(Signed) WILLIAM B. COLVER,
"'*Chairman.*

"'THE PRESIDENT,
"'*White House.*'

"The three reports of the expert accountants referring to the above are attached hereto as exhibits.

"By direction of the commission,

"Respectfully, VICTOR MURDOCK,
"*Acting Chairman.*

"AUGUST 24, 1919."

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a concurrent resolution adopted by the Legislature of the Territory of Hawaii, requesting Congress to amend the land laws of that Territory, which was referred to the Committee on Pacific Islands and Porto Rico.

Mr. SWANSON. I present a petition signed by a large number of merchants of Clifton Forge and vicinity, Virginia, favoring a measure to subject the big meat packers to regulation similar to that provided by the Kenyon bill. I ask that the petition be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the petition was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Hon. THOMAS S. MARTIN,
Hon. CLAUDE A. SWANSON,
Washington, D. C.:

We, the undersigned merchants of Clifton Forge and vicinity, favor a measure to subject the big meat packers to regulation similar to that provided by the Kenyon bill. We are opposed to the existing monopoly of meat products, cheese, etc., and we believe that this monopoly should be regulated. We understand that the Kenyon bill provides for Government regulation but not ownership or operation; that it allows the present owners to operate their plants so long as the operations are fair, nondiscriminatory, and competitive; that it provides for the separate operation of stockyards; and that it puts private refrigerator car lines on a common-carrier basis. We desire hereby to withdraw any petitions, letters, or telegrams in opposition to the Kenyon bill to which our names may have been affixed, for the reason that our former action was taken without an understanding of the contents of the bill and at the request of the packers.

CLIFTON FORGE GROCERY CO. (INC.),
B. F. DONOVAN, *President and Manager,*
(And others).

Mr. SWANSON. I also present a communication from the assistant city attorney of Richmond, Va., inclosing resolutions adopted by sundry citizens of that city requesting the return to this country of the dead bodies of soldiers related to them who were killed in France. I move that the communication and accompanying resolutions be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. FLETCHER presented a memorial of the Retail Merchants' Credit Association of Ocala, Fla., remonstrating against the passage of the so-called Jones bill, requiring the marking of cost and selling prices of articles of trade, which was referred to the Committee on the Judiciary.

Mr. PHELAN presented a petition of the Outdoor Art League, of San Francisco, Calif., praying that the name of the Panama Canal be changed to the Roosevelt Canal, which was referred to the Committee on Interoceanic Canals.

REPORTS OF COMMITTEES.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (S. 3037) to authorize the Secretary of War to transfer free of charge certain surplus motor-propelled vehicles and motor equipment to the Department of Agriculture, Post Office Department, Navy Department, and the Treasury Department for the use of the Public Health Service, and certain other surplus property to the Department of Agriculture, and for other purposes, reported it with amendments and submitted a report (No. 220) thereon.

Mr. WALSH of Montana, from the Committee on Indian Affairs, to which was referred the bill (S. 2890) to provide for the allotment of lands of the Crow Tribe, for the distribution of tribal funds, and for other purposes, reported it with amendments and submitted a report (No. 219) thereon.

He also, from the same committee, to which was referred the bill (S. 2454) for the relief of certain members of the Flathead Nation of Indians, and for other purposes, reported it with an amendment and submitted a report (No. 218) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and by unanimous consent the second time, and referred as follows:

By Mr. FERNALD:

A bill (S. 3071) granting an increase of pension to Adelaide V. Lamson (with accompanying papers); and

A bill (S. 3072) granting a pension to Francis Stone (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3073) for the relief of Henry Phillips, sr. (with accompanying papers); to the Committee on Claims.

By Mr. CALDER:

A bill (S. 3074) to provide for the award of military medals to persons receiving citations or letters of commendation for gallantry in action; to the Committee on Military Affairs.

By Mr. OWEN:

A bill (S. 3075) for the relief of Ivy L. Merrill; to the Committee on Claims.

AMENDMENT TO FIRST DEFICIENCY APPROPRIATION BILL.

Mr. SPENCER submitted an amendment proposing to appropriate $9,200 to increase the compensation of lithographers, lithographic draftsmen, transferers, lithographic pressmen, helpers, etc., in the Coast and Geodetic Survey, intended to be proposed by him to the first deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

LEAGUE OF NATIONS.

Mr. CUMMINS. I present and send to the desk a telegram with regard to the league of nations which I ask to have read.

There being no objection, the Secretary read as follows:

MARSHALLTOWN, IOWA, *September 20, 1919.*

Hon. ALBERT B. CUMMINS,
Washington, D. C.:

To the Hon. Senators CUMMINS and KENYON, from the Frank Lewis Glick Post, No. 46, American Legion of Iowa: The Frank Lewis Glick Post, No. 46, of the American Legion, of Marshalltown, Iowa, consisting of 406 returned war veterans in assembly convened directs that the following resolution be transmitted to you: Be it

"*Resolved*, That we are not in favor of the peace treaty and the league of nations as it now stands. We support certain reservations to these documents. In particular we enumerate the following: First, our opposition to any treaty requiring American soldiers to perform any service except under direction of the United States Government only; second, the Government should not obligate itself to any other nation to perform any military or other service; third, we strongly urge the immediate return of all United States soldiers doing service on foreign soil; fourth, every particular of the Monroe doctrine must be retained and protected."

O. H. ALBEE,
R. C. MOLLISON,
H. H. CRANEY,
Committee.

Mr. CUMMINS. Mr. President, a distinguished lawyer and eminent citizen of my State, a former judge, has written an article which has been published in the New York American, which also relates to the treaty with Germany. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York American, Sept. 7, 1919.]

"MID-WEST VIEW IS OPPOSED TO THE 'LEAGUE OF NATIONS'—'IMPOSSIBLE UNDER STATE OF CIVILIZATION AND VARIETY OF HUMAN INTERESTS IN THE WORLD'—COVENANTS LAST ONLY BY WILL OF THE PEOPLE—'WE HAVE IN OUR OWN LAND MORE CONCERN ABOUT OUR OWN LIBERTIES AND OUR LAW-ABIDING PEOPLE THAN WE CAN CONSISTENTLY HANDLE'—PILGRIM FATHERS LEFT THEIR NATIVE SHORES TO AVOID COMPLICATIONS, ALLIANCES, AND INTRIGUES OF THEIR PEOPLE, AND THEY GREW AND PROSPERED.

(By Ex-Judge Felix T. Hughes.)

"I am opposed to the league of nations, which is now pending for ratification by the Senate.

"I am opposed to it because it is impossible under the state of civilization and the variety of human interests in the world; on account of climate, race, and civilization. A league is a 'treaty, alliance, or confederation between two or more sovereigns or governments for mutual aid and defense.' Leagues may be, and generally are, 'offensive and defensive.' The former when they unite in attacking a common enemy; and defensive when the parties agree to assist each other in defense against a common enemy.

"SUPREME COURT VIEW.

"Our late Mr. Justice Miller, of the Federal Supreme Court, said in 112 United States, pages 580 to 598:

"'A treaty is primarily a compact between independent nations. It depends for the enforcement of its provisions on the interest and the honor of the Governments which are parties to it. If these fail its infraction becomes the subject of international negotiations and reclamations so far as the injured party chooses to seek redress, which may in the end be enforced by actual war. It is obvious that with all this the judicial courts have nothing to do and give no redress.'

"So that every treaty or league contemplates a possibility of war, because the league or treaty has no internal power, as among the contracting nations, of enforcing its agreements.

"Treaties or leagues of nations should have no other object or purpose in view than to promote peaceful, social, and commercial relations between them where such relations are mutual and the parties feel that their respective interests are indentical upon the given question in issue.

"The interest of the respective nations depends on the state of their civilization and commercial and social attainments at the time, and these may be and have always been so divergent and ever changing that no one rule of action can be laid down to meet such divergency and necessities of 'all the people all the time.'

"SOME BROKEN COVENANTS.

"One would think from Mr. Wilson's '14 points' that the only thing for the nations of the world to do is to step up now and sign their names to this paper, then wars will be forgotten. But even the covenant of the Garden was broken when Eve got her eye on that apple. Then Cain and Abel broke their brotherly league and the one killed the other.

"The human race is known only through its wars. The people who do not fight for their existence only await the time when they are consumed by the ones who do. Korea and China are examples.

"All leagues or covenants last only so long as the interest, thoughts, and wishes of the people continue as of the time of the making thereof. Even the Holy League of 1576 failed of its purpose, and possibly because of inherent differences in the application of religion to the human being.

"WORLD PEACE FAR OFF.

"Nothing has ever stayed and made permanent any order, league, or covenant designed for the future; and nothing can or will ever be made to stand any longer than is permitted by the changing conditions of the human families requiring different rules and obligations of the one people to the other. I may say that the world to-day is no nearer the peace question than it was before this league of nations was proposed, and when the pipe dream of the '14 points' came under the fire of human intellect and human necessities it was found as varied as the people of the world.

"The power to enforce the peace of the world rested at the close of this war in the great Allies; and the power was the power of the sword, and it was enforced by means of death and destruction. When the Central Powers were destroyed and on their knees, it was sufficient for these allied powers to fix the penalty and put their finger to the place and tell the Kaiser and his allies to sign there.

"As for the League to Enforce Peace, there is no supreme power in a league to enforce its own decrees. They can only exist when the conditions, as of the time when made, continue and remain the same. Differences will arise from intellectual advancement, physical conditions, temperature, and localities, and as these grow the differences of the original league widen until a split or separation must come.

"'A League to Enforce Peace!' The very thought includes war, made by this league against any country or people whose changes of necessities and thought differ from that of the original league.

"There may be pact in the peace but not peace in the pact. Our love of peace comes from the horrors of war, and history is the best pact. All there is in the pact is that we sign a bond not to fight again. Yet if somebody seeks a fight we will fight him.

"Since there are no means of maintaining a league to enforce peace but war, how can such a league be maintained without war? The only league worth a cent is the one in the mind and soul of the individual or nation that has seen the horrors of war and felt and enjoyed the blessings of peace.

"One may say that most likely there would be no such differences arising in the league as would require any serious war or trouble. But that is purely imaginary. The split may grow until the minds of the contracting parties are equal or nearly so. And then comes the 'tug of war.'

"WORLD IS WORSE OFF.

"The right thing for the allied nations to have done was to dictate terms of peace which the Central Powers must accept, and thereby end the war. Then we could have talked for the years to come about means to prevent another war. But no, the whole thing must be settled now and forever, before the terms of capitulation of the Central Powers could be written.

"And with all these months of struggle and indecision the world is in a thousand times worse condition to-day than it was in November last when the armistice was signed. And we find that, as to this Nation's wants, instead of the peace pact ending wars we are 'just beginning to fight.'

"We have in our own land more concern about our own liberties and our law-abiding people than we can handle, without running after those of Europe, Asia, and Africa. This country has been opposed to leagues or general peace treaties with the countries of Europe from the beginning. Our Pilgrim Fathers left their native shores to avoid the complications, alliances, and intrigues of their people, and they lived and prospered under their own vine and fig tree and grew until they felt they could stand alone; and they did, through revolution, thereby obtaining independence.

"THE MONROE DOCTRINE.

"Washington, the Father of his Country, left in his Farewell Address the instruction to avoid entanglements and alliances with other countries, and it worked so well that President Monroe affirmed the doctrine and put up the big sign 'Monroe doctrine' for Americans. And under this big sign we have marched to our present human greatness.

"Yet, just now, in the youth of this greatness, we are asked to take down this sign, burn it, and go into the big mix-up of the world; in fact, to put ourselves into this world court to abide any decrees it may make, regardless of the wish of this Nation or that.

"Now, this doctrine, as foreshadowed by Washington in his Farewell Address, had been tried and tested down to the presidency of James Monroe, from 1821 to 1825, and when it had been seen that the Holy Alliance was attempting to subjugate the Spanish-American States which had revolted, Monroe said that any attempt of the 'allied powers to extend their system to any portion of this hemisphere was dangerous to our peace and safety.'

"PUTS LEGAL PHASE TO TEST.

"Just how Mr. Wilson can say that the allied powers which he proposes can extend their system to not any but all portions of this hemisphere without danger puts the legal phase of this question to the test. In fact, his proposition, as I view it, is simply absurd, and made for personal or ambitious reasons of his own.

"The very thought simply wipes out the whole Monroe doctrine and puts us back precisely where we were before it became the law and policy of this country. 'With our backs to the wall' and the 'Spirit of '76,' we say, 'You shall not pass.'

"As Washington, Monroe, and all our true, great American people down to the present time have stood aloof from the European entanglements and alliances, why not go along like them?

"There is no question but that a league or treaty between nations, and especially the one that is proposed, is supreme over and above our Constitution and laws, and when we have signed and become a party to this constitution of the world, we are but a member and not an independent Nation, and we must

take the judgment of this World Congress which is to pass upon our rights the same as those of other people, whether enlightened or savage.

"OVERRIDES CONSTITUTION.

"A constitution which provides for making treaties with other nations does admit, and the courts so decide, that this treaty when made is superior to the constitution. Or in other words, the constitution has in fact been so far amended. When our Constitution is antagonistic to that of the world constitution, we take our chances of seeing the world decide against us through the supreme court of the world instead of our own Supreme Court and our own people.

"I am one of those who believe that the time has not come when we are ready to submit our Constitution and the liberties of our fathers to the decision of a foreign court.

"We are now listening to the story that we shall lose the commerce of Europe if we do not hurry up and sign; and, lastly, if we do not hurry up and sign we shall not get a part of the spoils that are now to be distributed as the trophies of war in the old country. Such stuff to cast before an American citizen!

"This country has gotten along very well without the spoils of Europe and the trophies of war, and we shall have the other countries begging at our feet for the means of life rather than be begging them for the little pittance of spoils coming to us as a party to the war.

"SENATE CONSENT NEEDED.

"Treaties under our Constitution can only be made by the President 'by and with the advice and consent of the Senate,' and this advice and consent is so important that it takes a two-thirds vote of the Senate before it becomes effective.

"Did the Senate advise Mr. Wilson to make the treaty or league in controversy? No; on the contrary, he conceived the thought out of his own personal mind. He left his country, in a sense, without the knowledge of the Senate, a thing without a precedent, and at a time when it was most important for him to stay in this country.

"When reminded of this important duty, his only answer was that now, when telegraphy and wireless are so quick and great, he could handle Congress as well in Paris as in Washington. That was when a friendly Congress was in session. But when March 4 came, and a different Congress was to convene, he said he would not convene it because he would be away on his important mission and Congress could not run without his presence in Washington.

"Was he, in all this, seeking the advice of the Senate as to this league or consulting his own personal interest in determining the interest of more than a hundred millions of people?

"ORIGIN OF A TREATY.

"'A treaty must come from the people as represented in the Senate, and when the people feel the necessity of such a treaty, and what it should be, the Senate advises the President what the people desire in that regard, and authorizes him, as their contracting agent, to enter into such an agreement and get the signatures thereto. Then, when all is done, the paper must come back to the Senate for ratification by a two-thirds vote thereof before it can become effective.' (Butler, Treaty-Making Power, S. 463–183, U. S. 176.)

"France asks that the Allies especially agree over their signatures to go to her military aid in case Germany should undertake another invasion of her soil. This is another clause to 'enforce peace' instead of the love of peace.

"I should be in favor of the advanced and independent nations of the earth in some formal way pledging the honor of the respective countries to do all in their power to prevent war and maintain peace. This can be done without the sacrifice of the principles and constitutions of such countries, and will preserve their full independence to act in all matters which might arise concerning their rights and privileges. For that matter, a court of arbitration could be established, and differences arising between the nations so agreeing could be adjusted in the usual way. The penalty of refusal to abide by such arbitration would be the horror of war.

"The proposed league of nations is nothing more than a consolidation or trust of all the independent nations of the world into one grand combination, with executive legislation and judicial powers.

"This power will deal with the individual nations just as a great consolidated corporation would deal with its stockholders, the stockholders in the instant case being the nations so entering the league.

"In fact, this country of ours will have very little to say about its internal or external affairs and can only appeal to the league powers, and abide by the decision reached. Where is the end? And where do our Declaration of Independence, our Bill of Rights, our Monroe doctrine, our Constitution, our flag, our land of liberty, the home of the oppressed of all nations, come in?

"We have done well so far. Our very independence and our great power were the signals to victory in this war.

"The 'big four,' which assume the duties of executive council of this world combination, have not been able so far to satisfy themselves in the partitioning of the world proposition. One of the fourteen points was intended to preserve the boundary lines of existing countries, but among the first things done was to establish some new countries out of the borders of the old, and define their rights and powers. In this way the peace of the world was to be enforced. But no sooner had this general claim been made than we were called upon to aid existing countries—England, for instance, in retaining her boundary over Ireland and her internal affairs here at the threshold. Instead of this point enforcing peace, it enforces war, and we are now experiencing the entanglements of these people in our own land.

"We are discovering many germs of war instead of peace. It all goes to prove the utter futility of this league. Our fathers and mothers are never going to consent to any league, combination, or authority, composed chiefly of the powers of Europe, to say: 'This American boy or that must leave his home, family, and country and sacrifice his life on the bloody field of battle in Europe, Asia, or Africa on the order of a foreign council.'

"We can better serve all the people by first serving our own. Let every other country be likewise. Let's go the old way and never lower the old flag one inch for anybody."

Mr. WILLIAMS. Mr. President, following the telegram which has just been read, I wish to read a letter which I have received from the president of the University of Cincinnati, Ohio, Dr. Charles W. Dabney, as follows:

UNIVERSITY OF CINCINNATI.
September 22, 1919.

Senator JOHN S. WILLIAMS,
Washington, D. C.

MY DEAR SENATOR WILLIAMS: With the exception of a few extreme partisans, everyone I know is in favor of the immediate ratification of both the league of nations and the treaty of peace without reservations or interpretations. School and college men are almost unanimous for it; the vast majority of the church people are for it.

As I meet them, the people of the country are becoming more and more indignant at this delay. They recognize that the documents may not be perfect; but they all say ratify now and amend them afterwards. If the league council refuses to accept reasonable amendments, such as may be required to assure the preservation of our American interests—I do not believe they will be required—then we can get out of it.

This league presents the idea for which the Christian world has been working and praying for centuries. To lose this opportunity to put this idea into practice would be the crime of the ages.

Sincerely, yours, CHARLES WM. DABNEY.

In connection with that Mr. Dabney sends me an address which was delivered by him and which is entitled "The world peace: How shall we keep it?" It is very short; it is the address of a man whom I have known for nearly half a century, I reckon; a man of fine learning, magnificent sense, and of the loftiest and best possible feeling. I ask unanimous consent that the address be inserted in the RECORD, to follow immediately after the letter which I have just read.

The VICE PRESIDENT. Without objection, it will be so ordered.

The address is as follows:

THE WORLD PEACE—HOW SHALL WE KEEP IT?

[By Charles William Dabney.]

"Peace has come, but to what a world of waste and woe! Ten million men killed at the front and countless more dead in the home lands. Economically Europe is in ruins; industrially it is paralyzed; financially it is bankrupt; politically it is in anarchy. Famine threatens the whole of the Continent; terrorism blazes over all. What good is peace in such a world? Is it indeed peace, or is it death, that has overtaken the world?

"Nor are these terrible consequences confined to the conquered peoples. The neutral nations are only less hungry and the problems facing the victorious Allies are equally large. The sudden reversal of the tremendous enginery of war and its direction into peace-time production, the return of the men to their employment, the vast work of reconstruction and of the restoration of the rights of individuals, railroads, and corporations, sacrificed to the emergency, and the confusion of a society hurriedly changing back to the old basis—all these things call for great wisdom and devotion, as well as for prodigious energy and expenditure. The question of the hour is, Can conquered Europe be brought to

order? Having won peace, can we keep it? The organization for war was an easy business compared with this task of organizing the world for peace. Such a time is one for sincere thinking and earnest acting; for broad statesmanship, not for narrow partisanship. The rebuilding of European institutions is the hardest task ever set for the minds of men, and their minds must not be poisoned either by national jealousies at Versailles or partisan demands at Washington.

"Called upon to share in the work of restoring civilization, we must ascend the hill of vision and try to get a new view; we must cease to think in terms of countries and continents and endeavor to see the world as one whole. The Old World, with its dynasties and its despots, its kings and its kaisers, its secret diplomacies and competitive armaments—this Old World, with its thousand years of wrongs, is dead. It cost 10,000,000 of the lives of its best men, but it is dead at last. The dynasties are overthrown, the war lords are vanquished, the kaisers have fled.

"The new world that lies before us is a world with a new spirit; it is a world founded upon a new concept of government; it is the concept that the nations are not, as has been held for a thousand years, a collection of natural enemies, but a society of friends; it is the belief that cooperative nationalism, not competitive nationalism, shall be the principle of the future; it is the faith that justice, not force, that the moral law, not the law of the sword, is to be the rule of the new world's life. The 'balance of power,' a concert of nations armed to the teeth against their own destruction, is forever destroyed, and a 'community of power,' a league of nations organized to protect the existence of all is, we hope, to be established. In this sense the round earth is henceforth to be the unit of government.

"How shall we keep the peace? There is danger that after spending millions of lives and billions of money to win the peace we shall now go to sleep with the idea that peace will keep itself. Let us not deceive ourselves. Look at Russia and Germany to-day. Peace will not be preserved a single decade under the old plan. By what plan, then, by what law shall we preserve this peace? By the same plan, by the same law by which we won it—by the law of right. This is the teaching of all history, as well as of this war.

"The chronicles of the nations are full of tragedies showing the necessity of punishment to teach men the duty of right doing in national as well as in personal affairs. But men refused to learn the lesson. So in these last years the world had again to be taught that 'God has made all the nations of the earth of one people to dwell on the face of the earth,' not in perpetual fear of one another, but in constant helpfulness to one another. This latest and greatest catastrophe teaches us that moral ideals are more powerful than any other force in the universe. These are the lessons of the war.

"There are some great lessons for the nations in this peace treaty, too—some most surprising lessons! For years men have thought that certain wrongs would stand forever unrebuked and unchanged. The doctrine that might made right seemed established by history. Who of us, for example, thought 10 years ago that millions of Americans would ever cross the seas to help the people of Lafayette recover their lost Provinces? As President Poincare said in his address to President Wilson on the Fourth of July: Who foresaw or could foresee 'two people communing together in the memory of the ancient ideals which won for America her liberty, and in the hope of an immediate victory which would assure to the world a just and fecund peace, based on the right of nations and fortified by the approbation of the human conscience?' And we may add: Who in the last 50 years believed that the rape of North Schleswig would ever be atoned for? Who, in the last hundred years, knowing the vast complications, ever dreamed that Americans would take part in a war which should redeem the countrymen of Kosciusko and reunite partitioned Poland? And who, in the last hundred and fifty years, would have thought that the territory captured by Frederick the Great in his raid on Silesia in 1740, the model of all the later raids of his successors, would have been restored in 1919? What modern prophet foresaw these things? They were hoped for by French and Poles, but, among outside peoples, who ever thought them possible? But they are all done. These wrongs are righted. The 'captives of the mighty have been taken away and the prey of the terrible delivered.'

"But the greatest lesson of all has just been given us. Witness the final act of this war drama being acted at Versailles to-day. Consider first the setting of this wonderful international drama. The Germans are back at Versailles after 48 years! The wheel of time has indeed brought many strange happenings to light, but never anything like the irony of judgment that brought the Germans back to the Hall of Mirrors. If by looking into those mirrors we could see what was happening in 1871, what would we see? We would see a German army in France and in captured Paris. We would see a defeated people surrendering to German force. We would see a man of 'blood and iron' dictating to the President of that people the most vindictive peace that ever closed a war. We would see the flower of the German Army and a glorious company of princes gathered in pride and power to found, in this very Hall of Mirrors, the German Empire, which was to be the curse of the world.

"Now behold another scene. 'It is Wednesday, the 7th of May, 1919. The plenipotentiaries of the Empire of Germany are at Versailles, in the city where on the 18th of January, 1871, was built the German Empire on the ruins of France. It is exactly the anniversary of the sinking of the *Lusitania*. As for Versailles, we have the proof that she was to have been destroyed to terrify Paris, as they destroyed Louvain to terrify Brussels. To-day the successors of the invaders of 1914 are seated, vanquished, before our representatives, to hear the terms dictated by their conquerors, the successors of those who were to be crushed in 15 days.'

"Now, by what law do such things happen? Is it by a law of the nations or by some kind of cosmic law that they occur? Go back to January 18, 1871, when the German Empire was proclaimed at Versailles, and get the answer. The chief actors in that scene will give it to you. There, in this very peace hall, was held, preparatory to the proclamation of the Empire, a religious service, in which these Germans bowed down to God and William I, and there was chosen for the German preacher a text the words of which must live as a mark of the cynical depths of cruelty in which this empire was conceived and born. The official court preacher was assigned those terrible words that marked the doom of Belshazzar—'Mene, mene, tekel, Eupharsin.' 'God hath remembered thy kingdom and finished it. Thou art weighed in the balance and art found wanting. Thy kingdom is divided and given to the Medes and Persians'—and addressed his sermon to France and her last Napoleon. There is the answer. God! 'God hath remembered.'

"Where less than half a century ago victorious Germans dictated the terms to France the representatives of vanquished Germany have now heard the sentence passed upon their nation. When they look upon those mirrored walls this week they will read there the same fateful words they wrote for the French in 1871. Has the history of the nations any parallel to this moral drama?

"There is a lesson, too, for all the nations in the memory of these events. It is not for the Germans only, it is a sharp warning to all nations. The one certain lesson of the past is that for every such deed and act of oppression the price is to be paid at last. Nations, like individual men, pay the penalty for all acts of lust and cruelty.

"What scenes and lessons! What do they mean for the future? Behind us is the greatest war in history; in front of us the peace for which we have been waiting 2,000 years. With no unreasonable pride of power, with no incurable hate and no insatiable craving for revenge in their hearts, all the peoples are longing for this everlasting peace. With the wreckage of the past they have cast these things behind them, and they long with an unalterable passion to be allowed to live in peace, in the peace that holds in its lap the prosperity and happiness of their children. It is not their will that this peace shall be poisoned with the spirit of revenge they have sought to destroy; but it is their unalterable will that this victory shall go hand in hand with justice and reparation for Servia, Belgium, France, and all the outraged peoples. If they willed less than this, the blood of their martyrs would cry out against them from the ground.

"What now is our part in this peace? We entered the war not for conquest but for conscience; not for selfish but for righteous ends. We entered the war to overthrow the military autocrats, for the rights of the weak and helpless, and for the little peoples of the earth, that they might continue to plow and sow and reap in their peaceful valleys, singing their songs of by-gone glories undisturbed and unmolested. We entered the war for the freedom and safety of the seas, for the sanctity of treaties and covenants, for the cause of world democracy, for a world governed not by force and fear but by faith and friendship. So far not a selfish act has marked our course either as war makers or as peacemakers. Shall we not see to it that no selfish act shall spoil it as peace keepers? For the honor and safety of America, and for these conscientious reasons only, we entered the war, and for the same reasons we will enter the league of peace. The same conscience which ordered us into the war commands us now to stand by the league.

"Some would have us abandon the Allies and leave it to Europe to keep the peace and help its own weak nations. Such a course is not only impossible, it is unthinkable. If we could

not keep out of the war, we can not keep out of the league. Better had we never gone into the war than that we should play the coward now and abandon our friends. The war has taught us that America belongs to the world and must take her share of the world's burdens. As she stood with her allies in war, so she must stand with them in peace.

"The Great War has indeed taught us that war itself is not only a crime, it is an anachronism—a lesson of infinite importance; but after all this is only a negative result—a lesson of what to avoid, not a lesson of what to do. This is the time for constructive action. The old laws and conventions of the political, social, and industrial world are failing. A new world is here—whether we will it or not—a new society is to be organized.

"If our responsibility as makers of peace has been great, our responsibility as its conservers will be even greater. Behold the situation in Europe. Russia is in chaos, Germany is on the edge of it, and Austria has gone to pieces. For the time these vast empires have become, as some one has said, 'mere geographical expressions.' Who can predict the lines of their future development?

"Just two things seem clear. One is that we shall never again have any military autocracies. The kaisers are gone forever, and their empires are broken up. The other thing is that these shattered societies must be organized and brought into the household of nations. Like children, they need direction and help. For this they look chiefly to America and Britain.

"We are at peace with our enemies, yes; but let no one think we are on the eve of millennial harmony. On the contrary, with scores of new questions to settle for 20 or more new States the world is in the most critical condition in a thousand years. It is natural that at this time the governments are confronted by many unreasonable demands, that many ignorant men seek impossible ends by impossible means. It is the inevitable consequence of the war and of what went before the war that the fountains of the deep have been let loose, that eyes have been opened to things never seen before, ears to things never heard before, minds to new dreams, hearts to new hopes; that when the doors of the prison were opened the poor men and women should rush madly forth to abuse their unaccustomed liberties. To heal this situation mere negation and suppression will not suffice. Humanity is hungry for liberty, for democracy in its fullness, for the realization of fraternity in all things. There is one way, and only one way, of mastering the new dangers which in a sense our victory has produced—that way is the league of nations.

"In such a moment as this is it nothing to these partisan objectors to the treaty that they bring back to the councils of the nations the Machiavellian spirit of the old times? On one man's conscience lies the burden of the suffering and slaughter of this war. God grant that on no man's conscience in America may lie the burden of breaking, or even of delaying, this peace, the very thought of which has lifted up the hearts of all mankind and made even these sacrifices seem not in vain. The world stands at the most creative moment of secular history. The armies of the earth have come to the great divide, the watershed of time. Which way shall they march, from the crest into the bright valley of peace or back into the dark chasm of war? The American people will decide. I believe they have decided; and their representatives shall know it and do their will."

Mr. FLETCHER. Mr. President, I ask to have printed in the RECORD a statement adopted on September 17, 1919, by the Brooklyn League of Nations Committee on the subject of the league of nations.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

"STATEMENT ADOPTED SEPTEMBER 17, 1919, BY THE BROOKLYN LEAGUE OF NATIONS COMMITTEE AS TO AMENDMENTS AND RESERVATIONS TO THE COVENANT OF THE LEAGUE OF NATIONS PROPOSED BY MAJORITY OF COMMITTEE ON FOREIGN RELATIONS OF THE UNITED STATES SENATE.

"The majority report as to the peace treaty of the Committee on Foreign Relations presented to the United States Senate September 10, 1919, concedes that the adoption of the amendments and reservations proposed by the committee would involve a reopening of the peace conference, but nonchalantly explains that the peace conference is still in session, and 'that no great amount of time need be consumed in bringing German representatives to Paris,' and that 'the other nations will take us upon our own terms, for without us their league is a wreck.'

"We view with more concern than the majority of the Senate committee the prospect of recommencing negotiations, with its attendant possibilities of opening up afresh among 33 separate States the innumerable controversies composed by the treaty.

"Some of the proposed amendments as to the league would seem to be impossible of acceptance by the other powers. All of them seem unnecessary.

"The so-called Johnson amendment would give to the United States as many votes in the assembly of the league as has the British Empire. That is, either England, Canada, Australia, New Zealand, South Africa, and India would be reduced to one representative jointly, or the United States would have six representatives. The assembly is practically a forum for discussion. In it all nations, large as well as small, have been given single representation. Canada, Australia, New Zealand, and South Africa are actually distinct Commonwealths. India soon may be. No reason appears why these should not have a seperate voice, or why, if they have, America should have six times the representation of any other nation. The suggestion is mere jingoism and twisting of the lion's tail.

"An amendment proposes that the United States shall have no representatives on commissions under the league dealing with questions in which we are not immediately interested. If that principle were carried out throughout, no commissions would be created except of men whose nations were directly interested in the controversy before them, and the entire idea of an impartial tribunal, which is the essence of the league, would be destroyed.

"The first so-called reservation, really an amendment modifying article 1 of the covenant, provides that the United States may after two years' notice withdraw from the league unconditionally and not as article 1 provides, upon fulfillment of its international obligations or obligations under the covenant. It can not but be assumed that the United States will always perform its obligations, and if, as is contended, the league is to determine whether those obligations have been performed, the United States can well afford to take the risk of a decision by such a tribunal. If we may demand this reservation far less responsible nations with equal propriety will demand it, and, in case of controversy, withdraw from the league, leaving obligations unfulfilled.

"The second so-called reservation provides that the United States shall not under article 10 of the covenant undertake to preserve against external aggression the territorial integrity and existing independence of any nation, or in case of threat of war by any member resort under article 16 to boycott or to armed force, and that it shall not under article 22 accept a mandate for any weak nation except with the consent of Congress. The provision is ambiguous. It is not clear whether the United States absolutely declines to protect weak powers by boycott or force, or whether it will thus act, as in the case of a mandate, only on consent of Congress. If the former construction holds, the reservation devitalizes the covenant; if the latter, the amendment is needless. The league under article 10 has, upon danger of aggression, power only to advise what action shall be taken. Under article 16 it has, in case of unjustified war, power only to recommend action. Under article 22 mandates can be conferred only upon those nations which are willing to accept them. Before action can be taken in any case Congress, representing the Nation, must act.

"The third so-called reservation provides that the United States reserves to itself exclusively the right to decide what questions are domestic questions with which the league shall have nothing to do. This is to make the United States the judge in its own case. If every other nation were to demand the same right, and, upon a controversy of any sort arising, could say that it was domestic and that the league had nothing to do with it, the whole scheme of arbitration would be broken down.

"The fourth so-called reservation declares that the United States declines to submit to the league any questions with regard to the Monroe doctrine and that this doctrine is to be interpreted by the United States alone. Article 21 of the covenant states specifically that the covenant does not affect the Monroe doctrine. That article amply preserves the rights of the United States in that doctrine, and further specification is unnecessary.

"This committee very earnestly protests against the adoption by the United States Senate of the majority report of the Committee on Foreign Relations."

W. C. BULLITT'S ACTIVITIES IN FRANCE AND RUSSIA.

Mr. OVERMAN. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Edwin L. James, a New York Times correspondent, the article being clipped from the New York Times and headed "Saw Lenin's hand in Bullitt's plan." It is in regard to the activities in France and Russia of Mr. Bullitt, who was a witness before the Committee on Foreign Relations.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 23, 1919.]

SAW LENIN'S HAND IN BULLITT'S PLAN—ALLIES SPURNED PROPOSAL THAT THEY SHOULD BESEECH PEACE FROM THE SOVIET—REFUSED TO CONDONE REDS—AUTHORITATIVE OFFICIALS IN PARIS SAY WHOLE TRUTH WAS NOT TOLD TO SENATORS.

(By Edwin L. James.)

"PARIS, *September 21.*

"William C. Bullitt did not tell the Senate Foreign Relations Committee all of the story about his going to Russia. He told the Senators how bad other people's plans were, but he neglected to tell how bad his plan was.

"Bullitt's plan was nothing more or less than that the Allies should recognize the soviet government and then humbly ask the Bolsheviki to grant an armistice. His plan, of which Lenin more than himself was the author, was so distant from anything that could be of use to the peace conference that it quite naturally found its way into the conference wastebasket.

"The real story of Bullitt and his scheme for settling the Russian problem I have from authoritative sources. It comes from those who know where and how the scheme originated and where and how it died. It comes from those who trusted Bullitt and will not trust him any more.

"Bullitt's testimony before the Senate committee was so illuminating on the method of the peace conference that eager historians must regret certain omissions concerning which even Senator LODGE'S painstaking examination failed, were it not for justice to the peace conference the whole world might be content to wait until his autobiography set forth his pro-Bolshevikist plan. But because they believe that his shrinking nature might prevent him from giving facts those who know believe they should fulfill the duty which their knowledge places upon them. They believe that the Senate should not bask in the sunshine of a few bright spots of Bullitt's expedition, but should have the full sunshine of his case from the time the youthful son of light turned his back on Petrograd and his face toward Paris.

"WANTED ALLIES TO ASK FOR PEACE.

"Inasmuch as Bullitt had already sent ahead by cable the text of the 'agreement' he had reached with Litvinoff and Tchitcherin, the mind of the commission was fairly well made up with regard to its merits before his arrival in Paris. It was felt that it contained certain fundamental points which made it useless as basis for negotiations.

"The chief objection was that, according to the form of the agreement, it was to be offered by the allied and associated powers to the soviet government as a proposal for an armistice. Now, even if the powers would have been induced to accept the idea of concluding an armistice with soviet Russia, it was impossible to accept the idea of proposing such an armistice, particularly in the form in which Lenin demanded it.

"It was Lenin's suggestion that the proposal should emanate from the Allies. His reason for this procedure he explained to Bullitt, who thought it sound and worthy. Lenin said that if the soviet government were to make the proposal it would have to be in a special form suited to the temperament of his Bolsheviki—bombastic language would have to be employed, and the whole document would have to be filled with loud denunciation of the faithlessness of the 'capitalistic classes.' He said that if, on the other hand, the proposal came from the Allies it could be framed merely in strictly legal form, and that his bombast and propaganda need not appear. Bullitt 'fell' for this thin argument and expected the peace conference to do likewise.

"In a great many places in the Bolsheviki-Bullitt document the Allies were to recognize the soviet government as the authorized representative Government of the Russian people. Statesmen in Paris were vigorously opposed to any such language or methods in dealing with the Bolshevikist government, since this involved condonation of the Reds in past performance.

"As Bullitt had suggested by cable and confirmed later by word of mouth that this form of proposal was essential to Lenin and could not be altered, the chances for its success were never worth mentioning. Consequently, when Bullitt reached Paris he found that opinion had rather crystalized against his proposals. He found that he was not welcomed with open arms in recognition of a great achievement. He demanded an interview with President Wilson, but the President refused to see him.

"PREDICTED A GREAT CONVULSION.

"Deprived of the ordinary channels through which he might communicate his views to responsible statesmen, he began to communicate to them indirectly through subordinates. Finally, deprived even of that recourse, he buttonholed unsuspecting individuals and led them to quiet places in the Champs Elysees, where he expounded his admiration of Lenin and his devotion to the doctrine of revolution.

"More discouraged by a certain lack of appreciation, which appeared to Bullitt quite out of harmony with his achievements, he announced that he was going to the Riviera and 'lie in the sand and watch the world go to hell.' All this, he prophesied, would take place in 30 days. Lenin, the honorable gentleman that he was, would wait until April 10, the time limit within which he would permit the Allies to propose an armistice.

"Thereafter, Bullitt confided, Lenin would let loose a Red army over the face of Europe, and two continents, from Omsk to Cape Finisterre, would be crimson with the blood of countless thousands. The tide would strike Vienna in 15 days and Rome in 20. Berlin would go under, while France would still enjoy another month of capitalistic existence, but not more.

"All this Bullitt prophesied and chuckled over.

"'Suppose, Bill,' said an acquaintance to him, 'that when the Red flood comes along you'll be riding the crest with Trotski and his generals?'

"Bullitt suddenly became profound and sober.

"'I would feel honored if they would let me,' he said, 'but I'm not good enough.'

"And so Bullitt went to the Riviera to lie in the sand and Europe withstood the shock.

"COLLECTED CONFIDENTIAL DATA.

"Two weeks later he returned to Paris and devoted himself to three tasks. First, he collected certain confidential documents in order to 'make a case' against the President, as he said. Second, he engaged various persons in confidential conversations and elicited their opinions, and thereupon retired to his office to dictate these statements against the coming of his day. Lastly, he held an evening salon in his room, where he lay in pink silk pajamas and discoursed on the joys of self-denial under communism and the moral obliquity of President Wilson.

"The last hours of his public service were devoted to drafting his letter of resignation. Perhaps it is better to say his letters of resignation, for he submitted various farewell letters to Secretary Lansing, Col. House, Mr. White, Gen. Bliss, and Mr. Crew, secretary of the commission.

"His letter to President Wilson was drafted and redrafted. Taking pride in its literary qualities, he showed it confidentially to many friends, some of whom were responsible for the modification of its language. Finally the document was submitted.

"Then he waited for a reply. None came. He sought an audience. None was granted. Thereupon Bullitt decided that the world was entitled to know his reasons for quitting, and he made his letter public.

"The world knows what capital Germany and her allies made out of it. In the files of the American commission there is a clipping from the Vienna Ostdeutsche Rundschau, which said:

"'The letter of one Bullitt is the most serious moral setback which Wilson has suffered in the course of his political life. By this we do not mean that it will constitute the greatest moral defeat for this hypocrite. On the contrary, we dwell in silent hope and joyous expectation that after this first clear and sharp rebuff others will follow of a more marked and obvious nature, which will teach Wilson that he can not play his rôle of tartufe with impunity.

"'Bullitt and his splendid and courageous letter will live forever in the history of mankind. Doubtless Wilson will also live, but Bullitt will unquestionably be infinitely better judged by the verdict of posterity than Wilson. Bullitt is our man, not Wilson.'

"SAW 'REMEDY' IN REVOLUTION.

"The night before he left Paris and its vales of diplomatic iniquity a dinner was given to Bullitt by some of his devotees. At the close of a lively discussion of international sins, Bullitt was asked for his remedy.

"'There is just one remedy,' he replied, 'and that is world revolution.'

"Bullitt went to England for two months and then home.

"This is written to give a picture of Bullitt as he appeared to American statesmen in Paris in his advocacy of Bolshevism. It is intended to show why his plan met the fate that befell it instead of being written in the compact of nations that were planning for justice and liberty.

"I was walking along the Seine this morning with an experienced diplomat with whom I had been discussing the affair of Bullitt and he had finished telling what he knew of the young man's trip to Russia, the fiasco of his plans, and his subsequent action. Then he added:

"'Here endeth the first lesson, but not the last, for a man who has leagued with Lenin, subscribed to the program of world revolution, given courage to the enemy, and betrayed the confidences of his friends may be safely expected to engage on some other high enterprise.'"

ADDRESS BY SAMUEL J. GRAHAM.

Mr. SWANSON. Mr. President, I ask permission to have printed in the RECORD without reading an address by Mr. Samuel J. Graham on the league of nations. It is not very long.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SOME REFLECTIONS ON THE LEAGUE OF NATIONS AS RELATED TO THE HISTORY OF THE UNITED STATES.

[By Samuel J. Graham, Assistant Attorney General of the United States.]

FOREWORD.

"These papers were prepared for reading by the general public, and not by the learned or critical. For this reason they were designedly made somewhat free in language and unconventional in expression. My purpose was to possibly aid in arousing interest in and discussion of the proposed league of nations by directing attention to historical facts connected with the development and building of our own Government and league of nations and to point out how largely the human element and material predominate in any governmental structure.

"I have been induced to republish them because of the many requests to do so from persons for whose judgment I have the highest regard. If they shall contribute, even in a small way, to make straight the paths for the President to travel when he returns from the peace conference, I will have accomplished my purpose. I have purposely avoided the advocacy of any particular form of constitution for this league of nations. That, as in the case of our own Constitution, must be the result of common counsel and the wisdom of those who compose the peace conference.

"SAMUEL J. GRAHAM.

"WASHINGTON, D. C.,
"*February 10, 1919.*"

A WORKING LEAGUE.

THE UNITED STATES AS A LIVING EXAMPLE OF PEOPLES BROUGHT TOGETHER BY COMMON IDEALS AND COMMON DANGERS.

[By Samuel J. Graham, Assistant Attorney General of the United States.]

"Will you permit me, in connection with the much-discussed league of nations, to call attention briefly to some historical facts which I have not seen alluded to, which paved the way to the league of nations which was formed when the Constitution of the United States was adopted and which indicate that this consummation was finally accomplished through the medium of the preexistent league of friendship between the thirteen Colonies, based upon common wrongs, common ideals of justice and liberty, and common hopes? The thirteen original Colonies were joined in a league of friendship based upon wrongs, ideals, and hopes, and so conducted the Revolutionary War for three years before the adoption of the Articles of Confederation. The United States and the Allies have been in a league of friendship since the United States entered this war, a league of friendship growing out of common wrongs, and, it is to be hoped, common ideals and common hopes. Their armies have been under one common commander; the blood of their soldiers has been poured out in a common stream; their navies have been one; they have pooled their financial, industrial, and economic resources; and, for all the purposes of this war, at least, have been in substance a league of nations without formal covenants, a league based upon common wrongs, ideals, and hopes. Now to the facts to which I wish to call attention:

"The port of Boston was closed by order of the English Government by what is known as the Boston port bill, which closed the port to navigation. There had been also passed by Parliament what is known as the regulation act, by which the charter of the Colony of Massachusetts was annulled without any previous notice and its free government destroyed, and a third act which provided that any magistrate, soldier, or officer in Massachusetts who should be indicted should be tried in Great Britain and not in Massachusetts. Notice of these acts was received in America on the 10th of May, 1774, and on the 12th of the same month committees from several towns of Massachusetts held a convention at Faneuil Hall and adopted a circular letter prepared by Samuel Adams, which was sent to all the other Colonies, reciting these wrongs and asking for sympathy and cooperation.

"It is interesting to note that at this time there were very strong jealousies among the Colonies and among their respective peoples a lamentable lack of knowledge of and acquaintance with one another. The Virginia planter and the Boston merchant, by either intercourse or acquaintance, had apparently little in common and knew little of each other. This can be readily understood when it is remembered that it took 10 days to go from Boston to New York and three weeks to go from Virginia to Massachusetts, a long journey over bad and often dangerous roads. They knew each other only through the medium of report in which the false and true were mixed with local prejudices and limited information. The personal touch was wanting. There were but few newspapers, with limited circulation, and the inventions growing out of the discovery and utilization of steam and electricity were unknown. There were no railroads, no telegraph lines, and racial and religious prejudices ran high. In fact, the people of the respective Colonies generally were badly informed, provincial, and with limited intellectual horizons. Their time and attention were engrossed in trying to earn a living for themselves and their families in a hostile and wild country, in many cases in despite of savages and wild beasts. It is necessary to get this picture of the situation in order to appreciate what happened, how the sympathy growing out of common wrongs, inherited ideals, and hopes of freedom and justice in the hearts and traditions of these people led them, in spite of all these obstacles of jealousies, distance, and unacquaintance, to rally to the call of Massachusetts for sympathy and cooperation. The response to this call was immediate and emphatic. Conventions were called in different Colonies, and almost with one accord and without previous conference they in effect declared that the cause of Massachusetts was their cause and that Boston was suffering for that cause. There was sent at once every kind of food and provision, cattle, wheat, fruit, fish, sugar, rice from South Carolina, all as free gifts to this then distant city, with whose people the senders had but little acquaintance and apparently almost nothing in common.

"Now, what is the psychology of this 'hands across the distance,' this free and spontaneous giving of limited substance to a foreign cause and a distant people. It must be remembered that we are nearer to China to-day than many of these people were to Boston. The answer is what I have indicated in the opening of this communication. These Colonies each had treasured ideals and hopes of liberty and justice, and they had suffered common wrongs and injustices from the mother country. The former impelled cooperation and the latter sympathy against the oppression of one of them. It was a fellow feeling, a friendly sympathy of hearts and minds which then and there laid the foundation for and out of which sprang a league of friendship which, though unconscious, informal, without declared purpose or limited by written covenants, was, nevertheless, the sapling from which grew the oak of that league of friendship, a league of friendship born of common sufferings, ideals, and hopes, which afterwards developed into a league of nations with written covenants under the Constitution of the United States. The inception of it, the birth of it, was this rushing together of the hearts and ideals of the peoples of these Colonies in response to this call from Massachusetts for sympathy and cooperation.

"Advancing a step forward and higher, we see this league of friendship and of nations developing along these same lines until it reaches form and utterance in the adoption of the Declaration of Independence, but as yet without formal covenants. Shortly after this appeal of Massachusetts the Sons of Liberty in New York proposed a continental congress, and the House of Burgesses in Virginia requested Massachusetts to name a time and place for the meeting of such a congress. This was promptly done by Massachusetts and the 2d of September, 1774, called for the meeting of that congress. It met. It was an informal conference without defined powers, composed of a chairman, secretary, and some committees, simply a league of friendship, and yet it undertook and waged a war for freedom and justice for two years before the adoption of the Declaration of Independence and three years before its purposes and powers were defined by the adoption of the Articles of Confederation. During that time it conducted a war, appointed officers, raised and equipped an army, established relations with foreign governments in the name of what it called the 'United Colonies,' and called to the command of its 'Continental Army' George Washington, who was to be the living embodiment of this common cause. He commanded the Continental Armies one year before the Declaration of Independence and about two years before the adoption of the Articles of Confederation. By the adoption of the Articles of Confederation this league of nations, based upon a league of friendship, took form. For the first time the world saw it in definite lines; in fact, it is probable that most of the people of the Colonies saw it themselves for the first time in definite lines.

"Here it may be well to say a word about these Articles of Confederation. While they proved imperfect as an instrument for carrying on government and inadequate for the purpose, the ideals, and the hopes that these people had a heart, as is shown by the disorder which existed under them after the Revolutionary War, and which caused the adoption of the Constitution, it is nevertheless a fact that they served the more important purpose of putting in the shape of formal written covenants the outlines of this league of nations which had developed from this informal league of friendship. In the Articles of Confederation are the following:

"'Article I. The style of this confederation shall be "The United States of America."

"'Article III. The said States hereby severally enter into a firm league of friendship with each other for their common defense, the security of their liberties, and their mutual and general welfare, etc.

"'Article IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the several States in this Union.

"'Article VI. No State without the consent of the United States in Congress assembled shall send any embassy to or receive any embassy from or enter into any conference, agreement, alliance, or treaty with any King, Prince, or State, etc.

"'No two or more States shall enter into any treaty, confederation, or alliance whatsoever between them without the consent of the United States in Congress assembled.

"'No vessels of war shall be kept up in time of peace by any State except such number only as shall be deemed necessary by the United States in Congress assembled, for the defense of such State or its trade; nor shall any body of forces be kept up by any State in time of peace except such number only as in the judgment of the United States in Congress assembled shall be deemed requisite, etc.

"'No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies, etc.'

"As pointed out in the opening of this communication, the United States and the Allies have been in a league of friendship similar to that of the Colonies up to the adoption of the Articles of Confederation, since the United States entered this war, and that league is in existence at this moment. It fought this war to a victorious conclusion, it arranged the terms of the armistice that is in operation at the present time, and it is now proceeding to arrange the terms of a world peace. If it can do these things through an informal league born of war and necessity, common wrongs, common ideals, and hopes, why should it not be continued in formal shape in a league of nations, and why should the great opportunity for so doing which has been brought about by this informal league of friendship be lost and wasted? I have yet to hear any satisfactory answer to these questions. The thing has been done once. Why can not it be done again, particularly under much more favorable conditions of propinquity, intelligence, and intercourse?

"England profited by the lesson of this league of nations under the Constitution of the United States and has formed the British Empire, which is a league of nations, as divergent in race, location, religion, tradition, climatic conditions, and inherited ideals as could possibly be imagined. Under it are the Englishman, the Scotchman, the Irishman, the Canadian, the Australian, the Boer of South Africa, the inhabitants of India, etc., yet see how it has stood the test in this war in the splendid way in which all of these people have rallied to the support of the Empire!

"France to-day, with her colonies, is a league of nations, and under her banners in this war fought 680,000 colonials from China, Siam, Morocco, Algiers, and other parts of Africa.

"These leagues of nations are built up on the principle of equality of economic opportunity, as is the United States of America. Its permanence and safety in each case can only be assured by free navigation upon the seas. Again it is asked, Why can not a league of nations based upon equality of economic opportunity, free navigation upon the seas guaranteed, be made a reality?

"Power and the control of their destinies has come to dwell with the people of the earth. The principle is now recognized that every nation before God is a nation with the right to own itself. The sparks of light from the anvil of human emancipation are filling the world with a glow. The people are beginning to feel that indifference to their rights is an invitation to despotism and destruction. The fetters of kingship, social caste, and the dominance of force have been broken and are in the scrap pile. The world has gotten free and clear of the thought that government was intended for power. It was intended for human comfort and welfare; it was designed for an apartment house and not an arsenal. The enlightenment and spread of intelligence to-day is pouring oil into the lamps of the nations. Conscience and intellect have broken through the lines and are leading to the rising sun."

LEAGUE OF NATIONS TO AVERT INTERNATIONAL ANARCHY.

COLLECTIVE INSTEAD OF INDIVIDUAL NATIONALISM ADVOCATED AS SOLUTION OF POST-WAR PROBLEMS.

[By Samuel J. Graham, Assistant Attorney General of the United States.]

"I wish to direct attention briefly to the international anarchy that rioted through Europe for 50 years prior to this war, and which caused it, and the international anarchy that existed among our thirteen original States during the period intervening between the close of the Revolutionary War and the adoption of the Constitution, and was wiped out by the institution of a league of nations, known as the United States of America.

"By the word 'anarchy' I mean what its derivation from two Greek words, one meaning 'without' and the other 'government,' implies: A state of lawlessness or political disorder; a state of lawless confusion; a condition of society where there is no law or supreme power and the absence of regulating power in any sphere.

"For 50 years or more prior to this war Europe internationally has been in a state of lawlessness and confusion and political disorder. Its nations were each in a way a law unto themselves, or trying to be. Each was controlled in its actions toward the other nations solely by its own purposes and seeming interests. Each pursued a policy of irresponsible individual nationalism, as distinguished from collective nationalism and international concert. There was an absence of supreme directing and restraining control of the purposes and interests of all. There was confusion and disorder as f aras their relations with each other were concerned.

"Many of their leaders and reputed statesmen were anarchists in the sense that they were promoters and creators of international lawlessness and disorder. For instance, Bismarck was an anarchist in that he had no regard for the rights or the lives, and was willing at any time to take the property, of any neighboring people, and deliberately played the part in the three wars which Germany wantonly waged while he was controlling her policies.

"International anarchy and its handmaiden—diplomacy—consort with neither morals nor conscience. It represents the reign of physical force, and is a perpetual struggle for mastery, as is the balance-of-power policy—its twin brother. The power that relies on the sword never shares or limits its authority.

"This international anarchy was the child of the policy of individual nationalism, which controlled the life of Europe before and during the period above mentioned, and the life of the thirteen States, as stated, prior to the adoption of the Constitution. It produced in Europe its logical result, war. It was abandoned in time by our thirteen States and replaced by collective nationalism in the form of a league of nations, which is merely a combination of free peoples, a system by which certain phases of the life in these nations, where their common interests are affected, are controlled by a central authority under given limitations and restraints, upon the principle that what is for the benefit of the whole is good for each part.

"And here it should be remembered that each of these thirteen individual States was, for all practical purposes at the time mentioned, an individual nation controlling its own affairs, and with its own form of government. It was by resorting to this policy of collective nationalism through an unwritten league of friendship, in which they pooled their armies, navies, and resources, that the United States, Japan, and the Allies and other nations fought this war to a successful finish. They had abandoned to a very large extent the previously existing principle of individual nationalism to do it.

"The potent instrument of individual nationalism in this international anarchy in Europe has been a system of international deception, trickery, and haggling termed diplomacy, the practices and accomplishments of which have shown it to be but chicanery dressed in the garb of unbridled officialism and the pomp of power. It has always been a 'back-stair' business, and in the language of the street a game of 'flimflam.' The persons who have practiced it most successfully and true to accepted form have shown themselves, to put it plainly, to have combined either the characteristics of the gunman and the 'green-goods man,' as in the case of Bismarck, or of the 'confidence man' and the 'card sharp,' as in the case of Metternich.

"Diplomacy has acted on the principle of 'do your neighbor or he will do you' and 'every man for himself.' It was parent

of the international anarchy which stalked through Europe in bloody boots prior to this war, which has just filled the world with horror and disgust. Its system was stealthy and secretive, even to its own people its acts were not revealed, and too often its ignoble methods and results were attired in some high-sounding phrase or boast to hide its deformity.

"So much in general. Now, to be more particular, I wish to point out how individual nationalism in Europe by creating international anarchy brought on war, and how international anarchy, born of the same policy, among the thirteen original States, which held high carnival in this country during the period from the close of the Revolution to the adoption of the Constitution, was arrested and put out of business and peace established by these States abandoning the policy of individual nationalism and adopting the policy of collective nationalism or international concert, as embodied in the Constitution of the United States, the first great league of free peoples and which established peace for each and all of them.

"The history of Europe for 60 years prior to the late war, and that of the United States for five years prior to the adoption of the Constitution, each present pictures of international anarchy produced by individual nationalism. The events in each case can only be touched upon very briefly in this communication.

"Beginning with the year 1850 and down to August, 1914, when this war began, each State in Europe was operating as an individual nationality, with relations more or less intimate with other individual nationalities. There was no general cooperation among them for the common good. Each was seeking its own interests, preparing for either offensive or defensive war. Each was controlled in its own passions, prejudices, and purposes, and went its own way without any particular regard for the rights of the others, except so far as they affected its own interests favorably. During this period of 64 years eight different wars occurred in Europe, not counting this last war, in one or the other of which, at times in one, at other times in two or three, the following Governments were engaged: Prussia, Austria, Russia, France, Italy, Turkey, Serbia, Roumania, Greece, Bulgaria, Poland, and Denmark.

"This state of international anarchy began with the rape of Denmark by Prussia and Austria, and ended in the lawless invasion and spoliation of Belgium and the horrors and crimes of the war just ended. Most of these were wars of aggression, deliberately planned and criminally carried out. Their known purpose was either commercial brigandage or territorial robbery, worked out without the least regard for the lives, rights, and happiness of the individual human beings, or the nation as a whole, affected.

"In this style Prussia and Austria made war on little Denmark and robbed her of territory; Prussia made war on Austria and robbed her of territory; Prussia made war on France after, through crooked diplomacy, arranging it that no other nation would come to her aid, and robbed her of territory and a big indemnity. And so on through the criminal and disgusting roll of these wars, while anarchy laughed to see the sport.

"The climax of this carnival of blood and crime was reached in this last terrible war, which sucked into its burning vortex most of the nations of the world. Shall the condition and systems which produced these results be permitted to continue? Shall no effort be made to effect a change, though the history and experience in the formation of our Constitution have shown that there is an effective remedy by limiting irresponsible individual nationalism and substituting collective nationalism?

"Even had the world no such tested plan it would be foolish and cowardly not to try to work out one. While this many-headed beast lies wounded and crippled among the corpses of its victims, shall no weapon be used and no effort made to finish it? It is always easier to follow precedent and let the world wag than to think or know history and draw light from its lessons and act upon them. It is safer always to stand by and see murder done by a gunman than to attempt to protect his victim and arrest him.

"Forms of government, whether despotisms, monarchies, or democracies, are, in the last analysis, experiments in human housekeeping. The world is, has been, and always will be in transition and in a flux. Conditions are constantly changing, which necessitates changes in the methods of governmental housekeeping. There is no trick of perpetual motion in government any more than in machinery. What under the conditions of yesterday was impossible becomes not only possible but necessary to-day. There was a time when each man lived in his own house, and stoves for cooking were not known, and modern methods of architecture were not practiced. To-day he lives gregariously in apartment houses.

"At the time when our Constitution was adopted the thirteen States were as remote from and had less communication with each other than the peoples of the world have with each other to-day. So that the government housekeeping that was impossible for the world at that time may be possible to-day and the accepted method in the near future.

"As time goes on each generation has a larger store of clarified experience, material, and improved methods with which to build.

"Had collective nationalism been in existence in Europe in the form of a league of nations, combining the moral, physical, and economic forces of the nations, Denmark would not have been wantonly attacked and ravished, nor would any of these wars probably have occurred. The balance-of-power policy was in full swing during this period, and instead of acting as a preventive of international anarchy it proved to be a breeder of it.

"Now, a word or two as to the second part of my proposition:

"After the conclusion of the Revolutionary War lethargy and lack of interest in the general welfare of the States as a whole developed, and vital ambition and the spirit of cooperation seemed in a measure to have flown. The Government, under the Articles of Confederation, seemed to have lost its purpose and the reason for its existence. Each separate State began to be absorbed entirely with its own small affairs and neglect its duty toward the common interest. The articles themselves were without effective means of effecting their purposes.

"The States began to pass discriminatory tariffs against each other, to issue each its own irredeemable paper money as legal tender for debts. One State refused to surrender criminals to another State because it approved of their criminal acts. The people of Pennsylvania and Connecticut were actually at war, plundering and killing each other in the Wyoming Valley. Shay's rebellion occurred in Massachusetts. Mobs at certain points in Massachusetts broke up the courts. Generally the States almost to their limit indulged in petty hostility toward each other. There was a jealous spirit among them, striving each for its own advantage and watchful of a chance to do injury to some other State.

"Confusion and discord and international anarchy were everywhere present, due to each State having adopted again a policy of individual nationalism, which they had abandoned in their league of friendship for the common interest of all during the Revolutionary War. It is not possible here to picture fully the deplorable conditions of international anarchy among the States which existed at this period. Anyone who has or will study the history of the period will, I am sure, agree with my statement that international anarchy existed in most forbidding and threatening shape. Washington, speaking of this state of international anarchy, said:

"'It is as clear to me as A B C that an extension of Federal power would make us one of the most happy, wealthy, respectable, and powerful nations that ever inhabited the terrestrial globe. Without it we shall soon be everything which is the direct reverse.'

"Jefferson, writing to Madison, said:

"'If it remains much longer in its present state of imbecility, we shall be one of the most contemptible nations on the face of the earth.'

"And Hamilton said:

"'There is scarcely anything that can wound the pride and degrade the character of an independent nation which we do not experience.'

"The result of this deplorable state of anarchy was that Washington with other idealists advocated:

"1. An indissoluble union of all the States under a single Federal Government, with power of enforcing its decrees.

"2. That the people must be willing to sacrifice some of their local interest to the common weal; must disregard their local prejudices and regard one another as common citizens of a common country with identical interests in the truest sense.

"This international anarchy, the common danger and general disorder of the country, finally moved certain leading men in the different States—most of them, including Washington, of that class known as idealists, of whom some of what Bacon calls the "seeming wise" statesmen speak so flippantly—who appreciated the danger of the situation, to actively confer and finally arrange for the different States to send representatives to consider and discuss the situation. These representatives came together in a convention at Philadelphia, known as the Constitutional Convention, and, after much debate, prepared and submitted to the States for adoption the Constitution of the United States.

"This Constitution was finally adopted by the States, though its adoption was not by all of them at once. By its adoption

individual nationalism was abandoned and refuge and safety sought and found in the ark of collective nationalism and a league of nations. This was achieved primarily through a revival and reorganization of the old friendship and friendly cooperation based upon common ideals of ordered freedom, which brought these States, when colonies, together to fight the Revolutionary War.

"Under this collective nationalism provided by the Constitution, that friendship between the States has grown and solidified until through more than a century of peace and liberty this league of nations has grown to be the most powerful, the most intelligent, the most human, the most kindly, the most reasonable, and the most united people in the world, while Europe under continued unregulated individual nationalism has fallen prey to anarchy. And the Chief Magistrate of this league has been called and has gone to this European political hospital to attempt to bind up the wounds and restore the mangled and broken remains of its political body, where he has been and is daily being greeted with enthusiasm and kindness almost amounting to affection by the peoples of these nations and their statesmen and rulers, because he is the acknowledged enemy of individual nationalism and the spokesman of a collective nationalism which will prevent a return to the old order and thereby establishing a guaranty of peace.

"It is but to look on one picture of Europe, and then upon the other of the United States, for even a wayfaring man to reach an intelligent conclusion. This league of nations job has been done once successfully, why can it not be done again? The principle has been tried and has worked successfully here; why can it not be applied and made to work successfully elsewhere? The units to be assembled for the structure are the same elemental human traits of friendship, hope, love of peace, and yearning for ordered freedom, which are the fundamentals that when organized will form the framework of a league of nations.

"Instead of holding back and speculating about whether and how this league can be formed we should "go to it" and tackle the job. If Columbus had tried first to fully satisfy himself of the success of his undertaking he would never have made the venture and discovered America. If the delegates from the Colonies which met in Philadelphia before the Revolutionary War had waited to satisfy themselves of the result, or work out the details, they would never have fought and won that war, would never have issued the Declaration of Independence. Nor would those other delegates who met after that war in the Constitutional Convention at Philadelphia to consider a remedy for the deplorable conditions of anarchy then existing among the original States ever have constructed the Constitution of the United States.

"Something had to be done, and done at once, and they did it. They backed their knowledge and judgment of the past, as well as the possibilities which inhered in the facts of human nature and the ideals of the people, and went promptly and boldly forward to the accomplishment of the task that proved to be the greatest enterprise of all time. Civilization is born of the experience of men and is perfected by experience, as are all human institutions.

"These framers of our Constitution and first great league of nations had but a flickering light from out the past to guide their efforts. We, however, have for our guidance the great headlight of their example, and the success of their work, our own league of nations. We have only to apply and suitably adjust to the world the human principles which its founders used in building our Constitution. The word constitution comes from two Latin words, con, 'together,' and statuens, 'placing,' meaning 'placing together, setting up, as in a frame or body of essential parts.'

"Let us examine the human principles in the Constitution, quoting its preamble. Read it with care, weighing each word:

"'We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and to our posterity, do hereby ordain and establish this Constitution of the United States.'"

"With these human principles, supported by the yearnings for peace which come to us on winged voices from the uttermost parts of the earth as an incentive, build your world constitution, your league of nations, as Washington, Franklin, Madison, Hamilton, Sherman, and the other great idealists, enemies of doubt and doers of deeds, built the Constitution of our country.

"What is good for the whole is good for every part, the common good reacts, and each part is benefited by the welfare of the whole. Friendliness and goodness in person or nation are the immediate jewels of their souls. They grow with practice and nourish themselves. A nation without friendliness and goodness is a busy, mischievous, wretched thing, a thing for treason and spoils, and is already diseased and doomed.

"There was never a change for the better in human affairs and government that good and wise men were not found to oppose it, and to prophesy disasters which never happened, for time is humorously reckless of the reputations of prophets. It is our limited vision and uncertain thoughts, controlled too often by words, that people our mental darkness with hobgoblins and specters.

"The real government will not be permanent unless it rests upon ideals. The world must not compromise with this situation. Some one has said that compromise is 'a good umbrella but a poor roof.' It is a temporary expedient and almost sure to be unwise statesmanship. Government becomes more nearly perfect as it approaches Christianity.

"In conclusion let me quote from Lincoln, who once said, with his uncommon sanity: 'I haven't much opinion of a man who isn't wiser to-day than he was yesterday.'"

SOCIETY OF NATIONS.

[Address delivered by Samuel J. Graham, Assistant Attorney General of the United States, before the annual banquet of the Democratic Editorial Association of the State of Indiana, at Indianapolis, on February 6, 1919.]

"Man is the biggest, most certain, and all-embracing thing in the world. All history, whether of religion, literature, economics, or government, is but the story of man's effort to make a living. All society, all government, all the ramifications of life in the world, are but systems or methods devised by man to promote his efforts to make a living. The human element is life itself, and all of life. As man becomes more civilized, he becomes more friendly, more moral, less selfish, and with more of that in him to which you appeal to lead a forlorn hope. By far the greater part of government is humanity. The Declaration of Independence mentions as the essential rights of man the human things for which government was instituted, the guaranty of 'life, liberty, and the pursuit of happiness.' Therefore, in constructing government, you must bear in mind this vital and significant element of humanity involved. It is upon this weighty human element that all wise and permanent government must rest. Man is by nature a social animal, and as he associates with his fellows and comes more frequently and regularly in contact with them this sociability is increased, as is his morality, which springs from a regard and respect for the rights of others. This spirit of association, what is termed the 'get together' spirit, which runs through all human life and is so marked a characteristic of our life to-day, is the most powerful element in man's life in the world and the great ligament that binds him to his fellows, the electric current which flashes from mind to mind. As methods and means of intercourse, acquaintance with and knowledge of each other, increase, this spirit of association, with the spread of intelligence—through the telephone, the telegraph, steam, electricity, the radio, the airship, the newspaper, the rapid communication throughout the world of events—has vastly increased, and daily increasing, and will continue to increase. How it has increased since the day of our revolutionary fathers will be appreciated when it is remembered that it took 10 days to go from New York to Boston and three weeks to go from Virginia to Massachusetts. The nations of the world know more of each other and are closer together to-day, are better informed of the history of and the events in their respective countries, than ever before. Through the medium of the press they confer with each other daily. For this reason it has become easier to bring them together in an association where such an association promises a common benefit and affects the interests of all.

"The success of government depends upon its people being free and contented, and this they can not be while the possibility of destruction and slavery through war exists. The people of all the world know this fact to-day, and appreciate it, and are demanding that there be an end put to war.

"While lessons are, and in a measure must be, drawn from the past, they should be read in the light of present events. It is true that civilization is born of the experience of man and is perfected by experience, as are all our human institutions and governments, and as time goes on each generation has a larger store of clarified experience, material, and improved methods with which to build its social structure and its government, but it must be remembered that all forms of government, whether despotisms, monarchies, or democracies, are, in the last analysis, but experiments in human housekeeping, a part of man's efforts to make a living. The world is, has been, and always will be in transition and in a flux. Conditions are constantly changing,

which necessitates changes in methods of governmental housekeeping. There is no trick of perpetual motion in government any more than in machinery. What under conditions of yesterday was impossible becomes not only possible but necessary to-day. There was a time when each man lived in his own house, and stoves for cooking were not known, and modern methods of architecture were not practiced. To-day he lives gregariously in apartment houses. What was impossible in government a hundred years ago is entirely possible to-day, because of the easy and rapid spread of this spirit of association of which I have spoken and increased facilities for carrying it out.

"At the foundation of society and government are certain human traits, chief among which are friendliness, goodness, love of peace, and a desire for ordered freedom, a recognition of the principle that what is good for all is good for each part and that the common good reacts upon each part. Real government can not be permanent unless it rests upon these elements and upon ideals. In other words, government becomes more nearly perfect as it approaches Christianity. These human traits are the materials from which must be constructed a league of nations or a society of nations, as you may choose to designate it. In this country we are living to-day, and have lived for more than a century, under a society of nations, the United States of America. The society of nations plan is not new. It is an old and familiar story to us of the United States and to most of the world. The convention at Philadelphia which formed our Constitution constructed the first great society of nations, and it constructed it out of the human traits, characteristics, and aspirations that I have mentioned. Observe the human things, the traits and ideals, that are embodied in the preamble of our Constitution. Listen with care while I read it:

"'We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and to our posterity, do hereby ordain and establish the Constitution of the United States.'

"It is interesting to study the growth of this first great society of nations, the United States of America. This occasion does not permit me to go into detail, but a few facts will serve to present an outline of the picture of its formation.

"After the 'Boston Tea Party,' the English Parliament closed the port of Boston, revoked the charter of Massachusetts, and did other acts tending to oppress her and her people. As soon as notice of these acts reached Massachusetts, a meeting was held in Fanuell Hall, at which a resolution was presented, prepared by Samuel Adams, calling upon the other Colonies for sympathy and support. At this time these Colonies knew relatively very little about each other, and their people had very little acquaintance with each other. As I have stated, it took 10 days to go from New York to Boston. There were no steamboats, no telegraphs, no telephones, and only a few small newspapers with limited local circulation, with indifferent mail facilities. Local prejudices, religious and otherwise, ran high. There was the Puritan in Massachusetts, the Churchman in Virginia, the Catholic in Maryland, and the Quaker in Pennsylvania. On the surface they had but little interest in common, but the response to this call of Massachusetts was prompt and emphatic. In substance they said that the cause of Massachusetts was their cause. They said to her, in effect, 'Name a time and place where we can get together to talk this over and see what can be done.' Massachusetts named Philadelphia and the 2d day of May, 1774. The representatives from the different Colonies met there, and a few days later they formed an organization with the usual officers and some committees. It was merely a 'get together' meeting to discuss the situation, but note what happened. Without more ado, without defined powers or authority, this 'get together' meeting proceeded to wage a war, to raise an army and a navy, and appoint a commander in chief, George Washington, who afterwards became the living embodiment of the cause. And they waged this war for two years before the Declaration of Independence was adopted and published, three years before the Articles of Confederation were promulgated, and about seven years before they were finally adopted by all of the States. Here was this spirit of association in operation. Upon what framework and organization did it rest? It was based upon a league of friendship growing out of the common ideals and hopes of liberty and ordered freedom and innate friendliness of the people of these Colonies and a desire for the common welfare. In an undeveloped state it embraced the same human principles and aspirations mentioned in the preamble to the Constitution, and it is interesting to note that in the Articles of Confederation the third article using this language:

"'The said States hereby severally enter into a firm league of friendship with each other for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, etc.'

"This league of friendship first showed its outline and assumed form in these Articles of Confederation. And while in the confusion and lethargy and general business distress that followed the close of the Revolutionary War there was a falling away from this league of friendship on account of the article not being effective to carry out its purposes, it was revived by Washington, Madison, Hamilton, and Franklin, and those other great idealists and lovers of mankind and humanity, and carried forward to the convention at Philadelphia, known as the Constitutional Convention, which resulted in the adoption of the Constitution of the United States and the forming of the first great society of nations. It must be remembered here that each of these thirteen original States was at that time an independent nation with its own government. Under the protection of this society of nations we have lived for more than 100 years until we have become the most powerful, the most kindly, the wealthiest, the most intelligent, the most humane and united nation in the world, and to-day the Chief Magistrate of this society, the product of its civilization, the greatest man in the world, is sitting at the council table of the nations in an effort to carry forward in some workable form this principle and spirit of association of nations which we in this country have found so beneficent in our society of nations and establish it for the whole world and each nation, great and small, that man wherever he lives may rest under his own vine and fig tree with none to molest or make him afraid.

"Moving forward to the present day, a few words as to the present situation in the world. The United States entered this war in association with the Allies, Japan, Brazil, and its other cobelligerents. What happened? They united their armies under a common commander, they united their navies, they pooled their resources, they pooled their finances, and more important still they pooled their pledges and their purposes. Under this association they fought this war to a conclusion, they dictated the terms of the armistice, and they are now sitting down to write a treaty of peace. There were no written covenants or agreements. This joint action was founded upon an informal, unwritten league of friendship, just such as I have pointed out existing among our revolutionary fathers during the Revolutionary War—a league of friendship based upon common purposes, common ideals, common aspirations for justice and human freedom and peace. This league of friendship, while unwritten, is none the less in honor binding upon us and the other parties to it. It is not now a question of whether we will enter a society of nations; we are in one now and we can not retire from it with honor and without discredit. A verbal contract at law is none the less enforceable because it is not written, if the facts are admitted. No joint action was ever undertaken among men, whether for business, social matters, or government, that did not create joint obligations which afterwards had to be worked out in common, entailing responsibilities and duties upon each member.

"If our revolutionary fathers could carry forward a league of friendship to a successful society of nations, why can not this league of friendship existing between these nations of to-day be carried forward in the same way? As I have stated, what is impossible at one time is possible at another. The rapid spread of intelligence, quick communication, and knowledge of each other by the people of the world make it possible to-day when it would not have been possible a century ago. You have but to take the same human elements, traits, and characteristics and use them in erecting your structure. England, profiting by the lesson of the Revolutionary War and our example, has to-day in the British Empire a society of nations. In this society is living to-day the Englishman, the Scotchman, the Irishman, the New Zealander, the Boer, the Australian, the inhabitants of India and of her many possessions, peoples of all climates, languages, religions, traditions, colors of skin. Note how magnificently they rallied to her support in the war.

"France to-day, in another form, not as highly developed, is a society of nations. She had 680,000 colonials fighting for her on the western front, from China, Siam, Morocco, Algiers, and her other colonies. This society of nations plan has been tried and worked in one form and another by the three most powerful nations of the world to-day in their governments. Why can't it be worked out for the world under such favorable conditions as exist to-day?

"There was never a change for the better in human affairs and government that good and wise men were not found to

oppose it and to prophesy disasters which never happened, for events are humorously reckless of the reputation of prophets. It is our limited vision and uncertain thoughts, controlled too often by words, that people our mental darkness with hobgoblins and specters.

"Instead of holding back and speculating about whether and how this society should be formed, we should go forward as Columbus did when he made the venture and discovered America, as the delegates from the Colonies went forward and fought the Revolutionary War, without waiting to satisfy themselves as to what the results would be. Had they waited they would never have done it and would never have issued the Declaration of Independence, nor would the delegates who met in the Constitutional Convention at Philadelphia ever have constructed the Constitution of the United States. The thing has been done once in this country; it has been done under the British Empire; why can't it be done for the world? We have only to back our knowledge and judgment of the facts of the past and of the possibilities that inhere in human nature and ideals of the people of the world and their longing for peace, and go promptly and boldly forward to the accomplishment of this great enterprise.

"Cæsar said of one of his lieutenants, who had worked out a critical situation: 'He took counsel of his valor.' Let us take counsel of our knowledge, judgment, and experience of the past, possibilities of the present, hopes of the future, as well as our valor, and go forth among our fellow citizens to tell them that this thing has been done, can be done, and ought to be done, to prepare them for the return of their Chief Magistrate, that they may be in mind to say as patriots and lovers of humanity to their leader: 'Well done, good and faithful servant, you shall be upheld and supported, you shall enter into our heart of hearts, for inasmuch as you have done it unto the least of these you have done it unto us.'"

INTERNATIONAL TELEGRAPHIC CONFERENCE.

Mr. LODGE. Mr. President, I hold in my hand a copy of a message from the President of the United States in regard to an international telegraphic conference, which at this time is a matter which, I think, should be disposed of at once. I see by the note on the message that it was received on the 10th of September. I never heard of it until this moment, when the Senator from Nebraska [Mr. HITCHCOCK] called my attention to it, for the reason that it has never come to the committee. I do not know who is responsible for the failure, but I should like to call attention to the matter on that account.

POSTMASTER GENERAL AND CIVIL SERVICE COMMISSION.

The VICE PRESIDENT. Concurrent and other resolutions are in order.

Mr. NORRIS. Mr. President, if there are any concurrent or other resolutions I have no desire to interfere with their presentation, but if there are none I wish the Chair would lay before the Senate Senate resolution 186, which went over on a previous day under the rule.

The VICE PRESIDENT. If there be no further morning business, the Chair lays before the Senate the resolution referred to by the Senator from Nebraska, which will be read.

The Secretary read the resolution (S. Res. 186), as follows:

Whereas it is currently reported in the public press that the Postmaster General has been actively engaged in interfering with the work of the Civil Service Commission in relation to the examination and certification by said commission of eligibles from which postmasters are to be selected, and is attempting to control said examinations and certifications with a view of securing partisan political appointments to such places; and

Whereas it is also reported that in carrying out such plan the President has demanded the resignation of certain members of the Civil Service Commission; and

Whereas one of said commissioners, in resigning his place, has issued a public statement in which the foregoing facts are in substance charged: Therefore be it

Resolved, That the Committee on Civil Service and Retrenchment be, and they are hereby, instructed to investigate such charges and reports, and report to the Senate, first, whether the Postmaster General has used the power of his office to control the action of the Civil Service Commission in such examinations and certifications; and, second, if the committee finds that the Postmaster General is guilty of such charges, then was such action on the part of the Postmaster General taken with the consent and the knowledge of the President of the United States.

Mr. NORRIS. Mr. President, I think it was generally commented on by the newspapers and magazines of the United States that the attempted interference on the part of the Postmaster General with the work of the Civil Service Commission was instrumental in bringing about the demand for the resignation, or the removal in effect, of at least two members of the Civil Service Commission. In the New York Times of September 7 is printed an account of this matter very similar to accounts that were printed generally in the newspapers of the country; and I wish to read a portion of the comments by the newspaper and also a statement made by Mr. Galloway. The article is headed:

GALLOWAY RESIGNS; BLAMES BURLESON—WAS OUSTED FOR REFUSING TO HELP DEBAUCH CIVIL SERVICE, COMMISSIONER DECLARES—WILSON'S MOVE A SURPRISE—MAY PAVE WAY FOR DEPARTMENT INVESTIGATION—PRESIDENT RESTRAINS POSTAL HEAD.

WASHINGTON, *September 6.*

Postmaster General Burleson evidently has won another victory and survived another attack. This afternoon it was announced that Charles M. Galloway, of South Carolina, a Democratic member of the Civil Service Commission, had handed in his resignation and the President had accepted it.

For months there has been constant friction between Mr. Burleson and Mr. Galloway, due to what the civil service commissioner has said in private were the autocratic methods of the Postmaster General and his attempts to make the civil service alter its rulings to suit the political ends of the Cabinet officer. In a statement this afternoon Mr. Galloway said his resignation had been "forced," and it is understood that President Wilson lately communicated with him, giving him virtually an ultimatum.

This ultimatum must have come as a surprise, for after the President last winter asked for the resignation of Mr. Galloway and Hermon W. Craven, a Republican member of the commission, Mr. Galloway tendered his resignation but it was not accepted. Apparently all was serene so far as the Democratic member of the commission was concerned. It is said that he received assurances that his best course would be to remain in office until the President's return from France this summer.

However, the issue between Mr. Burleson and Mr. Galloway has been growing more strained weekly. Political prophets here said there was no question but one or the other would have to be beheaded. As it turns out, the President appears to have stood by the much-criticized Mr. Burleson and ousted Mr. Galloway, his appointee of 1913.

The statement which Mr. Galloway made this afternoon follows——

Then, Mr. President, is printed the statement issued by Mr. Galloway, which I will now read. Mr. Galloway in this statement says:

My resignation was forced because I would not cooperate with Postmaster General Burleson in debauching the civil service and making a sham of the merit system. Hermon W. Craven, the Republican member, and I, a Democrat, were ousted from the commission because we were not willing that the commission should be a mere adjunct of the Post Office Department and subservient to it, especially with reference to examinations for presidential postmaster under the Executive order of March 31, 1917.

A very recent example of Mr. Burleson's conduct is furnished by his proposed amendment to this order, which now awaits the signature of the President. The existing order provides that the eligible candidate with the highest standing shall be nominated. A large number of nominations have been held up, many of them for a long time, evidently in anticipation of this amendment, which will enable Mr. Burleson, in many cases, to deprive those standing highest in these examinations of the nominations to which they already are entitled. Among the post offices affected by the amendment are those in Boston, Mass., and Newark, N. J.

Furthermore, a short time ago the commission unanimously recommended that the President appoint as chief examiner an employee of the commission who is better qualified for this position than any other person of whom the commission has knowledge; but the Postmaster General desires that the position be filled by another person of his own selection.

That is the end of Mr. Galloway's statement. I will not read all the comment of the paper, but I want to read some excerpts from it.

Farther on, in commenting upon this statement of Mr. Galloway, this article states:

It is understood that the amendment suggested by Mr. Burleson, and to which Mr. Galloway alludes in his statement, would allow the Postmaster General to retain in post offices the second in command, despite the fact that some outside applicant might have won the post with the highest rating. Critics of Mr. Burleson say this would give him unlimited power to build up and repair his political machine. The chief criticism of the Postmaster General by those who have taken the side of the civil service is that he has exercised favoritism and discrimination in appointments and has held up other appointments.

I think, Mr. President, I had better read the order of the President to which reference is made, as I shall have occasion to refer to it later on.

The order of the President of the United States, putting the appointment of these first, second, and third class postmasters practically under civil service, reads as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C.

APPOINTMENT OF FIRST, SECOND, AND THIRD CLASS POSTMASTERS.

The President, on March 31, 1917, issued the following order:

EXECUTIVE ORDER.

Hereafter when a vacancy occurs in the position of postmaster of any office of the first, second, or third class as the result of death, resignation, removal, or, on the recommendation of the First Assistant Postmaster General, approved by the Postmaster General, to the effect that the efficiency or needs of the service requires that a change shall be made, the Postmaster General shall certify the fact to the Civil Service Commission, which shall forthwith hold an open competitive examination to test the fitness of applicants to fill such vacancy, and when such examination has been held and the papers in connection therewith have been rated, the same commission shall certify the result thereof to the Postmaster General, who shall submit to the President the name of the highest qualified eligible for appointment to fill such vacancy, unless it is established that the character or residence of such applicant disqualifies him for appointment. No person who has passed his sixty-fifth birthday shall be given the examination herein provided for.

Mr. President, I was delighted when the President of the United States issued this order. I think it was a good step in

the right direction. I believe all those who have given careful study to the selection and the appointment of postmasters were glad when the President took this step. The fourth-class postmasters had been put fully under civil-service regulations, but on account of a constitutional provision in regard to the appointment of the presidential postmasters it was impossible fully to put all of the postmasters under the civil-service regulations. The President in this order came as near to it as I think it is possible to go. I believe he is entitled to credit, and I want to give him credit for taking this much-desired step in taking postmasters of the first, second, and third classes out of the political scrap heap, where appointments often had been made merely for the purpose of paying for political activities, and not upon the ground of the fitness of the applicant for the position.

This order was given great circulation. Of course the President was under no legal obligation to issue this order. He had a right to proceed as has been done before, under the old method of having the appointment made as a reward for political activity. Having taken this step, however, and issued this order, it was, of course, incumbent upon him and those under him to see that the order was carried out in good faith. My judgment is that the order has not been carried out in good faith, and I think an investigation will disclose in substance the truth of the charges made by Mr. Galloway.

The people of the country were given to understand that the post offices had been taken out of politics, and yet the activities of the Post Office Department were such as to keep them in politics as much as possible, without permitting the country to know what the real facts were. I believe that an investigation under the resolution I have introduced will disclose the fact that a large number of eligibles for postmaster, running into the hundreds and I am not sure but into the thousands, have been selected by the Civil Service Commission in accordance with this Executive order of the President, and that they have been held up a long period of time; that the Postmaster General has resorted to all kinds of schemes to circumvent the action of the Civil Service Commission whenever the eligible certified by the Civil Service Commission did not suit, in politics or otherwise, the idea of the Postmaster General.

Mr. WATSON. Mr. President, is it not true that they did not go altogether on the result of the examination, but sent out special investigators, and they came back and reported?

Mr. NORRIS. Yes. I thank the Senator for that suggestion.

I want to call attention now to one or two sentences in the order. This order, you will observe, instructs the First Assistant Postmaster General to certify to the President the person who has passed the best examination held by the Civil Service Commission. It says:

> And when such examination has been held and the papers in connection therewith have been rated, the same commission shall certify the result thereof to the Postmaster General, who shall submit to the President the name of the highest qualified eligible for appointment to fill such vacancy, unless—

Now, here is the exception:

> Unless it is established that the character or residence of such applicant disqualifies him for appointment.

It seems to me that a fair interpretation of the order would limit the Postmaster General, when he came to make his certification to the President, to that exception named in the order itself, and that he should certify the highest eligible to the President "unless it is established that the character or residence of such applicant disqualifies him for appointment."

I think an investigation will show that it was a common custom for the Postmaster General, when the name was certified, if the man certified was not satisfactory to the Postmaster General and his advisers politically, to send out his inspectors to make an investigation with a view of disqualifying the man, and not with a view of making a fair and honest investigation.

I am going to give to the Senate some instances that I think absolutely demonstrate that, as far as it is possible to demonstrate it with the facilities that I have to get the facts.

An investigation will disclose that in carrying out this plan the Postmaster General has done some things that seem to me to be sufficient grounds for impeachment. I know, Mr. President, that my facilities for getting the information are necessarily limited, and it may be that a complete investigation would explain away a good many things that can not be explained away with the facilities for investigating that I have at my command or that any other Senator has. It will require a committee with power to get the evidence and swear the witnesses in order in a great many instances to get it all.

I understand that in one case the Civil Service Commission, performing what I believe to be its sworn duty under the law, made an investigation where a charge was made of political activity on the part of one of the employees of the Post Office Department. The charge was made that he had violated the law. I do not believe it will be necessary for me to cite the statute to the Senate, but in the civil-service act there are certain political activities on the part of governmental officials that are made criminal, and out in California, I believe it was, where such a charge was made against one of the employees of the Post Office Department for trying to get political contributions from employees of the Government, the Civil Service Commission made an investigation, became convinced that the charge was true, and the official against whom the charge was made was arrested and indicted by a grand jury, and, I understand, on trial plead guilty and paid a fine; so that he stands convicted of the crime in court.

The Civil Service Commission thought that was sufficient reason for the removal by the Postmaster General of any employee in his department so found guilty. Notwithstanding the fact that they called the attention of the Postmaster General to the fact and asked for the removal from office of this man, he was not removed; he is still in the service, and I believe that the evidence will disclose that the Postmaster General has promoted him.

That is not all, Mr. President. The evidence will disclose, upon a fair investigation, in my judgment, that in that particular case the Postmaster General not only refused to remove the man who was guilty of the violation of the law, but that he asked the Civil Service Commission to remove the man who had made the investigation and brought out the evidence which secured the conviction.

Mr. McKELLAR. Mr. President, my attention was temporarily diverted, and I would like to know to what case the Senator referred. Was it the case of Mr. Greenup, at Bremerton, Wash.?

Mr. NORRIS. I could not say. I did have the name in looking it up, but I have either misplaced it or it has been lost.

Mr. McKELLAR. I did not know but that the Senator had mentioned the name. That was the reason why I asked.

Mr. NORRIS. No; I did not mention the name. If I had it here, I would not object at all to giving it, because, of course, it would be proper for that to be brought out if the resolution is passed and the investigation takes place. I will refer to it later on, probably, when I read a citation or two from the decisions of the Supreme Court on the question of impeachment.

In my judgment that is a serious proposition. In my judgment, the Postmaster General had but one duty to perform under this order, and that was to carry it out in good faith, and if he did not so carry it out, if he resorted to various methods in secret to circumvent it while the public was given to understand that it was being carried out, he ought at least to be removed. Men in office have been impeached for offenses not as great as the one to which I have just called attention. He not only kept the culprit in office, and promoted him, but asked that the man who was instrumental in disclosing the truth, and bringing the evidence that brought about the conviction, should himself be removed from office.

The evidence will disclose that in various other ways the Postmaster General has tried to interfere with the work of the commission. I have no doubt that what it will disclose is that in an examination in the State of Texas the Postmaster General had a relative who applied to the Civil Service Commission, and who took the examination, and that before the papers were rated, after the examination, however, had taken place, and while the papers were either being sent to or were then in the hands of the Civil Service Commission for examination and rating, the private secretary of the Postmaster General himself called upon one of the Civil Service Commissioners, stating that the Postmaster General's relative, giving her name, had been one of the applicants, and he was exceedingly anxious that in her case the commission should see that this particular applicant was rated so that she might be appointed to the position of postmistress.

You will note that in the statement of Mr. Galloway, which I have read, he made reference to the appointment of a chief examiner. There is a vacancy now in the office of Chief Examiner of the Civil Service Commission. The man who for a great many years held that position has been appointed a member of the Civil Service Commission; I think it was a very good appointment. Certainly, his experience and work for a good many years qualify him to make an excellent commissioner. I have no doubt the evidence will disclose that the Postmaster General is trying now to control that appointment, with a view of getting a man as chief examiner who will see that more Democrats are made eligible in these examinations; and the

evidence will disclose that that is one of the things he is trying to bring about now.

Mr. McKELLAR. May I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. I yield.

Mr. McKELLAR. If that was the purpose of the Postmaster General, how does the Senator from Nebraska account for the charge made by Mr. Galloway, a Democratic member of the commission, that it was through the Postmaster General's influence that he was discharged? In other words, before he was discharged the commission was composed of Mr. Morrison, a Democrat; Mr. Galloway, a Democrat from South Carolina; and Mr. Wales, a Republican from Vermont. If the motive of the Postmaster General was political, to get Democrats appointed to office, why did he bring about the resignation of a Democratic member and leave the commission composed of one Democrat and one Republican? How does the Senator explain that?

Mr. NORRIS. Mr. President, I will be very glad to answer the question of the Senator from Tennessee, and I thank him for propounding it.

There are Democrats and Democrats, as well as Republicans and Republicans. There are Democrats who believe in the enforcement of the law, and who are fair, who believe that the civil-service law ought to be carried out in good faith, notwithstanding that the question of the Senator from Tennessee might imply that there are no such Democrats. I think there are, and Mr. Galloway apparently is one of them. He insisted that the spirit as well as the letter of the civil-service law should be carried out. Democrat though he was, he said and has said by his official acts and his conduct in office that it was his sworn duty as a member of the Civil Service Commission to see that the civil-service law was carried out in good faith, which means that there should be no discrimination as between Democrats and Republicans, that everybody should be put upon the same basis, and that political affiliations will "cut no ice" in a civil-service examination.

It was because he was that kind of a Democrat that he did not suit Mr. Burleson, and that is the sum, in my judgment, of his sinning; that is the reason he is a private citizen to-day, instead of drawing a salary from the Federal Treasury.

I was about to start on a statement as to the chief examiner. First, let me say that the chief examiner must be appointed by the President, notwithstanding he works under the Civil Service Commission. Congress, when it enacted the law providing for the Civil Service Commission, undoubtedly wanted to free the chief examiner as much as possible from partisan political influence, and hence it provided in the law that the chief examiner should be selected by the Civil Service Commission. The part of section 3 of the civil-service act which bears upon this particular point reads as follows:

That said commission is authorized to employ a chief examiner, a part of whose duty it shall be, under its direction, to act with the examining boards, so far as practicable, whether at Washington or elsewhere, and to secure accuracy, uniformity, and justice in all their procedings, which shall be at all times open to him. The chief examiner shall be entitled to receive a salary at the rate of $3,000 a year, and he shall be paid his necessary traveling expenses incurred in the discharge of his duty.

That is all the section says about the chief examiner. It will be observed that Congress wanted to remove the chief examiner entirely from any partisan political influence, and hence provided in the law that he should be employed—mark the word "employed"—by the Civil Service Commission.

Attorney General Garland, who was Attorney General under Mr. Cleveland, rendered an opnion on that point on the 26th day of May, 1886. This law had been in force then a little more than three years. The syllabus of that opinion reads as follows:

The office of chief examiner in the Civil Service Commission, created by the act of January 16, 1883, chapter 27, is to be filled by appointment by the President, with the advice and consent of the Senate.

I have read that opinion. He bases the conclusion upon paragraph 2 of section 2 of Article II of the Constitution of the United States, which I will read. Reading from the Constitution:

He—

Referring to the President of the United States—

shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law: but Congress may by law vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

Attorney General Garland reaches the conclusion that the chief examiner of the Civil Service Commission is an officer of the United States, and that since his appointment has not been provided for by law to be made by the courts or the heads of departments, and since this commission is not a department, it must follow under the Constitution of the United States that he must be appointed by the President.

I have no desire, of course, to set up my opinion against that of Attorney General Garland. However, I wish to say, in passing, that I do not agree with the reasoning of the Attorney General here. I have read the citations that he has given in his opinion and I do not think they bear it out. He says, after quoting the Constitution, in his opinion:

The examiner is certainly under this act an officer as distinguished from a mere clerk or employee. His station embraces the idea of tenure, duration, emolument, duties, and then becomes an office.

I do not believe it embraces all those elements, and he is certainly not by the act called an officer of the United States. The Attorney General says he is not a mere employee and yet the act itself uses the word "employ" rather than "appoint" or "select," and says the Civil Service Commission may employ a chief examiner. There is not any tenure. The Civil Service Commission, if full force had been given to that act, would have been able to employ a man to-day and remove him to-morrow. He had no permanency whatever. He was, in my judgment, an employee of the Civil Service Commission. But, of course, that is settled, no matter what I may think about it, by the Attorney General.

So far as I know the courts have never passed on it, but my understanding is that from the days of Attorney General Garland down to now the opinion has stood unquestioned, and the President has always appointed the chief examiner of the Civil Service Commission. As far as I know, without exception, the Presidents, both Democratic and Republican, have always asked the Civil Service Commission for a recommendation, and have appointed the man as chief examiner—I think without exception; I may be mistaken; I have not looked it up—whom the civil service recommended, thus, in effect, giving the Civil Service Commission the right to name this man, just as though the Attorney General had not held that that part of the statute was unconstitutional. That is as it should be. We are all interested in seeing the civil service kept out of politics. No matter how bitterly we may disagree among ourselves on partisan lines, I think we are all agreed that the usefulness of the civil service depends upon keeping it out of partisan politics. One of the things upon which it depends, and without which it can not accomplish the end which it is intended to perform and without which it will be an absolute failure, is that it must be free from partisan politics. That is the reason why, believing that the Postmaster General has been trying to make it simply a political tool to carry out his plans and his schemes and build up a political machine, I have introduced the resolution.

The Civil Service Commission, in accordance with the custom always in vogue heretofore, have recommended a chief examiner to the President for appointment. That recommendation, made some time ago, is still in the hands of the President and upon it he has not acted.

An investigation will disclose that the Postmaster General has a candidate for this place and that he has a man whom he is urging to be appointed. As far as I know, no one knows the politics of the man whom the Civil Service Commission has appointed. He has been for 10 years or more one of the examiners in the Civil Service Commission, working under the chief examiner, working under one of the commissioners who formerly was chief examiner. It would seem that if we want to carry out the theory, the intent that is shown in the law that the Civil Service Commission should be kept out of partisan politics, the commission's recommendation for chief examiner should be followed. It would seem that the Postmaster General is out of place when he is trying to come in and control the appointment of the chief examiner for the Civil Service Commission.

Mr. OVERMAN. Mr. President, will the Senator yield?

Mr. NORRIS. Certainly.

Mr. OVERMAN. The chief examiner during the last four years has been Mr. Wales?

Mr. NORRIS. Yes.

Mr. OVERMAN. He is a very splendid man?

Mr. NORRIS. Yes.

Mr. OVERMAN. He was a Vermont Republican and grew up in that party, and he was the examiner. He has been promoted now to the place of commissioner.

Mr. NORRIS. Yes; I said that in substance awhile ago, although I did not use his name. Mr. Wales was chief examiner for a great many years. Nobody knew what Mr. Wales's

politics were until the President appointed him commissioner, when it was his duty to appoint a Republican to fill the vacancy caused by the resignation of Mr. Craven, the Republican member.

I did not read it, but the law provides that the commission shall be divided and that all three commissioners shall not belong to one political party. It has been the invariable custom, when there is a Democratic President, that he appoints two Democrats and one Republican, and when there is a Republican President, he appoints two Republicans and one Democrat. I am not arguing that proposition. If I had my way about it I would not have any such limitations in the law. I do not care whether they are all Democrats or all Republicans if they do their duty, as I believe this Democratic Commissioner Galloway was doing his duty. They should have no politics in their official business and should keep entirely out of it.

As I said, I do not believe there was a man connected with the commission or anybody else who knew what Mr. Wales's politics were. He had been there, I think, for 10 years as chief examiner. That is another reason why the recommendation of Mr. Wales on that point ought to be followed by the President. He knows; he has worked for 10 years with the man whom the commission is now recommending. I do not think they know what may be his politics.

I think the evidence will disclose that Mr. Burleson has said that they wanted a Democrat as chief examiner in order that they might get more Democratic eligibles to be appointed postmasters where the Civil Service Commission held examinations over the country.

Mr. President, I wish to read a citation that the Attorney General gives. I want to read it in connection with what I have heretofore said about the Postmaster General's activity in this matter, about his shielding the man who pleaded guilty to a crime, keeping him in office, and asking the commission to remove the man who brought out the evidence upon which the man was convicted.

Mr. McKELLAR. Will the Senator state what case that was?

Mr. NORRIS. That is the case about which the Senator asked me awhile ago. I could not give him the name then.

Mr. McKELLAR. The Senator does not remember whether it was the Washington State case or the Buffalo case or what case it was?

Mr. NORRIS. No. Let me read from what Mr. Madison, one of the framers of the Constitution, one of the forefathers, said when he was speaking of the appointing power that was given to the President and the Assembly. I will say the Supreme Court reached the conclusion that where the law provided for the appointment of an official and made no provision about his removal, it followed that the appointing power had the removal power. Mr. Madison observed:

> The danger then consists merely in this, that the President can displace from office a man whose merits require that he should be continued in it.

And that would be true of the chief examiner or a member of the Civil Service Commission. Although the law specifically gives the President the right to remove a civil-service commissioner, the statute, as I read it, did not even give him the power to appoint the chief examiner. That came about by a construction of the law by the Attorney General:

> What will be the motive which the President can feel for such abuse of his power and the restraints that operate to prevent it? In the first place, he will be impeachable by the House for such an act of maladministration, for I contend that the wanton removal of meritorious officers would subject him to impeachment and removal from his own high trust.

If Mr. Madison thought that such a case would be a sufficient ground of impeachment, what would he have said if it had been disclosed to him that the officer was keeping in office a man who had been convicted of a crime and demanding the removal from office of the man who furnished the evidence upon which he was found guilty?

The Supreme Court indorsed that language of Madison. They say:

> No intimation is given of the power to remove at pleasure. In contrast with this narrow prerogative, this distinguished judge contrasts the exorbitant power, grown up from a small "seminal principle" of the Postmaster General, of which he says: "The great anomaly in the system is the enormous patronage of the Postmaster General, who is invested with the sole and exclusive authority to appoint and remove all deputy postmasters." Finally, in section 798, he adopts to the fullest extent the opinions of Madison and others as pronounced in 1789; and declares that "removals from office with a view to bestow the offiece upon a dependent or favorite is an impeachable offense."

That is from Thirteenth Peters' Reports, 242.

Here is another comment made by the Supreme Court in the same case, which is that of ex parte Duncan N. Hennen:

> This power of removal from office was a subject much disputed, and upon which a great diversity of opinion was entertained in the early history of this Government. This related, however, to the power of the President to remove officers appointed with the concurrence of the Senate, and the great question was whether the removal was to be by the President alone—

And so forth.

It was finally determined that the President did have the right to remove such officers.

Mr. President, I am going to give to the Senate a personal experience that has come under my direct observation as to the methods the Postmaster General has resorted to in order to prevent the carrying out of the civil-service recommendations whenever such recommendations did not suit his political fancy. Out in Nebraska there is a little post office which is called Seneca. I have passed through the town on the train, but I have never stopped there. I am not personally acquainted with the men who were candidates at the examination held by the Civil Service Commission to fill a vacancy in the office of postmaster there, but under the order of the President, which I have read, the Civil Service Commission held an examination for eligibles for appointment as postmaster at Seneca, Nebr. There were two men who appeared for examination. It happened that one of them was a Republican and the other was a Democrat. I am not acquainted with either one of them; so far as I know I have never seen either one of them; I never heard of either one of them until this case was brought to my attention. I have no interest whatever in that post office, except, as a citizen of the United States, to see the man appointed who is properly qualified; to see the law upheld and the order of the President obeyed.

An examination was held, and both of these men passed very good examinations; there was very little difference between them—not more than 1 or 2 per cent—but the Republican stood at the top. Under the order of the President, it was the duty of the Postmaster General to certify the name of the Republican for appointment as postmaster, but instead of doing that he sent out his sleuths—his inspectors—to make an investigation.

This was during the war. So a charge was made against the Republican, who was successful, to get him out of the way, that he was pro-German. It was first stated that this man had said that the President and his Cabinet ought to be hanged, or something to that effect. Later, according to their story, it developed that he had not said it, but that he was present when somebody else had said it, and that he had not done anything about it. It was also stated that he had not contributed to the Red Cross, that he had not bought bonds, and so forth.

Mr. HARRIS. Mr. President——

Mr. NORRIS. I yield to the Senator from Georgia.

Mr. HARRIS. I desire to remind the Senator from Nebraska of the fact that on one occasion, in Illinois, I believe it was, a clerk in a post office was dismissed for having criticized the President, and the President commanded that he be reinstated immediately, which was done.

Mr. NORRIS. Yes; I have no doubt that such an instance occurred; but let me go on with this case.

The inspectors went out and, I suppose, made their report. The result was that the Postmaster General certified to the President for appointment the man who was second on the list—the Democrat. The President made the appointment, the appointee was confirmed by the Senate, and I presume that he is now the postmaster at Seneca. I have not anything in the world against him; he may be an excellent postmaster; I am not making any charge whatever against him; I have no acquaintance with him, and I am finding no fault with him.

That was all done and all accomplished before the Republican, who was at the top of the list, knew that any charges had been preferred against him. If there were charges, they had been preferred in the dark to a tribunal that had tried him in the dark, without ever presenting the charges, without ever informing him that his loyalty was questioned, without ever giving him an opportunity to defend himself against this serious accusation, which was practically a charge of disloyalty to his Government and to his country. He was tried and condemned without a hearing.

It is only a small matter; it concerns only a little post office; but the post office shrinks into insignificance, Mr. President, when compared with the fact that a fellow citizen—and, I believe, an honest and upright and patriotic citizen—has been found by the Post Office Department practically as being disloyal and has had that kind of a judgment rendered against him. I have not been able to investigate this matter as has the Post Office Department—I have not read their report—

and I will tell you why I have not before I get through. So it may be possible that the charge is true; but the point I make is that the man never had an opportunity to defend himself; was never given any information of the charge which was made against him. The investigation which I have been able to make—and I have been as diligent and as fair as I knew how to be in making it—has brought me without exception the report that there is not anything to the charge; that this man is just as loyal as is any other citizen under the flag; that the statements which were claimed to have been made were never made in his presence.

It developed later that this alleged statement was made by a woman; that she made it in the Eastern Star lodge. We are all familiar with that organization, and we all know that it is a high-class organization, and that it is as patriotic an organization as there is anywhere in the United States. The Republican candidate, who stood at the top of the list, was a member of the Eastern Star; and it is alleged that a woman in the Eastern Star lodge said that the President ought to be hanged; that this man was present at the meeting of the Eastern Star and did not do anything to the woman, and therefore was not patriotic and could not be made postmaster.

Not knowing anything about the facts, not knowing the parties, and not being personally acquainted in the town, when the matter was called to my attention I commenced a correspondence with various people, and without exception I asked for the truth. I had some correspondence with the governor of the State, who knows about the matter, and who first called it to my attention. I corresponded with the member of the legislature from that district, with the county attorney of the county, and with other men, and I said to them every time I wrote, "I want to know what is true. Is there anything wrong with this man? Is he guilty of any of these charges of which the Post Office Department say he is guilty?" Without any exception, without any qualification, every reply that I received from anybody gave him a clean bill of health and stated that he was absolutely patriotic and that there was nothing to the story. I found finally what the name of the woman was, and I have here an affidavit sworn to by that woman, the woman who was alleged to have made an unpatriotic charge at the Eastern Star lodge when this man was present. The name of the Republican candidate was Mr. Gilbert. The affidavit is headed:

In the matter of the appointment of Jay Gilbert as postmaster at Seneca, Nebr.

STATE OF NEBRASKA, *Hooker County, ss:*

Della Hanna (Mrs. J. M. Hanna) being first duly sworn, on her oath deposes and says that she resides at Seneca, Thomas County, Nebr., and that she has resided at said Seneca, Nebr., for more than 20 years; that is, in Seneca and in the country tributary thereto.

Affiant states that she has been informed that in the applications made to the department for the appointment of a postmaster at Seneca, Nebr., a report had gone into the department accusing your affiant and one Jay Gilbert, who is an applicant for the appointment as postmaster at Seneca, Nebr., of disloyalty to the Government. That she further is informed that a report is on file from some of the patrons of said post office at Seneca, Nebr., that she made the assertion in a public gathering in which the said Jay Gilbert was present, as follows: "President Wilson should be shot," which alleged assertion was made at a gathering of the Eastern Star organization, and that Jay Gilbert, who was present, sanctioned said alleged saying, and that a report had gone into the Government alleging that your affiant made said assertion, as well as other unpatriotic language.

Affiant makes this affidavit for the sole purpose of denying said alleged assertion; and further alleges that she has always been patriotic, and that she has one son in the war, who was inducted on the first call, and that her said son has been in Germany and France since September, 1917, and that all the time since about September, 1917, her said son was in the Army of the United States, and that her said son is still in the service with the Army of Occupation in France and Germany.

And further affiant saith not.

Mrs. DELLA HANNA.

Subscribed in my presence and sworn to before me this 6th day of February, A. D. 1919.

A. G. HUMPHREY, *Notary Public.*

Mr. WALSH of Massachusetts. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. NORRIS. I yield to the Senator.

Mr. WALSH of Massachusetts. I do not wish to dispute or question the wisdom of the argument being made by the Senator from Nebraska, but I desire to call attention to the fact that under the civil-service rules in connection with the examination of candidates for postmaster inquiry is made by inspectors in the community in which the candidates reside as to their loyalty, as to whether or not they are temperate, as to whether they pay their bills, and as to the amount of their bank accounts, and this information is used in marking the percentage which each candidate receives. Personally I think it is a very improper method of selecting candidates for postmaster. It is practically nothing more nor less than a police-court investigation, and I do not approve of it; but I thought the Senator would be interested to know that the very thing he complains about as being done by the Postmaster General is now being done by the Civil Service Commission and is an element in arriving at the candidate's fitness for holding office.

Mr. NORRIS. Mr. President, I do not think what the Senator says has anything particularly to do with the point I am now making. However, even if one of those examinations is wrong, it does not add to it any to have two made, one by the Civil Service Commission and another by the Postmaster General.

Moreover, as I said at the beginning, the President was not required under the law to make this order, but he made it. I was glad when he made it. I think he performed a patriotic service when he did it. Having made it and put it into operation, it is the bounden duty not only of the President but of every man serving under him to see that it is carried out in good faith. What I am complaining about, and what I think I am demonstrating is that it is not carried out in good faith but that its purposes are absolutely perverted.

Now, let me go back again to Seneca. I want to read from a letter of one of these men—a man who is a member of the Legislature of Nebraska, and who knows this man personally. I will read just a paragraph from his letter:

We regard Mr. Gilbert as an excellent citizen, a good man; and I am in a position to know that Mr. Gilbert contributed abundantly to the war activities, and was and has been a true and loyal American citizen. We regard it as simply a shame and an outrage that such unfair tactics should have been used in obtaining favors from the Government.

That is a sample of all of the replies I have been able to get from men who know this man. It is charged that he has not contributed liberally enough; and yet, while I have no personal knowledge about any of these things, it is asserted by men who know—and this man says he is in a position to know—that he contributed liberally. I have other evidence here showing that the amount fixed by the committee in the purchase of the third Liberty loan, for instance, was determined there as it was at a great many other places; a committee fixed the amount that every citizen of the county should pay. They fixed the amount that Mr. Gilbert should pay, and he paid it. In the case of the fourth Liberty loan it was done again, and he subscribed for just double the amount that the committee said he should subscribe for. Moreover, his wife was chairman of the local Red Cross, and was very active until she broke down in health; and it was while this inhuman charge, as I believe, was made against him—this malicious charge, I believe—that he was compelled to take his wife to Omaha for a surgical operation. He is a poor man. He was working for the railroad, and was working 12 hours a day during the war.

Mr. President, in this particular case I was anxious to know the truth. As I said, I know nothing personally about the facts, and after I had had some correspondence I went down to the office of the First Assistant Postmaster General. I think every Senator will be interested in this, no matter what he may think in regard to the action of the Postmaster General in this and other cases.

I went into the First Assistant Postmaster General's office and told the man I met in the first room that I wanted to see the First Assistant Postmaster General. I knew, as you all know, that when you go into that room the First Assistant Postmaster General's office is to the right. I was told by the man there in charge that the First Assistant had not yet reached his office. It was then between 9 and 10 o'clock in the morning. I said to him: "Perhaps you can give me the information I want. I want to see the papers in a post-office matter," and he directed me to the left. He said: "The man in there"—giving me his name, and I have forgotten the name—"will be able to supply you with the information"; and I went in, and with the clerk there in charge I had a conversation in regard to this office. He sent out and got the papers. He sat on one side of the table and I on the other, and it gradually began to dawn on me that he was not going to let me see them. In all my experience, either in the House or in the Senate, I never yet called on the First Assistant or any other Assistant Postmaster General or any other official for the examination of papers but that I was given access to them. I said: "Let me see the papers." He had them in his hands. He did not give them to me. I said: "I want to examine the papers myself." He told me some things that were in them. He told me enough for me to know that this woman whose affidavit I had read was the same woman that their inspectors said had used this language in the presence of Mr. Gilbert, but he declined to give the papers to me. He said: "I would rather you would see the First Assistant Postmaster General." I said: "I have tried to see him, and he is not here." He said: "I think he is here by this time," and I went out and tried again, and the man at the door

said: "He is not here," and I went back and again I asked the clerk for the papers. He was very gentlemanly about it. I do not want anybody to get the idea that I am complaining about him. He was careful to say that he did not want to have any difficulty, and I assured him that I expected him to obey his superior officer, but that I was there to see the papers, and I demanded them. I wanted him either to give them to me or to refuse, and I would go out; and he said: "Let me go and see the First Assistant Postmaster General," and, taking the papers with him, he went out, and when he came back he said: "Mr. NORRIS, the First Assistant Postmaster General directs me to say to you that you will not be allowed to see these papers," and that was the end of the interview.

Mr. President, as I said, I can not conceive why any Member of the House of Representatives or of the Senate should not be allowed to examine papers of this kind. Particularly is that true of the Senate, where the papers have to do with the appointment of a postmaster, the carrying out of an Executive order of the President, and a Member of the Senate has a constitutional duty to perform in regard to that particular post office as well as every other post office in the land; and it is yet more important, it seems to me, in this particular case, because in those papers I presume was whatever evidence they had upon which to base the charge that this man was disloyal and therefore not fit to be a postmaster in the town where he lives.

So we will not have to go very much further with this Postmaster General and this Post Office Department until we will be able to abolish the Senate and the House and the whole Federal Government and let Mr. Burleson run it. I can not conceive of an honest administration of that office that will conceal from the light a charge of disloyalty made against a citizen of the United States, and, when the charge is made, that will conceal the evidence on which it is based from a Member of the body that has a constitutional duty to perform in reference to that particular office.

Mr. President, on that same day I asked to see the papers in another post-office case, and they were given to me, and I examined them. In that case the appointment had been made according to the certificate of the Civil Service Commission, but the confirmation had been held up through one entire Congress, and was then running through another one, I think. Anyway, it had been held up a good while, I believe, without any reason and without any cause; but I had learned from letters from the locality that notwithstanding the name had come to the Senate and was being held up—and, as I believe proper investigation will show, held up at least with the connivance, if not with the absolute request, of the Post Office Department itself—investigators from the Post Office Department were out in that community. I had learned of it, and so I looked at the papers, and I found there an order from the First Assistant Postmaster General to an inspector. There had been one inspection, and it did not suit them. He was all right, according to the first inspection; but another order and another inspector were sent, and with the order were instructions, and those instructions said that when he got there he should see four men, naming them. Every one of those four men was either a personal or a political enemy of the man who stood at the top of the list in that examination.

I wondered then, and I think I asked the clerk, if they had an inspector in the whole Post Office Department who was so ignorant that when he got instructions of that kind, and found the kind of men he found when he went there, and ascertained that they were enemies of the man, he would not know what kind of a report the Post Office Department expected him to make. He was not directed to go out and make an examination and consult with the people in the community, but was ordered to go out and see the personal and political enemies of the man whom it was desired to disqualify from holding the office.

That is not carrying out the order of the President of the United States. That is not carrying out this order in good faith. That is nullifying it. It is a great deal worse than if they should say: "We will not make that order. These post offices are political plums. We are in power, and we are going to have them." I would have more respect for them than to say to the people: "We have abolished politics in the Post Office Department; we have put it on a competitive basis; we are going to have the Civil Service Commission, a nonpartisan body, hold these examinations," and then when they are held, hold them up, refuse to carry them out, and use the taxpayers' money to find some evidence, if possible, to show that these reports are not right.

I do not suppose they will always be right. I have a great deal of sympathy with what the Senator from Massachusetts [Mr. WALSH] says. The Civil Service Commission is not perfect. I realize that. It would be much better if we would amend the law in some places and get it away from politics. It will begin to degenerate more and more just as soon as it gets into partisan politics. I know they make mistakes, and when they are made they ought to be corrected. I would not put upon any community a postmaster whom the community did not want, no matter what the Civil Service Commission said; but, Mr. President, I think everybody will concede that these examinations by the Civil Service Commission have been honest. They have not been made with a view of getting Tom in and Dick out. They have not been made with a view of getting Republicans in and Democrats out, or Democrats in and Republicans out. They have been carrying out this order to the best of their ability. It has cost a good deal of money to carry it out, and yet the Post Office Department, wherever the result does not suit and does not bring a Democrat into an office, trying to circumvent it by various means and prevent the carrying into effect in good faith of the results of the examinations under this order.

It is a peculiar thing that when the Civil Service Commission certify a Democrat at the top of the list it is not necessary for the Post Office Department to go out and make any further investigation. Mistakes only occur when Republicans happen to be on top. Mr. President, it would be much more honorable if they would say, "You can not have the office because you are a Republican, and we want a Democrat to have it." It seems to me it ought to be beneath anyone with any idea of justice in his heart, no matter how partisan he might be, to resort to the plan I have outlined here, that was resorted to in Seneca, Nebr., to charge a man with disloyalty, try him for disloyalty, convict him of disloyalty, and then tell him about it afterwards, or let him find it out in some other way; and even then refuse to let the evidence on which his conviction is based be examined by some one who is a member of the body having a constitutional prerogative in relation to that very office.

Mr. President, there is one part of the resolution that asks the committee, if they find the Postmaster General, in substance, guilty of these charges, to ascertain whether the action was taken with the knowledge or the consent of the President of the United States. In the first place, I can hardly conceive how the Postmaster General could carry on the activity that he has carried on without the President knowing something of it. I can hardly conceive that the Postmaster General and his assistants would do the things they have done unless they knew they would not be punished for them, because they have done a great many things that are of a very serious nature. So on the face of things the presumption, it seems to me, could be fairly drawn that at least in a general way the President must have had actual knowledge of the Postmaster General's activity in regard to the appointment of the chief examiner, and I believe that an investigation will disclose that these various activities, some of which I have mentioned and some of which I have not mentioned for the want of time, were laid before the President in writing by Mr. Galloway, or at least were laid before the Secretary to the President for the President's consideration, and that in answer to that Mr. Galloway had to give up the office.

Mr. President, I am not going to ask for a vote now on the resolution if some Senator would rather debate it; or, if Senators do not want to debate it but would rather send it to a committee, I am willing that it should go to the Committee on Civil Service and Retrenchment for their consideration.

Mr. SIMMONS. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. SIMMONS. I have no desire to answer the remarks of the Senator from Nebraska, but I am advised that the Senator from Tennessee [Mr. MCKELLAR] wishes to answer some of the statements the Senator from Nebraska has made. I do not think the Senator from Tennessee desires in any way to avoid this investigation, nor do I know of any Senator on this side who has such a desire. I think they rather court it, if the Senator from Nebraska thinks these things ought to be investigated. The Senator from Tennessee indicated to me that he desires to answer the Senator from Nebraska——

Mr. NORRIS. All right.

Mr. SIMMONS. But the Senator from Tennessee is not in the Chamber at this time.

Mr. NORRIS. The Senator from Tennessee would not have time, probably, to answer before 2 o'clock. So, with that in view, Mr. President, I ask unanimous consent that the resolution may go over until to-morrow without prejudice, so as to give the Senator from Tennessee the opportunity he desires.

Mr. THOMAS. Mr. President, I think the Senator from Georgia [Mr. HARRIS] also desires to say something on the resolution.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that the resolution to which he has been addressing himself may go over until to-morrow.

Mr. HARRIS. Mr. President, I am not in the confidence of the Postmaster General; I have been in his office, in the seven years I have been here, but three times. Our relations are not even cordial, for reasons which I shall not state. My relations with Mr. Galloway are most cordial. When I was a member of the Federal Trade Commission Mr. Galloway heard there had been in the past friction among the members of that commission and came to see me about it. He told me of the friction on the Civil Service Commission. He said that the feeling was so great between the commissioners that they could not transact business efficiently, and asked me what I thought he should do about it. I suggested that he go to see the President of the United States and discuss the matter with him. I think the feeling between the commissioners was so great that they almost came to blows.

Mr. NORRIS. If the Senator will permit me, I have not mentioned that difficulty; but there is not any doubt about that being true. However, that friction did not exist between Mr. Craven and Mr. Galloway; it was between the chairman of the commission, who has resigned and who has been given a position over in Haiti at an increased salary, and the other two members of the commission. There was a great deal of friction between the chairman of that commission and the other two members, Mr. Galloway and Mr. Craven; and it is claimed, and I think an investigation will disclose it to be a fact, that the chairman of the commission was, as a rule, trying to carry out the mandates and the orders and the wishes of the Postmaster General.

Mr. HARRIS. Mr. President, I have not discussed this matter with the President of the United States. My knowledge I get entirely from Mr. Galloway, and I think that an investigation will show that the resignations were asked because of friction which interfered with their work. I know what that means on a commission, and recently I introduced in the Senate a bill requiring that the chairman of commissions rotate and be elected by the commissioners for a one-year term—the Federal Trade Commission, the Interstate Commerce Commission, and all the others. I know of friction in the past on the several boards on account of the chairman. I think you will probably find that the resignation of Mr. Galloway was asked on that account.

I went to see Mr. Burleson when I was first elected to the Senate and asked him how postmasters were named. He told me that the man making the highest mark would be certified, and that nothing he could do or that I could do could prevent it. I asked Mr. Galloway the same question, and Mr. Galloway told me that in all instances the person making the highest mark was certified for appointment as postmaster, unless substantiated charges were made against the successful party's character.

Mr. McKELLAR entered the Chamber.

Mr. NORRIS. Mr. President, I ought probably to have mentioned one other thing that Mr. Galloway referred to in the statement I read in reference to the amendment to the order proposed by the Postmaster General. There have been a great many examinations held by the Civil Service Commission, and certifications of eligibles made to the Post Office Department, where the Post Office Department has not yet acted. In the meantime, Mr. Galloway charges, and I believe an investigation will prove it to be true, that the Postmaster General seeks to get an amendment from the President to the Executive order, and the President has now in his hands the proposed amendment, which will enable the Post Office Department, in a large number of the cases of these certified eligibles, to get rid of the Republican candidates who have been successful in the civil-service examinations, and Mr. Galloway charges that if the amendment is agreed to, and ordered by the President, it will result, in hundreds of cases, where the eligible certified will not be appointed under the terms of the amended order itself, and that that is only a scheme by which the Postmaster General is trying to get Democrats into office, where, under the original order, Republicans, under the civil-service rules, would get the places.

Mr. HARRIS. Mr. President, I would like to state to the Senator from Nebraska that I do not approve of all Mr. Burleson's acts. I am not here defending Mr. Burleson. I am simply, as a matter of justice and fairness, giving information bearing on this question.

Mr. NORRIS. Now, Mr. President——

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. NORRIS. While the Senator from Tennessee was out it was suggested that he would wish to address himself to this resolution, and I made a request that the resolution go over without objection until to-morrow, so that the Senator from Tennessee might have an opportunity to speak on the resolution.

Mr. SMITH of Georgia. Mr. President, I object to the resolution going over.

Mr. McKELLAR. If the Senator from Nebraska has concluded his remarks, I would like to take a few moments to discuss this matter.

Mr. NORRIS. I want to have some disposition made of the resolution. Does the Senator from Tennessee want to have the resolution referred to the Committee on Civil Service and Retrenchment?

Mr. McKELLAR. I do not know about that; but I can complete what I have to say on the resolution in a few minutes. I should like to discuss it for a few moments before it is disposed of.

Mr. NORRIS. I want the attention of the Senator from Georgia [Mr. SMITH]. The only thing I have in mind is that if we do not do something with the resolution before 2 o'clock it will go to the calendar. I am willing to have it referred to the Committee on Civil Service and Retrenchment. I have a right to have it referred to the committee.

Mr. SMITH of Georgia. I do not object to immediate action. I would have been ready to vote on it an hour ago.

Mr. NORRIS. It is now about 2 o'clock.

Mr. McKELLAR. The Senator from Nebraska has taken up an hour and a half in discussing this matter.

Mr. NORRIS. I know that, and I am willing that the Senator from Tennessee shall have as much time as he wants.

Mr. McKELLAR. I want but very little time.

Mr. NORRIS. But I do not want to get the resolution tied up by going to the calendar.

Mr. SMITH of Georgia. I simply can not consent that the resolution shall continue to take precedence to-morrow morning. It has had its morning.

Mr. NORRIS. I move that the resolution be referred to the Committee on Civil Service and Retrenchment.

Mr. SMITH of Georgia. I am perfectly willing to vote on it now, so far as I am concerned.

Mr. NORRIS. I would be willing to vote now.

Mr. McKELLAR and Mr. FRELINGHUYSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. NORRIS] made a request that the resolution be referred to the Committee on Civil Service and Retrenchment. Has he withdrawn his request?

Mr. NORRIS. Yes; objection was made. I move that the resolution be referred to the Committee on Civil Service and Retrenchment.

The PRESIDING OFFICER. Is there objection to the request that the resolution be referred?

Mr. WALSH of Massachusetts. I object, Mr. President.

Mr. NORRIS. I submit a parliamentary inquiry. I have a right to have the resolution referred to the committee. It properly goes to that committee.

Mr. WALSH of Massachusetts. Mr. President, may I suggest to the Senator from Nebraska that there is now in progress in the Committee on Post Offices and Post Roads a hearing embodying very many of the charges made in this resolution. It is a hearing upon the nomination of a postmaster in North Carolina, involving a number of cases where the Civil Service Commission have had referred back to it examinations made and reports made to the Postmaster General.

Mr. NORRIS. That does not cover this ground.

Mr. WALSH of Massachusetts. It seems to me that that is the committee to which the resolution should be referred.

Mr. NORRIS. If the Senator objects to its going to the Committee on Civil Service and Retrenchment, it will only make it necessary for me to make some motion in regard to it to-morrow. I do not want to cut anybody off, but I want some action taken in regard to the resolution; and there will have to be some action taken at some time, if it is not taken now.

Mr. SMITH of Georgia. I am perfectly willing to see it come up, but I am not willing to have it come up and take precedence of and crowd out our banking bill.

The PRESIDING OFFICER. The resolution comes over from a previous day, and under the rules of the Senate will be referred to a committee. It will be referred to the Committee on Civil Service and Retrenchment.

Mr. McKELLAR. Mr. President——

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Montana?

Mr. McKELLAR. Certainly.

Mr. WALSH of Montana. I wish to address myself for just a moment to the action of the Chair with reference to the resolution of the Senator from Nebraska [Mr. NORRIS]. I understood that the request was made that the resolution be referred to the Committee on Civil Service and Retrenchment. The Senator from Massachusetts [Mr. WALSH] gave notice that he objected to that reference. I take it, then, it is for the Senate to determine where it shall go, inasmuch as the request of the Senator from Nebraska is objected to. If the Senator from Nebraska now moves that it be so referred, then his motion is before the Senate for action. Under the circumstances of the case, the Senator from Massachusetts has apparently been denied an opportunity to be heard on his objection to the reference.

The PRESIDING OFFICER. The Chair will say, if the Senator from Tennessee [Mr. MCKELLAR] will pardon the Chair, that inasmuch as the suggestion raised by the Senator from Montana [Mr. WALSH] relates to a question of order, the Chair did not understand the Senator from Massachusetts [Mr. WALSH] to object to the reference of the resolution. If the Senator from Massachusetts objected to the reference of the resolution, of course the Chair will reconsider the reference.

Mr. WALSH of Massachusetts. I think the RECORD will show that I objected. The first word I uttered was an objection.

The PRESIDING OFFICER. Does the Senator from Massachusetts object to a reference to any committee?

Mr. WALSH of Massachusetts. I objected to a reference of the resolution to the Committee on Civil Service and Retrenchment, as requested by the Senator from Nebraska, and then I gave my reason for objecting.

Mr. NORRIS. Mr. President, I think, under the circumstances, I am entitled to make the motion, and I therefore move that the resolution be referred to the Committee on Civil Service and Retrenchment.

The PRESIDING OFFICER. The Chair is in doubt as to the parliamentary situation at present. The Chair recognized the Senator from Tennessee [Mr. MCKELLAR], supposing that the matter referred to by the Senator from Nebraska had been finally disposed of. Therefore, technically, the Senator from Tennessee has the floor.

Mr. MCKELLAR. Mr. President, in order to accommodate everybody, as I understand that the senior Senator from New Jersey [Mr. FRELINGHUYSEN] has given notice that he will speak at the close of the morning hour on the treaty, I will yield the floor to him and let him proceed with his speech in regular order.

The PRESIDING OFFICER. That does not solve the situation.

Mr. NORRIS. Mr. President, I move that the resolution be referred to the Committee on Civil Service and Retrenchment. I have the floor now. Nobody can question that I have a right to make that motion now.

The PRESIDING OFFICER. The Senator from Tennessee [Mr. MCKELLAR] had been recognized by the Chair as having the floor.

Mr. NORRIS. But he yielded.

The PRESIDING OFFICER. He yielded to the Senator from New Jersey [Mr. FRELINGHUYSEN], or attempted to do so. That does not give the Senator from Nebraska the floor. Does the Senator from Tennessee claim the floor?

Mr. MCKELLAR. No; I do not claim the floor.

The PRESIDING OFFICER. The Senator from Nebraska moves that the resolution submitted by him be referred to the Committee on Civil Service and Retrenchment.

Mr. WALSH of Massachusetts. I move that the words "Civil Service and Retrenchment" be stricken out and that there be inserted the words "Post Offices and Post Roads."

The PRESIDING OFFICER. A motion to refer to a committee is not subject to amendment by moving to refer to another committee.

Mr. THOMAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. THOMAS. The morning hour having expired, can we now further consider the resolution?

Mr. LODGE. We can go on, of course, because there is no unfinished business.

The PRESIDING OFFICER. The morning hour is closed, but the Senator from Nebraska made a motion which has been entertained by the Chair. A motion may be made after the morning hour expires; but, in fact, the Senator from Nebraska made his motion before the morning hour had expired.

Mr. NORRIS. I do not care to embarrass the proceedings if the Chair thinks that, since the morning hour has now expired, the motion can not be put.

Mr. LODGE. Oh, yes; the motion can be put now.

Mr. NORRIS. I do not care whether the Chair puts it now or to-morrow. I do not see any reason, however, why it should not be voted on now.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nebraska to refer the resolution to the Committee on Civil Service and Retrenchment. [Putting the question.] The Chair is in doubt.

Several Senators called for a division.

Mr. NORRIS. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HENDERSON (when his name was called). I have a general pair with the Senator from Illinois [Mr. MCCORMICK]. I transfer that pair to the Senator from Kentucky [Mr. STANLEY] and vote "nay."

The roll call was concluded.

Mr. SWANSON (after having voted in the affirmative). I am paired with the Senator from Washington [Mr. JONES]. In his absence I transfer my pair to the Senator from Arkansas [Mr. ROBINSON] and let my vote stand.

Mr. MCKELLAR. The Senator from Oklahoma [Mr. GORE] is detained from the Senate by illness. The senior Senator from Rhode Island [Mr. GERRY], the Senator from Arkansas [Mr. ROBINSON], the Senator from Maryland [Mr. SMITH], and the junior Senator from Kentucky [Mr. STANLEY] are detained on official business.

Mr. BECKHAM. Has the senior Senator from West Virginia [Mr. SUTHERLAND] voted?

The PRESIDING OFFICER. He has not.

Mr. BECKHAM. I am paired with that Senator, and in his absence I withhold my vote.

Mr. SMITH of South Carolina (after having voted in the affirmative). May I inquire if the Senator from South Dakota [Mr. STERLING] has voted?

The PRESIDING OFFICER. He has not.

Mr. SMITH of South Carolina. I have a general pair with that Senator which I transfer to the senior Senator from Virginia [Mr. MARTIN], and I will let my vote stand.

The result was announced—yeas 62, nays 22, as follows:

YEAS—62.

Ashurst	Frelinghuysen	McKellar	Sheppard
Ball	Gay	McLean	Sherman
Bankhead	Gronna	McNary	Shields
Borah	Hale	Moses	Simmons
Brandegee	Harding	Nelson	Smith, Ariz.
Calder	Harris	New	Smith, S. C.
Capper	Johnson, Calif.	Newberry	Smoot
Colt	Kellogg	Norris	Spencer
Cummins	Kenyon	Overman	Swanson
Curtis	Keyes	Owen	Townsend
Dillingham	Kirby	Page	Underwood
Edge	Knox	Penrose	Wadsworth
Elkins	La Follette	Phipps	Warren
Fall	Lenroot	Poindexter	Watson
Fletcher	Lodge	Ransdell	
France	McCumber	Reed	

NAYS—22.

Chamberlain	Johnson, S. Dak.	Phelan	Walsh, Mass.
Culberson	Jones, N. Mex.	Pittman	Walsh, Mont.
Dial	Kendrick	Pomerene	Williams
Harrison	King	Smith, Ga.	Wolcott
Henderson	Myers	Thomas	
Hitchcock	Nugent	Trammell	

NOT VOTING—12.

Beckham	Gore	Martin	Stanley
Fernald	Jones, Wash.	Robinson	Sterling
Gerry	McCormick	Smith, Md.	Sutherland

So the resolution was referred to the Committee on Civil Service and Retrenchment.

Mr. MCKELLAR. Mr. President, I wish to announce that during the morning hour to-morrow I shall take occasion to answer some of the statements made to-day by the Senator from Nebraska [Mr. NORRIS] in connection with the Post Office Department and the Civil Service Commission.

TREATY OF PEACE WITH GERMANY.

Mr. NEW. Mr. President, I desire to give notice that at the conclusion of the morning business to-morrow I shall ask the indulgence of the Senate to address it briefly on some phases of the treaty of peace with Germany now before this body.

BILLS OF EXCHANGE.

Mr. FRELINGHUYSEN obtained the floor.

Mr. LODGE and Mr. MCLEAN addressed the Chair.

Mr. LODGE. Mr. President, the treaty is not yet before the Senate.

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Massachusetts?

Mr. FRELINGHUYSEN. Yes; I yield.

Mr. LODGE. I desired to have the treaty laid before the Senate, as I understand the Senator from New Jersey is going to speak on that.

Mr. McLEAN. Mr. President, will the Senator from Massachusetts yield to me?

Mr. LODGE. I yield to the Senator from Connecticut, in order that he may ask that the bank bill be recommitted to his committee. It will take but a moment, as I understand.

Mr. McLEAN. I move that the bill which was under consideration on yesterday, being the bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States, as amended by acts of June 22, 1906, and September 24, 1918, be recommitted to the Committee on Banking and Currency.

Mr. NORRIS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Nebraska will state his parliamentary inquiry.

Mr. NORRIS. Will the recommittal of this bill remove from the considertaion of the Senate the question of the appeal that was pending when the Senate yesterday took up the treaty?

The PRESIDING OFFICER. In the opinion of the Chair the measure referred to by the Senator from Connecticut [Mr. McLEAN] and the Senator from Nebraska [Mr. NORRIS] is not now before the Senate; it is not the unfinished business. The motion by which the Senate agreed to proceed to its consideration on yesterday morning was made before 2 o'clock. If the motion had been made after 2 o'clock and the Senate had had the bill under consideration at the time of its adjournment, it would thereby have become the unfinished business, but it is not now the unfinished business.

Mr. NORRIS. I do not think the Chair understood the question I wanted to propound. If the Chair will permit me, I will briefly explain what I desire to reach. On yesterday the Presiding Officer made a certain ruling; an appeal was taken from the decision of the Chair; and the motion to lay the appeal on the table was defeated; so that the appeal was left pending. The appeal had to do with this particular bill. I have no objection to the motion of the Senator from Connecticut, but there was a question involved in the appeal which I think the Senate ought to determine. I do not believe the motion to recommit will interfere with that, but I do not want to have any doubt about it. So the question I asked was whether the motion of the Senator from Connecticut, if it prevailed, would take away from the Senate the consideration of the question that was pending when we went into open executive session yesterday on the appeal from the decision of the Chair?

The PRESIDING OFFICER. In the opinion of the Chair the recommittal of the bill would, of course, take with it all subsidiary motions which arose from the discussion of the bill before the Senate, there being nothing before the Senate to which the appeal or ruling would pertain, the subject matter out of which the ruling grew having vanished.

Mr. SMOOT. Mr. President. that being the case, I very much doubt the wisdom of allowing the bill to be recommitted to the committee until the point of order shall have been decided by the Senate. It involves a very vital question. The Presiding Officer ruled upon a certain question and from that ruling the Senator from Wisconsin [Mr. LENROOT] appealed. That appeal was pending at the time the treaty was taken up on yesterday. I therefore ask the Senator from Connecticut not to move the recommittal of the bill until that question shall have been settled.

Mr. McLEAN. Mr. President, I have no objection to the question being settled now, and I will ask unanimous consent that it be now settled.

Mr. SMOOT. That is all right.

The PRESIDING OFFICER. The Chair will state that in the opinion of the Chair when morning business was closed on yesterday at 2 o'clock the bill then pending went back to the calendar and is not now before the Senate. Of course, the Senate can take the bill from the calendar and recommit it to the committee if the Senate votes so to do.

Mr. SMOOT. I agree with the Chair, but what I said was that I hoped the Senate would not do that until the question of the appeal from the decision of the Chair should have been finally settled.

The PRESIDING OFFICER. In the opinion of the Chair there is no appeal pending. The point of order would have to be again made, at some future time in order to obtain a decision of the Senate.

Mr. LODGE. Mr. President, I yielded to the Senator from Connecticut [Mr. McLEAN], supposing that the motion could be made and agreed to without debate. If it is going to lead to debate I can not yield further, though I am sorry to interpose.

Mr. McLEAN. I am perfectly willing to move that the Senate proceed to the consideration of the bill for the purpose indicated; that the vote be taken; and then I shall move that the bill be recommitted. I think this bill ought to be privileged either to remain in the Senate or to go to the committee, and the question should be decided this morning.

Mr. SMITH of Georgia. It is unfair to say that the bill is not in the Senate and at the same time that we can not send it back to the committee.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. LODGE] yielded to the Senator from Connecticut [Mr. McLEAN]. Does the Senator from Connecticut desire to make any motion?

Mr. McLEAN. I move that the Senate proceed to the consideration of the bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918.

The PRESIDING OFFICER. The question is on the motion of the Senator from Connecticut.

Mr. LODGE. Mr. President, I think I have the right to interpose a privileged motion.

The PRESIDING OFFICER. The Senator certainly has, but the Chair supposed that the motion of the Senator from Connecticut was made by permission of the Senator from Massachusetts.

Mr. LODGE. I yielded very gladly to the Senator from Connecticut, supposing that the motion to recommit the bill would be adopted in a moment, but it has already taken some time, and it is now my duty to move that the Senate go into open executive session as soon as possible to continue the consideration of the treaty. I dislike exceedingly to cut off the Senator from Connecticut. If the Senate wishes to go on and discuss the point of order, of course, it is for the Senate so to decide.

Mr. SMITH of South Carolina. If the Senator from Massachusetts will allow me, I desire to say that the Chair has just ruled that the point of order which was before the Senate yesterday is not now before the Senate; that that has passed; and that the only thing that can be brought up now is either the motion just made or a motion to recommit the bill. I think the Senator from Connecticut could move now to recommit the bill without any further debate and have it take that course, because the question is not pending to which we were addressing ourselves on yesterday.

Mr. McLEAN. Mr. President, I understand that, and my original motion was that the bill be recommitted.

Mr. SMITH of South Carolina. I think that would be the proper thing for the Senator from Connecticut to do—merely to renew his original motion to recommit the bill.

Mr. McLEAN. I renew the motion, Mr. President, to recommit the bill, and I ask a vote on my motion.

Mr. LENROOT. Will the Senator from Massachusetts yield to me before the Senator from Connecticut makes his motion?

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Wisconsin?

Mr. LODGE. I yield.

Mr. LENROOT. Of course, a motion to recommit will still be subject to the same point of order. If the Senator from Connecticut can couple with his motion a request for unanimous consent, that will leave the point of order without prejudice so that it does not stand as a precedent, I would not have the slightest objection; but I am opposed to allowing the ruling in its present form to stand as the judgment of the Senate.

Mr. SMITH of Georgia. Mr. President, the trouble is the Senator from Connecticut can not do otherwise than he has done unless he appeals from the decision of the Chair. The Chair has held that the whole matter has passed from consideration as the result of our action on yesterday.

Mr. LODGE. An appeal was made from the decision of the Chair; a motion was made to lay the appeal on the table; the motion to lay on the table was voted down, and the appeal is before the Senate.

Mr. SMITH of Georgia. The Chair has just held that it is not before the Senate, as I understood him.

Mr. SMITH of South Carolina. The Chair just held that it is not before the Senate and has passed from consideration, the bill having been under consideration in the morning hour yesterday.

Mr. SMITH of Georgia. The Chair has held, as I understand, that it has all passed because the motion was made before 2 o'clock.

The PRESIDING OFFICER. The Senator understands the Chair correctly.

Mr. SMITH of Georgia. The Chair holds that the matter is all dead now.

Mr. LODGE. Mr. President, I do not think it is dead. If the bill is taken up, the point of order can be renewed, of course.

Mr. SMITH of South Carolina. It can be renewed to-morrow.

Mr. LODGE. If the motion is made to recommit, as the Senator from Wisconsin [Mr. LENROOT] has pointed out, the point of order can be renewed.

Mr. SMITH of Georgia. On recommitting the bill?

Mr. LENROOT. Certainly.

Mr. LODGE. Certainly it can.

Mr. SMITH of Georgia. Does the Senator hold that the bill is not in the Senate, and also that it can not be sent back to the committee? If it is not properly in the Senate, the appropriate thing to do is to send it back to the committee. All we ask is that one of the two courses be taken.

Mr. LODGE. The bill is not in the Senate.

Mr. SMITH of Georgia. If the Senate will hold that the bill is not in the Senate, then the committee can go on with it. It is not in the committee; the bill is in the Senate, and the Senate has considered it and amended it.

Mr. LODGE. It is on the calendar, and there has been no motion as yet to take it up.

Mr. LENROOT. Mr. President, if the Senator will yield to me, will the Senator from Georgia permit a point of order to be made, which, if sustained, will immediately send it back to the committee?

Mr. SMITH of Georgia. What point of order?

Mr. LENROOT. The point of order that it is not properly before the Senate.

Mr. SMITH of Georgia. I will not, because I think that the bill is in the Senate. I have no doubt the bill is in the Senate, and I have no doubt that the Senate can recommit it. What we ask, and the fair thing to do, is either to let the bill be recommitted or let us consider it here.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. Mr. President, it is perfectly obvious that a great deal of debate will ensue on this question, and I now move that the Senate proceed to the consideration of executive business in open session.

The motion was agreed to.

Mr. SMITH of Maryland. Mr. President, I desire to state that I shall make some observations to-morrow on the pending peace treaty.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. FRELINGHUYSEN. I rise, Mr. President, to make response to the numerous criticisms made by the President in his recent addresses on the attitude of certain Members of the Senate who oppose the treaty of peace with Germany and particularly the league of nations criticisms that reflect on the motives, loyalty, and patriotism of men in this body who are conscientiously trying to perform their great duty at this time as consistently as they did during the great stress of war.

The people of the United States have, or should have, a great reverence for the office of President. The influence he wields by spoken word and through the columns of the press of the country reaches to every fireside. Any statement made by him unchallenged is often accepted as fact, and therefore the reputation of those who are pilloried by him on the rack of public opinion may be affected unless unjust statements are corrected. I have no apologies to make to my State or the country for my course in this body. I am not responsible to the President for my acts, but to the sovereign constituency which I have the honor in part to represent.

No one respects the high office which President Wilson holds more than I. No one realizes more than I that vituperation or personal attack is resented by many who believe the President can do no wrong. I came to Washington hoping to work for constructive legislation and policies under his administration, with a firm determination not to allow my judgment to be warped by partisan influences or political expediency. I was soon disillusioned, for I found that almost every great public question was first measured with a political yardstick. Notwithstanding this I voted for every war measure with the exception of Government control of the telephones and telegraphs, which control I deemed unnecessary and unwise.

As time went on, however, I found that to continue to follow President Wilson would compel me to abandon the principles I had long learned to believe sacred and inviolable, and would also compel me to support policies I believed were wrong and disastrous to my country.

I can not support President Wilson's ideas and ideals of treaty making or his views on the league of nations. The attacks made by him on the attitude of Senators on the league of nations, the abuse he and his followers heap on those who do not agree with him and them, the dire threats he makes against those who oppose his views, I can not, in justice to myself or my constituency, allow to go unanswered, even though he does occupy the Executive chair and is the President of the United States.

What I have to say I shall say without personal spite or prejudice, but I shall speak the truth and shall speak plainly of him and his acts.

In my remarks I shall only comment on his work at the peace table, voicing my opposition to what I believe are unwise policies and monstrous provisions contained in both the documents and stating why I can not support them. Let me refer by way of preface to the oft-quoted policies of Washington in his advice to the American people, policies we have always followed, policies that no one has ever had the temerity to abandon, precepts and policies that should be engraved in the hearts and minds of every Senator in this body when considering the treaty proposals now before us:

> Europe has a set of primary interests which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, then, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendship or enmities.

Thus advised the immortal Washington. Guided by his advice, we have attained a position unequal in history.

On May 16, 1914, President Wilson said:

> It was not merely because of passing and transient circumstances that Washington said that we must keep from entangling alliances. It was because he saw that no country had yet set its face in the same direction in which America had set her face. We can not form alliances with those who are not going our way; and in our might and majesty and in the confidence and definiteness of our own purpose we need not and we should not form alliances with any nation in the world.

In 1915 President Wilson was nominated by the Democratic Party for a second term. His election was demanded by that party on the ground that he had followed the advice of Washington and had thereby kept us out of war. President Wilson himself promised that if reelected he would adhere to "the fixed traditional policy of the United States to stand aloof from the politics of Europe." In his speech delivered at Shadow Lawn, N. J., on September 30, 1916, he said:

> The certain prospect of the success of the Republican Party is that we shall be drawn in one form or another into the embroilments of Europe.

Notwithstanding his unusual boast that we were too proud to fight, we did fight and very quickly proved to the world that we would be the decisive factor in the war. Taking advantage of our dominating position he, without consultation and, so far as is known, entirely of his own volition, undertook on January 8, 1918, to prescribe terms of peace. The first of his terms was, "Open covenants of peace openly arrived at" and his fourteenth, the last, "A general association of nations." The records of this Senate will show that prior to his first trip to Europe in December, 1918, I called upon him for an explanation of his proposed association or league of nations and inquired specifically if he intended "that henceforth we must take part in all political and territorial disputes throughout the world?" I said on December 4, 1918:

> It is his duty as well as ours to act for the people; and, to avoid misunderstanding, it seems to me that the people should be told by him what is the interpretation which he places upon his basis of peace and should be advised to what extent he intends in their behalf to propose a policy which may involve an abandonment of our traditions. All I ask is that the public should be taken into the confidence of the President, that he should afford the public an opportunity to express its views, and, should it appear that there is a pronounced view upon any subject, that he will not run counter to it. It is for such reason that I have introduced my motion.

To my suggestions and inquiries no attention whatever was paid. The President returned from Europe with a draft of a league of nations. Forthwith he resented any criticism of it and he threatened any who opposed it with isolation "upon a shore so high and barren that it will seem as if he had been separated from his human kind forever." His threat did not deter me and others from criticizing his plan for a league. We reminded him that we were all citizens of the United States as distinguished from citizens of the world; that we were nationals rather than internationals; that we had a written Constitution and that it was his and our guide and the measure of his and our authority.

On February 28 last I arose in this Senate and specifically called attention to the fact that under the league of nations proposed by the President Great Britain would have more votes than the United States; foreign powers might exercise some control over our domestic affairs; the Monroe doctrine would be exposed to serious danger and the United States might be called upon to take part in every dispute in Europe.

I specifically asked him if, under the league as proposed, it would become the duty of the United States to make war upon Germany and Russia should hereafter they attack Poland? I also specifically asked him if the league of nations had been in force at the time of our revolution, if France could have rendered us assistance or if it had been in force at the time of our war with Spain we could have rendered Cuba assistance? All such questions were ignored by him, and he made no attempt to ascertain the opinion of the country. No doubt there was a good reason for his failure. Last November the people answered in the negative his call for a vote of confidence and he would not risk another appeal. He grimly threatened that when again he returned from Europe he would have a league of nations so intertwined with the world peace that they could not be separated. In effect he threatened that we would be compelled to accept his league or remain indefinitely in a state of war. While his attitude may have surprised some of you it was no surprise to New Jersey. We had known him as president of Princeton and as governor of the State. In both offices he surrounded himself with the atmosphere of the class room. He was the professor insistent that all about him were students, that all must bend to his will and that his word was law. I challenge anyone to visit New Jersey to-day and to talk to my constituents. What will you learn? You will be told by the vast majority, including many Democrats, that President Wilson is an autocrat, and some of them will tell it to you in language unknown in a Sunday School.

When President Wilson returned to Europe he did so disdaining all criticism and resenting the general opinion that his visits to Europe were a mistake. So obvious was public opinion on this point that he hurried his return. Was he not fearful that it might grow to a demand that he remain in the United States and intrust negotiations to others. His attitude on the league of nations was that of defiance. Though in this, his own country, criticism of his league of nations overshadowed praise, what did he say to the people of Europe? He told them that he had a "mandate" from the people of the United States, a mandate which he could not disobey, and that his league of nations must be established. On April 28, 1919, he said:

> We have no choice but to obey their mandate. But it is with the greatest enthusiasm and pleasure that we accept that mandate; and because this is the keystone of the whole fabric, we have pledged our every purpose to it, as we have to every item of the fabric. We would not dare abate a single item of the program which constitutes our instructions.

Now, gentlemen, what instructions did President Wilson have when he departed for Europe? Have I not shown to you how I tried to urge him to ascertain the sentiment of the country? You all know as well as I do that instead of instructions he had criticisms, and it was because of such criticisms that he threatened his critics in his Boston address with isolation upon a shore so high and barren that it will seem as if he had been separated from his human kind forever. Though he had no instructions, though the people of the United States had repudiated his policies at the preceding election, he apparently convinced the people of Europe that we in this country demanded his league of nations, or shall I say, as many others have, that he secured his league of nations by barter. He returns to the United States and instead of stating that he had fulfilled his instructions, he calmly tells the people that if they will not approve his league of nations they will break the heart of Europe. Why was it necessary to resort to such language? If in Europe he spoke the truth that he had instructions from America, that he had a mandate from America that his league of nations must be adopted, why did he upon his return try to tell us that we must accept it because Europe wanted it, and that if Europe does not get it her heart will be broken? Was he right when he informed Europe that he had instructions from the United States; that he had a mandate from the United States?

I have kept in very close touch with my constituents in New Jersey, and have no hesitation in saying that very few now call him a Democrat. To many he is an internationalist. My constituents view with alarm the steady encroachment under this administration of Federal control over what have always been considered States prerogatives. I will very briefly give a few illustrations to make clear our viewpoint. We have been very jealous of our schools. We have prided ourselves on their efficiency and on our ability to manage them. There is now pending and there has been pending for some time a bill which has had the support of the administration and for which propaganda is being disseminated through the official administration school paper and under which vast sums would be appropriated annually among the States and a Federal department of education would be created. It is admitted that education is a function of the States and not of the Federal Government. There was a time in the past when such admission would have killed the bill on the ground that taxes could no more be distributed for extra constitutional purposes than that they could be collected by extra constitutional means. If to secure taxes by means of a levy on incomes the approval of the States in the form of an amendment to the Constitution was required, is it not plain that to distribute taxes among the States for State purposes a similar consent is necessary, otherwise one State may bear part of the State expenses of another. That is exactly what will happen if the administration educational bill is executed into law. New York, New Jersey, and Pennsylvania will contribute $41,256,000 of the school fund and receive but $18,972,000. Mississippi, on the other hand, to take an example, will contribute $143,000 and will receive $2,115,000. The danger of Federal control of education must now be apparent to all. The administration even now is disseminating through the schools propaganda in favor of the Smith educational bill. What would it not do if it had actual control, and no matter what may be said to the contrary, control will follow the purse.

While the administration seeks to invade the fields of education, it has already invaded another State preserve—that of our roads. As a result of its activities and legislation, $275,000,000 have been or will be expended from the Federal Treasury. Of that fund New York, New Jersey, and Pennsylvania contribute $113,437,500 but will receive only $29,591,575, while Mississippi, to use it again by way of example, contributes $385,000 and receives $4,942,961. Had not the public repudiated the Democratic Party at the election last November, every field of State activities would probably have been invaded and so-called State rights would cease to exist. The danger has frequently been called to our attention by Senator KING and others. To some it may seem strange that a Republican should call attention to such a subject. I believe in a strong central government, but I also believe that it must be within constitutional limits. If our Constitution is to be treated as a scrap of paper, if a party, or, worse still, if one man sets himself above the Constitution and assumes that all power and authority are reposed in it or him, our form of government will be in great danger. Just as this administration has tended to merge State governments in the Federal Government, so also has it tended to merge the Federal Government in an international government.

President Wilson and his supporters insist that we must join his league of nations without any reservations other than mental; that we should surrender some of our sovereignty; that it is not only right but that it is our duty to undertake to respect the territorial integrity and existing political independence of every other nation, even though we thereby preclude ourselves from encouraging others to achieve their liberty, as France did the Colonies during the Revolution or as we did Cuba in very recent years; that it is not only right but that it is also our duty to undertake to preserve the territorial integrity and existing political independence of every other nation, even though as a result of such undertaking it might become our duty to wage war on a nation giving help to people seeking freedom, as France gave help to us and as we in turn gave help to Cuba. They insist that we must agree to place the world in a political strait-jacket and that we must be ready at all times to repel help which may be offered to any unfortunate people who may seek to throw off the shackles of political slavery.

President Wilson has cast the world into a mold. We are part of his mold. So proud are he and his followers of his work that not only must we not disturb or even jar the mold but we must undertake to prevent others from disturbing or jarring it. That which the wisdom of ages has not accomplished he is sure that he has accomplished. The United States is too small for his ambition. It he sees only as part of the world. An international organization, of which, no doubt, he hopes to be the first head, is his goal. In this respect he is like the Bolsheviki. They, too, have an international organization as their goal. Without internationalism they can not succeed, and their most ardent advocates freely admit it. With pleasure must they view the work of our President. If the goal of internationalism is reached, no matter by whom or by what means, it lessens their work. The most important part of their work is done. Their struggle then will be to gain control of the international organization. Now, unless they achieve internationalism, their cause is lost. Mr. Wilson may deny that he is an internationalist, but if a family of nations is created, each member of which is bound to respect and to protect every other member, is not the result clearly internationalism?

Briefly I have tried to indicate to you how this administration has gravitated toward centralization—centralization of the States in the Federal Government and of the Federal Govern-

ment in an international organization. The majority of the Democrats in my State are of the school that believes in local self-government, in State rights, and to them President Wilson is no longer a Democrat. On the contrary, to them he is an internationalist.

Why do I refer to them? Simply because very many of them view certain features of the proposed league as decidedly un-American and very decidedly contrary to the doctrines of Washington and Jefferson. I have been importuned to oppose such features and time and again have I been reminded that neither of the New Jersey Representatives in the Senate is a Democrat and that therefore thousands of Democrats look to us to voice their opposition and desire to be considered among those who concur in objections which I have been publicly urging since the draft of the league was first made public. The junior Senator from Massachusetts is not the only one who has been requested by Democrats to stand firm for the Constitution and for the principles of Washington, principles which served as our guide for more than a century, principles which President Wilson himself lauded within the past four years and which, when seeking reelection in 1916, he charged the Republican Party with a willingness and even a desire to abandon. Time, a short time at that, has shown how false was the accusation against the Republican Party and how very false were his own protestations of adherence to the principles of Washington; principles, now that the office of president of the world looms on the horizon, he would abandon as antediluvian, while those of us who can not follow him he characterizes as contemptible quitters. If Washington, or Jefferson, or Adams, or Hamilton, or Lincoln could but return to life, would they characterize as quitters those who stand fast to the Constitution, those who believe that our Government can not be changed without the consent of the governed, those who oppose a partnership with Europe and an alliance that would entangle us in every one of its quarrels? You know well that the founders of this country would praise us for being true to their principles and would look aghast at those who would ignore the Constitution and the advice of Washington and would stigmatize as quitters worse than contemptible those who would now tie us to Great Britain and to Europe to sever political ties with which Washington and his noble followers fought and suffered during seven long years.

I have heard expressions on this floor and elsewhere that many of those opposing the league are pro-German, pro-Irish, or pro-Italian.

The suggestion has been made that they had better return to the land of their birth or their ancestors. All will agree that those who do not observe our laws or respect our Government should be punished. Yet the record during the war of the alien races and the descendants of the alien races we have adopted has been sublime, and therefore we should not sweepingly condemn them as a class.

I am well aware that because of my name, some may think that I am of German origin. It is because that neither in me nor in any of my ancestors is or was there any German blood that I had dared demand for all in this country, irrespective of origin, a square deal. The President has stated that he, too, comes from Revolutionary stock. But in studying the record of his ancestry I am somewhat curious to know what revolution he refers to. [Laughter and applause in the galleries.]

The VICE PRESIDENT. Is it not possible for the occupants of the galleries to obey the rule of the Senate? You are not all strangers. I see you here frequently. It imposes a burden upon the presiding officer that you ought not to put upon his shoulders all the time to call you to order. You have no right, under the rules of the Senate, to manifest your approval or disapproval. As good American citizens, will you not be kind enough to obey the law of the Senate as well as every other law of the Republic?

Mr. FRELINGHUYSEN. Mr. President, I am proud of my Revolutionary ancestry. I am proud that I belong to the Sons of the American Revolution; my forefathers at all times have been true to the Constitution and to the Government; I did not hesitate to answer the call of my country and to serve in the ranks during the Spanish-American War. This is my country and I am proud of it. For more than two centuries it has been the country of my ancestors on both my father's and my mother's side, and they, too, were proud of it. As an American I resent the aspersions cast on citizens whose parents or grandparents were born abroad. Remove those born abroad and the children of those born abroad and the United States would not be what it is. Aye, cast off only all of foreign origin you would lose a good part of the worthy citizenship of this country; a part which we can rely on to oppose internationalism; a part which naturally is anti-Bolshevik. It is but natural for a man to think kindly of the place of his birth and the place of the birth of his father and of his mother. Those now derided as pro-German and pro-Irish or pro-Italian resent the charge that they are not loyal. Look over the list of our dead and wounded and the number of German, Irish, and Italian names will surprise you. The relatives of such dead and wounded wonder why they are singled out for criticism on account of their origin, because they can not approve of the league of nations in its entirety and because, remembering the many quarrels of Europe, they hesitate to have this country join in partnership and become a party to such quarrels. Many of such men inquire why should they, whose kin fought for the country, be criticized.

In this connection I have in mind an incident that happened at the beginning of the war. A number of townspeople in my home in New Jersey had gathered at the station to say good-by to the boys who had been chosen in the selective-service draft to go to the cantonments to serve in the Army. There was an Italian boy there who had been in the country only a few years and who had refused to take the exemption that was due him. He was standing with the rest of his comrades. The band had ceased playing. People were crying, deeply affected, when this Italian boy suddenly chirped up, "Play da music, by and by we no be here to hear da music." That boy laid down his life for this country in the Argonne Forest. Was he a pro-Italian or a pro-American?

The Senator from New York [Mr. WADSWORTH], about a year ago, had a letter from a major of the One hundred and sixty-fifth United States Regiment, previously known as the Sixty-ninth New York Regiment, describing a raid over the top. In that letter he stated that the commander of the French forces had asked for 50 men of his regiment to join with 50 Frenchmen in the raid. He said, "You would be surprised at the nationality of the men who responded, for they all volunteered when I asked for 50 men, even the kitchen police and the cooks. Out of that number we had several Italians, several of German descent, several Slavs and Greeks. They went over the top. Not all of them came back, many remained there, but the raid was successful and they were praised by the French commander for the service they had rendered. But," he said, "the lieutenant who led those men over the top, while an American citizen, was born in Germany and had two brothers in the German Army."

Was that man pro-German or pro-American?

One day recently I met the colonel of the Three hundred and eleventh Infantry, a regiment that contained mostly New Jersey boys. I asked him to tell me of the record they made. He said, "I have never seen such splendid soldiers. Not a word of complaint at the hardship or suffering. Many men who had come to your country from foreign soil followed the Stars and Stripes with a devotion that was beautiful."

I asked him to write me a letter giving testimony of the service these men had rendered. This is what he wrote me:

> A large percentage of the men of the Three hundred and eleventh Infantry consisted of Americans and many Italians, Slavs, and other naturalized citizens, who came chiefly from northern New Jersey. Many of them could speak but little English. It required hard work and patience to train them in the duties of a soldier, but when we reached the fighting front I felt well repaid for our efforts, for these men fought like veterans. Fear never came into their minds. They would go after machine-gun nests with apparent delight and they would get them, too. Nerve-racking high explosive shells, of enemy artillery, made no impression on them in an advance. Their worth as soldiers is demonstrated in the large number found in the list of men who won distinguished service crosses. As loyal soldiers, good fighters, and brave men, I have for them the highest admiration and praise.
>
> M. B. STOKES,
> *Three hundred and eleventh Infantry.*

Were those boys pro-Austrian, pro-Italian, pro-German? No, they were pro-Americans, for they fought for this country; they fought for you and me.

What would we say if citizens of foreign origin who have lost sons or bothers in the service of the United States call attention to the birthplace of our own President's parents and grandparents, and to his recent visit to his mother's birthplace in England? Would we not resent all criticism based on such facts? Any man, who is a man, loves not only his parents, but also the land which gave them birth. In all seriousness I wish to say that if people who do not approve the league as written are to be called un-American and denounced as pro-German, pro-Irish, and pro-Italian, you will shortly hear criticism along the same line of our President, coupled with the charge that he is trying to force on us what is called a British treaty. Many of my constituents are emphatic that the treaty is a British victory and in support of their claim my attention has been called to the proceedings in the House of Lords and House of Commons.

The treaty was presented to the House of Lords by the Earl of Curzon on July 3, 1919. In his presentation address he said:

> It is open to me to say, with a real and accurate knowledge of what has been passing in Paris during the past six months, that the prime minister, by a combination of courage and imagination and by the exer-

else of quite unusual powers of conciliation, has often held the balance between conflicting parties, and is largely personally responsible for the contents of that blue volume.

In what I have said I hope I have not indulged in one sentence that could savor of national vanity or boasting. I have preferred to regard this treaty from the point of view of its effect upon the future of the world rather than its effect upon our own people. But it is permissible, perhaps, to point out in a sentence that Great Britain has gained in this war all, and indeed much more than all, she set out to win. Our navy remains at the end of the war intact and unassailed. The principle of freedom of the seas, which is the basis of our national existence, stands unimpaired and unimpugned. The British protectorate of Egypt is provided for in one of the clauses in this treaty.

We are demobilizing our forces, but we can not lay down our arms; we can not disband them altogether. We must still be able to fight for what we have won and be sure that it is not taken from us after we have won it.

In the House of Commons Monday, July 21, was allotted to debate the treaty. I will read a few brief statements from the debates. Lieut. Col. Hilder said:

The outstanding feature of the peace treaty is that it puts the British Empire at the highest point that it has ever reached as regards territory and world influence. Largely by force of circumstances and the leading part which our navy and army took in either breaking down or destroying the enemy we have been left with far greater territory and power than at any other period of our race's history.

Mr. Bottomley said, at columns 628 and 629 of the Debates in the House of Commons, on July 21:

May I compliment the prime minister on the great acumen he showed when he secured Britain as the mandatory of the ex-German colonies, because I believe that before we get on very far with the ex-German colonies the league of nations will come to an untimely end, as every experiment of that kind has done. The same thing was tried in ancient Greece and failed, and what happened then will happen now. No power will enforce their verdict. The noble lord, the member for Hitchin (Lord R. Cecil) says that public opinion will solve it. He said that public opinion ended the war. I thought it was shortage of ammunition. It is possible that when we have spent a lot of money and had a few little wars we shall come out with the German ex-colonies to our credit. At present we owe America £1,000,000,000. Let her take over some of the obligations of Russia to ourselves. Let us see some sincerity in those high principles enunciated so freely on the other side of the water.

Of the appointment of an Englishman as secretary general of the league of nations, Lieut. Col. Murray said, at column 645:

The appointment of Sir Eric Drummond is not only a compliment to the man, but is a compliment of the allied and associated powers to the British Empire, of which he is an ornament. As I read the league of nations, it seems to me that the council and the body of delegates are or will be for some time not very much more than ornaments and that the real work of the league will devolve upon what I may call the pulse of the machine—that is, the secretariat under the secretary general.

When views such as those I have read are entertained in England is it any wonder that many in this country claim that the treaty is a British victory? To those of you who may argue that only the citizens of German, Irish, or Italian origin make such claims, remember that there are among you citizens whose ancestors fought in the Revolution, fought to sever all political ties with Great Britain. If you would know why, read the Declaration of Independence, read that chief among the grievances of the Colonies was that of unjust representation, then perhaps you will understand why I resent, from the very bottom of my heart, a treaty which gives to Great Britain six votes and to us but one, and which obligates us to defend against all external aggression her grasp on Egypt, on India, on Ireland, and all German Colonies. Think of it, gentlemen, this, the country which saved Europe; this, the grandest, the noblest, the greatest country on the face of God's earth, for it is God's earth, even though his intercession does not seem to have been asked by those who prepared the treaty; the country which is second to none, the country without which England would have been defeated, given one vote while to Great Britain are given six. Have you no pride, have you forgotten the Declaration of Independence, have you forgotten the Revolution? What would the men who then died that the United States might be born, say if they could but return and learn that it was proposed to give to the country against which they fought because of unjust representation, six times as many votes as the country for which they died? What would the men who, during the Civil War, died that the United States might survive say if they could but return and learn that it was proposed to give to the country which then plotted in every possible way its destruction and which fitted out against us such vessels as the *Alabama*, six times as many votes as the country for which they died? No American who loves his country can view with pride an organization in which our voice will be no greater than the smallest and but one-sixth that of a country which, but for us, would have perished.

I am pro-American, one who takes intense pride in his country, one who believes that the principles of Washington, by which we were guided for more than a century and by following which we attained our present greatness, should not be lightly abandoned. If the President and his supporters will but remember that many among those who insist on dissecting his visions trace their ancestry solely in the United States to a time long prior to the Revolution, to a date two centuries prior to the date when any of his ancestors were born within our borders, perhaps he will abandon his charge that his only opponents are pro-German, pro-Irish, or pro-Italian. Before I leave this subject there is one phase of it to which I most earnestly call attention. To the Irish the President said he could not promote their aspirations for independence because their question is an internal one of the British Empire in which he could not interfere. He now suggests that if the league of nations is formed we can insist on a settlement of that vexed question. If it is an internal question of the British Empire what basis has he for his insinuation that if the league is established we can insist on its settlement? How can he reconcile that statement with his assurance to us that the league will have no jurisdiction of any kind over our internal affairs? If there is any theory on which he can bring the Irish question before the league for discussion does he for a moment believe that Japan can not take advantage of the same theory to bring forward her complaint that in our immigration laws we discriminate against her subjects? If the doctrine of unanimous voting is any protection to us will it not afford equal protection to Great Britain? If a unanimous vote is required what can be done for Ireland if England objects?

Unanimous voting is the vice of the league rather than one of its virtues. Unanimity, like the league itself, was provided not for the benefit of America but to insure to the British Empire, France, Italy, and Japan the spoils of war, to prevent changes without the consent of each, to make permanent and indissoluble the control of each over its possessions, and to perpetuate the political strait-jacket created at Versailles. Power was centered in the council rather than in the assembly for the same reasons, and this fact is especially clear when article 4 is carefully examined. By that article it is provided that the United States, the British Empire, France, Italy, and Japan shall, with representatives of four other members of the league, constitute the council. In effect, the four nations whose spoils of war the league, fortified by the doctrine of unanimous voting, insures have four of the nine votes. In the assembly these four nations might possibly be outvoted, hence the council was made all important and powerful. The chance that the four nations might be outvoted in the council is remote, especially so when the manner of selecting the four other members of the league is considered. In article 4 it is provided that representatives of four other members of the league shall be selected by the assembly for membership in the council. There is nothing in the league to prevent a representative of Canada, Australia, South Africa, New Zealand, or India from being selected by the assembly. Great Britain has six votes in the assembly. France, Japan, and Italy each has a vote. The nations that have profited by the war have nine votes to start. No one will seriously urge that they can not influence others. What is to prevent them from combining and selecting for the council one as a representative of India, or even two as representatives of New Zealand and India, or even all four as representatives of four of the five British colonies?

The facts that the British Empire, France, Italy, and Japan are permanent members of the council; that, because of the necessity for a unanimous vote, the control of each over its possessions can not be altered without its own consent, and that it is possible to select one or even four additional members of the council from the five British Colonies that are members of the league, make more opprobrious the injustice of giving to Great Britain six votes and to our own country but one. What must nations that are not included within the five allied and associated powers or the British Colonies think of a league of which our President says that the assembly is only a debating society and that all power is concentrated in the council, when the league itself designates the allied and associated powers as permanent members of the council and makes possible the selection of the remaining members from representatives of the colonies of one of them? Let me read to you the recent statement of Sir William F. Lloyd, prime minister of Newfoundland, in answer to the question, "Were the representatives of Canada, Australia, and South Africa satisfied with their status in the league?" He replied:

I do not know why they would not be. Our position and status, backed as we are by the British Empire, is far ahead of that of the United States. As far as the British representatives are concerned, their solidarity is complete, and when an agreement is once reached between Great Britain and her dependencies, the whole power and prestige of the empire goes together.

Can any nation not a member of the council, or can any intelligent person, seriously doubt that the league was formed not to promote peace, but, above all things, to insure the spoils of war to the principal allied and associated powers? We receive none of the spoils; our part is that of an insurance company. Our

part is a liability, for assuming which we do not receive even a premium, unless we consider as such the privilege of associating with and protecting those who have secured the spoils.

When we insist that we have equal representation with England it does not mean that we entertain any feeling of antagonism. The United States can have no quarrel with her. God forbid that! The Anglo-Saxon nations must stand together to prevent the downfall of civilization. The sacrifice England made in the war was not a selfish one, and we must realize that in reinforcing the long, thin line in France and the great bulwark formed by her navy protected not only her own homeland but our cities and firesides as well. We gratefully and thankfully recognize that. But let not the effort and sacrifice of America be forgotten. It is our hope that out of this war will come complete understanding and everlasting friendship. At the peace table we were willing that others might acquire territories and indemnities. We wished none. The sacrifice of our lives and treasure was our contribution to the cause of civilization, and we asked no reward. Yet we feel that our generosity should not be taken advantage of. We hoped to receive a square deal there, and while we wished no indemnities we most certainly expected no liabilities. Has not England overlooked the Golden Rule? If not why do we find her assenting to the minimum of representation for America while she secured the maximum? The glory of the heroic struggle where the two English-speaking nations fought side by side for a high principle seems to have been lost sight of in the sordid contest of diplomacy, particularly when we find the result of such contest gives England six votes and the United States only one in the league. Does it not arouse suspicion of the success of a covenant based primarily on inequality and injustice?

The President's inconsistencies as well as his view that his league is a panacea for all trouble should make us hesitate to join unless our entry is carefully safeguarded. No doubt questions will arise in the league affecting various nationalities. Let us assume that a dispute arises between the Italians and the Slavs and the league undertakes to settle it. You need have but little imagination to see what will happen in the United States. Here the Italians will urge that our representatives in the league must support the Italian side; the Slavs, on the other hand, will insist that we must support the cause of their kin. Senators and Congressmen seeking election will be asked to pledge themselves to support the respective sides. Think of the Irish question. If the league as proposed is formed can you doubt that the Irish question will enter the arena of American politics? Just so surely as we ratify the league as proposed, just as surely will the Irish question become as acute here as in England. In many States the attitude of candidates for the Senate or for Congress on the Irish question will become the decisive factor in their campaign. Gentlemen, if the Wilson league is approved by you not only will we be involved in all European disputes but elections in this country will turn not always on domestic questions but frequently on the point of view of candidates on foreign questions in no way related to their fitness for office or to our domestic affairs. I have taken a great interest in our public schools. Many of you little know the wonderful, almost miraculous, part the schools have played in welding from many elements a homogeneous citizenship, an American citizenship. It is with real fear that I reflect on how the league will counteract this great work. We know that but few can forget the land of their origin, or that of their parents, or even of their grandparents. It is but natural to cherish thoughts for the land which favored you with your parents or your grandparents. Every time two nationalities in Europe have a dispute those akin to them in this country will become mightily interested, far more so than heretofore, for the simple reason that we will have a vote, perhaps a decisive vote, in the dispute. Every dispute on which we will be called to vote will counteract the work of our public schools to make a homogeneous American citizenship and will rekindle and revive the old nationality of those whose kin abroad are parties to the dispute. So many and so serious are the questions which present themselves in connection with the league of nations that no one man, no matter how gifted, should have been or should be trusted to safeguard our interests. Least of all should we place implicit confidence in a man who but a few years ago denounced those who would entangle the United States in European politics and who now with equal bitterness denounces those who are unwilling to entangle the United States in European politics.

The work of any man, and especially of a man who has so completely changed front in a few years, must be carefully studied. His view that the function of the Senate is merely to consent to any treaty he may negotiate and that we have no right to give any advice can not be too strongly denounced. We are living in a Republic. Not only is it our right to advise, but it is our duty to advise. The Constitution is explicit. The President has power to make treaties only "by and with the advice and consent of the Senate." Under the Constitution we must exercise our own judgment, and we would not be justified in relying solely on that of the President. Who can say which President Wilson is right—President Wilson of 1919, who believes in entangling alliances, or President Wilson of 1914 and 1915, who expressed the utmost abhorrence for entangling alliances? Will we accept the word of President Wilson of 1915, who publicly applauded the advice of the immortal Washington and who, when boasting that he kept the country out of war, denounced the Republican Party as one which would entangle us in the politics of Europe. or will we accept the word of President Wilson of 1919, who now favors ignoring the advice of Washington and our traditions of more than a century? Shall we take his word that we can now safely abandon the policy which has stood the test of time and enter upon an experiment against which Washington warned us and against which President Wilson himself, until a few years ago, warned us? He would have us trust not only to his word that the experiment can safely be tried, but he even denounces all who even question his interpretation of his international constitution. Whence does he derive the right to speak infallibly on the meaning of the league of nations? There is no provision in it that the interpretation of President Wilson shall be taken as binding and conclusive on all nations. Not a single nation has indicated a willingness to be bound by his interpretation. The league is a contract; the United States, if it joins, will be a party to the contract, and may be surprised, as parties to contracts are daily surprised, when other parties claim a construction of its provisions quite different from what was expected and have the courts or tribunals which exercise jurisdiction agree with such unexpected construction. What is the law? I ask the question with some diffidence, because the President seems to believe that he is the law and that only the foolish and ignorant will dispute his pronouncements. Perhaps it will surprise him to find that even our own courts, while willing to give serious consideration to the Executive interpretation of a treaty, are not bound by it.

In Charlton against Kelly, decided by the United States Supreme Court and reported in volume 229, United States Statutes, at page 468, it was held that while the construction of a treaty by the political department of the Government is entitled to great weight, it is not conclusive upon the courts. If our Executive's construction of the treaty would not be binding even upon our own courts, what must we say of a man who dogmatically interprets a treaty and strives to make the people believe that only the ignorant have the temerity to question his interpretation? If his interpretation is not binding on our own courts does he believe, can anyone believe, that it is binding on other Governments or the courts of other Governments, or the council or the assembly of the league of nations?

In Hauenstein against Lynham, decided by the Supreme Court and reported in One hundredth United States, at page 487, it was held that where a treaty admits of two constructions, one restrictive as to rights that may be claimed under it, and the other liberal, the latter is to be preferred. By the language of article 10 of the league of nations the United States and every other nation explicitly undertakes to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league, and though in such article the undertaking itself is classed as an obligation the President has tried to lead the public to believe that we are not definitely committed to anything. Even if in face of the use in the article of the words "undertake" and "obligation" there could be any doubt as to the rights of the parties to the treaty under the rules of construction enunciated by our Supreme Court, a liberal rather than restrictive construction of rights must be adopted, that is, we could claim from the others protection against external aggression and they could claim from us similar protection.

When pressed for an explanation of article 10 the President admitted that it did amount to an undertaking and that an obligation was incurred by us to respect and preserve as against external aggression the territorial integrity and existing political independence of the other members of the league. The obligation, however, he said, was merely moral, as though we, a people who believe in a God, who believe that moral obligations are just as binding, even more so, than legal, would resort to casuistry to defeat performance. Yet that apparently is what he suggests. He expounded his standard of ethics. According to him, one who incurs a moral obligation may exercise his judgment as to whether he will or will not perform it when the time for performance arrives. According to his philosophy you

are not bound to perform if it is not then expedient. You all recall his language, and herein lies the true explanation of his mind and heart. This philosophy indicates that he is bound by no promise that he makes or principle that he enunciates. He sees nothing inconsistent between his statement in 1914 that, to use his own language, "in our might and majesty and in the confidence and definiteness of our own purpose, we need not and we should not form alliances with any nation in the world," and his present advocacy of an entangling alliance. He sees nothing inconsistent between his explicit statement made in September of last year that "there can be no league or alliance or special covenants and understandings within the general and common family of the league of nations" and the special treaty of alliance with France separate and apart from the general and common league and in addition thereto.

In 1914 he believed, or shall I say he deemed it expedient, to preach freedom from entangling alliances. Now he believes, or shall I not say he deems it expedient, to preach entangling alliances. In September, 1916, he denounced the Republican Party as a party that if elected would certainly draw us "in one form or another into the embroilments of Europe." In 1919 he denounces the same party because it will not consent to be drawn into the embroilments of Europe. In 1914 he praised the United States as "a Nation that neither sits in judgment upon others nor is disturbed in her own counsel." A few days ago at Minneapolis he said of the United States: "We are the predestined mediators of mankind." Numerous other examples might be cited to show that the President has no fixed principles, in fact that he is as variable as the weather. How otherwise can you explain his casuistry that even though you are morally bound to fulfill a promise still you are free to exercise your judgment as to whether you will or will not perform when the time for performance arrives? How otherwise can you explain his denunciation of the Republican Party in 1916 as one that would involve us in the embroilments of Europe and his denunciation less than three years later of the same party because it will not involve us in the embroilments of Europe?

In his most recent speeches he ignores his former statements that under article 10 we incur only a moral obligation and that performance is dependent on the exercise of judgment. Now he argues that under article 10 the council merely advises, that we need not join in the advice, or if our representative does join, that as it is only advice we need not follow it. Article 10 creates an obligation. That fact the President admits; that fact is now generally admitted. The United States has never broken an obligation. It has always performed its obligations. Heretofore, and I trust henceforth, it has been our policy to say what we mean and to mean what we say. If we obligate ourselves to preserve as against external aggression the political integrity and political independence of other nations, we must do so unless we wish to swerve from the path of honor and abandon our traditions. If we obligate ourselves in favor of other nations, we must do whatever is necessary to fulfill our obligations or we will be called, to use the President's own language, "contemptible quitters." If the council advise a course of action and as the President implies we may ignore the advice and do nothing, what will the world say of us? What would you say of a man who made you a promise, who failed to keep it, and who ignored the advice of others who made similar promises? Expediency has been the watchword of the President. He has ever been ready to change his course, denounce that which he praised, praise that which he denounced, and shift from one position to another. Expediency may guide the diplomacy of Europe. The United States, however, is a Nation of strong moral fiber, a Nation of high ideals, a Nation which when it gives its word means to keep it and will keep it. To our people as a whole expediency is abhorrent. They demand that any promise which is given must be kept, and that the time to determine what we will perform is before rather than after we have given our word. I know the moral fiber of my constituents and with emphasis I declare that they wish the question of performance seriously considered now, and that they want no promise given if there is any doubt about our willingness to perform when the time arrives. They view, as I do, a promise as something sacred as an obligation to be performed, and they and I despise those who would nullify promises by casuistry or refuse to perform on the ground of expediency. More than a century ago the famous Chancellor Kent wrote:

> Treaties of every kind are to receive a fair and liberal interpretation according to the intention of the contracting parties, and are to be kept with the most scrupulous good faith. Their meaning is to be ascertained by the same rules of construction and course of reasoning which we apply to the interpretation of private contracts.

His advice that all treaties must be kept "with the most scrupulous good faith," like the advice of Washington to avoid entangling alliances, we have closely followed. For more than a century the policy of keeping treaties with the most scrupulous good faith and of avoiding entangling alliances has been entrenched in our Government as firmly as if written in the Constitution, and the moral and political sense of our people recoils from the advice of President Wilson to enter entangling alliances and henceforth to view treaties, not from the standpoint of good faith, but from that of expediency.

Doubtless you notice that Chancellor Kent has also said of treaties:

> Their meaning is to be ascertained by the same rules of construction and course of reasoning which we apply to the interpretation of private contracts.

In my business I have frequently heard of the rule that if a contract is open to doubt, the doubt is resolved against the party who prepared it. The law in England is the same as in this country. In the case of Guaranty Co. *v* Mechanics Co., decided by our Supreme Court and reported in 183 United States at page 418, the English doctrine was cited with approval that ambiguities in a contract are taken most strongly against the person who prepared it. Article 10 of the league of nations is the product of our own President. It is point 14 of his address to Congress delivered on January 8, 1917. I will read point 14:

> A general association of nations must be formed under specific covenants for the purpose of affording mutual guarantees of political independence and territorial integrity to great and small States alike.

Article 10 provides a guaranty of political independence and territorial integrity. Reading article 10 in the light of point 14 it is evident that Mr. Wilson intended that each nation should give to every other party to the league a specific guaranty of independence and territorial integrity. If there could be doubt the same would be removed by the speech made by him in Boston on February 24 of this year, where he presented the league to the American public. Then he declared that it was our duty not only to sign the treaty of peace, but also to combine with others to make it good and to give assurance to the people of the world "that they shall be safe." By way of explanation and illustration of the necessity of such combination and assurances he said:

> Do you believe in the aspirations of Czecho-Slavs and the Jugo-Slovaks as I do? Do you know how many powers would be quick to pounce upon them if there were not the guarantees of the world behind their liberty?

There can be no doubt but that President Wilson intended, in signing the league of nations, to absolutely obligate this country to defend with its Army and Navy every other nation against external aggression. Now he attempts to limit and define the words "external aggression." In his speech delivered in St. Louis on September 5 he gave this definition:

> Political integrity does not mean that you can not invade another country. It means that you can not invade it and stay in it. I have not impaired the political integrity of your back yard if I walk into it, but I very much impair it if I insist upon staying there and won't get out.

Germany would have given any assurance at the time she entered Belgium that she had no intention of remaining in it and that all she sought was access to France. If President Wilson's definition of territorial integrity is correct, then Germany did not violate the political integrity of Belgium by mere invasion.

Do the British agree with President Wilson on the limitations which he now suggests are so clearly a part of article 10 that only the ignorant and prejudiced differ from him? Mr. Lloyd-George, in presenting the peace treaty to the House of Commons, said:

> Supposing that had been in existence in 1914, it would have been difficult for Germany and Austria to have gone to war. They could not have done it, and if they had, America would have been in on the first day and not three years afterwards, which would have made a great difference, and made all the difference.

If we would have been in the war on the very first day that Germany invaded Belgium, what becomes of President Wilson's theory that mere invasion does not constitute external aggression, that we should wait to see whether there is an intent to remain on the part of the invader, that we need do nothing until the council advises, that the council can not advise unless we join in the advice, that even if the council advises we are not bound to obey, and that in any event our obligation is only moral, and performance is dependent on our judgment. Evidently Mr. Lloyd-George does not agree with President Wilson's casuistry and sophistry.

What said Lord Curzon when he presented the treaty to the House of Lords? I will read a short extract:

> In all cases of international dispute the covenant provides that no nation, however aggrieved, shall take the law into its own hands until the quarrel has been submitted to the council of nations or an international court of justice. Failure to comply with this obligation entails, in the first place, the commercial and economic ostracism of the offending power, and, in the second, such military and naval measures as may be necessary to compel it to observe its obligations.

Will President Wilson deny that what Lord Curzon said follows violation of the league means anything other than war? Lord Curzon and Mr. Lloyd-George played a very prominent part in the peace negotiations and presumably they know as well as President Wilson what was intended. Does anyone suppose that if Egypt or India or any of the German colonies which the British Government will take over is invaded that the British will not insist that we must forthwith cut off all trade relations with the invader and lend such military, naval, and financial support as may be necessary to expel him? If we fail, no matter on what pretext, will we not be accused of regarding a treaty as a scrap of paper? If any further proof was requisite to prove that article 10 means war against external aggression, the special treaty with France provides it. That treaty is designed to protect France in case of another attack by Germany and it is to continue until "the council, acting if need be by a majority, agrees that the league itself affords sufficient protection." Even the Labor Party in England considered that the league will be dependent on force to make its decrees effective.

Mr. Clynes, speaking for labor, said on July 21:

> Even the league of nations, I conclude, will require some strength and some form or manner of physical force behind it, so as to make its decrees effective.

I now repeat the question asked by me on February 28 last. If hereafter Germany and Russia unite in an attack upon Poland, must we be prepared with our Army and Navy to make war upon them? To show that I am not the only one who sees danger of an attack on Poland I will again have recourse to a debate on the treaty in the House of Lords and the House of Commons.

In presenting the treaty to the House of Lords Lord Curzon said:

> Poland has many sympathizers in this country. She has many friends, as recent debates show, in this house. An anxious and a troubled time lies before her. She is beset with difficulties, economic and political. Her territories lie between two powers, the one of whom on the west, Germany, will be inspired by relentless hostilities. On the other side she is coterminus with a State in a condition of equal chaos and disorder. But just as the emancipation of Poland was an international duty, so the protection of Poland is an international interest. The honor of Europe is involved in securing her fair play, and I hope that a bright future lies before her.

In the debate in the House of Commons on July 21 Lieut. Commander Kenworthy said:

> The prospect before Poland, I agree, is terrible. In 20 years' time Poland may find herself wedged in between two hostile countries, namely, Germany, with 60,000,000 inhabitants, and Russia, with 170,000,000 inhabitants. If Poland is not on good terms with those two nations, her position will be impossible. We have there the seeds of a future war.

Now, gentlemen, let us face the situation squarely. Will we be ready to wage war on Germany and Russia if they attack Poland? Will we be ready to wage war in behalf of every Balkan State? Will we be ready to wage war in behalf of every one of the new Balkans which have been carved out of Austria-Hungary? Ask the boys who have been across the sea. Ask their mothers. You know their answer. Should we obligate our boys to do something which we know, if they and their mothers were now allowed to vote, they would answer emphatically in the negative? I have no patience with those who would give the obligation, but reserve to Congress the right to say whether and how we will perform. As well might a man sworn to tell the truth make a reservation that if he tells an untruth he shall not be deemed to have violated his oath. If we promise, we must perform. For one I oppose giving the promise. I prefer—and I know that my constituents prefer—to be free to act according to our best judgment in the event of another world crisis, while in the numerous smaller disputes which may and will arise we do not wish to be entangled. One more word about article 10. It requires us not merely to preserve territorial integrity and political independence but also to respect them. My feeling about the word "respect" can be illustrated by a question asked in the House of Commons on July 16 last. I will read from the official record, volume 118, No. 69, column 163:

> Lieut. Col. Malone asked the prime minister whether he regards the action taken by the United States Senate and other persons or bodies representing the American people in respect to Ireland as a violation of article 10 of Part I (of the league of nations covenant), included in the treaty of peace signed at Versailles on July 28, 1919.

Why was the word "respect" inserted? Does it not open the door to complaints by a nation if we permit agitation within our borders for freedom of any of its colonies or dominions? Who will say that our people can not always show sympathy for those seeking freedom? Why should we agree to an obligation which will expose us to complaints if our citizens act as we know they will act; that is, sympathize with those struggling for political liberty?

Not only do I oppose the entangling provisions of the league, but for the same reasons I oppose our taking part in many of the commissions provided for in the treaty of peace. Why, for instance, should we be parties to a commission on the boundaries of the city of Danzig, or why should we undertake to join in a commission to exercise authority over upper Silesia or east Prussia or northern Schleswig? Time will not permit me to say more on such commissions than that with regard to all European entanglements I will be guided not by the advice of President Wilson but by that of the immortal Washington, whose advice has stood the test of a century, and whose advice, until but two years ago, President Wilson lauded and promised to follow.

There are some misguided citizens who proclaim from the housetops that I and others will not ignore the advice of Washington and the traditions by which to the present day we have been guided solely because of dislike of President Wilson and because of the belief on our part that by opposition we will injure or destroy him and his party. If I did not think of the boys who will have to fight while the President and the Senate remain secure in Washington; if I did not think of their mothers, their wives, and their children; if I did not think of my country, but thought only of the President and his followers and the effect upon them, then, and then only, might I favor the abandonment of our traditions. Such abandonment will embroil us in all the affairs of Europe, and our boys would be over there losing life and limb. For what? Not for the protection of our country or of our citizens, but for the protection of others under an international constitution which our people have never authorized or approved. Our boys are now, without any right or authority, engaged in warfare in Siberia. Only for the decided opposition which we have made to the demand for internationalism, our boys would be in every one of the score or more of wars now waging in Europe. Had we ratified the treaty our boys would have been ere this sent to Armenia to take the place of the British who are leaving there. There is a strong desire on the part of the administration to send our boys to Armenia. The Member of the Senate who boasted of his world citizenship on September 9 introduced a joint resolution requesting authority for the President to use military and naval forces of the United States in Armenia because the withdrawal of British troops will leave them helpless against the attacks of the Kurds and the Turks.

If I was not jealous of my country I would vote for this treaty without any amendments or reservations and I would vote to give the President authority to use our military and naval forces for the protection of Armenia. It is because I am convinced that approval of the treaty means destruction of our beloved country that I will not follow him. Let us try to police Europe, to take part in its struggles, and you will find that those whom President Wilson would expect to shoulder the muskets would decline to do so and their parents would storm Washington with their protests and possibly with something stronger than protests. If any public demand is clear it is the demand that our boys be returned forthwith to their homes and that no more be sent across seas. The lives of our boys are of far more moment than the sordid, mercenary considerations which are being urged in this Senate and by international bankers throughout the land for the league of nations. The public feels, and I feel, that we should devote our energies to our own troubles, of which the Boston police strike and the ominous reception given the President at Seattle are but symptoms. The public is unwilling to enter into an unlimited partnership with nations whose language we do not speak, whose customs and aspirations we do not understand, and whose principles of Government we do not approve. The public is unwilling to enter into an unlimited partnership with nations verging on bankruptcy, nations which desire us to respect and preserve with our blood and our resources the spoils which they have garnered from the war. The league is not a league for peace, it is rather a league to insure the spoils of war.

Aside from the fact that it entangles us in all the broils of Europe, it opens the door to interference by Europe and Asia in all our internal affairs and jeopardizes the Monroe doctrine. So insistent is the public demand that we should not risk foreign interference in our domestic affairs or in any way submit the Monroe doctrine to foreign jurisdiction that I do not feel it necessary to show the dangers of the league. The public wants no risk of any kind on such subjects and I am sure that this Senate has heard and will obey. The same may be said of the right to withdraw from the league. Last spring I was denounced because I called attention to the omission in the league of a right to withdraw. I was told that it was not necessary, yet when the nations were asked to expressly consent to such

a right they gave only a conditional one—after two years' notice. Personally I think two years is a very long time to be tied to partners should they prove undesirable, and I believe the public thinks likewise. In any event the public desires no quibbling at the end of the notice as to whether we are in or out, and I am sure that this Senate will make it clear that there will be no question but that if we give notice of a desire to withdraw no nation at the expiration of the notice can claim that we are still a member. On a former occasion I called the attention of the Senate to the insistence of the late Mr. Roosevelt that there are some matters which no self-respecting nation could submit to arbitration. No doubt if a league is ultimately formed some method will be devised whereby in case a nation is grievously insulted it will not have to submit to a continuation of the insult pending arbitration. Take by way of example our relations with Mexico. It is quite true that it is not proposed to admit Mexico to the league at the present time. Should, however, we find it necessary to send troops into Mexico and she appeals to the league, what action will the league take and will such action conflict with the Monroe doctrine? Many of our citizens believe that we should settle our relations with Mexico without outside interference. Once, however, the league is formed Mexico, especially if she believes she will have support from some of the members of the league, will appeal to it should we resent border raids and disorder. The league viewed in the light of Mexico may prove very annoying and troublesome. No doubt the Foreign Relations Committee, if it has not already done so, will give serious consideration to the effect of the league on our relations with Mexico. Should the league take up the Mexican situation, will it conclude that a mandatory should be appointed, and if so, what nation will be the mandatory, or will it be guided by the principle of self-determination? In the light of experience, what assurance have we that self-determination will be a decisive factor even with our own President? Let me recall to you some of his statements.

In an address to Congress delivered on February 11, 1918, but one month after his enunciation of the 14 points, he stated four essentials of any peace. I will read to you the second, third, and fourth:

Second. That peoples and provinces are not to be bartered about from sovereignty to sovereignty as if they were mere chattels and pawns in a game, even the great game, now forever discredited, of the balance of power; but that,

Third. Every territorial settlement involved in this war must be made in the interest and for the benefit of the populations concerned, and not as a part of any mere adjustment or compromise of claims among rival States; and,

Fourth. That all well-defined national aspirations shall be accorded the utmost satisfaction that can be accorded them without introducing new or perpetuating old elements of discord and antagonism that would be likely in time to break the peace of Europe, and consequently of the world.

In his address at Mount Vernon delivered on July 4, 1918, he expounded four great ends or objects for which the war was being waged. I will read his second:

Second. The settlement of every question, whether of territory, of sovereignty, of economic arrangement, or of political relationship, upon the basis of the free acceptance of that settlement by the people immediately concerned, and not upon the basis of the material interest or advantage of any other nation or people which may desire a different settlement for the sake of its own exterior influence or mastery.

On September 27, 1918, he restated the ends or objects of the war and enumerated five. I will read the first:

First. The impartial justice meted out must involve no discrimination between those to whom we wish to be just and those to whom we do not wish to be just. It must be a justice that plays no favorites and knows no standard but equal rights of the several peoples concerned.

The ninth of his famous 14 points was:

Ninth. A readjustment of the frontiers of Italy should be effected along clearly recognizable lines of nationality.

The President and his followers would have the public believe that it is only his enemies in this country who criticize the league of nations and who have doubts about its wisdom and perfection. Viscount Bryce is loved and respected not only in England but also in this country. He longs for universal peace as do we all. Of the settlement of the Italian border and the transfer to Italian sovereignty of some 200,000 German speaking Tyrolese alleged by him to belong to the German race he said in the House of Lords on July 16, 1919:

I may add that it is doing a very bad service to the league of nations to start it with injustices of this kind to be redressed. The league of nations is supposed to be based upon the principle of the recognition of the rights of nationalities and the right of self-determination, and to found that league by a treaty which at the same time sanctioned an annexation violating its principles, destroying the very moral foundation on which the league of nations rests, will be a most unfortunate beginning for that project of which we have been venturing to hope a great deal for the future peace and welfare of Europe.

Such language by so eminent a statesman makes me doubt my ability to adequately portray the injustice to China and to fittingly protest such injustice.

In 1898 the Germans, because of the murder of some missionaries, forced from China practically at the point of the bayonet a 99 years' lease of the port of Tsingtau and the Territory of Kiaochow surrounding it. The action of Germany was nothing short of robbery, and I believe is generally so considered. Shortly after the outbreak of the Great War the Japanese with some British troops captured Tsingtau and the German possessions. Since then Japan, notwithstanding the protests of China, has remained in possession. Instead of returning possession to its rightful owner Japan, profiting by the experience of Germany, in turn made demands on China—21, I believe, in number. Unable to cope with her aggressive militaristic neighbor, China yielded. Among the demands was one that Japan should have the right to dispose of Kiaochow in any way that Japan might agree on with Germany. What is the present situation? The treaty of peace provides not only for the transfer to Japan of all the rights of Germany in the Territory of Kiaochow, but also of (see art. 157) "all the rights which Germany might claim," in consequence of the works or improvements made or of the expenses incurred by her directly or indirectly in connection with this territory. Who will define what rights Germany, the pirate, might claim? Is there any limit to what a pirate might claim? Japan has succeeded to this limitless right. Not only is stolen property turned over to some one other than the true owner, but it is turned over in such a way that the successor to the robber may enlarge the robbery. And to think that of us, a Nation priding ourselves on our morality, a President who reiterated time and again that settlements must be just and in the interest of the people directly interested dares to ask our consent. Does not the President wish to abandon principle for expediency? He who preached the right of self-determination approves the transfer of more than 35,000,000 Chinese from the military power of Europe to the military power of Asia. What manner of man is he that he gives as an excuse a secret treaty or agreement for such disposition among France, England, and Japan? Does he think that we have forgotten his frequent denunciations of secret treaties? Does he think that because others agreed to a crime that we must approve it? That he should ask us to approve perhaps is not surprising, when we consider all his statements and how careless he is of facts. At St. Louis, but a few weeks ago, he said:

Great Britain and France, in order to make more certain that Japan would come into the war and so assist to clear the Pacific of the German fleets, had promised that any rights that Germany had in China should in case of the victory of the Allies pass to Japan.

The promise of Great Britain and France to which he refers was contained in the secret treaty of 1917, when Japan had been in the war for three years. She captured Tsingtau on November 7, 1914. Why does the President thus try to mislead the people? Is he not ready to say or to threaten anything to accomplish his end? Why does he not refer to our promises to China to be her friend and to see that justice was done to her at the peace table? Would it not be more honorable to fulfill our own promises than to consent to such injustice and plead as an excuse that others had agreed to the injustice and promised its performance? The President has not been true to China. He not merely tolerates, but approves and asks us to approve a dastardly piece of work in violation of our standards, as well as in violation of his repeated statements of the bases on which, and on which only, peace could be effected. His real excuse, and in this I understand his Secretary of State does not agree with him, is that otherwise Japan would not sign the treaty. If it cost so much to induce Japan to enter, what price must be paid to keep her in? What can we hope for a league conceived in sin and purchased at such a price? If she made any promise to return Shantung to China, where is it? It is not in the treaty. Do you suppose that Japan will perform any representation made during negotiations? Can she not say that all negotiations were merged in the treaty, and that it, and it alone, defines her rights and obligations? If we suggest a secret promise on her part, how simple it will be for her to quote in refutation of a secret compact our President's fifth basis of any settlement stated on September 27, 1918, by way of summary of the essentials of any peace:

Fifth. All international agreements and treaties of every kind must be made known in their entirety to the rest of the world.

This Nation can not stultify itself. It can not, it will not, approve of the restitution of stolen property to anyone but the true owner. Least of all will it consent to the use of stolen property as a bribe.

A grave responsibility rests upon every Member of this Senate in the vote that is about to be cast on the unfair and unequal proposals that are before us. Is the treaty one that we should accept, and should the United States join a society of nations which, whether practical or not, has been presented to us in the guise of an international agreement to promote peace and end all war? The world needs peace; the people of the United States want peace; but they want a peace of justice and honor. The treaty and the league of nations have been considered by the Foreign Relations Committee. We have had an opportunity to examine the text of both documents, yet information as to the reason for certain provisions has been but meager. Papers and documents desired by the committee have been withheld at times peremptorily. Nowithstanding this sufficient information has been procured to show that intrigue, secret diplomacy, territorial greed, and selfishness largely prevailed in the negotiations. There was always a big ten, or a big four, or a big three, and sometimes only a dictator, settling these grave questions. The question that confronts us is not one of political expediency or commercial interest; it is our safety as a nation; it is the future welfare and happiness of the people of the United States.

The situation is not one for compromise. I doubt if for any length of time any league of nations based upon political power and physical force will be satisfactory to our people. Let there be enacted a code of international laws and let there be established a court of international disputes. Such a code of laws and such a court would do more to promote peace than armies and navies and the secret conclave of prime ministers and presidential delegates.

I shall vote for all the committee amendments and I shall hesitate to approve the treaty unless the amendment returning Shantung to China is adopted. That we may incur Japan's displeasure or that England, France, and Italy with their secret treaties made a secret bargain for Japan's help does not sway me. No wrong should be condoned for any nation in the world, and the United States is strong enough in my opinion to say so and should say so.

We made no secret agreement when we entered the war; we asked no reward for the sacrifice of the brave boys who crossed the sea to help France and England. We did say to the world that the right of all people to self-determination and racial existence should be maintained. We protected with our blood the sacred soil of France; now we consent to the domination by Japan of faithful and trusting China, a traditional friend, a friend that has always trusted and respected us. I am unwilling to record my vote in favor of any treaty that surrenders our honor as a nation or casts a blot on our record of fair dealing for nearly a century and a half with every nation on the face of the earth.

As to the league of nations, I shall support all the reservations made by the committee. They are none too strong. I recognize the great desire by many that some form of international agreement be made to promote permanent peace, if such a Utopian condition could be brought about. Yet how futile all human efforts are when commercial greed and territorial hunger blind a nation. Then treaties become scraps of paper and leagues of nations dissolve into ropes of sand. An agreement based upon political power and old-fashioned secret intrigue I view with alarm. An agreement of this character needs what has not been shown in the preparation of the plan submitted to us—better faith, wiser statesmanship, and more sincerity. I have yet to hear that any European nation respects it or relies upon it. That should be sufficient answer to those who dream.

I resent the secret birth of the league. I resent the threats, the coercion, the crafty entwining of it with a peace treaty so that as a rider the great sentiment for peace in America could be capitalized to force it through and circumvent deliberate judgment, public discussion, and understanding by the American people.

There can be no compromise on article 10. Should it remain as written and should the transfer of Shantung to Japan survive, I shall vote against the entire treaty. Article 10 of the league is so radical a departure from our traditions, while the Shantung agreement is so shocking to our standards of morality, that I am sure they do not meet the approval of our people.

We can look back over 140 years of progress and prosperity under a form of government that has adhered to the policy and advice of Washington and Jefferson to keep free from the toils and intrigue of European politics and policies. We are now asked to involve ourselves and our people forever in all European matters, to police the Rhine, to send troops to Armenia, to send them God alone knows where, to leave the safe harbor of experience, to cast aside the chart and compass of the fathers, and embark upon an unknown and tempestuous sea. The siren voice of the idealist calls and the melodious sound is tickling the ear of many men.

For myself, I desire to say that my only mentor shall be my conscience; that my only desire shall be to pursue the traditional policy that has made America great and powerful, so powerful that even in the absence of a league of nations we were enabled to rescue France, England, and Italy, and through the courage of American freemen, not too proud to fight, to accomplish peace with, not without, victory. [Applause in the galleries.]

The VICE PRESIDENT. Mr. Sergeant at Arms, you will instruct your doorkeepers from this time forward that when the rules of the Senate are not obeyed they shall take from the galleries those who disobey the rules of the Senate.

LABOR STRIKES.

Mr. THOMAS. Mr. President, I send to the desk and ask to have the Secretary read the resolution which I submitted yesterday.

The VICE PRESIDENT. The Secretary will read.

The Secretary read Senate resolution 190, as follows:

Whereas the right of citizens to organize for the promotion of their views and the improvement of their condition and to utilize all means to the attainment of their ends which are consonant with law, justice, and the limitations of the Constitution; and

Whereas this right, long exercised and enjoyed, for some time past has been and is being utilized oppressively, unjustly, and for the accomplishment of aims and objects wholly repugnant to free institutions and to the inalienable rights of the citizen, thus promoting riot, restraining trade and commerce, overthrowing law and destroying order, and imperiling the lives and limbs of the people of States and communities: Therefore be it

Resolved, That we view with deep concern and disapproval all combinations, conspiracies, and disturbancies designed to accomplish objects, lawful or unlawful, by frauds, force, disorder, or resort to other criminal methods.

That in America every citizen, in the enjoyment of life, liberty, and the pursuit of happiness, has the constitutional right to follow any calling or to refrain therefrom as he may choose. That this right is mutual and universal, any denial of or interference with which is wholly contrary to free institutions and individual liberty.

That the so-called "closed shop," the denial to the citizen of the right to a livelihood for the support of himself and family free from limitations imposed upon him outside the law are tyrannous, un-American, and wholly in conflict with the fundamentals of American freedom.

That so-called strikes for power, paralyzing business, interfering with distribution, lowering production, defying the laws, and necessarily resulting in riot, insurrection, murder, and the destruction of property are conspiracies in restraint of trade, and should be prevented whenever possible and resisted at all times.

That no person, association, or corporation can be safely or constitutionally exempted or excluded from the obligations, penalties, and prohibitions of general laws enacted for the public safety and welfare.

Mr. THOMAS. Mr. President, I intrude this resolution upon the attention of the Senate at this time because it concerns a subject of present importance quite as serious as the treaty which is the subject of discussion. The New York Times of Sunday last published a list of strikes pending in the United States numbering, as I recall, in excess of 211 and outlining 63 others in contemplation which would doubtless be called in the near future. That gives a faint picture of the unsettled state of our economic and industrial affairs irrespective of the steel strike, duly inaugurated after that list was published.

The steel strike is said to involve something like a half million men, of whom it is claimed that more than half have responded to the orders of the leaders. It affects a great basic industry, represented by manufacturing plants and steel furnaces extending across the continent. It therefore involves perhaps half of the States of the Union, and is national in its geographical as it is in its industrial and political proportions. Inasmuch as no strike can be successfully conducted except by resort to violence and lawlessness the spectacle of hundreds of thousands of men engaged in such an enterprise becomes almost the equivalent of civil war; and when to the 300,000 men are added the large number of those involved in 211 strikes of less degree, which in the aggregate are doubtless quite as many more, the situation is practically one of war, and the more serious because the innocent bystanders, the noncombatants, representing the vast majority of the people of the United States, are exposed to all the perils and must bear all the burdens of this intolerable situation.

The steel strike is not a movement suddenly sprung upon the Nation, nor suddenly conceived. It has for a period antedating our entry into the war been threatened, and it seems to have been generally understood that it would occur when conditions were favorable, because this huge aggregation of capital and manufacture has been regarded by organized labor as the one great obstacle to the universal federation of toilers in America, whether justly or unjustly I do not at present care to determine.

The announcement of it was made, as I recall, about 60 days ago, when a number of the brotherhoods engaged in transportation had left their places of employment and very seriously interfered with the operation of the transportation system. About that time the President of the United States announced his intention of calling a conference consisting of representatives of all classes and conditions of our citizenry to consider, and, if possible, discover a remedy which would be reasonably satisfactory to the contending elements of society, upon which they could harmonize and through which we could reassume normal conditions; and the President very properly asked that this contemplated strike be postponed until the meeting of that conference, in the hope that it might find some solution of the situation and thereby make it unnecessary.

The more prominent heads of the labor organization, including Mr. Gompers, recognized the justice of this request and recommended it to those in local authority; and until about a week ago it was hoped—indeed, it was assumed—that the request would be complied with. Notwithstanding this, last Thursday's papers announced that the strike had been called for Monday morning regardless of the wish of the President and in practical defiance of his request. In accordance with the orders thus given, it began on Monday morning, and up to the present time has borne its usual bloody and bitter fruit of contest and of conflict, notwithstanding the leaders who are responsible for calling it assured the public that it would be quiet and peaceable, unattended by picketing or public demonstrations. These, however, were immediately resorted to, and to-day the same leaders are demanding the removal of soldiers and constabulary because, forsooth, it is complained that they interfere with the lawful right of assembly and the right of free speech, rights which the authors of riot and disorder recognize only for themselves.

Mr. President, strikes and industrial disturbances, even when justified by grievances of long standing and intolerable character, are bad enough; perhaps, it may be said that those are unavoidable, although I have never believed that a strike was absolutely essential, since it never settles anything permanently. But behind the present movement are no grievances except those which are ex post facto. They were announced first, I think, on the 19th day of September, the list of which I will call attention to later on. It was stated about the same time that this was a strike for power, whatever that may mean—it may mean much and it may mean little. But I understand it to mean that the leaders will impose their will upon a great industry by forcing a recognition which will lead to the closed shop.

The grievance alleged is that the head of the Steel Trust declined to confer with those representing the unions. I expressed on yesterday my regret—and I do most sincerely regret—the refusal of Judge Gary to meet these men, because it hurts nobody to talk over a difference, and frequently a misunderstanding may be removed by a conference and nearly always clarified with resulting benefits to all. But he did not see fit to do so, and because he did not do so it is said that the strike is a strike of power. If that is true—and of course I must rely upon the press reports for my information—it is the flimsiest excuse in the world, and if it had not existed some other would have been resorted to in justification of the movement.

I have said, Mr. President, that this strike is nation wide. There is a great steel and manufacturing establishment in my State controlled by the Colorado Fuel & Iron Co. There a request was made upon the manager for a conference, and it was granted—not one, but several. The men were not only invited but were urged to lay their grievances before Mr. Welborn, and they had none of any consequence, none that could not be easily adjusted. While these conferences were going on, however, there came a dispatch from Mr. Foster, the gentleman who seems to be the leader of the movement, and who directs, like a military general, its various movements, both of tactics and of strategy, which instructed them to ask, or rather demand, the following conditions:

1. Right of collective bargaining.
2. Reinstatement of all men discharged for union activities, with pay for time lost.
3. The eight-hour day.
4. One day's rest in seven.
5. Abolition of 24-hour shifts.
6. Increase in wages sufficient to guarantee American standards of living.
7. Standard scales of wages for all crafts and classifications of workers.
8. Double rates of pay for all overtime work and for work on Sundays and holidays.
9. Check-off system of collecting union dues and assessments.
10. Principles of seniority to apply in maintaining, reducing, and increasing working forces.
11. Abolition of company unions.
12. Abolition of physical examinations of applicants for employment.

The committee stated that they had no demands to make except those contained in this bulletin.

Mr. Welborn, the president, says:

We were surprised at this action, in view of the fact that at the regular quarterly conference with representatives of our employees, held in accordance with our plan of industrial representation, Wednesday of this week, no mention was made of the probability of demands being made upon us or of our men participating in the threatened steel workers' strike, and that the matters usually considered at such meetings were fuly discussed and adjusted to the satisfaction of all.

That was upon the Wednesday preceding the 19th of September. I ask leave, Mr. President, to print in the RECORD without reading an article from the Pueblo Star-Journal, entitled "Welborn's statement," together with an editorial from the same paper reciting the splendid condition of affairs existing for a long time between the men and the management of this great concern, that the public may know that this alleged grievance of Mr. Gary's refusal, justifiable if at all only as regards the United States Steel Corporation, has not resulted in any other than the same course where conferences were had, and where every misunderstanding seemed to have been adjusted, until these new and unexpected demands were made.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

WELBORN'S STATEMENT—PRESIDENT OF COMPANY DECLINES LAST TWO DEMANDS, BUT MAKES CLEAR OFFER TO TALK THINGS OVER WITH MEN AT ANY TIME—IS SURPRISED THAT LOCAL PLANT SHOULD BE CONSIDERED IN STRIKE QUESTION.

The conference in the office of Manager Frank Parks between officials of the Colorado Fuel & Iron Co. and representatives of the union men employed in the company's steel plant here failed of immediate results, it was announced by officials of the company both here and in Denver to-day.

Both union leaders, other than those connected with the steel workers' union, as well as the great majority of citizens expressed the greatest surprise that a full understanding was not reached between the company and the men at this meeting, as labor leaders openly expressed the view that the labor differences were so slight that the men could not possibly join the nation-wide strike directed against the United States Steel Corporation in the East.

These leaders still express the view that a settlement will be reached, saying, "Is it possible that the employees of the Colorado Fuel & Iron Co., whose relations with the company under the industrial plan now in effect have been the talk of the industrial world are going to split over two points, viz:

"Direct recognition and contract with the union (the company insisting upon the present industrial plan) and demand for the 'check-off system,' under which the company would make itself responsible for the collection of all union dues." (This the company also declines to do.)

A reading of the statement by President Welborn printed below will reveal the fact that the company has already complied with practically every other demand included in the 12 demands now made against it, except these two, neither of which Mr. Welborn says, the company can agree to accept, but offers to talk further with the men at any time.

This brings the situation squarely up to the men and to the public, and if those employees of the steel works who are unwilling to go ahead under the present industrial plan of considering and adjusting grievances and disputes still insist that they must have direct union contracts with the company it does look as though there may be a strike.

President Welborn's statement follows:

"Thursday morning a committee of five employees of the Colorado Fuel & Iron Co. called on Manager F. E. Parks and showed him a telegram from Secretary William Z. Foster, of the National Committee for Organizing Iron and Steel Workers, advising that the employees of our steel plant, members of the various unions, present their own demands on the company based on the 12 propositions contained in the Iron and Steel Workers' bulletin No. 2, which were as follows:

"1. Right of collective bargaining.
"2. Reinstatement of all men discharged for union activities, with pay for time lost.
"3. The eight-hour day.
"4. One day's rest in seven.
"5. Abolition of 24-hour shifts.
"6. Increase in wages sufficient to guarantee American standards of living.
"7. Standard scales of wages for all crafts and classifications of workers.
"8. Double rates of pay for all overtime work and for work on Sundays and holidays.
"9. Check-off system of collecting union dues and assessments.
"10. Principles of seniority to apply in maintaining, reducing, and increasing working forces.
"11. Abolition of company unions.
"12. Abolition of physical examination of applicants for employment.

"The committee stated that they had no demands to make except those contained in this bulletin.

"We were surprised at this action, in view of the fact that at the regular quarterly conference with representatives of our employees, held in accordance with our plan of industrial representation Wednesday of this week, no mention was made of the probability of demands being made upon us or of our men participating in the threatened steelworkers' strike, and that the matters usually considered at such meetings were fully discussed and adjusted to the satisfaction of all.

"The officers of the company met the representatives of the workmen, some 40 in number, Thursday night. The discussions at that meeting, and with the committee of five previously referred to at another meeting held this morning, brought out free acknowledgment by a considerable number of the representatives and by the committee that their working and living conditions under the operation of the industrial representative plan had greatly improved and were now much better than prevailed at eastern plants; that the treatment received at the hands of the company was fair and that there had been no discrimination against men on the part of the company officials because of union activities. It was also unqualifiedly admitted that the eight-hour day, with one day's rest in seven, except where men requested otherwise, prevailed at this plant; also that no men were required to work 24-hour shifts. It was admitted, too, that wages paid here are, so far as is known, at least as high as those paid by eastern manufacturers.

"Although the 12 points covered by bulletin No. 2 do not directly ask for a contract with union organizations, the committee of five stated that the real object sought by the demands made on us was agreements with the various trade-unions and abolition of our plan of industrial representation. Our reply to the committee's demands was that we were quite willing to discuss with it and representatives of our employees now serving under the industrial representative plan any of the points of bulletin No. 2 which did not involve discontinuance of the plan, but it having been so satisfactory to our employees, as evidenced by the statements from them and their representatives, we could not consider its abolition but would continue to operate our business in accordance with its provisions. The committee answered, in effect, that it could not consider anything except a complete acceptance or rejection of the 12 points and that the real issue being whether or not trade-union agreements should displace the industrial representation plan the union men were willing to test strength with the company on that proposition.

"Much as we would regret to see a strike of our steel-works employees, which would seriously cripple operations here and curtail production of coal, we believe the public and a majority of our employees will approve the stand we have taken. The officers of the company hold themselves in readiness to confer with the employees for the purpose of averting a strike, if possible.

"J. F. WELBORN, *President.*"

EDITORIAL.

The Star-Journal holds no brief for the Colorado Fuel & Iron Co. This newspaper is practically responsible for the abolition of the scrip system once in use by the company, for the abolition of the monthly pay day, and for the adoption of semimonthly pay days in all departments operated by the company at Pueblo, and an impartial reading of the following statements will prove the fact that they are and will inure to the benefit of employees of the company before they will benefit the company in any manner, shape, or form:

In the first place, the Star-Journal wishes to pay a complement, previously acknowledged, however, to the men of the Minnequa plant in that they have been the talk of the industrial world for many years past. Their peaceful employment, while other industrial centers have been engaged in bitter controversies, has been pointed to with pride by the people of Pueblo and by the whole State which has been proud of the splendid display of fairness and conservatism maintained by the employees of the great plant on which so many other working men and women in Pueblo and southern Colorado depend for their bread and butter. At Minnequa, under the present industrial plan, all has been industrial peace and industrial prosperity. No men in Colorado have been treated any better than the company has treated its men under this plan. This the committee which waited upon President Welborn admits. No army of workers on the globe have been given more help and encouragement along lines of industrial cooperation than has been given employees of the Minnequa plant. In all of its operating conditions they have always been advised and consulted. In all of its plans for improving their working conditions and for their enjoyment and pleasure they have also been consulted. In fact the employees of the Colorado Fuel & Iron Co. have practically been made consulting partners through the present plan of industrial representation in effect at the steel works, and yet, it hardly seems possible, these men, who are a credit to the city and State and who are upon the most friendly relations with the company, are being urged by eastern interests to do what?

They are being urged to take a step which, while it will never result in bloodshed, for each and every man employed at the steel works is a peaceful, law-abiding citizen, is likely to plunge the southern half of Colorado into another strike, with the certain loss of thousands of dollars in pay checks to the employees of the works, and the loss of other thousands of dollars in pay checks to other thousands of men who depend on the steel works for a living.

Employees of the steel works have admitted, through their various committees, that the company has met them sincerely and with an earnest desire to do the right thing by them in every way, and just why the employees of the steel works should consent to be advised by outside interests as to what they should do in Colorado when they now have many more favors and concessions than men employed in the East can only be termed a demand upon employees of the fuel company in Pueblo to "pick the chestnuts out of the fire" for the other fellow.

If the employees of the steel works did not have practically every one of the 12 demands made against the United States Steel Corporation, which has no plan of industrial representation at all, they would then have some excuse for following in the lead of eastern men, but the fact that they already have practically everything which eastern men are demanding, it must be admitted, places the employees of the fuel company in the light of walking out to get something which they already have and to sympathize with the men in the East.

The Star-Journal, speaking for a community of people who are as proud of the great plant at Minnequa and of its splendid army of workers, as Pershing was of "his boys" in France appeals to the judgment of the men that it is unfair to them, to their wives and to their families and to the wives and families of other men depending upon the result of their work at the steel mills to think the matter over with that care and judgment of which they are capable, and to take such action as will make sure of a continuance of the pleasant industrial relations under which better working conditions, better wages, more favors, and consideration have been shown employees than ever before in the history of the plant, and to not take any action which will sever those relations or which will cause unnecessary loss of time and wages and which may cause sickness and suffering in joining a movement for the purpose of obtaining something which Minnequa workers already have.

Mr. THOMAS. Mr. President, I do not want to and shall not intentionally make any statement reflecting unjustly upon anybody, and only in so far as probability shall warrant; and if I find in the future that I am mistaken, no man will make retraction more promptly than I.

But I believe, from the conditions as they have developed during the past 10 days, that the principal object of calling this strike at this time was so to disturb and bedevil the industrial conditions of the United States as to force the hand of the President's proposed conference, and compel it to yield to the extreme demands of those who now seem to have the upper hand with American labor. If that should prove untrue, I for one shall be delighted to be appraised and assured of the fact.

I have said that the ultimate purpose is the closed shop. That, Mr. President, is so un-American, so absolutely opposed to all our conceptions of individual freedom, so tyrannous and so damnable, that no man of honest convictions has the audacity anywhere to seriously defend it. It is a denial to the citizen of rights guaranteed by the Constitution and the laws, and sanctified by the recitals of the Declaration of Independence. I have a right as a citizen of the United States, subject to my recognition of the enjoyment of the same rights by my fellow man, to follow any lawful pursuit I please, to work or not, as I may decide, without let or hindrance by anyone except the duly constituted authorities. This is a right basic and fundamental. To deny it is to deny that free government exists.

I know it is said—and there has been much truth to it in the past, and there may be now—that the exercise of this right has frequently been destroyed or denied by vested interests and combinations, and that is true. It is a melancholy fact that every movement characterizing labor conditions in the past few years finds its genesis in similar misconduct organized and accomplished through the power of combined capital. But two wrongs do not make a right, and wrong is wrong wherever it is encountered.

It may be that the misconduct of vested interests in the past sowed the wind, and that they together with ourselves are about to reap the whirlwind. I do not attempt to defend or condone the things that have gone before, or to blink the fact that individual effort and individual opportunity have frequently been strangled in America by other agencies than the closed shop. This I have denounced on many occasions. And there was some responsibility through responsible organization, or the responsibility due to the possession of sufficient means to give assurance of damage. Here, however, we encounter associations organized for excellent purposes—and I have always been in favor of organized labor, as I am now, and want it to continue as it began, for the accomplishment of beneficient ends and purposes by lawful means, not by turning the whole Nation topsy-turvy, interfering with industry, restraining trade, and adding immensely to the high cost of living, to say nothing of the property destruction and bloodshed that inevitably accompany all physical demonstrations to secure by force what should be secured by law.

If a man has not a right to work in this country or to refuse to work except by the consent or at the direction of some outside association, then he is a slave. Slavery does not require that a man be owned by a single master. He can be the slave of an organization, and a far more servile one than if he were owned body and soul by a master sufficiently mindful of his value to take good care of him. I contend that any association, whether it be a combination of men or of money, which denies or interferes with the right of every citizen to work out his life in his own way will nver stand the test of inquiry and should always confront the indignant condemnation of public opinion. It is an old question, Mr. President, and the people of this country have been very remiss in their failure to protect the man who has asserted his constitutional right. Because we have not protected him we are now being punished. From such a sin there can be no remission.

Mr. President, what is a Government worth if it does not extend its protection and laws to every citizen and to all the property within its geographic boundaries? A government which forgets its duty and disregards the rights of its meanest citizen is not fit to be called a government, for as the meanest are protected so will the mightiest ultimately be.

The great body of the American people, Mr. President, are not organized; they are just plain, everyday, obedient, law-abiding citizens. They go about their business, interfered with constantly by these jarring and conflicting demands and requirements, and bearing it all with a patience which, considering the average American animal, is most amazing. There can be no possible compromise between the right of the citizen, subject to that of all other citizens, to do as he pleases and the eternal principle of organic justice, because the two are inseparable.

Yet we have gone our way, and are still doing so, paying little regard to these conditions, thus exposing our vast unprotected citizenship to the wrongs, the outrages, and the injustices of which they are always the victims when the jarring forces of society clash in the endeavor to settle their disputes by the ordeal of civic battle.

Mr. President, we have not only been indifferent, we have actually encouraged this situation. The legislation of the American Congress is directly responsible for the greater percentage of these disorders. We have provided for them, we have invited them, we have encouraged them, by making special exceptions from and giving special privileges under the general statutes of the United States.

The first event of any considerable importance after I took my seat here, Mr. President, was a veto message of the President of the United States aimed at the deficiency bill passed by Congress in February, 1913. It contained a provision that has been grafted into every succeeding similar statute since that date. And we, the Democratic Congress, reenacted this vetoed measure on the 23d day of June of the same year and sent it to the President, who approved it, saying in his message, however, that he did so because he could not segregate the item from the rest of the bill and because there were sufficient funds available to make the exception innocuous, but also expressing the opinion that the statute was unconstitutional. It reads:

Provided, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the condition of labor, or for any act done in furtherance thereof not in itself unlawful: *Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. President, the veto message of Mr. Taft is very short. I shall not, however, at this late hour, take the time to read it, but I shall ask permission to insert it in the RECORD as a part of my remarks.

Let me say, however, that Mr. Taft in that veto message spoke with the inspiration of prophecy, for he outlined every consequence that has since resulted from this policy of exempting classes from general legislation.

May this be inserted, Mr. President?

The VICE PRESIDENT. Without objection, leave is granted.

The message referred to is as follows:

"*To the House of Representatives:*

"I return without my approval the bill H. R. 28775, being 'An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.'

"My reasons for failing to approve this important appropriation bill are found in a provision which has been added to that appropriating $300,000 for the enforcement of the antitrust laws in the following language:

"*Provided, however*, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof not in itself unlawful: *Provided, further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

"This provision is class legislation of the most vicious sort. If it were enacted as substantive law and not merely as a qualification upon the use of moneys appropriated for the enforcement of the law, no one, I take it, would doubt its unconstitutionality. A similar provision in the laws of the State of Illinois was declared by the Supreme Court to be an invasion of the guaranty of the equal protection of the laws contained in the fourteenth amendment of the Constitution of the United States in the case of Connelly *v.* Union Sewer Pipe Co. (184 U. S., 540), although the only exception in that instance from the illegality of organizations and combinations, and so forth, declared by that statute, was one which exempted agriculturists and live-stock raisers in respect of their products or live stock in hand from the operation of the law leaving them free to combine to do that which, if done by others, would be a crime against the State.

"The proviso is subtly worded, so as, in a measure, to conceal its full effect, by providing that no part of the money appropriated shall be spent in the prosecution of any organization or individual 'for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the condition of labor,' and so forth. So that any organization formed with the beneficent purpose described in the proviso might later engage in a conspiracy to destroy by force, violence, or unfair means any employer or employee who failed to conform to its requirements; and yet, because of its originally avowed lawful purpose, it would be exempt from prosecution, so far as prosecution depended upon the moneys appropriated by this act, no matter how wicked, how cruel, how deliberate the acts of which it was guilty. So, too, by the following sentence in the act such an organization would be protected from prosecution 'for any act done in furtherance' of 'the increasing of wages, shortening of hours, or bettering the condition of labor' not in itself unlawful. But under the law of criminal conspiracy acts lawful in themselves may become the weapons whereby an unlawful purpose is carried out and accomplished. (Shawnee Compressed Coal Co. *v.* Anderson, 209 U. S., 423–434; Aikens *v.* Wisconsin, 195 U. S., 194–206; Swift *v.* United States, 196 U. S., 375–396; United States *v.* Reading Co., Dec. 16, 1912.)

"The further proviso, that the appropriation shall not be used in the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to obtain and maintain a fair and reasonable price for their products, is apparently designed to encourage, or at least to discourage the prosecution of, organizations having for their purpose the artificial enhancement of the prices of food products, and thus to avoid the effect of the construction given to the antitrust law in the case of United States against Patten, decided January 6, 1913.

"At a time when there is widespread complaint of the high cost of living it certainly would be anomalous to put on the statute books of the United States an act, in effect, preventing the prosecution of combinations of producers of farm products for the purpose of artificially controlling prices; and the evil is not removed, although it may be masked, by referring to the purpose of the organization as 'to obtain and maintain *a fair and reasonable price* for their products.'

"An amendment almost in the language of this proviso, so far as it refers to organizations for the increasing of wages, and so forth, was introduced in the Sixty-first Congress, passed the House, was rejected in the Senate, and after a very full discussion in the House, failed of enactment. Representative Madison, speaking in favor of the amendment which struck out the proviso, characterized it as an attempt to 'write into the law, so far as this particular measure is concerned, a legalization of the secondary boycott. * * * The laws of this country,' he pointed out, 'are liberal to the workingman. He can strike, he can agree to strike, he can act under a leader in a strike, and he can apply the direct boycott, but when it comes to going further and so acting as to impede and obstruct the natural and lawful course of trade in this country, then the law says he shall stop. And all in the world that this antitrust act does is to apply to him that simple and proper rule, that he, too, as well as the creators of trusts and monopolies, shall not obstruct the natural and ordinary course of trade in the United States of America.' 'I believe,' he added, 'in the high aims, motives, and patriotism of the American workingman, and do not believe that, rightly understanding this amendment, they would ask us to write it into the law of this Republic.' (CONG. RECORD, p. 8850, 61st Cong., 2d sess.)

"It is because I am unwilling to be a party to writing such a provision into the laws of this Republic that I am unable to give my assent to a bill which contains this provision.

"WM. H. TAFT.

"THE WHITE HOUSE, *March 4, 1913.*"

Mr. THOMAS. I commend that message, Mr. President, to the perusal of every lover of his country at this time. If Mr. Taft had performed no other service to his country, he requited his obligations to it when he wrote that message.

Some time afterwards we passed an antitrust act known as the Clayton Act. I shall not take time, Mr. President, to read this statute, but I will insert, without reading, section 6 of chapter 323 of the laws of 1914, found in volume 38, Statutes at Large, page 731; also a section on page 738, exempting these associations from the injunctive processes of the courts, or seeking to do so, for I do not believe it does. As a matter of fact, however, the statute has been found most potent, because legal restraints by injunctive writ upon lawlessness, when questions of unions are involved, have not been very prolific since that time, however crying the need for legal interference.

Mr. President, when the Clayton Act was before us for consideration, I objected to these exclusions, and I voted against the bill because it contained them. We have no more right, Mr. President, under our oath of office to enact privileged legislation, no more right under the Constitution of the United States to exempt one class of our citizens from the operative clauses of prohibitive statutes, than we have to

commit treason against the Nation we are sworn to support. But we have done it, and we are now enjoying some of the consequences. How do you like them, gentlemen? We are to blame—do not forget that—for by the enactment of such legislation we have said to these associations, "Go out and do what you please. You are above and beyond the law. All we ask is that you vote for us upon election day." Inasmuch, however, as each party has outstripped the other in "getting there first," neither has been able so far to reap a decided harvest of majorities. But what a price to pay for political favors.

I dislike, Mr. President, to call attention to such things, but it is time for plain talk, because the country is in danger. The practical construction placed upon these enactments is precisely that which President Taft predicted, and, if I may drop into the ordinary vernacular, they have "got away with it" up to this time. Mr. Gompers said the other day that there were no strikes except when grievances made them necessary. I do not pretend to give his exact words. But the facts are otherwise. Let me read a very short editorial from the New York Times of Monday:

INDUSTRIAL DEMOCRATIZATION.

A manufacturer of jewelry is confronted with a demand for a 25 per cent increase in wages, coupled with a 30-hour week. Under his present high wage scale he is able to make only a 10 per cent profit. Tired out with eternal bickering, he offered to divide this among his workmen, but they refused. He then proposed to turn over to them his factory to be run on the soviet system, offering to give his own services free for six months to induct them into the mysteries of business management. After that he would retire. Again they refused. No doubt they had heard of what happened in Russia to sovietized factories.

The authors of the Plumb plan ask no Greek gift such as that offered by the manufacturer of jewelry. If the brotherhoods run true to the soviet form, their wages continue as usual, but the deficit is borne by the stockholders and bondholders, who are reimbursed, if at all, at the expense of the public.

Then there is something here about the Plumb bill, which I will insert without reading.

A man can pick up a newspaper anywhere in these days and get all he wants about the extent to which strikes have gone. Here is an article from the State represented by my distinguished friend who sits immediately in front of me [Mr. OWEN]:

MOB SEIZES TOWN; DRIVES OUT POLICE—THREE GIRLS WHO REFUSED TO STRIKE HELD PRISONERS WITHOUT FOOD.

DRUMRIGHT, OKLA., *September 22.*

Drumright to-night is in the hands of a mob, which, having disarmed the chief and members of the police department and driven the latter from town, while threatening the former with death unless he resigned, has warned the Bell Telephone Co. that if demands of the striking telephone girls are not granted its plant will be burned.

Three young women operators who refused to strike are reported to be held prisoners by the mob in the telephone building, where their friends are refused admittance or the right to supply them with food.

The trouble is said to be the culmination of the clubbing of a picket by a policeman this morning.

Now, let us cross the Mississippi and come into Illinois. Here is an article from Taylorville, Ill.:

HOW A LITTLE STRIKE TIES UP SMALL TOWN.

TAYLORVILLE, ILL., *September 22.*

The striking citizens of Taylorville—railroad men, miners, telephone girls, and others—have brought to Christian County conditions both unique and annoying.

Its annoying alike for the strikers, the employers, and the neutrals. You can't telephone at all, you can't call a doctor or a nurse.

This is not in Russia, Mr. President; this is in Illinois.

You can't order groceries or meat. A local of the United Mine Workers did it by sympathetic strikes. The local is repudiated, but it makes no difference.

They closed a moving-picture theater; they made the merchants refuse to sell to the strikebreakers and railroad officials. The railroad men on the Chicago Midland, a spur road, are out and backed by brotherhoods. Automobiles are only transportation on the 27 miles of spur railroad.

The signal men, the station agents, the telegraphers, the section men, the track walkers went with them. Only about four men, including a detective and the general superintendent, stayed.

Here is another clipping from the same paper, dated September 22, giving an account of the flooding of the gas mains in the great city of Brooklyn, where the lives of literally millions of people were threatened, for the purpose of making the strike good:

GAS-MAIN FLOODS BLAMED ON STRIKE—BROOKLYN UNION CO. SUES FOR INJUNCTION AGAINST FUTURE VIOLENCE, ALLEGING 1,000,000 LIVES WERE MENACED.

Alleging that an attempt was made last week to flood gas mains, endangering the lives of its 1,000,000 patrons, the Brooklyn Union Gas Co. obtained yesterday from Supreme Court Justice Callaghan an injunction restraining the Brooklyn Gas Works Protective Union, which is conducting a strike at the company's plant, from resorting in future to violence or intimidation.

The petition asserted that last Wednesday evening large quantities of water were observed in the mains. The trouble seemed to originate in the Newtown district. A drip pot near Caldwell Avenue and Queens Boulvard showed 3 feet 6 inches of water, though the normal quantity is from 8 to 10 inches. Pumps were worked several hours, but the water receded less than 2 inches. Large pumps, working all Wednesday night, reduced the water to the normal level the next morning.

Officials of the company said yesterday if the water had not been promptly detected and pumped out uneven pressure throughout Brooklyn and Queens would have resulted. Gas jets left burning would have been put out, but the water, constantly moving in the mains would have allowed the gas to flow again through the open jets, perhaps asphyxiating thousands.

Investigation, the officers said, revealed that a water main and a gas main had been connected on Queens Boulevard by a 1½-inch pipe, thus allowing water to flow into the gas main.

The company also discovered the following day, it is alleged, that seven gas meters in a tenement at No. 322 Palmetto Street, Brooklyn, were leaking badly. Investigation, it was said, showed the meters had been punctured in a manner indicating considerable familiarity with such devices.

The company's petition alleges these happenings were a warning that the strikers were in earnest in threats to cripple and tie up the company's service by intimidation and violence.

The union will have until September 30 to file papers opposing the injunction suit.

Meanwhile the company will ask the district attorneys of Kings and Queens to investigate and to prosecute all persons found responsible for the acts alleged.

These are three of many. Grievances? What are they? These are acts of criminal lawlessness grossly subversive of the rights of others and should be suppressed and punished. They are said, Mr. President, to be in the interest of labor. Upon the scaffold Madam Roland cried, "Oh, liberty, how many crimes are committed in thy name!" We may well paraphrase her utterance in this morning of the twentieth century by the refrain, "Oh, labor, how many crimes are committed in thy name!"

I shall not worry the Senate by other instances, but there are many, and I fear the list will grow and not decrease unless we do something.

I was greatly cheered yesterday afternoon by reading in the dispatches that the American workers "stayed upon the job." I am informed that the percentage of foreign employees in the steel industry is something over 60 per cent, or about that. But there are many Americans among them, thank God. It is not where a man is born but what he is that constitutes Americanism; and there is many a foreign-born citizen in the United States striking against his will whom I will not insult by comparing with Mr. W. Z. Foster, the leader of this movement, to whom I shall refer presently. Americans stay on the job, and it is to Americans that the country turns in this hour of need.

I know, Mr. President, or I am morally certain, that the majority sentiment of the men involved in these proceedings is against them. My friend, the Senator from Nevada, told me a most interesting story yesterday about the strike recently called in the mines of Tonopah, I think, for a dollar a day increase. The managers of the mine said, "We will make this up to you by securing provisions and letting you have them at such price as will make up the difference between what you think you ought to have and what you are getting."

"Oh, no," they said, "we can not do that. We are men of honor. We have an understanding with the grocery clerks. They have a union. We are looking out for them."

The strike was called, and the strikers got into their own automobiles and rode away from the mines.

A day or two afterwards the governor arrived and took a hand. Gov. Boyle is a pretty level-headed man. After making some inquiry, he suspected that the strike had never been properly called. So he made this proposition: "We will take a vote right here, and every miner will be permitted to vote, and his vote will be counted. If a majority is for the strike, well and good; but if not, then we will see what the governor can do for the enforcement of the laws and the dignity of the Commonwealth."

The vote was taken and stood 6 to 1 against the strike. The leaders, confronted by that result, could not very well prevent the men from returning to work, and they have been at work ever since. I have no doubt that if the same thing could be done in Cleveland, in Pittsburgh, in Youngstown, in Gary, in Pueblo, the same result would follow.

I am interested for the people of these places, the suffering people, and I want to remind the Senate that they vote, too. The noncombatant, the every-day man, who has to take care of himself or perish, when confronted by conditions like these needs, and should have, the moral support of the Congress of the United States by the adoption of some such resolution as the one which I am now discussing. It is little enough that we can do, in view of our legislative record during the past six years, which I do not think can very well be defended, because one consequence of every great disorder of this sort is to turn loose upon the community its criminal and lawless elements.

Take Boston the other day when the police went on strike. Take the experiences of any considerable community of the United States or Great Britain when these conditions are aflame. It is the opportunity of the cut-throat and the thief. Crime of all kinds is rampant and looting flourishes without stint. Society is dissolved into its original elements and every man must be for himself. Naturally in these days when appeals are made to Congress for every sort of relief from every sort of people, let us, so far as we can do it, put the stamp of disapproval upon these conditions and follow it up by repeal of these laws.

The House recently, in a bill now before the Senate Committee on Appropriations, one day eliminated from the pending deficiency bill the provision which I have just read and put it back the next day.

Mr. MYERS. I would suggest that the day it was eliminated it was done as in Committee of the Whole without a record vote, and the day that action was reversed it was done by a record vote in the House.

Mr. THOMAS. Yes; that is true, Mr. President. How the average Member of Congress in either House bravely votes when there is no record vote and how safely he votes when there is one.

We all know why it was done. Certain labor leaders and agriculturists shook their fingers in the faces of the representatives of the people, and they got down upon their bellies, crawled in the dust, and reversed their action. I hope that expression is not unparliamentary. If it is I will withdraw it. I wonder if we are going to do the same thing? The bill is here, coming out from the committee, Senators, very soon. What are you going to do about it? I hope I shall live long enough to vote as I voted before, although my vote may not amount to much. So far it has not.

Mr. President, this entire difficulty, nearly all the unrest from which this country is suffering, is due to the constant dissemination of false doctrines, appeals to lawlessness, to lust, and to cupidity, made by designing scoundrels to men who are unhappy, who are suffering, or who are discontented. It is the doctrine of anarchy personified, and it has been growing, magnifying, becoming more and more serious during all these 10 or 15 years past while Americans have been treating it with good-natured disdain or with that dangerous optimism which believes that everything will turn out all right after a while. Men who, like myself, are so pessimistic as to express some question about it, are generally bowled over with the indifferent statement that "you are letting your fears get the better of your judgment."

Who are the leaders in this movement, the men responsible for it? One of them is Mr. Fitzpatrick. Let me say again that I hope I will say nothing and make no charge which the facts will not sustain with regard to anybody. Mr. Fitzpatrick, one of the vice presidents or holding some other distinguished office in the American Federation of Labor, ran for mayor of Chicago last spring upon the Labor ticket, receiving the support of Gov. Frazier, of North Dakota. He was interviewed a day or two ago in the city of Chicago and is reported to have said:

> Small loss if some of the men are killed and we win this fight.

Oh, yes. What difference does it make to these leaders, if they win the fight, whether some poor fellow, led away by their dangerous and damnable doctrines, shall expose himself to the weapons of the officers of the peace? What concern is it of theirs if his widow and his orphans, deprived of union benefits, shall become public charges or perhaps be turned out upon the charities of a cold world to find their means of support in the pursuit of lawlessness? What care they if innocent men, women, and children, going about their accustomed affairs, are killed or wounded or mutilated because they happen to come between these pitiless and opposing forces? Is not this the Kaiser in miniature who in 1914, when some one told him of the slaughter of some of his men, said, "Well, we have men enough"? The difference is only in degree; both are pitiless, both are lawless, both are autocratic, and both should with equal vigor be condemned of all honest men.

Now, let us come to Mr. Foster. I preface what I have to say concerning him with the reminder that the American Federation of Labor has said, and has truly said, that it has no sympathy with the I. W. W.'s. Mr. Gompers has repudiated the I. W. W., and I think he did so sincerely, although I am not able to reconcile his statements with his interest in Mooney, who is as bloody and atrocious a murderer as was ever condemned by court and jury, nor with the fact that his organization has elevated this man Foster into high position upon the staff of the American Federation of Labor, although he was identified with that body of men.

Mr. Foster published a book or pamphlet called "Syndicalism" some time ago when he was a member of the I. W. W.; and, by the way, he said the other day that the time would come when the steel workers would enact the laws in Washington. That may be true. Who can say that it is not a prediction to be verified in the near or remote future? I do not know. Organizations of all sorts have gotten along up to this time by telling us what to do, and we have done it. Perhaps it may be cheaper to put us out and do it themselves.

In this book—and I am reading from the very able speech of Mr. COOPER in the House yesterday—he said:

> In his choice of weapons to fight his capitalist enemies the syndicalist is no more careful to select those that are "fair," "just," or "civilized" than is a householder attacked in the night by a burglar. He knows he is engaged in a life and death struggle with an absolutely lawless and unscrupulous enemy, and considers his tactics only from the standpoint of their effectiveness. With him the end justifies the means. Whether his tactics be "legal" and "moral" or not does not concern him, so long as they are effective. He knows that the laws, as well as the current code of morals, are made by his mortal enemies, and considers himself about as much bound by them as a householder would himself by regulations regarding burglary adopted by an association of housebreakers. Consequently he ignores them (the laws and the current code of morals) in so far as he is able and it suits his purpose. He proposes to develop, regardless of capitalist conceptions of "legality," "fairness," "right," etc., a greater power than his capitalist enemies have, and then to wrest from them by force the industries they have stolen from him by force and duplicity and so to put an end forever to the wages system. He proposes to bring about the revolution by the general strike.

That is what he is doing at present.

Again:

> Once the general strike is in active operation, the greatest obstacle to its success will be the armed forces of capitalism—soldiers, police, detectives, etc. This formidable force will be used energetically by the capitalists to break the general strike. The syndicalists have given much study to the problem presented by this force and have found the solution for it. Their proposed tactics are very different from those used by rebels in former revolutions. They are not going to mass themselves and allow themselves to be slaughtered by capital's trained murderers in the orthodox way. There is a safer, more effective, and more modern method. They are going to defeat the armed forces by disorganizing and demoralizing them.

Mr. President, were we correct or incorrect in our forecast of the police union a few days ago?

Did we falsify the facts when we asserted that that was part of this propaganda and are we to shut our eyes in the future to this very sinister condition and permit it to continue? If so, then we are unworthy sons of patriotic sires, for the salvation of this Republic depends to-day upon the present and not future generations, and as we meet these conditions so will that future be.

> Another favorite objection of ultralegal and peaceful socialists is that the general strike would cause bloodshed.
>
> This is probably true, as every great strike is accompanied by violence. Every forward pace humanity has taken has been gained at the cost of untold suffering and loss of life, and the accomplishment of the revolution will probably be no exception. But the prospect of bloodshed does not frighten the syndicalist worker, as it does the parlor socialist. He is too much accustomed to risking himself in the murderous industries and on the hellish battle fields in the niggardly service of his masters—to set much value on his life. He will gladly risk it once, if necessary, in his own behalf. He has no sentimental regards for what may happen to his enemies during the general strike. He leaves them to worry over that detail.
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> The syndicalist is as "unscrupulous" in his choice of weapons to fight his every-day battles as for his final struggle with capitalism. He allows no considerations of "legality," "religion," "patriotism," "honor," "duty," etc., to stand in the way of his adoption of effective tactics. The only sentiment he knows is loyalty to the interests of the working class. He is in utter revolt against capitalism in all its phases. His lawless course often lands him in jail, but he is so fired by revolutionary enthusiasm that jails, or even death, have no terrors for him. He glories in martyrdom, consoling himself with the knowledge that he is a terror to his enemies, and that his movement, to-day sending chills along the spine of international capitalism, to-morrow will put an end to this monstrosity.
>
> The syndicalist is a radical antipatriot. He is a true internationalist, knowing no country. He opposes patriotism, because it creates feeling of nationalism among the workers of the various countries and prevents cooperation between them, and, also, because of the militarism it inevitably breeds.

Mr. President, such were the former sentiments, the recorded sentiments, the circulated sentiments of Mr. Foster, the head and front of this present disturbance. Is the strike for higher wages? No; but to do away with the wage system. Is it to introduce better conditions of labor? No; but to confiscate the property of others. Is it for the purpose, Mr. President, of making for the ends of industrial peace and prosperity? No; but to keep the revolution going until men like Foster, through his deluded followers, may become in America even as Lenin and Trotski have become in Russia.

The marvel is—upon second thought it is not a marvel—the natural result of such teachings to the lawless, to the discontented, to the discouraged, to those who feel that they have not had the right sort of chance or opportunity in life, assured that theirs is the earth and the fruits thereof, of which they have been robbed and despoiled, is to follow the inclinations of human weakness and temptation, to listen to and to give

credence to these unholy statements and join in the movement to wreck the world.

Mr. President, of all the misstatements—and there are many—of Karl Marx the most prominent and that which has done most mischief in the world is his declaration of an uncompromising war or difference between employer and employee. It runs through the whole literature of anarchy. Nothing was ever falser, nothing is more easy to overthrow in the mind of the thinking man.

There are few in this Chamber who have not risen from the lower walks of life, from the ranks of the worker, until, taking advantage of the opportunities offered by America, have attained a seat in the Senate of the United States. I can scarcely recall a great business figure anywhere prominent in America who has not risen by his own exertion through the opportunities of free America and utilizing his talents for his own welfare. This is a land of opportunity, and while capitalism has held it down as labor now seeks to hold it down by reducing the world to a universal level of incompetency, so long as America is America a man will be a man "for a' that," and the employee will discover that the discriminating and observing employer, with here and there a brutal exception, will greet him, take him by the hand, and lift him to higher levels, aid him in his progress upward, and give his aptitudes full opportunity for development.

What I have read from Foster, however, is the doctrine of anarchy; it is the doctrine of I. W. W.ism; it is the doctrine that has turned Russia into a shambles; it is the doctrine which if not overcome may bear its bloody fruit in America. Will we permit these doctrines, Mr. President, to be sown broadcast over the country without challenging them; without emphasizing conditions as they are; without appealing to men, who are men the world over, to take their chances with their fellows and demonstrate that America was not founded for a single century, but for the ages which are to come?

But, Mr. President, there is another consideration to which I will refer briefly because it is closely associated with the theme. Property is said by this class of dangerous doctrinaries to be robbery. I think Prudhomme was the author of the aphorism that all property is robbery. Much property is robbery in these times, but it is impossible for men to conceive a state of society without property. Every right that we enjoy, every liberty that we possess, everything that we have or hope for, law, order, family, the right to pursue our own course undisturbed grow out of the need for assuring to a man that which he earns and that which he fairly acquires. The earliest form of property consisted of live stock, the cattle, the sheep, and the herds that prefigured the days of Abraham. Why? Because they could be easily removed from place to place and thus preserved from the marauder; but as men grew in intelligence and experience and the need for better things and other accumulations manifested itself, men and women came together and made rules for their protection and for the protection of property. When the laws of property shall have been destroyed or ignored or set aside then, Mr. President, the day of organized society approaches its end.

If it be true that the desire to better one's condition—that appeal of self-interest which is quite as prominent in the Bolsheviki as it is in the law-abiding citizen—if it be true that this is the link which holds society together, builds up communities, develops nations, and gives to mankind the impetus of its onward progress, then woe be to the man who would set aside that fundamental condition and shatter governments and destroy the fundamentals of ordered life.

I know, Mr. President, that property has abused, and sometimes frightfully abused, its opportunities, and property should be punished and must be punished accordingly. I know that money's great tendency is to mass and concentrate, and that in such form it is a menace to society. I am aware of all these facts, and society must deal with these evils, while keeping steadily in view the great basic principle that protection to property rights is the cornerstone of liberty and justice.

Without protection of property there can be no protection of life, for then what every man wants, that will he take, if his strength is superior to him who owns it. To do away with that fundamental condition, the foundation stone of order, government, and community life everywhere, is to revert to the stone age, to turn back the wheels of progress, and blot out forever the records of achievement since the first glimmerings of the dawn of civilization.

And, Mr. President, labor's interest is at stake here just as is ours. You can not attack ordered society in the interest of any class without injurying all. Classes exist in some degree everywhere—less here, I hope, than elsewhere—but whenever government assumes a form which recognizes and favors or discriminates against classes in society, every class must inevitably suffer, the one which is favored by the fact, those which are not favored by the discrimination. History proves with unerring exactitude the truth of this assertion, which I have not the time longer to elaborate.

Mr. President, let me refer to another aspect of modern movements. We hear much about rights. Every man recognizing his rights is prone to demand them; every man feeling that he can enlarge his rights is prone to take steps to accomplish that end; every man who believes that some other has a greater right than he is swift to announce the fact and demand it for himself. We have become so obsessed by a consideration of personal rights that we have become practically oblivious of personal obligations. We hear nothing of responsibility in these days of rack and conflict. We forget that each is bound by the strongest of obligations to recognize in every man that which he enjoys. We forget that the highest of all obligations is fidelity to country and its institutions. We forget that those obligations are so strenuous that, if need be, all personal rights, both to property and to life, must yield to them. We forget that in every community these obligations exist, and that without their proper recognition and performance a rift will be rent in the social state which must ultimately result in its collapse. Let us reflect at this time more upon our obligations, and how to perform and be true to them, than assert our rights, unmindful of their pressure upon those of our fellow men.

I was very much reminded of this proneness to regard rights and forget obligations by the recitals in this morning's Washington Post of the testimony of two of the prominent leaders of organized labor before the Senate Committee on Interstate Commerce yesterday. The subject of discussion was the Cummins railroad bill. It contains, among other things, a section designed to prevent strikes in the operation of our great transportation systems. Mr. Gompers is reported as having said, speaking of the right to strike:

> "I do not wish to live a single day after that right has been taken away from workingmen," Mr. Gompers said with more than a touch of indignation. He served notice on the committee that the antistrike provision, if enacted as law, would not be obeyed.
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> "With a full sense of my responsibility," he told the Senators, "I say that I should have no more hesitancy about participating in a strike after its passage than I do now. It wouldn't stop strikes. It would just make lawbreakers."
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> "I hold these sections of the bill not only unconstitutional," he said, referring to the antistrike sections, "but also repugnant to the spirit of the Constitution and the Republic."

That may be, Mr. President; but what a spectacle is here presented to the consideration of the American people! Here is a leader of a great organization of millions practically defying the lawmaking power of the Government, and serving notice upon one of its committees that proposed legislation, if enacted, will not be respected. Suppose that Judge Gary, or J. Pierpont Morgan, or John D. Rockefeller, or some other of the great financial magnates of the present day, should come before the committee and make the same statement—what would Mr. Gompers say? What would we say? What would all thinking patriotic men say? Perhaps I should ask what would we think, for some of us are more free to think than we are to speak on such occasions. I know that the indignant public sentiment of the United States would completely repudiate the statement coming from that source. Is Mr. Gompers better than these men? Does he set a noble example to the high citizenship of America when he defies the lawmaking power and announces that he will defy a law if enacted?

If he is right about the question of constitutionality, he has his remedy. If he is wrong about it, then Mr. Gompers should either obey the law or the people should recognize that he is above it, and that our puny efforts at restrictive legislation are too limited in their scope to take in such mighty and prominent dominating figures in the social and political world, living in a sphere and breathing an atmosphere of their own.

Mr. President, I do not pretend to pass upon the constitutionality of these laws. Perhaps they do graze the line of constitutional right; but I can readily understand why it should be necessary to so legislate that the transportation facilities of the country may not suffer serious interruption, even if it be necessary in so doing to place some limitation upon the natural rights of persons. If we should turn these railroads back to their owners, and six months afterwards they should announce that they would not operate them, or permit them to be operated, because they could not agree with their men, their right to do so would be successfully challenged, and they would be denounced, if not punished, for their temerity. Now, what is the difference? If the men who operate the roads, which are semipublic institutions, can not be interfered with in the public

interest, who can support the proposition that the men who own the roads must be interfered with if they determine upon a similar policy? Whenever a right or a business becomes so dominant as to affect the public—and the Supreme Court of the United States said so more than 40 years ago—the public has an interest in that right or in that business to the extent that it may regulate it for the public welfare. So, Mr. President, I believe that in the case of a great enterprise consisting of hundreds of thousands of miles of railway, and operating hundreds of trains per day, the very lifeblood of 110,000,000 people, if the Congress of the United States has not the power to prevent interference to the injury and detriment and possible suffering of the people, it ought to have. I believe it has such authority, and I hope it will exercise it.

Mr. President, I had intended, should I have obtained the floor a little earlier, to dwell upon one or two other features of the present very grave situation. I shall not detain the Senate longer, although I may take opportunity at another time to refer again to some features of the prevailing unrest. I think, however, that every man who has done me the honor to listen to me will agree that present conditions can not continue. They will not remain in statu quo. They will either get better or worse, and they will get worse instead of better if permitted to run their course without interference.

There is nothing democratic in existing conditions. On the contrary, the strike, the unions, combinations like the Steel Corporation, all these things are the negation of democracy. They necessarily interfere with the rights of men, and it is for the great body of our citizenship to recognize and act upon that supreme issue.

What boots it if we have a league of nations effective in its authority upon the various nations constituting its membership if civil war shall reign and ravage within their boundaries? What boots it if we are at permanent peace with England and France and Germany and Italy, but are torn in pieces by bloody domestic dissensions and insurrections? How long will our institutions stand the strain?

Macaulay said that the fundamental weakness of the American Constitution was that it was all sail and no anchor, and that when the cupidity of the mass became uncontrollable the final test of American institutions would be made.

Mr. President, this strike will not succeed in the ultimate object for which it was called—the dissolution of the wage system, the conversion of the property of the manufacturer to the employee without compensation, the introduction of Sovietism into the United States. The American spirit is still alive and vibrant in the masses of our citizenship. Every man who loves his country, who believes in her traditions, who has pride of ancestry, whose blood quickens with the achievements of the past, who knows what this country means not only to us but to the world, who carries upon his shoulders the responsibility of citizenship descending from his fathers who formed and who preserved the Republic—these men, Mr. President, will again prove our salvation. I hope the time is not far distant when Americans, whether native or naturalized, whose pulses quicken with the sense of their responsibilities, will rise to the tremendous task confronting them, and forgetting if need be their present petty political divisions and differences, will unite for their country, and forgetting all else, say to these apostles of riot and insurrection: "Thus far shalt thou go, and no farther."

Mr. OWEN. Mr. President, the social unrest which the Senator from Colorado [Mr. THOMAS] has been discussing, is very interesting and of immediate urgent importance. I do not feel willing to pass by without making a comment upon the remarks which he has been making with regard to it. There is a great reason for the strikes which are taking place throughout the world which the Senator does not sufficiently emphasize. It is the high cost of living and the human suffering due thereto. Even distant Japan has been having riots over the supply of rice, and there was a cause for it. The rice supply was monopolized there, while their scale of living was interfered with by the doubling of the amount of the per capita of gold in Japan due to the war. The wages which before the war would buy the amount of rice needed for life, when their gold doubled in quantity per capita would no longer buy so much, and the Government took the problem in hand and saw that the people got the supply that was necessary and saw that the distress of the people was met at public cost while the profiteering was subjected to public control.

It is all very well to complain of labor, but I want to say to Members of the Senate that this question of the high cost of living has to be dealt with, not from the point of view merely of the greed of the many, but far more from the point of view of the greed of the few and the rule of the few in this country.

I want to call attention to some of the methods by which the minority are permitted to rule, how they are encouraged to rule. At present one-third of the Senate can dictate to two-thirds. The two-thirds rule will be found written all through the rules of the Senate, which means that one-third can dictate to two-thirds, for the alleged purpose of protecting the rights of the minority, but in reality for the purpose of giving a minority veto and not permitting the rule of the majority.

For example, a few days ago the Senator from Connecticut [Mr. BRANDEGEE] brought in Senate resolution 41, proposing an amendment to the Constitution of the United States, nominally proposing to liberalize the present method by arranging that amendments passing Congress might be submitted *to the electorates in three-fourths of the States*, but making no change whatever toward liberalizing the means by which amendments might pass the veto of the minorities in each House of Congress so that the laws of this country should be controlled by a majority of the people of this country. On the contrary, the two-thirds rule is again submitted to us, so that before the Constitution can be amended it must pass two-thirds of the House, two-thirds of the Senate, and three-fourths of the States, in the avowed interest of the minority, but unmindful of the right of the majority to govern this country, which is the true rule that should govern this great democracy.

The Senator who presented the resolution went so far as to propose an amendment so as to read, in line 7, "that Congress, whenever two-thirds of '*the Members of*' both Houses." The meaning of the amendment proposed by the Senator in inserting the words "the Members of" is that instead of two-thirds *of a quorum*, it would require in the Senate and in the House of Representatives two-thirds *of the entire membership*. If 64 Senators were present, one single Senator could veto the action of 63 Senators under that simple little amendment of three words, "the Members of." The Constitution has been so framed as to prevent the majority of the people of this country amending it, except by war or unanimous consent—unanimous consent as far as woman suffrage, prohibition, and the income tax were concerned, but otherwise by war. You need not complain about the cupidity and greed of the masses. It is the cupidity of the few of the minority, of the 10 per cent, that is the trouble in this country, and I am prepared, for one, to take my part of the responsibility in meeting it. The power of monopoly is overwhelmingly the chief reason for the high cost of living. Unhappily the interference of war with production, transportation and distribution, and the withdrawal of millions of men from productive processes and from distribution, supported in war by the labor of many more millions and the wholesale destruction and waste of war, have made scarce the things which are desired and needed in peace. The expansion of our currency and the currency of other nations has added to it. Waste and destruction have added to it, but when you come back at last to the fundamental problem in this matter, it is because the commercial and financial minorities in this country have exercised undue influence to their own private advantage. That is the great trouble in this country, and it is a cause of social unrest that has to be corrected and will be corrected, because the world is now rapidly moving toward democracy.

I want to call the attention of the Senate to a very important action taken by the Vatican in promoting world democracy. The Vatican was one of the powers that cooperated with the Hohenzollerns and the Hapsburgs in the treaty of Verona (1822) when those dynasties were pledging the destruction of democracy throughout the world. Happily, at last, there comes a powerful declaration from the Vatican in favor of democracy, and I am profoundly rejoiced that it should take place.

The Vatican program contains four definite planks for the establishment of social peace. They comprise:

Cooperation of all classes.

Correlation of all classes against Bolshevism.

Acceptance of democracy.

And—God be praised—*the education of the proletariat*, because that is all that is necessary to produce peace on earth and good will to men and to enable the Christian churches to fulfill their glorious mission.

The ordinary man is not unduly selfish. The great body of our citizenship in this country is composed of God-fearing and man-loving people, who want to do nothing in the world but what is right. But they know, and they deeply and profoundly feel, that they are being imposed on in some way, and that they are not being fairly dealt with in the prices that are charged for the things that are necessary to their lives. It is charged that they can not get meat at fair prices because of the Meat Trust. They can not get clothes at fair prices because of the trust in woolen goods, in linen goods, in leather, and in all

sorts of things. It is authoritatively reported that there are over 10,000 different concerns engaged in monopoly in this country, not only fixing the prices which people have to pay for the things which are necessary to live on, but whose policy is *to limit production* in order to raise the prices which people have to pay.

What steps has the Senate taken to ascertain the truth of these things and correct them? One or two investigations are proceeding—one of the Beef Trust—but it is the duty of this body and of this Congress not to pass the problem back to the people but to solve this question and take the responsibility necessary to end the unfair exactions of monopoly in this country. We passed the so-called Sherman antitrust law, making it a crime to be guilty of restraint of trade, and after 20 long years, finally beating its way up to the Supreme Court of the United States, the Supreme Court wrote into that act the word "reasonable," so that a restraint of trade which was reasonable was not obnoxious to the law, and nobody knew what "reasonable" restraint of trade was. That act might as well have been sponged off the statute books. It has been of no value since. Since then monopolies have felt quite safe.

But it has at least taught a lesson to this country that the time has come when Congress should set up a workable administrative method by which to ascertain and determine what is "reasonable."

Mr. FALL. Mr. President, what is the Senator's proposition? What remedy does he propose? How is the Congress to set up an administrative body that will remedy it?

Mr. OWEN. I will make a suggestion to the Senator that may illuminate the matter.

Mr. FALL. That is what I am asking for.

Mr. OWEN. The Congress of the United States in passing the national bank act put a 7 per cent rate on capital being loaned out by the national banks, as the maximum interest charge, unless the States provided a higher rate, when it might go to 10 per cent under contract. There is a direct limitation of what may be done by those who have charge of the banking business of the country. It is much too low for commercial enterprises, but there is a point which is reasonable, and there is a point which is unreasonable, and this Congress is, in my judgment, obliged to provide some means for determining what is reasonable and what is unreasonable.

Mr. FALL. What the Senator is complaining about, as I understand, is that under the construction of the Supreme Court of the United States they read the word "reasonable" into the law.

Mr. OWEN. I think the Senator from New Mexico agrees that that word was written into the law.

Mr. FALL. Yes; written in by construction. But what would the Senator have Congress do now? Would he have it fix the prices of all articles?

Mr. OWEN. No. I think that fixing the price of all articles is too involved and too difficult. But I think Congress could provide an administrative method which could pass upon the question as to whether certain prices were reasonable or were unreasonable. Certainly, when it comes to a price that is 300 per cent higher than cost, they might be justified in holding it was not reasonable.

Mr. FALL. What is known generally as the pure-food law is still in effect, and the Attorney General now is proceeding to investigate the reasonableness of prices, is he not?

Mr. OWEN. Yes; and the Congress a few days ago, in amending that act, provided that it should expire as soon as peace was declared, and therefore leaves no remedy on the statute books, even in that limited way; and I think it is very limited and quite inadequate.

Mr. FALL. I am speaking of the conditions now. It may be that the law ought to be continued in effect after peace is declared. But, still, we have the law now, and we had it for two years, and the conditions—if the Senator is complaining of prices, as I understand him to be—have continued despite the fact that this law, which has not yet expired, has been on the statute books for two years.

Mr. OWEN. I think the mechanism is not properly adapted to perform the office which I have suggested. But I will say to the Senator from New Mexico that the method is suggested there, and that method can be worked out if the committees and if Congress will take the matter up and sincerely endeavor to solve this question.

Mr. FALL. Has not the Senator's experience been generally that Congress is ready enough to yield to the necessities of the occasion and the demands of the people and pass such legislation as is demanded, but that, as in the case of the Sherman Act or any other act, it is a question of administration rather than a question of the reasonableness of the action of Congress?

Mr. OWEN. I do not think so.

Mr. FALL. That is exactly the purpose of my question.

Mr. OWEN. I do not think so. On the contrary, I believe that the Democratic administrations and the Republican administrations alike have been exceedingly at fault in administering the Sherman antitrust law, even such as we have, but above all Congress is at fault in not making a workable law.

Mr. FALL. And other laws. That is the exact distinction I am making.

Mr. OWEN. I am talking only about that one law. There can be fault enough found with human agencies of all kinds. But I am only making this comment because I do not want to be silent and have the labor organizations of the country arraigned for the responsibility of disorder in this country, when I know that the disorder is not due so much to the improper conduct or the improper management of these labor organizations, but is far more due to the fact that monopoly is so thoroughly intrenched in this country that when added to it is an expansion of currency, when added to it is the destruction by war of the things people so acutely need, that the conditions become intolerable to those of small fixed incomes and no adequate reserve on which to live.

Mr. THOMAS. Mr. President, I am sure the Senator intends to quote me correctly.

Mr. OWEN. I did not intend to quote the Senator at all.

Mr. THOMAS. He made reference to the speech I made just now. I merely wish to remind the Senator that I pivoted these conditions upon both causes.

Mr. OWEN. Yes; I know. But I got the very painful impression that the Senator inferred that the labor organizations were very much at fault.

Mr. THOMAS. They are.

Mr. OWEN. I think possibly they may be at fault in some of their claims. I am not entirely sure about that, but the monopolies are much more at fault.

Mr. THOMAS. Both sides to the controversy are at fault.

Mr. OWEN. The real trouble in this country is the fact that the country is dominated by a series of monopolies that are unrestrained by law. That is the plain truth about it, and I think the time has come when we ought to know it, or try to know it.

Mr. FALL. In the interruption which I made I was not discussing the labor question at all. The Senator was speaking of monopolies and high prices, and I was asking him simply what his remedy was, and we were discussing, as I understood it, the Sherman Act and the present pure-food law. I had not said a word about labor—whether labor was imposed on or whether labor was not imposed on.

Mr. OWEN. I understand that very well.

Mr. FALL. I am seeking light, because I think we are in rather a serious condition.

Mr. OWEN. I want to say to the Senator that I believe the only way in which we will be able to control these matters is to set up an administrative mechanism that will deal with the interstate commerce, so that these great enterprises—which I commend in the main, because I think they are vital to our civilizarion, and I favor them up to the point where they go beyond a reasonable charge for the services they render—shall be controlled. When they do that I think they ought to be restrained, and I think their policy of *preventing production*, which I am sure takes place in many cases, ought to be changed also, because the more abundantly these things are produced the more people will be able to get them at a fair price, and the better employed the people will be in providing their necessities.

Mr. FALL. We all recognize that as the truth, and we also recognize, and, of course, the Senator knows, because he is a student of history, as we all know, that the very question which he is now discussing has been under discussion for hundreds and thousands of years. I just happen to recall the edict of one of the kings in Spain embodied in one of the first-written codifications of law ever known to civilization, published in 1238. That edict was issued in Spain to this effect:

"Whereas it nas come to our knowledge that some of the merchants of our realm have been in the habit of monopolizing trade in articles of manufacture and fixing prices at which they would sell products and goods and necessities; and

"Whereas it has also come to our knowledge that certain of the members of the guilds of Spain, the workingmen's organizations, have been in the habit of forming combinations and fixing the number of apprentices to be taught their trades; and

"Whereas such acts are contrary to the welfare of the realm in general, they are prohibited under the penalties of the law."

The Senator, of course, realizes the fact that the same character of legislation was enacted in England in the year 1200. We are all poor humans, and I am as anxious as the Senator is, and doubtless as every other Member of the Senate, to do what is right and what is just. I want light, and for that reason I was asking the Senator just what his idea is that Congress can do to remedy the existing conditions.

Mr. OWEN. A good many things can be done to remedy conditions. The main thing, I think, is the one which I first suggested, and among other things, to stimulate production in this country, to simplify methods of distribution and provide by charter a method for the most economical distribution of products in this country, I have worked out such a bill, as a marketing bill, submitted at this session of Congress, just such a measure as was introduced by the junior Senator from Kansas [Mr. CAPPER] a few days ago, providing for cooperative societies in the District of Columbia. I think that system might well be extended elsewhere.

One of the things which has contributed a good deal to expensive living in this country has been the extraordinary inflation of gold coming into this country in exchange for commodities. We had eleven hundred million dollars of gold coming to this country during the war, which added about 30 per cent to our normal circulation. I think we can stabilize the amount of currency which we permit to circulate in the United States and place it at a fixed figure and keep it there.

I think that is one of the things that might be done, but the main thing, the real thing, is to put the hand of the Government upon the wholesale profiteers who prevent production, who arbitrarily fix prices, who, because of the enormous excess profit which they make, set standards of extravagance which are injurious in the highest degree. One can not go into a New York hotel without paying $10 or $15 for a room, and it is because there is such a large number of people who are beneficiaries of this system that they set a false standard, and that false standard, in my judgment, is due directly to the profiteering system and to the monopoly system, so that the whole world points to America as a land of trusts.

The Government should go out of partnership with excess profits, repeal the tax on excess profits, because such tax is added directly on the product and crushes the consumer.

We ought to spread the cost of the war over 50 years, as a means of helping to reduce the costs on goods, for these taxes are passed with accumulated profits on to the prices that fall on the consumer.

Mr. FALL. We undertook to reach the trusts by legislation, and the legislation has only been invoked in the last month or two by the Attorney General. The former Attorney General apparently did not undertake to do it.

Mr. OWEN. We ought to systematically stop the waste of Government activities by a carefully planned budget system, for these expenditures fall on the people. We ought to pass the German and Austrian peace treaties, so that the world may know how to extend credits and get production at home and abroad back to a normal and improved basis.

We ought to extend credits freely to Europe to cover their purchases of raw material and machinery, and thus speed up the production of Europe. Congress has not yet provided an adequate means to this end, although for one I have drawn bills and prayed action on them that would afford the remedy.

The people of this country carried on an earnest campaign trying to correct the abuse of private monopolies before it had assumed very great relative proportions, and 30 years ago passed the Sherman antitrust law. The Sherman antitrust law is to-day little less than an open mockery.

Mr. FALL. The Senator assisted in amending the Sherman antitrust law three or four years ago.

Mr. OWEN. Not very efficiently; but it did at least declare that human labor should not be held "a commodity."

Mr. FALL. That may be. Nevertheless Congress acted, and it acted after three or four or five months of discussion, and the Senator voted for the bill which was passed.

Mr. OWEN. Congress ought to find a way to settle this matter, and ought not to be satisfied with the mere passage of bills which are inefficient and have proven to be so. I pray for progressive action that shall give an adequate remedy for the high cost of living.

Mr. FALL. Unfortunately, poor human judgment errs yet.

Mr. OWEN. I am glad the Senator feels that it is the weakness of human judgment.

Mr. FALL. I do think so.

Mr. OWEN. I think it is more largely the undue influence of those who have great power.

Mr. FALL. The Senator himself was one of the strongest advocates of the Clayton Act which was passed here.

Mr. OWEN. I thought it would help, but it has not helped very much. I was not on the committee and was not well satisfied with it.

Mr. FALL. The Senator was one of the sponsors for the pure-food act which is now on the statute books.

Mr. OWEN. We have made some advances in the last three or four years, learning how things may be done, and I think I have seen something that will help to solve it, and I have made several very practical suggestions to the Senator and to the Senate, which is about all I can do as a member of the minority. I will gladly cooperate with the minority to help this, and I appeal to the more progressive Senators of the majority to act.

Mr. FALL. I am asking yet what it is. Generally, I understand, the Senator objects to the distribution system. I agree with him. How can it be remedied?

Mr. OWEN. What I suggested was that there should be set up an administrative power with authority to pass upon the question of whether or not the prices charged by the interstate monopolies were reasonable or unreasonable, and to require them under license to treat the public reasonably.

Mr. FALL. The trouble with that suggestion is that six years ago it was made by one of the candidates for the Presidency of the United States and was repudiated by the gentleman who was elected, and the passage of the Federal Trade Commission act was insisted upon with the teeth cut out of it by the present administration.

Mr. OWEN. I am in favor of putting very substantial teeth in it.

Mr. FALL. So was Theodore Roosevelt.

Mr. OWEN. Then I am with Theodore Roosevelt on that, as I have been in a good many other things, especially in his demand for popular government, the initiative and referendum and the recall.

Mr. President, I ask permission to insert in the RECORD the item with regard to the attitude of the Vatican. I think it is a very important step and one that will be of great value to the world.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The matter referred to is as follows:

VATICAN WILL AID LIBERALS OF THE WORLD—PAPAL LETTER ANNOUNCES RELATIONS WITH DEMOCRACIES—FOUR PLANKS OF ITS SOCIAL PROGRAM GIVEN—FIGHT ON BOLSHEVISM AND EDUCATION OF PROLETARIAT INCLUDED.

PARIS, *September 8.*

Politically the Vatican has joined hands with democracies and cast its lot with the new world-wide liberal movement, it was brought out in a Papal letter addressed to Cardinal Lucon and made public to-day in connection with participation of French Catholics in the coming parliamentary elections.

The Vatican will hereafter accept democracy as the only source of political power and will work to build up and establish democratic government.

ANNOUNCES FOUR PLANS.

The Vatican program contains four definite planks for the establishment of social peace. They comprise:

Cooperation of all classes.
Coalition of all classes against Bolshevism.
Acceptance of democracy.
Education of the proletariat.

NO PREVIOUS DEMOCRATIC RELATIONS.

Immediately preceding the war decline of monarchies and growth of democracies had left the Vatican with but the Hapsburg and Spanish monarchies for political allegiance. No diplomatic relations were maintained with Europe's democracies.

The fall of the Hapsburg dynasty left but one Catholic monarchy, and the Pope faced the necessity of recognizing democracies or practically disappearing from the diplomatic world. Pope Benedict has frankly announced his choice of the former.

SITUATION IN FRANCE AND ITALY.

One almost certain result of this policy will be eventual resumption of political and diplomatic relations with France and Italy, thus gaining support in the two leading Catholic countries of Europe, a move which will make up for the loss of influence in Austria-Hungary. The movement for reconciliation with political government is already well advanced in Italy.

In his letter to Cardinal Lucon the Pope said, in part:

"The great outstanding fact in the world to-day is the ever-strengthening current everywhere toward democracy. The proletariat classes, as they are called, having taken the preponderant part in the war, desire in every country to derive therefrom the maximum advantage.

"Unfortunately, this is often pushed to excess. They would overturn the social order, which human nature renders necessary to the detriment of everybody.

"The Catholic Church has always loved those who suffer and has always taught that public powers established for the common good must work especially to improve conditions of those who suffer.

"That is why the Catholic clergy must not oppose the proletarian revindications, but must favor them, providing they remain within the limits of honesty and justice."

Mr. SPENCER. Mr. President, as in legislative session, I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Thursday, September 25, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *September 24, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty Father, out of the substance of whose Being sprang forth in love, the vast and stupendous universe and all that dwells therein, we thank Thee for the beautiful world, full of all the necessities and joys of life, in which Thou hast placed us as sojourners—a veritable school out of which we may develop all that is purest and best in us.

Teach us how to live together in brotherly love, that discords, contentions, selfish ambitions and foolish desires may vanish and peace dwell among us now and always. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

PUBLICATION OF THE CHAPLAIN'S PRAYERS.

Mr. ASHBROOK. Mr. Speaker, I desire to submit an inquiry which may or may not be a parliamentary inquiry. I would say, Mr. Speaker, that several years ago at my suggestion the then Speaker of the House, Mr. CLARK, ordered the Chaplain's prayers to be printed for each Congress in book form. I desire to know whether or not that is a continuing order, and, if not, if the present Speaker looks with favor on it?

The SPEAKER. As the Chair remembers, that was not done by the Speaker but was done by order of the Congress.

Mr. ASHBROOK. I think the Speaker's information is not correct. I called it to the attention of the Speaker, and he ordered the printing of the prayers in book form, without any further action.

The SPEAKER. The Chair knows of no authority permitting it to be done in that way. It must be done by resolution.

Mr. ASHBROOK. Then, in the opinion of the Speaker, it is necessary to have such a resolution?

The SPEAKER. Yes. To-day is Calendar Wednesday, and the Clerk will call the roll of committees.

CALENDAR WEDNESDAY—REGULATION OF RAILROAD RATES.

Mr. ESCH (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I call up the bill (S. 641) to amend section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control," and so forth. It is on the Union Calendar.

The SPEAKER. The chairman of the Committee on Interstate and Foreign Commerce calls up the bill S. 641. This is on the Union Calendar, and the House will automatically resolve itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 641, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 641, which the Clerk will report by title.

The Clerk read as follows:

A bill (S. 641) to amend section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918.

Mr. ESCH. Mr. Chairman, I move that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Wisconsin moves that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none. The gentleman from Wisconsin is recognized for one hour.

Mr. ESCH. Mr. Chairman, there is a widespread interest in the pending legislation. Petitions, telegrams, and letters have come to the committee and to individual Members of the House from all parts of the country asking that this legislation be enacted. The large business institutions of the country, manufacturing concerns, chambers of commerce, traffic boards, and individual shippers ask that there shall be restored to the Interstate Commerce Commission the powers over rates, fares, charges, classifications, regulations, and practices which the commission had and which they exercised prior to Federal control.

The committee gave extensive hearings to those interested in the legislation, for and against. Among those appearing before the committee were representatives of the State railroad commissions, and an argument was presented in behalf of this legislation by Mr. Charles E. Elmquist, who is the local representative of the State commissions. So that in the presentation we have the assurance that the various State commissions indorse this legislation. But aside from Mr. Elmquist's individual presentation, there were sent to the committee the views of some of the individual State commissions and some of the individual commissioners.

It may be asked why this legislation is sought at this time, in view of the probable action on the part of Congress in restoring the roads to private ownership and operation. In my opinion there is greater need of this legislation now than at any time in the past. The nearer the end of Federal control approaches the greater is the possibility and probability of further increases in the rate levels. We had a general increase of rate levels under order 25, effective the 25th of June, 1918. The increase affected both freight and passenger rates. It caused widespread confusion throughout the country. It largely increased the burden of transportation, the cost of production, and cost to consumers. Any flat increase of the level of rates inevitably results in destroying the relationship of rates. And unless these are maintained at various basic points, confusion results. Uncertainty in business is an inevitable consequence. And for months after this order was issued it was necessary for the officials of the Railroad Administration to send their traffic men to make necessary readjustments.

Is there fear or is there prospect of another increase in the level of rates before Federal control shall cease? I can not speak with authority. I can only state the situation as it exists at the present moment and leave you to your own deductions. For every month of Federal control the earnings of the carriers were less than the standard return guaranteed to the roads under the Federal control act, except in the month of July, the last month for which we have statistics. The roads up to the 1st of July had fallen practically $500,000,000 below the standard return guaranteed by the Government. But in the month of July there was an excess of about $2,000,000. The results of operation for August are not yet available, but it is reasonable to presume that August will also show a surplus, and this month of September might show a surplus unless the strike conditions in the steel industry cause a deficit.

It is the strike situation now pending that causes concern as to the earnings of the roads for the month of September, and, if the strike conditions continue, for succeeding months. We all know that the steel industry, with its allied industries, is one of the fundamental industries of the Nation. It produces a tremendous amount of tonnage, and many other industries are dependent thereon. If this great industry is hampered and its output is materially lessened, and the output of all industries dependent thereon is greatly lessened, you can understand what effect that would have upon the freight earnings of the roads. I therefore fear that the strike situation, if long continued, will result in a very marked reduction in the freight earnings of the roads, and by so much will create a deficit in the earnings below the standard return, which must be paid out of the Federal Treasury.

But this is not the only situation that causes us to fear that we will not continue to earn the standard return. This other situation arises on account of the demand made by the various railroad employees' organizations for still further increases of pay. The shopmen have already laid before the Director General their demands, and the locomotive engineers have already presented their demands, and other labor organizations among railroad employees will in the near future, perhaps, present their demands for increases of wages.

Mr. BLANTON. Mr. Chairman, will the gentleman yield for a question?

Mr. ESCH. I would prefer to go on, but I will yield to the gentleman for a question.

Mr. BLANTON. I notice in the morning papers that the president of the American Federation of Labor states emphatically that if Congress passes what is known as the Cummins return railroad bill his Federation will pay no attention whatever to it, but will disregard it and disobey the law. What I wanted to ask the chairman was this: Have we Mr. Gompers's permission to pass this bill? Have we his permission to pass it before we waste our time in making it a law?

Mr. ESCH. We have not heard Mr. Gompers or any representative of railroad brotherhoods on this bill. They sought no hearing.

I would state that these increased demands for pay by these various railroad employees' organizations, if granted, will still further tend to lessen the net operating income and increase the possibilities of deficits payable out of the Federal Treasury. I understand, from newspaper accounts only, however, that the Director General has agreed tentatively to increases in the pay of the shopmen, ranging from 4 cents to 20 cents an hour. There are some 600,000 of them.

If an increase of only 4 cents an hour is granted, it would involve, as I am informed, a total additional cost of operation of $45,000,000 per annum, and when one demand is allowed the inevitable tendency is for other organizations to put in demands, and the cumulative effect of the granting of these demands will be an increased deficit. So I again call attention to the fact that in view of this situation we can not hope that the surplus in July will be repeated or increased in succeeding months if these conditions continue and these demands are granted.

What is the inevitable conclusion? This and this only: The demand on the part of the Director General for an increase of rates may be from 15 to 25 per cent. The increase of 25 per cent in June of last year involved an additional burden upon the shippers of the United States of almost $1,000,000,000. So this situation presents itself, that there is prospect and probability of a further increase in the rate levels. What this bill does in such an emergency is to give to some regulatory body the power of passing upon the justness and reasonableness of such an increase of the rate level, a body which by reason of its experience and its equipment and its service can promptly and with due regard to conflicting interests and to rival territory make a wise adjustment of the rates.

We believe that this bill provides that relief in restoring to the commission the power to suspend the increase ordered by the President through the Director General until it shall have had the time to consider the effect of rate levels and the justness of such increase. It is a large problem. It involves the whole Nation, and for that reason we believe the legislation proposed should be enacted.

One of the powers—the great power exercised to-day under the Federal control act by the President, through the Director General—is the power of initiating rates, fares, charges, rules, practices, and regulations. He has that enormous power, granted him under the Federal control act. This bill does not take that power from him. He is still given the power to initiate both interstate and intrastate rates. Therefore we do not here change the policy. The President still has the power, through the initiation of rates, of determining the policy. But under this bill, while the President still retains the power of initiating these rates, fares, charges, and so forth, he has not the power of putting them into effect without notice or with such notice as he sees fit to give. Under this bill, when he initiates the rate, notice thereof must be given, as was required under the original interstate act before Federal control began, and the schedules had to be filed with the Interstate Commerce Commission 30 days ahead of their becoming effective. Under this bill we restore the normal operation of the interstate-commerce act with reference to passing upon rates, fares, and charges. We restore the power of the commission to suspend an increase in the level of rates or to increase specific rates until the commission shall have opportunity to review such increase and make the necessary and proper adjustments in the interest of the great shipping public, which in the end pays the freight.

Under this bill, as I say, we do not take away from the President the power of initiation of rates. All we ask is that when the President has initiated the rates the notice thereof shall be properly filed, the schedules shall be properly filed, and the commission shall have the right to suspend those rates pending a consideration of their justness and their reasonableness.

Is there anything wrong about that? Why, gentlemen, think of the power we have granted under the Federal control act, of giving to one man the right of increasing overnight the level of rates affecting 110,000,000 people—a tremendous power; and we only granted it through the exercise of a war power. But now that the war is ended and peace conditions are restored, the people feel that we should get back to normal and get back to the Constitution.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Ohio?

Mr. ESCH. Yes.

Mr. EMERSON. Why do you vest this power to initiate rates in the President instead of the Director General?

Mr. ESCH. The Director General is not recognized in the Federal control act at all. You will not find that office mentioned in the Federal control act, and we did not want to recognize it in this bill because by so doing we would make it a statutory office. We, therefore, put the power in the hands of the President, where it was placed by the original Federal control act. This one-man power granted under the Federal control act gave to one man the power of setting aside both acts of Congress and acts of State legislatures, of setting aside the rulings of the Interstate Commerce Commission, of State commissions; yes, and of the courts themselves.

Do we want to continue a supreme arbitrary power like that, now that the armistice has been signed 9 or 10 months ago? Public opinion as represented in petitions, resolutions, memorials, telegrams, and letters coming to us indicates that the public is desirous of getting back again to the same control, under the operation of the same laws, that existed prior to Federal control.

As illustrative of the power we placed in the hands of the Director General—and I do not stand here to criticize him, for I pay my tribute to his distinguished ability—I wish to state that in issuing order No. 27 with reference to wastage in grain cars he practically changed the common law by putting upon the shipper of grain the burden of proving negligence on the part of the carrier even after his grain had been delivered in the car. It took months of appeals from the grain shippers of the United States, thousands of telegrams directed to the Director General here in Washington, and a visit from interested shippers to the department before that order was modified. This is but one illustration. Another is an order issued that the owner of an industrial plant who wished to put an industrial spur between his plant and the main line had to pay for that industrial spur, and even was required to pay the cost of laying the rails from the point of clearance to the switch point, although that portion of the industrial track was wholly on the railroad property, and the owner of the industrial plant was repaid that cost by a charge of $2 per car. The owner of that industrial plant was also required to keep that part of the switch between the clearance point and the switch point free from snow and ice during the winter months. These are but illustrative of the power exercised by the Director General under the Federal control law which we have enacted. The shipping interests of the Nation want a day in court.

How are rates now determined? They are practically determined by so-called district traffic committees located in the various business and traffic centers of the United States. When Federal control began these district committees consisted of two representatives of the railroads and one representative of the shipping interests.

When this was brought to the attention of the country and pressure was brought to bear, the district traffic committees were increased in size, so that three representatives of the railroads and two representatives of the larger shippers or traffic associations of the district were put on the committees. There was, therefore, at the very start a railroad atmosphere in the district traffic committees of the United States. I do not complain, but it is only natural for the three representatives of the railroads, in the matter of adjusting the rates, to take that view of the situation which would inure to the advantage of the carriers. These district traffic committees are composed of honest and efficient men, but they hold only informal hearings when a shipper makes complaint. There is really no record kept. There are no hearings, as stated by the Supreme Court in certain decisions interpreting the interstate-commerce act. There are no real hearings, and if the shipper does not get a favorable ruling from the district traffic committee he has a right to appeal to another committee, and then that committee forwards its report to the Railroad Administration here in Washington. The trouble is the shipping interests do not believe that they have their day in court. They have not an opportunity of presenting their side of the situation, as they know they would have had before Federal control began. Therefore what they are asking to-day is a day in court, and this bill, if enacted, would give it to them.

I do not wish to consume all the time. I now come to the changes which this bill makes in existing law. It only seeks to amend section 10 of the Federal control act. That is the section which gives the President the power of initiating rates, fares, charges, and so forth, and also gives to the Interstate Commerce Commission, upon complaint, the right to review any rate initiated by the President, but it is required to keep in view the fact that the railroads are under a unified system of control and that there is no longer competition between them. It was also provided that the President could issue a certificate in case he increased the level of rates, to be filed with the commission, to the effect that in his opinion the increased cost of operation, due to whatever cause, made it necessary for the railroads to increase their revenue, and when such certificate was filed by the President, the commission, in passing upon such rates on complaint, was required to take the certificate of the President into consideration. That is all proper enough in time of war emergency. This bill leaves the power of initiation

in the President, as I have stated, as to both interstate and intrastate rates, but restores to the commission all the powers it had as to review and suspension of rates which it had exercised prior to the commencement of Federal control with this exception: By an amendment passed in August, 1917, to the interstate commerce act the Interstate Commerce Commission must first agree to any increase of rates before they could be filed. We, in this bill, do not believe that that limitation should be applicable to the President of the United States, he still retaining the power to initiate the rates, and so we put in a provision excepting that amendment of August 9, 1917, so as not to require the President to ask the Interstate Commerce Commission to agree in advance to the increased rates before the same could be filed.

This amended section 10 also contains two provisions with reference to the collection of judgments. In the early months of Federal control there was much complaint about delays in securing the payment of judgments, and there is still cause for complaint. So we put in the provisions which you will find about the middle of page 2, where we say that—

The final judgments based on claims accruing prior to the Government control shall be paid by the President out of such compensation as is or has been agreed to be paid to such carrier except as otherwise provided in the form of standard contract dated April 5, 1919.

We believe that these provisions will allay any further anxiety as to the payment of judgments secured prior to Federal control or during the period of Federal control. I will say in justice to the Director General that he was very anxious to see that all such claims were promptly paid, and said he would aid the creditor or the plaintiff in finding property that was still subject to execution in order to satisfy judgments.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. SMITH of Michigan. I noticed in the paper several days ago that shippers living 200 miles this side of the Pacific coast desiring to ship goods east, to New York or other points, must first ship their goods to San Francisco and afterwards bring them back several hundred miles over the same route in shipping them to those eastern points. Can the gentleman explain that situation?

Mr. ESCH. That relates more properly to legislation which we will bring in later, but is not involved in this legislation.

Now, I want to call your attention to the proviso in the middle of page 4 in reference to the status of intrastate rates. I have already said that the President retains the power to initiate intrastate rates, and we say, in line 9:

Provided, That no change or increase shall hereafter be made in intrastate rates, fares, charges, classifications, regulations, or practices without having first secured the approval of the proper State regulating tribunals conformable to the laws of the several States.

In other words, the President shall file with the State commission the notices of increases or changes in intrastate rates, fares, and charges, and so on, and these shall be passed upon by the proper State regulatory authorities.

The last paragraph of the bill should properly be designated as section 2. It makes a change in the statute of limitations for claims for reparation, and also claims for damage and loss of property, and excludes from the two years' period now allowed within which to file such claims the period of Federal control. The committee felt convinced that the shippers should be entitled to this favor, because of the fact that during Federal control many of the traffic experts of the railroads left the service and entered the military branch, entailing more or less delay because their tariff departments were undermanned. Then there was preference given to shipments of war supplies, and general commercial business was more or less neglected or ignored, so that many shippers, after the two years in which they could file claims had elapsed, upon presenting their claims, were refused by the carriers, who invoked the statute of limitations and resisted payment.

These, gentlemen, are a few of the salient features of the pending measure, and I hope that when you consider the same you will agree that it is wise and salutary legislation, and ought to be speedily enacted. [Applause.]

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is any gentleman opposed to the bill?

Mr. SIMS. I am opposed to the bill, Mr. Chairman, and I would like to have an opportunity to state why I oppose the bill. If the House will give this bill calm and full consideration, which I have no doubt it will, I do not believe there will be 20 votes for it without proper amendments. Yet there is no minority report, and why? Because it will be so plain and easily determined what the amendments should be that we do not need any minority report.

This is a bill giving the Interstate Commerce Commission power to suspend rates that are initiated by the President. Why do we want the President to initiate rates if he has no power to put them in force. It is one of the most highly expert services that a railroad official can perform—initiating a rate schedule. It requires knowledge of the effect the rates will have on the traffic and upon the country, upon the shipper, upon the consumer, and upon everybody.

A bill was passed for taking the railroads over and operating them during the war and 21 months thereafter, exclusively for war purposes. I mean that that was the only reason given for taking them over. All the ordinary rules and regulations and procedure gave way to the war purpose. In order that the war purpose might be carried out, the President was empowered to initiate rates and to put them into full operation and effect. That power was given to the President of the United States through such agency as he might appoint for that purpose.

But the law did provide that upon complaint rates made and put into effect upon hearing and consideration, the Interstate Commerce Commission should have the power to modify or suspend the rate.

Now, only one rate increase has taken place by the President or the Director General. It was an increase of 25 per cent. A howl went up all over the country about this increase. Complaints came from everywhere, and what do we now hear from the railroads themselves, the owners, those who will have charge and responsibility for the service as soon as they are returned? They say that the increase was not sufficient and that a further increase is absolutely necessary to keep them from going into bankruptcy on the return of the railroads.

Why bring in a bill so illogical as to require the President of the United States, through such agencies as he may appoint, to initiate rates? Why provide that he is to bring in a schedule saying what rates shall be on corn, tobacco, wheat, iron, steel, all over the United States, something that it will take weeks and months to make, and then provide that the Interstate Commerce Commission, either with or without complaint, may suspend the rates and prevent them going into effect until a hearing has been had by the Interstate Commerce Commission? Pray tell me how long it would take the commission to have a just, fair, illuminating hearing on rates all over the United States? Whenever the President initiates a rate it applies to the whole United States, not to a particular section or district. I do not care if the rates be increased only 5 per cent, it will be challenged by every interest in the United States that is affected by it, and the pressure would be so great upon the Interstate Commerce Commission that they would not dare refuse to suspend it and give a hearing upon it. They never have in the past, and they never will be in the future. Think about what an embarrassment you place on the Interstate Commerce Commission. Congress has said in its wisdom, according to this bill, that the President is better prepared to initiate the rate schedule than the railroads themselves, and therefore in the public interest it requires the President to initiate the rate schedules, having said to the Interstate Commerce Commission that he is more expert than the rate-making officials of the railroads, who have been making them for years, but that the Interstate Commerce Commission may suspend and not let the rates go into effect until a hearing has been had and the commission is satisfied that the rates ought to go in. You impose the responsibility of preparing a schedule and suggesting the proper rates, and then you do not even give it a prima facie standing until after the commission has had a hearing and has had opportunity to know whether or not it ought to go in.

If this bill is going to take all of the power from the Government, through the President, to initiate and put in rates and protect the taxpayers where possible against further deficits and hold the taxpayer responsible for what it lacks, it will then reduce the President to the pitiful function of merely suggesting something for the Interstate Commerce Commission to immediately suspend. Look at other rate suspensions where they covered only a particular section. Take the 5 per cent rate increase and the 15 per cent increase for the territory lying east of the Mississippi and north of the Ohio and the Potomac Rivers. Months were consumed in hearings, where the increase asked was only 5 per cent. Take the whole United States, and how long would it take the commission to act? It would take months. Therefore the Interstate Commerce Commission would hesitate to suspend the rates, knowing what a hearing would mean and how long the hearing would take, knowing that every day the rates remained in suspension the deficit would get larger for the taxpayer to pay. Why not have the courage, if you pass this bill, to amend it and not give the President the initiating power only. Let the railroads initiate

the rates just as they did when they had full control, and then let the commission, if it thinks proper, suspend the rate and have hearings. The railroads know better what rates they need. Each system knows better what rates will take care of its situation better than the President can know or the Director General. Yet you say here that you will not trust the traffic officials of the Pennsylvania to say what is necessary for them to have. You call on the Director General to make a rate for them. Then the shipper who is interested says the rate ought to be suspended because it is too high, and then the Pennsylvania officials say that the rate ought not to be suspended because it is too low. We go on with that kind of an affair while Uncle Sam holds the bag and is responsible for the results of a rate that he could not put in and enforce for one hour.

I am surprised that a great committee of this House should report this bill without further amendment. Amend it so as to return the rate-initiating power to the railroads, where it belongs, and give the power of suspension to the commission. Then the logical thing would be, where the railroads made a deficit, in so far as a particular railroad is concerned, that the responsibility should cease the moment the rates become effective as to the Government. Let us save the taxpayer; give him a showing for his white ally. Look at present conditions. I do not know whether or not there is in contemplation any further increase of rates, but I know that our committee has heard testimony for more than two months, beginning on the 15th day of July, sitting forenoons and afternoons all of the time, and some of the ablest railroad officials in the country have appeared and said to us that without a further increase in rates and without the constinuance of the standard return, if the roads are returned, it would mean bankruptcy and receiverships inevitably. If you are going to make Uncle Sam, the people of the United States, pay and be responsible for what the railroads fail to make of this standard return, then let the Government, through the agencies it now has, continue to initiate the rates and let them go in and remain in force until modified or set aside by the Interstate Commerce Commission.

There is another inconsistency in this bill. We are not returning to prewar conditions. If we did, the initiation of rates would be returned to the railroads and the Interstate Commerce Commission would not have the power to suspend the rates applicable wholly within a State, intrastate rates. This bill provides that we shall keep the war power for three purposes—one is to initiate rates, the other is to be responsible for the deficit to make up the standard return, and the third is that you may without warrant of law or otherwise control intrastate rates and take that power away from the State commissions. What an inconsistent bill this will be to pass it without amendment.

There is but one way to amend it, and that is to amend it the right way. Take the whole machinery out of the hands of the Government, turn it back to the owners, turn it over to those who are responsible for making rates, who know better how to make them than anybody else, turn them over to the revision of those rate-making bodies who have served a lifetime making rates, and let the Interstate Commerce Commission suspend the interstate rates if it deems they ought to be suspended, or let them put in the increase and let the intrastate rates be passed on by the State authorities under the State laws. Let us not make the taxpayer responsible for any deficit that may exist after the passage of this bill growing out of a rate that has been initiated by the roads and not suspended by the commission. The President does not assume to be qualified to initiate rates, and no one can be qualified to initiate rates covering the whole of the United States as well as the rate-making officials. This bill is a Pandora's box.

Pass this bill if you will and be responsible for the results which will follow. I have no amendments to suggest to the different sections and as to what they propose to accomplish if we are going to return the roads in this way, but there are amendments that ought to be made—at least two of them. One is that rates shall be initiated by the railroads. In other words, repeal the act as far as rate initiating is concerned and permit both State and Federal commissions to act within their respective jurisdictions in proper cases, and then if there is a deficit due to rates made by the State commissions or approved by them and by the Interstate Commerce Commission with the railroads initiating the rates, we have nobody to blame except those who are best qualified to pass judgment on conditions; that is, the railroads as to initiating rates, and the State commissions as to intrastate rates, and the Interstate Commerce Commission as to interstate rates. Let us not make a pretense of this thing. Let us repeal the law, but not as to liabilities already incurred or anything of that sort, but as to rate initiating and rate making and the operation of the roads.

Nobody thinks more of the Interstate Commerce Commission, both as to its members and their ability, than I do, but I do think this will be a mistake if this bill is passed just as it has been reported. I do not know whether these financial men in New York and other places—investment bankers—are correct or not, or whether they may not be mistaken. But they say that laws radical and revolutionary must be enacted by Congress before the roads are returned to private ownership or that issues of railway securities will not find a market anywhere in the world. The railway executives claim that we must have a rate-making provision by Congress that will enable the roads to pay operating expenses, including wages, salaries, proper maintenance, and replacements, and enough over and above that to guarantee 6 per cent return upon the property investment of the roads or there will be no demand for railroad securities. It was claimed back in 1906 by Mr. James J. Hill that the country needed from that time on for 10 or 15 years at least $1,000,000,000 in new railway construction every year—that much new money. That has been 12 or 13 years ago. That billion dollars per annum was not forthcoming in the meantime. Now, there has been no new construction since the war period except such as the Government ordered and put in as a war necessity. The demands for railway construction after this war is finally over and peace is made for the next 10 years with the present high cost of labor and supplies, instead of being $1,000,000,000 a year, it will require $2,000,000,000 a year for the same amount of improvements. An engine now costing forty or fifty thousand dollars will not perform the service that two engines did 10 or 12 years ago that cost no more than one does now; so equipment will call for more money than it ever did. We must take into consideration renewals, repairs, wages, and salaries, and not shut our eyes and blindly return the roads with no power to meet new conditions. The body that has got the right to suspend a rate is the real rate-making authority. The commissioners are good men, but you know what pressure means. Members of Congress know how great pressure is brought, which is legitimate touching legislation, and how hard it is to resist it.

When the commission hears the storm of protest from morning until night and when their mail is loaded down with letters claiming that the initiated rates that have been made by the Government will put them out of business, it will be almost impossible to refuse a suspension. With such a prima facie case as will be shown on the side of the shippers, the commission will be almost superhuman not to suspend the proposed rates under such pressure of public demand. When once suspended nobody knows when the matter will be finally disposed of. Now, let us act boldly, but cautiously and effectively. If we continue Federal control of the railroads, that will hold the Government liable for the standard return and require us to maintain and keep the railroads in efficient condition to serve the country. Now, do not make it practically impossible for the Government to do it. It will be possible to suspend every rate unless it is a rate made by the President, even an intrastate rate. Therefore, unless somebody else does it, I feel constrained to offer two amendments. One is to take away from the President, if this bill passes, any responsibility for the initiation of rates that is left in him by the bill as reported. Restore to the commissions, State and National, the full authority they had before the war came on with reference to rates over which they respectively have jurisdiction, and let the railroad authorities, the most competent you can possibly get, initiate such rates as they think they will have to have, and let them be suspended if the commission thinks they ought to be suspended.

Mr. DENISON. Will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. DENISON. Of course, the railroads do not have charge of the properties themselves and will not until they are released. If the gentleman takes from the President the authority to initiate rates, the railroad companies would have no authority to initiate rates because we have not returned the properties. Now, who would initiate the rates?

Mr. SIMS. Restore that power to them. Did not I say that?

Mr. DENISON. No; the gentleman did not.

Mr. SIMS. Well, I meant to say restore the power to initiate rates, and when we do do it and the commission passes on it then all further liability of the Government for the standard return as to the road shall cease.

Mr. DENISON. Of course, the gentleman means to offer an amendment immediately to repeal the Federal control act?

Mr. SIMS. No; it would not be to immediately repeal it.

Mr. DENISON. That would be the substance of it.

Mr. SIMS. No; not necessarily, because the railroads may make rates that will not be suspended. They may go into effect.

Mr. FAIRFIELD. Will the gentleman yield?

Mr. SIMS. Certainly.

Mr. FAIRFIELD. I am very much interested in the gentleman's discussion of this bill. I want to know if in your judgment you think it wise to discontinue Government control at this time and immediately?

Mr. SIMS. I do not think it wise to do it, but I think if we are going to do it you should do it completely and wholly and not by piecemeal. We have a divided responsibility in this bill. What is the use, what is the practical reason, for the Government to initiate rates and not have the power to put them into operation? There is no good common business sense in doing such a thing. Of course, if the railroads begin to operate their own property now, and the standard returns should remain in effect, they could be as inefficient as they might want to be. But I believe they would endeavor to be efficient. But knowing they would have the entire responsibility for the successful running of the roads, my opinion is that they would do everything they could to cut down expenses and increase revenue. That would be natural. But I think that it would be a mistake at this time to repeal the law absolutely, all of it, right away, and stop payment of the standard return. There exists a great state of uncertainty and unrest, and nobody knows what will happen.

Now, the war purpose was a national purpose; the war use was one that appealed to everybody's patriotism, and if operated during the war as an adjunct to the winning of the war, and at a deficit, let the people pay it as they do everything else in the way of war expenditure and be done with it. But this deficit ought not to continue any longer than it is possible to prevent it. But if we simply create a power of suspension in the Interstate Commerce Commission, I should feel, if I was President, that I would not initiate rates at all. What would be the use? He can not put them in force. Restore to the railroads the power to initiate rates and restore to the commission the power to pass on them, just as they did before the war; then, when the rates have been initiated by the railroads and put in force, let the Government liability cease. The railroads are interested in making all they can; we are interested in saving to the people all we can.

I took that position when we passed the original Federal control law. When we passed it I was not in favor of putting any limitation on the time of Government control, and gave as my reason that conditions would exist after the war that we could not foresee, and that Congress would still have the power to act, and that we ought to assume that future Congresses would know better what to do than that Congress could possibly foresee. I do not believe it would be wise at this time to repeal this law absolutely; certainly with no time for the railroads to prepare themselves for corporate action.

Mr. SWEET. Will the gentleman yield?

Mr. SIMS. I will.

Mr. SWEET. Is the gentleman in favor of the bill he introduced on May 19, 1919, whereby "the Federal control of railroads and transportation systems herein and heretofore provided for shall be continued for and during the period of the war and thereafter until January 1, 1924"?

Mr. SIMS. I will state to the gentleman that that bill was introduced in the Sixty-fifth Congress. As you all remember, Secretary McAdoo made a suggestion——

Mr. SWEET. I will say that it was also introduced in the Sixty-sixth Congress.

Mr. SIMS. I am going to explain if the gentleman will give me an opportunity.

When it was introduced it was to continue control to 1924. In this Congress it was reintroduced without change. I will vote for the bill and advocate it, with amendments making the operation during Federal control conform to peace-time commercial purposes and provide for such additional powers to be restored to the Interstate Commerce Commission as will aid in securing the best peace-time service for a period at least during the 21 months following the peace proclamation, if we are ever to have any, during which time the present disturbed conditions will subside and a normal condition in business and transportation will return. And when it does return we can legislate with a great deal more certainty and safety and wisdom than we can now. The gentleman from Iowa heard Mr. Clifford Thorne in his statement to our committee yesterday, did he not?

Mr. SWEET. I did.

Mr. SIMS. Does the gentleman remember what he suggested in his closing remarks? The substance was, as I recall it, that he and almost everybody else was in favor of the immediate return of the railroads after the armistice, that he so expressed himself when he appeared in favor of this bill. And yet, as I understood him yesterday, he now thinks it would be unwise to do so and that we had best let the 21 months run with Government liability in order that times might become normal, and then legislate with reference to conditions yet to arise, instead of guessing at them, as we must do now.

Many men are changing their opinions about this matter; they are changing them very rapidly. A state of unrest is present in every kind of industry, not alone in the railroad industry but in everything. Railroad men, those responsible, do not want these properties back without some guaranty that conditions that have arisen out of the war shall be taken care of by the whole country. We have been working for two and one-half months to try to report a bill amending and improving the existing law—the prewar existing law. And there were about as many plans presented as there were gentlemen who appeared before us, and we are not to-day ready to make a report as to what should be done.

Why do this job by piecemeal? Why pass this bill and then pass another that will supersede the effect, possibly, of this bill? We are going too fast. But if we are going to do anything let us not do just a part of it. If this bill is to pass, let us take the initiation of rates away from the President and return it to the railroads and restore the power to the Interstate Commerce Commission to suspend such rates, and restore the power to the State commissions to function just as they did before the war. Let us stop the Government liability not immediately; but as soon as the Interstate Commerce Commission and the State commissions have acted on whatever is presented by the railroads in the way of increases or decreases in rates, and then stop the liability of the taxpayer to make good the mistakes of the railroads or the commissions in regard to rates and operations of the carriers. I do not know how we can pursue a wiser course.

I have no objection to this bill, provided we do not continue the rate initiating power in the President, but with no power to put such rates in force. I do not think this bill, just as it is, ought to pass.

Mr. Chairman, I retain the rest of my time. How much time did I use?

The CHAIRMAN. The Chair will inform the gentleman in a moment.

Mr. ESCH. Mr. Chairman, how much time has the gentleman?

The CHAIRMAN. The gentleman from Wisconsin has 25 minutes remaining.

Mr. SIMS. How much time have I remaining?

The CHAIRMAN. The gentleman has 25 minutes remaining.

Mr. SIMS. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. BLANTON].

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

Mr. BLANTON. Mr. Chairman, I desire to read to the House a few excerpts from our morning paper.

Mr. KING. What papers is the gentleman going to read from?

Mr. BLANTON. I will first read from the Washington Post of yesterday:

MOB SEIZES TOWN; DRIVE OUT POLICE—THREE GIRLS WHO REFUSE TO STRIKE HELD PRISONERS WITHOUT FOOD.

DRUMRIGHT, OKLA., *September 22.*

Drumright to-night is in the hands of a mob, which, having disarmed the chief and members of the police department and driven the latter from town while threatening the former with death unless he resigned, has warned the Bell Telephone Co. that if demands of the striking telephone girls are not granted its plant will be burned.

Three young women operators who refused to strike are reported to be held prisoners by the mob in the telephone building, where their friends are refused admittance or the right to supply them with food.

Yesterday's papers and to-day's papers reiterate the fact that in the strikes which are going on throughout our Nation to-day not only are the lives of human beings taken but numerous citizens—men, women, and children—are injured, some of them seriously injured.

Mr. Chairman and colleagues, our Constitution and that flag guarantee to every person in this Union protection in his life and in his liberty, in his right to work when and where he pleases under the laws of this land——

Mr. KING. Mr. Chairman, will the distinguished gentleman yield?

Mr. BLANTON. I am sorry I can not. I have just 10 minutes, and I desire to say something that should be of vital importance to the House of Representatives. In his right to acquire and hold property, if you please, one of the most sacred rights that is given to a citizen under the Constitution of the land; in his right to follow the pursuit of happiness, with proper limitations and restrictions, if you please. These are the sacred rights guaranteed by the Constitution. Every man has a right to quit work when he wants to. Any combination of men have the right to quit work when they want to. But under

the Constitution of the land and under the principles guaranteed by that flag the men or the combination of men who desire to quit work themselves, while having that right, have no right whatever under the law to interfere with the inalienable God-given right of every other citizen to work for his daily bread in this land if to work is his desire. Yet by force and threats men and women are now prevented from doing honest work, with laws of God and country disregarded.

I want to say that it is a disgrace to this Nation and it is a disgrace to the flag we love for three innocent working girls of Oklahoma to be taken captive, if you please, and to be locked up in a building by strikers because, forsooth, they wanted to work and not strike; and when they are denied access to their friends and relatives, when they are denied the right of water to drink and bread to eat. My God! what is coming next in this land of law and freedom? I want to say that the time has come now, shame to our flag and country, when Samuel Gompers, the president of the American Federation of Labor, through to-day's papers, arrogantly and threateningly tells us that we have not the right to pass a law proposed by a Member of Congress; that if the Cummins bill, forsooth, is passed, he and the American Federation of Labor will absolutely disregard it; that they will ignore it; that they will deliberately disobey the law of the country as passed by Congress.

Are we going to sit here supinely? How much longer? How much longer, I ask you, colleagues? If a Member of Congress should maliciously attack and assault and take the life of his fellow man, he would be guilty of murder, and he would be punished. If a Member of Congress locks up a poor, innocent telephone girl because she refuses to strike and denies to her food and water and the boon of being visited by friends, he would be guilty of a most serious crime against the laws of his State. If Members of Congress went out here to some plant and by threats, assaults, and malicious killings tried to stop men who were working for their bread, they would be guilty of a most heinous conspiracy against the laws of our land, and they would be accorded the maximum punishment. And yet we permit lives to be taken, to be ruthlessly taken, by angry strikers in the face of the law, with Samuel Gompers applauding. I want to know how much longer we are going to permit this anarchy to prevail in the United States of America. I want to know to what maximum degree of heinousness we are going to permit the laws of this country to be violated and acts of anarchy continued to be committed in our land until we are going to wake up like men and say to Samuel Gompers and his various unions forming the American Federation of Labor: "You have got to obey the law the same as every other citizen of this land, for Congress is going to compel you to stop this lawlessness." That is the question we are going to have to vote on now within a very short time. That is a question that confronts us all. That is the biggest question that has ever confronted Congress, if you please.

What are you going to do when the time comes? Are you going to have the papers say that the Committee of the Whole does so and so, and then when we come into the House and you and I come to go down on record the papers will say we would not stand hitched on the question? "That when Mr. Gompers puts us to the real test and reminds us of his threat to take our jobs away from us the House once again bolted the action of the Committee of the Whole and once again obeyed the mandate of the labor autocrat?" How many more times is that to be done in this House of Representatives? Let us all steel ourselves for this great test. Let us all girt ourselves with our whole armor, so that, unflinchingly, we may, like men, meet this great supreme test when it comes.

I want to say that I believe that 90 per cent of the people of the United States have their eyes on this Congress. I want to say that 90 per cent of the citizenship of this land are looking to us to restore law and order. I want to say as to the soldiery who have come back from France, who offered their all in the World War, who in trenches, cootie infected, knee-deep in mud, and blood-drenched with dead bodies, fought for the flag they loved for $33 a month and their keep—I want to say that we can depend upon that soldiery to restore order in the land and to make even the members of the American Federation of Labor, including their all-powerful president, obey the law.

I take my hat off to the biggest man in this House, in my judgment; I take my hat off to the most courageous man I ever heard speak on the floor of this House, and that is the distinguished, able, big-hearted, patriotic gentleman from Ohio [Mr. COOPER], who, brave as a lion, spoke here yesterday words that it took courage of the Marne to speak. It took courage not surpassed by any that ever crossed no man's land for that man to tell us what was in his heart and in his mind and in the hearts and minds of the people of this country. I take my hat off to him. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MCFADDEN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2910. An act to revive and reenact the act entitled "An act to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild, reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee," approved April 5, 1916.

The message also announced that the Senate had passed with amendment to the title of the bill (H. R. 9091) granting the consent of Congress to the county of Hennepin to construct, maintain, and operate a bridge across the Minnesota River.

AMENDING THE FEDERAL CONTROL ACT.

The committee resumed its session.

Mr. ESCH. We have only one more speech on this side.

Mr. SIMS. If you will turn to page 3, line 8, of the bill, where it says—

That during the period of Federal control the right to initiate or change rates, fares, charges, classifications, regulations, and practices exercised prior to the 29th day of December, 1917, by the carriers now under Federal control, shall hereafter be exercised by the President.

I shall move to strike out the word "President" and insert the word "carriers.'

Then, on page 4, beginning at the end of line 2, I shall move to strike out all in italics down to and including line 13 to the word "to." Then on the same page, in line 19, after the word "formerly," I shall move to strike out all the rest of the paragraph down to and including line 2 on page 5.

I may present the other amendment, but I shall have to formulate that first, as to further liability of the Government after the commission has passed on the rates.

Mr. Chairman, I have no other demand for time and will not use any further time.

Mr. ESCH. I thought the gentleman from Texas desired time.

Mr. SIMS. He has notified me that he does not desire any further time.

Mr. ESCH. I yield the remainder of my time to the gentleman from Indiana [Mr. SANDERS].

Mr. SANDERS of Indiana. Mr. Chairman and gentlemen of the committee, this is a Senate bill which makes about four changes in section 10 of the Federal control act.

The Federal control act was passed after the President took over the railroads, and section 10 provided amongst other things that the President should have the right to initiate freight and passenger rates. It deprived the Interstate Commerce Commission of the power it had had hitherto of passing upon rates before they became effective, that is, the power of suspension. That power in the Interstate Commerce Commission had grown up after many years, under the interstate commerce act. It was the power to suspend the rates for a period of 120 days when they were proposed by the carriers, and thereafter for another period, not exceeding six months, if they had not had sufficient hearings. It also provided for 30 days' notice. When we passed the Federal control act we put all the rate-making power in the hands of the President of the United States, who delegated that power to the Director General. We provided, of course, that the Director General should file the tariffs with the Interstate Commerce Commission, but we gave the Interstate Commerce Commission no power to suspend the rates, and therefore the Interstate Commerce Commission became merely the agency through which the Director General, as representing the President, put the rates into effect. There was no requirement for any notice to the shippers, except that the act provided that the President might give such notice as he should desire.

Of course in the Federal control act we preserved the right of the Interstate Commerce Commission to review any particular rate when it was assaulted by a complaint, but that was all the power that we left with the Interstate Commerce Commission. Those of us who were here when the act was passed recall that there was a great division of opinion among the Members of Congress as to whether the power should be lodged in the President or in the Interstate Commerce Commission to initiate rates, and as to whether or not this power of suspension should be taken from the Interstate Commerce Commission. But during the war the President initiated rates through the Director General. The President, of course, had nothing to do with it personally. He initiated the rates through the Director General, who did it by means of freight-traffic committees that he had over the country. They investigated, made reports to him, and he initiated the rates. He put into effect a sweeping horizontal increase throughout the entire country.

Every person who has made a study of the transportation question at all knows how vitally the question of freight rates enters into every particle of our business life, how communities depend entirely for the existence of their factories upon a particular rate. The long-and-short-haul clause, with all its difficulties, and the relief from it, and all those elements enter into the problem. Nevertheless, the President put this horizontal increase into effect, practically without notice and without opportunity of hearing on the part of the shippers, and immediately they began to change and they have been changing ever since. Great hardship was worked on the shippers at the time, but they were willing to put up with it and have in an admirable way stood for those changes, although in many cases men lost vast sums of money on contracts because of the changes that were made.

But the war is over now. We must have Federal control because we have not yet had the opportunity to enact the legislation that is necessary before Federal control terminates and before the roads are returned to their owners for private operation. Now, during this time there is every reason in the world why this power should again be restored to the Interstate Commerce Commission to suspend rates, so that the shippers who directly come in contact with the question, who really represent the consuming public of 110,000,000 people, may have their day in court and an opportunity to show that proposed rates are inequitable and that proposed rates in a particular instance are too high.

The committee proposes by this bill to correct that evil. The gentleman from Tennessee [Mr. SIMS] seems to think that it is a remarkable thing that we should undertake to do that without taking out of the hands of the President and the Director General the power to initiate rates. It is a very natural thing to do. The Director General represents the railroads and through the organization knows the situation. He initiates the rates, proposes what the rates shall be. The Interstate Commerce Commission may put them into effect within 30 days or a shorter time if they deem it necessary, but if the rates seem to them to require examination and study they can take the time to do it and hear all pareits concerned. It does not seem to me that it is an unusual thing to do.

But the gentleman from Tennessee says if the President is not to have the power to put these rates into effect he ought not to be given the power to initiate them. The Government of the United States, through the Interstate Commerce Commission, passes on the question. The President is one of the agencies of the Government of the United States and the Interstate Commerce Commission is the other. The Interstate Commerce Commission is a tribunal which has had experience for years in examining these particular questions, and they ought to be granted that power.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. GREEN of Iowa. I quite approve of the purpose of the bill and of the remarks which the gentleman from Indiana is making with reference to the power of the Interstate Commerce Commission, and, as it seems to me, it requires a body of experts which will have ultimate authority to determine whether the rates are proper or not. I think the gentleman from Indiana will agree with me on that point.

Mr. SANDERS of Indiana. Yes.

Mr. GREEN of Iowa. I am not quite sure, however, as to one of the provisions of the bill, and that is my principal reason for rising. The amendment presented by the committee on page 4 reads:

> Except that the amendment of August 9, 1917, to section 15 of the act to regulate commerce, which provides that until January 1, 1920, no increased rate, fare, charge, or classification shall be filed, except after approval thereof has been secured from the commission, shall not be applicable to rates, fares, charges, or classifications initiated or changed by the President.

Does that apply simply to the rates heretofore initiated?

Mr. SANDERS of Indiana. It applies in the future as well. I think I can make that clear to the gentleman. That is a provision of an act passed August 9, 1917. It is not the general power of suspension by the Interstate Commerce Commission at all. It was an extra precaution put into the law that even before the rates were filed they should have the approval of the Interstate Commerce Commission if it was a proposed increase.

We do not propose to put that additional check on the President. We propose to leave the President free to initiate the rates and file them, merely having this check on the arbitrary power of the Director General that before they become effective they must be subjected to the right of the Interstate Commerce Commission to suspend their taking effect until examination can be made.

Mr. GREEN of Iowa. As I understand the gentleman, this would not affect the provisions of the general law?

Mr. SANDERS of Indiana. No; and with this exception gives an absolute right to the Interstate Commerce Commission to suspend all interstate rates during the same period.

Mr. GREEN of Iowa. I am much obliged to the gentleman; I was under a misapprehension as to that condition.

Mr. WEBSTER. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. WEBSTER. It has been stated by the gentleman from Tennessee [Mr. SIMS] that if this legislation is enacted it will interfere with the Government in the operation and control of railroads. Is it not a fact that the Director General of Railroads in his testimony before the Committee on Interstate and Foreign Commerce stated that this measure if enacted would not interfere with the operation of the roads and would not hinder him in the least?

Mr. SANDERS of Indiana. He stated that so far as the Interstate Commerce Commission is concerned. I do not remember what his statement was as to the other features. He said he had been in consultation with the Interstate Commerce Commission in fixing the rates, and it would not materially affect it. The Director General is opposed to the bill.

Mr. WEBSTER. He said that the enactment of this legislation would not embarrass him in the operation and control of the railroads.

Mr. SANDERS of Indiana. I do not recall that particular statement.

Mr. DEWALT. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. DEWALT. There is an inquiry at my left from the gentleman from Pennsylvania in regard to the wisdom and the necessity for the clause as found on lines 9, 10, 11, 12, and 13 of page 4, which reads:

> *Provided*, That no change or increase shall hereafter be made in intrastate rates, fares, charges, classifications, regulations, or practices without having first secured the approval of the proper State regulating tribunals conformable to the laws of the several States.

The gentleman has not explained the necessity for that, and I would be very much obliged, as would my colleague, if he will do it before he resumes his seat.

Mr. SANDERS of Indiana. I may say to my colleague on the committee that he has asked me a rather embarrassing question. He has asked me to explain the necessity of an amendment that I am personally not in favor of, and I later intended to so state. I personally intend to oppose that amendment, and I will give my views about that in a short time. Here was the situation: The bill came to us from the Senate with the provision that the Interstate Commerce Commission might have authority with reference to interstate commerce—that intrastate rates could be changed, but that 30 days' notice must be given, and I have carefully studied that, and according to my view of the Senate bill when it came to our committee the power was left in the Director General, without any interference by any commission to deal with intrastate rates. This proposed amendment restores to the State commissions their several powers to pass on any future change of rates, and the committee was of opinion that that was a wise thing to do, because they were near at hand and knew more about it than an interstate commerce commission would.

Mr. DEWALT. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. DEWALT. Is not this also true, that the action of the committee was largely influenced by the effect of the decision of the Supreme Court in the Northern Pacific Railway Co. against the State of North Dakota, which decision was filed June 2, 1919, in which the Supreme Court quotes the provision of the Federal act and says:

> Conclusive as are the inferences they are superfluous, since the portion of section 10 as previously reproduced in the margin in express terms confers the complete and undivided power to fix rates. The provision is that during the period of Federal control, whenever in his opinion the public interest requires, the President may initiate rates, fares, charges, classifications, regulations, and practices by filing the same with the Interstate Commerce Commission, which said rates, fares, charges, classifications, regulations, and practices shall not be suspended by the commission pending final determination.

And the Supreme Court in that decision ruled that this applied not only to interstate rates but it also applied to intrastate rates, and were we not largely guided in introducing this portion of the amendment by the effect of that decision?

Mr. SANDERS of Indiana. I would hate to undertake to say what induced the amendment, as I was not in favor of it, and of course I could not know what was in the minds of those who favored it, but the gentleman has called attention to something that I ought to emphasize, and that is that this power during Federal control to initiate rates and the power granted

to the Interstate Commerce Commission to suspend rates has been held by the Supreme Court of the United States, and I think in a very sound decision, to apply to all the rates, both interstate and intrastate, so at the present time the power lies in the President to initiate the rates. He uses the Interstate Commerce Commission as the agency by which all of the rates are published and the Interstate Commerce Commission has complete power to review upon complaint any particular rate, whether interstate or intrastate.

Mr. EMERSON. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. EMERSON. The President initiates a rate and that becomes the rate unless there is an appeal made to the Interstate Commerce Commission, if this bill be enacted.

Mr. SANDERS of Indiana. No. The President initiates the rate, proposes the rate; then there is 30 days' notice; then the shippers come in for a hearing, and then if there is sufficient ground in the opinion of the Interstate Commerce Commission they may suspend the taking effect of that rate for a period of four months, during which they can hold hearings upon it. Then they may either let that rate stand or may change the rate, and establish what the commission decides is the just rate.

Mr. EMERSON. Then there would be no way for the President to initiate the rate and let it go into effect until they pass on it? Could the President initiate an increased rate, for instance, and let that rate continue on while the Interstate Commerce Commission is deciding the question?

Mr. SANDERS of Indiana. No. That is the very thing that we correct in this act. The proposed rates do not go into effect unless the Interstate Commerce Commission thinks they ought to go into effect, and that may be before extended hearings, or after, but it can not be more than four months originally and then be extended for another period of six months.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. GREEN of Iowa. With reference to this proviso, that no change or increase shall hereafter be made in intrastate rates, fares, charges, classifications, regulations, or practices without having first secured approval of the proper States' regulating tribunals, conformable to the laws of the several States, it appears to me to make the power of the Interstate Commerce Commission less than it was before Government control, because the gentleman is aware that under certain conditions——

Mr. SANDERS of Indiana. Mr. Chairman, I might say to the gentleman, anticipating what he is going to say, that the rule in the Shreveport case—is that what the gentleman has in mind?

Mr. GREEN of Iowa. Yes.

Mr. SANDERS of Indiana. I think the gentleman's interpretation of the act as it is is correct, and I think that if my motion to give all of the power to the Interstate Commerce Commission is not carried, there ought to be an amendment making it clear that the rule in the Shreveport case is still to be applied, because it is not the intention of the committee to change that rule.

Mr. GREEN of Iowa. It seems to me there ought to be at least an amendment making the rule such that it would not apply where the intrastate rates affect the interstate rates.

Mr. SANDERS of Indiana. The rule in the Shreveport case should be preserved at all events.

Mr. WEBSTER. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. WEBSTER. I want to refresh the gentleman's memory with reference to the questions propounded a moment ago. I read from the hearings held by the committee in connection with this bill, on page 47, from the statement of Mr. Hines:

> Before taking up that matter in detail I wish to explain briefly the present policy of the Railroad Administration in dealing with these rate matters and to say that our methods of cooperation with the Interstate Commerce Commission are so close and so cordial that I believe the change in the law giving the commission the technical power to suspend rates initiated by the President will have little, if any, practical significance. So that if it is the purpose to do that I do not anticipate it will embarrass the Railroad Adiminstration or indeed change its procedure in any important respect.

Does not the gentleman now recall that testimony?

Mr. SANDERS of Indiana. I know now that it is there, because the gentleman has read it. It was my recollection that he did say that with reference to the actions of the Interstate Commerce Commission.

Mr. HULINGS. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. HULINGS. I ask for information. Under the old rule what authority did the Federal Government have over intrastate rates?

Mr. SANDERS of Indiana. The Federal Government under the present law, or under the law before the Federal-control act was passed, dealt only with intrastate rates when they were found to be discriminatory or prejudicial; in other words, come within the rule in the Shreveport case.

Mr. HULINGS. So that speaking generally the Federal Government had no right whatever in fixing intrastate rates.

Mr. SANDERS of Indiana. That is true.

Mr. HULINGS. But after the Government took over the control, the President, as a war necessity, was given the right to initiate all rates.

Mr. SANDERS of Indiana. Yes. He is given charge of the whole system of railroads, the entire unified control.

Mr. HULINGS. Now, if that is true, what is the objection to the provision here that the State regulatory tribunal shall have authority to fix rates in intrastate commerce? What is the objection?

Mr. SANDERS of Indiana. I shall be glad to give the gentleman my views on that question. This bill is not passed yet, not signed by the President yet, and it appears it probably will not be until the 1st or the 10th of October. We are going to have some general railroad legislation in here, and I hope before the 1st of January we will be able to return the railroads to private operation. This bill applies only during Federal control. At best it can be only a matter of two or three months——

The CHAIRMAN. The time of the gentleman has expired.

Mr. ESCH. Mr. Chairman, I wonder if the gentleman from Tennessee could loan us five minutes? I think he has not exhausted his time.

Mr. SIMS. I have surrendered it. If I have any time I have promised to yield to Mr. JONES of Texas. I promised him, but he did not happen to be in the room at the time. I am perfectly willing to yield five minutes——

Mr. ESCH. Notwithstanding the rule, I ask that the time for general debate on this side be extended for five minutes.

Mr. SIMS. It can only be done by unanimous consent.

Mr. ESCH. I ask unanimous consent, notwithstanding the rule of the House on Calendar Wednesday, that our side be allotted an additional 10 minutes, to be given to the gentleman from Indiana.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent, notwithstanding the rule, that the gentleman from Indiana may be permitted to proceed for 10 minutes. Is there objection?

Mr. WALSH. Mr. Chairman, reserving the right to object, do I understand the gentleman's request is, notwithstanding the rule of the House, that the gentleman's time be extended?

The CHAIRMAN. That is the gentleman's request.

Mr. WALSH. Well, I do not think, Mr. Chairman, that we ought to indulge in the practice of changing the rules by unanimous consent in the Committee of the Whole House on the state of the Union. I do not believe that the committee has the authority to do it even by unanimous consent. The gentleman from Indiana, of course, can get 10 minutes under the 5-minute rule.

Mr. ESCH. Mr. Chairman, I withdraw the request.

Mr. CANNON. Do not we all the time under the five-minute rule by unanimous consent change the rule? I think both the gentleman and myself have done so frequently.

Mr. SIMS. I think I lack 12 minutes of consuming all my time, but I have surrendered the time, but I am perfectly willing, if I can have it back, to yield to the gentleman from Indiana. Mr. JONES, to whom I promised the time, very kindly agrees to it.

The CHAIRMAN. The Chair thinks the gentleman could regain his 12 minutes.

Mr. SIMS. Then I will yield 10 minutes to the gentleman from Indiana.

Mr. HASTINGS. Will the gentleman yield for a question?

Mr. SANDERS of Indiana. If the gentleman will pardon me somebody asked a question which I desire to answer. If the gentleman from Pennsylvania will now give heed I was going to tell the gentleman what objection I had to this provision.

Mr. HULINGS. I will be very glad to hear it.

Mr. SANDERS of Indiana. We have only two or three months at best of Federal control. We have Federal control over these roads. We do not have State control; we do not have control by the carriers. We have placed the power and the responsibility for control and operating these roads and for obtaining the necessary revenues to operate them or to determine the part of the revenues that they could obtain upon the Federal Government. Now, if the suggestion which I have made should be adopted and the Interstate Commerce Commission should be given the authority to rule on these rates, that is a tribunal of the Federal Government and a very proper tribunal to pass on those things. The President of the United

States is going to initiate those rates. Are we going to send the President of the United States on another trip around this country to visit these different States to deal with each of those 48 regulatory bodies? Of course, gentlemen, there is no use disguising the fact that if we are going to propose by this bill to make the President of the United States obtain the consent of 48 different regulatory bodies within the next three months, if we are going to put it without his power to change the rates, if we want to do that, we can do it in the bill in about three lines by just saying that the rates shall not be changed. But that is not our policy. He has had the responsibility. The gentleman from Tennessee is afraid that if we give the Interstate Commerce Commission the authority that the President will not be able to put in his rates, and hence if there is a deficit—and goodness knows we have got a big enough deficit now—and that we ought to leave the power to initiate in the hands of the President, and we ought not to try to cripple that power so as to make it meaningless. We are merely giving a check upon the power by the Interstate Commerce Commission. We have a present check by complaint. But if the suggestion I have made is adopted we will have a check on that power with the Interstate Commerce Commission, and in determining the question whether you are going to have a horizontal increase, in determining any question that may arise in reference to a unified system as a whole, it is one question. It is not 48 questions, and it ought to be one power and it ought to be the power of the Federal Government. That is the reason I am opposed to it.

Mr. SIMS. Now, is it not in fact and effect robbing 48 States of the opportunity in time of peace to do in reference to interstate commerce what you ought to give the Interstate Commerce Commission to do in time of peace in reference to interstate rates?

Mr. SANDERS of Indiana. Not at all. The gentleman from Pennsylvania just cited the decision of the Supreme Court of the United States, held all of the time since this Federal control act was passed, that the power lay within the President and the Interstate Commerce Commission over every single rate and that the exercise of that Federal control was irrespective of interstate rates or intrastate rates.

Mr. SIMS. They could go in——

Mr. SANDERS of Indiana. We propose during Federal control not to rob them of anything.

These State commissions have not had any power or authority during Federal control with reference to these roads, and it was a very wise thing not to give them power, because the unified control and responsibility was in the Federal Government.

Mr. WILSON of Pennsylvania. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. WILSON of Pennsylvania. Is it the fundamental purpose of this bill to give the Interstate Commerce Commission the right to suspend any rate inaugurated by the President?

Mr. SANDERS of Indiana. Yes; that is my opinion of it.

Mr. WILSON of Pennsylvania. Does it not require the President, before he inaugurates any rate on an intrastate railroad, to secure the approval of the public service commissions of the several States?

Mr. SANDERS of Indiana. It does. But if this proposed amendment was adopted——

Mr. WILSON of Pennsylvania. As I read the bill——

Mr. SANDERS of Indiana. That part is in italics and is merely a proposed amendment of the committee. As it came from the Senate it does not require that.

Mr. WILSON of Pennsylvania. Under existing law, when a rate is inaugurated by the President, does not the 30 days' notice have to be given?

Mr. SANDERS of Indiana. No.

Mr. WILSON of Pennsylvania. When a rate is inaugurated by the President under existing law, does not the Interstate Commerce Commission have the right to investigate as to the reasonableness of the said rate and cure discrimination?

Mr. SANDERS of Indiana. Before it goes into effect?

Mr. WILSON of Pennsylvania. After it is in effect.

Mr. SANDERS of Indiana. Upon complaint—an individual case to be presented upon complaint.

Mr. WILSON of Pennsylvania. The sole purpose, then, of this bill is to prevent a rate inaugurated by the President, for the purpose of producing funds to operate the railroads, from going into effect until the Interstate Commerce Commission says it shall go into effect?

Mr. SANDERS of Indiana. Yes.

Mr. WILSON of Pennsylvania. How is that going to benefit and assist the Government in the operation of the railroads during the last six months?

Mr. SANDERS of Indiana. I might answer the gentleman by saying we have not the sole question of helping the Government in running the railroads. The question presented to us is how best to handle these transportation lines and railroads in the interest of the public. Perhaps arbitrary power is the easiest way, so far as the body exercising the power is concerned, but we do not grant arbitrary power, and there are other interests at stake.

Mr. WILSON of Pennsylvania. Are not the roads to be surrendered the 1st of next January?

Mr. SANDERS of Indiana. I assume they will be surrendered along about that time. And I might say, since the gentleman is asking the question, that I do not believe these roads are going to be surrendered until we pass the necessary and needed legislation in passing from Government to private control. I do not think the President, if we do not have the general railroad bill passed by the 1st of January, is going to throw a monkey wrench into the machinery by surrendering these railroads.

Mr. WILSON of Pennsylvania. I believe the Interstate Commerce Commission ought to have this power not only to make rates but to fix wages.

Mr. REAVIS. Will the gentleman yield for a question?

Mr. SANDERS of Indiana. Yes.

Mr. REAVIS. Under existing law, as I understand it, after the President has fixed a rate the right of an appeal in an individual case lies with the Interstate Commerce Commission as to the justness of the rate?

Mr. SANDERS of Indiana. Yes.

Mr. REAVIS. But that is after the rate is fixed?

Mr. SANDERS of Indiana. Yes; and gone into effect.

Mr. REAVIS. Without this amendment the approval of the several railway commissions of the several States is a condition precedent to the fixing of the rate?

Mr. SANDERS of Indiana. Yes.

Mr. REAVIS. In one case it is an appeal after the rate is fixed and in the other case it negatives the right to fix the rate in the absence of that approval?

Mr. SANDERS of Indiana. Yes.

I have not mentioned the greatest effect of the power given to the State commissions. The greatest difficulty is that the rates will not go into effect at the same time. The Interstate Commerce Commission will say that they will go into effect in 40 days. Now, one of these commissions will act promptly and another may not act promptly, and some will be in line with the action of the President and some will not. Take the State of Illinois, and we have many surrounding States which ship into Chicago. They are interstate shipments. Those rates would be fixed by the Interstate Commerce Commission. They might be raised 25 per cent. In the meantime the Illinois State commission, in reference to all State shipments within Illinois, might say, "We do not think that is just, and anyway we are going to have a rehearing and try and have it argued further." That might take 40 or 60 days after the interstate rate, which would make an absolutely discriminating rate. [Applause.]

Mr. SIMS. Mr. Chairman, I want to call attention in the two minutes I have left to the logical effect of what may take place. Now, we retain the power in the President to initiate rates, both in intrastate commerce and interstate commerce, and then give power to the Interstate Commerce Commission to suspend both State and national made rates, both intrastate and interstate rates, and when the Interstate Commerce Commission approves a rate it becomes a rate for intrastate commerce just the same as for interstate business; then, how are the State commissions to function? All you have got to do to keep the power in the Federal commission forever is not to repeal this much of this law, and go through the farce of the President initiating the rates, and then have the Interstate Commerce Commission approve them and make valid the rates within the States as well as in the Nation. That is all you have got to do.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918, is hereby amended so as to read as follows:

Mr. ESCH. Mr. Chairman, there is practically only one section of this bill.

The CHAIRMAN. The Chair thinks the section will have to be read through on account of the committee amendments. The Clerk will proceed.

The Clerk read as follows:

"SEC. 10. That carriers, while under Federal control, shall be subject to all laws and liabilities as common carriers, whether arising under State or Federal laws or at common law, except in so far as

may be inconsistent with the provisions of this act or any other act applicable to such Federal control. Actions at law or suits in equity may be brought by and against such carriers and judgments rendered as now provided by law; and in any action at law or suit in equity against the carrier, no defense shall be made thereto upon the ground that the carrier is an instrumentality or agency of the Federal Government. All final judgments on causes of action arising during Federal control for a plaintiff or plaintiffs rendered in actions for personal injuries or for loss of or damage to property shall be promptly paid by the Director General of Railroads either from the operating revenue of the defendant or defendants or the revolving fund herein created, and final judgments based on claims accruing prior to Government control shall be paid by the Director General of Railroads out of such compensation as is or has been agreed to be paid to such railroad company. Nor shall any such carrier be entitled to have transferred to a Federal court any action heretofore or hereafter instituted by or against it which action was not so transferable prior to the Federal control of such carrier; and any action which has heretofore been so transferred because of such Federal control, or of any act of Congress or official order or proclamation relating thereto, shall, upon motion of either party, be retransferred to the court in which it was originally instituted. But no process, mesne or final, shall be levied against any property under such Federal control.

"That during the period of Federal control the right to initiate or change rates, fares, charges, classifications, regulations, and practices exercised by the carriers now under Federal control, prior to the 29th day of December, 1917, shall hereafter be exercised by the President, or by the Director General of Railroads, but such right as to interstate commerce shall be exercised under all the limitations and conditions which were imposed upon said right by the act to regulate commerce, approved February 4, 1887, as amended; and the Interstate Commerce Commission shall have as full and complete authority and jurisdiction to set aside, change, modify, suspend, or otherwise review all such rates, fares, charges, classifications, and regulations directly affecting interstate commerce as though the Government had not assumed the possession and control of said transportation systems: *Provided*, That no intrastate rate shall be increased until at least 30 days notice of the proposed increase has been given to the shippers of the State in which the increase is proposed and a hearing granted. To that end the said act to regulate commerce, as amended, is hereby declared to be in full force and effect with respect to rates, fares, charges, classifications, practices, and regulations, anything in the act approved March 21, 1918, to the contrary notwithstanding. The procedure before the Interstate Commerce Commission shall be the same as formerly, except that the President or the Director General of Railroads shall stand in the stead of the carriers, and all notices theretofore required to be given to or served upon carriers shall be given to or served on said Director General. All orders or findings of the commission shall bind the Director General to the same extent as they formerly bound the carriers.

"In determining any question concerning any such rates, fares, charges, classifications, practices, or regulations, directly affecting interstate commerce, or any changes or proposed changes in the same, the reasonableness thereof or any discrimination therein, the rule to be applied shall be the same as existed under the said act to regulate commerce, as amended, and under the general law of the subject as it was prior to the Government's possession and control."

In computing the time allowed in the present law for presenting claims to the Interstate Commerce Commission for reparation, the period of Federal control preceding the passage and approval of this act shall be excluded, and, likewise, in computing the time for presenting claims or bringing suits for loss or damage arising out of the transportation of persons or property, the period of Federal control prior to the passage and approval of this act shall be excluded.

With committee amendments, as follows:

Page 2, line 4, insert after the word "control" the words "or with any order of the President consistent with this act."

In line 14, page 2, strike out the words "Director General of Railroads" and insert in lieu thereof the word "President."

In line 18 strike out the words "Director General of Railroads" and insert in lieu thereof the word "President."

In line 20 strike out the words "railroad company" and insert in lieu thereof the words "carrier, except as otherwise provided in the form of standard contract dated April 5, 1919."

On page 3, line 10, insert after the word "exercised" the words "prior to the 29th day of December, 1917."

In line 12 strike out the words "prior to the 29th day of December, 1917."

In line 13 strike out the words "or by the Director General of Railroads."

In line 14, after the word "interstate," insert the words "or foreign."

In line 21 strike out the word "directly."

In line 22, after the word "interstate," insert the words "or foreign."

In lines 24 and 25, on page 3, and lines 1 and 2, on page 4, strike out the words "*Provided*, That no intrastate rate shall be increased until at least 30 days' notice of the proposed increase has been given to the shippers of the State in which the increase is proposed and a hearing granted," and insert in lieu thereof the words "except that the amendment of August 9, 1917, to section 15 of the act to regulate commerce, which provides that until January 1, 1920, no increased rate, fare, charge, or classification shall be filed, except after approval thereof has been secured from the commission, shall not be applicable to rates, fares, charges or classifications initiated or changed by the President: *Provided*, That no change or increase shall hereafter be made in intrastate rates, fares, charges, classifications, regulations, or practices without having first secured the approval of the proper State regulating tribunals conformable to the laws of the several States."

In lines 19 and 20, page 4, strike out the words "or the Director General of Railroads."

In line 23 strike out the words "said Director General" and insert "such agency as may have been determined by the President for execution of his powers under this act."

In line 1, page 5, strike out the words "Director General" and insert in lieu thereof the word "President."

In line 4 strike out the words "practices, or regulations."

In line 5 strike out the word "directly" and insert "regulation, or practices." In the same line, after the word "interstate," insert the words "or foreign."

Mr. ESCH. Mr. Chairman, I suppose it will be in order to consider the committee amendments as they occur in the text of the bill?

The CHAIRMAN. The Chair thinks so.

Mr. SIMS. And those are to be considered before any others?

Mr. ESCH. Yes.

Mr. SIMS. And then other amendments can be taken up seriatim?

Mr. ESCH. Yes.

The CHAIRMAN. The question is on agreeing to the first amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 4, insert after the word "control" the words "or with any order of the President consistent with this act."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the next committee amendment, which the Clerk will report.

The Clerk read as follows:

Line 14, page 2, strike out the words "Director General of Railroads" and insert in lieu thereof the word "President."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the next committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 18, strike out the words "Director General of Railroads" and insert in lieu thereof the word "President."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The question is on agreeing to the next committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 20, strike out the words "railroad company" and insert in lieu thereof the words "carrier, except as otherwise provided in the form of standard contract dated April 5, 1919."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 10, insert after the word "exercised" the words "prior to the 29th day of December, 1917."

Mr. ESCH. Mr. Chairman, I wish to offer an amendment which modifies somewhat that committee amendment. It is as follows: Strike out after the word "practices," in line 10, page 3, the balance of that line, and all of line 11, and insert in lieu thereof the words "of carriers under Federal control."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment to the committee amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ESCH: On page 3, line 10, after the word "practices," strike out the balance of the line and all of line 11 and insert in lieu thereof the words "of carriers under Federal control."

Mr. ESCH. Mr. Chairman, the amendment, as the committee has amended it, gives the President the power of initiating all these rates, fares, charges, and so on. But it happens that some carriers in some States have no right of initiation. In fact the rates may be initiated by the regulatory body. So if we put in the words "of carriers under Federal control" we obviate that discrepancy which does exist in some of the States. That is the reason for the modification of the amendment.

Mr. BLACK. Will the gentleman permit an inquiry?

Mr. ESCH. Yes.

Mr. BLACK. Do I understand your amendment to still use the words of the committee amendment—

Prior to the 29th day of December, 1917.

Mr. ESCH. No; my amendment is in lieu of those words.

Mr. BLACK. Then your amendment is a substitute for the committee amendment.

Mr. ESCH. Yes; practically a substitute for the words I move to strike out.

The CHAIRMAN. The question is on the amendment to the committee amendment.

The amendment to the committee amendment was agreed to.

The CHAIRMAN. The question now comes on the committee amendment as amended.

The committee amendment as amended was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 12, strike out the words "prior to the 29th day of December, 1917."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, lines 13 and 14, strike out the words "or by the Director General of Railroads."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 14, after the word "interstate," insert the words "or foreign."

The committee amendment was agreed to.

The CHAIRMAN. The clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 21, after the word "regulations," insert the word "directly."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 22, after the word "interstate," insert the words "or foreign."

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 3, line 24, beginning with the word "*Provided*," strike out the remainder of the line, all of line 25, and lines 1 and 2 on page 4, up to and including the word "granted," and insert in lieu thereof: "Except that the amendment of August 9, 1917, to section 15 of the act to regulate commerce, which provides that until January 1, 1920, no increased rate, fare, charge, or classification shall be filed, except after approval thereof has been secured from the commission, shall not be applicable to rates, fares, charges, or classifications initiated or changed by the President: *Provided*, That no change or increase shall hereafter be made in intrastate rates, fares, charges, classifications, regulations, or practices without having first secured the approval of the proper State regulating tribunals conformable to the laws of the several States."

Mr. SIMS. One of the amendments that I want to offer comes in lines 8 to 13 on page 3. If the amendment which I propose to offer in advance of this amendment is adopted, then I will be in favor of the motion to strike out this amendment; but if the other amendment is not adopted, then I would be in favor of retaining the committee amendment. Therefore I think I ought to offer the other amendment before this amendment is voted on.

Mr. SANDERS of Indiana. If the Chair will recognize me, I want to offer an amendment.

Mr. SIMS. This can be done by unanimous consent.

Mr. SANDERS of Indiana. I offer an amendment to the committee amendment, which I will send to the Clerk's desk.

The CHAIRMAN. The gentleman from Indiana [Mr. SANDERS] offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Indiana to the committee amendment: Strike out of the committee amendment, after the word "*Provided*," all of the remainder of line 9, all of lines 10, 11, and 12, and all down to and including the word "States" in line 13, and insert in lieu thereof the following: "That during the period of Federal control the rates, fares, charges, classifications, regulations, and practices of all carriers under Federal control shall be subject to the provisions of this act, and all the laws now in force and effect with reference to rates, fares, charges, regulations, and practices, notwithstanding the fact that the commerce may be wholly within a State."

Mr. SANDERS of Indiana. Mr. Chairman, this amendment is drawn to carry out the purpose that I expressed in the remarks I made a few moments ago. This simply gives to the Interstate Commerce Commission the power to suspend all rates, whether interstate or intrastate. Without this amendment the power would be in the Interstate Commerce Commission with reference to interstate rates, but it would be in the several State regulatory bodies with reference to State rates. As I said a while ago, there will be only two or three months more of Federal control. Unless we intend to prohibit changes in freight rates, it seems to me that this amendment ought to be adopted. I think that this bill is a wise bill——

Mr. JONES of Texas. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. JONES of Texas. Does the gentleman think that local people should be required to come all the way to the National Capital in order to get some little local rate changed?

Mr. SANDERS of Indiana. I will say to the gentleman from Texas that at the present time the local people have no regulatory body to go to to get an intrastate rate changed.

Mr. JONES of Texas. Under this law, though, as the committee have amended it, they would have.

Mr. SANDERS of Indiana. Yes.

Mr. JONES of Texas. Do you not think that your amendment would practically deny to local people any relief, in view of the limited time which the National Government will retain control?

Mr. SANDERS of Indiana. Not at all. Our commerce is 85 per cent interstate commerce.

Mr. JONES of Texas. I am talking about the other 15 per cent.

Mr. SANDERS of Indiana. Only 15 per cent is State commerce. Now, if the shipper has to deal with the question of a shipment from Terre Haute, Ind., to Peoria, Ill., he has to deal with the Interstate Commerce Commission. Is it any more difficult for a shipper from Peoria to Chicago to come over here, as you say—as a matter of fact very frequently he does not have to come to Washington—is it any more difficult for him to go before the Interstate Commerce Commission than it is for a shipper interested in a rate from Terre Haute, Ind., to Peoria, Ill.?

Mr. JONES of Texas. You would make it hard for the last shipper.

Mr. SANDERS of Indiana. I would put them on an equality.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. GREEN of Iowa. I do not fully understand the purpose of the gentleman's amendment. Why would it not be as well to strike out the proviso and leave the powers in the Interstate Commerce Commission, where they were before?

Mr. SANDERS of Indiana. This is amending section 10 of the Federal-control act. If we merely strike it out, that would be an intrastate rate without any supervision by anybody.

Mr. GREEN of Iowa. We would have the same rule that we had before; in the event that they conflicted with the interstate rates, the interstate rates would prevail.

Mr. SANDERS of Indiana. That is true, but I think there should be some check on the power of the Director General in all the rates.

Mr. NEWTON of Minnesota. Will the gentleman yield?

Mr. SANDERS of Indiana. I will yield to the gentleman.

Mr. NEWTON of Minnesota. In the proviso of the committee amendment there is included the phrase "that no change or increase shall hereafter be made in intrastate rates, fares, charges, classifications, regulations, or practices." Under the law as it now stands the Railroad Administration has absolute power over every little petty service, ruling, or local custom or practice that prevails, and the shippers, the interested parties, have to come down to Washington and register a complaint with somebody who has not the slightest conception whatever of the local conditions. Take the city of Minneapolis and the city of St. Paul, 10 miles apart between the depots. Men who had merchandise to ship from Minneapolis to St. Paul had a custom which had grown up for years, which was absolutely changed by the Railroad Administration, and these shippers had to come to Washington, and had to come to Washington on several occasions, to get it righted. It seems to me that in local matters those things ought to be left to the people of the localities, who know something about it. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. SANDERS of Indiana. I ask unanimous consent to proceed for three minutes.

Mr. CANNON. I hope the gentleman will make it five minutes; I want to ask him a question.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. CANNON. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. CANNON. As I understand it, this bill only affects transportation while it is under Federal control.

Mr. SANDERS of Indiana. Yes; specifically limited to that.

Mr. CANNON. It is fairly to be presumed that Federal control will cease early in the coming year. The gentleman's amendment, if I understand it, places the same rule on intrastate commerce as on interstate commerce only during this short period of Federal control.

Mr. SANDERS of Indiana. Yes.

Mr. CANNON. Well, in Illinois and Indiana I think we had better leave it as it is now. Otherwise we will have all kinds of trouble and never will get anything settled until the law expires.

Mr. HASTINGS. If the gentleman from Indiana will yield, supplementing what the gentleman from Illinois has said, I want to say that if we pass this legislation it will set a precedent for other legislation that will come up for consideration, which means the absolute elimination of all State and corporation commissions, and the House ought to be warned of that fact. Oklahoma has had exactly the same experience as has been related by the gentleman from Minnesota. Our corporation commissions have been here time after time for 18 months trying to get a hearing and trying to get action by the Director General, but never have got it until a few days ago. If the authority over these commissions is centered in the Interstate Commerce Commission, it means good-by to the average, ordinary citizen in the State, because he will never get any hearing. [Applause.]

Mr. SANDERS of Indiana. The gentleman from Oklahoma seems to be worried about going on for two or three months during which the State commissions will not have any control over the intrastate traffic. He forgets that during all the time of Federal control the State commissions have had no control or authority over intrastate traffic. One of the reasons, if the gentleman please, that I am so insistent in regard to this is because the Director General of Railroads in the hearings, when he appeared before our committee, said that they would destroy the rate-making machinery. I want to read what he said, and he knows more about this matter than anybody else. Of course I would not leave the whole matter to him, because he ought to have some check on his action.

Mr. RAYBURN. Will the gentleman yield before he goes further?

Mr. SANDERS of Indiana. Yes.

Mr. RAYBURN. It might be fair to say also that the Director General did not indorse the bill as it passed the Senate without amendment.

Mr. SANDERS of Indiana. I have stated in my remarks already that the Director General was not in favor of this legislation. Here is what the Director General said, and I am reading from the hearings from the testimony of the Director General of Railroads:

As I look at it, the United States Government for the time being has assumed responsibility for the railroad situation, because it has taken over the railroads and it has guaranteed a rental. It has got to find, either through taxation or revenues, the necessary funds to pay the expenses and pay the rental. Therefore there is involved a single indivisible question of national policy in regard to this matter of railroad revenues.

We all know that the theory upon which there has been a separate study and decision in regard to the reasonableness of intrastate rates has been through some sort of a process of attempting to separate the expenses of doing the intrastate business from the expenses of doing the interstate business; and then on the basis of that separation to compare the revenues of the intrastate business with the revenues on the total business and the expenses of doing the total business, and besides that relation the intrastate rates bear to the total rates or the rates on the interstate business. That is a matter that is largely theoretical and admits of all sorts of different conclusions. It is exceedingly difficult to get any two people to agree upon any formula for that separation. If the Government in charge of the railroads and responsible for them, and committed to carrying out some reasonable and just national policy relative to this situation, is nevertheless dependent in arriving at the revenues which are to be charged, upon a wholly independent study of this subject in each State as to the intrastate business, we have there a complete division of authority on a matter in regard to which the Federal Government has a single indivisible responsibility.

It has seemed to me, therefore, that the original section 10 of the Federal-control act, which contemplated a unified policy as to rates and a unified responsibility as to rates, certainly should be the proper policy during the time of Federal control.

An additional consideration of importance in that connection is that this now is an emergency situation of very great seriousness. The railroads will not remain in Federal control for any very considerable additional time. In that time the Government doubtless must decide upon a policy as to how it is going to discharge its responsibility in connection with the return of the railroads to their owners. To a large extent the Government is helpless in deciding upon that policy, because as to all intrastate rates the matter is to be left exclusively to the determination of the various States, no one of which is charged with any responsibility for the general policy—if the Government in carrying out its own single and indivisible responsibility in reference to this great problem is without any authority to deal with that great bulk of the revenues which comes from intrastate business, and if as to each matter is exclusively in charge of the State authorities, looking at it from a State standpoint, it seems to me that it is impossible to carry out the conception of the Federal-control act, which was that the Government had taken possession of the whole situation, was responsible for it, and must deal with it in a responsible and effective way.

During the reading the time of the gentleman from Indiana again expired and by unanimous consent he was given five minutes more.

Mr. SANDERS of Indiana. That is the statement of the Director General of Railroads.

Mr. SIMS. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. SIMS. Does not that argument apply just as much to giving the Interstate Commerce Commission the power to suspend the national-made rates as it does to the argument to which the gentleman applies it?

Mr. SANDERS of Indiana. Not at all; and I will read a little more in reference to that matter.

Before taking up that matter in detail I wish to explain briefly the present policy of the Railroad Administration in dealing with these rate matters and to say that our methods of cooperation with the Interstate Commerce Commission are so close and so cordial that I believe the change in the law giving the commission the technical power to suspend rates initiated by the President will have little, if any, practical significance. So that if it is the purpose to do that I do not anticipate it will embarrass the Railroad Administration, or, indeed, change its procedure in any important respect.

Of course, it will give to the country the knowledge that we have an absolute legal check on the Railroad Administration, because he now will deal with the Interstate Commerce Commission—not in an advisory capacity, but the commission will have the legal power and responsibility.

Mr. SIMS. In other words, the Director General expects to persuade the Interstate Commerce Commission, but is afraid he can not do that with 48 commissions.

Mr. SANDERS of Indiana. Yes; and that is all right. The Director General, after he initiates the rates, ought to try to persuade the Interstate Commerce Commission to enact them, but on the other hand you will have the other interests trying to persuade the Interstate Commerce Commission the other way, and the result will be a decision that will be just.

Mr. Chairman, while I am heartily in favor of this measure, and think its enactment will be a wise step toward bringing stability to the business of the country, I am very much opposed to the amendment proposed by our committee, which would require the approval of the State commissions of any change in intrastate rates. The laudable purpose of the Cummins bill is to afford a hearing for the interests vitally affected thereby before any change is made in the rates. It gives an additional check against the power of the Railroad Administration to make a change in the rate structure.

It must be remembered that during Federal control the entire procedure with reference to the filing of the schedules of rates has necessarily been changed. The Director General explained the procedure very concisely, as follows:

Our general procedure with respect to rates has been this: Even at the outset of the Railroad Administration the contention was that these matters ought not to be left to railroad men. So the first director general selected Hon. Charles A. Prouty as Director of the Division of Public Service and Accounting, and in that capacity it was understood that his concurrence must be obtained as the representative of the public in changes of the rate structure. So that while the technical work was done in the Division of Traffic, yet the Division of Public Service, represented by Mr. Prouty, must concur in what was done, and if there was a disagreement between the Division of Public Service and the Division of Traffic, the disagreement was to be submitted to the director general for consideration.

In addition to that, we appointed, in order to facilitate careful consideration of these matters, these traffic committees. Originally they consisted of two railroad men selected by the Division of Traffic and one representative of the shippers selected by the Division of Public Service. This year, shortly after I became director general, Mr. Prouty requested to be relieved of a part of his work, and it was arranged that he would give up the public-service part of his work and retain the part relating to accounts. I then appointed Mr. Max Thelen as the Director of the Division of Public Service, to devote his whole time to representing the interests of the public in all these matters, and since his appointment his concurrence has been necessary in these rate matters, and in the event of any disagreement between him and the Division of Traffic that disagreement has to be submitted to the director general for consideration.

Since Mr. Thelen has been appointed Director of the Division of Public Service we have increased the public representation on these traffic committees to two, where there were two railroad men, so that the committees are evenly balanced. On some of the larger committees there were three railroad men and two representatives of the shipping public, and to those committees an additional representative of the shipping public has been added, so that there has been equal representation—two or three men representing the Division of Public Service, selected by it from shippers, and two or three, as the case might be, representing the Division of Traffic, and selected by it from railroad men. It has been our policy in these matters, as I have already said, to keep in the closest touch with the Interstate Commerce Commission and to make any changes in the light of the advice which it might give.

In addition to that, it has further been our policy with respect to intrastate rates, in every case where it was at all possible, to keep in touch with the State railroad commissions and get the benefit of their advice. (Hearings, p. 48.)

This is the established machinery of the Railroad Administration for establishing a rate structure and for making changes in any established rate structure. In the case of Northern Pacific Railway Co. *v.* North Dakota (U. S. Supreme Court, June 2, 1919) the Supreme Court of the United States decided that under the Federal-control act both interstate and intrastate rates came under the jurisdiction of the Interstate Commerce Commission. Hence all rates are now filed with the Interstate Commerce Commission. The purpose of the

Federal-control act was to give unified control by the Government of all the transportation facilities of the country, and in carrying out the purpose of the act all distinctions between intrastate and interstate rates have been obliterated, with the exception that the Director General has sought advice from the State commissions from time to time.

We must not assume that the purpose of this act is to prevent any increase in the freight and passenger rates. If that were the purpose, Congress could by an act of three or four short lines bring about such result. Granted that the purpose of the legislation is not to prevent the increase of freight rates, then we must afford the facility by which, if desired, this may be done in the most logical way. Assume that the bill passes with the amendment recommended by the committee, which restores the State commissions to their power, with reference to future changes, and that the Director General desires to make a change in the rate structure. He will wish to determine, first, what additional revenue is needed; second, what change in freight rates will yield this revenue. Having to initiate all rates, both interstate and intrastate, he will make his computations embrace the whole rate structure. Then what follows? First, he must separate the interstate schedules from the intrastate schedules. He files the interstate schedules with the Interstate Commerce Commission; he must then file separate schedules with each of the 48 State commissions. After 30 days, unless the Interstate Commerce Commission exercises its power to suspend the rates and in the event of the exercise of such power at the end of the suspension period, the interstate rates go into effect. In the meantime the Director General has sent his representatives to appear before the several State regulatory bodies. Each of such bodies has its own method of procedure, its own provisions with reference to the length of notice and the kind of hearing, including the right to petition for rehearing, and so forth. If it could be assumed that the different State regulatory bodies would finally approve the schedule recommended by the commission, obviously many of the changes in the interstate rates might not become effective before the effective date of the intrastate rates. The State bodies would be sure to make some changes, and all this would, of course, entirely upset any calculation with reference to the aggregate revenue to be secured by the proposed change.

This, however, is the least objectionable feature. The greatest objection is that discriminations would at once be brought about all over the country. For instance, suppose the interstate rates had gone into effect with reference to shipments in Chicago. Every shipper whose shipments were destined for Chicago outside of the State of Illinois would have to pay the advanced interstate rates. All of the Illinois shippers would still be under the lower intrastate-rate structure. This would put the coal mines of Indiana out of business temporarily or occasion them severe loss. Shippers between points within the State of Texas would be operating under the old schedule, while shippers outside the State whose freight was destined to points in Texas would be compelled to pay the new freight rates. Situations like those presented in the Shreveport case would be multiplied all over the country. All the delicate machinery of the freight-rate structure throughout the country would be thrown into utter confusion, and this confusion would undoubtedly exist at the date of the relinquishment of Federal control over railroads. Without question it is the intention of Congress, for a short time at least, to retain the prevailing rate structure at the time Federal control ends. Thus the confusion would be carried far into the period of private control. Of course, the bill retains the right to bring up the question of discrimination of intrastate as against interstate rates in the manner in which the question was presented in the Shreveport case, but it would take hundreds of cases involving almost endless litigation, covering a long period of time, to make such an adjustment, and in the meantime the very purpose sought to be attained by the present bill would be thwarted. The shippers of the country have complained bitterly and with much justification against the ills of rate structures put into effect arbitrarily by the Director General; but in fleeing from those ills they do not want to "fly to ills they know not of." The amendment which I propose leaves the jurisdiction of all rates, interstate and intrastate, during Federal control, with the Interstate Commerce Commission, a Federal tribunal, where it should be lodged.

Mr. NEWTON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. NEWTON of Minnesota. The Railroad Administration during the period of its control raised the express rates 10 per cent, did it not?

Mr. SANDERS of Indiana. Yes.

Mr. NEWTON of Minnesota. And in connection with that did they not submit their data to the various State commissions throughout the country, and did not something over 40 out of the 48 comply with the new rates immediately?

Mr. SANDERS of Indiana. Yes.

Mr. NEWTON of Minnesota. And the remaining number complied very shortly thereafter?

Mr. SANDERS of Indiana. I do not know about that.

Mr. NEWTON of Minnesota. Does not that show a spirit of cooperation?

Mr. SANDERS of Indiana. I do not know about that. All but five complied—and do you want to put it into the hands of five States in this Union to disrupt the whole scheme of rate making?

Mr. NEWTON of Minnesota. Here is what I want to do: We are now out from the war, and I want to get back to local control and not have everybody trotting down here to Washington. [Applause.]

Mr. SANDERS of Indiana. The gentleman and I are in accord in respect to that, and within the next 90 or 100 days I hope we will be back under private control; but in the meantime I do not think we ought to rob the agency of the Federal Government into whose hands we place this responsibility of the power to do what is right in the whole country with respect to all these rates with which they have the right to deal. [Applause.]

Mr. DEWALT. Mr. Chairman, in order to get at the meat of this problem, let us first inquire as to what is the necessity for the legislation. The necessity for this, if there be a necessity at all, arises from the fact that on the 21st day of March, 1918, we passed a Federal-control act, by the provisions of which the President and the Director General appointed by him took over all of the transportation lines of this country except some of the smaller lines. By the provisions of that act the Director General had the right to fix all of the rates upon the different transportation lines of the country, and he did so fix them. By the decision of the Supreme Court in the case which I referred to only a few moments ago, and which decision was rendered June 2, 1919, this power conferred by the Federal-control act applied not only to interstate commerce, but it applied as well and as thoroughly to intrastate commerce. Therefore it follows logically, as a matter of law, that all of the power of the intrastate commissions, to wit, the State commissions, so far as rate making was concerned, was absolutely void if the President or the Director General under him desired to and actually did fix the rates; and the Supreme Court so said. By this legislation we propose to do what? Read on page 3, and follow me, commencing at line 17:

> And the Interstate Commerce Commission shall have as full and complete authority and jurisdiction to set aside, change, modify, suspend, or otherwise review all such rates, fares, charges, classifications, and regulations affecting interstate or foreign commerce as though the Government had not assumed the possession and control of said transportation systems.

Namely, restoring to the Interstate Commerce Commission the powers that it had prior to the Federal-control act. Now read further, turning to page 4:

> Except that the amendment of August 9, 1917, to section 15 of the act to regulate commerce, which provides that until January 1, 1920, no increased rate, fare, charge, or classification shall be filed, except after approval thereof has been secured from the commission, shall not be applicable to rates, fares, charges, or classifications initiated or changed by the President.

That is one exception, and now comes the exception to which the gentleman from Indiana refers, namely:

> *Provided*, That no change or increase shall hereafter be made in intrastate rates, fares, charges, classifications, regulations, or practices without having first secured the approval of the proper State regulating tribunals conformable to the laws of the several States.

Therefore we have this clean-cut proposition, that we are restoring to the Interstate Commerce Commission the supervision of the rates except in these two specific cases, to wit, where the President initiates them during the period of Federal control, and, secondly, that he must secure the approval of the State commissions before they can become effective.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WALSH. Mr. Chairman, I ask unanimous consent that his time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DEWALT. Mr. Chairman, the amendment of the gentleman from Indiana [Mr. SANDERS], boiled down, is just this, that all commerce, whether it be interstate or intrastate purely, shall be subject solely to the supervision of the Interstate Commerce Commission. That is the residuum and final analysis of his amendment. Am I correct in stating that?

Mr. SANDERS of Indiana. Purely Federal control.

Mr. DEWALT. The other is mere verbiage. It boils itself down into that clean-cut proposition—shall the Interstate Commerce Commission during the period of the war control the entire supervision of all the commerce of the United States whether it be interstate or intrastate purely?

Mr. SANDERS of Indiana. Mr. Chairman, of course that refers only to rates, fares, charges, classifications, and so forth.

Mr. DEWALT. Yes.

Mr. SANDERS of Indiana. And has nothing to do with police powers.

Mr. DEWALT. Certainly not. It refers only to the period of Federal control. Let us reduce a little further. Under the Shreveport case, with which all of you who are lawyers are familiar, there was a great deal of dissatisfaction. The Shreveport case decided explicitly that where there was a discrimination which was harmful to interstate commerce, or which was discriminatory against the residents or citizens of another State, no State could pass a law making a fare which was discriminatory against the citizens of another State or as against interstate commerce.

There was a great deal of grumbling about that, but it became the law of the land and people are now satisfied with it. But this amendment goes still further, and the amendment of the gentleman from Indiana says that the State authorities, that Pennsylvania with its 10,000,000 people, that Illinois with its 8,000,000 people, that Indiana with its large population—and, by the way, Illinois had a larger area of railroad mileage than any other State in the Union with the exception of Texas—that these great Commonwealths shall surrender their power as to the supervision of clearly intrastate regulation of rates. To whom? To the Director General of Railroads and to the Interstate Commerce Commission. Now, gentlemen, I have heard a great deal of talk of the sovereign rights of the State, and as a Democrat, agreeing with a good many Republicans, too, I believe in the sovereign rights of the State. I believe, too, inherently in the paramount right of the Nation. I believe it is an indivisible union of sovereign States, as Daniel Webster said, and I believe this, too, that within the powers of the State there lies the regulation of its own affairs clearly within the State when they do not harm the citizens of another State, and therefore I am against the amendment of the gentleman. [Applause.]

Mr. BLACK. Will the gentleman yield?

Mr. DEWALT. I will.

Mr. BLACK. Does the gentleman think that the passage of this particular amendment that is in the committee could really be used so as to nullify the decision of the Supreme Court in the Shreveport case in this way? Suppose the Interstate Commerce Commission authorized an increase of 15 per cent in interstate rates, and there is a like increase in intrastate rates; and suppose the State commission refuses to approve that rate, thereby leaving in force the present intrastate rate. Would not that nullify the Shreveport case?

Mr. DEWALT. It follows conclusively from the mere statement of the fact and the reading of this amendment. And another thing follows just as clearly, and that is if the amendment of the gentleman from Indiana is passed in place of the amendment as in this bill you might just as well notify your various Commonwealths, the 48 of them, that they shall abolish their State commissions.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. DEWALT. I will.

Mr. SANDERS of Indiana. I do not know whether I understood what the gentleman meant when he answered the gentleman from Texas. Does the gentleman mean to say that if the State commission of Texas refused to raise the rate and the Interstate Commerce Commission did raise the rate that that would create a discrimination under the rule of the Shreveport case?

Mr. DEWALT. Not of itself; no. The gentleman's question, as I understood it, was this, and if I am mistaken he will correct me: The Interstate Commerce Commission in a certain instance fixes a rate, we will say, of 15 per cent in advance of what the other rate was. Now, by the provisions of this amendment as now framed, he puts the question to me, Supposing the State does not agree to the raise, then does it become nugatory? Yes; it does; because this provides they must first have the allowance of the State commission. Then the next question was whether it would nullify the decision in the Shreveport case. There I say no.

Mr. BLACK. I would like to hear the gentleman on that point.

Mr. SANDERS of Indiana. I thought the gentleman from Texas and the gentleman from Pennsylvania did not understand each other.

Mr. DEWALT. Because the Shreveport case says this, in substance, that no State can pass any law or make any regulation in regard to rates which is harmful or discriminatory as against interstate commerce as interstate commerce or as against the citizen of another State. That is the meat of that decision. Now, it would not make any difference whether the consent of the State authority was to be had on that. If it did discriminate against interstate commerce and if harmful to a citizen of another State in interstate commerce, it would become ineffective under the decision of the Supreme Court.

Mr. BLACK. If the gentleman will permit, it was only in connection with that particular provision; but Congress comes on, following that decision of the Supreme Court, and says that the State commission shall have the veto power in those rates, and unquestionably we would have the same situation which the Supreme Court faced in the Shreveport case without any power anywhere to correct it.

Mr. DEWALT. Well, if the State authorities assumed or undertook to pass a rate which was not consistent with the rate as established by the General Government in interstate commerce, the rate as established by the General Government would be paramount to the rate as established by the State.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DENISON. Mr. Chairman, I move to strike out the last word of the amendment of the gentleman from Indiana. I do not think I will take over five minutes on this question. I do not want the committee to get the impression that the committee that reported out this bill did not give the most serious and painstaking consideration to this committee amendment. It involves a question that is very far-reaching and very important. This is going to come before the Congress in the proposed legislation that will soon be reported out by the Committee on Interstate and Foreign Commerce fixing a permanent policy of the Government with reference to the railroads of the country. And that question is as to just what shall be the jurisdiction of the Interstate Commerce Commission with reference to the regulation of railroads and fixing the rates, charges, and fares, and what shall be the jurisdiction and power left to the various State commissions and other State regulatory bodies. Now, there are two different schools of thought upon that question. There are some who believe that the time has come when the Federal Government should take exclusive control of all those questions affecting all railroads, intrastate and interstate. There are others who believe we must preserve the dignity and the power and the authority of the State commissions or State regulatory bodies with reference to intrastate questions or rates.

Of course, there is also involved, over and above it all, the question of constitutional power. Now, my friend from Indiana, the gentleman who has just offered this amendment, if I do not misunderstand his position, is one of those who believe that the Interstate Commerce Commission ought to permanently have exclusive control over the fixing of all rates, intrastate as well as interstate; and so he is perfectly consistent when he offers this amendment to this bill for solving the question temporarily doing away with all further powers of the State commissions and State regulatory bodies. The gentleman from Oklahoma [Mr. HASTINGS] a while ago, when he asked him the question, hit the nail right on the head when he said, "If you do not look out you are going to commit the Congress here to a policy that may hereafter prove embarrassing." And so I want the committee to bear that in mind.

Mr. HASTINGS. Will the gentleman yield?

Mr. DENISON. I will.

Mr. HASTINGS. Does not every railroad in this country favor giving exclusive jurisdiction to the Interstate Commerce Commission instead of the State commissions, both as to control of intrastate and interstate rates?

Mr. DENISON. Of course they do. They do not want to be bothered with the State commissions. But that is such a far-reaching question, it is a question of so great importance to the people of the country themselves, that the Congress ought to study it very carefully and hesitate before enacting an amendment here to-day of the kind that is proposed by the gentleman from Indiana [Mr. SANDERS].

Now, I do not think that this particular amendment to the Senate bill as reported by the committee is going to seriously embarrass the Railroad Administration. I do not think the State commissions will take any position that will embarrass the General Government now. Why? One reason will be because they know that if they do it they are liable to meet with

permanent legislation pretty soon that will do away with their powers, if Congress has the constitutional power to enact such legislation. So I think that, in view of all the conditions, the State commissions will take a broad and liberal view and a patriotic view of this question so long as the railroads remain under the control of the Federal Government and will approve any reasonable regulation of rates that may be proposed by the President during the continuance of Federal control.

Mr. FORDNEY. Mr. Chairman, I move to strike out the last two words.

Gentlemen, we are all very much interested in this rate-making power, where it rests and how it operates. Under existing law during the period of the war the power rests solely with the President of the United States to make rates. He delegated that power to the Director General of the Railroads undoubtedly, because through that agency rates are in effect fixed and have been fixed during the period of the war.

On May 29 last there was put into effect a new classification of freight rates on imported goods from the Pacific coast to eastern points. I have spoken on that subject before, but I want to call your attention to existing rates which, in my opinion, are a great injustice to our own people, our own manufacturers and producers. First of all, let me call your attention to the rates fixed for a long haul and a short haul. I believe we should enact into law a measure that will prohibit the charging of a greater freight rate for a short haul than is charged for a long haul. Under existing law, wool from San Francisco to Boston, which city is the great wool market of the United States, a carload of wool, of 20 tons, pays $500 plus the 3 per cent internal-revenue tax of $15. On a carload of wool from Nevada points to Boston the freight rate is $990 plus the internal-revenue tax of $29.70, or, in other words, a carload of imported wool is carried under existing freight rates, fixed by the Federal Government, at $515 from San Francisco to Boston, when a carload of the same kind of wool and of the same number of tons, from Nevada points to Boston, pays $1,019.70. In other words, the freight rate from San Francisco to Boston on imported wool is 2½ cents a pound, while on Nevada wool, a haul of 500 miles shorter, the freight rate is 5 cents a pound lacking a fraction. In round numbers double the freight for a haul of 500 miles shorter than that which is charged on imported wool.

Mr. REAVIS. Will the gentleman yield?

Mr. FORDNEY. I will.

Mr. REAVIS. Is not the difference in rates accounted for in some measure by the fact that the San Francisco wool would have water transportation?

Mr. FORDNEY. If it is shipped from San Francisco, but from an interior point in California it pays a domestic rate.

Now, let me go further, and refer to one other article. To Chicago, Ill., the freight rate is $56 per car greater on domestic goods than on the imported goods of many kinds. This is the minimum excess charge. And so on a great many other items all along through the list. And then we come down to sugar. I want to pick out the extreme cases. There is a discrimination in favor of imported sugar against domestic-made sugar in California of at least $56 a car to any point east, but on certain points it is still greater. From San Francisco to St. Paul the freight rate is $616 per car, and from Helena, Mont., to St. Paul it is $856 per car, including the internal revenue 3 per cent tax, a discrimination of $247 a car, while the haul is 835 miles shorter.

Mr. GRIFFIN. Will the gentleman yield?

Mr. FORDNEY. I will.

Mr. GRIFFIN. How many tons to the car?

Mr. FORDNEY. Forty tons to the car.

Now, then, between San Francisco and Chicago it is $560 per car, while to La Crosse, Wis., it is $96 greater, but a shorter haul. As my time is limited, I will not attempt to give you all the rates, but let me go a little further.

Mr. SIMS. Mr. Chairman, I shall not object to this, but will object to any further discussion outside of this bill.

Mr. FORDNEY. I thought I was talking to the bill, because it fixes rates, my friend.

Mr. SIMS. This bill does not fix rates at all.

Mr. FORDNEY. I do not want to discuss the matter if it is not in order, but it is a subject of great importance, and I thought it related to the bill.

Mr. SIMS. Will the gentleman permit me to ask him a question?

Mr. FORDNEY. Yes.

Mr. SIMS. Before the railroads were taken over by the Government at all, wool rates from San Francisco and other coast points to Boston and other eastern points was $18 a ton, and from Reno it was $80 a ton.

Mr. FORDNEY. I know.

Mr. SIMS. It is practically the same.

Mr. FORDNEY. I know there were discriminating rates against domestic goods before this. I hope the gentleman will let me proceed. I know that those things existed before, but they are greater now than then. I will show you why. For instance, California is the greatest bean-producing State in the Union to-day, and on imported beans from the Orient to eastern points from San Francisco to New York the freight rate on a carload of imported beans is $718.40 less than on California beans. I say that is unjust.

Mr. PELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Michigan yield to the gentleman from New York?

Mr. FORDNEY. In just a minute. Let me finish this statement and then I will yield.

California is one of the greatest States in the Union in the production of canned goods. On canned goods from San Francisco to New York the rate is $544.50 a car, plus internal-revenue tax of 3 per cent, or $16.34. But if shipped to Chicago, Ill., the rate is $1,087, plus the tax of 3 per cent, or $32.63, making a discrimination of a total of $559.25 a carload, and it runs that way all the way through. But when it comes down to goods produced by the packing companies of the country, the freight on the domestic product is less than if the goods were imported. Somebody seems to have some influence there. It is the only exception I know of.

Mr. SMITH of Michigan. What is it?

Mr. FORDNEY. Eight hundred and twenty-five dollars from San Francisco to Chicago on the imported article, and from Goldfield, Nev., or San Francisco, $725, or $100 a car less.

Mr. SMITH of Michigan. What is the reason for that?

Mr. FORDNEY. I know of no other reason on earth than that somebody must have had some influence. I do not want to impute dishonesty to any man.

Let me quote you rates from New Orleans to interior points as far north as Tennessee. On some goods to Alabama, Mississippi, Georgia, and Tennessee points 16½ cents per 100 pounds on certain imported goods and 26½ cents on the same kind of domestic made goods between the same points.

Now, the same condition prevails from New York to New Orleans. The rate of freight, taking points halfway between New York and New Orleans, is about double the freight rate that is charged from New York to New Orleans and from New Orleans to New York. It is a water rate, of course, but the point is, my good friends, that if the railroad companies can carry at a profit goods from the Pacific coast or seaport towns to another seaport town, why not carry domestic made goods at the same rate? And if they can not carry those goods from one seaport town to another seaport town at a profit, then they must be carried at a loss, which the taxpayers of this country must make good, and they should not be permitted to do it. [Applause.] If there is a loss to the railroads on the long haul, then the shippers on the short haul must pay an excessive rate to make up that loss; thus that portion of the shipping public suffers through the dishonesty or incompetency of the railroad managers.

At this point of my remarks I wish to insert a list of rates for a long and a short haul:

Commodity rates from San Francisco.

Item.	From—	To—	Mileage.	Rate per ton.	Rate per carload 20 tons.	War tax.
Wool	San Francisco	Boston	3,313	$25.00	$500.00	$15.00
	Nevada points	do	2,805	49.50	990.00	29.70
Discrimination				24.50	490.00	14.70

Sugar rates from San Francisco.

From San Francisco to—	Mileage.	Ton rate.	Carload rate, 40 tons.	War tax.
Chicago, Ill.	2,279	$14.00	$560.00	$16.80
Reno, Nev.	244	12.65	506.00	15.18
Lovelock, Nev.	345			
Discrimination				
Chicago, Ill.	2,279	14.00	560.00	16.80
Fallon, Nev.	404	14.65	586.00	17.58
Discrimination	975	.65	26.00	.78
Chicago, Ill.	2,279	14.00	560.00	16.80
Winnemucca, Nev.	417	15.40	616.00	18.48
Elko, Nev.	556			
Discrimination		1.40	56.00	1.68
Chicago, Ill.	2,279	14.00	560.00	16.80
Phoenix, Ariz.	902	16.40	656.00	19.68
Discrimination		2.40	96.00	2.88
Chicago, Ill.	2,279	14.00	560.00	16.80
Salt Lake City, Utah	818	15.40	616.00	18.48
Discrimination		1.40	56.00	1.68
Chicago, Ill.	2,279	14.00	560.00	16.80
Cheyenne, Wyo.	1,267	15.40	616.00	18.48
Discrimination		1.40	56.00	1.68
Chicago, Ill.	2,279	14.00	560.00	16.80
Boise City, Idaho	1,185	19.40	776.00	23.28
Discrimination		5.40	216.00	6.48
Chicago, Ill.	2,279	14.00	560.00	16.80
Denver, Colo.	1,376	15.40	616.00	18.48
Discrimination		1.40	56.00	1.68
Chicago, Ill.	2,279	14.00	560.00	16.80
Albuquerque, N. Mex.	1,200	15.40	616.00	18.48
Discrimination		1.40	56.00	1.68
Chicago, Ill.	2,279	14.00	560.00	16.80
Topeka, Kans.	1,943	15.40	616.00	18.48
Discrimination		1.40	56.00	1.68
Chicago, Ill.	2,279	14.00	560.00	16.80
Kansas City, Mo.	1,986	15.40	616.00	18.48
Discrimination		1.40	56.00	1.68
Chicago, Ill.	2,279	14.00	560.00	16.80
Des Moines, Iowa	1,932	15.40	616.00	18.48
Discrimination		1.40	56.00	1.68
Chicago, Ill.	2,279	14.00	560.00	16.80
Omaha, Nebr.	1,786	15.40	616.00	18.48
Discrimination		1.40	56.00	1.68
Chicago, Ill.	2,279	14.00	560.00	16.80
St. Paul, Minn.	2,091	15.40	616.00	18.48
Discrimination		1.40	56.00	1.68
St. Paul, Minn.	2,091	15.40	616.00	18.48
Helena, Mont.	1,256	21.40	856.00	25.68
Discrimination		6.00	240.00	7.20

Sugar rates from San Francisco—Continued.

From San Francisco to—	Mileage.	Ton rate.	Carload rate, 40 tons.	War tax.
St. Paul, Minn.	2,091	$15.40	$616.00	$18.48
Fargo, N. Dak.	2,061	19.40	776.00	23.28
Discrimination		4.00	160.00	4.80
St. Paul, Minn.	2,091	15.40	616.00	18.48
Aberdeen, S. Dak.	2,036	16.80	672.00	20.16
Discrimination		1.40	56.00	1.68
Chicago, Ill.	2,279	14.00	560.00	16.80
La Crosse, Wis.	2,161	16.40	656.00	19.68
Discrimination		2.40	96.00	2.88
Milwaukee, Wis.	2,364	16.40	656.00	19.68
Portage, Wis.	2,276	18.40	736.00	22.08
Madison, Wis.	2,249			
Discrimination		2.00	80.00	2.40
Chicago, Ill.	2,279	14.00	560.00	16.80
Little Rock, Ark.	2,207	16.40	656.00	19.68
Discrimination		2.40	96.00	2.88
Chicago, Ill.	2,279	14.00	560.00	16.80
Oklahoma City, Okla.	1,849	17.00	680.00	20.40
Discrimination		3.00	120.00	3.60
New York, N. Y.	3,191	20.30	812.00	24.36
Montana points	1,400	21.40	856.00	25.68
Discrimination		1.10	44.00	1.32
Virginia cities	3,137	19.70	788.00	23.64
Chattanooga, Tenn.	2,672	23.00	920.00	27.60
Discrimination		3.30	132.00	3.96
Virginia cities	3,137	19.70	788.00	23.64
Nashville, Tenn.	2,521	20.40	816.00	24.48
Discrimination		.70	28.00	.84
Virginia cities	3,127	19.70	788.00	23.64
Lexington, Tenn.	2,472	21.90	876.00	26.28
Jackson, Miss.	2,464			
Discrimination		2.20	88.00	2.64
Virginia cities	3,137	19.70	788.00	23.64
McKenzie, Tenn.	2,369			
Paris, Tenn.	2,386	22.40	896.00	26.88
Perryville, Tenn.	2,389			
Hollow Rock Junction	2,396			
Discrimination		2.70	108.00	3.24
Memphis, Tenn.	2,325	16.40	656.00	19.68
Santa Fe, N. Mex.	1,300	17.40	696.00	20.88
Amarillo, Tex.	1,575			
Discrimination		1.00	40.00	1.20
Memphis, Tenn.	2,235	16.40	656.00	19.68
Monroe, La.	2,250			
Fort Worth, Tex.	1,915	21.40	696.00	20.80
Dallas, Tex.	1,945			
Discrimination		5.00	200.00	6.00
Chicago, Ill.	2,279	14.00	560.00	16.80
Goldfield, Nev.	514	33.40	1,336.00	40.08
Discrimination		19.40	776.00	23.28

Commodity rates from San Francisco.

Item.	From—	To—	Mileage.	Rate per ton.	Rate per carload.	War tax.
Coffee roasted	Galveston, Tex.	Kansas City, Mo.	806	$11.00	[1] $330.00	$9.90
	Do.	Oklahoma City, Okla.	551	16.00	[1] 480.00	14.40
Discrimination				5.00	150.00	4.50
Coffee, green	Galveston, Tex.	Kansas City, Mo.	806	7.25	[1] 217.50	6.53
	Do.	Oklahoma City, Okla.	551	14.40	[1] 432.00	12.96
Discrimination				7.15	214.50	6.43
Beans	San Francisco.	New York, N. Y.	3,191	18.80	[2] 752.00	22.56
	Do.	Chicago, Ill.	2,279	36.25	[1] 1,450.00	43.50
	Do.	Goldfield, Nev.	514			
Discrimination				17.45	698.00	20.91

[1] 30-ton carload.

[2] 40-ton carload.

Commodity rates from San Francisco—Continued.

Item.	From—	To—	Mileage.	Rate per ton.	Rate per carload.	War tax.
Asphaltum	San Francisco	Chicago, Ill	2,279	$12.50	[1] $500.00	$15.00
	Do	Goldfield, Nev	514	18.25	[1] 730.00	21.90
Discrimination				5.75	230.00	6.90
Asphaltum	San Francisco	New York, N. Y	3,191	15.00	[1] 600.00	18.00
	Do	Goldfield, Nev	514	18.25	[1] 730.00	21.90
Discrimination				3.25		3.90
Canned goods	San Francisco	New York, N. Y	3,191	18.15	[2] 544.50	16.34
	Do	Chicago, Ill	2,279			
	Do	Goldfield, Nev	514	36.25	[2] 1,087.50	32.63
Discrimination				18.10	543.00	16.25
Barley	San Francisco	Chicago, Ill	2,279	11.20	[1] 448.00	13.44
	Do	Goldfield, Nev	514	12.95	[1] 518.00	15.54
Discrimination				1.75	70.00	2.10
Packing-house products	San Francisco	Chicago, Ill	2,279	41.25	[3] 825.00	24.75
	Do	Goldfield, Nev	514	36.25	[3] 725.00	21.75
Discrimination						
Packing-house products	San Francisco	Denver, Colo	1,376	35.00	[2] 700.00	21.00
	Do	Goldfield, Nev	514	36.25	[2] 725.00	21.75
Discrimination				1.25	25.00	.75

[1] 40-ton carload. [2] 30-ton carload. [3] 20-ton carload.

Special-class commodity rates.

Item.	From—	To—	Mileage.	Rate per ton.	Rate per carload.	War tax.
Dried beans	San Francisco	Virginia cities	3,277	[1] 18.75	[1] $468.75	$14.06
	Do	Greensboro, N. C	3,179	23.00	[1] 575.00	17.25
Discrimination				4.25	106.25	3.19
Dried fruits	San Francisco	Virginia cities	3,277	25.00	[2] 750.00	22.50
	Do	Greensboro, N. C	3,179	30.50	[2] 915.00	27.45
Discrimination				5.50	165.00	4.95
Canned salmon	San Francisco	Virginia cities	3,277	18.00	[3] 630.00	18.90
	Do	Greensboro, N. C	3,179	23.00	[3] 805.00	24.15
Discrimination				5.00	175.00	5.25
Flour	Portland, Oreg	Memphis, Tenn	2,483	12.20	[4] 488.00	14.64
	Nevada milling points	do	2,135	15.20	[4] 608.00	18.24
Discrimination				3.00	120.00	3.60
Flour	Portland, Oreg	New Orleans, La	3,103	13.20	[4] 528.00	15.84
	San Francisco, Stockton, Sacramento, Fresno, Calif.	do	2,374	15.20	[4] 608.00	18.24
Discrimination				2.00	80.00	2.40
Flour	Portland, Oreg	New Orleans, La	2,739	13.20	[4] 528.00	15.84
	Do	Central Texas points	2,192	16.20	[4] 648.00	19.44
Discrimination				3.00	120.00	3.60

[1] 25-ton carload. [2] 30-ton carload. [3] 35-ton carload. [4] 40-ton carload.

First-class freight-rate discrimination.

	Mileage.	Ton rate.	Carload rate, 15 tons.	War tax.
From New York to—				
New Orleans	1,372	$24.60	$461.25	$13.84
Jackson, Miss	1,238			
Winona, Miss	1,150	28.60	536.25	16.09
Westpoint, Miss	1,072			
Discrimination		4.00	75.00	2.25
Memphis, Tenn	1,157	21.80	408.75	12.26
Corinth, Miss	1,066	28.60	536.25	16.09
Discrimination		6.80	127.50	3.83
Memphis, Tenn	1,157	21.80	408.75	12.26
Bristol, W. Va	605	22.10	414.75	12.44
Discrimination		.30	6.00	.18
Memphis, Tenn	1,157	21.80	408.75	12.26
Knoxville, Tenn	736	24.00	450.00	13.50
Discrimination		2.20	41.25	1.24

First-class freight-rate discrimination—Continued.

	Mileage.	Ton rate.	Carload rate, 15 tons.	War tax.
From New York to—				
Memphis, Tenn	1,157	$21.80	$408.75	$12.26
Chattanooga, Tenn	847	25.20	472.50	14.18
Discrimination		3.40	63.75	1.92
New Orleans, La	1,372	24.60	461.25	13.84
Birmingham, Ala	990	26.20	491.25	14.74
Discrimination		1.60	30.00	.90
New Orleans, La	1,372	24.60	461.25	13.84
Spartansburg, La	685	25.30	274.75	14.24
Discrimination		.70	13.50	.40
Savannah, Ga	845	16.80	315.00	9.45
Salisbury, N. C	565	20.60	386.25	11.59
Discrimination		3.80	71.25	2.14

First-class freight-rate discrimination—Continued.

	Mileage.	Ton rate.	Carload rate, 15 tons	War tax.
From St. Louis, Mo., to—				
New Orleans, La.	1,287	$18.00	$337.50	$10.13
Texarkana, Ark.	494	25.40	476.25	14.29
Discrimination		7.40	138.75	4.16
From St. Louis, Mo., to—				
Savannah, Ga.	905	23.00	431.25	12.94
Atlanta, Ga.	611	26.00	487.50	14.63
Discrimination		3.00	56.25	1.69
From Memphis, Tenn., to—				
New Orleans, La.	637	13.00	243.75	7.31
Texarkana, Ark.	294	23.40	438.75	13.16
Discrimination		10.40	195.00	5.85
From Cincinnati, Ohio, to—				
New Orleans, La.	835	19.60	367.50	11.03
Meridian, Miss.	633	25.20	472.50	14.18
Discrimination		5.60	105.00	3.15

This policy upon the part of the United States Railroad Administration has not been confined to the establishment of import rates via Pacific coast ports, for such rates to some extent are now being carried via Gulf ports. As you may be interested in this additional information, I am quoting below import asphalt rates established in September, 1918, from Mereaux, New Orleans and Baton Rouge, La., to certain southeastern points, showing the domestic rates at the same time. These rates are all published in cents per hundred pounds to apply on carload shipments.

To—	Import rates from—		Domestic rates from—	
	Baton Rouge.	Mereaux and New Orleans.	Baton Rouge.	Mereaux and New Orleans.
ALABAMA.	*Cents.*	*Cents.*	*Cents.*	*Cents.*
Avondale	16.5	16.5	26.5	26.5
Bessemer	16.5	16.5	26.5	26.5
Birmingham	16.5	16.5	26.5	26.5
Boyles	16.5	16.5	26.5	26.5
East Birmingham	16.5	16.5	26.5	26.5
East Thomas	16.5	16.5	26.5	26.5
Ensley	16.5	16.5	26.5	26.5
Exum	16.5	16.5	26.5	26.5
Fairfield	16.5	16.5	26.5	26.5
Gadsden	17.5	17.5	29.0	29.0
Gate City	16.5	16.5	26.5	26.5
Grasselli	16.5	16.5	26.5	26.5
Helena	16.5	16.5	26.5	26.5
Hillman	16.5	16.5	26.5	26.5
Irondale	16.5	16.5	26.5	26.5
Laketon	16.5	16.5	26.5	26.5
Minis	16.5	16.5	26.5	26.5
North Birmingham	16.5	16.5	26.5	26.5
Powderly	16.5	16.5	26.5	26.5
Pratt City	16.5	16.5	26.5	26.5
Ridgefield	16.5	16.5	26.5	26.5
Simmons	16.5	16.5	26.5	26.5
Thomas	16.5	16.5	26.5	26.5
Thompson	16.5	16.5	29.0	29.0
Tipton	16.5	16.5	26.5	26.5
Tuscaloosa	16.5	16.5	26.5	26.5
West End	16.5	16.5	26.5	26.5
Woodlawn	16.5	16.5	26.5	26.5
Woodward	16.5	16.5	26.5	26.5
Wylam	16.5	16.5	26.5	26.5
MISSISSIPPI.				
Aberdeen	17.5	17.5	25.0	25.0
Columbus	17.5	17.5	25.0	25.0
Corinth	17.5	17.5	29.0	29.0
Greenwood	25.0	25.0	25.0	25.0
Jackson	17.5	17.5	22.5	22.5
Macon	17.5	17.5	25.0	25.0
Pontotoc	40.0	40.0	55.0	55.0
Tupelo	17.5	17.5	26.5	26.5
West Point	17.5	17.5	25.0	25.0
Yazoo City	25.0	25.0	25.0	25.0
GEORGIA.				
Armour	17.5	17.5	29.0	29.0
Atlanta	17.5	17.5	29.0	29.0
East Point	17.5	17.5	29.0	29.0
Federal Prison	17.5	17.5	29.0	29.0
Fort McPherson	17.5	17.5	29.0	29.0
Hapeville	17.5	17.5	29.0	29.0
Lakewood Station	17.5	17.5	29.0	29.0
Oakland City	17.5	17.5	29.0	29.0
Roseland (Fulton County)	17.5	17.5	29.0	29.0
TENNESSEE.				
Boyce	17.5	17.5	29.0	29.0
Chattanooga	17.5	17.5	29.0	29.0
Citico	17.5	17.5	29.0	29.0
East Chattanooga	17.5	17.5	29.0	29.0
Emory Gap	21.5	21.5	31.5	31.5
Harriman	21.5	21.5	31.5	31.5
Harriman Junction	21.5	21.5	31.5	31.5
Humboldt	17.5	17.5	32.5	32.5
Jackson	17.5	17.5	30.0	30.0
Knoxville	21.5	21.5	31.5	31.5
McCarty	17.5	17.5	29.0	29.0
Memphis	17.5	17.5	20.0	20.0
Nashville	17.5	17.5	31.5	31.5
Ripley	17.5	17.5	30.0	30.0
Rives	17.5	17.5	35.0	35.0
Rockwood	21.5	21.5	31.5	31.5
Trenton	17.5	17.5	46.5	46.5
Union City	17.5	17.5	35.0	35.0

Tariff authority: Illinois Central Freight Tariff Foreign 180-M. I. C. C. J-5223. Louisville & Nashville Import Freight Tariff Ex-511. I. C. C. 283.

As evidence of the way the people's money is being squandered by the Railroad Administration or Government control, I wish to read a newspaper clipping from, as I remember, a Chicago paper of recent date, forwarded to me by the Hon. W. B. Mershan, of Saginaw, Mich.:

A Wabash Railroad water tank, operated by electricity, is tended by a farmer who turns on the switch in the morning, works all day at his own business, and turns the switch off at night. For this he was formerly paid $20 a month. Under the Government Railroad Administration he was classed as an electrician, his time was figured for the entire day, and he was allowed $300 a month and given over $2,500 back pay.

Mr. Hines, the railroad administrator, in a letter recently addressed to me, admits that there are employed at present on the railroads 140,000 more men than were employed at the time the Government took over the roads. This seems to me to be extravagance in the extreme.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. RAYBURN rose.

Mr. ESCH. Mr. Chairman, I move that the debate on the pending amendment offered by the gentleman from Indiana [Mr. SANDERS] be limited to five minutes.

The CHAIRMAN. The gentleman from Wisconsin moves that the debate on the pending amendment be limited to five minutes. The question is on agreeing to that motion.

The motion was agreed to.

Mr. SAUNDERS of Virginia. Mr. Chairman, may we have the amendment reported before the gentleman from Texas [Mr. RAYBURN] makes his speech?

The CHAIRMAN. Without objection, the amendment will again be read.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Indiana as an amendment to the committee amendment: Page 4, line 9, after the word "*Provided*," strike out all the remainder of line 9 and all of lines 10, 11, and 12 down to and including the word "States," in line 13, and insert in lieu thereof the following: "That during the period of Federal control the rates, fares, charges, classifications, regulations, and practices of all carriers under Federal control shall be subject to the provisions of this act and of all laws now in force and effect with reference to rates, fares, charges, classifications, regulations, practices, notwithstanding the fact that the commerce may be wholly within a State."

The CHAIRMAN. The gentleman from Texas is recognized for five minutes.

Mr. RAYBURN. Mr. Chairman, replying for a moment to the remarks of the gentleman from Michigan [Mr. FORDNEY], I will say that of course these rates are higher now and the differential is more than it was before Federal control obtained, for the simple reason that the rates are higher.

As to his last remarks about the long-and-short-haul proposition, that is with us and has been with us always, and in all probability will be with us in the years that are to come.

Now, as to this amendment offered by the gentleman from Indiana [Mr. SANDERS], it draws the issue clearly. No amendment that I have ever seen offered in this House on any bill draws the issue more clearly between those who believe in centralizing all the power of the Government in Washington, absolutely robbing the States and all their commissions or tribunals of any power and placing them in Washington, than the amendment offered by the gentleman from Indiana. I have

read a great deal in my life about the Federalists and anti-Federalists and what they believed. I have read a great deal about strict constructionists of the Constitution and loose constructionists of the Constitution. I have read a great deal about centralization, but with all good feeling and in all friendship I must say that when it comes to being a centralizationist I believe my good friend from Indiana takes the rag off the bush.

This amendment simply does this, and I support it for the reason that it means a return to a sane policy of regulation of the rates on the railroads and transportation companies of this country. We are going back, because it is no longer a war time, to a settled policy of a generation with reference to rate making in this country, and if the House had done what I sought to have it do when the railroad-control act was up, and what the gentleman from Iowa [Mr. SWEET] by his amendment sought to have it do, the Interstate Commerce Commission would not have had the power of veto over proposed rates taken away from it, and I do not believe that it ever should have been. But the argument was then made—and it was a hard kind of argument to resist—that the Government was charged with running the railroads, and therefore there should be nothing that would come between it and its power and its right to operate the railroads and not create a deficit against the Federal Treasury. Therefore the amendment to take this power away from the Interstate Commerce Commission also takes away from the State commissions the power to set aside rates, or, in other words, the power to veto rates initiated by the carriers or the President, who stands in the place of the carriers.

Now, the war is no longer on. We are starting back to peace times with the railroads. [Applause.] Then if we are going to give to the Interstate Commerce Commission the power that it had before Federal control, which was taken away from it during the war, why not go the whole hog and give back to the State commissions that which is justly theirs? [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment offered by the gentleman from Indiana [Mr. SANDERS] to the committee amendment.

The question was taken; and on a division (demanded by Mr. SANDERS of Indiana) there were—ayes 20, noes 82.

Accordingly the amendment to the amendment was rejected.

Mr. GREEN of Iowa. Mr. Chairman, I offer an amendment to the committee amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment to the committee amendment by Mr. GREEN of Iowa: Page 4, line 9, beginning with the word "*Provided*," strike out all of the proviso.

Mr. RAYBURN. Mr. Chairman, that is not a part of the bill yet. That is an amendment that will have to be voted on.

Mr. GREEN of Iowa. I have offered an amendment to the committee amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment to the committee amendment.

Mr. GREEN of Iowa. Mr. Chairman, I am very much in favor of restoring the powers of the Interstate Commerce Commission, and I want to restore them fully and completely. I had some doubt about the amendment offered by the gentleman from Indiana [Mr. SANDERS]. That amendment gave to the Interstate Commerce Commission some powers which it did not possess before. The amendment which I have offered would simply leave the powers of the Interstate Commerce Commission exactly as they were before we entered upon Federal control. The gentleman from Pennsylvania [Mr. DEWALT] pointed out very clearly how on page 3 of the bill these powers were given to the Interstate Commerce Commission, by providing that—

the Interstate Commerce Commission shall have as full and complete authority and jurisdiction to set aside, change, modify, suspend, or otherwise review all such rates, fares, charges, classifications, and regulations affecting interstate or foreign commerce as though the Government had not assumed the possession and control of said transportation systems.

Now the gentleman from Pennsylvania [Mr. DEWALT] and those who support the committee amendment will agree with me that, though ordinarily the powers of the Interstate Commerce Commission were limited to interstate rates, yet where rates established by the State commissions conflicted with or nullified the rates established by the Interstate Commerce Commission, or imposed a discrimination upon a citizen of another State, then under the decision in the Shreveport case the rates established by the Interstate Commerce Commission would prevail.

The importance of this matter in this particular case is this: As the committee amendment stands, all of these rates must be examined to see whether they conflict with the rates established by the 48 different States, and if a State established an intrastate rate, it has the right to have that rate prevail, notwithstanding any action that the Interstate Commerce Commission may take, and no matter how much it may conflict with that act. This, in my opinion, so complicates the situation as to make rate changes difficult if not entirely impracticable.

Mr. HULINGS. The President now has the right to fix intrastate rates. Before the Government took over the railroads the Interstate Commerce Commission had no right to fix the rates for intrastate commerce.

Mr. GREEN of Iowa. None except as I have stated.

Mr. HULINGS. Except where an intrastate rate interfered with a rate fixed by the Interstate Commerce Commission.

Mr. GREEN of Iowa. Yes.

Mr. HULINGS. Now, if your amendment should pass, the President would still have the right to fix the rates for intrastate commerce.

Mr. GREEN of Iowa. No; for his powers are defined by the bill.

Mr. HULINGS. He has that right now with this bill not passed.

Mr. GREEN of Iowa. With the bill not passed, yes; but the provisions on page 3 take care of that. He gets merely the power given him by this bill if it passes. An examination of the provisions on page 3 of the bill will show that under it he gets only the power which the "carriers" themselves had before Government control. The carriers or railways were always subject to State control on intrastate rates.

Mr. HULINGS. No; I beg pardon. The provisions on page 3——

Mr. GREEN of Iowa. I will have to let the gentleman argue that in his own time. I think he is the only gentleman here who takes that view. The provisions on page 3 give to the Interstate Commerce Commission the same powers that it had before Federal railroad control was initiated.

Mr. HULINGS. It did not have the power before to fix intrastate rates.

Mr. GREEN of Iowa. It did not; that is true.

Mr. HULINGS. It would not have now.

Mr. GREEN of Iowa. It has the same control as before; and the State commissions, if my amendment prevails, will have the same power as they had before, because this bill does not give to the President any power whatever except as is expressly stated therein and is a substitute for the section which has heretofore given him control. So that the whole situation comes down to this: Is the Interstate Commerce Commission to have the power which it had before Federal railroad control or is part of it to be taken away by virtue of this bill? If all its former powers are to be restored, my amendment should prevail.

Mr. HULINGS. Mr. Chairman, I do not favor the amendment proposed by the gentleman from Iowa [Mr. GREEN]. After railroad control was taken over by the Federal Government, the President alone had the right to fix all rates for interstate as well as for intrastate commerce carried on railroads. The Interstate Commerce Commission, after the Government took control, had no right or power to fix rates on interstate commerce. This bill, if passed as it is, provides that the Interstate Commerce Commission shall have the right to supervise or change rates that the President may make, and in addition to that it also provides that in intrastate commerce, for which the President alone has now the right to fix the rates, the State commissions may supervise and fix the rates. If the amendment of the gentleman from Iowa should pass, this would be the state of affairs: The Interstate Commerce Commission would have the right to supervise the rates for interstate commerce made by the President, but nobody whatever would have anything to say or any supervision of the rates which the President might make for intrastate commerce. It would leave his power absolute, just as it is now under the law of the Federal control of railroads, because the gentleman from Iowa strikes out of the committee amendment the right restored to the State commissions or tribunals to supervise the rates imposed upon strictly intrastate commerce, and leaves all power to fix such rates in the President or the Director General of Railroads, thus defeating one of the prime purposes of the bill, which is to get out of war conditions and put the commerce of the country back into peace conditions.

Mr. SIMS. Mr. Chairman, I wish to say a few words in opposition to the amendment offered by the gentleman from Iowa [Mr. GREEN]. The amendment I expect to offer on page 3 is that during the period of further Federal control the carriers shall initiate rates instead of the President. The carriers before the war control act initiated rates in intrastate commerce as well as in interstate commerce. The gentleman from Pennsylvania [Mr. HULINGS] will see that this is rather a cute way of initiating rates after the war in both interstate and intrastate commerce, giving nobody but the Interstate Commerce Commission the right to suspend the President initiated rates. Then the Interstate Commerce Commission would have the power both in interstate and intrastate rate cases and the State commissions would have absolutely no power.

Therefore to pass this bill would be for the very great advantage of the railroads in such States as Pennsylvania, Texas, New York, Illinois, Minnesota, and others, because the intrastate business in those States is 25 to 50 per cent of all the business in the State.

One of the greatest opportunities that a State commission has is to enforce proper service regulations within the State to take care of the local State service question. Now, when we give the President the power simply to initiate and let it go where it never could have gone except in the exercise of the war power, and as a result to give the Interstate Commerce Commission indirectly the right to control intrastate rates, that it never could have done in any other way, is doing something by indirection that could not be done in any other way.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. GREEN of Iowa. I did not understand the last remarks of the gentleman to apply to my amendment. If it does, I ask if he agrees with the gentleman from Pennsylvania [Mr. HULINGS] on the construction given my amendment. Let me call attention to the fact that the powers given to the President on page 3 are not the powers of general legislation, but powers that the carriers had under the former practice.

Mr. SIMS. As to the making of rates which the commission had prior to the war.

Mr. GREEN of Iowa. The President is given the same power the carriers had.

Mr. SIMS. I gave notice that if my amendment was adopted I would move to strike out all of this committee amendment, because it would be unnecessary. But we are voting on the committee amendment before mine has been acted upon. If this amendment is going to stay in at all, let it stay in bodily as it is.

Mr. SANDERS of Indiana. The real effect of the gentleman's amendment would be to leave the bill, as far as the rates are concerned, as it came from the Senate.

Mr. FORDNEY. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GREEN] to the committee amendment.

The question was taken; and on a division (demanded by Mr. GREEN of Iowa) there were 17 ayes and 53 noes.

So the amendment to the amendment was rejected.

Mr. BLACK. Mr. Chairman, I offer the following amendment to the committee amendment.

The Clerk read as follows:

Amendment to the committee amendment offered by Mr. BLACK: Page 4, line 9, after the word "*Provided*," strike out the balance of line 9 and all of lines 10, 11, 12, and line 13, down to and including the word "States," and insert "State regulating tribunals, conformable to the laws of the several States, shall have the same control of intrastate rates, fares, charges, classifications, regulations, or practices as existed prior to Federal control: *Provided further*, That the President may appeal from any order or decision of such State tribunal to the Interstate Commerce Commission, and such commission may modify, change, or annul the decision or order from which an appeal has been taken. During the pendency of such appeal the decision or order of the State regulatory body shall not be suspended by reason of such appeal."

Mr. BLACK. Mr. Chairman, the amendment that I have offered contains three provisions. First, it restores to the State regulatory bodies their control over intrastate rates, fares, and charges the same as they had prior to Federal control. The second provision of the amendment gives the President the right to appeal from the decision of the State regulatory body to the Interstate Commerce Commission and gives the Interstate Commerce Commission the power to modify, change, or to annul the decision of the State commission, and the third provision is that during the pendency of the appeal the order of the State commission shall not be suspended by reason of the appeal.

The reason that I have offered the amendment is simply this: I am as thoroughly convinced as I am convinced of any other economic proposition in this country that our transportation systems have become national in their character, and that there must be some centralized body, like the Interstate Commerce Commission, having the final power of decision over rates. I do not see how we will ever have a just and uniform system of rates without this power lodged in the commission. I do not think there is a Member of the House of Representatives who is more emphatically opposed to Government ownership or to all of these socialization schemes than I am, and yet I realize that unless something is done to make our transportation system an effective national organization, with an effective centranized control, with a power and ability to earn a reasonable rate on its investment, sooner or later we are bound to have Government ownership. Capital will not continue to invest in railroads without at least a reasonable prospect of fair returns. I also realize the dangers of centralization. I realize the difficulties and the hardships on citizens of a State who have come here to Washington to secure changes in rates which are purely intrastate in character, and what I favor is that which I have expressed in this amendment, to let the State commission have jurisdiction over the intrastate rates, let it hand down its decision, and then let the President, under Federal control, or the carrier, after we turn the roads back to private control, appeal to the Interstate Commerce Commission, and do not suspend the State rates during the pendency of the appeal, but give the Interstate Commerce Commission the power of final hearing, for good cause shown, to modify or annul the decision of the State commission.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. BLACK. Yes.

Mr. DENISON. Will the gentleman state on what ground the President would be allowed to urge an appeal as a reason for reversing the decision of the State tribunal?

Mr. BLACK. The ground would be as now provided in the interstate-commerce law, that the rates were not reasonable and just or were discriminatory in their character.

Mr. DENISON. That is not provided in the present law.

Mr. BLACK. No. In the present law, known as the Interstate Commerce Commission act, no appeal is provided from a State commission to the Interstate Commerce Commission.

Mr. DENISON. Does not the gentleman see that unless you specify the ground that the President can present to the Interstate Commerce Commission on which to reverse the decision of the State commission, you might as well do away with the State commission altogether?

Mr. BLACK. I would not object to an amendment that it should be specified in the appeal that such decision or order of the State commission must be unreasonable or discriminatory. I would have no objection to an amendment of that kind, because that is exactly what I had in mind when I drew the amendment which I have offered, and I do think we are bound to adopt some kind of system similar to the one I have suggested or sooner or later have chaos in our transportation systems. I do not think there is any wisdom in going back to the old system of having 48 regulatory bodies over the United States with rate-making powers and from the mistakes of which as to intrastate rates the carriers have no redress except to go into the courts and allege and prove that the rate is confiscatory. I do not wish to be understood as making any attack on the State commissions. Many of them have rendered very valuable service, and will continue to do so. But what I do contend is this: The history of rate regulation in this country has demonstrated beyond doubt, I think, that we must have a national rate structure, and in order to prevent serious confusion and disorder it is necessary to have some central authority with final power to adjudicate rates, both as to interstate and intrastate traffic. In my opinion, it will either come down to that or to Government ownership. I certainly do not want the latter contingency to happen.

Mr. JONES of Texas. Mr. Chairman, I desire to oppose the amendment offered by the gentleman from Texas [Mr. BLACK]. I thoroughly agree with his statement that it is bad to go back to the old system of having 48 commissions controlling the fixing of rates, and that some system must be devised that will do away with the necessity of these conflicting jurisdictions. But until some reasonable system is devised that will prevent the necessity of the individual and local organizations having to make the fight over the little individual rates it will be necessary to have local commissions. Otherwise the individual's rights are lost in the maze of the many questions that arise in rate disputes. I think the real remedy was suggested by the

gentleman from Michigan [Mr. FORDNEY] here to-day when he discussed the long-and-short-haul clause. When the final rate bill is up for disposition I shall offer an amendment which will forbid the charging of a greater rate for a shorter than for a longer distance over the same line or route in the same direction.

In other words, I think that water competition rates should be abolished and that no rate for a long haul should be less than for a shorter haul over the same line or direction. If you will adopt that system and put the rates of these entire United States on a uniform basis, then you can have one national commission that can settle all of these questions. But until that is done any locality is helpless that happens to be the victim of an unjust rate.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. BLACK. I would like to know how you are going to bring about that uniformity with 48 State regulatory bodies putting into effect intrastate rates which under this amendment might be clearly discriminatory as against the interstate-commerce rates?

Mr. JONES of Texas. I thoroughly agree with the gentleman, but I wish to state this: The changes, if and when made, should be made together. You should not undertake to make one correction without making the other along with it. If you will abolish water-competition rates and put all rates on a mileage basis, with a reasonable loading and unloading or terminal charge, then you can begin to talk about having a body that can deal justly with all communities in a uniform manner. But until that time arrives no finer method can be devised than the old State-commission system. I want to suggest one defect that arose out of the famous Shreveport case that has been cited here to-day. That case simply involved the rates on two short lines of railway in east Texas. The Interstate Commerce Commission set aside the State railway commission's rates and authorized uniformity on those two lines. The Texas railroads under the guise of complying with that order changed the whole system of rates in Texas and saddled upon west Texas a differential on both inbound and outbound rates, which made the rates 50 per cent higher. The Panhandle Chamber of Commerce spent three years before the Interstate Commerce Commission trying to correct that error that was put on us unjustly, and finally the Interstate Commerce Commission held that the differential that was placed on west Texas was unjust. But we had to suffer during those three years while the matter was pending, and hundreds of thousands of dollars in rates were unjustly collected from west Texas in the meantime. Why should a city that is situated on a body or stream of water have the additional advantage of lower freight rates? Why should the inland community be penalized to enrich the towns and cities located on or near navigable waters?

Now, if our question had been before the State commission, as it had been once before, we would have gotten relief within 30 days. So long as you allow a different adjustment of rates throughout the country and in different States—in other words, so long as that system of discrimination in behalf of water cities remains as we have it to-day, it is certainly foolish to expect a man or an organization which wants a simple correction in rates to come to Washington to have a hearing or secure a hearing before the Interstate Commerce Commission in order to secure his or its relief.

Mr. BLACK. Will the gentleman yield?

Mr. JONES of Texas. I will.

Mr. BLACK. The gentleman understands my amendment provides that the State commission shall put into effect its order and decision and that the carrier, in this case the President, would have to appeal to the Interstate Commerce Commission, and during the pendency of that appeal the State rate would not be suspended.

Mr. JONES of Texas. I understand the gentleman's amendment is a little better than it would be if he did not have that provision in it, but nevertheless it still provides that a man, if he secures a correction in a 10-mile rate, must come to Washington before the Interstate Commerce Commission before he finally secures his relief. And when the President or anybody acting for him gives notice of an appeal to the commission here the man is helpless and hopeless in his effort to secure relief. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Texas to the committee amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is on the committee amendment.

The question was taken, and the committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 4, line 19, strike out the words "or the Director General of Railroads."

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 4, line 23, strike out the words "said Director General," and insert "such agency as may have been determined by the President for execution of his powers under this act."

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 5, line 1, strike out "the Director General" and insert in lieu thereof the word "President."

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 5, line 4, after the word "classifications," strike out the words "practices, or regulations, directly," and insert the words "regulations, or practices."

Mr. EMERSON. Mr. Chairman, I move to strike out the last word. I would like to ask a question of some member of the committee. I understand that the Senate is not going to take up any matters until the peace treaty is disposed of. Now, the railroad bill will be here, I understand, in two or three weeks, and the question is this: Why is it necessary to pass this bill in such a short time before the railroad bill comes in? I wish some member of the committee would explain that to me?

Mr. ESCH. Mr. Chairman, I thought I explained that in my opening address. Possibly the gentleman was not present at the time.

Mr. EMERSON. I was.

Mr. ESCH. But this bill has already passed the Senate, and if we pass it in the House it goes to conference and action on conference reports can be expedited, and it would not interfere necessarily with any consideration of the treaty in the Senate. It would not be a time-consuming proposition as it would be if it were originally put up to the Senate.

Mr. EMERSON. Well, it might be.

Mr. ESCH. Well, I doubt it very much.

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the committee amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 5, line 5, after the word "interstate," insert the words "or foreign."

The question was taken, and the amendment was agreed to.

The CHAIRMAN. That disposes of all the committee amendments.

Mr. SIMS. Mr. Chairman, I move to amend, on page 3, line 13, by striking out the word "President" and substitute therefor the word "carrier."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. SIMS: Page 3, line 13, strike out the word "President" and insert in lieu thereof the word "carrier."

Mr. SIMS. Mr. Chairman, of course this amendment ought to have been acted upon before the committee amendment on page 4 was perfected. But under the ruling of the Chair the committee amendments must be first considered or acted upon before any other amendments. So if my amendment should carry it would be absolutely necessary in some way to eliminate the word "President" wherever it occurs in the same sense in the rest of the bill. Of course, if it is not adopted, that is the end of it. I tried as well as I could in my opening remarks to oppose leaving the power in the President to initiate rates and then giving the Interstate Commerce Commission power to suspend them in both intrastate and interstate service. Now, if the railroads have the power to initiate rates, and then we restore to the Interstate Commerce Commission the power to suspend and pass upon the interstate rates initiated by the railroads, then the intrastate rate initiated by the railroads will be subject to the laws of the States—whatever they are in each State—and consequently would restore the law just as it was before Federal control began, both as to interstate and intrastate rates.

Now, I can not see any other argument than those already made to require the President to initiate rates which may be immediately suspended. He may initiate them in both State and interstate and then they may be immediately suspended as to both by the Interstate Commerce Commission, and the Interstate

Commerce Commission passes upon the rates, both national and State, both interstate and intrastate, and therefore makes it final and eliminates all power of the State commissions to act in any way whatever.

Now, just as long as we have private ownership of railways there ought to be competition, and there ought to be competition in regulation as well as competition in rates, and the only way to secure competition within the State and in intrastate service is to keep it in the State commissions, because they are local and know what ought to be done. Now, take great States like Texas, Illinois, New York, Pennsylvania, Minnesota, and California, that have an immense intrastate business and intrastate service, passenger as well as freight, and they will be absolutely superseded and set aside and their powers nullified, first, by having rates initiated by the President, and then having the Interstate Commerce Commission given the power to act finally on the rates initiated by the President and approved by the Interstate Commerce Commission.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. SIMS].

The question was taken, and the amendment was rejected.

Mr. ESCH. Mr. Chairman, I offer an amendment.

Mr. CLEARY. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. ESCH], a member of the committee, is recognized.

Mr. ESCH. On page 3, line 21, strike out the word "and" and insert after the word "regulations," in the same line, the words "and practices."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ESCH: Page 3, line 21, strike out the word "and" after the word "classifications," and after the word "regulations" insert the words "and practices."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the amendment was agreed to.

Mr. SIMS. Mr. Chairman, I have another amendment to offer, provided the Chairman has no more to offer now.

Mr. ESCH. I have some others which I wish to offer.

Mr. SIMS. My amendment is to the last line on page 5. I will not offer it, however, until all the other amendments have been acted on.

Mr. ESCH. I have some to offer before that. On page 5, insert the word and numeral, "Sec. 2" before the word "In" in line 12.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ESCH: Page 5, line 12, before the word "In" insert the word and figure "Sec. 2."

Mr. WALSH. Mr. Chairman, I move to strike out the last word, for the purpose of asking the gentleman from Wisconsin where that will leave section 10 of the original act of March 21, 1918. The bill as drawn is a complete amendment of section 10.

Mr. ESCH. It is.

Mr. WALSH. If you insert "Sec. 2" in this bill, I do not think it will make the section 2 a part of section 10, but it will make it section 2 of this bill, and will take it out of the redrafted phraseology of section 10.

Mr. ESCH. It is evident that the last paragraph of the bill has no relation to section 10 of the Federal control act. It treats of an entirely different subject matter, namely, the statute of limitations. We might designate it as "10 (a)," and that would keep its position in the Federal control act. I make that suggestion, that instead of making it "Sec. 2" make it "Sec. 10 (a)."

The CHAIRMAN. The gentleman from Wisconsin offers a modified amendment, which the Clerk will report.

The Clerk read as follows:

A modified amendment by Mr. ESCH: Page 5, line 12, before the word "In," at the beginning of the line, insert "Sec. 10 (a)."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. ESCH].

The question was taken, and the amendment was agreed to.

Mr. ESCH. Mr. Chairman, I offer another amendment. On page 5, line 15, strike out the words "passage and approval" and substitute the words "taking effect."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ESCH: Page 5, line 15, strike out the words "passage and approval" and insert in lieu thereof the words "taking effect."

Mr. ESCH. The purpose of that is, that it may be easy to conceive of a bill passing without approval as against a presidential veto, and the words "taking effect," I think, are more ordinarily used.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. ESCH].

The question was taken, and the amendment was agreed to.

Mr. ESCH. Mr. Chairman, I make a like amendment in line 19.

The CHAIRMAN. The gentleman from Wisconsin offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ESCH: Page 5, line 19, strike out the words "passage and approval" and insert in lieu thereof the words "taking effect."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was agreed to.

Mr. SIMS. Mr. Chairman, I offer the following amendment: On page 5, line 20, after the word "excluded," add "that all further Federal control of all carriers shall cease within four months from the approval of this act."

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SIMS: Page 5, line 20, after the word "excluded" add "that all further Federal control of all carriers shall cease within four months from the approval of this act."

Mr. ESCH. Mr. Chairman, I reserve a point of order on that.

Mr. SIMS. Mr. Chairman, the amendment speaks for itself. It seems to me that if this bill is going to pass and become a law as it is, the sooner the railroads know exactly when they will be finally called on to assume control, the sooner they can prepare themselves for that responsibility.

Now, as said by the gentleman from Indiana [Mr. SANDERS] several times in argument, that it would not be more than two or three months, or something like that, until the roads would be returned. He seems to contemplate, that either by legislation or by the act of the President that the roads will be returned within two or three months. Of course, it is within the power of the President to release all the roads at any time under the act. But this amendment would shorten the time to four months, and if Congress has determined upon passing this kind of a bill to take away all power of the President to further protect the Public Treasury by making rates and having them go into effect immediately, subject to final action in case there is complaint by the Interstate Commerce Commission, the sooner this deficit is ended the better, and if they are going to be better operated and better controlled both for the public and the Public Treasury by the railroad owners themselves than by the Government, the sooner they are returned the better.

And so I do not see any use in talking at one time about 3 months' further Government control and at another time about 21 months. Four months will give time to the railroads to get ready to operate.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Yes.

Mr. DEWALT. Mr. Chairman, will the gentleman yield for a question?

Mr. SIMS. Yes.

Mr. DEWALT. The wording of the amendment is that "all further control," and so forth. Am I correct about that?

Mr. SIMS. Yes.

Mr. DEWALT. What is the significance of the word "further"?

Mr. SIMS. I used it because it is in another place in the bill, in an amendment that has not been acted upon.

Mr. DEWALT. Will the gentleman be willing to reconstruct his amendment?

Mr. SIMS. Yes. Strike out the word "further."

The CHAIRMAN. The gentleman from Tennessee [Mr. SIMS] asks unanimous consent to modify his amendment. Is there objection?

There was no objection.

Mr. SWEET. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. SWEET. The gentleman appears to have changed his mind as to the length of time. According to the bill H. R. 265, if I remember correctly, it was four years that he wished to have Federal control continue. Now, you are placing it at four months.

Mr. SIMS. I assume that this bill is to become a law. There is no use in keeping the railroads in the hands of the Government without power to do more than initiate rates. I am offering this amendment because of the refusal of the Committee of the Whole to accept the other amendment to allow the carriers to initiate rates.

Mr. SWEET. Then your amendment is in accordance with the provisions of this bill?

Mr. SIMS. Certainly. I think if the bill is to pass, the sooner we clothe the owners of the roads will full power and responsibility and the sooner we clothe the State and National commissions with full power and responsibility the better.

The CHAIRMAN. Does the gentleman from Wisconsin make the point of order?

Mr. ESCH. Yes; I insist upon it, in view of the fact that the pending bill amends section 10 of the Federal-control act, which deals with regulatory powers as to fares, rates, and charges, while the amendment of the gentleman from Tennessee has relationship to the period of Federal control, which in turn is treated of in section 14 of the Federal-control act, to the effect that Federal control shall cease after a period not exceeding 21 months after the proclamation of the declaration of peace.

Mr. SIMS. Mr. Chairman, I think that is rather a strained point of order, but it might be sufficient to warrant the Chair in sustaining the point of order if the Chair thinks it proper. But the bill is dealing with Federal control of railroads, and my amendment provides that all Federal control shall cease within four months of the approval of this act—Federal control of all character. I think it is perfectly germane. I wish I was as hopeful of its passage as I am confident that it is germane.

The CHAIRMAN. The Chair thinks that unquestionably the amendment offered by the gentleman from Tennessee is not germane to the paragraph, and sustains the point of order.

Mr. DENISON. Mr. Chairman, I move to strike out the last word of the paragraph on page 5. I ask unanimous consent to proceed for 10 minutes if I care to use that much time.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. DENISON. Mr. Chairman, I rise just to make a few general observations with reference to the bill. This bill has resulted from a demand arising from the country generally, from the shippers of the country; a very persistent and a very forceful agitation and complaint from the country generally, which has come to the members of the committee and Members of the House and Senate, no doubt with such force that the committee has felt that some legislation of this kind should be passed.

Now, when the bill was under consideration in February, 1917—the Federal railroad-control act—those Members who were here at that time will perhaps remember that there was opposition to certain provisions of the bill, and serious opposition, and a long and very interesting debate.

One of the provisions of the bill against which there was strong opposition was that which fixed the compensation that was to be paid for the railroads during Federal control. Many of us thought that the compensation provided for was too high; that is, that the standard return which was fixed as the average net operating income for the three years prior to the war, was not fair to the country exactly, because the three years selected for the fixing of the standard return were the three years in which the incomes of the railroads had been the highest of any three years in the history of the country. Now, subsequent events have proven that that complaint against the bill was well founded, and that that provision of the bill has partly contributed to the deficit that has since been found to result from the management and control of the railroads by the Government.

Another provision of the bill against which there was objection was this very provision that we are now seeking to change, the provision giving the President the right to fix rates. The committee will remember that the gentleman from Iowa [Mr. SWEET] offered an amendmen* known as the Sweet amendment. It was discussed here all day by those who were opposed to it and by those who were in favor of it. If you will pardon a personal reference, I may say I was one of those who were opposed to giving the President the power to fix rates on the railroads, as I shall show in a moment.

Another provision of the bill against which there was a great deal of objection was the provision which continued Federal control of the railroads for a period of two years after the war. That provision was bitterly contested. There were some who wanted it continued indefinitely, among whom was the gentleman from Tennessee [Mr. SIMS], if I remember correctly, and it was stated here by myself, as well as by others, that the basis of that provision in the bill as it was originally introduced was a desire to experiment with Government ownership; and subsequent events have proven that that suggestion was certainly well founded.

The gentleman from Wisconsin [Mr. ESCH] offered an amendment to the bill at the time it was under consideration limiting the period of Government control to one year after the termination of the war; record votes were taken in the House both on that amendment and on the so-called Sweet amendment.

As these important and far-reaching problems arise in the House and are considered by the Congress we look at them with our eyes to the future and give them our best judgment as to how our solution of them will work. But sometimes it is quite interesting, after the years have gone by, to look backward at the same problems and see wherein our judgment was right or wrong. And sometimes it is interesting for us to go back and read the CONGRESSIONAL RECORD and see how the Members of the House viewed these problems at the time they came before us and how they would have solved them and how they voted on them. I have found considerable pleasure or interest in going back over the record of the discussion of the Federal control bill at the time it was under consideration, and that has not been so very long ago; it was in February, I believe, of 1917. At that time the Sweet amendment was presented to the full House and a vote was taken on it, and there were 165 who voted for it and 210 who voted against it.

I think that subsequent events have shown that the Sweet amendment should have been approved and embodied in the bill, and that the right to fix rates of the transportation companies in this country should not have been given to the President, but should have been left with the Interstate Commerce Commission.

On the Esch amendment there were 164 votes in favor of it and 205 against it. In other words, there were 205 Members who thought that the control should continue two years after the end of the war and 164 Members thought it should continue only one year.

The war, or the fighting at least, closed on the 11th day of last November. And since then the President has announced that he intends to return the railroads to their owners by the last day of this coming December. I think the country wants the railroads returned to their owners, and Congress will more than likely provide the necessary legislation so they can be returned within about a year after the close of the war.

So that subsequent events have shown the wisdom of the amendment proposed by the gentleman who is now the very able chairman of the Committee on Interstate and Foreign Commerce [Mr. ESCH]. If you will pardon another personal reference, I wish to state that I voted both for the Sweet amendment and for the Esch amendment. I wonder how many Members remember the vote on the final passage of the bill? On the final passage of the bill there were 339 yeas and 6 nays. Those who voted against the bill were Messrs. Chandler of Oklahoma, Gordon of Ohio, HAUGEN of Iowa, RAMSEYER of Iowa, THOMAS of Kentucky, and myself.

In explaining my position on the bill at that time I made the following statements, which appear on page 2713 of the CONGRESSIONAL RECORD, for the second session of the Sixty-fifth Congress, and which I trust I may be pardoned for quoting:

> I am opposed to that provision of the bill which would extend the time for returning the properties to their owners two years after the war, and I am opposed to this provision in the bill which gives this power to the President to fix the rates, because I can not see, and I have heard no argument yet from anyone that has convinced me, that the power of fixing the rates for the shipment of freight or any other rates is a war power.
>
> I do not think this bill should be passed with a single provision in it that could be construed as an encouragement to those who believe in Government ownership.
>
> Let us be candid with ourselves and with the country and make it plain that this legislation is a war necessity only.
>
> I will support the bill if it is amended so as to be what it is represented to be—legislation necessarily resulting from a state of war—and if some of the provisions of the bill that are absolutely inexcusable are eliminated from it.
>
> I am opposed to the Government keeping possession of the railroads two years after peace has been declared. I think that length of time is unreasonable and would be so held by the courts; it is also unnecessary, and is intended as a compromise with those who believe in Government ownership, or who would experiment with it. And I will not vote for the bill unless it is amended so as to provide for the return of the railroads to their owners in a less time than two years after the close of the war.
>
> I am unalterably opposed to giving the President or the Director General of Railroads, or any other one man, the power to fix railroad rates. It requires a most fertile imagination to conceive of the rate-fixing power as a necessary war power. It is not a war power at all. It is nothing more nor less than an abdication by Congress of one of its legislative powers and conferring it upon one man who we all know could not himself exercise it and would not exercise it.
>
> I have not heard one sound reason given during this debate why the Interstate Commerce Commission, that has heretofore had the right by act of Congress to finally determine railroad rates, should not do so while the roads are under Government control. Certainly the Interstate Commerce Commission is better qualified than any other person or any other tribunal in this country to determine reasonable rates. * * *
>
> I am willing to give the President the power to initiate rates during the continuance of the war as a war necessity, but the Interstate Commerce Commission should under any circumstances retain its authority to finally determine the reasonableness of the rates. * * *

And I will not vote for the bill if it contains the provision giving the President this power. I hope the amendment of the gentleman from Iowa [Mr. SWEET] will be adopted.

So far as I am concerned, I shall not vote for any measure that will confer upon the President or Mr. McAdoo or any other person any greater power than they now have unless I am convinced beyond all doubt that it is absolutely necessary to help us successfully prosecute and speedily terminate the war; and I will not vote for this bill if it contains the provision giving the President the power to fix rates of the railroads of the country.

I think, too, the bill provides compensation to the railroads for the use of their properties during the Government control that is excessive and is unjust to the people who will have to pay the bill.

Neither of the amendments, offered by the gentleman from Iowa [Mr. SWEET] and by the gentleman from Wisconsin [Mr. ESCH], were agreed to by the House, as I have shown by the record of the votes, and for that reason the gentlemen whose names I have given and myself voted against the bill on its final passage. I felt then that our judgment was right, and I now feel that subsequent events have justified our judgment in voting against the bill. [Applause.]

By the passage of this bill here to-day Congress will restore to the Interstate Commerce Commission the rate-making power which never should have been taken from it in the original Federal-control act. When the railroads are returned to their owners the last of this year, the judgment of those of us who contended that Federal control should not extend more than one year beyond the close of the war will have been vindicated. And when Congress comes to consider the tremendous loss that the Government will sustain from operating the railroads during Federal control, and shall scrutinize the monthly deficit in the operation of the roads, it will then be admitted, as it is now already known, that the standard return or compensation which Congress provided for the railroads during their use by the Government was unreasonably excessive and has proven a great injustice to the American people.

And, Mr. Speaker, we so often, in looking back over the CONGRESSIONAL RECORD, find where our judgments on pending legislation were wrong and our prophecies with reference thereto have proven untrue, there is at least some satisfaction when we can look back and find that our judgment on such questions was right.

Mr. EVANS of Nebraska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. EVANS of Nebraska: Page 2, line 16, after the word "created," strike out the comma and insert a colon and the following:

"*Provided*, That all judgments based on damages occasioned by a defective construction, which defect existed at the time the railroads were taken over by the United States."

Mr. EVANS of Nebraska. Mr. Chairman, the purpose of this amendment is to provide that out of the funds that go to the railroad these damages shall be paid. If you will read the bill on page 2, beginning with line 2, you will notice that—

All final judgments on causes of action arising during Federal control for a plaintiff or plaintiffs rendered in actions for personal injuries or for loss of or damage to property shall be promptly paid by the President either from the operating revenue of the defendant or defendants or the revolving fund herein created, and final judgments based on claims accruing prior to Government control shall be paid by the President out of such compensation as is or has been agreed to be paid to such railroad company.

The purpose of this amendment, as you will notice, is to require the payment of such damages as are occasioned by defective construction which existed at the time the railroad was taken over by the Government out of those funds which go to the railroad.

I think it is apparent to anyone, simply upon the statement of the case, that the damages occasioned by defective construction should not come out of the revenues paid by the people. If you allow the bill to remain as it is you will make the Government pay for the damages occasioned by the railroads' own fault, while if you adopt this amendment they will be paid out of the funds of the railroads.

Mr. REAVIS. Mr. Chairman, I move to strike out the last word. I want to say a word with reference to this amendment.

The bill as now drawn provides for the payment of damages, on all claims that were filed before the Government took over the railroads, out of the revenues that would go to the railroad companies, but all damages arising out of claims not filed at the time the Government took over the railroads will come out of the revolving fund, a fund that is naturally and inevitably paid by the people. The amendment of my colleague from Nebraska [Mr. EVANS] provides that all claims for damages that arise because of faulty construction of the railroads before they were taken over by the Government shall be paid not out of the people's revolving fund, but out of the revenues collected that would go to the railroad companies.

I have in mind a very large number of cases that have been begun in the Middle West since the Government took over these railroads. They are cases founded in damage arising in part out of the following condition of facts: The railroad companies in building across the valleys of streams instead of building trestlework built solid embankments. These streams occasionally overflowed, filling the valleys with water. The natural escape for that water, of course, was through the valley of the stream, but encountering these railroad embankments and not being permitted to flow through, the water was backed up and covered the farm lands in that vicinity, where it would not go except for the careless and negligent construction by the railroads. Under the bill as now drawn every dollar of damages occasioned by the faulty construction of the railroads in putting solid embankments across the valley rather than trestlework will be paid from the funds of the people, while if the amendment of my colleague from Nebraska [Mr. EVANS] is adopted the damages so occasioned will be paid out of the revenues that would go to the railroad company; and inasmuch as the railroad companies, in the first instance, were entirely responsible for the negligent and faulty construction of the railroads across these valleys, they should bear the consequences and pay the damages which their own action has occasioned, rather than to throw that burden onto the people by paying it out of their fund, which is known as the revolving fund. I think common justice would indicate the necessity and desirability of adopting the amendment of my colleague.

Mr. JONES of Texas. Does not the gentleman think it would almost involve a lawsuit to determine which of those cases would come under the amendment?

Mr. REAVIS. I can not see how it would involve a lawsuit, for this reason: The railroads have been in existence there for years. These solid embankments across these valleys had been there for years.

Mr. JONES of Texas. I did not have any special reference to the gentleman's illustration, but I had reference to the various cases that could come in under the gentleman's amendment. Cases might arise from defective construction, from defects of the rolling stock, and various instrumentalities pertaining to the railroad company.

Mr. REAVIS. Yes; there would be many instances, of course, where there would be a question as to whether it was a construction before or after taking over the railroads. But the adoption of this amendment will safeguard the rights of the people in hundreds of cases concerning which there will be no question. It seems to me the representatives of the people in this House can hardly afford to so disregard the rights of the people as to compel them to pay damages occasioned by the negligent act of the company for which the people or the railroad control is in no way responsible.

Mr. CANNON. Will the gentleman yield?

Mr. REAVIS. Yes.

Mr. CANNON. Suppose there is a little railroad here taken over that put on 40-pound iron, had not money enough to do otherwise, and then during Federal control that iron breaks—I suppose that would have to be taken out?

Mr. REAVIS. How can the gentleman fix the responsibility of the 40-pound iron on the people who had nothing to do with it?

Mr. CANNON. The Government, without being invited, took it over, and took it as it was. The compensation was fixed by the act, and they were to be returned in as good condition as when the Government took them over.

Mr. REAVIS. All of which I admit; but inasmuch as the Government had nothing to do with putting down the 40-pound iron in the first instance, where is the equity or the justice in forcing the people to pay the consequences of an act for which they were not responsible?

Mr. CANNON. I suppose there would be some litigation that would not result in the benefit of anybody except the lawyers.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken, and the amendment was rejected.

Mr. CLEARY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out the period at the end of the bill and insert the following: "and such time for bringing suit shall be computed from the date of notice in writing properly presented to the claimant that his claim will not be allowed by the railroad company."

Mr. CLEARY. Mr. Chairman, this amendment was sent me by the New York Board of Trade and Transportation, an organization made up of a great many merchants in the city of New York. In a letter accompanying the amendment were these statements, which, I think, cover the argument. It says:

The passage of this amendment we propose would settle the legal question involved and relieve the courts of hundreds of thousands of suits for small amounts which will be brought hereafter by shippers to recover losses and damages. The shippers will not stand for this new and arbitrary proposition, and will bring suits hereafter before the lapse of the two years and one day. This is an injustice to the shippers and a burden on them for which there is no reasonable excuse. Suits between private parties are seldom brought unless the alleged debtor has refused to pay or neglected so long to pay that the claim may be outlawed by the statute of limitations. The shipper has no reasonable ground for bringing a suit until he is informed that his claim will not be allowed, and he should not be forced to bring suit to protect himself until he is so informed.

I might add to that that I have had a great deal to do with railroads. I have had many claims against them in conducting water transportation in connection with them. You make a claim against a railroad, then there is investigation. It goes on, is not pushed very much, the two years slip by, and you have not begun suit and you are barred out. I have often noticed it when I was on friendly terms with the freight agent. He says, "Oh, yes, Mr. CLEARY; we will look it up by and by," but by and by the two years have slipped up, and I have not begun suit.

The purpose of the amendment is to compute the time from the time they refuse to pay the claim. They may take three or four years. If this amendment should pass, it would keep cases out of court, because people do not care to sue the roads, but give them plenty of time for investigation. We provide that the railroads shall first refuse the claim, and after that suit may be begun at any time. This has been pressed very hard, as the gentleman from Wisconsin knows. They asked me to introduce the amendment. It can do nobody any harm. If it is a good case, it ought not to be barred out. The statute of limitations in New York extends for six years. A case against a railroad ought not to be barred because suit has not been begun within two years. I hope the committee may see fit to accept the amendment.

Mr. SANDERS of Indiana. Mr. Chairman, the present bill is very liberal in reference to the statute of limitations. It provides that the period of Federal control shall be added to the statute of limitations. I do not think it would be wise to undertake to make an additional provision here that it should date from the date of the absolute refusal by the railroad company to pay the bill. I do not think that would be a wise limitation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. JONES of Texas. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. JONES of Texas: Page 2, line 10, after the word "Government," add the following: "Bills of lading, special agreements, shippers' receipts or other instruments issued by the common carriers relating or pertaining to interstate live-stock shipments shall, in suits for damages growing out of such shipments, be admissible as evidence only for the purpose of showing that a shipment was made, and shall not be admissible as evidence for any other purpose."

Mr. ESCH. Mr. Chairman, on that I reserve the point of order.

Mr. JONES of Texas. Mr. Chairman, my purpose in offering this amendment is to do away with a condition that has produced a great many complaints. When a live-stock shipper tenders his cattle or his other live stock to a railway company he is presented with a great, long, yellow contract that has a lot of fine printing on it, for stopping to read which he would be "bawled out," which perhaps he would not understand if he did read, and which contains a lot of conditions and exceptions. For instance, one of the provisions frequently put in a contract of that character is that the shipper shall give notice of any claim for damages within one day after the arrival of the stock at the point of destination, or before they are taken out of the yards. Frequently an employee accompanies live stock and the owner is not there. Damages occur because of defective equipment or through negligence, or for some reason for which ordinarily the company would be liable, and yet, simply because notice in writing is not given within one day, within 24 hours of the arrival of the stock at the point of destination, the shipper is forbidden to bring suit. I have been informed by a number of lawyers—I have not had time to look the matter up recently—that the courts have held since the taking over of control by the Federal Government that such conditions are valid; and they also hold valid other statements in the contract, such as the fact that they must file suit within 60 or 90 days——

Mr. REAVIS. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. REAVIS. Of course I have no knowledge of any court that has held that to be valid, but I doubt very much whether private contracts of that character, especially such an unreasonable contract, could be made effective to change the statute of limitations with reference to bringing suit.

Mr. JONES of Texas. They can make notice of damages a condition precedent to the filing of the suit.

Mr. REAVIS. My judgment would be that no such provision would have any force in law.

Mr. JONES of Texas. I understand they claim the contract is based upon a consideration—the same being what is asserted to be a lower rate.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. BLANTON. Is it not a fact that, with regard to practically all of these special agreements, that they are usually printed in very small type, and that when these contracts are introduced the courts invariably have held that they are not good as against the shipper?

Mr. JONES of Texas. Yes.

Mr. BLANTON. And the courts have protected the shippers against almost every one of those unreasonable agreements?

Mr. JONES of Texas. That is very true in the State courts prior to the time that the Federal Government took control of the railroads, but I understand that under the Federal control that now prevails a number of our State courts have held these provisions valid. I know that in my own State most of these conditions are held to be invalid. I have had occasion to file some suits of this character, and, as I recall, the State courts have held that most of those provisions are without consideration, are discriminatory, and unreasonable. But I have complaints from a number of lawyers in my section of the country, which is a great stock-raising country, to the effect that the companies are putting a number of provisions in these different contracts with reference to the place of filing suit, and with reference to the notice that must be given as a condition precedent to a suit for damages. Also as to the time within which the suit must be brought. Even though these conditions and stipulations should be held invalid a number of trial courts are misled by the very fact that the provisions are contained in the shipping contracts.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. BANKHEAD. Do I understand the purpose of the gentleman's amendment is to provide that the contracts of carriage, the bill of lading, may be offered in evidence by the shipper in the trial of a suit only for the purpose of showing that there was a shipment, and that none of its terms shall be admissible to show the contract between the shipper and the carrier?

Mr. JONES of Texas. No. Either party under this amendment may introduce it for the purpose of showing that a shipment was made and as to the amount and nature of the shipment. The question of liability would revert back to the common law or statutory liability, whichever might apply.

Mr. BANKHEAD. Would not that in effect deprive the carrier of the right of contract concerning the terms of shipment?

Mr. JONES of Texas. Not at all. As a matter of fact practically every State in the Union provides or stipulates that there shall be common-law liability, or the various statutes of that State specify the conditions under which there shall be a liability on the part of the carrier. Now, if you have one standard contract with every shipper, and they are all on exactly the same basis, the carrier will know and the shipper will know the conditions of liability, and the matter can be gauged accordingly.

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman from Wisconsin make the point of order?

Mr. ESCH. Mr. Chairman, I make it, based upon the fact, as I gather the import of the amendment offered by the gentleman from Texas, that it has reference more particularly to the so-called Cummins amendment, which was incorporated as part of section 20 of the interstate-commerce act, language of which in part is as follows, having reference very largely to cattle shipments:

That any common carrier, railroad, or transportation company subject to the provisions of this act receiving property for transportation from a point in one State or Territory or the District of Columbia to a point in another State, Territory, District of Columbia, or from any point in the United States to a point in an adjacent foreign country shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass within the United States or within an adjacent foreign country when transported on a through bill of lading, and no contract, receipt, rule, regulation, or other limitation of any character whatsoever shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed.

It occurred to me the gentleman's amendment has relevancy to this section, which is section 20 of the interstate-commerce act, more than to the pending bill.

Mr. JONES of Texas. Mr. Chairman, I would like to be heard on the point of order. In the case of the M. K. T. against Harriman Bros., and in the case of the Adams Express Co. against Croninger, both of which were decisions by the United States Supreme Court, the provisions to which the gentleman refers are held not to forbid contracts which limit the amount of liability or which specify the giving of notice as a condition precedent to recovery; that they do not refer to that in any way; that they simply refer to the question of actual liability where the issue was up on its merits. The United States Supreme Court therefore has practically nullified any effect of those provisions which would tend to cover the matters referred to in my amendment. Now, the State courts of my State have held that the various matters that I have sought to have covered by this amendment are invalid and unreasonable, and yet since the enactment of the Federal control act, under which we are operating now, I understand a great many courts have held these special contract provisions and limitations valid. Now, the bill we have under consideration and the particular clause or paragraph which I undertake to have amended says that—

Actions at law or suits in equity may be brought by and against such carriers and judgments rendered as now provided by law; and in any action at law or suit in equity against the carrier no defense shall be made thereto upon the ground that the carrier is an instrumentality or agency of the Federal Government.

This brings up the exact question we have under discussion, and that is whether or not certain things that are being plead as defenses in the courts of our country under Federal control shall be valid and effective. I am seeking by virtue of this amendment to bring these specific items under the terms of this general provision of the bill, and this general provision refers to the defenses that are offered in suits for damages. Now, my amendment provides that in live-stock shipment suits for damages the man who is making the shipment shall have the right to bring a suit, and that certain things shall not be defenses. These come strictly under the general terms of the second provision of this act on page 2, and are therefore germane. The general provision of the bill is all inclusive and includes the very specific items which I seek to cover by my amendment.

Therefore I do not see how in the world the amendment could be held other than germane to the provisions of the bill that is presented here. Further, I do not see how anyone can have objection to the amendment, because it is simply protecting the shipper in his rights, the same as he would have been protected and was protected prior to the taking over of these carriers by the Federal Government.

Mr. VENABLE. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. VENABLE. All provisions, as I understand it, in a bill of lading or contract for carriage that are either unreasonable or contrary to sound public policy are void. Now, if the provisions in these bills of lading are not unreasonable and not contrary to sound public policy, it seems to me that both the railroad and the shipper should have the right to make that kind of a contract if they desire. If they are unreasonable or contrary to public policy, they are void as a matter of law.

Now, the gentleman states that some courts have been deciding unreasonable provisions to be reasonable. That may be true. Courts often decide things wrongly, nisi prius courts, but is it not within the power of those people to take those contracts to the higher courts? Does the gentleman think anything we have passed here in the Federal railroad act would in any wise change the rule that a thing which is unreasonable or against public policy is void?

Mr. JONES of Texas. In answer to the gentleman's question, I think Congress is just as qualified to determine what is unreasonable as is a court. The courts have been undertaking to determine what is reasonable and what is not. And I submit that when a live-stock shipper has a long yellow contract, about a yard long, and in some instances almost as long as a well rope, shoved under his nose when a shipment is just starting, with a lot of provisions that he shall give notice within one day after shipment of the cattle, it is unreasonable, and yet certain courts have decided that such provisions are reasonable.

Mr. VENABLE. What is the style of the case?

Mr. JONES of Texas. I can not give the specific case other than the two cited before, but I can give two cases, for instance——

The CHAIRMAN. The Chair will suggest that the gentleman from Texas is not now discussing the point of order.

Mr. JONES of Texas. I was answering the gentleman's question, and I beg the Chair's pardon for being temporarily diverted.

The CHAIRMAN. The Chair is prepared to rule. It seems to the Chair that the provisions of the bill cited by the gentleman from Texas are very broad and might properly include the admissibility of evidence as written in the two amendments submitted by him. And therefore the Chair overrules the point of order. The question is on the amendment offered by the gentleman from Texas [Mr. JONES].

The question was taken, and the amendment was rejected.

Mr. ESCH. Mr. Chairman, I move that the committee do now rise and report the bill to the House with amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. WALSH having assumed the chair as Speaker pro tempore, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 641, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER pro tempore. Is a separate vote demanded on any of the amendments? If not, the Chair will put them en gross.

The amendments were agreed to.

The bill as amended was read a third time and passed.

On motion of Mr. ESCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. SANDERS of Indiana. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD upon the bill just passed. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

Mr. BELL, by unanimous consent, was granted leave of absence for two weeks on account of official business in connection with the Joint Postal Commission.

BRIDGE ACROSS MINNESOTA RIVER.

Mr. ESCH. Mr. Chairman, I ask that the bill H. R. 9091 be taken from the Speaker's table and the House agree to the Senate amendment.

The SPEAKER pro tempore. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 9091) granting the consent of the Congress to the county of Hennepin to construct, maintain, and operate a bridge across the Minnesota River.

The SPEAKER pro tempore. The question is on agreeing to the Senate amendment.

The amendment was agreed to.

EXTENSION OF REMARKS.

Mr. DENISON. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. DENISON. To ask unanimous consent to revise and extend my remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. JONES of Texas. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

COMMUNICATION FROM POSTMASTER GENERAL—REFORM IN CIVIL SERVICE.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a communication to the Speaker of the House from the Postmaster General in answer to the House resolution passed a few days ago as to first, second, and third class post offices.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the communication from the Postmaster General be printed in the RECORD. Is there objection?

Mr. DENISON. Reserving the right to object, to whom is the communication addressed?

Mr. KITCHIN. To the Speaker of the House, in answer to a resolution of the House.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The following is the communication referred to:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., September 24, 1919.

The SPEAKER HOUSE OF REPRESENTATIVES.

SIR: Receipt is acknowledged of House resolution 270, directing the Postmaster General to transmit to the House of Representatives certain facts in connection with the vacancies occurring in the position of postmaster at offices of the first, second, and third classes, the list of such vacancies certified by the Postmaster General to the Civil Service Commission, the list of certifications of the result of examinations held to fill such vacancies by the Civil Service Commission, a list of names and the offices to be filled submitted by the Postmaster General to the President, in accordance with the Executive order of March 31, 1917, and other matters in connection with the appointment of postmasters at such offices.

The position of postmaster at offices of the first, second, and third classes is not within the classified civil service, and the civil-service rules and regulations do not apply to such appointments, consequently the selection of persons for nominations to fill vacancies therein is strictly an Executive function, and it is not within the jurisdiction of the Committee on Reform in the Civil Service, House of Representatives, to inquire into such nominations. If the recommendation of the Postmaster General, made (with the approval of the President) in 1914, 1915, 1916, 1917, and 1918, that these positions be by law covered under the classified service, had been followed, the committee would now have full jurisdiction in the premises. But, notwithstanding these repeated recommendations, earnestly insisted upon, no action has been taken, and as the President desired that these positions be as far removed from partisan politics as possible, he has taken all action within his power to take. May I not again urge that action be taken to place these positions regularly under the classified service.

These nominations are made by the President, in accordance with the Executive order of March 31, 1917, which reads as follows:

"Hereafter when a vacancy occurs in the position of postmaster of any office of the first, second, or third class as the result of death, resignation, removal, or, on the recommendation of the First Assistant Postmaster General, approved by the Postmaster General, to the effect that the efficiency or needs of the service requires that a change shall be made, the Postmaster General shall certify the fact to the Civil Service Commission, which shall forthwith hold an open competitive examination to test the fitness of applicants to fill such vacancy, and when such examination has been held and the papers in connection therewith have been rated, the said commission shall certify the result thereof to the Postmaster General, who shall submit to the President the name of the highest qualified eligible for appointment to fill such vacancy, unless it is established that the character or residence of such applicant disqualifies him for appointment. No person who has passed his sixty-fifth birthday shall be given the examination herein provided for."

This order simply provides a means by and through which the President secures information for his own guidance in selecting suitable persons for nomination to the Senate.

At the request of the President, the Civil Service Commission holds examinations and rates the papers and certifies the register of eligibles to this department for the consideration of the President, this being the only connection the Civil Service Commission has with these appointments.

Notwithstanding the fact that the Committee on Reform in the Civil Service, House of Representatives would have no jurisdiction in this matter, which is purely an Executive function, the Postmaster General will gladly furnish the information in the utmost detail just as requested by the resolution, so that the facts which have been so grossly misrepresented may be known to the public. To furnish the detailed information required by the resolution will, however, require an immense amount of work, which will take the limited number of clerks that can be assigned to same several weeks to complete.

The records of the department since the Executive order of March 31, 1917, was issued by the President show the following facts:

Number of nominations from eligible register, 1,267.

Number of nominations of first eligible, 1,188, or 93.7 per cent.

Number of nominations of other than first eligible because of death or refusal of first eligible to accept, 26, or 2 per cent.

Number of cases where other than first eligible was nominated because of character or residence of No. 1, 35, or 2.8 per cent.

Number of nominations of other than first eligible for various reasons, such as health of No. 1—tuberculosis, skin disease, etc.—18, or 1.5 per cent.

Number of cases still in the hands of the Civil Service Commission, 466.

Number of cases before the President for consideration awaiting determination of the application of the act of July 11, 1919, 35.

Number of cases certified by the Civil Service Commission but still under consideration by the department, 285.

These figures show conclusively that the charges so frequently made that the Postmaster General is violating the Executive order of March 31, 1917, are unfair, unjust, and without foundation of fact. In this connection may I assert with as much emphasis as possible that in no case has the Postmaster General or the First Assistant Postmaster General, under whose immediate supervision these cases are handled, by letter or by word spoken, attempted to control or influence the action of the Civil Service Commission in the selection of any individual to fill any vacancy occurring in one of these positions, but have at all times observed the Executive order in letter and in spirit.

At the time the resolution was pending before the House of Representatives, the chairman of the Committee on Reform in the Civil Service, House of Representatives, used in the discussion a letter addressed to him by the Acting Postmaster General on August 23, 1919, in reference to the case at Newark, N. J. While certain paragraphs of this letter were read, other paragraphs were not, so the fact was not placed in the record that the highest eligible certified to the Post Office Department by the Civil Service Commission for appointment at Newark was a former postmaster who, during his term of office, was recommended for removal by two post-office inspectors for pernicious political activity, which recommendation had the approval of the chief inspector of this department; also that other facts in connection with the ratings made the department hesitate to submit to the President for appointment the name of the highest eligible. This will be disclosed by the full text of the letter, which is as follows:

"Hon. FREDERICK R. LEHLBACH,
"*Chairman Committee on Reform in the Civil Service,*
"*House of Representatives.*

"MY DEAR MR. LEHLBACH: In reply to your letter of the 20th instant requesting certain information for the committee relative to the appointment of a postmaster for Newark, N. J., I inclose, in accordance with your request, a copy of the Executive order of March 31, 1917, which provides for examinations to determine the fitness of applicants for appointment at presidential offices; also that the highest eligible shall be appointed unless disqualified by character or residence.

"The vacancy in the office of Newark, N. J., occurred when the postmaster died on May 1, 1918. The four-year term for which he was appointed would expire on January 25, 1920.

"Newark is an office of the first class, and the position of postmaster is not in the classified civil service, and the civil-service laws and regulations do not apply or have anything to do with the appointment of a postmaster at an office of this size. The Civil Service Commission at the request of the department simply conducts an examination to determine the fitness of the various applicants, and the order providing for the examination was issued with a view to making these appointments strictly on the basis of merit.

"The commission was requested on November 18, 1918, to hold an examination for postmaster at Newark, and the list of eligibles was received from the commission on February 17, 1919, the eligibles and their ratings being as follows:

Frank J. Bock	75.00
Charles A. Entemann	74.40
Elwood S. Armitage	74.00
John F. Sinnott, jr	70.60

"It will be observed that Mr. Frank J. Bock was certified as the highest eligible. Mr. Bock was formerly postmaster at Newark, and during the latter part of his term his removal was recommended by two post-office inspectors for undue political activity, and the recommendation was approved by the chief inspector. In accordance with the practice of the department in vogue at that time this report was referred to the Civil Service Commission for review, and was returned by the commission with the statement that the postmaster's political activity had not been of such a nature as to warrant his removal. While the department did not agree with the findings of the commission, it permitted Mr. Bock to serve the remainder of his term. At a time when the department is attempting to appoint persons to these positions solely on the basis of merit, and to secure the best qualified persons for appointment, it is not felt that a postmaster whose political actions were such as to merit a recommendation by two post-office inspectors for his removal on the ground of improper political activity, should be appointed postmaster. It is also contended by the First Assistant Postmaster General that the ratings given Mr. Bock and Mr. Entemann do not accord with the papers on file in this case. Mr. Bock has a business rating of 75, which seems to have been given him on the ground that he was formerly postmaster and without any attempt to establish whether he personally discharged the duties of his position at that time or whether the condition of the Newark post office was due to any work on his part. At the same time Mr. Charles A. Entemann, who has been a post-office inspector for 24 years and is capable and efficient, was given a business rating by the commission of only 75, notwithstanding the fact that he was Mr. Bock's superior officer and had charge of the post offices of the district in which Newark is located. In the judgment of the First Assistant Postmaster General these ratings can not be reconciled, and when attempting to secure the most competent person for the position of postmaster to appoint one whose removal was recommended while postmaster and who, in the judgment of the department, is not entitled to the highest rating would be to defeat the purposes for which the Executive order was issued. This matter has been taken up by the First Assistant Postmaster General in personal discussions with the commission, but they have adhered to their original ratings.

"In the second paragraph of your letter you refer to the Executive order 'extending civil-service regulations to the officer of postmasters of the first class,' and I wish to advise you that under the law postmasters at offices of the first, second, and third classes must be appointed by the President and confirmed by the Senate, and that they can not, therefore, be placed in the classified civil service by Executive order, and, as stated above, these positions are not in the classified civil service.

"I appreciate very much your affording me an opportunity to furnish you the facts in this case.

"Very sincerely,

"J. C. KOONS,
"*Acting Postmaster General.*"

The information in detail requested by the resolution will be compiled at the earliest possible date and transmitted to the House of Representatives.

Very respectfully,

A. S. BURLESON,
Postmaster General.

EXTENSION OF REMARKS.

Mr. McLAUGHLIN of Nebraska. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD by printing a brief letter from a farmer at Ulysses, Nebr., bearing on the recent reduction in the price of hogs and corn.

The SPEAKER pro tempore. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD by inserting a letter from a farmer in Nebraska relative to the price of hogs and corn. Is there objection?

There was no objection.

Following is the letter referred to:

ULYSSES, NEBR., *September 14, 1919.*

Hon. M. O. McLAUGHLIN,
Washington, D. C.

DEAR SIR: Farmers in this vicinity have been wondering since the H. C. L. agitation has been started what is to be the policy of the Government toward the man who produces the food. The price of the farmer's produce has fallen so greatly since about August 1 that you hear many words of dissatisfaction from this class of people.

The price of corn has declined from $2.08 per bushel to $1.32 at Omaha, but we find that corn meal is still 7 cents per pound, or $3.92 per bushel.

In 1918 I raised on 108 acres of ground 622 bushels of corn, and as I was compelled to move last fall I paid 15 cents per bushel for what I hired husked.

Part of the ground on which this corn was raised being rented, I paid a share of it, so you see I have not much left; and now, with the price steadily declining (7 cents Friday and 13 Saturday), it would seem better for a farmer to have been a "conscientious objector," for they, at least, received pay and honorable discharge, while all the farmer gets is work and advice upon how to produce more so that the rest of the country can live more cheaply.

Oats follows the lead of corn, although more slowly, being down now about 18 cents per bushel.

Has oatmeal declined any?

Have you noticed the price of hogs lately?

Do I buy ham cheaper than I did? You know the answer.

A friend of mine who has always raised from 200 to 400 hogs each year told me recently that if the Government was going to allow the farmer to be robbed in that manner he was going to quit. He only intends to raise enough for his own use.

As far as I am concerned, I have not one on my farm at present, but will possibly raise enough for family use.

Our wheat this year will average not over 12 bushels per acre, and I think hardly that.

Last year was not nearly so good, and the year before all winter wheat was killed. Yet the Food Administration claimed they were being very good to the farmer when they cut the price of his wheat from $3.60 to $2.20 per bushel in Chicago. Was the price of cotton lowered or even so?

When the administration guaranteed the price of wheat for 1919 they informed the farmer he was being favored; but the Food Administration, at the last report I saw of Julius Barnes, had a profit of, I think, $23,000,000.

The farmer was also given to understand that for each month wheat was held there would be a corresponding increase in price, but it seems that this has been forgotten.

He is also denied a free market.

Corn in this vicinity this year will make a short half crop. Laboring men are asking 10 and 12 cents per bushel, with board, for husking.

What will become of the farmer? When he buys a gang plow he pays $120, and for a binder $260, with no drop in sight. It costs $1.20 to have a gang plow sharpened. Wages were as much as $7 per day and board for plowing corn. I heard one young fellow refuse $1 per hour and board for corn plowing. Was he a profiteer?

Is it right that the farmer should raise a crop (pardon, one-half crop here) with this kind of labor ($5 to $7) and then sell at prices where they are now going or have already gone?

I think, from all appearances, that the farmer, unless he is given a little consideration, will at last awaken to what he may expect, and the only remedy will be to organize. He can plainly see what this has done for the railroad men, and he must follow suit. He must get some money with which to pay his taxes on the administration bill for the Army of $900,000,000, which seems necessary, as the league of nations will insure peace (?).

Briefly, the farmers here think the administration is forcing these prices down. They know that everything else is going up, and they would like fair play. Don't you think they should have it?

Many thanks for your vote and support on the repeal of daylight saving.

Will you please show this letter to Senator ARTHUR CAPPER, of Kansas, for whom I have admiration, and I also believe he is on the Agricultural Committee?

Yours, truly, BURR R. STROMAN.

Mr. SWEET. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to extend his remarks on the bill S. 6401. Is there objection?

There was no objection.

Mr. STEELE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of hearings before the Interstate and Foreign Commerce Committee relating to the remarks of the secretary of the American Federation of Labor on the right to transmit property.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by inserting the matter indicated. Is there objection?

Mr. MONDELL. Mr. Speaker, we could not hear what "the matter indicated" was.

Mr. STEELE. The "matter indicated" was this: The secretary of the American Federation of Labor, in his statement on the Plumb plan before the Committee on Interstate and Foreign Commerce, in expressing his views upon the subject of what he called "ideal democracy," said he saw no reason at all why a parent should be permitted to transmit his property to his children. It is an example of the socialistic tendency which is now abroad in the country, and particularly in line with what I see in the evening papers, where Mr. Trotski announces that the red campaign is to be prosecuted in England and America. It is a statement that is simply an illustration of the socialistic tendency that I feel ought to be placed in the RECORD at this time.

The SPEAKER pro tempore. Is there objection?

Mr. BLANTON. Reserving the right to object, Mr. Speaker, is this document in favor of this so-called Plumb plan?

Mr. STEELE. No. It is an illustration of the socialistic tendency that I referred to.

Mr. BLANTON. Does it speak against the Plumb plan?

Mr. STEELE. No; it does not.

Mr. BLANTON. If it does not, I do not think that any such bunk as the Plumb plan should go into the RECORD, and therefore I object.

Mr. STEELE. It does not deal with that at all.

Mr. BLANTON. Then I withdraw my objection.

Mr. CANNON. Is it a request to strike out something from the RECORD?

Mr. STEELE. No; it is to insert something.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RAMSEYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on House resolution 200, a resolution introduced by me on the subject of the aerial mail service.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to extend his remarks on House resolution 200. Is there objection?

There was no objection.

Mr. SCHALL. Mr. Speaker, I ask unanimous consent to extend my remarks on the American soldier.

The SPEAKER pro tempore. The gentleman from Minnesota asks unanimous consent to extend his remarks on the American soldier. Is there objection?

There was no objection.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an account of the world's shipping from June 30, 1914, according to Lloyd's Register returns, and also the world's shipping June 30, 1919, according to Lloyd's Register. I ask also permission to put this in as a public document.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD by publishing a table showing the world's shipping on June 30, 1914, and June 30, 1919. Is there objection?

Mr. DOWELL. Reserving the right to object, Mr. Speaker, how many copies are to be printed as a public document?

Mr. GREENE of Massachusetts. I do not know, but I think I should have about 2,000 copies for the use of the Committee on the Merchant Marine and Fisheries.

Mr. JOHNSON of Washington. Reserving the right to object, Mr. Speaker, has the gentleman had it before the Committee on Printing?

Mr. GREENE of Massachusetts. No; I have not.

The SPEAKER pro tempore. Is there objection to the gentleman's request to extend his remarks in the RECORD in the manner indicated?

There was no objection.

The SPEAKER pro tempore. The gentleman also asks unanimous consent to have certain tables concerning the world's shipping of June 30, 1914, and June 30, 1919, printed as a document. Is there objection?

There was no objection.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2910. An act to revive and reenact the act entitled "An act to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild, reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee," approved April 5, 1916; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that on September 23 and 24, 1919, they presented to the White House for the approval of the President of the United States the following bills:

H. R. 6410. An act authorizing the city of Boulder, Colo., to purchase certain public lands; and

H. R. 7709. An act to authorize the incorporated town of Petersburg, Alaska, to issue bonds in any sum, not exceeding $75,000, for the purpose of constructing and installing a municipal electric light and power plant, and for the construction of a public-school building.

ADJOURNMENT.

On motion of Mr. ESCH (at 4 o'clock and 54 minutes p. m.), the House adjourned until to-morrow, Thursday, September 25, 1919, at 12 o'clock noon.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 993) granting a pension to Hodges W. Drayton; Committee on Invalid Pensions discharged, and referred to Committee on Pensions.

A bill (H. R. 999) granting an increase of pension to Peter Black; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8419) granting a pension to James F. Connell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 9479) for the amortization and purchase of the Curtiss-Elmwood plant of the Curtiss Aeroplane & Motor Corporation of New York, at Buffalo, N. Y.; to the Committee on Military Affairs.

By Mr. ROGERS: A bill (H. R. 9480) to give preference in appointments to Government positions to honorably discharged soldiers, sailors, and marines, to reservists who have been placed on inactive duty, and, under certain circumstances, to the wives or widows of such persons; to the Committee on Reform in the Civil Service.

By Mr. HUSTED: Resolution (H. Res. 308) expressing the sense of the House of Representatives relative to the Fiume situation; to the Committee on Foreign Affairs.

By Mr. RAMSEYER: Resolution (H. Res. 309) directing the Secretary of State of the United States to communicate certain information to the House; to the Committee on Foreign Affairs.

By the SPEAKER: Memorial from the Legislature of the State of Montana, relating to the independence of Ireland; to the Committee on Foreign Affairs.

Also, memorial from the Legislature of the State of Montana, urging legislation preventing monopoly control and the reduction of the prices of farm implements and machinery; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 9481) granting a pension to Mary E. Livingston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9482) granting a pension to Anna Kendrick; to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 9483) granting an increase of pension to Eli Hayes; to the Committee on Pensions.

Also, a bill (H. R. 9484) granting an increase of pension to George W. Culbertson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9485) granting a pension to George Bullock alias George Sparks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9486) granting a pension to Louis D. Beaumont; to the Committee on Pensions.

By Mr. AYRES: A bill (H. R. 9487) for the relief of Henry and William King; to the Committee on Indian Affairs.

By Mr. BEGG: A bill (H. R. 9488) granting a pension to Alice West; to the Committee on Invalid Pensions.

By Mr. BENSON: A bill (H. R. 9489) for the relief of the Sanford & Brooks Co. (Inc.); to the Committee on Claims.

By Mr. BLAND of Indiana: A bill (H. R. 9490) granting a pension to Mary E. Thomas; to the Committee on Invalid Pensions.

By Mr. CASEY: A bill (H. R. 9491) granting an increase of pension to Stephen H. Leonard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9492) granting a pension to Delilah J. Feist; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9493) granting a pension to Rebecca Eldridge; to the Committee on Invalid Pensions.

By Mr. CURRIE of Michigan: A bill (H. R. 9494) granting a pension to Emeline Burley; to the Committee on Invalid Pensions.

By Mr. DUNBAR: A bill (H. R. 9495) granting an increase of pension to John L. Hix; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9496) granting a pension to Emma A. Esarey; to the Committee on Pensions.

Also, a bill (H. R. 9497) for the relief of Charles W. Townsend; to the Committee on Military Affairs.

By Mr. FESS: A bill (H. R. 9498) granting an increase of pension to Peter Hilliard; to the Committee on Pensions.

By Mr. FIELDS: A bill (H. R. 9499) granting an increase of pension to Josiah Pollitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9500) granting an increase of pension to Jackson O. Darr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9501) granting an increase of pension to Frederick Arn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9502) granting an increase of pension to Sewell C. Rose; to the Committee on Pensions.

Also, a bill (H. R. 9503) granting a pension to Elizabeth May; to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 9504) for the relief of John Marks; to the Committee on Naval Affairs.

By Mr. GODWIN of North Carolina: A bill (H. R. 9505) granting an increase of pension to Robert H. Cowan; to the Committee on Invalid Pensions.

By Mr. IRELAND: A bill (H. R. 9506) granting a pension to George F. Long; to the Committee on Invalid Pensions.

By Mr. KIESS: A bill (H. R. 9507) granting a pension to Charles I. Meck; to the Committee on Pensions.

By Mr. RAMSEYER: A bill (H. R. 9508) granting an increase of pension to Sanford Kirkpatrick; to the Committee on Invalid Pensions.

By Mr. RHODES: A bill (H. R. 9509) granting an increase of pension to Charles E. Waters; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 9510) for the relief of the estate of Agnes H. Robinson, deceased; to the Committee on Claims.

Also, a bill (H. R. 9511) for the relief of the Hudson Navigation Co.; to the Committee on Claims.

By Mr. SCHALL: A bill (H. R. 9512) granting an increase of pension to Maggie E. Dunn; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 9513) granting an increase of pension to Max J. Alwens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9514) granting an increase of pension to Matthew Rowland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9515) granting an increase of pension to Adella Easton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9516) granting a pension to Susan Lunger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9517) granting a pension to Sarah A. Burgess; to the Committee on Invalid Pensions.

By Mr. SWOPE: A bill (H. R. 9518) granting an increase of pension to Theresa Cloyd; to the Committee on Pensions.

By Mr. VESTAL: A bill (H. R. 9519) granting an increase of pension to Lorenzo D. Crowley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9520) granting a pension to Euphrates Huff; to the Committee on Invalid Pensions.

By Mr. BENSON: Joint resolution (H. J. Res. 215) authorizing the legal heirs of certain officers of the United States Coast Guard who lost their lives when the Coast Guard cutter *Tampa* was destroyed in Bristol Channel September 26, 1918, to receive pay and allowances that would have accrued to said officers; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of A. L. Dalton and others, of New York, favoring the impeachment of President Wilson on the grounds that without the consent of Congress he has unlawfully commanded our troops to wage war in Russia and Siberia; to the Committee on the Judiciary.

Also (by request), petition of Bishop P. J. McConnell, protesting against the removing of any distilling and brewing interests from the United States into Mexico, China, or any other foreign country; to the Committee on the Judiciary.

By Mr. BRIGGS: Petition of retail merchants and business men of Galveston, Tex., advocating the passage of the Kenyon bill, Senate bill 2202, for regulation of packing interests; to the Committee on Interstate and Foreign Commerce.

By Mr. CURRY of California: Petition of 492 citizens of California, for the repeal of sections 630 and 900 of the revenue act of 1918 imposing a tax on ice cream and soda-fountain foods and drinks and on candy, etc.; to the Committee on Ways and Means.

By Mr. CULLEN: Petition of Brooklyn Chamber of Commerce, opposing the enactment by the Federal Government of legisla-

tion which would extend the provisions of the act to regulate commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of officers of the Fifteenth Infantry Regiment, of New York, favoring legislation proposed or favored by the National Guard Association; to the Committee on Military Affairs.

By Mr. DARROW: Resolution of District Association No. 1 of the Graduate Nurses' Association of Pennsylvania, urging legislation providing relative rank for members of the Army Nurse Corps; to the Committee on Military Affairs.

By Mr. DYER: Petition of St. Louis Chamber of Commerce, of St. Louis, Mo., urging the immediate enactment of the Mondell bill, House bill 487; to the Committee on the Public Lands.

Also, petition of W. W. Wheeler, of St. Louis, Mo., opposing the Moses bill; to the Committee on Labor.

By Mr. FULLER of Illinois: Petition of the American Defense Society (Inc.), favoring the Chamberlain-Kahn bill, providing for universal military training; to the Committee on Military Affairs.

Also, petition of the Refior Hardware Co., of Ottawa, Ill., opposing Senate bill 2896, relating to the manufacture, storage, sale, purchase, and use of explosives, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Stewart-Warner Speedometer Corporation, of Chicago, Ill., favoring the passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

Also, petition of Southern Newspaper Publishers' Association, favoring the zone system for second-class mail; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Hamilton, Mo., favoring legislation to increase the pensions of the Civil War veterans; to the Committee on Invalid Pensions.

By Mr. GOULD: Petition of Benevolent and Protective Order of Elks, favoring the passage of House bill 5131, providing for a suitable memorial in honor of the negro soldiers and sailors; to the Committee on the Library.

By Mr. HUDDLESTON: Petition of George C. Bettis and other ex-service men in support of bill providing for one year's pay for such ex-service men; to the Committee on Appropriations.

By Mr. LONERGAN: Petition of Waltham Bleachery and Dye Works, of Boston, Mass., opposing the licensing feature of the so-called Longworth bill, House bill 8078; to the Committee on Ways and Means.

By Mr. O'CONNELL: Telegram from R. T. Lyman, of Boston, Mass., opposing the licensing feature of the so-called Longworth bill; to the Committee on Ways and Means.

Also, petition of Best & Co., of New York City, protesting against the passage of the Siegel bill; to the Committee on Ways and Means.

By Mr. OSBORNE: Petition of 5,000 citizens of Los Angeles, Calif., and vicinity, for the repeal of sections 630 and 900 of the revenue law, which impose taxes upon soda-fountain drinks, ice cream, and candy; to the Committee on Ways and Means.

By Mr. RAMSEYER: Petition of sundry citizens of Wapello County, Iowa, favoring the passage of House bill 5218; to the Committee on Ways and Means.

By Mr. RIORDAN: Petition of War Camp Community Service, of New York City, urging support of Senate bill 2535; to the Committee on Military Affairs.

By Mr. STEENERSON: Petition of R. M. Sheldon, of Thief River Falls, Minn., favoring legislation proposing exemption of farm-mortgage loans from taxation; to the Committee on Ways and Means.

By Mr. YATES: Petition of the National Association of Hosiery & Underwear Manufacturers (Inc.), protesting against House bill 8078; to the Committee on Military Affairs.

Also, petition of J. Ivan Dappert Post, of the American Legion of Illinois, Taylorville, Ill., by Samuel B. Herdman, protesting against the restoration to duty in and honorable discharge from the Army with all back pay and allowances of conscientious objectors; to the Committee on Military Affairs.

Also, petition of the Indiana Sand & Gravel Producers' Association, Indianapolis, Ind., urging the passage of the Cummins bill as originally passed by the Senate and not as amended by the House Committee on Interstate and Foreign Commerce; to the Committee on Interstate and Foreign Commerce.

Also, petition of Crane Co., Chicago, urging the passage of House bills 5011, 5012, and 7010; to the Committee on Patents.

Also, petition of C. M. Aldrich, Nebraska City, Nebr., urging the passage of legislation providing for military training; to the Committee on Patents.

Also, petition of the Mississippi Valley Association, New Orleans, La., favoring the development of water power of the country, but opposing inclusion in the pending water-power bill of any provision that has the effect of repealing the Newlands amendment to the rivers and harbors bill of 1917; to the Committee on Rivers and Harbors.

Also, petition of the Knights of Pythias Domain of New York, Haverstraw, N. Y., pledging aid to Government in stamping out Bolshevism; to the Committee on Military Affairs.

Also, petition of E. B. Peter, Chicago, Ill., urging the passage of Senator CHAMBERLAIN'S bill relative to the release of court-martialed soldiers, sailors, and marines; to the Committee on Military Affairs.

SENATE.

THURSDAY, *September 25, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, lead us by Thy grace and wisdom unto the duties of this day. With the far-seeing vision of men who have come to their duty from the place of God and who are performing their tasks under the influence and inspiration of Thy holy Spirit, may we to-day do that which is well pleasing in Thy sight, and add something to the total of the uplift of mankind and the advancement of the interests of all the people of this country. For Christ's sake. Amen.

On request of Mr. NELSON, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with and the Journal was approved.

MEAT PACKERS' PROFITS INVESTIGATION.

Mr. NORRIS. Mr. President, yesterday morning when the Vice President laid before the Senate the reply of the Federal Trade Commission to a resolution of the Senate asking for information I asked that the communication and also the exhibits accompanying it be printed in the RECORD and referred to the Committee on Agriculture and Forestry. I find upon an examination of the RECORD that the communication was printed in the RECORD, but the exhibits were not printed. The exhibits, I understand, in this case contain most of the meat of the coconut, and since they were ordered printed yesterday I ask that the three exhibits attached to the communication of the Federal Trade Commission be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Chair desires to say to the Senator from Nebraska that he does not believe the RECORD can come out to-morrow if they print those exhibits in it.

Mr. NORRIS subsequently said: Mr. President, this morning I asked and obtained unanimous consent to have printed in the RECORD the exhibits that were attached to the Federal Trade Commission's report that came in yesterday and that were omitted from the RECORD. Upon consultation with several Senators, it is deemed best that this matter be published as a Senate document instead of being printed in the RECORD. I therefore ask unanimous consent to have the report and the exhibits printed as a Senate document, and if that is granted I shall withdraw my former request.

The PRESIDING OFFICER (Mr. MCCUMBER in the chair). If there be no objection, it is so ordered.

Mr. NORRIS. I now withdraw the request I made this morning to have the matter printed in the RECORD.

The PRESIDING OFFICER. The order for the printing in the RECORD is rescinded.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a joint resolution (H. J. Res. 208) authorizing the Secretary of War to expend certain sums appropriated for the support of the Army for the fiscal years ending June 30, 1919, and June 30, 1920, at Camp A. A. Humphreys, Va., in which it requested the concurrence of the Senate.

The message also announced that the House agrees to the amendment of the Senate to the bill (H. R. 9001) granting the consent of Congress to the county of Hennepin to construct, maintain, and operate a bridge across the Minnesota River.

The message further announced that the House had passed the bill (S. 641) to amend section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 2972) to extend the cancellation stamp privilege for the Roosevelt Memorial Association, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. BRANDEGEE presented a memorial of the Nineteenth Biennual State Convention of the Ancient Order of Hibernians and Ladies' Auxiliary of the Ancient Order of Hibernians at Danbury, Conn., remonstrating against the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

Mr. LODGE presented a memorial of sundry citizens of Boston, Mass., and a memorial of the St. Brendan Society of Boston, Mass., remonstrating against the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

He also presented a petition of the congregation of the First Methodist Church of Aberdeen, Wash., praying for the withdrawal of the Japanese from Korea, which was referred to the Committee on Foreign Relations.

Mr. PHELAN presented a petition of a committee appointed by the mayor of San Francisco, Calif., praying for the adoption of a free zone system, which was referred to the Committee on Commerce.

BILLS INTRODUCED.

Bills were introduced, read the first time, and by unanimous consent the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 3076) authorizing suits against the United States in admiralty suits for salvage services and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes; to the Committee on Commerce.

By Mr. McKELLAR:

A bill (S. 3077) to provide for the transportation to their homes of the remains of persons who died abroad while in the military service, and for other purposes; to the Committee on Military Affairs.

By Mr. GERRY:

A bill (S. 3078) for the relief of Charles B. Malpas; to the Committee on Claims.

By Mr. BRANDEGEE:

A bill (S. 3079) for the allowance of certain claims of the guards and watchmen employed at munition plants and allied trades at Bridgeport, Conn., subsequent to May 1, 1918; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 3080) granting a pension to Charles A. Dilley; to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 3081) to construct a public building for a post office at the city of Waynesboro, Ga.; to the Committee on Public Buildings and Grounds.

A bill (S. 3082) granting an increase of pension to Mary A. C. Kaigler; to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3083) directing the Court of Claims to investigate the claim of T. T. Murphy for compensation for injuries received in Government service (with accompanying paper); to the Committee on Claims.

A bill (S. 3084) permitting actions on claims against telegraph, telephone, marine cable, or radio companies during Federal control; to the Committee on Interstate Commerce.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 208. Joint resolution authorizing the Secretary of War to expend certain sums appropriated for the support of the Army for the fiscal years ending June 30, 1919, and June 30, 1920, at Camp A. A. Humphreys, Va., was read twice by its title and referred to the Committee on Military Affairs.

TREATY OF PEACE WITH GERMANY.

Mr. CUMMINS. Mr. President, I desire to give notice that tomorrow, at some convenient time when I can get recognition, I shall address the Senate upon the German treaty.

BILLS OF EXCHANGE.

Mr. McLEAN. I ask unanimous consent to move that the bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918, be taken up in order that the point of order made by the Senator from Wisconsin [Mr. LENROOT] may be disposed of. That point of order was pending when the Senate went into executive session day before yesterday. I have no objection to its being disposed of, and after it is disposed of I want to move that the bill be recommitted to the Committee on Banking and Currency.

The VICE PRESIDENT. Is there further morning business? The Chair hears none.

Mr. NELSON. I ask unanimous consent for the present consideration of Senate joint resolution 102 on the calendar.

The VICE PRESIDENT. The Senator from Connecticut has preferred a unanimous-consent request. The Chair believes that the point of order is now before the Senate, that it is a question of the very highest moment to determine what is the decision of the Senate with reference to the point of order made by the Senator from Wisconsin. Unless there is an objection, the Chair will state the question. Shall the ruling of the Chair stand as the decision of the Senate?

Mr. LENROOT. Mr. President, I shall take only a moment in recalling to the Senate just what is the point of order that was discussed the other day.

This bill it is admitted was never considered by the Committee on Banking and Currency. It is admitted that there was never any vote in that committee upon the bill. It is admitted that the bill came before the Senate upon an individual poll of Senators constituting a majority of the committee. The point of order made is that the bill is improperly upon the calendar, is improperly before the Senate, and in fact is still before the committee, and the decision of the Chair ruling to the contrary is appealed from. It does not seem that there ought to be any question about this proposition. Jefferson's Manual is explicit in that a committee can not act except when they meet and assemble together and vote.

I want especially to call the attention of the minority, who the other day voted to sustain the ruling, as to the position they will be in in the future in regard to legislation if the ruling should be sustained. If the ruling is sustained any Senator who is a member of a committee and chose to do it could send a bill to the Secretary's desk purporting to be the act of the committee without even a poll of the members of the committee and get the bill upon the calendar, and the Senate would be compelled to act upon it as if it was properly upon the calendar. I was amazed, Mr. President, at the vote upon the other side upon the proposition.

Is it possible that the Senate of the United States is to make a precedent now that a bill referred to a committee need never be considered by that committee, that the minority members of the committee shall not have the right to meet in the committee and discuss it and deliberate upon it and propose amendments to it? If the majority members of a committee, in order to cut off the right of the minority, prefer to take the course of merely going to majority members and getting their consent to the reporting of a bill, what protection has the minority? No protection whatever. It is absolutely destructive of the right of individual Senators. It is absolutely destructive of the right of members of committees.

Mr. President, the difficulty of securing quorums of committees came up not many years ago, and an amendment to the rules was adopted at the suggestion of the then Senator from Arkansas, Mr. Clarke. There was a very long debate upon the adoption of that amendment to the rules, and it was admitted by every Senator that it was absolutely necessary to meet in committee in order to give validity to a report of a committee. It was provided that a quorum might consist of one-third of the membership of any committee if the committee so voted, but, in order to protect the rights of the minority, it was also provided that in that event a bill could not be reported unless the report was concurred in by a majority of the full committee; in other words, it was provided that while one-third of the membership of the committee might constitute a quorum, a majority of such a quorum could not report a bill, but that such report required a majority of one-fourth of the entire membership of the committee. That rule was adopted with that understanding.

But what have we before us now? We have now a proposition proposed to be sustained by the minority that no meeting of a committee is necessary at all; that instead of one-third of the committee being necessary to constitute a quorum, it is not necessary to have anyone present in the committee room; that it is not even necessary to hold a meeting of the committee in order to give validity to a report.

Mr. JONES of Washington. The Senator said "a majority of one-fourth." The Senator means, I assume, a majority of one-half.

Mr. LENROOT. A majority of one-half of a majority, constituting at least one-fourth of the entire membership of the committee.

Mr. McCUMBER. May I ask the Senator a question, merely for the purpose of having his own view upon a certain phase of the case?

Mr. LENROOT. Certainly.

Mr. McCUMBER. I agree with the Senator entirely that a proposed report signed by members outside of the committee room is not the action of the committee in law or in fact; but suppose that such a report is presented in that form carrying

the signatures of a majority of all of the committee, and the Senate understands that it comes in that form; and with that understanding, without objection upon the part of a single Member of the Senate, the matter is considered by the Senate, is amended and passes through the Senate as in Committee of the Whole, is again discussed and amended in the Senate, and ultimately reaches the point of a final vote in the Senate, can any Senator at that time raise the objection that the bill has not been considered by the committee and force it back to committee? In other words, can all of the consideration and action by the Senate be destroyed through all of these several stages by a mere objection at the very point when the bill comes up for a final vote? In other words, is there such a thing as a waiver of the rule by the action of the Senate?

Mr. LENROOT. Mr. President, I am very glad to answer the question of the Senator from North Dakota. I say there is and can be no waiver of the rule of the Senate under the rules of the Senate. That has been held very recently by the Vice President in a case that he well remembers, the point being raised by the Senator from Mississippi [Mr. HARRISON] as to whether a point of order could be made after the Senate had proceeded with the consideration of a bill. The House rule is to the contrary, but the Senate rule expressly providing that a point of order may be made at any stage of the proceedings, the Chair very properly held that the point of order could be made at any time.

Mr. McLEAN rose.

Mr. LENROOT. Just a moment. I should like to finish my reply to the Senator from North Dakota [Mr. McCUMBER].

The point here is that the Senate has no jurisdiction of this bill. It is exactly analogous to a case in the civil courts where at any time, even after a decree is entered, if it develops that the court has not jurisdiction, no matter how far the proceeding has gone, it all must fall, of course. That is exactly the principle applied to this case. But even though it were otherwise, Mr. President, if a bill comes to the Senate, presumably in regular form, appearing upon the calendar in regular form, so that Senators have the right to believe that the committee to whom that bill was referred has acted upon it in a regular way, if later in the proceedings it develops for the first time, and then comes to the knowledge of the Senate for the first time, that that bill has never been acted on by the committee, surely it can not be said that there is any waiver in that case. That is exactly the situation with reference to this bill.

On the last day the bill was considered, at the very conclusion of its consideration, it developed for the first time that there had never been a meeting of the committee; it was then stated by members of the committee that the bill had been reported upon a poll of the committee; and I want to say to the Senate that at that time I stated, and there were other Senators who stated—the Senate had just concluded the consideration of the bill and it was going over—that we proposed to make the point of order; and I made the point of order at the first opportunity when the bill again came up.

Mr. POINDEXTER and Mr. ASHURST addressed the Chair.

The VICE PRESIDENT. Does the Senator from Wisconsin yield; and if so, to whom?

Mr. LENROOT. I yield first to the Senator from Washington,

Mr. POINDEXTER. Does the Senator from Wisconsin claim that the Senate would not have jurisdiction to consider and to act upon a bill without referring it to a committee?

Mr. LENROOT. It could only do so by unanimous consent. The Senate can do anything by unanimous consent.

Mr. POINDEXTER. We can not change the rules of the Senate by unanimous consent.

Mr. LODGE. The rules may be suspended by unanimous consent.

Mr. POINDEXTER. That may be done, although there is a provision that notice must be previously given before the rules can be suspended. Does the Senator from Wisconsin claim that the Senate could not by a majority vote recommit a bill to a committee?

Mr. LENROOT. The Senate could do that if the bill were before the Senate; but the point is that this bill is not before the Senate.

It happens to be physically in possession of the Secretary of the Senate; it happens to be placed upon the calendar, the Secretary presuming, of course, that it was reported and that the report was the report of the committee. Now, however, it develops that the committee had never considered the bill; that it had never voted to report it; that it had never authorized the chairman to make a report. The bill is physically here, but it is not within the jurisdiction of the Senate.

Mr. McCUMBER. Mr. President, may I ask the Senator from Wisconsin another question right here?

Mr. LENROOT. Yes.

Mr. McCUMBER. Suppose, however, that without reference to a point of order being raised, or, if it were raised, that a bare majority of the Senate should vote that the bill was properly before the Senate notwithstanding the fact recited by the Senator from Wisconsin, and the bill should finally be passed by the Senate and by the other House, does the Senator from Wisconsin claim that it then would not be a valid law?

Mr. LENROOT. Oh, no.

Mr. McCUMBER. Then it would naturally follow that a bill may be taken possession of by the Senate and finally disposed of by the Senate notwithstanding the fact that the committee did not act on it in committee?

Mr. LENROOT. If the Senate wishes to violate its rules, yes. The Senator, of course, is very familiar with the well-settled principle of law that it is the final act of the legislative body upon a bill that determines its validity. Every rule might be violated; a bill might not be in possession of the Senate at all; and yet, if the Senate acted upon that bill and sent it over to the House, although it might have been before the committee and never have come properly before the Senate, and the House concurred in it and the President signed it, it would be a valid law, because the courts will never inquire into the parliamentary stages preceding the passage of a bill. I now yield to the Senator from Arizona.

Mr. ASHURST. I beg the Senator's pardon. I desired to occupy five or six minutes, and I will not interrupt the Senator now.

Mr. LENROOT. I will conclude in just a moment.

Mr. McCUMBER. Mr. President, let me ask the Senator right here does not the conclusion of the Senator's own argument mean that, even though the rule has been violated so far as the report by the committee is concerned, the Senate may lawfully get hold of the bill again and pass it, and that it will be valid when it is passed only because it was lawfully before the Senate?

Mr. LENROOT. The Senate can break every rule if it chooses that it has enacted for the conduct of its proceedings. It need not refer a bill to a committee at all, although the rule expressly provides that it shall; and if the Senate should refuse to do that and pass the bill it would be a valid law, of course; but we are acting under the rules of this body, and under the rules of this body this bill is not before the Senate, is not within the jurisdiction of the Senate, and can not be within the jurisdiction of the Senate without violating the rules of the Senate. That is the point. Now, I wish to repeat——

Mr. SMITH of Georgia. Mr. President, may I ask the Senator a question?

Mr. LENROOT. Yes.

Mr. SMITH of Georgia. What becomes of the amendments the Senate put on this bill?

Mr. LENROOT. The action of the Senate, if the point of order is sustained, is of no avail whatever, any more than the action of a court upon a case not within its jurisdiction has any validity.

Mr. ROBINSON. Mr. President, will the Senator yield to a further question in that connection?

Mr. LENROOT. Yes.

Mr. ROBINSON. Do I understand the Senator to assert that, the announcement having been made in the Senate some days ago that this bill had been reported by a poll and without a formal meeting of the committee, and the Senate having considered the bill for several days and amended it and no point of order up until that time having been made, if the point of order be now made and sustained that the Senate has no jurisdiction of the bill, that such action ipso facto reverses the action of the Senate on the amendments heretofore agreed to? Does the Senator assert that sustaining the point of order now affects the proceedings of the Senate in relation to the amendments?

Mr. LENROOT. Of course it does; there can be no doubt as to that proposition.

Mr. ROBINSON. If the Senator will pardon me, there is not only doubt about it in the minds of some of us, including myself, but, in my opinion, his proposition can not be maintained either in sound reason or good argument.

The Senator will concede that the Senate might have proceeded to the consideration of this bill by unanimous consent, it being known to the Senate and announced on the floor that the report had been made by poll rather than after a formal meeting of the committee. The Senate having acted upon the matter, if the bill goes back to the committee now it goes with the amendments adopted by the committee, unless the Senate by formal action reconsiders the amendments heretofore adopted.

The Senator, in making his statement of the facts relating to this case, did not state all of the facts which, I believe, are germane to a fair consideration of the point of order; and if

he will pardon me for supplementing his statement in his time, I will do so. The facts are that this bill was referred to the committee on August 1, 1919; on August 15, 1919, it was reported without amendment, according to the record. It appears to be true that the committee held no formal meeting, but that a majority of the committee, pursuing a custom which has obtained in the Senate for many years, agreed to the report by the process that we know as a poll of the committee, and subsequently the Senate, on motion, proceeded to the consideration of the bill. The statement was made during the course of the debate on the bill repeatedly that no formal meeting of the committee had been had, but that the report had been made as a result of a poll. Amendments were proposed and agreed to. In the meantime the chairman of the committee, the Senator from Connecticut [Mr. McLEAN], in order to obviate that difficulty, called a formal meeting of the committee. He took extraordinary precaution to protect the rights of members of the committee and of the committee itself by writing to each member of the committee, inclosing a copy of the bill, and stating that a meeting of the committee would be held to consider the bill.

After he had done that, a meeting of the committee was held, and no action was taken by the committee reversing the action that had theretofore been taken by the process of a poll of the committee. When the Senate was about ready to vote on the passage of the bill, the Senator from Wisconsin made the point of order that the bill had not been properly reported, and the Chair overruled that point of order, giving as his reason the opinion, as I understood the then occupant of the chair, that a point of order was not the proper procedure in such cases; that under the practice of the Senate the proper procedure when a committee exceeds its jurisdiction with reference to a bill or a report is to move to recommit the bill.

Mr. LENROOT. Will the Senator yield at that point?

Mr. ROBINSON. Just a moment. And the correctness of that ruling he supported by reference to the amendment that was adopted by the Senate some time ago with respect to conference reports which did not embrace the reports of standing committees. That, I understand, is the true history of the case. Further than that, an appeal was taken from the decision of the Chair, and a motion was made to lay that appeal on the table, and that motion was lost by a vote of 35 to 37.

If the Senator will pardon me for further trespassing——

Mr. LENROOT. If I may just say——

Mr. ROBINSON. I concede the Senator's right to proceed, but ask that he yield.

Mr. LENROOT. I do not yield further for the moment.

Mr. ROBINSON. Very well. I, of course, will resume my seat.

Mr. LENROOT. No; I will yield to the Senator in just a moment. I want to reply just at that point.

The Senator speaks of the report of a conference committee, and the change in the rules with reference to a point of order being made to that. In that case the conference committee always had jurisdiction to make the report. In every case the committee did act——

Mr. ASHURST. Mr. President, will the Senator yield on that point for a moment?

Mr. LENROOT. Just let me finish this statement. The only question was whether that conference committee, acting as a committee properly, had exceeded its authority; and the rule was made that where they had exceeded their authority a point of order might lie. In this case, however, the committee has not acted at all. There is no report of the committee. The distinction is very clear.

Now, I yield further.

Mr. ASHURST. Will the Senator please inform the Senate when he discovered the startling fact that a committee had not considered this bill? Did he discover it at the moment he made the point of order, or did he wait until he saw that the bill was about to be passed, and then, as a last and desperate resort, rush to this point a month after the bill had been considered in the Senate?

Mr. LENROOT. There is no warrant whatever for any such reflection upon the part of the Senator from Arizona.

Mr. ASHURST. I intended none.

Mr. LENROOT. If the Senator will examine the RECORD he will find when this information first came before the Senate.

Mr. ASHURST. No; but let the Senator answer the question.

Mr. LENROOT. I will answer the question—that the RECORD will show that this information first came to the Senate upon the last day when it was considered prior to my making the point of order, and I only took such time as was required to look up the parliamentary situation, and I stated here to other Senators that I intended to make the point of order. The Senator from New Jersey [Mr. FRELINGHUYSEN] at the same time said that he intended to make the point of order. If there could be a question of waiver, there is no waiver in this case.

The VICE PRESIDENT. The Chair must call the attention of the Senator from Arizona to the fact that he was acting as Presiding Officer when he made the ruling.

Mr. ASHURST. The Senator thanks the Chair, and desires to make an observation, if the Senator will permit.

Mr. LENROOT. I was about to yield to the Senator from Arkansas first, but I will yield to the Senator from Arizona.

Mr. ASHURST. I have no pride of opinion on this question. I do not pretend to be more familiar with the rules of the Senate than the average Senator; but, happening to be called to the chair, the point of order was made by the Senator from Wisconsin, who now displays so much heat over the matter. I repeat I have no pride of opinion whatever.

Mr. LENROOT. Will the Senator yield? I have no heat, except as to the reflection which the Senator from Arizona was attempting to cast upon me.

Mr. ASHURST. If the Senator thinks that a reflection, I will, of course, here publicly say that I intended no reflection, except that in my country the police courts would not permit such trifling; and I do not mean, now, that the Senator has trifled. What I mean is this: That where a case has been pending for a month and important proceedings have been had, the point comes too late. But, waiving that question, because our rules say that the point can be made at any time, this mattr can be settled easily, in my judgment, and this will address itself to the mind of any lawyer. There is not a lawyer in this Chamber but that will see the force of this suggestion upon which the Chair predicated the ruling and which has precipitated all of this trouble.

I assert here that for a hundred years when conferees exceeded their jurisdiction the remedy was to move to recommit. The so-called Curtis amendment to the rules—a very good amendment, too—was adopted in the Sixty-fifth Congress. It is now subdivision 2 of Rule XXVII. That rule provided that—

> Conferees shall not insert in their report matter not committed to them by either House, nor shall they strike from the bill matter agreed to by both Houses. If new matter is inserted in the report, or if matter which was agreed to by both Houses is stricken from the bill, a point of order may be made against the report.

For a hundred years points of order would not lie against conference reports where the conferees exceeded their jurisdiction. For a hundred years points of order would not lie against the reports of standing committees when they exceeded their jurisdiction and reported back a bill without a quorum of the committee considering the bill. For a hundred years the method of procedure was to move to recommit. But the Senate took up the subject of reports of *conference* committees, and *said* that hereafter, as to the reports of conference committees, whenever the conference committees exceeded their jurisdiction the remedy should be by point of order. The Senate did not see fit to deal with the reports of standing committees; and every lawyer who ever tried a case knows that the expression of one thing is the exclusion of the other. If the Senate had intended to apply the rule to standing committees, it would not have selected *conference* committees and then excluded standing committees. The then occupant of the chair was bound to rule on that question in that way, and, he repeats, has no pride of opinion, no pride of expression; but is the Senate to be trifled with—and I again assert to the Senator from Wisconsin that I mean no reflection—but are we to do useless, idle things? Are we to sit here and gravely discuss a bill for a month, amend the bill, and then find that the committee is master, and not the Senate? The committee is only a creature of the Senate.

I have said this much upon the solicitation of Senators on both sides of the Chamber who are interested in the ruling. I regret the necessity of having said it; but, to my mind, the Chair could have made no other ruling except that one which addressed itself to lawyers.

I thank the Senator from Wisconsin for yielding to me.

Mr. LENROOT. Mr. President, I do not question for a moment that the Senator who made this ruling has used his very best judgment; but let me draw his attention to the distinction that should be made between the case that he speaks of and this case, and I am sure it will readily appeal to him as a lawyer.

Suppose that a bill had been referred to a conference committee and some member of that committee, without the conferees ever meeting or ever considering the bill, undertook to make to the Senate what purported to be a conference report, when it was not a conference report at all. Does the Senator think for a moment that a point of order would not lie against that action?

Mr. ASHURST. Answering the Senator's question, assuming that the conferees have signed a conference report and have never met, a conference report must be signed, and signed by a majority of the conferees. The reports of standing committees, however, are not signed. The record can not be impeached by the mere statement of a Senator. The record of the Secretary shows that a report was made. The bill prima facie stands before the Senate. What does this mean? On the printed Calendar of the Senate for a month is Order of Business No. 126, H. R. 7478, reported by Mr. PAGE from the Committee on Banking and Currency. Is the Senate at all times to suspect that its calendar is an entrapment proceeding; that the Secretary fills up the calendar each morning with matters that are improperly there? If a Senator makes a report, and that report is later to be impeached, and it is to be asserted that he made it without authority, where do we stand? Are we children making mud pies and wasting the country's time and our own, or are we men engaged in serious business of the Republic of the United States? Shall we put the plain, the practical, and the common-sense interpretation upon this rule? I say this with great respect, for the Senator is familiar with the rules of the House, and he has fallen into error, if he will pardon me, on that account. I say this courteously, because I doubt if there be a Member in the other branch of Congress who is more familiar with the rules of the House than is the Senator from Wisconsin; but the Senator must remember that the Senate has never adopted Jefferson's Manual. Possibly the Senate should adopt Jefferson's Manual, but it has not done so, and I do not believe that Jefferson's Manual is referred to in the rules at all, although I do concede that the philosophy of Jefferson's Manual is the underlying philosophy of these rules. Yet just as a statute law repeals the common law the rules of the Senate have repealed Jefferson's Manual wherever they are in express or even implied conflict.

I again thank the Senator.

Mr. LENROOT. Mr. President, to bring the illustration of conferees so that it will be exactly like this case the Senator says that the presumption is when a conference report is signed that the conferees have met. That is true; but suppose a conference report is signed by only a majority. One of the conferees does not sign, and when the report is made he gets up in the Senate and states that there never was a meeting of the conferees upon the proposition. The chairman of the conferees gets up and says that that is true, that the conferees never met, but a majority signed the report. Does the Senator think that a point of order would not lie?

Mr. ASHURST. Mr. President, will the Senator yield again? That question was tested out, not once, but upon numerous occasions in the Senate, where the conferees exceeded their jurisdiction.

Mr. LENROOT. Oh, it is not a case of exceeding their authority. It is a case of making a report.

Mr. ASHURST. All right. That has been tested out, since I have been in the Senate, two or three times. I remember upon one distinct occasion a point of order was made against a report——

Mr. LENROOT. Upon what ground?

Mr. ASHURST. Upon the ground that they had inserted matter.

Mr. LENROOT. Certainly; but that is not this case. Does not the Senator see that there is a difference between a report where they exceeded their authority and a case where there is no report at all?

Mr. ASHURST. All right. Granting the Senator's position, I again assert that that was not the remedy as to conference reports until the so-called Curtis rule was adopted; and if a point of order was the remedy, why did the Senate adopt the Curtis rule in the Sixty-fifth Congress? Did we again do a vain thing? Could we reasonably make a point of order against a conference report and yet at the same time adopt a rule permitting us to make a point of order against a conference report? Are we to sit here forever spinning all the time and weaving nothing? Are we never to make progress? There was no such *proccdurc* as a point of order against a conference report until the adoption of the Curtis rule. If so, why did we adopt the Curtis rule?

Mr. LENROOT. It is very easy to explain that. That was a case where they made their report after due consideration, but had exceeded the authority granted to them by the Senate. I thought the distinction was clear to the Senator from Arizona. I am surprised that it is not. But the Senator from Arizona now takes the position that while under the rules a point of order can be made if they exceed their authority, if this ruling be sustained, and we appoint a conference committee, they never would have to meet; all they would have to do would be for a majority of them to sign a report, upon which the conferees would never vote, upon which the member of the minority has never had a chance to participate, and it would be a valid document. It is absurd and preposterous, Mr. President, that a point of order would not lie in a case of that kind.

Mr. NELSON. Mr. President, I want to make one suggestion. The chairman of the committee is desirous of having the bill recommitted to the Committee on Banking and Currency. If a motion is made to that effect and carried, why would not that settle the matter for the present? In my opinion, the discussion is to some extent academic. The objection the Senator from Wisconsin makes could have well been made when the bill was reported; but no objection having been made at that time, and the Senate having taken up the bill and considered it and amended it, that is equivalent to unanimous consent. It is a rule in judicial proceedings that ordinarily you must make an objection at the proper time. The proper time to have made the objection, and it would have been a valid one, was when the bill was reported. But after the bill had been placed on the calendar and had been taken up and considered and amended, it seems to me the objection came too late.

Mr. LENROOT. Will the Senator yield?

Mr. NELSON. I yield.

Mr. LENROOT. The House of Representatives, as Senators are well aware, has a rule providing for reserving points of order, and unless points of order are reserved, objection can not afterwards be made in a case like the present; but there is no rule of the Senate which permits the reserving of points of order; the rule expressly provides that a point of order may be made at any time. If a Senator were compelled to make a point of order when a bill was reported, and there was no knowledge, and could be none, upon the part of any Senator, execept the members of the committee, that they had taken a poll, how can it be said that the Senator has waived his right?

Mr. KELLOGG. Mr. President, I do not pretend to be an expert on parliamentary law or the precedents of the Senate, but there is probably no reason why I should not give my opinion upon this question.

It seems to me the question is divided into two parts. In the first place, can a committee act without meeting, simply upon a poll? In the second place, has the point of order been waived?

It would seem, as a matter of plain common sense, that the Senate is entitled to the collective judgment of a committee, which meets, where everyone is entitled to be present and express his opinion. We all know that a man does not give the consideration to a bill when he is approached and asked to consent to its being reported that he gives when he meets with a committee and discusses the measure. What the Senate is entitled to is the judgment of a committee, and I know of no way by which a committee can legally act, unless there is some rule to the contrary, except by meeting and voting upon the report of a bill. That is the universal law as to boards of directors of corporations and as to directors of all kinds of institutions where the law does not provide that they must meet. The implication is that they must meet, be present and vote, and that they can not act as a body unless they do meet. I should say that it would be a very dangerous rule, if committees of the Senate could simply act by the chairmen polling them, and I should think if the point of order were made, certainly when the bill comes into the Senate it would be sent back to the committee.

Mr. KNOX. Mr. President——

Mr. KELLOGG. I yield.

Mr. KNOX. I am curious to know, then, whether the position of the Senator would take him so far logically that it would strike down the practice of Senators being counted for a quorum? Is that subject to the same objection?

Mr. KELLOGG. I think it is. I do not think Senators can be counted for a quorum if there is an objection made, and I do not think they should be. I think the committee, in order to act, must meet, the same as a board of directors.

Mr. NORRIS. May I interrupt the Senator on that particular point?

Mr. KELLOGG. Certainly.

Mr. NORRIS. Is it not true that it is a universal practice that is followed without exception that nobody is counted for a quorum except by unanimous consent, and that any Member may object to another casting a vote in the place of some one else?

Mr. KNOX. That does not touch the proposition of the Senator from Minnesota [Mr. KELLOGG]. His proposition, as I understand it, is that in respect to a corporation, and in respect to the Senate, what the stockholders are entitled to and what

the Senate is entitled to is a meeting and an exchange of views upon any proposition that is submitted. You can not have an exchange of views if by unanimous consent you let three-fourths of the committee stay away and the other fourth do the business.

Mr. NORRIS. That is the rule. Of course, it can be waived, as the action on this bill can be waived, by unanimous consent. If nobody objected some member could cast somebody else's vote.

Mr. KNOX. That was why I raised the question originally, to get the view of the Senator from Minnesota on that point.

Mr. KELLOGG. I think the Senator is right. If the point is made, an absentee could not be counted, of course. I had supposed that to be the practice, because in the committees on which I have served members have been asked if there was any objection to the counting of absentees for a quorum. But, of course, that does not prevent bills being reported upon a poll of the committees having them in charge, and I presume that will always be done, more or less. However, I should say the point of order could be made to it.

The next question, which is a different question, is whether the point of order must be made before the bill is considered in the Senate. As the object of a committee meeting to consider a bill is to give the Senate its opinion, and an opinion that is worth something—because we all know every Senator can not investigate fully every bill—it would see that the Senate is just exactly as much entitled to the opinion of the committee after it has been discussing the bill for one day, or one hour, or 10 minutes, as it was before; and it would seem, until the bill had been passed, while it is in its preliminary stages, as though the point of order might be made and the bill sent back to the committee. Of course, in this I may be mistaken; but it would seem to me that that would be the practical construction to be placed upon the rule.

Of course, the object of having the opinion of the committee is to benefit the Senate. The fact that some one arose to discuss the bill a few moments would not make it any less necessary that the committee give the bill its attention.

Mr. McCUMBER. May I ask the Senator a question right there?

Mr. KELLOGG. Certainly.

Mr. McCUMBER. I think the Senator will agree that the Senate, by a majority vote, can discharge a committee and proceed to the consideration of a bill.

Mr. KELLOGG. Certainly.

Mr. McCUMBER. If the Senate can discharge a committee and relieve it of consideration of a bill that has not been reported on by the committee, can not the Senate, also, by a motion, proceed to the consideration of a bill that has not been reported by the committee at all? In this case this bill has not been reported, we will say, by the committee. We all agree that it is a primary law that the committee must act as a committee, and not through its individual members. Therefore there has been no report of the committee. But, as I understand this case, the Senate, by a vote, a positive vote, proceeded to take up this bill and to discuss it and act on it. When the Senate, by its own action, votes to consider any bill that is improperly reported to it, is it not in exactly the same position as though it had voted to take up a bill which had not been reported at all, and to take it away from the committee?

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Minnesota yield to the Senator from Georgia?

Mr. KELLOGG. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. Will the Senator allow me to make this further statement, that the Senate three times took up this bill, and twice took it up after the Senate had received information from the chairman of the Committee on Banking and Currency as to the manner of the report. The present proposition is not to avoid returning it to the committee but simply to take up the bill.

The chairman of the committee has asked unanimous consent to send it back to the committee, and that has been refused, so the question now is, Where is the bill? If it is in the Senate, we can take it up. We do not want to keep it here. The chairman of the committee wants to take it back to his committee. If it is not in the Senate, where is it?

Mr. KELLOGG. Mr. President, I will try to answer the question of the Senator from North Dakota [Mr. McCUMBER]. The rules, as I understand, provide that a committee may be discharged and the Senate may call for a bill and act on it. Therefore, that is a proceeding authorized by the rules of the Senate. The Senate may at any time, of course, suspend a rule. But I take it that the point of order that a committee has not properly reported a bill may be made at any stage before the bill becomes a law. After the bill becomes a law, of course, it is too late.

Mr. SMITH of Georgia. Mr. President, will the Senator let me ask him this question? If the point of order is made and the bill goes back into the hands of the committee, without the Senate sending it there, after the Senate had accepted the bill from the committee and acted upon it and amended it, can the bill get back to the committee without action now by the Senate?

Mr. KELLOGG. I think so. If I should take a bill from the table of the chairman of the Committee on Interstate Commerce and report it to the Senate, it would not put the bill in the Senate so that it would be here. If a point of order were made, it would go back to the committee.

Mr. SMITH of Georgia. Would it go back with any amendment that might have been made, or as it was originally?

Mr. KELLOGG. I should think it would go without the amendments, because the amendments have only provisionally been adopted. For instance, in the case of the telephone bill last year, it was reported by the committee, a point of order was made, and it was sent back to the committee.

Mr. McCUMBER. May I ask the Senator a question for the purpose of determining to what extent his reasoning would carry him? Suppose a House bill has come before the Senate, just as it has come before the Senate here, upon a signed, purported statement of a committee, which is not a report at all. The Senate acts upon it, without objection, upon motion to take it up, and the Senate amends the bill. It goes back to the House, is acted upon by the House, comes back to the Senate, the Senate disagrees to the amendments that are made by the House, and a committee of conference is appointed. Does the Senator from Minnesota think that we could still raise the point of order that all those steps have been improper, and that the bill has not been acted upon by the Senate, or the House, either, and that it must go back to the committee?

Mr. KELLOGG. No; I do not.

Mr. ROBINSON. Mr. President, I want to restate the facts connected with the history of the report on this bill. I undertook to do that a few moments ago. The clerk at my request has prepared a statement, to which I want to call the attention of the Senate.

On August 1, 1919, this bill came to the Senate from the House, was read twice and referred to the Committee on Banking and Currency.

On August 15, 1919, Mr. PAGE, the vice-chairman of the Committee on Banking and Currency, reported the bill to the Senate, submitting at the time a report, No. 148, which is embraced in three printed pages.

It has since been revealed that the bill was reported upon a poll of the committee, and the names of nine Senators appear upon the title page of the bill, namely, Senators HITCHCOCK, PAGE, FLETCHER, GRONNA, FRELINGHUYSEN, McLEAN, HENDERSON, DAVID I. WALSH, and NEWBERRY. If 9 out of 16 members of a committee sign a report on a bill and a formal meeting is afterward held and the report adhered to it must be presumed that the report is valid.

The committee is composed of 16 members. Therefore the Senators signing the bill constitute not only a majority of a majority, but more than a majority of the entire membership of the committee.

September 12, 1919, the bill was considered as in Committee of the Whole, was read in full, and amendments were suggested.

September 15, 1919, the bill was again considered as in Committee of the Whole and was amended. An amendment was proposed by the Senator from Ohio [Mr. POMERENE], which is now pending.

September 23, 1919, after the Senate had proceeded to consider the bill, the Senator from Wisconsin [Mr. LENROOT] raised his point of order.

In the meantime, as I stated a few moments ago, the Senator from Connecticut [Mr. McLEAN], in order to avoid further controversy about the matter and to escape the criticism of his committee which is implied in the debate on the point of order, called a meeting of the committee and expressly served every member of the committee with notice of the purpose of the meeting and urged him to attend, and at that meeting no Senator moved or expressed a desire to recede from the former action taken by the nine members of the committee.

I point out the fact, as I did a day or two ago——

Mr. POMERENE. Mr. President, will the Senator yield?

Mr. ROBINSON. Not now, if the Senator will please excuse me.

I point out, as I did a day or two ago, the fact that the rules of this body, embraced in an amendment adopted April 12, 1912,

provide that no bill shall be reported except by a concurrence of a majority of a majority of the committee. I also point out the fact that the express rules of this body do not require formal meetings of a committee nor prescribe that a committee may not report by poll.

I again renew my statement that for many years it has been the custom of the Senate to permit reports of committees by poll, and that in no instance has the Senate ever resented the action of a committee in proceeding in that way by sustaining a point of order after the Senate had considered the bill on several days.

As a matter of fact and of law, you must read into the rules of the Senate some provisions which are not there before the point of order can be sustained. The ruling of the then occupant of the chair, the Senator from Arizona [Mr. ASHURST], in my humble opinion, was correct. The correct procedure is to move to recommit the bill, and I support the chairman of the committee in that motion, not because I believe that the committee has acted improperly or that the nine members of the committee have sought to impose upon the Senate by pursuing the custom of the Senate and permitting a poll in order to report the bill, but because I believe that in the end it will facilitate the final consideration and passage of the bill.

Mr. BRANDEGEE. Mr. President, I understood the Senator from Wisconsin [Mr. LENROOT] to state that under the ruling of the Chair a point of order could be raised at any stage of the proceedings. I do not know to what rule he refers. If there has been such a ruling by the Chair——

Mr. LENROOT. That is an established rule of the Senate.

Mr. BRANDEGEE. Will the Senator be kind enough to read the rule?

Mr. POMERENE. It is Rule XX.

Mr. LENROOT. Rule XX is as follows:

A question of order may be raised at any stage of proceedings, except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the presiding officer without debate, subject to an appeal to the Senate.

Mr. BRANDEGEE. I am familiar with that rule, but I thought possibly the Senator referred to some other rule that I did not recall.

Mr. LENROOT. A ruling was made very recently upon this identical question, upon a point of order raised by the Senator from Mississippi [Mr. HARRISON].

Mr. BRANDEGEE. If that is so, I am not familiar with that ruling. I assume I was not on the floor at the time it was made.

It seems to me, Mr. President, the rule read by the Senator from Wisconsin that a point of order can be raised at any time except when the roll is being called, and so forth, does not mean that a point of order can be raised at any time when the subject to which the point of order pertains is not before the Senate. I agree that a question of order is a question as to how we shall proceed at a particular time. I do not think the rule means that when the Senate is considering the third reading of a bill or its engrossment, a point of order can be raised that the bill had not been properly introduced by a Senator. It seems to me that the point of order must relate to the order which is then proceeding.

While I am not a member of the committee that reported the bill and have no interest in it whatever, I should be very glad to see it recommitted so that the committee may make such changes in the bill as it may desire and report it again. But it seems to me that after the bill has been reported from the committee and placed upon the calendar, and a motion made to proceed to its consideration by the Senate has been carried and the bill has been before the Senate and has been acted on partially and amended, then it is altogether too late to raise a point of order that the committee in reporting the bill had not acted properly or that it really was not an actual report of the committee. That point of order should have been raised at the time the committee reported the bill.

Mr. LENROOT. The Senator must know that upon its face the bill appears to have been regularly reported. How could one raise the point of order when upon the face of the bill it is regular, but it afterwards develops that the report was not a report at all?

Mr. ROBINSON. The remedy is to recommit.

Mr. LENROOT. We can not reserve points of order. If we could, the suggestion of the Senator would be correct, but the rules of the Senate do not permit one to reserve a point of order.

Mr. BRANDEGEE. The argument that a person did not have knowledge that a certain matter was subject to a point of order at the time alone at which it could be made is not at all an argument that a point of order may be made at some other time when it is not in order.

I admit the difficulty which the Senator suggests, that when a Senator reports a bill and the Chair refers it to the calendar, a Senator can not have any means of knowing that on the back of the bill there are the signatures of a majority of the members of the committee. Nevertheless, under the rules of the Senate that does not make it in order for him, after the third reading of the bill, or upon its engrossment, to make a point of order that there was not a quorum in the committee at the time the bill was acted upon, or that in the procedure the Senate had violated some of its own rules prior to its engrossment. I think the point of order should not have been entertained. I think it came altogether too late and was a point of order upon a question not then before the Senate at all; nor do I think the question of jurisdiction——

Mr. POMERENE. May I ask the Senator a question?

Mr. BRANDEGEE. I yield.

Mr. POMERENE. Assume that the bill is about to be reached on the calendar, on a regular call of the calendar or on a motion to take it up, is it the Senator's view that no Senator could raise a question at that time that it had not been properly considered and reported?

Mr. BRANDEGEE. It is my view that it is too late.

Mr. ROBINSON. Will the Senator yield to me?

Mr. BRANDEGEE. Certainly.

Mr. ROBINSON. If a Senator desired to raise the question, he could do it upon a motion to recommit the bill to the committee.

Mr. BRANDEGEE. But that would not answer the question as to whether it is too late to raise a point of order.

Mr. ROBINSON. I agree with the Senator that it is too late to raise the point of order, and I think the precedents sustain that view. The point of order could not lie after the Senate had proceeded to the consideration of the bill.

Mr. BRANDEGEE. I have not looked up the precedents. I am simply giving vent to ideas that occur to me in a commonsense way.

Mr. SWANSON. Mr. President——

Mr. BRANDEGEE. I yield to the Senator.

Mr. SWANSON. I understand the Senator thinks the point of order should have been made before the matter had been considered by the Senate. The question is when the point of order may be made that the bill is not properly before the Senate. It ought to be made when the bill is brought into the Senate, but after a motion is made to consider the bill, then the question of the point of order would be a point against the consideration. Is that the Senator's view?

Mr. BRANDEGEE. My claim is that whatever point of order might properly have been made at the time the bill was reported, as to the impropriety of its being reported or as to a Senate rule having been violated in its consideration by the committee or in its report by the committee to the Senate, it is too late to raise it at a subsequent stage of the proceedings. For instance, the rules provide that a bill shall be introduced by a Member rising in his place and sending it to the Secretary's desk, whereupon it is read the first time. Suppose a Senator drops a bill in the basket provided under the rules for the reception of routine petitions, bills for the correction of military records, and so forth, and suppose that bill is referred to a committee and the committee considers it and reports it, and it goes to the calendar and the Senate, upon due motion made, proceeds by an authorized majority vote to the consideration of the measure, and it is considered as in Committee of the Whole and amended and reported to the Senate, and the amendments made as in Committee of the Whole are concurred in, and the question is upon the third reading of the bill, and then a Senator rises and says, "I make the point of order that the bill was dropped in the basket instead of being sent to the desk and read by its title." The whole Senate has proceeded to approve the bill and there is nothing required but its final passage and the fall of the presiding officer's gavel to announce the will of the Senate. Is it true that a point of order as to the mere routine of its coming before the Senate could then be made to block out all the proceedings of the Senate up to that time?

Mr. THOMAS. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from Colorado.

Mr. THOMAS. May I ask the Senator if this entire discussion and the basis of it is not an illustration of how not to do it?

Mr. BRANDEGEE. I think the Senator may be correct. I think when in the chair yesterday I made a ruling on the spur of the moment which shows how not to do it in some respects. The situation was more or less tangled, and I had to rule and I think I ruled improperly.

Mr. FLETCHER. I would suggest to the Senator that it is not claimed here that any rule of the Senate was violated by either not doing the proper thing or doing something that ought not to have been done by the committee. Jefferson's Manual is a part of the rules of the Senate. There is no claim that any rule of the Senate has been violated. On the contrary I call the Senator's attention——

Mr. LENROOT. The Senator is mistaken about that.

Mr. FLETCHER. What rule of the Senate has been violated?

Mr. LENROOT. The rule that requires a report from a committee. There has never been a report.

Mr. FLETCHER. In Rule XXV there is an express provision that committees themselves may control the number that shall constitute a quorum of the committee, and also an express provision that the concurrence of a majority of the committee is sufficient to bring a measure before the Senate.

Mr. LENROOT. In the committee and after a vote, certainly.

Mr. FLETCHER. The rule says the concurrence of a majority of the committee.

Mr. LENROOT. In the committee.

Mr. FLETCHER. Here is a report signed by nine members of the committee. I doubt if you could find a report of a committee which more completely and accurately represents the views of a majority of a committee than does this report. It is the written assent and concurrence of a majority of the committee, and not only of a majority of the committee but of 9 members out of 16 in favor of the bill.

Mr. LENROOT. If the Senator from Florida will yield for a question, I should like to ask him what was the purpose of the very rule of which he speaks, providing that a quorum might consist of one-third of the membership of the committee, if no meeting at all of the committee is required?

Mr. SMITH of South Carolina. If the Senator from Florida will allow me, I will read subdivision 3 of Rule XXV in its entirety in order that the Senate may get the purpose of the rule.

QUORUM OF COMMITTEES.

3. That the several standing committees of the Senate having a membership of more than three Senators are hereby respectively authorized to fix, each for itself, the number of its members who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee; but in no case shall a committee, acting under authority of this resolution, fix as a quorum thereof any number less than one-third of its entire membership, nor shall any report be made to the Senate that is not authorized by the concurrence of more than one-half of a majority of such entire membership.

The rule provides for the concurrence of one-half of a majority of the committee. It does not say in committee or elsewhere; it does not say anything on that point.

Mr. LENROOT. But what was the purpose of the rule? It requires a quorum consisting of one-third of the membership, but, for the protection of the Senate, although one-third of the membership might constitute a quorum, a majority of the one-third could not report a bill. It is very clear to any Senator. The rule relates to a quorum, and it relates to votes in the committee.

Mr. SMITH of South Carolina. But we are speaking about the report the committee made. The rule provides:

Nor shall any report be made to the Senate that is not authorized—

Can I not as a member of a committee authorize action so far as I am concerned when some Senator comes to me while in my seat and says, "You are a member of the committee, and I want you to authorize me to report this bill"? The rule says, "Not authorized by the concurrence of more than one-half of a majority."

Mr. LENROOT. If that were true, why was it necessary to provide for the number of a committee that should constitute a quorum?

Mr. BRANDEGEE. Mr. President——

Mr. LENROOT. Will the Senator from Connecticut yield to me, as I desire to ask the Senator from South Carolina a question?

Mr. BRANDEGEE. Yes.

Mr. LENROOT. Under the theory of the Senator from South Carolina, what protection could the minority ever have to secure the consideration of a bill in committee?

Mr. SMITH of South Carolina. The custom here, as all of us know, has been to proceed with what is called a working majority. In the case of the wire-control bill that practice was called in question, and I suppose on account of an oversight or ignorance of parliamentary law on the part of some of us the rule which I have quoted was not invoked. I confess I did not then know the rule was in existence. Had I been so advised I should have maintained that one-third of a majority, or, in other words, a working quorum was present; but everyone knows that a majority of the minor bills of the Senate are reported as this one has been.

The protection of which the Senator speaks comes when the bill is before the Senate. The fact of the matter is that the real business is done after a bill gets here, and I do not know but what we would have been better off as to a great many bills if they had never been referred to a committee to have matters thrashed over and the minds of members of the committee prejudiced by the opinions of others before the bill got here. I do not think the objection raised is at all serious.

Mr. LENROOT. Then if the majority desires to put a bill through the Senate it can, without a violation of the rules, deprive the minority from ever securing the consideration of a bill in committee at all.

Mr. SMITH of South Carolina. They could deprive the minority of that opportunity by providing for a certain number less than a majority, as provided in this rule.

Mr. LENROOT. Oh, no; I mean by a poll of the majority, the Republican members. If the Republicans shall at some time in the future desire to put through a bill, the majority members can sign their names on the back of the bill and say to you Democrats, "We will never give you an opportunity even to consider this bill in committee," and you yourselves will have made the rule.

Mr. SMITH of South Carolina. Yes; but we would discuss the bill on the floor of the Senate and reach the same end.

Mr. BRANDEGEE. Mr. President, the Senator from Wisconsin [Mr. LENROOT] has made allusion to the jurisdiction of a court as analogous to this question. I fail to perceive the force of that suggestion. The question here is not as to the jurisdiction of the Senate; no one questions the jurisdiction of the Senate under the Constitution to deal with this measure. The question here is simply as to whether the bill was properly reported by a committee of the Senate. As I have said, I think the point of order upon that question came too late. I agree with the Senators who have suggested that it has been a very common practice in the case of bills to which there was no particular known opposition and where it was very difficult to get a quorum of the committee, owing to the pressure of other affairs, for the chairman to send such bills around to members of the committee, who, after having read them and approved them, signed their names to them. Their action has rarely been questioned in the Senate, to my knowledge, as not being a proper procedure. Yet I am entirely in sympathy with the point of order made by the Senator from Wisconsin on its merits, if it had been made at the proper time, because——

Mr. NORRIS. May I ask the Senator from Connecticut a question there?

Mr. BRANDEGEE. Yes.

Mr. NORRIS. The Senator's idea of the proper time, I presume, is when the bill is reported. Now, is not the Senator requiring an impossibility?

Mr. BRANDEGEE. No; I am not; it may be that the rules are. The Senator from Wisconsin has already raised that question and said that nobody could know when the bill is actually reported whether it has been considered by the committee.

Mr. NORRIS. I understand that. I agree with the Senator from Wisconsin; but I understand the Senator from Connecticut has a different idea. I have heard his explanation, but it is not convincing to me. It seems to me that the rule which the Senator suggests would require an impossibility. The Senator must know that for all practical purposes it would be requiring an impossibility and would not accomplish anything. If the Senator's construction of the rule is right and the point of order must be made at the time a bill is reported, then we might just as well, it seems to me, abolish committees, because there is not any doubt that any committee of the Senate at any time can get a bill legally before the Senate without Senators not members of the committee knowing that there has not been a meeting of the committee.

Mr. BRANDEGEE. I understand the difficulty and embarrassment suggested by both the Senator from Nebraska and the Senator from Wisconsin in that respect, but, Mr. President, the rules of the Senate and their administration frequently work out awkward conditions. There is no reason, however, for the stretching of the rules or for a construction of them contrary to their evident meaning. As suggested by the Senator from Arkansas, there is another remedy for such a situation. At a later time a Senator may be prohibited from availing himself of the opportunity of making the point of order which he could have made if he had known about the bill being improperly reported from the committee, but the other remedy is to move for the recommittal of the bill, which motion is now pending.

Mr. NORRIS. Mr. President, may I ask the Senator a question in regard to that?

Mr. BRANDEGEE. Yes.

Mr. NORRIS. The Senator, of course, will concede that a motion to recommit can be made in any event, even if the bill has been reported properly by the committee?

Mr. BRANDEGEE. Certainly.

Mr. NORRIS. The Senator will also concede, I think, that if a Senator has as a matter of right the privilege of objecting to the consideration of a bill for any irregularity, a motion to recommit the bill does not save that right, because that requires a majority of the Senate voting on the question the same as any other motion.

Mr. BRANDEGEE. But a Senator has no right to object to such a motion any more than to record his vote.

Mr. NORRIS. But there is a right given to a Senator by a point of order in that it is one he can exercise without the assistance or acquiescence of any other Senator.

Mr. BRANDEGEE. Oh, yes.

Mr. NORRIS. That does not apply to a motion to recommit.

Mr. BRANDEGEE. That comes right back to the same question we are discussing, as to whether the point of order is in order at the time it is made.

Mr. President, that is all I care to say about this question. I am in favor of the motion to recommit the bill.

Mr. SIMMONS obtained the floor.

The VICE PRESIDENT. Just a moment before the Senator from North Carolina proceeds. The Chair is going to allow on this question, in accordance with the rule, but two speeches from now on in this discussion.

Mr. SIMMONS. Mr. President, I think perhaps as much time has been taken in connection with this matter as ought to be devoted to it, and yet the more I think of it the more I am convinced that the question at issue is one of very great importance.

After very serious reflection, I do not think that we could do a more unfortunate thing for the dispatch of the business of this body, now congested and likely to be congested so long as conditions exist which require so much legislation, than to overturn a practice that has obtained in this body during the 18 years I have been a Member of it. It is a practice which has contributed enormously to the expedition of the business of this body, and I have not during my term here discovered any instance where injustice or wrong has resulted. The proposition needs to be discussed not in its technical features so much as in its practical features.

If this procedure is to apply to legislation, it must also apply to all nominations that are presented to this body. If the Senate can not consider a matter unless a committee has formally acted in connection with it, neither can it consider a nomination that is reported back from a committee without action by the committee while in actual session. Yet my experience here has taught me that the greater number of bills reported to the Senate and acted upon have come from committee without any real committee consideration by the full committee, but upon a poll of a committee. My experience teaches me that practically four-fifths of the nominations that are reported from committees come back without the committees ever having sat in session upon those nominations. I undertake to say that, in the present congested condition here, with a greater amount of legislation required of this body than ever before has been required in the history of our country, an amount of legislation that keeps us in session for 9 or 10 months in the year—if we can not consider anything except bills that are actually considered in committee session, it will very much delay our action upon legislation.

We have a situation here that frequently requires a Senator to be appointed upon half a dozen committees, two or three of them live, active committees. The time of the committees is taken up with the important matters of the Government, with legislation that really requires the most careful consideration, and the committees have difficulty in getting committee action upon those matters. Now, if every little matter, if every little local bill, if every little routine bill, every bridge bill, must be taken up by a committee in actual session and considered by a committee, we will increase the labors of the committees twofold; and if we add to that requirement that every nomination must be taken up by a committee and considered in session, we will increase the labors of the committees more than twofold, and we will leave no time for the consideration of the more important business of the Senate. I say that when we refer to these committees these small, local matters, these matters of relatively trifling importance, we do it perfunctorily. We do not need the advice of the committee in those cases. The rule covers them, however, and perfunctorily we refer them to the committee, and perfunctorily the committee reports them out. The committees do not, under the rule, report out important measures without consideration; it is these other less important measures; but this action, if it is taken, will cover everything. It will cover the most insignificant as well as the most important bills; it will cover the most insignificant nominations as well as the most important nominations, the uncontested as well as the contested nominations; and we will have a congestion here that will not only be appalling to the Senators, but it will be obstructive to the legislation of this country and against the welfare of the people; not in the interest of good legislation but in the interest of hurried and bad legislation.

Mr. President, I say this practice has grown up here. I do not know how old it is. I know it is at least 18 years old. I assume that the practice has grown up and has continued uninterrupted and without challenge until now because it was the consensus of the best judgment of this body that it was a good and a wise practice in the interest of expediting legislation.

Mr. President, I want the Senate to consider for a minute what might be the condition here in the last days of the session, when we are hurrying to get through with the business of the session, when it very frequently becomes necessary for us to act speedily and quickly upon a joint resolution that may come here from the departments, absolutely necessary to continue in motion the wheels of government. It may relate to the entire appropriation of a great department. The failure of its passage would result in blocking the wheels and the machinery of a great instrumentality of the Government. We must hurriedly get that joint resolution or that bill through the Senate. If we are compelled to send it to a committee, and then a majority of that committee must be assembled and act, it will be too late. I have seen numbers of cases since I have been here where, if the practice that is now insisted upon had obtained, it would have been impossible for us to pass during the last few days of the session legislation that was absolutely essential.

Mr. President, I contend that this practice is a construction by the Senate of the United States, a long-standing and unquestioned construction, of the meaning of the rule. It is its construction that a report of a bill as the result of a poll, with the signatures of a majority of the committee upon the back of the report, is a substantial compliance with the rule, ought to cease.

Now, the Senator from Wisconsin says that this practice, this construction, must go for naught, because, forsooth, we have not jurisdiction of the matter, and if we have not jurisdiction, of course, we have no right or power to act.

Why, Mr. President, it is fundamental in legal practice that if a court or a legislative body or a municipal body has not jurisdiction of the subject matter, there can be no waiver of procedure at all which would give vitality to its action; but if a body have jurisdiction of the subject matter, then every requirement of practice, every rule of practice, can be waived. Whenever it is ascertained that the court has jurisdiction of a subject matter, attorneys can waive the failure to serve summons; attorneys can waive any limitation of time; attorneys can waive anything that is connected with the procedure of the court after it acquires jurisdiction. Will anybody undertake to say that the Senate of the United States did not acquire jurisdiction of the subject matter of this legislation the minute that the bill passed a second reading? It has jurisdiction of the subject matter, and, having jurisdiction of the subject matter, it may by any practice that it may establish waive at any time any of the rules of procedure which it has adopted. Certainly nobody should question the right of the Senate of the United States to waive by unanimous consent any rule that is written here after it has acquired jurisdiction.

Mr. President, that is what this rule means. It means that when certain formalities are complied with, the Senate having acquired jurisdiction of the subject matter, the rules of procedure may be waived unless there is objection. Now, the protection is this, and the Senator is absolutely wrong when he says that we might have a bill here that would be acted upon without the consent of a majority of the committee—I have understoood since I have been here that the rule was this—that when a committee is polled there must be the concurrence of a majority of the committee; it must be written upon the back of the bill or vouched for by the statement of the chairman reporting it. And even then the practice, as I have understood it, was that if there was a single objection to its report by that method it should go back to the committee.

Mr. LENROOT. Will the Senator yield?

Mr. SIMMONS. I yield.

Mr. LENROOT. The Senator misunderstood me. I never said that a bill could be reported by a poll of less than a ma-

jority of the committee. I did say that under the Senator's position a majority of the committee, without consulting the minority, could report a bill, and the minority would never have a right to consider the bill in committee.

Mr. SIMMONS. Mr. President, the right of deliberation is absolutely protected. A majority of the committee must concur. A single, solitary objection can prevent the report.

Mr. LENROOT. Where does the Senator find any such rule?

Mr. SIMMONS. I did not say there was such a rule, but I said that was a practice that had grown up here and obtained for the last 18 years.

Mr. LENROOT. The Senator, then, admits that if a majority poll, without consulting the minority, reports a bill, no objection on the part of the minority can prevail?

Mr. SIMMONS. I said that the report could not be made under the practice, not the rule, under the practice which has grown up under the rule, and which is an interpretation of the rule, unless a majority of the members of the committee had signified their approval by signing the report, and that even then, under this practice, when the report is made, one objection would send it back to the committee at the time. That has been the practice, as I have understood it, here.

Under that practice, I say, nobody is denied any right. What do we send these things to a committee for? Not that the committee may control our action, but simply that the Senate may have advice. If the Senate does not want the advice of the committee it can recall the bill at any time it sees fit. If the Senate can recall the bill at any time it sees fit and say to the committee, "We do not desire your advice now," the Senate can, by like action, refuse to send the bill to a committee at any time, and the Senate can by like action establish a practice that will permit the bill to come back to it without its having been actually considered in the committee as a whole, and that practice we have established. In the last analysis the question is, Does the legislation meet with the concurrence of a majority of the Senate? To tell me that a committee report is so fundamental that it can not be waived; that we can not establish a practice and get rid of it in minor cases; that it can, after a bill has been taken up and a month of the people's time has been devoted to its consideration, the rule can be invoked and the bill can be kicked out of the Senate simply because of failure to comply with some little formality the sole purpose of which was to obtain information which the Senate no longer desires or demands is, to my mind, to state a preposterous proposition.

Mr. President, there are a great many objections to procedure in the courts of our country and in legislative bodies that may be made, and, if made in apt time, must be recognized and must be given force and effectiveness; but I have never in my life heard of any court or any legislative body which after a lapse of time, after it had proceeded upon the theory that all the formalities and technicalities required had been complied with, would permit the whole proceedings to be dropped and halted by an objection which is made out of time.

The Senator says he did not know of this circumstance, and he seems to think that is a conclusive reason why the point should be made at any time. Why it should be made after the bill has been considered a month, why it should be made after it has been considered two months and when the body is ready to act, I can not understand.

Mr. President, it is just as much the duty of a man who wants to make a technical objection to be on the alert as it is the duty of the man who wants to make a substantive objection. A man has no more right in this case to come in and plead that "I did not know of my rights at the time," "I did not have actual information at the time," than a man would be entitled to go into court and say that "I did not know the law when I violated it." The whole machinery of this body can not be stopped because of a purely technical objection, not made in time, and which, if made in time, probably might have been entitled to be acted upon.

Mr. President, I recognize the fact that the party to which I belong is in the minority. The Senator has invoked the rights of the minority. I recognize the fact that the committees of this body are in charge of the majority. I recognize the fact that all the chairmen of the larger committees are Republicans, and the chairmen under this practice could practically control the reporting of bills without actually bringing them before the committees. I therefore recognize the fact that the position I am taking, considered from a purely tactical party standpoint, is not the position which is most advantageous at this time to the party to which I belong. But I would be a small man, and any Democratic Senator here would be a small man, if, because his party might lose an otherwise helpful advantage in connection with legislation, he would give sanction to action in this body which would enormously increase the labors of Senators, already overburdened with work, and which would result in great congestion where there is already an overcrowded condition.

Mr. President, I did not intend to speak so long about this matter, and I would not have done so but for the fact that I believe if we should sustain the point of order made by the Senator from Wisconsin—though the vote the other day indicated that there is a strong sentiment on the other side of the Chamber to sustain it—the effects upon legislation and upon the labors entailed upon Senators in this body which would be avoided would be so series that the time which I have taken and the time which other Senators have taken in this matter will not have been wasted, because if we can defeat the point of order of the Senator we will save much more time than has been taken in the consideration of this matter.

Mr. LENROOT. Mr. President, I had supposed that it was agreed by everyone that rules were made primarily for the orderly procedure of a parliamentary body and the protection of the minority. The Senator who has just spoken says the minority cares for no protection. Mr. President, I know that as a rule Senators pay little or no attention to the rules of the Senate upon any particular bill. I realize, too, Mr. President, that Senators on this side of the aisle will have no reason to complain of the new rule that will be made by sustaining the decision of the Chair on my point of order, because the party on this side of the aisle will be in a majority for many, many years to come. If the ruling is sustained, I say now that the time will come when Senators on the other side of the aisle who will still be here will be raising the very point of order that they are now going to vote to overturn.

I had supposed, Mr. President, that the opinions of Mr. Jefferson would still have some weight, at least upon the other side of the Chamber. But apparently not. We certainly have been growing very fast during the past few years. Nevertheless, although I know that Mr. Jefferson is out of date on the Democratic side of the aisle, and his opinions are no longer considered of any very great value, may I take a moment to read what Mr. Jefferson said in his preface to his Manual of Parliamentary Practice? Mr. Jefferson says:

> Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say it was a maxim he had often heard when he was a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration and those who acted with the majority of the House of Commons than a neglect of or a departure from the rules of proceeding; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority against the attempts of power. So far the maxim is certainly true and is founded in good sense; that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and are become the law of the house, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check and which the wantonness of power is but too often apt to suggest to large and successful majorities.

The members of the minority say they require no protection, that they are willing to trust the majority. Why have any rules of the Senate at all? You are deliberately proposing to violate two of them when you vote to sustain the decision of the Chair—first, that there need be no act of a committee at all; that there need be no report of a committee at all; that even a third of a quorum is not necessary in order to consider a bill; that the chairman alone may sit in his committee room and take up a bill and consider it himself, and then go out and get the signatures of enough members of the committee to make a report. You propose to call that a report of the committee. Who ever authorized this chairman to make a report upon this bill, if it was made as a committee report? Where was the authority for any Senator, sitting in his seat in the Senate, to say to the chairman of my committee, "You are authorized to report this bill"? It could not be done without deliberately violating the rules of the Senate.

But it is said the point of order comes too late; that it should have been made at the time the report was presented. I agree that if we had the procedure of the House, which I think is preferable to that of the Senate, and one could reserve a point of order when a report was made from a committee, that ought to be done, and then if the point of order was not reserved, it should be considered as waived; if the point of order was not reserved when the report was made, the point of order could not thereafter be raised.

But it so happens that the Senate has deliberately adopted a different rule. It so happens that the Senate has said in this rule that a point of order can be made at any stage of the proceedings.

Mr. ROBINSON. Will the Senator yield for a question?

Mr. LENROOT. I yield.

Mr. ROBINSON. Does the Senator assert that there is no such limitation as that expressed by the Senator from Connecticut on the meaning of the rule?

Mr. LENROOT. The rule means what it says.

Mr. ROBINSON. In this case, after the Senate has repeatedly voted to proceed with the consideration of the bill, and has amended the bill, the Senator insists that it is in order to make this point of order. I ask the Senator whether it would be in order to make such a point of order after the Senate had passed the bill?

Mr. LENROOT. It would be in order, I am very frank to say to the Senator, at any time, so long as the bill had not gone out of the physical possession of the Senate. Of course, if it had gone to the House, there would be no way by which the Senate could take such action.

Mr. ROBINSON. Then it would be in order to make the point of order after the Senate had passed the bill and before the bill had passed out of the possession of the Senate?

Mr. LENROOT. Before the bill had passed out of the possession of the Senate, I agree. The Senator from Arkansas smiles. That may be something that ought to be provided against in the rules; but so long as you have a rule of the Senate that a committee must act upon a bill before the Senate can act upon it, there are only three ways in which a bill can come before the Senate. You may suspend the rule; you may move to discharge the committee; and the committee may make a proper report. In no other way can a bill properly get upon the calendar, and my point of order is that this bill is not properly upon the calendar, and is not properly before the Senate.

Senators talk about little bills. If the rule applies to little bills, it applies to the most important bills coming before the Senate. The position of the Senator from Arkansas would be that I, as a member of the Committee on Commerce, could send to the desk what purported to be a report from the Committee on Commerce, because I would not even have to have a majority of the committee in order to give the Senate jurisdiction, for there is nothing that provides for a poll of a majority of a committee, and the only way the Senate could get rid of that bill would be by a majority vote. Or I could sit here at my desk and send a bill around to those whom I knew were in favor of the bill, at the same time knowing that a minority was opposed to the bill and desirous of amending it. Under the Senator's theory I could get those signatures, send that bill to the desk, and the minority, either upon the committee or in the Senate, never would have an opportunity guaranteed to them by the rules of the Senate to consider the bill in committee.

If the Senate desires to make a precedent of that kind, well and good. The Senate will do it with its eyes open, and I think there are some of us who can stand it if others can. But Senators say that to sustain this point of order would prevent the polling of committees, a practice that has grown up with reference to minor bills. That is not so, Mr. President. If the point of order is sustained, it will not interfere in the least degree with the practice of polling committees, because in ninety cases out of a hundred there is no objection to the reception of a report at any stage of the proceedings upon minor bills. If there is no objection, it amounts to the Senate considering them by unanimous consent. All this point of order, if sustained, will do is to give to any Senator the right to make the point of order if he desires to do so; and I submit that he ought to have that right. It ought to be the right of every Senator upon this floor to insist, and see to it, unless there be a suspension of the rules or a discharge of the committee, that the rules of the Senate are enforced, and that when a bill is referred to a committee it shall be considered by that committee.

As I said before, that was the very crux of liberalizing the rules in 1911, by the Democratic side of the Senate, at the suggestion of the late Senator from Georgia, Mr. Bacon. It was on his motion that the number required for a quorum at that time was lessened. But if you read the debates, as I have them before me, you will see that no one ever suggested that a report of a committee could properly be made to the Senate unless there was a meeting of the committee.

Suppose that upon a tariff bill the Republican members of the committee did not meet, but determined that they did not want to give the Democrats any opportunity to offer any amendments in committee to the bill or give them any opportunity to consider it, and so upon a great tariff bill the majority members of the committee signed their names on the back of the bill and sent it to the desk, does anyone think that there would not be a majority of the Democrats, who to-day are going to vote to sustain the ruling of the Chair, who would be the first to invoke this very point of order for the protection of the rights of the minority?

I am just one Senator; I do not pretend to have any very great knowledge of parliamentary law; but the longer I serve in this body the more I am convinced that it is not necessary for anyone to have any knowledge of parliamentary law. It would be very much better, in my judgment, with the attitude the Senate so often takes upon the rules, if we did not have rules at all, because if a body like this makes rules for its own observance and then deliberately violates them when it suits its own convenience to do so, how can we expect the people of the country to have respect for the laws that we enact? It seems to me that we ought to begin to inculcate respect for the laws of our country by this body beginning to have some respect for its own rules.

Mr. BRANDEGEE. Mr. President, I move that the Senate proceed to the consideration of the German treaty in open executive session.

Mr. ROBINSON. May we not have a vote on this question?

Mr. SMITH of Georgia. I think everyone is ready to vote.

Mr. McLEAN. Yes; everyone is ready for a vote. I ask that we may vote.

Mr. BRANDEGEE. If there are no more speeches to be made I will withhold the motion for the purpose of having a vote.

Mr. JONES of Washington. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harris	Moses	Smith, Ariz.
Ball	Harrison	Myers	Smith, Ga.
Bankhead	Henderson	Nelson	Smith, Md.
Beckham	Hitchcock	New	Smith, S. C.
Borah	Johnson, S. Dak.	Newberry	Smoot
Brandegee	Jones, N. Mex.	Norris	Spencer
Calder	Jones, Wash.	Nugent	Stanley
Capper	Kellogg	Overman	Sterling
Chamberlain	Kendrick	Owen	Sutherland
Colt	Kenyon	Page	Swanson
Curtis	Keyes	Penrose	Thomas
Dial	King	Phelan	Townsend
Dillingham	Kirby	Phipps	Trammell
Edge	Knox	Pittman	Underwood
Elkins	La Follette	Poindexter	Wadsworth
Fall	Lenroot	Pomerene	Walsh, Mass.
Fletcher	Lodge	Ransdell	Walsh, Mont.
France	McCormick	Reed	Warren
Frelinghuysen	McCumber	Robinson	Watson
Gay	McKellar	Sheppard	Williams
Gronna	McLean	Sherman	Wolcott
Hale	McNary	Shields	
Harding	Martin	Simmons	

Mr. McKELLAR. The Senator from Oklahoma [Mr. GORE] is detained from the Senate by illness, and the Senator from Rhode Island [Mr. GERRY] is absent on official business.

The VICE PRESIDENT. Eighty-six Senators have answered to their names. There is a quorum present. The pending question is, Shall the decision of the Chair stand as the ruling of the Senate?

Mr. NORRIS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ASHURST (when his name was called). Mr. President, I ask unanimous consent to be excused from voting.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from Arizona is excused from voting.

Mr. HENDERSON (when his name was called). I have a general pair with the Senator from Illinois [Mr. McCORMICK]. I transfer that pair to the Senator from Rhode Island [Mr. GERRY] and vote "yea."

Mr. OVERMAN (after having voted in the affirmative). I have a general pair with the senior Senator from Wyoming [Mr. WARREN]. In his absence I transfer that pair to the senior Senator from Texas [Mr. CULBERSON] and let my vote stand.

The roll call was concluded.

Mr. CURTIS. I wish to announce that the Senator from Maine [Mr. FERNALD] is paired with the Senator from South Dakota [Mr. JOHNSON].

Mr. McKELLAR. The Senator from Oklahoma [Mr. GORE] is detained from the Senate by illness, and the Senator from Rhode Island [Mr. GERRY] is absent on official business.

Mr. LODGE. I announce that the Senator from California [Mr. JOHNSON] is paired with the Senator from Virginia [Mr. MARTIN].

Mr. KENDRICK. Has the senior Senator from New Mexico [Mr. FALL] voted?

The VICE PRESIDENT. He has not.

Mr. KENDRICK. I have a general pair with that Senator. I transfer my pair to the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. CHAMBERLAIN. I have a general pair with the Senator from Pennsylvania [Mr. KNOX], which I transfer to the Senator from Missouri [Mr. REED] and vote "yea."

The result was announced—yeas 40, nays 38—as follows:

YEAS—40.

Bankhead	Jones, N. Mex.	Phelan	Smith, S. C.
Beckham	Kendrick	Pittman	Stanley
Chamberlain	King	Ransdell	Swanson
Dial	Kirby	Robinson	Thomas
Fletcher	McKellar	Sheppard	Trammell
Gay	McLean	Shields	Underwood
Harris	Myers	Simmons	Walsh, Mass.
Harrison	Overman	Smith, Ariz.	Walsh, Mont.
Henderson	Owen	Smith, Ga.	Williams
Hitchcock	Page	Smith, Md.	Wolcott

NAYS—38.

Ball	Frelinghuysen	Lodge	Pomerene
Brandegee	Gronna	McNary	Smoot
Calder	Hale	Moses	Spencer
Capper	Harding	New	Sterling
Colt	Jones, Wash.	Newberry	Sutherland
Curtis	Kellogg	Norris	Townsend
Dillingham	Kenyon	Nugent	Wadsworth
Edge	Keyes	Penrose	Watson
Elkins	La Follette	Phipps	
France	Lenroot	Poindexter	

NOT VOTING—18.

Ashurst	Fernald	Knox	Reed
Borah	Gerry	McCormick	Sherman
Culberson	Gore	McCumber	Warren
Cummins	Johnson, Calif.	Martin	
Fall	Johnson, S. Dak.	Nelson	

So the Senate decided that the decision of the Chair should stand as the judgment of the Senate.

Mr. McLEAN. I move that the bill be recommitted to the Committee on Banking and Currency.

The motion was agreed to.

TREATY OF PEACE WITH GERMANY.

Mr. BRANDEGEE. Mr. President, I renew my motion that the Senate proceed to the consideration of executive business in open session.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. NEW. Mr. President, in the course of the many times I have read the treaty now before the Senate, and after what I think I can claim has been a fairly diligent study of it, I have found some features of which I approve, many more of which I disapprove, while there still remain some as to the proper construction of which I am in doubt. As to these last I can find my excuse in the fact that to this day the more or less eminent statesmen who drew it, and to whom we look for its definition, disagree among themselves and before the public in the construction they put upon certain of its articles.

Mr. President, I have been curious to know just what objection could be legitimately urged to the adoption of the amendment offered by the Senator from California [Mr. JOHNSON], which provides that the voting strength of the United States in the league shall equal that of Great Britain. The claim that the voting superiority of Great Britain is apparent rather than real is not warranted by the facts as I see them. Recently a league of nations organization addressed a number of inquiries to President Wilson, and on September 18, under a San Francisco date line, he answered one, in which he was asked about the six votes of Great Britain, by saying:

> It is not true that the British Empire can outvote us in the league of nations and therefore control the action of the league, because in every matter except the admission of new members to the league no action can be taken without the concurrence of a unanimous vote of the representatives of the States which are members of the council, so that in all matters of action the affirmative vote of the United States is necessary and equivalent to the united vote of the representatives of the several parts of the British Empire.

Surely the President overlooks the fact that in those disputes in which America is concerned we have no vote at all. He also overlooks the fact that under article 15 if a dispute be referred to the assembly there may be a report made public by the majority of the assembly, in which majority Great Britain would have six votes to our one. And even more important is the President's failure to remember that under article 4 the assembly has the right to choose four members of the council, and there appears to be no doubt that the assembly may elect by a majority vote. When it comes to electing these four members of the council, Great Britain would start with six votes accredited to the home government and the colonies, in addition to which she would control the vote of Persia and Hedjaz. If there is any provision in the covenant which forbids elections to the council to be other than by the usual majority vote, I can not find it and would be pleased to have some Senator point it out. I therefore charge that when the President states that Great Britain can not cast more votes than the United States in the election of the four elective members of the council, he either misunderstands or misrepresents the provisions of the covenant, and is to that extent misleading the American people. His new mathematical theorem that 1 plus 1 plus 1 plus 1 plus 1 equals 1 will not bear analysis.

Mr. President, I said in my preliminary remarks that there was great diversity of opinion, even among those whose official function it is to construe and define the treaty, over the construction to be put upon its respective provisions. This is certainly true, for they differ on so many points as to awaken the apprehensions of the ordinary observer. None of its exponents, however, has displayed the versatility of the President, who felicitously construes the same provision in diametrically different ways on different occasions in order to meet the emergencies and the expectation of those addressed. The truth of this was conclusively demonstrated by the Senator from Missouri [Mr. REED] in his address of Monday last when he produced the letter of May 6, 1919, signed by the President, Lloyd-George, and Mr. Clemenceau, in which the most explicit assurance is given the Canadian premier that Canada is eligible to a place in the council, which necessarily implies full voting membership in the league. In view of this assurance, in what an absurd and untenable position is the President left by his reply to the San Francisco organization.

Nor is that the only misstatement that has been made by the President in his recent discussion of the treaty. In the very nature of things, the treaty and the covenant, huge as it is in size, complicated as it is in phraseology, and dealing with subjects with which the lay mind is necessarily unfamiliar, is a document that will not be read by more than a respectable minority of the people under any circumstances that may arise. Such addresses as the President has made on his western trip are not entirely suitable for a serious and accurate discussion of a question of this intricate character; and we may, therefore, be pardoned if we object to any statement concerning it which is not exactly true or the ambiguity of which leaves the public in doubt. Whatever lapses from accuracy the President might make under such circumstances, one would not expect him to misstate or to forget the circumstances, for instance, which drew America into the war; and yet, in his speech at Billings, Mont., September 11, he said:

> Thousands of our gallant youth lie buried in France. Buried for what? For the protection of America? America was not directly attacked.

And in his speech at Tacoma, September 13, the President said:

> Only the free people of the world can join the league of nations.

Is it possible that for the moment he forgot India; that he overlooked Hedjaz and failed to recall Persia? Are either of these nations in any sense either free, self-governing, or democratic? But the statement is no more or no less inaccurate than many others which the President has made on this same tour. At Spokane the President said on September 12, in speaking of the right to withdraw from the league:

> Gentlemen object that it is not said who shall determine whether it has fulfilled its international obligations and its obligations under the covenant or not. Having sat at the table where the instrument was drawn, I know that that was not done accidentally, because that is a matter upon which no nation can sit in judgment upon another. That is left to the conscience and to the independent determination of the nation that is withdrawing.

Apparently the President must have forgotten articles 13 and 15 of the covenant. Article 13 provides that disputes suitable for arbitration shall be so submitted, and expressly states that the interpretation of the treaty and the covenant as part of the treaty, as well as any pact which would constitute a breach of any international obligation, are generally suitable for arbitration. Under this provision we would be required to arbitrate the question whether we had fulfilled our obligations, and under article 15, if either we or our opponent who objected to our withdrawal declined arbitration, we would be required to "submit the matter to the council." How can the President correctly say that we are the sole judges of our right to withdraw from the league when its covenant requires us either to arbitrate or submit to the council any dispute as to our fulfillment of our obligation?

Nor do I think that the President has been at all times happy in his comparisons. For instance, in one of the speeches made on his western trip he told his audience that the league is insurance against war—in his opinion, 98 per cent insurance—but he added that if it were only 10 per cent he would favor it. Now let us look at this for a moment. Do fire insurance policies prevent fire? They sometimes cause it but never prevent it.

Fire is prevented not by insurance but by the care of the owners and tenants of the property. It is prevented by fireproof construction, and the spread of fire is limited, not by insurance, but by fire departments. If insurance does not prevent fire, what does it do? It distributes the losses. That is just what the league of nations will surely do. It will not prevent war either 98 per cent or 10 per cent and the President himself has admitted its fallibility in this particular. It is more apt to cause war, but it will of a certainty distribute the losses. And how are the losses to be apportioned in this mutual war insurance company called the league of nations? Are they apportioned like fire insurance according to the relative risk? An insurance company fixes its rates with due regard to the character of the risk. Does the tinder box of the Balkans pay a higher premium than fireproof America? On the very contrary, the losses are distributed under this league not in proportion to the risk of war but in proportion to wealth and population. America, guarded as she is by the great seas, strong and free, with no historic quarrel, and up to this time without a single entanglement, will be the chief loser by any conflagration that may be hereafter started in any part of the world. And how are our losses to be paid? Not in money alone, not in ships and munitions, but in the lives of the youth of the country. If the league offers war insurance, it offers what will not prevent war. It offers the sacrifice and waste of our youth, with its radiant promise, in distant countries and alien lands, in quarrels which are not our own, which we can not prevent and for which we have no responsibility.

But the President says he believes the league will prevent war. Many a man has believed in fiction. The mirage in the desert is as plainly visible to the man who is lost in the wilderness as is the substantial thing itself to the man to whom it is sufficiently close at hand to be accessible to the touch. Don Quixote believed Rozinante a war horse. He believed a tin washbasin to be a gold helmet and windmills to be an army in battle. As for me, I believe the President's dream of the actualities of this league to be scarcely less visionary than the hallucinations of the Don. Why, Mr. President, I have seen and known people who believed firmly that a potato carried in the pocket would prevent rheumatism; that a silk thread around the neck would prevent sore throat. I have known a man to carry a buckeye for the greater part of a lifetime and to attribute his immunity from disease to his possession of that cherished fetish. When the President tells his audience that the league is insurance against war, he calls to my mind the hypnotist, whom we have all seen, who has his subject eat a piece of chalk in the delicious hallucination that it is ice cream, and to accept the thrust of a pin in the flesh as a caress. The presumptive difference is that in our case we shall realize the deception when we have been restored to consciousness and sanity.

The President further said in another of his speeches that the league of nations would "prevent war by discussion" and that it was in fact a "debating society." Surely, Mr. President, we will all favor the establishment of a forum suitable for international discussion, but does a "debating society" boycott, starve, and make war upon those of its members who do not accept the decision of the society at the end of the debate? Do the members of a debating society make war in any part of the world where its judgments are not followed? Does a debating society bind itself to enforce its decisions upon those who are not even members of the society? The league may be a debating society, but it does not stop at that. It is a superstate, or if not that it is nothing but a delusion and a snare.

The President says the weakest point in the league is the rule requiring a unanimous vote. He thinks the decision by a smaller number ought to be binding. I have no doubt that England, France, Italy, and Japan share the President's views. I have no doubt that England with her six votes feels with characteristic British liberality that they should be sufficient to decide the course of the States associated with her. To me it is, to say the least, disconcerting to hear the President make such a pronouncement. If the league be founded, may we not expect soon to have the powers of the superstate made more effective, as they would be if this view of the President were to prevail?

It has been persistently urged by those who plead for the retention in the covenant of article 10 that it is reciprocal in its obligations, that admitting by its terms the United States guarantees the territory of every other member State our territory is in turn guaranteed us by them. I have felt that this contention is misleading and deceptive, and now comes the President to establish the validity of my doubts by this statement, made in his speech at Spokane September 12:

> Ah, but some may seek to seize our territory, impair our political independence. Well, who? Who has an arm long enough to try to take a single inch of American territory or to seek to interfere for one moment with the political independence of the United States? These gentlemen are dreaming of things that can not happen.

Truly the proponents of the league should get together, for in this utterance the President shows that article 10 is a one-sided arrangement, with the United States in the position of guarantor of the possessions of others, with every prospect of being called upon to fulfill them by the exercise of force and no possible likelihood of having to appeal to others for a like or reciprocal service. To insure any degree of permanency to a league of the character contemplated, there must be equality of conditions imposed upon its members. Where there is a manifest disparity, as in the present instance, dissatisfaction and disruption are bound to come with time, and the length of time required to bring them about depends only upon the complacency of those less favored and their willingness to have the burdens of others pressed constantly upon their shoulders. Mr. President, I disagree absolutely with the plea that the preservation of human liberty will not be safe unless and until the United States is made to entangle itself in the affairs of Europe and assumes a share in their direction. We have no aptitude for the successful performance of any such task, and the peoples of Europe have no real understanding of the spirit of our institutions. The difference between our habits of thought, our methods of government, and theirs is widely dissimilar and irreconcilable. Why is it necessary to bind America to respond to every demand that may be hereafter made upon her to aid in the adjustment of Europe's quarrels, even though their origin be charged to the external aggression of a covetous or ambitious neighbor? The United States may be trusted to do again just what she did in the present instance should there be real occasion for it.

So far as the position of the United States toward future wars of foreign origin is concerned, I believe it was correctly expressed in the resolution introduced by the Senator from Pennsylvania [Mr. KNOX], as follows:

> That, finally, it shall be the declared policy of our Government, in order to meet fully and fairly our obligations to ourselves and to the world, that the freedom and peace of Europe being again threatened by any power or combination of powers, the United States will regard such a situation with grave concern as a menace to its own peace and freedom, will consult with other powers affected with a view to devising means for the removal of such menace, and will, the necessity arising in the future, carry out the same complete accord and cooperation with our chief cobelligerents for the defense of civilization.

Such a declaration as this would be all that is necessary. It would serve notice to the world that would be heard and heeded. The world knows that the United States would keep the promise. While accomplishing the result intended it would leave us free to pursue our own course in our own way, free from foreign dictation or from embarrassing alliances.

Mr. President, it strikes me that by the obligations of the league we are binding the wrong parties. There is not the slightest disposition on the part of any of the recent European allied powers to engage in further armed strife, at least not in the near future, and certainly not all that is desired is to be gained by obtaining their signatures to a contract the provisions of which they would follow without a formal pact. No league that can be formed can carry with it any real guaranty of future world peace that does not take into full account and have as parties to it Germany and Russia, the Ishmael and Samson of the peoples of the world. So long as either of them is out, the world is on the brink of the volcano, and there are unmistakable signs not only of an alliance between them, but possibly what will constitute a virtual amalgamation, at least for the purposes of offense and defense.

Mr. President, what was the world position of the United States in August, 1914? And what is it to-day? On the first-named date we were in peaceful accord with all the nations of the earth with the single exception of our neighbor on the south—Mexico; and it is profitless to discuss here the reasons for our estrangement there. We had the good will and respect of every other nation on the face of the globe. To be sure, some of them may have been amused at what they conceived to be our eccentricities, and laughed a little at us now and then; but they respected Uncle Sam as a beneficent and benevolent old gentleman whose presence was a joy and a delight. If he has to-day a single true friend remaining among the major powers, no Senator can point him out. One can but marvel at the genius displayed by our representatives in the transformation of friends into enemies, or the degree of success they have attained in that direction, even though we deplore the result. Japan hates us because we questioned the morality of the Shantung transaction; China, because she trusted us as her friend and protector, and we have up to this hour failed to

justify the trust. Great Britain distrusts us because she thinks we have interfered with the Irish question, while the Irish know that we but trifled with it for reasons that concern our domestic politics. The Greeks despise us because we have shown a purpose to give Thrace to her ancient enemy, Bulgaria. The French, our devoted friends for the greater part of our national life, distrust and dislike us, as is well known to every American who has had occasion to sojourn on the soil of France since the signing of the armistice. That the French estimate of the American character has recently undergone a pronounced change to our distinct disadvantage is but too well known. Italy, which welcomed the President in a spirit of adoration, and whose peasants prostrated themselves before him along the roadsides where he passed on his visit of a few brief months ago, turns in frenzy upon us because of our interference with the question of the disposition of Fiume. Our most implicit and trustful friend among them all was Russia. To her people the United States was an object of admiration and veneration. Her faith in us was childlike but supreme. She thrust the prows of her ships and the muzzles of her guns between us and threat of danger when we were fearful of "external aggression" in our darkest hour. To-day there is none in Russia to do us reverence. We have sacrificed her friendship along with the lives of many of our own soldier youth by a policy of pure meddlesomeness, without aim or purpose; the only result of which, so far as its effect on Russia is concerned, has been to turn every Russian hand against us.

Such is the partial result to date of our first disregard of the advice and caution of the fathers—of Washington, Jefferson, Monroe, Madison, Hamilton, Adams, Patrick Henry, and the others whose names will be forever illustrious as the founders of the great Republic. I know that a reference to them provokes a smile from friends of this proposed league and a sneer from a portion of the American press, but, Mr. President, I can not think that they knew not what they said, nor why they said it, when they advised that America should mind her own business. They had in mind not only their own present, but the future as well, and if they did not envision in detail this proposal for a league which should include the Government they were engaged in founding, they foresaw it in substance and effect. That was one of the attributes that made them great—faculty or gift—their ability to foresee and to forewarn. But here we are to-day engaged in settling European boundaries and possessions, dictating who shall have this town and that river, distributing provinces and bailiwicks, municipalities and principalities, with a familiarity and finality that enrages the dispossessed and disappoints the recipient, leaving nowhere and with nobody any feeling other than that of disapproval and resentment. There is no more prolific source of litigation and feud than the location of a line fence. Every country lawyer knows that, every farmer knows it, yet here we are locating line fences for former friends and enemies alike, with a disregard of consequences that is inconceivably reckless to those who pause to institute comparisons.

The insufficiency and inefficiency of the league is made nowhere more manifest than in the precaution taken in the chancelleries of the great powers to supplement and augment its forces and in the guaranties demanded by them independent of the league. Does the attitude of England indicate faith in its potency? Lloyd-George, Lord Cecil, Gen. Smuts may utter sounding phrases, but they have first made sure what England wanted. The material affairs of the British Empire were very carefully provided for before they committed the Government to the league. The first thing she did was to decline positively and with finality to even consider the acceptance of the second of the President's 14 points—that relating to the freedom of the seas. No degree of altruism, no concession to the plea for the "universal brotherhood of man," that carried with it the slightest diminution of Great Britain's maritime supremacy was even left open to discussion. There is nowhere in the covenant the slightest guaranty of freedom of navigation. Not only is England left free to pursue her long-established naval policy, but she has with characteristic British forehandedness set about the business of securing for herself the same relative supremacy of the air that she has long had of the seas, after having first acquired by one means or another pretty much everything in the way of territories there was left on earth of which she was not already possessed. And trust her to keep them, league or no league! Nothing that has once passed under her domination has ever passed out again, save and except this country of ours. Then she further fortifies herself by obtaining six votes in the assembly as against any other nation's one, and finally gives to her associates assurances of her most disinterested and distinguished consideration.

France got, if not what she wanted, at least all she could before she would listen to the talk of the league. She very properly claimed Alsace-Lorraine and the Saar Basin. Her faith in its efficacy is fairly well evidenced by her demand for a separate treaty, which binds us to come to her defense in case of an attack. This treaty, upon her insistence, stipulates that neither Great Britain nor the United States is to be released from this obligation except by the unanimous consent of the council of the league, and since France is a member of the council it becomes in effect a guaranty in perpetuity.

Japan made sure of her generous portion before yielding her objection. Shantung was given her as the price of her participation—as immoral and unholy a bargain as ever was made, the permanency of which this country piously guarantees when it becomes a party to the covenant.

Italy gets added territory and invites an early interference by the league through D'Annunzio's seizure of Fiume. The most of this distribution of territory was arranged for by treaties the existence of which, it is said, was concealed from the United States until the moment came when she was asked to guarantee them their perpetuity.

Never was there a more selfish or more one-sided arrangement. It is this seizure and distribution of spoils that the United States is asked to confirm without question or scruple. Does anyone honestly think that this will either bring or preserve peace?

At Portland on September 15 the President called upon us to "forget the details of the treaty." Forget the details when it may almost be said that details are everything in a matter of this importance! How important are details? Ask the engineer who constructs a great bridge or an architect who designs a skyscraper. Ask the lawyer who writes contracts and wills as to whether he dare ignore details. Ask the statesmen who write laws. But, most of all, ask those men who have drafted treaties, because laws can be repealed by the voice of our own people, while treaties—this treaty—can not be changed without the consent of foreign governments. Forget the details! What would we think of the engineer who forgets to notice whether the signal is red or green? Of the switchman who forgets to close his switch as the train approaches? What would we think if the Pennsylvania Railroad gave up the slogan "Safety first" and substituted for that sign, posted everywhere throughout its system as a rule for its men to follow, "Forget the details"? Only a short time before the President called upon the Senate to forget the details, the unsoundness of his theory was proved in a manner all too tragic. The President's automobile was driven at the head of the procession at 45 miles an hour. The detail of "safety first" and the detail of adequate police protection and of a proper speed were all forgotten. Somebody followed the President's injunction to "forget the details." Those who were behind the President's car accepted his lead and tried to keep up. One car swerved too swiftly, and in an instant two members of the President's party had paid the great penalty for somebody's disregard of detail. The President might well substitute for his motto, "Forget the details," that much more conservative and helpful one, "Safety first."

The President is also telling the people that unless this treaty is ratified without adopting any of the amendments and reservations proposed by the Senate Committee on Foreign Relations the world will be swept by the tide of anarchy. It is intimated that the people of Europe will rise and overthrow their governments and that this ruin will spread quickly to this country and destroy all that is best in America. Consider for a moment what this means. Does anybody think it possible that the people of England, of France, and of other countries will overthrow their governments because we of the United States insist on the right of absolute and unconditional withdrawal from the league? Will the British people rise in red rebellion because America insists on retaining control of her immigration laws, her tariff, her coastwise shipping? Will France split asunder if America insists on having as many votes in the league assembly as Great Britain? Does anybody think it even remotely possible that the peoples of Europe, having endured the Monroe doctrine for a century, will now destroy their own countries with their own hands because we intend to insist that the Monroe doctrine shall remain what it has ever been—an American policy, to be interpreted and applied by ourselves alone?

It so happens that in 1916 President Wilson told the country that a vote against him was a vote for war, while a vote for him was a vote for peace. The people of California and of Oregon, who have recently listened in such large numbers to the President's rounded periods and faultless rhetoric, appeared to believe this in 1916 and California voted for Wilson. Within a

few months the course of events proved the President had misled those who believed him when he said that a vote for Hughes would be a vote for war and a vote for him a vote for peace. Now, the President, remembering how the country received his appeal in 1916, has gone out to sing the same enticing melody, the words set to the same tune, slightly changed to meet the requirements of the new occasion. He tells them that a vote for the Senate committee's report of reservations and amendments is a vote for universal anarchy, while a vote to ratify the treaty as it stands is a vote for world peace. I know of nothing that has transpired in the last three years to add anything to the President's qualifications as a prophet.

In his answer to a question addressed to him by the San Francisco's Labor Council on September 17 the President said that under article 11 there is set up "a forum to which all claims of self-determination which are likely to disturb the peace of the world, or the good understanding between nations upon which the peace of the world depends, can be brought." And later said, in answer to another question, "My position on the subject of self-determination for Ireland is expressed in article 11 of the covenant." This is an explicit admission of the charge frequently made that article 11 gives the league jurisdiction over the internal affairs of member nations. It has been particularly declared that under such a covenant our Civil War could have been brought before the league council, and with no little danger that America, being concerned in the controversy and having no vote, might have been compelled to let the Southern States leave the Union. Is it not bad enough to try to get America to mix in every international quarrel on the face of the earth? Must she also embroil herself, waste her influence, weaken her prosperity, fill her own land with discord over questions which do not concern her but which relate to the internal troubles of other countries? However, it will be interesting to know whether the British Government agrees with the President in his interpretation of the covenant. If there be a disagreement, as I think more than likely, would we not better make plain now what it is we are agreeing to instead of sowing the seeds of discord for the future?

In San Francisco, on September 17, the President said that before we went into the war the Allies conferred in order to form an exclusive economic combination which should exclude those nations which had not participated in the war. He then continued: "And just so certainly as we stay out every market that can possibly be closed against us will be closed, so that if you merely look at it from the point of view of the material prosperity of the United States, we are under compulsion to stay in the partnership." Now, what sort of a threat is that? It is a threat that if the Senate refuses to ratify the covenant we will be boycotted in every market that is controlled not by our enemies but by our allies. No more astonishing statement has been made by anybody during the debate on the treaty.

Elsewhere the President has told his audiences that America won the war, that we saved Europe, and that we saved civilization. Now it seems that the President threatens us with an economic war by those very countries which we have at least helped to save unless we choose to continue in what he calls the "partnership." Is it possible that America is to be frightened into joining the league? Are Senators cowards that we should tremble under the threat of a boycott even though it be a world-wide boycott? What have we done to merit such treatment by our allies? Has President Wilson information on which to predicate such a statement? If true, it would seem that he is trying to get us into a league with our enemies, not with our friends. And if we should now yield to this threat of world-wide boycott and join the league in order to avoid it, what assurance have we that after so doing we may not again be threatened by a boycott from our associates unless we do as they desire? This statement by the President is nothing less than an admission that we must act under compulsion and fear, and if we do so once will we not thereby encourage further attempts at blackmail? For my part, whether the threat by the President is based on knowledge of the purposes of our allies which he gained in the peace conference or whether it be merely the hasty utterance of a fatigued and worried man, I for one will never submit to threat, nor will America. It must indeed be a losing battle when the President so far forgets himself as to try to intimidate the Senate and the American people who placed him where he is.

A condition which should give us much concern and which applies to us as it does to no other nation on the globe is the character of our population and the power for mischief at home that is afforded by it. Ours is to a considerable extent a polyglot population. In nearly every great city are large colonies of the nationals of other countries. Whole agricultural districts and even States are preponderantly populated by those who have comparatively recently come to us from other lands. No Senator will go further than I will in asserting that when these people pass through the gates of Castle Garden to take up residence amongst us they leave behind all allegiance to the governments from whence they came. Manifestly their duty and their loyalty are from that moment forward to this country only. But we must take things as they are and not as we should like them to be. Properly or improperly, the sympathies of these many peoples abide with the fatherland, even beyond their own generation. It is approximately true to say that the nationals of no two governments in Europe have lived on terms of amity at home. The hatred of Czech for Magyar, of Greek for Bulgar, of Italian for Jugo-Slav, of Irishman for Britain, is not left behind, but is brought with them to this country, and it is impossible that the United States should obey the mandate of the league to intervene in behalf of any one of them even as against the aggression of the other without arousing the resentment of that element of our population whose animosities toward those with whom their ancestors have been at daggers' points for generations, if not for centuries, have never been dispelled, with a result that can only be imagined since it can not be accurately gauged. Sentiment controls in most things. This is a condition that exists in no other country party to the covenant, for no other contains the varied elements that go to make up the whole as with us. Participation on behalf of any one of them would invite domestic unrest—perhaps upheaval and turmoil. That it will find its reflex in our politics is inevitable, and to what extent none can foretell. We shall be sowing tares on our own premises. Not the possibilities alone but the manifest certainties of such a division of sentiment in our midst must be apparent even to those who would close their eyes to them.

One of the simplest elements of common sense is the minding of one's own business and the keeping out of other people's business. This treaty with its league attachment provides for the systematic interference of the United States in the affairs of every other country. Every dispute between nations, every question and every quarrel, can be brought before the council of the league for consideration. These disputes will often be between those with whom we have lived in amity, and we shall be compelled to take sides as between friends, if any such are left to us, upon questions of whose merits we are not qualified to judge and which do not concern either American interests or American honor. We would be constantly turning friends into enemies, as every man does who takes sides in every quarrel he hears about. There can be no peace where there is international enmity.

Mr. President, when Aaron Burr had completed his term as Vice President and delivered his farewell address to the Senate over which he had presided he said:

> This body is growing in importance. It is here, if anywhere, that our country must ultimately find the anchor of her safety, and if the Constitution is to perish, which may God avert and which I do not believe, its dying agonies will be seen on this floor.

This declaration was both a prophecy and a prayer. The prophecy that in the Senate our country "must ultimately find the anchor of her safety" will find its fulfillment when this Senate exercises its constitutional duty toward the proposition now under consideration by rejecting it in its entirety of by so amending it as to remove every feature that threatens our future peace and tranquillity or which works for us the least departure from our established form of government or the impairment of our national ideals.

In my belief this treaty not only threatens but promises and compels both. The reservations proposed by the Committee on Foreign Relations meet manifest needs as far as they go. I shall vote for every one of them as well as for the amendments that are before this body with the approval of a majority of the committee. Holding the views I do, it would be treason were I to vote to ratify the treaty in their absence. Nor do I mean to leave with my colleagues the impression that with them the treaty is acceptable, for it is not. There would still remain much to which I object and to which I have not been able to reconcile myself either as a Senator or as an American citizen who would secure to future generations the independence guaranteed us through the wisdom of the fathers.

Mr. SMITH of Maryland. Mr. President, I shall be very brief in the remarks I am about to make touching the peace treaty and the league of nations; but, sir, I desire to emphasize the fact that the people of the United States want and are entitled above all else to have peace. The farmers, manufacturers, laborers, and financial men of the country, but, more than all others, the boys who did and suffered so much and who yet remain in military service, should be freed from the fetters that war necessarily imposes.

The country demands a prompt return to normal conditions. And what is true of the United States is true of all the earth. Peace, the best peace obtainable, but peace, just, world-wide,

and at once, is the antidote of all antidotes for the poison of radical socialism and Bolshevism. It is the best remedy for industrial paralysis, unrest, poverty, and human misery following in the wake of the war.

So firmly am I of that opinion that I have hesitated to postpone the ratification of this treaty by so much as the few minutes consumed in this discussion, especially as the treaty and its plan for a league of nations has been carefully studied and voluminously discussed on this floor as well as in every parliament of the civilized world. And wherever the art of printing is known the main features of the treaty have been published and expounded to the utmost. Hence no one can hope to add any original thought or to throw fresh light at this late date effective for a better understanding of the subject.

I am sure that no one can change a single vote on this floor by further analysis and dissection of the myriad provisions of the treaty. Therefore it is clear the practical and wise course is to indulge the least possible discussion and take the quickest possible action. I am most reluctant to occupy the time of the Senate, but I feel that upon this topic of unprecedented world-wide importance every Senator should hold a definite position and make known unequivocally what that position is. And for my part I have never for an instant doubted the wisdom and duty of ratifying this treaty as submitted as promptly as possible and without amendments or reservations. No one seriously contends that an amendment would not recommit this treaty to the peace conference, thereby resulting in indefinite delay of peace. Even a reservation might have that effect.

I shall vote for no reservations unless convinced of the absolute necessity of so doing in order to save from failure the gigantic constructive principle involved. The treaty with its league of nations may be open to much well-taken criticism. The convincing argument in its favor is that as framed it is the best the world can get now. Its warmest friends do not claim for it perfection. Nor did the able patriots who framed the Constitution of the United States some 137 years ago claim perfection for that remarkable document. Nevertheless who can appraise the good resulting from our Constitution, imperfect though it was in the opinion of both its friends and enemies?

Our Constitution consists of a tissue of compromises, yet it has withstood the strain of civil war, numerous foreign wars, the presence and the abolition of slavery. It was violently attacked and inspired gloomy doubts on the part of able and unselfish men, who, like Senators here to-day opposing this treaty, desired their country's good. Still our Constitution is now accepted by the world as the great triumph of enlightened statesmanship, a model and an inspiration. Such reflections are reassuring.

Homely, everyday common-sense principles that are familiar enough, but which are perhaps lost sight of in the more minutely technical examination of the details of this treaty upon this floor, aside from the world-wide craving for peace, in my judgment commend this treaty to public favor.

Briefly, the ordinary man reasons very accurately that this treaty, like our own invincible and triumphant Constitution, is a result of compromises of widely conflicting views, and an assimilation of motives, interests, and forces that in extent girdle the earth.

Necessarily the treaty as framed does not wholly meet the judgment and wishes of anyone. It is not 100 per cent satisfying to any nation. Possibly that very fact is a recommendation. Perhaps it is well that no one nation is wholly satisfied with the treaty; otherwise, other nations might argue with truth that the treaty was wholly in the interest of such satisfied nation.

Like the Constitution of our land, the league of nations is a grand departure. A grand departure from the old accursed ways of war is what the world needs and should welcome.

Under our genius for self-government our Constitution has held us together as a nation upon the original principles while we have witnessed the rise and fall of the German Empire, and the fall of Turkey, Austria, Russia, and the Kings of France. Indeed ours is the oldest and has outlasted substantially every other system and form of government on earth. Where are the wise heads now who predicted that Constitution of ours would fail and fall?

The ideals expressed in that document, practical enough all now recognize, not so long ago were denounced as impossible, the work of dreamers, the surrender of sovereignty, State rights, and so forth. Indeed there is a similarity, striking and significant, between the reasons and arguments urged for rejecting our Constitution and those now heard in opposition to this treaty.

Of course we give up something, but we gain much. The evidence is everywhere at hand. Ludendorff's writings and other and better evidence overwhelming, convincing, assure us that with a strong league of nations in existence Germany would never have gone to war, and that no nation can or will ever again systematically and willfully plan to pounce upon and annihilate another country. No one disputes the conclusion that had Germany the remotest idea that both England and the United States would ever have entered the war against her the treaty with Belgium would not have been reduced to a mere scrap of paper, and millions of the flower of the youth of the world would not now lie buried in the fields of France.

This treaty is the first great and practical step since the creation toward accomplishing the peace of the world. Why reject so priceless, so practical, a remedy for the greatest and oldest earthly evil, even if it be less than perfect? It is surely better than the old way.

And why set a demoralizing example to the less enlightened nations of the world, nations prone to selfishness, by writing reservations in the treaty? Reservations made by one nation to just that degree and extent weaken or cancel the otherwise reciprocal obligations of the other nations, parties thereto. So that by a series of reservations it is clear that the strength of this compact will be dissipated, the treaty made ineffective. We then inevitably face a return to the dishonored system of arms piled upon arms, taxes upon taxes, warships added to warships, slaughter, deaths innumerable throughout the world—a return to the whole wretched and ancient competition to destroy. For if, under the very sting and impetus of the recent great battles, it took the peace conference, guided by the finest brains and characters existing, so many weary months to effect this present proposed agreement among nations, it seems perfectly idle to hope for a better or more enlightened document, if any at all, from a future conference. But I am convinced that, given a trial, this treaty, by its beneficent effect, will establish itself more firmly with the passage of time and lay a foundation, which may later approach perfection, for future successful effort to make war impossible.

The telegraph, wireless, aviation, steam, submarines, modern methods of communication and warfare have removed us as a Nation far afield from the Nation of 13 disorganized, struggling States, supporting a fringe of population along the Atlantic seaboard, during the time of George Washington.

In point of time in those days it was farther from Ticonderoga to Camden than now from the Potomac to the Rhine. With ships in every port, with the Panama Canal, the islands of the Pacific, an enormous foreign trade and foreign debt, with thousands of miles of coast line, with aggressive neighbors at our doors, in these modern days, we can no longer remain a hermit Nation. The oceans are avenues of access, possibly, for attack, and not insuperable and protecting barriers as when George Washington advised the newborn Nation to avoid entangling foreign alliances. The alliances of foreign countries will entangle us whether we will or no.

In self-defense we must become a military power, a great military power, on land and sea. The alternative is, by a compact such as we now consider, to end this barbarous competitive system of international preparation to grab, fight, slaughter.

It is impossible for me to understand how anyone can doubt that a league of nations must tend to insure international peace. It can not absolutely insure peace—a fact to be deplored with sorrow—but with the success of this first move man will be encouraged to wisdom and rise to unselfish accomplishment to complete in full the task here begun.

Forging the larger cannon, making the more deadly gas, the heavier ships, assembling the larger armies of men in slavery to arms, are the only methods and ideals seriously rooted heretofore in the minds of statesmen as a way to provide for national safety or international peace.

What a reproach to the minds and hearts of men that the ultimate determination of international controversy relied alone upon the exercise of brute force in personal combat, a method despised in private controversy since the lawgivers and judges first sat.

Why should we be willing to plunge the precious youth of our country in seas of blood, commit our Nation irrevocably to the enterprise of war, appeal to the barbaric remedy of force alone, condemn the nations of the earth to turn with hopeless eyes and heavy hearts away from our leadership as an advanced and merciful people, when this treaty, with its league of nations, offers a way to avoid war with safety and honor?

The hope of every youth, of every mother in the world, lies in this treaty. It is the soundest and strongest plan ever yet proposed to avoid wars. Future generations will rise up to extol its wisdom, to praise its results, and to call those blessed

who planned and adopted this, the greatest document ever framed by fallible human hands. There is that about this treaty which appeals to the hearts and souls of men; that sheds light where for ages only darkness reigned; that promises an emancipation from war-made miseries, from arms, from destruction, an emancipation so complete and extensive as to quicken the imagination and to sustain our faith in the nobility of the world's leaders of the present day; and that makes us long to see its results for the morrow.

Why carp about Shantung?—a matter of slight comparative importance, which we wish were otherwise. The league saves China from the wolves in larger ways. Where could China go, what could she do without a league of nations? Why say we will be involuntarily drawn into war, when Congress, as always, alone can declare war?

Such criticisms merely give point and emphasis to the relatively trivial features found objectionable in the treaty as contrasted with the heroic proportions of its message of promise to a war-weary world.

POSTMASTER GENERAL AND CIVIL SERVICE COMMISSION.

Mr. McKELLAR. Mr. President, on yesterday the junior Senator from Nebraska [Mr. NORRIS], in speaking to Senate resolution 186, discussed the question of the Postmaster General's alleged activities in attempting to influence the ratings and the examinations of the Civil Service Commission.

I know that the Senator from Nebraska is a sincere believer in civil service, and I believe him to be thoroughly sincere in desiring to have an examination into the civil-service system and into the alleged activities of the Postmaster General. I want to say to him and to the Senate that I am not opposed to this resolution. On the contrary, I favor it; and yet I am quite confident that if the Senator from Nebraska had been familiar with the facts that have been brought out before the subcommittee of the Post Office Committee, which subcommittee has been holding hearings on this very subject for two or three weeks past, he would not have introduced the resolution in the first place, and he would not now be asking for an investigation.

The persons behind the resolution of the Senator from Nebraska are the same persons who are behind the investigation which is being conducted by this subcommittee. In the case that is being investigated by the subcommittee it is just another method of securing the same result.

I am going into the question before the subcommittee for a few moments for the purpose of showing what the facts are; in the first place, what the facts are as developed before the subcommittee in reference to the Civil Service Commission and the department itself; and, in the next place, the alleged activities of the Postmaster General.

In the case before the subcommittee—and the subcommittee is composed of Senators STERLING, FRANCE, PHIPPS, WALSH of Massachusetts, and myself—we have taken over 300 printed pages of testimony. A very thorough examination has been had. It arises over the appointment of a postmaster at a little place in North Carolina called Morehead City. The charge is that the Civil Service Commission first reported that a man by the name of Willis had received 80.31 per cent in an examination that had been held by the department for the postmastership of that place, and that the Democratic applicant, a Mr. Wade, had received 79.25 per cent. It was alleged that thereafter Mr. Wade, the second man on the list of eligibles, had made an application under the rules of the Civil Service Commission for a review of the ratings, that a review was granted by the commission, and upon that review the ratings were changed and Mr. Wade was given on business experience a rating of 3 per cent higher, and Mr. Willis was given a rating of about 1 per cent lower. The result of the reratings was that Mr. Wade, the Democratic applicant, received the highest rating on reexamination, and his nomination has been sent in to the Senate for confirmation, and upon the question of confirmation this committee is hearing the proof.

I think that fairly states the case.

Mr. FRANCE. Mr. President——

The PRESIDING OFFICER (Mr. MCCUMBER in the chair). Does the Senator from Tennessee yield to the Senator from Maryland?

Mr. McKELLAR. I yield to the Senator, although I think it would be just as well for the Senator to let me proceed, and then ask the questions just a little later. However, I will hear the Senator now.

Mr. FRANCE. Is it not true, however, that this appeal was granted contrary to the regulations of the Civil Service Commission, which provide that all appeals must be taken within 60 days?

Mr. McKELLAR. All I know is that the Civil Service Commission itself was before our committee; it is composed of two gentlemen, one a Democrat and the other a Republican; and both testified that under their rules a reexamination had been allowed, with the result stated.

Now, to proceed:

Mr. Willis thereupon laid charges before the Post Office Committee to the effect that he had been placed in the second position because of partisan politics; that the Postmaster General had intervened, and had used his influence to have these ratings changed.

What are the facts? I am going to give the facts very briefly. Mr. Willis simply testified about his marks. He then presented the marks of his opponent. He said that the ratings were remade without notice to him, which was true under the rules of the commission, as explained by Mr. Wales afterwards. It was then that the chairman of the subcommittee produced two other witnesses, and those two other witnesses were a Mr. Craven and a Mr. Galloway—Mr. Hermon W. Craven, I think, a Republican from Washington State, and Mr. Charles M. Galloway, a Democrat from South Carolina. It seems that last March the resignations of Mr. Craven and Mr. Galloway, one a Republican and the other a Democrat, were asked for by the President of the United States, and those resignations were handed in and accepted, and those two gentlemen are no longer members of the commission.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Indiana?

Mr. McKELLAR. I yield.

Mr. WATSON. Does the Senator know why those resignations were demanded?

Mr. McKELLAR. I do not; but I will say to the Senator that one of the things that will undoubtedly come out from this examination will be the reason why those resignations were asked. Without knowing what the fact may develop, I feel quite sure that it will not be any such reason as was given by the Senator from Nebraska [Mr. NORRIS] on yesterday.

Mr. Galloway was first called, and thereupon he said that his resignation had been requested last March, and it had been handed in, I believe, in July; that he had no personal knowledge of this case at all; that it was a routine matter, and that it had not come before him. That was all the evidence of Mr. Galloway that pertained to this case. But apparently that was not the reason why Mr. Galloway was summoned, for instantly he launched out into a repetition of the abuse that he had heretofore hurled through the newspapers at the Postmaster General and the Post Office Department in general.

Mr. Craven was then introduced, and it appeared from his testimony that he not only knew nothing about it, but that he was not even a member of the commission when the matter was reexamined and the reexamination marks made.

His resignation went in some time last March, and he had not any knowledge of the Morehead City case at all. And to show that it was a political matter, pure and simple, Mr. Craven at once launched out into abuse of the Postmaster General and of the administration generally.

That, with the exception of a few character and experience witnesses, was practically the proof. It all hinged on four answers—two given by each party, and I am going to read those answers right here and now so that Senators can see whether this commission did right or wrong. Mind you, Mr. Willis is the Republican applicant and Mr. Wade is the Democratic applicant. These statements I have in parallel columns, Mr. President, and I ask that they may be printed in parallel columns in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McKELLAR. I shall read the answers of Mr. Willis and Mr. Wade as to their education and business experience, and under the order just made they are to appear in parallel columns.

These are the answers of Mr. Willis to those two questions on that subject:	The answers of Mr. Wade on the same subject are as follows:
No. 3.—Southern Express Co.; Mr. K. C. Barrett, Rocky Mount, N. C. Norfolk & Southern Ry., J. P. C. Davis, New Bern, N. C. Do. J. P. C. Davis, J. H. Crawford, New Bern, N. C. Do, G. H. Henderson, New Bern, N. C. Do, A. H. Webb, jr., Morehead City, N. C.	*Questions 3 and 4.*—While attending grammar and high school worked after school hours with my father and brother, who conducted a wholesale fish establishment. After entering A. & M. College, where I worked my way, I was employed as waiter in dining hall and did stenographic work for various professors of this institution. During vacation I continued to work with my father and brother.

Have acted in capacity as clerk with salary from $55 to $87.50 per month.	No salary connected with this job. In 1910 I opened up branch fish house in Raleigh, but closed this after a little over 18 months from time it was started. In 1912 I bought a weekly newspaper and job printing office, since which time I have conducted this business, the profits therefrom belonging to me. During the sessions 1915 and 1917 of the General Assembly of North Carolina I was pay clerk and assistant to principal clerk of the senate. Average time each session, 2 months and 15 days. Salary, $4 per day and mileage, amounting to $28.80.
No. 4.—Since 1911 have conducted business upon my own responsibility in the town of Morehead City, N. C. I have conducted a coal and wood business, a butcher business, and a café. My net earnings have averaged $1,200 per annum.	The net earnings of the Coaster Publishing Co., located in Morehead City, is owned by me. The net earnings amount to $1,200 to $1,500 annually. I employ four persons regularly, superintend them during working hours, and assist generally with the work of the office. Am editor and owner of the weekly newspaper, The Coaster.

It was upon those answers that this reviewing board, composed wholly of Republicans, came to the conclusion that Mr. Wade was entitled to a rating 3 per cent higher than that of Mr. Willis upon answers to the same questions. I submit that a mere reading of those answers in parallel columns is conclusive proof to any fair-minded man, any man not blinded by partisanship, that the reviewing board was right in making the rerating.

That brings me, Mr. President, to the next phase of the situation. Remember, it is being charged that undue influence has been exerted by the Postmaster General to bring about the appointment of a Democrat instead of a Republican. Who has passed upon these papers? Of course, it has been done by Republicans, because there is practically nobody else but Republicans in the Civil Service Commission. The Civil Service Commission has been composed of Republicans from the very beginning, in the largest measure. There were seven men who had to do with these examinations. Of the two original examiners who passed on the papers and gave Mr. Willis a slight lead over Mr. Wade, one was a Democrat and the other was a Republican. The reviewing board, composed of Mr. Yaden, Mr. Hesse, and Mr. Kumler, were all three Republicans.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Tennessee yield to the Senator from Nebraska?

Mr. McKELLAR. In one moment. Of the two commissioners who confirmed the result, one was a Republican and one was a Democrat. So that of the seven men who have gone over these papers and given to the commission and to the department and to the country their best judgment on the matter, five of them were Republicans and two of them were Democrats.

Now, when you gentlemen on the other side attack this kind of a proceeding you are attacking your own friends in your own party. Surely they would not do you a wrong in a question of partisanship. Now I yield to the Senator from Nebraska.

Mr. NORRIS. I wish to ask the Senator if he does not believe that the facts he has just narrated demonstrate that although officials in the Civil Service Commission are mostly Republicans, they are fair, not using partisan influence in their official capacity?

Mr. McKELLAR. I would not be here, as I am, defending them against the unjust attacks of the Senator from Nebraska on yesterday if I thought that they were using partisan influence.

Mr. NORRIS. The Senator from Nebraska has made no attack on the Civil Service Commission employees, and the Senator from Tennessee can not point to a line or sentence where I made such an attack.

Mr. McKELLAR. On yesterday the Senator from Nebraska stated that the Civil Service Commission was composed of such men, and these commissioners were such men, that they were allowing the alleged insidious hands of the Post Office Department to overreach them and overcome them and put Democrats in office instead of Republicans. That is the statement of the Senator.

Mr. NORRIS. On the other hand, Mr. President, I was defending a Democratic member of the Civil Service Commission because he would not permit the Postmaster General to make a political machine out of the Civil Service Commission.

Mr. McKELLAR. The Senator was taking Mr. Galloway, a Democrat, and Mr. Craven, a Republican, who had been discharged, and he was defending these discharged employees of the Civil Service Commission and making an attack upon the rest of those who are now in control of the Civil Service Commission and who have furnished these very ratings.

Mr. NORRIS. I know the Senator does not want to make a misstatement——

Mr. McKELLAR. I do not blame the Senator for withdrawing from that position, because I say to him, and to gentlemen on the other side, you have in this case a perfectly dead horse. You can not get along with it. You are in a position where you can not turn it loose without receding and you can not go on with it, because you can not defend it.

Mr. NORRIS. The Senator does not want to make a misstatement in regard to my position on yesterday.

Mr. McKELLAR. Oh, no; I do not.

Mr. NORRIS. I did not at any time attack the Civil Service Commission, and the Senator can not point to a word that I said that was an attack on them or any of their employees. I challenge him to turn to the RECORD—and I have not changed it—and point out a single charge that I made against that commission.

Mr. McKELLAR. Here is what the Senator says in his resolution:

> Whereas it is currently reported in the public press that the Postmaster General has been actively engaged in interfering with the work of the Civil Service Commission in relation to the examination and certification by said commission of eligibles from which postmasters are to be selected, and is attempting to control said examinations and certifications with a view of securing partisan political appointments to such places; and
>
> Whereas it is also reported that in carrying out such plan the President has demanded the resignation of certain members of the Civil Service Commission; and
>
> Whereas one of said commissioners, in resigning his place, has issued a public statement in which the foregoing facts are in substance charged: Therefore be it
>
> *Resolved*, That the Committee on Civil Service and Retrenchment be, and they are hereby, instructed to investigate such charges and reports, and report to the Senate, first, whether the Postmaster General has used the power of his office to control the action of the Civil Service Commission in such examinations and certifications.

Is it possible that if the Civil Service Commission has permitted the Postmaster General to control its action as to examinations and certifications made by it, it is not at fault? I can not conceive, Mr. President, anything more infamous, anything more reprehensible, than for the commission to permit any outsider to interfere with its examinations and certifications, and if it has done it, as charged in this resolution, and if the Senator's statement in the resolution is true, the other two commissioners' resignations ought to be asked for at once.

Listen to this: The only difference the Senator makes is that he does not ask the penalties to be visited upon his Republican friends on the commission. He asks that the Postmaster General be dealt with, but the other side of the controversy, to wit, the Civil Service Commission, that has been permitting itself to be overreached and overridden by the Postmaster General, according to this resolution, are to go without any condemnation, under the Senator's resolution.

Mr. NORRIS. Does the Senator think that is a charge against the Civil Service Commission and their employees?

Mr. McKELLAR. It has been published in every newspaper in the country. It is a charge, and every other man I have heard say anything about it believes it is a charge.

Mr. NORRIS. Would the Senator like the resolution better if it were enlarged so as to investigate them as well as the Postmaster General?

Mr. McKELLAR. No; and I will tell you why.

Mr. NORRIS. If he would, I would be glad to have him suggest an amendment.

Mr. McKELLAR. I will, if it is necessary. But let me say this to the Senator: I am glad the Senator has given his sanction to the two present members of the commission, as he has done just now. Before the committee that is hearing this case, Mr. Morrison, the present Democratic president of the commission, and Mr. George R. Wales, the present Republican commissioner, both appeared, and the question contained in this resolution was read to both of these gentlemen, and they both indignantly denounced it as untrue. The Senator from Nebraska is in an unfortunate position with his resolution. If the statement that is made in it is true, then the Senator's belated defense of the commission can not possibly stand. But I am here to say that in my judgment two members of the commission, one a Democrat and the other a Republican, are both fair men. I happened to serve in the House with Mr. Morrison, of Indiana, an honest, straight, fair, just man, who would not permit any man to overreach him, who would not be controlled by any man in the world; in my judgment he is far too intelligent and honest for anyone to overreach him. I want to say as to Mr. Wales, the other commissioner, the testimony shows that Mr. Wales is a Vermont Republican, recommended by the Senator from Vermont [Mr. DILLINGHAM], one of the best men in the Senate, as straight as a string.

Mr. Wales himself is an absolutely straight, impartial man—fair-minded man. There can be no question about his politics. There can be no question about his ability. He has been with the commission for 25 years. He is a faithful and honored employee. He has testified in no uncertain language that the statement made in the resolution which was introduced by the Senator from Nebraska is wholly without foundation, and surely he knows. No one has overreached him, and no one will overreach him.

Now, we have this remarkable state of affairs——

Mr. NORRIS. May I ask the Senator a question right there?

Mr. McKELLAR. I yield.

Mr. NORRIS. Both these commissioners are new. They have been in office a comparatively short length of time.

Mr. McKELLAR. That is true as to Mr. Morrison, but Mr. Wales has held honorable positions in the office of the Civil Service Commission for 25 years.

Mr. NORRIS. Yes, he was chief examiner; but will the Senator say that these men had any knowledge of the various things that happened before they became commissioners? As long as they have been there as commissioners their answer would be applicable, but it would not apply to the time before they went in.

Mr. McKELLAR. I am glad the Senator asks that question. Mr. Morrison did not so testify, because he has been there only a short time; but Mr. Wales, as I said, has grown up in the commission; he has been there for 25 years, and he has held practically every position under the commission except that of president or secretary. He has held them all. He has been an examiner; he has been a law clerk.

Mr. NORRIS. How long has he been commissioner?

Mr. McKELLAR. He has been commissioner only a few months or a few weeks, as the case may be, but there is no man in the commission or out of it that is so familiar with it. He was familiar with the facts in this case when I asked him questions. He is chief examiner, and as such has more to do with passing upon the qualifications of applicants for office than any other man in this country, in the commission or out of it. Mr. Wales said that during the whole six years of the present administration, except in due course of business in written letters, written asking for reviews in the way prescribed by the commission, there has never been any attempt by the Post Office Department to influence him in the ratings or influence anyone under him in the ratings.

The remarkable part about the thing is this—and I want to challenge you gentlemen on the other side of the Chamber right now that you can not get along on those facts, because the ratings were changed, as I said before, by a reviewing board composed of Mr. Hesse, a Republican from Pennsylvania, who frankly admits he is a Republican. They were passed on by Mr. Yaden, coming from east Tennessee, who frankly admits he is a Republican, and by Mr. Kumler, a third member of the reviewing board, who frankly admits he is a Republican. I say a charge is made that these three Republicans have joined in allowing themselves to be overridden and influenced and overreached and tampered with by the Post Office Department or the Postmaster General is thoroughly without foundation under the evidence and can not be upheld for a moment. I want to say, as I said before, that you gentlemen are just taking the wrong tack, you have a position which you can not defend, and I do not believe it will be defended when the case comes up. So much for that.

This very remarkable fact occurred in examining this record. Of course when it came to Mr. Craven, the Republican member whose resignation had been asked for, and Mr. Galloway, the Democratic member whose resignation had been asked for, the question came as to why and how they had taken this attitude toward the Post Office Department, and here is what Mr. Koons testified. Mr. Koons is First Assistant Postmaster General. He, and not the Postmaster General, has had to do with the whole of this matter; he conducts all the negotiations between the Post Office Department and the Civil Service Commission. He is fair and frank about it. He is an honest man, absolutely, and one of the best and most efficient officers in the whole Government.

Mr. Koons was asked this question: "Mr. Koons, have you ever had any conversation with Mr. Craven and Mr. Galloway in reference to the Post Office Department's activities with the Civil Service Commission?" He said, "Yes; I have." "When did you have it, Mr. Koons?" He said, "Why, immediately after the resignations of these two gentlemen were asked for by the President they came down to see me and said, substantially, 'Now, we have always gotten along with your department.'" By the way, these two gentlemen were in the room of the committee when Mr. Koons made these statements, and the statements were not denied by them. Mr. Koons said, in substance, "They came down to see me and said that the President had asked for their resignations and 'We want you to help us. We have always gotten along well with your department; we have had some little differences occasionally, but they were purely formal and official, and we know that you feel like helping us out. Won't you go to the President and ask the President to withdraw his request for our resignations?'"

That was the attitude of these two gentlemen who are now abusing the department. That was their attitude when the matter first came up and when they wanted help. They induced Mr. Koons to go in to Mr. Burleson and introduce them to Mr. Burleson, or to confer with Mr. Burleson, and they made the same statements to Mr. Burleson and asked him to intercede with the President. Mr. Burleson said it was out of his department, and he declined to do it; and immediately these same gentlemen, who had protested to be the friends of the department and to work in harmony with it, began to abuse it in the newspapers.

As I said before, I wholly disagree with Mr. Burleson and with his policies toward the employees under him. I totally disagree with Mr. Burleson in his view that the Post Office Department ought to be made a money-making machine. I do not think that was its purpose when created. I disagree with him on many matters. But when it comes to an action of this kind, without any foundation in fact at all, being taken at the behest of two men whose resignations have been asked for and given and accepted, I say it is absolutely indefensible and no fair-minded man can criticize the Postmaster General or the Post Office Department under such circumstances as that. Mr. Burleson may be unpopular, as many of you Republicans insist, but he is an honest man and he is entitled to a fair, square deal.

Mr. President, I want to call attention to what has been done. They made it appear and the newspapers have made it appear and the Senator from Nebraska has made it appear here yesterday that in certain cases that were passed upon showed that the Postmaster General was undertaking to influence the Civil Service Commission.

I want to call attention first to the order. Mind you, this is not the Civil Service Commission:

> The position of postmaster at offices of the first, second, and third classes is not within the classified civil service, and the civil-service rules and regulations do not apply to such appointments, consequently the selection of persons for nominations to fill vacancies therein is strictly an Executive function, and it is not within the jurisdiction of the Committee on Reform in the Civil Service, House of Representatives, to inquire into such nominations. If the recommendation of the Postmaster General, made (with the approval of the President) in 1914, 1915, 1916, 1917, and 1918, that these positions be by law covered under the classified service, had been followed, the committee would now have full jurisdiction in the premises. But, notwithstanding these repeated recommendations, earnestly insisted upon, no action has been taken, and as the President desired that these positions be as far removed from partisan politics as possible, he has taken all action within his power to take.

Mind you, the Postmaster General recommended that these offices be put under the classified civil service and it was not done; and the President, believing in the civil service and standing by it, issued an order that he would hold examinations himself through the Civil Service Commission and appoint the highest man, and that has been done. Let us see whether it has been done fairly and justly. The Senator from Nebraska singled out one case, and I will call his attention to it in a few minutes. But let us see what has been done in the great majority of cases:

> This order simply provides a means by and through which the President secures information for his own guidance in selecting suitable persons for nomination to the Senate.
>
> At the request of the President, the Civil Service Commission holds examinations and rates the papers and certifies the register and eligibles to this department—

That is, the Post Office Department—

> for the consideration of the President, this being the only connection the Civil Service Commission has with these appointments.
>
> Notwithstanding the fact that the Committee on Reform in the Civil Service, House of Representatives, would have no jurisdiction in this matter, which is purely an Executice function, the Postmaster General will gladly furnish the information in the utmost detail just as requested by the resolution, so that the facts which have been so grossly misrepresented may be known to the public. To furnish the detailed information required by the resolution will, however, require an immense amount of work, which will take the limited number of clerks that can be assigned to the same several weeks to complete.
>
> The records of the department since the Executive order of March 31, 1917—

I call the particular attention of the Senator from Nebraska to this:

> Number of nominations from eligible register, 1,267.
>
> Number of nominations of first eligible, 1,188, or 93.7 per cent.
>
> Number of nominations of other than first eligible because of death or refusal of first eligible to accept, 26, or 2 per cent.

Number of cases where other than first eligible was nominated because of character or residence of No. 1, 35, or 2.8 per cent.

Number of nominations of other than first eligible for various reasons such as health of No. 1—tuberculosis, skin disease—etc., 18, or 1.5 per cent.

Number of cases still in the hands of the Civil Service Commission, 466.

Number of cases before the President for consideration awaiting determination of the application of the act of July 11, 1919, 35.

Number of cases certified by the Civil Service Commission but still under consideration by the department, 285.

These figures show conclusively that the charges so frequently made that the Postmaster General is violating the Executive order of March 31, 1917, are unfair, unjust, and without foundation of fact. In this connection may I assert with as much emphasis as possible that in no case has the Postmaster General or the First Assistant Postmaster General, under whose immediate supervision these cases are handled, by letter or by word spoken, attempted to control or influence the action of the Civil Service Commission in the selection of any individual to fill any vacancy occurring in one of these positions, but have at all times observed the Executive order in letter and in spirit.

Mr. President, these facts show that over 400 post-office cases have been submitted for review to this Republican reviewing board, every member of which was a Republican. The ratings in 4 cases out of over 400 cases have been changed. There have been 400 applications, of which 4 have been changed, and largely because of those 4 changes we have here a resolution offered by the Senator from Nebraska demanding that the Postmaster General be impeached, because a Republican reviewing board has changed 4 cases out of 400 applications. If Senators on the other side of the aisle can get along on that proposition, they will do better than I think they can. It is idle, it is ridiculous. They are simply undertaking to injure these men in the Civil Service Commission—and, by the way, let me talk about that just a minute.

Do you know how many Democrats there are in the Civil Service Commission? There is one member of the commission, one law clerk, and one assistant examiner who are the only three lone Democrats that I have been able to find in the commission service. Do you know how many Republicans there are? The Republicans have had two members of the commission, they have had the secretary of the commission—and, by the way, we have had six years of Democratic rule, too, you will remember, and during all those six years the Republicans have predominated until the last few months.

The chief examiner is a Republican; the secretary of the commission is a Republican; all of the examiners except one are Republicans; and yet you gentlemen are complaining because the Republican reviewing board and the Republican on the commission have changed the ratings of 4 Democrats out of over 400! I have known the Senator from Nebraska for a long time; he is a very fair man; and I do not believe that under those circumstances, when he learns the facts disclosed in the hearing before the Post Office Committee—and here are 400 pages of them, and I am going to send them over to the Senator from Nebraska for his examination—I do not believe he will push an investigation of that kind which puts his own political friends on the commission—and I mean nothing discourteous by that, because so far as I have been able to see they are fair and just men—and I believe the Senator from Nebraska will agree that they ought not be put in an awkward position. Everyone of them has decided the case against the Senator in the previous investigation. When the matter comes up before the Civil Service Committee you are going to find all of your Republican friends on the commission telling you that you are wrong about it, for you are wrong about it.

Mr. NORRIS. Mr. President——

Mr. McKELLAR. I yield to the Senator.

Mr. NORRIS. I wish again to remind the Senator from Tennessee that he is not correctly stating my position.

Mr. McKELLAR. Then, I am glad I am not.

Mr. NORRIS. The Senator is putting up a straw man and knocking it down. I have made no attack, and I make no attack, on the Civil Service Commission or its employees; and I again challenge the Senator to find in my remarks on yesterday anything which may bear the construction which he is placing upon them.

Mr. McKELLAR. I leave it to fair-minded men. The Senator's resolution charges that the Civil Service Commission has permitted the Postmaster General to interfere with its duties. Let me read it. It charges——

Mr. NORRIS. Commence at the beginning.

Mr. McKELLAR. Wait a minute.

Mr. NORRIS. Read it all again.

Mr. McKELLAR. I do not want to read it all again. The resolution, in part, reads:

Whether the Postmaster General has used the power of his office to control the action of the Civil Service Commission in such examinations and certifications.

If he has, the Civil Service Commission certainly are grievously at fault and they ought not to occupy their positions. But I am defending them and say they have not permitted the Postmaster General to interfere with their duties, and that the testimony shows that the Postmaster General has not attempted to do so. In the name of Mr. Morrison, the splendid Democratic member of the commission, and of Mr. Wales, the equally splendid Republican member of the commission, I challenge any member of the subcommittee—and one of them is present now, and there was another one here a few moments ago—to say if George R. Wales and Martin Morrison, in their testimony and in their demeanor before the committee, did not fully justify the estimate which I have placed upon them.

Mr. President, there are one or two other matters about which I wish to talk for just a moment which were referred to on yesterday by the Senator from Nebraska. One is the Greenup case at Bremerton, Wash. It was a case which was brought to the attention of the Assistant Postmaster General and of the committee by Mr. Craven, of Washington, the member of the commission whose resignation was asked for. The postmaster at Bremerton had died or resigned, and an examination was had. The Republican examiners held the examination and reported in favor of a man by the name of Greenup as having the highest rating. As soon as their report came in to the Postmaster General, or rather to the Assistant Postmaster General—the Postmaster General had nothing in the world to do with these matters; Mr. Koons looked after them, and I do not suppose the Postmaster General ever heard of any of these cases—when the name of Mr. Greenup was sent in as the highest eligible, and whom the President was to appoint under the rule, the Post Office Department wrote a letter, which is in the record, stating that Mr. Greenup had been assistant postmaster at that place until a few months previously; that he had embezzled the Government's funds; that he had been indicted for that offense; that he had pleaded guilty to the indictment and had been fined $150 by the Federal court for embezzling the funds of the Government. Under those circumstances the Post Office Department declined to appoint Mr. Greenup and asked for another examination.

Mr. Craven sent out an inspector to ascertain whether or not the statements were true; he did not take the word of the Post Office Department; but really undertook in his testimony to defend the certification of Mr. Greenup, as will be found. I asked "Why, is it posible, Mr. Craven, that you were not willing to thank the Post Office Department of the Government for calling your attention to such a matter?" Finally, after a vigorous cross-examination, he admitted that this man ought not to have been appointed; and he was not appointed. Is there anything wrong about that? Ought the Postmaster General to be impeached for not submitting to a certification like that?

Something was said about a Texas case, and I have a letter that was sent to Chairman TOWNSEND, of the Post Office Committee, to which I desire to call attention. This letter was written by Mr. Koons. If I have made a mistake about the Bremerton post office, I shall be obliged to the Senator from Washington [Mr. JONES] if he will correct me, as the post office is in his State.

Mr. JONES of Washington. Oh, Mr. President, I have had very little connection with the post offices in my State during the last eight years, and I know nothing about the facts in connection with that case.

Mr. McKELLAR. I am delighted to hear the Senator make that statement. I knew that he would not defend an appointment of that kind. The letter to which I have referred reads:

POST OFFICE DEPARTMENT,
FIRST ASSISTANT POSTMASTER GENERAL,
Washington, August 20, 1919.

Hon. CHARLES E. TOWNSEND,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

MY DEAR SENATOR TOWNSEND: I have your letter of the 18th instant requesting the department to furnish for the use of the committee all inspectors' reports regarding the postmaster at Willis, Tex., as well as any charges which have been preferred against the nominee for postmaster at Willis, Mr. Charles F. Butts.

In reply you are advised that the postmaster at Willis died several months ago, and it is therefore assumed that you do not desire any inspectors' reports relating to his record. As a result of the postmaster's death an examination was held by the Civil Service Commission for postmaster at Willis, as a result of which Mr. Charles F. Butts was certified as the highest eligible for appointment. Charges having been preferred against Mr. Butts, an investigation thereof was made by a post-office inspector, and as the report indicated that the advisability of his appointment was questionable it was submitted in accordance with the usual practice in these cases to the Civil Service Commission for review, for the purpose of determining whether his name should be eliminated from the eligible register. The inspector's report dated March 15, 1919, a copy of the department's letter to the commission transmitting the report, and the commission's reply dated May 14, 1919, are inclosed herewith. You will observe that the commission concluded that there was

no ground for cancellation of the application of Mr. Butts. In view of this report of the commission, the department could take no action in the matter in view of the provisions of the Executive order of March 31, 1917, other than to submit his name to the President for appointment.

These papers are furnished at your request for the confidential information of the committee, and with the request that they be returned as soon as possible to the department.

Very sincerely,

J. C. KOONS,
Acting Postmaster General.

Here was one of the 396 cases out of the 400 that the reviewing board upon which attacks have been made failed to change. What was the result? The Post Office Department sent the name in to the President, it being the first name on the eligible list. The President sent the name to the Senate, and the Senate rejected Mr. Butts because, it is supposed, of his character as shown by the department investigation. That is the situation; all you have to do is to examine into the cases. Whatever else may be said about Mr. Burleson, in the light of this evidence, you can not charge him with having debauched the Civil Service Commission. In the first place, he has not done so and has not tried to do so, and, in the second place, I say that the two civil-service commissioners are such men as can not be debauched by Mr. Burleson or by any other man. They are men of the highest character and standing.

Incidentally I might say that seven men have passed upon the Morehead City case, five Republicans and two Democrats. Five of these gentlemen, four Republicans and one Democrat, have testified that the ratings as changed were proper ratings. Senators on the other side have a majority; they can defeat Mr. Wade, who has been nominated under these circumstances, but whenever they do they turn down their own partisans on the commission, members of their own party who have testified and sworn that these ratings were correct.

The Senator from Nebraska says he made no attack upon these gentlemen and that they bear good reputations. In that I cordially agree, and if they have not done any wrong in this case I know the Senator from Nebraska, honest and honorable man as he is, will uphold the members of his party when they have done no wrong.

Mr. President, as I have heretofore said, the truth of the matter is that the proposed investigation is purely political. Some Senators on the other side of the Chamber have thought that this was an opportune time to "jump on" a member of the President's Cabinet. The resolution was offered and I voted for the resolution, for I court the utmost investigation of these matters, but when they are investigated Senators will be absolutely convinced that the Civil Service Commission is an honorable, upright, and splendid body, and that the Postmaster General has not undertaken to override or overreach that commission. I have tried very strenuously before our subcommittee to get that committee, before which these charges have been made, to permit Mr. Burleson to come before the committee and be heard in his own defense, but up to this time the subcommittee has refused to hear him. It has heard elaborate charges against him, but will not permit him to be heard in his own defense. The charges are therefore confessedly purely political, and, as I believe from the evidence, without foundation.

Mr. NORRIS. Mr. President, the Senator from Tennessee has been engaged now for an hour in putting up straw men and knocking them down. He has enjoyed it, and I certainly have no objection. He has continually attempted to convey the impression that the resolution I have introduced is an attack on the Civil Service Commission, and then he mentions names of two members of the Civil Service Commission now in office and says they are high-minded, able men. With that I agree. I happen to have served in the House with the Democratic member, and I have a very high regard for him. I know that Mr. Wales, the other member, has been in civil-service work nearly all his mature life. I do not think he has any politics, although he is designated as a Republican. I have made no attack on either of them.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. McKELLAR. What was the statement the Senator made about Mr. Wales?

Mr. NORRIS. I said that he had been engaged in the civil-service work nearly all his mature life; I did not think he had any real politics. He has been out of politics ever since he has been connected with the commission.

Mr. McKELLAR. Mr. President, I am always for defending a good man, even if he is a Republican; and I wish to say about Mr. Wales that he is such a good Republican that when it comes to important national elections, as I am reliably informed, he pays his own way, goes to Vermont like the gentleman and Republican that he is, and votes the Republican ticket. He is that kind of a Republican, and that is perfectly proper.

Mr. NORRIS. I am glad to hear that. That certainly is in his favor and is quite a good recommendation for him. But, Mr. President, the idea I want to convey—and the Senator from Tennessee will agree with me in it I know—is that during all the time Mr. Wales has been connected with the Civil Service Commission there never has been, so far as I have been able to determine or hear, any charge made against him that he was ever trying to use his position for the sake of getting a party advantage for anybody. In other words, he has been enforcing the law and holding the examinations as he believed to be right, regardless of politics. The Senator seems to think that I am fighting his confirmation in the Senate. I know of no objection to his confirmation. I have none. I am not personally acquainted with Mr. Wales. I know only some of his work, and know him somewhat by reputation, and I do not know anything against him. I never have made a charge against him; and regardless of the eloquence of the Senator from Tennessee he can not construe this resolution into such a charge or as to Mr. Morrison, either. The things that I have complained of have not taken place under these commissioners.

The Senator from Tennessee mentioned some cases that I know nothing about. I have no doubt that he can find dozens of other cases where justice was probably done. It is a remarkable fact, however, that in the action of the Post Office Department on these examinations, whenever a Democrat—at least, the right kind of a Democrat—is the eligible, he is nominated; his name is sent in. An investigation will show, I think—I have not made it—that a large majority of the cases that have been held up are cases where Republicans were at the top of the list in the examinations held by the Civil Service Commission.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. McKELLAR. Has the Senator made any examination as to the politics of the majority of the postmasters that have been appointed in his own State under this order since it was made?

Mr. NORRIS. I have not examined any of them except those which have been brought to my attention by some contest; and in every instance in those cases the objection by the Post Office Department to the man selected by the Civil Service Commission has been urged against a Republican.

Mr. McKELLAR. Is not that perfectly natural, when you come to think of the fact, that the examiners who pass on the qualifications of all these applicants are all Republicans, that the reviewing board is composed of Republicans, that the secretary of the Civil Service Commission is a Republican, and that one of the two members of the commission itself is a Republican?

Mr. NORRIS. No.

Mr. McKELLAR. Is it remarkable at all?

Mr. NORRIS. No; that is not remarkable, after the statement of the Senator from Tennessee that these Republicans have been doing such wonderfully good work and that he has no complaint to make against their work. Now, I do not care, as far as I am concerned, whether the successful ones belong to one party or to the other. If we are in earnest about enforcing this law, we must entirely disregard political affiliations in the selection of postmasters.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. NORRIS. I yield to the Senator.

Mr. McKELLAR. I, of course, feel sure that the Senator wants to be fair about this; and my complaint is not that the Senator does not want to be fair, but that the Senator has not investigated. For instance, in his own State I am reliably informed that since this order has gone into effect a majority of the first eligibles that have been reported and a majority of the postmasters appointed and confirmed in Nebraska since this order has gone into effect were Republicans.

Mr. NORRIS. Where did the Senator get his information?

Mr. McKELLAR. I got the information from the department.

Mr. NORRIS. From the Post Office Department?

Mr. McKELLAR. I did.

Mr. NORRIS. How did the Post Office Department find it out?

Mr. McKELLAR. I do not know.

Mr. NORRIS. If they were doing their duty as the order and the law intended them to do it, they would not know the politics of these men. Why is the Postmaster General going out and investigating the politics of men who are applicants for post offices when we have this great, big, broad order that

says we are going to eliminate politics from the consideration of the entire question?

I have not investigated in any case except where there has been a contest in my State, and I gave some illustrations of it yesterday. I should like to have heard the Senator from Tennessee give his opinion as to whether or not I, as a Member of the Senate, and part of the appointing body under the Constitution, having an official duty to perform, had a right to go into the Post Office Department down here, presided over by the man he has eulogized so much, and ask to see the papers and the evidence where there was a contest. I have not heard the Senator say anything about that.

Mr. McKELLAR. Mr. President, does the Senator want to know?

Mr. NORRIS. Yes.

Mr. McKELLAR. I think it is not only the Senator's privilege and not only the Senator's right, but I think it is the Senator's duty, where any of his constituents'——

Mr. NORRIS. I knew the Senator would say that.

Mr. McKELLAR. Just one moment. Where any of his constituents' interests are at stake I think it is his duty to inquire about it, and if he does not know about their politics, he ought to inquire about that. I will say that if the Senator wants my opinion.

Mr. NORRIS. I would not go as far as the Senator. If we are going to keep them out of politics, then we ought not to go into the partisan question, and I am one who believes in keeping them out of politics. I have believed in it for a great many years. I believed in it when my party had control over the post offices, and I tried to bring about a law that would put them under the jurisdiction of the Civil Service Commission. I favor it yet. There never was a Member of Congress or a citizen of this country who felt better than I did when President Wilson issued that order taking them out of politics; and if the administration had only carried it out in good faith there would have been no complaint from me. That order was issued on the 31st day of March, 1917. Now, you will remember that the order provides that when there are vacancies the Postmaster General shall call upon the Civil Service Commission to hold examinations, and although that order was issued on the 31st day of March, 1917, the first examinations under a call of the Post Office Department took place in April, 1918. It was more than a year after the order was issued before the Postmaster General even tried to put it into effect. Do you think the President could have been in ignorance of this neglect of duty of the Postmaster General? If he wanted his order obeyed and carried out in good faith, would he not have compelled action sooner than this?

The Civil Service Commission has been issuing statements every month for the benefit of those who want to take the examinations. There is a different examination held in post offices where the salary is $2,400 or more. According to those statements, the total number of post offices paying more than $2,400 salary for which examinations have been held from April, 1918, the date of the first examination, up to and including June, 1919, was 146, and out of that total of 146 there have been only 66 nominations—that is, for the important offices. There is more desire to control them than those that are lower down. The Senator has given some statistics about unimportant post offices. I know nothing about it. I am willing to accept it. Nobody claims that in every post office an attempt is made to control the action of the Civil Service Commission.

Mr. President, these post offices with a salary of more than $2,400 have, as I said, a different system of examination. They are not, of course, under the civil service, because, as I said yesterday, it was impossible to place them there completely. Even Congress could not do that by law; it would be unconstitutional, because the President has the power to appoint postmasters to presidential offices. So that in the examinations held for postmasters drawing a salary of more than $2,400 there was at first quite a contest in the commission. Mr. McIlhenny, the chairman of the commission—and, by the way, I understood the Senator to say that this commission had two Republicans and one Democrat. It has had two Democrats and one Republican ever since Mr. Wilson was President.

Mr. McKELLAR. Oh, no; Mr. McInhenny and Mr. Craven were both Republicans, and Mr. McIlhenny went out just a short time ago. I am sure the Senator has not looked into this question.

Mr. NORRIS. Mr. President, it is of very little importance, but my understanding is that Mr. McIlhenny is a Democrat.

Mr. McKELLAR. Oh, no; oh, no. He was appointed by President Roosevelt, and he is a Republican.

Mr. NORRIS. Oh, well, President Roosevelt appointed Democrats, and there was a good share of the time that President Taft was President when the commission was composed of two Democrats and one Republican.

Mr. McKELLAR. Oh, there never was any question about Mr. McIlhenny's politics. The Senator had better look into this matter, because the entire commission is Republican.

Mr. NORRIS. As I say, I do not care whether he is a Democrat or a Republican. I understood that he was a Democrat. Probably I got that from the fact that when he got into trouble with the other two commissioners, and they could not get along for a while, there is not any doubt that Burleson was trying to get him out, and he could not get him out until they found a nice place to put him, and President Wilson put him in another job drawing $10,000 a year salary, where he is nicely situated now. I supposed, therefore, he was a Democrat. At least it is safe to say he was a Wilson supporter. His reward shows that.

As I said, in these more important offices, where the salary is $2,400 or more, the examination is to a great extent under the control of the Post Office Department. The other two commissioners did not want to hold it in that way, but Mr. McIlhenny did. The Republican, Mr. Craven, and the Democrat, Mr. Galloway, wanted the Civil Service Commission to hold these examinations entirely without the assistance of the inspectors of the Post Office Department, but the chairman of the commission, Mr. McIlhenny objected, and it was put up to the President to decide, and he agreed with the chairman, so that to quite an extent the President, by this decision, took the offices of the highest class out from under the control of the Civil Service Commission.

Mr. McKELLAR. Will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Tennessee?

Mr. NORRIS. Yes.

Mr. McKELLAR. The Senator understands that quite a majority of all of the district inspectors who make these examinations with the inspector from the Civil Service Commission are Republicans. Just take my case.

Mr. NORRIS. I do not care for that.

Mr. McKELLAR. I know the Senator does not.

Mr. NORRIS. The Senator has not claimed that they are doing anything wrong, or that they are violating the law, or that they are not enforcing it in good faith.

Mr. McKELLAR. But the Senator is, indirectly.

Mr. NORRIS. No; I am not.

Mr. McKELLAR. I am glad the Senator is not.

Mr. NORRIS. The Senator is trying to make me do that, but I will not.

Mr. President, I have here an article printed in the Philadelphia Press that gives such a good description of the difficulty that first arose down there in the Civil Service Commission between the chairman and the other two members, and the methods the Postmaster General had taken to take these examinations partly out from under the control of the Civil Service Commission, that I ask that it may be printed as a part of my remarks without reading.

The PRESIDING OFFICER. There being no objection, the article will be printed in the RECORD.

The matter referred to is as follows:

[From the Philadelphia Press of August 28, 1919.]

SENSATIONS SEEN IN CIVIL-SERVICE QUIZ; BURLESON ACCUSED—COMMISSION "GREATLY ABUSED," CHARGE—WILSON SUPPRESSES HOT NOTE FROM GALLOWAY—GET FACTS OF SHAKE-UP—"COLLUSION BETWEEN UNITED STATES POSTAL INSPECTORS AND CIVIL-SERVICE AGENTS GENERAL," HINT.

(By Charles R. Michael.)

WASHINGTON, *August 27.*

A sensation is promised in the investigation now being made by civil-service advocates against the conduct of the Civil Service Commission, which, it is alleged, has been greatly abused by Postmaster General Burleson. Commissioner Galloway, it is asserted, has written a letter to President Wilson which makes very serious charges against Mr. Burleson. This letter has been suppressed.

Although the principals in the matter are reluctant to give out information, little by little, from various sources, the facts with reference to the recent shake-up in the United States Civil Service Commission are coming to light.

Because of certain information that had come to President Wilson with reference to the Civil Service Commission he invited Commissioners Galloway and Craven to the White House for an interview on July 5, 1917. The President deemed the matters that were discussed of such importance that he requested the two commissioners to call for a second conference on July 9, 1917. The facts relating to the official conduct of Mr. McIlhenny, chairman of the commission, already in the possession of the President, and the facts presented to him by the two commissioners, the one a Democrat and the other a Republican, were of such a nature that a short time after these interviews Postmaster General Burleson, speaking with authority, informed Galloway and Craven that McIlhenny was going to be removed just as soon as a man could be found to take his place. Soon after Burleson offered McIlhenny's place to Victor Murdock, but Murdock turned it down for a

place on the Federal Trade Commission. Then Burleson offered the place to Robert W. Woolley, who preferred an appointment as Interstate Commerce Commissioner.

HELD FOR $10,000.

But, after all, Mr. McIlhenny did not go. He stayed for 18 months. He stayed until the administration could find him a good fat $10,000 job to go to, taking with him a letter from the President praising him highly for his conduct as civil service commissioner. Why did he stay? Why did Burleson's zeal in ousting McIlhenny and selecting his successor lag? It was because Burleson needed McIlhenny in his business—and this brings up the matter of examinations for presidential post offices, especially those paying a salary of more than $2,400.

"Business training and experience" is the principal thing in these examinations. Who collects the facts upon which an applicant is rated on business training and experience? A post-office inspector. From whom does the inspector collect these facts? From persons living in the town where the post office is located. Who selects the persons to be interviewed by the inspector as to an applicant's business training and experience? The inspector does—with such hints as may be given by the department.

On these investigating trips the post-office inspector is accompanied by some one connected with the Civil Service Commission, who, it is perfectly safe to say, never finds it advisable to differ very much from the inspector—he simply goes along. The information collected by the inspector is forwarded to the commission, where it is rated.

It is obvious that this kind of an examination, considered as an examination by the Civil Service Commission, is susceptible to abuse. At least, there is abundant ground for a difference of opinion as to its advisability.

SPLIT ON EXAMINATION.

Burleson and McIlhenny favored this kind of an examination. Galloway and Craven voted against it, and this was an unwise step if their highest desire was simply to hold onto their jobs. The President, having given the Civil Service Commission over to Burleson as an appendage of the Post Office Department, any opposition to the wishes of Burleson was unpardonable.

The matter was finally left to the President, who pronounced in favor of the plan proposed by Burleson and McIlhenny—the plan which is now pursued in these examinations. Of course, after the President decided in favor of this kind of an examination, Galloway and Craven withdrew all opposition to it and tried to have the examinations for all presidential post offices conducted honestly and impartially and favored the nomination of the applicants who stood highest in the examinations, in accordance with the plain terms of the Executive order of March 31, 1917, providing for such examinations and nominations. In pursuing this course there were cases in which they were unable to carry out Burleson's wishes—hence Burleson's demand that the President request the immediate resignation of Galloway and Craven.

Mr. NORRIS. Mr. President, there are several things that I should like to take up that I am not going to take up now. I may go into them again, but I understand that the Senator from Wisconsin [Mr. LENROOT] is to speak on the league of nations and the treaty with Germany, and I do not want to interfere with him.

I want to call the attention of the Senate, however, to some written charges made against the Postmaster General by Mr. Galloway. Just before I read them, I want to say again that the particular things that I referred to in reference to the impeachment of the Postmaster General have not even been referred to in the reply made by the Senator from Tennessee [Mr. MCKELLAR].

Under date of March 17, 1919, Mr. Galloway, a Democratic member of the Civil Service Commission, filed the following charges at the White House, duly signed:

1. Through the efforts of the commission's district secretary at San Francisco it was found that Clarence Tynan, second-class postmaster at Salinas, Calif., had solicited political contributions from postmasters in Monterey County, Calif., in violation of sections 118 and 119 of the Criminal Code. On the evidence submitted the commission recommended to the Attorney General that steps be taken for the prosecution of Mr. Tynan for his violation of sections 118 and 119, and the Post Office Department was requested, on December 21, 1916, to remove him from the service. He was indicted, tried, convicted, and fined $175. The department was repeatedly requested by the commission to remove this postmaster, but Mr. Burleson refused to do so.

About June, 1917, Mr. Burleson requested me to come to his office, where he urged that the commission dismiss or remove Mr. Snyder, our district secretary at San Francisco, because of his activity in collecting the evidence against Postmaster Tynan. I considered that this was a dishonorable proposition and refused to entertain it, as Mr. Snyder had done nothing more than his plain duty.

Now, Mr. President, I will not read all of this, but I will ask to have it all printed. For the reasons given before, I want to hurry through. But I am going to read No. 5 of the charges, which is as follows:

5. Just before the last congressional election, Mr. McArdle, secretary of Mr. Burleson, addressed a letter to the postmasters in the State of Nevada, urging the postmasters to do everything in their power to reelect United States Senator HENDERSON. In some way a copy of this letter fell into the hands of Senator PENROSE, of Pennsylvania. Senator PENROSE had the letter read into the CONGRESSIONAL RECORD. The commission took cognizance of the case by addressing a letter to Mr. McArdle asking him for a statement in the matter. This letter remained unanswered for several weeks. Again Mr. McArdle was written to in an effort to obtain a statement from him. To neither of these letters has the commission yet had a reply. I have understood from some source that Mr. Burleson told Mr. McArdle to pay no attention to this commission's request in this case.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

1. Through the efforts of the commission's district secretary at San Francisco it was found that Clarence Tynan, second-class postmaster at Salinas, Calif., had solicited political contributions from postmasters in Monterey County, Calif., in violation of sections 118 and 119 of the Criminal Code. On the evidence submitted the commission recommended to the Attorney General that steps be taken for the prosecution of Mr. Tynan for his violation of sections 118 and 119, and the Post Office Department was requested, on December 21, 1916, to remove him from the service. He was indicted, tried, convicted, and fined $175. The department was repeatedly requested by the commission to remove this postmaster, but Mr. Burleson refused to do so.

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2. About 13 months ago the commission held an examination for presidential postmaster at Buffalo, Wyo. Four persons took the examination. One qualified. After the lapse of 13 months Mr. Burleson returned that case to Commissioner McIlhenny, who, without consultation with the commission, directed that the papers be rerated in the hope of disqualifying the highest eligible and thereby ordering a new examination. The case came to my desk after the papers had been rerated and the examiners had determined that the man who 13 months ago had been rated as eligible was then ineligible. Knowing of Commissioner McIlhenny's underhanded methods of not allowing such cases to come to the commission, as they should in the ordinary course of business, I disagreed with our examiners in the case and reaffirmed the original rating and declined to hold a new examination. Commissioner Craven joined me in this decision. To have declared this man ineligible after 13 months had elapsed would have made the Civil Service Commission a laughingstock and have absolutely destroyed confidence in its ratings. Many months after the examination was held the Post Office Department sent an inspector to Buffalo to investigate the eligibles. The only thing that the post-office inspector reported against the highest eligible was that he was "inclined to buy everything he saw, although he was not in debt," and also that "he had a poor memory."

3. Early in 1917 an examination was held for presidential postmaster at Lockhart, Tex. On November 14, 1917, the following certifications were made to the Post Office Department:

Name and grade.	
Tyre H. Brown	86.85
Tom F. Harris	85.55
Albert S. Grigsby	82.20
Miss Emma K. Burleson	81.15
Mrs. Daisy Franks	71.00
Hugh W. Pritchard	66.85
Joe L. Lancaster	47.40

Shortly after this certification was made to Mr. Burleson his secretary, Mr. McArdle, called me on the telephone and said that the Postmaster General's niece, Miss Emma K. Burleson, was fourth on the list, and that the Postmaster General was very greatly interested in the case and desired me personally to see to it that the papers were rerated for the purpose of making his niece number one on the list. Then the case came to me with a letter from the First Assistant Postmaster General formally requesting that the papers be reviewed. I directed that the papers be reviewed, and wrote to the department that after a careful review and reconsideration of the papers it was found that no change could be made in the ratings. These letters, of course, are in the files of the commission.

4. In August, 1918, Mr. Burleson, through his secretary, telephoned to me that Mr. Eugene Reed, a former Member of Congress from New Hampshire, and then a candidate for the United States Senate from New Hampshire, was being sent down to see me with reference to the postmastership at Portsmouth, N. H. He said he was very anxious to have a man in whom Mr. Reed was interested appointed postmaster at Portsmouth, and urged me to make his man number one, if possible. In a little while Mr. Reed came in and stated his case, urging the importance of his candidate's appointment in assisting in his candidacy for the United States Senate. I had a very pleasant chat with Mr. Reed and told him that the only thing I could do for him was to inform Mr. Burleson of the name of the man who was rated the highest, as it was our understanding that no information concerning presidential postmaster examinations should be given out at the commission's office. I told him I would do what I could to expedite the examination of the applicants and would advise Mr. Burleson as early as possible of the name of the highest eligible.

5. Just before the last congressional election Mr. McArdle, secretary to Mr. Burleson, addressed a letter to the postmasters in the State of Nevada, urging the postmasters to do everything in their power to reelect United States Senator HENDERSON. In some way a copy of this letter fell into the hands of Senator PENROSE, of Pennsylvania. Senator PENROSE had the letter read into the CONGRESSIONAL RECORD. The commission took cognizance of the case by addressing a letter to Mr. McArdle, asking him for a statement in the matter. This letter remained unanswered for several weeks. Again Mr. McArdle was written to in an effort to obtain a statement from him. To neither of these letters has the commission yet had a reply. I have understood from some source that Mr. Burleson told Mr. McArdle to pay no attention to this commission's request in this case.

6. The commission recently held an examination for the third-class post office at Fries, Va., and the results were certified to the department. The department returned the papers to the commission, stating that it had been discovered that the highest eligible had at some time in his life lost one hand, and requesting the commission to declare the highest man ineligible because of this defect. Mr. Craven and myself voted against the cancellation of his eligibility, Mr. McIlhenny voting in favor of it.

A great many presidential postmaster cases have been sent to Commissioner McIlhenny for rerating in the hope of declaring the highest man ineligible. Of course, I am not in position to say what Mr. Burleson may have said to Mr. McIlhenny in these cases, because Mr. McIlhenny has persistently withheld from the commission everything that it was possible for him to withhold. Commissioner McIlhenny has performed innumerable acts in the name of the Civil Service Commission of which the commission had, in fact, no knowledge. One of the three men, Mr. Yaden, who examines the presidential postmaster papers, made the state-

ment to me that Commissioner McIlhenny practically dictated the ratings in every examination for presidential postmaster. In view of the situation which has existed at this commission since I became a member on June 20, 1913, it has been impossible for Commissioner Craven and myself to learn just what was going on here because of the fact that Mr. McIlhenny had an air-tight organization within the commission which did his absolute bidding. This situation continued until June 26, 1917, when I informed Mr. McIlhenny that this matter of maladministration could not longer continue. On July 5 and on July 9 Commissioner Craven and I reported the situation to the President personally. Even after that date I went along pleasantly with Mr. McIlhenny in an effort to do team work, until in October, when I caught him in a falsehood, and, confronting him with it, he called me a liar, which I promptly resented.

I mention these cases specifically in order to show that Mr. Burleson had a motive for favoring my retirement from the Civil Service Commission.

Inclosed herewith please find a statement made by the secretary of the commission with reference to the one and only sharp controversy I had with Mr. McIlhenny.

Sincerely, yours,

CHAS. M. GALLOWAY.

Mr. NORRIS. In conclusion, Mr. President, I want to read two letters from a prominent Democrat of my State, which, in a way, may be said to be in defense of Mr. Burleson. I have no doubt that in the Democratic Party there are many pie-counter statesmen who objected to the order of President Wilson, who do not want it enforced, who did not want it made in the first place, who would be glad to see Mr. Burleson disregard it more than he has disregarded it, and who are angry with Mr. Burleson because he has not disregarded it more than he has. There is not any question about that.

I have no sympathy, of course, with those men. They are entitled to their opinion. I am not finding any fault with them. I do not believe that that is proper, however. I think that we ought to see, as far as we can, that this order is enforced in good faith. I am going to read two letters from a man well known in my State, a prominent Democrat, in which he condemns Mr. Burleson in order to satisfy some of his Democratic friends that the senior Senator from Nebraska is not able always to get Democrats in office. The first of these letters reads:

UNITED STATES SENATE,
Washington, D. C., May 31, 1919.

That is the letterhead.

MY DEAR MRS. WEEKES: I have your letter and hasten to reply.

Burleson says "result of examination is only thing that will count—no politics—makes no difference if a Republican is chosen."

That is the kind of a Postmaster General we have, and this is what makes Democrats boiling hot and has caused numbers of them to band together to insist upon Burleson's removal.

HITCHCOCK was the only Democrat in Congress to voice a protest against Burleson's tyranny, and, of course, Burleson didn't like it.

We will likely suffer the distinct embarrassment one of these days of seeing a Republican newspaper man who writes bitterly partisan copy being chosen to supplant a Democrat in one of our good Nebraska towns. We held the appointment up for a long time—

You notice, he says "we"—

by checkmating confirmation, but will be unable to do so with a Republican majority.

All of this is a burning shame, but Burleson, the tyrant, has the upper hand and proposes to keep it.

There is one ray of light, however, and it may penetrate the dark recesses to Democratic advantage before the Norfolk postmaster is chosen.

If Burleson is removed before the appointment comes it may be that his successor will see to it that justice is done. I will watch developments closely and will keep you advised.

Again I say, Burleson should be "strafed"; then Democracy would stand at least an even chance of survival. Otherwise I fear the sins of this tyrant will be visited upon our party for years to come.

Cordially and sincerely, yours,

(Signed) EARL B. GADDIS,
Secretary to Senator Hitchcock.

Mr. President, who is Earl B. Gaddis? Earl B. Gaddis is the Washington correspondent of the leading Democratic newspaper in my State, owned, edited, published, and controlled by my colleague, Senator HITCHCOCK; and I might add that Mr. Gaddis draws a salary from the Treasury of the United States. He is not permitted to go into the Senate press gallery, because, under the rules of the Senate and the press gallery, he can not be admitted because of his official position. But by virtue of the favor of my colleague in his appointment of Mr. Gaddis as his secretary, he is admitted where other newspaper men can not be admitted—on the floor of the Senate. He sat over on the Democratic side part of the time yesterday while I was speaking, and he just left the Chamber a few minutes ago.

Mr. President, later on, on July 31, Mr. Gaddis wrote another letter.

Mr. HITCHCOCK. Mr. President, I did not hear what the Senator read from Mr. Gaddis first. What was the communication?

Mr. NORRIS. I read a letter. I am just going to read another one.

This is written on United States Senate stationery:

UNITED STATES SENATE,
Washington, D. C., July 31, 1919.

The other one was written on May 31.

MY DEAR MR. WEEKES—

I suppose he is the husband of the woman to whom he wrote the other letter—

Have your letter of the 19th, and hasten to reply to it—

He received the letter of the 19th, and he answered on July 31. He has been hastening pretty rapidly, you will observe.

Mr. MOSES. The Senator must remember that the mail service is interrupted nowadays, since it has been Burlesonized.

Mr. NORRIS. It is either that he is mistaken or else he will have to charge it up to Burleson. The letter reads:

Have your letter of the 19th and hasten to reply to it.

Reference to the Ainsworth matter, which you mention as having been cited to you in the Senator's letter of May 31—the Senator could not obtain the appointment of a man there friendly to the Democratic cause.

When a Republican was named he managed to hold up the appointment. That was all he could do. But now, under a Republican Senate, he will be forced to give up that and must see a shameless Republican named for the place. At no time, under this new system of Burleson's, did the Senator have the remotest chance of naming a Democratic friend.

Also with reference to the Scottsbluff matter, mentioned in Arthur Mullen's office—

Arthur Mullen is the Democratic national committeeman of the State of Nebraska—

in Mrs. W's presence—we did not wire for the name of a man to name there. We merely suggested to Arthur that he get some Democrats in the examination there who might stand strong chances of passing the examination. We made it perfectly plain to Arthur that our only hope lay in getting some Democrat in the race there who could stand the examination.

I might add that the outlook now is that a Republican topped the list and must be named for the place. HITCHCOCK has no more chance of getting a Democrat in there than a snowball has in August weather in Nebraska.

So you see, with these facts in your possession, there is anything but politics being indulged in by the administration in naming of postmasters.

Senator HITCHCOCK has agreed with few things which this man Burleson has done since taking office—particularly since the war came on. And he has voiced that disagreement as many other Democrats have done. But not a Democrat here in Washington has the least thing to do with naming of postmasters. All they can do is get their friends to take examinations and pray that civil-service marks will lead later to their elevation to the places. That is all the good Lord could do if He were a Democrat now and here trying to get justice for His party in the naming of His postmasters.

If Gentle, at Norfolk, is not a loyal American—

That was the man who was a Republican, and who won out on the examination. Here is the suggestion as to how to get him out:

If Gentle, at Norfolk, is not a loyal American or is an immoral citizen his appointment can be held up. But those are the only grounds upon which there is the slightest show of keeping him out of the place.

I agree with what you say about the damned inconsistencies in running the Post Office Department this way. It is a shame that we must endure it, the Lord knows. But the game can not be beaten the way it's played just now. Thank Heaven, there may be a way opened up later whereby it can be beaten.

Now, listen to this:

But when that time comes it may be too close to the time the Republicans will take the administration away from us, simply because they play politics to the limit all the time.

Arthur Mullen understands the difficulties precisely. Talk the matter over with him some time, or if you are in Omaha on July 24, when the national chairman and his party are there, join them and hear what they've got to say on the subject.

With kind regards and best wishes,

(Signed) EARL B. GADDIS,
Secretary to Senator Hitchcock.

Mr. President, when the President and Mr. Burleson started out on this plan, which I believe was right, to take the post offices out of politics, they must have expected condemnation from politicians of that kind. They must expect to be condemned. And when they refuse to go as far as the pie-counter statesmen would like to have them go, then they are condemned, of course. But Mr. Burleson is unworthy of his office unless he has the courage and the nerve to stand up against such politicians and pie-counter statesmen.

Mr. President, there is more that I expected to bring out and to read at this time, but because of the hour, and because the Senator from Wisconsin desires to make some remarks on the peace treaty, I will close for the present.

TREATY OF PEACE WITH GERMANY.

Mr. LENROOT. Mr. President, I desire to occupy only one or two minutes of the time of the Senate to make a few observations upon the speech of President Wilson at Salt Lake City night before last.

In the speech President Wilson referred in very emphatic terms to article 10 of the treaty as being the heart of the covenant. Since the President began his transcontinental journey the heart of this covenant has suffered several displacements. When the President spoke in Indianapolis on September 4 he said:

The heart of the covenant of the league is that the nations solemnly covenant not to go to war for nine months after a controversy becomes acute.

A little later the heart of the covenant was transferred to article 11, and now we find him stating that it is in article 10.

In the speech at Salt Lake City, after making some comment upon the effect of reservations, concerning which I do not wish to take the time to discuss now, he said:

And in order to bring this matter, to put this matter in such a shape as will lend itself to a concrete elucidation, let me read you what I understand is a proposed form of reservation:

NO OBLIGATION UNDER ARTICLE 10.

"The United States assumes no obligation under the provisions of article 10 to preserve the territorial integrity or political independence of any other country or to interfere in controversies between other nations, whether members of the league or not, or to employ military and naval forces of the United States under any article for any purpose unless in any particular case that Congress, which under the Constitution has the sole power to declare war or authorize the employment of military and naval forces of the United States, shall by act or joint resolution so declare."

He then goes on:

Now, my fellow citizens [applause]. Now, wait a minute. You want to applaud that. Wait until you understand the meaning of it, and if you have a knife in your hands with which you intend to cut out the heart of this covenant, applaud; but if you want the covenant to have a heart in it and want it to have a purpose in it, want it to be something subscribed to by a red-blooded nation, withhold your applause. Understand this thing before you form your sentiment with regard to it. This is a rejection of the covenant. This is an absolute refusal to carry any part of the same responsibility that the other members of the league carry.

Mr. President, I do not know where the President secured this proposed form of reservation. It certainly has not been proposed to the Senate thus far. But I rise for the purpose of saying that unless a reservation substantially such as that read by the President is incorporated as a part of the ratification resolution, this peace treaty is not, in my judgment, going to be ratified by the Senate.

I wish to go on and quote a little further from his speech. Referring to article 10 he said:

This is the heart of the covenant. And what are these gentlemen afraid of? Nothing can be done under that article of the treaty without the consent of the United States. I challenge them to draw any other deduction from the provisions of the covenant itself.

He says that "nothing can be done without the consent of the United States." In his Indianapolis speech he said, speaking of this covenant:

There is in that covenant not only not a surrender of the independent judgment of the Government of the United States, but an expression of it, because that independent judgment would have to join with the judgment of the rest.

The President of the United States must take one of the two horns of the dilemma that he is in. If the United States remains a free agent under the provisions of the article as it stands, the reservation that is proposed can not cut the heart out of the covenant. If it is a free agent, it can do no harm. If it is not a free agent, then the President—I do not say intentionally—has been misstating to the country the effect of article 10.

It is true, technically speaking, that before the United States can engage in war, under the provisions of the Constitution Congress must give its consent; but the President of the United States is asking us now, in ratifying this treaty with article 10 in it in its present form, to pledge the solemn word of the United States that whenever the occasion arises it will engage in war, if necessary, to preserve the territorial integrity of any member of the league from external aggression.

The President upon another occasion sought to convey the impression that the United States could only act upon the advice of the council, when the President must know that the undertaking in article 10 to respect and preserve the territorial integrity and political independence of every member of the league against external aggression is a promise irrespective of any advice of the council. If we enter into the covenant in its present form and the territorial integrity of any nation is destroyed, the United States must, to the full extent of its last man and its last dollar, in keeping with its promise, restore that integrity or else be in the same position that Germany was in in violating the neutrality of Belgium, and the United States would be in the position of treating this treaty as a mere scrap of paper.

Mr. President, the people of this country are not in favor of the United States obligating itself to use the military and naval forces of the United States for any purpose. They are not in favor of our binding ourselves to preserve the territorial integrity of any other member of the league. And, Mr. President, when we come to the final consideration of this question, if I, as one Senator, must choose between voting for the ratification of the treaty as it is and obligating the people of this country to engage in war against their will and voting for the rejection of the treaty, I shall unhesitatingly vote for the rejection of the treaty.

EXECUTIVE SESSION.

Mr. LODGE. Mr. President, it is now after 5 o'clock. I understand there are some nominations to be considered, and I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the doors were closed. After 5 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate, as in legislative session, adjourned until to-morrow, Friday, September 26, 1919, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 25, 1919.

MEMBER OF THE FEDERAL TRADE COMMISSION.

Houston Thompson to be a member of the Federal Trade Commission.

PUBLIC LANDS SERVICE.

SURVEYOR GENERAL.

Robert J. Sommers to be surveyor general of Alaska.

RECEIVER OF PUBLIC MONEYS.

William Kerr Patterson to be receiver of public moneys at Guthrie, Okla.

PROVISIONAL APPOINTMENT, BY PROMOTION, IN THE REGULAR ARMY.

COAST ARTILLERY CORPS.

To be first lieutenants.

Second Lieut. Eugene R. Guild,
Second Lieut. Thomas R. Lannon,
Second Lieut. Leslie W. Jefferson,
Second Lieut. Luther O. Leach,
Second Lieut. James D. Jones,
Second Lieut. Isaac Wynne, jr.,
Second Lieut. John R. Embich,
Second Lieut. Ernest W. Soucy,
Second Lieut. Donald B. Hilton,
Second Lieut. Ralph E. Hill,
Second Lieut. Francis L. Christian,
Second Lieut. Maitland Bottoms,
Second Lieut. William R. Epes,
Second Lieut. Charles H. Stewart,
Second Lieut. Joseph E. Simmons,
Second Lieut. Hal F. Corry,
Second Lieut. Martin A. Hayes,
Second Lieut. Edward R. Holland, jr.,
Second Lieut. John W. Russey,
Second Lieut. James D. McIntyre,
Second Lieut. Harry W. Lins,
Second Lieut. Bryan L. Milburn,
Second Lieut. Frederick H. Bachman,
Second Lieut. Bradley J. Saunders,
Second Lieut. Herbert C. Bartlett,
Second Lieut. Nyal L. Adams,
Second Lieut. Charles M. Dale,
Second Lieut. William A. Clark, jr.,
Second Lieut. William W. Dinsmore,
Second Lieut. Arthur Duffy,
Second Lieut. Ellsworth Young,
Second Lieut. John W. Fuchs,
Second Lieut. Thomas R. Bartlett,
Second Lieut. James L. D. Corey,
Second Lieut. Frank H. Pritchard,
Second Lieut. Stanley H. Franklin,
Second Lieut. Raymond W. Symonds,
Second Lieut. Thomas S. McConnell,
Second Lieut. Detlow M. Marthinson,
Second Lieut. Jerry V. Matejka,
Second Lieut. Edwin E. Aldrin,
Second Lieut. Thomas L. Cleaton,
Second Lieut. Charles L. Miller,
Second Lieut. Milton Heilfron,
Second Lieut. Adam J. Bennett,
Second Lieut. William Hesketh,

Second Lieut. Harry J. Rice,
Second Lieut. John A. O'Leary,
Second Lieut. Joseph W. Vann,
Second Lieut. Guy E. Cate,
Second Lieut. Lloyd M. Hanna,
Second Lieut. Severn P. C. Duvall,
Second Lieut. Hiram H. Maynard,
Second Lieut. George W. Dunn, jr.,
Second Lieut. James W. Walters,
Second Lieut. Richard C. Coupland,
Second Lieut. William J. Burke,
Second Lieut. George H. Tilghman,
Second Lieut. George W. Brent,
Second Lieut. Daniel W. Hickey, jr.,
Second Lieut. Thomas A. Jones, jr.,
Second Lieut. Stapleton C. Deitrick,
Second Lieut. Elvin L. Barr,
Second Lieut. James E. Troupe,
Second Lieut. Douglas E. Morrison,
Second Lieut. Ray O. Edwards, and
Second Lieut. Thomas E. Jeffords.

FIELD ARTILLERY.

To be first lieutenants.

Second Lieut. Donald J. Cranston,
Second Lieut. Josef R. Sheetz,
Second Lieut. Hugh St. C. Clarke,
Second Lieut. George G. Witter,
Second Lieut. Elmer J. Gray,
Second Lieut. Alfred P. Kelley,
Second Lieut. Oliver F. Marston,
Second Lieut. Clarence C. Park,
Second Lieut. Maurice R. Harrison,
Second Lieut. Fred B. Lyle,
Second Lieut. Zim E. Lawhon,
Second Lieut. Fletcher S. Riley,
Second Lieut. Willoughby T. Cooke, jr.,
Second Lieut. Harding C. Woodall,
Second Lieut. John W. McCaslin,
Second Lieut. John H. Keatinge,
Second Lieut. Julian Bobbs,
Second Lieut. James W. Andrews,
Second Lieut. Carlton B. Rettig,
Second Lieut. Kirk W. Howry,
Second Lieut. Frederic A. Metcalf,
Second Lieut. Thomas W. Wilmer,
Second Lieut. Hudson Burr,
Second Lieut. William R. Philp,
Second Lieut. Edward T. Kirkendall,
Second Lieut. Herbert W. Nauts,
Second Lieut. Walter H. Soderholm,
Second Lieut. John M. De Bell,
Second Lieut. Edward C. Thayer,
Second Lieut. Clyde B. Sturtz,
Second Lieut. Vennard Wilson,
Second Lieut. John B. Barnwell,
Second Lieut. Albert W. Long,
Second Lieut. Robert M. Barnett,
Second Lieut. Charles A. Staebler,
Second Lieut. Percy C. Fleming,
Second Lieut. Paul B. Shearer,
Second Lieut. Samuel C. Almy,
Second Lieut. John F. Roehm,
Second Lieut. John T. Shea,
Second Lieut. Chilton R. Cabot,
Second Lieut. Nathan D. Gordon,
Second Lieut. Robert T. Staples,
Second Lieut. Howell R. Hanson,
Second Lieut. George R. Hayman,
Second Lieut. Howard E. Camp,
Second Lieut. Samuel C. Gale,
Second Lieut. Allan B. Smith,
Second Lieut. Allie W. Miller,
Second Lieut. Lloyd S. Partridge,
Second Lieut. Harold W. Blakeley,
Second Lieut. George Etter,
Second Lieut. Willie C. White,
Second Lieut. Charles B. Arthur, jr.,
Second Lieut. Davis J. Cloward,
Second Lieut. Leon Dessez,
Second Lieut. Henry P. Taylor,
Second Lieut. Armin A. Uebelacker,
Second Lieut. Frederick D. Sharp,
Second Lieut. Yssel Y. Young,
Second Lieut. James G. Watkins,
Second Lieut. Paul M. Arnold,
Second Lieut. William S. Jacobs,
Second Lieut. John P. Crehan,
Second Lieut. Samuel O. Taylor,
Second Lieut. Donald S. McConnaughy,
Second Lieut. James Taylor,
Second Lieut. Alfred G. Ford,
Second Lieut. George W. Norrick,
Second Lieut. Samuel White, jr.,
Second Lieut. Lynn Helm, jr.,
Second Lieut. Edward R. Roberts,
Second Lieut. Ansel G. Wineman,
Second Lieut. Stewart F. Miller,
Second Lieut. Irvin H. Zeliff,
Second Lieut. Benson G. Scott,
Second Lieut. Ralph Hirsch,
Second Lieut. David B. Kinne, jr.,
Second Lieut. Robert V. Maraist,
Second Lieut. Nathan W. Gillette,
Second Lieut. Edwin S. Brewster, jr.,
Second Lieut. Melvin L. Craig,
Second Lieut. Earl G. Wagner,
Second Lieut. Samuel A. Palmer, and
Second Lieut. John C. Moses.

CAVALRY ARM.

To be first lieutenants.

Second Lieut. Arwed C. Baltzer,
Second Lieut. James W. Ewing,
Second Lieut. Wallace Van Cleave,
Second Lieut. Richard E. Tallant,
Second Lieut. Henry H. Cheshire,
Second Lieut. John S. Peters,
Second Lieut. Herbert L. Earnest,
Second Lieut. Verne Austin,
Second Lieut. Willis H. Ryder,
Second Lieut. Guy E. Dillard,
Second Lieut. Ray T. Maddocks,
Second Lieut. Thomas A. Frazier,
Second Lieut. Victor R. Sladek,
Second Lieut. Richard N. Atwell,
Second Lieut. Thomas B. Locke,
Second Lieut. Morris S. Daniels, jr.,
Second Lieut. Roger W. Sawyer,
Second Lieut. John H. Welsh,
Second Lieut. Edwin J. Kratzenberg,
Second Lieut. Robert D. Coye,
Second Lieut. John O. Lawrence,
Second Lieut. Charles W. Glover,
Second Lieut. John K. Gailey, jr.,
Second Lieut. Charles R. Simmons,
Second Lieut. James Van V. Shufelt,
Second Lieut. Herbert A. Welch,
Second Lieut. Hobart R. Gay,
Second Lieut. Rutherford L. Hammond,
Second Lieut. Raymond G. Clark,
Second Lieut. Elisha C. Wattles,
Second Lieut. Parker G. Tenney,
Second Lieut. Mordaunt V. Turner,
Second Lieut. Norman E. Waldron,
Second Lieut. Herbert J. Burke, and
Second Lieut. Leo L. Gocker.

INFANTRY.

To be captains.

First Lieut. Arthur P. Jervey and
First Lieut. John T. Fisher.

To be first lieutenants.

Second Lieut. Wilbur C. Herbert,
Second Lieut. William M. Smith, jr.,
Second Lieut. Ray E. Porter,
Second Lieut. Frank E. Barber,
Second Lieut. John E. Brannan,
Second Lieut. George W. Brodie, jr.,
Second Lieut. William J. Devine,
Second Lieut. Charles C. Brooks,
Second Lieut. William V. Rattan,
Second Lieut. Rosswell E. Hardy,
Second Lieut. Herron W. Miller,
Second Lieut. Maurice R. Fitts,
Second Lieut. Marvin R. Dye,
Second Lieut. William I. Truitt,
Second Lieut. Lloyd Zuppann,
Second Lieut. John K. Rice,
Second Lieut. Hammond D. Birks,
Second Lieut. James H. Hagan,
Second Lieut. Lester S. Ostrander,

Second Lieut. Arthur B. Jopson,
Second Lieut. Charles P. Cullen,
Second Lieut. Roscoe B. Ellis,
Second Lieut. Edward G. Perley,
Second Lieut. Frank M. Conroy,
Second Lieut. Charles S. Johnson,
Second Lieut. Hugh A. Wear,
Second Lieut. George A. Miller,
Second Lieut. David Loring, jr.,
Second Lieut. Stockbridge C. Hilton,
Second Lieut. Jay M. Fields,
Second Lieut. George A. Horkan,
Second Lieut. Samuel C. Thompson,
Second Lieut. Harry W. Caygill,
Second Lieut. Emery St. George,
Second Lieut. James E. Jeffres,
Second Lieut. Harry E. Storms,
Second Lieut. Orlo H. Quinn,
Second Lieut. Ernest R. Hoftyzer,
Second Lieut. Lewis A. Page,
Second Lieut. John M. Battle,
Second Lieut. William R. Silvey,
Second Lieut. Alexander O. Gorder,
Second Lieut. Forrest A. Roberts,
Second Lieut. Alonzo F. Myers,
Second Lieut. Thomas E. Martin,
Second Lieut. Thomas J. Guilbeau,
Second Lieut. Milo V. Buchanan,
Second Lieut. Kearie L. Berry,
Second Lieut. William E. Chickering,
Second Lieut. Wilbur R. McReynolds,
Second Lieut. David D. Barrett,
Second Lieut. Arthur D. Fay,
Second Lieut. William B. Pitts,
Second Lieut. Thomas H. Ramsey,
Second Lieut. Gaillard Pinckney,
Second Lieut. Benjamin F. O'Connor, jr.,
Second Lieut. Fred C. Milner,
Second Lieut. William P. Driskell, jr.,
Second Lieut. George K. Bowden,
Second Lieut. Francis M. Darr,
Second Lieut. William C. Webster,
Second Lieut. Frederick W. Wendt,
Second Lieut. William C. Thurman,
Second Lieut. Charles F. Craig,
Second Lieut. Oscar K. Wolber,
Second Lieut. Karl E. Henion,
Second Lieut. Thomas L. Creekmore,
Second Lieut. George O. Clark,
Second Lieut. William C. Stettinius,
Second Lieut. Russell J. Potts,
Second Lieut. William H. Craig,
Second Lieut. John R. Schwartz,
Second Lieut. Thaddeus C. Knight,
Second Lieut. Ollie W. Reed,
Second Lieut. Frank E. Boyd,
Second Lieut. Louis W. Maddox,
Second Lieut. Clark O. Tayntor,
Second Lieut. Ernest E. Stansbery,
Second Lieut. John C. Glithero,
Second Lieut. W. Fulton Magill, jr.,
Second Lieut. Harry Curry,
Second Lieut. Millard F. Staples,
Second Lieut. Walter B. Fariss,
Second Lieut. Robert J. Wagoner,
Second Lieut. William E. Vernon,
Second Lieut. George F. Herrick,
Second Lieut. Joseph W. McCall, jr.,
Second Lieut. Clive A. Wray,
Second Lieut. Thomas B. Steel,
Second Lieut. Harold H. White,
Second Lieut. Everett Busch,
Second Lieut. Frank L. Scott,
Second Lieut. John W. Heisse,
Second Lieut. Max Bernstein,
Second Lieut. Hreschel V. Johnson,
Second Lieut. William B. Clark,
Second Lieut. Stewart D. Hervey,
Second Lieut. James L. Blanding,
Second Lieut. Frank J. Pearson,
Second Lieut. J. Gordon Hussey,
Second Lieut. Lester T. Miller,
Second Lieut. Leo Donovan,
Second Lieut. Frank W. Hayes,
Second Lieut. Richard L. Holbrook,
Second Lieut. James K. Hoyt, jr.,
Second Lieut. Julian G. Hart,
Second Lieut. John T. Sunstone,
Second Lieut. Arthur B. McDaniel,
Second Lieut. Randall T. Kendrick,
Second Lieut. Percy McC. Vernon,
Second Lieut. Milton Whitney, jr.,
Second Lieut. Emile J. Boyer,
Second Lieut. Harry M. Bardin,
Second Lieut. Leander F. Conley,
Second Lieut. Peter J. Lloyd,
Second Lieut. Lewis B. Cox,
Second Lieut. Theodore M. Cornell,
Second Lieut. Launcelot M. Blackford,
Second Lieut. Frederick W. Deck,
Second Lieut. Fernand G. Dumont,
Second Lieut. Joseph H. Payne,
Second Lieut. Paul V. Kellogg,
Second Lieut. Landon D. Wythe,
Second Lieut. Giles F. Ewing,
Second Lieut. Fred W. King,
Second Lieut. Ivy W. Crawford,
Second Lieut. Bernard M. Barcalow,
Second Lieut. Jesse B. Smith,
Second Lieut. John R. Hodge,
Second Lieut. Arthur R. Walk,
Second Lieut. Leslie E. Toole,
Second Lieut. Lewis A. List,
Second Lieut. James F. Johnson, jr.,
Second Lieut. Francis M. Brady,
Second Lieut. Eubert H. Malone,
Second Lieut. Wayne W. Schmidt,
Second Lieut. James F. Butler,
Second Lieut. Herbert G. Peterson,
Second Lieut. Truman M. Martin,
Second Lieut. Warner B. Van Aken,
Second Lieut. Richard G. Plumley,
Second Lieut. Charles R. Davis,
Second Lieut. Cecil L. Rutledge,
Second Lieut. Theodore C. Gerber,
Second Lieut. Charles J. McCarthy, jr.,
Second Lieut. James N. McClure,
Second Lieut. Garth B. Haddock,
Second Lieut. Lawrence L. W. Meinzen,
Second Lieut. George LeC. Ramsey,
Second Lieut. John J. Albright,
Second Lieut. Robert J. King,
Second Lieut. Raymond E. Vermette,
Second Lieut. Alexander Adair,
Second Lieut. Grant A. Schlieker,
Second Lieut. Burnett F. Treat,
Second Lieut. William G. Hilliard, jr.,
Second Lieut. Albert C. Cleveland,
Second Lieut. Leslie M. Skerry,
Second Lieut. Walter C. Phillips,
Second Lieut. Anthony J. Touart,
Second Lieut. Henry P. Gray,
Second Lieut. Dan H. Riner,
Second Lieut. Robert M. Browning,
Second Lieut. Arthur E. Easterbrook,
Second Lieut. Harry J. Collins,
Second Lieut. Edgar V. Maher,
Second Lieut. Henry P. Hallowell,
Second Lieut. Chester F. Price,
Second Lieut. Harley M. Kilgore,
Second Lieut. William R. Jutte,
Second Lieut. Plautus I. Lipsey,
Second Lieut. Henry I. Eager,
Second Lieut. Thomas H. Frost,
Second Lieut. Robert E. Archibald,
Second Lieut. Buhl Moore,
Second Lieut. Felix T. Simpson,
Second Lieut. Chauncey V. Crabb,
Second Lieut. Harry J. Rockafeller, jr.,
Second Lieut. Frank C. David,
Second Lieut. Adrian R. Brian,
Second Lieut. Burton L. Lucas,
Second Lieut. Elijah G. Arnold,
Second Lieut. Walter R. Ketcham,
Second Lieut. George S. Wear,
Second Lieut. Wilbur F. Littleton,
Second Lieut. Walter T. Scott,
Second Lieut. Elizur K. H. Fessenden,
Second Lieut. John E. Curran,
Second Lieut. John W. O'Daniel,
Second Lieut. Frederick Winant, jr.,
Second Lieut. Smith G. Fallaw,

Second Lieut. Walter E. Perkins,
Second Lieut. Joseph R. Busk,
Second Lieut. Andrew L. Cooley,
Second Lieut. Harry F. Thompson,
Second Lieut. Leonard C. Barrell,
Second Lieut. James A. McCarthy,
Second Lieut. Carl McK. Innis,
Second Lieut. William H. Allen,
Second Lieut. Faxon H. Bishop,
Second Lieut. Benjamin W. Pelton,
Second Lieut. Joseph W. McKenna,
Second Lieut. Paul L. Porter,
Second Lieut. Thomas C. Vicars,
Second Lieut. Stanley J. Grogan,
Second Lieut. Robert B. Waters,
Second Lieut. Lloyd B. Jones,
Second Lieut. Stonewall Jackson,
Second Lieut. Henry C. Jordan,
Second Lieut. Robert E. Woodward,
Second Lieut. Gerald Preshaw,
Second Lieut. Harold Q. Moore,
Second Lieut. Reuben S. Parker, jr.
Second Lieut. Ward R. Clark,
Second Lieut. Charles D. Jencks,
Second Lieut. Warner B. Gates,
Second Lieut. Max A. Tuttle,
Second Lieut. Farlow Burt,
Second Lieut. Warren J. Clear,
Second Lieut. Philip H. Didricksen,
Second Lieut. Oscar J. Neundorfer, jr.,
Second Lieut. Frederick A. Norton,
Second Lieut. O. D. Wells,
Second Lieut. Leonard M. Gaines,
Second Lieut. Ross B. Smith,
Second Lieut. Samuel I. Anderson,
Second Lieut. Walter B. Huff,
Second Lieut. Thomas B. Woodburn,
Second Lieut. Thomas K. Johnston,
Second Lieut. James W. Payne,
Second Lieut. William B. Wilson,
Second Lieut. Stanley F. Griswold,
Second Lieut. John T. Dibrell,
Second Lieut. Edmund J. Lilly,
Second Lieut. Cornelius E. Ryan,
Second Lieut. Raymond W. Miller,
Second Lieut. Thomas G. Hannon,
Second Lieut. John E. Hull,
Second Lieut. Charles A. Rawson,
Second Lieut. Barkley E. Lax,
Second Lieut. Earle E. Horton,
Second Lieut. Thomas F. Bresnahan,
Second Lieut. John C. Cleave,
Second Lieut. Koger M. Still,
Second Lieut. Arthur A. Baker,
Second Lieut. Joseph N. Arthur,
Second Lieut. Gillman K. Crockett,
Second Lieut. Thomas E. Roderick,
Second Lieut. Wallace A. Mead, and
Second Lieut. James H. Howe.

PROMOTIONS IN THE REGULAR ARMY.

FIELD ARTILLERY.

To be majors.

Capt. Francis W. Honeycutt,
Capt. Daniel W. Hand,
Capt. Charles S. Blakely, and
Capt. Walter D. Smith.

To be captains.

First Lieut. John O. Hoskins,
First Lieut. William Clarke,
First Lieut. Albert R. Ives,
First Lieut. Arthur Brigham, jr.,
First Lieut. William M. Jackson,
First Lieut. Joseph A. Sheridan,
First Lieut. Hugh C. Minton,
First Lieut. Charles W. Gallaher,
First Lieut. Laurence V. Houston,
First Lieut. Stacy Knopf,
First Lieut. James M. Garrett, jr.,
First Lieut. Eugene H. Willenbucher,
First Lieut. Louis C. Arthur, jr.,
First Lieut. John F. Hubbard,
First Lieut. Robert M. Bathurst,
First Lieut. William H. Saunders,
First Lieut. Charles E. Hurdis,
First Lieut. Henry J. Schroeder,
First Lieut. James K. Tully,
First Lieut. John M. Devine,
First Lieut. Harold A. Nisley,
First Lieut. James L. Guion,
First Lieut. George D. Wahl,
First Lieut. Basil H. Perry, and
First Lieut. Ray H. Lewis.

COAST ARTILLERY CORPS.

To be captain.

First Lieut. William R. Stewart.

CAVALRY ARM.

To be captains.

First Lieut. John M. Jenkins, jr.,
First Lieut. Beverly H. Colner,
First Lieut. Albert D. Chipman,
First Lieut. Arthur H. Truxes,
First Lieut. Gordon J. F. Heron,
First Lieut. Carl C. Krueger,
First Lieut. Hugh M. Gregory,
First Lieut. Oron A. Palmer, and
First Lieut. Stanley Bacon.

INFANTRY ARM.

To be colonels.

Lieut. Col. John B. Bennet,
Lieut. Col. Melville S. Jarvis, and
Lieut. Col. John W. Heavey.

To be lieutenant colonels.

Maj. Lorrain T. Richardson,
Maj. Charles R. Howland,
Maj. Perry L. Miles,
Maj. James A. Lynch, and
Maj. Milton L. McGrew.

To be captains.

First Lieut. Oliver F. Holden,
First Lieut. William H. McCutcheon, jr.,
First Lieut. Beverly G. Chew,
First Lieut. Thomas L. Lamoreux,
First Lieut. Daniel N. Murphy,
First Lieut. Adlai C. Young,
First Lieut. Alexander N. Stark, jr.,
First Lieut. Clinton I. McClure,
First Lieut. Roy C. L. Graham,
First Lieut. George R. Barker,
First Lieut. John E. Gough,
First Lieut. Leonard A. Smith,
First Lieut. John W. Thompson,
First Lieut. Philip Overstreet,
First Lieut. Lara P. Good,
First Lieut. Archie A. Farmer,
First Lieut. Edwin E. Elliott,
First Lieut. Charles S. Ferrin,
First Lieut. George W. Titus,
First Lieut. Robert G. Ervin,
First Lieut. Edward L. McKee, jr.,
First Lieut. Robert W. Nix, jr.,
First Lieut. Lyman L. Parks,
First Lieut. John T. Murray,
First Lieut. Warfield M. Lewis,
First Lieut. Joseph L. Collins,
First Lieut. James O. Green, jr.,
First Lieut. Harold McC. White,
First Lieut. Lincoln F. Daniels,
First Lieut. Frederick A. Irving,
First Lieut. Matthew B. Ridgway,
First Lieut. Richard M. Wightman,
First Lieut. Charles W. Yuill,
First Lieut. William W. Eagles,
First Lieut. Francis A. Markoe, and
First Lieut. John J. McEwan.

MEDICAL CORPS.

First Lieut. Farrar B. Parker to be captain.

POSTMASTERS.

PENNSYLVANIA

Nettie Beatty, Beatty.
Charles W. Blose, Delmont.
Anthony L. Brautegan, Monessen.
Hazel F. Bush, New Florence.
Clarence L. Kamerer, West Newton.

HOUSE OF REPRESENTATIVES.

THURSDAY, *September 25, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, how shall the people of this country, the authorities in State and Nation, meet the present crisis which threatens to paralyze one of the greatest industries among us, causing sorrow and suffering to the laborer, discouragement to the capitalist, inconvenience and suffering to the people in general?

Give to those who have the problem before them wisdom, courage, strength to remove all injustices, adjust all wrongs, and bring peace and harmony.

In this Government of the people, under its benign Constitution, the ballot is in the hands of the humblest as well as the greatest. Through this instrumentality all disputes should be adjusted without resort to force, and right have its sway, to the good of all, under the leadership of the great Master Workman who lives and reigns. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE HOUSE FLAG.

Mr. HICKS. Mr. Speaker, I ask unanimous consent to address the House for five minutes on a patriotic subject.

The SPEAKER. The gentleman asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. HICKS. Mr. Speaker, we were all gratified a week ago when the gentleman from Wyoming [Mr. MONDELL] stated that the ladies of the Society of the Daughters of the American Revolution most magnanimously and graciously had presented to this House the beautiful banner now hanging behind the Speaker's forum. That flag, though young, is yet already old historically, for it witnessed the wonderful reception given to Gen. Pershing. It has heard also the notable speeches made on that day by Senator CUMMINS, by our beloved ex-Speaker [Mr. CLARK of Missouri], and by the present occupant of the chair. It has heard that brilliant address of eloquence and of culture delivered by the gentleman from Massachusetts, the Hon. FREDERICK H. GILLETT, in welcoming our distinguished visitor. [Applause.] Feeling, Mr. Speaker, that this flag in its honored position should have every incident connected therewith officially recorded, I have taken the liberty this morning of referring to something which I know will be of interest to all the Members and will make the history of the flag complete from the beginning. Two veterans of the Great War came here to the Capitol and with their own hands placed the flag in its position, the flag for the maintenance of whose honor they had fought on foreign soil. [Applause.] The names of those two men are Capt. Herbert G. Rosboro, of New York, and Sergt. Henry H. Farrell, of New Hampshire. [Applause.]

I want to refer to just one other thing, Mr. Speaker. When the old flag hung there, there was a continuous controversy as to the direction in which the union should be placed. There will be controversy in regard to the placing of the union of this flag. There is no positive law upon the subject of displaying the flag, but the War Department, realizing the importance of uniformity, have issued a circular making numerous suggestions in regard to the proper display of the national ensign. They give it as their opinion that when the flag is hung upon a wall in a vertical position "the union should be to the north or east." They have made this definition purely upon the points of the compass and not with reference to the surroundings of the flag. According to the War Department, if the flag should be hung upon the wall opposite, following out their suggestion that "the union should be to the north or east," it would bring the union to the right of the observer. The idea of the department is to have uniformity of direction of all flags, rather than the display of individual ones. This would be applicable in streets, for instance, by which the unions of all the flags displayed on either side of the line of buildings would point in the same direction, irrespective of the position of the observer.

Nearly every patriotic society differs with the War Department. They maintain that the flag should be hung in reference to its immediate surroundings, and that when placed on a wall the union should always be to the right as the observer sees it, and never to the left. I do not court a controversy, however, but do desire to state further that the department sanctions a flat surface, free from folds or drapery, whenever the flag is hung vertically. But in this regard there is one consideration that transcends the matter of drapery, and it is that the flag should never be so placed that it can be soiled or even touched by any one passing near it.

Owing to the close proximity of the flag to the Speaker's chair, the narrowness of the passage behind the rostrum, and to the fact that books, subject to constant use, are shelved back of the flag, it is necessary in order to preserve and protect it that the banner be draped back as we see it. I make this statement in order to relieve us of any criticism of violation of etiquette. It is done because we are not willing that there should be any desecration of our national ensign, however innocent and unintentional that desecration may be. [Applause.]

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2972. An act to extend the cancellation stamp privilege for the Roosevelt Memorial Association.

LEAVE TO PRINT REMARKS.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a short article on my friend and colleague, Mr. SCHALL, of Minnesota.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD by inserting an article upon his colleague of Minnesota, Mr. SCHALL. Is there objection?

Mr. WALSH. Reserving the right to object, by whom is this article written?

Mr. KNUTSON. It is from the National Magazine.

Mr. WALSH. I think we ought to give the CONGRESSIONAL RECORD a rest for a while, and I am going to resume the prerogative of objecting to extensions by magazine articles.

Mr. KNUTSON. I hope the gentleman will not object.

Mr. WALSH. I object.

Mr. EMERSON. I ask unanimous consent to extend my remarks in the RECORD by printing a telegram which contains resolutions adopted at a meeting of Hungarian Jews at Cleveland, expressing their disapproval of the discrimination that is made against them in Hungary. I have been requested to present this telegram.

The SPEAKER. The gentleman asks unanimous consent to extend remarks in the RECORD by printing a telegram relative to discriminations against the Jews in Hungary. Is there objection?

Mr. WALSH. Reserving the right to object, what has the House got to do about any discrimination in Hungary? The gentleman was asked to have this printed in the RECORD?

Mr. EMERSON. Yes.

Mr. WALSH. I object.

LIVE-STOCK SHIPMENT CONTRACTS.

Mr. JONES of Texas. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent to address the House for five minutes. Is there objection?

There was no objection.

Mr. JONES of Texas. Mr. Speaker, on yesterday when we had up for discussion an amendment which I offered to the railway rate bill, I made the statement that the United States Supreme Court had held that a provision in the live-stock shipment contract which required notice in writing to be given within a limited period of time as a condition precedent to the filing of suit had been held valid. Several Members questioned whether or not a stipulation of that kind would be held valid or had been held valid by the United States Supreme Court.

As several gentlemen asked for a citation, I have obtained this time in order to call attention to a decision by the Supreme Court of the United States, cited in the advance sheets of that court; dated July 15, 1919, in the case of Erie Railroad Co. *v.* John R. Shuart (39 Sup. Ct. Rep., 630). I want now to read the provision that was in the live-stock shipment contract:

> That no claim for damages which may accrue to the said shipper under this contract shall be allowed or paid by the said carrier, or sued for in any court by said shipper, unless a claim for such loss or damage shall be made in writing, verified by the affidavit of the said shipper or his agent, and delivered to the general auditor of the said carrier at his office in the city of Chicago, Ill., within five days from the time said stock is removed from said car or cars; and that if any loss or damage occurs upon the line of a connecting carrier then such carrier shall not be liable unless a claim shall be made in like manner, and delivered in like time, to some proper officer or agent of the carrier on whose line the loss or injury occurs.

Here is what the court says with reference to that statement:

> Under our former opinions the clause requiring presentation of a written claim is clearly valid and controlling as to any liability arising from beginning to end of the transportation contracted for.

The United States Supreme Court holds that kind of a stipulation valid. When the live-stock shipper tenders his cattle to the railway company he is presented with a long written contract with a lot of provisions in it. If he were to stop to read it he would probably be told that he must stand aside for other business. Practically, therefore, he is not given a chance to read the contract which contains those conditions and stipulations, and many a man in such cases has found himself unable to recover damages for stock injured. In the case cited the injuries were caused by the backing up of an engine into a train of cars while the cattle were being unloaded through a shute—a clear case of negligence—and yet, because of the fact that the shipper did not present a verified claim within five days, he was not permitted to recover. That is the correction that I sought to have made.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. RAYBURN. When was that decision handed down?

Mr. JONES of Texas. That decision was handed down June 9, 1919, but it follows along the line of other decisions. A shipper must present the claim or be defeated, and it is causing a great deal of trouble and complaint from the sections where these shipments originate.

Mr. CONNALLY. What was the length of time of notice in this decision?

Mr. JONES of Texas. Five days from the time that the stock arrived at the point of destination. However, in the case of S. L. I. & S. Co. *v.* Starbird (37 Sup. Ct. Rept., 462) a 36-hour stipulation was held valid.

Mr. BLANTON. Mr Chairman, will the gentleman yield?

Mr JONES of Texas. Yes.

Mr. BLANTON. Illustrating a case, say cattle are shipped from Amarillo, Tex., the gentleman's home, to Chicago, and almost invariably a shipper accompanies those cattle on behalf of the owner.

Mr. JONES of Texas. Usually the shipper or some employee.

Mr. BLANTON. Some employee is in charge.

Mr. JONES of Texas. Yes; as a rule, though not always.

Mr. BLANTON. That employee knows every single item of delay, every single instance of rough handling, every single failure to properly feed and water en route, and every incident that would enter into an element of damage, because that is what the owner sends him with the cattle for, and when he gets to Chicago and those cattle are injured, and sell on the market for less money than they should bring, he almost immediately wires the owner the price at which the cattle were sold and the incidents of injury and damage connected with the shipment. The owner is therefore in a position to make his claim for damage within five days after the cattle are unloaded, and possibly this is the reason that our Supreme Court has held that a contract is good which specially provides that five days is enough time in which the shipper should make initial complaint, and I take it that the Supreme Court considered all those matters when passing upon the case cited by the gentleman.

Mr. JONES of Texas. In reply to what the gentleman says, I take it that he would be in favor of abolishing the two-year statute of limitations and establish the five days instead.

Mr. BLANTON. No. I am in favor of reasonable stipulations both as to the shipper and the carrier, but of course my sympathies are naturally with the shipper.

Mr. JONES of Texas. And it is unreasonable to expect a man to read and to know those stipulations. If it were written into the law so that every man might know what the particular stipulation is, a man could protect himself, but the companies change and shift these written contracts until a man never knows what is going to be in them next, and they come up with a new provision or a new stipulation in another contract that is presented and the man has no chance to know what his rights are. There should be a provision for a uniform bill of lading. If it were written into the law of the land, just like the statute of limitations, that a man must present a claim for damages within a certain specified period from the time the cattle arrive at the point of destination, then an opportunity would be given each and every shipper, as well as the transportation company, to know that the shipper's rights depend on his complying therewith, and the whole community would become informed, and rights would be protected.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. JONES of Texas. Mr. Speaker, I ask unanimous consent to proceed for five minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. PARRISH. Mr. Speaker, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. PARRISH. I would like to ask the gentleman if it is not a fact that the law of Texas provides no limitation in shipping contracts shall be legal which limits the time for filing claims to less than 90 days?

Mr. JONES of Texas. It certainly does.

Mr. PARRISH. I would like to ask a further question, if it is not a fact that in a great many shipments, such as are cited by the gentleman from Texas [Mr. BLANTON], the shipments are accompanied often by men who can not assume any responsibility, some of them by negro hired men who take care of a trainload of cattle?

Mr. JONES of Texas. Most assuredly. Some of the cattle shipments are a part of a long train. A man may go back and ask for information and can not get it. Sometimes the stock is unloaded and part loaded on a different section of the train.

Mr. PARRISH. Is it not a fact that in Texas there have been a great many shippers who have been denied the right to recover because the courts have held such provisions valid, who have been deprived of substantial justice in the courts of Texas?

Mr. JONES of Texas. That is true, and our State legislature has made provision which protects shippers, but these stipulations were carried in the shipping contracts after the Federal control commenced and were held valid.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. BLACK. It is my impression that the limitation only held as to Federal courts, because it certainly would not affect our State laws and State courts.

Mr. JONES of Texas. Practically all the shipments are interstate——

Mr. BLACK. But you can sue the initial carrier and do not have to go to the Federal court.

Mr. JONES of Texas. In this opinion the Carmack amendment is discussed, and it is held that the provision will apply even were the initial carrier or the terminal carrier sued. If you brought action in the State court, the same conditions would apply to the shipment, it being an interstate shipment, and the State court would be compelled to follow the decision of the United States Supreme Court.

Mr. BLACK. Oh, no; not necessarily, though it probably would do so.

Mr. JONES of Texas. I beg the gentleman's pardon.

Mr. CONNALLY. Is it not a fact you could not go to the Federal courts unless the amount was in excess of $3,000 or unless some Federal question were involved?

Mr. JONES of Texas. That is very true. However, when the State court has rendered final decision, if it fails to follow the United States decisions the company can appeal to the United States Supreme Court. The obligation of contracts, the due process of law, and other provisions of the Constitution are held to be involved. They have gone from a justice court in one of these State cases to the Supreme Court of the United States. That decision was made on a provision stipulating that the attorney's fees might be secured against the railroad company.

Mr. BLACK. A Federal question was raised in that case raising the question that the judgment was without due process of law.

Mr. JONES of Texas. The gentleman surely does not take the position that if the United States Supreme Court holds an interstate shipment contract is valid a man can not go into the Supreme Court of the United States if the State court fails to follow the decision. That would raise several Federal questions according to the decisions.

Mr. BLACK. Oh, yes; I hold that the State court does not have to follow the decision of the Supreme Court of the United States and frequently does not follow it, though, of course, the complaining party may have his appeal to the Supreme Court of the United States when Federal questions are involved.

Mr. JONES of Texas. If the gentleman will consult the case that I have cited he will find that it was taken up after final action by the State court. I desire to call attention to one more decision just briefly. The gentleman from Nebraska [Mr. REAVIS] said he did not believe that the stipulation shortening the period of limitation would be valid. I simply want to call to your attention briefly the case of the Texas Pacific Railroad Company against Leatherwood, in the same pamphlet, July 15, 1919, a decision rendered June 9 in the United States Supreme Court. I will not take the time to read the facts of the case, but quote an excerpt from the decision:

The provision in the original bill of lading limiting to six months the time within which suits may be brought not being unreasonable, was valid; and as the original bill of lading remained binding, the lower courts erred in denying it effect. The judgment of the court of civil appeals must therefore be reversed.

This decision of the Supreme Court of the United States held the period of limitation may be changed by contract. Now, I submit, with these conditions prevailing, the law ought to be clarified so that both the shipper and the transportation companies may know their rights, so there may not be any opportunity to defraud the various shippers by concealing from them the provisions of the contract of shipment.

The SPEAKER. The time of the gentleman has again expired.

Mr. GARD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Ohio rise?

Mr. GARD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Ohio makes the point of order that there is no quorum present, and obviously there is no quorum.

Mr. FORDNEY. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Michigan moves a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Ackerman	Evans, Nev.	Lehlbach	Rowan, N. Y.
Alexander	Fairfield	Linthicum	Rowe, N. Y.
Andrews, Md.	Ferris	Lufkin	Sabath
Anthony	Fields	McArthur	Sanders, Ind.
Ayres	Flood	McClintic	Sanders, La.
Bacharach	Frear	McKenzie	Sanford
Bankhead	Fuller, Mass.	McKeown	Schall
Barbour	Garland	McKinley, Ill.	Scully
Barkley	Godwin	McPherson	Sears
Begg	Goldfogle	Madden	Sells
Bell	Goodall	Magee	Sherwood
Bland, Ind.	Goodwin	Maher	Siegel
Brinson	Goodykoontz	Major	Sisson
Britten	Graham, Pa.	Mann	Slemp
Brooks, Pa.	Greene, Mass.	Mason	Smith, N. Y.
Brumbaugh	Greene, Vt.	Mead	Snell
Burke	Hamill	Montague	Steagall
Burroughs	Harrison	Moores, Ind.	Steenerson
Caraway	Haskell	Morgan	Stevenson
Carew	Haugen	Morin	Sullivan
Carss	Heflin	Mott	Summers, Wash.
Carter	Hoch	Mudd	Sumners, Tex.
Clark, Fla.	Howard	Newton, Mo.	Taylor, Ark.
Classon	Hudspeth	Nicholls, S. C.	Tillman
Copley	Hull, Iowa	Nichols, Mich.	Tilson
Costello	Hull, Tenn.	Nolan	Towner
Crago	Hutchinson	Oliver	Treadway
Crowther	Ireland	Olney	Vaile
Curry, Calif.	Jacoway	Osborne	Vare
Davis, Minn.	Johnson, S. Dak.	Paige	Volstead
Dempsey	Johnston, N. Y.	Parker	Ward
Dent	Jones, Pa.	Peters	Wason
Dominick	Kelley, Mich.	Platt	Webb
Donovan	Kennedy, Iowa	Rainey, H. T.	White, Kans.
Dooling	Kennedy, R. I.	Rainey, J. W.	Wingo
Dupré	Kettner	Ramsey	Winslow
Dyer	Kiess	Randall, Calif.	Wood, Ind.
Eagan	Kincheloe	Reavis	Woodyard
Eagle	Kreider	Riordan	Zihlman
Edmonds	LaGuardia	Robsion, Ky.	
Ellsworth	Lea, Calif.	Rouse, Ky.	

The SPEAKER. Two hundred and sixty-six Members have answered to their names. A quorum is present.

Mr. FORDNEY. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. Without objection, it is so ordered. The Doorkeeper will open the doors.

COAL-TAR PRODUCTS.

Mr. FORDNEY. Mr. Speaker, I yield to the gentleman from Ohio to make a unanimous-consent request.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that the time allotted for debate be extended 30 minutes in order that I may address the House on the bill, and particularly on the question of the necessity for the so-called license plan.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the time for general debate be extended 30 minutes, to be controlled by the gentleman from Michigan [Mr. FORDNEY]. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman modify that request to allow a little additional time?

Mr. LONGWORTH. I will.

Mr. MOORE of Pennsylvania. It may be advisable to have some one respond to the gentleman.

Mr. LONGWORTH. My proposition is not so much in response. The gentleman will recall that all the time for debate day before yesterday was taken by gentlemen in opposition. My plan simply is to reply to them.

Mr. MOORE of Pennsylvania. I understood the gentleman from Ohio had spoken an hour.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent for an additional 15 minutes.

Mr. LONGWORTH. Mr. Speaker, I modify my request by asking for 45 minutes, 30 minutes to be occupied by myself, or a portion of the 30 minutes, and 15 minutes by the gentleman from Pennsylvania [Mr. MOORE].

The SPEAKER. The gentleman from Ohio modifies his request by asking unanimous consent for 45 minutes. Is there objection?

Mr. KITCHIN. Mr. Speaker, reserving the right to object, I would suggest that the gentleman make it an hour and let me have 15 minutes.

Mr. FORDNEY. The gentleman from North Carolina has an hour and 24 minutes. The gentleman from Ohio [Mr. LONGWORTH] occupied 2 hours in discussing the matter, and I took the opposite side of the question for 40 minutes, and I think it only fair that 15 minutes be allowed to answer the gentleman from Ohio [Mr. LONGWORTH] on the licensing feature of this bill, and that time be yielded to our side to be occupied by whoever wants to answer the gentleman, if they wish to make an answer. I hope the gentleman from North Carolina does not ask any more time for himself. He has an hour and 24 minutes.

Mr. KITCHIN. Mr. Speaker, reserving further the right to object, the "gentleman from North Carolina" had three hours and a half and the gentleman from Michigan had three hours and a half, and "the gentleman from North Carolina" yielded more than half of his time to gentlemen on the other side; and then the gentleman, in addition to his three hours and a half and an hour and three-quarters, which the "gentleman from North Carolina" yielded to him, asked unanimous consent to extend that time an hour, which "the gentleman from North Carolina" consented to; and now they ask for 45 minutes on that side, and "the gentleman from North Carolina" only modestly asks that he be given 15 minutes in which to reply to some of the gentlemen. They may not need a reply, but I think I ought to have the 15 minutes.

Mr. FORDNEY. I do not object to that.

The SPEAKER. Unanimous consent is asked that the time for general debate be extended 1 hour, 30 minutes to be occupied by the gentleman from Ohio [Mr. LONGWORTH], 15 minutes by the gentleman from Pennsylvania [Mr. MOORE], and 15 minutes by the gentleman from North Carolina [Mr. KITCHIN]. Is there objection? [After a pause.] The Chair hears none.

Mr. FORDNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8078.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill, with Mr. TOWNER in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 8078) to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes."

Mr. FORDNEY. Mr. Chairman, I ask the gentleman from North Carolina to now proceed.

Mr. KITCHIN. I will.

The CHAIRMAN. The gentleman from North Carolina [Mr. KITCHIN] is recognized.

[Mr. KITCHIN addressed the committee. See Appendix.]

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. KITCHIN. Gentlemen, I shall take five minutes under the five-minute rule to tell you more about this. [Applause.]

The CHAIRMAN. The gentleman from Ohio [Mr. LONGWORTH] is recognized.

Mr. LONGWORTH. Mr. Chairman, my distinguished friend from North Carolina [Mr. KITCHIN], in his most instructive and entertaining speech, devoted some time at the beginning to commenting upon the division which exists in the Republican Party on this measure. He says that never before has he seen such a division existing on any tariff bill. And from that he draws the conclusion that the Republican Party can never be held together except by what he describes as "the cohesive power of public plunder." I can not help thinking, coming as it does from the gentleman from North Carolina, that it amounts to a confession that plunder is what keeps the Democratic Party together to-day, because I happen to know that the gentleman from North Carolina does not agree with the President of the United States on anything. [Laughter on the Republican side.] Shoulder to shoulder during the last Congress we stood together preventing measures going through this Congress which the President advocated, to give more and more autocratic authority to his present administration.

Now, the only "plunder" that we are trying to get rid of by this bill is the plunder of this country by the German trust. That is what this bill aims at. The gentleman from North Carolina laments the fact that for many years when we were in power we did nothing to protect the dye industry. If that is true, when the Democratic Party came into power and passed the Underwood law, why did not they do something to protect the dye industry?

Mr. KITCHIN. If the gentleman will permit, we increased it on the whole 10 per cent over the Payne-Aldrich Act.

Mr. LONGWORTH. Oh, 10 per cent! I am not sure of that, either. But if that is so, it amounted to nothing. Now, as a matter of fact, the first time that the Democratic Party ever took any action in relation to this industry was when it adopted a bill introduced by a Republican Member of Congress, the late Mr. Hill, of Connecticut. It is true that the duties were reduced, but the bill was identical, word for word, with the present law, except that the duties were cut practically in half, and those that remained were on a sort of fade-away plan, to cease and terminate 10 years after the passage of the act. I do not think that even the gentleman from North Carolina would advocate such a proposition to-day.

Now, I want to take up the time at my command in discussing only one aspect of this situation, and that is the necessity for the so-called license system. I make the assertion that no matter how high we were to place the tariffs in this law we could not by any possibility prevent the dumping of the existing stock of German dyes on this market at any price, regardless of cost, with the sole object of destroying the chemical industry that now exists in this country.

I take it that there are two things which stand out particularly in this situation: First, the need of protection against Germany; and, second, the need of giving some suitable answer to the action of England, France, and Japan. Is there a gentleman on this side of the House who would support the principle of opening the great American market to nations which absolutely close their markets to us? It seems to me that that would be the doctrine of internationalism run wild. And yet that is what we will do, gentlemen, if we do not have some form of prohibition of importation, except under certain conditions, in this bill. I am not particular what it shall be, but to make fitting answer we must adopt some form of a so-called license system which will prevent the importation of dyes into this country which are now made here.

Let me quote a few sentences from the evidence before the committee with regard to the first proposition, namely, the ability of Germany to-day to compete in dyes in this market. I quote first from the testimony of Maj. Sill, of the United States Army, contained in a report giving his experiences very recently in Germany in the occupied district. First he says:

Owing to the great foresight and efficiency of the German prewar system—that is, efficiency from a military standpoint in particular—all of their man power was registered and so classified that when the call to battle came they kept a large proportion of their trained workmen within these plants. Consequently, they still have the majority of them ready to take part in a new battle for commercial supremacy.

And a little later he says:

The important point is that the American people, in particular, should realize that this important portion of Germany's industries is not crippled but intact and ready to operate, and is consequently a dangerous factor in the struggle for commercial supremacy, and also as a potential source of war material production unless properly controlled. Moreover, I do not think the German people as a whole realize completely the magnitude of their defeat; they count upon the Americans in particular very soon forgetting the horrors of the war, resuming their trade with them, utilizing their products, and allowing their industry to thrive once more. At present the only things they lack are raw materials and coal for the operation of the plants, which fortunately the Allies can control, unless the peace terms are lenient enough to allow them to operate on full scale as before. Let us hope that the American people and consumers of chemicals and dyestuffs will back up the American manufacturer so that this previous condition can not be restored.

Speaking of some of the plants he visited, he says:

It was our good fortune to pass through the devastated sections of France and some in Belgium on our way to Germany. One can not see this terrible destruction of land, factories, and cities, so complete and terrible that neither word nor picture can describe adequately, without being impressed by the contrast you see upon entering Germany, where all is serene, quiet, clean, and orderly, and scarcely any sign of destruction such as has been visited on the French.

Arriving in Cologne, we made our headquarters there while making a tour of investigation through the plant of the Farbenfabriken vorm. Friedrich Bayer & Co., at Leverkusen, and also the plant of Weiler-ter-Meer, at Uerdingen on the Rhine.

The plant of the Bayer Co. stands out prominently as the best and most modern of German chemical plants. It is a veritable city in itself, well laid out, with excellently constructed streets and brick buildings. Their office buildings and recreation buildings for the employees are luxurious palaces. This plant has expanded considerably during the war, and, despite the contrary assertions of its directors, was widely engaged in the manufacture of war products, particularly poison gases. We had the opportunity of meeting Dr. Duisberg, the chief director, and, incidentally, one of the ex-Kaiser's right-hand men in the development of the war. Many will remember him from his visit to this country at the time of the Chemical Congress in 1912. Incidentally, he hopes to be over here again very soon to see his "old-time friends."

Of the Badische Co. he says a little later:

A little later we went up to the greatest of all plants, the Badische Anilin und Soda Fabrik, at Ludwigshafen. This plant employs about 16,000 men and covers many acres of ground. They have the plant for dyestuffs, intermediates, etc., at Ludwigshafen, and a little farther up the river, at Oppau, is located the plant for the Haber process.

That is the nitrate process. Now, mark this:

Considerable work on war products was done at Ludwigshafen, but they also were able to make dyestuffs on an appreciable scale during the war. At the present time they have a large stock on hand, ready to turn loose on the markets when permission is granted. They, too, had done considerable work on poison gases and explosive intermediates, but not to an extent which would at all interfere with their resumption of dyestuff manufacture on a large scale.

That is very illuminating, gentlemen, about the situation to-day in Germany.

Maj. Pope also visited that district, and he says, among other things:

If asked, any chemist or chemical engineer in the United States would say that he knew how much importance industrial Germany attaches to her chemical industry, but as a matter of fact it is impossible for anyone who has not been in Germany to realize her iron determination to regain the place she had before the war or to realize the sacrifices that have been made toward accomplishing this.

I wish I had time to quote more testimony on this point. The proposition that I desire to bring out is this, that with relation to the coal-tar chemical industry Germany is in as strong and even a stronger position to-day than she was before the war, when she dominated the world's market and supplied 85 to 90 per cent of our consumption. During the war special consideration was given by the high command to the operatives of these chemical factories. They were not drafted into the army. Labor was kept in the plants, and they were considerably expanded. They made all the poison gases for Germany during the war. They made most of the high explosives; but owing to that peculiar characteristic of the dye industry, at the same time that they were making gases and explosives they were also able to make dyes at the same time. They had on hand at the beginning of the war a stock presumably sufficient to supply the world's markets, and in the last four years they have been making dyes in every one of their factories. They have to-day, I know, an amount sufficient to overwhelm absolutely the American market. They have this stock not only in Germany but in Switzerland, and no doubt in other neutral countries, so that they will not have to wait until the peace treaty is ratified in order to begin to make shipments from Germany; but they may begin to-morrow, and that is what makes the necessity for action urgent and immediate. No conceivable tariff, even though it were five times as high as the tariff in this bill, would prevent that dumping. All it would do would be to put on dyes which must be imported a duty which would be to the great detriment of the American people.

Now, there is a great deal of misinformation, I think, on both sides of the House, as to what this so-called licensing system is. Let me begin at the beginning, gentlemen. If it were left to me to say that in order to protect the baby chemical industry of this country it was necessary to prohibit the importation of dyes altogether, for the next two years, I would stand for it. [Applause.] But it is not necessary to go as far as that. But how many of you, knowing what you do of the absolute necessity of preserving this industry here, not only for the industrial side of it, but for war preparedness side of it, how many of you would refuse to vote if necessary for a law which would prevent, for the next two years, the importation of any dye when the same dye was produced in this country? If that were necessary I think every man here would support it. But it is not necessary, because under the so-called licensing system, or, as I prefer to call it, the regulation-of-imports system—because this has nothing to do with a license to do business in this country—we can at the same time prevent the destruction of the American chemical industry and permit our textile manufacturers to get all the dyes they want which are not to-day produced in this country.

Some men of my party have asked me whether such a system as this is consistent with Republican principles? Why, gentlemen, it is absolutely consistent with the bed-rock doctrine of the Republican Party, that industries vital to the needs of this country ought to be protected and be permitted to grow. Now, if we could do it by the use of the tariff in this case, I would say, let us not embark on any new proposition, because this is new. But the situation is such that the tariff of itself will not do what Republicans want to do, save this industry in this country and permit it to grow.

Let me show you why this so-called licensing system is perfectly consistent with Republican principles. What you would

accomplish by it first is that no dye or any other coal-tar chemical substance can come into this country if the same is produced here and can be procured at a fairly reasonable price. Here is the whole situation: An application comes for a license to import a certain dye or explosive or medicine or what you please. That immediately serves constructive notice on all American producers that there exists in this country a demand for that particular material. It offers them an incentive to expand, to let their chemists get to work, and within two years I venture to say that they will be producing it in this country. All this, too, is incidentally to the benefit of the consumer, because our experience so far has been that where we have had some competition in the last few years in the American dye market invariably the price has been very substantially reduced.

Or take, for instance, important medicinal preparations. Since we got hold of the salvarsan patent and licensed it to American producers—and mind you it is perhaps the most necessary medicinal preparation in the world—we have reduced the price to the American consumer from the former German price of $3.50 a dose to 40 cents a dose to-day. Within three years American competition has reduced that price 90 per cent, and that is what we may reasonably expect in other cases, if we permit this industry to live, in the next two years.

Now, no one believes that Germany cares anything about making an immediate profit on this vast accumulated store of dyes. What she wants to do is to put all American competition out of business in this market, and then, when there is no competition, exact such profit as she pleases. That is exactly what she did before the war, when we were at her mercy. Does anybody want to be at her mercy again? Why, the situation is different to-day from what it was at the time of the enactment of the Payne law. Then every textile manufacturer was opposed to any help for the American dye industry. They feared the increased cost to them, and they had good working agreements with the German trust, many of them; but to-day four-fifths of the big textile manufacturers in this country are for this proposition, because they remember what happened to them the day Germany went into war, when necessary dyes and dyestuffs went up thousands and thousands per cent, and frequently could not be obtained at any price. That is what would happen again under similar conditions if Germany could have free access to our markets.

Now, what is the situation with regard to the German trust, which, mind you, is more powerful than it was before the war? Because where there were six great companies then, to-day those companies are merged into one vast trust. They are cut off entirely from the Japanese, the French, and the British markets, and what is left for them. With all of these enormous factories running to-day full blast, with 60,000 workmen working night and day, where are they going to dispose of their goods? They can not do it in the markets of Great Britain, France, and Japan. Outside of the Chinese market there is only one, and that is the American market. Do you suppose that any question of price is going to deter them from aiming a blow at the vitals of the chemical industry of this country? Do you suppose that a duty of 500 per cent would deter them? They are farsighted men, and also the most unscrupulous lot that ever gathered together in any country. With their yellow-dog fund, with their unlimited capital, to accomplish their purpose, namely, to put us on our back, where we were before the war, they will sell their products at any price. Do you believe they will hesitate at what they can get for their product, which is practically velvet on their hands as the result of making gases and explosives? They would give it away if it would only prevent the development of our home industry.

To-day we are supplying about four-fifths of the American demand. We can supply everything except certain specialties and the class of dyes called vat dyes.

Now, there ought to be a licensing system—I do not care whether it is this one or some other one—insuring for the next two years that the only things that can come in shall be the specialties not now produced here, and thereby give encouragement to our manufacturers and skilled chemists to experiment along these various lines made evident by the license applications, and in two years we will have an industry which will be adequate, in all probability, to supply the whole American market.

And then the day will never come when we shall again be compelled to spend hundreds of millions of dollars to build explosive plants, hundreds of millions of dollars to erect plants to supply the dyes which the American people must have and which the Government must have for ink. During 1916 the Government functions were almost tied up for the lack of dyes, because, forsooth, there was no industry in this country. Gentlemen, if you do not do something to prevent the dumping of these German dyes on the American market, and the consequent ruin of our industry, we will again be absolutely dependent on the German industry for our dyes, as we were before the war.

Let me call attention to another reason why to-day the tariff alone will not solve the situation. Mind you, the German mark in the world's exchange is only worth 4 or 5 cents. It is worth 25 cents in Germany, but here it is only worth 4 or 5 cents. But the ad valorem of goods shipped in here is based on the value of the German mark, so that your ad valorem duties, instead of being somewhere about 60 per cent, will be enormously reduced. Duties based upon the value of the German mark as it is in the world's exchange to-day would not keep out anything. The only way to keep them out is by a license system, and simply because it is new shall we Republicans fail to pass it?

I would not support a licensing proposition except in a time of dire emergency, and even then I would not support it as a permanent policy. This is only for two years. If it were true, as I do not think it is, that some textile manufactureers might have a little difficulty here and there in procuring a special or high-priced dye, is it not worth it to them, as it surely is to the American people, to submit for two years to such a temporary inconvenience? That is the situation, gentlemen, as I see it.

I have studied this question as an amateur ever since 1908, when the Payne law was passed. As the gentleman from North Carolina suggests, the gentleman from Michigan [Mr. FORDNEY] and I are the only Members of the House now who were on the Ways and Means Committee at that time. From then on I have been interested in this, because I have known for years of the intimate connection between the dyes and explosives, and the consequent purely national side of this question.

I remember that a friend of mine, a great chemist, told me not long ago something very significant of the way the Germans viewed the development of the coal-tar industry. About 30 years ago he graduated at Heidelberg, and on the day he went to bid good-by to the head professor of chemistry he said to him: "There is one thing that has somewhat puzzled me. I observe that practically the entire chemical force of Germany is being diverted into coal-tar chemical experimentation, that all the young men that graduate at universities in chemistry are starting in on that line. Why is it?" The professor put his hand on my friend's shoulder and said, "Young man, some day this will save the fatherland." It came unpleasantly close to saving the fatherland, because from the day the war started until the day the armistice was signed there was no question but that Germany was competent to fight forever in so far as her explosives and gases were concerned. It was the destruction of her morale and her man power and not lack of explosives that cost Germany the victory. [Applause.]

There is a pattern for us. Germany for 40 years devoted every energy and vast sums of money to the development of this industry, because while they could make enormous profits from it in timeo f peace they knew that upon the day the war came it would furnish them the bedrock of war material.

To-day their plants are in as good condition if not better than they were on August 1, 1914. They are deprived of three of the greatest markets of the world, and but one great market is left. Do you doubt that they will fail to take advantage of every method, fair or unfair, to destroy our baby chemical industry? You can not stop them with a tariff; you have got to do that by a license ssytem, and for that reason I advocate that system. If we are to save our industry, we must adopt it. There is no other way.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. MOORE of Pennsylvania rose.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 15 minutes.

Mr. STRONG of Kansas. Mr. Chairman, I make the point of order that there is no quorum present. I think we ought to have more Members here.

The CHAIRMAN. The gentleman from Kansas makes the point of order that there is no quorum present. The Chair will count.

Mr. STRONG of Kansas. Mr. Chairman, I withdraw the point of order of no quorum.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 15 minutes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I wish I had time to answer in detail the speech made by the gentleman from North Carolina [Mr. KITCHIN], but in 15 minutes that is impossible. Suffice it to say, the gentleman from North Carolina did favor a high-tariff bill when he and the majority of the committee over which he presided supported the bill introduced by the gentleman from Connecticut, Mr. Hill, a Republican.

It was an evidence of returning wisdom in the Democratic Party. For a long time the gentleman from North Carolina had insisted that a tariff was unconstitutional, and he had helped, with the present President of the United States, to write that into the Democratic platform in the convention of 1912, which met at Baltimore. The gentleman from North Carolina had begun to see the light when the Hill bill came along, and he was persuaded, particularly after Dr. Herty, of North Carolina, whose name was mentioned several times in the course of his address, also saw the light. Dr. Herty was the president of the American Chemical Society, a distinguished citizen of North Carolina, and a Democrat of long standing. Dr. Herty had come to see the light not as a Democrat but as a protectionist; he came before the Committee on Ways and Means and insisted that there should be a tariff on dyestuffs. And the bill was passed with the assistance of the Democrats who had thus reformed and come in under the Republican banner, notwithstanding their own professions made to the public in 1912, that a protective tariff was unconstitutional.

I am a little surprised that the gentleman from North Carolina should speak against the "plunderland" in the Republican Party, but if I had more time I should be very glad to follow him upon that subject and charge it up to the present administration. It was a reminder of the good old times when we did have square knockdown battles in the House of Representatives, when the Democrats stood on one side with their sophistries and heresies, and the Republicans stood on the other with their economic theories and practices. I wish we could go into that more fully now, but time is fleeting. The gentleman from North Carolina, however, has made apologies for coming into the Republican ranks and accepting the Republican doctrines. That is sufficient. I am glad to extend to him the hand of welcome.

I must thank him for his kind personal references, and wish I might take time to enlarge upon that subject. He is a fine fellow, and I appreciate very highly his good opinion. As to the alleged contest between the Republicans with respect to this dyestuffs bill, the gentleman from North Carolina stands upon a false premise. The contest is a legitimate one. The gentleman from North Carolina, as the Democratic Party pretended to do in the days of old, stands against special privilege. That was the hue and cry of the Democratic Party when "the great commoner" was in control. There was to be no special privilege under a Democratic administration. The gentleman from North Carolina believed in that, and yet the gentleman, after weeks of hearings upon this dyestuffs bill, stands to-day in favor of the absolute monopoly of the dyestuffs industry in the United States through a licensing commission which his administration will control. The gentleman from North Carolina goes further. He stands for the control of the dyestuffs industry in the United States affecting $3,000,000,000 worth of business in the hands practically of two great corporations in the United States, which have recently been consolidated and which will be in complete control of the output of all dyestuffs in the United States as soon as this bill passes, one of them being the great Du Pont Corporation and the other the great National Aniline & Chemical Co. These are the two concerns for which the gentleman from North Carolina now stands. These are the two concerns for which he apologizes in his desire to relieve the Alien Property Custodian and the present Attorney General of his responsibility for helping to bring about this legislation through the Chemical Foundation (Inc.). The gentleman from Ohio continues to refer to the German horde that is coming to invade the United States if this bill does not pass. Yet the gentleman from Ohio, like the gentleman from North Carolina, well knows that every one of the President's war powers still exists, and that he can keep out of this country now every pound of dyestuffs that he does not wish to have come here, and he knows that in certain recent proclamations of the War Trade Board, while we have resumed trade relations with Germany in certain respects, we have declined to permit of trade in dyestuffs and chemicals. These two gentlemen, who happen to be upon the same side of this controversy, know full well that the existing dyestuffs-tariff law, backed up by the war barrier, was sufficient to keep dyestuffs out of the United States, and that there were no German dyes of any consequence coming in after the passage of the Hill bill.

The gentleman from North Carolina is perfectly safe in his proposition that that bill was effective, since it was backed up by the war. No German ships were coming into the United States during that period, and they could bring no German dyestuffs. They know full well also, with regard to this invasion of $20,000,000 worth of dyestuffs now held up somewhere in Germany or England, that not a pound of it can come into the United States without the consent of the War Trade Board, now allied with the State Department through Executive order. They know full well that there is a supreme executive council of the Allies as a result of the peace conference in Paris, which will not permit a single pound of dyestuff to come into the United States in any shape unless that body gives its consent.

And yet, in order to force the American manufacturer, user, and consumer of dyes to buy dyes at the highest possible price from the combination which is thus formed in the United States under the auspices of the Alien Property Custodian, whom the gentleman from North Carolina defends, they would pass this bill and fasten upon the people of the United States, the users of hosiery, the users of underwear, the users of clothing, the users of hats, boots, and shoes—they would fasten upon them indefinitely an autocratic system born in England, which the business men of that country are now resisting, as I shall show in a moment. Gentlemen pause sometimes when we hear these startling statements about what the Germans are going to do to us. That may not be so much the question as the worry of the Germans about what we did to them. [Applause.] This administration under Mr. Wilson is now arranging to put the country on trade relations with Germany, but some subtle influence, some powerful influence, seems to be able to say to the administration, "Keep out dyestuffs in order that the big aniline interests here shall have a monopoly." The gentleman from Ohio suggests in his bill, and I have heard others say it, that we should forget trade and revenues and build a wall around the United States—keep all foreign products out. I believe in a protective tariff, but I want competition. If somebody in the United States can make dyestuffs besides those two great combinations, I will be better satisfied. [Applause.] I want competition here, but I do not want the kind of competition that is privately agreed upon by a little group that meets in the Alien Property Custodian's office and dispenses German property and patents. I am now going to tell the gentleman from North Carolina something that he does not know and that I did not know until this morning.

I want to tell him that in my judgment, upon information received, the Chemical Foundation (Inc.), of which Francis P. Garvan is president, the same Francis P. Garvan being Alien Property Custodian who seized those 4,500 German patents, which were privately sold to his corporation, the same Francis P. Garvan who is to be a special attorney general to detect bomb throwers under Attorney General A. Mitchell Palmer, the preceding Alien Property Custodian—I want to say my information is that this philanthropic, charitable, high-minded corporation, organized under the laws of Delaware with a capital of $500,000, made up largely of New York bankers serving the Alien Property Custodian at a dollar a year, and serving upon boards to administer German property that was seized, some of them taking fees as managers of these institutions, Cleveland H. Dodge, the largest contributor to the Wilson campaign fund and a leader amongst them—I want to say to my friend my information is that this philanthropic institution, headed by these high-minded men, appears to have been formed in the office of the Du Ponts in the city of Wilmington, Del. Walter F. Sykes, my informant——

Mr. KITCHIN. If the gentleman's facts are correct, I think he will make some converts, perhaps.

Mr. MOORE of Pennsylvania. I know the gentleman would not stand for an unfair combination. But I wish to say Mr. Walter F. Sykes, who we will admit is an interested party, his business being that of an importer of Swiss dyes which are to be kept out by this bill, took the trouble to investigate the manner in which this corporation was formed, and in a letter which he personally verified in my office yesterday stated that the original incorporators were as follows:

M. M. Clancy, P. D. Drew, and H. E. Knox.

The Clancy—

According to Mr. Sykes—

is May M. Clancy, residing at 300 North Harrison Street, and her occupation is stated to be that of employee of the Corporation Trust Co. of America, with offices on the fourth floor of the Du Pont Building in Wilmington. She is reputed to be a stenographer and is known to the office force as incorporation clerk, and has lately been transferred to the auditing and accounting company. She is considered to be a confidential clerk and has been connected with the concern for a long time.

The Drew is Pauline D. Drew, who resides at 1223 Washington Street, Wilmington, and is a stenographer in the offices of the same concern and under May Clancy.

The Knox is Hattie E. Knox, residing at 806 East Seventeenth Street, and she is also a stenographer in the offices of the same concern.

The Corporation Trust Co. of America is located on the fourth floor of the Du Pont Building immediately next to and surrounded by the offices of the Du Pont Co. itself; as a fact, one can not tell where the offices of the one concern start and where the other leaves off. There is immediate inside connection between the rooms of the two concerns.

These, apparently, are the original incorporators of the Chemical Foundation (Inc.), the names of whose managers the distinguished gentleman from North Carolina read a few moments ago, including the great bankers of New York, some of whom have been holding the deposits for the Alien Property Custodian while they were serving down here as dollar-a-year men, managing the business of these corporations which the Alien Property Custodian has seized. [Applause.]

The CHAIRMAN. The time of the gentleman has expired, all time has expired, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That title 5 of an act entitled "An act to increase the revenue, and for other purposes," approved September 8, 1916, be, and hereby is, amended to read as follows:

"SEC. 500. That on and after the day following the passage of this act, except as otherwise specially provided for in this title, there shall be levied, collected, and paid upon the articles named in this section when imported from any foreign country into the United States or any of its possessions, except the Philippine Islands, the islands of Guam and Tutuila, the Virgin Islands, and the Canal Zone, the rates of duties which are prescribed in this title, namely:

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Are we reading the bill by paragraphs or by sections?

The CHAIRMAN. This is not really a paragraph. The Clerk is really reading the bill by sections.

Mr. WALSH. No, Mr. Chairman; this is a revenue bill and it is read by paragraphs.

Mr. MOORE of Pennsylvania. I make the inquiry in order to ascertain when an amendment will be in order.

Mr. WALSH. Appropriation bills and revenue bills are read by paragraphs.

The CHAIRMAN. The Chair does not think this is even a paragraph.

Mr. CAMPBELL of Kansas. Mr. Chairman, I submit this bill should be read by paragraphs.

The CHAIRMAN. The Chair does not think this is a paragraph, even. This is an introductory statement that introduces the paragraph.

Mr. LONGWORTH. The Chair then rules that the bill is to be read by paragraphs?

The CHAIRMAN. Yes; the Chair thinks so.

Mr. WALSH. Will the Chair permit a parliamentary inquiry?

The CHAIRMAN. Yes.

Mr. WALSH. Under the Chair's interpretation if this were an appropriation bill the result would be that no debate could be in order until a period had been read. Now, as the Chair well knows, when the grouping of words terminate with a colon or a semicolon put at the end of the line and the next line shall begin with a capital, it has been treated as a paragraph and debate is in order.

The CHAIRMAN. The Chair adheres to his former ruling. The Clerk will continue reading until the end of the paragraph on the bottom of the page.

The Clerk read as follows:

FREE LIST.

Group I. Acenaphthene, anthracene having a purity of less than 30 per cent, benzol, carbazol having a purity of less than 65 per cent, cumol, cymene, fluorene, methylanthracene, methylnaphthalene, naphthalene having a solidifying point less than 79° centigrade, pyridin, quinolin, toluol, xylol, dead or creosote oil, anthracene oil, pitch of coal tar, pitch of blast-furnace tar, pitch of oil-gas tar, pitch of water-gas tar, crude coal tar, crude blast-furnace tar, crude oil-gas tar, crude water-gas tar, all other distillates of any of these tars which on being subjected to distillation yield in the portion distilling below 190° centigrade a quantity of tar acids less than 5 per cent of the original distillate, all mixtures of any of these distillates and any of the foregoing pitches, and all other products that are found naturally in coal tar, whether produced or obtained from coal tar or other source, and not otherwise specially provided for in this title, shall be exempt from duty.

Mr. MOORE of Pennsylvania. Mr. Chairman, I was unable in the brief time allowed me in general debate——

The CHAIRMAN. Does the gentleman desire to suggest an amendment?

Mr. MOORE of Pennsylvania. I move to strike out the last word. And I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Chairman, I have just read upon information the names of those who appear to have been the original incorporators of this philanthropic institution, the Chemical Foundation, Incorporated, and if that statement be accurate it traces back to one of the large concerns interested in the passage of this bill an interest in the Chemical Foundation, Incorporated, organized in the Alien Property Custodian's office, which ought to have the careful consideration of this House. I do not care how powerful a corporation is or how rich a man may be, the duty of the legislator is to see that he is not permitted, or it is not permitted, to deceive the public. A legislator has a great responsibility in matters of this kind, and the party man has a great responsibility here. By raising the dust, by raising the cry of patriotism—and Dr. Johnson once said that "patriotism was the last refuge of a scoundrel"—men who have designs upon the public can sometimes put through unfair legislation.

Now, Mr. Francis P. Garvan did appear before the Ways and Means Committee, and if you have read his testimony or that of Mr. Choate, of New York, you will observe that the inquiries made of those gentlemen were not in vain. They were particularly strong on patriotic endeavor. I have a speech here, made by Mr. Garvan. It was sent broadcast throughout the United States. He is an eloquent gentleman, powerful in New York, and of great influence as Alien Property Custodian. He talked to us about the humanity of this enterprise. This is the way he talked to people about it:

The Chemical Foundation answers this statement with a challenge, and if it can only become the coordinating forum for American patriotism, American sacrifice, and American ability, it awaits the issue with serenity.

It was going to be some corporation, this was—not only to have control of the dye industries of the United States but to take control of all American patriotism, American sacrifice, and American ability.

But Mr. Garvan proceeded to his peroration, and we can hear the welkin ring, as he said it:

Gentlemen, we are the boys who stayed at home. True, the reasons seemed sound and sufficient yesterday; but to-day they seem only excuses, ever decreasingly satisfying. It is not enough that with envious tears we cheer their homecoming.

This to the boys in the trenches while the Alien Property Custodian was putting over this proposition and signing up manufacturers to a protective tariff bill without informing them that there was a licensing feature in it. The Alien Property Custodian and the president of the Chemical Foundation (Inc.), that had just taken to its bosom at private sale, without the public knowing anything about it, 4,500 patents which the Germans had taken out in the United States under our laws. They took that property over to themselves. They paid the Alien Property Custodian $250,000 for it. As I said the other day, one of those patents alone is worth $1,000,000 in royalties.

Mr. KNUTSON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. KNUTSON. Does the gentleman mean to say that these gentlemen have retained these patents for their own use?

Mr. MOORE of Pennsylvania. For the purpose of the Chemical Foundation (Inc.), which is to lease them out on royalty.

Mr. KNUTSON. In other words, they are holders of stolen goods?

Mr. MOORE of Pennsylvania. I do not say that. But an emissary of the Foundation left the United States when the President was in Paris, and a clause went into the treaty that no German could recover anything that had been seized by the Alien Property Custodian in this country, nor would he ever have any claim for anything taken from him.

Mr. HUSTED. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. HUSTED. Is there any evidence, so far as you know, of any discrimination by the Chemical Foundation in the licensing of these privileges?

Mr. MOORE of Pennsylvania. I only know that my desk is full of complaints from manufacturers who state that they can not get dyestuffs they need to go on with their business, through the Chemical Foundation (Inc.), through the Du Ponts or the National Aniline Co., or any other concern in the United States. But I have information that certain combinations have been made with Great Britain by which dyes may be had.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. I have also information, which is pretty well backed up by common sense, that by keeping these dyes out of the United States and leaving them subject to disposition by the Supreme Allied Council over yonder in Paris or London, manufacturers in England can manufacture all the goods they want with these fast dyestuffs and sell them over here to the American public before we can get dyestuffs to make them, thus helping to close up our mills.

Mr. LONGWORTH. Can the gentleman state the authority the Chemical Foundation has over the importation of dyes?

Mr. MOORE of Pennsylvania. It has absolute control over the patents. Therefore those things that are made on the other side of the water which correspond to patents seized in the United States can not be brought into the United States. I said

the other day that these men, when they were selling their stock, affected to hold everything here that the Germans had—that is, they represented to the public that they had nothing to fear from Germany as they were able to take care of themselves.

The gentleman from Ohio [Mr. LONGWORTH] questioned a statement made by me hypothetically the other day with respect to the price of dyestuffs. Here is a letter from the La France Manufacturing Co., which states—

PHILADELPHIA, PA., *September 24, 1919.*

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR SIR: Is there not something that can be done to make the law-making body of America appreciate the very serious and urgent need for our manufacturers to secure dyestuffs—especially those not made in this country?

All through the war, with its many burdens and hardships, we were glad to forget and pay any price the manufacturers saw fit to charge us, but as the war, technically, has been over for nearly a year, we are still placed in an embarrassing position and unable to get any supply of dye, no matter how willing we are to pay the price—business.

In our particular line we use patented blue, and no other color will answer our purpose, and during the war we paid from $12 to $24 a pound for this particular color, and for what little has been available since the war $12 a pound. During the last three months it has been impossible to get anything at all, and at the present writing we have only enough to last us for two days' work and can not get 100 pounds in the whole United States.

This means after five years' struggle to maintain our business and get this necessary article, which is an absolute essential with us, we will at last be forced to succumb and close our factory.

Last year our taxes to the Government amounted to $40,000. This the Government will lose, and all the time, thought, and energy we have spent in developing our business during the last 12 years will be sacrificed.

At all times I am for the protection of American manufacturers, but I do not believe they are justified in prohibiting the importation of goods which they do not manufacture or are unable to manufacture in sufficient quantities to take care of the demand.

As above stated, this patented blue is not manufactured in this country or, if so, in such limited quantities to be hopelessly inadequate to cover the demand. Therefore I believe we should have the privilege of bringing in such colors as are necessary for the maintaining of our business, especially when they are not manufactured in this country.

* * * * * * *

Thanking you in advance for your courteous attention to our needs, we are

Yours, very truly,

W. H. RICHMAN,
For LA FRANCE MANUFACTURING CO.

I can not read all of these letters in my time, but I am telling you what some of the users of manufactured dyes say in regard to the situation. You are hamstringing business men by imposing upon them a condition which puts their competitors in control of the raw material they use in their business.

Is this system working well? It did not work well during the war.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

Mr. GARLAND. Mr. Chairman, I ask unanimous consent that the gentleman may have 10 minutes.

Mr. MOORE of Pennsylvania. Five will do.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GARLAND] asks unanimous consent that his colleague may proceed for 10 minutes more. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. All through the war our business men, enduring hardships and putting up with untold inconveniences while endeavoring to do business to help carry on the war, were obliged to come here to Washington, no matter whether their home station was in Texas or in California or in Massachusetts; they were obliged to come here and kowtow to a few men who were empowered by the President to regulate the whole business of the country.

Mr. BLANTON. Mr. Chairman, will the gentleman yield there for a question?

Mr. MOORE of Pennsylvania. Yes.

Mr. BLANTON. If the Alien Property Custodian officials have used their offices to acquire these German patents for themselves at the expense of the people of the United States, is there not a law by which they can be put into the Federal penitentiary? And if there is not such a law, will the gentleman help us pass a law that will put them there?

Mr. MOORE of Pennsylvania. I will say to the gentleman that this power came through Executive order.

Mr. BLANTON. It does not matter how it came, if it is used to the disadvantage of the people.

Mr. MOORE of Pennsylvania. Congress delegated certain power to the President, and the President took advantage of that delegation of power and assigned it to Mr. Polk, of the State Department, and Mr. Polk gave to Mr. Palmer, the Alien Property Custodian, an Executive order to sell these patents at private sale. That being the case, and these gentlemen of the Alien Property Custodian's office, using the vast property at their disposal for philanthropic and other purposes, went on and entered into this business. Claiming that this dystuff business was the key business of the Nation, seeing that billions of dollars of business depended upon it, they formed a combination, and they have that combination now. They are now in control of the business, and they are standing for the highest possible prices. The Alien Property Custodian did all this under Executive order, translated by the President to the Secretary of State, and by him assigned in the manner I have just described.

Mr. GARLAND and Mr. DEWALT rose.

The CHAIRMAN. Does the gentleman yield, and if so, to whom?

Mr. MOORE of Pennsylvania. I yield first to the gentleman from Pennsylvania [Mr. DEWALT].

Mr. DEWALT. The gentleman from Pennsylvania said a few moments ago, with reference to taking over these 4,500 patents, that by the treaty of peace no reparation could be given at all to the owners of those patents. Am I correct in that statement?

Mr. MOORE of Pennsylvania. Yes, sir.

Mr. DEWALT. Now, in the trading with the enemy act, as I remember it, the act itself provides that when these patents are taken over the patentees shall have certain rights reserved to them, and shall in the future, after peace is declared, be remunerated for the use of those patents in this country. Now, what I would like to know is whether the gentleman has any information as to whether the treaty of peace abrogates that portion of the act.

Mr. MOORE of Pennsylvania. I have read the article which was carried abroad from the Alien Property Custodian's office by one of the attorneys thereof, and it provided, in substance, that no claim would ever lie—and this by treaty—against any department or bureau of the United States for any property that has been seized during the war, that no claim would rest.

Mr. DEWALT. Is it not true as a legal proposition that if the treaty is ratified it negatives this law, because all treaties passed subsequent to a law negatives the law?

Mr. MOORE of Pennsylvania. The gentleman may be right. I think the gentleman is absolutely correct as to the treaty superseding the law.

Mr. GARLAND. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. GARLAND. Here was a case presented to me the other day, where a German came to this country about seven years ago with a very favorable-appearing patent as to rubber, very light, one-fourth of the weight of cork, which could be put into use for any kind of work, and a lot of Americans took hold of that patent at the time, because they saw great value in it for Government use, and they did a lot of work in connection with it. The war came along, and it was seized by the Alien Property Custodian, and those people were unable to proceed with the work. The German to whom I referred left this country and is out of it entirely, but those people have men capable of doing the work. They learned recently that this patent referred to was under the control of a lot of New York lawyers, a company of New York lawyers. Then they wrote those lawyers, and the lawyers said they would have to pay 10 per cent royalty if they wanted to proceed with the work.

Mr. MOORE of Pennsylvania. I will say to the gentleman that the hearings as to these dyestuffs are replete with lawyers and with experts and with bookkeepers and other people employed by the Alien Property Custodian, serving at salaries running up to a thousand dollars a month and more. Hundreds of thousands of dollars were expended in this way, and some of the men whose property was taken were told that if they were not good they would be sent to Fort Oglethorpe, and they did go to Fort Oglethorpe, and some of them have gone out of the country since.

If this treaty provision goes into effect, the owners of those patents will never get a cent from any claim that they may present against this Government. I do not want to see business men obliged to come to Washington from Buffalo or New Orleans or San Francisco or Seattle for a permit to get out some dyestuffs for calico in the spring trade. They ought not to be obliged to do that.

How is this scheme working in England? I am going to read to you from the Dyer, a trade paper published over yonder in England, showing just what they think about this system there, where this idea was born:

The commercial world is already irritated by the superabundance of red tape, and no Government department can carry on without it. Then there is the element of the unexpected. The Government official makes his own rules of the game of commerce as he goes along, and in homely phrase the business man complains very justly that "you never know where to have him."

Further on it says—

It is certainly a fact that all traders, except a small clique favored by actual conditions, are most anxious to see the final abolition of official meddling with commercial matters that never were, and never should be, within the sphere of Government attributes.

There is an appeal from the dye users in England to get rid of the hamstringing system that they have had over there since the war, and it is here proposed to fasten it on us in the United States, and say to the man who can not get dyes in the United States, "You wait. Be a patriot, close up your mills, discharge your employees until the Du Ponts and the National Aniline Co. can work out these patents of the Chemical Foundation Co. and get you the dyes you want." Our business men want what they want now. If they do not get it now, England being in possession of the dyes, Germany being in possession of the dyes, France being in possession of the dyes, England being in possession of the shipping and the high seas, their goods will come into this country, and we will close some of our mills waiting for dyes. [Applause.]

Mr. LAYTON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman is recognized in opposition to the motion of the gentleman from Pennsylvania.

Mr. LAYTON. It is not often that the distinguished gentleman from Pennsylvania [Mr. MOORE] barks up a tree where there is no coon, but when he made the charge based upon this paper, that he had conclusively shown a connection between the E. I. du Pont de Nemours & Co. of Delaware and the Chemical Foundation Co., it was one of the flimsiest propositions that I think I ever laid my eyes on. As former secretary of state of the State of Delaware, and being perfectly familiar with the granting of charters, knowing all of the trust companies of the State whose duty it is to charter companies, I want to say that there are, I believe, at least four of these large chartering companies now housed under the roof of the Du Pont Building in the city of Wilmington. This is only one of them. I see the names of Clancy, Drew, and Knox. And what does the letter say? It says that May M. Clancy resided at a certain place in the city of Wilmington, and that she is an employee of the Corporation Trust Co. Why, the Corporation Trust Co. has nothing to do with the E. I. du Pont de Nemours & Co.; not as much as the Du Pont Co. has to do with the Delaware Charter Guaranty & Trust Co., which does a great deal of their chartering for them, I understand. If they were going to get a charter for the Chemical Foundation Co., I should suppose they would follow their usual custom and employ the trust company that they usually employ in chartering their various companies. It is the commonest thing, it is the regular thing, it has been the practice for the last 20 years, that when you charter a company in the State of Delaware, one of these trust companies sends down the names of three clerks or stenographers in their own office, three names that we call dummies. They send down the articles of incorporation, the secretary of state takes it and incorporates them and issues a certified copy which goes back at once to the trust company that sent the papers there. Then immediately the real incorporators, the people who are behind the charter, come forward and organize at once a corporation in their own names, and the three names which are sent to the office of the secretary of state are nothing except dummies. Under the Delaware corporation law it requires three names to the original certificate of incorporation, but these names are not one time in a hundred the actual incorporators where the incorporating company is a Delaware company. If it is an outside company, then generally they put in their own names, but they do not always do it even then.

Now, that is the only evidence that the distinguished gentleman from Pennsylvania [Mr. MOORE] has to connect the E. I. du Pont de Nemours Co. with the Chemical Foundation Co. He might just as well take any one of the numerous charters that were granted last month in the State of Delaware and connect them up with the E. I. du Pont de Nemours Co., for the names sent to the office of the secretary of state of the State of Delaware are office clerks for the most part. This paper only shows the names of the employees of the trust company that incorporated the company. It shows no connection under the sun between the E. I. du Pont de Nemours Co. and the Chemical Foundation Co.

Mr. GARLAND. The State of Delaware never inquired very closely whether it was Du Ponts or anyone else that wanted a charter, did it?

Mr. LAYTON. No more than they would inquire from you.

Mr. GARLAND. Delaware gave charters that no other State would give to trusts and corporations, did it not?

Mr. LAYTON. Oh, no; there are plenty of States in the same general business.

Mr. GARLAND. They do not inquire much about anything, so long as they get the money.

Mr. LAYTON. They would incorporate a company to build a tramway to the moon if you wanted it. They are in the business of incorporating companies. I am not here to defend the morality of the State of Delaware in this matter.

Mr. MOORE of Pennsylvania. I made that statement on information. The gentleman states that these three persons named are dummies. I assumed that to be the fact, and that is the reason I put in the names, because so much had been said about the public spirit and the philanthropy of the Chemical Foundation (Inc.), and it had been so readily accepted as a philanthropic institution and so loudly proclaimed as such by the distinguished gentleman from North Carolina [Mr. KITCHIN] that I thought it but fair to bring this information about the dummies who organized it to the attention of the House.

Mr. LAYTON. But I think my friend from Pennsylvania, in all fairness, ought to withdraw any imputation that he made on the basis of this paper. I stand here to assert that this is the usual way of chartering a corporation when a Delaware chartering company charters it. They take their own people, in their own office, and send in their three names, because the law requires them to have three names, and then the real parties in interest, in New York, Philadelphia, or Chicago, take the certified copy and hold their meeting and pass their by-laws and elect their own directors and so complete their incorporation.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LAYTON. Certainly.

Mr. MOORE of Pennsylvania. This matter becomes important only in this respect: It is claimed that the Chemical Foundation was organized by public-spirited men, although all of them were attached to the Alien Property Custodian office. Why did not they assume the responsibility of becoming incorporators themselves?

The CHAIRMAN. The time of the gentleman has expired.

Mr. LAYTON. I ask for one minute more.

Mr. FORDNEY. Reserving the right to object—and I do not object—permit me to say that I am going to insist hereafter that the debate be confined to the subject of the paragraph. We have read the free list, and gentlemen are discussing something that pertains not at all to the paragraph read. After the gentleman from Delaware has concluded his remarks, I am going to insist on the debate being confined to the subject that has been read.

Mr. LAYTON. I only want one minute to say that this seems to be the only paper substantiating the statement made by the gentleman from Pennsylvania, and there is but one thing in it that would lend suspicion or color to that statement, and that is because the Corporation Trust Co. is housed in the Du Pont Building in Wilmington. That building covers lawyers, doctors, dentists, corporation trust companies, and every conceivable form of business. It is a great office building.

Mr. MOORE of Pennsylvania. The gentleman from Delaware is one of the best-known men in that State. Does he know C. R. Mudge?

Mr. LAYTON. No, sir.

Mr. MOORE of Pennsylvania. Does the gentleman know whether C. R. Mudge is a Du Pont attorney?

Mr. LAYTON. I never heard of him as such.

Mr. MOORE of Pennsylvania. I am informed that he is one of the gentlemen who took out the charter. This was supposed to be an independent and philanthropic concern.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent that my time be extended to 10 minutes.

Mr. FORDNEY. Will the gentleman from North Carolina permit me to say that if the gentleman is going to discuss the chemical foundation I wish he would discuss it under another paragraph and let us act first on this?

Mr. KITCHIN. I will gladly do so.

Mr. EMERSON. Mr. Chairman, I move to strike out the last word. Mr. Chairman and gentlemen of the House, I will vote for this bill, licensing feature and all.

I have been accused of being the most independent Republican in this House, and I do not deny the charge.

I have oftentimes found myself at odds with the leaders of my party, especially upon questions of policy.

But upon the question of protection I find myself abreast of the most rampant protectionist in this House. I yield to no man in this House or elsewhere in my loyalty to the protective tariff policy. Protection and America are synonymous terms. My policy upon this subject is this: On every article needed in this

country that we do not produce in sufficient quantities to satisfy our demands and can I would place a protective tariff high enough to insure its production in this country.

The American market is the best market in the world, and this market must be protected. Commercial jealousies have caused many wars, and one reason why we have been free from commercial wars is because we have the best market in the world.

We have found to our great surprise that Germany is recovering industrially and commercially more rapidly than any of our allies. We will come in direct competition with German labor. German fleets will soon be headed this way with German-made goods, which will come in direct competition with American-made goods. Are we going to do nothing about it? During the war the dye industry was established in this country, millions of dollars was invested in the industry, and many men were given employment in this industry. I am in favor of protecting this industry and destroying German competition until our dye industry is thoroughly established.

I would like to see this country in such a position so that if we had hostile fleets upon our Atlantic, Pacific, and Gulf coasts, and hostile armies upon our northern and southern borders we could live in spite of the world. This is my idea of preparedness, also.

I believe in a protective tariff high enough to protect American labor against foreign labor, and that we must have. The American workman demands more than the foreign workman. He wants better homes. He wants his children better educated. He wants all the necessities and conveniences of home life. He wants his home painted on the outside and papered on the inside. He feels himself the need of these things that the foreign workman does without. You may call it a Chinese wall, or you may call it selfishness, but I am for American labor first, last, and all the time as against the labor of any other country. [Applause.] The only thing that will make American labor better clothed, better fed, better housed, better educated than the labor of any other country in the world is by means of a protective tariff. [Applause.] Time and experience have proven this over and over again. I am in favor of protecting the dye industry, and I believe in placing such a tariff upon it as is necessary to insure its production in this country in sufficient quantities to satisfy our demands.

I shall vote for the licensing system because I believe at this time it is necessary. [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 501. That on and after the day following the passage of this act, in addition to the duties provided in section 500, there shall be levied, collected, and paid upon all articles contained in Group II a special duty of 6 cents per pound, and upon all articles contained in Group III a special duty of 7 cents per pound: *Provided*, That the special duties herein provided for on colors, dyes, or stains, whether soluble or not in water, color acids, color bases, color lakes, leuco-acids, leuco-bases, indoxyl and indoxyl compounds, shall be based on standards of strength which shall be established by the Secretary of the Treasury, and that upon all importations of such articles which exceed such standards of strength the special duty of 7 cents per pound shall be computed on the weight which the article would have if it were diluted to the standard strength, but in no case shall any such articles of whatever strength pay a special duty of less than 7 cents per pound: *Provided further*, That beginning six months after the date of passage of this act no package containing any such color, dye, stain, color acid, color base, color lake, leuco-acid, leuco-base, indoxyl, or indoxyl compound shall be admitted to entry into the United States unless such package and the invoice shall bear a plain, conspicuous, and truly descriptive statement of the identity and percentage, exclusive of diluents, of such color, dye, stain, color acid, color base, color lake, leuco-acid, leuco-base, indoxyl, or indoxyl compound contained therein: *And provided further*, That beginning six months after the date of passage of this act, no packages containing any such article shall be admitted to entry into the United States if it or the invoice bears any statement, design, or device regarding such article or the ingredients of substances contained therein which is false, fraudulent, or misleading in any particular. In the enforcement of this section the Secretary of the Treasury shall adopt standards of strength which shall conform as nearly as practicable to the commercial strengths used in the United States prior to July 1, 1914.

The Secretary of the Treasury is hereby authorized to make regulations for the enforcement of the provisions of this title.

Mr. LONGWORTH. Mr. Chairman, I have several perfecting amendments suggested by the Tariff Commission that I desire to offer.

The Clerk read as follows:

Page 3, line 12, after the word "dimethylamidophenol," insert "dimethyphenylbenzylanumonenimhydroxide."

Mr. LONGWORTH. Mr. Chairman, that is an amendment suggested by the Tariff Commission and also a change of policy; it simply adds the material which they think should be added to this group. I will put in the reason given by the Tariff Commission.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The gentleman offers another amendment, which the Clerk will report.

The Clerk read as follows:

Page 3, line 18, after the word "nitrobenzaldehyde," strike out "nitrobenzol."

Mr. LONGWORTH. Mr. Chairman, the same argument holds good in this case as did in the other.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

Mr. LONGWORTH. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 3, line 21, strike out the word "phenylohydrazine" and insert in lieu thereof the word "phenylhydrazine."

Mr. LONGWORTH. Mr. Chairman, that is a mere change of spelling.

Mr. KITCHIN. Mr. Chairman, will the gentleman from Ohio yield?

Mr. LONGWORTH. Yes.

Mr. KITCHIN. I see that the gentleman from Pennsylvania [Mr. MOORE] is not paying any attention to this amendment, and for and in his behalf I would like to ask the gentleman from Ohio whether the Chemical Foundation or the Du Ponts had anything to do with that amendment.

Mr. LONGWORTH. Nobody had anything to do with it except the United States Tariff Commission.

Mr. KITCHIN. The gentleman is sure that the Du Ponts and the Chemical Foundation had absolutely no connection with the conception or framing of the amendment?

Mr. LONGWORTH. So far as my information goes, they have not.

Mr. KITCHIN. Then I shall support it.

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio yield?

Mr. LONGWORTH. Yes.

Mr. MOORE of Pennsylvania. Oh, I desire to oppose the amendment that the gentleman from Ohio has offered. I thought he had yielded the floor.

Mr. LONGWORTH. I merely make the explanation that it is a change of spelling.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. MOORE of Pennsylvania. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Ohio [Mr. LONGWORTH] because of the colloquy that has just taken place between him and the gentleman from North Carolina [Mr. KITCHIN]. The gentleman from North Carolina is endeavoring to prove up his case by the gentleman from Ohio, and the two have been in such close juxtaposition on this proposition that I fear anything that comes from either of them. The gentleman from North Carolina desires to know if the Du Ponts had anything to do with this suggestion offered by the gentleman from Ohio. The gentleman from Ohio answered "No." The gentleman from North Carolina asked if the celebrated philanthropic institution, the Chemical Foundation Co. (Inc.) had anything to do with it, and the gentleman from Ohio responded in the same manner. The gentleman from Ohio observed, however, that the suggestion for the amendment came from the Tariff Commission. Whether the Tariff Commission is hankering for the job of being the special commission to issue licenses for dyestuffs I do not know. I suspect, upon information, that the Tariff Commission rather desires to be free from the obligation of issuing licenses, and in support of that suspicion I read from an address to the American Chemical Society at Buffalo, by Mr. Culbertson, a distinguished member of the Tariff Commission, who disapproves of the licensing system in toto, and who said it should not apply to the United States. Mr. Culbertson, addressing the very gentlemen who are interested here, with reference to the British system, said:

She (Great Britain) has provided State aid for the dye industry in the form of loans and grants for buildings and research. The importation of all dyes is prohibited except under license granted by a licensing committee. No dye is to be imported which the domestic industry is able to supply or for which an adequate substitute is made in the country. I believe that such a plan has been suggested as desirable for this country. For my part, I can not regard it with favor. In Great Britain the plan is in the early stages of experimentation. There the firms are comparatively few, and the Government is closely associated with them in the enterprise.

They subsidize them there.

In the United States our industry is too diversified and varied, the problems of administration too vast, the political consideration too uncertain to warrant meeting the dye problem with prohibition, importation, licenses, and direct Federal supervision.

The alternative is a tariff which will equalize, with a fair margin, the conditions of competition between this country and abroad.

There is the testimony of the Tariff Commission for whom the gentleman from Ohio offers the amendment, which now, on behalf of the Tariff Commission, I oppose.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

Mr. LONGWORTH. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. LONGWORTH: Page 3, line 25, after the word "acid," strike out "thiocarbanili" and insert "thiocarbanilid."

Mr. LONGWORTH. Mr. Chairman, that is the mere addition of the letter "d" at the end of the word.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent to insert in the RECORD a letter from the Tariff Commission explaining the need for these changes and such other technical changes that I shall later suggest.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The letter referred to is as follows:

UNITED STATES TARIFF COMMISSION,
Washington, August 5, 1919.

Hon. NICHOLAS LONGWORTH,
House of Representatives, Washington, D. C.

DEAR MR. LONGWORTH: In connection with H. R. 8078, now pending before the House of Representatives, I desire on behalf of the United States Tariff Commission to call your attention to the following suggestions of amendments or questions involving modifications of the original policy, which may seem desirable to Congress in view of changes in the situation which have occurred since the signing of the armistice:

(1) H. R. 8078 as officially printed contains the following typographical errors: Page 3, line 18, "nitrolenzol" should read "nitrobenzol"; page 3, line 21, "phenylohydrazine" should read "phenylhydrazine"; page 3, line 25, "thiocarbanili" should read "thiocarbanilid"; page 7, line 3, "deuco base" should read "leuco base"; page 7, line 12, add a comma after the word "it."

(2) The commission suggests the following amendment: On page 8, line 8, after the figure "5," add the figures "14" and "29."

Paragraph 14 of the act of 1913 reads as follows: "14. Calomel, corrosive sublimate, and other mercurial preparations, 15 per cent ad valorem."

Mercuric salicylate is a drug of minor importance, which is in part of coal-tar origin, and is described in general terms in H. R. 8078 as a "medicinal * * * obtained, derived or manufactured in whole or in part from any of the products provided for in Group I and II," and is also covered by paragraph 14 as a "mercurial preparation."

This suggested amendment introduces no new principle, but merely insures that this case will be treated exactly like other similar cases.

A parallel case is found in paragraph 29 of the act of 1913 which provides in part: "* * * ethers and esters of all kinds not specially provided for in this section, 20 per cent ad valorem."

Some of the products provided for in this bill, including drugs, intermediates, dyes, medicinals, flavors, and photographic chemicals, may also be described in chemical terms as ethers or esters, so that there is possible conflict between the two acts.

(3) The commission further suggests that the words "standards of strength" be stricken out of line 17, on page 7, of H. R. 8078, and that the words "a standard of strength for each dye or other product" be substituted therefor, and that the words "strengths used," in line 18, be changed to "strength in ordinary use." These changes will make the sentence read: "In the enforcement of this section the Secretary of the Treasury shall adopt a standard of strength for each dye or other product which shall conform as nearly as practicable to the commercial strength in ordinary use in the United States prior to July 1, 1914."

It is believed that these slight changes in language will make the original intent clearer.

The word "standards" was used in the plural sense because there were many different dyes, so that no single standard would do for all. On the other hand, it was intended that there should be a single standard for a given dye even in cases where several different strengths appeared on the market, and that the standard should conform to the strength chiefly or ordinarily used. In some cases a dye was sold and used in an "ordinary" quality or strength and also in a "double" or "extra" strength.

(4) The commission further suggests that page 3, line 12, after the word "dimethyl amidophenol" the word "dimethylphenylbenzylammonium hydroxide" should be inserted. The purpose of this is to cover certain products used for discharge printing on textiles dyed with indigo or vat colors, thus producing white or yellow stripes or designs on a colored background. These products were formerly sold under trade names controlled by Germans, especially as Leucotrope O and Leucotrope W. At the time the original report of the Tariff Commission was prepared the chemical composition of these products was not known to the commission, and since they had no name in commercial use except their trade names a satisfactory designation of them could not be devised. It is objectionable and ineffective to describe goods in the tariff law by trade or brand names, since such names can be properly applied only to the products of a single firm, and the goods might easily and legally be imported under some other name. It has lately been brought to our attention that these products are mixtures consisting of dimethylphenylbenzylammonium hydroxide (or sulphonic acid derivatives thereof), which is a coal-tar product, and sodium formaldehyde sulphoxylate and zinc oxide. By adding the coal-tar ingredient by name to Group II Leucotrope or its equivalent by whatever name sold will be dutiable under the clause on page 4, line 19, which reads "all mixtures, including solutions, consisting in whole or in part of any of the foregoing."

(5) The commission also desires to call attention to the following questions, which involve a question of policy, but without making a recommendation.

Perfumery and perfume materials. Materials of the coal-tar origin are not covered by the act of September 8, 1916, or H. R. 8078. The tariff act of October 3, 1913, contains the following provisions:

"48. Perfumery, including cologne and other toilet waters, articles of perfumery, whether in sachets or otherwise, and all preparations used as applications to the hair, mouth, teeth, or skin, such as cosmetics, dentrifrices, including tooth soaps, pastes, including theatrical grease paints, and pastes, pomades, powders, and other toilet preparations, all the foregoing if containing alcohol, 40 cents per pound and 60 per cent ad valorem; if not containing alcohol, 60 per cent ad valorem; floral or flower waters containing no alcohol, not specially provided for in this section, 20 per cent ad valorem.

"49. Ambergris, enfleurage greases, and floral essences by whatever method obtained; flavoring extracts, musk, grained or in pods, civet, and all natural or synthetic odoriferous or aromatic substances, preparations, and mixtures used in the manufacture of, but not marketable as, perfumes or cosmetics; all the foregoing not containing aclohol and not specially provided for in this section, 20 per cent ad valorem."

In addition certain other perfume materials of natural origin are specifically mentioned elsewhere in the act of 1913, especially in paragraph 46.

Commercial perfumery is made by mixing or compounding various natural odoriferous substances such as various balsams, essential oils, floral essences, animal products (musk, civet, etc.), and synthetic chemicals with each other and a suitable solvent (usually alcohol) and a suitable fixative. Other vehicles such as talcum powder and cold cream are also extensively used.

Some of the synthetic chemicals used are of coal-tar origin and others are not derived directly or indirectly from coal tar. These perfume chemicals are as a rule complex substances which are difficult and expensive to make; they must be of the highest purity and quality and they have a small market. For these reasons they are very expensive—only a few of them can be bought as low as $1 per pound, and prices above $25 per pound are common and even sales at $100 per pound are not unknown.

The manufacture of perfumery and perfumed materials is divided into two distinct branches—(1) manufacturers and dealers in perfume materials, and (2) manufacturers who purchase their materials and mix, bottle, advertise, and distribute the finished perfumery or other perfumed toilet articles to the retail trade.

In the preparation of the report of the Tariff Commission, dated December 12, 1918, suggesting a revision of title 5 of the act of September 8, 1916, perfumery materials were purposely left out because Congress had apparently clearly expressed an intent to leave them dutiable under the tariff act of 1913. Perfume materials of coal-tar origin are, however, so closely allied to drugs and flavors of similar origin that they might logically be included with them. There are materials such as methylsalicylate which may be used as drugs, flavors, or perfumes. Benzyl benzoate and benzyl acetate are worthy of special mention by name because in addition to their use as drugs and perfumes they were found during the war to be useful as a solvent for the varnish used on airplane wings and large amounts were made for this purpose. The material used for this purpose does not require to be of high quality necessary for use in medicine or perfumery, and, therefore, it is suggested that these two substances be mentioned by name in order to forestall a claim by an importer that the materials are not perfume materials, but solvent for airplane varnish.

If Congress desires to include perfume materials in Group III, the following amendments to H. R. 8078 will accomplish this purpose:

Insert, on page 5, line 17, of H. R. 8078, after the word "flavors," the following: "* * * benzyl acetate, benzyl benzoate, synthetic odoriferous or aromatic substances, preparations, and mixtures, used in the manufacture of, but not marketable as perfumes and cosmetics and not containing alcohol";

Add to the repealing clause, page 8, line 8, after the figure "46" the figure "49."

On page 5, line 2, after the word "flavors," insert the words "synthetic materials for perfumes and cosmetics."

(6) There is one other matter on which Congress expressed very clearly a definite policy in the act of September 8, 1916, which it may wish to reconsider in view of later developments. In the present law phenol is placed in Group II on the dutiable list, whereas cresol, which is closely allied to phenol, is placed on the free list. Both phenol (or crystal carbolic acid) and cresol (or cresylic acid or liquid carbolic acid) are found naturally in coal tar and are commercially derived from this source as joint products in the treatment of coal tar for the recovery of its valuable constituents. They have many uses in common. The distinction between them, which is of the greatest commercial significance, is that phenol was used on an enormous scale in the recent war as a raw material for the manufacture of the high-explosives picric acid and ammonium picrate, which are important shell fillers. Cresol, on the other hand, was used only in relatively insignificant amounts in the manufacture of explosives. As a consequence, the supply of natural phenol from coal tar was entirely inadequate and an enormous synthetic phenol industry was developed in the United States during the war, although no such factories existed in the United States at the outbreak of the European war. During 1918 over 106,000,000 pounds were made in the United States. The difference in the treatment of phenol and cresol in the tariff act of September 8, 1916, was obviously intended to protect and encourage the new synthetic phenol industry and found ample justification on military grounds.

The conditions which have arisen since the signing of the armistice are, however, so radically different that Congress may wish to reconsider this policy. The new synthetic phenol industry had been so successful that soon after the signing of the armistice the stocks of phenol on hand in the United States were so large that it will probably require from three to five years to consume them for peace-time purposes. The price quickly dropped from about 45 cents to about 8 cents, and all the factories shut down, and it is very doubtful if they will ever open again. Natural phenol will, of course, continue to be made and may supply the entire demand as it did before the war. The best that can be hoped for is that after allowing three years or more for the disposal of surplus stocks a small fraction of the existing plant capacity may be utilized. Under these changed circumstances Congress may wish to reconsider the policy of making a difference between phenol and cresol and put them on an equality either on the free list in Group I or on the dutiable list in Group II.

The commission expresses no opinion on the matter of policy involved, but merely presents for the convenience of Congress the facts having a

bearing on the subject. A prominent American manufacturer of phenol and cresol from coal tar urges that cresol should be placed on the dutiable list along with phenol, and in support of this contention urges the following arguments: (a) Phenol and cresol are obtained as joint products in the treatment of coal tar, and if the argument based on the protection of the synthetic phenol industry is no longer regarded as valid, the two products should be given equal treatment under the tariff. (b) The recovery of phenol and cresol from coal tar is more complex and expensive than the recovery of other crude coal-tar products, such as benzol, toluol, and crude naphthalene. (c) At the present time there is much phenol and cresol which is not commercially recovered from the various coal-tar distillates, because it has not been profitable to do so in the past in competition with imported phenol and cresol; but the imposition of a duty on cresol and the retention of a duty on phenol would make it profitable to install and operate the necessary equipment at tar distilleries. On the other hand, it should be pointed out that cresol or cresylic acid is an important raw material for the manufacture of disinfectants, including disinfectant soaps and sheep dips, as well as in the manufacture of synthetic resins and a great variety of other products.

Cresol and cresylic acid or crude carbolic acid have been regularly imported in substantial amounts, chiefly from England. It therefore seems probable that to transfer cresol and cresylic acid to the dutiable list would increase the cost to the consumers of these products, and if it resulted in a lesser use of disinfectants, might even react unfavorably on the public health. Although it is probably true that the recovery of cresol from coal tar is somewhat more difficult than the recovery of some of the crude products, nevertheless, as compared with most intermediates classified in Group II, cresol can be made easily and cheaply and is regularly sold at prices substantially below the price of most intermediates.

Attention is called to the fact that if any change is made in the present policy, either by changing phenol to the free list or by adding cresol to the dutiable, further amendments should be made to the specifications which distinguish between distillates which shall be dutiable and those which are free. The specifications in H. R. 8078 are drawn for the purpose of insuring that distillates containing large amounts of phenol shall be dutiable, but that distillates which contain cresol instead of phenol as their most important ingredient shall be free.

Very truly, yours,

THOMAS WALKER PAGE,
Vice Chairman.

The Clerk read as follows:

Group III. All colors, dyes, or stains, whether soluble or not in water, color acids, color bases, color lakes, leuco-acids and leuco-bases whether colorless or not, indoxyl and indoxyl compounds; ink powders; photographic chemicals; acetanilid suitable for medicinal use, acetphenetidin, acetylsalicylic acid, antipyrine, benzaldehyde suitable for medicinal use, benzoic acid suitable for medicinal use, betanaphthol suitable for medicinal use, phenolphthalein, resorcin, suitable for medicinal use, salicylic acid and its salts, suitable for medicinal use, salol, and other medicinals; sodium benzoate; saccharin, methylsalicylate, coumarin, and other flavors; synthetic phenolic resin and all resinlike products prepared from phenol, cresol, phthalic anhydride, coumarone, indene, or from any other article or material provided for in Group I or II, all of these products whether in a solid, semisolid, or liquid condition; synthetic tanning materials; picric acid, trinitrotoluol, and other explosives except smokeless powders; all of the foregoing when obtained, derived, or manufactured in whole or in part from any of the products provided for in Group I or II; natural alizarin and natural indigo, and colors, dyes, stains, color acids, color bases, color lakes, leuco-acids, leuco-bases, indoxyl, and indoxyl compounds obtained, derived, or manufactured in whole or in part from natural alizarin or natural indigo; natural methyl salicylate or oil of wintergreen or oil of sweet birch; natural coumarin; and all mixtures, including solutions, consisting in whole or in part of any of the articles or materials provided for in this group, 45 per cent ad valorem.

Mr. KITCHIN. Mr. Chairman, I move to strike out the last word, to ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KITCHIN. Mr. Chairman, my friend from Pennsylvania [Mr. MOORE] has attempted to muddy the waters in connection with this bill. He has talked and talked on the Chemical Foundation and the Du Ponts. If we Democrats and Republicans really want to vote on the merits of this bill with the facts before us, we should dispel from our minds at once any thought of the Chemical Foundation Co. or the Du Ponts. If the Chemical Foundation was organized by a gang of crooks, instead of, as it was, by as honest and as patriotic men as there are in the United States, it would have absolutely nothing to do with the provisions of this bill.

If the Chemical Foundation had never been heard of, if the German patents had never been heard of, if the Du Ponts had never been heard of, this or a bill similar would have been introduced by the gentleman from Ohio [Mr. LONGWORTH] and reported out just as this bill was. At the hearings Mr. MOORE of Pennsylvania examined Mr. Garvan, president of the foundation, and Mr. Choate, its attorney, in the hope of finding some evidence upon which to ground his suspicions. Every man on the committee knows, and Mr. MOORE ought to know, that not a word of testimony or evidence by documents was produced to justify his suspicions; but, on the contrary, all the evidence disproved beyond a shadow of a doubt any ground of the slightest suspicion. The foundation or its officers are not before you for trial in this bill. What the foundation or its officers did or what Mr. MOORE thinks of it or them has absolutely nothing to do with this bill.

The question is whether the tariff rates in this bill should become law, and whether the dye industry shall have the additional protection of a license for its maintenance for the next two years—during the transition from abnormal to normal period—whether it should have such protection or not. Some favor both propositions in the bill. Some favor the rates in the bill and oppose the license feature of it. Some oppose both. I oppose both the high, exorbitant rates in the bill, which if passed will be permanent unless repealed, and the peculiar kind of license provisions in the bill. But I protest against the unjust insinuations and imputations against the officers of the Chemical Foundation.

This letter that Mr. MOORE produced here in his dramatic way leaves the House under the impression that he had a big sensation to spring upon us. He wanted to remind "Mr. KITCHIN, of North Carolina, what had just reached" him, and that he knew "if Mr. KITCHIN, of North Carolina, had had the information contained in the letter" that he would not be so favorably impressed with the foundation. He then read the letter, and read it hurriedly. There never was a greater masterpiece of fraud and deception perpetrated upon anybody than did the gentleman who handed Mr. MOORE this letter perpetrate upon him. The Du Pont stenographers, the Du Pont employees, the Du Pont dummies, incorporators of the Chemical Foundation! cried the gentleman after reading the letter. If Mr. MOORE will carefully read the letter, he will discover that he found simply a mare's nest. There is not a word in the entire letter—I have it before me—that in the slightest sustains such ejaculations, not a line that shows that Du Pont, or the Du Pont Co., or any of its stenographers or any of its employees, ever saw or heard of a charter for the Chemical Foundation or ever knew or heard of the incorporation. The distinguished gentleman from Delaware [Mr. LAYTON], who was formerly secretary of state of Delaware, through whose hands all the charters in the State of Delaware went, explained in his remarks a moment ago the entire regularity of the charter and how the incorporators were named, and that they had no connection whatever with the Du Pont Co. Why, Mr. MOORE got it into his head some way that because the word Du Pont is used in the letter that those three stenographers were the Du Pont stenographers.

The only connection that they had with the Du Ponts or the Du Pont Co. was that the Corporation Trust Co., the company that drew and prepared the charter of the foundation, a company engaged in the business of preparing Delaware charters for parties throughout the United States, and whose stenographers and employees were named as incorporators in the foundation charter, as is quite usual in such cases, under the laws of Delaware, as explained by Mr. LAYTON, occupied offices in the Du Pont Building, as do dozens of other parties and companies, including other trust and chartering companies. The nominal incorporators, as the letter shows, were not employees of the Du Pont Co., had no connection with such company. But Mr. MOORE thinks that anybody who has an office in the Du Pont Building is connected with and belongs to the Du Pont Dye Co. I remember twice in my life I stayed all night in this Du Pont Building, but if I had thought Mr. MOORE, by reason of this, was going to accuse me of being under the influence of or belonging to the Du Ponts or the Du Pont Co., I would have slept on the streets all night. [Laughter.] Anybody who has been to Wilmington, Del., knows that the Du Pont Building is a tremendous building, covering perhaps a block, and half of it is a hotel, one of the finest hotels in this country, and the other half is composed of offices, shops on the first floor, and the upper floors are occupied as offices for lawyers, trust companies, and business firms by the dozens. Because these stenographers, the nominal incorporators of the Chemical Foundation, happen to work for some company that happens to have offices in the Du Pont Building, why, they all belong to the Du Pont Co., and therefore you should defeat this or that provision in the bill. [Laughter.] Why, the gentleman who signs this mare's-nest letter is an importer of dyes. I know him to be a very clever, courteous, and honest gentleman, and one of the best informed men in the United States on dyestuffs. He is not a manufacturer of dyes; he is not a manufacturer of textiles; he is a dye importer, and represents, and ably and honestly represents, a big French dye company.

Mr. MOORE, if he had read the letter carefully, ought to have known that it contained no evidence that the incorporators had any connection whatever with the Du Pont Co.; none in the world. Why, those three persons, those identical three persons, under the laws of Delaware are permitted to be named as incorporators, and their names are no doubt attached to hundreds of charters. Every charter practically that this corporation trust company gets out for parties throughout the United States bears those three names, the persons in the employ of such company, who doubtless appear as nominal incorporators. Then they turn the whole thing over to the real incorporators, which you can do under the laws of Delaware. Why, suppose you

wanted to charter a college or university or any other eleemosynary institution or an orphan asylum or a church. Under the method of getting out a charter in the State of Delaware this same procedure would be followed, such as described by the distinguished gentleman from Delaware, and if this trust company was employed to prepare the charter those three persons would no doubt be named just exactly like they were named in the Chemical Foundation charter, and then Mr. MOORE would get up and say, "Yes, that orphan asylum, that church, that college, or that university belongs to the Du Pont Co." [Laughter.] "Clancy, Drew, Knox—stenographers and employees of the Du Ponts—are the incorporators." [Laughter.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FORDNEY. Mr. Chairman, I ask unanimous consent that after the five minutes is used by the gentleman from North Carolina [Mr. KITCHIN] that the debate close in 16 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears none.

Mr. KITCHIN. Mr. Chairman, as I said in my remarks this morning, this House ought not to permit these unfounded aspersions upon the Chemical Foundation and its officers by Mr. MOORE to have a feather's weight with it in its consideration of this bill. Now, under the charter, under the agreement as written and recorded—and it is the condition under which Mr. Palmer, the Alien Property Custodian, only would permit the foundation to purchase these patents—the dye manufacturers and other manufacturers interested in dyes, in their consumption and production, who put up the money for the stock, have no control whatever over the patents any more than I have. Every time stock is issued that stock is turned over to the trustees, with the sole voting power, who are to hold it until 1936—17 years—when the patents would expire and anyone could use them. These trustees, to whom every dollar of stock issued must be turned over, and who at this minute have in their possession every dollar of the stock, have not one penny's worth of interest in the stock and have not one penny's worth of interest in the operation of the Chemical Foundation. They have not one penny's interest in the salary, for not one of them gets or will get a salary.

Mr. HULINGS. Will the gentleman yield? What assurance is there at any place that anybody can get one of these licenses?

Mr. KITCHIN. The parties who put up the capital stock get and can get only 6 per cent by the terms of the charter. That 6 per cent will be met by a small royalty on the license—a permit to use the patents—to every manufacturer of dyes in the United States, big or little; to every man who wants to manufacture dyes, if he is an American citizen. These trustees must issue a license or permit to use the patents by the terms of the charter and agreement on equal terms, at an equal royalty, and with equal conditions.

Gentlemen, in my judgment there never was a set of Americans who ever got together with purer or more patriotic motives to serve the industries of the United States and to serve the people and the Government of the United States than these gentlemen who promoted the Chemical Foundation and who are trustees and officers. I specially include Mr. Garvan, the president, whom Mr. MOORE has so unjustly and unwarrantedly attacked. [Applause.] There is not a Republican or Democrat here who knows me who does not believe I have sufficient sense, after a study and investigation, if there was any reason for suspicion, to detect it somewhere. And I tell you I have examined this thing from top to bottom. In none of the evidence, in none of the papers—and I have had the charter and read it, and I have had the articles of agreement and read them, and I have read the form of license or permit, I have heard the officers examined and took part in it—have I been able to find one iota of evidence that casts the least bit of reflection on the Chemical Foundation or its officers and trustees.

Here are hundreds of pages of the hearings. Four-fifths of them consist of Mr. MOORE's cross-examination of the officers of this institution. I challenge Mr. MOORE to point to one line, to one word, in all that testimony that would give the ground for the slightest suspicion in any respect upon the character, upon the patriotism, upon the motives of these gentlemen, or that shows in any way that this Chemical Foundation is being used for commercial purposes by a human being connected with it. But all the evidence, on the contrary, shows that in the promotion and operation of the Chemical Foundation they have shown the finest and most disinterested patriotism and the sincerest purpose and effort to make the Chemical Foundation an instrument to serve the interests of all the manufacturers alike and to serve the best interests of the Government and the people. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Pennsylvania [Mr. MOORE] is recognized for five minutes.

Mr. MOORE of Pennsylvania. The point here is this: That the Alien Property Custodian and his associates interested in the organization of the Chemical Foundation (Inc.) made it appear to the committee that it was wholly philanthropic, with no selfish interest, although stock was to be sold up to $500,000 at $1,000 a share. It is significant, having high-sounding names from New York, principally banking men, as managers, who are supposed to be operating in the interest of the public, that it should have been organized in the Du Pont Building, next door to the Du Pont office, in the city of Wilmington, Del., by three stenographers, who are admitted to be dummies, and that the attorney acting for the concern and asking for a charter should be C. R. Mudge, said to have acted for the Du Ponts. That is the whole story. [Applause.]

Mr. GREEN of Iowa rose.

The CHAIRMAN. The gentleman from Iowa is recognized for five minutes.

Mr. GREEN of Iowa. Mr. Chairman, I do not care at this time to discuss the matter of the Chemical Foundation, which I think has been pretty well gone over.

The distinguished gentleman from North Carolina [Mr. KITCHIN] announced to-day that at the conclusion of the submission of this bill he proposed to make a motion to recommit, lowering the duties that are provided herein; and incidentally, in connection with his remarks with reference to the duties in the bill, he took a great deal of credit to himself and to the Democratic Party, especially the Democratic members of the Committee on Ways and Means, for the protection which was given in 1916 to this industry, which, he said, was the first which had in any case been given. Apparently he would have the House to understand that it was proposed and carried through by the Democrats of the House.

I have been very much pleased to watch the progress of the gentleman from North Carolina in protection measures. A few days ago he offered an amendment to a bill proposing the former rates which were carried in the Payne bill, and argued at great length that they ought to be adopted. I remember at one time hearing him make a speech denouncing that very bill. Here to-day he takes credit for himself and his colleagues upon the Democratic side for putting through the tariff of 1916 upon dyestuffs. Let me say, for the information of the Republican Members who were not here at that time, that the late Ebenezer J. Hill, of Connecticut, formerly a distinguished Republican Member of this House and a member of the Committee on Ways and Means, was the man who prepared what was known as the Hill bill, which became the first protective measure which was passed by this Congress with reference to dyestuffs. The bill which he introduced carried rates nearly double what were finally put through, because the Democratic majority on the committee insisted upon reducing them, and they cut them down almost one-half.

Now, it is said that those rates have worked very well. So they did, during the war, which imposed an absolute embargo upon all German dyes. Not a pound, not a particle of dyes could come over here during the war.

But how will those duties work after the war? That will best be understood if gentlemen will turn to pages 137 and 138 of the hearings and examine a letter written by one Hugo Schweitzer, a German agent, to Count von Bernstorff, the former German Ambassador. It was written in 1917 with reference to the provisions in the Hill bill, and in that letter Hugo Schweitzer stated that it would be merely "child's play" for the German industry to wipe out the American producers of dyes after the war ceased, for, he said, under those rates it would be impossible for the American manufacturer ever to develop vat dyes; it would be impossible to manufacture some of the intermediates; and they would crush this industry completely shortly after peace was declared.

For that reason we have thought proper to raise these duties to the point expressed in this bill.

Now, are these rates too high? There are some 80 different concerns manufacturing dyes in this country, all in competition with each other. Even if all German dyes could be excluded—and they can not at present be excluded because there are certain kinds not manufactured in this country—competition would bring the level of prices down to a proper point, and they would be manufactured, as we believe, under this measure in time lower that they were ever offered by Germany.

This is a Republican tariff measure. So far as the tariff rates in the bill are concerned, however much controversy there may be as to other features, there has never been a particle of objection either on the part of the users of the dyes or the makers of the dyes. They are satisfactory to both. This measure will build up the industry and protect it from German competition and in the long run enable the consumer to purchase dyes lower than ever before. [Applause on the Republican side.]

Mr. LONGWORTH. Mr. Chairman, my friend from Pennsylvania [Mr. MOORE], who is about to be translated to another, if not a better, sphere, has, I fear, unintentionally, of course, created a misunderstanding as to just what effect this bill has upon the so-called Chemical Foundation. As a matter of fact, gentlemen, this bill has nothing whatever to do with the Chemical Foundation. The Chemical Foundation controls certain patents and its only function is to license those patents for the manufacture of dyes in this country. It has nothing whatever to do with the importation of dyes from any other country with which this so-called license commission will deal. Now, I hold no brief for the Chemical Foundation. I do realize, however, the situation with which this Government was confronted during the war. There were some 4,500 German patents taken out in this country relating to a vast number of coal-tar, medicinal, and other products. Only a comparatively few of those patents deal with dyes at all. Here was the situation. This Government had just as much right to take those German patents as it had to take German-owned ships, German-owned buildings, and to take control of corporations the stock of which was owned by Germans. Suppose the Government had not taken them? Then we would have been deprived of the opportunity of using any of them here. Having taken them over, then, what disposition ought to be made of them? Ought these patents be offered at public sale? If so, then there would have been an opportunity for a real monopoly, because one great concern could have bought all of them. The only recourse left was to acquire them by means of some agency and license them to American citizens who showed their ability to manufacture these things in America.

Now, so far as the question of monopoly is concerned, gentlemen, these patents at most deal with less than one-fifth of the dyes which are being produced in this country and for which there is any demand. The other four-fifths are not covered by German patents. So the licensing of these patents to American citizens simply gives them the opportunity and the information necessary to make certain dyes which are not now made in this country.

So far as the question of a monopoly is concerned, take the case of salvarsan, to which I alluded a little while ago. That was a most valuable patent. The Chemical Foundation took hold of that patent and licensed its use, I think, to five different American manufacturers. What has been the result? Before the war Germany sold that article to the United States for $3.50 a dose. Since Americans have been making it under these licenses the price has been reduced to 40 cents a dose. Is there any monopoly in that?

Mr. HUSTED. I should like to ask the gentleman if any American manufacturer can obtain a license from this Chemical Foundation without any discrimination or selection on their part?

Mr. LONGWORTH. Absolutely without discrimination. Any American concern merely has to show that they are 100 per cent American and that they have the facilities for making these things.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

All time has expired, and the Clerk will read.

The Clerk read as follows:

The Secretary of the Treasury is hereby authorized to make regulations for the enforcement of the provisions of this title.

Mr. LITTLE. Mr. Chairman, to-morrow two addresses will be delivered in the room of the Committee on Revision of Laws, and I wish that every Member could hear them, especially every lawyer. I am calling attention to it in the hope that a large number of lawyers may be present. At 10 o'clock to-morrow, at the room of the Revision of Laws Committee, the addresses will be made. If any large number comes, we have arranged to meet in the Naval Committee room. Judge Charles M. Hough, of the Circuit Court of Appeals of New York City, and H. M. Wailes, managing editor of the Federal Statutes Annotated, will address us on the revision of statutes. I wish to put this in the RECORD, and I hope there will be a considerable number of lawyers present, because they will find the addresses interesting and valuable.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to offer an amendment.

Mr. LONGWORTH. Mr. Chairman, I understand the gentleman from Pennsylvania has a motion to strike out, and I desire to offer a few perfecting amendments. In the first place, I ask unanimous consent that on page 7, line 21, the Clerk be authorized to spell "regulations" correctly.

The CHAIRMAN. Without objection that will be done.

There was no objection.

Mr. LONGWORTH. I offer these perfecting amendments.

The Clerk read as follows:

Page 7, line 3, after the word "leuco-acid" strike out "deuco-base" and insert "leuco-base."

Mr. WALSH. Mr. Chairman, the gentleman should first ask unanimous consent to return to that paragraph. We have read lines 20, 21, and 22, and this is an amendment to the preceding paragraph.

Mr. LONGWORTH. The gentleman from Pennsylvania was about to offer an amendment when I rose to offer my amendment and the Clerk read the next paragraph.

Mr. WALSH. But that makes no difference. The Clerk read the next paragraph, and there has been five minutes' debate by the gentleman from Kansas.

The CHAIRMAN. Technically the gentleman from Massachusetts is correct. However, I think the gentleman from Ohio was asking for recognition.

Mr. WALSH. That does not cure it.

Mr. LONGWORTH. Mr. Chairman, I make the request for unanimous consent to return to the paragraph.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to return to the preceding paragraph. Is there objection?

There was no objection.

The Clerk read the amendment, as follows:

Page 7, line 3, after the word "leuco-acid" strike out "deuco-base" and insert "leuco-base."

Mr. CURRIE of Michigan. Mr. Chairman, I rise in support of the amendment. Of course, I am going to support the amendment because it is offered by the gentleman from Ohio [Mr. LONGWORTH], who desires to strengthen the measure. It may surprise my Republican friends for me to say that the gentleman from North Carolina [Mr. KITCHIN] is absolutely correct in his contention that the Chemical Foundation, no matter how it was organized or who constituted it, has absolutely no bearing upon the issues presented by this bill. But I can not agree with the gentleman from North Carolina as to the conclusions reached by him that the present American dye industry is the result of the tariff act of 1916. What dye industry there is in the United States to-day is here because of the allied blockade of Germany, resulting practically in the exclusion of German dyes. The investment to-day, it is said, represents over $300,000,000. The industry employs thousands of skilled chemists and tens of thousands of other laborers. Far transcending in importance any consideration or comparison of invested capital and labor employed is the national interest involved. The upbuilding of the dye industry is a matter of deepest national concern. The Great World War demonstrated to every thoughtful American that this Nation must never again be found dependent upon another country, especially Germany, for so vital a commodity. Germany's supremacy as a dye-producing nation had been universally conceded. Seventy-five per cent and upward of the world's supply came from Germany until the outbreak of the present war. Over 90 per cent of our dye importations came from Germany. The industry in America had received scanty encouragement and made but little progress. German agents were active in our chemical industries. The propaganda of the Fatherland was everywhere. Our textile industries, and even the Government itself, seemed to doubt the ability of Americans to produce dyes on a par with German quality. Prominent Americans, deceived by German propaganda, declared that to Germany belonged the dye industry as a natural monopoly.

This propaganda influences yet to-day innocent and well-meaning Americans. If you are to assume, as has been suggested here in debate, that our textile manufacturers must look elsewhere for perfect dyes, then Germany wins. No more serious or unjust indictment could be laid at the doors of American chemists. A dye consists of a chemical combination, and a dye is a dye. It is just the same chemical combination whether it is made in Philadelphia or Berlin.

In the early developments impurities affected the finished commodity, but there are being produced in America to-day 241 staple dyes that are of just as perfect quality as the best dyes ever produced in Germany. There is not the slightest reason for hesitancy on the part of anyone to accept the propo-

sition that Americans are able to manufacture dyes on a par with German quality. An instance has been cited here of clothing dyed apparently with an imperfect commodity. In answer let me suggest that early in the war dyes were so scarce that German agents in this country charged the fabulous sums suggested by the gentleman from Pennsylvania [Mr. MOORE], as high as $10 per pound for indigo. To-day Americans are manufacturing indigo and selling it at 65 cents. During the emergency textile manufacturers made use of every available supply. They could not get what they wanted and they were obliged to dye their woolens with dyes intended for cotton textiles only. They were obliged to use upon their silks dyes intended to be used only upon woolens. Cheap varieties were also imported from Japan. It was this situation which caused textile manufacturers to refrain from guaranteeing fastness of their colors.

Again I repeat that Americans are now manufacturing 241 staple dyes of the purest quality known to chemical science, and if their Government gives them sufficient protection and encouragement within two years every dye known to Germany will be produced in equal quality in the United States. Shall our country be self-sustaining or shall it depend upon a foreign country?

Germany with her designs for world conquest fully realized the value of the dye industry. Poisonous war gases developed by her chemists and produced in her immense dye plants came near forcing the English Channel in 1915. Her superiority in gas and availability of supply made possible her effective drive in March, 1918, and the great advances in May and June of the same year, which caused the world for a time to doubt whether the German armies could be stayed. Her great dye factories prolonged the war; cost the Allies millions in lives and billions in treasure. Thirty per cent of the American casualties resulted from poisonous gas manufactured in the dye plants of Germany.

The industry is founded in the field of organic chemistry. Synthetic dyes, which comprise over 95 per cent of all dyes produced—only 5 per cent are natural or vegetable dyes—are coal-tar products. In the manufacture of coke, for instance, certain crude by-products are produced. The process of transforming these crudes into intermediates and the intermediates into finished dyes involves the keenest problems known to chemical science. The final process, step, or combination determines whether the intermediates are transformed into explosives, poisonous gases, or into beautiful dyes, fragrant perfumes, or pharmaceutical preparations.

Persuasive argument can be advanced that as an economic proposition America should have a dye industry sufficient at least to supply her national needs. With her unlimited quantities of coal it is the natural field for the dye industry. We have everything that is required in the way of raw material. We have the skill and genius. Experience is the essential in which we are handicapped.

For years this country was hampered and impeded by German patents, which were taken out in the United States with no intention of using them here, but solely for the purpose of preventing others from making such use. These patents, numbering about 4,500, were seized by the Alien Property Custodian and sold to the Chemical Foundation, to be held in trust and for the use of American chemical industry. If that trust is carried out in full American spirit, then one of the greatest handicaps to which American genius and skill have been subjected will have been removed. We have the assurance from the present Attorney General of the United States and former Alien Property Custodian, Hon. A. Mitchell Palmer, who seized and sold to the Chemical Foundation these German patents, that such a policy may be expected from the foundation.

I quote from Hon. A. Mitchell Palmer as follows:

> The suggestion was met with an instantaneous and enthusiastic approval, and, as a result, a corporation has been organized, to be known as the Chemical Foundation (Inc.), in which practically every important American manufacturer will be a stockholder, the purpose of which is to acquire by purchase these German patents and to hold them as a trustee for American industry * * * for the advancement of chemical and allied science and industry in the United States * * * and the charter is so framed that under the patents nonexclusive licenses only can be granted on equal terms to all proper applicants.

And again:

> The combination was not objectionable to public policy, since it was so organized that any genuine American, whether a stockholder of the company or not, could secure the benefits of the patents on fair and equal terms.

The president of the Chemical Foundation, the Hon. Francis P. Garvan, who succeeded Mr. Palmer as Alien Property Custodian, assures the American people that—

> This foundation proposes to license to any competent, equipped, and patriotic American—individual, firm, or corporation—such of these patents as, with the help and encouragement of the foundation, may be utilized.

My reason for referring to the avowed purposes of the Chemical Foundation is because of the importance to the Nation itself that a corporation so constituted that it is necessarily quasi public in character should be kept ever conscious of its obligations to the public.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. CURRIE of Michigan. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CURRIE of Michigan. We may differ upon what is actually required to protect and upbuild the dye industry here. There will be differences among us as to the tariff rates required. Many believe that no tariff can be sufficient under all circumstances to protect against Germany's methods, and that there should be coupled with the tariff a further provision that no dyestuffs shall be imported for two years except under a license. The opposition to the licensing board comes from those who fear the autocratic and ofttimes inefficient bureaucratic rule. There is no man in Congress who entertains greater prejudices than I against bureaucratic government. I welcome the day when the boards, bureaus, and other agencies created by Congress during the war will be wiped from the slate, so that American industry may proceed unhampered and unimpeded by red-tape regulations and other unnecessary handicaps. We are justified in establishing such a board only under the most unusual circumstances and for the most imperative reasons.

The subject is too vastly important and interwoven with national interest and security for one to be influenced by prejudice or politics. We should judge the proposition on its merit. What we do here to-day may affect the Nation's destiny. Every dye works is a potential arsenal. No red-blooded American is going to stand by and see our dye industry wiped off the slate by Germany. Our textile manufacturers, who purchase and use the dyes, universally favor an American dye industry, protected and encouraged to produce the entire demands, rather than buy German dyes now at less than cost, and a few months later, when the budding plants of our country have been crushed by ruthless competition, find themselves paying whatever exorbitant prices the Germans might demand. Of course, manufacturers dislike being obliged in exceptional cases to apply for an import license, but if this is necessary to preserve the dye industry, as good Americans they should gladly submit to some inconvenience for two years, and most of them are willing to, in order that a wise national policy may be firmly established.

Will the tariff suffice? When Congress legislated in 1916 upon this subject it did so after exhaustive hearings, and supposed it had provided sufficient protection. Every man in Congress knows now that the present law enacted in September, 1916, is leaky as a sieve. The Germans knew it when Congress passed it. Von Bernstorff transmitted to Berlin in January, 1917, a detailed report, definitely advising how Germany could overcome the barrier. Excerpts from this report read:

> The manufacture of the derivatives offers much greater difficulties for an industry still in the process of development for the reason that such an incredibly large variety of products is necessary. In a well-developed industry like that of the German a technical use is found in the end for all these products. In a less well-developed industry and in an industry which is only in the process of development, great hindrances stand in the way of the utilization of these derivatives. Many can not be used at all and thus become troublesome waste products.

And again:

> Happily the following dyes are excluded from this specific duty: "Except natural and synthetic alizarin and dyes obtained from alizarin, anthracene, and carbazol, natural and synthetic indigo and all indigoids, whether or not obtained from indigo, and medicinals, and flavors." This exception may well become the sheet anchor of the German industry.

And—

> The history of American tariff legislation has shown that, in general, a protective tariff of 30 per cent ad valorem does not afford sufficient protection to create an American industry.

Von Bernstorff also said it should be "as easy as child's play" to defeat the plain intention of the American Government to upbuild its dye industry. Congress thought in 1916 that the increased tariff rates would protect against Germany's methods, but Germany smiled in contempt at our efforts. Now, it is proproposed by the minority of the committee that, after this experience and with an awakened realization of the national necessity, we shall take our chances during this critical period, depending alone upon a higher tariff rate.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CURRIE of Michigan. I ask the indulgence of the committee to proceed for about three minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CURRIE of Michigan. I thank the committee.

Germany's policy for 40 years has been to discourage chemical industry in the other nations of the world. Her unscrupulous methods are without parallel in the world's commercial history. In 1910, when aniline oil was selling at 11½ cents, a group of American chemists organized to manufacture this commodity. Germans then sold aniline oil in the United States at 8½ cents, and arbitrarily offered to better any price that might be made by the American producers.

In 1913 five concerns in this country entered upon the manufacture of salicylic acid. The price in Germany was 26½ cents per pound, but during this period she imported to America, paying a specific duty of 5 cents per pound, freight and other charges, and sold in America at 25 cents per pound. Three of the five American manufacturers failed. It was afterwards learned that one of the surviving concerns was a mere branch of a German syndicate.

In 1901 oxalic acid sold at 6 cents per pound. There were no American manufacturers. In 1903 an American engaged in the manufacture of this commodity and the price immediately dropped to 4.7 cents, where it remained until 1907, when the American factory closed its doors. The price instantly raised to 9 cents per pound. Then the American factory reopened, and again the Germans dropped the price, and the American failed.

No bicarbonate of potash was manufactured in America prior to 1901. The prevailing price was 6½ cents. Germany lowered its import value to 2.2 cents and increased her importations from 45,000 pounds to 310,000 pounds annually, and the American manufacturers failed, and the price was immediately raised to 7½ cents and remained there until the war.

When I realize the unscrupulous methods employed by Germany, the utter disregard for principle and fair dealing that has characterized her transactions in the past; that her immense plants are unharmed by war and, on the contrary, greatly expanded; her warehouses crowded to the roofs with surplus dyes accumulated since 1914, barred from England, France, and Japan; the rate of exchange so great as to make it almost imperactive to dump her goods upon American markets—under all these circumstances, for one I am unwilling to vote for the admission of German dyes during the next two years except under license.

We may need that added protection for the next two years. England, France, and Japan, realizing that a dye industry is essential for modern preparedness, have each provided against the importation of dyes except under a license. Are we going to do less for our country? We will vote millions—yes, billions—for armies and navies; yet without high explosives, poisonous gases, and a skilled personnel who understands their manufacture, the armies and navies are powerless. This is a sane, effective preparedness measure. It is economical and American. It proposes to dot this country with great research laboratories where chemists will, for the relief of suffering humanity, delve deep into the mysteries of science and bring forth invaluable remedies from the field of organic chemistry. Great industries, with countless employees, will produce beautiful dyes of a thousand different shades, pharmaceuticals rich in their medicinal properties, and synthetic perfumes rivaling in their fragrance the sweetest rose. It is a picture typical of the peaceful liberty-loving American people. They seek no quarrel, but, aroused by an aggressor, should be prepared to make their adversaries beware. We are passing on a momentous proposition. During this period of uncertainty, the crisis through which the dye industry must now pass, I shall favor both the increased tariff rates and the licensing feature.

We had better be safe than sorry. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Is there an amendment pending?

The CHAIRMAN. There is an amendment pending.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, the gentleman from Michigan [Mr. CURRIE] has made a good speech, but if what he asks should be adopted it would mean complete prohibition, a tariff wall around the country that would make American manufacturers entirely dependent upon the products of those two concerns to which I have referred and such others as might be able to survive here. He would have the mills which need dyestuffs go out of business in order to prepare for the next war, and this while we are endeavoring to prepare for peace and for the successful operation of the industries of the United States. The gentleman from Michigan opened his speech by indorsing the statement of the gentleman from North Carolina, that the Chemical Foundation (Inc.) had absolutely nothing to do with this bill. Now, I am going to correct the gentleman from North Carolina and the gentleman from Michigan.

Mr. CURRIE of Michigan. Nothing to do with the merits presented in the bill. I do not know anything about the preparation of it.

Mr. MOORE of Pennsylvania. I understood the gentleman the other way.

Mr. CURRIE of Michigan. No; I spoke in regard to the merits. As to the preparation of the bill, I know nothing about it.

Mr. MOORE of Pennsylvania. In order to correct the statement as I understood it, and I accept the gentleman's statement, of course, I am going to read a brief extract from the statement of Judge J. Harry Covington, who was the first witness who appeared before the committee, and who appeared there in company with Mr. Joseph H. Choate, jr., of New York, the general counsel of the Chemical Foundation (Inc.).

These were the gentlemen who asked for these hearings; these were the gentlemen who were the chief witnesses all through the hearings, with the exception of Mr. Garvan, the Alien Property Custodian, for whom they also spoke and who spoke for himself. And in opening up the reason for these hearings Mr. Covington, speaking of the Chemical Foundation (Inc.), said:

> Mr. Joseph H. Choate, of New York, and myself are the counsel for that organization as well as for the American Dyes Institute, and, with some appreciation of the time this committee has to take with hearings and the realization it must act with rapidity, we have taken the liberty of putting together in what we believe is the most logical form the story as it will be related by various witnesses.

They—the counsel for the Chemical Foundation (Inc.)—prepared the witnesses to come before the committee.

And he said:

> It is not a thing that needs legal argument; it is not a matter that I should occupy the time of this committee by presenting to you by experts; it is a story that can be unfolded in such a way as to demonstrate to you the necessity, at all hazards, of fully establishing this industry, no matter how severe the conditions may be.

Then Mr. Covington said, in conclusion:

> With that simple statement, I am going to ask you to call these gentlemen in the order in which I have listed their names, because they have the facts and the arguments which you need. I am going to ask each of you to take a copy of the very informing brief prepared by Mr. Joseph H. Choate, who is chief counsel of the Chemical Foundation (Inc.), and to have it with you during the progress of this hearing.

I want the gentleman from North Carolina [Mr. KITCHIN] to read this, because he challenged me to find something in the hearings in the interest of the Chemical Foundation (Inc.); and I want my friend from Michigan [Mr. CURRIE] to read this, because it is clear that these hearings were brought about in the interest of the corporation and their counsel.

Mr. CURRIE of Michigan. Will the gentleman pardon a suggestion?

Mr. MOORE of Pennsylvania. Yes.

Mr. CURRIE of Michigan. The proposition I advanced, I will say to the gentleman in all fairness, was that it was absolutely immaterial to the issues presented in this bill to show how this Chemical Foundation was organized and who constitutes it. I care nothing about that in the consideration of the bill.

Mr. MOORE of Pennsylvania. The gentleman opened up by indorsing absolutely the statement of the gentleman from North Carolina [Mr. KITCHIN] that the Chemical Foundation (Inc.) had positively nothing to do with this bill. I have produced the evidence showing that that was the institution that asked for the hearings and brought the witnesses.

Mr. KITCHIN. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Pennsylvania [Mr. MOORE].

Mr. FORDNEY. Mr. Chairman, I am going to ask that all debate close on this paragraph.

Mr. LONGWORTH. Reserving the right to object, I have two more technical amendments to offer, but which I do not think will need any explanation.

Mr. MADDEN. Why not rise now?

Mr. FORDNEY. I ask unanimous consent that all debate on this paragraph close in 10 minutes.

Mr. WALSH. Reserving the right to object——

Mr. FORDNEY. I will make it 11 minutes.

Mr. WALSH. Reserving the right to object, I do not think we ought to thrash out debate about the Chemical Foundation here for 11 minutes more. It has been discussed all the afternoon, no matter to what paragraph the amendment was pending. It

seems to me if that is at all connected with the following paragraphs of the bill the debate upon the Chemical Foundation ought to be reserved until those paragraphs are reached.

Mr. FORDNEY. I have asked the gentlemen to confine the debate to the subject matter of the particular paragraph up for discussion.

Mr. WALSH. That has not been done in the last hour and a half.

Mr. KITCHIN. I am going to do it now.

Mr. FORDNEY. I ask unanimous consent that——

Mr. BUTLER. Reserving the right to object, Mr. Chairman, will the gentleman tell me how much of the bill then will be read after the 11 minutes are consumed?

Mr. FORDNEY. I would like to have the balance of this section read. If not, I will ask the committee to rise at the end of this debate and after the gentleman from Ohio [Mr. LONGWORTH] has offered his amendments.

Mr. MOORE of Pennsylvania. Mr. Chairman, I reserve the right to offer an amendment.

Mr. FORDNEY. The gentleman will want to make some argument?

Mr. LONGWORTH. Will the gentleman from Pennsylvania be willing to reserve that until to-morrow?

Mr. MOORE of Pennsylvania. I will be glad to do so.

Mr. FORDNEY. At the end of this discussion on this paragraph I am going to ask the committee to rise.

Mr. KITCHIN. Mr. Chairman, reserving the right to object——

Mr. KNUTSON. Regular order, Mr. Chairman.

The CHAIRMAN. The regular order is demanded. The regular order is, Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from North Carolina is recognized for five minutes.

Mr. KITCHIN. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] is mistaken. "The gentleman from North Carolina" never said that the Chemical Foundation or its officers did not appear before the Committee on Ways and Means as witnesses, or that their attorneys did not appear before the Committee on Ways and Means as witnesses. The gentleman from Pennsylvania made an attack upon these gentlemen upon the floor of the House, and they did come before the committee, and they came at Mr. MOORE's suggestion, because he wanted to examine them. That is why and how we got their testimony before the House. It was because Mr. MOORE wanted them to come, in order that he could cross-examine them, to unearth something dark and mysterious about them. That is the reason why two-thirds of this volume is filled with their testimony.

The Chemical Foundation, as I said, and as the gentleman from Michigan [Mr. CURRIE] said, has nothing to do with this bill. The bill is before you on its merits—or demerits, as I think. You are not trying the foundation. If the Chemical Foundation was not in existence you would be called upon to vote upon this bill. Such a bill would have been reported out by the committee—by the Republicans of the committee. The Chemical Foundation may indorse some of the provisions of this bill. It may, like many others, indorse the entire bill. But this is not the bill that the Chemical Foundation was heard upon. That bill has been changed, and changed very materially, not only in the licensing system but in the rates. We had perhaps a dozen or more witnesses before us favoring a high tariff rate and a license provision who had no connection with the Chemical Foundation.

Mr. FORDNEY. Mr. Chairman, will the gentleman yield for a question?

Mr. KITCHIN. Yes.

Mr. FORDNEY. If the Chemical Foundation had nothing to do with the preparation of this bill, how is it that the representatives of the Chemical Foundation took up two days of the three days' hearings?

Mr. KITCHIN. Because the gentleman from Pennsylvania [Mr. MOORE] wanted to investigate it and its officers and kept them before the committee for two days or more.

Mr. FORDNEY. Mr. Choate took up four days and a half of the committee's time presenting something and saying nothing. [Laughter.]

Mr. KITCHIN. Let me put this up to the quiet common sense of the House: Here is the distinguished chairman of this committee who reports out this bill. Does he intend by his very earnest and enthusiastic remarks to leave the impression that the Chemical Foundation or Mr. Choate, its attorney, made him, as chairman, report out this bill? If the Chemical Foundation had anything to do with this bill, if it wrote this bill or conceived this bill or in any way authored it, why, if the Chemical Foundation or its officers or its attorney were not fair and candid and patriotic, did the distinguished chairman of this committee vote for it in the committee and report it out?

Mr. FORDNEY. Mr. Chairman, will the gentleman yield?

Mr. KITCHIN. I yield.

Mr. FORDNEY. I will say to the gentleman that I have not said that there was anything wrong with the Chemical Foundation.

Mr. KITCHIN. The gentleman asked me the question, almost with indignation. He thought he had proven Mr. MOORE's case against the foundation by shouting out that its attorney, Mr. Choate, took up four days and a half with the committee.

Mr. FORDNEY. Have I said anything wrong about the Chemical Foundation?

Mr. KITCHIN. You did not.

Mr. FORDNEY. Is it not true that all the Republicans and part of the Democrats voted to report out this bill?

Mr. KITCHIN. The Democrats voted against the bill solidly. The gentleman from Michigan is correct when he says that he has not said anything wrong about the Chemical Foundation or its officers. He has not, because he could not do it. There is not a scintilla of evidence upon which either he or any member of the committee or of the House can make any charges of the slightest improper conduct on the part of the foundation or its officers or its attorney, Mr. Choate. I have challenged, and do now challenge, the gentleman from Pennsylvania [Mr. MOORE] or any gentleman in the House to point to one line or one word of the evidence in all these hundreds of pages of testimony that would justify him or anyone to impute to the foundation, its officers, or its attorney one improper act or one improper word in connection with the organization of the Chemical Foundation, the sale of the German patents to it, or any of its operations.

The CHAIRMAN (Mr. WALSH). The time of the gentleman from North Carolina has expired. The question is on agreeing to the amendment offered by the gentleman from New York.

Mr. KITCHIN. I will get in on the next one.

Mr. HUSTED. Mr. Chairman, I am very deeply interested in the success of this bill, because I believe it will do a great deal for the development of the industries of this country and for our commercial prosperity. We all know that the dye industry was the darling industry of Germany; that it was supported by the Government. A great deal has been said about controlling the dye market of the world, and a great deal has been said about its importance in connection with national defense. But there is another side to this question, a side which, in my opinion, is more important than the question of national defense or the question of controlling the dye market. Germany gained advantage in a great many lines of industry through the development of the dye industry. It was the industrial processes which were developed in the laboratories of the dye industry that gave Germany a great advantage in probably a hundred different industries, and before this war Germany was rapidly gaining the supremacy of the world in many lines of endeavor. If you will run them down, you will find that most of that success will go right back to the development of the dye industry in that country. Now, we want to develop the dye industry in our own country, not only for the purpose of manufacturing our own dyes, and not only for the purpose of being prepared for national defense in case of war, so that we will have a sufficient quantity of picric acid and all of these other elements which are essential in the manufacture of high explosives, but we also want the advantage of developing in our own laboratories these industrial processes, which will give us the advantage in doing business in the markets of the world, instead of keeping us under a handicap when we compete with nations that have this advantage over us. Now, I firmly believe that we will not give adequate protection under tariff rates, and everybody knows that antidumping provisions are not effective.

I do not like the idea of a licensing system any better than anybody else does, but it is the only system which has been suggested which will meet this situation, and I do not think there are any such grave dangers to be apprehended from it as have been suggested by the people who are opposing this bill.

Now, the licensing commission created by this bill has not an absolute discretion. Its discretion is limited by the terms of the act itself. The act says that they must issue licenses permitting the importation of all dyes that are not produced in this country.

Mr. FORDNEY. And what else? The gentleman does not state it all.

Mr. HUSTED. So far as dyes that are not produced in this country are concerned, they must give a license, provided only

that they shall not ask for more than their reasonable needs. That is the language of the act.

Mr. FORDNEY. Will the gentleman permit me to read the language?

Mr. HUSTED. Yes; I will.

Mr. FORDNEY. It says—

SEC. 503 (c). The said dye-licensing commission shall issue licenses to import for use in domestic manufacture such of the products covered by section 503 (a) of this act, and such products only, as may be unobtainable from domestic sources on reasonable terms as to price, quality, and delivery.

Who decides as to the reasonable price, quality, and delivery? The commission decides that, and there is no appeal from their decision.

Mr. HUSTED. I will say to the gentleman that that question would not arise at all if the dyes were wholly unobtainable in this country. That question would arise only where the dyes were obtainable in this country, but unobtainable at a fair price. It would not arise at all where the dyes were wholly unobtainable; and where the dyes were wholly unobtainable this commission could be mandamused and compelled to issue a license to allow the importation of those dyes.

Mr. LONGWORTH. I agree entirely with the gentleman [Mr. HUSTED] in his interpretation of this provision, but if there is any conceivable doubt about it, I will say to the gentleman that I have prepared an amendment which absolutely and without any question makes it ironclad that the license must issue where the dyes are unobtainable in this country.

Mr. HUSTED. Now, just one word as to the constituency of this licensing commission. This licensing commission is composed of 10 men, of whom only 3 will represent dye makers. All of the other men represent the consumers of dyes, so that the argument that the consumers of dyes will suffer if this license provision is put in operation is perfect nonsense, because the consumers of dyes are in a majority and in a position to protect their own interests. I think we can safely rely upon the brains and common sense and business acumen of American business men to protect their own interests when they are in a majority and have the decision.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANDERSON. Mr. Chairman, I am confident that the method of designating the commission provided in section 503 (b) is without constitutional warrant, and I ask unanimous consent to print at this point in the RECORD some amendments to section 503 which I intend to offer when that section is reached.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to have printed in the RECORD at this time and place some amendments that he desires to offer. Is there objection?

There was no objection.

The amendments are as follows:

Amendments proposed by Mr. ANDERSON to H. R. 8078:

Page 9, line 3, strike out all of section 503 (a) and insert in lieu thereof the following:

"SEC. 503 (a). During the period of two years after the date of the approval of this act it shall be unlawful for any person or persons or corporation to import or bring into the United States, or any of its possessions, except under license previously obtained from the dye licensing commissioner, hereinafter created, any of the products enumerated in section 500 of this act, or any product derived directly or indirectly from coal tar, including crude products and intermediate products, as well as dyestuffs, medicinals, and other finished products, and including mixtures and compounds of such products and other products.

"The President is authorized and directed to appoint a dye-licensing commissioner, by and with the advice and consent of the Senate, who shall have the duties and exercise the powers and functions prescribed in section 503 (c) of this act, and who shall hold office for a period of two years after the date of the approval of this act unless sooner removed by order of the President."

Page 9, line 14, strike out all of lines 14, 15, 16, and 17, and insert in lieu thereof the following:

"SEC. 503 (b). An advisory commission is hereby created to be known as the advisory dye-licensing commission, which shall be composed of 11 commissioners. The said commissioners shall be designated as follows:"

Page 10, line 6, strike out all of lines 6, 7, 8, 9, and 10, and insert in lieu thereof the following:

"The dye-licensing commissioner shall be ex officio a member and chairman of the commission.

"It shall be the duty of the advisory dye-licensing commission to advise with the commissioner touching the issuance of licenses and the performance of all duties imposed upon the commissioner under section 503 (c) of this act."

Page 10, line 23, strike out all of lines 23, 24, and 25.

Page 11, lines 15 and 16, strike out the word "commission," and insert in lieu thereof the word "commissioner."

Page 11, line 20, strike out the word "commission," and insert in lieu thereof the word "commissioner."

Page 12, line 1, strike out the word "commission" and insert in lieu thereof the word "commissioner."

Page 12, line 5, strike out all of section 503 (d).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. LONGWORTH].

The amendment was agreed to.

Mr. LONGWORTH. I offer two technical amendments.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONGWORTH: Page 7, line 12, before the word "if" insert a comma.

The amendment was agreed to.

Mr. LONGWORTH. I offer another amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 7, line 17, after the word "adopt," strike out "standards of strength" and insert in lieu thereof the following: "a standard of strength for each dye or other product."

In line 18, strike out "strength used" and insert "strength in ordinary use."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FORDNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TOWNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 8078 and had come to no resolution thereon.

EXTENSION OF REMARKS.

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the pending railroad legislation.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. FORDNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 28 minutes p. m.) the House adjourned until to-morrow, Friday, September 26, 1919, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HUTCHINSON, from the Committee on Agriculture, to which was referred the bill (H. R. 9521) to prevent hoarding and deterioration of, and deception with respect to, cold-storage foods, to regulate shipments of cold-storage foods in interstate commerce, and for other purposes, reported the same without amendment, accompanied by a report (No. 337), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9463) granting an increase of pension to Tony K. Wilson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9498) granting an increase of pension to Peter Hilliard; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7099) granting an increase of pension to William T. Marshall; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9053) granting a pension to Louis R. Vannucci; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUTCHINSON: A bill (H. R. 9521) to prevent hoarding and deterioration of and deception with respect to cold-storage foods, to regulate shipments of cold-storage foods in interstate commerce, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. ASWELL: A bill (H. R. 9522) to authorize the construction of a bridge across the Red River at or near Moncla, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. McDUFFIE: A bill (H. R. 9523) for the erection of a public building in the town of Thomasville, county of Clarke, State of Alabama, and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. RAKER: A bill (H. R. 9524) authorizing the Secretary of War to donate to the Preston School of Industry, Waterman, Calif., two German cannons or fieldpieces, with their accompaniments; to the Committee on Military Affairs.

By Mr. KING: Resolution (H. Res. 310) expressing commendation and approval for the patriotic efforts of certain Senators; to the Committee on Foreign Affairs.

By Mr. RODENBERG: Resolution (H. Res. 311) authorizing the Committee on the Judiciary to investigate certain reports relative to presents received by the President; to the Committee on Rules.

By Mr. SMITHWICK: Memorial from the legislature of the State of Florida, relative to a canal across the State of Florida; to the Committee on Railways and Canals.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DRANE: A bill (H. R. 9525) granting authority on certain conditions to the Secretary of the Navy to reinstate William H. Caldwell in the United States naval service; to the Committee on Naval Affairs.

By Mr. FAIRFIELD: A bill (H. R. 9526) granting a pension to Mrs. Vincent F. Dilley; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 9527) granting a pension to Milton L. Stover; to the Committee on Pensions.

By Mr. HAYS: A bill (H. R. 9528) granting an increase of pension to Archibald W. Mayden; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9529) granting a pension to A. M. Radcliff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9530) for the relief of U. S. Davis; to the Committee on Claims.

By Mr. HERSMAN: A bill (H. R. 9531) granting an increase of pension to Samuel Barton; to the Committee on Invalid Pensions.

By Mr. IRELAND: A bill (H. R. 9532) granting an increase of pension to Mary L. Taylor; to the Committee on Invalid Pensions.

By Mr. JONES of Texas: A bill (H. R. 9533) authorizing the Secretary of the Interior to issue patent to Nathan R. Wright to homestead entry known as Clayton 022303; to the Committee on the Public Lands.

Also, a bill (H. R. 9534) granting a pension to Olive Dixon; to the Committee on Pensions.

By Mr. SWOPE: A bill (H. R. 9535) granting a pension to James E. Johnson; to the Committee on Pensions.

By Mr. WHEELER: A bill (H. R. 9536) to correct the military record of John C. Berry; to the Committee on Military Affairs.

By Mr. WOODYARD: A bill (H. R. 9537) granting an increase of pension to Adam Landsittel; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABKA: Petition of members of the "Sokol Cleveland," of Cleveland, Ohio, protesting against the passage of the Myers bill; to the Committee on Ways and Means.

By Mr. BRIGGS: Petition of executive committee of the Farmers' League of Texas, requesting Congress to extend Government guaranties and credits to enable American cotton to be marketed at fair prices; to the Committee on Agriculture.

By Mr. FESS: Petition of sundry citizens of Wilmington, Ohio, urging the repeal of sections 800, 906, and 1001 (subsection 5), of revenue act of 1918; to the Committee on Ways and Means.

By Mr. FULLER of Illinois: Petition of Williams Hardware Co., of Streator, Ill., opposing Senate revenue explosive bill 2896; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Association of Hosiery and Underwear Manufacturers, opposing the Longworth bill (House bill 8078); to the Committee on Ways and Means.

By Mr. HICKEY: Petition of the South Bend Retail Merchants' Bureau, South Bend, Ind., urging opposition to the Siegel bill; to the Committee on Interstate and Foreign Commerce.

By Mr. KEARNS: Petition of James Kelso, of New Boston, protesting against the Jones and Siegel bills; to the Committee on Interstate and Foreign Commerce.

By Mr. MacGREGOR: Petition of G. W. Flint and 49 other ex-service men of Akron, N. Y., favoring the passage of the Gronna-Baer bill, granting to all ex soldiers and sailors a year's pay; to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: Resolution of District No. 1 of the Graduate Nurses' Association of Pennsylvania, urging that rank be given to members of Army Nurse Corps; to the Committee on Military Affairs.

By Mr. MURPHY: Memorial of 63 citizens of Damascus, Ohio, and vicinity, asking Congress not to pass law making military training compulsory; to the Committee on Military Affairs.

By Mr. O'CONNELL: Petition of Marden, Orth & Hastings Corporation, of New York, favoring the passage of the Longworth bill; to the Committee on Ways and Means.

Also, petition of Gimbel Bros., of New York, protesting against the passage of Senate bill 2904 and House bill 8315; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mrs. Frank Allport, of Chicago, Ill., requesting that the Kenyon-Fess bill be referred back to the committee before it is voted on in the House of Representatives; to the Committee on Interstate and Foreign Commerce.

By Mr. ROWAN: Petition of R. T. Lyman, of Boston, Mass., protesting against the Longworth bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Gimbel Bros. and Best & Co., of New York, protesting against the passage of the Jones Senate bill and the Siegel bill; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Tennessee: Petition of Thomas J. Wyrick, of Bearden, Tenn., protesting against the league of nations; to the Committee on Foreign Affairs.

Also, petition of Mrs. H. A. Evans, secretary of the Woman's Missionary Society of Knoxville, Tenn., protesting against the United States going to war with our neighbor, Mexico; to the Committee on Military Affairs.

By Mr. YATES: Petition of W. D. Honohan, Chicago, protesting against the Kendrick and Kenyon bills; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. L. McCracken and others, of Greenville, urging the passage of Senate joint resolution 84, increasing the salaries of postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of National Retail Hardware Association, Argos, Ind., by Mr. Herbert P. Sheets; to the Committee on the Judiciary.

Also, petition of Jesse H. Smith, Chicago, Ill., urging the passage of House bill 8376; to the Committee on Expenditures in the Post Office Department.

Also, petition of Retail Grocers and Merchants' Association, Springfield, Ill., by E. B. Harris, submitting resolutions concerning the reduction of the high cost of living; to the Committee on Agriculture.

Also, petition of Arnold Joerns Co., Chicago, Ill., urging the passage of the Chamberlain-Kahn bill, House bill 8068; to the Committee on Military Affairs.

Also, petition of Jenkins Manufacturing Co., Bloomfield, N. J., protesting against more power being given to the Federal Trade Commission; to the Committee on the Judiciary.

SENATE.

FRIDAY, *September 26, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou hast given to us a world in which fitness of character is fitness for life. In all the performance of duty we turn to Thee, the author of all goodness. The law of life has come from Thee. We pray Thee to so incline our hearts that we may keep Thy law and glorify Thy name in our lives. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. NELSON and by unanimous consent, the further reading was dispensed with and the Journal was approved.

REGULATION OF RAILROAD RATES.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 641) to amend section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes.

Mr. CUMMINS. I move that the Senate disagree to the amendments of the House, and request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. CUMMINS, Mr. LA FOLLETTE, and Mr. SMITH of South Carolina conferees on the part of the Senate.

PERSONAL EXPLANATION—PEACE TREATY.

Mr. JONES of Washington. Mr. President, I desire to make a short statement.

A day or two ago I voted against the motion of the Senator from Massachusetts [Mr. LODGE] to postpone for a week the consideration of a certain amendment to the peace treaty. That vote seems to have caused more excitement in my State than the visit of the President. At any rate, I have received many more telegrams in reference to it than I have in reference to the effect of his visit. Some of my friends seem to think that I have gone back on America. Others seem to think that I have announced my defiance to the league of nations. I was entirely innocent of any intention to indicate my position on the amendment or the covenant.

I want to say that that vote had absolutely no significance whatever except that I am in favor of proceeding with the consideration of the amendments and the covenant just as promptly and rapidly as possible. I know what I am going to do with reference to them, and I expect to state my position on the treaty some time next week. I thought I made it pretty clear when I was in the State a short time ago. I understand that some Senators have been just a little worried about my position because of that vote. I thought this statement might ease their minds also.

PETITIONS AND MEMORIALS.

Mr. MOSES. I present resolutions on the league of nations adopted by the American Legion, of Westchester, N. Y., which I ask may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

[Action by American Legion, of Westchester, on the league of nations. Charles H. Duell, jr., chairman of convention.]

COURTHOUSE,
White Plains, N. Y., September 25, 1919.

Whereas the American Legion has been created primarily to safeguard Americanism, liberty, our national sovereignty, and the best traditions of American life, and in joining the same we did so to uphold these very things if need be against the world; and

Whereas to-day we believe there is great danger that these principles may be sacrificed, destroyed in fact, as effectively as if the independence which the thirteen Colonies fought for had been lost or never fought for, and in any event, if this danger is not averted, the United States will have lost its leadership and independence in world affairs, and we will to that extent become again a "colony" of another nation that after 143 years has become the "real victor"; and

Whereas this danger which confronts the Nation is the present attempt to force adoption by the United States of America of a league of nations which does not, as it now stands, adequately safeguard our national life as a people, free and independent: Now, therefore, be it

Resolved, By the American Legion, of Westchester, in convention assembled, that we protest most vigorously against this attempt on the part of certain elements in our own country to undermine the American character and to foist upon the Nation a wicked idealism which banishes all the practical safeguards for the country's future that have hitherto stood the test of time and is contrary to the purpose of liberty for which America entered the war and for which we veterans of the war offered our life's blood and sacrificed to maintain: And so be it further

Resolved, The American Legion, realizing that the league of nations is by no means a party or political issue, but rather a national calamity and disaster if adopted as at present drawn, that we therefore stand opposed to any league of nations which does not adequately protect:

(1) The Monroe doctrine, which America alone shall interpret.

(2) Our domestic affairs from foreign interference or domination.

(3) Our right of withdrawal from the league, the United States to be the sole judge of whether or not her international obligations have been fulfilled.

(4) That any action by the United States under so-called "Article 10" shall be had only as Congress shall determine.

(5) That the vote of the United States in the league of nations shall at all times be equal to the vote of the British Empire; and toward that end we heartily indorse the red-blooded attitude of the Foreign Relations Committee of the United States Senate in favorably reporting such reservations and amendment as above outlined, and we commend those Senators who on the floor of the Senate and elsewhere are making the fight to preserve American Independence.

And in view of the fact that this action taken by the veterans of Westchester, one of the great counties of the State of New York, is typical in their opinion of the same feeling existent among their fellow veterans everywhere with whom they fought side by side, and with whom they have learned to think alike and stand as one man when the Nation is in danger, it is hereby ordered that a copy of this resolution be forwarded to the Foreign Relations Committee of the Senate, to every United States Senator, and to the President of the United States, in the hope that the deep and earnest convictions of men who fought their country's fight may help to avert disaster.

CHARLES H. DUELL, Jr.,
Chairman of Convention.

Mr. MOSES presented a memorial of the Polish-American Society of Manchester, N. H., remonstrating against German atrocities now being committed in Silesia, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Polish-American Society of Manchester, N. H., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

Mr. CURTIS. I present a memorial of the George T. Davies Post, of the American Legion of Concordia, Kans., which I ask may be printed in the RECORD and referred to the Committee on Military Affairs.

There being no objection, the memorial was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

CONCORDIA, KANS., *September 22, 1919.*

MY DEAR SIR: The following is a true copy of a resolution introduced and passed by the George T. Davies Post, of the American Legion.

Respectfully,

DANIEL C. IMBODEN, *Post Commander.*
LESTER B. SHROUF, *Post Adjutant.*

"Whereas the George T. Davies Post, of the American Legion, Concordia, Kans., believing that the United States is a great, glorious, and wonderful country and fit to live in and believing further that if the United States is fit to live in that it is a country fit to fight for, hereby

"*Resolved*, That the action of Secretary of War Newton D. Baker in discharging the conscientious objectors serving prison sentences is condemned as unpatriotic and unworthy of a Secretary of War; that the action of Secretary of War Newton D. Baker in discharging the conscientious objectors serving prison sentences is a complete surrender of law and order to anarchy; that the action of Secretary of War Newton D. Baker in discharging conscientious objectors serving prison sentences is a menace to the future of the United States; that the action of Secretary of War Newton D. Baker in discharging the conscientious objectors serving prison sentences is an insult to the large body of patriotic American soldiers who gave or were ready to give their lives for the traditions of the United States; and be it further

"*Resolved by the George T. Davies Post, of the American Legion*, That the post requests the Congress of the United States to investigate and report to the people of the United States the reason why Secretary of War Newton D. Baker discharged the conscientious objectors serving prison sentences; that the post send copies of these resolutions to the United States Senators from Kansas and to the Congressmen from Kansas requesting their cooperation in seeing that the public, and especially the ex-service men of the United States, are informed why the conscientious objectors serving prison sentences were discharged; and be it further

"*Resolved by the George T. Davies Post, of the American Legion*, That the Congress of the United States be requested to pass laws deporting from the limits of the United States the conscientious objectors serving prison sentences subsequently discharged by Secretary of War Newton D. Baker; and be it further

"*Resolved by the George T. Davies Post, of the American Legion, Concordia, Kans.*, That there is only one principle upon which true Americanism can stand, and that is the United States being a country fit to live in is a country fit to fight for."

Mr. CURTIS presented a petition of Local Lodge No. 1028, International Association of Machinists, of Newton, Kans., praying for the adoption of the so-called Plumb plan for the operation and control of railroads, which was referred to the Committee on Interstate Commerce.

Mr. McLEAN presented a petition of Local Grange, Patrons of Husbandry, of Wethersfield, Conn., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

He also presented a petition of Local Lodge No. 11, Lithuanian National League of America, of Waterbury, Conn., praying for the recognition by the United States of the independence of Lithuania, which was referred to the Committee on Foreign Relations.

He also presented a petition of Local Union No. 71, International Molders' Union of North America, of Ansonia, Conn., and a petition of Local Union No. 282, Cigar Makers' International Union, of Bridgeport, Conn., praying that the State Department request that Great Britain extend to Americans in England the same protection to their person and property that is demanded of Russia and Mexico, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Thomas Francis Meagher Branch of the Friends of Irish Freedom, of Bridgeport, Conn., and a petition of the Ancient Order of Hibernians and Ladies' Auxiliary, of Danbury, Conn., praying that the United States refuse to grant loans of money to Great Britain until such time as the army of occupation is removed from Ireland and the Irish government be allowed to function in accordance with the expressed will of the Irish people, which were referred to the Committee on Foreign Relations.

Mr. PHELAN presented a memorial of Major McBride Branch, Friends of Irish Freedom, of Stockton, Calif., remonstrating against the deportation of certain Hindus, which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. OWEN, from the Committee on Banking and Currency, to which was referred the joint resolution (S. J. Res. 88) to amend an act entitled "An act to provide further for the national security and defense, and, for the purpose of assisting in the prose-

cution of the war, to supervise the issuance of securities, and for other purposes," reported it with an amendment.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (H. R. 3143) to provide for further educational facilities by authorizing the Secretary of War to sell at reduced rates certain machine tools not in use for Government purposes to trade, technical, and public schools and universities, other recognizd educational institutions, and for other purposes, reported it with an amendment and submitted a report (No. 221) thereon.

CAMP A. A. HUMPHREYS, VA.

Mr. WADSWORTH. From the Committee on Military Affairs I report back favorably without amendment the joint resolution (H. J. Res. 208) authorizing the Secretary of War to expend certain sums appropriated for the support of the Army for the fiscal years ending June 30, 1919, and June 30, 1920, at Camp A. A. Humphreys, Va., and I wish to ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. NELSON. I object to its present consideration. I have been at Camp Humphreys and I have seen enough of it. The idea of squandering more money on that camp is outrageous.

Mr. WADSWORTH. Of course, I can not overcome the objection of the Senator from Minnesota, but this has nothing to do with the squandering of money at Camp Humphreys.

The VICE PRESIDENT. If there is no objection——

Mr. KING. I think the Senator from Minnesota objected.

Mr. WADSWORTH. The Senator from Minnesota did object.

Mr. NELSON. I objected.

Mr. WADSWORTH. Perhaps the Senator from Minnesota will withdraw his objection. I assure him that this has nothing to do with the squandering of money.

Mr. NELSON. I do not want any measure to pass that allows the Secretary of War to transfer certain funds to Camp Humphreys. I want the Senator to go down and look at that camp. I wish the whole Senate would go down and look at it, and they would not vote to sink another dollar there.

Mr. WADSWORTH. I have been there; but, of course, that does not cause the Senator to withdraw his objection.

The VICE PRESIDENT. The joint resolution will be placed on the calendar.

DIGEST OF BUDGET LEGISLATION (S. DOC. NO. 111).

Mr. MOSES, from the Committee on Printing, reported the following resolution (S. Res. 193), and it was considered by unanimous consent and agreed to:

Resolved, That the manuscript entitled "Digest of budget legislation in the several States" be printed as a Senate document.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. TRAMMELL:

A bill (S. 3085) granting authority, on certain conditions, to the Secretary of the Navy to reinstate William H. Caldwell in the United States Naval Service; to the Committee on Naval Affairs.

By Mr. WALSH of Montana:

A bill (S. 3086) granting a pension to John R. Rogers (with accompanying papers); to the Committee on Pensions.

By Mr. SHEPPARD:

A bill (S. 3087) for the relief of Albert Biefer (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 3088) amending an act to pension the survivors of certain Indian wars and Mexican marauders from January 1, 1859, to January, 1891, inclusive, and for other purposes, approved March 4, 1917; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 3089) authorizing the Secretary of War to make donation of a captured German cannon and cannon balls to the city of Harrington, Wash.; to the Committee on Military Affairs.

A bill (S. 3090) to repeal the espionage act; to the Committee on the Judiciary.

A bill (S. 3091) for the construction and equipment of a naval base for fleet operation and for works of defense on the island of Guam; to the Committee on Naval Affairs.

A bill (S. 3092) for cooperation by the Federal Government in the construction of roads; to the Committee on Agriculture and Forestry.

A bill (S. 3093) granting an increase of pension to Loucette E. Glavis (with accompanying papers); to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 3094) granting an increase of pension to Susan C. Crary (with accompanying papers); and

A bill (S. 3095) granting an increase of pension to Ellis C. Howe (with accompanying papers); to the Committee on Pensions.

INLAND TRANSPORTATION BY WATER.

Mr. RANSDELL. I offer an amendment relative to inland transportation by water, intended to be proposed by me to the bill (S. 2906) further to regulate commerce among the States and with foreign nations and to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, which I ask to have printed and referred to the Committee on Interstate Commerce.

The VICE PRESIDENT. Without objection, it is so ordered.

AMENDMENT TO FIRST DEFICIENCY APPROPRIATION BILL.

Mr. SPENCER submitted an amendment proposing to appropriate $14,000 to increase the compensation of the astronomical, geodetic, tidal, and miscellaneous computers, Coast and Geodetic Survey, in no case to exceed 33⅓ per cent of the basic compensation of any such employee, intended to be proposed by him to the first deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENT OF WAR-RISK INSURANCE ACT.

Mr. HARDING submitted an amendment intended to be proposed by him to the bill (H. R. 8778) to amend and modify the war-risk insurance act, which was referred to the Committee on Finance and ordered to be printed.

JAPANESE AND CHINESE RELATIONS.

Mr. POINDEXTER. I offer the resolution which I send to the desk, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The resolution submitted by the Senator from Washington will be read.

The Secretary read the resolution (S. Res. 196), as follows:

Resolved, That the President is requested, if not incompatible with public interest, to transmit to the Senate, confidentially if required, the copy of the cable dispatch from the ambassador of the United States to China addressed to the President in January, 1919, in which the ambassador discussed fully and confidentially the Japanese-Chinese relations, which dispatch was forwarded to the President through the State Department about January 6, 1919.

The President is also requested, if not incompatible with public interest, to cause to be transmitted to the Senate, confidentially if required, copies of the dispatches of the military attachés of the United States at Tokyo and Peking addressed to the Chief of the Bureau of Military Intelligence, War Department, in and about the month of January, 1919.

The VICE PRESIDENT. Is there objection to the request of the Senator from Washington for present consideration of the resolution?

Mr. HITCHCOCK. I think the resolution ought to go to the Committee on Foreign Relations, and I ask that it be so referred.

The VICE PRESIDENT. The resolution will be printed and referred to the Committee on Foreign Relations.

U. S. S. "HENDERSON."

Mr. LODGE submitted the following resolution (S. Res. 194), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be requested to inform the Senate whether the U. S. S. *Henderson*, Capt. W. R. Sayles, United States Navy, which sailed on the 12th of September, is being sent to Europe in connection with the work of carrying out that section of the treaty with Germany which provides for a plebiscite of the people of Schleswig-Holstein, and whether the *Henderson* carries marines to be employed in any way in connection with that plebiscite.

ACTIVITIES OF AMERICAN MARINES IN DALMATIA.

Mr. KNOX submitted the following resolution (S. Res. 195), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be requested to inform the Senate whether American marines were landed from a torpedo-boat destroyer or any other naval vessel to compel the Italians to evacuate Trau, Dalmatia, as reported in the following dispatch by the Associated Press published in the Washington Post of September 26, 1919:

"COPENHAGEN, *September 25*.

"American marines landed from a torpedo-boat destroyer to compel the Italians to evacuate Trau, Dalmatia, according to a dispatch received here from Spalato, a short distance east of Trau.

"The Italians left after the inhabitants fired on them. Jugo-Slav troops took over the town from the Americans.

"The dispatch, which is dated September 25, says that a Jugo-Slav detachment began an advance toward Trau when the American destroyer entered the harbor to compel the retirement of the Italians.

"The inhabitants of Trau then opened fire on the Italians, who hastily departed.

"200 AMERICANS LAND.

"The Italian commander and three men in an armored car fell into the hands of the Slavs. In the meantime 200 American marines, with machine guns, landed and took over the armored car and the prisoners, who subsequently were transferred to an Italian ship.

"Then the Serbians arrived and were enthusiastically welcomed. The Americans handed over the town to the Jugo-Slav troops and reembarked. The destroyer will remain in the harbor for a few days.

LABOR STRIKES.

Mr. THOMAS. I submitted two or three days ago Senate resolution 190, which went over under the rule and has not been disposed of. I ask that it be sent to the Committee on the Judiciary.

There being no objection, the resolution was referred to the Committee on the Judiciary, as follows:

Whereas the right of citizens to organize for the promotion of their views and the improvement of their condition, and to utilize all means to the attainment of their ends, which are consonant with law, justice, and the limitations of the Constitution; and

Whereas this right, long exercised and enjoyed for some time past, has been and is being utilized oppressively, unjustly, and for the accomplishment of aims and objects wholly repugnant to free institutions and to the inalienable rights of the citizen, thus promoting riot, restraining trade and commerce, overthrowing law and destroying order, and imperiling the lives and limbs of the people of States and communities: Therefore be it

Resolved, That we view with deep concern and disapproval all combinations, conspiracies, and disturbances designed to accomplish objects lawfu or unlawful by frauds, force, disorder, or resort to other criminal methods.

That in America every citizen in the enjoyment of life, liberty, and the pursuit of happiness, has the constitutional right to follow any calling or to refrain therefrom as he may choose. That this right is mutual and universal, any denial of or interference with which is wholly contrary to free institutions and individual liberty.

That the so-called closed shop, the denial to the citizen of the right to a livelihood for the support of himself and family free from limitations imposed upon him outside the law are tyrannous, un-American, and wholly in conflict with the fundamentals of American freedom.

That so-called strikes for power, paralyzing business, interfering with distribution, lowering production, defying the laws, and necessarily resulting in riot, insurrection, murder, and the destruction of property, are conspiracies in restraint of trade and should be prevented whenever possible and resisted at all times.

That no person, association, or corporation can be safely or constitutionally exempted or excluded from the obligations, penalties, and prohibitions of general laws enacted for the public safety and welfare.

WITHDRAWAL OF PAPERS—HARLIN L. CLARK.

On motion of Mr. BECKHAM, it was

Ordered, That the papers accompanying the bill, S. 1509, Sixty-sixth Congress, first session, granting increase of pension to Harlin L. Clark, be withdrawn from the files of the Senate, no adverse report having been made thereon.

LEAGUE OF NATIONS.

Mr. EDGE. Mr. President, I desire to have inserted in the RECORD a copy of a letter forwarded to me from New Jersey demonstrating a State-wide propaganda among the people of that State in favor of the covenant of the league of nations as presented, and demonstrating that the ministers of the State are being called upon to hold special Sunday services for that purpose. It is in the form of a letter, and in order to make it public I ask to have it inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LEAGUE TO ENFORCE PEACE.
TRENTON, N. J.

Rev. ROBERT C. JENKINS,
Camden, N. J.:

We are endeavoring to put on record immediately the sentiment of the leading people of the State in regard to the league of nations. A campaign has been started to that end and you are asked to enroll at once.

Our plan is to have every individual and organization possible wire or write our Senators, hence we desire wide distribution of the inclosed slip, also to reach ready-made meetings by means of speakers sent from our speakers' bureau under the direction of Mr. William J. Tighe, West Hoboken, N. J.

Will you not set aside a Sunday service for the favorable presentation of this vital question?

Encouraging letters are coming in daily from the thinking men and women of the State, and now is the crucial moment. Will you not advise us of the course you have taken?

Cordially, yours,

HENRY VAN DYKE.

Kindly reply to Miss MacIlvaine, 154 West State Street, Trenton, N. J.

Mr. HITCHCOCK. I ask to have inserted in the RECORD resolutions adopted by the Associated Advertising Clubs of the World indorsing the league of nations and asking for the ratification of the treaty of peace with Germany. This association, composed of men very close to the business interests of the world, recently held its convention in New Orleans.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

"The Associated Advertising Clubs of the World notified the league to-day that the following resolution calling for ratification of the peace treaty and the covenant 'at the earliest possible moment without amendments or reservations involving the renegotiation of the treaty with Germany' had been adoped at their convention in New Orleans:

"'The Advertising Clubs of the World pause at the threshold of this their victory convention to express their gratification that the United States Senate is giving uninterrupted consideration to the one matter upon which hangs the settlement of gravest business and industrial problems and the assuagement of the agonies of the whole world.

"'Pledged in the printed word, as it helped to rally the patriotic man power and monetary strength of the Nation in a war against wars, this body feels impelled by good faith, as well as by its desire to hold to the high vision that made America invincible, to reaffirm its unanimous advocacy of the peace of Versailles and the league of nations at the earliest possible moment, without amendment or reservations involving the renegotiation of the treaty with Germany.

"'To hold companionship with truth with which it has linked the business ideals of two hemispheres, the Associated Advertising Clubs of the World would speedily evoke peace, covenanted peace, so that the economic world, now divided and discordant, may catch the inspiration of the wiser way of composing its differences, and that this Republic may garner the full fruitage of its wartime unity, heroisms, and sacrifices.'

"This resolution was introduced by James Schermerhorn, editor of the Detroit Times, and adopted unanimously."

SPEECHES BY PRESIDENT WILSON.

Mr. HITCHCOCK. I also ask to have printed in the RECORD the authentic copies of the speeches delivered by the President of the United States September 9, 10, and 11.

There being no objection, the speeches of the President were ordered to be printed in the RECORD, as follows:

THE PRESIDENT AT MINNEAPOLIS, MINN., SEPTEMBER 9, 1919.

"Your honor, your excellency, my fellow countrymen, I have come here to discuss a very solemn question, and I shall have to ask your patience while you bear with me in discussing somewhat in detail the very great matter which now lies not only before the consideration of the people of the United States but before the consideration of the people of the world. You have heard so many little things about the treaty that perhaps you would like to hear some big things about it. To hear some gentlemen you would think it was an arrangement for the inconvenience of the United States, whereas, as a matter of fact, my fellow citizens, it is a world settlement, the first ever attempted, attempted upon broad lines which were first laid down in America. For, my fellow citizens, what does not seem to me realized in this blessed country of ours is the fact that the world is in revolution. I do not mean in active revolution. I do not mean that it is in a state of mind which will bring about the dissolution of governments. I mean that it is in a state of mind which may bring about the dissolution of governments if we do not enter into a world settlement which will really in fact and in power establish justice and right.

"The old order of things the rest of the world seemed to have got in some sense used to. The old order of things was not to depend upon the general moral judgment of mankind, not to base policies upon international right, but to base policies upon international power. So there were drawn together groups of nations which stood armed, facing one another, which stood drawing their power from the vitality of people who did not wish to be subordinated to them, drawing their vitality from the energy of great peoples who did not wish to devote their energy to force, but wished to devote their energy to peace. The world thought it is was inevitable. This group of nations thought that it represented one set of principles; that group of nations thought that it represented another set of principles and that the best that could be accomplished in the world was this that they used to call the balance of power.

"Notice the phrase. Not the balance that you try to maintain in a court of justice, not the scales of justice, but the scales of force; one great force balanced against another force. Every bit of the policy of the world, internationally speaking, was made in the interest of some national advantage on the part of the stronger nations of the world. It was either the advantage of Germany or the advantage of Great Britain or the advantage of Italy or the advantage of Japan. I am glad to say that I am not justified in adding that the policy of the world was ever conceived by us upon the basis of the advantage of America. We wished always to be the mediators of justice and of right, but

we thought that the cool spaces of the ocean to the east and the west of us would keep us from the infections that came, arising like miasmatic mists out of that arrangement of power and of suspicion and of dread.

"I believe, my fellow countrymen, that the only people in Europe who instinctively realized what was going to happen and what did happen in 1914 was the French people. It has been my privilege to come into somewhat intimate contact with that interesting and delightful people, and I realize now that for nearly 50 years, ever since the settlement which took Alsace-Lorraine away from them in 1871, they have been living under the constant dread of the catastrophe which at last came; and their thought throughout this conference was that they must concert some measure, must draw together some kind of cooperative force, which would take this intolerable dread from their hearts, that they could not live another 50 years, expecting what would come at last. But the other nations took it lightly. There were wise men in Great Britain, there were wise men in the United States, who pointed out to us not only what they suspected, but what we all knew with regard to the preparations for the use of force in Europe. Nobody was ignorant of what Germany was doing. What we shut our eyes against deliberately was the probability that she would make the use of her preparation that she did finally make of it. Her military men published books and told us what they were going to do with it, but we dismissed them. We said, 'The thing is a nightmare. The man is a crank. It can not be that he speaks for a great Government. The thing is inconceivable and can not happen.' Very well, could not it happen? Did not it happen? Are we satisfied now what the balance of power means? It means that the stronger force will sometimes be exercised or an attempt be made to exercise it to crush the other powers.

"The great nations of the world have been asleep, but God knows the other nations have not been asleep. I have seen representatives of peoples over there who for generations through, in the dumbness of unutterable suffering, have known what the weight of those armaments and the weight of that power meant. The great Slavic people, the great Roumanian people, the people who were constantly under the pressure of that power, the great Polish people—they all knew, but they were inarticulate; there was no place in the world where they dared speak out. Now the catastrophe has come. Blood has been spilt in rivers, the flower of the European nations has been destroyed, and at last the voiceless multitudes of men are awake, and they have made up their minds that rather than have this happen again, if the governments can not get together, they will destroy the governments.

"I am not speaking revolution, my friends. I believe that the most disastrous thing that can happen to the underman, to the man who is suffering, to the man who has not had his rights, is to destroy public order, for that makes it certain he never can get his rights. I am far from intimating that, but I am intimating this, that the people of the world are tired of every other kind of experiment except the one we are going to try. I have called it an experiment; I frankly admit that it is an experiment, but it is a very promising experiment, because there is not a statesman in the world who does not know that his people demand it. He is not going to change his mind. He is not going to change his direction. He is not speaking what he wants, it may be, but he is speaking what he knows he must speak, and that there is no turning back; that the world has turned a corner that it will never turn again. The old order is gone, and nobody can build it up again.

"In the meantime what are men doing? I want you to reflect upon this, my fellow countrymen, because this is not a speech-making occasion; this is a conference. I want you men to reflect upon what I am about to call your attention to. The object of the war was to destroy autocratic power; that is to say, to make it impossible that there should be anywhere, as there was on Wilhelmstrasse, in Berlin, a little group of military men who could brush aside the bankers, brush aside the merchants, brush aside the manufacturers, brush aside the Emperor himself, and say, "We have perfected a machine with which we can conquer the world; now stand out of the way, we are going to conquer the world." There must not be that possibility any more. There must not be men anywhere in any private place who can plot the mastery of civilization. But in the meantime look at the pitiful things that are happening. There is not a day goes by, my fellow citizens, that my heart is not heavy to think of our fellow beings in that great, pitiful kingdom of Russia, without form, without order, without government. Look what they have done. They have permitted a little handful of men—I am told there are only 34 of them constituting the real Bolshevist government—to set up a minority government just as autocratic and just as cruelly unmerciful as the Government of the Czar ever was. The danger to the world, my fellow citizens, against which we must absolutely lock the door in this country, is that some governments of minorities may be set up here as elsewhere. We will brook the control of no minority in the United States. For my own part, I would as leave live under one autocracy as another; I would as leave obey one group as another; I would as leave be the servant of one minority as another, but I do not intend to be the servant of any minority. As I have told you, the mass of men are awake. They are not going to let the world sink back into that old slough of misused authority again.

"Very well, then, what are we discussing? What are we debating in the United States? Whether we will take part in guiding and steadying the world or not. And some men hesitate. It is the only country in the world whose leadership and guidance will be accepted. If we do not give it, we may look forward, my fellow citizens, to something like a generation of doubt and of disorder which it will be impossible to pass through without the wreckage of a very considerable part of our slowly constructed civilization. America and her determinations now constitute the balance of moral force in the world, and if we do not use that moral force we will be of all peoples the most derelict. We are in the presence of this great choice, in the presence of this fundamental choice, whether we will stand by the mass of our own people and the mass of mankind. Pick up the great volume of the treaty. It is a great volume. It is as thick as that [illustrating]. You would think it just had three or four articles in it to hear some men talk about it. It is a thick volume, containing the charter of the new order of the world. I took the pains to write down here some of the things that it provides for, and if you will be patient I will read them, because I can make it more brief that way.

"It provides for the destruction of autocratic power as an instrument of international control, admitting only self-governing nations to the league of nations. Had you ever been told that before? No nation is admitted to the league of nations whose people do not control its government. That is the reason that we are making Germany wait. She says that henceforth her people are going to control her Government, but we have got to wait and see. If they do control it, she is as welcome to the league as anybody else, because we are not holding nations off. We are holding selfish groups of men off. We are not saying to peoples, 'We do not want to be your comrades and serve you along with the rest of our fellow beings,' but we are saying, 'It depends upon your attitude; if you take charge of your own affairs, then come into the game and welcome.' The league of nations sends autocratic governments to coventry. That is the first point.

"It provides for the substitution of publicity, discussion and arbitration for war. That is the supreme thing that it does. I will not go into details now, but every member of the league promises not to go to war until there has been a discussion and a cooling off of nine months, and, as I have frequently said on this tour, if Germany had submitted to discussion for nine days she never would have dared go to war. Though every foreign office in Europe begged her to do so, she would not grant 24 hours for a meeting of the representatives of the Governments of the world to ask what it was all about, because she did not dare tell what it was all about. Nine months' cooling off is a very valuable institution in the affairs of mankind. And you have got to have a very good case if you are willing that all your fellow men should know the whole case, for that is provided for, and talk about it for nine months. Nothing is more valuable, if you think your friend is a fool, than to induce him to hire a hall. If you think he is a fool the only way to prove it is to let him address a mass of his fellow citizens and see how they like his ideas. If they like them and you do not, it may be that you are the fools! The proof is presented at any rate.

"Instead of using force after this period of discussion, something very much more effective than force is proposed, namely, an absolute boycott of the nation that does not keep its covenant, and when I say an absolute boycott I mean an absolute boycott. There can not be any kind of intercourse with that nation. It can not sell or buy goods. It can not receive or send messages or letters. It can not have any transactions with the citizens of any member of the league, and when you consider that the league is going to consist of every considerable nation in the world, except Germany, you can see what that boycott will mean. There is not a nation in the world, except this one, that can live without importing goods for nine months, and it does not make any difference to us whether we can or not, because we always fulfill our obligations, and there will never be a boycott for us.

"It provides for placing the peace of the world under constant international oversight, in recognition of the principle that the peace of the world is the legitimate and immediate interest of

every nation. Why, as it stands at present, my fellow citizens, if there is likely to be trouble between two nations other than the United States it is considered an unfriendly and hostile act for the United States to intervene. This covenant makes it the right of the United States, and not the right of the United States merely, but the right of the weakest nation in the world to bring anything that the most powerful nation in the world is doing that is likely to disturb the peace of the world under the scrutiny of mankind. [Voice in audience, 'And that is right!'] My friend in the audience says that is right, and it undoubtedly is, because the peace of the world is everybody's business. Yet this is the first document that ever recognized that principle. We now have the attitude of the Irishman, you know, who went into one of those antique institutions known as a saloon. It was rather a large place and he saw two men fighting over in the corner. He went up to the bartender and he said, 'Is this a private fight, or can anybody get in?' Now, in the true Irish spirit, we are abolishing private fights, and we are making it the law of mankind that it is everybody's business and everybody can get in. The consequence is that there will be no attempt at private fights.

"It provides for disarmament on the part of the great fighting nations of the world.

"It provides in detail for the rehabilitation of oppressed peoples, and that will remove most of the causes of war.

"It provides that there shall be no more annexations of territory anywhere, but that those territories whose people are not ready to govern themselves shall be instrusted to the trusteeship of the nations that can take care of them, the trustee nation to be responsible in annual report to the league of nations; that is to say, to mankind in general, subject to removal and restricted in respect to anything that might be done to that population which would be to the detriment of the population itself. So that you can not go into darkest Africa and make slaves of those poor people, as some governments at times have done.

"It abolishes enforced labor. It takes the same care of the women and children of those unschooled races that we try to take of the women and children of ours. Why, my fellow citizens, this is the great humane document of all time.

"It provides that every secret treaty shall be invalid. It sweeps the table of all private understandings and enforces the principle that there shall be no private understandings of any kind that anybody is bound to respect. One of the difficulties in framing this treaty was that after we got over there private—secret—treaties were springing up on all sides like a noxious growth. You had to guard your breathing apparatus against the miasma that arose from some of them. But they were treaties, and the war had been fought on the principle of the sacredness of treaties. We could not propose that solemn obligations, however unwisely undertaken, should be disregarded, but we could do the best that was possible in the presence of those understandings and then say, 'No more of this; no more secret understandings.' And the representatives of every great nation in the world assented without demur—without the slightest difficulty.

"I do not think you realize what a change of mind has come over the world. As we used to say in the old days, some men that never got it before have got religion.

"It provides for the protection of dependent peoples.

"It provides that high standards of labor, such as are observed in the United States, shall be extended to the workingman everywhere in the world.

"It provides that all the great humane instrumentalities, like the Red Cross, like the conventions against the opium trade, like the regulation of the liquor traffic with debased and ignorant people, like the prohibition of the selling of arms and ammunition to people who can use them only to their own detriment, shall be under the common direction and control of the league of nations. Now, did you ever hear of all these things before? That is the treaty, my fellow citizens; and I can only conjecture that some of the men who are fighting the treaty either never read it themselves or are taking it for granted that you will not read it. I say without hesitation that no international agreement has ever before been drawn up along those lines—of the universal consideration of right and the interest of humanity.

"Now, it is said that that is all very well, but we need not go in. Well, of course we need not. There is perfect freedom of the will. I am perfectly free to go to the top of this building and jump off, but if I do I will not take very much interest in human affairs. The Nation is at liberty in one sense to do anything it pleases to discredit itself; but this is absolutely as certain as I stand here, that it never will do anything to discredit itself. Our choice in this great enterprise of mankind that I have tried to outline to you is only this: Shall we go in and assist as trusted partners or shall we stay out and act as suspected rivals? We have got to do one or the other. We have got to be either provincials or statesmen. We have got to be either ostriches or eagles. The ostrich act I see being done all around me. I see gentlemen burying their heads in something and thinking that nobody sees that they have submerged their thinking apparatus. That is what I mean by being ostriches. What I mean by being eagles I need not describe to you. I mean leaving the mists that lie close along the ground, getting upon strong wing into those upper spaces of the air where you can see with clear eyes the affairs of mankind, see how the affairs of America are linked with the affairs of men everywhere, see how the whole world turns with outstretched hands to this blessed country of ours and says, 'If you will lead, we will follow.' God helping us, my fellow countrymen, we will lead when they follow. The march is still long and toilsome to those heights upon which there rests nothing but the pure light of the justice of God, but the whole incline of affairs is toward those distant heights; and this great Nation, in serried ranks, millions strong—presently hundreds of millions strong—will march at the fore of the great procession, breasting those heights with its eyes always lifted to the eternal goal!"

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THE PRESIDENT AT AUDITORIUM, ST. PAUL, MINN., SEPTEMBER 9, 1919.

"Mr. Chairman, my fellow countrymen, I am very happy that the mayor sounded the note that he has just sounded, because by some sort of devination he realized what was in my heart to-night. I do not feel since I have left Washington this time that I am on an ordinary errand. I do not feel that I am on a political errand, even in the broad sense of that term. I feel rather that I am going about to hold counsel with my fellow countrymen concerning the most honorable and distinguished course which our great country can take at this turning point in the history of the world. And the mayor was quite right when he said that this is a conference concerning the true interpretation of the American spirit. I believe, I hope without an undue touch of national pride, that it is only the American spirit that can be the true mediator of peace.

"The theme that I find uppermost in my thought to-night is this: We are all actuated, my fellow countrymen, by an intense consciousness and love of America. I do not think that it is fancy on my part; it is based upon long experience that in every part of the world I can recognize an American the minute I see him. Yet that is not because we are all of one stock. We are of more varied origins and stocks than any people in the world. We come from all the great races of the world. We are made up out of all the nations and peoples who have stood at the center of civilization. In this part of the country it is doubtful whether in some of our great cities 50 per cent of the people come of parents born in America. One of the somewhat serious jests which I allowed myself to indulge on the other side of the water was with my Italian colleagues when they were claiming the city of Fiume upon the Adriatic because of its Italian population, and other cities scattered here and there whose surrounding population was not Italian but in whom an Italian element played an important part. I said, 'That is not a sufficient argument for the extension of Italian sovereignty to these people, because there are more Italians in New York City than in any city in Italy, and I doubt if you would feel justified in suggesting that the sovereignty of Italy be extended over the city of New York.' I advert to this, my fellow citizens, merely as one illustration, that could be multiplied a hundredfold, of the singular make-up of this great Nation.

"I do not know how it happens that we are all Americans; we are so different in origin; we are so different in memories. The memory of America does not go very far back as measured by the distances of history, and great millions of our people carry in their hearts the traditions of other people, the traditions of races never bred in America; yet we are all unmistakably and even in appearance Americans, and nothing else. There is only one possible explanation for that, my fellow citizens, and that is that there is in the practice and in the tradition of this country a set of principles which, however imperfectly, get into the consciousness of every man who lives in this country.

"One of the chief elements that make an American is this: In almost every other country there is some class that dominates, or some governmental authority that determines the course of politics, or some ancient system of land laws that limits the freedom of land tenure, or some ancient custom which ties a man into a particular groove in the land in which he lives. There is none of that in America. Every man in America, if he behaves himself, knows that he stands on the same footing as every other man in America, and, thank goodness, we are in sight of the time when every woman will know that she

stands upon the same footing. We do not have to ask anybody's leave what we shall think or what we shall do or how we shall vote. We do not have to get the approval of a class as to our behavior. We do not have to square ourselves with standards that have been followed ever since our great-grandfathers. We are very much more interested in being great-grandfathers than in having had great-grandfathers, because our view is to the future. America does not march, as so many other peoples march, looking back over its shoulder. It marches with its eyes not only forward, but with its eyes lifted to the distances of history, to the great events which are slowly culminating, in the Providence of God, in the lifting of civilization to new levels and new achievements. That is what makes us Americans.

"And yet I was mistaken a moment ago when I said we are nothing else, because there are a great many hyphens left in America. For my part, I think the most un-American thing in the world is a hyphen. I do not care what it is that comes before the word 'American.' It may be a German-American, or an Italian-American, a Swedish-American, or an Anglo-American, or an Irish-American. It does not make any difference what comes before the 'American,' it ought not to be there, and every man who comes to take counsel with me with a hyphen in his conversation I take no interest in whatever. The entrance examination, to use my own parlance, into my confidence is, 'Where do you put America in your thoughts? Do you put it first, always first, unquestionably first?' Then we can sit down together and talk, but not otherwise. Now, I want you distinctly to understand that I am not quarreling with the affectionate memories of people who have drawn their origin from other countries. I no more blame a man for dwelling with fond affection upon the traditions of some great race not bred in America than I blame a man for remembering with reverence his mother and his father and his forebears that bred him and that gave him a chance in the world. I am not quarreling with those affections; I am talking about purposes. Every purpose is for the future, and the future for Americans must be for America.

"We have got to choose now, my fellow citizens, what kind of future it is going to be for America. I think that what I have said justifies me in adding that this Nation was created to be the mediator of peace, because it draws its blood from every civilized stock in the world and is ready by sympathy and understanding to understand the peoples of the world, their interests, their rights, their hopes, their destiny. America is the only Nation in the world that has that equipment. Every other nation is set in the mold of a particular breeding. We are set in no mold at all. Every other nation has certain prepossessions which run back through all the ramifications of an ancient history. We have nothing of the kind. We know what all peoples are thinking, and yet we by a fine alchemy of our own combine that thinking into an American plan and an American purpose. America is the only Nation which can sympathetically lead the world in organizing peace.

"Constantly, when I was on the other side of the water, delegations representing this, that, and the other peoples of Europe or of Asia came to visit me to solicit the interest of America in their fortunes, and, without exception, they were able to tell me that they had kinsmen in America. Some of them, I am ashamed to say, came from countries I had never heard of before, and yet even they were able to point, not to a handful, not to a few hundreds, but to several thousand kinsmen in America. I never before knew that they came, but they are here and they are our interpreters, the interpreters on our behalf of the interests of the people from whom they sprang. They came to America as sort of advanced couriers of those people. They came in search of the Golden West. They came in search of the liberty that they understood reigned among that free and happy people. They were drawn by the lure of justice, by the lure of freedom, out of lands where they were oppressed, suppressed, where life was made impossible for them upon the free plane that their hearts had conceived. They said, "Yonder is our star in the west," and then the word went home, "We have found the land. They are a free people that are capable of understanding us. You go to their representatives in Paris and put your case before them, and they will understand." What a splendid thing that is, my fellow countrymen! I want you to keep this in your minds as a conception of the question that we are now called upon to decide.

"To hear some men talk about the league of nations you would suppose that it was a trap set for America; you would suppose that it was an arrangement by which we entered into an alliance with other great, powerful nations to make war some time. Why, my fellow countrymen, it bears no resemblance to such description. It is a great method of common counsel with regard to the common interests of mankind. We shall not be drawn into wars; we shall be drawn into consultation, and we will be the most trusted adviser in the whole group. Consultation, discussion, is written all over the whole face of the covenant of the league of nations, for the heart of it is that the nations promise not to go to war until they have consulted, until they have discussed, until all the facts in the controversy have been laid before the court which represents the common opinion of mankind.

"That is the league of nations. Nothing can be discussed there that concerns our domestic affairs. Nothing can be discussed there that concerns the domestic affairs of any other people, unless something is occurring in some nation which is likely to disturb the peace of the world, and any time that any question arises which is likely to disturb the peace of the world, then the covenant makes it the right of any member, strong or weak, big or little, of that universal concert of the nations to bring that matter up for clarification and discussion. Can you imagine anything more calculated to put war off, not only to put it off, but to make it violently improbable? When a man wants to fight he does not go and discuss the matter with the other fellow. He goes and hits him, and then somebody else has to come in and either join the fight or break it up. I used a very homely illustration the other night, which perhaps it may not be amiss for me to use again. I had two friends who were becoming more and more habitually profane. Their friends did not like it. They not only had the fundamental scruple that it was wrong, but they also thought, as I heard a very refined lady say, "It was not only wrong but, what was worse, it was vulgar." They did not like to see their friends adjourning all the rest of their vocabulary and using only those words. So they made them enter into a solemn agreement—I ought to say they lived in a large city—that they would not swear inside the corporate limits, that if they got in a state of mind which made it necessary to explode in profanity they would get out of town and swear.

"The first time the passion came upon them and they recalled their promise they got sheepishly on a street car and made for the town limits, and I need hardly tell you that when they got there they no longer wanted to swear. They had cooled off. The long spaces of the town, the people going about their ordinary business, nobody paying any attention to them, the world seeming to be at peace when they were at war, all brought them to a realization of the smallness of the whole business, and they turned around and came into town again. Comparing great things with small, that will suffice as a picture of the advantage of discussion in international matters as well as in individual matters, because it was universally agreed on the other side of the water that if Germany had allowed the other Governments to confer with her 24 hours about the recent war, it could not have taken place. We know why. It was an unconscionable war. She did not dare discuss it. You can not afford to discuss a thing when you are in the wrong, and the minute you feel that the whole judgment of the world is against you, you have a different temper in affairs altogether.

"This is a great process of discussion that we are entering into, and my point to-night—it is the point I want to leave with you—is that we are the people of all people in the world intelligently to discuss the difficulties of the nations which we represent, although we are Americans. We are the predestined mediators of mankind. I am not saying this in any kind of national pride or vanity. I believe that is mere historic truth, and I try to interpret circumstances in some intelligent way. If that is the kind of people we are, it must have been intended that we should make some use of the opportunities and powers that we have, and when I hear gentlemen saying that we must keep out of this thing and take care of ourselves I think to myself, 'Take care of ourselves? Where did we come from? Is there nobody else in the world to take care of? Have we no sympathies that do not run out into the great field of human experience everywhere? Is that what America is, with her mixture of bloods?' Why, my fellow citizens, that is a fundamental misconception of what it is to be an American, and these gentlemen are doing a harm which they do not realize. I want to testify to you here to-night, my fellow citizens, because I have the means of information, that since it has seemed to be uncertain whether we are going to play this part of leadership in the world or not, this part of leadership in accommodation, the old intrigues have stirred up in this country again. That intrigue which we universally condemn—that hyphen which looked to us like a snake, the hyphen between 'German' and 'American'—has reared its head again, and you hear the 'his-s-s' of its purpose. What is that purpose? It is to keep America out of the concert of nations, in order that America and Germany, being out of that concert, may stand—in their mistaken dream—united to dominate the world, or, at

any rate, the one assist the other in holding the nations of the world off while its ambitions are realized.

"There is no conjecture about this, my fellow citizens. We know the former purposes of German intrigue in this country, and they are being revived. Why? We have not reduced very materially the number of the German people. Germany remains the great power of central Europe. She has more than 60,000,000 people now (she had nearly 70,000,000 before Poland and other Provinces were taken away). You can not change the temper and expectations of a people by five years of war, particularly five years of war in which they are not yet conscious of the wrong they did or of the wrong way in which they did it. They are expecting the time of the revival of their power, and along with the revival of their power goes their extraordinary capacity, their unparalleled education, their great capacity in commerce and finance and manufacture. The German bankers and the German merchants and the German manufacturers did not want this war. They were making conquest of the world without it, and they knew that it would spoil their plans, not advance them; and it has spoiled their plans, but they are there yet with their capacity, with their conception of what it is to serve the world materially and so subdue the world psychologically. All of that is still there, my fellow countrymen, and if America stays out then the rest of the world will have to watch Germany and watch America, and when there are two dissociated powers there is danger that they will have the same purposes.

"There can be only one intelligent reason for America staying out of this, and that is that she does not want peace, that she wants war sometimes and the advantage which war will bring her, and I want to say now and here that the men who think that by that thought they are interpreting America are making the sort of mistake upon which it will be useful for them to reflect in obscurity for the rest of their lives. This is a peaceful people. This is a liberty-loving people, and liberty is suffocated by war. Free institutions can not survive the strain of prolonged military administration. In order to live tolerable lives you must lift the fear of war and the practice of war from the lives of nations. America is evidence of the fact that no great democracy ever entered upon an aggressive international policy. I want you to know, if you will be kind enough to read the covenant of the league of nations—most of the people that are arguing against it are taking it for granted that you have never read it—take the pains to read it, and you will find that no nation is admitted to the league of nations that can not show that it has the institutions which we call free. Nobody is admitted except the self-governing nations, because it was the instinctive judgment of every man who sat around that board that only a nation whose government was its servant and not its master could be trusted to preserve the peace of the world. There are not going to be many other kinds of nations long, my fellow citizens. The people of this world—not merely the people of America, for they did the job long ago—have determined that there shall be no more autocratic governments.

"And in their haste to get rid of one of them they set up another. I mean in pitiful Russia. I wish we could learn the lesson of Russia so that it would be burned into the consciousness of every man and woman in America. That lesson is that nobody can be free where there is not public order and authority. What has happened in Russia is that an old and distinguished and skillful autocracy has had put in its place an amateur autocracy, a little handful of men exercising without the slightest compunction of mercy or pity the bloody terror that characterized the worst days of the Czar. That is what must happen if you knock things to pieces. Liberty is a thing of slow construction. Liberty is a thing of universal cooperation. Liberty is a thing which you must build up by habit. Liberty is a thing which is rooted and grounded in character, and the reason I am so certain that the leadership of the world, in respect of order and progress, belongs to America is that I know that these principles are rooted and grounded in the American character. It is not our intellectual capacity, my fellow citizens, that has given us our place in the world, though I rate that as high as the intellectual capacity of any other people that ever lived, but it is the heart that lies back of the man that makes America. Ask this question of yourselves. I have no doubt that this room is full of mothers and fathers and wives and sweethearts who sent their beloved young men to France. What did you send them there for? What made you proud that they were going? What made you willing that they should go? Did you think they were seeking to aggrandize America in some way? Did you think they were going to take something for America that had belonged to somebody else? Did you think that they were going in a quarrel which they had provoked and must maintain? The question answers itself. You were proud that they should go because they were going on an errand of self-sacrifice, in the interest of mankind. What a halo and glory surrounds those old men whom we now greet with such reverence, the men who were the soldiers in our Civil War! They saved a Nation. Ah, when these youngsters grow old who have come back from the fields of France, what a halo will be around their brows! They saved the world. They are of the same stuff as those old veterans of the Civil War. Mind you, I was born and bred in the South, but I can pay that tribute with all my heart to the men who saved the Union. It ought to have been saved. It was the greatest thing that men had conceived up to that time. Now we come to a greater thing—to the union of great nations in conference upon the interests of peace. That is the fruitage, the fine and appropriate fruitage, of what these men achieved upon the fields of France.

"I saw many fine sights in Paris, many gallant sights, many sights that quickened the pulse; but my pulse never beat so fast as when I saw groups of our boys swinging along the street. They looked as if they owned something, and they did. They owned the finest thing in the world, the thing that we are going to prove was theirs. They owned the ideals and conceptions that will govern the world. And on this errand that I am going about on I feel that I am doing what I can to complete what they so gallantly began. I should feel recreant, my fellow citizens, if I did not do all that is in my power to do to complete the ideal work which those youngsters so gallantly began.

"This was a war to make similar wars impossible, and merely to win this war and stop at that is to make it certain that we shall have to fight another and a final one. I hear opponents of the league of nations say, 'But this does not guarantee peace.' No; nothing guarantees us against human passion and error, but I would like to put this business proposition to you: If it increases the probability of peace by, let us say, 10 per cent, do you not think it is worth while? In my judgment, it increases it about 99 per cent. Henceforth the genius of the world will be devoted to accommodating the counsels of mankind and not confusing them; not supplying heat but supplying light; not putting friction into the machine, but easing the friction off and combining the parts of the great machinery of civilization so that they will run in smooth harmony and perfection. My fellow citizens, the tasks of peace that are ahead of us are the most difficult tasks to which the human genius has ever been devoted. I will state the fundamental task, for it is the fundamental task. It is the relationship between those who toil with their hands and those who direct that toil. I will not say the relationship between capital and labor; that means something slightly different. I say the relationship between those who organize enterprise and those who make enterprise go by the skill and labor of their hands. There is at present, to say the least, a most unsatisfactory relationship between those two and we must devote our national genius to working out a method of association between the two which will make this Nation the nation to solve triumphantly and for all time the fundamental problem of peaceful production. You ask, 'What has that got to do with the league of nations?' I dare say that you do not know, because I have never heard anybody tell you that the great charter, the new international charter, of labor is in the treaty of peace and associated with the league of nations. A great machinery of consultation is set up there, not merely about international political affairs, but about standards of labor, about the relationships between managers and employees, about the standards of life and the conditions of labor, about the labor of women and of children, about the humane side and the business side of the whole labor problem. And the first conference is going to sit in Washington next month; not the conference which some of you may have heard of, which I have just called of our own people, but an international conference to consider the interests of labor all over the round world. I do not know—nobody knows—whether the Senate will have stopped debating by that time or not. I heard a Member of the Senate say that nobody knew that except God Almighty! But whether it has finished or not, the conference is going to sit, and if it has not finished, the only question that will be left unsettled is whether we are going to sit inside of it or outside of it. The conference at Paris voted, in their confidence in the American people, that the first meeting should be held in Washington and should be called by the President of the United States. They supposed in their innocence that the President of the United States represented the people of the United States. And in calling this conference, as I have called it, I am confident that I am representing the people of the United States. After I have bidden

the delegates welcome, perhaps I can have a chair just outside the door and listen.

"I am jesting, my fellow citizens, but there is a little sadness in the jest. Why do we wait to do a great thing? Why do we wait to fulfill the destiny of America? Why do we make it possible that anybody should think that we are not coming in now, but are going to wait later and come in with Germany? I suppose there is a certain intellectual excitement and pleasure in debate, but I do not experience any when great issues like this are pending, and I would be very sad, indeed, if I did not have an absolute, unclouded confidence of the result. I had the great good fortune to be born an American, I have saturated myself in the traditions of our country, I have read all the great literature that interprets the spirit of our country, and when I read my own heart with regard to these great purposes, I feel confident that it is a sample American heart. Therefore I have the most unbounded confidence in the result. All that is needed is that you should be vocal and audible. I know what you want. Say it and get it. I am your servant; all the men elected to go to Washington are your servants. It is not our privilege to follow our private convictions; it is our duty to represent your convictions and execute your purposes, and therefore all that is needed is a consciousness. Tell me that you do not want to do what I am urging and I will go home; but tell me, as your faces and your voices tell me, that you do want what I want, and I will be heartened for the rest of my journey, and I will say to the folks all the way from here to the Pacific, 'Minnesota is up and on her tiptoes and behind you. Let's all of us get in the great team which is to redeem the destinies of mankind.'

"Our fathers of the revolutionary age had a vision, my fellow citizens. There were only 3,000,000 Americans then, in a little strip of settlements on the Atlantic coast. Now the great body of American citizens extends from ocean to ocean, more than a hundred millions strong. These are the people of whom the founders of the Republic were dreaming, those great hosts of free men and women who should come in the future and who should say to all the world, 'Here are the testaments of liberty. Here are the principles of freedom. Here are the things which we must do in order that mankind may be released from the intolerable things of the past.' And there came a day at Paris when the representatives of all the great governments of the world accepted the American specifications upon which the terms of the treaty of peace were drawn. Shall we have our treaty, or shall we have somebody else's? Shall we keep the primacy of the world, or shall we abandon it?"

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THE PRESIDENT AT BISMARCK, N. DAK., SEPTEMBER 10, 1919.

"Gov. Frazier, my fellow countrymen, I esteem it a great privilege to stand in your presence and to continue the discussion that I have been attempting in other parts of the country of the great matter which is pending for our determination. I say that it is pending for our determination, because, after all, it is a question for the thoughtful men and women of the United States. I believe that the gentlemen at Washington are trying to assess the opinion of the United States and are trying to embody and express it.

"It seems very strange from day to day as I go about that I should be discussing the question of peace. It seems very strange that after six months of conference in Paris, where the minds of more than 20 nations were brought together and where, after the most profound consideration of every question and every angle of every question concerned, an extraordinary agreement should have been reached—that while every other country concerned has stopped debating the peace, America is debating it. It seems very strange to me, my fellow countrymen, because, as a matter of fact, we are debating the question of peace or war. There is only one way to have peace, and that is to have it by the concurrence of the minds of the world. America can not bring about peace by herself. No other nation can bring about peace by itself. The agreement of a small group of nations can not bring about peace. The world is not at peace. It is not, except in certain disturbed quarters, actually using military means of war, but the mind of the world is not at peace. The mind of the world is waiting for the verdict, and the verdict they are waiting for is this, Shall we have in the future the same dangers, the same suspicions, the same distractions, and shall we expect that out of those dangers and distractions armed conflict will arise? Or shall we expect that the world will be willing to sit down at the council table to talk the thing over; to delay all use of force until the world has had time to express its judgment upon the matter at issue? If that is not to be the solution, if the world is not to substitute discussion and arbitration for war, then the world is not now in a state of mind to have peace, even for the time being. While victory has been won, my fellow countrymen, it has been won only over the force of a particular group of nations. It has not been won over the passions of those nations, or over the passions of the nations that were set against them. This treaty which I brought back with me is a great world settlement, and it tries to deal with some of the elements of passion which were likely at any time to blaze out in the world and which did blaze out and set the world on fire.

"The trouble was at the heart of Europe. At the heart of Europe there were suffering peoples, inarticulate but with hearts on fire against the iniquities practiced against them; held in the grip of military power and submitting to nothing but force; their spirits insurgent; and so long as that continued, there could not be the expectation of continued peace. This great settlement at Paris for the first time in the world considered the cry of the peoples and did not listen to the plea of governments. It did not listen to dynastic claims. It did not read over the whole story of rival territorial ambitions. It said, 'The day is closed for that. These lands belong to the stocks, the ancient stocks of people that live upon them, and we are going to give them to those people and say to them, "The land always should have been yours; it is now yours, and you can govern it as you please."' That is the principle that is at the heart of this treaty, but if that principle can not be maintained then there will ensue upon it the passion that dwelt in the hearts of those peoples, a despair which will bring about universal chaos. Men in despair do not construct governments. Men in despair destroy governments. Men whose whole affairs are so upset, whose whole systems of transportation are so disordered that they can not get food, that they can not get clothes, that they can not turn to any authority that can give them anything, run amuck. They do not stop to ask questions. I heard a very thoughtful pastor once preach a sermon which interested me very deeply, on the sequence of the petitions in the Lord's Prayer. He called attention to the fact that the first petition was, 'Give us this day our daily bread,' and he pointed out that our Saviour probably knew better than anybody else that a man can not serve God or his fellow men on an empty stomach, that he has got to be physically sustained. When a man has got an empty stomach, most of all when those he loves are starving, he is not going to serve any government; he is going to serve himself by the quickest way he can find.

"You say, 'What has this got to do with the adoption by the United States Senate of the treaty of peace?' It has this to do with it, my fellow citizens, that the whole world is waiting upon us, and if we stay out of it, if we qualify our assent in any essential way, the world will say, 'Then there can be no peace, for that great Nation in the west is the only makeweight which will hold these scales steady.' I hear counsels of selfishness uttered. I hear men say, 'Very well, let us stay out and take care of ourselves and let the rest of the world take care of itself.' I do not agree with that from the point of view of sentiment. I would be ashamed to agree with it from the point of view of sentiment, and I think I have intelligence enough to know that it would not work, even if I wanted it to work. Are we disconnected from the rest of the world? Take a single item. If Europe is disordered, who is going to buy wheat? There is more wheat in this country than we can consume. There is more foodstuffs in this country of many sorts than we can consume. There is no foreign market that anybody can count on wherein there is settled peace. Men are not going to buy until they know what is going to happen to-morrow, for the very good reason that they can not get any money; they can not earn any money amidst a disordered organization of industry and the absence of those processes of credit which keep business going.

"We have managed in the process of civilization, my fellow citizens, to make a world that can not be taken to pieces. The pieces are dovetailed and intimately fitted with one another, and unless you assemble them as you do the intimate parts of a great machine, civilization will not work. I believe that, with the exception of the United States, there is not a country in the world that can live without importation. There are only one or two countries that can live without imported foodstuffs. There are no countries that I know of that can live in their ordinary way without importing manufactured goods or raw materials, raw materials of many kinds. Take that great kingdom, for example, for which I have the most intimate sympathy, the great Kingdom of Italy. There are no raw materials worth mentioning in Italy. There are great factories there, but they have to get all the raw materials that they manufacture from outside Italy. There is no coal in Italy, no fuel. They have to get all their coal from outside of Italy, and at the present moment because the world is holding its breath and waiting the great coal fields of Central Europe are not being worked except to about 40 per cent of their capacity. The

coal in Silesia, the coal in Bohemia, is not being shipped out, and industries are checked and chilled and drawn in, and starvation comes nearer, unemployment becomes more and more universal. At this moment there is nothing brought to my attention more often at Washington than the necessity for shipping out our fuel and our raw materials to start the world again. If we do not start the world again, then we check and stop to that extent our own industries and our exportations, of course. You can not disentangle the United States from the rest of the world. If the rest of the world goes bankrupt, the business of the United States is in a way to be ruined. I do not like to put the thing upon this basis, my fellow citizens, because this is not the American basis. America was not founded to make money; it was founded to lead the world on the way to liberty, and now, while we debate, all the rest of the world is saying, 'Why does America hesitate? We want to follow her. We shall not know which way to go unless she leads. We want the direction of her business genius. We want the suggestions of her principles, and she hesitates. She does not know whether she wants to go or not.' Oh, yes, she does, my fellow citizens. Men among us do not know whether we want to go in or not, but we know. There is no more danger of America staying out of this great thing than there is of her reversing all the other processes of her history and forgetting all the principles that she has spilt so much precious blood to maintain. But, in the meantime, the delay is injuring the whole world and ourselves, of course, along with the rest, because we are a very big and, in my opinion, an extremely important part of the world.

"I have told many times, but I must tell you again, of the experience that I had in Paris. Almost every day of the week that I was not imperatively engaged otherwise I was receiving delegations. Delegations from where? Not merely groups of men from France and other near-by regions, but groups of men from all over the world—as I have several times admitted, from some parts of the world that I never heard the names of before. I do not think they were in geography when I was at school. If they were, I had forgotten them. Did you ever hear of Adjur-Badjan, for example? A very dignified group of fine-looking men came in from Adjur-Badjan. I did not dare ask them where it was, but I looked it up secretly afterwards and found that it was a very prosperous valley region lying south of the Caucasus and that it had a great and ancient civilization. I knew from what these men said to me that they knew what they were talking about, though I did not know anything about their affairs. They knew, above all things else, what America stood for, and they had come to me, figuratively speaking, with outstretched hands and said, 'We want the guidance and the help and the advice of America.' And they all said that, until my heart grew fearful, and I said to one group of them, 'I beg that you will not expect the impossible. America can not do the things that you are asking her to do. We will do the best we can. We will stand as your friends. We will give you every sort of aid that we can give you, but please do not expect the impossible.' They believe that America can work miracles merely by being America and asserting the principles of America throughout the globe, and that kind of assertion, my fellow citizens, is the process of peace; and that is the only possible process of peace.

"When I say, therefore, that I have come here this morning actually to discuss the question with you whether we shall have peace or war, you may say, 'There is no war; the war is over.' The fighting is over, but there is not peace, and there can not be peace without the assistance of America. The assistance of America comes just at the center of the whole thing that was planned in Paris. You have heard some men talk about separating the covenant of the league of nations from the treaty. I intended to bring a copy of the treaty with me; it is a volume as thick as that, and the very first thing in it is the league of nations covenant. By common consent that was put first, because by common consent that is the only thing that will make the rest of the volume work. That was not the opinion at the beginning of the conference. There were a great many cynics on that side of the water who smiled indulgently when you spoke hopefully of drawing the nations together in a common consent of action, but before we got through there was not a man who had not as a hard, practical judgment, come to the conclusion that we could not do without it, that you could not make a world settlement without setting up an organization that would see that it was carried out, and that you could not compose the mind of the world unless that settlement included an arrangement by which discussion should be substituted for war.

"If the war that we have just had had been preceded by discussion, it never would have happened. Every foreign office in Europe urged through its minister at Berlin that no action should be taken until there should be an international conference and the other governments should learn what if any processes of mediation they might interpose. And Germany did not dare delay it for 24 hours. If she had, she never could have begun it. You dare not lay a bad case before mankind. You dare not kill the young men of the world for a dishonest purpose. We have let thousands of our lads go to their death in order to convince, not Germany merely, but any other nation that may have in the back of its thought a similar enterprise that the world does not means to permit any iniquity of that sort, and if it had been displayed as an iniquity in open conference for not less than nine months, as the covenant of the league of nations provides, it never could have happened.

"Your attention is called to certain features of this league—the only features to which your attention ever is called by those who are opposed to it and you are left with the impression that it is an arrangement by which war is just on the hair trigger. You are constantly told about article 10. Now, article 10 has no operative force in it unless we vote that it shall operate. I will tell you what article 10 is; I think I can repeat it almost verbatim. Under article 10 every member of the league undertakes to respect and preserve as against external aggression the territorial integrity and the existing political independence of the other members of the league. So far so good. The second sentence provides that in case of necessity the council of the league shall advise what steps are necessary to carry out the obligations of that promise; that is to say, what force is necessary if any. The council can not give that advice without a unanimous vote. It can not give the advice, therefore, without the affirmative vote of the United States, unless the United States is a party to the controversy in question. Let us see what that means. Do you think the United States is likely to seize somebody else's territory? Do you think the United States is likely to disregard the first sentence of the article? And if she is not likely to begin an aggression of that sort, who is likely to begin it against her? Is Mexico going to invade us and appropriate Texas? Is Canada going to come down with her nine or ten millions and overwhelm the hundred millions of the United States? Who is going to grab territory, and, above all things else, who is going to entertain the idea if the rest of the world has said, 'No; we are all pledged to see that you do not do that.' But suppose that somebody does attempt to grab our territory or that we do attempt to grab somebody else's territory. Then the war is ours anyhow. Then what difference does it make what advice the council gives? Unless it is our war we can not be dragged into a war without our own consent. If that is not an open and shut security, I do not know of any. Yet that is article 10.

"I do not recognize this covenant when I hear some other men talk about it. I spent hours and hours in the presence of the representatives of 13 other Governments examining every sentence of it, up and down and crosswise, and trying to keep out of it anything that interfered with the essential sovereignty of any member of the league. I carried over with me in March all the suggestions made by the Foreign Relations Committee of the Senate, and they were all accepted, and yet I come back and find that I do not understand what the document means. I am told that plain sentences which I thought were unmistakable English terms mean something that I never heard of and that nobody else ever intended as a purpose. But whatever you may think of article 10, my fellow citizen, it is the heart of the treaty. You have either got to take it or you have got to throw the world back into that old conquest over land titles, which would upset the State of North Dakota or any other part of the world. Suppose there were no guaranty of any land title in North Dakota! I can fancy how every farmer and every man with a city lot would go armed. He would hire somebody, if he was too sleepy to sit up all night, to see that nobody trespassed and took squatter possession of his unsecured land. We have been trying to do something analogus to that with the territories of Europe; to fix the land titles, and then having fixed them, we have got to have article 10. Under article 10 these titles are established, and we all join to guarantee their maintenance. There is no other way to quiet the world, and if the world is not quieted, then America is sooner or later involved in the mêlée. We boast, my fellow citizens—but we sometimes forget—what a powerful Nation the United States is. Do you suppose we can ask the other nations of the world to forget that we are out of the arrangement? Do you suppose that we can stay out of the arrangement without being suspected and intrigued against and hated by all the rest of them? And do you think that is an advantageous basis for international transactions? Any way you take this question you are led straight around to this alternative, either this treaty with this covenant or a disturbed world and certain war. There is no escape from it.

"America recalls, I am sure, all the assurances that she has given to the world in the years past. Some of the very men who

are now opposing this covenant were the most eloquent advocates of an international concert which would be carried to a point where the exercise of independent sovereignty would be almost estopped. They put it into measures of Congress. For example, in one, I believe the last, Navy appropriation bill, by unanimous vote of the committee, they put in the provision that after the building program had been authorized by Congress the President could cancel it if in the meantime he had been able to induce the other Governments of the world to set up an international tribunal which would settle international difficulties. They actually had the matter so definitely in mind that they authorized the President not to carry out an act of Congress with regard to the building of great ships if he could get an arrangement similar to the arrangement which I have now laid before them, because their instinctive judgment is, my instinctive judgment and yours is, that we have no choice, if we want to stop war, but to take the steps that are necessary to stop war.

"If we do not enter into this covenant, what is our situation? Our situation is exactly the situation of Germany herself, except that we are not disarmed and Germany is disarmed. We have joined with the rest of the world to defeat the objects that Germany had in mind. We now do not even sign the treaty, let us suppose, that disarms Germany. She is disarmed, nevertheless, because the other nations will enter into the treaty, and there, planted in her heart, planted in the heart of those 60,000,000 people, is this sense of isolation; it may be this sense that some day, by gathering force and change of circumstances, they may have another chance, and the only other nation that they can look to is the United States. The United States has repudiated the guaranty. The United States has said, 'Yes; we sent 2,000,000 men over there to accomplish this, but we do not like it now that we have accomplished it and we will not guarantee the consequences. We are going to stay in such a situation that some day we may send 2,000,000 more over there. We promised the mothers and the fathers and the wives and the sweethearts that these men were fighting so that this thing should not happen again, but we are now to arrange it so that it may happen again.' So the two nations that will stand and play a lone hand in the world would be Germany and the United States.

"I am not pointing this out to you, my fellow citizens, because I think it is going to happen. I know it is not. I am not in the least troubled about that; but I do want you to share fully with me the thought that I have brought back from Europe. I know what I am talking about when I say that America is the only nation whose guaranty will suffice to substitute discussion for war, and I rejoice in the circumstance. I rejoice that the day has come when America can fulfill her destiny. Her destiny was expressed much more in her open doors, for she said to the oppressed all over the world, 'Come and join us; we will give you freedom; we will give you opportunity; we have no governments that can act as your masters. Come and join us to conduct the great government which is our own.' And they came in thronging millions, and their genius was added to ours, their sturdy capacity multiplied and increased the capacity of the United States; and now, with the blood of every great people in our veins, we turn to the rest of the world and say, 'We still stand ready to redeem you. We still believe in liberty. We still mean to exercise every force that we have and, if need be, spend every dollar that is ours to vindicate the standards of justice and of right.'

"It is a noble prospect. It is a noble opportunity. My pulses quicken at the thought of it. I am glad to have lived in a day when America can redeem her pledges to the world, when America can prove that her leadership is the leadership that leads out of these age-long troubles, these age-long miseries into which the world will not sink back, but which, without our assistance, it may struggle out of only through a long period of bloody revolution. The peoples of Europe are in a revolutionary frame of mind. They do not believe in the things that have been practiced upon them in the past, and they mean to have new things practiced. In the meantime they are, some of them, like pitiful Russia, in danger of doing a most extraordinary thing, substituting one kind of autocracy for another. Russia repudiated the Czar, who was cruel at times, and set up her present masters, who are cruel all the time and pity nobody, who seize everybody's property and feed only the soldiers that are fighting for them; and now, according to the papers, they are likely to brand every one of those soldiers so that he may not easily, at any rate, escape their clutches and desert. Branding their servants and making slaves of a great and lovable people! There is no people in the world fuller of the naive sentiments of good will and of fellowship than the people of Russia, and they are in the grip of a cruel autocracy that dare not, though challenged by every friendly Government in Europe, assemble a constituency; they dare not appeal to the people. They know that their mastery would end the minute the people took charge of their own affairs.

"Do not let us expose any of the rest of the world to the necessity of going through any such terrible experience as that, my fellow countrymen. We are at present helpless to assist Russia, because there are no responsible channels through which we can assist her. Our heart goes out to her, but the world is disordered, and while it is disordered—we debate!"

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THE PRESIDENT, FROM REAR PLATFORM, MANDAN, N. DAK., SEPTEMBER 10, 1919.

"I am glad to get out to see the real folks, to feel the touch of their hand, and know, as I have come to know, how the Nation stands together in the common purpose to complete what the boys did who carried their guns with them over the sea. We may think that they finished that job, but they will tell you they did not; that unless we see to it that peace is made secure, they will have the job to do over again, and we in the meantime will rest under a constant apprehension that we may have to sacrifice the flower of our youth again. The whole country has made up its mind that that shall not happen; and presently, after a reasonable time is allowed for unnecessary debate, we will get out of all this period of doubt and unite the whole force and influence of the United States to steady the world in the lines of peace. It will be the proudest thing and finest thing that America ever did. She was born to do these things, and now she is going to do them.

"I am very much obliged to you for coming out."

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THE PRESIDENT AT AUDITORIUM, BILLINGS, MONT., SEPTEMBER 11, 1919.

"Mr. Mayor, Judge Pierson, my fellow countrymen, it is with genuine pleasure that I face this company and realize that I am in the great State of Montana. I have long wanted to visit this great State and come into contact with its free and vigorous population, and I want to thank Judge Pierson for the happy word that he used in speaking of my errand. He said that I had come to consult with you. That is exactly what I have come to do. I have come to consult with you in the light of certain circumstances which I want to explain to you, circumstances which affect not only this great Nation which we love, and of which we try to constitute an honorable part, but also affect the whole world. I wonder when we speak of the whole world whether we have a true conception of the fact that the human heart beats everywhere the same. Nothing impressed me so much on the other side of the water as the sort of longing for sympathy which those people exhibited. The people of France, for example, feeling keenly as they do the terrors that they have suffered at the hands of the enemy, are never so happy as when they realize that we across the sea at a great distance feel with them the keen arrows of sorrow that have penetrated their hearts and are glad that our boys went over there to help rescue them from the terror that lay upon them day and night.

What I have come to say to you to-day, my friends, is this: We are debating the treaty of peace with Germany and we are making the mistake, I take the liberty of saying, of debating it as if it were an ordinary treaty with some particular country, a treaty which we could ourselves modify without complicating the affairs of the world; whereas, as a matter of fact, this is not merely a treaty with Germany. Matters were drawn into this treaty which affected the peace and happiness of the whole Continent of Europe, and not of the Continent of Europe merely, but of forlorn populations in Africa, of peoples that we hardly know about in Asia, in the Far East and everywhere the influence of German policy had extended and everywhere that influence had to be corrected, had to be checked, had to be altered. What I want to impress upon you to-day is that it is this treaty or none. It is this treaty because we can have no other.

"Consider the circumstances. For the first time in the world some 20 nations sent their most thoughtful and responsible men to consult together at the capital of France to effect a settlement of the affairs of the world, and I want to render my testimony that these gentlemen entered upon their deliberations with great openness of mind. Their discussions were characterized by the utmost candor, and they realize, my fellow citizens, what as a student of history I venture to say no similar body ever acknowledged before, that they were nobody's masters, that they did not have the right to follow the line of any national advantage in determining what the settlements of the peace should be, but that they were the servants of their people and the servants of the people of the world. This settlement, my fellow citizens, is the first international settlement that was intended for the happiness of the average men and women throughout the world. This is indeed and in truth a people's treaty, and it

is the first people's treaty, and I venture to express the opinion that it is not wise for Parliaments or Congresses to attempt to alter it. It is a people's treaty, notwithstanding the fact that we call it a treaty with Germany; and while it is a treaty with Germany, and in some senses a very severe treaty, indeed, it is not an unjust treaty, as some have characterized it. My fellow citizens, Germany tried to commit a crime against civilization, and this treaty is justified in making Germany pay for that criminal error up to the ability of her payment. Some of the very gentlemen who are now characterizing this treaty as too harsh are the same men who less than a twelvemonth ago were criticizing the administration at Washington in the fear that they would compound with Germany and let her off from the payment of the utmost that she could pay in retribution for what she had done. They were pitiless then; they are pitiful now.

"It is very important, my fellow citizens, that we should not forget what this war meant. I am amazed at the indications that we are forgetting what we went through. There are some indications that on the other side of the water they are apt to forget what they went through. I venture to think that there are thousands of mothers and fathers and wives and sisters and sweethearts in this country who are never going to forget. Thousands of our gallant youth lie buried in France, and buried for what? For the redemption of America? America was not directly attacked. For the salvation of America? America was not immediately in danger. No; for the salvation of mankind. It is the noblest errand that troops ever went on. I was saying the other day in the presence of a little handful of men whom I revered, veterans of our Civil War, that it seemed to me that they fought for the greatest thing that there was to fight for in their day, and you know with what reverence we have regarded all the men who fought in the ranks in the Civil War for the Union. I am saying this out of a full heart, though I was born on the other side of the Mason and Dixon line. We revere the men who saved the Union. What are going to be our sentiments with regard to these boys in khaki and the boys who have just been in khaki in this war? Do you not think that when they are old men a halo will seem to be about them, because they were crusaders for the liberty of the world? One of the hardest things for me to do during this war, as for many another man in this country, was merely to try to direct things and not take a gun and go myself. When I feel the pride that I often have felt in having been the Commander in Chief of these gallant armies and those splendid boys at sea, I think, 'Ah, that is fine, but, oh, to have been one of them and to have accomplished this great thing which has been accomplished!'

"The fundamental principle of this treaty is a principle never acknowledged before, a principle which had its birth and has had its growth in this country, that the countries of the world belong to the people who live in them, and that they have a right to determine their own destiny and their own form of government and their own policy, and that no body of statesmen, sitting anywhere, no matter whether they represent the overwhelming physical force of the world or not, has the right to assign any great people to a sovereignty under which it does not care to live. This is the great treaty which is being debated. This is the treaty which is being examined with a microscope. This is the treaty which is being pulled about, and about which suggestions are made as to changes of phraseology. Why, my friends, are you going to be so nearsighted as to look that way at a great charter of human liberty? The thing is impossible. You can not have any other treaty, because you can never get together again the elements that agreed to this treaty. You can not do it by dealing with separate governments. You can not assemble the forces again that were back of it. You can not bring the agreement upon which it rests into force again. It was the laborious work of many, many months of the most intimate conference. It has very, very few compromises in it and is, most of it, laid down in straight lines according to American specifications. The choice is either to accept this treaty or play a lone hand. What does that mean? To play a lone hand means that we must always be ready to play by ourselves. That means that we must always be armed, that we must always be ready to mobilize the man strength and the manufacturing resources of the country; it means that we must continue to live under not diminishing but increasing taxes; it means that we shall devote our thought and the organization of our Government to being strong enough to beat any nation in the world. An absolute reversal of all the ideals of American history! If you are going to play a lone hand, the hand that you play must be upon the handle of the sword. You can not play a lone hand and do your civil business except with the other hand—one hand incidental for the business of peace, the other hand constantly for the assertion of force. It is either this treaty or a lone hand, and the lone hand must have a weapon in it. The weapon must be all the young men of the country trained to arms, and the business of the country must pay the piper, must pay for the whole armament, the arms and the men. That is the choice. Do you suppose, my fellow citizens, that any nation is going to stand for that? We are not the only people who are sick of war. We are not the only people who have made up our minds that our Government must devote its attention to peace and to justice and to right. The people all over the world have made up their minds as to that. We need peace more than we ever needed it before. We need ordered peace, calm peace, settled peace, assured peace—for what have we to do? We have to reregulate the fortunes of men. We have to reconstruct the machinery of civilization. I use the words deliberately—we have to reconstruct the machinery of civilization.

"The central fact of the modern world is universal unrest, and the unrest is not due merely to the excitement of a recent war. The unrest is not due merely to the fact of recent extraordinary circumstances. It is due to a universal conviction that the conditions under which men live and labor are not satisfactory. It is a conviction all over the world that there is no use talking about political democracy unless you have also industrial democracy. You know what this war interrupted in the United States. We were searching our own hearts, we were looking closely at our own methods of doing business. A great many were convinced that the control of the business of this country was in too few hands. Some were convinced that the credit of the country was controlled by small groups of men, and the great Federal reserve act and the great land-bank act were passed in order to release the resources of the country on a broader and more generous scale. We had not finished dealing with monopolies. We have not finished dealing with monopolies. With monopolies there can be no industrial democracy. With the control of the few, of whatever kind or class, there can be no democracy of any sort. The world is finding that out—in some portions of it in blood and terror.

"Look what has happened in Russia, my fellow citizens. I find wherever I go in America that my fellow citizens feel as I do, an infinite pity for that great people, an infinite longing to be of some service to them. Everybody who has mixed with the Russian people tells me that they are among the most lovable people in the world, a very gentle people, a very friendly people, a very simple people, and in their local life a very democratic people, people who easily trust you, and who expect you to be trustworthy as they are. Yet this people is delivered into the hands of an intolerable tyranny. It came out of one tyranny to get into a worse. A little group of some 30 or 40 men are the masters of that people at present. Nobody elected them. They chose themselves. They maintain their power by the sword, and they maintain the sword by seizing all the food of the country and letting only those who will fight for them eat, the rest of them to go starved; and because they can command no loyalty we are told by the newspapers that they are about to brand the men under arms for them, so that they will be forever marked as their servants and slaves. That is what pitiful Russia has got in for, and there will be many a bloody year, I am afraid, before she finds herself again.

"I speak of Russia. Have you seen no symptoms of the spread of that sort of chaotic spirit into other countries? If you had been across the sea with me, you would know that the dread in the mind of every thoughtful man in Europe is that that distemper will spread to their countries, that before there will be settled order there will be tragical disorder. Have you heard nothing of the propaganda of that sort of belief in the United States? That poison is running through the veins of the world, and we have made the methods of communication throughout the world such that all the veins of the world are open and the poison can circulate. The wireless throws it out upon the air. The cable whispers it underneath the sea. Men talk about it in little groups, men talk about it openly in great groups not only in Europe but here also in the United States. There are apostles of Lenin in our own midst. I can not imagine what it means to be an apostle of Lenin. It means to be an apostle of the night, of chaos, of disorder; there can be no creed of disorganization. Our immediate duty, therefore, my fellow countrymen, is to see that no minority, no class, no special interest, no matter how respectable, how rich, how poor, shall get control of the affairs of the United States.

"The singular thing about the sort of disorder that prevails in Russia is that while every man is, so to say, invited to take what he can get, he can not keep it when he gets it, because, even if you had leave to steal, which is the leave very generously given in Russia at present, you have got to get somebody to help you to keep what you steal. Without organization you can not

get any help, so the only thing you can do is to dig a hole and find a cave somewhere. Disordered society is dissolved society. There is no society when there is not settled and calculable order. When you do not know what is going to happen to you to-morrow, you do not much care what is going to happen to you to-day. These are the things that confront us. The world must be satisfied of justice. The conditions of civilized life must be purified and perfected, and if we do not have peace, that is impossible. We must clear the decks of this matter we are now discussing. This is the best treaty that can possibly be got, and, in my judgment, it is a mighty good treaty, for it has justice, the attempt at justice at any rate, at the heart of it.

"Suppose that you were feeling that there was a danger of a general conflagration in your part of the country; I mean a literal fire. Which would you rather have, no insurance at all or 10 per cent insurance? Don't you think some insurance is better than none at all? Put the security obtained by this treaty at its minimum, and it is a great deal better than no security at all, and without it there is no security at all, and no man can be sure what his business will be from month to month, or what his life will be from year to year. The leisureliness of some debates creates the impression on my mind that some men think there is leisure. There is no leisure in the world, my fellow citizens, with regard to the reform of the conditions under which men live. There is no time for any talk, but get down to the business of what we are going to do.

"I dare say that many of you know that I have called a conference to sit in Washington the first of next month, a conference of men in the habit of managing business and of men engaged in manual labor, what we generally call employers and employees. I have called them together for the sake of getting their minds together, getting their purposes together, getting them to look at the picture of our life at the same time and in the same light and from the same angles, so that they can see the things that ought to be done. I am trying to apply there what is applied in the great covenant of the league of nations, that if there is any trouble, the thing to do is not to fight, but to sit around the table and talk it over. The league of nations substitutes discussion for fight, and without discussion there will be fight. One of the greatest difficulties that we have been through in the past is in getting men to understand that fundamental thing. There is a very interesting story and a very charming story told of a great English writer of a past generation. He was a man who stuttered a little bit, and he stuttered out some very acid comment on some man who was not present. One of his friends said, 'Why, Charles, I didn't know you knew him.' 'Oh, n-n-no,' he said, 'I-I d-d-don't k-know him; I-I c-c-can't hate a m-man I-I know.' How much truth there is in that, my fellow countrymen! You can not hate a fellow you know. I know some crooks that I can not help liking. I can judge them in cool blood and correctly only when they are not there. They are extremely fetching and attractive fellows; indeed, I suspect that a disagreeable fellow can not be a successful crook.

"But, to speak seriously, conference is the healing influence of civilization, and the real difficulty between classes, when a country is unfortunate enough to have classes, is that they do not understand one another. I sometimes think that the real barriers in life are the barriers of taste, that some people like one way of doing things and that other people do not like that way of doing things; that one sort of people are not comfortable unless the people they are with are dressed the way they are. I think that goes so much deeper than people realize. It is the absence of the ability to get at the point of view and look through the eyes of the persons with whom you are not accustomed to deal. In order, therefore, to straighten out the affairs of America, in order to calm and correct the ways of the world, the first and immediate requisite is peace, and it is an immediate requisite. We can not wait. It is not wise to wait, because we ought to devote our best thoughts, the best impulses of our hearts, the clearest thinking of our brain, to correcting the things that are wrong everywhere.

"I have been told, my fellow citizens, that this western part of the country is particularly pervaded with what is called radicalism. There is only one way to meet radicalism and that is to deprive it of food, and wherever there is anything wrong there is abundant food for radicalism. The only way to keep men from agitating against grievances is to remove the grievances, and as long as things are wrong I do not intend to ask men to stop agitating. I intend to beg that they will agitate in an orderly fashion; I intend to beg that they will use the orderly methods of counsel, and, it may be, the slow processes of correction which can be accomplished in a self-governing people through political means. Otherwise we will have chaos; but as long as there is something to correct, I say Godspeed to the men who are trying to correct it. That is the only way to meet radicalism. Radicalism means cutting up by the roots. Well, remove the noxious growth and there will be no cutting up by the roots. Then there will be the wholesome fruitage of an honest life from one end of this country to the other.

"In looking over some papers the other day I was reminded of a very interesting thing. The difficulty which is being found with the league of nations is that apparently the gentlemen who are discussing it unfavorably are afraid that we will be bound to do something we do not want to do. The only way in which you can have impartial determinations to this world is by consenting to something you do not want to do. Every time you have a case in court one or the other of the parties has to consent to do something he does not want to do. There is not a case in court, and there are hundreds of thousands of them every year, in which one of the parties is not disappointed. Yet we regard that as the foundation of civilization, that we will not fight about these things, and that when we lose in court we will take our medicine. Very well; I say that the two Houses of Congress suggested that there be an international court, and suggested that they were willing to take their medicine. They put it in a place where you would not expect it. They put it in the naval appropriation bill, and, not satisfied with putting it there once, they put it there several times; I mean in successive years. This is the sum of it:

"'It is hereby declared to be the policy of the United States to adjust and settle its international disputes through mediation or arbitration (that is, the league of nations), to the end that war may be honorably avoided. It looks with apprehension and disfavor upon a general increase of armament throughout the world, but it realizes that no single nation can disarm and that without a common agreement upon the subject every considerable power must maintain a relative standing in military strength. In view of the premises, the President is authorized and requested to invite at an appropriate time, not later than the close of the war in Europe (this immediately preceded our entry into the war), all the great Governments of the world to send representatives to a conference which shall be charged with the duty of formulating a plan for a court of arbitration or other tribunal to which disputed questions between nations shall be referred for adjustment and peaceful settlement, and to consider the question of disarmament and submit their recommendations to their respective Governments for approval. The President is hereby authorized to appoint,' etc. A provision for an appropriation to pay the expenses is also embodied.

"Now that they have got it, they do not like it. They also provided in this legislation that if there could be such an assemblage, if there could be such an agreement, the President was authorized to cancel the naval building program authorized by the bill, or so much of it as he thought was wise in the circumstances. They looked forward to it with such a practical eye that they contemplated the possibility of its coming soon enough to stop the building program of that bill. It came much sooner than they expected, and apparently has taken them so much by surprise as to confuse their minds. I suppose that this would be a very dull world if everybody were consistent, but consistency, my fellow citizens, in the sober, fundamental, underlying principles of civilization is a very serious thing indeed.

"If we are, indeed, headed toward peace with the real purpose of our hearts engaged, then we must take the necessary steps to secure it, and we must make the necessary sacrifices to secure it. I repudiate the suggestion which underlies some of the suggestions I have heard that the other nations of the world are acting in bad faith and that only the United States is acting in good faith. It is not true. I can testify that I was cooperating with honorable men on the other side of the water, and I challenge anybody to show where in recent years, while the opinion of mankind has been effective, there has been the repudiation of an international obligation by France or Italy or Great Britain or by Japan. Japan has kept her engagements, and Japan here engages to unite with the rest of the world in maintaining justice and a peace based upon justice. There can be cited no instances where these Governments have been dishonorable, and I need not add that there is, of course, no instance where the United States has not kept faith.

"When gentlemen discuss the right to withdraw from the league of nations and look suspiciously upon the clause which says that we can withdraw upon two years' notice, if at that time we have fulfilled our international obligations, I am inclined to ask, 'What are you worried about? Are you afraid that we will not have fulfilled our international obligations?' I am too proud an American to believe anything of the kind. We never have failed to fulfill our international obligations, and we never will, and our international obligations will always

look toward the fulfillment of the highest purposes of civilization. When we came into existence as a Nation we promised ourselves and promised the world that we would serve liberty everywhere. We were only 3,000,000 strong then, and shall we, when more than a hundred million strong, fail to fulfill the promise that we made when we were weak? We have served mankind and we shall continue to serve mankind, for I believe, my fellow men, that we are the flower of mankind so far as civilization is concerned.

"Please do not let me leave the impression on your mind that I am arguing with you. I am not arguing this case; I am merely expounding it. I am just as sure what the verdict of this Nation is going to be as if it had been already rendered, and what has touched me and convinced me of this, my fellow citizens, is not what big men have told me, not what men of large affairs have said to me—I value their counsel and seek to be guided by it—but by what plain people have said to me, particularly by what women have said to me. When I see a woman plainly dressed, with the marks of labor upon her, and she takes my hand and says, 'God bless you, Mr. President; God bless the league of nations,' I know that the league of nations has gone to the heart of this people. A woman came up to me the other day and grasped my hand and said, 'God bless you!' and then turned away in tears. I asked a neighbor, 'What is the matter?' and he said, 'She intended to say something to you, sir, but she lost a son in France.' That woman did not take my hand with a feeling that her son ought not to have been sent to France. I sent her son to France, and she took my hand and blessed me, but she could not say anything more, because the whole well of spirit in her came up into her throat and the thing was unutterable. Down deep in it was the love of her boy, the feeling of what he had done, the justice and the dignity and the majesty of it, and then the hope that through such poor instrumentality as men like myself could offer no other woman's son would ever be called upon to lay his life down for the same thing. I tell you, my fellow citizens, the whole world is now in the state where you can fancy that there are hot tears upon every cheek, and those hot tears are tears of sorrow. They are also tears of hope. It is amazing how, through all the sorrows of mankind and all the unspeakable terrors and injustices that have been inflicted upon men, hope springs eternal in the human heart. God knows that men, and governments in particular, have done everything they knew how to kill hope in the human heart, but it has not died. It is the one conquering force in the history of mankind. What I am pleading for, therefore—not with you, for I anticipate your verdict—but what I am pleading for with the Senate of the United States is to be done with debate and release and satisfy the hope of the world."

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THE PRESIDENT AT OPERA HOUSE, HELENA, MONT., SEPTEMBER 11, 1919.

"Gov. Stewart and my fellow countrymen, I very heartily echo what Gov. Stewart has just said. I am very glad that an occasion has arisen which has given me the opportunity and the pleasure of coming thus face to face with, at any rate, some of the people of the great State of Montana. I must hasten to say to you that I am not come from Washington so much to advise you as to get in touch with you, as to get the feeling of the purposes which are moving you, because, my fellow citizens, I may tell you as a secret that some people in Washington lose that touch. They do not know what the purposes are that are running through the hearts and minds of the people of this great country, and after one stays in Washington too long one is apt to catch that same reserve and numbness which seems to characterize others that are there. I like to come out and feel once more the thing that is the only real thing in public affairs, and that is the great movement of public opinion in the United States.

"I want to put the case very simply to you to-night, for with all its complexity, with all the many aspects which it wears there is a very simple question at the heart of it. That question is nothing more nor less than this: Shall the great sacrifice that we made in this war be in vain, or shall it not? I want to say to you very solemnly that, notwithstanding the splendid achievement of our soldiers on the other side of the sea, who I do not hesitate to say saved the world, notwithstanding the noble things that they did, their task is only half done and it remains for us to complete it. I want to explain that to you. I want to explain to you why, if we left the thing where it is and did not carry out the program of the treaty of peace in all its fullness, men like these would have to die again to do the work over again and convince provincial statesmen that the world is one and that only by organization of the world can you save the young men of the world.

"As I take up this theme there is a picture very distinct in my mind. Last Memorial Day I stood in an American cemetery in France just outside Paris, on the slopes of Suresnes. The hills slope steeply to a little plain, and when I went out there all the slope of the hill was covered with men in the American uniform, standing, but rising tier on tier as if in a great witness stand. Then below, all over this little level space, were the simple crosses that marked the resting place of American dead. Just by the stand where I spoke was a group of French women who had lost their own sons, but, just because they had lost their own sons and because their hearts went out in thought and sympathy to the mothers on this side of the sea, had made themselves, so to say, mothers of those graves, had every day gone to take care of them, had every day strewn them with flowers. They stood there, their cheeks wetted with tears, while I spoke, not of the French dead but of the American boys who had died in the common cause, and there seemed to me to be drawn together on that day and in that little sunny spot the hearts of the world. I took occasion to say on that day that those who stood in the way of completing the task that those men had died for would some day look back upon it as those have looked back upon the days when they tried to divide this Union and prevent it from being a single Nation united in a single form of liberty. For the completion of the work of those men is this, that the thing that they fought to stop shall never be attempted again.

"I call you to mind that we did not go into this war willingly. I was in a position to know; in the providence of God, the leadership of this Nation was intrusted to me during those early years of the war when we were not in it. I was aware through many subtle channels of the movements of opinion in this country, and I know that the thing that this country chiefly desired, the thing that you men out here in the West chiefly desired and the thing that of course every loving woman had at her heart, was that we should keep out of the war, and we tried to persuade ourselves that the European business was not our business. We tried to convince ourselves that no matter what happened on the other side of the sea, no obligation of duty rested upon us, and finally we found the currents of humanity too strong for us. We found that a great consciousness was welling up in us that this was not a local cause, that this was not a struggle which was to be confined to Europe, or confined to Asia, to which it had spread, but that it was something that involved the very fate of civilization; and there was one great Nation in the world that could not afford to stay out of it. There are gentlemen opposing the ratification of this treaty who at that time taunted the administration of the United States that it had lost touch with its international conscience. They were eager to go in, and now that they have got in, and are caught in the whole network of human conscience, they want to break out and stay out. We were caught in this thing by the action of a nation utterly unlike ourselves. What I mean to say is that the German nation, the German people, had no choice whatever as to whether it was to go into that war or not, did not know that it was going into it until its men were summoned to the colors. I remember, not once but often, sitting at the Cabinet table in Washington, I asked my colleagues what their impression was of the opinion of the country before we went into the war, and I remember one day one of my colleagues said to me, 'Mr. President, I think the people of the country would take your advice and do what you suggested.' 'Why,' I said, 'that is not what I am waiting for; that is not enough. If they can not go in with a whoop, there is no use of their going in at all. I do not want them to wait on me. I am waiting on them. I want to know what the conscience of this country is speaking. I want to know what the purpose is arising in the minds of the people of this country with regard to this world situation.' When I thought I heard that voice, it was then that I proposed to the Congress of the United States that we should include ourselves in the challenge that Germany was giving to mankind.

"We fought Germany in order that there should be a world fit to live in. The world is not fit to live in, my fellow citizens, if any great government is in a position to do what the German Government did—secretly plot a war and begin it with the whole strength of its people, without so much as consulting its own people. A great war can not begin with public deliberation. A great war can begin only by private plot, because the peoples of this world are not asleep, as they used to be. The German people is a great educated people. All the thoughtful men in Germany, so far as I have been able to learn, who were following peaceful pursuits—the bankers and the merchants and the manufacturers—deemed it folly to go into that war. They said so then and they have said so since, but they were not consulted.

The masters of Germany were the general military staff; it was these men who nearly brought a complete cataclysm upon civilization itself. It stands to reason that if we permit anything of that sort to happen again we are recreant to the men we sent across the seas to fight this war. We are deliberately guilty then of preparing a situation which will inevitably lead to what? What shall I call it? The final war? Alas, my fellow citizens, it might be the final arrest, though I pray only the temporary arrest, of civilization itself; and America has, if I may take the liberty of saying so, a greater interest in the prevention of that war than any other nation. America is less exhausted by the recent war than the other belligerents; she is not exhausted at all. America has paid for the war that has gone by less heavily, in proportion to her wealth, than the other nations. America still has free capital enough for its own industries and for the industries of the other countries that have to build their industries anew. The next war would have to be paid for in American blood and American money. The nation of all nations that is most interested to prevent the recurrence of what has already happened is the nation which would assuredly have to bear the brunt of that great catastrophe—either have to bear it or stop where we are. Who is going to check the growth of this Nation? Who is going to check the accumulation of physical power by this Nation—if you choose to put it in that form? Who is going to reduce the natural resources of this country? Who is going to change the circumstance that we largely feed the rest of the world? Who is going to change the circumstance that many of our resources are unique and indispensable? America is going to grow more and more powerful; and the more powerful she is the more inevitable it is that she should be trustee for the peace of the world.

"A miracle has happened. I dare say that many of you have in mind the very short course of American history. You know, when this Nation was born and we were just a little group—3,000,000 people on the Atlantic coast—how the nations on the other side of the water and the statesmen of that day watched us with a certain condescension, looked upon us as a sort of group of hopeful children, pleased for the time being with the conception of absolute freedom and political liberty, far in advance of the other peoples of the world because less experienced than they, less aware of the difficulties of the great task that they had accomplished. As the years have gone by they have watched the growth of this Nation with astonishment and for a long time with dismay. They watched it with dismay until a very interesting and significant thing happened. When we fought Cuba's battle for her, then they said, 'Ah, it is the beginning of what we predicted. She will seize Cuba and, after Cuba, what she pleases to the south of her. It is the beginning of the history we have gone through ourselves.' They ought to have known; they set us the example! When we actually fulfilled to the letter our promise that we would set helpless Cuba up as an independent government and guarantee her independence—when we carried out that great policy we astounded and converted the world. Then began—let me repeat the word again—then began the confidence of the world in America, and I want to testify to you to-night that nothing was more overpowering to me and my colleagues in Paris than the evidences of the absolutely unquestioning confidence of the peoples of the world in the people of America. We were touched by it not only, but I must admit we were frightened by it, because we knew that they were expecting things of us that we could not accomplish; we knew that they were hoping for some miracle of justice which would set them forward the same hundred years that we have traveled on the progress toward free government; and we knew that it was a slow road; we knew that you could not suddenly transform a people from a people of subjects into a people of self-governing units. And I perhaps returned a little bit to my own profession of teaching and tried to point out to them that some of the things they were expecting of us could not be done now; but they refused to be disabused of their absolute confidence that America could and would do anything that was right for the other peoples of the world. An amazing thing! What was more interesting still, my fellow citizens, was this: It happened that America laid down the specifications for the peace. It happened that America proposed the principles upon which the peace with Germany should be built. I use the word 'happened' because I have found, and everybody who has looked into the hearts of some of the people on the other side of the water has found, that the people on the other side of the water, whatever may be said about their Governments, had learned their lesson from America before, and they believed in those principles before we promulgated them; and their statesmen, knowing that their people believed in them, accepted them—accepted them before the American representatives crossed the sea. We found them ready to lay down the foundations of that peace along the lines that America had suggested, and all of Europe was aware that what was being done was building up an American peace. In such circumstances we were under a peculiar compulsion to carry the work to the point which had filled our convictions from the first.

"Where did the suggestion first come from? Where did the idea first spread that there should be a society of nations? It was first suggested and it first spread in the United States, and some gentlemen were the chief proponents of it who are now objecting to the adoption of the covenant of the league of nations. They went further, some of them, than any principles of that covenant goes, and now for some reason which I must admit is inscrutable to me they are opposing the very thing into which they put their heart and their genius. All Europe knew that we were doing an American thing when we put the covenant of the league of nations at the beginning of the treaty, and one of the most interesting things over there was our dealing with some of the most cynical men I had to deal with, and there were some cynics over there—men who believed in what has come to be known as the old Darwinian idea of the survival of the fittest. They said, 'In nature the strong eats up the weak, and in politics the strong overcomes and dominates the weak. It has always been so, and it is always going to be so.' When I first got to Paris they talked about the league of nations indulgently in my presence, politely. I think some of them had the idea, 'Oh, well, we must humor Wilson along so that he will not make a public fuss about it,' and those very men, before our conferences were over, suggested more often than anybody else that some of the most difficult and delicate tasks in carrying out this peace should be left to the league of nations, and they all admitted that the league of nations, which they had deemed an ideal dream, was a demonstrable, practical necessity. This treaty can not be carried out without the league of nations, and I will tell you some interesting cases.

"I have several times said, and perhaps I may say again, that one of the principal things about this treaty is that it establishes the land titles of the world. It says, for example, that Bohemia shall belong to the Bohemians and not to the Austrians or to the Hungarians; that if the Bohemians do not want to live under a monarchy, dual or single, it is their business and not ours, and they can do what they please with their own country. We have said of the Austrian territories south of Austria and Hungary, occupied by the Jugo-Slavs, 'These never did belong to Austria; they always did belong to Slavs, and the Slavs shall have them for their own, and we will guarantee the title.' I have several times asked, 'Suppose that the land titles of a State like Montana were clearly enough stated and somewhere recorded, but that there was no way of enforcing them.' You know what would happen. Every one of you would enforce his own land title. You used to go armed here long ago, and you would resume the habit if there was nobody to guarantee your legal title. You would have to resume the habit. If society is not going to guarantee your titles, you have got to see to it yourselves that others respect them. That was the condition of Europe and will be the condition of Europe again if these settled land titles which have been laid out are not guaranteed by organized society, and the only organized society that can guarantee them is a society of nations.

"It was not easy to draw the line. It was not a surveyor's task. There were not well-known points from which to start and to which to go, because, for example, we were trying to give the Bohemians the lands where the Bohemians lived, but the Bohemians did not stop at a straight line. If they will pardon the expression, they slopped over. And Germans slopped over into Poland and in some places there was an almost inextricable mixture of the two populations. Everybody said that the statistics lied. They said the German statistics with regard to high Silesia, for example, were not true, because the Germans wanted to make it out that the Germans were in a majority there, and the Poles declared that the Poles were in the majority there. We said, 'This is a difficult business. Sitting in Paris we can not tell by count how many Poles there are in high Silesia or how many Germans, and if we could count them, we can not tell from Paris what they want. High Silesia does not belong to us; it does not belong to anybody but the people who lived in it. We will do this: We will put that territory under the care of the league of nations for a little period; we will establish a small armed force there, made up of contingents out of the different allied nations so that no one of them would be in control, and then we will hold a referendum, and high Silesia shall belong either to Germany or to Poland as the people in high Silesia desire.' That is only one case out of half a dozen. In regions where the make-up of the popula-

tion is doubtful or the desire of the population is as yet unascertained, the league of nations is to be the instrumentality by which the goods are to be delivered to the people to whom they belong. No other international conference ever conceived such a purpose, and no earlier conference of that sort would have been willing to carry out such a purpose. Up to the time of this war, my fellow-citizens, it was the firm and fixed conviction of statesmen in Europe that the greater nations ought to dominate and guide and determine the destiny of the weaker nations, and the American principle was rejected. The American principle is that just as the weak man has the same legal rights that the strong man has, just as the poor man has the same rights as the rich, though, I am sorry to say, he does not always get them, so as between nations the principle of equality is the only principle of justice, and the weak nations have just as many rights and just the same rights as the strong nations. If you do not establish that principle, then this war is going to come again, because this war came by aggression upon a weak nation.

"What happened, my fellow citizens? Don't you remember? The Crown Prince of Austria was assassinated in Serbia. Not assassinated by anybody over whom the Government of Serbia had any control, but assassinated by some man who had at his heart the memory of something that was intolerable to him that had been done to the people that he belonged to, and the Austrian Government, not immediately but by suggestion from Berlin, where it was whispered, 'We are ready for the World War, and this is a good chance to begin it; the other nations do not believe we are going to begin it; we will begin it and overwhelm France, first of all, before the others can come to her rescue.' The Austrian Government sent an ultimatum to Serbia practically demanding of her that she surrender to them her sovereign rights, and gave her 24 hours to decide. Poor Serbia, in her sudden terror, with memory of things that had happened before and might happen again, practically yielded to every demand, and with regard to a little portion of the ultimatum said she would like to talk it over with them, and they did not dare wait. They knew that if the world ever had the facts of that dispute laid before them the opinion of mankind would overwhelm anybody that took aggression against Serbia in such circumstances. The point is that they chose this little nation. They had always chosen the Balkans as the ground of their intrigue. German princes were planted all through the Balkans, so that when Germany got ready she could use the Balkan situation as pawns in her game.

"And what does the treaty of peace do? The treaty of peace sets all those nations up in independence again; gives Serbia back what had been torn away from her, sets up the Jugo-Slavic States and the Bohemian States under the name of Czechoslovakia; and if you leave it at that, you leave those nations just as weak as they were before. By giving them their land titles, you do not make them any stronger. You make them stronger in spirit, it may be, they see a new day, they feel a new enthusiasm, their old love of their country can now express itself in action, but physically they are no stronger than they were before, and that road that we heard so much of—from Bremen to Bagdad—is wide open. The Germans were traveling that road. Their general staff interrupted the game. The merchants and manufacturers and bankers of Germany were making conquest of the world. All they had to do was to wait a little while longer, and long German fingers would have been stretched all through that country which never could have been withdrawn. The war spoiled the game. German intrigue was penetrating all those countries and controlling them. The dirty center of the intrigue, dirty in every respect, was Constantinople, and from there ramified all the threads that made this web, in the center of which was the venomous spider. If you leave that road open, if you leave those nations to take care of themselves, knowing that they can not take care of themselves, then you have committed the unpardonable sin of undoing the victory which our boys won. You say, 'What have we got to do with it?' Let us answer that question, and not from a sentimental point of view at all. Suppose we did not have any hearts under our jackets. Suppose we did not care for these people. Care for them? Why, their kinsmen are everywhere in the communities of the United States, people who love people over there are everywhere in the United States. We are made up out of mankind; we can not tear our hearts away from them. Our hearts are theirs, but suppose they were not. Suppose we had forgotten everything except the material, commercial, monetary interests of the United States. You can not get those markets away from Germany if you let her reestablish her old influence there. The 300,000,000 people between the Rhine and the Ural Mountains will be in such a condition that they can not buy anything, their industries can not start, unless they surrender themselves to the bankers of Mittel-Europa, that you used to hear about; and the peoples of Italy and France and Belgium, some 80,000,000 strong, who are your natural customers, can not buy anything in disturbed and bankrupt Europe. If you are going to trade with them, you have got to go partners with them.

"When I hear gentlemen talk about America standing for herself, I wonder where they have been living. Has America disconnected herself from the rest of the world? Her ambition has been to connect herself with all the rest of the world commercially, and she is bankrupt unless she does. Look at the actual situation right now, my fellow citizens. The war was a very great stimulation to some of the greatest of the manufacturing industries of this country, and a very interesting thing has been going on. You remember, some of you perhaps painfully remember, that the Congress of the United States put a very heavy tax on excess profits, and a great many men who were making large excess profits said, 'All right, we can manage this. These will not be profits; we will spend these in enlarging our plants, advertising, increasing our facilities, spreading our agencies.' They have got ready for a bigger business than they can do unless they have the world to do it in, and if they have not the world to do it in, there will be a recession of prosperity in this country; there will be unemployment; there will be bankruptcy in some cases. The giant is so big that he will burst his jacket. The rest of the world is necessary to us, if you want to put it on that basis. I do not like to put it on that basis. That is not the American basis. America does not want to feed upon the rest of the world. She wants to feed it and serve it. America, if I may say it without offense to great peoples for whom I have a profound admiration on the other side of the water, is the only national idealistic force in the world, and idealism is going to save the world. Selfishness will embroil it. Narrow selfishness will tie things up into urgly knots that you can not get open except with a sword. All the human passions, if aroused on the wrong side, will do the world an eternal disservice.

"I remember somebody said to me one day, using a familiar phrase, that this was an age in which mind was monarch, and my reply was, 'Well, if that is true, mind is one of those modern monarchs that reign and do not govern; as a matter of fact, we are governed by a great popular assembly made up of the passions, and the best that we can manage is that the handsome passions shall be in the majority.' That is the task of mankind, that the handsome passions, the handsome sentiments, the handsome purposes, shall always have a dominating and working majority, so that they will always be able to outvote the baser passions, to defeat all the cupidities and meannesses and criminalities of the world. That is the program of civilization. The basis of the program of civilization, I want to say with all the emphasis that I am capable of, is Christian and not pagan, and in the presence of this inevitable partnership with the rest of the world, these gentlemen say, 'We will not sign the articles of copartnership.' Well, why not? You have heard, I dare say, only about four things in the covenant of the league of nations. I have not heard them talk about anything else. It is a very wonderful document and you would think there were only four things in it. The things that they talk about are the chance to get out, the dangers of article 10, the Monroe doctrine, and the risk that other nations may interfere in our domestic affairs. Those are the things that keep them awake at night, and I want very briefly to take those things in their sequence.

"I do not like to discuss some of them. If I go to do a thing, I do not say at the beginning, 'My chief interest in this thing is how I am going to get out.' I will not be a very trusted or revered partner if it is evident that my fear is that I will continue to be a partner. But we will take that risk. We will sit by the door with our hand on the knob, and sit on the edge of our chair. There is nothing in the covenant to prevent our going out whenever we please, with the single limitation that we give two years' notice. The gentlemen who discuss this thing do not object to the two years' notice; they say, 'It says that you can get out after two years' notice if at that time you have fulfilled your international obligations,' and they are afraid somebody will have the right to say that they have not. That right can not belong to anybody unless you give it to somebody, and the covenant of the league does not give it to anybody. It is absolutely left to the conscience of this Nation, as to the conscience of every other member of the league, to determine whether at the time of its withdrawal it has fulfilled its international obligations or not; and inasmuch as the United States always has fulfilled its international obligations, I wonder what these gentlemen are afraid of! There is only one thing to restrain us from getting out, and that is the opinion of

our fellow men, and that will not restrain us in any conceivable circumstance if we have followed the honorable course which we always have followed. I would be ashamed as an American to be afraid that when we wanted to get out we should not have fulfilled our international obligations.

"Then comes article 10, for I am taking the questions in the order in which they come in the covenant itself. Let me repeat to you article 10 nearly verbatim; I am not trying to repeat it exactly as it is written in the covenant. Every member of the league agrees to respect and preserve as against external aggression the territorial integrity and existing political independence of the other members of the league. There is the guarantee of the land titles. Without that clause, there is no guarantee of the land titles. Without that clause the heart of the recent war is not cut out. The heart of the recent war was an absolute disregard of the territorial integrity and political independence of the smaller nations. If you do not cut the heart of the war out, that heart is going to live and beat and grow stronger, and we will have the cataclysm again. Then the article adds that it shall be the duty of the council of the league to advise the members of the league what steps may be necessary from time to time to carry out this agreement; to advise, not to direct. The Congress of the United States is just as free under that article to refuse to declare war as it is now; and it is very much safer than it is now. The opinion of the world and of the United States bade it to declare war in April, 1917. It would have been shamed before all mankind if it had not declared war then. It was not given audible advice by anybody but its own people, but it knew that the whole world was waiting for it to fulfill a manifest moral obligation. This advice can not be given, my fellow citizens, without the vote of the United States. The advice can not be given without a unanimous vote of the council of the league. The member of the council representing the United States has to vote aye before the United States or any other country can be advised to go to war under that agreement, unless the United States is herself a party. What does that mean? Unless the United States is going to seize somebody else's territory or somebody else is going to seize the territory of the United States. I do not contemplate it as a likely contingency that we are going to steal somebody else's territory, I dismiss that as not a serious probability, and I do not see anybody within reach who is going to take any of ours. But suppose we should turn highwayman, or that some other nation should turn highwayman, and stretch its hands out for what belongs to us. Then what difference does it make what advice the council gives? We are in the scrap anyhow. In those circumstances Congress is not going to wait to hear what the council of the league says to determine whether it is going to war or not. The war will be its war. So that any way you turn article 10 it does not alter in the least degree the freedom and independence of the United States with regard to its action in respect of war. All of that is stated in such plain language that I can not for the life of me understand how anybody reads it any other way. I know perfectly well that the men who wrote it read it the way I am interpreting it. I know that it is intended to be written that way, and if I am any judge of the English language, they succeeded in writing it that way.

"Then they are anxious about the Monroe doctrine. The covenant says in so many words that nothing in that document shall be taken as invalidating the Monroe doctrine. I do not see what more you could say. While the matter was under debate in what was called the commission on the league of nations, the body that drew the covenant up, in which were representatives of 14 nations, I tried to think of some other language that could state it more unqualifiedly, and I could not think of any other. Can you? Nothing in that document should be taken as invalidating the Monroe doctrine—I can not say it any plainer than that—and yet by a peculiar particularity of anxiety these gentlemen can not believe their eyes; and from one point of view it is not strange, my fellow citizens. The rest of the world always looked askance on the Monroe doctrine. It is true, though some people have forgotten it, that President Monroe uttered that doctrine at the suggestion of the British cabinet, and in its initiation, in its birth, it came from Mr. Canning, who was prime minister of England and who wanted the aid of the United States in checking the ambition of some of the European countries to establish their power in South America. Notwithstanding that, Great Britain did not like the Monroe doctrine as we grew so big. It was one thing to have our assistance and another thing for us not to need her assistance. And the rest of the world had studiously avoided on all sorts of interesting occasions anything that could be interpreted as an acknowledgment of the Monroe doctrine. So I am not altogether surprised that these gentlemen can not believe their eyes. Here the nations of Europe say that they are entering into an arrangement no part of which shall be interpreted as invalidating the Monroe doctrine. I do not have to say anything more about that. To my mind, that is eminently satisfactory, and as long as I am President I shall feel an added freedom in applying, when I think fit, the Monroe doctrine. I am very much interested in it, and I foresee occasions when it might be appropriately applied.

"In the next place they are afraid that other nations will interfere in our domestic questions. There, again, the covenant of the league distinctly says that if any dispute arises which is found to relate to an exclusively domestic question, the council shall take no action with regard to it and make no report concerning it, and the questions that these gentlemen most often mention, namely, the questions of the tariff and of immigration and of naturalization, are acknowledged by every authoritative student of international law without exception to be as, of course, domestic questions. These gentlemen want us to make an obvious thing painfully obvious by making a list of the domestic questions, and I object to making the list for this very reason, that if you make a list you may leave something out. I remind all students of law within the sound of my voice of the old principle of the law that the mention of one thing is the exclusion of other things; that if you meant everything, you ought to have said everything; that if you said a few things, you did not have the rest in mind. I object to making a list of domestic questions, because a domestic question may come up which I did not think of. In every such case the United States would be just as secure in her independent handling of the question as she is now.

"Then, outside the covenant is the question of Shantung. Some gentlemen want to make a reservation or something that they clothe with a handsome name with regard to the Shantung provision, which is that the rights which Germany illicitly got, for she got it by duress, from China shall pass to Japan. While the war was in progress, Great Britain and France expressly, in a written treaty, though a secret treaty, entered into an engagement with Japan that she should have all that Germany had in the Province of Shantung. If we repudiate this treaty in that matter Great Britain and France can not repudiate the other treaty, and they can not repudiate this treaty inasmuch as it confirms the other. Therefore, in order to take away from Japan, for she is in physical possession of it now, what Germany had in China, we shall have to fight Japan and Great Britain and France; and at the same time do China no service, because one of the things that is known to everybody is that when the United States consented, because of this promise of Great Britain and France, to putting that provision in the treaty, Japan agreed that she would not take all of what was given to her in the treaty; that, on the contrary, she would, just as soon as possible after the treaty was carried out, return every sovereign right or right resembling a sovereign right that Germany had enjoyed in Shantung to the Government of China, and that she would retain at Shantung only those economic rights with regard to the administration of the railway and the exploitation of certain mines that other countries enjoy elsewhere in China. It is not an exceptional arrangement—a very unfortunate arrangement, I think, elsewhere as there, for China, but not an exceptional arrangement. Under it Japan will enjoy privileges exactly similar and concessions exactly similar to what other nations enjoy elsewhere in China and nothing more. In addition to that, if the treaty is entered into by the United States China will for the first time in her history have a forum to which to bring every wrong that is intended against her or that has been committed against her.

"When you are studying article 10, my fellow citizens, I beg of you that you will read article 11. I do not hear that very often referred to. Article 11—I am not going to quote the words of it—makes it the right of any member of the league to call attention to anything, anywhere, that is likely to disturb the peace of the world or the good understanding between nations upon which the peace of the world depends. Every aspiring people, every oppressed people, every people whose hearts can no longer stand the strain of the tyranny that has been put upon them, can find a champion to speak for it in the forum of the world. Until that covenant is adopted, what is the international law? International law is that no matter how deeply the United States is interested in something in some other part of the world that she believes is going to set the world on fire or disturb the friendly relations between two great nations, she can not speak of it unless she can show that her own interests are directly involved. It is a hostile and unfriendly act to call attention to it, and article 11 says, in so many words, that it shall be the friendly right of every nation to call attention to any such matter anywhere; so that if anybody contemplates anything that is an encroachment upon the rights of China he can be summoned to the bar of the world. I do not know when any

nation that could not take care of itself, as unfortunately China can not, ever had such a humane advantage accorded it before. It is not only we, my fellow citizens, who are caught in all the implications of the affairs of the world; everybody is caught in it now, and it is right that anything that affects the world should be made everybody's business.

"The heart of the covenant of the league of nations is this: Every member of the league promises never to go to war without first having done one or the other of two things, either having submitted the matter to arbitration, in which case it agrees absolutely to abide by the award, or having submitted it to discussion by the council of the league of nations. If it submits it for discussion by the council, it agrees to allow six months for the discussion and to lay all the documents and facts in its possession before the council, which is authorized to publish them; and even if it is not satisfied with the opinion rendered by the council, it agrees that it will not go to war within less than three months after the publication of that judgment. There are nine months in which the whole matter is before the bar of mankind, and, my fellow citizens, I make this confident prediction, that no nation will dare submit a bad case to that jury. I believe that this covenant is better than 95 per cent insurance against war. Suppose it was only 5 per cent insurance; would not you want it? If you can get any insurance against war, do not you want it? I ask any mother, any father, any brother, anybody with a heart, 'Do not you want some insurance against war, no matter how little?' And the experience of mankind, from the conferences between employers and employees, is that if people get together and talk things over, it becomes more and more difficult to fight the longer they talk. There is not any subject that has not two sides to it, and the reason most men will not enter into discussion with antagonists is that they are afraid the other fellows' side will be stronger than theirs. The only thing you are afraid of, my fellow citizens, is the truth.

"A cynical old politician once said to his son, 'John, do not bother your head about lies; they will take care of themselves, but if you ever hear me denying anything you may make up your mind it is so.' The only thing that is formidable is the truth. I learned what I know about Mexico, which is not as much as I should desire, by hearing a large number of liars tell me all about it. At first, I was very much confused, because the narratives did not tally, and then one day, when I had a lucid interval, it occurred to me that that was because what was told me was not true. The truth always matches; it is lies that do not match. I also observed that back of all these confusing contradictions there was a general mass of facts which they all stated, and I knew that that was the region into which their lying capacity did not extend. They had not had time to make up any lies about that, and the correspondences in their narratives constituted the truth. The differences could be forgotten. So I learned a great deal about Mexico by listening to a sufficiently large number of liars. The truth is the regnant and triumphant thing in this world. You may trample it under foot, you may blind its eyes with blood, but you can not kill it, and sooner or later it rises up and seeks and gets its revenge.

"That is what it behooves us to remember, my fellow citizens, in these radical days. The men who want to cure the wrongs of governments by destroying government are going to be destroyed themselves; destroyed, I mean, by the chaos that they have created, because remove the organism of society and, even if you are strong enough to take anything that you want, you are not smart enough to keep it. The next stronger fellow will take it away from you and the most audacious group amongst you will make slaves and tools of you. That is the truth that is going to master society in Russia and in any other place that tries Russia's unhappy example. I hope you will not think it inappropriate if I stop here to express my shame as an American citizen at the race riots that have occurred in some places in this country where men have forgotten humanity and justice and ordered society and have run amuck. That constitutes a man not only the enemy of society but his own enemy and the enemy of justice. I want to say this, too, that a strike of the policemen of a great city, leaving that city at the mercy of an army of thugs, is a crime against civilization. In my judgment, the obligation of a policeman is as sacred and direct as the obligation of a soldier. He is a public servant, not a private employee, and the whole honor and safety of the community is in his hands. He has no right to prefer any private advantage to the public safety. I hope that that lesson will be burned in so that it will never again be forgotten, because the pride of America is that it can exercise self-control. That is what a self-governing nation is, not merely a nation that elects people to do its jobs for it, but a nation that can keep its head, concert its purposes, and find out how its purposes can be executed.

"One of the noblest sentences ever uttered was uttered by Mr. Garfield before he became President. He was a Member of Congress, as I remember it, at the time of Mr. Lincoln's assassination. He happened to be in New York City, and Madison Square was filled with a surging mass of deeply excited people when the news of the murder came. Mr. Garfield was at the old Fifth Avenue Hotel, which had a balcony out over the entrance, and they begged him to go out and say something to the people. He went out and, after he had attracted their attention, he said this beautiful thing: 'My fellow citizens, the President is dead, but the Government lives and God Omnipotent reigns.' America is the place where you can not kill your government by killing the men who conduct it. The only way you can kill government in America is by making the men and women of America forget how to govern, and nobody can do that. They sometimes find the team a little difficult to drive, but they sooner or later whip it into harness. And, my fellow citizens, the underlying thought of what I have tried to say to you to-night is the organization of the world for order and peace. Our fortunes are directly involved, and my mind reverts to that scene that I painted for you at the outset—that slope at Suresnes, those voiceless graves, those weeping women—and I say, 'My fellow citizens, the pledge that speaks from those graves is demanded of us. We must see to it that those boys did not die in vain. We must fulfill the great mission upon which they crossed the sea.'"

YUMA IRRIGATION PROJECT, ARIZONA.

Mr. SMITH of Arizona. I ask unanimous consent for the present consideration and passage of a bill which I am sure will be unobjectionable. It is important that it be passed at an early day. It provides for the disposition of the waste and drainage water at the end of the Yuma irrigation project in Arizona. We desire to have the advantage of the use of this water on the American side, but have at present no power to use it. I therefore ask unanimous consent for the present consideration of the bill (S. 2610) to provide for the disposal of certain waste and drainage water from the Yuma project, Arizona.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and empowered to dispose of the waste and drainage waters which are or may become available at the southern end of the Yuma reclamation project, Arizona, which was constructed under the provisions of the reclamation act of June 17, 1902 (32 Stat., p. 388), on the best terms obtainable without incurring any obligation for delivery of any specific quantity of water at any future time.

SEC. 2. That the proceeds of the disposal of said waters shall be covered into the reclamation fund and be employed in defraying the expenses incident to the delivery of such water, including pumping and river protection, and the balance, if any, is hereby appropriated, and shall be expended under the supervision of the Secretary of the Interior for improving and maintaining the river protection works of the Yuma project.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PAY OF OFFICERS IN COAST GUARD.

Mr. NELSON. I ask unanimous consent for the present consideration of the resolution (S. J. Res. 102) to equalize the pay and allowances of commissioned officers, warrant officers, and enlisted men of the Coast Guard with those of the Navy. I ask leave to make a brief statement as to what the joint resolution relates.

The joint resolution proposes legislation relative to the pay and allowances of officers of the Coast Guard Service. The Coast Guard is composed of the old Revenue Service and the Life-Saving Service. During the war they were attached to the Navy Department, and received the pay and allowances which were received in the Navy. They have, however, since been detached from the Navy Department, which relegates them to the scale of wages that prevailed before the war. The department now finds difficulty in obtaining crews for that service at the present pay. Men are leaving the service because they can get higher wages in other sea service.

It is very important that the joint resolution should pass promptly.

The VICE PRESIDENT. Is there any objection to the present consideration of the joint resolution?

Mr. KING. I ask that the joint resolution be read, because, if I understand its terms and provisions, I shall object to its consideration.

The Secretary proceeded to read the joint resolution.

Mr. KING. I will not ask to have the joint resolution read further. I object to its consideration.

The VICE PRESIDENT. Objection is made.

CONFIRMATION OF CAPT. WILLIAM EDWARD REYNOLDS.

Mr. JONES of Washington. Mr. President, on yesterday, when the executive session was held, I could not be present. I had been previously called away from the Senate. I have had in my desk for some time a nomination to report favorably. I ask unanimous consent that, as in executive session, I may now be permitted to report the nomination referred to, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there any objection? The Chair hears none. The Secretary will read the report.

The SECRETARY. From the Committee on Commerce Mr. JONES of Washington reports favorably the nomination of Senior Capt. William Edward Reynolds to be captain commandant of the Coast Guard to fill an existing vacancy.

The VICE PRESIDENT. Is there any objection to the confirmation of the nomination?

The Chair hears none, and the nomination is confirmed, and the President will be notified.

TREATY OF PEACE WITH GERMANY.

The VICE PRESIDENT. Morning business is closed.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business in open executive session.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. CUMMINS. Mr. President, if I could hope to record accurately my views with respect to the German treaty in the votes I shall cast during its consideration by the Senate, I would not add to the already tremendous volume of discussion; but all of us know through long experience how impossible it is to express through parliamentary forms our exact opinions upon an intricate and difficult subject, and this situation constrains me to do what otherwise I would gladly have left undone.

Strange as it may seem, I intend to assume that every Senator, whether he is for the treaty or against the treaty, whether he is for the league of nations or against the league of nations, whether he demands reservations or is opposed to reservations, is sincere and honest in his beliefs; that every Senator is a patriot and wants to do the thing with respect to this matter which will most effectually promote the welfare of his country and the interests of humanity. The whirlwind of accusations impliedly, if not expressly, impugning the motives of Senators has been exceedingly painful to those of us who still believe in the integrity of the Senate; and its effect upon the people who are earnestly endeavoring to preserve some degree of confidence in this tribunal has been most demoralizing and distressing. It is to be deeply regretted that some Senators feel themselves at liberty to charge other Senators with the base though unbelievable purpose of opposing the treaty simply to discredit the President and to accomplish their political designs. It is equally to be regretted that some Senators feel themselves at liberty to challenge the patriotism and Americanism of their associates and to impute to those who are supporting the President indifference, if not hostility, toward the vital concerns of their own country. Down in their hearts the Senators from Nebraska, Mississippi, Arkansas, Montana, Ohio, and Nevada, who are the powerful advocates of an unqualified ratification of the treaty, can have no doubt that the Senators from Massachusetts, Connecticut, Pennsylvania, Idaho, California, and New Mexico are just as devotedly attached to the maintenance of the national honor in the association with our allies to the lofty sentiments of peace and the welfare of the world as it is possible for men to be. On the other hand, the Senators I have last named do not, can not, question that the group I first named are as strongly wedded to American institutions and the perpetuation of our national independence as mortals can become.

Nevertheless a casual observer in the Senate would be inclined to reach the conclusion that the most influential Senators upon this side of the Chamber are altogether insensible to the awful horrors of war and are determined to keep the world in conflict simply to antagonize the President or to work out some petty ambition for party supremacy, while at the same time he could not well resist the inference that the most persuasive Senators upon the other side of the Chamber are bent on wrecking their own country simply to vindicate the infallibility of the Chief Executive in his work at Paris. Nothing could be more unfortunate than the impression which such a situation creates in the country. The unhappy consequences are not limited to the treaty under consideration, but extend to all the subjects of legislation, for how dare we expect that the people will be law-abiding if they believe that the lawmakers are neither sincere in their purposes nor honest in their legislation? If little by little we destroy the faith of the masses of the people in the integrity of representative government, we will ourselves be chiefly responsible for the greatest calamity which can befall the human race.

It ought not to excite surprise to find the widest differences of opinion with respect to policies and measures which should be adopted in both our domestic and foreign affairs, but I appeal with all my strength for a course of debate which proceeds upon the assumption that all of us are mindful of our constitutional obligations and that each of us in his own way is endeavoring to advance the interests of the people of the United States with single-minded fidelity.

It was inexpressibly shocking to me to read in the newspapers a few days ago that the President had characterized Senators who are opposed to the treaty as "contemptible quitters," and that he had sent to them the message, "Put up or shut up." I will not believe until these reports are corroborated that the Chief Executive of the Nation ever used these or similar expressions, but if he did he has lost something which, try as he may, he will never regain—something indispensable to the successful conduct of the high office which he now occupies. I can understand his tremendous anxiety for the approval of his work, but he ought to understand, and presently he will understand, that such epithets and such coarse and brutal threats will not advance his cause in the Senate, and will—and this is the deplorable reflection—inevitably tend to overthrow the institutions he has sworn to protect and preserve. The German treaty is vastly important, but it shrinks into nothingness when compared with the defense of law and order, with the maintenance of peace and security within our own borders. With these preliminary observations, which, trite and obvious as they are, I could not refrain from making, I turn to the subject under our immediate consideration.

It is not my purpose to review analytically that part of the treaty which relates to the terms imposed upon Germany. It is my opinion that in some respects these terms are not as severe as they should be, and that in other respects they are more severe than they ought to be. It has been my view that Germany should be made helpless or harmless in a military way and left as free as is consistent with safety in a commercial and industrial way, in order that she might be able to make the reparations and restitutions which in justice she ought to make. I fear that the German people may not be able to maintain a continuous, successful government under the conditions which have been imposed; and if she fails in that respect she will be a plague spot in the world and the hope of reparations will vanish in the chaos that must ensue. This is, however, an abstract suggestion purely; for, whatever may be my opinion upon the subject, these terms have been agreed upon by Great Britain, France, and Italy, the chief sufferers of the war, and, from my standpoint, the United States should be content with the disposition which these powers have made of the matter.

The one great, irremediable error which our country has committed was made when the President outlined, in his now famous message, the terms of peace. However exalted his purpose may have been, he embarrassed beyond measure the three nations most directly concerned and planted the seeds of dissension and discontent everywhere. For years and years to come this country will feel the weight of that crowning mistake of overpowering egotism. This observation leads me to consider for a moment our attitude toward the war, the end which we sought to accomplish, and the responsibilities which its victorious conclusion imposed upon us. It seems to me absurd to iterate and reiterate that America entered the war to "make the world safe for democracy" or that any other belligerent took up arms in order to bring about that happy result. If democracy is to be accepted as a broad, general synonym for free government, it necessarily implies that the people who compose the government are to come together with or without the struggle which ordinarily precedes the establishment of an independent nation, of their own volition, and rule according to their own will. Not only so, but it involves the thought that an already established power will not oppose the withdrawal from it of a body of men who, by reason of race, color, religion, community of purpose, or other circumstance, desire to do so. There was no nation engaged in the war which fought for any such thing, nor is there a nation in the world that would permit the application of this glittering generality and meaningless catchword to its own affairs. The constant use of this deceptive cry has done infinite harm, and at this moment is beclouding the real issues of an appalling situation.

Our entrance into the conflict was simply an acceptance of a brutal challenge which Germany insolently issued to our honor and interest. We raised an Army, mobilized our Navy, and began to fight, because Germany was already making war upon

us, and we knew that if she overcame Europe our country would be in the gravest peril. Under these circumstances it was perfectly clear that we must fight and that we must fight in France. We had just one object, and no soldier or sailor ever misunderstood it: It was to whip Germany and reduce that criminal nation to a state of military helplessness and thus forever remove the peril which threatened to overcome us. When we accomplished that object, our part in the cruel drama was played, and our exit from the stage of war should have been as speedy and complete as possible. This does not mean that we should have abandoned our allies or that we ought to have made a separate peace with Germany; but it does mean that it was not our duty to associate ourselves with foreign powers in reforming the map of the world and in agreeing to maintain it as the victors had made it. We were bound to join Great Britain, France, Italy, and Japan in whatever measures were necessary to be taken to make it sure that Germany would not again assault the world, and, plainly, the American people must bear the burden, whatever it may be, of enforcing such terms upon Germany that she will not again become a menace to the safety of the United States. I have not the least sympathy with the suggestion that the moment Germany was overcome upon the field of battle we should have incontinently left Europe and returned to America. We were under the highest obligations of honor, as well as under the most imperative duty to our country, to join our allies in making peace.

It is not true, however, that we are bound to join our associates in arms in every undertaking which they may think necessary in order to compose Europe. The circumstances clearly point out the duty which falls upon us and the duty which falls upon them. Our duty is limited to Germany and her future; their duty expands into whatever concerns their relations with the nations of that continent.

The United States during the last three years has twice entered Europe. It first entered to make war upon Germany, and it was the most impressive spectacle in the history of the world, for it was done in a way and to a degree never before witnessed and which no other power in all the annals of mankind had ever or could ever have paralleled. A little more than a year later, with courage never surpassed, the United States had accomplished its mission; and, when the day of the armistice dawned, it had won the admiration and held the confidence, esteem, and affection of every country of the earth whose people loved justice, revered liberty, and honored manhood. The name and fame of the American soldier and the nation of his allegiance touched the highest point ever attained in the cause of humanity.

A little later the United States again entered Europe; this time not to make war, but to make peace. A great ship was chartered and filled with statesmen of high and low degree, with historians, students, lawyers, experts, and a vast retinue of attendants, and at their head the President of the United States in royal state and ceremonial accompaniment. He had prepared and published his program, and he went like a victorious conqueror—not of Germany alone, but of all the problems of organized and unorganized society—to carry into effect his extraordinary plan for the reformation and the readjustment of all of the peoples of the whole earth. If we may credit the manifestos which preceded him, he went to make everybody happy, comfortable, and prosperous; he went to insure to every human being the highest forms of civilization and the completest freedom known to mankind; he went to appeal, if necessary, to the citizens of the allied countries against the injustice of their own institutions; he went to impose upon America, as the one power of undiminished strength and resources, the task of settling all disputes and imposing her will upon vast populations naturally turbulent and disordered by war.

This he was pleased to call the highest duty of the people of the United States. He remained six months and, in some fashion, ended his work. When he came away the United States had not a friend in Europe, Asia, or Africa, and our brilliant service in the war was almost forgotten in the storm of protests which followed him as he sailed for home. The one thing he brought with him which was joyfully received in America by multitudes of good people was the covenant for a league of nations, and this because, and only because, these people believed, many of them without inquiry, that the league would bring peace to a war-weary world and would maintain it in all the years to come. Gradually these people are beginning to see the tremendous and, indeed, impossibly heavy burdens we are asked to assume, and gradually they are understanding that there are some provisions in the covenant which must inevitably provoke war instead of keeping the peace. Gradually they are being convinced that the United States can not, with safety to its own men and women, guarantee with our Army and Navy the sovereignty of all the nations as they may emerge from the clouds of the titanic struggle through which we have passed.

It seems to me that a due regard for the interests and honor of the United States would have required this concourse of American representatives who filled the *George Washington* to overflowing to have said to the assembled peace commissioners something like this:

"America has helped as best it could to win the war, and we are here to join you in a peace with Germany that will render her powerless to assault again her sister nations, and that will leave her without hope of future conquest. So far as we are concerned, this ought to be done by disbanding her army and forbidding its recreation; by destroying her navy and prohibiting its reconstruction; by dismantling her fortifications and preventing their restoration; by turning her munition factories into industrial plants and enjoining their reconversion. We recognize that we ought to share the burden of doing these things for your safety as well as our own.

"We are not here, however, and will not stay here, for the purpose of dividing the territory of Germany among the victorious belligerents. We are not here, and we will not stay here, to assist you in bringing about order in Russia, or of establishing the kind of government which you think ought to prevail in that distracted country. We are not here, and we will not stay here, to aid you in determining whether or not Esthonia, Livonia, Lithuania, Poland, Czechslovakia, Ukraine, Armenia, Hungary, Jugo-Slavia, Roumania, Bulgaria, and Turkey should be independent sovereignties or to maintain their respective territories by force of American arms and the support of the American Treasury. If new boundaries are to be decreed; if plebiscites and elections are to be held; if backward peoples are to be trusteed; if races are to be assigned to this or that power, these are things which belong to you, and the United States, 3,000 miles across the sea, will not become the arbiter or policeman for Europe, Asia, or Africa.

"We are here, and will stay here, to create a compact among nations for peace. We will agree for ourselves that we will submit to the judgment of a world tribunal every arbitrable dispute which may arise between the United States and any other nation, and we will abide by the judgment that may be rendered; not only so, but we will agree that on account of any controversy, whether justiciable or otherwise, we will not go to war for such a period as will enable the reputable nations of the earth to meet in council and hear a full, free discussion of the matter in issue, and a frank interchange of opinion with regard to it, with the understanding that upon such questions the whole province of the council ends with discussion, and that neither decision nor recommendation is to be attempted. We will join you in an honest effort to enlarge and make certain the code of international law so that every nation may know its rights and act accordingly."

It is my deliberate conclusion that if a course the outline of which I have suggested had been pursued this country would still enjoy the respect and confidence of the world, and that everything that mortal wisdom and foresight can do to prevent war would have been done. I ought to add to this thought another which is uppermost in my mind, although I know that it would not have been accepted by the powers associated with us during the war. We ought to have proposed simultaneous and progressive disarmament, for it is my profound belief that the most effective way to prevent wars of great magnitude and general destruction lies in the policy of an unarmed world. I have indicated what I think should have been done, and it will be my purpose as we pass through this treaty to make it conform as nearly as may be, and so far as the United States is involved, to the principles I have attempted to make clear.

Emphatically as I may condemn the disposition of the Chinese Province, or as radically wrong as the distribution of other German territory may be, as indefensible as the delimitation of the borders of these new governments set up in Europe is, or as surcharged with trouble as many of these activities undoubtedly are, I am not willing to disturb these various arrangements between Great Britain, France, Italy, and Japan. The underlying principle which I am advocating is the withdrawal of interference on our part in these affairs. All that I want to do is to lift the United States from this awful tangle. My whole purpose will have been achieved if I can do something toward delivering our country from this body of death to which we have been chained. I want to relieve the American Republic from the eternal odium of the Shantung crime; I want to relieve it from the responsibility of the government of the Saar Valley, with its plebiscites and autocratic power; I want it relieved from the supervision of the elections in Silesia; I want it relieved from the disgrace

of passing over Thrace to Bulgaria; I want it relieved from the everlasting quarrels which will ensue when statesmen and surveyors begin to erect the monuments which will mark the boundaries of the violent peoples in eastern and southern Europe. I want to leave all these and kindred things for disposition by the other belligerents in any way which to them may seem conscionable and humane. The United States can not in justice to its own citizens undertake the responsibility of such an arrangement.

With these observations upon the German treaty proper, I turn for a brief consideration of the covenant for a league of nations. During the closing days of the last session, after the President had returned from Europe with the proposed constitution for a league of nations, I addressed the Senate upon the subject, giving my views with some fullness upon it. I was one of the first, I think, to submit the proposal to a somewhat critical examination. I attempted to state fairly the good that was in it and to point out with such clearness as I could its objectionable provisions. I am not concerned about consistency, for if one speaks the truth as he sees it he need not trouble himself about the harmony of his utterances. It is with some gratification, however, that I find the opinions I now entertain after six months of diligent study and constant reflection are in exact accord with the opinions I then expressed. The intervening period, with its opportunities for examination and reexamination, has but crystallized and deepened the convictions which were then, in a measure, instinctive. In order that others may know that the influence of these months of reflection has brought no change in my opinion, I ask leave to *print as an* appendix to my present observations the address which I delivered in the Senate on the "Proposed constitution for a league of nations" on the 26th day of February, 1919.

I said then, and I say now, that I am in favor of a league among nations to promote the peaceful settlement of disputes and to prevent war, and the provisions in what was then called a "constitution," but is now described as a "covenant," which look toward the submission of all arbitrable controversies to either arbitration or the judgment of a world court I want to preserve, and I intend to do it if it be possible to disengage it from the evil obligations which other provisions seek to impose upon us. I am earnestly in favor of a world council before which all disputes can be frankly debated before war ensues. I am profoundly convinced that the opportunity which will permit the reputable powers of the earth to meet each other face to face and talk over controversies, pending war, would do more to insure peace among nations than all the obligations which Governments can assume. I am most willing that the United States shall agree that it will not begin a war until it has met its fellow nations in this spirit and made known the causes which seem to lead toward an armed conflict. I am now, as I always have been, for simultaneous and proportionate disarmament proceeding in a progressive way, as confidence grows and fear of war disappears, until we realize our hope in an unarmed world.

These things are not found in full perfection, some of them not at all, in either the proposed "constitution" which the President laid before us last spring nor in the proposed "covenant" which appears as a part of the German treaty, but the beginnings are there and I want to hold fast to them; and I will hold fast to them if I am not asked to ratify certain other articles and clauses in the covenant which are so fatal to free institutions, so subversive of morals in enlightened government, so destructive of American liberty, and so perilous for democracy that I would hold myself a traitor not only to the welfare of our own people but to civilization as well if I did not do everything in my power to eliminate them from the compact, and, failing in that, to refuse my assent to the treaty of which they form a part. In all my life I have never seen good and evil so closely associated and upon such intimate terms as they are in the instrument before us.

In my former address I made three chief objections to the then proposed "constitution for a league of nations": First, to the power given to the league over our domestic questions, including the Monroe doctrine; second, to the obligation to respect and preserve the territorial integrity and political independence of the nations entering the league; and, third, to the authority of the league for the issuance of a mandate requiring the United States to administer the affairs of a foreign country. There were other but, from my standpoint, minor objections which I did not discuss. The present treaty with its covenant, although changed in its phraseology, intensifies my first objection. The second, based upon article 10, remains unchanged. The third, relating to mandates, has been partially met by the stipulation that any nation selected as a mandatory may accept or decline the proposal. This mitigates the enormity of the mandatory provision, and if it is still further safeguarded by a reservation that Congress alone has the jurisdiction to accept so extraordinary a commission, I can waive my objection, for it is quite impossible for me to conceive that a Congress can be assembled so unmindful of its constitutional limitations and so indifferent to the welfare of the people of the United States as to enter upon any such insane undertaking.

With respect to the jurisdiction of the league, whether in council or assembly, over the domestic affairs of the parties to the covenant and with respect to the exemption of the Monroe doctrine from its authority or interference there seems to be little difference of opinion in principle among Senators. However, we separate widely upon interpretations, and the mere fact that we do differ makes it perfectly clear that there should be a plain, strong, effective reservation upon these subjects in the resolution of ratification; and, without dwelling upon such matters further, I intend to assume that such a reservation will be adopted by a decisive majority.

I approach now, Mr. President, article 10, which, as I have remarked, has been modified only in form but not in substance. It has been often quoted, but I beg to repeat it:

> The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression, the council shall advise upon the means by which this obligation shall be fulfilled.

The President has frequently described this article as the heart of the league, and when we remember the kind of league—the superstate—which lies deep down in his mind, the accuracy of his description can not be questioned. It is this article which was in his vision when he said that there was force in the covenant—in the background, to be sure, but easily perceived. It is this article from which springs his vision of America leading the world. It is in this article that he finds the power to crush all humanity into an artificial, hardened, and eternal pattern. It is upon this article that he bases his hope and prophecy that the conclusion of the treaty will bring peace and quiet, still the raging passions of man, overflow resentment and disappointment with oblivion, stimulate commerce, and create comfort, content, and happiness everywhere.

Far be it from me to doubt the sincerity of the President as he eloquently urges these and kindred considerations. My divergence from his path of reason comes about because I have an entirely different conception of the development and progress of peoples and nations. I do not believe that the welfare of humanity will be promoted by a compact through which a few strong nations will dominate and control many weaker nations. The protection which article 10 is designed to furnish to feeble powers must inevitably lead either to their complete subjection or to continuous revolution. One of the most interesting reviews of a situation which has arisen in eastern Europe is from the pen of Mr. Frank H. Simonds, a famous war writer. It was published in the Evening Star of September 18, and it illustrates so clearly what American soldiers and American money are expected to do under article 10 that I desire to print it as an appendix to my remarks. The article relates to a controversy between Hungary, Serbia, and Roumania over a part of the territory which has been set apart by the treaty of peace to one or the other of these nations.

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Without objection, leave to print the article is granted.

Mr. CUMMINS. I have noted also a most significant paragraph in a speech delivered by Lloyd-George on September 17 before the International Brotherhood Congress, and I quote a brief passage from the report of his address:

> Alluding to the league of nations as an organized attempt to substitute fair play for force, the premier was heckled about Russia and Ireland, to which he replied: "We must have fair play in each case on both sides." He added that, at the time of the armistice, he had not foreseen that the league might be required to prevent small nations from destroying each other. "There never was a league of nations more needed," he declared. "I fear the welter of warring nations will continue, unless there is a strong band like that of the federated powers to insist upon peace. I see no hope for the world except in such a strong league."

About the same time I observed an interview with Mr. Henry Morgenthau, a member of one of the many investigating commissions roving through Europe. He is reported to have said:

> The only remedy I can see is the league of nations. The league must operate immediately to decide disputes, determine frontiers, and restore order in central Europe, which is threatened with anarchy. Only the league of nations can restore the confidence of new nations and inspire respect from Germany.

Mr. MOSES. Mr. President——

Mr. CUMMINS. I yield to the Senator.

Mr. MOSES. That being the view of Mr. Morgenthau, can the Senator advance any opinion of his own as to why the treaty has so carefully left the league of nations out of consideration as an instrumentality for the determination of boundaries and committed that task to the five principal allied and associated powers?

Mr. CUMMINS. I do not attempt to explain what seems to me a very strange inconsistency. I only know that when these borders and frontiers are established, it then becomes the duty of every member of the league to employ all the force, whether of men or money, to maintain and protect the boundaries that have thus been established.

Mr. MOSES. The Senator, of course, can not have overlooked that one boundary definitely established in the instrument itself, namely, that between the Netherlands and Belgium, has already produced a diplomatic rupture and may lead to very serious complications.

Mr. CUMMINS. That is quite true, Mr. President, and not only so, but the United States is said to have already employed its military or its naval forces in order to eject Italians from Fiume and to compel the restoration or delivery of that city, with its surrounding territory, to the Jugo-Slav State which has been created by the treaty.

Mr. MOSES. Further than that, Mr. President, if the press reports are true, the forces of the United States are acting in alliance with the forces of the inchoate Serb-Croat-Slovene State, a State which has nothing but nominal diplomatic recogniton, a State whose boundaries have not yet been established, a State whose people are not yet in harmony with each other in their various elements, a State with which we have formed no alliance through the constitutional methods, and a State with which we are not warranted in joining in warlike measures.

Mr. CUMMINS. I am very much obliged to the Senator from New Hampshire for pointing out these additional circumstances under which we will be called upon, as time goes on, to preserve order and protect borders throughout Europe.

All these utterances point unerringly in one direction—three or four powerful Governments, with the United States at the head for the time being, are to undertake the guardianship of the world. It will require a great military force and vast sums of money to defend these frontiers and keep these restless, warring, half-civilized people in peace with each other. The United States, by reason of its undiminished man power and its great resources, is to be the leader of this impossible undertaking. This seems to be one ideal, at least, so fondly cherished by those who are insistent that we must accept the command which Great Britain, France, Italy, and Japan are so willing to bestow upon us.

Mr. President, if this attitude toward the nations of the earth were in any way tolerable, how long do you think it would be before these strong powers would find themselves in violent disagreement among themselves? We are already emphatically condemning, inferentially at least, our allies in the Shantung affair, and there would be many Shantungs before we had proceeded far in this ambitious program; but if the principal associated powers were to work in harmony, it would mean nothing else than complete and arbitrary mastery of the world. To me the whole proposal is wrong—hopelessly, viciously wrong—and it ought not to receive the assent of those who have behind them the traditions which spring from the history of the United States.

I do not pause to inquire whether the obligation imposed upon this country in article 10 is a legal or moral obligation. I recognize no distinction in such a case as this between legal and moral obligations. I freely grant, sir, that in this article we do not agree to follow the advice which the council may render with respect to the particular measures which should be taken in order to preserve territorial integrity and political independence, but we bind ourselves absolutely and irrevocably to do whatever in our judgment will most effectually accomplish the result. In honor, it binds us to send an army, if an army is necessary; to send a navy, if a navy is necessary; to send supplies, if supplies are necessary; to establish an embargo, if an embargo is necessary; in short, to do for the country assailed exactly what we would do for ourselves under like circumstances.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. Has the Senator from Iowa ever contemplated article 10 as a method adopted not to put a stop to wars but to put a stop to wars of conquest?

Mr. CUMMINS. I think I have contemplated the article in every light in which it can be viewed. The purpose of article 10 is to crystallize the world as it emerges from this conflict; it is to preserve, as I gather, the territorial integrity and the political independence of every nation as it then exists. I can understand how it might be wise from time to time for the United States to enter a war in order to overcome the desire of some nation for conquest; but my proposition is that it is immoral to ask the United States to agree to do that without knowing what the circumstances are under which it will be called upon to act.

Mr. HITCHCOCK. Will the Senator permit me to inquire as to the probabilities? When the Monroe doctrine was enunciated, nearly 100 years ago, it was a threat by the United States to every nation in Europe that we would regard it as an act of war if those nations of Europe, then bent on conquest, undertook to touch any nation of the Western Hemisphere. The Senator knows that that threat by the United States never made it necessary for us to send an army to Brazil or Ecuador or Colombia or to any other country in South or Central America, although the doing of that thing was involved by our threat. The Senator knows that that threat never cost a dollar or a man, but that it nevertheless prevented wars of conquest on the Western Hemisphere.

Now, if all the nations in this league, numbering practically all of the nations in the world, say they will unite in making the threat against any evil-doing nation that may attempt conquest which impairs the territorial integrity or political independence of any nation, does the Senator think that there is any more likelihood that any nation will bring down upon itself that overwhelming penalty than that the nations of Europe should have attacked the nations of North or Central or South America when we promulgated the Monroe doctrine? Is not the fact that the Monroe doctrine, enunciated by one Republic then weak, prevented war, prevented conquest in the Western Hemisphere, a good argument for believing that 20 or 30 nations engaging to prevent conquest anywhere in the world would have the effect of preventing an attempt of conquest?

Mr. CUMMINS. Mr. President, I can conceive a situation in which if Great Britain, France, Italy, Japan, and the United States—they being the principal powers now in the world—were to agree among themselves that there should be no change whatever in the boundaries of the sovereignties of the world, that an attack upon those sovereignties would be unlikely. I grant that. It is against that which I protest.

I do not know that the sovereignties of these countries as they are now arranged ought to be continued; I do not know that Poland should have the boundaries forevermore that are now assigned to her; I do not know that Czechoslovakia should exist just as she is now arranged; I do not know that Roumania and Bulgaria and Turkey and the territories that have been assigned to them or to any other nation should continue as they are. The United States when it proclaimed the Monroe doctrine simply said, "We shall regard any attack upon or interference with the affairs of the Western Hemisphere as unfriendly to the United States, as intended to bring and probably resulting in harm and disaster to the institutions of the United States, and we will look upon any effort of that sort as unfriendly to our interests." We can not say that with respect to the future of the world; and it is just that against which I am complaining.

Mr. MOSES and Mr. HITCHCOCK addressed the Chair.

Mr. CUMMINS. I yield to the Senator from New Hampshire.

Mr. MOSES. Mr. President, may I add to what the Senator from Iowa has so vigorously said that conditions at the time the Monroe doctrine was promulgated were altogether dissimilar to those now existing. Then the European nations making colonizing efforts upon this continent were 3,000 miles away; they were dealing with a people who were dissimilar in blood, in language, in religion, and in traditions. Conditions in Europe to-day which will lead to future trouble—indeed, they have already provoked trouble under the very terms of this covenant—are wholly different from those which confronted the relations of European nations and the Latin-American peoples a hundred years ago. Over there, Mr. President, there are rivalrous nations of the same blood seeking to bring their own people within their boundaries. The conditions can not possibly be compared with those existing on this continent. We have already seen 23 wars spring up since the covenant of the league of nations was given to the world as a valentine last February, and Heaven only knows how many more wars we shall see if the covenant shall be given to the world as a Christmas present.

Mr. CUMMINS. Mr. President, all that the Senator from New Hampshire says is true, but I base my objection to article 10 upon a much broader ground. It is well supported by the considerations stated by the Senator from New Hampshire; but we are asked now, without any knowledge of the future or what it will bring forth, without any possible information with respect to what the condition of the world 10, 20, or 25 years hence may be, to enter into an agreement to enforce present boundaries and frontiers, the present political independence of nations and existing institutions, for all time to come.

The United States had a perfect right to say to the world, if it has the power to support its statement, "We look upon the

extension of autocratic or monarchial institutions in America as unfriendly to our country; we look upon an attempt of that sort as a menace and peril to the Republic which we have now established on this continent"; but does the Senator from Nebraska say that we have surrounded our proposed agreement to defend the boundaries of all the nations of the world in this covenant by any such restrictions, by any such considerations? We are bound by the act of some one else. In the United States we control the event; we may do what we like to defend the doctrine which we announced in 1823; but in article 10 we bind ourselves to do something that depends entirely upon the act or the movement of other and independent nations.

Mr. HITCHCOCK. Mr. President, the Senator would not contend that the United States could undertake alone to put a stop to wars of conquest in the world? It can only do it by uniting with the other nations of the world.

Mr. CUMMINS. I hope it will never do it.

Mr. HITCHCOCK. Does the Senator believe in wars of conquest?

Mr. CUMMINS. There are times when wars of conquest are right, of course. The history of the whole world shows that there are wars of conquest which are wrong, tremendously wrong; but how did the world grow into the attitude which it now occupies? Does not the United States exist by virtue of conquest? You deny the validity of our own title to existence. We came into existence through conquest.

Mr. HITCHCOCK. If the Senator believes in wars of conquest, he is not a believer in a league to enforce peace. This covenant contemplates two kinds of wars and it endeavors to put a stop to both, as the Senator will admit: First, wars arising out of disputes, which it endeavors to settle by arbitration and by inquiry; and, second, wars of conquest, which it endeavors to settle by article 10. They can only be settled by a union of the nations of the world to put a stop to them by an agreement that the political independence and territorial integrity of nations shall not be attacked by other nations. If the Senator believes in wars of conquest, he does not believe in a league of nations.

Mr. CUMMINS. So far as I am concerned, I believe in a league of nations only for the consideration of circumstances as they may exist at a given time. I believe that the judgment of the world ought to be recorded upon those circumstances. It is utterly impossible with accuracy and with justice to record that judgment in advance.

Mr. OWEN. Mr. President——

Mr. CUMMINS. I yield to the Senator from Oklahoma.

Mr. OWEN. Mr. President, I desire to call the attention of the Senator from Iowa to the extremely urgent necessity of the powers at Paris defining the line of demarcation between the governing authorities which were set up of necessity in Europe; that there was no way to establish order of government unless the geographical lines were drawn somewhere, and there was no other power except the emergent power which was gathered at Paris in the prosecution of the war by which those lines could be delimited.

Mr. MOSES. But, Mr. President, many of the lines have not yet been drawn.

Mr. OWEN. Most of them have been and some have to be surveyed and fixed, which takes time, of course.

Mr. CUMMINS. Mr. President, I have attempted to point out the duty which naturally devolved upon the United States at the conclusion of the war with Germany and the duty which naturally fell upon the countries of Europe. It is not true because it is a wise thing for Europe to endeavor to compose itself and to arrange its territory into sovereignties that therefore it is a wise thing for the United States to attempt to assist it in that very difficult, delicate, and burdensome work.

Mr. OWEN. Mr. President——

Mr. CUMMINS. I yield.

Mr. OWEN. I wanted to call the attention of the Senator to the duty which arose to make a delimitation of the European boundaries. It is true, as the Senator from New Hampshire [Mr. MOSES] says, that that work has not been fully performed. It is difficult to arrange it; but commissions have been provided to do the surveying in order definitely to define those boundaries. It is because those boundaries are partly undefined and partly in dispute, even where defined, that civil broils have broken out between these States.

Mr. CUMMINS. I do not concern myself with that except sympathetically.

Mr. OWEN. But I should assume that the Senator would feel that the United States, having brought the war to a conclusion so far as the dispersion of military force is concerned, would feel obliged to participate to the extent of establishing a sound peace where our arms have been employed to end the violence of war. Power is required to compel peace, and I do not think we should desert our noble allies until this task is fairly finished.

Mr. CUMMINS. I do not recognize it to be the duty of the United States to arrange the affairs of Europe to that extent.

I concur with the President in his often-repeated insistence that we can not, will not, divorce ourselves from the community of nations. We are a part of the world, an important part, and we must do our share in the world's work. Sir, we need have no concern about America and her place in the affairs of the earth. I plead for leadership as earnestly as can any advocate of an unconditional ratification of the league of nations; but my hope is that it will be a moral leadership, a leadership through the shining example of the justice which we shall render to all humanity, a leadership through sympathy with the oppressed and unfortunate everywhere. I do not want leadership conferred by caucus or council. I refuse to agree to defend frontiers without respect to their justice. I decline to commit my country to fight for a political independence which ought to be shattered and overthrown. We must leave the United States free to determine what morality, civilization, and righteousness require as the years go on. We must not involve America in entanglements the like of which Washington, Jefferson, and Madison could not have conceived when they so earnestly admonished their fellow men.

When formerly I enjoyed the privilege of addressing the Senate upon this subject I remarked that article 10 was beyond our constitutional authority. I listened with great interest to the recent speeches made by those exceedingly able lawyers, the Senators from Montana and Minnesota, in which they reached the common conclusion that this article is within the treaty-making power. It is, I know, an academic question under the present conditions, but I must be permitted to say that my original opinion remains unshaken. I grant at once the soundness of every decision they have cited, the correctness in reasoning of every text writer they have quoted, and the authenticity of all the historical references they have brought to our attention. I dispute none of these, but I deny the conclusion which has seemed to them so plain. I do not doubt our power to enter into such a treaty as we made with Panama. It is clear to me that we could properly make with Cuba a similar agreement, if we so desired. I go further and say that there would be much reason in the contention that we could make a treaty with such a country as Great Britain for mutual defense, for it would not be difficult to find that the United States had a real interest in such an alliance. It must not be understood, either, that I base my opinion upon the constitutional fact that Congress alone can declare war or raise armies. My objection from a legal standpoint to article 10 is that it changes the whole character of our Government and is, therefore, under the well-settled rule of the Supreme Court of the United States, beyond our constitutional authority. The Senators from Montana and Minnesota will not maintain, I believe, that the treaty-making power is without limitation; they will not insist, I am sure, that a treaty to be invalid must necessarily be repugnant to some express declaration of the Constitution; they will not, I am certain, deny that there must be some fair relation between the treaty we make and the government of the people of the United States. To illustrate, it could hardly be contended that we could enter into a treaty with Russia or with Turkey or with Bulgaria to tax the people of this country to maintain the school systems of those Governments upon the ground that education is essential to the maintenance of peace, law, and order. It is equally clear that we have no authority to enter into a treaty to preserve the political independence of the kingdom of Hedjaz upon the assumption that a disturbance there might imperil the safety of the people of the United States. In the treaty under consideration it is proposed that we do vastly more than this, for we bind ourselves to protect in this way the territory and the independence of all the nations of the earth, if all of them become parties to the league. The learning that can lead one to the conclusion that a country created by a constitution and governed by law can thus adventure into the field of abstract altruism has lost its path somewhere in the wilderness of imagination.

The thought I have advanced might be expanded indefinitely, but I forbear simply because I am altogether sure that not a single vote will, in the end, rest upon a consideration of constitutional limitations. I have made these suggestions solely to keep history straight and to indicate that I for one do not accept the theory of an unlimited treaty-making power.

Upon the quality of reservations, the newspapers, without much regard for consistency, have at various times classified

me as a "mild reservationist," a "temperate reservationist," and as an "irreconcilable reservationist." How they received these impressions I do not know, for I have never been interviewed upon the subject and have never publicly uttered a word upon it except to reiterate the sentiments I expressed in my speech of last winter. I do not complain of these classifications, but I put their doubts, too, at rest now by saying that, if I had my way about the matter, the reservation, so far as article 10 is concerned, would be easy to formulate. I would like to write into the resolution of ratification the plain, simple statement that the United States assumes no obligation whatsoever under article 10. This is not to declare that I will not vote for the reservation upon that subject reported by the Committee on Foreign Relations, for I expect to do so. I am only making it clear that I would prefer to vote for a reservation that would eliminate this article, so far as the United States is concerned, root, trunk, and branch; for it is not only constitutionally wrong, but it is morally wrong in that it robs us of the opportunity to do what we may know to be right when the occasion for action comes.

It has been somewhat difficult for me to determine the wisest course to pursue with respect to some of the amendments which have been proposed to the text of the treaty. I recognize the inequality and, therefore, injustice of the superior voting power given to the British Empire. The other nations signing the treaty seem to be satisfied with this disparity of influence, and I do not forget that the reservations to which I have referred rescue the United States from the power of both council and assembly in many vital matters affecting our national freedom and relieve us to a great extent from the obnoxious obligations upon which I have commented. I am naturally less concerned about the strength of Great Britain in the assembly than otherwise I would have been; but, notwithstanding these ameliorating circumstances, it is impossible for me to approve so flagrant a departure from the fundamental principles of fairness and equality.

I can not forbear the suggestion at this point, and I commend it to the chairman of the Committee on Foreign Relations, that suitable provision ought to be made in the resolution of ratification for the absence or silence of the United States in both council and assembly when those subjects are being considered concerning which the United States declines to accept the treaty as it was signed. It would be manifestly wrong for our representatives to vote in matters relating to other countries which we repudiate, in our amendments or resolution of ratification, with respect to ourselves.

With regard to the amendment proposing the substitution of "China" for "Japan" in the article relating to the Shantung affair, I can do no more than to express in some way my deep regret that a conference constantly asserting with the utmost vehemence its devotion to the cause of humanity, to free institutions, and to self-determination should forget all of these fair promises at the first opportunity presented for their fulfillment. The truth is that this war has closed very much like every other war, with the good, old plan that "he may take who has the power and he may keep who can." The German, the Austrian, and the Russian garment was divided in the time-honored way. Great Britain took what she wanted, France took what she wanted, Italy took what she wanted, Japan took what she wanted, and as there was some territory that nobody wanted it was set up into something like a half dozen new sovereignties, which the United States as her part is asked to protect, defend, and maintain. Throughout this discussion I have been trying to show how unfortunate it would be for the United States to undertake the responsibility which must accompany this division of peoples and territories, and as much as I deplore the wrong done China I must adhere to the principles I have announced and vote against the Shantung amendment brought forward by the committee.

The remaining amendments relate, as I remember them, to a single subject, namely, the exclusion of the United States from the various committees and commissions—except the reparations commission—which are to be raised or appointed to carry into effect the terms of peace imposed upon Germany. I am in perfect sympathy with the spirit of these amendments. I would rather have accomplished the end in view through the resolution of ratification, but, after all, there is no substantial difference between the two methods, and it is the object which interests me rather than the path which leads to its attainment.

My mind is chiefly fastened upon two things—the protection of the United States against the power over our affairs which, under the guise of peace, is conferred upon the league of nations and of escaping obligations which we have no authority to assume and which would inevitably lead us into all the storms which will sweep over these vast populations, in whose trials and troubles we can have no more than a sympathetic interest.

All of us know, without being reminded by the lamentations of the President or the ex-President, or by the shrieks and denunciations of the newspapers, how important it is that the peace treaty with Germany and her three allies be concluded; but it is infinitely more important, for the United States at least, that it be concluded in a manner compatible with the spirit of our institutions and in a way which will insure the integrity of this Government than that it be brought to an end at any particular time. Whether it is ratified as it was signed or with amendments and reservations, peace and order will not come to the world until weary years of conflict have settled the deeper disturbances which are shaking our social and industrial fabric to its very foundations. It is hard for me to understand how honest men can go about the country asserting that peace with Germany and a league of nations can make men and women contented with their lot or surrender the principles for which they are fighting. This is not the occasion for an inquiry into the causes of unrest, but he who endeavors to instill into the public mind the false hope that peace with Germany, with or without the league of nations, means peace for the world in the relations of men with each other; that it means a restoration of confidence in the justice of organized society; that it means credit for commerce; that it means producing, selling, and buying according to ancient customs, is inflicting an incalculable injury upon the people of this country. My sincere desire to dispose speedily of the German treaty is not founded upon the faintest hope that it will quiet unrest, but based upon the profound conviction that we ought to be free as quickly as possible to turn our thought to some solution of the problems in our domestic affairs, which are the gravest which ever challenged the minds and hearts of humanity.

In undertaking this work it seems to me an unforgivable crime to embarrass ourselves with all the evil influences of Europe. We all realize that what is now taking place in that unhappy continent will necessarily have some effect upon our people, but the commonest prudence demands that we limit the effect, so far as it is possible to do it. America can help the world in this grave crisis, but it can only help it by showing the way out of the labyrinth into which we have wandered. This is the reason I am appealing for a free America—free to exercise her own genius and power in doing justice to her own citizens, high or low, rich or poor. This is the reason I am appealing for an untrammeled America—at full liberty to lead mankind by precept, practice, and persuasion into the paths of emulation. Mr. President, if America is shackled to the proposed league of nations just as it is written, she will go blindly and blunderingly into the future, incapable of guiding her own people safely through these dark and difficult days.

Mr. President, I would stand—if I stood alone—for an America with the right to choose, from time to time, the company she keeps; for an America at liberty to follow her own conscience as the events of the future transpire; for an America which all the nations of the earth are powerless to order from right doing or command to wrongdoing; for an America concerned for the world but devoted first and always to the protection and welfare of her own people. [Applause in the galleries.]

APPENDIX 1.

[From the CONGRESSIONAL RECORD of Wednesday, Feb. 26, 1919.]

"PROPOSED CONSTITUTION OF THE LEAGUE OF NATIONS.

"Mr. CUMMINS. Mr. President, I may assume, I think, that the most of us have some fighting blood in our veins, but, notwithstanding the natural, the human inclination to the battle field, I hope that the discussion of the greatest, most fundamental, most vital question propounded to the American people since we first assumed a place among the nations of the earth will proceed upon that high level which excludes prejudice or passion. I hope that it may go forward without a challenge of the motives of those who may engage in it, so that eventually the people of the United States may render a decision upon the question which they must presently answer with all the intelligence which the twentieth century can command.

"I listened with infinite pleasure to the lofty strains of patriotism as they were poured out by the Senator from Washington [Mr. POINDEXTER], the Senator from Idaho [Mr. BORAH], and the Senator from Missouri [Mr. REED], and every moment I thank God I am an American, and that I inherit in common with all my fellow countrymen the traditions, the wisdom, the

example, the teaching of the age of Washington, of Jefferson, of Monroe, of Lincoln, and their illustrious associates.

"I listened to the graceful periods, the eloquent periods, of the distinguished Senator from Illinois [Mr. Lewis], who, as I observed not long ago, is the interpreter, and properly so, of both the sayings and the silences of the White House. I desire to say to him—and I mark with pleasure that he is before me—that if it were within human power to convince me that it is better to be a citizen of the league of nations than a citizen of the United States he would have accomplished it.

"Mr. President, in a purely preliminary way and as a prelude to the analysis which I shall presently attempt of the proposed constitution of the league of nations, I beg to call to the attention of the Senate and the country certain parts of the speech delivered by the President in Boston, for, in my judgment, he unfolds, with his usual felicity, not only that which is open to our eyes but that which has hitherto been uncertain and vague. I do this without a single suggestion of criticism. I do it because he has enabled me to understand what is really intended in the proposed constitution better than I have ever understood it before.

"Speaking of the acclaim with which the people of Europe have met the American representatives, he says:

"And in the midst of it all every interest seeks out, first of all, when it reaches Paris, the representatives of the United States. Why? Because—and I think I am stating the most wonderful fact in history—because there is no nation in Europe that suspects the motives of the United States.

"*Was there* ever so wonderful a thing seen before? Was there ever so moving a thing? Was there ever any fact that so bound the Nation that had won that esteem forever to deserve it?

"I would not have you understand that the great men who represent the other nations there in conference are disesteemed by those who know them. Quite the contrary. But you understand that the nations of Europe have again and again clashed with one another in competitive interest. It is impossible for men to forget those sharp issues that were drawn between them in times past. It is impossible for men to believe that all ambitions have all of a sudden been foregone. They remember territory that was coveted; they remember rights that it was attempted to extort; they remember political ambitions which it was attempted to realize. And, while they believe that men have come into a different temper, they can not forget these things, and so they do not resort to one another for a dispassionate view of the matters in controversy. They resort to that Nation which has won the enviable distinction of being regarded as the friend of mankind.

"Again, he says:

"We set up a great ideal of liberty, and then we said, 'Liberty is a thing that you must win for yourself; do not call upon us.' And think of the world that we would leave. Do you realize how many new nations are going to be set up in the presence of old and powerful nations in Europe and left there, if left by us, without a disinterested friend?

"Mr. President, this unveils the picture. No one can congratulate the President of the United States more heartily than I do with respect to his unparalleled reception in Europe. No one can recognize more thoroughly than I do the mighty influence he has exercised upon the deliberations of the conference assembled in Paris.

"It is, however, as plain as noonday that it is his conception of a league of nations that the United States, being the only friend, or disinterested friend, which these new nations of eastern and southern Europe possess, it has become our duty to maintain and protect them against the avarice, the greed, the power of their fellow nations in Europe. He so declares with the utmost precision.

"Here we have the real question which must be determined eventually by the American people. Shall the United States not only attempt to create these nations which are growing out of the most destructive war in which mankind ever engaged, but is it our policy and shall we assume as our obligation that as against the ambitions, against the power of their sister nations in Europe, we must guard and protect them?

"Mr. President, this constitution is not a constitution for permanent peace. It is a constitution for the guardianship on the part of the United States of the weaker nations of Europe. It is not a league for the prevention of war. It is a league for invitation to war, although I do not assert and I do not believe that those who are responsible for the terms in which it is framed have aught but the highest desire to promote the welfare of humanity.

"The President of the United States believes that this compact should be made because he is sincerely of the opinion that the United States can and will control the league of nations and may use it for the government of the earth in the welfare of the people of the earth.

"Lloyd-George is in favor of this form of compact because he believes that Great Britain can control the league which it is proposed now to create. I doubt not that his sincerity is as deep and pervading as that of the President of the United States, but both of them have no other conception, as is here clearly betrayed, of the province of a league of nations than as an instrument to govern the world in all its vital respects.

"But a discordant note has come floating over the sea. At the very time I was occupied in reading the address of the President at Boston my attention was directed to an article by Frank H. Simonds, which was published in the Washington Star of last night. Mr. Simonds has been one of the great correspondents and writers upon the war. If there has been a man in all of the list of contributors to the literature of the war who has analyzed its meaning and who has described its progress accurately that man is Mr. Simonds. He views the matter from a friendly standpoint, for he has been as stout an advocate of the policies of America as represented in the declarations of the President of the United States as any man either at home or abroad. Mark his perception of the situation and mark his description of it. I read very briefly from this article:

"I have tried many times in these dispatches to point out the peculiar situation of France with the resulting condition of mind and of spirit. It is an unfortunate fact, but it is a fact, that as a consequence of the course pursued by Mr. Wilson in Paris the peace conference has come more and more, both in the minds of the French people and of Americans about the peace commission, to be a battle between Wilson and Clemenceau, in which Mr. Wilson has been championing abstract principles of justice and M. Clemenceau advocating measures which represent questions of life and death to France.

"France come to the peace conference at the end of four and a half years of war, fought mainly upon her soil, with a population diminished by 3,000,000 as a consequence, with half a dozen Provinces in ruins and a score of cities wrecked, to ask two things: Reparation for material injuries and guaranties against future attacks.

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"Mr. Wilson came to Paris resolved that there should be a league of nations. Encountering at Paris this unanimous French motion, finding French interest and French attention fixed upon the salvation of France rather than upon the formulation of the principles of a league of nations, Mr. Wilson and those associated with him were not successful in concealing their disappointment or their disapproval of what seemed to them a particularistic national policy. When France as a whole asked Mr. Wilson to go and see her devastated regions that he might understand her heart, he returned a cold and unequivocal negative. I do not think that any single act of any man ever carried with it profounder disappointment than Mr. Wilson's refusal to go to the northern regions and see what the boche had done.

"And we have had week after week a slow but sure change in French emotion with respect to the President. He was hailed by the little people of France as a savior. He was hailed as a man who came from another world to deliver France and other peoples of the world from the shadow of tragedy which had been, and little by little his course here had the effect at least of creating the impression that he cared nothing for the life or death of France, that he was not concerned with those things which the tragic years of war had burned into the soul of every French man and woman.

"I do not think it is possible accurately to represent how profound was the disappointment of France at this course of the American President. A sense first of desertion and then of utter isolation crept into the French heart as more and more the American attitude toward France passed from mere coldness with respect of French necessities to open criticism and hardly concealed suspicion. I do not think one would exaggerate by saying that three months ago France believed the war won, and to-day, as a result of what has occurred here in the peace conference, there is something amounting to real terror lest the war shall be lost after all and France left alone again across the pathway of a Germany increased in power and population by the last war.

"Mr. BRANDEGEE. Mr. President——

"The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Connecticut?

"Mr. CUMMINS. I yield.

"Mr. BRANDEGEE. Will the Senator give the date of the newspaper which contains the articles he has just read?

"Mr. CUMMINS. I saw the article in a paper published last night. The Senator from Pennsylvania [Mr. PENROSE] calls my attention to the fact that it was published on Sunday. This article is dated Paris, February 20, of the present year.

"Mr. BRANDEGEE. Mr. President, if it would not interrupt the Senator, I should like to state that there was in the Washington Sunday Star, of February 23, 1919, an article entitled 'Prestige of the President in Europe now at low ebb Simonds asserts,' written by Frank H. Simonds. That is dated from Paris, February 21, 1919. It is a more extended article even than the one which the Senator from Iowa has read.

"Mr. CUMMINS. Mr. President, I do not read this article for the purpose of furnishing ground for criticism against the President. I read it simply to show the points of view as they are now understood in France; to show that what France wants is protection against Germany. France is not so keenly interested nor could she be so keenly interested in the establishment of the nations of the earth in their various borders and their maintenance by the United States or by Great Britain as she is in erecting a bulwark between her and her enemy Germany. I read this article because it seems to me it teaches us that, first and foremost, we ought to agree upon the terms of peace which we shall impose upon this enemy of mankind, and thus protect not only France but the whole world against her aggressions in the future.

"Mr. President, if I felt free to follow my inclination, I would defer my observations upon the proposed constitution for a league of nations until the Committee on Foreign Relations holds its conference with the President and until we hear, as undoubtedly we will hear, from the distinguished Senators composing that committee. Unhappily, however, I do not feel free to postpone this comment, and for this reason: The Congress now in session expires on March 4. We are informed that immediately thereafter the President will return to Europe to conclude the labors he has undertaken. Before the constitution of the league is finally adopted by the peace conference the President ought to know the views of every Senator with respect to its terms. It would be most unfortunate if the nations represented at the conference were to conclude a treaty upon this subject and return to their respective countries only to find that their work had been disapproved by the Senate of the United States, leaving an instrument of such vital importance to the world without force or effect. I believe it is not only the privilege but the duty of every Senator to exercise his constitutional prerogative and to advise the President before he returns to France of his opinion upon a matter which so deeply concerns not alone the people of this country but of all countries who have organized themselves into governments. As I look at it, it is of far greater importance that we discharge this duty at this time than it is to consider appropriation bills or legislation of any character. Inasmuch as we may well yield to the members of the Foreign Relations Committee after the conference to which I have referred takes place, some of us must speak now or not at all.

"Mr. President, no greater mistake could be made than to assume that there may not be an effective compact among nations, the sole purpose of which is to prevent, so far as humanly possible, future wars, without surrendering a single necessary attribute of our own sovereignty. I can not concur in the argument which seems to lead to the conclusion that any form of internationalism is an unwise invasion of nationalism. I can not agree that the highest ideals of Americanism preclude cooperation among nations looking toward the abolition of war. From the very beginning of our national life; indeed, from a time antedating the triumphant close of the Revolution by five years, or more, we have been making treaties of peace and amity with the various powers of the world, and we have now a long and honorable series of agreements for the settlement of international disputes. The United States was a party to The Hague convention, and it joined in establishing The Hague tribunal. In 1909 this country participated in the London conference and approved its work, a conference that was called and held for the purpose of civilizing, clarifying, and simplifying the law of nations.

"I am saying these things not because anyone has specifically denied them but because it is helpful just now to remember that there is an internationalism which is not only in harmony with the most exalted spirit of nationalism but which supplements and strengthens that national power which every self-respecting government must exercise for itself. It must be clear to every thoughtful person that there must be in a world like ours, where an increasing intimacy among nations has been brought about by the genius of invention, the imperative demands of commerce, the drifting tides of population; and, with the constantly growing opportunities of conflict and controversy, a developing internationalism that will meet successfully conditions as they change from year to year. It is not my purpose to enlarge upon this thought or to expand my observations by a more specific recital of the history of mankind, and I mention it simply that you may have it in mind as I turn my attention to the immediate subject which is now uppermost in all discussion throughout the civilized world.

"It is my belief that the close of the unparalleled conflict in which we have been engaged presents the most favorable opportunity that we ever have had or that is likely to occur in years and years to come to do something that will be a distinct advance toward preventing war in the future. I do not believe that treaties with this object in view should precede the settlement of the terms of peace which are to be imposed upon Germany.

"I have just read the heart-breaking emotions of France, awakened simply because the theory of a league of nations to enforce peace precedes the settlement of the terms of peace with Germany and leaves France hopeless in her fear of future encroachments. It is my opinion that we should first dispose of Germany, and that immediately thereafter the peace conference now assembled in Paris should make a determined effort for peace among all nations and for all time to come.

"With respect to the proposed constitution of the league, to which President Wilson has explicitly given his approval and which undoubtedly commands the assent of the remaining American commissioners, I have this to say before I enter upon any analysis of its somewhat confused and complicated terms. From my standpoint, there is some good in it, and I sincerely hope that at some stage of the proceedings of the Senate I may have an opportunity to express in a definite way my approval not only of the purpose in view but of these parts themselves. There is more that is bad in it; and it is my prayer that these parts may be stricken from it. In order that there may be no doubt about my position, I desire to say to the Senate—and I am saying it to the country as well—that if I were compelled to vote upon the instrument as a whole as now proposed I would unhesitatingly vote against it, because there are articles and parts of articles in the proposed treaty which are not only far beyond our authority to make but which change the whole character of our Government and overturn the institutions upon which we have so long depended for the safety of our people and the perpetuity of our independence. There are provisions in it which not only degrade the spirit of our people but put it beyond the power of the Republic to 'establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity,' and so fulfill, as we ought to fulfill, the initial declaration of the Constitution of the United States.

"It requires no close inquiry into the sentiment of the American people to be certain that there is a universal and passionate desire to do something, to enter into some compact to prevent war with all its deadly and destructive consequences. Nor can it be denied that at this juncture in the world's affairs they believe that something can be done to facilitate a peaceful settlement of international controversies which hitherto have led to the battle field. It is this overwhelming conviction which finds expression in the tumultuous applause which thrills every audience as it listens to the glowing appeals for a league of nations.

"I for one share the feeling with all the intensity of a lover of humanity and a profound believer in the progress of the world. I can not believe, however, that very many of these people will insist that the overthrow of American institutions is necessary in order to accomplish the beneficent purpose they have in mind and to attain the end they so fervently desire. I do not intend to dwell upon those articles which, as I look at the subject, tend in the right direction. I will be better understood if I trace the outlines of the compact which I think ought to emerge from the struggle just closed.

"First. We ought to agree, and all other nations ought to agree, that justiciable disputes—and by justiciable disputes I mean those issues which can be determined by the application of recognized law to established facts—should be settled either by arbitration or adjudication; and we ought to agree, and all other nations ought to agree, without equivocation or reserve, that we and they will abide by and perform the award or judgment.

"Second. We ought to agree, and all other nations ought to agree, that with respect to other nonarbitrable disputes—those which relate to the welfare of the country itself, those which are necessary to its existence, those principles and those policies which must be maintained if the Government itself is to exist—war shall not be made until some permanent, regular, international body, in which every member of the league is represented, shall have had a fair opportunity to discuss and consider it—a body that would combine the enlightened conscience of the world. I am willing, so far as the United States is concerned and my lot and part in it, to agree that we will not make war against any nation until we have discussed the issue, whether it is arbitrable or nonarbitrable, in the face and in the hearing of the whole of civilized humanity. Upon such questions, however, there should be no award, no judgment, and the sanction should be confined to the moral influences which time, thought, and free discussion will awaken.

"Mr. REED rose.

"Mr. CUMMINS. Does the Senator from Missouri wish to ask me a question?

"Mr. REED. Mr. President, I should like to do so if it will not interrupt the Senator. I do not want to interrupt him.

"Mr. CUMMINS. I should prefer to go on. I shall be glad, however, to answer any questions that may occur to Senators after I have finished.

"Mr. REED. I will defer the inquiry, then. Perhaps the Senator will answer it further on in his discourse without interruption.

"Mr. CUMMINS. Third. If any nation should refuse to submit a proper controversy to judgment, or refuse to perform the judgment when rendered, or refuse to delay war until the combined powers have an opportunity to consider the subject in all its aspects, I am willing to agree that ostracism shall be the penalty inflicted upon the offending nation.

"Mr. REED. Mr. President, I will now ask the Senator a question if he will permit me to do so.

"The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

"Mr. CUMMINS. I yield to the Senator from Missouri.

"Mr. REED. If ostracism of the character mentioned in this constitution were to be adopted, how would that possibly fail to produce war?

"Mr. CUMMINS. I am about to prove—at least, to my own conscience—that the provisions in the constitution before us are an invitation to war and not measures to prevent war.

"Fourth. It is my firm belief that the compact—and when I say 'compact' I mean the instrument itself, the thing that we sign, the undertaking that we assume—should contain a program of disarmament. I am utterly unwilling to confide to any such body of men as is proposed for the executive council of the league of nations the power to decide for the United States, for Great Britain, or for any other country the program of disarmament. We should agree now to disarm; and, after all, in disarmament largely lies the hope—and, I think, the only hope—of permanent peace. The constitution proposed in Paris is most disappointing in this regard, for a careful study of its provisions gives us little right to believe that there will be any disarmament among the strong powers which are to give the compact life and vigor.

"Who expects Great Britain to disarm under the proposed constitution? Who expects the United States to disarm? No one who surveys the subject with an intelligent and unprejudiced mind.

"This is the international compact which I think the American people are waiting, hoping, and praying for, and the acclaim with which the Paris proposal has been received in some parts of the country and by some bodies of the country is due to the fact that they see in it the approach to the fulfillment of their dreams. I can not, and I will not, believe that Americans with red blood in their veins, with fervid longing for peace in their hearts, who have pride in the history of their country, and who love the institutions with which the honorable distinction of the United States throughout the world is inseparably connected, will endure, much less approve, those parts of the proposed constitution to which I am about to refer; parts which, in my judgment—and I express this conclusion with the utmost solemnity and after the most mature reflection—not only neutralize all the benefits of a peaceful settlement of disputes between nations, but which affirmatively destroy the national structure, and which commit the United States to a course which must inevitably end in humiliation and disaster.

"Article 10 of the proposed constitution is as follows:

"The high contracting parties undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the league. In case of any such aggression or in case of any threat or danger of such aggression the executive council shall advise upon the means by which the obligation shall be fulfilled.

"There is nothing in this article, however, dependent upon the discretion of the executive council, so far as our duty under it would be concerned. We agree absolutely, positively, unreservedly to preserve the territorial independence and the political independence of all the nations parties to the league, and for all time to come; for there is no provision in the proposed treaty that gives any nation the right to withdraw from it, and there is no provision by which any of its parts can be changed against the will of a single member of the executive council.

"Mr. President, I do not assert that in the ordinary sense this article is unconstitutional. Within its sphere our Government has all the attributes of sovereignty, and making treaties with other nations is one of these attributes; and, moreover, the right to make treaties is specifically recognized in the Constitution.

"Alliances, offensive and defensive, have been common among the powers of the world, and while I do not recall a single instance of that character in our own history, I have no doubt of our constitutional authority to enter into a treaty of that kind. I have some doubt with regard to our power to enter into the treaty proposed in the Paris constitution, a doubt arising from the universality and duration of the obligation we are asked to assume; but I do not rest my objection to the article upon our lack of power to enter into the obligation.

"I am opposed to it because it is the most destructive, unjust, and reactionary proposal which was ever submitted to a patriotic and intelligent people. I predict that when the citizens of the United States thoroughly grasp the meaning of the proposed agreement and fairly understand its inevitable consequences it will be rejected in a storm of obloquy, the like of which has never been witnessed within the borders of the Republic.

"Let us survey it for a moment and endeavor to gather its true import. It means that a few men assembled in Paris in the year 1919 are dividing the whole world into sovereignties, and are assigning the innumerable men and women who in all time to come are to inhabit the earth to these few sovereignties, sovereignties which the ambitions of the men of this, a passing generation, are pleased to call eternal. The man who, even in his thought, is willing to play with the fate of mankind in this fashion is indifferent to both the lessons of the past and the judgment of posterity. We are solemnly asked to guarantee that the boundaries of nations, as they now exist or as they will exist when the peace conference has redrawn the map of Europe, Asia, Africa, and Oceania, shall remain without change forever.

"Mr. HITCHCOCK. Mr. President, does not the Senator think that statement should be limited somewhat?

"Mr. CUMMINS. I do not see any proper limitation for the statement.

"Mr. HITCHCOCK. The guaranty only relates to those nations which are in this league, and it only guarantees them against outside aggression.

"Mr. CUMMINS. Mr. President, I assume—I must assume—that it is intended that this constitution shall finally draw into the membership of the league all the nations of the world. I assume that that must be its purpose; for if we are to accept any other conclusion and are to look upon it as simply an agreement between a few nations—four, five, six, or seven—to become masters of the whole earth, it is still more objectionable than from the standpoint I occupy.

"The agreement is limited to the members of the league, and as I read the article—and I think everybody had that in mind—that so far as the distinction between external aggression and internal revolution is concerned, there is no materiality in it, although I intend to treat that entirely from the external standpoint.

"Mr. REED. I call the Senator's attention to the fact that six or seven nations constitute the league, and they alone can protect and guarantee the integrity of each other's domain. Even if the Senator from Nebraska [Mr. HITCHCOCK] is correct about that, the very next section provides that these six or seven nations, if they constitute a league, shall boss all the rest of the world, and that they have the right in case of war or any threat of war to proceed to take such action as they see fit; of course, if they are to take action in the case of any threat of war it would undoubtedly be exercised in order to prevent invasion. There are other sections of a similar character.

"Mr. CUMMINS. It is utterly impossible to give any other interpretation than that the agreement which we are asked to make will bind us to use all the power, the strength, the force we have to preserve the territorial integrity and the political independence of every considerable country in the world.

"The PRESIDING OFFICER (Mr. Martin of Kentucky in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

"The SECRETARY. A bill (H. R. 14516) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1920.

"Mr. CUMMINS. The statesmen who are now gathered in Paris might, with equal propriety, have ventured to set bounds to the Heavenly Kingdom or prescribe the activities of the Prince of Darkness. How dare we attempt to determine what sovereignties the civilization of the next century will demand? How dare we attempt to give judgment upon the welfare of all the oncoming generations?

"The proposal is to gridiron the earth with an inflexible territorial pattern. It would be just as reasonable that the constitution of the league of nations should declare that neither man nor woman should pass from one sovereignty to another as to declare that the boundaries of sovereignties should remain forever inviolate.

"I can not help wondering whether those who have submitted this proposition to us have looked over the past and considered what the effect of an agreement of this character would have been, assuming its enforcement, if it had been adopted at other periods of the world's history. I will not concern myself with the ancient days, the days of Alexander, of Rome in her power, of Charlemagne in his triumphs. I am thinking of the days when Charles and Philip of Spain held the world in their grasp.

"If anyone in the days that are left of this session shall have occasion to address himself to this subject, I ask him to tell the country and tell the Senate whether he believes that an agreement of this sort in the days of Charles and Philip of Spain would have helped the civilization of the world and would have accomplished justice among men.

"I am thinking of the days when Napoleon swept over Europe and when a league of nations with the article which I have just read, enforced by France and England, would have choked liberty to death. I am asking those who stand for this extraordinary provision in the proposed constitution whether they believe that it would have been well for mankind if France and England in the days of Napoleonic power should have entered into an agreement of this character which would have divided the world and preserved inviolate the sovereignties which had been established. I am thinking of all the years of the seventeenth century under such an agreement, and we may test the validity, the wisdom of a compact of this sort by the evidences of history. I am thinking now of all the years of the seventeenth century when such an agreement between England, France, and Spain, confirmed by the remaining nations of Europe, respecting territorial integrity in the North American Continent, would have given Canada forever to France, would have partitioned the territory of the United States and Mexico among England, France, and Spain, and would for all time have precluded the Republic of the United States.

"I would like some one to tell me whether he thinks it would have been well for the world if France, England, and Spain among them had entered into an agreement in those days to have preserved inviolate the territory which each claimed for its own in the Western Hemisphere.

"There is no student of history, however dull of comprehension, who does not know that the discord, rivalry, and wars of these three great European powers made it possible for our beloved country to emerge from their struggles a free and independent Nation. I am thinking of the first half of the nineteenth century, when Texas, New Mexico, Arizona, and California became parts of the United States. It matters not whether the Texan war was justifiable or unjustifiable; it matters not whether our war with Mexico was defensible or indefensible; the decree of civilization demanded this territory for the Republic, and let the men and women who inhabit these fair and fruitful regions stand up and declare whether they are willing to bind their country to preserve the territorial integrity and political independence of every nation on earth as it shall exist when the peace conference at Paris concludes its labors.

"Mr. HITCHCOCK. I call the Senator's attention that there, again, he mentions every nation on earth, whereas the guaranty only refers to members of the league, and the constitution of the league specifically makes ineligible certain nations of the earth.

"Mr. CUMMINS. The Senator from Nebraska has no doubt that the war between the Texas Republic and Mexico was a matter of external aggression, I am sure. He has no doubt that the war between the United States and Mexico was a war of external aggression; and if this compact had been in force among the nations of the world, the acquisition of that territory, the pride of every citizen of the United States, would have been impossible. But it is not less so concerning the illustration I gave of France, England, and Spain. The Senator from Nebraska knows if there had been such an agreement preserving existing territorial limits and it had been observed by England, France, and Spain there could not have been, through any possibility, independence in North America. It required the war between Great Britain and France and between France and Spain to make it possible that America should come into her own; and if all the countries in the world had been banded together to insure the territorial integrity of the possessions of these three mighty powers, and the powers themselves had observed their agreement, this hemisphere would still be a possession of one of the European dynasties.

"Mr. HITCHCOCK. I was not questioning the historical reference of the Senator. I was objecting to the statement that this league proposes to guarantee the independence and territorial integrity of all the countries on the earth. It does not propose to do that.

"Mr. REED. Will the Senator from Iowa permit me the very great privilege of asking the Senator from Nebraska a question?

"Mr. CUMMINS. With pleasure.

"Mr. REED. I am directing my interrogatory to the Senator from Nebraska. The position of the Senator from Nebraska is that only the territorial integrity of those who may be permitted to belong to the league is guaranteed. That is correct?

"Mr. HITCHCOCK. That is correct.

"Mr. REED. Is the Senator, then, an adherent to the doctrine that those who join the league are to have their territory protected, and that the rest of the world shall be a prey to the members of the league?

"Mr. HITCHCOCK. Not at all.

"Mr. REED. Is that the idealism we are now seeking?

"Mr. HITCHCOCK. No; it is entirely different from that. The league is dedicated to the idea of preserving peace, and it contains provisions which make it possible to use the agencies of the league to prevent war even among those who are not members of the league, but it does not undertake to guarantee to any country not a member of the league its territorial integrity or its independence, and it specifically makes ineligible to membership in the league certain countries of the world which are incapable of maintaining their international obligations.

"Mr. REED. But this is the point I want to make: If the members of the league guarantee each other as to their territory, then they exclude from the league certain other nations. Is it the proposition that those other nations shall be allowed to invade each other or not?

"Mr. HITCHCOCK. The proposition is that that is a matter which the league will use its agencies and its resources to prevent.

"Mr. REED. To prevent?

"Mr. HITCHCOCK. It will undertake to do what it can to prevent wars among those who are not members of the league.

"Mr. REED. Very well, but——

"Mr. HITCHCOCK. Just as the United States has used its agencies in the Western Hemisphere.

"Mr. REED. Now, if the Senator will pardon an interruption, when it uses its agencies to prevent war between those other nations that are not in the league it does prevent the change of their territory; it does maintain their territories the same as it maintains the territories of the States within the league.

"Mr. HITCHCOCK. Not at all; there is no guaranty at all; it simply——

"Mr. REED. But is it——

"Mr. HITCHCOCK. Let me finish, if the Senator pleases. It simply undertakes to use its offices, its agencies, and its resources to adjust disputes between States which are outside the league.

"Mr. REED. The Senator says to adjust now. A moment ago he said 'to prevent,' and the language of the instrument is 'prevent.'

"Mr. HITCHCOCK. No; the language is not 'prevent.' The language is 'to consider disputes' between nations which are outside the league.

"Mr. CUMMINS. Mr. President, this is digressing a little, but very instructive. I am glad to be able to recur again to the thought of the Senator from Nebraska. Undoubtedly its obligation is confined to the members of the league, and our obligation to preserve the territorial integrity and political independence of other nations of the world is limited to the nations which sign the compact. It will be infinitely more unjust, infinitely more objectionable, if it is the purpose of those who are controlling the destinies of this instrument to confine the privileges of the league to a few self-appointed nations and to refuse admission to the great body of civilized peoples who need its protection, if there is any protection in it.

"However, the point I am making is not disturbed by the suggestions of the Senator from Nebraska. I am not advocating wars of aggression, and I fervently hope that when the welfare of humanity requires changes in sovereign boundaries they may be peacefully effected; but I would hold myself false to the interests of mankind if I should vote to ratify a treaty which obligated my country, under all circumstances and under every condition, to send our men to death on the battle field in any and every land to maintain the boundaries which are now established. I know, the Senator from Nebraska knows, every person within the sound of my voice knows, and every thoughtful citizen of the Republic knows, we would not fulfill any such obligation, and if we were to enter into it we would be guilty of worse than Punic faith.

"I pass, Mr. President, to article 19, which I beg to read:

"To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there shou.d be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in the constitution of the league.

"The best method of giving practical effect to this principle is that the tutelage of such peoples should be intrusted to ad anced nations, who by reason of their resources, their experience, their geographical position can best undertake this responsibility, and that this tutelage should be exercised by them as mandatories on behalf of the league.

"The character of the mandate must differ according to the stage of the development of the principle of the geographical situation of the territory, its economic conditions, and other similar circumstanc s.

"Certain communities formerly belonging to the Turkish Empire have reached a stage of development in which their existence as independent nations can be provisionally recognized subject to the rendering of administrative advice and assistance by a mandatory power until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory power.

"Other peoples, especially those of central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory under such conditions as will guarantee freedom of conscience or religion, subject only to the maintenance of public order and morals, the prohibition of abuses, such as the slave trade, the arms traffic, and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases and of military training of the natives for other than police purposes and the defense of territory, and will also secure equal opportunities for the trade and commerce of other members of the league.

"There are territories, such as southwest Africa and certain of the South Pacific Isles, which, owing to the sparseness of their populations, or their small size, or their remoteness from the centers of population, or their geographical continuity to the mandatory State, and other circumstances, can be best administered under the laws of the mandatory State as integral portions thereof, subject to the safeguards above mentioned in the irterests of the indigenous population.

"In every case of mandate, the mandatory State shall render to the league an annual report in reference to the territory committed to its charge.

"The degree of authority, control, or administration to be exercised by the mandatory State shall, if not previously agreed upon by the high contracting parties, in each case be explicitly defined by the executive council in a special act or charter.

"The high contracting parties further agree to establish at the seat of the league a mandatory commission to receive and examine the annual reports of the mandatory powers, and to assist the league in insuring the observance of the terms of all mandates.

"When I first read article 10, I was under the impression that nothing could surpass it in its repugnance to good morals and to the civilization of the world; but I am bound to admit that article 19 is the climax of conflict. This article is not only bad in and of itself, but it is the grossest violation of our powers under the Constitution that has ever fallen under my observation. I can best examine it by taking a concrete instance of what may happen under it, and I select this instance because it is what the members of the league expect shall happen under it.

"The league is authorized to issue a mandate requiring the United States to take possession and administer the affairs of Turkey. I think it is well understood in Paris that under that provision, which declares that the wishes of these communities must be a principal consideration in the selection of the mandatory power, as explained and interpreted by the speech of the President in Boston, in which he says that all those countries want us to rule over them rather than Great Britain, France, or Italy, and it may be, I think, assumed that when the mandate issues from the executive council of the league, it will be to the United States and it will command us to take possession of the Turkish Empire. I repeat, the league is authorized to issue a mandate requiring the United States to take possession and administer the affairs of Turkey with an indefinite territory both east and west of Constantinople. This mandate will command the United States to undertake the tutelage of the Turkish Empire until the people who live in this uncertain territory are 'able to stand by themselves under the strenuous conditions of the modern world.'

"This gigantic task is to be assumed upon the theory 'that the well-being and development of such peoples form a sacred trust of civilization.' This trusteeship may be for years or it may be forever, depending entirely upon the judgment of the league respecting our success in bringing these people up to the high standards which the league may demand for self-governing countries. I confess to more amazement when I reflect upon this proposal than ever filled my mind before. It does not require a man trained in the study of the law to determine instantly that the people of the United States never gave to the President and Congress, or both, the authority to do this thing. There is not a semblance of power in the Constitution to perform such an act, and the proposal is more inconsistent, if that can be, with the spirit of the Constitution than with its letter.

"I will not refer at this moment to the decisions of the Supreme Court, in which that great tribunal has undertaken to define, to explain, to illustrate our authority to enter into treaties with foreign nations, but at some future time that study will be found exceedingly interesting and very enlightening.

"Unquestionably we have the right to acquire territory by conquest, and it is just as clear that we have the right to acquire it by purchase, but we have not conquered the Turkish Empire, nor have we bought one foot of its soil. Moreover, when we acquire territory, whether by conquest or purchase, it becomes the territory of the United States, controlled by the laws of the United States, and destined either for admission as a State, or to be governed directly as a Territory, or to be disposed of as the will of Congress may direct.

"To insist that we can take possession of the territory of any nation, with its millions of people, simply to act as the tutor of these people and to police the country, solely to make the inhabitants better men and women, is the wildest fancy which ever entered the human mind.

"But this is not all. We are commanded to govern Turkey, not according to the laws which our authorities may enact, but to govern its people, to educate them, to train them, to make them able to stand alone, under the direction and according to the instructions of the league. I quote again from article 19:

"In every case of mandate, the mandatory shall render to the league an annual report in reference to the territory committed to its charge.

"The degree of authority, control, or administration to be exercised by the mandatory State shall, if not previously agreed upon by the high contracting parties, in each case be explicitly defined by the executive council in a special act or charter.

"We are thus not only to assume the responsibility of governing Turkey, but we must attempt to do it in the manner and degree required by the league. If we take the Turkish Empire, and may lawfully do so, it is ours to control, and we can no more surrender that sovereignty to the executive council of the league of nations than we could assign the Constitution of the United States to the British Parliament and vest that body with the authority to govern the people of the United States.

"What I have said I am quite willing to admit is a question for lawyers, and if I ever hear of one who affirms the validity of such a transaction I shall be tempted to tear my certificate of admission to the bar of the courts of this country into little pieces and consign the fragments to the flames, and thereafter I shall do my best to forget that I ever belonged to the honorable profession of the law.

"With a great many the authority to execute this mad proposal will be of little moment, and I turn to examine it from another point of view.

"It is to be assumed that if the mandate for the government or tutelage of Turkey is given to the United States we will perform our mission with our own men and our own money. Anyone who has even casual knowledge of the conditions prevailing in the Turkish Empire knows that the maintenance of order and the enforcement of the laws and for the tutelage which will accompany the endeavor will require an army of more than a hundred thousand men for many years to come. It will require a civilian force of even more. The fathers and mothers of America will be asked to send their sons 5,000 miles from home to keep the Turk, the Armenian, the Syrian, and the Arab in order and train them for self-government. The civil-service employees in Constantinople will outnumber our employees in Washington. It is safe to assume that the annual cost of this enterprise will exceed a billion dollars. It is all too absurd to contemplate. When the American people reflect upon such a proposal they will reject it with all the emphasis of unanimity.

"I hope that it will not be understood that I have any lack of sympathy for the oppressed and miserable people of that part of the world. Whatever we can do for them to lighten their heavy burdens, to bring hope into their cheerless lives, to inspire them for their independence, we ought to do and will do. Were I asked to name the first thing which seems to have been largely forgotten at Paris—and the best thing which can be done—I would instantly say disarm the Turk, just as we ought to disarm the German, and then allow these people, with all the assistance we can lawfully render, to work out their own salvation; and if salvation is to be permanent, they must work it out for themselves.

"Mr. President, until now I have been discussing articles in the proposed constitution the construction of which seems to have created no difference of opinion. At this time I bring to the attention of the Senate certain provisions which may be said to be somewhat obscure and which were interpeted by the Senator from Illinois. I mean the consequences which may follow the failure of nations to agree upon a nonarbitrable or nonjusticiable controversy. It is perfectly clear that, with respect to such disputes—keep your mind fixed, if you will, upon the classification of disputes. First, there are the disputes which arise between nations and which can be adjudicated by reference to recognized law and established facts. These are issues for courts, and I should like to see an international court permanently established for the disposition of issues or controversies of that character. I am now referring to controversies which arise with respect to the policies of nations, with respect to laws which they pass for the government of their own people, which affect their honor, which affect the lives of the sovereignties themselves—with respect to such disputes, we are asked to agree that there shall be no resort to war without previously submitting them to arbitration or to inquiry by the executive council, and that we are not to go to war with respect to them for a period of three months after the award by the arbitrators or a recommendation by the executive council. I have already said that I am heartily in favor of referring such matters to a body representing the powers of the world and agreeing not to resort to war for settlement until there has been ample opportunity for full, open discussion with every civilized nation on earth. My objection to articles 12, 15, and 16 is not alone that they provide for an award or recommendation by the executive council.

That might be tolerated were it not that we bind ourselves not to resort to war against a member of the league which complies with the award of the arbitrators or the recommendation of the executive council. This agreement is found in both article 12 and article 15. In the last article the language is:

"If the report—

"These are nonjusticiable questions, questions of policy, which are internal in their character—

"If the report is unanimously agreed to by the members of the council other than the parties to the dispute, the high contracting parties agree that they will not go to war with any party which complies with the recommendations, and that if any party shall refuse so to comply the council shall propose measures necessary to give effect to the recommendation.

"Nonjusticiable controversies embrace a wide range. They include disputes over exclusion laws, immigration laws, tariff laws, and scores of other subjects which you will at once have in mind.

"Mr. OVERMAN. Will the Senator from Iowa yield to me for a moment?

"The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

"Mr. CUMMINS. I yield.

"Mr. OVERMAN. I notice that the Senator from Iowa throughout his entire speech calls this 'a constitution.' If it is a constitution, what have we to do with it? If it is a league of peace under a treaty we can, of course, ratify or not ratify it, but if it is a constitution, as the Senator says it is, what are we to do with it?

"Mr. CUMMINS. Mr. President, the Senator from North Carolina is better able to answer that question than am I. I have accepted the terminology which the President of the United States has attached to it. He calls it 'a proposed constitution for the league of nations,' and I am but following his high example in referring to it by that name.

"Do not forget that the proposed constitution makes us agree that we will not go to war with any nation which accepts and performs the recommendation of the executive council. The effect of the proposed agreement can be best understood—and I want the close and sympathetic attention of the Senator from Nebraska [Mr. HITCHCOCK], the chairman of the Committee on Foreign Relations, to this phase of the matter—the effect of the proposed agreement can be best understood by assuming a concrete instance, and I take one that has been the cause of much ill feeling between Japan and the United States.

"These countries are to be the high contracting parties, and under the agreement Japan would have the right to refer to the executive council our discrimination against the citizens of that country, and the executive council, exclusive of the United States and Japan, would have the right to decide it. Suppose it should be decided against the United States; suppose it should be decided that the United States ought to admit the subjects of Japan not only to our borders but to our citizenship upon the same terms on which we admit the citizens or subjects of Great Britain, France, or Italy? Then the council would recommend that subjects of the Japanese Empire should be admitted to the United States upon the same terms and with the same privileges accorded to the subjects of other nations.

"What then? Follow me now, those who have thought that this article did not contain the seeds of war, dissension, and discord. What then? Japan would say to the world, 'We are complying with the recommendation of the executive council as recited in article 12 and as repeated in article 15.' In these circumstances we have agreed not once, but twice, that we will not resort to war against the complying nation. Japan is the complying nation; and that means that Japanese subjects must be admitted as are the people of other countries. We could not keep them out except through war.

"Moreover, under article 16, if we should go to war in order to exclude them we shall then have committed an act of war against all the other members of the league, which would lead to the severance automatically of all trade or financial relations between our country and the world.

"When we reflect upon the composition of the executive council, it is incredible that a provision of this character should commend itself to the American people.

"A controversy of the same character would arise with regard to the qualifications which we demand for admission into the United States of the inhabitants especially of southern and eastern Europe. The same controversy in character would arise were Great Britain or France or any other country to complain of the tariff laws which we may enact in order to protect the industries of our own land.

"I do not mention the wider, more abstract controversies that would inevitably spring up. These are enough. I want at some time—not now—a Senator who proposes to advise the American people to adopt this constitution precisely as it has come from the hands of the Paris conference to ask the American people whether they are willing that an executive council composed of the five nations which have already been mentioned in the constitution, and four others of whom we do not know, shall pass upon the wisdom of our laws excluding the subjects of certain oriental countries from the United States. I want there to be no doubt with regard to the scope and effect, if not the purpose, of the thing we are asked to undertake, the thing to which we are asked to assent.

"I predict that when you make it fairly known to the people of this country that the validity, the wisdom, and the character of the legislation which we adopt for our own protection and for safeguarding the citizenship of our own country are to be submitted to a tribunal of the world, and that, in the event the decision or recommendation is adverse to us, we must accept it or violate the obligations which we solemnly assume, this proposal will be rejected so emphatically that never again will anyone have the temerity to propose it to a country like ours.

"Mr. President, I must not pursue the analysis further. The constitution of the league as proposed is not a compact among nations to prevent war; it is vastly more than that. It is the creation of a world nation, and if observed it will draw to the executive council and body of delegates so many of the vital powers of government that the remainder will become as unimportant as the jurisdiction of the States in the American Union as compared with the jurisdiction of the Federal Government. This is its purpose. It was not only foreshadowed in the addresses delivered by the President before he went abroad but it is clearly perceived in the report which the President made to the peace conference.

"Other eminent men so understand it. I quote from the newspaper report of a speech made by our distinguished ambassador to Great Britain, delivered in London on Washington's Birthday:

"'George Washington employed the idea of a league of nations in the American constitutional convention,' declared John W. Davis, the American ambassador—

"A man of the clearest mind and a man of commanding ability—

"in a speech at the Washington day dinner of the English-speaking Union. He likened the American colonies with their new-found freedom immediately after the Revolution to the nations of the world today.

"Why attempt to obscure the plain and obvious meaning of the effort which is now being made?

"Mr. President, it will be a sad day for humanity when their affairs pass under the government of a world nation.

"I believe that it is possible for us to do everything that can be done to prevent war without transferring to a foreign power the Government of America. A day or two ago I read the following statement issued by a distinguished company of gentlemen headed by Mr. Taft as they toured the country:

"The war against military autocracy has been won because the great free nations acted together, and its results will be secured only if they continue to act together. The forces making for autocratic rule on the one hand and for violence of Bolshevism on the other are still at work. In 50 years the small State of Prussia so organized central Europe as to defy the world. In the present disorganized state of central and eastern Europe that can be done again on a still larger scale and menace all free institutions.

"This statement is conspicuously unfair and uncandid. It is not necessary to abolish national power; it is not necessary that the authority to govern all the people of the world shall be absorbed by one body of men in order to protect the nations which are springing from the ruins of Europe. All that we need to do is to disarm Germany and permit these nations to accomplish their own destinies and achieve the highest victories of civilization.

"Mr. President, this paper before us—the constitution of the league—presents a strange anomaly; it presents curious, interesting contradictions. It carefully provides a guaranty that would preserve the territorial integrity and political independence of nations as they now exist, and we must fight to do it, no matter when the invasion occurs or how righteous the cause of the invader may be. On the other hand, after we have received the guaranty that our territorial limits shall never be changed nor our independence overthrown, we turn over to an alien body the determination of the character of our citizenship. It would seem that the framers of this remarkable document considered it more important that our territory should remain intact than our right to say what men and women should live within our borders.

"In another aspect, however, the apparent inconsistency is reconciled when it is remembered that the character of our citizens, as compared with the citizens of the world, becomes an immaterial matter, inasmuch as the United States ceases to be

distinct, and that the executive council or the body of delegates has the same tender consideration for all parts of its world-wide domain.

"Mr. President, I do not ignore the deep anxiety which the President, as the spokesman for this instrument, feels for the laboring people of the world and his keen desire to see that full justice is done to the people—and I quote him—'who go to bed tired and wake up without the stimulation of lively hope.' They understand their wrongs, and they are moving to correct them; sometimes in the best way, sometimes in the worst way. They need no such league of nations to assert their rights. They have always been strong enough to do it here, and now they are powerful enough to do it everywhere. Just what will come from the turmoil through which the world is now passing God only knows, but we fervently hope that from the conflict justice to every human being will emerge; but a polyglot and incoherent power imposed upon this mass of conflicting and irreconcilable aspirations will do more to plunge all mankind into continual strife than any plan that can be conceived.

"The President repeats over and over again that we must accept our responsibility in world work, and I agree with him. I am no advocate of isolation. It seems plain to me, however, that the chief contribution to peace and good order which we can make at this time is to meet boldly and to solve wisely for ourselves the one mighty question which is tearing Europe asunder and which is advancing upon us with terrific force. If we can not show the world by our own example that the workingman can get more justice, more happiness, more comfort under a reconstructed system of individual industrial activity than he can secure through complete socialism, the world will try the experiment, and, from my standpoint, with the most disastrous results to civilization.

"We ought now to be bending all our energies upon the vital subject of reconstruction, and this should be our immediate contribution to the welfare of humanity.

"Mr. President, our history is full of the noblest inspiration. We entered a trackless continent. We have filled it with the homes of an hundred millions of people; the happiest homes in all the world. We have enriched it with the best farms, the most productive factories, the greatest system of transportation, and the mightiest commerce upon which the sun shines. Our progress has been the wonder and the envy of mankind. We have pursued the path of honor and justice, and it has led us to the highest distinction and the most enduring fame. We have so guarded and cherished the rights of man that our citizenship stands without peer throughout the earth. Our laws are humane, and protect the weak against the aggressions of the strong. With all its mistakes, the Government of the United States has done more for the welfare of its people and more for the enlightenment of the world than any other government ever established among men. We love peace and we will devote all our intelligence, all our efforts, to attain it; but, sir, we will not surrender our right to live under our own institutions, to control our own destiny, to insure the interests of our own citizens, to worship at the shrine of our own patriots to any alien body which the wit of man can conceive. If this be to accept the challenge recently announced, I accept it. I was born an American; I have lived an American; and, God permitting, I will die an American."

APPENDIX 2.

LEAGUE OBSTACLE EXAMPLE SEEN IN CRISIS OVER BANAT—FRANK SIMONDS, IN REVIEWING SITUATION, POINTS TO IT AS ANGLE SO LITTLE UNDERSTOOD IN AMERICA.

[By Frank H. Simonds.]

"The new crisis in the Near East, growing out of the dispute between the Roumanians and the Serbians over the Banat, supplies an admirable example of precisely the kind of obstacle to the league of nations which is so little understood in America and of such profound importance to Europe.

"Roughly speaking, the facts as to the Banat are as follows: This is an old Province of Hungary, lying between the Maros, Theiss, and Danube Rivers. It has an area of approximately 10,000 square miles—that is, about equal to the area of Massachusetts and Rhode Island combined—and a population of one and a half millions In its population are Roumanians, Hungarians, Germans, and Serbians, to name only the four most considerable races. No single race has a majority, although the Roumanians outnumber any other single group.

"CLAIMS PRESENTED.

"This territory is claimed by Hungary on the basis of some thousand years of ownership, together with the presence of a considerable Hungarian minority. It is claimed entirely by the Roumanians, both because they constitute the largest single ethnic group and because it was promised to them in that secret treaty made with Russia, France, Italy, and Great Britain, which brought Roumania into the war. The southwestern corner only is claimed by the Serbians on the unquestioned ground that in this area—the county of Torontal—the Serbs constitute a majority.

"At Paris the Hungarian claim was dismissed. To Roumania was assigned three-quarters of the territory, and to the Serbs the county of Torontal, lying in the angle between the Theiss and the Danube Rivers and facing the Serbian capital of Belgrade. Against this decision of Paris, both the Hungarians and the Roumanians protested. The Hungarian claim has obviously lapsed as a result of the collapse of Hungary and the occupation of Budapest by the Roumanians. By contrast, the Roumanian claim has been immensely strengthened by this same set of circumstances.

"ROUMANIA'S ARGUMENTS.

"Now, it is essential to understand the Roumanian claim, which has been represented in America as unreasonable and unfair. First of all, Roumania came into the war as a result of a specific promise made to her by Great Britain, France, Russia, and Italy, and this promise included the whole of the Banat. She was defeated, betrayed by Russia, and compelled to make a separate peace, but her Government maintains that this peace, accepted under duress and repudiated at the first opportunity, did not destroy the validity of the allied pledge.

"In the second place, Roumania points out with justice that economic and geographical reasons alike support her claim in the Banat. On the economic side, to take away the southwest fraction is to put in alien hands practically all the railroad and highway exits from the east and mountainous end of the Banat, which has been assigned to Roumania, and, in addition, to place in alien control both banks of the Theiss and the Danube, which are essential to Roumanian commerce.

"SEEN AS NATURAL DIVISIONS.

"On the geographical side, the Roumanians argue that the great rivers which bound the Banat, the Maros, the Theiss, and the Danube, supply natural frontiers, abolish possibilities of future quarrels and are designed by nature to separate nations.

"They point out that there has been assigned to Italy considerable areas of German-speaking people in the southern Tyrol, in order to give Italy her natural frontier of the Alps, and on the east a similar cession has been made involving several hundred thousand Slovenians, to provide Italy with a fencible frontier in that direction. They point out further that this has been done in accordance with the secret treaty which brought Italy into the war, and they protest that Roumania is entitled to the same treatment Italy has received.

"STAND BY BIG NATIONS.

"What is of at least equal importance is the fact that Italy openly and France tacitly support the Roumanian claims. The Italians are moved by the fact that they have a dispute with the southern Slavs over Fiume and the Dalmatian coast. Anything that strengthens the southern Slavs contributes new force to a future enemy which already disclosed its purpose to challenge Italians to get it, and of Trieste and those Slav hinterlands which the Italians have already received at Paris.

"The French, on their part, while championing the Jugoslav cause in the matter of Fiume, sympathize with Roumania not merely because the Roumanian Army has been reorganized by French officers, but also because Roumania has become a considerable factor in the balance of power of Europe, and the French are unwilling to risk driving Roumania into German hands merely to extend the application of the doctrine of self-determination to the Banat.

"SERBS ARE DETERMINED.

"The Serbs have occupied the Torontal district in accordance with the decision of Paris. They have announced their purpose to defend it, and they have rejected the Roumanian compromise proposal, which included an agreement on the part of Roumania to cede certain territory to the Bulgarians in the Dobruja and persuade the Bulgarians on their part to make compensating concessions to the Serbs about Widin.

"The result of the Serbian decision has been the revival of a Roumanian claim to certain Serbian districts south of the Danube about the Iron Gate, facing the old Roumanian territory, in which the population is overwhelmingly Roumanian. If the rule of self-determination is to be applied against the Roumanians in the Banat, Bucharest demands that it shall be applied equally rigidly to Roumanian benefit south of the Danube.

"ANTICIPATED ACTION.

"Before I left Paris I was told by my Roumanian friends that in due course of time Roumanian divisions would be sent to the Banat, and that under no circumstances would Roumania consent

to a division of this Province. Apparently this has now happened. By their occupation of Budapest the Roumanians have disposed of the Hungarian problem. Hungarian armies are demobilized.

"Moreover, on the Bessarabian frontier they have about reached a settlement with the Ukrainians. They can, therefore, send a number of well-equipped divisions into the Banat. Moreover, they can be sure that if the Serbs resist, Roumania will have the support of Italy, not impossibly accompanied by Italian military operations in Dalmatia and east of Trieste. She can also enlist Bulgarian assistance by a small concession in the Dobrudja and a promise to support Bulgarian claims in Macedonia.

"As far as the conference of Paris is concerned, the Roumanians know that they will be supported by the Italians; that the French will under no circumstances agree to supply troops to be used against them; and they are equally confident that neither the United States nor Great Britain is ready to send a hundred thousand troops to the Danube to fight to vindicate the decision of the conference of Paris as to the possession of the county of Torontal.

"SEEN AS 14 POINTS' PERIL.

"We have, then, at once a clear example of the ultimate peril involved in the rigid application of one of the 14 points. To have assigned the Torontal to Roumania might possibly have aroused temporary resentment on the part of the Serbs, but with the Italian quarrel on their hands it could not have led to conflict.

"Presenting the Serbs with something they can not defend, and thereby insuring the hostility of a State which will always be stronger, has proved a questionable piece of generosity. It may yet prove one of the most fatal gifts in history, since the Serb now finds himself involved in quarrels with all his neighbors, with the exception of the Greeks, all of whom could easily and conveniently make a common cause against him and could find in that common cause the opportunity for abolishing differences existing between one another. Thus, Hungary, Roumania, Italy, and Bulgaria might easily crush Serbia, partition the Jugo-Slav State among themselves, and repeat in a small way the Austro-Prussian-Russian policy as to Poland nearly a century and a half ago.

"Moreover, we see also the reappearance of a great power, namely, Italy, making use of a Balkan complication precisely as Russia and Austria used the Balkan States in all the years preceding the World War. The theory that Paris could solve questions like that of the Banat, the belief that the principles expressed in the 14 points and in the league of nations would govern, are disclosed to be fallacious, and there is every possibility that we may see actual military conflict once more breaking out in the Balkans in consequence of the decision of the Paris conference in the matter of the Banat."

Mr. OWEN. Mr. President, the frank statement of the Senator from Iowa of his opposition to article 10, based upon the conception that America ought not to be bound in the future to take the responsibility of cooperating to restrain an aggressive nation invading the territorial integrity of another or its existing political independence is a point of view which is easily understood, with the simple explanation the Senator has given that he does not want any nation to impose its will upon the United States and that he thinks aggressive wars of conquest may under some circumstances be commendable. But, Mr. President, I favor article 10 for the very reason that I think it is right now, that aggressive war is wrong, that it can be prevented by this covenant, and I do not recognize the obligations of article 10 as permitting any nation to impose its will on America. I wish America to express its own will now under article 10 and maintain it on the ground the principle of article 10 is fundamentally right; that the nations of the world should have their territorial integrity unimpaired; that they should have their political independence unimpaired; and because I believe that, and because I believe that when the United States and all the nations of the earth practically combine to make it effective that sound, honest principle will be permanent on earth; that the territorial integrity of no nation will ever be invaded with that agreement once entered into in this covenant, because I believe that the political independence of no nation will ever be disturbed under the conditions of this proposed covenant, I favor it, and I favor it now, and I am willing to say now that that ought to be the rule forever on earth. I am willing to vote for it, as a servant of the American people, knowing that I am serving them and representing the will of the overwhelming majority of the common people, who, after all, pay the costs of war in life and in property.

After all, under article 10 the council may only advise if there should be a war of invasion in spite of this overwhelming power of mankind organized to prevent it, if by any remote possibility any nation in the future had the temerity, in the face of all mankind and in the face of the organized powers of the world, to invade unlawfully and wrongfully the territorial integrity of another nation or its political independence. If that should by any possibility happen, and the question arises as to what ought to be done about it, and if the complete commercial and financial boycott provided does not restrain such offender, and then further steps should be taken, advice would be given by the council.

The advice of the council must be unanimous to reach a decision. On the council the United States would be represented, and 9 other nations would be represented. If those 10 representatives, including the representative of the United States, unanimously agree upon the advice, I have faith enough in the intelligence of mankind, in the honesty and in the uprightness and the judgment of the 10 great representatives of the great nations who will be in that council to believe that their advice will be sound and worthy to be followed. In the event of the doubly impossible contingency that some nation defied the whole world, defied the world boycott, and force of arms were required, and, finally, the advice were wrong, coming from the council with the consent of our own representative, it would still be possible for the United States to say, if the facts truly justified it, "The advice is unsound, and we are not morally or legally obliged to do a thing which is unreasonable or foolish." Congress, in any event, would be obliged to take such action as it found right, but our duty is to safeguard the peace of the world by article 10. In my opinion it will suffice and make wars impossible and cost the world nothing. The Monroe doctrine deterred the European monarchies from invading the western democracies, and article 10 is a thousand times as powerful as a force deterring nations from aggressive war.

But, Mr. President, there is something far more than this. All the dreadful happenings of the future which the imagination may conjure up are themselves absolutely impossible to occur, because the whole world now is moving most rapidly toward government of the people, by the people, and for the people. The ideals of Europe are changed and changing daily for the better. The old autocracies are completely broken down, the Bourbons are long since gone, the Romanoffs are destroyed, the Hohenzollerns are eliminated, the Hapsburgs are utterly powerless, the old order passes away; and even the Vatican, which has in the past centuries favored autocracy, in a letter from the Pope himself, has declared in favor of democracy and the education of the people. If there is on earth a chamber where there is collected the wisdom of mankind with regard to the conditions of every nation of the earth, it is in the College of the Propaganda. There is assembled the most intimate knowledge of the conditions of every nation on earth, and when the Vatican declares for democracy the days of autocracy are gone. The threat of world dominancy by autocracy is dead and buried, never to be resurrected.

The monarchs of Bulgaria and Turkey are gone. The nominal titles that remain in Europe now of "king" are without power. They are merely the symbols of the past, retained out of the affection for the past. The titles of the King of Norway, of Sweden, of Denmark, of Queen of Holland, of King of Belgium, of King of England are merely forms. They are no longer of profound substance.

There is one Government in Europe based on democracy, surrounded by belligerent powers—Switzerland, one-third German speaking, one-third Italian speaking, and one-third French speaking, and yet having a stability in government that has remained unshaken decade after decade, when Europe was shaken with wars. The Balkan wars never touched Switzerland; the war of 1870–71 did not touch Switzerland; this war, with Switzerland surrounded on all sides by warring nations, did not invade the land of Switzerland; and with its boundaries fixed, with a government of a democracy, with all its laws submitted to the people in Switzerland by a referendum, so that no law should go into effect without the will of the people of Switzerland, have given it a stability that makes Switzerland a model to the world. No desire to increase their boundaries and no desire to infringe their boundary has appeared.

Mr. CUMMINS. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. CUMMINS. No man rejoices more on account of the millennium of democracy approaching than I do. It seems to me the Senator from Oklahoma, in view of the beautiful picture he has just painted, might trust these democracies not to declare unjust war. Why, then, should we enter into an agreement to protect the boundaries of all the nations of the world? Why not give to each of these democracies, springing from the people,

guided by the people, some opportunity to work out their own salvation?

Mr. OWEN. Mr. President, the Senator a few moments ago said he would choose his company. I am pointing out to him the very excellent company he will choose and the company which I do choose in supporting the covenant of the league.

I choose an alliance with them. I am glad to make it with them. I have confidence in them. I believe in them. I have the faith to believe. I believe in the judgment of mankind, in the common sense of mankind, and I want to say to the Senator that it makes but little difference where the line of a territory is drawn if that territory be governed by the will of the people who inherit it, and that is why I pointed out Switzerland, one-third French, one-third German, and one-third Italian, living happily together under popular government.

Mr. LENROOT. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. LENROOT. In order to get the Senator's view a little more explicitly with reference to the obligations of article 10, assume that China should in time find herself and assume a status as a military power, and that China should undertake, with her army and navy, to assist Korea to gain her independence, what does the Senator think the obligation of the United States would be under article 10 as it now stands?

Mr. OWEN. I will reply to the Senator very frankly and very freely. To start on, China is the greatest democracy in the world. China governs every village by the voice of the people of the village. China follows a rule laid down for village life and family life that is 2,000 years old. If there is a stable government on earth in a democratic sense, it is the Government of China. The idea of China invading the territory of Korea for the purpose of restoring Korea to independence is entirely unthinkable, because of China's own mental attitude, in the first place, and second, because under the covenant the restraints fixed would provide a forum for Korea's grievances and would prevent China's invasion.

Mr. LENROOT. Is it any more unthinkable than the United States assisting Cuba to gain her independence?

Mr. OWEN. It is.

Mr. LENROOT. Why?

Mr. OWEN. For the reason that now if this covenant goes into effect, assuring the territorial integrity of nations and the existing political independence of nations, and Korea having a grievance as far as Japan is concerned, Korea has the opinion of mankind to appeal to through this league, and China is restrained by article 10.

I remind the Senator that section 23, paragraph B, of the league, pledges every nation including Japan, including Great Britain, to deal justly with any native inhabitants under their control.

Mr. LENROOT. Following that a little further, does the Senator then think that the league would have a right to deal, we will say, with the negro question in the United States?

Mr. OWEN. I think the people of the United States will have the wisdom and the justice to deal kindly and fairly——

Mr. LENROOT. Oh, the Senator begs the question——

Mr. OWEN. With the negro question and make it entirely——

Mr. LENROOT. The Senator is too good a lawyer to attempt to beg the question in that way.

Mr. OWEN. The Senator would draw a parallel, I take it, between Korea and the negro question?

Mr. LENROOT. I am speaking now of the jurisdiction of the league of nations.

Mr. OWEN. The jurisdiction of the league of nations is confined to international affairs, and the league is not permitted to interfere in domestic questions.

Mr. LENROOT. But is not Korea a domestic affair of Japan?

Mr. OWEN. It is not, in my opinion.

Mr. McCORMICK. May I interrupt the Senator at that point to ask a question?

Mr. OWEN. I yield to the Senator from Illinois.

Mr. McCORMICK. The President the other day adverted to the powers of the league under article 11 to settle a domestic question, so called. If it were possible for the league to consider the status of the inhabitants of Ireland, would it not also be possible for the league to consider the status of some of the people of the United States—the negroes, for example?

Mr. OWEN. I think the entire world would agree that affairs affecting our citizens of African blood is so purely a domestic question that it would be impossible to raise it before the league, but if it were possible to raise it I think that the United States can be entirely relied on to so conduct its affairs that its conduct would meet with the cordial approval of the opinion of civilized mankind. The United States has always so managed its affairs, and I think always will do so. I have no fear of the negro bugaboo whatever. It indicates great poverty of argument against the covenant.

Mr. WATSON. Mr. President——

Mr. OWEN. I yield to the Senator from Indiana.

Mr. WATSON. The Senator has repeated the argument which has been very often used, that when we once form the league of nations Japan can be forced to do right with reference to China and with reference to Shantung. As we all know, Japan had a secret treaty with England, with France, with Italy, and with Russia. England, France, and Italy will be three of the nations——

Mr. OWEN. I do not believe there was a treaty with Russia of the character referred to.

Mr. WATSON. Yes; there was a treaty with Russia; but that is not consequential so far as my inquiry is concerned. If those three nations are not now willing to do justice to China, why will they be more willing to do justice to China after they join the league than they are now? They will be members of the council. They now are unwilling to do justice to China. They now are unwilling to see that Shantung is given back to China, and they are standing for that grab, that steal, as I believe, of Shantung by Japan, and they are doing it by virtue of a secret treaty. They say so squarely, and the President of the United States has said that because of the secret treaty that Japan had with England and that Japan had with France he was unable to get either England or France to pay any attention to the Shantung proposition. He said that while he was talking with the Japanese representative on these questions, always the representatives of England and France were over in the other part of the room and declined to enter into the conversation. Furthermore, he has specifically said that he was practically forced into that proposition. If that be true, and if they had those secret treaties, why are they going to be willing to do justice to China with reference to Shantung after they come into the league when they are not willing to do it now?

Mr. OWEN. I will tell the Senator if he will permit me.

Mr. WATSON. I will.

Mr. OWEN. We use the word "they" somewhat loosely. We talk about Great Britain and France and Italy as if they were individuals severally standing upon the floor before us, to whom we could speak as we would to a man.

The power of Great Britain represents the various factors that take part in British life. It represents the old tory element, the old conservative element, the more liberal elements, the great body of the liberal elements of Great Britain, and, finally, those who are on the extreme left. The governing power in Great Britain, however, I believe, will be finally found to be the "public opinion" of the people of Great Britain under the mechanism of the government which they have, which will express itself in due season as the possibility arises.

Mr. WATSON rose.

Mr. OWEN. The Senator must allow me to answer, because I have just started to answer, and then I will answer any other question he wishes to ask.

Mr. WATSON. Certainly.

Mr. OWEN. Therefore, when we speak of these nations we must remember the terminology we use—that we are not speaking of an individual but we are speaking of a people whose voice will be heard when the occasion and the opportunity arise and the mechanism is afforded. The same thing is true of France; the same thing is true of Italy; the same thing is true in the United States, for that matter. When the covenant of the league is established, when the world meets around a council table where the whole world may hear the open discussion of the rights of the Chinese people in Shantung, and with regard to Shantung and with regard to Hongkong and Shanghai and Kochin China, these things will be modified in time by the constantly improving intelligence and knowledge of mankind.

The world is fundamentally sound. There is such a thing as conscience in man, whether he be a Chinaman, a European, or an American, and that thing of conscience knows what is right and what is wrong and will judge the case aright when the facts are laid before the assembly, the place where the opinion of mankind may be given publicity.

I therefore take it that in due season, if you permit a forum to be established where the opinion of mankind may make itself felt, the Shantung incident will slowly adjust itself on the principles of justice and of righteousness. But if you refuse to permit a forum to be established, if you defeat this covenant, you have no remedy except force. Therefore, those who would deal justly with China will take the settlement which goes so far as to return all except the commercial con-

cessions and leave the commercial concessions to be adjusted before the public opinion of the world when the facts shall be presented in due time.

I yield for any other question the Senator may wish to ask.

Mr. WATSON. In other words, the Senator is waiting for that far-off millennium——

Mr. OWEN. I hope the Senator does not speak irreverently.

Mr. WATSON. No; but that far-off millennium when conscience is going to control the actions of all the men and all nations and the representatives of all nations.

Mr. OWEN. I do have faith in it. It is not far off. It is here now.

Mr. WATSON. Is China to wait for the restoration of Shantung until that beautiful millennium is ushered in?

Mr. OWEN. I think China will not have to wait. The Senator knows very well that Japan has entered into an engagement with the other nations of the world to return the sovereignty of Shantung and is only proposing to retain the commercial concessions, and it is the "commercial concessions" which I say can be adjusted in this forum after the other matter is disposed of.

Mr. WATSON. But the Senator does not believe—I call myself the Senator—that Japan intends to restore Shantung.

Mr. OWEN. I most undoubtedly do.

Mr. WATSON. Then that is a question that we will have to wait to determine. I do not believe that she does. I do not believe that she intends to restore Shantung unless compelled to do so by the aroused conscience and morality of the world.

Mr. OWEN. I do not believe it necessary to needlessly insult an ally who was willing to fight on the side of liberty in this war.

Mr. WATSON. How much did they fight?

Mr. OWEN. I would wait a few months, until Japan can act, before I insulted an ally that had been faithful——

Mr. WATSON. Before you insult an ally that has been faithful, and yet while the Chinamen were suffering and bleeding on the battle field that ally had a secret arrangement to rob and plunder China when the war was over. And yet the Senator talks about poor Japan!

Mr. OWEN. I have not said "poor Japan." I have great admiration for Japan, even if some of her statesmen may be of poor vision and may make some errors on the material side.

Mr. WATSON. I am talking about China. I do not know what the——

Mr. OWEN. I have greater admiration for China.

Mr. WATSON. It is a great thing to admire her and at the same time plunder her of one of her richest Provinces, and at the same time we stand sponsor for it.

Here is what I want to ask the Senator: Under the secret agreement between England and Japan, Japan was to have Shantung. The Senator understands that?

Mr. OWEN. I do not understand it.

Mr. WATSON. Under that same secret agreement, when the war was over and they were dividing the loot before the victory was won, England was to have all the German islands in the Pacific Ocean south of the Equator. When that day of enlightened conscience and glorified reason, of which the Senator speaks, is ushered in, will England give up those island possessions when Japan gives up Shantung, because England got those islands as a consideration for Japan getting Shantung? Is England going to surrender her possessions? Does the Senator believe England will surrender anything?

Mr. OWEN. As between England and Germany, I prefer that the islands of the sea were under the jurisdiction of the British Government.

Mr. WATSON. Precisely.

Mr. OWEN. Because I have great confidence in the ability of that Government to improve and develop the art of self-government.

Mr. WATSON. But the Senator must remember that as a part of this same agreement by which England got these islands Japan got Shantung.

Mr. OWEN. Oh, we may admit, as a mere matter of argument, that that agreement was highly improper.

Yet I will say to the Senator that when the English people were in this life-and-death struggle and it became of urgent importance that the troopships coming from New Zealand and Australia should not be waylaid by the German submarines and the German cruisers on the Pacific, certain English statesmen made such a bargain with Japan as they could; but I again remind the Senator that when you speak of "England" and "they," remember it is a very vague term, and that in the future the power in control of England will not be the conservatives or the tories, but more and more the liberal elements, who have for a long time really dominated English policies, and will in future assuredly do so. So even an agreement that was improper may confidently be expected to be corrected as far as justice may require.

Mr. HITCHCOCK. Mr. President, this is the day set for voting on the so-called Fall amendments, and I should like to inquire whether we can now proceed with the vote?

Mr. WATSON. My understanding is—and if I am wrong the Senator will correct me—that there was an agreement between the Senator from Massachusetts [Mr. LODGE] and the Senator from Nebraska [Mr. HITCHCOCK] that all of the treaty, including the Fall amendments, should be read before any voting should begin. Am I right?

Mr. HITCHCOCK. There was no agreement to that effect. The agreement I had with the Senator from Massachusetts was that we should proceed with the reading of the treaty to some extent so as to cover the Fall amendments before the address of the Senator from Iowa [Mr. CUMMINS], but that was modified afterwards. If we can now proceed without interruption with the reading of the treaty, I suppose that would be the proper thing to do; but I do not want to do away with the vote on the Fall amendments to-day.

Mr. McCUMBER. Mr. President, if the Senator will allow me, I think we ought to know now just exactly what the understanding was. There was first a motion made to postpone, as I remember, not a vote but to postpone consideration. Therefore, I do not understand that necessarily the matter of voting comes up to-day, but merely the consideration. Then, there was a unanimous request afterwards made as to the effect of which I am not entirely sure; and I wish that we could have the RECORD before us so as to know just exactly what was intended and what the status now is.

Mr. SMOOT. The unanimous-consent agreement was simply to reduce the period of postponement from a week to three days.

Mr. WATSON. Yes; but not for the vote, as I understand.

Mr. SMOOT. For the consideration of the Fall amendments.

Mr. WATSON. For the consideration of the Fall amendments. I do not understand that the Senator from New Mexico is to be compelled, if he does not so choose, to cease speaking to-day, for his speech will probably take some time. The Senator from Massachusetts [Mr. LODGE] is now present and can state the situation.

Mr. McCUMBER. I think if we have the RECORD, there can be no possible mistake. My understanding is the same as that of the Senator from Utah [Mr. SMOOT], that we were merely to postpone the consideration of the amendments.

Mr. WATSON. That is all.

Mr. LODGE. There was no agreement whatever about voting.

Mr. WATSON. I thought not.

Mr. McCUMBER. I think not.

Mr. LODGE. There was no suggestion of that kind.

Mr. SMOOT. I have the RECORD here.

Mr. LODGE. The RECORD will show that what I have stated is correct.

Mr. WILLIAMS. Mr. President, I see from this morning's paper that the Senator from California [Mr. JOHNSON] seems to have "had a call" to go back to the field, in order to convince the people of the United States that the resolution which he had offered as an amendment to the treaty is right. When I saw that statement, I was not very much astonished. I thought from the magnificent crowds and the tumultuous applause which had greeted the President of the United States when he was explaining to great popular audiences that amendment and various others whose intention was to emasculate, if not to destroy, the treaty that the Senator from California would find it perhaps advisable, if not necessary, to go back to California, if not for the purpose of continuing the attack upon the President of the United States, at least for the purpose of reducing and mending his fences.

Mr. President, I have received the letter which I hold in my hand, which I wish to read to the Senate. The letter is as follows:

LEAGUE TO ENFORCE PEACE,
New York, September 17, 1919.

DEAR SENATOR WILLIAMS: Attached is some material that would read well in the CONGRESSIONAL RECORD, especially the round robin from California with 12 of its signers on JOHNSON'S California presidential campaign committee. All of the 28 signers are "big folks" in California.

Faithfully, yours, W. R. BOYD, Jr.

Mr. Boyd is the national campaign manager of the League to Enforce Peace.

Accompanying the letter is a petition [exhibiting] on which are the original signatures copied on oil paper of these distinguished men in the State of California, 12 of whom were upon the campaign committee of the Senator from California. As

I say, I do not blame the Senator for wishing to delay matters in the Senate until he can get back to California and make his "title clear to mansions in the—political—sky." I ask unanimous consent that this memorial and the signatures thereto be published in the CONGRESSIONAL RECORD.

There being no objection, the memorial, together with the signatures, was ordered to be printed in the RECORD, as follows:

To the Committee on Foreign Relations of the United States Senate:

The executive committee of the California branch of the League to Enforce Peace believes it essential to secure a responsible expression of opinion relating to the league of nations.

This Nation, which has done so much to promote the principle of the peaceful settlement of international disputes, can not justly be placed in an attitude of hostility to the project adopted by the conference at Paris for the extension of that principle to all the associated nations for the purpose of averting all preventable wars.

The undersigned urge that the treaty containing the peace covenant be promptly ratified by the Senate without attempting to embarrass it by amendment, thus delaying the conclusion of peace and the establishment of a great agency for its future preservation.

Warren Olney, jr., R. B. Hale, C. H. Bentley, Frederic Whitton, Chas. W. Fay, Fred S. Wilson, Charles C. Moore, W. C. Van Fleet, W. D'Egilbert, Curtis D. Wilbur, Thomas S. Williams, F. M. Angellotti, E. W. Wilson, P. H. McCarthy, Jesse H. Steinhart, M. C. Sloss, Milton H. Esberg, George E. Bates, Bessie Knite Taylor, Margaret Kittle Boyd, Raphael Weill, B. F. Schlesinger, Chas. Albert Adams, Rella V. Watt, Chester H. Rowell, Clara B. Burdette, Harris Weinstock, Mrs. Bert Schlesinger.

The following 12 signers of the foregoing round robin are members of the California presidential campaign committee for Senator HIRAM JOHNSON:

Warren Olney, jr., C. H. Bentley, W. C. Van Fleet, Thos. S. Williams, F. M. Angellotti, P. H. McCarthy, Jesse H. Steinhart, Milton H. Esberg, B. F. Schlesinger, Rolla V. Watt, Mrs. M. C. Sloss, W. D'Egilbert.

Mr. LODGE. The motion which I made on September 23 was:

I move that this amendment be postponed until this day week.

That motion prevailed. I then said:

I have no desire to put it an unreasonable distance, and I ask unanimous consent to change the time from one week to three days hence, and let it apply to all these amendments.

That was agreed to. There was no agreement about a vote. It was simply an agreement to postpone the consideration of the amendments and take them up at a later time.

Mr. WATSON. Mr. President, will the Senator allow me?

Mr. LODGE. Certainly.

Mr. WATSON. The very question put by the Vice President was this:

The question is on the motion of the Senator from Massachusetts to postpone the consideration of this amendment for one week.

Mr. LODGE. I think there can be no question about it.

Mr. President, I suggested to the Senator from Nebraska this morning that it would save time if the Secretary would read the remainder of part 3, which will cover all the amendments known as the Fall amendments. If we do not do that, but proceed with the consideration immediately of the amendments which have been read, of course the remaining amendments will have to be read by whoever is discussing them, and there will be involved the necessity of reading them a second time. I think, therefore, time will be saved if the treaty is read up to part 4 and then the Senator from New Mexico or other Senators who desire to discuss the Fall amendments will have an opportunity to do so, if that is agreeable.

Mr. HITCHCOCK. Is it not the Senator's understanding that the discussion of these amendments will immediately follow the reading, and that the matter will remain before the Senate until voted upon?

Mr. LODGE. That is my understanding; that we shall consider, discuss, and dispose of these amendments.

Mr. BORAH. Mr. President, I do not understand that the discussion will be confined to these amendments.

Mr. LODGE. Of course not.

Mr. BORAH. It will be a discussion of the treaty, but not necessarily of these amendments.

Mr. LODGE. Oh, no.

Mr. BORAH. There is no agreement to that effect, and there will not be any made to that effect.

Mr. HITCHCOCK. Does the Senator from Idaho by that desire to prevent coming to a vote on the Fall amendments?

Mr. BORAH. Not necessarily, but I do not propose to confine my remarks to those particular amendments.

Mr. HITCHCOCK. I realize that there is no power to confine the remarks of Senators, but I had hoped that in good faith we could carry out within a reasonable time, as I am sure the Senator from Massachusetts desires to carry out, the settlement of these amendments when they are reached.

Mr. BORAH. I have no objection to that.

Mr. LODGE. That is my intention. I hope that they will be considered and discussed within a reasonable time; but, of course, the method which shall be employed by any Senator in discussing any question must be left to him. Yesterday when the treaty was before the Senate some time was occupied in discussing Mr. Burleson's management of the Post Office Department. My only intention was to get the amendments before the Senate as soon as possible, Friday being the day set for their consideration.

Mr. HITCHCOCK. The reading of the portion of the treaty which the Senator has indicated, including all of the Fall amendments——

Mr. LODGE. That will include all of the Fall amendments.

Mr. HITCHCOCK. Will be concluded in a short time; and I am perfectly willing to proceed with the reading until the portion of the text embracing the Fall amendments has all been read.

Mr. LODGE. Very well.

Mr. McCUMBER. Does that mean that we go back to the Fall amendments when we are through with the reading?

Mr. LODGE. That is the desire—to have them all read before they are discussed.

Mr. McCUMBER. We will not go back to the first amendment, but to the Fall amendments.

Mr. LODGE. Certainly. As the Senator knows, the so-called Fall amendments are all practically one amendment.

Mr. McCUMBER. I understand.

The PRESIDING OFFICER. It is the understanding, then, that the reading shall be proceeded with.

Mr. LODGE. Mr. President, before any Senator takes the floor I offer two brief letters from a distinguished clergyman of Brooklyn, which I should like to have read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested:

The Secretary read as follows:

UNITY CHURCH, THIRD UNITARIAN,
Brooklyn, N. Y., September 24, 1919.

Senator LODGE,
Senate Chamber, Washington, D. C.

MY DEAR SIR: I desire to commend you for your fight to add amendments and reservations to the league covenant and the peace treaty. Personally I know of very few people who do not stand with you in this.

Heretofore I have been an ardent champion of the league of nations and have spoken in its behalf. I still believe in the principle of a league, but not in this as it stands. I am convinced that as it now stands it will not prevent war but make war inevitable. To-day I am resigning from the Brooklyn League of Nations Committee of which I have been a member. I inclose a copy of my letter to this committee.

Rev. JOSEPH A. KYLE.

—

UNITY CHURCH, THIRD UNITARIAN,
Brooklyn, N. Y., 24 September, 1919.

BROOKLYN LEAGUE OF NATIONS COMMITTEE,
32 Court Street, Brooklyn.

DEAR SIRS: I have received your communication asking me to write to Senator CALDER in regard to the amendments and reservations reported by the Foreign Relations Committee of the Senate. I am sorry that I can not do so, and feel that I ought to withdraw from the Brooklyn League of Nations Committee. Will you kindly strike my name from your list?

I can no longer with clear conscience support the league of nations covenant unless it can be radically amended and wholly severed from the peace treaty. I know of very few people who do not feel as I do about it. As the league covenant and the treaty now stand, they make war inevitable rather than impossible.

There is no doubt that some form of league is needed and will ultimately come. I still believe in the principle and will do what I can for it; but I am so disappointed by the glaring contrast between the beautiful words of President Wilson and what he has actually accomplished that I do not care to have any further connection with a committee that works in support of the present covenant.

Sincerely, yours,

Rev. JOSEPH A. KYLE.

THE STEEL WORKERS' STRIKE.

Mr. POMERENE. Mr. President, I desire to occupy a few minutes of the attention of the Senate on another subject. I have no desire to interfere with the progress of the peace treaty, but another matter has been called to my attention which I believe to be of the very highest importance at this particular time.

On Tuesday of this week Hon. JOHN G. COOPER, a Member of Congress from the Youngstown, Ohio, district, made a speech in the other House in which he called attention to one William Z. Foster, who is organizing the steel workers of the country. If Senators have not read the speech of Mr. COOPER, I hope they will do so. In my judgment, Mr. COOPER rendered a splendid service to the cause of law and order in making that speech at this opportune time.

I was told a few minutes ago that Mr. Gompers appeared before the committee of the Senate presided over by the distinguished junior Senator from Iowa [Mr. KENYON], which is now investigating the steel strike, and that in his testimony Mr. Gompers was asked about Mr. Foster. As I understand, Mr. Gompers admitted that Foster had been an I. W. W. and a syndicalist, but claimed that he had since reformed.

I have before me a copy of the Christian Science Monitor of Thursday, September 25 of this year. In a news article sent from Chicago this statement appears:

In a letter published in Solidarity, the official organ of the I. W. W., on November 4, 1911, William Z. Foster, secretary of the national committee for organizing iron and steel workers, urged the I. W. W. to work within the American Federation of Labor to make it a revolutionary organization. Mr. Foster at this time was a member of the I. W. W. and a candidate for editor of another I. W. W. publication, the Industrial Worker, at Seattle, Wash. His advocacy of "boring from within" the trade-union movement did not please the I. W. W. membership and caused his defeat.

I will not read the whole article; but the writer says:

This letter appears in the files of Solidarity at the office of the United States district attorney in Chicago. It reads, in part, as follows:

"I am satisfied from my observation that the only way for the I. W. W. to have the workers adopt and practice the principles of revolutionary unionism—which I take is its mission—is to give up the attempt to create a new labor movement, turn itself into a propaganda league, get into the organized labor movement, and by building up better fighting machines within the old unions than those possessed by our reactionary enemies, revolutionize these unions, even as our French syndicalist fellow workers have so successfully done with theirs."

This letter was signed "Yours, for revolution, William Z. Foster."

And now this man, with that record, which he himself wrote in 1911, is parading himself before the public as one of the friends of labor! God help labor when it gets into the clutches of men of that type!

I have before me a copy of the pamphlet which was issued by Earl C. Ford and William Z. Foster—this same William Z. Foster—and has printed upon the front page, "Published by William Z. Foster, 1000 South Paulina Street, Chicago." I am going to read a paragraph or two from it. He believed in direct action, he believed in sabotage, and he discusses approvingly sabotage. I am not going to read all he says on that subject, but I want to read a paragraph or two:

The most widely known form of sabotage is that known as "putting the machinery on strike." The syndicalist goes on strike to tie up industry. If his striking fails to do this, if strike breakers are secured to take his place, he accomplishes his purpose by "putting the machinery on strike" through temporarily disabling it. If he is a railroader he cuts wires, puts cement in switches, signals, etc., runs locomotives into turntable pits, and tries in every possible way to temporarily disorganize the delicately adjusted railroad system. If he is a machinist or factory worker, and hasn't ready access to the machinery, he will hire out as a scab and surreptitiously put emery dust in the bearings of the machinery or otherwise disable it. Oftentimes he takes time by the forelock, and when going on strike "puts the machinery on strike" with him by hiding, stealing, or destroying some small indispensable machine part which is difficult to replace. As is the case with all direct-action tactics, even conservative workers when on strike naturally practice this form of sabotage—though in a desultory and unorganized manner. This is seen in their common attacks on machines, such as street cars, automobiles, wagons, etc., manned by scabs.

Now, note their method of treating "scabs." I read from page 14 of this pamphlet:

The scab. A large portion of the syndicalists' success in their strikes is due to their energetic treatment of the strikebreaker. According to syndicalist ethics, a poverty-stricken workingman, in his predicament, can do anything save scab. He may beg, borrow, steal, starve, or commit suicide, and still retain the friendship and esteem of his fellow workers; but let him take the place of a striker and he immediately outlaws himself. He becomes so much vermin, to be ruthlessly exterminated. The French syndicalists are especially merciless toward scabs. They are making strikebreaking such a dangerous profession that scabs are becoming pleasingly scarce and expensive. They literally hunt scabs as they would wild animals. This war on scabs is popularly known as "La chasse aux renards." (The fox chase.)

Senators will please note that William Z. Foster, in his position as an organizer of the steel men, seems to be following out the program so clearly set forth in his letter which I read a few moments ago. He is an I. W. W., as appears from the reading of his letter. He favored having the workers "adopt and practice the principles of labor unionism." He has gotten into "the organized labor movement." He is now where, to use his own words, he can "by building up better fighting machines within the old unions than those possessed by our reactionary enemies, revolutionize these unions, even as our French syndicalist fellow workers have so successfully done with theirs."

What a leader for law-abiding labor!

Senators, I do not think I am a pessimist. I am an optimist, but I am not underestimating the seriousness of present conditions.

Mr. THOMAS. Mr. President, I have just entered the Chamber. Let me ask the Senator what he was reading from.

Mr. POMERENE. I was reading from the pamphlet called "Syndicalism," by Earl C. Ford and William Z. Foster. But with this feeling of unrest prevailing as it is to-day, for men of the type of Foster—who has no respect either for the law of God or the law of man—to be placed at the head of a labor organization, or a movement in the interest of labor, shocks one's reason. All that men of that kind can do or will do is to ruin the cause of labor.

The vast majority of the laboring men, as the vast majority of all men and women, are law-abiding; but when they are controlled by leaders of this kind, what can you expect but the destruction of property? And when we arrive at a time when property is not safe, life itself is not safe.

Now, Senators, when I recall the fact that the entire resources of this country were mobilized so that a military autocrat should not control the destinies of the world, I am satisfied that that same people will see to it that an autocrat of the type of Foster shall not long control the actions of even a few laboring men. I hope that when Senators and the public generally are trying to determine what should be done in this great industrial crisis they shall bear in mind the character of man who is now one of their leaders.

TREATY OF PEACE WITH GERMANY.

Mr. WILLIAMS. Mr. President, I hold in my hand two interviews, one coming from Paderewski, the president of the new Polish Republic, in which he pleads for the league of peace to rescue Poland, declaring that it is essential to the maintenance of the independence of his people. The other is from Mr. Morgenthau, late our ambassador to Turkey, in which he states that he sees Germany strong for another war, preparing for it now; in which he says that she came through this war a perfect dynamo of strength, her human military strength as great as ever. He calls attention to the fact of the rapid demobilization of the forces of the entente, including our own and those of Great Britain, and to the danger of spending time in useless discussion while Germany is gathering together her forces, stiffening her sinews, and summoning up her courage for a new struggle.

I ask unanimous consent for the insertion in the RECORD of the two articles.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 19, 1919.]

PLEADS FOR LEAGUE TO RESCUE POLAND—PADEREWSKI DECLARES THAT IT IS ESSENTIAL TO THE INDEPENDENCE OF HIS PEOPLE—FIGHT INSPIRED BY AMERICA—PREMIER WANTS MORAL AND ECONOMIC SUPPORT, RATHER THAN MILITARY HELP.

"WARSAW, *September 18.*

"President Paderewski, of the council of ministers of Poland, declared to-day that the league of nations was essential to Polish independence. In a statement he said:

"'From a Polish point of view our one hope of future security as a State lies in the league of nations. Upon it—and I fear upon it alone—depends the liberty of the Polish people and the successful development of democratic and liberal government in Poland. Standing, as we are, between Germany on one side and Russia on the other, we can not hope to maintain our integrity during these years, while we build up the strength of our people, unless we have the protection of the league.

"'Poland at the present moment has 500,000 men under arms. Our people are short of food supplies, short of clothing, short of many of the necessities of life. We are compelled to make every sacrifice to sustain the army, and this with our population needing its resources for the upbuilding of the nation, in order that we may protect ourselves from encroachment.

"'To-day we are defending 1,500 miles of front against Bolshevist forces, and, in so doing, we stand as the front line in Europe against Bolshevist invasion from the east.

"'We are endeavoring to maintain this front line and at the same time to achieve an economic stability, to recuperate our people from the effects of repeated invasions of German and Russian armies. The task is a terrible one. The tax upon our strength will be too great unless we can have the assurance that there will be a body in the world to whom we can appeal for aid in the righting of our wrongs.

"'Poland has set up a democracy under the inspiration of the American people. Had it not been for American intervention in Europe we might possibly have had some semblance of independent government under an autocratic overrule, but with American intervention and American help we have sought to establish not only the independence of the State but also the internal liberty of our people through the difficult road of democracy.

"'The pressure is upon us on all sides through military action and through Bolshevist propaganda, and an intense propaganda from Germany. Unless we have a protective power in the world, under whose strength we can secure an opportunity for peaceful development and the solution of our internal problems, free from distracting and antagonistic influences, I fear for the safety of our democracy.

"'The world has but little realization of the immensity of the problems with which we have had to cope. Large sections of Poland, which has been ravaged, are being brought back to fer-

tility; in addition, we have the replacement of populations, now congested in the cities, upon the agricultural lands of the State.

"'We have been obliged to devote energy to supplying our railroads with rolling stock, of which they were denuded. Free access to the sea is as yet denied us, and our coal supply has been cut off, in spite of the immense majority of the Polish population in the Duchy of Teschen.

"'Yet the Polish people are firm in their resolve to make any sacrifice for the firm establishment of their State. There is, however, a degree of sacrifice that no people can reach and still endure, even though the alternatives to which they turn may be even more disastrous. We can not be expected to build a great and stable State and to protect ourselves from Bolshevist on one side and German reaction on the other unless we can have the background of a great moral protecting power that will furnish us the opportunity of solving our difficulties.

"'The great power and the support which it may furnish need not be military; its moral and economic force is all that we ask, and that power is the league of nations.'"

[From the New York Times, Sept. 20, 1919.]

MORGENTHAU SEES GERMANY STRONG FOR ANOTHER WAR—CENTRAL EUROPEAN STRIFE, HE WARNS, WILL ENCOURAGE NEW RESORT TO ARMS—MAY GOBBLE UP RUSSIA—AND SHE WOULD FIND WARRING SMALL NEW NATIONS AN EASY PREY—HIS SOLE HOPE IN LEAGUE—NEWLY CREATED POWERS MUST BE ASSURED OF JUSTICE WITHOUT ENGAGING IN WARS.

"PARIS, *September 19.*

"'Germany came through this war a perfect dynamo of strength. Her human military power is practically as great as ever, and her 65,000,000 people have been schooled and hardened by trials. They have learned economy and self-denial.

"'The nation has been compressed into a concentrated mass, which is surcharged with energy and moving with centripetal force, while Germany's neighbors are spreading themselves out thin and quarreling and moving with centrifugal force.'

"Thus spoke Henry Morgenthau, who headed the United States commission of investigation which has been at work in Poland, in discussing to-day his observations in Central Europe.

"'And what will be the result?' Mr. Morgenthau asked. Replying to his question, he continued:

"'If disintegration keeps up among Germany's neighbors, there can be but one result. I doubt whether Germany fully appreciates her own strength. As she sits, calmly watching the dickering going on between the new States, which are losing sight of great principles and fighting over little strips of territory, she must take grim satisfaction in the battle her enemies are waging in her behalf. And a Germany encouraged by such discord among weak and struggling States undoubtedly will resort to arms within a few years and regain her lost territory.

"'What will prevent the military clique from regaining control in Germany if Europe continues to offer such tempting prizes to various nationalities? Such a situation will not encourage Germany to regain her trade by peaceful means and to pay indemnities. It will not satisfy the militarists of Germany to return to the factories if their war-worn neighbors weaken themselves further and deliberately offer themselves as prey to the Prussian spirit.

"'What is to encourage the democrats in Germany who are trying to get away from militarism? Europe is rapidly driving on toward a situation which eventually must result in a coalition between Russia and Germany and the absolute destruction of many of the newly created powers unless steps be taken to prevent it.

"'Opinion is strong that the league of nations is the only means for preventing such a disaster. And it must come soon and have the loyal support of both great and small powers. Greece, Italy, Jugoslavia, Czechoslavakia, Poland, and other European countries which have been fought over and are in a sadly weakened condition need the support of some organization which will afford them the proper tribunal for their disputes and assist them in winning their publics away from the idea that war is the only means of getting justice.

"'It is impossible to create barrier States against Bolshevism and militarism, and if these new States continue their quarrels and weaken themselves they can not resist any enemy, much less a great untouched power like Germany.

"'Germany intelligently refused to fight to a finish with the United States. She withdrew in good order to a place of safety, where the war had not ruined her factories and where everything was ready for the resumption of peace industry.

"'Germany has gone to work, but work is impossible in many of those districts where the Germans destroyed machinery and the people have not the raw materials with which to work. But these ruined countries must not make Germany's economic restoration easier by fighting among themselves and leaving Germany the world market without competition.

"'The forces of peace must organize and consolidate; otherwise they are inviting an onslaught which German arms unquestionably will make within a few years unless Germany's enemies intrench themselves through constructive work and establish the nations which threaten to weaken themselves and their allies through greed and jealousy.

"'Germany has gone over into Russia. Her people are organizing there, and they will marshal Russian resources and utilize them in combating the rest of the world, unless a strong Poland is created as a protection for Europe.

"'With her great industrial resources and wonderful railway systems dominating Central Europe, Germany is in a very fortunate position. She is strong and virile, and capable of great commercial and military effort. Nations like Italy, Greece, Roumania, and Jugoslavia, which are extending their territory and spreading out in all directions, have not the industries to bring them that which makes Germany powerful. Furthermore, they are, in many cases, trying to swallow up peoples of different races and aspiration. They are trying to govern more than they can handle.

"'Germany will leave France alone, perhaps, but she inevitably will try to gobble up Russia and many of the small countries of Central Europe.

"'The task of the United States is clear. She must begin, through her allies, she must equip statesmen in the international school and create the first general staff that has ever existed, so as to have leaders who will realize what the world developments are.

"'An America which is ready, mentally and physically, to stand behind the league of nations can hold the balance of power in the world. If the United States does not measure up to its responsibilities, Germany may win the next time and secure domination of the world.'"

Mr. JOHNSON of California. Mr. President, I understand that a few moments ago, when I was absent from the Chamber, the senior Senator from Mississippi [Mr. WILLIAMS] read into the RECORD, or presented for insertion in the RECORD, a petition or a letter or a memorial which had been addressed to me from various gentlemen in California. In the course of the presentation of this statement or memorial the Senator from Mississippi made the statement, as I am informed—not being present I relate it as the information conveyed to me—to the effect that the reason of the trip that I contemplate this afternoon is obvious; that it is to mend political fences of mine in the State of California, because certain gentlemen who signed this memorial or petition are gentlemen who have been connected with me politically in the past, are connected with me politically at present, and who will be, notwithstanding the memorial, connected with me, I trust, politically in the future.

Mr. WILLIAMS. Mr. President, of course the Senator is not trying to quote verbatim et literatim what I said.

Mr. JOHNSON of California. I am simply stating what I was told. I was not here.

Mr. WILLIAMS. I did not say that the Senator's reason for going was as stated, but I said that when I read that he was going I surmised that there was good occasion for him to go for that reason.

Mr. JOHNSON of California. A surmise, Mr. President, which I think is very natural in the Senator from Mississippi. I recognize that the Senator from Mississippi would be unable to comprehend adequately that I am going into the State of California, and I am going into every other State that I can reach in the United States, not to mend any political fences of mine, or any political fences at all, but I am going there because of an optimism which I think the Senator from Mississippi is utterly unable to comprehend, a faith in the common people of this land. I am certain, Mr. President, that when the common people of this land, just common folks, whom the Senator from Mississippi can not perhaps wholly understand, hear the story of the league of nations, understand what it portends, realize the meaning of the mystic utterances that have been made recently concerning it, these common folk of America will respond as Americans for America and in an American spirit. The purpose of the trip I intend to take is to preach, with the poor abilities that I have, and as best I am able, that doctrine of Americanism.

Mr. President, I might advert, did I desire to do so, to a petition received by me from the State of Mississippi some month or more ago, signed by various citizens of that State, against a league of nations, and mentioning the senior Senator from Mississippi. I refrain from putting that particular petition in the RECORD.

I might advert, as well, to the fact that recently there was a political contest in the State of Mississippi, and in that contest, as I am informed, one of the issues was whether or not the league of nations should be adopted by our country. I do

not know the facts; I have only been informed in that regard; that upon that issue the people of Mississippi announced their position without any doubt and in no uncertain tones. I may be in error in my information in that regard. I state it as hearsay, and hearsay alone.

But what the Senator from Mississippi does not comprehend, and can not comprehend, is that men may have a difference of opinion upon an academic or a governmental question and still may fight side by side politically in the present and politically in the future. In the State from which I come, Mr. President, it is not necessary for a man to be a servant to power or to crawl to one who holds a great position at present in order to be an American citizen or a member of a political party. In the State from which I come men differ on some political matters, on certain governmental questions, and yet fight together upon other governmental questions, and the politics of the matter enters not into the issue in any way, shape, or manner. There is no politics so far as this question is concerned, I trust, in the State of California, any more than I have been moved by any politics concerning the league of nations. There is only one motive which stirs me, and that is to do what I think I ought to do in a great crisis, in a great conjuncture of this country.

I am going to California, I am going to Colorado, I am going to Nevada, I am going to Oregon, I am going to Washington, I am going to Utah, if I have time to go to all those States, and I am going to talk as best I can. I want to say to the Senator from Mississippi that the people of those States want to hear the facts, and if Congress did what it ought to do in the present situation that confronts it it would for a brief period let every man get out of the atmosphere of Washington and go among the common people and try the issue among the people, who are entitled to know what is to be done with them and their children after them.

I am going to try to preach the amendment that I have presented, which is the amendment that will be last voted on, I understand. In this discussion and upon this particular argument I want to explain, if I am able to, that the United States of America, by the document that is presented here, is given a disproportionate representation, which challenges a man's self-respect who is an American and which affronts an American's patriotism.

I want to explain, if I am able to explain, to our people that an instrument is presented to us in this Chamber which gives to one great power in this world six votes in the assembly and to us but one vote in the assembly. When it is sought to explain that away by saying it is of little or no consequence, the inquiry at once arises in every American's mind if it is not of any consequence that Great Britain shall have six votes and that we shall have one, why in the name of common sense and Americanism did not the President of the United States come back here bringing America six votes and Great Britain one vote? If it is not of any importance, Mr. President, that Great Britain should be given six times the voting power the United States of America is given by this league, then why was it so necessary that the British Empire should insist upon those six votes?

A lachrymose appeal was made the other day by the President in regard to the sacrifices of Canada, Australia, and the like. He said that across the sea he could not tell the difference between Americans and Australians except by their hats, or words of that character. Of course, Canada and Australia sacrificed in this war. Of course, we recognize those sacrifices, and we yield to them the full meed of praise for patriotic duty well done.

But, Mr. President, the amendment which is presented here, which I had the honor to propose, recognizes Canada, Australia, New Zealand, South Africa, and even India. It gives them their votes within the league exactly as they are given under this particular league that is presented to us. It enables them to be members of the league, to vote within the assembly, and to do all that members of the league can do. The amendment only says, not that Canada shall be deprived of a vote, not that Australia shall be deprived of a vote, nor New Zealand, nor South Africa; it just says that America is big enough, powerful enough, and rich enough, America is good enough, to have just as many votes as the British Empire. That is the amendment; not that we deprive any other territory, any other entity, in this league of a vote at all. We merely equalize the voting power by giving the United States of America exactly the same number of votes that we give the Empire of Great Britain.

Mr. President, it starts with one vote for the British Empire, and then a vote for each fraction of the British Empire. There is no more reason for giving those votes to the fractions than there would be for giving a vote to the State of New York. But that has been done, and written in the constitution of the league. So we would not deprive the British colonies of the power, the rights, and the privileges to membership accorded by the league. We simply, out of our regard for our own Nation, make our vote equal to theirs. And when the President asserts that it is a matter of little consequence and of no importance he is not frank with the people. Not alone is it of importance in one matter, but it is important in at least a dozen matters. Not alone does this voting power in the assembly touch the membership of the council, it touches every question concerning the peace of the world which may be dealt with either by the council or by the assembly. The assembly touches every important problem within the jurisdiction of the league of nations, and touching thus every important problem within the jurisdiction of the league of nations the voting power within the assembly becomes of transcendent importance. Under the voting power that is accorded the members of the league in the assembly—I repeat and repeat and repeat—Great Britain has six votes, and the United States has one vote.

I returned here from Minneapolis the other night, after a rather extended tour, in the endeavor to present what was in my mind upon this question. I came back here in the hope that I would be able to get a vote upon this particular amendment. I found on consultation, not alone with Senators on one side but Senators on the other, that it was impossible and that my amendment was relegated to the end of this entire debate. Being relegated to the end of the entire debate, I am resuming what I left off at Minneapolis the other night, the tour that was interrupted, and I am going forward with the idea of presenting as best I can that which is in my heart and in my mind.

Mr. President, this voting power in this instrument is the most important matter with which we have to deal. If you give a preponderance of voting power over ours to any nation, you place us in just that degree in the power of that particular nation and under that particular nation's sway.

The answer is made to me that other nations are not given six votes as well. That is true. France is not. Italy is not. Japan is not. But I am not concerned, Mr. President, with France, or with Italy, or with Japan, or with any other country. I am concerned not with Great Britain, with which some gentlemen are concerned alone; I am concerned with the United States of America, and I want the United States of America to have her equal voting power even with the British Empire.

Mr. WILLIAMS. Mr. President, it was quite characteristic of the Senator from California that he should immediately find some high place for which he was particularly fitted and which in his opinion I could not even approach. Of course, I do not place myself upon the platform upon which the Senator from California places himself. I admit a great many deficiencies of reasoning power and a great deal of inability to see clearly and completely a great many things. Yet, Mr. President, I shall be somewhat astonished to find anything in the world which the Senator from California, in his objective though not in his subjective form, could understand and which I could not.

Amongst other things that he thought he understood was the situation in the State of Mississippi, and he makes the assertion, "upon information," as he is kind enough to inform us, that the league of nations entered into the recent fight in Mississippi. In the first place, it was not a victory for either side, as the Senator seems to think. There are two factions in the Democratic Party down there. One faction elected the legislature and all the State officers except the governor and the lieutenant governor, and the faction to which he refers elected the governor and the lieutenant governor. In the second place, the league of nations did not enter, in the most remote manner, into the fight at all. It was a fight upon the State administration. In the third place, when the league of nations did enter into politics in the State of Mississippi, it was when my colleague was running against my former colleague, when it became a live issue, and my colleague defeated my former colleague principally upon that issue.

So much for the Senator's ignorance—I beg the Senator's pardon—the Senator's lack of accurate information concerning what has occurred in the State of Mississippi.

Mr. President, the Senator refers to the six votes which Great Britain has in the assembly and the one vote which we have. In the first place, Great Britain has not six votes in the assembly. Great Britain has one, Canada has one, Australia has one, New Zealand has one, South Africa has one, and India has one. These are all self-governing Commonwealths under the agencies of the civilization of the great Anglo-Saxon race, except——

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. WILLIAMS. Certainly.

Mr. BORAH. Is India a self-governing Commonwealth?

Mr. WILLIAMS. India is a self-governing Commonwealth in this sense [laughter in the galleries]——

The VICE PRESIDENT. The Chair wants the doorkeepers to carry out the orders of the Chair.

Mr. WILLIAMS. I do not know whether the occupants of the galleries were applauding the Senator's inquiry or whether they were applauding my response. In either event——

The VICE PRESIDENT. They were disobeying the rules of the Senate. The rules are either going to be enforced or they are going to be repealed.

Mr. WILLIAMS. I am not talking about that, Mr. President.

The VICE PRESIDENT. That is what the Chair is talking about.

Mr. WILLIAMS. The Vice President, of course, is right in saying that the rules of the Senate ought either to be repealed or obeyed. Upon the day before yesterday, I believe, I am informed, though I was not present, a voice in the galleries, packed as the galleries have been for some time by the local union of "the Friends of Irish Freedom," called out, when a Senator of the United States was speaking from the floor, "Put him out." The rules of the Senate were not then obeyed, and the man who made that call ought to have been put out himself. If the occupants of the gallery failed to give the offender's name, the galleries ought to have been cleared. That was the time to assert the dignity of the Senate and of the Chair, and nothing was done.

Mr. President, I have no objection to applause in the galleries. As I said the other day, I think the Senate rule in that respect is foolish. The House has no such rule and gets along very well without it. However, even the House, with the greatest possible latitude in that regard, never allows hissing from the galleries and never allows people in the galleries to suggest that a Member be put out, in ignorance of the fact that a Member can not be put out except by a vote of expulsion, which requires a two-thirds vote. But if that sort of thing goes on, the hissing and cries of "Put him out," as in the case of the Senator from Arizona [Mr. ASHURST], it will not be long before a mob in the galleries will be putting motions, as they did in the French revolutionary convention, and participating in the action of this body, and will be forming, by their own election, a part of the body which the people have a right to elect and have elected.

But this has nothing to do with the argument. To come back to the argument: Great Britain has not six votes even in the assembly. She has one vote. Canada has one vote, Australia has one, New Zealand has one. South Africa has one, and India has one. All these are, as I was about to say when interrupted, self-governing Commonwealths except India, and India has a separate provincial government, although it is more closely allied to the British Empire's Government than are the governments of the other provinces. Not only is that true, but it has been recognized during the war that Canada and these other self-governing provinces had to declare war upon Germany before they were at war with Germany, and each one of them must make peace with Germany as parties to the general treaty before it will be at peace with Germany. Great Britain has long since recognized the independence, internationally speaking, of these self-governing Commonwealths. The Parliament of Great Britain has no right to declare a state of war into which she drags them nolens volens. They have a right to sit in judgment and pass upon the question as to whether they shall go to war or not. Having that right, it is right that they should have a voice, although in no true sense a vote, in connection with the operations of the league of peace. I say a voice, because the general assembly of the league, in which they have representation, votes upon very few subjects at all, and even upon subjects where it does vote, the concurrence or agreement of the council is needed before it becomes binding, and the council votes by unanimous consent.

The President has answered fully every word that the Senator from California has said here to-day, and every word which he or anybody else has said on this subject at any other time. Great Britain's colonies, together with Great Britain, have in the assembly each a vote, but upon the council the Empire alone has a vote, and it is the council alone which controls the great and stupendous questions which will face the world as coming through the league of nations. The general assembly of the league can not decide anything except by unanimous vote—ours being one—except questions of procedure, adjournment, and so forth. Admission to representation on the council must be by unanimous vote—ours being one.

Mr. JOHNSON of California. Mr. President——

Mr. WILLIAMS. As has been well said, if there be six voices with only one vote, it is no stronger than one voice with one vote.

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from California?

Mr. WILLIAMS. I will in a moment.

Doubtless, had we requested to have delegates in the assembly representing the South and the Northeast and the Middle West and the Pacific States, I suppose they would have allowed us to have them; but nobody wanted it because, unlike the Empire of Great Britain, we do not allow the different parts of our imperial domain to sit in judgment upon questions of peace and war or upon questions of tariff, or upon any other national question.

Moreover, Mr. President, this provision adds five votes to the influence throughout the world of Anglo-Saxonism or Anglo-Celticism, as some people prefer to call it, and as I do myself—liberty-loving, liberty-conquering people, who have acquired liberty and transmitted it to the balance of the world; and the United States, so far from being weakened by giving a voice in the assembly to the great free States of South Africa, to the great progressive future Empire of Australia, to our good neighbor and friend who would agree with us oftener than with Great Britain, especially upon American questions, Canada, are strengthened by it.

I now yield to the Senator from California.

Mr. JOHNSON of California. Can Canada and Australia become members of the council?

Mr. WILLIAMS. Any Australian or any Canadian can become a member of the council, but Great Britain can have but one representative on the council, no matter from what part of the confederacy of self-governing British Commonwealths that representative may come. I have seen all that correspondence which the Senator has in mind, and that is all it means and all it is intended to mean. The Senator is referring to the Clemenceau-Lloyd George agreement.

Of course, Jan Smuts could have been the British representative upon the council, because South Africa could, as a part of the British confederacy, have a representative. A South African would be eligible for a place upon the council, a Canadian would be eligible, but the agreement in the treaty says, in so many words, that the so-called "Empire" of Great Britain shall have one representative on the council, and it says only one, and the naming of the whole includes its parts, and therefore the parts of Great Britain all taken together can have but one vote on the council; but that one may come from any part of the British Empire.

Mr. BORAH. Mr. President——

Mr. WILLIAMS. I yield to the Senator from Idaho.

Mr. BORAH. Does the Senator contend that Great Britain or the British Empire could not have a vote upon the council and that also Canada at the same time could have a vote upon the council?

Mr. WILLIAMS. No; on the contrary, I say either can, and that both at the same time can not.

Mr. BORAH. Is that the contention of the Senator?

Mr. WILLIAMS. What you said or what I said?

Mr. BORAH. Does the Senator contend that Canada and the British Empire, or Great Britain, may not at the same time have members of the council?

Mr. WILLIAMS. Absolutely. I know exactly what the Senator from New Hampshire [Mr. MOSES] is showing the Senator from Idaho, and that is all the correspondence means, and that is what it said.

Mr. MOSES. Let it be read and let us see.

Mr. JOHNSON of California. Has the Senator from Mississippi any objection to having read the letter by Clemenceau, and Lloyd-George, and President Wilson?

Mr. WILLIAMS. No, indeed. How did the Senator get the idea that I had?

Mr. JOHNSON of California. Will the Senator from Idaho read the letter?

Mr. BORAH. Certainly.

The question having been raised as to the meaning of article 4 of the league of nations covenant, we have been requested by Sir Robert Borden to state whether we concur in his view that upon the true construction of the first and second paragraphs of that article representatives of the self-governing dominions of the British Empire may be selected or named as members of the council. We have no hesitation in expressing our entire concurrence in this view. If there were any doubt it would be entirely removed by the fact that the articles are not subject to a narrow or technical construction.

(Signed) G. CLEMENCEAU.
WOODROW WILSON.
D. LLOYD-GEORGE.

Mr. President, it will be recalled, if the Senator will pardon me a moment——

Mr. WILLIAMS. I yield to the Senator.

Mr. BORAH. I merely want to make one observation.

Mr. WILLIAMS. Very well.

Mr. BORAH. It will be recalled that ex-President Taft proposed an amendment to the effect that the self-governing dominions should never be permitted to have membership upon the council. Immediately that gave rise to debate in the Canadian Parliament, the premier of Canada insisting that Canada would have a right as a separate and distinct entity to have her own representative on the council; and he stated very explicitly that, if that was not to be true, Canada would not be very greatly interested in the league of nations.

Mr. WILLIAMS. Mr. President, had ex-President Taft's idea been adopted, if it had been provided that they should never have a representative upon the council, it would have been very unjust to Canada, Australia, South Africa, and New Zealand, because the time is not so very far in the future, as history runs, when Great Britain will be lesser Britain and greater Britain will be in Australia, Canada, South Africa, and New Zealand. As I stated a moment ago, it would not have been out of place at all if Jan Smuts or if the Premier of Canada had been the British representative upon this council; but the very league itself provides that "the following nations shall have one permanent place each"—nations, empires, monarchies, republics, whatever may be the form of the nation—and it names the United States as one, France as one, Italy as one, Japan as one, and the British Empire as one. So there is nothing in any argument that can be made for the contention that Great Britain and Canada and Australia could have three representatives, or that Great Britain and Canada might each have one representative upon the council, for the provision of the league itself is that the British Empire shall only have one vote upon the council.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Nevada?

Mr. WILLIAMS. I yield.

Mr. PITTMAN. I simply desire at this point to interject and call the Senator's attention to the fact that neither Canada nor Australia nor any of the British colonies could ever have a member on the council without the agreement of the United States.

Mr. WILLIAMS. You are perfectly correct, and I am coming to that in a moment.

Mr. BORAH. Mr. President, I wish to interject that that is a mistake.

Mr. WILLIAMS. The mistake is the mistake of the Senator from Idaho. The vote of the assembly of the league to add a new member to the council is required to be unanimous, and in order to be unanimous the United States must vote affirmatively in favor of the appointment, or designation, whichever you may call it.

As suggested—and I was coming to that in a moment—in order to put anyone upon the council except those who are put there by the very language of the league itself—and those who are put there by that language as permanent members are one representative of the United States, one from Italy, one from France, one from Japan, and one from Great Britain—there must be a vote of the assembly and of the council, and the vote of both on this question must be unanimous. So if anybody attempted to put a Canadian in addition to a native of the British Isles upon the council, even if it were permissible under the league—and it is not—it would require the vote of the United States representative, the vote of the French representative, the vote of the Italian representative, and the vote of the Japanese representative on the council itself in order to permit the thing to be done. National jealousies can be trusted to defeat such a result.

Now, what is the use of talking as Senators have done, if six voices amounts to one vote and one voice amounts to one vote, what is the difference, except right of consultation and debate? It is like an old-fashioned Democratic convention in Mississippi, to which from one county 12 men might be sent, while from another county, perhaps, only 1 might be sent, but each county would have a certain vote, in accordance with the manner in which the convention was called, regardless of the number of delegates representing the county, though every individual might talk and consult and "reason together in brotherly love."

Mr. President, I was about to say here is Cuba, here is Guatemala, here is Honduras, I believe, and Peru, I believe, all represented in the assembly, but none of them upon the council. Here are Canada, Australia, and South Africa, which are represented upon the assembly but none of them upon the council, although a citizen of either might be upon the council as the selected representative of the entire British confederacy. Cuba is, to a certain extent, under the protectorate of the United States; the Central American countries all are partially so, and they are subject to a large extent to our political influence, and to some extent to our control, much more so than free and self-governing Canada would be subject to the control of Great Britain upon any very great question affecting America.

Take, for example, the question which peculiarly concerns California, any question of Japanese immigration or of Hindu immigration. The Senator from California [Mr. JOHNSON] knows as well as I do that Canada would take the American view of that question; that Australia would take it; and that the white people in South Africa would take it. He knows that they have already taken strong positions against the orientalization of their respective countries stronger even than we have taken.

We have taken a position emphatic, distinct, and strong.

California has taken it especially and more especially against Chinese immigration. Whence this new-born California Republican Chinese love and devotion?

Canada has gone, if anything, farther than we have, and Australia has gone farther than either in opposition to oriental immigration.

Why are you afraid of men who speak the same language, who have the same literature and the same law, who have inherited the same free institutions from the same source, who have achieved civilization according to the same ethical rules, who have the same concepts of municipal and of international law, who have the same love of peace and the same hatred of war, who have the same love of liberty and the same dread of autocracy and despotism? I do not regard Canadian representation in the assembly as any more an added force to Great Britain than I regard it as an added force to these United States; nor deep down in his heart does the Senator from Idaho or the Senator from California. They know as well as I do that these people have long since passed the stage of mere subject colonies. They are members of the great association of free self-governing Anglo-Saxon Commonwealths. I am no more afraid of the enmity or the treachery or the hatred of Canada than I am of the enmity or the hatred or the treachery of Minnesota or California; but, if I were, why should not these people be allowed a voice or, at any rate, be allowed an opportunity for mutual consultation in the league? While they can not belong to the council, except by Great Britain herself giving place to them or, rather, as the choice of all Great Britain, I do not doubt that the day will come at some time when some great Canadian will be a member of the council, freely selected by all parts of the great British confederacy of free-governing Commonwealths, for that is what it is to-day. The word "Empire" is a misnomer, so far as Canada, Australia, South Africa, and New Zealand are concerned. They make their own tariffs; they make their own immigration laws; they declare war when they go to war; and they make peace when peace comes. Great Britain does not even pretend to bind them in any of those respects.

But it seems to me that any American citizen, not only the "common people" to whom the Senator from California has so lovingly referred and concerning whom he rather throws out the intimation that I, perhaps, can not understand them—I do not know why; I am not peculiarly uncommon myself—but I do not understand not only why the common people can not read and understand the President's answer to all this slush, but why the very "commonest" man, even if upon the verge of idiocy, can not do so if he wants to, unless he is blinded by passion, unless back of him somewhere is some influence—hyphenated or otherwise—which biases his intellect. The President has made a great many perfectly clear statements upon his trip that will never be answered by the Senator from California, nor by any 10 men his equals in intellect, in perspicacity, or in reasoning power; but he has stated nothing more clearly than the statement which he made concerning this very question, and that statement, in my opinion, has not only been borne in upon the common people but has been borne in—however unwillingly—upon the uncommon lovers of the common people upon the floor of the Senate. I am of the private opinion that one reason why the Senator's amendment has gone to the tail of the docket is that, whether he recognizes it or not, somebody did recognize the fact that it is doomed to defeat in this body whenever it is voted upon.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. WILLIAMS. Yes.

Mr. BORAH. If "somebody" thought that, they would have had it up here and had it voted on just as quickly as they could.

Mr. WILLIAMS. Unfortunately, we can not take things up.

Mr. BORAH. The greatest possible achievement that those who are opposed to it could possibly accomplish would be to bring it up quickly and defeat it.

Mr. WILLIAMS. It would be the greatest achievement for whom?

Mr. BORAH. For you and your colleagues.

Mr. WILLIAMS. Oh, Mr. President, the Senator must be talking to somebody not on the floor of this body; he must be talking to somebody above the floor. The Senator knows as well as I do that we are perfectly powerless to bring any question to a vote in this body so long as the dominant party does not want it brought to a vote.

Mr. BORAH. Are the Senator and the minority ready to vote solidly now to bring up this amendment?

Mr. WILLIAMS. I do not know whether the others are or not; I have not held any caucus on the subject. I am.

Mr. BORAH. I suggest that the Senator find out and let us know.

Mr. WILLIAMS. Suppose the Senator finds out whether or not his side is ready. This, however, is mere childish badinage and return of badinage. The Senator from Idaho knows as well as I do that we can not dictate what shall be done; his side dictates what question shall come up; in fact, the Senate is such an archaic body that even the majority can not dictate when there shall be an end to talk and a vote shall be taken.

Mr. BORAH. We have found that out within the last 24 hours.

Mr. WILLIAMS. How and when? We are ready to vote on the treaty itself. Yes; and we found it out when we were in the majority. Several times we found out that one man could stay away four or five months and come back and talk for four or five hours, if he wanted to, and that this body could do nothing. There exists not upon the face of the globe so august a body so augustly impotent as this.

A majority of nine-tenths can not do anything if the other one-tenth do not want to do it right there and then. A majority of ninety-five ninety-sixths can not do anything unless they physically tire the other one ninety-sixth to death. But the Senator, of course, knew that he was not speaking to the floor when he made that interruption. He was speaking to the conglomerate ignorance of the outside, which does not appreciate the augustness and the impotency of this body. [Laughter.] A conglomerate ignorance strongly backed by the hyphenates in the space above the floor.

Mr. President, I said just a moment ago that the President of the United States had explained this thing. A Senator rose here the other day and said that the President of the United States was guilty either of "misrepresentation" or of something else in his statement of the Shantung proposition, I believe it was.

Mr. President, it will be a long time before any Member of this body will find a majority or even a strong minority of the American people agreeing with him in any insinuation or intimation that the President of the United States is guilty of misrepresentation. He may not be infallible, and, of course, he knows he is not, and we know he is not; but he is about as nearly infallible as the average Senator. The people of the United States may not be willing to agree that he is always right, but they are very much more willing to agree that he is nearly always right than they are to agree that the average Senator is; and it grows out of two reasons: First, because they have confidence in his character and intellectual integrity; secondly, because they have confidence in the fact—and it is a fact—that he has had a better opportunity to acquire the necessary information than the average Senator here.

You can not break down Woodrow Wilson in that way. When you accuse him of lack of intellectual integrity, your accusation is self-accusing. It is a boomerang that goes out and comes back to yourself. Nobody believes it. Nobody will believe it. Whatever some of you, blinded by partisan zeal, or perhaps influenced by outside hyphenated so-called Americanism, may think, the President of the United States stands high in the estimation of the American people because of his honesty of soul and of intellect, because of his high idealism, because of his lofty thought, because of his capacity for clear expression, because of his patriotism, and above all because of his Americanism—not Pinafore Americanism, not comic-opera Americanism, everlastingly exploiting itself and calling attention to itself, but the genuine article that makes a man want to serve America.

By the way, Mr. President, I have hardly ever known a man who would get up and tell somebody here "I am an honest man" that was above suspicion. When a man goes to prating too much about his Americanism, I always begin to look around to see why he wants to defend himself upon the score of possessing a quality that every good American citizen is supposed to possess. The only organized opposition to the league of nations and to the treaty is to be found upon this floor and in certain hyphenated societies in the United States of men who are considering more their love of the country in Europe whence they were derived than the interests and welfare of the world or of the United States, and some others who, worse still, are considering more their hatred of some country in Europe than they are entertaining love for this land, or love for the peace of the world. It is perfectly curious how often, when you trace it back, you will find the consanguinity or the affinity of hyphenation in it.

Mr. President, I pity the man who spends three or four months out in the country crusading against the cause of world peace, even if this instrument be not a perfect instrument to bring it around, and then comes back to this body and makes a speech of as many hours as he spent of weeks in the country—three or four hours—trying to get into the CONGRESSIONAL RECORD further emphasis of his opposition to what? To an attempt to bring about the peace of the world and to perpetuate it as fully as poor, fallible human nature, through any instrumentality whatsoever, can bring it about or perpetuate it.

Why, Senators have gone so far, some of them, as to say that this is a document to perpetuate war and to bring about war! Do you, or do any of you, believe anybody is sincere when he makes that statement, unless he is so prejudiced and biased for some reason or other that his intellect ceases to reason clearly? That it may not altogether do away with war and may not everlastingly perpetuate peace is not only very possible but very probable, because now and then human passion leaps all the barriers that human reason has erected to check it; but that its tendency is in that direction, that it will bring to bear toward that end the influence of the great self-governing countries of the world that have achieved liberty, that that is its purpose and intent, though it may more or less fail of accomplishing it, no man can sincerely deny; and that the President of the United States has spent intellect, and I started to say spirit; has expended industry and energy and patience with this view, almost single minded, no man can sincerely pretend to deny.

Oh, "a prophet is not without honor save in his own country." It has ever been the history of the world that in his own country he is apt to be somewhat without honor, sometimes overwhelmingly without it, sufficiently so to be crucified. But, at any rate, you can not tear down this man. He is too big a man, too great a man, he is too much of an idealist—just the very thing that you curse him for being; the best thing in the world that a man can be; a thing bringing him nearer the angels than any other human characteristic can bring him. Sordid politics can not hurt him; hyphenated Americanism can not hurt him; overhasty, undigested expressions even from good men, can not hurt him; and whether the league of nations is adopted this year or 4 years from now or 5 years or 10 years by these United States; whether this Government becomes a member of the league of nations this year or 5 years hence or 10 years hence—and time is of small import in comparison with the great question itself, although it is of immense import now for the present industrial and military peace of the world—whatever may be the lapse of time, the time will come when there will be a league of nations and when we will be members of it, substantially, if not identically, according to the very provisions of this treaty.

Three nations are enough to put it into operation. If you neglect the opportunity of being a charter member then your successors in the Senate will apply for membership later on. We may not get into it much earlier than Germany does if your schemes prevail, but we will get there sooner or later. You can not force the President of the United States to carry on negotiations for an emasculated and impotent instrument, which is about what you choose to make of this league of nations if you can have your way. There are shelves in the White House, and the American people still live, and your successors are not necessarily yourselves. If you want to beat this treaty and beat this league of nations, come out in the open, like men. Ah, you [to Mr. BORAH] have come out; the Senator from Washington [Mr. POINDEXTER] has come out; the Senator from Pennsylvania [Mr. KNOX] in his last utterance came out, although not in his first one. Do it like men, open and above board. Just say you will not have it, you do not believe in it. You think that the American people are able to carry their load in the world alone, isolated from the balance of the world; you want no help, and you ask none——

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. WILLIAMS. You say, in the words of the German junkers, and professors, and kaisers, that "the state is sufficient unto itself." Then you must build up a great big army and a great big navy, and have a peace of the world by conquest or domination, as you choose, which you may call the pax Americana. You have to have peace somehow, either by the friendly cooperation of the nations of the world, or by your own domination—you——

Mr. BORAH. Mr. President——

Mr. WILLIAMS. I wish Senators who want to interrupt me would wait until the end of a sentence. You have to have peace somehow in this world, Mr. President. Imperial Rome brought it to the world. Many sins went with her, but that was one virtue.

The Germans had the idea that they would bring about a pax Teutonica, and make it universal through the world, because they, as they asserted, were "the chosen people of God," possessed of the best culture of the world—"kultur," as they call it, which is not quite culture as we understand that term. Some Americans seem to have the idea that that is our mission. But I do not share that belief; but I have no hesitancy in the world in saying that unless you ratify this treaty and enter into this league, making up your mind to amend it after it is ratified, and not before, taking the very advice which George Washington gave regarding the Constitution of the United States, almost in the words I have just repeated—unless you are going to do that, then you must prepare to have the strongest Navy in the world, you must resort to universal military service and have the strongest Army, or at any rate stronger than any other two nations. Condemn your boys and your neighbors' boys to that fate if you will. I shall not voluntarily condemn mine.

Choose ye this day which pathway ye shall pursue. Shall it be one of brotherhood, of cooperation, of fraternal achievement, of peace? Or shall it be one of standing armed cap-a-pie in order to defend your peace against the world if necessary? This league is going to be formed, with you in it or with you out of it. If it is formed with you out of it, you may get into after all by asking to be allowed to get in. As for me, I think it better to go into now as a charter member.

When we accepted the Constitution of the United States, some of the greatest patriots in America—Samuel Adams, Patrick Henry, and George Mason, amongst others—said, "Here is this error, here is that one; here is this defect, here is that one; here is this omission, and there is that commission. We do not want it unless it is amended beforehand."

But Thomas Jefferson from Paris wrote, and George Washington here in America advised, and Alexander Hamilton here in America advised, and John Adams here in America advised, that we should take it first and amend it afterwards. We followed that advice. Had we not we and South America would have presented to-day the same picture to the world.

Now, I am going to say something that may cause some Senators, perhaps, to differ from me; that is that it will be easier to amend this league of nations after it shall have been adopted than it is to amend the Constitution of the United States. The advice of Jefferson, of Washington, of John Adams, and of Hamilton was taken, and within two years the first 10 amendments to the Constitution were adopted, which cured its glaring defects. Its most glaring defect was that while it took care of the States in the Federal Government, it did not take care of the rights of the individual citizen as against those of the Government. So the 10 amendments, the Bill of Rights, were put into it, which accomplished that great purpose, which was a purpose entertained in the very soul of Mr. Jefferson.

Why not pursue that policy with regard to this world constitution? Adopt it with its defects, since it is heading in the right direction, and then proceed to amend it. Do you imagine there is any reasonable amendment to the league of nations which the great American Republic could suggest that would not be accepted in Europe? Or do you belong to that class of people who seem to think that the whole world is in a conspiracy against America? The world has but one conspiracy on hand, so far as America is concerned, Mr. President, and that is a conspiracy to be in accord with her if possible. The nations of Europe are running over one another in emulation, each to prove itself her best friend. There is no conspiracy against America, because it is neither to the interest nor within the will of any people anywhere that there should be.

Mr. McCORMICK. Mr. President, I ask the Senator if he will develop his argument that the league will be more easily amended if we agree to accept the treaty now than if we insist on amendments in advance?

Mr. WILLIAMS. Mr. President, two countries have insisted on amendment in advance thus far. Both were advised they could either come in or stay out. I do not know whether the great United States would be treated in that way or not. I rather imagine not. But that was the answer that China got, that was the answer that Roumania got, and that might be the answer that we would receive.

Furthermore, Mr. President, if you make any amendment to this treaty that will carry it back to the Paris conference you will summon up all the spirits from the Plutonian depths. The Polish question, the Czechoslovakian question, the Dalmatian coast question, including the mooted point of Fiume, the open wedge toward the Balkans for a seacoast port for Poland—every question will come up de novo. The Japanese will have something to say, the Italians will have a great deal to say. You would send it back there simply to be thrown into a caldron to boil, so that you could skim from the top, as best you could, the nonessential things that might arise. You have no right to suppose that you can just simply amend this to suit yourselves while the balance of the nations of the world would not offer amendments for themselves.

Moreover, you would have to carry it back to Germany in order to bind Germany. Ah, a great many of you think Germany is helpless. She is not. Three hundred thousand men to-day, under one pretense or another, as police or voluntary soldiers, are under arms in Germany, mobilized and ready for action. She can remobilize her whole army in 48 to 72 hours, if they are willing to come; and I have no reason to suppose that they are not if they see any hope of victory. Read what Mr. Morgenthau says about it in the article I had inserted in the RECORD this morning.

Now, Mr. President, so much for the difficulty of amending in advance. How shall you amend it if we ratify it first? Nine men around the board can do it. If the two great countries of Great Britain and the United States unite in pressing an amendment, unless it goes to the very vital interest or the essential integrity and liberty and life of some other country it will be accepted in the sense proposed by one or both of them.

Mr. McCORMICK. Will the Senator yield there?

Mr. WILLIAMS. Certainly.

Mr. McCORMICK. Is not that as true to-day as it would be after the ratification of the treaty?

Mr. WILLIAMS. It is not—emphatically not.

Mr. McCORMICK. Is it not true that after the ratification of the treaty we will be threatened with troubles from the Plutonian depths no less than we would be now?

Mr. WILLIAMS. No; because after the ratification of the treaty the council would consider amendments, and now all the representatives of all the civilized world that appear at the peace conference must be consulted, including Germany.

After ratification the provision for the amendment of the instrument, which it carries within its own lines, will come into operation, and there is no great difficulty about it, except the difficulty that many people imagine to lie in unanimous consent.

But there are these nine people around a table, all wise statesmen, who could agree around the council board at once that section so-and-so means this and section so-and-so means that, without throwing it all back to be reconsidered by everybody and reboiled in an international caldron. They will be superior men, accustomed to compromise in the interest of harmony.

France, I hope, will ratify the treaty in a few days. Three powers will soon be signatories to it. We have been the leaders in this great movement, and we are leading the world in idealism now, and I hope the time will never come, Mr. President, when we will not lead the world in idealism. What does that mean? It means that we are unselfishly looking toward an ideal. We have led the world thus far along that line. Practical politicians may cynically curse idealism. It has not thus far prevailed in Democratic or Republican conventions or primaries. That is about the extent of their vision. They may think, therefore, that it is worth nothing. But Napoleon Bonaparte was right when he said that imagination is the motive force of the world. Idealism, in the long run, wins, because behind it is "the divinity that shapes our ends, roughhew them as we may." In the long run God's purpose is accomplished, and that is always idealism; and the thing which prophets have foretold and which poets have sung and which Christ, the Prince of Peace, preached, will come some time or other, whether practical politicians in their miserable littleness and vanity cynically grin at it or not.

Mr. JOHNSON of California. Mr. President——

Mr. PITTMAN. Mr. President, I will yield to the Senator from California [Mr. JOHNSON] in just a moment. The Senator from Idaho [Mr. BORAH] upon the request of the Senator from California, has placed in the record a letter purporting to give the opinion of Clemenceau and Lloyd-George to the effect that Canada, Australia, South Africa, and New Zealand are eligible

under the covenant of the league of nations for membership upon the council. The letter was introduced for the purpose of supporting the argument of the Senator from California that Great Britain, by reason of its six votes in the assembly, would have a great advantage in electing members of the council and might succeed in electing to the council Canada or Australia, or even four of such self-governing colonies. I then interjected in the remarks of the Senator from Mississippi [Mr. WILLIAMS], who was then speaking, a statement that none of these self-governing colonies could be selected as members of the council without the consent of the United States. I was under the impression that I heard expressions of dissent to this proposition. It is for such reason that I desire to place into the RECORD at this time the exact articles of the covenant of the league of nations determinative of the question. Article 4 provides——

Mr. BORAH. May I ask the Senator a question?

Mr. PITTMAN. I did not hear the Senator from Idaho.

Mr. BORAH. I want to submit an interrogatory to the Senator.

Mr. PITTMAN. Possibly the Senator had better wait until I read this, so as to have it before the Senate, and then I will be very pleased to listen to his interrogatory.

I am reading from article 4 of the covenant.

The council shall consist of representatives of the principal allied and associated powers, together with representatives of four other members of the league. These four members of the league shall be selected by the assembly from time to time in its discretion. Until the appointment of the representatives of the four members of the league first selected by the assembly, representatives of Belgium, Brazil, Spain, and Greece *shall be* members of the council.

That is the way the council is constituted. At the present time the membership of the council is complete. It consists of the United States, France, Great Britain, Italy, Japan, Belgium, Brazil, Spain, and Greece. It is within the power of the assembly to substitute other representatives for Brazil, Belgium, Spain, and Greece, but until so substituted by consent of all of the members of the assembly those countries remain as the four other countries having representation on the council. How may the change be made? As above quoted article 4 of the covenant provides that "these four members of the league shall be selected by the assembly from time to time in its discretion." They are to be selected by the assembly. Not by a majority of the assembly but by a unanimous decision of the assembly.

I read from article 5 of the covenant:

Except where otherwise expressly provided in this covenant or by the terms of the present treaty, decisions at any meeting of the assembly or of the council shall require the agreement of all of the members of the league represented at the meeting.

I call attention to the fact that no changes can be made in the council as now constituted, nor can any of the British colonies be placed thereon unless all of the members agree thereto. We will have a member of the assembly if we join the league; we will always have a member of the assembly, and while there may be a dispute as to whether Canada and Australia and the other self-governing British colonies are qualified under the covenant to become members of the council, there is no question at all that under the covenant they can never become members of the council without the unanimous consent of the assemblage, which must always include our representative. That is the situation.

Now I will answer the question of the Senator from Idaho.

Mr. BORAH. I will not interrupt the Senator now, as the Senator from California [Mr. JOHNSON] is anxious to get away to catch a train. I will submit some observations after he gets through.

Mr. PITTMAN. I will read one other article from the covenant to disclose the fact that there can be no change in the council, and that the assembly practically has no power, without the unanimous concurrence of the council. I read from the latter section of article 15, page 31:

In any case referred to the assembly, all the provisions of this article and of article 12 relating to the action and powers of the council shall apply to the action and powers of the assembly, provided that a report made by the assembly, if concurred in by the representatives of those members of the league represented on the council and of a majority of the other members of the league, exclusive in each case of the representatives of the parties to the dispute, shall have the same force as a report by the council concurred in by all the members thereof other than the representatives of one or more of the parties to the dispute.

In other words, under that article of the covenant the power of the assembly is nothing more than an obstructive power, because it can accomplish nothing without the unanimous concurrence of the council or the unanimous concurrence of those Governments represented on the council. In other words, you can refer a matter to the assembly if you want to, and a majority of the assembly may arrive at a decision, but that decision amounts to nothing until it is concurred in by all of the representatives on the council.

It is also true, under article 4, that the number of members of the council may be increased, but this increase can only be made upon a unanimous vote of the council and with the approval of a majority of the members of the assembly. I say with a unanimous vote of the council because, under article 5, which I have already quoted, all decisions of the council or the assembly must be unanimous unless in the covenant otherwise expressly provided. It is not expressly provided in this case, and therefore the membership of the council can not be increased without the agreement of all of the members of the council. We, if we join the league, are permanent members of the council and our consent would be necessary to increase the membership of the council. The language of article 4, dealing with the increase of the council, is as follows:

With the approval of the majority of the assembly the council may name additional members of the league whose representatives shall always be members of the council; the council with like approval may increase the number of members of the league to be selected by the assembly for representation on the council.

Mr. JOHNSON of California. Mr. President, I regret that time does not permit an extended answer to the remarks of the Senator from Mississippi [Mr. WILLIAMS], but there are one or two errors he has fallen into, and those errors I desire to correct.

Mr. THOMAS. May I interrupt the Senator by asking him a question?

Mr. JOHNSON of California. Certainly.

Mr. THOMAS. I want to ascertain whether I properly understood what the Senator said when he had the floor a few moments ago. I understood him to say that his amendment had by agreement been postponed for final consideration to the end of the consideration of the league. Did I understand him correctly?

Mr. JOHNSON of California. Probably the Senator did.

Mr. THOMAS. Is there an agreement to that effect?

Mr. JOHNSON of California. I do not know whether you would call it an agreement or not. I talked to the Senator from Virginia [Mr. SWANSON], representing the other side, respecting the matter, and I talked to certain Senators on this side of the Chamber who represent a view that is at variance with my own, and I learned from those with whom I talked that it would be an impossibility at the present time, or within the next 28 or 48 hours, to bring up that particular amendment.

Mr. THOMAS. I merely wanted to clarify the situation. It is the first intimation I have had of any agreement or understanding whatever.

Mr. JOHNSON of California. Perhaps I should not dignify it by the statement that it was an agreement. It was an inquiry on my part. The statement which I make I think was not questioned by any of those who were interested.

Mr. WILLIAMS. It is a fact, anyhow, I think.

Mr. JOHNSON af California. The Senator from Mississippi [Mr. WILLIAMS] says it is a fact that it could not be brought up.

Mr. THOMAS. It is undoubtedly true that it could not be brought up now; but I was curious to know who had made the agreement.

Mr. SWANSON. Mr. President, I was not in the Chamber, but some one has informed me that my name was mentioned as entering into an agreement. The Senator from California spoke to me, and I told him as far as I was personally concerned I would prefer that the amendment be voted on last.

Mr. JOHNSON of California. Yes.

Mr. SWANSON. But I had no authority to speak for the Democratic side, and I suggested that the Senator see the senior Senator from Nebraska [Mr. HITCHCOCK]. That is my recollection of the conversation. There was not any agreement, so far as I know, other than that he should see the senior Senator from Nebraska.

Mr. HITCHCOCK. I desire to say that the Senator from California [Mr. JOHNSON] did not see me on that subject.

Mr. JOHNSON of California. That is quite true. The Senator from California never stated that he saw the Senator from Nebraska upon that or any other subject that I am aware of.

Mr. HITCHCOCK. For information I should like to renew the inquiry of the Senator from Colorado. With whom was the agreement made?

Mr. JOHNSON of California. I have explained exactly what transpired. I am unable to furnish the Senator with any other facts.

Mr. President, permit me just a moment with respect to this matter. The Senator from Mississippi [Mr. WILLIAMS] is entirely in error when he says that Canada is not eligible upon the council of the league of nations, with Great Britain a member there as well. Under the statement that has been made by the President of the United States, the Premier of France,

and the Premier of Great Britain, Canada may become and is eligible to become a member of the council of the league of nations, and the British Empire, if Canada did become a member, would have two votes upon the council. I am speaking now of eligibility and not of what the Senator from Nevada [Mr. PITTMAN] referred to at all—the mode of selection. As to eligibility, all the self-governing colonies of Great Britain will be eligible to become members of the council.

In his statement of the facts the Senator from Mississippi, I think, erred. What seems to me to have been overlooked in discussing the votes of Great Britain is the fact that India is added, which is not a self-governing colony at all. India was added as a sixth vote only, but with none of the characteristics and with none of the qualities possessed by Canada, by South Africa, by New Zealand, or by Australia.

Mr. JONES of New Mexico. Mr. President, will the Senator yield?

Mr. JOHNSON of California. I will yield for a question. I am in a hurry to leave. If it is for an argument, no; if it is for a question, yes.

Mr. JONES of New Mexico. I want to ask the Senator this question: As I understand the Senator's amendment, it does not propose to take away from India or any of the colonies of the British Empire the right of a vote in the assembly.

Mr. JOHNSON of California. The Senator from New Mexico is correct in that.

Mr. JONES of New Mexico. If that is the purpose of the amendment, should we not confine our argument to the point which involves the right of the United States? While the Senator is here and there is a large number of Senators present, I really believe he would perform a great public service if the Senator would point out specifically where the United States would be benefited by having six or a dozen votes instead of the one vote which it has. Those of us who have given some consideration to this question contend that in only two cases would it make a particle of difference whether the United States had 1 vote or 50 votes, and that is in the admission of members to the league and mere matters of procedure before the assembly, the matters of procedure being questions of adjournment and things of that kind. Except those two things——

Mr. JOHNSON of California. Has not the Senator stated his position and is not that ample? May I not proceed, because I am somewhat in a hurry?

Mr. JONES of New Mexico. I ask the Senator very kindly, for the purpose of giving us information, because this is his amendment and he is expecting to leave the city and we will not have opportunity to interrogate him while he is gone——

Mr. JOHNSON of California. The Senator will have ample opportunity.

Mr. JONES of New Mexico. I ask him now to point out wherein the United States would be benefited by having more than one vote other than in those two particulars.

Mr. JOHNSON of California. The Senator has asked that question six times, and I think that is ample for the particular purpose of the query. The Senator from New Mexico will have opportunity to interrogate the Senator from California upon this amendment when ultimately it is voted upon, as well as upon the present occasion, because I expect to be here when the amendment ultimately comes up. Referring now to the particular matters to which the Senator from New Mexico adverts and to which the Senator from Mississippi [Mr. WILLIAMS] referred, it is not a question, as the Senator from Mississippi says, that these self-governing colonies should be allowed a voice in the league. He makes the same plea that the President made, that they are allied to us by racial characteristics, that they are allied to us by sacrifices in the war and the like. Admit it all; concede everything that may be said in praise of Canada, New Zealand, Australia, and the other colonies of Britain; but that is not the point. We do allow them a voice by permitting them to be members of the league exactly as originally was planned and exactly as stated in the covenant of the league of nations. What we propose to do is to give our country the same proportionate vote that is given to Great Britain and to her colonies by the league covenant.

The Senator from New Mexico [Mr. JONES] asks again and again why that should be done. It should be done because the one great powerful nation of the earth is our Nation; the one great predominating figure of the league of nations, if we enter it, will be the United States of America; the one great asset for peace that there is in all the world is our Republic; and because we are the dominating Nation of the world, because we are the richest and the most powerful, the least spent of all the nations of the earth, because we are the greatest asset for peace that there is in the world, our Nation should be allowed a proportionate vote, an equal vote, with any other nation on earth.

There was not any reason in the world advanced by the Senator from Mississippi [Mr. WILLIAMS] and none has been advanced by the President, for giving India a vote in the league. Absolutely there can be no justification upon the theory of a self-governing colony for saying that India shall have a sixth vote after Britain has been allowed five votes. You say to me that there is a veto power, as the President has repeated throughout the country, in the United States upon the council and sometimes in the assembly. Granted; but a veto power is not always potent by any means. When you set six men down upon one side and one man down upon the other side, the six, by the very disproportion of numbers, may prevail. Every man who has practiced law has had exactly that sort of experience; every man who has sat in any deliberative body of any sort knows that that is the fact. To give one nation six votes in the assembly and to give to another nation one vote, gives to the nation with the six votes a preponderating power which ought not to be tolerated by our Nation at least, for we are the preponderating Nation of the earth.

The Senator from Mississippi simply says, in reecho of the President's argument, that six equal one and one equals six. It is a metaphysical tragedy, a mathematical cataclysm on the part of the Senator from Mississippi.

Mr. WILLIAMS. I did not say that. I said the six voices counted as one vote.

Mr. JOHNSON of California. Well, six voices might equal one voice; I grant that may sometimes be true, even of the voice of the Senator from Mississippi or of mine in a particular instance.

Mr. WILLIAMS. I said the six voices equaled one vote.

Mr. JOHNSON of California. The six voices are equal to one vote; but the six voices do vote upon matters that are of grave consequence in this league. They not only vote on the selection of members of the council but they have jurisdiction of anything that affects the peace of the world. The covenant so states and the particular provisions in that regard have been presented to the Senate in the past. They will be read, I hope, by the Senator from Idaho [Mr. BORAH] as well in presenting this matter. Recently when the Senator from Missouri [Mr. REED] addressed the Senate he pointed, and pointed with accuracy, to the various provisions in the covenant showing that the assembly has not only the power that has been attributed to it by the Senator from Mississippi and by the Senator from New Mexico, but that it has a tremendous jurisdiction in dealing with almost every international matter that might be taken cognizance of by the council.

Mr. JONES of New Mexico. Mr. President——

Mr. JOHNSON of California. I yield for a question but not for an argument, however eloquent it may be.

Mr. JONES of New Mexico. I ask the Senator if in all of those matters to which he has just now referred the vote in the assembly must not be unanimous, and therefore have the affirmative vote of the United States?

Mr. JOHNSON of California. Not always, sir. I dislike, Mr. President, to indulge in details, but take an instance where the United States and the Empire of Japan may have a difference; assume that from the council into the assembly comes a dispute or controversy between Japan and the United States. When it is taken into the assembly thus each party to the controversy must stand aside, for neither of them can vote under the covenant of the league of nations.

Mr. JONES of New Mexico. Mr. President, just at that point I should like to ask the Senator in such a case would the United States have any vote even though it were granted a dozen votes in the assembly?

Mr. JOHNSON of California. That is not the point; and that shows the peculiar sort of mental strabismus that affects us today, in considering the question of 6 votes for Great Britain and 1 for the United States. Of course, we could not vote then; we would have to stand aside; but we are confronted with the fact that another nation sits there with an offensive and defensive alliance with Japan that casts 6 votes in that particular matter.

Mr. JONES of New Mexico. Mr. President——

Mr. JOHNSON of California. I refuse to yield at present. The Senator will have to pardon me, because I am very limited as to time.

Mr. JONES of New Mexico. I merely——

Mr. JOHNSON of California. I mean no discourtesy to the Senator.

Mr. JONES of New Mexico. I understand that, of course.

Mr. JOHNSON of California But he will have to pardon me, for my time is very limited. I should be delighted to remain here and discuss this question. I am coming back to discuss it again, and I promise the Senator from New Mexico that I will then stand here for a day if he desires me to answer any questions he may ask in respect to the matter.

Mr. JONES of New Mexico. I merely wanted to ask the Senator——

Mr. KNOX. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from Pennsylvania will state it.

Mr. KNOX. Is the Senator from California entitled to the floor when he declines to yield?

The VICE PRESIDENT. He certainly is; and he is not subject to be interrupted if he does not desire to yield.

Mr. JOHNSON of California. I repeat, so that there may be no misunderstanding concerning it, that when a controversy between the United States and another nation comes into the assembly both must stand aside, and then the United States is confronted with six votes being cast by Great Britain upon a matter, perhaps, of grave importance. If Senators will examine the labor provisions in the treaty, they will find a disproportion as well with respect to the representation in the labor council. Passing that, however, the fact is that six votes are given to the Empire of Great Britain. Why persist in saying that we are like unto them; that we ought to have an Anglo-Saxon alliance; that, after all, it is the English-speaking people who shall go forward in progress and shall go forward for peace, who shall make the world what it ought to be, who, indeed represent idealism and altruism, and who, after all, are the people who ultimately are going to rule the world? That is not the point at all. Even though in the future you expect the alliance suggested, even though in the days to come the Anglo-Saxon peoples may come together as never they have come before, upon what theory, nevertheless, will you to-day enter into a situation, put yourselves in a position where you will have one-sixth of the votes of any nation on the face of the earth? There is not any justification for it in logic; there can not be any in your love of country; there is not any justification for it in anything that has been said by the President or by the Senator from Mississippi.

The Senator from Mississippi to-day amplified the arguments of the President. The President has simply said it is a matter of little consequence and that the veto power exists. Therefore, he is philosophical about the particular proposition. I am not philosophical about it at all. I have that peculiar jealousy of our representation in the council and in the assembly that, had I all possible friendliness for another nation, I could not tolerate that our Nation should have one-sixth of the representation of any other nation on earth. If there were not a peculiar psychology which has come to us out of the war, a singular mental distortion that causes us not to look things accurately in the face, we would not for an instant to-day permit such a proposition to be suggested to us, much less would we be found in advocacy of it.

Look back three years when our intellects were normal; look forward three years when again we will be a normal people and when the psychology of war will have passed from us. Imagine three years ago any man coming to us and saying that this country should enter into a partnership with any nation on the face of the earth, according to the terms of which that nation should have 6 votes and we should have 1 vote; we would not have listened to it for a second. Three years hence, when we have recovered our equilibrium, when the war is no longer near to us and its anguish no longer touches us, we will resent any such proposition being put upon the American people just as hotly as we would have resented it three years ago.

The Senator from Mississippi, adverting to the opposition to the league of nations, says it is confined to blind partisanship and to hyphenated Americans. That is not so; it is not confined to blind partisanship or to hyphenated Americanism of any sort or of any character.

Mr. WILLIAMS. Nor did the Senator from Mississippi say that. I said that was the only organized opposition.

Mr. JOHNSON of California. I am glad that I did not understand the Senator correctly; but the statement has been made inferentially by the President of the United States himself—inferentially, I say—and the effort has been made to frighten the opposition to this un-American pact with this old bogey man with which so many people were frightened during the war, by calling men who oppose it pro-Germans and insinuating that they are something that they ought not to be, by endeavoring to have them cease opposition to that which conscientiously they oppose. Let me say to my friends here that the time has gone by when the American people can be frightened by epithets, denunciation, abuse, and by calling them pro-German or any other name that you may see fit to apply to them. That time passed with the war, thank God. I hope that it never again will come back in this Republic.

Men to-day have the right to express themselves upon this question and to argue it without having epithets of any sort applied to them. When any man says this side of the Chamber is actuated either by blind partisanship or by pro-Germanism he says that which he knows is utterly inaccurate and without foundation in fact. Partisanship! Where lies it? Partisanship is not here; partisanship is with those who would blindly take whatever is presented to them coming from a partisan administration. Partisanship lies not with the men who stand here asking that this country be given equal representation even with Great Britain.

What a terrible thing it is, my friends! You are pro-German if you stand upon the floor of the United States Senate and say your country and my country should have equal representation in this league with Great Britain! Whence came it to be a reproach to stand here for the Republic and for Americanism? When did it become a sin for a man to say that his country, as great and as powerful as the British Empire, was entitled to the same representation as the great British Empire? I will not subscribe to the sort of doctrine that has been scattered over the country lately; I will not subscribe to the idea that a man can not oppose this covenant without having applied to him epithets of every character by all kinds of people. The men who stand here to-day are fighting with a conscientious effort in behalf of what they think is right and in behalf of that which, in their opinion, will not imperil the future destiny of the Nation. They are indulging in no epithets; they are not questioning any man's motives. It is a mighty poor advocate who can only hurl against those who are in opposition to his cause epithets and impute to them all sorts of questionable motives.

Mr. President, in the brief period that is mine I can not do more than to say to you that this amendment provides not that there shall be taken from Canada, from South Africa, from Australia, from New Zealand, or even from India the votes they have in the league; it simply provides that wherever those votes appear, wherever they are cast, wherever they act, the United States of America shall have an equal voting strength and shall act with exactly the same power as that with which Great Britain and her colonies act. Upon what days have we fallen when Americans, Senators of the United States of America, shall question the idea that America shall have an equal voting power with any nation on the face of the earth!

Mr. WILLIAMS. Mr. President, before the Senator from California goes I want to say this:

He has instanced a case where the United States and Japan would have a dispute, and where both would stand aside, and then he says that the six votes of Great Britain, as he calls them inaccurately, although four of them are the votes of our blood kin—Canada, Australia, New Zealand, and South Africa—would be cast against the United States because of an offensive and defensive alliance with Japan.

In the first place, there is no such offensive and defensive alliance. There never has been; the alliance has been purely defensive and confined to the Orient. In the second place, I dare say that if Japan and the United States had a dispute, and both had to stand aside, Canada and Australia and New Zealand at any rate, and probably South Africa, would always vote with the United States against Japan; and I say that every man acquainted with public opinion in those self-governing Commonwealths as to Japan and the Orient knows that to be a fact. Their voices and votes would be a source of strength to us of the United States and not of weakness in the very case which he has instanced.

Mr. WALSH of Montana. Mr. President, the inquiry addressed to the Senator from Mississippi [Mr. WILLIAMS] by the Senator from Illinois [Mr. MCCORMICK] precipitates a rather interesting question concerning some features of the covenant for the league of nations which to my mind have not been attended to very closely by some Senators.

The Senator from Illinois wanted to know from the Senator from Mississippi whether it would not be easier to amend the covenant before the treaty is ratified than after the treaty is ratified.

Mr. McCORMICK. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Illinois?

Mr. WALSH of Montana. I yield.

Mr. McCORMICK. I have not the transcript of my question before me; but I think, to be precise, that I asked the Senator to pursue his argument to prove that amendment would be easier after adoption than before.

Mr. WALSH of Montana. I propose to follow that inquiry.

Mr. President, before this treaty is ratified, any amendment of it whatever must have the approval of every signatory to the treaty. Germany is a signatory to the treaty. Any change whatever in it, whether in article 1, comprising the covenant of the league of nations, or any other provision which affects her interests, must have the approval of Germany. But however it be, every change must have the approval of every signatory to the treaty.

Mr. McCORMICK. Mr. President——

Mr. WALSH of Montana. One moment. After the treaty is ratified, article 1, the covenant for the league of nations, may be amended as follows:

ART. 26. Amendments to this covenant will take effect when ratified by the members of the league whose representatives compose the council and by a majority of the members of the league whose representatives compose the assembly.

In other words, before the treaty is ratified, any amendment must have the concurrence of every signatory to it.

Mr. McCORMICK. Mr. President——

Mr. WALSH of Montana. After the treaty is ratified, if it has the concurrence of those States who have representatives upon the council, and a majority of all the members of the assembly, it may be amended.

I yield now to the Senator from Illinois.

Mr. McCORMICK. The Senator from Montana does not mean to say that Germany's consent must be had to an amendment of the articles of the covenant?

Mr. WALSH of Montana. Germany's consent must be had to any amendment of the articles of the covenant.

Mr. McCORMICK. May I read to the Senator the colloquy between the Senator from New Mexico [Mr. FALL] and the President?

Mr. WALSH of Montana. It is a matter of no consequence to me what the Senator may read. I read from the covenant.

Mr. McCORMICK. The Senator from Montana means that he holds the judgment of the President of the United States upon this covenant to be of small account?

Mr. WALSH of Montana. No; I do not. I respect his judgment about it very much, but the covenant is perfectly plain with respect to the matter. The covenant provides that it may be amended by the concurrence of the council and a majority of the members of the assembly. Germany is not a member of the assembly at all.

Mr. McCORMICK. Nor of the league.

Mr. WALSH of Montana. Wait a minute—nor is she a member of the council, nor is she a member of the league; so that after the treaty is ratified an amendment of the covenant for the league of nations may be made without consulting or conferring with Germany at all. Now, wait. She is, however, one of the nations signatory to the treaty. The treaty can not be amended in any particular whatever before it goes into effect—at least in any particular in which her interests are involved—without her consent.

The Senator from New Mexico [Mr. FALL] some time ago advanced the idea that, whereas Germany is not a member of the league, any amendment may now be made in the covenant without the consent of Germany; but, Mr. President, that is not sound at all, and the least reflection, I believe, will convince any man of the error of that conclusion. Germany, although she is not a member of the league, is vitally interested in the constitution of the league. Numberless provisions of the treaty place in the league of nations powers of the most vital interest and concern to Germany. She is interested, for instance, in who shall be members of the league, and therefore in the provision by which members may be admitted to the league. She is vitally concerned in what nations shall be represented upon the council, and therefore she is vitally concerned in how the council is constituted.

Why, Mr. President, even though she is not a member of the league, she is subject to its provisions. Let me call your attention to article 17, as follows:

In the event of a dispute between a member of the league and a State which is not a member of the league, or between States not members of the league, the State or States not members of the league shall be invited to accept the obligations of membership in the league for the purposes of such dispute, upon such conditions as the council may deem just. If such invitation is accepted, the provisions of articles 12 to 16, inclusive, shall be applied with such modifications as may be deemed necessary by the council.

And then:

If a State so invited shall refuse to accept the obligations of membership in the league for the purposes of such dispute and shall resort to war against a member of the league, the provisions of article 16 shall be applicable as against the State taking such action.

Accordingly, Mr. President, Germany is vitally concerned in the constitution of this league, because she may at any time be invited to accept membership for the purpose of the determination of any dispute in which she may become involved with any other State, and if she goes to war in disregard of the provisions of the league covenant she becomes liable to all the pains and penalties prescribed by it as against a member who goes to war under those circumstances.

Accordingly, Mr. President, it can not be said that because Germany is not a member of the league she is not vitally interested and concerned in every feature of the covenant by which that league is to be operated and amended. She assumes large responsibilities because of the provisions in the covenant, and accordingly you can not possibly change that covenant after Germany signs this treaty and before it is ratified unless she acquiesces in it and accords her assent, at least, to the amendment proposed; but after the ratification of the treaty you can change the league at will without her concurrence.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. WALSH of Montana. Yes.

Mr. LENROOT. I should like to ask the Senator this question: The treaty provides that it shall become effective, so far as Germany is concerned, upon being ratified by three of the principal powers. If the treaty is ratified by England, France, and Japan prior to ratification by the United States, has not Germany then consented to amendments of the covenant of the league of nations without her consent or without requiring their submission to her?

Mr. WALSH of Montana. Oh, Mr. President, that is so simple; that is so easy! As a matter of course, if Germany signs a treaty with Great Britain and France and Italy she is bound by it so far as they are concerned. If she does not sign the treaty which we offer to her, she has not signed any treaty with which we have anything to do. We have no part in it whatever; and, consequently, when we come into the league, we can not change this covenant without the assent of Germany. We can not limit our obligations with respect to this matter, even though Germany has signed the treaty. Why, as a matter of course, if all the other nations of the world sign it except us, it probably will go into operation and Germany will assume all of the obligations that there are in it; but that is entirely aside from the question as to what the situation will be if we amend it. In that event we will have no treaty whatever with Germany.

Mr. BORAH. Mr. President, I want to say just a word about the question that has been discussed by the Senator from Montana [Mr. WALSH], and only a word.

Assuming, for the purpose of my remarks, that the Senator from Montana is entirely correct with reference to the vote, which I at this time do not either debate or controvert, to my mind there is a much more important question than that lying behind this controversy, so far as amendments are concerned. It is not the question, Mr. President, of mere facility of securing an amendment; it is the question, if it is a vital amendment, of making sure that we secure it before we are bound by the league at all. After we have joined the league and after we have ratified the treaty we may or we may not get our amendment. There may be some one who would refuse to vote or consent to the change. Assuming that it is easier to do it after we get in, so far as mere votes are concerned, yet the Senator must concede that there is a possibility, and even a probability, that upon many questions there is the power there to prevent it. So we may say, Mr. President, that the question of amendment is not the matter of the mere facility of securing the amendment, but we should make absolutely certain that we get it before we enter into and become a part of the league.

There is only one way to make certain of that, and that is to present the amendment, and if it is not accepted then we are not members of the league; we are not bound by a league which we do not want to be bound by, and we are going in under a league only which is satisfactory to us and which we know will be satisfactory to us. If we ratify the treaty, we are bound and we may never get our amendment. We are in, and, however onerous, all must stay in unless all consent we may get out.

Let me take an illustration. The Senator from Montana is a lawyer of wide experience. Suppose some client of his should bring a contract to him, a contract which had been drawn by another party and to which another party had attached his signature, which contract was to be passed upon by the Senator as a lawyer; and suppose that in looking over the matter both the Senator and his client should come to the conclusion that there were clauses in that contract which were ambiguous and uncertain, and clauses in the contract which the client might deem dangerous or menacing to his welfare and his interests. Suppose he should say, "Senator WALSH, here are terms in this contract which, to my mind, are dangerous, and the contract involves not only my interest but the interest of my children and my children's children for all time to come. It is a matter of tremendous concern to me."

Would the Senator, as a lawyer, say "You put your signature to that contract and I will take it over to the other man and see if he will consent to what you think is vital to your interests"?

Mr. WALSH of Montana. Mr. President, the Senator, of course, is canvassing a question altogether separate and apart from that which I was discussing.

Mr. BORAH. Exactly; but I am simply presenting my side of the controversy.

Mr. WALSH of Montana. I am very glad to answer the Senator, of course. The only certain way to get an amendment in, if we want it, but taking the risk of total failure, is to offer it beforehand.

Mr. BORAH. Precisely.

Mr. WALSH of Montana. There is not any question in the world about that. Of course, in doing that we take the risk of wrecking the whole proposition.

Mr. BORAH. Mr. President——

Mr. WALSH of Montana. Let me finish the instance given by the Senator from Idaho. When the draft of the provision was offered to me as a lawyer, I would say: "Now, such an amendment ought to be made, in my judgment. I think perhaps you are running some risk in signing that contract without that amendment in it." But my client might say, "Well, now, I am afraid the other fellow will back out of it if I propose that to him." And then, of course, I would be obliged to say, "Well, of course, you will have to take that chance." Finally he concludes that, after all, perhaps he had better let it go and see if we could not fix it up with him after we get his signature.

Mr. BORAH. But you are taking a chance.

Mr. WALSH of Montana. Of course.

Mr. BORAH. That is the exact position in which those who are offering these amendments are placed; they regard the amendments as so vital and of such gravity that if they can not enter the league with the amendments for their protection they would rather remain out. So far as I am concerned, Mr. President, I am debating a matter with which I am very little concerned. I am not deeply moved by these amendments, so far as the final disposition of them is concerned. It is a step in the right direction, but only a step and, to my mind, a very short and halting step in the right direction. I sincerely hope that the statement which the President of the United States is purported to have made this morning, and the statement which the Senator from Mississippi [Mr. WILLIAMS] has intimated would be carried out, will be carried out. I sincerely hope that if these amendments are put on, the President will exert his influence to bring the question of a league or no league to a test. To my mind, that is the only real and genuine way to treat this question. I do not think that any amendments have been offered or will be offered that will protect America's interest and America's principles, and therefore I am debating a matter in which I am only very slightly concerned. I am concerned in defeating the whole proposition of a league. I shall state my reason when this preliminary skirmish about reservations is over. I hope then to see the real fight take on its just significance.

The VICE PRESIDENT. The so-called Fall amendments were agreed to be taken up to-day.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma desire to discuss the Fall amendments?

Mr. OWEN. If there is any action contemplated on the Fall amendments, Mr. President——

Mr. HITCHCOCK. If the Senator will permit me, the Fall amendments are undoubtedly before the Senate at this time under the arrangement entered into, are they not?

The VICE PRESIDENT. It was agreed that they should be brought before the Senate to-day; but I have uttered the first word on the subject, I think, that has been uttered to-day.

The Chair was about to make a statement of the Chair's opinion, so that if there is any appeal to be taken from it or any dispute about the idea of the Chair being correct, the appeal can be taken and settled on the day on which it was agreed to proceed with the consideration of the Fall amendments. The Chair thinks that those amendments are now before the Senate, and if undisposed of at the hour of adjournment this evening they will come up automatically from day to day until finally disposed of. If that coincides with the view of the Senate, and there is no appeal, it will be so understood, and we can proceed to discuss everything else besides the Fall amendments.

Mr. LODGE. I understand the Chair to say that under the vote taken by the Senate September 23 the Fall amendments will come up from day to day until disposed of.

The VICE PRESIDENT. They will remain before the Senate as the pending question until disposed of, so far as the treaty with Germany is concerned.

Mr. LODGE. There is no doubt of that.

Mr. OWEN. Mr. President, the only instance which the Senator from California [Mr. JOHNSON] gave of the importance of the so-called six votes of the British Empire was in cases dealing with a point or controversies supposed to take place between Japan and the United States. I have the highest admiration for the Senator from California and approve many of the things for which the Senator from California stands, and particularly his attitude toward machine rule and popular government. But in this particular instance I differ with him, and I want to point out that under article 15, if such a controversy should arise, the sum and substance of the action of the assembly would be to put the report that they might make upon the same basis precisely as the report of the council under article 12. The report of the council, under article 12, if it should be unanimous against the United States, would have no further effect than to restrain Japan, if the United States refused to carry out the decision, from making war on the United States for 90 days after the decision. Without the treaty, Japan could make war on us without notice. If we concurred in the decision, Japan could not make war on us at all except as an outlaw.

It is the expressed opinion of mankind, operating through the publicity of the assembly which is of importance, and when it comes to the question of these six votes it ought to be remembered that the opinion of mankind will be shown at the council table by those who are represented, and not by the number of votes. When the voice of the United States is heard in the assembly it will be a very different voice than that which would be heard coming from the smallest and weakest of all the Republics of the earth. The assembly will be, I take it, a round table, but, after all, there is some force in the old saying that "where MacGregor sits is the head of the table."

Mr. FALL. Mr. President, possibly I misunderstood the statement which the Senator made a moment ago as to the effect of the decision of the council under article 15. I understood him to say that the only effect of the unanimous decision of the council, so far as the United States is concerned, would be to defer the making of war. Was I correct in that understanding?

Mr. OWEN. I will read from article 15:

> In any case referred to the assembly, all of the provisions of this article and of article 12 relating to the action and powers of the council shall apply to the action and powers of the assembly, *provided that a report made by the assembly, if concurred in by the representatives of those members of the league represented on the council and of a majority of the other* members of the league, exclusive in each case of the representatives of the parties to the dispute, shall have THE SAME FORCE as a report by the council concurred in by all the members thereof other than the representatives of one or more of the parties to the dispute.

Mr. FALL. Certainly, that is true.

Mr. OWEN. Under article 12, to which I am referring, members of the league—

> Agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the council, and they agree in no case to resort to war *until three months* after the award by the arbitrators or the report by the council.
>
> In any case under this article the award of the arbitrators shall be made within a reasonable time, and the report of the council shall be made within six months after the submission of the dispute.

So that a decision of the assembly, not by a majority only, but if it were unanimous, could only have the effect of a report in council, and the effect of a report in council would be to forbid the parties litigant from going to war for three months.

Mr. FALL. That is not the only effect of it. That is exactly the question I was asking, whether the Senator made that point or not.

Mr. OWEN. I will be pleased to have the Senator point out any error.

Mr. FALL. The consequences are so much more serious than those indicated by the Senator, that I simply asked if I correctly understood him in his statement of the consequences. I do not agree at all; but I do not care to interrupt the Senator.

Mr. OWEN. I should be pleased to have the Senator point out directly any error.

Mr. FALL. Mr. President, under article 15 the decision of the assembly, made in the words which the Senator has read, has the same effect, not as a majority decision of the council, but as a unanimous decision of the council. The Senator has said that the only effect of that is to prevent the United States from going to war for nine months.

Mr. OWEN. Three months, I said.

Mr. FALL. The article says that the council can take six months to decide a question, and that the nation interested will not go to war for three months after the decision. The Senator said nine months.

Mr. OWEN. I said three months after the decision.

Mr. FALL. The decision may be made the next day, so that you would be restrained from going to war for three months and one day.

But that is not the penalty, Mr. President. The penalty is that if you do not obey the decision of the assembly, arrived at as prescribed in article 15, you become an international outlaw, the whole world is against you, the whole world might bring economic and financial pressure against you, and pledge the armies of the world against you.

Mr. OWEN. Oh, no; not unless you go into an aggressive war. You have to go into Mexico first.

Mr. FALL. That is a question I do not care to go into with the Senator. I shall make the argument in my own time.

Mr. OWEN. Not unless you go into a war.

Mr. FALL. I would have to go into the question as to what was war and what was an act of war.

Mr. OWEN. There is another feature of this matter to which apparently no attention has been given.

While Canada has a vote, and Canada might be expected to vote the same way that India would, we know perfectly well that India would like to admit the Hindus to Canada and that Canada would not like to admit the Hindus to Canada. They differ about the question of immigration. Canada, Australia, and New Zealand are opposed to immigration of the Japanese, and so are we. They have that community of interest in that one great important question that we might see arising in the future.

But that is not all. As far as Canada voting perhaps with Great Britain on some question, we have 16 different western American Republics who would vote the same way we would on matters touching American interests. We have immediately adjacent to us Cuba, that is to——

Mr. NEW. Mr. President——

Mr. OWEN. I yield to the Senator from Indiana.

Mr. NEW. What possible guaranty is there that any one of the 16 may vote with us?

Mr. OWEN. Common interest.

Mr. NEW. No ties of any other character than mere common interest?

Mr. OWEN. Yes; common sense.

Mr. NEW. Perhaps in that case they would all vote with us.

Mr. OWEN. The Senator interrupted me; I was about to point out that there is Cuba at our door, whose representative would undoubtedly vote with the United States in any matter affecting the interest of the United States. There is Haiti, there is San Salvador, there is Honduras, there is Nicaragua, there is Panama, all of them very close immediate neighbors having such interest in the welfare of the United States that they would be just as certain to vote with the United States as the dominions of Great Britain might be fancied would vote with Great Britain on some particular matters. But I remind Senators that it is going far to say that Panama, with a hundred thousand people, should have a vote, and that India, with 300,000,000 people, should not have a vote. I think we are straining this proposal. India, South Africa, Australia, New Zealand, and Canada are great self-governing dominions. Australia is almost as big as the United States in size. I am not quite sure at the moment of the area, but it is a perfectly enormous country, whose future destinies will justify representation, undoubtedly. Canada is our close neighbor, with 3,000 miles of undefended frontier, and the idea of Canada voting against the interests of the United States is entirely unthinkable. But it is not a question of whether she does or does not. Here are all these small Republics right at our doors whose interests are indissolubly intertwined with our own, and who would undoubtedly offset any of these supposed adverse votes of the great self-governing countries who are admitted into this league as individual members.

Great Britain might object to all of these little nations voting, but does not for the reason that whether they vote or not is of no serious importance.

Mr. FALL. Will the Senator yield for a question?

Mr. OWEN. Certainly.

Mr. FALL. Is the Senator sure that Haiti would vote with us?

Mr. OWEN. I think so.

Mr. FALL. I would not indulge in the same assurance with reference to other nations which the Senator has mentioned, but in view of the fact that the marines of the United States are now governing Haiti, I rather imagine possibly they might vote with us.

Mr. OWEN. I thank the Senator for agreeing with me at least on that one proposition.

Mr. BRANDEGEE. Mr. President, the Senator from Montana [Mr. WALSH] in referring to article 26 made a statement which attracted my attention. I want to ask him if he will look at that article again and then answer the question which I wish to submit to him. The article reads as follows:

> Amendments to this covenant will take effect when ratified by the members of the league whose representatives compose the council and by a majority of the members of the league whose representatives compose the assembly.

Something the Senator said, which I can not now quote accurately because I have not the reporter's notes before me, led me to think that he construed that as meaning that an amendment proposed must have the unanimous vote of the representatives of the league in the council and then a majority of the members of the league in the assembly. I wanted to make sure whether I understood him correctly or not.

Mr. WALSH of Montana. My understanding is that the members of the assembly from the nine States represented in the council sit in the council as well. They would be the same——

Mr. BRANDEGEE. No; that is not my understanding, if I may say to the Senator. My understanding is based simply upon the language of the covenant, of course, because it has never been interpreted in actual practice. My understanding is that each member of the league is to have one delegate in the council and not to exceed three representatives in the assembly, who will be different persons from the man who sits in the council; but, in any case, no matter whether they have three or one in the assembly, they only cast one vote. Does that differ from the Senator's idea?

Mr. WALSH of Montana. Will the Senator call my attention to the article to which he refers?

Mr. BRANDEGEE. I was referring to article 26, to which the Senator previously referred.

Mr. WALSH of Montana. It seems quite plain. It says "ratified by the members of the league whose representatives shall compose the council."

Mr. BRANDEGEE. Yes; "by the members of the league whose representatives shall compose the council," but the ratification is by the members of the league. Is it by the members of the league as represented in the assembly or in the council?

Mr. WALSH of Montana. I should think in the assembly.

Mr. BRANDEGEE. I got the other idea from the Senator. I simply wanted to know whether he and I agreed about that or not.

The Senator from New Mexico [Mr. JONES] asked the Senator from California [Mr. JOHNSON] if he could point out any case where the six votes of Great Britain, to put it in the short way—I mean the British Empire and the self-governing colonies—would operate to their advantage or against our advantage other than the one he indicated. I think this very article 26 furnishes such an instance. We must not only get a unanimous vote of all the members of the league who are represented in the council, but we must get a majority of all the other members in the assembly. Great Britain has six there, she and her colonies, and we have one. It is not a very large body. If there are 26 members of the league there will be 26 votes in the assembly. A majority would be 14, out of which Great Britain starts with nearly half, while we start with one.

Not only is the voting power of Great Britain six times our power, but the capacity to exercise influence upon the other members in the assembly is greater. Everybody knows that who has attended a caucus or convention. If you go alone to the caucus, you have nobody to make suggestions to you or to counsel with you. If you have six colleagues, you can send them all over the hall to carry suggestions and advice to the other delegates, and keep them advised of what you are going to do, and so forth. It goes without saying that a company of six anywhere is more potent than a company of one. In my opinion that is one of the most vital clauses of the covenant.

Mind you, it is the President's contention—it need not be asserted violently, either, because everybody admits it—that the council of this great world-governing power can do nothing except by unanimous consent. At times that is an element of great strength, when you do not want to do anything, because your single vote casts the whole world-governing power into impotency. At other times, when you do want to do something, that is a great disadvantage.

I have received some letters intimating—and it has been intimated upon the floor of the Senate—that, like every other document, the covenant itself has its imperfections and faults, but they are negligible as compared to the great benefits which will flow from it, and that at any rate no human document is ever

perfect to start with, and any faults may be corrected in the light of experience after we get in and the door is locked behind us. Let us see. The only case in which the United States will ever consent to an amendment of this covenant, if we go into this combination, will be to correct some violation, to restrain the other members from doing what they are doing in the way they are doing it. If it works all right, nobody will want to amend it. It is when the shoe commences to pinch upon us that we will offer an amendment. That very situation shows what we are up against. The amendment necessarily is to be a restriction upon the parties who are operating the league from doing what they are doing. When those powers are conducting an operation which we say is wrong, and we want the covenant amended to restrain them, our remedy is to appeal for a unanimous vote to the very foreign powers who are claiming to act rightly and who are acting in their own interests, whether they are right or not.

Mr. WALSH of Montana. Mr. President——

Mr. BRANDEGEE. Just a moment. We ask them unanimously to vote to put in this covenant a provision which will prevent them from doing what they say they have a right to do and ought to do. I yield now to the Senator from Montana.

Mr. WALSH of Montana. There is no doubt that amendments may often be suggested under the circumstances supposed by the Senator from Connecticut, but he is himself the author of a proposed amendment to the Constitution of the United States under the provisions of which a proposed amendment should not go into effect until ratified by the votes of the people. It has no present application at all. There is no pending amendment to which it can have any application. The Senator is simply looking to the future. He is simply providing against a contingency that he thinks may arise. What is the reason for doubting that in the same way the covenant for a league of nations may be amended by some one who foresees possible complications that may arise in the future by reason of the imperfections in it and that have no bearing whatever upon any present exigency or controversy?

Mr. BRANDEGEE. Does the Senator ask me what is the reason for fearing?

Mr. WALSH of Montana. What is the reason to doubt that some member of the council or assembly, actuated by the same motives which now prompt the Senator to propose an amendment to the Constitution of the United States, will be proposing amendments to take care of contingencies that he thinks may arise, but are not now imminent?

Mr. BRANDEGEE. I do not have any doubt whatever that there will be a lot of amendments proposed, but I do not see the bearing of the Senator's question. I agree with him. I think at the first meeting of the assembly there will be plenty of amendments offered, because at the time it was adopted, according to the testimony before the Committee on Foreign Relations, there were 20 men who protested, though the chairman of the body said it was unanimously carried.

Mr. WALSH of Montana. That is not at all unlikely. That is exactly the condition that confronted us at the time that the Constitution was adopted. Many people wanted amendments, and by practically unanimous consent of the entire country we adopted 10 amendments without delay.

Mr. BRANDEGEE. What bearing does that have on what I was saying? I want to meet the Senator's idea and view.

Mr. WALSH of Montana. I shall be glad to elucidate it. I understood the Senator to say that the hope which is entertained by some people that the covenant would be amended has no foundation. Of course, no amendment would be proposed until some controversy gave rise to a desire for the amendment, and thereupon unanimous consent could not be secured.

Mr. BRANDEGEE. I see what the Senator is driving at.

Mr. WALSH of Montana. That is the impression that the Senator's argument left upon my mind.

Mr. BRANDEGEE. I will proceed, if I may, to correct the impression. What I meant to say, if I did not say it, was that we would only want an amendment when we desired to improve some condition for ourselves or to restrain some of the other powers that were acting in a way that we did not like. As I have said, I do not doubt there will be plenty of amendments proposed, but they can only be secured in any instance by unanimous consent of every power that has a vote in the council and a majority of all the other powers; and God knows how many there will be by the time the league is in operation. I believe there are 26 now. But I started to call attention to the fact that in that very vital matter Great Britain will have six times the power that we will have.

When independent sovereignties are going to enter a league to promote peace and good feeling, to say that we must start it on the basis of a six-to-one advantage in favor of the nation that drew the covenant and that has filled every office which has hitherto been established, from the general secretariat down to the private secretary, with an Englishman or a subject of Great Britain—to say that we enter this proposed league to promote peace on an equality with other sovereignties, when one of those sovereignties demands six times the voting power in the assembly that this nation of 110,000,000 people have, is preposterous.

Mr. WALSH of Montana. Mr. President——

Mr. BRANDEGEE. I yield to the Senator.

Mr. WALSH of Montana. May I interrupt the Senator for a moment?

Mr. BRANDEGEE. Certainly.

Mr. WALSH of Montana. My understanding about the matter is that Canada, Australia, New Zealand, and South Africa were represented in the peace council. Accordingly Great Britain had six times the voting power of the United States in the peace conference; but was the United States placed at any disadvantage? Was it possible to do anything, in view of the unanimity required, that did not meet the approval of the United States?

Mr. BRANDEGEE. Mr. President, my chief criticism of the whole covenant and the treaty is that the United States does not seem to get anything out of it at all except an obligation.

Mr. WALSH of Montana. Mr. President, I have heard that statement before, and now I am curious to learn from the Senator from Connecticut just exactly what he would desire to have had the United States get out of it.

Mr. BRANDEGEE. I will tell the Senator one thing I should like to have us get out of it. I should like to have us get out of Europe and have our Army taken out of Europe for the purpose of keeping out of the infinity of obligations and embroilments and entanglements that are now going on in Europe. Why, the map of Europe looks like a kaleidoscope to-day.

Mr. WALSH of Montana. Yes; but the Senator's answer is negative; that is, he would not have had the league of nations. But the question is, What would he have had?

Mr. BRANDEGEE. I would have had peace. We did not enter this war to form any league of nations. I am familiar with the President's addresses in which he appeals to the soldier boys who were conscripted into the Army and sent over there to thrash the Germans under the orders of their superiors; I am familiar with the interpretation which the President says he can read in the hearts of those soldiers, that they fought for the things in which he or Gen. Smuts believed and put in this covenant; but if you ask the soldiers whether they had any such idea when they were trying to thrash the Germans they will tell you that they never heard of such a thing. I believe that nine-tenths of them are opposed to this program to-day.

Mr. President, as I have said, the process of amendment of this document is vital, because by the exercise of the process of amendment an entirely new covenant can be made. We want vital changes in the covenant; we are proposing them now on the floor of the Senate. There are certain amendments and certain reservations pending here in which every American in his heart believes; but we are told that we must not vote for them, not because they are not right, not because they are not necessary for the preservation of the independence of this country, not because they are not necessary for our protection under our form of government and to prevent the invasion of our Constitution, but because the adoption of such amendments or reservations might require that the treaty be resubmitted to the other nations that have signed it. That, to my mind, is a perfectly pusillanimous excuse.

Mr. President, if the President's statement is true that the league can not go into effect without America; that we are to stabilize the world; that the heart of humanity will be broken if we do no enter the league; that he has a mission and a call to lead America into this league for the purpose of leading the whole world—if that is true, how long do you suppose the nations that signed this treaty would hesitate if we said to them, "We would like at least to have the voting power that you have agreed Great Britain shall have?" If the life of those nations is dependent upon us, are they afraid of us? Read any one of the President's speeches and you will find that he says it is necessary for us to enter the league and assume the leadership of the world, because we are the only nation that those powers trust. If that is so, will they not trust us at least as much as they have trusted Great Britain? And they have given Great Britain six votes and given us but one.

We do not distrust Canada nor New Zealand nor Australia nor South Africa nor Great Britain; we do not distrust them any more than a man would distrust the partner with whom he was expecting to go into partnership; but they sign a contract for their mutual protection just the same. The great

self-governing colonies of Great Britain are nations; yes, to be sure; but they all owe allegiance to the mother country, the British Empire. If people want to put up with this six-to-one preponderance of the British Empire on the theory that when the stress comes five-sixths of the British Empire is going to abandon the head of the Empire and vote with us, they are more trusting and confiding than I think it is patriotic to be.

Why should we not ask for this? In my opinion, if the Senate of the United States has the courage and patriotism to perform its manifest duty to-day, not to ask to take away from any one of the British colonies its vote on the ground that we distrust it, but to ask that we be put upon the same basis as the British Empire, and the President advises by cable, or even by wireless, Great Britain, Germany, France, Belgium, Italy, and Japan that we want six votes if Great Britain is going to have six, if they want us in the league they will agree to the request before you could count six. But my friends consider this document, which they say can be amended at any time, so sacrosanct and perfect they are not even willing to make the attempt to correct the manifest injustices, obliquities, and obscurities with which it abounds. It must no more be touched than the sacred ark of the covenant; not an "i" must be dotted nor a "t" crossed. Even to say that our Army shall not be sent abroad without the consent of Congress is to devitalize the whole league and cut its heart out, the President says.

Mr. President, I expect to vote for all the reservations and amendments the committee has reported, not because I am satisfied with the treaty or with the covenant of the league if the amendments and reservations are adopted, for I expect to vote against the whole treaty even if they are adopted, but I will vote for them on the theory that if we shall enter the league I want it to be as little dangerous as possible for this country.

Mr. WALSH of Montana. Mr. President, will the Senator pardon an interruption?

Mr. BRANDEGEE. Certainly.

Mr. WALSH of Montana. Does not the Senator also intend to vote for them because he recognizes that their adoption will really kill the treaty?

Mr. BRANDEGEE. No; I do not.

Mr. WALSH of Montana. I accept the Senator's statement.

Mr. BRANDEGEE. I will not say if the President is sincere, as I think he is, but if there is any logic to be attached to the President's stand, and if his interpretation of article 10 is correct, to wit, that American troops can not be sent abroad in any event without the consent of Congress, then why does he object to our saying so?

Mr. CUMMINS. Mr. President, I should like to ask the Senator from Connecticut a question.

Mr. BRANDEGEE. I yield.

Mr. CUMMINS. Who proposes amendments under article 26?

Mr. BRANDEGEE. The article does not state. The article provides that amendments shall take effect when ratified, and I assume that any member of the league may propose amendments.

Mr. CUMMINS. Not the council or the assembly, but any member of the league may propose amendments. What authority in the United States, for instance, will ratify proposed amendments?

Mr. BRANDEGEE. I do not think that the article states that any authority in the United States is to ratify the amendments.

Mr. CUMMINS. Can the President ratify them, or would it require an act of Congress to ratify them, or would it require an election to ratify them?

Mr. BRANDEGEE. In view of the language of the article itself, I should not think amendments would require the ratification of any of the bodies named by the Senator, because it says amendments shall take effect when ratified by the members of the league.

Mr. CUMMINS. But suppose we are a member of the league and an amendment is proposed—by whom nobody knows—when would it be said to be ratified by the United States? What action would be required by any public authority in the United States to ratify it?

Mr. BRANDEGEE. None whatever.

Mr. CUMMINS. Somebody representing the United States must ratify it or it could not take effect.

Mr. BRANDEGEE. I thought the Senator said "what authority in the United States."

Mr. CUMMINS. Yes.

Mr. BRANDEGEE. None here; but sitting over in Geneva there would be whoever the President had appointed his delegate in the council or his representative or representatives in the assembly. When they had participated in the action of those bodies and those bodies had conformed to the requirements of article 26, the amendment would become a part of the covenant.

Mr. CUMMINS. Does the Senator from Montana agree with the Senator from Connecticut? Could our representatives sitting in the assembly or our representative sitting in the council ratify an amendment on the part of the United States?

Mr. WALSH of Montana. The language of the article is:

> Amendments to this covenant will take effect when ratified by the members of the league whose representatives compose the council and by a majority of the members of the league whose representatives compose the assembly.

Mr. CUMMINS. My question is, What action will be required on behalf of the United States to ratify an amendment which has been proposed?

Mr. WALSH of Montana. I understand that nations are the members of the league, and each nation would prescribe its own method of ratification.

Mr. CUMMINS. It is the United States that is a member of the league.

Mr. WALSH of Montana. Yes.

Mr. CUMMINS. It is not a representative sitting in the assembly or a representative sitting in the council; it is the United States.

Mr. WALSH of Montana. Quite right.

Mr. CUMMINS. Now, how would the United States act in order to ratify an amendment?

Mr. WALSH of Montana. It would act just as it acts in the case of any treaty; it would provide by an act of Congress how it should be ratified.

Mr. CUMMINS. How do we know at this time what action will be required in order to ratify?

Mr. WALSH of Montana. We do not know. The Congress of the United States would provide the method of ratification; that is to say, the Congress has authority to carry it out so far as any action by the United States is concerned.

Mr. CUMMINS. The Congress of the United States does not enter into the contract.

Mr. WALSH of Montana. Oh, no; but it represents the United States.

Mr. CUMMINS. The President and the Senate enter into the contract.

Mr. WALSH of Montana. It is a matter of no consequence. A treaty is carried out through an act of Congress wherever a government undertakes to do a thing or is required to do anything, as a matter of course. If, by any treaty, the Government of the United States is called upon to take any action——

Mr. CUMMINS. That has given me a good deal of concern, because my conclusion is that it practically nullifies the possibility of amendment; and that is not cured at all by the so-called Johnson amendment, because the Johnson amendment refers to equality of representation in the assembly, but there is no provision anywhere in the covenant that pretends to inform the world what action must be taken in order to ratify amendments.

Mr. BRANDEGEE. Mr. President, in my opinion, the Senator is entirely correct. It is one of the most important articles in the whole treaty. It is the article upon which the future of the treaty and all the duties of the league depend. As I say, the whole covenant can be made over again, and made into something entirely different from what it is now, by the exercise of the power of amendment under article 26.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. KIRBY in the chair). Does the Senator from Connecticut yield to the Senator from Utah?

Mr. BRANDEGEE. Yes.

Mr. KING. As suggested by the Senator from Montana, this covenant, so far as this Government is concerned, becomes an accomplished fact if it is ratified by the Senate. It is a treaty, and will be ratified, possibly, by the Senate of the United States. Now, as the Senator from Montana states, you carry a treaty into effect by a legislative act subsequently or presently enacted; and it would seem to me very clear that any amendments to the treaty could only be effectuated by an act of Congress, because that would be in pursuance of the terms of a treaty, and it would be carrying into effect the terms that the treaty provided. It seems to me that there can not be any controversy as to the means by which this Government would signify its approval of an emendation of the covenant.

Mr. CUMMINS. Then by what authority would Great Britain signify it?

Mr. KING. Great Britain would signify its approval, I take it, by the same method that she signifies her approval now. She signifies her approval now by an act of Parliament.

Mr. CUMMINS. But she is not obliged to.

Mr. KING. There is some controversy as to that. There is one school of political thought in England that insists that this treaty could be carried into effect, so far as Great Britain is

concerned, only by an act of Parliament. Others insist that it can be carried into effect by the vote of the ministry; that is, by those representing Great Britain at the Paris conference. I do not pretend to say which school of political thought in England is correct.

Mr. CUMMINS. When we are entering into a world constitution, should there not be some more definite and understandable provisions with regard to the amendment of the constitution than are here provided?

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Montana?

Mr. BRANDEGEE. I do.

Mr. WALSH of Montana. Why should there be anything more? We enter into a contract, for instance, with France by which the Government of the United States agrees to pay France $15,000,000. How shall it be paid? It shall be paid, as a matter of course, pursuant to our system of government. Suppose it to be otherwise. Suppose we enter into a contract with France by which France agrees to pay us $15,000,000. It might be that at that time France was an absolute monarchy, and the king of France could just draw his check.

Mr. CUMMINS. I do not see any parallel between a treaty for the payment of money and the creation of a constitution for the government of the world.

Mr. WALSH of Montana. Article 26 provides for the ratification of amendments by the United States, by Great Britain, by France, by Italy. Why should we go into the details of the constitution of each one of these several countries and tell how that ratification is to be accomplished under its peculiar institutions? The thing just simply provides that it must be ratified by these members.

Mr. CUMMINS. We ought, then, at least to provide that it shall be ratified by the legislative governments of the various countries.

Mr. WALSH of Montana. Suppose that we then encounter a perfectly autocratic government?

Mr. CUMMINS. My own judgment is that such a government ought not to be admitted to the league at all.

Mr. WALSH of Montana. Exactly; but let us suppose, now, that we take the case of Italy, and we assume that the Italian constitution provides that no act shall be of any efficacy whatever except it is concurred in by the King and by the Parliament. Now, why should we undertake to interfere with the internal provisions of the Kingdom of Italy under which it expresses it governmental desire?

Mr. CUMMINS. I have no desire to interfere, and I think it would be very unwise to interfere with the internal affairs of these various countries. That is just why I am opposing certain parts of this treaty, because it is an interference with the internal affairs of these countries; but we can easily point out the general manner in which the treaty is to be ratified. I have heard it said that under article 26 the representatives of the United States, sitting in council or in assembly, could ratify, on behalf of the United States, an amendment to the league of nations.

Mr. WALSH of Montana. Does the Senator subscribe to that idea?

Mr. CUMMINS. I do not. I do not know who would be required to express the ratification. I do not know whether it would be the President and the Senate, or the President and Congress, or whether it would be the representative appointed by the President to represent him in these matters. I say that if we are going to depend at all upon the process of amendment, we ought to be reasonably well assured with respect to the authority in our country, at least, that would be looked to for the purpose of ratification.

Mr. WALSH of Montana. I undertake to say that if the Senator endeavored to incorporate in a provision of this character concerning amendments a general provision which should be applicable to all countries, he would find it exceedingly difficult to make one that would be applicable to the conditions of all of them.

Mr. CUMMINS. I understand that perfectly, and therefore I know that it was never intended that the treaty should be amended at all. It never will be amended in any matter that concerns the diverse interests of the various nations which enter into it.

Mr. WALSH of Montana. I will follow that by the inquiry whether it was not a wise thing to provide, as it is provided, that it must be ratified by so many members holding seats in the council, and so many members holding seats in the assembly, leaving it to each particular country itself to devise a method of ratification consistent with its own constitution?

Mr. CUMMINS. What is consistent with its own constitution?

Mr. WALSH of Montana. That, of course, is another question. My idea is that so far as our Constitution is concerned, it is just the same as any other provision of a treaty which must be carried out by legislative action.

Mr. CUMMINS. But the Constitution of the United States prescribes how amendments shall be proposed, and it prescribes how they shall be ratified.

Mr. WALSH of Montana. Oh, but, Mr. President, we are not amending the treaty. The treaty will be amended only in one way. The treaty itself provides how certain provisions thereof concerning the league of nations shall be changed, and we have agreed to that treaty. Now, we are not amending the treaty at all. We are simply carrying out the treaty; and the Congress of the United States carries out a treaty by appropriate legislation.

Mr. CUMMINS. That depends on whether it is a legislative act or an administrative act. Treaties are carried out by administrative acts as well as by legislative acts.

Mr. FALL. Mr. President——

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. BRANDEGEE. I yield to the Senator from New Mexico.

Mr. FALL. If the Senator will allow me in his time, I simply wish to state that I have heard some of the most remarkable propositions advanced this afternoon, I think, that I have ever heard of in connection with treaties. I never knew before that in any way the Congress of the United States by legislative action could ratify a treaty. So far as concerns clarifying this matter and making it perfectly clear, it can be done by just five words, and yet the Senator from Montana seems to think that it could not be made to fit all countries. If it needs clarifying—in my judgment it does not—but if it needs clarifying, if after the word "ratified" you would simply write the words "as other treaties are ratified," it would then apply to every country, and every country would ratify it as it ratifies any other treaty. The ratification of a treaty is not a legislative act enforcing the treaty. The ratification of a treaty is not a legislative act at all and never was. It can not be.

Mr. CUMMINS. Mr. President, that is precisely why I wanted a little illumination upon this point.

Mr. FALL. The Senator is entirely correct; but in diplomacy, in law, in international law, in any book that I have ever heard of or read on the subject, the ratification of a treaty has a distinct meaning. Here it has a constitutional meaning as well as a legal meaning, and it is not an act of a legislative body, and never was. The carrying out of a treaty after it is ratified is a legislative act, possibly. If, as the Supreme Court has often declared, there is any condition subsequent to be performed, then the legislature performs that condition subsequent, and enacts legislation to carry it out. This is the ratification itself. The question which the Senator has raised, however, is a very serious one, as he has suggested, under our Constitution, because, as a matter of fact, the President of the United States ratifies a treaty under the Constitution of the United States. It never is a legislative act. The Senate of the United States by a two-thirds majority consents to the ratification of the treaty presented to it by the President, and the President exchanges the ratifications with the other nations. The President of the United States would ratify this treaty, undoubtedly.

Mr. BRANDEGEE. Mr. President, the further we proceed the more obscure some of the provisions of this article appear to become. The language of article 26 is that—

> Amendments to this covenant will take effect when ratified by the members of the league—

And so forth.

Now, the members of the league are the countries that belong to the league. They are not the representatives in the assembly or in the council of the league. The members of the league are the countries that compose the league. This article says that amendments to this covenant shall take effect when ratified by the members; and the question is, How will the United States ratify an amendment to this covenant?

As the Senator from New Mexico says, the language of our Constitution does not use the word "ratify" at all with relation to our duty as to a treaty. The President exchanges the ratifications. The Senate advises and consents to the treaty. It may be that the word "ratify" has been loosely written in there. It may be that the sense of that word is what it would be if they had said, "These amendments shall take effect when approved by the members of the league."

Mr. JONES of New Mexico. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from New Mexico?

Mr. BRANDEGEE. I yield.

Mr. JONES of New Mexico. I should like to ask the Senator from Connecticut if he draws any distinction between the point presented by the Senator from Montana [Mr. WALSH] and my colleague. If I understand it, my colleague took the position that an amendment to the covenant would be an amendment to the treaty, whereas the Senator from Montana took the position that an amendment to the covenant would only be an act in pursuance of the treaty and in accordance with the covenant, and would not constitute an amendment to the treaty at all. Therefore any suggestion as to how treaties are to be ratified would not apply to this provision, which is an act under and in pursuance of a treaty or covenant. I think the way the Senator from Montana and my colleague view the proposition is wholly different, and I should like to ask the Senator from Connecticut which view he takes with regard to it. Would such an act under this provision be an act in pursuance of the covenant and in pursuance of the treaty, or does he consider that it would be an amendment of the treaty?

Mr. BRANDEGEE. Mr. President, that is a pretty long question for me to carry in my mind, but I will endeavor to give my view on the general subject proposed, and the Senator can correct me on any particular point of it.

Of course, this covenant which we are discussing is part 1 of the treaty. It is a part of the treaty of peace with Germany, although, in my opinion, it is utterly unrelated to it and ought never to have been a part of it. Still, it is there, and it has been ratified by the other Governments. Being a part of the treaty, article 26 of the covenant provides for amendments to the covenant, "Amendments to this covenant will take effect." Of course, if you amend the covenant, which is a part of the treaty, you amend the treaty of which it is a part. That goes without saying.

The amendments will take effect when ratified by the members. Ratified how? The Senator from Montana, if I understand him, says ratified by a legislative act, an act of Congress, requiring the assent of both branches of Congress, because he says laws passed to carry out provisions of a treaty, of course, are passed by Congress.

But, Mr. President, viewing this matter quickly and offhand, as it has arisen here unexpectedly, I should not consider that this was a law to carry out the provisions of the treaty at all. It purports to be an amendment to the treaty, and if it is an amendment to the treaty to be ratified or to be approved by the various members of the league I should think it would have to be approved by the same method in which the original treaty was approved, because it is a part of the treaty, and I should not think the House of Representatives would have anything to do with it, and I should not think it was the passage of a statute at all. I do not think you could ratify such an amendment by a joint resolution.

Mr. JONES of New Mexico. Then, Mr. President, if that be true, it would be ratified, would it not, in the same way that other amendments were ratified, by the President, by and with the advice and consent of the Senate?

Mr. BRANDEGEE. If it takes the course that the treaty takes, it would have to be signed by the President and transmitted to the Senate, I assume, and secure a two-thirds vote of the Senate for its ratification.

Mr. JONES of New Mexico. If that interpretation should prevail, would there be any embarrassment, so far as the United States is concerned? If the interpretation placed upon it by the Senator from Montana obtains, then it would be done in pursuance of an act of Congress. So it seems to me it is not a matter of any very great consequence. The United States would find some method of ratifying the amendment.

Mr. BRANDEGEE. Mr. President, of course, with all due respect to the House of Representatives, my understanding is that the House would have nothing whatever to do with an amendment to a treaty. That would fall under the treaty-making power provided in the Constitution, which consists of the President and the Senate. I may be wrong about that. That is as to the process of ratification, which is very important, of course. But that is not the point to which I arose. The covenant itself, to those who have read it carefully and studied it carefully, of whom there are not very many in this country, although many have expressed their views about the general policy of some sort of a league, all assuming that they all promote peace, because large numbers of them prefer to believe that they will—is exceedingly loosely drawn, and is full of ambiguities and obscurities, a few of which we are going to try to clear up, if we dare to exercise the constitutional powers which have been conferred upon us.

Mr. President, I do not want to move to adjourn if any Senator desires to speak.

Mr. HALE. Mr. President, I would like to make a short statement.

The PRESIDING OFFICER. Does the Senator from Connecticut yield the floor?

Mr. BRANDEGEE. I yield the floor.

Mr. HALE. Mr. President, I notice that several of the morning papers have included me in a group of Republican Senators known as mild reservationists. Just what is meant by the term "mild reservationist" I have yet to find out. If it is anything mild in regard to the protection of American rights, they can count me out. There are a few Senators, mostly on this side of the Chamber, high-minded, patriotic men, who are openly in favor of defeating the ratification of the peace treaty. Especially are they against having the United States become a member of the league of nations. From the time of the publication of the first draft of the league covenant they have been steadily proclaiming the iniquities of the covenant, and in my opinion their objections to it are in the main well founded.

In fact, Mr. President, there is not an objection raised by them that would not have been taken care of in the treaty had we had anyone at the peace conference to look after the interests of the American people.

These objections are centered principally upon the four following questions:

First, the right of the United States to withdraw from the league. Second, article 10. Third, the right of the United States to settle all domestic questions. Fourth, the Monroe doctrine.

On account of the provisions of the league covenant in regard to these four matters these few Senators have been and are against having the United States enter the league of nations. Others of us, recognizing these objections and their evident merit, have believed that the objections could be obviated and the rights of the United States protected without leaving the United States out of the league by the inserton of reservations applying to the United States in the ratifying clause of the treaty.

The difficulty has been in getting together the people who want reservations and in reconciling the various differing views of Senators. The reservations given out by the Committee on Foreign Relations are, I think, satisfactory to most of us reservationists, with the possible exception of a slight change as to article 10. I personally should have preferred to cut out article 10 entirely, but this may not be done by a reservation, and I shall therefore be satisfied with a reservation which takes away any obligation moral or otherwise on the part of the United States to make war to preserve the integrity of any member of the league.

I want no mild reservations but clear strong ones which can not fail to protect the United States. I have steadily refused to accept any reservations which did not in my opinion have this effect, and, as I have said on the floor of the Senate, I shall not vote for the treaty unless such reservations are adopted.

The few Senators opposed to ratification have introduced amendments in regard to other matters in the treaty, namely, the Johnson amendment in regard to the votes of self-governing dominions and colonies and parts of empire, the Shantung amendment, and the Fall amendments in regard to our holding places on the various commissions provided in the treaty.

I am entirely in sympathy with these amendments, but as in the case of the league of nations I believe we can take care of them by equally strong reservations instead of by amendments. We are trying to work out reservations amply covering these matters, and I believe shall succeed in doing so. I believe that the people of this country want to see the peace treaty ratified with the interests and participation on the part of the United States protected by strong reservations. I believe that they want to see it done as expeditiously as possible, and that they will neither tolerate any unreasonable delay on the part of the Senate in performing its duties in regard to the treaty, nor any refusal on the part of the President to perform his part of the contract when the Senate shall have so acted.

ADJOURNMENT.

Mr. BRANDEGEE. Mr. President, I move, as in legislative session, that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Saturday, September 27, 1919, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nomination confirmed by the Senate September 26, 1919.

COAST GUARD.

Senior Capt. William Edward Reynolds to be captain commandant of the Coast Guard.

HOUSE OF REPRESENTATIVES.

FRIDAY, *September 26, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

By Thy grace, our Father in heaven, inspire us to consecrate ourselves anew to the work Thou hast given us to do, that with patience, perseverance, diligence and efficiency we may press forward toward the mark of the high calling of God, in Christ Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

PENSIONS.

Mr. FULLER of Illinois. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. FULLER of Illinois. Mr. Speaker, this is private pension day, but owing to the fact that there is no prospect of these pension bills passing the Senate until very late in the session, and in order not to interfere with other business, I think it best to state that all pension matters will go over for the present.

THREE HUNDRED AND THIRTY-SECOND INFANTRY.

Mr. McCULLOCH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing some correspondence with the Secretary of War and a report that I have received from him in regard to the Three hundred and thirty-second Infantry, a subject discussed on the floor several days ago.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. GARD. Reserving the right to object, upon what subject did the gentleman say?

Mr. McCULLOCH. It is correspondence with the Secretary of War in regard to the Three hundred and thirty-second Infantry. The Secretary of War thought the report should be in the RECORD. Not having included it in my remarks, I am asking unanimous consent that I may put it in the RECORD.

Mr. BLANTON. Reserving the right to object, may I ask whether the gentleman has submitted the matter to the gentleman from Massachusetts for his approval?

Mr. McCULLOCH. Of course I have not.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

JAMES A. DUFFY AND LOUISE HARRIS.

Mr. MAPES. Mr. Speaker, I present the following privileged resolution.

The Clerk read as follows:

REPORT TO ACCOMPANY HOUSE RESOLUTION 303.

The Committee on Accounts, to whom was referred House resolution 303 authorizing payment from the contingent fund to the clerks to the late JOSEPH B. THOMPSON, a Representative in Congress from the State of Oklahoma at the time of his death, having had the same under consideration, find that the resolution carries out the custom and practice of the House in such cases and recommends its adoption.

House resolution 303.

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to James A. Duffy and Louise Harris the sums of $161.67 and $145, respectively, the same being the amount received by them per month as clerks to the late JOSEPH B. THOMPSON, a Representative in Congress from the State of Oklahoma at the time of his death, September 18, 1919.

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. MAPES. Yes.

Mr. WALSH. I notice that the report says that the committee concludes that this carries out the practice and custom of the House. Does the gentleman contend that because the clerks and stenographers have been put on the rolls that they should now be treated as other House employees?

Mr. MAPES. Mr. Speaker, the House employees, to some extent at least, who have been on the rolls, have been paid compensation, or their relatives upon their death have been paid six months' compensation. Of course the new provision relative to the pay of the secretaries to Members has just gone into effect, but the committee thought that it would be fair to continue the practice of giving the secretaries to the Congressman the usual one month's pay after the death of the Congressman.

Mr. WALSH. And include them both.

Mr. MAPES. And include them both.

Mr. SPEAKER. The question is on the resolution.

The resolution was agreed to.

MESSENGER AND ASSISTANT PAIR CLERK.

Mr. MAPES. Mr. Speaker, I present another privileged resolution.

The Clerk read as follows:

REPORT TO ACCOMPANY HOUSE RESOLUTION 253.

The Committee on Accounts, to whom was referred House resolution 253 providing for the services of an additional messenger and assistant pair clerk, whose appointment and removal shall be subject to the Sergeant at Arms, have had the same under consideration. The committee finds that with the increased volume of work of the House that there is necessity for the appointment of the additional employees referred to in order to maintain the height of efficiency demanded. The committee therefore recommends the adoption of the resolution.

House resolution 253.

Resolved, That there shall be paid out of the contingent fund of the House, until otherwise provided by law, compensation at the rate of $1,800 per annum for the services of an additional messenger and assistant pair clerk, whose appointment and removal shall be subject to the Sergeant at Arms.

Mr. WALSH. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. WALSH. What great urgency has arisen to make another messenger and pair clerk necessary?

Mr. MAPES. The information before the committee was that this was necessary. The minority Members have a pair clerk and an assistant pair clerk, but for some years the majority has had only one pair clerk, and the committee thought that inasmuch as the majority Members had more work to do or at least had more Members than the minority, it should provide for this additional assistance for the majority.

Mr. WALSH. It is a fact that some six or eight years ago there were two for each side of the House.

Mr. MAPES. There are two for the minority now.

Mr. WALSH. This is to restore it and make both sides equal. Is the compensation the same as that paid to the minority employee?

Mr. MAPES. Yes.

Mr. PARRISH. Will the gentleman yield?

Mr. MAPES. Yes.

Mr. PARRISH. In further reply to the gentleman from Massachusetts the Sergeant at Arms shows that this man is absolutely needed to carry on the business and that the pair clerk is put to great hardship by reason of the fact that he has not an assistant.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

On motion of Mr. MAPES, a motion to reconsider the two votes by which the resolutions were agreed to was laid on the table.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from Kansas asks unanimous consent to proceed for three minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CAMPBELL of Kansas. Mr. Speaker, I am sure the people of the country were astonished this morning on reading in their newspapers that we are at war with Italy. It was most startling to discover that American soldiers had won a victory over Italian troops. I have no knowledge that we have declared war upon Italy or upon any faction in Italy, and yet it is reported that our arms are engaged against the people of that country. I wish some one in executive authority would tell the country under what law or authority this action is being taken. It is time, I assert, that the people of the United States should have some knowledge of the authority upon which the Executive undertakes war activities against a Government with which this country is not at war. [Applause.]

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. SMITH of Michigan. Is not that the condition in Russia as well?

Mr. CAMPBELL of Kansas. That has been stated upon the floor a great many times, and a state of unauthorized war still exists in Russia. But this is a new action initiated evidently by the Executive against another country with which we are at peace and which until yesterday has been one of our allies.

Mr. KNUTSON. Will the gentleman yield?

Mr. CAMPBELL of Kansas. For a question.

Mr. KNUTSON. Under the covenant which it is proposed to enter into, of course, we will have to do these things right along.

Mr. CAMPBELL of Kansas. Yes; but that is aside from the question; I now rise to ask by what authority are we at war with Italy?

Mr. BLACK. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. BLACK. What authority does the gentleman have for stating that we are at war with Italy?

Mr. CAMPBELL of Kansas. It is announced in the press dispatches that our troops landed in Dalmatia and drove the Italians out.

Mr. BLACK. Has the gentleman the authority of the State Department for that statement, or has he merely read it in newspaper reports. Is it authoritative of his own knowledge?

Mr. CAMPBELL of Kansas. Does my friend from Texas deny that our troops landed in Dalmatia and drove the Italians out as stated on yesterday?

Mr. BLACK. I am making no assertion at all, but I am seeking to know by what authority the gentleman speaks when, as a Representative, he charges on the floor of the House that the United States is at war with Italy when he discloses by his answer to the interrogatory that he has no knowledge except a newspaper report.

The SPEAKER. The time of the gentleman has expired.

BRIDGE ACROSS TENNESSEE RIVER, NEAR CHATTANOOGA, TENN.

Mr. MOON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 2910 and pass it as it is reported.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table—the Chair is informed that it is not on the Speaker's table.

Mr. MOON. The bill came over from the Senate with a Senate report, and the House Committee on Interstate and Foreign Commerce has reported to the House an identical bill.

Mr. WALSH. A bridge bill?

Mr. MOON. Yes. Does the gentleman from Massachusetts want an explanation of it? I will state to him that the road running from the city of Cincinnati, in the State of Ohio, to Chattanooga——

The SPEAKER. The Chair will suggest to the gentleman that the bill has been referred to the committee, so the gentleman's remedy would be to move to discharge the committee and consider the bill.

Mr. MOON. Mr. Speaker, if that is the status, I now make that motion.

Mr. MONDELL. Mr. Speaker, I understood the bill was still on the Speaker's table.

The SPEAKER. The Chair finds it is not on the Speaker's table, and that the committee has not yet reported.

Mr. MONDELL. Has the committee reported the House bill?

Mr. MOON. The committee has reported the House bill, which is identical. I have a copy here.

Mr. MONDELL. But have they reported it, so that it is on the calendar?

Mr. MOON. I understand it is on the calendar; yes.

Mr. MONDELL. Well, does the gentleman know?

Mr. MOON. Here is the bill reported and referred to the House Calendar and ordered to be printed.

Mr. MONDELL. Mr. Speaker, if the House bill is not on the House Calendar and the Senate bill has been referred to the committee, I think the gentleman from Tennessee ought to withhold his request for one day.

Mr. MOON. It is on the House Calendar. It is a House bill. Mr. Speaker, I move to discharge the committee from further consideration of the Senate bill, and that it be now considered.

The SPEAKER. The gentleman from Tennessee moves to discharge the committee from the further consideration of the Senate bill, a House bill of identically the same tenor having been reported favorably by the committee.

The motion was agreed to.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the act approved April 5, 1916, authorizing the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild and reconstruct, maintain, and operate a bridge across the Tennessee River near the city of Chattanooga, Tenn., be, and the same is hereby, revived and reenacted: *Provided*, That this act shall be null and void unless the actual construction of the bridge be commenced within one year and completed within three years from the date hereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. MOON. Mr. Speaker, I do not know that I desire to say anything further and I move the previous question.

The previous question was ordered.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion by Mr. MOON, a House bill of similar tenor was ordered to lie on the table.

GEN. JOHN J. PERSHING AND ADMIRAL R. E. COONTZ.

Mr. CLARK of Missouri. Mr. Speaker, I ask leave to proceed for two minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CLARK of Missouri. Mr. Speaker, the Members of the House will remember that a very short time ago we conferred the rank of permanent full general on Gen. John J. Pershing, the great Missourian. There was also a proposition that was never put to a vote to give him a sword.

I desire to make two announcements. The people of Missouri are going to raise a fund to present Gen. Pershing with the finest sword that can be made in Toledo or any other place on the face of the earth. [Applause.] The movement has been started by Mr. Frederick G. Bonfils, owner and editor of the Kansas City Post and the Denver Post, and who started it with a contribution of $500 himself.

In the second place, I wish to announce that another great Missourian, Admiral R. E. Coontz, of Hannibal, Mo., appointed to the Annapolis Academy by the late Col. William Hatch, long a prominent Member of the House, has, in the last few days, been made the head and ranking officer of the American Navy. [Applause.]

COAL-TAR PRODUCTS.

Mr. CANNON. Mr. Speaker, I ask unanimous consent that when we reach section 503, that at any time to the end of the bill I may have 15 minutes, which I may or may not use.

The SPEAKER. The gentleman from Illinois asks unanimous consent that when section 503 of the dyestuff bill is reached, he may be allowed to proceed for 15 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FORDNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8078.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill, with Mr. TOWNER in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 8078) to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes."

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Page 6, line 14, after the word "pound," strike out the proviso down to and including the word "pound," in line 25, and on page 7, line 15, after the word "particular," strike out all of lines 15, 16, 17, 18, and 19.

Mr. MOORE of Pennsylvania. Mr. Chairman, if the committee will turn to page 6 they will observe the proviso beginning on line 14, an extremely technical provision, very difficult to understand, written not by the ordinary legislator, but written by some scientific expert interested in the business. You will observe that provision is made for the standardization of colors, compounds, dyestuffs, standardization as to strength, all of which is to be effectuated by the Secretary of the Treasury.

We have started, as Republicans at least, to dispense with the innumerable bureaus that were created by our friends on the other side and by us during the war. This bill proposes, and the whole crux of the bill is, the creation of a dye-licensing commission, a new institution to be operated at the expense of the Government. The main purpose of the bill is to create a commission at the expense of the taxpayers which will have the effect of reducing the revenue by preventing imports into this country.

But here in section 501, in this proviso, preparation is made for a new commission to be created by the Secretary of the Treasury, a commission on standardization. The Bureau of Standards is not to be called in. That is a fixed bureau of the Government. The Secretary of the Treasury is to have the power here to provide for the standardization of these dyes, and they are not to be admitted into the country except at the standards fixed by him.

I am told by those who know more about dyestuffs than I do that it is positively impossible to effectuate the standardization of dyes as proposed in this paragraph, because of their constantly changing nature, and that it would take years to get the machinery in order and to find the experts qualified to standardize

these particular dyes, running up into the thousands and tens of thousands.

Mr. LONGWORTH. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield.

Mr. LONGWORTH. I would like to know where the gentleman finds in this paragraph any provision to prohibit the importation of any dyes.

Mr. MOORE of Pennsylvania. I have already made the statement in other speeches that this bill is in effect a prohibition bill. The tariff rates in this bill are prohibitive in themselves. I am told by importers that they can not operate under this bill; that we will not get a cent of revenue out of imports under this bill, because the rate is fixed so high that it will be impossible to import dyes into the United States. There are four or five other ways now under control of the Government by which dyes can be kept out of the United States. I have charged that this dye-licensing commission is to be created for the purpose of preventing American manufacturers from obtaining dyes except upon their conditions, and those conditions, I have heretofore argued, are being made by the American manufacturers of dyes, who have consolidated themselves and who proposed to charge their own price and fix their own terms to the consumers.

Now, here is a paragraph which goes away beyond anything that anybody dreamed of when we attempted to deal with it legislatively—a provision that you can not get the dyes now unless they correspond to certain standards set up by the Secretary of the Treasury—an entirely new agency.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent for three minutes more.

The CHAIRMAN. The gentleman from Pennsylvania desires to continue for three minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. If you want to give the ordinary purchaser of dyes, this man who stands for $3,000,000,000 worth of business in the United States, involving all the textiles that you and your families use, the chance to go on with his business, take that paragraph out. Because if those in control of this commission, once appointed, insist on the enforcement of that proviso, the Secretary of the Treasury becomes the last court of appeal, and you get no dyes at all unless they conform to the standards set up by him. But he can not get the machinery to set up business; he can not get the machinery because of the constantly changing condition of the dyes, the grades, the colors, and the contents that are desired by manufacturers in order that they may make their business profitable.

Mr. BAER. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. BAER. Does not the Secretary of the Treasury use dyes? Is he not an expert on that in using dyes on money, on bills?

Mr. MOORE of Pennsylvania. It takes dyes to manufacture ink. I can appreciate the humor of the gentleman from North Dakota in asking that question in that way; but I insist that the Secretary of the Treasury is not an expert on dyes, although he may use some of them in the course of the conduct of his official business. But he should not be set up here, through a board organized for that purpose, in addition to the War Board and the allied council and the other organizations, to further complicate the situation that now confronts the American consumer of dyes.

I think, gentlemen, you can strike this paragraph out without any fear of doing any harm to any American interest. I think you can strike that out with the complete understanding with yourself that you are releasing business from an entangling alliance here that it ought not to be subjected to. You can strike that out with the idea that you are lessening the present autocratic Government control over the business of the people of the United States. That paragraph ought not to be in, and if it goes out, with the few lines on page 7 relating to its enforcement by the Secretary of the Treasury, and compelling the standards of strength which can only be enforced and agreed upon after years and years of consultation with experts and chemists, you will be doing a very good thing. It ought not to be in the bill, and I trust, gentlemen, that you will vote "aye" on this proposition to strike it out.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. LONGWORTH. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. LONGWORTH. Mr. Chairman, this is the first time that I have been aware of the fact that the gentleman from Pennsylvania [Mr. MOORE] is opposed to the revenue features of this bill. I was aware that he was opposed to the features regarding license, but not to the revenue features.

The object of this paragraph is to prevent frauds on the revenue. It is for that purpose, and for that purpose only. The gentleman from Pennsylvania says that it was drafted by some scientific expert interested in the business. Upon what authority he makes that statement I have no conception. The provision was drafted by the Tariff Commission after two years' careful study of this entire proposition. It is one of the main features of this bill, so far as revenue producing is concerned, and if you strike it out you will lose thousands of dollars of revenue and confer benefit upon no human being except the German dye maker who seeks to defraud the revenue.

I want to read to you the reason given by the Tariff Commission as to the necessity of this provision, and I ask your attention to this:

A third possibility of evasion—

And the draft of this provision was for the purpose of preventing evasions of its provisions by importers, and particularly for the German trust—

A third possibility of evasion, or, if not evasion, of unexpected complication, arises from the circumstances that dyes as ordinarily dealt with in commerce are in most cases not dyes in a chemically pure form, but are weakened or reduced in strength by mixing with water, salts, or other diluent. Snythetic indigo, for instance, is ordinarily sold in the form of a paste, containing 20 per cent of pure indigo and 80 per cent of inert matter, chiefly water. In the case of other dyes also, including most of the important ones, there is a recognized standard commercial strength. Prices are habitually quoted on the basis of this usual strength. In the case of still other dyes, however, there is no recognized commercial strength. The duty of 5 cents per pound, imposed by the act of 1916, was presumably intended to apply to the dyes in their usual commercial strength, and not to the pure forms which ordinarily are unknown in commerce. The wording was, however, not so framed as to insure this. Under the present wording of the law the duty is levied, and apparently must be levied, on the weight of the dye as imported, regardless of its concentration or strength.

Note this:

This permits dyes to be imported in a pure state, or at least a highly concentrated state, and then to be reduced to the usual commercial strength after having passed through the customhouse. The effective duty is consequently much lower than was presumably intended.

This situation, however, can not be dealt with by any specific legislative prescription of the commercial or standard strength of the several dyes. In many cases no trustworthy basis now exists for a definite standardization of commercial strength. Under these circumstances, the commission believes it best that discretion be given to the administrative department and that the Secretary of the Treasury be authorized to determine from time to time what is the dutiable strength of the several dyes, with discretion to make changes in accord with gradually ascertained and tested commercial practice. Discretionary power of this sort will enable experts to recommend to the Secretary of the Treasury standards of strength conforming approximately to commercial usage, with the possibility of modifying them as experience might indicate.

This mode of dealing with the situation would be facilitated by requiring a statement on all imported packages of the exact constituents and strength of dyestuffs contained therein. Such a statement would make easier the accurate appraisal of imports of dyes for the ad valorem duty. Appraisal is exceptionally difficult owing to the difficulty of identification and variability in strength. The requirement would serve further as a guarantee to purchasers of the identity and strength of the dyestuffs which they were buying. The commission is satisfied that there has been much dishonesty in the dyestuffs trade and that something analogous to the provision of the pure-food laws in regard to misbranding would be of great advantage. It is accordingly recommended, both as an aid in administering the law and as a safeguard for purchasers, that every imported package shall contain a specific statement showing the constituents and strength of the contents.

As a matter of fact, gentlemen, most of the dyes that are being imported to-day, and which will continue to be imported for some time to come, until our industry gets fully on its feet, are what are generally known as the vat dyes, which are used commercially in a solution in which the color itself is only 12½ per cent. In other words, if the Germans desire to defraud the revenue, as they always do, they will import that dye in a 100 per cent solution and will avoid the payment of seven-eighths of the duty.

Is not that perfectly clear? When the *Deutschland*, the submarine, came over to this country, bringing German dyes, they were imported in a 100 per cent solution, thereby avoiding the duty to the extent of 90 per cent, practically. Those dyes, in order to be used commercially for dyeing cotton, had to be diluted until the actual strength of the color was only 12½ per cent. Dyes are imported in various degrees of dilution, and the same dye is often imported under different names.

That is another trick that the Germans have of defrauding the revenue. Take one instance of dyes of the same material exactly, so far as the color strength is concerned, coming in from Germany under three different names and produced in three different factories. In one case it is known as "Diazo black, B. H.

N. extra "—whatever that means. In another factory it is called "Diannine blue, B. H." In another factory it is called "Solamine blue, B. H." These dyes are all exactly the same material, but of different degrees of concentration; but they do not pay the same duty. The one of the highest degree of concentration pays the least duty, naturally.

The object of this bill is to see to it and provide that those same substances pay the same duty, and that the Germans can not defraud the United States Treasury. That is all there is in this proposition, gentlemen. The Secretary of the Treasury, with the information he has to-day at hand, will be able to prescribe standards of strength for a large portion of the dyes that are being brought in, and in a very short time will be able to make the same regulations with regard to others.

The gentleman from Pennsylvania [Mr. MOORE] says it will take five years to make these regulations. From his own argument, if it will take five years, it would not do any harm for five years. But the only harm it can do is harm to the German trust. Bear that in mind. Gentlemen, if you strike out this provision from this bill, the German dye trust will give three cheers, because it will enable them, under the law as it stands now, to defraud the United States Treasury out of millions of dollars a year, just as they have defrauded us from the beginning, when they had entire control of the American market.

It is as simple as A, B, C—the proposition that the same coloring material ought to pay the same rate of duty, no matter in what form it is brought in. If you strike this provision out of the bill, it will enable the German trust to defraud the United States Treasury out of seven-eighths of the duty to which it is entitled, simply because they will concentrate these vat dyes into 100 per cent solutions, when the commercial use of them is in a solution in which the actual coloring matter is only 12½ per cent. This proposition is to prevent fraud and fraud only, and you are not justified in striking it from the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The amendment was rejected.

The Clerk read as follows:

SEC. 502. That paragraphs 20, 21, 22, 23, 179, 394, 452, and 514; and the provision for salicylic acid in paragraph 1; and provisions for salol, phenolphthalein, acetanilid, acetphenetidin, antipyrine, acetylsalicylic acid, and aspirin in paragraph 18; and the provision for benzoate of soda in paragraph 67; and the provisions for carbolic and phthalic acids in paragraph 387 of an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, are hereby repealed: *Provided*, That all articles which may come within the terms of paragraphs 1, 5, 37, 46, 63, 501, and 538 of said act of October 3, 1913, as well as within the terms of Group I, II, or III of section 500 of this act, shall be assessed for duty or exempted from duty, as the case may be, under this act.

Mr. LONGWORTH. I offer an amendment of a technical nature.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONGWORTH: Page 8, line 8, after the figure "5," insert the figures "14" and "29."

Mr. FORDNEY. Mr. Chairman, I want to ask the gentleman from Ohio why he offers that amendment.

Mr. LONGWORTH. That is an amendment recommended by the Tariff Commission in order to make clear the paragraphs referred to, simply to supply two missing paragraphs which were omitted.

The amendment was agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. On yesterday I put in the RECORD a letter from the La France Manufacturing Co., using it merely for purposes of illustration to show that that company was unable to obtain the dyes with which to do business. Some days ago I referred this matter to the War Trade Board, and appealed to them to tell my constituents where to go to get raw materials with which to proceed. This morning I was in receipt of a letter from the War Trade Board which, I think, in view of the statement made a moment ago by the gentleman from Ohio [Mr. LONGWORTH], should be read to the House. The gentleman from Ohio still insists that the licensing feature of this bill is necessary, notwithstanding that the bill carries the highest tariff rates ever placed in a dyestuff bill, to keep out German imports, disregarding the fact that imports come from all other countries that manufacture dyes, particularly Switzerland, France, and England.

Mr. LONGWORTH. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Ohio.

Mr. LONGWORTH. I understand the gentleman was a supporter of the Hill bill as originally drawn?

Mr. MOORE of Pennsylvania. I certainly was.

Mr. LONGWORTH. I should like to call the gentleman's attention to the fact that the duties provided in the original Hill bill as introduced were greater than those in this bill.

Mr. MOORE of Pennsylvania. Not as written into law.

Mr. LONGWORTH. As introduced by Mr. Hill; and the gentleman just stated that he was a supporter of the original Hill bill.

Mr. MOORE of Pennsylvania. I was a supporter of the original Hill bill; but I say, what the gentleman will not deny, that this bill carries higher rates than were ever enacted in this country.

Mr. LONGWORTH. I know; but the gentleman supported the Hill bill, and now he is complaining of the higher rates in this bill.

Mr. MOORE of Pennsylvania. I am not complaining of the higher rates; I am for them, but against the licensing feature.

Mr. LONGWORTH. Does the gentleman claim these rates are too high?

Mr. MOORE of Pennsylvania. The Hill bill was passed before we entered the war. The gentleman has been constantly "harping on my daughter," Germany, Germany, Germany! That appeals to Americans still. We licked Germany. That is over. This bill ought to be passed on its merits, not with regard to a war that is past. This bill ought to be passed with regard to American interests. That is what I am fighting for here, the right of American manufacturers to do business in this country. We are no longer afraid of Germany. We have settled that question, at least up to the point where the President might issue a proclamation of peace if he cared to do it.

But I was referring to this letter, which is a practical proposition relating to the desire of American manufacturers to get dyestuffs, which this bill proposes to prevent them from getting in certain instances. Here is what the War Trade Board, which I have criticized heretofore, say on this subject:

WAR TRADE BOARD,
Washington, September 25, 1919.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Your letter of September 20, with the inclosure from the La France Manufacturing Co. regarding the importation of certain dyes from Germany, has been received.

Here is the very administration that wants to pass this bill, and wants prohibition here, and the gentleman from Ohio [Mr. LONGWORTH] seems to want prohibition.

The War Trade Board section of the Department of State is making arrangements for a sufficient amount of vat dyes to supply the country's needs, and we have every reason to suppose that this supply will soon become available to our manufacturers.

Now, why are they making this arrangement? They are going to get vat dyes. The gentleman from Ohio [Mr. LONGWORTH] fears Germany. Are these vat dyes that the administration is now seeking coming from Germany? They must be, if the gentleman from Ohio [Mr. LONGWORTH] is right. Either they must be coming from Germany or coming from another country which stands between us and Germany. The gentleman from Ohio has heard me comment time and again upon the fact that the supreme allied council, which has headquarters in London and Paris, is controlling this situation. From whom is this administration, under this War Trade Board, getting these vat dyes? Is it going under cover to Germany, the country which the gentleman from Ohio [Mr. LONGWORTH] fears so much, or is it going to Great Britain, and letting Great Britain do this business for us? Is it a subterfuge? What if Great Britain is to pass these dyes over to us after this supreme allied council, either in London or Paris, gets the dyes from Germany? What are we going to pay here in excess of what their manufacturers pay there? Are they to have the first chance at this industry?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Are they to have a chance over there to get control of this key raw material? If so, then they will go on and manufacture, while we wait over here until this board, which is endeavoring to force certain dyes upon us, gets ready to give the American manufacturer his dyes. What are Republicans in this House thinking about, those who have stood for protection to American industries, when they want to leave it to this supreme council, with which the War Trade Board of the United States is now negotiating, to let every foreign competitor of ours have dyes to go on with the manufacturing of fab-

ries that are sent into the United States, while our mills are waiting here for the raw materials?

I am not making the fight here to take care exclusively of the Du Pont or the National Chemical Co., or a few other companies tied up with them in this matter. I am fighting for the American manufacturers who want a square deal in competition with the English manufacturers, the French manufacturers, and the German manufacturers. Can the Republicans get this under their skulls? [Laughter and applause.]

Mr. KITCHIN. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes; I am talking as much for the information of the gentleman from North Carolina, who has recently come in for tariff bills, as I am for gentlemen on this side. [Laughter.]

Mr. KITCHIN. I am mighty glad to see the gentleman from Pennsylvania opposing tariff bills now.

Mr. MOORE of Pennsylvania. I notice that a bill has been introduced to put a tariff duty on graphite which is produced in Alabama and that section of the country. Of course, before the war they all wanted free trade down there, but when the war came on and they began to make money they said bar the foreigner, put a duty on the commodities; we want protection in North Carolina and Alabama as you do in Pennsylvania.

Mr. KITCHIN. The gentleman does not mean to convey the idea that the Democrats on the Ways and Means Committee support that bill?

Mr. MOORE of Pennsylvania. The bill was introduced by the gentleman from Alabama [Mr. HEFLIN], spokesman for the *White House*, and as much of a Democrat as any man on that side.

Mr. KITCHIN. I did not get up to get the gentleman off his subject. I am asking for information. The gentleman was reading a letter from the War Trade Board.

Mr. MOORE of Pennsylvania. I have not finished it yet.

Mr. KITCHIN. I want to ask the gentleman for information——

Mr. MOORE of Pennsylvania. The gentleman from North Carolina is one of the most pleasing characters in this House, and when the gentleman is on the floor he is invincible and unanswerable, because he does not permit a break in his speech.

Mr. KITCHIN. Seriously, I understood that the War Trade Board is bringing in these vat dyes.

Mr. MOORE of Pennsylvania. German dyes, and I think they are bringing them in through the administration of the supreme allied council over yonder which is dominated from Paris and London.

Mr. KITCHIN. The gentleman approves of the action of the War Trade Board in permitting vat dyes to come into this country?

Mr. MOORE of Pennsylvania. If it will prevent the shutting down of the American mills, yes. I want them put in a position to compete with those fellows on the other side. I want the mills growing up in the gentleman's State of North Carolina, employing thousands of people, to be able to compete with the mills abroad. If we permit the dyes to be used by our competitors in England, France, and Germany before we get them, the mills in North Carolina and Pennsylvania will not be able to compete with those in foreign countries.

Mr. KITCHIN. The gentleman from Pennsylvania and myself agree as to the action of the War Trade Board.

Mr. MOORE of Pennsylvania. They have been compelled to do it to save the industries in the United States.

Now, I will continue with the reading of the letter. It is just as important to the State of North Carolina that has the cotton mills; it is just as important to the manufacturers of hosiery in Mississippi. They are getting wise to the situation. They can not always export cotton and depend on foreign money to keep things going down there. They are becoming industrial, they are building mills, they have the same interest that you have in North Carolina and that I have in Connecticut, Rhode Island, New Jersey, and Pennsylvania. These men are thinking on that question. If dyestuffs is the key to the textile trade involving $3,000,000,000——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask for three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MOORE of Pennsylvania. These men on the other side who are our competitors have been a little wiser in diplomacy all through the war; they have not missed a trick in holding trade all through the war while we have been fighting for them. How, then, are you going to keep the mills going in North Carolina and Georgia; how are we going to keep them going in New England, if they get the raw materials ahead of us? It is as vital to you as it is to us. The War Trade Board has autocratic power in this matter. In this instance it has the common sense and good business sense to permit dyes to come in, so that our wheels of industry can turn.

I continue the reading of this letter:

> The War Trade Board section of the Department of State is making arrangements for a sufficient amount of vat dyes to supply the country's needs, and we have every reason to suppose that this supply will soon become available to our manufacturers.
>
> This is the only class of dyes which are not made in this country in sufficient amounts to supply the domestic needs. There are, however, certain other colors belonging to the many other classes of dyes which are not made in this country at all or which are not produced as yet in sufficient quantity.

Do you get that, my friends? Here is the War Trade Board admitting every contention I have made on this floor.

> We are making up a list of these with the expectation of arranging for the importation of these as soon as the more pressing need for the vat dyes have been arranged for.

Mr. FORDNEY. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. FORDNEY. Does not that letter refer to the dyestuffs requested of this commission in April last?

Mr. MOORE of Pennsylvania. Yes.

Mr. FORDNEY. And they have not got them yet?

Mr. MOORE of Pennsylvania. I continue reading:

> We note with particular interest what your correspondent, the La France Manufacturing Co., has to say about patent acid blue. Only one manufacturer has been reported to us as making this color at this time, and, although he is increasing his output, there possibly is a shortage which would be relieved by importation. It might be of interest to your correspondent to know that this one manufacturer is the Chemical Co. of America (Inc.), 28 Platt Street, New York City.
>
> We shall make a particular note of this dye, and, if possible, permit its importation as soon as the arrangements have been made in Europe.
>
> Very truly, yours,
>
> BUREAU OF IMPORTS,
> W. B. D. PENNIMAN, *Trade Advisor.*

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask for two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. In the time remaining to me I want to make a statement somewhat startling in its nature. I have information on my desk this morning that the Alien Property Custodian, though the war is over and we are all waiting for the proclamation of peace, on yesterday gave notice to an American citizen born in this country, formerly a Member of this House, that his property, two large factories that had served this country throughout the war, that had furnished it with the material that it could not get elsewhere for the medical treatment of our men, must turn those two businesses over to the Alien Property Custodian, whose relations with this trust and this Chemical Foundation (Inc.) have been referred to several times on this floor. This official may have his reasons, but it seems fair to ask when this system of espionage, this system of domination by the Alien Property Custodian over business, in this country is to cease. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, I entirely agree with the gentleman from Pennsylvania who has just spoken in his criticism upon the War Trade Board, that the control of the War Trade Board over importations of dyes ought to be abolished, and we propose to abolish it by this bill. That in itself, I think, ought to be a sufficient answer. Now, what has the War Trade Board been doing? It has been applied to by the dye consumers of this country to import dyes. The board admitted and conceded that those dyes ought to be imported, that the textile business could not be carried on unless those importations were made; but instead of granting permits to make these importations, as has been stated in the newspapers, what they were doing was to send Dr. Herty over to Europe to see about having importations made there in such quantities as he saw fit and under such circumstances as he might deem proper. I also agree with the gentleman in what he says with reference to this conference which is being held abroad and which is apportioning, as I understand, a certain amount of dyes to England, a certain amount to France, and possibly a certain amount to this country. I have no sympathy whatever for that proceeding, but all this has no application to the board which is proposed to be created by this bill or any board that is likely to be provided for when the bill is finished. The War Trade Board is governed by no rules. It is controlled by no regulations; it is under no law except the law which created it and the direction of the President. As the gentleman from Pennsylvania correctly stated, it is an autocrat unto itself. It determines whatever it may see fit and may proceed entirely according to the whim or impulse of any of its members; but that

will not be the case with any board created in this bill. It will proceed under definite rules and under established law and under regulations that must control its actions. Its members will be subject to impeachment and removal if they do not act in that manner.

Now, I want to say just a word further with reference to another party that he mentions, a former Member of this House, whom he said was being oppressed by the Alien Property Custodian. Well, I think all the members of the Ways and Means Committee know very well who that gentleman was and who he is. They also know what he has done with reference to taking German property. This same man was found by the courts to have in his possession German property, claiming all the time that he had bought and purchased and paid for it, whereas as a matter of fact he had never paid one cent for it, and the whole proceeding was merely a camouflage to cover up this German ownership. He finally surrendered that particular property and paid, as I recollect, some $40,000 in penalties for his having received it. Now, as I understand, the Alien Property Custodian claims he has got some more German property. Whether that is correct or not, I do not know, but I should think very likely from the past record of the gentleman—in any event, I have little sympathy for him in the predicament in which he now finds himself. He is open to very strong suspicions. So that all of these matters, it seems to me, have no bearing upon the question which is now before the committee, or the board which is to be created by it, except to show that these criticisms are in the main fanciful and the result of imagination rather than real objections to the enactment of the bill.

Mr. JUUL. Will the gentleman yield to a question?

Mr. GREEN of Iowa. Yes.

Mr. JUUL. I would like to know if there is any objection to informing the Members of this House a little more completely than has been done by the gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Iowa? Is there any objection to giving us more complete information? We are getting it in little bits. It has been hinted that somebody did something, and everybody seems to be furnishing information like a rat running around a bit of cheese in a trap. Can we not get the information which you gentlemen possess instead of having it hinted at?

Mr. GREEN of Iowa. To what does the gentleman refer?

Mr. JUUL. The gentleman from Pennsylvania [Mr. MOORE] mentions——

The CHAIRMAN. The time of the gentleman has expired.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. Mr. Chairman, what is the subject of conversation between my colleague and the gentleman from Iowa?

Mr. JUUL. I will say that the gentlemen have in their speeches been hinting about gentlemen who have violated the law, former Members of this House. We are on the border of finding out something, but they keep hinting without telling us anything definite.

Mr. GREEN of Iowa. On what subject?

Mr. JUUL. On the subject of a former Member who has done something that he ought not to do. What is it about?

Mr. GREEN of Iowa. I do not think it has anything to do with the bill whatever.

Mr. JUUL. Then how does it come into the debate?

Mr. GREEN of Iowa. The gentleman from Pennsylvania will answer that. He brought it up.

Mr. JUUL. The gentleman from Iowa [Mr. GREEN] followed it up by telling further about it.

Mr. GREEN of Iowa. Yes; I did, in explaining the situation.

Mr. MOORE of Pennsylvania. I will tell the gentleman. Mr. Herman A. Metz, former comptroller of the State of New York and a former Member of Congress on the Democratic side in this House, has been a dyestuff importer for years. During the war he had two factories that he operated himself with his own capital. He furnished the Army with salvarsan, a vital drug, necessary for the preservation of the health of our soldiers. He is a member of the American Dyes Institute, which has been referred to here, and which has three members on this board. He is opposed by the Alien Property Custodian, who has pursued him and claimed that he had German interests. Mr. Garvan admitted on the stand that Mr. Herman A. Metz, whom he had been pursuing, was one of the members of the Chemical Foundation (Inc.), and also a member of the American Dyes Institute, which had been formed largely by Mr. Poucher, of the Du Pont Co., who had formerly been the general manager of Kuttroff, Pickhardt & Co., a large German concern in the United States. Property of Herman A. Metz was seized by the Alien Property Custodian, and he, being a native American, has brought suit to recover.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask that the time of the gentleman from Iowa be extended five minutes. [Laughter.]

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. If the gentleman will permit, I will say further that they were so anxious to have Herman A. Metz with them in this combination to get control of the industries, along with the others that were consolidating, that they put him down for $100,000 to put the Chemical Foundation (Inc.) through, and he put up $30,000 or $50,000, I do not know which, and then they drew upon him for the balance. But they have taken his property just the same. He being an American citizen and American born, they could not send him to Ogiethorpe. He is still here, and he is fighting his case in the courts of New York. One of the attorneys who is taking his property to-day is one of the numerous attorneys who were employed by the Alien Property Custodian, our former colleague, the chairman of the Committee on Appropriations, Mr. John J. Fitzgerald. If the gentleman wants a further explanation, since it is a matter of litigation and since libel suits are pending against the Alien Property Custodian and the Attorney General for acts against some American citizens owning property in the United States, it may be well for the House to understand the intricacies which surround the entire situation.

Mr. GREEN of Iowa. I think I have no love for the Chemical Foundation, as members of the Ways and Means Committee know; but what they have done and what Mr. Herman A. Metz may or may not have done has nothing to do with this bill. I say that much for the information of the gentleman from Illinois [Mr. JUUL].

Now, what the gentleman from Pennsylvania [Mr. MOORE] said is correct in the main. What I said was also correct—that this same ex-Congressman had been found guilty of hiding and concealing German property; that he had been compelled to turn it over; and he paid, as I recollect, some $40,000 penalty.

Mr. MOORE of Pennsylvania. I think the gentleman is in error as to that.

Mr. GREEN of Iowa. Oh, no.

Mr. MOORE of Pennsylvania. This suit was over an alleged misrepresentation.

Mr. GREEN of Iowa. The gentleman is talking about another and different case.

But we are getting on outside matters simply, which confuses the situation instead of getting at the facts that cover the bill.

Mr. JUUL. Mr. Chairman, I wish to strike out a sufficient number of words for me to make a statement and to say that it is pleasing to the membership of this body when we can get the gentleman from Iowa [Mr. GREEN] and the gentleman from Pennsylvania [Mr. MOORE] to disagree long enough for us to find out a few things. I hope they will disagree often in a friendly way.

The CHAIRMAN. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BACHARACH having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 641) to amend section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CUMMINS, Mr. LA FOLLETTE, and Mr. SMITH of South Carolina as the conferees on the part of the Senate.

COAL-TAR PRODUCTS.

The committee resumed its session.

The Clerk read as follows:

"SEC. 503 (a). During the period of two years after the date of the approval of this act it shall be unlawful for any person or persons or corporation to import or bring into the United States, or any of its possessions, except under license previously obtained from the dye-licensing commission hereinafter created, any of the products enumerated in section 500 of this act, or any product derived directly or indirectly from coal tar, including crude products and intermediate products, as well as dyestuffs, medicinals, and other finished products, and including mixtures and compounds of such products and other products.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the section.

Mr. LONGWORTH. Mr. Chairman, I desire to make a preferential motion.

The CHAIRMAN (Mr. REAVIS). The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONGWORTH: Page 9, line 7, after the word "obtained," insert "as hereinafter provided"; in the same line, after the word "the," strike out the words "dye licensing commission" and insert "United States Tariff Commission"; and in line 8 strike out the words "hereinafter created."

Mr. FORDNEY. Mr. Chairman, do the gentlemen want to agree upon time on that?

Mr. MOORE of Pennsylvania. I reserve my motion to strike out. I presume this preferential motion will be acted upon first.

Mr. FORDNEY. Does the gentleman from Pennsylvania want some time on this amendment?

Mr. MOORE of Pennsylvania. Yes. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. I propose to move to strike out, and reserve all rights in that regard. The gentleman from Ohio [Mr. LONGWORTH] makes the preferential motion by way of amendment. Does the debate come on his motion or mine?

The CHAIRMAN. The gentleman from Pennsylvania, having been recognized, is entitled to the floor, but the vote comes first on the preferential motion. The gentleman from Pennsylvania can not be taken from the floor by the offering of a preferential motion after he has once been recognized.

Mr. FORDNEY. Let us see if we can agree upon time for debate on this amendment. How much time does the gentleman from Ohio want?

Mr. LONGWORTH. I think 10 minutes will enable me to explain the purpose of the amendment.

Mr. FORDNEY. And the gentleman from Pennsylvania?

Mr. MOORE of Pennsylvania. Ten minutes.

Mr. FORDNEY. Well, we will let it run for the time being.

Mr. MOORE of Pennsylvania. May I proceed, Mr. Chairman, for 5 minutes and then reserve the balance of my time? As I understand, 10 minutes has been assigned to me.

Mr. LONGWORTH. No. There is no agreement. I will put it this way: Does the gentleman from Pennsylvania want to speak five minutes and then speak again?

Mr. MOORE of Pennsylvania. Yes.

Mr. LONGWORTH. Then I will ask unanimous consent that the gentleman from Pennsylvania may now occupy five minutes and not lose the right to occupy further time.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman from Pennsylvania may now occupy five minutes without losing the right to occupy further time on his amendment. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, the real fight on this bill is presented by this motion—the motion to strike out. If it prevails with section 503 (a), I shall make a similar motion with respect to all the other sections relating to the license features of the bill.

I call to the attention of my colleagues the fact that this is a very high protective tariff bill. So far as I know, except that the duties are exceptionally high in the preceding paragraphs, there is no objection to these tariff features. No Republican has offered any objection, and I am not entirely sure but that most of the Democrats are prepared to vote for these duties as set forth in the bill.

The discussion is over the addition to the protective tariff bill of what is brand new in all protective tariff legislation—a licensing commission, or a new organization which shall have power over and above that of the Treasury Department, through its customhouse officials, to check imports. It goes away beyond what most of us as Republicans ever believed to be the protective tariff doctrine. It gives a strangle hold to those in control of the commission which shall be appointed now, under an administration that is favorable to commissions, to compel those who will do business under this particular law to submit their business arrangements to this autocratic board. It goes beyond anything that any Republican platform ever expected in the way of legislation at the hands of Congress.

I call attention to the fact that everything in the nature of dyestuffs, crudes, or intermediates, or solutions, are protected in this bill in the paragraphs that we have thus far read.

If you will look at page 4, which groups a number of commodities know as dyestuffs, salts, acids, and so forth, you will find that it embraces all, whether crude, or manufactured from, or products derived from; anything obtained, derived, or produced from; everything not herein enumerated, all distillates of coal tar after a number have been specified, all mixtures, including solutions after all known commodities have been specified; all the foregoing, not colors, dyes, or stains. There is not anything that can escape the customhouse. Everything is included in this bill at the rate of 40 per cent ad valorem and above.

In Group III you find the same language with regard to intermediates; all, including all mixtures and solutions, and everything produced from them; nothing can escape the customhouse. Then, why a dye-licensing commission after all these safeguards have been set up? Why, after the war is over and the President's war powers continuing, have a Federal dye-licensing commission?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The gentleman from Ohio [Mr. LONGWORTH] is recognized for five minutes.

Mr. LONGWORTH. Mr. Chairman, the effect of the amendment which I have offered will be to turn over the licensing provided for in this bill to the United States Tariff Commission. That amendment, if it shall prevail, will involve several other amendments that I will offer as the sections are reached.

If gentlemen will take their bills and follow I will explain just what it will involve. Section 503 (b) will go out altogether, down to and including line 4 on page 11. Then an amendment will be offered there which will provide for the expenses of the Tariff Commission for taking over this function which it does not now possess.

A very important amendment will be offered to section 503 (c), so that when amended it will read as follows:

The said United States Tariff Commission shall issue licenses to import for domestic consumption such products covered by section 503 (a) of this act as may be unobtainable from domestic sources; also such products only as may be obtainable from domestic sources which shall be unobtainable by reason of price, quality, or conditions of delivery.

At the end of the section the following amendment will be offered:

The commission, in passing upon applications for such licenses, may regulate its own practice and procedure, but it shall so regulate the same as to prevent unavoidable delay.

Mr. JUUL. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. JUUL. If a disagreement arises as to price between the Tariff Commission and the man who seeks to import, who is to determine what is a reasonable price?

Mr. LONGWORTH. I will answer the gentleman. It is probable that no disagreement ever would arise. I will answer the question specifically, however, in the course of a general explanation.

Gentlemen, the adoption of these amendments will obviate all legitimate criticism of this licensing system as proposed in this bill. In the first place there is unquestionably some doubt as to the constitutional power of Congress to provide a board to be selected by certain industries interested in the general subject. There is no possible question as to the constitutionality of giving these functions to the Tariff Commission.

Secondly, there has been some question in the minds of gentlemen as to whether the provisions in the present bill would make it mandatory on the licensing commission to issue a license in every case where the dye was not obtainable in this country.

Thirdly, it obviates any question of the commission or any of its members having any financial interest in the administration of the law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONGWORTH. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. LONGWORTH. The amendment which I shall offer absolutely compels the Tariff Commission to issue a license automatically and at once in the case of every dye sought to be imported, where that dye is not made in this country. It is a question of fact, and the Tariff Commission are probably better able to point to the fact than any other commission, because they have in their possession a census of the dye manufacturers of this country, which they have submitted to Congress in a recent report. They know every dye maker; they know every dye he makes. They have in their office all the information, so that at once, beyond any question, a license will issue to any man who desires for use in his factory a dye which is not made in this country. The only discretion left in the commission with regard to issuing licenses is where the dye is made in this country, but the applicant for the license submits that he can not procure it within a reasonable time and for a reasonable price. There the Tariff Commission will use its discretion in the matter,

and it seems to me that probably it would be the rarest circumstance where any disagreement could arise.

The plain, practical fact of this whole matter is that the purpose of this provision is to prevent the importation of dyes which are made in this country. As a matter of fact, to-day, gentlemen, our manufacturers are supplying at least four-fifths of the American market. There is no question about the importation of those dyes. They are made here, and they are just as good as any dyes made anywhere else. The only question as to importation arises from the fact that there are certain dyes of a highly specialized nature, evolved during the 40 years in which Germany has controlled the world market in this business, that our chemists have not yet learned how to make. They are mostly these vat dyes. A number of them were covered by the patents which were bought by the Chemical Foundation, and that is the only way in which the Chemical Foundation can possibly appear in connection with this matter. They have licensed the use of some of these German patents to American manufacturers, and they are now experimenting along those lines. The danger would be that if we did not have this license system, dyes similar to those which are being made in this country would be dumped in here regardless of the cost; because, as I have pointed out repeatedly during the course of this debate, the Germans to-day are not concerned as to the price they get for the disposition of this enormous accumulation of dyes they have now, not only in Germany but in Switzerland and Sweden and Norway and other countries, which are available almost at once for importation. They do not care anything about the price they get for them, but what they want to do is to cut down and overthrow the American chemical industry, which will be their only serious competitor in this country, in the American market. Once having destroyed our whole industry, then they can bring in their dyes and sell them for any profit they please, because there will be no competition against them. No tariff rate, no matter how high, will prevent that, gentlemen. This is the only way to prevent the destruction of our infant chemical industry.

The proposition involves only two years. It practically involves only a year and a half, because the importation of the necessary foreign dyes for the next six months is already provided for. It is a purely temporary expedient, to prevent the dumping of this vast accumulated surplus.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LONGWORTH. I will ask for myself the same privilege that I asked for the gentleman from Pennsylvania [Mr. MOORE], that I may, if I desire, proceed again on this amendment, that by yielding the floor I may not be precluded from speaking on it later.

The CHAIRMAN. The gentleman asks unanimous consent that he may be allowed to speak a second time on this amendment. Is there objection?

There was no objection.

Mr. BURROUGHS. Mr. Chairman, as this is a very important matter so far as the interests of my district are concerned, I ask unanimous consent that I may proceed for 20 minutes.

Mr. GREEN of Iowa. Mr. Chairman, reserving the right to object, does not the gentleman really think that if he wanted 20 minutes on this bill he ought to have asked for it in the general debate?

Mr. BURROUGHS. I certainly did, and was promised it.

Mr. GREEN of Iowa. How did it happen that the gentleman did not get his time?

Mr. BURROUGHS. The time was used up before I was reached.

Mr. GREEN of Iowa. When did the gentleman put in his request?

Mr. BURROUGHS. Before the debate was begun.

Mr. GREEN of Iowa. This is pretty late.

Mr. BURROUGHS. The chairman of the Committee on Ways and Means will substantiate what I say, that I did actually make a request a day or two before the debate began.

Mr. GREEN of Iowa. I did not understand it, and I will not object, because I did not understand the situation.

Mr. BURROUGHS. Mr. Chairman, if one may judge from the course which the debate has taken so far, there are some gentlemen in the House who believe in the Republican policy of a protective tariff to protect our industries against foreign competition, but they believe in it with important qualifications. They give it credit—that is, some credit. They have faith in it, but not full faith in it. They believe in it sometimes, but not now. For instance, these gentlemen, if I can believe what they say, if I understand their proposition, believe in this Republican doctrine of a protective tariff as applied to Great Britain and France and Spain and Japan, but when it comes to applying it to Germany, oh, no; they draw the line there.

They believe in this doctrine of protective tariff as applied to coal, steel, iron, and textiles, and a thousand other things, but when it comes to dyestuffs they throw up their hands. They believe, at least they say they believe, in this doctrine of a protective tariff in two years from now; but for the space of two years they say—to use a homely expression—it is not worth a "tinker's dam."

Now, Mr. Chairman, I am one of those who believe and really believe in the Republican protective tariff policy [applause] as sufficient, and amply sufficient, together with its antidumping provisions, to protect and safeguard all American industries at all times and against all the world. [Applause.]

Mr. STRONG of Kansas. Mr. Chairman, this is a very important speech, and I think there should be a quorum present.

Mr. KITCHIN. I suggest that the gentleman from Kansas ought not to filibuster in that way. [Laughter.]

Mr. STRONG of Kansas. It is no filibuster.

Mr. KITCHIN. It is very important that the House should pass this bill this afternoon, and I hope the gentleman will not filibuster.

Mr. STRONG of Kansas. I have said this is a very important bill, and it is very important that Members should be here and hear this speech.

Mr. KITCHIN. It is important, and it may be, as the gentleman from Pennsylvania said this morning, that it is necessary to get this under the skulls of the Republicans. [Laughter.]

Mr. STRONG of Kansas. We are trying to convert the Democrats, and there is still some hope for them.

The CHAIRMAN. The gentleman from Kansas makes the point of order that no quorum is present. The Chair will count. [After counting.] One hundred and one Members present, a quorum.

Mr. BURROUGHS. Mr. Chairman, in common with all members of the committee, I listened with much interest to the very able speech of the gentleman from Ohio [Mr. LONGWORTH], who opened the debate a day or two ago in support of this bill. Not since I came into this House has it been my pleasure to hear a more comprehensive or enlightening statement. With much that he said I am in complete accord. With all that he said with reference to the great and even vital importance of the dye industry, both from an industrial and a national standpoint, I wholly agree. I have no quarrel either with him or any other advocate of this bill in what they have said concerning the necessity of early action by Congress to safeguard this industry against any unfair competition that may reasonably be apprehended on the part of Germany or any other nation.

But, Mr. Chairman, I am wholly unable to follow the logic of the distinguished gentleman from Ohio and others in the particular method by which they propose in this bill to accomplish this end. We all wish to protect and safeguard the dye industry against ruinous competition when the protection which has been afforded by the war is removed. I for one, however, decline to do this at the expense and to the great injury of other American industries at least equally as important as the dye industry. I say I decline to do this. I do decline and refuse to do it unless I can be shown that this is the only means of maintaining an industry that is absolutely essential to the national defense. I am frank to say that up to date, although I have read the hearings before the committee with much care and listened attentively to the debate, I have not been convinced that the licensing feature contained in the present bill is either desirable or necessary.

Mr. Chairman, the district that I have the honor to represent in this House is one of the large industrial districts in this country. Some of the largest and most important textile manufacturing corporations in the United States are located there. These people are all vitally interested in this proposed legislation, and they are all, as I am advised, opposed to the licensing provisions contained in this bill. They are not opposed in any sense to the dyestuffs industry. On the contrary, they want to see it suitably protected at least until such time as it shall have reached a complete development in this country. They want to see all reasonable encouragement and protection given to it so that it may furnish dyes in quality, quantity, and variety equal to those produced anywhere in the world.

But the people that I represent have had quite enough experience with war boards and commissions. They wish to get rid of them so far as possible at the earliest practicable moment. While the war was going on, in common with all good citizens, they acceded to all the red tape and all the dictatorial and arbitrary action that had been inseparably connected with these boards and commissions. But now when the war is over they feel that all such means and agencies of governmental interference with individual action in business affairs is unwise and unnecessary. Instead of creating more of them we ought to put

an end to most of those that now exist and get back to normal ways of doing things as soon as we can.

The position of the textile manufacturers of my district is well expressed in the following quoted telegram which I have just received from the agent of the Amoskeag Manufacturing Co., Hon. H. F. Straw, of Manchester, N. H., one of the best known and best informed manufacturers of cotton and worsted fabrics in the United States:

We understand a system or bill for the licensing of dyestuffs to be imported from abroad is to be considered by the House of Representatives to-morrow morning. The textile people are in no way opposed to giving all due protection and encouragement to our dyestuff interests, but we do object strongly to a system which puts the interests of this great industry at the arbitrary discretion of any board or any commissioner. It would be impossible to conduct our business intelligently when we were at any time liable to have our plans upset at any moment, and must ask the permission of any man or men before we could buy materials absolutely necessary to the successful conduct of our business. Such restriction might possibly be justified by war-time necessity, but seems absolutely unjustifiable in a time of peace. The actual situation in the dyestuff industry seems to us to be about as follows: There are many colors to-day sorely needed for the successful dyeing of our goods, both cotton and worsted, which are produced and can be bought abroad, and which our makers perhaps can not, but certainly do not, produce now. These colors we believe we should be allowed to buy at our own discretion, as we think we are better judges of our own needs than any Government board can possibly be. We are perfectly willing that any tariff, reasonable and necessary for the protection of American makers, should be imposed on these imported dyes; beyond this we believe we should be allowed to exercise our own judgment as to the amounts needed in our own business. We believe the American makers may eventually produce these dyes, but it would certainly seem they have little or no inducement to work in this direction as long as their importation is arbitrarily restricted by license or embargo. We are speaking in the interests of both producers and users of colored textiles, as it is impossible to-day to make as satisfactory and durable colors of many kinds with American dyes as with foreign.

Mr. LONGWORTH. Will the gentleman yield?

Mr. BURROUGHS. Yes.

Mr. LONGWORTH. Does not the gentleman realize that as to every one of the dyes mentioned in that letter, under the amendment that I said I would offer, the license will automatically issue without any discretion on the part of the commission?

Mr. BURROUGHS. I do not understand it in that way, but the gentleman's amendment has not yet been adopted.

Mr. LONGWORTH. Would the gentleman be satisfied if it were adopted?

Mr. BURROUGHS. It is true that the dyestuffs industry practically started in this country because of the opportunity afforded by the war. Up to that time it was practically a one-nation industry. Germany was producing up to 1914 three-quarters of all the dyes consumed by the whole world. It is true, also, that under the stimulus and the protection afforded by the war this industry has now got a substantial start in this country. Something like $400,000,000 are now said to be invested in the dyestuffs industry in 16 States of the country, and in 1918, in addition to supplying the major part of our domestic needs, dyes and dyestuffs to the value of nearly $17,000,000 were exported to the United Kingdom, Canada, France, Italy, Japan, Spain, and many South American countries.

And yet many dyes that are now vitally necessary in the manufacture of high-grade textiles, as, for instance, the cotton and worsted fabrics made by the Amoskeag Manufacturing Co., in my district, are not now obtainable in this country. Their manufacture depends upon technical chemical processes, with which, as yet, our dye makers and chemists do not seem to be familiar. They have to be imported, and this condition will doubtless continue for some considerable length of time.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. BURROUGHS. Yes; for a question.

Mr. MOORE of Pennsylvania. The gentleman has stated that there are $400,000,000 invested here in the dyestuff industry. Those figures have been disputed and held to be too high, but I would like to say to the gentleman—because I think it is important—that while it is claimed that the dyestuff manufacturers represent $400,000,000, the users of dyestuffs, by the same authority that gave the $400,000,000, represent $3,000,000,000 of business.

Mr. BURROUGHS. The gentleman is quite correct. I understand the testimony in the hearings showed that not only was there business to the extent of $3,000,000,000 directly interested as users of these dyes, but a further investment of $3,000,000,000 was indirectly interested.

Mr. MOORE of Pennsylvania. The industries dependent upon the dyestuffs mount up to $3,000,000,000, while the actual dyestuff investment is $400,000,000.

Mr. EMERSON. Will the gentleman yield?

Mr. BURROUGHS. For a question.

Mr. EMERSON. I want to call attention that if the $3,000,000,000 industry had not been protected years ago they would not be here to-day.

Mr. BURROUGHS. Nobody is advocating anything except a suitable protective tariff to protect this industry. We all want to protect the industry, and we all realize that it is a vital industry, and we all want to protect it.

Mr. MOORE of Pennsylvania. If the gentleman will permit me, I would like to say that the bill provides the highest possible protection to dyestuff manufacturers, and the only thing we object to is that it shall not create a monopoly through this dye-licensing commission. Gentlemen who want to vote for a monopoly will vote for the dye-licensing commission.

Mr. BURROUGHS. Why, of course, as the gentleman states, the tariff rates provided in this bill are highly protective, considerably higher than were ever before provided by any tariff bill ever passed by the American Congress. I do not object to that, but I think that is going far enough.

This is said to be an "infant industry," and that is probably true. That is to say, it has not yet reached complete development, and its continuance in this country, now that the protection afforded by the war is about to be removed, will be seriously endangered unless encouragement and adequate protection in some other form is extended to it.

The tariff rates proposed by the bill would seem to afford ample and adequate protection to this industry. These rates, both ad valorem and specific, are considerably higher than those afforded by existing law, which, at the time it was passed in 1916, was understood to afford adequate protection to this industry. It is probably true that in addition to these tariff rates we ought to have a more stringent antidumping law in order to prevent Germany or any other nation from flooding our market with these dyes at a price very much lower than they are sold at home. The gentleman from Michigan [Mr. FORDNEY], the distinguished chairman of the Ways and Means Committee, said in his speech on this bill on Tuesday that he was now preparing such an antidumping bill, and that he expected it would be ready for consideration by the committee in the near future.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURROUGHS. Mr. Chairman, I have not heretofore taken up much of the time of the House——

Mr. CANNON. Mr. Chairman, I hope the gentleman's time will be extended.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. BURROUGHS. I think I can finish in 10 minutes.

Mr. CANNON. I hope it will be granted, because I am a seeker after knowledge touching this legislation.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

Mr. BURROUGHS. There are still other means by which this dye industry may be protected. One of them is the power in the hands of the Federal Trade Commission to prevent unfair competition. These German dyes, if they come here, will not, except in rare instances, be imported direct by the manufacturer. They will be imported in the first instance by dealers in this country, who will sell the dyes to the manufacturers as they are needed. Competition between such dealers and the American manufacturers of dyes will be, under existing law, entirely under the jurisdiction of the Federal Trade Commission to prevent unfair practices.

Then, too, as we all know, there are important provisions in the peace treaty between this country and Germany—which I sincerely hope may soon be ratified—that ought to afford strong protection against any possible menace from unfair German competition. I refer to those provisions in the treaty giving to the reparation commission large powers of control over trade between Germany and the allied nations.

Then there are 4,500 German patents held by the Chemical Foundation (Inc.), and covering, it is said, substantially every kind of dye known to the trade. It is confidently believed that licenses issued by the Chemical Foundation to manufacture dyes under these patents will also afford substantial protection against German competition.

Mr. LONGWORTH. Will the gentleman yield at that point? I do not want the gentleman to have any misinformation——

Mr. BURROUGHS. I know what the gentleman has stated. And I will say that whether these patents cover all of the dyes known to the trade or not it is a fact that they do cover every dye that Germany thought it was worth while to take out a patent on in the United States.

Mr. LONGWORTH. To prevent our manufacturers making them.

Mr. BURROUGHS. It is a significant fact that in all the tariff hearings—mark this—for 40 years the representatives of the dye industry in this country have never asked for anything in the way of protection other than that afforded by the tariff. They have always said that if they could have the rates which they suggested this would be sufficient. If the tariff was deemed sufficient to protect this industry before the war, what has happened in the meantime to make it less effective? Certainly, as I have already shown, the dye industry in this country, although it may not be said to be yet firmly established here, is in a much stronger position than it was before the war. Can it be said that Germany, beaten and prostrated as she is, with a depreciated currency, a great labor unrest throughout the country, and with a reparation commission practically controlling her trade with the world until she shall have paid her war debts, is in a stronger position to compete now than she was before the war? I think not. If adequate protective tariff rates were deemed sufficient, as in fact they were always deemed sufficient, before the war, I must be shown why they are not sufficient to afford all necessary protection to this dye industry at the present time.

Mr. Chairman, I have complete faith in tariff as a means to protect and to upbuild infant industries like this. It has been found sufficient heretofore. Those who did not believe in a protective tariff said that we could not build up in this country a steel industry, and yet we all know that America now leads the world in the production of steel. More recently the opponents of protection argued against it in connection with tin plate. They told us that there was something in the atmosphere in Wales that made this industry natural to that country, and that no protective tariff could build it up here, and yet the fact is, Mr. Chairman, as we all know, that to-day America makes three-quarters of all the tin plate in the world. [Applause.] I see no reason in the world why an adequate tariff such as is provided in this bill, together with an antidumping law, such as the chairman of the Ways and Means Committee is about to introduce, taken in connection with the other safeguards to which I have alluded, will not afford to this industry everything in the way of protection that is desirable or necessary in order that it shall reach a complete development in this country.

Now, what is going to be the effect if this licensing system is established? It is going to make every manufacturer or user of dyes come to Washington and appear before this board and prove to the satisfaction of the board either (1) that such dyes as he desires are not obtainable in this country or (2) that such dyes are not obtainable in this country on reasonable terms as to price, quality, and delivery. To be sure, the bill provides that the commission "shall issue licenses to import for use in domestic manufacture," and so forth, from which it is argued that it is substantially mandatory upon the board to issue a license upon application. I do not so understand it. This language of the bill, to my mind, clearly grants to the commission full discretion either to issue or to withhold the license. I mean by that that the commission is the sole and final judge as to whether a certain dye is obtainable in this country. It is also the final judge as to whether, if obtainable at all, it may be obtained on "reasonable terms as to price, quality, and delivery." What are "reasonable terms"? No standard appears to be fixed by the bill. All is left to the commission. It is for them to say what is reasonable and what is not reasonable. For example, is the holder of one of these 4,500 German patents to which I have referred going to be allowed to charge the royalty that he will have to pay to the Chemical Foundation on this patent in fixing a price on the dye he makes and offers for sale? Is that going to be a part of the "reasonable terms"?

The point I wish to make is that arbitrary power is thus placed in the hands of this licensing board—power to grant or to withhold a license upon findings of fact to be made by the board, from which there is no appeal. Such power may have been necessary in time of war. It is confidently believed that it is not at all necessary and it is certainly not desirable when we are trying to get back to normal peace conditions. The great objection to the licensing system is the inevitable delay and consequent damage that will be caused to the American dye-consuming interests in getting the things they want when they need them. The user of the dye is not ordinarily the licensee. The quantity which he requires of particular dyes and his knowledge of his needs are not such as to enable him to import them long enough in advance, and the user in the ordinary case, with the exception of a few large corporations, must rely upon some dealer who will import the dyes and carry them in stock ready for use as he needs them. It is entirely impossible for the dealer to know what the calls are going to be upon him for any considerable period in advance, because he can not ascertain from his customers. They will not know themselves. These questions are determined by fashion. As bearing out this contention, I take leave to quote from the testimony at the hearings given by Mr. John P. Wood, president of the Pequea Mills, Philadelphia, Pa., and for many years president of the National Woolen Association. Mr. Wood was one of the important witnesses before the committee. He said:

I begin to offer a line of goods to my customers for the next spring at this time in the year (July), and certain styles are brown and certain are blue and certain are gray. My customers can not tell until they begin to get results from their sales which colors are going to predominate. In some years they will be what are known as brown seasons, when brown will predominate; and another time it may be blue, and, exceptionally, it may be an unusual color, like a green tone. I must wait until that need is developed before I can order the dyestuffs which I require. Then, when the need is developed, I must have the dyestuffs at once. I can not wait until they are imported. If I go then to the dealer and he says this particular color which you have asked for I can not supply because I was unable to get a license, and I have impressed him with my need, and that there is nothing else that I can get in this country, and he says come before the license board with me and tell your case. So we come down here and meet the licensing board—I presume it will not be in constant session; these gentlemen, all but one of them, are serving without pay; they have busy interests of their own; they live in different parts of the country, and there must be times for them to get together and consider these questions. So, probably an appointment is made for me a week or two weeks or three weeks hence to present my case. * * * We will suppose the board is in session constantly. Most of us know from experience in Washington during the last two years how very difficult it is to get a question upon which a decision is needed passed upon by any of these various boards. They are busy, with a great deal of business coming before them, and they can not take up every man's application as soon as it becomes urgent to him. However that may be, it will be necessary for me to come down here and prove my case, and I will have to show that I have tried to get American colors for this particular necessity, and have been unable to do so, and they ask me what the requirements are, and I tell them of all the different things that occur to me, fastness to light, fastness to scouring, fastness to fulling, and so forth, and then they tell me there has lately been brought out a new American color, which they think will answer these needs, and they show me various samples. My only answer is that I have not had that submitted to me yet, but I am perfectly willing to try it; and I go home and send for a product sample and begin to experiment, but these experiments necessarily involve time. I can not tell whether a blue for a blue serge suit is fast to the sun until it is exposed to the sun; I have to expose it for days to determine that, so with the various other characteristics. I finally discover that in some one of these particulars it fails. It may bleed on white; it has not the same color under artificial light, or for some reason or other it does not meet my case. I have got to come before the licensing board again and show my difficulty. Perhaps then they may give me a license. Meanwhile on the contracts which I had made I am in default; machinery that I have and my employees are probably waiting for work. After I have finally obtained the license, which had not been given to the dealer previously, he has then to get the product from where it originates. Even though he cables for it, it is a matter of three or four weeks before it can be brought here.

Under such conditions, I believe it is not unfair or unreasonable to conclude that the inevitable effect of such a system would be to hamper and hamstring and, in many instances, actually prevent the manufacture of certain grades of textiles in this country. Such fabrics would be imported, to the great injury and loss of the American textile industry. It has taken years of persistent effort and painstaking skill to develop the domestic manufacture of textiles so that the better qualities would be accepted by the public as in all respects equal to the best of similar imported fabrics. For some years preceding the war this position had been attained by the products of many American mills. But if manufacturers here are going to be unable to procure the necessary dyes of the same excellence as those available to their foreign competitors, the public will soon begin to realize through personal experience an inferiority in the color of domestic goods, and there will inevitably be revived the old prejudice in favor of imported goods, and that prejudice will persist for years after the cause for complaint has been eliminated.

Mr. Chairman, I am in favor—I believe we are all on this side of the House at least in favor—of affording adequate protection to this vitally important dye industry. I am wholly opposed to the method suggested for affording that protection through a licensing system, because of the delays, inconveniences, and loss that it will necessarily entail to other equally important American industries, and for the further reason that it is wholly unnecessary. I oppose it because of its arbitrary powers. It would not and could not be uniform in its application. It would inevitably favor some to the injury of others. The tariff, on the other hand, is absolutely uniform. It applies to all alike. It plays no favorites. It is the method heretofore employed and which in all similar circumstances has been found effective. No good reason is perceived why we should now engraft upon it this new and dangerous undemocratic, unrepublican, and un-American licensing policy. [Applause.]

Mr. DALLINGER. Mr. Chairman——

The CHAIRMAN. The gentleman from Massachusetts. [Applause.]

Mr. DALLINGER. Mr. Chairman, I am only going to take up the time of the committee for just a moment. I have always been a believer in the American policy of protection,

because I have believed in building up American industries. The free-trade theory, if we had had it in practice as part of our policy throughout our history, would have resulted in this country being an agricultural country pure and simple. It is because of the policy of protection that we have to-day a vast and varied manufacturing industry, built up by the wise and beneficent policy of encouraging home industry by tariff legislation. Now, Mr. Chairman, as has been said by the preceding speaker, the true policy of protection is uniform and impartial. It protects all American capital and all American labor—the small producer as well as the large manufacturer. It has been the policy of the Nation and not of individuals, and I have always resented the charge, so frequently brought against the American protective policy, that it was a policy of special privileges.

I have been surprised that any committee of this House would bring in a bill with a clause in it such as this licensing clause. No protectionist heretofore, however extreme, has ever gone to the length of saying to the American people that, in addition to a protective tariff for the purpose of raising revenue and at the same time giving incidental protection, "you must buy the American product, even if it is inferior in quality, although you may be willing to pay two or three times as much for a foreign product of superior quality." That is precisely what this licensing clause does. It puts in the hands of a licensing commission here in Washington the right to say to the American consumer of dyes, "You can not buy the foreign product, even if you are willing to pay a very large duty, unless we give you a license, and we are going to compel you to purchase the domestic article that in our opinion is 'just as good' in quality," although the American consumer of experience knows that it is not of as good a quality.

One of the members of the Committee on Ways and Means told me since this bill has been under discussion that his wife bought some American goods to make a dress for his little girl and that the domestic dye, which had not yet been perfected in this country, had run and the dress was spoiled after the first wearing. I submit, Mr. Chairman, the American people will not stand for any such legislation. They will not stand to be told they have got to buy the domestic article regardless of its quality.

The object of a high duty is to encourage the production of American goods of as good quality as the foreign article. If you have such a license provision as this there is no incentive to the American producer to improve the process, because he knows that a license will be refused for the importation of the foreign article. With the protective tariff, Mr. Chairman, I believe in the spur of foreign competition. I believe in a tariff that protects American labor and capital, but I believe that there should be a possibility of importing the foreign article that may be superior in quality. If an American citizen desires to pay the increased price for the foreign article which he believes superior in quality and necessary for his business, he should be allowed to buy it if he is willing to pay the duty which this Congress puts on the article. [Applause.]

With this license clause you are practically doing away with the benefits of protection. You are putting a Chinese wall up, and you are saying to the American producer, "You need not care about the quality of your goods, because the American people are bound to buy them regardless of their cost."

Mr. Chairman, I am in favor of a duty high enough to protect American labor and capital, and I believe that with the spur of foreign competition our industries will eventually be able to produce goods of as good quality as any in the world, but I am opposed to the licensing feature of this bill, and I trust that the amendment offered by the gentleman from Pennsylvania [Mr. MOORE] will be adopted. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, I have always been a firm supporter of the protective doctrine, but I can support this bill without abating one jot or tittle of my protective principles. The gentleman who spoke a moment ago, Mr. BURROUGHS, who made a very able speech in opposition to the bill, said that those who favored the license plan contained in this bill considered the protection principle as sufficient as against England and against France and as against any other country except Germany. Right the gentleman was. It is sufficient against any country that will conduct its business on honest and honorable standards. It is not sufficient as against a country that continually employs the machinations that Germany has used to destroy the business of this country.

If anyone wants to understand what Germany has been doing let him read the report of the Alien Property Custodian. Let him understand that arrangements have been made, with the approval of the German Government, that German goods should be sold here at any price that would drive out the American manufacturer, no matter what it was, and the Government would make up the difference. In the same manner as during the war Germany filled our land with spies with design to destroy our factories by means of dynamite or fire, it has also filled our land at all times with its agents seeking to destroy our business, our manufactories, by means of secret and devious methods. As I stated yesterday in discussing this bill, while this war was going on Mr. Hugo Sweitzer, an agent of the German Government, in examining into this matter with reference to dyes, wrote to Count von Bernstorff that it would be merely "child's play"—I use the exact words he used in his letter—that it would be merely "child's pay" to drive out the American manufacturer under the protective system that was established by the Hill bill, which carried nearly as high rates as this bill.

Now, gentlemen have said that an antidumping provision would be sufficient to keep the German manufacturers from overwhelming our business in this country. Ordinarily that would be true, but in the case of dyes manufactured by a secret process who can tell what is the cost? What method is there of applying the antidumping provision, which is based upon the cost of the article which is imported? The only method by which we can be sure to control the situation is by some sort of a license system such as this bill provides.

Now, the gentleman from Ohio [Mr. LONGWORTH] has offered, instead of the license commission which is provided for in this bill, another provision, making the Tariff Board the license commission. I am quite in accord with his amendment, because I have preferred the Tariff Board all the time. The provision which is carried in the bill was put there because so many gentlemen objected that the consumers of the dyes would not have sufficient to say about the matter if any governmental board was in control. So in order to protect them we framed a provision in which the consumers of dyes, the manufacturers of cloth, should be in the majority. As it seems now, it was still not satisfactory to many of them. I therefore favor the amendment offered by the gentleman from Ohio, putting the Tariff Commission in their place.

Mr. FESS. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. FESS. I have had in my own mind three very specific objections to the licensing provision in the bill, and one was the constitutionality of the item as written. The Tariff Board would remove that objection.

Mr. GREEN of Iowa. There would be no question about it.

Mr. FESS. The other was that there might be an advantage taken that would prove a selfish advantage to those who were issuing the license. That would be removed by the Tariff Board.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] asks unanimous consent to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. FESS. If the gentleman will permit, the third objection that I have had is fundamental; that is, that the license system is a wrong method of legislation, and the Tariff Board amendment has not removed that objection from my mind yet. Does not the gentleman think that in the promise that we have made that we will take the shackles off of business, it is a bad step to add more to it when the war is over? That is what troubles me more than anything else.

Mr. GREEN of Iowa. I will take up, briefly, the matters which the gentleman has mentioned. He first spoke of the constitutionality of the provision in the bill with reference to the appointment of the commission. I wish only to say a word or two with reference to that, because it is likely to go out in any event. I want to say that the gentleman from North Carolina [Mr. KITCHIN] was entirely incorrect in imagining that the members of the committee had given no thought to the constitutionality of this provision. There has been a great diversity of opinion as to what constitutes an officer of the United States. For example, the Members of the House who sit here may think they are officers under the Constitution of the United States, but they are not, and the Supreme Court has so decided. Not all—and I might say only a small portion—who act for the United States in various capacities are officers of the United States. In the case of the United States against Germaine, reported in the Ninety-ninth United States Reports, which I have before me but from which I shall not take the time to read, the Supreme Court laid down several particulars which were necessary to constitute an officer of the United States. One

was that he should receive a salary from the United States; another, that he should take an oath of office; another, that his duties should be continuous and not intermittent.

Gentlemen will observe that none of those matters apply to the commission which is created under this bill. Instead of being officers, the members of this commission would be merely agents of the Treasury Department. For that reason the Ways and Means Committee considered this constitutional objection was not valid. Some of us admitted there might be some doubt of it, and for that reason, as the gentleman from Ohio says, I prefer the substitution of the Tariff Board.

Now, coming to the last and more fundamental objection that the gentleman from Ohio mentioned, which I regard myself as serious and important, and upon which I realize very fully there are two sides to the question, and that it admits of argument and discussion, the question is whether this board will so interfere with the business of the textile manufacturers that on the whole it might be regarded as a hindrance rather than a help to industry in the United States. I do not think it will, and I will give my reasons.

The gentleman has had some experience, and all the Members of the House have, with the various boards that have been created in war time. The arbitrary methods of these boards have caused a very strong prejudice against any matter being submitted to a board or commission, and with very good reason, because these boards have been autocrats to themselves, governed by no rule, controlled by no law, except the law which created them, and by the President, who was above them. Consequently their acts were at times arbitrary in the extreme. But this commission will not be such. It is controlled by law, and I undertook, in connection with the other members of the committee, to so hedge about their authority, to so define it and particularize it, that there could be no danger of their acting arbitrarily. And the gentleman from Massachusetts said a short time ago that under this bill a man might be obliged to buy American dyes even though they were inferior goods. Not at all. The case is just the contrary. The provisions of the bill before we get through with it, if they are not already, will be explicit in that respect. Moreover, this bill only lasts for two years. It is simply to get the dyestuff industry fairly on its feet under competition with Germany, and we hope to be able to do that in two years.

Mr. BUTLER. May I ask the gentleman a question? Will it be possible to amend this bill so as to place in the hands of the user the authority to be the judge of the quality that he must have and not submit that question to some tribunal to determine for him? Have I made it plain? It is to give to the user of the dyestuff the authority to judge of the quality and whether or not the dyestuff made here is of sufficient quality to suit him.

Mr. GREEN of Iowa. No; I do not think an amendment of that kind could be added. I do not think that could be done if the license system is preserved.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GREEN of Iowa. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. GREEN of Iowa. This license system, if it should be adopted at all, as evidenced from the situation which we have before us, will be placed in the hands of the Tariff Commission. So far, through all our experience with the Tariff Commission, we have never had any trouble with the decisions of that commission on questions of fact, whether the members of the commission were appointed by a Republican President or by a Democratic President. So far as their decisions upon questions of fact are concerned, they have always been accepted. All that they have to do under this bill will be to pass upon the facts of the case, and then the facts having been determined, it follows as a matter of course that the license will either be granted or not granted. Under those circumstances I feel that I should support the provisions of the bill.

Mr. ANDERSON. Mr. Chairman, I appreciate the fact that the principal issue between gentlemen of the House is represented by the motion of the gentleman from Pennsylvania [Mr. MOORE] to strike out the section. I do not, however, intend to discuss that particular feature of the bill—that is, the license feature. Before we reach the motion of the gentleman from Pennsylvania the vote will come on the motion of the gentleman from Ohio [Mr. LONGWORTH] to substitute the Tariff Commission for the commission provided by this bill, and it is to that motion that I wish to address myself.

I stated yesterday in a request to extend my remarks for the purpose of printing some amendments that I was confident that the method of designating the commission provided in the bill was without constitutional warrant, and the amendments which I proposed were intended, without in any way affecting the general policy of the bill, to provide for a constitutional method of designating the commission and exercising the functions imposed upon it. The amendment offered by the gentleman from Ohio disposes of the constitutional objections which I had in mind; but I wish to advert to them very briefly, because whatever may be done with this section finally, it is clear that the amendment of the gentleman from Ohio ought to be adopted.

The pending bill provides for a dye licensing commission, composed of 11 members, 10 of whom are selected by 10 different commercial organizations, none of which has any official status whatever. The Constitution of the United States provides that—

> The President shall nominate, and by and with the advice and consent of the Senate shall appoint, ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law. But the Congress may by law vest the appointment of such inferior officers as they may think proper in the President alone, in the courts of law, or in the heads of departments.

That provision clearly contemplates that persons exercising official functions under the Constitution or the laws of the United States shall be appointed by the President, either alone or by and with the advice and consent of the Senate, or by the judiciary, or by the head of a department created by Congress. I want to read in connection with what I am saying an opinion in the case of United States against Germaine, in Ninety-ninth United States Reports, beginning on page 509. In this case the question of who is an officer of the United States is raised, and in discussing that question the court said——

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. ANDERSON. Mr. Chairman, I ask unanimous consent to proceed for three minutes.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. ANDERSON. In that case the court said:

> The argument is that provision is here made for the appointment of all officers of the United States, and that defendant, not being appointed in either of the modes here mentioned, is not an officer, though he may be an agent or employee working for the Government and paid by it, as nine-tenths of the persons rendering service to the Government undoubtedly are, without thereby becoming its officers.
>
> The Constitution, for purposes of appointment, very clearly divides all its officers into two classes. The primary class requires a nomination by the President and confirmation by the Senate. But foreseeing that when offices became numerous and sudden removals necessary, this mode might be inconvenient, it was provided that, in regard to officers inferior to those specially mentioned, Congress might by law vest their appointment in the President alone, in the courts of law, or in the heads of departments. That all persons who can be said to hold an office under the Government about to be established under the Constitution were intended to be included within one or the other of these modes of appointment there can be but little doubt.

Mr. Chairman, it seems to me that that statement, while it does not have the effect of deciding the question—because the question raised here was not specifically raised in this case—clearly indicates the construction to be placed upon the provision of the Constitution which I have just read, and that is that all officers—and officers are those exercising official functions under the Government—must be appointed in one or the other of the methods provided by the Constitution.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield for a question?

Mr. ANDERSON. Yes; I yield.

Mr. GREEN of Iowa. The gentleman, of course, is aware that the particular party acting for the Government in that case was held not to be an officer?

Mr. ANDERSON. That is true. He was not held to be an officer, but he was held to be an agent or employee of the Government. The statement which the gentleman makes has nothing to do with the effect of this decision, however, because the court clearly says that those who exercise official functions—and certainly the exclusion of articles of import from the United States is an official function—must be appointed in one or the other of the methods stated in the Constitution.

Now, the amendment of the gentleman from Ohio obviates the question of the constitutionality of the method proposed by substituting the Tariff Commission for the commission now proposed in the bill. That commission is appointed by the President. Entirely aside from the constitutional question involved, the Tariff Commission is clearly the body which ought to exercise the functions prescribed in this bill, if anybody is to exercise them. It has already accumulated the material necessary to determine the main questions that will arise in the execution of the licensing provisions of the act.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired.

Mr. GARLAND. Mr. Chairman, I am for a protective tariff, first, last, and all the time. I do not believe, from experience with the license system, that it is in line with a protective tariff. I remember that only just about a year ago the Secretary of the Interior invited the chrome users of this country to his office. He also invited the members of the Mines and Mining Committee. I was present. Before that time a law had been passed providing that the President could license the importation of chrome and certain other minerals. The President put it into the hands of the Secretary of the Interior to enforce, and after a long trial he called this meeting to see where we were at on chrome. That was the way he put it. The Secretary made a speech to those present. He talked for about an hour. He said plainly that he belonged to a political party that did not believe in protection; that they had come to the point where the conditions in this country required brotherhood-of-man operations; that one strong operator must not take advantage of a weaker operator, and along that line. Then he said, "Now, how have we been operating under this license system? What has been the result?" He began asking the different users. One said, "We went into the business of trying to produce chrome out in California. We found it increased the price a great deal, and then found it was not satisfactory; we abandoned that. Then we went up into Canada and bought mines there. We produced it there and brought it down here to our works. But we found that when we got it down here chrome was being sold, all that the users wanted, at a price just half of what we could produce it for. We spent $125,000 trying to do that. We are out that much."

Another said, "We get all the chrome we want. We get it from the same parties from whom we got it before the war." "How do you get it?" "Well, we simply get it." Then the Secretary said to a large number of employees and the heads of the Shipping Board and the War Material Board who were present, "How is this? Did not the license plan operate? Did it not function?" They said, "Yes; but ore is being brought in." He asked how it was being brought in. Well, it was brought out and stated there that the ships coming from New Zealand and Australia, where chrome ore could be had, were loaded with sheepskins and wool, light loads, and they needed some kind of ballast. They said if they put sand in it cost $4 a ton to shovel it into the vessel and take it out again. It brought the Government nothing. The Government paid the $4; but if they brought the chrome ore over the Government got $35 a ton from it. Therefore they thought they would let them bring it in, and they did that, and absolutely did not comply with the licensing feature at all, and the net result was more imports of chrome ore than ever before.

The Tariff Commission, into whose hands it is proposed to put this, is a Democratic commission. Its members do not believe in a protective tariff. They can do the same thing.

This licensing system grew up in wartime. The license system was brought in by Democrats who did not believe in a protective-tariff measure. It was brought up for the purpose of developing resources that were needed during the war that had not been developed before. They put in this licensing system as a plan to go by during the war. Now, we are putting it into a bill here that is going to defeat the very purposes of a protective tariff. I am opposed to it, because of the actual experience I have had in seeing it try to operate under this administration. [Applause.]

Mr. FORDNEY. Mr. Chairman, I had intended to ask to limit debate on these two amendments, but I have so many requests for time that I will let it run on.

Mr. MONDELL. Mr. Chairman, I am sure every Member on the Republican side will support the tariff provisions of this bill, and I very much hope that there are a considerable number of gentlemen on the other side who will do the same. I think that whatever our views may be with regard to the protective tariff system, as a whole, the American people are pretty generally in agreement on the proposition that so far as it is practical to do so we should be industrially independent in America. We should, at least, be independent of the balance of the world with regard to industries and industrial products that are vital to the life and welfare of the Nation. I think during the course of these years of World War we have all of us realized the importance of placing the Nation in a position which will render it independent of the outside world for its vital needs and necessities in time of war. I think that no development of the war has burned itself into the consciences and souls of the American people more than that of the absolute necessity of being armed with those essential products that the Nation must have for its protection.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I yield to the gentleman.

Mr. MOORE of Pennsylvania. Would the gentleman apply that same doctrine to imports of wool?

Mr. MONDELL. Most assuredly.

Mr. MOORE of Pennsylvania. I happen to have here a statement from the New York Sun of this morning that Australian wool is coming into Boston, and that many thousand bales are displayed in the auction market there. That wool is coming from Australia under British auspices. It is raw material imported into the United States which we need here for the purpose of manufacturing garments, to make clothing for our people. The gentleman is in favor of a tariff on wool, is he not?

Mr. MONDELL. Most certainly; a reasonable tariff.

Mr. MOORE of Pennsylvania. Would the gentleman be in favor of a commission appointed by the present administration to say what wool should come into the United States and what wool our manufacturers of wool should receive in this country?

Mr. MONDELL. Most certainly, if there was a condition warranting it, as there is in the case before us.

Mr. MOORE of Pennsylvania. The gentleman, then, is in favor of a commission to be appointed by President Wilson or by this administration, in addition to the protection he puts on wool by legislation?

Mr. MONDELL. I have not said anything of the kind. I do not think anything of the kind necessary.

Mr. MOORE of Pennsylvania. I understood the gentleman to say that he was in favor of a commission of that kind.

Mr. MONDELL. I have not said anything of the kind, and it is not a question whether President Wilson or somebody else appoints. It is a question of the necessity and the need of the hour.

Mr. MOORE of Pennsylvania. The need of the hour is that American manufacturers get the materials they need in their business.

Mr. MONDELL. As an American I would meet the need of the hour, not from the viewpoint of any particular class of individuals, however worthy they may be, but from the viewpoint of the best interests of all the American people. Their best interests, in my opinion, will be best served by building up American industries. [Applause.] That is my viewpoint.

Mr. MOORE of Pennsylvania. Will the gentleman yield further?

Mr. MONDELL. Possibly the gentleman from Pennsylvania will concur with me when I have developed what I have to say.

Mr. MOORE of Pennsylvania. I would like to follow my leader, and will wait to see if he and I agree. [Laughter.]

Mr. MONDELL. One of the most wonderful things in the world of science is the wide use of coal-tar products. America, the greatest coal-producing country in the world, producing more coal than all the balance of the world——

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. MONDELL. At the outbreak of the war we were absolutely dependent on foreign nations for a multitude of the products of coal tar, essential and necessary products. I think America has determined that that situation shall not again confront us, that we shall be relieved from that condition of affairs or the danger or the fear of it.

We have unlimited quantities of the material from which coal-tar products are made. We have unlimited opportunities for the development of science and industry for the production of the numberless products of coal tar. The American people are determined that we shall develop this industry, and we are proposing to lay the base and foundation for it in this bill by a protective tariff. Whether the rates are high enough or not, I do not know; I am following the committee in that regard. But it is the opinion of the majority of the committee that a very peculiar and unusual situation confronts us with regard to these industries. I am quite sure that there is no one on the Republican side, and I think very few on the Democratic side, who would be willing to admit that we propose or desire to adopt, or that it would be wise to adopt, as a part of our permanent national system a system of the licensing of imports. It has been necessary to do that to a certain extent during the war. It has been a necessary evil, increasing the handicaps that have surrounded industries under war conditions. We desire to be free from such handicaps as far as it is possible to be, and ordinarily we may be entirely free from them in a time of peace.

But gentlemen who are well informed, gentlemen who have carefully studied the situation, are of opinion that, with regard to the dye industry, when trade shall be reestablished with certain foreign countries a reasonable tariff rate will not protect the industries that have been built up in our country during the war, and to meet that situation they have proposed a temporary license system.

I am of the opinion that these gentlemen are sound in their conclusions, they have given the matter very careful thought and attention. I have not been happy at any time with the commission that was proposed in this bill, and I am very greatly pleased that the gentleman from Ohio has finally concluded to offer the amendment that he has. I think it is logical and reasonable that whatever licensing there is to be should be by the Tariff Board. I am convinced that it is essential that for a brief period, possibly as long as two years, the commission should be empowered to handle the situation through a licensing system.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MONDELL. I ask unanimous consent for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. No one is proposing this as a permanent American policy. It is proposed and suggested because it is necessary to meet the situation. What benefit will it be to have tariff rates as high as those carried in this bill, or higher after the industries that are just getting under way have been put out of business by the dumping of vast quantities of foreign goods upon this market. There is a situation which must be met in the immediate future. We must guard the gates until these industries just starting can get on their feet and in position to sustain themselves.

Now, there are certain folks connected with protected industries who have been beneficiaries of the protective system, who do not agree to this temporary provision because, forsooth, they say it will temporarily annoy some of their industries. It may make it a little more difficult for some of these industries to temporarily profit by the dumping of vast quantities of cheap foreign goods on this market. I have little patience with that sort of attitude. Of course, it costs somebody a little something to establish great industries. It temporarily cost the people of our country something to establish the great tin-plate industry, but it helped all in the long run.

But eventually we were all the beneficiaries and we are now simply asking that the industries that have been established during the war, that in the course of time will be able to supply our market, and eventually reduce the cost of those products, shall be protected and for a time assisted under a license system until they can get on their feet and under way. [Applause.]

Mr. REED of West Virginia and Mr. MOORE of Pennsylvania rose.

The CHAIRMAN. Does the gentleman from Pennsylvania desire recognition?

Mr. MOORE of Pennsylvania. I desired to ask the gentleman from Wyoming a question, but I find he has no time.

Mr. FORDNEY. Mr. Chairman, again I am going to make a request for a limitation of debate on this amendment. How much time does the gentleman from Ohio wish?

Mr. EMERSON. I would like to have two minutes.

Mr. KITCHIN. I would like about seven minutes.

Mr. FORDNEY. Mr. Chairman, it seems everybody wants time on this amendment. The gentleman from Illinois [Mr. CANNON] has been trying to get in all day, and I would not under any circumstances try to limit him or anybody else, but we are spending a whole lot of time on this particular amendment, whether or not we substitute the Tariff Board for the commission provided for in this bill. Now, we are discussing everything on earth under this amendment. I want to get along and get this bill out of the way, and we ought to confine further debate to the particular item or subject in the paragraph of the bill.

Mr. KITCHIN. I might suggest that when the gentleman from Michigan makes his 10-minute talk the gentleman from Illinois will be sufficiently enlightened so that he will not want any time.

Mr. CANNON. I want to hear the gentleman from North Carolina.

Mr. KITCHIN. I think I can enlighten the gentleman if he will come over to my desk and I can talk to him about two minutes, and it will not only save my own time but the gentleman's also.

Mr. FORDNEY. I shall withdraw the request for the present.

Mr. REED of West Virginia. Mr. Chairman, I ask unanimous consent that the telegram I send to the Clerk's desk be read.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

CLEVELAND, OHIO, *September 24, 1919.*

Hon. STUART F. REED, *Washington, D. C.:*

As one of your constituents, located at Clarksburg, we earnestly urge passage Longworth bill to preserve dye industry of United States, to prevent this industry again reverting to Germany. Adequate protection and license system as provided by Longworth bill we consider absolutely essential.

GRASSELLI CHEMICAL CO.

Mr. MOORE of Pennsylvania. Mr. Chairman, may I ask the name of the company which sent that telegram?

Mr. REED of West Virginia. The Grasselli Chemical Co.

Mr. MOORE of Pennsylvania. Where is it located?

Mr. REED of West Virginia. At Clarksburg, W. Va.

Mr. MOORE of Pennsylvania. With headquarters in Cincinnati?

Mr. REED of West Virginia. I understand it has branches in other parts of the United States.

Mr. MOORE of Pennsylvania. Is it an independent company, may I ask the gentleman?

Mr. REED of West Virginia. My information is that its chemical activities are largely to take care of its by-products.

Mr. MOORE of Pennsylvania. Does the gentleman know whether they own any of the German patents?

Mr. REED of West Virginia. I do not.

Mr. MOORE of Pennsylvania. I do not want to embarrass the gentleman, but I think I can say to him that it is the owner of some of the German patents.

Mr. REED of West Virginia. Well, I want to say that it established in Clarksburg, W. Va., one of the splendid industries of America which has for several years been giving employment to hundreds of laborers at good wages. It has been a great benefit to the city and community. And should it be true that it has acquired German patents, it is to be commended for taking away from Germany both the patents and the industries and transferring them to America, where they will benefit American labor and pay taxes to support American institutions. And that very thing has happened.

Mr. MOORE of Pennsylvania. I have no doubt of it.

Mr. REED of West Virginia. Mr. Chairman, I am in favor of this bill, because I believe in the policy of protection to American industries. Knowing the history of my country and knowing what that policy has done for its progress and development, I am willing to accept the "licensing section," which is designed to still further strengthen its protective features. We have been told during the progress of this debate that the regulation of imports of chemicals and dyestuffs by a commission is un-Republican doctrine; that in connection with the so-called Chemical Foundation corporation such a commission can be used to hamper and even destroy other industries.

I am willing to accept the statement of my distinguished colleague, the gentleman from North Carolina [Mr. KITCHIN], who assures us that the Chemical Foundation will be administered, not for profit, by men who, under the provisions of the charter, are to receive no salary and will not get a penny out of any lease of the patents taken from Germany.

We are further assured that all manufacturers in our country who desire to avail themselves of the German patents, can get them on very reasonable terms.

My colleague from North Carolina [Mr. KITCHIN] has given his solemn word to this House that the Chemical Foundation will not become a profiteering or selfish agency in administering this important trust.

Argument has been adduced with much emphasis to-day to establish the fact that this bill will create an American monopoly of the dye industry. It is conceded that Germany has had such a monopoly for a long time and, while I do not admit that this bill tends toward such a result, if it did, I would prefer an American monopoly, financed by American capital, functioning by the employment of American labor, and paying taxes to support American institutions, than to have our people and our textile industries at the mercy of a German monopoly across the seas.

If we get these industries here in our own country, Mr. Chairman, it is a pleasing thought to me that when our people buy $10,000,000 worth of dyestuffs, we still have the dye products and the money here at home and the greater part of the $10,000,000 in the pockets of American laborers. [Applause.]

Fears have been expressed that a dye monopoly in America would interfere with or perhaps destroy the textile industries. Now, that is not a terrible presumption. I take it if the dye

industries are to prosper in this country they must have the looms thundering and the spindles whirling because there is their market. The American people, in their homes do not use any great amount of chemicals or dyes. Who believes that the American dye manufacturers will conspire to destroy their own market, the American market, the best market to which they have access in all the world? It would be business suicide for them to put the American weavers and spinners out of business or create a condition that would bring foreign goods or textiles to our shores. Very good reasoning has been put forward to show that the licensing system seems to be necessary at this time in addition to a high protective tariff because we are dealing with Germany.

In America and in most of the civilized countries with which we have dealings the Government goes no further than to create by law favorable conditions for business men and manufacturers, and after that both men and industries must work out their own salvation. If they lose money, the Government takes no account of them; if they make money, well and good. But let us not forget that Germany has had a monopoly of this business and will fight to the last to retain it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. REED of West Virginia. Mr. Chairman, I ask unanimous consent to continue for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. REED of West Virginia. If it were needed in order to destroy an American dye industry, the German business man would have back of him the potency and power of the German Government and likewise the German treasury. We have never gone that far in peace times in this country. The American business man, as I have stated, has always had to work out his own salvation, and he deserves every legitimate protection his country can give him.

A short time ago a returned soldier came to my office. He wore his uniform and was a splendid type of young manhood. He walked in and said, "I presume you do not remember me, but I heard you speak at the graduating exercises of the Glenville State Normal School in your district when I was a member of the graduating class, three years ago." Grasping his hand, I said, "My boy, where have you been? Have you been at the battle front?" "Yes," he said. And then he told me of his experiences, of shell shock in one battle, of a hole torn in his side in another battle, of his suffering for hours before he was found and sent to the hospital for treatment. Each time he recovered and returned to the front, and in one of the last engagements a German shell tore away a large portion of the fleshy part of his leg. He finally was brought home and to the Walter Reed Hospital, and came from there to my office. I asked him how he was feeling now. He said, "Pretty good. I have some scars, but I have a pretty good leg left." I said, "Young man, the Government owes you a debt of gratitude. What can I do for you? There are several positions vacant around Washington here, and I will try to get you a position in some of the Government departments, and shall be very glad to look after your compensation. You ought to have a liberal pension." The young man shook his head and said, "No swivel-chair job for me. I am not caring anything about compensation or pension, Mr. REED. I am glad that I helped to carry the old flag to victory and that I am back in my own country in pretty good health after all the experiences I had at the front. I am proud that I defended my country against a foreign foe, but I do not want the Government to do anything for me." Turning again to me, he said further, "Mr. REED, I would be glad to have you recommend me to some of the great industrial concerns of my country, where I can enter and grow up in the business and make a living for my wife and child; that is all I want."

What a grand American spirit that was! [Applause.] Mr. Chairman, if that spirit actuates three-fourths of our returned American soldiers to-day, the institutions of our country are safe. It is for our American institutions that I plead to-day. Let us amply protect the industries wherein our brave soldier boys may find employment and opportunity to develop that wonderful initiative that makes the American artisan the most heroic figure in the industrial world.

Now, my friends, I am glad of another thing. We are all trying to figure out what this World War has brought to civilization and mankind. We hear it said that out of the strife and suffering will come a new-born world. We pray that such may be the outcome. Our good President is sweeping across the continent telling what beneficent things may be evolved from the World War. But, as I was saying, I am truly glad of one thing, while I regret that it took a crisis of civilization to make it possible. My Democratic friends on the other side of the aisle have at last been brought to see the wisdom of the Republican policy of protection. Several of the leaders on that side have recently advocated the tariff rates of the Payne-Aldrich Act, which was once so odious to them. Yes, indeed, it is refreshing to be able to look up from the pitiful wreckage that litters a war-wasted world and see the new light shining upon the free-trade paths which they have so long followed. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. Mr. Chairman, I am going to ask unanimous consent, and if I do not get consent, I am going to move that all debate on these amendments close in 45 minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that all debate on the pending amendments close in 45 minutes. Is there objection? [After a pause.] The Chair hears none. The Chair will recognize the gentleman from Indiana [Mr. FAIRFIELD].

Mr. FAIRFIELD. Mr. Chairman, many of the Members of this House have listened very patiently for two days to a multitude of words upon this subject, yet but two or three very clear statements have been made. I think everyone is convinced that there is need of protection for the dye industry. There is a difference of opinion as to how that can be secured. Most of us on the Republican side have believed that the protective principle is effective if it is made high enough. [Applause on the Republican side.] The other side of this contention demands a license system on the ground that, no matter how high the protective tariff is that might be placed on it, Germany would dump large and already-manufactured amounts of dyestuffs upon the American market. If I were convinced that that were true, I would have no hesitancy in supporting the licensing feature. But the licensing feature is vicious in principle. No man has undertaken to defend it as a principle here in any of this discussion, and every man has been saying that it is a temporary makeshift. I am afraid that gentlemen are taking counsel of their apprehension rather than of their knowledge. Not one word, except opinion; no statistics; no facts; nothing upon which a man can base a conclusion resulting from a basic fundamental argument has been put forward in the two days of debate.

If there was a first, a second, a third, and a conclusion, so that men could say, "I am basing my action upon knowledge," I think there would be no difficulty at all in composing this subject immediately and directly. I confess, gentlemen, that I have listened very patiently to the discussion here. When I asked for time in the beginning I was assured that the discussion would be ended the first day, and I was exhorted not to consume any time. And yet it has gone on and on and on, and how many men in the House to-day know definitely anything about the threatened inundation from the Germans by virtue of vast stores that are already prepared? I am not willing to admit, gentlemen, that there could be no tariff high enough adequately to protect any industry in this country. [Applause.] Until I am convinced of that, until men can show on the floor, beyond merely expressing an opinion, some basic fact that underlies the contention, I shall have to vote against the licensing feature. I think there are many men upon the floor that have earnestly and honestly desired to know what the real situation is. It may be that men will say to us, "We have looked into it; we are convinced that this threatened inundation will be sure to follow." But, gentlemen, is it not about time to come before Congress and present an argument that will appeal from all the facts put forth, so that men will not have to act simply upon your judgment and opinion in the matter? [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired. The Chair will recognize the gentleman from Ohio [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman and gentlemen of the committee, I want to say to my good friend from Indiana [Mr. FAIRFIELD] that when we Republicans write a protective tariff on tungsten we consult the producers of tungsten, and when we write a bill on wool we consult the producers of wool. If I understand it aright, I am consulting those in the dye industry and this is what one of them says; and what he says places this whole proposition in a few very nifty words:

CLEVELAND, OHIO, *September 25, 1919.*

Hon. HENRY I. EMERSON,
House of Representatives, Washington, D. C.:

We urge your active support of House bill 8078, relating to protection or dyestuff industry, and in particular to the feature providing for licensing of imports. The establishing and perfecting of manufacturing processes for the more difficult colors the manufacture of which has just started here requires such a length of time, and necessarily therefore such high initial costs that no tariff alone will furnish such protection as to guarantee a complete dyestuff industry in this country. The control of importations by license is therefore of paramount importance. We are producing at our Cleveland works coal-tar products which will be vitally affected by this bill.

THE BARRETT CO.

Now, gentlemen, I am willing, if we want to establish in this country the dye industry, to consult the people who have got to do the manufacturing and producing in this industry. Generally I am opposed to such commissions as that, but in this instance I am in favor of the proposition.

The CHAIRMAN. The time of the gentleman from Ohio has expired. The Chair will recognize the gentleman from Pennsylvania [Mr. HULINGS].

Mr. HULINGS. Mr. Chairman, for two days I have listened attentively to this discussion. When it began I was very strongly opposed to the idea of a licensing commission composed as it was set out in the bill. It seemed to me that the licensing commission might give licenses to whom it liked, to import German dyes and foreign dyes. That objection has been in part removed by the substitution of the Federal Tariff Commission—to issue license without discrimination to all applicants. I was further opposed to it for the reason that the dye business in this country now, according to my notion, is absolutely controlled by the men who own the German patents. It stands to reason that the Germans, in filing their patents over here, would file those patents which science in their laboratories has invented which are most modern and most up to date and the most valuable patents. These patents have gone into the hands of the Chemical Foundation, and the gentleman from North Carolina [Mr. KITCHIN] says the trustees who handle these patents have no pecuniary interest in the patents; that they are merely trustees. But there was not one word that he uttered that would give anyone any reason to believe that anyone might go to the Chemical Foundation and get the use of these foreign patents. They made no declaration of trust that they hold these patents for the indiscriminate use of American citizens.

Now, then, if the men who own these patents shall control the dye business in this country, as undoubtedly they will, any person outside of that favored circle is prevented from getting foreign dyes or going to any other market than the market of the American monopoly. It seems to me that a high tariff would stop all this. I know after the war of 1812, when the textile interests of this country, through the embargo, had got a little start, that Lord Brougham, in the British Parliament, said:

> It would be well worth our while to send $150,000,000 of textile stuffs over to the American market and destroy their infant industries over there.

But a protective tariff supplanted the embargo of war and our industries were saved. Why can we not do the same thing in stopping the Germans unloading upon this market? [Applause.] Not, indeed, by estimating your ad valorem duties upon what they say the goods are worth in Europe, but by valuing the imported goods at what they are worth in the market here, and then soak them with your high tariff.

It seems to me, Mr. Chairman and gentlemen of the committee, that would be a remedy. It would prevent this unloading of German goods on this market, and it would be uniform throughout all the country, and it would do away with the necessity of having any more of these Government commissions. The country is tired of them. The possession of the German patents give the owners a rock-ribbed monopoly, unless all manufacturers are free to use them on equal terms—and when I ask if they are free on equal terms the gentleman from North Carolina can only tell us that the trustees are fine gentlemen who have no pecuniary interest in the patents. That is no answer at all. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. If there is no further debate the Chair will——

Mr. MOORE of Pennsylvania rose.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not want to criticize the leader of the Republican side for raising the question of sectionalism in regard to tariff matters, but I think it is fair in passing to say that I have not heard anyone discuss this problem as a regional or sectional matter. The whole question is whether we are going to pass a protective tariff bill without a monopolistic feature added to it.

The gentleman from Wyoming unquestionably will vote to protect wool in his section of the country, and I have always voted to protect his raw material and give him the highest possible duty. I have not understood as a Republican that we have had any differences upon that question, but that we have rather endeavored to teach the doctrine of protection in this House from one end of the country to the other, and if possible to have our Democratic friends thoroughly understand that situation.

I find in the New York Sun an editorial saying that vast quantities of wool are coming in from Australia. Does the gentleman from Wyoming desire to protect American wool and encourage the growth and development of it here? I am anxious to stand with the gentleman on that. I have always stood with him on that. But when I read in the same paper in an editorial about what our competitors on the other side are doing I question whether we ought not to be able to obtain raw materials here with which to enter into the trade of the world.

In this editorial the New York Sun this morning says:

> WIDE-AWAKE BRITAIN ALREADY CAMPED IN GERMANY.
>
> Great Britain, the paramount world trader before the war, was back on the job before the ink on the treaty of peace was dry. By all signs she is rearranging her commercial compacts, even with Germany, before the other Allies have ratified the treaty or have finished debating it. In the last several peace months she has increased her exports some three-quarters of a billion of dollars. Wise old England! Able manager and trained negotiator, she was planning it all out while the battles waged. She was ready for it when the firing ceased.
>
> Great Britain is taking in many cargoes from Germany. She is delivering many cargoes into Germany. The cables tell us that she already has proceeded so far with this readjustment and resumption of former trade relations that the Germans have authorized in Berlin a British board of control to regulate the German goods that shall be permitted to go into the markets of the United Kingdom and the British goods that are to have smooth sailing into the markets of the German States.
>
> This seems to be one good answer to those who think that Germany is more or less permanently restrained from stepping back into international trade because of her inability to get raw material. On the face of it she is getting enough raw material for an exchange of trade with the stupendous British market. On the face of it, too, British capital, British credit, and British sources of supply will abundantly provide for German industries all the raw materials they may require to revive and maintain the old flow of traffic between the two mortal enemies of yesterday.
>
> Another good answer is in the cables which are so busy in these days with reports of German financial, industrial, and commercial conditions. They advise us of arrangements now negotiating in Argentina for a German credit there of $100,000,000—Argentina, relatively a speck on the vast international trade field! From Argentina Germany can get on that credit not merely such supplies as grain and meats; she can get such raw materials as flax and wool for cloth and clothing, hides for shoes and harness, and other leather articles.
>
> Still another answer seems to be in those cables which are also telling of the revival of industry in the Essen district. In Germany, in all Europe, mention of the Essen district conveys to the minds of men what in this country is conveyed to American minds by the term Pittsburgh district. The Essen district is not yet what it was. It will not be for many a day. Nevertheless trustworthy reports are that it is not destitute of iron and steel; it is not destitute of coal. There is enough of these materials to yield a high production once the readjustment and reorganization are completed. As a matter of fact, in some of the industries there are mills and factories now working with two eight-hour shifts, and even three eight-hour shifts, a day.
>
> With the German people willing to work, ready to work, determined to work, German industry can get raw materials the world over on the straight, simple business proposition of bank discounts. German industry can take the hides of Argentina, manufacture them, export them, sell them, take up with the proceeds in a few months the notes on which the raw material was bought, with a handsome profit on the transaction left in German pockets.
>
> German industry can do the same thing with American copper. German industry can do the same thing with American cotton. German industry can do the same thing with other American raw material. But it is Great Britain, shrewd, vigilant, painstaking, which is on the job of resuming business with German industry. It is Great Britain which now has the edge in Germany on American producers. It is Great Britain which is writing double mortgages on German trade, outward bound and inward bound.
>
> Meanwhile, Mr. Wilson's sole ambition, and the chief labor of the United States Government, is his league of nations. To everything else we are asleep, while wideawake Britain, wideawake Holland, wideawake Argentina, wideawake everybody else gets the business with wideawake Germany.

This editorial indicates that we must have protective tariff measures in this country, and that we must have the facilities for manufacturing and developing here, or our allies, who have control of the trade routes of the world to-day, will be on the job long ahead of us.

Now, the gentleman from Pennsylvania [Gen. HULINGS] has made what I regard as one of the crux speeches in this whole debate. He has referred to the German patents seized by this combination in the Alien Property Custodian's office and turned to their own use, this combination which leases out these patents upon royalties and derives an income therefrom. I think the gentleman from New Hampshire [Mr. BURROUGHS] in his speech said that these patents, about 4,500 in number—I have seen the list of them and it makes a good-sized printed book—cover all the dyestuffs that the ingenuity of German scientists could devise.

Now, when they had influence in the United States they protected themselves by taking out patents upon these devices under our patent laws. These gentlemen down in the Alien Property Custodian's office, whether rightfully or wrongfully, whether they have covered themselves against damage suits by securing a provision in the treaty of peace, seized those patents and applied them to themselves. Now, may I ask my friends on this side and my friends on the other side this: Given rates which make a prohibitive tariff against German dyes, do not the dye makers have in the possession of those German patents in the United States a weapon that makes them almost invincible? They not only want a high protective tariff, for which

I stand, but they want a licensing commission to dominate the business and hold up the prices, and they want also to exercise the right to use every German patent in the United States, patents which they seized and sold to themselves. They are not actually suing those who use these dye materials, or attempt to make them in the United States, for infringements of the patents which they took from the Germans. And yet gentlemen will insist on this floor that we are in danger of a foreign invasion of these dyestuffs. I wish you would call your own witness, Dr. Taussig, the head of the Tariff Board, and ask him, in view of his recent visit to Europe, whether or not there is any danger of a foreign invasion of dyestuffs. He is not attached to any of these consolidations or any of these concerns that are grabbing a monopoly here.

Mr. KITCHIN. Mr. Chairman, I wish there was some remedy that could be applied that would cure this Chemical Foundation rabies which afflicts the gentleman from Pennsylvania [Mr. MOORE]. It makes no difference what you believe about the Chemical Foundation. It has not one single thing in the world to do with the motion before the House. The motion before the House is to strike out the words "dye licensing commission" and substitute "United States Tariff Commission." What on the face of the earth has any fact connected with the Chemical Foundation got to do with the merits of that amendment, or how does it throw any light upon it? The bill says one kind of board shall constitute the dye licensing commission. This amendment substitutes for that the United States Tariff Commission as the dye licensing commission. Yet the distinguished gentleman from Pennsylvania [Mr. MOORE] can not get the Chemical Foundation out of his mind. If I had been nominated for as big a thing as the mayor of as big a city as Philadelphia I would not show that I was so blessed scared and frightened of the Chemical Foundation. [Laughter.] Why, the gentleman ought to have more manhood, more courage, more bravery than to be frightened out of his boots and go into fits every time anybody mentions the Chemical Foundation. [Laughter.] If Gen. HULINGS had not mentioned the Chemical Foundation the gentleman from Pennsylvania [Mr. MOORE] would have kept his head cool and would have discussed the real proposition before the House upon its merits; but just as soon as the gentleman from Pennsylvania [Mr. HULINGS] mentioned the Chemical Foundation or its officers I looked over there and the gentleman from Pennsylvania [Mr. MOORE] was trembling in his shoes. [Laughter.] Why, you never saw a man so frightened at anything. The little child in the nursery is not half as afraid of the goblins and ghosts as this gentleman is of the Chemical Foundation. [Laughter.]

Gentlemen, the only question in this motion is whether the members of the license commission shall be composed of these different representatives of private interests and shall be appointed by private corporations and not be amenable or responsible to the Government or subject to Government control, but responsible to those corporations only, or whether the officers who administer this license provision shall be Government officers, governmental agencies responsible to the Government. The only thing in the proposition before the House is whether the United States Tariff Commission shall be the license commission or whether the commission appointed by the National Association of Cotton Manufacturers, the National Association of Woolen Manufacturers, the National Association of Leather Manufacturers, and the National Association of Druggists, as the bill now provides, shall constitute that board.

The gentleman from Pennsylvania [Mr. HULINGS] says that the gentleman from North Carolina failed to answer his question yesterday.

Mr. HULINGS. No, I did not say that. I said that the gentleman from North Carolina, after stating that these trustees had entire control and had no interest in the business, failed to say that any person, any American manufacturer could go there and get the use of these dyes.

Mr. KITCHIN. The gentleman must have been talking to somebody and did not hear what I said. The gentleman asked a question, and here is my answer on page 5928:

> This license or permit to use these patents must be granted, by the terms of the charter and articles of agreement, by these trustees to every manufacturer of dyes in the United States, big or little.

That answers the question. Every one.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. HULINGS. I ask unanimous consent to speak for one minute.

The CHAIRMAN. The time has been fixed by the committee.

Mr. HULINGS. I have been waiting for a couple of days, and everybody has barked, and the gentleman from North Carolina [Mr. KITCHIN] has bullyragged me.

Mr. LONGWORTH. Mr. Chairman, a final word on the subject to see if I can correct a misapprehension which seems to exist. The gentleman from Indiana said that no evidence had been presented here as to the necessity of a provision against the German dumping. Of course, we can not now state the actual figures of what Germany has on hand. We have had no access to her factories during the war, but this we do know, that Germany had on hand at the beginning of the war enough dyes to supply not only the American market but the markets of the world. And we know further that every one of her factories which was devoted in part to turning out poisonous gases and chemicals at the same time turned out dyes. So it is necessarily true that to-day in Germany there is a tremendous supply of dyes and coal-tar chemicals. In one factory alone they turn out 11,000 different colors.

What is the situation of Germany to-day? She has this enormous stock of dyes and chemicals piled up. Where is she going to get rid of them? Almost the day that the war was over England, France, and Japan adopted the system proposed in this bill that shut out all these dyes. So the only market that remains to Germany to-day is the American market. Is it conceivable that Germany will not use every effort to get a foothold in this market, regardless of the cost, to make it possible in years to come for her to sell in this market again, without any competition, at whatever price she pleases?

Is there a gentleman on the floor of this House that believes it is good policy—and I leave Germany out of the question—that it is good policy for this Nation to open its markets wide to nations who close their markets absolutely against us? Is there a man here who will say that it is good policy to say to Great Britain, who prohibits the importation of dyes into its markets, that "we will open our markets to their importations," and also say so to France and Japan? There is not a man on either side of the House who would advocate that as a governmental policy, and yet if you do not pass this licensing system that is exactly what you are doing.

The gentleman from Pennsylvania [Mr. HULINGS] is under a serious misapprehension, which I have tried a number of times to relieve, that this so-called Chemical Foundation controls all of these patents. It does not, because they are licensed to countless manufacturers. But if it did it would only relate to the control of one-sixth of the dyes produced to-day in this country, or produced in Germany for that matter. Talk about a monopoly, at most if this Chemical Foundation were all the pack of grafters that it is seemed to be insinuated they are, the worst they could do would be to affect or control one-sixth of the total American markets. It is too absurd to talk about. [Applause.]

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] is recognized for 15 minutes.

Mr. CANNON. Mr. Chairman, frankly I am somewhat embarrassed in using this time. I am not on this committee; I never was on the Ways and Means Committee. I have had a hard time when you come to the details of schedule to make up my own mind how I shall vote. But there is one general principle that is in my mind, notwithstanding I am not competent to make schedules, and that is that the Republican policy of protection is a policy that I stand for and always have stood for. [Applause.]

Let me state right now that if we are to have a licensing system, if you have got to take your hat in your hand from the Pacific to the Atlantic and come down to Washington and present your case, rather than have the license system reported in this bill, I should be inclined to vote for the amendment. If we have got to have it, I want it as harmless as possible. So much for that.

I have listened to both sides of the House in which you say that in this bill the protection from the protective standpoint is high enough. I think nobody disputes it, and yet it is stated that the value of the German mark is 24 or 25 cents in Germany, but outside of Germany, when it comes to the United States, the value of that mark is 5 cents minus. Somebody says 3, but whichever it is it makes no difference for the purpose I am using it. If they have all the dyestuffs and chemicals that the gentleman from Ohio says ready to dump on our market, they dump them at 24 cents, the value of the German mark in Germany, on the American market, while it is only worth 3 or 5 cents in value in the United States.

Well, if that is so, then God knows we need more protection than the present law gives, because it could be dumped upon this country. If the apprehension of the gentleman from Ohio and other gentlemen who agree with him is correct, I wish there was a bill pending reported from the Committee on Ways and Means, and I would be glad to vote for it, to say that the goods and dyes imported from anywhere are to be gauged by the American dollar when the duties are levied. I do not know

whether that would be germane or not to this bill. If it is, I hope somebody will offer the amendment, and I think that would dispose of the fear of unloading unnumbered shiploads of German dyes before we can get to work and make the fast-colored dyes. It seems to be a question of fast-colored dyes, and that is all I want to say about that. Gentlemen, the United States is the greatest producer of manufactured and agricultural products, thank God, of any nation on earth. I think I am correct in that. I am told, it has been stated and not denied, that the value of the products of the various people who are making something that uses dyes is three billions of dollars annually. Am I correct? If I am not, I stand to be corrected. Now, then, they say that they can not get fast colors. They talk about these patents, 4,500 of them, that have been taken over. I do not know hardly whether I would know a patent if I met it in the center of the aisle here, as far as that is concerned, but I know it is something that protects the patentee, and I know that whoever owns those patents, 4,500, practically run and glorify taking that knowledge. Have we capital enough in this country to develop this industry? They speak about the necessity for munitions and the necessity for dyestuffs—they seem to be twins—but during this great war, when we were thrown back upon our own efficiency, we made pretty good munitions, and we have made fairly good progress with dyestuffs. We have got the capital.

Now, I have no brief in defending or attacking this company that has been incorporated to take over these patents, not at all. I have no brief for or against the capitalists who have made munitions, the Du Ponts and others. God knows how many hundred people there are manufacturing dyestuffs in the United States. I can not tell, but I gather, which I think has not been denied, that the corporation which owns these 4,500 patents can run and glorify and charge royalties, not at a uniform price, or possibly even at a uniform price, but that they can discriminate if they so desire and establish a great monopoly. I am for the Republican policy of protection. What for? First, to control our own markets, everything that we can produce in the United States. Second, to have a surplus that we can compete in the markets of the world wherever it is practicable. That is the Republican protective policy. I rarely disagree with the majority leader, the gentleman from Wyoming [Mr. MONDELL]. I have a very high respect for him. He is one Representative from Wyoming, and two Senators—I forget how many from my State, I think 27 or 28. It does not make any difference whether there is one or twenty. The majority leader is very competent, but you know, New York first, Chicago second, the first and second manufacturing cities of this country; Philadelphia is third. Why, great heavens, dyestuffs are used galore from at least the Atlantic Ocean north and south to the mountains, and, thank God, at last, at last, that splendid South, you know, has got onto the necessity of diversifying its activities, and it will grow and grow. [Applause.] Now, I do not want a monopoly created in the United States with great capital, with power to fix the royalties in a corporation that my friend from Pennsylvania thinks is not a desirable one. I do not know whether it is or not, but if you could head it by Moses and throw in Aaron, if you could resurrect him, and take the greatest half dozen or dozen people who ever did live and who live now and give them these 4,500 patents, why, you know civilization rests upon the selfishness of the unit, and I am just apprehensive that maybe they may abuse it if they had it. If they do, we will have to legislate against them and prosecute them in the courts and probably would have a much better case in that than all this propaganda and hurrah against the packers.

The packers abound in my State—in Missouri—you know, in Minnesota, and various other places. They say they make 2 per cent profit on their total business. I do not know whether they make more or less. I know the meat supply and the food supply that comes handled by them beats all to pieces the system before the days of the railroads, when in the little township in which I lived as a boy once every two weeks we killed a beef, which was generally lean, and it was distributed from a dry goods box, and when I went down on one occasion to get my share, when somebody else had killed the beef, they gave me the neck [laughter] and mother said that she would not send me again. [Laughter and applause.] Oh, gentlemen, I do not know whether the packers are oppressing this country. I hold no brief to defend them, but it is no use to talking, they beat my ancient recollection before they came on, because they utilize all the by-products. Now, as I say, I hold no brief for them, and I can say that, in my judgment, it would have been far better if the United States had taken over the 4,500 German patents, at $250,000 for these 4,500 patents, and made a royalty that any American citizen, any producer, whether in Pennsylvania, or Illinois, or Kentucky, or anywhere else, could go and have a fixed law and regulation as to royalty and as to the price [applause] if they should get it from Uncle Sam.

I have been trying—and I speak in the most perfect good faith—to find out whether I would vote for this bill or not. I will tell you what I will vote for. If the Ways and Means Committee, either by amendment to this bill or by a separate bill, will report it to the House, I will vote for an antidumping clause anywhere in our markets. It is pretty difficult to compete with Canada, to compete with Great Britain, and to compete with other countries, where in 24 hours, if they discover dumping, they can, through a council representing the Government, raise or lower the duties on imports as against the United States or anywhere else in the world. The Republicans would have to have an election, if not two elections, in which to talk about free trade and protection, and then the protection bill would have to go to the Senate, and the Senate would have to mull over it, and in the fullness of time it would go down to the President, maybe for a veto or maybe for approval, and it takes sometimes 24 months, and sometimes three or four or five or six years before we can change our laws for protection or free trade. Therefore we are at a disadvantage.

I want to see before this session of Congress adjourns, because I believe it is important, that we have an antidumping bill to vote for. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from Michigan [Mr. FORDNEY] is recognized.

Mr. FORDNEY. Mr. Chairman and gentlemen, it has been my desire, if we are to have a licensing commission, that that commission shall be just as far removed from political influence as possible. I think that is a matter of very great importance. For that reason I suggested when we were having hearings that if we were to have a commission I wanted it appointed from men on the outside and not appointed by the administration.

Only a few minutes ago I had a talk in my office with a gentleman who is a member of the Tariff Board. The gentlemen who make up the Tariff Board to-day are very high-class men, and I have the highest regard for them. Their work is research work. They have no administrative power. They would not have the power to administer this law if you should substitute the Tariff Board for the commission provided for in this bill. Of course, the administrative power might be given them, but they have no power to-day to perform other than research work, not even the power to recommend to Congress, let alone administering our tariff laws. And that is what this is—a tariff law. As I was saying, a gentleman, a member of that Tariff Board, told me only a few minutes ago that if we wanted to destroy the Tariff Board we should substitute the Tariff Board for this commission. As I have said, that was his individual opinion, expressed to me in my room only a few minutes ago. I told him what the amendment of the gentleman from Ohio was——

Mr. FESS. Will the gentleman yield?

Mr. FORDNEY. I yield.

Mr. FESS. That is a striking answer, and it is disturbing to me, for I had expected to vote for this amendment. I do not want to openly vote for an amendment that would destroy the function of the Tariff Board.

Mr. FORDNEY. He said to me, "Do not use my name unless you think it necessary; but if you do use it, say that I speak as an individual and not for the board." He said, "If you wish to destroy the Tariff Commission, pass that amendment, and we are gone." That is the language which he used.

Mr. KITCHIN. Did he give the gentleman a reason why it would destroy the commission by putting another duty on it?

Mr. FORDNEY. Yes. He said, "It places upon our board an entirely different work from that for which it was created, and we are wholly unfit to administer that law, because we have had no experience. Our work is research work—to furnish information to the administration and to Congress." And that is correct. They are doing an extraordinary work, gentlemen. They are among the best men that could be selected.

Mr. JUUL. Will the gentleman yield for a question?

Mr. FORDNEY. Yes.

Mr. JUUL. Did the gentleman mention to the gentleman a way out of this, or suggest another method by which we could dispose of it?

Mr. FORDNEY. He only said, "For heaven's sake, do not substitute the Tariff Board for the commission." That is all.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FORDNEY. I hope the amendment of the gentleman from Ohio will fail, because I am much more in favor of the commission as it is written in the bill.

Mr. KITCHIN. Mr. Chairman, I ask unanimous consent that the gentleman have one minute more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KITCHIN. I would like to ask the gentleman: Did Mr. Page, the acting chairman of the United States Tariff Commission, tell him whether or not, in his opinion, we ought to have a licensing system at all? Did he not tell you that?

Mr. FORDNEY. He did not, sir.

Mr. KITCHIN. Did you ask him his opinion about that?

Mr. FORDNEY. No; I did not want to embarrass the gentleman.

Mr. KITCHIN. I was somewhat curious.

Mr. FORDNEY. I did not ask him that. I have an opinion of my own, and I do not want advice on this subject. I have sense enough to know it is un-American and un-Republican. [Applause.]

The CHAIRMAN. All time has expired. The question before the committee is the amendment offered by the gentleman from Ohio [Mr. LONGWORTH], which the Clerk, without objection, will again report.

The Clerk read as follows:

Amendment offered by Mr. LONGWORTH: Page 9, line 7, insert, after the word "obtained," the words "as hereinafter provided"; in the same line, after the word "the," strike out the words "dye licensing commission" and insert "United States Tariff Commission"; and in line 8 strike out the words "hereinafter created."

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio.

The question was taken.

The CHAIRMAN. In the judgment of the Chair, the ayes have it.

Mr. MOORE of Pennsylvania. Division, Mr. Chairman.

The committee divided; and there were—ayes 83, noes 42.

So the amendment was agreed to.

The CHAIRMAN. The question recurs on the motion of the gentleman from Pennsylvania [Mr. MOORE] to strike out the section as amended, section 503 (a).

Mr. FESS. Mr. Chairman, the debate has not been exhausted on that, has it?

The CHAIRMAN. The Chair understands the debate is exhausted on both motions.

Mr. FORDNEY. It is exhausted on both.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Pennsylvania, to strike out the section as amended.

The question was taken, and the Chairman announced that the "noes" appeared to have it.

Mr. MOORE of Pennsylvania. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 53, noes 86.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask for tellers on that vote.

The CHAIRMAN. Gentlemen who desire to support the demand for tellers will rise and stand until they are counted. [After counting.] A sufficient number have risen. The gentleman from Pennsylvania [Mr. MOORE] and the gentleman from Ohio [Mr. LONGWORTH] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 54, noes 90.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 503 (b). A commission is hereby created to be known as the dye licensing commission, which shall be composed of 11 commissioners. The said commissioners shall be designated as follows:

One by the National Association of Wool Manufacturers.

One by the American Association of Wool and Worsted Manufacturers.

One by the National Council of American Cotton Manufacturers.

One by the National Association of Finishers of Cotton Fabrics.

One by the Silk Association of America.

One by the American Paper and Pulp Association.

Three by the American Dyes Institute.

One by the American Drug Manufacturers' Association.

The 10 commissioners thus designated shall elect the remaining commissioner, who shall be a person not actively connected with any industry which manufactures or consumes products covered by the act and shall be the chairman of the commission.

The first commissioners, other than the chairman, shall be designated as above provided as soon as possible after the taking effect of this act and shall serve during the life of the commission. Vacancies shall be promptly filled for the unexpired term by a new designation by the association represented by the commissioner whose position has become vacant.

Each of the said associations shall file with the Secretary of the Treasury, immediately upon the designation by it of a commissioner or commissioners under this act, a copy certified by its secretary of the resolution of the association effecting such designation.

The chairman elected by the first commissioners shall serve permanently during the whole of said period unless and until removed by a majority vote of the commission. The chairman shall be the medium of all communications to and from the commission. The commissioners shall serve without salary, except the chairman, who shall receive a salary of $5,000 per annum.

To meet the reasonable expenses of the commission, including the salary of the chairman, the cost of maintenance of a suitable office at a place to be designated by the commission, and the necessary traveling expenses of the commissioners in attending meetings of the commission, the commission may charge a reasonable fee for the issue of each license. Should the moneys received from such fees in any year be less than the said expenses the deficiency, not exceeding $50,000, shall be paid out of the appropriation for "expenses of collecting the revenue from customs."

Mr. LONGWORTH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONGWORTH: Strike out all of section 503 (b) down to and including the word "annum" on page 11, line 4.

Mr. WALSH. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The Clerk will finish the reading of the motion for amendment.

The Clerk read as follows:

In line 5, after the word "the," where it occurs the second time, insert the words "United States Tariff"; in line 6, strike out the words "including the salary of the chairman" and insert in lieu thereof the following: "in executing the duties imposed upon it by this act."

In lines 8 and 9, strike out the words "and the necessary traveling expenses of the commissioners in attending meetings of the commission."

In line 13, strike out the words "not exceeding $50,000."

Mr. LONGWORTH. Mr. Chairman, this is simply an amendment to strike out the provisions that were in the original bill and which have no application to the paragraph now.

The CHAIRMAN. Does the gentleman from Massachusetts wish to be heard on his point of order against the amendment?

Mr. WALSH. In view of the fact that the amendment has been read and the committee by its action has made some changes in the provisions of the bill, I will withdraw my point.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the section as amended.

The CHAIRMAN. The gentleman from Pennsylvania desires to strike out the remainder of the section?

Mr. MOORE of Pennsylvania. Yes. I understand the section has been read in full. I desire to move to strike out the section as amended.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the section as amended. Does he desire recognition?

Mr. MOORE of Pennsylvania. No.

The CHAIRMAN. The question is on agreeing to the motion.

The question was taken, and the motion was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 503 (c). The said dye-licensing commission shall issue licenses to import for use in domestic manufacture such of the products covered by section 503 (a) of this act, and such products only, as may be unobtainable from domestic sources on reasonable terms as to price, quality, and delivery. The commission shall limit the issue of licenses to import any product as nearly as may be to the quantities required by the actual current needs of the consuming industries in the United States, having regard to the necessities of such industries as are unable to determine beforehand their requirements. Nothing herein contained shall authorize the commission to refuse a license to a manufacturer, person, or agent to import for actual use by the manufacturer a foreign dye when such domestic dye of equal quality is not immediately available for his use.

Mr. LONGWORTH. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONGWORTH: Page 11, line 15, after the word "said," strike out the words "Dye Licensing" and insert the words "United States Tariff."

Mr. LONGWORTH. Mr. Chairman, that is simply to comply with the amendment heretofore adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Ohio offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONGWORTH: Page 11, line 16, after the word "for," strike out the words "use in"; in lines 16 and 17, strike out the word "manufacture" and insert "consumption"; in line 18, strike out the words "and such products only"; in line 19, after the word "sources," insert the following: "and also such and such only of the said products as may, though obtainable from domestic sources, be unobtainable."

Mr. LONGWORTH. Mr. Chairman, I did not catch the Clerk's reading of the words "use in."

The Clerk read as follows:

In line 16 strike out the words "use in."

Mr. LONGWORTH. Mr. Chairman, I ask that the Clerk read the paragraph as it will read when amended.

The Clerk read as follows:

SEC. 503 (c). The said United States Tariff Commission shall issue licenses to import for domestic consumption such of the products covered by section 503 (a) of this act as may be unobtainable from domestic sources, and also such, and such only, of the said products as may, though obtainable from domestic sources, be unobtainable on reasonable terms as to price, quality, and delivery.

Mr. LONGWORTH. Mr. Chairman, this provision as amended will read:

SEC. 503 (c). The United States Tariff Commission shall issue licenses to import for domestic consumption such of the products covered by section 503 (a) of this act as may be unobtainable from domestic sources and also such, and only such, of the said products as may, though obtainable from domestic sources, be unobtainable on reasonable terms as to price, quality, and delivery.

The object is to make it mandatory on the commission to license wherever the dye is not manufactured or obtainable in this country and then in addition, in all cases where the dye, though obtainable, is not obtainable on reasonable terms as to price, quality, and delivery.

Mr. FORDNEY. Will the gentleman yield?

Mr. LONGWORTH. I yield to the gentleman from Michigan.

Mr. FORDNEY. Does the gentleman want to make the provision mandatory on the Tariff Board to issue licenses?

Mr. LONGWORTH. Where the dye is not obtainable in this country.

Mr. FORDNEY. Who is to determine whether it is obtainable, the commission or the man making the application?

Mr. LONGWORTH. The commission, of course. The commission has a complete census of the dye manufacturers of this country, a list of all the factories, and of all the dyes made there.

Mr. FORDNEY. Then the power vested in the Tariff Board will be absolutely discretionary?

Mr. LONGWORTH. It will not be discretionary at all.

Mr. FORDNEY. Absolutely; according to the language of your amendment it leaves it within their discretion to say whether or not these dyes are obtainable on reasonable terms as to price, quality, and delivery.

Mr. LONGWORTH. It makes it mandatory on them to act on certain facts, and it is a fact whether the dyes are made in this country or not. There is absolutely no discretion about that.

Mr. FORDNEY. It is within the discretion of the board to say whether they are right or whether the man making the application for the license is right, and from their decision there is no appeal.

Mr. LONGWORTH. They find the facts.

Mr. FORDNEY. Suppose they find there are dyes obtainable when there are no dyes obtainable?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. LONGWORTH].

The amendment was agreed to.

Mr. LONGWORTH. Mr. Chairman, I have another amendment.

The CHAIRMAN. The gentleman from Ohio offers another amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. LONGWORTH: Page 12, line 4, after the word "use," insert "The commission in passing upon applications for such licenses may regulate its own practice and procedure, but shall so regulate the same as to prevent all avoidable delay."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. LONGWORTH].

The amendment was agreed to.

The CHAIRMAN. Has the gentleman from Ohio any further amendments?

Mr. LONGWORTH. No further amendments.

Mr. MOORE of Pennsylvania. I move to strike out the section as amended.

Mr. SAUNDERS of Virginia. Mr. Chairman, I want to suggest to the gentleman from Ohio, who has made various verbal changes in this section, that in line 3, on page 12, it occurs to me that the word "such" is not appropriate—

When such domestic dye of equal quality is not immediately available for his use.

There is nothing that makes the word "such" appropriate there, and it ought to be stricken out.

Mr. LONGWORTH. That amendment was suggested by the gentleman from Massachusetts [Mr. TREADWAY], and we had some debate about it in the committee. He insisted that the word "such" ought to go in there. I am not entirely sure that it ought to be there.

Mr. SAUNDERS of Virginia. I do not think it is necessary.

Mr. LONGWORTH. The gentleman from Massachusetts [Mr. TREADWAY] was very insistent upon it, and in his absence I do not think we ought to strike it out.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the section as amended.

The CHAIRMAN. The gentleman from Pennsylvania is recognized.

Mr. MOORE of Pennsylvania. I call for a vote.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MOORE of Pennsylvania: Strike out all of section 503 (c), as amended.

The question being taken, the amendment was rejected.

The Clerk read as follows:

SEC. 503 (d). In passing upon applications for licenses, each commissioner, including the chairman, shall cast one vote. Licenses shall be issued only upon a majority vote of the commission present, except that the commission by regulation may provide for the issuance of licenses by the chairman alone, in accordance with general regulations adopted and issued by the commission. The decision of the chairman upon application for such licenses shall be subject to appeal to the commission in such manner as the commission may by general regulation provide. In other respects the commission may regulate its own practice and procedure.

Mr. LONGWORTH. Mr. Chairman, I move to strike out the section.

Mr. BUTLER. That ought to go out.

The CHAIRMAN. The gentleman from Ohio moves to strike out the paragraph. Does the gentleman desire to be heard on his motion?

Mr. LONGWORTH. No. The section is unnecessary, in view of the amendments already adopted.

Mr. MOORE of Pennsylvania. Mr. Chairman, throughout this discussion some gentlemen have declared that they were entirely satisfied with the tariff provisions of this bill, but that they could not support the licensing feature of it. I want to say, not only as a Member of the House but as a member of the Committee on Ways and Means, that I shall feel it my duty to vote against this bill, since it has been decided to carry this un-American, un-Republican, and uneconomic licensing system in it. [Applause.] I believe the bill to have been born under auspices that were not favorable to the welfare of the manufacturers and the industrialists of the country. I believe it was framed under auspices wholly in the interest of a class of men who control large industries and large amounts of capital, and that it is in effect intended to create a monopoly in the disposal of dyestuffs in the United States. I believe this bill would not have been brought out of the Ways and Means Committee if it had been known to certain members of the committee, who are not present to-day, that the system of licensing which they were finally induced to favor would be transferred from those engaged in the business to a governmental commission, which in this instance happens to be the Tariff Commission. I think I can say, with respect to at least three members of the Ways and Means Committee, that they insisted before this bill was voted out of the committee that the representatives of the consumers of dyestuffs should be members of the commission if a commission was formed.

Mr. YOUNG of North Dakota. Five.

Mr. MOORE of Pennsylvania. Mr. Chairman, my colleague from North Dakota [Mr. YOUNG] suggests that there were five members of the committee who stood against the proposition of permitting a commission to be created unless it was created of men amply interested and informed upon the subject of dyestuffs; that is to say, the users of the dyestuffs. They voted to bring this bill out only with the understanding that these large interests that had to buy dyestuffs from the manufacturers would be represented. Men engaged in the manufacture of wool, those engaged in the manufacture of woolens and worsteds, those engaged in the manufacture of cotton, those engaged in the finishing of cotton, those engaged in the manufacture of silk, those engaged in the manufacture of paper and pulp, and those engaged in the manufacture of drugs. Those were the men upon whom a majority of Republicans in the committee placed their reliance, because they knew, or felt at least, that if these men were represented on this commission there might be an opportunity to get a square deal with the manufacturers of dyes.

I am speaking for some gentlemen who are not present, and I am making the assertion that the committee has deliberately

introduced a new proposition here, has installed the Tariff Commission, which was never designed for any such purpose, and has blotted out any representation that the dye users had on the commission.

I feel that Republicans will be justified in defending the protective tariff and voting this bill down. It should be a protective tariff bill without the licensing system. I do not believe it can become law with the licensing feature attached.

Mr. FORDNEY. Mr. Chairman and gentlemen of the House, anticipating a motion to recommit with instructions to strike out the rates of duty provided in this bill and substitute lower rates, which would not be debatable, I want to make a few remarks.

The purpose of the provisions of this bill is to encourage home production and the employment of American capital and labor by providing the necessary protection to the manufacturers of the United States that they may pay the American laborers the American scale of wages, the best-paid labor in the world.

The American manufacturer pays local, city, county, State, and national taxes to sustain local and national governments.

Under free trade, or rates of duty below a point of protection, the foreigner is enabled to capture our markets and embarrass or destroy our industrial institutions, and the foreigner pays no taxes to our governments. The foreigner employs no American labor; he consumes no American raw material. In other words, from the manufacture of foreign goods our people derive no benefits whatsoever.

About three-fourths of all our imports at the present time—which now come in in greater quantities than ever before—are admitted free, and the ad valorem rates of duty on the other imports are below any ad valorem rates provided for in any former tariff law written upon our statute books, even from the organization of the States into a Republic. In fact, the present tariff law has thrown down the bars and invited the goods of all foreign countries to come in and enjoy our markets, to the detriment of our own industries.

Therefore the Republican Party presents this measure to the Congress of the United States, and, if it passes both Houses, will ask the President to approve and sign the same. [Applause.]

Therefore, gentlemen, I appeal to you when the time comes to vote for the final passage of this bill to sustain the rates provided for in this bill and vote down any motion to reduce them to a lower standard, because the rates that are written here are not more than sufficient to adequately protect American capital and the American scale of wages in this country over and above the wage scale paid to any people on the face of the earth. [Applause.]

Mr. LAYTON. Mr. Chairman, I move to strike out the last word. I recognize that the House is very impatient as we are approaching the close of this strife over the bill, but there is one aspect of this question that has been passed over in a very cursory manner, and as the representative of a profession which has only three members in this House—two others besides myself—I thought it was a proper proceeding for me to enlarge upon one feature of this tariff bill which concerns that profession and which profession concerns the health and sanitation of 110,000,000 people.

It is not my purpose to discuss this measure as it relates to industrialism, the national necessity for munitions for war, nor its relation to the arts and sciences. All of these subjects have been fully and elaborately covered. What I desire to do is to call the attention of the House to a phase of the subject which has received but scant mention and practically no consideration. Before, however, I take up this particular phase of the subject, I desire to say that there never has been, in my judgment, a proposition before this House for the encouragement and the development of a national enterprise greater than this relating to the dye industry. In my judgment the protective tariff which built up the great iron and steel industry, until we became the greatest steel-producing country in the world, was no more important, as far as our civilization is concerned. The wonder is not that we are taking up this matter now, but that proper laws were not enacted to develop this great enterprise years ago.

Leaving out of consideration the national necessity for dyes and chemicals for offensive and defensive purposes in war, there is a supreme necessity from the standpoint of the health of our 110,000,000 people for the passage of this act.

Within less than 40 years, beginning in 1881, synthetical chemistry of the coal-tar products began. The first substances evolved were known as kairine and following soon after other antipyretic derivatives of quinoiline. From that hour a wonderfully increasing and constantly augmenting number of medicinal agents have been evolved. Owing to these synthetical processes in the laboratory in exploration of this crude and unsightly substance, the pharmacopœas of 40 years ago have been largely displaced by products possessing the highest remedial potency, not only upon the functional but the organic diseases of the human body. They comprehend a wide range of uses. From this same coal tar we have drugs that lessen or increase the flow of blood in the brain; those that depress or stimulate the heart action; those that cause quick diaphoresis and diuresis and catharsis from phenophthelin. We have also the germicidal agents like salol, and eurotropin for intestinal uses in typhoid and other conditions. We have that group of splendid remedies known as the salycylates so beneficient in the treatment of the various rheumatic conditions. In addition to these we have numbers of other remedies of almost incomparable worth in the treatment of influenzas, catarrhal conditions, epidemics of grip, together with the various forms of neuralgia, and, last, that wonderful substance, salvarsan, which promises to be a cure for a plague which threatens the vitality and even the preservation of the race. When we reflect that all this change in medicine has been evolved in less than 40 years, and that the analytical and synthetical chemist stands only on the confines of this dark but illimitable domain of discovery, and that its future will be, beyond peradventure, more extensively beneficient than it has been in the past, there is every reason why the Congress should encourage and foster and safeguard and develop this natural power for the protection of the people, even if there existed no imperative necessity for this purpose for the development of our industrial establishments or for our national defense.

But I desire to say at this point that there are, I fear, many who are too optimistic as to American accomplishment in the two years mentioned in this act. Within that time, I have no doubt, that great accomplishments will be made in dyestuffs and explosives and even in pharmaceutical remedies, but it should be recalled that this is a vast and practically unexplored field of research, and while the fortunate possession of the German patents with their dye formulas taken over by the Government will materially aid our chemists, yet in the future we will have to compete with the most patient and devoted scientist the world has ever known—the German chemist, who will not be content with what he has achieved, but will go on to higher and higher developments in this mysterious domain of coal-tar products that will make the accomplishments of the present seem crude and obselete. In this crude substance called coal tar we really have the concrete life of those ages of the world before man came to inhabit it. It represents the stored up potentiality of the vegetable world before human life had an existence. We have only begun to extract some of its wonderful forces that have an infinite variety in usefulness from the materials for increasing charm and beauty to the destruction of life and the curing thereof.

What the policy of the Congress should be is to protect, guard, encourage, and thereby help to develop this illimitable potentiality, no matter whether it be for two years or forever, seeing what a vast and inexhaustible field of usefulness and of necessity is found therein, especially in remedial medicine and sanitation. [Applause.]

By unanimous consent, Mr. BROWNING, Mr. REED of West Virginia, Mr. FAIRFIELD, and Mr. KELLER had leave to extend their remarks in the RECORD on this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio to strike out the section.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 503 (e). Any product described in section 503 (a) of this act which shall be imported into the United States or any of its possessions without license, as provided in said section 503 (a), shall be forfeited and shall be destroyed whenever and wherever found.

Mr. FESS. Mr. Chairman and gentlemen of the committee, I have listened to all the discussion upon this bill, both in general debate and under the five-minute rule. It is needless for me to say that I favor that portion of the bill which looks to the protection of the industry. I regret more than I can say the step we have taken to abandon the protective view by the insertion of the license feature, a feature that was backed, as could clearly be understood, by those who were opposed to protection and carried on the floor of the House by others who were with them. I voted for the feature substituting the Tariff Commission with some hesitation. I think it extremely unwise to give even the licensing power to a commission that might show in its decision sectional or partisan decision under stress.

Any man on the floor of the House can see what a pressure might be brought upon this commission, a governmental commission, to make decisions for purposes that are ulterior, and

the House would naturally hesitate to put the commission under such a situation and the danger that might come from that pressure. I think there is no doubt but what putting this commission in the bill is constitutional, while I fear that the original commission could not have stood under the Constitution. I think, members of the committee, we have given our pledge to the country that we will not further shackle the business and the enterprise of America. [Applause.] We promised that those shackles placed under the stress of war—that we could not avoid because of the necessity of the war—would be removed with the close of the war, and here is the first opportunity that we have had in this particular line of legislation, and, instead of our removing the shackles, we have taken steps to add to the shackling of business. [Applause.] We have made it inconvenient, made it possible for discrimination; we have introduced un-American lines of legislation as war measures, and we are too careless about respecting our promises to the country, and I hope there will be a motion to recommit with instructions to the committee to strike out this licensing feature and give us a chance for a record vote upon that. [Applause.] I would not vote for a motion to recommit to reduce the protective rates. I am in favor of the rates, but I am not in favor of giving further opportunity to any sort of associations or licenses further to disturb the business of this country, and I want an opportunity to vote on a record vote against that proposition. [Applause.]

Mr. MONDELL. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, the Republican Party stands for the protective-tariff system. Why? For the purpose of establishing industries, give employment, and make America independent and self-sufficient in an industrial way. The Republican Party will always adhere to that policy and is carrying it out in this bill, but in connection with the industries proposed to be protected the committee found a condition requiring temporarily the use of a policy of licenses in order to accomplish the very thing that a protective tariff was established to do.

Mr. FESS. Will my friend yield?

Mr. MONDELL. Yes.

Mr. FESS. In two years from now, when this ceases to be operative, we will be asked to reproduce it.

Mr. MONDELL. We need not, and I trust we will be wise enough not to unless at that time it seems necessary.

Mr. FESS. Why not be wise enough now?

Mr. MONDELL. Because there is a condition demanding, in the opinion at least of a majority of the Republican members of this committee, that for the present a system of licenses be provided——

Mr. FESS. But what assurances have we that it will not be demanded two years from now?

Mr. MONDELL (continuing). And they have brought this provision before the House. The facts will develop whether or no it is necessary to continue licenses. I do not believe it will. I would be willing to limit the license system to one year now. Gentlemen have said it would be possible to make the tariff rate high enough to obviate the necessity of a licensing system even for a day. That is true; but no man in this House would be justified in voting for a tariff rate high enough unquestionably to protect these industries in the immediate future. It is true that the rates could be made high enough to make dyestuffs practically prohibitive in America, but no one wants to vote for such a rate, and the Republican Party can not afford to go on record as in favor of such a rate. The committee has fixed a rate which it believes will protect the industries in the long run and in the immediate future except as to certain classes of dyes and dyestuffs, and in order to protect them it would be necessary to make the rate so high as to be burdensome to the enterprises using dyes. That we do not want to do. We do not want to burden those who must use dyestuffs, but we do want to build up the dyestuff industry, and therefore the temporary expedient of adding to our tariff this provision for licensing. It is not adopted as a permanent system, and personally I should regret if it should ever become a permanent part of our policy. I studied the question very carefully as presented to the committee before I came to the conclusion that the majority of the committee was sound in their belief that in addition to such a tariff rate as we are justified in voting for it was necessary for a brief period, in order to establish these industries, to provide the licensing system carried in the bill. In my opinion it is just as important a part of the work of establishing these industries as the tariff provisions carried in the bill. If I had not become convinced of that after careful study and consideration, I should not be in favor of it; but I am convinced that the judgment of the committee is sound. We avoid a prohibitive tariff rate, which none of us want to vote for, and, having fixed a reasonable rate, we supplement that by a temporary provision for licensing. [Applause.]

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. MOORE of Pennsylvania: Page 12, line 16, strike out all of section 503 (e).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 503 (f). Any person subject to the jurisdiction of the United States who shall, either as principal or as accessory, import or attempt to import or aid in importing any product described in section 503 (a) of this act without license as therein provided shall be fined not exceeding $5,000 or the value of such product at the time of importation, whichever shall be greater, or shall be imprisoned for not more than one year, or both.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. MOORE of Pennsylvania: Page 12, line 21, strike out all of section 503 (f).

Mr. MOORE of Pennsylvania. Mr. Chairman, I regret the gentleman from Wyoming [Mr. MONDELL], who has great influence in this House, can not see this matter as the minority of the majority members of the Committee on Ways and Means have seen it. I rather suspect if a vote were taken now in the Committee on Ways and Means on the Republican side that a majority of that majority would declare against this bill as it has been amended.

I question whether the deep study the gentleman from Wyoming [Mr. MONDELL] has given to this bill has penetrated the minds of the members of the committee or that their thoughts have penetrated his mind, since they would not have reported this bill under any circumstances if it had not been understood to the majority of the majority members that there would be representation on this board of the consumers of dyestuffs in the United States. Now, the gentleman from Wyoming comes back to the Republican policy of protection to American industries. He stands for it now as an afterthought, following the rather dubious speech he made on the floor a little while ago about regionalism or sectionalism in protective-tariff matters.

Mr. MONDELL. The gentleman knows perfectly well that at no time, here or elsewhere, have I stood for anything except a Republican tariff policy.

Mr. MOORE of Pennsylvania. But I did hear the gentleman from Wyoming, in the first speech he made on this bill to-day, from the floor yonder, say that there were those coming from certain sections of the country who were unduly influenced perhaps by the interests round about them, and that they did not express in their protective talk the same care of those in other sections of the country as they did of their own.

Mr. MONDELL. Will the gentleman allow me to correct his recollection?

Mr. MOORE of Pennsylvania. If he will correct it; yes.

Mr. MONDELL. What I said was that I had little patience with those engaging in industries dependent upon the protective system who were not willing to undergo the slight trouble, if trouble it might be, of a license system, when that system was essential to the very system upon which their industries depend.

Mr. MOORE of Pennsylvania. That is substantially what the gentleman said. I took it to mean that the gentleman was reflecting upon those who looked after the interests of their particular constituents in this House.

Mr. MONDELL. There was nothing in what I said that could bear such construction. I think a manufacturer who depends for his business on the protective system should be willing to go to a little trouble to comply with the provisions of a licensing system temporarily if that licensing system is essential to the development of the protective policy.

Mr. MOORE of Pennsylvania. Then why should the gentleman, having this small opinion of those whose constituents have these special interests, stand here in the interest of a licensing system contrary to all Republican doctrine, which licensing system is emphatically in favor of a particularly few men who have gathered unto themselves the dye manufacturing industry of the United States? Those interested in dye manufacture have invested less than $400,000,000, while the consumers of the dyestuffs buy and sell to the extent of $3,000,000,000. Why

does the gentleman want to differentiate in this instance in favor of the dye manufacturers, who have a monopoly of the business?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask that the gentleman may have a minute more in order that I may ask him a question.

The CHAIRMAN. Is there objection?

Mr. BLANTON. Mr. Chairman, I ask that the time be extended two minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time of the gentleman may be extended two minutes. Is there objection?

Mr. ANDERSON. I object.

Mr. MOORE of Pennsylvania. I object myself. Question on the motion, Mr. Chairman.

The CHAIRMAN. Does the gentleman object to the first request made?

Mr. MOORE of Pennsylvania. Yes; I think we thoroughly understand the situation.

Mr. BLANTON. Mr. Chairman, I ask recognition to oppose the motion of the gentleman from Pennsylvania [Mr. MOORE].

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. BLANTON. I do it, Mr. Chairman, merely for the purpose of asking the gentleman from Pennsylvania [Mr. MOORE] a question and yielding to him such time as he wants to answer same. The gentleman seems to be concerned very much about the interest of the ultimate consumer with regard to this bill, stating that the consumers of dyestuffs should have representation on the board. I would like to ask the gentleman if he is willing for the ultimate consumer to have representation on the board with regard to all the other items covered by the tariff, and I yield to him now to answer the question.

Mr. MOORE of Pennsylvania. Does the gentleman really want me to answer that?

Mr. BLANTON. Yes. For very suddenly the gentleman, for the first time in the history of this Congress, has evidenced a great concern in behalf of the ultimate consumer, whose interests we Democrats know have suffered with respect to every one of the various tariff measures passed by this Congress.

Mr. MOORE of Pennsylvania. The gentleman has rediscovered an old charge; that is all. I have spoken consistently here for the ultimate consumer. I have spoken for the farmer, whom the gentleman represents. I have spoken for the farmer who uses the calico and buys the hosiery, and who pays 35 cents now for what he paid 25 cents for before the war.

Mr. LONGWORTH. How much?

Mr. MOORE of Pennsylvania. The farmer——

Mr. LONGWORTH. About one-tenth of 1 per cent more.

Mr. MOORE of Pennsylvania. It depends on the kind of hosiery the gentleman wears. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

Mr. LONGWORTH. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Pennsylvania, simply to say——

The CHAIRMAN. The time of the gentleman has expired.

Mr. LONGWORTH. I move to strike out the last two words.

The CHAIRMAN. The gentleman is recognized.

Mr. LONGWORTH. I rise simply to say that the gentleman seeks to strike out from this bill the penalty which is provided for the violation of a United States statute. It should remain in the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE] to strike out the section.

The question was taken, and the amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. FORDNEY. Mr. Chairman, I move that the committee rise now and report the bill as amended to the House, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. Towner, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 8078, had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FORDNEY. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The SPEAKER. The gentleman from Michigan moves the previous question on the bill and all amendments to final passage. Is a separate vote demanded on any amendment?

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. I desire to move to recommit. I am on the majority of the committee, but I am opposed to the bill. Would I be recognized for that purpose in due course?

The SPEAKER. The Chair thinks it fair to state that the gentleman from North Carolina [Mr. KITCHIN], the leader of the minority on the committee, desires to offer a motion to recommit, and the Chair thinks he should recognize the gentleman from North Carolina.

Mr. MOORE of Pennsylvania. Then, Mr. Speaker, I demand a separate vote on the amendment pertaining to the licensing feature of the bill.

The SPEAKER. The gentleman from Pennsylvania demands a separate vote on the amendments which he will please designate.

Mr. MOORE of Pennsylvania. On the amendments to section 503 (a), (b), and (c); all amendments included in section 503.

The SPEAKER. The gentleman from Pennsylvania demands a separate vote, as the Chair understands, on all amendments in section 503.

Mr. MOORE of Pennsylvania. All amendments included in section 503. They are included in paragraphs designated as (a), (b), and (c).

Mr. ANDERSON. Mr. Speaker, does the gentleman want a vote on all the amendments together?

Mr. MOORE of Pennsylvania. My purpose is to get a record vote on the motion to strike out all these amendments.

Mr. LONGWORTH. I make the point of order, Mr. Speaker, that that motion was defeated in the committee and can not now be made in the House.

The SPEAKER. The Chair does not understand the gentleman from Pennsylvania.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. LONGWORTH. I understood the gentleman to ask for a separate vote on his motion to strike out. I made the point of order that that would not be in order.

Mr. MOORE of Pennsylvania. I will have to amend that motion. The Chair has stated that he would give recognition for making a motion to recommit by the gentleman from North Carolina. I am inclined to think I would be entitled to recognition, but, of course, I bow to the statement of the Chair. I want, however, to get a square vote on the question of striking out these licensing provisions.

The SPEAKER. The gentleman can have a square vote on any amendment that was adopted by the committee. The Chair is not familiar with the exact status of the amendments.

Mr. LONGWORTH. I will state for the benefit of the Chair that the gentleman made a motion to strike out in committee, which was voted down.

The SPEAKER. If it was an amendment that was not adopted in the committee, it could not be voted on now.

Mr. MOORE of Pennsylvania. I want to get a yea-and-nay vote, if possible, on the amendments offered by the gentleman from Ohio [Mr. LONGWORTH].

The SPEAKER. The gentleman has that right.

Mr. MOORE of Pennsylvania. I would be obliged if the Chair would so state the question, so that the Members may understand that they are voting for or against the amendments offered by the gentleman from Ohio.

The SPEAKER. Does the gentleman desire it to be done on one vote?

Mr. MOORE of Pennsylvania. That would be sufficient.

The SPEAKER. The gentleman from Pennsylvania asks a separate vote on the amendments to section 503. Is a separate vote demanded on any other amendment?

Mr. LONGWORTH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONGWORTH. Is debate permitted?

The SPEAKER. It is not. Is a separate vote demanded on any other amendment? If not, the vote will be taken first on the other amendments.

Mr. CANNON. Mr. Speaker, if one amendment to section 503 was all of the amendments I should vote for it—namely, the amendment to substitute the Tariff Commission—but there are several other amendments.

Mr. LONGWORTH. They are all the same amendment; they are all in that direction.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. MOORE of Pennsylvania. If the gentleman is in favor of the Tariff Commission, to which I am opposed, he would vote

"aye" on my demand for a separate vote. I would vote "no," with a view to destroying the amendments offered by the gentleman from Ohio.

Mr. LONGWORTH. The effect of carrying the amendment of the gentleman from Pennsylvania would be to restore the original bill.

Mr. CANNON. I want, if I can, to have a vote on the amendment substituting the Tariff Commission. I want to get that by itself, because while I am not in favor of a licensing system, I would prefer that it should be administered by the Tariff Commission rather than the dye commission, as provided in the bill.

The SPEAKER. The gentleman has the right to demand a separate vote on that amendment if it is an amendment by itself.

Mr. LONGWORTH. It is a separate amendment.

The SPEAKER. The gentleman will have a right to ask for a separate vote on that amendment.

Mr. CLARK of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. How many amendments are there to this section?

Mr. LONGWORTH. Seven or eight.

Mr. CLARK of Missouri. I do not care anything about this squabble over there, but it is not fair to vote on half a dozen amendments in a bunch if there is a dispute about them.

Mr. GARNER. Only on the first amendment of section 503.

Mr. CLARK of Missouri. The motion of the gentleman from Pennsylvania is to have one vote on all the amendments in a certain section. A man might be in favor of one or two of these amendments and bitterly opposed to the others.

Mr. GARNER. You could not get that under the rules anyway.

Mr. SAUNDERS of Virginia. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SAUNDERS of Virginia. The vote is now to be taken upon the motion of the gentleman from Ohio [Mr. LONGWORTH] to strike out certain language in the bill and insert certain other language?

The SPEAKER. Yes.

Mr. SAUNDERS of Virginia. And that vote will be taken first. I was going to suggest that we can not well vote on the other amendments in block, because they are consequential amendments, and should follow the vote now demanded by the gentleman from Pennsylvania [Mr. MOORE].

Mr. PELL. May we have the Clerk report the amendment again?

The SPEAKER. Let us settle this question first. Is a separate vote demanded on any other amendment? If, not the Chair will put the other amendments in gross.

Mr. SAUNDERS of Virginia. Just a moment. That is what I was saying ought not to be done now, because the other amendments are largely consequential amendments, that follow the amendment of the gentleman from Ohio [Mr. LONGWORTH].

The SPEAKER. The Chair thinks the gentleman does not understand the Chair. The Chair means all the other amendments outside of the amendments to section 503.

Mr. SAUNDERS of Virginia. Outside of the consequential amendments?

The SPEAKER. Outside of the amendments to that section.

Mr. LONGWORTH. There were a number of amendments offered to previous sections of the bill.

Mr. FESS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FESS. The intention here is to get a vote on the license feature. The gentleman from North Carolina is in favor of this bill, as I understand it?

The SPEAKER. Is the gentleman from North Carolina in favor of the bill?

Mr. KITCHIN. I want to be perfectly frank with the gentleman from Ohio [Mr. FESS]. I do not know of anything I have ever uttered on the floor or off the floor, in the debate on this bill or any other bill, which would lead any gentleman to believe that I was in favor of this bill. I am opposed to this bill.

Mr. FESS. Then I withdraw my suggestion. I understood the gentleman was in favor of it.

Mr. KITCHIN. No.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman from North Carolina yield for a question?

Mr. KITCHIN. I have not the floor, but I will yield to the gentleman.

Mr. MOORE of Pennsylvania. Apparently the gentleman from North Carolina intends to make a motion to recommit.

Mr. KITCHIN. I do.

Mr. MOORE of Pennsylvania. On a question of rates?

Mr. KITCHIN. Yes.

Mr. MOORE of Pennsylvania. I intended to offer a motion to recommit, to raise the question on the licensing feature. The Chair has recognized the gentleman from North Carolina [Mr. KITCHIN] preferably to the gentleman from Pennsylvania. Does the gentleman still desire to offer his motion to recommit?

Mr. KITCHIN. I would like to offer my motion.

Mr. MOORE of Pennsylvania. I do not want to have the agreement between the gentleman from North Carolina and the Speaker violated.

Mr. KITCHIN. I would suggest to the gentleman that he can get a record vote on his proposition by having a separate vote on the amendment.

Mr. MOORE of Pennsylvania. It prevents a square vote on the question of the licensing commission.

The SPEAKER. The Chair wishes to state that there is no agreement between the gentleman from North Carolina [Mr. KITCHIN] and the Chair. The Chair was informed by the gentleman from North Carolina that he desired to offer a motion to recommit, and the Chair considers that under the circumstances he ought to give the gentleman from North Carolina priority of recognition, but the gentleman from North Carolina himself did not know who the Chair would recognize until it was just announced by the Chair.

Mr. MOORE of Pennsylvania. Then, if the Chair will permit me, I will withdraw my suggestion that there was any agreement between the gentleman from North Carolina and the Chair.

The SPEAKER. The question is on agreeing to all the amendments except those affecting section 503.

The question being taken, the amendments were agreed to.

The SPEAKER. The first vote is on the amendment of the gentleman from Illinois [Mr. CANNON], on which a separate vote is demanded. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 7, after the word "obtained," insert the words "as hereinafter provided"; and in the same line, after the word "the," strike out "dye-licensing commission" and insert in lieu thereof "United States Tariff Commission"; and in line 8 strike out the words "hereinafter created."

The SPEAKER. The question is on the amendment.

Mr. MOORE of Pennsylvania. Mr. Speaker, I demand a division.

The affirmative vote was taken, and the Speaker announced, ayes 125.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum present. The House has already divided.

The SPEAKER. The House has not completed the division. Only one side has voted.

Mr. BLANTON. I withdraw the point of order.

The SPEAKER. Those opposed to the amendment will rise.

The negative vote was taken, and the Speaker announced, noes 34.

Mr. BLANTON. I make the point of no quorum present, Mr. Speaker.

The SPEAKER. The gentleman from Texas makes the point of no quorum. The Chair thinks no quorum is present; the Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

Mr. FORDNEY. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. LONGWORTH) there were 66 ayes and 101 noes.

So the House refused to adjourn.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 207, nays 62, answered "present" 2, not voting 158, as follows:

YEAS—207.

Ackerman	Blanton	Chindblom	Drane
Alexander	Box	Clark, Mo.	Dupré
Almon	Brand	Cleary	Edmonds
Anderson	Briggs	Coady	Emerson
Andrews, Nebr.	Browne	Cole	Evans, Nebr.
Ashbrook	Browning	Collier	Fess
Aswell	Buchanan	Connally	Fitzgerald
Ayres	Butler	Cooper	Foster
Babka	Byrnes, S. C.	Cramton	Freeman
Bacharach	Byrns, Tenn.	Crisp	French
Bankhead	Campbell, Kans.	Cullen	Gallagher
Barbour	Campbell, Pa.	Currie, Mich.	Gallivan
Bee	Candler	Davey	Gandy
Benson	Cannon	Davis, Tenn.	Ganly
Black	Cantrill	Dickinson, Mo.	Gard
Blackmon	Carss	Dickinson, Iowa	Garner
Bland, Mo.	Carter	Doughton	Garrett
Bland, Va.	Casey	Dowell	Glynn

Good	Lazaro	O'Connor	Stephens, Ohio
Gould	Lee, Ga.	Oldfield	Summers, Wash.
Green, Iowa	Lesher	Osborne	Sweet
Greene, Mass.	Little	Overstreet	Taylor, Colo.
Griest	Lonergan	Padgett	Temple
Hadley	Longworth	Park	Thomas
Hardy, Colo.	McAndrews	Parrish	Tillman
Hardy, Tex.	McCulloch	Pell	Timberlake
Hastings	McDuffie	Phelan	Tincher
Hawley	McGlennon	Pou	Tinkham
Hayden	McKinley	Purnell	Towner
Hersey	McLane	Quin	Upshaw
Hersman	McLaughlin, Nebr.	Radcliffe	Venable
Hicks	MacCrate	Raker	Vestal
Houghton	Mansfield	Rayburn	Vinson
Huddleston	Mapes	Reavis	Voigt
Hulings	Martin	Reed, N. Y.	Volstead
Humphreys	Mays	Reed, W. Va.	Walsh
Hutchinson	Michener	Riordan	Watkins
Igoe	Minahan, N. J.	Robinson, N. C.	Watson, Va.
James	Monahan, Wis.	Rogers	Weaver
Jefferis	Mondell	Romjue	Webb
Johnson, Miss.	Moon	Rose	Webster
Jones, Tex.	Mooney	Saunders, Va.	Welling
Juul	Moore, Ohio	Schall	Welty
Kearns	Moore, Va.	Scott	Whaley
Kelly, Pa.	Morgan	Sims	White, Me.
Kinkaid	Mudd	Sinnott	Williams
Kitchin	Neely	Smith, Idaho	Wilson, La.
Kleczka	Nelson, Mo.	Smith, Mich.	Wilson, Pa.
Lanham	Nelson, Wis.	Smithwick	Woods, Va.
Lankford	Newton, Minn.	Steagall	Wright
Larsen	Nichols, Mich.	Stedman	Young, Tex.
Layton	O'Connell	Steenerson	

NAYS—62.

Baer	Fordney	Luce	Smith, Ill.
Benham	Fuller, Ill.	Luhring	Snyder
Boies	Garland	MacGregor	Stiness
Burdick	Graham, Ill.	Madden	Strong, Kans.
Burroughs	Haskell	Moore, Pa.	Strong, Pa.
Christopherson	Hays	Newton, Mo.	Swope
Crowther	Hernandez	Ogden	Walters
Curry, Calif.	Hickey	Porter	Wason
Dale	Hill	Ramseyer	Watson, Pa.
Dallinger	Hoch	Randall, Wis.	Wheeler
Darrow	Johnson, Wash.	Rhodes	White, Kans.
Dunbar	Keller	Ricketts	Woodyard
Dunn	King	Rodenberg	Yates
Echols	Kraus	Rowe	Young, N. Dak.
Elliott	Kreider	Sanders, N. Y.	
Fairfield	Lampert	Shreve	

ANSWERED "PRESENT"—2.

Booher	Knutson

NOT VOTING—158.

Andrews, Md.	Fisher	Lea, Calif.	Rouse
Anthony	Flood	Lehlbach	Rowan
Barkley	Focht	Linthicum	Rubey
Begg	Frear	Lufkin	Rucker
Bell	Fuller, Mass.	McArthur	Sabath
Bland, Ind.	Godwin, N. C.	McClintic	Sanders, Ind.
Bowers	Goldfogle	McFadden	Sanders, La.
Brinson	Goodall	McKenzie	Sanford
Britten	Goodwin, Ark.	McKeown	Scully
Brooks, Ill.	Goodykoontz	McKinley	Sears
Brooks, Pa.	Graham, Pa.	McLaughlin, Mich.	Sells
Brumbaugh	Greene, Vt.	McPherson	Sherwood
Burke	Griffin	Magee	Siegel
Caldwell	Hamill	Maher	Sinclair
Caraway	Hamilton	Major	Sisson
Carew	Harrison	Mann	Slemp
Clark, Fla.	Haugen	Mason	Small
Classon	Heflin	Mead	Smith, N. Y.
Copley	Holland	Merritt	Snell
Costello	Howard	Miller	Steele
Crago	Hudspeth	Montague	Stephens, Miss.
Davis, Minn.	Hull, Iowa	Moores, Ind.	Stevenson
Dempsey	Hull, Tenn.	Morin	Sullivan
Denison	Husted	Mott	Sumners, Tex.
Dent	Ireland	Murphy	Taylor, Ark.
Dewalt	Jacoway	Nicholls, S. C.	Taylor, Tenn.
Dominick	Johnson, Ky.	Nolan	Thompson
Donovan	Johnson, S. Dak.	Oliver	Tilson
Dooling	Johnston, N. Y.	Olney	Treadway
Doremus	Jones, Pa.	Paige	Vaile
Dyer	Kahn	Parker	Vare
Eagan	Kelley, Mich.	Peters	Ward
Eagle	Kendall	Platt	Wilson, Ill.
Ellsworth	Kennedy, Iowa	Rainey, H. T.	Wingo
Elston	Kennedy, R. I.	Rainey, J. W.	Winslow
Esch	Kettner	Ramsey	Wise
Evans, Mont.	Kiess	Randall, Calif.	Wood, Ind.
Evans, Nev.	Kincheloe	Reber	Zihlman
Ferris	LaGuardia	Riddick	
Fields	Langley	Robsion, Ky.	

So the amendment was agreed to.

The following pairs were announced:

Until further notice:

Mr. KNUTSON with Mr. BELL.

Mr. JOHNSON of South Dakota with Mr. FLOOD.

Mr. MCPHERSON with Mr. MAJOR.

Mr. MCARTHUR with Mr. SISSON.

Mr. MAGEE with Mr. LINTHICUM.

Mr. DAVIS of Minnesota with Mr. JOHNSTON of New York.

Mr. BROOKS of Illinois with Mr. SULLIVAN.

Mr. BROOKS of Pennsylvania with Mr. MAHER.

Mr. WOOD of Indiana with Mr. BARKLEY.

Mr. MANN with Mr. HAMILL.

Mr. BURKE with Mr. STEPHENS of Mississippi.

Mr. VAILE with Mr. CAREW.

Mr. ANTHONY with Mr. WISE.

Mr. KIESS with Mr. KETTNER.

Mr. KAHN with Mr. LEA of California.

Mr. PLATT with Mr. EVANS of Montana.

Mr. PETERS with Mr. EVANS of Nevada.

Mr. PARKER with Mr. FERRIS.

Mr. PAIGE with Mr. FIELDS.

Mr. MCLAUGHLIN of Michigan with Mr. HARRISON.

Mr. WILSON of Illinois with Mr. BRINSON.

Mr. NOLAN with Mr. FISHER.

Mr. BRITTEN with Mr. STEVENSON.

Mr. BLAND of Indiana with Mr. SUMNERS of Texas.

Mr. VARE with Mr. TAYLOR of Arkansas.

Mr. HUSTED with Mr. OLIVER.

Mr. HULL of Iowa with Mr. OLNEY.

Mr. HAMILTON with Mr. HENRY T. RAINEY.

Mr. GREENE of Vermont with Mr. JOHN W. RAINEY.

Mr. GOODALL with Mr. RANDALL of California.

Mr. TILSON with Mr. CLARK of Florida.

Mr. ESCH with Mr. DENT.

Mr. TAYLOR of Tennessee with Mr. DEWALT.

Mr. SNELL with Mr. DOMINICK.

Mr. SLEMP with Mr. DONOVAN.

Mr. SELLS with Mr. DOOLING.

Mr. SANFORD with Mr. DOREMUS.

Mr. COSTELLO with Mr. SISSON.

Mr. COPLEY with Mr. SMALL.

Mr. FREAR with Mr. ROWAN.

Mr. FOCHT with Mr. RUBEY.

Mr. ELSTON with Mr. RUCKER.

Mr. ELLSWORTH with Mr. SABATH.

Mr. DYER with Mr. SANDERS of Louisiana.

Mr. DENISON with Mr. SCULLY.

Mr. DEMPSEY with Mr. SEARS.

Mr. MURPHY with Mr. FLOOD.

Mr. CRAGO with Mr. SHERWOOD.

Mr. MCKINLEY with Mr. HEFLIN.

Mr. MCKENZIE with Mr. HOLLAND.

Mr. MCFADDEN with Mr. HOWARD.

Mr. KENDALL with Mr. MCCLINTIC.

Mr. KELLEY of Michigan with Mr. MCKEOWN.

Mr. MORIN with Mr. GODWIN of North Carolina.

Mr. MOORES of Indiana with Mr. GOLDFOGLE.

Mr. MILLER with Mr. GOODWIN of Arkansas.

Mr. MASON with Mr. GRIFFIN.

Mr. CALDWELL with Mr. ZIHLMAN.

Mr. LUFKIN with Mr. JACOWAY.

Mr. LEHLBACK with Mr. JOHNSON of Kentucky.

Mr. CLASSON with Mr. SMITH of New York.

Mr. ROBINSON of North Carolina with Mr. EAGAN.

Mr. RAMSEY with Mr. EAGLE.

Mr. WARD with Mr. BRUMBAUGH.

Mr. JONES of Pennsylvania with Mr. MEAD.

Mr. LANGLEY with Mr. MONTAGUE.

Mr. IRELAND with Mr. NICHOLLS of South Carolina.

Mr. TREADWAY (for) with Mr. BOOHER (against).

Mr. BOWERS with Mr. WINGO, ending September 29.

Mr. GRAHAM of Pennsylvania (for) with Mr. MOTT (against).

Mr. FULLER of Massachusetts (for) with Mr. STEELE (against).

The result was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] demands a separate vote, as the Chair understands, on all the other amendments?

Mr. MOORE of Pennsylvania. No, Mr. Speaker; I withdraw the request, if it was made.

The SPEAKER. Then the gentleman does not desire any other separate vote?

Mr. MOORE of Pennsylvania. No.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. KITCHIN. Mr. Speaker, I move to recommit the bill with the following instructions.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. KITCHIN. I am; yes, sir. [Laughter.]

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KITCHIN moves to recommit the bill with instructions to report the same forthwith with the following amendment: Strike out all after the enacting clause and in lieu thereof insert the following:

"That Title V of an act entitled 'An act to increase the revenue, and for other purposes,' approved September 8, 1916, be, and hereby is, amended to read as follows:

"TITLE V.—*Dyestuffs.*

"SEC. 500. That on and after the day following the passage of this act, except as otherwise specially provided for in this title, there shall be levied, collected, and paid upon the articles named in this section when imported from any foreign country into the United States or any of its possessions, except the Philippine Islands and the islands of Guam and Tutuila, the rates of duties which are prescribed in this title, namely:

"FREE LIST.

"Group I. Acenaphthene, anthracene having a purity of less than 30 per cent, benzol, carbazol having a purity of less than 65 per cent, cumol, cymene, fluorene, methylanthracene, methylnaphthalene, naphthalene having a solidifying point less than 79° centigrade, pyridin, quinolin, toluol, xylol, dead or creosote oil, anthracene oil, pitch of coal tar, pitch of blast-furnace tar, pitch of oil-gas tar, pitch of water-gas tar, crude coal tar, crude blast-furnace tar, crude oil-gas tar, crude water-gas tar, all other distillates of any of these tars which on being subjected to distillation yield in the portion distilling below 190° centigrade a quantity of tar acids less than 5 per centum of the original distillate, all mixtures of any of these distillates and any of the foregoing pitches, and all other products that are found naturally in coal tar, whether produced or obtained from coal tar or other source, and not otherwise specially provided for in this title, shall be exempt from duty.

"DUTIABLE LIST.

"Group II. Acetanilid not suitable for medicinal use, alphanaphthol, amidobenzoic acid, amidonaphthol, amidophenetol, amidophenol, amidosalicylic acid, aminoanthraquinone, anilin oil, anilin salt, anthraquinone, arsanilic acid, benzaldehyde not suitable for medicinal use, benzalchloride, benzanthrone, benzidin, benzidin sulphate, benzoic acid not suitable for medicinal use, benzoquinone, benzoylchloride, benzylchloride, betanaphthol not suitable for medicinal use, brombenzol chlorbenzol, chlorophthalic acid, cinnamic acid, cumidin, dehydrothiotoluidin, diaminostilbene, dianisidin, dichlorphthalic acid, dimethylanilin, dimethylamidophenol, dimethylphenylenediamin, dinitrobenzol, dinitrochlorbenzol, dinitronaphthalene, dinitrophenol, dinitrotoluol, dioxynaphthalene, diphenylamin, ethylbenzyl analin, hydroxyphenylarsinic acid, metanilic acid, methylanthraquinone, naphthylamin, naphthylenediamin, nitranilin, nitroanthraquinone, nitrobenzaldehyde, nitrobenzol, nitronaphthalene, nitrophenol, nitrophenylenediamin, nitrosodimethylanilin, nitrotoluol, nitrotoluylenediamin, phenol, phenylenediamin, phenylhydrazine, phenylnaphthylamin, phenylglycocoll, phenylglycocoll-orthocarboxylic acid, phthalic acid, phthalic anhydride, phthalimid, resorcin not suitable for medicinal use, salicylic acid and its salts not suitable for medicinal use, sulphanilic acid, thiocarbanilid, thiosalicylic acid, tetrachlorphthalic acid, tetramethyldiaminobenzophenone, tetramethyldiaminodiphenylmethane, toluol sulphochloride, toluol sulphamid, tribromphenol, toluidin, tolidin, toluylenediamin, xylidin, or any sulphoacid or sulphoacid salt of any of the foregoing, or of any of the products provided for in Group I; all other products by whatever name known which are employed in the manufacture of any of the products provided for in Group II or III and which are obtained, derived, or manufactured in whole or in part from any of the foregoing or from any of the products provided for in Group I; anthracene having a purity of 30 per cent or more, carbazol having a purity of 65 per cent or more, metacresol having a purity of 90 per cent or more, naphthalene having a solidifying point of 79 degrees centigrade or above, orthocresol having a purity of 90 per cent or more, paracresol having a purity of 90 per cent or more; all distillates of coal tar, blast-furnace tar, oil-gas tar, and water-gas tar which on being subjected to distillation yield in the portion distilling below 190° centigrade a quantity of tar acids equal to or more than 5 per cent of the original distillate; all mixtures, including solutions, consisting in whole or in part of any of the foregoing except sheep dip and medicinal soaps, not otherwise specially provided for in this act; all the foregoing not colors, dyes, or stains, color acids, color bases, color lakes, leuco-acids, leuco-bases, indoxyl, indoxyl compounds, ink powders, photographic chemicals, medicinals, flavors, synthetic resinlike products, synthetic tanning materials, or explosives, and not otherwise specially provided for in this title, 25 per cent ad valorem.

"Group III. All colors, dyes, or stains, whether soluble or not in water, color acids, color bases, color lakes, leuco-acids and leuco-bases whether colorless or not, indoxyl, and indoxyl compounds; ink powders; photographic chemicals; acetanilid suitable for medicinal use, acetphenetidin, acetylsalicylic acid, antipyrine, benzaldehyde suitable for medicinal use, benzoic acid suitable for medicinal use, betanaphtol suitable for medicinal use, phenolphthalein, resorcin suitable for medicinal use, salicylic acid and its salts suitable for medicinal use, salol, and other medicinals; sodium benzoate; saccharin, methyl salicylate, coumarin, and other flavors; synthetic phenolic resin and all resinlike products prepared from phenol, cresol, phthalic anhydride, coumaron, indene, or from any other article or material provided for in Group I or II, all of these products whether in a solid, semisolid, or liquid condition; synthetic tanning materials; picric acid, trinitrotoluol, and other explosives except smokeless powders; all of the foregoing when obtained, derived, or manufactured in whole or in part from any of the products provided for in Group I or II; natural alizarin and natural indigo, and colors, dyes, stains, color acids, color bases, color lakes, leuco-acids, leuco-bases, indoxyl, and indoxyl compounds obtained, derived, or manufactured in whole or in part from natural alizarin or natural indigo; natural methyl salicylate or oil of wintergreen or oil of sweet birch; natural coumarin; and all mixtures, including solutions, consisting in whole or in part of any of the articles or materials provided for in this group, 30 per cent ad valorem.

"SEC. 501. That on and after the day following the passage of this act, in addition to the duties provided in section 500, there shall be levied, collected, and paid upon all articles contained in Group II a special duty of 2½ cents per pound, and upon all articles contained in Group III a special duty of 5 cents per pound: *Provided*, That the special duties herein provided for on colors, dyes, or stains, whether soluble or not in water, color acids, color bases, color lakes, leuco-acids, leuco-bases, indoxyl, and indoxyl compounds shall be based on standards of strength which shall be established by the Secretary of the Treasury, and that upon all importations of such articles which exceed such standards of strength the special duty of 5 cents per pound shall be computed on the weight which the article would have if it were diluted to the standard strength, but in no case shall any such articles of whatever strength pay a special duty of less than 5 cents per pound: *Provided further*, That beginning six months after the date of passage of this act no package containing any such color, dye, stain, color acid, color base, color lake, leuco-acid, leuco-base, indoxyl or indoxyl compound shall be admitted to entry into the United States unless such package and the invoice shall bear a plain, conspicuous, and truly descriptive statement of the identity and percentage, exclusive of diluents, of such color, dye, stain, color acid, color base, color lake, leuco-acid, leuco-base, indoxyl, or indoxyl compound contained therein; *And provided further*, That beginning six months after the date of passage of this act no package containing any such article shall be admitted to entry into the United States if it or the invoice bears any statement, design, or device regarding such article or the ingredients or substances contained therein which is false, fraudulent, or misleading in any particular. In the enforcement of this section the Secretary of the Treasury shall adopt standards of strength which shall conform as nearly as practicable to the commercial strengths in use in the United States.

"SEC. 502. That paragraphs 20, 21, 22, 23, 179, 394, 452, and 514; and the provision for salicylic acid in paragraph 1; and provisions for salol, phenolphthalein, acetanilid, acetphenetidin, antipyrine, acetylsalicylic acid, and aspirin in paragraph 18; and the provision for benzoate of soda in paragraph 67; and the provisions for carbolic and phthalic acids in paragraph 387 of an act entitled 'An act to reduce tariff duties and to provide revenue for the Government, and for other purposes,' approved October 3, 1913, are hereby repealed: *Provided*, That all articles which may come within the terms of paragraphs 1, 5, 37, 46, 63, 501, and 538 of said act of October 3, 1913, as well as within the terms of Group I, II, or III of section 500 of this act, shall be assessed for duty or exempted from duty, as the case may be, under this act.

"SEC. 503. That on and after the day when this act shall go into effect all of the foregoing goods, wares, and merchandise previously imported, for which no entry has been made, and all of the foregoing goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subject to the duties imposed by this act, and to no other duty, upon the entry or the withdrawal thereof: *Provided*, That when duties are based upon the weight of merchandise deposited in any public or private bonded warehouse said duties shall be levied and collected upon the weight of such merchandise at the time of its entry.

"SEC. 504. That during the period of two years after the passage of this act it shall be unlawful for any person, firm, partnership, corporation, association, or company to import or bring into the United States or any of its possessions, except under license previously obtained from the United States Tariff Commission, as hereinafter provided, any of the articles enumerated in Groups II and III of section 500 of this act, or any product derived directly or indirectly from coal tar, including dyestuffs, medicinal, and other finished products and mixtures and compounds of such products and such products compounded with other products.

"Nothing herein contained shall be construed to require a license to import any of the articles enumerated in Group I of such section.

"SEC. 505. That the United States Tariff Commission shall issue license to import for domestic use such of the articles covered by section 504 of this act, and such articles only, as may be unobtainable from domestic sources on reasonable terms as to price, quality, and delivery. The commission shall limit the issue of license to import any such articles as nearly as may be to the quantities actually required by the current needs of the applicant, having regard to the necessities of such applicant as is unable to determine beforehand his or its requirements. Nothing herein contained shall authorize the commission to refuse a license to an applicant or his or its agent to import for actual use any such articles when such domestic articles of equal quality are not immediately available for his or its use at a reasonable price.

"To meet the reasonable expenses of the commission incurred in the performance of the duties imposed upon it by this act it may charge a reasonable fee for the issue of each license. Should the moneys received in such fees in any year be less than such expenses, the deficiency, not exceeding $25,000, shall be paid out of the appropriation for expenses of collecting the revenue from customs.

"The commission is authorized to make rules and regulations with respect to the issue of licenses provided for in this act.

"SEC. 506. That any article described in section 504 of this act which shall be imported into the United States or any of its possessions without license, as herein provided, shall be forfeited to the United States and destroyed.

"SEC. 507. That any person subject to the jurisdiction of the United States who shall, either as principal or as accessory, import or attempt to import or aid in importing any article described in section 504 of this act without license as herein provided shall be fined not exceeding $5,000 or the value of such article at the time of importation, if the same shall be greater than $5,000, or shall be imprisoned for not more than one year, or both.

"SEC. 508. That the Secretary of the Treasury is hereby authorized to make regulations for the enforcement of the provisions of this title, except as to the issue of license herein provided for.

"SEC. 509. That sections 504, 505, 506, and 507 of this act shall not apply to articles in actual transit from a foreign country at the time of its passage.

"SEC. 510. That except as otherwise herein specially provided, this act shall take effect on the day following its passage."

Mr. FORDNEY. I move the previous question on the motion to recommit.

The SPEAKER. The gentleman from Michigan moves the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion to recommit.

The question was taken, and the Chair announced the noes seem to have it.

Mr. KITCHIN. Yeas and nays, Mr. Speaker.

The SPEAKER. The gentleman from North Carolina demands the yeas and nays. A sufficient number have arisen, and the yeas and nays are ordered.

The question was taken; and there were—yeas 115, nays 159, answered "present" 1, not voting 154, as follows:

YEAS—115.

Alexander	Crisp	Lazaro	Riordan
Almon	Cullen	Lee, Ga.	Robinson, N. C.
Ashbrook	Davey	Lesher	Romjue
Aswell	Davis, Tenn.	Lonergan	Saunders, Va.
Ayres	Dickinson, Mo.	McAndrews	Sims
Babka	Doughton	McGlennon	Small
Bankhead	Drane	McKiniry	Smithwick
Bee	Dupré	McLane	Steagall
Benson	Fitzgerald	Mansfield	Stedman
Blackmon	Gallagher	Mays	Stephens, Miss.
Bland, Mo.	Gallivan	Minahan, N. J.	Taylor, Colo.
Bland, Va.	Gandy	Moon	Thomas
Blanton	Ganly	Mooney	Tillman
Box	Gard	Moore, Va.	Upshaw
Brand	Garner	Neely	Venable
Briggs	Garrett	Nelson, Mo.	Vinson
Buchanan	Hardy, Tex.	O'Connell	Watkins
Byrnes, S. C.	Hastings	O'Connor	Watson, Va.
Byrns, Tenn.	Hayden	Oldfield	Weaver
Candler	Huddleston	Overstreet	Webb
Cantrill	Humphreys	Padgett	Welling
Carss	Igoe.	Park	Welty
Carter	Johnson, Miss.	Parrish	Whaley
Casey	Jones, Tex.	Pell	Wilson, La.
Clark, Mo.	Keller	Phelan	Wilson, Pa.
Cleary	Kitchin	Pou	Woods, Va.
Coady	Lanham	Quin	Wright
Collier	Lankford	Raker	Young, Tex.
Connally	Larsen	Rayburn	

NAYS—159.

Ackerman	Fordney	Little	Scott
Anderson	Foster	Longworth	Shreve
Andrews, Nebr.	Freeman	Luce	Sinnott
Bacharach	French	Luhring	Smith, Idaho
Baer	Fuller, Ill.	McCulloch	Smith, Ill.
Barbour	Garland	McLaughlin, Nebr.	Smith, Mich.
Benham	Glynn	MacCrate	Snyder
Boies	Good	MacGregor	Steenerson
Browne	Gould	Madden	Stephens, Ohio
Browning	Graham, Ill.	Mapes	Stiness
Burdick	Green, Iowa	Michener	Strong, Kans.
Burroughs	Greene, Mass.	Monahan, Wis.	Strong, Pa.
Butler	Griest	Mondell	Summers, Wash.
Campbell, Kans.	Hadley	Moore, Ohio	Sweet
Campbell, Pa.	Hardy, Colo.	Moore, Pa.	Swope
Cannon	Haskell	Morgan	Taylor, Tenn.
Chindblom	Hawley	Mudd	Temple
Christopherson	Hays	Nelson, Wis.	Thompson
Cole	Hernandez	Newton, Minn.	Timberlake
Cooper	Hersey	Newton, Mo.	Tincher
Cramton	Hickey	Nichols, Mich.	Tinkham
Crowther	Hicks	Ogden	Towner
Currie, Mich.	Hill	Osborne	Vestal
Curry, Calif.	Hoch	Porter	Voigt
Dale	Houghton	Purnell	Volstead
Dallinger	Hulings	Radcliffe	Walsh
Darrow	Hutchinson	Ramseyer	Walters
Denison	James	Randall, Wis.	Wason
Dickinson, Iowa	Jefferis	Reavis	Watson, Pa.
Dowell	Johnson, Wash.	Reed, N. Y.	Webster
Dunbar	Juul	Reed, W. Va.	Wheeler
Dunn	Kearns	Rhodes	White, Kans.
Edmonds	Kelly, Pa.	Ricketts	White, Me.
Elliott	King	Rodenberg	Williams
Elston	Kinkaid	Rogers	Winslow
Emerson	Kleczka	Rose	Woodyard
Esch	Kraus	Rowe	Yates
Evans, Nebr.	Lampert	Sanders, Ind.	Young, N. Dak.
Fairfield	Langley	Sanders, N. Y.	
Fess	Layton	Schall	

ANSWERED "PRESENT"—1.

Knutson

NOT VOTING—154.

Andrews, Md.	Eagle	Jacoway	Mead
Anthony	Echols	Johnson, Ky.	Merritt
Barkley	Ellsworth	Johnson, S. Dak.	Miller
Begg	Evans, Mont.	Johnston, N. Y.	Montague
Bell	Evans, Nev.	Jones, Pa.	Moores, Ind.
Black	Ferris	Kahn	Morin
Bland, Ind.	Fields	Kelley, Mich.	Mott
Booher	Fisher	Kendall	Murphy
Bowers	Flood	Kennedy, Iowa	Nicholls, S. C.
Brinson	Focht	Kennedy, R. I.	Nolan
Britten	Frear	Kettner	Oliver
Brooks, Ill.	Fuller, Mass.	Kiess	Olney
Brooks, Pa.	Godwin, N. C.	Kincheloe	Paige
Brumbaugh	Goldfogle	Kreider	Parker
Burke	Goodall	LaGuardia	Peters
Caldwell	Goodwin, Ark.	Lea, Calif.	Platt
Caraway	Goodykoontz	Lehlbach	Rainey, H. T.
Carew	Graham, Pa.	Linthicum	Rainey, J. W.
Clark, Fla.	Greene, Vt.	Lufkin	Ramsey
Classon	Griffin	McArthur	Randall, Calif.
Copley	Hamill	McClintic	Reber
Costello	Hamilton	McDuffie	Riddick
Crago	Harrison	McFadden	Robsion, Ky.
Davis, Minn.	Haugen	McKenzie	Rouse
Dempsey	Heflin	McKeown	Rowan
Dent	Hersman	McKinley	Rubey
Dewalt	Holland	McLaughlin, Mich.	Rucker
Dominick	Howard	McPherson	Sabath
Donovan	Hudspeth	Magee	Sanders, La.
Dooling	Hull, Iowa	Maher	Sanford
Doremus	Hull, Tenn.	Major	Scully
Dyer	Husted	Mann	Sears
Eagan	Ireland	Mason	Sells
Sherwood	Snell	Tilson	Wingo
Siegel	Steele	Treadway	Wise
Sinclair	Stevenson	Vaile	Wood, Ind.
Sisson	Sullivan	Vare	Zihlman
Slemp	Sumners, Tex.	Ward	
Smith, N. Y.	Taylor, Ark.	Wilson, Ill.	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

Mr. MERRITT with Mr. DENT.

Mr. KREIDER with Mr. MCDUFFIE.

Mr. KENNEDY of Rhode Island with Mr. HULL of Tennessee.

Mr. HAUGEN with Mr. HERSMAN.

Mr. ECHOLS with Mr. BLACK.

Mr. KNUTSON. Mr. Speaker, I find I am paired with the gentleman from Georgia, Mr. BELL, and I desire to withdraw my vote of "nay" and answer "present."

The result of the vote was announced as above recorded.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Michigan asks unanimous consent to address the House for two minutes. Is there objection?

Mr. KITCHIN. I object to that, Mr. Speaker.

The SPEAKER. The gentleman from North Carolina objects. The question is on the passage of the bill.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. KITCHIN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 156, nays 119, answered "present" 3, not voting 151, as follows:

YEAS—156.

Ackerman	Foster	Little	Rogers
Anderson	Freeman	Lonergan	Rose
Andrews, Nebr.	French	Longworth	Rowe
Bacharach	Fuller, Ill.	Luce	Sanders, Ind.
Barbour	Garland	Luhring	Schall
Benham	Glynn	McCulloch	Scott
Boies	Good	McLaughlin, Mich.	Shreve
Browne	Gould	McLaughlin, Nebr.	Sinnott
Browning	Graham, Ill.	MacCrate	Smith, Idaho
Burdick	Green, Iowa	MacGregor	Smith, Ill.
Burroughs	Greene, Mass.	Madden	Smith, Mich.
Butler	Griest	Mapes	Snyder
Campbell, Kans.	Hadley	Martin	Steenerson
Campbell, Pa.	Hardy, Colo.	Michener	Stephens, Ohio
Cannon	Haskell	Minahan, N. J.	Stiness
Chindblom	Haugen	Monahan, Wis.	Strong, Pa.
Christopherson	Hawley	Mondell	Summers, Wash.
Cole	Hays	Moore, Ohio	Sweet
Cooper	Hernandez	Morgan	Swope
Cramton	Hersey	Mudd	Taylor, Tenn.
Crowther	Hicks	Nelson, Wis.	Temple
Currie, Mich.	Hill	Newton, Minn.	Thompson
Curry, Calif.	Hoch	Nichols, Mich.	Timberlake
Dale	Houghton	O'Connor	Tincher
Dallinger	Hulings	Ogden	Tinkham
Darrow	Hutchinson	Osborne	Towner
Denison	James	Phelan	Vestal
Dickinson, Iowa	Jefferis	Porter	Voigt
Dowell	Johnson, Wash.	Purnell	Volstead
Dunbar	Juul	Radcliffe	Walsh
Dupré	Kearns	Raker	Walters
Echols	Kelly, Pa.	Ramseyer	Webster
Edmonds	King	Randall, Wis.	Wheeler
Elston	Kinkaid	Reavis	White, Kans.
Emerson	Kleczka	Reed, N. Y.	White, Me.
Esch	Lampert	Reed, W. Va.	Williams
Evans, Nebr.	Langley	Rhodes	Wilson, Pa.
Fess	Layton	Ricketts	Winslow
Fordney	Lazaro	Rodenberg	Woodyard

NAYS—119.

Alexander	Crisp	Kraus	Romjue
Almon	Cullen	Lanham	Rubey
Ashbrook	Davey	Lankford	Sanders, N. Y.
Aswell	Davis, Tenn.	Larsen	Saunders, Va.
Ayres	Dickinson, Mo.	Lee, Ga.	Small
Babka	Doughton	Lesher	Smithwick
Baer	Drane	McAndrews	Steagall
Bankhead	Dunn	McGlennon	Stedman
Bee	Elliott	McKiniry	Stephens, Miss.
Benson	Fairfield	McLane	Taylor, Colo.
Black	Fitzgerald	Mansfield	Thomas
Blackmon	Gallagher	Mays	Tillman
Bland, Mo.	Gallivan	Moon	Upshaw
Bland, Va.	Gandy	Mooney	Venable
Blanton	Ganly	Moore, Pa.	Vinson
Box	Gard	Moore, Va.	Watkins
Brand	Garner	Neely	Watson, Pa.
Briggs	Garrett	Nelson, Mo.	Watson, Va.
Buchanan	Hardy, Tex.	O'Connell	Weaver
Byrnes, S. C.	Hastings	Oldfield	Webb
Byrns, Tenn.	Hayden	Overstreet	Welling
Candler	Hickey	Padgett	Welty
Carss	Huddleston	Park	Whaley
Carter	Humphreys	Parrish	Wilson, La.
Casey	Igoe	Pell	Woods, Va.
Clark, Mo.	Johnson, Miss.	Pou	Wright
Cleary	Jones, Tex.	Quin	Yates
Coady	Keller	Rayburn	Young, N. Dak.
Collier	Kincheloe	Riordan	Young, Tex.
Connally	Robinson, N. C.		Kitchin

ANSWERED "PRESENT"—3.

Knutson	Newton, Mo.	Strong, Kans.	Wason

NOT VOTING—151.

Andrews, Md.	Fields	Kreider	Randall, Calif.
Anthony	Fisher	LaGuardia	Reber
Barkley	Flood	Lea, Calif.	Riddick
Begg	Focht	Lehlbach	Robsion, Ky.
Bell	Frear	Linthicum	Rouse
Bland, Ind.	Fuller, Mass.	Lufkin	Rowan
Booher	Godwin, N. C.	McArthur	Rucker
Bowers	Goldfogle	McClintic	Sabath
Brinson	Goodall	McDuffie	Sanders, La.
Britten	Goodwin, Ark.	McFadden	Sanford
Brooks, Ill.	Goodykoontz	McKenzie	Scully
Brooks, Pa.	Graham, Pa.	McKeown	Sears
Brumbaugh	Greene, Vt.	McKinley	Sells
Burke	Griffin	McPherson	Sherwood
Caldwell	Hamill	Magee	Siegel
Cantrill	Hamilton	Maher	Sims
Caraway	Harrison	Major	Sinclair
Carew	Heflin	Mann	Sisson
Clark, Fla.	Hersman	Mason	Slemp
Classon	Holland	Mead	Smith, N. Y.
Copley	Howard	Merritt	Snell
Costello	Hudspeth	Miller	Steele
Crago	Hull, Iowa	Montague	Stevenson
Davis, Minn.	Hull, Tenn.	Moores, Ind.	Sullivan
Dempsey	Husted	Morin	Sumners, Tex.
Dent	Ireland	Mott	Taylor, Ark.
Dewalt	Jacoway	Murphy	Tilson
Dominick	Johnson, Ky.	Nicholls, S. C.	Treadway
Donovan	Johnson, S. Dak.	Nolan	Vaile
Dooling	Johnston, N. Y.	Oliver	Vare
Doremus	Jones, Pa.	Olney	Ward
Dyer	Kahn	Paige	Wilson, Ill.
Eagan	Kelley, Mich.	Parker	Wingo
Eagle	Kendall	Peters	Wise
Ellsworth	Kennedy, Iowa	Platt	Wood, Ind.
Evans, Mont.	Kennedy, R. I.	Rainey, H. T.	Zihlman
Evans, Nev.	Kettner	Rainey, J. W.	
Ferris	Kiess	Ramsey	

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. ANDREWS of Maryland with Mr. CANTRILL.

Mr. STRONG of Kansas with Mr. SIMS.

Mr. KNUTSON. Mr. Speaker, I am paired with the gentleman from Georgia, Mr. BELL, and I desire to withdraw my vote of "yea" and answer "present."

The result of the vote was announced as above recorded.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that the Clerk may reletter the sections, in view of the fact that one of them was stricken out.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

On motion of Mr. FORDNEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

Mr. VAILE, by unanimous consent, was granted leave of absence for 10 days, on account of illness in his family.

EXTENSION OF REMARKS.

Mr. KNUTSON. Mr. Speaker, I rise to request unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the RECORD.

Mr. WALSH. Mr. Speaker, reserving the right to object, of what does the extension consist?

Mr. KNUTSON. Of a magazine article.

Mr. WALSH. The same article which the gentleman requested to have printed the other day?

Mr. KNUTSON. Yes, sir.

Mr. WALSH. I object.

ORDER OF BUSINESS FOR TO-MORROW.

Mr. MONDELL. Mr. Speaker, at the request of several Members of the House, I wish to announce that the House will take up to-morrow morning the cold-storage bill.

ENROLLED BILL SIGNED.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 9091. An act granting the consent of the Congress to the county of Hennepin, in the State of Minnesota, to construct, maintain, and operate a bridge across the Minnesota River.

ADJOURNMENT.

Mr. FORDNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Saturday, September 27, 1919, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. FOCHT, from the Committee on War Claims, to which was referred the joint resolution (H. J. Res. 215) authorizing the legal heirs of certain officers of the United States Coast Guard who lost their lives when the Coast Guard cutter *Tampa* was destroyed in Bristol Channel, September 26, 1918, to receive pay and allowances that would have accrued to said officers, reported the same without amendment, accompanied by a report (No. 340), which said joint resolution and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (S. 2440) for the relief of the estate of John M. Lea, deceased; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (S. 358) carrying into effect the findings of the Court of Claims in the matter of the claim of T. L. Love, surviving partner of Robert Love & Son; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 9262) granting an increase of pension to George S. Hawkins; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8919) granting an increase of pension to Lewis E. Letner; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 8811) granting an increase of pension to Jacob Amberg; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SIMS: A bill (H. R. 9538) to amend the act to regulate commerce, approved February 4, 1887, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. SINNOTT: A bill (H. R. 9539) for the consolidation of forest lands within the national forests; to the Committee on the Public Lands.

By Mr. STEENERSON: A bill (H. R. 9540) designating the American mountain laurel the national flower of the United States; to the Committee on the Library.

By Mr. GOULD: Resolution (H. Res. 312) calling upon the President for information relative to the internationalization of the war debt; to the Committee on Ways and Means.

By Mr. HUTCHINSON: Resolution (H. Res. 313) providing for the immediate consideration of H. R. 9521; to the Committee on Rules.

By Mr. GOULD: Joint resolution (H. J. Res. 216) to prohibit any member of the Metropolitan police force of the District of Columbia from joining or affiliating with any outside labor organization; to the Committee on the District of Columbia.

By Mr. GREENE of Massachusetts: Joint resolution (H. J. Res. 217) to direct the Secretary of the Navy to remove the restrictions on the use and operation of amateur radio stations throughout the United States; to the Committee on the Merchant Marine and Fisheries.

Also, joint resolution (H. J. Res. 218) to direct the Secretary of the Navy to open certain naval radio stations for the use of the general public; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND of Indiana: A bill (H. R. 9541) granting an increase of pension to Louis D. Argo; to the Committee on Pensions.

Also, a bill (H. R. 9542) granting a pension to Oscar G. Smith; to the Committee on Pensions.

By Mr. BENHAM: A bill (H. R. 9543) to correct the military record of Myron H. McMullen; to the Committee on Military Affairs.

By Mr. BROWNING: A bill (H. R. 9544) granting an increase of pension to Emma R. Foster; to the Committee on Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 9545) granting a pension to Oliver M. McRoberts; to the Committee on Invalid Pensions.

By Mr. CASEY: A bill (H. R. 9546) for the relief of John Bray; to the Committee on Military Affairs.

By Mr. DAVIS of Tennessee: A bill (H. R. 9547) granting a pension to Teddy Sexton; to the Committee on Pensions.

By Mr. FOCHT: A bill (H. R. 9548) granting a pension to Jemima Trueax; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9549) granting a pension to Sarah M. Doan; to the Committee on Invalid Pensions.

By Mr. GOODALL: A bill (H. R. 9550) for the relief of the legal representatives of Messrs. Lyman Randall, J. E. Sarrazin, and James Williams; to the Committee on War Claims.

By Mr. GOODYKOONTZ: A bill (H. R. 9551) granting an increase of pension to John Mills; to the Committee on Invalid Pensions.

By Mr. GOULD: A bill (H. R. 9552) granting an increase of pension to Ludlow B. Ward; to the Committee on Invalid Pensions.

By Mr. KING: A bill (H. R. 9553) granting an increase of pension to William Dotson; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 9554) granting an increase of pension to Colbert Ratliff; to the Committee on Invalid Pensions.

By Mr. McANDREWS: A bill (H. R. 9555) for the relief of Mary Altieri; to the Committee on Claims.

By Mr. McFADDEN: A bill (H. R. 9556) granting an increase of pension to Mary A. Ochs; to the Committee on Invalid Pensions.

By Mr. MASON: A bill (H. R. 9557) granting a pension to William C. Donlevy; to the Committee on Pensions.

By Mr. MONAHAN of Wisconsin: A bill (H. R. 9558) granting an increase of pension to John Rowe; to the Committee on Invalid Pensions.

By Mr. NEWTON of Missouri: A bill (H. R. 9559) to extend the benefits of the employers' liability act of September 7, 1916, to Arthur E. Rump; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: A bill (H. R. 9560) for the relief of George W. Lyle; to the Committee on Claims.

Also, a bill (H. R. 9561) for the relief of Herman Schultz; to the Committee on Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 9562) granting an increase of pension to Lafayette Hackney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9563) granting a pension to George W. Irwin; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 9564) granting a pension to Americus Watt; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 9565) granting a pension to Emily Frances Dexter; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Rev. Michael Kuziw, of Northampton, Pa., asking the United States to recognize complete independence of the Ukrainian Republic; to the Committee on Foreign Affairs.

Also (by request), petition of Paul M. Borowski and others, praying for law and order, so that the proper person or persons responsible for the deaths and injuries of these Polish people be brought to justice and properly punished if they are in fault; to the Committee on the Judiciary.

By Mr. BURKE: Petition of the Neversink Dyeing Co., of Reading, Pa., urging the passage of the Longworth bill; to the Committee on Interstate and Foreign Commerce.

By Mr. CAREW: Petition of the officers of the Fifteenth Infantry Regiment, New York Guard, favoring legislation proposed or favored by the National Guard Association; to the Committee on Military Affairs.

By Mr. EDMONDS: Papers to accompany Senate bills Nos. 358, 767, and 2440; to the Committee on War Claims.

By Mr. ESCH: Petition of Mississippi Valley Association, by Walter Parker, favoring development of water power; to the Committee on Water Power.

By Mr. FULLER of Illinois: Petition of various Grand Army posts, associations of veterans of the Civil War, and citizens, favoring increase of Civil War pensions, as provided in House bill 9369; to the Committee on Invalid Pensions.

Also, petition of Amalgamated Federation of Railway Mail Clerks for increase of pay; to the Committee on the Post Office and Post Roads.

Also, petition of Epiphany Evangelical Church of Chicago, Ill., favoring House bill 7915, amending the revenue act; to the Committee on Ways and Means.

Also, petition of American Gear Manufacturers' Association, of Philadelphia, Pa., opposing Government ownership of railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. GOODYKOONTZ: Papers to accompany House bill 9551, granting an increase of pension to John Mills; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: Petition of sundry citizens of Baltimore, Md., favoring a war bonus of $360 for ex-service men; to the Committee on Military Affairs.

Also, petition of William Numsen & Sons (Inc.), of Baltimore, Md., protesting against the passage of the Kenyon bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of National Association of Marble Dealers, protesting against the passage of the Plumb plan; to the Committee on Interstate and Foreign Commerce.

Also, petition of C. A. Gambrill Manufacturing Co. of Baltimore, Md., favoring the passage of House bill 7482; to the Committee on Coinage, Weights, and Measures.

By Mr. McGLENNON: Petition of Knights of Pythias of New York City, asking Congress to use every endeavor to throttle and stamp out Bolshevism and kindred organizations and anarchy; to the Committee on Military Affairs.

Also, petition of National Aniline & Chemical Co., favoring the protesting against the ratification of the proposed league of nations; to the Committee on Foreign Affairs.

By Mr. O'CONNELL: Petition of Charles S. Smith and others, bishops of the African Methodist Episcopal Church, praying for Congress to make diligent inquiry as to the underlying cause of the race riots at Washington, D. C., Chicago, Ill., and Knoxville, Tenn., with the view of formulating such suggestions for adoption by the people as, in its judgment, may prove a safeguard against similar outbreaks in the future and also lead to the establishment of a more friendly relationship between the races; to the Committee on the Judiciary.

Also, petition of Nation Aniline & Chemical Co., favoring the passage of the Longworth bill; to the Committee on Ways and Means.

Also, petition of John Campbell & Co., of New York, favoring the passage of the Longworth bill; to the Committee on Ways and Means.

Also, petition of Abraham & Straus, of New York City, protesting against the passage of Senate bill 2904 and House bill 8315; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Petition of Fairbanks, Morse Co.; West Coast Packing Co.; Citizens National Bank; and National Creamery and Produce Co., all of Los Angeles, Calif., protesting against the bill introduced by Representative SIEGEL, which provides for the placing of the cost price on all merchandise offered for sale; to the Committee on Interstate and Foreign Commerce.

Also, letter from the Air Reduction Sales Co., San Francisco, Calif., indorsing House bill 5011 and 5012, which provides for the improvement of the Patent Office; to the Committee on Patents.

Also, letter from the Messe-Gottfried Co., of San Francisco, Calif., requesting favorable action affecting the Patent Office; to the Committee on Patents.

Also, letter from the Service League for the Handicapped, Chicago, Ill., requesting that the Kenyon-Fess bill be re-referred to the committee for full hearings; to the Committee on Education.

By Mr. YATES: Petition of the Valley Camp Coal Co., Cleveland, Ohio, urging most careful consideration before passage of the Kenyon bill, Senate bill 2202; to the Committee on Interstate and Foreign Commerce.

Also, petition of Richard John Ahrens, Chicago, Ill., urging passage of Gronna-Baer bill; to the Committee on Military Affairs.

Also, petition of Frank A. Johnson, Danville, Ill., protesting against Jones bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of A. C. Helbaker, Springfield, Ill., protesting against the Siegel bill (H. R. 8315); to the Committee on Interstate and Foreign Commerce.

Also, petition of Marden, Orth & Hastings Corporation, New York, N. Y., urging the passage of the Longworth bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of John R. Adams & Co., Chicago, Ill., protesting against storage law as proposed by Subcommittee on Agriculture as being harmful to best interest of dried-fruit industry; to the Committee on Agriculture.

Also, petition of J. P. McCauley, Chicago, Ill., urging the passage of the bill advocating six months' pay for discharged soldiers, sailors, and marines; to the Committee on Military Affairs.

Also, petition of W. E. Emery, Danville, Ill., urging that the high cost of living is due to curtailment of production and this curtailment can be cured if workers continue at work, inasmuch as they are the source of production, and accordingly a national campaign of education should be inaugurated; to the Committee on Education.

SENATE.

SATURDAY, *September 27, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we desire to begin this new day by coming into right relations with Thyself, by knowing as far as it is possible for us to know the will of God, by seeking from Thee that grace which will enable us to desire above all things to do Thy will. Help us to-day to keep close to Thee. May Thy spirit brood over us, guiding us to follow the commandments of God and to do the things that are pleasing in Thy sight. Forgive us our sins and fit us for the tasks that have come to us in Thy providence. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

ESTIMATES OF APPROPRIATIONS (S. DOC. NO. 112).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioners of the District of Columbia, submitting supplemental estimates of appropriations in the sum of $165,000 required by the District of Columbia for the fiscal year 1920, etc., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the bill (S. 2910) to revive and reenact the act entitled "An act to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild and reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee," approved April 5, 1916.

The message also announced that the House insists upon its amendments to the bill (S. 641) to amend section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ESCH, Mr. HAMILTON, and Mr. SIMS managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 9091) granting the consent of the Congress to the county of Hennepin, in the State of Minnesota, to construct, maintain, and operate a bridge across the Minnesota River; and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. CURTIS presented a memorial of sundry citizens of Kingman, Kans., remonstrating against the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

He also presented a petition of Local Council No. 42, United Commercial Travelers of America, of Topeka, Kans., praying for the construction of a national highway system, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Almo Lodge No. 740, Brotherhood of Railroad Clerks, of Parsons, Kans., praying for the adoption of the so-called "Plumb plan" for the operation and control of railroads, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Franklin County Retail Merchants' Association of Kansas, remonstrating against the enactment of legislation requiring the obtaining of license by all persons transacting business, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Chanute, Kans., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. LODGE. I present a brief resolution passed by Washington Camp No. 13, Patriotic Order Sons of America, of Soddy, Tenn., which I ask to have printed in the RECORD, without reading.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

WASHINGTON CAMP NO. 13,
PATRIOTIC ORDER SONS OF AMERICA,
Soddy, Tenn., September 23, 1919.

Hon. HENRY C. LODGE,
United States Senate, Washington, D. C.:

Be it resolved by the members of Washington Camp No. 13, Patriotic Order Sons of America, Soddy, Tenn., at a regular meeting assembled, That we, the Sons of America, children of her soil, reared beneath the shadow of her flag, loving her as none others can know, having an interest in her future welfare, and to safeguard our free institutions, condemn and are opposed to the league of nations, as written, and we highly approve the stand you have taken in its opposition, believing you to be a true American and opposed to foreign entanglements and foreign influence in the affairs of our Government. We assure you as Sons of America, irrespective of party, our undivided support and influence to the end that we may enjoy the freedom from foreign entanglements and foreign powers; be it further

Resolved, That we ask you statesmen in the Senate of the United States assembled at this critical moment to save our country from the iron chains of slavery and the wiles of foreign influences. We pray that God may shield you from wrong, guide you in your duty, and prepare you for the end, and that your record in this matter will be your proudest monument. Save us; oh, save us! This is the sentiment of our entire membership. Let's all be Americans now.

Respectfully,

ED. CLEMENTS,
President.

Attest:
S. W. JENKINS,
Recording Secretary.

Mr. LODGE. I also present certain resolutions passed by the National Dames of the Civil War, an organization with headquarters at Greenfield, Mass. I ask that the resolution may be printed in the RECORD without reading. I may say that the signers are all Americans.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

"We, the National Dames of the Civil War, as an organization, headquarters at Greenfield, Mass., send you, Senator LODGE, our protest in regard to any connection of our country with the so-called league of nations. Our country, the land our noble forefathers fought for, through all those years of suffering, finally, July 4, 1776, declared it free and independent. That was the birth of a new nation; our America; and our fathers dedicated it to "liberty and humanity." It has often been called the Liberty Hall of the World—our America, now the land of the highest civilization, given over to despotic powers. Our glorious Star-Spangled Banner, which represents all the principles, all the virtues, all the grand and loved things our fathers fought for, exchanged for what? Our rightful inheritance, and we have taken our oath that we, to the best of our ability, will protect, preserve, and defend "our inheritance." Are we not now as capable managers of that inheritance as in the past? We are strongly opposed to any connection with other nations. As a free and independent Nation our development has been the wonder of the world; if we remain free and independent our growth will continue. We are for America first, America last, America always and forever, and our Star-Spangled Banner and no other; no, never.

"Names of officers of the National Dames of the Civil War: Mary L. Kimball, commander; Mattie J. Ballon, assistant commander; Harriet Bridges Clary, senior vice commander; ———, second senior vice commander; Elizabeth H. Gillette, junior vice commander; J. L. Hubbard, second junior vice commander; Louise J. Munson, adjutant; Lucy A. Herrick, quartermaster; Nettie Potter, officer of the day; Isabel C. Moore, chaplain.

"Color guards: First, ——— ———; second, Miry Oliver; third, Mrs. Delia C. Crandell; fourth, Mrs. Anna A. Robinson; fifth, Mrs. Sarah O. Sexton; sixth, Laura Hoyet; seventh, Anna Williams; eighth, Fannie Lyons; sentinel, Fannie A. Coates.

"Read, enthusiastically approved, and accepted September 19, 1919, at last encampment.

"Yours, respectfully,

"MRS. HARRIET BRIDGES CLARY,
"*North New Salem, by way of Orange, Mass., R. F. D.*"

Mr. KENYON. I ask unanimous consent to have printed in the RECORD a telegram from the presiding bishop of Iowa with reference to the position of the Methodist Episcopal Church and urging the ratification of the league of nations. I also desire to have printed in the RECORD a letter sent out by the League to Enforce Peace, addressed to "Dear Fellow Covenanter"; and following that a letter sent out by the Democratic State committee of Iowa to the people, the two letters showing how great minds will think in the same way even to the identical language. Also following that I ask to have printed in the RECORD a letter to me from a member of the Democratic State central committee strongly dissenting to the united thought on the question of the league of nations of the League to Enforce Peace and the Democratic State central committee.

There being no objection, the telegram and letters were ordered to be printed in the RECORD, as follows:

DES MOINES, IOWA, *September 22, 1919.*

Senator W. S. KENYON,
Washington, D. C.:

The Des Moines conference of the Methodist Episcopal Church, composed of 275 ministers and representing nearly 70,000 members, urge the early ratification of the peace treaty, including the league of nations.

HOMER C. STUNTZ, *Presiding Bishop.*
FRED M. WILLIS, *Secretary.*

LEAGUE TO ENFORCE PEACE,
September 16, 1919.

(Personal and confidential.)

DEAR FELLOW COVENANTER: Nearly everybody, except political trimmers and self-seekers, wants the peace treaty and covenant ratified without further delay. Humanity, commerce, industry, labor, the whole social order need ratification now. We urge that you immediately write, telephone, telegraph, or visit Senators and demand prompt and unqualified ratification, and that you get other persons of influence who can bring pressure to do so. No matter if you have done this—do it again and in a positive and conclusive manner. Don't wait on others; strike straight from the shoulder now, and put all your might behind the blow.

Faithfully, yours,

W. R. BOYD, Jr.,
National Campaign Manager.
I. T. JONES,
Assistant National Campaign Manager.

DEMOCRATIC STATE CENTRAL COMMITTEE OF IOWA,
Des Moines, Iowa, September 17, 1919.

DEAR SIR: Nearly everybody except political trimmers and self-seekers want the peace treaty and covenant ratified without further delay. Humanity, commerce, industry, labor, the whole social order need ratification now.

I am sure that you agree with us, and to that end we urge that you immediately write, telephone, or telegraph our Iowa Senators and demand prompt and unqualified ratification, and then get others to do the same. No matter if you have done this, do it again, and in a positive and conclusive manner. Don't wait on others. Strike straight from the shoulder now and put all your might behind the blow.

We can accomplish a great deal by so doing, and I trust that you will take care of the matter immediately.

With kind regards, I am,

Sincerely, yours,

J. W. REYNOLDS,
Chairman State Central Committee.
G. P. HELMACK,
Secretary Iowa Democratic Club.

THE EMMETSBURG DEMOCRAT,
Emmetsburg, Iowa, September 19, 1919.

Hon. W. S. KENYON,
Washington, D. C.

DEAR MR. KENYON: I notice that a widespread effort is being made to try to convince you that the people of Iowa are strongly in favor of the adoption by the Senate of the league of nations constitution as it now stands. I think I know the sentiments of the people of our county on this proposition. It is my judgment that at least 80 per cent of our people, regardless of politics, are in thorough sympathy with the action our Senators have already taken in standing for the reservations that have been given publicity. The more the matter is discussed the stronger becomes public feeling against the provisions of the covenant. I sincerely hope you will not flinch, and that if we are to have a league it will safeguard thoroughly the American privileges and principles of which we are all so justly proud.

Very truly, yours,

W. I. BRANAGAN.

Mr. JOHNSON of South Dakota. I have in my hand a petition to Congress in the form of a resolution adopted by the Quarterly Conference of the Methodist Church, held at Canton, S. Dak., which I ask to have inserted in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

CANTON, S. DAK., *September 22, 1919.*

Hon. E. S. JOHNSON,
United States Senate, Washington, D. C.

DEAR SIR: As acting secretary of the Quarterly Conference, held at the Methodist Episcopal Church of Canton, Monday evening, September 21, I was instructed to forward to you a copy of the following resolutions unanimously adopted by the conference, to wit:

"*Be it resolved by the members of the quarterly conference of the Methodist Episcopal Church of Canton, S. Dak., now assembled,* That we place ourselves on record as unqualifiedly in favor of the "league of nations"; not in the sense that we believe the constitution now before the United States Senate is perfect, but that we are convinced the world needs a league of nations to extend world brotherhood, to prevent the horrors of war, and to reduce the awful burdens placed on the people in preparation for war; and for that purpose we believe the constitution now discussed in the United States Senate is a long step in the right direction; it is further

"*Resolved,* That we urge Senator STERLING and Senator JOHNSON of South Dakota to use all their influence to effect an early ratification of the treaty of peace and the adoption of the league of nations; be it further

"*Resolved,* That the secretary of the conference be instructed to forward a copy of these resolutions to Senator STERLING and Senator JOHNSON, and have them published in the Canton newspapers and in the Sioux Falls Press and Argus Leader."

Yours, very truly,

W. G. LECHNER, *Secretary.*

Mr. ASHURST. Mr. President, I have received a large number of telegraphic dispatches within the past three or four days. I ask leave to print some of them in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

PHOENIX, ARIZ., *September 26, 1919.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

The public sentiment of Arizona is running strong in the direction that the peace of the world, the early settlement of the many grave social and economic questions that now confront it, and the maintenance of the present position of the United States for an almost controlling influence in the just solution of such matters are vitally dependent upon the earliest possible ratification of the covenant and treaty without amendment, and we, the undersigned, do earnestly entreat you to oppose reservations, which reservations if any way, in any wise, afford a basis for contending that changes have been made which require the resumption of conference and negotiations among the nations.

Alfred Franklin, John L. Irvin, S. J. Michelson, Alfred C. Sieboth, Clay Leonard, James P. Lavin, C. M. Zander, C. M. Roberts, F. J. K. McBride, Alexander B. Baker, C. O. Case, Henry D. Ross, Con P. Cronin, J. P. Dillon, Mitt Simms, A. C. Baker, G. H. Bolen, Frank P. Trott, Thomas A. Flynn, W. A. Mouer, Guy D. Acuff, M. S. Stanley, Charles R. Howe, Amos A. Betts, Wiley E. Jones, Ben R. Clark.

GLOBE, ARIZ., *September 26, 1919.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

If newspaper reports are correct and you have advised President Wilson that you can not support him and must vote for the Johnson amendment, or if you can not support the President in his great work for humanity in furthering the league of nations, it is our opinion that you are not best serving the future welfare of your Nation, and certainly you are not voicing the sentiment of Arizona, whose people you are elected to serve.

W. S. Brookner, county treasurer; L. M. Brown, Gila Abstract Co.; P. P. Greer, president First National Bank; J. H. Hamill; E. H. McEarchran, justice of the peace, Miami; T. P. Howard; Wilson T. Wright; M. Lyons; J. L. Wales, S. H. Morris; J. R. Lynn; Charles W. Hogue; and Ward Crawford.

(Telegram.)

WASHINGTON, D. C., *September 25, 1919.*

To the PRESIDENT OF THE UNITED STATES,
Pueblo, Colo.:

Although I have had, as you, of course, know, serious doubts and misgivings as to some parts of the league covenant, I am nevertheless convinced that Germany would obtain a material advantage and would come out of the war practically a victor were the treaty amended or were any reservations adopted.

To my mind, it is this treaty or no treaty, and I for one am not willing to assume the frightful responsibility of precipitating chaos upon the world by some hazardous amendment or reservation.

I have studied this tremendous question from every angle and am sure that at this juncture I can render my country—indeed, the entire civilized world—a great service by voting for the treaty without amendments or reservations.

ASHURST.

(Telegram.)

The Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

May I not express my admiration of your statesmanlike attitude toward the treaty and the sense of gratitude with which I have read your message?

WOODROW WILSON.

CHATTANOOGA, TENN., *September 26, 1919.*

Senator HENRY F. ASHURST,
Washington:

Congratulations on message to President. History will praise your support of treaty without reservations.

W. J. BRYAN.

SAN FRANCISCO, CALIF., *September 26, 1919.*

Senator ASHURST,
Washington, D. C.:

Having read in this morning's papers your telegram to the President explaining your position on the ratification of the treaty, we wish to express to you our admiration for your broad-minded viewpoint on a matter so vital to the welfare of our Nation.

CHARLES DEY ELKUS.
ALBERT ELKUS, Jr.

SAN FRANCISCO, CALIF., *September 26, 1919.*

Hon. H. F. ASHURST,
Senate Office Building, Washington, D. C.:

We congratulate you upon your attitude in the peace treaty; we believe it should be ratified immediately without reservations. California women voters will not forget the men who rise above party politics and vote for the cause of common humanity.

WOMEN'S LEAGUE FOR THE PEACE TREATY.

CHICAGO, ILL.

HENRY F. ASHURST,
United States Senate, Washington, D. C.:

You have struck nail squarely on head. Most important question for Senate to decide is, Shall the United States after 300,000 human casualties and $30,000,000,000 sacrificed play directly into the hands of those who made necessary the sacrifices? Arizona will remember you with gratitude.

D. J. SULLIVAN.

Mr. CAPPER presented a memorial of Local Union No. 1424, Farmers' Educational and Cooperative Union, of Dickinson County, Kans., remonstrating against universal military training, which was referred to the Committee on Military Affairs.

He also presented a petition of the George T. Davies Post, American Legion, of Concordia, Kans., praying for an investigation into the discharge from prison and barracks of conscientious objectors and for deportation of such objectors, which was referred to the Committee on Military Affairs.

He also presented a petition of Local Lodge No. 1028, International Association of Machinists, of Newton, Kans., and a petition of Cherokee Lodge, No. 370, Brotherhood of Railroad Trainmen, of Parsons, Kans., praying for the adoption of the so-called "Plumb plan" for the operation and control of railroads, which were referred to the Committee on Interstate Commerce.

Mr. PHELAN presented a petition of the Northern California Hotel Association, of San Francisco, Calif., praying for self-determination for the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. SHERMAN presented memorials of sundry citizens of Barry, Ill., remonstrating against the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Walnut, Ill., praying for the repeal of the tax on pianos and organs, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Taylorville, Ill., praying for the repeal of the tax on candy, ice cream, and soft drinks, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. JONES of Washington, from the Committee on Commerce, to which was referred the bill (S. 3076) authorizing suits against the United States in admiralty, suits for salvage services, and providing for the release of merchant vessels belonging to the United States from arrest and attachment in foreign jurisdictions, and for other purposes, reported it without amendment and submitted a report (No. 223) thereon.

Mr. McLEAN, from the Committee on Banking and Currency, to which was referred the bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918, reported it with amendments and submitted a report (No. 224) thereon.

Mr. CURTIS, from the Committee on Indian Affairs, to which was referred the bill (H. R. 5007) granting citizenship to certain Indians, reported it without amendment and submitted a report (No. 222) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GAY:

A bill (S. 3096) to authorize the construction of a bridge across the Red River at or near Moncla, La.; to the Committee on Commerce.

By Mr. NUGENT:

A bill (S. 3097) granting an increase of pension to James R. Sullivan (with accompanying papers); and

A bill (S. 3098) granting a pension to Martha Reed (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 3099) granting an increase of pension to Michael Zoller (with accompanying papers); to the Committee on Pensions.

A bill (S. 3100) for the relief of Sylvester P. Hill (with accompanying papers); to the Committee on Military Affairs.

By Mr. NEWBERRY:

A bill (S. 3101) granting an increase of pension to Martin V. B. Clark (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 3102) for the relief of Katherine Macdonald; to the Committee on Public Lands.

By Mr. OWEN:

A bill (S. 3103) granting an increase of pension to Andrew J. Testerman (with accompanying papers); to the Committee on Pensions.

NATIONAL BANKING ACT.

Mr. McLEAN submitted the following concurrent resolution (S. Con. Res. 10), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 1,500 copies of the national banking act as amended to date for the use of the Senate and to be distributed through the Senate document room.

RECEPTION TO THE KING OF THE BELGIANS.

Mr. LODGE. I present an order for the present consideration of which I ask unanimous consent.

The Secretary read as follows:

Ordered, That at the hour of 2 o'clock p. m., on Saturday October 4, 1919, the Senate will take a recess until 2.30 o'clock p. m. in order to receive in the Senate His Majesty the King of the Belgians.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the order is unanimously adopted.

CONDITIONS IN INDIA.

Mr. McCUMBER. Mr. President, under the rules of the Senate any communication from foreign citizens must come through the Executive department. Therefore, while the Committee on Foreign Relations was very liberal in the matter of hearing those Americans who desired to be heard on subjects entirely foreign to the United States and touching the relations of foreign countries with each other, it was not possible, on account of this rule, to receive evidence in contradiction to the evidence given.

We had before the committee one witness who spoke for the revolutionists in India. An Indian citizen desired to be heard by the committee in rebuttal of the testimony that was given; but, as stated, under our rules, that could not be done, and the chairman of the committee very properly informed the Indian citizen that it could not be done. Nevertheless, I think that the matter which was proposed to be submitted is such a clear, definite, and dispassionate statement of Indian conditions and what is for the best interests of the Indian people that the Senate should have the benefit of it.

I therefore ask that the papers which I send to the desk, which are a letter from Mr. Rustym Rustomjee to the chairman of the Committee on Foreign Relations, the reply of the chairman, and the second letter from this Indian citizen, together with the statement, may be printed in the RECORD and also as a public document. I ask that the short letters shall be printed simply because they explain the situation and indicate the official position occupied by Mr. Rustym Rustomjee.

Mr. LODGE. Mr. President, I desire to say only one word in explanation. The revolutionists of India, as the Senator calls them, applied to me for a hearing and I refused it because Mr. Rustym Rustomjee, who wished to present their case, was a native of India. I refused it under the rule, as I interpret the rule of the Senate, and we refused to hear anyone not an American citizen. Their case was presented by Mr. W. D. Malone, of course an American citizen.

Mr. Rustym Rustomjee came to me and I told him that under the rule we could only receive the communication through the President. As far as I am personally concerned, I am very glad to have it printed, but under the rule which we applied to everybody else I did not feel that we could properly present it. Under the rule Mr. Rustym Rustomjee is excluded from communicating with us, because the rule says that communications and memorials from foreign citizens can only be received through the President.

Mr. McCUMBER. This is not a memorial to the Senate, but it is a statement made by a foreign citizen, and, of course, as a mere statement and not addressed to the Senate or a petition to the Senate it could be properly printed. It is on that basis that I present it.

The VICE PRESIDENT. The rule provides that—

No petition or memorial or other paper signed by citizens or subjects of a foreign power shall be received, unless the same be transmitted to the Senate by the President.

The Senator from North Dakota, as the Chair understands it, asks unanimous consent to suspend this rule for the purpose of presenting the paper indicated. Is there objection?

Mr. JONES of Washington. Mr. President, I have objected to matters of this kind heretofore, and if we open the door to one we open it to all. Therefore I object.

Mr. LODGE rose.

Mr. McCUMBER. Let me say, if the Senator from Massachusetts will allow me, that I consider the matter as of such importance that I think I should read it at the proper time into the RECORD. Of course, if my request is refused I will take the first occasion to do that. But in many of the arguments which have been made on the Senate floor, statements by Lloyd-

George and quotations from his letters have been put into the RECORD, as were also letters and statements made by British premiers and other British subjects. I certainly can see no reason why we can not with the same propriety place in the RECORD the mere statement of a case, not directed to the Senate in any way either as a petition or a memorial, and have it printed.

Mr. JONES of Washington. Of course, if the Senator had the floor and was submitting remarks to the Senate I would make no objection to his presenting it as a part of his remarks.

Mr. LODGE. Mr. President, I only want to say that early in the session, unmindful of the rule, I offered a petition here signed by citizens of a foreign country—I do not even now remember of what country—and the Chair called my attention to the rule and I withdrew it. I have had innumerable petitions and telegrams and letters from people abroad concerned in the questions raised by the treaty. I had one telegram some time ago of 10,000 words in regard to Fiume sent to me from Paris by the representative of that city there.

Since the Chair called attention to it I have withheld them all, and have replied to all that under our rules they could not be admitted. I merely mention that to indicate that the rule has been applied to me with great strictness.

Mr. McCUMBER. Mr. President, there is no quarrel between the Senator and myself on this subject, but possibly there is a little misunderstanding as to what the rule applies or to what it is intended to apply. If I receive a letter from a foreign subject upon any general matter pertaining to the relations between foreign nations, am I prohibited, under the rule, from presenting that and having it printed in the RECORD?

The VICE PRESIDENT. The rule applies not only to petitions and memorials but to any paper from foreign citizens or subjects.

Mr. McCUMBER. Does not the Chair construe "any paper" to be a paper in the nature of a petition or memorial?

The VICE PRESIDENT. The Chair construes the rule to have been made by the Senate of the United States in order that all matters affecting the foreign relations of the Government of the United States shall first come through the President of the United States; that it was the purpose of the rule that foreign relations should not be embarrassed by placing in the RECORD petitions and memorials or any other papers signed by foreign citizens or subjects. That is the way the Chair construes the rule, and that is its purpose.

Mr. McCUMBER. I have no objection at all to the very liberal and comprehensive construction of the rule on the part of the Chair, because there are other methods of securing the same result. I therefore shall make no objection if that is the ruling of the Chair.

The VICE PRESIDENT. It can be done by unanimous consent, or on notice the rule may be suspended for the purpose.

Mr. LODGE. Mr. President, I only wish to say, in order to give the Senate an idea how far this matter may go and the wisdom of the rule of which I was unmindful at the beginning of the session, that I have mentioned one, merely, of the papers I have received. I recall two others that have come to me lately. One was a long and elaborate communication from Innsbruck, from the people of South Tyrol, which is handed over to Italy by the treaty with Austria. Only the other day I received a very long and elaborate paper from some Germans in Alsace, who wanted to have the question of Alsace and Lorraine brought before the Senate. I have had communications from Frenchmen, and from, I think, men of every race in Europe long and elaborate papers have come to me. I have simply replied to all that under the rule I could not present them; and I have put them away. But if we make a change in the rule, it really will involve a great deal. There are many communications I have received which I should like to have presented, but I have not been able to do so.

The VICE PRESIDENT. The Chair is not speaking with reference to the Senator from North Dakota or the document he has in mind and knows nothing about it; but the Chair desires to say that it has been a matter of daily occurrence for the Chair to receive communications and arguments and cablegrams of all characters from foreign governments during the progress of the debate on the pending treaty, and they have been invariably sent by the Chair to the Secretary of State for transmission to the President.

Mr. McCUMBER. I will state that I do not wish to avoid the rule in the slightest degree, but rather desire to know the limit of the rule. I intended to follow up my original request by asking that there be printed in the RECORD a statement—I think it was printed in the Daily Globe—which was published some time ago concerning the same question; but the writer of the statement, I think, is a native of India; and although it has been given publicity through a great daily paper, under the rule it can not be, as I understand the construction, introduced into the RECORD without unanimous consent; and yet it could be read by any Senator.

The VICE PRESIDENT. It is sufficient for the Chair to be compelled to rule when the question arises, but the Chair will throw out the tentative suggestion as to whether there is any difference between the presentation of a paper and the reading of it in extenso in the remarks of a Senator.

Mr. McCUMBER. As I wish the two to go together, I shall not offer this paper at this time, but later in the day I shall take occasion to read it; and I hope the Senator from Washington will then be present.

Mr. SMOOT. Mr. President, just a word. I desire to call the Senator's attention to the fact that about three years ago a western Senator, in the course of a speech which he made on the floor of the Senate, asked unanimous consent that a certain document which he held in his hand be printed as a part of his remarks and consent was given. The following day it developed that it was a paper signed by a foreigner and coming from a foreign country. The Senate immediately acted upon that case and decided that the matter should be expunged from the RECORD when the official RECORD was finally printed. I think we ought to live to the rule strictly. I do not believe that a Senator ought, as a part of his remarks, even to read a paper from a foreign citizen affecting any question.

Mr. McCUMBER. If I may be allowed to say a word in reference to the statement of the Senator from Utah, it seems to me that if the Senator construes the rule so that a Senator can not, even in a speech, use a statement printed in a foreign paper by a foreign subject to elucidate what he is talking about and have it printed in the RECORD, that the rule is being carried to a nonsensical extent. Why, Mr. President, many of the quotations in some of the speeches made against the treaty have been from what some British subject said on the subject, or what some one else—the Canadian premier, for instance—claims would be the construction of the treaty, and so forth. Does the Senator mean to say that those who agree with him on certain features of the treaty have been grossly out of order in quoting the statements made by foreign officials upon this subject?

Mr. SMOOT. No; the Senator from Utah does not mean to say that, but all the quotations I have heard made by any Senator are from what has been reported as the statement of so-and-so, but the whole document, as I understand, has not been introduced into the RECORD, although it is true there have been quotations made on the floor of the Senate as coming from foreign representatives.

I do not know what the letter the Senator has contains, but the question is this: If we undertake to allow all petitions and papers from foreign countries sent to Senators to be placed in the RECORD, they will not only fill the RECORD but will involve a violation of the rule always respected in the past.

The VICE PRESIDENT. This must be the clear distinction, that such communications can not come as papers to the Senate of the United States unless they come through the President or through the setting aside of the rule, but a Senator addressing the Senate may use them in his arguments not as papers that come to the Senate but as fortifying the argument he is making.

Mr. McCUMBER. I am somewhat astonished at the view of the Senator from Utah that a Senator can read in an address what purports to be the statement of some foreign subject but can not read the real address, which is absolutely authenticated by the signature of the person making it.

LEAGUE TO ENFORCE PEACE.

Mr. McCUMBER. Mr. President, on two occasions there have been presented under the head of petitions letters written by the League to Enforce Peace directed to "dear fellow covenanter," and so forth, requesting financial assistance. I assume that it is well known throughout the United States that there is a society which was in existence even before the World War, and whose object was to secure an agreement between the nations of the earth to maintain the peace of the world. Like all organizations this one must have financial assistance, the same as the Republican organization and the Democratic organization. I see nothing criminal at all in the request for this financial assistance. There is another organization in the United States whose purpose is to prevent there being any understanding between the nations of the world to prevent wars. I have had the circulars from that organization, and I recall distinctly one which called upon me for such subscription as I might see fit to give in that great cause and reciting that this society purposed to have an organization in every voting precinct in the United States to prevent the adoption of the league of nations. I do not think it is at all improper for either organization to secure funds to maintain its principles any more than it is for

either political organization to do the same thing; and my purpose in rising was to say that the greatest organization in the United States, outside of the two great political organizations, and whose purpose is to oppose any league of nations, is doing the same thing that the League to Enforce Peace is charged with. If both are sincere in their convictions, then both are justified in seeking assistance to bring their views before the public.

NEUTRALIZATION OF TRANSPORTATION IN CHINA.

Mr. McCORMICK. Mr. President, I desire to ask the senior Senator from Massachusetts if he has had any answer from the Secretary of State in response to the resolution which was submitted on September 11, dealing with a report of Mr. Paul Whitham on the neutralization of transportation in China.

Mr. LODGE. Mr. President, I offered a Senate resolution, which was adopted, requesting the Secretary of State to forward to the Senate the report of Mr. Paul Whitham on the railroad systems of China. I have received no answer whatever.

The VICE PRESIDENT. It would come to the Senate, would it not?

Mr. LODGE. It was a resolution of the Senate. Yes; it would come to the Senate. I say I have received none. I think, if an answer were received, my attention would be called to it, as it usually is in the case of the introducer of a resolution. That is the practice. I have heard nothing of it. Of course, the Vice President suggests the possibility that it has been received and lost in the Secretary's office, but that is a supposition which I decline to accept.

The VICE PRESIDENT. No; the Vice President suggested the idea that a resolution of the Senate would call for an answer to the Senate and not to the Senator from Massachusetts.

Mr. LODGE. Of course it would; the Chair is entirely right, but it has not been received. I think I may say that with assurance. Hitherto, during all the time I have been in the Senate, it has been customary at least to acknowledge these resolutions. If it would take time to respond, that was usually stated. In the very rare cases where information was refused by direction of the President, that was stated. Under this administration the practice has grown up of paying no attention whatever to them, as anyone will find who will take the trouble to look over the history of the resolutions of inquiry in regard to Mexico offered by many Senators since the beginning of the Mexican trouble. I have been told, though I have not counted them myself, that there are 262, and I think only one has been answered. They go to the departments or to the President, and no notice at all is taken of them. If there is an objection to sending in the information asked for, that is not stated. Nothing is stated. They are simply pocketed, and no attention is paid to them. That is a new system—I dare say a very good one, but it is new.

The VICE PRESIDENT. The Senator from Massachusetts states the ordinary course of the departments as now constituted; but some of them do acknowledge the receipt of communications, and the Chair has handed down the acknowledgment of receipt of communications. The Senator states accurately, however, that ordinarily you get nothing until you get the answer.

Mr. LODGE. I did not mean to say that my remark in regard to failure to answer applies to all departments. There are many departments that answer, as they always have. If they require time to furnish the information, they acknowledge the receipt of the resolution and state the fact; or if the report can not be given, they state that, but they acknowledge it. What I had in mind were the inquiries chiefly in regard to foreign relations.

Mr. McCORMICK. Mr. President, perhaps the business of the State Department is conducted privy from the Secretary of State, like that of the delegation in Paris.

LABOR STRIKES.

Mr. DIAL. Mr. President, I ask unanimous consent to take a little of the time of the Senate to present some views that I have on a subject that I consider of considerable importance, so much so that I have written down what I have to say.

The VICE PRESIDENT. Is there any objection to the Senator proceeding in the morning hour? The Chair hears none.

Mr. DIAL. Mr. President, I have been a Member of this body for such a short time I feel a delicacy in saying anything on any subject. However, in these troublesome times if I were to remain silent when it is my duty to speak I feel that I would be very derelict in performing my duty, not only to the people of South Carolina but to the entire country.

I noticed in the Washington Post of a day or two since where one John Fitzpatrick, a high official in the American Federation of Labor, said that in calling the steel strike he felt that he was representing this Government. I do not arrogate to myself authority to speak for this Government, but I do say that so far as my interest in it is concerned when he called said strike he did not represent my part of the Government. I repudiate any effort on the part of anyone to entangle this Government on the side of either capital or labor in private disputes. I am a friend of both capital and labor. To drive out the one or to oppress the other would be equally suicidal to the future prosperity of this country. I believe that capital should be encouraged to invest and to develop the resources of our Nation, and thereby give employment to our people, and that it should be allowed a fair and just return for its use. At the same time labor should be treated equitably, humanely, and liberally.

The phrase "a living wage" never appealed to me. Men work not only to live, but to accumulate, to better their condition, to be enabled to educate their children and to buy homes and to lay up something for support in old age. I have no objection to labor combining in a proper way to better its condition. If one desires to join the union and if the union is willing to admit him, I see no objection. On the other hand, if labor prefers to remain out of the union, they should be permitted to pursue whatever line of work they desire and should not be molested or harassed. At the same time I am strongly opposed to lockouts and strikes in Government positions or in operating public utilities. If any differences exist between employer and employee, they should get together and mutually talk over their troubles, or their imaginary troubles, and should settle their differences among themselves. If this should be found impossible, then there should be some way of compulsory arbitration in the occupations above mentioned or a reasonable notice to quit should be required. I have no objection to labor asking whatever it desires for its services, and if it and its employer can agree, well and good, but if not, they should be slow to strike, but should consider the injury and suffering of the toiling millions who have no relief and who had nothing to do with the cause of the trouble. I know of no law to compel any particular individual to work for any employer or at any particular occupation. When they can not agree, the remedy should be to quietly quit and to pursue some other vocation or occupation in life.

I am sorry for the man who says that he is only qualified to fill one position. When labor says it will not work for its former employer because they can not agree, and when it goes further and combines and announces that no one else shall work for said employer, and if it should go so far as to forget itself and destroy life or property, it should be held strictly responsible under the penalties of the law for whatever wrongdoing it may commit. And at that time the law should step in with its strong arm and suppress any disorder. Such protection is what people pay taxes for. I am no more interested in one class than in the other. My opinion is that the profits of each have about reached the peak, and that it is now high time to consider the interests of those who bear the burdens and pay the bills—the public.

In this country we have a constitutional form of government and laws to redress all wrongs, and when these are upturned anarchy will prevail. Without intending in the least to criticize my colleagues, I am thoroughly convinced that Congress is taking cognizance of too many quarrels between different groups of citizens. We are continually having hearings, spending money, and consuming time, and, to my mind, very little good has been accomplished. If the parties to these controversies knew that they would not get the ear of Congress, they would get together and settle their own grievances more rapidly and there would be less unrest and turmoil. I fear that we are allowing our body to fast become the clearing house for the scandals of the Nation and are affording free advertising to much muckraking that should not be heralded abroad. We are elected directly by the people, and we know, or at least should know, what is best for them, and should legislate on national subjects in a broad and comprehensive way. If the pace we have been setting in the recent past is continued—taking notice of all items from school-teachers' pay to the league of nations and peace treaty—it will not be long before husbands and wives will bring their differences for us to settle. We should remember that the several States still have rights, and they should cope with them and settle all intrastate questions, and that we should not undertake to investigate matters unless they are of a peculiarly national character and unless we have a constitutional right to apply a remedy. It is high time to lay aside all unnecessary restrictions and let the public act normally again. It is a function of government to tax, regulate, and supervise but not to engage in business. The Government should get out of all business it can at the

earliest minute and allow its citizens to pursue their usual course in a natural and legitimate way, otherwise we will grow up a nation of dependents instead of an independent population.

SHORTAGE OF SUGAR.

Mr. NEW. Mr. President, I send to the desk a resolution and ask that it be read.

The VICE PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 197), as follows:

Resolved, That the Senate Committee on Commerce is hereby instructed to investigate the shortage of sugar and the prices of sugar in the United States, and that the Sugar Equalization Board is respectfully requested to cooperate with the Senate Committee on Commerce in this investigation.

Resolved further, That the Senate Committee on Commerce is directed to report to the Senate at the earliest possible time its conclusions, especially on the following:

(a) The reasons for the shortage of sugar.

(b) Information regarding the prices of sugar, and whether any unjust or exorbitant profits have been made on sugar; and if so, by whom.

(c) The prospects for relief from the sugar shortage.

(d) Fixing the responsibility for the shortage of sugar.

(e) Advice as to whether legislation to prevent speculation in sugar is desirable.

(f) Whether the Sugar Equalization Board should be continued within its present capacity.

Mr. NEW. Mr. President, it will be observed that the resolution as drawn is referred to the Committee on Commerce. The chairman of the Committee on Commerce suggests that he thinks the reference should be to the Committee on Interstate Commerce instead, or possibly to the Committee on Agriculture and Forestry. On reflection I am inclined to think that the reference should be to the Committee on Agriculture and Forestry, and I ask unanimous consent to have the Committee on Agriculture and Forestry named in place of the Committee on Commerce.

The VICE PRESIDENT. The Senator has a right to modify his resolution, and it will be so modified.

Mr. NEW. Mr. President, with reference to this matter, certainly the condition of the sugar supply in this country is a matter of immediate personal interest to the head of every family and every consumer. I am led to believe, by information which comes to me from very reliable sources, that the danger of a sugar famine next year is as great as was the danger of a like famine last year, or greater.

The Sugar Equalization Board, authorized by the President, bought the entire Cuban crop of raw sugars for 1919 and made contracts with the refiners to sell them their entire allotment of sugar with the understanding that the refined should be sold to the wholesale trade at 9 cents less 2 per cent f. o. b. refinery. The Sugar Equalization Board also controlled the beet crop of 1918, but had no control over the 1919 crop of beet sugar in this country.

In October, 1918, the Sugar Equalization Board allotted to the British Royal Commission, who are the authorized buyers for England, France, and Italy, one-third of the raw sugar of Cuba, which at that time was decided as a fair distribution of the Cuban crop for ourselves and our allies. Owing to the heavy demand in this country a sugar shortage developed in June of this year, and all export orders were stopped on July 1 except the British Royal Commission's share of the Cuban crop, which is being refined in this country on toll and shipped abroad. Early in August the Sugar Equalization Board called to the attention of the President the critical situation confronting the consumer of sugar and advised at that time that the Sugar Equalization Board control be extended to cover the beet-sugar crop of 1919 and the Cuban cane crop of 1920 in order to provide an equitable distribution and price control, and prevent speculation in sugars, which would naturally prevail on a short supply. On September 1 the Equalization Board could have made contracts with the beet-sugar refiners to sell their entire crop at 10 cents per pound; also with the Cuban planters on the same basis, making refined sugar 10 cents seaboard, instead of 9 cents, for this year's crop.

It is the belief and the charge of many of those who have been officially connected with the control and distribution of the sugar supply that owing to the Executive's failure to act and extend this control beet sugar refiners are asking 11½ cents for beet sugar to-day f. o. b. refinery, and the stock of raw sugar will be exhausted in four weeks, and refiners will be out of sugar in November and December, resulting in a serious shortage and sugar famine for the entire eastern half of the country. In the meantime foreign buyers have contracted for 25 per cent of the Cuban crop for 1920, and our refiners in this country have not contracted for a single pound, awaiting the President's decision as to a further control, and unless immediate action is taken in this matter foreign buyers will buy 50 per cent of the Cuban crop, which will result in a sugar famine and extreme shortage in this country all of next year, which will result in high prices and cause speculation.

The board's opinion is that sugar should be rationed immediately, and all distribution and prices be under their control until conditions are normal again in the production and distribution of sugar. The failure of the President to act on the board's suggestion has already resulted in a cent and one-half advance above the price offered the Sugar Equalization Board on September 1, and without control the refiners will not make contracts for future delivery, which will result in 15-cent sugar wholesale and probably 20 cents to the consumer.

When the present crop of raws is refined from Cuba the Sugar Equalization Board's duty is over, and the manufacture and distribution of sugar will depend entirely upon the refiners and wholesalers, who will have to obtain their supplies as best they can without any Government assistance. It is the belief of the board that the present emergency will result seriously in obtaining sufficient supply for the consumer unless this Government control is extended and supervised for another year, and will result in 20 cents a pound for sugar to the consumer and with only 50 per cent of the requirements available.

In addition, we are faced with a shortage of the sugar-beet crop in California of 40 per cent, and it is further urged that the Cuban and Porto Rican crops should be controlled by Government purchase and distribution to prevent any undue proportioning to European countries and to prevent sugar falling into the hands of speculators.

If it is true that the Sugar Equalization Board has several times requested the President to give his attention to this subject, the country ought to know it, and if it is a misstatement of the fact the President ought to have an opportunity to say so to the country. At all events I think we realize that the subject is most important, and the country ought to have the truth wihout delay. If the President is not responsible for neglecting this question he should be given the opportunity to say so.

Mr. President, I think this is a matter of great and immediate importance to the country, and I ask unanimous consent for the present consideration of the resolution.

The resolution was considered by unanimous consent and agreed to.

SENATE ROLL CALLS.

Mr. BRANDEGEE. Mr. President, I give notice of a proposed amendment to the Standing Rules of the Senate, and ask that the Secretary may read it.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

I give notice of a proposed amendment to the Standing Rules of the Senate, as follows: Amend Rule XII by adding to the end thereof the following paragraph:

"4. When the roll is called, either for the purpose of taking the yeas and nays or for ascertaining the presence of a quorum, the result shall not be announced by the presiding officer until at least 15 minutes shall have elapsed after the beginning of the calling of the roll, and every Senator who answers to his name within that time shall have the right to be recorded."

Mr. BRANDEGEE. Mr. President, if I may be allowed the courtesy of a minute to explain briefly the purpose of the proposed amendment to the rules, I will do so.

Senators are not on the floor of the Chamber all the time, and it has come within my experience half a dozen times within the last month or two, while sitting in my office in the Senate Office Building, that the bell would ring, indicating either a call for a quorum or a vote. I have immediately left the office and attempted to get the elevator in the Office Building, the trolley car, and then the other elevator in this building, to reach the floor of the Senate, and in four or five instances, and in the last instance, in company with six other Senators, in the exercise of due diligence, I arrived as the Secretary was handing the result of the roll call to the Chair, and just in time to be recorded. In the other instances I failed to get here in time.

I do not know that the proposed amendment I have submitted will cover the situation, and it is merely designed to bring the subject to the attention of the Committee on Rules so that Senators who may be engaged in their offices may not lose an opportunity to vote, perhaps upon a critical occasion. It seems to me, inasmuch as the Senate Office Building has been located at the distance from the Senate Chamber at which it is located, a Senator is fairly entitled, if he is in the exercise of due care and haste upon his own part, to have time enough to get here after he is notified that the roll is going to be called, and to put his name upon the roll. That is the sole purpose of the resolution.

I make no intimation that the situation is due at all to the procedure of the secretaries or clerks at the desk. It is impossible for the Secretary to tell, in the calling of the roll, how

rapidly to call it in order to keep pace with the rapidity with which the elevators and trolley cars move between this Chamber and the Senate Office Building. They move at different rates of speed at different times, according to the emergency.

Mr. McCUMBER. Mr. President, I should like to ask the Senator if he has made an estimate of the usual time required for calling the roll. I understand it requires about five minutes to go over the names in the first instance, and if other Senators come in the roll is gone over again, and in the neighborhood of eight minutes is required. That would be about half the time that is suggested in this proposed amendment to the rules. What would the Senate be doing during the balance of the time? Does the Senator contemplate that the calling of the roll shall in all instances require 15 minutes before anything further is done?

Mr. BRANDEGEE. Oh, no; I do not contemplate that the time consumed shall be entirely devoted to the calling of the roll. I do contemplate that some period of time ought to be fixed, so that a Senator may know how fast he will have to move in order to get here. Each Senator can time himself. Yesterday I asked my secretary to leave my office and time himself, taking the elevators and the trolley car, from the time he left the office to the time when he got on the floor of the Senate. He did it very accurately, timing himself by his watch, and it took him four and one-half minutes to get here, because he got both elevators and the trolley car very promptly. Coming back, however, he did not have such good luck, and it took seven and one-half or eight minutes.

Mr. HITCHCOCK. Mr. President——

Mr. BRANDEGEE. I assume if the ordinary time for calling of the roll is 10 minutes, the crack of doom would not impend if we sat here in silence for two or three minutes, as I have done many a time waiting for a quorum. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. I wish to suggest to the Senator from Connecticut that it might be possible to secure the reform which he desires by adopting the practice of the House of Representatives. There the roll is called, and after it has been called it is called the second time for the absentees. That makes a definite arrangement by which it may be ascertained whether it is possible for absentees to be brought into the Chamber.

I think the difficulty of naming a certain time would be that the Senate would sit here with nothing to do and great difficulty would be found in limiting it by time; but if the Senator would change his proposed amendment so as to provide that after the roll is called for a vote it shall be called the second time so far as absentees are concerned we would have a definite and rather accurate way of giving absentees close at hand an opportunity to vote. I merely make that suggestion.

Mr. BRANDEGEE. I will state that my suggestion is merely for the purpose of calling the attention of the Committee on Rules to the evil, if I may call it that, for which a correction is sought. Every sort of proposition will be presented to the committee, and they will consider the whole situation and report what in their judgment is the proper remedy. I do not know what it will be. I had to suggest something to bring it before the committee for their consideration.

Mr. KNOX. The members of the Committee on Rules have at various times discussed this matter. Of course every Senator is anxious to be recorded when there is a roll call, I think, unless something——

Mr. BRANDEGEE. Not always.

Mr. THOMAS. No; not always.

Mr. KNOX. I was just going to qualify that by stating unless there was something pressing that induced him to vary from that position. One of the remedies that has been suggested in the committee was that the time be noted when the roll call begins—for instance, a roll call might begin now at 4 minutes past 1 o'clock—and then it could be provided that any time within 10 minutes from the beginning of the roll call any Senator not in the Chamber when his name was called would have the privilege of reporting to the Secretary and having his presence noted. That would not interfere with the business of the Senate at all, for the Senate would proceed with its business after the roll call had been finished.

Mr. HITCHCOCK. I think, if the Senator will permit me——

Mr. KNOX. Certainly.

Mr. HITCHCOCK. In many cases when the roll is called, until the result is announced the Senate is in doubt as to what it is going to do. For instance, it may be a roll call on taking up a certain measure, and in that case the Senate would have no means of knowing whether the measure would be taken up or not, whereas if the roll is called in the first place and a number of absentees are discovered, and it is called then so far as the absentees are concerned, the Senate will be proceeding with some action until the absentees are given an opportunity to come in, but in many cases the roll call must be acted upon at once one way or the other.

Mr. KNOX. I see the point the Senator makes. I was only stating this as one of the various things that had been suggested, but I do think there ought to be some provision made so that Senators who have offices only in the Senate Office Building may have an opportunity to be recorded on a roll call.

Mr. HITCHCOCK. The rule which prevails in the House of Representatives apparently works satisfactorily.

Mr. KNOX. Does the Senator think that would cover a sufficient length of time to enable a Senator to get to the Chamber?

Mr. HITCHCOCK. I believe it would.

Mr. KNOX. It does in the House, I understand.

Mr. BRANDEGEE. It takes three-quarters of an hour to call the roll in the House.

Mr. ASHURST. Mr. President, I have forgotten exactly when it was, but I think possibly in the Sixty-third Congress, that the Senate adopted a rule which provided that after a roll call had been had a roll call of the absentees should also be had. We worked under that rule, I think, for two or three months and abrogated it because it consumed a vast deal of time, but it was a splendid rule. It afforded every Senator an opportunity to be here and have his vote recorded.

Mr. KNOX. That is substantially the rule suggested by the Senator from Nebraska.

Mr. ASHURST. Absolutely. I remember we had the rule for at least three or four months, and it was abrogated; why, I do not know.

Mr. KNOX. How long ago was that?

Mr. ASHURST. I should say it was at the end of the Sixty-third Congress. The rule was adopted some time in the latter part of 1913 or the early part of 1914. We worked under the rule for, I should say, three months. It worked admirably and gave every Senator an opportunity to get from the Senate Office Building to the Senate Chamber.

Mr. SMOOT. I will say to the Senator that the only time the roll is called the second time since I have been a Member of the body is when the first roll call does not show that a quorum is present.

Mr. ASHURST. I am trusting to my memory only, but I am very sure we did have such a rule providing that when the roll call was concluded, the roll of the absentees should then be called.

Mr. McCUMBER. I think the Senator will find that referred only to the matter of a quorum and not to a vote.

Mr. SWANSON. Mr. President, in the House of Representatives they have the previous question. If there is a roll call and a filibuster is precipitated, it can be handled very promptly and quickly by the Committee on Rules by moving the previous question. For the last 10 years the Senate has been doing everything it could to increase delay and prevent action. If the resolution proposed by the Senator from Connecticut were adopted, fixing 15 minutes for each roll call, there would be 4 roll calls an hour or 20 a day, and the Senate could consume all that time in roll calls, thus preventing the transaction of business. We had been able to get unanimous consent for a final vote promptly, but three years ago we passed a resolution providing that that can be done only when we have a quorum present. All measures of that sort have lessened the chance to facilitate action on the part of the Senate, and what we need more than anything else is a rule to facilitate action and not rules to delay action. It seems to me that for the last 8 or 10 years we have been adding to the rules and adding to the rules so that there is no possibility of having the previous question moved on a matter of any consequence. It has delayed the possibility of the Senate getting any action. That condition does not exist in the House of Representatives, because they can move the previous question at any time or get a report from the Committee on Rules.

I am satisfied that if the amendment offered by the Senator from Connecticut is adopted, at any time when there is anything pending before the Senate, as we could only have four roll calls an hour, the five hours of the afternoon devoted to roll calls would consume the entire business day of the Senate.

We had here for a while, I think for two months, whether under a rule or not, the practice of calling the names of the absentees. If I mistake not the Senator from Arkansas [Mr. ROBINSON] or the Senator from Mississippi [Mr. WILLIAMS] had that adopted temporarily. I know it was done for a short

while, but it was seen that it occasioned delay and it was abandoned. If there is any amendment to the rules that I want, it is an amendment to facilitate business and have action and not delay, not to have the Senate wait until Senators can sit in their rooms up town and then make it easy for them to come here and vote, and have the rest of the Senate delayed until they can make their appearance.

EXPORT TRADE.

Mr. OWEN. Mr. President, yesterday I reported from the Committee on Banking and Currency the joint resolution (S. J. Res. 88) to amend an act entitled "An act to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to supervise the issuance of securities, and for other purposes." It was a unanimous report, but I neglected to put into the RECORD the proper report, and I want to take just a moment for that purpose.

The proposed Senate joint resolution 88 was directed to be amended by the Senate committee by striking out paragraph 3, on page 2, relating to the buying of bonds, but otherwise it proposed to modify the authority of the War Finance Corporation act of April 5, 1918. The powers of the War Finance Corporation are shown in sections 7, 8, and 9, which, without reading, I insert in the RECORD as a part of my remarks.

The VICE PRESIDENT. Without objection, that will be done.

The sections referred to are as follows:

SEC. 7. That the corporation shall be empowered and authorized to make advances, upon such terms and not inconsistent herewith, as it may prescribe, for periods not exceeding five years from the respective dates of such advances:

(1) To any bank, banker, or trust company in the United States which shall have made, after April 6, 1917, and which shall have outstanding, any loan or loans to any person, firm, corporation, or association conducting an established and going business in the United States, whose operations shall be necessary or contributory to the prosecution of the war, and evidenced by a note or notes, but no such advance shall exceed 75 per cent of the face value of such loan or loans; and

(2) To any bank, banker, or trust company in the United States which shall have rendered financial assistance, directly or indirectly, to any such person, firm, corporation, or association by the purchase after April 6, 1917, of its bonds or other obligations, but no such advance shall exceed 75 per cent of the value of such bonds or other obligations at the time of such advance, as estimated and determined by the board of directors of the corporation.

All advances shall be made upon the promissory note or notes of such bank, banker, or trust company, secured by the notes, bonds, or other obligations which are the basis of any such advance by the corporation, together with all the securities, if any, which such bank, banker, or trust company may hold as collateral for such notes, bonds, or other obligations.

The corporation shall, however, have power to make advances (a) up to 100 per cent of the face value of any such loan made by any such bank, banker, or trust company to any such person, firm, corporation, or association, and (b) up to 100 per cent of the value at the time of any such advance (as estimated and determined by the board of directors of the corporation) of such bonds or other obligations by the purchase of which financial assistance shall have been rendered to such person, firm, corporation, or association: *Provided*, That every such advance shall be secured in the manner described in the preceding part of this section, and in addition thereto by collateral security, to be furnished by the bank, banker, or trust company, of such character as shall be prescribed by the board of directors, of a value, at the time of such advance (as estimated and determined by the board of directors of the corporation), equal to at least 33 per cent of the amount advanced by the corporation. The corporation shall retain power to require additional security at any time.

SEC. 8. That the corporation shall be empowered and authorized to make advances from time to time, upon such terms, not inconsistent herewith, as it may prescribe, for periods not exceeding one year, to any savings bank, banking institution, or trust company in the United States which receives savings deposits, or to any building and loan association in the United States, on the promissory note or notes of the borrowing institution whenever the corporation shall deem such advances to be necessary or contributory to the prosecution of the war or important in the public interest: *Provided*, That such note or notes shall be secured by the pledge of securities of such character as shall be prescribed by the board of directors of the corporation, the value of which, at the time of such advance (as estimated and determined by the board of directors of the corporation), shall be equal in amount to at least 133 per cent of the amount of such advance. The rate of interest charged on any such advance shall not be less than 1 per cent per annum in excess of the rate of discount for 90-day commercial paper prevailing at the time of such advance at the Federal reserve bank of the district in which the borrowing institution is located, but such rate of interest shall in no case be greater than the average rate receivable by the borrowing institution on its loans and investments made during the six months prior to the date of the advance, except that where the average rate so receivable by the borrowing institution is less than such rate of discount for 90-day commercial paper the rate of interest on such advance shall be equal to such rate of discount. The corporation shall retain power to require additional security at any time.

SEC. 9. That the corporation shall be empowered and authorized in exceptional cases to make advances directly to any person, firm, corporation, or association conducting an established and going business in the United States whose operation shall be necessary or contributory to the prosecution of the war (but only for the purpose of conducting such business in the United States and only when in the opinion of the board of directors of the corporation such person, firm, corporation, or association is unable to obtain funds upon reasonable terms through banking channels or from the general public), for periods not exceeding five years from the respective dates of such advances, upon such terms and subject to such rules and regulations as may be prescribed by the board of directors of the corporation. In no case shall the aggregate amount of the advances made under this section exceed at any one time an amount equal to 12½ per cent of the sum of (1) the authorized capital stock of the corporation plus (2) the aggregate amount of bonds of the corporation authorized to be outstanding at any one time when the capital stock is fully paid in. Every such advance shall be secured by adequate security of such character as shall be prescribed by the board of directors of a value at the time of such advance (as estimated and determined by the board of directors) equal to (except in case of an advance made to a railroad in the possession and control of the President, for the purpose of making additions, betterments, or road extensions to such railroad) at least 125 per cent of the amount advanced by the corporation. The corporation shall retain power to require additional security at any time. The rate of interest charged on any such advance shall not be less than 1 per cent per annum in excess of the rate of discount for 90-day commercial paper prevailing at the time of such advance at the Federal reserve bank of the district in which the borrower is located.

Mr. OWEN. This joint resolution gives some additional powers, extending the time from 5 to 10 years for operation of the powers of that organization, and it is extended so as to permit them to give assistance to foreign exports.

The country has got into a condition where the foreign exchanges, because of our excess commodity shipments, are very much disorganized, and to such an extent as to make it almost impossible for the people of Europe to buy our goods, the exchange of Italy being nearly two for one, the French and Belgian exchange being almost as much, and the exchange with Great Britain being very adverse to Great Britain. So those people are deterred from buying our American goods, such as we find valuable to export.

For that reason the joint resolution was drawn up by the Treasury Department, and it comes with the unanimous report of the committee. Gov. Harding, governor of the Federal Reserve Board, was present before the committee yesterday and explained that it met the approval of the Federal Reserve Board. There is no objection to it in any quarter that I know of. It really is a matter of great urgency and ought to be disposed of. If there is no objection to its disposition I shall be very glad to have it disposed of.

Mr. GRONNA. Mr. President——

Mr. OWEN. I yield to the Senator from North Dakota.

Mr. GRONNA. I want to say to the Senator from Oklahoma that I do not know that I have any objection to the joint resolution, but as the Committee on Agriculture and Forestry were considering the food control bill and the rent bill, it was impossible for me to be present when this measure was considered. For that reason I should like to have it go over to give me an opportunity to look into it.

Mr. OWEN. I am leaving the city for a few days. However, I will say to the Senator that I will not press it, but will leave it merely to the committee members themselves to dispose of it as they see fit. I have done what I could with regard to it. The chairman requested me to present it to the Senate and to submit the report.

I should like to put in the RECORD a statement as to the policy pursued by Great Britain in the Finnish loan of 1916—£6,000,000—under license of the treasury of Great Britain by the British Bank for Foreign Trade (Ltd.), in which they explain the manner in which these advances functioned in supporting the commerce both of Great Britain and of Finland.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

"THE FINNISH LOAN, 1919, £6,000,000.

"THE DUTY OF CAPITAL.

"On all sides there is the cry that if we do not restore our export trade we shall become a bankrupt nation. Increase production, work hard, curtail nonproductive work—all these excellent exhortations are being urged throughout the country in the effort to cure the lethargy and extravagance that have followed the cessation of hostilities. Gradually these precepts are being driven home in the directions in which they are most needed and the fallacies of limitation of hours and output are being exposed.

"That is all to the good. But in the great task that lies ahead of us—the task of saving the nation from a course that leads to bankruptcy and ruin—capital has its duty no less than hands and brains. That there is capital available in this country is only too obvious. Enormous sums are being spent on the purchase of large estates, pictures and curios, jewelry and precious stones, expensive furniture, and other luxuries. There are people who will tell you that they prefer at such a time as this to spend their money on tangible things at home rather than to put it beyond their control by investing it. They will wait to see how the land lies. But this way lies national bankruptcy.

"TRADE FOLLOWS CAPITAL.

"It was by the employment of British capital to finance British trade abroad that British trade was built up and became preeminent. If British capital becomes insular and short-

sighted, then not only shall we fail to regain our preeminence but we shall inevitably be involved in disaster, because our oversea commerce is vital to our national existence. Unemployment, widespread poverty, economic ruin, social and political chaos—these would be a heavy price to pay for the temporary enjoyment of the luxury and ease on which money is now being lavished.

"How, then, can capital be most usefully and profitably employed to help our oversea trade? It is often overlooked that even before the war Europe was the biggest customer for British goods. Our exports to North and South America, important and valuable as they were, did not amount to so much as those to Europe. We sold more to Germany than to the United States, more to France than to the Argentine, more to Russia than to Brazil and Chile together. Now that the United States, with the enormous advantage that the war has given her, has embarked so energetically upon a great export trade, it is unlikely that this preponderance of Europe among our customers will be diminished. On the contrary, it may easily happen that we shall have to concentrate still more on the markets nearest home.

"WHERE BRITISH GOODS ARE MOST NEEDED.

"At the moment there is no doubt where our goods are most needed. The war-stricken countries of Europe, and the new States that before the war relied on Germany for the bulk of their imports, are crying out for our goods. But they have no means of paying for them. They have plenty of depreciated currency and plenty of produce that they could send us in return for our goods. But British manufacturers and exporters need to be paid in sterling, not in depreciated currency nor in foreign produce. This is where, in normal times, the exchange dealer comes in. But the exchange dealer only deals in a certain kind of credit. He does not create credit. If, say, Poland has no credit, either direct or indirect, available here, the exchange merchant can not sell sterling here in exchange for currency in Poland, however high the rate he is offered.

"In normal circumstances there would be sterling credits arising from Polish goods imported by us, and these credits could be employed in paying for British goods exported to Poland. But all this machinery has been upset by the war, and the credits do not exist here. This is where capital can come to the rescue. Capital can supply the necessary credit for the benefit of the impoverished countries.

"BEST MARKET FOR THE POUND STERLING.

"We hear a great deal of lamentation over the depreciation of the pound sterling, and, generally speaking, it is all too true. But all values, and especially exchange values, are relative. At home the pound sterling is undoubtedly depreciated, in so far as it purchases a much-reduced quantity of commodities. And in terms of United States currency it is greatly depreciated, in so far as the sterling exchange rate is extremely low. But in terms of most European currencies the pound sterling stands at a premium, and in terms of some of them at a premium far outstripping its discount across the Atlantic. It is a most elementary rule of successful trading to sell one's goods and services in the best market. The pound sterling is no exception to the rule.

"But what of supporting the foreign exchanges that are against us? Sterling exchange in the United States is very low, and since we import certain essential foodstuffs from America, and, moreover, owe America large sums for war debt and interest, this low exchange is a serious disadvantage to us. Is it not primarily necessary, it may be asked, to increase our exports to America, so as to support the exchange there?

"TRADE EQUIPOISE THE FIRST ESSENTIAL.

"But foreign exchange and finance are cosmopolitan. They do not work in water-tight compartments. We must, first of all, see to it that the value of our exports and our services to other nations is sufficient to balance the value of the imports and services of other nations to ourselves. We can do that most expeditiously by trading in the most favorable market. When that eminently desirable equipoise is reached the exchanges, so far as this country is concerned, will right themselves either by arbitrage operations in exchange or by the transfer of investments. Until that equipoise is reached our financial machinery is out of gear and we can not allow it free play. We can not have a free gold market. We can not resume our position as the world's monetary center. It is essential to restore our trade balance as quickly as we can.

"THE 'EXPORT OF CAPITAL' FALLACY.

"It is necessary, too, to correct certain fallacious ideas as to what is called the export of capital. Taking their lead from the policy that was adopted by the Government under war conditions, there are people who still hold that while capital is so badly needed at home—to reconstruct factories for peaceful operations, to fund the Nation's floating debt, to build houses for the people—it is folly to send capital abroad, to lend it to foreigners, until we have provided for home needs. This argument overlooks the whole basis not merely of our national prosperity but of our national existence; that is, our dependence on supplies from abroad.

"No amount of capital spent at home, no rearrangement of the national debt, no improvement in the social condition of the workers, will by itself bring us the timber we need to build houses, the wheat for our food, the cotton for our clothes.

"To secure these we must export other things in return. If, because of the impoverishment of prospective customers and the breakdown of the international trade machinery, these customers have no immediate means of paying for our exports, we must lend them the money to enable them to do so. It does not mean exporting wealth, nor even exporting the money that represents it. The money remains here at the credit of our customers, to be used by them to pay our manufacturers and exporters for the goods they send abroad.

"OUR FUNCTION IN WORLD TRADE.

"This financing of foreign nations is a valuable part of the service that the United Kingdom has in the past rendered to international trade. It oils the wheels of the machinery by which our foreign trade is set in motion and kept going. It receives its direct reward in the annual interest—paid in the form of imports of merchandise from abroad—and it brings a far richer and cumulative reward in the reciprocal trade that it engenders.

"Capital employed at home can only bring prosperity in so far as it increases our power of usefulness to the world abroad, either in the production of the merchandise that the world needs or in other services, such as shipping, technical and financial assistance, and commercial organization. We can not get what we need from abroad without giving of these in return. And foreign trade will not wait while we concentrate our energies on home affairs. Already powerful competitors, not disorganized as we have been by the war, are grasping all the trade they can in both hemispheres. We must get our oversea commerce going or we shall lose not merely prosperity and comfort but the means of livelihood itself. That is why the Government is relaxing its restrictions on what is loosely called the export of capital—on the issue of foreign loans in this country.

"FINLAND AS A FIELD FOR BRITISH TRADE.

"Foremost among such loans is that being arranged for the Republic of Finland. Under its new independence, Finland has the makings of a valuable field for British trade. Its civilization and education are already well developed and its industries are capable of great expansion. It has produce that we need and it urgently needs goods that we can supply.

"In the year before the war, Finland's imports from Germany amounted to 202,000,000 marks (the Finnish mark being equivalent to the French franc), while those from the United Kingdom amounted to only 60,000,000 marks.

"Chief among its imports were foodstuffs supplied almost entirely by Germany and Russia. We can not hope to secure that trade. But there is ample scope in other articles. Of 27,000,000 marks of material for the Finnish spinning industries, nearly a half came from Germany in 1913 and only a third from us. Textile imports amounted to 26,000,000 marks, of which we supplied little more than one-sixth, Germany and Russia between them sending the great bulk. Of 33,000,000 marks of machinery and motors, Germany furnished nearly a half, while we provided less than a sixth. And throughout the list of Finland's imports there is the same tale of fields to be conquered by British manufacturers.

"And in return Finland can send us much that we urgently need. Her great forests can furnish us with abundant supplies of timber and her industries with wood pulp and paper and with wooden goods. We can have her butter and other farm produce if we will send her our goods in return. But she must have our goods, not only as payment but also to feed her own industries, which depend very largely on imports of raw material which before the war were received mainly from Germany.

"Sanction has been given by His Majesty's treasury to the issue in this country of a loan to Finland on the understanding that the proceeds will be expended in the purchase of goods in the United Kingdom. That is actually the object of the loan—to enable the Finnish Government and the State Bank of Finland to finance the purchase of British goods. It is a loan to get trade going between the United Kingdom and Finland for the mutual benefit of both countries. As this trade develops it will be financed by the ordinary mercantile and banking machin-

ery, and the loan will gradually be repaid. Provision has, in fact, been made for the gradual liquidation of the loan within a certain period by half-yearly installments. It is essentially a loan for trade. It is not a loan to pay for works that may or may not prove productive, but a loan to finance British trade and to be liquidated out of the benefits that Finland will derive from that trade.

"The actual process will be that the proceeds of the loan will be spent in this country in the purchase of forestry and agricultural machinery and tools, in cotton and woolen yarns and cloth, in soap and numerous other articles of household necessity manufactured in this country, and so on. These will be shipped to Finland and sold for Finnish marks, providing the industrious Finnish workman with the tools of his trade and the necessaries and comforts of life. The Finnish marks so obtained will be spent in Finland on the purchase of timber, dairy produce, and all those raw materials for which the British public has at present to pay such an exorbitant price, but which Finland and the countries beyond Finland produce. These are lying in great abundance in Finland, but can not be moved because of the lack of finance. They will be shipped to Great Britain and the proceeds banked here, so reestablishing the Finnish credit. This process will be continued again and again, each time with profit for banker, merchant, manufacturer, and workman in both Great Britain and Finland and the general community of both countries will benefit by being able to purchase at reasonable cost those articles the other is best able to produce. This is the manner in which trade follows capital."

Mr. GRONNA. Mr. President, I very hurriedly read over the statement which the Senator handed me, but I observe from reading the statement that Great Britain is making a loan of many million dollars to the new Government of Finland. I was wondering why it is impossible for corporations of the United States to make similar loans to foreign countries if desirable. As I understand it, it is by no means through any special legislation that these loans are made by Great Britain. It was simply undertaken by the financial men and corporations of that country, and why it is necessary to enact special laws for America any more than it is for any other country I am at a loss to understand. I wish the Senator would comment upon that.

Mr. OWEN. I do not think there is any difference in the policy. The policy is the same. This Finnish loan, for instance, is being offered by the British Bank of Foreign Trade, and they function precisely the same as the War Finance Corporation will if this amendment of the act of April 5, 1918, should go through.

Mr. GRONNA. Am I correct in assuming that this transaction is a commercial transaction between the British bank and the country of Finland, or is it a governmental function?

Mr. OWEN. It is under a special license of the treasury department; and in that sense it is governmental. This foreign trade bank was expressly organized in order to finance just such transactions. In reality it amounts to this: That the advances which are made under the authority of the British Bank of Foreign Trade are used for the buying of British commodities, and the credits are confined to the purpose of buying British commodities. Then when the British commodities go to Finland and are taken up there, the Finnish goods, in the same way, are shipped back finally to pay for the British goods. This is merely a medium of exchange between the two.

Mr. GRONNA. If the Senator will further yield, I desire to say that, as a matter of fact, as I understand, it has nothing whatever to do with regulating the exchange.

Mr. OWEN. It has this to do with it, that the exchange is upset because of the excess commodities from the United States going abroad without being adequately financed here. Unless credits are sufficient then these bills appear in excess in our own banks; and appearing excess the banks take advantage of that, of course, by refusing to pay any more for them than they have to pay. It is just like any other commodity; if a large number of the bills are offered, more than there is credit available for, they go begging for purchasers.

Mr. GRONNA. I can readily understand that if Great Britain loans to Finland £6,000,000 it will stabilize the currency and the credit of Finland and will increase its value.

Mr. OWEN. I will say to the Senator that I do not think it has anything to do with the currency of Finland. The only object is to give the credit of Great Britain to Finnish merchants who are buying British goods, and the credits are confined to those purchases.

Mr. GRONNA. It extends credit to Finland, which, of course, increases the value of Finnish money and decreases in an indirect manner the exchange. There can be no doubt about that.

Mr. SMOOT. It extends credit to Finnish merchants to buy the goods from England.

Mr. OWEN. Otherwise they could not buy. That is all there is to it.

Mr. GRONNA. That is my understanding; but the legislation which we have had before us has principally been, as I understand, to try to make a Finnish mark worth something more than it really is—that is, that has been the argument—to try to make the lira, for example, now worth only a few cents, worth double that amount.

Mr. OWEN. I will say to the Senator that so far as that is concerned, taking the lira as an example, Premier Nitti is putting out now a forced loan at 2½ per cent in the form of bonds, which is in effect a tax; and with the proceeds of that forced loan at 2½ per cent it is proposed to take up their inflated currency, which is the only proper way to bring it back upon a gold basis. I assume that the other nations will do the the same thing; they will be compelled to do it.

Mr. SMOOT. They will be compelled to do that or to repudiate.

Mr. OWEN. They will either be compelled to do that or to repudiate, one or the other, and repudiation is impossible.

Mr. GRONNA. Mr. President, I want to ask the Senator if it is not believed that it is possible for men in this country who are wealthy and who are able to extend loans to the people of Europe to do business, if they so desire, without any legislation whatever?

Mr. OWEN. They are doing it to a considerable extent anyway, and they will continue to do it to a considerable extent anyway; but we, of course, have found it necessary during the period of the war, because of the disconcerting effects of war and the dislocations which followed, to provide some machinery that would help to overcome the difficulties due to the war.

Mr. SMOOT. I desire to say to the Senator that the bill which we passed here a week or 10 days ago——

Mr. OWEN. The Senator refers to the Edge bill? That will help.

Mr. SMOOT. I refer to the bill for the establishment of banks in this country for the purpose of doing foreign business, which follows the system that is now being carried on in Europe; in other words, the Finnish proposition is on all fours with what is proposed in that bill.

Mr. OWEN. The explanation to which I have referred of the British policy is so plain that I ask permission to read it. It will only take a minute, and I think it ought to be understood. It is very simple.

Mr. SMOOT. I will say to the Senator that I have a copy of it, and I have already read it.

Mr. OWEN. This explanation reads:

FINLAND AS A FIELD FOR BRITISH TRADE.

Foremost among such loans is that being arranged for the Republic of Finland. Under its new independence Finland has the makings of a valuable field for British trade. Its civilization and education are already well developed and its industries are capable of great expansion. It has produce that we need and it urgently needs goods that we can supply.

In the year before the war Finland's imports from Germany amounted to 202,000,000 marks (the Finnish mark being equivalent to the French franc), while those from the United Kingdom amounted to only 60,000,000 marks.

Chief among its imports were foodstuffs, supplied almost entirely by Germany and Russia. We can not hope to secure that trade. But there is ample scope in other articles. Of 27,000,000 marks of material for the Finnish spinning industries nearly a half came from Germany in 1913 and only a third from us. Textile imports amounted to 26,000,000 marks, of which we supplied little more than one-sixth, Germany and Russia between them sending the great bulk. Of 33,000,000 marks of machinery and motors Germany furnished nearly a half, while we provided less than a sixth. And throughout the list of Finland's imports there is the same tale of fields to be conquered by British manufacturers.

And in return Finland can send us much that we urgently need. Her great forests can furnish us with abundant supplies of timber and her industries with wood pulp and paper and with wooden goods. We can have her butter and other farm produce if we will send her our goods in return. But she must have our goods, not only as payment but also to feed her own industries, which depend very largely on imports of raw material, which before the war were received mainly from Germany.

Sanction has been given by His Majesty's treasury to the issue in this country of a loan to Finland, on the understanding that the proceeds will be expended in the purchase of goods in the United Kingdom. That is actually the object of the loan—to enable the Finnish Government and the State Bank of Finland to finance the purchase of British goods. It is a loan to get trade going between the United Kingdom and Finland, for the mutual benefit of both countries. As this trade develops it will be financed by the ordinary mercantile and banking machinery, and the loan will gradually be repaid—

Just the process the Senator pointed out—

Provision has, in fact, been made for the gradual liquidation of the loan within a certain period by half-yearly installments. It is essentially a loan for trade. It is not a loan to pay her works that may or may not prove productive, but a loan to finance British trade and to be liquidated out of the benefits that Finland will derive from that trade.

The actual process will be that the proceeds of the loan will be spent in this country in the purchase of forestry and agricultural machinery and tools, in cotton and woolen yarns and cloth, in soap and numerous other articles of household necessity manufactured in this country,

and so on. These will be shipped to Finland and sold for Finnish marks, providing the industrious Finnish workmen with the tools of his trade and the necessaries and comforts of life. The Finnish marks so obtained will be spent in Finland on the purchase of timber, dairy produce, and all those raw materials for which the British public has at present to pay such an exorbitant price, but which Finland and the countries beyond Finland produce. These are lying in great abundance in Finland, but can not be moved because of the lack of finance.

That is the whole story—

They will be shipped to Great Britain and the proceeds banked here, so reestablishing the Finnish credit. This process will be continued again and again, each time with profit for banker, merchant, manufacturer, and workman in both Great Britain and Finland, and the general community of both countries will benefit by being able to purchase at reasonable cost those articles the other is best able to produce. This is the manner in which trade follows capital.

It is a common-sense statement, which I think will appeal to everyone who hears it.

Mr. FLETCHER. Mr. President, I understand the main purpose of the joint resolution is to extend the period of the operation of the Finance Corporation and also to extend the period within which it shall wind up its affairs.

Mr. OWEN. Yes; to extend the period within which it may operate and permit it greater latitude in the handling of foreign commerce. Our foreign commerce at present is very much hampered by lack of facilities; it is not adequately financed and the banks of our coast cities have gone just about as far as they can go with the resources at their command.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. GRONNA. I object to it at the present time, because I think if the bill which the Senate passed the other day and which went to the House comes back and becomes a law there will be no necessity for passing the joint resolution.

Mr. OWEN. Oh, yes; there will.

The VICE PRESIDENT. Objection is made.

Mr. OWEN. Mr. President, I ask to have inserted in the RECORD in connection with the statement I made on the proposed amendment of the War Finance Corporation act a resolution passed by the Chicago Live Stock Exchange, urging some action with regard to matters of financing exports. I do not ask to have it read, but merely to have it inserted in the RECORD.

There being no objection, the matter referred to was ordered printed in the RECORD, as follows:

THE CHICAGO LIVE STOCK EXCHANGE,
OFFICE OF THE SECRETARY,
Union Stock Yards, Chicago, Ill.

FARMERS FACING FINANCIAL RUIN.

Whereas the prosperity of the American farmer and live-stock producer is essential to the prosperity of the Nation; and

Whereas the present level of live-stock prices can only be maintained by the uninterrupted exportation of meat products to European countries, and unless maintained at the present or a higher plane thousands of producers are facing financial ruin; and

Whereas Europe's purchasing power is being rapidly lessened by the lowering value of her money, as illustrated by the following table:

	Normal value.	Present value.	Present purchasing power.
	Cents.	*Cents.*	*Per cent of normal.*
Austrian crown	20.3	2.00	9.9
Jugo Slavia crown	20.3	2.15	10.6
Czecho-Slovakian crown	20.3	3.15	15.5
Polish mark	23.8	3.75	15.8
German mark	23.8	4.00	16.8
Roumanian lei	19.3	4.35	22.5
Finland mark	19.3	6.50	33.6
Servian dinar	19.3	8.20	42.5
Italian lira	19.3	10.30	53.6
Belgian franc	19.3	11.80	60.9
French franc	19.3	11.80	60.9
English pound	487.0	416.00	85.4

And

Whereas Europe's wage earners can not buy the bare necessities of life and particularly products of American farms at the prevailing prices, and inevitable disaster would befall our farmers if prices were lowered to present exchange basis; and

Whereas a stabilization of foreign-exchange rates, coupled with the tremendous demand for our products, would doubtless restore our live-stock markets to the level reached in recent months and stabilize live-stock prices: Therefore be it

Resolved by the Chicago Live Stock Exchange, That we urge upon the Congress of the United States the importance of the immediate creation of a fund to be used in the stabilization of foreign-exchange rates until Europe once more resumes her normal commerce and her exports suffice to equalize her imports, and thus bring about the proper trade balance; and be it further

Resolved, That a copy of this resolution be sent to each United States Senator and Member of the House of Representatives and to the agricultural press of the country with a letter of transmittal urging immediate action.

Dated Chicago, Ill., September 10, 1919.

GRAVES OF AMERICAN SOLDIERS ON FOREIGN SOIL.

The VICE PRESIDENT. Morning business is closed.

Mr. WADSWORTH. Mr. President, there are two bills on the calendar reported from the Committee on Military Affairs which I think deserve the immediate consideration of the Senate. I therefore ask unanimous consent for the immediate consideration of Calendar No. 151, being Senate bill 2923.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2923) to provide funds for the care and maintenance of the graves on foreign soil of members of the military forces of the United States, which the Secretary read, as follows:

Be it enacted, etc., That $200,000, or so much thereof as may be necessary, of the funds appropriated for the disposition of remains of officers, soldiers, and civilian employees in the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1920, and for other purposes," approved July 19, 1919, shall be available for the care and maintenance of the graves on foreign soil of members of the military forces of the United States under such regulations as may be prescribed by the Secretary of War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WADSWORTH. I ask unanimous consent that there be inserted in the RECORD a letter addressed to the chairman of the Committee on Military Affairs by the Secretary of War concerning the bill.

There being no objection, the letter referred to was ordered to be printed in the RECORD, as follows:

AUGUST 20, 1919.

THE CHAIRMAN MILITARY AFFAIRS COMMITTEE,
United States Senate.

MY DEAR SENATOR: Under date of July 8, 1919, a cablegram was received from Gen. Pershing in which he gave an outline of the steps that had been taken by the cemeterial branch to maintain and care for the graves of American dead buried in Europe. The arrangements made by Gen. Pershing in regard to this matter were approved on July 18, 1919, and he was advised that the military attachés to Great Britain and Italy would be directed to supervise the maintenance and care of graves in those countries, under instructions and regulations to cover these cases that were then being drafted in the War Department.

In considering all the points raised in Gen. Pershing's cablegram it was apparent that funds would be needed for the purpose of carrying his recommendations into effect, and upon looking into the matter it was found that under an opinion of the Judge Advocate General, dated May 15, 1919, published in Digest of Opinions of the Judge Advocate General of the Army of May 15, 1919, there is no appropriation available to carry these instructions and recommendations into effect, and that special authorization for that purpose must be made by Congress.

If this is to be done, it is the opinion of the War Department that it was the intent of Congress to have the matter of caring for the graves of American dead provided for from the appropriation "Disposition of remains of officers, soldiers, and civilian employees," as provided for in Public No. 21, Sixty-sixth Congress, H. R. 7343. This conclusion was reached not so much in the wording of the appropriation as from the fact that the appropriation for 1920 is $8,451,000 as against an initial appropriation of $250,000 for 1919 and a deficiency of $710,000.

The question of whether or not funds from the appropriation above referred to were available for the maintenance and care of the graves of the American dead buried in Europe was taken up informally with the Comptroller of the Treasury, and he was of the opinion that more specific authorization from Congress should be given than is contained in the wording of the bill under which the appropriation was made.

In order, therefore, to meet the requirements of the accountings officers of the Treasury in regard to expenditures from the appropriation referred to for the above purpose, may I ask that you take the necessary steps to have the proposed draft of a bill, herewith, enacted into law? No additional appropriation of funds is sought in the legislation requested.

Cordially, yours,

NEWTON D. BAKER.

CAMP A. A. HUMPHREYS, VA.

Mr. WADSWORTH. I ask unanimous consent for the present consideration of Calendar No. 185, being House joint resolution 208. I may say to Senators present, and particularly to the Senator from Utah, who, I think, took some interest in the matter yesterday, that when I endeavored to secure unanimous consent for the consideration of the joint resolution yesterday during the order of business of reports of committees, objection was made by the Senator from Minnesota [Mr. NELSON]. Since that time, after examination of the joint resolution, the Senator from Minnesota has withdrawn his objection.

The VICE PRESIDENT. The Senator from New York asks unanimous consent for the present consideration of a joint resolution, the title of which will be stated.

The SECRETARY. A joint resolution (H. J. Res. 208) authorizing the Secretary of War to expend certain sums appropriated for the support of the Army for the fiscal year ending June 30, 1919, and June 30, 1920, at Camp A. A. Humphreys, Va.

Mr. LODGE. Mr. President, is that the joint resolution to which objection was made yesterday by the Senator from Minnesota [Mr. NELSON].

Mr. WADSWORTH. It is.

The VICE PRESIDENT. The Senator from New York states, however, that the Senator from Minnesota has withdrawn his objection.

Mr. KING. Mr. President, I should like to ask the Senator from New York if he knows the attitude of the senior Senator from Oregon [Mr. CHAMBERLAIN] regarding the joint resolution. My understanding is that he has some observations to submit respecting this measure, if not some opposition to it. I am not sure as to that. He has been sent for. Does the Senator know his position?

Mr. WADSWORTH. I have not heard any objection on the part of the Senator from Oregon. I can not remember now whether the Senator from Oregon was present at the meeting of the committee yesterday when the joint resolution was reported; but the joint resolution was reported by a unanimous vote and has already passed the House. I can not remember whether the Senator from Oregon was present.

Mr. KING. I will ask the Senator from New York to withhold his presentation of the matter until the Senator from Oregon arrives. I have sent for him.

Mr. FLETCHER. In the meantime the Senator from New York can explain the purpose of the joint resolution and its scope. As I understand, it is entirely an emergency matter.

The VICE PRESIDENT. The reading of the joint resolution will occupy time. The Secretary will read the joint resolution.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the Secretary of War be, and hereby is, authorized to expend the following sums appropriated for the support of the Army for the fiscal year ending June 30, 1919, at Camp A. A. Humphreys, Va., for the completion of bungalow quarters, now partially constructed, including gravel roads, walks, sidewalks, sewers, electric light lines, heating, water lines, painting, clearing, brushing, grading, sodding, and alteration of existing buildings and miscellaneous incidental construction incident thereto, not exceeding $116,000.

SEC. 2. That the Secretary of War be, and hereby is, authorized to expend not exceeding $20,000 from sums already appropriated for the support of the Army for the year ending June 30, 1920, such maintenance and repair funds as may be necessary for maintenance and repair work, storage of material, and clearing up débris at Camp A. A. Humphreys, Va.

Mr. LODGE. Mr. President, was the appropriation that it is sought to transfer only $20,000?

Mr. WADSWORTH. There are two items in the joint resolution, one for $116,000 and one for $20,000, both sums that are to be made available out of other appropriations.

Mr. LODGE. Perhaps the Senator will explain the matter. It so happens that I have been down at Camp Humphreys and have gone all over it. To develop that into a permanent camp will cost millions of dollars, and I can see no purpose in that.

Mr. WADSWORTH. I shall be very glad to explain this joint resolution.

Senators will probably remember that a very large cantonment was built upon land purchased by the Government in the early part of the war at Camp Humphreys. It was used during the war as a training camp or cantonment for Engineer replacement troops. The men who were trained in that camp were forwarded to France as replacements in the Engineer units of the American Expeditionary Forces. At the conclusion of the hostilities, there being no further need for Camp Humphreys as a training place for replacements, the War Department transferred the Engineer School from Washington Barracks, here in the city of Washington, and established it at Camp Humphreys. It ought to be said that the Washington Barracks reservation here in Washington City is quite inadequate for the maintenance of an Engineer school. It is quite impossible to train Engineer officers and troops in a place of that sort, as there is no terrain proper for their exercise or training. The Camp Humphreys site contains something like 6,400 acres, owned in fee simple by the Government, and it was thought wise by the department to make that place the permanent home of the Engineer School. Therefore, in December last appropriate orders were issued directing that the school be established there, after being removed from Washington Barracks.

This involves the stationing at Camp Humphreys of a considerable number of Engineer officers and Engineer student officers. Senators will remember that at least two classes were graduated from West Point during the last war prematurely, without having actually finished their courses, and were commissioned in the Army. None of those men thus graduated from West Point prematurely have had any of the engineer training which officers in the Engineer Corps itself have always received in the Engineer School. The result is that there is an unusual accumulation of officers awaiting study and training in the Engineer School.

The War Department made a contract for the erection at Camp Humphreys of 70 small bungalows, in which these officers and their families were to be quartered. The bungalows were to be of one story, without cellars, without attics, built of wood, frame construction, ceiled on the inside with cardboard. The annual appropriation bill for the support of the Army contained a provision forbidding the War Department to expend any moneys appropriated in that bill, or appropriated prior to the enactment of that bill, for construction. The result was that the bungalows, which were then partly constructed, had to be left standing just as they were. Thirty-eight of them had been commenced. The remainder of the total of 70 had not been commenced. They have stood since the 11th day of July in that condition. Some of them are but 10 per cent completed. Several others are 90 per cent completed. There is no place at Camp Humphreys for an officer and his family to live. These men are ordered there. There is no other engineer school in the country to which they can go under the auspices of the War Department. It is the earnest request of the Engineer Corps, the War Department, the committee of the House, and the committee of the Senate, both of which have gone into this thing very thoroughly, that the Congress pass a joint resolution such as this, making available this limited sum out of appropriations heretofore made for the completion of those bungalows.

The emergency in the case arises from the fact that we are now upon the verge of winter, and if these little bungalows are not finished there is no proper place there in which officers and their families can be quartered. The bachelor officers are quartered in the cantonment buildings themselves, in the wooden barracks. The classrooms and shops have been put into these wooden buildings for the time being, in the hope that later on proper facilities may be acquired at Camp Humphreys; but this is purely temporary construction, upon land owned by the Government, and to take care of the married officers out of the total of 269 officers.

Mr. KING. Mr. President, will the Senator yield?

Mr. WADSWORTH. I yield.

Mr. KING. A great many of us believe—or, at least, I will speak for myself—I believe from investigation which has been made that in many particulars the War Department has been not only extravagant but criminally extravagant; that in the erection of buildings and in the acquisition of lands upon which to construct buildings there has been not only no reasonable care, but an entire lack of prudence and care and caution in the selection and in the erection of such buildings.

The Senator will recall that before we entered the war the Government had a large number of posts and Army camps throughout the United States, many of which were suitable for schools and for the placing of a large number of officers for training and for school purposes. Since the war began the Government has acquired a large number of other camps, and millions of dollars, indeed, tens if not hundreds of millions of dollars, have been expended in the erection of buildings upon these sites, as well as the erection and repair of buildings upon the old sites. I will ask the Senator, in view of that fact—the large number of camps and posts which the Government has and the millions of dollars which have been expended in buildings—if there can not be found amongst all this multitude of camps and sites and posts a place that is suitable for 269 officers, instead of trying to build up another camp?

Mr. WADSWORTH. Mr. President, the trouble is that all the camps that were built during the war, and to which the Senator refers, are exactly like Camp Humphreys. They do not provide any facilities for officers and their families. This is to be, and is now, a permanent Army post; and under the law the Government is required to provide quarters for an officer's family or else pay him commutation of quarters. Now, it would be entirely feasible to pay these officers commutation of quarters if it were possible for them to find any quarters for their families in the neighborhood, but that is utterly impossible. This cantonment is like all the others; it is of temporary construction. You can not very well put officers and their families into the barracks, as there are no opportunities for privacy and no opportunity to establish a home in which a family can live. The purpose of this bill is to permit them to complete the construction of these little bungalows that were started last winter, but whose completion was prevented by the passage of the annual appropriation bill containing the clause to which I have referred. There could not possibly be a cheaper way of providing quarters for these men.

The VICE PRESIDENT. Is there any objection to the present consideration of the joint resolution?

Mr. KING. Mr. President, I shall not object to the consideration of this measure. At the same time, I want to express my firm conviction that it is a waste of money, that it is squandering this amount of money; but the War Department has squandered so much, and apparently there is a determination to persist in the extravagance and in the squandering, so that perhaps an objection now, or a protest made now, will not avail.

Mr. LODGE. Mr. President, I do not rise to object. I only rise to explain the reason of my question, having gone over Camp Humphreys and seen the whole camp, which is very large.

There are, I should say, hundreds of buildings there, most of which I should suppose, will be discarded and torn down. It is an immense area. We have had 40,000 troops there at one time engaged in building a road to Alexandria. They built a very fine road, too. Now, if this is going to be a permanent Engineer school, we are entering upon a very large expenditure. I am not going to object to the consideration of the joint resolution, but I hope that this does not mean a continuance of great expenditures at that camp.

Mr. KING. Mr. President, will the Senator yield?

Mr. LODGE. Certainly.

Mr. KING. Has the Senator any reason to believe that if they start on this they will not find some excuse for building more buildings and continuing the school there? And of course that will necessitate the expenditure of millions.

Mr. LODGE. I do not know what their plans are. The statement of the Senator from New York is a perfectly reasonable one. I can see the need of this small amount of money to prevent these buildings going to ruin, and I see no objection to using it for the time being as an Engineer school; but it does seem to me that it is a very large matter and ought to be very carefully considered before we go any further.

Mr. WADSWORTH. I may say to the Senator from Massachusetts that when the proposal was made to the Committee on Military Affairs for a large appropriation to be made this year for the erection of elaborate and permanent buildings at Camp Humphreys the request was denied.

Mr. KIRBY. Mr. President, it seemed to the committee when this matter was presented that it was rather imperative. These people have already been assembled for instruction down there, and there is no housing provided. It is necessary that this be done in order to continue this instruction. It does not follow because this is done, or will be done, that there is going to be any permanent great expenditure at Camp Humphreys for this particular purpose or hereafter for the development of any engineering school. This seemed to be necessary, and the testimony and hearing developed conclusively that it was necessary at this time; and I hope the joint resolution will be allowed to pass.

The VICE PRESIDENT. Is there any objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in the Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAJ. GEN. CROWDER.

Mr. KNOX. I ask unanimous consent for the present consideration of the bill (S. 2867) to authorize the President, when Maj. Gen. Crowder retires, to place him on the retired list of the Army as a lieutenant general.

The VICE PRESIDENT. The Chair has been asked by the senior Senator from Oregon [Mr. CHAMBERLAIN] to do him the favor of sending for him if this bill were called up.

Mr. KNOX. I think that is perfectly proper. But if the Chair means to indicate by that that if the Senator from Oregon were present he would object to unanimous consent, we might as well save the trouble of sending for him.

The VICE PRESIDENT. No; the Chair knows nothing about the Senator's attitude toward a request for unanimous consent; only that he preferred a request that he should be sent for if the bill came up.

Mr. KNOX. I withdraw the request for the present.

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. Is the morning business closed, Mr. President?

The VICE PRESIDENT. The morning business is closed.

Mr. LODGE. I move that the Senate go into open executive session to consider the treaty of peace with Germany.

The motion was agreed to, and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. LODGE. The Secretary will continue the reading. He will begin, I believe, at the top of page 109.

The VICE PRESIDENT. Are not the Fall amendments before the Senate?

Mr. LODGE. Yes; but I understand it was thought wise to read all the Fall amendments and the treaty at the same time, saving reading them twice, before the Senator from New Mexico [Mr. FALL] began to discuss them.

The Secretary resumed the reading of the treaty, as follows:

"Article 74.

"The French Government reserves the right to retain and liquidate all the property, rights and interests which German nationals or societies controlled by Germany possessed in the territories referred to in Article 51 on November 11, 1918, subject to the conditions laid down in the last paragraph of Article 53 above.

"Germany will directly compensate her nationals who may have been dispossessed by the aforesaid liquidations.

"The product of these liquidations shall be applied in accordance with the stipulations of Sections III and IV of Part X (Economic Clauses) of the present Treaty."

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry: Are the so-called Fall amendments printed separately?

Mr. LODGE. No; they run to No. 46.

Mr. BRANDEGEE. I mean, are they printed in the ordinary form of Senate committee amendments?

Mr. LODGE. They are printed in the treaty just as amendments are always printed in a bill.

Mr. BRANDEGEE. Is there any document at the desk which will show a list of the pages upon which they occur?

Mr. LODGE. That appears in the print of the document itself.

The VICE PRESIDENT. The Secretary can give the pages; there is no document at the desk giving them.

Mr. BRANDEGEE. I should like to have the Secretary state, if he will, the numbers of the pages upon which the several Fall amendments occur.

The SECRETARY. The amendment to strike out the words "and Associated" between the word "Allied" and the word "Powers" occurs in—

Article 35, on page 57.
Article 40, on page 61.
Article 41, on page 61.
Article 65, on page 103.
Article 83, on page 119.
Article 86, on page 123.
Article 87, on page 125.
Article 2 of the annex, on page 129.
Article 4 of the annex, on page 131.
Article 5 of the annex, on page 133.
Article 6 of the annex, on page 133.
Article 93, on page 139, in the main body of the treaty.
Article 95, on page 141.
Article 95, in five places on page 143.
Article 97, in three places on page 145.
Article, 97, on page 147.
Article 99, on page 147.
Article 99, on page 149.
Article 100, on page 149.
Article 101, on page 151.
Article 102, on page 151.
Article 104, on page 153.
Article 107, on page 155.
Article 109, on page 157 in two places.
Article 110, on page 161.
Article 110, on page 163.
Article 111, on page 163.

Mr. LODGE. The other amendments the Senator from Connecticut does not care to have read, I suppose?

Mr. BRANDEGEE. No. Those that have been given are, I understand, the instances in which the words "and Associated" are stricken out?

The SECRETARY. That is all.

Mr. BRANDEGEE. What are the other Fall amendments? I will not ask that they be read.

Mr. LODGE. There are two others, relating to the reparation commission.

Mr. BRANDEGEE. To what articles are they amendments, and what are the pages on which they occur? My object is to have the CONGRESSIONAL RECORD state, for the information of the readers of it, where these proposed amendments occur in the printed copy of the treaty.

The SECRETARY. On page 129, in subdivision 2, of the Annex, the words "the United States of America" and the comma are proposed to be stricken out before the word "France."

On page 261, in the third line in the second paragraph of subdivision 2 of Annex 2, the words "the United States" and the comma, before the words "Great Britain," are proposed to be stricken out.

Mr. FALL. What page is that?

The SECRETARY. Page 261, in subdivision 2, of Annex No. 2.

Mr. FALL. Then there is an insertion.

Mr. LODGE. There is an insertion printed there.

The SECRETARY. Following the word "occasions."

Mr. FALL. That is amendment No. 46.

The SECRETARY. Amendment 46, on page 261, following the word "occasions," insert:

The Delegate of the United States shall have no vote in the proceedings of the commission except concerning a matter wherein such delegate is specifically instructed by his Government to take part in proceedings of the commission and to cast and record the vote of the United States thereupon; but shall always have such right when Annex 3 to the reparation clauses or any section thereof is under consideration.

Mr. FALL. One of the amendments found on page 77 was not referred to in its order, and I ask in connection with the reading by the Secretary of the list of the amendments and the pages upon which they are found that it may be noted that on page 77 there is amendment to article 17 inserting the words "or the United States of America."

Mr. BRANDEGEE. All those amendments were adopted by the Committee on Foreign Relations, and, inasmuch as the report of the committee only shows the reservations, I wanted this information to appear in the RECORD, so that we would know what they are, and that the committee had reported them.

Mr. FALL. They were all adopted.

Mr. BRANDEGEE. They were adopted by the committee.

Mr. WALSH of Montana. Mr. President, I would like to inquire if there is any action to be taken upon these amendments at this time?

Mr. BRANDEGEE. I do not understand that action will be had. They are before the Senate for consideration, and certain Senators intend to address the Senate upon them.

Mr. WALSH of Montana. What disposition is asked to be made of these amendments?

Mr. BRANDEGEE. They are being read now.

Mr. LODGE. No disposition has been asked. The portions of the treaty which include them are being read.

Mr. WALSH of Montana. Mr. President, at what point in the treaty is the Secretary now reading?

The PRESIDING OFFICER (Mr. KENYON in the chair). On page 109. Article 74 has just been read.

Mr. WILLIAMS. Mr. President, in connection with the apparent debate which took place upon yesterday between the Senator from California [Mr. JOHNSON] and me, in which, by the way, neither of us did himself justice, I want to read a very short letter appearing in the Evening Post, of New York, signed by Robert R. Reed, a sound lawyer, and a man of brilliant intellect, whom I have known for several years. It is as follows:

BRITISH VOTES IN THE LEAGUE COUNCIL.

To the Editor of the Evening Post.

SIR: It is, of course, not to be expected that all Senators should be preeminent authorities in international law or specialists in the proper reading and interpretation of international agreements. But certainly most of them may be supposed to have an aptitude for counting votes. They also know, or should know, when a vote is not a vote, but something else. Possibly one of the antileague Senators will explain the relative value of six votes compared with one vote in a body which can only act by unanimous agreement. To a nonpolitical person it would seem that the five extra votes, so called, accorded the British dominions have the effect chiefly of tying a string to the "vote" of the mother country. The effect is the same as though Great Britain's one vote was subject to a proviso that it should not be cast except with the advice and consent of her five dominions. Will not some Senator experienced in the matter of votes point out the difference, if any? If, as should perhaps be the case, our one vote can be cast only with the advice and consent of two-thirds of the Senate, it would seem that our total "votes" must exceed those cast by all other nations.

ROBERT R. REED.

NEW YORK, *September 5.*

Mr. President, upon the same question there was forwarded to me this morning by somebody, by whom I do not know, another short excerpt from the Evening Post entitled "That British Vote," and reading as follows:

THAT BRITISH "VOTE."

To the editor of the Evening Post:

SIR: The representation of Canada, Australia, South Africa, New Zealand, and India in the league assembly has many bearings. Its actual legal effect is little more than a provision requiring Great Britain to obtain the assent of all her dominions before casting her "vote" in the assembly. Conceding that it means nothing in its effect on the so-called voting power of the British Empire, it may mean a great deal in its effect upon our own future. It will mean a great deal if the United States Senate directly affronts not England but Canada, Australia, and South Africa in their aspirations to practical independence and a voice in world affairs. No nation has so much to gain from their representation as the United States. In any possible dispute with Japan in the Pacific we will have the voices and "votes" of three English-speaking nations on the Pacific. In any possible dispute with Great Britain we can reasonably hope to divide that Empire against itself, to appeal from the traditional aristocracy to the rising democracies of the British Empire.

The future of the world may have many small troubles to be adjusted. It will have a few great problems, and those great problems are of vastly greater consequence than all the small ones. They are problems in which both the solidarity and weight of the great democracies will have to hold against tendencies and aspirations for which Germany, Russia, and Japan stand as names to-day. They are problems in which we should like to see the English-speaking democracies standing together and with a dominant strength. We have had our own quarrels with England. We may have quarrels with Canada, Australia, or South Africa. But is there any question anywhere that our great permanent interest lies in strengthening the influence and furthering the aspirations of the great English-speaking democracies?

Now, Mr. President, there arose further in the debate yesterday some question as to referring back to Germany an amended treaty of peace. Of course, if the contract between us and Germany is amended by us alone it must be referred back to Germany, because she is the other party to the contract or to the compact or to the pact or however else you choose to designate it.

I cut out of the Washington Post this morning the following special cable, and I read it now as reenforcing what I said yesterday, trying to combat the general impression that Germany is to-day helpless and that we need not regard her. We have once said to her, "Sign here upon the dotted line," and she has signed. A great many of you seem to think that we can say to her every week in the year, "Sign here again upon the dotted line." In that you are woefully mistaken.

In that connection I read this:

Berlin, September 25—

This is sent to the Washington Post—

PERIL TO PACT HERE STIRRING GERMANY—DEMOCRATIC CIRCLES ALARMED AND MONARCHISTS SEE BIG POSSIBILITIES.

[Special cable to the Washington Post.]

BERLIN, *September 25.*

Reports indicating the possibility that the peace treaty may not be ratified by the United States are causing consternation in democratic circles throughout Germany, while the monarchists and reactionaries are watching with increasing interest the deliberations of the American Senate.

Count Reventlow writes in the Tageszeitung—

The translation of which is, "The Daily Journal"—

that nonratification by the United States Senate "would create a multitude of new perspectives for Germany"—

"Create a multitude of new perspectives for Germany." That is the language of Count Reventlow, with whose history and record in Germany as a servant of the Kaiser and as a mouthpiece of modern German war theology and war philosophy all of you are acquainted.

I proceed to read further:

which a shrewd, active German Government could exploit."

That is the language of Count Reventlow—

Which a shrewd, active German Government could exploit.

Now, possibly some of you think they could not exploit it. Take my word for it, they can. At least, Reventlow thinks so, and is lying in wait for the opportunity.

It is significant—

I am reading, now, no longer from the quotation from Count Reventlow, but from the report:

It is significant that the Frankfort Gazette, which, during the war and armistice, glorified President Wilson's policies, now discusses with alarm—

I suppose, Mr. President, that you are acquainted with the record of the Frankfort Gazette. It is about the only paper in Germany that stood out for weeks and months against junkerism and against the Kaiser, was several times silenced by orders from Berlin but always made its reappearance at some time—

discusses with alarm the possibility of nonratification, saying the importance and far-reaching consequences of the attitude of the representatives of the American people—

Of course, that indicates German ignorance. Calling this Senate "the representatives of the American people" is a woeful fraction of their ignorance—absolute Teutonic ignorance, only equaled by the stupidity of their diplomatic procedures during the late war. But, at any rate, that is the language of the article—

far-reaching consequences of the attitude of the representatives of the American people are very great, not only for the United States but also for Germany.

Mr. FALL. Mr. President, as the usual afternoon hour has been occupied by the exchange editor of the CONGRESSIONAL RECORD, I will only occupy a very few moments of the time of the golf players of the Senate and others to say that at the earliest moment, when the present agreement as to procedure in the Senate may have been fulfilled and the Senate is again attending to business, I shall take occasion to refer to the only argument that I have heard that I think is worthy of reference and answer, to a few remarks which were made yesterday afternoon by the Senator from Montana [Mr. WALSH] with reference to the matter then under discussion, the right of the United States to adopt any reservations or amendments, or to propose any reservations or amendments or any changes in the treaty which it may please to propose or to adopt, without the fear which so many seem to entertain that it would be necessary to again approach Germany upon the subject.

At this time I understand it has been agreed that there should be no vote and no lengthy proceedings upon the pending matter.

I will not undertake to disturb the rest of some of the Senators——

Mr. WILLIAMS. Quietude, call it.

Mr. FALL. The Senator from Mississippi suggests quietude, and I gratefully adopt his suggestion. It is my purpose, of course, as I announced several days since, to discuss the amendments which are being read, and that I shall probably do at some length, and upon that occasion I shall refer to the matter which I have indicated.

To me the propositions announced by the Senator from Montana [Mr. WALSH] yesterday afternoon and by other Senators who were playing like minnows around him are so easily and simply answered that it is at least merely another indication of the fact that if we can not agree upon the construction of one article of the treaty, the world will never be able to agree upon its construction. Therefore, the claim of some of us that it simply counts for trouble in the future rather than for allaying or delaying trouble, it seems to me will be well proven. I shall undertake that upon another occasion, as I have said. I had hoped to reach it to-day; in fact, I sought recognition yesterday afternoon for the purpose of calling the attention of the Senator from Montana, while his attention was directed to these particular points, to some certain matters to which I thought he had not given consideration. I shall avail myself of the opportunity at a very early date to do that.

Mr. WILLIAMS. Mr. President, upon yesterday I called attention to the difficulties of the two situations with which the American people have been confronted—first, when they were confronted with the idea of adopting the Constitution of the United States and were confronted with the question of whether they should amend it beforehand or afterwards, and the present situation when they are confronted with the league of nations and with the proposition of whether they shall amend it beforehand or afterwards.

The Senator from New Mexico [Mr. FALL] has just dwelt upon the point that where there were differences of opinion about the interpretation of an article in the instrument, that meant that the article ought to be defeated, if I understand him correctly. If that course had been pursued when the Constitution of the United States was being considered, it would have been defeated almost unanimously, but our ancestors chose rather to adopt the Constitution as proposed and then to amend it afterwards.

Now, the Senator says a difference of opinion about an article in an instrument means that that instrument is worthless. If that test were to be applied to the Constitution of the United States, Mr. President—I think there were 108 law cases growing out of different interpretations of one article of the Constitution of the United States, to wit, the fourteenth amendment, and even more growing out of Article X of the Constitution which provides that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people"—measured by that test, we should have had no civilized government in America; we should have had no constitutional and representative government; we should have defeated the whole Constitution on the ground that there were pin pricks that might have been inserted into almost every article in it. Wiser men than the Senator from New Mexico, wiser men than I or you, Mr. President, advised in that day that we accept the Constitution and amend it later. To-day the real wise men of America, in church and school and state, are advising that we accept this league of nations and this treaty and amend the league of nations later.

I want to emphasize what I said yesterday, that any reasonable proposition of amendment carried to the council, which is composed of only nine men representing nine governments, will meet with welcome reception, because all of those governments are running over one another—emulating one another in trying to run over each other—in order to gain the good will of the United States. It will be much easier to amend the league of nations after ratification than it was or is to amend the Constitution of the United States after its adoption.

Mr. BRANDEGEE obtained the floor.

Mr. FALL. Mr. President, will the Senator from Connecticut yield to me for just a moment?

The PRESIDING OFFICER (Mr. NUGENT in the chair). Does the Senator from Connecticut yield to the Senator from New Mexico?

Mr. BRANDEGEE. Yes.

Mr. FALL. I simply want to call the attention of the Senator from Mississippi to the fact—of course, it is not necessary to call it to the attention of any of the other Senators—or to refresh the memory of the Senator from Mississippi, that with reference to the Constitution of the United States it is true that we have adopted more than one amendment to it; but the people of the United States have adopted them, and they have not left it to the other nations of this earth either to suggest or to ratify them.

Mr. WILLIAMS. Oh, Mr. President, such a "lame and impotent conclusion," coming from a man so abounding in good sense as the Senator from New Mexico, is absolutely astonishing. True, the Constitution of the United States was "adopted solely by the people of America," because it applied only to the people of America; but the constitution of the world in this league of nations must be adopted, if at all, by the world, because it applies to all the world. What does the Senator from New Mexico mean by that sort of suggestion?

Mr. FALL. I indicated that I thought the Senator from Mississippi would not understand.

Mr. WILLIAMS. Oh, Mr. President, again the Senator says that he did not expect me to understand. Of course I can not understand that sort of nonsense; I freely admit that.

Mr. BRANDEGEE. Mr. President, I do not propose to correct the understanding of the Senator from Mississippi, but in relation to his remarks——

Mr. WALSH of Montana rose.

Mr. BRANDEGEE. I yield to the Senator from Montana.

Mr. WALSH of Montana. Mr. President, I sought an opportunity to say a word in connection with the remark of the Senator from New Mexico that at a later day he will discuss the question of our right to amend the covenant of the league of nations without the assent or concurrence of Germany. If the Senator from Connecticut will pardon me, I shall be very glad to say just a word.

Mr. BRANDEGEE. I yield to the Senator for that purpose.

Mr. WALSH of Montana. I shall listen with very great interest, indeed, to the explanation of the views of the Senator from New Mexico on that question. On yesterday I told in a general way about a multitude of provisions of the treaty of most vital consequence to Germany in which the interposition of the council of the league of nations is essential, and stated that by reason of those provisions Germany is vitally interested in the constitution of the league of nations, though she is not a member of the league. I open the copy of the text at random, for instance, and turn to the provision for the plebiscite under which at the expiration of 15 years the fate of the Saar Basin is to be determined. After providing for the plebiscite by which the future of that important section of Germany is to be determined, provision is made for the election and for the participation of inhabitants over 20 years of age without regard to sex, and the following occurs:

> The other conditions, methods, and the date of the voting shall be fixed by the council of the league of nations in such a way as to secure the freedom, secrecy, and trustworthiness of the voting.

Accordingly, the council of the league of nations is really going to make the law under which all the machinery for the election is to be put into operation. Doubtless it will pass a registration law for the particular occasion; that is to say, it will lay down rules and regulations under which the election is to take place.

But it has very grave duties in addition to that; for instance, section 35 reads:

> The league of nations shall decide on the sovereignty under which the territory is to be placed, taking into account the wishes of the inhabitants as expressed by the voting.

Then it specifies:

> If the league of nations decides in favor of the union of the whole or part of the territory of the Saar Basin with Germany, France's rights of ownership in the mines situated in such part of the territory will be repurchased by Germany in their entirety at a price payable in gold. The price to be paid will be fixed by three experts, one nominated by Germany, one by France, and one, who shall be neither a Frenchman nor a German, by the council of the league of nations; the decision of the experts will be given by a majority.

In connection with the comments of the Senator I shall submit for the information of the Senate at that time a list of the various provisions of the treaty in the execution of which the league of nations takes a part in matters of the most vital concern to Germany. Therefore, all of the provisions, at least those constituting the membership of the league, are of very vital concern to that country.

Mr. FALL. Mr. President, the list which the Senator from Montana proposes to furnish will, of course, be very useful in some respects. However, I can not see anything which would connect the statement which he has just made with the argument he was making yesterday afternoon. There is no proposed amendment striking the league of nations from the Saar Basin commission or other commissions. There is no provision in the treaty for the appointment of an American representative on the Saar Basin commission, although there is upon some of

the other commissions. I asked the President why, and he answered:

No mention was made in connection with the settlement of the Saar Basin of the service of an American member on the commission of five to be set up there.

Very well. In so far as Germany is concerned, if America is not to be represented, it might as well be provided that no representative of America shall serve upon the Saar Basin commission.

Mr. WALSH of Montana rose.

Mr. FALL. Pardon me. The question of amendments to the articles of the covenant of the league of nations has nothing to do with our right to amend the articles of the covenant at all, unless the amendment is to provide that we abolish the council of the league; then the Senator's argument might be appropriate; but there is no proposition here and no amendment proposing to abolish the council of the league of nations, and the council of the league of nations as provided in the treaty will still continue, in so far as any reservation or amendment is concerned, to operate.

Mr. WALSH of Montana. It is quite true that the United States is not represented on the commission which is to govern the Saar Basin during the period of 15 years; but that is not the point I make. The point I make is that when the period of 15 years has expired, then a plebiscite is to be held and the whole matter of conducting the election is to be under the supervision of the league of nations. If it determines that the territory shall go back to Germany, the council of the league of nations will appoint the members of the commission which is to determine the amount that is to be paid. Those are the sections to which I call the attention of the Senator; but——

Mr. FALL. I understand, Mr. President.

Mr. WALSH of Montana. If the Senator will pardon me, it is not essential that an amendment shall be proposed, of course, that would entirely strike out and obliterate the council of the league of nations. The manner in which that council is constituted is a matter of vital importance to Germany; the question of who shall be members of that council is a matter of vital importance to her.

Mr. FALL. But that is not settled in the treaty.

Mr. WALSH of Montana. No; but the Senator asserts as a general proposition that we may amend the covenant of the league of nations in any way we see fit without the consent of Germany.

Mr. FALL. Certainly; exactly as the Senator reported to the full committee of the Committee on the Judiciary and to the Senate, that, despite the Rhineland provisions in this treaty, it will be proper for us to enter into a separate treaty with France and Great Britain to enforce article 43 and other articles of the treaty——

Mr. WALSH of Montana. I am not able to follow the Senator in that illustration.

Mr. FALL. In absolute violation of the treaty with Germany—in spirit, in letter, and in words.

Mr. THOMAS. Mr. President, will the Senator from Connecticut yield to me for a moment?

Mr. BRANDEGEE. I yield.

Mr. THOMAS. I ask unanimous consent to insert in the RECORD an article from the pen of Maj. Gen. William Crozier, published in last Sunday's Times, referring to the proposed reservations of the majority of the Committee on Foreign Relations.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Washington Times, Sunday, Sept. 14.]

GEN. CROZIER POINTS TO INCONSISTENCIES IN RESERVATIONS TO LEAGUE OF NATIONS.

(By Maj. Gen. William Crozier, United States Army, retired.)

(Gen. Crozier was one of the American delegates to the first peace conference at The Hague in 1899 and is now the sole survivor of the American representation there. He has made a deep study of international matters.)

The fundamental office claimed by its advocates for the league of nations is that of preserver of the peace of the world. This office is the one which has been in the minds of the proponents of all similar schemes down to and including Mr. Taft's League to Enforce Peace. The idea is naturally embodied in the covenant, which forms part of the treaty of peace.

Various articles of the covenant prescribe particular duties for member nations of the league in the matter of keeping the peace. Article 10 is their individual promise to protect one another's territory and government from external aggression. Article 16 details certain measures of coercion which members agree to take against any nation which resorts to war in disregard of its covenant. But the article in which the organization declares its intention to use its great power for carrying out the main purpose of the association is article 11, which reads, in part, as follows:

"Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared to be a matter of concern to the whole league and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations."

This is an essential announcement, in which the majesty of the league is asserted for the central purpose of its existence. It may be said to contain the teeth of the covenant.

The second item of the resolution of ratification which the Senate Committee on Foreign Relations is reported to have adopted states, among other things, "That the United States declines to assume, under the provisions of article 10, or under any other article, any obligation * * * to interfere in controversies between other nations, members of the league or not, or to employ the military or naval forces of the United States in such controversies, or to adopt economic measures for the protection of any other country, whether a member of the league or not, against external aggression, or for the purpose of coercing any other country * * * except by action of the Congress of the United States.

A good deal of the procedure contemplated in articles 10 and 16 could not be taken without the action of Congress in any case; the reported resolution, therefore, constitutes a declination to bring any moral pressure upon Congress by the treaty-making power, such as was brought by the peace treaty after the Spanish War in promising to pay $20,000,000 for public works in the Philippine Islands, for example, and the words which are italicized extend the declination to the solemn declaration of article 11. Certain steps which might be taken without preliminary action by Congress, such as inquiry as to the intentions of a government in regard to a neighboring country, or a reminder of the terms of the covenant in such manner as, perhaps, to constitute a threat to enforce peace, might be held to "interfere in controversies between other nations," and would then be among the things which the United States, under the terms of the resolution, declines to obligate itself to do. The second item of the resolution thus seems to leave this country entirely outside the league in regard to the principal purpose for which the league is created.

But article 10 is not altogether repudiated, and we are left under promise to respect the existing political independence of all members of the league, which bars us from the exercise of our independent judgment as to the necessity for intervention in any country which might acquire membership in the league for the purpose of securing therein decent living conditions for its own inhabitants and respect for the lives of our citizens, no matter how backward the country might be.

The authoritative intention of the league to preserve the peace of the world having been announced in article 11, articles 12, 13, and 15 contain the engagements of the individual member nations to settle their disputes peacefully if possible, either by arbitration or by action of the council; and of these articles No. 15 is the final definite promise to submit to the council any dispute likely to lead to a rupture, which is not submitted to arbitration, and to refrain from going to war with any party to the dispute which complies with a report of the committee which is unanimously agreed to by the members other than the representatives of the parties to the dispute. This promise constitutes the ultimate subordination of the member nations to the authority of the league in matter in which the council, excluding the parties to the dispute, is able to reach a unanimous conclusion.

The third item of the resolution adopted by the Senate Committee on Foreign Relations reserves from the promises of article 15 all matters which it considers to be within our domestic jurisdiction, defining a number of them; and the fourth item reserves all matters which would depend upon or relate to the Monroe doctrine. The committee thus makes it clear that it is not ready to trust the league as required by article 15, in regard to matters of such intimate importance to the United States as those which relate to domestic questions and to the Monroe doctrine, but the singular thing is that the committee is apparently willing to subordinate the independent judgment of the United States to that of the league in regard to any question outside the classes reserved, no matter how important it might be.

The net result of the last three items of the committee's resolution, therefore, is to withdraw the United States from the league in so far as the assumption of responsibility for the peace of the world and the intention to enforce it are concerned, while leaving us subject, under our promise, to the control of the league in regard to all disputes upon questions which are not domestic or do not come under the Monroe doctrine. That is, we are withdrawn from everything that is forceful and authoritative in regard to the world's good order, while left in subjection as to our own disputes which do not fall within certain categories.

Under such conditions particular value attaches to the first item of the committee's resolution, which safeguards the right of the United States to withdraw from the league upon its own motion.

Mr. BRANDEGEE. Mr. President, the Senator from Mississippi [Mr. WILLIAMS] a few moments ago referred to the fact that the other high contracting parties to this treaty were very anxious to get us into the league, and, being so anxious, it would be very easy for us, after we entered the league, to secure any amendment to it that we desired. There is no doubt about their anxiety to get us into the league. Why should they not be anxious to get the assistance of 110,000,000 people to back up the decision of a council in which they have an overwhelming majority, and to bear the expense to a large degree?

The anxiety, however, which from their points of view they are justified in having to get us into this entanglement is no criterion whatever of what their anxiety might be to agree to demands that we might make after we were in and the door was locked behind us.

Mr. President, the President of the United States stated to the Committee on Foreign Relations at the White House that when he was protesting against what we call the Shantung infamy, which nobody defends here, the Japanese commissioners at the peace conference notified him that if the Shantung provision was not agreed to their instructions were to withdraw from the conference. Senators can see how easy it would be to secure amendments upon which ideas might differ after we were in the league. Suppose we proposed an amendment, if it is possible to extract from the obscure and defec-

tive provisions of article 26 how an amendment could be proposed. Suppose we proposed an amendment, after we were in, that was unsatisfactory to Japan, and Japan should say to us: "Well, we do not like the amendment, but we will agree to the amendment"—it taking unanimous consent—"provided you will allow our nationals to come into your country under your immigration laws upon the same basis that the nationals of any other country come into your country, and that is the only condition upon which we will agree to it. We attempted to get your agreement to our claim for racial equality before the peace commission, but we were turned down, and we served notice at the time that we reserved the assertion of that claim to some other time. Now is our time. You are in, and you can not get out. You can not get out without giving two years' notice, and proving that you have performed all your obligations to the league and all your other international obligations, and now we have got you where we want you." What would be the prospect of any other nation agreeing to any amendment that we wanted, and that they did not want, except we gave them a quid pro quo?

Mr. President, as I said yesterday, the stock argument of the good people of this country who think this whole treaty is sacrosanct—this treaty, consisting of 440 articles, which very few people have read, and still fewer understand, including many of us—is, "Granted that there are imperfections and faults in this document, no human document can be expected to be perfect in its origin, but we can amend it after we get in." Have they the slightest conception of what they are talking about? Have they the slightest idea how it can be amended? Do they know that it takes the unanimous consent to such an amendment as we want of every Government which has a representative on the council sitting in Geneva, to wit, nine of them to start with, with the possibility of any self-governing colony of Great Britain sitting on the council also later on? Do they know that? I do not know that they would care if they did know it; but I care, Mr. President. This is the most important series of entangling international obligations that has ever been proposed in the world. Indeed, the Senator from Mississippi [Mr. WILLIAMS] calls it a world constitution, and that is what it is; and he compares this muddy, murky, muddled document of international entanglements and embarrassments to the Constitution of the United States!

Why, Mr. President, is there not a great difference between these two so-called constitutions? We made the Constitution of the United States for ourselves, and we were a fairly homogeneous people under one civilization, which we all understood; and, knowing that human language is always subject to various interpretations, especially where there is a legal fraternity in flourishing condition, we provided that those questions should be settled by our own courts. The provisions of this treaty provide that where there is a difference of opinion it shall be settled by some unknown arbitrators, to be agreed upon, of other nations. Can there be any analogy between two such instruments as those? But, Mr. President, article 26, which is the only article in the covenant which provides for its amendment, the only means by which these admitted defects can be cured, states as follows:

> Amendments to this covenant will take effect when ratified by the members of the league whose representatives compose the council and by a majority of the members of the league whose representatives compose the assembly.

Upon a casual reading of that, it might occur to some that the council and the assembly themselves had a right to ratify amendments to this league. Of course, a minute's consideration will dispel that illusion, because that would be clearly unconstitutional under our Constitution, for it would be an attempt to make a treaty or to amend a treaty otherwise than by the method provided by our own Constitution. So that what this must mean, in my opinion, is that the members of the league are the parties who amend this constitution, and the members of the league acting by their own Governments in the exercise of their treaty-making power.

What it says is that "amendments to this covenant will take effect when ratified by the members." Well, how do the amendments originate? The makers of our Constitution were careful to provide how amendments to our Constitution should originate and how they should be acted upon. They provided that they must originate by one method, by two-thirds of both branches of Congress recommending them to the several States, who could act upon them as Congress prescribed, either by their legislatures, three-quarters being necessary to validate, or by State conventions. There was a sane and orderly method of originating an amendment. Who originates amendments under this article? It is all left blank. Within what time are they to become effective? It is all left blank.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HENDERSON in the chair). Does the Senator from Connecticut yield to the Senator from Utah?

Mr. BRANDEGEE. I do.

Mr. KING. The Senator is one of the most acute lawyers in this body and is a member of the Foreign Relations Committee. He has been studying this treaty, with his associates, for a number of weeks, if not months. The committee, as I understand it, has submitted a few reservations and a few amendments. The point which the Senator is just now discussing, if I understand the reservations and amendments tendered by the committee, apparently was not deemed of sufficient importance to warrant elucidation by the committee or to warrant them in recommending any amendment, reservation, or interpretation. Does not the Senator think that in the statement he just made, that this document is "muddy, murky, and muddled," he was giving himself too much to alliteration and not sufficiently to verbal accuracy?

I have read the reservations and amendments reported by the committee, and, as I understand them, they have touched but a very few points in the treaty. If the treaty is so "muddy, muddled, and murky," and is so incomprehensible, why has not the Senator, with his able associates, those who are opposed to the treaty, made some further amendments or reservations?

I repeat, the number suggested have been few, indicating that the committee do not regard the treaty as being so defective or improper as to require numerous changes. Why should the Senator now think that the clause which he is just reading is subject to criticism? The signatories to the treaty have a right, by the terms of the instrument, to make amendments. Who makes the amendments? Why, the signatories. How do the signatories act? We act through the Congress; Great Britain acts through her Parliament; France acts through her legislative body; Italy acts through her legislative body in connection with her sovereign. Why should the Senator feel that the article which he is now discussing is susceptible of misconstruction or is not clear—clear as the sun to the humblest one, to say nothing of the acute mind of the distinguished Senator from Connecticut?

Mr. BRANDEGEE. The Senator has made a very eloquent, although irrelevant, speech, and has asked quite a series of questions in the course of it; and I am at a loss either to answer them as he asked them or to take the more important first.

In answer to the question of the Senator as to why the committee did not produce more amendments and reservations than they did, I will state that it was not owing to any lack of capacity by the committee to have proposed more. A great many of them thought that a great many more were necessary. I assume that before this discussion ends a good many more of the murky and muddled paragraphs of this treaty will be commented upon than this one, though I doubt if any one of them is more murky and muddled than this one. But, Mr. President, whether or not the committee noticed the point to which I have alluded I do not know. If the Senator thinks this is a perfectly clear provision for amendment, he has a right to his opinion; but I think it is not clear, because, as I stated just before I was interrupted by the Senator, it does not say who may propose amendments or how they shall be proposed. All it states is that they may be made, and that they will take effect when ratified by the members.

Mr. FALL. Mr. President, will the Senator yield to me for just a moment?

Mr. BRANDEGEE. Yes.

Mr. FALL. May I not suggest to the Senator that one of the reasons why the committee proposed no further amendments is very well illustrated by the fact that the Senator who has just asked the questions has walked away from his seat, and is now occupying the seat of the Vice President, so that he can not speak or answer or explain his questions. May I not also suggest to the Senator that there were other amendments, notice of which was given to the committee, and which will be suggested for the Senator's consideration on the floor; and, of course, I have no doubt that his conclusions as to the further amendments will be exactly the same as to those that are offered already—in other words, he will not find them apropos or necessary.

Mr. BRANDEGEE. Of course, Mr. President; and if a point be well taken on the floor, it is no answer to its merits to say, "Why did not somebody think of it before?" If that were so, it would preclude all amendments being offered on the floor of the Senate.

But, Mr. President, I call attention to the conditions under which this committee were laboring. This document, which had taken six or seven months to prepare, was sent to our committee with very little information concerning it. When we asked for

the procès-verbaux, which recounted the arguments and the proceedings of the gentlemen who finally compiled the document, we were told there was a confidential agreement between the parties to the conference not to reveal such information.

When we passed several resolutions in the Senate asking for other documents which we thought would shed light upon some of the recondite or obscure parts of this instrument we were met with the response that it was against public policy or that the archives were still reposing in Paris, and we had very little information, Mr. President. But even while we were trying to perform the duty which the Senate had confided to us under the Constitution a large part of the press of the country and a large number of the people of the country, stirred up by the League to Enforce Peace and other conservators of the American people, were demanding daily that we should report this matter right out; that it had all been agreed upon by the greatest minds in the world, all but one of which were foreign, and it was almost sacrilege to touch it or even to think about it; that it was all right; and there was no reason why the United States Senate, which was the only body which represented the American people in this transaction, should concern itself about it, except that the Constitution did require action by the Senate, and therefore they said, "Get through it as quickly as you can, but do not talk about it and quibble about it." I believe they talked about the Senate debates and our inquiries about it as quibbling.

So when it was intimated that we were proposing any reservations or amendments, they all said that was to wreck the whole treaty; that no amendment or reservation would be proposed in good faith, because the ulterior design was political and partisan; it was mere dislike of the gentleman who was all-powerful in negotiating the 440 articles; and that we must not question it at all, but put it right through.

What amendments and reservations we did bring out are now being opposed by Senators on the other side of the Chamber, opposed irrespective of merit or the necessity of the reservations or the amendments, on the ground that they would have to be submitted to the contracting parties to get their consent. Of course, they will have to be submitted to them to agree to, and they can be agreed to in five minutes. Every chancery in Europe is keeping track of exactly what amendments and what reservations are proposed and the chances of their being adopted. They all know now whether they will agree to them or not, and they could say so in one day; but we are asked to abandon the only chance we have of ever amending the treaty and to take a chance on amending it after we have gotten in, when there is no reason whatever why the others should agree to anything we ask unless they want to do it.

How would anybody propose an amendment to this covenant? I can imagine that when the shoe begins to pinch upon us the President might draw up an amendment and propose it, as he signed the treaty, in his own right and behalf, and send it to the King of Hejaz, who might put it in his breachclout, or send it to the gentleman who presides over Liberia or Haiti, and after it had been rescued from those jungles, if it was rescued, if they favored it they might send it to India. An amendment, an anonymous paper, originating from nowhere, but being called into space, travels an unknown circuit around the inner circles provided for by this labyrinthian covenant, and there is no provision in the covenant as to its ultimate destination. It does not provide that amendments proposed shall be submitted to the inner council or to the assembly of the league. It does not provide that the Congress shall approve such amendments or shall authorize their presentation. It leaves the whole matter in the dark, as it was probably intended to be left in the dark, for the object is to freeze this treaty into immutability, just as it is to freeze the boundaries of every nation into immutability, and then to wish upon us the guaranty of that frozen situation in the universe forever.

Mr. President, the United States of America has a pretty well educated population, and aside from those who have become, shall I say neurotic, by the psychology of the war, I think the sober second thought of this Nation is gradually reasserting itself. I believe it is the opinion of the country that now is our time to look before we leap, and now is the time to remedy such defects as we see in this instrument. I do not believe that the people of the country want the Senate of the United States, which the fathers made the equal partner of the President of the United States in the treaty-making function, to abandon their function, but I believe they want them to exercise their best judgment in this matter.

Of course, it is our duty to listen to our constituents; but, Mr. President, you will find that most constituents who write you about this matter are sure that they are in the majority; whatever each one thinks, he is sure that he represents the great majority of the people of his State. There is no question but that public opinion is divided upon this matter, and the duty of a Senator, as I regard it, is, after hearing all the arguments on both sides and getting all the information he can, to vote not as many of us are accused of doing, for partisan purposes or personal likes or dislikes, but to vote upon this tremendous new course upon which the country is asked to embark with due deliberation, without respect to his own future, and according to his best judgment under his oath of office.

Mr. HITCHCOCK. Mr. President, I ask that the reading of the treaty may be proceeded with.

The PRESIDING OFFICER (Mr. GAY in the chair). The Secretary will proceed with the reading of the treaty.

The Secretary read as follows:

"Article 77.

"The German Government undertakes to pay over to the French Government such proportion of all reserves accumulated by the Empire or by public or private bodies dependent upon it, for the purposes of disability and old age insurance, as would fall to the disability and old age insurance fund at Strasburg.

"The same shall apply in respect of the capital and reserve accumulated in Germany falling legitimately to other social insurance funds, to miners' superannuation funds, to the fund of the railways of Alsace-Lorraine, to other superannuation organisations established for the benefit of the personnel of public administrations and institutions operating in Alsace-Lorraine, and also in respect of the capital and reserves due by the insurance fund of private employees at Berlin, by reason of engagements entered into for the benefit of insured persons of that category resident in Alsace-Lorraine.

"A special Convention shall determine the conditions and procedure of these transfers.

"Article 78.

"With regard to the execution of judgments, appeals and prosecutions, the following rules shall be applied:

"(1) All civil and commercial judgments which shall have been given since August 3, 1914, by the Courts of Alsace-Lorraine between Alsace-Lorrainers, or between Alsace-Lorrainers and foreigners, or between foreigners, and which shall not have been appealed from before November 11, 1918, shall be regarded as final and susceptible of immediate execution without further formality.

"When the judgment has been given between Alsace-Lorrainers and Germans or between Alsace-Lorrainers and subjects of the allies of Germany, it shall only be capable of execution after the issue of an *exequatur* by the corresponding new tribunal in the restored territory referred to in Article 51.

"(2) All judgments given by German Courts since August 3, 1914, against Alsace-Lorrainers for political crimes or misdemeanors shall be regarded as null and void.

"(3) All sentences passed since November 11, 1918, by the Court of the Empire at Leipzig on appeals against the decisions of the Courts of Alsace-Lorraine shall be regarded as null and void and shall be so pronounced. The papers in regard to the cases in which such sentences have been given shall be returned to the Courts of Alsace-Lorraine concerned.

"All appeals to the Court of the Empire against decisions of the Courts of Alsace-Lorraine shall be suspended. The papers shall be returned under the aforesaid conditions for transfer without delay to the French Cour de Cassation, which shall be competent to decide them.

"(4) All prosecutions in Alsace-Lorraine for offences committed during the period between November 11, 1918, and the coming into force of the present Treaty will be conducted under German law except in so far as this has been modified by decrees duly published on the spot by the French authorities.

"(5) All other questions as to competence, procedure or administration of justice shall be determined by a special Convention between France and Germany.

"Article 79.

"The stipulations as to nationality contained in the Annex hereto shall be considered as of equal force with the provisions of the present Section.

"All other questions concerning Alsace-Lorraine which are not regulated by the present Section and the Annex thereto or by the general provisions of the present Treaty will form the subject of further conventions between France and Germany.

"ANNEX.

"1.

"As from November 11, 1918, the following persons are *ipso facto* reinstated in French nationality:

"(1) Persons who lost French nationality by the application of the Franco-German Treaty of May 10, 1871, and who have not since that date acquired any nationality other than German;

"(2) The legitimate or natural descendants of the persons referred to in the immediately preceding paragraph, with the exception of those whose ascendants in the paternal line include a German who migrated into Alsace-Lorraine after July 15, 1870;

"(3) All persons born in Alsace-Lorraine of unknown parents, or whose nationality is unknown.

"2.

"Within the period of one year from the coming into force of the present Treaty, persons included in any of the following categories may claim French nationality:

"(1) All persons not restored to French nationality under paragraph 1 above, whose descendants include a Frenchman or Frenchwoman who lost French nationality under the conditions referred to in the said paragraph;

"(2) All foreigners, not nationals of a German State, who acquired the status of a citizen of Alsace-Lorraine before August 3, 1914;

"(3) All Germans domiciled in Alsace-Lorraine, if they have been so domiciled since a date previous to July 15, 1870, or if one of their descendants was at that date domiciled in Alsace-Lorraine;

"(4) All Germans born or domiciled in Alsace-Lorraine who have served in the Allied or Associated armies during the present war, and their descendants;

"(5) All persons born in Alsace-Lorraine before May 10, 1871, of foreign parents, and the descendants of such persons;

"(6) The husband or wife of any person whose French nationality may have been restored under paragraph 1, or who may have claimed and obtained French nationality in accordance with the preceding provisions.

"The legal representative of a minor may exercise, on behalf of that minor, the right to claim French nationality; and if that right has not been exercised, the minor may claim French nationality within the year following his majority.

"Except in the case provided for in No. (6) of the present paragraph, the French authorities reserve to themselves the right, in individual cases, to reject the claim to French nationality.

"3.

"Subject to the provisions of paragraph 2, Germans born or domiciled in Alsace-Lorraine shall not acquire French nationality by reason of the restoration of Alsace-Lorraine to France, even though they may have the status of citizens of Alsace-Lorraine.

"They may acquire French nationality only by naturalisation, on condition of having been domiciled in Alsace-Lorraine from a date previous to August 3, 1914, and of submitting proof of unbroken residence within the restored territory for a period of three years from November 11, 1918.

"France will be solely responsible for their diplomatic and consular protection from the date of their application for French naturalisation.

"The French Government shall determine the procedure by which reinstatement in French nationality as of right shall be effected, and the conditions under which decisions shall be given upon claims to such nationality and applications for naturalisation, as provided by the present Annex.

"*Section VI.*

"AUSTRIA.

"*Article 80.*

"Germany acknowledges and will respect strictly the independence of Austria, within the frontiers which may be fixed in a Treaty between that State and the Principal Allied and Associated Powers; she agrees that this independence shall be inalienable, except with the consent of the Council of the League of Nations."

The next amendment of the Committee on Foreign Relations was, in article 80, after the word "Allied," to strike out the word "and Associated," so as to read "and the Principal Allied Powers."

The Secretary resumed the reading, as follows:

"*Section VII.*

"CZECHO-SLOVAK STATE.

"*Article 81.*

"Germany, in conformity with the action already taken by the Allied and Associated Powers, recognizes the complete independence of the Czecho-Slovak State which will include the autonomous territory of the Ruthenians to the south of the Carpathians. Germany hereby recognizes the frontiers of this State as determined by the Principal Allied and Associated Powers and the other interested States."

The next amendment of the Committee on Foreign Relations was, in article 81, after the word "Allied" to strike out the words "and Associated," so as to read "by the Principal Allied powers."

The Secretary resumed the reading, as follows:

"*Article 82.*

"The old frontier as it existed on August 3, 1914, between Austria-Hungary and the German Empire will constitute the frontier between Germany and the Czecho-Slovak State.

"*Article 83.*

"Germany renounces in favour of the Czecho-Slovak State all rights and title over the portion of Silesian territory defined as follows:

"starting from a point about 2 kilometres south-east of Katscher, on the boundary between the *Kreise* of Leobschütz and Ratibor:

"the boundary between the two *Kreise;*

"then, the former boundary between Germany and Austria-Hungary up to a point on the Oder immediately to the south of the Ratibor-Oderberg railway;

"thence, towards the north-west and up to a point about 2 kilometres to the south-east of Katscher:

"a line to be fixed on the spot passing to the west of Kranowitz.

"A Commission composed of seven members, five nominated by the Principal Allied and Associated Powers, one by Poland and one by the Czecho-Slovak State, will be appointed fifteen days after the coming into force of the present Treaty to trace on the spot the frontier line between Poland and the Czecho-Slovak State.

"The decisions of this Commission will be taken by a majority and shall be binding on the parties concerned.

"Germany hereby agrees to renounce in favour of the Czecho-Slovak State all rights and title over the part of the *Kreis* of Leobschütz comprised within the following boundaries in case after the determination of the frontier between Germany and Poland the said part of that *Kreis* should become isolated from Germany:

"from the south-eastern extremity of the salient of the former Austrian frontier at about 5 kilometres to the west of Leobschütz southwards and up to the point of junction with the boundary between the *Kreise* of Leobschütz and Ratibor:

"the former frontier between Germany and Austria-Hungary;

"then, northwards, the administrative boundary between the *Kreise* of Leobschütz and Ratibor up to a point situated about 2 kilometres to the south-east of Katscher;

"thence, north-westwards and up to the starting-point of this definition:

"a line to be fixed on the spot passing to the east of Katscher.

"*Article 84.*

"German nationals habitually resident in any of the territories recognized as forming part of the Czecho-Slovak State will obtain Czecho-Slovak nationality *ipso facto* and lose their German nationality.

"*Article 85.*

"Within a period of two years from the coming into force of the present Treaty, German nationals over eighteen years of age habitually resident in any of the territories recognized as forming part of the Czecho-Slovak State will be entitled to opt for German nationality. Czecho-Slovaks who are German nationals and are habitually resident in Germany will have a similar right to opt for Czecho-Slovak nationality.

"Option by a husband will cover his wife and option by parents will cover their children under eighteen years of age.

"Persons who have exercised the above right to opt must within the succeeding twelve months transfer their place of residence to the State for which they have opted.

"They will be entitled to retain their landed property in the territory of the other State where they had their place of residence before exercising the right to opt. They may carry with them their movable property of every description. No export or import duties may be imposed upon them in connection with the removal of such property.

"Within the same period Czecho-Slovaks who are German nationals and are in a foreign country will be entitled, in the absence of any provisions to the contrary in the foreign law, and if they have not acquired the foreign nationality, to obtain Czecho-Slovak nationality and lose their German nationality by complying with the requirements laid down by the Czecho-Slovak State.

"*Article 86.*

"The Czecho-Slovak State accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by the said Powers to protect the interests of inhabitants of that State who differ from the majority of the population in race, language or religion.

"The Czecho-Slovak State further accepts and agrees to embody in a Treaty with the said Powers such provisions as they

may deem necessary to protect freedom of transit and equitable treatment of the commerce of other nations.

"The proportion and nature of the financial obligations of Germany and Prussia which the Czecho-Slovak State will have to assume on account of the Silesian territory placed under its sovereignty will be determined in accordance with Article 254 of Part IX (Financial Clauses) of the present Treaty.

"Subsequent agreements will decide all questions not decided by the present Treaty which may arise in consequence of the cession of said territory."

The next amendment of the Committee on Foreign Relations was, in article 86, after the word "Allied," to strike out the word "and Associated," so as to read "with the Principal Allied Powers."

The Secretary resumed the reading, as follows:

"*Section VIII.*

"POLAND.

"*Article 87.*

"Germany, in conformity with the action already taken by the Allied and Associated Powers, recognizes the complete independence of Poland, and renounces in her favour all rights and title over the territory bounded by the Baltic Sea, the eastern frontier of Germany as laid down in Article 27 of Part II (Boundaries of Germany) of the present Treaty up to a point situated about 2 kilometres to the east of Lorzendorf, then a line to the acute angle which the northern boundary of Upper Silesia makes about 3 kilometres north-west of Simmenau, then the boundary of Upper Silesia to its meeting point with the old frontier between Germany and Russia, then this frontier to the point where it crosses the course of the Niemen, and then the northern frontier of East Prussia as laid down in Article 28 of Part II aforesaid.

"The provisions of this Article do not, however, apply to the territories of East Prussia and the Free City of Danzig, as defined in Article 28 of Part II (Boundaries of Germany) and in Article 100 of Section XI (Danzig) of this Part.

"The boundaries of Poland not laid down in the present Treaty will be subsequently determined by the Principal Allied and Associated Powers.

"A Commission consisting of seven members, five of whom shall be nominated by the Principal Allied and Associated Powers, one by Germany and one by Poland, shall be constituted fifteen days after the coming into force of the present Treaty to delimit on the spot the frontier line between Poland and Germany.

"The decisions of the Commission will be taken by a majority of votes and shall be binding upon the parties concerned."

The next amendment of the Committee on Foreign Relations was, in article 87, after the word "Allied," to strike out the words "and Associated," so as to read "by the Allied Powers."

The Secretary read as follows:

"*Article 88.*

"In the portion of Upper Silesia included within the boundaries described below, the inhabitants will be called upon to indicate by a vote whether they wish to be attached to Germany or to Poland:

"starting from the northern point of the salient of the old province of Austrian Silesia situated about 8 kilometres east of Neustadt, the former frontier between Germany and Austria to its junction with the boundary between the *Kreise* of Leobschütz and Ratibor;

"thence in a northerly direction to a point about 2 kilometres southeast of Katscher:

"the boundary between the *Kreise* of Leobschütz and Ratibor;

"thence in a south-easterly direction to a point on the course of the Oder immediately south of the Ratibor-Oderberg railway:

"a line to be fixed on the ground passing south of Kranowitz;

"thence the old boundary between Germany and Austria, then the old boundary between Germany and Russia to its junction with the administrative boundary between Posnania and Upper Silesia;

"thence this administrative boundary to its junction with the administrative boundary between Upper and Middle Silesia;

"thence westwards to the point where the administrative boundary turns in an acute angle to the south-east about 3 kilometres northwest of Simmenau:

"the boundary between Upper and Middle Silesia;

"then in a westerly direction to a point to be fixed on the ground about 2 kilometres east of Lorzendorf:

"a line to be fixed on the ground passing north of Klein Hennersdorf:

"thence southwards to the point where the boundary between Upper and Middle Silesia cuts the Städtel-Karlsruhe road;

"a line to be fixed on the ground passing west of Hennersdorf, Polkowitz, Noldau, Steinersdorf and Dammer, and east of Strehlitz, Nassadel, Eckersdorf, Schwirz and Städtel;

"thence the boundary between Upper and Middle Silesia to its junction with the eastern boundary of the *Kreis* of Falkenberg;

"then the eastern boundary of the *Kreis* of Falkenberg to the point of the salient which is 3 kilometres east of Puschine;

"thence to the northern point of the salient of the old province of Austrian Silesia situated about 8 kilometres east of Neustadt:

"a line to be fixed on the ground passing east of Zülz.

"The régime under which this plebiscite will be taken and given effect to is laid down in the Annex hereto.

"The Polish and German Governments hereby respectively bind themselves to conduct no prosecutions on any part of their territory and to take no exceptional proceedings for any political action performed in Upper Silesia during the period of the régime laid down in the Annex hereto and up to the settlement of the final status of the country.

"Germany hereby renounces in favour of Poland all rights and title over the portion of Upper Silesia lying beyond the frontier line fixed by the Principal Allied and Associated Powers as the result of the plebiscite."

CONFIRMATION OF WILLIAM H. CLARE.

Mr. SHERMAN. Mr. President, I ask unanimous consent to submit a report in executive session.

I have had ready to report from the Committee on Commerce for some time a nomination for the collector of customs in district 39, Chicago. I ask further leave to consider the confirmation after it is reported at the desk. I know of no objection to it. It has been indorsed by both Senators from the State and by those in authority in the majority party and by the administration.

Mr. HITCHCOCK. The Senator from Illinois knows of no objection to the confirmation?

Mr. SHERMAN. I know of none. The nomination is entirely unobjectionable.

The PRESIDING OFFICER (Mr. DIAL in the chair). There being no objection, the report will be received. The Secretary will read the report.

The SECRETARY. As in executive session, from the Committee on Commerce, Mr. SHERMAN reports favorably the nomination of William H. Clare to be collector of customs for the customs collection district No. 39, with headquarters at Chicago, Ill., to fill an existing vacancy.

The PRESIDING OFFICER. Is there objection to the present consideration of the nomination? Without objection, the nomination is confirmed, and the President will be notified.

TREATY OF PEACE WITH GERMANY.

The reading of the treaty was resumed, as follows:

"ANNEX.

"1.

"Within fifteen days from the coming into force of the present Treaty the German troops and such officials as may be designated by the Commission set up under the provisions of paragraph 2 shall evacuate the plebiscite area. Up to the moment of the completion of the evacuation they shall refrain from any form of requisitioning in money or in kind and from all acts likely to prejudice the material interests of the country.

"Within the same period the Workmen's and Soldiers' Councils which have been constituted in this area shall be dissolved. Members of such Councils who are natives of another region and are exercising their functions at the date of the coming into force of the present Treaty, or who have gone out of office since March 1, 1919, shall be evacuated.

"All military and semi-military unions formed in the said area by inhabitants of the district shall be immediately disbanded. All members of such military organizations who are not domiciled in the said area shall be required to leave it.

"2.

"The plebiscite area shall be immediately placed under the authority of an International Commission of four members to be designated by the following Powers: the United States of America, France, the British Empire and Italy. It shall be occupied by troops belonging to the Allied and Associated Powers, and the German Government undertakes to give facilities for the transference of these troops to Upper Silesia."

The next amendment of the Committee on Foreign Relations was, on page 129, subdivision 2, in the third line, after the word "Powers," to strike out "the United States of America;" and in the fourth line, after the word "Allied," to strike out the words "and Associated."

The reading of the treaty was resumed, as follows:

"3.

"The Commission shall enjoy all the powers exercised by the German or the Prussian Government, except those of legislation or taxation. It shall also be substituted for the Government of the province and the *Regierungsbezirk*.

"It shall be within the competence of the Commission to interpret the powers hereby conferred upon it and to determine to what extent it shall exercise them, and to what extent they shall be left in the hands of the existing authorities.

"Changes in the existing laws and the existing taxation shall only be brought into force with the consent of the Commission.

"The Commission will maintain order with the help of the troops which will be at its disposal, and, to the extent which it may deem necessary, by means of gendarmerie recruited among the inhabitants of the country.

"The Commission shall provide immediately for the replacement of the evacuated German officials and, if occasion arises, shall itself order the evacuation of such authorities and proceed to the replacement of such local authorities as may be required.

"It shall take all steps which it thinks proper to ensure the freedom, fairness and secrecy of the vote. In particular, it shall have the right to order the expulsion of any person who may in any way have attempted to distort the result of the plebiscite by methods of corruption or intimidation.

"The Commission shall have full power to settle all questions arising from the execution of the present clauses. It shall be assisted by technical advisers chosen by it from among the local population.

"The decisions of the Commission shall be taken by a majority vote.

"4.

"The vote shall take place at such date as may be determined by the Principal Allied and Associated Powers, but not sooner than six months or later than eighteen months after the establishment of the Commission in the area.

"The right to vote shall be given to all persons without distinction of sex who:

"(*a*) Have completed their twentieth year on the 1st January of the year in which the plebiscite takes place;

"(*b*) Were born in the plebiscite area or have been domiciled there since a date to be determined by the Commission, which shall not be subsequent to January 1, 1919, or who have been expelled by the German authorities and have not retained their domicile there.

"Persons convicted of political offences shall be enabled to exercise their right of voting.

"Every person will vote in the commune where he is domiciled or in which he was born, if he has not retained his domicile in the area.

"The result of the vote will be determined by communes according to the majority of votes in each commune."

The next amendment was, on page 131, in subdivision 4, after the word "Allied," to strike out "and Associated."

The reading of the treaty was resumed, as follows:

"5.

"On the conclusion of the voting, the number of votes cast in each commune will be communicated by the Commission to the Principal Allied and Associated Powers, with a full report as to the taking of the vote and a recommendation as to the line which ought to be adopted as the frontier of Germany in Upper Silesia. In this recommendation regard will be paid to the wishes of the inhabitants as shown by the vote, and to the geographical and economic conditions of the locality."

The next amendment was, on page 133, in subdivision 5, after the word "Allied," to strike out "and Associated."

The reading of the treaty was resumed, as follows:

"6.

"As soon as the frontier has been fixed by the Principal Allied and Associated Powers, the German authorities will be notified by the International Commission that they are free to take over the administration of the territory which it is recognised should be German; the said authorities must proceed to do so within one month of such notification and in the manner prescribed by the Commission.

"Within the same period and in the manner prescribed by the Commission, the Polish Government must proceed to take over the administration of the territory which it is recognised should be Polish.

"When the administration of the territory has been provided for by the German and Polish authorities respectively, the powers of the Commission will terminate.

"The cost of the army of occupation and expenditure by the Commission, whether in discharge of its own functions or in the administration of the territory, will be a charge on the area."

The next amendment was, on page 133, subdivision 6, after the word "Allied," to strike out "and Associated."

The reading of the treaty was resumed, as follows:

"*Article 89.*

"Poland undertakes to accord freedom of transit to persons, goods, vessels, carriages, wagons, and mails in transit between East Prussia and the rest of Germany over Polish territory, including territorial waters, and to treat them at least as favourably as the persons, goods, vessels, carriages, wagons and mails respectively of Polish or of any other more favoured nationality, origin, importation, starting point, or ownerships as regards facilities, restrictions and all other matters.

"Goods in transit shall be exempt from all customs or other similar duties.

"Freedom of transit will extend to telegraphic and telephonic services under the conditions laid down by the conventions referred to in Article 98.

"*Article 90.*

"Poland undertakes to permit for a period of fifteen years the exportation to Germany of the products of the mines in any part of Upper Silesia transferred to Poland in accordance with the present Treaty.

"Such products shall be free from all export duties or other charges or restrictions on exportation.

"Poland agrees to take such steps as may be necessary to secure that any such products shall be available for sale to purchasers in Germany on terms as favourable as are applicable to like products sold under similar conditions to purchasers in Poland or in any other country.

"*Article 91.*

"German nationals habitually resident in territories recognised as forming part of Poland will acquire Polish nationality *ipso facto* and will lose their German nationality.

"German nationals, however, or their descendants who became resident in these territories after January 1, 1908, will not acquire Polish nationality without a special authorisation from the Polish State.

"Within a period of two years after the coming into force of the present Treaty, German nationals over 18 years of age habitually resident in any of the territories recognised as forming part of Poland will be entitled to opt for German nationality.

"Poles who are German nationals over 18 years of age and habitually resident in Germany will have a similar right to opt for Polish nationality.

"Option by a husband will cover his wife and option by parents will cover their children under 18 years of age.

"Persons who have exercised the above right to opt may within the succeeding twelve months transfer their place of residence to the State for which they have opted.

"They will be entitled to retain their immovable property in the territory of the other State where they had their place of residence before exercising the right to opt.

"They may carry with them their movable property of every description. No export or import duties or charges may be imposed upon them in connection with the removal of such property.

"Within the same period Poles who are German nationals and are in a foreign country will be entitled, in the absence of any provisions to the contrary in the foreign law, and if they have not acquired the foreign nationality, to obtain Polish nationality and to lose their German nationality by complying with the requirements laid down by the Polish State.

"In the portion of Upper Silesia submitted to a plebiscite the provisions of this Article shall only come into force as from the definitive attribution of the territory.

"*Article 92.*

"The proportion and the nature of the financial liabilities of Germany and Prussia which are to be borne by Poland will be determined in accordance with Article 254 of Part IX (Financial Clauses) of the present Treaty.

"There shall be excluded from the share of such financial liabilities assumed by Poland that portion of the debt which, according to the findings of the Reparation Commission referred to in the above-mentioned Article, arises from measures adopted by the German and Prussian Governments with a view to German colonisation in Poland.

"In fixing under Article 256 of the Treaty the value of the property and possessions belonging to the German Empire and to the German States which pass to Poland with the territory transferred above, the Reparation Commission shall exclude

from the valuation buildings, forests and other State property which belonged to the former Kingdom of Poland; Poland shall acquire these properties free of all costs and charges.

"In all the German territory transferred in accordance with the present Treaty and recognised as forming definitely part of Poland, the property, rights and interests of German nationals shall not be liquidated under Article 297 by the Polish Government except in accordance with the following provisions:

"(1) The proceeds of the liquidation shall be paid direct to the owner;

"(2) If on his application the Mixed Arbitral Tribunal provided for by Section VI of Part X (Economic Clauses) of the present Treaty, or an arbitrator appointed by that Tribunal, is satisfied that the conditions of the sale or measures taken by the Polish Government outside its general legislation were unfairly prejudicial to the price obtained, they shall have discretion to award to the owner equitable compensation to be paid by the Polish Government.

"Further agreements will regulate all questions arising out of the cession of the above territory which are not regulated by the present Treaty.

"Article 93.

"Poland accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by the said Powers to protect the interests of inhabitants of Poland who differ from the majority of the population in race, language or religion.

"Poland further accepts and agrees to embody in a Treaty with the said Powers such provisions as they may deem necessary to protect freedom of transit and equitable treatment of the commerce of other nations."

The next amendment was, in article 93, page 139, after the word "Allied," to strike out the words "and Associated."

The reading of the treaty was resumed, as follows:

"Section IX.

"EAST PRUSSIA.

"Article 94.

"In the area between the southern frontier of East Prussia, as described in article 28 of Part II (Boundaries of Germany) of the present Treaty, and the line described below, the inhabitants will be called upon to indicate by a vote the State to which they wish to belong:

"The western and northern boundary of *Regierungsbezirk* Allenstein to its junction with the boundary between the *Kreise* of Oletsko and Angerburg; thence, the northern boundary of the *Kreis* of Oletsko to its junction with the old frontier of East Prussia.

"Article 95.

"The German troops and authorities will be withdrawn from the area defined above within a period not exceeding fifteen days after the coming into force of the present Treaty. Until the evacuation is completed they will abstain from all requisitions in money or in kind and from all measures injurious to the economic interests of the country.

"On the expiration of the above-mentioned period the said area will be placed under the authority of an International Commission of five members appointed by the Principal Allied and Associated Powers. This Commission will have general powers of administration and, in particular, will be charged with the duty of arranging for the vote and of taking such measures as it may deem necessary to ensure its freedom, fairness and secrecy. The Commission will have all necessary authority to decide any questions to which the execution of these provisions may give rise. The Commission will make such arrangements as may be necessary for assistance in the exercise of its functions by officials chosen by itself from the local population. Its decisions will be taken by a majority."

The next amendment was, in article 95, page 141, after the word "Allied," to strike out the words "and Associated."

The reading of the treaty was resumed, as follows:

"Every person, irrespective of sex, will be entitled to vote who:

"(*a*) Is 20 years of age at the date of the coming into force of the present treaty, and

"(*b*) Was born within the area where the vote will take place or has been habitually resident there from a date to be fixed by the Commission.

"Every person will vote in the commune where he is habitually resident or, if not habitually resident in the area, in the commune where he was born.

"The result of the vote will be determined by communes (*Gemeindc*) according to the majority of the votes in each commune.

"On the conclusion of the voting the number of votes cast in each commune will be communicated by the Commission to the Principal Allied and Associated Powers, with a full report as to the taking of the vote and a recommendation as to the line which ought to be adopted as the boundary of East Prussia in this region. In this recommendation regard will be paid to the wishes of the inhabitants as shown by the vote and to the geographical and economic conditions of the locality. The Principal Allied and Associated Powers will then fix the frontier between East Prussia and Poland in this region."

The next amendment was, in article 95, page 143, in the fourth paragraph, after the word "Allied," to strike out the words "and Associated" in the two places where they occur.

The reading of the treaty was resumed, as follows:

"If the line fixed by the Principal Allied and Associated Powers is such as to exclude from East Prussia any part of the territory defined in Article 94, the renunciation of its rights by Germany in favour of Poland, as provided in Article 87 above, will extend to the territories so excluded."

The next amendment was, in article 95, on page 143, in the fifth paragraph, after the word "Allied," to strike out the words "and Associated."

The reading of the treaty was resumed, as follows:

"As soon as the line has been fixed by the Principal Allied and Associated Powers, the authorities administering East Prussia will be notified by the International Commission that they are free to take over the administration of the territory to the north of the line so fixed, which they shall proceed to do within one month of such notification and in the manner prescribed by the Commission. Within the same period and as prescribed by the Commission, the Polish Government must proceed to take over the administration of the territory to the south of the line. When the administration of the territory by the East Prussian and Polish authorities respectively has been provided for, the powers of the Commission will terminate."

The next amendment was, in article 95, page 143, in the sixth paragraph, after the word "Allied," to strike out the words "and Associated."

The reading of the treaty was resumed, as follows:

"Expenditure by the Commission, whether in the discharge of its own functions or in the administration of the territory, will be borne by the local revenues. East Prussia will be required to bear such proportion of any deficit as may be fixed by the Principal Allied and Associated Powers."

The next amendment was, in article 95, page 143, in the last line on the page, after the word "Allied," to strike out the words "and Associated."

The reading of the treaty was resumed, as follows:

"Article 96.

"In the area comprising the *Kreise* of Stuhm and Rosenberg and the portion of the *Kreis* of Marienburg which is situated east of the Nogat and that of Marienwerder east of the Vistula, the inhabitants will be called upon to indicate by a vote, to be taken in each commune (*Gemeinde*), whether they desire the various communes situated in this territory to belong to Poland or to East Prussia.

"Article 97.

"The German troops and authorities will be withdrawn from the area defined in Article 96 within a period not exceeding fifteen days after the coming into force of the present Treaty. Until the evacuation is completed they will abstain from all requisitions in money or in kind and from all measures injurious to the economic interests of the country.

"On the expiration of the above-mentioned period, the said area will be placed under the authority of an International Commission of five members appointed by the Principal Allied and Associated Powers. This Commission, supported if occasion arises by the necessary forces, will have general powers of administration and in particular will be charged with the duty of arranging for the vote and of taking such measures as it may deem necessary to ensure its freedom, fairness and secrecy. The Commission will conform as far as possible to the provisions of the present Treaty relating to the plebiscite in the Allenstein area; its decisions will be taken by a majority.

"Expenditure by the Commission, whether in the discharge of its own functions or in the administration of the territory, will be borne by the local revenues.

"On the conclusion of the voting the number of votes cast in each commune will be communicated by the Commission to the Principal Allied and Associated Powers with a full report as to the taking of the vote and a recommendation as to the line

which ought to be adopted as the boundary of East Prussia in this region. In this recommendation regard will be paid to the wishes of the inhabitants as shown by the vote and to the geographical and economic conditions of the locality. The Principal Allied and Associated Powers will then fix the frontier between East Prussia and Poland in this region, leaving in any case to Poland for the whole of the section bordering on the Vistula full and complete control of the river including the east bank as far east of the river as may be necessary for its regulation and improvement. Germany agrees that in any portion of the said territory which remains German, no fortifications shall at any time be erected.

"The Principal Allied and Associated Powers will at the same time draw up regulations for assuring to the population of East Prussia to the fullest extent and under equitable conditions access to the Vistula and the use of it for themselves, their commerce and their boats.

"The determination of the frontier and the foregoing regulations shall be binding upon all the parties concerned.

"When the administration of the territory has been taken over by the East Prussian and Polish authorities respectively, the powers of the Commission will terminate."

The next amendment was, in three places, on page 145, article 97, after the word "Allied," to strike out "and Associated," so as to read "the Principal Allied Powers."

The next amendment was, on page 147, after the word "Allied," to strike out "and Associated," so as to read "The Principal Allied Powers."

The Secretary resumed the reading, as follows:

"Article 98.

"Germany and Poland undertake, within one year of the coming into force of this Treaty, to enter into conventions of which the terms, in case of difference, shall be settled by the Council of the League of Nations, with the object of securing, on the one hand to Germany full and adequate railroad, telegraphic and telephonic facilities for communication between the rest of Germany and East Prussia over the intervening Polish territory, and on the other hand to Poland full and adequate railroad, telegraphic and telephonic facilities for communication between Poland and the Free City of Danzig over any German territory that may, on the right bank of the Vistula, intervene between Poland and the Free City of Danzig.

"Section X.

"MEMEL.

"Article 99.

"Germany renounces in favour of the Principal Allied and Associated Powers all rights and title over the territories included between the Baltic, the north eastern frontier of East Prussia as defined in Article 28 of Part II (Boundaries of Germany) of the present Treaty and the former frontier between Germany and Russia.

"Germany undertakes to accept the settlement made by the Principal Allied and Associated Powers in regard to these territories, particularly in so far as concerns the nationality of the inhabitants."

The next amendment was, on page 147, section 10, article 99, after the word "Allied," to strike out "and Associated," so as to read "the Principal Allied Powers."

The next amendment was, on page 149, after the word "Allied," to strike out "and Associated," so as to read "the Principal Allied Powers."

The Secretary resumed the reading, as follows:

"Section XI.

"FREE CITY OF DANZIG.

"Article 100.

"Germany renounces in favour of the Principal Allied and Associated Powers all rights and title over the territory comprised within the following limits:

"from the Baltic Sea southwards to the point where the principal channels of navigation of the Nogat and the Vistula (Weichsel) meet:

"the boundary of East Prussia as described in Article 28 of Part II (Boundaries of Germany) of the present Treaty;

"thence the principal channel of navigation of the Vistula downstream to a point about 6½ kilometres north of the bridge of Dirschau;

"thence north-west to point 5, 1½ kilometres south-east of the church of Güttland:

"a line to be fixed on the ground;

"thence in a general westerly direction to the salient made by the boundary of the *Kreis* of Berent 8½ kilometres north-east of Schöneck:

"a line to be fixed on the ground passing between Mühlbanz on the south and Rambeltsch on the north;

"thence the boundary of the *Kreis* of Berent westwards to the reentrant which it forms 6 kilometres north-north-west of Schöneck;

"thence to a point on the median line of Lonkener See:

"a line to be fixed on the ground passing north of Neu Fietz and Schatarpi and south of Barenhütte and Lonken;

"thence the median line of Lonkener See to its northernmost point;

"thence to the southern end of Pollenziner See:

"a line to be fixed on the ground;

"thence the median line of Pollenziner See to its northernmost point;

"thence in a north-easterly direction to a point about 1 kilometre south of Koliebken church, where the Danzig-Neustadt railway crosses a stream:

"a line to be fixed on the ground passing south-east of Kamehlen, Krissau, Fidlin, Sulmin (Richthof), Mattern, Schäferei, and to the north-west of Neuendorf, Marschau, Czapielken, Hoch- and Klein-Kelpin, Pulvermühl, Renneberg and the towns of Oliva and Zoppot;

"thence the course of the stream mentioned above to the Baltic Sea.

"The boundaries described above are drawn on a German, map scale 1/100,000, attached to the present Treaty (Map No. 3)."

The next amendment was on page 149, Section XI, article 100, after the word "Allied," to strike out "and Associated," so as to read "the Principal Allied powers."

The Secretary resumed the reading, as follows:

"Article 101.

"A Commission composed of three members appointed by the Principal Allied and Associated Powers, including a High Commissioner as President, one member appointed by Germany and one member appointed by Poland, shall be constituted within fifteen days of the coming into force of the present Treaty for the purpose of delimiting on the spot the frontier of the territory as described above, taking into account as far as possible the existing communal boundaries."

The next amendment was, on page 151, Article 101, after the word "Allied," to strike out "and Associated," so as to read "the Principal Allied Powers."

The Secretary resumed the reading, as follows:

"Article 102.

"The Principal Allied and Associated Powers undertake to establish the town of Danzig, together with the rest of the territory described in Article 100, as a Free City. It will be placed under the protection of the League of Nations."

The next amendment was, on page 151, Article 102, after the word "Allied," to strike out "and Associated," so as to read "The Principal Allied Powers."

The Secretary resumed the reading, as follows:

"Article 103.

"A constitution for the Free City of Danzig shall be drawn up by the duly appointed representatives of the Free City in agreement with a High Commissioner to be appointed by the League of Nations. This constitution shall be placed under the guarantee of the League of Nations.

"The High Commissioner will also be entrusted with the duty of dealing in the first instance with all differences arising between Poland and the Free City of Danzig in regard to this Treaty or any arrangements or agreements made thereunder.

"The High Commissioner shall reside at Danzig.

"Article 104.

"The Principal Allied and Associated Powers undertake to negotiate a Treaty between the Polish Government and the Free City of Danzig, which shall come into force at the same time as the establishment of the said Free City, with the following objects:

"(1) To effect the inclusion of the Free City of Danzig within the Polish Customs frontiers, and to establish a free area in the port;

"(2) To ensure to Poland without any restriction the free use and service of all waterways, docks, basins, wharves and other works within the territory of the Free City necessary for Polish imports and exports;

"(3) To ensure to Poland the control and administration of the Vistula and of the whole railway system within the Free City, except such street and other railways as serve primarily the needs of the Free City, and of postal, telegraphic and telephonic communication between Poland and the port of Danzig;

"(4) To ensure to Poland the right to develop and improve the waterways, docks, basins, wharves, railways and other works and means of communication mentioned in this Article, as well as to lease or purchase through appropriate processes such land and other property as may be necessary for these purposes;

"(5) To provide against any discrimination within the Free City of Danzig to the detriment of citizens of Poland and other persons of Polish origin or speech;

"(6) To provide that the Polish Government shall undertake the conduct of the foreign relations of the Free City of Danzig as well as the diplomatic protection of citizens of that city when abroad."

The next amendment was, on page 153, article 104, after the word "Allied," to strike out "and Associated," so as to read "The Principal Allied Powers."

The Secretary resumed the reading, as follows:

"Article 105.

"On the coming into force of the present Treaty German nationals ordinarily resident in the territory described in Article 100 will *ipso facto* lose their German nationality in order to become nationals of the Free City of Danzig.

"Article 106.

"Within a period of two years from the coming into force of the present Treaty, German nationals over 18 years of age ordinarily resident in the territory described in Article 100 will have the right to opt for German nationality.

"Option by a husband will cover his wife and option by parents will cover their children less than 18 years of age.

"All persons who exercise the right of option referred to above must during the ensuing twelve months transfer their place of residence to Germany.

"These persons will be entitled to preserve the immovable property possessed by them in the territory of the Free City of Danzig. They may carry with them their movable property of every description. No export or import duties shall be imposed upon them in this connection.

"Article 107.

"All property situated within the territory of the Free City of Danzig belonging to the German Empire or to any German State shall pass to the Principal Allied and Associated Powers for transfer to the Free City of Danzig or to the Polish State as they may consider equitable."

The next amendment was, on page 155, article 107, after the word "Allied," to strike out "and Associated," so as to read "the Principal Allied Powers."

The Secretary resumed the reading, as follows:

"Article 108.

"The proportion and nature of the financial liabilities of Germany and of Prussia to be borne by the Free City of Danzig shall be fixed in accordance with Article 254 of Part IX (Financial Clauses) of the present Treaty.

"All other questions which may arise from the cession of the territory referred to in Article 100 shall be settled by further agreements.

"Section XII.

"SCHLESWIG.

"Article 109.

"The frontier between Germany and Denmark shall be fixed in conformity with the wishes of the population.

"For this purpose, the population inhabiting the territories of the former German Empire situated to the north of a line, from East to West, (shown by a brown line on the map No. 4, annexed to the present Treaty):

"leaving the Baltic Sea about 13 Kilometres east-north-east of Flensburg,

"running

"south-west so as to pass south-east of: Sygum, Ringsberg, Munkbrarup, Adelby, Tastrup, Jarplund, Oversee, and north-west of: Langballigholz, Langballig, Bönstrup, Rüllschau, Weseby, Kleinwolstrup, Gross-Solt,

"thence westwards passing south of Frörup and north of Wanderup,

"thence in a south-westerly direction passing south-east of Oxlund, Stieglund and Ostenau and north-west of the villages on the Wanderup-Kollund road,

"thence in a north-westerly direction passing south-west of Löwenstedt, Joldelund, Goldelund, and north-east of Kolkerheide and Högel to the bend of the Soholmer Au, about 1 kilometre east of Soholm, where it meets the southern boundary of the *Kreis* of Tondern,

"following this boundary to the North Sea,

"passing south of the islands of Fohr and Amrum and north of the islands of Oland and Langeness,

"shall be called upon to pronounce by a vote which will be taken under the following conditions:

"(1) Within a period not exceeding ten days from the coming into force of the present Treaty, the German troops and authorities (including the *Oberpräsidenten, Regierungs-präsidenten, Landräthe, Amtsvorsteher, Oberbürgermeister*) shall evacuate the zone lying to the north of the line above fixed.

"Within the same period the Workmen's and Soldiers' Councils which have been constituted in this zone shall be dissolved; members of such Councils who are natives of another region and are exercising their functions at the date of the coming into force of the present Treaty, or who have gone out of office since March 1, 1919, shall also be evacuated.

"The said zone shall immediately be placed under the authority of an International Commission, composed of five members, of whom three will be designated by the Principal Allied and Associated Powers; the Norwegian and Swedish Governments will each be requested to designate a member; in the event of their failing to do so, these two members will be chosen by the Principal Allied and Associated Powers.

"The Commission, assisted in case of need by the necessary forces, shall have general powers of administration. In particular, it shall at once provide for filling the places of the evacuated German authorities, and if necessary shall itself give orders for their evacuation, and proceed to fill the places of such local authorities as may be required. It shall take all steps which it thinks proper to ensure the freedom, fairness, and secrecy of the vote. It shall be assisted by German and Danish technical advisers chosen by it from among the local population. Its decisions will be taken by a majority.

"One half of the expenses of the Commission and of the expenditure occasioned by the plebiscite shall be paid by Germany.

"(2). The right to vote shall be given to all persons, without distinction of sex, who:

"(*a*) Have completed their twentieth year at the date of the coming into force of the present Treaty; and

"(*b*) Were born in the zone in which the plebiscite is taken, or have been domiciled there since a date before January 1, 1900, or had been expelled by the German authorities without having retained their domicile there.

"Every person will vote in the commune (*Gemeinde*) where he is domiciled or of which he is a native.

"Military persons, officers, non-commissioned officers and soldiers of the German army, who are natives of the zone of Schleswig in which the plebiscite is taken, shall be given the opportunity to return to their native place in order to take part in the voting there.

"(3). In the section of the evacuated zone lying to the north of a line, from East to West (shown by a red line on map No. 4 which is annexed to the present Treaty):

"passing south of the island of Alsen and following the median line of Flensburg Fjord,

"leaving the fjord about 6 kilometres north of Flensburg and following the course of the stream flowing past Kupfermühle upstream to a point north of Niehuus,

"passing north of Pattburg and Ellund and south of Fröslee to meet the eastern boundary of the *Kreis* of Tondern at its junction with the boundary between the old jurisdictions of Slogs and Kjær (*Slogs Herred* and *Kjær Herred*),

"following the latter boundary to where it meets the Scheidebek, following the course of the Scheidebek (Alte Au), Süder Au and Wied Au downstream successively to the point where the latter bends northwards about 1,500 metres west of Ruttebüll,

"thence, in a west-north-westerly direction to meet the North Sea north of Sieltoft,

"thence, passing north of the island of Sylt,

"the vote above provided for shall be taken within a period not exceeding three weeks after the evacuation of the country by the German troops and authorities.

"The result will be determined by the majority of votes cast in the whole of this section. This result will be immediately communicated by the Commission to the Principal Allied and Associated Powers and proclaimed.

"If the vote results in favour of the reincorporation of this territory in the Kingdom of Denmark, the Danish Government in agreement with the Commission will be entitled to effect its occupation with their military and administrative authorities immediately after the proclamation.

"(4) In the section of the evacuated zone situated to the south of the preceding section and to the north of the line which starts from the Baltic Sea 13 kilometres from Flensburg and ends north of the islands of Oland and Langeness, the vote will

be taken within a period not exceeding five weeks after the plebiscite shall have been held in the first section.

"The result will be determined by communes (*Gemeinden*), in accordance with the majority of the votes cast in each commune (*Gemeinde*)."

The next amendment was, on page 157, in two places, after the word "Allied," to strike out "and Associated," so as to read "the Principal Allied Powers."

The Secretary resumed the reading, as follows:

"Article 110.

"Pending a delimitation on the spot, a frontier line will be fixed by the Principal Allied and Associated Powers according to a line based on the result of the voting, and proposed by the International Commission, and taking into account the particular geographical and economic conditions of the localities in question.

"From that time the Danish Government may effect the occupation of these territories with the Danish civil and military authorities, and the German Government may reinstate up to the said frontier line the German civil and military authorities whom it has evacuated.

"Germany hereby renounces definitely in favour of the Principal Allied and Associated Powers all rights of sovereignty over the territories situated to the north of the frontier line fixed in accordance with the above provisions. The Principal Allied and Associated Powers will hand over the said territories to Denmark."

The next amendment was, on page 161, article 110, after the word "Allied," to strike out "and Associated," so as to read "the Principal Allied Powers."

The next amendment was, on page 163, article 110, after the word "Allied," to strike out "and Associated," so as to read "the Principal Allied Powers."

The Secretary resumed the reading, as follows:

"Article 111.

"A Commission composed of seven members, five of whom shall be nominated by the Principal Allied and Associated Powers, one by Denmark, and one by Germany, shall be constituted within fifteen days from the date when the final result of the vote is known, to trace the frontier line on the spot.

"The decisions of the Commission will be taken by a majority of votes and shall be binding on the parties concerned."

The next amendment was, on page 163, article 111, after the word "Allied," to strike out "and Associated," so as to read "the Principal Allied Powers."

Mr. HITCHCOCK. I understand that completes the reading of the treaty so far as to include all the so-called Fall amendments.

Mr. CURTIS. So I understand. I move, as in legislative session, that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 45 minutes p. m.) the Senate adjourned until Monday, September 29, 1919, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nomination confirmed by the Senate September 27, 1917.

COLLECTOR OF CUSTOMS.

William H. Clare to be collector of customs for customs collection district No. 39, with headquarters at Chicago, Ill.

HOUSE OF REPRESENTATIVES.

SATURDAY, *September 27, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Out of the fullness of the heart we would praise Thee, our Father in heaven, for life, health, strength, vigor; for our Republic, its incomparable Constitution, its glorious institutions which afford opportunity for progress and happiness; its public schools which open the way for education to the humblest in the land; the home, with its happiness and tender affections; its glorious religion which sweeps away all barriers between Thee and the individual; the hopes of the now; promises of the future under the leadership of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

FEDERAL CONTROL OF TRANSPORTATION.

Mr. ESCH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 641) to amend section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918, with House amendments thereto disagreed to by the Senate, and that the House insist upon its amendments and agree to the conference asked by the Senate.

The SPEAKER. The gentleman asks unanimous consent to take from the Speaker's table S. 641, with House amendments thereto disagreed to by the Senate, and that the House insist upon its amendments and agree to the conference asked by the Senate. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. ESCH, Mr. HAMILTON, and Mr. SIMS.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 2610. An act to provide for the disposal of certain waste and drainage water from the Yuma project, Arizona.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 2610. An act to provide for the disposal of certain waste and drainage water from the Yuma project, Arizona; to the Committee on the Public Lands.

INDUSTRIAL CONDITIONS.

Mr. COOPER. Mr. Speaker, on Tuesday of this week I spoke in the House on the industrial unrest throughout our country. Resolutions have been passed by the United Labor Conference at Youngstown, Ohio, condemning that speech. I have those resolutions and my answer thereto. It will take only a few minutes to read them, and I ask unanimous consent that they may be read in my time.

The SPEAKER. The gentleman asks how much time?

Mr. COOPER. It will not take more than five or six minutes.

The SPEAKER. The gentleman asks unanimous consent to address the House for six minutes. Is there objection?

There was no objection.

Mr. COOPER. I ask that the resolutions and my reply thereto be read in my time.

The SPEAKER. Without objection, they will be read in the gentleman's time. Does the gentleman wish the article from the newspaper read.

Mr. COOPER. The resolution passed by the council and my reply.

The Clerk read as follows:

As a result of his attack in Congress on W. Z. Foster, Congressman JOHN G. COOPER was referred to as a "nonunion card man" by S. T. Hammersmark, secretary in the Youngstown office of the American Federation of Labor, at the Wednesday evening meeting of the Mahoning County central labor body.

"In his three terms in Congress," said Hammersmark, "he has not introduced a single labor measure and has opposed all labor measures presented by other Representatives."

Following considerable discussion of COOPER's attack on Foster, secretary of the international committee for the organization of the iron and steel workers the following resolution was presented and adopted:

"Whereas Hon. JOHN G. COOPER, Representative from the nineteenth congressional district of the State of Ohio, in which Youngstown and vicinity is included, did publicly state on the floor of the United States House of Representatives that the leaders in the campaign to organize the workers in the iron and steel industry were of dangerous, radical tendencies, and especially mentioning William Z. Foster, and attributed proclivities to him which would mark him as being unfit and dangerous for the task he is performing; and

"Whereas the said William Z. Foster was selected by the executive council of the American Federation of Labor, and his work has met the approval of the 24 international unions supporting this movement, and the campaign has been conducted by him in an American and efficient manner in the face of the denial of free speech and assemblage which has been repeatedly and continuously encountered; and

"Whereas the American labor movement has voted approval of his actions in this campaign and his standing in the labor movement is unquestioned; and

"Whereas the statements of Congressman COOPER have caused misunderstandings that threaten to discredit the objects of this movement in the minds of the public, and the sole indictment brought was secured from a publication written more than 10 years past, in the days of free speech and press, which in no way reflects upon this campaign: Therefore be it

"*Resolved*, That the delegates to this body here assembled go on record as decrying this overdrawn and uncalled-for action on the part of Congressman COOPER and hereby express their disapproval of his criticism of the campaign to organize the workers in the iron and steel industry; and be it further

"*Resolved*, That a copy of this resolution be sent to Congressman COOPER, the United States Senators from Ohio, and that copies be given the press for publication."

SEPTEMBER 27, 1919.

Mr. HARRY DECHEND,
Secretary Mahoning County Central Labor Congress,
Youngstown, Ohio.

DEAR SIR: My attention has been called to reported action of the Mahoning County Central Labor Congress in adopting a resolution disapproving my address to the United States Congress warning American workingmen against radical, revolutionary leadership. Without waiting to receive a formal copy of the resolutions, I am writing to you, inclosing a copy of my speech, and request that out of fairness to all concerned you not only have this letter read to the central labor body, but that you also have my speech read, as it is not long.

Relative to my warning, I want to call your attention to the fact that for the last several months prominent labor leaders have repeatedly come before committees of Congress and stated that they feared it would be impossible to hold radicalism in check. The day after I made the speech in question Mr. Samuel Gompers, president of the American Federation of Labor, made this statement to a Senate committee:

"The disposition toward radicalism is so great now that democracy is sneered at by certain groups, who say that it is only a pretext which the employing classes hold up to cheat workers, and that workers can only secure justice by revolution."

I assert that this statement by Mr. Gompers himself justifies my action to any fair man.

I note that your resolution comes to the defense of William Z. Foster, whom I pointed out as the type of radical against whom I wished to warn the workers. Regarding Foster I wish to say that Mr. Gompers admits this man was an I. W. W. and the author of the revolutionary pamphlet "Syndicalism," but claims that Foster has been converted to labor-union principles. In this connection I quote from a letter written by Foster in 1911, now on file in the office of the United States district attorney in Chicago, in which Foster said:

"I am satisfied from my observation that the only way for an I. W. W. to have the workers adopt and practice the principles of revolutionary unionism, which I take is its mission, is to give up the attempt to create a new labor movement, turn itself into a propaganda league, get into the organized-labor movement, and by building up better fighting machines within the old unions than those possessed by our reactionary enemies, revolutionize these unions, even as our French syndicalist fellow workers have so successfully done."

This letter was signed, "Yours for the revolution, William Z. Foster."

It seems that Foster has actually carried into effect his purpose to get into the organized-labor movement, for he is secretary-treasurer of the national committee to organize the steel workers, but I for one shall continue to oppose with all the force and power at my command his efforts to overthrow conservative leadership and have the workers adopt and practice the principles of revolutionary unionism.

Your resolutions further say that my statements have caused misunderstandings that threaten to discredit the object of the movement which resulted in the strike of steel workers. I contend that it is Foster's statement and record rather than anything that I have said that is likely to have this result.

Your resolutions further state that I criticized the campaign to organize the workers of the iron and steel industry. As to this all I wish to say is that I never have and never will criticize any movement to organize workers for the purpose of bettering their conditions, but that I always have and always will support measures for the true benefit of the workingmen.

I note that at the meeting which adopted the resolutions above referred to an attack was made upon me by one S. T. Hammersmark. I know most of the men who have been prominent in labor circles in the Mahoning Valley, but I know nothing about Hammersmark except that he is quoted in the press as the secretary of the local committee in charge of the strike. Evidently Hammersmark has not been in the Mahoning Valley long enough to know the record of the Congressman from that district, for he says:

"In his three terms in Congress Mr. COOPER has opposed all labor measures."

I charge that this statement by Hammersmark is absolutely false, as the CONGRESSIONAL RECORD will show. During my service in Congress there have been considered among others five important measures in which labor was vitally interested. These were the child-labor law, Burnett immigration law, compensation for injured Government employees, Adamson eight-hour law for railroad employees, and the Nolan minimum-wage bill for Government employees. The CONGRESSIONAL RECORD shows that I not only voted for these measures on a record roll call, but that I also took the floor and spoke in support of them.

Very truly, yours,

_____.

During the reading of the foregoing, the time of Mr. COOPER having expired, by unanimous consent it was extended three minutes.

PERSONAL EXPERIENCES IN THE FAR EAST.

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to insert in the RECORD a short account of my personal experiences in the Far East, together with some observations in Shantung.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend his remarks in the RECORD by inserting his observations on the Far East and Shantung. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, are these the observations of the gentleman himself?

Mr. ACKERMAN. They are.

The SPEAKER. Is there objection?

There was no objection.

SYNOPSIS OF PROCEDURE IN THE HOUSE.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a report from the Committee on Rules and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of a report from the Committee on Rules. The Clerk will report it.

The Clerk read as follows:

The Committee on Rules, to which was referred House resolution 306, submit a report on said resolution, with the following amendments:

In line 2, striking out the word "five" and inserting the word "fifteen."

In paragraph 2, striking out lines 6, 7, 8, and 9.

The committee recommend that the resolution, with these amendments, be agreed to.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of the resolution.

Mr. CAMPBELL of Kansas. Yes.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 306.

Resolved, That there shall be printed and bound for the use of the House 500 copies of "A Synopsis of Procedure in the House of Representatives," by Clarence A. Cannon, parliamentary clerk of the House, to be distributed to Members by the Speaker.

That a revised edition of 500 copies of the same shall be printed subsequent to the publication of the revised edition of Hinds's Precedents, to be distributed in like manner.

That the author shall receive no compensation for his services in the preparation or publication of the same.

With the following committee amendments:

In line 2 strike out the word "five" and insert the word "fifteen."

In paragraph 2 strike out lines 6, 7, 8, and 9.

Mr. BLANTON. Mr. Chairman, may we have the Clerk report the lines proposed to be stricken out?

The SPEAKER. The Clerk will report the lines proposed to be stricken out.

The CLERK. The lines proposed to be stricken out are as follows:

That a revised edition of 500 copies of the same shall be printed subsequent to the publication of the revised edition of Hinds's Precedents, to be distributed in like manner.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. CAMPBELL of Kansas. Mr. Speaker, this resolution as amended authorizes the printing of 1,500 copies of a synopsis of procedure in the House of Representatives by the present efficient parliamentary clerk at the Speaker's desk. The parliamentary clerk is retiring from that position on the 1st of October, and is offering to give to the Members of the House this memorandum of House procedure for their convenience.

Mr. WALSH. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield.

Mr. WALSH. Will the gentleman state in just what shape this document is to be printed?

Mr. CAMPBELL of Kansas. It will be in vest-pocket form, for the convenience and use of the Members of the House.

Mr. WALSH. This is not a resolution providing for bringing Hinds' Precedents down to date?

Mr. CAMPBELL of Kansas. Oh, no; this has nothing whatever to do with that. The resolution, however, as originally introduced, provided that this vest-pocket memorandum of House procedure should be revised after Hinds' Precedents had been brought down to date. It is proposed that Mr. Cannon bring Hinds' Precedents down to date; but that, however, will be done independently of this resolution. The Committee on Rules thought it wise enough to strike out the provision for the republication of this memorandum of procedure in the House after Hinds' Precedents had been brought down to date.

Mr. MONDELL. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. MONDELL. My understanding is that the volume will be of the same size and about half the thickness of the vest-pocket directory.

Mr. CAMPBELL of Kansas. That is my understanding.

Mr. WALSH. Will the gentleman yield further?

Mr. CAMPBELL of Kansas. I will.

Mr. WALSH. The purpose being to have the rules of procedure in a convenient form for the Members, that they may have them in their pockets and not have to send for the manual?

Mr. CAMPBELL of Kansas. That is the purpose of the resolution. In the old days, when Members had desks, each Member of the House could have conveniently at hand copies of the manual and rules of the House. Now it is necessary to send to the Speaker's desk or elsewhere to get a copy of the manual, and it is sometimes a source of inconvenience.

Mr. DOWELL. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will.

Mr. DOWELL. Is this vest-pocket edition to bring Hinds' Precedents down to date?

Mr. CAMPBELL of Kansas. Oh, no; this is not for the purpose of bringing Hinds' Precedents down to date, but it is to contain the rules of procedure in the House for the convenient use of Members. Hinds' Precedents will be brought down to date at a later time.

Mr. DOWELL. Does this include any decisions later than Hinds' edition?

Mr. CAMPBELL of Kansas. This is a vest-pocket edition of the rules of the House and not of Hinds' Precedents.

Mr. DOWELL. It has no reference to the decisions under the rules?

Mr. CAMPBELL of Kansas. Probably there are references to decisions, but no comments or lengthy decisions, because it is to be a very small vest-pocket memoranda edition of the rules and procedure of the House.

Mr. DOWELL. It has nothing to do with the decisions, but is merely a copy of the rules of the House?

Mr. CAMPBELL of Kansas. Yes; to a certain extent.

Mr. GARRETT. Will the gentleman yield?

Mr. CAMPBELL of Kansas. With pleasure.

Mr. GARRETT. I will say that this thought has occurred to me since we considered this matter in the Committee on Rules this morning: This has a provision for the distribution of these documents. It provides that they shall be distributed by the Speaker. I do not know whether that would put a burden on the Speaker's force to undertake to distribute them. Ordinarily we have such documents distributed through the document or the folding room. Of course, they can be carried to the Speaker's office and Members can go and get them there. He can have them piled up in his room, and with the clerical force they can be distributed. If we send them to the document room, of course, they would be for the public generally, but if they went to the folding room they will be available for each Member.

Mr. CAMPBELL of Kansas. The purpose of having the edition distributed from the Speaker's room was to avoid putting them either in the folding room or the document room, because they are for the sole use of the Members of the House. It might be that they could be placed in the office of the Clerk and distributed by the Clerk. I think the resolution was prepared in the Speaker's office, and I think it is entirely agreeable to the force in the Speaker's office.

Mr. GARRETT. Then, of course, it is satisfactory. The thing that occurred to me was that we might be putting a burden on the force in the Speaker's office when we have other agents provided for taking care of it.

Mr. CAMPBELL of Kansas. I understand it is agreeable to the force in the Speaker's office to distribute this booklet.

Mr. GARD. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I will.

Mr. GARD. Is it understood as to what proportion each individual shall have?

Mr. CAMPBELL of Kansas. There will be about three for each Member. There are 435 Members, and we are providing for 1,500 copies. Of course, some may be lost.

Mr. GARD. Is it to be a copy of the rules of procedure, such as we have now in the vest-pocket directory?

Mr. CAMPBELL of Kansas. No; I understand, while I have not seen a copy as it has been prepared, I understand that it relates to the procedure in the House, a sort of synopsis of the rules of the House.

Mr. GARD. Is it supposed to contain memoranda with authorities cited by the parliamentarian?

Mr. CAMPBELL of Kansas. Authorities will be cited.

Mr. HICKS. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Certainly.

Mr. HICKS. As I understand the rule and the resolution, if adopted, the Members will obtain copies without going to any office to apply for them, and therefore we are sure of our quota without any action on our part.

Mr. CAMPBELL of Kansas. They will be mailed from the Speaker's office to the Members of the House.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. CAMPBELL of Kansas. With pleasure.

Mr. CLARK of Missouri. When will the supplement to Hinds' Precedents be available?

Mr. CAMPBELL of Kansas. I understand the work is to be begun immediately by Mr. Cannon. That will have to be done by a resolution by the House.

Mr. CLARK of Missouri. I make the inquiry because they ought to be printed.

Mr. CAMPBELL of Kansas. The resolution has not yet been introduced, but it should be introduced at a very early day. It will take probably a year before the work is completed.

Mr. CLARK of Missouri. How many volumes will it comprise?

Mr. CAMPBELL of Kansas. I have no knowledge of the number of volumes it will take. I am told by the gentleman from Massachusetts [Mr. WALSH] that it will probably take two volumes. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the committee amendments.

Mr. GARD. Mr. Speaker, if the gentleman will yield for a moment, I have a vest-pocket edition of the directory in my hand that contains 40 or 50 pages of the rules of the House of Representatives and an index. Is it the purpose to incorporate those things in another book like this?

Mr. CAMPBELL of Kansas. Authorities will be cited.

Mr. GARD. The rules reproduced and authorities cited.

Mr. POU. It is a sort of a parliamentary primer.

Mr. CAMPBELL of Kansas. Yes; a sort of parliamentary primer, so that Members can understand and participate in the procedure of the House.

The SPEAKER. The question is on the committee amendments.

The question was taken, and the committee amendments were agreed to.

The resolution was agreed to.

COLD-STORAGE BILL.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill H. R. 9521, the cold-storage bill.

The SPEAKER. The gentleman from Iowa asks unanimous consent for the immediate consideration of the bill which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9521) to prevent hoarding and deterioration of and deception with respect to cold-storage food, to regulate shipments of cold-storage foods in interstate commerce, and for other purposes.

The SPEAKER. Is there objection to the immediate consideration of the bill?

Mr. GARD. Mr. Speaker, reserving the right to object, does this bill come with a unanimous report of the committee?

Mr. HAUGEN. It has a unanimous report of the committee.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HAUGEN. Mr. Speaker, I move——

INVESTIGATION BY COMMITTEE ON EXPENDITURES IN THE TREASURY DEPARTMENT.

Mr. CAMPBELL of Kansas. Will the gentleman withhold that motion for a time?

Mr. HAUGEN. I will.

Mr. CAMPBELL of Kansas. I desire to submit a privileged report from the Committee on Rules, which I think will take but a moment.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

The Committee on Rules, to which was referred House resolution 210, submit a privileged report on said resolution, with the recommendation that the resolution be agreed to.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 210.

Resolved, That the Committee on Expenditures in the Treasury Department is hereby authorized to send for persons and papers, to administer oaths and affirmations, and to take testimony, to sit during the sessions of the House and during the recess which may occur during its sessions, and may meet at such places as said committee deems advisable. Said committee is also hereby authorized and empowered to appoint such subcommittees as it may deem advisable, which, when so appointed, are hereby authorized to send for persons and papers, to administer oaths and take testimony, and to meet at such times and places as said committee shall from time to time direct.

Resolved further, That said Committee on Expenditures in the Treasury Department may report to the House in one or more reports, as it may deem advisable, the results of its investigations, with such recommendations as it may care to make.

Mr. CAMPBELL of Kansas. Mr. Speaker, this resolution was reported by the Committee on Rules some weeks ago, but on account of the rush of business in the House, the activities of the members of the Committee on Expenditures in the Treasury Department, and the other work of Congress, consideration was not asked for the resolution. Now the members of that committee are ready to make such investigation as the conditions may warrant in the Treasury Department and I ask for the consideration of the resolution.

Mr. CLARK of Missouri. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I do.

Mr. CLARK of Missouri. I would like to inquire of the gentleman, if this rule is passed, will that in any way interfere with the operations of the committee of 14 appointed to investigate the conduct of the war in all its various branches?

Mr. CAMPBELL of Kansas. I understand not; that this is rather an audit as was contemplated when the committees were provided for for investigation of the departments of the Government. Mr. Speaker, I ask for a vote.

The question was taken, and the resolution was agreed to.

COLD-STORAGE LEGISLATION.

Mr. HAUGEN. Mr. Speaker, if agreeable to the House, may I have the attention of the gentleman from Georgia, with a view to fixing the time for general debate?

Mr. LEE of Georgia. We have very limited requests for debate on this side.

Mr. HAUGEN. Will one hour on a side be satisfactory?

Mr. LEE of Georgia. Yes; limited to the subject of the bill, I would suggest.

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9521, and I ask unanimous consent that the time for general debate be limited to two hours, one hour to be controlled by the gentleman from Georgia [Mr. LEE] and the other hour by myself.

Mr. GARRETT. And debate to be confined to the bill?

Mr. HAUGEN. That is an unusual thing to do.

Mr. GARRETT. Oh, well, the rule that we reported provided that debate should be confined to the bill.

Mr. HICKS. But the rule was not adopted. We are taking up the bill by unanimous consent and the rule does not apply. There is no rule applying now, as I understand it.

Mr. GARRETT. Mr. Speaker, I do not understand that any unanimous consent has been given to take up the bill.

Mr. WALSH. Oh, yes.

The SPEAKER. The gentleman is mistaken. Unanimous consent had not been given for limiting debate.

Mr. BLANTON. But the unanimous consent was asked over the hip-pocket document which the chairman of the Committee on Rules had at that time ready.

Mr. WALSH. That is a Texas brand of facetiousness.

Mr. GARRETT. Confine debate to the bill and let us get through with this.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9521), and pending that he asks unanimous consent that general debate be limited to two hours, one hour to be controlled by himself and one hour to be controlled by the gentleman from Georgia [Mr. LEE]. Is there objection?

Mr. RUBEY. Mr. Speaker, reserving the right to object, I desire to say this: A rule was prepared to be brought in here, and that rule confines this debate to one hour on a side, and the debate is to be confined to the subject matter of the bill; and it was our understanding that is what would be done when we gave unanimous consent without bringing in this rule. The gentleman therefore ought to make that request to confine debate to the subject matter of the bill and let us take up the bill itself—that is what we are interested in—and pass it.

Mr. HAUGEN. Mr. Speaker, I modify my request to make it apply to the bill.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the time of debate be limited to two hours, half to be controlled by himself and half by the gentleman from Georgia, and the debate to be limited to the bill. Is there objection?

Mr. WALSH. Mr. Speaker, I object.

The SPEAKER. The question is on the House resolving itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9521, the cold-storage bill, with Mr. FESS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9521, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9521) to prevent hoarding and deterioration of and deception with respect to cold-storage foods, to regulate shipments of cold-storage foods in interstate commerce, and for other purposes.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. RUBEY. Mr. Chairman, I object. I think the bill ought to be read.

The Clerk proceeded to read the bill.

Mr. RUBEY. Mr. Chairman, I ask unanimous consent that the further reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the further reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none, and the Clerk will discontinue the further reading of the bill.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the bill be read for amendment.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the bill be read for amendment. Is there objection?

Mr. LUCE. I object.

The CHAIRMAN. Objection is heard. The gentleman from Iowa [Mr. HAUGEN] is recognized for one hour.

Mr. GARRETT. Mr. Chairman, this is a bill of considerable importance, as I understand it, and I would be very glad if the chairman or some other member of the committee would give us a preliminary explanation.

Mr. HAUGEN. I would be glad to do it if we could agree on the time for general debate, but it does not seem necessary that we should consume all the afternoon in general debate as long as there are hardly any requests for time. I have not had any requests until just now.

The CHAIRMAN. The gentleman from Iowa is recognized for one hour.

Mr. RUBEY. Will the gentleman from Iowa yield?

Mr. HAUGEN. I yield.

Mr. RUBEY. It might be a good idea to take up the bill under the five-minute rule and discuss it then instead of under general debate. I think gentlemen will not object.

Mr. CAMPBELL of Kansas. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. CAMPBELL of Kansas. To see if we can not get an agreement relative to debate on this bill.

Mr. GARRETT. You can not get that in the Committee of the Whole. Let them read it under the five-minute rule.

The CHAIRMAN. Does the gentleman from Iowa [Mr. HAUGEN] claim the floor?

Mr. HAUGEN. I will hold the floor, but my understanding is that when we read the bill under the five-minute rule we can arrange for debate then.

Mr. GARRETT. Mr. Chairman, under the rule the gentleman from Iowa [Mr. HAUGEN] is recognized for an hour, is he not?

The CHAIRMAN. He is.

Mr. GARD. And does the gentleman from Iowa mean to inform us that we are not to have any discussion of the bill?

Mr. HAUGEN. I yield to the gentleman from New Jersey [Mr. HUTCHINSON].

The CHAIRMAN. For how long?

Mr. HAUGEN. Fifteen minutes.

The CHAIRMAN. The gentleman from New Jersey is recognized.

Mr. HUTCHINSON. Mr. Chairman, in the first place, I want to state that the Committee on Agriculture has worked hard and given serious thought to the question covered by this bill, and I am convinced that the enactment of this measure will do much to reduce the high cost of living.

Mr. Chairman, when I first began to study the cold-storage question I did not think it would develop into such a gigantic problem. Knowing something about the New Jersey law, I thought it would be rather an easy task to extend its provisions and give like power and authority to the Government. I made an attempt at this when I prepared and introduced my first bill, H. R. 7970, but soon discovered that the question of State rights prevented the absolute control and supervision of the cold-storage warehouses by the Federal Government, and if the Government had any rights at all they were in the commodity to be stored in such places, and then only in so much of that commodity as entered into interstate commerce.

Of course, a system of taxation for revenue would have made it possible to get a record of and at the same time regulate and control any or all articles of food placed in cold storage. But the country generally is opposed to the use of the taxing power, especially when it can be avoided, and at this time, when every effort is being made to reduce the cost of living, such a method would be offensive, because naturally it would add to the cost of the article stored.

A study of the food situation from the producer to the consumer revealed the fact that of the amount placed in cold storage approximately 90 per cent entered into interstate commerce either going to or from storage, and, therefore, it was decided that the most logical method of handling the problem would be from that angle rather than the taxing system.

As the object of this bill is the control and regulation of food and food products it was thought wise to designate the Department of Agriculture as the agency best suited for carrying out its provisions, and with the assistance of and suggestions from the legal division of that department we have prepared this bill.

To my surprise I found that more than one-half of the States have no laws governing the cold storage of food, and in some States having laws frequently such laws are prepared to suit the convenience of that particular State. As an instance of this kind, the State of Delaware has a fairly good law, but exempts the commodities in which they are largely interested, fish and fruits. The State of New York, which has more food in storage than any other State, permits under its law anyone to rent a space or private box in a warehouse and to keep his produce or food as private property without the necessity of reporting the same. Recently the authorities recommended a change in their law to remedy this condition so as to bring under the control of the State all food held in storage regardless of ownership.

This information was brought out during the hearings before our committee when the following statement was made by Mr. Floyd M. Shoemaker, president of the New York State Cold Storage Association, and president of the Hygea Refrigeration Co., of Elmira, N. Y., chairman of the cold-storage subdivision of the American Warehousemen's Association. On page 250 of the hearings Mr. Horne asked Mr. Shoemaker:

Will you refer to the suggestions recently made by the commissioner with respect to amendments?

Mr. SHOEMAKER. Yes; I intended to do that. That deals especially with the cold-storage law of our State.

I read in one of yesterday's papers that it has been recommended in a report to Gov. Smith that there be recommendations made by him for certain changes in our State law, which may profitably be considered by you gentlemen in framing a Federal law.

The principal item of interest in this recommendation by Commissioner Porter is that an act be formulated to provide for the marking of the date in and out on packages of cold-storage products from what we now know as private warehouses, warehouses where the goods moving in and out are owned strictly by the individual who owns the warehouse or owns the storage box, as the case may be, by rental, lease, or otherwise. Heretofore, in our State, those goods have not been subject to the marking regulations that apply to the public cold-storage warehouse.

Mr. VOIGT. Pardon me, but do not the private cold-storage warehouses come under your law at all?

Mr. SHOEMAKER. No, sir; not what are known as "private boxes"; they are not obliged to stamp their goods at the time they go in, and it is difficult to determine how long such goods stay in those cold-storage places.

Mr. VOIGT. Well, if your cold-storage law does not apply to private warehouses, the owners of them can hold their goods in storage indefinitely?

Mr. SHOEMAKER. Well, the character of the goods themselves would prevent any such measure as you suggest. That point has been very thoroughly gone over in previous discussions.

Mr. HUTCHINSON. Are they local goods or are they interstate goods?

Mr. SHOEMAKER. Well, they may be both.

Mr. HUTCHINSON. They may be both?

Mr. SHOEMAKER. Yes. The commissioner of foods and markets also speaks of the provision for disposal of foods that have been in storage more than the 12 months' limit. He proposes that an amendment be made to the present law to apply to private as well as public cold storages. This covers the recommendations of the commissioner on the points referred to.

The commissioner of our State and the warehousemen of our State are definitely on record as favoring an adequate and reasonable Federal cold-storage act. We believe that this is the proper way of regulating the interchange of foodstuffs between States.

Most of the States realize the necessity of uniform cold-storage laws, and throughout the country many governors are considering the calling of special sessions of their respective legislatures for this purpose. I understand the call has already been issued in Michigan and Virginia.

When the first bill, H. R. 7970, providing for a Federal cold-storage law was introduced on July 29 by myself, the press of the country immediately commented favorably on the plan and suggested that Government regulation and supervision of the cold-storage warehouse would solve, at least in part, the high-cost-of-living problem. On August 8 our President, in addressing Congress, followed up this suggestion, urging that the matter be given consideration and earnestly recommended the passage of a law providing for Federal regulation of cold-storage warehouses.

The importance of legislation of this character must be apparent to all. With 48 separate States, each having a different law or no law, it will be seen that the food situation can be handled and controlled, for good or bad purposes, through the States having the least restrictions.

Under the food-control act, approved August 10, 1917, the Government has more authority than we could possibly give or it would be wise to grant in peace times, and yet with that law still in operation there are just being discovered vast quantities of food, some of which has been hoarded and stored until unfit for use, while prevailing prices, due to a supposed shortage of food, are higher than at any period of our existence.

In my own State of New Jersey, where we are supposed to have a model law, there have recently been discovered 55,000 pounds of fish unfit for use, all of which has been in storage over a year, and the records show that some of it has been stored for more than two years. The retail price of fresh fish of the kind found for the week ending August 23 averaged 40 cents per pound.

In this connection I should like the Clerk to read in my time an article from the Trenton Evening Times, of Trenton, N. J.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

[From the Trenton Evening Times, Trenton, N. J., Aug. 22, 1919.]

TONS OF BAD FISH WILL BE DESTROYED—COMPANY ADMITS 55,000 POUNDS IN STORAGE UNFIT FOR HUMAN CONSUMPTION.

Representatives of the Bay State Fish Co. did not appear before the State department of health to-day, as cited to do so, to show cause why 55,000 pounds of fish "unfit for human consumption," owned by the company and stored at Seaside Heights, should not be confiscated by the State. A letter from B. F. Sparks, of Philadelphia, the agent of the Bay State Co., informed the department that he had no objection to make to the confiscation, and he admitted that the fish were unfit for human use.

Attorney General Thomas F. McCran will apply to the judge of the Ocean County circuit court for an order to confiscate the fish for the State, and after this order has been allowed the fish will be taken and disposed of, possibly for fertilizer, and the proceeds of the proceeding will go into the State treasury.

The fish in question have been stored in the plant of the Barnegat Power & Cold Storage Co. for more than a year, in violation of the State law. Some of the supply had been stored in cold-storage plants in other States before being placed in the Barnegat plant.

The attorney general announced to-day that he will confer with District Attorney Joseph L. Bodine next Tuesday for the purpose of determining whether or not the Bay State Co. is guilty of violation of the Lever Act against hoarding of food.

Mr. HUTCHINSON. You will notice that the authorities of our State have taken the matter up with the Department of Justice for the purpose of determining whether the owners of this food are guilty of hoarding under the food-control act, but if the Food Administration and the Department of Justice had performed their duties under that law there is every reason to believe that the food now wasted and destroyed would have been saved and long since gone into human consumption.

When a condition like this can exist in a State operating under what is termed a model law, what must be the situation in the States having no laws?

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. HUTCHINSON. I yield.

Mr. MOORE of Pennsylvania. The suggestion the gentleman makes is that the Lever law has not been enforced with respect to the hoarding of food.

Mr. HUTCHINSON. There is no question about that.

Mr. MOORE of Pennsylvania. It would appear so in this instance. Now, the gentleman proposes to have the Department of Agriculture take up the question where the Department of Justice apparently left off. Does he think he will get any better results under the Department of Agriculture than he would under the Department of Justice?

Mr. HUTCHINSON. We hope so.

Mr. MOORE of Pennsylvania. I am glad the gentleman is hopeful, because we have been increasing the appropriations for the Department of Justice for various purposes, and apparently for the purpose of reducing the high cost of living, but up to date the high cost of living does not seem to have come down. Does the gentleman know of any prosecutions that have been recently made by the Attorney General's department?

Mr. HUTCHINSON. Not until after the first bill was introduced relative to cold storage.

Mr. MOORE of Pennsylvania. The gentleman thinks that the introduction of the cold-storage bill had something to do with the activities of the Department of Justice?

Mr. HUTCHINSON. That seems to be the impression.

Mr. MOORE of Pennsylvania. Does the gentleman know whether, in view of the fact that large appropriations have recently been made to the Department of Justice for the detection of bomb throwers, any bomb throwers have been caught recently?

Mr. HUTCHINSON. I do not know about that.

Mr. MOORE of Pennsylvania. I hope the gentleman's hopefulness is correct, and that we may get results from the Department of Agriculture.

Mr. SNYDER. Will the gentleman from New Jersey yield?

Mr. HUTCHINSON. I will.

Mr. SNYDER. The people of the State of New York, many of them, are very much interested in this bill, and I would like to ask the gentleman if in his calculation he has determined upon any per cent of saving in the high cost of living that will accrue from this bill, and if he has calculated upon or made an estimate of about the date when the decline by reason of this bill will take effect?

Mr. HUTCHINSON. I have made no calculations at all. Before the armistice was signed everybody filled the storage space in the cold-storage warehouses for the purpose of making money, and instead of bringing out what was stored it has been kept in cold storage. They are now unloading the cold-storage warehouses.

Mr. SNYDER. The gentleman will concede it is going to take a considerable amount of money to operate this activity, and he ought to be able to show concretely that there would be actually some saving made to compensate for that additional expense.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. HUTCHINSON. Can I have five minutes more?

Mr. HAUGEN. The gentleman can take it under the five-minute rule. I ask for the reading of the bill under the five-minute rule.

Mr. CANNON. Mr. Chairman, I have not read the bill or looked at the question. I have been very much interested in the explanation.

Mr. HAUGEN. I yield five minutes more to the gentleman.

Mr. CANNON. I think general debate ought to proceed.

The CHAIRMAN. The gentleman from New Jersey [Mr. HUTCHINSON] is recognized for five minutes more.

Mr. HUTCHINSON. The impression has gone out that the cold-storage warehouse is a menace to society, but such is not the case, and I am convinced that sentiment is fast changing and the people are beginning to realize that the cold-storage warehouse is the one essential agency to prevent suffering and starvation between the producing and consuming seasons. No nation is seldom more than a year ahead of starvation, for in the plan of nature there is a time for sowing and a time for reaping, and unless the harvest when available is gathered, conserved, and preserved in warehouses specially adapted for the different articles of food, when the nonproducing season arrives there will be no surplus from which we can draw supplies to feed our people.

It is therefore a measure for the protection and security of our country, and to encourage the business of cold storage that a uniform law is asked for and required, for such a law will not only give the Government complete supervision over the food situation of our country, but by the information made available by its provisions the distribution of any abnormal surplus can be regulated and food prices stabilized and reduced.

Mr. Chairman, I should like to explain the bill by sections, during which time I shall be glad to attempt to answer any questions that may be asked.

The title of the bill is self-explanatory and sets forth its object.

Mr. GARD. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from New Jersey yield to the gentleman from Ohio?

Mr. HUTCHINSON. Yes.

Mr. GARD. The gentleman just said he would like to explain the bill by sections. I would be very glad, for one, if he would, because I consider this bill to be of very great importance. But does the gentleman explain how the committee arrived at the arbitrary period of 12 months in section 9 of the bill, which provides a penalty for shipping or selling any article of food that has been kept in cold storage after the expiration of 12 months?

Mr. HUTCHINSON. I did not just get the gentleman's question.

Mr. GARD. Why do you fix the time at 12 months? Does not the gentleman think 12 months is rather a long time to provide for articles to be held in cold storage if we want immediately to affect the cost of living and bring the necessary articles of food down in price?

Mr. HUTCHINSON. We did not think it was wise to unload all the cold storages. The "12 months" is a season, a year. In other words, it seemed to be the general opinion of those who appeared before our committee that that was the season, 12 months, and we made it that way, so as to provide that any goods could be stored 12 months, from one season to another.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. Yes.

Mr. KNUTSON. I presume the purpose of fixing 12 months is to allow us to carry a surplus from one crop over to the next crop?

Mr. HUTCHINSON. Over to the next season. Does that answer the gentleman's question?

Mr. GARD. My inquiry was whether or not the committee had made investigation in that regard through the men who are expert in these lines as to the proper period of cold storage, and if they did make such investigation, what it was and what the result of it showed.

Mr. HUTCHINSON. The general opinion in our committee was that it ought to be 12 months.

Mr. GARD. What character of people testified before your committee?

Mr. HUTCHINSON. We had all kinds of people, warehousemen and others. The hearings are before you. You can see that they all testified that the time should be 12 months.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. HUTCHINSON. Yes.

Mr. ALEXANDER. Is that to include all articles? Here are fish and vegetables, and so on. I think in the case of fish and some other articles it should be a particular time fixed for the cold storage of each, inasmuch as they may be successfully preserved for different periods.

Mr. KNUTSON. Of course the term "crop" that I used was merely a figure of speech. But the gentleman knows that in some years the fishermen take a large catch of herring, for example, or of other fish, and in other years the catch is very small indeed.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. GARD. Mr. Chairman, will the gentleman from Iowa yield to the gentleman from New Jersey five minutes more?

Mr. HAUGEN. Yes.

The CHAIRMAN. The gentleman from New Jersey is recognized for five minutes more.

Mr. GARD. I notice that one of the provisions of this bill uses the term "article of food." That includes liquid food. Is there any provision in the bill prohibiting the storage of milk?

Mr. HUTCHINSON. That is liquid food.

Mr. GARD. There is no regulation in this bill as to milk at all?

Mr. HUTCHINSON. No.

Mr. GARD. You can get milk and pile it up 10 years, if it could be kept that long?

Mr. HUTCHINSON. There is not much of it that would keep over four days.

Mr. GARD. I mean milk that is put down in pasteurized form or in powdered form.

Mr. HUTCHINSON. Then it would not be liquid milk.

Mr. GARD. I mean milk in cans, condensed milk.

Mr. HUTCHINSON. That is not kept in cold storage.

Mr. GARD. Is not that ever kept in cold storage?

Mr. HUTCHINSON. No.

Now, Mr. Chairman, I might say that the deception it aims to prevent does not necessarily mean intentional deception, but deception of any and all kinds with respect to cold-storage foods, much of which has resulted from the lack of a system for the proper control of the cold-storage warehouse rather than willful intention.

Section 1 is simply the name by which the act shall be known, "United States cold-storage act."

Section 2 defines the meaning of the different terms used throughout the act, and removes all question of doubt as to the responsibility of those operating under the act.

Section 3 provides that food going into or shipped from cold storage in commerce shall be marked to show that it is cold-storage food and the date and place when and where it was held in storage, and further provides that if an article of food has not entered into interstate commerce and is removed from cold storage for local consumption before the expiration of 30 days following the date when such article of food was first placed in cold storage the statement that the article is a cold-storage food may be removed.

Sections 4, 5, 6, and 7 deal with the marking of articles of food or the containers thereof in storage should it be commercially impracticable to mark such articles in accordance with the requirement, and provides the method to be used and the procedure to be followed in handling such food.

Mr. KING. Mr. Chairman, will the distinguished gentleman yield for a question on that section?

Mr. HUTCHINSON. Yes.

Mr. KING. Is there any protection in this bill for the ultimate consumer, the man who buys eggs and other products of a retailer, or the man who eats them in a restaurant? Has he any means of determining how long that which he eats has been kept in cold storage?

Mr. HUTCHINSON. We have no right to control any eggs after they go out of commerce

Mr. KING. Under this bill?

Mr. HUTCHINSON. Under this bill; yes.

Mr. GARD. Referring to the section that the gentleman passed and did not comment on very extensively—I refer to the latter part of section 2 and subdivisions (f) and (c) as they appear on the top of page 3 of the bill, where there is an exception made for the establishment or structure used for the storage of food for the consumption of himself, his family, or guests—I presume that means one's home; and, second, the business of serving meals—I presume that refers to restaurants and hotels; and as to the third, is there any distinction of what is retail business under this act?

Mr. HUTCHINSON. A retail business is a grocery man or anybody that does not store goods in commerce. If the retail grocer or anyone else handles goods in commerce, it will not exempt him.

Mr. GARD. Is a man permitted under this law to have a place, a large cold-storage and refrigerating plant, stocked up with beef or other meat and sell it out by the whole beef or half beef or whole or half of any other slaughtered animal? Would you call that a retail business, or is there any line of distinction between a retail and a wholesale business?

Mr. HUTCHINSON. The person who sells to a consumer is a retailer.

Mr. GARD. In any quantity?

Mr. HUTCHINSON. Yes; in any quantity, if he uses it for his own consumption.

Mr. GARD. There is no distinction here.

Mr. HUTCHINSON. There is no distinction here, but that is always understood.

Mr. GARD. I think possibly the bill should be amended so that the definition of what is a retail dealer should be understood and made manifest in the bill.

The CHAIRMAN. The time of the gentleman from New Jersey has again expired.

Mr. HAUGEN. Mr. Chairman, how much time does the gentleman want?

Mr. HUTCHINSON. Not very much more, unless called upon to answer a lot of questions.

Mr. CANNON. Let me ask a question of the gentleman from Iowa. The gentleman from Iowa is anxious to get the bill under discussion under the five-minute rule. I do not believe that 5 per cent of the Members outside of the committee know anything about this bill. It is an important bill, and the gentleman from New Jersey seems to be making an intelligent and informing speech. I would be willing for him to go on a full hour if he covers the bill in his explanation. It will save time in the end.

Mr. HAUGEN. My thought was that the discussion had better be confined to this bill, and the quicker we get under the five-minute rule the more headway we will make in the discussion. When we get into debate under the five-minute rule the intention was to ask for time.

Mr. CANNON. If the gentleman will allow me, right along that line, I have not read the bill or the hearings. I have got to vote upon the bill, and I think you will save time if you will let the gentleman from New Jersey [Mr. HUTCHINSON] go on with his discussion of the bill and give us a general idea of it.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise, so that we can settle this question of time for debate. I am going to ask in the House for an hour on a side.

SEVERAL MEMBERS. Oh, no!

The CHAIRMAN. The question is on the motion of the gentleman from Iowa [Mr. HAUGEN] that the committee do now rise.

The question being taken, the motion was rejected.

Mr. HAUGEN. Can the gentleman from New Jersey finish in 10 minutes?

Mr. HUTCHINSON. I think so.

Mr. HAUGEN. I yield to the gentleman from New Jersey 10 minutes.

Mr. HICKS. As I understand, Mr. Chairman, we are proceeding now under general debate, for which no time has been limited. Anybody who gets the recognition of the Chair can speak for an hour.

The CHAIRMAN. After the gentleman from Iowa [Mr. HAUGEN] yields the floor.

Mr. HICKS. Therefore after the gentleman from Iowa [Mr. HAUGEN] has finished, some other gentleman can get up and speak for an hour, and so on. Therefore we can have all the time we want. I agree with the gentleman from Illinois [Mr. CANNON] that the explanation given by the gentleman from New Jersey [Mr. HUTCHINSON] is extremely interesting; and if we let the general debate run we can get a better understanding of the bill.

The CHAIRMAN. The gentleman is out of order.

Mr. HICKS. No; the gentleman from New Jersey gave me permission to speak.

Mr. HUTCHINSON. Does the gentleman want to ask me anything more?

Mr. HICKS. No.

Mr. HUTCHINSON. Section 8 forbids the altering, mutilating, destroying, obscuring, obliterating, or removal of any mark placed on any article of food or the container thereof in compliance with regulations.

Section 9 limits the period of time to 12 months for which food in commerce may be held in cold storage, and provides that no article of food shall be delivered or shipped in commerce after the expiration of 12 months from the date upon which such article of food was first placed in storage. Exception to the period of storage is made in the case of cheese held for the purpose of ripening and improving the quality thereof.

Section 10, with the idea of conserving food and protecting public health, authorizes the Secretary of Agriculture to forbid any warehouseman to receive in commerce any article of food for storage in any warehouse, or to transport in commerce any article of food in a refrigerator vehicle, after such warehouse or refrigerator vehicle is found to be insanitary or otherwise unfit for the storage or transportation of any such article of food.

Mr. CANNON. That applies only to interstate commerce.

Mr. HUTCHINSON. This bill confines itself to interstate commerce. Section 11 is one of the very important sections of the bill in that every warehouseman holding food in cold storage or transporting food in commerce in a refrigerator vehicle is required to keep accurate records and accounts of all such food, and when requested by the Secretary of Agriculture shall submit monthly reports, giving full information as to the amounts of all articles of food held in cold storage and in any cooling or chilling room and in all refrigerator vehicles maintained, operated, or controlled by him. The Secretary of Agriculture is authorized to require such other reports and returns as to amounts, ownership, and storage space as may be deemed necessary for carrying out the provisions of this act.

Mr. CANNON. Will the gentleman yield?

Mr. HUTCHINSON. Yes.

Mr. CANNON. Have we the authority to legislate as this section provides, to require monthly reports, and so forth?

Mr. HUTCHINSON. Yes.

Mr. CANNON. Suppose that in New Jersey food is held in cold storage for State usage or may be used for State consumption and may never go into interstate commerce. Did the committee examine to see whether the Secretary of Agriculture would be authorized to make every warehouse report, as the section provides?

Mr. HUTCHINSON. Yes; we can require that.

Mr. CANNON. Has that been settled by litigation?

Mr. HUTCHINSON. We are so advised—that we can get all the information we want.

Mr. CANNON. Whether it ever goes into interstate commerce or not?

Mr. HUTCHINSON. That is the report made to us.

Mr. ACKERMAN. Does section 11 apply to the railways? Must they keep these records and report to the Department of Agriculture?

Mr. HUTCHINSON. If they are doing the work.

Mr. ACKERMAN. They are transporting.

Mr. HUTCHINSON. If they own the goods.

Mr. ACKERMAN. This does not say if they own the goods. It says every person. It seems to me additional employees may be required.

Mr. HUTCHINSON. They are not warehousemen.

Mr. ACKERMAN. It says every warehouseman and every person transporting.

Mr. HUTCHINSON. The term "person" includes individual, partnership, corporation, or association owning or transporting the goods. If they are doing it, they must report. Section 12 forbids any person to interfere with any duly authorized agent of the Department of Agriculture in the performance of his duties under this act.

Mr. HUMPHREYS. What does section 12 mean?

Mr. HUTCHINSON. It means that if the Department of Agriculture wants to send an inspector to any warehouse the owner or warehouseman is prohibited from interfering with that man in the performance of his duties. He can go in and examine the warehouse to see whether it is sanitary, and he can inspect the books to see whether the records are right or not, without interference.

Mr. HUMPHREYS. Why do you use the term "resist" there?

Mr. HUTCHINSON. I do not know about that.

Mr. HUMPHREYS. I assume that they would not undertake to penalize a man who resorted to any legal remedies which he might have.

Mr. HUTCHINSON. Not at all.

Mr. HUMPHREYS. It is a rather curious expression, it seems to me, to have in the law.

Mr. HUTCHINSON. If the Secretary of Agriculture wanted to send one of his officers to examine a warehouse, the warehouseman might resist his coming in to see whether the goods were spoiled. It is the object of the section to prevent that.

Mr. SMITH of Idaho. Was it disclosed in the hearings that any great quantity of food was held over a year in any of these cold storage plants?

Mr. HUTCHINSON. There have been instances where it has been kept for over two years.

Mr. SMITH of Idaho. In what length of time does food begin to deteriorate when it is kept in cold storage?

Mr. HUTCHINSON. That depends on what kind of food it is.

Mr. SMITH of Idaho. Meat, for instance?

Mr. HUTCHINSON. Meat can be kept frozen for two or three years.

Mr. SMITH of Idaho. Is it not to be assumed that it is to the advantage of the dealers and warehousemen to get this food out of the warehouses within a year?

Mr. HUTCHINSON. They do not always do it. Take for instance fish. In New York City on April 1 of this year they had nearly 10,000,000 pounds of frozen fish in cold storage.

Mr. SMITH of Idaho. The administration of section 11, providing for reports, will certainly entail a great deal of expense in the employment of a body of men to keep these accounts and make these reports, for which, of course, the consumer must pay.

Mr. HUTCHINSON. They do it now. They have to do it for the sake of insurance and their fees. They keep all records, and they can furnish them in a short time.

Section 13 contains the penalty for the violation of any provision of the several sections, while section 14 defines what shall constitute and who shall be guilty of such violation.

Section 15 deals with cold storage food offered for shipment to any foreign country and provides that such food shall not be subject to the provisions of this act if the sale and shipment of such food complies with the specifications and directions of the purchaser in such foreign country and not in contravention of the laws of such country. This is a very important feature and practically establishes a standard of quality for our foodstuffs throughout the world and will do much to increase and retain our foreign trade.

Section 16 applies to food offered for importation and provides how such food shall be handled if shipped in commerce in violation of this act.

Section 17 sets forth the legal procedure to be followed with respect to perishable food in commerce when it is found that such food is likely immediately to become unsound, unwholesome, or unfit for food, and provides that such article of food may be proceeded against in any district court of the United States and such disposition made of the food as the court may direct.

The balance of the bill contains the administrative features as well as an appropriation of $50,000 for the carrying out of its provisions, and in view of the urgent demand for immediate legislation of this character I trust the bill will pass in its present form. [Applause.]

Mr. HULINGS. Will the gentleman yield?

Mr. HUTCHINSON. Yes.

Mr. HULINGS. What will be the effect of this bill, if it passes, on the great quantities of food now in cold storage?

Mr. HUTCHINSON. Before 12 months they will have to sell it.

Mr. HULINGS. Well, that would make it about 15 months.

Mr. HUTCHINSON. The provision is that if they put any goods in cold storage from another State the time is reckoned from the time they put it in.

Mr. HULINGS. Has the committee taken into consideration any means by which the stock now in cold storage shall be put on the market?

Mr. HUTCHINSON. We have nothing to do with that.

Mr. HAUGEN. That would be under the food-control act. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Georgia [Mr. LEE] is recognized for one hour.

Mr. CANNON. I wish the gentleman from Georgia would yield two minutes to the gentleman from New Jersey. I want to ask him a question.

Mr. LEE of Georgia. Mr. Chairman, I yield five minutes to the gentleman from New Jersey [Mr. HUTCHINSON].

Mr. CANNON. As I understand it, the various railways do the feeding in the Pullman cars. That is my information. I do not understand that the Pullman Co. does the feeding, but the railroad does it and pays a rent for the cars. Now, I am fond of spring chicken, and when I take up the bill of fare and see spring chicken, one-half 75 cents or $1, or whatever it may be, I always ask the question whether it is last spring's chicken or the year before. Well, they say it is spring chicken. I say, "Yes; it might be spring chicken two years ago," and it generally is. [Laughter.] Now, I want to ask the gentleman if this legislation will reach the spring-chicken question? [Laughter.]

Mr. HUTCHINSON. No, sir; the bill does not go as far as that.

Mr. REED of West Virginia. Will the gentleman yield?

Mr. HUTCHINSON. I will.

Mr. REED of West Virginia. In the matter of refrigerator cars, the railroads own some and the warehouse corporation owns some.

Mr. HUTCHINSON. Yes.

Mr. REED of West Virginia. How do the provisions of the bill apply to cars owned by the railroads?

Mr. HUTCHINSON. The person or individual or corporation who uses the cars will make the report.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolution (H. J. Res. 208) authorizing the Secretary of War to expend certain sums appropriated for the support of the Army for the fiscal years ending June 30, 1919, and June 30, 1920, at Camp A. A. Humphreys, Va.

COLD-STORAGE BILL.

The committee resumed its session.

Mr. LEE of Georgia. I yield to the gentleman from Texas 15 minutes.

Mr. LUCE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LUCE. The chairman of the committee stated at the opening of the debate that this was the unanimous report from the committee. Am I wrong in understanding that after the chairman of the committee has consumed his time any Member in opposition may obtain the floor?

The CHAIRMAN. That would be the general rule of parliamentary procedure. However, in committee the Chair recognizes Members on the committee in preference to those not on the committee.

Mr. LUCE. Even if the members of the committee are not opposed to the bill?

The CHAIRMAN. That is the procedure. The Chair doubts the wisdom of it, but that is the procedure.

Mr. YOUNG of Texas. Mr. Chairman and gentlemen, I do not think the committee should be under a misapprehension as to the effect of this bill. If there be those here who think that the enactment of this law, this cold-storage act, is going to rapidly reduce the cost of living, they might as well begin to get undeceived at this time. It is not going to do it. The cold-storage business has sprung up in this country only in the past few years. It has been a great development, and it is a business institution that enables our people to store food in the season of production and to hold it against that time when there is no seasonable production.

The springtime is the productive period for eggs, for illustration; but until the cold storage sprung up in this country we had no way of carrying over from the season of production these articles of food so much needed and desired by our people; but through the cold-storage operation we take the superabundance of eggs in the season of production and carry them over to the nonproductive period, and so it goes practically with every article of food.

There is no uniform cold-storage legislation in this country. In 12 or 14 States we have what is known as a uniform cold-storage law, but the greater part of the food in the country passes through interstate commerce, and it was deemed wise and important to the consuming public, as well as to the producing

public, that there should be some uniformity of law with reference to this most important proposition. That is what this bill is for, to give that uniformity.

What is in the bill? In the first place we say that the limit of storage shall be 12 months. Some gentleman has asked why make the 12-month limit. We had the experts from the Agricultural Department, we had the experts from the cold-storage concerns all over the country, and from the sum total of the testimony of those experts we find that practically every article of food is both palatable and wholesome after a period of 12 months' storage.

There is something further in addition to this expert testimony. Nature has made some laws. Nature has said to us that there is a 12-months' turnover, has it not? Practically every crop—in fact, every crop—is grown within the 12 months' period. If we enact a statute here dealing with food supplies of the country, and the experts tell us these food supplies can be kept both wholesome and palatable for 12 months, and nature's laws come along and assert themselves, that nature by her spring, summer, fall, and winter makes the seedtime and the reaping time and we are not going to change nature's laws, then we will not go far wrong if we adopt the 12-months' period. Why the necessity for us to adopt the 12-months' period?

I will tell you why: If you adopt a shorter period you are running into a dangerous territory, because the country will have consumed during the productive season the things that we will need in the next productive season and force on the market and starve the people in the next productive season; and it is dangerous to have too short a limitation. Now, why the necessity of the 12 months; why not a greater limitation? I will tell you why: Nature's laws come in again. If you give a longer period than 12 months, you put it in the hands of the cold-storage people and the manipulators of the food supplies of the country to hoard them up—raise the prices and lower them at their sweet will, and the public must pay the bill—but when you put the cold-storage operator, who is in the business for the money, when you put before him a statute that forces the stored product out of storage at the end of 12 months, he knows full well the productive season has rolled around again and he must sell or great loss will be his lot. Hoarding and price manipulation is thus forestalled. He has got gradually to feed this stuff out on the market, and that far it will have some effect upon the markets of the country. No great immediate reduction, however, can be expected in this present high cost of living.

Mr. GARD. Will the gentleman yield?

Mr. YOUNG of Texas. I will.

Mr. GARD. I am interested in what the gentleman says about the time of permitting cold storage. For instance, in the committee, what was the concensus of the testimony relating to the storage of eggs? How long are eggs stored, for example?

Mr. YOUNG of Texas. The testimony showed eggs are both palatable and wholesome at 12 months. You can not detect by taste that there is any change for the worse at the end of 12 months.

Mr. GARD. But the gentleman said a period longer than 12 months would give an opportunity to the profiteer or cold-storage man to either depress or inflate the price of eggs?

Mr. YOUNG of Texas. Surely.

Mr. GARD. What has been the practice—the average time of storing eggs? That is what I am trying to get at.

Mr. YOUNG of Texas. We have no testimony as to the average time. The figures we have of eggs show that eggs go into cold storage beginning down in Texas along in January or February and then getting up in this country along in June and July, and it mounts up until the July peak is reached—or August, I believe it is—and then it goes gradually down until they are all practically fed out by the next producing period, and then the process begins again. But here is what happens: People who have been interested in this business for the purpose of making money in many instances have withheld food from the market until the food was destroyed.

Mr. MOORE of Virginia. Will the gentleman yield for a question simply for information?

Mr. YOUNG of Texas. I will.

Mr. MOORE of Virginia. That is as to whether there is any objection from the fruit interests based either upon the time limitation or upon any particular steps that are necessary under this bill with reference to fruit storage?

Mr. YOUNG of Texas. There has been no objection with reference to fruit. Take the case of apples. There would be no necessity of this law in the case of apples, because any child will know when you take an apple from the box whether that apple is a good, sound apple by looking at it. That is not true with meat; it is not true with eggs; but that is true with respect to many things that go into cold storage.

Mr. ROBSION of Kentucky. We have seen a good deal in the press recently as to the time food has been held off the market. What has the testimony disclosed as to the time they have held meats in cold storage, and things like that, the longest period of time?

Mr. YOUNG of Texas. Well, fish has been kept 27 months, and other things in proportion. I do not remember the details of it, but to be fair to the people, the packers who had their representatives here and other people connected with cold-storage business would bring you a diagram and show you the average figures taken during the productive period. They will draw a chart showing the peak in the productive months, and when that is reached it will go downhill on the other side. In fact, everything in recent years has been fed out by the next productive period.

Mr. KEARNS. Will the gentleman yield?

Mr. YOUNG of Texas. Yes.

Mr. KEARNS. If this bill becomes a law no cold-storage food can be put on the market that has been kept in cold storage longer than one year?

Mr. YOUNG of Texas. Yes; one year.

Mr. KEARNS. What will become of the meats and all the other food products that are now in cold storage and that will be in cold storage when this law passes, if it does pass, and that have been in cold storage, say, for two or three years?

Mr. YOUNG of Texas. The 90-day period operates in here before these people will actually pass on this law. I take it they will feed out that stuff during the 90-day period.

Mr. KEARNS. They will be able to feed out in 90 days after the passage of this law all the food that has been in cold storage for a year or more?

Mr. YOUNG of Texas. Probably they would.

Mr. KEARNS. It is shown in the press reports that there are meats in cold storage that have been there for many years, sufficient to supply the country for two or three years to come. That would be put out in various avenues so that it could reach the people? Is that true?

Mr. YOUNG of Texas. I do not know that that is true. The packers deny that.

Mr. HAUGEN. I will hand the gentleman the statement of the Department of Agriculture on that subject.

Mr. TINCHER. Will the gentleman yield?

Mr. YOUNG of Texas. I will.

Mr. TINCHER. The point I have in mind is to suggest to the gentleman that there is probably enough meat in cold storage, according to the testimony, of all kinds and descriptions, to last the United States for four and a half or five days. There is more newspaper talk than real meat.

Mr. YOUNG of Texas. So much, then, Mr. Chairman and gentlemen, for the 12 months' period.

Now, another proposition. You will have to have some kind of system under which this law can be operated, and by which you can determine when an article enters storage. We do that by means of a stamping process, to the effect that when a man puts into storage an article or articles he must stamp the date at which they enter storage, and if those articles be transferred from one State to another, or from one storage house to another, they must carry their stamp of each storage house, so that when it is finally sent out there will be found every date on those packages, so that the public can not be imposed upon.

Mr. RAMSEYER. Will the gentleman yield?

Mr. YOUNG of Texas. Yes.

Mr. RAMSEYER. How will that help the consumer if there is a case of eggs with the dates stamped on it? The retailer gets the case of eggs and sells half a dozen to this fellow and half a dozen to another fellow.

Mr. YOUNG of Texas. That does not help the consumer who buys from the retailer after it goes into the retail trade. When they get into the retail trade Congress has no longer jurisdiction to take charge of this matter and follow it down to the individual consumer. We have gone as far as we could go under the jurisdiction, as we understand it. This body has to enact a law. So much, then, for the stamping proposition.

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. YOUNG of Texas. I will.

Mr. SMITH of Idaho. It has been rumored and possibly stated in the press at different times that great quantities of fruit and vegetables have been destroyed or dumped into the river with a view of avoiding glutting the market and resultant reduction in prices. In the course of your investigation did you ascertain whether these statements are true or not?

Mr. YOUNG of Texas. That was denied by everybody who appeared before the committee. I have heard that lots of peaches and articles of that sort have been dumped in the river.

Mr. SMITH of Idaho. There is nothing in this bill that will make it a penal offense to willfully destroy food products?

Mr. YOUNG of Texas. Not in this bill. You have the 12 months; you have the stamping proposition by which we can keep track of the articles as they enter cold storage.

Then another thing in which the public is vitally interested is the food that we use day by day, and you and I have a right to know whether it is cold-storage stuff or not. We can go to the jobbers and to the wholesale trade, and these packages, which are unbroken, must be marked as cold-storage stuff. We have a right to know that, and to know further that these articles of food, whether cheese or eggs or meat or fish or poultry, have been stored in a healthful place, a place that has been kept clean and which has not added filth to that which the people must consume.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LEE of Georgia. I yield 10 minutes more to the gentleman.

Mr. YOUNG of Texas. So we have put a provision in this bill to give the Secretary the power to inspect these rooms and to see that they are kept in such order that the food products that enter into them shall be clean, healthful food products when they come out.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. YOUNG of Texas. I will.

Mr. SANDERS of Indiana. In that connection, I notice that in section 10 the power is given to the Secretary of Agriculture to inspect *any books*, papers, letters, or other documents. Is not that a rather unusual power?

Mr. YOUNG of Texas. It is a right far-reaching power.

Mr. SANDERS of Indiana. Of course this is prior to any conviction or any charge against the person and entirely without any process of court. It merely delegates to an officer, and it may be a deputy, the power, and a rather strong power, of search and seizure.

Mr. YOUNG of Texas. It does.

Mr. SANDERS of Indiana. Would it not be preferable to leave the question as to examining letters, papers, books, and documents, and so forth, to a court order or some process by which that can be done legally?

Mr. YOUNG of Texas. I do not think there will ever be an abuse of that power. It is a power given so that you can keep a trace of these institutions. We want to know how the stuff is handled. We want to know through how many hands it passes. We do not want it to pass from one State to another and cover up an effort to keep it off the market, when the people need it for consumption, until it has been destroyed, and you have got to have power somewhere so that you can get the facts if there is a crooked dealer who is trying to keep these facts from the public.

Mr. SANDERS of Indiana. I am in thorough sympathy with the bill, and I agree with what the gentleman says. The thing that occurred to me was that ordinarily we are careful to preserve the right of a person who is not charged with any crime to be free from any search or seizure. Would it not be better to confine this to cases where a charge is made against somebody?

Mr. YOUNG of Texas. I do not agree with the gentleman. I do not think there is anything in the section whereby that power will be abused or can be abused. It is simply to enable them to get the information immediately.

Mr. PURNELL. The real purpose of that section is to provide for the inspection of the warehouses?

Mr. YOUNG of Texas. Yes.

Mr. PURNELL. For some reason or other the section provides that the papers, letters, and other documents relating thereto may be inspected. I think myself that portion of the section might very well be stricken out, because it does not relate to the sanitary or insanitary condition of the plant.

Mr. YOUNG of Texas. Well, I think we might need that power frequently to trace the shipment of food, as to the time.

Mr. VOIGT. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Texas. Yes.

Mr. VOIGT. In that connection I want to say that the books, papers, and so forth, referred to in line 23 on page 6 refer only to contents and operations of the warehouse; that is, it is guarded in this way: An inspection of the papers does not mean an inspection of all private papers of the operator. It refers only to the contents and physical operation of that warehouse.

Mr. YOUNG of Texas. That is right. Another proposition: We have provided here for a report to be made each 30 days as to the articles and quantities of food supplies on hand. That is a very important piece of information that we ought to have, and by calling for these reports the public can be kept informed at all times, and it will be official information when the law is passed. We shall not be misled by newspaper reports. The public at this very instant has the idea that all the warehouses in this country are absolutely crammed to overflowing with all kinds of food supplies while the people are unable to buy them because they are held at such prohibitive prices. These sensational journals that make these statements without facts backing them up will be cut out from that field of misrepresentation. With this power given here the Secretary can call for the inventory of the food products that are on hand, and then the public will know just what to expect, and will know what we have and what our consumptive capacity is, and will not longer be misled by sensational journalism. [Applause.]

Mr. WELTY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Texas. Yes.

Mr. WELTY. I notice that one section provides that the subdivisions of sections 3, 4, 5, 6, and 7 shall not apply to any article of food delivered to any foreign country. Will not that section permit the cold-storage people to violate the law on the theory that the food which is stored there is intended for foreign consumption?

Mr. YOUNG of Texas. Well, we had to take care of the foreign situation in some way and we guarded it as best we could.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Texas. Yes.

Mr. TINCHER. I will call the gentleman's attention to the following section, which provides that the exemption shall not apply unless the goods are actually shipped to foreign countries.

Mr. YOUNG of Texas. I think, gentlemen, those are the high points in the bill. The public will understand by the enactment of this cold-storage law that they will be given uniformity of cold storage. The cold-storage industry is a very important industry in this country. I want to see it built up. It means that the farmer will have a better price for his product which he could not sell at all in the overproduction of one season, as in the case of eggs and other articles of food. We must be careful not to destroy the institution of cold storage. It is one of those intervening agencies that both the producer and consumer must have in order that our people shall not suffer want for these great products of the country. The cold-storage people are not opposed to the enactment of this law. When it is enacted it will become a uniform law. It guards against hoarding, because you have a 12-month or seasonable period. You have your regulations to preserve the health of the people, and in the long run it will result in great benefit; not that it is going to cause a drop of these prices now, but it will stabilize the prices, because the cold-storage man, when he keeps in that cold-storage warehouse against the coming day of production a great supply of stuff in order to boost the market, will know that he is going to run against a stone wall after the new production comes, and he is going to deal according to proper rules and feed out these products on the market as the market demands at more uniform and reasonable prices.

Mr. SMITH of Idaho. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Texas. Yes.

Mr. SMITH of Idaho. The gentleman stated at the outset that the cost of living would not be materially reduced by the enactment of this bill. In view of the expense that would be imposed upon the warehousemen and the transportation companies in making these reports I am curious to know who will be benefited by the enactment of this legislation?

Mr. YOUNG of Texas. I have stated the facts as well as I could. I am going to be benefited, and you are going to be benefited, and every citizen of the Nation is going to be benefited. In the first place, you are going to stop this howl that dissatisfies people, to the effect that cold-storage folks have got warehouses piled to the ceiling with stuff, holding it off the market in order to boost prices. This law provides that cold-storage men can not do it. You have got to pass it out in 12 months. The law forces them to put it out, and it will make a general average of prices.

Mr. KEARNS. Mr. Chairman, will the gentleman yield for a question?

Mr. YOUNG of Texas. Yes.

Mr. KEARNS. I understood the gentleman to say a while ago that there was no such a custom as this involved; that the warehousemen had not been keeping food in cold storage.

Mr. YOUNG of Texas. I said there were charges of that kind, some of which were probably true, but not to the extent that the public generally believed.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. LEE of Georgia. Mr. Chairman, I yield to the gentleman five minutes more.

Mr. KEARNS. I understood the gentleman to say a while ago that there was not in cold storage and had not been at any time foodstuffs sufficient to meet the need of the country for more than 30 or 40 days.

Mr. YOUNG of Texas. The testimony shows that on the general average that is true.

Mr. KEARNS. The evidence shows that the 30 days' supply applied to beef and pork.

Mr. YOUNG of Texas. That does not change the fact that here and there over the Nation there are men who hoard this stuff, and some of them let it go to destruction, expecting to profit by so doing. This will stop all that. The country will know that we have a law here that provides that everything produced in a year will have to be sold in a year, and the prices will assume a general average, and the health regulations will be enforced in keeping these warehouses in a proper condition. That will justify the law.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Texas. Yes.

Mr. CANNON. I understand the gentleman to say that many things that are not true are published in the newspapers. But if they are, they give employment to the people who send the dispatches or write the articles. [Laughter.] He says that those statements are overdrawn and in many instances absolutely untrue.

Mr. YOUNG of Texas. There is no doubt of it.

Mr. CANNON. Has the committee inquired how much that is going to damage the newspapers in their circulation? [Laughter.]

Mr. YOUNG of Texas. I hope it will damage them enough, so as to stop that kind of yellow journalism.

Mr. LINTHICUM. How much expense will this bill entail upon the Government to perform these additional duties in the making of these inspections, obtaining these reports, and so forth?

Mr. YOUNG of Texas. We put in an appropriation of $50,000. That is very largely a guess. It is a simple piece of machinery, and I think the Agricultural Department can handle nearly everything that is called for in this bill by the force now on hand.

Mr. LINTHICUM. The gentleman does not think it will require much more money?

Mr. YOUNG of Texas. I do not see how it could.

Mr. WOOD of Virginia. Will the gentleman yield?

Mr. YOUNG of Texas. Yes.

Mr. WOOD of Virginia. What provision does the bill make against a man putting his eggs in cold storage and withdrawing them at the end of 11 months, putting them in new packages, and sending them back to the warehouse as fresh eggs?

Mr. YOUNG of Texas. Those eggs must be stamped when they go in.

Mr. WOOD of Virginia. Each egg?

Mr. YOUNG of Texas. No; each container.

Mr. WOOD of Virginia. Suppose a packer puts in meat and then takes it out and takes the stamp off and puts it back again.

Mr. YOUNG of Texas. There is a penalty provided for that.

Mr. WOOD of Virginia. That is about all you can do.

Mr. YOUNG of Texas. That is about all we can do.

Mr. CONNALLY. Section 11 provides that every warehouseman or person transporting these articles in interstate commerce shall keep an account and make such reports as the Secretary of Agriculture may prescribe. Would that require a farmer who ships stuff in a refrigerator car to an interstate market to keep books and accounts?

Mr. YOUNG of Texas. Oh, no. He is not in the cold-storage business.

Mr. CONNALLY. I know, but he is transporting in interstate commerce in a refrigerator car. I am just asking what he would have to do.

Mr. YOUNG of Texas. In the first place, I do not think any of that is done. It is the people who are engaged in the cold-storage business who are affected by this bill. That is the idea. I do not think it would cover a case like the gentleman states, and I do not think farmers engage in such transactions.

Mr. REED of West Virginia. Will my colleague yield for a question?

Mr. YOUNG of Texas. Yes.

Mr. REED of West Virginia. When this bill goes into operation of course the warehouses will not have been employing these bookkeeping methods, and eggs may have been in storage some of them for nine months. Will this attempt to make them account for the time which they have already been in?

Mr. YOUNG of Texas. I think so.

Mr. REED of West Virginia. So as to show 12 months from the time they were first put in?

Mr. YOUNG of Texas. Yes.

Mr. REED of West Virginia. But they may not have kept a record.

Mr. YOUNG of Texas. We allow 90 days to cover such cases as that. Of course there will be a rough place when they start to carry out the provisions of the bill, but I think the Secretary of Agriculture will be liberal and use good judgment in placing the law in operation.

Mr. LEE of Georgia. I yield five minutes to the gentleman from Pennsylvania [Mr. HULINGS].

Mr. HULINGS. Mr. Chairman, on the 25th of August I made certain remarks about the packing interests, to which Swift & Co. take exceptions.

A very pleasant young gentleman, whose name I do not recall, called at my office and presented a statement denying my statements, and asking that I secure the printing of the same in the RECORD. I told him of course that I should regret having done any injustice to Swift & Co., and I should seek to have their statement put in the RECORD, provided I should be permitted to make such other remarks as the facts seemed to warrant.

The Swift & Co. statement is as follows:

The statement regarding the packers by Representative WILLIS J. HULINGS, of Pennsylvania, as quoted on page 4308 of the CONGRESSIONAL RECORD for Monday, August 25, is unwarranted. The packers do not enjoy any special privileges or discriminations in freight rates through the use of their privately owned refrigerator cars. All services and rates are open to any shipper who will meet the requirements and guarantee the required minimum weight or charge, or both, as the case may be. Considered as a financial investment, these refrigerator cars have represented a loss to the packers, but the latter wish to retain their ownership of them because they can keep them in a more sanitary condition than is possible under railroad ownership and can secure more dependable service through their very efficient transportation departments.

Representative HULINGS also mentions the large number of products apparently unrelated to the meat-packing industry which are now handled by the packers. The Federal Trade Commission has made much of this point in its report and listed some 630 items which it claims were sold by the five large packers. Analysis showed this list to be unfairly padded in order to make the list appear as long as possible. For example, "dry sausage" and "dried sausage" were listed as separate products as well as all the different kinds of dried sausage; similarly, "canned fruit" appears as one article, in addition to each variety of canned fruit. Altogether, some 62 classified terms of this kind were included as separate articles.

Outside of meats and their natural by-products, Swift & Co. handles only poultry, eggs, butter, cheese, canned goods, and a little smoked fish. Each one of these products has been added only because we felt that we could handle it at a saving to the consumer because of our unusual equipment or organization. Most of these products require refrigeration in transit and storage, which equipment has already been provided to take care of our meats. In the case of canned goods, we handle these because they have been demanded by our retail customers, who do not see why our salesmen can not supply them with their canned goods as well as meats, thus saving double ordering.

The packers do not monopolize the trade in these lines as the commission attempts to prove. The commission bases its statement that the five large packers control over 65 per cent of the dressed poultry and eggs in the United States upon an estimate by trade competitors, who naturally would be interested in having our percentage appear to be as large as possible. Swift & Co. handles less than 6½ per cent of the poultry, eggs, and butter entering trade channels, and we estimate that the five large packers together handle only 15 or 20 per cent. It is unfortunate that misstatements of this kind are permitted to enter the official records of Congress.

I can not resist the conclusion that "misstatements of this kind" are found in Swift & Co.'s letter above quoted rather than in anything I said.

Why quibble about "dry sausage" and "dried sausage"? Everybody knows that the big packers are handling pretty much every kind of groceries.

I spoke only of "the packers," but Swift & Co. take up cudgels in behalf of the whole blooming bunch and deny my statements, and I therefore assume that Swift & Co. speaks for "the packers."

Its denials carry the half truths which characterize the special pleader. Swift & Co. claims that it enjoys no special privileges through the use of its privately owned refrigerator cars, and seeks to convey the impression that outside of meats and its by-products the company handles only a few products, such as poultry, eggs, butter, cheese, canned goods, and smoked fish. Swift & Co. denies that it monopolizes trade in these lines, which is doubtless true, since it is only one of the Big Five.

Swift & Co. has recently been divided into four parts: Swift & Co. proper; Libby, McNeil & Libby; the Swift Internationale; and the National Leather Co., a newly organized $30,000,000 corporation, which has taken over all the hide, tanning, and leather business formerly done by Swift & Co. These new companies are controlled by the Swift interests, but are separate from Swift & Co., the corporation. It is, therefore, now technically correct for Swift & Co. to deny any responsibility for the present high price of shoes, because it is not interested in the hide, tanning, or leather business, but the value of a denial of

Swift & Co. as to any commodity depends upon how completely the transfer of business in that commodity has been delivered to the three newly created companies. These companies, in effect, are still Swift & Co., but legally, technically, and for propaganda purposes, and as a means of covering up the enormous total of business in which the Swifts are interested, they are separate and unconnected concerns.

That the packers do enjoy discriminations in freight rates through their refrigerator cars was admitted recently before the Senate Committee on Agriculture and Forestry by an expert on this subject, who, however, claimed that those who are big enough to do a peddler-car business could get the same advantages. The witness was C. B. Heinemann, secretary of the National Live Stock Exchange, Union Stock Yards, Chicago. The committee permitted Dr. Virtue, of the Federal Trade Commission's staff, to ask Heinemann a few questions. The testimony—part 1, Senate Committee on Agriculture and Forestry hearings, on S. 2199 and S. 2202, page 487—was as follows:

Dr. VIRTUE. But as the matter actually works out in practice to-day, I understand then, and you say, when a grocer, for example, ships one of these commodities that come under a rule of a packing-house product he does, as a rule, pay a higher rate under the class that he ships under than the packer does in his shipment under the flat packing-house rate?

Mr. HEINEMANN. Yes; and why does he? Because he has too many economists and not enough traffic experts to show him the way out of the difficulty.

Dr. VIRTUE. Then there is a way out?

Mr. HEINEMANN. Yes, sir; there is.

Dr. VIRTUE. Is that rate open to him?

Mr. HEINEMANN. Yes, sir; certainly; it would not be on file with the commission if it were not.

Dr. VIRTUE. Will you point out to the committee how he can secure that rate, unless he operates the peddler car?

Mr. HEINEMANN. That is the question: Why doesn't he operate it?

Dr. VIRTUE. Because it is not a peddler-car business.

Of course, the average shipper can not ship in carload lots, and the packer thus has an advantage.

There is an obvious advantage or discrimination in favor of the big packers under the so-called "mixing" freight rules.

These rules were devised either to permit the combination of various and different articles to make up and reduce the carload minimum, or to permit mixed shipment of various and unrelated articles manufactured by a particular industry or group of shippers. In either case the rules benefit the particular industry that has all the articles to ship, and works adversely to the shipper of the separate individual articles permitted by the mixing rules and their exceptions.

The rules vary considerably in different sections of the country. A plainly stated rule is sometimes so modified by exceptions as to be interpreted only by its framers.

For instance, in official classification territory, the general mixing rule is known as rule 10. This is modified by three separate exceptions, applicable solely to articles shipped by the packer. (See Morris, I. C. C., 736.) Under these exceptions various combinations of fresh meats and packing-house products may be made, so that different rates per article or per car are possible. These exceptions permit the mixing not only of meats, but also many by-products as well as unrelated articles, such as poultry, cheese, groceries, and even stationery, advertising matter, butchers' coats and aprons. These articles may be mixed with the packing products and receive the benefit of expedited movement in less than carload quantities, which of itself is a great advantage.

Not only are these rules so devised as to favor the particular industry which is sufficiently integrated to take full advantage of their many provisions, but they are also so arranged that they countenance "place discrimination." Competitive business is materially restricted to this extent.

The mixing rules are, of course, a part of the railroad tariffs, and as such are open to all shippers on the same basis, but they are clearly discriminatory in favor of the big packers, in that they are the only shippers who have the variety of products to ship. They can take advantage of the provisions. The small shippers who do not have the variety can not do so.

This point was aptly brought out by George Merki, chief inspector, General Freight Association Inspection and Weighing, in his testimony before the Interstate Commerce Commission at Chicago in February, 1918. In answer to a question as to whether there was discrimination between the packers Mr. Merki said:

None that I can see, unless there is a little fellow on the fringe of the yard who may not have something he can put in there; he may not have any soap he can put in his car; his car may not have anything but cured meats. (I. C. C. Docket 4906, vol. 63, p. 4405.)

The little fellow gets it in the neck, as usual.

The mixing rules operate in favor of the large shipper in the various articles permitted to be mixed under the rules in that he is able to ship small quantities of a great variety of products in mixed carload lots, whereas the small shipper who desires to ship the same amount of any given product, but has not the various articles to make up a mixed carload must make his shipment at the established class rates.

At the Chicago rate hearing above referred to Mr. Merki introduced several tables in detail, showing the difference in rates in favor of the packers under the latitude of the mixing rule, and the exceptions to rule 10.

Exhibit 1 showed that the packers saved $8.25 per car. The difference was because under rule 10 the fourth-class rate would apply to the entire shipment, whereas under the exception the fifth-class rate applied to about one-third the shipment. In other words, the mixing permitted a lower rate to be made. This shipment was made up of smoked and pickled pork—fifth-class rate—and fresh beef chuck meat—fourth class.

Exhibit 2, a shipment of Morris & Co. from Chicago to Washington, which contained no fresh meat, but a large variety of pickled and canned goods, soaps, and so forth, showed a saving to the packer of $15.51 per car.

Exhibit 3, a shipment of Morris & Co. from Chicago to Washington, containing fresh meats, pickled meats, and butterine, showed a saving of $29.50 per car.

Other discriminations resulting from mixing privileges against shippers of commodities similar to those of the packers are as follows:

They give expedited service to groceries, cheese, lard, glue, soap, soap powder, and other products, and in time of embargoes against such articles enable the packer to get his shipments through to market.

Beef refrigerator cars may be used for large quantities of fifth-class freight that can just as well be shipped in ordinary box cars or ventilator refrigerator cars. This practice amounts to a wasteful use of specialized equipment.

The exceptions to the rule itself permit combinations of goods to lower the minimum weight per car, a result which enables the packer to ship any quantity of articles and in exactly the amount required to any one place, which is often a branch house. This means that more cars will be required to ship the same tonnage; that the railroads receive correspondingly less revenue, and the packers receive a greater revenue from mileage.

Whatever the merits of the controversy concerning rates, the fact remains that the five big packers control and use 90 per cent of this class of car service; that it operates as a vast distributing vehicle over the whole of the United States with greater expedition and far more daily mileage than is gotten out of ordinary freight carriers; that more than 90 per cent of the goods in these cars is often made up of packer commodities other than fresh meats (testimony of packer witness in Interstate Commerce Commission case No. 3150. See vol. 1, p. 430 present Senate hearings); that these cars furnish a fast and direct service not only for the 1,120 packer branch houses in the large centers but cover 25,000 towns in 15 Middle West States alone; that the car route and branch-house sales of the five big packers amounted in 1916 to 58 per cent of their total sales, and that in this part of the packer system lies one of the most important factors in extending their monopolistic grip on production and control of distribution.

That it is not easy for new concerns to secure this class of service from railroads even for meats is aptly illustrated by the Intertate Commerce Commission case of B. Frankfield & Co. v. the New York Central Railroad, referred to by Mr. Heinemann in his testimony. (Vol. 1, Senate hearings, p. 405.)

In 1912, shortly after imported fresh meats were made duty free, the Frankfield Co. undertook to bring fresh frozen meats from Argentina to New York for general distribution in the United States.

At first, according to the record, the company was for a time supplied by the railroad with packer cars, but the supply unaccountably became insufficient and irregular. There strangely developed a change of policy on the part of the railroad companies, which began to supply packer cars less freely than in the beginning, several times packer cars were placed alongside vessels for loading with the Frankfield Co.'s meats, and then suddenly were withdrawn before loading.

The respondent railroads had some meat cars of their own, but not equipped with meat hooks. To some extent the Frankfield Co. furnished hooks, which cost about $20 a car, but as these were not returned they represented a loss.

In the beginning the Frankfield Co. was given free floatage of cars to and from ships, but in July, 1914, a charge was established of $9 a car for each car less than six on a float. The Frankfield Co. seldom had as many as six cars for shipment over any one railroad. Later this floatage charge was somewhat reduced by agreement. The record does not show whether this floatage charge applied to the Argentine beef imports of

the Chicago packers, but presumably it did not, as they would undoubtedly have six or more cars to float.

Although they were receiving inquiries from all over the United States, inability to secure suitable cars and the six-car floatage rule compelled the Frankfield Co. to restrict their trade practically to local territory reached by trucking.

Unless Swift & Co. states what commodities and what proportion of their former business has been transferred to the newly formed Libby, McNeill & Libby, Swift Internationale, and National Leather corporations its allegations as to present volume of business in commodities other than meats and immediate by-products are of little value. It is reasonable to suppose that a large proportion of Swift & Co.'s former business in canned goods, eggs, poultry, and fish has been transferred to Libby, McNeill & Libby. It is also reasonable to suppose that the Swift Internationale handles these commodities abroad.

Suffice it to say that at the time of the Federal Trade Commission's investigation the Swift interests alone owned or controlled 52 poultry and egg-packing plants and 180 buying stations in a few States that seemed allotted to them by the other big packers, who devote most of their attention in this line to other territory. Of the 89 poultry and egg-packing plants and 222 buying stations owned or controlled by the "Big Five" at only 10 places do two or more of them have buying stations or poultry plants, which warrants the suspicion that there is a working arrangement wherein these big concerns that hold themselves out to the public as competitors.

The butter business of Swift & Co. alone had reached during the commission's investigation a total of 50,000,000 pounds a year. Swift & Co. is now the largest butter dealer in the world, rivaling in this respect Armour & Co., which became, according to the boast of one of its vice presidents, the "largest rice merchant in the world" at the end of its first year's dealing in this staple food.

In 1916 the poultry and dairy products sold through branch houses by all the packers engaged in interstate slaughtering totaled 98.5 per cent of the poultry, 95.9 per cent butter, 93.9 per cent cheese, and 97.9 per cent eggs for the "Big Five." Of poultry Swift & Co. sold 63.1 per cent; of butter, 41.1 per cent; of cheese, 34.2 per cent; and eggs, 46.6 per cent. This does not cover additional sales by the "Big Five" or independent slaughterers through consignments on commission, or direct sales to wholesalers, or through car routes, or through direct sales from the packing plants to retailers.

In view of the failure of Swift & Co. in its statement concerning my speech to disclose how much of its former business outside of meats and by-products remains in the company and how much has been transferred to the three new allied Swift corporations, it is impossible to discuss the correctness of the Swift statement in detail.

For instance, the statement does not mention cottonseed oil, which is not a meat by-product, but which was a considerable part of Swift & Co.'s business at the time of the Federal Trade Commission's investigation. It does not mention the lard and other vegetable compounds arising out of this business. It does not mention hotel and household food supplies, in many of which Swift & Co. are interested in addition to meats and by-products, and poultry, butter, cheese, eggs, and fish. For instance, salt, pepper, catsup and other spices, coffee, bath salts, apple butter, apple cider, buckwheat, cereals, coca cola, cocoa, coconuts, creme de menthe, dried vegetables, evaporated fruits, flour, fresh fruit and vegetables, ginger, grape juice, ginger ale, pineapple sirup, hominy, horse radish, imitation maraschino, jams, jellies, lemon extract, malt sprouts, milk, molasses, mustard and mustard seed, peanuts, powdered milk, pumpkins, rice, soda-fountain supplies, spaghetti, bran, and walnuts, and so on in the entire range of modern household supplies. None of these commodities are by-products of the meat business. It may be that Swift & Co. has transferred its interest in these commodities to one of the three new allied corporations, but it is hardly probable that the Metropolitan Hotel Supply Co., of New York; the Independent Salt Co., of West Virginia; the Bencini Cotton Oil Mills, of Texas; the Sturtevant & Haley Beef & Supply Co., of Boston; the Springfield Provision Co.; the Vermont Supply Co.; the Atlanta Hotel Supply Co., of Atlanta; the Omaha Hotel Supply Co.; and many other Swift & Co. subsidiaries do not still deal in all or most of the above-listed commodities not arising from the meat business.

Mr. Hoover said a year ago, in a letter to the President, concerning the packers:

> Here is a growing and a dangerous domination in the handling of the Nation's foodstuffs.
>
> They have a practical monopoly on meat products, and they are attempting to control all the Nation's food products. They claim that their profits are less than a cent a pound on the beef they sell, but in 1917 the Big Five made a profit of $95,639,000, and just how much Swift & Co. made I can not say, but it was an enormous sum after all the deduction for big salaries, "depreciation," and all that goes to side-step the collector of excess profits taxes, and it is very significant that Swift & Co. should divide into four corporations, because a concern making very great profits would have to pay the Government a large proportion as taxes, on excess profits, but four companies aggregating the same profits would not have to pay nearly as much tax.
>
> Somebody is paying these huge profits, and that somebody is the consuming public.
>
> The Government should break up the combination, or put the business under proper regulation. Which do the packers want?

Mr. LEE of Georgia. I yield 10 minutes to the gentleman from Tennessee [Mr. PADGETT].

Mr. PADGETT. Mr. Chairman, it is not my purpose to attempt to speak of the details of the provisions of the bill that is now before the committee. However, I want to make some observations on the general subject of the conditions prevailing in the country and what we commonly call the high cost of living. There has been a great deal published in the papers and magazines on this subject, and I think a great many nostrums have been proposed in the way of suggestions. But the other day I received a personal letter from a farmer in my district, a man who has been a success in farming, who started at the bottom, who has a large farming interest. He wrote me a personal letter that I thought contained so much of good, common horse sense and outlined such a sensible way of remedying this situation that I am going to ask that this letter may be read in my time. I believe it will commend itself to the judgment and good sense of the people as one way of solving this high cost of living.

The CHAIRMAN. Without objection, the Clerk will read the letter.

There was no objection.

The Clerk read as follows:

JAS. T. ANDERSON & SONS,
Hurricane Mills, Tenn., September 24, 1919.

Hon. L. P. PADGETT,
Washington, D. C.

DEAR MR. PADGETT: I want to tell you just a little about the real condition in the country. I am 60 years old; have been closely associated with the laboring people all my life, as I was raised at hard labor, plowing blind horses on steep hillsides and working small, poor steers plowing in new land, hauling crossties with a pair of old blind horses, digging ore with the darkies at Warner Furnace, in Hickman County; then we got $1 per day to work at public works. I remember well in 1882 working at the furnace at $1 per day, paid 25 cents per pound for bacon, $1.25 per sack for flour, $1.60 per bushel for meal, and at that time we worked long hours under a boss man. I never heard of a labor union then, never heard of a strike; in fact, for many years after that date we never heard of a strike; but in these later days we can't pick up a paper but what we see something about strikes, increased wages, shorter hours, and high cost of living.

I can truthfully say to you that I never saw so much indifference on the part of people to work in my life; it is next to impossible to get people to work, and especially so on the farm. I am certain everything the farmer raises is high enough if he could just get labor to produce and take care of his products. I honestly believe if the Government discourages the production of the essentials of life any further that many people will suffer for something to eat. This may sound foolish to you, but you just watch what I have said and see if it don't come true. There is just too much loafing and not enough producing.

I do not oppose high wages, and there is nothing too good for the laboring people, but they have got to the point where nothing satisfies them, and I honestly believe the sooner they realize where they stand the better it will be for everybody. I am sure you know more about these things from a statistical standpoint than I do, but I am sure I have stated things just as I have seen and known them to be. I have tried hard to be fair with the people who have worked for me. I have raised their wages from time to time without them asking me to, until I have gone my limit, and there is no use thinking about me paying what they now want, for I can not, and therefore my land must lay out, and there are many acres laying out to-day.

I am sure in my mind that it is not at all necessary for the United States of America to encourage the reduction of acreage in wheat sowing, for there is no wheat being sown to amount to anything. If wages go to $10 per day, with a six-hour day, and bread is $1 per loaf, what is gained to the laborer by high prices for his labor. In my honest opinion the shortening of the days and increasing of wages is causing less production every day of the essentials of life, for the more they get the more extravagant they are with the nonessentials. I am creditably informed that all the girls to-day who work in our southern hosiery mills are not satisfied to wear their own products, but must have $1.50 silk hose, the office boys are wearing $12.50 to $15 silk shirts. The country people are crazy for all such things, and, in addition, automobiles are much commoner than I ever saw buggies; the people go from all over the country to the shows of every kind; the average farmer to-day does not manifest as much interest in producing farm products as he did 20 years ago. Now, Mr. PADGETT, I have not intended to knock anyone or anything; I have tried to just simply outline facts as I have seen and know them, and to save my life I can't see how there can ever be any real cheap living until people change their course. I have honestly known people to sell their war savings stamps to go to the shows; they just won't keep a bond at all. I only have this hope, that you and other good sober thinking Members of Congress can work out some plan to get the people to thinking seriously and soberly about the seriousness of the situation, and get everybody willing to go to work doing honest work and quit talking

politics and high cost of living until they had time to produce a surplus of the essentials of life.

I honestly believe that every man that has a sound body should be forced to work 12 hours per day, not less than 10 under no circumstances. If they had to work more, they would produce more and have less time to loaf and spend.

Your friend,

JAS. T. ANDERSON.

Mr. PADGETT. Mr. Chairman, it occurred to me there was so much real common sense in that letter that I thought it deserved to go into the RECORD. The things that are emphasized in this letter—more work, better work, more production and better production, and less extravagance and less idleness—should commend themselves to our good judgment. We are having a great many suggestions, but it seems to me that the keynote of the situation is to relieve the high cost of living by putting forth greater effort, greater energy, more labor, better labor, and better production. I believe that the laborer is worthy of his hire. I think I have shown in my service in the Congress and have had an opportunity to show that I am a good friend of labor, and I speak as the friend of labor. I believe at the same time, as a corollary to the proposition that the laborer is worthy of his hire, that the employer is deserving of a product commensurate with the wages which he pays.

And these two must go together. Labor should realize that when it is receiving $10 a day, as many are for labor, they should produce products of $10 to justify that wage.

We have just come out of a war with Germany. I do not wish to set Germany up as an example, but I have been informed that in Germany, in order to rehabilitate that country, the labor elements have of their own volition adopted a 10-hour day in order to increase production and to relieve the situation and to rehabilitate their country. If that be so, we might take a hint from our former enemy in the war.

We hear in this country that a great organization, the mining association, is demanding a six-hour day, a five-day week, and at the same time they are coupling it with a demand for a 60 per cent increase in pay. In other words, increase pay to the maximum and reduce production to the minimum. It is contrary to every sound, fundamental principle of economics. The country must realize it, and upon no body of men is it more incumbent than the Congress of the United States that the time has come when we must realize that in this country we must place ourselves on a sound fundamental foundation, on principles of true economics, if we are to bring the country to a state of production and destroy the high cost of living. [Applause.]

One other thing, the founders of this Government had a theory and policy that the individual would support the Government. There seems to be now a new doctrine supplanting it and reversing it, that the Government must support the people and support the individual.

That is false. It will not work, and until we get back to the sound principle and the sound doctrine that the people must support the Government and maintain the Government by industry, by honesty, by perseverance, by economy, and by saving, we will never bring down the high cost of living. We will never do that until we get on a sound basis, sound doctrine, sound principle, and genuine work of production. [Applause.]

Mr. YOUNG of North Dakota. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. YOUNG of North Dakota. If the organization the gentleman speaks of should succeed in getting the day reduced to six hours and the pay increased, does he think that his friend who wrote the letter that has been read, the farmer, or any other farmer could get any labor on his farm? Will it not take them all into the cities?

Mr. PADGETT. The farmer could get no laborers. Here is a country threatened with a shortage of the supply of fuel, with winter coming on, with everybody asking that the high cost of living may be reduced, and here comes this demand that production shall be reduced to the minimum, that wages shall be increased to the maximum.

Mr. YOUNG of North Dakota. There will be nobody left on the farms to produce anything.

Mr. PADGETT. They want the wages put to the maximum and the production to the minimum, and the country is to suffer.

Mr. DENISON. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. DENISON. I want to call attention to the fact that the demand on the part of the organization the gentleman speaks of—for 60 per cent increase in wages and a six-hour day and a five-day week—is based upon or follows another demand, which is that the coal mines of the country be nationalized. Does not the gentleman from Tennessee think that the demand for this increase in wages and the five-day work week and the six-hour day is perfectly consistent and logical, in view of the other demand for the nationalization of the mines?

Mr. PADGETT. I think the demand for the nationalization of the mines is a camouflage for confiscation.

Mr. LEE of Georgia. Mr. Chairman, I reserve the balance of my time.

Mr. LUCE rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. LUCE. To address the committee.

The CHAIRMAN. Is the gentleman on the committee?

Mr. LUCE. I am not.

The CHAIRMAN. Is the gentleman opposed to the bill?

Mr. LUCE. I am.

The CHAIRMAN. The gentleman from Massachusetts is recognized for one hour.

Mr. LUCE. Last month, while you gentlemen were joining with the President in lowering the cost of living, I stole a few days at my Sabine farm, and one morning—this I say in order to get the good will of the Committee on Agriculture—I was engaged in swinging a stub scythe, perhaps the most laborious form of exercise I could enjoy, cutting down weeds alongside a stone wall. I stuck the end of the scythe into a hornet's nest. Had the gentleman from Texas been on hand he would have had no occasion to doubt the presence of a quorum. [Laughter.] Forthwith I moved to adjourn. [Laughter.] I left the stub scythe right there in possession of the hornets.

In taking the position I take to-day on this bill I know that I am inviting a swarm of hornets from my district and from the whole country, if my words attract attention beyond these walls, for the people have been imbued with misinformation by the money-making propaganda of the yellow press until they have reached such a stage of anger that they are ready to crucify anybody who questions their beliefs.

You have read of the bull fight, where the matador holds up his red cloak before the bull, and when the bull rushes madly toward him, throws the cloak to one side, deftly springs to the other, and so escapes as the bull lunges toward the cloak. I have in my hands, sir, an address of the President of the United States delivered in this Chamber. If any gentleman desires, through the propinquity of these remarks, to draw any inference he is welcome so to do. I make none myself, but I desire to refresh your memory as to what the President said of our duty in this emergency:

> To the same end I earnestly recommend, in the second place, that the Congress pass a law regulating cold storage, as it is regulated, for example, by the laws of the State of New Jersey, which limit the time during which goods may be kept in cold storage, prescribe the method of disposing of them if kept beyond the permitted period, and require that goods released from storage shall in all cases bear the date of their receipt.

I do not suggest that this resembles in any way the red cloak of the matador.

The President went on to say:

> It would materially add to the serviceability of the law, for the purpose we now have in view, if it were also prescribed that all goods released from storage for interstate shipment should have plainly marked upon each package the selling or market price at which they went into storage. By this means the purchaser would always be able to learn what profits stood between him and the producer or the wholesale dealer.

I observe that the Committee on Agriculture, while responding partly to the appeal of the President, has failed to throw another sop to Cerberus by adding some proviso to meet this further suggestion of our leading preceptor of economics. But without discussing the refusal of the Committee on Agriculture to go the whole distance, let us examine what it has done. It has presented to us in the guise and under the pretext of lowering the cost of living what is essentially a health measure, and as such it might well be passed. Viewing it as a health measure, I have no word to say against it. Such a measure was passed in my State; it has been passed, I think, in 13 States, primarily for the purpose of protecting the health of the people. But it is absurd to represent it as a wise and prudent economic measure. More than that, sir; it seems to me utterly unjustifiable in an emergency like this to deceive the people by giving them to understand that this is any remedy for the ills of which they are complaining. If we are to imagine the people an angry bull, enraged by their misconception of what is going on, furious in the attempt to destroy somebody, perhaps it is prudent by such measures as this to save ourselves from being gored. Perhaps it is justifiable to deceive the people in the hope that thereby we may escape their insane wrath. Perhaps by a temporizing policy when they ask for bread it is wise by giving them a stone to try to stave off their indignation.

But, sir, even though mine should be the only voice in this House to be raised against the betrayal of truth, it shall be raised in the hope that there may go in the RECORD at least the protest of one man against the deception of the people.

Now, sir, what is my warrant for addressing you upon this subject? Once before I gave it to the House; but let me go a little more into detail with explanation. Motley, in his introduction to the Rise of the Dutch Republic, says that when an unknown writer asks the attention of the public upon an important theme he is not only authorized, but required, to show that by industry and earnestness he has entitled himself to a hearing. So when I venture to take the time of the House on this matter, responding to the principle of Motley's wise statement, I feel justified in saying that nine years ago I was asked by the governor of my State to serve as the chairman of a commission on the cost of living, and six years afterwards was asked by another governor to serve as chairman of another commission on that subject. I hold in my hand the product of the first of these Massachusetts commissions on that subject, a book of about 750 pages. If I had been wholly responsible for it, modesty would, of course, preclude my saying anything with regard to its worth, but, since I was only in part responsible for it, perhaps I shall be pardoned for saying that this book has been placed on the shelves of the universities of the land as reading matter for the students in their economic classes, and some have been even good enough to affix to it the epithet of authoritative. This, in so far as it applies to my part of the work, I wholly disclaim, lest I may be charged with presumption. At any rate, however, I may say this, that I shared in the study, and if I am not qualified to give you some little information on the subject it is because I did not make use of my opportunity.

In the course of our investigations we, of course, handled the matter of cold storage. Let me read you two or three of our conclusions.

Mr. WELTY. Will the gentleman yield?

Mr. LUCE. With great pleasure.

Mr. WELTY. What date was that book published?

Mr. LUCE. In 1910.

Mr. WELTY. And what is the name?

Mr. LUCE. The Cost of Living, the report of the Massachusetts commission on that subject, of which, as I said, I had the honor to be the chairman. By the way, I may say that this commission was made up of five men having quite different points of view—a high-tariff man, a low-tariff man, a plain business man, the secretary of the Central Labor Union, and a free-trade Democrat. It was predicted that we never could come to a unanimous agreement. We did, and this report is unanimous, although the work of five men approaching the subject from such diverse angles.

Here are fragments of what we said upon this subject:

> Much of the popular clamor about cold storage must be set down to ignorance and hysteria. * * *
>
> The effect of cold storage on prices is, in general, to make them steadier, preventing extreme fluctuations, either upward or downward. The supply is reduced by the storing of products in time of plenty, and the price consequently does not fall so low. The supply is increased by the marketing of storage products in time of scarcity, and the price consequently does not rise so high. * * *
>
> Another beneficial effect of cold storage is to increase the production, and thus, of course, to lower the price of certain commodities. It does this by extending the period over which perishable products can be marketed, and thus stimulating a larger volume of production.

And I beg of you to notice this deliberate conclusion:

> In general, the business interest of dealers who place goods in cold storage may be depended upon to adjust the period of storage to the requirements of the consuming public. Nothing whatever is to be gained by holding goods in storage for an undue period until the goods become spoiled. So far as the price of cold-storage products is concerned, it would seem that the individuals engaged in the business of food distribution could be trusted to take goods out of storage at the time best suited to the needs of the consuming public.

Mr. Chairman, in every trade there are two parties—the seller and the buyer. Attention to-day is riveted on the seller. The buyer is ignored. But our common experience in life is that every transaction where there is involved a buyer and a seller accrues to the benefit of the buyer just as it accrues to the benefit of the seller. The trade would not go through if both parties were not advantaged; and that is the very basis of our economic system, the very basis of our social life, so far as commerce and industry are concerned, namely, that both parties are advantaged.

Here you have a bill of the type that is being pushed to-day, not only in this body but wherever the agitator can push it, a bill paying attention only to the views of the buyer in regard to what he thinks are the impositions of the seller. I ask you to come back to common sense and to remember that both persons are advantaged.

The price at which the consumer will buy measures his need for the article. The price at which the dealer will sell measures his need for money. The law of demand and supply brings these needs together and makes commerce possible.

Apply this to any form of storage and you will find that the greatest possible gain comes to the merchant if he takes his goods out of the warehouse at just the moment when, under the conditions of demand and supply, they will be of the greatest possible benefit to the consuming public. The most successful merchant is the man whose judgment is best in this particular. He benefits himself most because he benefits the public most. He gets the largest reward from society because he has performed for it the largest service.

This bill is part and parcel of no new agitation. If you take down your dusty law books of previous centuries, you may learn of three crimes that through many, many years the people of England, and afterwards the people of the Colonies, tried to suppress. They were known as regrating, forestalling, and engrossing. Through at least 500 years you may find the frequent record of attempts by these laws to suppress the man who had foresight enough to try to anticipate the future.

Some of you—possibly many of you—who have visited my own city of Boston have with great interest gone to see Faneuil Hall—the cradle of liberty. I want to recall to you its history. The money for Faneuil Hall was offered to the people of Boston by Peter Faneuil for the purpose of a market house. By the narrowest of margins—only seven votes—the people accepted the gift, and that was accomplished only by a subterfuge, of which our ancestors, perhaps, were no more proud than we would be had we been in their places.

On the spot they created a property qualification so as to shut out a large number of the voters, and thus they jammed through the acceptance of the money to build the market house. Destroyed by fire a few years later, it was replaced by the present edifice, with the market below and the famous hall above.

What was the contest about? Why, for more than a hundred years the people of Boston had been wrangling over this very question of profiteering. They thought that in a market there was an opportunity for the middleman to profiteer. You may find very curious descriptions of Boston at that time, when they tried to prevent men from buying food for the purpose of selling it again. I must not take the time to go into detail, but I could show you by countless excerpts from history how this aspect of the problem perplexed your fathers for generations back, and how, as civilization advanced, they finally came to discard the laws against regrating, forestalling, and engrossing. Since then for something more than a century we have been free from those shackles on commerce, and our country has thereby prospered greatly.

Now we are asked to return to the Middle Ages and enact once more provisions to prevent forestalling, engrossing, and regrating.

Mr. VOIGT. Will the gentleman yield to me?

Mr. LUCE. I will.

Mr. VOIGT. Does the gentleman mean that there is anything in this bill that will prevent forestalling, engrossing, or regrating, as you call it?

Mr. LUCE. I was about to point out how this, like every other measure of its sort, is meant to hamper the middleman. That is nominally its purpose. The committee's report accompanying the bill and supposed to give the reason for it says:

> Those in control of the food supply of the country have been inclined to maintain and even advance prices beyond the point of reason. * * * It is the general opinion * * * that present high-price levels are unwarranted and unnecessary.

Whether or not this be true, take notice that the middleman is the one man to-day who is putting the brakes on the extravagance, the speculation, and the mad rush for wealth that are bringing us to the edge of the financial precipice. Take down your history of the United States in the period after the War of 1812 and read of what was going on in this country in 1816 and 1817. Recently we have each received a report from the Comptroller of the Currency telling of the large number of national banks being organized and the increases of capital by many others. Of this he is boasting, as if it were matter of congratulation. Such a report ought to be framed in a mourning border. It ought to have a danger signal printed upon it in red ink, for there is no more certain evidence of the catastrophe at hand. It was almost exactly a hundred years ago that Gov. Clinton was begging the legislature of the State of New York to stop the increase of the State banks and pointing out its inevitable effect. Then inflation led to the crisis of 1818, precisely such a crisis as to-day, a hundred years later, we are approaching.

Pass on to the period from 1834 to 1837 and you will find that during those years there was precisely the same unrest, precisely the same jealousy of wealth, precisely the same symp-

toms of all kinds that you now witness. The conditions that preceded the awful crash of 1837 are all about us to-day. Turn over the pages of history to the year 1856 and find again the same conditions as now. So in 1872 and 1893. In all those periods just before great panics the same phenomena appeared as appear to-day, and in all those periods there was the same need for precaution that we have now.

If I may digress for a yard out of my intended path, I want to express my belief that it would have been vastly better for the United States if the President, instead of journeying away from the Capital in this time of crisis, had stayed here to help us to take some precaution against the misery and suffering that we so rapidly approach. [Applause.] That is the need of the hour. It is not necessary to pass such insignificant and trifling bills as this, which are absolutely unimportant in comparison with the magnitude of the problem. What we ought to be considering is how somehow we can put the brakes on the inflation of the currency; I do not mean inflation in coin and bank notes, but our deposit currency, based on the enormous borrowings of the country. That is the need of the hour.

To get back to the subject of profiteering, in connection with the storing and hoarding of food, let me recall for a few minutes the great original profiteer and his history. And let me read a few extracts from a book that I trust is familiar to every man present. It is the story of a man after whom our respected ex-Speaker [Mr. CANNON] was named as well as half a dozen other Members of the House. The story of the original profiteer has peculiar application to this bill, because if a law such in spirit as is here purposed had prevailed in the time of the great original profiteer, no food could have been stored in Egypt for more than 12 months.

I want that to sink in. If a law such in spirit as this had been on the tablets in the time of which Genesis speaks, you never would have had the story of Joseph, and inasmuch as the story has been of instruction to many generations and to many millions of mankind, I for one am very glad that the bill recommended by the Committee on Agriculture was not passed by the congress of Pharoah. [Laughter.] Now, let us recall that—

It came to pass at the end of two full years, that Pharaoh dreamed: and, behold, he stood by the river.

And, behold, there came up out of the river seven well favored kine and fatfleshed; and they fed in a meadow.

And, behold, seven other kine came up after them out of the river, ill favored and leanfleshed; and stood by the other kine upon the brink of the river.

And the ill favored and leanfleshed kine did eat up the seven well favored and fat kine. So Pharaoh awoke.

Now, leaping the details of the dream, let me come down to the time when Pharaoh summoned his right-hand man, destined to go down to immortal—I must not say fame; that would not harmonize with the adjectives employed in the yellow press of to-day, to which we must give implicit faith and confidence—but let me say that this man went down to everlasting ignominy because he saw fit to tell Pharaoh what his dreams meant. And Joseph—that is the man's name—

Joseph said unto Pharaoh, the dream of Pharaoh is one: God hath shewed Pharaoh what He is about to do.

The seven good kine are seven years; and the seven good ears are seven years: the dream is one.

The seven lean and ill favored kine that came up after them are seven years; and the seven empty ears blasted with the east wind shall be seven years of famine.

Hastening on—

And the seven years of plenteousness that was in the land of Egypt were ended.

And the seven years of dearth began to come, according as Joseph had said: And the dearth was in all lands; but in all the land of Egypt there was bread.

And when all the land of Egypt was famished, the people cried to Pharaoh for bread: And Pharaoh said unto all the Egyptians, Go unto Joseph; what he saith to you, do.

Imagine, if you will, to-day, proceeding on his triumphal tour through the West, the Chief Executive saying unto the people, "Go unto the storage men, who know something about this situation, and follow their advice." [Laughter.]

Now, what happened?

And the famine was over all the face of the earth: and Joseph opened all the storehouses, and sold unto the Egyptians; and the famine waxed sore in the land of Egypt.

And all countries came into Egypt to Joseph for to buy corn; because that the famine was so sore in all lands.

This went along until the great original profiteer saw his chance to make a killing, and he said, "I have stored up all this corn and I will feed you," and he sold the corn. He said, "I will give you corn if you will give me land." And they traded all the land of Egypt until this man Joseph, the great original profiteer, had all the land in his possession, and he turned it over to Pharaoh; and then he made a trade with the people. "And it shall come to pass in the increase that ye shall give the fifth part unto Pharaoh." That is, he demanded, as a return for his foresight, that a fifth part of the products of all the land of Egypt should belong to the King. What he said was:

Four parts shall be your own for seed of the field, and for your food, and for them of your households, and for food for your little ones.

Now, see how different the impressions of the people in those days from the attitude of the people of to-day toward the infamous men who follow in Joseph's footsteps, for the people of Egypt said, "Thou hast saved our lives. Let us find grace in the sight of my lord, and we will be Pharaoh's children."

"Thou hast saved our lives," for while they were grumbling at the profiteer, while they were complaining about the huge profits of the man of foresight, while they were denouncing his reward, yet the men of those times knew, "Thou hast saved our lives."

And while the profiteer was buying all the land and all the grain, and after he had put the grain in his storehouses, when famine was sore throughout the land, the children ate because of the profiteer; and when the famine waxed even more sore the women ate because of the profiteer; and then, at the end of those seven years, Egypt survived because of the profiteer; and ever since that time it has been always the man of foresight who has saved the peoples of the world from their own shiftlessness.

Mr. WELTY. Do I understand the gentleman to be in favor of amending this bill so as to provide for the storage of eggs for seven years? [Laughter.]

Mr. LUCE. I am not in favor of this bill at all.

Mr. WELTY. Would the gentleman be in favor of the bill if it were amended so as to provide for the seven-year storage of eggs?

Mr. LUCE. I would not be in favor of this bill under any circumstances, except in so far as it is a health measure. I think that one feature is valuable, to protect the people from insanitary food. For that purpose my own State has passed such a law, but my own State says that if at the end of 12 months the board of health sees no danger in continuing the storage, it may be permitted.

Mr. WELTY. The gentleman, of course, is not in favor of regulating Joseph, is he?

Mr. LUCE. I am not in favor of interference with the laws of trade economics beyond that point which is absolutely necessary.

Mr. WELTY. But was not Joseph responsible to Pharaoh, who was the government at that time?

Mr. LUCE. I do not understand the application of the question.

Mr. WELTY. I understood the gentleman was not in favor of regulating Joseph's conduct. I asked the gentleman whether Joseph was not responsible to Pharaoh, who was the government at that time?

Mr. LUCE. As I read the story, Pharaoh had become responsible to Joseph. [Laughter.]

Mr. WELTY. Will the gentleman yield?

Mr. LUCE. With pleasure.

Mr. WELTY. Would the gentleman then advocate that the Government should be responsible to the profiteer?

Mr. LUCE. Mr. Chairman, I advocate that the Government shall at all times be responsible to the people who create it, and that the Government shall never attempt to deceive the people who created it. [Applause.] My protest against this bill is not against it as a health measure. Let me again and again reiterate that. My protest is against an interference with the laws of economics. I protest against this bill, as I hope to protest against every bill that tends to make the cost of living greater. From an economic point of view this law can have no effect at all, or else it will increase the burden of the people. It has been the history of all mankind that every governmental interference with the laws of economics has been futile, and for the most part it has been disastrous. There is something to be learned from that old story of King Canute.

You remember how he brought his throne down to the edge of the incoming tide, and he bade the waves to stop; but the waves kept coming on and coming on, and Canute said, "Stop," after the fashion of the gentleman who called us together and kept us from our vacation in order that the cost of living might be reduced. [Laughter.] He, too, said "Stop" to the great tides that are rising. He, too, put his throne at the edge of the waves, and when they began to lap his feet he not only had his throne moved back but he got out of it and ran away to the very farthest side of the continent. [Laughter.]

So, sir, I object to this bill and protest against it with all the feebleness of my utterance, and with profound regret that in this great emergency we might not have had at our command something more tangible and definite and useful. No committee of

this House will report it. It was idle to keep us here in the hope—I dislike to use the slang of the streets, but I know of nothing more expressive than the phrase—of passing the buck to us. And now it may be that we are wise in accepting at its face value the false economics that were placed before us. It is not for me to speak as a party leader, for I am not such. I am a new Member of the House. I am most audacious even to ask your attention for this length of time. I am but an humble follower in the ranks of our party. It may be a wise thing for us, by this camouflage measure, to try to pull the wool over the eyes of the people. So I trust there will be no roll call. [Laughter.] My feeble "nay" when the vote is called for will not resound through these many doors, and my own constituents will not know how I voted, which will be a wise and fortunate thing, but I am going to vote "no," because, in the first place, I think it is a fraud on the public.

In the second place, I think, if it does anything at all in an economic way, it will increase the difficulties of merchants and lessen the supply of the food at the command of the people at critical periods, will interfere with the processes of business, and therefore do harm instead of doing good. And, sir, I trust that as we think over these things calmly we will all come to the conclusion that what is needed now is not legislation; what is needed to-day is knowledge. I submit that with my weak voice I can not command the attention of the country. There is one man who if he is restored to health, which we all desire and pray, can have the ear of the country. If he would forget his error in trying to stop the rising tide by the use of mere fiat, his inadequacy in asking us to pass statutes, he could, by using his boundless opportunities to get the attention of the people of the United States, tell them precisely what is before us, tell them that the remedy for this situation lies within the power of the people themselves; that only by thrift, by work, by sacrifice can they escape calamity. Thus he would do a service to his country greater than any that is entered upon his record. [Applause.]

Mr. HAUGEN. Mr. Chairman, I ask for the reading of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That whenever used in this act:
(a) The term "person" includes an individual, partnership, corporation, or association;
(b) The term "commerce" means commerce among the several States or between any State, Territory, or the District of Columbia and any foreign nation, or between any Territory or the District of Columbia and any State, or between any Territory and any other, or between any Territory and the District of Columbia, or within any Territory or the District of Columbia, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign nation;
(c) The term "cold storage" means storage in a warehouse as defined herein;
(d) The term "refrigerator vehicle" includes any car, vessel, or other vehicle, or portion thereof, which is designed and used for the transportation of any article of food at or below the temperature of 45 degrees above zero, Fahrenheit;
(e) The term "article of food" includes any article, except liquid food, that is intended or designed as food for human consumption;
(f) The term "warehouse" means any establishment or structure, or portion thereof, which is artificially cooled to or below the temperature of 45 degrees above zero, Fahrenheit, except (1) a refrigerator vehicle used as such, or (2) an establishment or structure or portion thereof used exclusively for storage of any article for the sole use of the occupant, owner, or maintainer thereof, (a) for consumption of himself or his family or guests, or (b) in his business of serving meals, or (c) in connection with his retail business only;
(g) The term "warehouseman" includes any person maintaining or operating a warehouse; and any person who rents and controls a room or space therein;
(h) The term "mark" and "marked" include stamp, brand, tag, or label, and stamped, branded, tagged, or labeled, respectively; and
(i) Any word shall import the plural or the singular as the case demands.

Mr. WILSON of Illinois. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 2, line 16, after the word "food," insert "and ingredients or articles of food in process of manufacture, cure, or preparation."

Mr. WILSON of Illinois. Mr. Chairman, the reason I offer this amendment is because under this provision in the bill as it now exists the manufacturer of sausage or meat and all other such products will have to be marked with the cold-storage tag when placed in cold storage for consumption of the public. It seems to me that as long as you are excepting liquid foods it is no more than proper that you should except the foods that are placed temporarily in cold storage for 30, 60, or 90 days before they are manufactured into some other product.

I might say in many cases hams are placed in cold storage for a short time before being prepared for market. There is no question but that strips or cuts of hogs and beef are placed in cold-storage for a short time, sometimes for 30 days, before making sausage. I also understand that when canners—which is the beef that most of us refuse to eat, but nevertheless commonly used—when canners come into the great packing houses of the country they are often placed in cold storage 30 days, and then prepared and placed in the containers. Under the provisions of this law, it seems to me that it would be impossible for the manufacturers of cured hams and canned goods to place them in cold storage for a short time before being canned and cured without bearing the mark of cold storage. If you place them in cold storage after they are prepared it would destroy the food, because the canned meat and containers would not stand the temperature required therein. No one ever thinks of placing ham after it is smoked, or bacon after it is prepared, or sausage after it is made at any time in cold storage. To me it seems that it is very important that this provision should be carried in this bill.

Mr. HAUGEN. Mr. Chairman, the committee had under consideration the proposition of excepting every article of food that had not been in cold storage for 30 days. Under the bill all cold-storage food that enters interstate commerce must be marked, but the mark may be removed if kept in cold storage for less than 30 days. The suggestion of the gentleman is to exempt those foods. We undertook to exempt them, but, gentlemen, when you start in on exemptions where are you going to stop? We thought the better way would be to treat them all alike. Can anyone give a good reason why unwholesome food should be made into sausage, or anything else, and be disposed of to the public? As the gentleman from Massachusetts has stated, this is a health proposition. There is not much to the hoarding contention. Its aim is more to protect the people, the consumers, against unwholesome food and against ptomaine poison. Is there any reason, if we are to protect the people against unwholesome food, to allow such food after 12 months to be manufactured, as the gentleman from Illinois said, into sausage and dispose of it in that way? This has been discussed and considered from every angle.

Mr. WILSON of Illinois. Will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. WILSON of Illinois. I am just as much in sympathy with the cold-storage bill as the chairman is. All I am trying to do is to perfect, if I can, this very provision which I have provided for in this amendment; that is, not to compel the manufacturer of food products to place a stamp on the products in cold storage when it is not a cold-storage product, as it is only placed there temporarily. There is no danger of ptomaine poisoning in that. It is not to be there 12 months or 6 months, but placed there in order to manufacture in a short time. It does seem to me that it is just as essential to provide for food articles as for liquid food.

Mr. HAUGEN. The gentleman's proposition is to allow it to be made into sausage and disposed of. If so, it could be left in cold storage 12 months and then manufactured into sausage.

Mr. WILSON of Illinois. Oh, no.

Mr. HAUGEN. That is the proposition.

Mr. WILSON of Illinois. Oh, no; I do not want that any more than the gentleman does.

Mr. HAUGEN. The gentleman spoke of sausage and the ingredients——

Mr. WILSON of Illinois. I just spoke of that as one thing. I am talking about hams, I am talking about bacon, I am talking about lots of articles that are in cold storage for a short time, and sausage comes in the same as anything else, of course. I have thought all along this provision should be in the bill and have so stated in the committee, as the gentleman knows.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. I ask that my time be extended five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HAUGEN. The food administrator of the gentleman's State, Illinois, appeared before the committee. He told about these scraps of tongue and the cheaper meats for which there is no demand at present when everyone is buying the highest priced meat. One concern had 125,000 pounds. They asked for an extension. He said, "No; dispose of it, unload it, so as to reduce the cost of living; put it on the market while it is wholesome." Now, under the gentleman's contention, it might be possible, after the food becomes deteriorated, to make it into something else and dispose of it. The question before the House is whether or not that is a proper thing to be done.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. GARD. Mr. Chairman, I have an amendment which I offer to section 2.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 25, after the word "guests," insert a period and strike out the remaining language in line 25 of page 2, and all the language on lines 1 and 2 on page 3.

Mr. GARD. Mr. Chairman, subdivision (f) of section 2 describes what a warehouse is and then makes certain exemptions from the operation of the law. Now, the law under section 9 provides they may hold these things which come through interstate commerce for a period of 12 months from the time they are placed in cold storage. In other words, the time of storage in cold storage is permissible for 12 months, but that does not apply in this bill to persons in the business of serving meals or persons who have retail stores. If this bill is to have any virtue at all in reducing the present high cost of living, it must come down to the ultimate consumer. The ultimate consumer of food gets his food in one of two ways. If he is a man of family, he buys his food from the retailer. If he is not a man of family, he lives at a hotel or restaurant. These particular provisions (b) and (c) of this section provide that the limitation of 12 months does not apply, and therefore one who has a large hotel in a city or a small hotel in a town—but, of course, the argument may best be followed by reference to a large hotel in a city—for large hotels carry immense cold-storage chambers, chambers of great capacity, and keep in cold storage different kinds of merchandise for as long as they will endure. I saw somewhere that there was a chicken or other fowl found in some cold-storage warehouse in a hotel that had been there seven years. Whether that be true or not I do not know. But there is no reason for exempting hotel men who must build a large refrigerating chamber and place in it fowl or meat which they may keep for a period longer than 12 months. I myself question very much the 12-month period, because if we adopt this 12-month period we are not going to get any food out of cold storage in time to relieve the cost of living except as brought to the attention of the committee by the gentleman from Ohio [Mr. KEARNS], and that is that which is already now in storage and which will be there when this bill passes.

The retail dealer is the man from whom we all buy. He has a big refrigerator and ice box or some refrigerating chamber in the rear of his place of business. Under this bill he is to be permitted to keep his meat, his fowls, his eggs, his butter, anything that he can, in that cold storage for two, three, or four years, as long as the refrigeration can make them marketable. Now, in the hearings there is a question raised as to the length of time that this stuff is to be put in any refrigeration, and I shall discuss that later if I have the opportunity. But assuming 12 months is the standard, and we can assume that now because that is in the bill, why should a greater period of time be given to a retailer since he is the man who has to do with the ultimate consumer? It is time somebody should speak for the man who buys [applause], for the ultimate consumer, and not on behalf of those who seek to have legislation enacted for their own personal or private interests.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARD. I ask to proceed for five minutes longer.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GARD. It is for that reason alone that I ask that the same rule apply to the retail business man and to the hotel man that applies to every other branch of cold storage. The ultimate consumer, the humble man who goes to the corner grocery and buys his fowl for his Sunday dinner, or buys the meat for dinner during the week days, or who buys eggs for his family, is the man who is most affected by the present cost of living. In the very excellent report of the gentleman from New Jersey I see this:

The records of the Department of Agriculture as of July 1, 1919, show that there is a large increase in the amount of food in storage over the corresponding period of last year, yet with this increased surplus prices to the consumer have been mounting higher and higher.

That is the thing that is true. Prices to the consumer have been mounting higher and higher. And how are you going to reach prices to the consumer? You can not reach them through enacting laws that affect wholesalers alone; you must reach them by enacting a law which reaches the retailer, too, because it is from the retailer that the consumer buys his goods. There is no question about responsibility being divided between a large producer and a small retailer. The same elements of that shameless proceeding that we call profiteering may be shared by those up high and of small responsibility. And I say that if this bill is to be of benefit to the ultimate consumer, the man who buys the small amount of merchandise from time to time, it must be held to apply to the retailer. Therefore it would seem to me that there should be in this bill no exception of the retailer, nor should there be any exception of the hotel man or the restaurant man. Food that is in cold storage in a hotel or restaurant for 12 months has been there long enough, and I for one do not want to have to go to a hotel or restaurant and buy at very large prices food that has been in their cold-storage chambers for more than 12 months. And for a grocer or a retail business man, 12 months is long enough for him to keep his poultry and his meat and his eggs as against the needs of the ultimate consumer. So in striking this out all we would have would be a fair and equal and exact degree of responsibility for all people, and to the benefit of the ultimate consumer. In the light of what should be the true meaning of the bill, there should be no such attempted exemptions.

Mr. TINCHER. Mr. Chairman, I rise to oppose the amendment of the gentleman from Ohio.

The distinguished gentleman's suggestion that striking these words out of the bill would have a tendency to decrease the cost of living convinces me that he has not seriously considered the bill. The object of the exemption, as it has been termed, is to exempt the retailer or the hotel man, and, knowing the gentleman has a knowledge of the law, I want to call his attention now to the fact that this Congress could not perhaps pass a law that would to any extent affect the average hotel man or retailer. But the object of the exemption is to exempt the hotel man, for instance, that buys some provisions and who has a little storeroom, from the necessity of marking the goods when they go into his storeroom and come out of it, and is to exempt a retail dealer that has a little storeroom from marking the goods he receives in interstate commerce as they go into the storeroom, and they can not compel him to mark them when they come out unless they go back into interstate commerce.

Mr. GARD. It is not only the marking of these products that this amendment refers to.

Mr. TINCHER. If he receives those goods in interstate commerce—and we can not regulate them unless they are so received—the marks are on them when he puts them in storage. When he takes them out to use himself, and does not put them back into commerce, Congress is powerless to enact any legislation with reference to them, if he simply takes them out of the storage for use in his own hotel or his retail store. If the gentleman's amendment prevails it means this, if it was possible to do it, to add another burden on business without doing any good, and add a little more to the cost of living. The committee had this matter up and considered it seriously. The gentleman mentions that he saw in the newspaper, I think it was, that they found a chicken in a hotel that was too old. [Laughter.]

Mr. BANKHEAD. The gentleman does not mean to intimate that that was a unique instance? [Laughter.]

Mr. GARD. I said the newspaper article said that they found a fowl in cold storage in a hotel, and not a chicken. [Laughter.]

Mr. TINCHER. I do not think the amendment should prevail. The account that the gentleman refers to may have been something like about the time we began hearings on this bill. There was an account from the gentleman's own State that the Government had seized by libel eggs out there, and the matter received enough publicity that, without stopping to think, you would have thought that the Government had seized enough eggs to last the United States for months. But we had before us that day experts on the subject from the Department of Agriculture and from the cold-storage people, and when we figured out the number of eggs they had seized in the State of Ohio it was found that there were not as many eggs seized there by that libel, that created all that publicity and commotion, as were ordinarily sold for breakfast in the city of Chicago.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. GARD].

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. That if any article of food which is required, or the container of which is required, by section 3 to be marked, is subdivided or transferred to a different container, the person who is liable under this act for any failure to have such article of food or the container thereof marked, shall mark such subdivision or container in the manner required by section 3.

Mr. IGOE. Mr. Chairman, I move to strike out the last word. I would like to ask some member of the committee as to the marking of the article of food or the container. It seems to me if this act is to be beneficial the article of food should be marked if possible, but as I read this act the person putting the goods in cold storage might, even though the articles themselves were capable of being marked, place them in some container and mark the container, which would be a sufficient compliance with the law. Now, I realize, of course, that the committee does not want to go beyond the power of Congress under the commerce clause; but it seems to me that the option is such a broad one that it is possible that we are overlooking

something that we might take advantage of by requiring that the article of food be marked; and, if not possible, that then the container should be marked. Is it the purpose of the committee to leave that optional?

Mr. McLAUGHLIN of Michigan. Food is put up in so many different forms and in so many different kinds of containers that it would be almost impossible in the space of a bill to describe the different kinds of containers.

Mr. IGOE. I realize that.

Mr. McLAUGHLIN of Michigan. Or how the food should be treated. So all we can do is to view this matter in a larger sense and require that the container shall be marked. There are sections of this bill which provide that whenever the Secretary finds it is impracticable to mark——

Mr. IGOE. Section 7.

Mr. McLAUGHLIN of Michigan. These sections relate to the treatment of articles of food when it is impracticable to mark the article of food or the container in the ordinary way.

Mr. IGOE. That is, with the date?

Mr. McLAUGHLIN of Michigan. With the date, and so on. It is the intention of those who drafted the bill and had to do with it that there should be a general plan to be followed, requiring the marking of the container, and in case it is commercially impracticable to mark the container, the Secretary, by regulations, may provide some kind of marks or tags or labels on the food, not on the containers that the food is held in or shipped in.

Mr. IGOE. What I had in mind was simply if it was possible at first to have the article of food marked, it would be of more benefit to the ultimate consumer, because if only the container were marked there might be articles of food inclosed in the container, and when the container gets to a certain point the man handling them might take them out and thus all trace of the record might be lost.

Mr. McLAUGHLIN of Michigan. The bill provides that if the articles of food are not in a container the articles themselves shall be marked. If they are put into a container the container shall be marked. As to a large majority of storage products, in the regular course of handling them, putting them into warehouses and handling them while there, or getting them into commerce and handling them while in commerce, those products—or articles of food, as they are described in the bill—are in containers. If not, then the articles of food themselves must be marked, and beyond the time the articles reach their destination and leave the original package, Congress has no power.

Mr. IGOE. I am afraid, I will say to the gentleman, that I see where the law could be evaded. It would be to make a container large enough to contain the articles themselves that might not be marked.

Mr. McLAUGHLIN of Michigan. When articles of that kind reach their destination in all probability they will be in containers, and when they have reached their destination they will no longer be in interstate commerce and will have reached the point where Congress has no further control over them.

Mr. IGOE. They may come to a large distributor and are in an original package, and on being taken out of the original package our control ceases.

Mr. WALSH. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last two words.

Mr. WALSH. I do so in order to ask some member of the committee a question or two. First, with reference to the proviso in this section—

Provided, That the statement that the article is a cold-storage food may be removed in the event that before the expiration of 30 days following the date when such article of food was first placed in cold storage it is sold to the consumer thereof.

Does that mean that the label can be removed?

Mr. McLAUGHLIN of Michigan. Yes; the words "cold storage" may be removed.

Mr. HAUGEN. The words "held in cold storage" may be removed; not the date.

Mr. WALSH. What advantage would be gained by the removal of the words "held in cold storage" if the dates were allowed to remain? In other words, if you are going to permit the words "held in cold storage" to be removed, why not the dates also?

Mr. HAUGEN. There might be a prejudice against cold storage, but if anything has been in cold storage less than 30 days it might be considered as not having been held in cold storage at all.

Mr. WALSH. What significance would there be in the date of the article?

Mr. McLAUGHLIN of Michigan. It would give information.

Mr. WALSH. That they were in cold storage?

Mr. HAUGEN. Not exactly; but the date would indicate. It would not be complete as to that.

Mr. McLAUGHLIN of Michigan. Of course, if they are taken out of cold storage, having been there less than 30 days, the words "cold storage" may be removed, but the dates should remain, so that it will not be reasonably possible or made easy, at least for the one receiving them, to put them again in cold storage, or those receiving them would have knowledge that they have been in cold storage and the length of time.

Mr. WALSH. Then that reason would apply equally to the removal of the date.

Mr. McLAUGHLIN of Michigan. We thought it would not be safe to permit removal of all marks, because there would be an invitation to those receiving the goods to disregard the fact that they had been in cold storage, though only for a period less than 30 days, and put them again into cold storage for the full 12 months. There ought to be some way to avoid or to prevent the violation of the law even to the extent of 30 days.

Mr. WALSH. Will the gentleman answer another question?

Mr. McLAUGHLIN of Michigan. I will if I can.

Mr. WALSH. How about marking such articles of food as fish, when sometimes large catches are put into cold storage to-day, and another batch to-morrow, and another lot the following day? Do they come under section 7, which provides for a written statement?

Mr. McLAUGHLIN of Michigan. There are sections here which provide that the Secretary shall determine how articles of food shall be handled that can not properly or easily or practicably be marked, and shall provide the method of marking them or distinguishing them, so that they may be known to be or to have been in cold storage and the length of time. Now, as to just the method to be pursued by the Secretary, how he will work that out in all cases or in any given case, I do not know. Authority to take care of exceptional cases must be given to the Secretary.

Mr. WALSH. Section 7 says he shall require, if he finds it to be commercially impracticable to mark them, that they shall furnish a written statement.

Mr. McLAUGHLIN of Michigan. Yes.

Mr. WALSH. And that would be evidence of the fact that the product was in cold storage; that it was a cold-storage article.

Mr. McLAUGHLIN of Michigan. If the Secretary shall find it commercially impracticable to mark an article of food or a container as required by the strict provisions of the act, he may waive strict compliance and may require that the written statement conveying or pledging title to the goods shall contain a statement of the facts otherwise to be shown by marks, and such written statement shall be in such form and shall be preserved for such time as the Secretary may require. The Secretary will issue regulations to cover these matters. Many unusual and more or less difficult situations will arise. We can not write a law to meet every situation; we must leave much to the Secretary. He will, of course, anticipate many of these matters requiring regulations, and as others arise he will take care of them by regulations.

Mr. WALSH. Mr. Chairman, I desire to offer a motion that the italicized numerals and figures in this paragraph be stricken out.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Strike out the italicized figures in section 3.

Mr. WALSH. I offer this motion to eliminate these figures—in parentheses, I should have said—because, Mr. Chairman, this will only tend to confusion, as I think. I understand that they are put in there probably to emphasize the different provisions of the section; but in coming to construe it or perhaps enforce its provisions and cite it in prosecutions I believe that it would just tend to confuse matters. It does not add much to the sense to read language and read a subdivision embraced within it. I trust the committee will not establish the precedent of inaugurating this somewhat novel way of dividing up sections of a statute. It is a new-fangled idea, and I do not think it is a good one. It has been followed in some jurisdictions, and I know that it has tended to confusion in the construing of laws. I trust the chairman will follow the custom that has prevailed here for several years and agree that in writing these statutes we will keep them in plain English, without these jump stops in parentheses.

Mr. McLAUGHLIN of Michigan. If the gentleman concedes that there will be no misunderstanding as to the meaning of them and that they will in no manner lead to confusion, I do not see any force in his objection, and it occurs to me that it may help in the construction and proper understanding of the section. Otherwise it is just a matter of taste. I may say that those who assisted the committee in drafting this bill, after the committee had arrived at the ideas to be put into words, used these numerals and figures in some places where the committee thought them unnecessary, or not proper to be used, and by direction of the committee they were stricken out; but in this section there are several distinct things that are forbidden, and we thought it would make the section more clear and help in the understanding of it if its provisions were divided in this way. But it is only a matter of taste, and that is to be determined by the committee, or by the distinguished gentleman from Massachusetts [Mr. WALSH].

Mr. WALSH. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. WALSH. The gentleman stated that these were the results of assistance which the committee had in framing this legislation. The gentleman need not have given me that assurance, because I know that there is no member of the great Committee on Agriculture who would of his own volition have thought of framing statutes in this way. But when you get assistance from some of the departments and outside of this body you will get more tomfool, high-fangled notions about writing statutes than you can keep track of. Now, I know the gentleman from Michigan [Mr. McLAUGHLIN] gets no clearer idea of section 3 with these things in it than he would if they were not there, and he has stated that they were eliminated from other sections of the bill.

Anybody who has read those sections will not, I think, be at much of a loss to understand what they mean. But in other sections they have been retained. I hoped by my motion to bring out the real necessity for employing this new departure in framing legislation. I have not quite found out as yet, and I do not see that it makes it very much clearer to subdivide it in this way.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, the Committee on Agriculture presents this bill after very careful consideration. I have been a member of that committee a number of years, and I know of no measure that has received closer attention by the committee, and no measure that presented in its main features and in its smaller features also more difficulties than does this bill. We would among ourselves determine a policy or a line to be followed, each member suggesting, perhaps, a different draft to carry that idea into effect. We would finally state our idea clearly to the gentlemen representing the drafting bureau and ask that it be put into words, and if it was brought back to us meaning exactly what we wished to have it mean it would be adopted. It was necessary to have some of these sections written and rewritten several times. Some of them came back to us divided off with figures and letters as this section is, the one to which the gentleman from Massachusetts refers. In very few of them have we retained those letters and figures. We retain them here because there are several distinct and separate propositions, several different offenses, and we thought it would be inadvisable to strike out these subdivisions.

Mr. SANDERS of Indiana. If you are going to subdivide them, then subdivision (i) should be subdivided again, because it contains two things, "ship" "or deliver for shipment in commerce." Then subdivision (iii) should be subdivided, because that is "sell" "or offer for sale." Logically it should be subdivided for each one.

Mr. McLAUGHLIN of Michigan. The gentleman is trying to carry it to a ridiculous extent, and asks the committee to consent to something that would be farcical. We have carried it far enough, perhaps too far already.

Mr. RICKETTS. I take it that the purpose of the person who drew this bill was to subdivide this section in this way because each one of the subdivisions sets forth a separate offense against the Government; and, in order that a court might clearly understand which provision had been violated, he has sought to designate them separately by these numerals. I want to say to the gentleman that this is a not uncommon practice in my State. It is a very common practice in matters of this character, where a penalty is imposed, and each subdivision is a distinct and separate offense.

Mr. McLAUGHLIN of Michigan. These subdivisions and these separate letters are not necessary. It is largely a matter of taste. We struck out some of them and retained some of them. In this section we thought it better to retain them. That is all we have to say.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The amendment was rejected.

Mr. GARRETT. Mr. Chairman, I move to strike out the last two words. I should like to ask the gentleman in charge of the bill, or some other member of the committee, if he can state in a general way what character of food will be affected by this measure?

Mr. McLAUGHLIN of Michigan. Everything that goes into cold storage, except liquid food.

Mr. GARRETT. As a practical proposition, are there any vegetables produced that go into cold storage?

Mr. McLAUGHLIN of Michigan. I think vegetables are rarely put into cold storage and frozen. This provides only for those foods that are kept below 45° Fahrenheit by artificial means.

Mr. GARRETT. That would not be freezing; 32° is freezing.

Mr. McLAUGHLIN of Michigan. Thirty-two degrees is the freezing point, but cold even as high as 45 affects almost like freezing some kinds of vegetation.

Mr. GARRETT. I have this in mind, if the gentleman from Michigan will bear with me. Certain treatment is accorded certain vegetables as, for instance, tomatoes. Perhaps it is necessary to retain them at a station for a few days. I do not know what degree of temperature they are subjected to, but if they should be put in a warehouse for a week or 10 days pending their being shipped and placed on the market, if the warehouse should happen to be at a temperature less than 45°, would it be necessary for them to be marked?

Mr. McLAUGHLIN of Michigan. Not unless they are in interstate commerce.

Mr. GARRETT. If they are going into interstate commerce. I do not know that that ever occurs. The vegetable industry in my section is a considerable industry. I do not know, but I am anxious to get definitely in my own mind whether or not these products would be affected.

Mr. McLAUGHLIN of Michigan. My impression is that products of that kind, under conditions stated by the gentleman, are not put into cold storage and that this law would not reach them.

Mr. GARRETT. They are not put into cold storage for the purpose of keeping them any considerable length of time. Necessarily the raw vegetables must go on the market within a limited time.

Mr. McLAUGHLIN of Michigan. It would seem to me that under the conditions to which the gentleman refers they would not be covered by this bill.

Mr. GARRETT. The thing I am after is that I am anxious that the bill should be in such a condition that where there is no purpose of storing them, other than keeping them a few days, the producers will not be annoyed by having to go to all the trouble of marking them.

Mr. McLAUGHLIN of Michigan. The committee's desire to carry out the purpose that the gentleman expresses caused the committee a great deal of trouble, because we know that goods, the like of which go into cold storage, are gathered together and kept in storage for the purpose of getting a quantity together before they are shipped, and kept only temporarily. But if we were to permit those goods to be put in only temporarily, without any regulation or notice being taken of them, they might remain there a long time, and improperly or without regulation get into interstate commerce. There would be an opportunity for evasion of the law. So, when goods are taken out that have been there more than 30 days, they must go out with all the marks on them. If taken out before 30 days the mark "cold storage" can be removed. The dates when they were put in and taken out must remain, so that if they go into cold storage again the one who receives them may know that they have been in cold storage, and the length of time they have been in added to the amount of time they will later be in cold storage must not together be more than 12 months.

Mr. GARRETT. No articles are affected by this except those that are kept in a warehouse or chamber or other place where the temperature runs below 45 degrees Fahrenheit?

Mr. McLAUGHLIN of Michigan. That is the fact.

Mr. BANKHEAD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 3, line 20, after the word "storage," add the following words: "and the selling or market price at which the article of food or contents of the package went into cold storage."

Mr. ANDERSON. Mr. Chairman, I reserve a point of order to that.

Mr. BANKHEAD. Is it the purpose of the gentleman to make the point of order ultimately?

Mr. ANDERSON. I shall make the point of order.

Mr. BANKHEAD. Then I think we had better have the point of order disposed of, as I do not want to discuss it unless I can get a vote on it.

Mr. McLAUGHLIN of Michigan. I shall press the point of order.

Mr. BANKHEAD. I do not want to do a vain and useless thing by talking on the merits with the point of order pending. What is the point of order?

Mr. McLAUGHLIN of Michigan. That it is not germane.

Mr. ANDERSON. I make the point of order on the ground that it is not germane to the bill.

Mr. BANKHEAD. I offer the following amendment.

The Clerk read as follows:

Page 3, line 20, after the word "storage," add the following words: "and the selling or market price at which the article of food or contents of the package went into cold storage."

Mr. McLAUGHLIN of Michigan. I make the point of order that the amendment is not germane to the bill.

Mr. BANKHEAD. Mr. Chairman, I anticipated that a point of order might be made to this amendment. I am not sure that the point of order is not well taken. The purpose of the bill is expressed in the title, although the text of the title is not always conclusive on the proposition of germaneness. It is—

To prevent hoarding and deterioration of, and deception with respect to cold-storage foods, to regulate shipments of cold-storage foods in interstate commerce, and for other purposes.

The Chair will notice that the amendment is offered in connection with the regulation of conditions in which cold-storage products may be transported in interstate commerce. In addition to the terms and stipulations provided in the section, I simply add another regulation under which articles may go into interstate commerce. The point of order would be well taken if it was attempted to fix the price of commodities, but this it does not do. The purpose of the amendment is to give information to the consuming public on cold-storage products. The amendment but adds another detail to the regulations under which cold-storage commodities are allowed to be transported in interstate commerce. It seems to me that in that view of the case it is germane to the general purposes of the bill.

The CHAIRMAN. The point of order is overruled.

Mr. ANDERSON. Mr. Chairman, of course, as the gentleman from Alabama [Mr. BANKHEAD] states, the title of the bill in no way determines whether an amendment is germane to the bill or the paragraph to which it is offered. Clearly, many an amendment could be offered which would be germane in the sense of coming within the general purview of the title which would not be germane to the text of the bill in the sense in which the rule of germaneness applies. This bill seeks to regulate cold storage so far as cold storage can be regulated, and within the limits of the interstate commerce power of the Constitution. The amendment of the gentleman from Alabama seeks to go very much further than to regulate cold storage. It has no relation whatever to cold storage——

Mr. BANKHEAD. Will the gentleman allow an interruption?

Mr. ANDERSON. It would be as germane to the section if the bill did not relate to cold storage at all.

Mr. BANKHEAD. The gentleman will admit that the purposes of this bill are not related entirely to the details of cold storage, but it also goes further and undertakes to regulate the terms under which those commodities may enter into interstate commerce. The regulations which it provides say that it shall be stamped plainly, "Cold storage," and the date when put in and when taken out of cold storage.

Mr. ANDERSON. The gentleman is in error about that. It is not possible, as the gentleman well knows, for Congress to regulate cold storage directly. If it were possible, I will say to the gentleman that many of the difficulties which the committee met and had great trouble in overcoming would not have been met. We could only regulate cold storage in the sense of requiring certain things to be done as a preliminary to the entrance of the articles into interstate commerce; but the bill specifically relates and is confined to cold storage, while the gentleman's amendment seeks to regulate—or, at least, by requiring additional marking to regulate—the price of the articles themselves. This bill in no way deals with the price of the articles, nor pretends to do so.

Mr. BANKHEAD. Will the gentleman permit another interruption?

Mr. ANDERSON. Yes.

Mr. BANKHEAD. Is it not a fact that the real basic principle lying behind this whole proposition aside from its legislative technical aspects is for the protection of the consuming public against the profiteer?

Mr. ANDERSON. No; I should say not. It may be that when this committee first undertook the consideration of this bill it had the idea it was possible to meet the President's suggestions with respect to the reduction of the high cost of living by legislation of this kind. But if we had that sort of opinion, I think it was very thoroughly dispelled by the testimony and consideration they have given.

Mr. YOUNG of North Dakota. Will the gentleman yield?

Mr. ANDERSON. I will yield to the gentleman.

Mr. YOUNG of North Dakota. The title of the bill states that it is for the purpose of preventing deception with respect to cold storage. Now, if there is a date——

Mr. BANKHEAD. I trust the Chair will listen to this suggestion being put, because I think it is rather determinative in this matter.

Mr. YOUNG of North Dakota. If there is a date put on the article when it is put in cold storage—we will say eggs—I think that the gentleman himself could judge better as to the actual time when the eggs went into storage from the price on them than from the date, because there might be fraud as to the date. Here are men attempting to keep eggs in cold storage 15 months rather than for 12 months. It may be a very easy thing to change the date. But if you have further the requirement that the price be put on, does not the gentleman think that would be a further and better means to detect the fraud?

Mr. ANDERSON. If I should judge of the condition of the eggs in the city of Washington by the price on them, I should say they are all fresh eggs.

Mr. YOUNG of North Dakota. Oh, well, the price does vary from time to time.

Mr. ANDERSON. As my friend here says, notwithstanding the fact that some of them are rotten.

The CHAIRMAN. The object of this section is to identify the goods that are in cold storage, and the chief method of doing it is to determine how they should be marked. The language of the section is "marked in accordance with this act or the regulations under this act—'cold storage.'" The marks of identification are the date, together with the name and the location, and this amendment intends to add one other item, viz, the price. These marks of identification having already been put in the bill, in the opinion of the Chair, it will be germane to add this other, the price of the article, and the Chair overrules the point of order.

Mr. SAUNDERS of Virginia. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SAUNDERS of Virginia. To discuss the point of order.

The CHAIRMAN. The Chair is ready to rule.

Mr. SAUNDERS of Virginia. I do not want to take up the time of the committee if the Chair is ready to dispose of this matter.

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, I assume that the Committee on Agriculture, with its usual diligence with reference to legislation of this character, gave thought and consideration to that phase of the situation presented by my amendment. I assume that especially because it will be recalled that in the message of the President delivered to the Congress here, I believe on August 8, among other suggestions made along the line of reducing the cost of living to the people of this country was this identical suggestion that is incorporated in the proposed amendment. I am among those who doubt very seriously whether or not we are going to be able to accomplish any very material results for the benefit of the people attempting to affect the general laws of supply and demand by legislation of this or any other character. As I understand it, we should not attempt to destroy the legitimate operation of that great economic law, for to do so would destroy the very foundations of our agricultural and industrial prosperity. What we are attempting to do is to remedy a situation that is, as a matter of fact, hampering the law of supply and demand by evil and illegitimate practices like hoarding and profiteering in its immoral sense.

But, assuming that Congress is going to make an honest effort in this new field of legislative enterprise to reduce the cost of living and to cut out a large element of profiteering that is now going on, or is presumed to be going on—I say, if we are going to enter upon that field at all, we should put as much vigor into these statutes as it is possible for us to conceive. And I believe that one of the great things that makes it possible for the ultimate consumer to be profiteered upon in this country and pay large and exorbitant prices for the necessities of life is the fact that he is, in a large number of instances, absolutely ignorant of the real value of the article; that he does not know what legitimate margin of profit is involved in the transaction

for the middleman, for the man that lies in between the original producer of the article and himself; and it seems to me that if we put this provision in here requiring these articles that are placed in cold storage, in addition to having "cold storage" and the dates when they went into and came out of cold storage stamped upon them, as provided in this bill, to have plainly stamped upon them the market or selling price of the article in that market or community when placed in storage, that weeks or months afterwards, when taken out and put into commerce and reach the ultimate consumers and they can see plainly marked upon them the date and the market price of that article in the primary market, it will afford a decent basis upon which to estimate for themselves a legitimate margin of profit the seller should charge them for that article, after allowing a decent and reasonable profit for the middlemen——

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. BANKHEAD. I shall be glad to yield for a question.

Mr. McLAUGHLIN of Michigan. The gentleman, in the closing sentence there, said, "Put on the market price," but in a former statement the gentleman referred to the selling price and the cost and all that. Now, which price would you put on? Suppose a farmer produces his own eggs and brings them and puts them in cold storage, what price would you put upon them?

Mr. BANKHEAD. The spirit and purpose of my amendment is to put onto the commodity the prevailing price in the market at that particular time when placed in storage. For instance, if eggs were selling in some community for 40 cents a dozen for that day, let that price at that time when they go into cold storage be marked upon the article or upon the package in which it is contained.

I desire to test the sentiment and judgment of the House upon this matter, which it seems to me will put more teeth into this statute and will really afford the consumer some decent information by which he can in a measure protect himself. The President earnestly urged the adoption of this suggestion. Without its incorporation I fear there is not much to hope for from the bill if passed.

Mr. YOUNG of Texas. Mr. Chairman, I rise in opposition to the amendment.

As long as our civilization prevails we are going to have people engaged in various kinds of business and industries. That is what makes a great civilization. Under the stress of the times, when we are confronted with the high prices we pay for everything, it would be a dangerous propositon to write into law something that will do exactly the opposite of what apparently it would do on the face of the law we are proceeding to write.

If an egg dealer is forced to stamp the purchase price of every case of eggs he buys on those cases, you are not going to have any egg dealers. They will go out of the business. They are in the business because of the profit they expect to make. They assume the burden and the risk of the business in which they are engaged. They assume the risk as to what the market is going to be. And when they are accumulating from the farming sections of the country these eggs, as an illustration, and putting them in cold storage for the purpose of ultimately shipping them to the consuming market, they do not know what those consuming markets are going to be. Accordingly, there is a great element of risk in the business. And if you authorize them to stamp on every case of eggs the purchase price of those eggs, in the very nature of the business they will go out of it. Then what will be the result? You will leave the farmers of the country without a market in which to place these eggs.

Mr. HUDDLESTON. The gentleman has in mind, of course, the reservation of the President that the goods should be marked with the price of the first cost?

Mr. YOUNG of Texas. I remember that reservation. The President is just a man, just as we are men. I come from a producing section of the country. My people raise things which other people must have to live upon, but in order for my people to produce they have got to have a primary market, and you will destroy that primary market if you cause the primary seller to put a price on his products. If you destroy that primary market you will destroy the productive capacity of the country, and both producer and consumer will go down in the same boat; starvation will be here.

Mr. BANKHEAD. In what way would this destroy the primary market?

Mr. YOUNG of Texas. I will answer it in this way, that if I were a purchaser I would not buy if I had to stamp the price on the article I had to purchase.

Mr. TINCHER. If this amendment prevails and the price is to be stamped on all articles that go into interstate commerce—of course, we can not make them stamp it on all articles—would it be equivalent to saying to the producer, "You can not have interstate commerce as to your production"?

Mr. YOUNG of Texas. It goes in cold storage, it is true, and there is where the stamp is necessary; but the stuff is produced on the farm, and you are going to destroy the primary markets of the farmer and drive him out as a producer, and thereby you will increase the cost. I have had enough of price fixing.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SANDERS of Indiana rose.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the gentleman from Minnesota [Mr. SCHALL] may have five minutes. He was promised the time in the general debate, and did not get it.

Mr. BANKHEAD. Does the gentleman desire to discuss this amendment?

Mr. HAUGEN. No. I think he desires to discuss an outside subject.

Mr. BANKHEAD. Let us have a vote on this amendment.

Mr. SAUNDERS of Virginia. Mr. Chairman, I would like to have five minutes on this amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. SCHALL] is recognized for five minutes.

Mr. SCHALL. Mr. Chairman, on the 6th of September I made a few remarks on the permanent generalship of Gen. Pershing.

I felt as an American citizen and as a Representative of the people my patriotic duty, and for no other reason, to do what I could to thwart the ambitions for the Presidency of a man whom I believed to be absolutely unfit for that office. And I thought it my duty to make such bold protest as I could to point out that he was securing the indorsement of this body to that end. I have thereby called down upon my head torrents of editorial villification from all over the country, from men who seemed to think that it is a crime for a man in the minority to stand for what he thinks to be right and oppose what he believes to be a menace to his country.

In God's name, what are public men for if they dare not speak their minds, even though they must stand alone and have their motives distorted and twisted to fit the purpose sought? No; I have no personal animosity. No; I was not headed off from going to the front. No; I do not believe I misrepresent my people. They believe that truth ought not to hurt. No; I was not an antiwar man.

I realized that it was a thankless job and not a sagacious political move to oppose the tremendous mob tide of created public opinion; but somebody had to be the goat.

And my reason for objecting was not that rewarding an officer would foster militarism, but rewarding an unworthy officer, an un-American, unrepresentative officer. It is in spite of, not because of, Gen. Pershing that the big job was well done. Other officers of the Army upon their merits are entitled to far more recognition.

In the glare of the fierce fighting at the front the service of our Navy in this great victory has been overlooked. The part our hero had in winning this war compares in no way to the responsibility or part Admiral Wilson, for instance, took in this war. The man on "the Wilson front," whose vitality, comprehension, ability accomplished unheard-of miracles in successful transportation of soldiers, conquest of submarines, victualing and coaling France, England, and Italy. "Lafayette, nous voici" would not have been possible without him and his organization. He found France years and years behind the times in dockage, harbors, and transportation facilities. He was "there," on the job, and yet, withal, a human being. His men love and respect him. We have had a great victory, and, of course, the people must have a hero, however unheroic or feeble as such that hero may be. Will anyone refer to one heroic act this hero of heroes has performed?

We have been told, with much "nicety of dovetailed English," that we went into this war to down kaiserism, junkerism, Prussianism, militarism, and to make the world safe for democracy. Militarism is a hateful thing, whether it leers beneath a Prussian helmet or an English visor, but it is most out of place in any uniform of the United States of America. That military caste that makes one soldier black another soldier's boots; that relies upon a small shoulder bar plus insolence and overbearing swagger to compel obedience, rather than the possession of respect-winning qualities; this outcropping of vanity that forces a company of marines to step back off the road into an icy stream, and stand for one hour saluting an empty

car riding up and down the road, while the general watched from a window to see that it was done; that hateful thing that is all summed up in the words "For officers only"; this notion that an officer who maybe at home was your shoe clerk, or your neighbor's son, or your schoolmate, by the magic of a tin badge becomes some kind of a little god, and a private soldier becomes some kind of a yellow dog, is pernicious, deadly dangerous, un-American, an aping of that very European military caste we say we have been fighting to put down. It does not make better discipline. Men of worth can compel discipline. Men without it, using such methods to free American spirits, do not know the harm they have done. This treatment has shattered many ideals, soured good, honest patriots.

When the finger of fate fell on them millions of young hearts left their work, their school, their homes, their loved ones, their future prospects, and quietly fell into place in the great machine of war.

They were not looking for snaps or favors. They did not have any illusions that it was a picnic excursion. They went willingly, knowing that war had never been so fiendish nor various in its forms of agony. They were not niggardly in spirit. We must not let them find us noisy and free of words but tight in the pocketbook when they come back. We have flung money right and left in this war. It has been squandered unrighteously if the truth could ever be heard and remembered. But this is a sorry place to stop and economize. Better go a little slow on all this European stuff and do a little justice at home.

All honor and thanks and substantial gratitude to the men who fought and won the war, and to the leaders who shared their danger and their hardships, who were there to say "Come on, boys," not "Go on, boys, and I'll be back here where I can't be harmed, for you couldn't possibly win if I should happen to be shot."

All honor to the boys, our splendid soldiers, sailors, and marines, the best fighting stuff in the world. To think of their deeds and the modesty with which they bear their honors makes us bursting proud that we are Americans, and each of us should do our little to keep that kind of a country from falling under the leadership of men who will not treasure our ideals, our traditions, our institutions, our liberties; and it should be and is the patriotic duty of every red-blooded American to strike, and strike hard, at any un-American candidate who by imitations of European tactics and duplicity has wound himself to the topmost mast and there hangs hissing at the nobler men below.

We gave the common soldier $60, which does not even give him a new suit of clothes at present prices. Their old jobs are gone. They can not get others right away. They have lost a year or more, and are out of touch with the current.

We will need those boys again some day, maybe; and if we do, what will they remember our gratitude to be? That to one man, who never got his spick-and-span uniform mussed in the mud of the trenches, we give a raise in pay of $2,500 a year and propose a $10,000 gold sword; and, again, if certain men could have their way in aping European customs in giving everything to the Army aristocracy and but a few cents to the common soldier, we would be called upon to vote a half a million as a present, as a token of honor, and thereby duplicate the kingdoms of Europe, the chains of whose customs our forefathers gave their lives to throw off; and to guarantee that this tyranny should not be inflicted upon their descendants, by Constitution they forbade any officer of trust or for profit in the United States to accept a title from any foreign potentate or power. Yet the English knight, Sir John, has powerful friends, who intend to put him over as President of the United States.

In my speech of September 6 I referred to a certain general who was a faithful henchman of Sir John's, Gen. Harts, in charge of the prison camps of Paris, and of Pershing's advertising propaganda, known as the visiting bureau. And in support of what I had to say of this gentleman at that time I wish to have the Clerk read the following.

The CHAIRMAN. Without objection the Clerk will read.

The Clerk read as follows:

GEN. HARTS BLAMED—IGNORES CRUELTIES IN ARMY PRISONS, REPRESENTATIVE BLAND SAYS—APPALLED BY CONDITIONS—INVESTIGATORS ALSO FOUND MISUSE OF UNITED STATES FUNDS IN FRANCE—CONGRESSIONAL COMMITTEE BACK IN NEW YORK DECLARES MEN RESPONSIBLE FOR "HORRIBLE AND REVOLTING TREATMENT" OF SOLDIERS ABROAD WILL BE BROUGHT TO FORUM OF PUBLIC OPINION.

[By the Associated Press.]

NEW YORK, *September 26, 1919.*

Bringing a report of "outrageous cruelties perpetrated on American soldiers" in prisons of the American Expeditionary Forces in France, the congressional committee sent overseas to investigate tales of Army "prison horrors" arrived here to-night.

Conditions in Army prison camps were found "very bad," with special emphasis laid on prison camp No. 2, near Paris, the committee stated.

"Conditions were appalling," Representative BLAND said. "Nothing like this treatment of our men had ever been known before in the history of the American Army. We have copies of records, reports and testimony of inspectors, courts-martial officers, so as to be enabled to definitely fix responsibility."

Representative BLAND said that Gen. Harts for months was in the same building, at 10 Rue St. Anne, where thousands of outrages were committed. Lack of food, heat, and air and nauseating sanitary conditions were before his eyes, and the reports showing their conditions were on file in his office, Mr. BLAND said.

The Representative added that Gen. Harts was the military guardian of the President, and "no man in the Judge Advocate General's or Provost Marshal General's departments had the boldness to recommend his trial before a court-martial or efficiency board."

WILL BE BROUGHT TO JUSTICE.

"Three facts stand out," said Mr. BLAND: "First, that the most horrible and revolting cruelties existed; second, that the higher officers responsible have not been made to atone for these wrongs; third, that no reasonable excuse for the same has been offered by the War Department. It is clearly up to them."

Mr. SCHALL. No wonder Pershing refused to be questioned by this congressional committee in Paris before he had secured the indorsement of his conduct of the war by Congress. They undoubtedly would have asked him why he reduced the sentence of "Hard-boiled" Smith. He might be asked why the medical officer in charge of prison farm No. 2, who, when found guilty of most brutal treatment to prisoners, of refusing them medical treatment, of exposing them to most vicious forms of infection, and when sentenced to be dishonorably discharged from the service, was restored to duty by general headquarters and allowed again to resume charge of the lives of American soldiers. He might be asked why he issued the order that the bodies of the American boys who fell in France should not be restored to their folks in the United States of America. He might have been asked why, after the armistice was signed, he issued the order to the troops on their march into Germany that everyone who fell out should be counted as deserters. Why these strenuous marches, where the officers were ordered not to allow anyone to take care of the boys who fell by the wayside through exhaustion? These courageous young Americans, 16, 17, 18, 19 years old, who would rather die than give up, trudged on under heavy packs until they fell from exhaustion. When doctors loaded them into ambulances, orders from headquarters hauled them out and forced them to trudge on or get on as best they could. Many of them, unable to go farther, fell in their tracks, and when doctors, who, after camp had been made for the night, unable to stand for this inhuman régime, had secured ambulances and lanterns and sneaked back to look for the lost of their flock, they found them frozen to the ground, covered with snow, many beyond help, and others dead.

This kind of a fellow for President of these United States? Not for me. If that is poor taste or personally insulting, then make the most of it. And I know of about 2,000,000 other good reasons why he should not be President.

Mr. Chairman, I voted for the declaration of war, the selective-service act, and every measure tending to the vigorous prosecution of the war, and I risked my political scalp in upholding the hands of the President by voting for the Democratic organization of the House in the Sixty-fifth Congress; so that the thought is ill founded for anyone to say that my action in objecting to granting a permanent rank to the English knight, Sir John J. Pershing, or to the giving to him of a gold sword is playing petty politics in an effort to square my war record. Nor have I any personal feeling in the matter except that prompted by the love of my country, her ideals, her traditions, her institutions, her liberties.

I realize that a gold sword would be very appropriate, in that it is the best metal with which to represent caste, pomp, tyranny, vainglory. And in character it is soft, pliable; in color, yellow; but as to actual value of merit, I feel that tin would be more appropriate and a more serviceable metal than gold for a fighting man, for with it one could do some execution resembling the nature for which it is made. But a gold sword is fit only for parlor use, with which to pierce the hearts of the ladies. Very appropriate. And if it were not for the $10,000 it would cost the people, I would say, "Fine; just the thing."

My critics condemn me because I have not exploited myself in the Congressional Directory, and wonder how such a benighted and misguided individual ever got into Congress. If these scribes had been as diligent as their loud-sounding phrases would indicate, they might have picked up a few facts concerning my short and unillustrious career. I am grateful to the editor of the National Magazine, especially at this point, who

in the April number wrote of me kindly, and I respectfully, in the extension of my remarks, submit the article:

BLIND CONGRESSMAN VISITS ALLIED BATTLE FRONT.

The striking example of the capacity which enables a man to rise superior to the limitations ordinarily imposed upon his usefulness to the public welfare by the handicap of blindness is afforded by the record of the splendid political achievements of the Hon. THOMAS D. SCHALL, Member of the Sixty-fourth, Sixty-fifth, and Sixty-sixth Congresses from the tenth district of Minnesota, of whom Theodore Roosevelt once said: "I believe in TOM SCHALL with all my heart."

Twelve years ago he lost his sight from an electric shock, but continued in the practice of law in Minneapolis, where he had established his office after having been admitted to the Minnesota bar in 1904.

The necessity for concentrated attention has made Mr. SCHALL'S memory very quick and retentive. He is a magnetic, fluent, and versatile speaker, with a rare gift of humor, and the ability to "get" and hold his audiences. As CHAMP CLARK has said of him, "He is a cracking good speaker." He personally managed and conducted his three campaigns for Congress, making 237 speeches in the first one, nearly all of them outdoors. Elected the first time as a Progressive, in the following campaign he was sent by the Republican national congressional committee to open the campaign in Maine and Indiana, where he met with great success.

Returning to his own State, he was barred by a technicality of the State law from filing as a Republican, the State machine opposing his filing against the wishes of the Republican congressional committee. All three parties—Republican, Democratic, and Socialist—opposed him in a lively scrimmage, but he won by 9,000 over the Republican candidate, who was second, and in the recent election, on the Republican ticket, had a majority of over 25,000 over his Democratic opponent.

The opening of the war Congress found the House so evenly balanced that five independents, of whom Mr. SCHALL was one, held the balance of power. Feeling that unity of action and speed in organization was vital to our success in war, Mr. SCHALL disregarded precedent and, in a speech that was notable for its high patriotism and disregard of party lines, nominated a Democrat—CHAMP CLARK—for Speaker. Had his vote and one other been different, the speakership contest might have been long delayed, as it takes a majority to elect. Speaker CLARK was elected by one over a majority. In a former close speakership contest the battle dragged out for months. Had such a contest been inaugurated at the beginning of the war Congress it would have been fatal to our success in the war. Had our boys not arrived at the exact moment when they did, unsupported by supplies and artillery though they were, the Germans undoubtedly would to-day be in possession of Paris. Mr. SCHALL took the position that it would add to national efficiency for the President to have a Democratic House and a Democratic Senate, with whose committees he was familiar, to work with him, instead of changing organization, with the danger of losing a single step at so vital a time.

Mr. SCHALL made a trip to the battle fronts last summer during the final days of the Chateau-Thierry drive, was across from Fismes the day before it was taken, and was on board the *Mount Vernon* when it was torpedoed by a submarine.

He has a lively interest in the rapid progress of the events of the world, and was greatly diverted by his trip in an aeroplane last winter with Gen. Lee, of the British Royal Flying forces. He asked to be taken up a second time, as Gen. Lee, not being just sure what he would want, gave him a nice ladylike ride, without any flip-flops. The general, who had been very polite but rather bored all the afternoon, taking up a Senator and a Shipping Board man and various others, looked at him with interest and grinned with boyish pleasure. Then he abandoned his British calm and gave him a "regular" ride with plenty of thrills. "That is the first sport I have had since I lost my sight," Mr. SCHALL said when he came to earth.

He is a member of the Rules, Flood Control, and Expenditures in the Navy Department Committees, and enjoys the esteem and confidence of the entire membership, regardless of party, as is shown by the fact that the Republicans have renominated him for the powerful Rules Committee of the Sixty-sixth Congress.

Mr. LUCE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HUTCHINSON. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAUNDERS of Virginia. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Virginia moves to strike out the last two words.

Mr. SAUNDERS of Virginia. Mr. Chairman, it seems to be very difficult to ascertain what is the real character and underlying purpose of this bill. I understood the gentleman from Minnesota [Mr. ANDERSON] to say, in response to the inquiry of the gentleman from Alabama [Mr. BANKHEAD], that its underlying purpose was not an antiprofiteering purpose. Now if that be true, then certainly the committee does not deserve the strictures that it has received at the hands of the gentleman from Massachusetts [Mr. LUCE], who, after denouncing the absurdities, as he styled them, of the suggestions made by the President, proceeded in effect to criticize in vehement fashion the committee for acting upon these absurd suggestions and reporting a bill to make them effective. If the suggestions of the President were absurd, as intimated by the gentleman from Massachusetts, then what should we say of the Committee on Agriculture which, with knowledge that these suggestions were absurd, are now seeking to enact absurdities into law? Why have they treated these absurd suggestions seriously, thereby inviting the strictures of the gentleman from Massachusetts?

I was much interested in the remarks of the gentleman from Massachusetts, though I could not give assent to his pæans of praise of the profiteers. I understood him to say that he would proceed to laud them in much more extravagant terms if he only had had the courage to do so. So far as I could follow the gentleman, he seemed to think that if this country only had a few profiteers possessing the powers of Pharaoh, with a Joseph to advise them, and these profiteers should buy up and store all the corn, wheat, meat and other foodstuffs, and hold them until the people were reduced to the straits of the people of Egypt of the time of Joseph, so that they would sell their personal property, their lands, and finally their liberties for food, the public generally would be much better off than they are at present. [Laughter.] At least that is a fair deduction from the extravagant eulogy of the gentleman from Massachusetts upon the operations of that historic profiteer Pharaoh, ably aided and abetted by his prime minister, Joseph.

With respect to the statement of the gentleman from Texas [Mr. YOUNG], that the public will not buy goods if they know the original price of the article they are buying, I must say I can not agree with the gentleman in that suggestion. If the bill is carried out, then an easy way will be afforded of finding out from the date on the stored article the market price of that article as of that date. Hence anyone who is curious on that line can find out what was the original price of the article which he proposes to purchase, and in that way secure the same information that would be directly afforded him should the amendment of the gentleman from Alabama be adopted. I do not think there is any indisposition on the part of the public to buy an article after they are advised of the price of the same, provided the price they are to pay involves only a reasonable profit.

Every man who buys at a retail store knows that he is paying a profit to the retailer, and in many instances it is not difficult to ascertain precisely what the retailer has paid for his goods in the first instance. Very often he will tell the buyer. The purchaser knows perfectly well that the dealer has his overhead expenses, and he is willing to pay an advance even when he knows what the retailer has paid, provided the price that the retailer asks is reasonable and affords merely a reasonable profit. Such knowledge does not deter a man from making a purchase. He knows that in the ordinary course of business a profit is charged, and the purchaser must pay it.

The real ground of the objection on the part of the gentlemen who oppose this amendment is that it provides a positive and ready means of calling to the attention of the purchaser the extent of the profit that in many instances he will be called upon to pay. If the public at large is advised in this direct and positive fashion that they are being called upon to pay an unreasonable profit on an article that has been held in cold storage, such an outcry will develop that the unfair selling price will be reduced, under the pressure of public opinion.

Under such conditions the profiteer, if such there be, will not dare to insist upon an unreasonable advance upon his cold-stored products. Hence if this is an antiprofiteering bill, this amendment will give effect to that purpose. Not that I believe that on the whole, this bill will deal very efficiently with the evil at which it is supposed to be aimed, but this amendment will be more effective as an instrument against the profiteer than any provision in the bill.

There is some difficulty, as I said, in ascertaining whether this is an antiprofiteering bill. But if it is a bill of this character, and it is designed to be efficient, then I do not see how anyone opposed to profiteering can oppose this amendment. [Applause.]

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Michigan moves to strike out the last two words.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, rising to oppose the pro forma amendment of the gentleman from Virginia, I wish to pay my respects to the amendment of the gentleman from Alabama [Mr. BANKHEAD], if I will not be out of order in so doing.

I trust the amendment will not be adopted. It is a matter that received the very careful consideration of the committee. We heard arguments pro and con and decided to put nothing into the bill and to have nothing to do with any matter that does not relate directly to the simple subject of cold storage. I have never thought or spoken of the bill except as a cold-storage bill. If its enactment shall result in anything helpful to the people, in lowering prices of food products they have to buy, well and

good; but it is a cold-storage bill, in my judgment, pure and simple, let the results of its operation be what they may. It is proper and absolutely necessary to encourage cold storage, but it is just as necessary to regulate it so that it shall not be abused. Now, I am going simply to suggest that there are, it seems to me, insuperable difficulties in the way of placing the market prices of goods and products upon them when they are put in cold storage, and if we undertake to follow that line and require it, it will be practically impossible. I think it will be unjust, too, for reasons that will suggest themselves to the committee. I think it would be an unnecessary and therefore an improper interference with business. For one I am opposed to further and continued interference with business by the Federal Government. I wish to see the business and the business men of this country let alone for a while and the hands of the Government taken off just as soon as possible, so that things may resume a normal condition. I am not in favor of any price-fixing proposition nor shall I ever be in favor of any unnecessary regulation of business. I conceive the proposed amendment to be an attempt to regulate and interfere with private affairs of men respecting these great products and this great business, to regulate and interfere unnecessarily and in a manner that can not but result in failure. This course of procedure ought not to be entered upon. The amendment should not be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. BANKHEAD].

Mr. CANNON. I would be glad to have the amendment read.

The CHAIRMAN. Without objection, the amendment of the gentleman from Alabama will be again reported.

The Clerk read as follows:

Amendment offered by Mr. BANKHEAD: Page 3, line 20, after the word "storage," add the following words: "and the selling or market price at which the article of food or the contents of the package went into storage."

Mr. CANNON. Mr. Chairman, just a word about that. I move to strike out the last word. I was called out for half an hour to keep an engagement that I had made, and except that I have listened to the remarks of the gentleman who last spoke I have not had the advantage of hearing what has been said about this matter. What knowledge does it give to me as to the real value of an apple to know the price of a barrel of apples or a smaller quantity of apples grown in the Shenandoah Valley, or in Oregon, or in Illinois, going into cold storage and then coming to me when I go and buy a bushel or a peck or any other quantity? It is 3,000 miles across to Oregon, some distance to the Shenandoah Valley, and a thousand miles to Illinois. They have cold weather and they have loss from oversupply or undersupply, and we must pay three or four profits to the farmer, to the orchard man who bought, to the man who shipped, and to the man who bought from him; so that when the apple gets down here to Washington I pay about 10 cents apiece for these fine apples, bigger than your fist, grown in Oregon, or better still, a Shenandoah Valley apple, which I believe is better than an Oregon apple. And I am told that they raise very good apples down in southern Virginia. This amendment would impose a useless expense and trouble, because nobody can tell what the real value of the apple is when it comes to the ultimate consumer, and there is no way in which you can regulate it, in my judgment, except to get back under the law of supply and demand and through competition.

Mr. HAUGEN. Mr. Chairman, only a few weeks ago we appropriated nearly $3,000,000 for the Bureau of Markets. The Bureau of Markets is furnishing this information as to the market price of foods from day to day, and anybody who desires to be informed as to the market price can ascertain it by referring to the reports of the Bureau of Markets or to any daily paper in any locality. Nearly every small weekly paper in every locality gives the market price for the week or for the day in that particular locality. It seems to me it would be an unnecessary expense to require the marking of prices, which seems to be of little value, if any.

The CHAIRMAN. Without objection, all the pro forma amendments will be withdrawn, and the question is on the amendment of the gentleman from Alabama [Mr. BANKHEAD].

The question being taken, on a division (demanded by Mr. BANKHEAD) there were—ayes 14, noes 53.

Accordingly the amendment was rejected.

Mr. RICKETTS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. RICKETTS: Page 3, line 22, after the word "stored," insert a period. Strike out the provision beginning with the word "provided" and ending with the word "thereof," inclusive.

Mr. RICKETTS. Mr. Chairman and gentlemen of the House, I have never offered an amendment to any legislation that has been before this House since I have been a Member of it, although I have had the pleasure of voting many times against amendments and many times in favor of amendments that have been offered. But I offer this amendment in good faith.

Under the title of this bill you will find that it is to prevent hoarding and deterioration of and deception with respect to cold-storage food. Now, it is proposed by this provision to allow the party who sells the goods to the purchaser to cut out the marks of identification of cold storage. That can have but one purpose only, and that is to deceive the purchaser.

You and I know that when our wives give an order for goods if they are going to buy cold-storage goods they want to know it. If they are going to buy fresh goods, they want to know it, and in all probability they will make the inquiry. This gives the party the right to keep the goods in cold storage for 30 days, then take them out, cut off the cold-storage mark, still leaving the date on them to identify the article, and you will, by cutting it out, allow the party to deceive the purchaser. The party can take the same goods and sell them to me or any customer as fresh goods and thereby deceive. I am not going to be a party to any deception or fraud.

Mr. BROOKS of Illinois. Will the gentleman yield?

Mr. RICKETTS. Yes.

Mr. BROOKS of Illinois. It is my understanding that the 30 days' limit was for the purpose of giving the opportunity to place food, a little at a time, in cold storage, but not to be held there, probably for two or three days, not more than 30 days, simply in order to get a carload or quantity of it, and that it should not be called cold-storage goods.

Mr. RICKETTS. The bill provides that it can be kept there for 30 days. Who is to be the judge of that fact? Who is to know about the date except the fellow that puts it in the cold storage?

Mr. BROOKS of Illinois. The date is put on it when it goes in.

Mr. RICKETTS. By whom?

Mr. HAUGEN. Will the gentleman yield?

Mr. RICKETTS. Yes.

Mr. HAUGEN. Is it not a fact that food kept in cold storage for less than 30 days is fresh food?

Mr. RICKETTS. No: I would not think it was.

Mr. HAUGEN. They have that legislation in all the States that food in cold storage for less than one month is not required to be marked.

Mr. RICKETTS. It is not a fresh article. The party who sells that article to your family or to my family or any other customer will sell it as fresh goods.

Mr. HAUGEN. They are very fortunate if they get it less than six months old.

Mr. RICKETTS. That is one of my reasons for offering this amendment. I do not think we ought to give a man the right to deceive anybody. If the purpose of the bill is to prevent deception, why not make it a good clean bill to start with? It is not that now.

Mr. TINCHER. Will the gentleman yield?

Mr. RICKETTS. Yes.

Mr. TINCHER. What time would the gentleman fix?

Mr. RICKETTS. I would not fix any time. When you allow a man to put goods in cold storage, you put the date on it and mark it cold storage when it is deposited; you do that because you want to designate the article as a cold-storage article. If he keeps it in there 20 days, or 25 days, or 30 days, you allow him to take it out and eliminate the cold-storage marks and put it on the market as fresh goods. Why do you do it?

Mr. TINCHER. The committee thought that 30 days was a reasonable time; that up to that time they were practically fresh goods. Would the gentleman say three days or five days?

Mr. RICKETTS. Let me ask the gentleman, Did not the committee think the goods would sell better to the customer if the cold-storage marks were removed?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. TINCHER. No; the committee did not think it worth while to put a man to that expense.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I rise to oppose the amendment offered by the gentleman from Ohio. In the general acceptation of the trade goods are not considered in cold storage unless they are there more than 30 days. In these days a purchaser is fortunate if he gets goods that have not been in storage more than 30 days; they are as fresh as he will get.

Mr. RICKETTS. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. RICKETTS. Why did the committee require that it should be designated cold storage and give it the date when deposited?

Mr. McLAUGHLIN of Michigan. The Federal Government can not require that they shall be marked in the first instance. Congress has no authority over it. All Congress can do is to say that they shall not be shipped in interstate commerce unless they are marked, and so forth. We say if goods are taken out in less than 30 days the words "cold storage" may be removed, but after 30 days all marks shall remain. It would not be safe to permit the removal of all marks, especially the dates, because it would open the door for fraud. It would allow the owner to take the goods to another warehouse and keep them there the full term of 12 months. It is absolutely necessary to have some privilege and some limitation on this to enable one who collects the goods, as the gentleman from Illinois [Mr. BROOKS] says, to collect goods in small quantities so as to have a carload and ship them early, in less than 30 days, and then he shall not have to retain the stamp of cold storage. If there were no privilege or allowance whatever, a creamery making one day's run of butter, putting the product into cold storage, a part of its own plant, could not take it out without having it marked permanently as cold-storage butter, with all the dates. The gentleman would not wish to permit that situation.

Mr. SAUNDERS of Virginia. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. SAUNDERS of Virginia. Do goods deteriorate in one month in cold storage?

Mr. McLAUGHLIN of Michigan. Very little.

Mr. SAUNDERS of Virginia. In two months?

Mr. McLAUGHLIN of Michigan. That depends on the kind of goods and the treatment of them.

Mr. SAUNDERS of Virginia. The gentleman suggested milk.

Mr. McLAUGHLIN of Michigan. No; I did not suggest milk; milk is not covered by this bill. I suggested butter.

Mr. SAUNDERS of Virginia. That will answer the purpose. If the butter goes into the creamery to-day and is stamped as cold storage and comes out in two days, why should it not carry the fact that it was in cold storage for two days?

Mr. McLAUGHLIN of Michigan. It is just as fresh as it possibly could be, and should be shipped and enter the trade with as little handicap as possible, if cold storage be considered a handicap.

Mr. SAUNDERS of Virginia. Why should not the stamp be allowed to remain on it showing that it had been in cold storage two days? That is the contention that it is as fresh as ever.

Mr. McLAUGHLIN of Michigan. Two days is about as short a time as one can possibly collect goods and get them into interstate commerce, and there should be as little burden as possible placed upon the ordinary and very prompt way of doing business, but dates should remain to prevent fraud, as I have said.

Mr. SWEET. Now, the gentleman has stated that the goods which were in storage 30 days were considered cold storage.

Mr. McLAUGHLIN of Michigan. Yes; 30 days or more.

Mr. SWEET. Now, in the ordinary course of trade or business goods that are in storage for 30 days are considered cold storage. Is that an arbitrary rule that has been adopted by the committee or is it well recognized?

Mr. McLAUGHLIN of Michigan. That may be called an arbitrary rule adopted by the committee, but we are following the practice and general understanding with reference to these matters.

Mr. SWEET. It is a universally accepted ruling?

Mr. McLAUGHLIN of Michigan. Quite generally accepted, yes; it may, I think, be called universal.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUDDLESTON. Mr. Chairman, I move to strike out the last word. As to many commodities there is a difference between merely preserving them by putting them in cooling, as in a refrigerator car, and freezing them for keeping. This bill does not recognize that difference and does not have it in view apparently, but as to many kinds of produce there is a very marked difference. Now, as to a product which is merely kept cool there is no hastened decay by the refrigeration when it is removed, but as to many kinds of products when they have been frozen and then taken out of refrigeration and allowed to thaw out there is a quick collapse; the collapse is greatly hastened by the fact that it has been frozen.

Now, these products which have been in frozen storage for 30 days are in a very different condition after being taken out and allowed to thaw from what they would have been had they not been cold stored at all and had been sold when fresh, and produce which has been cold stored is far different from such produce when fresh. Therefore if anyone purchases produce which has been frozen—the kind which deteriorates rapidly after being thawed out—with the belief that, in fact, it has never been in cold storage and has never been frozen, a fraud is perpetrated upon that purchaser. For that reason, and a very excellent reason, as it seems to me, we ought not to allow the people who have goods in this condition to make such sales, working thereby a fraud upon the purchaser, and that is what we are opening the door to here. The truth hurts nobody. The man who has had goods in cold storage ought to be willing to say so, whether it is for 24 hours or a year. He ought not to be allowed to put his goods out as different from the kinds of goods they really are.

Mr. HAUGEN. Will the gentleman yield?

Mr. HUDDLESTON. In a moment. I insist on the standard of truth and accuracy being applied in commerce, and we ought not to squint at anything else.

Mr. HAUGEN. There is no deception in this. Does the gentleman contend that because some one put a crate or basket of peaches in cold storage overnight that he should be compelled to mark them "Cold storage," and ought there not to be some line drawn somewhere?

Mr. HUDDLESTON. I will say this to the gentleman: That if he should put the peaches in some cooling place merely and take them out the next day they would remain as good as fresh ones; but if he should store the peaches at a temperature, we will say, of 32 or 33 degrees, and then take them out they would collapse very quickly; they will not last nearly as long. Therefore the man who sells a basket of peaches that has been in refrigeration near the freezing point for 30 days and sells it to some one who believes they have been recently plucked off the tree and have not been so stored is perpetrating a fraud upon the purchaser.

Mr. HAUGEN. There is no fraud and no deception.

Mr. HUDDLESTON. We ought not to open the door to fraud. The proposition in the bill is that a cold storer of produce is allowed to take the label off, and can thereby deceive the man who desires to purchase. I insist that the truth hurts nobody who wants to do right.

Mr. SAUNDERS of Virginia. Mr. Chairman, I move to strike out the last two words. I wish to ask the chairman a question relating to the pending section of the bill. Does this section contemplate that these inscriptions shall be put upon each separate article as soon as it is put into cold storage?

Mr. HAUGEN. Exactly.

Mr. SAUNDERS of Virginia. I would like the gentleman to point out what portion of section 3 requires that this shall be done?

Mr. RICKETTS. Lines 17 and 18.

Mr. HAUGEN. It says "that it shall be unlawful for any person to ship or deliver for shipment in commerce," and so forth, without marking. Of course, if it does not go into commerce it is not required to be marked, because Congress has no jurisdiction except over interstate commerce.

Mr. SAUNDERS of Virginia. I understand that the inscriptions must be made before the article can be shipped in interstate commerce, but the question that I asked is, Does this bill specifically require that the moment that an article is put in cold storage, these inscriptions shall be placed upon it?

Mr. HAUGEN. Not unless it is in interstate commerce.

Mr. SAUNDERS of Virginia. Then you can withdraw an article from a cold-storage warehouse without inscribing it at all?

Mr. HAUGEN. If it is sold in the State; but if it goes into interstate commerce and has been in cold storage more than 30 days it must be stamped as required.

Mr. SAUNDERS of Virginia. I call attention to the fact that lines 23 and 24 seem to contemplate that the inscription has already been placed on the article before it is withdrawn, but that it may be stricken off, provided the article is sold within 30 days from the time it went into storage.

Mr. HAUGEN. Yes; even if it enters interstate commerce.

Mr. SAUNDERS of Virginia. But if the inscription is not required to be placed on the article when it goes into cold storage, then there will be nothing to remove when the owner makes sale within 30 days.

Mr. HAUGEN. It does not apply to the State, of course—that is, intrastate commerce.

Mr. SAUNDERS of Virginia. In other words, and it is this to which I desire to call the gentleman's attention, there is nothing in the section that requires that a party placing products in cold storage shall inscribe the same at the time they are placed in the warehouse.

He is merely required to make this inscription when he offers the goods for shipment in interstate commerce.

Mr. ANDERSON. The gentleman is a good enough lawyer to know that we can not require it before it is put in interstate commerce; but this requires that when a shipment has previously moved in interstate commerce.

Mr. SAUNDERS of Virginia. My inquiry was whether all the articles hereafter stored in cold-storage warehouses shall have the required inscriptions affixed at the time they are put in storage. The gentleman agrees that this is not required, and that these inscriptions need not be impressed until the goods are prepared for movement in interstate commerce. I agree with the gentleman in this statement.

Mr. HAUGEN. It is not under this bill until it is interstate commerce.

Mr. SAUNDERS of Virginia. Oh, yes; it is.

Mr. HAUGEN. Under the definition of law.

Mr. SAUNDERS of Virginia. Take a concrete case. I am a farmer in Virginia. I put a thousand barrels of apples into cold storage in Washington, and later I wish to take them out; will they carry the date at which they went into cold storage?

Mr. HAUGEN. For interstate commerce.

Mr. SAUNDERS of Virginia. I do not say anything as to that. I merely wish to take them out——

Mr. HAUGEN. If they are not in interstate commerce then.

Mr. SAUNDERS of Virginia. I have the right to take them out.

Mr. HAUGEN. You can take them out and sell them in Washington, if they are not in interstate commerce, but you can not offer them in interstate commerce.

Mr. SAUNDERS of Virginia. Have I not the right under this bill to take those goods out of cold storage, without putting any inscription on them?

Mr. HAUGEN. Certainly; unless they are in interstate commerce.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAUNDERS of Virginia. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SAUNDERS of Virginia. So the legal effect of this section is that an owner is not required to put these inscriptions on his goods when he places them in cold storage; but that after they have been in cold storage the goods must be inscribed as required before they are shipped in interstate commerce. But the gentleman must admit that the goods can be withdrawn without any inscription. I call his attention to the fact that this right of withdrawal without notation of the fact that they are cold-storage products, and the date on which they were received in the warehouse, opens the door wide for fraud, and abuse of the law.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn. The question is on the amendment of the gentleman from Ohio [Mr. RICKETTS].

The question was taken; and the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. CONNALLY), the committee divided; and there were—ayes 15, noes 34.

So the amendment was rejected.

The Clerk read as follows:

SEC. 4. That the Secretary of Agriculture, whenever he finds it to be commercially impracticable to mark any article of food or the container thereof with the exact date as required in the clause (2) of section 3, may permit the day, but not the month or year, to be omitted from such mark. Such date shall then, for the purpose of this act, be deemed the first day of such month.

Mr. RAKER, Mr. KING, and Mr. McLAUGHLIN of Nebraska rose.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman——

Mr. HAUGEN. I withdraw the motion and yield to the gentleman from Nebraska.

Mr. McLAUGHLIN of Nebraska. Mr. Chairman, this cold-storage bill now under consideration has been carefully drafted in response to a growing demand on the part of the public for wholesome legislation on this subject. The fact that approximately 26 States have now adopted some form of cold-storage legislation shows how extensively public sentiment has been awakened. Inasmuch as a majority of the States of the Union have already enacted such legislation, it is only fair and reasonable that Congress supplement the legislation of the States with laws that will successfully regulate cold-storage products in interstate commerce.

Time forbids my attempting to mention the many reasons that have entered into the evolution of public sentiment on this subject, but I desire to mention three principal reasons.

First. Many cases have been observed where at different times certain cold-storage warehouses have been in insanitary condition so as to be unfit for the storage of food products. This bill seeks to correct this undesirable condition.

In the second place, some instances, at least, of the undue holding and hoarding of food products are a matter of record. By limiting the time that food products may remain in cold storage to 12 months the danger or possibility of hoarding is eliminated by the provisions of this bill.

The third reason for demanding such legislation is partly psychological, yet nevertheless reasonable. The public, owing to the immense growth of the cold-storage business and the gradual concentration of the distribution of the food supply into fewer hands, have increasing fear that the time may come, though it has not now arrived, when the entire food supply of the country may be completely controlled by a few great concerns, and that the only way to save the consuming public from such a great calamity is to adopt legislation of this kind in time to avert the approaching danger.

The attention of the committee should be called to the fact that this bill in no way attempts to interfere with the legitimate business and processes of cold storage. That the preservation of food by cold storage is of inestimable value to the public is a universally acknowledged fact. The freshness and wholesomeness of the food is preserved by this process to a degree and in a manner that could not be realized in any other way. The carrying over of the surplus food supply during the months of heavy production to the time of scarcity, thus equalizing the supply throughout the year, has a tendency to stabilize prices to the producer and, under proper distributing agencies, lower the average cost to the consumer. When, however, the food surplus of any given year is held in storage so long as to place it in competition with the new crop the legitimate purposes of cold storage are defeated, and the old crop has a tendency to force down the price of the new crop to the producer, which is admittedly unfair. Such a condition directly hinders the operation of the law of supply and demand.

In this bill the chief object of the time limit of 12 months is that the food may be carried over a sufficient time to take care of the months of little or no production and at the same time be entirely out of the way when the new crop comes on the market.

Mr. Chairman and gentlemen of the committee, you will observe by a study of this bill that it is clearly and solely a cold-storage measure, and as such it is only fair to say, as the hearings of the committee will verify, that the bill seems to meet with the approval of the cold-storage warehouses, the packers, producers, and all concerned. So far as I know, there was not a single witness before our committee who offered any objections to the provisions embraced in this bill. It is the belief and hope, therefore, of the Committee on Agriculture, that the House will pass the bill substantially as drafted and as early as is consistent with careful consideration.

As to whether or not the passage of this bill will have any immediate or material effect in reducing the high cost of living, I have my sincere doubts. I believe, looking to the future, that the provisions of the bill, when enacted into law, will stabilize prices, and during the seasons of new production at least result in increasing prices to the producer, and the bill is therefore desirable from this standpoint.

The present high cost of living, however, is in the main the result of deep-seated conditions growing out of the war program that can not be remedied by this or any other immediate legislation. The increase of the volume of the world's currency from $15,000,000,000 to $45,000,000,000 constitutes the principal reason for prevailing high prices. When money is exceedingly cheap everything else is dear in proportion.

Another principle underlying cause of high prices is the fact that the world has been engaged for over four years in a systematic program of destruction which has resulted in a world shortage. Any material or permanent reduction in the price of commodities will be realized only by a gradual reduction of the volume of currency and a universal program of increased labor resulting in increased production. Work, work, and more work will finally solve the problem. In my judgment the strikes and threatened strikes at this critical time are not only unwise and injudicious on the part of those engaging in them, but they are a direct and serious handicap to the public welfare, and constitute a menace to the life of our democracy itself.

While there are no doubt cases here and there where laborers are underpaid and where the conditions under which they labor are not the best, yet it must be acknowledged that wages and labor conditions are the best proportionately at this time that they have ever been in the world's history. There are so many converging conditions entering into the present serious situation that it behooves everyone in every walk of life to be

thoughtful, patient, and considerate until we can unravel the intricate and tangled legacy that the war has bequeathed us and determine just what is needed to meet the emergency.

Mr. Chairman, I have always been in thorough sympathy with those who toil, having myself enjoyed and endured the advantages and disadvantages experienced by laboring men. I have worked on the section at $1.10 a day and boarded myself. I know what it means to work 10 hours a day as we did then in a deep railroad cut where no wind was stirring with the sun boiling down to the extent of 110° or even more. These experiences certainly enable me to see some of the laboring man's problems from his own viewpoint and to have an insight and experience that some others may not have. But notwithstanding such experience, I am completely out of sympathy at the present time with any strike movements or strike suggestions until such a time as we can retrieve ourselves from the serious and multitudinous abnormal conditions in which the war has tangled us. Anyone who attempts at such a critical moment to tie the hands of the Government or bring further hardships, either directly or indirectly, on a long-suffering public, is, to say the least, either uninformed or very ungrateful.

But in conclusion, Mr. Chairman, I am sure that while the bill may not have a direct effect on the high cost of living, owing to these general conditions I have named, it will nevertheless render a great public service by insuring the sanitary condition of cold-storage warehouses, by placing food on the market before the new crop comes in so as not to be in competition with the same.

In a word, the bill will further the purity and wholesomeness of food, prevent the possibility of hoarding, and so supplement State legislation on the subject as to bring proper cold-storage advantages to all of the people in every part of the country. I commend the bill to the House with the hope that it will receive early favorable consideration.

Mr. BANKHEAD. Mr. Chairman, I ask permission to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. KING. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. KING: Page 4, line 9, after the word "month," insert the words:

"*Provided*, That every retail dealer in foodstuffs in the District of Columbia shall keep conspicuously displayed in close proximity to all cold-storage foods offered for sale by him a sign plainly marked with the words 'cold storage': *And provided further*, That the management of all dining cars operated in interstate commerce and of all restaurants and eating places in the District of Columbia, and serving cold-storage food, shall mark in plain letters on all their bills of fare opposite the name of such food the words 'cold storage.'"

Mr. SAUNDERS of Virginia. Mr. Chairman, a parliamentary inquiry.

Mr. ANDERSON. Mr. Chairman, I reserve a point of order on the amendment.

Mr. SAUNDERS of Virginia. That is just being read for information, is it not? The gentleman can not offer it, because we have not read the section.

The CHAIRMAN. Section 4 has been read. Does the gentleman from Minnesota [Mr. ANDERSON] make the point of order?

Mr. ANDERSON. I reserve the point of order.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FESS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9521) to prevent hoarding and deterioration of, and deception with respect to cold-storage foods, to regulate shipments of cold-storage foods in interstate commerce, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MCLAUGHLIN of Nebraska, indefinitely, on account of important business.

To Mr. BEE, for 10 days, on account of important business.

ADJOURNMENT.

Mr. HAUGEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 50 minutes p. m.) the House adjourned until Monday, September 29, 1919, at 12 o'clock noon.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5987) for the relief of Morris S. Baker; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 8938) granting a pension to J. M. Fisher; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9040) granting a pension to Mary A. Johnson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LANHAM: A bill (H. R. 9566) defining certain offenses committed by drivers of and persons in control of motor vehicles in the District of Columbia, and providing for the punishment of such offenses, and for other purposes; to the Committee on the District of Columbia.

By Mr. JEFFERIS: A bill (H. R. 9567) prohibiting the exportation of lumber from the United States and providing penalties for violation thereof; to the Committee on the Judiciary.

By Mr. KAHN: A bill (H. R. 9568) to authorize the Secretary of War to transfer certain surplus machine tools and other equipment to the Federal Board for Vocational Education; to the Committee on Military Affairs.

Also, a bill (H. R. 9569) authorizing the detail of commissioned officers of the Army to take courses of instruction within two years from date of commission; to the Committee on Military Affairs.

By Mr. STRONG of Kansas: A bill (H. R. 9570) providing for the loan or sale of Army equipment to the Boy Scouts of America; to the Committee on Military Affairs.

By Mr. MACGREGOR: A bill (H. R. 9571) for the relief of certain retired commissioned and warrant officers of the United States Navy and Marine Corps; to the Committee on Naval Affairs.

By Mr. MILLER: A bill (H. R. 9572) to prohibit the payment of gratuities to the masters of vessels or other persons for the purpose of inducing or securing contracts for repairing vessels or furnishing vessels with supplies or other necessaries; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND of Missouri: A bill (H. R. 9573) granting an increase of pension to Leroy Hines; to the Committee on Invalid Pensions.

By Mr. BROOKS of Illinois: A bill (H. R. 9574) granting an increase of pension to William H. H. Fitch; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 9575) granting an increase of pension to James Mills; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9576) granting an increase of pension to Murray R. Marshall; to the Committee on Pensions.

By Mr. JEFFERIS: A bill (H. R. 9577) for the relief of Patrick Hughes; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9578) to reimburse the Western Union Telegraph Co. for damage sustained to its telegraph line along the Missouri Pacific Railroad right of way between Kansas City and Nearman, Kans.; to the Committee on Claims.

By Mr. KAHN: A bill (H. R. 9579) for the relief of Florence Proud; to the Committee on Claims.

By Mr. LANGLEY: a bill (H. R. 9580) for the payment of certain claims of general officers of volunteers for three months' pay proper for Civil War service, as reported by the Court of Claims; to the Committee on War Claims.

By Mr. LITTLE: A bill (H. R. 9581) granting a pension to Samuel Moore; to the Committee on Invalid Pensions.

By Mr. MACGREGOR: A bill (H. R. 9582) granting a pension to Ida Otto; to the Committee on Pensions.

By Mr. NEWTON of Minnesota: A bill (H. R. 9583) for the relief of Edward A. Purdy, postmaster of the city of Minneapolis, Minn., for postage stamps, postal-savings stamps, war-savings stamps, war-tax revenue stamps, and cash from money orders stolen from the branch post office at Minneapolis, Minn.,

commonly known and described as the Traffic Station, and located at Nos. 621–623 First Avenue North in said city; to the Committee on the Post Office and Post Roads.

By Mr. PLATT: A bill (H. R. 9584) granting an increase of pension to Ananias Cameron; to the Committee on Invalid Pensions.

By Mr. RANDALL of California: A bill (H. R. 9585) granting an increase of pension to Albert O. McNulty; to the Committee on Pensions.

Also, a bill (H. R. 9586) granting a pension to Melissa O. Downs; to the Committee on Invalid Pensions.

By Mr. RIDDICK: A bill (H. R. 9587) for the relief of Katherine Macdonald; to the Committee on Claims.

By Mr. SANDERS of Indiana: A bill (H. R. 9588) granting a pension to Stanford Holmes; to the Committee on Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 9589) granting a pension to Adaline Peak; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 9590) granting an increase of pension to Lydia L. Clark; to the Committee on Invalid Pensions.

By Mr. YOUNG of North Dakota: A bill (H. R. 9591) for the relief of G. A. Lieber; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of J. O. Bishop, of Pennsylvania, urging that the preamble of the National Constitution be amended; to the Committee on the Judiciary.

By Mr. CAREW: Petition of Hudson Navigation Co., of New York, protesting against the passage of House bill 4378, known as the Esch-Pomerene bill; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLY of Pennsylvania: Petition of Chamber of Commerce of Pittsburgh, Pa., favoring budget legislation; to the Committee on the Judiciary.

By Mr. ROWAN: Petition of National Automatic Sprinkler Association of New York, favoring the passage of House bill 9412; to the Committee on Military Affairs.

Also, petition of the Barrett Co. and National Aniline & Chemical Co., of New York, favoring the passage of House bill 8078, known as the Longworth bill; to the Committee on Ways and Means.

By Mr. TINKHAM: Petition of American Chemical Society of Washington, D. C., protesting against the passage of Senate bill 2715; to the Committee on Military Affairs.

SENATE.

MONDAY, *September 29, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we give Thee thanks that we are facing the problems of this day in health and strength, in vigor of body and mind, with a clear conception of duty and with a determination to face it without fear or favor. We thank Thee that we have the courage born in us of deep convictions. We pray that Thou wilt guide us in all the affairs of state, that we may so discharge the duties of the high office to which Thou hast called Thy servants in this Senate that they may realize God's favor and see the pleasure of the Lord prospering in their hands. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed a bill (H. R. 8078) to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, as incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes," in which it requested the concurrence of the Senate.

LEAGUE OF NATIONS.

Mr. BRANDEGEE. Mr. President, I have here a letter sent out by the national committee on the churches and the moral aims of the war, which reads as follows:

[National committee on the churches and the moral aims of the war. The committee—Mr. Hamilton Holt, chairman; Rev. Henry A. Atkinson, D. D., executive secretary; Rev. Linley V. Gordon, associate secretary; Hon. William H. Taft, Hon. Alton B. Parker, Mr. Glenn Frank, Mr. William H. Short, Rev. William P. Merrill, D. D., Mr. George A. Plimpton, Rev. Charles S. Macfarland, D. D., Rev. Sidney L. Gulick, D. D., Dr. Talcott Williams, Rev. Arthur J. Browne, D. D., Mr. Frederick Lynch.]

70 FIFTH AVENUE,
New York, September 22, 1919.

DEAR SIR AND BROTHER: This committee, as you undoubtedly know, carried on a very extensive campaign in behalf of the war. It has been clear from the very beginning that the war would not be won, and the moral aims for which it was fought achieved, until a league of nations is established. A determined effort is now being made, however, within the United States Senate to defeat this necessary end.

Public sentiment alone will convince our Senators that America is resolved to help put an end to war by helping to control the forces which make war inevitable.

It would seem that the churches had done everything possible to impress the Senate with their determination to have the covenant adopted, but in the present exigency we feel that they must make one final effort. Anything less than this would be to fall short of our duty.

There are four things which can be done which will be of inestimable value in this crisis and which may turn the scale and save the covenant.

(1) Write to your two Senators and send a copy of the letter to the Hon. HENRY CABOT LODGE, chairman of the Foreign Relations Committee. Make your letter brief but emphatic, asking for speedy ratification of the peace treaty, including the covenant for a league of nations without any amendments which would send the treaty back to Paris.

(2) Influence at least 10 of your most influential friends to do the same thing.

(3) Arrange for a community meeting or a meeting in your church where the matter may be discussed, and a new set of resolutions adopted to be sent to the Senators and to the Hon. HENRY CABOT LODGE.

(4) Preach one more sermon on the subject.

Inclosed you will find copy of statements made by leading church bodies and a leaflet by Dr. Frank Crane.

I am also inclosing a postal card asking for your signature and permission to use it in a monster petition that is to be sent to Congress. If you will sign this card and mail it so that it will reach me by return mail, we shall very greatly appreciate your cooperation.

Yours, in behalf of a league of nations,

HENRY A. ATKINSON, *Secretary.*

P. S.—Please sign and mail the inclosed postal card at once.

The postal card, addressed to Secretary Henry A. Atkinson, 70 Fifth Avenue, New York City, N. Y., is as follows:

I am in favor of a league of nations and hereby give you permission to sign my name to a petition that is to be presented to the Senate, which reads as follows:

"We, the undersigned clergymen, urge the Senate of the United States to ratify the Paris peace treaty embodying the league of nations covenant at the earliest possible date without amendments or such reservations as would require resubmission of the treaty to the peace conference and Germany."

Signed ——— ———
Church ——— ———
Address ——— ———

Date ———.

To be of value this card must be signed and mailed at once.

It will be observed that the card says, "I am in favor of a league of nations," and then it proceeds to ask them to sign a card urging the Senate "to ratify the Paris peace treaty embodying the league of nations covenant."

Mr. President, I will not weary the Senate by reading the names attached to this letter, or at least what we call a letterhead, but there are the names of the committee and the name of Mr. Hamilton Holt as its chairman. I ask that they may be printed with the letter.

The VICE PRESIDENT. The Chair hears no objection.

Mr. BRANDEGEE. Mr. President, I simply call attention to this matter to show the organized propaganda by which these associations and societies are attempting by stereotyped and hysterical appeals to bring pressure upon Senators, who know probably quite as much about the treaty and its good and bad points as those know who are asked to sign this literature, already manufactured for them in advance, and to preach sermons about the league.

One gentleman to whom the letter was sent replied as follows:

DEAR SIR: Permit me to acknowledge receipt of your letter of 22d instant.

I desire to impress upon your mind that I am conscientiously opposed to the league of nations, and I regard it as the most infamous document

that ever was written by any group of nations. It is not necessary for me to specify, since the honorable Senators who oppose it in Washington very well voice my sentiments.

Sir, I am a hundred per cent American, and I am entirely dedicated to the proposition that America shall be for the Americans, and that the rest of the world should fight its own battles as our forefathers fought them in the past.

I listen only to the voice of Washington, of Jefferson, of Monroe, and of all the great men who held dear to their hearts the purity of Americanism. And inasmuch as they, by their careful policy have conducted this Nation to a glorious success, I can not consider advisable the substitution of glory by the doubtful outcome of the league of nations.

I supported Mr. Wilson with my whole strength during the war, because I recognized the justice of his leadership at that time. Now he has gone too far with himself, and while he and the Government are not of one mind, while he chooses to impose on the American people that which I consider not good for them, I will do my best to oppose him as far as my condition will allow.

I assure you, sir, that I appreciate your communication since I presume that you are prompted by genuine sincerity.

Yours, against the league of nations,

———— ————.

PETITIONS AND MEMORIALS.

Mr. FLETCHER presented a resolution adopted by William C. Morris Post, American Legion, of Port Lauderdale, Fla., favoring an investigation to place responsibility for the alleged unnecessary wrongs inflicted against officers and soldiers of the American Expeditionary Forces and for proper punishment for those found guilty, which was referred to the Committee on Military Affairs.

Mr. KNOX presented a petition of the City Firemen's Protective Association of Pittsburgh, and a petition of sundry citizens of the counties of Lackawanna, Wyoming, and Luzerne, all in the State of Pennsylvania, praying for the freedom of Ireland, which were referred to the Committee on Foreign Relations.

He also presented a memorial of Local Division, No. 6, Ancient Order of Hibernians, of Berwyn, Pa., remonstrating against the deportation of certain Hindus in the United States, which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Pittsburgh, Philadelphia, Wilkes-Barre, Easton, Scranton, Kersey, Verona, Greensburg, and Braddock, all in the State of Pennsylvania, remonstrating against the establishment of a department of education, which were referred to the Committee on Education and Labor.

Mr. PAGE presented a memorial of Local Division, No. 1, Ancient Order of Hibernians in America, of Rutland, Vt., remonstrating against the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

Mr. JOHNSON of South Dakota. I have a letter from the pastor of the First Congregational Church, of Beresford, S. Dak., inclosing a resolution adopted by the Yankton Association of Congregatonal Churches of South Dakota, indorsing the covenant for a league of nations and requesting its adoption without reservations or amendments. I ask that the communication be printed in the RECORD.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

FIRST CONGREGATIONAL CHURCH,
Beresford, S. Dak., September 25, 1919.

The Hon. EDWIN S. JOHNSON,
Washington, D. C.

MY DEAR SENATOR: As scribe of the recent meeting of the Congregational Churches at Centerville, S. Dak., I am instructed to forward to you the following resolutions:

"*Resolved*, That the Yankton Association of Congregational Churches, composed of 25 churches, and including 2,486 members, representing the Congregational interests of the southeastern part of South Dakota, hereby indorse the pact of the league of nations at present pending before the Senate and urge its adoption without any reservations or amendments that would necessitate its resubmission at present.

"That the scribe be instructed to forward a copy of these resolutions to the Hon. EDWIN S. JOHNSON and the Hon. THOMAS S. STERLING at Washington."

Respectfully, J. B. BURKHARDT.

REPORTS OF COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. CALDER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 6863) to regulate the height, area, and use of buildings in the District of Columbia and to create a zoning commission, and for other purposes, reported it with amendments.

Mr. SHERMAN, from the Committee on the District of Columbia, to which was referred the bill (H. R. 333) providing for the disinterment and removal of the remains of the infant child, Norman Lee Molzahn, from the temporary burial site in the District of Columbia to a permanent burial place, reported it without amendment and submitted a report (No. 226) thereon.

SENATE ROLL CALLS.

Mr. BRANDEGEE. Pursuant to the notice I gave on Saturday, I offer the following resolution and ask that it be referred to the Committee on Rules.

The resolution (S. Res. 199) was referred to the Committee on Rules, as follows:

Resolved, That Rule XII of the Standing Rules of the Senate be amended by adding at the end thereof the following paragraph:

"4. When the roll is called, either for the purpose of taking the yeas or nays or for ascertaining the presence of a quorum, the result shall not be announced by the presiding officer until at least 15 minutes shall have elapsed after the beginning of the calling of the roll, and every Senator who answers to his name within that time shall have the right to be recorded."

LANDING OF MARINES IN DALMATIA.

Mr. KNOX. Mr. President, I should like to make an inquiry of the Chair. Has there been any response from the Secretary of the Navy to the resolution of inquiry that I introduced last week referring to the landing of American marines on the Dalmatian coast?

The VICE PRESIDENT. There has been none.

Mr. KNOX. I note this morning what purports to be a statement of the facts following that landing. It seems now to be pretty generally conceded and there is no doubt about the fact that troops landed from an American vessel of war. The Washington Post in one of its leading articles this morning is responsible for the following statement:

[From the Washington Post, Sept. 29, 1919.]

FACTS NOW ESTABLISHED.

The following important facts appear already established:

Secretary of the Navy Daniels, who last week said he could not believe that American sailors were being used in the manner described by press cables, now has official confirmation of the news.

The orders to Rear Admiral Andrews, commanding the American naval forces in the Adriatic, came from the British Admiralty via the war council and Rear Admiral Knapp in London.

The approval or disapproval of the American Navy Department was not asked, and the details of the expedition would perhaps have not reached Secretary Daniels had he not cabled specifically to Rear Admiral Andrews, stating that remarkable reports were appearing in the newspapers and asking if they were true.

WITHOUT DANIELS'S KNOWLEDGE.

Mr. Daniels was admittedly placed in a peculiar position when cables reached here stating that the forces over which he is presumed to have exclusive control were carrying on what amounted to naval warfare without his knowledge. It was fully realized that the British Admiralty might desire to issue orders to Rear Admiral Andrews to act on behalf of Great Britain and her allies, because the situation required sacrifice on the part of some nation if D'Annunzio's followers were to be held in check.

It was further realized that under the new league of nations plan foreigners would be in a position to direct American naval forces in emergencies with or without the consent of the American Navy Department. But as the league is not yet sanctioned by the United States and control of America's armed forces has not yet passed out of the jurisdiction of the American people, it was not believed possible that the American Navy could be directed to undertake a warlike expedition without the consent of the head of the American Navy.

It may have been for this reason that Secretary Daniels was so sure that the reports in the press could not be correct until he had official confirmation.

Mr. President, I can appreciate the doubt in the mind of Secretary Daniels when that startling report first came to our shores. I can appreciate how the head of the American Navy would feel when it was publicly charged that marines, exclusively under the control of his department, had been landed upon foreign soil for the purpose of carrying out the wishes and the desires of any nation. I can understand how a further doubt might have disturbed his serene mind, and that is as to whether or not this was only the first number of a program to which we may be secretly committed in the way of military and naval activities in Europe.

It had been my intention, Mr. President, this morning to have presented a resolution for a thorough investigation of the whole situation, but I was informed that such a resolution had been prepared by the junior Senator from Indiana [Mr. NEW].

Mr. BRANDEGEE and Mr. SHERMAN addressed the Chair.

The VICE PRESIDENT. The Senator from Connecticut.

Mr. BRANDEGEE. I want to ask the Senator from Pennsylvania a question before he takes his seat, if he will allow me to do so. As indicative of the danger of operating the Army and Navy of the United States in this haphazard, unauthorized manner, I wish to ask the Senator what sort of a situation we would have been in if the marines who were landed had been opposed and had been killed by the people whom they were trying to put out of the city of Trau?

Mr. KNOX. If they had been opposed and conflict had ensued, we would have been carrying on a war against them.

Mr. BRANDEGEE. Without a declaration of war by Congress.

Mr. KNOX. I have heard of no declaration of war by Congress.

Mr. McCORMICK. If the Senator from Pennsylvania will permit me to correct him, we would have been waging peace with them as we did at Vera Cruz.

Mr. KNOX. That, perhaps, is another name for it. The terms have become considerably confused within the last two years; but certainly, under the old-fashioned definition as to what constitutes an invasion, we would have been invading their coun-

try; and if we had shot down their citizens in order to make good the ground that we had gained in that invasion, we would have been carrying on war.

Mr. BRANDEGEE. That would seem to me to be the situation.

I wish to call attention to the fact that the dispatches I have seen, as reported in the public prints, are to the effect that the admiral who landed the marines, who interfered in this situation in Dalmatia on the Adriatic coast, states that he did so under the orders of a supreme council sitting somewhere. I am not aware who represented this country on that supreme council, but I call the attention of the Senate and of the country to the unbelievable state of affairs when the Army and Navy of the United States are ordered around Europe and Asia at the behest of some supreme council, a body utterly unknown to the Constitution of this country, and a body in which the people of this country have no confidence whatever.

Mr. NEW. Mr. President, if it be in order at this time, I submit the resolution which I send to the desk, and ask that it be read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read the resolution (S. Res. 198), as follows:

Whereas it is reported in the newspapers of this date that a force of American sailors or marines were landed on the Dalmatian coast from a vessel of the United States Navy by direction of the British Admiralty and without the knowledge of the President, the Secretary of the United States Navy, or other competent authority of the United States: Therefore be it

Resolved, That the Department of State be requested to inform the Senate of the facts concerning this report at the earliest possible moment.

Mr. NEW. Mr. President, inasmuch as the resolution which I have sent to the desk calls for no more than a statement of the facts in the case, I apprehend there will be no objection to its immediate consideration, and I ask unanimous consent for its immediate consideration.

Mr. HITCHCOCK. Mr. President, withholding for the present an objection to the immediate consideration of the resolution. I want to ask Senators who are agitating this question if they are operating upon the theory that we have entered into any peace settlement? As I understand, we are now in exactly the attitude in which we were at the time of the signing of the armistice. We have made no peace settlement, and no peace settlement has been made nor will be made until a sufficient number of the first-rate powers have signed the treaty to put it into effect.

It is well known that during this period the supreme council, under the war powers of the President of the United States, was formed for the maintenance of a semblance, at least, of law and order; and for the temporary preservation of the status in Europe. The United States, as I understand, participated with the same nations with which it had been associated in the war, and in this particular case, though all I have is press reports, the reports state that that particular work on the Dalmatian coast was allotted to the United States. Great Britain has had allotted to her certain other work, and Italy has had allotted to her certain other work. Italy is confronted by something which partakes very much of the nature of a revolution; and the only purpose of the action of the American marines in this case is the purpose that they have had from the beginning, and that they have had since the armistice was signed, of maintaining the conditions as they then existed. I can not understand why Senators are going on the assumption that we have arrived at a state of peace. We can not arrive at a state of peace until the treaty is ratified by France, Italy, and the United States.

Mr. McCORMICK. Mr. President, will the Senator allow me to interrupt him there?

Mr. HITCHCOCK. Yes.

Mr. McCORMICK. We are not in a state of war with Serbia or Italy, are we?

Mr. HITCHCOCK. No.

Mr. McCORMICK. Or engaged in suppressing insurrection in Italy, are we?

Mr. HITCHCOCK. We are not in actual active war, but we certainly are not in a state of peace——

Mr. McCORMICK. With Italy?

Mr. LODGE. With Italy?

Mr. HITCHCOCK. And I do not understand why Senators proceed upon the theory that either the Navy or the Army is under any other control than it was during the war. During the war the Secretary of the Navy did not issue orders from Washington for every movement of the Navy over there. The Navy operated in conjunction with the navies of Great Britain, of France, and of Italy, and orders were not issued from Washington for every landing of marines or for every movement of every vessel.

Mr. LODGE. Mr. President, may I ask the Senator a question?

Mr. HITCHCOCK. Yes.

Mr. LODGE. When did we go to war with Italy?

Mr. HITCHCOCK. We have not gone to war with Italy.

Mr. LODGE. It is the Italians that we drove out of Trau.

Mr. HITCHCOCK. The Senator from Massachusetts must know that the Italian Government has practically agreed with the United States and that the Italians who are in Fiume and on the Dalmatian coast are now practically in insurrection, which the Italian Government is not able to suppress. I do not think the Senator——

Mr. LODGE. Did the Italian Government ask us to drive the Italians out of Trau?

Mr. HITCOCOCK. I am not advised what the Italian Government did, but I am advised that the Italian Government and the French Government and the British Government and the United States Government are practically in accord as to the policy that should be pursued on the Dalmatian coast and with regard to Fiume, and that the situation is complicated by what amounts to an insurrection of the Italian troops. There is no difficulty; our relations with the Italian Government are entirely amicable; our ambassador is in Rome; our diplomatic relations are in entire accord, and there is every indication that the Italian Parliament stands squarely behind the Italian prime minister in the arrangement which he has made. The only trouble is with some Italian insurrectionists, and whatever the United States has done in this case has been done by the order of men over there who have been issuing such orders for months, and there is no reason why that condition should be changed in the face of insurrection and lawlessness.

Mr. MOSES. Mr. President, may I ask the Senator if he would regard the situation in his home city such as to require the use of marines or the Army to put down lawlessness or insurrection?

Mr. HITCHCOCK. If there is disorder——

Mr. MOSES. Should we ask——

Mr. HITCHCOCK. I will answer the question.

Mr. MOSES. Should we ask the people of Italy to come here and do that?

Mr. HITCHCOCK. The United States is fortunately perfectly capable of handling the situation within the United States.

Mr. MOSES. And most people, accordingly, Mr. President——

Mr. HITCHCOCK. I ask the Senator not to interrupt me without leave.

Mr. MOSES. Very well.

Mr. HITCHCOCK. The United States is perfectly capable of maintaining law and order within its own borders, and I believe that the Government of Italy is able to maintain law and order within its own borders; but its borders are not on the other side of the Adriatic. That is not Italian territory, and the Senator knows it very well.

Mr. MOSES. May I ask the Senator a question at that point?

Mr. HITCHCOCK. The Senator may.

Mr. MOSES. Does the Senator regard the action that has taken place at Trau and which is evidently about to take place at Fiume is for the purpose of protecting the existing territorial integrity and political independence of Fiume?

Mr. HITCHCOCK. No; it is not, and the Senator knows very well it is not. It is simply for the purpose of maintaining the status until the joint agreement which has been made by the United States can be carried out. There has not been bloodshed upon the part of the United States; there has been nothing but the landing of marines to preserve order, just as under every administration the landing of marines has been ordered on the Western Hemisphere in countries contiguous to us.

Mr. NEW. Mr. President——

Mr. HITCHCOCK. I yield to the Senator from Indiana.

Mr. NEW. Does the Senator think that under any statement of conditions or facts there is an impropriety in the United States Senate asking for the facts concerning this matter? Does he not think it true that the fact that there has been no bloodshed in connection with the landing of American troops is due rather to good fortune than to any other circumstance? As the Senator from Illinois very aptly inquired, when did we go to war with Italy or when did we go to war with Serbia, or why should the United States armed forces be used upon the authority of any foreign government or any supreme council or any agency other than the one established by the Constitution of the United States for interference in the affairs of a friendly power? Is it not true, notwithstanding the fact stated by the Senator from Nebraska, that while the Secretary

of the Navy and the President did send the naval forces of the United States upon the high seas during the recent war and that they did things, perhaps, without direct and specific orders from the President or the Secretary of the Navy, they were so sent for cooperation with our allies against our enemies and not against our friends and allies?

Mr. HITCHCOCK. Mr. President, I will say in answer to the Senator that I have not any objection to proper inquiry at the proper time. Inquiry has already been made, which I presume will be answered in due time under the resolution of the Senator from Pennsylvania [Mr. KNOX]. I do not think it is within the dignity of the Senate of the United States to harass the departments with inquiries with which we are very little concerned. The Senator speaks as though we were invading Italian territory. He knows very well that our troops have not landed on Italian territory. I now ask that the resolution go over until to-morrow.

Mr. THOMAS obtained the floor.

Mr. NELSON. Mr. President——

Mr. THOMAS. I yield to the Senator from Minnesota.

Mr. NELSON. I simply wanted to ask a question. It may be too late. I wish to ask either the Senator from Indiana or the Senator from Nebraska whether the Italian Government or any other Government has protested against the landing of our troops?

Mr. THOMAS. Mr. President, I will answer the question. So far as I know, no protest has been made or recorded or even announced from the Italian Government or from the Jugo-Slav Government. The question propounded by the Senator from Massachusetts to the Senator from Nebraska is a very pertinent one in this discussion. Of course we are not at war with Italy. We have not been, and I hope we never will be; but, unless my recollection is at fault, when the Fiume situation became critical and the Italian Government was threatened in consequence——

Mr. NELSON. Mr. President, will the Senator yield to me a minute further?

Mr. THOMAS. Yes.

Mr. NELSON. Suppose the landing of our marines there was done by direct or indirect request of the Italian Government for the purpose of temporarily preserving law and order there. Could that be called an act of war against Italy?

Mr. THOMAS. Oh, if it was done pursuant to a request of the Italian Government, it could not be an act of war under any circumstances.

Mr. LODGE. Mr. President, will the Senator yield to me a moment?

Mr. THOMAS. I yield.

Mr. LODGE. This does not concern Fiume at all. This is the city of Trau, on the Dalmatian coast, and the people who were driven out were Italians; so it could hardly have been done at the request of the Italian Government.

Mr. THOMAS. But, Mr. President, this is one of the consequences of the Fiume incident, so far as we are able to judge from the information at hand. Fiume was placed practically under international control by express or tacit agreement consequent upon the attitude of Italy on the one hand and Jugo-Slavia on the other regarding the ultimate disposition to be made of it, and it was garrisoned by small numbers of British and French troops, both of which were driven out by D'Annunzio when he made his spectacular entrance into that city and proclaimed it a part of Italian territory. That incident was an unfortunate one, an unlawful one, and one which, but for the exercise of great tactfulness, might and probably would have resulted in bloodshed, followed by a situation of extreme international delicacy, and one which might very easily lead to the renewal of war.

As has been said by the Senator from Nebraska, the war is not yet technically over, and the occupation of Fiume was not Italian or Jugo-Slav prior to D'Annunzio's entry. Since that time the Italian Government has been in a very critical situation between the desire of the Italian public to retain Fiume and the very evident breach of faith committed by D'Annunzio, and which the Italian Government under the circumstances naturally hesitated about either repudiating or affirming. According to the morning dispatches, the Italian Government has received a vote of confidence, and can no doubt handle the situation more intelligently from now on; but I feel very sure that the landing of our marines in Dalmatia was due to this unfortunate international situation, and until Italy or Jugo-Slavia or both shall protest it seems to me very much like a tempest in a teapot.

With regard to the resolution of the Senator from Indiana [Mr. NEW], unless my recollection is greatly at fault a similar resolution was introduced last week and by unanimous consent was immediately adopted. It seems to me, therefore, that we should give the State Department a little time, and assume that it is both willing and anxious to reply, before bombarding it with another resolution. If I am at fault in my recollection, I hope some Senator will correct me. I do not think I am. That being the case, I ask that the resolution go over until to-morrow.

Mr. HITCHCOCK. Mr. President, if the Senator will permit me, I neglected to state while I was on my feet that the territory in question is Austrian territory, which was to be placed under the military and naval authorities of the nations which were associated together in this war. Until its fate is settled it has got to remain under those authorities, and we have got to bear our share of that burden.

Mr. THOMAS. Those are the facts; and of course the arrangement, whatever it was, was necessary to be made, and must be observed and enforced until final adjudication of this territory shall have been made.

The VICE PRESIDENT. On objection, the resolution has gone over.

Mr. SHERMAN. Mr. President, has the resolution been disposed of?

The VICE PRESIDENT. It went over under objection.

Mr. SHERMAN. Mr. President, the resolution of the Senator from Indiana seems to me highly appropriate. Before yielding the floor I shall introduce a joint resolution which I have on my desk, which will cover not only this specific instance but future use of the Navy in Italian waters or elsewhere on like conduct.

It seems to me that we ought not only to check this present activity of our naval forces, acting apparently without the direction of any established authority in our own country, but to provide for future activities of a like kind.

Mr. President, this is not within the exercise of the war power of the President. In reality it is action under the league of nations. If there be any authority outside of the United States to give directing power to the naval forces of the United States, it must be by virtue of the league. We hear, in press reports, of the supreme council having given directions to that part of the American Navy which is in Italian waters to take the conduct covered by the resolution. In that event it is either an unwarranted exercise of authority by the council of the league of nations or by some one of the nations already supposed to have ratified the treaty in order to be within the operation of the league. In either event it is not within the war powers of the President. The league covenant, if it be a treaty, has not yet been ratified by the Senate, nor has the treaty concluding peace with Germany been ratified by the Senate. Any obligations imposed or sought to be imposed by the league or the treaty are not yet binding upon this Government. Therefore there is no legal authority from the league or the treaty to take action. If, therefore, it be of any authority whatever, it must relate back to the war powers of the President.

The war powers of the President are derived from the joint resolution of April 6, 1917, declaring war against Germany. The war against Germany is not connected with the Dalmatian coast, nor with Italian boundaries, except as it may be connected with the treaty or with the league of nations. This action is not connected with the declaration of April 6, 1917. Neither the league nor the treaty, therefore, can be made the authority for this action, because they have not yet been ratified by the Senate. If it recur back, therefore, to the general war powers of the President, he possesses no war powers outside of the joint resolution to direct the Army and Navy against the enemy named in that joint resolution. That enemy is neither the Jugo-Slav nation nor the Italian nation. We are not at war with either one or the other of these nations—assuming that the Jugo-Slav nation shall become an independent State—nor are we authorized by the head of the Navy or any authority in the United States to invade Italy or Italian waters, nor to land upon the territory of the new proposed State of Jugo-Slavia.

Mr. McCORMICK. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to his colleague?

Mr. SHERMAN. I yield.

Mr. McCORMICK. I venture to suggest that my colleague is led into the same error as the Senator from Pennsylvania. He assumes that under "the new freedom" the Government is conducted under the Constitution, I suppose. Is that the assumption upon which the Senator is speaking?

Mr. SHERMAN. Yes, sir.

Mr. McCORMICK. I am astonished that he has learned no better during the course of this long debate.

Mr. SHERMAN. I believe the astonishment of my colleague is justified. We have so long been proceeding under the illimit-

able war powers of the Executive and under the functioning of a league that has not yet been ratified by the Senate that we have departed from the old lines of government. Sir Eric Drummond is functioning constantly. He is the secretary of the secretariat. The principal nation in the league, if it ever be accomplished, for our purposes is Great Britain. Great Britain, it seems from press reports, is delivering orders to the United States Navy in Italian waters. That is precisely what it is doing. Now, I have a very great respect for Great Britain, for her governmental powers and for what she has done in the world; but I refuse, for my part, to recognize any authority on her part since the Revolutionary War to order the American Navy anywhere in the world to perform any naval acts. The purpose of the resolution offered by the Senator from Indiana is not only to ascertain by what authority this action is had, but, if possible, to check it. If this action accomplishes anything, it will place this Government and its armed forces in conflict either with the Italian Government or with a considerable part of the Italian forces.

Italy faces civil war to-day. This so-called poet leader who has occupied Fiume is not going merely to illustrate a stanza in some poem he has written. In addition to being a poet—not a common combination, it is true—he is a practical man in affairs in Italy, and he knows what he is doing. He has behind him a considerable portion of the public sentiment of the whole Italian nation. When this proceeds much further on the Dalmatian coast, in Fiume, or anywhere in the Adriatic Provinces, it is a very grave question whether the whole Italian people will not take charge of this matter. It is well understood that since Orlando's resignation, following a proclamation by the President over the heads of the Italian authorities——

Mr. ROBINSON. Mr. President, I rise to a point of order.

Mr. SHERMAN. I will yield to the Senator in a moment.

The VICE PRESIDENT. The Senator from Arkansas will state his point of order.

Mr. ROBINSON. I demand the regular order.

The VICE PRESIDENT. The Senator from Illinois is out of order. The introduction of bills and joint resolutions is in order.

Mr. SHERMAN. I wish to introduce a joint resolution. I send it to the Secretary's desk and ask that it be read. Instead of asking to have it lie over, I think I will ask that it go to the Committee on Foreign Relations. It covers not only the territory covered by the resolution of the Senator from Indiana, but covers future conduct elsewhere in the use of the Army and Navy, and declares it to be unlawful. I am getting back under the Constitution by this resolution.

The joint resolution (S. J. Res. 111) outlining the attitude to be maintained by the Government of the United States and her naval and military forces in dealing with conditions upon the Dalmatian coast was read the first time by its title and the second time at length and referred to the Committee on Foreign Relations, as follows:

Resolved, etc., That the interference by the Government of the United States in controversies concerning Italian boundaries, territory, or questions relating to the Adriatic Provinces, the action of the United States naval forces, under the orders of the supreme council, and any further action therein, be, and are hereby, disapproved and declared to be unwarranted and without lawful authority, and all such action in the premises is hereby declared not to be within the power, duty, or proper province of the Government of the United States of America, and all appropriations for military and naval purposes or in support thereof heretofore or hereafter made be, and the same are hereby, prohibited from being expended or in any manner used for any such matters relating to Italy. It further appearing from a statement by the Secretary of the Navy that on September 23, 1919, an American force from the United States Navy landed at Trau, a Dalmatian port, occupied the town and expelled or caused to withdraw therefrom Italian forces, recovered and occupied the place under a direction or assignment of such place in a zone alleged to be assigned by the supreme council to the United States to be policed by this Government; it is further declared that such assignment or direction by the supreme council of foreign territory to be policed or guarded by the United States Government is beyond the power of such council or the executive department of this Government so to impose such burdens or responsibilities on this Government, unless by treaty made by the President, with the advice and consent of the Senate, and that such attempt to anticipate the action of the Senate or otherwise impose any such obligation is unwarranted and declared to be of no binding force upon the United States.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PITTMAN:

A bill (S. 3104) authorizing the Central Pacific Railroad Co. of California, or its successors or assigns, to convey for public road or park purposes certain parts of its right of way; to the Committee on Public Lands.

By Mr. JOHNSON of South Dakota:

A bill (S. 3105) for the relief of F. C. X. Boucher (with accompanying paper); to the Committee on Indian Affairs.

By Mr. SPENCER:

A bill (S. 3106) granting a pension to Mary Boyles (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 3107) granting a pension to Ada L. Kitchings; to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 3108) granting an increase of pension to Aurelia H. Gibson; to the Committee on Pensions.

AMENDMENT TO FIRST DEFICIENCY APPROPRIATION BILL.

Mr. FLETCHER submitted an amendment proposing to appropriate $100,000 for the investigation and development of methods of educational extension, Bureau of Education, intended to be proposed by him to the first deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on this day approved and signed the following acts and joint resolution:

S. 276. An act to amend sections 4 and 5 of an act entitled "An act to provide for stock-raising homesteads, and for other purposes," approved December 29, 1916;

S. 277. An act to authorize absence by homestead settlers and entrymen, and for other purposes;

S. 2624. An act to provide travel allowances for certain retired enlisted men and Regular Army reservists;

S. 2972. An act to extend the cancellation stamp privilege to the Roosevelt Memorial Association; and

S. J. Res. 95. Joint resolution authorizing the Secretary of War to loan to the city of Atlanta, Ga., tents, cots, blankets, and other camp equipment for the use of United Confederate Veterans in their convention from October 7 to 10, 1919.

HOUSE BILL REFERRED.

H. R. 8078. An act to regulate the importation of coal-tar products, to promote the establishment of the manufacture thereof in the United States, and, incident thereto, to amend the act of September 8, 1916, entitled "An act to increase the revenue, and for other purposes," was read twice by its title and referred to the Committee on Finance.

Mr. McCUMBER. Mr. President, before the morning business is closed I ask permission to be allowed to read to the Senate a few excerpts sent me by Mr. Addison Brown, of Springfield, Mo., and stated by him to be from addresses made by Charles Sumner in 1845 and 1849, which I think might well apply to this question of a league of nations. I do not think that any of us will claim that Charles Sumner was a wild idealist, but rather that he was a practical, patriotic American; and with the permission of the Senate I would like to also read an extract or two from a letter inclosing the excepts from this speech of Charles Sumner.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. McCUMBER. The letter is dated September 16, 1919, and is from Addison Brown, a lawyer of Springfield, Mo. In this letter he states:

Senator Sumner was one of the founders of the Republican Party. His speech on "The True Grandeur of Nations," made at Boston on July 4, 1845, was one of the best arguments in favor of a league of nations that I have ever read.

Following are a few excerpts from that speech as it is quoted to me by Mr. Brown:

THE TRUE GRANDEUR OF NATIONS.

"As the cedars of Lebanon are higher than the grass of the valley; as the heavens are higher than the earth; as man is higher than the beast of the fields; as angels are higher than man; as he that ruleth his spirit is higher than he that taketh a city; so are the virtues and victories of peace higher than the virtues and victories of war.

"In this spirit I propose to inquire what, in our age, are the true subjects of national ambition—what is truly national glory, national honor; what is the true grandeur of nations?

"The true grandeur of humanity is in moral elevation sustained, enlightened, and decorated by the intellect of man.

"The true token of this grandeur in a State are the diffusion of the greatest happiness among the greatest number, and the passionless, Godlike justice, which controls the relations of the State to other States, and to all the people who are committed to its charge.

"Let the grandeur of man be discerned in the blessings which he has secured; in the good he has accomplished; in the triumphs of benevolence and justice; in the establishment of perpetual peace.

"Believe that you can do it and you can do it."

THE WAR SYSTEM OF THE COMMONWEALTH OF NATIONS.

[Made before the American Peace Society at Boston, May 28, 1849.]

"I need not dwell now on the waste and cruelty of war. These stare us wildly in the face, like lurid meteor lights, as we travel the page of history. We see the desolation and death that pursue its demoniac footsteps. We look upon sacked towns, upon ravaged territories, upon violated homes; we behold all the sweet charities of life changed to wormwood and gall. Our soul is penetrated by the sharp moan of mothers, sisters, and daughters, of fathers, brothers, and sons, who, in the bitterness of their bereavement, refuse to be comforted. Our eyes rest at last upon one of these fair fields, where Nature, in her abundance, spreads her cloth of gold, specious and apt for the entertainment of mighty multitudes—or, perhaps, from the curious subtlety of its position, like the carpet in the Arabian tale, seeming to contract so as to be covered by a few only, or to dilate so as to receive an innumerable host. Here, under a bright sun, such as shone at Austerlitz or Buena Vista, amidst the peaceful harmonies of nature, on the Sabbath of peace, we behold bands of brothers, children of a common Father, heirs to a common happiness, struggling together in the deadly fight, with the madness of fallen spirits, seeking with murderous weapons the lives of brothers who have never injured them or their kindred. The havoc rages. The ground is soaked with their commingling blood. The air is rent by their commingling cries. Horse and rider are stretched together on the earth. More revolting than the mangled victims, than the gashed limbs, than the lifeless trunks, than the spattering brains, are the lawless passions which sweep, tempestlike, through the fiendish tumult.

"Horror-struck, we ask, Wherefore this hateful contest? The melancholy but truthful answer comes that this is the established method of determining justice between nations.

"The scene changes. Far away on the distant pathway of the ocean two ships approach each other, with white canvas broadly spread to receive the flying gales. They are proudly built. All of human art has been lavished in their graceful proportions, and in their well-compacted sides, while they look in their dimensions 'like floating happy islands on the sea. A numerous crew, with costly appliances of comfort, hives in their secure shelter. Surely these two travelers shall meet in joy and friendship; the flag at the masthead shall give the signal of friendship; the happy sailors shall cluster in the rigging, and even on the yardarms, to look each other in the face, while the exhilarating voices of both crews shall mingle in accents of gladness uncontrollable. It is not so. Not as brothers, not as friends, not as wayfarers of the common ocean, do they come together; but as enemies.'

"The gentle vessels now bristle fiercely with death-dealing instruments. On their spacious decks, aloft on all their masts, flashes the deadly musketry. From their sides spout cataracts of flame, amidst the pealing thunders of a fatal artillery. They, who had escaped 'the dreadful touch of merchant-marring rocks'—who had sped on their long and solitary way unharmed by wind or wave—whom the hurricane had spared—in whose favor storms and seas had intermitted their immitigable war—now at last fall by the hand of each other. The same spectacle of horror greets us from both ships. On their decks, reddened with blood, the murderers of St. Bartholomew and of the Sicilian Vespers, with the fires of Smithfield, seem to break forth anew, and to concentrate their rage. Each has now become a swimming Golgotha. At length, these vessels—such pageants of the sea—once so stately, so proudly built, but now rudely shattered by cannon balls, with shivered masts and ragged sails—exist only as unmanageable wrecks, weltering on the uncertain waves, whose temporary lull of peace is now their only safety. In amazement at this strange, unnatural contest, away from country and home, where there is no country or home to defend, we ask again, Wherefore this dismal duel? Again the melancholy but truthful answer promptly comes that this is the established method of determining justice between nations."

Mr. President, this accursed and damnable established method of determining peace and justice between the nations of the world has lasted altogether too long in the world. The time has come, the opportunity is ripe, for the American people, hand in hand with the people of the world, to disestablish this accursed established method of bringing about peace and justice in the world. We may not be taking the very best method. The proposed way may not be a perfect way, but any step in the right direction, any step intended to bring about some method of establishing peace and justice between the nations of the world, ought to be seized upon, the older method having so dismally and cruelly failed.

Mr. President, I think we all honor Charles Sumner. We honor him as one of the great founders of the Republican Party. We honor him as a great statesman, and his words that I have given to-day in these small excerpts speak a language of hope for the people not only of the United States, but of all the world. And again, Mr. President, I express the hope that we will be able to throw aside partisan prejudice, partisan fealty, and every sentiment of hatred toward the Executive because of any errors he may have made—and I think he has made many—and approach this subject as a nation desiring to establish justice and right between the peoples of the world.

Mr. President, for many years I have preached the doctrine of a league of nations to enforce peace, and though I think the instrument before us is far from perfect, I shall continue to stand by all my convictions, which have not been changed, that some arrangement can be entered into between the peace-loving great nations of the world to protect the rights of nations, just as communities protect the rights of their citizens.

Mr. POINDEXTER. Mr. President, I am very much surprised at the Senator from North Dakota [Mr. MCCUMBER], entertaining the views that he does on the horrors of war, so vigorously supporting an instrument—the covenant of the league of nations—which provides that the United States shall be involved in every war which arises in the world, under which an army of the United States will be organized to serve in Russia, under which an army of the United States is now being organized to serve in Germany, under which the spectacle which has been discussed here this morning of landing American military forces to take part in a local controversy on the shores of the Adriatic shall become part of the established system of our foreign relations.

I ask to have read a telegram from citizens of Spokane, Wash., which I send to the Secretary's desk.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

The Secretary read as follows:

SPOKANE, WASH., *September 27, 1919.*

Hon. MILES POINDEXTER,
Washington, D. C.:

We believe that perpetuation of the political independence and sovereignty of the United States and the best interests of our allies and all liberty-loving peoples require adoption by the Senate of such of the amendments and reservations to the league of nations covenant proposed by the Foreign Relations Committee, together with such other amendments and reservations as may be necessary to make the peace treaty and league of nations covenant confirm the principles of the Declaration of Independence, Washington's Farewell Address, the Monroe doctrine, and the Constitution of the United States. Holding these convictions we hereby respectfully urge the Hon. WESLEY L. JONES and the Hon. MILES POINDEXTER to at all times exert, as United States Senators from the State of Washington, every legitimate power and influence which they possess for the adoption of the aforesaid amendments and reservations, to the end that "government of the people, by the people, for the people shall not perish from the earth."

Unanimously authorized and adopted in open public meeting of the League to Preserve Americanism, of Spokane, Wash.

Edwin T. Coman, Del Carey Smith, B. L. Gordon, H. S. Stoolfire, R. P. Woodworth, O. C. Moore, A. G. Avery, C. H. Weeks, Thaddeus S. Lane, John M. Gleeson, A. T. Anderson, Julius A. Zittel, A. L. Lewelling, committee.

LABOR STRIKES.

Mr. POMERENE. Mr. President, I think the Senate might be interested in a voice from a soldier in one of the strike regions. I have a little clipping here from the Canton (Ohio) News, a newspaper published in my home city, relating to an incident which occurred at the plant of the United Alloy Steel Corporation, which is the largest of our many large manufacturing plants. It reads:

SOLDIER RUNS PICKET LINES.

Thursday afternoon at the plant of the United Alloy Steel Corporation a recently returned American soldier endeavored to enter the plant to work and was restrained and held back by a number of foreign strikers who were acting on the picket line.

To these foreigners the American soldier said: "I am an American and have just returned from France, where I was in active service for two years. I worked at this plant before enlisting, and while fighting in France for $30 a month you foreigners have held my job and earned big money. With your pockets full of money you can now afford to loaf. I have a wife and five children to support and must work. Time and again I went over the top and through the lines of Germans and other foreigners in France, and I am now going through this foreign picket line to work."

And he did.

There is much food for thought in that short statement.

Mr. SHERMAN. May I state to the Senator from Ohio [Mr. POMERENE] that I received this morning photographs taken of some of this same kind of aliens who are chasing American citizens down the railroad track, throwing rocks and links and car pins at them. The men whom they are chasing are Americans who want to work. Those doing the chasing are the ones on strike, who are aliens, who have not even declared their intention of becoming American citizens. That is a constant occurrence, and in the Chicago Daily News and other Chicago newspapers snapshots that are taken by their correspondents

on the ground are published every day. I am in receipt of those showing that that is the condition.

Mr. THOMAS. All of which, Mr. President, means, in my judgment, that it is time for Americans in this country to get together, whether they are native born or naturalized, because there are plenty of naturalized Americans who are just as good Americans as the native born. Once that movement begins, and I hope it will begin before night, the moral influence which such an aggregation would necessarily create in public opinion would do more to restore normal conditions in America than anything else I know of.

Mr. POINDEXTER. Mr. President, in connection with the matter to which the Senator from Ohio [Mr. POMERENE] calls attention, I ask permission to read very briefly a few extracts from the principles which have been expressed in writing and printed in pamphlet form by the man who was designated by the American Federation of Labor to organize the steel workers—William Z. Foster, secretary of the American Federation of Labor committee appointed for that purpose, and the principal promoter and inciter of the strike.

A few days ago I was in Youngstown, Ohio. I was told there by responsible people that among the arguments which were used to induce the men to go on strike at meetings which were called for the purpose of bringing it about were statements like this: "If we see smoke coming out of the chimneys of this factory Monday morning we will be there and we will burn your houses down." Some of the people then said, "If we do go on strike, what will we live on?" "Oh," the organizers of the strike said, "there is plenty of food in the grocery stores down town and in the warehouses. Go and take it. It belongs to you anyhow."

It has been said by some people that the principles expressed in the pamphlet which is published under the name of "Syndicalism," by Earl C. Ford and William Z. Foster, have been abandoned by Foster, but from the incident which I have just cited it appears that the identical principles expressed in the book, so far from having been abandoned, are being put into effect among the inducements used by this man in bringing about the strike at the present time. They have not been abandoned at all. The same identical language which I have cited as being reported to me as the threats which were used and the advice which was given to employees of the steel mills to induce them to go on strike is contained in the pamphlet published over the name of their strike leader.

I want to read just a few short extracts to give an idea of the nature of the book. On page 5 of the book is contained this statement, under the title "Anti-Statism." A great many new words are manufactured to fit the new doctrines that are being put forth. I read:

Anti-Statism: At this early date, though many of the minor details of the organization plan of the new society can only be guessed at, many of its larger outlines are fairly clear. One of these is that there will be no State. The Syndicalist sees in the State only an instrument of oppression and a bungling administrator of industry, and proposes to exclude it from the future society. He sees no need for any general supervising governmental body, and intends that the workers in each industry shall manage the affairs of their particular industry; the miners shall manage the mines, the railroaders manage the railroads, and so on through all the lines of human activity.

Before reading a few more extracts from other pages of the book I pause to say that in the testimony given before the Interstate Commerce Committee of the Senate within the last few days by prominent leaders of organized labor, including the president of the American Federation of Labor and including the reputed author of the Plumb plan for the disposition of the railroads, the essence and the fundamental principle involved in the extract from the book which I have just read appears. Boiled down, it amounted to this in that testimony, that they would not be satisfied with any action of a governmental body in the adjustment of such questions as wages and hours of labor and other industrial disputes. It appeared from that testimony that they would not be satisfied with its adjustment by any tribunal except their own tribunal.

In discussing the antistrike provision of the Cummins bill, which is pending before the Senate, the statement was made by one of them that if they are not satisfied with the conditions of wages and of labor that obtain in railroad employment, the workers ought to have the authority to cease to operate the lines. That means, of course, the assumption of governmental authority. I mention it for the purpose of showing that the extreme radical views of Foster, as expressed in this book called "Syndicalism," are in their essence and substance adopted by the authorized spokesmen and representatives who are, at present, at least, in control or appear to be in control of the American Federation of Labor and its affiliated and allied organizations. On page 8 of this book appears this statement:

Selection of foremen, superintendents, etc.—In the future syndicalist society the ordinarily unscientific custom of majority rule will be just about eliminated. It will be superseded by the rule of facts and figures. Not only will the industries be operated in the undemocratic manner above outlined, but the responsible positions in them will be filled in a manner all at variance with democratic principles. The foremen, superintendents, etc., will be chosen on the score of their fitness by examination, instead of on the score of their ability to secure the support of an ignorant majority, through their oratorical powers, good looks, influence, or what not, as is the ordinary democratic procedure. Syndicalism and democracy based on suffrage do not mix.

On page 11 I find this:

The strikers or revolutionists—

They use the two words as synonyms—

will be everywhere, and will everywhere seize or disable whatever capitalist property they can lay their hands on.

Further on, on the same page, I find this:

These individuals—

Referring to the police and officers of the law—

can be easily overwhelmed and disarmed.

Further on, on the same page, this occurs:

On the other hand, they are teaching working-class soldiers not to shoot their brothers and sisters—

"They," referring to the strikers—"syndicalists," as they are denominated—

not to shoot their brothers and sisters who are in the revolt; but, if need be, to shoot their own officers and to desert the Army when the crucial moment arrives. This double propaganda of contempt for capitalist property "rights" and antimilitarism are inseparable from the propagation of the general strike.

That is the identical proposition to which I referred in the opening of my remarks.

On page 12 I find:

Starvation—The general strike will not be broken by the strikers being starved into submission, as is often objected. The general strike will be so devastating in its effects that it can last only a few days, during which period, if need be, the workers, accustomed as they are to starvation, and sustained by the enthusiasm of the revolution, could live on the most meager rations.

Mark this:

To get these rations the syndicalists intend to confiscate, as far as possible, all provisions found in the cities. They will also encourage the numerous poor farmers, tenants, and agricultural wageworkers to cast their fortunes with them, to revolt against the State, their landlords and employers, and to seize the land they occupy. Until production is normally resumed, the syndicalist will trade to these farmers the amassed wealth of the cities for their foodstuffs.

Further on, on the same page, referring to the syndicalist, I find:

They are making strike breaking such a dangerous profession that scabs are becoming pleasingly scarce and expensive. They literally hunt scabs as they would wild animals. This war on scabs is popularly known as "La chasse aux renards." (The fox chase.)

On page 15, under the head of "Sabotage," in giving their definition of sabotage, I find this:

Perhaps the most widely practiced form of sabotage is the restriction by the workers of their output. Disgruntled workers all over the world instinctively and continually practice this form of sabotage, which is often referred to as "soldiering." The English labor unions, by the establishment of maximum outputs for their members, are widely and successfully practicing it. It is a fruitful source of their strength.

The most widely known form of sabotage is that known as "putting the machinery on strike." The syndicalist goes on strike to tie up industry. If his striking fails to do this, if strike breakers are secured to take his place, he accomplishes his purpose by "putting the machinery on strike" through temporarily disabling it. If he is a railroader, he cuts wires, puts cement in switches, signals, etc., runs locomotives into turntable pits, and tries in every possible way to temporarily disorganize the delicately adjusted railroad system. If he is a machinist or factory worker and hasn't ready access to the machinery, he will hire out as a scab and surreptitiously put emery dust in the bearings of the machinery or otherwise disable it. Oftentimes he takes time by the forelock, and when going on strike "puts the machinery on strike" with him by hiding, stealing, or destroying some small indispensable machine part which is difficult to replace. As is the case with all direct-action tactics, even conservative workers when on strike naturally practice this form of sabotage—though in a desultory and unorganized manner. This is seen in their common attacks on machines, such as street cars, automobiles, wagons, etc., manned by scabs.

I presume they would call a soldier returned from France who wanted to work to keep his family from starving a "scab" and practice on him the methods which they describe here.

Mr. THOMAS. Mr. President, may I ask the Senator from what he is reading?

Mr. POINDEXTER. I am reading from a book published by Earl C. Ford and William Z. Foster, entitled "Syndicalism."

Mr. THOMAS. They have another name for scabs; they call them "vermin."

Mr. POINDEXTER. Yes; I think they use that word in different parts of this book. I am only reading brief extracts from it. I think they call them that, and a good deal in addition.

Another kind of sabotage widely practiced by syndicalists is the tactics of either ruining or turning out inferior products.

This is quite familiar in the vineyards and orchards of the Pacific slope, where in packing fruit they stick their finger nails into it so that it spoils or drive with the thumb a copper tack

into a grape vine so that it becomes diseased and very soon perishes—

Thus, by causing their employers financial losses they force them to grant their demands. The numerous varieties of this kind of sabotage are known by various terms, such as "passive resistance," "obstructionism," "pearled strike," "strike of the crossed arms," etc.

The French railroad strike of 1910 offers a fine example of this type of sabotage. The strike was lost and 3,300 men were discharged because of it. As a protest against this wholesale discharge an extensive campaign of passive resistance on the railroads was started.

I may interpolate here that often during the war I thought in connection with some of the remarkable apparent blunders made in transportation that something of this kind was operating upon the transportation system of the United States in the crucial hour of our national need.

The workers worked, but only for the purpose of confusing the railroad system. In the freight sheds shipments of glass were laid flat and heavy boxes piled upon them; "this side up with care" shipments were turned wrong side up; fragile and valuable articles were "accidentally" broken; perishable goods were buried and "lost," or ruined by being placed close to other shipments, such as oils and acids, that spoiled them. Also, a complete confusion was caused by the deliberate mixture and missending of shipments. On the roads engines broke down or "died" unaccountably; wires were cut; engines "accidentally" dumped into turntable pits; passenger train schedules were given up, trains arriving and departing haphazard. But the worst confusion came from the missending of cars. Thousands of cars were hauled all over France in a haphazard manner. For instance, the billing of a car of perishable goods intended for the north of France would be so manipulated that the car would be sent to the south of France and probably "lost." At a place just outside of Paris there were at one time 1,800 of such "lost" cars, many of them loaded with perishable freight consigned to no one knew whom. The most ridiculous "accidents" and "mistakes" continually occurred—for this the humorous form of sabotage. To cite a typical instance: Army officials in one town received notice of the arrival of a carload of dynamite for them. They sent a large detachment of soldiers to convoy it through town. On arrival at its destination the supposed carload of dynamite turned out to be a "lost" shipment of potatoes.

On page 17 it is stated:

"Badigeonage" (literally, stone colorage) is another variety of sabotage that has been effectively used. The barbers of Paris forced their employers to grant them their demands by throwing eggs filled with acid against the painted fronts of the barber shops, which after such treatment had to be repainted. Of the 2,300 barber shops in Paris, 2,000 were subjected to this treatment from 1902 to 1906, while the "badigeonage" campaign lasted.

"La bouche ouverte" (the open mouth) is another type of sabotage often used. By "la bouche ouverte" workers financially hurt their employers by telling the latter's customers of the deceptions practiced upon them. Building-trades workers tell building inspectors and architects of poor material used and cause it to be condemned and the work to be done over again; striking waiters expose the filthiness of the restaurants, etc.

Workers engaged in selling their masters' wares directly to the public have effective, even though unnamed, methods of sabotage. The waiter gives extra large portions of food to his customers and undercharges them for it. The drug clerk gives generously of pure drugs instead of adulterated ones, as he is supposed to. The grocer's clerk forgets to charge for all the articles he has sold, etc.

The various kinds of sabotage are applied singly or collectively, just as circumstances dictate. Some kinds can be used in one industry that can not be used in another. There are but few industries, however, that can not be saboted in one way or another.

Another term is "Neo-Malthusianism."

The syndicalist is a "race suicider." He knows that children are a detriment to him in his daily struggles, and that by rearing them he is at once tieing a millstone about his neck and furnishing a new supply of slaves to capitalism. He therefore refuses to commit this double error and carries on an extensive campaign to limit births among workers. He has been a powerful factor in reducing births in France, which, according to recent statistics, are annually 35,000 less than the deaths. He is turned from his course neither by the inspired warnings of physicians nor the paid appeals of patriots. He has no race pride and but little fear. He sees in "race suicide" an effective method of fighting his masters; therefore he uses it. * * *

The syndicalist is as "unscrupulous" in his choice of weapons to fight his everyday battles as for his final struggle with capitalism. He allows no considerations of legality, religion, patriotism, honor, duty, etc., to stand in the way of his adoption of effective tactics.

Mr. SHERMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Illinois?

Mr. POINDEXTER. I yield to the Senator.

Mr. SHERMAN. May I not ask the Senator if he will not offer the entire pamphlet and have it printed in the CONGRESSIONAL RECORD, where it will be accessible to the public? The more information we have on such a subject, I think, the better. I should be very glad if the Senator would do that.

Mr. POINDEXTER. I want to call attention particularly to two or three other brief paragraphs, and then I will consider the suggestion of the Senator. I am much obliged to him for it.

Mr. SHERMAN. I particularly wish to make the request in view of the fact that the 700 or more policemen in the city of Washington have organized a local union, to which I have no objection as a local union, but they are affiliated with the American Federation of Labor, in which Mr. Foster and his associates are now found actively engaged in this work. The police in the city of Washington are associated with and have received a charter from the American Federation of Labor, which they now have. They are now—and I particularly wish that document to go to the public as an entirety—affiliated with a labor union, and an outside one at that, in which these doctrines are avowed and taught by the active leader of the strike. It puts the guardians of the public peace in Washington in very bad association.

Mr. POINDEXTER. I think the fundamental objection to what the Senator has just mentioned—the affiliation of the police with a labor organization—is that it puts a function of the Government under the control of a private organization; and I am perfectly frank to say, as the deliberate conclusion I have formed from hearing the testimony of these men, that their policy and principle is to accomplish that very object—that governmental functions shall be under their control. There is a good deal of talk about the difference between conservative labor leaders and radical labor leaders, and there is some difference; but a good many of the labor leaders who are advertised as being conservative advocate what in effect would amount to the extreme result that is aimed at by Lenin and Trotski, namely, the dictatorship of the proletariat. If you put your police force, and actions of most vital concern to it and to the municipality which it serves, under the control of a labor union, you have the immediate result of the proposition that they make. You have, in so far as that function or agency of government goes, the dictatorship of the proletariat, and I fail to see anything particularly conservative about it.

On page 29 of this book I want to read these extracts in order to call attention to that particular part of it apart and separate from the general text:

The syndicalist is a radical antipatriot. He is a true internationalist, knowing no country. He opposes patriotism because it creates feelings of nationalism among the workers of the various countries and prevents cooperation between them, and also because of the militarism it inevitably breeds. He views all forms of militarism with a deadly hatred, because he knows from bitter experience that the chief function of modern armies is to break strikes, and that wars of any kind are fatal to the labor movement. He depends solely on his labor unions for protection from foreign and domestic foes alike and proposes to put an end to war between the nations by having the workers in the belligerent countries go on a general strike and thus make it impossible to conduct wars.

On page 30 there is a definition:

The anarchist is an individualist. He is an antidemocrat, having a supreme contempt for majority rule. He opposes authoritarianism in all its manifestations. He is an inveterate enemy of the State and its laws and would establish a society in which they will not exist. In his tactics he is a direct actionist.

In that definition the anarchist is identical with the syndicalist, according to the definition of the syndicalist contained in this book; but there seems to be a rather superrefined distinction drawn by the writer between the anarchist and the syndicalist.

Under the head "The antagonism between anarchism and syndicalism," he says:

Syndicalism, besides its continual warfare with socialism, which has already been sufficiently explained and described, has also an important point of quarrel with anarchism. Though both movements are at one in the matters of principle, ideals, etc., there is much friction between them. The cause for this is not hard to find.

The anarchist movement proper is an educational one. It says in effect: "The misery of society is due to its ignorance. Remove this ignorance and you abolish the misery." Consequently it places strong emphasis on its attempt to found the modern school; its educational campaigns against the State, church, marriage, sex slavery, etc. Anarchism is striving for an intellectual revolution."

Further on he continues:

The syndicalist accepts on principle the anarchist positions on the modern school, neo-Malthusianism, marriage, individualism, religion, art, the drama, literature, etc., that go to make up the intellectual revolution.

I may pause here to say that syndicalism, as defined in this book, announces as one of its fundamental principles the adoption and use for the accomplishment of the revolution which they have in view of the agency of labor unions; and it is quite significant that the labor unions have selected the author of this book, the exponent of syndicalism, who proposes to carry out his revolution through their agency, to represent them in organizing the steel strike. Needless to say these views do not represent the great mass of labor in this country, either in or out of the unions.

On page 32 he says:

Syndicalists, on the contrary, are strictly possibilists; they have emerged from impossibilism, and wherever their movement normally develops they revolutionize the old unions rather than build new ones.

On page 35 he says:

A reaction soon took place against this devitalization of the unions, and to the cry of "no politics in the unions" they were placed on a basis of neutrality toward political action. This neutrality soon developed into open hostility, when the designs of the politicians to subjugate the unions became unmistakably evident. The anarchists, whose movement was stronger in France than in any other country in the world, perceived this antipolitical tendency in the unions, and considering them a fertile field for their propaganda during the nineties made their celebrated "raid" upon them. This event, which Sorel says is one of the most important in modern history, may be said to mark the birth of syndicalist movement proper.

"The raid upon the unions" by the anarchists, to which he refers there, was the capturing of the unions by the anarchists through joining the unions and getting control of them; and that is the purpose of the syndicalists in this country, as he says, to revolutionize the old unions rather than to form new ones, and the "direct action," in its broadest sense, which is so often referred to here, has for its purpose in the settlement of industrial questions arising between employers and employees the elimination of the State. As said in the beginning of this book, they advocate the abolishment of the State and all governmental institutions. In other words, they propose that the employee in the settlement of all industrial disputes shall act not through the Government indirectly upon the employer but directly upon the employer eliminating the Government altogether. That, in its broadest sense, is direct action, and of course it means arbitrary action; and, as set forth here, it means the use of sabotage and violence and murder.

On page 36:

"A fair day's pay for a fair day's work." This formula expresses the vague ideal for which the majority of American labor unions are striving. Such unions grant the right to their masters to exploit them, only asking in return that they be given a "fair" standard of living. It is a slave ideal. The eradication, through education, of the ignorant conservatism from whence this slave ideal springs is a most important step to be taken in the placing of the American labor movement upon an effective basis. The workers must learn that they are the producers of all wealth, and that they alone are entitled to enjoy it. Inspired by this knowledge, they will refuse to recognize the claim of their masters to even the smallest fraction of this wealth. They will then have a keen sense of their wrongs and a bitter hatred for capitalism, instead of their present indifference. They will then war in earnest upon their masters and will never rest content until, by the abolition of the wage system, they will have forced them to disgorge their ill-gotten booty.

From that it becomes quite evident how perfectly futile and hopeless it would be to attempt to meet the demands of the striker by any adjustment of wages or hours of labor. The uncompromising demands which their leader sets forth as the goal of all their methods and of strikes is to take over altogether the property of the country and abolish altogether the wage system and become themselves the owners of the wealth of the land, assuming, of course, that they are the heirs and joint heirs of the accumulated productions of the labors of ten thousand generations of men now buried and forgotten.

On the same page he says:

The workers will have to learn the self-evident fact that in almost every respect the interests of the workers and their employers are diametrically opposite and unharmonizable; that the workers produce just so much, and that it is to their interest to retain as much of this product as they can through higher wages, shorter hours, better working conditions, etc., whereas it is to the interest of their employers to rob them of as much of this product as possible through low wages, long hours, wretched working conditions, etc.,

On page 40, under the titie "Legality," he says:

The campaign for "law and order" tactics that is continually carried on in the unions by various kinds of legalitarians and weaklings exerts a bad influence upon them. It must cease. The workers must be taught to use all kinds of successful tactics, whether these have been sanctioned by the ruling class or not.

What appears on page 41, under the head of "Sick and death benefits," is quite interesting, because it is similar to the position on the same subject that was taken by some of the so-called conservative leaders in their testimony before the Committee on Interstate and Foreign Commerce of the Senate, who appeared opposing provisions in the pending railroad bill for the taking of a certain portion of the excess earnings of railroads for profit sharing by the employees, for the improvement of working conditions, and similar purposes, all of which was opposed by them, I suppose, on the principle that the adoption of those practices would weaken the influence of the labor unions. If the employers cared for the workers in that way it would tend to make the workers contented and would destroy the influence of the unions. The unions themselves take the position that they alone should have the control of all bonuses and benefits and relief work among the employees.

Mr. SHERMAN. In that connection, Mr. President, will the Senator yield a moment before he passes to another paragraph?

Mr. POINDEXTER. I yield.

Mr. SHERMAN. One of the prominent officials of the American Federation of Labor extended that doctrine to lengths that would interest police forces, national guards, sheriffs' forces, State constabularies, and the Regular Army. He said that if Congress prohibited strikes in public utilities, like steam railways, he would pay no attention to the law whatever, and would advise the members of the unions affiliated with his federation to disregard any such law. How would that agree with the doctrine set forth in the pamphlet from which the Senator is reading? Is there any distinguishing difference between one kind of lawlessness and another?

Mr. POINDEXTER. It agrees exactly with it. I can not see that there is any fundamental difference, because both, in so far as the questions which have been referred to go—and those are as important as any questions in which the Government is interested—deny the authority of the Government and boldly take the position that no governmental tribunal may interfere with the disposition of these questions by the labor unions, which means, of course, by the leaders of the labor unions, a dictatorship of a handful of what Mr. Foster in this book calls "the militant minority."

Mr. SHERMAN. Mr. President, I have in my possession the constitution and statutes of the Brotherhood of Locomotive Engineers in the United States and Canada. When the Senator speaks of dictators, there are certain rules applying both to the United States and Canada which absolutely prohibit the membership of the Brotherhood of Locomotive Engineers from differing from the heads of the organization, a little coterie of men. If they differ from them, or criticize them, or present to any legislative body any criticism of their conduct, they are to be suspended or expelled from the brotherhood, and the charter of the division is to be revoked if the division commits itself to anything contrary to these heads—Mr. Stone and others—who come here and represent that they vote a million nine hundred thousand railway men.

Mr. POINDEXTER. Undoubtedly. On page 41, under the head of "Sick and death benefits," he says:

The beneficial institutions with which American labor unions are loaded unquestionably very seriously lessen the fighting abilities of these unions. They prostitute the unions from their true functions as aggressive organizations to the false ones of defensive organizations. They do this by causing great sums of money to be piled up in the hands of national committees, who, of course, have full power to protect these funds. These committees, wishing to prevent their funds from being jeopardized by strikes, ordinarily use this power to prevent strikes and to direct the minds of the workers into insurance channels. Such funds are fruitful sources of harmful centralization. Rebels all over the world are unanimous in their condemnation.

Strike benefits: Large strike benefits are doubly detrimental to the labor movement. On the one hand, like sick and death benefits, they cause centralization and weaken the action of the unions by placing large funds in the hands of powerful national committees, who keep these funds intact by preventing strikes; and, on the other hand, they cause the workers to depend for success upon their niggardly savings—which are utterly eclipsed by the immense funds of the capitalists—instead of upon their economic power, which is invincible.

On page 45 he says:

According to a statement made recently by Vincent St. John, at present secretary-treasurer of the I. W. W., the W. F. of M., when it was in its best fighting days, several years ago, was dominated and controlled by a fighting minority of about 10 per cent of its membership. This militant minority was so well organized and effective, however, that it compelled the whole W. F. of M. to be a fighting organization. It was a living proof of the power of the militant minority.

I submit those extracts, Mr. President, from many others which might be read from this work, for the purpose of presenting to anyone who is interested in the subject the purpose and object of the strike that is now in existence in the steel industry.

Mr. POMERENE. Mr. President, can the Senator say when this pamphlet was published? I have examined it, I may say, and I do not find any date of publication upon it, but I ask the question because it was stated before the Senate committee that this was published in 1911, and that since that date Foster had been born again. If he has been born again, or has seen a new light, it must have been a brighter light than St. Paul saw on the road to Damascus. But whatever the date of the publication may be, there is inherent evidence in this pamphlet that it was printed later than 1911, because on page 14 the Senator will observe that the author referred to a work, La Vie Ouvriere, printed April 20, 1912; and on page 28 he refers again to another work which was printed at Geneva May 25, 1912.

Mr. POINDEXTER. Mr. President, it was not my purpose this morning to discuss this question, but simply to present these extracts of formal statements of the principles of the strike leaders. But there is a great deal of extraneous evidence that in the conduct of this strike at the present time the same identical doctrines which are elucidated in this volume are being advocated and put into effect, in so far as they are able to do it.

CALLING OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Chamberlain	Elkins	Gronna
Ball	Colt	Fall	Hale
Beckham	Cummins	Fernald	Harding
Borah	Curtis	France	Harris
Brandegee	Dial	Frelinghuysen	Harrison
Calder	Dillingham	Gay	Henderson
Capper	Edge	Gerry	Hitchcock

Johnson, S. Dak.	McLean	Phelan	Smoot
Jones, N. Mex.	McNary	Phipps	Spencer
Jones, Wash.	Moses	Pittman	Sterling
Kellogg	Nelson	Poindexter	Sutherland
Kendrick	New	Pomerene	Trammell
Keyes	Newberry	Ransdell	Underwood
Knox	Norris	Sheppard	Wadsworth
La Follette	Nugent	Sherman	Walsh, Mont.
Lenroot	Overman	Shields	Warren
McCormick	Page	Simmons	Watson
McKellar	Penrose	Smith, Md.	Williams

Mr. DIAL. I wish to announce that the Senator from South Caroina [Mr. SMITH] is absent on account of illness in his family.

Mr. GERRY. The Senator from Oklahoma [Mr. GORE] is detained from the Senate by illness. The senior Senator from Arkansas [Mr. ROBINSON], the Senator from Delaware [Mr. WOLCOTT], the Senator from Virginia [Mr. SWANSON], and the junior Senator from Arkansas [Mr. KIRBY] are absent on official business. The Senator from Kentucky [Mr. STANLEY], the Senator from Tennessee [Mr. SHIELDS], the Senator from Arizona [Mr. SMITH], the Senator from Montana [Mr. MYERS], the Senator from Florida [Mr. FLETCHER], and the Senator from Massachusetts [Mr. WALSH] are detained from the Senate on public business.

The PRESIDING OFFICER. Seventy-two Senators having answered to their names, a quorum of the Senate is present.

TREATY OF PEACE WITH GERMANY.

Mr. BORAH. Mr. President, I move that the Senate proceed to the consideration of the treaty with Germany in open executive session.

The motion was agreed to; and the Senate, as in Committee of the Whole, in open executive session, resumed consideration of the treaty of peace with Germany.

Mr. BORAH. Mr. President, the 1st day of May, 1919, may sometime come to be regarded as the beginning of an epoch in American history. It will be recalled that upon that day there were from 22 to 25 deadly explosives in the mails on their way to men either in public life or prominent in industrial life. The manner in which these deadly explosives were mailed and the concert of action which was manifestly behind the movement seem to disclose that there was somewhere in our country an organized force prepared to accomplish its ends through riot, disorder, and bloodshed. I doubt if darkest Russia ever presented a more remarkable condition at one specific time than that which was presented in our country upon the 1st and 2d days of May, 1919.

It will be recalled also that in many of the large cities of the United States there were riots and disorder on these days, to such an extent that it seemed that these also were directed from some central authority. If one will recur to the press dispatches of the 1st and 2d of May, he will read of scenes which will remind him of the stories of Victor Hugo and the barricade fights in Paris. Our cities took on a wholly foreign aspect—things strange, unusual, and un-American were happening everywhere.

Mr. WILLIAMS. May I inquire of the Senator from Idaho if his speech has anything to do with the league of nations or the treaty with Germany?

Mr. BORAH. If the Senator will be patient, I hope to connect it with the subject—it has much to do with it.

Mr. WILLIAMS. Everything?

Mr. BORAH. Yes; it has relation to it.

Mr. WILLIAMS. I am glad to hear that; but the Senator is starting a little far off. He might as well start with the flood to prove how much has been lost in the Mississippi Valley by the floods there.

Mr. BORAH. The Senator from Mississippi is indulging in his irrelevant remarks, which only disturb me in the sense that they occupy my time.

Mr. WILLIAMS. They were not irrelevant. They were relevant and to the point as to whether the Senator is relevant or not.

Mr. BORAH. If the Senator from Mississippi is through, I will proceed.

Mr. WILLIAMS. Yes; I am through. I was waiting to see whether the Senator is through.

Mr. BORAH. No; I am not through. I have not even begun.

The matter which I have in mind is one which, to my way of viewing things, is quite relevant to the general situation which is presented to us to-day. While I should hardly hope to be able to convince the Senator from Mississippi that anything I shall say or that anyone else should say in opposition to the league of nations is relevant to the discussion, I may be permitted under the rules of the Senate, nevertheless, to proceed, I presume, in my own way.

Not only, Mr. President, were these disturbances characteristic of the early days of the month of May, but if we examine the succeeding current events we find that they were but the beginning of what was evidently a movement in this country which could only have its foundation in the belief that truly American principles no longer obtain with reference to the settlement of industrial or social conditions.

If we follow this particular occasion down to the 3d of June, we find another general movement throughout the country very similar, indeed, to the one which took place upon the 1st and 2d of May, in which there seems to have been a renewed effort upon the part of some one to start a general disturbance and effectuate lawlessness throughout the entire country. It was upon the 3d of June that an effort was made to destroy the home, doubtless intending to destroy the life, of the Attorney General of the United States, and undoubtedly all that saved the home from destruction, and perhaps the lives of those who were within, was a probable accident to the party upon his deadly mission.

Upon the same day the home of the mayor of the city of Cleveland was dynamited. Upon the same day the home of Representative Powers, of Massachusetts, was wrecked by a bomb. Upon the same day the residence of Justice Hayden, of the Boston municipal court, was destroyed by a deadly explosive.

In Philadelphia, upon the same day, attempts were made to blow up a Catholic Church and a private residence in West Philadelphia; in Paterson, N. J., the house of Max Gold, the silk manufacturer, was wrecked and destroyed by a bomb; in New York, upon the same day, several persons were killed through the explosion of a bomb at the home of Judge Charles Nott, jr.; at Pittsburgh a bomb explosion placed upon the porch of Mr. C. J. Cassidy destroyed the building. Another explosion took place at the residence of United States Judge W. H. Thompson in another part of the city. Throughout a wide stretch of country there was again evidence of this general movement, a determination, apparently, to intimidate those in authority or to destroy, as a matter of warning, those who were representatives of the law or were in a position where they were supposed to be executors of the law. A proclamation was issued about this time from which I read a paragraph or two as follows:

> The time has come when the social question solution can be delayed no longer. Class war is on and can not cease, but with a complete victory for the international proletariat. We are not many, perhaps, but more, perhaps, than you dream of; but few, we are determined to fight to the last, till no man remains in opposition to our system. There will have to be bloodshed. We will not dodge it. There will have to be murder. We will kill because we think it necessary. There will have to be destruction. We will destroy to rid the world of your tyrannical institutions. We are ready to do anything and everything to suppress the capitalist class, just as you are doing anything and everything to suppress the proletariat revolution.

Mr. President, these methods and doctrines are wholly foreign to the American system of settling difficulties, and wholly at war with all our conceptions of national life. They are importations from foreign countries and foreign climes. They have no possible place in our system of civilization. They can not continue and our Government survive. The breath of life of this Republic is order and law.

Without assuming to pass upon the question of the righteousness of the contention of anyone who may be dissatisfied with his lot in the industrial or social world, his rights can not be made secure through violence. We have many evils to remedy, but they can be remedied in an orderly and legal fashion and in time will be so remedied. In this country if citizens will meet the obligations of citizenship there is no wrong but must yield to the force of public opinion.

Following these disturbances which might by some be considered individual, as there is no evidence at hand or perhaps no definite proof of the combination which may be behind them, there came the race riots which menaced a number of the more thickly settled communities in different States in the Union. They broke out here in the city of Washington, in Chicago, in one or two of the southern cities, and came to be almost chronic for a period of several weeks. We have had in times past some of that class of disturbances, but they have never heretofore reached the magnitude and extent which characterized them some 30 and 60 days ago.

These are another evidence of a spirit of serious unrest underlying the entire situation with which we as a people now have to deal. They can not be considered as mere individual instances or spasms of discontent. They indicate a deep and underlying feeling upon the part of a vast class of the American people that the way to settle difficulties now is not through the orderly processes of the law, but by taking the law into their own hands; in other words, a lack of appreciation of the American system and an utter breakdown of the belief which has heretofore obtained almost universally among our people

that no evil was too great and no wrong too strongly entrenched to yield to the orderly processes of the law.

If I may refer to further evidence of this lawlessness I call attention to some of the lynchings which have taken place within the last 60 days, not confined to any particular section of the country, but extending over wide reaches of country, covering every section of the United States, and demonstrating beyond question that the blood lust which has characterized certain incidents and conditions claimed to be local heretofore has taken on a wider reach and a wider jurisdiction.

I read a paragraph from a paper under date of August 31. It is not necessary to give the locality, because it would throw no light upon the subject. It says:

The attack was Saturday night. He and six other negro men were caught in the negro quarter after the dogs led the authorities to the house. McCarthy was later identified as the assailant. Before the officers could get the negro to jail a mob overpowered them and shot the prisoner to death. The body was then tied behind the automobile, and the procession on Sunday began with the dead man dragging behind in the dirt. The body was then taken in front of the home and on a burning pile of pine fagots was consumed. Before the sheriff could arrive on the scene most of the body had been burned.

He had been a soldier, as I recall, in this war.

Another incident is described in the following language:

The negro was seated on the ground and a buggy axle driven into the ground between his legs; his feet were chained together with locked chains, and he was tied with wire. A fire was built. Pokers and flatirons were procured and heated in the fire. It was 30 minutes before they were red hot. His self-appointed executors burned his eyeballs with red-hot irons, and when he opened his mouth to cry for mercy a red-hot poker was rammed down his throat. Red-hot irons were placed on his feet, back, and body until a hideous stench of burning human flesh filled the Sabbath air.

Mr. WILLIAMS. From what is the Senator reading?

Mr. BORAH. I am reading from an address by Judge Moorefield Story.

Last night in Omaha, Nebr., there occurred another one of these fearful lynchings in perhaps as orderly a community as we find anywhere in the country. I quote from a morning paper as follows:

OMAHA, NEBR., *September 28.*

A lynching, which developed many characteristics of a race riot, held this city terrorized for nine hours to-day.

Mayor Edward P. Smith was himself saved from lynching by a policeman, who, it was reported, cut the rope from about the mayor's neck while his comrades clubbed off the mob. At midnight it was said that the mayor was unconscious in a hospital.

The riot centered about the new county courthouse building, which was set on fire in the efforts to reach William Brown.

* * * * * * *

With the flames mounting steadily from floor to floor, Sheriff Mike Clark and his deputies fought a grim battle of hours to save Brown.

* * * * * * *

Mayor Smith to-night was said to be in a critical condition at a hospital, although his physician declined to say just how seriously he is injured. A rope was thrown around his neck and he was pulled off the ground twice before two police officers succeeded in cutting the rope and getting him into an automobile and away from the mob.

The mayor had gone to the courthouse and held a consultation with Sheriff Clark. Emerging from the courthouse, he met the mob and began to make an appeal for law and order. Somebody shouted, "Lynch him," and a member of the mob threw a rope around his neck.

Several men dragged the mayor half a block and threw the loose end of the rope over a trolley pole. Twice they drew the mayor's body from the ground. Each time two police officers cut the rope. Following the second attempt, these officers succeeded in placing the mayor into a police motor car and rushed him to a surgeon's office near by. The mayor was bleeding from the mouth and nose, and after a brief examination by physicians was taken to a hospital. At the hospital it was stated by the physicians at midnight that he was still unconscious.

Mr. President, it is something of a humiliation for us to make the confession, but I doubt very much if in any of the great civilized countries of the world you will find such manifestations of lawlessness and utter disregard of established institutions as characterized the many incidents which have happened in this country since the 1st day of May, 1919. There has been one continuous saturnalia of lawlessness coming up from all phases and classes of society. It is not a mere surface indication; apparently it is a disease deep seated and well embedded in our industrial and social life. Lawlessness has come almost to be a national characteristic. I repeat that if not checked it means the utter breakdown of the republican system of government. People will not indefinitely support a government which does not afford protection and security. It is in every sense at war with everything which we have heretofore believed to be characteristic of the American system of government. It calls for the deepest consideration upon the part not only of legislators, who, in fact, can do but little in adjusting the situation, but upon the part of citizens everywhere. It is one of those diseases of society which society itself must throw off. Nothing can reach the trouble so effectively as an aroused public sentiment—a full consciousness of its menace and a determination that the menace shall cease. It calls for the cooperation, the sustained effort of each and every member of the community.

Everyone, even the most thoughtless, must realize there can be no such thing as a republican government, a democratic government, or self-government in any form without a deep and abiding respect and obedience for the established law of the land. If the time ever comes when our system of orderly and regulated government is to break down, the first man to suffer and the man who will go to the bottom first and suffer most will not be the man of position or influence but the average citizen throughout the country, the laborer in all walks of life. No one is so deeply concerned in maintaining respect for law and obedience to the law as the average citizen, the workman, the laborer throughout the country. He more than anyone else has a priceless heritage in established order and in regulated affairs; and the man who teaches lawlessness, the man who would inculcate disobedience to law, is not the friend of labor but unmistakably its enemy.

These matters would have no place in the consideration of this particular question before us if I did not feel that underlying this entire condition of discontent and lawlessness is a breakdown of faith in the worth and efficiency of our Government, an utter absence of true Americanism. I can not but believe that there has been fearful neglect somewhere, neglect to inculcate from day to day and year to year the value and lessons of orderly government and the unmistakable sacrifices which always and inevitably follow in the wake of violence and disorder. I feel, furthermore, that there has been something more than neglect; that those whose position and places of responsibility enjoin upon them to be teachers by precept and example, if not by words, have spread false doctrines and planted the seeds of faithlessness. The great body of the people have been hearing strange words and new doctrines indeed from the lips of leaders of late such as they never before heard from those in whose keeping for a brief season have been intrusted the responsibilities of Government and the direction of great affairs.

We turn now to an entirely different class, to those who represent an entirely different situation, and who, in my judgment, have even greater responsibilities for the maintenance of American institutions and the support of law than those to whom I have been referring. Dr. Murray Butler said a few nights ago in a speech, speaking of that class to whom I have been referring:

There should be no mistake about its program. It openly calls our Constitution dishonest. It denounces the fathers of our country as crooks, as men of mediocre intelligence, and as attorneys of the capitalist class. In the making and building of America the socialists can see nothing of idealism, nothing of sacrifice, nothing of high principles, nothing of love of liberty, nothing of aspiration for a finer and freer manhood. Let there be no mistake about the definiteness of the issue. America's existence is challenged to-day.

I agree with the distinguished educator that America's existence is challenged to-day, and the entire system, from top to bottom, under which we live; but I wholly disagree with his view that that challenge comes from one class of people alone. While there are those who are digging away with the pickax at the foundation of the American system, there are those in responsible places who are tearing away the rafters and the roofing, leaving the whole structure open to every storm that arises anywhere in the heavens. If there be anything peculiarly and distinctly characteristic of prominent men, both in civic and business affairs, it is their apparent desire to be original in tearing away some vital part of the American Republic. They seem to think that change is synonymous with reform.

A few nights ago Judge Gary in a public speech in New York stated to his listeners that the policies and principles of George Washington and Thomas Jefferson were out of fashion, and no longer should be the guide of the American people in the affairs of government.

What is there left to the American Republic in its vital and essential principles if the policies and the principles of Washington and Jefferson are out of fashion and no longer worthy of the support of the American people? If the statement of Mr. Gary had been written upon the outside of a red pamphlet, and circulated throughout this country by some man in the ordinary walks of life, he would have been challenged at once for sending out disloyal literature, and himself subject to prosecution under the espionage laws of the country. When the policies of Washington and Jefferson are set aside, when the principles upon which they built are repudiated and rejected, then the system as we have known it and as we have maintained it has been so effectually broken down that it is no longer the American Republic.

It may not be out of place to mention that just 30 days, 1 month, from the time that Mr. Gary announced, amid his cheering banqueters, that the policies of Washington and Jefferson were out of fashion, Mr. Foster, with his red pamphlet in

his hand, appeared at the door of Mr. Gary's industries, and knocked rudely and long, and advised Mr. Gary that he accepted his proposition that the policies of Washington and Jefferson were out of fashion, and that he had another system to take the place of those policies of government.

You can not break down a part of the American system, essential and indispensable to its maintenance in its integrity as we have known it, and expect to hold unassailed the other portions which are also regarded as essential to its integrity. When men in responsible positions proclaim policies heretofore regarded as vital to our system, heretofore looked upon as almost sacred, they take great chances of destroying that devotion to our whole system, essential to orderly and stable government.

It may be said in justification of or in fairness to Judge Gary that he had in mind particularly the foreign policies of Washington and of Jefferson, although he did not so characterize them in his speech. But no part of our system was deemed more worthy of support by Washington and Jefferson than our foreign policy. They believed it indispensable to our whole scheme and plan of an independent people. Judge Gary, it would seem, should bear in mind also that millions of our people believe with an unfaltering belief that without this policy there can survive no American system. It is a part of our scheme of Americanism. It links itself up with our Constitution; it is ingrained in the moral fiber of our people. To denounce it and reject it is to spread consternation and even despair among millions as to the future of the American Republic.

Since the unfortunate trouble arose between the great steel companies and the employees I had sent to me a printed page containing among others this statement:

> We will either have an American country with American institutions or a Russian country with Russian institutions.

It was sent by one who was defending the position of the steel companies, or, in any event, condemning the employees. I am not about to pass judgment on the merits or demerits of that controversy. I am not sufficiently familiar with the facts. I hope to be later. But I submit to those who direct the affairs of that great industry this question: How are you going to have an American country with American institutions if you spread broadcast the false and disloyal teachings that the policies and principles of Washington and Jefferson are out of fashion and no longer a guide for the American people? Upon these principles American institutions were built; upon these principles they will be maintained, if maintained at all. Is there anything more vain, more utterly delusive than to suppose that you can have the American system for the people and some scheme of internationalism based upon military autocracy as is the league of nations for the leaders and rulers? On the other hand, if the leaders and rulers feel that the policies and principles upon which our institutions were based and built are no longer worthy of our support, shall they be surprised that others than themselves have plans of substitution?

Mr. President, there is an organization fairly well known in this country, called the League to Enforce Peace. It has been circularizing the country for the last nine months. It has sent out thousands of dollars worth of literature, and it has been my opportunity to examine a vast amount of it—as much as time would permit. I am perfectly aware that hundreds of people whose loyalty can not be questioned have joined that organization. I am glad to say, however, that many are leaving it more rapidly than a few months ago they joined it.

In all the literature which has been sent out by this organization I have yet to discover a patriotic paragraph, a single pamphlet truly and deeply American. No appeal for American institutions or American system of government, no effort to instill a deeper or more active interest in our own Government. The literature they are sending broadcast over the country is singularly free from all reference to the worth of American institutions or to the necessity of building up more strongly in the minds of the American people their love and affection for our system of government. They devote their time exclusively either to direct or to insidious attack upon our policies heretofore obtaining. Their literature, in my judgment, while far more subtle and more thoroughly protected, is just as dangerous and quite as well calculated to destroy American nationalism and a true sentiment of patriotism as the literature which has been more thoroughly condemned here upon the floor of the Senate. The policies under which we have come to our present prestige and power are either openly rejected or covertly assailed.

I am perfectly willing to concede that many of the distinguished and able men connected with this organization think they are serving the cause of humanity. But they seem to believe in order to render that service effectual they must bring about the rejection of the policies essential to the maintenance of American institutions. Doubtless they feel like Judge Gary and others, that these policies and principles have served their purposes and are now antiquated and out of date, but doubtless others may feel that the whole system has served its purpose and substitution must be had. Whatever they believe and whatever their purpose, the effect of their propaganda is to utterly disparage nationalism in its truest and noblest conception.

A few months ago Dr. Lowell and the Senator from Massachusetts [Mr. LODGE] joined in debate upon the question of the league of nations. I quote a single paragraph from Dr. Lowell's address. It shows how subtly but naturally, and apparently with some degree of satisfaction, certain advocates of this league never permit an occasion to pass by without throwing some jeer at that which has been regarded by the American people as all but sacred.

Dr. Lowell says:

> One never gets very far in this argument without hearing from Washington's Farewell Address. Now, do not laugh at the Farewell Address. That Farewell Address was a famous document in its day.

And he added:

> So were the Ten Commandants.

"Now, do not laugh at Washington's Farewell Address!" Who would? Who do you suppose was about to break loose in uproarious laughter?

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I yield.

Mr. HITCHCOCK. Of course, the Senator realizes that the attitude of those who support this treaty and the league of peace is that there is not the slightest ground for saying that American institutions are endangered at all, and if he looks over the country I am sure he will agree that we who support the league of nations have just as much right to claim to be supporters of American institutions as he has. What Dr. Lowell meant was that this proposed league of nations did not contemplate the abrogation of the Ten Commandments any more than it did contemplate the abrogation of reverence for Washington and his Farewell Address. He took the position that that was a mere attempt to misrepresent the real issue before the American people.

Mr. BORAH. Mr. President, the interpretation of the Senator from Nebraska [Mr. HITCHCOCK] is not a happy one. I digress long enough to say, however, that I am dealing now with the teachings and their effect of the supporters of the league. Whatever may be their motives, the effect of their teachings are in conflict with Americanism as it has been accepted heretofore. I say that there are a vast number of people who are supporting the league of nations who never let an opportunity go by of belittling and reflecting upon everything that is truly American; and Dr. Lowell is one of them. What was the object of cautioning his audience not to laugh at Washington's Farewell Address? Has it generally been considered a thing for laughter? Has it generally produced disorderly and frivolous conduct by American audiences? No; the sneer was in Dr. Lowell's mind.

Mr. HITCHCOCK. Will the Senator permit another interruption?

Mr. BORAH. Yes; in a few moments.

It is no surprise to one who has examined the books of this distinguished educator to read his comment on Washington's Farewell Address. It is in harmony with the cold indifference, the ill-concealed contempt for everything American found throughout his writings. Not even the guarded expressions of commendation so often found in the writings of other countries—certainly none of the enthusiasm for the great heroes of American history which may be found in almost any volume on the subject by foreign authors—are anywhere discoverable in the works of this native American with his alien tastes. Nothing in our institutions, nothing in our traditions, rich with the stories of sacrifice and replete with the tales of heroism of men and women who gave all for the Republic; nothing in the most marvelous achievement in the cause of liberty itself and self-government the world has ever known is able to draw from him a striking paragraph or an enthusiastic period. Imbued with foreign notions, moved by foreign ideals, he gives to the noble institutions under which he lives and the splendid fabric whose majestic simplicity as a citizen he daily enjoys only the "cold respect of a passing glance."

Mr. POINDEXTER. Mr. President, in that respect President Lowell is not at all different from President Wilson, who expressed the opinion that the Constitution of the United States was based upon a principle which could not succeed, and con-

demned Jefferson and Hamilton and spoke with the same sort of levity of the Declaration of Independence that President Lowell used with reference to Washington's Farewell Address.

Mr. BORAH. I may come to that later.

"Now, do not laugh at Washington's Farewell Address." Contemptuous remark! No Boston-born audience needs any such suggestion. A single son may disgrace her soil, but the title deeds of American liberty and American honor are not jeered in Boston nor anywhere else except among and by traitors. High time the American people who have sons and daughters to educate take note of the fact that at the head of one of her most honored and ancient institutions of learning is one who holds in such contempt one of the noblest of American documents that when he departs from his written address, leaves for a time his stilted ambiguities to indulge in the antics of a humorist, he can find no subject so worthy of his jibe, so fit for his jest, as Washington's Farewell Address.

Mr. President, in the old days, particularly in Rome and Venice, there were those who gained a livelihood by poisoning people. It was a profession. Through conscientious and persistent effort and under the stimulus of professional pride they raised their calling to the standard of a fine art. The profession, however, was divided into two classes, distinct in methods and widely separated by class feelings. There were those of culture and social standing, often members of some old and highly respected family. Then there were those coming up from the rough walks of life, crude and unlettered, without either social or political recognition. The one class accomplished their evil purposes through subtlety and secrecy, instilling infinitesimal doses of poison in the daily food, watching the victim's health break day by day and week by week, leered and watched and fed until at last, baffling all the skill of physicians, the crime was consummated. More open, bold, and brutal, the other class would thrust their poisoned stilettos into the marked individual as they jostled him upon the streets or met him under the shadow of night. Between the two classes there was nothing in common save that the achievement of both was that of murder.

Mr. President, you may destroy this Government, bring ruin and chaos to this sacred edifice, you may uproot its traditions and dry up the springs of national life just as effectually by putting out for the daily food of our youth contempt and derision, distrust, and falsehood concerning its history and its institutions as you can by the bomb and red flag—both accomplish the same thing, though achieved in different ways. The professional sappers and miners of national life, the destroyers of national power and glory may not recognize each other—the cultured professor may scorn the rioter and the revolutionist, but they are brothers in the same cause, linked together by a common result. History will finally associate them and the scorn of mankind will finally treat them as one. They will stand together at the bar of the future as the coconspirators against the peace and happiness of the American people and the destroyers and wreckers of the noblest institution for human happiness yet conceived by the wit of man.

Sir, it is reported that upon the 26th day of February, 1919, the Secretary of the Navy declared before the Press Club, in Washington, "The constitution of the league of nations will be remembered long after the Declaration of Independence and the United States Constitution are forgotten."

That is the thought, consciously or unconsciously, lying back in the minds of all those who are advocating a league of nations. They believe they are building something here vastly greater than our Government and in comparison with which our Government will ultimately pale into insignificance. Its most important events will be forgotten. Its individuality will be lost in the vaster conception, and we will all become one happy family—American, Japanese, Chinaman, and Hottentot—forever at peace with each other and living in delightful association. The destiny of the Republic is measured—national sentiment, national pride, "my own, my native land," all such things, together with our proudest achievements are to be merged into internationalism. The Declaration of Independence and the Constitution will be forgotten. The American Revolution will be treated as a mistake. The Secretary is logical and sincere.

It is reported in a speech delivered, I believe, in Kansas City the President declared that the league of nations was greater than the United States Senate, greater than the American Republic. To me this is an astounding statement. Speaking, I trust, in proper respect, it revealed to me more fully than ever before the whole purpose of this, as I view it, perfectly disloyal scheme. I can see it in no other light. I must in such matters speak the truth as I see it.

All these doings and sayings which I have recalled, all this striking in different ways—some by lawless acts, some by sinister suggestions, some by bolder teachings—at the American Republic can in the end have but one effect, and that is to undermine the people's faith in our institutions and drive from their hearts that love of country without which no form of government was ever strong enough to long hold together a people.

Mr. President, having eyes to see let us see and having ears to hear let us hear the things that daily transpire about us—America is no longer the America we have known and loved. Why not admit it and set about to redeem it. Things foreign to her whole nature, things at war with all her plans and purposes, things which challenge her entire intellectual and moral being have found recognition here. In such a crisis each must decide for himself how he can best serve the people whose lot has been cast with our institutions and whose emblem of hope is still the Stars and Stripes. For myself I propose to strive in whatever way I can to see that America is permitted to live her own life and to fulfill her mission in civilization according to American principles and ideals. We should not shut our eyes to things which are happening nor to the things proposed nor compromise one iota with those who would either hand her over to violence and disorder at home or betray her into the hands of aliens abroad.

Our first duty is to realize the situation. Men and women in the old days gave themselves over to the ease and indifference which always accompany a sense of security, yet Babylon's hours were being speedily registered. Those who were sheltered by place and enjoying power thought nothing of the fact that the emperorship was being auctioned from the parapets of Rome.

In every age people have mistaken their uninformed complacency for safety. "Better to be despised," said Edmund Burke, "for too anxious apprehension than ruined by too confident a security." Every man must realize that we are not only approaching a crisis, we are now in the very midst of it. The discontent, the spirit of unrest, the revolutionary forces are seen upon every hand, and these things are always indicative of greater evils which lie behind. It is not too late, however, to arrest the trend of events and turn back the onrushing tide sweeping us we know not whither. It is not too late to restore constitutional government, maintain here a policy of order and of regulated liberty, and preserve our independence and our sovereignty unimpaired, but it is now time to act with foresight and courage. There are no principles by and under which we can save the Republic other than those upon which we built the Republic. You can have some other kind of a government, you can have some other system, but you can not have our form of government or our system upon any other basis or upon any other principles than those upon which they were organized and under which for a century and a half they have been maintained.

Until now we have as a people entertained, sometimes vague in our minds but always strong and gripping in our conscience, a certain concept of national life and an uncompromising belief in our distinct and individual national policies. It has been handed down from father to son, even from Plymouth and Jamestown, that like another nation we were in a sense a chosen people—that something more than human foresight, something more than finite wisdom had guided a persecuted people to these shores and given vision and faith to those upon whom rested the stupendous task of erecting a new scheme of government and setting up a new standard of life. One less prone than I to detect divine agencies must still seek here to find the secret of the marvelous success of their work. We have been accustomed to believe that this particular scheme of constitutional liberty provided a process through and by means of which the legitimate desires and higher purposes of the people could ultimately and in an orderly and peaceful fashion find crystallization in proper and satisfactory rules of human conduct. We have cherished the hope that men would never again under our form of government be under necessity to resort to violence and force in order to realize and enjoy their rights. For nearly a hundred and fifty years we have held steadfastly to the principle that our independence, our sovereignty, should never be placed in pawn with foreign powers, that we could best serve humanity and best serve the tranquillity of our own people by remaining aloof from alliances with alien peoples.

But these two great principles, the foundation tenets of our national faith, are now under challenge. Thousands of our people—perhaps hundreds of thousands—no longer accept the orderly processes provided in the Constitution as satisfactory; they would realize their aims and purposes through violence and bloodshed, through disorder and indiscriminate murder. Thousands—perhaps hundreds of thousands—no longer accept the belief that we should hold our independence and our sovereignty free from foreign alliances. They would realize their aims and purposes through combinations and tribunals con-

trolled not by our own people, guided not by the will and discretion of our own citizens, but by foreign powers. Our orderly and constitutional liberty is assailed on the one hand and our independence and untrammeled sovereignty are offered as a sacrifice on the other, the two great underlying principles which have distinguished us through the century, and under which we have wrought out, to the amazement of an incredulous world, this inestimable scheme of self-government. Both of these forces and each of these plans arrive at the same goal—the destruction of the Republic as we have accepted it and believed in it heretofore. Though actuated by far different motives, I grant you, both disregard utterly the teachings and traditions of American history and both would uproot the beliefs of the American people. Both are based on the belief that our scheme of government has failed; that the advice of the fathers and the experience of a century are to be set at naught. One begins by destroying the Constitution, the other commences by trampling underfoot our foreign policy, without which the Constitution would not have lasted a quarter of a century. Both are based on ideas and beliefs wholly foreign to our national life, imported from foreign climes, and both are at war—eternally and everlastingly at war—with Americanism.

Mr. President, the remedy, the only permanent cure for all these things is a renaissance of true Americanism, a manly, vigorous, national sentiment, a rebaptism of the old-time national spirit. Not Americanism for the people and an attenuated cosmopolitanism for the Government, not an intense nationalism for the masses and that internationalism which spreads all over the earth and is effective nowhere for those who would rule, but something of the old fervor, something of that apostolic devotion which against the whole world, its skepticism, its sneers, and its open opposition established here a new government, set up a new standard of civilization and heroically sustained them through the centuries, uniting and binding citizen and magistrate, the people and the Government in one glorious and unfaltering faith. This faith, the faith which arouses and sustains vast multitudes, the faith which defies and surmounts those confronting obstacles which seem often to close the path of progress to a people, this faith we must possess again; nothing can take its place. We have enjoyed a rich and bountiful country, rich, marvelously rich in natural wealth; we have been particularly blest in being widely separated from the tragedies and turmoils of the Old World; we have felt the uplifting power of noble institutions, but the thing which has made us the marvel of the world, which has sent us forward with impelling force has been the faith we have always had in our mission as a people, our destiny as a separate, distinct, and chosen people. If that be dead, if that has gone out of us never to be recalled and enjoyed, your censorship, your drastic laws, your denial of free speech and free assemblies are but the convulsions which precede dissolution. These things are not for republics and they never can be made a part of free institutions. They are the ugly and dangerous instruments of despotism, the use of which no people can invoke and remain free. I deny that the hour has come when American institutions and American ideals can not win in the open arena of debate. I reject the proposition that we can not succeed in a contest of ideas where discussion is free to all comers. The fault is not in our cause or in the weakness of the creed we espouse, the fault is in the timid, faithless character of its defenders. If we will do our duty, if we will show confidence in our cause, if we will manifest our belief in our faith, if we will apply the true principles of the American Republic which have been intrusted to our keeping for a brief season we need not fear to go into the open arena, for there we will win again the confidence, the admiration, and the support of all liberty-loving men; there we will restore and reenthrone in the hearts of the American people the principles of Washington and Jefferson, of Jackson, and all of the heroic dead.

Mr. President, not long ago I visited the place where Nancy Hanks, prematurely old and broken, nursed and nurtured and cared for the rarest soul ever born under the American flag. As you stoop and enter the hovel and reflect, as you will, upon the squalor and the wretchedness which a century ago environed those improvident inmates, and then call up in memory the glory which came out of that cabin, the glory which has since filled the earth, you will experience a deeper reverence and a stronger love for these institutions of ours than you ever felt before. There will come to you a feeling which both humbles and makes you brave, a yearning to know what is to be the destiny of this Government "of the people, by the people, and for the people," and, above all, what is to be the fate of the human family should this scheme of representative government fail. And as you drive away over the sad red hills of Kentucky, for this is Kentucky's impoverished spot, leaving behind you the sensations, the reflections, and the fancies of the brief hour, and turn your face toward the real world, with its bitterness, its turmoil, and its strife—social, economic, and political—you will find yourself involuntarily saying give us again in this supreme hour of the Nation's history men with faith, faith in the justice, the efficiency, and the ultimate success of these free institutions, faith that through our scheme of government and under our system of orderly and regulated liberty the human family is to reach its highest progress and enjoy its greatest happiness, faith that right, and right alone, makes might, and that upon this principle alone we dare to build for the future.

Mr. WILLIAMS. Mr. President, it would be strange, indeed, if I had not enjoyed and appreciated some of the oratorical flights of the Senator from Idaho [Mr. BORAH]. It would be much stranger if, possessing ordinary common sense, I did not desire to bring him down from those empyrean heights to some consideration of facts. It would be still stranger if the Senator from Idaho could outdo me in eulogy of George Washington, a representative of the southern aristocracy, or of Abraham Lincoln, a representative of that class which has been contemned, despised, and made fun of as the "poor white trash" of the South.

The labored attempt during a long oratorical flight of the Senator from Idaho to connect the league of nations with "negro lynchings," with capitalistic insolent utterances, and with the proletariat tyranny of labor in America could not have been carried off by any man in the Senate except himself without tumultuous laughter from everybody on the floor and nearly everybody in the galleries. Mr. President, to a part of his flight we are all accustomed; we were raised on it on each Fourth of July; and it requires no unfaithfulness to American institutions to question it, however high it may fly.

We are not what the Senator calls us—"the chosen people of God." Leave that sort of chauvinism to Jews and to German junkers. Nobody on earth, so far as I know, constitutes "the chosen people of God." God judges His children in accordance with their thought and their feeling and their conduct, and not according to their nativity nor according to their naturalization. It is not necessary for any man in order to have pure Americanism to be narrowly chauvinistic; it is not necessary that we should stand around the table and drink beer and sing "America Uber Alles" or, much less, "America Alone in the World," as the Senator has to-day sung it. America is not alone in the world. She could not be alone in the world if she wanted to be. She is in the world with the balance of the sons and daughters of men. She is to be judged finally, nationally, and individually by her conduct and achievements, and, in connection with her conduct and achievements, chiefly by the answer to this question: Is she to exclaim with Cain, "I am not my brother's keeper"? Or is she to recognize brotherhood and fraternity with other men and the common fatherhood of God? The entire narrow chauvinism of the Senator from Idaho leads to the conclusion that we shall go out upon the broad arena of this vast earth, which is yet one of the petty planets in a great solar system, which is still only one of the petty solar systems in a great universe, and announce that "we are the chosen people of the All Ruler of it all"; that "we have to consult only ourselves"; that "we are not our brother's keeper"; that we have nothing to do with anybody else except to dictate our relationship with him. It is not only "America Over All" that the Senator would have us sing, but "America Standing Alone." Even the German junkers never sang that.

Mr. President, George Washington was wise in his day and generation. The Senator has paid a eulogy to him that the Father of His Country richly deserved. Thomas Jefferson in his time paid a grander eulogy to him than even the Senator from Idaho is capable of; John Marshall paid one, if anything, still grander; and Henry Lee, upon the floor of the Congress of the United States, when he pronounced him "first in war, first in peace, and first in the hearts of his countrymen," went not one step too far. But, Mr. President, George Washington lived in his time and we are living in ours.

The Senator says that the essentials of civilization and of Americanism were then just what they are now. Of course, they were; nobody but a fool would deny that; but what are the essentials not only of American citizenship but of world citizenship and of Christian citizenship? The great essential being sought now by the world, which was sought above all men in his time by George Washington, is expressed in these few words—"a just and enduring peace."

George Washington of all men sought it, and, knowing that we were 13 little Colonies along the Atlantic Ocean, he always

preached that we should intermeddle as little as possible with the affairs of the balance of the world, because we might be drawn into strife. But George Washington was no narrow chauvinist. He did not partake in that respect of the intellectual characteristic, or the chief intellectual characteristic, of the Senator from Idaho. He was a man of broad vision, of long vision, and saw down the aisles of time. He was one of the few men in his time that foresaw a great American democratic empire. He was as jealous then of the Mississippi River and its mouths and its headwaters as he was of any acre of land in the State of Virginia. And Thomas Jefferson, whom I almost worship as my political prophet, was like him; but Thomas Jefferson was also not a narrow chauvinist. Thomas Jefferson did not spend his life hating Great Britain, although he was one of the first men after Patrick Henry to raise his voice in Virginia against her German King's tyranny. It was Thomas Jefferson who threatened an English alliance when he wanted to call a halt upon Napoleon Bonaparte, the master of the world, when he said in those ever memorable words, "If you seize the mouths of the Mississippi River, we marry ourselves to the British nation and the British fleet." He that day threatened an "alliance"—not "entangling," but disentangling.

Thomas Jefferson was no fool when he said—and, by the way, it was he that used the language as an expression of our policy and not George Washington—"friendly relations with all and entangling alliances with none." He used this language advisedly, and he meant as much by the adjective "entangling" as he meant by the noun "alliance." Later on when James Monroe wrote to him, when Canning had first approached him on the subject of the Monroe doctrine as it came subsequently to be known, it was Thomas Jefferson who wrote back, "With her," referring to Great Britain, "upon our side, we need not fear the world." "We have a system over here, and they have another in Europe; they have dedicated their system to despotism and monarchy; let us dedicate ours to liberty and democracy." I am not quoting him verbatim et literatim. He said then, "Why can we not dedicate this hemisphere to liberty and democracy?" but he went on further to say, "There is only one enemy—Great Britain—that we may fear, and she now comes to us"—that was when Canning had approached Monroe—"offering not only to participate but to lead us in this new pathway." He added in substance, "No question so great has confronted my intellect since the question of independence itself."

Oh, Mr. President, it little becomes the Senator from Idaho, however much he may in his heart hate Great Britain—and I do not know whether he does or not, though I suspect that to be his ruling motive—to try to drag George Washington and Thomas Jefferson down from their high pinnacle as world statesmen who understood the world in their day to a narrow, miserable, provincial chauvinism which he himself represents in this case.

Mr. President, in that connection, I cut out of a paper the other day an article entitled "Are we our brothers' keepers?" I should like to have it printed in the RECORD as a part of my remarks.

Mr. BORAH. Is that a Japanese article?

Mr. WILLIAMS. Japan never heard of it. The interruption is in keeping with the Senator's chauvinism.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"ARE WE OUR BROTHERS' KEEPERS?"

[By W. H. Anderson.]

I.

The patient world through all its cycled years
Has borne its human burden, murmuring not—
A selfish horde, almost by God forgot—
A theme to flood the universe with tears!
From that far distance where there first appears
A ray to pierce the dark conglomerate blot
Spewed from creation's maw, the common lot
Of man, the creature, changes not nor veers;
A current rushing on from naught to naught,
Turgid and turbulent, 'twixt narrow banks
Of grasping greed and centered self-endeavor;
Each drop impregnate with the single thought
Of striving till all others it outranks,
Blind in its petty now to vast forever!

II.

This is the painted picture; this the view
Of cynic solons in our halls of state,
Venting their venomed envy in debate,
Cruel and heartless as a pirate's crew,
Shackling the many for the selfish few,
Clasping the hasp upon the book of fate,
Seeking the elder Cain to emulate—
"Are we our brothers' keepers?" Nay, not you!
But the great world is. War has fixed its fangs
Just once too often in the human breast,
And roused the nations to their sole surcease.
Nor shall we fail to heed our brothers' pangs,
The serried legions of this glorious West
Shall head the vanguard of the hosts of peace!

Mr. WILLIAMS. Mr. President, I repeat that the labored attempt of the Senator from Idaho to connect the league of nations with the lynching of negroes in the highly southern metropolis of Chicago, and Omaha, and Washington, and Wilmington, Del., and East St. Louis, and a few other places like that, and to connect the advocacy of the league of nations with a few absurd utterances of some capitalist whom he quoted, and whom I have forgotten—Gary, I believe—and to connect it with some of the absurd antics of labor just at this time, like the police strike in Boston, although he did not refer to that, is *vox et præterea nihil*, and although it be the *vox* of Idaho, it is still nothing but *vox*—pure voice and wind—spread out and dissipated upon the circumambient atmosphere, which may "tickle the ears of the groundlings, but must make the judicious to grieve."

Mr. President, when I think of the 12 little Jewish tribes, gathered in what now we call Palestine, boasting that they were "the chosen people of God," and then when I think of the German junkers, a little bit later on, under the leadership of the Kaiser, appealing to all Germany to recognize him as the chosen voice of God to lead "the chosen people of God," I must confess that I have very little respect for anybody anywhere who imagines that any people can be the chosen people of God. It just so happens that God does not choose his people here, anyhow. He chooses them after they are dead to people Heaven, and not beforehand to people the earth. It just so happens that I know something about this world; and whenever I meet an American telling me that he is necessarily the superior and that his people are necessarily the superiors of the balance of the world, I simply say, "That is your ignorance." The Danes are much better educated; so are the Norwegians; so are the Swiss, and very much more efficient as laborers, and just as brave, and just as honest, and just as true.

I have nothing to say that would detract from the great glory and the great history and the great ideals and the great purposes of this great American people. They are not the chosen people of God, but they may be the chosen of God if they will; they can make themselves the chosen people of God by choosing to go in God's way. That is the only way any people can manage that; and going in God's way does not consist in saying, "I am not my brother's keeper. Here is my house, here is my wife, here is my son John, here is my son John's wife; and we, and we alone, we constitute the universe." If American statesmanship can never rise above that level, then American statesmanship has already determined that the American people shall not be the chosen people of God, because God demands a different sort of conduct and service to himself and men.

Mr. President, I asked the Senator from Idaho while he was on his feet a while ago "what relevancy there was in what he was talking about then to this league of nations" that we had agreed to discuss. He chose to answer me not very politely, but his answer will stand, of course. I have not yet discovered any relevancy between his long talk, however oratorical and however eloquent, and the league of nations. I have discovered only a labored attempt to connect it with negro lynchings and with capitalistic insolence and with proletariat tyranny, in which contention he can not prevail; nor can the Senator pretend that he owes any greater allegiance to or possesses any greater love for the Declaration of Independence and the Constitution of the United States than I do, or, I started to say, forty-odd million people like me.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. WILLIAMS. I do.

Mr. BORAH. The Senator has said that I replied to him rather impolitely. It is never my intention to be impolite to a colleague, however much I may differ with him. I was perhaps led away from my usual practice by what I considered the very irrelevant and impolite suggestion of the Senator from Mississippi that I was not discussing the subject before I had completed my first paragraph.

Mr. WILLIAMS. Mr. President, the Senator had not only completed his first paragraph, but he had been talking quite a while; and I really thought at the time—and for that thought I now apologize, because I have now found that the Senator really did intend to get upon the subject after a long while and remotely—that the Senator was merely taking up time. That was the reason why I asked him whether his remarks were relevant to the question under discussion. It is always relevant to ask a Senator whether or not the remarks he is about to make are relevant to the question agreed to be discussed. An inquiry as to relevancy can not be irrelevant any more than an amendment to the Constitution can be unconstitutional.

The Senator describes, and very eloquently, too, the meaning of the Declaration of Independence and the Constitution of the United States, and then he bursts into a little more of irrelevant eloquence. He said the reason why they succeeded was that we went at them purely "as Americans." Why, of course, we did. They were purely American questions. We did not want to call in the world outside to tell us why we wanted independence from what we regarded as the tyranny of Great Britain. We did not call in the world from the outside to frame a constitution to govern nobody except ourselves. But now the Senator wants us, when we are attempting to frame a constitution for a just and enduring peace among all the various nations of the world, to be the whole world by ourselves, and to cut out the balance of the world, and to say: "You have nothing to do with it." He said that the President of the United States said that "the league of nations" was "greater than the Senate of the United States." God pity the league of nations if it were not! The whole trouble in the Senator's entire talk is that he confuses chauvinism with patriotism. Patriotism does not consist of taking all you can get. It frequently consists of giving all you reasonably well can, just as an enlightened selfishness does not consist in taking, from either of you, all that I can get, but consists at least equally as much in giving you all that you are justly entitled to and that I can spare.

After all is said and done, Mr. President, statesmanship—real statesmanship—and Americanism—genuine Americanism—neither of them differs from any other form of common sense and common ethics. I remember a friend of mine once who made a business proposition to another man, and the other man said: "I do not think that is quite fair to me." My friend said: "I never made an unfair proposition to any human being in my life." That is the spirit that ought to animate a nation. If there be any doubt about it, solve it against yourself, just as an honest man will solve anything where there is a real doubt rather against himself than against the other man.

Mr. President, when George Washington lived he devoted himself to seeking a just and enduring peace. So did Thomas Jefferson. That is what I, in my humble way—"humble" is hardly the right word, because sometimes I am not subjectively humble—but, to put it in the objective, that is what I, in my obscure way, am seeking to-day when I advocate the league of nations. I am seeking "a just and enduring peace"; and the President of the United States, God bless him, has sought it in Paris, has sought it in London, has sought it in Rome, and is seeking it in these United States. He has spent energy, intellect, and almost life, and he has received curses and calumniations, has had to endure the charge that he was un-American, the charge that he was unpatriotic. One man accused him of "seeking to be a king." What a fool the accuser is and what a fool the accused would be!

It was well said years ago that "republics are ungrateful." Ah, the little particularists of the days of George Washington swore and snarled and barked at him, and in the days of Thomas Jefferson they called him "pusillanimous" and "cowardly" because he hesitated about getting into war that might involve the liberties and destinies of these poor, little, weak Colonies, then only 15 or 16 in number, and in George Washington's time only 13. But Washington and Jefferson both stood it, and American public sentiment subsequently has said that they stood it well. Woodrow Wilson is standing it, and posterity will say that he stood it well.

It is given to no man to insure success to himself; it is given to every man, however weak in intellect or soul, to deserve it. Woodrow Wilson has deserved it, and, as Webster said of Massachusetts, whatever may be said about his future, his past is safe. He may not be as great a man as some other men who have lived. He does not think he is, I do not, and you do not. But he is as honest a man, with as much intellectual integrity, as God has ever created. As Thomas Jefferson said of old John Adams, "he is as honest as the God who made him."

The Senator from Idaho is preaching peace and not violence when negroes are involved, when capital and labor are involved, when American industrialism is involved—"peace, orderly settlement by arbitration or by the courts, no violence"; and in one of his oratorical flights he said he had hoped "the time had passed when controversies would be settled by violence." And yet, when he comes to international force he is standing athwart the pathway of the very thing to which he has paid so high a rhetorical and oratorical tribute. He wants America to stand isolated. Why, Mr. President, she could not stand isolated 48 hours if she wanted to. If all the people in America concluded to give the Senator from Idaho a czardom to-morrow and let him govern the country by ukases, and nobody could vote except him, and nobody had any say except him, he could not, by any pronunciamento of his, any ipse dixit of any sort, determine upon and maintain isolation for the United States from the strife and turmoils and worries of the balance of the world by her own announcement, or in the supposed case by his own announcement, because I supposed the case where he would be the czar, and the women of Idaho even would not have any voice, so we could not in referring to America say "her"; we would have to say "his" then. He could not do it if he wanted to nor if all the other hundred millions of America supported him enthusiastically as their czar and equally wanted to.

A little row breaks out in Sarajevo, in Bosnia, and some lunatic shoots a grand duke. We use every endeavor of which we are capable to keep out of the row, and the President uses every endeavor of which he is capable, almost to the point, as his enemies charged, of pusillanimity. But we could not keep out. The President was elected upon the theory that "he has kept us out of war and is determined to keep us out of war," but he could not do it. Even I sat down upon the plantation and wrote to him, the day the *Lusitania* was sunk, "For God's sake, give the Kaiser 72 hours of an ultimatum to apologize, or pay damages, or go to war," and you all know what a passion for peace I had. You can not keep out of the world, my dear boy; you can not do it to save your life. [Laughter and applause in the galleries.]

You are a part of the world, America is a part of it, and as little as you think of it, you as a Senator and I as another Senator—both, perhaps, not exalting the position too highly, at least one of us—are parts of the world. When I say "one of us," I mean myself, of course.

Mr. President, one other little point that has nothing to do with this I will touch upon. The Senator from Idaho has referred to the lynchings that have occurred, and has quoted various things from some negrophile, I suppose. The man who wrote it and the Senator both forgot to mention that in Omaha and in Washington both those riots took place because negro men were violating and outraging or attempting to violate or outrage white women; and these were not Southern cities; they were Northern cities. I go as far in the pathways of peace as any man who was ever born. I am willing to arbitrate nearly everything in this world, except one thing, and that is the attempt to outrage a white woman by any man, whether white, black, or red. I surrender him at once, as being beyond the pale of the law, to the first crowd that can get to him. I believe in law. I believe in law and order. I believe that there is no justification for taking the law into one's own hands. But I believe that there are now and then provocation and excuse enough for it, and the four or five attempts here in Washington to outrage and violate white women, and the confessed and proven attempt in Omaha, in my mind, deprive good men who are white and civilized of all inclination and of all power to say one word against the men who undertook to capture the criminal and execute him.

Not only is blood thicker than water, but race is greater than law, now and then; and if race be not greater than law, about which there might be a dispute, the protection of a woman transcends all law of every description, human or divine. I take part of that back; it does not transcend divine law, because it is a part of the divine law. God made us to protect our women, and we are going to do it. And yet all this has been talked about, especially these riots in Washington, and not one word said about these vile beasts who, out here in Takoma Park and in Omaha and elsewhere, have been trying to violate white women. Not a word has been said by the negrophite from whom he quoted or by the Senator in condemnation of the miserable black beast in Omaha who paid a just debt to justice, if not to law, or the black brutes in Washington whose conduct aroused the mob. Let a man steal your pocketbook if he will. Let it become his; 'twas yours. Let him kill you if he will, kill your son if he will, and you can still carry it to court. But when it comes to violating weak, helpless, and innocent women, there is no time in ordinary human nature to go to court.

But here stand gentlemen who elsewhere write about all that, and who have plead for law and plead for order, while women—helpless, poor, physically helpless things—are being treated by beasts in any way that the beast chooses. And yet these same men do not want any international peace and order by preestablished law.

Senators talk about "America doing as she pleases." There is nothing in the league of nations that keeps America from doing as she pleases, except when America shall choose, if she shall, to carry on an unjust war, offensive and unprovoked, and refuses to arbitrate the controversy or carry it into an international court. If that time shall ever come, no outlaw nation—not even America, if she should become one—ought to be permitted to "choose her own course." Yet here stands a gentleman who wants a rapist carried into a municipal court, but is not willing to

hold a rapist country, as Germany was in the last war when she invaded Belgium, to law but leave her to her own law.

It was the Germans' plea that "military necessity gave her the right to go through Belgium if she wanted to," and that "the State was responsible to nobody," that "there was no higher law than the State." The only difference is that the German junkers said the German State, and the Senator from Idaho is saying the American State.

There is nothing that can occur in international affairs that can so stiffen the sinews, summon up the courage, and inflame the passions as many things which occur in the domestic relations of a people. Yet the Senator from Idaho stands with me in saying that there is no justification for taking the law into your own hands if you be an individual, while he contends that there is all justification and nothing but justification if you be a nation. The only difference between him and me is that I say there are sometimes provocations which excuse it in an individual, and he does not go even that far. Yet he is not willing to apply the same law to unjust outrages committed by one people or nation upon another.

Mr. President, I do not know whether Jesus Christ was the Savior of man or not; I have been taught it. I do not know whether he was the Prince of Peace or not; I have been taught that. I do not know but what the heathen gods of Rome and Greece control the world; but I have been taught that they do not. If the gentle Nazarene who walked by the Sea of Galilee and promulgated his great doctrine was the Savior of mankind and was the Prince of Peace, then in my opinion—in which, however, of course, I may be mistaken, because I am not infallible—the man standing athwart the way of the nations of the world entering into a covenant to keep the peace of the world, to make it "a just and enduring peace," has gone back to heathendom, and, like the Germans, is not worshipping Jesus of Nazareth, whatever other gods he may worship.

In the case of the Germans they evidently worship Oden, Thor, and Frei—Thor especially with his hammer, his symbol, the very impersonation of the might not only of a State but of a heathen and false godhead. We English-speaking people long since came to the conclusion that if Thor was a god we did not want any god—not that sort of a god, anyhow. If a State be irresponsible, and stands by itself in this world to be the sole judge in its own case, to execute justice outside of its own boundaries, in its relations with the balance of the world, just as it sees fit, then I want no State in mine.

The Senator invokes "the established law of the State," and yet he is not willing to establish or invoke a law for the civilized nations of the whole world! He stands against all recognized world law to which we may bind ourselves together with the balance of the world. He rails against "limiting our sovereignty" within any bounds of world law, even agreed on by ourselves. He is perfectly willing, and some other Senators are perfectly willing, to see the league of peace adopted, provided we stand out from under all of its obligations. He is not even willing to go into the pretense of signing it with any sort of reservations or amendments of any description. By the way, I do honor to him in that respect. I understand his position to be that he will vote for amendments and reservations and that after we have adopted them, if they shall be adopted, he will vote against the whole business. In other words, he will do his utmost to ruin the whole thing before it comes to a vote, and then he will, having emasculated and poisoned it, vote against it.

Mr. BORAH. The Senator has me right.

Mr. WILLIAMS. I thought so. The Senator says I have him right. I want to say in eulogy of the Senator from Idaho that that is a very much higher and more honest and less hypocritical ground to occupy than that which some of the other Senators have occupied.

The Senator from Idaho went on and gave an interesting description of two classes of thugs and murderers of men that hardly spoke to one another. He did not know what a true picture he was drawing of this fight on the league of peace. On this floor there are men who want to murder outright the league of nations and so much of the treaty of peace as involves the league, and then on the other side there are the poisoners. They just want to poison it; they just want to take the life out of article 10 and the balance of it, just to give it an anesthetic and let it die the white death, bleed white as Prussia proposed to bleed France. These two factions, unlike the other two classes of savages to whom he referred, do speak to one another, though I doubt if they have much respect for one another, but I have a good deal more respect for the thugs that want it murdered with a bludgeon than I ever had for the poisoners.

Here is the thing: You have to take it or you have to leave it, and you know it as well as I do. If you send it back to 27 different nations, including our enemies, that is substantially the end of it. You know that Serbia will be there with her row with Roumania; you know that Roumania will be there with her row with Hungary; you know that Poland will be there with her row about Silesia; Italy will be there with her row about Fiume; you know the wily Turk, rested a bit by now, will be there. You know that everybody will have about two amendments apiece to every one that you send back. You know it means chaos; you know it means a boiling cauldron, and I am afraid you know that the President of the United States has no longer the physical strength to go back and try to settle the seething, boiling thing. I stand with the President in his last utterance. If you want to kill the league and the treaty, kill it; if you want to bludgeon it, bludgeon it. Come to the issue as quickly as you can and be done with it, only do not poison the life out of it. If you are not willing to make this attempt for a just and enduring peace for the entire world, just say so. If not, stand out boldly and say you do not believe in that sort of thing anyhow, that you think it a piece of impossibility, "an irridescent dream," as Ingalls said about common honesty, and that it can not be accomplished. But whatever you are going to do, take the responsibility for your act. Above all, do not act like Lucretia Borgia—do not poison. If the Senate wants to pass an interpretative resolution after it has ratified the treaty, do it, not as a part of the ratification but as the opinion and interpretation of the Senate of what they have done. Then go to the league of nations and try to impress upon it those ideas. If America is there, if the great Anglo-Saxon Commonwealths of Canada, Australia, New Zealand, South Africa, and Great Britain are standing with her, as they probably will be, there is very little doubt of the fact that any reasonable amendment would be adopted.

Mr. President, I hold in my hand an article from a Pittsburgh newspaper, entitled "The Crisis," written by John Corntassel. The couplet which heads it reads:

> The great world's altar stairs
> That slope thro' darkness up to God.

He ought to have said "out of the darkness," except that it would have ruined the rhyme. That is quoted from Tennyson—

> "Out of the darkness" of war and barbarism and chauvinism, "into peace, up to God."

I have stricken out of the article with a lead pencil a lot of things which struck me as being personal and for which I am not willing to stand sponsor. I ask unanimous consent, striking out those parts and substituting asterisks for them, to publish the editorial as a part of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

THE CRISIS.

[By John Corntassel.]

> "The great world's altar stairs
> That slope thro' darkness up to God."
> —Tennyson.

"The United States approaches one of the greatest crises in its history.

"The most momentous question involving the civilization of the world—the league of nations—is in danger, held up, delayed, and threatened with defeat, through the conspiring efforts of a few * * * Senators.

"The Constitution providing that all treaties must be ratified by a two-thirds vote of the Senate, it therefore is necessary to secure 64 votes to ratify, thus enabling a small minority to defeat the league treaty, and thus undo the combined six months' efforts of the statesmen of 30 nations of the world to accomplish a great object.

"In this country, ruled through party government, it is seldom that any political party controls two-thirds of the Senate membership. When party lines are therefore drawn and a measure made a party issue, its passage becomes quite difficult.

"Certain Republican Senators * * * have made of this question a party issue, hoping thus to humiliate and disgrace the leader of the Democratic Party. These men have thus far obtained a certain following.

"They receive the praise of the German propagandist and sympathizer.

"They hear the encouraging yelp of the Irishman who hates Great Britain.

"They receive the encouragement of the makers of war materials.

"They listen to the plaudits of the military clique whose profession is war.

"They are praised and fawned upon by their following of personal bootlickers.

"They receive the applause of the disappointed office seeker.

"They hear the yapping of the little men, who are jealous of another's success.

"They listen to the rappings of the knockers generally—those who otherwise know not how to attract attention.

"All these persons create some noise, and the little Senators imagine they hear the call of the people.

"Therefore do these few * * * proud * * * Senators, always seeking the spotlight, and hoping that presidential lightning may strike in their vicinity, hold up, delay, confuse, complicate, and attempt to destroy by amendment the greatest humanitarian charter of modern times—the treaty and the covenant of the league of nations.

"For Christ's sake—and I mean it not profanely—let us, the people of this great American Nation, stop this nonsensical, uncivilized, and barbarous attempt to stultify America and demand—demand immediate ratification of the treaty!

"Let us send to them now, and at once, the real call of civilized America, united and unafraid, demanding that they do their duty toward humanity. Not the call of Democrats. Not the call of Republicans, nor of Socialists, nor of capitalists, nor of laborites, but the call of the Christian people of America to ratify at once this covenant of the nations to procure and secure the future peace of the world.

"Little wonder is it that the President claims the opposition comes from ignorance. It is the ignorance and neglect of the intellectuals—those who should know better.

"Why not wake up, men and women of America? Do something in this crisis. Otherwise, some day, your son also may have a resting place on the battle field of some fair country, with the 10,000,000 young men just recently gone before.

"Who are the intelligent teachers, advisers, and commentators who especially should endeavor to arouse the people?

"The preachers? Yes, surely. The followers of the Prince of Peace owe something to humanity. When it comes to raising funds to succor a few Armenians harassed by the Turk, the pulpit resounds against the desperate character of the situation.

"In God's name, why does not the pulpit now endeavor to instruct, inform, and influence the Christian people of the United States of this crisis in their country's affairs, affecting as it does the future of the world? Or must one conclude that war is a part of the Christian doctrine and the use of force necessary to its advancement?

"The editors? Indeed, yes! They more than all others are the instruments by which knowledge of present-day events is disseminated. These brilliant men, trained in arriving at quick conclusions, surely must realize the necessity of arousing the people and creating public sentiment in favor of this momentous question. The time to do it is now. It is the most important thing in the world. All other matters by comparison are trivial. It is larger and greater than anyone imagines. The President visions the importance of the occasion, and is attempting to awaken the people. The opportunity is here. It is greater than any man, any party, or any combination in the Senate. The defeat of this treaty and the league of nations by the United States of America is too horrible to contemplate—the results of its rejection too painful and ignoble to consider. The press owes a duty to the Nation to-day and immediately. Why not suspend the hero-worshiping attitude toward returning warriors and center the minds of the people upon the 10,000,000 dead who will never return? Or do the editors also desire another and more wars? It is a time to exhibit real patriotism right now.

"The lawyer? They likewise seem not to appreciate the gravity of the situation. This country has been built up in its Government largely by them. The construction of our splendid system of civil liberty and the administration of justice we owe to this class. It is time for the bar associations and the legal fraternities and the individual lawyers to step forward—they also are leaders and teachers of the people and opposed to the use of force in the settlement of disputes. The erection of a supreme council of the nations is now in progress. A push in the right or wrong direction will make or mar this wonderful structure and great experiment. The time to further the cause of peace and civil liberty is now.

"The doctors? They also, friends of humanity, entering the homes of the people, owe it to themselves and their country to open the eyes of the ignorant and attempt to secure a friendly attitude for the treaty.

"The business man, the worker, everyone, men, women, and children, need an awakening. Most of us since the great tragedy of the World War have settled down to our individual work and pursuits, forgetting that the results of that great event are upon us and must be wisely dealt with. Many details of living distract us. The effort alone to live to many is great. We may and do, therefore, forget that the greatest event of modern times, the ratification of the peace treaty and the league of nations, requires our help with continued patriotic fervor.

"This in order that war may cease. That posterity may bless us. That America remain first, as always, in the estimation of the world. That the United States will at least take a chance to further civilization. That Christianity as we know it is not dead. That we, the people of the United States, decline to stand for all time before the world as a Nation of hypocrites, pretending to be advocates of democracy, yet refusing to join the other nations in an effort to democratize the world. Last, but not least, that we decline to humiliate and discredit the Chief Executive of this country, the first man among the statesmen at the peace conference, the President of the United States of America.

"'Saepe intereunt aliis meditantes necem.'"

Mr. WILLIAMS. Mr. President, I had not intended to take up any of the time of the Senate at all this afternoon, but it seems to me I was rather challenged to do it.

I want to add one more thing, Mr. President. I do not see for the life of me why I should invoke or why any man should invoke any sort of political partisanship in connection with this question. As the Senator from Idaho knows, and as you know, I am an extreme partisan. I am a southern bourbon Democrat who has forgotten very little and remembers everything in the shape of past injury to himself and his race and his section, but there are points beyond which I think no partisansh'p should go. I would be ashamed of myself if I permitted my course in connection with a purely international or foreign question to be dictated by domestic politics. I am sure I can say just as much for the Senator from Idaho, because he is by heredity and environment less of a partisan than I am, and I am sure that his attitude toward this question comes not out of partisan politics but out of what I consider a narrow Chauvinistic Americanism and what he considers pure patriotism. I wish that everybody approached the question from his standpoint and from mine—openly, honestly, with love or with hatred for the "great adventure of world peace" not under cover, not hypocritically, not as poisoners.

Mr. BORAH. Mr. President, I refer particularly to the negro lynchings now, although I referred to them rather incidentally in my former remarks. The Senator from Mississippi [Mr. WILLIAMS] stresses the proposition that I was seeking to inject a sectional discussion into the question of the league of nations. I was very careful to state affirmatively that these lynchings could in no sense be considered as indigenous to any particular part of the country and reflect upon one part of the country no more than upon another.

Mr. WILLIAMS. Mr. President, will the Senator pardon me——

Mr. BORAH. In just a moment. I also omitted, out of extra precaution, any effort to localize the articles which I read, in order that there might not be any possible inference that I was seeking to call up anything like sectional feeling.

Mr. WILLIAMS. I wish to say to the Senator from Idaho that if I said he was trying to intrude a sectional issue, I did not mean to say it. I did not think that he was. I may have said that he was intruding a racial issue into the matter, but not a sectional one. I do not think I did. If I did, I will see that it is stricken out of the RECORD. I did not mean to say it.

Mr. BORAH. I will be glad if the Senator will look over his remarks. I think he will find that I am correct.

But, Mr. President, there is another phase of the question of lynchings upon which the Senator from Mississippi laid much stress that had nothing to do whatever with the theme which I was undertaking to present. Of course, whenever the question of lynchings is raised there is a particular and certain feature of it presented for the purpose of justifying that which can never be justified, and that is the taking of human life without due process of law. If the cases could be confined to those cases where parties were actually guilty of this crime, undoubtedly the people generally would be disposed to pass them by and to justify them from that standpoint, but the evil is that that which is justified from that standpoint immediately spreads and becomes a disease in a community and men are lynched for the most incidental and trivial crimes.

There were 218 negroes who lost their lives through violence during the first year of this war. At a time when the negro boys were displaying most remarkable courage and heroism upon the other side of the water these lynchings proceeded. When the Negro race was giving all for the Republic 218 of them died by violence in this country—men, women, and children—and less than 3 per cent of them were charged with this unmention-

able crime. There was no intimation that they were guilty of this particular crime, behind which men seek to justify this universal lynching of a race.

Neither does it stop with that race. As we know, the lynchings have not been confined to the colored race by any means during the last several years. I referred to these lynchings in my remarks to-day as an evidence of that lawless spirit which is seizing hold of the American community and which has become in a measure a disease of the American community as simply one of the indications of that disease.

I further declare, although it may shock the mind of the Senator from Mississippi, that under my theory of government and taking into consideration the ultimate welfare of the entire human family and particularly that portion of it which dwells under the American flag, there can be no justification for the lynching of any human being. and the man who preaches it is sowing the wind and will reap the whirlwind for the American people. I do not care how black the skin or degraded the position in life, how unfortunate a human being may be, if this Republic does not protect the lowest as well as the highest, already the seeds have been planted which will ultimately lead to its disintegration. It is natural for anyone to become deeply aroused over the question of the protection of women, but no form of lawlessness can ultimately bring security to the women of this land. Lawlessness begets all the diseases of which communities die.

How are you going to know about a man's guilt or innocence? Would the Senator from Mississippi hang men, burn men, torture men upon a newspaper report, upon rumor, upon hearsay? Would he take human life until the severest test had been placed upon the testimony as to the guilt or the innocence of a man? Once, perhaps, you may secure the guilty party, but a dozen times you secure the innocent; and can there be anything more revolting to the human mind than to know that even one individual has suffered innocently under a government of order and of law? Although, Mr. President, these matters were not mentioned for the purpose for which the Senator from Mississippi seemed to think, I refer to them to this extent by way of explanation of the attitude in which he would undertake to place me.

The Senator from Mississippi assumes to be somewhat surprised at the attitude of the Senator from Idaho and even somewhat angry with the Senator; but he has no occasion to be surprised at my position. I am advocating here upon the floor to-day what the Senator from Mississippi has advocated consistently, persistently, almost ostentatiously for almost 40 years of his public life. Prior to the last two years I challenge the Senator from Mississippi to present out of all his speeches and all his writings anything in contradiction of the position which I now take with reference to the foreign policy of this Government. No man has more ably and more persistently advocated what he calls the isolation of the American Republic, the policy of Thomas Jefferson, the policy of George Washington than has the distinguished Senator from Mississippi. How can he be so intensely surprised that one should continue to advocate, for a short season, at least, after he has ceased to be its advocate, the policy which he has preached time and time again in the other House and in his writings, which he has persistently presented to the American people as the only true, the only safe, the only reliable policy for our Government?

The Senator says that he is not guided or controlled by partisanship. Possibly so; but it is a coincidence at least worthy of contemplation that, after advocating these policies so persistently for 40 years, he should receive his new light at the same time that his distinguished party leader changed his position.

So far as the question of partisanship is concerned, I do not think this ought to be a party question; but the only way, in my judgment, in which it could be relieved from partisanship would be for all parties to condemn it. I have been charged with being in favor of making it a partisan question. I have been misunderstood if that has been the interpretation of my remarks. I was in favor of my party declaring for the prosecution of the war; but I did not understand that by that I was making the war a party question. I wanted the party of which I was a member to take an advanced and determined stand with reference to the protection of American rights as they had been challenged by a foreign Government. All parties were in favor of the prosecution of the war. It could not, therefore, be a partisan question. I am equally anxious that the party of which I am an humble member shall take a position upon this question, because it is distinctly an American question, involving no less than the perpetuity of American institutions. If some other party should declare upon the other side, that would make it a party question, but that would be no reason why I should not want my party to stand absolutely in favor of what I believe to be the correct position from the standpoint of the interests of the American people. I venture to say, Mr. President, that before another 18 months shall have passed the voters of the Republican Party will take that position. Some of the leaders may arrive by relays, but they will finally arrive. If, as has been intimated, it is to be made an issue in 1920, I am nevertheless in favor of the party of which I am a member taking a position upon it. If it is made an issue, I shall be intensely happy to find myself a member of an organization which stands four square to every wind that blows in favor of American principles and American institutions. I go further and say, to show I would not regard it as a partisan question in the sense that a party could bind a man's action, that I would not be a member of a party which would either remain silent or indorse this treacherous proposition. This is one of the kind of questions which makes and unmakes parties, which brings about realignments. Every party worthy of the name should declare itself and then let men align themselves accordingly.

The Senator says that I want to drag George Washington down to my narrow conception of Americanism; that I want to limit his views to what my views are with reference to the duties of the American Republic. George Washington met this question just as we are meeting it, and under most similar conditions. A most remarkable duplication of world affairs in 1789 on to 1800 and up to 1815 is to be found in the conditions which have been presented to us during the last six years. The whole world was in turmoil while George Washington was President. There was a war which had been raging for years; there was a conflict which extended over all Europe, involving many countries which during this war were neutral. There was a belief that the teachings of the French Revolution were to sweep like some fear the teachings of the Russian soviet government throughout the world and engulf all established institutions unless there was an organized stand against them. William Pitt denounced the French Revolution, not as the representation of any individual or set of individuals, but simply as an "armed system" which must be destroyed or else it would destroy the established institutions of the world. Edmund Burke denounced it as a scheme to undermine property, to destroy all established institutions, and begged his country to take a stand which would result in the destruction of it in France, as it is claimed to-day we should go into Russia and into other parts of Europe and through combined power and effort, in various ways, eradicate what is called the Bolshevist theory.

All Europe had been at war during these years, and the question was presented to Washington whether the United States could or whether the United States dared to stand alone in a world of turmoil and dissension. Notwithstanding the fact that we were but 13 States, lately colonies, without an army and without a navy, with no means to defend ourselves practically against an ever-encroaching system of destruction aimed against all established institutions and all regulated orderly liberty, he said deliberately that it was his opinion that the only way by which we could establish here a republic and maintain it was to remain aloof from all permanent alliances with foreign powers.

Washington never supposed, I imagine, that the United States could—and I presume no one now thinks that the United States can—remain an isolated nation in the sense which the Senator from Mississippi used the term. We are a world influence; we are a world power; we will exert our influence and we will exert our power as we have to the advantage of the world for more than a century. Washington understood that quite as well as he understood the other policies which he advocated. The mere question of geographical isolation was an incident to the principle which he advocated. I have no doubt at all, Mr. President, that if Washington had been alive he would have entered this war immediately after the sinking of the *Lusitania*. He would have done so because the sovereignty and the independence of the Republic were challenged, because the rights of American citizens were invaded; but he would have entered it as a separate and independent and sovereign nation, though acting in conjunction with other powers, and he would have departed from the conflict as a separate, independent, and sovereign nation. He would not, in my opinion, according to his teachings, have surrendered that which he went into the war to maintain; that is, our independence and our sovereignty. He would have believed, as he did believe, that we could be a greater influence for peace, a greater influence for good, and maintain more effectively our own happiness by remaining free than by yoking ourselves up to foreign Governments.

What was the Washington doctrine, if I may refer to it again, in view of the suggestion of the Senator from Mississippi? It was simply this, that the United States should retain the right to determine for itself, untrammeled and unembarrassed by any foreign obligation, its duty in every emergency as that emergency arose; in other words, he refused to contract 10 or 20 or 50 years ahead as to what the American people should do—not that they should not exercise their influence if the crisis should arise, not that they should not exert their power if the necessity should arise; but that they should determine it upon their own discretion, according to the facts and circumstances as they existed at the time the emergency did arise. We can not have an independent and free Government upon any other theory. His advice was to remain out of permanent alliances; that is to say, if in 10 years from now an exigency should arise which would call for the action of the American people, it should be decided according to the facts as they exist 10 years from now, and not according to the facts as they exist now, plus a contract to be construed by a tribunal composed of others than the representatives of the American Republic.

What we are proposing to do here is to enter into a contract that, if in 5 or 10 or 15 years from now or 20 years from now the territorial integrity of some foreign nation shall be challenged, we will enter into a war to protect the territorial integrity of that nation, regardless of whether or not the people of the United States 15 years from now consider it a righteous war. We agree in article 10 that we will protect the territorial integrity of all members of the league. If, 20 years from now, somebody assails the British Empire, or if Egypt starts a rebellion and Germany comes to the assistance of Egypt, we agree to furnish aid in protecting that territorial integrity, regardless of whether the people at that time think it is right or not. You can not be an independent and a free nation and enter into a contract that 20 years from now you will protect real estate, regardless of how the party got the real estate.

Mr. HITCHCOCK. Mr. President, I desire to say from this side that we dispute absolutely the correctness of the Senator's statement.

Mr. BORAH. I have no doubt of it. There are as many interpretations of the covenant of the league of nations not only as there are advocates, but there are as many as there are speeches in its favor. If article 10 does not mean that, and if it does not mean that we are to protect the territorial integrity of foreign nations, then it has no meaning at all. If it does mean that, it means that we are to protect it regardless of how Great Britain or any other nation got it.

A few days ago, after the Versailles conference had convened and while it was in session, the British Government entered into negotiations behind the Versailles conference to establish a protectorate over Persia. Apparently without any knowledge upon the part of the delegates of the United States, and certainly without any knowledge upon the part of the French representatives, because they have proclaimed the fact that they had no knowledge, Great Britain enters into a treaty with Persia by which Great Britain establishes a protectorate over Persia. Persia is now in protest against that proposition. They claim that their independence has been jeopardized, if not completely surrendered.

Mr. McCORMICK. Mr. President, will the Senator permit me to interrupt to ask him to make it clear that they allege that their independence is gone; that, in substance, they have been annexed to the British Empire.

Mr. BORAH. Very well. Then while the conference is going on a treaty is consummated by which Persia is annexed to the British Empire over the protest of the Persian people.

Mr. HITCHCOCK. Mr. President, the Senator can not expect us to assent to such a preposterous statement as that. A treaty peaceably entered into, without any show of force, can not by any possibility be construed into something that Persia is protesting against. Persia has accepted it because Persia gets sufficient consideration out of it to warrant her in doing it.

Mr. BORAH. Mr. President, I repeat, without any fear of successful contradiction upon the fact, that the masses of the Persian people are utterly opposed to this proposition; that they have made their protest known in every way that a people could make it known; that even the delegates who were at Paris to represent the Persian people, and who were asking for independence themselves, were not consulted, and they themselves are protesting against it. But while Great Britain was in Persia with her armed forces she concludes a treaty which in its practical workings destroys the independence of Persia.

Mr. WALSH of Montana. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. I yield.

Mr. WALSH of Montana. I presume probably that if this were a peaceful, ordinary negotiation resulting in a treaty the Senator would find no fault with it. I presume there is no reason why we should not negotiate, for instance, with Great Britain at this time for the acquisition of some islands in the Pacific Ocean over which her sovereignty is undoubted without any violation of the treaty or without consulting the Versailles conference. The only ground of objection to the treaty with Persia, it seems to me, would be that it has been imposed upon Persia by force majeur. If that is the case, is not that very properly a subject for consideration by the league of nations, and is not that the real and the only recourse that the people of Persia have? Would the Senator from Idaho, for instance, advocate that the United States engage in war for the purpose of reestablishing the independence of Persia, which he seems to think has been endangered?

Mr. BORAH. Oh, no; indeed.

Mr. MOSES. Mr. President——

Mr. WALSH of Montana. Then what course would the Senator suggest under the circumstances? The league of nations proposes a tribunal before which controversies of that character may be heard, and I understand that the Senator does not want that done. Now, just exactly what course would he take to protect the rights of Persia?

Mr. BORAH. Under what clause can you go inside of the British Empire and take up a question for solution?

Mr. WALSH of Montana. Article 11 would take care of it very well, and article 10 would take care of it. Article 10 will take care of it very beautifully if the fact is that England has invaded the territory of Persia. If she got it by fair, proper bargaining with the Government of Persia, no one has any right to complain at all.

Mr. MOSES. Mr. President——

Mr. WALSH of Montana. If, on the contrary, she did not but by force or fraud she has possessed herself of the territory of Persia, every nation on earth stands bound by article 10 to resist that aggression.

Mr. BORAH. You can not move under article 10, you can not move under article 11, without the unanimous consent of the council; and you get the unanimous consent of the council, of course, with Great Britain having one vote, and her five colonies having five if it gets to the assembly.

Mr. WALSH of Montana. Mr. President, I do not think that upon reflection even the Senator from Idaho will undertake to stand by that assertion.

Mr. BORAH. I say a good many things without reflection.

Mr. WALSH of Montana. Well, I think the Senator has at this time, anyway. It is not very often that he does. I will admit that much.

Mr. BORAH. Yes; exactly.

Mr. WALSH of Montana. But the obligation under the first sentence of article 10 is absolute and complete. It does not wait upon any action by the council in any sense whatever. No nation can escape its obligations under the first sentence of article 10 by voting against the course suggested by the rest of the members of the council under the second sentence of article 10. Article 10 provides that each nation shall undertake to respect and preserve the territorial integrity and political independence of every other member. That obligation is absolute, complete, perfect, whenever the occasion arises. Now, it goes on to say that the council shall advise as to the method by which this obligation shall be enforced. But if the council does not advise, the nation is not exonerated from its obligation under the first part of the article at all. So that it is plainly in contravention of the language of the article to insist or to urge that the obligation in any manner whatever rests upon action or inaction by the council.

Mr. BORAH. I think the Senator, upon reflection, will not wish to occupy the position in which he has placed himself.

Mr. WALSH of Montana. Oh, I think so.

Mr. BORAH. I think not, on reflection. Article 10 says:

> The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league.

When this league is finally ratified—if that unfortunate day should ever arrive—we will find the British Empire with Persia annexed and with Egypt annexed; and whatever our obligation may be, whether enforced by the advice of the council or whether it is an original, primary obligation, it nevertheless devolves upon us to protect all the territorial integrity that Great Britain has at the time we enter into the league.

Mr. MOSES. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. BORAH. I yield.

Mr. MOSES. I should like to add a few other considerations to the discussion of this Persian question.

First, that the agreement entered into between Great Britain and the Persian Government is in contravention of the constitution of Persia.

Second, that the representatives of Persia appeared before the Committee on Foreign Relations and made their protest, as the Senator from Nebraska might have known if he had chosen to attend that session of the committee.

Third, that the secretary of the peace delegation of Persia at Paris protested and insisted that Persia was overrun with British troops at the time this agreement was forced; and to that I might add that under article 21 of the covenant all regional understandings are validated.

Mr. BORAH. Mr. President, the Senator from Nebraska and the Senator from Montana have spoken about a "peaceful negotiation." It was peaceful. It was a policeman's peace. English troops were in possession of the Persian territory; and while they were in absolute control of the Persian territory, this treaty of peace, so called, was negotiated. Now, I stated as a fact which I do not think can be denied, because the French papers have all published it, that this peace treaty was negotiated without any knowledge upon the part of the French Government or the representatives of the French Government. It was negotiated at a time when the delegates of the United States were uninformed of the fact that it was going on. It was negotiated without the knowledge of the representatives of Persia, who were at Paris asking for independence. It was negotiated at a time when the English troops were in complete possession of Persia, and it was negotiated in violation of the plain provisions of the constitution of Persia. Under those circumstances, Mr. President, when we enter the league of nations Great Britain will undoubtedly claim that Persia is a part of the British Empire; that it has been annexed and therefore comes under article 10, and must be preserved as we preserve the territorial integrity of all members of the league.

Mr. HITCHCOCK. Mr. President——

Mr. BORAH. I yield.

Mr. HITCHCOCK. The Senator is aware, is he not, that the representative of the British Government has publicly denied the statement that the independence of Persia is in any way impaired and has asserted that Persia remains independent; and he is inaccurate in his statement that Persia was at Paris asking that her independence be recognized, because her independence is recognized in this very treaty, and Persia is named as a prospective member of the league of nations, invited to join it later on. The independence of Persia has been recognized——

Mr. BORAH. No; the independence of Persia——

Mr. HITCHCOCK. Does the Senator desire me to finish?

Mr. BORAH. Yes.

Mr. HITCHCOCK. The independence of Persia is recognized by the very treaty the Senator is fighting, and the declaration which he makes that the independence of Persia has not been recognized has been publicly denounced as a falsehood by the representatives of the British Government.

Mr. BORAH. Mr. President, I undertake to say that any man who will examine the Persian treaty must conclude, without any hesitancy at all, that the so-called independence of Persia is the merest myth. Persia can not do anything under that treaty which a sovereign, independent power may do without the consent of the British Government. Her economic affairs, her financial affairs, her political affairs, are all subject to the censorship, the direction, and the control of the British Government. It is true, as has been pointed out by the French authorities, as has even been pointed out by English authorities, that there is a line in the Persian treaty which speaks of the independence of Persia. But it is also true that that has been denounced as a manifestation of the insincerity of those negotiating the treaty, for the reason that while they speak of the independence of Persia, they take away, by the terms of the treaty, all of her independent rights.

Mr. HITCHCOCK. Mr. President, if Great Britain has announced that Persia is independent, certainly Great Britain will be in no position to claim, as a member of the league of nations, that Persia is a part of the British Empire and is not independent.

Mr. BORAH. I do not know what Great Britain has announced except what is in the treaty itself. But she will undoubtedly claim that all the rights that the treaty guarantees her are legitimately hers, and although she should nominally still concede that Persia is independent, yet undoubtedly she will contend that Persia is a part of the rights and holdings of the British Empire, because the treaty makes that beyond question true.

So I say, Mr. President, getting back to the original proposition which I was advancing, that if in 10 years from now Persia should undertake to secure her independence and Germany, or any other power, should undertake to give her assistance, undoubtedly the British Empire would have the right, under article 10 of the covenant of the league, if she saw fit to do so—although she might not think it necessary to do so—to call upon the United States to act and to cooperate with her.

Mr. WALSH of Montana. Mr. President——

Mr. BORAH. I yield to the Senator.

Mr. WALSH of Montana. I would like to inquire, if Persia is regarded by the treaty as an independent Empire, upon what basis Great Britain could ask us to join with her, when we undertake simply to protect her territorial integrity and political independence? But, Mr. President, I content myself at this time with saying that whatever the truth about the matter may be the league of nations, as I contend, at least affords a forum through which the world can be advised of the facts, and recommendations at least can be made if an obligation does not arise under article 10. I inquire again of the Senator from Idaho what he has to offer by way of a solution of these troublous matters.

Mr. BORAH. I have nothing in the way of a solution to offer for any difficulty between Persia and Great Britain. What I am insisting on here is that the United States should not obligate itself to take care of just such situations as that.

Mr. WALSH of Montana. Yet the Senator puts the case that that very controversy may again precipitate a war between Great Britain on the one side and Germany upon the other side, which will undoubtedly involve all Europe, and possibly involve our country.

Mr. BORAH. I have advanced no such proposition as the Senator has suggested. What I said was that if, in 10 years from now, a war results by reason of the fact that Great Britain has undertaken to incorporate Persia, and by reason of the fact that Germany should give assistance to Persia, the United States should have the right to decide at that time according to the facts as they exist, and the people who shall fight the war should have a right to determine, untrammeled and without contract, whether or not we should go into that war.

Mr. WALSH of Montana. The difference between us is that if we enter into this agreement now Germany will not undertake to do anything of the kind.

Mr. BORAH. Oh, well, of course——

Mr. WALSH of Montana. And then we shall not be confronted with the necessity of entering into the next world war.

Mr. WILLIAMS. Mr. President——

Mr. BORAH. Just a moment. The Senator says that if we enter into this contract Germany will not undertake to assist Persia. Of course, that is pure speculation.

Mr. WALSH of Montana. It is speculation on the Senator's part when he says that Germany will enter into war, and I speculate that she will not if we enter into this agreement.

Mr. BORAH. Very well. But what I say is that, whether Germany does or does not enter, the United States retains her absolute independence to determine, upon all the facts and circumstances at the time, what she will have to do with it. We will not find ourselves tied to a war if we do not like the war or if the people then living think that Persia is entitled to her independence, and therefore we will not force her back into submission.

Mr. WALSH of Montana. Exactly; and Germany, thinking again, as she did the last time, that we will not go in, will be prompted to go in. But knowing that we will go in, knowing that we are bound to go in, knowing that every other nation upon earth which is a member of the league will also go in, the probabilities are that she will not make war.

Mr. BORAH. The Senator says we are bound to go in. I want to know if it is the position of the Senator from Montana that this contract binds us, regardless of what our views may be at that time, to go into that war? Let us have this out now.

Mr. WALSH of Montana. All right.

Mr. BORAH. The President of the United States has said time and time again that we do not have to go in unless the Congress of the United States shall determine at the time that we shall go in. But the Senator says we are bound to do so. Which horn of the dilemma does the Senator take?

Mr. WALSH of Montana. The Senator from Idaho knows perfectly well the sentiments of the Senator from Montana upon that subject. They were expressed here in my speech on the 12th day of June; they have never undergone any change since, and they are not in any sense in conflict with any views expressed by the President of the United States. Under the first sentence of article 10, I repeat, our obligation is absolute

and perfect whenever a war of aggression is made against any other member of the league.

Mr. BORAH. And Congress has no discretion about it at all?

Mr. WALSH of Montana. Wait a minute. The thing is excellently illustrated. Whenever anybody is threatening the territorial integrity or the political independence of another country, the obligation of this country is undoubted.

Mr. BORAH. Has Congress any discretion at that time?

Mr. WALSH of Montana. The Congress of the United States is called upon in every single instance to determine whether the territorial integrity or the political independence of the other member of the league is threatened, so as to bring this obligation into operation in the particular instance. A very excellent illustration is this: The Congress of the United States would be called upon to determine whether the territorial integrity of Great Britain is threatened by a war made by Germany upon Persia. According to the suggestion made by the Senator from Nebraska [Mr. HITCHCOCK] concerning the Persian-English treaty, the political independence or the territorial integrity of Great Britain is not affected at all by a war of that kind, because England, he asserts, has no territorial rights in Persia, no dominion over Persia whatever, under the treaty. Whether that is correct or not, I do not know. It will be for the Congress of the United States at that time to determine whether the territorial integrity or the political independence of Great Britain is threatened.

Mr. WILLIAMS. Mr. President——

Mr. BORAH. Now, Mr. President——

The VICE PRESIDENT. The Senator from Idaho has the floor. This is degenerating into a chorus.

Mr. BORAH. It seems to me to be a solo.

Mr. HITCHCOCK. Will the Senator from Idaho permit me——

Mr. BORAH. Wait just a moment, and then I will permit the Senator from Nebraska to interrupt me. The Senator from Montana said a few minutes ago that if the teritorial integrity of the British Empire were assailed, this country was bound to go in.

Mr. WALSH of Montana. Exactly. It is for us to determine whether it is assailed or not.

Mr. BORAH. The Senator then said that beyond that, the mere fact of territorial aggression, Congress could not go.

Mr. WALSH of Montana. By external aggression.

Mr. BORAH. As I understand him now, the Senator states that the question of territorial integrity is the only question which the Congress has a right to determine.

Mr. WILLIAMS. Of political sovereignty.

Mr. BORAH. Wait a moment until I get an answer.

Mr. WALSH of Montana. I assert that whenever this country is in any manner called upon, or it is suggested that its obligation under article 10 has arisen, the Congress of the United States determines whether the condition set out under article 10 exists, namely, whether the territorial integrity and existing political independence of another member of the league is threatened by aggression. If it is, then it is the duty of the United States, under this treaty, to do whatever is reasonably necessary upon its part to prevent that threat from being accomplished.

Mr. BORAH. Then I understand the Senator from Montana to this effect: First, that we are bound, whenever the territorial integrity of a nation is involved by external aggression, to go to the protection of that nation. But the Senator says, second, that Congress may determine for itself whether or not its territorial integrity has been assailed.

Mr. WALSH of Montana. Exactly.

Mr. BORAH. Beyond the naked fact of whether or not it has been assailed, the Congress of the United States can not go. Is that correct?

Mr. WALSH of Montana. In determining whether its obligation arises or not, that is as far as it can go. But it could go further in determining just exactly what steps it will take.

Mr. BORAH. I am not interested in the proposition of procedure.

Mr. WALSH of Montana. Wait a minute. I am. It will then be called upon to determine just exactly what steps it will take to redeem its obligation. Some one might think that we ought to declare war; but Congress might think that commercial isolation will meet all the requirements of the case.

Mr. BORAH. Now, Mr. President, with all due respect to the Senator, that is not the point in which I am interested. The method of how——

Mr. WALSH of Montana. It is the one, however, to which the Senator's inquiry leads.

Mr. BORAH. Very well; we will reach that later. But the point in which I am interested is this, leaving out now the method in which we shall discharge our obligation, whether we shall do it by a blockade, or whether we shall do it by an armed force; whether we shall send men, or shall simply use economic pressure. Keeping these out, what I want to know is, does the Senator concede that the Congress of the United States may go any further in determining our obligations than the mere naked fact that territorial integrity has been assailed?

Mr. WALSH of Montana. It can go no further than the exact language of the covenant. It is just exactly the same as if a man goes out with a gun to shoot another. We never stop to inquire the right or the wrong of the controversy; we go out and stop him from shooting.

Mr. BORAH. Exactly. That is precisely what I want to know. When we do go out to inquire into the shooting we inquire whether it was a righteous and just shooting which could be excused under the law. What I want to know is whether or not the Senator concedes that the Congress of the United States may go into the justice or injustice of the situation, the moral or immoral features of the situation; or whether we must be satisfied with the mere fact that territory has been assailed.

Mr. WALSH of Montana. We must be satisfied with the mere fact that the territory has been assailed, for the very purpose is to cut out the question of the rights or wrongs of the war, to stop all wars, and require the nations to submit their controversies to arbitration.

Mr. BORAH. Precisely. Once a people are in bondage, forever in bondage.

Mr. WALSH of Montana. That is the very heart of the whole thing.

Mr. BORAH. In other words, Mr. President, that is precisely where the league of nations lands us.

Mr. WALSH of Montana. Certainly.

Mr. BORAH. It is not a question of justice or injustice, not a question of liberty or oppression, but a mere question of whether or not Japan has seized territory or Great Britain has seized territory, however unjustly, and that territory is afterwards assailed.

Mr. WALSH of Montana. Mr. President——

Mr. BORAH. Wait just a moment until I get through. Mr. President, I want to take an illustration right here, to show that this league is founded upon the same principles which have guided and moved kings in Europe from time immemorial—mere territorial possession, regardless of the justice of the position, regardless of the rights and liberties of the inhabitants.

Mr. WALSH of Montana. Mr. President——

Mr. BORAH. "We shall hold this piece of territory," says the despot; "it does not make any difference how we got it"; and now we have organized a tribunal, which has no conscience, no right to sympathize, no power to inquire into the morals of the question, or into its righteousness, but you find Great Britain or Japan or other nations in possession of territory, and, regardless of how they got it, regardless of the liberties of millions of human beings, you say they shall keep it, and that the Congress of the United States can not go beyond the question of finding out who is in control of the real estate. Human life, human happiness, the yearning souls of millions for independence Congress can not consider.

I will give you an illustration: In 1882 Great Britain entered Egypt under promise to give her her independence. In 1914 Great Britain set up a governor over Egypt under promise to give her independence at the end of the war. The Egyptians came to Versailles for the purpose of presenting their case to the Versailles conference. Great Britain denied them a hearing. In the treaty, section 147 confirms the protectorate over Egypt upon the part of Great Britain, and Egypt is now a part of the British Empire and is entitled to protection under article 10. Ten years from now the Egyptians start a revolution. They start to fight for their independence and some foreign nation gives them aid. The Government of the United States is called on by the British Empire to afford assistance in maintaining her territorial integrity, which is confirmed in this particular treaty. Under the argument of the Senator from Montana [Mr. WALSH] the Congress of the United States can not inquire into the history of how Great Britain got Egypt. All they know, all they are permitted to know, is that Great Britain has Egypt. Regardless of the fact that those people are fighting for their independence or their liberty, regardless of the fact that morality and justice are upon their side, the Congress of the United States must sit here like an automaton and, either through economic blockade or through military force, protect the territorial integrity of Great Britain. And if by force, then American boys must be conscripted to fight the Egyptians back into submission. What an inhuman, cowardly business it would be!

Mr. WALSH of Montana. That is, of course, a very long question.

Mr. BORAH. No; it is not a question at all; it is argument.

Mr. WALSH of Montana. The question really addressed to me was as to whether right and justice had anything at all to do with the question.

Mr. President, we are endeavoring to set up a tribunal before which the question of right or justice in any international controversy may be determined, instead of allowing those controversies to be determined by the arbitrament of war. This plainly means that if Egypt has any complaint about any condition concerning her relations with Great Britain, she can not depend upon Germany to precipitate another World War to help her out of her controversy with Great Britain, but it must be submitted to the league of nations and be determined by the nations of the world as to what is right and just in relation to the matter.

Mr. LENROOT. Will the Senator from Idaho permit me? In the case that the Senator speaks of, how would the league settle it?

Mr. WILLIAMS. According to the rules of justice and common sense.

Mr. WALSH of Montana. The Senator will have to put his question more definitely.

Mr. LENROOT. It would require the unanimous vote of the council, would it not?

Mr. WALSH of Montana. That is another matter. The Government of Germany, of course, might easily urge before the world that it was starting out to grant to the people of Egypt their liberty. Think of it! The people of Germany, out of the goodness of their hearts and their devotion to the cause of human liberty, starting out to restore to their fellows of Egypt the liberties of which they have been deprived by the Government of Great Britain.

But, Mr. President, if the Senator from Wisconsin asks me how the league would settle that kind of a proposition, I would say that the league would thereupon make Germany an enemy of the world, and all the world will say to Germany——

Mr. BORAH. "War! War!"

Mr. WALSH of Montana. No; "keep your hands off."

Mr. BORAH. We can settle it by war without the league——

Mr. WALSH of Montana. One at a time, please.

Mr. BORAH. But the Senator will bear in mind that I have the floor. I yield to the Senator to proceed, however.

Mr. WALSH of Montana. I have not yet answered the Senator from Wisconsin.

Mr. BORAH. Please do so, then.

Mr. WALSH of Montana. If the application comes from the people of Egypt, of course it must come under the provisions of article 11. In that case, as a matter of course, Great Britain would not vote upon the question at all.

Mr. BORAH. It can not come from Egypt, for Egypt is not a member of the league. But if that construction is true, under article 11, if the Philippines should start a revolution for the purpose of gaining their independence and Japan should assist them, could the league take the Philippine question out of our hands and settle it?

Mr. WALSH of Montana. No; by that act Japan would make herself the enemy of every other member of the league.

Mr. BORAH. But as a matter of procedure——

Mr. WALSH of Montana. Leave Japan out.

Mr. BORAH. As a matter of procedure, if the Philippines should undertake to secure their independence and should seek assistance from any nation, could the league assume charge of settlement of the question and pass upon the independence of the Philippines?

Mr. WALSH of Montana. The question is not clear to me. I do not know whether the Senator introduces another nation or not. If the Senator introduces Japan or any other nation, then as a matter of course article 10 would come into operation.

Mr. BORAH. I think it would be the same condition with reference to Egypt. Article 10 would come into operation.

Mr. WALSH of Montana. Exactly.

Mr. BORAH. And article 10 obligates us to preserve it and not interfere at all.

Mr. LENROOT. If the Philippines alone got into a controversy, does the Senator from Montana say the league could settle that question?

Mr. WALSH of Montana. That is the same question I have previously answered. In my address of July 28 the Senator will find at large my views about what would take place.

Mr. HITCHCOCK. Will the Senator permit me to bring him back to where we originally were diverted?

Mr. BORAH. I do not want to be brought back to that yet.

Mr. HITCHCOCK. I hope the Senator has in mind giving me an opportunity to touch upon that matter.

Mr. BORAH. I have, but I want to proceed for a moment with this other proposition.

I think it of considerable interest that we have finally determined, according to the advocates of the league, just how far the Congress of the United States is permitted to go. Undoubtedly Senators will agree that if the question which we have been discussing should arise now without any league of nations, the Congress of the United States could survey the entire field, it could pass upon all the facts of the justice or injustice, of the righteousness or unrighteousness of the holding; it could determine the question of whether it was likely to lead to a world war; it could determine the question whether the United States would likely ever be involved in it. The whole field could be surveyed by Congress, and in the wide and unlimited discretion of Congress, Congress could decide whether or not we would enter into the conflict.

If it be true, however, that the effect of the league of nations is to cut out of consideration all questions except the mere fact of external attack, then we have certainly deprived the Congress of a vast amount of its powers as a legislative body.

For instance, let me better illustrate it. Suppose we should not enter the league at all and in five years from now Persia should seek her independence or Egypt should seek her independence, and Germany should assist, and the matter would come before Congress as to whether or not we should participate in that conflict. The entire field would be open to investigation and consideration. A man would have just as much right as a Member of Congress to vote against action on the ground that Great Britain's position was unjust as he would have upon any other ground. He would have just as much right to vote against it upon the theory that it would be a local war, and therefore never become of interest to the United States, as upon any other ground.

But if we enter the league and in five years from now that condition of affairs arises, then Congress can do but one thing, and that is to determine the physical fact of whether or not the territorial integrity has been assailed. If they determine that it has, as a mere question of fact, then it is the duty of Congress, either under the advice of the council or without it, to engage in the conflict, either by economic blockade or by military force, and there is no discretion left in the matter whatever.

I am pleased that that position has been made plain. I now yield to the Senator from Nebraska.

Mr. HITCHCOCK. When the discussion was diverted we were upon the deliberate statement of the Senator from Idaho that the independence of Persia had been destroyed, and that Great Britain would claim that Persia was no longer independent, but a part of the British domain, and that we would be compelled to defend Great Britain in that claim. I wish to call the Senator's attention to the very first article of the treaty which Great Britain and Persia have negotiated.

Mr. BORAH. I have no objection to it whatever, but I have read it time and time again.

Mr. HITCHCOCK. I should like to have it in the RECORD along with the Senator's statement. It reads:

> First. The British Government reiterates in the most categorical manner the undertaking which they have repeatedly given in the past to respect absolutely the independence and integrity of Persia.

Does the Senator think that Great Britain, after having entered into a treaty of that sort and made that solemn declaration, could by any possibility claim before the league of nations or before any other tribunal in the world, that Persia was not an independent nation, but was a part of the British Dominion? Does the Senator not know that this treaty, which he denounces as secret and done in opposition to the will of the people of Persia, must be ratified by the Persian Parliament before it goes into effect?

Mr. BORAH. So far as the first proposition is concerned, with reference to having actually recognized the independence of Persia, I have already referred to that proposition. I have not on my desk, but I will undertake to bring here to-morrow, the construction of that clause, in the light of the other clauses of the treaty, placed upon it by French authorities and by English authorities, including men who were in attendance upon the Versailles conference, in which they say that that particular clause of the treaty only adds hypocrisy to the other unjust features of the treaty; that in view of the fact that the other provisions of the treaty rob Persia of all her rights as a sovereign power and take away from her any independent action, that Great Britain is now in control of Persia and in control of all her functions of government. What Great Britain will claim, of course, I do not know.

Mr. HITCHCOCK. Will the Senator state what Great Britain could have said more absolutely binding, as far as the rest of the world is concerned, than the words which I have read? Could they have been made stronger to bind Great Britain?

Mr. BORAH. The Senator asks what Great Britain will finally do and what Great Britain will finally claim.

Mr. HITCHCOCK. No; I do not ask that. I said the statement that Great Britain would ever claim that Persia had to become a part of the British Dominion, in view of the wording of the treaty, is absolutely ridiculous.

Mr. BORAH. Exactly; that is a strong argument.

Mr. FALL. Will the Senator from Idaho yield to me for one question before he undertakes to answer that?

Mr. BORAH. Certainly.

Mr. FALL. I should like to have the Senator from Idaho ask the Senator from Nebraska if he knows what engagement Great Britain entered into with Turkey with reference to Egypt to which France was a party, and whether or not Great Britain has kept that engagement?

Mr. HITCHCOCK. I am not familiar with those engagements.

Mr. FALL. I thought not.

Mr. HITCHCOCK. I am talking about something which we have now before us. I say the evidence is conclusive that Great Britain recognized the independence of Persia, and she can not by any possibility come into court and claim Persia as a part of the British dominions.

Mr. FALL. But she has come into court and claimed India as a part of the British dominions and has had the claim allowed.

Mr. BORAH. Mr. President, the Senator from Nebraska asked a few moments ago if the Senator from Idaho thought in view of this plain declaration, that Great Britain could or would claim that Persia was a part of the British Government. I can only arrive at a conclusion in regard to that by reason of what has happened in Egypt. When Great Britain went into Egypt she gave Egypt assurance that it was for the purpose of protecting her independence and finally establishing the independence of Egypt. She repeated that assertion in 1914; but notwithstanding the fact that she had said, as plainly as she says in this treaty, that she would protect the independence of Egypt, she even denied the Egyptians an opportunity to be heard at Versailles, and then insisted that the President of the United States, even before the matter was reached in conference in the commission, should consent to establishing a protectorate over Egypt; and that was finally ratified in article 147 of the treaty.

In view of what happened in Egypt, of the assurance, the promise of independence, in view of the fact that Egypt furnished soldiers in the war whose valor was commended by the English generals, in view of that fact that it was asserted over and over again that England was in Egypt for the sole purpose of ultimately establishing their independence, and in view of the fact that the Versailles conference finally ratified the protectorate and placed Egypt under the control of England, and she is now claiming it is a part of the British Empire, what reason has the Senator from Nebraska to assume that the same course of procedure will not take place with reference to Persia?

Mr. HITCHCOCK. I assume it and I assert it for the reason that Great Britain is now making a contract with the United States. Great Britain has committed sins in the past, but Great Britain is entering into a contract with the United States, and I repeat my statement that Great Britain, after definitely agreeing that Persia is to be independent, would never have a right to come to the United States and say, "Help us protect our dominions, including Persia." The Senator may wander from Persia to Egypt, he may go from Egypt to India, he may go to the uttermost parts of the earth, but he ought to take back the statement he made about Persia.

Mr. BORAH. I am not conscious of having made any statement that I ought to retract, and I will, to-morrow or on some other day soon, present the construction placed on the Persian treaty by Englishmen themselves.

Mr. HITCHCOCK. Does the Senator think that the construction some Englishman has put upon it would bind the Congress of the United States to recognize it?

Mr. BORAH. No——

Mr. HITCHCOCK. Would we not be justified in taking this treaty as it is? What do we care for the interpretations that may be put upon it? You can find interpretations of everything; we have had some ridiculous interpretations of article 10; but we do not believe there is anything in them, and we will never recognize them.

Mr. BORAH. I know the Senator has no very great sympathy for interpretations.

Mr. FALL. Mr. President, the Senator from Montana [Mr. WALSH] has just said that the Congress of the United States can not consider the question as to whether this is right or wrong; that all it can consider is whether there was an act of external aggression, the right or the wrong of the matter being beyond the consideration of the Congress of the United States.

Mr. BORAH. The Senator from Nebraska referred to the fact that Great Britain is now making a contract with the United States which he seems to think will entirely change the policy of Great Britain. At the time the Persian treaty was made this contract with the United States was in process of negotiation; at the time the Persian treaty was consummated the contract with the United States had been ratified by Great Britain, and she was bound in spirit, if not in letter, to the terms of the contract which we are now asked upon the part of the United States to ratify; but, notwithstanding the fact that she was bound by it, she consummated this treaty without bringing it to the knowledge of the United States at all. She consummated it without bringing it to the knowledge of her other copartner, France, at all, and I say, therefore, we have a right——

Mr. HITCHCOCK. It has not been consummated, Mr. President; it will not be consummated until it is ratified by the Persian Parliament. It was not made public in process of negotiation, just as other treaties have not been made public, but it has got to be made public when it goes before the Persian Parliament.

Mr. BORAH. The English Government claims now that the Persian treaty was consummated. That is the position which they take.

Mr. HITCHCOCK. If the Senator will recall the evidence before the committee upon which he is depending, it shows that the treaty referred to had not been consummated; that it had to be ratified by the Persian Parliament; and the election of the parliament is yet to be had in Persia; so that the people are going to pass upon it.

Mr. BORAH. I am not relying upon the testimony before the committee.

Mr. HITCHCOCK. That is the testimony before the Senator's committee upon which he must depend.

Mr. BORAH. I am not relying upon that testimony; I am relying upon statements coming from those at the Versailles conference.

Mr. HITCHCOCK. The Senator has quoted the representatives of Persia; I am quoting the language of the representatives of Persia before the committee.

Mr. BORAH. I am quoting the representatives of Persia at Versailles, not here; but in any event——

Mr. WALSH of Montana. Mr. President——

Mr. BORAH. I yield.

Mr. WALSH of Montana. I should like to suggest to the Senator also that if there is anything in the Persian treaty that is inconsistent in any manner with the covenant of the league of nations it is taken care of by article 20, which reads:

> The members of the league severally agree that this covenant is accepted as abrogating all obligations or understandings inter se which are inconsistent with the terms thereof, and solemnly undertake that they will not hereafter enter into any engagements inconsistent with the terms thereof.

Mr. BORAH. Precisely.

Mr. WALSH of Montana. So that if the Senator is correct in the position which I understand him to take, that Great Britain, in violation of her obligations under the covenant, entered into the treaty with Persia, the treaty with Persia of course would not be regarded by any of the other nations under article 20 as of any force and effect.

Mr. BORAH. I do not know how it would be regarded; but I know it would require the unanimous vote of the assembly to abrogate the treaty with Persia.

Mr. WALSH of Montana. It would not require such a vote provided the treaty with Persia is inconsistent with the league covenant. In that event the council would not be called upon to do a thing about it. If the treaty referred to were made the basis of any action by the Government of the United States, and the Senator is correct that it is inconsistent with the obligations of Great Britain under the covenant of the league, the Government of the United States would not pay any attention whatever to it.

Mr. BORAH. Somebody must decide whether it is inconsistent.

Mr. WALSH of Montana. The Government of the United States would determine that for itself.

Mr. BORAH. If the Government of the United States would decide the question for itself, then, as I understand, the position of the Senator is that under article 20, not the council and not the assembly, but each Government decides for itself whether or not it is in contravention of the league of nations covenant.

Mr. WALSH of Montana. There is not any such power granted either to the council or to the assembly.

Mr. BORAH. Then, does each Government decide for itself whether or not a treaty is void?

Mr. WALSH of Montana. I assume so. That is the power it has now.

Mr. BORAH. If it does, the United States simply decides that it is void as to the United States, but Persia is still bound by the treaty with England.

Mr. WALSH of Montana. Not at all. Persia will determine the question for herself.

Mr. BORAH. I understand the decision of the United States can not declare the treaty void except as to itself. It can not declare it void as to other nations, either Persia or Great Britain.

Mr. WALSH of Montana. Every nation has the same right.

Mr. FALL. Then, if every nation has the same right, if the United States can decide as to whether a treaty is good, bad, or indifferent, or whether the United States should recognize it or not recognize it, or assist in enforcing it or not assist, as it pleases, where is the league; what has become of it?

Mr. BORAH. It has been retired for repairs.

Mr. FALL. The league is gone this afternoon, Mr. President.

Mr. WOLCOTT. Mr. President, I desire to give notice that on Wednesday next, after the conclusion of the morning business, I shall seek an opportunity to address the Senate upon the league of nations, and shall do so unless other business of the Senate prevents.

NEUTRALIZATION OF TRANSPORTATION IN CHINA.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Foreign Relations:

To the Senate:

In response to the resolution adopted by the Senate on September 11, 1919, "That the Secretary of State be, and he is hereby, requested to send to the Senate a copy of the report made by Mr. Paul Whitham on 'Neutralization of transportation in China,'" I am constrained to say that, after a thorough consideration of the resolution and with every desire to meet the wishes of the Senate, I am of the belief that the public interests would not be conserved by the transmission to the Senate of the report requested.

WOODROW WILSON.

THE WHITE HOUSE,
29 September, 1919.

LAWS OF PORTO RICO.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, ordered to be printed, and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico:

To the Senate and House of Representatives:

As required by section 23 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith copies of certain acts and resolutions enacted by the Ninth Legislature of Porto Rico during its second session (February 10th to July 6th, 1919, inclusive).

These acts and resolutions have not previously been transmitted to Congress and none of them has been printed.

WOODROW WILSON.

THE WHITE HOUSE,
29 September, 1919.

LAWS OF ALASKA.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, ordered to be printed, and, with the accompanying paper, referred to the Committee on Territories:

To the Senate and House of Representatives:

In compliance with the terms of section 16 of the Alaska Organic Act, approved August 24, 1912, I transmit herewith a volume containing the duly authenticated laws, resolutions, and memorials passed at the fourth session of the Alaska Territorial Legislature, which convened at Juneau, the capital, on March 3 and adjourned May 1, 1919.

WOODROW WILSON.

THE WHITE HOUSE,
29 September, 1919.

Mr. CURTIS. I move, as in legislative session, that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, September 30, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *September 29, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Infinite Spirit, that the whole family of mankind may look up and call Thee Father, since we are so involved in boundless and immortal love, a love that will not let us go.

The clouds of sin, strife, iniquity, may obscure the light of heaven with its warm and fructifying rays, but at last the most obdurate heart will yield to its influence, under the leadership of the incomparable life and character of Thy Son, who died, rose, and ascended into heaven for humanity. Amen.

The Journal of the proceedings of Saturday, September 27, 1919, was read and approved.

CONFERENCE OF LABOR, CAPITAL, AND AGRICULTURE.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent for the present consideration of Senate concurrent resolution No. 9.

The SPEAKER. The gentleman from Michigan asks unanimous consent for the present consideration of Senate concurrent resolution No. 9, which the Clerk will report.

The Clerk read as follows:

Senate concurrent resolution 9.

Whereas the President of the United States has called or is about to call a conference of the representatives of labor, capital, and agriculture for the purpose of discussing questions relating to these great interests as affecting each other and the people: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States indorses the action of the President in calling such conference and pledges to him its earnest support and cooperation for the success thereof.

Resolved further, That the Secretary of the Senate transmit a copy of this resolution to the President of the United States.

The SPEAKER. Is there objection?

Mr. WALSH. Well, Mr. Speaker, reserving the right to object I think we have got more important business pending here than passing resolutions of indorsement and cooperation, which probably would not be appreciated if tendered, and which certainly are not needed anyhow. I object.

The SPEAKER. The gentleman from Massachusetts objects.

COLD-STORAGE LEGISLATION.

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9521.

The motion was agreed to.

The SPEAKER. The gentleman from Ohio [Mr. FESS] will please take the chair.

Accordingly the House resolved itself into Committee of the House on the state of the Union for the further consideration of the bill H. R. 9521, the cold-storage bill, with Mr. FESS in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9521, which the Clerk will report by title.

The Clerk reads as follows:

A bill (H. R. 9521) to prevent hoarding and deterioration of, and deception with respect to, cold-storage foods, to regulate shipments of cold-storage foods in interstate commerce, and for other purposes.

The CHAIRMAN. When the committee adjourned on Saturday there was pending an amendment offered by the gentleman from Illinois [Mr. KING], to which a point of order was reserved by the gentleman from Minnesota [Mr. ANDERSON].

Mr. KING. Mr. Chairman, may we have the amendment read for further information of the House?

The CHAIRMAN. Without objection, the amendment will again be read.

The Clerk read as follows:

Amendment offered by Mr. KING: Page 4, line 9, after the word "month," insert the words:

"*Provided*, That every retail dealer in foodstuffs in the District of Columbia shall keep conspicuously displayed in close proximity to all cold-storage foods offered for sale by him a sign plainly marked with the words 'cold storage': *And provided further*, That the management of all dining cars operated in interstate commerce and of all restaurants and eating places in the District of Columbia, and serving cold-storage food, shall mark in plain letters on all their bills of fare opposite the name of such food the words 'cold storage.'"

Mr. KING. Mr. Chairman, a point of order——

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I think a point of order has been reserved. If not, I reserve it.

Mr. KING. Mr. Chairman, have I the floor?

Mr. McLAUGHLIN of Michigan. Oh, yes; the gentleman has the floor.

Mr. KING. I suggest that the point of order be settled by the Chair, after argument, before the amendment is taken up.

As I offer the amendment in good faith, not for the purpose of discussing it, I would like to have the gentleman who raised the point discuss it.

Mr. BLANTON. Mr. Chairman, for the purpose of bringing the matter to a discussion, I make the point of order.

The CHAIRMAN. The gentleman from Texas makes the point of order.

Mr. GARNER. What is the point of order?

Mr. BLANTON. The point of order is that it is not germane to the legislation now before the House.

Mr. KING. That is "a point of order," not "the point of order." "The point of order," as I understand it, has an entirely different meaning in this House.

The CHAIRMAN. Does the gentleman from Texas make the point of order?

Mr. BLANTON. I make it to bring on the discussion.

The CHAIRMAN. Does the gentleman from Michigan want to be heard?

Mr. McLAUGHLIN of Michigan. Yes. It seems to me, Mr. Chairman, this has no relation to cold-storage business, and it has no relation to this bill. And as to the requirement in railway dining cars, it would compel the marking of "cold storage" on food that might not have been in cold storage at all. There is a limitation and direction as to when and under what circumstances the dealers in the District of Columbia shall put up a sign "Cold storage," but there is no limitation or designation as to the matter of railway dining cars.

The CHAIRMAN. Does the gentleman from Illinois want to be heard on the point of order?

Mr. KING. Just for a moment.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. KING. Of course, Mr. Chairman, the mere fact that the dining-car management might put up a sign "cold storage" as to some articles on the menu offered for food has nothing to do with the point of order. The point of order is this: Is it or is it not germane to this bill?

Now, I understand perfectly well that the title says that it is designed to prevent deception. I also understand that the title never has any reference to a bill as it comes in here and it is an entirely foreign matter. It has nothing to do with the point of order.

I understand, furthermore, that the statements made by the gentlemen of the committee have really nothing to do with the bill, although the gentleman from Michigan [Mr. McLAUGHLIN], who has just spoken, says this is a cold-storage bill and that he has seen and heard and smelt nothing but cold storage in the discussion of this bill. [Laughter.] The gentleman from Iowa [Mr. HAUGEN], who is chairman of this committee, says it is purely a health measure, designed to protect the ultimate consumer. It is the ultimate consumer that we desire to protect in this matter, he says.

Now, leaving out all these immaterial matters as to the title of the bill and as to the character of the bill as stated by members of the committee, the only thing we can rely on is the substance of the bill itself. The bill is not limited to cold-storage warehouses, but is a general bill for the regulation of cold storage. What could be more in order than to regulate the action of the retailer who disposes of this stuff directly to the consumer?

Now, under this act, he can take a carton of food directly from the cold-storage warehouse and open it up in his store and sell it for fresh stuff. "Oh," they say, "these gentlemen will not do anything of that kind. They are all honest here in the District of Columbia." Yet, what do we find with reference to eggs? Here is a basket of eggs from cold storage. Here is another basket i the same store, from the farmer. The storekeeper puts no sign on either one of them but sells them all for fresh eggs.

Now, if we desire to protect the ultimate consumer, why should not the retailer be compelled to state without deception what he is selling? This is to regulate cold storage and the sale of cold-storage products in the District of Columbia. The gentleman from Illinois [Mr. CANNON], the statesman we love so well, stated on the floor the other day that he wanted this bill so fixed that when it said "spring chicken" on the dining-car menu he would know which spring was referred to, whether it was this spring or last spring. [Laughter.]

Now, what harm is there in this restaurant downstairs or the one in the House Office Building, or the dining cars when they serve us with chicken or fowl of any kind, stating that it is cold storage? Mr. Chairman, it is one of the most pertinent and germane amendments that could be offered to this bill. I dare say that during the winter in this House there are at least 3 or 5 per cent of the membership suffering all winter long from ptomaine poisoning which they get from eating the cold-storage food that is served in the House restaurant; and if the truth were known, it would be found that the President of the United States, on his long trip to the Pacific coast, was served with cold-storage food, so that he is now suffering from nothing else than ptomaine poisoning.

While arguing the point of order, perhaps I have digressed slightly from the point, yet it was done for the purpose of showing the chairman that this amendment is germane to the bill.

Mr. HAUGEN. Mr. Chairman, the bill deals with cold storage. It has nothing to do with the disposition or sale of food, and the question how the food shall be sold is entirely different from the question how it shall be treated when in cold storage. The bill is confined entirely to the cold storage and not to the sale of food, and of course the amendment offered by the gentleman is not germane.

The CHAIRMAN. The Chair is of the opinion that the amendment is rather far-fetched when it undertakes to regulate dining cars and restaurants under the head of cold storage, and therefore the Chair sustains the point of order.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes on the bill generally.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for 10 minutes on the bill. Is there objection?

There was no objection.

Mr. SMITH of Michigan. Mr. Chairman and gentlemen of the House, if the distinguished chairman of the committee [Mr. FESS] were upon the floor, I would be tempted to use enough of my time to recite a little poem which I heard him recite at one time about Silas Brown who, if elected to Congress, would make everything his constituents sold go up, and everything they bought come down. I am of the opinion that no matter how hard we struggle with this question, it still remains an economic proposition and everybody knows we can not fix values by legislation. And while we have undertaken to curb certain practices and follow the request of the President, we all know that what we purchase to-day is just as high or higher than it was when we began to legislate for the purpose of bringing down the high cost of living.

Mr. Chairman, to my mind, this bill is a food-control bill, pure and simple.

I think that is its purpose, although in its title it is called a warehouse bill. It is in accord with the messages of the President delivered to the joint sessions of Congress upon his arrival home from Versailles and Paris August 8, and before he made his western trip on the league of nations. In that message he said:

> To the same end, I earnestly recommend, in the second place, that the Congress pass a law regulating cold storage as it is regulated, for example, by the laws of the State of New Jersey, which limit the time during which goods may be kept in storage, prescribe the method of disposing of them if kept beyond the permitted period, and require that goods released from storage shall in all cases bear the date of their receipt. It would materially add to the serviceability of the law, for the purpose we now have in view, if it were also prescribed that all goods released from storage for interstate shipment should have plainly marked upon each package the selling or market price at which they went into storage. By this means the purchaser would always be able to learn what profits stood between him and the producer or the wholesale dealer.
>
> It would serve as a useful example to the other communities of the country, as well as greatly relieve local distress, if the Congress were to regulate all such matters very fully for the District of Columbia, where its legislative authority is without limit.
>
> I would also recommend that it be required that all goods destined for interstate commerce should in every case where their form or packages makes it possible be plainly marked with the price at which they left the hands of the producer. Such a requirement would bear a close analogy to certain provisions of the pure-food act, by which it is required that certain detailed information be given on the labels of packages of foods and drugs.
>
> And it does not seem to me that we can confine ourselves to detailed measures of this kind, if it is indeed our purpose to assume national control of the processes of distribution. I take it for granted that that is our purpose and our duty. Nothing less will suffice. We need not hesitate to handle a national question in a national way. We should go beyond the measures I have suggested. We should formulate a law requiring a Federal license of all corporations engaged in interstate commerce and embodying in the license, or in the conditions under which it is to be issued, specific regulations designed to secure competitive selling and prevent unconscionable profits in the method of marketing. Such a law would afford a welcome opportunity to effect other much-needed reforms in the business of interstate shipment and in the methods of corporations which are engaged in it; but for the moment I confine my recommendations to the object immediately in hand, which is the lower cost of living.

I am in favor of warehouses and of cold-storage plants, and if I thought that the present bill would in any way destroy them, or the use of them, I would vote against it. I think warehouses and cold-storage plants do two essential things. They furnish a supply out of season and stabilize prices. The bill will not seriously hamper business or diminish the supply of food for the purpose of enhancing prices. Its good feature is that pertaining to the public health in prohibiting the sale of

unwholesome food, which every State now prohibits. It also compels the sale of all cold-storage products once a year, except cheese, which is better and more wholesome the longer it is kept for seasoning, I presume, to acquire the wholesome qualities of limberger. I quote section 3 of the bill, which embodies its principal provision:

SEC. 3. That it shall be unlawful for any person to (i) ship, or deliver for shipment in commerce, or (ii) hold in cold storage while in commerce, or (iii) sell or offer for sale in commerce, or (iiii) having received from shipment in commerce, sell or offer for sale in the original, unbroken package, any article of food that is or has been in cold storage, unless such article of food or the container thereof is plainly and conspicuously marked in accordance with this act or the regulations under this act, (1) "Cold storage," (2) with all the dates when put in and when taken out of cold storage, (3) together with the name and location of all warehouses in which so stored: *Provided*, That the statement that the article is a cold-storage food may be removed in the event that before the expiration of 30 days following the date when such article of food was first placed in cold storage it is sold to the consumer thereof.

But the bill in its title takes a fling at hoarding, and the report at profiteering.

Of course, hoarding and profiteering are made criminal under the statute. But the statute does not define what hoarding is or what profiteering is, so we have to leave those questions for the courts and jury to decide. Who is the chief hoarder? I noticed by this morning's paper—the Detroit Free Press—that the Government has sent to the city of Detroit 296 carloads of food to be sold in that city alone. I notice that there are to be sold in this city of Washington some 70 carloads of food. If this is the condition the country over, it would seem that Uncle Sam has a considerable stock on hand and has held onto it pretty well.

I recently had occasion to make a day's trip on the cars, and while I do not want to charge Uncle Sam with profiteering I thought when I was charged on one of his dining cars 15 cents for a glass of ice tea costing less than a cent; 25 cents for an ear of corn on cob, costing 25 cents a dozen; 25 cents for half a cantaloupe, costing 5 cents apiece; 10 cents for bread, formerly given with the meal; 65 cents for one-quarter of a pound of broiled fish, costing 15 cents a pound, I thought charity should begin at home, and Uncle Sam ought to set the example or be made an example of. He also charges about the present retail prices for his goods.

I want to say something about the wheat crop of 1918.

Mr. Chairman, the other day the distinguished chairman of the Committee on Ways and Means [Mr. FORDNEY] said he did not know how the Government was going to meet the deficit of $3,500,000,000 revenue to pay the appropriations for the current year. I would like to say to him that we appropriated $1,000,000,000 to maintain the price of wheat at $2.26 a bushel, and that $1,000,000,000 will not be used for such purpose and can be covered back into the Treasury. My basis for that assertion is that in 1918, when we maintained the price of wheat at $2.20 a bushel, it did not cost the Government anything, and the Government of the United States made a profit upon that of $23,000,000. I do not know whom that profit came out of, whether it was the farmer or the consumer. I guess out of both; it was taken out of the price of wheat bought from the farmer and out of the pocket of the consumer. Uncle Sam made a profit, in 1918, of $23,000,000 by maintaining the price of wheat at $2.20 a bushel. And this year, instead of being charged up with the $1,000,000,000 that we appropriated for maintaining the price of wheat at $2.26 a bushel, Uncle Sam will make $25,000,000 profit on that experiment. So we say that there will be at least $1,000,000,000 that can be covered back into the Treasury, which will leave the deficiency $2,500,000,000 instead of $3,500,000,000.

Since we have been agitating this question of the high cost of living and talking about profiteering and hoarding, the only man whose products have been lowered in price and brought down is the farmer. The farmers of this country have lost hundreds of millions of dollars in the last few months in the reduced price of their live stock. I do not know how a farmer can buy a steer at 22½ cents a pound to feed and then have the price reduced to 14 cents and make any money out of it. I do not know how a farmer can give $1.75 or $2 for a bushel of corn and feed it to a steer when that bushel of corn will put only 5 pounds of flesh on the steer, and then sell the fatted steer at 14 or 17 cents a pound when the corn costs 30 or 40 cents to put that pound of meat on the steer. I do not know how he can make any money out of that. The same is true of sheep and hogs. A hog will take on 10 pounds and a sheep will take on 5 pounds, the same as a steer, from consuming a bushel of corn. So we see who is made to bear the loss in these declining prices, and that is the farmer. He is the man who produces the food on which we live. He is the man that is taking all this loss.

Mr. RUBEY. Will the gentleman yield?

Mr. SMITH of Michigan. In just a minute. I want to say a little more about that. In the days of the rise and glory of the Roman Republic agriculture was the main industry in Italy. In the seventeenth century England was the chief country in agriculture.

Everybody knows the conditions to-day—the unrest in the country. But that is not an exact statement. The unrest is confined to the cities where many of the country people are flocking for higher wages and shorter hours. No one can blame a man for that. They will go where they can do the best. If a man can do better by staying in the country than he can by going to the city, he will stay in the country. When he can do better by going to the city than he can by staying in the country, no one can justly blame him for going to the city. In the city, as a general thing, he gets higher wages, sometimes as high as $1 per hour. I understand that is what is paid to carpenters and mechanics in some parts of my district. In the country a farm laborer gets $40 per month and his board at 18 years of age. He gets $1,000 a year, house rent, garden, and usually cow and horse keep, if he is a married man and takes the part of a tenant on the farm, supervising and looking after it. There is one legitimate way to bring down the high cost of living so as to make it permanent and uniform, and that is by greater production. The law of supply and demand is the only law that gives stability to prices of commodities. I have had such a large crop of potatoes that I could not give them away. Then everybody had plenty of potatoes and no one wanted them. A few years ago I was in Port Huron and I visited a gentleman with a large orchard in which the trees were loaded with fruit. I suggested to him that he made a nice profit out of his orchard. He stated that he could not give them away. He had announced in the city that everyone was welcome to come and get apples, but no one wanted the apples. There were apples everywhere. The farmer himself is not too much troubled about his wage or the hours he works. A big campaign is being put on now by mechanics and factory workmen for eight hours a day. The coal miners want a six-hour day and half holiday on Saturday. The farmer has an eight-hour day; that is, eight hours in the forenoon and eight hours in the afternoon. His wages depend on the sunshine and rain, and are rendered uncertain by storm, drought, insects, and other elements, the cyclone and hail. The life of a farmer producing crops is not a sinecure. The average yield of wheat for the last 10 years in Michigan was 10 bushels to the acre. It costs the farmer for fertilizer, rent of farm, implements, tools, labor, seed, harvesting, and marketing $24 per acre to raise an acre of wheat in Michigan. Not much profit in that. Rousseau, the French author, writing in 1746, tells that London some day would suffer from famine and food on account of the loss of its agriculture, and I wish to close my remarks by reading a little poem I learned in school many years ago:

Ill fares the land the hastening ills a prey,
Where wealth accumulates and men decay.
Princes and lords may flourish or may fade—
A breath can make them as a breath hath made;
But a bold peasantry, a country's pride,
When once destroyed can never be supplied.

It will be a sad day for the United States when it gives up its agriculture. We should encourage farm production. We should encourage the farmer instead of making his industry hard and unprofitable. We should stop prosecutions against him such as are now being carried on in Ohio and Illinois and aid his pursuit. It is a little lonesome in the country, but much can be done by us to relieve the situation, which will also tend to bring down the cost of living and be beneficial to the welfare of our grand country and Republic. [Applause.]

Mr. PURNELL. Mr. Chairman, I ask unanimous consent to address the committee for 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. PURNELL. Mr. Chairman, on the 8th day of August the President, appearing before a joint session of the Congress, made certain observations and suggestions concerning the high cost of living and the necessity for the immediate passage of some such legislation as this. As a member of the Committee on Agriculture, which framed this bill and which now advocates its passage by a unanimous report, I have given careful consideration to the several suggestions made by the President at that time.

In my judgment the President had two distinct purposes in mind when he delivered that message. In the first place, he wanted to charge the high cost of living up to the failure of the United States Senate to adopt the league of nations and thereby gain support for that instrument. In the second place, he wanted to shift to the less than 3-months-old Republican

Congress the responsibility for doing that which the present administration has neglected or refused to do in six years.

Mr. RUBEY. Mr. Chairman, I ask unanimous consent that the gentleman from Indiana may use his 15 minutes in proceeding out of order.

Mr. CLARK of Missouri. He is already doing that.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman from Indiana may proceed out of order. Is there objection?

There was no objection.

Mr. PURNELL. Mr. Chairman, I want to thank my distinguished friend, Gov. RUBEY, a member of the committee, for his courtesy; but, as the former Speaker of the House said, I guess I was already doing that.

Mr. Chairman, I am a Republican, and always have been. I came to Congress in April, 1917, and was sworn in as a Member of this body only a few days before we declared war against the Imperial German Government. Since the declaration of war, and during the crisis through which our country has just passed, I can truthfully say that I have voted upon all measures without any thought of partisan advantage. I have not engaged in any partisan debate, nor have I sought to embarrass those responsible for the conduct of the war. However, when the President, as I believe, deliberately seeks to shift the burden of the high cost of living from his own shoulders to Congress, because the political complexion of the Congress has recently changed, I do not feel bound or disposed to remain silent.

There is but one inference to be drawn from the President's address, and that is that Congress can lower the cost of living by additional legislation. Nothing is more absurd. If the cost of living can be reduced by legislation, the President can begin the process of lowering it to-day. He is clothed with ample power to prosecute the hoarder, the profiteer, the destroyer of food, as well as those who conspire or combine to boost prices.

If the high cost of living is due to the fact that food products are being destroyed through neglect or otherwise, I call the President's attention to the fact that under section 8 of the food-control act of August 10, 1917—

> Any person who willfully destroys any necessaries for the purpose of enhancing the price or restricting the supply thereof shall, upon conviction thereof, be fined not exceeding $5,000 or imprisoned for not more than two years or both.

If the price is controlled by any combination to restrict either supply or distribution, section 9 of the same law provides—

> That any person who conspires, combines, agrees, or arranges with any other person (a) to limit the facilities for transporting, producing, manufacturing, supplying, storing, or dealing in any necessaries; (b) to restrict the supply of any necessaries; (c) to restrict the distribution of any necessaries; (d) to prevent, limit, or lessen the manufacture or production of any necessaries in order to enhance the price thereof shall, upon conviction thereof, be fined not exceeding $10,000 or be imprisoned for not more than two years or both.

If the high cost of living is the result of storing or holding for the purpose of affecting the supply or increasing the price to the consumer, section 26 of the same law provides a penalty of $5,000 or imprisonment for two years or both. This section of the food-control act seems broad enough to reach the owner or operator of a cold-storage plant if he attempts to increase the cost to the consumer of stored products by holding them until the demand creates a higher price.

The President says he wants to reach the profiteer. Let me suggest that the Sherman antitrust law is still on the statute books, although it has recently grown musty from disuse. The Sherman antitrust law will, I am sure, reach any profiteer who seeks to corner any food products for the purpose of increasing the cost to the consumer.

There is no use trying to deceive anybody about this bill. If you expect this measure to make more than a dent in the high cost of living, you may as well look elsewhere for relief. It will not do it. In his message, above referred to, the President said:

> I earnestly recommend that the Congress pass a law regulating cold storage as it is regulated, for example, by the laws of the State of New Jersey, which limit the time during which goods may be kept in storage, prescribe the method of disposing of them if kept beyond the permitted period, and require that goods released from storage shall in all cases bear the date of their receipt.

This bill is presented to the House by the Committee on Agriculture largely in response to that suggestion. The bill in itself is a good one and should be passed, but I can not recommend it as a measure designed to reduce the cost of living. It will, however, serve two very useful purposes. It will give us uniform cold-storage legislation for the country. As a health measure, it should find favor with all who have an earnest desire to protect the public against food unfit for human consumption. Beyond this it will accomplish little.

Cold-storage legislation is practically a new thing. My own State of Indiana and the State of New Jersey are the pioneers in cold-storage legislation. These States passed cold-storage laws in 1911. The Indiana law limits the storage of foods to nine months and provides for the marking of containers with the date of entry into cold storage. A license fee of $10 per year is required for the operation of a cold-storage warehouse. As far as I know, Indiana is the only State that limits the storage of foods to less than 12 months. The New Jersey law first fixed the time limit for storage at 10 months, with longer storage permitted by consent of the State board of health. I am informed that the New Jersey law now fixes a limit at 12 months.

This bill provides that it shall be unlawful for any person to ship or deliver for shipment in interstate commerce, or hold in cold storage while in interstate commerce, or sell or offer for sale in interstate commerce, or, having received from shipment in interstate commerce, sell or offer for sale in the original unbroken package any article of food which has been in cold storage after the expiration of 12 months following the date on which the article of food was first placed in storage. This seems to be a reasonable provision, and, with the exception of the State of Indiana, which, as stated, has a time limit of nine months, conforms to the limit fixed by the several States which have cold-storage laws. The States now having such cold-storage laws are as follows: North Dakota, Pennsylvania, Iowa, Massachusetts, New York, California, Illinois, New Hampshire, Utah, Maryland, Louisiana, New Jersey, and Indiana.

The point which has been under discussion most during the enactment of the various cold-storage laws has been the limit of time which food products may remain in storage and yet be fit for human consumption. The Bureau of Chemistry, of the Department of Agriculture, has compiled data in support of the proposition that one year is a reasonable storage period. The hearings before our committee also developed this fact. So I presume we can safely accept that period.

I want to say just a word about another suggestion made by the President in connection with this cold-storage legislation. I refer to his suggestion that food products released from storage for interstate shipment should have plainly marked upon each package the selling or market price at which they went into storage. The committee did not see fit to incorporate that provision in the bill. In this position I heartily concur. I am glad that an amendment embodying that proposal has already been voted down by the Committee of the Whole. I regard legislation of this character as being very dangerous to the business of the country. I shall not support any legislation embodying this idea. Business wants to be let alone. The business of the country has a right to demand that it be given a rest from Government interference. If we will only give the natural law of supply and demand a chance to function again we will be on a fair way to recovery from the ills that have followed Government ownership and Government regulation.

Mr. Chairman, I do not at this time want to enter into a lengthy discussion of the cause or causes of the present high cost of living, but I do want to make a few simple observations. The fact is, Mr. Chairman, no one seems to want to tell the truth about the high cost of living. Perhaps the causes are too simple to be accepted by those who are looking for high-sounding definitions and deep-seated economic theories. Of course, many things can properly be urged as causes, such as inflation of the currency, which has depreciated the value of the dollar; the almost criminal extravagance of this administration, which has made necessary a burdensome taxation; the continued exportation of necessities for the relief of foreign countries, thus decreasing the supply in the United States; the encumbering of the Government pay roll with thousands of useless employees; the purchase and hoarding by the War Department of vast quantities of food, clothing, and other supplies at exorbitant prices; the politicalization of the railroads, with increased freight and passenger rates; as well as innumerable other acts and tendencies of this administration.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. PURNELL. Yes.

Mr. SMITH of Michigan. I have heard it repeated a number of times that the depreciation of the currency is one of the causes of the high cost of living. The gentleman repeats it. I would like to know if he can get hold of a dollar that he can not get a dollar in gold for, the same as he could any day?

Mr. PURNELL. Yes; but you can not get 30 cents' worth of food. [Laughter.]

Mr. SMITH of Michigan. It is the food that has depreciated.

Mr. PURNELL. To my mind the real causes are lack of production and extravagance. The remedies are more production and greater economy. The plain truth is that the country needs to settle down to work. Until it does, it can never hope to settle up. We need to practice a rigid economy as a nation

and as individuals. We need to use more patches and less perfume. [Laughter.] The New York Sun carried a story a few days ago to the effect that a reporter had discovered a patch on my trousers. I know of no class that has been hit harder by the high cost of living than Members of Congress. I undertake to say that unless we get some relief soon there will be a great demand for barrels among a lot of us poor Members of Congress. [Laughter.] I mention this to show that we are vitally interested in this question both as individuals and as representatives of the people.

I am going to make one further suggestion. The President should not only urge more work and more rigid economy but, as the recognized head of the Nation, should set a wholesome example for the country. I shall not criticize him for failure to work, for everybody knows that nothing is quite so tiresome or wearing as continuous travel. [Laughter.] I do think, however, the President has much to learn about economy. As some one said at the other end of the Capitol the other day, he has been "spending money like a drunken sailor." He has disregarded every economy in the expenditure of money. He has cavorted around with royalty and with the representatives of monarchies and spent more money in his travels through the country and about the world than has ever before been expended by any monarch since the beginning of civilization. His expenses at the peace conference will aggregate more than all the expenses put together of all the representatives of this Government at similar conferences since the beginning of the Nation. It will be a shock to the country to know just what it cost to take those sixteen hundred advisers to Europe, whose advice was never accepted. It will be interesting to know just what it cost the people to put a glass roof on the *George Washington* in order that the presidential party might bask in the sunshine at sea. It will be interesting, at least, to know what it cost to take the musicians out of the fashionable Biltmore Hotel of New York City to play while the President ate the food prepared by the hands of special chefs. The country is anxious to know what it cost to send a special ship in advance to Europe with automobiles to meet the President upon his arrival. About all we know of these expenditures so far is that the President handed one Barney Baruch $150,000 at the peace conference. Of course, in these days of billions that may seem a paltry sum to the President and Mr. Baruch, but nevertheless it would purchase a good many patches for those who have remained at home in seats made doubly anxious by the fact that nothing is more certain than taxes and death. Economy, like charity, should begin at home, and the President should point the way for the Nation. [Applause.]

The Clerk read as follows:

SEC. 5. That if any article of food is mixed or mingled with any other article of food, the dates required by section 3 of this act shall be held to be all the dates of storage of that article of food which has been in storage the longest time, and such resulting mixture or intermingled articles of food shall be so marked, together with the name and location of all warehouses in which any portion of such resulting mixture or intermingled articles of food is or has been stored.

Mr. MADDEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 4, line 11, after the word "food," insert "and the resulting mixture is thereafter placed in cold storage."

Mr. MADDEN. Mr. Chairman, I beg to say in this connection that if, for example, you put a piece of pork into a can of beans and the beans were held in cold storage for a few days, which they always are as a matter of convenience to preserve them, that this would have to be held as a cold-storage product. It seems to me that the committee has failed to reach the right conception of what this bill is intended to do. We are trying, I assume, to report and enact a bill to reduce the high cost of living by forcing cold-storage products out into the open to be sold to the people within a given period of time.

What have we done? It is proposed to fix a definition of what a cold-storage warehouse is. It says anything that goes into a cold-storage warehouse where the temperature is less than 45 is a cold-storage product. It says anything that goes in is a cold-storage product. Why, this would make it absolutely impossible for you to sell fresh meat anywhere in the United States. The very moment an animal is killed in a packing house it goes into cold storage and must be chilled. The salesroom out of which you are selling fresh meat every day for consumption to the American people and the people of the world is held at a temperature of 38. Every well-regulated butcher shop in every city in the United States carries its fresh meat in cold storage.

Why, under the law proposed here defining cold-storage meats you could not sell fresh meat to the people of the United States. What are you doing to the farmers under this bill? You are compelling them, if they make butter at their creamery, either to keep it out of storage, where they can chill and cool it and make it fit for consumption, for shipment, and for sale, or to sell their products as cold-storage products, because it makes no difference whether it is in there five minutes or five months under the definition provided in this bill it is cold storage. You do not mean that, I am sure.

Mr. HAUGEN. No; and we do not say so, either.

Mr. MADDEN. You do say so. You do not say anything else.

Mr. HAUGEN. All right, go ahead.

Mr. MADDEN. Here is what you say:

The term "refrigerator vehicle" includes any car, vessel, or other vehicle, or portion thereof, which is designed and used for the transportation of any article of food at or below the temperature of 45° above zero.

What else do you say?

The term "article of food" includes any article, except liquid food, that is intended or designed as food for human consumption.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I ask unanimous consent to proceed for 10 minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 10 minutes.

Mr. HAUGEN. Make it five minutes.

Mr. MADDEN. No; give me 10 minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. The term "article of food" now means and includes any article, except liquid form, which is intended or designed as food for human consumption. What does it mean if that is not what it means? If what I say is not what it means, then I do not understand the definition of the English language.

Mr. YOUNG of Texas. The gentleman will find a 30-day provision——

Mr. MADDEN. There is no 30-day provision anywhere in the bill except to provide for the removal of the statement that the product is cold storage.

Mr. YOUNG of Texas. Yes; that meets that situation and it says that these things shall not be considered cold storage or become cold storage except put there for the purpose of entering into interstate commerce.

Mr. MADDEN. One thing more I wish to say in this connection. Under the provisions of the bill you have reported, why bread would be included, eggs would be included, and all other bakery products that contain butter would be included; lard, eggs, anything that includes any of these ingredients that have been in cold storage. You could not sell it. Now, why do we want to make it impossible for the people of the United States to buy the things which they want while we are pretending to say we want to make these things cheaper for them? Do not you know under the provisions of this bill that you are going to make it cost more, not less? You are going to embarrass, not assist. You are going to embarrass the producer, you are going to embarrass the man who buys and the man who sells. You are going to compel every man who buys or sells to know whether this stuff has been in cold storage or not, and I say to you there ought not to be any ambiguity about the bill. It ought to be clear, it ought to be sane, it ought to be safe, it ought to be possible for one to understand it who is not in the habit of making laws. Under this language if you had mincemeat containing meat, nuts, or fruits, or jams, or jellies, or preserves containing fruit, candy containing butter, eggs, lard, or other shortening or other ingredients, it would be cold storage under the definition.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. MADDEN. I do.

Mr. SANDERS of Indiana. In connection with section 3, which is the 30-day provision, I am just wondering if that section really does cure the objection the gentleman was suggesting.

Mr. MADDEN. Why, it does not.

Mr. SANDERS of Indiana. The latter part of it seems to provide that a part of the label may be taken off.

Mr. MADDEN. Yes; you can take the label off if it has not been in 30 days. I know it provides for that, but why take the label off? Under the law you have got to report it was in cold storage. You are compelled to make a report when it goes in and when it comes out.

Mr. SANDERS of Indiana. The point I am making, if the gentleman pleases, is really you are not entitled to take the label off if it is in there 30 days. You only take the mark "cold storage" off, and you still have the date of the label in there and the name and location of the warehouse.

Mr. MADDEN. And that ought not to be; it is ridiculous; it is outrageous, unjust, and indefensible. Now, if you have pork

and beans, as I said before, contained in cans that have been in cold storage, why you have to put a label on. Is there any sense in that? Not a bit.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. MADDEN. I can not yield just at present, I am sorry. Canned meats, canned fruits, canned vegetables, if you have a product which has been held in cold storage present in minute proportions to the product itself, are never held in storage, as it is nonperishable, and yet you provide that everything that goes into human consumption is subject to the provisions of this bill, and only in the case where the material has not been held for 30 days are you permitted to take that part of the label off which calls it "cold storage," but nevertheless you are required to make a report as to when it went into cold storage and when it comes out and where the storage plant was. Why, all these things add to the cost. They do not reduce the cost of living, and all these things add to the embarrassment.

The uniform cold-storage laws throughout the country provide that fresh meat, fresh-meat products, eggs, chickens, fresh fish, and products of that sort, are the only products subject to cold-storage regulation. Why? Because these are the essential products to be affected by retention in a cold-storage warehouse for a period longer than they should be kept there. But now you cover hickory nuts, hazelnuts, beans, and raisins. Why, you never could look a raisin pie in the face if you passed this bill under the present definition. You could not put an apple in a cold-storage warehouse without labeling the apple as a cold-storage product if you kept it there for more than 30 days. You and I know, and everybody else knows, if it was not for cold storage you would not have the delicacies on your table that you are now permitted to enjoy, except during the period of the year when you could pick the fruits and other things off the trees.

I am in favor of the strictest regulations to the extent that sense and justice can employ the regulations. I am utterly opposed to the definition provided in this bill, and I think it ought to be modified. The amendment I have offered is offered in good faith, with the hope and expectation that the House will see the wisdom of it. It is one of these things which, if adopted, will prevent the idiotic action that will have to be taken to prevent the sale without the marking of a can of Boston beans, with a piece of pork as big as your thumb-nail in it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I ask for the adoption of the amendment.

Mr. McLAUGHLIN of Michigan. Mr. Chairman——

The CHAIRMAN. The gentleman is recognized for five minutes.

Mr. LAUGHLIN of Michigan. The gentleman from Illinois [Mr. MADDEN] admits that he has not read section 3——

Mr. MADDEN. No; I did not admit it.

Mr. McLAUGHLIN of Michigan (continuing). That provides the 30-day limit.

Mr. MADDEN. I beg the gentleman's pardon.

Mr. McLAUGHLIN of Michigan. If he has not admitted that he has not read it, he has admitted that he does not understand it.

Mr. MADDEN. Will the gentleman yield to me?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. MADDEN. I will not admit either that I did not read it or understand it, but I will say in connection with the statement made by the gentleman, when I did read it, I knew it did not apply to the limitation except to the extent that he could strike a part of the label off.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I was trying to be fair to the gentleman from Illinois, so I suggested that he had not read the section. He says he has read it, but did not understand it. It is very evident, it seems to me and to the committee, that he either had not read it or was speaking without full understanding of its provisions. I think the gentleman will find, if he examines other portions of the bill, that some of the objections he makes will be found to be covered, and that his objections have no force.

Now, as to the mixing and mingling of these articles of food, the suggestion of the gentleman from Illinois is in line with the suggestion made by his colleague [Mr. WILSON], who offered an amendment Saturday when the bill was under consideration. He offered an amendment to provide that a product made by mixing or mingling foods that had been kept in cold storage should not be marked, and he mentioned sausage. He did not wish to have sausage marked as this bill provides, although made of cold storage meats that had been kept in storage a full year. That would permit meats out of which sausage is to be made to be kept in cold storage for a year, scraps and practically offal, that the gentleman from Illinois [Mr. WILSON] spoke about, to be kept in cold storage a year and then made into sausage, and that sausage would go out without any mark or designation whatever to indicate that the ingredients had been kept in cold storage, and the sausage might be put upon the market and sold as entirely fresh. That would be the result of the amendment offered by the gentleman from Illinois [Mr. WILSON], and the gentleman from Illinois, his colleague [Mr. MADDEN], who has just offered this amendment, evidently wishes to do the same thing.

Mr. MADDEN. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Pardon me for a moment. Now, the gentleman in his illustration as to what would be injuriously affected by this bill, names articles of food that are never under any circumstances put into cold storage.

Mr. MADDEN. Oh, I deny that.

Mr. McLAUGHLIN of Michigan. The gentleman speaks of beans. They are not put into cold storage. The gentleman speaks of nuts and raisins, and so on. They are not put into cold storage. He mentions bread. It is not put into cold storage.

Mr. MADDEN. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I yield.

Mr. MADDEN. Of course the gentleman does not want to misstate what I said. I said the bread that had butter in it, that had lard in it, that was in cold storage, would not be permitted to be sold on the market. That is what I said.

Mr. McLAUGHLIN of Michigan. The gentleman is wrong about that.

Mr. MADDEN. Of course I am wrong if I differ with the Committee on Agriculture. I suppose, but the wisdom of the House is not all centered in the Committee on Agriculture.

Mr. McLAUGHLIN of Michigan. Well, I do not know whether the Committee on Agriculture is willing to admit that or not. [Laughter.]

Mr. MADDEN. I do not think they will.

Mr. McLAUGHLIN of Michigan. But I know of no action on their part or any demeanor on the part of any members of the committee——

The CHAIRMAN. The time of the gentleman has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, as I was saying, I know of no action on the part of the committee, or any demeanor on the part of any of its members, that would justify the statement of the gentleman.

Now, as to section 5, when food is mixed or mingled with any other article of food, I will take an illustration where a number of cases of eggs are put into cold storage. After they remain a time they are picked over and packed again and part from one container is put in with a part from another container. The containers are thus again filled up. Under the amendment of the gentleman from Illinois [Mr. MADDEN] there would be no marking of those mingled articles. They could go out into commerce without anything to indicate that they had been in cold storage, and if so——

Mr. MADDEN. What about the fresh meats under this law?

Mr. McLAUGHLIN of Michigan. I was speaking of the mingled articles. I do not wish to be taken away from that.

Mr. MADDEN. Would the gentleman be willing to express an opinion on the fresh meats as affected by this provision?

Mr. McLAUGHLIN of Michigan. I do not wish to get away at this time from section 5, as to mixed and mingled articles. The gentleman knows, and others know, at least, that the condition of articles of food is changed while they are being kept in cold storage. The food is changed from one container to another, or portions of different containers are mixed or mingled together in one container, and it is necessary if they put in an article of food that has been in six months and mingle it with an article of food that has been in three months—it seems proper at least—that the resulting mixture shall be marked with the date of the mixture that first went into cold storage. If the committee does not agree with us and thinks that the date of that which has been in cold storage the shortest time shall be put on, we leave that to the judgment of the committee. But the judgment of the Committee on Agriculture was that the date should be that of the oldest article that was put into the mixture.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield for a question?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. SMITH of Michigan. I would like to inquire when this marking is done?

Mr. McLAUGHLIN of Michigan. In answer to that I will repeat that in our opinion the goods will usually be marked when they are first put into storage, but the Congress of the United States has no authority to direct that goods shall be marked when they are put in or that they shall be marked at any particular time while they are in cold storage. The Congress can simply determine that these goods shall not be shipped in interstate commerce unless and until they have been marked. That is all.

Mr. SMITH of Michigan. I understand that.

Mr. McLAUGHLIN of Michigan. And, as I have said, we think that in the ordinary course of business one operating a cold-storage warehouse and receiving goods for storage, knowing that they are destined for or may enter interstate commerce, will mark those goods when they first go in with the date when they went in.

Mr. SMITH of Michigan. The question is whether they will be marked when they are put in. The gentleman formerly said they would not be marked when they are put into cold storage. That is what I want to understand. I will give you an illustration.

Mr. McLAUGHLIN of Michigan. Pardon me. I have the gentleman's idea exactly, and the gentleman is taking my time. I say the goods will very likely be marked when they go in.

Further answering the question of the gentleman from Michigan [Mr. SMITH], I will say that the Congress of the United States has no power to require the marking of goods when they go into cold storage, or to require that they shall be marked in any way at any particular time while they are in cold storage. All the authority that Congress has is under the interstate-commerce clause of the Constitution, by which Congress can by law prohibit the shipment of these goods unless they are so marked when shipped or offered for shipment in interstate commerce.

The gentleman from New York [Mr. SNYDER] says that they may be shipped within the States. I make the distinction. They may be shipped within the States. In that case the Federal Government has no authority whatever over them. But the Federal Government has authority if these goods are offered for shipment in interstate commerce, and everywhere in this bill will be found words carrying out that idea. It goes no further than interstate commerce.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SANDERS of Indiana. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last word.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent to modify my amendment, if I may.

The CHAIRMAN. Does the gentleman from Indiana yield?

Mr. SANDERS of Indiana. I will.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to modify his amendment.

Mr. MADDEN. I would like to have the Clerk report it, and then follow it up with the other amendment, so as to make it read as one amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 4, line 7, after the word "food," insert the words "and the resulting mixture is thereafter placed in cold storage."

Mr. MADDEN. That is the old one. Read the first one, and then couple them together.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 4, line 10, after the word "food," insert "placed in cold storage, and within 30 days after being placed therein is mixed or mingled with any other article of food and the resulting mixture is thereafter placed in cold storage, the dates required by section 3 of this act shall be held to be all the dates of storage of that article of food which has been in storage the longest time," etc.

Mr. SANDERS of Indiana. Mr. Chairman, the proposed amendment of the gentleman from Illinois undertakes to reach a portion of this bill which I think is a little confusing. I think the Committee on Agriculture is to be congratulated upon this bill. I think it is drawn, as everybody knows, under great difficulty. The committee was limited to the constitutional powers granted by the commerce clause. The food laws which we have drawn are under the war powers, of course, and hence they do not involve that trouble. I think there are some provisions of sections 3 and 5 and 6 and 7 that get away from the criterion by which the committee must be guided.

Now, it has been stated by the gentleman from Michigan [Mr. McLAUGHLIN]—and I think he is accurate in his statement—that this legislation could not provide that these cold-storage products must be marked. Yet in the 30-day clause—and this is the thing that is confusing to me—there seems to be an effort on the part of the committee to permit all fresh-meat shipments without having the cold-storage product marked "Cold storage." The committee assumes in section 3 that these cold-storage products are marked when they are put in, which I think is a false assumption. In other words, it makes no difference if a cold-storage company, for instance, are putting their meat into cold storage for a short time or a long time. At the time the meat is put in cold storage there is no necessity, so far as the law is concerned——

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. SANDERS of Indiana. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. SANDERS of Indiana. As I see it, there is no necessity under this law for such company to label that cold-storage product at all. They could go on for 60 days putting products in cold storage, and then at the end of that time, if they concluded to make an interstate shipment, if the shipment were made on the 1st of October and the product had been put in there on the 1st of August, they would be obliged at that time to comply with the law and put thereon the label stating that it was cold storage, the date on which it had been put in cold storage, and the name of the warehouse. In other words, section 3 does not require the marking of the cold-storage product, and I think properly so; the proviso in section 3 is confusing in assuming that it does so require. Now, I refer to section 3 in order to make clear the point that I am going to make about section 5.

Mr. VOIGT. Will the gentleman yield?

Mr. SANDERS of Indiana. I yield to the gentleman from Wisconsin.

Mr. VOIGT. That proviso does not contemplate that the goods were marked when they went into cold storage, except in the case where they are put into interstate commerce. If the goods remain in the State, they may be withdrawn from cold storage under this bill after a year's time without any marking whatever, but if they are shipped in interstate commerce during the 30-day period, then, of course, the marks must be put on.

Mr. SANDERS of Indiana. They must be put on, but if it is within the 30-day period, must they put on the marks when they are ready to ship out and then tear them off again if they are sold within the 30 days?

Mr. VOIGT. Yes; that is it exactly, if they ship the food in interstate commerce. The committee were constantly confronted with this proposition, that we could not regulate anything except interstate commerce.

Mr. SANDERS of Indiana. Yes; I realize that.

Mr. VOIGT. And I will say that this section 3 was carefully considered, and we found no other way out of this difficulty.

Mr. SANDERS of Indiana. I do not think section 3 is entirely clear, but, of course, the committee have passed that, and I am not asking to return to it. The gentleman's explanation is quite satisfactory. But in view of the points made by the gentleman from Illinois, I call attention to section 3 for the purpose of discussing a provision in section 5. I should like the attention of the members of the committee in particular. In line 14 there is this provision. In section 5 is the first provision in this law which apparently requires the marking of the articles of food. The committee seem to have departed from the rule that they could not require the marking of food. Now, this is the provision to which I refer:

And such resulting mixture or intermingled articles of food shall be so marked.

That is an entire departure from the criterion in No. 3 that you could merely provide that they could not be shipped in interstate commerce unless they were marked.

Mr. McLAUGHLIN of Michigan. Section 3 of this act only requires them to be marked in case they go out into interstate commerce.

Mr. SANDERS of Indiana. No; I beg the gentleman's pardon. The language in section 5 is:

SEC. 5. That if any article of food is mixed or mingled with any other article of food, the dates required by section 3 of this act shall be held to be all the dates of storage of that article of food which has been in storage the longest time——

Mr. McLAUGHLIN of Michigan. That refers only to the date?

Mr. SANDERS of Indiana. And then it says:

And such resulting mixture or intermingled articles of food shall be so marked, together with the name and location of all warehouses in which any portion of such resulting mixture or intermingled articles of food is or has been stored.

Mr. SAUNDERS of Virginia. Will the gentleman yield?

Mr. SANDERS of Indiana. I yield to the gentleman from Virginia.

Mr. SAUNDERS of Virginia. The gentleman is discussing the proposition which I discussed on Saturday. The chairman of the committee [Mr. HAUGEN] insisted on Saturday that the markings had to be affixed at the time the articles went into cold storage. Now I understand the gentleman from Indiana to maintain—and I think he is correct—that there is absolutely nothing in the bill that imposes this requirement.

Mr. SANDERS of Indiana. That is my contention; but I also——

Mr. SAUNDERS of Virginia. We are agreed, then, that it is a mistake to claim that the goods have to be marked, when they go into or are taken out of cold storage?

Mr. SANDERS of Indiana. I will say to the gentleman that I had not noticed that provision until the gentleman commented on it on Saturday. It is very plain, as the gentleman suggests, that there was not any requirement in section 3 that they should be marked. I had not noticed that provision.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SANDERS of Indiana. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. SANDERS of Indiana. If I may be permitted, I want to mention two other sections, because it all relates to one point. In section 6, in lines 20, 21, and 22, it says:

The person who is liable under this act for any failure to have such article of food or the container thereof marked shall mark such subdivision or container in the manner required by section 3.

I call the attention of the gentleman from Virginia to this language. And then again, in section 7, it says:

SEC. 7. That if the Secretary of Agriculture finds it to be commercially impracticable to mark any article of food or any container thereof as required by sections 3, 4, 5, or 6, the person who is otherwise liable for the failure to comply therewith shall be held to comply with such sections if he furnishes any person receiving from him such article of food with a written statement or a document conveying or pledging title thereto containing a statement of the facts otherwise required to be marked by such sections.

And so forth.

The point I am making is, in a way, technical, but I think it is an absolutely correct statement that while the committee starts out upon the assumption that it can not require the goods to be marked, and that it can only deal with the articles in cold storage so far as they relate to interstate commerce, in the latter part of section 3 in the proviso and in section 5, the part to which I call attention, and in section 6 and in section 7, the committee depart from that rule and undertake to deal with the question of marking the goods.

It seems to me that these sections ought to be made to conform to the general proposition which the committee has recognized, that you can only deal with interstate and foreign commerce. I think if that were done the gentleman from Illinois would not be trying to make this amendment, because when there is no requirement that goods put in temporary storage shall be marked, if the requirement is that they can not be shipped in interstate commerce unless marked, it would obviate his objection. I think these sections can be slightly changed so as to cover that.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. SANDERS of Indiana. I will.

Mr. McLAUGHLIN of Michigan. What is there in section 7?

Mr. SANDERS of Indiana. That is not quite so plain:

That if the Secretary of Agriculture finds it to be commercially impracticable to mark any article of food or any container thereof as required by sections 3, 4, 5, or 6, the person who is otherwise liable for the failure to comply therewith shall be held to comply with such sections if he furnishes any person receiving from him such article of food with a written statement or a document conveying or pledging title thereto containing a statement of the facts otherwise required to be marked by such sections.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I ask that the gentleman's time be extended five minutes. He is making a very interesting speech and I want to ask him what the effect this legislation would have on fresh meat.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HAUGEN. Mr. Chairman, I want to see if we can not agree upon some time to close debate on this section and all amendments thereto. I ask unanimous consent that all debate on this section and amendments thereto be closed in 35 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate on this section and amendments thereto close in 35 minutes. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Chairman, in order that there may be no mistake I ask that that time be allotted to the gentleman from Indiana [Mr. SANDERS], the gentleman from Michigan [Mr. SMITH], the gentleman from Illinois [Mr. MADDEN], the gentleman from Kansas [Mr. TINCHER], the gentleman from Missouri [Mr. RUBEY], the gentleman from Virginia [Mr. SAUNDERS], and myself five minutes each.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SANDERS of Indiana. I did not intend to make such an extended argument. I want my position to be clear. I think the committee has clearly recognized the constitutional limit, and it seems to me that, having in mind that they really do want the goods marked, in subsequent sections, at the latter part of section 3, they have departed unintentionally from the hard-and-fast rule that they can not require them to be marked. The gentleman from Illinois [Mr. MADDEN] is dealing with a proposition that naturally occurs to everyone. Are we going to require every person who will put beef in cold storage even for a few days, regardless of the purpose, to mark those goods at the time they are put in, and ought we not to make some exceptions?

Mr. MADDEN. You have got to mark fresh meat as "cold storage."

Mr. SANDERS of Indiana. If I were answering the question propounded by the gentleman from Illinois about what the effect of the provisions are with regard to beef I would say that so far as the valid provision is concerned it would not cover a person who puts fresh meat in cold storage for a few weeks. I think the gentleman would have no objection to the bill if the bill had followed the straight line, that you can only deal with interstate commerce, because suppose you have a period of 30 days, they might think that some of their goods might be for domestic use, some for shipping within the State, and they would not brand all of this; but when they wanted to ship 10 cases of it, 10 shoulders or 10 hams, when they took it out of cold storage, in order to prevent a person violating the law by shipping it they would then mark it.

I have not my amendment specifically in mind to accomplish that purpose, but it occurs to me that the sections ought to be so framed as to make it clear that Congress does not undertake to compel the marking of cold-storage goods.

There is an additional reason why this section ought to be so framed. If the courts construe this law as requiring the marking of cold-storage goods, and it should be held unconstitutional, all this legislation would be in vain. There are so many sections in it I think it might vitiate the entire law by leaving the sections in such shape, failing to specify, as far as the English language can do it, how and when the goods are to be marked. Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Michigan. Mr. Chairman, I have read with considerable interest the discussion of this question as to when the marking should be done in the debate that was carried on Saturday by the gentleman from Virginia, Judge SAUNDERS, and the chairman of the committee. I read it carefully, and, after listening to what has been said this morning, I am still unsettled as to when the marking shall be done on these cold-storage goods.

It is stated that it will not affect some States. States like Illinois, possibly Michigan, where they have slaughtering and packing houses and a cold-storage plant; also cities like Buffalo, New York; and other States, where they kill the animals and immediately put them in the chilling room.

Mr. HAUGEN. If the gentleman will yield, it seems to me that it is written as plain as language can make it so that anybody can fully understand. It says that it shall be unlawful to do what? To ship these goods in interstate commerce. Congress has no jurisdiction as long as the goods are in intrastate commerce, but when it enters into interstate commerce that is a different proposition.

Mr. SMITH of Michigan. But that does not say that the goods shall be marked when put into cold storage for chilling or assembling or marked when taken out of the chilling room of the warehouse or cold-storage plant for the purpose of shipment in interstate commerce.

Mr. HAUGEN. Whenever they are offered in commerce they have to be marked.

Mr. SMITH of Michigan. I know. But no one can understand the phrase "offered in commerce," as I understood the chairman. Take the case of Chicago. If you kill those cattle and put them into the cold storage, you can keep them for 30 days without marking, but if you take them out of this cold storage within 30 days or after and ship them in interstate commerce to another State, at the time they are taken out and put into interstate commerce or shipped, then they must be marked and the date they were taken into the cold-storage plant. I under-

stand they need not mark them when they are put into cold storage, but they must be marked when taken out for shipment in interstate commerce, and the tag removed if taken out within 30 days to sell to a consumer.

Mr. SAUNDERS of Virginia. The gentleman is interested, he says, in the time in which this marking shall be impressed upon the package?

Mr. SMITH of Michigan. That is the point.

Mr. SAUNDERS of Virginia. Now, the chairman of the committee on Saturday said that the marking had to be impressed upon the packages at the moment they went into cold storage.

Mr. SMITH of Michigan. I understood so.

Mr. SAUNDERS of Virginia. Here is what the gentleman said in this connection. I asked: "Does this section contemplate that these inscriptions shall be put upon each separate article as soon as it is put into cold storage?" and the gentleman replied, "Exactly."

Mr. HAUGEN. I had reference to cold storage in commerce.

Mr. SAUNDERS of Virginia. That is not the question I asked, because I assumed——

Mr. SMITH of Michigan. I refuse to yield further.

Mr. SAUNDERS of Virginia. I assume they would be marked when they would go into interstate commerce.

Mr. SMITH of Michigan. I take it that these animals can be killed and put into cold storage, and I assume they can be left there 30 days without marking or without date or stamp, but they must be stamped when taken out of cold storage and shipped to some other State. I understand that then they must be marked at the time that they are taken out for interstate commerce. If that is not true, then I am wrong in my assumption. I think the amendment of the gentleman from Illinois would clear that up, and it ought to be adopted, so that we will know that they can stay in these cold-storage plants for curing. Now, suppose they have a cold-storage plant in Georgia. Suppose they have not got one in Florida and they want to ship into Florida. Say they are killed in Georgia, put in the cold-storage plant, and afterwards put in refrigerator cars and sent down to Florida. Now, at the time they are sent, at the time they are shipped, it is perfectly proper to stamp the date on them when put into cold storage and mark them "cold storage." There ought to be a system of marking them only as put into commerce.

The CHAIRMAN. Under the arrangement the Chair recognizes the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman and gentlemen of the committee, I am sorry there are so few members of the committee here. I think really we ought to have on an important question like this a very large attendance, but I propose now an amendment which would make section 5 read like this:

That if any article of food placed in cold storage and within 30 days after being placed therein is mixed or mingled with any other article of food and the result of the mixture is thereafter placed in cold storage, the dates required by section 3 of this act shall be held to be the dates of storage of that article of food which has been in storage the longest time.

Now, my proposition is that the required marking shall not be compulsory unless the material has been in cold storage for 30 days. Under the reading of the pending bill it would be compulsory on every packer in the United States and every creamery in the United States to mark the date of entry into storage of every pound of butter, every pound of meat, and the date of release from storage, even if it was there only 24 hours, and so you put the fresh-meat products of the United States and the fresh-butter products of the United States in the cold-storage category. That is what you do. Now, I want to ask whether you men on the Committee on Agriculture can afford to go before the farmers of America and tell them that the cattle they raise and the hogs they raise and the butter they make—that when the cattle and hogs are shipped for slaughter they must be by law classed as cold-storage products? Why, you will reduce the value of every steer one-half. The mere statement of the case that it has gone into cold storage will reduce the value to the farmer of every hog that he raises, of every steer that he raises, of every pound of butter that he makes. Is that what you want? If it is, all right. If those who are now trying to reduce the cost of living want to do that, all right. Go before the country and say so. If you want to take the living out of the mouth of the farmer, who works before the sun rises and long after it sets every day, who has no eight-hour day, who toils in season and out of season, in the rain and in the storm, who takes his chances with the elements for the success of his crops, who has no means by which he can guarantee the success of his work but must depend upon the acts of God—now comes in the Committee on Agriculture of the House of Representatives, made up almost wholly of farmers, and they say to the farmers of America, "No longer have you any place in the life of this great country." [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Chairman, the gentleman from Illinois, who is concerned so much about the farmers——

Mr. MADDEN. I am a farmer myself.

Mr. HAUGEN. Suggests including under the law everything that the farmer puts in cold storage and excluding everything the packer puts in cold storage. He would exclude oleomargarine and would include butter. Butter would have to be marked with the date it enters into cold storage. Oleomargarine, when mixed with something else, would be excluded. That is the gentleman's interest in the farmer. Gentlemen, it is a strange thing to say that the bill was drafted largely at the suggestion of the cold-storage people and the packers. It appears that everybody wants some cold-storage legislation, but everybody wants his products excluded from the cold-storage marking. That is the situation. We first drafted the bill excluding everything from the marking for 30 days. On came the cold-storage people saying that that would not do; that we should mark everything, but that we should permit the removing of the marks if kept for less than 30 days. So the draft of the bill was changed, and it now comes in the form provided here.

Mr. CONNALLY. Did I understand the gentleman from Iowa to say that it met the approval of the cold-storage people?

Mr. HAUGEN. It does largely, so far as I know. Of course, there are some exceptions. It is impossible to draft a bill that meets with the approval of everybody. I will give the gentleman an illustration. I asked some witnesses, "Do you want to come in under this bill?" They said, first, that they thought not. The next day they wanted to come in. I do not know whether to-day they want to or not.

Mr. CONNALLY. Does the gentleman say that this bill, whose purpose must be to regulate and control an industry, and which is drawn according to the wishes of that industry, will do very much good to the general public?

Mr. HAUGEN. This is not drawn in favor of any special interest. We treat everybody alike. The contention is that now, without Federal legislation, you can keep an article in cold storage in one State 12 months, then remove it to another State and there keep it in cold storage for another 12 months, and so on indefinitely. The proposition here is that everything shall be unloaded every 12 months. That is the purpose of the bill. The marking is evidence as to how long it has been in cold storage. The only way by which you can check up is by marking everything. If you exempt them from marking for 30 days, the goods could be stored for 29 days in a cold-storage warehouse and then moved on to another, an endless chain. If so, you might as well not have any cold-storage law. The only way to keep a check on these articles is to mark them when they go in or when offered in interstate commerce, and if they have not been in cold storage 30 days then remove the mark of cold storage. That seems to meet the approval of all, including the cold-storage people. There are some objections to this bill. No bill was ever drafted that did not have some objections to it. It is not possible to draft a bill that will meet the views of everybody in every detail. You mention the hight cost of living. It is not so much the purpose of this bill to reduce the high cost of living as it is to protect the people, and the consumer in particular, against unwholesome food.

The gentleman has spoken about the expense attached. Of course there is expense. There is some expense attached to the enforcement of every law. It is necessary to pass laws to give protection to the people. You can not enforce any law without incurring some expense. Certain expense is incurred here. The bill carries a $50,000 appropriation. In addition, of course, expense will be incurred by the cold-storage people, but little objection is made to that by them. They have already agreed that we have the right to check up their books to see how they are kept and also examine their plants as to sanitary conditions. Practically every portion of the bill has been agreed to. I know of no serious objection to it in any particular from any source.

The CHAIRMAN. The time of the gentleman has expired. The Chair recognizes the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS of Virginia. Mr. Chairman, there seems still to be some confusion as to the real meaning of this bill. That confusion is apparently shared by some of the members of the committee with respect to the requirements of the bill on the subject of markings. I desire to make a statement as to what I conceive to be the meaning and effect of this bill in this particular. As I understand this measure there is no requirement or obligation on the part of the warehouseman, when goods are stored in his warehouse, to see that they are marked as to the dates of entry, or withdrawal. Hence, when I put goods in a cold-storage warehouse, I can withdraw those goods without marking same, whatever I may have in mind as to their ultimate disposition. I do not have to make to the warehouse-

man, with respect to my goods, any statement as to my intentions, nor are there any provisions in this bill that compel me to mark my goods when withdrawn with the words "cold storages" or any other notation. If this be true, and inevitably it is true under the terms of the bill, then a very great opportunity for fraud is afforded.

Take an illustration: I put 50 crates of eggs in cold storage, and permit them to stay in cold storage for two, three, or four months, as the case may be. Then I withdraw them. When they are withdrawn, they will not be marked "cold storage" or otherwise. Suppose I mingle these eggs with eggs of a later date, and put them in the aggregate into interstate commerce, and ultimately sell them. How will the Government detect the fraud? Of course I concede that upon the state of facts supposed, the goods should be marked before shipment. But if I ship them without marks, how will the offense be brought home to me, save with the utmost difficulty? Once the goods are withdrawn without marks, mingled with other goods, and shipped in interstate commerce, the Government will experience great difficulty in tracing them.

Hence I say that this law offers a dealer an opportunity to commit fraud, with very little likelihood that the Government will overtake him and bring him to justice.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. SAUNDERS of Virginia. Yes.

Mr. TINCHER. The gentleman understands the restriction imposed upon this body to pass a law that would compel the marking of these goods unless they entered interstate commerce?

Mr. SAUNDERS of Virginia. I have so contended. The committee, however, or some at least of its members, have undertaken to claim that this measure requires the goods to be marked before they are withdrawn from the warehouse. This contention in my judgment is not well founded.

Mr. TINCHER. I think that understanding on the gentleman's part was due to a misunderstanding between him and the chairman of the committee.

Mr. SAUNDERS of Virginia. I will ask the gentleman from Kansas if the goods must be marked at the time of lodgment or withdrawal.

Mr. TINCHER. No.

Mr. SAUNDERS of Virginia. I can withdraw them without marking them?

Mr. TINCHER. Not if you put them in interstate commerce.

Mr. SAUNDERS of Virginia. That is a subsequent operation.

Mr. TINCHER. That has been the understanding.

Mr. SAUNDERS of Virginia. That has not been the understanding of the House. It has been contended that if I withdraw my goods for interstate commerce, I must mark them at the time of withdrawal. Such is not the case. The requirement as to marking only arises when I propose to put the goods into interstate commerce.

Mr. SANDERS of Indiana and Mr. BANKHEAD rose.

The CHAIRMAN. Will the gentleman yield?

Mr. SAUNDERS of Virginia. I will yield to the gentleman from Indiana.

Mr. SANDERS of Indiana. I wanted to ask the gentleman if he does not think the language of section 5 departs from that rule and indicates that the committee had in mind that requirement?

Mr. SAUNDERS of Virginia. If you will examine the bill and the arguments that were made on Saturday you will see that the committee had in mind that the goods should be marked on withdrawal.

Mr. SANDERS of Indiana. Does not the gentleman think that is illogical and ought to be corrected?

Mr. SAUNDERS of Virginia. Yes.

Mr. BANKHEAD. Was not the committee confronted with the constitutional barrier that would prevent them from requiring the owner, until he went into interstate commerce, to put on the mark?

Mr. SAUNDERS of Virginia. That may be true; but the committee should make clear the real meaning of the bill, and not use language which carries, by implication, another meaning.

Mr. TINCHER. Mr. Chairman, I understand there are some amendments proposed by the gentleman from Illinois [Mr. MADDEN] and a suggested amendment by the gentleman from Indiana [Mr. SANDERS]. The gentleman from Illinois is very much dissatisfied with the measure and pronounces it vicious and arrogant. I will not attempt to give the different names that he applies to the bill. It is perhaps unfortunate in this House that we find in the Committee on Agriculture only three Members from the State of Illinois, and that the distinguished gentleman who offers these amendments is so busy with other duties that he is unable to act as the fourth Member from that State on this committee. [Laughter.]

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. TINCHER. No; I can not yield. If the gentleman had spent time in reading the hearings on this bill instead of preparing a set speech about raisin pie and Boston baked beans, that never go into cold storage, he would have a clearer understanding of the bill as reported by the committee than he seems to have at present. I do not believe that any such amendment offered by the gentleman from Illinois should be adopted by this House, and I do not think that the farmers of the United States are going to be carried off their feet by his apprehensions in their behalf. There is no doubt but that a great section of the city of Chicago can be greatly exercised over the welfare of the poor farmer on very little provocation, but I say to the gentleman that they had fair hearings, and the packers from his city had fair hearings, and the producers had fair hearings, and the cold-storage men had fair hearings, and they comprised about a thousand pages of the hearings of this committee on the bill.

Now, as to Indiana, we are restricted to one gentleman on the committee from that State. In addition to his legal advice we were confined in our hearings to only the benefit of the counsel of the Department of Agriculture and the Attorney General's office of the United States, so that if our legal expressions are not understood it is due perhaps to the fact that other gentlemen were busy on other committees and could not give us much of their time. [Laughter.] But if you will permit every man in this House to change this bill according to his own whims and ideas you will have some job on your hands. The committee sat for weeks and gave this bill their careful consideration. I believe the bill is constitutional, and in that belief I think I have the opinion of the other members of the committee. I am answering the arguments and attacks that have been made on the bill on the floor of the House.

Mr. SANDERS of Indiana. Mr. Chairman, I was going to ask the gentleman if he was going to follow this very able argument with a motion to abolish the Committee of the Whole?

Mr. TINCHER. No. But I do not think the bill should be amended by the Committee of the Whole on mere declarations to the effect that the bill is ill considered or on finding general fault with the bill. For that reason I do not think the amendment should be adopted. There has been no legitimate objection offered to the bill by the gentleman from Illinois. I can assure him that he can still have his raisin pie and baked beans, which do not go into cold storage.

Mr. MADDEN. I understand they do go into cold storage.

Mr. RUBEY. Mr. Chairman, I had intended to make a speech, but the gentleman from Kansas [Mr. TINCHER], who has just taken his seat, has practically said what I intended to say.

I listened very carefully to the speech made by the gentleman from Illinois [Mr. MADDEN]. I have listened to him a great many times upon this floor, and especially have I followed him in the discussion of one particular measure, the Post Office appropriation bill, because I knew that he had given careful and candid consideration to everything in that measure. I listened attentively to what he said a few moments ago on this bill, and there is absolutely no ground at all for the fault that he has found with this measure. There is not a thing in this bill at all which calls for the criticism that he has made upon the measure, and when he gets through here and goes back to his office and sits down and reads the bill carefully from beginning to end and studies everything in it he will find out that he has simply gotten up here and made a speech based upon something that he did not know anything about.

Mr. MADDEN. Mr. Chairman, will the gentleman yield for a question?

Mr. RUBEY. No. Wait until I get through. Then I will yield. I do not want to be drawn away from my line of argument.

Mr. MADDEN. You are not making an argument.

Mr. RUBEY. I am making about the same sort of argument that the gentleman from Illinois made when he asked a little later in his speech, referring to a proposition, "When did that get in there?" which absolutely shows that he did not know what was in the bill; that he did not know that that provision was in the bill at all.

He talks about the retail business and about fresh-meat products and all that sort of thing, and yet when you examine the sections of the bill you find that in the definition of a warehouseman we exempted specifically the refrigerators, ice boxes, and things of that sort that are in the retail man's place of business. It does not apply to the retailer at all. The gentleman talks about fresh meats going into cold storage. I wonder if the gentleman from Illinois has read the law of the State of Illinois on the subject of cold storage? That law specifically requires that fresh meat may go into cold storage, and it sets

forth how long it shall stay there. That is a State law, and every person in the State of Illinois is governed by that law.

Mr. MADDEN. Will the gentleman yield?

Mr. RUBEY. No; not now.

Mr. MADDEN. The gentleman says I do not know anything about it. How does the gentleman know I do not know anything about it.

Mr. RUBEY. I judged so by the gentleman's speech.

Mr. MADDEN. The gentleman has no business to draw such an inference.

Mr. RUBEY. That is the only way I can judge of the knowledge that the gentleman has upon a particular measure—by the things he says about it; and when he says there are things in the measure which are not in it, then I think he does not know about it.

Mr. MADDEN. Will the gentleman yield?

Mr. RUBEY. Now I yield to my friend from Illinois.

Mr. MADDEN. I want to let the gentleman know that all meats immediately upon slaughtering go into cold storage at a temperature of 38°, and the retailer, when he puts his meat on sale, takes it out of a cold-storage room. What are you going to say about that?

Mr. RUBEY. I want to say to the gentleman that there is not a thing in this bill which applies to anything except those things which go into interstate commerce—not one thing. This whole bill is based upon interstate commerce, and until an article goes into interstate commerce the provisions of this bill do not apply at all. That is the reason that the statement made by the gentleman is not applicable here.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The question being taken, on a division there were—ayes 3, noes 30.

Accordingly the amendment was rejected.

Mr. SANDERS of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SANDERS of Indiana: Page 4, line 11, strike out the words "required by" and insert in lieu thereof the words "mentioned in."

Also strike out lines 14 and 15 and the word "of," in line 16, and insert in lieu thereof the following: "And the warehouses mentioned in section 3 shall include."

Mr. SANDERS of Indiana. Has debate been closed on this, Mr. Chairman?

The CHAIRMAN. Yes. The question is on agreeing to the amendment proposed by the gentleman from Indiana [Mr. SANDERS].

The question being taken, on a division (demanded by Mr. MADDEN) there were—ayes 10, noes 18.

Accordingly the amendment was rejected.

Mr. MADDEN. Mr. Chairman, I should like to offer another amendment. I move to strike out, on page 4, in line 15, all after the word "marked," down to and including the word "stored" in line 17.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 4, line 15, strike out, after the word "marked," the remainder of the paragraph.

Mr. MADDEN. Mr. Chairman, it strikes me——

The CHAIRMAN. Debate is exhausted. The question is on agreeing to the amendment.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. MADDEN. I ask for a division, Mr. Chairman.

Mr. McLAUGHLIN of Michigan. I make the point of order that where there are no votes whatever in the affirmative the gentleman is not entitled to have a division, when he did not even vote for his own amendment.

The CHAIRMAN. The gentleman is entitled to a division if he demands it.

The committee divided; and there were—ayes 1, noes 18.

Accordingly the amendment was rejected.

Mr. MADDEN. I ask unanimous consent to have it noted that there are only 19 Members present.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 7. That if the Secretary of Agriculture finds it to be commercially impracticable to mark any article of food or any container thereof as required by sections 3, 4, 5, or 6, the person who is otherwise liable for the failure to comply therewith shall be held to comply with such sections if he furnishes any person receiving from him such article of food with a written statement or a document conveying or pledging title thereto containing a statement of the facts otherwise required to be marked by such sections, to be made in such form and preserved for such time as the Secretary of Agriculture may by regulation prescribe, nor shall any person make any false or fraudulent statement or document authorized or required under this section.

Mr. PELL. Mr. Chairman, I move to strike out the last word, in order to ask the chairman of the committee what sort of food this particular section would cover.

Mr. HAUGEN. All food that enters into cold storage which is commercially impracticable to mark, and that question is left to the Secretary of Agriculture to determine. This section applies to whatever the Secretary finds is impracticable to mark.

Mr. PELL. And then he makes all the rules as to how it shall be done?

Mr. HAUGEN. Yes.

Mr. PELL. And has complete control over that question—to decide it in every case?

Mr. HAUGEN. Yes.

Mr. PELL. That practically leaves the administration and interpretation of the bill, and the power to amend or wreck the bill, in the hands of the Secretary of Agriculture if he wants to.

Mr. HAUGEN. To a certain extent it is discretionary with the Secretary. The gentleman will understand that there are certain articles of food which it would be impracticable to mark; for instance, cabbages shipped in bulk. It would be impracticable to mark each cabbage head, so it is left to the Secretary to prescribe how they shall be marked.

Mr. CANNON. Or goose eggs.

Mr. HAUGEN. Yes; goose eggs or hen eggs, individually.

Mr. WALSH. Mr. Chairman, I move to strike out the last two words, in order to ask the chairman of the committee a question. Do I understand that this applies only to articles in the original package which it would be commercially impracticable to have labeled, and that when they are sold the Secretary of Agriculture shall furnish a statement which contains the information that would be on the label?

Mr. HAUGEN. Yes.

Mr. WALSH. Assuming that a shipment of fish was brought into a cold-storage house, sold to a wholesaler, and because it is impracticable to put a label on the fish the cold-storage man gives the written statement. Suppose the wholesaler sells the fish to a retailer, does the wholesaler have to furnish a written statement to the retailer and then the retailer in selling them to the consumer have to furnish a written statement to the consumer?

Mr. HAUGEN. By that time they would likely be out of interstate commerce and out of our control. We have control only so long as they remain in interstate commerce or in the original, unbroken package.

Mr. WALSH. What is the original unbroken package in a catch of fish?

Mr. HAUGEN. I suppose they would be frozen.

Mr. WALSH. Frozen in cold storage. My purpose in asking the question is to find out how the consumer would ascertain that the fish was a cold-storage product.

Mr. HAUGEN. I do not think the consumer will get much information under this provision, because the goods are going to get out of interstate commerce. Our powers are limited. To be candid, the bill does not amount to much unless the States take it up and follow it. We did everything within our power to do.

Mr. WALSH. If the fish are brought into cold storage, transferred to the wholesaler, and from the wholesaler to the retailer, the retailer to the consumer, would the written statement have to accompany the shipment?

Mr. HAUGEN. If they are in interstate commerce or if the original package has not been broken. After they leave interstate commerce Federal control over them is gone.

Mr. WALSH. When it leaves interstate commerce it is out of the provisions of this bill?

Mr. HAUGEN. That is my understanding.

Mr. McLAUGHLIN of Michigan. If the gentleman will permit, this section provides how goods of different kinds shall be marked. If the committee had known, or could have anticipated all the conditions that might arise, and had the wisdom to know how to meet them, it would have written them into the bill. It is on account of the difficulties of marking, how they should be marked, when they should be marked, that the committee found it necessary to leave it to the discretion of the Secretary of Agriculture to make regulations.

Mr. WALSH. I appreciate the difficulty of writing those provisions in the bill to cover every case. But I wondered how far the provisions in this bill followed the articles after the statement had been furnished by the person that was required to

furnish it when they were put into cold storage, whether if the goods still continued in interstate commerce the written statement still was required to accompany the shipment of goods.

Mr. McLAUGHLIN of Michigan. As a general proposition the statement would have to follow the goods while in interstate commerce. The authority of the Federal Government ceases while they are in interstate commerce, and if there is any such thing as an original package the authority of the Federal Government continues.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. Mr. Chairman, I ask for 5 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAUGEN. If the gentleman will yield, my understanding is that when the goods leave interstate commerce and when they leave the original package the authority of the Federal Government ceases. We follow them as long as they remain in the original unbroken package. There are a number of decisions along this line.

Mr. WALSH. I am endeavoring to get some information. The application of the law to the fishing industry will be of some importance. Assuming the goods are put in cold storage when first brought in, then into interstate commerce, again into cold storage in some other State than that in which they were originally entered into cold storage, do they again have to mark the goods?

Mr. HAUGEN. I will admit that there may be a way found to evade the law.

Mr. WALSH. Assuming a shipment of eggs from Iowa, which is a great State for producing eggs——

Mr. HAUGEN. The best eggs in the world.

Mr. WALSH. They go from Iowa to Texas. In Texas the lot is subdivided and goes to Arizona and put into cold storage there. The second time they go into cold storage would they have to be rebranded and re-marked?

Mr. HAUGEN. If A sells to B in another State, then B sells to C in the same State, C may remove them from the original package; in that way they can evade the law.

Mr. WALSH. Even though he puts them into another package and puts them into another cold-storage house?

Mr. HAUGEN. Yes; the law is then of no avail when the goods are out of interstate commerce unless the States follow it. The committee went just as far as it could go.

Mr. SAUNDERS of Virginia. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment of Mr. SAUNDERS of Virginia, to come in at the end of the section:

"But packages withdrawn from a cold-storage warehouse are not required to be marked cold storage or otherwise until they are offered to be shipped or delivered, to be shipped in interstate commerce, or sold, or offered for sale in commerce."

Mr. SAUNDERS of Virginia. Mr. Chairman, I shall not take up the time of the committee to elaborate the meaning of this amendment.

It presents in concrete form what I understand is conceded now to be the real meaning and intent of the bill and makes it conform to the requirements of the Constitution which affords us our sole authority to enact this law.

Mr. HAUGEN. Does the gentleman have reference to anything stored in interstate commerce? I did not catch the amendment.

Mr. SAUNDERS of Virginia. The amendment is to this effect, namely, a declaration that when a man withdraws his goods from cold storage there is no requirement that they shall be marked. Later, if he desires to ship them in interstate commerce, or deliver them to be shipped in interstate commerce, or sell them in interstate commerce, the markings must be affixed.

Mr. HAUGEN. And if they are in interstate commerce, then what?

Mr. SAUNDERS of Virginia. If they are in interstate commerce, of course the law would apply.

Mr. HAUGEN. Should not the gentleman state "intrastate commerce"? The gentleman would not want to exclude them in interstate commerce.

Mr. SAUNDERS of Virginia. It does not. The amendment says that the moment the goods are offered or delivered for interstate commerce they must be marked as this bill requires. In other words, so far as the warehouse is concerned, I may withdraw my goods without any marks, or statement of my intentions.

Mr. HAUGEN. As long as they are not in interstate commerce.

Mr. SAUNDERS of Virginia. Of course.

Mr. KNUTSON. How are these packages to be marked when they are taken out of cold storage?

Mr. SAUNDERS of Virginia. The law provides that if they go into interstate commerce, after they are removed, they must before shipment be marked in an indicated way, as "cold storage," with the date on which they were taken into the warehouse.

Mr. YOUNG of Texas. I did not catch the full meaning of the gentleman's amendment, and here is the point I have in mind. Take a given case, say, in the District of Columbia. I deposit a lot of goods. This law is in operation. I may or may not hereafter want to put those goods in interstate commerce.

Mr. SAUNDERS of Virginia. Yes.

Mr. YOUNG of Texas. Do I go down just before—these goods have not been marked, as I understand, under the gentleman's amendment——

Mr. SAUNDERS of Virginia. Under the law they are not required to be marked.

Mr. YOUNG of Texas. We have another provision in the law which reaches the point I am now making. The idea is that when they are going into interstate commerce, then the marking must be mandatory, and dates back to the date that these goods went into cold storage.

Mr. SAUNDERS of Virginia. Yes.

Mr. YOUNG of Texas. That ought to be cared for.

Mr. SAUNDERS of Virginia. I agree that these requirements may be, and are, imposed by this bill. On that point I raise no question.

Mr. YOUNG of Texas. That is the only point.

Mr. HAUGEN. If the gentleman makes his amendment so as to make it clear it does not apply to anything in interstate commerce, there is no serious objection, because that makes it what it is intended; but I am quite sure the law is clear as it is written. There is no requirement now to mark anything that is not in interstate commerce; but as to anything that is offered for interstate commerce or offered for sale in interstate commerce, or stored in interstate commerce, it has to be marked as required.

Mr. SAUNDERS of Virginia. That is precisely my amendment. I will ask to have it read again.

Mr. HAUGEN. I am sure the gentleman's amendment is not clear. If the gentleman will amend his amendment so as to make it entirely clear I have no objection.

Mr. SAUNDERS of Virginia. I agree with the chairman of the committee in his statement as to the meaning of the bill, but I do not agree that my amendment is not clear.

Mr. PURNELL. Do I understand the gentleman's amendment to provide that goods taken out of storage in any state shall be then marked?

Mr. SAUNDERS of Virginia. No; they are not required to be marked at the time of removal, but they must be marked when they go into interstate commerce.

Mr. PURNELL. I do not understand this bill provides they shall be marked unless they go in interstate commerce.

Mr. SAUNDERS of Virginia. We debated that contention last Saturday and a part of to-day.

Mr. PURNELL. Of course, we would have no power to mark unless they went into interstate commerce.

Mr. SAUNDERS of Virginia. Then the gentleman can have no objection to this amendment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SAUNDERS of Virginia. I will ask for one more minute.

Mr. REED of West Virginia. Can we have the amendment again reported?

Mr. SAUNDERS of Virginia. I was going to say to the chairman of the committee in view of the statement he has just made to let me withdraw this amendment, and later I will go over it with him and his associates.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent to pass the section for the present.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to pass the section for the present. Is there objection? [After a pause.] The Chair hears none.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, while we are speaking on this particular matter——

The CHAIRMAN. Does the gentleman offer a motion?

Mr. McLAUGHLIN of Michigan. I move to strike out the last word.

The CHAIRMAN. We have passed the section.

Mr. McLAUGHLIN of Michigan. All right, read the next section.

The Clerk read as follows:

SEC. 8. That, except as otherwise permitted by this act, no person shall alter, mutilate, destroy, obscure, obliterate, or remove any mark placed in compliance with this act upon any article of food or the container thereof, while such article is in commerce or having been transported in commerce remains unsold or in the original, unbroken package.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I move to strike out the last word. In relation to the matter the gentleman from Virginia was speaking about it seems to be clear to all that the Federal Government has no authority over these things while they are in storage. There can be no provision of Federal law enforced that would require those things to be marked while they are in storage; authority of the Government begins when those goods are taken out and offered for sale or shipment in interstate commerce. When they get into commerce in some way the authority of the Government begins, and a law may be framed that will forbid the shipment of those goods, forbid them going into commerce in any way or even making a start unless the law and its regulations have been complied with.

Now, the gentleman from Virginia [Mr. SAUNDERS] was citing a case of goods in a cold-storage warehouse, and that the owner was not required to mark them while they were there. He is right. He might take them out of the warehouse without being required to mark them. That is right. Then where does the Government catch them? Where does the law passed by Congress catch him or the goods?

Mr. HARDY of Texas. Will the gentleman yield for a suggestion or question right there?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. HARDY of Texas. It seemed to me in hearing the amendment of the gentleman from Virginia—I do not know what the legal effect might be—that by some possibility, if that was a positive clause in this law, it would repeal any State law which might require marking, or something of that sort. In other words, the law as the committee has framed it can apply to interstate shipment. If you put this positive provision that the goods shall not be marked, and so forth, or, when taken out of the warehouse, shall not be marked until started in interstate commerce, you might be enacting something contrary to certain State statutes.

Mr. McLAUGHLIN of Michigan. Yes. I will say to the gentleman that I was not speaking particularly of the amendment of the gentleman from Virginia. I was speaking to the general proposition he advanced and to the questions he asked.

Mr. HARDY of Texas. Will the gentleman yield right there? What is the gentleman's opinion as to whether such a provision in this law might have any effect upon the State law?

Mr. McLAUGHLIN of Michigan. It might be in contravention of a State law in regard to cold storage and the marking of goods. The Congress ought not to enact such a law.

Now, if the Federal Government has no authority over the goods and can not require their marking while they are in the storehouses or when they are taken out, it can exercise no authority until they enter commerce or are offered for commerce. How do we attempt to take care of that? How do we describe when the Government takes hold? In section 3 it says:

> That it shall be unlawful for any person to ship, or deliver for shipment in commerce, or hold in cold storage while in commerce, or sell or offer for sale in commerce, or having received from shipment in commerce, sell or offer for sale in the original, unbroken package, any article of food that is or has been in cold storage, unless such article of food or container thereof is plainly and conspicuously marked in accordance with this act—

And so forth. If you can think of any other words by which Congress can take hold of those goods earlier than it can under those words, please suggest them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. Mr. Chairman, I ask that the gentleman from Michigan have three minutes more.

Mr. MADDEN. Make it five.

Mr. WALSH. Five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the gentleman from Michigan [Mr. McLAUGHLIN] may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. McLAUGHLIN of Michigan. There is no question but the Federal Government can not touch them or regulate them in any way while they are in the storehouse, nor can the Federal Government prevent their removal from the house. But the moment the goods take on an interstate character, then the authority of the Government attaches. Now, what is that moment? Is there some intermission when they are really in commerce not described by the words used in section 3? If there is that moment, and it can be set forth in words, suggest them, and it may be proper—I can not speak for the chairman of the committee—to put them in this section. But the intention of this section is to catch those goods the very moment they get out of the warehouse—at the very first moment when they are in any respect under the control of the Federal Government under the interstate-commerce clause—and the words in section 3 are intended to meet the situation.

Mr. BOX. If the goods have been withdrawn and sold in intrastate commerce and then pass immediately by a second sale into interstate commerce, is there anything that will reach them in such a case as that?

Mr. McLAUGHLIN of Michigan. I do not know. I suppose there are ways of passing them through intrastate commerce and avoiding the provisions in this law. I do not say there will not be, but there may be some way of the Government requiring that they shall be marked. Although there is a provision in this bill which describes commerce as "between points in the same State, but through any other State or any Territory or the District of Columbia or any foreign nation," perhaps that definition of "commerce" is broad enough to cover the situation or the movement the gentleman speaks of.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. CAMPBELL of Kansas having taken the chair as Speaker pro tempore, sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Sharkey, one of his secretaries, who also informed the House of Representatives that the President had approved and signed joint resolutions and bills of the following titles:

H. J. Res. 175. Joint resolution to provide for the payment of travel pay upon discharge to men of the Regular Army enlisted prior to April 2, 1917;

H. J. Res. 211. Joint resolution tendering the thanks of the American people and the Congress of the United States to Gen. John J. Pershing and to the officers and men of the American Expeditionary Forces;

H. R. 6410. An act authorizing the city of Boulder, Colo., to purchase certain public lands; and

H. R. 7709. An act to authorize the incorporated town of Petersburg, Alaska, to issue bonds in any sum, not exceeding $75,000, for the purpose of constructing and installing a municipal electric light and power plant, and for the construction of a public-school building.

COLD-STORAGE BILL.

The committee resumed its session.

The CHAIRMAN. The gentleman from Texas [Mr. CONNALLY] is recognized.

Mr. CONNALLY. Mr. Chairman and gentlemen of the committee, I was very much amused this morning when the chairman of the committee, in reply to an interrogatory propounded by me, stated that this legislation met the wishes and views of the cold-storage people. That suggestion is no doubt in line with the suggestion made by the gentleman from Ohio [Mr. EMERSON] the other day, in discussing the tariff, when he said on the floor that when the Republican Party desired to amend the tariff on dyestuffs they called in the dyestuff manufacturers and drew a bill after conferring with them. And so all along down the line, as to tariff legislation on other articles.

Now, it seems to me that this bill, if it is drawn for the purpose of meeting the wishes of the refrigerator people, has been very skillfully drawn, indeed. In the report of the committee a resolution passed by the cold-storage people appears. I want to call the attention of the committee to one of the reasons why the cold-storage people desire this law enacted. Among other things, the resolution says:

> In order to relieve the industry from the unnecessary annoyances and losses incidental to divergent State laws.

Now, as a matter of fact, Mr. Chairman and gentlemen of the committee, this law, so far as it affects the consumer, the man who goes up to the counter in the meat market or grocery store and buys an article of food for the consumption of his family, does him no benefit whatever, simply because whenever the article leaves the original package in the hands of the wholesaler or in the hands of the retailer, this bill is no longer effective. And if a retailer buys an article in interstate commerce from a wholesaler, and places the original package in his store, there is nothing on earth to prevent that retailer from taking the articles out of the original package and selling them to the consumer, and the consumer has no knowledge whatever as to whether an article was ever in cold storage or, if it was in cold storage, he has no knowledge as to how long it remained in cold storage.

Mr. VOIGT. Will the gentleman yield there?

Mr. CONNALLY. I yield to the gentleman.

Mr. VOIGT. The committee was well aware of that fact, and I want to say that there is no way to remedy it.

Mr. CONNALLY. To be sure.

Mr. VOIGT. Congress loses jurisdiction over goods shipped in interstate commerce the moment they are mingled with the goods of a particular State.

Mr. CONNALLY. I understand that.

Mr. VOIGT. So there is no way Congress can remedy the difficulty the gentleman complains about?

Mr. CONNALLY. And that is one of the complaints I have as to the action of the committee. You are undertaking to do something that you know you can not do, and you are trying to make the people of the country believe you are going to lower the cost of living by this legislation, when anybody that studies the legislation knows that it is not possible to do so under this bill.

Members of the committee stated on the floor of this House that if anybody expected this bill to in any wise reduce the cost of living, they might as well become disillusionized, and they frankly stated to the members of this committee that, on the other hand, the bill will result in the enhancement of the price of articles. That is true.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. TINCHER. Does not the gentleman know that the President of the United States is the only person who ever intimated or maintained that this bill would reduce the high cost of living?

Mr. CONNALLY. Oh, the gentleman from Kansas is always taking some occasion to take a fling at the President of the United States. If he does not think that anything that the President of the United States says is wise or sound, why does not the gentleman come in and recommend something that would be effective?

Mr. TINCHER. This is a good measure, designed to stabilize and regulate the business.

Mr. CONNALLY. "Stabilize." That word "stabilize," gentlemen of the House, does not mean anything on earth except that the people engaged in an industry always want to stabilize that industry for their own benefit. The bill which the gentleman from Kansas sponsors on the floor of this House will not hurt the packers. The gentleman is always talking about the packers and the farmers. The chief product of the packers is beef. The market man receives a shipment of beef. He knows when it was put in cold storage, because it was marked when it entered cold storage and entered commerce.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. CONNALLY. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. CONNALLY. Now, that beef is not sold in the original package. The consumer does not buy a hind quarter of beef. What does he buy? He buys a little thin slice on one side. The dealer is under no obligation to tell him when the article went into cold storage. The consumer has to take the meat just as it comes to him, without any information as to its storage. So that will not hurt the packer. But every little farmer who lives out in the district represented by the gentleman from Kansas, when he wants to ship some product of the farm to Missouri or Iowa, when that food product is put into a refrigerator car that little farmer will have to be careful that the article of food is stamped and marked as to when it went into cold storage, and that farmer will have to keep account, under the supervision and jurisdiction of the Department of Agriculture, as to when and how that product was handled and how often it was moved, and as to how many warehouses it entered, and in how many warehouses it remained. Every time you add to the overhead expense of the people engaged in the interstate shipment of products you are adding to the price that the consumer pays. Do you not know that all the additional bookkeeping the bill requires will add to the cost which the man who buys must pay?

But this bill has another objectionable feature. It invests the Secretary of Agriculture with the right to appoint an army of understrappers, clerks, and inspectors to go out over the country and draw salaries out of the Federal Treasury. The gentleman from Michigan [Mr. McLAUGHLIN] a day or two ago, in discussing this bill, said he for one was anxious that the Government should take its hands off business and get rid of the Government supervision over all business. And yet, instead of removing these restrictions which have nettled the country, the gentleman from Michigan comes in and champions this bill. About the only good you are going to accomplish by this measure is to interfere with the State laws on cold storage and refrigeration, and you are going to add to the army of tax eaters here in the Department of Agriculture to go around the country at Government expense. The cold-storage people frankly state that they desire to be rid of State laws.

As to the man who actually eats the food, you are not doing anything for his benefit, because he will never know that these articles entered cold storage.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. CONNALLY. Yes.

Mr. MADDEN. Is it not a fact that if we have to go to the expense of putting on the date when the article goes into cold storage and when it comes out of cold storage, and seeing after the brand, it will add to the overhead charges and that extra expense is passed on to the consumer?

Mr. CONNALLY. To be sure. The committee is guilty of practicing an absolute fraud and deception on the people. What do they say in this bill? They say they are going to require every cold-storage warehouse to stamp on the container the date when the goods went in, and that they shall not be allowed to remain in cold storage for more than one year. What do they say in the next place? They say—

Provided, however, That if it remains there only 30 days they may be permitted to remove the mark.

Why do you provide that the parties may be permitted to remove the mark if they are to be required to put on the mark? Why not let the stamp remain? It will not cost anything to let it remain. It will not do any harm to let it remain, so that the purchaser may know that the article was in cold storage for 30 days. But if you permit them to remove the mark you offer an opportunity for fraud, because the party could remove the stamp and mix that article with other articles, and thereby perpetrate a fraud on the people of the country.

If this bill has one feature at all that will aid the consumer, it is the one that will give him notice that an article of food has been in cold storage. It does not make any difference to me, if an article has been in cold storage, whether it has been in cold storage 30 days or 130 days. I would like to know it. I have a right to know it. I have a right to know if it has been in cold storage or not. And yet the committee admits that the consumer when he buys from the retailer will not be able to get such information.

The CHAIRMAN. The time of the gentleman from Texas has expired. The Clerk will report the amendment offered by the gentleman from Massachusetts.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 5, line 20, after the word "package," insert "nor shall any person alter, mutilate, destroy, obscure, or obliterate any statement or document required to be furnished by the Secretary of Agriculture under the provisions of section 7."

Mr. WALSH. Mr. Chairman, this section which has just been read prohibits any persons from mutilating or destroying the brand or label, but there seems to be no inhibition against destroying or altering the statement or document which the person may be required to give by the Secretary of Agriculture when it is found to be commercially impracticable to mark any article of food. And it would seem that if we were going to prohibit the destroying of the label or brand we might also prohibit the destruction of the statement or document which the Secretary is required to give.

Mr. SANDERS of Indiana. I think the gentleman's amendment is quite proper, but does he not think it ought to be changed so as to designate the time during which it shall be an offense to destroy this? For instance, in section 7 it says that these papers shall be preserved—

For such time as the Secretary of Agriculture may by regulation prescribe.

Does not the gentleman think his amendment should be altered so as to make the offense cover that term?

Mr. WALSH. It is only the destruction of the statement that is required to be given by the Secretary of Agriculture.

Mr. SANDERS of Indiana. That describes the statement.

Mr. WALSH. Yes.

Mr. SANDERS of Indiana. Does not the gentleman think it should cover the time during which the same is required to be preserved?

Mr. WALSH. I would have no objection to the amendment being modified in that way. If the gentleman will suggest the language, I will be very glad to accept the modification.

Mr. SANDERS of Indiana. I would suggest the following language:

During the time the same is required to be preserved under the provisions of section 7.

Mr. McLAUGHLIN of Michigan. Why not put it in as a part of section 7?

The CHAIRMAN. The gentleman will please reduce his amendment to writing.

Mr. WALSH. Mr. Chairman, I am willing to accept the modification. I desire to say, with reference to the distinguished

gentleman from Texas [Mr. CONNALLY], that it is certainly refreshing; and the sentiment comes like an invigorating breeze from the clear, blue sky to hear one on that side of the aisle offer objections to a measure because it furnishes opportunity for employment and positions upon the Federal pay roll, particularly when the administration has during the past six or eight years been so active and generous, particularly toward members of his own party, in that regard; and I agree with what the gentleman says in that respect and with much that he said respecting this bill, and I wish to congratulate him upon expressing those sentiments to this large and enthusiastic assemblage following the course of this legislation.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts as modified by the gentleman from Indiana.

The Clerk read as follows:

Amendment offered by Mr. SANDERS of Indiana to the amendment offered by Mr. WALSH: At the end of the amendment add "during the time the same is required to be preserved under the provisions of section 7."

Mr. YOUNG of Texas. Mr. Chairman, I do not mean to speak against this amendment specifically, but this question has been constantly raised on the floor of the House, both by my colleague [Mr. CONNALLY] and others, that the ultimate consumer is not protected in so far as the features of this bill require the marking of an article as being a cold-storage article. The committee discussed that proposition at length, and proceeding under the commerce clause of the Constitution, the only power under which we could proceed to draft this legislation, we were confronted with the proposition that we could not carry the law to the individual consumer. I think any lawyer will understand that we can not do that in this bill. But what have we done? We have here a measure that will be a uniform cold-storage bill in every State of this Union, and if the legislatures of the respective States desire that the consumer shall know whether or not he is eating a cold-storage product or buying a cold-storage product—which I undertake to say they will—it is within the power of the legislatures of the respective States to pass simple statutory enactments, and carry this marking directly to the distributers in the local communities, and that is the only way you are going to do it. We went as far as we could go as a national legislative body, and now it is up to the respective States to see that this law is made effective to the consumer and the distributer in these localities.

Mr. BLACK. If I undersand the underlying object of this bill, it really is to prescribe that food shall not be kept in storage more than 12 months. That is the real object of the bill.

Mr. YOUNG of Texas. That is the real object of the bill. Just one statement there: The cold-storage people can dodge the laws of the various States of the Union. Indiana, for instance, has a nine months' limit. The man who wants to hoard the stuff can keep it until the last day of the nine months' period and then ship it across into Illinois and carry it another 9 or 12 months. There is no way of making the provision effective, and that is the evil that we undertake to right by this law that we are passing. We have gone as far as we can go under the power of Congress.

Mr. KNUTSON. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Minnesota moves to strike out the paragraph.

Mr. KNUTSON. Mr. Chairman, as I understand this bill, it is simply to make uniform in the entire United States legislation that has been in successful operation in several States of the Union for a number of years.

I believe every Member of this House has the utmost confidence in the Agricultural Committee, with the possible exception of the gentleman from Texas [Mr. CONNALLY], who seeks to make politics out of a very important measure—in fact, one of the most important to come before this Congress. If he can do it and get away with it, why, well and good. I am going to appeal to the House to pass this bill in substantially the form that it has been reported out by the committee. The Agricultural Committee has given long and careful consideration to this legislation, and all who have looked into the cold-storage question at all must realize that there is an imperative necessity for uniform legislation over the entire country. If the States wish to supplement this legislation with local legislation, well and good. Such action would make it more effective, for Congress has no jurisdiction over intrastate commerce.

Mr. Chairman, the high cost of living is a partial outgrowth of the war and is not confined to our country alone, but is general throughout the wide world. Decreased production, brought on by the taking of 37,000,000 men from the ranks of producers for military purposes, thereby transforming them into consumers, has had much to do with it. Then, too, the situation has been aggravated by the actions of unscrupulous profiteers, who, taking advantage of the dire needs of the human family, by fair means and foul, have so manipulated the market as to create an artificial shortage far in excess of that created by the exigencies of the war. With a heartlessness unparalleled in the history of the world these Shylocks have used our being at war as an excuse for extracting from the pockets of the toilers unheard-of profits. Right here in the city of Washington, the Nation's Capital, profiteers have been allowed full sway. In many instances rents have advanced two or three hundred per cent. Merchants have followed suit, and we have been witnessing an unbroken chain of profiteering such as has never before been witnessed in this or in any other country.

The consumer naturally wishes to know why this condition has been allowed to go on unchecked. The best lawyers in Congress are agreed that the Department of Justice has ample power under the Sherman and Clayton Antitrust Acts and the Lever Food-Control Act to successfully combat this evil. The first and last named of these measures "have teeth," and why the Government has failed to invoke these laws to protect the consumer is one of the many mysteries connected with the administration that have not yet been solved. In this connection I wish to read a newspaper extract from a confidential report recently received by the Senate from the Federal Trade Commission, which is as follows:

PACKERS' WAR PROFITS HIGH—REPORT TERMS THEM AS "UNREASONABLY HIGH"—ADVOCATES CHANGE.

WASHINGTON, *September* 24.

Disclosures concerning the packers' war-time profits and the attempt to have President Wilson change Food Administration regulations under which the packers operated were made to-day in a report submitted to the Senate by the Federal Trade Commission.

The report, which was in response to a resolution by Senator NORRIS of Nebraska, made public confidential correspondence which showed that the commission told the President the packers' profits were "unreasonably high," and that Food Administration regulations should be changed to "safeguard public interests."

The commission informed President Wilson in a report dated June 28, 1918, that packers' war profits were at a rate two and a quarter to three times their earnings in prewar years. The commission recommended that the whole food administration scheme of packer regulation be put on a different basis, and that classifications of the business into meat production and by-products on which a higher per cent was permissible be wiped out, and that the entire packer output be placed on a basis that would allow weight per cent profit. Excess, it urged, should be turned over to the Federal Treasury.

The report is said to have been withheld from publication during the war at the request of President Wilson, who feared it might injure the food-saving campaign of the Food Administration. Herbert Hoover also recommended that it be not published.

Let me read the last paragraph again for fear some of you may not have grasped its full significance:

The report is said to have been withheld from publication during the war at the request of President Wilson, who feared it might injure the food-saving campaign of the Food Administration. Herbert Hoover also recommended that it be not published.

Gentlemen, please do not think me partisan when I ask why President Wilson did not remove Mr. Hoover, or at least order that new regulations be promulgated. Why did President Wilson shield the Food Administration at the expense of the public? It is a notorious fact that the packers made profits in excess of 200 and 300 per cent during the war as compared with peace times. It is also a notorious fact that the large flour millers and grain dealers profited during the war as they had never profited before, and all this was allowed by a man who had been elected President in 1912 on the pledge that he would reduce the cost of living. Verily, verily, the packers and millers have powerful friends in high public offices. Strange as it may seem, not until the war was over—in fact, not until his return from the peace conference in Paris—did the President give any indication of realizing the existence of a condition that had given nearly every other American grave concern—the high cost of all necessaries of life. Why was not profiteering checked in its inception; and yet another why: Why have we not had governmental prosecutions of these profiteers? The people are crying aloud for relief, and it behooves the administration to give heed to the cry. Mere acts of Congress will not solve the problem for the people. The Department of Justice must carry the several statutes against profiteering, hoarding, and combinations in restraint of trade into effect through recourse to the courts when necessary. The sentences imposed for violation must carry imprisonment, for the violators only laugh at fines.

When I arose to speak I had intended to confine my remarks to the bill under consideration, but in view of the fact that there are several serious matters on my mind I will crave the indulgence of the House while I touch upon other subjects. The War Department has on hand at the present time thousands upon thousands of automobiles, many of them yet in

crates, unpacked. These automobiles are being withheld from sale through an agreement entered into between the War Department and the automobile manufacturers to maintain prices. I recently visited Camp Holabird, Md., which is the headquarters of the motor transport branch of the Army. What I saw astonished me. Thousands of trucks and automobiles, the value of which ran into millions, are allowed to stand out in the weather, and absolutely without protection from the elements. Think of it, millions of dollars' worth of material, for which there is big public demand, being allowed to go to rack and ruin. Why does not the War Department direct the immediate sale of all of those motor-propelled vehicles and the proceeds therefrom covered back into the Federal Treasury, thereby relieving the drain on the taxpayers by that much?

I understand that millions of Army blankets and uniforms are being held in warehouses, where they have become food for moths. A short time ago a special committee of Congress investigating the War Department found that $150,000,000 worth of surplus foodstuffs was being held by the War Department, and the investigation showed that the officials in charge, by and with the consent of Secretary of War Baker, had entered into an agreement with the big packers and canners to keep this food off the market, so as to prevent a reduction in retail prices, and it was not until Congress passed a resolution directing the Secretary of War to sell this surplus food that a move was made to dispose of this vast amount of food, for which there was crying need throughout the country. The investigating committee also found that during the past summer several carloads of hams and bacon, valued at thousands of dollars, had been allowed to stand on a sidetrack near the city of Washington in the broiling July sun, until the entire consignment had become spoiled.

Gentlemen of Congress, we must convert words into action, that this appalling waste may be brought to a stop. I for one am patiently waiting for a definite recommendation from the several investigating committees which we have appointed, and I sincerely hope that they will be able to offer a solution for the problem. We must act, for the administration has shown an unwillingness to act.

Mr. HAUGEN. Mr. Chairman, in reply to the statement of the gentleman from Texas [Mr. CONNALLY] that this bill is drawn in accordance with the desires of the packers, I will state that I know of no particular objection——

Mr. CONNALLY. Just a moment, Mr. Chairman.

Mr. HAUGEN. The doors of the Committee on Agriculture were open during the hearings on the bill to every worthy and legitimate enterprise. The doors of the committee room have been open to the packers, to the farmers, and to the cold-storage people. They have all been invited, they have had their day in court, and they have been heard. We are as glad to hear one as we are to hear another, and I think the committee is to be congratulated on the fact that it has here a bill which meets with the approval, in so far as I know, of practically every interest. There are objections, of course, to some features of the bill. It is very difficult to draw a bill that will contain no objectionable features.

Mr. CONNALLY. If the gentleman will yield, I want to say that the gentleman misunderstood me. I did not say "the packers"; I said the cold-storage men and the refrigerator people.

Mr. HAUGEN. The cold-storage people are satisfied with it.

Mr. CONNALLY. The gentleman need not be sensitive about it; the gentleman's report incorporated the resolution passed by these cold-storage and refrigerator interests.

Mr. HAUGEN. Speaking of the cold-storage people, the first draft of the bill provided for quarterly statements, and the very first request that the cold-storage people made was that they be monthly statements. We made them monthly. The cold-storage people are the ones burdened by making the statements.

Mr. CONNALLY. In answer to the request of the cold-storage people.

Mr. HAUGEN. If we are to have information on the subject, the oftener we get it the better. We did not want to provide for a daily or a weekly report, but we thought we might call for a quarterly report, and then additional reports as the Secretary of Agriculture wished to call for.

The CHAIRMAN. The question is on the amendment.

Mr. HAUGEN. Just one moment, Mr. Chairman. If the bill does not carry the information to the consumer, the consumer can go to the cold-storage house to buy his goods and there obtain that information. The gentleman from Texas knows that after the goods pass out of interstate commerce Congress has no jurisdiction over them. It is not in the power of Congress to extend its own power; that can only be done by an amendment to the Constitution. We have followed it, and if the States will take up the legislation where we leave off the consumer will be given the information. We have gone as far as the committee had the power to go.

Mr. CONNALLY. Mr. Chairman, I move to strike out the last two words. I have been very much entertained by the explanation of the gentleman from Iowa. His explanation went a little further when he said that after the bill was drawn they had provided for quarterly reports, and the cold-storage people suggested that it should be made 30 days, and the committee readily agreed. I take it, in view of the statement of the gentleman from Iowa, that if he were framing a law against burglary the first thing he would do would be to call in the burglars and ask their view as to how the law should be drafted.

Mr. HAUGEN. If the gentleman thinks the cold-storage people are burglars he has a right to that opinion, but I do not consider them as such.

Mr. ANDERSON. If I wanted to find out how the burglary business was conducted, I certainly would call in the burglars; and that is what we did here.

Mr. CONNALLY. I have no doubt the gentleman from Minnesota would gain a great deal of information in that line. But I want to say to the gentleman from Minnesota that if there are not some abuses in the cold-storage system, if there is not something wrong in the way the cold-storage business is conducted, why is it that the committee is spending its time and the valuable time of this House in tinkering with this law? If you are going to follow the suggestions and do exactly what the cold-storage interests require you to do, what is the use of having any law whatever? Carrying the analogy down the line, if you wanted to pass any kind of legislation in this country to correct an abuse in any line of business, you would call in the people engaged in that business who commit the abuses and ask their advice as to how to do it.

The result of the law is going to be, according to my humble opinion, instead of affording a real relief, you are going to give the cold-storage people an excuse to get behind and say to the public that this is a Federal law, it is interstate commerce, and you State legislatures must keep your hands off all articles that go into interstate commerce. They will say to the public, "Our warehouse is regulated by Federal law, and our articles are regulated by Federal law, and it is all right." A few years ago we used to look in the papers which carried whisky advertisements, claiming their goods were pure whisky because it was Government inspected. We used to see a handsome gentleman with gold braid on his cap and the United States insignia across his cap "United States Inspector." They said, "Therefore you can buy our liquor; it is good and pure, because it is United States inspected."

All the committee is trying to do is something that it can not do. They bring this bill before the House, and every time a Member rises on the floor and asks how about so-and-so, the committee throws up its hands and says that is beyond the power of Congress and beyond the power of the committee.

Mr. HAUGEN. Mr. Chairman, just one minute to state that I do not by any means subscribe to the conclusion of the gentleman from Texas that all the cold-storage people are crooks. I know there are some honest men conducting that business in an honest and faithful manner.

Mr. CONNALLY. You are not trying to get any of those fellows who are conducting the business dishonestly. You are not trying to legislate them out of business.

Mr. HAUGEN. When we speak of the cold-storage people appearing before the committee we speak of the high-class cold-storage people that desire protection against the crook, and that is what this bill aims to do.

Mr. CONNALLY. What is to prevent the crooks that you say must mark the goods from taking them out, and you say they may take them out and remove the label?

Mr. HAUGEN. If they remove them in less than 30 days. If they remove the marks after the goods have been in cold storage more than 30 days, they are punished.

Mr. CONNALLY. You say they can remove it?

Mr. HAUGEN. They may remove the mark "cold storage" if the goods are kept in cold storage less than 30 days. It has been reported that eggs have been bought in China that have been kept there for years.

Now, then, gentlemen, under this bill the importation of such eggs will not now be permitted if they have been held in cold storage in that country more than 12 months. If more than 30 days, they have to be marked and treated the same as our own.

Mr. CONNALLY. Then why this provision that permits removing the marking on articles which have not remained in cold storage over 30 days?

Mr. HAUGEN. It is not considered cold storage.

Mr. CONNALLY. What prompted the committee——

Mr. HAUGEN. As I stated, in the first draft we exempted everything for 30 days. Now we have drafted it in the form presented here for this reason: If we exclude everything for 30 days it would be possible to store 29 days in one warehouse and then move the goods to another warehouse for 29 days, and thus have an endless chain over which we would have no check. The marking is necessary in order to check it up. We permit the removing of the mark "cold storage" if stored less than 30 days, but the date remains.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Indiana.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. ANDERSON. Division!

Mr. SANDERS of Indiana. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. SANDERS of Indiana. I think the Chair misstated the amendment. My amendment was to the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The CHAIRMAN. The Chair stated the vote was upon the amendment to the amendment offered by the gentleman from Indiana.

Mr. SANDERS of Indiana. It was the other way; the amendment was offered to the amendment offered by the gentleman from Massachusetts.

The CHAIRMAN. The amendment was offered by the gentleman from Massachusetts and the amendment to the amendment was offered by the gentleman from Indiana.

Mr. REED of West Virginia. May we have that reported as amended?

The CHAIRMAN. Without objection, the amendment as amended will be again reported.

The Clerk read as follows:

Amendment offered by Mr. WALSH, as amended by the amendment offered by the gentleman from Indiana [Mr. SANDERS]: Page 5, line 20, after the word "package," insert "nor shall any person alter, mutilate, destroy, obscure, or obliterate any statement or document required to be furnished by the Secretary of Agriculture under the provisions of section 7 during the time the same is required to be preserved under the provisions of section 7."

The CHAIRMAN. A division has been called for.

Mr. HAUGEN. Mr. Chairman, upon the statement of the gentleman from Indiana, I am inclined to accept the amendment.

The committee divided; and there were—ayes 12, noes none.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment as amended.

The question was taken, and the amendment as amended was agreed to.

The Clerk read as follows:

SEC. 9. It shall be unlawful for any person to (i) ship or deliver for shipment in commerce, or (ii) hold in cold storage while in commerce, or (iii) sell or offer for sale in commerce, or (iiii) having received from shipment in commerce, sell or offer for sale in the original, unbroken package, any article of food which has been in cold storage, after the expiration of 12 months following the date on which the article of food was first placed in cold storage; except cheese held for the purpose of ripening and improving the quality thereof.

Mr. EVANS of Nevada. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 2, after the word "of," strike out the word "twelve" and insert the word "ten."

Mr. EVANS of Nevada. Mr. Chairman, this amendment is offered because when anyone proposes to store great quantities of food it immediately becomes a matter of public interest, and owing to the uncertainty of temperatures above freezing, all of which stimulate deterioration and decay, 10 months is sufficient time for food to remain under those conditions dangerous to health. The object is to protect the public who by inadvertence may buy and consume cold-storage food believing it to be new crop. Therefore we provide that all goods placed in storage must be removed and disposed of before the appearance of the new crop, and not in competition with ensuing season's production. By your action here the consumer is depending and expecting protection, and unless you give it to him in this measure, defeat the legislation and permit him to protect himself. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nevada.

The question was taken, and the amendment was rejected.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word, in order to ask a question with reference to this section. Did not the hearings on this bill develop that poultry were not wholesome after being in storage more than nine months, and did not the Department of Agriculture experts in some instances also testify that poultry could not be kept in cold storage longer than two or three months?

Mr. HAUGEN. I believe Dr. Campbell, of the department, at one time stated that it could not be kept for more than three or four months, but that applied to some investigations made years ago, and was later corrected by Dr. Pennington, who has carried on extensive investigations and is an authority on the subject. She stated that poultry now could be kept in storage 12 months. Of course, there are a number of articles of food that enter into cold storage that can not be kept for 12 months. The gentleman will appreciate it is very difficult to point out the different ones in the time at our command and specify a period for each of the articles that enter into cold storage. The committee thought best to make a flat 12 months' limit. That was suggested by practically everyone who appeared before the committee. If the gentleman will turn to sections 10 and 17, he will find that in those sections we give authority to the department to seize food in commerce in such condition that it is likely immediately to become or is unsound, unwholesome, or unfit for food.

Mr. BRIGGS. This is in addition to the pure-food act, which only regulates putrid and decomposed matter.

Mr. HAUGEN. Yes. I believe it has been held that unless the food has actually deteriorated it would not be——

Mr. BRIGGS. The gentleman thinks, under the provision of section 10, power is vested in the Department of Agriculture to condemn unwholesome food which has been in storage for less than 12 months—poultry or any other commodity?

Mr. HAUGEN. Yes, sir.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 10. (a) That no person shall receive in commerce any article of food for cold storage or transport in commerce any article of food in a refrigerator vehicle, after the warehouse in which it is to be stored or the refrigerator vehicle is found by the Secretary of Agriculture, after due notice and hearing, to be insanitary or otherwise unfit for the storage or transportation of any such article of food, and said finding shall remain in force until the Secretary shall, after further hearing, determine that such condition has been remedied; and in order to carry out the provisions of this section, as well as other provisions of this act, any officer, employee, or agent of the Secretary of Agriculture specifically authorized by him in writing, for the purpose, may on any business day during the usual hours of business enter any warehouse which receives or ships and any refrigerator vehicle which transports any article of food in commerce and may inspect the warehouse or vehicle and the contents and operation thereof, and any books, papers, letters, or other documents relating thereto.

Mr. MADDEN. Mr. Chairman, I have a parliamentary inquiry. I desire to know whether amendments will be in order at this point or do I have to wait——

The CHAIRMAN. Wait until the section is read.

The Clerk read as follows:

(b) No person shall receive in commerce any article of food for cold storage or transport any article of food in commerce in any refrigerator vehicle, if such person has refused inspection, when requested under this act, of such warehouse or refrigerator vehicle; nor shall any person ship in commerce any article of food if he has refused inspection of such article of food when requested under this act.

Mr. MADDEN. Mr. Chairman, I offer two amendments.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Page 6, line 6, strike out the words "that no person shall" and insert in lieu thereof the following: "it shall be considered a violation of this act to." And on page 7, line 1, strike out the words "no person shall" and insert in lieu thereof the following: "that it shall be in violation of this act to."

Mr. MADDEN. Mr. Chairman, the purpose of this amendment is to leave to the courts the question of deciding whether or not a common carrier can accept for shipment products offered by shippers. It seems to me that we ought not to provide in this law that they shall not be permitted to accept, as a matter of law, which the courts ought to be allowed to construe. And it seemed to me that the language to which I offered a substitute is that it shall be considered a violation of the act instead. It seems to me, if my language is not correct, that the substance of that language ought to be put into the law instead of the language reported by the committee.

Mr. HAUGEN. That would immunize the officers or anybody shipping from punishment. What is the use of enacting a law unless you can punish somebody for violating the law?

Mr. MADDEN. It does not provide that somebody shall not be punished.

Mr. SANDERS of Indiana. It says it shall be unlawful. In a later section, section 13, it says "any person who violates any provision." If you make it unlawful in section 10, and then there is anybody "who violates a provision of section 10," that would be peculiar.

Mr. MADDEN. It seems to me that would be better language and more in conformity with the practice than to say arbitrarily that common carriers shall not receive for shipment. To say it is unlawful leaves it to the court as to the legality of the proposition. The mere operation of this law does not enforce it, and it surely ought to be within the right of a citizen of the United States to take his case to a court. He ought to have a chance to violate the law if he wants to do it, and then try the case in court as to whether or not he has violated it.

Mr. SANDERS of Indiana. That would make the language of the act more uniform, because section 3 uses that language, and section 9 uses it, "that it shall be unlawful for any person."

Mr. MADDEN. I hope the committee will accept the suggestion I have made.

Mr. DOWELL. I think the gentleman should strike out of the amendment the word "considered."

Mr. MADDEN. I will substitute, if I may be permitted to substitute by unanimous consent, the language "it shall be unlawful" instead of the language I have written. I am not a lawyer, and, of course, I have not been very clear in the use of the language, but I know what I want.

The CHAIRMAN. Without objection, the alteration will be made.

Mr. CAMPBELL of Kansas. Mr. Chairman, I hope this amendment will be agreed to. Some of the greatest abuses against the rights of citizens have been practiced by agents of the Agricultural Department heretofore where they have had the exact authority that is asked for in this section.

I recall where a little fellow with a long neck and a high collar—I think he was dubbed "doctor," or something—about 25 years of age, weight about 135 pounds, who had never killed a hog in his life or been at a hog killing, but had graduated from some sort of an institution that dubbed him as a "doctor," who passed a civil-service examination and was appointed by the Secretary of Agriculture to be the chief inspector at a packing house that was doing an interstate and otherwise quite a large business.

The man who established that business commenced working at a packing house when he was 10 years old, and had put in 60 years working in connection with the packing industry. Naturally, he thought he knew more about his plant than this little doctor who came there to run it. They got into some wordy altercation. Soon after this little fellow came down there and began to tell that old packing-house employee, and packing-house manager, and packing-house owner, how to run a packing house. Matters kept going on from bad to worse, and finally when old man Hanneberry went down to his packing house one morning he found it closed with this fellow's seal on it, and that packing house remained closed for a period of about six weeks. Hanneberry came here, hired some lawyers, and tried to make his case before the Secretary of Agriculture. They pointed to the law under which this little fellow had a right to go down there and close that place, because Hanneberry had not done what the little fellow had told him to do. Finally it was arranged that Mr. Hanneberry's packing house should be opened. He had lost in the meantime a large amount of business, a great amount of meat had gone to waste, and, all told, his losses were some $15,000 or $18,000, all because this little bit of a whippersnapper had authority that nobody ought to have in this country.

Mr. SAUNDERS of Virginia. How would the amendment proposed by the gentleman from Illinois [Mr. MADDEN] interfere with such operations of the little fellow?

Mr. CAMPBELL of Kansas. I do not think he would have authority to refuse to take that. It would be unlawful.

Mr. SAUNDERS of Virginia. He would not have anything to do with it if that fellow had come down and made an investigation as to the sanitary conditions, and made it final. He would not be effected by the amendment of the gentleman from Illinois.

Mr. CAMPBELL of Kansas. I think he would be affected by this:

No person shall receive in commerce any article of food or cold storage or transport any article of food in commerce in any refrigerator vehicle if such person has refused inspection.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CAMPBELL of Kansas. May I have two minutes more?

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DOWELL. Will the gentleman yield for a question?

Mr. CAMPBELL of Kansas. The question of the manner in which this very inspection is refused is not described. It is left solely to the discretion of this little fellow. If the inspection has been refused, the meat can not be transported. It should be a question of judicial determination. It ought not to be left to the discretion of this individual. I yield to the gentleman from Iowa.

Mr. DOWELL. The question I want to ask is this, Is there any difference now in the language "no person shall receive" and "it shall be unlawful to receive"? Is there any difference from a legal standpoint as to his authority?

Mr. CAMPBELL of Kansas. Oh, yes.

Mr. DOWELL. I would like to have the gentleman explain it.

Mr. CAMPBELL of Kansas. As the matter now reads, the little fellow who attempted to make the inspection and was kicked off the premises is simply the law to himself. He will refuse the transportation. But when it is said that it shall be unlawful, then that is a matter to be judicially determined.

Mr. DOWELL. But when you say "No person shall receive" you mean he shall not lawfully receive, and that he can not lawfully receive.

Mr. CAMPBELL of Kansas. That is not what it says.

Mr. DOWELL. It is what it means. I can conceive of nothing else that it can mean. It makes it unlawful for him to receive it, whether you say "No person shall receive" or "It shall be unlawful to receive."

Mr. CAMPBELL of Kansas. It says, "No person shall, if refused inspection."

Mr. DOWELL. That means that it shall be unlawful to receive it.

Mr. REED of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. REED of West Virginia. Where it refers to "such person," would not that clause have to be amended so as to say "the consignor or shipper"? That is on page 7, line 3.

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. REED of West Virginia. What person would that refer to?

The CHAIRMAN. The gentleman's time has expired.

Mr. REED of West Virginia. I ask unanimous consent that the gentleman may have two minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. CAMPBELL of Kansas. "If such person has refused inspection." Is the gentleman's question as to whom "such person" refers?

Mr. REED of West Virginia. Yes.

Mr. CAMPBELL of Kansas. That is the shipper. That is as clear as anything in the section.

Mr. ANDERSON. The owner of the warehouse.

Mr. CAMPBELL of Kansas. Yes; the owner of the warehouse; the man who is holding the place open to the reception of that product.

Mr. ANDERSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Minnesota is recognized for five minutes.

Mr. ANDERSON. Mr. Chairman, I regret very much to be in disagreement with my distinguished friend from Illinois [Mr. MADDEN], but the amendment which he offers, while very simple in language, is nevertheless quite profound in effect. The difference between the effect of the language which the gentleman from Illinois offered and the effect of the bill as it stands is to permit the insanitary condition of the warehouse to be tried out in court first before you can prohibit any receiving of goods into that warehouse. In other words, under his amendment, before you can prevent the receipt of goods into a warehouse that is wholly insanitary and wholly unfit, it would be necessary to try the case in court and satisfy the court and jury that that condition existed. Under the bill as it is drawn, the Secretary finds that the condition is insanitary. Thereafter it is unlawful immediately for any person to receive in that particular warehouse or refrigerator car any goods in commerce.

I want to call attention to the fact that the committee has very carefully worded this section. We did not provide that it should be unlawful to ship any goods out of a warehouse which was found to be insanitary, because clearly the goods in the warehouse might be wholesome and entirely fit food, even though the warehouse itself was insanitary. And more than that, we thought that it would be unfair to punish the man who had goods in the warehouse for the failure of the warehouseman. Therefore we only provided in this section that it should be unlawful for the warehouseman or the person oper-

ating the refrigerator car to receive goods in that particular warehouse or in that particular refrigerator car after it had been found insanitary or unfit for the storage of food.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. ANDERSON. Yes.

Mr. CAMPBELL of Kansas. But that is not what the language says.

Mr. ANDERSON. That is what it clearly says.

Mr. CAMPBELL of Kansas. It does not say that it shall be unlawful. It leaves it within the discretion of the man who has attempted to make the inspection, or who has found the alleged insanitary conditions, to say whether or not this shall be done.

Mr. ANDERSON. It is unlawful. The penal section applies to it, and this section follows the same general line of the bill. We followed this general policy in drafting this bill: We prohibit certain things from being done in the language, "No person shall do so and so," in one section. We then put in a penalty for violation. If we had followed the rule which my friend from Illinois [Mr. MADDEN] and which my friend from Kansas [Mr. CAMPBELL] suggest it would have been necessary in every case to have said, "It is unlawful," and then to add, "Every person guilty of doing so and so shall be punished," and so on. We thought it best to make a prohibition; and then, having done that, to put in a section punishing violations of the law.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON. I yield to the gentleman from Kansas.

Mr. CAMPBELL of Kansas. What I wanted to get clear in my mind was whether or not the Committee on Agriculture really intended to give the discretion to the individual who was making the inspection to say whether or not meat should or should not be received in that warehouse, and that he should make that decision.

Mr. ANDERSON. Let me call the gentleman's attention to the language that "after due notice and hearing the Secretary shall," and so forth.

Mr. CAMPBELL of Kansas. I am reading this independent section.

Mr. ANDERSON. It says in this section, in line 10, "is found by the Secretary of Agriculture, after due notice and hearing, to be insanitary," and so forth. That clearly contemplates that there shall be something more than a mere inspection by some inspector of the department.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. SAUNDERS of Virginia rose.

The CHAIRMAN. For what purpose does the gentleman from Virginia rise?

Mr. SAUNDERS of Virginia. I wish to discuss this amendment, unless some member of the committee is seeking recognition.

The CHAIRMAN. The time has expired.

Mr. SAUNDERS of Virginia. I move to strike out the last two words.

The CHAIRMAN. The gentleman from Virginia moves to strike out the last two words.

Mr. SAUNDERS of Virginia. Mr. Chairman, it does not seem to me to be possible to construe the amendment of the gentleman from Illinois [Mr. MADDEN] as the gentleman from Minnesota [Mr. ANDERSON] has construed it. Look to subsection (b) of section 6, which is proposed to be amended. The language of the bill is: "That no person shall receive in commerce." The gentleman from Illinois suggests as a substitute for this language: "It shall be unlawful to receive in commerce." There is a requirement of fact in this section, before the inhibition of the section becomes operative. The change in language suggested will not in any wise affect that requirement of fact. It is made unlawful to receive goods, if an owner has refused to admit an inspector to make an inspection of the premises. Nothing is stated, or required as to the character of the inspection. Whether you use the one language, or the other, it will not be possible to enter into the inquiry whether the inspector if admitted, would have made a lawful or an unlawful inspection, a proper, or an improper inspection. The sole question of fact is whether an inspector applied in the one instance to the warehouse keeper, or in the other instance to the refrigerator car owner, to be allowed to make an inspection and was refused. If he did, and was refused, the inhibition attaches. That is all. If the owner refused to allow the inspection to be made, then according to the language of the committee's provision, the goods shall not be received, while according to the language of the gentleman from Illinois, it would be unlawful to receive them. There is no real and sufficient objection that I can perceive to the amendment of the gentleman from Illinois [Mr. MADDEN]. The language of that amendment is precisely to the same effect as that found in the bill.

If the amendment could possibly carry the meaning that was given to it by the gentleman from Minnesota, I should be opposed to it, as being unnecessary and unwise, but the real difference presented, is merely one of phrasing. I believe the words—

It shall be unlawful to receive—

possibly conform a little more closely to the usual phrasing, but that is all the merit the amendment possesses. The change in language does not change the meaning of the bill in one jot, or tittle, since in either view of the case the inhibition to receive the goods offered will hang upon the question of fact whether or not an inspection has been denied to the inspector seeking to make the same. As I have said, I do not think that the effect that was imputed to the amendment by the gentleman from Kansas [Mr. CAMPBELL], is a correct deduction from the terms of that amendment.

Mr. CAMPBELL of Kansas. The construction which I have given to this part of the section has been given to a similar law now on the statute book, providing for the inspection of packing houses, and they have closed packing houses under exactly this language.

Mr. SAUNDERS of Virginia. The language of the two cases must be different. The language of the bill is as follows:

No person shall receive in commerce any article of food for cold storage or transport any article of food in commerce in any refrigerator vehicle, if such person has refused inspection, when requested under this act.

This is a simple declaration to the effect that if an inspection has been refused, the goods shall not be received. Adopt the language of the amendment, and the section as amended would provide that if an inspection is refused, it shall be unlawful to receive the goods. The difference in meaning is much less than the difference between tweedle dum and tweedle dee.

Mr. ANDERSON. The gentleman has read subsection (b) and this amendment is offered to subsection (a).

Mr. SAUNDERS of Virginia. I am talking about both. What I have said applies particularly to the subsection. The same amendment is offered to the section and the subsection.

Mr. REED of West Virginia. How could the word "such person," in line 3, page 7, apply if the words "no person," in line 1, page 7, are stricken out, as is proposed in the amendment?

Mr. SAUNDERS of Virginia. I simply say, with respect to the proposed amendment that it will have no effect whatever upon the meaning of the section, or the subsection. Of course if the amendment of the gentleman from Illinois is adopted, consequential amendments may be necessary.

Mr. REED of West Virginia. I agree with my colleague about that.

Mr. SAUNDERS of Virginia. Whether the bill stands or the amendment is agreed to, if there has been a refusal to allow an inspection to be made, then the goods may not be received. That fairly states the case.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MADDEN]. In view of the fact that both amendments are in the same language, if there be no objection both amendments will be put at the same time as one.

The question being taken, on a division (demanded by Mr. HAUGEN) there were—ayes 10, noes 36.

Accordingly the amendment was rejected.

Mr. JUUL. Mr. Chairman, I rise for the purpose of offering an amendment.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

Mr. JUUL. I move to strike out, in line 18, page 6, in section 10 (a), after the word "any," the word "business," and in line 19 the words "during the usual hours of business."

The Clerk read as follows:

Amendment offered by Mr. JUUL: Page 6, line 18, after the word "any," strike out the word "business"; in line 19 strike out the words "during the usual hours of business."

Mr. JUUL. Mr. Chairman and gentlemen, the inspection of warehouses is not all that is concerned in section 10. It also includes the inspection of vehicles; and I suggest to the gentleman that to inspect any vehicle, which might mean a railway freight car, during the usual hours of business of any business day, might be an absolute impossibility. Cars enter railway yards at any hour during the day or night, and if the Government inspector had to inspect a vehicle or railway car and was told while the car was in transit through the city that it was not a business day or the usual business hours, he might be prevented

from making the inspection, because the car might come into the city on Saturday night after 6 o'clock, or on Sunday, and he might not have any opportunity of investigating and examining the very cars, vehicles, or warehouses that we want to reach.

Mr. HAUGEN. Will the gentleman yield?

Mr. JUUL. Yes.

Mr. HAUGEN. If the gentleman will refer to page 2, lines 11, 12, and 13, he will find that—

The term "refrigerator vehicle" includes any car, vessel, or other vehicle, or portion thereof, which is designed and used for the transportation of any article of food at or below the temperature of 45° above zero, Fahrenheit.

It can not be classed as a vehicle unless the temperature is below 45° F.

Mr. JUUL. Yes; but I do not see why the gentleman should want to provide that no investigation shall take place except during the usual hours of a business day. I should want to make an investigation at the time when I thought they were doing the unlawful work. Likewise I should like to investigate when they were trying to remove the 30-day marks. You are just simply wanting the Government to tell these men, "Now, you do your unlawful work after 6 o'clock at night, because if we do not come before 6 o'clock we are not coming at all."

Mr. DOWELL. Does the gentleman believe an inspector can determine by going outside of business hours whether they are conducting their business properly or not?

Mr. JUUL. Under the language of this bill the inspectors could only inspect any car or vehicle between certain hours of the day, between 9 o'clock in the forenoon and 6 o'clock in the evening, and the time after 6 o'clock is when irregularities would take place.

Mr. DOWELL. By striking out the words you desire to strike out you permit them to go into the plant on Sunday or in the middle of the night.

Mr. JUUL. At any time.

Mr. DOWELL. And if they are refused admission at any time then the law is being violated?

Mr. JUUL. Yes.

Mr. DOWELL. Does not the gentleman desire to have the business conducted during the usual hours of the business day, or does he want it to be conducted at all times?

Mr. JUUL. I would say to the gentleman that freight cars enter railroad yards at all hours, on Saturday nights and Sundays.

Mr. DOWELL. But the gentleman's amendment affects all the business.

Mr. JUUL. I will read the section to the gentleman in the manner in which it will read with the words stricken out:

Any officer, employee, or agent of the Secretary of Agriculture specifically authorized by him in writing, for the purpose, may on any day enter any warehouse which receives or ships and any refrigerator vehicle which transports any article of food in commerce and may inspect the warehouse or vehicle and the contents and operation thereof, and any books, papers, letters, or other documents relating thereto.

And that is what he ought to have the privilege of doing.

Mr. DOWELL. But by striking this out you permit him to enter the warehouse at any time, whether it is a business day or whether there is anybody there.

Mr. JUUL. That is correct. There will always be somebody there.

Mr. DOWELL. Presumably. But does the gentleman want this business to be conducted on Sundays and days that are not business days?

Mr. JUUL. No; but I wish to state to the gentleman that if some one in connection with the Government service learns that crooked work is going on in a warehouse, he ought not to be barred from entering the warehouse at the time the crooked business is going on.

The CHAIRMAN. The time of the gentleman has expired, and the question is on the amendment offered by the gentleman from Illinois [Mr. JUUL].

The question was taken; and on a division (demanded by Mr. JUUL) there were 3 ayes and 17 noes.

So the amendment was rejected.

Mr. SANDERS of Indiana. Mr. Chairman, I move to strike out, on page 6, line 23, the words "papers, letters, and other documents."

The Clerk read as follows:

Amendment by Mr. SANDERS of Indiana: Page 6, line 23, strike out the words "papers, letters, and other documents."

Mr. SANDERS of Indiana. Mr. Chairman, this authority is not alone in the Secretary of Agriculture, but in any officer, employee, or agent of the Secretary of Agriculture. Of course, the agent and the employee must be specifically authorized in writing. I think this section does not preserve the rights of the ordinary American citizen against unreasonable or unwarrantable service. It is not a case where any judicial proceeding is pending. It is merely a case of an inspector going out for the purpose of finding evidence. It does not require any search warrant or any sort of complaint or judicial proceeding, and it gives the authority not only to search the books—and I propose to leave that authority there—but it gives the authority to the agent of the Secretary of Agriculture to inspect the papers, letters, and other documents. This part I desire to have stricken out. I do not think it is necessary, and I think we ought to be careful to safeguard the ordinary rights of the American citizen.

Mr. DOWELL. Will the gentleman yield?

Mr. SANDERS of Indiana. I will.

Mr. DOWELL. Is there any difference in the inspection of books and the inspection of papers? What argument is there against the inspection of papers?

Mr. SANDERS of Indiana. Well, it might be necessary to inspect the books.

Mr. DOWELL. And frequently necessary to inspect other papers.

Mr. SANDERS of Indiana. Including letters?

Mr. JUUL. Yes.

Mr. SANDERS of Indiana. Does the gentleman think that we ought to give a subordinate of the Agricultural Department the power and authority to inspect letters of a business concern or a private individual?

Mr. DOWELL. They are to be inspected for a specific purpose. It seems to me that if we permit him to examine the books, that any paper that relates to the transaction in explanation ought also to be examined.

Mr. SANDERS of Indiana. If it were a judicial investigation where he had a search warrant a different case would be presented.

Mr. DOWELL. Whether it is judicial or otherwise, they are to determine the question upon evidence.

Mr. SANDERS of Indiana. I think it unnecessary and improper to give authority to examine papers.

Mr. HUTCHINSON. How could you verify the books if you did not get a chance to inspect the invoices?

Mr. SANDERS of Indiana. If you want to allow him to inspect the invoices you might do that, but to use general terms where any letter or document of an individual or a partnership or a corporation could be overhauled, I think it is improper.

Mr. HUTCHINSON. I do not see how they could get along without they do have the authority to inspect the books and invoices.

Mr. ANDERSON. Mr. Chairman, I dislike to advert continually to the consideration and care that was given this bill by the Committee on Agriculture, but it seems necessary to direct attention to the fact that the committee has exercised some care in the preparation of this bill in order that it may be understood that objections just such as are urged by the gentleman from Indiana have been thoroughly considered.

I want to call attention to the last three lines of section 10, which read:

And may inspect the warehouse or vehicle and the contents and operation thereof, and any books, papers, letters, or other documents relating thereto.

I wish to call particular attention to the words "contents and operation thereof, and any books, papers, letters, or other documents relating thereto." Relating to what? Relating to the contents and operation of the warehouse. It is not the financial operation but the physical operation of the warehouse. There are many papers, such as invoices, to which the gentleman from New Jersey calls attention, and others relating to the physical operation of the warehouse, besides the books, which should be open to inspection if we are to make certain that the requirements of this law are met in accordance with its letter and spirit.

The committee limited this particular authority of the Secretary of Agriculture just as closely as it is possible to do it and still have sufficient teeth in the bill to make certain that the provisions of the act will not be violated. I think the amendment offered by the gentleman from Indiana ought not to be adopted. It ought not to, because it could not be without defeating the efficient execution of the law.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was rejected.

Mr. ROGERS. Mr. Chairman, I move to strike out the last three words for the purpose of asking the chairman of the committee a question. In the course of the discussion on section 9, I understood the gentleman to say that there were cer-

tain perishable products which could not advantageously be retained in cold storage more than three months.

Mr. HAUGEN. Yes.

Mr. ROGERS. While the provisions of section 9 permit, in general, a retention of 12 months for all foodstuffs, he stated that there was elsewhere in the bill a provision which took care of what might be termed the short-lived foodstuffs. I understood him to say further that this provision was in section 10.

Mr. HAUGEN. No; I was mistaken about that, and I intended to so state. It is section 17, which reads:

Whenever it appears that any article of food in transportation in a refrigerator vehicle in commerce or in cold storage in the District of Columbia or a Territory is in such a condition that it is likely to immediately become or is unsound, unwholesome, unfit for food—

That they may condemn it.

Mr. ROGERS. I observed the provision of section 17. But it refers only to articles in refrigerator vehicles and articles in cold storage within the District of Columbia or the Territories. Of course, that is only a very small proportion of the whole quantity of foodstuffs which are being regulated by this bill. Is it because of the constitutional limitations of the commerce clause that the gentleman so narrowly restricted the provisions of section 17?

Mr. HAUGEN. Well, the pure-food law takes care of the other part of it.

Mr. ROGERS. In other words, that is already a part of the law of the land, so that we do not need to deal with it in this law?

Mr. HAUGEN. Yes.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

Mr. STEENERSON. Mr. Chairman, if it is in order, I would like to move to strike out the word "letters." The amendment which has been just voted upon covered other words, and I move to strike out the word "letters."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. STEENERSON: Page 6, line 23, strike out the word "letters."

Mr. STEENERSON. Mr. Chairman, it is our duty to respect the Constitution, and although we might pass this provision, it is very doubtful if it would be held valid, because the Constitution provides that all persons shall be secure in their persons and papers against unreasonable searches and seizures. In regard to letters, I recall distinctly the case of Jackson against the United States, where the question was as to the opening and looking at letters which were in the mail and related to lottery tickets, and the court declared that a letter in the possession of the Post Office was just as sacred as if it were in the sender's own possession or in his own habitation. Now, it is the policy of the Government to encourage confidence in communications by mail, and where the matter is in the possession of the writer or of the recipient it is respected under that provision of the Constitution.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. STEENERSON. I will.

Mr. SANDERS of Indiana. What does the gentleman think about this proposition that a person does not have to testify against himself? This applies to persons as well as to corporations. The very purpose is to obtain evidence for the purpose of a conviction. Now, can they go to the individual person and have access to his private papers in order to use that for evidence or to furnish evidence whether it be introduced in evidence or not?

Mr. STEENERSON. The court in the case I refer to has said that Congress could not authorize the officials of the Government or the officials of the Post Office Department to inspect letters. Neither could we authorize, it seems to me, the Department of Agriculture or the officials of that department to violate a confidence that is sought to be protected by this provision of the Constitution. A letter in one's possession is protected by this constitutional provision the same as if it were in the mail.

Mr. DOWELL. Is not the purpose here to require the men to comply with the law?

Mr. STEENERSON. Well, as I understand it, it confers upon the Secretary of Agriculture the power to inspect and examine letters and papers.

Mr. DOWELL. It gives him the authority, and the purpose of permitting this examination is to require him to have his books in shape showing compliance with the law.

Mr. STEENERSON. My theory is that if we leave this language in the shape in which it is written it might conflict with the provisions of the fourth constitutional amendment and thereby make the whole clause void. I am anxious to go as far as the Constitution will permit, but if you overstep it you might mix this thing up with something which is impossible of accomplishment by legislation.

Mr. DOWELL. But this is not in the mail; it is papers in a warehouse.

Mr. STEENERSON. I know it is not in the mail. The court has said that a letter while in the mail was exactly the same as in the man's own possession, and you could not go and seize it there unless you had a warrant. You must have a search warrant supported by oath or affirmation particularly describing the place to be searched to search for a particular letter, but this does not require a search warrant or the affidavit of witnesses. It simply authorizes "any officer, employee, or agent of the Secretary of Agriculture" to make the inspection.

Mr. PURNELL. Mr. Chairman, I rise to oppose the amendment. I am just as anxious as the gentleman who just spoke or any other gentleman to safeguard the individual or the business of the country. We are not trying to harass the business of the country, yet we do not want to send out a straw man from the Department of Agriculture to find offenders against this statute if it is enacted. The gentleman seeks to strike out the word "letters." I can conceive of many cases wherein that might work a hardship, but the only evidence against an offender under this act might be the letters in possession of the person, firm, or corporation violating the law, and I therefore believe the amendment ought not to be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

Mr. JUUL. Mr. Chairman, if we have not passed section 10 I desire to offer another amendment.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that debate be limited to five minutes on this section and all amendments thereto.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that debate on this section and all amendments thereto be limited to five minutes. Is there objection?

Mr. JUUL. Reserving the right to object, the gentleman from Iowa might want to debate my amendment.

Mr. HAUGEN. Then we could divide the time.

The CHAIRMAN. Does the gentleman object? [After a pause.] The Chair hears no objection.

Mr. JUUL. Mr. Chairman, I move to insert, after the word "particular," in line 25, page 7, the following new section:

SEC. 12. Nor shall any person ship in commerce any poultry or game if the entrails of such poultry or game were not removed prior to the time of being received for cold storage.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. JUUL: Page 7, line 25, after the word "particular," insert new section:

"SEC. 12. Nor shall any person ship in commerce any poultry or game if the entrails of such poultry or game were not removed prior to the time of being received for cold storage."

Mr. PURNELL. Mr. Chairman, I reserve a point of order on the amendment.

Mr. JUUL. Now, Mr. Chairman and gentlemen, on many occasions when food poisoning has taken place on quite large scales excuses were offered by cooks and chefs in great hotels that the poisoning took place because the poultry had been stored too long and stored with the entrails contained in the poultry. I think the mere thought of sitting down and eating food in which the entrails have been kept for a year or more ought to be disgusting to any man of clean thoughts and clean habits. There is no reason in the world why the poultry should not be cleaned before it is warehoused. And I sincerely hope the chairman and the gentlemen composing this Committee on Agriculture will see that this is a clean amendment, an amendment to keep people healthy and sound, and that they will adopt it.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. JUUL. Yes.

Mr. McLAUGHLIN of Michigan. If the gentleman has read the hearings on this bill he will know that the experts of the Department of Agriculture, including those from the Bureau of Chemistry and other departments of the Government, testify that a fowl keeps just as well in cold storage with the entrails in as if they had been removed.

Mr. JUUL. Now, I want to tell the gentleman that there are no people on earth that know as much about cold storage as did the ancient Egyptians. You find from examining some of these ancient Egyptians, after they have rested for four or five thousand years, that the first thing the Egyptians did when they embalmed them was to take the entrails out. And, gentlemen,

you have eaten chickens that may have rested in a cold-storage warehouse a year or more with the entrails in them, but I do not like them, and I think we ought to rid the people of that nasty mess to-day. There is not a cook in Chicago but that will say that the Government is incorrect in the statement, and when a poisoning case arises the first thing the cook or chef does is to prove the cleanliness of his kitchen and the rottenness of the chicken.

Mr. HAUGEN. Would it not be better to leave it to the department, who have more or less jurisdiction of this matter, as to the seizure of the goods? Extensive investigation is going on from time to time.

Mr. JUUL. Let us not take the department's idea, but let us use *common sense*. The gentleman knows he does not want on his table anything in which the entrails have stayed for a year or more after it has been killed. I do not want it on my table.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. JUUL. The gentleman said he would give me what time I needed.

Mr. HAUGEN. I said that I would divide the time with you. I ask for another minute.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PURNELL. Will the gentleman yield in that minute? I want to ask if the gentleman thinks it is germane to this section, which provides for inspection alone?

Mr. JUUL. Yes; I think it is germane; and I think you gentlemen sitting here and looking out for the welfare and health and cleanliness and sanitation of the American people could well afford to let this amendment go in. No one where I come from wants any filth in his food. If you want it where you live, that is up to you. You can go out in the yard and wring the neck of a chicken, and get it clean, and have it fresh on your table. We are the people who have to eat that stuff. I want you to help me get rid of it.

Mr. PURNELL. Mr. Chairman, I make the point of order. By doing so I do not want to suggest that I am necessarily opposed to the amendment, but I do not think it is germane to this section, which provides purely for inspection. It does not have anything to do with the nature of the product that has to go into storage.

Mr. JUUL. That is what this section is supposed to relate to, inspection and cleanliness not only of the buildings but it relates to the stuff that goes into them. And I am going to ask that the Members of Congress come in on this floor and pass on this question. Therefore, Mr. Chairman, I raise the point of no quorum.

The CHAIRMAN. The gentleman raises the point of no quorum. The Chair will count.

The Chair proceeded to count.

Mr. JUUL (during the counting). I hope the gentlemen on this floor——

The CHAIRMAN. Does the gentleman withdraw the point?

Mr. PURNELL. I do not withdraw the point of order.

Mr. JUUL. I withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws the point of no quorum.

Mr. JUUL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. JUUL. I ask for three minutes in which to address the committee.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent for three minutes to address the committee. Is there objection? [After a pause.] The Chair hears none.

Mr. JUUL. Now, Mr. Chairman and gentlemen, I have not offered this amendment in an idle mood. I have thought of it time and time again when I have seen chickens that were blue, and turning nearly black, from the filth that was in them, and then would be put into a soda bath or salt bath, and cleaned up and sold. If the same poultry had been cleansed before being put in cold storage the people would have had clean food to eat. Now, you know who gets the spoiled meat. The poor people are getting it. The people who can afford to pay a high price for good food can obtain it at any and at all times in a clean condition. There are tons and tons of stuff of this kind going to waste annually, and people who ought not to be permitted to buy it do buy it. You gentlemen are sitting here with the power of stopping the infernal traffic in spoiled meat, which is spoiled simply because the people dealing with it do not want to deal with the matter of drawn poultry. You must understand that the entrails of a chicken weigh something, and these dealers are interested in having the poultry weigh as much as possible. Let us stop this thing and require that the chicken be sold with the entrails drawn, so that it will be clean.

This is one of the most serious things in this entire bill that you have been dealing with. People are poisoned like dogs from eating the filthy stuff that is sent out of the back doors of warehouses. Who gets it? The people who are unable to buy good food have to take this rotten stuff. I notice gentlemen are smiling at me because I am asking that we enact a measure that will get rid of this situation.

Mr. RUCKER. Mr. Chairman, will the gentleman yield?

Mr. JUUL. Yes.

Mr. RUCKER. Has any expert in the Department of Agriculture announced that it is necessary or better to have the entrails in?

Mr. HAUGEN. Yes. I have sat here and listened to these experts for 20 years, men who have given this matter time and thought and consideration, and they tell us that this is the proper way to do it. Now, then, if we adopt the amendment of the gentleman we simply disorganize the whole cold-storage business. I believe it is safe now to leave the matter with the department. The department under this bill has the right to seize and condemn poultry that is unfit for food.

Mr. RUCKER. It seems to me the practice of shipping fowls with the entrails drawn is more honored in the breach than in the observance.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HUDSPETH. Mr. Chairman, can the amendment be reported again?

The CHAIRMAN. There is a point of order pending on the amendment. Without objection, the amendment will again be read.

The amendment was again read.

The CHAIRMAN. Members of the committee will recognize that the point of order does not involve the merits of an amendment. The rules as to germaneness require that an amendment must not only be germane to the bill but to the section to which it applies. This provision that is sought to be amended refers to inspection, while the amendment refers to the conditions of shipment. Therefore the amendment is not germane to the provision, and the point of order is sustained. The Clerk will read.

The Clerk read as follows:

SEC. 11. (a) That every warehouseman and every person transporting in commerce in a refrigerator vehicle any article of food shall keep accurate records and accounts and make in such manner or form, verified under oath or otherwise, as the Secretary of Agriculture may require, monthly reports giving full information as to the amounts of all articles of food held in cold storage and in any cooling or chilling room, and in all refrigerator vehicles maintained, operated, or controlled by him; and such other reports or returns as to amounts, ownership, and storage space as the Secretary of Agriculture may require.

(b) No person shall willfully (1) fail or refuse to make full and true entries or make any false entry in the accounts or records of his business required to be kept pursuant to this section; (2) alter, mutilate, conceal, or destroy any such account or record; or (3) fail or refuse to make any required report or return or make any report false or fraudulent in any material particular.

Mr. MADDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 7, line 14, after the word "storage," insert the words "by him" and strike out the remainder of the section.

Mr. MADDEN. Now, Mr. Chairman, the purpose of this amendment is to confine the reports to be required monthly to cold-storage products and to eliminate from the provisions of the reports such products as may be held in cooling rooms and chilling rooms and in refrigerating vehicles.

It seems to me, Mr. Chairman and gentlemen, that when we make the requirement that reports shall be made, these requirements should be confined to the cold-storage products. We are maintaining here that cooling and chilling is not a part of the cold storage. I maintain that all meats, fresh meats and fresh-meat products, require to be chilled and cooled before they can become salable or edible. As a matter of fact, they are chilled and cooled, but they are not subject to the brand, as I understand it, if they are not retained in cold storage for a period of 30 days or more. And if they are not required to be branded as in cold storage, there is no reason why we should require reports to be made of such products.

I hope the committee will see the wisdom of adopting the amendment to strike out all after the word "storage," in line 14, page 7, in section 11. I did not mean to include paragraph (b). I intended only to include paragraph (a).

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I think the gentleman from Illinois [Mr. MADDEN] is wrong in offering his amendment. There are many reasons why it is necessary for the Secretary to receive periodical reports, and it was thought best to have them made monthly. It is necessary, for one reason, to have full reports of all products that are in cold storage, cooling and chilling rooms, and all refrigerator vehicles occasionally, so that it may be known how much of all these different kinds of food there is in the country at a given time. For the purpose of trade and commerce and for the information of those who are producing, buying, and selling, it is valuable to have that information. And it will be helpful to the Secretary of Agriculture in administering this law if complete reports are made as to conditions on certain dates.

Now, as to the last three lines, which the gentleman's amendment would strike out, when the monthly reports are received they may not be entirely satisfactory. Something may have been overlooked, and it is incumbent upon the Secretary to get the information that is lacking. He would be authorized under this section, if it remains unamended, to ask for additional reports and additional information which will be helpful to him in administering the law. In my judgment, no part of that should be stricken out.

Now, the gentleman from Illinois complains, and has complained before, that attention is given to the cooling rooms and chilling rooms. Cooling rooms and chilling rooms are artificially cooled below the temperature of 45 degrees. In that respect they are just like a permanent cold-storage room. The meats and some other products that are going into permanent cold storage—I mean by that to remain a considerable length of time—pass through these cooling rooms and chilling rooms. That is a portion of the time that they are kept in a frozen condition. That is a portion of the time that they are kept in cold storage. There is no change in the conditions between the chilling room or cooling room and the permanent storage room. Then why should not the time—12 months—permitted by this bill cover the period during which the food is in each one and in all of these different places?

Mr. MADDEN. I will tell the gentleman, if he will permit me. It is because all fresh meat has to go into the cooling room, into the chilling room, and is there held at a temperature of 38, and all the meats that are sold immediately are sold out of these chilling rooms, and you put the fresh meat products in the position of being cold storage, and thereby destroy the value of the meats to the men who raise the cattle.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, if meats are placed in the cooling room or chilling room, and if while there no account is taken of them, they can remain there for 30 days and then be transferred to the permanent cold-storage warehouse, and the total time of storage of those articles will be 13 months instead of 12. Suppose they are shipped in commerce from the chilling rooms and cooling rooms before they go into the permanent cold-storage warehouse. Suppose they are shipped before 30 days. They are then marked not with the words "cold storage" but with the date when they went into the chilling or cooling room and the date when they came out. If that will interfere with the trade in or consumption of these articles of food, I do not understand the psychology of the proposition. It would seem to me that it would be a help to those who are dealing in and using those articles to know that they have been in storage less than 30 days.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McLAUGHLIN of Michigan. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. McLAUGHLIN of Michigan. The prejudice against cold storage and the doubt and fear that besets people all the time respecting articles of food is that they do not know how long the food has been in cold storage. If they can be assured by the marks on the food that it has been in storage less than 30 days, they will be entirely satisfied; they will receive those products with the assurance that they have not been kept in storage so long that their quality or condition has deteriorated. They will be satisfied with them, they will welcome them, and be willing to use them.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. MADDEN. You can tell the people who run the cold-storage plants and the slaughterhouses of the country to do all the things that this provision calls for, and then when the meat gets into the hands of the retailer, and the consumer comes to buy it, he does not get a certificate from the retail butcher, does he?

Mr. McLAUGHLIN of Michigan. There is difficulty in following the meat to the retail butcher and from the retail butcher to the consumer, because the Federal Government can not exercise that control. Control can be exercised only by the States, if they wish to exercise it. But the fact that something we do not wish can be done with this food after it leaves the control of the Federal Government does not militate against the propriety of this act.

Mr. HUTCHINSON. Mr. Chairman, I think this is one of the most important provisions in this bill. It developed in the hearing, in the testimony of Mr. Waddell, who had charge of the products of Armour & Co., that this would not be any hardship on them. In the hearing, at page 410, you will find where I asked him this question:

> It would not cause any serious loss to your company to keep a record of that, would it?
> Mr. WADDELL. No; that would not be impossible at all.
> Mr. HUTCHINSON. It would not be impossible?
> Mr. WADDELL. It would be no hardship; no, sir.

Now, the point, Mr. Chairman, is this: Mr. Waddell testified that there were 118,000,000 pounds of pork in storage at Armour & Co.'s alone when he was before the committee. The hog goes into a cooling room and is there about 48 hours. It then goes to the cutting room and is divided up. It goes then, the part which is sold fresh, to one destination, and the rest into freezing rooms.

We have, according to the testimony of Mr. Waddell, in Armour & Co.'s warehouses, 45,000,000 pounds in the freezers, and 73,000,000 pounds would practically be in curing rooms, and people do not like to have a lot of pork in freezers that can be kept there an unlimited time, and then when there is a demand have them take it out and cure it in hams and bacon.

I think the amendment ought not to pass.

Mr. RUBEY. I move to strike out the last word. I hope this amendment will not be agreed to. If there was any provision in this bill from first to last to which the packers objected, it was the provision which the gentleman from Illinois [Mr. MADDEN] is seeking to have stricken out. They have their packing houses scattered all over this country, and in connection with those packing houses they have their cooling rooms, and for some reason or other they do not want this provision put in here. I think it ought to be in the bill, because we want to give to this country a correct statement every month of the amount of food in cold storage, and unless you retain this particular provision you can not get an accurate and complete statement of the food in cold storage throughout the entire country.

I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois [Mr. MADDEN].

The amendment was rejected.

Mr. JUUL. Mr. Chairman, I offer an amendment as a separate section to be inserted between section 11 (a) and section 11 (b).

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. JUUL: Section 11 (b), to follow section 11 (a), page 7, line 18:
> "Nor shall any person ship in commerce any poultry or game if the entrails of such poultry or game were not removed at the time of being received for cold storage."

Mr. ANDERSON. I make the point of order that that amendment is not germane to the section in connection with which it is offered.

Mr. JUUL. It is not an amendment to the section; it is a new section.

Mr. ANDERSON. Whether it is a new or an old section, it has to be germane to a section of the bill to which it is offered. It is not in order as a new section, and is not in order as an amendment to a section. If it was not in order to the other section, it is not in order to this section, because this relates entirely to keeping books, accounts, and making reports, and so forth.

Mr. CRISP. Mr. Chairman, I would like to be heard on the point of order. I do not care to take up the time of the committee if the Chair has made up his mind. I know nothing about the merits or demerits of this amendment, but I do have some interest in the maintenance of the rules of the House. The point of order against the amendment was simply on the ground that it was not in order to offer a new section to the bill.

Mr. ANDERSON. Oh, no.

Mr. CRISP. The gentleman specifically and clearly made the point that it was not in order, because it did not relate to that section, and that it had to relate to some section in the bill.

Mr. ANDERSON. That has been the ruling of the Chair heretofore.

Mr. CRISP. If that ruling were to prevail, it would bind and gag the House. You could not add anything to a bill unless the committee reporting it so provided. The subject matter of this bill is to regulate cold storage. The gentleman from Illinois proposes an amendment, adding a new section, which is germane to the subject matter of the bill, dealing with the question of cold storage. I submit, Mr. Chairman, that it is undoubtedly in order to offer a new section to any bill, provided the proposed section is germane to the subject matter of the bill under consideration.

Now, as I have said, I have no interest in this controversy; I know nothing of the merits or demerits of the proposition, but I do know clearly that under the rules of the House it is perfectly competent for this committee to add a new section to the bill, provided the section is germane to the subject matter of the bill before the House.

Mr. ANDERSON. Mr. Chairman, I do not claim to be an expert in parliamentary procedure, but I have a very distinct recollection of advancing exactly the same argument in connection with a bill which was recently under consideration, and in that case it was held by the Chair that a new section must not only be germane to the bill but must be an amendment to some section, and that it must be germane to that section. It must be germane to something.

Mr. CRISP. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. CRISP. If it must be germane to some section and be an amendment to some section, how could you ever get a new section into a bill?

Mr. ANDERSON. It is offered as a new section, but is not germane to the section just read.

Mr. JUUL. I would like to ask the gentleman from Minnesota a question.

Mr. ANDERSON. I yield.

Mr. JUUL. Will the gentleman seriously contend that an amendment offering to regulate or define what may go into cold storage is not in order in a cold-storage measure?

Mr. ANDERSON. I am not saying that there is no place in the bill where the amendment would not be germane. I am simply asserting that it is not germane to this section, either as a new section or as a new paragraph, in the place it is offered.

Mr. CRISP. Will the gentleman yield?

Mr. ANDERSON. Yes.

Mr. CRISP. I fear that my friend has the consideration of this bill confused with a revenue bill. There is a clause in the rules of the House dealing with revenue bills which contravenes all general parliamentary rules. That rule was put in by our side when we had control, and was put in for a purpose, and you gentlemen have adopted the same rule—that any amendment to a revenue bill must relate to some item or section in the bill.

But that does not apply to the general ordinary parliamentary procedure. It is contrary to the general parliamentary rule, and that rule can not be extended; it must apply solely to revenue bills as stated in the rule.

The one thing I am interested in is to see that the rules of the House are maintained. I do recall one instance; I think it was when the gentleman from Iowa [Mr. GOOD] was in the chair. There was some amendment offered and a ruling made that you could not add a new section unless it was germane to the section preceding. It was not debated, and the Chair ruled that it could not be done. I think that was clearly contrary to the general parliamentary rules, contrary to the rules of the House, and when this proposition came up I wanted to present this matter to this Chairman because the Chairman is a member of the Committee on Rules, is a parliamentarian, and I know wants to follow the practice of the House. I do not believe this House wants to tie its hands so that it can not put a new section on any bill reported by the committee unless that committee puts in a section which it relates to. In considering legislation there may be a great many matters not in the bill which are germane to the subject matter of the legislation. In this case you are dealing with cold-storage legislation, and anything germane to the regulation of cold storage is in order for this Committee of the Whole House on the state of the Union to consider in connection with this bill.

Mr. ANDERSON. Just one word. The gentleman from Georgia referred to the decision to which the Chair refers. I, too, have no interest in this controversy except the very proper one of seeing the rules of the House enforced and that those rules are uniformly enforced. There is not any doubt in the world that under similar circumstances the Chairman of the Committee of the Whole House on the state of the Union, Mr. GOOD, then held that an amendment in the nature of a new paragraph must not only be germane to the bill but it must be an amendment to some paragraph, and it must be germane as an amendment to that paragraph. I was of the opinion at the time that the Chair's ruling was incorrect. But it seems to me that the proper practices of the House require that the decisions of the various Chairmen of the Committee of the Whole should be uniform with respect to the application of this rule, whatever it is.

Mr. SAUNDERS of Virginia. Mr. Chairman, I wish to say a word in this connection, not only because it is an interesting parliamentary proposition, but because I was concerned with the very case to which the gentleman from Minnesota refers. The chairman in that case did inadvertently lay down the principle referred to, but I call the attention of the present occupant of the chair to the fact that later the Chairman said that he would recognize me to offer my amendment as a separate section at the end of the bill. This by implication, conceded the whole principle for which I was contending. I submit that if an amendment is in order as a separate section, not on the ground that it is germane to some particular section of the bill, but because it is germane to the bill as a whole, such an amendment as a separate section may be offered as well in one part of a bill, as another. An amendment germane to a bill as a whole, but hardly germane to any one section may be offered at an appropriate place, with notice of motion to strike out following sections which it supersedes. Hinds' V section 5823. If an amendment is germane to one, or more sections, it must be offered to the one to which it is most germane. If that section has not been reached, the amendment must be postponed, until it is reached. If it has been passed, the mover has lost his opportunity, and the amendment can not be offered at all. The opportunity has passed. But if the amendment is not germane to one section, any more than to another but is plainly germane to the bill, it may follow any section, as a separate section.

I have seen amendments offered as separate sections in this body, or in the House, and heard the rulings on the same, to the effect just stated, unless I am greatly mistaken. But apart from the precedents, if there be any to the contrary, an amendment not germane to any particular section, but germane to the bill, must of reason be in order at the conclusion of any section, as an additional section. It would not be in order upon the facts supposed, to any particular section, since it would not be germane to such section.

I wish to say by way of emphasizing the argument of the gentleman from Georgia, who preceded me, that sound parliamentary construction must of necessity derive the conclusion that, if there is such a thing as adding an amendment to a bill on the ground that it is germane to the general purposes of the bill, it may be added at one place as well as at another if it is offered as a separate section, and not as an amendment to some particular section. It frequently occurs that an amendment which is submitted is not germane to any noticeable degree to any particular section, but is plainly germane to the general purpose of the bill. In such a situation the instant inquiry is, At what point in the bill shall the amendment be offered? Undertaking to reply to this query, I maintain that unless it is permitted to be offered at any point, it can not be offered at all, and surely the latter conclusion must be rejected. Upon what principle should any particular point have the preference? And if no particular point is entitled to preferential consideration, and the amendment is germane to the bill, and therefore proper to be considered, it may follow any section as a new section.

Mr. JUUL. Mr. Chairman, I had not thought that it would be necessary to stand before this committee and make a fight for securing the insertion of the amendment which I have offered.

The CHAIRMAN. The gentleman must confine himself to a discussion of the point of order.

Mr. JUUL. I will, and this is by way of introduction, Mr. Chairman. But I find, Mr. Chairman, by looking in the hearings of the Committee on Agriculture on this very identical subject, that the committee thought the subject was absolutely germane in that it devoted quite a bit of its time to its discussion. If I may be permitted, Mr. Chairman, I will read a few lines of the hearings that will show that the committee thought the subject germane enough to take up in the committee and discuss the very identical phase of the situation which I am trying to bring before this body.

The CHAIRMAN. The Chair does not care to hear any argument as to whether the amendment is germane to the bill. The Chair is satisfied with the question as to whether it is germane to the bill.

Mr. POU. Mr. Chairman, I rise merely to submit to the Chair and emphasize the position taken by the gentleman from Georgia [Mr. CRISP], that the inevitable logic of the position taken by the gentleman from Minnesota is that there could not be a new paragraph added to the bill.

The CHAIRMAN. The Chair is ready to rule. The Chair stated in the preceding ruling that the rule governing germaneness of amendments required that amendments be not only germane to the bill but to the section under consideration. This amendment is offered as a new section and stands not in the same relationship as if it were an amendment to the section itself. The ruling referred to some time ago referred to the question of whether, when debate had been closed on a section and all amendments thereto, it would cover a new section that was added or sought to be added, and the ruling of the Chair was to the effect that it would. However, the Chair does not think that that is on a parity with this. The amendment offered by the gentleman from Illinois is germane to the bill if added as a new section. It is not a part of the preceding section and does not need to be germane to it, and therefore the Chair overrules the point of order.

Mr. WELLING. Mr. Chairman, I desire to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WELLING. As I understand, the amendment which is now pending and held in order proposes to insert a new section, 11 (a), at the end of line 18, page 7. I submit that it seems to me that that is an entirely improper place to place a new section, because it is right in the center of what is now section 11 of the bill, and it ought not to be placed there.

The CHAIRMAN. It is offered at the end of the section and should be placed in the proper place. It should follow section 11.

Mr. WELLING. I suggest to the gentleman from Illinois that he offer to amend his motion to insert it at the end of line 25, on page 7.

The CHAIRMAN. The gentleman asks unanimous consent that the proponent of the amendment may alter it so as to read (c), at the end of section 11, and make it section 12 instead of section 11.

Mr. ANDERSON. I object.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto close in 10 minutes, and that the gentleman from Illinois [Mr. JUUL] have five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the debate on this section and amendments thereto close in 10 minutes. Is there objection?

Mr. ANDERSON. I reserve the right to object.

Mr. RAKER. Mr. Chairman, I have an amendment to offer to the section.

Mr. HAUGEN. I want to dispose of the section so that we can make some progress.

The CHAIRMAN. Is there objection?

Mr. HAUGEN. We have passed the other section.

Mr. RAKER. Not yet.

Mr. ANDERSON. A new section has been offered.

Mr. RAKER. That has been offered in the meantime.

The CHAIRMAN. The Chair states that this is a new section.

Mr. RAKER. The Chair does not hold that we have disposed of section 11?

Mr. SAUNDERS of Virginia. You can not offer it to the exclusion of gentleman who are seeking to amend the section.

Mr. WELLING. Mr. Chairman, I listened attentively to the gentleman from Illinois, and he sought to insert it after line 18, at the end of section 11.

Mr. RAKER. Mr. Chairman, reserving the right to object, I want to have the parliamentary situation clear, that we may have the right to offer an amendment to this section after we have disposed of this. I hope the gentleman will not insist on his amendment to the section. We have not had any time on section (c).

Mr. HAUGEN. Mr. Chairman, let the time be limited to 20 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that all debate be limited to 20 minutes. Is there objection?

Mr. SAUNDERS of Virginia. Does that apply to section 11?

The CHAIRMAN. To section 11 and amendments thereto.

Mr. SAUNDERS of Virginia. And a separate section offered by the gentleman. I think that ought to be put in.

The CHAIRMAN. The Chair will state that it will cover the section. Is there objection?

Mr. WALSH. Well, Mr. Chairman, reserving the right to object, do I understand the Chair to hold that while a new section is pending and has been offered that you can proceed to offer amendments to the preceding section, when the new section is not offered as an amendment to the preceding section?

The CHAIRMAN. If the section has been passed by the offering of a new section, you can not go back to the section passed without unanimous consent to offer an amendment. The Chair states that if the section is under consideration and a motion is made to close debate upon the section, that that would cover also the new section that followed, according to the rulings heretofore.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. Would it be in order, then, before the gentleman from Illinois [Mr. JUUL] proceeded with his amendment, to offer an amendment to section 11 and have it take precedence over his motion?

The CHAIRMAN. If it is a perfecting amendment, it must be offered.

Mr. RAKER. It is a perfecting amendment.

I move to strike out the word "report," in line 24, page 7, and insert the word "report," after the word "fraudulent," in the same line.

The CHAIRMAN. The question is on the request before the House for 20 minutes. Is there objection? [After a pause.] The Chair hears none. The Chair recognizes the gentleman from California to offer his amendment.

Mr. RAKER. Strike out the word "report," in line 24, page 7, and insert the word "report," after the word "fraudulent," in line 24, the same page.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, there is an amendment pending.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California [Mr. RAKER].

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 7, line 24, after the word "any," strike out the word "report," and after the word "fraudulent," in the same line, insert the word "report."

Mr. RAKER. Now, if I may be heard on my amendment——

Mr. WELLING. Mr. Chairman, I make the point of order that there is an amendment pending.

Mr. RAKER. This is a perfecting amendment.

Mr. WELLING. The amendment does not touch the pending amendment.

The CHAIRMAN. The gentleman from California [Mr. RAKER] is recognized for five minutes.

Mr. JUUL. If the gentleman was to go in with his amendment between section (a) and before section (b)——

The CHAIRMAN. If he is placing it between two paragraphs, it is out of order. It goes at the end of section 11. The gentleman from California has the floor.

Mr. ANDERSON. Mr. Chairman, I would like to understand the situation. Do I understand now that the Chair rules that the amendment of the gentleman from Illinois [Mr. JUUL] is not in order at the place where he offered it?

The CHAIRMAN. He can offer it as a new section following section 11.

Mr. ANDERSON. Then it was not in order where it was offered before?

The CHAIRMAN. It was in order as a new section. As to where the gentleman placed it, the Chair is not aware.

Mr. RAKER. Mr. Chairman, the reason I moved to strike out the word "report" and insert it after the word "fraudulent" is this: The gentleman from Michigan makes no objection, which is all right. It will read as follows:

That no person shall willfully fail or refuse to make any required report or return or make any false or fraudulent report in any material particular.

That is the language. You have got to make it "false and fraudulent." So it must say that "no person shall willfully fail or refuse to make any false or fraudulent report."

Mr. BARBOUR. Will the gentleman yield? Will the gentleman explain the difference to me?

Mr. McLAUGHLIN of Michigan. Inasmuch as the gentleman quoted me, he ought to quote me properly. I disagree with the amendment altogether.

Mr. RAKER. I will read it again.

No person shall willfully fail or refuse to—

And then go down to line 24—

Make any report false or fraudulent.

Mr. ANDERSON. "Fail" or "refuse" has nothing to do with "false" or "fraudulent." It says if any person shall 'refuse" to make any report.

This is another proposition, "or make reports false or fraudulent in any material particular."

Mr. RAKER. Going back to the subject, "No person shall willfully"—and there you have one; that is the first one—"fail or refuse to make full and true entries" under this section.

Now, second, "alter, mutilate, conceal, or destroy any such account or record," or, going back to the beginning, "No person shall willfully fail or refuse to make any report false or fraudulent in any material particular."

You can not construe the language in any other way. It is just the transposition of the words, and the word "report" ought to be inserted in the other place. In other words, it is provided here that "if a man does not make a false and fraudulent report" he is guilty of an offense. Clearly the committee does not intend that. I do not really understand why these figures (1), (2), and (3) are there, but they may be all right.

Mr. SAUNDERS of Virginia. I think the interpretation that the gentleman from California is placing on this language, while of course it is not what the committee had in mind, is a fair interpretation of the language itself. But it seems to me that difficulty could very readily be removed if you simply transposed those sentences.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SAUNDERS of Virginia. Oh, no. I am recognized in my own time.

The CHAIRMAN. The Chair can not do that.

Mr. SAUNDERS of Virginia. But I asked for recognition in my own time when the gentleman from California took his seat.

Mr. HAUGEN. The time is limited to 20 minutes, with the understanding that the gentleman from New York [Mr. PELL] and the gentleman from Illinois [Mr. JUUL] and the gentleman from California [Mr. RAKER] should have 5 minutes each, and I have 5 minutes. How much time does the gentleman from Virginia want?

Mr. SAUNDERS of Virginia. I will be through in a minute.

Mr. HAUGEN. I will yield to the gentleman half of my time.

Mr. SAUNDERS of Virginia. I suggest if you transpose this sentence so that it will read this way, "No person shall willfully make any report false or fraudulent in any material particular or fail or refuse to make any required report or return," you solve the difficulty and make the meaning clear.

I offer as a substitute to strike out the figure "(3)" and the language at the conclusion of the sentence and substitute the language that I have offered. I think it will carry out the idea of the committee.

The CHAIRMAN. The gentleman from Virginia has used one minute. The amendment will be read for information.

Mr. SAUNDERS of Virginia. My amendment is offered as a substitute. It is not to be read for information, but it is offered in the nature of a substitute.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amendment offered by Mr. SAUNDERS of Virginia: Page 7, line 23, after the semicolon, strike out the balance of the language in lines 23, 24, and 25 and insert "or (3) make any report false or fraudulent in any material particular or fail or refuse to make any required report or return."

Mr. HAUGEN. Mr. Chairman, I reserve the rest of my time.

Mr. JUUL rose.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. JUUL. Mr. Chairman and gentlemen, the gentlemen who are opposed to the amendment which I have offered referred to experts who appeared before the committee. I was not in the committee, but I find on page 87 of the committee hearings that Dr. Wiley, one of the experts, and Dr. Pennington, another of the experts, spoke on the very subject of poultry being drawn or undrawn. Dr. Wiley said:

Ordinarily they are put in storage in an undrawn condition, and there is a dispute as to whether that is better. You know what undrawn means; it means that the entrails have not been taken out. And whether it is better to put them up in an undrawn condition or not there is some dispute. My belief is that they ought to be put up drawn; but that is neither here nor there.

That is the expert testimony as to what ought to be done, and with that expert testimony, introduced by my friend, the chairman of the committee, I rest my case.

Mr. CONNALLY. Does not the gentleman think the refrigerator people will object to that?

Mr. JUUL. I think the refrigerator people will object to that, and that is what we are up against on this floor—the filthy habit of storing such poultry for years and selling it to poor people when it is decayed and black with the filth that is stored inside of it. I have been trying to find out all afternoon whether it is "either here or there" and why there is such friendship manifested here for poultry put up in such a condition.

Mr. CONNALLY. The storage men would probably object to it?

Mr. JUUL. Yes.

Mr. REED of West Virginia. I want to ask the gentleman, if his amendment should be adopted, what would become of the gizzards and the livers?

Mr. JUUL. I do not know of what value the gizzard or liver, or for that matter the neck, is in a poor chicken. I know a story of a boy of 14 who up to that time had been obliged to eat at the second table when the family had chicken for dinner, and under those circumstances his notion of a chicken was that there was nothing to it but the neck. [Laughter.] I would rather sacrifice the gizzard and liver, and even the neck, than compel the people in my district to eat the rotten stuff they have to eat. I hope you gentlemen will help me purify the situation. That is all I have got to say. [Applause.]

The CHAIRMAN. The Chair will recognize the gentleman from New York [Mr. PELL].

Mr. PELL. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

Mr. PELL. In the first place, Mr. Chairman and gentlemen, the question was just asked about the livers of the chickens and what became of them. The same thing can be done with them as is done with cod livers. When a cod is caught he is not put into the ice box whole. His insides are taken out and thrown overboard, and his liver is put in a separate box. In the case of chicken livers the same thing could be done. Instead of their being left in cold storage to rot next to the other entrails they could be very readily put away separately and stored separately and marked as such.

We have heard that the expert says that it matters little whether or not poultry is drawn before being put in cold storage. It does not. When a chicken is put in ice and is frozen and you can take it out and cook it immediately, it will be just as good whether it has been drawn or not drawn. But what actually does happen is that it is taken out and kept some little time after it is taken from the ice box, and cold-storage food, though just as good, rots very much more rapidly than fresh food.

For that reason I think the amendment of the gentleman from Illinois [Mr. JUUL] should be passed. I think we ought not to rely too much on expert testimony. We can use our own common sense. There is not one man here who really would like to have a chicken served to him which has been dead for two or three years, or even one year, as this bill allows, and left with all its insides in it.

Ordinary common sense will show us that this amendment will probably do a great deal of good, and so far nobody has made the slightest suggestion that this provision will do any harm. We say that it will be a good thing for the food of the people; that it will be in the interest of health. Those who oppose it say merely that this guaranty is not necessary, or that it is not at the proper page of the bill. We are talking about the subject matter in hand. I think it will be a good thing to guarantee the people against the possibility of rotten food. [Applause.]

Chickens are sold by the pound. You buy them at such and such a price per pound. That includes these insides which must be thrown away. It seems to me that is a swindle.

Mr. BROOKS of Illinois. Will the gentleman yield?

Mr. PELL. Yes.

Mr. BROOKS of Illinois. I want to ask the gentleman if he does not think it is within the jurisdiction of the pure-food law to regulate this, instead of the cold-storage bill?

Mr. PELL. Obviously it is not regulated now; and I think it is our business to see that it is done as quickly as possible. If this were a pure-food law I should introduce it on that, but as it is a cold-storage law and it has been held to be germane to it, I think this perfectly good reform should be adopted without waiting for a more elegant or suitable vehicle.

Mr. CLEARY. Does not the gentleman think it is foolish to pay storage on entrails?

Mr. PELL. I think so.

Mr. CLEARY. That makes an extra charge for storing something that is no good.

Mr. PELL. Yes; and in toto it amounts to a good deal of money.

Mr. HAUGEN. Mr. Chairman, I yield the remaining time to the gentleman from Michigan [Mr. MCLAUGHLIN].

Mr. MCLAUGHLIN of Michigan. Mr. Chairman, this bill nowhere has any section or portion which seeks to control or have anything to do with the condition in which food is put into or taken out of cold storage. If this amendment, offered by the gentleman from Illinois [Mr. JUUL], should be adopted, it would

be a departure from the general plan of the bill, and I think for that reason it ought not to be adopted. The question was asked by the gentleman from Texas [Mr. CONNALLY] if this was not opposed by the packers, and the answer was yes; and he insinuated that of course the Committee on Agriculture would not recommend it. We expect such nasty reflections from some people outside, but we do not expect our own Members to be casting such reflections upon us, as they are altogether undeserved, and I am surprised that the gentleman from Texas has indulged in remarks of that kind. I know of no committee, in the consideration of any measure, that has been more free from prejudice or influence than has the Committee on Agriculture in the consideration of this proposition. I defy anyone to find anything that has been said or done on this floor respecting these matters that will justify any such reflection as the gentleman from Texas [Mr. CONNALLY] would cast upon us.

I am in sympathy with the idea advanced by the gentleman from Illinois [Mr. JUUL], that chickens ought to be drawn, that they are not as good and do not keep as well when they are not drawn; but this bill does not relate to those matters. The pure-food law does relate to them, and when any article of food offered for sale or consumption is found to be in an unwholesome condition, such control as the Federal Government has over it is found in the pure-food law. That law covers the proposition, and it seems to me we ought not to include it in this bill.

Mr. SAUNDERS of Virginia. Before the gentleman takes his seat I want to ask a question about this section 11. The section provides for a report from storage warehouses, which, of course, is all right, but what sort of a report is to be made by refrigerator vehicles? I can not see when they would make a report. That stuff is carried in transit in refrigerator vehicles.

Mr. McLAUGHLIN of Michigan. The testimony is that altogether there is an immense amount of foodstuffs in transit in refrigerator cars every day, and if we can get reports on the total amount in transit on any one day it will be very helpful to the business of the country and in the administration of this act.

Mr. SAUNDERS of Virginia. Refrigerator vehicles are required to make reports as to the stuff in transit on a particular day.

Mr. McLAUGHLIN of Michigan. On a certain day.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The parliamentary situation is that a new section is offered by the gentleman from Illinois [Mr. JUUL], to which an amendment is offered by the gentleman from California [Mr. RAKER] and a substitute by the gentleman from Virginia [Mr. SAUNDERS]. The question is first on the substitute.

The substitute was agreed to.

The CHAIRMAN. The question now is on the amendment as amended by the substitute.

The amendment as amended was agreed to.

The CHAIRMAN. The question now is upon the section as amended by the offering of the new section of the gentleman from Illinois [Mr. JUUL].

Mr. SAUNDERS of Virginia. Is that the parliamentary situation? The gentleman from Illinois does not offer any amendment to the section. He offers a new section.

The CHAIRMAN. He offers it as a new section. The question is on the new section.

The question being taken, on a division (demanded by Mr. McLAUGHLIN of Michigan) there were—ayes 22, noes 19.

Mr. ANDERSON. I ask for tellers, Mr. Chairman.

Tellers were refused, 16 Members, not a sufficient number, seconding the demand.

Accordingly the amendment was agreed to.

The Clerk read as follows:

SEC. 12. That no person shall willfully hinder, obstruct, or resist the Secretary of Agriculture or any duly authorized officer, employee, or agent thereof in the performance of his duties under this act.

Mr. RAKER. Mr. Chairman, I move to strike out the word "willfully" in line 1, page 8, and in line 2 the word "duly."

The CHAIRMAN. The gentleman from California offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 8, line 1, strike out the word "willfully" and in line 2 the word "duly."

Mr. RAKER. I should like to ask the gentleman the real purpose of the word "duly"? A man is authorized by the Secretary of Agriculture to do a certain act.

Mr. HAUGEN. "Duly" means in writing.

Mr. RAKER. It does not say so.

Mr. HAUGEN. It does in another section.

Mr. RAKER. No one would be able to act for the Secretary unless it was authorized in writing. Any obstruction or hindering of the Secretary of Agriculture, unless willful, would be all right.

Mr. HAUGEN. That is the way it is worded. It would be rather harsh language to leave that word out.

Mr. RAKER. Is it not intended that anybody who would hinder or obstruct the Secretary of Agriculture ought to be sufficiently——

Mr. HAUGEN. I think it does little harm to leave it in. It does not make it quite so drastic as it would to leave it out.

Mr. RAKER. The Chairman thinks it would be better to make it a willful act on the part of anyone to obstruct or hinder the Secretary, and that any general obstruction would not mean anything unless willfully intended to oppose the enforcement of the law?

Mr. HAUGEN. Yes.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Without objection, that will be done.

There was no objection.

The Clerk read as follows:

SEC. 13. That any person who violates any provision of sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, or 18 of this act, or any regulations prescribed thereunder, shall, upon conviction thereof, be punished by a fine not exceeding $1,000 or imprisoned not more than one year, or both. After judgment of any court with respect to any violation of this act, the Secretary of Agriculture may give notice thereof by publication in such manner as he by regulation may prescribe. It shall not be deemed a violation of any provision of sections 3, 4, 5, or 6, if the act, omission, or failure of any person results from his reliance in good faith upon the act, omission, or failure of any other person with respect to marks or absence of marks upon the article of fool or container thereof.

Mr. HUTCHINSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 8, line 17, after the words "article of," strike out the word "fool" and insert in lieu thereof the word "food."

The amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 8, line 7, strike out the words "or any regulation prescribed thereunder."

Mr. MADDEN. Mr. Chairman, this amendment provides that certain punishment shall result from the violation of regulations prescribed by the Secretary of Agriculture. The law provides that any person who violates any provisions of sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 18 of the act shall be punished by a fine not exceeding $1,000 or imprisonment not more than one year, or both.

It seems to me that we ought not to give the Secretary of Agriculture the power to make regulations for the violation of which a man may be punished by a fine of $1,000 or sent to prison for one year or both fine and imprisonment. Is it not enough to impose a penalty on the man for the violation of the law? What right have we to suppose that the Secretary of Agriculture might not make such regulations as to make it impossible for anybody to comply with them. Why should we give him any such power? Why should we make it possible for any man to be convicted for the violation of regulations made by any man occupying an administrative position in the Government of the United States?

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. McLAUGHLIN of Michigan. Did the gentleman ever vote for any measure of that kind?

Mr. MADDEN. I do not believe I ever did with my eyes open.

Mr. McLAUGHLIN of Michigan. The books are full of them.

Mr. MADDEN. If they are it is all a mistake. I do not think we ought to give the Secretary of Agriculture the power to make a law the violation of which would send a man to the penitentiary. That is what this is.

Mr. TINCHER. Would the gentleman favor a punishment for a violation of the regulations?

Mr. MADDEN. The bill imposes a punishment for the violation of the law.

Mr. TINCHER. Is the gentleman opposed to allowing the Secretary of Agriculture to make regulations?

Mr. MADDEN. No; I am in favor of his making them, but the punishment ought to be only for the violation of the law.

Mr. TINCHER. The law says what regulations he can make.

Mr. MADDEN. The law says nothing of the kind; it says any regulations prescribed hereunder.

Mr. TINCHER. The gentleman is reading that part which pertains to the penalty.

Mr. MADDEN. Yes; I would not permit the punishment of any man for violating any regulation made by an officer of the Government.

Mr. TINCHER. What would the gentleman do?

Mr. MADDEN. I would punish him for a violation of the law.

Mr. McLAUGHLIN of Michigan. I will say this, that if the Secretary of Agriculture is not given authority to make regulations under this law, we might as well throw this whole thing into the wastebasket. Some regulations are just as important as matters specified in the law itself.

Mr. MADDEN. I am not opposed to the Secretary of Agriculture being given the power to make regulations, but I am opposed to any regulations made by him having such force of law as will permit the punishment of some one who violates it. He may make the regulation properly, or he may make a regulation improperly and may make one perfectly improper, and if he does and some one violates it, is there any reason in the world why that one should be sent to the penitentiary because the Secretary of Agriculture says so?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. RICKETTS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

Mr. HAUGEN. Mr. Chairman, I ask that debate on this section and all amendments thereto be limited to five minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that debate on the section and all amendments thereto be limited to five minutes. Is there objection?

Mr. RICKETTS. I object, Mr. Chairman, to that.

Mr. RAKER. Mr. Chairman, I have an amendment which I would like to submit to the committee.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Ohio.

The Clerk read as follows:

Amendment by Mr. RICKETTS: Page 8, line 8, after the word "fine," strike out "not exceeding $1,000 or imprisonment not more than one year or both" and insert in lieu thereof the following: "not less than $1,000 or imprisonment for one year, or not more than $5,000 or imprisonment not more than five years."

Mr. HAUGEN. Mr. Chairman, I renew my request to close debate in 10 minutes.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that debate on this section and all amendments thereto close in 10 minutes. Is there objection?

Mr. MADDEN. Mr. Chairman, reserving the right to object, I would like to ask the chairman of the Committee on Agriculture how long he expects to run this evening?

Mr. HAUGEN. I expect to move to rise after we get through with this section.

Mr. MADDEN. After 10 minutes?

Mr. HAUGEN. Yes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. That is, after the vote?

Mr. RICKETTS. Mr. Chairman and gentlemen of the committee, the real purpose and intent of this bill, as I gather from a close reading of it, is to protect the people of this country from the high cost of living. There is a general feeling throughout the country that the people of the country have been imposed upon by the packers, and that the packers have been storing foodstuffs of this country for a great length of time, or for such time as to defeat completely the law of supply and demand, and I think there is more truth in that than we credit. I have felt all the time up to now during the consideration of this bill that each of the Members of this House are not considering the bill as seriously, or in the light that we should, and I am not criticizing anybody, because I can see clearly that the penalty imposed by this statute will have little or no remedial effect. I heard it said on the floor of the House this morning by the gentleman from Illinois that fresh meats were purchased in the cities, towns, and villages of this country at the meat markets. Why, gentlemen of the committee, let me tell you something: Since 1908 the meat markets in the villages, cities, and towns of this country have been gradually put out of business; I mean those markets where fresh meats have been sold during that time. The packers of the country could undersell the fellows who undertook to slaughter their own beef, hogs, and sheep, and made prices so low, for a number of years, as to put the ordinary butcher and meat-market men out of business; and I know whereof I speak with reference to that matter. Now, what happened after they had gotten rid of the man who slaughtered his own meat and sold fresh meat to the people from the meat markets in the villages, towns, or cities? Why, instead of that, the meat men who were engaged in that business were forced to buy their meats from the packers or discontinue their business. They do not undertake to stock their markets wholly with fresh meats. They can not do it. They purchase a great portion of the meat from the packers, and the result is that the packers of the country since 1908 have been controlling the markets of this country with reference to the production of cattle, sheep, and hogs, and they have been able, by reason of the fact of storing great quantities of meat in the cold-storage houses of the country, to control the supply of the country in that line, and they have been able, if you please, on that same theory, to regulate the market price of meats in the country, and they have been able to make the farmers of the country believe that if Congress should pass a law whereby the packers of the country would be controlled in their business, that the farmers in the country are going to lose their market for their stock upon the farms. A great many farmers believe that; but such is not the case. The farmers will profit by this measure, for they will have an open market, and not one controlled by monopoly.

Mr. GARD. Will the gentleman yield?

Mr. RICKETTS. I will in just a minute. What I want to say is this: I gave this question of cold storage considerable study in July of this year and I addressed this House on that subject, and when I hear you say here that you can get fresh meat in Washington I want you to point out, if you can, where? You Members of the House, point out any place in the great Capital City of Washington where you can buy fresh meats? It can not be done, and every man in this House knows it. I submit that the people of this city, including Members of Congress, are required to subsist upon meats obtained from cold storage. In fact, 75 per cent of the foodstuffs used by the people of this city are obtained from cold storage. I know of no other city in the country where the people are required to such an extent to live upon foodstuffs secured from cold storage. Many of us have had the sad experience of having been served with tainted foodstuffs and stale eggs during even this session of Congress. The fact is that never before in the history of this Nation have the people generally been required to purchase such great quantities of cold-storage foods for consumption. They have been paying the highest prices for these articles ever before paid by the citizens of this country. The people are looking to Congress for relief and the Committee on Agriculture has presented this bill for our consideration. They have held hearings and discussed this matter fully in committee, and it is clearly the purpose and intention of the Committee on Agriculture, by the presentation of this bill, to prevent hoarding and deterioration of, and deception with respect to cold-storage foods; to regulate shipments of cold-storage foods in interstate commerce, and to limit the time that meats and all other foodstuffs, except liquid foods, shall be kept in cold storage.

Section 9 of this bill provides:

It shall be unlawful for any person to ship or deliver for shipment in commerce, or hold in cars while in commerce, or sell or offer for sale in commerce, or having received from shipment in commerce, to sell or offer for sale in the original, unbroken package, any article of food which has been in cold storage after the expiration of 12 months following the date on which the article of food was first placed in cold storage; except cheese held for the purpose of ripening and improving the quality thereof.

And section 13 prescribes the penalty of a fine not exceeding $1,000 or imprisonment not more than one year, or both.

Gentlemen of the House, I am frank to say to you that this penalty is entirely inadequate. The force and effect of a remedial statute depends upon the penalty, and I am quite convinced that the penalty provided for herein will not insure the results which the committee hoped to obtain under this legislation. Those inclined to monopolize the foodstuffs of the country will not be deterred or dissuaded by this penalty.

This legislation has a twofold object. First, to reduce the high cost of living. And second, to insure sanitary foods to the people of the country as a public-health measure.

Many poor people in this country are to-day suffering for the want of sufficient wholesome food, and the lack of pure wholesome food is not due to a scarcity of foodstuffs. The reports of the Bureau of Markets and the report of the investigation made by the Federal Trade Commission, together with the evidence presented to the committee in the hearings on this bill, show conclusively that immense quantities of all kinds of foodstuffs have been held in cold storage for many months past, and withheld by the packers from the markets of the country. This is, indeed, a deplorable condition, and because of this fact the President, in his recent message, recommended to Congress that this legislation be enacted, and that, in addition thereto, the Lever Food-Control Act be amended, which has already been done by this House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I desire to offer an amendment.

Mr. RUBEY. Mr. Chairman, there is an amendment pending.

Mr. GARD. Mr. Chairman, a parliamentary inquiry. I think the attention of the proponent of this amendment should be called to this amendment, in that it provides a double penalty.

Mr. RICKETTS. The amendment was drawn very hastily and it might be that it needs perfecting.

Mr. GARD. I suggest that the gentleman had better fix it up.

The CHAIRMAN. The Clerk will read the amendment for information.

The Clerk read as follows:

Amendment offered by Mr. RICKETTS: Page 8, line 8, after the word "fine," strike out "not exceeding $1,000 or imprisonment not more than one year or both" and insert in lieu thereof "not less than $1,000 or imprisonment for one year or not more than $5,000 or imprisonment for not more than five years."

Mr. GARD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARD. Should not the amendment be corrected, since he has a double penalty in the amendment for the same thing?

Mr. RICKETTS. In view of the suggestion of the gentleman, if he will suggest his amendment I will accept it, because I want it in correct form.

Mr. GARD. I suggest to the gentleman that in lieu of the language he has chosen to put in that it should read "not to exceed $5,000 or imprisonment for not more than five years, or both," or whatever the gentleman wants.

The CHAIRMAN. The amendment will be in order if the gentleman will present it.

Mr. RICKETTS. I ask unanimous consent, Mr. Chairman, to correct my amendment.

Mr. GARD. I think the amendment may be corrected by striking out the first few words he has in his last insertion there.

The CHAIRMAN. Without objection, the amendment will be offered.

Mr. RICKETTS. I am certainly under obligations to the gentleman from Ohio [Mr. GARD].

The CHAIRMAN. The Chair will ask that the committee permit the gentleman from California [Mr. RAKER] to proceed while this amendment is being corrected. If there is no objection, the gentleman from California will proceed.

Mr. RAKER. Mr. Chairman, I ask that the Clerk report my amendment.

The Clerk read as follows:

Amendment by Mr. RAKER: Page 8, line 9, after the word "both," strike out the rest of the line and all of lines 10, 11, and of 12 to and including the word "prescribe."

Mr. RAKER. Mr. Chairman and gentlemen of the committee, this is a most unusual provision. Here is a man or an association that, being found guilty in a criminal court by fine or judgment, which would be the verdict of the jury and the judgment of the court following, the Secretary of Agriculture shall publish and make provision for the publication of that judgment. Evidently there can be no purpose. I do not understand the reason the committee has for it, because in all criminal proceedings in the State and Federal courts are of public record, and why should the money of the Department of Agriculture be used for publishing the fact that a judgment has been secured? I yield to the Chairman for an answer to that. What is the purpose of that provision?

Mr. HAUGEN. This was drawn in line with the pure food act, and has proven very effective. For that reason it was inserted in this bill, that he may give publicity to it; and it may save a good deal of litigation after it is known that publicity will be given to it.

Mr. MADDEN. You mean it will ruin a man's business.

Mr. HAUGEN. It will ruin him less than by hauling him into court.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Ohio [Mr. RICKETTS].

The Clerk read as follows:

Amendment of Mr. RICKETTS: Page 8, line 8, after the word "fine," strike out "not exceeding $1,000 or imprisoned not more than one year, or both," and insert "not exceeding $5,000 or imprisoned not more than five years, or both."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. RICKETTS].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. RICKETTS. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 9, noes 21.

So the amendment was rejected.

The CHAIRMAN. The vote now goes on the amendment offered by the gentleman from California [Mr. RAKER].

The question was taken, and the amendment was rejected.

Mr. WELLING. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAUGEN. Mr. Chairman, I move that the committee do now rise.

Mr. WELLING. A parliamentary inquiry, Mr. Chairman, before we leave this section.

The CHAIRMAN. A motion to rise takes precedence of everything else.

Mr. WELLING. I understood we amended this bill by adding section 11 (a). The penalties are only applied to those sections that are named in the bill. I want to ask the Chair if he would hold that section 11 (a) is covered by the penalty that we have already adopted in connection with this section, without an amendment?

The CHAIRMAN. The new section is not a part of the section which precedes it.

Mr. WELLING. I move to amend section 13.

The CHAIRMAN. It is out of order. A motion to rise has been made.

Mr. WELLING. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WELLING. There was a motion adopted that we should debate this section for 10 minutes, but it did not provide that other amendments should not be in order without debate.

The CHAIRMAN. The gentleman is out of order. The motion is that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FESS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill H. R. 9521, the cold-storage bill, had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. MACGREGOR, by unanimous consent, was granted leave of absence, indefinitely, on account of committee work.

WITHDRAWAL OF PAPERS.

Mr. ASHBROOK, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Mary A. Nichols (H. R. 3573, 65th Cong.), no adverse report having been made thereon.

ENACTMENTS OF NINTH LEGISLATURE OF PORTO RICO.

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, was referred to the Committee on Insular Affairs and ordered printed:

To the Senate and House of Representatives:

As required by section 23 of the act of Congress approved March 2, 1917, entitled "An act to provide a civil government for Porto Rico, and for other purposes," I transmit herewith copies of certain acts and resolutions enacted by the Ninth Legislature of Porto Rico during its second session (February 10 to July 6, inclusive).

These acts and resolutions have not previously been transmitted to Congress, and none of them has been printed.

WOODROW WILSON.

THE WHITE HOUSE,
29 September, 1919.

LAWS OF ALASKA.

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with accompanying papers, referred to the Committee on the Territories and ordered printed:

To the Senate and House of Representatives:

In compliance with the terms of section 16 of the Alaska organic act, approved August 24, 1912, I transmit herewith a volume containing the duly authenticated laws, resolutions, and memorials passed at the fourth session of the Alaska Territorial Legislature, which convened at Juneau, the capital, on March 3 and adjourned May 1, 1919.

WOODROW WILSON.

THE WHITE HOUSE,
29 September, 1919.

Mr. HAUGEN. Mr. Speaker, I move that the House do now adjourn.

EXTENSION OF REMARKS.

Mr. RICKETTS. Mr. Speaker, if the gentleman will withhold his motion for a moment, I desire to ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Dudley, its enrolling clerk, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested.

S. 2923. An act to provide funds for the care and maintenance of the graves on foreign soil of members of the military forces of the United States.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 2923. An act to provide funds for the care and maintenance of the graves on foreign soil of members of the military forces of the United States; to the Committee on Military Affairs.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 9091. An act granting the consent of the Congress to the county of Hennepin, in the State of Minnesota, to construct, maintain, and operate a bridge across the Minnesota River.

ADJOURNMENT.

Mr. HAUGEN. Mr. Speaker, I renew my motion that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 16 minutes p. m.) the House adjourned until to-morrow, Tuesday, September 30, 1919, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FOCHT: A bill (H. R. 9592) extending the benefits of the general pension laws to the members of the Eighth, Twentieth, Twenty-sixth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, and Thirty-third Regiments, the several batteries of artillery, the several troops of cavalry, and the several independent companies which comprised the Pennsylvania Volunteer Militia, otherwise known as the "emergency men," who were called into service by the President of the United States of America, officered by the United States officers, and sworn into the service of the United States for an indefinite period, the same as if they had been in the service of the United States for a period of 90 days or more; to the Committee on Invalid Pensions.

By Mr. McCULLOCH: A bill (H. R. 9593) to amend and modify article 4 of the war-risk insurance act; to the Committee on Interstate and Foreign Commerce.

By Mr. HICKS: A bill (H. R. 9594) prohibiting the issuance of papers of declaration of intention to become citizens or final papers of citizenship to certain aliens who claimed exemption from military service in the present war, and providing for the deportation of certain aliens who surrendered their first papers of citizenship in order to escape military service; to the Committee on Immigration and Naturalization.

By Mr. ANDREWS of Nebraska: Joint resolution (H. J. Res. 219) proposing an amendment to the Constitution providing for the apportionment of the Representatives and direct taxes among the several States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 9595) granting an increase of pension to James M. Baxter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9596) granting an increase of pension to Mary A. Nichols; to the Committee on Invalid Pensions.

By Mr. BEGG: A bill (H. R. 9597) granting a pension to Harry L. Vance; to the Committee on Pensions.

By Mr. DUPRÉ: A bill (H. R. 9598) granting a pension to Edmond Harvey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9599) granting a pension to Nancy G. West; to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 9600) granting an increase of pension to Thomas Donohue; to the Committee on Invalid Pensions.

By Mr. HASKELL: A bill (H. R. 9601) for the relief of John O. Nelson; to the Committee on Claims.

Also, a bill (H. R. 9602) for the relief of Louis S. Barrett; to the Committee on Claims.

By Mr. HOLLAND: A bill (H. R. 9603) for the relief of the Link Belt Co., of Philadelphia, Pa.; to the Committee on Claims.

Also, a bill (H. R. 9604) for the relief of the Lloyd Mediterraneo Societa Italiana di Navigazione, owners of the Italian steamer *Titania;* to the Committee on Claims.

Also, a bill (H. R. 9605) for the relief of Th. Brovig as owner of the bark *Bennestvet;* to the Committee on Claims.

Also, a bill (H. R. 9606) for the relief of Gaetano Davide Olivari fu Fortunato, as managing owner of the Italian bark *Doris;* to the Committee on Claims.

By Mr. JOHNSON of Washington: A bill (H. R. 9607) for the relief of Charles H. Fullerton; to the Committee on Claims.

By Mr. KRAUS: A bill (H. R. 9608) granting an increase of pension to Susannah D. Clark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9609) for the relief of Charles C. Schilling; to the Committee on Military Affairs.

By Mr. LUCE: A bill (H. R. 9610) for the relief of Ellen Driscoll; to the Committee on Claims.

By Mr. MICHENER: A bill (H. R. 9611) granting an increase of pension to Charles M. Walker; to the Committee on Invalid Pensions.

By Mr. RANDALL of California: A bill (H. R. 9612) to remove the charge of desertion against William H. Stubbins; to the Committee on Military Affairs.

By Mr. RUCKER: A bill (H. R. 9613) granting an increase of pension to Edward Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9614) granting a pension to Ellen N. Pearson; to the Committee on Invalid Pensions.

By Mr. SNYDER: A bill (H. R. 9615) authorizing the Secretary of the Interior to correct an error in an Indian allotment; to the Committee on Indian Affairs.

By Mr. SWEET: A bill (H. R. 9616) granting a pension to William Blades; to the Committee on Invalid Pensions.

By Mr. TOWNER: A bill (H. R. 9617) granting an increase of pension to Hugh Reece; to the Committee on Invalid Pensions.

By Mr. WALSH: A bill (H. R. 9618) granting an increase of pension to Joshua W. Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9619) granting a pension to Sarah Barnes Baker; to the Committee on Pensions.

Also, a bill (H. R. 9620) for the relief of William Befuhs, alias Charles Cameron; to the Committee on Military Affairs.

By Mr. WHEELER: A bill (H. R. 9621) granting an increase of pension to John C. Edwards; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9622) granting a pension to Phillip Ausmus; to the Committee on Pensions.

By Mr. FAIRFIELD: Resolution (H. Res. 314) to increase the compensation of E. Finley Kitson as assistant in the House document room; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURROUGHS: Petition of the Polish-American people of New Hampshire, adopted at a mass meeting held at Manchester, N. H., on September 14, 1919, protesting against outrages and horrors being committed in Silesia and appealing for proper modification of the terms of the treaty of peace affecting Poland to furnish protection to the Poles of Silesia; to the Committee on Foreign Affairs.

Also, petition of Polish citizens of New Hampshire, at a meeting held at Manchester, N. H., on September 7, 1919, protesting against persecution of Poles by the German Army in Silesia and appealing to the Government of the United States for aid to end these abuses; to the Committee on Foreign Affairs.

Also, petition of 18 members of General Edmund Letley Camp, No. 12, United Spanish War Veterans, of Laconia, N. H., advocating the passage of House bill No. 2, for the relief of invalid soldiers; to the Committee on Pensions.

By Mr. FULLER of Illinois: Petition of the fire marshal of Illinois, opposing the Senate explosives act; to the Committee on the Judiciary.

Also, petition of Tanners' Products Co., of Chicago, Ill., opposing the Plumb plan for control of the railroads; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Royal Arcanum Hospital Association, of Chicago, Ill., for the repeal of the tax on outdoor amusements; to the Committee on Ways and Means.

Also, petition of Seaver Post, No. 253, Grand Army of the Republic, of Rantoul, Ill., favoring the bill to increase Civil War pensions; to the Committee on Invalid Pensions.

Also, petition of Washburn Crosby Co., of Minneapolis, Minn., opposing the Vestal bill (H. R. 7482) to establish a standard of weights on flour, etc.; to the Committee on Coinage, Weights, and Measures.

Also, petition of St. Josephs Society, of Peru, Ill., opposing the Smith-Towner educational bills; to the Committee on Education.

Also, petition of Rockford Central Labor Union, of Rockford, Ill., protesting against the reviving of price-fixing boards; to the Committee on Agriculture.

Also, petition of United States Customs Inspectors' Association, favoring House bills 6659 and 6577; to the Committee on Expenditures in the Treasury Department.

Also, petition of the Crane Co., of Chicago, Ill., favoring House bills 5011, 5012, and 7017, relating to patents; to the Committee on Patents.

Also, petition of citizens of Marseilles, Ill., opposing the Fess-Harding bills for an appropriation to investigate the cause of Spanish influenza, etc.; to the Committee on Education.

By Mr. GOULD: Petition of National Association of United States Civil Service Employees at navy yards and stations, favoring increased compensation for the employees at navy yards and stations; to the Committee on Naval Affairs.

By Mr. GREENE of Vermont: Petition of sundry citizens of Vermont in re discontinuance of the blockade against the Russian Soviet Republic; to the Committee on Foreign Affairs.

By Mr. KEARNS: Petition of the Gilbert Grocery Co., of Portsmouth, Ohio, favoring the amendment now pending to the Lever law; to the Committee on Agriculture.

By Mr. MOONEY: Petition of T. J. Sokol, of Cleveland, Ohio, protesting against the passage of the Meyers bill; to the Committee on Foreign Affairs.

By Mr. RAKER: Letter from the Mississippi Valley Association, New Orleans, La., favoring proper water-power legislation by Congress; to the Committee on Rivers and Harbors.

Also, letter from Philip B. Lynch, attorney at law, Vallejo, Calif., indorsing House bill 9204, providing for an increase in pay for Navy officers; to the Committee on Naval Affairs.

Also, telegram from the Boston Manufacturing Co., Whittenton Manufacturing Co., and the Waltham Bleachery & Dye Works, of Boston, Mass., protesting against the licensing feature of the Longworth bill, H. R. 8078; to the Committee on Ways and Means.

SENATE.

TUESDAY, *September 30, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to the duties of each day with a clearer vision of its importance and with a firmer grasp upon its duties after we have lifted our hearts to Thee and asked Thy guidance and blessing. Thou are the God of all the nations. Thou hast held us in the hollow of Thy hand. Thou hast led our fathers as Thou hast led us. Grant us to-day Thy grace for the discharge of the duties of this high office. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

S. 2910. An act to revive and reenact the act entitled "An act to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild, reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee"; and

H. J. Res. 208. Joint resolution authorizing the Secretary of War to expend certain sums appropriated for the support of the Army for the fiscal years ending June 30, 1919, and June 30, 1920, at Camp A. A. Humphreys, Va.

PETITIONS AND MEMORIALS.

Mr. PHIPPS. I have received from the Secretary of the National Association of Wool Manufacturers, of Boston, Mass., a letter answering statements made in a telegram from W. A. Snyder, of Denver, Colo., relative to wool importation from Great Britain, which telegram was inserted in the CONGRESSIONAL RECORD of September 22. I ask that the letter may be referred to the Committee on Agriculture and Forestry and printed in the RECORD.

There being no objection, the letter was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF WOOL MANUFACTURERS,
Boston, Mass., September 26, 1919.

Hon. L. C. PHIPPS,
United States Senate, Washington, D. C.

SIR: Concerning the matter of the importation of Australasian wools, it seems to us necessary to correct several misstatements made in the telegram received by you from W. A. Snyder, of Denver, Colo., and inserted in the CONGRESSIONAL RECORD and referred to the Senate Committee on Agriculture and Forestry. As a matter of justice and fairness, we believe you ought to give to this correction the same treatment that you gave to the telegram. The principal points of error to which we call attention are the following:

1. The proposed shipment of Australasian wools to the United States is not an attempt on the part of England to dump wools here. It is a concession granted at the request of American manufacturers to supply a limited quantity of certain types of wool absolutely necessary for the continuation of production of fabrics, which wools are not available in domestic stocks and will not be available from the current domestic clip.

2. The amount mentioned in the telegram (namely, 50,000,000 pounds) is incorrect. The quantity which has been arranged for to sell in the United States in December (not November, as indicated in the telegram) is 50,000 bales, or approximately 15,000,000 pounds, instead of 50,000,000.

3. This amount will not have the effect of demoralizing prices of wool, because the demand for this type of wool is so much greater than the supply available.

4. The statement of the amount of wool stocks on hand apparently is taken from the Department of Agriculture figures for June 30, 1919, without regard to changes in stocks since that time, and also without regard to the quality of wool in stock. Of the total amount thus indicated, only about 254,000,000 pounds were of three-eighths blood or better. This is an amount entirely inadequate to supply the requirements of the mills for fine wools, and the amount of wools of this type in the domestic clip for this year will come far short of fulfilling the necessary requirements.

5. In order to keep the cost of cloth within reasonable limits, it is absolutely necessary to avoid any danger of shortage of fine wools such as would inevitably follow from the failure to secure an ample supply of wools of this kind from the one available source, namely, Australasia.

Respectfully,
PAUL T. CHERINGTON,
Secretary.

Mr. BRANDEGEE. I present a resolution adopted by James Connolly Branch, Friends of Irish Freedom, of New York City, N. Y., which I ask to have printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

HEADQUARTERS OF THE JAMES CONNOLLY BRANCH,
FRIENDS OF IRISH FREEDOM,
New York, September 26, 1919.

At a regular business meeting of the above branch, Friends of Irish Freedom, held at the Valcour Club, 1904 Bathgate Avenue, The Bronx, September 17, the following resolutions were proposed and unanimously adopted:

"*Resolved*, That we, the members of the James Connolly Branch, Friends of Irish Freedom, in meeting assembled, do hereby protest with all the power within us against ratification of that deadly menace to our Nation, our liberty, and our homes—that iniquity born of darkness and deceit, European selfishness, and juggling—the 'league of nations.'

"*Resolved*, That we further protest against it as true Americans who feel that their beloved country should not be a tail to no European kite, who would give and have given the last drop of blood in their veins to defend that country's honor, and who will make the same sacrifices again, if needful, to preserve that country from dangerous European alliances; and who further protest most emphatically against ratification in any shape or form of 'article 10' in said league, feeling it to be a most sinister movement aimed at robbing once more American motherhood of those near and dear to them in the person of their growing sons, to pay the price in blood and tears for Europe's 'secret treaties' and 'right by might' conquest of small and weak nations."

RODERICK J. KENNEDY,
Vice President.
MICHAEL FURLONG,
Secretary.
HELEN CUSACK,
FRANK CONWAY,
JOHN FLATLEY,
Mrs. J. ROSS,
Committee on Resolutions.

Mr. LODGE presented the petition of Charles Barsotti, editor of Il Progresso Italo-Americano, of New York City, N. Y., praying that justice be done to Italy in the matter of Fiume, which was referred to the Committee on Foreign Relations.

He also presented petitions of sundry citizens of Cambridge, Chelsea, Newton, Milton, Somerville, Cliftondale, Lynn, Brookline, Quincy, Boston, and Braintree, all in the State of Massachusetts, praying for the ratification of the proposed league of nations treaty without amendment, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Boston, Worcester, Brockton, Somerville, North Cohasset, Walpole, Wollaston, South Braintree, and Salem, all in the State of Massachusetts, remonstrating against the ratification of the proposed league of nations treaty and praying for its separation from the treaty of peace, which were ordered to lie on the table.

He also presented a resolution adopted by the city council of Malden, Mass., favoring the enactment of legislation providing proper punishment for profiteers, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Patrick Henry Branch, Friends of Irish Freedom, of Gardner, Mass., remonstrating against the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

Mr. NEWBERRY presented a petition of sundry citizens of Grand Rapids, Onsted, Rogers, Newberry, and Lansing, all in the State of Michigan, praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

Mr. CAPPER presented a memorial of Local Union, No. 751, Brotherhood of Railway Carmen, of Topeka, Kans., remonstrating against the passage of the so-called Cummins bill, providing for private ownership and control of railroads, etc., which was referred to the Committee on Interstate Commerce.

Mr. WALSH of Massachusetts. I have received a communication in the nature of a petition favoring ratification, without amendment, of the league of nations treaty. The communication is from the president of the Newton Theological Institution, the religious educational center of the Baptist Churches of Massachusetts. I ask that it may be printed in the RECORD.

There being no objection, the communication was ordered to be printed in the RECORD, as follows:

THE NEWTON THEOLOGICAL INSTITUTION,
Newton Center, Mass., September 23, 1919.

HON. DAVID I. WALSH: I have the honor of transmitting to you the following resolution, unanimously adopted by the faculty and students of the Newton Theological Institution, Newton Center, Mass., September 23, 1919:

"In the interest of the organized peace of the world we urge our Representatives in the United States Senate not to imperil the league of nations by adopting amendments which will necessitate a reopening of peace negotiations. Whatever the defects of the proposed league, they can be remedied in the light of experience. It is time to make an experiment in human brotherhood."

Respectfully, yours,

GEORGE EDWIN HORR.

REPORTS OF COMMITTEES.

Mr. SPENCER, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 2716) to relieve the estate of Thomas H. Hall, deceased, late postmaster at Panacea, Fla., and the bondsmen of said Thomas H. Hall, of the payment of money alleged to have been misappropriated by a clerk in said office (Rept. No. 229);

A bill (H. R. 753) for the relief of Susie Currier (Rept. No. 227); and

A bill (H. R. 2452) for the relief of Charles A. Carey (Rept. No. 228).

Mr. SPENCER, from the Committee on Claims, to which was referred the bill (S. 2773) for the relief of Ethel Proctor, reported it with an amendment and submitted a report (No. 230) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 3109) to amend section 26 of the act approved July 17, 1916, known as the Federal farm-loan act; to the Committee on Banking and Currency.

By Mr. CALDER:

A bill (S. 3110) to amend the revenue act of 1918, approved February 24, 1919; to the Committee on Finance.

A bill (S. 3111) granting an increase of pension to Ann G. Ford; to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 3112) for the relief of certain settlers in Oregon for losses sustained during the Rogue River Indian outbreak in southern Oregon in 1855; to the Committee on Indian Affairs.

By Mr. KNOX:

A bill (S. 3113) for the relief of James Russell; to the Committee on Military Affairs.

By Mr. DILLINGHAM:

A bill (S. 3114) granting an increase of pension to George Whitcher; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 3115) authorizing the Secretary of the Interior to correct an error in an Indian allotment; to the Committee on Indian Affairs.

By Mr. ELKINS:

A bill (S. 3116) granting an increase of pension to John C. Dearing; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3117) granting a pension to Elise Seabel; and

A bill (S. 3118) granting an increase of pension to Eliza M. Miller (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 3119) for the relief of Con Murphy (with accompanying papers); to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 3120) granting a pension to William McClure (with accompanying papers); to the Committee on Pensions.

By Mr. STANLEY:

A bill (S. 3121) to amend the act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919; to the Committee on Military Affairs.

A bill (S. 3122) for the relief of the National Laundry Co.; to the Committee on Claims.

A bill (S. 3123) granting a pension to Mary Ellen Woodward (with accompanying papers); and

A bill (S. 3124) granting a pension to George Price (with accompanying papers); to the Committee on Pensions.

By Mr. WADSWORTH:

A bill (S. 3125) authorizing the Secretary of War to transfer certain surplus machine tools and other equipment to the Federal Board for Vocational Education; and

A bill (S. 3126) authorizing the detail of commissioned officers of the Army to take courses of instruction within two years from date of commission; to the Committee on Military Affairs.

AMENDMENT TO FIRST DEFICIENCY APPROPRIATION BILL.

Mr. MYERS submitted an amendment relative to the salaries of members of the Metropolitan police force of the District of Columbia, intended to be proposed by him to the first deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WAR-RISK INSURANCE.

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (H. R. 8778) to amend and modify the war-risk insurance act, which was referred to the Committee on Finance and ordered to be printed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on the 29th instant, approved and signed the joint resolution (S. J. Res. 75) authorizing the appointment of an ambassador to Belgium.

LANDING OF MARINES IN DALMATIA.

Mr. NEW. If it is in order at this time, I ask for the consideration of Senate resolution 198, which was submitted yesterday and went over under the rule.

The VICE PRESIDENT. The Chair lays before the Senate the following resolution, which will be read.

The Secretary read Senate resolution 198, submitted yesterday by Mr. NEW, as follows:

Whereas it is reported in the newspapers of this date that a force of American sailors or marines were landed on the Dalmatian coast from a vessel of the United States Navy by direction of the British Admiralty and without the knowledge of the President, the Secretary of the United States Navy, or other competent authority of the United States: Therefore be it

Resolved, That the Secretary of State be requested to inform the Senate of the facts concerning this report at the earliest possible moment.

Mr. POMERENE. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Hale	Keyes
Ball	Dial	Harding	Kirby
Bankhead	Dillingham	Harris	Knox
Beckham	Edge	Harrison	La Follette
Borah	Fernald	Henderson	Lenroot
Brandegee	Fletcher	Hitchcock	Lodge
Calder	Frelinghuysen	Jones, N. Mex.	McCormick
Capper	Gay	Jones, Wash.	McKellar
Chamberlain	Gore	Kendrick	McLean
Culberson	Gronna	Kenyon	McNary

Moses	Penrose	Simmons	Trammell
Myers	Phelan	Smith, Ariz.	Underwood
Nelson	Phipps	Smith, Ga.	Wadsworth
New	Poindexter	Smoot	Walsh, Mass.
Newberry	Pomerene	Spencer	Walsh, Mont.
Norris	Ransdell	Sterling	Warren
Nugent	Robinson	Swanson	Watson
Overman	Sheppard	Thomas	Williams
Page	Shields	Townsend	Wolcott

Mr. McKELLAR. The Senator from Nevada [Mr. PITTMAN], the Senator from Maryland [Mr. SMITH], and the Senator from Kentucky [Mr. STANLEY] are detained from the Senate on official business. The Senator from South Dakota [Mr. JOHNSON] is detained from the Senate by illness in his family. He is paired with the Senator from Maine [Mr. FERNALD]. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Seventy-six Senators have answered to the roll call. There is a quorum present. The pending question is on the resolution of the Senator from Indiana [Mr. NEW], which has heretofore been read.

Mr. HITCHCOCK. Mr. President, I desire to ask the Senator from Indiana why he addresses this resolution to the Secretary of State? If the resolution is proper at all—and I suppose it is proper if the Senate wants to keep picking away at these things—I would ask why the Senator does not address the resolution to the President of the United States, as he is involved in this matter?

Mr. NEW. Mr. President, I have addressed the resolution to the Department of State as being the department of the Government which is supposed to have information about such matters, if anyone has any information these days about what is being done with American troops. I thought the resolution was addressed to the proper authority, and I still think so. However, I have no objection to modifying the resolution so that it shall be addressed to the President, if it would be more acceptable to the Senator from Nebraska in that form.

Mr. HITCHCOCK. The subject of the resolution involves the Secretary of the Navy; the Senator's inquiry makes it involve the Secretary of State; it also involves the President of the United States by mentioning him in the preamble; and it seems to me, under those circumstances, it clearly ought to go to the President of the United States.

Mr. NEW. Mr. President, I have no objection to the resolution going to the President. I had supposed, however, and I still suppose, that the Department of State was the department of the Government charged with the duty and responsibility of collecting such evidence as that for which the resolution calls.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Colorado?

Mr. NEW. Certainly.

Mr. THOMAS. If I mistake not, all inquiries for information from the Secretary of State are addressed to the President, the President being the head of foreign affairs and the Secretary of State reporting to him. If I am in error in that statement, the junior Senator from Pennsylvania [Mr. KNOX] will correct me. I think that all inquiries, by way of resolution, of the State Department have heretofore been addressed to the President.

Mr. KNOX. Mr. President, the practice has been both ways. Practically, it is a request to the President, even though it goes to the Secretary of State, as the President decides the question as to whether or not it is compatible with the public interest to make the reply. So in any form it is in effect a request of the President. It only goes around through the Department of State.

Mr. THOMAS. I suggest that the resolution be amended so as to go directly to the President. I think that would be better.

Mr. NEW. I will accept that amendment, if it is suggested as an amendment, Mr. President.

Mr. THOMAS. I suggest it as an amendment.

Mr. NEW. I accept the amendment.

Mr. KNOX. I suggest to the Senator from Indiana also to insert the words "if not incompatible with the public interest," because that is the form usually followed.

Mr. NEW. I accept that suggestion also.

Mr. HITCHCOCK. Mr. President, as modified, so far as I am concerned, there will be no objection to the adoption of the resolution. I think, however, it is rather discreditable to the Senate of the United States to be forever prodding the administration about these matters, which are necessarily routine and within the jurisdiction of the President under present war conditions. It is just as reasonable for the United States at the present time, under the decisions of the supreme council, to land marines on Austrian territory as it is for us to hold soldiers on German territory, and there is no more reason for inquiring into one than there is for inquiring into the other; but if the Senator wishes to get the information I am perfectly willing to have him get it.

Mr. NEW. Mr. President, I think it is discreditable rather that so many occasions arise to make these inquiries necessary. I think that the people of the United States are interested in knowing just what are the facts behind the landing of armed American forces on the coast of a country with which we are presumably at peace. The resolution calls for that information and for nothing more.

Mr. HITCHCOCK. Mr. President, to what does the Senator refer when he says "a country with which we are at peace"?

Mr. NEW. We are not at war with Italy and have never been at war with Italy.

Mr. HITCHCOCK. This is not Italian soil.

Mr. NEW. Nor have we been at war with Serbia.

Mr. HITCHCOCK. But this is not Serbian soil.

Mr. NEW. It is Dalmatia; and we are not at war with Dalmatia, and have not been.

Mr. HITCHCOCK. This is Austrian soil.

Mr. NEW. Very well.

Mr. HITCHCOCK. And we are just as much at war with Austria as we are with Germany. Now we are on German soil with our Army for temporary purposes. Why should not our marines be on Austrian soil? The Senator may be laboring under the delusion that this is Italian soil, but it is not Italian soil.

Mr. NEW. Mr. President, our troops were landed there to interfere with the nationals of a country with which we are not only at peace, but with which we have been associated in the war which has just come to a close. I can see no possible objection to furnishing to the Congress of the United States and, through it, to the people of the United States the facts which are sought to be obtained by the resolution. If the Senator has no further objection to interpose, I should like to have the resolution adopted.

Mr. HITCHCOCK. There is no objection to the resolution, if Senators are willing to father a constant reiteration of annoying and unnecessary proddings of an administration which is doing the best it can under serious circumstances. The Senator would be just as much justified in demanding of the President to know why our soldiers are on the bridgeheads of the Rhine. They are there for necessary war purposes; they are there for the purpose of preserving the peace; and in this case, on Austrian soil, they are there to endeavor to prevent insurrectionary and lawless conflicts between the Jugo-Slavs and the Italians. The Senator knows that such outbreaks would be disastrous and might result in setting on fire again the material which has only recently been saved from the disasters of war. Now, if the Senator wants to go on, he will get the information from the President; he will get the information which he ought to know now, that this is Austrian soil; that there is danger there of race conflict between Italians and Jugo-Slavs, and that American marines are there in performance of the policy of the supreme war council which has been in effect since the armistice was signed, and are there for the purpose of preserving order until by peaceful methods the settlement of the war can be brought about.

Mr. KNOX. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Pennsylvania?

Mr. NEW. I yield to the Senator from Pennsylvania.

Mr. KNOX. Mr. President, I really do not think that the Senator from Indiana has deserved the severe rebuke he has received from the Senator from Nebraska; nor do I think that it is quite fair or quite in accordance with the facts to charge Senators upon this side with undertaking to heckle the administration in connection with this war or anything that has grown out of the war. I do not think there has ever been a more splendid illustration of the absence of partisanship and the presence of a high-minded attitude toward the projects of the administration connected with the war than the Republican Party and the Democratic Party in the Senate have shown during this war. It is a mistake upon the part of the Senator from Nebraska to say that we have habitually been landing marines; that there has hardly been an administration during which marines have not been landed in Central and South America.

The Senator from Nebraska overlooks the significant fact that in the past wherever we have landed American marines or wherever we have sent the American Army or the American Navy we have sent them to defend the lives and property of American citizens. This thing stands out by itself. It may be a necessary outcome of the war. It may be that these marines were landed under sufficient authority. If that is true, it is likely to be repeated again and again before this great conflict

has been finally closed; and if that is likely to occur, it seems to me that the Senator from Nebraska should welcome the opportunity to have laid before the Senate and before the people, for the first and probably necessarily for the last time, a full explanation of the reasons and the circumstances and the conditions under which it may recur.

Mr. SWANSON. Mr. President, will the Senator yield?

Mr. NEW. Certainly.

Mr. SWANSON. I have heard the remarks of the Senator from Pennsylvania. It seems to me that this is the state of facts with reference to Dalmatia:

The war against Austria was progressing. There was a collapse of the Austrian Empire. Certain territory on the Adriatic was taken over by the allied powers. Certain territory was assigned, with the agreement of the Italian Government, for the supervision and control of the troops of the United States, with her authority. I should like to ask the Senator if he is willing, under an obligation like that, the promise of the Italian Government, this territory having been turned over to the jurisdiction of the United States until peace is made and the treaty ratified, for the United States troops to be driven out in violation of a contract and in violation of this obligation?

Mr. KNOX. Mr. President, if the Senator from Indiana will permit me——

Mr. NEW. Certainly.

Mr. KNOX. As far as the Senator from Pennsylvania is concerned he has not raised any such question. We can not take the word of the Senator from Virginia about these international matters. I will take his word personally for anything that he may choose to give it for, but we are entitled to have the information directly.

Mr. SWANSON. I ask the Senator, under a state of facts like that, is he willing for the flag of the United States to be driven out without consulting its Government?

Mr. KNOX. I want to know what are the facts.

Mr. SWANSON. I say, if those facts should be disclosed—and, as I understand, they have been disclosed; I think they were disclosed by the Secretary of the Navy to-day; I think that has been the understanding, that a certain part of the Adriatic was turned over to Italy and a certain part to the United States and a certain part to others to take care of pending a treaty of peace. I for one, as an American citizen loving the American flag, will never consent to have that flag, when it is put there properly under an agreement during war, driven out by anybody, if that state of facts exists.

Mr. NEW. Mr. President, if that state of facts exists, it is very evident from what the Secretary of the Navy said yesterday that he did not know it. So far as I am concerned, I should like to have the details of the agreement that is mentioned by the Senator from Virginia. Like the Senator from Pennsylvania, of course I am willing to take the word of the Senator from Virginia for almost anything, but I should like to have officially the facts about this agreement.

Mr. SWANSON. I think the facts ought to be given officially.

Mr. NEW. That is what this resolution calls for.

Mr. SWANSON. I have not authoritative information; that is true; but what I protest against is condemning your own Navy and your own Government, before you get the facts, for what occurred yesterday. Anybody would have imagined yesterday, from the discussion in this Chamber and what has been given out, that the United States had declared war against Italy.

Mr. NEW. Why, Mr. President, I think the Senator will search in vain in the RECORD, either yesterday or to-day, for any word that was said by anybody on either side of this question that reflects upon the Navy of the United States or any official connected with the United States Government. The resolution asks for a plain statement of the facts as far as they can be revealed, and I think the Congress of the United States is entitled to them. I think the people of the United States are entitled to them. I am perfectly willing to father this resolution. If I had not been, I would not have introduced it. I think the time has come when the people of the United States should know the character of the agreement mentioned by the Senator from Virginia, if there is such a one. Let us know the facts. That is what this resolution calls for. Senators speak of an order having been issued by the supreme council. I think it would be well for us to know who our representative on the council is.

Mr. SWANSON. Mr. President, if the Senator will permit me, here is what I am referring to:

Mr. LODGE. Mr. President, may I ask the Senator a question?
Mr. HITCHCOCK. Yes.
Mr. LODGE. When did we go to war with Italy?
Mr. HITCHCOCK. We have not gone to war with Italy.
Mr. LODGE. It is the Italians that we drove out of Trau.

I can not draw any other deduction from that than that there was an impression on the mind of the senior Senator from Massachusetts that we had declared war against Italy. It would convey that impression to the country.

Mr. LODGE. Oh, no, Mr. President, I never suggested that we had declared war against Italy. I said that we had been guilty of an act of war.

Mr. SWANSON. The Senator wanted to know when we declared war against Italy.

Mr. LODGE. I did not say we declared war against Italy. Of course, that is too absurd.

Mr. SWANSON. The Senator does not claim that this is a declaration of war by Congress, but that it is an act of war?

Mr. LODGE. I think it looks very much like it.

Mr. HITCHCOCK. The Senator used this language:

When did we go to war with Italy?

That is the Senator's inquiry.

Mr. LODGE. Precisely; that is just what I mean, because we never have gone to war with Italy.

Mr. HITCHCOCK. The Senator from Pennsylvania discussed an invasion, and the Senator from Massachusetts discussed going to war, whereas the fact was that our marines were landed on Austrian territory under an agreement with Italy, Great Britain, and France.

Mr. SWANSON. What I protest against——

Mr. LODGE. When was that agreement made, and who made it?

Mr. SWANSON. Mr. President, I think I have the floor. What I protest against is that before you ascertain the facts, before you have this resolution of inquiry presented to the President, you condemn your own Government, and try to create friction abroad. Why did you not make the inquiry and learn the circumstances under which it was done before you commenced condemning it? All that we asked was that you should suspend your judgment until you got the facts, which you failed to do.

Mr. LODGE. That is what I want to get, and what I can not get from anybody on your side: Who made the agreement? When was it made?

Mr. SWANSON. What agreement?

Mr. LODGE. The agreement to land troops to protect the Dalmatian coast.

Mr. SWANSON. As I understand—and I simply say this from general information derived at the time—when the arrangements were made for the Adriatic, certain territory was to be guarded by the United States, and certain territory was to be guarded by England and others. Now, I may not have accurate information; I do not speak authoritatively; but what I protest against is that the chairman of the Foreign Relations Committee of the Senate, while he is waiting for information which he can get if the resolution is passed, does not suspend his judgment, but condemns his own Government.

Mr. LODGE. I am not condemning my own Government. I want to know; that is all. I ask the Senator who made the agreement, and where was it made, and by whom?

Mr. SWANSON. The Senator can get that information; but why did he not suspend judgment until the information came in, so as to see whether his judgment was right or not?

Mr. LODGE. The Senator from Virginia evidently has not got it himself.

Mr. HITCHCOCK. Mr. President, the agreement was the order of the supreme council, which is made unanimously, and the United States participates in it.

Mr. LODGE. I see.

Mr. HITCHCOCK. The Senator knows very well that since last November the supreme council has been in control of all of these territories, of the German territory as well as of the Austrian territory; and it does not make any difference whether, under the orders of the supreme council, military forces are used or naval forces. They are used by concurrence and agreement between the great nations that constitute the supreme council.

Mr. LODGE. Our forces are under the control of the supreme council?

Mr. HITCHCOCK. Just as those of Great Britain and France and Italy are, to the extent that Italy can control her own forces. The Senator knows that.

Mr. LODGE. They may or may not be; but I notice that it is the American ships that are ordered to the place.

Mr. FALL. Mr. President, has the Senator from Massachusetts any information as to the composition of this supreme council, by what authority it was constituted, and who constitute it?

Mr. LODGE. I have none.

Mr. FALL. It seems to me that that is the first question to be answered. I should like to know if the Senator from Nebraska has any information on that point.

Mr. HITCHCOCK. The Senator knows how the supreme council was constituted.

Mr. FALL. I am asking the Senator from Nebraska.

Mr. HITCHCOCK. It was constituted by the nations that were associated in the war.

Mr. FALL. What nations?

Mr. HITCHCOCK. Great Britain, France, Italy, Japan, and the United States.

Mr. FALL. Did the Senator assist in constituting it in any way?

Mr. HITCHCOCK. I did not. It was a war measure——

Mr. FALL. Who did?

Mr. HITCHCOCK. And we are still under war conditions, as the Senator very well knows. No treaty of peace has been agreed to. The Senator goes on the theory that we are at peace. We are not at peace. We have stopped fighting; that is all. We are operating under an armistice, and during this temporary period between war and peace the supreme council must of necessity have control over the forces that are there keeping Germany in check and keeping Austria-Hungary in check.

Mr. FALL. If the Senator will yield to me, getting back to my question, who are the supreme council, and how were they constituted, and who are they? Who constitutes the supreme council now?

Mr. HITCHCOCK. They are constituted by the war powers of the nations that were associated in the war; and the supreme council will be there, and will be in control of the situation, until this treaty of peace is ratified.

Mr. FALL. I defy the Senator to name the American member of it. Who is he?

Mr. HITCHCOCK. I am not going to name anything to the Senator.

Mr. FALL. The Senator does not know anything about it.

Mr. HITCHCOCK. The Senator can defy until he is black in the face; but he knows, and all the Senators know, who are here holding up this treaty and delaying its ratification by a systematic filibuster, in spite of the will of the people of the United States, that the supreme council exists in Europe, and will exist until the nations are at peace.

Mr. FALL. I do not know anything of the facts, and neither does the Senator from Nebraska.

Mr. HITCHCOCK. Then the Senator is worse off than I thought he was.

Mr. FALL. The Senator has been seeking information from just such sources as he is getting it from now, and he gets a stump speech whenever he asks for information.

Mr. HITCHCOCK. I thank the Senator. He is very kind.

Mr. FALL. The Senator from Indiana has the floor, as I understand.

Mr. NEW. I yield the floor.

Mr. FALL. I was trespassing upon the time of the Senator from Indiana.

Mr. NEW. I simply wanted to ask the question which the Senator from New Mexico did ask, as to who is the representative of the United States upon the supreme council.

Mr. FALL. Then, Mr. President, if I have the floor, I should like to know who the members of the supreme council are first, and what difference there is between the peace commission, if there is one, representing this country and what he calls the supreme council, and who constitute the members, if there are any members, of the peace commission of the United States.

The VICE PRESIDENT. The resolution does not call for that information.

Mr. FALL. Mr. President, while they are seeking information over the telephone, I presume, I should like some other information. I should like to know if there is not a treaty pending which was refused to the Foreign Relations Committee of the Senate concerning the Dalmatian and Adriatic coasts; and I should like to know, while the Senator is hunting his information, if the treaty which was printed here by order of the Senate a few days ago, which the Senator from Massachusetts succeeded in obtaining from some portion of the earth, apparently, does not deal with this question?

Mr. HITCHCOCK. Is the Senator asking me any question?

Mr. FALL. Well, I do not think I will get any information. I am just throwing out this inquiry, so that the Senator, if he can acquire the information, may give it to the Senate later. I am suggesting information upon which I should like to found action in voting finally. I am suggesting a reason for what might be denounced, and has been denounced by the Senator, as delay in the consideration of the treaty pending before us.

I am suggesting, Mr. President, this: I listened a few days since to the Senator from Nebraska expressing his virtuous indignation that the Senator from Massachusetts should ask to have read to this body a treaty with Austria, which is involved in the treaty which we now have under consideration, and concerning which no hearings have been had. I would like to have had some information concerning this very Adriatic coast and the disposition which is to be made in treaties which are being held back from the Senate of the United States, which the President has in his possession, but which he has simply said he did not propose to give us until we were through with this treaty. They are inextricably mixed up with the matter now under discussion, and if we had information of this kind it would not compel us to go to the columns of news press day by day for information with reference to foreign affairs. Then these little interesting controversies would not occupy so much of the time of the Senate and the Senator would not be justified in accusing Senators upon this side of entering into a filibuster for the purpose of deferring consideration of the treaty which is now before us.

If a few intelligent questions—or, possibly, to the mind of the Senator from Nebraska, entirely unintelligent questions—could be answered, if a little light could be thrown upon some of these subjects by some one claiming to know something about them, we would not necessarily be compelled to scan so closely the columns of the daily press and we would not be compelled to ask for information based upon such information as we obtain from the daily press. But the Senator knows perfectly well that he does not know how this great commission he is talking about is functioning, because there are no reports made here as to how it is functioning, or, if there are, they do not get past the White House, and no information is given upon them. The Senator has not that information in his possession.

Mr. HITCHCOCK. Mr. President, we are making no objection to the passage of this resolution. What we do object to is the everlasting disposition here to prod and annoy an administration that is doing the best it can to conclude this war and reach a settlement of peace. I know that Senators on the other side of the aisle in general can not sympathize with this disposition. I know that, while they want all legitimate information possible, they are not sympathetic with the disposition to be constantly heckling and attacking the President of the United States in the administration of his duty. Congress, by a magnificent spectacle of patriotism and public spirit, placed in the hands of the President practically unlimited resources and unlimited power to fight this war to a successful conclusion. It gave him great powers—not only the ordinary war powers which a President may have as the Commander in Chief of the Army and Navy, but enormous powers, in addition to those, at home.

Is the Senate not content to permit the exercise of those powers in the discretion of the President until a conclusion has been reached? It is true an armistice was signed last November, which went into effect, I believe, the 11th of November; but Senators know that all Europe is in an upheaval still. They all know the dubious condition of things over there. They know the terrible problems of the Dalmatian coast, the great difficulty that nations had in agreeing to the terms of the settlement of the Dalmatian coast. They certainly know that Italy, with every good intention in the matter, is confronted with practically an insurrection among her troops and a threatened revolution. Do they want to have the thing thrown into still worse confusion?

The nations have agreed, practically, on the settlement of the Dalmatian coast problems, and Italy is only restrained by insurrection. It is just as necessary to have naval authority along the Dalmatian coast at the present time in Austrian territory as it is to have military authority along the banks of the Rhine between France and Germany. Those are matters with which the Senate of the United States has nothing to do. We can not direct the Army and Navy where to proceed. It is the President, and the President only, who can do it, as far as the United States is concerned.

Moreover, Mr. President, the United States is not the only one to be considered. The President is compelled to cooperate with the other nations associated with him, and he has done so by the formation of the supreme council. When the supreme council acts, the President of the United States acts. It is his act as much as it is the act of any other nation. We are in no position to call him to account for what he does through the supreme council. The supreme council has jurisdiction over war matters, and war matters only, and war matters and war conditions must prevail as long as men have arms defying the authority of the supreme council, because when they defy the

supreme council they defy the United States as well as Italy, because the countries are united in solving the problems of the Dalmatian coast. There is a coast with races intermixed, with difficult problems to solve, the Jugo-Slavs and Italians side by side, living together in a condition in which lawlessness may break out at any time. We ought not to aggravate the situation. We ought to leave the President alone to work out that problem as best he can, in connection with the executive heads of the other nations in the supreme council.

Mr. President, we ought to do something else. We ought to act on this treaty. I say act on it, and I mean act on it, even if it goes against what I believe ought to be done. We ought not to sit here day after day postponing its consideration as long as possible until 2 o'clock. We ought to meet here every morning and take up the peace treaty, and when we reach an amendment we ought to discuss that amendment and not something else.

Yet while the Fall amendments have been before the Senate now for several days there has not been a word of discussion upon the Fall amendments. And to-day, instead of discussing the Fall amendments when the hour of 2 o'clock arrives, I suppose we will have a repetition of what we had yesterday, discussion of something that has nothing to do with the Fall amendments—anything to delay, anything to procrastinate, while a few leaders think they are making a little political capital and getting a political issue.

I warn Senators who are looking for a political issue of that sort that they may find it, but they may afterwards regret doing so. I remember a story of a man who went forth to buy a horse, and he was so anxious to get the horse that he was a little careless in the precautions which he took. He was just as anxious for the horse as these Senators are for a political issue. When he finally found an animal that he thought would suit, he bargained with the man as to the price of the horse, and they agreed upon the price. He took out his money and was about to pay it, but then he said to the man, "Oh, see here; has this horse any faults?" "Well," the man said, "yes; he has two faults." "Well," the purchaser said, "what are they?"

The owner said, "Well now, I will be fair. I will tell you one fault before you pay me the money, and I will tell you the other fault after you pay me the money." The purchaser asked, "What is his first fault?" "Well, the first fault is that I have a good deal of trouble catching this horse when I go out in the morning in the pasture. Sometimes it takes me 15 or 20 minutes to catch the horse." "Oh, well," the purchaser said, "that is all right. Here is your money. Now, what is his second fault?" The seller, as he stuck the money in his pocket, said, "Well, his second fault is that after you catch him he isn't worth a damn." [Laughter.] Senators can draw their own conclusion. After they get the political issue it may then be of not much more value than that horse.

Mr. McCORMICK. Mr. President, does the Senator from Nebraska——

The VICE PRESIDENT. Just a moment. There will be a little order in the Senate. The Chair recognizes the Senator from New Mexico [Mr. FALL].

Mr. FALL. I yield to the Senator from Illinois.

Mr. McCORMICK. I was going to ask if the Senator from Nebraska was speaking of the league of nations when he described the purchase of the horse.

Mr. FALL. No; that would not come under a horse story; it would be a first cousin of the horse. [Laughter in the galleries.]

The VICE PRESIDENT. The occupants of the galleries have not only been furnished cards by the doorkeepers, but they have been warned. There is going to be quiet in these galleries while I preside here, and whoever does not keep quiet is going to be put out.

Mr. FALL. Mr. President, I had risen to ask the Senator from Nebraska a question, not to make a speech. The Senator from Nebraska stated that the Fiume question had been settled, that Italy had acquiesced in the settlement, and the settlement was only being held up by a revolution, or an insurrection, in the Italian ranks. I presume the Senator had reference to the seizure of Fiume by some Italian soldiers. Now, that is not my understanding of the situation at all. If the Senator from Nebraska has any information with reference to this question, if he has knowledge of the fact that Italy has acquiesced, if there has been a settlement agreed upon with reference to the Fiume proposition or the Dalmatian question generally to which Italy adheres, I wish he would communicate it to the Senate. The Senator has made the statement that it is only being held up by an insurrection.

Mr. HITCHCOCK. I made that statement. The supreme council acts by unanimity, and that requires the assent of Italy. The supreme council has acted.

Mr. FALL. How? What has it done?

Mr. HITCHCOCK. It has acted by apportioning the section of the Austrian coast that shall be looked after by the various forces, and America has a duty to perform there.

Mr. FALL. I am not speaking of that, Mr. President. The Senator has said that a settlement has been made of this Dalmatian question, to which Italy has acceded. Now, I want to know what that settlement was.

Mr. HITCHCOCK. The Senator will find out in due time. That matter is not before the Senate yet, and I do not propose to drag in extraneous matters, nor, as far as I can prevent by my protest, to permit them to be brought here. We have a treaty before the Senate, or that ought to be before the Senate, and there is a deliberate purpose to delay it and hold it up. I do not believe that purpose is indorsed by the majority of Senators on the other side of the aisle, either. I believe they will respond to the desire of this country for action on this treaty. I am willing that it should be defeated, if only we have action. The worst thing is inaction; the worst thing is doubt. Any result is better than that. Why do Senators continue to procrastinate and delay? Why do they not come to a vote—come to a vote to-day on the Fall amendments? Why are they afraid to vote?

Mr. FALL. Mr. President, I asked a simple question, based upon a flat statement of the Senator from Nebraska, and he can not answer it, of course, because there is no such thing. It is not a fact that he has stated. There has been no final or definite settlement of the Dalmatian or Fiume question, which is being held up by an insurrection. Therefore, of course, the Senator could not answer. But he made the statement.

Our usual source, and our only source of information here, failing to acquire any information from the Senators who are so strongly supporting this treaty, is the public press. We are compelled to go to the press for information. The Associated Press is usually fairly correct in its statements, when it makes any at all. I have here under date of the 27th, a quotation from the speech of Tomasso Tittoni, foreign minister of Italy, speaking in the Chamber of Deputies on that day. The Senator from Nebraska, of course, has access to the same sources of information which are open to the Senator from New Mexico, and he will understand that on yesterday the Chamber of Deputies voted confidence in the ministry. Signor Tittoni says that the situation is growing worse. This article reads:

On the contrary, Signor Tittoni asserted, it had been made more serious and complicated, as the American peace delegation had to communicate with the President by cable, which made delay inevitable.

Not the supreme high council, but the American peace delegation, which is handling and complicating the situation; and they undertook to secure the advice or the consent or the command of the President of the United States by cable, and have not been able to do so. The dispatch continues:

"The question of our relations with President Wilson will have to be cleared up some day," the foreign minister continued. "The inquiry must not be limited to the period commencing with the opening of the peace conference, but must go back to the time of the intervention of the United States in the war, and even farther.

"From the time of President Wilson's manifesto in November, 1916, it was clear he intended to become an arbiter between the combatants. After the intervention of the United States this characteristic of arbiter became accentuated. From December 27, 1917"—

Mark the date—

"our foreign ministry was informed that President Wilson would be considered in Great Britain as the supreme arbiter, be it for continuation of the war or the drafting of peace terms. Some of our diplomatic agents warned the Government it was necessary to secure without delay President Wilson's support for our national claims."

Signor Tittoni said that when the war ended with victory he was convinced Italy would be given recognition of her national aspirations proportionate to her sacrifices. "On the contrary," he added—

This is the official statement of the Italian premier to his Congress, reporting to them the situation and asking their vote of confidence, which he received yesterday—

"On the contrary," he added, "the Italian peace delegates had to engage in a daily struggle to obtain merely partial recognition of Italy's national program. The peace conference had to forego its principal task of drafting peace terms and change itself into an assembly to settle the fate of the whole of Europe, to create new states, to fix new frontiers, and to govern Europe."

Mr. President, this is the opinion of Italy with reference to the trouble now, and there has been no agreement; not yet, sir. The President left France after having driven Orlando out of France, and he left France without settling even the Fiume question.

Mr. THOMAS. Mr. President——

Mr. FALL. I yield to the Senator from Colorado.

Mr. THOMAS. Is not the Senator confounding a final adjustment of these difficulties with some understanding pendente lite whereby the disputed territory may be policed, if I may use that expression? Of course, there has been no adjustment of

the Fiume and other controversial claims on the Adriatic, but the Senator knows, because he is one of the best posted men on public affairs in public life—the Senator knows better than I do, perhaps, that French and British troops or garrisons were in Fiume, pursuant either to the order or the understanding of the allied council, prior to its capture by D'Annunzio, and they were there pursuant to this agreement to keep order, so to speak, to prevent the Jugo-Slavs, on the one hand, and the Italians, on the other hand, from rushing at each other's throats. It may prove when we get the information that I am mistaken, but I can not believe that marines were landed on the Dalmatian coast except by that understanding or agreement or order, whatever it may be called, of the allied council, requiring the Americans to look after that part of the coast, and particularly after the very sensational conduct of D'Annunzio, which will probably be accepted by the Italian people, because they can not help themselves. In other words, it seems to me that really the difference between the Senator from New Mexico and the Senator from Nebraska is in confusing the agreement to which each has referred, the one to the final settlement and the other to some arrangement to keep peace until that final settlement is reached.

Mr. FALL. The Senator from Colorado is always level headed, his judgment is excellent, and his suggestions always timely. The mistake, however, under which the Senator is laboring with reference to the position of the Senator from New Mexico is that the Senator from New Mexico is endeavoring to acquire information from some source, and he is only giving as a fact what he understands to have been the situation For example, the Senator remembers the war between Austria and Italy was on the Italian front and by the Italian Army, in which Great Britain and France were represented to a comparatively small number, and that then an armistice was entered into between Italy and Austria by which Austria withdraws beyond certain lines. That included Dalmatia, Fiume, and the coast of the Adriatic now in dispute.

In so far as the Senate is concerned, no further information has been obtainable, at least by myself, except such as we get through the columns of the daily press, with reference to any disputes whatsoever on the Adriatic or Dalmation coast and in Fiume. We hear that the great peace council has been negotiating with reference to it, and now we hear that the supreme war council, acting under war powers, has directed the landing of our marines. That may be true——

Mr. THOMAS. Mr. President, if I misunderstood the Senator, it was because he asserted, and nobody can deny it, that there has been no settlement of this difficulty on the coast of the Adriatic. I inferred from that that he was carrying one agreement in his mind differing entirely from that to which the Senator from Nebraska referred.

Mr. FALL. I think I caught clearly the distinction which the Senator from Nebraska drew, at any rate. The peace council, on the one hand, is endeavoring to arrive at a peace settlement and to embrace in the same character of treaty a disposition of Fiume and certain other portions of the Adriatic and Dalmatian coast. In the meantime, the supreme war council is using the naval forces of the United States for the purpose apparently, and that is what we want to know, of keeping peace or driving certain people out of certain districts. Who has allotted to the United States the care over Trau or any other portion of the Dalmatian coast? By whose orders? By the orders of the peace council? No; because they are engaged in——

Mr. SWANSON. Will the Senator yield to me?

Mr. FALL. I yield.

Mr. SWANSON. I stated that in the statement issued by Secretary Daniels, prior to this discussion on yesterday, he stated that it was the part of the coast that had been assigned for America to patrol. Here is his statement, and I want to read it.

Secretary Daniels's announcement said:
"On September 23 a number of Italians surprised and captured Trau a Dalmatian port in the zone assigned by the supreme council to be policed by the Americans."

Mr. FALL. Just one minute right there. The Senator must understand that the Secretary of the Navy has not answered or referred to the most material question——

Mr. SWANSON. I am not saying that this is an answer. Let me get through reading what the Secretary of the Navy said.

Mr. FALL. The Senator can read it, but it does not touch the question.

Mr. SWANSON. The Secretary's statement continues:

A small landing force from the U. S. S. *Olympia* succeeded in recovering the town and preserving order there without bloodshed. Serbians were persuaded by Admiral Andrews from taking action.

Then the article continues; but this is not any of the interview with the Secretary:

It was said at the Navy Department that Trau was in that section of the Dalmatian coast assigned by the peace conference to the United States for patrol.

Mr. FALL. We understand that.

Mr. SWANSON (reading):

The Italian Government is responsible for the strip of coast line to the northward and the French for that to the south.

The subject of my comment was this: Here was a statement made that we had been assigned to keep peace there. Of course, this was taken from Austria; it was Austrian territory, and a certain part of that line had been assigned to America to patrol and take care of.

Mr. FALL. To whom was that Austrian territory turned over?

Mr. SWANSON. It is waiting to be turned over. As the Senator well said, it is not finally disposed of.

Mr. FALL. No; and it was not turned over to any league of nations.

Mr. SWANSON. From the Senator's own statement, it is not finally disposed of; and, pending disposition of it finally, Italy had a certain part to patrol, the United States a certain part, and, I understand, France a part. A part was assigned to the United States to patrol, and I understand the Italian Government agreed to this; but other parties, representatives of their own Government, undertook to take possession, and the United States was under obligation to patrol it and preserve it under the peace terms. If that is true, I say the Government ought not to be subject to comment or criticism until we get the facts.

Mr. POINDEXTER. Mr. President——

Mr. SWANSON. What I was commenting on was that the senior Senator from Massachusetts [Mr. LODGE], the chairman of the Foreign Relations Committee, before he ascertained what the facts are, should condemn his Government and give the impression that we were engaged in an act of war against Italy. That is what I protest against. I said that the right way to conduct this thing is first to get the facts before you condemn your own Government.

Mr. POINDEXTER. I should like to ask the Senator from Virginia just a brief question.

Mr. FALL. I yield to the Senator from Washington for that purpose.

Mr. POINDEXTER. I was interested in the statement of the Senator from Virginia that he understood a sector of the Adriatic coast had been turned over to the French. Is the Senator from Virginia well informed in that respect?

Mr. SWANSON. I know nothing except what is contained in the dispatches in the papers yesterday and the day before; and I say, before we should condemn our own Government and put it in the attitude of being complicated in the affairs of Europe, we should wait until we get the facts.

Mr. POINDEXTER. We are trying to get the facts now; and I ask the Senator from Virginia whether it is a fact that any of the allied soldiers, except the Americans and Italians, are taking part in the military occupations on the Dalmatian coast?

Mr. SWANSON. The only information I have is what is contained in the press dispatches, that this port was seized by the Italians.

Mr. POINDEXTER. I noticed a short time ago the statement that French soldiers and British soldiers—troops, marines, or others—had been reembarked on their respective ships and had sailed away from the Dalmatian coast.

Mr. SWANSON. The situation, as I understand it from the press dispatches, is that this part of the coast was turned over to the United States to patrol and take care of, pending settlement of its disposition by the peace conference, and pending that determination the Italians rushed in there without authority and seized it. As the United States accepted the obligation of keeping it free from Italy and free from Serbia, our marines were landed to carry out the obligations which the United States assumed, either by the war council or the peace conference, I do not know whom. That is the impression I have from the press dispatches, which I presume are the same that the Senator from Massachusetts and others saw. All I ask is that you get accurate information before you condemn your Government for becoming involved in these complicated foreign affairs.

Mr. FALL. That is what we have been seeking for several months—accurate information.

One of the Senators upon the other side urges that we should vote upon the resolution. We have voted upon resolutions, we have passed resolutions, we have demanded, we have begged, we have prayed, through the Committee on Foreign Relations and otherwise, for information, and the action of the Senate so far upon these propositions has been practically futile.

As a matter of fact, as I understand the situation, the Dalmatian coast and the coast in dispute was turned over by Austria to the victorious Italian Army in their armistice. What Signor Tittoni is objecting to is that the peace council then undertook to write the geography of the world anew, to create new States, instead of going to a peace basis first; that they have not as yet been able to agree upon the question as to whom certain portions of the Dalmatian coast, or the other portions of the Adriatic coast, should go, and in the meantime the supreme war council, created, if for any purpose, to carry on the war with Austria and Hungary, created, if legally at all, through the war powers inherent in the President of the United States merely as the Commander in Chief of the land and naval forces, created presumably by himself as one of the actors, has undertaken, pending the settlement by the peace council, to patrol certain coasts. They are not patrolling them on foot; these marines were not walking the Adriatic Sea. The naval vessels of Great Britain and France and the United States are carrying on a patrol of the Adriatic. For some reason American marines were landed from a naval vessel at the point which is known as Trau, because, apparently, so far as the honorable and learned Secretary of the Navy knows, the Italians were undertaking to drive Serbians out of Trau.

Now, I want to know by what authority the marines of the United States are undertaking to interfere between Serbians and Italians in Trau; and it is answered here that peace does not yet exist and that, therefore, as Commander in Chief of the land and naval forces of the United States, the President of the United States can send the troops and the marines of this country to interfere, without the authority of Congress, in trouble between the Serbians and the Italians, both of whom were allies of this country in the war.

Mr. President, when we were considering the great war powers which Congress vested in the President of the United States I voted for every possible war measure, because I desired that the war should be conducted under legal forms and under the Constitution of the United States as nearly as possible. Therefore I voted to vest in the President of the United States the very maximum of power, so that he might successfully carry on the war in this country as well as in foreign countries; but I stated here upon the floor at that time—and I reiterate it now—that the fact that the United States was at war, and by virtue of the Constitution of the United States, the President automatically became Commander in Chief of the land and naval forces, did not make him a dictator. I know that several Senators upon the other side here in open debate advance the contrary theory. The President of the United States is not a military dictator, and the act of unwarranted interference in foreign countries by the military force of the United States without the authority of Congress is the act of a dictator.

Mr. LODGE. Mr. President, I only desire to say a single word as to the reiterated statement of the Senator from Nebraska [Mr. HITCHCOCK] that there is a filibuster being conducted here. That is an entire mistake; it is completely erroneous. There is no filibuster, and there has been no desire for one. Our desire is to get this treaty through—certainly that is my desire—and to dispose of it just as soon as possible; but, Mr. President, what is overlooked on the other side is that this is rather an important question. A great many Senators on both sides are not voting according to orders, and they wish to discuss this treaty. That is their right. It is the greatest question that ever came before the United States Senate or that probably ever will come before it. There has not been a word spoken here that has not been genuine debate, and debate has come from Senators who feel deeply on this question and who wish to discuss it. I have kept the treaty steadily before the Senate, and I shall continue to do so, so far as I have anything to say about it. There has never been a filibuster, and so far as I am concerned there never will be one; but I do not propose to go on and try—what would be perfectly useless and what would produce a filibuster—to cut Senators off from the legitimate debate to which they are entitled.

Now, Mr. President, one word about the pending resolution. I have not before me a copy of the armistice between Italy and Austria, but, as I recall it, the Dalmatian coast was a part of the territory taken over by Italy in the armistice. We are told that it has been in some way slipped out of the possession of Italy and slipped into the hands of the peace council. I do not know how it has been done, although I have asked for the agreement in order to ascertain the facts. All I know is that our marines have been landed with machine guns to put the Italians out of the town of Trau and to leave the Serbians in control there. Now, I should like to know under what authority, of the treaty or otherwise, that has been done. These nations are both friendly to us; they have both been our allies in the war. Who ordered this to be done? What commitments have been made? Why have two regiments been sent to Silesia to supervise the plebiscite? Is that another of our commitments?

I submitted a resolution on Friday last making inquiry with regard to the U. S. S. *Henderson* carrying troops to Schleswig-Holstein. The resolution was adopted; but, of course, I have no answer from the department. I find, however, from my own personal inquiry, that the ship sailed on September 12, and that her purpose is to take some of the marines who are already over there and carry them to Denmark to supervise the plebiscite in Schleswig-Holstein. To how many of these activities are we committed, and by whom? Those are the inquiries I should like to see answered. I think it is legitimate and proper that we should have this information, and it would shorten the time to be consumed in debate and advance the treaty if those proper inquiries were allowed to be asked and were then answered.

Mr. POINDEXTER. Mr. President, regardless of who ordered the American marines to Trau, regardless of what the situation of the Allies at the peace conference is at the present time, there are certain generally understood cardinal facts about which I think there is no dispute, and which ought not to be overlooked in the consideration of this question nor in any public record that is made of it. A short time ago the President, on his return from Europe, said, with rather a tone of pride in the fact, that wherever there was any difficult work to be done in Europe which required soldiers to do it the immediate demand of all the Allies was that American soldiers should perform the duty. I presume that the presence of American marines at the danger point in this controversy, which, it is said, is about to precipitate war, and, as the Senator from Nebraska says, may set Europe on fire, comes about as a result of that peculiar sort of a willingness upon the part of the President to accept commitments of this kind and to have disagreeable duties throughout Europe that European nations are unwilling to assume performed by American soldiers.

The fact is, however it came about, whatever the preliminaries were, that, as shown by the statement of Minister Tittoni, which has been read here this morning by the Senator from New Mexico [Mr. FALL], and as shown by the fact that our military forces are actually participating in the controversy, the United States is the principal factor in the determination and the direction of the issue which has brought Italy to the verge of civil war. That fact ought not to be overlooked. Who precipitated this condition? Why is Italy on the verge of civil war? Why is there danger of a new war between the Jugo-Slav State and Italy? Who is responsible for that? That ought not to be overlooked. In my opinion, it is the cardinal, central, significant circumstance in this entire matter that ought to be constantly borne in mind.

This condition of incipient war, of nations being ready to spring at each other's throats, and a great nation, our ally in the German war, being torn by civil strife, with scenes of disorder in its Parliament and its people divided over the question as to the settlement of Fiume, has been brought about, in my judgment—and I think that this is a fact that can be demonstrated if it is disputed—by the attitude that was taken by the American delegation in the peace conference. It has been deliberately produced by our representatives in that conference.

Mr. MOSES rose.

Mr. POINDEXTER. Italy, France, and Great Britain, if left to themselves in the settlement of this peculiar European question, I think, without doubt, would long ago have adjusted it. They would have adjusted it perhaps in accordance with the aspirations of their allies in the war and not in accordance with the demands or the desires or the fancied interests of our enemies in the war. It was the American delegation at the peace conference that prevented the settlement of the Dalmatian boundary dispute, and as a result of that, as a result of the opinions of the American delegation and of the injection of this country, the most remote from the scene of the controversy of all the Allies, into the dispute as an arbiter, as Signor Tittoni designates it, the American delegation is responsible for the present condition. I now yield to the Senator from New Hampshire.

Mr. MOSES. Mr. President, my purpose merely was to invoke the charity of the Senator from Washington. He charges that the American peace delegation in Paris "deliberately" brought about this condition of affairs by their malassociation with the Dalmatian question. I invoke his charity and ask him that he withdraw the adverb "deliberately" and use in place the adverb "ignorantly." I beseech the Senator from Washington to have a heart.

Mr. POINDEXTER. Well, Mr. President, it was done willfully as a part of a deliberately chosen policy by our delegation at Paris, wholly without sanction by our people, to set itself up

as the judge and the arbiter of a question which should have been left to Europe to settle; and to ascertain that phase of the matter is really the ultimate purport of the pending resolution, and, I suppose, the motive which prompted its introduction, and indicates the use which the Senate will be called upon to make of the information which comes from it. It involves one of the central principles which the league of nations and the peace treaty are to dispose of. It is a proper subject of inquiry, of debate, and of disposition in the consideration of the peace treaty and of the league of nations.

This participation by American military forces in a purely local controversy on the Adriatic does not involve in any way whatever, as the Senator from Nebraska has undertaken to intimate here, the issues between the Allies and Germany over which this war was fought. It is an entirely new question and an incidental one. It deals with the future and not with the past. It is a question which Italy and France and England are immeasurably better informed about and better fitted to deal with than the United States is; and it is for the Senate to determine, in the disposition of this peace treaty, whether we shall continue the policy of settling with our diplomatic and military forces European disputes of this nature. If the United States has need for military force, it might turn its attention to the condition in Mexico, a bordering nation in which we have a peculiar interest, and peculiar and traditional obligations to perform—obligations which we have already assumed—and settle those, and devote the attention of the Government and the resources of the Nation to performing duties which already rest upon us, instead of searching over the face of the world to find and assume gratuitously obligations which properly rest upon other nations.

Mr. McLEAN. Mr. President, has the pending resolution been disposed of?

The VICE PRESIDENT. No. There was no objection to it an hour and a quarter ago, but nothing has been done yet.

Mr. McLEAN. If it is in order, I move that the Senate proceed to the consideration of Order of Business 190, being House bill 7478.

The VICE PRESIDENT. If there is no objection to this resolution——

Mr. POMERENE. Mr. President, if the House bill is to be taken up, I think there ought to be at least a quorum present.

The VICE PRESIDENT. Let us get this resolution out of the way. There was no objection to it an hour and a quarter ago. If there is no objection, the resolution is agreed to.

BILLS OF EXCHANGE.

Mr. McLEAN. Mr. President, I renew my motion.

Mr. POMERENE. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Ohio suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	McKellar	Smith, Ariz.
Ball	Gronna	McLean	Smith, Ga.
Beckham	Hale	McNary	Smith, Md.
Borah	Harding	Moses	Smoot
Brandegee	Harris	New	Sterling
Calder	Harrison	Newberry	Swanson
Capper	Henderson	Nugent	Thomas
Chamberlain	Hitchcock	Overman	Townsend
Colt	Jones, N. Mex.	Page	Trammell
Curtis	Jones, Wash.	Penrose	Underwood
Dial	Kendrick	Phelan	Wadsworth
Dillingham	Kenyon	Phipps	Walsh, Mass.
Edge	Keyes	Poindexter	Walsh, Mont.
Elkins	La Follette	Pomerene	Warren
Fletcher	Lenroot	Ransdell	Watson
France	Lodge	Sheppard	Wolcott
Frelinghuysen	McCormick	Shields	
Gay	McCumber	Simmons	

Mr. McKELLAR. The Senator from Alabama [Mr. BANKHEAD], the Senator from Arkansas [Mr. KIRBY], the Senator from Montana [Mr. MYERS], the Senator from Nevada [Mr. PITTMAN], and the Senator from Arkansas [Mr. ROBINSON] are necessarily detained from the Senate on official business.

The VICE PRESIDENT. Seventy Senators have answered to the roll call. There is a quorum present. The Senator from Connecticut moves that the Senate proceed to the consideration of House bill 7478.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918, which had been reported from the Committee on Banking and Currency, with amendments.

Mr. McLEAN. I ask that the formal reading of the bill be dispensed with and that the committee amendments be considered first.

The VICE PRESIDENT. The Senator from Connecticut asks that the formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendments to be first considered. Is there any objection?

Mr. GRONNA. Mr. President, this is a very short bill, and I believe it ought to be read. At all events, the bill should be read.

Mr. McLEAN. It will be read for action on the committee amendments.

Mr. SMITH of Georgia. Mr. President, I do not understand that the Senator from North Dakota objects to the bill being read and the committee amendments being considered as we go along with the reading, does he?

Mr. GRONNA. I think I shall insist on the bill being read in full. I think we can dispose of it more quickly by having it read in full.

Mr. SMITH of Georgia. I understood that it was to be read in full, but that as we reached the committee amendments we would dispose of them as we went along. Does the Senator object to that course?

Mr. GRONNA. No; I have no objection to it.

Mr. SMITH of Georgia. I thought not.

The Secretary proceeded to read the bill.

The first amendment was, on page 2, line 16, before the words "per cent," to strike out the numerals "110" and insert the numerals "115," so as to read:

Be it enacted, etc., That section 5200 of the Revised Statutes of the United States as amended by the acts of June 22, 1906, and September 24, 1918, be further amended to read as follows:

"SEC. 5200. The total liabilities to any association of any person or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed 10 per cent of the amount of the capital stock of such association, actually paid in and unimpaired, and 10 per cent of its unimpaired surplus fund: *Provided, however*, That (1) the discount of bills of exchange drawn in good faith against actually existing values, including drafts and bills of exchange secured by shipping documents conveying or securing title to goods shipped, and including demand obligations when secured by documents covering commodities in actual process of shipment, and also including bankers' acceptances of the kinds described in section 13 of the Federal reserve act, (2) the discount of commercial or business paper actually owned by the person, company, corporation, or firm negotiating the same, (3) the discount of notes secured by shipping documents, warehouse receipts, or other such documents conveying or securing title covering readily marketable nonperishable staples, including live stock, when the actual market value of the property securing the obligation is not at any time less than 115 per cent of the face amount of the notes secured by such documents and when such property is fully covered by insurance, and (4) the discount of any note or notes secured by not less than a like face amount of bonds or notes of the United States issued since April 24, 1917, or certificates of indebtedness of the United States, shall not be considered as money borrowed within the meaning of this section.

The amendment was agreed to.

The next amendments were, on page 2, line 24, after the word "any," to strike out the word "company"; on line 25, after the word "firm," to insert "or company, or the several members thereof"; on page 3, line 9, before the word "corporation," to strike out the word "company" and the comma; and in the same line, after the words "or firm," to insert the words "or company, or the several members thereof"; on line 12, after the word "hereof," to insert the words "except transactions under (1), (2), and (4)"; in line 16, after the words "one person," to strike out the word "company"; and in line 17, to insert the words "or company, or the several members thereof," so as to read:

The total liabilities to any association of any person or of any corporation, or firm, or company, or the several members thereof upon any note or notes purchased or discounted by such association and secured by bonds, notes, or certificates of indebtedness as described in (4) hereof shall not exceed (except to the extent permitted by rules and regulations prescribed by the Comptroller of the Currency, with the approval of the Secretary of the Treasury) 10 per cent of such capital stock and surplus fund of such association and the total liabilities to any association of any person or of any corporation, or firm, or company, or the several members thereof for money borrowed, including the liabilities upon notes secured in the manner described under (3) hereof, except transactions under (1), (2), and (4), shall not at any time exceed 25 per cent of the amount of the association's paid-in and unimpaired capital stock and surplus. The exception made under (3) hereof shall not apply to the notes of any one person, corporation, or firm, or company, or the several members thereof for more than six months in any consecutive 12 months.

The amendments were agreed to.

The Secretary resumed and concluded the reading of the bill, as follows:

SEC. 2. That section 5202 of the Revised Statutes of the United States as amended by section 20, Title I, of the act approved April 5, 1918, be further amended so as to read as follows:

"SEC. 5202. No national banking association shall at any time be indebted, or in any way liable, to an amount exceeding the amount of its capital stock at such time actually paid in and remaining undiminished by losses or otherwise, except on account of demands of the nature following:

"First. Notes of circulation.

"Second. Moneys deposited with or collected by the association.

"Third. Bills of exchange or drafts drawn against money actually on deposit to the credit of the association, or due thereto.

"Fourth. Liabilities to the stockholders of the association for dividends and reserve profits.

"Fifth. Liabilities incurred under the provisions of the Federal reserve act.

"Sixth. Liabilities incurred under the provisions of the War Finance Corporation act.

"Seventh. Liabilities created by the indorsement of accepted bills of exchange payable abroad actually owned by the indorsing bank and discounted at home or abroad."

The PRESIDING OFFICER (Mr. CURTIS in the chair). The bill is as in Committee of the Whole and open to amendment.

Mr. POMERENE. Mr. President, I have two amendments that I desire to offer to the bill. One relates to page 3, line 13. I move to strike out the numerals "25" and to insert in lieu thereof the numerals "20." I will state the other amendment I propose, because I intend to argue the two together. The other amendment which I intend to propose is to insert on page 2, line 23, after the word "section" and the period, a new sentence, as follows:

The total liabilities to any association of any person, or corporation, or firm, or company, or the several members thereof, upon the discount of bills of exchange, drafts, demand obligations, and commercial or business paper, as described in paragraphs 1 and 2 hereof, shall not exceed at any time the paid-in and unimpaired capital stock and surplus of said association.

Mr. President, those are separate amendments and, I take it, will have to be offered separately.

The PRESIDING OFFICER. The first amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. It is proposed, on page 3, line 13, to strike out "25" before the words "per centum," and in lieu thereof to insert "20," so as to read: "and (4) shall not at any time exceed 20 per centum of the amount," and so forth.

Mr. POMERENE. I realize very fully the anxiety which is evident on the part of certain Senators to have this bill go through amending the Federal reserve act in the particulars indicated by the bill which has just been read and to which have been added the committee amendments.

The other day I took the pains to set out specifically the objections. Since that time there has been a meeting of the committee, and Gov. Harding, of the Federal Reserve Board, appeared before the committee with his statement respecting the bill. I say, with all due respect to Gov. Harding and those members of the committee who differ with me, that the evidence given before the committee simply confirms me in my former judgment that the amendents which I am now proposing ought to be adopted.

The Senate, of course, is familiar with the limitations which are placed upon the amount of loans which can be secured by a given borrower under the provisions of the old national banking act and of the Federal reserve act. This general limitation is 10 per cent of the paid-in capital and surplus. That originally was the only limitation, as I now recall, which was placed upon the amount that an individual borrower could get, and I take it the Congress of the United States has at heart the interests of the depositors and stockholders, as well as of the borrowers.

Now, I want to qualify a statement I made a moment ago. Under the national banking act it was provided that the discount of bills of exchange drawn in good faith against actually existing values would not be considered as money borrowed within the contemplation of the act. A canvass of this bill demonstrates that there are now four classes of borrowings which qualify largely the first provision to the effect that the amount that can be borrowed shall be 10 per cent of the capital and surplus.

Passing over paragraphs 1 and 2 for the moment, there has been added a third paragraph, which, in substance, provides for the discount of notes secured by shipping documents, warehouse receipts, or other such documents conveying or securing title, covering readily marketable, nonperishable staples, including live stock, when the actual market value of the property securing the obligation is not at any time less than 115 per cent of the face amount of the notes secured by such documents and when such property is fully covered by insurance. That is entirely new.

Now, it is sought to extend the amount which may be borrowed, over and above the 10 per cent which applies to borrowers generally, to 25 per cent, as is provided for on page 3 of the pending bill, which reads, without reading the whole of it, that "the total amount of liabilities upon notes such as described in paragraph 3 shall not, except transactions under 1, 2, and 4, at any time exceed 25 per cent of the amount of the association's paid in and unimpaired capital stock and surplus." That means to say that with this collateral in the form of shipping documents on the notes of the borrower, he can secure 25 per cent of the paid-in capital stock and surplus. In paragraph 4, which relates to borrowings upon Government bonds and certificates of indebtedness, Congress provided that there could be an additional 10 per cent borrowed by one borrower over and above the general limitation of the paid-in capital stock and surplus, and then it authorized the Federal Reserve Board to extend this amount, and some time ago the Federal Reserve Board extended these limitations, so that the only limit placed upon the amount which can be borrowed with bonds as security is $100 on every $105 of the face value of the bonds.

Mr. BRANDEGEE. Mr. President——

Mr. POMERENE. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. The hour of 2 o'clock having arrived, at which it is usual to take up the consideration of the treaty, I move that the Senate proceed to the consideration of executive business in open executive session for the purpose of taking up the treaty with Germany.

The PRESIDING OFFICER. The question is on the motion of the Senator from Connecticut.

The motion was agreed to.

Mr. POMERENE. I wish simply to say that in view of the desire to go on with the treaty, I shall not at this time proceed with the argument on the matter under consideration, but will continue it upon this point at a later time.

Mr. BRANDEGEE. I consulted with the chairman of the Committee on Banking and Currency before making the motion to proceed to the consideration of executive business in open executive session, and he agreed that the bill should go over.

Mr. POMERENE. I take no exception to the course taken by the Senator from Connecticut.

TREATY OF PEACE WITH GERMANY.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. EDGE. Mr. President, I desire to make a few observations on the subject now before the Senate and I promise that I will confine those observations within the brief space of 20 minutes, not that I can cover the important details of the league of nations in 20 minutes, but I think in that time I can make my viewpoint entirely clear.

Mr. President, in the nation-wide discussion of the peace treaty and the covenant of the proposed league of nations I feel that it may be only fair to my constituents, and perhaps to the country and to the Senate and to the President, at this time to clearly define my attitude and my viewpoint.

Above all, the country wants action. To use the vernacular, it wants to know "where it is at." For nearly a year the treaty has occupied the center of the stage exclusive of every other responsibility both at home and abroad. I do not minimize the importance of its careful consideration, but I do urge all possible haste. Business hesitates in the apprehension of uncertainty; the minds of our officials and legislators, which should be turned to constructive legislation, are necessarily engrossed with the treaty and its probable effects; the country is kept in a state of political turmoil and confusion; the people are anxious to know the policies of the Government on many pressing subjects—railroad legislation, for instance; readjustment of unjust and onerous taxation; curtailment of extravagance and wicked waste in Government expenditures; adoption of a national budget system; legislative encouragement of production which must operate to reduce the high cost of living; cultivation of sincerely friendly relations between employer and employee; adequate utilization of the merchant marine; expansion of a good-roads system; rehabilitation of our gallant soldiers, to help them to help themselves; and a score of other imperative questions. Meanwhile, industrial unrest is epidemic in the land; and the Bolshevists and internationalists still use internecine strife. It is not that I am particularly impressed with the statement that the settlement of peace will settle domestic problems; I do not believe anything of the sort, but the disposition of this covenant will permit this Congress to utilize all its energy and power in the effort to solve domestic problems, encourage increased production, and thus assure national prosperity.

Although a signer of the "round robin," I am in favor of a league of nations; although in favor of a league of nations, I am not in favor of adopting a covenant which does not in plain, specific, unmistakable terms protect to the utmost the freedom and independence of the United States to regulate its own domestic affairs and to say for itself whether or not it should participate in any foreign war. I am in favor of a league of nations, but not at the sacrifice of the sovereignty we are sworn to uphold, and I further contend that in protecting that sovereignty we can contribute fully as much to the world and the welfare of all mankind as we did under the same policy in the time of war. I am in favor of a league of nations, but not the

league that the President has brought home to us with its uncertain and undefined commitments, but a league as it will be with protective reservations adopted.

As I view it, America is willing and should be a world partner in the affairs of the world and contribute its ideals to the uplifting of mankind, but it is not willing to underwrite all the selfish ambitions of European politics. We will back up our moral ideals with our men and money when the principles of democracy are involved, but we insist on being the arbiters of our own Americanism without any question of our honor or destiny being at stake. In other words, while it may sound selfish, the extent that I feel America should participate in a league of nations is to sincerely and earnestly contribute its moral influence, its power, and even its wealth in cooperation with the other nations of the world in an endeavor to preserve peace, but we must absolutely control, without question of honor, the extent to which we will be involved in foreign entanglements which may embroil us in an unjust war.

I do not propose to discuss the subject from the legal or historical viewpoint, but, as briefly as may be possible, from the practical, economic, and business standpoint. In putting it thus bluntly, I do not want to be misunderstood as considering the responsibility from its mere material relation to the country, but so much already has been said on the lines of history, political expediency, moral obligation, future responsibility, and so on, that I feel a few words may not be amiss in dealing with the subject from the angle of its practical present effect on the United States and the prosperity of the United States. Nor would I care to be misunderstood as ignoring the higher phases—the sacrifices of even their lives by our brave soldiers on the field, the sacrifices of those who loved them, and those who went willingly to make the supreme sacrifice it required; the sacrifices of our people who were not called actively into the Great War, and the sacrifices of our Nation. I shall speak as a man of business, but not as a cold-blooded man of business.

I believe that his fellow Senators, the people of his State, and the people of the Nation are entitled to know at this critical moment the exact attitude and sentiments of each individual Senator in regard to the treaty and the covenant if one's mind has been made up. Now, I shall practice what I preach.

As America evaded no responsibility in time of war, neither can she in time of peace. I am convinced that the United States may contribute to the world's tranquillity by entering a league of nations, not alone for the welfare of the world, but likewise for its own advantage. I am insistent that in entering such a league the sovereignty and independence and national and international rights of the United States shall be preserved to the uttermost. I want such sovereignty and independence and rights distinctly and specifically preserved by clear and unmistakable language in any instrument of international copartnership we may sign. Why is it not entirely proper that we should stipulate the conditions upon which, to a great extent, even with reservations, we alter our time-honored policy of aloofness? I have not the slightest objection to other nations doing likewise if they so elect, and if it does not interfere with our affairs. Any league of nations at the outcome must be somewhat elastic as is the case with any material experiment, to which class this effort surely belongs. I do not propose, if I can help to prevent it, that the United States shall have the voice of a mere minority stockholder in a corporation in which it is to make such a tremendous investment. I do not believe that our boys should be sent into war to preserve the boundary lines of any old or newly created foreign nation simply as a policing proposition. In short, I would not sacrifice one iota of the national freedom of the United States in every conceivable line. I can and will, conscientiously and enthusiastically, vote for any and every reservation designed to protect positively, specifically, and unmistakably the sovereignty of the United States against domination or dictation by the council or assembly of the proposed league of nations, or by any other nation or group of nations, and am entirely willing to concede our neighbors the same privilege. If they do not want us on these terms, their sincerity is certainly open to question.

On the other hand, as I understand the situation, reservations as a part of the resolution of ratification will protect the sovereignty of the United States very probably without rereference of the treaty and covenant to the joint peace conference, and for that reason I prefer reservations to textual amendments, which latter apparently would necessitate renewed and possibly prolonged discussion by the conference. I am in entire sympathy with the objects sought by the various amendments already offered, but I prefer the reservation route as the method of accomplishment.

No one can deny the desirability of speed in order that the evolution of world affairs can be settled and reconstruction and domestic problems which are so pressing be undertaken, and I am convinced textual amendments will mean more delay and offer no greater protection to America's independence and self-control. Therefore I am for reservations. I always have felt, even before becoming a Member of this honorable body, that, while the Constitution charges the Senate with the task and duty of advising and consenting to all treaties, it hardly was intended that the Senate should rewrite a treaty, but that we, as representing the United States, should be principally concerned with positively and emphatically protecting the independence and rights and sovereignty of our own country. It appears to me that we are not in a position to rewrite the present treaty, even in part; we are not in possession of sufficient facts or knowledge of international negotiations; we have only superficial and surface information. Certain features of the treaty appeal to us as offering opportunity, if not demand, for improvement; that is self-evident. I do not doubt for an instant that many sections of the treaty could be greatly improved if we had the necessary information at hand, and perhaps even though we have not. But I repeat that I feel our main responsibility is to protect the destiny of our own country; and if by making reservations we are satisfied that we are protecting America's sovereignty and independence, then I am not greatly concerned as a Senator of the United States with the other details of the treaty, and am content to permit the further responsibility to rest where it belongs and where history will place it. In other words, I believe it would be impossible for this Senate to get very far with the rewriting or even amending of the instrument. For illustration, I agree with much that has been said from the information at hand as to the action in awarding Shantung to Japan, and especially in the way it was done, but yet, on the other hand, if we attempt to change that award and thus decide in Washington an issue between China and Japan, we are doing the very thing that, it seems to me, we should avoid—that is, entering into foreign entanglements and deciding an issue with only a portion of the evidence or facts before us. Therefore in this, as in practically every matter which has been brought to the attentiton of the Senate through suggested amendment, I feel that we are better serving our country, which is our first and prime responsibility, by making such positive reservations as will assure that our country will not be involved in future controversies, wars, or other entanglements, except as agreed by the people of the United States through action of the United States Congress.

As I have already stated, I am not opposed to the formation of a league of nations, in order that our moral influence in the affairs of the world may be felt, but the United States should have an anchor to windward, so that if conditions are not satisfactory some time in the future we can withdraw without any question being raised of our honor in so doing. In thus acting we evade no responsibility, but refuse to enter into what seems to contemplate a superstate.

The President asserts that no shadow of sovereignty or independence of the United States is even threatened by the present instrument; other persons, equally competent to judge, differ with him. He may be right, or may think he is right; but it is our duty to put into clear, plain, and unmistakable language provisions which are susceptible of different interpretations, as these most emphatically are susceptible, as shown in the bitter discussions of their meanings. I have read in the newspapers intimations that even if we make only reservations the treaty will be withdrawn from the consideration of the Senate; that is not a contingency for the Senate to consider, nor will it be responsible, under the sworn responsibility imposed on it by the Constitution, for any further delay which would arise if such action were taken. We have enough to occupy our minds in striving to protect the United States without worrying about extraneous possibilities.

I share fully the feeling that sentiment and ideals should exert great influence in national and international government relationships, but the extreme of idealism and sentiment is sometimes as impractical and unworkable as the failure to permit inspiration along these lines is harmful. Moreover, do not let us have all the sentiment or idealism on one side of the Atlantic. Ever since the armistice was signed, and even before, I have been confident that promotion of interest between nations in order, if possible, to avert future wars was absolutely the duty of those interested in the making of peace. I never have shared the view frequently expressed that at the successful conclusion of the war the United States could entirely withdraw within its own border and continue as before a practically uninterrupted domestic development without having reciprocal relationship with the other countries of the world. Our economic interests would not permit such action even if we so desired.

Viewing the problem from a selfish angle, we agree that the United States to-day must broaden its activity from an economic and commercial standpoint, and it is necessary from that standpoint that we offer this cooperation in times of peace as we successfully offered it in times of war. How can we, with a merchant marine of which we all speak with pride, isolate America? How can we isolate America and yet expect to carry our products to every corner of the civilized world? How can we isolate America with 2,000,000 American boys returning to its shores with a new world point of view, with broadened ideas, with an interest and knowledge and an ambition helped by foreign contact? How can we isolate America when we consider the modern developments by sea and air and communication with Europe reduced by seaplane and airplane to almost a distance less than that from the Atlantic to the Pacific? I never have felt that America should isolate herself or say to her allies and her foreign friends that we have contributed to help bring about peace, but that now we return alone to our own domestic affairs. It is not fair to our own people or to the world. It is not fair to the era in which we live. Again may I repeat, America evaded no responsibility during the war; America will evade no responsibility in reconstructing, in place of the old order of things, a firm structure which will help maintain the peace achieved at such a sacrifice.

I will go far in the establishment of a league of nations, but I shall ever bear in mind the President's own admonition, uttered in an address to Congress before "visions" and world leadership and "voices in the air" apparently beclouded every other consideration:

> There is one choice we can not make; we are incapable of making. We will not choose the path of submission and suffer the most sacred rights of our Nation and our people to be ignored or violated.

I am prepared to accept the covenant controlling the activities and powers of a society of the nations of the world, providing such covenant, in language that can not be questioned, protects the sovereignty and the domestic power and control of our own country and simply in effect pledges us to assist other nations in any manner not contrary to the provisions of our Constitution. No combination of nations can ask the Senate of the United States to leave a doubt as to whether the Constitution is being circumvented or otherwise. It has been said by proponents of the league covenant as written that those questions so much discussed—control of immigration, the tariff, maintenance of the Monroe doctrine, power to declare war, and so forth—are in no way disturbed by the provisions of the covenant as presented to us. If this be true, there can be no valid objection in the least to making this plain. The Senate of the United States, representing 110,000,000 people, should say so in clear, unmistakable language. That is what I stand for. Months ago, even before I had the honor of becoming a Member of this body, in a speech made in New Jersey, I made practically these same assertions. I have not changed my mind since. On the contrary, I am even more firmly convinced that it is the duty of this body to make it clear and unmistakable. Moreover, through not having participated in the peace conference, the Senate probably is in a better position to perfect the covenant than was President Wilson, who, to some extent, was naturally obliged to give and take.

This plan for a league of nations is not a new idea. Through scores on scores of years the plan has been discussed at intervals. Go back over a century in the British state papers and you will find an utterance of great interest on the subject. Even while Mr. Wilson still was a professor at Princeton, before he became president of that great university, President McKinley, in 1901, said:

> No nation can longer be indifferent to any other. The period of aloofness is past.

And his great successor, President Theodore Roosevelt, nine years later voiced this view to the Nobel peace prize committee:

> It would be a master stroke if those great powers bent on peace would form a league of peace, not only to keep the peace among themselves, but to prevent, by force if necessary, its being broken by others.

Read the platform of the New York Republican State Convention of July, 1918, more than a year ago; you will find in it these words:

> We favor the immediate creation by the United States and its allies of a league of nations to establish, from time to time to modify, and to enforce the rules of international law and conduct.

But the purpose of such a league this platform distinctly specified "should be, not to displace patriotism or devotion and loyalty to national ideals and traditions, but rather to give to these new opportunities of expression in cooperation with the other liberty-loving nations of the world." The present proposition is merely a development and expansion of the original idea, proportionate to the development and expansion of the civilization of the world. The sons of Noah have peopled the earth, and it may be that the time has come to reunite, in a measure, the scattered descendants in a family circle.

Such, Mr. President, are some of the considerations which have convinced my mind and conscience that the United States should, or at least reasonably may, enter a league of nations. But my mind and my conscience both robustly oppose the sacrifice of American independence or of a single safeguard of American tradition and ideals; my mind and conscience adamantly refuse to reliquish one iota of the right of the United States to regulate its own domestic affairs—my mind says such surrenders would prove weakness of my powers of reason; my conscience warns me they would be a moral wrong if not actually a moral crime. So, when we are told by some of the league's proponents that article 10 does not force the United States into war without the consent of Congress, I ask what objection there possibly can be to having this provision made so clear and precise that he who runs may read and that no national or international tribunal shall be required to interpret it in the future or that through its construction our beloved country might be placed in the position of failing to meet its obligations.

As I have said, Mr. President, this covenant, in a way, forms an international copartnership, written in the blood of millions of men. How careful should we be who are asked to invest not only our material resources but also the very lives of our citizens and our national independence and honor! We must remember that as long as this covenant or any other agreement of copartnership is open to argument and multiple interpretations it is unsafe and should not be accepted until everything is made clear beyond dispute, as far as this be possible.

For what we went into the war we all know full well, and the soldiers who fought so bravely knew then and know now. We went into the war for, first, the honor, and second, the safety and preservation of the United States. Are we now to surrender those rights and that honor? Or shall we preserve them intact and unsullied by reasonable reservations to the covenant? For what we did not go into the war we also know full well, and the soldiers who bravely fought our battles know equally well. We did not go into the war to surrender our independence and our rights, and we would be serving no one if we did. Of the thousands of brave Americans who laid down their lives on the field of battle or in the camp or in the hospital not one would have given his little finger in sacrifice if he had thought it meant the loss of our independence or our rights. It was for the honor and independence and rights and safety of the United States that these men fought and that we at home gave gladly of our substance. If we now surrender these to the keeping of foreign nations, our brave boys have, indeed, "died in vain."

"The stage is set, the destiny disclosed," says Mr. Wilson. But, my fellow Senators, I urge you, let us look well to the future, to the protection of our children and our children's children in the independence we have enjoyed, and rather ponder the words of Machiavelli, "For time, driving all things before it, may bring with it evil as well as good."

Mr. FALL obtained the floor.

Mr. HARDING. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRELINGHUYSEN in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	France	La Follette	Ransdell
Beckham	Frelinghuysen	Lenroot	Robinson
Brandegee	Gay	Lodge	Sheppard
Calder	Gronna	McCormick	Smith, Md.
Capper	Hale	McKellar	Smoot
Chamberlain	Harding	McLean	Spencer
Colt	Harris	Moses	Swanson
Culberson	Harrison	Nelson	Townsend
Cummins	Henderson	Newberry	Underwood
Curtis	Hitchcock	Norris	Wadsworth
Dial	Jones, N. Mex.	Nugent	Walsh, Mass.
Dillingham	Kellogg	Overman	Walsh, Mont.
Edge	Kendrick	Page	Watson
Elkins	Kenyon	Penrose	Williams
Fall	Keyes	Phipps	Wolcott
Fernald	Kirby	Pittman	
Fletcher	Knox	Poindexter	

Mr. McKELLAR. The Senator from Arizona [Mr. ASHURST], the Senator from California [Mr. PHELAN], the Senator from Louisiana [Mr. RANSDELL], the Senator from Florida [Mr. TRAMMELL], the Senator from Ohio [Mr. POMERENE], the Senator from North Carolina [Mr. SIMMONS], and the Senator from Colorado [Mr. THOMAS] are detained on official business.

Mr. DIAL. I desire to announce that the senior Senator from South Carolina [Mr. SMITH] is detained from the Senate on account of illness in his family.

The PRESIDING OFFICER. Sixty-six Senators have answered to their names. There is a quorum present.

Mr. FALL. Mr. President, before discussing the specific provisions of the treaty and the proposed amendments thereto which constitute the pending business before the Senate, I desire to refer shortly to some of the arguments which have been made in this Chamber within the last two or three days as to the constitution of the council and assembly of the league, and as to the results to the United States under certain circumstances, should a matter in which the United States may be interested be referred to the council for consideration and determination. The argument which I shall attempt to present will be for the purpose of clearing a way for a proper consideration and understanding of the distinct propositions which are pending, and which I shall urge upon the Senate.

Several Senators upon the other side a few days since engaged in a discussion of the organization of the council of the league of nations, and also in a discussion of the results which might inure to this country in the event that a matter it was interested in, or had in controversy, if it were with some other nation, were referred to arbitration or to the council, and the decision were to be against the construction placed upon the matter by this country, and the decision should be one with which this country could not agree.

During the discussion, to which I listened with great interest, I thought of a case pending. The United States is now being asked to become a member of the league of nations and a member of the council of the league. One of the countries, and one upon this hemisphere, which has not yet been mentioned in connection with the league or this peace treaty at the peace table in Versailles, in Paris, or elsewhere, is the Republic of Mexico, to the south. Very few people would recall until the matter is mentioned the fact that there has been a controversy pending for many years between the United States upon the one hand and Mexico upon the other concerning a certain disputed piece of territory lying within the boundaries of the State of Texas and within the city limits of one of the most progressive cities within that great State. This disputed strip is known as the Chamizal zone.

Under the treaty of Guadalupe Hidalgo and later under the Gadsden purchase treaty of 1854, we had supposed that we had settled all disputes with our neighbor upon the south which then or thereafter might arise, except such as might be caused by a shifting of the boundary where the Rio Grande formed the boundary line between the two countries. Following these treaties the Congress of the United States provided for the appointment of a boundary commission, the Mexican Government followed the same course, and what was known and is yet known as the Joint Boundary Commission was established, and proceeded to function immediately, and was very active for a great many years, and, in fact, up to 9 or 10 years ago, when the revolution, which is still unsettled, in Mexico broke out. Through the efforts of this boundary commission all disputes of any kind or character due to the shifting of the bed of the Rio Grande were amicably settled. But a few years since some enterprising Yankee went into the State of Texas and the city of El Paso and bought up titles to certain lands lying within the city limits, extending from the city hall and the courthouse in El Paso to the Rio Grande, obtaining a quit-claim deed or other muniments of title for such lands. Suit was initiated in the State courts, and promptly decided against this claimant, who maintained his rights under Mexican titles. The United States had been in political possession of this territory from about the year 1854 down to the present time. The Mexican Government had made no claim whatsoever to any portion of the territory. There was no dispute, in so far as the two Nations were concerned, until the dispute was brought to the attention of this Government through the efforts of the rival real estate claimants, after they or those claiming under the Mexican titles had failed to obtain what they considered their proper redress in the courts; the courts, of course, holding that the settlement of boundaries was a political matter and that the courts would not interfere with the political department.

As I say, there was no dispute between the two countries until the question of rival ownership arose. The parties had been in possession of the lands for a great many years. It had been recognized as a part of the county of El Paso and the State of Texas. The customhouses of the United States are placed upon it. The flag of the United States floats over it night and day. The American ends of the international bridges, of which there were at the time three, rest upon this disputed territory.

That matter is still unadjusted. Now, let us see just what would be the result if the league of nations attempted to function, and what would be the course to be followed under the different provisions of the league covenant in settlement of this question.

Mexico is not a member of the league and has not been invited to become a member of the league. We will grant, for the sake of argument, now, that the United States is a member and that the league has been formed by the adhesion to the covenant of three of the great powers mentioned, and a procès verbal being filed. Very well. Upon the suggestion of some mutual friend or otherwise, or without the interposition of a mutual friend, but through a suggestion to the assembly or to the council that there is a dispute between the United States and Mexico concerning this territory which might lead to trouble or might affect the peace of the world—and such a suggestion is all that is necessary to confer jurisdiction upon either the assembly or the council—upon such suggestion, or upon the motion of some friend of Mexico, the council immediately takes cognizance of the question for the purpose of inviting Mexico to become temporarily a member of the league for the settlement of the dispute. Mexico, of course, acquiesces in this immediately, and for the purposes of this particular dispute she becomes a member of the league under article 17 of the league provisions.

At once the suggestion is made by Mexico or by her friend, or otherwise, that the question, not of damages for any injury done by the taking over of this territory 50 years ago by the United States, but the actual right to the physical possession of property which has been undisputed until recent years, and then disputed only as I have indicated—the actual physical possession of territory, not only territory of the United States but territory of one of the sovereign States of this Union, the great State of Texas—is involved.

The United States refuses to arbitrate. At once, by virtue of the provisions of the different articles of the covenant, and article 12 in particular, the council automatically takes jurisdiction of the question. The United States having refused to arbitrate this matter and seeking to protect all her rights upon this hemisphere, Mexico being in the league now for the purposes of the settlement of this dispute, America raises the question of the Monroe doctrine, and construes it to mean that other nations, including the league of nations—those represented in the league or out of it—shall not interfere in matters upon this hemisphere. Mexico at once answers that, as to the Monroe doctrine, it is not a regional understanding. We have denied it. It requires more than one party to make an understanding about anything. We have denied that the Monore doctrine is a regional understanding. The council proceeds to discuss the question as to whether it is a regional understanding, or whether, being a regional understanding, it applies to a question simply of disputed territory between two countries on this hemisphere, and very promptly decides that in any event, whether the Monroe doctrine is in full force and effect or not, it does not apply to the question at issue.

Very well. The decision of the council is unanimous, the United States not voting, nor Mexico voting, and they decide that Mexico is entitled to the Chamizal zone. Now, the United States is and has been in undisputed possession of it—unquestioned possession except as the question arose in the trial of these cases, and then came up to our State Department. The United States has had physical possession. The State of Texas has had her rangers and her police force upon the territory without any question or dispute. The American flag is to-day flying, as it has flown for 50 years, over it. American sovereignty upon it is unquestioned. The decision of the council is against the United States.

What are we to do—acquiesce in the surrender of a portion of the territory of a sovereign State of the Union without the consent of that State or refuse to acquiesce and offer to pay damages, but insist upon retaining our possession? If I know the American people, they will at least adopt the latter course; and if I know the people of the State of Texas, the United States will practically be compelled to do it. Texas would not surrender her territory.

Very well, Mr. President. It is said that under article 11 of the covenant of the league of nations the council can only advise, and can not effectually carry out its advice. The decision of the council has been that Mexico is entitled to the Chamizal zone, and the council, following even the construction placed upon it by some Members of the Senate, advises that the most effectual means for carrying out the decision of the council and averting war is for Mexico to take possession of the Chamizal zone, and Mexico acquiesces in the advice and the orders of the council the United States has refused to recognize. In what position are we? Suppose upon the one hand that our

customs guards, the police force of the State of El Paso, the El Paso rangers, thrown upon the border, refuse to allow a Mexican to put his foot upon that zone if he carries a gun—which they would do, I can say unhesitatingly. No Mexican coming across the line, crossing one of the international bridges, or crossing the bed of the Rio Grande would be allowed to land upon this side with a gun in his hand unless the American soldiers stood protecting him. Texas would never submit to it. Would the people of the United States agree that their soldiers should by force of arms prevent Texas maintaining its jurisdiction over its territory? Would any Senator here vote for the use of the United States forces, or would any Representative in the other branch of Congress vote for such use, to surrender to Mexico this territory, and to coerce the people of the State of Texas, and then go home to his constituents and ask reelection to this or the other body?

But what are the consequences? The Senator from Oklahoma very cheerfully informs us that there are none, that the only effect that this situation would have would be to compel the United States to refrain from ejecting Mexico or protecting her territory by force of arms for three months. And yet there in a distinct provision in article 1 that if by an act of war—not a declaration of war through the Congress of the United States, but by any act which may be construed as an act of war—the people of the United States undertake to defend their territory from what they consider to be an unjust decision of the council, we have declared war upon every nation of the world, whether it belongs to the league or whether it does not so belong. Whether it is a member of the league of nations or not, we agree that under those circumstances, if we defend our territory, even without a declaration of war, or if we allow a State force of rangers, or the police force of the State of Texas, to defend the Texas territory, that we have declared war against all the nations of the earth. We agree beforehand to the consequences. We agree that they may then, without committing an act of war against us at all, not only send their military forces but use all the economic and financial pressure which they can bring to bear and constitute an outlaw of this great Nation of ours.

Mr. President, suppose Mexico does not seek to take armed possession of this territory, but simply sends over her customs officers and raises the Mexican flag. How long would the people of the United States allow that flag to float over that terriory? How long would the people of the sovereign State of Texas submit to the customs guards and the police force of the city of Juarez, that great center of civilization upon our border, exercising jurisdiction within the city limits of El Paso, in the sovereign State of Texas, upon the soil of the United States of America? And yet you are powerless. Entering this league will tie your hands and shackle the people of Texas, who came into this Union under a treaty with the United States, reserving to themselves all the soil within their domain. True, Texas was admitted, after the treaty was under discussion, by a joint resolution, admitted as a sovereign State, with the rights not only of a sovereign State but with the right to constitute herself, when in her good judgment she saw fit, into five sovereign States of this Union, with the right of representation here and in the other body corresponding to her population. And yet entering into this proposed league, which you say works for the peace of the world, you not only tie your hands but, as I say, you shackle the people of the State of Texas, and you submit to the extension of the Carranzista civilization over the borders of the United States, to the wiping out of a portion of one of the cleanest, most progressive cities in the southwestern portion of this country. Do you think, Mr. President, that the people of the United States would submit to it? Possibly some of them would. Texas achieved her independence once. I do not speak for her now, but I think she is able to protect very largely the independence which her sons won.

Mr. President, it was insisted upon by a Senator whom we all recognize as an able lawyer, the Senator from Montana [Mr. WALSH], or rather, not so much insisted upon by that Senator as indirectly referred to by him and insisted upon by one of his colleagues sitting near his side, that under article 4 of the proposed covenant of the league of nations Canada, or one of the British colonies, could not become a member of the council of the league of nations without the consent of the United States. Read article 4 of the treaty, and you will see that it provides for the constitution of two characters of councilmen, and the constitution of the council in three different ways. First, there are five members of the council who are the perpetual members of the council—that is, always; Great Britain, France, Italy, the United States, and Japan shall have control of the council as long as the membership of five lasts, or unless the number of councilmen is, as thereafter provided, enlarged.

There is then a provision that other permanent members of the council may be constituted; and how? At the suggestion of the council itself and by the vote of a majority of the assembly. Those are the other permanent members of the council. Then the second class of councilmen, aside from those hereafter to be constituted as permanent members, are the temporary members of the council, whose replacement shall take place whenever the assembly so decide, purely temporary, and in the discretion of the assembly may be changed in one month, two months, three months, five months, one year, five years, or whenever in its discretion the assembly sees fit to change it; and the council has nothing to do with it. The United States on the council has nothing to do with the selection of the temporary members or the other four members of the council. The assembly itself selects them, and selects them in its discretion. There the United States may have a vote, and not elsewhere, and I say to Senators now that the letter that was written by the President of the United States and read into the Senate RECORD the other day by the Senator from Missouri, a letter signed by the President of the United States, Clemenceau, and Lloyd-George, to Sir William Borden, that Canada might be a member of this council, was signed then and there, when this provision as to the temporary selection of the four councilmen was written into this treaty.

That was the occasion for the signing of that letter. It was discussed then and there, and the understanding was that the four members who are mentioned were to be replaced at the first meeting of the assembly, as is here declared. The four members are to hold their offices at the discretion of the assembly after its first meeting. They are simply to hold until the first meeting, and at the first meeting the assembly itself chooses their successors, and in its discretion. To say that it does it by unanimous vote is to lug something into the treaty which is not written there, a construction different from the contemporaneous construction placed upon it; and hence the President of the United States, Lloyd-George, and Clemenceau signed the assurance in writing to Sir William Borden, which he presented for the purpose of procuring the acquiescence of the Canadian Parliament in the ratification of this treaty. The ratification was opposed until he could assure the Canadian Parliament that they should become a member of the council, and in proof of his assurance he presented to them the letter written and signed by the President of the United States and others at the time. It was given publicity then, published in the Canadian papers during the debates, and the Senator from Missouri [Mr. REED] secured it and read it into the RECORD. Those are the facts, as I understand them, and I have exhausted every possible means of securing the facts as they were.

Mr. President, the Senator from Montana undertakes to differentiate; he undertakes to make exceptions; he undertakes to exercise his extraordinary faculty of dissection, taking to pieces and putting together an argument. With all his ingenuity bent upon the point at issue, he undertakes to show the difference between the suggestion thrown out by the President of the United States and that advocated or advised by Senators here as to the necessity of going to Germany in the event we make a change in the treaty; and upon this proposition I may now dwell for a moment, Mr. President, with reference to the effect upon the other nations of the world if we, the Senate of the United States, amend this treaty.

In so far as a textual amendment to the treaty is concerned, there is no question in my mind that it should be presented to Germany if we adopt it; and unless it is adopted by Germany, it might not be effective as to the United States. Then we are told that you can not secure from Germany such an amendment, or you must call the peace council together; and yet we heard the argument this morning that not only is the peace council still together considering the disposition of the territory of the earth; not only are they yet in session in Paris, but that behind them, with all the force of the Navy of the United States, and of the joint navies of the world, there stands the supreme war council to compel anything which the peace council may require. You have had an exhibition of it. You have seen the peace council, backed by the law council, compel Germany to change her constitution within the last three weeks, and do it without a question, by the signing of a protocol and filing it at Versailles, because, forsooth, some one claimed that since the constitution of Germany provided that some time hereafter Austrian countries might have representation in the German Reichstag it was a violation of the treaty provisions written here and that she must amend her constitution; and they compelled such amendment. It was not difficult at all.

We are told that you must not adopt an amendment of any kind, Mr. President, because you would have to summon together again the peace council; and yet the very men who are insisting

upon that have reported favorably upon a peace treaty with France, Great Britain, and the United States in absolute violation of the terms of our treaty with Germany. And they have done it without asking Germany's consent. They have asked the Senate to consent to the treaty.

Of course, it provides that it shall become operative in the event Germany violates any of the sections of the treaty ending at section 43. The treaty itself provides that the league of nations shall deal with that proposition, and Germany has signed the treaty with the understanding that the league of nations would deal with the Rhineland and would deal with violations by her of these articles with reference to trespassing upon the Rhineland or trespassing upon other territory. She signed it and ratified it, and it is brought to us for ratification, and while it is pending here, without asking the consent of Germany, we have presented to us a treaty in absolute violation of it and setting it aside; and yet Senators say that we must not amend the treaty, because we must back the great peace council, which is meeting day by day, with Frank Polk representing the President of the United States at Paris and Versailles, backed, as I say, by the Great War council of the allied countries, which goes so far, in violation of the Constitution and laws of the United States, as to direct interference by the military forces of this country with our allies upon foreign territory without a declaration of war. And then you say you fear to change the treaty to protect the people of the United States and our interests, because, forsooth, we may be compelled to demand of Germany that she accept the change.

Mr. President, the argument does not appeal to me from any standpoint. I say now is the only chance, now is the only time that the Senate of the United States will have in which to voice the sentiments of this country, whose representatives we are, and write their protection into the treaty; and therefore I have no patience with the argument, from whatsoever source it may come, that we might be put to a little trouble if we amend it in accordance with what we believe to be the demands of the people and for the protection of our people, simply because we may be compelled to call the peace council together again after it has operated ineffectively for seven months. Such argument does not appeal to me from the standpoint of what I consider to be Americanism, nor does it appeal to me with any greater force from the standpoint of practicability. If it is practicable to compel a change of the constitution of Germany, without the United States calling upon her to do it, but simply through the voice of some self-constituted representative of the people of the United States in that matter, if it is practicable to secure a change of their constitution in that manner, certainly it is practicable, with the use of the naval and land forces of the United States, to secure any other thing which we demand.

You know, and I know, and every one of us knows, that Germany will accept any change which we may write in, and that every other nation of the world will not only accept it but they will welcome the United States into any league, where only the name of league, covenant, council, and assembly are mentioned, if the United States is a member of the assembly or the council, because what they want is no repudiation of foreign debts, what the people of the United States who are behind this treaty want is no repudiation of foreign debts. They are concerned with repudiation to-day, and the effort is made to befool the people of the United States with the cry that, "You must supply the needs of these foreign countries, you must operate through the league in supplying them, and you farmers will be able to dispose of your goods at high prices," and yet the consumers in this country are told by the President of the United States that we need this peace treaty to keep down the high cost of living. The people are approached by representatives of Morgan & Co., on the one hand, claiming that if they will join this league and refinance the world the farmers, the factories, and the workingmen of this country will derive benefit from joining the league, and that in itself because they hold $50,000,000 of the bonds of the city of Paris and also they hold $50,000,000 of Russian bonds and other bonds of the world practically. I say to you that I have never been one who has attacked the moneyed interests or vested interests or the business men of this country, but I say now that the business men of this country had best beware. Fasten this league upon the people of the country, and, in my judgment, the struggles will be so tremendous to break away from it within the next two years that we may have trouble here upon our own soil.

Of course we do not want to see the world bankrupt. Of course we do not want to see in France and Italy what we have seen in Russia—repudiation of national debt. Of course we want to see Czechoslovakia and the Slovene country and the other new nationalities which we are bringing into the world prosperous. Of course we do not want our own investors on this side of the ocean to lose the amounts which they have placed in foreign bonds. Of course we want the farmers and the producers of this country to secure a market for their products. We have an example now, that was discussed here this morning, of exactly how you are going to protect the farmers, the producers, the manufacturers, the people of this country. You are going to do it forever, if you join this league, as you are doing it now, with a joint high war council. That was the first war proposition in connection with article 9 of the treaty, and that is the objection in the French Assembly now, that the Bourgeois amendment was not adopted, and in lieu of that you simply provide that a staff might be appointed as a committee of the council to advise the council. Clemenceau and Bourgeois insisted at that time that a standing army should be under control of that staff for the purpose of carrying out the provisions of the treaty. If you get into this league, you will have your staff exactly as you have your supreme war council to-day, with authority from some unknown source to land our marines on the Adriatic shore or the shores of Dalmatia to interfere with trouble or with disturbance foreign entirely to any of the interests of the people of the United States, a disturbance originating between two of our allies and not concerning any of our enemies.

Mr. President, Senators who make this argument are those whom Hudibras had in mind when he said—

> He could distinguish and divide
> A hair 'twixt south and southwest side.

And they call this argument for the league!

We are told very unctuously by the President of the United States, as reported in the press, from the platform in California and other States, that this is a league of peace; this a league for the small nations, a league of the small nations, a league for the protection of small nations.

Mr. CURTIS. Mr. President, will it disturb the Senator if I ask him a question?

Mr. FALL. Not at all.

Mr. CURTIS. In the discussion of the question of amendments to the treaty the Senator stated a moment ago that if an amendment were made to the treaty it would have to be submitted to Germany for Germany's ratification.

Mr. FALL. Yes; I think it should be.

Mr. CURTIS. I understood that the Senator in his interview with the President took the position that if an amendment were made to the covenant of the league of nations it would not need confirmation or approval by the German Government, because the German Government is not a party to the league of nations. Do I understand him to occupy the same position now?

Mr. FALL. I entertain the same opinion, of course, and I thank the Senator from Kansas for calling my attention to it, because in hurrying from one subject to another, which I had under consideration before reaching the amendments which are pending before this body, I had intended to refer to that point and had overlooked it.

Mr. President, there are certain nations who, as soon as they ratify the treaty, are ipso facto members of the league. There are certain other nations who have been invited to join the league and several of whom have filed their acquiescence or their agreement in the terms of the league. Those are some of the smaller nations. There are other nations which have not been invited to become members, even, and as to whom we have no moral or legal obligation with reference to what the league should contain, if we should adopt this, at the time they may, if ever, be invited to become members or may make application of their own motion to become members. If Germany hereafter makes application for membership in the league she must make it as Mexico would make it, and the argument with reference to the necessity of presenting a proposed reservation to Germany would be exactly as strong as if the name "Mexico" were substituted in lieu of that of Germany. Mexico can only become a member of the league by making application to become such. She is not a member now and she is not invited to become a member at any time in the future.

It is true that, on the objection of Germany, even Brockdorff-Rantzau, in his letter to Clemenceau, insisted that a time limit should be fixed. First, his insistence was that Germany should be taken immediately into membership of the league and then that a time limit should be fixed when Germany might become a member of the league, and the answer to him was to the effect that Germany must convince the allied and associated powers that she would be good; that in due time, if she was good, if she performed the obligations of the league—the time limit required is 30 years—if she fulfilled the obligations, then she might become a member, but she can only become a member

of the league by application for membership and by the vote of the then members. The objection to an amendment to the league covenant, now adopted or adopted at any time prior to the coming in of Germany, that it must be presented to Germany, has no more force than if the objection were made with reference to Mexico or any other country whatsoever who has not been invited to become a member. The matter answers itself. For the reason that the President did not appear to be clear upon it, I asked him if it were not a fact that we could adopt before Germany came in any amendment to the league covenant that the members of the league chose to adopt, and it was in answer to that question that he said that it had not struck him that way, but that, of course, I was correct.

So that it is a matter of no difference whether the Senate now, in the consideration of the ratification of this instrument, adopts an amendment or whether it adopts it six months after it is ratified in so far as Germany is concerned. When Germany makes her application to enter the league, she makes it as the league covenant then stands and knowing what it is. If she does not like the provisions of the league covenant, she has her recourse and makes no application for membership in the league. Mexico is in exactly the same condition. She was not invited to become a member.

Mr. KNOX. Mr. President——

Mr. FALL. I yield to the Senator from Pennsylvania.

Mr. KNOX. The superficial argument is that Germany, being a party to the treaty, and the league provision being a part of the treaty, the league provisions can not be changed without consulting her; but the obvious answer to that is that the provision of the treaty is divided into two parts, one part of which Germany is interested in and the other part of which Germany is not interested in.

Mr. FALL. Precisely.

Mr. KNOX. If Germany may in the future become interested in the first part and apply for membership, she may apply just as she finds it, and that is the case as to Mexico.

Mr. FALL. Precisely; Germany is exactly in the same condition as Mexico or any other country. Mexico would have the same right to say, "I had representatives over there and I investigated this matter at the time, and if you had invited me I would have come in. I have been waiting for an invitation; I have been waiting for an opportunity to come in. Now, you have changed the league covenant and have violated your good faith with me."

Mr. KNOX. Then the reply is, "You do not have to come in."

Mr. FALL. Yes; the reply is, "Stay out if you do not like it," and, Mr. President, that is what I hope we will do.

But the argument was made, as I have said, during the President's recent tour in California and other places, that the league covenants were for the small nations and by the small nations and that this was a league or a covenant of small nations; of course, having reference to other members. I have a little clipping, I think, showing the President's words:

> There were more cheers a moment later when he declared the treaty was founded on the rights of the weak rather than the power of the strong. It was a people's treaty, he said, not a statesman's treaty.

Mr. President, in some way, unknown to myself—as a matter of fact, I can only give a wild guess just how it happened to be sent in; it was done by inadvertence, of course—the Secretary of State, in transmitting certain information to the Foreign Relations Committee, after he had testified before that committee, sandwiched in between two matters which he had been asked to furnish a partial transcript of the proceedings of the conference on the league upon one occasion. I have it here before me. I shall not undertake to read it all, but Senators who are interested in the subject may find from the printed hearings before the committee, on page 295 and the following page or two and the preceding two or three pages, that there was a meeting of the little nations, presided over by the president of the conference, Mr. Clemenceau; and they will find that Mr. Hymans, the representative of Belgium, arose in that meeting and denounced the cut-and-dried program which had been presented to these little nations. They will also find that he was supported in his opposition by Calogeras, of Brazil, by representatives of other small nations, and finally by Sir William Borden, of Canada. The opposition was solely to the effect that the small nations of the earth were not properly recognized; that they had no voice in the formation of the league. Finally, the old "Tiger," of France, stung by the criticism, himself made a speech, and a portion of that I shall read, so that the people of California and others who heard the eloquent expressions of our President to the effect that this was a league of the small nations and for the small nations may understand exactly how it was formed and under what theory it was formed and by whom it was formed. Finally, as I say, stung by the reproaches, Premier Clemenceau, speaking in French, replied to the observations and suggestions of the delegates in a speech of which the following is a translation:

> As nobody else wishes to speak, I shall speak in my turn in order to try to justify the bureau. It requires this, for if it had ever flattered itself that it could satisfy everybody it would by now be thoroughly disillusioned.
>
> Sir Robert Borden—

The Premier of Canada—

> has reproached us, though in a very friendly way, for having come to a decision.

The comments of each one of the representatives of these countries were to the effect that somebody had a cut-and-dried program, and that they understood it was a free conference which they were summoned to attend. That was the comment and the opinion of Sir Robert Borden, of Hymans, of Calogeras, and the others, to which Mr. Clemenceau is replying.

> Well, we have decided, as regards the commissions, in the same way as we decided to summon the present conference. With your permission, I will remind you that it was we who decided that there should be a conference at Paris, and that the representatives of the countries interested should be summoned to attend it. I make no mystery of it—there is a conference of the great powers going on in the next room. Sir Robert Borden has the less reason to be unaware of it, since he yesterday did us the signal honor of making a statement before us on questions concerning the British colonies.

Now, if you want to get the Canadian note, agreeing that Canada should come in, if you will trace it back to this date, you will find that following that conference the note was written and signed.

> The five great powers whose action has to be justified before you today are in a position to justify it. The British prime minister just now reminded me that, on the day when the war ceased, the Allies had 12,000,000 men fighting on various fronts. This entitles them to consideration.
>
> * * * * * * *
>
> What crime have we committed? We have decided that, for our part—

That is, the five great nations—

> we would appoint two delegates each on the commission on the league of nations. I would beg Mr. Hymans and all those who followed him to let me keep to the point.

Objections were still going on in this placid little meeting—

> As soon as I indulgently allowed him to wander from it, as soon as the door was opened, everybody rushed in and discussed everything except the subject under discussion. It is my duty to guide the conference in its work in order to obtain a result.
>
> We have, therefore, decided to appoint two delegates each, and then—may I be pardoned for it—we have decided to ask you to appoint five delegates in common.

This is the league of small nations and this was the commission that wrote the league. This was the commission of 15 who were to write the league covenant which we are now considering. The President says it is a league of small nations made for the small nations and by the small nations, who outnumbered the five powers two, three, four to one in this conference, and who numbered about 20 in the conference as against 5; when the great powers appointed 2 members each and gave to the other 18 or 20 nations of the world only 5 representatives. That is the manner in which the small nations of the world wrote the articles which we are now considering in this so-called covenant of the league of nations, which the President tells the people of the United States was made for the small nations and for the protection of the small nations. Old Clemenceau had the courage to tell the truth. He said:

> I have heard Mr. Veniselos and many of you say "our voice will not be heard." How can you level such a reproach at us? Your voice will be all the better heard, because we are now arranging a means by which we can listen to each other.

Then he goes on to say, "If you can not get together and agree upon the 5 members we have allowed you out of the 15, we will name them for you; do as you please."

That is the satisfaction the small nations got, according to the record furnished us by the Secretary of State of the United States. It simply throws a little light upon what was going on in this conference, where everything that was said by the President and everyone else was received with acclaim and applause and approval. If you go into it, Mr. President, you will find that they did not have a meeting where there was not opposition and where the voices of the small nations were not smothered by the conference which Clemenceau admitted was going on in the adjoining room, and which was attended by the representatives of the four great powers, Mr. Pichon taking Clemenceau's place, that conference deciding what the little nations should take and what they might have and what they did get.

Mr. KNOX. Mr. President, will the Senator permit me to ask him a question?

Mr. FALL. With pleasure.

Mr. KNOX. Does not the Senator also remember the testimony before the committee—perhaps the Senator was going to refer to it——

Mr. FALL. I am glad to have the Senator call my attention to it, because I might have overlooked it.

Mr. KNOX. I hope the Senator will refer to it—in regard to the little nations wanting to object.

Mr. FALL. I have in mind the statement of Mr. Bullitt as he was testifying before the Foreign Relations Committee, from the documents which he had, and particularly when he was answering questions put to him by the learned Senator from Pennsylvania, when he gave us a picture of the adoption finally of the draft of the league of nations, when all over the hall there was objections, when the delegates from the other nations of the world were upon their feet protesting and objecting; but when the matter was being put through, as you have seen the steam roller operate in a Democratic convention, so all opposition was crushed and not a protest was allowed; not a voice was permitted to be heard, except that of some advocate of this cut-and-dried league made by the four powers in the adjoining room and forced upon the little nations of the world.

Where, now, I ask you, is Veniselos, the great Greek, recognized as one of the foremost statesmen of the world? He was there, and in his self-sacrifice, as the same record will show, and in his desire to maintain peace and harmony and to hold the small nations together, after he had been appointed on this commission, arose and said that he recognized the fact that Belgium had suffered even more than Greece and that he would yield to Belgium that she might have a voice in the league of nations. Where is he? Driven out of your league and your conference. By the action of whom? By the action of the American delegates to the peace conference.

Mr. HITCHCOCK. Mr. President, will the Senator yield?

Mr. FALL. I will.

Mr. HITCHCOCK. What does the Senator mean by Veniselos or Greece being driven out?

Mr. FALL. I mean that he would not and could not, with the support of his countrymen, accept the division of Thrace which the American delegates have insisted upon making. He could not in justice to his country or with the support of his countrymen accept the provision by which they turn over to Bulgaria, the enemy of Greece and the enemy in this war of the United States of America, a portion of Thrace which is Grecian.

Mr. HITCHCOCK. Does the Senator imply that Veniselos or Greece has repudiated the league of nations?

Mr. FALL. Yes, sir; that he has declined to sign it. That is the newspaper report. If the Senator has any other source of information I should like to have it.

Mr. HITCHCOCK. I have, but not on my desk. I have it somewhere in my office or in my desk a statement from Veniselos.

Mr. FALL. Oh, that is an old statement, Mr. President. The Senator can rake up some old statement; but, as I said, Veniselos was so anxious to carry out this peace treaty to assist in doing something to bring about and to maintain the peace of the world that in this very meeting he arose and resigned the position which had been accorded him as a member of this commission and insisted that Belgium should be substituted, because she had been left out, and she had suffered more than any of the other nations present.

Mr. HITCHCOCK. Why does the Senator designate as an old statement the one I am referring to by Veniselos?

Mr. FALL. Because all that I have found that the Senator has produced here yet were out of date. [Laughter in the galleries.] If the Senator has anything new, I will extend my apologies to him.

Mr. HITCHCOCK. Possibly the Senator may not be referring to what I am.

Mr. FALL. Possibly not.

Mr. HITCHCOCK. I am referring to a recent statement made by Veniselos, repudiating and denying the widespread reports that he had turned against the league of nations. He says, on the other hand, that while he has been disappointed in some of the decisions of the council, he is as firmly in support of the league of nations as he has been at any time.

Mr. FALL. Mr. President, it seems to me the Senator does not appreciate what he is doing or what he is talking about. Here is the general proposition for the constitution of a league of nations. The treaty of peace with reference to Thrace and Greece is not specifically embraced in the proposition which is now pending before us. The treaty which I am referring to is the treaty by which we are turning over a portion of Thrace to Bulgaria; and Veniselos has repudiated it, and they have not yet signified their intention of joining this league.

I have here a cablegram, or a copy of one. I can not vouch for its authenticity. It is as authentic as any other information that I have had here or seen produced here.

SEPTEMBER 26, 1919.

NATIONAL HERALD, *New York:*

Thracian question Friday. Americans have insisted postpone Thracian solution until Congress decides whether accept Constantinople mandate.

Whether you, the Congress of the United States, being led into the ratification of this treaty here, are going to accept the Constantinople mandate, take over Turkey, and send your sons over there to guard the Turkish harems; and a postponement has been insisted upon by the American delegates until you have decided upon your Constantinople mandate under a treaty to which you have not yet agreed.

Greece insisted immediate settlement, but Americans would agree immediate settlement by depriving Greece of whole Thrace except Xanthi Goumouljina districts. Greece regretfully obliged yield before night. Meantime, Thracian question became pure question America against Greece, and situation now completely changed, because Wilson seems decided now deprive Greece from Thrace. Interest regarding Thrace now centered Washington instead Paris. Veniselos probably leaves Paris late next week for visiting London, Manchester, Liverpool. Invited by them. Large movement now operating, chiefly by Americans, for preserving territorial unity Turkish Empire. Morgenthau very active, supported by missionaries.

Roberts College! As one of the bright newspapers of this country said a few days since in a short paragraph, Mr. President, Roberts College may not have turned out any very well-known or eloquent ministers of the Gospel, but it has been most successful in turning out politicians.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER (Mr. WADSWORTH in the chair). Does the Senator from New Mexico yield to the Senator from Nebraska?

Mr. FALL. Yes.

Mr. HITCHCOCK. Will the Senator permit me to read the statement of Veniselos, so that I can see whether it is the one which he condemns?

Mr. FALL. Oh, yes; certainly.

Mr. HITCHCOCK. On September 4 there was placed in the RECORD by the Senator from Utah [Mr. KING] the following statement just made by Veniselos:

Premier Veniselos, of Greece, in a letter to the American ambassador at Paris made public to-day by the State Department, denied reports published in America that he had publicly stated his loss of confidence in the league of nations because of the American attitude with regard to Thrace. He asked that President Wilson be advised that he had undergone no change of sentiment with regard to the proposed world society.

After quoting from American press reports as to his attitude, and recalling that "the question went so far even as to occupy the Senate," Premier Veniselos wrote:

"I desire, therefore, in view of the importance attached to the above news, to state categorically that I have not made the above statement, and it really grieves me to know that I could have been thought capable of it.

"Notwithstanding the disappointment I may feel because of the Thracian question—a very vital one for Greece—my views regarding the league of nations—a world-wide structure to which I have also contributed in the measure of my ability—have not and could not change."

Mr. FALL. Mr. President, it may dawn on the Senator some day that there is a treaty now supposed to be in process of negotiation concerning Thrace and Greece, which will have to come before this country possibly at a later day, and that the provisions of that treaty also will possibly come under the operations of this league of nations, if it is ever formed. If the Senator, who has hurried out, will read more of the record which I have just read he will see something of Premier Veniselos's sentiments with reference to the league of nations as it is constituted there.

Why, of course they will accept the league of nations proposition generally, however it may be written, because the five great nations sit in that other room. Greece is bankrupt, and she wants American money to finance her, just as Italy and these other countries are bankrupt, and want American money to finance them. I said to begin with, sir, that they would accept the league of nations. There is not one of them that will not accept it. You can strike out from the first clause of the first article down to the signatures, and just leave there a council and assembly, and nothing as to what they are to do, give them no power whatsoever, leave simply the skeleton of a council, with the United States a member of a world council, and every nation in the world will accept it. There is not one of them that will not accept it. Greece will accept it, of course. Greece will not accept the Thracian settlement—that is, she will not do so without a revolution—just as Italy does not dare to accept the Wilson settlement of Fiume, because she faces a revolution.

My attention is called to the fact that the denial read by the Senator from Nebraska was simply Veniselos's denial that he

had made a public statement, which is true. I caught it as it was read.

Mr. President, there has been very much criticism of the delay in the consideration of this treaty. I say "very much criticism"—there has been natural criticism. Many of the people of the United States, of course, do not understand yet why the Senate has not voted upon some of the provisions, at any rate, contained in the treaty which is under consideration. I am going to refer in a short time to some of the provisions in this treaty which have not yet been referred to, except incidentally, in all the discussion which has gone on concerning it; and I think I shall be able to show in a very few minutes' discussion that the people of the United States do not yet know what this treaty is after all this discussion.

The Senate Committee on Foreign Relations labored—that is, the majority members did; I will acquit the minority members of any labor in connection with the consideration of this treaty—but the majority members of this committee labored as assiduously as any Senators ever did in the consideration of any matter of such supreme importance. As a matter of fact, Mr. President, just take into consideration the fact that upon the organization of this body a railroad bill was under consideration, which has never yet been reported out of the committee. Just consider the enormous number of bills of a domestic character, concerning domestic legislation, which are still being considered by committees of this body, and neither the newspapers nor others are criticizing the delay. They are perfectly satisfied to await the result of the efforts of the committees, based upon such information as they may glean from different sources, recognizing the magnitude of the task with which the committees are confronted. And yet, Mr. President, even in the great matter of supreme importance to the people of the United States, the one great domestic question, the settlement of the distribution problem, as based upon the operation of the transportation system of this country, that great question, as important as it is to the present and the future of this country, is a mere bagatelle in comparison with the consideration of a matter of this supreme importance touching our foreign relations. The matter of railroads, or any other matter of domestic regulation, may be considered and one theory adopted to-day, and, in the wisdom of the Congress of the United States, it may be amended or rejected or repealed and a new system adopted to-morrow.

It is possibly true that the action of this body in initiating legislation upon railroad problems might disturb the business of this country temporarily or for such time as would be necessary to repeal or amend the official action taken by the Congress. But that is a domestic matter. We deal with it as we please. The committee takes a bill and, after consideration, reports it back, or amends it and reports it, or refuses to touch it, as they please. A temporary scar may be made upon the body politic; but the people of the United States know what they want and will settle these matters which they have to settle, and only a temporary scar will be the result, whether the Underwood-Simmons Act is in force or the McKinley Act is upon the statute books. You can repeal one or the other and you can affect temporarily, or somewhat permanently, all of the business interests of the people of the United States. But the people of the United States are doing it, and if they do not want it they can repeal it; they can elect a Congress that will repeal it; but in dealing with foreign relations, Mr. President, we are tying the hands of the people of this country for unnumbered generations, and we are going to become one member of a council of nine who will have our foreign relations in its possession, until the people of the United States at the polls elect a Congress that will denounce it and constitute an army who will stand back of that Congress and enforce the denunciation.

You can not make a mistake either of commission or omission with reference to the foreign relations of a country without the possibility of constituting a scar which will never be eradicated from the political system of that Government. You can not commit an act of omission or of commission which may not tear one of the members of your corporate body from the others. When you are dealing with foreign relations you are dealing with other countries; you are surrendering your sovereignty to a certain extent even in an ordinary treaty. When you are dealing with this character of treaty, when you are constituting yourself only one of a number who have jurisdiction over your foreign relations you are placing yourself and the unborn generations of the United States in the hands of foreigners. And you can not expect that they will break the shackles which you have placed upon their hands.

The Austrian treaty is intertwined with this treaty; the Polish treaty is intertwined with it; the present French and English treaties are intertwined with it, or, as the President says, are linked with it, and I ask you if the Foreign Relations Committee has had an opportunity or time to investigate either of those treaties? They did not, because the minority members of the committee were sitting there with their mouths closed, so far as any argument upon any proposition was concerned, and voting "No" whenever a proposition was made to require evidence from any source or to hold a hearing which might cast light upon the problems involved in this treaty; threatening the majority members with the hostile majority in this body that the treaty would be taken from the hands of the Foreign Relations Committee unless we hurried to some decision and placed the treaty before the Senate. And so, Mr. President, I for one voted to take it out. I would have accepted the challenge without hesitation and reported the treaty back without recommendations and let the Senate sweat with it and let the ignorance existing among those supporting the administration be displayed even more clearly than it has been shown here upon the floor to-day. What information they have they have been compelled to accept as it was brought out by the majority Members of the Senate, and they have not assimilated that.

Mr. President, I am somewhat wearied, but I shall proceed to another phase of this matter, as I suggested a few moments ago, and in the discussion which I shall now engage in for a short time I am going to call attention to one article of this treaty, or a part of it, which has only incidentally been referred to in any debate or anywhere and upon which no hearing has been had or could be had. This so-called peace treaty, Mr. President, is like all Gaul, divided into three parts; and I might say that it has been prepared by a Cæsar, as the former Cæsar assisted in dividing Gaul.

The first portion of the treaty has been under full discussion; that is, the so-called covenant of the league of nations. When it first made its appearance before us, when the President cheerfully crossed the ocean and summoned the Foreign Relations Committee to meet him at the White House and presented them with the draft of the new covenant of the league of nations, he called it then the "constitution" of the league. After he returned and the second draft was sent over he had changed its name, and it was known as the "covenant" of the league. And well might the change be made, because if it still bore the designation of "constitution" of the league, which it is, Mr. President, some of the constitutional rules and decisions of the Supreme Court of the United States would be more readily invoked, or when invoked would be more apparent for the consideration even of the layman; and very well might it have been and was that the name even of the child was changed as it neared maturity, and is now known as the "covenant" rather than the "constitution." Mr. President, I could hear old Daniel Webster and Henry Clay and the fathers of this country, expounders of the Constitution of the United States, take this matter and dissect it, if it still bore the name of "constitution," and what they said, which has been written down in history for the guidance, we supposed, of the Americans of all future generations, would be so applicable to it, had it yet borne the name of the "constitution," Mr. President, that even a layman, as I say, would have been compelled to halt when reading their discussions, so apropos were they to the provisions of this covenant.

But suffice it to say, Mr. President, that the covenant of the league of nations is intended to and does constitute another body, with power to interfere in one way or another with all the foreign relations of the United States of America, with everything touching the external relations or interests, commerce, invention, transportation, treaties, acts of Congress, even, which might be construed as in one way or another affecting treaties, all within the jurisdiction of this league of nations as affecting the foreign relations of this country. You are, then, asked to surrender our sovereignty and to delegate the power which the people of the United States have placed in the hands of the Senate to a foreign body with reference to the management of the foreign relations of this country.

Very well, Mr. President. But later on in this treaty, and properly following the league of nations provision, had it not been for the attempt, as it is, insiduously to place between these two instruments, because they are separate instruments, certain rules and regulations and geographical lines—had it not been for the insidious attempt to place the main body of the treaty between the two articles, the one to which I have referred and the one to which I will now refer, part 13, it would at one glance be perfectly apparent to Senators and to the people of the United States that upon the one hand, having entered the league of nations under article 1 and delegated to foreign powers the management of your foreign affairs, or interference with your foreign affairs, you are now, by part 13, asked to delegate to a foreign body the management of all your domestic affairs. There is no limitation whatsoever upon the authority

of what is here designated as the "labor council;" there is no limitation whatsoever upon their authority to deal with any question of domestic concern.

Through the provisions of part 13, Mr. President, a council within a council or a league within a league is provided for, which is to meet and consider any questions which might, by any stretch of the imagination, touch any domestic question arising in any of the countries of the world, because the labor problem enters into every domestic problem—transportation, railroads, Government ownership, telegraphic lines, telephone lines, factories, manufactories, agriculture—every possible phase of domestic life is touched, and touched more or less seriously, by the labor question. I am not one of those who oppose union labor. I said here, I think, two years ago that in my judgment it might be best for all the labor of this entire country to be unionized and to be allowed to deal collectively and to be dealt with collectively. But, Mr. President, the people of the United States have elected a Congress of the United States to deal with their domestic questions, and labor takes part in every one of those elections. Labor so far as unionized has not gone into politics, and the leaders of labor in this country, in my judgment, have pursued a very shrewd course in not going into politics themselves. Their methods have been much more effective by simply indorsing one candidate or another of the one party or the other as that candidate might more nearly represent what the labor men of his district desire.

With no opposition to union labor in this country, except as some of the employers insist upon an open shop, with no opposition anywhere, I have thought that it would be best for the other people of the country, the consumers and those who did not belong to the masses of organized labor, or of unorganized labor, if labor were generally organized in this country, and, possibly, better if it went into politics, because, Mr. President, elect Samuel Gompers to the Senate of the United States and he would be under oath to perform his duty to the people of the United States under the Constitution of the United States; and if I know him, he would do it. Place the responsibility upon him which we have here and he, and the other labor men—because the leaders are generally good Americans—will perform the duty which they have sworn to perform if they come here as Members of this body. I have no fear, then, of labor, organized or unorganized, in politics or out of it.

But, Mr. President, let me say to you what the provision with reference to this labor council does, first, to the laboring man of the United States. A few years ago the Congress of the United States adopted an amendment, offered by the Senator from Iowa [Mr. CUMMINS], declaring unequivocally as the opinion, as the voice, as the determination of the Congress of the United States, and therefore of the United States itself, that labor was not a commodity.

Now, take the labor articles in article 13, and see the declaration of principles there. The man who is responsible for that cut the heart out of the labor constitution which the Congress of the United States had written for the labor of this country. They adopted the provision that "labor is not merely a commodity." Ask any laboring man to go to his dictionary, if he has any doubt on the subject as to what "merely" means; ask him to go and look in his dictionary, and he does not have to secure a labor dictionary, to know that the heart is cut out of the constitution of American labor in the very first provision or declaration with reference to labor contained in part 13.

Mr. President, American labor needs no assistance from the other labor of the world. It is the most efficient labor known throughout the world to-day, and we all recognize, of course, the fact that it is due to the efficiency of American labor that America to-day occupies the position she does among the other nations of the world, due to the fact that we are a country of unlimited natural resources and that we had the most efficient labor in the world to develop them. We ask nothing of any other labor.

Among the provisions with reference to the power or the authority of the labor assembly when it is called and considers a question such as, we will say, for instance, immigration or naturalization or tariff or transportation or wages or hours of labor, or any other subject whatsoever, it is true that there is a provision that when that assembly shall have adopted a recommendation upon the one hand, or written a draft convention upon the other, and any nation rejects the proposition, that it shall not become operative as to such nation. Having adopted them, that nation submits itself to the coercion of the foreign nations of the earth, who can compel the carrying out of the plan which may have been submitted. I should like to ask the laboring men of this country where they are going to be on the immigration proposition. I should like to hear from them on that proposition. Many of them, and I believe a majority of organized labor of the country, for several years have been requesting the Congress of the United States to limit immigration, to restrict immigration in this country. As yet Congress has not done it.

A convention was called to be held in Washington in October, next month, to pass upon certain questions, though I notice in the last few days that the date of the convention has been postponed. It is true that in the agenda of the first meeting the provision of immigration is not to be considered. There is nothing, however, to limit the consideration of the convention or the operation of the convention upon the subjects provided in the agenda, so the question of immigration might be considered if it were brought up at the first meeting.

Now, unless beforehand the Congress of the United States shall have passed a law restricting immigration in accordance with the desires of many of its citizens, of whom I will say I am one—unless prior to action by the international labor congress the United States shall have passed a law affecting immigration, and the international labor congress that deals with the subject—and all the other nations of the world want unrestricted immigration in the United States as well as elsewhere—if they adopt a program to that effect and it is not affirmatively rejected by the Congress of the United States, it becomes fastened upon this country forever, and there is no means by which we could ever, through congressional action or otherwise than by a denunciation of the treaty itself, get rid of the provision thus fastened upon us. The same argument applies to the tariff and every other possible matter of consideration. Once having adopted it or acquiesced in the principle of it, we are bound forever. That is another reason why I oppose the proposition.

Above and beyond and over that, Mr. President, is the fact that under the constitution as it is written the matter of the delegates to this conference is not American. First, how many delegates will Great Britain have? The matter has been referred to and discussed at some length here in the discussion of the amendment offered by the Senator from California [Mr. JOHNSON]. In the league of nations assembly Great Britain has six and the United States has one. In the labor council Great Britain has 24 and the United States 4.

Again, in the constitution, in the matter of the selection of the delegates from each country, where they are four in number the Government itself selects two, and then from organized labor, not labor in general but from organized labor, they name one, and from the organized employers—the Manufacturers' Association of the United States, I suppose, the greatest organization of employers—the United States is compelled to accept the fourth. Then when they vote, instead of voting for the United States of America, they vote each man for himself, as he pleases.

In the discussion of this very important matter in Paris, opposed as it was by the various delegates from other countries, another matter was suggested, and that is the heart of the situation as I see it. It was suggested by a resolution offered by the French and the Italian delegates that agriculture should not be overlooked if there were to be a classification of the delegates to the labor conference; that agriculture itself, the greatest industry of the world and the industry upon which the laboring man of all classes and the employer of all classes and the consumer, of course, is sooner or later dependent—agriculture, the great interest of the world—should be represented if there was to be a distinction among the delegates. That proposition was rejected upon the theory that the two government delegates would represent agriculture. The two government delegates appointed by the power elected by the people of the United States—the labor organizations, union men, and those not belonging to any organizations—could represent agriculture, but they could not represent the employer upon the one hand nor union labor upon the other.

Mr. President, I know that some of the more prominent labor men, leaders of organized labor in the United States of America, are opposed to this proposition as it is submitted, and I am satisfied in my mind that when organized labor or unorganized labor in this country understands that this is an un-American proposition absolutely they will reject the entire proposition for this reason if for no other, if there were not these specific objections, to which I have called attention briefly. The American laboring man is an American, Mr. President, unless he is a foreign striker.

Mr. President, sandwiched in between the world organization for the regulation of all the external relations of the United States, upon the one hand, in article 1 and part 13 of the treaty, which provides for the organization of a body with absolute power to control every domestic policy of the United States, upon the other, comes the body of the treaty with Ger-

many. In the first speech that I made upon this subject in the Senate I called attention, as have others, to the absurdity of many of the provisions of the so-called peace treaty. That the Senate should be called upon, among other things, to give a moral guaranty that they will see that Germany returns to somebody in South America the skull of some old nigger; that the Senate of the United States should by signing this treaty incur a moral obligation on the part of the people of the United States to compel the performance of such an agreement is an absolute absurdity and can be classed as nothing else. Attention has been called to many similar absurdities, and I am not going into them at this time.

The articles of the covenant of the league of nations, to reiterate, provide for the handling of the foreign affairs of this country hereafter—not only of this country but of the world—and obligate us in the future to enter into every possible dispute, such as the question now confronting us with reference to Trau and the other questions pending on the Adriatic and Dalmatia, including Fiume and that in the interior. All over the Balkan Peninsula, down into the deserts of Persia and Egypt, from one corner of the globe to the other, we are to be dragged forever until we denounce the treaty; we are to be dragged into all the possible troubles between the King of Hedjaz and those who supported him for a while, but who now want the American Government to set up for them a separate government somewhere between Medina and Mecca. This is for the future that we are to be obligated under the league of nations. Meantime the President undertook a short time since to differentiate between a moral and a legal obligation in the discussion of the treaty. My head began to swim at that time, but I have never yet been able to so fix my equilibrium that, in dealing with foreign relations or with my duty under my oath to my country, I can differentiate between a legal and a moral obligation. Other people have a clearer vision.

In the body of the proposed treaty they proceed first to regulate the geographical lines of Germany, Belgium, Poland, the free city of Danzig, and so forth, and so forth, and so forth, ad infinitum. Being obligated, if we agree to the covenant of the league, to engage in the future in all disputes, if we agree to become members of the commissions which are to arrange boundary lines and pass upon plebiscites and use their discretion as to which country they will hereafter, at some time in the future, deliver over thousands of people and hundreds of square miles of territory—should we agree without qualification to enter into all these matters, then our trouble commences from the very day we sign the treaty.

Of course, it may be said, Mr. President, that we are already engaged in this work. We are, but not by the advice nor the consent of the Senate of the United States. We are told that there have been American commissioners appointed upon some of the commissions provided for in the treaty. We are told by the public press, which is our usual and fruitful source of information, that a reparation commissioner was appointed a few days since; that Mr. Rathbone, I believe, an Assistant Secretary of the Treasury, had been appointed by the President of the United States as a member of the reparation commission, and was proceeding to London and would begin the performance of his duties.

Mr. President, I asked the President of the United States two or three questions concerning certain commissions which were provided for in the treaty, and I have here his answers. I wish to call attention to some of them.

15. Was it or is it now contemplated that, of the commission composed of five members to be chosen by the council of the league of nations for the government of the Saar Basin, one of said commission to be a citizen of France—

That is provided in the treaty—

one a native of the Saar Basin and not a native of France—

The second commissioner provided for—

and the three other members belonging to three countries other than France or Germany, there should be one American commissioner among the membership of five; and if so, why is it necessary that America should be represented upon this commission?

This is one of the questions I asked. It does not apply to the first amendment which, on my suggestion, the committee has reported to the treaty; but I wanted an answer from the President, of course, or I would not have asked the question. I wanted to see along what lines his mind was running with reference to this commission, if he had given any attention to it at all. His answer is that:

15. No mention was made in connection with the settlement of the Saar Basin of the service of an American member of the commission of five to be set up there.

No mention was made of it whatever. Therefore, in so far as we know from the President of the United States, there will be no American member of the commission or there need not be any; there is no particular reason for one, because it was not mentioned; and yet of all the important commissions provided for in the treaty the Saar Basin commission is the first, or, at least, the second. It may be said that the more important is the reparation commission; but in so far as the performance of the particular duties imposed upon the league of nations or by the peace treaty with reference to the reparation to France herself and the repayment to Italy in the matter of coal particularly are concerned, it is the most important commission provided for in the treaty. If the reparation commission is first, then, of all the numerous commissions provided for—30 or 40 or 50 in number, followed by innumerable commissions in each of the other treaties—certainly the Saar Basin commission is second in importance; and yet the question of the appointment of a disinterested American was not even considered! Three commissioners were to be appointed by the council of the league of nations, but the discussion of the appointment of a disinterested American was never even suggested.

Now, let us see about the others. My next question was:

16. Why should the United States be represented by one member of the commission for the settling of the new frontier lines of Belgium and Germany under articles under sections 34 and 35?

If there is such a thing as an unimportant commission, that is an entirely unimportant commission, in my mind, except in so far as we ourselves take part in it, and agree upon this line, and are morally obligated to enforce the decision of the commission.

The President's answer to my question was:

16. It was deemed wise that the United States should be represented by one member of the commission for settling the new frontier lines of Belgium and Germany because of the universal opinion that America's representative would add to the commission a useful element of entirely disinterested judgment.

In at least the second most important commission, which is to have absolute governing power over a whole people for 15 or more years, the question of the appointment of an American was not even suggested; but in the matter of the appointment of an entirely unimportant commission, simply to settle within 15 or 20 days, I think—within a few weeks, at any rate, after the ratification of this treaty—to settle within that short period of time the boundary line for a short distance between Belgium and Germany, it was necessary to put a representative of the United States on that commission, because the United States was a disinterested country. Comment is unnecessary. The mere repetition of the question and answer, it seems to me, followed by the next question, is all the comment that is necessary.

My next question to the President was:

17. As article 48 of the treaty provides for a boundary commission for the Saar Basin, to be composed of five members, one to be appointed directly by France and one directly by Germany, why was it not provided that the other three be nationals of other powers?

This is another commission for the Saar Basin—

Should each be named in the article to be appointed by some particular country, as is done with reference to the other two, rather than to leave the selection of such three to the council of the league of nations with the restrictive provisions that the said three should be selected from nationals of other powers than France and Germany?

The President's answer was:

17. The choice of the commission for the Saar Basin was left to the council of the league of nations, because the Saar Basin is for 15 years to be directly under the care and direction of the league of nations.

The personnel of the commission which is the governing body for 15 years was not discussed; but it was necessary to provide that the league of nations should name the commission to determine the boundaries because of the fact that the governing commission, whose personnel was not considered at all, should be under the league of nations for a period of years.

The eighteenth question was as follows:

SETTLEMENT OF BOUNDARY DISPUTES.

18. Why was it necessary to provide in article 83 that of the commission of seven members to fix the boundaries between Poland and the Czecho-Slovak State, one should be named by Poland, one by such Czecho-Slovak State, and the other five named by the five allied and associated powers, rather than that certain countries, specifically named, should nominate the five as well as the two?

To that the President answered:

18. Article 83 does, in effect, provide that five of the members of the commission of seven to fix the boundaries between Poland and Czecho-slovakia should be nominated by certain countries, because there are five principal allied and associated powers, and the nomination of five representatives by those powers necessarily means the nomination of one representative by each of those powers.

Mr. President, if the President knew the purpose and intent in the appointment of these commissions, and if anyone desires to ascertain that information, I will say frankly that he can not acquire it from the answers of the President. He is completely at sea about it. It was an entirely unimportant matter, and yet, if his definition of a moral obligation has any weight,

when we go on this commission we have incurred a moral obligation.

Mr. President, who names these commissions?

Mr. MOSES. Mr. President——

Mr. FALL. I yield.

Mr. MOSES. Before the Senator leaves the matter which he is so interestingly discussing I should like to call his attention to a fact which of course he must have noticed in his study of the treaty, namely, that the settlement of international boundaries, like the settlement of line-fence disputes, generally suits neither party to the controversy, and the umpire or the judge or the referee generally falls into disrepute with both disputants. Accordingly, the treaty has running through it a constant thread of purpose on the part of the European powers to put the United States in the position of referee in these line-fence disputes between the new nations, so that it will be we and not the powers of Europe who will bear the odium of whatever decision is made, and we correspondingly will suffer by reason of those decisions in our trade relations with both parties to the dispute, whereas in the case of the Saar Valley, where the discerning French know exactly what they intend to do, they can get along very well without us.

Mr. FALL. Mr. President, there has been no anxiety displayed upon the part of the other nations of the world to see that we have any of the trade which is referred to from time to time. In my judgment, the sole purpose of having the United States tied on any of these commissions is to impose upon us the moral obligation to enforce certain geographical lines, to assume certain obligations, to see that the people within certain geographical lines are not allowed to get out of them, and that there is no repudiation of the present indebtedness of such countries. That, in my judgment, is the prime purpose and the sole purpose of those who have written certain clauses in this treaty. I acquit the President of the United States of any such purpose, because I do not think he knows what the clauses mean at all; nor is anyone else able to tell me why it is that in the case of one commission the members should be appointed by the five principal allied and associated powers, in the case of another commission by the council of the league of nations, and in the case of another commission its members should be mentioned in the treaty itself.

Mr. President, I do not care to discuss the majority of the amendments, something like 30 in number. They are simply directed to the elimination of the words "and associated" where they occur in connection with the appointment by the principal allied and associated powers of the members of commissions. The motion as adopted by the committee and reported to the Senate is to strike out the words "and associated," which will eliminate the United States. It will leave the other principal powers free to appoint their own commissions and leave the United States out of it. I for one do not desire to underwrite foreign indebtedness nor to become responsible hereafter for the geographical division of Europe, Asia, and Africa. It strikes me, Mr. President, that when we get through dealing with the racial question here in the United States, and other questions of like importance, such as the great labor problems which are confronting us now, we may well sublet the job of looking after the labor of the world or delegating forever to foreign powers or foreign representatives the management of the Army and Navy of the United States.

Why, Mr. President, is not the discussion which went on here this morning with reference to the landing of the troops at Trau absolutely convincing to any Senator here as to exactly what will happen if this league of nations is formed? If your high council, or whatever you choose to call it, now sitting in Paris, can order the troops of the United States to Trau or elsewhere to take part in a difficulty with which we have nothing to do, except under the orders of some one else, what in the name of all that is holy will the league of nations do to us hereafter? And yet we are met with the assertion—not argument, but the assertion—that the league of nations has no power!

Who conferred the power upon the board which ordered the marines to Trau? Who conferred the power upon anyone whomsoever to order the soldiers of the United States to Siberia and maintain them there? And yet we are confronted by the so-called argument that if we go into this league and delegate our powers to declare war, still that is an absurdity, that we do not delegate anything, that all those powers still remain in our hands; and because we are at war with one nation they maintain, upon the other hand, that the Constitution of the United States is absolutely suspended, and that the President of the United States is a greater dictator with more power than was ever assumed even by Peter the Great of Russia or by William of Germany!

Mr. President, as I have said, I do not care to go into a full discussion of each of these amendments. I have explained shortly the purpose of them. It is simply and solely my purpose, as far as possible, to eliminate the United States from any participation in or any moral obligation to the present difficulties in Europe, to get our soldiers home, to get our ships back to our shores, and to attend to our own business for a while. This is the purpose. Of course I shall discuss at some length upon another occasion the amendment with reference to the reparation commission.

Now, I shall only say that by this amendment it is sought to provide not that the United States shall not have a representative upon the commission—and in the last speech that the Senator from Nebraska made, he wasted a good deal of his time in telling us what horrible things would happen to us if my amendment should be adopted, and we were not represented on the reparation commission. There is no such amendment pending at all. The amendment is simply to provide that the American representative on the reparation commission shall not vote upon any question whatsoever except the matter of the disposition of the German shipping unless he is directly instructed by his Government to cast his vote. He sits there at all times, but votes upon no other question affecting the other countries of the world or affecting our country unless he is directed in that particular matter as to how to cast his vote. This is simply following one of the provisions of the treaty as written, which is to the effect that in the event it becomes a question of scaling an indebtedness now or hereafter agreed to be paid by Germany, the American representative shall not vote upon it until he has had instructions from his country. This is simply to provide that he shall have similar instructions before he casts his vote in any other matter. Why? Because the Germans in their protest—and I will say now that it might be very well for some Senators to inform themselves as to what took place and what is taking place. If they had read some of the German literature presented before the peace council—and I have no reference to anything coming from Germany from any other source except the official documents which were presented to the peace commission in Von Brockdorff-Rantzau's counter proposition submitted to Clemenceau, and to which Clemenceau and the Allies agreed in part—it might be very instructive. I do not know that anything would be; but it would be interesting, possibly, at any rate, if some one could be induced to consider and to discuss some of the very propositions which were brought up between Germany and the Allies in the discussion of the final draft of the treaty.

Mr. President, one of the matters referred to by Von Brockdorff-Rantzau was this, that your reparation commission has more authority and more power than was ever wielded by the Kaiser, by the Reichstag, by the State, by the Empire, or by all combined. It has power to levy war, power to levy taxation, power to fix indebtedness, power to go into the homes of the people of the district, power to fix tariffs, power to interfere in the daily affairs of Germany. Such power, Mr. President, was never vested in any commission or any emperor or any autocrat. Why, even Carranza by decree does not attempt to usurp such power.

Mr. President, this is the commission upon which it is proposed that the United States shall have a member for 30 years! We guarantee to back up that commission with an army; and we not only are to furnish American troops to protect the commission and to enforce its commands, but the commission itself is given the power to recruit military forces. I am not speaking for Germany; I am speaking for Americanism, and the people of the United States of America. When they understand that these commissions provide for matters of this kind, and obligate the United States to the performance of duties of this kind, the people of the United States of America will elect a Congress that will reject the treaty if this Congress approves and ratifies it.

I give notice now that during the consideration of this treaty I shall offer an amendment to strike out Part XIII; that I shall also move to strike out of articles 118 and 119 the words "and Associated Powers"; and I shall refuse, in so far as I am concerned, to allow the United States to take a mandate under article 119, when the President of the United States has already agreed to the division of the mandate countries. I shall refuse to become a party to a farce, sir, by which it is solemnly proposed that we shall enter now into an agreement for the governing of the South African colonies of Damaraland, German Southwest Africa, Togoland, Nigeria, and the Kamerun, when to-day the British flag is flying over the German Southwest colonies, and the French flag, by agreement with Great Britain, is flying over the Kamerun and Togoland, already divided.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER (Mr. NEWBERRY in the chair). Does the Senator from New Mexico yield to the Senator from Colorado?

Mr. FALL. I yield.

Mr. THOMAS. Did I understand the Senator to say that an agreement regarding the German colonies had been made between Great Britain and France, or some of the other powers, and the President?

Mr. FALL. I call the attention of the Senator to Leslie's Weekly of August 16, 1919, with photographs:

Down comes the German flag; up goes the French.

Referring to Togoland and the Kamerun.

Mr. THOMAS. I can understand, of course, the hauling down of the German flag and the substitution of some other flag; but the statement that it was done by agreement with the President of the United States was somewhat astonishing to me.

Mr. FALL. Just a moment, Mr. President. I have the evidence here.

Mr. THOMAS. I never heard the statement made before.

Mr. FALL. If the Senator will bear with me just a moment, I think I can furnish him with the answer.

Question 13, which I asked the President of the United States to answer, was as follows:

Has there as yet been any agreement, tentative or otherwise, as to the disposition or the government of such overseas possessions—

That is, the German South African colonies, as the preceding questions will show—

or any part of same to which the United States is a party?

Answer. There has been a provisional agreement as to the disposition of these overseas possessions, whose confirmation and execution is dependent upon the approval of the league of nations, and the United States is a party to that provisional agreement.

The provisional agreement which I referred to was the one referred to here, and upon which I had information—that is, that France had agreed to allow Great Britain to take Damaraland and German Southwest Africa and that Great Britain had agreed with France that she should take the Kamerun and Togoland, provided she left to Great Britain a strip on the coast known as the Nigerian strip. That was the agreement which *has* been carried out.

Mr. KNOX. Mr. President, may I ask the Senator a question?

Mr. FALL. I yield to the Senator.

Mr. KNOX. If this treaty is ratified, by its terms the overseas possessions of Germany become vested in the principal allied and associated powers, of whom we are one. In other words, we will get an undivided one-fifth of the sovereignty of all those overseas possessions. The question that occurred to me was this: The instant the treaty is ratified, that is the property of the United States. How can the property of the United States and the sovereignty of the United States over that property be conveyed away in advance by any agreement to which Congress is not a party?

Mr. FALL. I will admit that the Senator from Pennsylvania can not secure from me an answer to that question which would be satisfactory to him or satisfactory to me. I asked some questions of the President along that line, and I asked him what kind of title we took. The President seemed to think that we took identically the same title under article 118 and under article 119; but I believe he did make a statement before the committee—possibly the Senator may recall it—to the effect that it had been some time since he had practiced law.

Mr. MOSES. Mr. President, I will refresh the recollection of the Senator from New Mexico by recalling to him that I asked the President if it was not the fact that we took title in fee to an undivided fifth part of the German overseas possessions, and he hastened to qualify his acquiescence in that statement by saying "As trustees, however."

Mr. FALL. Exactly; and he so answered the questions. He gives the same answer with reference to the title under article 118 and the title under article 119; but I will not take time to read it, as it is in the RECORD. Under article 118, as to the German possessions in Europe, Germany simply renounces, outside of certain boundaries, and does not cede at all. But under article 119, as to her overseas possessions, South Africa and the Caroline Islands, and others, she cedes, she renounces in favor of the five allied and associated powers; and it is the wording of that cession that the Senator from Pennsylvania [Mr. KNOX] has referred to. And, as he very well says, the principles laid down in the Diamond cases and the Insular cases and the other cases decided by our Supreme Court with reference to the character of title which we had as to the Philippine Islands, for instance, they later applied, as the Senator will recall, to the Zulu Islands.

Mr. KNOX. And Porto Rico.

Mr. FALL. Yes. I am speaking of the Philippines, because we had to have a second treaty. In the first treaty Spain ceded directly. In the second treaty, with reference to the Zulus, she used exactly the same language as is used here. She renounced in favor of the United States. The Supreme Court of the United States decided that when we took title we became obligated to protect those territories as the owner thereof, with governmental duties to perform; and we have a one-fifth undivided interest in these overseas possessions of Germany, exactly as we had the entire interest in the Philippines, if the decision of the Supreme Court of the United States is law.

Mr. KNOX. Mr. President——

Mr. FALL. I yield.

Mr. KNOX. I do not believe the President meant to convey the idea that there was any technical trusteeship here, because there is not. The cession is direct. He could not by any declaration upon his own part alter the terms of the treaty, which is to be passed on by the Senate. The law of the case is contained within the four corners of this document, if it is ratified. I think his idea of trusteeship was explained by an answer he made to me. I called for an expression of opinion upon his part as to what portions of these overseas possessions the United States would likely retain—whether it was not understood, at least tentatively, that we were to get something out of it—and I remember that he most enthusiastically replied that he would certainly hope that the United States would take nothing, with which I entirely agreed.

Mr. FALL. Yes; and, of course, I am in accord with the Senator. The President said:

Article 118 of the peace treaty, Part IV, under which Germany renounces all her rights to territory formerly belonging to herself or to her allies was understood, so far as special provision was not made in the treaty itself for its disposition, as constituting the principal allied and associated powers the authority by which such disposition should ultimately be determined. It conveys no title to those powers, but merely intrusts the disposition of the territory in question to their decision.

Article 119, section 1, of Part IV, reads:

"Germany renounced in favor of the principal allied and associated powers all her rights and titles over her overseas possessions."

This appears to be a direct cession of the German overseas possessions to the principal allied and associated powers, of course, the United States being the associated power. What character of title does the United States receive to any part of the overseas possessions ceded by Germany through article 119?

Germany's renunciation in favor of the principal allied and associated powers of her rights and titles to her overseas possessions is meant similarly to operate as vesting in those powers a trusteeship with respect to their final disposition and government.

But yet the President, during the course of this very interesting conversation, was asked as to whose duty it would be to protect these territories, and he announced it would be the duty of the mandatory to protect them.

Mr. MOSES. Mr. President, it is probably idle to discuss the various contradictions in opinion which took place in the course of the interrogatories directed to the President at the conference at the White House; but, as a matter of fact, I ask the Senator from New Mexico, if he does not find, whenever we attempt to seek information with reference to any of the involved stipulations of this instrument, that we are dealing wholly with an instrument of faith. When we ask what such and such a thing means, we are told that we hope it means this, that, or the other; when we ask how to interpret the instructions given in one section of the treaty, we are told that the intention was so and so; but there is absolutely no clear thread of construction running through it, and no one who can interpret it correctly. We are asked to take it absolutely as a matter of faith.

Mr. FALL. Mr. President, it is apparent to anyone who has discussed the matter, who has considered it at all in good faith, that there is no representative of the United States who was in Paris who knows anything about the treaty, except with reference to one or two or three articles which he might himself have had something to do with. There was no one to bring all the work together. The President was obsessed with the idea of the shell of a league of nations hanging around article 10, which was his original proposition to the A B C, with reference to Latin-American affairs.

Mr. MOSES. Mr. President, even on those very points the two or three sections with which the so-called experts who came before us dealt at Paris, we were unable to get any information. The most ingenious and probably the most intellectual of all those witnesses who appeared before us, after he had gone back to New York, in relating his experiences before the committee, said that he ducked beneath the lily pads whenever the committee came perilously near to any question which would expose the real situation.

Mr. FALL. Mr. President, the impression made upon the mind of the Senator from New Hampshire, of course, is similar to that which I have brought away from all these so-called conferences or from any contact with anyone who assumed to know anything about the treaty. The President, as I have said, was absorbed in his labors for the future of the world, just as Alexander the First was laboring under the belief that he must prepare the world for the millennium, and that he was the forerunner of the Messiah on the face of the earth. The President of the United States was undoubtedly laboring in Paris for the creation of a league which he believed would bring about peace and good fellowship, and he devoted his attention to that labor and to the details of this treaty. How, in construing it and working it out, it might affect the interests of the people of the United States I think he gave no consideration at all. His mind was wrapped up in the great vision he had seen, just as that of Alexander the First was under the influence of Madame Krüdener or some one else.

Mr. President, the short discussion with reference to these South African colonies has, I think, illustrated or at least evinced the reason which I shall offer later for moving to strike out the words "and associated" in article 119. In other words, if the United States is to get nothing of the German colonies, as she is not to get anything, and they have already been divided up, Japan having gotten a part, Great Britain a portion, Portugal a part, France a part, and they are all actively in process of division or have been divided, and the flags of these different nations are flying over them, if there is to be an amendment to the league covenant restricting or in any way reserving the right of the United States Congress to pass upon mandates for any foreign countries, then certainly, logically, we should strike out the provision by which the United States takes an undivided one-fifth interest in property which already has been given away with the acquiescence of the President of the United States.

COAL-MINING SITUATION.

Mr. FRELINGHUYSEN. Mr. President, I tried this morning to bring to the attention of the Senate what I considered to be a very serious matter, but I was unable to get the recognition of the Chair. I now send to the desk a letter sent me by the president of the Pennsylvania Coal & Coke Corporation, of New York, which I ask to have read.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Secretary will read.

The Secretary read as follows:

PENNSYLVANIA COAL & COKE CORPORATION,
New York, September 26, 1919.

Hon. J. S. FRELINGHUYSEN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I am inclosing herewith copy of letter dated September 24, addressed to me as chairman of the Central Pennsylvania Coal Producers' Association by our general secretary, a man for whose judgment I have great respect. You will notice it is his opinion that the action of the United Mine Workers in convention at Cleveland precludes all hope of averting a nation-wide strike in the bituminous and possibly the anthracite coal industry.

I also inclose copy of report of the scale committee of the United Mine Workers adopted at Cleveland, and copy of resolution adopted at the same convention in regard to the nationalization of coal mines.

The mine workers' scale committee and the operators' scale committee are now in conference at Buffalo. It is inconceivable that the operators will grant the demands as presented, and yet there is no alternative to accepting them but a nation-wide coal strike. The operators would be guilty of a national crime if they acceded to the demands in order to avert a strike, as the industries and public of the country can not afford to pay the additional cost that the proposed scale would cause. Roughly, I estimate that it would increase the cost of mining bituminous coal $1.50 per ton and of anthracite $2.50 per ton. While a large percentage of this additional cost would be in wages, a considerable proportion would be due to increased cost of the overhead expenses, such as pumping and ventilation.

It can not be truthfully said that the eight-hour day, which is now prevailing, works a hardship on the laboring man; a six-hour day would decrease production 25 per cent. To-day there is not enough anthracite coal mined in an eight-hour day to supply the demands, and reducing it by 25 per cent would unquestionably cause a disastrous shortage regardless of the increase in price. Neither the public nor the industries of the country can afford to add $1.50 to the cost of bituminous coal; it would cost the railroads alone from $200,000,000 to $250,000,000 additional; all public utilities would suffer in the same proportion, most of them already overburdened with high costs for fuel, material, and labor.

Establishing a standard scale of $8 for ordinary labor would upset the whole economic condition of the country, and yet this is what is demanded by the United Mine Workers. The facts in regard to the present cost of production of coal throughout the United States are in the hands of the Federal Trade Commission. The National Coal Association and the Fuel Administration have accurate cost figures for the year 1918. Applying the proposed scale to figures easily obtainable by your committee would demonstrate to you that my estimates of increased costs are not far out of the way.

The country is now in the throes of industrial unrest due to numerous strikes, the most serious the steel strike. A committee is now investigating the causes of that strike, but after the strike has started. In the case of the United Mine Workers and the coal producers of the country there is no question of recognition of organized labor; the majority of the operators have been trading with organized labor and entering into scale agreements for many years. It now appears that the radical element has secured control of the United Mine Workers' organization and is determined to force either nationalization of coal mines or a wage scale and working conditions that would demoralize the whole industrial situation. The issue involved is, in my judgment, far greater than that of the steel situation, as coal is fundamentally the base of our whole industrial situation.

I trust you will not think that I am presenting my views for any other reason than that of the general public interest in this important proposition. Your committee may be helpful in averting a calamity through the publicity that can be given the whole matter. I find very few people who realize the danger confronting the country through this issue.

Very respectfully, yours,

D. H. WATKINS.

Mr. FRELINGHUYSEN. Mr. President, I am not going to take the time of the Senate this evening to speak upon this letter. To-morrow morning I shall ask that the Secretary read the report of the scale committee, which includes the demands by the United Mine Workers, together with the reply of the coal-mine operators. I merely wish to state briefly that this simply amounts to a demand to stand and deliver, an ultimatum to the coal miners of the country, with no opportunity for arbitration or contest. The American people can not stand an advance of $1.50 a ton in bituminous coal and $2.50 a ton in anthracite, which is largely a domestic coal.

The attention of the Senate should be paid not only to these unreasonable demands, but also to the entire situation. I shall speak briefly to-morrow upon the investigation of this subject which has been made by the Committee on Interstate Commerce and what has been accomplished by it, and I shall also ask the Secretary to read to-morrow the two statements which I have on my desk.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the doors were closed. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate, as in legislative session, adjourned until to-morrow, Wednesday, October 1, 1919, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate September 30, 1919.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY TO BELGIUM.

Brand Whitlock, of Ohio, now envoy extraordinary and minister plenipotentiary to Belgium, to be ambassador extraordinary and plenipotentiary of the United States of America to Belgium.

UNITED STATES ATTORNEY.

John W. Bennett, of Waycross, Ga., to be United States attorney, southern district of Georgia, vice Earl M. Donalson, whose term has expired.

COLLECTOR OF INTERNAL REVENUE.

Leslie A. Miller, of Cheyenne, Wyo., to be collector of internal revenue for the district of Wyoming. New office.

REGISTER OF THE LAND OFFICE.

William H. Lackey, of Westhope, N. Dak., to be register of the land office at Williston, N. Dak., vice William E. Byerly, resigned.

RECEIVER OF PUBLIC MONEYS.

Ernest L. Parker, of Idaho, to be receiver of public moneys at Lewiston, Idaho, vice Blair E. Hoar, removed.

PUBLIC HEALTH SERVICE.

Asst. Surg. Henry V. Wildman to be passed assistant surgeon in the Public Health Service, to rank as such from August 17, 1919.

Asst. Surg. Herbert A. Spencer to be passed assistant surgeon in the Public Health Service, to rank as such from August 27, 1919.

Passed Asst. Surg. Edward R. Marshall to be surgeon in the Public Health Service, to rank as such from August 15, 1919.

Passed Asst. Surg. Emil Krulish to be surgeon in the Public Health Service, to rank as such from August 17, 1919.

Asst. Surg. Gleason C. Lake to be passed assistant surgeon in the Public Health Service, to rank as such from August 16, 1919.

Asst. Surg. William S. Bean to be passed assistant surgeon in the Public Health Service, to rank as such from August 14, 1919.

Asst. Surg. Thomas B. H. Anderson to be passed assistant surgeon in the Public Health Service, to rank as such from August 12, 1919.

COAST AND GEODETIC SURVEY.

The following-named officers of the United States Coast and Geodetic Survey in the Department of Commerce to be junior hydrographic and geodetic engineers (by promotion from aids):

Casper Marshall Durgin, of New Hampshire, vice W. D. Patterson, promoted.

Francis Lawrence Gallen, of Massachusetts, vice G. R. A. Kantzler, promoted.

John Aloysius Bond, of the District of Columbia, vice E. H. Bernstein, promoted.

William Thomas Combs, of North Carolina, vice E. M. Wilbur, promoted.

Cornelius Daniel Meaney, of Massachusetts, vice Benjamin Friedenberg, promoted.

To be aids (by promotion from deck officers):

Lowrie Wilson Burdette, of South Carolina, vice C. M. Durgin, promoted.

William McCaslan Scaife, of South Carolina, vice F. L. Gallen, promoted.

PROMOTIONS IN THE REGULAR ARMY.

ORDNANCE DEPARTMENT.

Lieut. Col. William H. Tschappat, Ordnance Department, to be colonel with rank from September 4, 1919.

FIELD ARTILLERY.

Maj. Edgar H. Yule, Field Artillery, to be lieutenant colonel from September 4, 1919.

Capt. Edmund L. Gruber, Field Artillery, to be major from September 4, 1919.

CORPS OF ENGINEERS.

Lieut. Col. Edgar Jadwin, Corps of Engineers, to be colonel with rank from September 10, 1919.

Maj. Edward M. Markham, Corps of Engineers, to be lieutenant colonel with rank from September 10, 1919.

Capt. Stuart C. Godfrey, Corps of Engineers, to be major with rank from September 10, 1919.

Capt. Francis C. Harrington, Corps of Engineers, to be major with rank from September 14, 1919.

QUARTERMASTER CORPS.

Lieut. Col. Harry E. Wilkins, Quartermaster Corps, to be colonel with rank from September 2, 1919.

CAVALRY.

To be captains.

First Lieut. Samuel V. Constant, Cavalry, from September 2, 1919.

First Lieut. William C. Chase, Cavalry, from September 2, 1919.

First Lieut. Norman E. Fiske, Cavalry, from September 2, 1919.

First Lieut. Donald O. Miller, Cavalry, from September 2, 1919.

First Lieut. Wilson T. Bals, Cavalry, from September 2, 1919.

First Lieut. Cyrus J. Wilder, Cavalry, from September 2, 1919.

First Lieut. Harold C. Fellows, Cavalry, from September 2, 1919.

First Lieut. John T. Pierce, jr., Cavalry (Division Train), from September 2, 1919.

First Lieut. George M. Herringshaw, Cavalry, from September 2, 1919.

First Lieut. Thomas F. Limbocker, Cavalry, from September 2, 1919.

First Lieut. Cornelius M. Daly, Cavalry, from September 2, 1919.

First Lieut. Richard B. Trimble, Cavalry, from September 2, 1919.

PROVISIONAL APPOINTMENTS, BY PROMOTION, IN THE REGULAR ARMY.

CAVALRY.

To be first lieutenants.

Second Lieut. Carleton Swasey, Cavalry, from August 2, 1919.

Second Lieut. Edwin W. Godbold, Cavalry, from August 2, 1919.

Second Lieut. Hugh Brooks, Cavalry, from August 7, 1919.

Second Lieut. John G. White, Cavalry, from August 12, 1919.

Second Lieut. Raymond C. Gibbs, Cavalry, from August 13, 1919.

Second Lieut. Leo F. Crane, Cavalry, from August 13, 1919.

Second Lieut. Rohland A. Isker, Cavalry, from August 13, 1919.

Second Lieut. Robert R. Maxwell, Cavalry, from August 16, 1919.

Second Lieut. Charles A. Horger, Cavalry, from August 16, 1919.

Second Lieut. Arthur D. Soper, Cavalry, from August 20, 1919.

Second Lieut. Conrad G. Wall, Cavalry, from August 20, 1919.

Second Lieut. Harold A. Davis, Cavalry, from August 20, 1919.

Second Lieut. Charlie E. Hart, Cavalry, from August 20, 1919.

Second Lieut. James T. Donald, Cavalry, from August 20, 1919.

Second Lieut. Edward G. Knowles, Cavalry, from August 20, 1919.

Second Lieut. Francis V. Terry, Cavalry, from August 20, 1919.

Second Lieut. Charles E. Dissinger, Cavalry, from August 20, 1919.

Second Lieut. Martin G. Charles, Cavalry, from August 20, 1919.

Second Lieut. Earl M. Abbott, Cavalry, from August 25, 1919.

Second Lieut. Samuel V. H. Danzig, Cavalry, from August 26, 1919.

Second Lieut. George F. Neilson, Cavalry, from August 26, 1919.

Second Lieut. Dean A. Jones, Cavalry, from August 27, 1919.

Second Lieut. Hugh F. Conrey, Cavalry, from August 27, 1919.

Second Lieut. Paul C. Febiger, Cavalry, from August 29, 1919.

Second Lieut. Alexander D. Mason, Cavalry, from August 29, 1919.

Second Lieut. Earle L. Hazard, Cavalry, from August 29, 1919.

Second Lieut. Paul J. King, Cavalry, from August 31, 1919.

Second Lieut. Harry E. Pendleton, Cavalry, from September 1, 1919.

Second Lieut. Benton F. Munday, Cavalry, from September 1, 1919.

Second Lieut. Gyles Merrill, Cavalry, from September 2, 1919.

Second Lieut. William C. Bowie, Cavalry, from September 2, 1919.

Second Lieut. Wilfred E. Willis, Cavalry, from September 2, 1919.

Second Lieut. John B. Seaton, Cavalry, from September 2, 1919.

Second Lieut. James M. Adamson, jr., Cavalry, from September 2, 1919.

Second Lieut. Charles E. Sheldrake, Cavalry, from September 2, 1919.

Second Lieut. Joe C. Rogers, Cavalry, from September 2, 1919.

Second Lieut. Frank A. Allen, jr., Cavalry, from September 2, 1919.

Second Lieut. Guy O. Kurtz, Cavalry, from September 2, 1919.

Second Lieut. Louis J. Compton, Cavalry, from September 6, 1919.

Second Lieut. Clarence A. Lefferts, Cavalry, from September 6, 1919.

Second Lieut. Read Wipprecht, Cavalry, from September 7, 1919.

Second Lieut. Claire M. Daugherty, Cavalry, from September 7, 1919.

Second Lieut. Ceylon O. Griffin, Cavalry, from September 7, 1919.

Second Lieut. Dimetrio P. Harkins, Cavalry, from September 8, 1919.

Second Lieut. Bruce M. McDill, Cavalry, from September 8, 1919.

Second Lieut. Loren F. Parmley, Cavalry, from September 8, 1919.

Second Lieut. Edward Herendeen, Cavalry, from September 8, 1919.

Second Lieut. Grayson H. Bowers, Cavalry, from September 8, 1919.

Second Lieut. Thomas W. Herren, Cavalry, from September 8, 1919.

Second Lieut. Harry G. Clarke, Cavalry, from September 8, 1919.

Second Lieut. Alden H. Seabury, Cavalry, from September 8, 1919.

Second Lieut. Fred W. Koester, Cavalry, from September 8, 1919.

Second Lieut. Clarence A. Shannon, Cavalry, from September 8, 1919.

Second Lieut. Alexander B. MacNabb, Cavalry, from September 8, 1919.

Second Lieut. William N. Todd, jr., Cavalry, from September 8, 1919.

Second Lieut. Walton W. Cox, Cavalry, from September 8, 1919.

Second Lieut. Dudley Miller, Cavalry, from September 8, 1919.

Second Lieut. John K. Egan, Cavalry, from September 8, 1919.

Second Lieut. Thomas R. Taber, Cavalry, from September 8, 1919.

Second Lieut. Ross E. Larsen, Cavalry, from September 8, 1919.

Second Lieut. Charles W. Burton, Cavalry, from September 8, 1919.
Second Lieut. Calvert L. Estill, Cavalry, from September 8, 1919.
Second Lieut. Nathan Cockrell, Cavalry, from September 8, 1919.
Second Lieut. Cecil J. North, Cavalry, from September 8, 1919.
Second Lieut. Robert M. Eichelsdoerfer, Cavalry, from September 8, 1919.
Second Lieut. James T. Watson, jr., Cavalry, from September 8, 1919.
Second Lieut. Edward B. Harry, Cavalry, from September 8, 1919.
Second Lieut. Herbert D. Bowman, Cavalry, from September 8, 1919.
Second Lieut. Albert G. Klapp, Cavalry, from September 8, 1919.
Second Lieut. Fred P. Clark, Cavalry, from September 8, 1919.
Second Lieut. Harry Leroy Jones, Cavalry, from September 8, 1919.
Second Lieut. George S. Clarke, Cavalry, from September 8, 1919.
Second Lieut. Harold P. Stewart, Cavalry, from September 8, 1919.
Second Lieut. Harold LaR. K. Albro, Cavalry, from September 8, 1919.
Second Lieut. Darrow Menoher, Cavalry, from September 8, 1919.
Second Lieut. Mark A. Devine, jr., Cavalry, from September 8, 1919.
Second Lieut. Gerald FitzGerald, Cavalry, from September 8, 1919.
Second Lieut. William H. Killian, Cavalry, from September 8, 1919.
Second Lieut. Carl J. Dockler, Cavalry, from September 8, 1919.
Second Lieut. Olin C. Newell, Cavalry, from September 8, 1919.
Second Lieut. Lawrence T. Brown, Cavalry, from September 11, 1919.

FIELD ARTILLERY.

To be first lieutenants.

Second Lieut. John C. Miller, jr., Field Artillery, from August 5, 1919.
Second Lieut. Walter A. Metts, jr., Field Artillery, from August 6, 1919.
Second Lieut. Morgan F. Simmons, Field Artillery, from August 6, 1919.
Second Lieut. Frank Camm, Field Artillery, from August 7, 1919.
Second Lieut. Leonard H. Frasier, Field Artillery, from August 8, 1919.
Second Lieut. Clifford B. Cole, Field Artillery, from August 8, 1919.
Second Lieut. John S. Burrell, Field Artillery, from August 8, 1919.
Second Lieut. Richardson L. Greene, Field Artillery, from August 9, 1919.
Second Lieut. Roland MacGray, Field Artillery, from August 9, 1919.
Second Lieut. Robert J. Horr, Field Artillery, from August 10, 1919.
Second Lieut. John L. Grant, Field Artillery, from August 12, 1919.
Second Lieut. Paul L. Deylitz, Field Artillery, from August 15, 1919.
Second Lieut. Leo M. Kreber, Field Artillery, from August 15, 1919.
Second Lieut. Edwin L. Sibert, Field Artillery, from August 16, 1919.
Second Lieut. O'Ferrall Knight, Field Artillery, from August 20, 1919.
Second Lieut. Charles C. Blanchard, Field Artillery, from August 20, 1919.
Second Lieut. Paul E. Hurt, Field Artillery, from August 21, 1919.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

Rear Admiral Robert E. Coontz, United States Navy, to be Chief of Naval Operations in the Department of the Navy, with the rank of admiral, for a term of four years.

The following-named second lieutenants to be first lieutenants in the Marine Corps, from the 30th day of August, 1918:
Charles A. Wynn,
Thad T. Taylor,
Glenn D. Miller,
Herbert Rosenzweig,
Thomas E. Watson,
Burwell H. Clarke,
Walter G. Sheard,
Paul Brown, and
Roger W. Peard.

Second Lieut. John D. Nevin to be a first lieutenant in the Marine Corps, from the 25th day of September, 1918.

The following-named second lieutenants to be first lieutenants in the Marine Corps, from the 29th day of September, 1918:
Peter C. Geyer, jr.,
James E. Davis,
Lloyd L. Leech,
Charles P. Gilchrist,
Joseph E. Brewster,
Raphael Griffin,
Karl I. Buse,
Harold S. Fassett,
Samuel A. Woods, jr.,
George C. Hamner,
James M. Bain,
George B. Reynolds,
James T. Moore, and
Nimmo Old, jr.

The following-named first lieutenants to be captains in the Marine Corps from the 31st day of August, 1918:
Charles A. Wynn,
Thad T. Taylor,
Glenn D. Miller,
Herbert Rosenzweig,
Thomas E. Watson,
Burwell H. Clarke,
Walter G. Sheard,
Paul Brown, and
Roger W. Peard.

First Lieut. John D. Nevin to be a captain in the Marine Corps from the 26th day of September, 1918.

The following-named first lieutenants to be captains in the Marine Corps from the 30th day of September, 1918:
Peter C. Geyer, jr.,
James E. Davis,
Lloyd L. Leech,
Charles P. Gilchrist,
Joseph E. Brewster,
Raphael Griffin,
Karl I. Buse,
Harold S. Fassett,
Samuel A. Woods, jr., and
George C. Hamner.

First Lieut. James M. Bain to be a captain in the Marine Corps from the 9th day of October, 1918.

First Lieut. George B. Reynolds to be a captain in the Marine Corps from the 25th day of October, 1918.

First Lieut. James T. Moore to be a captain in the Marine Corps from the 28th day of October, 1918.

First Lieut. Nimmo Old, jr., to be a captain in the Marine Corps from the 17th day of November, 1918.

The following reserve and warrant officers to be second lieutenants in the Marine Corps, for temporary service, from the 16th day of September, 1919:
Angus Wilson,
Fred Lueders,
Charles S. Beale,
John F. Duffy,
William R. Perry,
Bert Pearson,
Charles G. Knoechel,
John F. Evans,
Ray W. Jeter,
Louie W. Putnam,
Stephen F. Drew,
Charles F. Finger,
William S. Robinson,
James E. Snow,
Harry Paul,
John W. Hingle,
Augustus Aiken,
Austin G. Rome,
Arthur J. Trask,
Joseph Jackson,
Earl C. Nicholas,
Joseph M. Swinnerton,
Leslie G. Wayt,
Charles A. Smith,
Archie Farquharson,

Robert W. Winter,
Max Cox,
Edgar S. Tuttle,
William L. Erdman,
Ernest L. Russell,
William F. Becker,
Charles H. Martin,
Ross L. Iams,
George Nielsen,
Harry E. Leland,
John J. Darlington,
Robert P. Harris,
Frank S. Flack,
Eli Savage,
Frederick D. Harbaugh,
Charles C. Carroll,
Norman Johnston,
Spencer N. Phillips,
William T. Crawford,
Francis Kane,
Edward A. Platt,
Charles Wald, and
George S. Furey.

The following-named temporary and reserve officers to be second lieutenants in the Marine Corps, for temporary service, from the 19th day of August, 1919:

Charles R. Francis and
Edward G. MacFayden.

The following-named second lieutenants to be first lieutenants in the Marine Corps, for temporary service, from the 16th day of August, 1918:

Kenneth R. Berkey,
Lindley H. Pryor,
William K. MacNulty,
Ralph W. Luce, and
George F. Stockes.

The following-named second lieutenants to be first lieutenants in the Marine Corps, for temporary service, from the 2d day of January, 1919:

Rowan C. Pearce,
Stanley E. Ridderhof,
Elton C. Hersman,
Charlton P. Lee,
Julian N. Frisbie,
Ervin R. Whitman,
Benjamin W. Atkinson, jr.,
William S. Fellers,
Henning F. Adickes, and
Augustus H. Fricke.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 30, 1919.

AMBASSADOR TO BELGIUM.

Brand Whitlock to be ambassador of the United States to Belgium.

POSTMASTERS.

KENTUCKY.

Robert Dixon, Louisa.
Bruner L. Stamps, Scottsville.

MARYLAND.

Walper G. Musgrove, Brunswick.
Joseph H. Numbers, Edgewood.
Charles W. Jefferson, Federalsburg.
Joseph E. Hisley, Fort Howard.
Joseph A. Williamson, Frederick.
Patrick T. McGann, Frostburg.
John D. Rowe, Indianhead.
William J. Ford, Lonaconing.
Jessie P. Smith, Luke.
David H. Hastings, Lutherville.
David N. Webb, Magnolia.
Charles A. Deffinbaugh, Oakland.
Elmore H. Owens, Perryville.
Earle B. Polk, Princess Anne.
Charles Judefind, Rock Hall.
Mary W. McKnett, Trappe.
Samuel A. Wyvill, Upper Marlboro.
Joseph P. Getty, Western Port.
Benjamin C. Lefever, Williamsport.

NEW JERSEY.

Enoch F. Hooper, Trenton.

NEW YORK.

George Q. Johnson, Ardsley.
Margaret D. Cochrane, Bedford.
William J. Ferrick, Chappaqua.
Edgar H. Jolliffe, Congers.
George F. Brunner, Harrison.
John E. Barlow, Horseheads.
Edward A. Gross, New City.
Gregory Dillon, New Rochelle.
Francis Larkin, Ossining.
George H. Miller, Pittsford.
Patrick Halloran, Sparkill.
Lottie M. Barker, Spencerport.

NORTH DAKOTA.

Chase E. Mulinex, Tolley.

PENNSYLVANIA.

Thomas V. Tormey, Arnot.
John W. Kelly, Morris Run.
Roy E. Wheatley, Shickshinny.
Helen L. Chaffee, Wesleyville.

HOUSE OF REPRESENTATIVES.

TUESDAY, *September 30, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, exercise, we pray Thee, Thy holy influence upon the hearts of Thy children, to still unholy strife, contentions and unwarranted discontent, that riots, strikes, and unlawful influences may pass away.

The world-wide war, with a victory for humanity, liberty, justice, peace, is going, and the patriotism of our gallant soldiers warrants patriotism in peace, that brotherly love with all its blessings may come to every individual, every home and state throughout the nation. To the glory and honor of Thy holy name, in Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

POTASH.

Mr. KINKAID. Mr. Speaker, I ask unanimous consent to proceed for two minutes.

The SPEAKER. The gentleman asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. KINKAID. Mr. Speaker, I ask to have read in my time a letter, which I send to the Clerk's desk.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

POTASH REDUCTION CO.,
Omaha, Nebr., September 24, 1919.

Hon. MOSES P. KINKAID, M. C.,
Washington, D. C.

MY DEAR SIR: We are again arranging to open our potash plant at Hoffland, Nebr. Will probably start operations about the 10th of October. It seems that the expected potash from abroad is not coming in as the people in the East and South expected. Therefore we are again ready to do what we can to help out the country and supply the country as far as possible with potash for fertilizer for use next spring. This change in the situation shows already the fallacy of the United States relying on foreign nations for any necessities that we can produce at home if properly safeguarded. If Congress had responded to our appeal and safeguarded the industry for a while, the domestic plants would all have been kept running and a sufficient supply of potash would have been produced to take care of the country's needs as far as the seeding season of 1920 is concerned, but as no action was taken, practically all of the potash plants were obliged to close for the want of a market for the product, and now, of course, there will not be time to make up a sufficient supply of potash between now and next spring to fill requirements, but we will do the best we can.

In this connection we want the post office reestablished at Hoffland. Will you please take this matter up with the proper post-office authorities, so that the post office may be reestablished? The records of the office at that point when our plant was operating no doubt will justify the appointment of a postmaster at this time. It is very inconvenient for us at present, while we are putting our plant in order and bringing in more or less equipment and transacting such business as is necessary to commence operations. We are employing about 40 men at this time in this work. When our plant was in operation before we employed from 200 to 250 employees. When we commence operations, about the 10th of October, it will again take a large force. We trust that we may be favored with post-office facilities as early as possible.

Thanking you for the many efforts you have made in the interests of the potash industry in your district and for the many favors extended to us, we remain,

Yours, very truly,

T. E. STEVENS, *President.*

Mr. KINKAID. Mr. Speaker, on reading this letter last Saturday I at once telegraphed to the writer, asking his permission to have the same read on the floor of this House, and his reply telegram thereto was delivered to me yesterday. It says:

You have my permission to use my letter of the 24th in any way you see fit. It is already being proven that withholding temporary protection to the potash industry will cost the farmer more in the next few years of unsettled conditions than if the industry had been safeguarded and allowed to proceed with confidence in perfecting and cheapening the process of manufacture and utilizing the by-products.

It is pertinent to here mention that it was only six weeks ago when, by reason of the importations of Alsatian and German potash into the United States falling far short of the arrangements which had been made therefor by American importers, that Nebraska producers of potash were enabled to sell the entire product they had on hand when the armistice was signed, amounting to $1,500,000 worth, but which they had thereafter been obliged to hold on account of the prospects that the foreign product would be furnished in amounts ample for the domestic consumption at a lower price than what they had produced during the war. And there is no telling now when the American consumers of potash will be safe in relying upon importations from foreign countries in adequate amounts to supply the demand. It is also perfectly clear that if American plants are to be shut out of the business permanently for want of legislation to tide them over while improving their economies sufficiently to successfully compete with the German and Alsatian mines—if the American industry is to be stifled in its infancy—our consumers of potash will be bound to pay such prices as the German Kali syndicate and monopoly may deem it not injudicious to impose. They will be required to pay just as high a price as this monopoly may estimate will not result in the industry in America being developed as a permanent competitor in our home market. But I have it by hearsay that two other Nebraska plants have recently resumed operation.

The SPEAKER. The time of the gentleman has expired.

Mr. BYRNES of South Carolina. I ask unanimous consent that the time of the gentleman be extended for two minutes in order that I may ask him a question.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the time of the gentleman from Nebraska be extended two minutes. Is there objection?

Mr. WALSH. I object.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 208. Joint resolution authorizing the Secretary of War to expend certain sums appropriated for the support of the Army for the fiscal years ending June 30, 1919, and June 30, 1920, at Camp A. A. Humphreys, Va.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2910. An act to revive and reenact the act entitled "An act to authorize the Cincinnati, New Orleans & Texas Pacific Railway Co. to rebuild and reconstruct, maintain, and operate a bridge across the Tennessee River near Chattanooga, in Hamilton County, in the State of Tennessee," approved April 5, 1916.

LANDING OF MARINES IN DALMATIA.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. The gentleman from Kansas asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. Mr. Speaker, on the morning of September 24 I called the attention of the House to the use of the armed forces of the United States on the Dalmatian coast without authority from the Congress of the United States against a nation with which we were at peace. The suggestion that our forces had been so used was resented on the Democratic side of the House, and I was asked whether or not I had any authority whatever for making the statement that our forces had been so used. It is now admitted that American forces were used on the Dalmatian coast in a military activity against a nation that until that day was our ally and against which Congress up to this day has not declared war. It was stated by way of explanation on yesterday that as a matter of fact our troops were not ordered by the Executive of the United States to engage in that act of war, but that the order was given to our forces by a foreign authority.

Mr. Speaker, I would require indisputable evidence that the President of the United States had, in a secret conference behind closed doors with four or five other men, consented that during his absence from Europe men of other countries might use the armed forces of the United States as they might see fit, or in their discretion. It is unbelievable that the President of the United States would do any such thing. It would be so violative of his oath of office, so violative of the rights of the people of the United States, so violative of the rights of the Congress of the United States, which is the only power under our Constitution that can use the armed forces of the United States against a nation with which we are at peace, that I hesitate to believe that the President has done anything of the kind. Yet the Secretary of the Navy says that it was done without his knowledge or his consent. In any event, these forces were used without the knowledge or consent of the Congress, without the knowledge or consent of the American people, and it is a miracle that we are not to-day at war with Italy. Our armed forces are still there, and it is said are still subject to the same powers that ordered their activities on the 23d of this month. It is also said in the same connection that Italy is prepared to resent any further interferences with her activities and her purposes on the Dalmatian coast, and with respect to the ultimate disposition of Fiume. It seems to me in all calmness that the people of this country have a right at this time to have an explanation from the President of the United States as to the use of our arms against the people of Italy in thwarting their purposes or interfering with their business—a country with which we are at peace, and in a land thus occupied as victors when the armistice was signed, and so far removed from us that it is none of our business. Are we to be involved in war without our consent? Are we to be involved in war at the dictate of Lloyd-George, Georges Clemenceau, and Woodrow Wilson, or, in his absence, of Col. House? Is it possible that we have so far forgotten that we have a fundamental law to protect the lives, liberties, and property of the people of the United States that a single individual, or a group of foreigners with his consent and without authority from us, may use our armed forces, involving our lives, our limbs, and our property? I repeat that it is the duty of the President to make explanation to the people of the United States and apology to the people of Italy for the incident on the Dalmatian coast. The incident can not pass by shifting responsibility from the President to the council in Paris, or from the council in Paris back to the President. The President, and he alone, is responsible to the people of the United States for this incident.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield to the gentleman from Ohio.

Mr. LONGWORTH. Did the gentleman introduce a resolution on this subject?

Mr. CAMPBELL of Kansas. No. There is a resolution pending in another body.

Mr. LONGWORTH. I noticed that a resolution was introduced in the Senate a few days ago, but that no reply has been received from the Secretary of the Navy.

Mr. CAMPBELL of Kansas. That is true. There are statements made by the Secretary of the Navy, to one effect on yesterday and to another effect to-day, in the newspapers.

Mr. BYRNES of South Carolina. The gentleman said a resolution had been introduced in the Senate. Has any resolution been adopted by either House?

Mr. LONGWORTH. I understand there was a Senate resolution which was adopted.

Mr. BYRNES of South Carolina. The gentleman said it had been introduced. I wondered whether it had been adopted.

Mr. LONGWORTH. It was a Senate resolution.

Mr. BYRNES of South Carolina. Adopted?

Mr. LONGWORTH. Adopted.

Mr. CAMPBELL of Kansas. This is too serious a matter to be passed over lightly. It is of such grave consequence that the people of this country have a right to know how they surrendered their control of the power to declare a state of war and when and with whom they are to be engaged in war.

Mr. MAYS. Will the gentleman yield?

Mr. CAMPBELL of Kansas. I yield to the gentleman.

Mr. MAYS. Has the Government of Italy registered any objection to any action taken by those troops?

Mr. CAMPBELL of Kansas. Whether it has or not does not affect the question. Whether they hesitate to register an objection, because of the power of the United States, does not relieve us from the odium that attaches to the use of our arms against a former ally and a weaker nation than ourselves.

Mr. MAYS. Will the gentleman further yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. MAYS. The Italian Government is probably able to judge whether it is injured or not.

Mr. CAMPBELL of Kansas. I hope the gentleman from Utah will not urge as an apology for the use of our arms that the

injury to Italy was not great. It might have involved us in war, and the incident has not yet passed.

Mr. JUUL. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. CAMPBELL of Kansas. Mr. Speaker, I ask for two minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. I will yield to the gentleman from Illinois.

Mr. JUUL. I would like to ask the gentleman from Kansas if he would consider that we had been damaged if we had been treated by the Italians as our sailors and marines have treated the Italians in this matter?

Mr. CAMPBELL of Kansas. In answer to the gentleman from Illinois, if Italian armed forces had landed on the American coast and had done what there is evidence to show was done on the Dalmatian coast, we would be at war with Italy or Italy's contingent so landing on the coast would now be wiped out.

Mr. MAYS. Does the gentleman claim that the Dalmatian coast is a part of Italy?

Mr. CAMPBELL of Kansas. Oh, no; but Italy was in a victor possession.

Mr. ALEXANDER. Will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. ALEXANDER. I understand the fact to be that the Italian Navy was detailed to police one-third part of the Dalmatian coast, the American Navy another section, and the British Navy another section. These marines who landed were a part of the American forces and were detailed to police the coast, and no part of the territory belongs to Italy, and Italy can have no cause of offense. It was done just as we are maintaining an army on the German front to police that territory. [Applause on the Democratic side.]

Mr. CAMPBELL of Kansas. Gentlemen on the Democratic side are easily satisfied if they applaud that explanation of the use of our armed forces.

Mr. ALEXANDER. I get that account from the newspaper press.

Mr. CAMPBELL of Kansas. I want to know from the gentleman from Missouri and from the President of the United States by what authority were the armed forces of the United States designated to police certain portions of the Dalmatian coast?

Mr. ALEXANDER. The same as they were to police the German frontier.

Mr. CAMPBELL of Kansas. Oh, no; we were at war with Germany but not with Italy, and Italy was in a victor's possession of the Dalmatian coast at the signing of the armistice.

Mr. HUDDLESTON. Mr. Speaker, I ask unanimous consent for five minutes to make some remarks on this subject.

The SPEAKER. The gentleman from Alabama asks unanimous consent for five minutes. Is there objection?

There was no objection.

Mr. HUDDLESTON. Mr. Speaker, on July 19, 1917, we declared war against Austria-Hungary, and authorized the President to use the armed forces of the United States to carry on that war. The resolution declaring war authorized him to invade Austria and occupy with our forces the territory of Austria-Hungary to its uttermost part. That resolution is still in force and effect, and under it the President of the United States, without any possible question, has the absolute legal right to send our Army and Navy into Austrian territory and to maintain them there until peace is signed.

Mr. LAZARO. Will the gentleman yield?

Mr. HUDDLESTON. No; let me develop this further. At the close of the actual hostilities an armistice was entered into in pursuance of which and of our declaration of war our Government assumed certain obligations and responsibilities. Among others we took the responsibility of preserving the existing status of Austria-Hungary until peace should be signed. Peace has not yet been concluded. The obligations imposed upon the United States Government by her declaration of war and by the terms of the armistice are still in force. Those are facts which can not be denied.

The Italians who are asserting authority in Dalmatia and other parts of former Austro-Hungarian territory are proceeding against the will of their Government. They are proceeding without its consent. They are, so far as it is concerned, buccaneers and outlaws. They are, so far as the Governments who are concerned therein, international outlaws.

Mr. CAMPBELL of Kansas. Will the gentleman yield for a question?

Mr. HUDDLESTON. I will.

Mr. CAMPBELL of Kansas. Has it escaped the gentleman from Alabama that the Italian Government is supporting the buccaneer, or whatever he may be called——

Mr. HUDDLESTON. It has escaped my attention as it has everyone else who has investigated the matter. [Laughter.] The fact is just to the contrary; the Italian Government has frowned upon the mad venture of D'Annunzio and his buccaneer crowd. They have told him that he is acting against the best interests of Italy in the course that he is taking. The forces which have invaded Dalmatia have no more countenance from the Italian Government than Walker and his crew of filibusters had from the United States when they invaded Nicaragua. In what they have done they are at war with their own country as they are with the United States and all other civilized countries of the world. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. HUDDLESTON. I ask for five minutes more.

The SPEAKER. The gentleman from Alabama asks that his time be extended five minutes. Is there objection?

Mr. KNUTSON. Reserving the right to object, will the gentleman yield?

Mr. HUDDLESTON. I do not propose to be held up. I will yield if I see fit.

Mr. WALSH. I object.

Mr. HUDDLESTON. Mr. Speaker, if I am not to have the privilege of proceeding, I would like to ask unanimous consent to extend my remarks on this subject, so that the gentleman from Massachusetts may read it if he does not care to hear it.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. HUDDLESTON. The Italian Government has been greatly embarrassed and compromised by the course of the D'Annunzio forces. They have compromised the good faith of the Italian nation. Their Government endeavored to restrain them in their mad adventure, but they would listen neither to reason nor authority. Their Government has commanded them to vacate Fiume, but though they have put themselves in the position of outlaws they yet have the support of a section of Italian public sentiment and the Government is reluctant to wage war on them as it might easily cost thousands of lives and greatly jeopardize public order in Italy. The course of the Nitti Government in disavowing the action of the D'Annunzio forces has been sustained by an overwhelming vote of the Italian Parliament. It may therefore well be said that D'Annunzio is not supported by the majority sentiment of the Italian people. Military operations on our part or on the part of our associated Governments not only can not be construed as unfriendly to the Italian Government but are in line with their desire and request.

By the terms of the armistice as well as by virtue of having destroyed the authority of Austria-Hungary over Dalmatia, the United States has assumed not merely a legal obligation to maintain the existing status and to protect the inhabitants until they are finally disposed of by a treaty of peace, but has assumed a moral obligation of the highest order so to do. If we should abandon the Dalmatians to the rapacity of any band of filibusters which might have the power and disposition to take possession we would fail in a high duty owed to them, to ourselves, and to the world. We are in honor bound to protect them because we have destroyed the authority of their previous Government. To fail to do so will put us on the level of a policeman who would turn his back while a thug robs a peaceful citizen. We can not afford to do this. The honor and good name of our country demand action. Our good faith and humanity are pledged to it. I should be ashamed of my country if it should coldly leave the Dalmatian people at the mercy of brigands.

But there is another phase of this question to which I wish to call the attention of the gentleman from Kansas [Mr. CAMPBELL]. Under the Constitution of the United States the President is Commander in Chief of our Army and Navy. It has been argued with great force that the power of the President as Commander in Chief can neither be restrained, limited, nor controlled by action of Congress. Eminent lawyers are said to hold to this opinion. I may be permitted to say that I do not agree with them. I hold that Congress is supreme over the Army and Navy and has power to direct the President in the exercise of his functions as Commander in Chief. However, it is undoubtedly true that until Congress does act—until Congress attempts to direct the Commander in Chief—he is free to use his discretion. Without action by Congress the President bombarded Tampico; without congressional action he sent an army 250 miles into Mexico in pursuit of Villa; without congressional action he sent our troops into Siberia. In the absence of congressional action the President may order our Army and

Navy to and fro in the world as freely as within the bounds of the United States—he may send the Navy to-morrow to bombard London.

The gentleman from Kansas [Mr. CAMPBELL] complains that the President may involve us in war. I do not remember to have heard any complaints from the gentleman over the action of the President in sending our forces into Mexico and into Siberia. Such actions of the President were in pursuance of his general powers, not of any declaration of war or express authority of Congress. But the presence of our troops in Dalmatia is due to express congressional authorization—the declaration of war against Austria-Hungary. The Constitution of the United States confers upon the President the power to involve us in war; that is, war in fact if not war in law. The gentleman's complaint lies against the Constitution, not against the President for the exercise of his functions as Commander in Chief.

Congress has never attempted by any general law to limit, control, or circumscribe the President in the exercise of his functions as Commander in Chief of the Army and Navy. Whether Congress has the power to do so remains as yet, as I have said, perhaps a matter of uncertainty. Suffice it to say that if Congress has any such power it has never exercised it nor has such power been recognized by the Supreme Court of the United States. The question is as yet an open one.

The gentleman from Kansas [Mr. CAMPBELL] complains bitterly of the exercise by the President of the discretion which is clearly reposed in him by the Constitution and the law as it now is, yet he makes no offer to take away the President's discretion. The gentleman occupies an important place in this House. He is chairman of its most important committee and a recognized leader of his party. I assume that he speaks for his party in his criticism of the President. Now, then, I challenge him and his party—they are in control of both Houses of Congress—to put through a measure subjecting the President to the direction of Congress in the exercise of his functions as Commander in Chief of the Army and Navy. I challenge them to limit the discretion of the President to direct his control over the Army and Navy. I challenge them to action instead of cavilling. Dare they make an issue with the President before the American people in the effort to limit his power? Dare they to require that the President shall have the consent of Congress before using our Army and Navy in such manner as might result in war?

The gentleman from Kansas and his party have had it in their power for months to force the bringing home of our troops from Siberia through control of appropriations. They have not dared to do it. For months they have had the power to order our troops home from Europe as well as Siberia. They have not dared to do it. They are content, it seems, to go on caviling and nagging.

COLD-STORAGE LEGISLATION.

Mr. HAUGEN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9521, the cold-storage bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9521, with Mr. FESS in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9521, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 9521) to prevent hoarding and deterioration of and deception with respect to cold-storage foods, to regulate shipments of cold-storage foods in interstate commerce, and for other purposes.

Mr. RICKETTS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. RICKETTS: Page 8, line 9, after the word "than" strike out "one" and insert "three" in lieu thereof.

Mr. RICKETTS. Mr. Chairman and gentlemen of the committee, on yesterday I offered an amendment carrying a maximum and minimum penalty for any violation of this legislation, which was defeated. The purpose of this penalty, of course, is to have the provisions of the law observed by those engaged in the cold-storage business. I submit, gentlemen of the committee, that the maximum penalty of $1,000 and one year in the penitentiary is entirely inadequate to enforce a strict observance of the provisions of this bill, and I have sought by this amendment to increase the imprisonment from one year to three years, and I sincerely trust this committee will consider this amendment seriously. Everyone knows that when a man is sent to a Federal prison or to a State prison that he gets so much time off for good behavior, and we are not going to have any trouble, in my judgment, in this bill with the small fellows who are engaged in the cold-storage business. Our trouble is going to be to hold the packers of the country in line so as not to hoard the foodstuffs of this country and withhold them from the markets of the country and thus force upon the people prices that are not warranted. I sincerely trust the members of this committee will consider this most seriously. I offer it in the utmost good faith.

Mr. RUCKER. If the gentleman will pardon me, before his amendment is adopted ought it not to be amended so as to strike out the words "one year" and add "three years"? It would not read right to say "three year."

Mr. RICKETTS. Probably that is right.

Mr. RUCKER. I make that suggestion.

Mr. RICKETTS. The amendment is to strike out "one year" and insert in lieu thereof "three years," page 8, line 9.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, is the amendment spoken of by the gentleman from Ohio pending and has it been read?

The CHAIRMAN. It is pending.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, there is always a difference of opinion as to the penalty to be imposed in matters of this kind. The opinion of the committee is positive to the effect that there ought not to be a minimum penalty. The gentleman from Ohio on yesterday offered an amendment providing a minimum penalty and a maximum penalty. Our opinion is that there ought not to be a minimum penalty, and the gentleman has evidently abandoned that, and perhaps I should not speak of it. There is always opposition to a very heavy penalty, because it makes convictions difficult. A jury hesitates to convict in case a penalty that may be imposed is very severe, and I may say that it is the judgment of those who have given attention to these matters that violations of law are best prevented by reasonable penalties and certainty of conviction. The certainty of detection and conviction are the great deterrents to crime. The size of the penalty has a lesser influence.

Mr. HULINGS. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I yield to the gentleman from Pennsylvania.

Mr. HULINGS. I would like to ask the gentleman's opinion about the question here that is raised——

Mr. McLAUGHLIN of Michigan. Pardon me——

Mr. HULINGS. With reference to the imprisonment of a corporation. The word "prison" in the bill refers to any individual, partnership, corporation, or association?

Mr. McLAUGHLIN of Michigan. Everyone knows that a corporation can not be imprisoned. Section 14, the next section, relates to persons who can be held personally responsible.

Mr. HULINGS. Then what good is the imprisonment part of the bill?

Mr. McLAUGHLIN of Michigan. That is another question, and the gentleman will pardon me if I confine myself to the amendment of the gentleman from Ohio. That matter of which the gentleman from Pennsylvania speaks will come under the next section.

Mr. WELTY. Will the gentleman yield for a question?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. WELTY. In the event the amendment of the gentleman from Ohio carries changing the penalty from $1,000 to $3,000——

Mr. RICKETTS. I do not intend that; it is from one year to three years.

Mr. RUCKER. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I yield to the gentleman from Missouri.

Mr. RUCKER. I am impressed by the suggestion made by the gentleman with reference to the maximum penalty. My observation is that whenever a penalty is so severe as not to have the moral support and sentiment back of it it is impossible to enforce. But does the gentleman think that in the case of some person who should willfully and defiantly violate this law and suffer a punishment of perhaps a $50 fine, and again violates the law and repeatedly violates the law, that the power lodged in the court or jury to assess a three-year sentence would be excessive?

Mr. McLAUGHLIN of Michigan. That is a matter of opinion, Mr. Chairman.

Mr. RUCKER. I think it would be entirely proper.

Mr. McLAUGHLIN of Michigan. And while I am speaking largely for myself, I feel that I may express the opinion of the members of the Committee on Agriculture. They are not deter-

mined to retain this section respecting the amount of punishment just as it is. It is the judgment of the committee that the punishment provided is enough, but it is a matter in which the judgment of this Committee of the Whole is perhaps better than the judgment of the members of the Committee on Agriculture, and I am entirely willing to leave it to the judgment of this large committee. I yield to the gentleman from Ohio.

Mr. RICKETTS. I wanted to ask the gentleman from Michigan if the penalty should be increased from one year to three years if there is still a discretion in the court to impose a penalty?

Mr. McLAUGHLIN of Michigan. Yes; a discretion to impose a penalty. It is only a question of the best administration of the law. I wish simply to repeat what I have said, that in my judgment the certainty of conviction deters the commission of crime more than does the severity of the punishment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOWELL. Mr. Chairman, I think——

Mr. HAUGEN. Mr. Chairman, I desire to call attention of the Chair to the fact that the debate on the section and all amendments thereto was closed yesterday.

The CHAIRMAN. The Chair is not aware of that.

Mr. DOWELL. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Iowa [Mr. DOWELL] asks unanimous consent to proceed for two minutes. Is there objection?

Mr. SANDERS of Indiana. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SANDERS of Indiana. Was the debate closed on this section?

The CHAIRMAN. The Chair was not aware of that.

Mr. HAUGEN. The section and all amendments thereto.

Mr. CANNON. You can not close it on all amendments, but on the discussion of amendments.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. SANDERS of Indiana. Reserving the right to object, I hope the gentleman will ask for more than an extension of time of two minutes, because there is a very important matter here that ought to be discussed for a few minutes in addition to that. I will ask the gentleman if he will not ask for six minutes instead of two?

Mr. DOWELL. I only asked for this because I wanted a few moments on this amendment. I did not know the debate had closed.

Mr. HAUGEN. Debate was closed, but I ask unanimous consent that debate close now in 10 minutes on the section and all amendments thereto.

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] asks unanimous consent that debate on the section and all amendments thereto close in 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DOWELL. Mr. Chairman, I think this amendment should be adopted, if you will note from the reading of this provision the punishment is $1,000, or not to exceed $1,000, or imprisonment. Now, under this provision it is not necessary to imprison at all, but it seems to me if we are going to make this law effective at all, in cases where a punishment should be inflicted, we should have sufficient penalty that it would be recognized by the violators. And I can see no reason why there should be objection to leaving it to the discretion of the court to give not to exceed three years' penalty under a law of this character. It seems to me if this law is to be of any benefit, we must have sufficient penalty that it will not be violated with impunity.

Mr. JUUL. Will the gentleman yield?

Mr. DOWELL. I yield.

Mr. JUUL. I would like to ask the gentleman if it is not a fact that the penalty clause, having reference to imprisonment, would never be enforced for violation of section 13, for the simple reason that it will be nearly in all cases a corporation that violates the section?

Mr. DOWELL. But under the provisions I think the individuals can be imprisoned. But, at any rate, there are aggravated cases where the court ought to inflict the maximum penalty, and I do not believe one year is sufficient if there is a continued and persistent violation of this law. And I believe if we are going to enforce the law, as it seems to me we ought to do, we should put sufficient penalty into it that the violator will understand what the penalty means. I favor the amendment, and I hope it will be adopted.

Mr. VENABLE. Mr. Chairman——

The CHAIRMAN. The gentleman from Mississippi [Mr. VENABLE] is recognized.

Mr. VENABLE. Mr. Chairman, I am opposed to this amendment, for these reasons: From what little time and study and attention I have given the matter of administration of criminal law, and I have had a little experience along that line, and I have studied the matter some and have tried to get the experience of others in the courts through the years, one fact stands out as thoroughly demonstrated, and that is that the deterrent effect of the enforcement of criminal statutes does not lie in the severity of the penalty but lies in the certainty of conviction and punishment.

Now, this is true, with every criminal statute: Unless the criminal statute and the penalty are in proper ratio with the sense of justice of the community, and unless the public sentiment approves of a particular penalty as a punishment for a particular act, you can not enforce it, or, at least, it has the tendency to make its enforcement more difficult. So your ideal criminal statute and your ideal penalty is that penalty which is in perfect accord with the sense of justice of the community. If your penalty is too severe, or can be too severe, your juries are apt not to convict or less apt to convict. Oh, but, they say, we leave it in the discretion of the judge. But the effect is the same whether it is left within the discretion of the judge or not, because the juries will say it is possible under this statute for them to impose this too severe a penalty. So for the sake of getting the best deterrent effect of the enforcement of the criminal statute, which is the certainty of punishment, it is always best to put your penalty too light rather than too heavy; make it too lenient rather than too severe.

Now, dealing with the class of men who are engaged in the packing business, the fact of being convicted and the fact of being sent to the penitentiary is the thing that will deter. Whether you send them for one year or three years, one year will be just as deterrent as three. Take the membership of this House, for instance, and measuring them by my own feelings, if I were in danger of being convicted and sent to the penitentiary, the thing that would frighten me would be the fact of being sent there at all, not the length of time. After you sent me there it would be largely a matter of indifference with me, and, I think, with you, whether we were sent there for one year or three years. Yet, if you vote for one year you come nearer, in my judgment, making your penalty commensurate with the sense of justice of the community. Now, again——

Mr. LAYTON. Will the gentleman yield for a moment?

Mr. VENABLE. Yes.

Mr. LAYTON. On the basis of ordinary logic, why not make it one day, then?

Mr. VENABLE. Because your penalty must be commensurate with the sense of justice of your community. The sense of justice of your community would be outraged if you made it outrageously too little. The ideal penalty is the penalty that will be sustained by the sense of justice of the community. One day would possibly have no deterrent effect, because it would be too trifling, but when you come up to the point where the penalty means actual punishment then the tendency should be to make it too little rather than too heavy.

Mr. RICKETTS. Mr. Chairman, will the gentleman yield?

Mr. VENABLE. Yes.

Mr. RICKETTS. Does not the gentleman know that 75 per cent of the ptomaine poisoning in this country among the people comes from the use of tainted meat? Now, suppose that the cold-storage monopoly could keep their meats in cold storage for a longer period than 12 months, and that the meat would deteriorate and become tainted. Do you think three years' punishment would be too much to inflict upon the people engaged in that business?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SANDERS of Indiana. Mr. Chairman, I offer the following amendment: Page 8, line 9, after the word "both"——

The CHAIRMAN. Does the gentleman offer an amendment to the amendment?

Mr. RICKETTS. There is an amendment pending.

Mr. SANDERS of Indiana. No; I am offering another amendment. Let the pending amendment be voted on first, and then I will offer mine.

The CHAIRMAN. Without objection, the pending amendment will again be reported.

The Clerk read as follows:

Amendment offered by Mr. RICKETTS: Page 8, line 9, after the word "than," strike out "one" and insert "three" in lieu thereof.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. RICKETTS. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is asked for.

The committee divided; and there were—ayes 22, noes 34.

So the amendment was rejected.

Mr. CLARK of Missouri. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. How long is this debate on this cold-storage bill going to last?

The CHAIRMAN. I think the gentleman from Missouri is too experienced a parliamentarian to put such a question as that to the present occupant of the chair. [Laughter.]

Mr. CLARK of Missouri. This is the fourth day of argument on a bill that ought to have been enacted in two hours.

Mr. GARD. Mr. Chairman, I desire to offer an amendment, on page 8, line 6, to strike out the figure "4." But, first, a parliamentary inquiry. Is there any time remaining?

The CHAIRMAN. There is not.

Mr. GARD. I ask unanimous consent for one minute to explain the amendment.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. McLAUGHLIN of Michigan. Reserving the right to object, Mr. Chairman, I ask to have the amendment read first.

The CHAIRMAN. Without objection, the amendment will be read.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 8, line 6, strike out the figure "4."

The CHAIRMAN. Is there objection to the gentleman's request that he may proceed for one minute?

There was no objection.

Mr. GARD. Mr. Chairman, calling the attention of the membership of the committee to this section 13, it seeks to enumerate what provisions are held liable for penalty, and I call the attention of the membership of the committee to the fact that section 4 applies only to the Secretary of Agriculture and could have no application to anybody else.

Mr. McLAUGHLIN of Michigan. The gentleman is wrong about that. It imposes a duty upon him as to marking.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. WELLING. Mr. Chairman, on yesterday a new section was added, as I understand.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. WELLING. I move to amend by adding to the numeral on page 8, line 6, the numeral "11 (a)."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. HAUGEN. Mr. Chairman, I ask unanimous consent that the Clerk be authorized to renumber the sections.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Utah.

The Clerk read as follows:

Amendment offered by Mr. WELLING: Page 8, line 6, after the figures "11," insert "11 (a)."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. RUCKER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. RUCKER: After the word "any," in line 13, page 8, insert "agent, representative, or officer of a corporation or other."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 14. That in construing or administering the provisions of this act, or any regulation thereunder, whenever the act, omission, or failure of any person acting for an individual, partnership, corporation, or association within the scope of his office, employment, or agency, or other authority granted him, or in him, is in violation of this act, such individual, partnership, corporation, or association, as well as such person, shall be guilty of such violation.

Mr. HAUGEN. Mr. Chairman, I offer a substitute for section 14.

The CHAIRMAN. The gentleman from Iowa offers a substitute for section 14, which the Clerk will report.

The Clerk read as follows:

Strike out all of section 14 and insert:

SEC. 14. That in construing or administering the provisions of this act, or any regulation thereof, whenever any person subject to the provisions of this act, or any director or officer thereof, or any receiver, trustee, lessee, agent, or person, acting for or employed by such person, alone or with any other person, shall willfully do or cause to be done, or shall willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or declared to be in violation of any provision of this act, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter, or thing in this act required to be done, or shall cause or willingly suffer or permit any act, matter, or thing so directed or required by this act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this act, or shall aid or abet therein, shall be guilty of such violation.

Mr. WALSH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALSH. I suppose the amendment which is offered is a motion to strike out and insert.

The CHAIRMAN. It would have to be in that form—to strike out and insert.

Mr. HAUGEN. To strike out lines 18 to 25, inclusive, and insert the language read.

Mr. RUBEY. Mr. Chairman, will the gentleman yield?

Mr. HAUGEN. I yield to the gentleman.

Mr. RUBEY. This is the first time I have heard the amendment. I was not aware that the committee had agreed upon this proposition. It is very difficult to understand the amendment from the reading at the desk, and I ask the gentleman to pass this amendment over and let us have an opportunity to look at it.

Mr. HAUGEN. I ask unanimous consent that the amendment be passed over, to be recurred to later.

The CHAIRMAN. If there be no objection, this amendment will be passed over.

Mr. GARD. Is it the intention to allow the amendment to go back to the committee for clarification?

Mr. HAUGEN. No; we will pass it for the present, and recur to it later.

Mr. HUDDLESTON. I move to strike out the last word, and ask unanimous consent to proceed for five minutes, not on the bill.

The CHAIRMAN. Will the gentleman wait until the next section is read? Debate has been exhausted on the preceding section, and section 14 has been passed over.

Mr. HUDDLESTON. Very well.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 15. That the provisions of sections 3, 4, 5, 6, 7, or 9 of this act shall not apply to any article of food delivered for shipment to any foreign country if in respect to the requirements of said section such article of food complies with the specifications and directions of the purchaser in such foreign country and not in contravention of the laws of such country, but if said article of food be not actually exported this section shall not exempt such article of food from the operation of said sections.

Mr. MADDEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for five minutes. Is there objection to the request of the gentleman from Alabama?

Mr. MADDEN. I have an amendment to perfect the text.

The CHAIRMAN. The Chair has submitted a request for unanimous consent. The gentleman can object to it.

Mr. MADDEN. I object.

Mr. HUDDLESTON. I move to strike out the last word. I will say to the gentleman that it is because my remarks are not germane to the section that I made the request for unanimous consent. I did not want it understood that I thought the remarks were germane.

The CHAIRMAN. Does the gentleman object?

Mr. MADDEN. I object for the time being, until I offer my amendment, which has the preference because it is an amendment to perfect the text.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

Mr. MADDEN. I offer an amendment, on page 9, line 5, after the word "purchaser," to insert the words "or consignee."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MADDEN: Page 9, line 5, after the word "purchaser," insert the words "or consignee."

Mr. HAUGEN. I have no objection to the amendment. I accept it.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois [Mr. MADDEN].

The amendment was agreed to.

Mr. HUDDLESTON. I now renew my request.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for five minutes out of order. Is there objection?

Mr. McLAUGHLIN of Michigan. Reserving the right to object, I trust the gentleman from Alabama will not press that request. There is great need for getting through with this bill. The chairman of the committee [Mr. HAUGEN] and myself are conferees with the Senate committee on the rent bill, which must be passed as soon as possible. It is very much to be regretted that it has not been passed before this. It ought to be passed, if possible, before the 1st of October, to-morrow, when a very large number of new leases will be made in this city. We have an engagement to meet the Senate conferees at 3 o'clock. We suggested that hour because we thought we could get through with this bill by that time, but we can not if we permit discussion on other matters. For that reason——

Mr. HUDDLESTON. Will the gentleman yield before making his objection?

Mr. McLAUGHLIN of Michigan. I yield to the gentleman.

Mr. HUDDLESTON. This morning we gave about 15 minutes to the gentleman from Kansas [Mr. CAMPBELL] to discuss a certain matter of important foreign moment. This is the second time that the same gentleman has had unanimous consent to discuss that question. Nobody has been heard on this side beyond the five minutes that I got this morning, in which I got just to the middle of what I wanted to say. In the interest of fairness I ask the gentleman to give us on this side a certain amount of square deal. Will he not allow this beggarly five minutes that I ask? The gentleman himself took nearly five minutes in objecting to my request. It is certainly not in the interest of economy of time that the gentleman makes his objection. If it is to be put on the ground that he does not want matters of this kind discussed, why did the gentleman consent to his associate on that side discussing it?

The CHAIRMAN. Is there objection to the request?

Mr. McLAUGHLIN of Michigan. I withdraw the objection, but give notice that I will renew it hereafter if similar requests are made.

Mr. LAYTON. Mr. Chairman, I object.

Mr. BLACK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLACK: Page 9, line 3, after the word "country," strike out the balance of the line and all of lines 4, 5, 6, and the word "country" in line 7.

Mr. BLACK. Mr. Chairman, the amendment that I have offered, if adopted, would strike out the following language now contained in the paragraph:

If in respect to the requirements of said section such article of food complies with the specifications and directions of the purchaser in such foreign country and not in contravention of the laws of such country.

Now, I realize perfectly well that Congress has the same power to regulate foreign commerce as it has to regulate interstate commerce, but it occurs to me that this is rather a peculiar provision. It says to the Secretary of Agriculture that as to such foreign shipment, if it is agreed to by the purchaser and not in contravention to the laws of that country, then it is not subject to the provisions of sections 3, 4, 5, 6, 7, and 9. In other words, it puts upon the Secretary of Agriculture the duty and responsibility of enforcing the laws of a foreign country.

I recognize that it is perfectly proper for us to regulate the importations to this country of these food products under the same rules as apply to the sale of goods produced and manufactured and stored in this country, because if we did not do that, of course, we would not have a uniform rule. Section 16, which follows section 15, does do that very thing and gives authority to the Secretary of Agriculture whenever any goods are shipped into this country that do not comply with our storage regulations to hold them up, and the customshouse officials may refuse admission; and I think that is a perfectly proper authority. But I do think that as to exportations we ought to make a rule that the same regulations, that the same law shall apply to such shipments as apply to all the rest of the goods that enter into the cold-storage warehouses, or we ought to strike out this entire provision and put no restrictions on foreign shipments.

Mr. SANDERS of Indiana. What part does the gentleman want to strike out?

Mr. BLACK. I want to strike out those words beginning with the word "country," line 3, and extending down to the word "country," on line 7. If stricken out the section as amended would read as follows:

SEC. 15. That the provisions of sections 3, 4, 5, 6, 7, or 9 of this act shall not apply to any article of food delivered for shipment to any foreign country, but if said article of food be not actually exported this section shall not exempt such article of food from the operation of said sections.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. BLACK. Yes.

Mr. SANDERS of Indiana. How could that apply? It says not in contravention of the laws of that country. How could any regulation with reference to the treatment of food here be in contravention of the law of another country?

Mr. BLACK. It would not, of course, apply in such foreign country, but it would put on the Secretary of Agriculture the burden or duty of studying the laws of a foreign country, as to export shipments, because by the very provision in the language to which I call attention, the duty to deal with these foreign shipments is placed upon him.

Mr. SANDERS of Indiana. These laws could not be extraterritorial, and I do not see how they could be in contravention of any laws.

Mr. BLACK. No; but he could hold up the shipments. It gives him authority to do that if the exemptions from the different sections would be in contravention of the laws of the other country. We might have two or three or four different kinds of systems and put upon the Department of Agriculture the duty of studying out the different laws and finding out whether they are in contravention of the laws of the foreign country.

Mr. HAUGEN. That would not be necessary.

Mr. BLACK. I think it is sufficient for each country to regulate its own importations, and that is what we do in section 16.

Mr. HAUGEN. The goods are not to be marked if in respect to the requirement of said section such article of food complies with the specifications and directions of the purchaser in such foreign country and not in contravention of the laws of such country.

If the specifications are there, the goods may be exported without marks if not in contravention with the laws of the country, otherwise they will have to be marked.

Mr. BLACK. Then that would put upon the Secretary of Agriculture the duty and responsibility of looking up each one of these cases when the purchaser of the export shipment has agreed that they may be exempted from regulations; he must look up the law of that foreign country and see whether that agreement is in contravention of the laws of that country. It is placing on him a duty of construing and interpreting the law of a foreign country. A rather difficult task, I should think, unless the Secretary had at hand the cold-storage laws of all foreign countries.

Mr. HAUGEN. This is in line with the law relating to the exportation of meats.

Mr. BLACK. We ought to exempt foreign shipments entirely or we ought to make the same law apply as applies to interstate-commerce shipments.

Mr. HAUGEN. The gentleman would not want to export anything in contravention of the laws of the foreign country?

Mr. BLACK. That would be left to the foreign country itself. Of course, when the goods reach the ports of the foreign country it is subect to the control of their customshouse officials and the laws of such foreign countries. Each country certainly should be able to protect itself by its own laws.

Mr. HAUGEN. The gentleman would not prevent the foreign shipments without marks. If it is not the purpose to export in contravention of law, why not state it in the bill. We state that we do not propose to permit exporting anything in contravention of laws of the foreign country.

Mr. WALSH. Will the gentleman yield?

Mr. HAUGEN. Certainly.

Mr. WALSH. Do the provisions of this act apply to the shipment of meat being made to a foreign country in refrigerator cars and then in a vessel under foreign jurisdiction, where it is put into cold storage for the first time?

Mr. HAUGEN. Except in that refrigerator vehicles and vessels are excepted in the definition of "warehouse." It applies as far as the 3-mile zone, after that 3-mile zone is passed it is out of this country's jurisdiction over interstate commerce and foreign commerce. Congress has no jurisdiction beyond that.

Mr. WALSH. Will it apply to a shipment of meat shipped in a refrigerator car where the meat is going to a foreign country when it is first put into cold storage?

Mr. HAUGEN. It will apply as far as the 3-mile zone, and that is as far as our jurisdiction extends.

Mr. WALSH. There is no 3-mile zone from Canada or Mexico.

Mr. HAUGEN. Our authority ceases when it crosses the line. If it is in a vessel sailing across the sea, then our jurisdiction ceases when it leaves the 3-mile zone.

Mr. WALSH. Well, now, suppose it is put in this refrigerator car and started for the boundary line? You say here this provision shall apply to articles of food delivered for shipment if said article of food complies with the specifications and direc-

tions of the purchaser in such foreign countries and not in contravention of the laws of such country. Suppose——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. I ask that the gentleman be given five additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. WALSH. Now, assuming that the foreign country has not any laws at all upon the subject, that the Secretary of Agriculture knows that before the shipment is made, then in what situation will the shipper be with respect to a violation of this provision?

Mr. HAUGEN. He may mark the goods; that is all there would be to it.

Mr. WALSH. They have to conform to the law.

Mr. HAUGEN. Yes; he may conform to the law here in this country which requires that the goods must be marked. If he marks the goods, then this section does not prohibit his shipping them nor apply to the goods marked.

Mr. WALSH. And if they go beyond the line they can take off the tag and there is no liability?

Mr. HAUGEN. We can not object to that, because we have no jurisdiction.

Mr. WALSH. I see. I just wanted to get that clear from the chairman of the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 2, strike out the word "or" and insert the word "and."

Mr. RAKER. Mr. Chairman, I take it for granted, speaking to the chairman of the committee, that that is a clerical error, is it not?

Mr. HAUGEN. A violation of all the sections, of a single one.

Mr. RAKER. How can you tell which section he violates? It means nothing the way it is here—"that the provisions of section 3, 4, 5, 6, 7, or 9."

Mr. HAUGEN. Either of them; any of them.

Mr. RAKER. But it does not say that.

Mr. HAUGEN. That is the usual language.

Mr. SAUNDERS of Virginia. May we have the amendment again reported?

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

Mr. McLAUGHLIN of Michigan. If the amendment of the gentleman from California were adopted it would be necessary to show a violation of all the sections. As it reads with the word "or," if there is a violation of any one there can be a prosecution. The amendment certainly ought not to be adopted.

Mr. ROMJUE. Mr. Chairman, I move to strike out the last word. The gentleman is mistaken, I think. If you will read carefully, the section reads, "that the provisions of sections 3, 4, 5, 6, 7, or 9 of this act shall not apply to any article of food under certain conditions. Now, if it read that all of the sections shall not apply under certain conditions, that is in the alternative, and it ought to be conjunctive, and I think the membership should read this carefully, and they will find that the amendment ought to be adopted.

Mr. RAKER. The text of the section shows clearly that is what the committee intended, because the last proviso says, "but if said article of food be not actually exported this section shall not exempt such article of food from the operation of said section." What section? Sections 3, 4, 5, 6, 7, and 9. That is what the committee wanted, and I want to help them along, so as to make it absolutely plain. That is all.

Mr. McLAUGHLIN of Michigan. I must confess to a very careless reading of this section. I thought it provided for some penalty, but it does not, and I am inclined to think the gentleman from California is right.

The question was taken, and the amendment was agreed to.

Mr. ROMJUE. I would suggest the necessity of adding an "s" to the word "section."

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

Mr. SAUNDERS of Virginia. Mr. Chairman, I move to strike out the last word. I would suggest to the gentleman from Michigan, in line 4, the word "section" ought to be "sections." I move to strike out the word "section" and insert the word "sections."

Mr. McLAUGHLIN of Michigan. Strictly speaking, the gentleman is right about it, but there is a definition that says the singular or plural shall be used where the case demands it. I think probably it might be added.

Mr. SAUNDERS of Virginia. I make the motion to strike out the word "section" and insert the word "sections."

Mr. McLAUGHLIN of Michigan. Let the gentleman make his motion to add the letter "s"; there is no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 4, strike out the word "section" and insert the word "sections."

The question was taken, and the amendment was agreed to.

Mr. SAUNDERS of Virginia. Mr. Chairman, I suggest that the words in lines 3 and 4 "in respect to the requirements of said section" ought to be stricken from the bill, so that the section would read "for shipment to any foreign country if such article of food complies," and so forth. The words "in respect to the requirements of said section" are mere surplusage. The purpose of this section is to eliminate with respect to foreign consignments, the requirements of the sections cited. This being so and foreign consignments being placed on a different basis from consignments within the United States, the words "in respect to the requirements of said sections," have really no meaning in this connection. Provided the goods conform to the requirements of the foreign consignee, and are not in contravention of the laws of the place of the consignment, the requirements of the sections cited may be utterly disregarded with respect to such shipments.

The CHAIRMAN. There is nothing before the House.

Mr. SAUNDERS of Virginia. I move to strike out the words "in respect to the requirements of said section."

The CHAIRMAN. The gentleman from Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. SAUNDERS of Virginia: On page 9, line 3, after the word "if," strike out the words "in respect to the requirements of said section."

Mr. HAUGEN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Virginia [Mr. SAUNDERS] yield to the gentleman from Iowa?

Mr. SAUNDERS of Virginia. Certainly.

Mr. HAUGEN. I fear if the gentleman's amendment is adopted it would do away with the marking entirely. All that would be necessary then would be to allege that it was for export and it would not require any marking at all. The section has reference to the marking of goods.

Mr. SAUNDERS of Virginia. The moment you say the provisions of the said sections shall not apply, under the conditions cited you thereby eliminate the requirements of the sections with respect to goods that are intended for foreign purchasers.

Mr. SANDERS of Indiana. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Virginia yield to the gentleman from Indiana?

Mr. SAUNDERS of Virginia. Certainly.

Mr. SANDERS of Indiana. I was going to suggest to the gentleman from Virginia that the phrase which the gentleman seeks to strike out is a limitation upon what the article of food must comply with. In other words, this is the language:

If, in respect to the requirements of said section, such article of food complies with the specifications and directions of the purchaser.

It does not have to comply with all the specifications and directions of the purchaser, but it does in respect to these particular requirements, and also if it is not in contravention with the laws in respect to these particular requirements.

Mr. SAUNDERS of Virginia. This section states that the goods shall conform to the instructions of the foreign purchaser, and shall not be marked conformably to the provisions of the law controlling domestic operations, thereby excluding all provisions of this act from applying to goods consigned on foreign account. The plain intent of the section is that it will be sufficient for the purposes of shipment abroad that the goods shall conform to the foreigner's instructions, and shall not be in contravention of the foreign laws. This being so, it seems to me that the words "in respect to the requirements of said sections," are entirely superfluous. As well use in this connection the word "provisions." The requirements of said sections are contained in the provisions of said section. To retain these words is mere tautology.

Mr. HAUGEN. If the words were stricken out, and a party were to allege that a lot of eggs were for export, there would be no marking required, because sections 3, 4, 5, and 6 require the marking. You say it shall not apply to export. Anybody

that alleges that an article is for export will not be required to mark it. And if they are in cold storage for export, there is no way of checking them.

Mr. SAUNDERS of Virginia. This section states precisely that if these articles of food shall comply with the specifications and directions of the purchaser in a foreign country, the requirements of our domestic law shall not apply to such articles. The use of these words is merely to refer again to provisions intended for domestic business, and expressly excluded as to foreign consignments under the conditions cited.

Mr. HAUGEN. It will do no harm, anyway, to leave it in.

Mr. SANDERS of Indiana. Mr. Chairman, I rise in opposition to the proposed amendment. If the amendment of the gentleman from Virginia [Mr. SAUNDERS] should be adopted the section would read as follows:

That the provisions of sections 3, 4, 5, 6, 7, or 9 of this act shall not apply to any article of food delivered for shipment to any foreign country, if such article of food complies with the specifications and directions of the purchaser in such foreign country.

That is the exception. In other words, in order to exempt it the article of food must not only comply with the specifications required in that section, but the article of food must comply with the specifications and directions of the purchaser. The purchaser might make directions and specifications entirely out of line with these sections, but might make the same requirements in these sections and many additional, and not in contravention of the law of the country. Now, the phrase sought to be stricken out modifies that. In other words, it is required to be in conformity with the law of said country in respect to the requirements of this particular section. I think the purpose of the section would be much clearer if the language were left as it now appears.

Mr. SAUNDERS of Virginia. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Virginia?

Mr. SANDERS of Indiana. Yes.

Mr. SAUNDERS of Virginia. Take the case of goods that have been delivered for foreign shipment, and which in all respects comply with the specifications and directions of the foreign purchaser and are not in contravention of the laws of the purchaser's country. In such a case would the sections cited apply to the shipment?

Mr. SANDERS of Indiana. No.

Mr. SAUNDERS of Virginia. If that be true, what meaning may be found in the words "in respect to the requirements of said section"? You admit that the moment the goods comply with the requirements of the foreign purchaser, that this conformity will eliminate the application of the sections cited to such goods.

Mr. SANDERS of Indiana. Why should the food be required to comply with all the specifications and directions of the purchaser in a foreign country?

Mr. SAUNDERS of Virginia. That is a sine qua non. That is the very condition precedent under which it is provided that the sections cited shall not apply.

Mr. SANDERS of Indiana. That is where your construction and my construction differ. I think it is only, as drawn, that they shall comply as to the requirements of this particular section, and I think it is only required that they shall comply with foreign law in respect to these matters. If the gentleman's contention is right, it must comply with all the requirements of the foreign law and all the directions and specifications of the purchaser.

Mr. SAUNDERS of Virginia. The goods do not have to comply with the requirements of the foreign laws. It is merely required that they shall not be in contravention of those laws.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Virginia [Mr. SAUNDERS].

The question was taken, and the amendment was rejected.

Mr. GARD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GARD. For the purpose of offering an amendment, on page 9, line 6, after the word "and," and before the word "not," to insert the word "be."

I do this for the purpose of making clear the expression.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio.

The Clerk read as follows:

Amendment offered by Mr. GARD: Page 9, line 6, after the word "and" insert the word "be."

Mr. GARD. Mr. Chairman, I do not desire to be heard on it. It is manifestly a proper correction.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 16. (a) That whenever in the case of any article of food being offered for importation the Secretary of Agriculture has reason to believe that such article of food is being shipped in commerce in violation of any provision of this act, he shall give due notice and opportunity for hearing thereon to the owner or consignee, and certify such fact to the Secretary of the Treasury, who shall thereupon (1) refuse admission and delivery to the consignee of such article of food, or (2) deliver such article of food to the consignee pending examination, hearing, and decision in the matter on the execution of a penal bond to the amount of the full invoice value of such article of food, together with the duty thereon, if any, and to the effect that on refusal to return such article of food for any cause to the Secretary of the Treasury when demanded, for the purpose of excluding it from the country or for any other purpose, the consignee shall forfeit the full amount of the bond.

(b) If, after proceeding in accordance with subdivision (a) of this section, the Secretary of Agriculture is satisfied that such article of food being offered for importation was shipped in commerce in violation of any provision of this act, he shall certify the fact to the Secretary of the Treasury, who shall thereupon notify the owner or consignee and cause the sale or other disposition of such article of food refused admission and delivery or entered under bond, unless it is exported by the owner or consignee within three months from the date of such notice, under such regulations as the Secretary of the Treasury may prescribe. All charges for storage, cartage, or labor on any such article of food which is refused admission or delivery or is entered upon bond shall be paid by the owner or consignee.

Mr. RAKER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California moves to strike out the last word.

Mr. RAKER. I want to ask the chairman of the committee a question. On line 9, page 10, it is provided that the Secretary of the Treasury may cause this property to be sold. Is that the usual procedure?

Mr. HAUGEN. That is the usual procedure.

Mr. RAKER. In other words, he can take possession of the property and sell it and turn over the proceeds and assess the cost to the consignee. Now, one other question. On lines 13 and 14 we find "all charges for storage, cartage, or labor." Is there any reason why those charges should be confined to those particular items, or ought it to be "all charges"?

Mr. HAUGEN. I believe that is all of them.

Mr. RAKER. Are there any legal charges, expenses of inspection, and things of that sort?

Mr. HAUGEN. I do not think they make any charges for that.

Mr. RAKER. None whatever?

Mr. HAUGEN. No.

Mr. RAKER. All the expenses that the Government may go to in making the examination if the party has imported it in contravention of this statute and it is authorized to be sold?

Mr. HAUGEN. I understand in that case those charges are not taxed up. That is my understanding of it. I am not clear about it.

Mr. RAKER. Maybe the gentleman from Minnesota is familiar with it.

Mr. ANDERSON. The cost of the sale would follow, as a matter of course, under the general law. These charges here have to be specified; otherwise they would not follow.

Mr. RAKER. I see.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 17. That whenever it appears that any article of food in transportation in a refrigerator vehicle in commerce or in cold storage in the District of Columbia or a Territory is in such condition that it is likely immediately to become or is unsound, unwholesome, or unfit for food, the Secretary of Agriculture may cause the immediate seizure of such article of food and thereupon shall at once cause notice of the facts to be given to the United States district attorney for the district in which the article of food is seized. Such district attorney shall proceed without delay against such article of food in any court of the United States in such district for confiscation by process of libel for condemnation. If in the opinion of the court the article of food is in such condition that it is likely immediately to become or is unsound, unwholesome, or unfit for food it shall be immediately disposed of by destruction or sale as the court shall direct, but such disposition shall not be contrary to any law of the United States or of the State, Territory, or District where such destruction or sale takes place. The proceeds of any sale under this section, less legal costs and charges, shall be paid to the person entitled thereto. The proceedings in such seizure cases shall conform as nearly as may be to proceedings in admiralty and shall be at the suit and in the name of the United States. For the purposes of this section the Secretary of Agriculture may cause investigations, inspections, analyses, and tests to be made and samples to be collected of any article of food in commerce. The Department of Agriculture shall pay to the person entitled, upon his request, the reasonable market value of any such samples.

Mr. BARBOUR. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California moves to strike out the last word.

Mr. BARBOUR. I do so for the purpose of asking the chairman or some member of the committee a question. Is it the intention of this language, commencing on line 3, page 12, and

ending with the word "agent," on line 9, page 12, that after affidavits are taken in this manner they may be used as evidence in court?

Mr. HAUGEN. I will turn it over to the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. McLAUGHLIN of Michigan. No. It is not the intention to change the rules of evidence.

Mr. BARBOUR. I did not think it was.

Mr. McLAUGHLIN of Michigan. I do not think it would be construed as such. The same question arose in my own mind when this draft was first submitted to us, and I objected to these words and myself drew others. But I came to the conclusion that this can not be construed as an attempt to change the rules of evidence, and that an affidavit taken outside, however made, could not be used, except perhaps in connection with and as part of a deposition taken, as the gentleman is familiar, if it were offered.

Mr. BARBOUR. I believe that that was the intention of the language, but I confess that after a careful reading I was somewhat in doubt as to the effect of the words "have like force and effect as if administered or taken by or before the clerk of such court."

Mr. McLAUGHLIN of Michigan. It means as if the identical paper had been sworn to before the clerk. That would not permit that matter to be read as evidence or testimony in the case, would it, in any case?

Mr. BARBOUR. Not that I know of, but my understanding of this language is that possibly it might have that effect. That is the reason I asked the question.

Mr. McLAUGHLIN of Michigan. The gentleman is right in saying that the paper, if sworn to before the clerk himself, could not be offered in lieu of testimony of witnesses.

Mr. BARBOUR. The reason I asked the question is that the meaning of the language is more or less doubtful to me, and it occurred to me that possibly an amendment making the meaning a little clearer would be in order.

Mr. McLAUGHLIN of Michigan. The Federal courts have held that an affidavit made before a notary public can not be used for certain purposes or made the basis of some certain action by the Attorney General. The intention is that an affidavit sworn to before an officer of the department justifying such action by the Attorney General shall have the same force and effect as similar papers made and executed before a clerk of the court. That was the intention of the committee.

Mr. BARBOUR. I am willing to accept the committee's construction, but the language of the bill is a little confusing to me.

Mr. McLAUGHLIN of Michigan. I was confused by it myself at first, but after examination and reading the cases in the books which the legal representative of the Department of Agriculture brought to me I was satisfied that the language is safe and proper.

Mr. BARBOUR. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 18. That the Secretary of Agriculture is authorized to designate in writing specifically officers, employees, and agents of the Department of Agriculture to administer oaths for the purposes of this act. All such officers, employees, and agents are authorized and empowered to administer to or take from any person an oath, affirmation, or affidavit for the purposes of this act, or for use in prosecution or proceeding thereunder. Any such oath, affirmation, or affidavit, authenticated by the official seal of the Department of Agriculture, shall, when offered for use in any court of the United States, have like force and effect as if administered or taken by or before the clerk of such court, without further proof of the identity or authority of such officer, employee, or agent. No such officer, employee, or agent shall demand or accept any fee or compensation whatsoever for administering or taking any oath, affirmation, or affidavit under the authority conferred by this act.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California.

The Clerk read as follows:

Amendment offered by Mr. RAKER: Page 12, line 6, after the word "court," strike out the words "of the United States."

Mr. RAKER. As the statute now stands, these affidavits can not be used in any State court.

Mr. McLAUGHLIN of Michigan. Why should they be, and how under any circumstances under this act can suit be brought except in the United States court?

Mr. RAKER. I know of many instances in which these affidavits could be used in the State courts. I call the gentleman's attention specifically to the fact that they might be used in the first cases that are commenced. A man violates the provisions of this act, and it is a felony. He can be bound over by a magistrate in a State court to await proceedings before a grand jury. That being the case, these affidavits could not be used.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. BLANTON. Has the distinguished lawyer representing California ever seen a justice of the peace or foreman of a grand jury yet who would not admit any kind of testimony that bore even remotely upon the case?

Mr. RAKER. Oh, yes.

Mr. BLANTON. I have never seen any. They admit everything.

Mr. RAKER. I have seen brainy men who were justices of the peace, and they have gone on up to the supreme court of their State, and some of them have even come to Congress from other States than California. There are many brainy, brilliant men on the grand jury, and the gentleman's suggestion does not apply. It does not go before the local grand jury; but a man who violates this statute, as in the case of a violation of any other Federal statute, can be proceeded against in the State courts before a magistrate for the purpose of binding him over to the Federal grand jury. Now, all I want to do is to make this section applicable, so when you go before the magistrate's court the testimony will be admissible and usable before that court, so that the man may be legitimately bound over. There is no reason why you should confine it and say it is admissible only in the United States courts, when it ought to be admissible in any court because other rights might grow out of it. Section 1014, United States Revised Statutes, provides the remedy to follow. The following letter from the Attorney General of the United States fully explains what can be done in such cases under section 1014 supra. The letter reads as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., June 11, 1918.

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.

SIR: This department has the honor to acknowledge the receipt of your letter of June 5, 1918, respecting the arrest and preliminary examination by State and county magistrates of persons accused of crimes against the sabotage and espionage laws.

Section 1014 of the United States Revised Statutes provides, in part, as follows:

"For any crime or offense against the United States the offender may, by any justice, or judge of the United States, or by any commissioner of a circuit court to take bail, or by any chancellor, judge of a supreme or superior court, chief or first judge of common pleas, mayor of a city, justice of the peace, or other magistrate, of any State where he may be found, and agreeable to the usual mode of process against offenders in such State, and at the expense of the United States, be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States as by law has cognizance of the offense."

Under the foregoing provision of section 1014 of the Revised Statutes there would seem to be no doubt of the power of the State or county peace officers to arrest persons committing Federal crimes according to the practice of the State wherein the offender is apprehended and of the judicial officers described in the statute to hold such persons to answer for the crime of which they are accused for the proper Federal court.

Respectfully,

JOHN LORD O'BRIAN,
Special Assistant to the Attorney General.

Mr. McLAUGHLIN of Michigan. Mr. Chairman, I appreciate what it means for me to differ with the distinguished gentleman from California on a legal proposition; but if a justice of the peace has authority to bind a man over to the Federal grand jury I know nothing of any State law or procedure that will permit it.

Mr. RAKER. Will the gentleman yield for a question?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. RAKER. While district attorney I appeared in proceedings where at least half a dozen men were bound over to the Federal court before the committing magistrate of my county, and those men were afterwards indicted and tried and convicted, and the law is to-day that a magistrate in a State can hear the case for the purpose of binding the man over to await the action of the Federal grand jury.

Mr. McLAUGHLIN of Michigan. Is that a Federal statute?

Mr. RAKER. Yes; a Federal statute.

Mr. IGOE. He can admit him to bail.

Mr. RAKER. Certainly, he can take bail, and order him to appear, and so forth, under section 1014, United States Revised Statutes.

Mr. McLAUGHLIN of Michigan. This was framed with the idea that these matters are entirely in charge of Federal officials, and that actions will be brought in the Federal courts; and, in my judgment, if a man is charged with violating this statute the first proceeding will be before a United States commissioner and not before a justice of the peace.

Mr. GARD. Will the gentleman yield?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. GARD. Is it not the procedure of which the gentleman from California [Mr. RAKER] erroneously spoke—and I use the word "erroneously" with the utmost respect—that you can not bind a man over from a justice of the peace in a State to a Federal grand jury, but you can require him to give bond

to appear before a United States commissioner? There is no binding over to the Federal grand jury by a justice of the peace.

Mr. McLAUGHLIN of Michigan. Perhaps I am not entirely familiar with the proceeding, but I feel confident that there is no binding over to a Federal grand jury by a magistrate acting under State law. I believe the section should stand as it is.

Mr. SANDERS of Indiana. There was one thing that occurred to me, and that is whether a United States commissioner would be a court within the meaning of this section. Of course, when a United States commissioner hears these cases he hears them upon evidence, but it is my recollection that the Supreme Court has held that a commissioner is not a court.

Mr. ANDERSON. Mr. Chairman, if the gentleman will permit, I should like to suggest an amendment which it seems to me would cure the objection of everybody. That is, to strike out the words, in line 6, "any court of the United States" and insert "any proceeding under this act," so that it will read:

Shall, when offered for use in any proceeding under this act, have like force and effect.

The CHAIRMAN. Does the gentleman offer that as a substitute?

Mr. ANDERSON. I offer that as a substitute for the amendment of the gentleman from California if I may have the floor for that purpose.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON as a substitute for the amendment of Mr. RAKER: In line 6, on page 12, strike out the words "any court of the United States" and insert in lieu thereof the words "any proceeding under this act."

Mr. McLAUGHLIN of Michigan. Why not insert those words in addition?

Mr. ANDERSON. Acting upon the suggestion of the gentleman from Michigan, I ask to modify my amendment so as to leave in the bill the words "any court of the United States" and insert prior to that "any proceeding under this act or in."

The CHAIRMAN. The gentleman asks unanimous consent to modify his amendment. Is there objection?

Mr. DOWELL. Reserving the right to object, what does the amendment suggested by the gentleman add to the amendment? Are not the United States courts included, without adding those words? When the amendment provides for use in any proceeding it also includes any court proceeding.

Mr. ANDERSON. I think so.

Mr. DOWELL. Then, why should those words be added?

Mr. ANDERSON. I did that in deference to the suggestion of the gentleman from Michigan [Mr. McLAUGHLIN], who wanted to make it doubly sure. I do not see any harm in doing it in that way.

Mr. McLAUGHLIN of Michigan. It is suggested that there are proceedings before a United States commissioner, and that a United States commissioner's tribuial is not a court.

Mr. DOWELL. That is the purpose of the gentleman's amendment, to include the commissioner.

Mr. McLAUGHLIN of Michigan. Yes.

Mr. DOWELL. But in his amendment he puts all proceedings, which includes the commissioner as well as the court. I can see no reason why you should add language that is absolute surplusage.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota to modify his amendment?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON as a substitute for the amendment offered by Mr. RAKER: Page 12, line 6, before the word "any," insert "any proceeding under this act or in."

The CHAIRMAN. The question is on agreeing to the substitute.

The substitute was agreed to.

The CHAIRMAN. The question now is on the amendment as amended.

The amendment as amended was agreed to.

The Clerk read as follows:

SEC. 19. That, for the enforcement of this act, the Secretary of Agriculture:

(1) Is authorized to prescribe and promulgate such regulations as may be necessary;

(2) May cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and

(3) Shall have the power to appoint, remove, and fix the compensation of such officers and employees, not in conflict with existing law, and make such expenditure for rent, printing, telegrams, telephone, law books, books of reference, periodicals, furniture, stationery, office equipment, traveling expenses, and other supplies and expenses as shall be necessary to the administration of this act in the District of Columbia and elsewhere. All employees shall be appointed in accordance with the civil-service laws and regulations.

Mr. RUBEY. Mr. Chairman, I offer an amendment to page 13 to strike out all after the word "elsewhere" in line 3, and lines 4 and 5.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, line 3, after the word "elsewhere" strike out the balance of the line and lines 4 and 5.

Mr. RUBEY. Mr. Chairman, I think these words got in there in an involuntary way. I called the attention of the committee to the language and tried to induce them to strike it out, and so I am going to move on the floor of the House to strike it out. The words are as follows:

All employees shall be appointed in accordance with the civil-service laws and regulations.

Mr. HAUGEN. That is the usual provision.

Mr. RUBEY. It occurred to me that by the optimistic way in which that side of the House is proceeding, they might want to get rid of this provision later.

Mr. HAUGEN. Mr. Chairman, I do not think it is necessary to discuss this question.

Mr. ELSTON. Mr. Chairman, I would like to be heard in opposition to the amendment.

Mr. HAUGEN. Everybody knows the arguments on both sides.

Mr. ELSTON. Yes; this matter has been discussed in Congress for 50 years, and I do not think the employees should be open to the spoils system.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. RUBEY) there were 7 ayes and 21 noes.

So the amendment was lost.

Mr. SANDERS of Indiana. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 12, line 16, after the word "necessary" insert "provided that there shall be no punishment by imprisonment for the violation of any such regulations."

Mr. SANDERS of Indiana. Mr. Chairman, it will be noticed in section 19 there is this general provision, which is very sweeping:

That for the enforcement of this act the Secretary of Agriculture is authorized to prescribe and promulgate such regulations as may be necessary.

This is a general authorization to the Secretary of Agriculture to prescribe regulations, and a roving commission to him to cover any territory he wants to. The theory is that notwithstanding the provision concerning regulations in section 13 is limited to specific sections, and only provides for punishment for violation of regulations under sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 18, this is probably an authorization for additional regulations under these sections. I think it ought to be made clear that it is not the purpose of this House to undertake to delegate its powers to enact criminal laws to any department. I realize that the department must have the right to issue regulations, but I do not think we ought to put it in the power of any department to issue a regulation which does not become a part of the public law and is merely, perhaps, promulgated in such a way as not to reach all the people, and then punish by imprisonment anyone violating the regulation.

I think we ought not to put it in the power of a Cabinet officer to issue regulations and then provide that any American citizen who violates such regulations shall be put in the penitentiary.

Mr. CONNALLY. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. CONNALLY. I can not quite follow the gentleman's logic. He is willing to fine him but is not willing to imprison him. Why should you punish a man at all for violating regulations?

Mr. SANDERS of Indiana. If the gentleman from Texas will offer an amendment that no punishment shall be inflicted for the violations of the regulations I will support it. The reason I offered it in this form was that I hoped the committee would adopt the amendment. I was afraid that if I offered it in the shape that no punishment should be inflicted for a violation of the regulations they would be afraid that the regulations would not be enforced.

Mr. ANDERSON. And if the gentleman will permit, he would have some reason to suppose that the regulations would not be complied with?

Mr. SANDERS of Indiana. Not at all; we have regulations in the departments all the time that are being complied with. This is an unusual procedure, and until a few years ago it was of doubtful validity to delegate the power to somebody else outside of the Congress of the United States to really pass legislation which is of a criminal nature providing punishment for crime. It is an old rule of criminal law, well recognized in the decisions of United States courts, that the law must be definite and certain, so that every one may know beforehand when he is violating the provisions. Now, we do not write the provisions in here, the violation of which shall be punished, but we grant the department head the right by printed regulations to enact legislation the violation of which will lead to punishment.

Mr. DEWALT. Will the gentleman yield?

Mr. SANDERS of Indiana. I will.

Mr. DEWALT. I suppose the gentleman from Indiana will agree with me in saying that all criminal statutes must be strictly construed?

Mr. SANDERS of Indiana. Yes.

Mr. DEWALT. Starting with that as a basis, is it not true that whatever regulations the Secretary might make, unless such regulation or violation thereof was an infraction of the provisions of this statute and punishable by fine or imprisonment under this statute, there could be no fine or imprisonment whatever for a violation of the regulations?

Mr. SANDERS of Indiana. I do not at all agree with the gentleman's construction which he has just announced. It has been held that the law may have certain provisions, the violation of those provisions may be a criminal offense under the terms of the act, and the same act may grant authority to make regulations concerning the same subject matter and make a violation of the regulations a crime just the same as the terms of the provision; and that is what this amounts to.

Mr. DEWALT. Where in the act does it say any regulation that is made by the Secretary of the Treasury a violation of which shall be punished by fine or imprisonment?

The CHAIRMAN. The time of the gentleman has expired.

Mr. SANDERS of Indiana. I ask for two more minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DEWALT. That is what that provides, only as to the particular section.

Mr. SANDERS of Indiana. I think it might be a very reasonable construction, that because there are no regulations provided in this section, the power to enact regulations covers the scope of all the sections enumerated in section 13.

Mr. JONES of Pennsylvania. If the amendment of the gentleman should prevail, then there is a regulation made under the power given under section 13. Could a violation of that regulation be enforced if the amendment prevails?

Mr. SANDERS of Indiana. It would subject the person who violates the regulations to a fine.

Mr. JONES of Pennsylvania. But no imprisonment?

Mr. SANDERS of Indiana. But no imprisonment. I think it is a dangerous thing, gentlemen, for Members of this Congress to let some Cabinet member prescribe regulations, when it is out of our power to control the regulations, and provide that a man may be sent to the penitentiary for a violation of a regulation that is not yet in existence.

Mr. ROSE. Will the gentleman yield?

Mr. SANDERS of Indiana. I will.

Mr. ROSE. I just rose to say I thoroughly agree with the statement made by the gentleman from Pennsylvania [Mr. DEWALT]. Now, in taking up section 19 does the gentleman contend that the Secretary of Agriculture can make any rules or regulations contrary to the acts of Congress upon this subject?

Mr. SANDERS of Indiana. No.

Mr. ROSE. Is not the gentleman from Pennsylvania precisely right in what he says that we need to have no fear about this first clause of section 19?

Mr. SANDERS of Indiana. He can not make anything contrary to the provisions of the section, but he can make regulations additional to deal with every subject of legislation under this act, and he can make all sorts of regulations.

Mr. GARD. Will the gentleman yield?

Mr. SANDERS of Indiana. I will.

Mr. GARD. I gather from what the gentleman said that doubtless his purpose is good. But I can not follow the logic of the gentleman's argument that a man may be subject to a fine but not subject to imprisonment. There can be no such differentiation in punishment, in my opinion. I desire to call attention to what I think may remedy the situation. In section 13, line 8, it provides that regulations prescribed thereunder refer to certain sections. Now, there is no regulation, as the gentleman has well said; no statutory regulation prescribed.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. GARD. I ask that the gentleman be given three additional minutes for the purpose of answering my question.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. GARD. My suggestion is, after the words "any regulations prescribed thereunder," to insert the words "by the Secretary of Agriculture," which would then, in my opinion, carry out the meaning of the section and the regulations under the section, and also what I would deem to be the law as stated by the gentleman from Pennsylvania [Mr. DEWALT].

Mr. SANDERS of Indiana. I did not quite catch the gentleman's suggestion.

Mr. GARD. Under section 13 I call attention that there are no regulations prescribed thereunder. As a matter of fact, there are none.

Mr. SANDERS of Indiana. Unless prescribed——

Mr. GARD. Unless prescribed by the Secretary of Agriculture. Why not put that in section 13?

Mr. SANDERS of Indiana. We can not return to section 13 except by unanimous consent.

Mr. GARD. It can be done by action of the committee for the purpose of correcting section 13 and clarify the situation.

Mr. McLAUGHLIN of Michigan. If the regulations are prescribed by the Secretary to carry out section 13, they are prescribed under section 13.

Mr. SANDERS of Indiana. Let me ask the gentleman: Does the gentleman claim that a violation of regulations under this section 19 subjects the person who has violated them to punishment?

Mr. McLAUGHLIN of Michigan. Yes.

Mr. SANDERS of Indiana. Fine and imprisonment?

Mr. McLAUGHLIN of Michigan. Fine and imprisonment.

Mr. SANDERS of Indiana. And gives general leeway to the Secretary of Agriculture to make regulations dealing with all this cold-storage subject?

Mr. McLAUGHLIN of Michigan. Every regulation must be entirely in keeping with the section under which it is made.

Mr. SANDERS of Indiana. It must be in keeping with it. That is, it must not be in contravention of the terms of the act. There is nothing to prevent the Secretary of Agriculture from making additional regulations for the violation of any section that might penalize a person for a violation of something that was intended to be made directory only, and a violation of that is here made the subject of penalty.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SANDERS of Indiana. I think this certainly ought to be adopted.

Mr. DEWALT. Mr. Chairman, I do not want to belabor this argument, but it seems to me that a brief explanation of the position taken by the gentleman from Indiana [Mr. SANDERS] will show both its fallacy and inexpediency. Reading section 13 it provides:

> That any person who violates any provision of sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, or 18 of this act, or any regulations prescribed thereunder, shall, upon conviction thereof, be punished by a fine not exceeding $1,000 or imprisoned for not more than one year, or both.

Regulations prescribed under what? Under the particular sections.

Mr. SANDERS of Indiana. Will the gentleman yield?

Mr. DEWALT. Yes.

Mr. SANDERS of Indiana. But there are no regulations under those sections.

Mr. DEWALT. I will get to that.

Now, for the enforcement of these particular sections thus enumerated there are contemplated regulations, and those regulations are to be made by the Secretary of Agriculture. Now, when those regulations are thus made by the provisions of this very act, they become a portion of the act itself in contemplation, and the act provides a penalty of what? A penalty not exceeding $1,000 fine or imprisonment of not more than one year, or both, leaving it entirely in the discretion of the court as to how little or how much that punishment shall be. Now, if these regulations are necessary for the enforcement of these specific provisions, of course anybody who disobeys them ought to be punished. Provisions 3, 4, 5, 6, 7, and 8, and so forth, would, in fact, be nugatory. Is not that so?

Mr. SANDERS of Indiana. I do not think so.

Mr. DEWALT. How would you enforce them unless there were regulations to enforce them?

Mr. SANDERS of Indiana. The act specifies certain things to be done, and says it shall be unlawful if they shall not be done. The section that provides the penalty says that the failure to do those things shall subject one to a penalty.

Mr. DEWALT. Very well. The fear of the gentleman is this, that the Secretary of Agriculture by his regulatory process would designate something in the way of regulation, compelling the Government or the authorities to punish a man for something which would not be punishable? Is not that so?

Mr. SANDERS of Indiana. Yes; and the additional fear that the Secretary might make some regulations which we as Congress would not make, and penalize a person for violating; and yet we give him carte blanche to do it here.

Mr. DEWALT. But the gentleman must remember that every regulation that is made by the Secretary of Agriculture must be consistent with the purposes and tenor of this act.

Mr. SANDERS of Indiana. But, of course, they will be additional to the specific provisions of this act.

Mr. DEWALT. I grant you that.

Mr. SANDERS of Indiana. We may deal with the little details and make some little requirements which we would not think the violation of should be punished.

Mr. DEWALT. I think the fear is far-fetched.

Mr. SANDERS of Indiana. The fear I have is that we are going to establish a precedent, and I think this is a very vicious one. We are going to establish the precedent of delegating to somebody else the power to say when citizens of the United States shall be punished by imprisonment.

Mr. DEWALT. If the gentleman will come back to the basic idea that every criminal statute must be strictly construed, and, secondly, any such construction must be in favor of the defendant, then he will come to the other proposition, that no regulation can be made by the Secretary of Agriculture that is inconsistent with the provisions of this act.

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Indiana [Mr. SANDERS].

The question was taken, and the amendment was rejected.

Mr. SIEGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SIEGEL: Page 13, line 5, after the word "regulations," strike out the period and insert "but preference shall be given to those who served in the Army or Navy during the late war."

Mr. SIEGEL. Mr. Chairman, I do not think that amendment requires any discussion. It simply provides that those who served in the late war——

Mr. HAUGEN. Mr. Chairman, the committee will accept that amendment.

Mr. BLANTON. Mr. Chairman, I would like to ask the gentleman from New York if he would accept an amendment to include the marines?

Mr. SIEGEL. The marine service is a part of the Navy.

Mr. BLANTON. It is a quasi naval service, both Army and Navy.

Mr. SIEGEL. The amendment reads "Army or Navy," and the Navy includes the marines.

Mr. BLANTON. It can be construed as a separate branch of the service, too, and to be sure we include them I offer an amendment to add after the word "Navy" the words "and marine service."

The CHAIRMAN. The gentleman from Texas offers an amendment to the amendment, which the Clerk will report.

Mr. SIEGEL. If the gentleman uses the words "marine service," it will also include the United States Treasury service, and we do not want that.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Amendment offered by Mr. BLANTON to the amendment offered by Mr. SIEGEL: After the word "Navy" insert the words "or marines."

Mr. GARD. Mr. Chairman, I desire to offer a substitute in the following language:

Strike out the period after the word "regulations" on line 5, page 13, and continue, "but preference shall be given to honorably discharged soldiers, sailors, and marines of the United States."

The CHAIRMAN. Is that a substitute for the original amendment?

Mr. GARD. It is a substitute for the Siegel amendment.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

Page 13, line 5, after the word "regulations," strike out the period and insert a comma and add "but preference shall be given to honorably discharged soldiers, sailors, and marines of the United States.

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to withdraw his amendment. Is there objection? [After a pause] The Chair hears none.

Mr. ROGERS. Will the gentleman from Ohio [Mr. GARD] yield to a question?

Mr. BLANTON. The Gard substitute covers it.

Mr. ROGERS. Mr. Chairman, will the gentleman from Ohio yield for a question?

Mr. GARD. Yes.

Mr. ROGERS. Is it not a fact that there is already in the permanent law of the United States a provision giving preference to soldiers, sailors, and marines?

Mr. GARD. No. There is no such law as that, as I understand it.

Mr. ROGERS. My information is very clear that as a rider on an appropriation bill—I think the urgent deficiency appropriation bill—we established a direct preference for soldiers, sailors, and marines, not only of the late war but also those who served at any time in the service of the United States in any war.

Mr. GARD. That is the object of my substitute. It carries out the purpose of giving preference to all honorably discharged soldiers, sailors, and marines who have seen service in the Army or Navy of the United States.

Mr. ROGERS. I see no objection to enacting it all over again, but it is already in the law, as I understand it.

The CHAIRMAN. The question is on agreeing to the substitute offered by the gentleman from Ohio [Mr. GARD].

The substitute was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 20. That for the fiscal year ending June 30, 1920, the sum of $50,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of Agriculture, for administering the provisions of this act.

Mr. ASHBROOK. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio moves to strike out the last word.

Mr. ASHBROOK. I do so for the purpose of asking to have some resolutions read which were adopted by the American Legion Post, of Mansfield, Ohio, protesting against bonuses and pensions for soldiers of the Great War, and my reply thereto.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his remarks by inserting the resolutions indicated. Is there objection?

Mr. McLAUGHLIN of Michigan. Reserving the right to object, does the gentleman propose to have them read?

Mr. ASHBROOK. I think the House would be glad to have them read.

Mr. McLAUGHLIN of Michigan. I object to their being read.

The CHAIRMAN. Does the gentleman object to their being inserted in the RECORD?

Mr. McLAUGHLIN of Michigan. No.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 21. That this act shall take effect and be in force from and after its passage, but no penalty, fine, forfeiture, or imprisonment shall be enforced for any violation occurring within 90 days after its passage.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. I do so to ask the members of the committee when this act would take effect if this language were not used, "That this act shall take effect and be in force from and after its passage"? It seems to me, Mr. Chairman, that the only necessary language in this section is, "No penalty, fine, forfeiture, or imprisonment shall be enforced for any violation occurring within 90 days after its passage." I would like to ask if there is any provision in any of the sections of the bill that would take effect at a period of time other than as stated in section 21?

Mr. MORGAN. No.

Mr. WALSH. Then I wondered why that language is used in the first part of the section, because all acts take effect from and after their approval.

Mr. HAUGEN. We wanted to limit that.

Mr. WALSH. But the gentleman seeks to have this act take effect from and after its passage, and not after its approval. Now, all acts take effect when they are approved. If you want to safeguard it in the interest of the people subject to the provisions of the act, so that they will not be proceeded against within 90 days after its passage, all right.

Mr. HAUGEN. There are acts that are not approved. They become a law after 10 days.

Mr. WALSH. Then the approval is by Congress by a two-thirds vote over the objections of the Executive. That has been construed many times.

Mr. HAUGEN. It is immaterial whether you use the word "passage" or "approval."

Mr. WALSH. Very well.

Mr. WHITE of Kansas. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kansas moves to strike out the last word.

Mr. WHITE of Kansas. Mr. Chairman, it is my purpose not to discuss this section or any particular section of this bill. Judging from the different viewpoints from which Members have considered this bill, or have understood it, considering the interpretations of it, it seems to me it is somewhat like the case referred to by the psalmist when he says, "I am fearfully and wonderfully made."

The profiteer is undoubtedly entitled to all the denunciation that an outraged and long-suffering public is directing against him. I can not say "God bless the profiteer" that sells a pair of shoes for $18 for which he paid the wholesaler $8, nor yet the profiteer that sells a bushel of potatoes for $3.60 for which the producer received $1.25, nor yet the retail butcher that sells a carcass cut up within 50 steps of the cold-storage room of the packer wholesaler for 80 to 100 per cent more than he paid that same packer. No; I can not say, "God bless him," as did the gentleman from Massachusetts [Mr. LUCE], and not being a profane man I am precluded from saying what I think. [Laughter.]

I will say that it is my candid opinion that if any system of distribution covering the movement of the commodity from the wholesaler to the consumer as efficient as that covering the movement from the producer to the wholesaler could be devised, it would result in cheapening the commodity to the consumer at least 10 per cent, and doubtless in many instances 20 or 30 per cent.

No one believes there is any efficiency or justice where the consumer pays the retailer a profit of 80 to 100 and in some cases 250 per cent advance over cost. And I will go further and say if such an efficient system of distribution as that to which I have referred could be devised and put into successful operation it could not be done without a well-organized system in which the overhead charges would be reduced to a minimum. It would be especially successful in the large cities. What then? Why, this: At once the cry would be that the great system had put the small dealer out of business, as it inevitably would do. Then at once this system would be assailed and denounced as a monopoly; a congressional investigation would be ordered; restrictive legislation would be enacted.

What has given the packer the monopoly that he now possesses? I answer, there are a number of reasons; and not for a moment denying that he has been guilty of culpable methods, of questionable practices, there yet remains the fact that the true answer is efficiency.

Why can not the Washington butcher compete with the packer? I do not believe the gentleman from Ohio [Mr. RICKETTS], while I admit the pertinence of his remarks, has given us the correct answer to the question. I undertake to say that the Washington butcher can not under existing conditions compete with the packer. In the first place, the live cattle are not contiguous to Washington. He is not equipped to slaughter them. Each butcher can not maintain a slaughter-house to kill the cattle he requires for his trade.

Mr. KEARNS. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Kansas. Yes.

Mr. KEARNS. I saw a statement of Swift & Co., published in one of the papers last week, giving the prices of meat delivered to the retailers here in Washington. One day it was 17 cents a pound.

Mr. WHITE of Kansas. It was $17.05 a hundred.

Mr. KEARNS. On that same day at any of the distributing places or retail houses the cheapest part of that meat was 40 cents a pound and the highest price was 75 cents a pound.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. KEARNS. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

Mr. WHITE of Kansas. I ask unanimous consent, Mr. Chairman, for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. WHITE of Kansas. I am glad the gentleman from Ohio called that matter to my attention.

Mr. KEARNS. How does the gentleman explain the fact that the retailers here bought that meat at 17 cents a pound and the cheapest of it was sold to the consumer at 40 cents and the highest at 75 cents?

Mr. WHITE of Kansas. That is an average of 300 per cent for overhead charge.

Mr. KEARNS. The profiteers there were not Swift & Co. It was the Washington retailer of meats.

Mr. WHITE of Kansas. That is what I am telling this committee as I proceed.

There are 750 shops or stores that sell meats in Washington. There is only one way that the meat purveyors or retailers of this Capital City can be exempt from the necessity of patronizing the Chicago packer, and that is to erect a packing house here at Washington. And it could be that the new monopoly would be worse than the old.

Mr. BLANTON. Will the gentleman yield?

Mr. WHITE of Kansas. I yield to the gentleman from Texas.

Mr. BLANTON. Does not the distinguished gentleman from Kansas know that there is just one solution for this question, and that is for Congress to fix the maximum profit that any retailer can make on any given stuff sold in his establishment? Whenever we do that, then we have taken some step along the right line, and until we do that we are wasting our time and the people's time.

Mr. WHITE of Kansas. The gentleman from Texas may be right, but he could perform a greater service to the American people if he could carefully suggest the modus operandi by which that could be accomplished.

Mr. BLANTON. I have just suggested it, that we should pass a law to that effect.

Mr. WHITE of Kansas. That is some suggestion, and I will come to it if I have the time.

Efficiency has been the word in cheapening production. Make efficiency the word in distribution, and you will in a great measure have solved the problem of the high cost of living.

Now, the gentleman from Texas will note that I am discussing the subject so near to his heart. What kind of a howl would go up if the packers should set up a dozen shops in town, and announce that to-morrow morning they would begin the sale of all meats at a rate of 4 cents per pound above the wholesale price? Every one of 750 retailers of the city would be up in arms against the new innovation. The local butcher can not compete with the packer for another important reason and that is that the packer utilizes and gets much profit from many by-products, from which the local butcher gets nothing. This is a most interesting chapter, gentlemen, and I have not the time to take it up. But I do not love the packer.

What shall I say, that I hate him with perfect hatred and I count him as mine enemy. And why not hate him? Let us not do that thing that may bring evil upon ourselves. I certainly would not destroy his business, but would restrain him from exploiting the public.

When the packer sells, as he has sold, at the prices which the gentleman from Ohio [Mr. KEARNS] suggested, his responsibility ceases. The people of this city might organize like the labor unions do, and demand collective bargaining; there is no law that forbids it. It would be a commendable thing to do, a consumation devoutly to be wished. It would give the consumer much cheaper meat, and the 400 or 500 retailers whose occupation would be gone could go out and pick apples and chop wood. But I said, lest we bring evil upon ourselves; speaking for the live-stock growers, of whom I am one, and ultimately of the consumer who is the object of my collateral affection, the packer is the only market for millions of cattle; not always a good market, but always a market. It is important to the producer of cattle and swine that he shall have a stable market. I rather like that word, stability—stabilization. At the beginning of the war we were admonished to raise cattle, and we responded and raised cattle; and when the war suddenly collapsed, just one year sooner than almost anyone expected, we were told that the decimation of the European herds as a consequence of the war would hold up the price of cattle for at least two or three years to come. Well, you know the farmer is a sort of a confiding kind of man. He did not worry; but along about the 1st day of June of the present year the price of cattle on the markets began to drop, and then the live-stock producer began to worry; and the decline continued until last Monday morning, when the producer sat down and figured that on the 69,000,000 of live cattle that he owned he had suffered a loss in value of $1,500,000,000. I repeat, $1,500,000,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WHITE of Kansas. Will the committee let me have five minutes more in which to conclude my remarks?

Mr. RUBEY. I ask unanimous consent that the gentleman may have five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman from Kansas may proceed for five minutes. Is there objection?

There was no objection.

Mr. YOUNG of Texas. Will the gentleman yield?

Mr. WHITE of Kansas. I yield to the gentleman from Texas.

Mr. YOUNG of Texas. As a result of the drop in the market some two weeks ago, when hogs dropped in one day $5 a hundred pounds, and cattle have dropped in proportion, does the gentleman think that the consuming public are getting or will get any benefit of that drop?

Mr. WHITE of Kansas. That question will be answered in the course of my remarks, if the gentleman is willing to wait for the answer which I have prepared. I am dwelling upon this question rather analytically, and I appreciate the attention of the committee. Twenty-five cattle owners from Kansas came on here last week, representing the ownership of about 400,000 cattle, on which the loss per head is $40 below the actual cost of production, or $16,000,000 in the aggregate.

That is the statement of those gentlemen who came here to appear before the Agricultural Committees of the Senate and House—$16.000.000 in the aggregate.

Now, the President's recommendation that we reduce the high cost of living and the statement of Mr. Hoover that there was large overproduction, and the country's confident expectation that the packers would be prosecuted, all seemed to fall with deadly effect upon the western cattlemen's stock in trade. And most pathetic, most sad to contemplate, if all reports are true, answering the gentleman's interrogation, the poor consumers reap little if any relief. I will pause here, gentlemen, to state that a résumé of the wholesale prices of dressed beef in this town, down here in the cooling rooms of the packers, shows a decline of approximately 7 cents per pound during the last five months, and should result in an approximate reduction, even on the basis of the high prices which the retailers have been charging, of from 12 to 15 cents per pound in the price of meat to the consumer.

Mr. RICKETTS. Do I understand the gentleman to say that the drop in the prices charged by the packers had come within the last week or 10 days?

Mr. WHITE of Kansas. No; the drop has been made in a period covering possibly 90 days. I have not the exact date.

Mr. RICKETTS. Does not the gentleman know that since we began consideration of the question of controlling cold storage, and since it has been discussed by Members generally for the last two or three months, the packers have gradually reduced, but prior to that time they had made no pretension of reducing? Now, can the gentleman explain why right now the packers have millions of pounds of all kinds of meat on hand that have been stored in their storehouses for the past two years, when the people all over this country are practically starving for a sufficient amount of meat to eat? Why do they not release that meat, if they want to be fair, and put it on the market?

Mr. WHITE of Kansas. I will answer the gentleman as best I can. In the first place, I do not admit the gentleman's statement. I think he is misinformed.

Mr. RICKETTS. If the gentleman will pardon me, the gentleman would be willing to take the statistics of the Bureau of Markets, would he not?

Mr. WHITE of Kansas. The statistics of the Bureau of Markets ought to be authentic.

Mr. RICKETTS. Those figures are my authority.

Mr. WHITE of Kansas. But a member of the Committee on Agriculture made the statement here which was unchallenged, I think possibly during the course of the remarks of the gentleman, that there was not in cold storage to-day a sufficient amount of beef to supply the demand of this country for more than six or seven days.

I want to state further in that regard that ex-Gov. Stubbs, of Kansas, made a statement either before the Secretary of Agriculture or before the committee, or both, that the packers had stated that they were not putting meats in cold storage. I do not admit the contention stated by the gentleman from Ohio, and with all kindness I think he is in error.

This condition can only have one present result, and that is to discourage the cattle industry. In proof that this result is now in process of operation, Gov. Stubbs stated when here a few days ago that four owners of ranches in Texas whose holdings aggregate 15,000 head were selling their entire herds. Another rancher told me that he was selling as stock calves on this market 150 calves from pure-bred cows that cost $300 each. The decline has hit the whole bunch, from the wobbly calf to the venerable milk-producing bossie. All are involved in apparently inextricable ruin. And as a further result of this condition now developing there can not fail to ensue a great shortage of meat animals within the next three or four years, which may bring as pronounced an advance in prices as the present decline.

Now, my contention is that there is nothing as important to the cattle raiser as a stable market—a market free from violent fluctuations from day to day. The cattleman does not ask for any special privilege. It requires three to four years to produce a good beef animal. The profits that should be his as a reward for years of the most laborious toil should not be subject to the caprice of a market that by a sudden decline entirely obliterates his profits in the interim between the loading station and their destination.

I am for this bill because I believe to some extent that it will have the effect to stabilize the market for live cattle, and this is desirable from the standpoint of both the consumer's and the producer's interest. It will take away any excuse the packer may advance, as he has hitherto done, that he is prevented from storing meat through fear of prosecution for hoarding. If I may again revert to the ubiquitous high cost of living, I will simply say that we are getting along fine. There probably never was a period in the history of this country when all the people were as well fed, as well clothed, as well paid, as are we, the American people at this particular day and date. Any important reduction in the cost of living means, and must mean, a reduction all along the line; it not only means a reduction in the price of a loaf of bread and the price of meat but it also means a reduction in the price of the merchant's goods, of the manufacturer's profit, in the laborer's wages, and, what is more personal and more vital to every citizen, it will increase the value of the dollar with which we will have to pay the interest on the principal of our prodigious national debt. Will we all be happier when the prices of all the things we buy have gone down when we reflect that all the things that we have to sell are reduced in the same proportion and our fixed charges are paid in dollars much scarcer and dearer because requiring more to be given in exchange for them? [Applause.]

Mr. KEARNS. Mr. Chairman, I move to strike out the last two words. Mr. Chairman, a few weeks ago the President of the United States appeared in this Chamber and told the people of the country that the second great cause of a universal distress was the high cost of living, and suggested this distress could be relieved greatly by the passage of some bill similar to the one before the House at this time. At least, this legislation is the outgrowth of the President's speech on that occasion.

This bill deals wholly with the packers of this country. I have only asked to trespass on the time of the committee now to emphasize the fact that in the opinion of the most pronounced proponents of this bill the people will not receive any relief from the high cost of living. If we are to believe the statistics that have been given to us during this debate, we will find that there is not any great considerable amount of food products in cold storage at this time.

I will read from the Bureau of Markets report, which is supposed to be somewhat authentic, or at least the most authentic data we can receive on this subject. I read from that report:

The number of eggs on the 1st of July of this year in cold storage in cases amounted to 7,508,530, a sufficient number of eggs to last the United States, if none were to be used for export purposes, 44 days.

We had in cold storage at that time 87,000,000 pounds of butter—not 1 pound for each man, woman, and child in the United States. Had all of that amount been taken out of cold storage and put on the market, it would have only lasted the consuming public 20 days.

Poultry in cold storage amounted to 48,000,000 pounds. If all the poultry had been taken out, there would have been scarcely more than one-third of a fowl for each inhabitant in the United States, a quantity sufficient if all had their proportionate share to supply the population of this country just one meal. And yet the President of the United States said if all this could be taken out of cold storage and put on the market it would relieve the high cost of living.

Mr. BLANTON. Will the gentleman yield for a question?

Mr. KEARNS. Yes.

Mr. BLANTON. If it had been the purpose of the committee to carry out the suggestions made by the President of the United States in regard to this piece of legislation, then I want to ask why it is that the committee has insistently refused to permit any reduction in regard to the time concerning which

the commodities may be kept in cold storage? Every attempt to reduce the time has been thwarted by the committee.

Mr. KEARNS. I do not know what has been in the mind of the committee; I am only trying to draw attention of this Congress to the fact that if this bill is passed the people of the United States are going to be disappointed, because it is not going to give them the expected relief. Notwithstanding the impotency of this bill, I shall vote for it, because while it will be a disappointment it may do no harm.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. KEARNS. Mr. Chairman, I ask for five additional minutes.

The CHAIRMAN. The gentleman from Ohio asks that his time be extended five minutes. Is there objection?

Mr. McLAUGHLIN of Michigan. Reserving the right to object, I want to say for the benefit of those who were not in the Chamber when I stated it before that the chairman of this committee and myself are members of the conference committee on the rent bill. That bill must be got through without delay if it is to be of any effect. We worked yesterday before the session of the House and last night until after 11 o'clock. We have a date at 3 o'clock this afternoon, and if we are to permit these features to be brought in in this way, no one can tell how long further consideration of the bill will consume. I regret very much that the gentleman from Ohio has asked permission to take time outside of the regular consideration of the bill. I do not know when during my service I have objected to the extension of time, but under the circumstances I think the gentleman ought not to ask for it.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GARD. Will the gentleman from Michigan yield for a question?

Mr. KEARNS. I have the floor now.

Mr. Chairman, in view of all the testimony that has been brought before this committee pertaining to this great question, I can not understand why the bill undertakes to deal with the cold-storage houses and then refuses to function further. It has been clearly shown that the fault is not with the packers. It has been demonstrated that the packer is putting upon the market, as far as the testimony in this case goes, goods at a reasonable price in comparison with the retail price.

I sometimes think that we as Members of Congress find it to our advantage at times to confine our quarreling and fussing and faultfinding to the large corporations of the country because there are so few voters connected with the great corporations in many districts.

But let us for the moment center our attention to the distributer of these products, to the man who is selling food products to the consumer, and we have evidence here as published in the various newspapers—and I will not say it positively, but I believe that statement was sworn to—that cold-storage beef put into the hands of the retailers in this city one day last week was at something less than 17 cents per pound, and yet the consumer who went to the various retail dealers to buy that beef—the cheapest part of it that he could buy was at the rate of 40 cents a pound and from that price it ranged up to as high as 75 cents a pound. In this instance it is not the fault of the packer; it is the fault of the man who distributed that meat to the consumer in the District of Columbia. [Applause.] He is the man who is at fault. If you go to any first-class hotel in this city and undertake to buy ready served a pound of this meat, there is not a Member on the floor of this House who will know whether his bill for that one pound of meat is going to be $3 or $6 when it reaches him. So that the fault of the high cost of living is not entirely traceable to the cold-storage houses, but it is found largely in the fact that the retailer of this country is charging as much as the traffic will bear, and men are becoming accustomed, the housewife has become accustomed—that when he or she goes to the store to purchase anything, as I say, they have become accustomed to paying any price that the retailer may demand. The retailer, as you well know, is tacking on his profits of anywhere from 50 to 500 per cent, and the people of this country are paying it. I heard a story told the other day by a man in this House who lives up in Maine. There was an old Indian whom he called "Indian John," who was in the habit each spring or summer of picking berries and bringing them down to the housewives of the town and selling them. He had always been getting anywhere from 8 to 10 cents a quart, but this year he charged 38 cents, and some good housewife asked him why the increase in the price. The Indian replied, "Helly big damn war somewhere." That is the reason we are charged, and that is the reason the retailers of this country are robbing the purchasing public, because there has been "A helly big damn war somewhere," and the men and women of this country are paying the bill. [Applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. PADGETT. Mr. Chairman, I rise in opposition to the last motion. Mr. Chairman, there has been a good deal of discussion on the question of the high cost of living and some gentlemen who have recently spoken have been referring to the question of percentages. Looking at it from the viewpoint of the consumer, I think I may illustrate the question of percentage and profiteering and get a good idea of the definition of percentage by a little incident that I heard not long ago. It was said that there was a church bazaar, and a young lady in there had a little article that she called to a man present and said, "I want you to tell me what percentage of profit I have made. Here is an article that cost me 10 cents and I have sold it for $10. What is the percentage of profit?" He said, "Miss, that has passed out of percentage into larceny." [Laughter.] And from the viewpoint of the consumer that is the way with the percentage of these profiteers—it is no longer percentage, it is larceny. [Applause.]

The Clerk read as follows:

SEC. 23. That if any provision of this act or the application of such provision to certain circumstances be held unconstitutional, the remainder of the act and the application of such provision to circumstances other than those as to which it is held unconstitutional shall not be affected thereby.

Mr. GARD. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GARD: On page 13, line 18, after the word "act," strike out "or the application of such provision to certain circumstances" and insert in lieu thereof the following: "or any regulation thereunder as prescribed and formulated by the Secretary of Agriculture."

Mr. GARD. Mr. Chairman, I call the attention of the membership to this amendment and the subsequent amendment which I shall offer, embracing practically the same thing. The object of this amendment is to effect the provisions of the bill and the regulations thereunder as prescribed by the Secretary of Agriculture. The language as now appears in the bill relates to the application of such provision to certain circumstances being made unconstitutional. I suggest that is not a very apt phrase of legal legislation—the application of certain provisions to certain circumstances—since the matter to be held unconstitutional must be provisions of the bill or the regulations prescribed under the provisions of the bill, and without desiring to take any unnecessary time in argument, I call the attention of the membership of the committee to this, and I really believe this language should be adopted.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. GARD. I have another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. GARD: Page 13, line 20, after the word "act," strike out the words "the application of such provision to circumstances other than those as to which it" and insert in lieu thereof the following: "or any such regulation other than that held unconstitutional."

Mr. GARD. Mr. Chairman, I would ask the chairman of the committee whether this amendment is not a proper amendment?

Mr. WALSH. It is not, because it is in unparliamentary language for one reason.

Mr. GARD. The gentleman from Massachusetts suggests——

Mr. HAUGEN. I prefer the gentleman to explain his amendment; I am not clear whether it should be done.

Mr. GARD. I did explain it the time before. It is stated in parliamentary and legislative language. It is something which I believe is necessary to be done. In other words, you have section 23 applying to certain circumstances to be held unconstitutional.

Mr. ANDERSON. No; it is the application of the law. It is the circumstances that are held unconstitutional.

Mr. GARD. The application of such provisions to circumstances to be held unconstitutional. In other words, to confine the declaration to certain circumstances taken in connection with the application and the application of the law making it unconstitutional.

What I intend to say is, to strike out this relation to "certain circumstances" and put in "regulations prescribed by the Secretary of Agriculture." So, then, you would determine the question of constitutionality or unconstitutionality upon the question of provision and of regulation. I submit that is correct.

Mr. BLACK. Why put in the provision as to the regulations that the Secretary may issue? I do not recall any provision of that kind that Congress has ever passed.

Mr. GARD. Under this law the only authority for the prescribing of regulations is vested in the Secretary of Agriculture, in section 19.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio [Mr. GARD].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. BLANTON. Division, Mr. Chairman.

The committee divided; and there were—yeas 24, noes 48.

So the amendment was rejected.

Mr. HAUGEN. Mr. Chairman, I believe we passed two sections yesterday, and I ask that we return to them.

The CHAIRMAN. The Clerk will report the first amendment, which is an amendment offered by the gentleman from Virginia [Mr. SAUNDERS] yesterday.

Mr. SAUNDERS of Virginia. We are under section 14 now. I will let that go, Mr. Chairman. I have not the amendment here.

The CHAIRMAN. The next is section 14. The Clerk will report the amendment.

The Clerk read as follow:

Amendment offered by the committee: Page 8, line 18, strike out all of section 14 and insert in lieu thereof the following:

"SEC. 14. That in construing or administering the provisions of this act, or any regulation thereof, whenever any person subject to the provisions of this act, or any director or officer thereof, or any receiver, trustee, lessee, agent, or person, acting for or employed by such person, who alone with any other person shall willfully do or cause to be done, or shall willingly suffer or permit to be done, any act, matter, or thing in this act prohibited or declared to be in violation of any provision of this act, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter or thing in this act required to be done, or shall cause or willingly suffer or permit any act, matter, or thing so directed or required by this act to be done not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this act, or shall aid or abet therein, shall be guilty of such violation."

Mr. HAUGEN. Mr. Chairman, as under section 14 any individual, partnership, or association would be liable for the acts of a person acting for him or under him, this amendment would make them liable. That is, if it is willingly done, it would hold the agent, and directors, and officers of the organizations responsible.

Mr. WALSH. Does the gentleman accept the amendment?

Mr. HAUGEN. I offered it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. HAUGEN].

Mr. SAUNDERS of Virginia. Mr. Chairman, that is a very complicated amendment. I want to call the attention of the committee to several things in connection with it, even if the amendment should be adopted. It certainly requires a change in its language. Now, I do not think the committee intended to use the word "thereof." It says "that in construing or administering the provisions of this act, or any regulation thereof." It does not refer to any regulation of the act. You must mean thereunder.

Mr. HAUGEN. Yes. Will the gentleman yield?

Mr. SAUNDERS of Virginia. Certainly.

Mr. HAUGEN. This is a copy of the railroad-rate act, and "issued thereunder" should be substituted for "thereof." I accept the amendment.

Mr. SAUNDERS of Virginia. I suggest then an amendment by using the words "issued thereunder" for the word "thereof."

The CHAIRMAN. The gentleman from Virginia offers an amendment to the amendment, which the Clerk will report.

Mr. SAUNDERS of Virginia. I do not know exactly how it would appear according to the numbering of the lines of the amendment at the desk. It is in the second line of the copy I have of the amendment where the word "thereof" appears. It seems to me it ought to be stricken out and the words "issued thereunder" inserted in lieu of it.

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amendment to the amendment offered by Mr. SAUNDERS of Virginia: In the second line of the amendment strike out the word "thereof" and insert in lieu thereof the words "issued thereunder," so that as amended the lines will read "that in construing or administering the provisions of this act or any regulation issued thereunder."

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Virginia.

The amendment to the amendment was agreed to.

Mr. SAUNDERS of Virginia. Now, Mr. Chairman, about two-thirds of the way down in the amendment it reads as follows:

Or permit any act, matter, or thing so directed or required by this act to be done.

I do not see that the word "so" is appropriate in that connection at all, because there has been no reference to that before. They use the word "so" further down, when it comes in in an entirely proper manner. But what does the word "so" in that connection refer to?

Mr. ANDERSON. The language in the act from which this was copied reads, I will say to the gentleman:

Things so directed or required by this act to be done not to be so done.

Mr. SAUNDERS of Virginia. When you say, "any act, matter, or thing in this act required to be done," I do not think the word "so" in that connection refers to anything in the section. I can not relate it to anything that precedes it.

Mr. ANDERSON. The section just previously referred to matters or things in the act required to be done. Then it says, "who shall willfully fail or omit to do anything so required to be done shall be guilty of a violation."

Mr. SAUNDERS of Virginia. Mr. Chairman, I move to strike out that word, because I do not find anything in the section that it relates to or is connected with. In the next line, where it is required by this act to be done or not to be so done, in that connection it is, of course, appropriate.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Virginia.

The Clerk read as follows:

Amendment offered by Mr. SAUNDERS of Virginia: In the fourth line from the last of the amendment strike out the word "so."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SAUNDERS of Virginia. Now in the concluding sentence it is intended, it seems to me, to establish an offense against those who do or fail to do all these numerous things. I will read it in this connection to show that it fails to do that:

Shall be guilty of an infraction of this act or shall aid or abet therein, shall be guilty of such violation.

What violation?

Mr. ANDERSON. Violation of the act.

Mr. SAUNDERS of Virginia. You say "of such violation." There is no violation referred to.

Mr. ANDERSON. I have an amendment at the desk which I think will relieve the gentleman's mind, if he will permit me to offer it.

Mr. SAUNDERS of Virginia. Certainly.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON to the committee amendment: Strike out "who," in line 6, and the words "shall be guilty of such violation," in the last line of the amendment, and insert in lieu of the matter stricken out in the last line the following: "such director, officer, receiver, trustee, lessee, agent, or person acting for or employed by such person shall, as well as such person, be guilty of such violation."

Mr. ANDERSON. Mr. Chairman, I do not care to discuss the matter.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The amendment was agreed to.

The CHAIRMAN. The question now recurs on the original amendment as amended.

Mr. GARD. Mr. Chairman, I desire to offer an amendment. The amendment has been offered so lately that I can not identify it by line, but I offer an amendment to strike out the phrase in that amendment "alone or with any other person."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio. Would the gentleman indicate where the amendment should go?

Mr. GARD. It is on about the fifth or sixth line, after the words "person who." Then follow with the words "alone or with any other person."

The Clerk read as follows:

Amendment offered by Mr. GARD: Strike out from the sixth line of the committee amendment the words "alone or with any other person."

Mr. GARD. Mr. Chairman, I submit to the gentlemen of the Committee on Agriculture that these words "alone or with any other person" have no legal meaning. The language of the section is complete when you provide for the construing of the law and enforcement of the penalty against "any such person who shall willfully do or cause to be done," and so forth, and these other words are without legal meaning.

Mr. HAUGEN. As I before stated, we followed the language of the act.

Mr. GARD. What act?

Mr. HAUGEN. The rate act.

Mr. GARD. We are not following the language of the rate act. We are supposed to be writing new, affirmative legislation.

Mr. HAUGEN. I can see no harm in striking it out, but we found it there, and I suggest that it remain in the bill.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment as amended.

The amendment as amended was agreed to.

Mr. HAUGEN. That finishes the reading of the bill.

Mr. RUBEY. I want to call the attention of the chairman to this fact, that we passed over section 7, on page 5. It seems to me that the parliamentary situation would be such that it would be necessary to return to that section, having passed it over.

Mr. HAUGEN. We did return to it. The gentleman from Virginia withdrew his amendment.

Mr. WALSH. The gentleman from Virginia did not get unanimous consent to withdraw anything, and the section was not read.

Mr. HAUGEN. Then, I suggest that we either vote on the amendment or have it withdrawn.

The CHAIRMAN. The attention of the chairman of the committee was called to that, and the author of the amendment said he would not insist upon it.

Mr. WALSH. That does not relieve the committee.

Mr. ANDERSON. I submit, Mr. Chairman, that the amendment was not offered. The section was passed over in order that the amendment might be offered at a later time.

The CHAIRMAN. The gentleman from Virginia said he would not insist upon it.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. I want about two minutes.

The CHAIRMAN. The gentleman from California moves to strike out the last word. Is there objection?

There was no objection.

Mr. RAKER. I simply want to correct the RECORD this morning, when the distinguished gentleman on the other side insisted on the statement that there was not any law whereby a State official, magistrate or otherwise, could arrest a man under a Federal statute.

I wish to call attention to section 1014 of the Revised Statutes of the United States and the construction thereof by the courts.

Mr. ANDERSON. I do not think anybody on this side said that a State officer could not arrest a man for an offense.

Mr. BLANTON. It was said that they could not bind him over.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. HAUGEN. Mr. Chairman, I move that the Committee do now rise and report the bill to the House with the amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. PURNELL. Mr. Chairman, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. PURNELL. Yesterday we inserted an additional section "11 (a)." I think that is the number of it. I am not clear on the proposition as to whether the number of that section is to be incorporated in section 13 or not.

The CHAIRMAN. The Chair will state that that was offered as a new section, No. 12, and it will be necessary to correct the following section.

Mr. PURNELL. Section 13 provided that any person who violates any provision of sections 3, 4, 5, 6, 7, and 9 shall, upon conviction, and so forth, be punished. What I am asking is whether or not section 10 (a), the new section, has been incorporated?

Mr. WALSH. It was voted down.

Mr. PURNELL. Is that the understanding of the chairman of the committee?

The CHAIRMAN. The gentleman from Iowa [Mr. HAUGEN] moves that the committee do now rise and report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FESS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 9521) to prevent hoarding and deterioration of and deception with respect to cold-storage foods, to regulate shipments of cold-storage foods in interstate commerce, and for other purposes, had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. HAUGEN. Mr. Speaker, I move the previous question on the bill and amendments to the final passage.

The SPEAKER. The gentleman from Iowa moves the previous question on the bill and amendments to the final passage.

The motion was agreed to.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put the amendments in gross.

Mr. HAUGEN. I demand a separate vote on the Juul amendment.

The SPEAKER. The gentleman from Iowa demands a separate vote on the Juul amendment. Is a separate vote demanded on any other amendment? If not, the Chair will put the other amendments in gross.

The other amendments were agreed to.

The SPEAKER. Without objection, the Clerk will report the Juul amendment.

The Clerk read as follows:

Amendment offered by Mr. JUUL: Page 7, line 25, after the word "particular," insert a new section, as follows:

"SEC. 12. Nor shall any person ship in commerce any poultry or game if the entrails of such poultry or game were not removed prior to the time of being received for cold storage."

The SPEAKER. The question is on agreeing to the amendment.

The question being taken,

The SPEAKER. The ayes seem to have it. The ayes have it, and the amendment is agreed to. The question is on the engrossment and third reading of the bill.

Mr. HAUGEN. Mr. Speaker, I ask for a division on the Juul amendment.

SEVERAL MEMBERS. Too late.

The SPEAKER. The Chair thinks it is too late. The Chair had put the question on the engrossment and third reading.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum present.

The SPEAKER. The gentleman from Texas makes the point of order that there is no quorum present. The Chair is satisfied that there is no quorum present. The Doorkeeper will close the doors; the Sergeant at Arms will notify absent Members. As many as are in favor of the passage of the bill will, as their names are called, answer "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 265, nays 4, answered "present" 1, not voting 157, as follows:

YEAS—265.

Alexander	Cramton	Hastings	Lee, Ga.
Almon	Crowther	Haugen	Lehlbach
Anderson	Cullen	Hawley	Linthicum
Andrews, Nebr.	Curry, Calif.	Hayden	Little
Ashbrook	Dale	Hays	Lonergan
Aswell	Dallinger	Hersey	Longworth
Ayres	Darrow	Hersman	Luhring
Babka	Davey	Hickey	McDuffie
Baer	Davis, Minn.	Hicks	McGlennon
Barbour	Davis, Tenn.	Hill	McLane
Begg	Denison	Hoch	McLaughlin, Mich.
Benham	Dewalt	Holland	MacCrate
Black	Dickinson, Mo.	Houghton	Madden
Blackmon	Dickinson, Iowa	Huddleston	Magee
Bland, Ind.	Dominick	Hudspeth	Mansfield
Bland, Va.	Doremus	Hulings	Mapes
Blanton	Doughton	Hull, Tenn.	Martin
Boles	Dowell	Humphreys	Michener
Bowers	Dunbar	Hutchinson	Minahan, N. J.
Box	Dupré	Igoe	Monahan, Wis.
Brand	Eagle	James	Mondell
Briggs	Echols	Jefferis	Montague
Brinson	Edmonds	Johnson, Ky.	Moon
Brooks, Ill.	Elliott	Johnson, Miss.	Mooney
Browne	Elston	Johnson, S. Dak.	Moore, Ohio
Browning	Evans, Mont.	Johnson, Wash.	Moore, Va.
Brumbaugh	Fairfield	Jones, Pa.	Morgan
Buchanan	Fess	Jones, Tex.	Mott
Burdick	Fitzgerald	Juul	Nelson, Mo.
Burroughs	Fordney	Kearns	Nelson, Wis.
Byrnes, S. C.	Foster	Keller	Newton, Minn.
Byrns, Tenn.	Freeman	Kelly, Pa.	Nichols, Mich.
Campbell, Kans.	French	Kennedy, R. I.	O'Connor
Campbell, Pa.	Gallivan	Kiess	Ogden
Candler	Gandy	Kincheloe	Oldfield
Cannon	Gard	King	Oliver
Cantrill	Garner	Kinkaid	Osborne
Caraway	Garrett	Kitchin	Overstreet
Carss	Goodall	Kleczka	Padgett
Carter	Gould	Kraus	Park
Chindblom	Graham, Ill.	Lampert	Parrish
Christopherson	Green, Iowa	Langley	Pell
Clark, Mo.	Greene, Mass.	Lanham	Platt
Cleary	Griest	Lankford	Pou
Coady	Griffin	Larsen	Purnell
Cole	Hadley	Layton	Quin
Collier	Hardy, Colo.	Lazaro	Radcliffe
Cooper	Hardy, Tex.	Lea, Calif.	Raker

Ramsey	Sanders, N. Y.	Summers, Wash.	Watson, Va.
Ramseyer	Saunders, Va.	Sweet	Webster
Randall, Calif.	Scott	Swope	Welling
Randall, Wis.	Sears	Taylor, Colo.	Welty
Reed, N. Y.	Siegel	Temple	Whaley
Reed, W. Va.	Sinnott	Thomas	Wheeler
Ricketts	Slemp	Tillman	White, Kans.
Robinson, N. C.	Small	Timberlake	Williams
Robsion, Ky.	Smith, Idaho	Tincher	Wilson, Ill.
Rodenberg	Smith, Mich.	Tinkham	Wilson, La.
Rogers	Smithwick.	Towner	Wilson, Pa.
Romjue	Steagall	Upshaw	Woods, Va.
Rose	Stedman	Venable	Woodyard
Rouse	Steele	Vestal	Yates
Rowe	Steenerson	Vinson	Young, N. Dak.
Rubey	Stephens, Miss.	Voigt	Young, Tex.
Rucker	Stevenson	Walters	
Sanders, Ind.	Strong, Kans.	Wason	
Sanders, La.	Strong, Pa.	Watkins	

NAYS—4.

Connally	Evans, Nev.	Luce	Walsh

ANSWERED "PRESENT"—1.

Booher.

NOT VOTING—157.

Ackerman	Frear	McKenzie	Sabath
Andrews, Md.	Fuller, Ill.	McKeown	Sanford
Anthony	Fuller, Mass.	McKinley	Schall
Bacharach	Gallagher	McKinley	Scully
Bankhead	Ganly	McLaughlin, Nebr.	Sells
Barkley	Garland	McPherson	Sherwood
Bee	Glynn	MacGregor	Shreve
Bell	Godwin, N. C.	Maher	Sims
Benson	Goldfogle	Major	Sinclair
Bland, Mo.	Good	Mann	Sisson
Britten	Goodwin, Ark.	Mason	Smith, Ill.
Brooks, Pa.	Goodykoontz	Mays	Smith, N. Y.
Burke	Graham, Pa.	Mead	Snell
Butler	Greene, Vt.	Merritt	Snyder
Caldwell	Hamill	Miller	Stephens, Ohio
Carew	Hamilton	Moore, Pa.	Stiness
Casey	Harrison	Moores, Ind.	Sullivan
Clark, Fla.	Haskell	Morin	Sumners, Tex.
Classon	Heflin	Mudd	Taylor, Ark.
Copley	Hernandez	Murphy	Taylor, Tenn.
Costello	Howard	Neely	Thompson
Crago	Hull, Iowa	Newton, Mo.	Tilson
Crisp	Husted	Nicholls, S. C.	Treadway
Currie, Mich.	Ireland	Nolan	Vaile
Dempsey	Jacoway	O'Connell	Vare
Dent	Johnston, N. Y.	Olney	Volstead
Donovan	Kahn	Paige	Ward
Dooling	Kelley, Mich.	Parker	Watson, Pa.
Drane	Kendall	Peters	Weaver
Dunn	Kennedy, Iowa	Phelan	Webb
Dyer	Kettner	Porter	White, Me.
Eagan	Kreider	Rainey, H. T.	Wingo
Ellsworth	LaGuardia	Rainey, J. W.	Winslow
Emerson	Lesher	Rayburn	Wise
Esch	Lufkin	Reavis	Wood, Ind.
Ferris	McAndrews	Reber	Wright
Fields	McArthur	Rhodes	Zihlman
Fisher	McClintic	Riddick	
Flood	McCulloch	Riordan	
Focht	McFadden	Rowan	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. KNUTSON with Mr. BELL.

Mr. SHREVE with Mr. MCANDREWS.

Mr. MCARTHUR with Mr. SISSON.

Mr. MCPHERSON with Mr. MAJOR.

Mr. TREADWAY with Mr. BOOHER.

Mr. TAYLOR of Tennessee with Mr. MEAD.

Mr. HASKELL with Mr. MCCLINTIC.

Mr. NEWTON of Missouri with Mr. CASEY.

Mr. KENNEDY of Iowa with Mr. HOWARD.

Mr. DEMPSEY with Mr. SHERWOOD.

Mr. PETERS with Mr. BLAND of Missouri.

Mr. VOLSTEAD with Mr. FIELDS.

Mr. WARD with Mr. FERRIS.

Mr. HULL of Iowa with Mr. LESHER.

Mr. SELLS with Mr. BANKHEAD.

Mr. SMITH of Illinois with Mr. PHELAN.

Mr. WATSON of Pennsylvania with Mr. EAGLE.

Mr. WHITE of Maine with Mr. DRANE.

Mr. COPLEY with Mr. SUMNERS of Texas.

Mr. BURKE with Mr. WEAVER.

Mr. BUTLER with Mr. TAYLOR of Arkansas.

Mr. TILSON with Mr. MAYS.

Mr. STEPHENS of Ohio with Mr. NICHOLLS of South Carolina.

Mr. ACKERMAN with Mr. WRIGHT.

Mr. ANTHONY with Mr. WISE.

Mr. BACHARACH with Mr. WINGO.

Mr. IRELAND with Mr. KETTNER.

Mr. SNELL with Mr. OLNEY.

Mr. KREIDER with Mr. HEFLIN.

Mr. WINSLOW with Mr. DOOLING.

Mr. FULLER of Massachusetts with Mr. RIORDAN.

Mr. GREENE of Vermont with Mr. MCKINLEY.

Mr. HAMILTON with Mr. MCKEOWN.

Mr. COSTELLO with Mr. SULLIVAN.

Mr. KAHN with Mr. DENT.

Mr. DUNN with Mr. SCULLY.

Mr. MOORE of Pennsylvania with Mr. GALLAGHER.

Mr. MORIN with Mr. CRISP.

Mr. MUDD with Mr. CLARK of Florida.

Mr. CRAGO with Mr. SMITH of New York.

Mr. VAILE with Mr. FLOOD.

Mr. MCFADDEN with Mr. HARRISON.

Mr. MCKENZIE with Mr. HAMILL.

Mr. PORTER with Mr. BENSON.

Mr. MERRITT with Mr. GANLY.

Mr. SNYDER with Mr. O'CONNELL.

Mr. MCKINLEY with Mr. GOODWIN of Arkansas.

Mr. MCLAUGHLIN of Nebraska with Mr. GOLDFOGLE.

Mr. GARLAND with Mr. RAYBURN.

Mr. CURRIE of Michigan with Mr. SIMS.

Mr. MANN with Mr. GODWIN of North Carolina.

Mr. VARE with Mr. FISHER.

Mr. WOOD of Indiana with Mr. DONOVAN.

Mr. GOOD with Mr. JOHN W. RAINEY.

Mr. GRAHAM of Pennsylvania with Mr. MAHER.

Mr. NOLAN with Mr. CAREW.

Mr. FREAR with Mr. SABATH.

Mr. FULLER of Illinois with Mr. ROWAN.

Mr. KELLEY of Michigan with Mr. JOHNSTON of New York.

Mr. KENDALL with Mr. JACOWAY.

Mr. REAVIS with Mr. BEE.

Mr. GLYNN with Mr. HENRY T. RAINEY.

Mr. SANFORD with Mr. BARKLEY.

Mr. BROOKS of Pennsylvania with Mr. WEBB.

Mr. STINESS with Mr. NEELY.

Mr. PAIGE with Mr. CALDWELL.

The result of the vote was announced as above recorded.

On motion of Mr. ANDERSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PORTER, indefinitely, on account of the serious illness of Mrs. Porter.

To Mr. DONOVAN, indefinitely, on account of committee work with the War Expenditure Committee.

To Mr. GOODYKOONTZ, indefinitely, on account of sickness.

OPERATION OF TRANSPORTATION BUSINESS.

Mr. WEBSTER. Mr. Speaker, at the request of the managers on the part of the House I present a conference report on the bill S. 641, an act to amend section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918, for printing under the rule.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 641) to amend section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19; and agree to the same.

JOHN J. ESCH,
E. L. HAMILTON,
Managers on the part of the House.

ALBERT B. CUMMINS,
ROBERT M. LA FOLLETTE,
Managers on the part of the Senate.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Missouri asks unanimous consent to address the House for three minutes. Is there objection?

Mr. WALSH. Reserving the right to object, what is it about?

Mr. CLARK of Missouri. To give you some information about the origin of cold storage, a great historical fact.

The SPEAKER. Is there objection?

There was no objection.

Mr. CLARK of Missouri. Mr. Speaker, I think the debate that has just closed on cold storage is one of the most futile that ever took place in the House of Representatives. I do not think the subject of cold storage should be permitted to pass out of the House without everybody knowing or having their memories refreshed as to who invented it. It was Lord Bacon, who possessed the most powerful brain ever housed in a human skull, and if these beef packers and fruit packers had any gratitude, they would put up a monument to him as high as Washington's.

When he was a very old man, driven from power, disgraced, one snowy day he was traveling along a road in a gig and this idea of preserving fresh meat by the use of ice popped into his head. He got down, bought a chicken, killed it, and stuffed it with snow with his own hands. He was old and feeble, and it caused him to have a cold and a chill and he died in about three days. In the last letter he ever wrote he said, "My fingers are so stiff that I can hardly hold the pen, but the experiment of the fowl and the snow succeeded excellently well." [Applause.]

EXTENSION OF REMARKS.

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all gentlemen in the House have three legislative days in which to extend their remarks in the RECORD on the bill just passed.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that all Members have three legislative days to extend their remarks in the RECORD on the bill just passed. Is there objection?

There was no objection.

DUTY ON MAGNESITE ORE.

Mr. FORDNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5218. And pending that motion, I wish to ask the gentleman from North Carolina how much time he would like to have for general debate?

Mr. KITCHIN. How much time does the gentleman want on that side?

Mr. FORDNEY. I have application for three hours and a half.

Mr. KITCHIN. We do not want more than an hour and a half on this side. Are you going to limit it to the bill?

Mr. FORDNEY. No; I think not. There are a few who want to talk upon other matters.

Mr. KITCHIN. I think in the interest of time we ought not to have more than two hours on a side.

Mr. FORDNEY. I have requests for three hours and a half on this side.

Mr. KITCHIN. I am so anxious to facilitate legislation on these measures that I am willing to cut out these speeches on our side on extraneous matters if the gentleman from Michigan is willing to do it as far as his side is concerned, and let us get down to business.

Mr. FORDNEY. I will talk about nothing else except the bill.

Mr. KITCHIN. Can not we let them have 30 minutes on a side on extraneous matters?

Mr. FORDNEY. I will say 50 minutes on this side. I have a request for that time, but I do not know what the gentleman wants to talk about.

Mr. KITCHIN. Make it two hours and a half on a side, and if necessary at the end of that time we will make other arrangements.

Mr. FORDNEY. We can let it run along with the understanding that at the end of five hours we can agree on closing general debate. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina may control one half the time and I control the other half.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the gentleman from North Carolina control one half the time and the gentleman from Michigan the other half. Is there objection?

There was no objection.

The motion of Mr. FORDNEY was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. ANDERSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5218, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 5218) to provide revenue for the Government and to establish and maintain the production of magnesite ores and manufacture thereof in the United States.

Mr. FORDNEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. FORDNEY. Mr. Chairman, I yield 25 minutes to the gentleman from Washington [Mr. HADLEY]. [Applause.]

Mr. HADLEY. Mr. Chairman, as indicated by the reading of the title, this bill contemplates a tariff on importations of various classes of magnesite, crude and manufactured. In order to understand the actual necessities which are controlling in the presentation of the bill it is necessary to have some general knowledge of the history and environment of the magnesite industry. I desire to say at the outset, for the information of any who may not be fully informed regarding it, that the term "magnesite" is entirely distinguishable from manganese. To-day some one brought to my attention the fact that some gentlemen have been under the impression that this bill relates to the subject of manganese. The fact is that it has no relation whatever to that subject. Manganese, as I understand it, is used as an alloy in the manufacture of steel and enters into the necessary constituency of the product. Magnesite is used for lining metallurgical furnaces and is not an alloy at all. There is no relation between the two subjects. Perhaps the scientific definition of magnesite should be stated. It is somewhat technical, and I will present the statement as contained in the hearings as made by the Bureau of Mines, or by the representative of that bureau, which is as follows:

The mineral magnesite ($MgCO_3$) is a carbonate of metallic magnesium and is a nonmetallic mineral about three times as heavy as water. One of its most notable qualities is its refractoriness; that is, resistance to high temperatures without fusion. There are two varieties, the crystalline and the amorphous. Both are found in the United States, the former in Stevens County, Wash., and the latter in many parts of California.

When calcined or burned, carbonic acid or carbon dioxide gas (CO_2) is driven off and the oxide of magnesium (MgO), which is also known in the trade as magnesite, is left. The latter substance is unquestionably the best material for lining open-hearth steel furnaces, and 90 per cent and possibly more is used for this and other refractory purposes, as in electric furnace linings and in copper and lead furnaces. The crystalline variety appears to be particularly well adapted to this use.

Magnesite is also mixed with various other ingredients, among which are wood, flour, cork, asbestos, silica, talc, coloring material, and magnesium chloride, and used in the form of Sorel cement in the plastic-flooring trade.

It is estimated by the several bureaus which appeared before the committee—and I might say that testimony was adduced upon the part of the Tariff Commission, the Bureau of Mines, and Geological Survey—that there is an available quantity in sight in the United States of 8,000,000 tons of this commodity. Of course there is no accurate or certain knowledge as to the scope and extent of these deposits further than that they have been measured, so far as those in sight are concerned, by taking their dimensions in the different localities where the deposits are found. It is believed and stated by the several bureaus that it is their view that other deposits will be located, and these deposits which have been defined probably have not been fully measured, since in the original exploratory work the depths ascertained and drill holes have not revealed it all. Prior to the war we produced very little magnesite in the United States, indeed. There had been a small amount produced for a number of years, but as late as 1913, the year immediately preceding that in which the European war began, the domestic production was only 9,632 tons. In 1917 we produced 316,000 tons. As the war came into full swing in Europe the demand increased here and the foreign supply was cut off. Increased production was noticeable at once, rising year by year, I think, to some thirty thousand and odd tons in 1915, and in 1916 to 154,000 tons in round numbers; and, as I said, in 1917, at the peak of production, to as much as 316,000 tons. Before the war we produced about 3 per cent of our present requirement in this country. At the close of the war we produced all of our requirement. The testimony of everyone who has appeared before the committee on the point has indicated that the requirements of the country were not only fully met in time of war but that the domestic supply is ample and adequate to meet the requirements in time of peace or war.

When we entered the war in 1917 the foreign importation was cut off. Prior to the war we had relied almost entirely upon Austria for our supply of magnesite. As indicated in the definition read, and in other testimony at the hearings, this is

an absolute essential for refractory purposes in the manufacture of steel and other metals requiring the lining of metallurgical furnaces. Therefore, when the war came and it was necessary to speed the production and manufacture of steel, it became vitally necessary to increase the production of magnesite. We had not produced it for refractory purposes. Immediately a call went out to the country, to the far West, where known deposits were, for production. They had no machinery, they had no adequate mills, no kilns, but they provided such facilities as they could, equipped the known mines, and began to produce and ship the raw material to the East, at first, where it was calcined at the brickmaking establishments on the eastern coast. The bricks were furnished in due course to the steel producers or manufacturers. By and by some of the western producers were able to secure kilns of their own. There were some upright kilns, and later some secured the rotary kilns, and gradually they began to produce dead-burned magnesite in required amounts until in the last analysis they met fully the demands of the steel-manufacturing trade. And so, during the war, this industry gradually developed into a self-sustaining position so long as the importations were cut off, but it is anticipated that as soon as normal conditions are restored those importations will come again. Ninety-six per cent of the material used in the United States before the war was imported, and of that 95 per cent was imported from Austria. The Austrian supply will be due to arrive again the moment normal conditions obtain in this country and in the world; and the testimony is conclusive before the committee that the producers of this country can not compete without protection with the importations from Austria.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. HADLEY. I will.

Mr. SMITH of Michigan. What duty, if any, did it carry before the war or does it carry now?

Mr. HADLEY. There was no duty; it was on the free list, except an advalorem duty on the brick of which I will speak, the manufactured brick, but the crude material and calcined material carry no duty under existing law.

Now, the American producers not only learned how to produce the material but they learned how to make a good quality of material. Some question was raised at the hearings as to the quality of the material, whether it was as good as that produced in Austria. It appeared that the Austrian product has a composition of iron. They learned that the deposits in Washington contained substantially the identical elements that were found in the Austrian material.

The magnesite deposit in Washington was unknown as such before the war. When they called upon the West for material, prospectors were sent out, and they lined the hills and mountains of the West and discovered this deposit in the State of Washington, which before had been used as building material—used as limestone. It developed that it is a first-class quality of magnesite, and it was mined, manufactured, and used all through the war for refractory purposes. It also developed that it possessed slightly less iron than the Austrian product, and, having learned that, they developed the process of mixing an additional quantity of iron with the material in the process of burning, so that it became the equivalent of the Austrian product.

In that respect it is similar to the development of the cement industry. It will be remembered that for many, many years we depended upon England and Germany for our source of supply of Portland cement. We had a little knowledge of the natural cement rock in three or four States of this country, but it could not compete with the foreign cement. Although the same elements were in the rock as in the foreign material, they had not ascertained a process by which to manufacture the same class of cement as that from abroad. By and by they developed that process, and a protective tariff was placed on imported cement, with the result that instead of a production of 7,000,000 barrels in the year 1890, before we had the tariff, in 1917 we produced more than 90,000,000 barrels. While the production has gone up, the importations have ceased, and as the production has increased the prices have fallen. It is an analogous situation to the one that is presented here. Western producers have learned how, by the synthetic process, to amalgamate the iron with the raw material so as to produce a first-class quality of magnesite, and are able to-day to compete as to quality with any magnesite that is produced in the world.

Now, the great quantities in California are not all of that class. There are two mines in California that produce ferromagnesite, containing the iron. The same quality of material is produced in Austria. There are two in Washington. There are others in California that produce a class of material that is susceptible, upon the mixing of the iron, of combination into the same class of material as the natural ferromagnesite. That is substantiated by a statement contained in a pamphlet just issued on the 16th of this month on the mineral resources of the United States, 1918, Department of the Interior, United States Geological Survey. I read from the bulletin, on page 146:

> Two properties in the State, one in Napa County and one in Sonoma County, have natural ferromagnesite ore, which has been found satisfactory to use in refractory products, such as furnace lining and bricks. Magnesite from other California mines has been used for the same products by adding a small quantity of iron. California magnesite, as a rule, is preferred over Washington magnesite for plastic uses, because it burns whiter.

Now, on page 150, this publication states:

> During the last three years a very large part of the California magnesite has been used for refractory purposes, and it is worthy of note that the entire output of the White Rock mine in Napa County, the largest producer in the State in 1918, is used by the Pacific coast steel plants in their basic open-hearth and electric furnaces. The Refractory Magnesite Co.'s mine at Preston likewise yielded a natural ferromagnesite which was made into refractory brick at Stockton and used by smelters in California and Utah. The natural ferromagnesite of these two mines has made California a reputation for magnesite suitable for refractory as well as for plastic purposes. Whether the amorphous magnesite of California and the crystalline magnesite of Washington are equally suitable for refractory uses, in spite of claims for each, is a question which has arisen, but, so far as the survey knows, has not been answered with incontrovertible evidence. From the little evidence in hand it would seem that technically they may be of equal value and that choice between them is based on results of calcination, difference in cost delivered to consumer, and time required for receipt of shipments.

I read that statement from the Geological Survey because at the hearings the impression was made to obtain to some extent that the California material was useful only for the purpose of the plastic trades and not for refractory purposes, and that therefore the company which had been producing it so extensively in Washington from the first-class material would be in a position to create and control a monopoly of the business.

Mr. YOUNG of North Dakota. Will my colleague state when that statement was made by the Geological Survey?

Mr. HADLEY. The statement I have just read?

Mr. YOUNG of North Dakota. Yes.

Mr. HADLEY. It is contained in a pamphlet entitled "Mineral Resources of the United States, 1918," published September 16, 1919.

Mr. YOUNG of North Dakota. Long enough afterwards——

Mr. HADLEY. Published two months after the hearings on this bill.

Mr. RAKER. Will the gentleman yield right there?

Mr. HADLEY. Certainly.

Mr. RAKER. What action has the Tariff Commission taken on the subject? Have they made a report to the Committee on Ways and Means from which the committee acted?

Mr. HADLEY. A representative of the Tariff Commission appeared before the committee, was there practically throughout the hearings, and testified fully. His testimony will be found in the hearings. I refer to Mr. Riddell, representing the commission.

Mr. RAKER. Did the entire Tariff Commission take the matter up and agree to this rate as specified in the bill?

Mr. HADLEY. They sent to the committee one representative, who testified before the committee. They did not testify as to the rates, if the gentleman is asking about that. They only testified upon the character of the material, the quantity and quality, and those matters concerning which they had compiled information.

Mr. RAKER. Did they also give evidence as to the cost of production abroad and the question of transportation across here?

Mr. HADLEY. So far as they had information. I will come to the cost of production.

Mr. RAKER. I do not want to interrupt the gentleman. I wanted to know if the committee had gone into it.

Mr. HADLEY. I want to speak further about this matter of quality, inasmuch as so many things have been said regarding the quality. I know that some circularization has occurred, and I think it would be proper to refer to some things that were inserted in the course of the hearings and some that were presented after the hearings.

In the course of the hearings Dr. Manning, of the Bureau of Mines, appeared on the 17th of July, and he introduced into the RECORD a letter in response to one that he had written to the largest brick manufacturer in the United States—that is, the largest manufacturer of magnesite brick—on the question of quality, and, among other things, it contains this statement——

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HADLEY. Mr. Chairman, I will have to ask for more time.

Mr. GREEN of Iowa. I yield to the gentleman five minutes. I would like to ask the Chairman if there is not some mistake

about the counting of the time. It does not seem to me that the gentleman has occupied 25 minutes.

Mr. HADLEY. I can not cover this subject in any such time as this. I will require at least 15 minutes.

Mr. FORDNEY. Mr. Chairman, I yield to the gentleman 15 minutes.

The CHAIRMAN. The gentleman from Washington is recognized for 15 minutes.

Mr. HADLEY. It contains this statement as to the quality of the Washington magnesite as compared with Austrian magnesite:

As to the quality of the Washington magnesite in comparison with the Austrian magnesite, we have substituted it for the Austrian materials for every purpose for which we have used or sold the Austrian magnesite, either in the manufacture of steel, copper, or other metals. We believe it is impossible to make an exact comparison between the Washington and the Austrian magnesite, and can see no conclusive evidence that the Washington is inferior to the Austrian. Some of the largest consumers of magnesite for steel making have told us that the Washington magnesite as now produced is as good as the Austrian. Records made during the past few years can not be absolutely relied upon unless it is known precisely what material was used in the manufacture. Brick have only been manufactured exclusively from Washington magnesite since the middle of 1918, and there were considerable stocks of older material on hand to be worked up.

One statement, selecting merely one class from each class of persons interested, is found in the hearings in a letter addressed to Mr. FORDNEY, chairman of the committee, by the Metal & Thermit Corporation, of New York. Selecting a short extract from that statement, on page 208 of the hearings, I read as follows:

METAL & THERMIT CORPORATION,
New York, June 21, 1919.

Hon. JOSEPH W. FORDNEY,
Chairman Ways and Means Committee, Washington, D. C.

* * * * * * *

We consider the conditions under which we use magnesite to be severer than the conditions under which magnesite is used by the steel companies in their open-hearth furnaces, as in our process magnesite has to withstand a heat in excess of 5,000° F. and a severe wearing abrasive action due to the flow of steel and slag.

Previous to the war we used Austrian magnesite, and, as explained in our article, we had a great deal of trouble in the early part of the war to obtain a proper magnesite, but now frankly state that the domestic magnesite we now obtain and use is equal or superior to the Austrian magnesite which we used before the war.

This is brought to your attention so that you may know all the facts in reference to magnesite.

Yours, very truly,

METAL & THERMIT CORPORATION,
FRED W. COHEN,
Assistant General Manager.

Then inclosed is a statement to the same effect, appearing at page 209 of the hearings, which they published several months before this bill was introduced in a publication known as "Reactions." I might quote also from other communications received, not only from the steel men, but from the plastic trade and others interested in the question of quality, but the limited time I have at my disposal will not permit.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. HADLEY. Yes.

Mr. CANNON. The gentleman was born, as I understand, in Park County, Ind., just adjacent to Fountain County?

Mr. HADLEY. Yes.

Mr. CANNON. Before the war it was said that over in Fountain County they had found a substance that would make brick that would bear with impunity a large amount of heat. They established a brickyard at my town of Danville, in Vermilion County, or near there, and shipped that product over to the brickyard. It did not do a great deal of good, but there was the plant, and during the war, my understanding is—although I can not speak exactly about it—that that brickyard turned out a large amount either of magnesite or of brick that was far superior to fire brick. But my understanding is—and I presume it is correct, although I never was at that brickyard—that since the war closed that brickyard has closed, and I think, if I recollect aright, that somebody in Pittsburgh who had a factory bought that brickyard and possibly owns it now. But I think it is not being operated. Does the gentleman know anything about the deposit of magnesite in Fountain County, Ind.?

Mr. HADLEY. I do not. The gentleman's statement, however, is very interesting.

Now, I spoke of the fact that some point had been raised as to whether there was a possibility of a monopoly, and when I have disposed of that point in a few words I will come to the consideration of the rates. The largest producer owns one-eighth of the total known deposits in the country, and one-eighth only, and this company has never produced to exceed more than approximately one-third of the output. In California a statement just issued in this publication, "Magnesite in 1918," by the Geological Survey, shows the production in 10 counties of that State. I have already referred to the extensive mining districts in that State. There were 65 producing companies in California in 1917, and this company to which reference has been made has no interest, as the record shows, in any producing mine in the State of California. A company that has only one-eighth of the raw material and has never produced to exceed more than one-third of the output, and is competing with many going concerns in the State of California when the conditions permit them to operate, has no opportunity to create or control a monopoly.

The bill as reported by the committee provides for three classes of rates: One-half cent a pound on commercial ore; three-fourths of a cent a pound on magnesite calcined, dead-burned and grain; and three-fourths of a cent a pound on magnesite brick and 10 per cent ad valorem. After very full hearings before the committee and thorough consideration in subsequent sessions, the committee reached the conclusion that these rates were necessary and for the time perhaps adequate, in its best judgment, for the protection of the industry.

Briefly, then, with respect to these classes of material, it costs on the average $25.13 at the mines to produce the dead-burned material on the Pacific coast. It costs $16.07 to transport it to the point of distribution on the eastern coast, or $41.20 per ton delivered at the site of consumption and distribution.

I am speaking of dead-burned magnesite, and in order to classify the material more fully I may state that the raw material when burned down to the point where from 2 to 4 per cent of gas remains is then suitable for the plastic trade. If it be taken out and used for that purpose, it is plastic-trade material; but if it is desired to use it for a refractory purpose, it is further burned to the point of the expulsion of all the gas as nearly as possible, usually leaving perhaps about one-half of 1 per cent. But at that point it is known as dead-burned material. In its use for plastic purposes some gas must be retained, because it must be sufficiently active so that when combined with the liquid which is used in combination with it for flooring and plastic purposes generally it must have the gas sufficient for chemical action so as to combine properly and adhere or set. But when the gas is driven off as nearly as possible, it is then inert and inactive, and is called dead-burned magnesite.

So in the first classification of the bill we have the rate on the crude material. In the second we have the rate on the dead-burned or calcined magnesite, and in the third subdivision we have the rate on brick. The reason for providing the rate on brick in addition to the ad valorem rate is that a specific rate is necessary, because if we have a rate adequate upon the dead-burned material it will not be protected unless there is a sufficient rate upon imported brick. Otherwise they could manufacture the brick abroad, import it, break it up, and have dead-burned magnesite free, because the brick consists of nothing more nor less than dead-burned magnesite pressed together with water.

As to the comparative cost, we know the cost of producing the material in this country. Sworn statements of cost were filed with the committee by at least six of the producing companies, two in Washington and four in California. We also know what the prewar cost was at the Atlantic seaboard on the importation of Austrian magnesite. It was about $16 a ton. Therefore if the present cost, transportation included, of domestic magnesite be compared with that of prewar Austrian magnesite at the Atlantic seaboard, the difference between $41.20 and $16 and some cents represents the differential which would be required if these standards of comparative cost were maintained after the war, or $25 a ton. This bill was introduced upon the theory that the cost in Austria would fall to the point where in comparison with the large increase in wages that we have had in this country that differential would continue to obtain.

The committee were unable to secure a statement as to the exact foreign cost at this time. The House will appreciate the difficulty of securing information of that kind at present, but we do know that a quotation has been made on Austrian magnesite of $26.50 on the dead-burned material at the Atlantic seaboard, and it costs $41.20 to lay it down there from our western mines. That makes a differential at the moment of $14.70, and the committee have recommended a tariff of $15 a ton, which covers that difference. And yet the transportation rate of $7.50 fixed by the Shipping Board for the emergency fleet vessels to carry returning ballast to this country from abroad is not the rate which is going to obtain in normal times. Transportation rates will be less, and this brings up the subject of freights. Some discussion arose in the course of the hearings as to whether freight should be properly included as an element of cost in a matter of this character. Upon that subject I desire

to make this statement. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has three minutes remaining.

Mr. HADLEY. May my time be extended five minutes?

Mr. FORDNEY. Yes. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. HADLEY. The rates reported take into consideration in part only the element of freight as an item of cost. In the case of this essential war industry, if it should become necessary upon full developments as to costs, both here and abroad, to treat all domestic freight as an item of cost, I know of no sufficient reason why that should not be done. The material is on the Pacific coast. The chief points of consumption are on the Atlantic coast. Distribution must occur at the seat of manufacture. It must always be borne in mind that the industry in question is essential in peace and indispensable in war. The case presents a distinction between an essential war industry and an ordinary commercial peace-time industry. Whatever may be said of freight as an element of cost, as a general policy, that is beside the issue here. The question is national and not local. A sound and safe national policy demands that America be always self-reliant and independent with respect to war materials and war munitions. That premise seems too obvious to require comment or argument. Yet it is lamentably true that on the declaration of war against Germany the United States was practically dependent upon Germany's friend and ally, Austria, for this war mineral, and only a little later we found ourselves actually at war with Austria herself, a situation most deplorable and dangerous. To permit its recurrence is unthinkable. To maintain such a key industry every legitimate and necessary element of cost at the point of distribution and consumption should be included in determining the differential on which import duties are to be predicated. The differential in costs consists mainly in the difference in the amount paid for labor in the United States and in Austria, plus the difference in the cost of transportation. American labor receives an average of about 70 per cent of production cost and about 54 per cent of the amount paid for transportation. It would indeed be an ill return to the splendid record of our western producers if by any error now in measuring the necessary protection for the magnesite industry, to insure its survival, we should permit it to perish, throw out of employment hundreds of American laborers, destroy American war-time investments from which no profits have yet been withdrawn, send American money abroad to employ foreign labor, and rob American railroads of millions of dollars in freights.

Mr. RAKER. Mr. Chairman, will the gentleman yield? He is familiar with this subject and his statement is very instructive.

Mr. HADLEY. Just for a question. I have not much time left.

Mr. RAKER. What is the attitude of the eastern manufacturers in regard to this legislation?

Mr. HADLEY. I will predicate this statement upon the attitude of one brick manufacturer who owns a deposit of magnesite in Austria and who was operating there before the war. This manufacturer appeared before the committee and opposed the bill. Two or three competing manufacturers, larger than that one, I understand, did not appear and have not opposed the bill. So far as the steel companies are concerned, they have not appeared before the committee, so far as I have any recollection, and I have no knowledge that they are opposed to the bill. If they are, I do not know it.

If I had had time to detail it, I would have discussed the amount of freight for railroad transportation, $3,000,000 annually during the war; and I would have gone into the amount invested in this industry, $1,000,000 in one plant, $1,000,000 in another, and $1,500,000 in others, or $3,500,000 in all.

Mr. TIMBERLAKE. Will the gentleman yield?

Mr. HADLEY. Yes; for a question.

Mr. TIMBERLAKE. I hope the gentleman from Washington will not hesitate to reply to interrogatories on account of lack of time. I believe he should be accorded full time to enlighten the House upon this measure.

Mr. HADLEY. I will be glad to do so, if I can get the time.

Mr. TIMBERLAKE. I recognize that in the time allotted to him he hesitates to yield. I think the chairman of the committee will be willing to assure the gentleman that he may have all the time he desires.

Mr. RAKER. If the gentleman will yield, I wish to say that in his replies to my questions he has been exceedingly kind. I thought a little bit more so than some others, because sometimes when gentlemen get the floor they will not yield for anything; but the gentleman from Washington has been very kind, and has not only been ready to yield, but to give the House information. I compliment him upon his splendid attitude in relation to the matter.

Mr. HADLEY. I will be very glad to yield to any gentleman if I have the time.

Mr. BARBOUR. Will the gentleman yield for a question?

Mr. HADLEY. I yield to the gentleman.

Mr. BARBOUR. A little while ago the gentleman mentioned the cost of production in this country and in Austria, and he mentioned as one of the elements of the differential the difference in the cost of labor. Is the gentleman prepared to state to the House what is the difference in the labor cost? What are the prevailing wages of the miners and laborers on the Pacific coast in this country, and in Austria?

Mr. HADLEY. The going wages for a common laborer in the magnesite industry on the Pacific coast during the war was $4 a day, and from that up to $10 for skilled labor. It is $4.50 to-day, having advanced 50 cents since the armistice. So far as the rate of wages in Austria is concerned the committee has no definite information upon the present going rate. They do know that the wages in Austria were not in any way comparable with the wages here before the war. The highest rate of wage that I heard mentioned in the testimony before the committee was suggested by a witness on behalf of the American Refractory Co., operating a mine in Austria, and it was stated that the wage was $1.10 a day, while some statements indicated that it was 50 cents a day, and a less rate for women workers.

Mr. BARBOUR. Will the gentleman yield?

Mr. HADLEY. Yes.

Mr. BARBOUR. Is the gentleman familiar with the statement issued by the Bureau of Mines that where the wages were discussed that men employed in the magnesite mines got 40 and 50 cents, and the women 20 cents a day?

Mr. HADLEY. Current wages or prewar wages?

Mr. BARBOUR. Current wages; at the present time.

Mr. RAKER. One other question: As a matter of fact, with the rates now and for some time past there has been no importation of magnesite from Austria, has there?

Mr. HADLEY. None since prior to the war.

Mr. RAKER. From the hearings it appears that all the magnesite has to come through Fiume, and Fiume is in difficulty, is it not?

Mr. FORDNEY. In August there were 900 tons came in from Austria.

Mr. RAKER. Notwithstanding the war conditions?

Mr. FORDNEY. Yes.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. HADLEY. I would like 10 minutes more.

Mr. FORDNEY. Mr. Chairman, I yield 10 minutes more to the gentleman from Washington.

Mr. OSBORNE. Will the gentleman yield?

Mr. HADLEY. Yes.

Mr. OSBORNE. Was it not brought out in the hearings that magnesite is brought back here as ballast in our ships that were sent over with food? They bring it back as ballast at nominal rates. That was brought out in the hearings.

Mr. RAKER. One other question: Through what method and what means are you able to secure information as to the cost of labor in Austria within the last four years? We want the facts.

Mr. HADLEY. I stated that the committee labored under difficulty in being able to secure information as to the current cost of production during the war in Austria. But we know what the cost was before the war, and we know a quotation has been made on magnesite at the Atlantic ports since our hearings which would require the differential of rates in this bill on dead burned magnesite to meet it. I am informed, upon information which I believe to be reliable but which I have not been able to verify, that rates much lower than the rates named by the Shipping Board have already been made for shipments to this country within the last month or two, and that a rate less than that named by the Shipping Board on magnesite is likely to be made if application is made for transportation.

Mr. RAKER. If the gentleman will permit, nobody wants to give any misinformation to the House or the country. I put the question if within the last two and a half years mining wages have not gone from $2.50 to $8 a day?

Mr. HADLEY. I have stated that the wages in the magnesite industry were from $4 to $10.

Mr. RAKER. Is it not fair to presume that wages in European countries have increased in proportion to the wages here, if not a great deal more?

Mr. HADLEY. I have no doubt that they have increased to some extent, but I do not believe that any country in which the

kronin has decreased in value from 20 cents to 2 cents—I do not believe that under that depreciated state of currency and under the conditions that the people of Austria were in during the war that the same relative standard of wages will obtain there that obtained here. In other words, that the increase can not be commensurate with the standard we have maintained here following the war.

Mr. FORDNEY. Will the gentleman permit me to answer?

Mr. HADLEY. Certainly.

Mr. FORDNEY. I have information on wages in Germany in the potash mines which was obtained in Germany within less than two months. It would be a fair presumption that wages paid in the magnesite mines in Austria-Hungary would bear some relation to those in the potash mines in Germany. In the potash mines in Germany the wages were 10 cents, or half a mark, an hour before the war. Based on the value of their mark now, which is greatly depreciated, there is a great increase, but on the basis of value of the gold dollar now the wages are 13 or 14 cents an hour where they were 10 and 12 before the war.

Mr. HADLEY. Now, gentlemen, I will finish my statement:

If there was no question of difference in labor costs involved, the fact would still remain that in the case of a cross-continent haul producers can not compete with ballast shipped in sailing vessels from trans-Atlantic ports. Nevertheless, when 90 per cent of the domestic production of magnesite is required for refractory purposes, for the trifling consideration of a few cents added to the cost of a ton of steel, America never should, and I do not believe she ever will, forfeit this heritage to Austria merely because nature has stationed this mineral resource on the shores of one ocean and the laws of trade her manufactories on the shores of another. Between them is one Nation and one people. Within that broad domain America will not penalize any section of this land or any domestic industry in favor of any foreign producers, foreign people, or foreign power.

Whether the magnesite industry of the United States can survive under the rates recommended by the committee time alone can certainly reveal, but there can be no reasonable doubt that without such relief upon return to normal conditions it must inevitably and immediately perish. The proposed duty will add but a few cents to the cost of a ton of steel. It is a matter of little consequence to the consumer. It is a question of great moment to the producer. But above all rises the paramount interest of the public in the perpetuity of a war industry essential to national preparedness for the purpose of national defense.

Practically the only substantial opposition to this bill was that interposed by the American Refractories Co., a domestic manufacturer of magnesite brick made before the war from material produced by its Austrian company, the Austro-American Magnesite Co., from its Austrian mines. It is a significant fact that none of its brick-manufacturing competitors offered any objection. The inability of this company to provide this country with raw material required for war purposes in time of war is a sufficent answer to its protest, which if given effect would now destroy the very industry on which, in common with our country, it relied in war, and would found upon its ruins a servile reliance upon its own Austrian source of supply.

All that the domestic producers ask is that they be sufficiently protected to meet foreign competition on equal, and not on prohibitive, terms. On the basis of such facts as it could ascertain and its best judgment as to future competitive conditions the committee has undertaken by the rates it reported to afford exactly that degree of protection, no more and no less. In the present circumstances it is obvious that a rate too low to insure such protection is the equivalent of no rate at all, and if adopted the calamity it is sought to avert would befall before it could be corrected.

It is the purpose of this bill to protect an American enterprise which furnished a product in time of war vitally essential to the very existence of our Government as against foreign importations which in time of peace suppled the trade and furnished the basis for splendid profits, but which in time of peril could not contribute in the slightest degree to the defense of the country. Such an enterprise has earned the right to live. The country can not afford to permit it to languish or perish. [Applause.]

I now yield to the gentleman from Pennsylvania.

Mr. ROSE. I notice that the gentleman is very anxious to have all the facts brought out before the committee to-day, and I have felt that in order that the committee may be advised as to some objections raised to this bill I would like to present to them a few comments made by Mr. Burke, a former Member of this House, and who is at present attorney for one of the refractory companies——

Mr. HADLEY. Will the gentleman kindly do that in his own time? I yielded for a question, not a statement.

Mr. ROSE. Since the gentleman is familiar with what Attorney Burke has said in the interest of his company, I would like to know what is the answer of the committee to the comments made by him at the hearing?

Mr. HADLEY. That is a general question, which would take another 15 minutes to answer. I will answer specific questions. Those questions will be covered by interrogation under general debate or under the five-minute rule.

Mr. RAKER. Will the gentleman yield?

Mr. HADLEY. I will.

Mr. RAKER. The gentleman's contention is that during the war this material was short, and these people went out and spent their money in a pioneering way to develop this industry, and if these institutions are maintained in time of peace if we have trouble in the future we will have a supply on hand, because it is an absolute necessity in time of war as well as in time of peace?

Mr. HADLEY. That is the gist of the statement. The rates fixed in this bill are necessary to preserve it.

Mr. RAKER. The rates thus fixed will not create a monopoly, but will at the same time permit these western institutions who have put their money in it to maintain this as an American institution?

Mr. ROSE. That is the contention on one side, but it is denied on the other.

Mr. RAKER. I am asking the gentleman from Washington?

Mr. HADLEY. I will say in answer to the interpolation of the gentleman from Pennsylvania, it was denied by the people who were producing Austrian magnesite before the war and nobody else, so far as the record of these hearings are concerned. I do not blame them; they want to leave the field wide open after the war. As I say, I do not blame them for wanting to reenter without the competition here. I do not attribute any sinister purpose; I think they have the right to transact business on such terms if they can, but it is not——

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Just one minute.

Mr. FORDNEY. I yield the gentleman one minute.

Mr. RAKER. Then the gentleman's contention is that if this industry as it now exists was discontinued, we would have to go to foreign countries to get magnesite?

Mr. HADLEY. I have said that several times.

Mr. RAKER. I wanted to get it specifically in the RECORD.

Mr. WELLING. Will the gentleman yield?

Mr. HADLEY. I will.

Mr. WELLING. Before the gentleman sits down will he state how much money is invested in this enterprise?

Mr. HADLEY. It is estimated at $3,500,000—$2,000,000 in the State of Washington and $1,500,000 in the State of California. A million dollars in each of two plants in the State of Washington.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. Mr. Chairman, I yield 15 minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. KITCHIN. Before the gentleman does that will he permit me to yield two minutes to the gentleman from Missouri [Mr. DICKINSON]?

Mr. FORDNEY. Certainly. I will withhold that until the gentleman can yield to the gentleman from Missouri.

Mr. DICKINSON of Missouri. Mr. Chairman, I ask unanimous consent to extend my remarks by printing a short clipping from a newspaper on cheap shoes for export.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by printing a report on cheap shoes for export. Is there objection?

Mr. WALSH. Reserving the right to object, I did not understand the gentleman's request.

Mr. DICKINSON of Missouri. I did not hear the gentleman.

Mr. WALSH. What is the subject of the article?

Mr. DICKINSON of Missouri. The article is on cheap shoes for export.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. DICKINSON of Missouri. Mr. Chairman, under the leave granted, I extend my remarks by printing in the RECORD a clipping from the Urich Herald, a newspaper published at Urich, Henry County, Mo., entitled "Cheap shoes for export."

CHEAP SHOES FOR EXPORT.

A day or two after the published threat of still another jump in the price of shoes an advertisement appeared in the New York Journal of Commerce of 300,000 pairs of men's arctics and 170,000 pairs of men's shoes "ready to ship at once direct from our own factories" for export at prices that excite curiosity. There were, for instance, 59,000 pairs of men's work shoes at $3, "made two full soles, solid leather insoles and counter, solid lift heels." Other work shoes are offered at $2.25, $2.35, $1.80, and $2.50. The highest price quoted is $5.75 a pair for "men's gun-metal calf high-grade shoes." The fair sex is not

forgotten; 2 of the 12 items provide it with kid shoes at $3.25, and "welt oxford and high shoes" at $1.75 a pair.

After all possible allowances are made for retail risk and profit there remains between these export prices and those the American public is forced to pay a gap too wide to be filled by any excuse of trade necessity. Taken in connection with increased profits reported by shoemaking firms to investors, the export figures suggest inescapable alternatives, remarks the New York World. Either these shoes are of a quality that will do American trade no good abroad or people at home are paying too much. (Mosby's Missouri Message.)

Mr. FORDNEY. Mr. Chairman, I yield 15 minutes to the gentleman from New Jersey [Mr. LEHLBACH].

Mr. LEHLBACH. Mr. Chairman, Postmaster General Burleson, in his communication to the Speaker of the House of Representatives, under date of September 24, seems to labor under the misapprehension that he need not furnish the House information it has by resolution requested him to furnish, because in his judgment the committee originally reporting the resolution to the House and recommending its consideration did not have jurisdiction. The Post Office Department, like any other governmental department, is responsible to Congress, which regulates the manner in which it shall function and appropriates the funds necessary. Congress may even go so far as to remove the head of this department if he is guilty of such malfeasance as to justify such condign punishment. And when upon the suggestion that the Postmaster General is guilty of maladministration the House orders him to furnish facts upon which it may base its judgment in the premises, it is his plain duty promptly to furnish them.

The House of Representatives writes its own rules and alone construes them. The Committee on Reform in the Civil Service is vested by those rules with jurisdiction over all matters dealing with reform, that is, change or improvement in the civil service. Its jurisdiction is not limited to the classified civil service. It deals with every employee of the Government who has the status of a civilian. Only the armed forces of the United States are excluded from its jurisdiction. Its jurisdiction embraces the appointment, qualifications, service, tenure, and removal of such civil employees. The Speaker most properly referred the resolution, when it was originally introduced, to this committee and the House acquiesced in the jurisdiction of the committee when it accepted its report. Even should there exist a difference of opinion regarding the jurisdiction of the Committee on Reform in the Civil Service originally and the determination of the House upon it, the action of the House nevertheless is final and the right of review is not vested in even so competent and impartial an authority as Postmaster General Burleson.

In this letter to the Speaker, by means of which Mr. Burleson seeks to camouflage his disobedience of the mandate of the House, he points out that all nominations made since the Executive order of March 31, 1917, have been made in compliance with the terms of that order. This has never been questioned. No one has suggested that he has submitted for appointment persons in direct defiance of the Executive order. The charge is that he has refused in very many instances to submit names in compliance with this order where such compliance would not coincide with his personal or political desires. He admits that there exists at the present time 786 vacancies in postmasterships of the presidential class, which apparently are left unfilled because of his unwillingness in that appalling number of cases to yield obedience to the President. While it was well known that in a number of cases vacancies have been unfilled for a year or more because of the Postmaster General's failure to coerce the Civil Service Commission to change its ratings in compliance with his desires, it was not believed that his contumacy and effrontery had developed to such astounding proportions that 786 of the most important post offices throughout the country are left without permanent appointees to administer them. He speaks of 466 of such cases being still in the hands of the Civil Service Commission. It will be interesting to note, should he eventually comply with the House resolution, how many of these cases are still in the hands of the Civil Service Commission because of rereference by the Postmaster General on the ground that the original ratings were improper.

In my remarks of September 11 advocating the adoption of the resolution, I called attention to the situation in my home city, Newark, N. J., where a first-class post office, serving a population of 400,000, has remained without a permanent head since May 1, 1918, and where the Postmaster General refuses to submit the name of the highest eligible, notwithstanding the fact that the Civil Service Commission has definitively refused to change the rating at the insistence of the Post Office Department.

In the course of my remarks I quoted from the Acting Postmaster General's letter in so far as it was pertinent to the matter at issue. He referred in this letter to the fact that Mr. Bock, the highest eligible, was formerly postmaster at Newark, having been appointed by President Taft, and during the early part of the first Wilson administration was recommended for removal by two post-office inspectors for undue political activity, which recommendation was approved by the chief inspector. In view of the fact that the Civil Service Commission reviewing this finding reversed it, acquitted Mr. Bock of this charge, and the Postmaster General permitted him to serve the three years of his term remaining, this vindication could not possibly lower his rating at the hands of the Civil Service Commission which had cleared him. I consequently deemed it unnecessary to becloud with it a clear-cut issue. Since the Postmaster General does not appreciate the consideration I showed him by my course, I have no longer any hesitancy in making public the facts of this episode. When the charge was lodged against Postmaster Bock two post-office inspectors were sent to Newark to make an investigation. They took statements of a number of people in the city of Newark; they thereupon falsified certain of the statements, and on the basis of the statements so falsified made their report, which received the formal approval of the chief inspector. When the papers were referred to the Civil Service Commission the suspicions of that body were aroused on the face of the case, and Mr. Doyle, of the commission, was sent to Newark to make a personal investigation. He discovered the fact that the statements of several persons had been altered and procured from them correct statements and also affidavits to the fact that the earlier statements had been falsified. Upon this showing the case against Postmaster Bock was dismissed. It is well to note that in this instance the Postmaster General did not press the Civil Service Commission for a reversal of its judgment, but permitted Postmaster Bock to serve without question the remaining three years of his term. However, one of the post-office inspectors guilty of falsifying the statements has since been promoted. [Applause.]

Mr. Chairman, I yield back whatever time may be remaining.

The CHAIRMAN. The gentleman yields back eight minutes.

Mr. FORDNEY. Does the gentleman from North Carolina desire to use any time now? If not, I yield 10 minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Chairman and gentlemen of the committee, speaking of the Postmaster General reminds me I have a little information from my district that I will be glad to furnish members of the committee. The large cities are not the only cities in which the Postmaster General and his organization are active. A town of 3,000 inhabitants in my district is one of the thrifty little cities of the country, and has, I think, for a Democratic postmaster the most efficient postmaster in the State. He took the post office at a time when it was rated as the second lowest grade in the State of Kansas, and he has builded it up until it is now rated as one of the best-kept post offices in the State. I have it from him and from others who are absolutely familiar with the fact that his removal from that office there in the last month is due to two things, and I think it very well to illustrate the way they are administering the civil service. First, the Democratic national committee, since his appointment as postmaster, has every two years assessed him $250, and to be specific and definite as to how that assessment is handled they mailed a special-delivery letter to his house, special directions on the envelope, letter demanding the $250.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. MOORE of Pennsylvania. What was this—a second-class post office?

Mr. TINCHER. Yes; a second-class post office.

Mr. MOORE of Pennsylvania. What is the compensation of the postmaster?

Mr. TINCHER. I do not know exactly. He did not tell me the figures.

Mr. MOORE of Pennsylvania. An assessment of $250 is a very large percentage.

Mr. TINCHER. That is not the only assessment. I will tell you the other. He was also required to attend a meeting of the postmasters of that congressional district at Hutchinson, Kans., which is the largest city in the district, every year, and there he was notified by the Democratic national committee that he must pay 5 per cent of his salary to the campaign fund for the congressional candidate. And I want to say that this man I am talking about is honest, because I met him on the streets of his city and he was the only postmaster who was candid with me. He said to me, "I am going to violate the law, because I am going to do what little I can, without your catching me at it, for your opponent." He was candid enough to say that he was going to do that. That is the stripe of the man he is. And he did as he said he was going to do. But for some reason, like

the high cost of living, he tried the experiment of not paying his assessments. He did not pay the $250 last year. He was removed, and I have had no knowledge from him until just a few days ago. As I said, he did not pay the 5 per cent, although the gentleman who was candidate for Congress wrote him and spoke plainly enough on that, and even wrote him after election and said, "I was defeated because people like you, occupying Government positions, failed to do your duty." That came from a then Member of this House, who has since gone into higher official life in this city. But the gentleman has been removed from the office of postmaster in his city. Not only that, but the distinguished gentleman who removed him has been to his town, and in spite of the examination that was held, and although the examination was a competitive one, announced who his successor was to be. This successor, when they sent a personal representative there and tried to straighten out these back dues, straightened them up, and is to have the post office.

I was inspired to say this by the speech that I have just listened to by the gentleman from New Jersey [Mr. LEHLBACH], a thing that may throw a little light on the way they are handling the civil-service proposition. [Applause.]

Mr. FORDNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ANDERSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 5218) to provide revenue for the Government and to establish and maintain the production of magnesite ores and manufactures thereof in the United States, and had come to no resolution thereon.

ADJOURNMENT.

Mr. FORDNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 56 minutes p. m.) the House adjourned until Wednesday, October 1, 1919, at 12 o'clock noon.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9004) granting a pension to Minnie M. Weeks; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9332) granting an increase of pension to William E. McGee; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9329) granting an increase of pension to Lafe Strickland; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 9623) prohibiting the issuance of papers of declaration of intention to become citizens or final papers of citizenship to certain aliens who claimed exemption from military service in the present war, and providing for deportation of certain aliens who surrendered their first papers of citizenship in order to escape military service; to the Committee on Immigration and Naturalization.

By Mr. CRAMTON: A bill (H. R. 9624) authorizing the Secretary of War to donate to the town of Otter Lake, Mich., two German cannons or fieldpieces; to the Committee on Military Affairs.

By Mr. KELLY of Pennsylvania: A bill (H. R. 9625) authorizing the Secretary of War to donate to the borough of Verona, in the State of Pennsylvania, one German camon or fieldpiece; to the Committee on Military Affairs.

By Mr. MAPES (by request): A bill (H. R. 9626) to amend an act approved June 20, 1906, entitled "An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes"; to the Committee on the District of Columbia.

By Mr. RANDALL of California: A bill (H. R. 9627) to control and conserve for irrigation, power, and other purposes the flood and flow waters of the Colorado River of the West, and for other purposes; to the Committee on Flood Control.

By Mr. EVANS of Montana: A bill (H. R. 9628) granting additional compensation to members of the military and naval forces of the United States who served in the war against Germany; to the Committee on Military Affairs.

By Mr. ROGERS: Resolution (H. Res. 315) for appointment of a select committee of the House to inquire into the operations and efficiency of the Federal Board for Vocational Education; to the Committee on Rules.

By Mr. SANDERS of Louisiana: Resolution (H. Res. 316) directing an investigation to determine the cause of the great differential between crude and refined cottonseed oil; to the Committee on Interstate and Foreign Commerce.

Also, resolution (H. Res. 317) directing an investigation to determine the cause of the great differential between crude and refined cottonseed oil; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLEARY: A bill (H. R. 9629) for the relief of the owner of the derrick *Concord;* to the Committee on Claims.

By Mr. CRAMTON: A bill (H. R. 9630) granting a pension to Jemima Grigg; to the Committee on Pensions.

By Mr. FOSTER: A bill (H. R. 9631) granting a pension to Maria L. Johnson; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 9632) granting a pension to Frank M. Wells; to the Committee on Pensions.

By Mr. GOULD: A bill (H. R. 9633) granting a pension to Anna Bell Wyvill; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 9634) granting a pension to John Minahan, alias John Bagley; to the Committee on Invalid Pensions.

By Mr. MAGEE: A bill (H. R. 9635) granting a pension to Emma Crysler; to the Committee on Invalid Pensions.

By Mr. OLIVER: A bill (H. R. 9636) for the relief of Samuel Friedman, as trustee for the heirs and devisees of B. Friedman and Henry Mills and as trustee for the heirs and devisees of Emanuel Loveman, deceased; to the Committee on Claims.

By Mr. RUCKER: A bill (H. R. 9637) granting an increase of pension to William B. Shearrow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9638) granting an increase of pension to Malinda E. Glidewell; to the Committee on Invalid Pensions.

By Mr. WELTY: A bill (H. R. 9639) granting a pension to Elizabeth Marlatt; to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 9640) granting a pension to Virginia A. Dixon; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURKE: Petition of American Refractories Co., of Pittsburgh, Pa., protesting against the passage of the magnesite tariff bill; to the Committee on Ways and Means.

Also, petition of Neversink Dyeing Co., of Reading, Pa., favoring the passage of the Longworth bill; to the Committee on Ways and Means.

By Mr. CULLEN: Petition of Newport Branch, No. 7, National Association of United States Civil Service Employees at Navy Yards and Stations, for an immediate increase in clerical salaries of at least 40 per cent; to the Committee on Naval Affairs.

By Mr. DONOVAN: Petition of Fifteenth Regiment Infantry, New York Guard, favoring the legislation favored by the National Guard Association; to the Committee on Military Affairs.

By Mr. DOWELL: Petition of sundry citizens of Iowa, relative to returning the American soldiers from Russia; to the Committee on Military Affairs.

By Mr. GOODWIN of Arkansas: Petition of Walnut Hill Telephone Co., Lewisville, Ark., opposing House bill 4378; to the Committee on Interstate and Foreign Commerce.

By Mr. IGOE: Petition of Single Tax League of St. Louis, Mo., calling the attention of Congress to 4,000,000 acres of untilled land and asking Congress to investigate and determine why said land is not being cultivated; to the Committee on the Public Lands.

Also, petition of the legislative committee of the Central Trades and Labor Union of St. Louis, protesting against Senate bill 2715, which provides for a system of compulsory military training, filed by Jesse K. Keller, secretary legislative committee of the Central Trades and Labor Union; to the Committee on Military Affairs.

By Mr. MANSFIELD: Petition of American Hampshire Sheep Association, protesting against the repeal of the postal zone law; to the Committee on Ways and Means.

By Mr. MORIN: Petition of the American Refractories Co., of Pittsburgh, protesting against the passage of the magnesite tariff bill; to the Committee on Ways and Means.

By Mr. ROWAN: Petition of R. T. Lyman, of Boston, Mass., opposing the licensing feature of the so-called Longworth bill; to the Committee on Ways and Means.

Also, petition of J. P. Sullivan, of Newport, R. I., favoring legislation to increase Navy Department clerical employees at least 40 per cent; to the Committee on Naval Affairs.

Also, petition of John Campbell & Co., Marden, Orth & Hastings Corporation, and National Aniline & Chemical Co. (Inc.), all of New York, favoring the passage of the Longworth bill (H. R. 8078); to the Committee on Ways and Means.

Also, petition of Abraham & Straus, of New York City, protesting against the passage of Senate bill 2904 and House bill 8315; to the Committee on Interstate and Foreign Commerce.

Also, petition of United Protective Association, of New York, indorsing House bills 6659 and 6577; to the Committee on Ways and Means.

By Mr. TIMBERLAKE: Petition of L. E. Smith, of Colorado Springs, Colo., favoring the Warfield plan for control of the railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. YATES: Petition of Marden, Orth & Hastings Corporation, of New York, favoring the passage of the Longworth bill; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *October 1, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in all our work we seek to come upon those high levels on which Thou dost compose the varied and conflicting interests of mankind. We work from Thee that we may transcribe Thy law into our human rule of action. We pray that Thou wilt lay Thy hand upon the unrest of the country, that Thou wilt bring into finer and more human and more divine understanding and relationship all the conflicting interests, and that we may live on a plane where God leads us in a blessed brotherhood and in a community of interest. We ask it for Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. NELSON and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PEACE TREATY AND LEAGUE OF NATIONS.

Mr. CUMMINS. I present a telegram in the nature of a petition from P. S. Junkin, of Creston, Iowa, relative to the league of nations, which I ask may be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

CRESTON, IOWA, *September 27, 1919.*

Senator A. B. CUMMINS,
Washington, D. C.:

This message is for you and Senator KENYON. At a mass meeting held in Creston to-day, resolutions were adopted which in part are as follows:

"We most heartily express our appreciation of the stand now being taken by the Iowa Senators upon the peace treaty and the league of nations, and we unequivocally commend them for their courageous defense of American rights and American interests. We desire to express our admiration for and our approval of United States Senators who have stood unswervingly for America in the league of nations fight, and have insisted upon such reservations and amendments as will protect American interests, and we hope they will carry on the fight to a successful conclusion."

P. S. JUNKIN, *Secretary.*

REPORTS OF COMMITTEES.

Mr. FRANCE, from the Committee on Public Health and National Quarantine, to which were referred the following bills and joint resolution, reported them severally with amendments and submitted reports thereon:

A bill (S. 2207) admitting civilian employees of the United States Government stricken with tuberculosis to Army and Navy hospitals (Rept. No. 231);

A bill (S. 2785) to provide aid from the United States for the several States in prevention and control of drug addiction and the care and treatment of drug addicts, and for other purposes (Rept. No. 232); and

A joint resolution (S. J. Res. 76) for the investigation of influenza and allied diseases in order to determine their cause and methods of prevention (Rept. No. 233).

Mr. NEW, from the Committee on Claims, to which was referred the bill (H. R. 3844) for the relief of Della James, reported it with an amendment and submitted a report (No. 234) thereon.

Mr. ROBINSON, from the Committee on Claims, to which were referred the following bill and joint resolution, reported them each without amendment and submitted reports thereon:

A bill (S. 2672) to carry into effect the findings of the Court of Claims in favor of Elizabeth White, administratrix of the estate of Samuel N. White, deceased (Rept. No. 236); and

A joint resolution (S. J. Res. 51) directing the Court of Claims to investigate claims for damages growing out of the riot of United States negro soldiers at Houston, Tex. (Rept. No. 235).

Mr. ROBINSON, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 1255) authorizing the Texas Co. to bring suit against the United States (Rept. No. 238); and

A bill (S. 1302) for the relief of John H. Rheinlander (Rept. No. 237).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 3127) granting an increase of pension to Ella E. Pangburn; to the Committee on Pensions.

By Mr. HARRISON:

A bill (S. 3128) to provide for the appointment of a district judge in the northern and southern judicial districts in the State of Mississippi, and for other purposes; to the Committee on the Judiciary.

By Mr. TRAMMELL:

A bill (S. 3129) for the relief of Louisa Frow; to the Committee on Claims.

By Mr. JONES of Washington:

A bill (S. 3130) for the establishment of a light vessel to mark the entrance to Grays Harbor, Wash.; to the Committee on Commerce.

By Mr. LODGE:

A bill (S. 3131) to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise, organize, and supply and equip armed forces of the United States in the existing war with Germany and its allies, and to protect citizens of the United States in Mexico and on the Mexican border; to the Committee on Foreign Relations.

A bill (S. 3132) authorizing the Secretary of War to donate to the city of Somerville, Mass., one German cannon or fieldpiece; and

A bill (S. 3133) authorizing the Secretary of War to donate to the city of Chicopee, Mass., one German cannon or fieldpiece; to the Committee on Military Affairs.

A bill (S. 3134) granting an increase of pension to Clarence S. Hall; to the Committee on Pensions.

By Mr. ELKINS:

A bill (S. 3135) granting an increase of pension to John Walden; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 3136) for the relief of Milton Jennings (with accompanying papers); to the Committee on Claims.

A bill (S. 3137) granting a pension to Adah E. Allen (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 3138) authorizing the Secretary of the Interior to sell and convey to the Great Northern Railway Co. certain lands for stockyards, and for other purposes, at Browning Station, in the State of Montana; to the Committee on Public Lands.

By Mr. SHEPPARD:

A bill (S. 3139) for the purchase of land adjoining Fort Bliss, Tex.; to the Committee on Military Affairs.

A bill (S. 3140) to amend the war-risk insurance act, approved October 6, 1917, so as to apply to members of the military or naval forces on and after April 6, 1917; to the Committee on Finance.

AMENDMENT TO FIRST DEFICIENCY APPROPRIATION BILL.

Mr. ROBINSON submitted an amendment proposing to appropriate $240, to make applicable the provisions of section 7 of the legislative, executive, and judicial appropriation act for the fiscal year 1920, to Leslie L. Biffle, an employee of the Senate folding room, intended to be proposed by him to the first deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

GOVERNMENT OF KOREA.

Mr. PHELAN submitted the following resolution (S. Res. 200), which was read and referred to the Committee on Foreign Relations:

Resolved, That the Senate of the United States express its sympathy with the aspirations of the Korean people for a government of their own choice.

HELLEN E. SULLIVAN.

Mr. CURTIS submitted the following resolution (S. Res. 201), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Hellen E. Sullivan, sister of Jeremiah Sullivan, late a laborer in the heating and ventilating department of the United States Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

FOREIGN COMMERCE OF THE UNITED STATES.

Mr. HARRIS. I submit a resolution, and ask that it may go over until to-morrow.

The resolution (S. Res. 203) was read as follows:

Whereas the Department of Commerce and certain other governmental agencies in various departments and independent establishments, including the Consular Service and office of the Foreign Trade Adviser, of the State Department, the War Finance Corporation, the Federal Reserve Board, and International High Commission, in the Treasury Department, the Bureau of Markets, of the Department of Agriculture, the Federal Trade Commission, the Interstate Commerce Commission, the United States Railroad Administration, the United States Shipping Board, and perhaps other agencies in other departments or establishments of the Government, are, in the exercise of their lawful functions, engaged with matters having to do, either directly or indirectly, with the foreign commerce of the United States, but oftentimes work independently of each other and each without a knowledge of what any of the others may be doing in this direction; and

Whereas in order to foster, promote, and develop the foreign commerce of the United States in the most effective manner, so as to meet successfully the competition of foreign agencies, it is essential that there should be no unnecessary work or duplication of work on the part of the aforesaid agencies of the Government, and that there should be between such agencies that coordination and cooperation so essential to the successful promotion of the foreign commerce of the United States; and

Whereas it is desired by the Senate to consider the expediency of enacting legislation to provide for such coordination and cooperation of agencies: Therefore be it

Resolved, That the heads of the several departments and establishments, hereinbefore referred to, be, and they hereby are, requested to submit to the Senate as promptly as possible detailed statements covering the character, amount, and estimated cost to the Government of such work as is now being carried on under their respective jurisdictions which directly or indirectly has any relation to the foreign commerce of the United States or which may in any way be of value in connection with the promotion and development of such foreign commerce, which statements should also indicate the number of employees engaged on such work, and also to submit with such statements such suggestions and recommendations as they may be able to make looking to the closer cooperation and coordination of the various agencies of the Government for effective promotion of the foreign commerce of the United States.

The PRESIDENT pro tempore. The resolution will go over under the rule.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Frelinghuysen	McLean	Sherman
Bankhead	Gay	McNary	Simmons
Beckham	Hale	Moses	Smith, Ga.
Brandegee	Harding	Myers	Smith, Md.
Calder	Harris	Nelson	Smoot
Capper	Harrison	New	Spencer
Chamberlain	Henderson	Newberry	Swanson
Colt	Hitchcock	Nugent	Thomas
Culberson	Jones, Wash.	Overman	Townsend
Cummins	Kendrick	Page	Trammell
Curtis	Keyes	Penrose	Underwood
Dial	Kirby	Phelan	Wadsworth
Dillingham	Knox	Pittman	Walsh, Mont.
Edge	La Follette	Poindexter	Warren
Elkins	Lenroot	Pomerene	Watson
Fernald	Lodge	Ransdell	Williams
Fletcher	McCormick	Robinson	Wolcott
France	McKellar	Sheppard	

Mr. CURTIS. I was requested to announce the absence, on official business, of the Senator from North Dakota [Mr. GRONNA], the Senator from Nebraska [Mr. NORRIS], the Senator from Iowa, [Mr. KENYON], the Senator from South Dakota [Mr. STERLING], and the Senator from Colorado [Mr. PHIPPS].

Mr. DIAL. I desire to announce that the senior Senator from South Carolina [Mr. SMITH] is detained on account of serious illness in his family. I wish this notice to stand for the day.

Mr. WOLCOTT. The Senator from Massachusetts [Mr. WALSH] and the Senator from New Mexico [Mr. JONES] are detained at a hearing before the Committee on Education and Labor.

Mr. SHEPPARD. The senior Senator from Arizona [Mr. SMITH] and the junior Senator from Arizona [Mr. ASHURST] are detained from the Senate on public business. The Senator from Tennessee [Mr. SHIELDS] and the Senator from Kentucky [Mr. STANLEY] are absent on official business.

The VICE PRESIDENT. Seventy-one Senators have answered to the roll call. There is a quorum present.

BILLS OF EXCHANGE.

Mr. McLEAN. I move that the Senate proceed to the consideration of the bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States, as amended by acts of June 22, 1906, and September 24, 1918.

Mr. THOMAS. Is the morning business ended?

Mr. McLEAN. I understand that the morning business is over.

The VICE PRESIDENT. The Chair passed through the regular order, but there were very few Senators here when he went through with it.

Mr. THOMAS. Will the Senator from Connecticut yield to me for a moment?

Mr. McLEAN. I yield to the Senator.

OPERATIONS OF THE UNITED STATES WAR INDUSTRIES BOARD.

Mr. THOMAS. Mr. President, some days ago, during the discussion of the treaty, some comment was made regarding the activities of Mr. Bernard M. Baruch in connection with the peace conference, and particularly as to the assignment of the sum of $150,000 by the President for the use of the commission upon which the United States was represented by Mr. Baruch. I wrote Mr. Baruch shortly afterwards, asking him to give a detailed statement of the activities of the board to which he had been assigned, together with the actual expenditures incurred on behalf of the United States, and how they were paid, together with a summary of his work upon the War Industries Board during the war. These he has supplied me with, and I ask unanimous consent to insert these summaries in the RECORD.

There being no objection, the summaries were ordered to be printed in the RECORD, as follows:

SUMMARY OF PARIS OPERATIONS.

"Mr. Bernard M. Baruch arrived in Paris, at the call of the President, on January 11, 1919, to serve as one of the economic advisers of the American commission to negotiate peace. He was appointed technical adviser to the American peace commission, American delegate on the economic drafting committee, and one of the American representatives on the reparation commission, the economic commission, and the supreme economic council.

"When first called to Paris, Mr. Baruch was directed to bring only a secretary, hence could not at that time bring with him any of the technical experts and business men who were required to assist him in carrying out the work connected with the various assignments given him by the American commission. Realizing the need for such assistants to protect America's interest in the peace processes, he wrote the President on February 4, 1919, asking permission to call to Paris a number of men qualified to assist and advise him in his work for the commission and suggesting the need of funds to defray the expenses of creating and maintaining the proposed organization. To this request the President immediately replied on the following day, expressing approval of the plan that Mr. Baruch should bring over 8 or 10 of these men, and stating that in his opinion the best way to handle the expense would be through an allotment to the peace commission from the fund at the President's disposal. Accordingly, on February 14, 1919, the President signed an Executive order providing as follows:

"In order that Bernard M. Baruch, heretofore designated as a technical adviser of the American commission to negotiate peace, may be able properly to undertake the performance of such duties as have heretofore been, or may hereafter be, assigned to him by the American commission to negotiate peace, I hereby allot to the American commission to negotiate peace the sum of $150,000 from the appropriation for national security and defense authorized in the general deficiency bill approved April 17, 1917; said sum to be subject to the disposal of Bernard M. Baruch for the purpose of creating and maintaining such organization, supplementary to that maintained by the American commission to negotiate peace for the carrying forward of its other activities as said Bernard M. Baruch may find necessary.

"This order shall take effect this 14th day of February, 1919.

"Thereupon Mr. Baruch called to Paris the following persons to act as his assistants and advisers:

"Mr. Alex Legge, vice chairman of the War Industries Board, and in private life vice president of the International Harvester Co.;

"Mr. Charles H. MacDowell, Chief of the Chemical Division of the War Industries Board and president of the Armour Fertilizer Works;

"Mr. Fred K. Nielsen, attorney and expert on commercial treaties, formerly with the Department of State;

"Mr. John C. Pennie, patent attorney;

"Dr. F. W. Taussig, chairman of the United States Tariff Commission;

"A. M. Patterson, expert in textiles; and

"Mr. Donald Riley, lieutenant commander in United States Navy, chemical expert.

"These gentlemen were accompanied by secretaries, and office accommodations were provided for them and such other clerical help as was necessary outside the Hotel Crillon, in rooms furnished rent free by the French Government, the limited office space furnished to Mr. Baruch at the Hotel Crillon being inadequate for his enlarged organization. This group, augmented by the remaining members of the European mission of the United States War Industries Board, including L. L. Summers, chief technical adviser of the board, who had represented the board in London and Paris since July, 1918, worked steadily and consistently under Mr. Baruch's direction and played an important part in framing the reparational and economic clauses of the German and Austrian treaties, as well as a considerable part in the adjustment of many complex economic problems arising during the armistice period. All of the official expenses of this group, so far as they were not paid by individual members personally, were paid out of the allotment above mentioned. Mr. Baruch and several of his associates defrayed all their expenses, including transportation and automobiles, out of their own pockets.

"Against the allotment of $150,000 but one draft for $25,000 was drawn, and this amount was converted into francs and deposited at interest in a Paris bank. Through the addition of interest and refundments this amount was increased to $25,380.34.

"The expenditures from this account during the period from February 14, 1919, to June 30, 1919, totaled $24,128.64, made up as follows:

Transportation and traveling expenses	$3,247.80
Salaries (10 people)	6,771.83
Living allowances, civilians (17 people)	11,634.21
Living allowances, officers	2,176.36
Stamps	28.69
Automobile expense (meals for chauffeurs, medical attention, and taxi hire)	24.00
Office expense	245.75

"The balance of the working fund ($1,251.70, reduced by $161.13 loss in exchange in converting this balance from francs into dollars), $1,090.57, was deposited on August 27, 1919, with the Department of State, together with the final accounting for this allotment.

"After this account had been closed for filing with the Department of State, it was discovered that certain charges for the transportation to and from Europe and necessary travel there of some of the members of Mr. Baruch's organization on Government transports, and the travel expenses of a returning member of his organization, had not been presented to the disbursing agent for Mr. Baruch. These charges total $833.71 and will be charged against this account by the Department of State. After the payment of these charges, therefore, the total unexpended balance of the allotment will be $125,256.86.

"Mr. Baruch received not one cent on account of salary or living allowance from this or any other fund and no part of it was used even for the payment of any of his personal or official expenses; nor was it used for any purpose other than that for which it was allotted, namely, the creation and maintenance of the organization. On the contrary, Mr. Baruch paid certain expenses of an official nature from personal funds. Thus he has reimbursed the Government for the cost of his travel to France on Government transport; and since the fund allotted became unavailable for expenses incurred after June 30, 1919, Mr. Baruch himself paid the salaries and allowances of those of his staff who were required to remain in Paris after that date, amounting to $599.13.

"The work of the peace organization with which Mr. Baruch was associated included assistants and covered a period of approximately five months, the total charges on which totaled less than $25,000.

SUMMARY OF UNITED STATES WAR INDUSTRIES BOARD OPERATIONS.

"When a separate office was established for the raw materials division of the Council of National Defense, in the Munsey Building, Washington, D. C., April 9, 1917, one of the first instructions given by Mr. Baruch was to the effect that he wished to pay all expenses of his office, including office rent, furniture and equipment, and clerical assistance.

"In actually carrying out these instructions, where the Council of National Defense was in position to promptly supply needed equipment or additional force, request was made upon them, and under this arrangement they furnished three or four clerks, and some desks, chairs, typewriters, and other office equipment.

"When the War Industries Board was created, the other members of the board objected to a continuation of the arrangement by which Mr. Baruch paid expenses as above, and beginning August 1, 1917, the Council of National Defense took over the pay roll which Mr. Baruch had been carrying but never reimbursed Mr. Baruch for the amount expended by him for furniture and equipment; nor for rental for his own office space, all of which amounted to more than $5,750.

"During the period from April to August, 1917, in order to cover, so far as possible, all long-distance calls for the office of the commissioner of raw materials, minerals, and metals and to prevent the possibility of personal calls being made at Government expense, a separate telephone was installed for Mr. Baruch's personal account, which did not connect with the switchboard of the Council of National Defense, and this 'phone was continued until the office in the Munsey Building was vacated on October 25, 1917.

"Long-distance telephone calls were checked up by Council of National Defense, and when the call was for personal account a bill was rendered by the Council of National Defense for the charges, so that all personal telephone calls were paid for by Mr. Baruch.

"All personal telegrams were paid for, generally on basis of a monthly statement rendered by the telegraph companies.

"Mr. Baruch always had a personal assistant, whom he either paid personally or who was on a dollar-a-year basis. As chairman of the War Industries Board he had three different persons in the capacity of assistant, two of whom—Messrs. E. T. Corcoran and John F. Smithers—he paid personally, and Mr. Harold T. Clark, who was a volunteer at a dollar a year.

"When Mr. Baruch resigned as chairman of the War Industries Board on December 31, 1918, he arranged to leave in his office his former stenographer, Miss L. Gertrude Ellis, whose name was taken off the pay roll of the War Industries Board as of December 31, 1918, and who has received her salary since that date direct from Mr. Baruch.

"At the time the armistice was signed, on November 11, 1918, the War Industries Board had approximately 1,669 persons on its pay roll, of whom about two-thirds were girls and women. It was felt that with the signing of the armistice and the shutting down of the activities of the several war bodies that had been created in Washington there would immediately develop a large surplus of clerical help and that a great many of the girls and young women who had been brought from their homes to do war work in Washington would be left without jobs and without necessary funds to enable them to return to their homes. It was found that under the law there was absolutely no way in which any of the money that had been appropriated for the activities of the War Industries Board could be used for the purpose of sending these girls and young women to their homes, and Mr. Baruch therefore placed at the disposal of the disbursing officer of the War Industries Board a total of $15,000, to be used to defray the necessary traveling expenses of the female workers for the War Industries Board who wished to return to their homes or to the cities from which they were brought to accept employment with the War Industries Board. This action on Mr. Baruch's part undoubtedly forced and hastened the action of Congress in passing a law providing for similar expenses for Government clerks receiving not to exceed $1,400 per annum, but this bill was not signed and did not become effective until January 7, 1919, and by that time there was an actual shortage of clerical assistance in Washington, which still exists; and while the bill was made retroactive, the delay in its passage undoubtedly resulted in hundreds and perhaps thousands of clerks and stenographers being retained by their respective departments awaiting the signing of the bill, as these war workers were not prepared to provide the necessary funds to get themselves back to their homes. In actual practice the bill was not applicable to more than half a dozen of the employees of the War Industries Board, and out of the appropriation of that board the expenses of only two of its employees were actually paid—one male and one female.

"When the War Industries Board was given the use of the old Fuel Administration Building at Eighteenth and G Streets in the summer of 1918 the building was arranged to provide for a small cafeteria for the employees of the building; but the Government does not provide money for the operation of a cafeteria, so Mr. Baruch was asked to furnish the necessary working capital, which he did in the form of a check for $500, making it possible to operate a cafeteria where every patron was served at an average actual loss of a very small fraction of a cent.

"In July, 1918, Mr. Baruch was authorized by the President to establish a foreign mission of the War Industries Board, with headquarters in London, in connection with the creation and establishment of international executives and the French and British ministries of munitions. This required the expenditure of money to defray expenses, and it was frequently necessary that the money be available in advance. As there apparently was at that time no method by which real cash money could be had from the Treasury in advance of its expenditures, Mr.

Baruch has furnished all the money required to cover the expenses of the foreign mission of the War Industries Board with the exception of transportation charges from the United States, which was provided in most cases out of appropriations of the War Industries Board. Mr. Baruch expended $54,071 to cover expenses of the foreign mission, every dollar of which is covered by voucher, and there has been no reimbursement for this amount or any part of it.

Summary of personal payments made by Mr. Baruch, including payments made as one of the advisers to the American peace mission.

Salaries, equipment, and office rental, 1917	$5,750
Personal assistants	8,350
Transportation of employees	15,000
Cafeteria	500
Foreign mission	54,071
	83,671

SPEECHES BY PRESIDENT WILSON.

Mr. HITCHCOCK. Mr. President, will the Senator from Connecticut yield to me for a similar purpose?

Mr. McLEAN. I yield.

Mr. HITCHCOCK. I ask unanimous consent to have inserted in the RECORD the addresses of the President made on certain dates down to September 13.

There being no objection, the addresses of the President were ordered to be printed in the RECORD, as follows:

THE PRESIDENT AT COEUR D'ALENE, IDAHO, SEPTEMBER 12, 1919.

"Your excellency, my fellow citizens, it is with the greatest pleasure that I find myself facing an audience in this great State. I echo the wish of the governor that it might be our privilege to stay a long time in Idaho and know something more than her fame, know her people, come in contact with her industries, and see the things that we have all so long read about and admired from a distance; but, unfortunately, it is necessary for us to go back to Washington as soon as we can, though it was a great pleasure to escape from Washington. Washington is a very interesting place, but it is a very lonely place. The people of the United States do not live there, and in order to know what the people of the United States are thinking about and talking about it is necessary to come and find out for yourself. That really is my errand.

"I have taken pains since I was a boy so to saturate myself in the traditions of America that I generally feel a good deal of confidence that the impulses which I find in myself are American impulses; but no matter how thoroughly American a man may be, he needs constantly to renew his touch with all parts of America and to be sure that his mind is guided, if he be in public station, by the thoughts and purposes of his fellow countrymen. It was, therefore, with the most earnest desire to get in touch with you and the rest of my fellow countrymen that I undertook this trip, for, my fellow countrymen, we are facing a decision now in which we can not afford to make a mistake. We must not let ourselves be deceived as to the gravity of that decision or as to the implications of that decision. It will mean a great deal now, but it will mean infinitely more in the future. America has to do at this moment nothing less than prove to the world whether she has meant what she said in the past.

"I must confess that I have been amazed that there are some men in responsible positions who are opposed to the ratification of the treaty of peace altogether. It is natural that so great a document, full of so many particular provisions, should draw criticism upon itself for this, that, or the other provision. It is natural that a world settlement, for it is nothing less, should give occasion for a great many differences of opinion with regard to particular settlements of it, but I must admit that it amazes me that there should be any who should propose that the arrangement be rejected altogether, because, my fellow citizens, this is the issue: We went into this Great War from which we have just issued with certain assurances given ourselves and given the world, and these assurances can not be fulfilled unless this treaty is adopted. We told the world and we assured ourselves that we went into this war in order to see to it that the kind of purpose represented by Germany in this war should never be permitted to be accomplished by Germany or anybody else. Do not let your thoughts dwell too constantly upon Germany. Germany attempted this outrageous thing, but Germany was not the only country that had ever entertained the purpose of subjecting the peoples of the world to its will, and when we went into this war we said that we sent our soldiers across the seas not because we thought this was an American fight in particular, but because we knew that the purpose of Germany was against liberty, and that where anybody was fighting liberty it was our duty to go into the contest. We set this Nation up with the profession that we wanted to set an example of liberty not only, but to lead the world in the paths of liberty and justice and of right; and at last, after long reflection, after long hesitation, after trying to persuade ourselves that this was a European war and nothing more, we suddenly looked our own consciences in the face and said, 'This is not merely a European war. This is a war which imperils the very principles for which this Government was set up, and it is our duty to lend all the force that we have, whether of men or of resources, to the resistance of these designs.' And it was America—never let anybody forget this—it was America that saved the world, and those who propose the rejection of the treaty propose that, after having redeemed the world, we should desert the world. It would be nothing less.

"The settlements of this treaty can not be maintained without the concerted action of all the great Governments of the world. I asked you just now not to think exclusively about Germany, but turn your thoughts back to what it was that Germany proposed. Germany did direct her first force against France and against Belgium, but you know that it was not her purpose to remain in France, though it was part of her purpose to remain in Belgium. She was using her arms against these people so that they could not prevent what she intended elsewhere, and what she intended elsewhere was to make an open line of dominion between her and the Far East. The formula that she adopted was Bremen to Bagdad, the North Sea to Persia—to crush not only little Serbia, whom she first started to crush, but all the Balkan States, get Turkey in her grasp, take all the Turkish and Arabian lands beyond, penetrate the wealthy realms of Persia, open the gates of India, and, by dominating the central trade routes of the world, dominate the world itself. That was her plan; and what does the treaty of peace do? For I want you to remember, my fellow countrymen, that this treaty is not going to stand by itself. The treaty with Austria has now been signed; it will presently be sent over, and I shall lay that before the Senate of the United States. It will be laid down along exactly the same lines as the treaty with Germany; and the lines of the treaty with Germany suggest this, that we are setting up the very States which Germany and Austria intended to dominate as independent, self-governing units. We are giving them what they never could have got with their own strength, what they could have got only by the united strength of the armies of the world. But we have not made them strong by making them independent. We have given them what I have called their land titles. We have said, 'These lands that others have tried to dominate and exploit for their own uses belong to you, and we assign them to you in fee simple. They never did belong to anybody else. They were loot. It was brigandage to take them. We give them to you in fee simple.' But what is the use of setting up the titles if we do not guarantee them? And that guaranty is the only guaranty against the repetition of the war we have gone through just so soon as the German nation, 60,000,000 strong, can again recover its strength and its spirit, for east of Germany lies the fertile field of intrigue and power. At this moment the only people who are dealing with the Bolshevist government in Russia are the Germans. They are fraternizing with the few who exercise control in that distracted country. They are making all their plans that the financing of Russia and the commerce of Russia and the development of Russia shall be as soon as possible in the hands of Germans; and just so soon as she can swing that great power, that is also her road to the East and to the domination of the world. If you do not guarantee the titles that you are setting up in these treaties, you leave the whole ground fallow in which again to sow the dragon's teeth with the harvest of armed men.

"That, my fellow citizens, is what article 10, that you hear so much talked about in the covenant of the league of nations, does. It guarantees the land titles of the world; and if you do not guarantee the land titles of the world, there can not be the ordered society in which men can live. Off here in this beloved continent, with its great free stretches and its great free people, we have not realized the cloud of dread and terror under which the people of Europe have lived. I have heard men over there say, 'It is intolerable. We would rather die now than live another 50 years under the cloud that has hung over us ever since the Franco-Prussian War of 1870–71, because we have known that this force was gathering, we have known what the purpose was ultimately to be, we have known that blood and terror lay ahead of us, and we can not and will not live under that cloud any more.' America, my fellow citizens, is necessary to the peace of the world. America is absolutely necessary to the peace of the world. Germany realizes that; and I want to tell you now and here—I wish I could proclaim it in tones so loud that they would reach the world—

Germany wants us to stay out of this treaty. Not under any deception. Not under the deception that we will turn in sympathy toward her. Not under the delusion that we would seek in any direct or conscious way to serve Germany, but with the knowledge that the guaranties will not be sufficient without America, and that, inasmuch as Germany is out of the arrangement, it will be very useful to Germany to have America out of the arrangement. Germany knows that if America is out of the arrangement America will lose the confidence and cooperation of all the other nations in the world, and, fearing America's strength, she wants to see America alienated from the peoples from whom she has been alienated. It is a perfectly reasonable program. She wants to see America isolated. She is isolated. She wants to see one great nation left out of this combination which she never would again dare face. Evidences are not lacking—nay, evidences are abounding—that the pro-German propaganda has started up in this country coincidently with the opposition to the adoption of this treaty. I want those who have any kind of sympathy with the purposes with which we went into the war now to reflect upon this proposition: Are we going to prove the enemy of the rest of the world just when we have proved their savior? The thing is intolerable. The thing is impossible. America has never been unfaithful and she never will be unfaithful.

"Do not let anybody delude you, my fellow citizens, with the pose of being an American. If I am an American I want at least to be an intelligent American. If I am a true American I will study the true interests of America. If I am a true American I will have the world vision that America has always had, drawing her blood, drawing her genius, as she has drawn her people, out of all the great constructive peoples of the world. A true American conceives America in the atmosphere and whole setting of her fortune and her destiny. And America needs the confidence of the rest of the world just as much as other nations do. America needs the cooperation of the rest of the world to release her resources, to make her markets, above all things else to link together the spirits of men who mean to redeem the race from the wrongs that it has suffered. This western country is par excellence the country of progressiveism. I am not now using it with a big "P." It does not make any difference whether you belong to the Progressive Party or not; you belong to the progressive thought, and I hope every intelligent man belongs to the progressive thought. It is the only thought that the world is going to tolerate. If you believe in progress, if you believe in progressive reform, if you believe in making the lot of men better, if you believe in purifying politics and enlarging the purposes of public policy, then you have got to have a world in which that will be possible; and if America does not enter with all her soul into this new world arrangement, progressives might as well go out of business, because there is going to be universal disorder, as there is now universal unrest.

"Do not mistake the signs of the times, my fellow countrymen, and do not think that America is immune. The poison that has spread all through that pitiful nation of Russia is spreading all through Europe. There is not a statesman in Europe who does not dread the infection of it, and just so certainly as those people are disconcerted, thrown back upon their own resources, disheartened, rendered cynical by the withdrawal of the only people in the world they trust, just so certainly there will be universal upsetting of order in Europe. And if the order of Europe is upset, do you think America is going to be quiet? Have you not been reading in the papers of the intolerable thing that has just happened in Boston? When the police of a great city walk out and leave that city to be looted they have committed an intolerable crime against civilization; and if that spirit is going to prevail, where are your programs? How can you carry a program out when every man is taking what he can get? How can you carry a program out when there is no authority upon which to base it? How can you carry a program out when every man is looking out for his own selfish interests and refuses to be bound by any law that regards the interests of the others? There will be no reform in this world for a generation if the conditions of the world are not now brought to settled order, and they can not be brought to settled order without the cooperation of America.

"I am not speaking with conjecture, my fellow citizens. I would be ashamed of myself if upon a theme so great as this I should seek to mislead you by overstatement of any kind. I know what I am talking about. I have spent six months amidst those disturbed peoples on the other side of the water, and I can tell you, now and here, that the only people they depend upon to bring the world to settled conditions are the people of America. A chill will go to their heart, a discouragement will come down upon them, a cynicism will take possession of them, which will make progress impossible, if we do not take part not only, but do not take part with all our might and with all our genius. Everybody who loves justice and who hopes for programs of reform must support the unqualified adoption of this treaty. I send this challenge out to the conscience of every man in America, that if he knows anything of the conditions of the world, if he knows anything of the present state of society throughout the world and really loves justice and purposes just reform, he must support the treaty with Germany. I do not want to say that and have it proved by tragedy, for if this treaty should be refused, if it should be impaired, then amidst the tragedy of the things that would follow every man would be converted to the opinion that I am now uttering, but I do not want to see that sort of conversion. I do not want to see an era of blood and of chaos to convert men to the only practical methods of justice.

"My fellow citizens, there are a great many things needing to be reformed in America. We are not exempt from those very subtle influences which lead to all sorts of incidental injustice. We ourselves are in danger at this present moment of minorities trying to control our affairs, and whenever a minority tries to control the affairs of the country it is fighting against the interest of the country just as much as if it were trying to upset the Government. If you think that you can afford to live in a chaotic world, then speak words of encouragement to the men who are opposing this treaty, but if you want to have your own fortunes held steady, realize that the fortunes of the world must be held steady; that if you want to keep your own boys at home after this terrible experience, you will see that boys elsewhere are kept at home. Because America is not going to refuse, when the other catastrophe comes, again to attempt to save the world, and, having given this proof once, I pray God that we may not be given occasion to prove it again! We went into this war promising every loving heart in this country who had parted with a beloved youngster that we were going to fight a war which would make that sacrifice unnecessary again, and we must redeem that promise or be of all men the most unfaithful. If I did not go on this errand through the United States, if I did not do everything that was within my power that is honorable to get this treaty adopted, and adopted without qualification, I never could look another mother in the face upon whose cheeks there were the tears of sorrowful memory with regard to the boy buried across the sea. The moral compulsion laid upon America now is a compelling compulsion, and can not be escaped. My fellow countrymen, because it is a moral issue, because it is an issue in which is mixed up every sort of interest in America, I am not in the least uneasy about the result.

"If you put it on the lowest levels, you can not trade with a world disordered, and if you do not trade you draw your own industries within a narrower and narrower limit. This great State, with its untold natural resources, with its great undeveloped resources, will have to stand for a long generation stagnant, because there are no distant markets calling for these things. All America will have to wait a long, anxious generation through to see the normal courses of her life restored. So, if I were putting it upon the lowest conceivable basis of the amount of money we could make, I would say, 'We have got to assist in the restoration of order and the maintenance of order throughout the world by the maintenance of the morale of the world.' You will say, 'How? By arms?' That, I suspect, is what most of the opponents of the league of nations, at any rate, try to lead you to believe, that this is a league of arms. Why, my fellow citizens, it is a league to bring about the thing that America has been advocating ever since I was born. It is a league to bring it about that there shall not be war, but that there shall be substituted for it arbitration and the calm settlement of discussion. That is the heart of the league. The heart of the league is this: Every member of the league, and that will mean every fighting nation in the world except Germany, agrees that it will never go to war without first having done one or the other of two things, either having submitted the matter in dispute to arbitration, in which case it agrees absolutely to abide by the result, or having submitted it to consideration by the council of the league of nations, in which case it promises to lay all the documents, all the facts, in its possession before the council and to give the council six months in which to consider the matter, and, if it does not like the opinion of the council at the end of the six months, still to wait three months more before it resorts to arms. That is what America has been striving for. That is what the Congress of the United States directed me to bring about. Perhaps you do not know where; it was in an unexpected place, in the naval appropriations bill. Congress, authorizing a great building program of ships and the expenditure of vast sums of money to make our Navy one of the strongest in the world, paused a moment and declared in the midst of the appropriation bill that it was the policy of

the United States to bring about disarmament and that for that purpose it was the policy of the United States to cooperate in the creation of a great international tribunal to which should be submitted questions of international difference and controversy, and it directed the President of the United States, not later than the close of this war, to call together an international conference for that purpose. It even went so far as to make an appropriation to pay the expenses for the conduct of such a conference in the city of Washington. And that is a continuing provision of the naval appropriations bill. When I came back with this covenant of the league of nations, I had fulfilled the mandate of the Congress of the United States; and now they do not like it.

"There is only one conceivable reason for not liking it, my fellow citizens, and to me as an American it is not a conceivable reason; that is that we should wish to do some nation some great wrong. If there is any nation in the world that can afford to submit its purposes to discussion, it is the American Nation. If I belonged to some other nations, there are some things that I know that I would not like to see submitted to the discussion of mankind, but I do not know anything in the present purposes of the United States that I would not be perfectly willing to lay upon any table of counsel in the world. In carrying out the mandate of the Congress, I was serving the age-long purpose of this great people, which purpose centers in justice and in peace.

"You will say, 'Well, why not go in with reservations?' I wonder if you know what that means. If the Senate of the United States passes a resolution of ratification and says that it ratifies on condition that so and so and so is understood, that will have to be resubmitted to every signatory of the treaty; and what gravels me is that it will have to be submitted to the German Assembly at Weimar. That goes against my digestion. We can not honorably put anything in that treaty, which Germany has signed and ratified, with Germany's consent; whereas it is perfectly feasible, my fellow countrymen, if we put interpretations upon that treaty which its language clearly warrants, to notify the other Governments of the world that we do understand the treaty in that sense. It is perfectly feasible to do that, and perfectly honorable to do that, because, mark you, nothing can be done under this treaty through the instrumentality of the council of the league of nations except by a unanimous vote. The vote of the United States will always be necessary, and it is perfectly legitimate for the United States to notify the other Governments beforehand that its vote in the council of the league of nations will be based upon such and such an understanding of the provisions of the treaty.

"The treaty is not susceptible of misunderstanding. I do not object to painting the rose or refining fine gold; there is not any phrase in the covenant of the league of nations that can legitimately be said to be of doubtful meaning, but if the Congress of the United States wants to state the meaning over again in other words and say to the other nations of the world, 'We understand the treaty to mean what it says,' I think that is a work of supererogation, but I do not see any moral objection to it. But anything that qualifies the treaty, anything that is a condition to our ratification of it, must be submitted to all the others, and we must go over this process again; this process which took six months of intensive labor, which took six months of very difficult adjustment and arrangement, which quieted jealousies, which allayed suspicions, which set aside controversies, which brought about the most extraordinary union of minds that was ever brought about in so miscellaneous an assembly, divided by so many interests. All that must be gone over again, and in the meantime the world must wait and its unrest grow deeper, and all the pulses of life go slower, waiting to see what is going to happen, all because the United States asks the other governments of the world to accept what they have already accepted in different language. That is all that it amounts to; I mean, all that the reasonable reservations amount to. Some of them amount to staying out altogether, some of them amount to a radical change of the spirit of the instrument, but I am speaking now of those which some men of high conscience and of high public purpose are seriously pressing in order that there may be no misunderstanding. You can avoid a misunderstanding without changing the document. You can avoid a misunderstanding without qualifying the terms of the document, because, as I have said and shall say again and again, America is at liberty as one of the voting members of the partnership to state how she understands the articles of copartnership.

"I beg that these things may sink in your thoughts, my fellow countrymen, because we are at a turning point in the fortunes of the world. Out upon these quiet hills and in these great valleys it is difficult sometimes for me to remember the turmoil of the world in which I have been mixing on the other side of the sea; it is difficult for me to remember the surging passions which moved upon the face of the other continents of the world; it is difficult for me to remember the infinite suffering that happened even in this beloved country; it is difficult for me to remember the delegations from weak peoples that came to me in Paris, figuratively speaking, with outstretched hands, pleading that America should lead the way out of the darkness into the light; it is difficult out here in this great peace for anybody, even, I dare say, for these fine fellows in khaki who were over there and saw something of it, to remember the whole strain and terror of the thing, but we must remember it, my fellow-citizens, and we must see to it that that strain and terror never come upon the world again. It is with this solemn thought, that we are at a turning point in the destinies of mankind and that America is the makeweight of mankind, that I, with perfect confidence, leave this great question to your unbiased judgment."

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THE PRESIDENT AT SPOKANE, WASH., SEPTEMBER 12, 1919.

"Mr. Mayor, my fellow countrymen, I esteem it a real privilege to stand face to face with a representative audience of this great city, because I have come away from Washington, my fellow countrymen, not to make speeches but to get into contact with just such bodies of men and women as this, and feel that I have exchanged ideas with them, and with the utmost frankness of which I was capable. I have not come to paint pictures of the fancy. I have come to disclose to you what I understand to be facts, and I want so much as possible to get down to the very essence and marrow of the things that we are now talking about.

"I do not think I need tell you, my fellow citizens, that America and the world have come to the point where they must make one of the most critical choices ever made by great bodies of men or by nations. They have now to determine whether they will accept the one chance that has ever been offered to insure the peace of the world. I call it frankly a chance to insure the peace of the world. Nobody can guarantee the world against the ugly passions that sometimes get abroad. Nobody can engage that the world will not again go mad with blood; but I want to put it frankly to you: Though the chance should be poor, is it not worth taking a chance? Let men discount the proposed arrangements as much as they will; let us regard it as an insurance policy. If you could get 10 per cent insurance of your fortunes in respect of peace, wouldn't you rather take it than no insurance at all? As a matter of fact, I believe, after having sat in conference with men all over the world and found the attitude of their minds, the character of their purposes, that this is a 99 per cent insurance against war. If the nations of the world will indeed and in truth accept this great covenant of a league of nations and agree to put arbitration and discussion always first and war always last, I say that we have an immense insurance against war, and that is exactly what this great covenant does.

"I have found it necessary upon this trip, my fellow citizens—I have actually found it necessary—to tell great audiences what the treaty of peace contains. You never could divine it from the discussion of the men who are opposed to it. Let me tell you some of the things that this treaty does, apart from the covenant of the league of nations which stands by common consent of those who framed it at the beginning of it. Quite apart from the league of nations, it is the first attempt ever made by an international congress to substitute justice for national advantage. It is the first attempt ever made to settle the affairs of the world according to the wishes of the people in the parts of the world that were being dealt with. It is a treaty that deals with peoples and nations, and not with dynasties and Governments. Every representative of every great Government I met on the other side of the sea acknowledged, as I, of course, acknowledge, that he was master of nobody, that he was the servant of the people whom he represented, and that the people he represented wanted what the people of the United States wanted; they wanted a just and reasonable and permanent settlement, and that is what this treaty tried to give them. It substitutes for the aggression, which always was the beginning of war, a settled title on the part of the weak nations, along with the strong, to their own territories, a settled right to determine their own policies, a settled right to realize the national hopes so long suppressed, to free themselves from the oppression so long endured. Europe was full of people under the iron and relentless hand of military power, and that hand has been removed and crushed. This treaty is the means of doing it.

"The guaranty of this treaty is the part of the covenant of nations which you have heard most criticized. I mean the now celebrated article 10. Article 10 is an engagement of the most extraordinary kind in history. It is an engagement by all the fighting nations of the world never to fight upon the plan upon

which they always fought before. They, all of them, agree to respect and preserve as against external aggression the territorial integrity and existing political independence of the others, and they agree that if there should be any breach of that covenant, the council of the league shall advise what steps shall be taken to make the promises good. That is the covenant with which you have been frightened. Frightened, my fellow citizens? Why, it is the only possible or conceivable guaranty against the wars that have ravaged the world, because those wars have habitually begun by territorial aggression, by the seizure of territory that did not belong to the power that was effecting the seizure. How did this great war begin? It began by the invasion of Belgium, and it was admitted by all German statesmen that they never meant to get out of Belgium. By guaranteeing the territorial integrity of a country, you do not mean that you guarantee it against invasion You guarantee it against the invader staying there and keeping the spoils. The integrity is the title, is the ownership. You agree never to take territory away from the people to whom it belongs, and you agree never to interfere with the political independence of the people living in these territories whose titles are now made clear by a universal international guaranty.

"I want to discuss with you very frankly, indeed, just as frankly as I know how, the difficulties that have been suggested, because I say, not in the spirit of criticism, but in a spirit of entire intended fairness, that not one of the qualifications which have been suggested in this discussion is justified by the language of the instrument. Let me take them one by one. In the first article of the covenant of the league it is provided that any member State may withdraw from the league upon two years' notice, provided at the time of withdrawal it has fulfilled its international obligations and its obligations under the covenant. Gentlemen object that it is not said who shall determine whether it has fulfilled its international obligations and its obligations under the covenant or not. Having sat at the table where the instrument was drawn, I know that that was not by accident, because that is a matter upon which no nation can sit in judgment upon another. That is left to the conscience and the independent determination of the nation that is withdrawing, and there is only one jury that it need fear and that is the great embodied jury expressing the opinion of mankind. I want to differentiate myself, therefore, from the men who are afraid of that clause, because I want to record my feeling in the matter that, as an American, I am never afraid that the United States will fail to perform its international obligations; and, being certain that it will never fail in that respect, I have no fear that an occasion will arise when we need be sensitive to the opinion of mankind. That is the only jury set up in the case, and I am ready to go before that jury at any time. These gentlemen want to say what the instrument says, that we can withdraw when we please. The instrument does not say it in those words, but it says it in effect, and the only limitation upon that is that we should not please unless we have done our duty. We never will please, God helping us, to neglect our duty.

"The second difficulty—taking them in the order in which they have come in the covenant itself—is the article I was a moment ago discussing, article 10. Article 10, as I told you, says that if the promise to respect and preserve as against external aggression the territorial integrity and existing political independence of the member States is broken, then the council *shall* advise what is to be done. I do not know any but one meaning for the word 'advise.' I have been very curious and interested to learn how many other meanings have been put into it. I, in my surprise, have looked in the dictionary to be sure I was not mistaken, and so far as I can find out 'advise' means 'advise.' And more interesting than that, the advice can not be given without the affirmative vote of the United States. There must be a unanimous vote of the council before there is advice, and the United States is a member of the council by the constitution of the league itself, a member now and always a member, so that neither the United States nor any other country can be advised to go to war for the redemption of that promise without the concurrent affirmative vote of the United States. Yet I hear gentlemen say that this is an invasion of our sovereignty. My fellow citizens, if it is anything, it is an exaggeration of our sovereignty, because it puts our sovereignty in a way to put a veto on that advice being given to anybody. Our present sovereignty merely extends to making choice whether we will go to war or not, but this extends our sovereignty to saying whether other nations shall go to war or not. If that does not constitute a very considerable insurance against war, I would like somebody to write a provision which would; because, at every point, my fellow citizens, the position of these gentlemen who criticize this instrument is either that they do not understand the covenant or that they can suggest something better, and I have not heard one of them suggest anything better. In fact, I have never heard any of them suggest anything. If the world is going to be at peace, it must be this or something better, and I want to say again it is a case of 'put up or shut up.'

"Let me make a slight digression here, if I may, to speak about a matter of some delicacy. I have had a great many men say to me, 'I am a Republican, but I am in favor of the league of nations.' Why the 'but.' I want to tell you, my fellow citizens, that there is one element in this whole discussion which ought not to be in it. There is, though I say it myself, an element of personal bitterness. One would suppose that this covenant of the league of nations was first thought of and first invented and first written by a man named Wilson. I wish it were. If I had done that, I would be willing to have it recorded that I had done that and nothing else. But I did not do it. I, along with thousands of my fellow countrymen, got the idea 20 years ago, chiefly from Republican public men. Take men like ex-Senator Burton, of Ohio. He has been preaching a league of nations for 20 years. I do not want to mention names, because I do not want to record gentlemen against themselves, but go through the list and you will find most of the leading, thinking minds on the Republican side in favor of this very kind of thing, and I want to remind every Republican of the criticism that he and his comrades have usually made of the Democratic Party, and the boast that they have generally made of their party. They said that the Democratic Party was a party of negations and not a party of constructive policies, and that the Republican Party was a party of constructive policy. Very well, then, why that 'but.' 'I am a Republican, but I am in favor of the greatest constructive thing that has ever been suggested!' If I were a Republican, I would say, 'I am a Republican and therefore I am in favor of a league of nations.' My present point is to dissociate the league of nations from the present speaker. I did not originate it. It is not my handiwork. It has originated out of the consciences and thought of men who wanted justice and loved peace for generations, and my relationship to it is just what my relationship ought to be to every public question, the relationship which a man bears to his fellow citizens when he tries to interpret their thought and their conscience. That is what I conceive to be my part in the league of nations. I did have a part in some of the phraseology, and every time I did it was to carry out the ideas that these gentlemen are fighting for.

"For example, there is one part of the covenant, the principal part of it, where it speaks of arbitration and discussion, where it provides that any member State, failing to keep these particular covenants, shall be regarded as thereby ipso facto to have committed an act of war against the other members. The way it originally read was, 'Shall thereby ipso facto be deemed at war with the other members,' and I said, 'No; I can not agree to that. That provision would put the United States at war without the consent of the Congress of the United States, and I have no right in this part of the covenant or any other to assent to a provision which would deprive the Congress of the United States of its free choice whether it makes war or not.' There, and at every other point in the covenant where it was necessary to do so, I insisted upon language which would leave the Congress of the United States free, and yet these gentlemen say that the Congress of the United States is deprived of its liberty. I fought that battle and won it. It is not necessary for them to fight it over again.

"You will say, 'It is all very well what you say about the vote of the United States being necessary to the advice provided the United States is not one of the parties to the dispute. In that case it can not vote.' That is very true; but in that case it has got the fight on its hands anyhow, because if it is one of the parties to the dispute the war belongs to it. It does not have to go into it, and therefore it can not be forced by the vote of the United States in the council to go into the war. The only thing the vote can do is to force it out of the war. I want to ask you to think what it means when it is suggested that the United States may be a party. A party to what? A party to seizing somebody else's territory? A party to infringing some other country's political independence? Is any man willing to stand on this platform and say that the United States is likely to do either of those things? I challenge any man to stand up before an American audience and say that that is the danger. 'Ah, but somebody else may seek to seize our territory or impair our political independence.' Well, who? Who has an arm long enough, who has an authority great enough, to try to take a single inch of American territory or to seek to interfere for one moment with the political independence of the United States? These gentlemen are dreaming of things that can not happen, and I can not

bring myself to feel uneasy in the presence of things that I know are not so. The great difficulty in this discussion, as in so many others, is in the number of things that men know that are not so.

"'But the Monroe doctrine.' I must admit to you, my fellow citizens, I do not know how the Monroe doctrine could be any more explicitly accepted than it is in the covenant of the league of nations. It says that nothing in the covenant shall be interpreted as impairing the validity of the Monroe doctrine. What more could you say? I did try while I was in Paris to define the Monroe doctrine and get it written into the document, but I will confide to you in confidence that when I tried to define it I found that it escaped analysis, that all that you could say was that it was a principle with regard to the interference of foreign powers in the politics of the Western Hemisphere which the United States felt at liberty to apply in any circumstances where it thought it pertinent. That is not a definition. That means that the United States means to play big brother to the Western Hemisphere in any circumstances where it thinks it wise to play big brother. Therefore, inasmuch as you could not or would not define the Monroe doctrine—at least I would not, because I do not know how much we may want to extend it—what more could you say than that nothing in that instrument shall impair the validity of the Monroe doctrine? I tell you, my fellow citizens, that is the most extraordinary sentence in that treaty, for this reason: Up to that time there was not a nation in the world that was willing to admit the validity of the Monroe doctrine. I have made a great many speeches in my life, perhaps too many, but I do not think that I ever put so much of what I hope was the best in me as I put in the speech in the conference on the league of nations in favor of the Monroe doctrine, and it was upon that occasion that it was embodied. And we have this extraordinary spectacle, of the world recognizing the validity of the Monroe doctrine. Yet these gentlemen seem to want something more. What more could you get? Shall we get them to express their belief in the deity of the Monroe doctrine? They accept it for the first time in the history of the world, and they say that they will do nothing that will interfere with it. I must submit that it is absolutely irrational to ask for anything more.

"'But there is the question of somebody interfering with the domestic policies of the United States—immigration, naturalization, tariffs; matters of that sort. There, again, I can not understand or feel the weight of the difficulty, because the covenant says that if any international difficulty is brought under discussion and one of the parties claims and the council finds that it is a matter of domestic jurisdiction, the council shall cease to discuss it and shall make no report about it. The only way you could make the document more clear would be by enumerating the domestic questions you had in mind. Very well. I ask any lawyer here if that would be safe? Might you not be in danger of leaving out something? Might you not be in danger of not mentioning something that would afterwards become important? The danger of making a list is that the mention of the things you do mention constitutes the exclusion of the things you do not mention. Inasmuch as there is no dispute of any authoritative students of international law that these matters that we are most concerned about—immigration, naturalization, tariff, and the rest—are domestic questions, it is inconceivable that the council should ever seek to interfere with or to discuss such questions, unless we had ourselves deliberately made them matters of international agreement, and even the opponents of the league admit they would be suitable and proper subjects for discussion.

"Those are the matters upon which they are talking about reservations. The only reservations I can imagine are reservations which say over again what the covenant itself says in plain language, and make it necessary that we should go back to Paris and discuss new language for things that we all have to admit, if we are frank, are already in the document.

"But there is another matter. Somebody has said that this covenant was an arrangement for the dominance of Great Britain, and he based that upon the fact that in the assembly of the council there are six representatives of the various parts of the British Empire. There are really more than that, because each member of the assembly has three representatives, but six units of the British Empire are represented, whereas the United States is represented as only one unit. Let me be didactic for a moment and tell you how the league is constituted. There is an assembly made up of three members of each of the constituent States, and there is a council. The council is the only part of the organization that can take effective action. No powers of action rest with the assembly at all, and it is only in the assembly that the British Empire is represented as consisting of six units—for brevity's sake I will say as having six votes. There is only one case when the assembly can vote at all, and that is when the council refers a matter in dispute to the assembly, in which case the assembly can decide a matter by a majority, provided all the representatives of the nations represented in the council vote on the side of the majority. So that, alike in the assembly and in the council, the one vote of the United States is an absolute veto. I have said that there was only one case upon which the assembly could vote, and that is literally true. The council of the league is made up of one representative from each of the five principal allied and associated powers; that is to say, the United States, Great Britain, France, Italy, and Japan, and four other nations selected by the assembly of the league. The present members are Spain, Brazil, Belgium, and Greece. In the council is vested all the active powers of the league. Everything that is done by the league is formulated and passed by the council, and a unanimous vote is required. Indeed, my fellow citizens, that is the only thing that seems to me weak about the league; I am afraid that a unanimous vote will sometimes be very difficult to get. The danger is not action, but inaction. The danger is not that they will do something that we do not like, but that upon some critical occasion they will not do anything. If there is any weakness in it, it is the safeguard that has been thrown around the sovereign power of the members of the council. If a matter in controversy arises and one of the parties demands that it shall be taken out of the council and put into the assembly, the council is obliged so to refer it, but in the final vote in the assembly the affirmative action is not valid unless all the States represented in the council shall also in the assembly vote in the affirmative. As we can always veto, always offset with one vote the British six votes, I must say that I look with perfect philosophy upon the difference in number.

"The justification for the representation of more than one part of the British Empire was that the British Empire is made up of semi-independent pieces, as no other Empire in the world is. You know how Canada, for example, passes her own tariff law, does what she pleases to inconvenience the trade of the mother country. Canada's voice in the assembly is merely a debating force. The assembly is a great discussing body. It is a body in which some of the most valuable things that the league is going to do can be done, for I want to ask you, after you have read article 10 again, to read article 11. Article 11 makes it the right of any member of the league, however weak and small, to call attention to anything, anywhere, that is likely to disturb the peace of the world and to draw it into debate, draw it into the open, draw it where everybody can get the facts and talk about it. It is the only time, my fellow countrymen, in the history of the world when weak and oppressed and restive peoples have been given a hearing before the judgment of mankind. Nothing is going to keep this world fit to live in like exposing in public debate every crooked thing that is going on. If you suspect your friend of being a fool, the best way you can prove it or disprove it is by advising him to hire a hall. Then your judgment will be confirmed or reversed by the popular verdict. If you think a policy is good, you will venture to talk about it. If you think it is bad, you will not consent to talk about it. The league of nations takes everything into the public. It makes every secret agreement of every kind invalid; it provides that no treaty hereafter shall be valid unless registered with the secretary of the league and published. And after bringing everything into the open, it authorizes the assembly to discuss anything that is likely to affect the peace and happiness of the world. In every direction you look the safeguards of this treaty are thrown around those who are oppressed.

"Unless America takes part in this treaty, my fellow citizens, the world is going to lose heart. I can not too often repeat to you how deep the impression made upon me upon the other side of the water is that this was the Nation upon which the whole world depended to hold the scales of justice even. If we fail them, God help the world! Then despair will ensue. Despair is just at the door on that side of the water now. Men do not hope in Europe as they hope in America. They hope tremblingly. They hope fearfully. They do not hope with confidence and self-reliance as we do on this side of the water. Everywhere in Europe there is that poison of disorder and distrust, and shall we take away from this unsteady world the only thing that reassures it? If we do, then where is the boasted independence of America? Are we indeed independent in our life of the rest of the world? Then why did we go into the war? Germany had not directed her efforts immediately against us. We went in because we were partners with mankind to see that an iniquity was not practiced upon it. You know how we regard the men who fought the Civil War. They did the greatest thing that

was to be done in their day. Now, these boys here, and the others like them, have done the greatest thing that it was possible to do in our day. As their fathers saved the Union, they saved the world, and we sit and debate whether we will keep true and finish the job or not! My friends, that debate can not last one minute longer than the moment when this country realizes what it means. It means that, having sent these men to risk their lives and having sent some, whose mothers' hearts can count, to die in France, in order to redeem the world, we, in cool debate, in distant assemblies, say we will not consent that the world should reap the fruit of their victory! Nothing less than that hangs in the balance. I am ready to fight from now until all the fight has been taken out of me by death to redeem the faith and promises of the United States.

"I leave the verdict with you, and I beg, my Republican fellow citizens, that you will not allow yourselves for one moment, as I do not allow myself for one moment, as God knows my conscience, to think of 1920 when thinking about the redemption of the world. I beg that you will cut that 'but' out of your sentences, and that you will stand up, as you are entitled to stand up by the history of your party, and say, 'I am a Republican and therefore I am for the league of nations.' I do not admit the indictment which has been brought against the Democratic Party, but I do admit the distinguished history of the Republican Party; I do admit that it has been the creator of great constructive policies, and I should be very sorry to see it lose the prestige which it has earned by such policies. I should be very sorry to have any man feel that there was any embarrassment in supporting a great world policy because he belonged to a great constructive party, and that party a party of America—the constructive force in the world, the people who have done the most advanced thinking in the world, and the people who, God helping them, will lead and save the world."

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THE PRESIDENT AT STADIUM, TACOMA, WASH., SEPTEMBER 13, 1919.

"My friends and fellow citizens, it is very delightful to find myself in this beautiful spot and very thrilling to find myself surrounded by so great a company of my fellow citizens. I can not in these circumstances make you a speech, but I can say something from my heart. I can say that I am profoundly glad to see you and profoundly touched by a welcome like this. I want to express my particular interest in this charming circle of school children, because one of the thoughts that has been most in my mind recently is that we are making decisions now which will mean more to the children than they mean to us and that as we care for the future generations we will be careful to make the right decisions as to the policy of the United States as one of the factors in the peace of the world. I give you my most cordial greeting and my most profound thanks for this generous welcome."

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THE PRESIDENT AT ARMORY, TACOMA, WASH., SEPTEMBER 13, 1919.

"Mr. Mayor, Mr. Chairman, your excellency, my fellow countrymen, it is with very great pleasure that I find myself in your presence. I have long wanted to get away from Washington and come into contact with the great body of my fellow citizens, because I feel, as I am sure you feel, that we have reached one of the most critical periods in the history of the United States. The shadow of the war is not yet lifted from us, my fellow countrymen, and we have just come out of the depths of the valley of death. I thought that it might be useful if this morning I reminded you of a few things, lest we forget. It is so easy, with the strong tides of our life, to be swept away from one situation into another and to forget the real depths of meaning which lie underneath the things that we are merely touching the surface of. Therefore I thought it would not be impertinent on my part if I asked permission to read you the concluding passage of the address in which I requested the Government of the United States to accept Germany's challenge of war:

"'We shall fight,' I said, 'for the things which we have always carried nearest our hearts, for democracy, for the right of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as will bring peace and safety to all nations and make the world itself at last free. To such a task we can dedicate our lives and our fortunes, everything that we are and everything that we have, with the pride of those who know that the day has come when America is privileged to spend her blood and her might for the principles that gave her birth and the happiness and the peace which we have treasured. God helping her, she can do no other.'

"That is the program we started out on. That is the program which all America adopted without respect of party, and shall we now hesitate to carry it out? Shall we now falter at the very critical moment when we are finally to write our name to the standing pledge which we then took? I want to remind you, my fellow citizens, that many other nations were put under a deeper temptation than we. It would have been possible for little Belgium at any time to make terms with the enemy. Belgium was not prepared to resist. Belgium knew that resistance was useless. Belgium knew that she could get any term of advantage from Germany she pleased, if she would only submit, and at the cost of everything that she had Belgium did nothing less than underwrite civilization. I do not know anywhere in history a more inspiring fact than that. I have seen the fields of Belgium. I have seen great spaces swept of cities and towns as clean as if there had never been anything there except piles of stone; and, farther in, in that beautiful country, the factories are standing, the houses there, but everything that could be useful taken out of the factories; the machinery taken out and shipped to Germany, because Germany feared the competition of the skillful Belgians, and where it was too bulky to take away it was destroyed under the direction of experts—not broken to pieces, but the very part that made it impossible to use it without absolutely destroyed. I have been over great plants there that seemed to the eye to have much of the substantial machinery left, but experts showed me that it could never work again. Belgium lies prostrated because she fulfilled her pledge to civilization. Italy could have had her terms with Austria at almost any period of the war, particularly just before she made her final stand at the Piave River, but she would not compound with the enemy. She, too, had underwritten civilization. And, my friends, this passage that I have read you, which the whole country accepted as its pledge, is an underwriting of civilization.

"In order to let you remember what the thing cost, just let me read you a few figures. If I did not have them on official authority I would deem them incredible. Here is what the war cost. These figures do not include what the different powers loaned each other; they are direct war costs:

"It cost Great Britain and her dominions $38,000,000,000; France, $26,000,000,000; the United States, $22,000,000,000; Russia, $18,000,000,000; Italy, $13,000,000,000; a total, including Japan, Belgium, and other countries, of $123,000,000,000. It cost the Central Powers: Germany, $39,000,000,000; Austria-Hungary, $21,000,000,000; Turkey and Bulgaria, $3,000,000,000; a total of $63,000,000,000. A grand total of direct war costs of $186,000,000,000—an incredible sum—to save civilization. Now, the question is, Are we going to keep it saved? The expenditures of the United States were at the rate of $1,000,000 an hour, including the nighttime, for two years!

"The battle deaths—and this is the cost that touches our hearts—were: Russia, 1,700,000; Germany, 1,600,000; France, 1,380,000; Great Britain, 900,000; Austria, 800,000; Italy, 364,000; the United States, 50,300 dead. A total for all belligerents of 7,450,200 men dead on the field of battle! Seven and a half million! The totals for the wounded are not obtainable at present, but the number of torn and wounded for the United States Army was 230,000, excluding, of course, those who were killed. The total of all battle deaths in all the wars of the world from the year 1793 to 1914 was something under 6,000,000; in all the wars of the world for more than 100 years fewer men died than have been killed upon the field of battle in the last five years. These are terrible facts, my fellow citizens, and we ought never to forget them. We went into this war to do a thing that was fundamental for the world, and what I have come out upon this journey for is to ascertain whether the country has forgotten it or not. I have found out already. The country has not forgotten, and it never will permit any man who stands in the way of the fulfillment of these great pledges ever to forget the sorrowful day when he made the attempt.

"I read you these figures in order to emphasize and set in a higher light, if I may, the substitute which is offered to us, the substitute for war, the substitute for turmoil, the substitute for sorrow and despair. That substitute is offered in the covenant of the league of nations. America alone can not underwrite civilization. All the great free peoples of the world must underwrite it, and only the free peoples of the world can join the league of nations. The membership is open only to self-governing nations. Germany is for the present excluded, because she must prove that she is self-governing; she must prove that she has changed the processes of her constitution and the purposes of her policy; but when she has proved these things she can become one of the partners in guaranteeing that

civilization shall not suffer again the intolerable thing she attempted. It is not only a union of free peoples to guarantee civilization; it is something more than that. It is a league of nations to advance civilization by substituting something that will make the improvement of civilization possible.

"I call you to witness, my fellow citizens, that our present civilization is not satisfactory. It is an industrial civilization, and at the heart of it is an antagonism between those who labor with their hands and those who direct labor. You can not compose those differences in the midst of war, and you can not advance civilization unless you have a peace of which you make the peaceful and healing use of bringing these elements of civilization together into a common partnership, in which every man will have the same interest in the work of his community that those have who direct the work of the community. We have got to have leisure and freedom of mind to settle these things. This was a war against autocracy; and if you have disorder, if you have disquieted populations, if you have insurgent elements in your population, you are going to have autocracy, because the strongest is going to seize the power, as it has seized it in Russia. I want to declare that I am an enemy of the rulership of any minority, however constituted. Minorities have often been right and majorities wrong, but minorities cease to be right when they use the wrong means to make their opinions prevail. We must have peaceful means; we must have discussion—we must have frank discussion, we must have friendly discussion—and those are the very things that are offered to us among the nations of the world by the covenant of the league of nations.

"I can not too often remind my fellow citizens of what the real heart and center of that covenant is. It lies in the provisions by which every member of the league—and, mind you, that means every great nation in the world, except, for the time being, Germany—solemnly engages never to go to war without first having either submitted the subject to arbitration—in which case it agrees to abide absolutely by the verdict—or submitted it for discussion to the council of the league of nations, laying all the documents, all the facts, before that council; consenting that the council shall publish all the facts, so as to take the world into its confidence for the formation of a correct judgment concerning it; it agrees that it will allow six months for the deliberation of the council upon the facts, and that, after those deliberations are concluded, if the advice of the council is not acceptable, it will still not go to war for three months after the rendering of that opinion. In other words, we have the pledge of all the nations of the world that they will sit down and talk everything over that is apt to make trouble amongst them, and that they will talk it over in public, so that the whole illuminating process of public knowledge and public discussion may penetrate every part of the conference. I believe, for my part, that that is a 99 per cent insurance against war. I take it you want some insurance against war rather than none, and if it is not 99 per cent, I dare say you would like 10 per cent. You would like some insurance rather than none at all, and the experience of the world demonstrates that this is an almost complete insurance.

"My fellow citizens, imagine what would have happened if there had been a league of nations in 1914. What did happen was this: Some time after the Crown Prince of Austria had been assassinated in Serbia, after the world had begun to forget even so tragical an incident, the Austrian Government was prompted by the Government at Berlin to make that the occasion for war. Their thought was, 'We are ready. The others are not. Before they can mobilize, before they can bring this matter even under discussion, we will be at their gates. Belgium can not resist. We have promised, solemnly promised, not to cross her territories, but promises are scraps of paper. We will get across her territories into France before France can mobilize. We will make that assassination a pretext.' They therefore made unconscionable demands of Serbia, and, notwithstanding the fact that Serbia, with her sense of helplessness, practically yielded to all those demands, they would not even tell the world that she had yielded; they went on with the war. In the meantime every foreign office was telegraphing to its representative at Berlin, begging that there might be an international conference to see if a settlement could not be effected, and Germany did not dare sit down in conference. It is the common judgment of every statesman I met on the other side of the water that if this thing had been delayed and discussed, not six months, but six days, it never could have happened.

"Here we have all the Governments of the world agreeing to discuss anything that is likely to bring about war, because, after that famous article 10 there is an article 11—there are 26 articles altogether, although you are not told about any of them except article 10—and article 11 says that it shall be the friendly right of any member of the league, big or little, to bring to the attention of the league—and, therefore, to the attention of the world—anything, anywhere, which is likely to disturb the peace of the world or to disturb the good understanding between nations upon which the peace of the world depends. Wherever there are oppressed nations, wherever there are suffering populations, wherever there is a smoldering flame, the trouble can be uncovered and brought to the bar of mankind, and the whole influence of public opinion the world over will be brought to bear upon it. It is the greatest process of international conference and of international discussion ever conceived, and that is what we are trying to substitute for war. That is what we must substitute for war.

"Then, not in immediate connection with the league of nations covenant but in a later part of the treaty, there is what I have ventured to call the Magna Charta of labor. There is the provision for the constant regular international discussion of labor problems, no matter where they arise in the world, for the purpose of lifting the whole level of labor conditions; for the purpose of safeguarding the health of women and of children, for the sake of bringing about those international comities with regard to labor upon which the happiness of mankind so much depends. There is a heart in the midst of the treaty. It is not only made by prudent men but it is made by men with hearts under their jackets. I have seen the light of this thing in the eyes of some men whom the world deemed cynical. I have seen men over there, whose emotions are not often touched, with suffused eyes when they spoke of the purposes of this conference, because they realized that, for the first time in the history of mankind, statesmen had got together, not in order to lay plans for the aggrandizement of governments but in order to lay plans for the liberation of peoples; and what I want everybody in every American audience to understand is this: The first effective impulse toward this sort of thing came from America, and I want to call your attention to the fact that it came from some of the very men who are now opposing its consummation. They dreamed the dream that has now been realized. They saw the vision 20, 25, 30 years ago which all mankind are now permitted to see. It is of particular importance to remember, my fellow citizens, at this moment when some men have dared to introduce party passion into this question, that some of the leading spirits, perhaps I may say the leading spirits, in the conception of this great idea were the leading figures of the great Republican Party. I do not like to mention parties in this discussion. I hope that there is not a real thoughtful, conscientious person in the United States who will determine his or her opinion about this matter with any thought that there is an election in the year 1920. And, just because I want you to realize how absolutely nonpartisan this thing is, I want you to forget, if you please, that I had anything to do with it. I had the great privilege of being the spokesman of this splendid Nation at this critical period in her history, but I was her spokesman, not my own, and when I advocated the things that are in this league of nations I had the full and proud consciousness that I was only expressing the best thought and the best conscience of my beloved fellow countrymen. The only things that I have any special personal connection with in the league of nations covenant are things that I was careful to have put in there because of the very considerations which are now being urged. I brought the first draft of the covenant of the league of nations over to this country in March last. I then held a conference of the frankest sort with the Foreign Relations Committee of the Senate. They made a number of suggestions as to alterations and additions. I then took all of those suggestions back to Paris, and every one of them, without exception, was embodied in the covenant. I had one or two hard fights to get them in.

"You are told, my fellow citizens—it is amazing that anybody should say it—that the covenant does not satisfactorily recognize the Monroe doctrine. It says in so many words that nothing in that covenant shall be construed as impairing the validity of the Monroe doctrine. The point is that up to that conference there was not a nation in the world that could be induced to give official recognition to the Monroe doctrine, and here in this great turn of the tides of the world all the great nations of the world are united in recognizing the Monroe doctrine. It not only is not impaired but it has the backing of the world. And at every point where suggestions were made they were accepted; and the suggestions came for the most part from the Republican side of the committee. I say that because I am particularly interested, my fellow citizens, to have you realize that there is no politics in this business, except that profoundly important politics, the politics of civilization. I have the honor to-day of speaking under a chairman who, I understand, is a member of

the Republican Party, and every meeting that I have spoken at on this trip, so far as I remember, has been presided over by a Republican. I am saying these things merely because I want to read the riot act to anybody who tries to introduce politics.

"Some very interesting things happened while we were on the other side of the water. One of the most distinguished lawyers in the United States, Mr. Wickersham, of New York, who was the Attorney General in Mr. Taft's Cabinet, came over to Europe, I am told—I did not see him while he was over there—to oppose the things that he understood the American peace commission was trying to accomplish, and what happened to Mr. Wickersham? He was absolutely converted, above all things else, to the necessity for a league of nations not only but for this league of nations. He came back to the United States and has ever since, in season and out of season, been preaching in public advocacy of the adoption of this covenant. I need not tell you of the conspicuously fine work which his chief, Mr. Taft, has been doing in the same cause. I am very proud, my fellow citizens, to be associated with these gentlemen. I am very proud to forget party lines, because there is one thing that is so much greater than being a Republican or a Democrat that those names ought never to be mentioned in connection with, and that is being an American. There is only one way to be an American, and that is to fulfill the pledges that we gave the world at our birth, that we have given the world at every turn in our history, and that we have just now sealed with the blood of some of our best young men.

"Ah, my fellow citizens, do not forget the aching hearts that are behind discussions like this. Do not forget the forlorn homes from which those boys went and to which they never came back. I have it in my heart that if we do not do this great thing now, every woman ought to weep because of the child in her arms. If she has a boy at her breast, she may be sure that when he comes to manhood this terrible task will have to be done once more. Everywhere we go, the train when it stops is surrounded with little children, and I look at them almost with tears in my eyes, because I feel my mission is to save them. These glad youngsters with flags in their hands—I pray God that they may never have to carry that flag upon the battle field!

"There have been, if I may make a slight digression, some very amusing incidents on this journey. At Billings a number of boys were chasing the train as it pulled slowly out with flags and yelling all sorts of pleasant things to their friend "Woody." On this occasion one youngster in his enthusiasm insisted that I should take his flag and he handed it up to me. The boy next to him did not have a flag and he looked a good deal disconcerted for a moment, but then he put his hand in his pocket and said, 'Here, I will give you a dime.' I would like to believe that that dime has some relation to the widow's mite—others gave something; he gave all that he had. After all, though that is merely a passing incident, it is illustrative of the spirit of this country, my fellow citizens. There is something in this country that is not anywhere else in the world. There is a confident looking forward to better times. There is a confidence that we can work out the most difficult problems. There is none of that heavy, leaden discouragement that rests upon some other countries. Have you never crossed the sea in times of peace and noticed the immigrants who were going back to visit their folks, and then, on the return voyage, the immigrants who were coming in for the first time—the extraordinary contrast in the appearance of the two groups? The group going out, having felt the atmosphere of America, their faces bright, a sort of a sense of initiative about it, having been freed to be men and individuals; and those coming back, bearing all sorts of queer bundles, looking a bit anxious, just a little doubtful of the hope with which they are looking forward to the new country. It is the alchemy, the miracle of America, and it is the only country in the world, so far as my observation goes, where that miracle is wrought, and the rest of the world knows that. The rest of the world implores America's aid—not her material aid; they are not looking for our dollars; they are not looking for our guns. They are saying, 'Show us the road that led you out of the wilderness and made you great, for we are seeking that road.' Now that the great treaty of peace has established the oppressed peoples of the world who were affected by this treaty on their own territory, given them their own freedom, given them command of their own affairs, they are looking to America to show them how to use that new liberty and that new power.

"When I was at that wonderful stadium of yours a few minutes ago, a little child, a little girl in white, came and presented me with some kind of a paper—I have not had time read it yet—from the Poles. I dare say that it is of the sort that I have received a great many of—just an expression of a sort of childlike and pitiful thanks that America assisted to free Poland. Poland never could have freed herself. We not only tore Germany's hands away from where she meant to make ravage of the rights of the others, but we took those old peoples who had been under her power before and said, 'You could not free yourselves, but we believe in liberty. Here is your own land to do with as you please.' I wish that some of the men who are opposing this treaty could get the vision in their hearts of all it has done. It has liberated great populations. It has set up the standards of right and of liberty for the first time, where they were never unfurled before, and then has placed back of them this splendid power of the nations combined. For without the league of nations the whole thing is a house of cards. Just a breath of power will blow it down. Whereas with the league of nations it is as strong as Gibraltar. Let them catch this vision; let them take in this conception; let them take counsel of weeping mothers; let them take counsel of bereaved fathers who used to have their sons at their sides and are now alone; let them take counsel of the lonely farms where there used to be a boy to help the old man and now he can not even get a hired man to help him, and yet he is trying to feed the world; let them realize that the world is hungry, that the world is naked, that the world is suffering, and that none of these things can be remedied until the minds of men are reassured. That is the fundamental fact, my fellow citizens.

"If I wanted to have a joint debate with some man who wanted to put our part in this business down on the lowest possible level of how much money we were going to make out of it, I could silence him by showing that so long as the world is not reassured its industries will not begin again, that unless its industries begin again, there will be nothing to pay for anything with, that unless its industries begin again there will be no market for the goods of America, and that we will have to rest content with our domestic markets at the very time when we had enlarged our enterprises in order to make peaceful conquest of the world. The very processes of war have driven our industries to a point of expansion where they will be chilled and ruined if they do not presently get a foreign outlet. Therefore, on the lowest basis, you have got to guarantee and underwrite civilization or you have ruined the United States. But I do not like to talk about that side of it. I believe in my heart that there is hardly a man in America, if you get really back of his superficial thoughts, who is not man enough to be willing to make the sacrifice to underwrite civilization. It is only sacrifice that tells. Don't you remember what we used to cry during the liberty loans, 'Lend until it hurts. Give until it hurts.' When I heard, in some Western States, that people drew their savings out of banks that were giving them 4 per cent on the savings and invested them in the first liberty loan that was to yield them 3½ per cent, I said to myself, 'That is America.' They were helping the Government at a sacrifice. They were not thinking of the dollars. They were thinking of the dignity and might and majesty and destiny of the United States, and it is only that vision, my fellow citizens, that will ever lift us out of the slough in which men now are wading.

"It is a pitiful spectacle that the great bodies of our fellow citizens should be arrayed against each other. One of the most startling things that I ever realized was, months and months ago, when I was trying to moderate and assist in settling some of the difficulties between the railroads and their employees. I asked the representatives of the railway brotherhoods to come to the White House, and I asked the presidents of the great railway systems to come to the White House, and I found that each side had a profound suspicion of the other, that the railway presidents were not willing to trust what their men said and the men were not willing to trust what the railway presidents said. When I took over the railroads in the name of the Government, I said to a group of fine-spirited men, a group of railway presidents, who were trying to unify the administration of the railroads for the purposes of the war—I said, smilingly, but with a little sadness, 'Well, at any rate, gentlemen, these men will trust me, and they do not trust you.' I did not say it with pride; I said it with sorrow. I did not know whether I could justify their trust or not, but I did know that I was willing to talk things over with them whenever anything was the matter, and that if we were equally intelligent and equally conscientious, we could get together whenever anything went wrong. I could not help suspecting that this distrust, this mutual distrust, was the wedge that was being driven into society, and society can not live with a great wedge at the heart of it. Society can not get on industrially or socially with any such wedge driven into its heart. We must see that the processes of peace, the processes of discussion, the processes of fairness, the processes of equity, the processes of sympathy penetrate all our affairs. I have never known anybody who had a good cause who was unwilling to discuss it. Whenever I find a man standing out stiffly against consulting with the other side, I know

his case is bad. The only unconquerable thing in the world is the truth, and a man who has the truth on his side need not be afraid of anybody. You know what witty and eloquent old Dr. Oliver Wendell Holmes once said. He said, 'You needn't fear to handle the truth roughly; she is no invalid.' The truth is the most robust and indestructible and formidable thing in the world. There is a very amusing story of a distinguished lawyer at Charleston, S. C., of a very much older generation than ours, who was followed out of the court one day after losing a civil suit by his client, who abused him. He called him a thief and a liar and everything that was disagreeable, and Mr. Peddigrew paid not the slightest attention to him, until he called him a Federalist, and then he knocked him down. A friend said to him, 'Why, Mr. Peddigrew; why did you knock him down for that? That was the least offensive thing he said.' 'Yes, damn him,' Peddigrew said, 'but it was the only true thing he said.'

"Now, the nations of the world have declared that they are not afraid of the truth, that they are willing to have all their affairs that are likely to lead to international complications brought into the open. One of the things that this treaty incidentally does is absolutely to invalidate all secret treaties. Everything is to be open. Everything is to be upon the table around which sit the representatives of all the world, to be looked at from the point of view of everybody—the Asiatic, the African, the American, the European. That is the promise of the future; that is the security of the future. I hope that no attempts will be made to qualify or embarrass the great process which is inevitable, and I confidently predict that some day we shall look back with surprise upon the fact that men in America, above all places, should ever have hesitated to do this great thing.

"It has been a privilege, my fellow citizens, to make this simple presentation of a great theme to you, and I am happy in carrying away with me recollections of the generous response you have made to a plea which I can only characterize as a plea which has come from the heart of a true American."

THE PRESIDENT AT HIPPODROME, SEATTLE, WASH., SEPTEMBER 13, 1919.

"Mr. Spangler, ladies, and gentlemen, it was agreed that I should make no address on this occasion, and I am not going to inflict upon you anything that can bear so dignified a name, but when Mr. Spangler asked me if I would extend a word of greeting to you I at once thought of the wonderful greeting that you and your fellow citizens have extended to me, and it would indeed be ungracious if I did not say how much I have appreciated your welcome and how delightful it is to be associated with you even for a few hours in this great city of Seattle.

"I have been in Seattle before, when I attracted less attention. I admired the city then, as I admire it still, and I could see it better then than I have seen it to-day. To-day I had too much of an escort to be really able to see the new features of the city with which I was not familiar. I was reminded of some of our experiences on the other side of the water, when we had to be careful not to let anybody know we were coming to a particular place for fear we would be escorted by so many persons that we would not see the place; and I have found in Washington that I am not to see the interesting things in Washington until my term is over, because all the officials in public buildings feel it necessary to escort me all over the buildings, and I either see the things that I did not care to see, because they insist upon it, or I see nothing.

"But, jesting aside, by fellow citizens, it was very delightful to see so many friendly faces on these beautiful streets. What I liked about it was not so much the cheers as the facial expressions that accompanied the cheers. They made me feel really welcome, and I could only fancy and hope that it was the reflection in their faces of the way I felt toward them. I suppose that a man in public life must renew himself constantly by direct contact with his fellow citizens, get the feel of the great power of opinion and of sentiment in this country, and nothing else heartened me so much as I have crossed the continent as to feel the uniformity of impulse and sentiment from one ocean to the other. There is no essential division in the thought or purpose of the American people, and the interesting thing to me is their steadiness. No amount of debate will set them off their balance in their thinking, because their thinking is based upon fundamental impulses of right, and what they want to know is not the difficulties but the duties ahead of them, and if you point the duties out to them they have a contempt for the difficulties. It is that consciousness which I have so often gained in moving from one part of this beloved country to another that makes me so profoundly proud to be an American. It was not, indeed, my choice to be an American, because I was born here, and I suppose that I can not ascribe any credit to myself for being an American; but I do claim the profoundest pleasure in sharing the sentiments and in having had the privilege for a few short years of trying to express the sentiments of this free Nation, to which all the world looks for inspiration and leadership.

"That is the dominating thought that I have. I will not say the dominating thought; it is the controlling knowledge that I have, for I learned to know on the other side of the water that all the world was looking to us for inspiration and leadership, and we will not deny it to them."

COAL-MINING SITUATION.

Mr. FRELINGHUYSEN. Mr. President, on yesterday I presented and had read into the RECORD a letter from the president of the Pennsylvania Coal & Coke Corporation. I then stated that I would have read for the information of the Senate the demands made by the bituminous coal miners to the mine operators. I now send to the desk the report of the scale committee of the United Mine Workers of America, and I ask that it be read in connection with the letter which I send to the desk, and also the reply of the mine operators to the mine workers.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

THE CENTRAL PENNSYLVANIA
COAL PRODUCERS' ASSOCIATION,
Altoona, Pa., September 24, 1919.

Mr. T. H. WATKINS,
910 Whitehall Building, New York.

DEAR SIR: Inclosed herewith find copy of report of the scale committee of the United Mine Workers convention at Cleveland, Ohio, which was adopted yesterday. The adoption of this report, in my opinion, precludes all hope of averting a nation-wide strike in the bituminous, and possibly the anthracite, coal industry.

This demand includes $8 a day for six hours; 60 per cent increase in all tonnage, yardage, and dead-work rates; elimination of the automatic penalty clause; and establishment of a weekly pay day.

You will note by the terms of the proposed demands that the scale committee representing the United Mine Workers of America has no power to negotiate an agreement, but must reconvene the convention which adopted these demands for ratification.

I am also inclosing copy of the nationalization plan adopted Saturday.

Very truly, yours,

CHARLES O'NEILL,
General Secretary.

REPORT OF SCALE COMMITTEE OF UNITED MINE WORKERS OF AMERICA.

To the Twenty-seventh Consecutive Constitutional and Fourth Biennial Convention of the United Mine Workers of America.

GREETINGS: We, your scale committee, to whom has been delegated the duty of drafting a proposed wage scale, herewith submit for your consideration and acceptance the following report:

First. We recommend that this report be accepted as a substitute for all wage-scale resolutions that have been presented to the convention.

Second. We recommend that this convention demand a 60 per cent increase to be applicable to all classifications of day labor and to all tonnage, yardage, and dead-work rates throughout the central competitive field.

Third. We recommend that this convention demand that all wage agreements that are negotiated to replace existing agreements shall be based on a six-hour work day, from bank to bank, five days per week.

Fourth. That all day labor shall be paid time and a half for overtime and double time for all work done on Sundays and legal holidays.

Fifth. That all agreements entered into by the United Mine Workers of America shall have incorporated therein a provision providing for a weekly pay day.

Sixth. That all double-shift work on the coal shall be abolished except as may be necessary for development and ventilating purposes, and development for increased tonnage shall not be regarded as being a reason for double-shift work, it being understood that this rule shall not be applicable to new mines that are in the process of development.

Seventh. That no automatic penalty clause shall be written into any agreement entered into by the United Mine Workers of America.

Eighth. That all internal differences not covered by joint interstate agreement shall be referred back to the respective districts for adjustment.

Ninth. That all contracts in the bituminous field shall be declared as having automatically expired November 1, 1919, and that no sectional settlement shall be allowed; and new contracts must run concurrently for a period of two years in all bituminous districts under our jurisdiction.

Tenth. That agreements negotiated for outlying districts shall be retroactive and become effective on the date upon which the agreement for the central competitive field becomes effective.

Eleventh. That no agreement for the central competitive field shall be concluded until after this convention has been reconvened and the agreement has been ratified by the reconvened convention, which reconvened convention shall also define a policy to be applicable to outlying districts, and that the reconvened convention shall be held in Indianapolis, Ind., on such date as may be designated by the resident international officials.

Twelfth. We recommend that in event a satisfactory wage agreement is not secured for the central competitive field before November 1, 1919, to replace the one now in effect, that the international officials be authorized to, and are hereby, instructed to call a general strike of all bituminous miners and mine workers throughout the United States, the same to become effective November 1, 1919.

Thirteenth. That this convention go on record as favoring the ratification of the wage demands made by the anthracite miners in their tri-State convention, which was held in Wilkes-Barre, Pa., from August 10 to 23, inclusive, and that we pledge to the anthracite mine workers our power and influence in aiding them to the fulfillment of their demands.

(Signed by District Presidents.)

NATIONALIZATION.

This plan for nationalization of coal mines was adopted by delegates to the United Mine Workers' convention Saturday, September 20:

"Coal mining is a basic industry, indispensable to the economic life of the Nation and to the well-being of the Nation's citizens.

"The all-important coal resources of our country are owned and controlled by private interests. Under the prevailing system of private ownership coal is mined primarily for the purpose of creating profits for the coal owners. The production of coal under this system is characterized by an appalling economic waste.

"The incomparable natural resources of America, and particularly those of timber and coal, are being despoiled under a system of production which wastes from 33 to 50 per cent of these resources in order that the maximum amount of dividends may accrue to those capitalists who have secured ownership of these indispensable commodities.

"OWNERSHIP.

"We hold that the coal supply of our Nation should be owned by the Commonwealth and operated in the interest of and for the use and comfort of all of the people of the Commonwealth.

"Countless generations of men and women will doubtless follow us, and the American people of this generation owe a solemn duty to them in protecting with zealous care and conserving with wise administration those great treasures that a bounteous nature has bestowed upon us in such generous measure.

"Our coal resources are the birthright of the American people for all time to come, and we hold that it is the immediate duty of the American people to prevent the profligate waste that is taking place under private ownership of these resources by having the Government take such steps as may be necessary providing for the nationalization of the coal-mining industry of the United States.

"PRIVATE RIGHTS.

"Under private ownership, where production is conducted for private gain, the spirit of the times seems to be 'After us the deluge.'

"This must be supplanted by a system where production will be for use and the common good, and economic waste will give way to conservation of the Nation's heritage in the interest of posterity.

"We, the United Mine Workers of America, in international convention assembled, representing the workers who have their lives and the welfare of their dependents invested in the coal mines of our country, do therefore resolve:

"That we demand the immediate nationalization of the coal-mining industry of the United States.

"That we instruct our international officers and the international executive board to have a bill prepared for submission to Congress containing the following provisions:

"'1. That the Government, through act of Congress, acquire title to all coal properties within the United States now owned by private interests by purchasing said properties at a figure representing the actual valuation of said properties as determined upon investigation by accredited agents of the Federal Government.

"2. That the coal-mining industry be operated by the Federal Government and that the mine workers be given equal representation upon such councils or commissions as may be delegated the authority to administer the affairs of the coal-mining industry, authority to act upon the question of wages, hours of labor, conditions of employment, or the adjudication of disputes and grievances within the industry.

"3. Realizing as we do that the masses of the American people, while they have been dispossessed of their right of ownership to the coal and other natural resources upon which their well-being depends, still own and control the Government of the United States whenever they care to exercise their power in the matter; and realizing that the success of our effort to secure nationalization of the coal-mining industry depends upon our ability to convince a majority of the American people of the justice of this proposal, we herewith further instruct our international officers and international executive board to use their influence to bring our demand for nationalization to the attention of the American people and to endeavor to secure the cooperation and support of every progressive force and every liberal, fair-minded individual with a regard for our duty to posterity and a belief in the principle of common ownership of our national resources, to the accomplishment of this end.

"PLUMB PLAN.

"We further instruct our representatives to urge in the coming conference with the representatives of the railroad workers' unions a working alliance for the purpose of securing the adoption of the Plumb plan for nationalization of railroads as the initial step in the fight for the principle of nationalization, with the understanding that such alliance will continue to press the issue with unabated vigor until the principle of nationalization has been extended to embrace the coal-mining industry of the Nation.

"And be it further resolved that our organization, for the reasons set forth above, carry its fight for nationalization of mines into the Dominion of Canada and throw its influence wherever possible behind our members in Canada to the accomplishment of that end."

Mr. FRELINGHUYSEN. Mr. President, I know that the Senator from Connecticut [Mr. McLEAN] is very anxious to get his banking bill up; and I ask that the reply of the operators to the demands of the United Mine Workers be printed in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

REPLY OF THE REPRESENTATIVES OF THE BITUMINOUS COAL MINE OPERATORS TO THE DEMANDS OF THE REPRESENTATIVES OF THE MINERS OF THE CENTRAL COMPETITIVE FIELD.

BUFFALO, N. Y., *September 29, 1919.*

We have carefully considered the demands and position of the mine-workers' representatives, transmitted to us in writing by Acting President Lewis on September 26. Our reply and position are as follows:

Purpose of conference—this conference was called at the request of the miners—"To negotiate a contract to be effective upon the expiration of the present agreement."

Present agreement: The present wage agreement, modifying and extending the scale contract of April 1, 1916, runs "during the continuation of the war, and not to exceed two years from April 1, 1918." It was executed by the accredited and duly authorized representatives of both operators and miners on October 6, 1917, at Washington, D. C., under the supervision and with the participation of United States Fuel Administrator H. A. Garfield, representing the President of the United States, acting under provisions of the Lever Act, a statute still effective. At that time it was definitely understood that "the continuation of the war" would be until formal proclamation of peace by the President of the United States. That agreement is therefore in full force and effect until such proclamation, unless terminated by its expiration on March 31, 1920.

The operators are here for the purpose of negotiating a contract to be effective immediately upon the legal expiration of the present contract, to prevent unsettlement of the industry and hardship to the public during the busy winter months should peace be proclaimed prior to April 1, 1920, and the present agreement be thereby suddenly terminated.

DEMANDS OF THE MINERS.

Your acting president, Mr. Lewis, has transmitted to us, and moved the acceptance of, a list of demands. These demands are radically extravagant and manifestly impossible of acceptance. In addition to which they indicate (1) a disregard by the United Mine Workers of America of their obligations under an existing contract solemnly entered into and still in force; (2) a complete lack of authority on your part to negotiate as provided and intended by the call; and (3) include an autocratic notice that unless we accept these demands you are instructed to call a general strike of all bituminous coal miners and mine workers of the United States on November 1.

Passing for the moment the arbitrary and wholly un-American way in which we are asked to act without regard to our contract rights or to public welfare, and with the unqualified strike order as an implied threat, let us review briefly the more important of your demands.

(1) In place of the existing 8-hour day, 6-day week, you demand a 6-hour day from "bank to bank" five days per week, which result in only 25 hours or less of actual work per week, and which, with no double shifting of working places or productive machinery as also demanded, would be a reduction of possible productive effort to practically one-half of present and altogether reasonable standards, with resulting increase in costs. Such a demand can not be entertained. National necessity demands the greatest possible production of essential commodities.

(2) You demand a 60 per cent increase in wage scale, time and one-half for over time, and double time for legal holidays and Sundays. Acceptance of these demands, with the indirect increases inherent to other items of your demands, would more than double the already high cost of producing coal, with consequent large direct and indirect additions to the cost of living of every citizen and a demoralization and prostration of the industry. Such wage increases are impossible, and their attempted enforcement would react with great harm equally on the Nation and on the individual miners you represent.

(3) You demand that no automatic penalty clause be written into any agreement entered into by the United Mine Workers of America. The present automatic application of penalty clauses, applying both to operators and to miners, and by the Government made a requirement contingent to the Government approval of our Washington agreement, is an outgrowth of the inability of union officials to prevent illegal strikes in violation of their orders or contract obligations. The provision has been effective and present conditions of unrest and radicalism make such policing power in the hands of the responsible officials of the contracting parties more than ever imperative. Such penalty clauses contain no terrors for those who in good faith abide by their self-made agreements.

(4) You demand a change from the long-established customs of having wage agreements expire in the spring, when there is least danger and inconvenience to the public, to an expiration November 1, which is the time of maximum demand for coal. You demand other items, none of which have apparent constructive merit but all of which tend to increase cost and decrease production. We must also dismiss these points as undesirable.

POSITION OF THE OPERATORS.

The operators have sent their accredited representatives to this conference with full power to negotiate a contract as provided by the call. We regret to find that the miners convention from which you come has failed to vest in you corresponding power and discretion. With your authority apparently limited to a presentation of the excessive demands above set forth and to reconvene your convention or execute your instructions to call a general strike November 1, we are faced with the alternative of granting your demands in full or of requesting you to go back for authority to negotiate with us in conformity with the call.

The operators hold that no abrogation of the existing contract can be had prior to its legal termination, except by the mutual agreement of all parties thereto, the operators, the miners, and the Government. We are ready and willing to negotiate a new contract to succeed at its legal expiration the contract now in effect, but we must insist that such negotiation be entered into in a spirit of reasonableness and that the representatives of the miners be vested with their usual discretionary power to really negotiate. Only under such conditions is it possible to reach a prompt and definite conclusion and to preserve the principles of collective bargaining.

The operators come to this conference with a consciousness of the more than usually grave responsibilities resting upon them because of their duty to cooperate in the processes of post-war adjustments with which the Nation is confronted. They expected the miners to approach these important negotiations in the same spirit. But with your hands tied by the nature of your instructions, and a strike threat your only impelling argument, we ask you if there is any possibility of securing results by continuing our present conference under such limitations.

EXECUTIVE COMMITTEE FOR THE OPERATORS.
THOMAS T. BREWSTER, *Chairman.*

Mr. FRELINGHUYSEN. I ask unanimous consent to make a brief statement in regard to the coal situation.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

Mr. FRELINGHUYSEN. Mr. President, some weeks ago the Interstate Commerce Committee was instructed by the Senate to make an investigation of the coal situation in the country, with a view to ascertaining whether there would be sufficient coal for the needs of the country during the coming winter, and also to ascertain the reason for the sustained increased price

of coal. In an effort to study this situation the committee called before it many of the mine operators, the representatives of the miners, the coal companies, the coal associations, and the agencies of the Government that had to do with this industry. The effort made by the committee was not a sensational one, for publicity, but an honest effort to see if some improvement could be brought about in the situation.

We found that there was a shortage of production; that unless something was immediately done undoubtedly there would be a shortage of bituminous coal during the coming winter. We found that the anthracite situation was in much better shape; that there was sufficient production, and the distribution was practically up to the average of previous years. But in the bituminous situation we found that, owing to the shortage of cars at many of the mines, due to the fact that there had been during the summer no market, the purchasers of coal had not bought from the mines, the mines had been idle, and the production was considerably behind the average of previous years.

We called the Director General of Railroads before us, and pointed out to him the situation. He stated that many of the cars that he had had under his control needed repairs; that they had felt, in view of the fact that there was no market, that they could postpone the repair of those cars, but that he realized that it was necessary, if a proper supply of coal was to be produced for the coming year, to do something; and he asked the committee to ascertain the amount of bituminous coal needed for consumption during the coming year.

We made an effort to ascertain that, but found that the agency of the Government, the Geological Survey, which had furnished statistics to the Fuel Administration during the war, had ceased to function, owing to the fact that the Congress had failed to appropriate a sum sufficient to carry on that work. However, a haphazard estimate was made, and it was practically concluded that it was necessary to supply 11,000,000 tons per week in order to meet the approximate needs of the country from now until the 1st of April.

The committee suggested to the various mine operators who were producing coal that they forward, through the committee, by telegram, reports of car shortages; and hundreds of telegrams were sent to the committee, and we sent them to the Director General, and he allocated cars to those mines, as far as he could, without interfering with the regular traffic of the transportation lines. He did more than that. He sent the wooden cars and the smaller cars back to their roads, utilizing them there for other traffic—the carrying of building materials, cinders, and road material—and directed the larger hopper cars to the mines. The result was that whereas in the latter part of August the production from the mines had been about 8,000,000 tons per week, it rose, I think, about a week ago, to nearly eleven and a half million tons, showing that cooperative effort had produced results.

We investigated the anthracite situation and found that the shortage of cars did not exist in that industry; that there were sufficient cars. We also found that the independent operators, who had asked 75 cents advance arbitrarily on anthracite coal, had a reason for doing so. There are 100,000,000 tons of anthracite produced in the country annually and consumed by the public. Seventy-five million tons of that are produced by the coal-mining roads, the roads that operate coal mines and run their railroads in connection with those lines. The independent operators are the operators that own no mines, but lease from landlords coal-mining properties. They produce 25,000,000 tons per year. They lease these mines from the landlords; and of their production of 25,000,000 tons, 20,000,000 are under lease, under royalties. These royalties have generally been at the rate of an average of 37 to 45 cents a ton, as nearly as I can remember the figures; but the leases are limited to 15 years, and they have been expiring, and the landlords have been asking increased royalties up to 28 per cent of the price of the coal at the mines.

Mr. SMOOT. Mr. President, this applies only to anthracite coal?

Mr. FRELINGHUYSEN. Anthracite only. This increases the price approximately $1.25 paid for royalties by the lessees of these mines; and therefore the independent operators ask 75 cents more per ton for their anthracite coal by reason of that condition.

In the bituminous coal industry the country uses practically 500,000,000 tons during the coal year. That is approximately from the 1st of September to the 1st of April. Last year we produced 579,000,000 tons. So accurate was the estimate of the Geological Survey that they estimated the production at 585,000,000 tons, and 579,000,000 tons of bituminous coal were produced. That is the principal industry of the country, upon which all of the industrial vitality of the country depends. It is utilized largely for industrial purposes, although a considerable portion is used for domestic purposes; and it is extremely important to the country not only that that coal should be produced but that it should be properly distributed, and that the miners should continue at work, for if there is a cessation in any way the industries of the country will be paralyzed.

We have estimated that the country will consume this year 500,000,000 tons; and in our cooperative effort with these various agencies of the Government we have tried to see that the cars shall be allocated to the mines in order that the coal may be moved. We have said to the operators, "This investigation will be carried further. We are going to investigate the prices, and we are going to recommend through some agency of the Government that the facts needed by the Government and the Congress for its information shall be compiled and procured"—facts tending to show the needs of the transportation to carry the coal, the needs of the consumers, and how much coal is needed. I feel that the committee should recommend that these mine operators publish every month in a bulletin, for the information of the public, the price of the coal at the mines; not only that but that the Federal Trade Commission or some other agency should investigate costs of production; not only that but that this bureau or agency should have the authority to inquire of the wholesaler and the retailer the price he is charging for purveying that coal.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from New Jersey yield to the Senator from Montana?

Mr. FRELINGHUYSEN. I do.

Mr. WALSH of Montana. For some considerable time the Bureau of Mines published such information as the Senator now speaks of, but the appropriation to continue that work was omitted from the last general appropriation bill. Has the Senator some views to express upon the advisability of continuing that service?

Mr. FRELINGHUYSEN. I believe that the research conducted by the various bureaus of Government should be continued, because Congress can not legislate in this great problem unless it has the information. I think the Bureau of Mines should continue the work of investigating the coal deposits and the exhaustion of those deposits entirely separate from the statistics compiled by the Geological Survey. I think that the work of the Geological Survey in compiling statistics of the production at the mines and also the consumption of coal should be continued. I have an amendment to offer to the deficiency appropriation bill providing $40,000, in order that the Geological Survey may carry on that work. I am in favor of the Bureau of Mines carrying on their investigations. The Fuel Administration were enabled to estimate the needs of the country through the investigations of the Geological Survey and distribute the coal throughout the country, not only supplying the needs of this country but also the needs of our Allies during the war. The Government appropriated $400,000 for that purpose. This year, when it was just as important, when we were coming out of the war, when we were endeavoring to sustain the prosperity of the country, Congress refused to grant the estimate made by the Geological Survey of $40,000 to carry on the work.

I agree with the Senator from Montana [Mr. WALSH] that the work of the Bureau of Mines should be carried on. Not only that, but the Federal Trade Commission, who have been investigating the cost of production, should be allowed to continue their work, so that Members of Congress, who must legislate for this important industry, may have information on which to base legislation. When you realize that 33⅓ per cent of all the traffic carried by the railroads of the country is coal, it is quite important that Congress should have information on this important question.

Mr. POMERENE. Mr. President——

Mr. FRELINGHUYSEN. I yield to the Senator from Ohio.

Mr. POMERENE. The Senator a moment ago referred to the question of car shortage. The Senator has not stated, I believe, what number of new cars were provided by the railroad companies. What information has the Senator on that point.

Mr. FRELINGHUYSEN. Mr. President, if I remember the testimony before the committee, there were 80,000 new cars purchased by the Railroad Administration. These cars were the modern, large-hopper cars, built especially for carrying coal. For some reason or other, which has never been definitely ascertained by the committee, there was delay in distributing those cars to the various railroads.

Mr. POMERENE. Mr. President, may I offer this suggestion? I had some information some two months ago, when I began to investigate this subject, that a large number of the hopper

cars, and perhaps other coal cars, were standing on the sidings throughout the country, and had not been distributed to the several companies, but it was said that they were awaiting painting and stenciling. Is that correct?

Mr. FRELINGHUYSEN. That is correct. There was considerable delay in stenciling these cars with the name of the road to which they had been sold or were allotted, and that was due to the fact that there was some difficulty, I understand, in the financial arrangements and the settlement for the cars. It was probably purely a financial problem, but I think that the committee succeeded in inducing the Director General to appreciate the seriousness of the situation, and that whatever red tape there was, if there was any, was cut. I understand that practically all those cars have now been distributed to the various carriers to whom they were assigned in the first place.

Mr. POMERENE. Mr. President, if I may direct the Senator's attention to another subject, I also gathered a good deal of information to the effect that there were a large number of cars out of repair, but which were not sent to the repair shops. To illustrate, one witness who had investigated the subject advised me that cars marked as out of repair and ordered to the repair shops as early as April 25 were still found on sidings near the place where they had been condemned, and remained there for four months or such a matter before being moved to the shops. What information has the Senator on that point?

Mr. McLEAN. Mr. President, this is a very important and interesting subject, but I understand the Senator from New Jersey is proceeding by the unanimous consent of the Senate, and if it is the intention of the Senator from Ohio to occupy the morning hour in asking the Senator questions I will ask that this matter be postponed until to-morrow.

Mr. POMERENE. Mr. President, I think there is no justification for the Senator from Connecticut to question my motives. I have asked two or three questions on a very important subject. I have no desire to interfere with the consideration of the other subject, but when the Senator who has had charge of this investigation is giving to the Senate some information I thought that it was not improper to direct his attention to one or two phases of the subject which he had not touched upon.

Mr. McLEAN. I am perfectly willing to take the Senator's word as to his purpose in engaging in this debate, but if it continues beyond 1 o'clock I must object.

Mr. LA FOLLETTE. Mr. President, I should like to make an inquiry. I understand that the Senator from New Jersey asked unanimous consent to make a statement and that consent was given. I do not understand that anyone can raise an objection now and take him off the floor.

The VICE PRESIDENT. That question has not been raised. If it is raised, the Chair will rule that the Senator from New Jersey can not be taken from the floor.

Mr. LA FOLLETTE. I thought so. While I am on my feet I would like to ask the Senator from New Jersey just one question that will not divert him from answering the question of the Senator from Ohio. I would like to know if the hearings to which the Senator from New Jersey has alluded, which were conducted by a subcommittee of the Committee on Interstate and Foreign Commerce, have been printed?

Mr. FRELINGHUYSEN. They are in galley proof, but I do not think they have been bound as yet.

Mr. LA FOLLETTE. I sent for a copy of them, but have not been able to get it.

Mr. FRELINGHUYSEN. You can get the galley proof, I think, but they have not been bound.

Before answering the Senator from Ohio I want to say to the Senator from Connecticut [Mr. McLEAN] that I have no desire to delay the bringing up of his bill, and I will finish in a very few minutes, but not before 1 o'clock.

In answering the Senator from Ohio, it is true that there were a large number of coal cars out of repair. I think the number of cars that are utilized for carrying coal are approximately 1,000,000 or 1,100,000. If I remember correctly, at the beginning of the investigation about 113,000 of those cars were out of repair and out of use. The last reports that we had, a week or two ago, showed that the number had been reduced to 95,000, showing that there had been improvement.

The Director General delayed repairing the cars for a number of months; it has never been clearly ascertained why. It was probably due, in a great part, to the shopmen's strike, which also affected the production of coal. But I feel sure that at the present time the situation is improving, although I am informed by the Director General that a large number will continue to be out of repair, and that at the present time, and likely for some time in the future, there is apt to be a shortage of cars.

Mr. President, I simply want to allude to and express my views on another phase of the situation—the demands of the mine workers at the present time. Whatever we may do to bring about cooperation between the mine owners and the Government in regard to production, the most important factor in the situation is the question of the miners continuing at work. All of our efforts will be in vain if they do not continue at work. In what I have to say, I speak for myself individually, and not for the committee.

I have had read at the desk the demands of the mine workers at the present time. I have also had read from the desk the reply of the operators.

Before proceeding further I should state that the daily papers, within the past 48 hours, indicate that the officials representing the anthracite miners have just reached an agreement with the coal operators continuing until March 31, 1920, the existing wage scale. All honor to them for that decision.

But the officials representing the bituminous miners have pursued a radically different course.

The correspondence which I am about to offer presents an ominous situation, affecting, in the highest degree, the prosperity, peace, happiness, and health of the American people.

I have been a friend of labor, of organized labor, throughout my public career, both in the senate of my native State and in the Senate of the United States, but I am not a friend of tyranny, whether it be the tyranny of the capitalist or the tyranny of the professional labor agitator.

I believe that the laborer is worthy of his hire, but I do not believe that any man or set of men is entitled to a wage that will mean the placing of an intolerable burden upon the great mass of our population, already weighed down by high taxes and the high cost of living.

This action of the United Mine Workers of America should evoke, as I feel sure it will evoke, an outburst of indignation on the part of an outraged public.

Only a man of impaired intellect will fail to see that this is not a controversy which alone affects the coal operators and their employees. It is one that affects and seriously affects every house in the land, especially the home of the humblest citizen who depends upon coal for fuel purposes.

Over a hundred millions of our citizens who have never owned a dollar of coal stock anywhere and have never been near a mining town are vitally concerned in this controversy, for if the United Mine Workers of America shall have their demands granted it would add from $2 to $2.50 to the price of every ton of bituminous coal marketed, and a billion dollars would be filched from the pockets of those who can ill afford any such tax, in view of the innumerable other demands made upon the family purse.

What are these demands? The public should know. I shall not reproduce them in detail. They are set forth in the correspondence I am submitting herewith. I shall, however, present a few of them, in nontechnical language.

First. That the present wage agreement between the operators and the miners, which it was generally understood would not expire until April 1, 1920, shall be considered as null and void after November 1, 1919.

Second. That hereafter the miners shall work only five days a week and only six hours a day.

Third. Wages shall be increased 60 per cent.

Fourth. For overtime there shall be a 50 per cent additional compensation, and for all work on Sundays and holidays the extra pay shall amount to 100 per cent.

I shall not particularize the other demands, though these are on a par with those cited.

We must not, however, lose sight of the final demand, the crux of the matter, to wit:

> We recommend that in event a satisfactory wage agreement is not secured for the central competitive field before November 1, 1919, to replace the one now in effect, that the international officials be authorized to and are hereby instructed to call a general strike of all bituminous miners and mine workers throughout the United States, the same to become effective November 1, 1919.

These demands were presented to the bituminous coal mine operators assembled in Buffalo, September 29, 1919, who made reply, inter alia, as follows:

> Acceptance of these demands, with the indirect increases inherent to other items of your demands, would more than double the already high cost of producing coal, with consequent large direct and indirect additions to the cost of living of every citizen and a demoralization and prostration of the industry. Such wage increases are impossible, and their attempted enforcement would react with great harm equally on the Nation and on the individual miners you represent.

The operators, moreover, expressed a willingness to negotiate a new contract, but insisted that "such negotiation be entered into in a spirit of reasonableness and that the representatives of the miners be vested with their usual discretionary power to

really negotiate." This power, however, the representatives of the miners indicated that they did not possess. The exact terms as laid down by the convention of the United Mine Workers of America must be met or the strike would take place on November 1, 1919. In effect, they declared that there was nothing to negotiate.

What is the situation which we face? Here we are on the threshold of winter. There is, comparatively speaking, but a scant supply of coal in the Nation's bins. If these men have their way, a state of famine will be precipitated upon the land or those sections dependent upon bituminous coal. An epidemic of pneumonia or influenza is likely, owing to the scarcity of fuel. Distress and hunger will affect all classes.

But who will suffer most? The poor, of course; the widows and the orphans who have been unable to lay in any winter supply. These will be the chief victims.

The shame of this, the crime of this, will rest upon the heads of these officials of the United Mine Workers of America, who have refused to abide by existing contracts and have demanded greatly reduced working hours and a greatly increased wage.

How does this spirit of selfishness compare with the noble sacrifices of our brave young men—4,000,000 of them—who entered the service of their country at a modest wage to help right the wrongs of the world and put tyranny under foot?

Not content with their unprecedentedly large weekly war-time incomes, they now issue their defiant demands, threatening to paralyze the industries of the Nation and jeopardize the health and lives of our people if such demands are not met within 30 days.

This program of the United Mine Workers of America is one of the links in the chain with which it is proposed to strangle the political and economic fabric of American civilization. It is altogether in sympathy and alliance with the scheme of Mr. Fitzpatrick, leader of the striking steel workers, who announced on the first day of the strike:

> We are going to socialize the basic industries of the United States. This is the beginning of the first fight.

It is also in line with the declared policy and purpose of Mr. Fitzpatrick's chief of staff, Mr. Foster, an apt disciple of Trotski and Lenin.

In one of the papers I am submitting herewith is a demand for the nationalization of the mines of the country—that the Government shall raise a few billions of dollars to buy the mines and turn them over to the miners, to be operated by the latter—a Plumb plan for taking over the mining industry.

The American people have never yet been weighed in the balance and been found wanting, nor will they be now, in my humble opinion.

A Nation which so nobly rose to the occasion in 1917 and 1918 and crushed the tyranny which dominated Europe and menaced the peace of the world will not fail in this crisis.

A greater despotism menaces America than before or during the war with the Imperial Government of Germany; chiefly greater because it is at our very doors. We are at the crossroads of our national destiny. The issue is, Shall this continue to be a democracy, governed by the people as a whole, or shall a faction, a class, an organization of any sort, defy public opinion, ignore the needs, the necessities of the common people, and set itself above the law and above the public welfare? That is Bolshevism pure and simple, for Bolshevism is the antithesis of democracy.

I stand in this public place and issue this solemn warning to the American people. If you would remain a free people, arise in your majesty and defeat this conspiracy against law, order, and the common weal.

BILLS OF EXCHANGE.

Mr. McLEAN. I renew my motion that the Senate proceed to the consideration of House bill 7478.

The VICE PRESIDENT. Morning business is closed, and the Senator from Connecticut moves that the Senate proceed to the consideration of the bill he has indicated.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918.

The VICE PRESIDENT. The pending amendment is the amendment of the Senator from Ohio [Mr. POMERENE].

Mr. POMERENE. Mr. President, on yesterday, when the consideration of the bill was interrupted by the taking up of the peace treaty, I was discussing the provision which has been referred to as paragraph 3 of the pending bill, which authorizes the loaning of 25 per cent of the paid-up capital and surplus to an individual borrower on notes secured by shipping documents.

Under paragraphs 1 and 2, which provide for the discount of bills of exchange and drafts, commercial and business paper secured by shipping documents, the borrower is permitted to get not 10 per cent of the paid-in capital and surplus, not 25 per cent of the paid-in capital and surplus, but 100 per cent of the entire assets of the bank, save and except the legal reserve.

It is said with respect to this provision that it was contained in the original national-banking act and is continued in the Federal reserve act, but that was before these other limitations were changed. Now, what is the situation? If this bill should become a law as now proposed a borrower can take his notes, secure them by shipping documents such as bills of lading, and get 25 per cent of the paid-in capital and surplus, or he can go with United States bonds and can now, under the act of Congress and the order which is made by the Comptroller of the Currency, get $100 in cash for every $105 of bonds he hypothecates, without any limitation whatever, except the legal reserve. At the same time, in giving proper effect to this provision, we must bear in mind that the market value of the bonds, I mean the 4's and 4½'s, runs about 95 or 96 per cent of the face value. In addition to that, if he goes to his local bank and draws on a drawee with the shipping documents attached, he can get out of the bank 100 per cent, not only of the capital and surplus, but of the deposits as well, except legal reserves.

Senators, in my humble judgment, when these banking laws were prepared, while Congress had in mind no doubt the necessity that borrowers were under to get money from the banks, they had at least equal consideration for the safety of the stockholders, and particularly for the safety of the depositors. Under this law, if a bank has a capital and surplus amounting to $100,000, under the general provisions one borrower can get $10,000. If he brings notes secured by shipping documents he can get $25,000, provided he presents shipping documents with a margin of 15 per cent. In addition to that he can draw his draft with the shipping documents attached and get all the deposits of the bank except the legal reserves.

Now, what is the reason that is urged for this change? It it said that when it comes to the products of the farms or of the factories, under the limitations as they have existed for years, they can not finance the crops. Let us see whether they can not: Assuming that a borrower needs $100,000 in order to finance his marketing, and he goes to one bank, and the limitations under the present law would enable him to get only $50,000, there is not anything in the statutes which prevents him from going to another bank to get another $50,000 and thus distribute the risk which the one bank would undertake if it were furnishing the $100,000. There is no prosperous community in any section of the country that does not have two or more banks in the county, at least. I do not understand why any banker would wish to run the risk of jeopardizing his assets by seeking to limit the number of borrowers. I submit that the bank is doing the best business which has many borrowers, and that bank is doing a poor business which has one borrower. So if these men want to finance their business they can get their accommodations at two banks instead of getting them at one bank. I need not remind Senators what it means to a community or to an entire section of a country to have a bank fail.

But we are told that there are no risks to run, because the drafts provided for in paragraphs 1 and 2 are drawn against existing values. While they are drawn against existing values, and it may be that at the time of shipment the existing values are equal to the amount of the draft, yet when the cargo reaches the consignee on whom the draft is drawn the market value of the cargo may have materially depreciated.

It is urged that this is legislation in the interest of the small bank; that the larger banks do not seek this latitude, but it is the smaller banks that do; in other words, reduced to its final analysis, the logic of the men who use that argument is that the depositor in a small bank only needs one-half the security and the safeguards that the depositor in a large bank needs.

It is also said that the dollar has depreciated in its purchasing value. Well, if the dollar has depreciated in its purchasing value, it does not necessarily follow that the borrower should have more dollars. It probably follows that the bank needs more capital stock or surplus.

Mr. President, I have presented these objections in this way because I believe them sound, and I am not at the present time willing to take away from bank depositors the securities which belong to them. In my judgment, in the present state of the financial market, what is needed is more security and not less.

Let me give you the benefit of an argument which was made when this subject was presented to the Senate Committee on Banking and Currency. An experienced banker—I do not care

to be more specific in my reference than that—made the statement, as applied to the South, that most of the cotton buyers who got their accommodations at the banks in the South could not get a credit of $2.50 if it were not for the collateral in the shape of the shipping documents. That statement does not apply to the South alone, for there are men in every section of the country during certain seasons of the year buying up live stock, buying manufactured products, or other commodities—it may be grain—who are going around and getting a certain line of credit, because the credit is secured by existing values; or, in other words, by the shipping documents. I submit there ought to be a limit to the credit a man of that kind can get at a bank. If there is not a limitation placed upon borrowings of that kind, I am afraid in certain sections of the country it is going to lead to the breaking of banks and to the loss to the depositors of their savings.

For the reasons I have stated, I have presented the two amendments, the one to reduce the amount which can be borrowed on notes secured by shipping documents from 25 per cent to 20 per cent of the capital and surplus, and the other limiting the amount that a borrower can get on drafts secured as provided in paragraphs 1 and 2 to an amount equal to the capital and the surplus.

I think that is all I care to say.

The VICE PRESIDENT. The Secretary will state the pending amendment, which has been proposed by the Senator from Ohio [Mr. POMERENE].

The SECRETARY. The first amendment proposed by Mr. POMERENE is in section 1, page 3, line 13, before the words "per cent," to strike out the figures "25" and in lieu thereof to insert the figures "20."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Ohio.

Mr. WARREN. Mr. President, I hope that amendment will prevail. It seems to me that conservative banking can be none too well provided for and that it would not be too well provided for even were the amount of loans reduced to an even lower percentage than that proposed by the Senator from Ohio. To those of us who have had to borrow in times past, when 10 per cent only of the capital stock of a bank was the absolute limit, without regard to the surplus, it seems somewhat startling that it is now proposed to allow national banks to loan one-quarter of their capital and surplus to one individual.

The Senator from Ohio has very well said that a man who has good enough credit in a bank to command a quarter of its capital certainly would have good enough credit to enable him to borrow in more than one bank. I think it will not be denied by anyone at all conversant with banking affairs that the better banking plan is to have a great many borrowers, with lesser amounts on each loan, rather than to have a one-man bank either on the borrower's side or the bank's side. Let the loans of those who have to borrow large amounts be distributed in several banks, so that if loss comes the loss will be distributed, and should loss not come the benefits will also be distributed. I shall take great pleaure in voting for the amendment proposed by the Senator from Ohio, and I trust that it may be agreed to.

Mr. McLEAN. Mr. President, the Senator from Wyoming [Mr. WARREN] understands that the purpose of the proposed law is to enable the national banks to compete with the State banks on single lines of credit. I think the Senator from Wyoming will find that the State of Wyoming allows single lines of credit up to 25 per cent of capital and surplus.

I think the Senator will also admit that there might be a case where a small bank in the country—and there might be only one bank in the town—would have a customer whose credit was beyond question, and in the fall of the year, in the purchase of agricultural products, it would be hardly good banking, in my opinion, to prohibit this bank from affording an accommodation to a customer that was absolutely safe which was in excess of 25 per cent of the capital stock and surplus of the bank.

Mr. WARREN. Mr. President, as to that, the national banks chartered and backed by the Nation should not, I think, follow off after State banks or private banks. Of course, it may be said that a State bank may loan a higher percentage; but here come the private banks, which, of course, do business as they please. If a man, even in a small town, has sufficient credit with a State bank so that he is considered good for a quarter of the capital of that bank, he certainly must have a reputation and his business affairs must be sufficiently well known, or could be put in proper shape to be known, to national banks as well as private banks, to enable him to borrow all he wants to borrow in different places instead of from one bank.

I think the whole scheme of heavy borrowing by one person at one bank, crippling that bank as to its ability to furnish accommodations to others in the community whose credit, while perfectly good, may not be as good as that of some certain large borrower, is bad policy.

Mr. McLEAN. I call the attention of the Senator from Wyoming to another fact, namely, that it was urged at the time the Federal Reserve Banking System was organized that its main purpose was to provide for an extension of credits in the autumn in order to accommodate the financing of the crops, and that it was very important that the system should be made so popular as to invite State banks to enter it. Now, as a matter of fact, some banks already organized under the national system are liquidating their charters and going out of the system and reorganizing under State charters, because they feel that this limitation is not in accord with sound banking. I do not think the Senator will find a writer upon the subject who will agree with him that this bill permits unsound banking. I do not think he will find another country in the world that places such a limitation upon its banks. If Congress adopts the policy of punishing 999 sound bankers for the purpose of protecting one weak one, Congress may as well go out of business so far as regulating banking is concerned, because if it does not the bankers will have to go out of business.

Mr. SIMMONS. Mr. President, this bill comes to the Senate with favorable action by the House and with the indorsement and the approval of the governor of the Federal Reserve Board. The Committee on Banking and Currency of the Senate, after the subject matter of this bill had been discussed at length upon the floor of the Senate, reexamined it and, after amending it to meet certain objections made to it, reported it with a strong recommendation in favor of its passage.

The demand for its passage is very general and urgent, especially in the agricultural sections of the country, where the crops are now beginning to move and where large sums of money are required in order to finance the marketing of these products.

It is said that to increase the present limitation upon the amount of money which national banks may lend will result in bad banking; and yet, Mr. President, the demand for this legislation comes largely from the banks. They do not see any danger, and they urge this legislation as necessary to enable them to supply the funds needed to do the most important business of the community in which they are located, namely, that of marketing the raw products of the sections in which they are located, thereby promoting its general prosperity and preventing that stagnation which inevitably follows inability to dispose of the surplus products of industry.

These banks have the money needed to meet these requirements, but on account of the limited amount that, under the present law, they are permitted to lend they are unable to render the necessary help. I can not conceive anything more disastrous to general prosperity than a condition which makes it impossible to promptly market the products of industry. That is especially true with respect to agricultural products.

Mr. WARREN. Will the Senator explain——

Mr. SIMMONS. Just a moment. I repeat, the banks have the money, they are satisfied with the security, and they are anxious to lend it to help the community in which they operate, but the limitation of the present law stays their hand.

Mr. WARREN. Does the Senator wish us to understand that the banks in his community are so full of money that they are not able to place loans unless they have the existing limit raised?

Mr. SIMMONS. No; I have not stated anything of that kind. I have stated that the banks have sufficient money to lend in order to enable the prospective purchasers of farm products which are ready to be thrown upon the market to make the purchases and to relieve a situation that otherwise would result in congestion and in stagnation.

Mr. WARREN. The Senator knows that the sum total of the amount of money loaned to various people undoubtedly uses the money that the banks have to loan; and if the limit is doubled twice and a half, and if you borrow to the limit, what becomes of the others who wish to borrow in the same community?

Mr. SIMMONS. The proposition here is to limit the total amount that may be loaned to one person or corporation to 25 per cent of the capital and surplus. The provision to which the Senator refers is not a loan at all. It is merely a cashing in of a draft something like the way in which checks are cashed. The amount paid out is speedily returned. The present law limits the amount that may be loaned to one person or corporation to 10 per cent, and imposes no limitation upon the amount that may

be advanced in payment or discount of certain drafts drawn against nonperishable products. It is proposed to increase this limitation to 25 per cent of the capital and surplus, but there is included in this 25 per cent increase allowance a permissible loan of 10 per cent upon notes secured by Government bonds. The Senator from Ohio did not advert to this fact. So that the increase on account of the advances made on nonperishable products is not so great as would appear from the general statement that the bill allows as much as 25 per cent of the paid-in capital and surplus to be loaned to one person or corporation.

Mr. President, it is not a case of the inflation of the currency. It can not be. Neither is it an inflation of credits. It is simply a case of loaning to one person or corporation the amount of money necessary to do a given thing necessary to the prosperity of the community. As I have stated, the banks have the money; this money is needed to move the crops; they are satisfied with the security, and the pretext that it will expand credits to permit these banks to loan a sufficient amount to accomplish this purpose is, to my mind, far-fetched and untenable.

Mr. McLEAN. Mr. President——

Mr. SIMMONS. I yield to the Senator.

Mr. McLEAN. I call the attention of the Senator from North Carolina to the fact that if these small banks in the South are not permitted to use their credits, the customers are forced to go to the large cities to get accommodations, and the large cities take a toll every time they grant this accommodation; and the South for years has suffered under that burden.

Mr. SIMMONS. The Senator is entirely right about that. For years and years the South at this season of the year has been compelled to draw heavily upon the great central cities for money to move the crops. Now, for the first time in the history of the South, the South has sufficient money of its own, without calling upon the banks in the great centers of the country, and our banks are ready to lend this money. The banks are not afraid of these securities. In the interest of their communities, they ask permission to lend their customers the money necessary to carry on the business of the community.

Mr. DIAL. Mr. President——

Mr. SIMMONS. I yield to the Senator from South Carolina.

Mr. DIAL. Is it not true, too, that there is no compulsion in this law to loan anybody anything?

Mr. SIMMONS. There is no compulsion whatsoever. If the bank is satisfied with the security, it loans the money; otherwise, it refuses.

Mr. DIAL. And the protection to the stockholders and depositors is in the management of the bank, after all.

Mr. SIMMONS. Yes, sir; and I will say to the Senator that I believe some of this opposition to the proposition of allowing these banks to make these loans comes from those interested in depressing the price of agricultural products.

Mr. DIAL. They can get accommodations from the State banks, but they can not get them from the national banks.

Mr. SIMMONS. Oh, no; there is no trouble so far as the State banks are concerned. They are not bound by any such limitation. It is the national banks which, by the present narrow limitation imposed upon their loaning capacity, are unable to assist in meeting the emergency I have been discussing.

This limitation was embarrassing in normal conditions. It is more embarrassing now that prices of products are greatly inflated. The paid-in capital and surplus of these banks have not increased much since prewar times, but the prices of products have doubled, so that it takes twice the amount of money to market these products as it required before the war. It is evident therefore that the amount a national bank can lend now for this purpose will only go half as far in purchasing and distributing the products of industry as formerly. Upon such a basis as that how is it possible to facilitate the distribution of the products of industry? How is it possible to avoid stagnation and congestion, especially in agricultural communities where the fruits of the year's work are thrown upon the market at the end of the season and must be marketed quickly if the general interest and business of that community is to prosper? If the views of the Senator from Ohio should obtain, it would greatly embarrass the business in some sections of the country.

There has been much talk about the dangers of banks lending money on drafts, bills of lading, and so forth, secured by nonperishable products. Mr. President, I fail to see any force in these arguments. Of course, a bank does not lend money or advance money without being satisfied with the security. They are the guardians of the interests not only of the stockholders but of the depositors. They exercise the same precaution with reference to this class of paper as they do with reference to any other security upon which they advance money. Besides, these drafts and these discounts are mere temporary loans, some of them only for a few days. Many of them partake of the nature of checks—the money is paid out and soon put back. There is the double security of the product pledged and the personal liability of the individual making the draft. In addition to this, the banks frequently require additional security for a line of this character. I have not heard outside of the Senate of this being a dangerous system of banking, and the arguments used here against it do not appeal to me at all.

The 25 per cent limitation proposed in this bill includes the 10 per cent limitation imposed in the present law and an additional 10 per cent limitation upon money advanced on Government bonds. This latter provision is new. It is intended to prevent the depreciation of Government bonds, and in recognition of the absolute solvency of Government obligations. This provision is dictated by wise policy, and I do not believe it is subject to the criticism that has been made against it.

Taking into consideration that 10 per cent of this 25 per cent may be absorbed in loans made on bonds, this bill only provides for an increase of 5 per cent of the amount that may be loaned under the present law under subsection 3, which deals with loans or advances made upon nonperishable products.

Mr. President, the proponents of this measure are anxious to have a vote before 2 o'clock, when the treaty will be taken up, because they know the importance of speedy action upon this measure, and as but little time remains before that hour, I forego much that I would like to say in support of this measure, much that ought to be said in the interest of getting action this morning.

Mr. LENROOT. Mr. President, I do not pretend to be an expert in finance, and I hesitate to discuss this bill at all for that reason; but from the speeches that have been made by the Senator from Connecticut and the Senator from North Carolina, I am convinced that I am correct in my opposition to this bill. I am opposed to the bill because it seems to me that it provides for an expansion of credits, when if there was ever a time in the history of the United States when expansion of credits ought not to be permitted it is now.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

Mr. LENROOT. Yes.

Mr. FLETCHER. Just on that one point, because that seems to be the main thought in the Senator's mind, we were assured by Gov. Harding at the hearing that expansion could not possibly follow under this legislation; and the Senator, I think, will see the reason of it. This paper is not eligible under sections 9 and 13 of the Federal reserve act, and it could not result in expansion for that reason.

Mr. LENROOT. That would be expansion of currency. I am not speaking of expansion of currency. I am speaking of expansion of credits.

Mr. FLETCHER. With reference to that, let me say to the Senator that the reason why expansion of the currency would not follow is because this business is already being done by the State banks. The credit is there now, and the State banks are actually doing the business; and if you authorize the national banks to do what the State banks are doing, you do not, of course, expand a credit which already exists. The whole purpose of this is to prevent the centralization of credits in the big institutions in the big cities, and to open the facilities of the various communities to the people in those communities, instead of driving the whole system into the big centers.

Mr. LENROOT. Mr. President, with the very high esteem in which I hold both the Senator from Florida and the Senator from North Carolina, I hardly know which statement to accept, because the statements are diametrically opposed to each other. The Senator from North Carolina just a very few moments ago said that this legislation was necessary in order to enable the people of the South to finance their crops; that the national banks had the money, but that they could not loan it; and that this legislation was necessary to enable producers to secure the necessary credits. If that is true, the statement of the Senator from Florida can not be true. The Senator from Connecticut made the statement that unless the restrictions that are proposed to be removed by this bill are removed the national banks of this country will increasingly surrender their charters and accept charters as State banks. If that be true, Mr. President, it is because of the restriction in the present law upon the line of credit that the national banks may extend to their customers.

Mr. McLEAN. Yes, Mr. President; on the line of credit, but not upon the total of the credits. The reserves are not increased a dollar. If I have 30,000 bushels of wheat to sell, and sell that wheat to 3 customers instead of to 10, I have not increased the quantity of wheat by a grain. It is precisely the same in regard to credits. If I have $30,000 in credits to sell, and the law permits me to sell those credits to 3 men instead of to 10, I have not increased the credits; I have simply distributed them

so that they will to a greater extent accommodate the needs of the public.

Mr. LENROOT. I, of course, agree with the Senator, if all of the credit of the bank is utilized. But let us take the case stated by the Senator from North Carolina [Mr. SIMMONS]. If a bank has money that it is not using, in other words, if its reserves are very much larger than the minimum required by law, and those reserves are continued, if this bill permits them to utilize those reserves in this way, where they would not be utilized but for the bill, does the Senator say that there is no expansion of credit?

Mr. McLEAN. Mr. President, the small banks would be helpless. The banks of the South would be compelled to do what they have done in the past. They have sent their credits on to New York to help the New York banks finance Wall Street, and they have to pay the banks in New York for the accommodation which they ought to have in the South.

Mr. LENROOT. That may or may not be true. I rather prefer to take the statement of the Senator from North Carolina that that is not the situation to-day; and, taking the statement of the Senator from North Carolina, it is clear to me that the passage of this bill will result in a larger line of credit than the present law permits. If that be true, whatever may be said about this being a reasonable provision in normal times—I am not prepared to say that I would not support it under normal conditions—I do say that this is not the time when we ought to permit any sort of possible expansion of credits, and especially of the character that is permitted under the pending bill.

The bill is not limited alone, Mr. President, to drafts and bills of exchange. This line of credit is permitted, in fact, to notes secured by chattel mortgages upon such products as may be the subject of warehouse receipts. It was only three or four years ago that Congress passed the warehouse-receipt law, and under that law anyone owning the products named in the bill may take them to a warehouse and secure a receipt for them. There need be no transfer of title except as the warehouse receipt carries the transfer. Then he can, under the law, secure this credit for what is practically the security of a chattel mortgage; and it authorizes a loan upon the products to about 90 per cent of their value.

Take the case of cotton alone. The Senator is aware, as we are all aware, that in 24 hours the market price of cotton has varied to a degree greater than the margin that is provided for in this bill, and it may well happen again. While I am an optimist as to the future of this country, and I have an abiding confidence that we are going to get upon a permanent basis of prosperity, that man would be foolish indeed who does not look forward with a great deal of apprehension to what may occur in the industrial and financial circles of the country before we get to a normal basis. Assuming that we do have a period of depression, is it right to permit any bank to loan 25 per cent of its capital and surplus to a single individual?

So I am opposed to the bill, Mr. President, both because it clearly seems to me that it does permit an expansion of credits, and because, as the Senator from Ohio [Mr. POMERENE] has clearly set forth, it does deprive the depositors, for whose interests this limitation of 10 per cent was originally made, of that security which they are entitled to have.

I expect, Mr. President, that the bill will pass. I do not apprehend that any opposition to the bill will be effectual in preventing its passage. But the time may come, Mr. President, and that in the very near future, when the passage of this bill will result in national bank failures where they might have survived but for its passage.

The VICE PRESIDENT. The question is on the amendment of the Senator from Ohio.

Mr. POMERENE. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Frelinghuysen	McKellar	Simmons
Ball	Gay	McLean	Smith, Ariz.
Bankhead	Hale	McNary	Smith, Ga.
Beckham	Harding	Nelson	Smith, Md.
Brandegee	Harris	New	Smoot
Calder	Harrison	Newberry	Spencer
Capper	Henderson	Nugent	Sterling
Chamberlain	Hitchcock	Overman	Swanson
Colt	Jones, N. Mex.	Page	Thomas
Cummins	Jones, Wash.	Penrose	Trammell
Curtis	Kellogg	Phipps	Underwood
Dial	Kendrick	Pittman	Walsh, Mont.
Dillingham	Kenyon	Poindexter	Warren
Edge	Keyes	Pomerene	Williams
Elkins	Kirby	Ransdell	Wolcott
Fernald	Knox	Robinson	
Fletcher	Lenroot	Sheppard	
France	McCormick	Shields	

Mr. CURTIS. I desire to announce the absence of the junior Senator from North Dakota [Mr. GRONNA] and the junior Senator from Nebraska [Mr. NORRIS] on official business.

The VICE PRESIDENT. Sixty-eight Senators have answered to the roll call. There is a quorum present. The question is on the amendment of the Senator from Ohio [Mr. POMERENE].

Mr. POMERENE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. STERLING (when his name was called). I have a general pair with the Senator from South Carolina [Mr. SMITH]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. BECKHAM. I transfer my pair with the senior Senator from West Virginia [Mr. SUTHERLAND] to the Senator from California [Mr. PHELAN] and vote "nay."

Mr. DILLINGHAM. I observe that the Senator from Maryland [Mr. SMITH] has not voted. I have a general pair with him, and therefore withhold my vote.

Mr. EDGE (after having voted in the negative). I have a general pair with the Senator from Oklahoma [Mr. OWEN]. I am informed that the Senator from Oklahoma, if here, would have voted the same way I did. Under those circumstances, I presume my vote will stand.

Mr. FERNALD. I have a pair with the junior Senator from South Dakota [Mr. JOHNSON]. If permitted to vote, I would vote "yea." In his absence, I withhold my vote.

Mr. SIMMONS (after having voted in the negative). I wish to inquire whether the Senator from Minnesota [Mr. KELLOGG] has voted?

The VICE PRESIDENT. He has not.

Mr. SIMMONS. I have a pair with that Senator. I transfer my pair to the Senator from Missouri [Mr. REED] and let my vote stand.

Mr. HENDERSON. Has the junior Senator from Illinois [Mr. MCCORMICK] voted?

The VICE PRESIDENT. He has not.

Mr. HENDERSON. I have a general pair with that Senator. I transfer my pair to the Senator from Oklahoma [Mr. OWEN] and vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from California [Mr. JOHNSON] with the Senator from Virginia [Mr. MARTIN]; and

The Senator from Illinois [Mr. SHERMAN] with the Senator from Rhode Island [Mr. GERRY].

Mr. SHEPPARD. I wish to announce that the Senator from South Dakota [Mr. JOHNSON] is detained from the Senate on account of illness in his family.

Mr. McKELLAR. The Senator from California [Mr. PHELAN] and the Senator from Maryland [Mr. SMITH] are necessarily absent on official business.

The result was announced—yeas 31, nays 47, as follows:

YEAS—31.

Ball	Hale	Lodge	Pomerene
Borah	Harding	McCumber	Smoot
Brandegee	Jones, Wash.	Moses	Spencer
Cummins	Kenyon	New	Townsend
Fall	Keyes	Newberry	Wadsworth
France	Knox	Norris	Warren
Frelinghuysen	La Follette	Nugent	Watson
Gronna	Lenroot	Phipps	

NAYS—47.

Ashurst	Fletcher	McNary	Smith, Ariz.
Bankhead	Gay	Myers	Smith, Ga.
Beckham	Gore	Nelson	Stanley
Calder	Harris	Overman	Swanson
Capper	Harrison	Penrose	Thomas
Chamberlain	Henderson	Pittman	Trammell
Colt	Hitchcock	Poindexter	Underwood
Culberson	Jones, N. Mex.	Ransdell	Walsh, Mass.
Curtis	Kendrick	Robinson	Walsh, Mont.
Dial	Kirby	Sheppard	Williams
Edge	McKellar	Shields	Wolcott
Elkins	McLean	Simmons	

NOT VOTING—18.

Dillingham	Kellogg	Page	Smith, S. C.
Fernald	King	Phelan	Sterling
Gerry	McCormick	Reed	Sutherland
Johnson, Calif.	Martin	Sherman	
Johnson, S. Dak.	Owen	Smith, Md.	

So Mr. POMERENE's amendment was rejected.

THE LEAGUE OF NATIONS.

Mr. LODGE. Mr. President, I move that the Senate proceed to executive business in open session for the consideration of the German treaty.

Mr. WILLIAMS. Will the Senator withhold that motion for a minute or two?

Mr. LODGE. For what purpose?

Mr. WILLIAMS. I wish to have inserted in the RECORD an article by Prof. Charles Seymour entitled "The League of Nations."

Mr. LODGE. That could just as well be inserted after my motion is agreed to. However, I will withhold the motion for that purpose.

Mr. WILLIAMS. Mr. President, the Senator from Massachusetts has yielded for the purpose for which I rose. I ask leave to insert in the RECORD an article in the Yale Review of October entitled "The League of Nations," by Prof. Charles Seymour, and I ask in printing it that where I have placed a lead-pencil mark on the margin that that part be printed in italics. The italics are mine, of course, and not Prof. Seymour's.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[By Charles Seymour.]

"THE LEAGUE OF NATIONS.

"One of the most interesting of all the sensations experienced by Americans who were abroad last spring was reserved for their return in early summer, when, without adequate warning, they were suddenly cast into the dust and turmoil of the debate on the league of nations. They felt, if one may generalize, as if they were playing Rip van Winkle with the rôles reversed—as if they were returning to a home which had slept briefly but soundly. Questions and phrases, vaguely familiar but echoing from a dim past, sounded in their ears: 'Is a league feasible?' 'Human nature will never change.' 'Remember Washington's advice!' 'Europe for the Europeans and America for the Americans.'

"Our returning friends found themselves sadly confused and as ill prepared for arguments on the league of nations as you would be if suddenly asked to discuss, from the point of view of mother earth, the desirability of having a sun in the sky. As far back as January they had given up asking 'Will a league work?' and had substituted for it the question, 'Can the treaty work without a league?' By the middle of April they had answered the latter question with a categoric negative. After leaving an atmosphere where the idea of a league had become as essential as oxygen, it was disconcerting to enter a world where one was asked whether a league was 'advisable.'

"The process of translation by which the idea of a league of nations passed from the stage of a rather fantastic possibility over to one of desirability and finally to one of absolute necessity forms one of the most interesting aspects of the recent peace conference. When the American peace commission sailed for France last December, the status of the league was ill defined and its future dubious. *It is true that a league had been stipulated in the 14 points, which had been accepted as a basis of peace by both enemy and allied powers;* President Wilson was known to give to the league the chief place in his program, and influential statesmen abroad were believed to be determined that the coming conference should inaugurate it. And yet, on both sides of the Atlantic it remained one of the most debatable points of the approaching settlement.

"In America the idea of a league found enthusiastic backing in certain quarters, especially among the younger radicals. But there was a general tendency to look upon it as a presidential fad borrowed from Mr. Taft; and the man in the street was apt to regard it as a beautiful and distinctly impractical fantasy. A large element in public opinion was frankly opposed to it. In Europe one found a similar mixture of feelings. The more liberal-minded of the British approved a league of nations heartily; and they were fortunate in having as their spokesman Lord Robert Cecil, who is, perhaps, the most capable of British statesmen, and who was put in control of the section of the British peace delegation designed to study plans for the league. In France Leon Bourgeois, who was also working on various plans, brought the weight of his long political experience, his tested sagacity, and well-earned respect to the support of the league.

"The chiefs of the different peace delegations, however, seemed to question or else to be frankly opposed to any kind of a league which would supersede the old system of separate treaties and alliances. Lloyd-George had refused to commit himself definitely. Clemenceau stated in the Chamber of Deputies, toward the end of December, that he remained true to the principle of protective alliances for France, which had saved her in the past, however fine might be the 'noble simplicity' of Mr. Wilson's doctrines. The Italians signified, without enthusiasm, their willingness to enter and support a league, but did not conceal their hopes that, in return, their territorial aspirations in the Tyrol, along the Adriatic, and in Asia Minor might receive the approval of the Americans.

"When the preliminary conversations which proceeded the formal opening of the conference were begun, the league was thus simply one of the series of difficult problems which confronted the delegates. To some of them it was the most important of all the questions at issue, and according to the manner in which it should be decided would stand or fall the whole work of the conference. By others the league was looked upon as a serious and important question, certainly, but one that had no direct relation to the vital work of the delegates, which was primarily to make peace with the enemy. The league could be attended to when the treaties were framed and ready for signature; instead of being made the foundation of the treaties, it ought to be the culmination. Still others believed that the league was no business of the peace conference whatever; the treaties ought to be made and signed, relations with the enemy resumed, Europe restored to order, before this difficult and dangerous experiment was attempted. With the return of peace and normal life in Europe, the stipulations of the 14 points might be fulfilled by a conference especially called to elaborate plans for a league, which could not be expected to pass safely through its early childhood unless conditions were particularly advantageous. *There were thus two opposite poles of opinion—at the one stood those who contended that peace could not be maintained unless a league were established; at the other those who insisted that unless peace were first established a league could not be maintained.*

"*The triumph of the point of view which demanded that the league be made the foundation and not the culmination of the treaties was due primarily to the position and the persuasive powers of Mr. Wilson. He was ably assisted by Cecil, Bourgeois, and Smuts, who later were to assume a most important rôle in the drafting of the covenant. But if Mr. Wilson had not been in Paris, the league would almost certainly have been left to the latter days of the conference and possibly to the Greek Kalends. His determined belief that the league was to be the most important work of the conference, the one concrete factor that would make it different from earlier conferences, was inflexible; and he alone was in a position to impress that belief upon the doubtful conferees. At the moment when the conference opened he had been carried to a crest of popularity with the European masses, manifested by a hundred demonstrations, which no government, however strong at home, could afford to disregard. He could count upon the support of the delegates of the smaller nations, by whom he was looked upon as the representative of the one State which had no interest in the settlement except justice and tranquillity—a man who might be trusted to see that a fair deal was given to the weak nations as well as to the strong. And his personal prestige was strengthened by their unshaken belief that his written and spoken word had aroused the revolution in central and southeastern Europe which had so largely contributed to the military victory on the western front. The President used his position skillfully.*

"The first open victory of the league was won on the 25th of January, when at a plenary session of the peace conference the delegates approved, first, the principle that a league of nations was essential to the maintenance of the world settlement, and, second, the principle that this league should be treated as an integral part of the general treaty of peace. *A distinct phase in the history of the league was thus accomplished. It had passed definitely into the category of things desirable, it was approved by the chiefs of the most important governments of the world as practicable, and, through its incorporation in the peace treaty, it became a matter of immediate moment demanding immediate attention.* The action of the conference in thus acquiescing in Mr. Wilson's policy was certainly popular in Europe. It was hailed with enthusiasm in all liberal circles; and even those who could not accept the idea of the league as capable of revolutionizing human nature and perpetuating peace, and who still held firmly to their trust in hard and fast alliances of the old style and in strategic frontiers, felt that no harm was done and that the league might after all prove to be useful.

"It should be observed that the chief arguments advanced for the league at this time were based primarily upon the contention that it was eminently advisable rather than that it was absolutely essential. *The old system of the balance of power had gone bankrupt. With its principle of maintaining an equilibrium between opposing camps, it had, so far from discouraging a belligerent spirit because of the danger of defeat from an enemy equal or almost equal in strength, led directly to militaristic competition, and, therefore, necessarily to an attitude of aggression. How much better, said the advocates of the league, was the principle of concert. But few of them seemed to perceive at this time that the strongest argument for the league was to be not its desirability but its necessity.*

"In some quarters, generally outside of Paris and doubtless far more frequently in this country than abroad, critics voiced the complaint that the attention given to the league of nations was delaying the framing of the treaties and postponing a settlement at the moment when Europe, threatened with anarchy, had dire need of peace. *A little later everyone was to perceive that the time spent upon the league, instead of postponing a settlement, accelerated the work of the conference beyond calculation, for without the league no agreement could have been reached.* But even in January and February those who were close at hand did not feel that the work done on the league was preventing the work necessary to the solution of other problems.

"The conference did not work as a whole. For each important problem a special commission of experts were appointed, and the commissions sat simultaneously. Commissions were working on reparations, financial and economic problems, international labor laws, control of rivers, ports, and ways of communication, as well as on the various territorial questions, at the same time that the special commission was drafting the covenant of the league. *The work of these other commissions was in no way delayed by the study of the league. As a matter of fact, the first draft of the covenant was ready on the 14th of February, which was a full month before any of the territorial commissions had reported their recommendations on boundaries; and the final revised text was ready on the 11th of April, or about three weeks before many of the economic commissions had prepared their draft articles for the treaty with Germany.*

"*The commission which drafted the covenant included in its membership a large share of the best political ability present in Paris—Wilson, Cecil, Smuts, Bourgeois, Orlando, Veniselos, Hymans. Each one of the five principal powers was represented, as well as the other powers most vitally interested—Belgium, Brazil, China, Greece, Poland, Portugal, Roumania, Serbia, and the Czecho-Slovak Republic. It would have been difficult to find a group more capable of fulfilling the task that had been set them, a task which demanded that they put into concrete form a scheme at once practical and yet not bereft of idealism. They were men who see things as they are and also as they ought to be, and who understood that their business was to translate them so far as possible from the one condition to the other. But they did not fall into the attractive mistake of drafting an elaborate constitution of impracticabilities.*

"It would have been interesting and pleasant to do for the world what the revolutionists of 1789 tried to do for France, but the commission on the league of nations resisted the temptation admirably. *What was necessary was to avoid intricate mechanism, exact definition of powers, prescription of specific action under circumstances yet to be determined by an uncertain future.* It was necessary in the first place because, in the process of constructing such an elaborate piece of machinery, as, for example, the league to enforce peace, agreement could never have been reached. It was necessary in the second place because the league, if it were to prove useful, must be elastic. *It must be able to change and develop in order to meet future contingencies of which no one could foretell the character.* Constitutions written out of whole cloth and elaborated to the last degree have not, according to historians, lasted for long. The strongest of all modern constitutions, the British, contained in the laws of Parliament, is entirely a natural growth.

"*The members of the commission on the league were convinced, as were most other students of peace problems, that the essential characteristic of the settlement ought to be elasticity. Earlier peace conferences of history had failed, not so much because the arrangements they had made were bad at the moment as because they were inflexible and unsuited to the changing conditions of the future.* We are accustomed to regard the treaties of 1815 as the quintessence of wickedness, because historians, with marvelous hindsight, have shown us how completely they failed to take into account the principles of democracy and nationalism. But after all the professional diplomats of Vienna restored Europe to tranquillity, after a quarter century of convulsions, in general accordance with the spirit of the times. Their mistake was that, unable to forecast the future, they made no adequate provision for the peaceful alteration of the settlement they drafted. Hence when change became necessary it came in violent form.

"The peacemakers of 1919, conscious of the mistake of their predecessors, were anxious to avoid the future breaking of the peace by violence; and yet they recognized that the settlement they made could hardly be permanent in all respects, for no one could tell what the future might bring forth. No one can estimate, for example, the future importance of the natonalistic movement, which has recently received a tremendous but possibly ephemeral imptus. No one can evaluate the future of Bolshevism. *The world must be prepared for change and must have ready methods by which beneficial change can take place easily and peacefully.* With this in mind the conference realized that provision must be made for an elastic settlement, and for this reason the supporters of the league began to insist on its necessity. *And if it was through the league that the settlement was to be capable of change and development, it was essential that the league itself should be elastic and equally subject to amendment.*

"*Hence the character of the covenant, which provides for the least possible amount of machinery and lays down the least possible number of specific stipulations.* For the success of the league would depend not so much upon the written guarantees of the States which composed it, as upon the spirit of their governments. No one was sure exactly what kind of league was must desirable, but the commission believed that if the spirit of the governments was right and the character of the covenant was general, the right kind of league would develop naturally.

"The commission on the league worked rapidly. Between the 28th of January and the 14th of February it held 10 meetings, as a result of which it produced, as its preliminary report, the first draft of the covenant, which was read at the plenary session of the conference on the latter date. As a result of this reading and of the publication of the covenant, a great deal of criticism was aroused, of which some was clearly carping, but much of it was constructive and designed to improve. Further criticism of a specific nature came from consultations with representatives of 13 neutral States. The various recommendations thus secured by the commission formed the basis of discussion for its later meetings and led to a thorough reconsideration and amendment of the covenant. On the 11th of April the covenant, presented to the conference and later incorporated in the treaties, was finally agreed upon.

"During the period when the special commission was drafting, reconsidering, and amending the covenant of the league, something approaching a revolution had taken place in the attitude of the conference as a whole toward the idea of a league of nations. *When the principle of the league had first been approved, although the decision received the approval of the vast majority of the delegates, the idea of the league still remained something rather abstract. It was felt to be desirable that there should be a league and that the league should be the foundation for the different treaties. But many, even of those most enthusiastic, regarded it as something apart from the material stuff of the treaties. The delegates were inclined to look upon the league of nations commission as different from the commissions, economic or territorial, upon which they themselves were serving, and the difference was not entirely due to the distinguished character of its membership. Its work was doubtless on a higher plane, but on one that seemed at first to have little relation to the practical solution of the treaty problems which formed the subject of their own discussions. Some of the delegates did not hesitate to say, that while the league was all very well and they hoped that it would work, they thought that the treaty problems ought to be solved without reference to it.*

"*Such an attitude was not long-lived. For when, during the months of February and March, the commissions had racked their brains for weeks over the complex questions presented to them and often failed to find any answer, they finally discovered that the league was not merely desirable but absolutely essential to a just and satisfactory settlement. The league, they learned, was not an abstract advisability, but a concrete necessity; it was no longer a question of the league's being able to work, but an acknowledgment that without it the treaty could not work.*

"The change came imperceptibly, as a result of constant study of the various complexities of the European situation and a constant searching for solutions to the problems which the delegates had to face. It came with a realization that for many problems an ideal solution was impossible, not so much because of the selfish attitude traditionally attributed to diplomats, but because of larger and more elemental forces over which the Paris conference had little or no control. Thus, in the case of central and southeastern Europe, solutions which many persons might believe to be most likely to stand the test of time, and in the end most likely to contribute to the future happiness of the peoples concerned, could not be adopted because of the present attitude of these peoples. It is easy to see the weakness of a settlement which provides for the splitting up of the old Hapsburg monarchy and the creation of a number of little States, the frontiers of which will probably give rise to economic difficulties, racial quarrels, and the atmosphere which we are accustomed to associate with the Balkans. Whatever our sympathy

with the Czechs, the Poles, the Jugo-Slavs, we are bound to regret the multiplication of small States.

"And yet there was nothing for the peacemakers to do but to approve this 'Bankanization' of Austria-Hungary. They might contend that they knew what was best for everyone concerned, but they could not impose their own solution upon the peoples who claimed the right to fulfill their destiny in their own fashion. The doctrine of self-determination fell to the ground if the conference dictated a settlement totally repugnant to these peoples, even if its dictation proceeded from the most laudable motives. There was no choice for the delegates except to adopt the next best solution. *And because they realized its weaknesses and the future dangers that might result from its application, they felt the necessity of a permanent international organization which should oversee the settlement, be ready to meet any possible perils, and be eager to eliminate any factors of future trouble when the time should seem ripe and the peoples in question should be further developed.* We have the testimony of so distinguished an expert as Mr. Hoover that States like Poland and Jugoslavia cannot live without the kind of assistance which a league of nations alone can give. *From the territorial, financial, and political advisers came the unanimous opinion that if the small States were not to be torn by internal disorder and mutual strife, the supervision of a league is essential.*

"The necessity of the league was still more clearly recognized in the case of problems where the delegates could not be sure that they had hit upon the right solution. The basis of the settlement, if we boil down the 14 points, was roughly to be found in the principles of reparations and guarantees. The wrongs of the past were to be righted, so far as possible, and the most complete security for the future was to be guaranteed. Frequently the enforcement of the principle of reparations satisfied that of guarantees. This was true in the case of Alsace-Lorraine, where the righting of an ancient wrong provided the best guarantee of future peace; for Europe could never remain safe from disturbance so long as the Provinces were under the German yoke. *But in some cases the principles of reparations and guarantees clashed; it was impossible, often, to right a wrong committed in earlier days without committing a new wrong likely to unsettle the future peace.* In this clash came the great difficulty of the conference. How much weight should be laid upon justice, how much upon reconciliation? How could satisfaction be given to the just claims of the Czechs without doing injustice to the rights of the Bohemian Germans and thus sowing the seeds for future trouble? How could a respectable frontier be assured to Italy in the north without arousing the bitter nationalistic ardor of the Austrian Tyrolese, who in the days of Andreas Hofer had begun the movement which led to Napoleon's fall? Poles and Czechs claimed all of Teschen, Roumanians, and Jugo-Slavs each claimed the Banat; how was the conference to be sure that its decision was the right one?

"*The delegates were not long at work before they made the discovery that the finding of a solution satisfactory to all parties to an issue was infinitely difficult if not impossible. No matter how many facts they had at their disposal nor how carefully they might weigh those facts, they could not escape the conviction that no body of men, however wise, could decide correctly all the problems of the peace. Time alone would show in which cases the decisions were right and in which wrong. In these circumstances the idea of the league came as a relief and seemed to the delegates the one essential to the maintenance of tranquillity. For with a league the mistakes of the conference could be rectified peacefully and the germs of future disturbance destroyed.* The good that was contained in the settlement could be thus preserved and the evil could be quietly transformed into good. But without a league the good would perish with the evil in the gigantic cataclysm which threatens to follow any resumption of the reign of unlawful force.

"There was a third class of problems to which, for a time, it seemed as if there was no solution whatever, for the reason that the conferees could not agree. Some of the delegates found it impossible, from the point of view of conscience or interest, to accept the propositions favored by other delegations. *The work of the conference threatened to be held up completely by a deadlock. It was not a question here of the league as a desirable organism for the maintenance of peace after the treaties were signed; the treaties could not even have been framed had not the league offered a means of reconciling the opposing points of view and a basis for a final agreement. It was through the league that several of the problems which threatened to produce discord at the moment when unity at Paris was a vital necessity, were settled at a minimum of dissatisfaction to all concerned.*

"In the matter of the Saar, for example, although all were close to agreement on the point that France had the right to ownership of the coal mines, as compensation for the wanton destruction of her own mines at Lens, and while it was recognized that the economic interests of the mining population of the Saar attached those people closely to Lorraine, at least two of the influential delegations were opposed to giving France absolute sovereignty over the district; for they felt that its pure German population might form an irredentist focus and a germ of future disturbance. In these circumstances a solution of the difficulty became possible only through the league, which is to govern the district through a commission during the time necessary to give the inhabitants a fair opportunity to decide whether they wish to be French or German. Similar disagreement in the case of Dantzig was finally settled through the league, which is to supervise the government of the free city constituted, protecting the political life of the German population, while assuring the economic interests of the Polish hinterland. Many other instances might be cited, amongst them notably the problem of the German colonies, in which the unanimity of the conference was secured for propositions which were possible only upon the assumption that there would be a league of nations. *In this way, almost imperceptibly, the idea of a league, which had been accepted as desirable if possible, eventually became in the minds of the delegates an axiom. Unconsciously and of necessity the league was tied up in the treaties.*

"*Belief in the necessity of the league was reenforced by the sudden realization that the conference itself had, since the month of January, been performing all the functions of a league of nations. It had done far more than merely prepare treaties and covenants. It had supervised and controlled every phase of European life that seemed likely to produce trouble; it had dispatched troops to agitated districts, sent out commissions of inquiry and arbitration, looked after the distribution of food for starving regions, the running of railway trains, the operation of mines, the settlement of strikes; in short, prevented the revival of the reign of force. It had to do this or see Europe perish. And it continued to do this even after the council of four dispersed, for Europe needed a league of nations; indeed, future historians will find it difficult to decide where the conference ended and where the league began.*

"Another axiom assumed by the delegates at Paris was that the United States would play its full part in the league. Everyone realized that we are essential to the existence of the league, not merely because of our strength and the important part we have played in world affairs since the days of Roosevelt, but also because we are the sole power whose attitude in European affairs is disinterested. It is impossible to overstate the degree of trust in our honesty manifested by the smaller powers of Europe. Some of them, perhaps, have been irritated by the cold impartiality which our delegates showed toward them in their disputes with neighboring States. But their confidence in our sense of justice is unqualified. The leader of the Ukrainian delegation in Paris, who had felt that his claims had received small consideration and who was not in a complimentary state of mind, remarked, after Mr. Wilson's declaration of policy on Adriatic problems: 'We will accept any decision made by the council of four, so long as America is represented on it.' *If the league is to last and if peace is to be maintained, the smaller nations must have absolute confidence in the integrity of the league's leaders, and that confidence depends upon the full participation of the United States.*

"It was thus with mingled horror and incredulity that the various delegations at Paris listened to the reports of opposition in the Senate to the league. And almost invariably foreign delegates finished their questions as to the attitude of the different Senators with the remark, 'When America learns what conditions are, the opposition will die.' They assumed that we would go into the league for the same reasons that had led us into the war, reasons based upon duty and upon self-interest. We could not, as a matter of conscience, allow Europe to approach the brink of destruction so long as we had means to help her. We could not, as a plain matter of business, afford to see her torn by revolution or war. *The interests of the different portions of this globe are now too closely interdependent to permit us in the New World to go quietly about our business while the Old World burns.*

"*It seems superfluous to emphasize the vital interest which we in America have in the tranquillity of Europe. But one hears so frequently the assertion that it is no business of ours whether Czechs quarrel with Poles, or Jugo-Slavs with Italians,*

that it is wise to remember that the Great War itself began in a dispute between Austria and Serbia, and that it seemed impossible to prevent its development into a world-wide conflagration which was so much a matter of interest to us that we sent overseas an Army of more than 2,000,000 men. It is because we do not wish to spend again the blood and money which the last war cost us, that we must concern ourselves in the business of stamping out the incipient blazes which threaten to arise from the sparks of the great fire that have not yet been completely extinguished. We may not approve the creation of the new little States, potential germs of new wars, but they are there and can not be left to themselves. The only choice for us is whether we care to help them to live peacefully and profitably or whether we are going to let them set the train to a new explosion. Nor can we expect successfully to allay the rising tide of industrial and social unrest in this country, so long as our own business conditions are disturbed by the danger of revolution and war abroad.

"*Everyone will admit that the league in its present form ought to be amended sooner or later; the covenant was constructed exactly with a view to such amendment and development.* No one can say whether or not the league, even when amended, 'will work'; certainly no one would be so foolish as to assert that it will insure us absolutely against war. It is a fact, however, that the idea of the league was necessary to the successful termination of the labors of the conference, and is equally necessary if the treaties are to be carried into effect. So essential is a league of nations to the tranquillity of Europe that it was only by performing the functions of such a league that the conference tided over a period as critical as any produced during the war itself. *There are not many of those who spent last spring abroad who will not agree with the remark of Veniselos: 'Without a league of nations Europe would face the future with despair in its heart.'*"

Mr. GRONNA. Mr. President——

Mr. LODGE. I yield to the Senator from North Dakota for the purpose of having something printed.

Mr. GRONNA. I ask unanimous consent to have printed in the RECORD an editorial from the Walsh County Record, published at Grafton, N. Dak., entitled "Idealistic metamorphosis." It has reference to the league of nations.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Walsh County Record.]

"IDEALISTIC METAMORPHOSIS.

"It is a strange and peculiarly interesting thing to the people of the United States, says the Detroit Free Press, that their Monroe doctrine, which the league of nations vitiates, was forced into existence to safeguard America against the outworkings of the Holy Alliance—that idealistic prototype of the league of nations covenant itself. Odd, indeed, that the milleniumesque league of a hundred years ago should have been advocated, insisted upon, and brought into being by a Czar of all the Russias. Yet such was the fact. Alexander I, that unbalanced contrast of rabid goodness and devilish ruthlessness, grandson of the despotic and immoral Catherine II, successor to the czardom by a conspiracy in which his own father, Czar Paul, was strangled in his scarf, fell under the mystical philosophy and the pietistic dreaminess of the notorious Baroness Krudener. This occurred after Alexander had gone to Paris, following the fall of Napoleon. As the Czar's 'conscience' was instrumental in filling him with a rush of sentimentalism which culminated in his forcing Prussia and Austria to join with Russia in the Holy Alliance, a scheme of pious idealism whereby the relations of the States of Christendom were to be regulated by the principles of Christian charity, to wit, that:

"All the powers which shall choose solemnly to avow the sacred principles which have dictated the present act will be received with equal ardor and affection into this holy alliance.

"The famous article 1 of that sweet dream reads as follows:

"The three contracting monarchs will remain united by the bonds of a true and indissoluble fraternity, and, considering each other as fellow countrymen, they will on all occasions and in all places lend each other aid and assistance; and regarding themselves toward their subjects and armies as fathers of families, they will lead them, in the same spirit of fraternity with which they are animated, to protect religion, peace, and justice.

"Along with the three 'principal powers,' to use the phraseology of the league of nations covenant, this post-Napoleonic dream of a community of Christian States was acceded to by Naples, Sardinia, France, and Spain, as 'allied and associated powers,' and it received as well the commendation though not the signature of the prince regent of Great Britain. Metternich, though he privately sneered at the treaty, and though no one, save the Russian Czar, had any utopian illusions about it, adroitly proceeded to use it as the basis for the conferences of Troppau and Laybach and the congresses of Karlsbad and Verona, which were intended to unite the powers in support of absolutism everywhere. The most noteworthy development from this Holy Alliance was the attempt to extend its operation to the New World by the coercion af Spain's revolted colonies. This threatened invasion of American autonomy, together with the proposed colonization of the Pacific coast of North America by Russia, the leader in the alliance, brought from the Government of the United States the enunciation of that very same Monroe doctrine which the present league of nations covenant, if it be unamended, relegates to the innocuous and important status of a 'regional understanding.'"

Mr. FALL. Mr. President——

Mr. LODGE. I yield to the Senator from New Mexico.

Mr. FALL. I ask to have printed in the RECORD an article by Israel Zangwill, appearing in the New York American, with reference to the league of nations.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"'LEAGUE OF DAMNATIONS' ADDS WILSON'S FAILURE TO THE WORLD'S, SAYS ZANGWILL—DECLARES PRESIDENT, HAD HE RETURNED FROM PARIS HEARTBROKEN AT DEFEAT BY DARK FORCES OF EUROPE, WOULD HAVE BEEN GREATEST SUCCESS IN HISTORY—SOLD THE PEACE IN EXCHANGE FOR THE LEAGUE OF NATIONS.

"[By Israel Zangwill.]

"LONDON, *September 15.*

"I doubt if ever in human history anything has been so written about and so little thought out as the league of nations.

"One imagined from certain noble and luminous utterances that at least President Wilson understood it. But 'tis a wise father that knows his own child, and the complacency with which he carried back to America the grotesque changeling argues that he has no real acquaintance with the cherub he begot on the world's imagination. We have, indeed, his own confession of the humorous surprise with which he suddenly realized that under his league there would be no neutrals, so that the vexed question of the freedom of the seas would not arise. But even this confession was a further error, for, apart from the nations excluded, the conditions of the league allow any existing member to withdraw after due notice, and thus to become a neutral in any wars waged by the league or by other nations similarly standing outside it.

"Months before he sailed to Paris he had pontificated upon the league and upon the indispensability of its inclusion in the peace treaty, but his sense of infallibility seems unshaken even by his own avowal of his misconception or by the consciousness he can hardly escape that on the question of peace or war he has boxed the political and spiritual compass. He still stoutly maintains that 'the work of the conference squares as a whole with the principles agreed upon as the basis of peace.' It is a happy and enviable temperament, but it belongs rather to the Chadbands than to the Christs.

"IF WILSON HAD ONLY NOT VACILLATED.

"Had President Wilson returned home heartbroken at his defeat by the dark forces of Europe, he would have been the greatest success in human history. But that he should triumphantly wave scraps of paper from which the fourteen points have been practically erased, here is the true tragedy of his downfall.

"It adds his own failure to the world's.

"We need only compare Wilson's appraisal of his own achievement with that of Gen. Smuts, who has replaced him as humanity's hope. The President's voice is now that of the politician pleading that the intricate pattern of international relationship was cut too deep by historic circumstances to be ignored or reversed.

"The belated discovery does as little credit to Mr. Wilson, the historian, as his failure to transcend the historic obstacles does to the man of action. Before entering the war, whose issue he held in the hollow of his hand, he should have bound Europe by contract to his principles and swept away the 'old entanglements,' even though—and it is a curious indictment from the man who had allied America with these Governments by reason of their unmitigated righteousness—these entanglements were 'promises which governments had made to one another in days when might and right were confused.'

"To break with past history was precisely what he had preached as the world's great need. Mankind was to take a leap in the light and to rise into a new plane of world unity. A new heart, Gen. Smuts reminds us, was to be given to us, no less than to our enemies, being, as we were, all members of one another. We were to be just to those even to whom we did not wish to be just. Alas! The peace is less just than many a treaty under the old order. So far from the spirit of a new brotherhood of mankind pervading the conference, the big

four who made the peace treaty could hardly keep it among themselves.

"IN A STRAIT-JACKET AT INTRIGUE.

"Not that Mr. Wilson had forgotten his ideal. Indeed, it was his undoing. Lured on by his dream and fooled to the top of his bent, he sold the peace in exchange for the league of nations. And the league of nations that was palmed off on him is merely a device for guaranteeing the injustices of the peace treaty and eternalizing them. Both as a bargainer and an apostle President Wilson suffered defeat.

"Not only is the league not a league of nations nor the peace treaty a treaty of peace, but President Wilson's tenaciously achieved embodiment of the first in the second is a triumph as hollow as the rest. For the whole point of the incorporation of the league in the peace treaty was that the coexistence of this covenant of cooperation, this new world order, would react enormously on the nature of the settlement, substituting good will for hate, and reducing racial frictions to a minimum by the world policy of the open door and free and equal access to ports, harbors, and railways. In particular, boundary questions would be denuded of their significance, for the security of the individual frontier would depend not on its fortresses or its geographical barriers but on the joint protection of the peoples.

"But instead of the new world order influencing the peace settlement, that treaty is drawn upon the assumption of the constancy of the bad old world order, and security of frontier has been pursued even to the sacrifice of the vaunted 'principle of nationality.' Indeed, so far from the league reacting on the peace settlement and mitigating it, it is—as already indicated—the harshness of the peace settlement that has reacted on the league. Being associated with the peace treaty, the league of nations has touched pitch and been defiled. Far better had the league been created in the calm of peace.

"Instead of facilitating and simplyfying the peace settlement, as complicated issues are lightened the moment parties come together in good will, it has added its own asymmetry and lack of principle to the cumbrous complexity of the treaty. The two covenants have indeed been signed as one, but despite their common taint the union remains monstrous and hybrid. The mountain in labor has produced an uncouth and sinister bat.

"It is not in fact a league of nations that has been brought forth, but a league of damnations. Despite the promise of preferential treatment to a democratized Germany, the united vengeances of England, France, and America have been wreaked upon the German Republic in the concoction of the peace terms, and these nations further ally themselves to see that the conditions are exacted and the handicap of them never henceforth transcended.

"In diminishing and crippling Germany to the utmost possible and in building up against her resurrection a barrier of new nations, revived or created, is at once punishment and security. The procedure is not illegitimate. Germany herself admits a measure of guilt, and had challenged the forces by which she is abased and chastised.

"Hate as well as love, death as well as life, may possibly bring peace. The spine of Germany may be irremediably broken and the proved colossal cost and ferocity of modern war may suffice to keep a soulless peace among her imperialist rivals, even though France celebrates her victory by the sinister symbolism of the Gallic cock crowing above the piled German guns in the Champs Elysees.

"What is revolting, however, is the pretense that the league of hate is a league of love, that the disintegration of Austria and the magnification of Poland are due primarily to a reverence for nationality, and that a new world order can be erected on Nemesis.

"ARTICLE 10.

"No less brazen than Mr. Wilson, Mr. Lloyd-George denies that the triple agreement with the covenant 'shows a lack of faith in the league of nations.' 'On the contrary,' he urges bouncingly, 'the league of nations will be of no value unless it has the sanction behind it of strong nations, prepared at a moment's notice to stop the aggression.'

"There is no need at all of strong nations inside the league so long as there are no strong nations outside. By the notorious article 10 every member undertakes to preserve every other against aggression. Why, then, limit this duty to the 'strong nations' or confine it to German aggression? Even while the peace conference sits a dozen aggressions by the smaller nationalties continue to keep Europe a cockpit.

"Lord Robert Cecil, the only British statesman who seriously desires the league, argues that this reinsurance of France outside the league does but specifically repeat an obligation already inherent within it. But why this duplication, this double-dealing? Is not the league of damnations rock based enough? Is it feared that at some future date a member friendly to Germany will refuse to commit the league to a joint attack upon her? If so, how foolish to have made a unanimous decision necessary! That was what destroyed the old Polish Diet and incidentally Poland. Any member had only to say 'Nie pozwalam' (I won't have it) and the proposed measure collapsed; nay, the Diet itself was dissolved.

"These leagued 'Leviathans' haughtily declare that they remain masterless, unbound even by their union. The lawless caprice of the individual nations is to be replaced by the united will of mankind, yet in the voting each may veto any measure against itself! Even when they are unanimous the league carefully commits them to nothing. They are still free to decide what action the council shall take. Our Catos are truly comical.

"They excogitate a system of world government under which each great power can do exactly as before, and to put an end to the grabbing of territories they devise a system of mandates under which each, if he so desires, administers the precise territory he has conquered. Such solemn fooling makes a record even in high politics. It leaves the invention of a swift lumbering in its rear.

"President Wilson has defined the object of his league is to keep justice between nations. That is hardly insured by a clause like article 10, which seeks to entail the spoils of war and render them the inalienable property of the present conquerors.

"The article in question might lead to monstrous injustices not only against the defeated countries but even among the present Allies. Instead of a pact to guarantee one another's territorial integrity, the leagued nations should have undertaken to readjust one another's frontiers when necessary according to the variations of populations or their economic situation.

"ARBITRATION SETBACK.

"It is true there is a provision that disputes shall be referred to arbitration, but the arbitrators would surely have to recognize that such disputes can not embrace redistribution of territories, since any diminution of boundaries has been barred for all time by article 10.

"Moreover, were the league's object really to do justice between the nations, it would at once apply self-determination to the conquests of its own members. Shantung would cease to trouble and Egypt be at rest. A British Gibraltar or a French Syria would become unthinkable. All rankling grievances thus removed and their recurrence provided against, a small common force would suffice to police the planet.

"But the league being not a league of nations but of damnations, justice other than punitive can not enter into it. Here, too, lies the explanation of the embarrassment of its founders when confronted with the problem of admitting Germany.

"How, indeed, invite Germany into an anti-German league? But unable to confess the truth, even to themselves, they can only flounder and prevaricate. The popular slogan that Germany is not to be trusted provides a convenient cover for delay.

"President Wilson, like Lord Robert Cecil, finds consolation for the deficiencies of the treaty in the imperfections of the league. The league is a live thing, not a dead system, they urge; it will grow and reshape the treaty. But how, on the farcical basis of unity, anything can be amended in the treaty contrary to the selfish interest of a member of the council is not explained.

"As for improvements in the league itself, they are only possible if ratified by the majority of the outer assembly, and even then it is expressly provided that 'no amendment shall bind any member of the league which signifies its dissent therefrom,' though 'in that case it shall cease to be a member of the league.'

"Seldom has a contract been made with so many loopholes. An agreement designed by a firm of shady solicitors to protect the operations of a gang of swindlers could hardly be less binding than the covenant in which President Wilson finds 'the only hope of mankind.'

"If mankind is ever to cure itself of war, it will not be by making a false diagnosis of the disease. At the historic session of the Paris conference on January 27, Mr. Lloyd-George, in seconding the resolution to concert a league of nations, told how on the previous Sunday he had visited a French battle zone, so dismally devastated—even by France's own guns—and so populous with murdered youth that his feeling was, 'Surely it is time, surely it is time that a saner plan for settling disputes between peoples should be established than this organized savagery.'

"WAR IS NOT ABOLISHED.

"The disputes between nations being always in essence, which is the stronger? What other way is there of deciding them save that of physical force? The friction between peoples invariably arises from the collision of two life forces. The nations are biological organisms which in their expansiveness press upon one another, and seek to restrict, impede, override, or even absorb one another, so that the survival of the smaller powers is only secured by their diplomatic alliances or ententes with the great powers, or by the mutual rivalries of these latter which will allow none of them to swallow the morsel coveted by all. But since it is always nowadays a question of clashing interests—for even revolt against alien domination comes under this head—there is no arbitrament but that crude trial of strength we call war, and no nation ever goes to war unless it feels it has at least a fighting chance of success. Even a little people like the Boers stands up against the great British Empire in the hope that victory will cost the distant people too dear for pursuance, as the American revolutionists did.

"The price of nationality is war, and with war eradicated patriotism would become planetary. It is to guard against such a consummation that the instinct of the elder statesmen has set up the league of damnations."

STEEL STRIKE INVESTIGATION.

Mr. KENYON. Mr. President——

Mr. LODGE. I yield to the Senator from Iowa.

Mr. KENYON. I was unable to be here during the morning hour, but I ask unanimous consent at this time to submit, out of order, a resolution with reference to the steel strike investigation now in progress before the Committee on Education and Labor.

The resolution (S. Res. 202) was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the Senate Committee on Education and Labor, or any subcommittee thereof, having been heretofore directed to investigate the steel strike, is hereby empowered to sit and act at such time and place as it may deem necessary; to require by subpœna or otherwise the attendance of witnesses, the production of books, papers, and documents; to employ stenographers at a cost not exceeding $1 per printed page. The chairman of the committee or any member thereof may administer oaths to witnesses. Subpœnas for witnesses shall be isued under the signature of the chairman of the committee or subcommittee thereof. Every person who, having been summoned as a witness by authority of said committee or any subcommittee thereof, willfully makes default or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States. The expense thereof shall be paid from the contingent funds of the Senate on vouchers ordered by said committee signed by the chairman thereof and approved by the Committee on Contingent Expenses.

NEW JERSEY PARTY PLATFORMS.

Mr. EDGE. Mr. President——

Mr. LODGE. I yield to the Senator from New Jersey.

Mr. EDGE. I desire permission to insert in the RECORD a dispatch regarding the political State conventions held in New Jersey yesterday. An extract from the platform adopted by the Democratic Party at the State convention in New Jersey held yesterday is short, and I will read it. The resolution declares—

That the league of nations covenant should not be approved without giving recognition to the Irish republic.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

"JERSEY PARTY PLATFORMS—DEMOCRATS AGAINST LEAGUE UNLESS IRISH REPUBLIC IS RECOGNIZED.

"TRENTON, N. J., *September 30, 1919.*

"The Republican and Democratic State conventions were held here to-day, and each adopted a platform for the campaign in New Jersey.

"The Republicans declared that as the prohibition amendment is part of the Federal Constitution, it will not be necessary for New Jersey to ratify it, and that, in fact, it is no longer a political issue. This plank met with the approval of the New Jersey Antisaloon League, and an announcement was made that the league would not therefore put up an independent candidate. The Republicans also recommended that the question of New Jersey's ratification of the woman-suffrage amendment be put to a referendum of the State.

"The Democratic convention, after some contention, adopted a plank for the immediate ratification of the woman-suffrage amendment and declared for opposition to the prohibition amendment by all lawful means. The administration of President Wilson was indorsed, and he and the Democratic Party were congratulated on the successful outcome of the war.

"A resolution was adopted declaring that the league of nations covenant should not be approved without giving recognition to the Irish Republic."

TREATY OF PEACE WITH GERMANY.

Mr. LODGE. I now ask for the regular order.

Mr. McLEAN. Mr. President, I wish to call the Senator's attention to the fact that the pending House bill has been under consideration before the Senate for some time. I understand there is only one more amendment to be disposed of, and it does seem to me that in fairness to the bill it ought to be acted on.

Mr. LODGE. I will gladly yield to take a vote on the bill.

Mr. McLEAN. There is one more amendment, and I understand that will close the debate.

Mr. LODGE. I do not know about closing the debate.

Mr. McLEAN. If it leads to debate, I will not ask the Senator to yield further.

Mr. LODGE. I do not want to delay that bill at all; but I dislike to yield when the treaty comes up at 2 o'clock and is laid before the Senate, and then be reproached the next morning for filibustering. I think I will insist upon my motion.

The motion was agreed to, and the Senate, as in Committee of the Whole, and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. WOLCOTT. Mr. President, I do not propose to undertake a discussion of the entire treaty of peace with Germany. It is before us, written in two languages and printed upon 537 pages.

The Committee on Foreign Relations has reported the treaty, recommending some textual amendments and also some reservations. The textual amendments are designed to accomplish the following purposes:

1. To give to the United States an increase of representation in the assembly of the league of nations;

2. To eliminate the United States from participation in the work of certain commissions which are set up to deal with matters connected with the execution of the treaty;

3. To effectuate the transfer of German rights in the Shantung Peninsula to China instead of to Japan; and

4. To exclude the votes of self-governing colonies and dominions when what I may call the parent State is interested in the dispute.

The reservations proposed by the Committee on Foreign Relations deal entirely with the league of nations.

In the remarks I am about to make it is my intention to confine myself to a discussion of the league of nations provisions, refraining from attempting to outline or discuss the controversial phases of the general treaty of peace.

Long before the league of nations covenant was drafted Senators were prematurely discussing it. The indications were quite clear that this covenant, whatever might be its provisions, was doomed to meet with denunciation the moment it made its first appearance before the world. It was very apparent that a chorus of jeers was waiting to greet it upon its birth. The subject with which it undertook to deal was nothing less momentous than the future peace of the world. That means that, in purpose at least, it was designed to reduce the possibilities of war. The high ends of this purpose, its noble ideals and lofty aspirations, are best known to the sorrowing survivors of 10,000,000 dead men and to 20,000,000 maimed men, their companions and loved ones on whom this war has cast the burden of its great grief; and more especially to the families of 60,000 American lads whose bones lie in alien soil, and over 50,000 other American lads who will, through the years, drag their legless, armless, or eyeless bodies to the grave, constant and visible evidence to their fellows of the horrors and curse of war. These are the ones who best know something of the thing which this league is intended, in part at least, to prevent, and who feel with animated hope something of the nobility and seriousness of purpose with which this great attempt to secure the peace of the world is laden.

Yet, as serious and noble as was the purpose with which this league was animated, as lofty as was its aim and sacred its cause, its first appearance was greeted with scoffs from the lips of statesmen who had been chosen by their fellow men to share in the leadership of this Nation to higher and better things. If there was any weapon in the armory of skillful dialectics calculated to be of use in injuring or destroying a great idea that was not ardently seized and vigorously used against the league, it has escaped my attention. Against it were directed ridicule, sarcasm, denunciation, and at times gross misrepresentation, abuse, and vilification.

I said that from the moment of its first appearance, namely, when the original draft was published in the forepart of February of this year, the league met with a storm of abuse. The wrath which had been gathering against it before its features were ever seen was poured forth in steady volume upon its head. Had it been handed down from heaven, given to man

by the Savior himself, there is at least one Senator who, according to his spoken word on this floor, would summarily reject it.

The first and tentative draft of the league covenant was submitted to the world about February 13 last. It was revised and submitted to the Senate in its final form on July 10. Thus elapsed a period of five months. It lay in the Foreign Relations Committee for two more months and then, namely, on the 10th of September, it came out of that committee along with the rest of the German treaty, and thus for the first time got on the floor of this body for orderly debate.

Entertaining the theory that it would be more appropriate to discuss the league when the same became the regular order of the Senate, I have until now refrained from indulging in its discussion. Other Senators, however, entertained a different view, and so, quite to the exclusion of other matters that were pressing for attention and constituted the regular order of legislative business, have been using the best part of seven months declaiming their views in this body on this subject, when, now that the matter is before the Senate in the regular order, the subject approaches being stale.

But notwithstanding that the debate has thus prematurely proceeded for seven months and the subject, therefore, has been pretty well canvassed, I purpose to submit my views upon some phases of the question. I am aware that in so doing I am in danger of traversing ground that has been traveled by other and more able Senators than I; but I am encouraged to proceed, even at the expense of at times repeating the substance of what others may have said, by the example set by the distinguished senior Senator from Massachusetts [Mr. LODGE], whose most recent speech, which was greeted with so much applause throughout the country, had in essence been delivered a score or more of times before by others who preceded him in this body.

As I have considered the plan for a league of nations as set out in this treaty and reflected upon it with that degree of attention and seriousness which the vast importance of the subject demands, I have ever sought to keep my thoughts free from the contamination of party politics. I have conceived that renegade to his duty is that citizen, whether he be in the Senate of the United States or out of the Senate of the United States, who would allow this great question to be determined in his mind by the exigencies of party politics or colored with the prejudice of political bias. I confess that at times I have regretted to see evidences of what seemed to me to be a disposition on the part of some to make of this issue a football of party politics. Dealing as it does with our foreign relations, with the desire of the world to relieve the masses of men from the blighting curse of war and the peoples of the earth from the ever-increasing financial burdens of arms and armaments, seeking as it does to do something in the direction of quelling the international riots of the worlds and inducing nations to compose their differences by pacific means, the subject is fraught too much with the destiny of men and the welfare of humanity to permit it to be determined in the light of next year's presidential election. And so, making no pretense of a superior aloofness from party feelings, and therefore claiming for myself no transcendent quality of dispassionate judgment, I have, nevertheless, sought to think solely and entirely in terms of our country's welfare and its duty as a great nation in the family of nations.

Notwithstanding that there is an impression amongst the people of the country that this covenant is a very complicated and intricate affair, the fact is that it is drafted in simple language, and in such style that any man with common mentality is able, upon a careful reading of it, to form his own intelligent conclusion as to what it means.

It is to be regretted that the public has not more generally read and studied this covenant. As it has been represented by its enemies, its friends would hardly know it. The quantity of misinformation and misunderstanding that has been spread throughout the land through the public prints regarding the nature and scope of the provisions of the league, to those of us who have desired to see the matter discussed strictly on its merits and in the light of its actual provisions, the extraordinary extent of these misunderstandings I confess is appalling.

In listening to speeches made by Senators against this covenant, I have been struck by an inconsistency common to many of them. With respect to some of these addresses one half of the speech is devoted to proving that the league is a powerful superstate set up on top of the nations with authority to order them about at will, while the other half of the speech is devoted to proving that the league is a spineless thing so inefficacious to accomplish its purposes as to merit the charge that it is but a rope of sand. Thus the first half cracks the skull of the last and the last half cracks the skull of the first, while at the close the whole speech may be said to have exterminated itself. It is an oratorical felon de se.

While I have no intention of burdening the Senate with a detailed analysis of the league covenant, as I understand it, yet I do desire to submit some general views respecting it, and some more specific views regarding the outstanding objections raised against it.

The league of nations, instead of being a league to promote peace, has been referred to by its enemies as a league to create wars. Of course, Mr. President, if this league were thought to be a breeder of wars, no man who so regards it ought to vote for it.

But instead of believing that a brood of wars kennels in its womb, I am of the diametrically opposite opinion, that it will most materially aid in engendering and preserving the world's peace. I think no man is so venturesome in thought as to assert with ex cathedra positiveness that upon the adoption of this league, war is thereafter forever impossible. At least, I make no such claim. Men are not yet angels, nor has the millennium yet arrived. If so, there would be no necessity for considering an international effort to induce mankind to behave. The very fact that there still exists the imperfections of the race and the selfishness of man is the thing which raises the necessity for some organized effort to hold in check those passions of man which express themselves through national groups seeking to accomplish their ends by organized force. So long as human nature remains as it is there is always the chance that, against the most perfect of plans for the promotion of peace, some perverse or impetuous nation may launch itself in defiant conflict. This may be said with respect to the present plan as it may well be said of any other plan, even though such other plan had sprung from no less a source than the unerring brains of the leaders of this opposition.

But, sir, the proposed plan is the only one in sight. It is the only one that commands a large enough body of world opinion to render adoption at all probable. All other plans that the critics mention are so nebulous as to consist only of general statements of sentiments to the effect that the proposer hates war and loves peace, and is in favor of abolishing the one and perpetuating the other—sentiments very fine, but, unaccompanied as they are with detail of suggestion as to how they are to be realized, utterly worthless in this pragmatical world. Of what use is it to announce yourself as opposed to murder unless you are prepared to offer a practical method of discouraging it? And why stop at approving a homicide statute because, forsooth, some blood-letting thug may disregard it?

And so, Mr. President, common sense, hard, practical, common sense, will turn a deaf ear to those who prate of their detestation of war and their enamorment of peace, but who never get beyond that point and insist on fighting against the only possible and practicable plan to achieve their hopes, while they disclose nothing of their own by way of remedy. Such self-confessed impoverishment of suggestion can not be expected to address a very persuasive appeal to men and women everywhere who are looking and longing for a definite and practical step forward toward their cherished goal.

Whatever may be the views as to the efficacy of this covenant to actually promote peace, no one questions that such is its avowed purpose. And I am firmly convinced that this purpose is as fully subserved by the covenant as it could be by any plan which, in this world of clashing national interests, could be devised. We must ever bear in mind that it is no easy task to induce all the important nations of the world to reconcile their varying desires and to so compromise their divers views as to finally come together in agreement upon a common plan for peace. This particular plan by passing the peace conference has traveled a long, long way on the road to actual acceptance. I dare say that if it is now obstructed a disappointed world will wait many, many decades before any other peace plan that may be proposed will advance so far toward general world approval. In the meantime, the nations may, during the period of waiting, again be plunged into another world war whose dimensions and whose destructiveness no man can in his most extravagant imagination forecast.

This circumstance ought to admonish us that we should approach the consideration of this particular plan with all prepossessions in its favor, and not in a spirit of hostility, founded, if you please, on narrow views as to some of its features or on some pique against one or more of its authors. For if this plan fails of acceptance and again the scourge of world war should lash humanity, the future would be pardoned, and justly so, if it failed not to visit its curses on those of us who thus recklessly

rejected this great attempt to promote the permanence of the world's peace. It is vastly more important to help the world forward to quiet and order than it is to determine the political complexion of the next national administration or the personality of the presidential nominees in the 1920 elections.

Mr. President, this covenant contains among its provisions one feature that to me seems of transcendent importance. This feature is embodied in articles 12, 13, and 15. By these articles the nations agree not to go to war over disputes likely to lead to a rupture until the matter has either been submitted to voluntary arbitration or, failing that, to investigation by the council; and the award made by the arbitrators, in case there was arbitration, and the report made by the council, in case it is unanimously made by all the members other than the disputants, is binding on the nations involved. In case a report by the council is not unanimously concurred in, then, after three months, recourse to war is as free and unrestrained as ever. In that event, Mars may then shake his gory locks, bare his blood-stained arms, summon death to his side, and proceed in triumph to crush and mangle bodies of men and break the hearts of women and children. Thus even under this covenant there remains some slight consolation to the jingoes.

But if any nation should violate the obligation to refrain from war during the period of the arbitration or investigation, or should fail to abide the award made by the arbitrators, or to accept the unanimous report of the council, such failure constitutes ipso facto an act of war against the members of the league.

I shall not analyze these articles. They aim at two things, both exceedingly meritorious. First, they aim to obligate nations to pause before rushing to war. Hasty action is foreclosed. Investigation, discussion, and a report on the facts and issues by an impartial body are brought into play, and thus is accomplished the result of allowing blood and passion to cool while the conscience of the world addresses itself to an attempt at solution of the difficulty. Is not this a most wise provision? It is founded in the elementary principle of universal human nature that if men can be induced to defer action until the heart is cool and the head dispassionately thinking, a just and wise course of action will ensue. In some twenty-odd treaties with as many nations the United States has already gone on record as approving of the utilization of this principle in our international relations. This league brings all the world within the scope of the peace-promoting spirit of this principle.

Second. These articles aim to settle the dispute in an amicable way, and if any nation would disregard the provisions of these articles then such disobedience constitutes, ipso facto, a hostility against all the other members of the league. What, then, follows? Why, sir, the economic pressure of the world is automatically brought to bear on the recalcitrant nation. The power of this pressure is of sufficient potency to cause any nation to pause before involving its consequences. And so there is strong ground to believe that the fear of this economic force will restrain obstreperous nations.

No nation can, under these articles or under any other article, be forced against its will to take up arms against the offending State. War as the remedial punishment is left to the discretion of each member. This point it is important to mention, in view of the loose talk to the contrary thereof. But while war is not compulsory on the nations, yet the offense being such as to entitle any member nation to regard it as sufficient cause for war, and there being a provision that the council may "recommend" military measures as the proper corrective, there therefore is behind the economic penalties this more ominous thing of possible physical force which a jingoistic state would be afraid, and therefore unwilling, to arouse against itself.

Suppose such an arrangement as this had existed prior to 1914. Does anyone suppose that Germany would have pursued the course she did? Would she not have dreaded the economic penalties her course would have involved; and if this had not been sufficient to restrain her, would not the mere possibility of war with the whole world, ominously hovering over her deliberations, have stayed her murderous hand? I was struck by the assertion of the junior Senator from Pennsylvania [Mr. KNOX], made in this Chamber on the 18th of last December, that if the United States should simply and alone announce to the world that we would view with grave concern any power or combination of powers which menaced the freedom and peace of Europe, such bare announcement would in itself prevent any such conflict in the future. Perhaps so. But I doubt it. At all events, I am convinced that if the Senator's remarks were true, a fortiori is it true that such an announcement not by us alone but as well by all the great nations of the world in conjunction with us would undoubtedly have that effect. And yet, in some of its aspects, is not this league an announcement by all member nations that the whole world will view with concern any conflict disturbing any portion of its peace, and not only so, but will restrain such conflict by economic penalties and possibly by armed force?

By article 8 the covenant sets up a plan for reduction of national armaments. This plan contemplates that the council shall devise a program of world-wide armament reduction and recommend the same for consideration by the nations. Acceptance is not compulsory. Those, therefore, who have been quarreling at the covenant because it compels the Congress to surrender its constitutional power over the Army and Navy are grossly in error. Congress can disregard the recommendation if it chooses. Its right to do so is expressly recognized by the article.

An attempt ought to be at least made to eliminate this mad international armament contest between the nations. It is the curse of the age. It did much to bring on the present war. Germany raced England for naval supremacy and France raced Germany for military superiority. All the nations to a greater or less degree were entered in the great contest. In the meantime, while the Governments were arming for fight, the people were paying the bill. The financial burden was bending the back of the world. This article 8 offers an honest attempt to lighten this burden, and at the same time to control the national possession of deadly weapons. By its inspection provisions it also undertakes to prevent a nation from carrying such weapons concealed.

Mr. President, if this league be not adopted, the nations will be thrown back on their old resources. If we are not to have this plan for peaceably composing national differences, then each nation must look after itself in its own way; the old program of building fleets and creating armies will be fallen back on. The present can not forecast the extent of the burdens that such a program will impose on a world already staggering under a crushing load of debt and in large measure verging on bankruptcy. For my part, if things are to go along in the future as in the past, and we are to be deprived of the opportunity to try out this plan for keeping the world's peace, as much as I shall deplore the necessity, yet I shall not hesitate to cast my votes in the Congress in favor of an army and navy of such size as to be commensurate with the greatness and the responsibility of this Republic, surrounded as it will be by militant powers armed to the teeth, so that if world war shall come again, America may be fully prepared to outdo any foe in the deadly conflict.

We are told, Mr. President, that if we enter into this league of nations covenant, we are departing from the traditional policies of our past; they tell us, the critics, that America has grown up on these shores isolated from the Old World with a barrier between the hemispheres which enabled us to live our life according to our own notions, work out our destiny on this side of the sea without interference or disturbance from abroad; and that if we enter into the covenant we can no longer pursue this alleged policy of our past but must consent to the intermingling of our affairs with the affairs of Europe and of Europe's affairs with ours. Our traditional policy of isolation which self-appointed defenders of Americanism are constantly speaking of and so valiantly fighting to preserve, they tell us, is in danger of destruction, and with it the might and power and glory of the Republic.

Mr. President, this country is not isolated from the Old World. It never has been. Even when we were thirteen original Colonies scattered up and down this sparsely settled seaboard we were not free from Europe. Every European war of any consequence during the period of our colonial history reflected itself on this side of the ocean, and the Colonies were frequently found, here on American shores, fighting over the issues that were tearing Europe asunder.

After we gained our independence our affairs continued to be involved with those of Europe, notwithstanding the fact that we were a recognized Nation and the difficulties of transportation and communication still were such as to tend to keep the Old and New Worlds apart. The Napoleonic wars touched us. We were the victims of British orders in council and French decrees. So greatly were we harassed by the European belligerents that sometimes it seemed that we should be at war with England and at other times at war with France. The diplomatic history of that period is largely made up of our attempt to compel Europe to let us alone, and to observe the isolation which we were desiring to enjoy.

At the close of the Napoleonic wars a series of peace treaties and understandings among European nations were negotiated, which eventually culminated in the Holy Alliance. Without undertaking to review the history leading up to the forming of that alliance, I shall content myself simply with saying that, though it was purely European in origin, in thought, and in purpose, yet it reached its influences across the Atlantic to these shores and

undertook to establish its purposes in the South American Continent in such a way as led us to believe that for our self-protection measures must be taken against it. At that juncture of our affairs, whatever the theory of statesmen may be, we were certainly not enjoying a state of isolated sovereignty. Out of the machinations of the European autocrats, who were working through the agency of the Holy Alliance, was developed a state of affairs in America that resulted in the announcement of our Monroe doctrine. In a real sense, therefore, Mr. President, it may be said that the Monroe doctrine in 1823 constitutes unmistakable proof of the fact that at that date we were far from isolation.

The war from which we have just emerged ought to convince the most casual thinker that in no sense of the word can this country be regarded as isolated from the affairs of Europe. The murder of an Austrian prince in Austrian territory by an Austrian subject developed into an incident which threw all Europe into the throes of a conflict which, after the lapse of three years, drew America into its horrible vortex. In the light of this, our most recent experience, who is the man so superficial in thought as to insist that America may with safety regard herself as thoroughly detached from the world's disputes and therefore unconcerned with their prevention? Why do Senators persist in ignoring the lesson taught by the most recent facts and continue to prate about our state of isolation? Theorize as much as we will, to those who blindly insist that with Europe's affairs we have, and can have, no concern; that from her and her quarrels we are free, I say the stern facts, the sad but compelling facts which contemporaneous history has thrust upon us, supply irrefutable denial. Every tear that glistens in the eye of an American mother whose son lies in a French field, every sigh that agitates the bosom of an American father who, when he thinks of his dead, must cast his thoughts across the sea, are mute witnesses to the unescapable truth that America is not isolated from world affairs and that Europe's quarrels very vitally concern us. Every American woman whom this war has widowed, every American child whom this war has orphaned, everyone of the 2,000,000 men who went "over there" and returned again, leaving some of their comrades asleep among the white wooden crosses, bringing others home maimed and mangled—these know, ah, yes, how well they know, that America is not living and can not live in lone and solitary splendor on this side of the sea separated and detached from great European conflicts. Statesmen may argue and debate the matter to their complete exhaustion, but they will never convince these thousands and their thousands of loved ones that a quarrel which threatens to plunge the Old World into war is of no concern to America.

I have endeavored in a cursory sort of manner to refer to the history of our past in order to establish the proposition that this much-talked-of state of isolation does not exist to-day and never has existed throughout our whole history. Europe has intermeddled with our affairs, and her troubles have become our troubles.

On the other hand, Mr. President, it has been true that we have at times interfered and intermeddled with the affairs of Europe. I beg to recall to Senators the circumstance of the Algeciras conference of 1905. That conference was convened at Algeciras, Spain, for the purpose of settling the disputes between European powers concerning the status of Morocco. Morocco is in the northern part of Africa on the shores of the Mediterranean. In the strict sense of the word it belongs to the Old World. The dispute primarily was between France and Germany. England, because of her manifest interests, was drawn into it on the side of France. For a while it looked as though these nations were to rush to arms over the Moroccan trouble. Certainly America, having no territorial or political rights in Morocco and being separated from that portion of the earth by the wide expanse of the sea, could not in a very material sense be said to be involved in the quarrel. Yet to the Algeciras conference, which was called to settle the difficulty, President Roosevelt sent representatives of this Nation to participate in the solution of the questions involved. Our immediate justification for entering that conference was that we had certain rights under a commercial treaty of 1880. We, however, claimed no political interest. Nevertheless, our delegates participated in composing many of the political disputes that arose during the conference and very materially aided in thus preserving the European balance of power. Mr. André Tardieu, who during the German war was the French high commissioner in this country, reported the Algeciras conference, and he has stated the fact that the German Kaiser several times cabled President Roosevelt urging him to modify his instructions to the American representatives, thus indicating the part the American President played in settling the European political questions which were then threatening the peace of Europe.

The verdict of history will be that in that action President Roosevelt showed himself to be a statesman of the first order. He realized that which few of his fellow countrymen at that time realized, that the Moroccan question, in so far as it endangered the peace of Europe, was, in a very real sense of the word, an American question, for the now very manifest, though then obscure, reason that if Europe broke out into a continental war America would have great difficulty in remaining uninvolved therein.

I cite the Algeciras conference as a circumstance of recent history demonstrating that this alleged policy of isolation of which we have heard so much, while it has not kept Europe from interfering in American affairs, at the same time, so to speak, has not kept us from interfering in European affairs.

No, Mr. President, this country has never been separated from Europe. Since the Spanish-American War it can not be said that this country is separated even from Asia, for, in a very real sense, Asia has become our neighbor. We are a world power, living not in undisturbed isolation, but touching elbows with nations everywhere over the earth. Whether we will it or not, our lot is cast with the great powers of the world. Our power, our might, and, by the same token, our responsibilities, are great and vast. We can neither abandon the one nor evade the other, unless, indeed, we are prepared to write ourselves down as a nation of people suddenly found possessed with great power and as suddenly become alarmed thereat. Uncle Sam should never by his own act change his name to Young-Man-Afraid-of-His-Horse. Can this young giant of the west, this strong and mighty people, hope to enjoy the possession of all the benefits of world power and at the same time escape the burden that history teaches mankind is inevitably attached to such possession?

What concerns the world certainly must be the concern of this country. The only time that the barrier of complete isolation, so eloquently described and so fondly clung to by Senators of the United States in their assaults upon this covenant, has in fact existed was prior to 1492, when Columbus with his galleons sailed the unknown sea. Before then America, roamed over by savage hordes, was in the true sense of the word isolated from the Old World. Since then there has been a connection with the Old World growing stronger and more intimate as the years advanced and the affairs of men spread.

We are further told, Mr. President, that we should not enter this league of nations because we will be departing from the teachings of the fathers who warned us against forming alliances. In this connection the words of the great Washington are frequently quoted, as also are the words of Jefferson. Washington warned against permanent alliances, and Jefferson uttered words of warning against entangling alliances. In view of the fact that so much is being made of the argument that if we adopt this league we will be thrown into an alliance condemned by the traditions of the fathers, I pause for a moment to examine the attitude of the founders of this Republic toward the question of alliances.

I wish to note, however, that though this league may have some of the features of an alliance, yet I conceive it inaccurate to describe the league as an alliance in the sense that the word is commonly used. I interject this statement in order that I may not be understood to subscribe to the idea that this league is an alliance in the ordinary acceptation of the term.

It is, of course, familiar history that after our independence we adopted a treaty of alliance with France. The question of the extent of the obligation thus made was, after we had changed our form of government from the Articles of Confederation to the Union under the Constitution, a subject that agitated the public mind of this country for some time and occasioned one of the disputes in Washington's Cabinet. A significant fact, however, is that the very men who are now quoted as opposing alliances of all kinds themselves approved of the alliance with France. This, to be sure, may be counted an exceptional case, because of the extreme urgency of our necessities when we were at war with Great Britain fighting to retain our recently declared independence. The fact, however, remains, that the authors of American liberty were not so unalterably opposed to alliances as to lead them to decline this one with France.

Washington in his celebrated Farewell Address never gave expression to views that would condemn all alliances of every kind. On the contrary, he approved of alliances for extraordinary emergencies.

When President Monroe was formulating his ideas which eventually embodied themselves in the Monroe doctrine, he called upon Jefferson and Madison for their advice. These two American patriots, the one said to be the author of the Declaration of Independence and the other commonly called the father of the Constitution, advised Monroe to meet the

aggressions of the Holy Alliance on the Western Hemisphere by negotiating a treaty of alliance with Great Britain. It was the Secretary of State, John Quincy Adams, who opposed this advice and advocated the course eventually adopted by the President of announcing our policy through a presidential message.

The significant fact in connection with this circumstance is that Jefferson, who is now brought forth as a witness against the league of nations because of its so-called entangling features, was himself, along with Madison, entirely agreeable to the idea of forming a definite and specific alliance with Great Britain against the European concert known as the Holy Alliance.

In discussing the attitude of Jefferson toward alliances or understandings with European nations, and when it is charged that he was unalterably and uncompromisingly opposed to such, it is very significant to remember that, when Napoleon forced Spain to retrocede Louisiana to France by the secret treaty of San Ildefonso in the year 1800, the occasion arose for action by President Jefferson, which very forcefully illustrates the position of that great statesman toward these so-called entangling engagements. He wrote Livingston, the American representative at Paris, as follows:

> The day that France takes possession of New Orleans fixes the sentence which is to restrain her forever within her low-water marks. It seals the union of two nations who in conjunction can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the British fleet and nation. We must turn all our attentions to a maritime force, for which our resources place us on very high grounds; and having formed and cemented together a power which may render reinforcement of her settlements here impossible to France, make the first cannon which shall be fired in Europe the signal for tearing up any settlement she may have made, and for holding the two continents of America in sequestration for the common purposes of the united British and American nations.

And so, Mr. President, notwithstanding the selected sentences and carefully chosen paragraphs that may be culled from the speeches and writings of the fathers, the plain fact of the matter is that these patron saints of the Republic are known to have entertained the view that upon proper occasion the interests of America were in no danger or jeopardy by reason of international arrangements or understandings that might possess all the ordinary features of even an alliance.

In view of these historical incidents, how can it be said by any reasonable man that the league of nations is to be denounced by the principles of the fathers because of the fact that it erects machinery which brings us, with the rest of the world, into a scheme that is designed to afford pacific means for the adjustment of national disputes and a forum in which international issues may be heard and an opportunity given to the conscience of the world to express itself?

The senior Senator from Massachusetts calls this league an alliance. Waiving the question as to the accuracy of that statement and admitting it for the moment to be true, yet I assert that even though it be conceded that the league of nations is an alliance of the old familiar type, yet there is nothing in the acts or words of the leaders of the past to condemn it for that reason, provided always, of course, that the interests of America are amply and duly safeguarded.

SOVEREIGNTY.

Again, it is said that if we enter into this league we surrender the sovereignty of this Nation. What is the sovereignty of a nation? As I understand it, the term simply means the right of a nation to pursue whatever course it sees fit without holding itself responsible to any other nation or people on earth. Sovereignty is unlimited and unrestricted freedom on the part of a nation to do as it will. It recognizes no superior authority. It accords obedience to no other power. It is self-sufficient, self-contained, and irresponsible.

Before the dawn of civilization, when men were roaming in wildernesses, eating roots and living in caves, every individual was a sovereign unto himself. As these barbarians took on the first rudiments of civilization, each surrendered something of his sovereign liberty. In the course of time, as they developed into nations, the individuals were compelled to surrender greater quantities of their original sovereignty.

Similarly as nations developed and lived in more or less remoteness, in isolation one from the other, each possessed the same full, unrestricted, and unlimited sovereignty that the individual creature had enjoyed in the state of barbarism. It is as true to-day as it ever was, that there is no superior law sanctioned by external force that can in any wise entrench upon the freedom of a nation to do as it pleases. Of course, there are always the well-accepted principles of good morals that by reason of their impelling force upon conscience make it advisable for nations not to attempt to run amuck in the enjoyment of their so-called sovereignty, because so to do would not only constitute a breach of morals but as well would involve them in conflict with others. Theoretically, however, each nation retains its sovereignty with all of its original unrestrained freedom.

The individual in the State, within the field left open to him by the law under which he lives, is as free and sovereign as a nation. He can not be compelled to do anything which the law allows him to exercise his judgment upon, nor can he be restrained from doing anything which the law permits him to do. Within these limits he is his own sovereign. Yet, Mr. President, individuals by contract agree one with another not to do things which otherwise they might with propriety do and to do things which otherwise they would not have to do. This is what we call a contract obligation, and I have never yet heard the idea advanced that when two men make a contract laying down mutual obligations they thereby surrender their liberty or individual sovereignty.

By parallel of reasoning it is perfectly manifest that when sovereign nations enter into an agreement by which mutual obligations are assumed, it is entirely beyond all reason to assert that the contract thus voluntarily entered into and the obligations thus voluntarily assumed constitute on the part of the contracting nations a surrender of national sovereignty. I am surprised to hear it earnestly argued by Senators, whose ability commands my great respect, that if the United States voluntarily assumes to enter into the covenants of this league, we thereby surrender our national sovereignty. If this contention be true, every treaty we make constitutes a surrender of our sovereignty.

It is stated, iterated, and reiterated, time and time again, by opponents of this league that our sovereignty is impaired, because the league sets up a supergovernment or superstate, which is vested with a power to lay down law for the United States, and to compel the United States to obey its commands. The senior Senator from Missouri [Mr. REED] very recently, and not for the first time, I may say by way of parenthesis, advanced this view.

If this league did any such thing as that, it ought to be summarily rejected. In saying this I am confident that I voice the unanimous sentiment of every American throughout the land, for, Mr. President, let it be said in all candor that those who are advocating this league are as violently opposed to surrendering the sovereignty of this Republic to some supposed superstate as are those who are fighting against the league. The warmth of utterance, the holy zeal of declamation, the passionate profession of undying devotion to America, her flag, and her sovereignty which are so thrasonically paraded here in this Chamber and throughout the country on the hustings by those who fight this great project must not be taken as conclusive evidence that a monopoly of love for our common country is enjoyed by those who thus, for the moment, exalt themselves to the heights of patriotic sainthood.

Under this league nothing in the way of action by the United States can be forced upon us. We have our representative on the council and in the assembly of the league. When we are not a party no conclusion, either of the council or of the assembly, can be binding on us unless our representative, speaking under the instructions from this Government, agrees that we shall be bound. If any timid souls should fear that our representative would betray his trust and on some future occasion would commit us to a program our people would not approve of, then to meet such an unthinkable contingency Congress could in a proper way limit the power of our representative to act, in certain vital particulars, only in accordance with express instructions evidenced by congressional resolution.

Nowhere in all the articles of this league do I find any language that gives the slightest countenance to the idea that under its terms we become a constituent State of some world-wide international government which has power to lay down law for and issue directions to all its members regardless of the will or wish of the individual nation.

There is a provision, to which I have already referred, that if we are party to a dispute with another nation, we may agree to arbitration of the difference. If we agree to the arbitration there is a provision in this league binding us by promise to abide by the award of the arbitrators. This, Mr. President, is nothing new. This provision is quite in keeping with a long line of American precedents. I believe we now have between 70 and 75 arbitration treaties, conventions, protocols, or agreements existing between the United States and other nations of the world.

It is the proud boast of America that, in company with England, we were the first to initiate the method of settling international disputes by agreeing to peaceable arbitration. Such a provision appears in the Jay treaty of 1794. From that day to this this great Republic has been the constant advocate of the

principle that nations should settle their disputes before arbitral courts if in their judgment the disputes were of such nature as to be properly justiciable before such courts.

The league of nations covenant on this point simply follows the uniform precedents of 125 years of our history. We are not bound to submit to the arbitration of any difference we may have with any other nation. The provision of the league is that we agree to submit to arbitration any differences which we may determine for ourselves to be arbitrable. In this there is nothing compulsory. In passing, I may note that ex-United States Senator Elihu Root, in his letter of March 25 to Hon. Will H. Hays, chairman of the Republican national committee, entirely approved of the arbitration features of this league of nations covenant.

The league further provides that in case we do not agree to submit our differences to arbitration we shall then submit the dispute to an investigation by the council of the league. We further agree that, pending the arbitration, if we have agreed to such, and if not, pending the investigation of the council, we will not go to war with our opponent, nor will we do so within three months after the award or the report of the council.

Now, with respect to the award in case of arbitration, I take it that the stanchest proclaimer of American sovereignty would not contend that in case the award went against us we should have the liberty to disobey it and fight, because in such case we had voluntarily entered into the arbitration and had voluntarily made the promise to abide its results.

In case of investigation by the council—which is a matter entirely different from the arbitration arrangement—it is provided that the members of the league will abide the finding of the council and will not go to war against any nation that abides by its finding, provided always, however, that the finding of the council is by the unanimous vote of the nations represented therein, excluding the parties to the dispute. Here, therefore, Mr. President, is a provision that obligates us to abide a judgment of a tribunal if the same is unanimous, even though we had not agreed in advance to submit the dispute to that tribunal and accept its finding.

This has occasioned great alarm in the breasts of the stout defenders of Americanism. Many high-flown sentences have been uttered in declaiming upon this provision. Locks have been shaken loose, throats almost torn asunder in denouncing the infamous betrayal of American liberty that such an eventuality portends. For my part, I am free to confess that I do not get alarmed over this provision, for I am reminded of the fact that before such a finding can be visited upon us it must receive the unanimous indorsement of seven great nations of the earth. If one, only one, of those seven nations can be brought to see the dispute from the point of view of America, then there never can be any finding against us. This being the case, I am free to say that if we are in a dispute with another nation and can not find one of the seven civilized nations of the world willing to agree that we are right, then surely we ought to be prepared to submit to the unanimous judgment of the civilized world that we are wrong—temporarily submit, at least. I should very much deplore seeing our country go to war over a cause that could not command the support of one single other of the great civilized nations of the earth.

If, however, after thus finding the whole civilized world unanimously disapproving of our attitude in any particular controversy, the jingoes of the nation are still persistent in their wish that the dogs of war might be unleashed, they would still be free, if they could command the support of the country in that regard, to indulge their chauvinistic propensities by giving the necessary notice of our intention to withdraw from the league and upon our due withdrawal therefrom they could to their heart's content plunge the Nation into the throes of war unrestricted and unrestrained by any obligations under this league; for, in such a contingency, being no longer members of the league, we could, of course, pursue our own sweet will even though it led to destruction.

Mr. President, while we are speaking of the danger to American sovereignty and seriously declaring our devoted and undying attachment to its preservation, what, may I ask, is to be said of the other nations of the earth? To hear the critics of this league in their most violent moments, we would infer that America was the only nation entering into this agreement. I beg to remind Senators that the sovereignty of Great Britain is as precious to her as is the sovereignty of America to us. No one has ever taxed Great Britain with unduly surrendering her freedom of action. The same may be said with respect to France and Italy and Belgium and Japan. They have a sovereignty to guard as well as do we. If this league means that America is subordinating her sovereignty to the jurisdiction of some superstate it means the same with respect to Great Britain, France, Italy, Belgium, Japan, and all the rest of the nations of the world.

One of the objections strenuously urged against acceptance of the league covenant is that complete freedom of action is not left to the United States in case we should at some future time desire to withdraw from the league.

On this point the original draft of the league was silent. This silence was construed by the opponents of the league to mean that under the original draft the United States could never withdraw and was permanently tied to the league.

With this point of view I found myself in complete disagreement, for I took it to be a well-established principle of international law that with respect to such treaty obligations as are embodied in this league it is the undoubted right of any nation at any time to withdraw therefrom. I shall not undertake to review the authorities on international law bearing out this proposition. After some diligent examination of the subject I was and am firmly convinced that with respect to treaty obligations similar to those embodied in the terms of the first draft of the league any member had the right, without any express reservation of the same, at any time to notify the other members of its intention to withdraw, and to follow such notice with immediate withdrawal.

The absence of any language in the first draft of the league expressly providing for the right of withdrawal was thus erroneously construed by the opponents of the league to mean that no member could ever withdraw. The President answered this criticism by repudiating the construction, stating that it was his understanding that under well-established international law it was unnecessary for any nation to specifically provide for its right to withdraw, that right being already, under general law, reserved to it.

Yet the opponents of the league so persistently insisted upon an amendment specifically providing for the right of withdrawal that the President, in order to oblige them, did, upon his return to Paris, secure the insertion in the final draft of the following language:

> Any member of the league may, after two years' notice of its intention so to do, withdraw from the league, provided that all its international obligations and all its obligations under this covenant shall have been fulfilled at the time of its withdrawal.

In this attempt to meet the demands of the opposition the President was pursuing a vain course. His error was in assuming that it was possible to satisfy the critics. Those who were persistently bent upon destroying the whole idea of the league could never be fully satisfied. Meeting their demands in one particular only resulted in their exacting new demands in another. Some of them were not after improvement; they wanted complete destruction of the covenant.

However, the foregoing language was inserted for the purpose of expressly providing for the right of withdrawal. It is now urged by the opponents of the plan that while this language gives us the right to withdraw upon two years' notice, yet the proviso to the effect that at the time of withdrawal the withdrawing member must have performed all its international obligations and all its obligations under the covenant imposes a restriction upon the withdrawing member which no self-respecting sovereign nation ought ever to consent to. The argument the critics make is that before we can exercise our right to withdraw some authority must pass upon the question of whether we have performed our obligations as specified; that under this language the council of the league would have the authority to determine that question; and that the United States ought never to submit to the council the right to pass upon such question.

With this construction I find myself to be entirely out of accord. I think the President is on absolutely sound ground when he takes the position, as he has, that the question of whether we have performed our obligations, and, therefore, entitled to withdraw, is a question solely to be determined by ourselves and that the proviso is a proviso addressed only to the conscience of the withdrawing nation.

This position, I think, is correct, for the reason, first, that while jurisdiction to determine the question of whether we have performed our obligation is not expressly given to us, it is to be noted also that jurisdiction of such question is not expressly given to the council or to any other body. This being the case, it seems to me we are thrown back on the general principle of international law that, with respect to such treaties as this, the right is always reserved to each party to withdraw when it sees fit in good conscience to do so. Of course, it is always to be assumed that this country never would withdraw from the league so long as it had an obligation remaining unfulfilled. Whether the proviso were in or out, this statement would still be true.

If the correct construction of this language is as I have indicated, and to me there is no doubt about it, it is apparent that the only thing accomplished by the critics of the league in pursuing a course which resulted in the writing of this language into the second draft was to compel us to stay in the league for a period of at least two years, whereas under the first draft we could have withdrawn immediately after our entrance. In this particular the enemies of the document have overreached themselves and, from their point of view, have made the matter worse.

Speaking for myself, if there lingered in my mind the slightest shadow of a doubt as to our right to withdraw from this league upon giving the required notice, without interference from the council or any other power on earth, I should be unalterably opposed to the scheme, for I would be unwilling to see my country forever committed to an arrangement of this character, which necessarily is in the experimental stages, and which, after a trial, may prove itself to be of such a nature as to make it desirable and expedient that we should withdraw therefrom. Having no doubt, however, that the phraseology means exactly what the opponents of the league would by their reservation expressly make it to mean, the issue drawn in this particular is one having to do solely and entirely with language.

Article 10 of the league has perhaps been the storm center of the opposition. This article provides as follows:

> The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In any case of any such aggression or in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled.

This is the article that the enemies of the league have most violently assailed. Lurid pictures of what might happen should we ever subscribe to this article have been painted for the terrorization of the American public. Visions have been created of diabolical European and Asiatic statesmen meeting behind closed doors in some distant part of the world and ordering American troops and American ships over the seas to distant lands for the purpose of fighting battles of distant people who are quarreling over things that in no wise concern America. American fathers and mothers are asked if they want to send their sons to fight on the side of Japan against China or to aid England in riveting more firmly the chains upon Ireland, or to maintain His Majesty the King of Hedjaz upon his throne in all his oriental splendor, at the behest of European or Asiatic overlords whom this league of nations sets up over us.

This sort of talk has to me supplied one of the entertaining features of the discussion. It is a sample of what might be called mental combustion of a spontaneous nature with nothing in the way of a real spark to ignite it. I make this statement in the face of the fact that the majority of the Foreign Relations Committee, under the name of the distinguished senior Senator from Massachusetts [Mr. LODGE], employ the following language: "No American soldiers or sailors must be sent to fight in other lands at the bidding of a league of nations," and thereby very clearly indicate that these distinguished Senators of the majority entertain this thoroughly unfounded view.

It ought not to be necessary for any American who fails to see hidden and lurking dangers in article 10 to inform those who are dragging the scarecrow over the country, that none of us desire to constitute Great Britain, or France, or Italy, or Japan, or any other nation or group of nations on earth, the Commander in Chief of the American Army and Navy. If article 10 is adopted as written, in the future it will remain true as it has in the past, that American arms will go into action and American guns will boom only when ordered to do so by the duly constituted authorities of this country, acting as heretofore, solely within the constitutional limitations of the Republic and only for the purpose of fighting for a cause that addresses its appeal to the conscience of our people.

I propose as briefly as I may to give my idea of article 10. In its first sentence it contains an obligation on the part of every member of the league to respect and preserve as against external aggression the territorial integrity and existing political independence of every other member of the league. This is couched in the language of an obligation. When this sentence is read some orators, overcome with a patriotic sanctity and zeal, immediately say that in case the Balkan States get into a fuss—one trying to take territory from the other—it is our duty to meet the demand of the aggrieved and to immediately send an American Army on the other side to quell the Balkan riot. If this be true, it is equally true that Great Britain and France and every other member of the league are under a like obligation to rush troops to the scene to subdue the fray. If there is an independent obligation on the part of every nation on its own accord to rush to repel the aggression, we would have the spectacle of all the armies of the world, by their own independent action, gathering in the Balkan States to subdue a sort of back-yard fuss. The absurdity of this possibility ought to carry its own refutation.

What would happen in case there was an aggression committed by one nation upon another would, it seems to me to be very clear, be that no member of the league, under the language of article 10 would be compelled, in response to its obligation, alone to rush into the affray upon its own motion. It seems to me clear that any action to be taken in such event on behalf of the league is necessarily to be such as is suggested by the joint and concerted deliberations of all the nations represented on the council. This is true for two reasons: First, if it were otherwise, then we would have the possible occurrence of the ludicrous spectacle to which I have just adverted of all the nations congregating their armed forces in helter-skelter fashion to subdue what, after all, may turn out to be but some international back-yard fuss. This article contemplates that no nation shall act on its own individual responsibility in avenging the aggression committed by an offending State, but that any action that is taken by any member shall fall in line with a common plan which, after joint consultation in the council, has been advised by that body as wise in the premises.

Mr. WILLIAMS. Unanimously advised.

Mr. WOLCOTT. Unanimously advised, as the senior Senator from Mississippi repeats. If it were otherwise, and each nation were free for itself and alone to determine upon the remedy without the previous indorsement of the council's unanimous advice, then manifestly there might be grave danger of action by some one nation founded solely on its own selfish desire for aggrandizement. In this event suspicion as to its motives and jealous regard for other national interests may be aroused to a pitch which would precipitate general conflict among the members of the league, which, of course, is the very thing the league of nations in its whole plan is designed to prevent.

These considerations therefore prompt me to take the view that, considered in the light of the whole covenant and its purposes, several action on the initiative of the respective nations in keeping article 10 is in no wise contemplated. In other words, whatever is done or suggested to be done in keeping the obligations of article 10 is to be the result of the common judgment of the council, arrived at after joint deliberation.

Aside from these general considerations, I am, in the second place, forcibly led to the conclusion that the obligation of the first sentence of the article does not rest individually on the nations, because of the peculiar language of the second sentence. That sentence provides:

> In case of any such aggression or in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled.

If there is external aggression by one nation against another, then the case occurs which article 10 contemplates. When a contract provides what shall be done in a certain case, it is a sound rule of construction that nothing other than that provided shall be done. The principle falls within the legal rule of "Expressio unius exclusio alterius." Now, in the case of external aggression, the article provides that the council shall advise upon the means by which the obligation is to be fulfilled. This clearly and unmistakably conveys the idea that where there is external aggression by one nation against another anything that is to be done *in that case* under the league covenant in repelling the aggression and righting the wrong is to be done only within the scope of the advice given by the council.

By the express language of the article, therefore, as contained in this last sentence, in addition to the general considerations applicable, the conclusion seems to me to be beyond all peradventure of doubt that there is no obligation upon any member of the league to do anything in obedience of article 10 except as it falls within the program laid down by the council in the giving of the advice.

It is said by the opponents of the league that the council, in case of such external aggression, may compel the United States to supply armies and navies to distant parts of the world, which, in the judgment of the council, are the victims of some external aggression. With this view I find myself in unalterable opposition for the very plain reason that article 10 does not confer any authority upon the council beyond that of giving advice. When the article says that the council may advise upon the means by which the obligation is to be fulfilled the word "advise" is to be taken in its common and ordinary acceptation. Advice always implies that the one to whom it is given has the discretion to accept or reject it. I can understand the word in no other sense.

Therefore it seems clear to me that when the external aggression has been committed by one nation in violation of the provi-

sions of article 10, no duty rests on any member of the league to immediately rush to the defense of the aggrieved nation; that the council, in considering the case, can only give advice, in which case still there is no duty upon any particular nation to follow the advice.

In view of the fact that the whole program of the league seems designed to bring about concert of action when occasion is called for, it would, therefore, appear that article 10, providing as it does only for advice to be given to the nations, seems in its analysis to be out of line with the general plan of the league, for if any nation exercises its undoubted right to reject the advice, then the plan for unanimity of action would fall to pieces. In this particular, while the article may contain a weakness, yet such weakness ought not to be unpleasant to those who are declaiming against the alleged erection of a superstate which has authority to order the nations of the world about at its own sweet will.

Amongst the tergiversations of statesmen I have been very much interested to note the performance of ex-Senator Root with respect to this particular article 10. It will be recalled that when the first draft of the league was published Mr. Root wrote a letter, dated March 29, 1919, to Mr. Will H. Hays, chairman of the Republican national committee, conveying to Mr. Hays his views upon the then proposed league of nations. Mr. Root criticized some of the features of the league. In the main, however, he gave it his very cordial indorsement.

I am interested now to note his treatment of this celebrated article 10. In his letter to Mr. Hays, Mr. Root, in speaking of article 10, used the following language, which is familiar to Senators, and which I ask leave to insert in the RECORD without reading:

The PRESIDENT pro tempore. Without objection, permission is granted.

The matter referred to is as follows:

The fourth point upon which I think there should be an amendment is article 10, which contains the undertaking "to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league."

Looking at this article as a part of a perpetual league for the preservation of peace, my first impression was that the whole article ought to be stricken out. If perpetual, it would be an attempt to preserve for all time unchanged the distribution of power and territory made in accordance with the views and exigencies of the Allies in this present juncture of affairs. It would necessarily be futile. It would be what was attempted by the Peace of Westphalia at the close of the Thirty Years' War, at the Congress of Vienna at the close of the Napoleonic Wars, and by the Congress of Berlin in 1878. It would not only be futile, it would be mischievous. Change and growth are the law of life, and no generation can impose its will in regard to the growth of nations and the distribution of power upon succeeding generations.

I think, however, that this article must be considered not merely with reference to the future but with reference to the present situation in Europe. Indeed, this whole agreement ought to be considered in that double aspect. The belligerent power of Germany, Austria, Bulgaria, and Turkey has been destroyed, but that will not lead to future peace without a reconstruction of eastern Europe and western Asia. The vast territories of the Hohenzollerns, the Hapsburgs, and the Romanoffs have lost the rulers who formerly kept the population in order, and are filled with turbulent masses without stable government, unaccustomed to self-control and fighting among themselves like children of the dragon's teeth. There can be no settled peace until these masses are reduced to order. Since the Bolsheviki have been allowed to consolidate the control which they established with German aid in Russia, the situation is that Great Britain, France, Italy, and Belgium, with a population of less than 130,000,000, are confronted with the disorganized but vigorous and warlike population of Germany, German Austria, Hungary, Bulgaria, Turkey, and Russia, amounting approximately to 280,000,000, fast returning to barbarism and the lawless violence of barbarous races. Order must be restored. The allied nations in their council must determine the lines of reconstruction. Their determinations must be enforced. They may make mistakes; doubtless they will; but there must be decision, and decision must be enforced. Under these conditions the United States can not quit. It must go on to the performance of its duty, and the immediate aspect of article 10 is an agreement to do that. I think, therefore, that article 10 should be amended so that it shall hold a limited time, and thereafter any member may withdraw from it. I annex an amendment to that effect.

Mr. WOLCOTT. He suggested an amendment to the article as first drawn to cover his idea, which amendment was as follows:

Add to article 10 the following:

"After the expiration of five years from the signing of this convention any party may terminate its obligation under this article by giving one year's notice in writing to the secretary general of the league."

From the foregoing quotations it is apparent that Mr. Root favored the acceptance of the obligations of article 10 for a definite period of five years and a continuance of the obligation thereafter, subject to termination upon one year's notice. In other words, he was ready to accept article 10 for at least a period of six years and to have the United States carry those obligations for at least that length of time.

On June 19, however, ex-Senator Root wrote to the senior Senator from Massachusetts [Mr. LODGE] another letter, in which he criticized the final draft of the league of nations covenant. It is to be noted that article 10 in this final draft, which Mr. Root criticized to the senior Senator from Massachusetts, is identical in the language defining the obligations with the language of the article as it appeared in the covenant, which Mr. Root referred to in his letter to the Republican national chairman, Mr. Hays, and which, as I have said, he thought the United States ought to accept for at least six years.

Yet in the letter of June 19 to the Senator from Massachusetts Mr. Root takes the position that article 10 ought to be completely cut out of the league.

Under the final draft of the covenant the obligations of article 10 can be gotten rid of by the United States by withdrawing from the league on the two years' notice specified. It will, therefore, appear that article 10 in its last and final situation has a minimum life of only two years. Yet article 10, with this minimum life of only two years, ought, according to Mr. Root's letter to the senior Senator from Massachusetts, be completely eliminated from the treaty, whereas article 10 which had a minimum life of six years, according to Mr. Root's letter to Mr. Hays, ought not to have been eliminated from the treaty.

This inconsistency of view on the part of the great Republican statesman, Mr. Root, is something I do not undertake to explain. But those who are interested in the flights of Mr. Will H. Hays from Washington to New York and elsewhere over the country and the reasons therefor may perhaps be able to throw some light upon it. In these days preceding the presidential campaign, when the alleged inconsistencies of the President are dexterously pointed out and cleverly played upon by the spellbinders, it is perhaps not entirely unimportant to point out the wabblings of the statesman who is so universally acclaimed by his party associates as the one constant light that forever beams in steady ray over the troubled waters of the times. The only parallel to this instance of striking inconsistency that for the moment occurs to me is that supplied by the senior Senator from Massachusetts, who in 1915, at Union College, New York, stoutly defended the idea of a league of nations with an impelling force behind it that could compel nations to go into an international court and abide by its mandates, but who now finds himself quite shocked at the prospect that this particular league of nations, according to his construction, will enable him to realize his hopes. For my own part, I can see that the league of nations as now suggested is nothing like so strong in its sanctions as that which commended itself to the senior Senator from Massachusetts in 1915.

In connection with article 10, the opponents of the league have very adroitly worked up a strong opposition to the league and to its sponsors amongst those of our people of Irish extraction. The idea has been put forth that if article 10 is ever adopted, the United States would be compelled to supply the power of its embargoes and the force of its armies in aid of England to suppress any possible Irish uprising in the future. Any man who reads the article will very readily see for himself that it imposes no such obligations on this country. The only thing that article 10 undertakes to deal with is "external aggression" against the territorial integrity and existing political independence of members of the league. If Ireland should rise in revolt against England, no one who had regard for the integrity of his rational processes would for a moment contend that the situation presented one of "external aggression." The case would be one of internal revolt. Before any man of Irish extraction condemns this article 10, or those who see fit to vote for it, I very sincerely wish that he would carefully and studiously read it.

For my own part, I am sure I voice the sentiment of all men when I say that there is no Member of this body who would knowingly foreclose to any people struggling for their liberty the sacred right of revolution. It was this right which our fathers asserted; it underlay our war of liberation against Great Britain. In eloquent terms it was proclaimed by the immortal Jefferson in the Declaration of Independence. The monarchs of Europe, the autocrats of the great continental empires, through their scheme of the Holy Alliance, were of course the avowed enemies of this right. Certainly America, with her traditions and ideals such as they are, can never so far forget her past as to commit herself to obligations that would compel her to assist in suppressing any people of the world struggling for their liberties. I take this opportunity, Mr. President, to give assurance to those who may hear or read what I say, that in whatever votes I cast upon this treaty, containing as it does the league of nations covenant, I shall cast in the full and confident belief that I am doing nothing that will compel this great country to array itself in hostile arms against a people, wherever situated in the world, who are making the struggle for their independence which our fathers made in the last quarter of the eighteenth century.

Those who are thus, as I have indicated, playing upon the fears of the friends of Ireland make still another point against article 10. When these men who, I say it advisedly, are attempt-

ing to agitate the fears of Ireland's friends are confronted with the express language of article 10, to refute their charge that it would require the United States to fight against Ireland, they then adopt one of two courses. As I catch their argument, it then branches about as follows:

They say, first, that under article 11 it is provided that any war or threat of war, whether immediately affecting any of the members of the league or not, is declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations; and that, in view of this language, inasmuch as an uprising in Ireland may indirectly affect members of the league and thus become a concern to the whole league, the United States can be ordered across the sea to suppress the uprising. This contention I shall not pause to discuss. To me it is thoroughly untenable, for the plain reason that the only thing that article 11 can in any wise contemplate is the right of discussion in the league. I can not by the wildest stretch of imagination conceive that such language could ever be construed to impose an obligation upon us to fight in aid of suppressing revolution in another country. Yet this absurd contention has been advanced. Had it been advanced by anybody other than United States Senators I should not have paused to mention it.

The only respect in which article 11 can in any wise have any bearing upon the case of Ireland is that it would furnish an opportunity for a discussion of the Irish question before a tribunal composed of all the nations of the world. This, I say, is simply a possible effect; and, while no relief in the way of definite action could, under this article, be afforded to the people of Ireland, yet, in view of the fact that a hearing before the bar of the world's public opinion can in no wise be prejudicial to Irish interests, it seems entirely reasonable to say that if article 11 can have any effect at all upon the status of Ireland, that effect must necessarily be of a beneficial nature.

The other branch of argument that the agitators of Irish sympathizing opinion in this country have adopted is to assert that while it is true that the language of article 10 can not compel America to aid England in suppressing the aspirations of a struggling Ireland, yet the article does prevent the United States from ever going to war against England for the purpose of freeing Ireland.

In reply to this contention I submit to the Senate the following observations: In the first place, as much as we may sympathize with the aspirations of the Irish people to throw off what they conceive to be the yoke of English tyranny, yet I do not wish to be understood as expressing the view that in case such Irish uprising should come the United States would rush to arms against Great Britain. What the United States would do upon such an eventuality can not now be foreseen, but necessarily would have to be determined in the light of the circumstances then existing in the future. How likely it is that the United States would at some future time lend its armies and navies to Ireland in a contest with Great Britain it is not my purpose to discuss. I think that it is apparent to all that at this particular juncture of world affairs such a colossal conflict as war between England and America can hardly be thought of, for the manifest reason that, aside from all considerations of morality, the destructiveness of such a war could hardly be borne by a world already weakened to the point of emaciation by the conflict just closed. What the future will bring forth I do not assume to say. Whether the hope that America will ever fight Great Britain in defense of Irish freedom is a hope that is founded upon reasonable probability is beyond the point of my present discussion, for I am at this point concerned only to consider whether or not article 10 can by legitimate construction be held to restrain the United States from intervening in Ireland's behalf in case we should desire to do so.

It is my opinion that if the United States, after the adoption of this league of nations containing article 10 as written, should desire at some future time to go to war with Great Britain in defense of Ireland, she could find a method of doing so without in any wise violating her obligations under article 10. I am quite aware that in making this statement I venture upon ground that has not been heretofore traveled by any Senator in discussing this treaty. The position I take, however, seems to me to be thoroughly sound, and I accordingly lay it before the Senate and the country. This I do, for the reason that I believe it to be true that sentiment in the United States in favor of conflict with England in behalf of Ireland is so strong in some places as to have reflected itself, to a certain extent at least, in this body; and for the further reason, which is the most important one, that it would be most unfortunate for the covenant if, after adoption, it should continue to receive the ill will of a large body of our citizens because of a supposed injustice done by article 10 to the cause of Ireland.

I take it to be the unquestioned rule under well-accepted principles of international law that every nation has the undoubted right to accord recognition to any other nation which sets itself up as an independent sovereign. The right of one nation to recognize another, and thereby, so far as it is concerned, to accept that other as a member of the family of nations, is recognized by all authorities on international law. Whether or not a new nation is entitled to recognition is a question that is left entirely within the discretion of the recognizing nation. The recognizing nation is bound by no restraint other than that which in its own conscience it chooses to recognize. The act of recognition does not constitute an act of "external aggression," and is not therefore inhibited by article 10. History is replete with instances where established nations have accorded recognition to new nations and such recognition has not been of sufficient gravity to provoke war by the erstwhile parent State against the recognizing one.

I venture to lay down as a further principle, at least for American guidance, that the new State need not have existed as such for any particular length of time. An American precedent upon which this principle may be based is to be found in the historical instance of our recognition of the Republic of Panama. In that case the revolting State of Panama declared its independence of Colombia, and before the new Republic was 72 hours old the United States, speaking through its Executive, President Roosevelt, accorded recognition to the Republic of Panama. Furthermore, our gunboats forcibly restrained the parent State of Colombia from landing her own forces in Panama to subdue her own rebellious subjects so complete was our recognition of the new Republic. Our right to extend this speedy recognition and the rectitude of our course in doing so and in making it effective has been stoutly and valiantly defended on the floor of this Senate by Senators some of whom now find themselves in strong opposition to the league of nations.

With these principles in mind, let us imagine what would take place in case Ireland set herself up as an independent nation, as indeed a considerable portion of her population are now attempting to do. Whenever in the sound discretion of the United States we chose to do so, we would be at liberty to recognize the new nation of Ireland. This action could in no wise be said to be an "external aggression" upon the territorial integrity or political independence of England. The act would involve aggression in no sense of the word. It simply recognizes the new status of Ireland. After we have thus recognized the new nation, we could, if those in charge of our policy at the time saw fit, lend material aid of money or arms or even men to the nation which we had thus recognized as a member of the family of nations in repelling any English attempt to further subjugate that nation. This would constitute not an external aggression upon the territorial integrity or political independence of England, but a contribution of material forces for the purpose of preserving the territorial integrity and political independence of Ireland, to which we had already accorded recognition and which we had duly acknowledged to be a member of the family of nations.

In such case we would not be regarding the new nation of Ireland as a part of the territory of England, and, therefore, in no sense would we be assailing that nation's territorial integrity. I am speaking only, please bear in mind, with respect to article 10. Therefore, even though article 10 were in the covenant unchanged or unaltered, we could in proper way, without violating the obligations of the article, very easily find a way to go so far as to even fight against England for Irish freedom, if our people desired so to do at any time in the future. This we could do, I say, so far as article 10 is concerned.

I am aware that another article of the covenant might restrain us from thus going to war against England. I refer to article 12, which reads as follows:

> That members of the league agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the council.
>
> In any case under this article the award of the arbitrators shall be made within a reasonable time, and the report of the council shall be made within six months after the submission of the dispute.

While article 12 might restrain us, yet I repeat that article 10, the much-mooted article, the article that has been played up for Irish consumption, does not restrain us.

But let us see what would happen to Ireland's case under article 12. Assuming that we had recognized the new nation, and that Great Britain persisted in an attempt to destroy the political independence and territorial integrity of this people whom we had by our recognition accepted as one of the family of nations, and that we were protesting against England's course and threatening a rupture, is it not clear that England,

as well as ourselves, is bound by article 12 to submit the dispute to either arbitration or investigation and report by the council? What would be the issue in this dispute? Clearly it would be whether Ireland is entitled to be regarded as an independent nation. Now, as soon as we have reached this point Ireland's case is in court, so to speak, for a hearing and finding. And in this court Great Britain is excluded from voting, because she is a party to the dispute. If she refuses to submit the case to arbitration or investigation by the council, her refusal would, under article 16, ipso facto constitute an act of war against all other members of the league, in which case not only the United States but as well all the rest of the world would be free to fight her in defense of the Irish cause. Would she be apt to risk that possibility?

I think not; I rather think she would prefer to submit the Irish cause to the council. Now, when she does that she can not get a report in her favor unless the votes of the seven nations there represented are unanimous. Wherefore, it is plain that all Ireland in such case needs to do is to gain just one vote out of all the nations voting in order to avoid an adverse decision. In that event, under the terms of article 12, after the expiration of three months, the United States may, unrestrained by any promise anywhere in the covenant, go to the aid of Ireland, if she should see fit, with armies and navies in conflict with Great Britain.

Thus, Mr. President, upon reflection it will be seen that Ireland's case is in all essentials uninjured by this league of nations covenant. Article 10 is not the bête noire it was thought to be; and circumstances could be so shaped by this country, or by any other country a member of the league, as to bring the Irish cause before the council of the league in such way as to impose on England the necessity of winning every vote in approval of her course before she could for the moment close the Irish case; whereas only one vote would need to be found for Ireland in order to set her case at large, and thus enable this country to pursue whatever course it chose, even the course of war, against England in Ireland's behalf.

It is apparent that the league of nations covenant in the manner I have just described supplies a method by which it is possible to bring the cause of Ireland before the league for hearing. If this covenant is rejected, Ireland will be without any opportunity to have her cause heard before any sort of impartial tribunal. Her status will in the future be just as it is to-day. All of her pleas now must, as heretofore, be addressed to the British Parliament. In case the league is adopted, the opportunity lies open to have her plea for freedom heard before a council of nations on which the British Empire has no representative, so far as that case is concerned. I therefore submit that the cause of Ireland, instead of being prejudiced by the adoption of this covenant, on the contrary will be placed in a much more highly advantageous situation.

Before I leave the subject of Ireland, Mr. President, I wish to take the opportunity to say that, in my judgment, there has been a very studied attempt on the part of Republican leaders to make political capital out of the Irish vote in connection with article 10 of this league of nations. If I thought there was any genuine and sincere desire on the part of these Republican Party leaders to do something of real substantial benefit for Ireland in this connection I would be exceedingly loath to visit them with my criticism, however much I might think their interpretations of article 10 to be erroneous. But, convinced as I am that the criticism of article 10, which is made in order to address an appeal to people of Irish extraction who have votes in this country, is utterly devoid of any real intention on the part of the critics to amend the articles of the covenant in a way that will be of genuine assistance to the struggling Irish people, I do not propose to let this debate pass by without doing what I can to expose the hollowness and insincerity of the whole attempt.

If article 10, Mr. President, as drawn restrains the United States under all possibilities from rendering assistance to Ireland, what, may I ask, have the anglers for the Irish vote done or proposed which, if accepted, will correct what they claim to be the great wrong toward Ireland done by this article? I know of only one proposal that has been made to in any wise change the article. That proposal is embodied in the second reservation submitted by the majority of the Foreign Relations Committee. That reservation is as follows:

2. The United States declines to assume, under the provisions of article 10, or under any other article, any obligation to preserve the territorial integrity or political independence of any other country or to interfere in controversies between other nations, members of the league or not, or to employ the military or naval forces of the United States in such controversies, or to adopt economic measures for the protection of any other country, whether a member of the league or not, against external aggression or for the purpose of coercing any other country or for the purpose of intervention in the internal conflicts or other controversies which may arise in any other country, and no mandate shall be accepted by the United States under article 22, part 1, of the treaty of peace with Germany, except by action of the Congress of the United States.

Even from the point of view of the man who conceives that the original article 10 would restrain the United States from aiding the cause of Ireland, it must be perfectly apparent that the reservation to the article which I have just quoted in no wise changes the situation. In other words, if the reservation be adopted article 10 as interpreted by the reservation just as effectively restrains the United States from interfering with the Irish question as the article would in case the reservation never were adopted. So that it is perfectly apparent that those who would with this reservation to article 10 appease the hunger for the bread of freedom on the part of Ireland will, upon reflection, be found to be offering but a stone. This, Mr. President, is trifling with serious emotions and sentiments in such a way as merits the description of grim and cynical tragedy. And yet I believe it to be true that many men in this country have arrayed themselves against article 10 and its supporters and in favor of this—I will not say fraudulent but deceptive—reservation because they have been led to believe that the article as originally written is inimical to Ireland and that the reservation thereto constitutes the strong bulwark of Ireland's hopes. I now warn those who are interested in the fate of Ireland that some of the managers of this reservation are playing upon their fears and credulity with such apparent success that, after this controversy is a thing of the past, derisive laughter will many times chortle from the throats of men who are now vocalizing devoted attachment to the Irish cause.

To me, Mr. President, sham and pretense are always hateful, and I shall ever attempt to unmask them. Surely the majority of the Foreign Relations Committee have had no real desire to bring in amendments or reservations that are of genuine benefit to Ireland, for nowhere in the majority report of the committee can I find any suggested amendment or reservation in the interest of or even so much as any mention of the name of Ireland.

Yet, sir, the majority of this committee entertained a very solicitous regard for China and the heathen Chinese. I say this because of the amendment which has been reported transferring the German rights in the Shantung Peninsula to China in lieu of Japan. What is to be argued from this circumstance? Why, sir, it seems to me to be an inevitable conclusion that China received more consideration at the hands of the Foreign Relations Committee than did Ireland. I know that the Chinese are not regarded as fit to be admitted into this country through our ports. I know that in some of the States of this Union whose Senators are violently fighting on this floor for oppressed China the poor Chinese are treated like vermin. I know also that men and women of Irish extraction are gladly welcomed to our shores, and they compose a substantial and respected portion of our population. Yet the majority of the Foreign Relations Committee, by the so-called Shantung amendment, placed itself on record as willing to incur the ill will and animosity of Japan in order to benefit China, whereas they have not indicated by amendment or reservation any willingness to correct what they claim to be, but which I deny, is a wrong to Ireland.

If the so-called Shantung amendment is adopted, it constitutes a material alteration of the treaty. That means a reopening of the whole peace conference. Such an eventuality is so pregnant with disastrous consequences to the world as to be appalling. Yet in the interest of China and the Chinese the majority of the Foreign Relations Committee by their report disclose themselves as willing to let this appalling situation develop. Such seems to be the intense and devoted attachment to the distant orientals of the old Celestial Empire. If the treaty is thus to be torn asunder and peace negotiations reopened in the interest of China, why, may I ask, have not those who conceive Ireland to be likewise prejudiced, and who, by the way, criticized the President of the United States for his alleged indifference to the Irish cause, pursued a course that will furnish a hearing for her cause in the renewed negotiations?

When the first draft of the league was published a great outcry was raised because of the supposed fact that under the terms of that draft we would be abandoning our historic policy known as the Monroe doctrine. In view of the fact that article 10 of the first draft obligates every member of the league to respect and preserve against external aggression the territorial integrity and political independence of every other member, it seemed to me very clear that thereby the essential principles of our Monroe doctrine were recognized and accepted as an obligation by all the rest of the world as applicable not only to the Western Hemisphere but as well to the Eastern. I could not, therefore, find myself in agreement with those who contended

that the Monroe doctrine was lost unless the draft was so amended as to specifically exclude it from the terms of the covenant. This I understood also to be the view of the President. In response, however, to the clamorous demands of the opposition, the President upon his return to Paris succeeded in securing from the other nations there represented the adoption of a clause in the final draft designed particularly to save the Monroe doctrine from any impairment by reason of anything that might appear in the covenant or by reasonable inference might inhere therein. Accordingly, the following language now appears in the covenant as it is submitted to the Senate:

ARTICLE 21.

Nothing in this covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

Notwithstanding the plain language of this article 21, the enemies of the treaty still insist that we are throwing away the Monroe doctrine. This is to them so utterly abhorrent that with clapper-clawing vehemence they rend the air with frantic cries of denunciation against the alleged betrayers of America. With the point of view of such men as these, Mr. President, I find so little sympathy, in the light of the express language of article 21, that I shall not pause to make further mention of their contentions.

It is said that we ought never to surrender our control over our own domestic affairs, and especially that we ought not to suffer any outside authority to interfere with such questions as cover our immigration and tariff policies. I quite agree that we should do none of these things. Everyone who advocates this league likewise agrees.

If I had any doubt—even a lingering doubt—that the league could foist itself on such purely domestic questions, I would array myself against it. But I have no doubt on this score, for I consider that article 15 in one of its paragraphs amply safeguards us in this particular. The paragraph is as follows:

If the dispute between the parties is claimed by one of them, and is found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report, and shall make no recommendation as to its settlement.

I shall not burden the Senate with citation of authorities showing that such questions as relate to immigration and the tariff are under international law regarded as purely and entirely domestic questions. The Senate needs no instruction in matters properly belonging to the kindergarten classes in international law. I therefore refrain from producing the text of the authorities.

If there were anything to the point, I dare say the other nations of the world would be as tender in their regard for their domestic questions as we are for ours, and therefore equally as careful to effectually safeguard them in the covenant from outside interference. Those who seize upon this domestic-question objection, with all due deference, seem to me to be flogging their nags with a straw.

Another objection that is strenuously urged against the covenant, and which the newspaper headlines have succeeded in spreading through the general public, is the scarecrow that is constructed out of the provision in the covenant that in the assembly the dominions and colonies of Great Britain may have votes. The point is made that this provision would give Great Britain not only her own vote but as well the votes of Canada, New Zealand, Australia, India, and South Africa in the assembly, whereas every other nation, including the United States, has only one. The proposition is, therefore, advanced—and the Foreign Relations Committee has offered an amendment embodying the proposition—that the United States also should cast six votes in the assembly.

Should this amendment be adopted and the United States be therefore given five more votes in the assembly, it would be entirely reasonable to expect France, Italy, Belgium, Japan, and all the other nations to claim the same sort of concession. This is manifestly impracticable. If there is any other nation possessing self-governing colonies and dominions, the same would be entitled to representation in the assembly with the British self-governing colonies and dominions.

It is a very gross error to assume that this so-called voting strength of Great Britain in the assembly is such as to give Great Britain a preponderance of voice in the conduct of the league. This error is sedulously spread by the opponents of the league in the hope that if they can but persuade this country that Great Britain has six votes in the assembly to our one she can outvote us upon important questions and dominate the policy of the United States. Nothing is further from the truth. Anyone who even casually reads the league covenant will readily see that the real power in the league is vested in the so-called council and not in the assembly. It is to be borne in mind that British colonies and dominions are not represented in the council. They are in the assembly. Therefore in the body that has the real voice in the league—that is to say, in the council—Great Britain has only one vote. That council is made up of the five nations of the United States, Great Britain, France, Italy, Japan, and four nations yet to be added. The council therefore consists of nine. In the council's deliberations each member has only one vote, and the great significant fact as to voting power rests in this, namely, that in order for the council to take any action that is authoritative the vote must be unanimous. Further, when any disputes are transferred to the assembly, as they may be, the action of the assembly, before it may be regarded as authoritative, must be decided upon by at least a majority of votes of the noncouncil nations in the assembly, together with the vote of every nation represented in the council.

From this brief outline it is apparent that the voting power of any nation represented in the council, possessing as it does the veto power, which is inherent in the unanimity requirements, is the equal of all the other votes of all the other nations combined. In other words, the voting strength in this league is determined not by majorities but by the obstructive power of veto lodged in any one of the nine nations sitting in the council. When this situation is understood it is apparent that the great outcry against giving British interests six votes while we have only one amounts to nothing more than claptrap. It is founded on nothing, and is as unsubstantial as the breath that utters it.

If there is any justice in this complaint against the six votes of Great Britain and her colonies, I think other nations might raise a similar complaint against this country, because it must be borne in mind that in the assembly the United States, in substance, will have more votes than its own, because of its well-recognized influence with certain nations on this side of the water; and, I dare say, even if it were true that majorities control in the assembly—which they do not—even if it were true that majorities could dominate the assembly, when it comes to getting votes the United States would have not only enough votes to match Great Britain's five additional ones but, I dare say, some on top of that.

Now, Mr. President, I have consumed more of the time of the Senate than I had cared to. In view of the fact that I have not thus far taken a moment of the Senate's time in prematurely discussing this league of nations I feel justified in trespassing upon the Senate's time to the extent I have.

Before taking my seat, however, I wish to comment upon the fact that this treaty has been too long before the Senate. I know it is a matter of some delicacy for a Senator to criticize the work of any committee of this body. Criticism of such committee, however, is no more indelicate than the intense abuse, ridicule and sarcasm that have been hurled at the President because, forsooth, of his interminable delays in bringing the peace treaty negotiations to a conclusion in France. When I consider that those negotiations covered only a period of six months, that they involved the reconciliation of national points of view, and brought within their scope the conflicting interests of 27 nations, I marvel at the expeditious transaction of that momentous business. All the world sat around the peace conference table, at which were discussed and adjusted to the satisfaction of the nations the multifold interests involved. Six months for adjusting the differences and writing the treaty it seems to me ought to be regarded as an exceedingly brief space of time.

Of this, however, I am certain: The Senate of the United States, which has none of the difficulties that come from clashing national interests that have to be resolved, but has only to study this treaty in the light of our own special interest, ought to be much farther advanced toward its conclusion than it is. The treaty came in here on July 10. For two months it lay in the Foreign Relations Committee before it got upon this floor, and at the present rate of progress I venture the assertion that two, if not four, more months will be consumed in its consideration. I believe it took the Foreign Relations Committee as much as two weeks just to read the text. That committee frittered away time while listening to delegations before it concerning interests that are in no wise involved in this treaty. I refer, in this connection, to the hearings that were held listening to men discuss the affairs involved between Italy and the Jugo-Slavs and also between the Greeks and Bulgarians. These disputes have no connection with this treaty, but belong solely to the treaties with Austria, Turkey, and Bulgaria, which treaties are not yet, and some of which may never be, before the Foreign Relations Committee, not to say the Senate, for consideration, for it will be remembered that we never declared war against Bulgaria and Turkey.

What was the purpose to be subserved in thus consuming the time of the Foreign Relations Committee with these irrelevant hearings?

I note, further, that the precious and valuable time that ought to have been expended in serious study of the treaty was consumed by hearings accorded to an attorney representing Egypt, to others representing China, Czechoslovakia, Italy, Greece, Hungary, India, Jugoslavia, the mid-European nations of Lithuania, Latvia, Austria, and the Ukraines; the African negroes represented by the American negro, William Monroe Trotter, and his seven associates; and Persia. I would assume that after taking this great amount of testimony the Foreign Relations Committee would, after hearing all of these interests, have taken at least a reasonable amount of time to digest the testimony in order that it might seriously be considered. How lightly the committee regarded the taking of this testimony is to be seen from the fact that promptly upon hearing the representatives who spoke in behalf of Italy in her Fiume controversy an immediate report on the treaty was ordered. Indeed, I find no mention even of the name of Italy in the report. For the benefit of those gentlemen who were thus laboring with the committee in behalf of Italy I would like to remind them of the fact that their contentions found no lodgment in the minds of the committee, for as soon as they were heard they were apparently dismissed. On no other theory can I explain the action of the committee in ordering a report upon the treaty instantaneously with the closing of the hearings. The net result of all the time consumed by these hearings, so far as I can discover, was to make one amendment in behalf of China, that being the amendment which substitutes China in lieu of Japan in connection with the Shantung provision.

I hesitate, Mr. President, to delve into the motives of men. To do so is always attended with the danger of misrepresenting the real purposes that lie behind human action. The facts connected with the history of this treaty since it has been submitted to the Senate and the occurrences transpiring before the Foreign Relations Committee in connection with its deliberations, all constitute a body of circumstantial evidence which, notwithstanding my reluctance to ascribe motives to my fellow men, lead me strongly to the conclusion that the inspiration underlying the whole proceeding before the Foreign Relations Committee was founded purely in politics and was casting its eyes forward to the next presidential election. I know of only one class of vote in the United States that was not flattered and appealed to by the hearings held before the Foreign Relations Committee, and that is the so-called German-American vote. While these proceedings were of such nature as to please the Irish vote, the Italian vote, the Greek vote, the Hungarian vote, the Bulgarian vote, and the negro vote, yet fairness compels me to say that no member of the committee drummed up a delegation whose appearance before the committee would, by reason of its personnel, afford delight to the German-American vote.

Whether this was an oversight or not I do not assume to say. If the same were an oversight, it has been duly taken care of, however, by the speech made on the floor of the Senate by the junior Senator from Pennsylvania [Mr. KNOX] on the 29th day of August, when he very lengthily submitted views which can, with telling effect, be broadcasted by the Republican national campaign committee next year among the German-American voters of this country, for that speech undoubtedly will please those in this country whose sympathies lie with the old German Empire, protesting, as it does, against the terms laid down by the victorious nations for Germany's punishment.

I doubt not, Mr. President, that the protracted delay in the consideration of this treaty by the Senate is lending hope and encouragement to the defeated foe. Recently, in one of his addresses, the President stated that confidential sources of information in Germany disclosed to him that the German people were taking great hope and encouragement from the long delay in the ratification of this treaty. In the same connection I note that Cyril Brown, the staff correspondent of the New York World, under date of September 12, forwarded the following dispatch from Berlin:

"All humanity, Germany particularly, is tensely awaiting the decision of the American Senate on the peace treaty," former Minister of State von Scheller Steinwartz said to-day. With many other Germans, he is beginning to entertain real hope of a separate peace with America.

"Apparently Senator Lodge is the soul of the opposition," he said. "The Senator is no German hater. He hates all non-Americans equally, and he is absolutely a just man, of almost Quakerlike moral strength. When he and other important Senators fight the peace treaty, their course means that the treaty displeases them, because in the excessive enslavement of Germany, for which America would be forever coresponsible, they see grave danger of future complications.

"That course is thus to be hailed like the morning red of a new dawn. There is promise of a still better realization of conditions in the prospect that America in all seriousness may express the wish for a separate peace with the Central Powers.

"The Germans can only wish that the action of the Senate may reflect a mighty change in opinion that has been misguided and that the American people may come to favor the conclusion of a separate peace. If that shall not result, all thought of the revision of the peace terms must die."

More recently, namely, on the 26th ultimo, I have noted the following special Berlin cable, under date of the 25th ultimo, to the Washington Post:

Count Reventlow—

a name which, by the way, I recall hearing very prominently during the dark days of the struggle. He was one of the most prominent and most conspicuous spokesmen of the old Prussian régime during the war, as I recall it. This is the dispatch:

Count Reventlow writes in the Tageszeitung—

Another familiar word to me—

that nonratification by the United States Senate "would create a multitude of new perspectives for Germany, which a shrewd, active German Government could exploit."

Not only are the Germans in Germany highly delighted by the delayed progress of events in the United States Senate in the settlement of this treaty, but a certain very undesirable element in our own country seems to be likewise delighted with the difficulties that are being thrown in the way of the progress of the treaty here in the American Senate. The disloyal Reds and the I. W. W.'s entirely approve of the course of those who are opposing the ratification of the treaty. Again, from the New York World, under date of September 15, I read the following dispatch, by Louis Seibold, sent from Seattle, in the State of Washington, on September 14. This dispatch describes the wonderfully enthusiastic crowds that greeted the President in the city of Seattle and manifested to him their unmistakable approval of the league of nations. In the course of the dispatch appears the following:

For every sentence uttered by the President the mob outside uttered a hundred. The interruptions, easily made audible in the hall, came from two groups, one friendly and the other made up of radicals who earlier in the day had filled the streets through which the President motored on his way to review the fleet.

Flaunting their badges inscribed "Release political prisoners" in the eyes of the President, these stolid and sullen men and women thrust through the friendly crowds that stormed the arena last night and indulged in an intense and acrimonious verbal duel.

"We want justice!" they yelled.

"We want Wilson!" retorted the overwhelming masses of loyal citizens.

* * * * * * *

"Down with the capitalistic league of nations!" cried the I. W. W.'s, wearing the badges of disloyalty.

"Hurrah for the league of nations!" from the loyalists provoked "Three cheers for Senator LODGE!" from the Reds.

Senator KNOX also came in for approval by the same element.

Now, Mr. President, I know that when the senior Senator from Massachusetts [Mr. LODGE] and the junior Senator from Pennsylvania [Mr. KNOX] find themselves pursuing a course that is a source of delectation to the souls of our late enemies, their sympathizers in this country, the Red agitators and the I. W. W.'s, the association, if not mortifying to them, at least is in no sense flattering. These eminent Senators are not accustomed to hearing their praises sung in such quarters.

A moment ago I said that the protracted delay in the consideration of this treaty by the Senate was lending hope and encouragement to the defeated foe. On the other hand, the people of this country, who felt something of the pangs of this war, and the people of our victorious allies, who felt much more of the crushing weight of its burden, are clamoring for a more speedy adjustment of this peace and an early restoration of the normal processes of the world's life. The great business interests of this country are asking that the Senate move along to its duty. Just recently Mr. Thomas W. Lamont, to whose voice the majority in control of this Senate ought to be willing to lend a friendly ear, pleads for satisfaction of the world's cry for peace, and deplores what he calls the Senate's calamitous fumbling with this great issue. The New York Times, in its issue of September 8, contains his lengthy letter in full. Two hundred and fifty of the most prominent Americans, mostly Republicans, by the way, recently issued an appeal to the Senate to proceed with this business.

And very recently a telegram was sent by certain of his fellow citizens of California to the junior Senator from California [Mr. JOHNSON], who has, whether to the envy of some I know not, been in the forefront of the treaty opposition. Those California citizens are thus described by the Philadelphia Public Ledger in its issue of the 28th instant:

The telegram was signed by a group of the leading men of California, nearly all of them Republicans, many of them Senator JOHNSON'S long-time political friends and supporters, some of them State officials appointed by him when governor.

The telegram and signatures are as follows:

Hon. HIRAM JOHNSON,
Washington:

We heard the President's message on the peace treaty and the league of nations. We have also considered carefully all the objections offered to ratification. The issue is the most important presented to the American people since the Civil War. It is far above all personality or partisanship.

We are convinced that the treaty should be ratified without amendments or reservations. Peace, and peace on a permanent basis of open arbitration, inquiry, and discussion before resort to war, is vital to the welfare of the American people and the welfare of the world. America must not be false to herself and refuse such a peace except for the most weighty reasons. The objections to ratification are not weighty and should not hold us back.

We appeal to you to withdraw your opposition. We are confident that in this we speak for an overwhelming majority of the people of California and that your present position does not represent them truly.

(Signed) Charles C. Moore, director State council of defense, president Panama-Pacific International Exposition; R. B. Hale, vice president Panama-Pacific International Exposition; F. M. Angellotti, chief justice; Warren Olney, jr., Curtis D. Wilbur, Lucien Shaw, associate justices, supreme court; Max C. Sloss, formerly associate justice; Benjamin Ide Wheeler, president State university; Ray Liman Wilbur, president Leland Stanford University; Maurice T. Deoping, William C. Van Fleet, judges of Federal court; James Mills, regent State university; Warren Gregory, member Belgian relief commission; Frank Y. Brittain, judge of appellate court; Will C. Wood, State superintendent public instruction; Charles D. Blaney, formerly president State highway commission; Ralph P. Merritt, Federal Food Administration; George A. Sturtevant, judge of superior court; A. J. Pillsbury, chairman State industrial and accident commission; Edwin O. Edgerton, chairman State railroad commission; Frederick S. Nelson, president Advertising Club; James K. Moffitt, regent State university; Frederick H. Whittom, president Commercial Club; Thomas S. Williams, formerly State harbor commissioner; Josiah Sabley, Charles Wilbert Adams, George E. Bates, A. P. Black, Frank C. McDonald, Jacob Meto, Raphael Weill, B. F. Schlesinger, Max J. Kuhl, W. B. Bourne, Milton H. Esberg, James Mullen, Rollo V. Wall.

I may say that I have received through the mail a copy of another telegram, which has been sent, or purports to have been sent, to the junior Senator from California [Mr. JOHNSON], very much in line with the one just read, which I ask leave to insert in the RECORD in connection with my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The telegram referred to is as follows:

LOS ANGELES, CALIF., *September 26.*

Senator HIRAM JOHNSON,
Washington, D. C.:

The undersigned have been your loyal supporters, voting for you both as governor and United States Senator. In our opinion the overwhelming sentiment of the people of California is strongly in favor of the peace treaty and the covenant of the league of nations. We have given careful consideration to all the objections that have been offered to ratification, and we are convinced that the treaty should be ratified without amendment or reservation. We believe that the hope of humanity lies in the covenant for a league of nations.

(Signed) A. J. Wallace, president Johnson for Senator Club and former lieutenant governor with Gov. Johnson; Joseph S. Crail, campaign manager Johnson for Senator Club; Russ Avery, chairman Los Angeles County Republican central committee, Johnson for governor campaign; Kemper B. Campbell, campaign manager Los Angeles County, Gov. Johnson campaign, 1910; Mrs. Florence Collins Porter, women's committee, Republican national committee; Mrs. Shelley Tolhurst, executive committee, Women's Johnson for Senator Club; Seth Brown, president Central Labor Council; Charles H. Langmuir, ex-president Municipal League; Mrs. Harriet W. Works, executive committee, Johnson for Senator Club; E. C. Bellows, executive committee, Johnson for Senator Club; Dr. John R. Haynes, executive committee, Johnson for Senator Club; Dr. J. Whitcomb Brougher; Judge John Perry Wood; Judge W. H. Thomas, Orange County; Maj. Walter K. Tuller; Otis Tout, El Centro Progress, Imperial County; H. W. Brundige, executive committee, Johnson for Senator Club; Senator William J. Carr; Prof. Roy Malcolm.

Mr. WOLCOTT. And so, Mr. President, there are evidences that the country is growing impatient of this delay. Vast tasks lie ahead to be performed. The world faces great but not insuperable obstacles obstructing its pathway to happiness and contentment. Devastated areas need to be reconstructed. Cities and villages need to be rebuilt. Debilitated credit needs to be sustained. The violent passions of men, creating unrest and disturbance throughout the world, need to be subdued. The peoples who fought together, bled together, suffered together, and died together for the destruction of the power of brute force and the erection of the power of right and justice among the affairs of men, are now almost piteously pleading that the leaders of the world shall speedily restore an immediate peace, so that men may put behind them the terror of this frightful nightmare from which they have just emerged and be restored to the contemplation of better and nobler things.

If another great World War should be precipitated a few years hence, it is beyond the imagination of man to depict the awful horror which will characterize its progress. Hellish engines of destruction will be devised, scientific and mechanical methods of obliterating human kind will be invented, so that literally whole populations will be exterminated on a scale comparable only to the fall of autumn leaves beneath the first cold breath of winter's frosts.

If this great country, responding to the call of duty, had the courage to plunge into the war, and, in company with the world, to fight for the triumph of justice and righteousness, spending its treasure, its tears, and its blood, now that the vaster and greater problems of peace are ahead, I can not believe that we should hesitate or falter in striking out just as bravely and as boldly, in the same valiant company, in an attempt to make permanent the blessings of that peace which has been so dearly bought.

From the lips of Judge George Gray, a great Delawarean, a statesman of first rank, whose presence formerly adorned this historic body, an American citizen whose attachment to his country and whose devotion to its highest and best traditions have never been excelled, a man who, out of a long life of active and intimate acquaintance with men and affairs, looks with courage into the future and scorns to see his country afraid to carry its responsibilities—from his lips I quote:

> In God's name, let us take this precious sovereignty of ours, about which some people seem to be so careful, and place it upright alongside the Allies with whom we have been fighting and put a new laurel upon its brow by saying, "Yes; the power and might and sovereignty of the United States are here to stand by you in every honest, bold, and courageous endeavor to secure to the world the blessings of peace and the opportunities for happiness and well-being to all peoples, great and small." Were we to do otherwise, it would be a mean and shriveled sovereignty that we kept at home, and we would have placed upon its brow the mark of an indelible shame that never yet has stained the sovereignty of America.

[Applause.]

Mr. McLEAN. Mr. President, the momentous issues involved in the covenant of the league of nations have been frankly and fully and very ably discussed by my colleagues. I have no desire to repeat the many grave objections that have been urged against some of the covenants contained in the league. My only purpose at this time is to put into the RECORD a few general observations in support of my position before final action is taken by the Senate.

In the first place, I want to note the persistent attempts which have been made to ascribe opposition to the league to partisan prejudice. In this matter, as well as others of consequence, Democrats will and should make the most of Republican mistakes and Republicans will and should make the most of Democratic mistakes, because both parties have and will make mistakes. The choice between Democratic and Republican statesmanship must always be a choice of imperfections, and it is the duty of the minority to discover and restrain, as far as possible, the unwise purposes of the majority. At the present time it so happens that the agency intrusted with the sole power to propose treaties for the United States is Democratic, whereas the dominant party in that branch of the Government vested with the power to dispose of treaties is Republican. Under these conditions of bipartisan responsibility it would seem to be the duty of each branch of the treaty-making power to invite and heed the criticisms and advice of the other.

The course taken by the President is familiar to all. While there was opportunity to impress upon the other nations American ideas as well as American ideals, the President either ignored or resented the existence of the Senate, notwithstanding he had ample notice that his course was entirely unsatisfactory to a number of Senators sufficient to reject his treaty. As a result we have before us a document of some 80,000 words prepared by victorious generals and practical politicians; a document imposing revolutionary obligations upon the American people; a document which preaches the Sermon on the Mount and imposes the penalties of Leviticus. And yet, under the leadership of the Executive, Democratic Senators and the Democratic press have insisted and still insist that any man who dares to question the inspired origin of any one of the ill-considered and offensive obligations contained in this new gospel of supersovereignty does so because he is a Republican and for no other reason.

What would have been the view of the Democratic press and the Democratic leaders in the Senate had Mr. Hughes escaped the California accident and defeated Mr. Wilson in 1916 is clearly indicated by the CONGRESSIONAL RECORD. For instance, in 1912, when the treaty with Great Britain was before the Senate, Democratic Senators voted to a man against the proposition to delegate to a joint high commission sovereign powers far inferior to those they are now eager to confer upon an executive council.

Senator Root, then a member of the Committee on Foreign Relations, proposed certain reservations, but they were not sufficient to meet the views of the other side of this Chamber. Many modifying proposals were suggested by Democratic Senators, but the final test came upon the reservations offered by Senator Bacon, of Georgia, which, I understand, were prepared by the present senior Senator from Georgia [Mr. SMITH]. It was urged at the time that we could safely agree to submit any dispute that might arise between this country and Great Britain to arbitration. Only a few years before Lord Alverstone, one of the arbitrators chosen by Great Britain to settle the disputed boundary lines between Alaska and Canada, had cast the deciding vote in our favor, although the question was a close one, and by so doing he deprived Canada of a sorely needed access to the sea. With this example of high judicial integrity set by Great Britain's representative, it was insisted that the treaty could be ratified without danger. Republicans voted with the Democrats for the Bacon reservations, and they were adopted. And now I propose to show by the CONGRESSIONAL RECORD that less than six months ago the Democratic leaders of the present Senate severely criticized certain Republican Senators for daring to predict that the President would attempt to commit the United States to covenants which involved the use of force under any circumstances.

The former chairman of the Committee on Foreign Relations [Mr. HITCHCOCK] said on the 4th day of February last—I quote from the CONGRESSIONAL RECORD, page 2656:

> Mr. HITCHCOCK. Mr. President, I do not know to what speech of the President the Senator refers—

The Senator from Nebraska had in mind the speech delivered by the Senator from Idaho [Mr. BORAH]—

> but I am very clear in my own mind that the supreme force which will stand back of the league of nations, which is now being born, will not be an army, it will not be a navy, it will not be military power, but it will be the great moral power of the world. I want to say to the Senator from Idaho [Mr. BORAH] that when great nations like the United States, Great Britain, France, and other nations that will join in this league enter into a solemn agreement to do a certain thing, it will not require armies and navies to force compliance; in fact, no army or navy could force the United States to do anything; but the power of public opinion in the United States, and the power of public opinion throughout the civilized world, will be the supreme power, the moral power which will naturally bring compliance with any agreement duly made. I do not have any idea that the President could have done that before he left the United States—

That is, to commit the United States to the use of force—

> and before he came in contact with statesmen from other countries, but I have not any idea that the President will undertake to commit the United States before he consults the Senate of the United States.

I do not care to comment upon this startling change of sentiment, but the RECORD shows that only six short months ago the leaders on the other side of this Chamber stood precisely where Republican Senators now stand upon this all-important issue. The fact that no one knew where the President stood in February last, and the fact that this senatorial somersault occurred the day after the President disclosed his position, is, I think, a most remarkable coincidence.

Mr. President, the American people, without regard to party, will look with little favor upon any Senator or editor who tries to secure the adoption or rejection of the pending treaty under the party lash. Every patriotic American, regardless of party, will want the Senate to make no mistakes in its disposition of this proposed venture into the bottomless pit of world politics.

I am in favor of a league of nations that will invite and promote peace, but it is my firm conviction that the success of such an organization will be found in agreement and not in compulsion, and in agreements that are genuine and not reluctant.

War will cease when, and only when, the great peoples of the earth recognize the folly and brutality of war and possess sufficient common sense to avoid doing the things that cause war. In my opinion the foundations of this covenant are defective in workmanship and materials, and they will soon crumble under the weight of the colossal and pretentious superstructure. This covenant in its primary conception utterly ignores the basic principle of Anglo-Saxon civilization, namely, the necessity of impartial, disinterested tribunals for the settlement of disputes.

Justice is possible only where laws are administered by a wise and impartial sovereignty, whether that sovereignty be represented by a justice of the peace or a jury of 12 disinterested men or the courts of last resort. Our own domestic peace would soon be lost if juries and courts were composed of friends of the litigants. It is possible that a dispute might arise so trivial that the supersovereign council created by this covenant would render an impartial and just decision, but I challenge the defenders of this covenant to point to a possible controversy of consequence that would or could be submitted to a disinterested, impartial tribunal in the first instance.

It creates an executive council of nine nationals whose tenure of office will depend upon their ability to secure advantages for the countries they represent. The members of this council will be the agents of jealous principals, and as such agents they will be compelled to plot and deceive in the interests of their principals. What opportunities for colossal schemes of profit and power will be presented to these nine men, placed, as they will be, upon the mountain top of world politics with all the cities of the earth spread out before them.

Again, what will be expected of covenants that promise to preserve intact, for all time, the boundary lines of its friends, while it distributes the land of its enemies, however just such distribution may be? How do they know that justice will not demand the changing of other boundary lines in the future?

I have received many letters from good men urging me to support this document. They insist that plain justice demands the dismemberment of Germany, Austria, and Turkey, and I fully agreed with them. The question that bothers me is, How do we know that justice will not demand other dismemberments in the future? The tears of war dry quickly, but the hatreds of war live long. Does anyone imagine that the clauses in this document, which undertake to heal titles to land secured by force, will be honored by those who have lost their land should the time ever come when they can regain it by force? Loss of land is loss of honor—a loss that will not be forgotten or forgiven.

Astounding as it may seem, the pending document does not attempt to add anything to the surface of the earth. It simply says to the Creator, "Hereafter the executive council of the covenant for a league of nations, and not you, will regulate the rise and fall of races and nations. This council will see to it now that no race, however great or worthy it may become, shall have any more land than it has now, and no race, however degenerate and unworthy it may be, shall have any less land than it has now." In other words, this league proposes to take time and eternity by the forelock, and stay the laws of social integration and disintegration, and do it by force of arms. This is sheer folly! I do not believe the American people want to underwrite for all time the titles of England and France to millions of square miles of foreign soil.

If we subscribe to this document without amendments or reservations, if we subscribe to this league as it is, we shall invite at once the disapproval and ridicule of all the nations who are given no share of the spoils. It will not be many years before Germany, Austria, and Russia, and Japan, and perhaps Italy and Spain and Mexico will find common ground upon which to denounce it as an attempt on the part of the English-speaking peoples to dominate the world.

The only man who has authority to speak for Russia already has characterized this league as a "looting trust" established by Great Britain and the United States for the purpose of enslaving the world. "America," says Lenin, "will, if she joins the 'league of loot,' be hated by every other nation, because her sole object in joining will be to loot by force."

This document threatens war for every breach of contract, and provides the ways and means for waging war. Behind its covenants lies force, and force is war!

If I may not kill my neighbor for a breach of contract, how can I vote to pledge my country to kill a nation that breaks its contract?

If the conscience of the world can be trusted to kill a nation that breaks its contract, why should not that conscience be invoked to use force to protect persecuted and robbed minorities within nations? I suppose that one of the reasons why the nations of the earth have not yet assumed the right to take sides and settle by force the internal affairs of each other, is because the authority of the collective conscience is still a matter of dispute among the best of men. Certainly the conscience of a goodly portion of the world to-day is in a state of active decomposition. It is trying to lead some of the peoples of the world into slavery, to what is called socialism, but what is, in fact, class tyranny.

We are told by the President that if we decide to retain our freedom of conscience, such as it is, and continue to cherish our national ideals, such as they are, if we continue to defend the right, as God gave us the right, preferring His aid to that of an executive council of aliens and pagans, preferring to continue to act the part of the world's Good Samaritan, rather than that of the world's policeman, it will break the heart of the world. I disagree with him. If the world has a conscience that can distinguish between right and wrong, and if, as he insists, the world loves us and trusts us because we have kept it safe from the hands of the despoiler, is it unreasonable for us to put the world on its good behavior for a short time, giving it clearly to understand that we expect it to cherish and main-

tain peace and justice, and that we hold ourselves ready to discourage misbehavior whenever and wherever it breaks out, and, if need be, punish with force of arms nations whose crimes cry to heaven for justice? Is there any reason why the world, including Japan, should not follow our example if their protestations of admiration and confidence in us are made in good faith? If it is assumed, as it must be, that this league can not interfere with domestic convulsions and revolutions, except, perforce, of reason; if we can not hope to secure industrial peace and respect for just and equal laws within nations, except as this may be accomplished voluntarily and by the peaceful cooperation of the conflicting interests, how can it be assumed that coercion will invite and promote international peace? Nations will find peace where individuals find it, in service and sacrifice and mutual concessions.

Now is the time, above all others, to form a society of nations that will be free from conditions and penalties. I would call it a league of nations under a preamble that would make its purpose clear and unequivocal. Distinctive among those purposes should be the establishment of a high court of arbitration to which the nations can go in confidence for the settlement of their disputes. Disarmament will be possible only when the great and jealous and ambitious nations can meet and discuss the subject voluntarily and dispassionately as an economy to be sought in the interests of all, for the equal benefit of all.

A league of nations free from coercion and threats of war, seeking in good faith to arrive at just and wise international conceptions, will accomplish much. A league of nations which denounces the acquisition of title by conquest, and which welcomes the good offices of neutrals at all times, and promises a cooling-off period before beginning hostilities will invite and promote peace.

Let us lay the foundation safe and sure. Let us do to-day what all agree can be done safely and wisely, and then let us, or those who come after us, plan and erect the superstructure in the light of experience. In the meantime, let us try to establish a league of peace between capital and labor at home. Labor, which at one time was the servant of capital, is now its master. Labor can and will make America a glory or a disgrace. If labor is wisely selfish the golden age is before us. If labor, led by ignorance and passion, denies to capital the living wage it rightfully asks for itself it will bring upon its head the worst calamity the world has ever known. If we can solve the problems which confront us at home, if with malice toward none and charity for all we can finish the work we have in hand for America, we may with confidence expect the world to follow our example. If we can not do this the fate of other nations will not interest us and our fate will not interest them to any great extent.

For many years America has thrown her light across the world, revealing to all nations the way to peace and justice. In no instance has she suggested that peace and justice can be had where liberty is lost. In the last great struggle she gave her blood and treasure, asking nothing in return except the confidence and respect of the world. Now we are told we must look for peace in the kennels of war; that we must surrender our leadership; that the time has come for the West to follow the East—the new to follow the old. I do not believe that peace lies in that direction.

Covenants such as those contained in the document before us sound well to victorious generals and commanders in chief, as have other schemes devised for the purpose of reforming men and nations by force. The idea that we can regenerate the heart of man with the lash is not new.

If we must take the world as it is—and, of course, we must—that is no reason for signing a bond that will compel us to fight to keep it as it is.

I have called the attention of the Senate to a few of the considerations which have led me to the fixed conclusion that it is my duty to vote for reservations that will give this league a chance to live and America a chance to fulfill its mission. If these reservations are rejected by the Senate, I shall vote to return the whole of this medieval volume to its authors in the hope that its revisers will look for peace where peace may be found.

Mr. THOMAS. Mr. President, on Friday, October 3, 1919, at the close of the routine morning business, I shall submit to the Senate some observations upon the amendment proposed by the committee to article 3.

The PRESIDENT pro tempore. The question is upon the first of the amendments known as the Fall amendments, reported from the Committee on Foreign Relations by the Senator from Massachusetts.

Mr. LODGE. Mr. President, I am going to ask for unanimous consent that it be agreed that we take up the Fall amendments at 2 o'clock to-morrow, that each amendment be considered under the five-minute rule, and that they shall all be disposed of before the close of the calendar day.

The PRESIDENT pro tempore. The Secretary will state the agreement proposed by the Senator from Massachusetts.

Mr. HITCHCOCK. Mr. President, I understand that such an agreement, if entered into unanimously, does not require the calling of a quorum. That applies only to cases where bills or joint resolutions are put upon their final passage.

Mr. LODGE. So I understand.

Mr. HITCHCOCK. Since the matter was suggested I have been discussing it with Senators, and I can see no objection to granting the request, which, I understand, contemplates voting upon all of the Fall amendments in some form to-morrow during the calendar day.

Mr. LODGE. It does, and disposing of them before the close of the calendar day.

Mr. HITCHCOCK. Yes.

Mr. BRANDEGEE. Mr. President, may I ask a question of the Senator from New Mexico? Has he any idea whether there will be a roll call on all of the so-called Fall amendments, of which there are some thirty-odd? The object of the inquiry is simply to ascertain whether, with debate under the five-minute rule allowed upon each amendment, there would be time in the calendar day to have roll calls upon 30 amendments.

Mr. FALL. Mr. President, it is impossible for me to give a definite answer to the query of the Senator from Connecticut. I have again gone over very thoroughly each article to which the amendments are proposed with the purpose in view of ascertaining whether it is possible to consolidate them and have one vote upon similar amendments. I find, in my judgment, that it is impossible to vote intelligently upon the amendments consolidated.

So far as I am concerned, I shall not request a yea-and-nay vote of the Senate on each of these amendments. I have no pride of authorship about the matter; but, of course, I can not say that some other Senator will not request such a vote or that the chairman of the committee, or whoever is handling the matter, will not think it necessary, after each five minutes of discussion, that a yea-and-nay vote should be had upon some particular amendment.

I think, with that statement, we might simply let the matter take its course and decide definitely on the course to be pursued as the amendments come up. I have no purpose of calling for a yea-and-nay vote on each of the amendments.

Mr. BRANDEGEE. Let me ask the Senator further—he being so much better informed as to his amendments than I am—inasmuch as most of them relate to striking out the same words, "and associated," in different articles of the treaty, whether he thinks it would be possible to bunch some of them together or whether a separate vote would be required upon each amendment?

Mr. FALL. It is possible that there might be two or three cases where the same amendments, applying to one article, might be voted upon together, and in that way one vote would settle the entire matter so far as that article is concerned.

It might be best now that I should call attention to the first two amendments to illustrate the difficulty in attempting to vote upon them in a consolidated form.

The first of the amendments—that is, amendment No. 3 in the print of the bill—is to strike out the words "and associated"—that is, to strike out the United States—that is the effect of it—from the commission of seven, five of whom are to be appointed by the principal allied and associated powers, to settle the frontier between Belgium and Germany.

The next amendment, which is numbered 4, is to strike out the United States from the provision for an international arrangement hereafter to be entered into by the five principal allied and associated powers, to which Germany agrees beforehand, for certain purposes with reference to the Duchy of Luxemburg. The next amendment is with reference to the Duchy of Luxemburg, and as to a future arrangement of a different character which is to be entered into by the five principal allied and associated powers.

Now, of course, those two amendments, while they relate to different subjects, might be voted upon together and one vote be had upon the two amendments that relate to Luxemburg; but the policy could not well be followed of undertaking to lump the first amendment to which I have called attention—that is, to strike out the United States from this boundary commission—with the amendments with reference to the Luxemburg arrangement to be hereafter entered into. I shall very shortly, if the Senate desires and requests as we reach these amendments, in as few words as I have now explain their purpose and effect.

Mr. POMERENE. Mr. President, I wish to address a question to the Senator. I understand the Senator's position to be that

the reasons which might be urged for certain of the amendments would not apply to the other amendments.

Mr. FALL. Oh, they would be entirely different.

The PRESIDENT pro tempore. The Secretary will state the proposed unanimous-consent agreement.

The SECRETARY. The Senator from Massachusetts asks unanimous consent that on the calendar day of Thursday, October 2, 1919, at 2 o'clock p. m., the Senate will proceed to the consideration of the so-called Fall amendments to the treaty of peace with Germany; that during such consideration no Senator shall speak more than once or for a longer period than five minutes on any one of the said amendments; and that before adjournment on the said calendar day, Thursday, October 2, 1919, the Senate will vote upon the said amendments and dispose of them.

The PRESIDENT pro tempore. Is there objection to the proposed agreement? The Chair hears none, and the agreement is entered into.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business with closed doors.

The motion was agreed to, and the doors were closed. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p. m.) the Senate, as in legislative session, adjourned until to-morrow, Thursday, October 2, 1919, at 12 o'clock meridian.

NOMINATION.

Executive nomination received by the Senate October 1, 1919.

UNITED STATES CIRCUIT JUDGE.

Maurice H. Donahue, of Columbus, Ohio, to be United States circuit judge, sixth circuit, vice John W. Warrington, retired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate October 1, 1919.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

To be colonels.

Lieut. Col. George H. McManus.
Lieut. Col. Edward J. Timberlake.

FIELD ARTILLERY.

To be colonel.

Lieut. Col. Fox Conner.

To be lieutenant colonels.

Maj. Albert U. Faulkner.
Maj. George M. Apple.

To be majors.

Capt. Emery T. Smith.
Capt. Creed F. Cox.
Capt. Robert M. Danford.
Capt. Leo P. Quinn.
Capt. Walter H. Smith.

PROVISIONAL APPOINTMENTS, BY PROMOTION, IN THE ARMY.

INFANTRY.

To be first lieutenants.

Second Lieut. John C. R. Hall.
Second Lieut. Robert A. Case.
Second Lieut. Ray W. Harris.
Second Lieut. Elbert W. Lockwood.
Second Lieut. Charles F. Frizzell, jr.
Second Lieut. William B. Oliver, jr.
Second Lieut. Robinson E. Duff.
Second Lieut. Leon W. Hilliard.
Second Lieut. Walter C. Blalock.
Second Lieut. Hamilton Johnston.
Second Lieut. Raymond G. Lehman.
Second Lieut. Irvine C. Scudder.
Second Lieut. John R. Deane.
Second Lieut. Richard Z. Crane.
Second Lieut. Hilliard V. MacGowan.
Second Lieut. James J. Roach.
Second Lieut. Guy S. Williams.
Second Lieut. William C. Briggs.
Second Lieut. William C. Price, jr.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

COAST ARTILLERY CORPS.

Second Lieut. David B. Latimer, Infantry, to be second lieutenant in the Coast Artillery Corps.

INFANTRY.

Second Lieut. Ulric L. Fomby, Coast Artillery Corps, to be second lieutenant of Infantry.

POSTMASTER.

MICHIGAN.

Norman E. Weston, Kent City.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *October 1, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, from whom cometh all good, to whom the devout of every age turned for strength and guidance; so with faith and confidence we turn to Thee, that we may be inspired with strength, courage, zeal, and be guided to a happy solution of all the problems which confront us, and thus hasten the coming of Thy kingdom and Thy will upon the earth. In Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

A QUORUM.

Mr. JOHNSON of Washington rose.

The SPEAKER. For what purpose does the gentleman from Washington rise?

Mr. JOHNSON of Washington. I desire to make a point of order that a quorum is not present.

The SPEAKER. The gentleman from Washington makes the point of order that a quorum is not present. The Chair is of opinion that no quorum is present.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Andrews, Md.	Gallagher	McCulloch	Reber
Anthony	Gandy	McKenzie	Reed, N. Y.
Bacharach	Garrett	McKeown	Riddick
Bee	Godwin, N. C.	McKinley	Riordan
Bell	Goldfogle	McLaughlin, Mich.	Robinson, N. C.
Britten	Good	McLaughlin, Nebr.	Rowan
Burke	Goodall	McPherson	Rubey
Butler	Goodwin, Ark.	MacGregor	Sabath
Caldwell	Goodykoontz	Maher	Saunders, Va.
Carew	Graham, Ill.	Major	Schall
Casey	Graham, Pa.	Mann	Scully
Clark, Fla.	Greene, Mass.	Mason	Sherwood
Classon	Hamill	Mead	Shreve
Copley	Harrison	Merritt	Siegel
Costello	Haskell	Michener	Sisson
Crago	Haugen	Moore, Va.	Small
Crowther	Heflin	Moores, Ind.	Smith, Idaho
Currie, Mich.	Howard	Morin	Smith, Ill.
Curry, Calif.	Hull, Iowa	Mudd	Smith, N. Y.
Davey	Humphreys	Murphy	Snell
Dempsey	Husted	Newton, Minn.	Stephens, Ohio
Donovan	Hutchinson	Newton, Mo.	Stiness
Dooling	Ireland	Nicholls, S. C.	Sullivan
Dupré	Jacoway	Nichols, Mich.	Sumners, Tex.
Dyer	Jefferis	Nolan	Taylor, Ark.
Echols	Johnson, S. Dak.	O'Connell	Taylor, Colo.
Ellsworth	Johnston, N. Y.	Olney	Tilson
Emerson	Jones, Pa.	Paige	Treadway
Ferris	Kennedy, Iowa	Parker	Vaile
Fields	Kettner	Peters	Vare
Fisher	Kreider	Phelan	Ward
Fitzgerald	LaGuardia	Porter	Watson, Pa.
Flood	Longworth	Rainey, H. T.	Whaley
Frear	Lufkin	Randall, Calif.	White, Me.
Fuller, Ill.	McAndrews	Rayburn	Woodyard
Fuller, Mass.	McArthur	Reavis	Zihlman

The SPEAKER. Two hundred and eighty-six Members have answered to their names. A quorum is present.

Mr. HAWLEY rose.

Mr. ESCH. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Wisconsin moves that further proceedings under the call be dispensed with. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

CALENDAR WEDNESDAY.

The SPEAKER. To-day is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the Committee on Interstate and Foreign Commerce.

PANAMA CANAL TOLLS.

Mr. ESCH. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce I call up the bill (H. R. 7015) governing the tolls to be paid at the Panama Canal.

Mr. HAWLEY. Mr. Speaker, under Rule XVI, paragraph 3, I raise the question of consideration.

The SPEAKER. The Chair is disposed to think that this bill belongs on the Union Calendar.

Mr. ESCH. I think it belongs on the Union Calendar, because it affects the revenue.

The SPEAKER. The Chair will transfer it from the House Calendar to the Union Calendar, and then automatically the House resolves itself into Committee of the Whole House on the state of the Union. The gentleman from Oregon [Mr. HAWLEY] can raise the question of consideration in committee.

Mr. JOHNSON of Washington. To that I want to object on the ground that opportunity was not given for the transfer of this bill to the Union Calendar in committee.

The SPEAKER. The Chair does not understand the gentleman's point. Does the gentleman mean before the Committee on Interstate and Foreign Commerce?

Mr. JOHNSON of Washington. Yes.

The SPEAKER. The Chair does not think that that is binding.

Mr. JOHNSON of Washington. Mr. Speaker, I think there should have been given opportunity to object to the transfer of the bill from one calendar to another.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. Does the Chair hold that after the question of consideration has been raised on a bill that is on the House Calendar the Chair can transfer the bill to the Union Calendar and require the party raising the question of consideration to raise it anew in Committee of the Whole? The question was raised on the bill when it was on the House Calendar.

The SPEAKER. That did not occur to the Chair. The Chair does not think he recognized the gentleman from Oregon to raise the question of consideration. The intent of the Chair was to transfer the bill to the Union Calendar as soon as this bill was called up. The gentleman did raise the question of consideration, but the Chair does not think the Chair recognized him for that purpose.

Mr. WALSH. But the Chair recognized the gentleman, and the Chair can not decline to recognize the gentleman.

The SPEAKER. The Chair would say at first blush that the gentleman's right to recognition was not of such privilege as to prevent the Chair from correcting an error of reference. The Chair is disposed to think that the first duty of the Chair before recognizing anybody, if there was a reference to the wrong calendar, was to change the reference, and of course that does not destroy anybody's rights. The question of consideration can be raised in committee as it has been raised here by the gentleman from Washington. Of course the committee had its right to give hearings or not as it pleased, and the fact that the committee did or did not give hearings does not seem to the Chair to affect the validity of the committee's report.

Mr. HAWLEY. The manual says a Member may demand the question of consideration, although the Member in charge of the bill may claim the floor for debate. That is, if I understand it, it is a right that the Member has to raise the question of consideration irrespective of recognition by the Chair for that purpose.

The SPEAKER. Certainly.

Mr. HAWLEY. And I raised the question of consideration as soon as the bill was called up.

The SPEAKER. Yes; but the Chair thinks the first thing in order and the first duty of the Chair was to see that the bill was upon the proper calendar. The Chair thinks that it was by mistake put upon the wrong calendar, and that as soon as it was called up the first duty of the Chair was to transfer it to the proper calendar. As the Chair suggested, nobody will lose any rights at all.

Mr. JOHNSON of Washington. But, if the Speaker will permit, the House is not yet in Committee of the Whole.

The SPEAKER. No.

Mr. JOHNSON of Washington. The gentleman from Oregon [Mr. HAWLEY] was recognized.

The SPEAKER. No; the Chair thinks he was not recognized.

Mr. JOHNSON of Washington. But he did make the request for the raising of the question of consideration.

The SPEAKER. Certainly, he did; but the Chair did not recognize him for that purpose. The first duty of the Chair was to transfer the bill to the right calendar.

Mr. HAWLEY. May I make a further suggestion?

The SPEAKER. Certainly.

Mr. HAWLEY. That under the rule it is not necessary for the Chair to recognize a Member to raise the question of consideration. The Member has an absolute right to make the demand.

The SPEAKER. He has the right to recognition, but the Chair thinks that the first right is the right of the Chair to see that the bill is on the proper calendar. It seems to the Chair that that was the most important question of procedure to be settled first.

Mr. HAWLEY. If the question of consideration can be raised only after we go into Committee of the Whole, will that bring a roll call on the question of consideration?

The SPEAKER. Yes; as the Chair recollects, there would be a roll call.

Mr. WALSH. Not in Committee of the Whole, Mr. Speaker.

The SPEAKER. No; there could not be a roll call in the committee.

Mr. HAWLEY. I insist, then, with all due deference, on my right to raise the question of consideration now, so that we may have a roll call.

The SPEAKER. The Chair thinks the gentleman has not that right. The Chair thinks that the bill is now upon the Union Calendar and that the gentleman can not raise the question of consideration in the House on a bill that is on the Union Calendar, on Calendar Wednesday, because as soon as the bill is called up the House automatically resolves itself into the Committee of the Whole House on the state of the Union.

Mr. CRISP. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Georgia.

Mr. CRISP. Mr. Speaker, I would like to ask the opinion of the Chair as to this question: I know that it has been ruled in the House that on Calendar Wednesday, when a bill is on the Union Calendar and is called up, the House automatically goes into Committee of the Whole to consider it, and that the question of consideration should be raised in the Committee of the Whole House on the state of the Union. I know that has been ruled several times, but I want to ask the opinion of the Chair if the Chair does not think it would be better practice for the question of consideration to be raised in the House before we go into the Committee of the Whole, for this reason: The Committee of the Whole House on the state of the Union is an agent or creature of the House, and if the House goes into the Committee of the Whole House on the state of the Union, directing the committee to consider a bill, may the question of consideration then be raised in the committee, as to whether the committee will consider it, when the House has gone into Committee of the Whole directing that committee to consider it? I just want to present that proposition to the Speaker. I will say to the Speaker very frankly that the rulings have been that the question of consideration is not raised until we get into the Committee of the Whole, when we go automatically into the Committee of the Whole; but it seems to me that the logic of it is that the better practice would be to determine in those cases whether we would consider it before taking up the time of the House to go into the Committee of the Whole.

The SPEAKER. The Chair is not disposed to express his opinion offhand without careful study of the question as to which would be the better practice; but, as the gentleman from Georgia suggests, the ruling has been—and it was a very carefully considered ruling by the last Speaker of the House when this question came up—that the question of consideration should be raised in the committee and not in the House; and although to raise the question of consideration in the committee is an anomaly, the Chair would not feel disposed to overrule that without a very thorough study and consideration of the question.

Mr. WALSH. Mr. Speaker, if the Chair will permit, I think that ruling was made upon the ground that when the motion was made to go into the Committee of the Whole the House had the right to refuse to go into Committee of the Whole if it so preferred, and therefore could decide not to consider the question by declining to go into the Committee of the Whole. Now, under the Calendar Wednesday rule the House goes automatically into Committee of the Whole, and, of course, the House has no opportunity, as the House itself, to say whether it will consider the bill or not.

The SPEAKER. The Chair thinks the gentleman is mistaken in stating that that was the reason. The Chair thinks that the ruling was made on the Calendar Wednesday rule.

The Chair rules that the House now automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of this bill, and the gentleman from New York [Mr. HICKS] will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7015, governing the tolls to be paid at the Panama Canal, with Mr. HICKS in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read the title of the bill.

Mr. HAWLEY. Mr. Chairman, I raise the question of consideration under Rule XVI, paragraph 3, and under Rule XXIV, paragraph 7.

The CHAIRMAN. The gentleman from Oregon raises the question of consideration on this bill.

The question was taken; and on a division (demanded by Mr. HAWLEY) there were—ayes 129, noes 15.

Accordingly the House determined to consider the bill.

The CHAIRMAN. The Clerk will report the bill.

The bill was read as follows:

Be it enacted, etc., That in measuring vessels and determining the tolls to be paid thereon at the Panama Canal the measurement shall be made and tonnage determined in all cases by the Panama Canal rules as they now exist or as they may be changed from time to time, and the tonnage arrived at by those rules shall be the tonnage to which shall be applied the rate fixed by the President for the purpose of determining the tolls to be collected, and shall be the tonnage to which shall be applied the maximum and minimum rates now fixed by law or hereafter to be fixed for the purpose of determining the maximum and minimum tolls which may be charged.

SEC. 2. That all laws and parts of laws, rules, and regulations in conflict with this act be, and the same are hereby, repealed.

The CHAIRMAN. The gentleman from Wisconsin is recognized for one hour.

Mr. ESCH. Mr. Chairman——

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. JOHNSON of Washington. Will the gentleman say how the time is to be controlled?

Mr. ESCH. Under the rules there is one hour on a side.

Mr. JOHNSON of Washington. Can it be arranged so that the opposition will be recognized to control one hour? I want one hour's time in opposition to the bill.

Mr. CLARK of Missouri. Will gentlemen please speak louder?

Mr. JOHNSON of Washington. I am trying to get time in opposition to the bill.

Mr. CLARK of Missouri. That is just what I was trying to find out.

Mr. JOHNSON of Washington. I am very glad that the former Speaker is interested in the bill. [Laughter.]

Mr. ESCH. It has been customary, Mr. Chairman, on Calendar Wednesday to allot one hour on a side. The allotment of time has been divided between the chairman and the ranking minority member of the committee, and I assume that that practice will obtain. I have no doubt that time will be yielded to those opposed to the bill.

Mr. WALSH. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. WALSH. Does the gentleman contend that if the ranking minority member is in favor of the bill, that he is entitled to control the hour?

Mr. ESCH. I did not say that. I have no objection, provided the gentleman from Tennessee [Mr. SIMS] has no objection, to permit the gentleman from Washington to control the time in opposition to the bill.

Mr. SIMS. If the gentleman will permit, I expect to yield time to those opposed to the bill on this side. I do not know how many there will be.

Mr. WALSH. Is the gentleman from Tennessee opposed to the bill?

Mr. SIMS. No; I am strongly in favor of the bill.

Mr. WALSH. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WALSH. Under the Calendar Wednesday rule, whereby two hours of debate are allowed, I desire to ask if it is not proper for the chairman of the committee reporting the bill to be entitled to one hour and some gentleman on the committee opposed to the bill be given recognition for one hour? If no member of the committee is opposed to the bill, then some Member who is opposed to it is entitled to the hour.

The CHAIRMAN. The Chair will state that the rule on Calendar Wednesday, as the present occupant of the chair understands it, is that one hour shall be given to those in favor of the bill and one hour to those in opposition; that the chairman of the committee shall have the hour on the affirmative side, and if a member of the committee is opposed to the bill, that member will have the hour in opposition. But if no member of the committee opposes the bill, then the Chair will recognize some one who is opposed to the bill for one hour.

Mr. SIMS. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. SIMS. Under the ruling the Chair has just made, the chairman of the committee will control one hour in favor of the bill. I would like to have him yield one-half to me, to be used on this side in behalf of the bill, and that will be cutting down one-half of the usual time.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. ESCH. I will.

Mr. JOHNSON of Washington. The minority member on the Democratic side, under the ruling of the Chair, has no time to yield.

Mr. SIMS. I do not ask for it in my own right.

Mr. ESCH. Mr. Chairman, it was intimated by the gentleman from Washington [Mr. JOHNSON] that there were no hearings had on this bill. There were no hearings had at this session of Congress on the bill. There were hearings had in a prior Congress, during the months of January and February, 1916. There were hearings had prior to that. There were hearings had before the Committee on Appropriations last year on the sundry civil bill. This bill is not a new matter, it takes no Member by surprise, and for that reason the members of the Committee on Interstate and Foreign Commerce reported the bill out without further hearings.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. ESCH. Yes.

Mr. JOHNSON of Washington. I would like to ask the distinguished chairman of the Interstate and Foreign Commerce Committee if the printed reports of the 1916 hearings are available either for the new Members of Congress or the public?

Mr. ESCH. Every member of the committee has a bound edition of the hearings before our committee in the Sixty-fifth Congress. There are bound hearings on this bill in the committee room, and I have taken pleasure in permitting their use by the membership of the House.

This bill, Mr. Chairman, has been urged for the last four years. The reason for its being urged was because of the unsatisfactory condition in which the matter of tolls on the Isthmus has been placed since the ruling of the Attorney General in March, 1915.

The Panama Canal act, as amended in 1914, contained this provision:

SEC. 5. That the President is hereby authorized to prescribe and from time to time change the tolls that shall be levied by the Government of the United States for the use of the Panama Canal. * * * Tolls may be based upon gross or net registered tonnage, displacement tonnage, or otherwise, and may be based on one form of tonnage for warships and another for ships of commerce. The rate of tolls may be lower upon vessels in ballast than upon vessels carrying passengers or cargo. When based upon net registered tonnage for ships of commerce the tolls shall not exceed $1.25 per net registered ton. * * *

Prior to the approval of the original act in August, 1912, there was appointed a commissioner to investigate the entire matter of the measurement of vessels at Panama and, based upon such measurement, the preparation of rules for determining the tolls to be charged. The commissioner was Dr. E. R. Johnson, of Philadelphia, a very eminent expert in this line. His recommendations were submitted in two separate reports to the President. As a result of these reports President Taft, by proclamation of November 13, 1912, issued the rules for the fixing of rates of toll on the Isthmus.

On November 21, 1913, President Wilson issued a proclamation prescribing the rules governing the measurement of vessels. Under these proclamations vessels were measured and tolls collected for a certain period of time. The rules of measurement of vessels fixed the rate of toll on merchant vessels—loaded—at "$1.20 per net vessel ton—each 100 cubic feet—of actual earning capacity," while the rules for measurement of vessels prescribed the method of calculating tonnage in terms of net vessel tons of actual earning capacity. It was at once observed that the rate of tolls established at $1.20 per net vessel ton of actual earning capacity, as determined by Panama Canal rules of measurement was higher than a rate of $1.25 per ton of net capacity as determined by United States national rules of measurement.

The lumber interests of the Pacific coast at once protested against article 7 of the Panama Canal rules of measurement, which provides as follows:

If any ship carries stores, timber, cattle, or other cargo in any space upon an open deck not permanently covered or in spaces exempted, * * * all tolls and other charges payable on the vessel's net tonnage shall be payable on the vessel's net tonnage * * * increased by the tonnage of the space occupied (at the time at which tolls or other charges become payable) by the goods carried upon deck and not permanently covered or closed in.

Thereupon the President submitted the matter in dispute to the Attorney General, February 15, 1915, who decided that the term "net registered tonnage," as used in the Panama Canal act, "must be interpreted to mean the net tonnage of a vessel as measured under the rules prescribed by the statutes of the

United States" and not registered tonnage as measured under the special rules provided for the Panama Canal. He further held—

that if the toll rate established at $1.20 per net registered ton, when multiplied by the tonnage, as ascertained by the Panama Canal rules, exceeds the amount produced by multiplying the net registered tonnage as measured by the rules prescribed in the United States statutes, by $1.25 (the amount named in the statute), the excess thus produced is uncollectible. It therefore follows that in so far as the present proclamations and rules, either as to deck loads or otherwise, would result in collecting at the rate of $1.20 per net registered ton more than would be produced by multiplying by $1.25 the net registered tonnage as measured by the United States rules, they lay down a course of conduct unwarranted by the Panama Canal act.

The President thereupon issued supplementary instructions in accordance with the decision of the Attorney General above quoted.

The effect of this decision was practically to destroy the Panama Canal rules of measurement and substituting therefor the rules of measurement prescribed by the United States statutes. There also resulted a discrimination between vessels of different nationalities and a reduction in the revenues. I wish to state as one of those who helped to frame the Panama Canal act that we thought we were framing legislation which would enable the Panama Commission to fix tolls under the rules prescribed by the proclamations of the Presidents. It was not our purpose that the tollage should be determined by the United States rules of measurement based upon net tonnage, but the decision of the Attorney General stands to this day, and it is to relieve the operations on the Isthmus of the decision of the Attorney General that this bill has been introduced.

Mr. DEWALT. Will the gentleman allow an interruption?

Mr. ESCH. Yes.

Mr. DEWALT. Will the chairman of the committee be kind enough to state to the Committee of the Whole just how that decision effected to work a discrimination in favor of the shipping of England as compared with the shipping of the United States at the Panama Canal, particularly of England, because that is a very concrete instance? Explain the difference in measurement, and then the discrimination as shown in the tonnage.

Mr. ESCH. I have quite a number of illustrations furnished by Gen. Goethals showing such discriminations, and I might as well call attention to them at this time. Take the case of the *Minnesotan*, an American vessel, with a length of 408 feet, beam 54 feet, draft 28 feet, with a corrected register under United States rules of measurement of 4,109 tons. Now, the maximum amount of tolls that can be collected under the present regulation—that is, under the regulation necessitated by the Attorney General's decision—amounts to $5,136.25. If the Panama Canal measurements were applied to that vessel, her tonnage would have been 4,610 tons, a difference of over 500 tons, and she would have paid canal tolls under the Panama Canal rules of measurement of $5,532.

Mr. MOORE of Pennsylvania. What is the name of the vessel?

Mr. ESCH. The *Minnesotan*, an American vessel. Take the case of the *Berwick Law*, a British vessel of 404 feet in length, only 4 feet shorter than the American vessel, 53 feet beam, 26 feet draft, which had a corrected tonnage under United States rules of only 2,939 tons, and her tollage under this ruling of the Attorney General amounted to only $3,673.75, whereas if the Panama Canal rules of tollage and measurement had been prescribed that British vessel would have been reckoned at 4,630 tons and she would have had to pay $5,556 in tonnage dues. In other words, there is a discrimination against the American vessel, of practically the same capacity as the British vessel, of $1,462.50. I have a whole list of vessels showing the same discrimination, not merely as in favor of British vessels, but Norwegian, Japanese, Greek, and other vessels.

Mr. MOORE of Pennsylvania. Will the gentleman put in the list?

Mr. ESCH. Yes; I will insert the list as part of my remarks.

Mr. DEWALT. Will the chairman be kind enough to explain to the Committee of the Whole as to the difference in the deck loads as prescribed by one rule and the other and show how that discrimination works in favor of foreign vessels?

Mr. ESCH. Tonnage, as determined by United States rules of measurement for the purpose of paying tonnage, lighterage, and light dues, is made in such way as to favor American ships when they go into foreign ports, the foreign port accepting the registered tonnage of the American ship. It is done to favor American shipping; but a few days after the Attorney General filed his ruling the Commissioner of Navigation, on March 15, 1915, removed the open space or deck-load space of American vessels from being included in this registered tonnage, thus further decreasing the tonnage and lessening the cost of the American vessel when it was in a foreign port; but the officers on the Panama Canal Zone, after the decision of the Attorney General, had to abide by the rules of the Commissioner of Navigation of the United States; so that when a vessel went through the Panama Canal the authorities there could not add to the tonnage the open-deck or deck-load spaces, even though they might be filled with cargo. This further diminished the revenue. Moreover, other vessels of other nations so devised their ships that they avoided a certain amount of tonnage. It was because of freak construction of their vessels. They make what are known as freak ships, ships designed to carry the heavy deck loads, a load in the open spaces on the decks which are not included in the net tonnage upon which the tonnage taxes are payable. From this you can readily understand how, as the result of the ruling of the Attorney General and this more recent modification by the Commissioner of Navigation of the United States removing the open spaces and the deck load from being considered as a part of net tonnage, a large reduction in the revenues resulted.

Foreign vessels are more guilty in this respect than American vessels. We have not learned the tricks of the foreign shipbuilders; we have not had a large enough merchant marine to study devices by which other nations can lessen the tolls thus passing through our canal. At Suez they had the same devices to escape Suez Canal rates until the authorities there made a rule that every vessel going through it should pay the tonnage dues on the open-deck spaces of the ships. And we should apply a like rule on the Isthmus, and we will apply it if this bill becomes a law. For if this bill becomes a law the Panama Canal authorities, under the Panama Canal rules of fixing tolls and measuring vessels, will charge a vessel upon its earning capacity, the only fair and just standard.

Mr. HULINGS. Will the gentleman yield for a question?

Mr. ESCH. I yield.

Mr. HULINGS. Could not all these complications be avoided if they would just adopt a plan of charging according to the displacement?

Mr. ESCH. No. Displacement tonnage is applied, by all nations on the earth, only to vessels of war. It has not been found applicable to merchant ships. The unit of measuring tolls for a merchant ship is the net registered ton, which consists of 100 cubic feet of space.

Mr. HULINGS. Why do you not measure just the depth it sinks into the water, and then you will know whether it is a whole load or a half load or open-deck load?

Mr. ESCH. That ignores this principle which is carried in the Panama Canal rules of measurements. You should charge a vessel upon its earning capacity. Displacement tonnage would not do that.

Mr. HULINGS. Would it not be a pretty good scheme just to make American commerce free in the canal, as it ought to be, and go back to what the original idea was in having built this canal as to coastwise vessels? [Applause.]

Mr. ESCH. That was a question which was determined years ago.

Mr. HULINGS. It was determined at that time because there were some very delicate circumstances that had arisen. After every party in the United States had declared for free tolls and the Congress had passed it, then it was repealed because of some very delicate circumstances that arose, and nobody yet knows what they were.

Mr. ESCH. That has been passed upon by Congress and is not an issue in this bill.

Mr. CLEARY. Will the gentleman yield briefly?

Mr. ESCH. I will.

Mr. CLEARY. The gentleman from Pennsylvania just mentioned that it might be well to figure on displacements. Being in the transportation business myself, it comes to my mind that if you have a heavy boat she carries weight of structure instead of weight of cargo, and yet you would have the displacement just the same. If you had a heavy ship, built much heavier than some other ships, she might draw 20 feet of water and yet would not carry anything like the tonnage that a light-built ship would carry, because one would be carrying a cargo and the other the weight of structure.

Mr. ESCH. I can not yield further.

Mr. MONTAGUE. May I ask the gentleman, in addition to what the gentleman from New York [Mr. CLEARY] has said, if this is not also true, that a very valuable cargo might make a slight displacement as compared with a less valuable cargo of great displacement?

Mr. ESCH. Yes.

Mr. KAHN. Is it not a fact that in the Suez Canal the rate is on the tonnage of the ship, irrespective of the fact of whether she carries a deck-load cargo or not?

Mr. ESCH. At Suez, I think, they have incorporated the Danube rule of measurement.

Mr. KAHN. They do not charge specially for cargo space; they charge for tonnage.

Mr. ESCH. Yes; they charge on tonnage.

Mr. KAHN. And that is all.

Mr. ESCH. They follow the Danube rule of measurement with reference to the exclusion of space used by engines, coal bunkers, and so on.

Mr. KAHN. I have a letter from one of the leading shippers in the West, who states the rule just as I have stated it to the chairman.

Mr. ESCH. Mr. Chairman, I have printed as a part of my report the financial operations of the canal for the year ending June 30, 1918, which I think is very pertinent to this inquiry. In the report of L. R. Sargent, the marine superintendent of the Panama Canal, and chairman of the board of measurements, dated May 27, 1919, he makes the following statement:

For the year ending June 30, 1918, the auditor for the Panama Canal gives the following figures:

Tolls collected July 1, 1917, to June 30, 1918---------- $6,454,198.35
Tolls collectible under Panama Canal rules---------- 7,522,195.68

In other words, the amount uncollected through operation maximum limitation based on United States rules was $1,083,111.69. Because we did not have the rules of measurement as originally proclaimed by the President, this Government has lost $1,083,000.

Mr. MONTAGUE. For one year?

Mr. ESCH. For one single year. And the total loss up to the present time, resulting from this decision of the Attorney General, amounts to the great sum of $2,797,000.

Oh, I know it may be said that the canal was not built as a financial or profit-making scheme. I am not urging this bill to make it a profit-making scheme. I am asking simply that there may be enough revenue derived from the operation of the canal under the old rules of measurement to meet the increased cost of operating the canal owing to the increased cost of wages and materials. That certainly is a legitimate object.

Mr. MONTAGUE. And I understand the gentleman also urges it for the very great reason that our ships may be put upon terms of equality with foreign ships?

Mr. ESCH. Yes. And that raises the question of discrimination.

Mr. MONTAGUE. As I understand it, foreign ships paid 20 per cent less than we paid.

Mr. ESCH. I have here a statement showing that 50 foreign ships, taken at random, as compared with 50 vessels carrying tonnage of the United States, going through the canal, would pay 20 per cent less tonnage dues than American vessels, because of this opinion of the Attorney General, and the necessity for adjusting the tolls there under the United States rules of measurement.

Examples of discrimination against American vessels because of the decision of the Attorney General.

[Net tonnage.]

Name of ship.	Nationality.	Length.	Beam.	Draft.	From register.	Corrected.[1]	Maximum tolls collectible under present regulations.	If Panama Canal rules alone applied.	
								Tons.	Tolls.
Case I:									
Minnesotan	American	408	54	28	4,068	4,109	$5,136.25	4,610	$5,532.00
Berwick Law	British	404	53	26	2,939	2,929	3,673.75	4,630	5,556.00
Difference							1,462.50		24.00
Case II:									
I. K. Thurlow	American	313	46	23	2,500	2,523	2,932.80	2,444	2,932.80
Bintang	Danish	310	44	25	1,813	1,834	2,292.50	2,109	2,530.80
Difference							640.30		402.00
Case III:									
Santa Catalina	American	404	54	26	4,026	4,325	5,290.80	4,409	5,290.80
Lowther Castle	British	400	52	25	2,740	2,740	3,425.00	4,367	5,240.40
Difference							1,865.80		50.40
Case IV:									
Santa Cruz	American	384	50	27	3,284	3,506	4,382.50	3,751	4,501.20
Strathesk	British	376	52	26	2,802	2,802	3,502.50	3,565	4,278.00
Difference							880.00		223.20
Case V:									
Santa Clara	American	405	54	26	4,026	4,325	5,390.40	4,492	5,390.40
Strinda	Norwegian	439	57	26	3,485	3,485	4,356.25	5,052	6,062.40
Difference							1,034.15		672.00
Case VI:									
Dakotan	American	408	54		4,069	4,757	5,701.20	4,751	5,701.20
Port Curtis	British	401	53		2,998	3,040	3,800.00	4,204	5,044.80
Difference							1,901.20		656.40
Case VII:									
Montanan	American	408	54		4,063	4,746	5,647.20	4,706	5,647.20
Challister	British	425	54		3,369	3,397	4,246.25	5,354	6,424.80
Difference							1,400.95		777.60
Case VIII:									
Montanan	American	408	54		4,063	4,746	5,647.20	4,706	5,647.20
Curaca	British	403	52		4,067	4,112	5,140.00	4,611	5,533.20
Difference							507.20		114.00
Case IX:									
Isthmian	American	383	50		3,464	4,215	4,770.00	3,975	4,770.00
Copenhagen	British	385	52		2,910	3,248	4,060.00	3,735	4,482.00
Difference							710.00		288.00
Case X:									
Isthmian	American	383	50		3,464	4,215	4,770.00	3,975	4,770.00
Hesperos	Norwegian	390	52		2,723	2,723	3,403.75	4,214	5,056.80
Difference							1,366.25		286.80

[1] In accordance with United States rules for measurement.

The Suez Canal authorities found it necessary to increase the toll rates on that great waterway since the war began. When the Panama Canal tolls were fixed at $1.20 per net registered ton, they were almost exactly the tolls charged at the Suez Canal. What are they to-day? To-day the Suez Canal charges are $1.60 per ton, and we keep the $1.20 rate. If this bill becomes a law, there will be sufficient increase of revenue to meet the increased cost of operation and the cost of supplies down there at the Isthmus.

The chief opponents of this bill are really the lumber interests of the Northwest. They naturally desire to have open-deck spaces upon which to put their dimension timbers. They want to have, in a way, a special privilege.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. ESCH. And thus not to be subjected to charge for full tollage.

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Washington?

Mr. ESCH. Yes.

Mr. JOHNSON of Washington. Does the gentleman think that is the contention of the Northwest lumber shippers?

Mr. ESCH. I think, in effect, that is what they want.

Mr. JOHNSON of Washington. Is not the gentleman willing to concede that if the net tonnage of a vessel can not be used to full capacity it should not pay for an empty hold and lumber on the deck also?

Mr. ESCH. If that contention can be made by the lumber interests, it can be made by other interests.

Mr. JOHNSON of Washington. And it puts a penalty upon lumber interests.

Mr. ESCH. And if you except lumber, it makes a discrimination.

Mr. JOHNSON of Washington. They speak of British ships coming in there with sheltered decks and inclosures. Does the gentleman contend that they shall not have the best of it?

Mr. ESCH. No. Under the Panama Canal rules of measurement the earning capacity of any vessel is charged, no matter where the cargo is put, whether in the hold or put on open deck with sheltered spaces. Every bit of freight-earning capacity is charged for under the original Panama Canal rules. We want to get back to them.

Mr. JOHNSON of Washington. The lumber-carrying business going through the canal has not only to pay the net earning-capacity space, but also what it carries on the deck, and that is to the detriment of what little American coastwise traffic we have.

Mr. ESCH. Mr. Chairman, how much time have I used?

The CHAIRMAN. The gentleman has used 25 minutes.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. ESCH. Yes; I yield.

Mr. MILLER. I would like to ask the chairman of the committee this question: Take two vessels, sister ships, built on exactly the same mold, one of them having a load of paving brick in her hold and the other having a load of lumber, a partial load, on the upper deck. How would the toll of those two ships compare? Would not the lumber pay for going through the canal?

Mr. ESCH. Under the Panama Canal rules of measurements she would pay more because she is using greater cargo space.

Mr. MILLER. Now, may I ask another question?

Mr. ESCH. Yes.

Mr. MILLER. In other words, you are putting up to this Congress this proposition of two vessels of the same tonnage, carrying the same tonnage, one of them loaded with paving brick and one with lumber on the deck, paying different rates.

Mr. ESCH. That exists in all transportation. You can not avoid it in railroad transportation by any rule that I know of.

Another thing that I wish to call attention to is the difficulty of administering two sets of rules on the Isthmus, as must be done since the decision of the Attorney General. They admeasure the vessels according to the Panama Canal rules. They measure according to the registered tonnage under United States rules, and if the admeasurement by Panama Canal rules exceeds the maximum of $1.25 per ton, the Panama Canal rules can not be applied. We also use the United States rules of measurement, so that we have two systems that we have got to administer on the Panama Canal Zone, and this has caused confusion and caused dissatisfaction among all shippers that use the canal.

Another thing: Under the present method of administration the officials of the Panama Canal Zone can not make any changes. All changes are submitted to the Commissioner of Navigation, here in Washington, and his word governs on the Isthmus. If we had the Panama Canal rules in operation, decisions would be made on the Isthmus, on the spot, and without delay.

Why, on the 1st day of July, 1917, the Commissioner of Navigation changed certain rules of admeasurement of vessels. Notice of the change did not get down to the Isthmus until early in August. For a whole month officials on the Isthmus charged rates as they existed prior to July 1. What was the result? We had to pay claims for overcharge because of this conflict of jurisdiction, not to say anything about the delay in administering the law.

It does seem to me, gentlemen, that from the point of view of administration alone we are justified in asking you to vote for this measure. But that is not all. I have talked about the amount of expense and the amount by which we would increase our revenues if these original Panama Canal rules were put into operation. I wish to read a conclusion in one of the official reports on this matter:

DISCRIMINATION AGAINST AMERICAN VESSELS AND VIOLATION OF TREATIES.

Under present conditions particular classes of vessels may optionally take advantage of certain privileges in the classification and exemption of space, which gives them a decided advantage over others less favored. This is particularly true in the case of foreign vessels. Such discrimination is a clear violation of the Hay-Pauncefote treaty, which stipulates that there should be no discrimination in favor of the vessels of any nation, and operates to the disadvantage of American ships of commerce. It is also in violation of the cardinal principle, which was adopted by the Panama Canal authorities in the preparation of their rules, to the effect that all vessels should be required to pay tolls on their actual earning capacity. The unrestricted application of the Panama Canal rules will avoid any question of discrimination and violation of treaties.

What more just principle can be adopted than to charge an actual earning capacity of a vessel?

Mr. Chairman, this bill comes before this Congress with the indorsement of the Secretary of War. It comes here with the indorsement of Col. Harding, Governor of the Panama Canal Zone. It comes here with the indorsement of Gen. Goethals, who knows more about the canal and its administration than any other living man. It comes here with the indorsement of the Commissioner of Navigation, who stated that the Panama Canal rules of tollage and measurement were the most scientific rules in any nation in the world. For these reasons we ask that this bill be passed. [Applause.]

Mr. MONTAGUE. May I ask the gentleman if the bill does not also come with the indorsement of a former unanimous report of his committee?

Mr. ESCH. Yes.

Mr. MONTAGUE. And also of a Senate committee upon the same subject?

Mr. ESCH. Yes; it has been favorably reported to Congress three times.

I reserve the remainder of my time.

The CHAIRMAN. The gentleman has used 32 minutes.

Mr. JOHNSON of Washington. Mr. Chairman, I desire to be recognized in opposition to this measure.

The CHAIRMAN. Before recognizing the gentleman from Washington the Chair will ask if there is any member of the committee opposed to the bill?

Mr. ESCH. I know of no member of the committee who is opposed to it.

The CHAIRMAN. Then the Chair will recognize the gentleman from Washington [Mr. JOHNSON] for one hour.

Mr. JOHNSON of Washington. Mr. Chairman, I desire to say to the members of the committee that at the right time in the consideration of this bill I shall move to strike out all after the enacting clause and insert in lieu thereof—

That all vessels enrolled, registered, or documented under the laws of the United States shall not be liable to the payment of any tolls in passing through the Panama Canal.

[Applause.]

And that, in my opinion, is not subject to a point of order.

Mr. SANDERS of Indiana. I reserve a point of order on the amendment.

Mr. JOHNSON of Washington. I am not offering it now. I shall offer the amendment at the proper time in the exact language of the law that gave to our coastwise ships some rights in the Panama Canal.

I desire now to yield to the gentleman from California [Mr. KAHN] such time as he desires. [Applause.]

Mr. KAHN. Mr. Chairman, the legislation that has been proposed by the Committee on Interstate and Foreign Commerce is not a new matter. It has been pending before Congress quite a good many years.

It is true that the owners of vessels on the Pacific coast, and particularly those vessels that carry lumber, protest against this legislation. Many of those vessels carry deck loads of lumber. Some of them carry lumber in the hold as well as on the deck. In some of the vessels, I understand, it is very difficult to load lumber in the hold, and so practically the whole lumber cargo has to go on the deck.

Now, the Suez Canal rates are predicated on the net tonnage of the vessel, without regard to whether she carries her cargo on the deck or in the hold, and that is all that is asked by the people who are opposed to this bill.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. JOHNSON of Washington. And also without regard to whether the vessel is a quarter full, half full, or carrying a full load?

Mr. KAHN. Precisely. After the net tonnage has been once ascertained by the officers at the Suez Canal charged with the duty of ascertaining what the net-tonnage capacity of the vessel is, the vessel must pay that price regardless of whether she has any cargo aboard or not.

Mr. SIMS. May I ask the gentleman a question?

Mr. KAHN. Certainly.

Mr. SIMS. Does the gentleman say that at the Suez Canal an empty vessel having no cargo goes through free?

Mr. KAHN. No; I say just the opposite of that. She pays on her net-tonnage capacity.

Mr. SIMS. But without a cargo she would have no tonnage.

Mr. JOHNSON of Washington. She pays on the full net tonnage, whether it is water ballast or what.

Mr. ESCH. The rule is that she pays on her net registered tonnage, which means the space, whether used or not.

Mr. KAHN. I understand; but the conditions at the Suez Canal enable every vessel to be treated alike, whether she carries cargo on the deck or not. I will read from the report of the committee:

Suez rates have increased to $1.60 per ton on all vessels, whether loaded or in ballast, an increase of 33⅓ per cent. Meanwhile Panama Canal rates have been in effect reduced 13 per cent.

It seems to me there ought to be some way of reaching a condition of that kind at Panama without penalizing a ship that happens to be carrying lumber, because lumber is essentially a deck cargo.

Now, the Panama Canal, as has been truly said by the gentleman from Pennsylvania [Mr. HULINGS], when originally built by the Government of the United States, was intended to afford some advantage to American shipping in the coastwise trade. The Congress passed a law originally giving vessels of that character this special privilege. The Democratic platform advocated it. The then Democratic candidate for President, Woodrow Wilson, advocated it. Subsequently, when a change of administration took place, the President of the United States came to Congress and asked that that provision be repealed. We were led to believe that grave and serious international complications existed that required, for the sake of our national honor, that that law be repealed. Nobody has ever found out to this day what the great international question or complication was, but the law was repealed. As a consequence of the repeal, thousands of tons of shipping that would have been built for the coastwise trade between the west coast and the east coast of this country were not constructed. Then we found ourselves in a Great War without a fraction of the tonnage that we would have had if the Panama coastwise-trade provision had been allowed to stand as the law.

Mr. DENISON. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. DENISON. I desire to call the attention of the gentleman from California to the fact that I think he has inadvertently made a statement with regard to the Suez Canal which is not correct. Gen. Goethals testified before the committee that under the rule in force at Suez they charge for all earning capacity, deck space as well as under-deck space.

Mr. JOHNSON of Washington. When was that?

Mr. DENISON. Gen. Goethals's testimony is in the hearings.

Mr. KAHN. What was the date of those hearings?

Mr. DENISON. 1916.

Mr. KAHN. I have here a letter from Capt. Robert Dollar, one of the best-known shipping men in the United States, a man who sails ships on the seven seas. I do not think there is a better-posted shipping man in this country than Robert Dollar. On July 31, 1919, this year, he states:

The tolls should be levied on the tonnage of the ship, irrespective of whether she carries a deck load or not. This is the Suez Canal regulation.

Mr. DENISON. That is exactly what Gen. Goethals testifies—with the actual capacity put on the deck.

Mr. KAHN. I will read Capt. Dollar's letter. It is as follows:

Answering the questions of the War Department, under date of July 23:

Question No. 1: I do not think that it is right to penalize lumber by making it pay a higher rate through the canal than any other commodity.

Question No. 2: The tolls should be levied on the tonnage of the ship, irrespective of whether she carries a deck load or not. This is the Suez Canal regulation.

I call attention to the fact that Capt. Dollar says it is irrespective of whether she carries a deck load or not. So there is no additional pay if she carries tonnage on deck. As I understand it, she pays on her tonnage capacity, whether she carries cargo or not.

Question No. 3: In this connection, would say that there should be no tolls charged on any deck load of any kind or description. It is sufficient that a ship pay the full tariff, the same as charged for passage through the Suez Canal, as stated above.

Question No. 4. By no process of reasoning is it fair to penalize lumber more than coal, iron, or any commodity that is carried on deck, and no commodity carried on deck should pay tolls. Charity begins at home, and why should lumber be so penalized as to pay a tax that no other foreign commodity is asked to pay?

This letter is signed "Robert Dollar." I take it that Capt. Dollar knows what he is talking about; he knows the shipping conditions in the Suez Canal, and knows the shipping conditions in the Panama Canal.

Mr. DEWALT. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. DEWALT. Will the gentleman state, if he knows, how a vessel sailing under the British flag is measured, and how her tonnage is calculated, and how the rate of her tolls is fixed when she passes through the Panama Canal?

Mr. KAHN. I will say frankly to the gentleman that I am not a shipping man. I wish I knew more about it than I do, but I have to depend on other gentlemen to supply me with information.

Mr. DEWALT. That is the very meat of what the gentleman is arguing.

Mr. JOHNSON of Washington. Will the gentleman from California yield?

Mr. KAHN. Yes.

Mr. JOHNSON of Washington. They are measured by the Panama rules, as modified by the Bureau of Navigation regulations as to deck space.

Mr. DEWALT. I am asking the gentleman from California the question.

Mr. JOHNSON of Washington. Well, I state that, and when I put the complete Panama rules in, the gentleman will have the Panama rules and the American rules.

Mr. DEWALT. The gentleman from California gives it up.

Mr. KAHN. No; there are two kinds of measurements.

Mr. DEWALT. Does the gentleman give up the conundrum?

Mr. KAHN. No.

Mr. DEWALT. Does the gentleman from Washington give it up?

Mr. JOHNSON of Washington. I do not give it up, because I have here Prof. Johnson's book, but it would take from now until night to read it.

Mr. DEWALT. Here is the categorical question: A vessel sails through the Panama Canal under the British flag. How is she measured as to tonnage, and how is the rate of toll calculated?

Mr. JOHNSON of Washington. She is measured on the net tonnage basis.

Mr. DEWALT. If that is so, where is she measured, in Panama or in the port from which she loads?

Mr. JOHNSON of Washington. I do not know; I think at Panama. Where is she measured?

Mr. DEWALT. According to the English rule; she is built according to English construction, and by that very fact when she passes through the Panama Canal she gets a discriminatory rate under that tonnage; that is what this bill is attempting to prevent. When you gentlemen confess that you do not know how she is measured, and do not know how she is built, and do not know how tolls are calculated, you are arguing about something you do not understand.

Mr. KAHN. That statement is not correct and it is not entirely fair. I have read from the letter of Capt. Dollar, who does know and is a gentleman of the highest authority. I have absolute confidence in any statement he may make on the subject.

Mr. DEWALT. But that does not touch this subject.

Mr. KAHN. It touches enough of the subject to show that you penalize lumber when you attempt to do what this bill is trying to do, and that is what we object to.

Mr. DEWALT. Will the gentleman permit another question?

Mr. KAHN. No; I can not now. The statement has been made that to meet these conditions peculiarly shaped vessels, or "freak" vessels, will be built for the purpose of carrying lumber cargoes. That is absurd, absolutely absurd. You could not profitably build a vessel that will carry cargoes only one way. You have got to carry a return cargo. If you carry

lumber to the eastern seaboard, you must have a cargo of some kind to take back to the western seaboard, and you could not use a "freak" ship to carry a general cargo.

The situation in the West is very serious. Our market is limited. The railroad rates are high. It is a distinct advantage to the eastern seaboard to allow lumber to come through the Panama Canal, because it comes to the eastern seaboard at a lower rate, and the consumer gets the benefit of that.

Mr. REED of West Virginia. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. REED of West Virginia. In the beginning the gentleman referred to the original purpose of the Government when it constructed the Panama Canal with reference to tolls—free tolls.

Mr. KAHN. In the coastwise trade.

Mr. REED of West Virginia. Does my colleague understand that any foreign government reimburses its citizens for tolls paid in passing through the Panama Canal?

Mr. KAHN. I have heard it stated that rebates were made to the owners of shipping by some Government other than our own.

Mr. REED of West Virginia. Placing our ship at a disadvantage?

Mr. KAHN. Exactly; our ship is always put at a disadvantage. It is an unfortunate thing that the American flag on the masthead of vessels is seldom protected by the Congress of the United States or anybody else. I, for one, feel that the time has arrived when the American flag should be nailed to the mastheads of American ships. [Applause.] And the only way you can do that is to refuse to pass laws that will put our American ships at a distinct disadvantage. I yield back the remainder of my time. [Applause.]

Mr. JOHNSON of Washington. Mr. Chairman, how much time did the gentleman from California use?

The CHAIRMAN. The gentleman used 19 minutes.

Mr. JOHNSON of Washington. Mr. Chairman, a query concerning ship measurements was asked a few minutes ago and some surprise expressed because a couple of Pacific coast Members could not answer in detail. Here is a book, with large-sized pages, 600 of them, and numerous maps, endeavoring to explain the measurements of vessels for the Panama Canal, a book by Dr. Emory R. Johnson, a valuable book by a learned man, and here are the hearings of the committee in the Sixty-fourth Congress on this subject, now out of print and available only in these bulky volumes for such Members of Congress as desire to acquire some knowledge of this effort to put American coastwise shipping, carrying certain commodities that are the product of this country, clear out of a fair chance through this canal. I have looked into these hearings. I made a statement here a few minutes ago in an effort to have the question of consideration on this measure voted upon; that the hearings upon this particular bill are not sufficient to inform the Members. I was referred then to the hearings held in 1916 by the Committee on Interstate and Foreign Commerce, and I find that committee was made up as follows: William C. Adamson, of Georgia, chairman; Mr. Sims, Mr. Cullop, Mr. Doremus, Mr. O'Shaunessy, Mr. Stephens, Mr. Barkley, Mr. Rayburn, Mr. Montague, Mr. Decker, Mr. Coady, Mr. Carew, Mr. Dewalt on the then majority side; and on the then minority side, Mr. Esch, Mr. Hamilton, Mr. Parker, Mr. Sterling, Mr. Winslow, Mr. J. S. Parker, Mr. Sutherland, and Mr. Dillon, so that the membership present here to-day can see that that committee is almost entirely changed, a great number of the then majority having gone hence. There are 33 or 34 pages of that hearing in this bound volume devoted to this scheme developed in the War Department and has been kept alive by the everlasting hammering of the War Department officials who did not like it when the Attorney General rendered his decision contrary to their views. They have kept it up, and I defy any Member of this House, not a member of this Interstate and Foreign Commerce Committee, to read these hearings in 1916 and find out what they were all about. So much for the hearings. This year they have railroaded out this bill on short notice because the War Department wants it put over now at a time when, in the words of the distinguished gentleman from Tennessee [Mr. SIMS] himself, such bills as these were chicken feed. That is the way we get them, on short notice and with little information. Now I wonder——

Mr. SIMS. I beg the gentleman's pardon. It was the distinguished gentelman from Illinois [Mr. MANN] who referred to certain bills as chicken feed.

Mr. JOHNSON of Washington. The suggestion was made by the distinguished ex-Speaker of the House [Mr. CLARK] to the distinguished former chairman of this committee that when he, the gentleman from Tennessee, referred to them as chicken feed he should put it in parentheses as being ironical, and I think he should. Now, in reference to the contention, let me say, to make it clear, I am not a shipping man, nor do I have much knowledge of the lumber-shipping business—that the gross tonnage of a vessel includes its entire closed-in capacity; the net tonnage is, approximately, a vessel's capacity available for cargo and passengers. The gross tonnage is obtained by measuring the contents of the closed-in spaces above and below the upper deck and by dividing the contents thus obtained by 100, if in cubic feet, or by 2.83 if in cubic meters. The net tonnage is ascertained by deducting from the spaces included within the gross tonnage the spaces required for the crew, for the navigation of the ship, and for propelling power. A vessel ton, net or gross, is 100 cubic feet, or 2.83 cubic meters. A vessel's net tonnage is its earning capacity in units of 100 cubic feet or 2,83 cubic meters.

There you have it. Now, then, lumber is a bulky commodity. It is not possible for us in the Pacific Northwest to ship lumber through the Panama Canal in the hold to the capacity of that vessel, upon which we will pay the full capacity charges. Remember, the vessel with any cargo at all, even two sticks of cargo, pays the toll on its full tonnage capacity. When we load the vessel the best we can, say an 8,000-ton vessel, we can put, for instance, only 5,000 tons of railroad ties in the hold, bulky, cumbersome material. We are then forced to pay full rates on the full carrying capacity of that vessel. So we put some heavy lumber on the deck. Now comes this bill, and the committee and the War Department go out of their way to assault one particular industry in the far-away part of these United States; they come along and propose the law that because we have not been able to load our commodity to the capacity of the ship that we shall pay for what is on deck. But we have already paid. In other words, we will pay the full capacity charge plus what we had to put on the deck, and that will include ship timbers, bridge timbers, sometimes 4 feet through, 80 or 90 feet long, which are not conveniently put in the holds of small vessels.

Mr. BARKLEY. Will the gentleman yield?

Mr. JOHNSON of Washington. I will.

Mr. BARKLEY. Suppose there is no freight whatever put in the hold of the ship and it is all put out on the deck. What would the ship pay for going through the canal?

Mr. JOHNSON of Washington. They do not load ships in such a way.

Mr. BARKLEY. But suppose they did?

Mr. MADDEN. Suppose they build barges and do not have any hold?

Mr. JOHNSON of Washington. Oh, well, suppose it was a heavy raft of logs.

Mr. BARKLEY. Does not the gentleman know that they are now building ships that have practically no holds, but most of the cargo is put out on the open deck?

Mr. JOHNSON of Washington. Here is the Government, that got into the shipbuilding business, building wooden ships. They said they needed them, and said they were going to make them spot the oceans as thickly as blackbirds in the sky. So they ordered the Ferris type of ship. And as a result we have got right now the finest lot of neat little packet boats you ever saw, 400 of them, 70 years behind the times—pretty little 5,000-ton boats, with nice little hatchways in them, 7 or 8 feet square, for the purpose of going on the sea and doing a big business. It would be impossible to load a cargo of big timbers in one of them in two months.

Our western shipbuilders persuaded the Government that we could do a lot better, and finally the Government let us build a few of the Ballin type of ship, where there could be a little more deck space provided. We managed to build for the Government 17 or 18 of those ships. Then we persuaded the Government to let us build a few of the Grays Harbor type, which is more like the ship we have out in the coast carrying business to-day, and which they send through the canal. Our lumber carriers are ships low cut, with crew's quarters at each end and space on the deck for carrying heavy cargo.

Now, you take this space-measurement plan, and when we get a bulky cargo we are absolutely discriminated against, just as the gentleman from California [Mr. KAHN] said. You take one of those ships going east, and if it were loaded, say, with railroad iron on the deck, there would be a very trifling deck charge, because those 100 cubic feet spaces are not filled up very fast with that sort of commodity. They talk as if we might build some freak ships. Do you suppose that ships that come from the Pacific coast and pass through the canal to the ports of Norfolk and Boston and New York are going back without any cargo? On the contrary, they carry acceptable cargoes back and pay canal tolls both ways. I am just as satisfied as

can be that this thing has been built up and worked up by continual charges, such as some printed here, which I think are undignified and improper to be in a report of a committee of the House of Representatives. The Secretary of War sends up here a letter——

Mr. OSBORNE. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. OSBORNE. In reply to the question of the gentleman from Kentucky, whom I notice has just stepped out, as to the charging of tolls on the inside capacity of the ship, is it not a fact that under this arrangement they do pay tolls on capacity inside whether they have got anything or not, and then pay the extra tolls for deck load?

Mr. JOHNSON of Washington. Provided they started with a cargo toll.

Mr. OSBORNE. And then you pay extra for the space you actually use for cargo?

Mr. JOHNSON of Washington. Certainly. The Secretary of War sends up here on July 3 a letter advising the passage of this bill and inclosing a suggested copy of the bill. On July 12, one week later, the bill is reported out, and in the Secretary of War's letter is inclosed a copy of a letter from Gen. Harding, governor of the canal, in which he says:

> The matter has been covered heretofore in hearings before the congressional committees and by written communications that have formed parts of the records of the hearings. In the last Congress the bill reached the stage of having been favorably reported by the House Committee on Interstate and Foreign Commerce and of having been placed on the House Calendar—

That was in the Sixty-fifth Congress—

> In the Senate the Committee on Interoceanic Canals favorably reported the bill, but on account of the opposition of the lumber interests of the Pacific coast the bill was rereferred to the committee for further hearings and was never again reported.

I presume that under the rules of this House I am barred from discussing procedure in the other body, but I can reply to this letter of Gen. Harding, and say that that is not a fair statement of the case. This toll bill, which only got as far as the calendar in the last House, got out on the floor of the Senate and had to go back, because the letter and reports and statements as to measurements, such as have been referred to in the opening statements made here this afternoon, did not bear examination.

Now, you want to remember when you come to discuss the ships of the world, that these other great nations have been in the shipping business a long, long time, and they have driven the United States out until these little coastwisers are about all the ships we have. And they have in their measurements about every kind of device for beating the game that there is—shell decks, awning decks, and every other kind. I have not any doubt that the statement made to the effect that they get the best of it in going through the canal is correct. And I would be glad to see plans perfected by which they can be controlled, but at the same time I think, in doing that, this Congress, without further hearings and more complete knowledge or study, is going a long, long way against the American ship and American flag, and the lumber business of the Pacific Northwest, in putting on us a double price to go through that canal.

Gentleman, I reserve the balance of my time. [Applause.]

Mr. SANDERS of Indiana. Mr. Chairman, by direction of the gentleman from Wisconsin [Mr. ESCH] I yield 10 minutes to the gentleman from Tennessee [Mr. SIMS].

The CHAIRMAN. The gentleman from Tennessee is recognized for 10 minutes.

Mr. SIMS. Mr. Chairman, the people of the Northwest States—Oregon and Washington—have more lumber in the tree than any other 2 States in the United States, perhaps than any 10 States. They have a great lumber industry, and before the Panama Canal was built they either had to pay railroad rates to the East, if they sold lumber here, or they had to go around South America. They had to do it then, and they can do so now.

Now, if they pay for lumber loaded on the deck through the Panama Canal, will they not still have a great benefit in the canal? But, in effect, they do not want to pay any charge upon lumber going through the canal. They want to load it all on the deck, and therefore have it go absolutely free of toll. It will pay nothing with which to reimburse the taxpayers of the United States, who spent $400,000,000 that they might not have to go around Cape Horn. Does that look like a broad, patriotic, generous spirit? It is of great benefit to them to use the canal rather than to go around the Cape. They have the privilege now of going around if they want to do so, but it is to their commercial interest to use the canal. However, they want to use it free, because they can load on the deck practically all of their lumber.

Mr. CANNON. Will the gentleman allow me to ask him a question?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. SIMS. Certainly.

Mr. CANNON. I do not know anything about the facts in the matter, not being a seaman. As I understood somebody to state here, the capacity to carry in that hold is charged for; that is, the capacity under the deck and the deck capacity also, for any ship that went through was charged for.

Mr. SIMS. That will have to be paid for.

Mr. CANNON. Whether it was loaded or not?

Mr. SIMS. Yes. That is absolutely true, Mr. Chairman. If they load lumber on top of the vessel and do not load any in the hold, or load anything else in the hold, they have to pay for that lumber what the space measured under the rules of the United States would amount to.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. JOHNSON of Washington. But no lumber-carrying vessel was ever loaded entirely on the deck, with nothing inside. No vessel could be loaded that way.

Mr. SIMS. But the gentleman will know that, so far as space in the hold of the vessel is concerned, that is measured either by the Panama Canal rules or the United States rules. It can be loaded with traffic other than lumber, and lumber can be loaded on top, and if enough such vessels are used the whole Oregon and Washington output of lumber can be transported absolutely free, because the traffic put in the hold would pay the toll, and it would not come out of the lumber at all.

Mr. JOHNSON of Washington. What cargo, for instance, from the Pacific coast could be shipped that way? Does the gentleman think that sugar from Hawaii could be shipped in combination with rough lumber?

Mr. SIMS. Something that could be loaded and carried in the hold while the lumber is placed on deck, and the tolls cost of transportation could be charged on the goods in the hold, while the lumber would go free. But the fact is that under the present rules lumber loaded on top of a vessel, or anything else loaded on top, would go absolutely free.

Now, is it fair to the taxpayers of the United States to have a profitable traffic go through the canal free—a traffic that is not limited to the canal, but which can go around the Horn by sailing or steam vessels—all the way around—and not pay anything?

Now, we are not even paying operating expenses on the canal; not paying them even if the Panama Canal rules are adopted. I ask gentlemen to look at this thing in a broad and generous way. The port charges and other charges made against vessels under United States rules are for a general service that applies to every port of the United States, and by courtesy we accept the measurements of other vessels in their country for like purposes. Now, the Panama Canal is a special tax-paid-for facility. The Isthmus was cut in two by the taxpayers and that special facility furnished. Therefore the rules for the Panama Canal may justly differ from the rules of port measurement for collection of port dues and all that sort of thing.

Mr. JONES of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Texas?

Mr. SIMS. Yes.

Mr. JONES of Texas. Does the revenue from the Panama Canal pay the operating expenses?

Mr. SIMS. It does not, so far.

Mr. REED of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. REED of West Virginia. Do the Ohio River locks and dams charge tolls?

Mr. SIMS. No. Those are free.

Mr. REED of West Virginia. Is not the Panama Canal one of our great rivers in a sense?

Mr. SIMS. Our rivers do not charge foreign vessels if they use them.

Mr. FAIRFIELD. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. FAIRFIELD. I will say that I asked Gov. Harding about that matter when I was down there, and he said the traffic would have to increase to three times what it is now in order that the canal might pay operating expenses.

Mr. SANDERS of Indiana. In that event the operating expenses would also include interest on the bonds?

Mr. SIMS. If he referred to interest, yes. But I am speaking of actual operating expenses.

Let me say reference was made several times to the act repealing the free-toll provision on American coastwise vessels. The point is this, that if we had that free-toll provision unre-

pealed, if the repealing provision had not been enacted, every American coastwise vessel would go through free. The bill ought to be changed as to foreign vessels if nothing else, because foreign vessels can do the very same sort of business that the Pacific coast gentlemen are doing now.

Mr. JOHNSON of Washington. Let us make the change this afternoon. Here are the exact words in which that bill was written. Think about it. We can fix this Panama Canal system of tolls, and all except coastwise can pay on the Panama measurement plan. Then we can put in the following provision, which must be the gentleman's own words used some years ago:

Provided, That from and after the passage of this act no tolls shall be levied upon vessels in the coastwise trade of the United States going through the Panama Canal, and all acts and parts of acts inconsistent herewith are hereby repealed.

Why not make that an American canal? Give the American cargo a chance. Let our coastwise vessels under our flag go through free.

Mr. SIMS. That is a very generous proposition, exceedingly so. But the world went to war because one nation regarded a treaty as a mere "scrap of paper." The gentleman knows that the Hay-Pauncefote treaty provided for equal and fair charges to all nations using the canal on the same basis.

Mr. JOHNSON of Washington. We can fix this whole thing up this afternoon.

Mr. SIMS. Here is what has been done: Under the ruling of the Attorney General applying the United States rules to the Panama Canal instead of the Panama Canal rules, which Congress made and against which no Republican or Democrat in this House voted, we have lost $2,797,260.26 since the operation of the canal began. A large portion of this sum was lost as to foreign vessels.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. SIMS. Mr. Chairman, can I have three minutes more?

Mr. ESCH. Mr. Chairman, I yield to the gentleman two additional minutes.

The CHAIRMAN. The gentleman from Tennessee is recognized for two minutes more.

Mr. SIMS. We had better to-day appropriate out of the Treasury of the United States a bonus, a subsidy, on Oregon and Washington lumber for the extra amount they have to pay rather than not pass this bill, and let the foreigners use the canal the same way these gentlemen are using it, because on the Pacific coast ships are being built with practically no space except deck-load space for carrying full loads on deck, and foreigners can do the same thing. Pay what you have to pay on deck loads rather than fail to pass this bill, if that is what it takes to get the bill passed. I hope the bill will be passed. It is nothing but justice and right.

Mr. Chairman, I believe my time has about expired. I hope the bill will be passed. It is nothing but just and right. It is not a Republican measure or a Democratic measure. It is a measure of absolute justice, and nothing else, as against the foreigner and not alone against the people of the Northwest.

Mr. JONES of Texas. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. JONES of Texas. Would not the granting of a subsidy be practically the same as free tolls?

Mr. SIMS. Of course it would to that extent. I say it is better to do that than not to pass this bill.

The CHAIRMAN. The time now stands that the gentleman from Wisconsin [Mr. ESCH] has 16 minutes remaining, and the gentleman from Washington [Mr. JOHNSON] has 27 minutes remaining.

Mr. JOHNSON of Washington. I desire to yield 10 minutes to the gentleman from Washington [Mr. MILLER].

Mr. MILLER. Mr. Chairman and gentlemen of the committee, everyone, whether he be a Member of Congress or not, or has ever been in Congress, knows that the Panama Canal was not built as a commercial enterprise; that its commercial use is incidental; that it was built for the strategic purpose of bringing the two coasts together. But as long as it is built for its strategic value, throwing the two coasts together under the naval program, it is susceptible of use along commercial lines. The income, from a commercial point of view, was not even considered as a factor in its construction, and such income now should not be considered of primary importance.

Now, I submit this proposition to the House, that if two sister ships, built on exactly the same molds, costing the same number of dollars, and carrying the same number of tons, are loaded, one of them with paving brick or railroad iron going from Seattle to New York, and the other loaded with lumber going from Seattle to New York, the lumber ship would have to pay $1,000 more to go through the Panama Canal than the ship loaded with brick would have to pay. Gentlemen, is that fair or honest? Is it a form of commercial honesty that should receive the approval of Congress?

Of course, a system of tolls is proper, but the question of tolls is not the entire or governing question. The canal was built, as I have said, to throw the two coasts together in our plan of naval and military operations, but whatever system of commercial tolls we make for its use by commercial vessels let us not in these tolls discriminate as between vessels carrying various American commodities or between cargoes part of which is in the hold of the vessel and part on deck or all in the hold. The tonnage is the same in either event.

Mr. MONTAGUE. Will the gentleman allow me to ask him a question?

Mr. MILLER. I have but three minutes.

Mr. BROOKS of Pennsylvania. How are you going to frame the law so as to make that right?

Mr. MILLER. The same analogy would make it cost you more to take 2 tons of hay across a toll bridge than 2 tons of iron or brick, simply because of its bulk. Everybody who knows anything about shipping lumber knows that you can not load a ship to its capacity with lumber in its hold. Out in our country we have large-dimension lumber that can not be put into the hold of a ship at all. You can take a 3,000-ton ship, and you can not load it to its capacity in its hold if you load it with lumber, but you can if you load it with brick, or iron ore, or railroad iron. In order to load that ship to its capacity, according to the Lloyd measurements, we fill the hold of the vessel and then put part of that load upon the deck. When we put it upon the deck we are penalized for it in going through the Panama Canal. If anybody can show me why it should cost more to take a ton of hay across a bridge than it costs to take a ton of brick across that bridge, he will show me something that I have never heard before. That is what you are doing in the Panama Canal if you pass this bill.

We of the Pacific Northwest are lumber producers. Do you want to help us, gentlemen? If you do you will decrease the charges on lumber going through the Panama Canal and put us on the same basis as you put everything else. We make a great many paving bricks out there in my country and ship them all over the country. We ship them east to the Atlantic seaboard; and we have the anomalous condition that, taking two of our products, it will cost us far less to deliver 5,000 tons of brick through the Panama Canal than to deliver 5,000 tons of lumber through the Panama Canal. All we ask is a system of measurement by which, if a vessel is carrying 5,000 tons of American merchandise, whether it be brick or iron ore, whether it be lumber or hay, it shall go through the Panama Canal at the same rate and the same price. It costs no more to put a lumber ship through the Panama Canal than it costs to put a ship of equal tonnage laden with iron ore, so far as the mechanism of the canal is concerned. But because we put some of that lumber on the deck, because it is a bulky commodity and we can not get it in the hold of the vessel, they charge us a greater rate of tollage than if it was a heavy commodity that could be put in the hold of the ship.

Mr. WELLING. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. WELLING. Would you not be subject to exactly the same penalty in the increase of rates on your lumber, if you shipped it east by rail, as against a commodity that was more compact and heavier in its nature?

Mr. MILLER. We never ship any lumber by rail to the East. We only ship it as far as Missouri River points. Nobody ever ships any lumber from the Pacific coast to the eastern market by rail. The farthest it goes is to Missouri River points.

Mr. WELLING. The point I want to bring out is this, that the situation would be exactly the same if you did ship by rail as it now is if you shipped by water. The rate would be increased according to the bulk of the material you ship.

Mr. MILLER. When we do ship lumber by rail, we do not ship it in closed or box cars. We ship it on open cars, and pile it up in order to get as nearly as we can the capacity of the car. If we should ship it in closed or box cars, it would correspond with a vessel, and we could not ship lumber in box cars even as far as Kalispel, Mont. We ship it in open cars, corresponding to the deck load of the vessel. There is just simply that point, gentlemen, and it seems to me it is a good one. I know you gentlemen do not want to injure the lumber interests of the Pacific coast. We want to help you and we want your help; all we ask is that 5,000 tons of lumber shall go through the Panama Canal and not cost more than 5,000 tons of brick. You give us that kind of a law and we will be

all right. I will ask you if that is not fair between man and man and one coast and another.

Mr. DENISON. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. DENISON. Does the gentleman think that 5,000 tons of hay ought to be the same as 5,000 tons of lumber?

Mr. MILLER. Yes; if only one vessel is used.

Mr. DENISON. Five thousand tons of hay might take several vessels.

Mr. MILLER. Oh, no.

Mr. MONTAGUE. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. MONTAGUE. I understood the gentleman's question to be if he did not think that 5,000 tons of any commodity should pay the same?

Mr. MILLER. A vessel loaded with 5,000 tons; yes.

Mr. MONTAGUE. Five thousand tons of different commodities would bear the same rate?

Mr. MILLER. Yes.

Mr. MONTAGUE. Does the gentleman think that one commodity should bear a less rate than another commodity? Your contention is that lumber is paying a less rate. The bill bases the tonnage on the earning capacity of the ship irrespective of the commodity that constitutes the cargo.

Mr. MILLER. I would say that two ships of identical tonnage, sister ships, one loaded with iron ore or brick will go through the canal at $1,380 less than a ship with the same capacity loaded with lumber.

Mr. MONTAGUE. The shipload of lumber desires to go through at a less rate, as determined by existing law.

Mr. MILLER. Not a bit per ton. I can not follow that sort of argument.

Mr. JOHNSON of Washington. Mr. Chairman, I reserve the balance of my time.

Mr. ESCH. Mr. Chairman, I yield eight minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Chairman, in the arguments made by Members from the Pacific coast they assert that this bill is aimed at the lumber interests of their States. They are taking a very narrow view of the situation. This bill is intended to provide for the canal tolls to apply to all vessels and all commodities alike, in order to correct a mistake that was made or grew out of the Panama Canal act. There is no one else who comes here and objects to the bill except the lumber interests of the Pacific coast, and so these gentlemen assume that the bill is aimed alone at them.

Mr. AYRES. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. AYRES. Is it not the contention of these gentlemen opposed to the bill that the bill provides a higher rate on lumber than any other commodity?

Mr. DENISON. No; I do not so understand it. What the Panama Canal rules would do is to treat all the vessels alike, to charge every vessel that goes through the canal on its net earning capacity, and make no difference as to what it is loaded with.

Here is what gentlemen from the Pacific coast are seeking: They want a preference on account of a particular commodity. They want a commodity preference. If they want to do that they can get it in other ways. In order to get a commodity preference for lumber they are willing for the canal to be run at a great financial loss and are willing for the same preference to go to a lot of other commodities than their own. All they want is a preference for the lumber business, and let me show you where the lumber interests are very shortsighted and quite selfish, as I view the question.

The records show that the first year or the first few months that the canal was open for traffic before the slides occurred the canal government collected tolls according to the Panama Canal rules of measurement before the decision of the Attorney General was made known. As a result of that decision the Government had to pay back or refund over $300,000 in tolls already collected. Since that time the total loss by reason of applying the United States measurement rules instead of the Panama Canal measurement rules amounts to $2,797,260. That is the total loss in tolls during the last two and a half years.

Now, what part of that loss in tolls has gone to the American port-to-port ships that these gentlemen from Washington are talking so much about? The pitiable sum of $145,288. That is their total part of that $2,797,000 that the Government has lost, or about 5 per cent. So that those interests who have saved 5 per cent of the total tolls lost by the Government are willing for the Government to lose a great amount of money in order that the owners of ships that carry lumber can save 5 per cent of the amount and let the rest of it go to the foreign shipowners. That is a selfish view, in my judgment.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. DENISON. Yes.

Mr. JOHNSON of Washington. That is a very nice point the gentleman makes. But here are the exact facts: We undertook to have hearings, so that we could make a showing for the exemption of the coastwise trade, so that we might have a chance to do business with the canal and not cost the Government 95 per cent. We wanted to be fair about the matter.

Mr. DENISON. If we should adopt the gentleman's amendment and exempt coastwise vessels entirely from the payment of tolls we would still lose the tolls that are being given now to foreign ships by reason of having to use the United States rules of measurement. It would not remedy the unfortunate situation at all, except that it would exempt the American coastwise shipping from all tolls. That question is not involved in this bill. We can not go back and thrash that out now. If we should adopt the gentleman's amendment we know the President would veto the bill, because we know the President's attitude. We can not go into that question now. What we are trying to do now is to provide uniform rules of measurement for the collection of such tolls as are collected at the canal.

Mr. JOHNSON of Washington. If he would not favor an amendment I have offered he would not favor an amendment exempting coastwise vessels, and we thought that they should be measured by the American measurement, the same as they are going through the Suez Canal.

Mr. DENISON. No; we ought to follow the Panama Canal rules of measurements for all vessels, American or foreign, so that there will be no discrimination against the vessels of any nation, and especially none against those of our own country, in the collection of tolls. Moreover, if we provide for applying the Panama Canal rules of measurement it will simplify the administration of the regulations and add materially to the Government's revenues. The present rules of measurement of vessels at Panama are now under the supervision of the Commissioner of Navigation, here in Washington, instead of being under the Panama Canal government. It ought not to be under his jurisdiction. It ought to be under the jurisdiction of the Panama Canal government.

Mr. JOHNSON of Washington. It says here that it must be determined by the Panama Canal rules.

Mr. DENISON. At Panama.

Mr. JOHNSON of Washington. "As they now exist or as they may be changed from time to time." Is that the way the gentleman——

Mr. DENISON. That is the Panama Canal act.

Mr. JOHNSON of Washington. This is in the proposed act: "As they now exist or as they may be changed from time to time." Who knows what kind of rules or rates they are going to give there?

Mr. DENISON. I will say that the Panama Canal act was passed by Congress long ago and has gone into history, giving the President the power——

Mr. JOHNSON of Washington. But in order to make the rule fit, in other words, when they found they could not square the $1.20 with $1.25 they have been three solid years trying to sneak this thing through.

Mr. DENISON. The Panama Canal act uses the words "net registered tonnage" in estimating tonnage for the purpose of determining tolls, whereas the Panama Canal rules do not use the words "net registered tonnage," but "net vessel tonnage," estimated from the actual earning capacity of the vessel. So the legal question arose as to what the words "net registered tonnage" as used in the Panama Canal act meant; and the Attorney General, in delivering his opinion, said that those terms meant "net registered tonnage" under the rules of measurement of the United States Government, and not "net vessel tonnage" under the Panama Canal rules of measurement. Well, that being true, it upset the whole system of collecting tolls at the Panama Canal, and this bill is intended to remove that error in the Panama Canal act, so as to make the Panama Canal rules of measurement apply instead of United States rules.

Mr. BARKLEY. Will the gentleman yield?

Mr. DENISON. I will.

Mr. BARKLEY. This bill simply carries out what the original intention was before the Attorney General's opinion was rendered.

Mr. DENISON. That is the whole thing in a nutshell. It simply carries out the intention of Congress in passing the original Panama Canal act. Now, every nation has its own rules of measurement. When a vessel is completed it is measured by the authorities of the Government under their own rules

of measurement and given a certificate of gross and net tonnage capacity. The tonnage is duly registered and the certificate of registered tonnage is usually carried with the ship's papers.

Some governments follow one rule of measurement and others follow other rules. Some exempt more cargo space from the net tonnage than do others. So that ships of exactly the same size and capacity belonging to different governments may have quite different net registered tonnage. And, in fact, American ships, measured under the United States rules, are allowed less exemptions of space than are those of England and other countries.

But by treaties or common agreements each nation accepts in its own ports the certificates of registered tonnage of the ships of other nations. So that so long as the United States rules of measurement are used at the Panama Canal the canal authorities have to accept the net registered tonnage of the vessels of all nations as found under their varying rules of measurement, and thereby the Panama Canal loses tolls on all goods that are shipped on open decks or other parts of the ships that, under the rules of the respective governments, are not included in the measurements of their ships' registered tonnage. As I have said, other governments are more liberal than the United States in exempting space from ship measurements. Therefore as long as the United States rules of measurement apply to the canal, American vessels will have to pay higher tolls than English or other foreign ships of exactly the same size and carrying the same cargo. This is a discrimination against our own ships and in favor of foreign ships that is unfair, besides depriving the Government of a large amount of tolls. If we pass this bill and apply the Panama Canal rules of measurement to all vessels transiting the canal, all vessels will receive the same treatment and pay tolls on their total actual earning capacity, and the Government will save over a million dollars a year in tolls.

The CHAIRMAN. The gentleman from Wisconsin has 8 minutes remaining and the gentleman from Washington has 17 minutes remaining.

Mr. ESCH. We have only one more speech.

Mr. JOHNSON of Washington. Mr. Chairman, I shall use but a few minutes. I am sorry it is not possible to bring before this House in one hour all the letters, papers, and appeals that have come from Army officials in the last three years in an effort to get this thing passed. I do not believe that this is a discrimination at all in favor of the Pacific coast northwest lumber shippers, the so-called discrimination that he gets now, if he gets any, by putting on the top of the deck that which he can not put in the space for which he pays the full rate, so that he will pay not only for the entire space, or net tonnage, in the hold of the ship, whether it was 2 sticks or 10,000 sticks, but for the other lumber on top of the deck. You will make it extremely hard for him to do business through the canal. The lumber business through the canal has been nothing like what people thought it would be. I think some lumber ships are still using the Tehuantepec Railroad instead of using the canal. They are building lumber-carrying vessels, and, as I said before, they are about the only kind of American coastwise ships which we have, which is a low, wooden ship practically without superstructure that stands the storms at sea. They load these ships, carry them down the Pacific coast, and put the cargo on the railroad and haul it across, and then the cargo is reloaded on another ship. The Panama Canal has not made the money that it was thought it was going to make. It was thought it was going to do a great thing for the coastwise trade. But what is it doing? Not much. Judge Adamson was down there a few years ago, and afterwards stated in the hearings that he saw 20 or 30 ships, all foreigners, equipped with every kind of deck-load-defeating device—tricks they learned in the Suez. At some point, or at the conclusion of this debate, I shall offer an amendment, which I am satisfied ought to go in this bill, to govern the tolls to be paid at the canal. I understand that is the object of the bill, and that being the case I can not see why we should not now, in the Committee of the Whole, in consideration of this bill from the Committee on Interstate and Foreign Commerce, place on it an amendment to the effect that there shall be no tolls on coastwise vessels. That will not interfere with the commerce of the world. It will not be a discrimination against the British ship or anything else, because the ship in the world's commerce will pay tolls through that canal. If that amendment does not prevail, we shall offer another in an effort to keep American ships flying the American flag going through that canal from a Pacific port to an Altantic port under American measurements, so that no matter what they carry from one port in the United States to another they shall not be discriminated against. Railroad iron and railroad ties can not be fairly treated in the same 100-cubic-feet measurement for each. I think that is as simple and as plain as can be. Speaking for the people of the north Pacific coast in the lumber industry—a great industry in the district I represent—I desire to resent these charges in some of these reports against that industry. It has been one of the big and important industries in the United States.

Now, Mr. Chairman, I yield such time as remains to me to the gentleman from California [Mr. OSBORNE].

The CHAIRMAN. The gentleman from California is recognized for 12 minutes.

Mr. OSBORNE. Mr. Chairman, considerable has been said here on the floor about the cost of running the Panama Canal and the inadequate revenues; that is, to pay expenses. I want to call the attention of the members of the committee to this fact: The canal was finished only a few years before the Great War, and with the commencement of the war the ships running through the canal and paying toll were very largely taken off. At my own port of Los Angeles there were several lines running, some around to New York, others to Europe, that were all taken off at about the same time. The American-Hawaiian Line was one of these; the German Hamburg-American Line had run some ships from there, and a large quantity of commerce was taken off the canal. That is one reason why the books show up as poorly as I know they do.

However, the canal was not built primarily, as has been stated here, as a money-making proposition. It was built to facilitate the trade of the world, and particularly that of America. In the first instance, it was proposed that the canal should be, so far as American coastwise trade is concerned, free of tolls, and, indeed, I think that was good policy. And I have as authority for that belief the opinion of one of the great men of this country, delivered at Washington Park, N. J., August 16, 1912. The great man to whom I refer was then governor of the State of New Jersey. He is to-day President of the United States. [Applause on the Democratic side.] With the permission of the House I will ask the Clerk to read a portion of the speech that he made on that occasion, showing his idea of the province of the Panama Canal, which fully agrees with my own.

The Clerk read as follows:

Gov. Wilson said, in part:

"Now, there is another matter you know—we are digging a tremendous ditch across the Isthmus of Panama. It is predicted by the engineers in charge of that colossal enterprise that we shall be able to open it to the ships of the world by the year 1915. What interest have you in opening it to the ships of the world? We do not own the ships of the world. By a very ingenious process, which I would not keep you standing in the hot sun long enough to outline, the legislation of the United States has destroyed the merchant marine of the United States. The chief road by which your crops travel to the Orient is through the Suez Canal. They do not go around by the Pacific. Most of your maps do not show you the short road to the Orient, because they are spread out flat.

"If you will get a globe and draw a circle around the globe you will see your short road is through the Suez Canal, not across the Pacific, and that the western farmer, therefore, has to ship his crops across the continent in order to reach the ships that are to take that road. And when his crops reach the port, do they find American ships waiting for them? Not at all. In most years not a single ship carrying the American flag goes through that canal carrying freight.

"Some ships carry the American flag through that canal, but they are mostly private yachts. A friend of mine who has just traveled around the world told me that he did not see the American flag once between New York and Hongkong, going by the way of the canal, until he reached the Island of Ceylon, and then saw the flag of Mr. James Gordon Bennett's yacht. If the shipowners of the nations carry your grain and cargoes they are going to carry them by routes and to markets which suit them, not the routes and the markets which are chosen by you.

"One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of the Atlantic ports, to allow all the farmers on what I may, standing here, call this part of the continent, to find an outlet at ports of the Gulf or the ports of the Atlantic seaboard, and then have coastwise steamers carry their products down around through the canal and up the Pacific coast or down the coast of South America.

"Now, at present there are no ships to do that, and one of the bills pending—passed, I believe, yesterday by the Senate as it had passed the House—provides for free toll for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company. You see the object of that, don't you? [Applause.] We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

"The farmers of this country are, in my judgment, just as much concerned in the policy of the United States with regard to that canal as any other class of citizens of the United States. Probably they are more concerned than any other one class, and what I am most desirous to see is the farmers of the country coming forward as partners in the great national undertakings and take a wide national, nay, international, view of these great matters, feeling all the pulses of the world that beat in the great arteries of their own life and prosperity. Everything that is done in the interest of cheap transportation is done directly for the farmer as well as for other men. So that you ought not to grudge the millions poured out for the deepening and opening of old and new waterways. * * *

"Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterance of earnest and honest men, who intend to do business along those lines and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not.

"They know the American people are now taking notice in a way in which they never took notice before, and gentlemen who talk one way and vote another are going to be retired to very quiet and private fetreat."

Mr. OSBORNE. Mr. Chairman, this statement in regard to the object of the Panama Canal is in the clear, concise, lucid language which the President is so capable of using. I agree with it entirely; and, for my own part, I hope to see this House, I hope to see the Congress, pass a bill in accordance with the sentiments expressed by the President with such characteristic clearness in this address. I shall vote for such a measure when it comes before the House, and I shall certainly vote against any proposition that continues these tolls on American products that are carried through an American waterway. I consider the Panama Canal precisely as an American river, on which there ought not to be any tolls charged to American shipping. I take it that that was the view of the President when he made that speech in 1912. Instead of relieving the coastwise trade that we are trying to build up we are, by this bill, putting new taxes on it, and especially on one of the principal products of the Pacific coast, namely, that of lumber. By this bill you are making a discriminating tax and toll. It is unworthy of this House; it is wrong; and, for my own part, I hope that the amendment about to be proposed by the gentleman from Washington [Mr. JOHNSON] to relieve American shipping from tolls through the Panama Canal will be adopted by this committee and by the House. [Applause.]

I yield the balance of my time to the gentleman from Michigan [Mr. FORDNEY].

The CHAIRMAN. The gentleman from Michigan [Mr. FORDNEY] is recognized for three minutes.

Mr. FORDNEY. Gentlemen, I have given but a little study to this bill, but during the administration of President Taft Congress passed a bill relieving all vessels in the coastwise trade from the payment of tolls through the Panama Canal. In the Democratic platform that our President was elected upon for his first term it declared for free tolls for American ships through the Panama Canal engaged in the coastwise trade. Later on the President came before the Congress and recommended the repeal of that act, but gave no reasons why he asked for its repeal. In fact, he used this language, in substance: "I can not tell you why I am asking for the repeal of this law; but if you do not grant to me this request, I will not know what to do."

What information should the President of the United States have on a subject of as much importance as that that the Congress of the United States should not have? It seems—or at least the information so went abroad—that there was some objection on the part of the Government of Great Britain, and that our President yielded to the request of that Government, claiming that it was a discrimination, according to the Hay-Pauncefote treaty, against English ships. No English ships engaged in the coastwise trade in this country, and neither did any other vessel under any other flag of the world, except the United States, up to the time we entered the European war. That trade was preserved by a law, enacted, I think, about 1814, reserving for vessels flying the flag of the United States all coastwise business, both freight and passenger.

The Government of the United States built the Panama Canal and paid for it with our money. The coastwise trade of this country is not in competition with any other ships of any other country in the world, and ought to be free to American vessels, and when this war is over we hope to go back to conditions that existed before the war and reinstate the coastwise laws that were then upon our statute books. Our ships engaged to-day in the coastwise trade ought to be free from tolls in going through the canal.

Mr. ESCH. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana [Mr. SANDERS].

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Indiana yields back two minutes. Does the gentleman from Wisconsin [Mr. ESCH] desire to use those two minutes?

Mr. ESCH. If the gentleman from Pennsylvania desires to use it, I will yield it to him.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for two minutes.

Mr. SANDERS of Indiana. Mr. Chairman and gentlemen, this bill proposes merely to cure what was an inadvertence when the Panama Canal act was passed. When that act was passed there was a provision to the effect that the tolls charged by the Panama Canal should not exceed $1.25 per net registered ton. The President of the United States was given authority to prescribe rule and regulations. He did so, and for a long period of time after the Panama Canal rules were put into effect the tolls were paid in accordance with those Panama Canal rules, and no complaint was made. Those rules were uniform and required the same sort of tolls to be paid by every ship that passed through the canal.

A question arose about carrying a cargo of lumber, and the matter was submitted to the Attorney General of the United States, and he decided that because of the peculiar language of the act the Panama Canal rules did not govern so far as this restriction was concerned with reference to $1.25 per net registered ton, but that the United States rules govern. From that time on we have used the United States rules, which are different from the Panama Canal rules. A peculiar thing about the United States rules is this, that certain foreign vessels are measured in accordance with the foreign standards under those rules, as stated by Gov. Harding:

It also discriminates against our own ships for the reason that according to the rules of the Commissioner of Navigation ships of certain nations are admitted to the United States registry on the same rules of measurement of net tonnage as obtain in their own country, and while these discriminations are insignificant for the usual purposes for which tonnage is measured, harbor fees and things of that character, when the differences are to be multiplied by $1.25 a ton, there is a considerable discrimination in dollars and cents in favor of such foreign vessels whenever they transit the canal. (Hearings, Sixty-fourth Congress, p. 1.)

The foreign countries take advantage of this situation and make rules governing such foreign shipments which are liberally in their favor. This is disclosed in the following colloquy:

The CHAIRMAN. Does each nation apply the same rules to a ship at home as abroad?

Col. HARDING. I understand they do not. The marine superintendent on the Isthmus; the former marine superintendent, Capt. Rodman, and his successor, Capt. Cone, both told me that certain rules of Great Britain, for example, which are applicable to foreign ports are not applicable to home ports.

The CHAIRMAN. Do they make a larger result in measurement at home than abroad?

Col. HARDING. They do; yes, sir.

The CHAIRMAN. And a larger charge?

Col. HARDING. And a larger charge.

(Hearings, Sixty-fourth Congress, p. 5.)

Hence when the English ships pass through the Panama Canal, although they are measured under what are known as United States rules, as a part of these rules those English ships pass through in accordance with the English rule, and this is the result: American ships, of course, go under the standard American rule, but a British ship pays $1,462 less tolls than an American ship of the same size, when under the Panama Canal rule she would have paid $24 more, thus making a discrimination in favor of the foreign ship of $1,486 on a single passage. In another instance, taking an American and a like British ship of the same size, we find a discrimination in favor of the British ship of $2,878. Again, in the case of an American ship and a like Norwegian ship, there is a discrimination in favor of the foreign ship of $1,063. Thus the effect of these rules is to give a discrimination in favor of foreign ships.

It was never intended by this Congress that it should be done, and this question whether it will incidentally affect the shipment of lumber from the Pacific coast is a mere trifling incident compared with the great proposition as to whether we are going to have a uniform standard rule for the measurement of the tonnage of these ships. This is the question that is presented to you. If we pass this law to-day there is nothing in the world to prevent—if there is some special reason on account of the peculiar construction of the ships and the length of lumber, why, there should be some distinction made—there is nothing to prevent these gentlemen who ship lumber from appearing and getting the rules changed, because this law does not prevent it. This merely establishes a standard rule for all shipping, so that when they undertake to make the measurements they will have one standard and the foreign ships will not have an advantage over the American ships.

Mr. DEWALT. Mr. Chairman, I only desire, in the few minutes I have, to try to show the unreasonableness of the position taken by the gentlemen from Oregon and Washington in regard to the lumber industry. I am willing to grant for purposes of the argument, although I do not grant it as a fact, that they have reason for complaint, and that they are in their view discriminated against by reason of this deck-load charge. But I ask this committee, and I ask the gentlemen from Oregon and Washington who make this complaint, even if it be true, which is the larger problem for this committee to consider? Is the discrimination against them, which in dollars and cents, according to the figures in the last year, amounted to only $145,000, greater than the discrimination against all the shipping of the United States which must pass through the Panama Canal from the Atlantic to the Pacific Ocean? In other words, which is the larger problem we have to deal with, the preservation of the rights of the shipping of the United States under the American flag which passes through the Panama Canal, or

the right of this one particular industry, which, admittedly, according to their statement, is discriminated against in the pitiable sum of $145,000 in regard to tolls during the year, whereas the loss to the Government amounts to $2,797,260 in the last few years?

Therefore you have this great problem presented to you: Admitting, for the sake of the argument, that there be something in the argument of the gentlemen from the Western States in regard to the lumber industry, are you to consider their complaint and legislate for that industry alone, or will you legislate for the entire commerce of the United States and the vessels that sail through the Panama Canal? [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That in measuring vessels and determining the tolls to be paid thereon at the Panama Canal the measurement shall be made and tonnage determined in all cases by the Panama Canal rules as they now exist or as they may be changed from time to time, and the tonnage arrived at by those rules shall be the tonnage to which shall be applied the rate fixed by the President for the purpose of determining the tolls to be collected, and shall be the tonnage to which shall be applied the maximum and minimum rates now fixed by law or hereafter to be fixed for the purpose of determining the maximum and minimum tolls which may be charged.

Mr. JOHNSON of Washington. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. JOHNSON of Washington: Page 1, line 13, insert the following:

"*Provided*, That from and after the date of approval of this act no tolls shall be levied upon vessels engaged in the coastwise trade of the United States for the use of the Panama Canal, and all acts or parts of acts inconsistent herewith are hereby repealed."

Mr. SANDERS of Indiana. Mr. Chairman, I make the point of order that the amendment is not germane to the bill.

The CHAIRMAN. Does the gentleman make it or reserve it?

Mr. SANDERS of Indiana. I make it.

Mr. JOHNSON of Washington. Mr. Chairman, I would like to be heard on that. What is the gentleman's point of order?

The CHAIRMAN. Will the gentleman from Indiana please give the Chair the benefit of his views on the point of order?

Mr. SANDERS of Indiana. Mr. Chairman, this bill is very short, and reads as follows:

Be it enacted, etc., That in measuring vessels and determining the tolls to be paid thereon at the Panama Canal the measurement shall be made and tonnage determined in all cases by the Panama Canal rules as they now exist or as they may be changed from time to time, and the tonnage arrived at by those rules shall be the tonnage to which shall be applied the rate fixed by the President for the purpose of determining the tolls to be collected, and shall be the tonnage to which shall be applied the maximum and minimum rates now fixed by law or hereafter to be fixed for the purpose of determining the maximum and minimum tolls which may be charged.

SEC. 2. That all laws and parts of laws, rules, and regulations in conflict with this act be, and the same are hereby, repealed.

It will thus be seen, Mr. Chairman, that this act deals with one single, solitary thing, and that is the restoration of the Panama Canal rules in the measurement of the tonnage of vessels. It deals with that subject, and that alone. There is nothing in it that provides for tolls. There is nothing in it on the subject of tolls. The only subject matter dealt with is the subject of the measurement of the tonnage of vessels.

Mr. JOHNSON of Washington. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Washington?

Mr. SANDERS of Indiana. Yes.

Mr. JOHNSON of Washington. What does the gentleman say as to this title, "A bill governing the tolls to be paid at the Panama Canal"? And every few lines "tolls" are mentioned, and the concluding line, "of determining the maximum and minimum tolls." What can it amount to? It is all about tolls.

Mr. SANDERS of Indiana. Of course, the title does not, under the rules, enter into the question, and the use of the word "tolls" in the bill at all is incidental. This bill relates to the standard measurement of ships, and nothing else. Of course, if the gentleman were correct in his suggestion that it does relate to the payment of tolls and fixes the payment of tolls—which it does not—even then an amendment would not be proper in Committee of the Whole which proposes to relieve it entirely from tolls. That would be clear under the decision which was recently had when we had the Bureau of War Risk Insurance case before us.

Mr. WOOD of Indiana. Will the gentleman yield?

Mr. SANDERS of Indiana. Yes.

Mr. WOOD of Indiana. What is the purpose of this bill?

Mr. SANDERS of Indiana. The purpose of this bill is to provide that in measuring ships at the Panama Canal——

Mr. JOHNSON of Washington. And what else? "And in determining the tolls." How can you get away from that?

Mr. SANDERS of Indiana. That in measuring ships at the Panama Canal the Panama Canal rules shall be used.

Mr. WOOD of Indiana. Unfortunately the language of the bill does not sustain the proposition of the gentleman. To my mind, it declares the purpose of the bill. It says that all of this machinery is for the purpose of determining the tolls to be collected.

Mr. SANDERS of Indiana. Certainly.

Mr. WOOD of Indiana. It is for the purpose of determining the tolls to be collected.

Mr. SANDERS of Indiana. The bill is not enacted for determining the tolls, but it is for the measurement of the ships.

Mr. JOHNSON of Washington. Yes; but what does line 3 say?—

That in measuring vessels and determining the tolls to be paid thereon.

Mr. WOOD of Indiana. It is for the purpose of determining the tolls to be collected.

Mr. BARKLEY. But not the rate of tolls.

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Kentucky?

Mr. SANDERS of Indiana. Yes.

Mr. BARKLEY. I was just spontaneously replying to the gentleman's suggestion that this bill does not attempt to regulate the rate of tolls at all; but in determining the aggregate amount of tolls to be paid the question of measurement is all that is considered in this bill, and the rate is not authorized or fixed at any rate of toll, but only in arriving at the aggregate of tolls the measurement is fixed.

Mr. MONTAGUE. May I suggest that the language alluded to is the language of the existing law, and changes no law at all.

Mr. WOOD of Indiana. But is it not a fact that this bill is amendatory of existing law?

Mr. SANDERS of Indiana. Of course it changes existing law to some extent, but it is not the amendment of any specific section of the law. It is a separate and independent act, specifically providing that the Panama Canal rules shall be the standard for measuring the tonnage of ships.

Mr. WOOD of Indiana. It is amendatory of the act which does fix the tolls.

Mr. SANDERS of Indiana. Of course, indirectly.

Mr. WOOD of Indiana. Being amendatory of the act which does fix the tolls, any provision which does fix the tolls would be germane.

Mr. SANDERS of Indiana. The gentleman is in error. The gentleman must be familiar with the rule that even if it were an amendment of a specific section or an amendment of a specific part of a section you could not bring in other sections. It comes clearly within the rule that when there is one definite subject matter you can not bring in another entirely foreign subject matter.

But I want to make my point clear that I was undertaking to make when the gentleman from Indiana asked the question. Assuming that this law dealt with the question of collecting tolls, it is clear under all the precedents of the House and all the rulings of the chairmen of Committees of the Whole that an amendment proposing that there should be no charge would not be germane. That was held recently when the question came up in the consideration of a bill from this committee, and the chairman of the Committee of the Whole, the gentleman from Connecticut [Mr. TILSON] rendered the decision.

Mr. CLEARY. It is to determine the tonnage and not the tolls.

Mr. SANDERS of Indiana. Yes; that is more correct. It is to determine the tonnage and not the tolls.

The CHAIRMAN. The gentleman from Indiana [Mr. SANDERS] still has the floor.

Mr. SANDERS of Indiana. If gentlemen will pardon me just a moment, then I will yield. In the case to which I refer the gentleman from Connecticut [Mr. TILSON], who was in the chair, made this statement:

What is the subject of the proposed amendment?

It was an amendment proposing to give free insurance for two years—

"The term insurance in force shall be continued in force for two years without the payment of premiums." The object of this amendment, when stripped of all verbiage and reduced to its last analysis, is to give to the insured two years' free insurance.

In other words, the present law, as well as the bill under consideration, provides for insurance upon the payment of premiums, while the McCullough-Dowell amendment provides for insurance without the payment of premiums. Surely such a radical change of the policy of the Government presents a different subject within the inhibition of the rule.

In Hinds' Precedents (sec. 5877) is cited a case in point——

The CHAIRMAN. Will the gentleman give that reference again?

Mr. SANDERS of Indiana. Hinds' Precedents, Volume V, section 5877:

"To a bill relating to the sale of the public lands an amendment proposing to give them to settlers was held not to be germane."

Clearly the two propositions are related, but "two subjects are not necessarily germane because they are related."

The following have been held not to be germane (Hinds' Precedents, sec. 5882):

"To a proposition relating to the terms of Senators, an amendment changing the manner of their election; to a general tariff bill, an amendment providing for the creation of a tariff board."

And then numerous other instances were cited by the chairman, Mr. TILSON, who held that the amendment proposing to give two years' insurance free was not germane to certain sections of the bill then under consideration, which fixed the amount of premium to be paid. Here it is the same thing, assuming, as the gentleman suggests, that this deals with the payment of tolls. It is proposed to offer an amendment which would absolutely let the ships pass through without paying any tolls, which is precisely in line with the precedents cited.

The CHAIRMAN. Has the gentleman from Indiana concluded his argument?

Mr. SANDERS of Indiana. No; Mr. Chairman, there is just one thing more. A very similar question arose on June 19 of this year in the House, and the present Speaker, in discussing the same rule, said:

The rule on germaneness is very simple. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Later on in the discussion he said:

But the question here is broader than that. The question here is, When an amendment orders the Secretary to build a hospital, is it germane to that to repeal the whole law under which the Secretary previously had the power to build that hospital and others?

And the Chair held that it was not germane.

In other words, merely because this proposed bill in dealing with the question of the standard incidentally refers to tolls, does not permit any amendment that might be thought of relative to the question of tolls. I think it is clearly not germane.

Mr. SUMMERS of Washington. Mr. Chairman, I want to know if this is not all predicated upon the collection of tolls, if that is not the underlying object of this bill, if it is not meant to change the amount of tolls to be collected?

Mr. SANDERS of Indiana. No.

Mr. SUMMERS of Washington. If it is not, then what is the object of this bill? What does anybody care about the measurement of any vessel passing through the Panama Canal, if it does not concern tolls?

Mr. FOCHT. Absolutely.

Mr. SANDERS of Indiana. This bill merely establishes a uniform standard of measurement for determining tonnage.

Mr. SUMMERS of Washington. Upon which to collect tolls, and that is the thing we are concerned with. We are not concerned with the tonnage of vessels except as it pertains to tolls; we would not be debating this bill to-day on account of the measurements if upon that was not based the collection of tolls and the amount of tolls. And so it seems to me that whether we collect high tolls or low tolls or no tolls at all, it is wholly germane.

Mr. SANDERS of Indiana. There is nothing in this bill relative to the amount of tolls, and the only thing that the bill deals with is the single question of a standard for the measurement of tonnage.

Mr. TOWNER. Mr. Chairman, I am very strongly in favor of free tolls for American coastwise shipping. I would gladly vote for this amendment if it were germane. But I think this case illustrates the great wisdom of the rule we have established in the House that no question that is not germane to the bill, or the item, or the paragraph under consideration, shall be considered by the House. The House has not met here to-day to discuss the question of free tolls for American shipping. Neither is the question involved in this bill.

This bill is exclusively a bill to determine the standard of tonnage for American vessels. Because it says upon that shall be based the rate of tolls has not anything to do with the fixing of tolls, because we are not establishing the tolls but the basis upon which they may be established. It is not germane to establish tolls upon a proposition to establish a basis for tolls. The two questions are entirely distinct from each other. It could not possibly be made germane to the proposition. Because upon the tonnage the tolls are fixed is no reason why we have a right to fix the rates of tolls in this bill.

Mr. SUMMERS of Washington. Will the gentleman yield?

Mr. TOWNER. Certainly.

Mr. SUMMERS of Washington. What will the gentleman say in regard to the title, which says that this is a bill to govern tolls to be paid through the Panama Canal. It does not say anything about tonnage or measurements.

Mr. TOWNER. The title is entirely misleading. It is not a correct statement of the contents of the bill, and the title ought to be amended. If the gentleman will follow the language, he will see how that is true:

That in measuring vessels and determining the tolls to be paid thereon at the Panama Canal the measurement shall be made and tonnage determined in all cases by the Panama Canal rules as they now exist or as they may be changed from time to time.

There is nothing here with regard to fixing the rate of tolls. Gentlemen should be able to make the discrimination, and I have no doubt they will make it, between the basis for tolls and the fixing of tolls, especially in a case of this kind.

I do not like to take the time to go over the matter, but we all understand there are different methods of fixing tonnage—one by the weight method and another by measurement and another by a different measurement—all these are methods of determining the tonnage of vessels and upon some of these methods of fixing tonnage tolls may be fixed. This bill says that there shall be only one standard for the measurement of the tonnage of vessels upon which rates are to be fixed. Gentlemen should distinguish between the fixing of tonnage and fixing the rate of tolls, and that is the reason that there is no germaneness in the amendment offered.

Mr. MONTAGUE. Will the gentleman yield?

Mr. TOWNER. I will.

Mr. MONTAGUE. I wish to ask the gentleman to consider this analogy: Suppose that this committee had brought in a bill providing that there should be no tolls at all. What relevancy would there be in an amendment on the subject of measurements?

Mr. TOWNER. That is what the amendment proposes—that on such vessels there should be no rate of tolls.

Mr. MONTAGUE. I think perhaps the gentleman did not understand my suggestion. I was trying to reinforce the gentleman's argument. If the committee had dealt with the subject matter of charging tolls and a bill had been brought in to abolish tolls, then an amendment prescribing the rate by which tolls should be fixed would be totally irrelevant? The converse likewise demonstrates the gentleman's contention.

Mr. TOWNER. I think the gentleman is very well justified in making that analogy.

Mr. HULINGS. Mr. Chairman, I would like to call the attention of the gentleman to a possible amendment that would not be subject to the objection that is made in this case.

Mr. TOWNER. I do not want to discuss any possible amendment.

The CHAIRMAN. The Chair is ready to rule.

Mr. HULINGS. Mr. Chairman, I desire to speak against the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. HULINGS. On line 5, after the word "cases," where it says "measurement shall be made of the tonnage and the tonnage determined in all cases"—suppose you amend by saying "except in the case of vessels engaged in the coastwise traffic." It seems to me that that would relieve it from the objection that is made, and it certainly would be germane.

Mr. BARKLEY. Will the gentleman yield for a suggestion?

Mr. HULINGS. Yes.

Mr. BARKLEY. The result would be that on all vessels except coastwise vessels the Panama Canal rules would apply, and on coastwise vessels the rules now in force would apply.

Mr. HULINGS. No; in such case there would be no measurement whatever.

Mr. BARKLEY. Yes; there would.

Mr. HULINGS. Not at all, by my amendment.

Mr. BARKLEY. There would be measurements according to the rules now in existence.

Mr. HULINGS. In all cases except the coastwise trade.

The CHAIRMAN. The Chair will state that this may be very interesting, but we are discussing a particular amendment now offered and not an amendment which might be offered.

Mr. HULINGS. The point I make is that my amendment would be germane and would have the effect of reducing the tolls on vessels in the coastwise trade, and therefore by analogy the amendment of the gentleman from Washington is germane.

The CHAIRMAN. The Chair is ready to rule. The Chair, in deciding points of order, is called upon to express neither his opinion upon the merits of the legislation proposed nor his sympathy with or his feeling against the measure advocated.

There have been several arguments advanced in relation to the point of order under consideration, and while the Chair, after consulting precedents, feels that there are several counts on which the point of order can be sustained will consider only one, that of germaneness. The matter of germaneness, of course, is one that is filled at times with some uncertainty. There are frequently twilight zones, but in this case the matter seems clearly defined. There is one point the Chair wants to speak about, however, before considering the main question. It was advanced by the gentleman from Washington [Mr. JOHNSON] with reference to the title to this bill. In the opinion of the Chair the title has comparatively little to do with the body of the bill in this case. In Hinds' Precedents, volume 5, page 411, that point is very thoroughly brought out. The Chair will read that part of the decision which pertains to the title of a bill. It states that the title itself does not affect the essence of the bill. Regarding the interpretation of the title, Speaker Henderson said:

> The question as to whether these sections are germane can not be determined by the title alone, as has been suggested, because an act amending an act will always describe the title amended, although it may only touch one feature or part of the law; but the whole resolution has to be considered and the amendments to the resolution. If this was not clear, possibly the title would be brought into consideration.

Now, as to germaneness: It seems to the Chair that this is a matter of whether or not this particular amendment is properly related to the bill itself. The bill provides certain rules for the measurement of vessels using the Panama Canal, but it does not provide for the payment of tolls. It merely establishes a standard of measurement for ships going through and does not prescribe the amount of money which shall be paid by the ships themselves. From rule 16, paragraph 7, it is very clear, "That no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment." Therefore it seems to the Chair that the two subjects, the subject matter of the bill and the subject matter of the amendment, are not related and the Chair sustains the point of order.

Mr. HADLEY. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Amendment offered by Mr. HADLEY: Page 1, line 13, after the word "charged," insert "*Provided*, That in determining the measurement of vessels engaged in the coastwise trade of the United States and the tolls to be paid by them the present United States rules of measurement shall apply and govern."

Mr. HADLEY. Mr. Chairman, this amendment meets every objection which has been made, so far as the point of order is concerned, although I need not discuss that, no point having been made against it. It also meets a number of objections which have been made in argument against the prevailing system of measurement. It takes care of the contention that we are discriminating against ourselves in the case of foreign vessels, since under the operation of this amendment foreign vessels would pay in accordance with the new system provided in this bill. Under the operation of the amendment vessels engaged in the coastwise trade of the United States would pay on the basis of the measurement in accordance with the United States rules, being the rules which now govern in the case of deck loads. It would prevent the discrimination against deck loads. It would not contravene any system of tonnage measurement now in force against those commodities or cargoes carried under deck, and it would coordinate all of the objections and remove all discriminations which have been complained of on both sides of the question here to-day. This is no time to increase the burdens now borne by American commerce and American shippers. It may be very well to speak of referring this matter to departmental sources to determine the question of an appropriate rule to govern in the case. That suggestion was made by the gentleman from Pennsylvania [Mr. DEWALT]. But it is my view that the Congress should determine the policy which should control in a matter of this magnitude and importance, and that that should not be delegated as a departmental function to departmental sources to determine the appropriate rules to be applied to a case of this magnitude. The question which is presented by this agreement, tersely stated, is this: Whether the Congress will favor our own American shipping and our own American shippers engaged in the coastwise trade of the United States to the extent of relieving at least the deckload from an additional imposition which is not charged in the case of any other cargo. You may say that this is a matter of earning capacity, and you should charge according to the earning capacity. But in the last analysis there is no question but the fact remains that in the case of lumber the charge is an additional burden upon the commodity, and it is just as great a charge upon southern pine going westward through the Panama Canal to carry a cargo to western South America as it is upon a cargo coming from the Northwest eastward, carrying a cargo to the Atlantic coast. No vessel carrying a cargo of lumber through the canal to the South American coast can escape the imposition of a greater burden than the same vessel, both vessels loaded to capacity, returning with ore from South America. I submit to you, gentlemen, who are interested in the carrying trade, the South American trade of the western coast, that you are alike interested with those of us in the Northwest and on the Pacific coast in shipping to the eastern coast through the canal, and under the operation of this amendment, if we have any faith in our position we have always stood for in favor of American shipping engaged in the coastwise trade, this amendment ought to prevail. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ESCH. Mr. Chairman, as I gather from a hasty reading of the amendment, it seeks to give to the coastwise traffic of the United States the benefit of the United States rules of measurement and eliminates the Panama Canal rules of measurement as to such coastwise traffic. To my mind that would create a discrimination in the application of tolls which would be just as violative of the Hay-Pauncefote treaty as was the provision which we took out of the original Panama Canal act, allowing free tollage for our coastwise ships. It does not seem to me that the amendment offered by the gentleman from Washington will relieve the situation. It would still create a discrimination which the bill we are standing for now would obviate.

Mr. BARKLEY. Mr. Chairman, I desire to speak in opposition to the amendment. It strikes me that the amendment certainly ought not to be adopted. The object of this bill is to create a uniform standard of measurement for all ships that come through the canal.

The fight is being made by the gentleman from Washington to secure an exemption from the operation of these standard rules in so far as they apply to the shipment of lumber, but in order to secure that discrimination in his behalf he offers an amendment applicable to all coastwise trade without regard to its character or the kind of boats that go through the canal. If his amendment is adopted, his discrimination becomes more extensive than that which we are seeking to correct by the bill under consideration now. We might take two ships of the same type and tonnage, leaving New York Harbor at a given time, both loaded with the same cargo, but one of them destined for San Francisco and the other destined for the western coast of South America, and one of them—the one going to San Francisco—would be entitled to measurements according to the United States rules of measurement, but the other cargo, going from the same port, by an American ship, would be compelled to undergo the measurements in operation under the Panama Canal rules. And there is the discrimination in behalf of one American shipment as against another, the same cargo, the same ship, and the same service.

Mr. JOHNSON of Washington. Will the gentleman yield? Is there anything wrong with that?

Mr. BARKLEY. Certainly there is something wrong with it. We corrected that discrimination when we, as the gentleman from Wisconsin [Mr. ESCH] has suggested, repealed that part of the original act giving free tolls to the coastwise trade. The object in this amendment is not to give free tolls to coastwise trade, but to give coastwise vessels the benefit of a measurement which permits them to pay smaller tolls than other American ships destined to other ports.

Mr. JOHNSON of Washington. That is designed to prevent overcharging of tolls on deck-load business in coastwise ships.

Mr. BARKLEY. It is not designed to prevent the overcharge for deck loads. It is designed to prevent the payment of tolls on deck loads, notwithstanding the hold of the ship as measured by capacity is entirely loaded and pays its own proportion of the freight. The object of the amendment is to prevent paying any tolls for shipment of lumber or other commodities out on deck and not covered by permanent shelter. It seems to me that if this amendment is adopted it not only does not remove the discrimination we are seeking to eliminate, but doubles it.

Mr. FORDNEY. Mr. Chairman, in the illustration the gentleman has just given of two ships going from New York Harbor through the Panama Canal, one destined to San Francisco or Pacific ports in the United States and the other to South America, there is no discrimination so far as the Hay-Pauncefote treaty is concerned in such an arrangement, for the reason that no ship under a foreign flag can carry goods from New York to San Francisco, while all the ships in the world can engage in trade from New York to South America.

Mr. BARKLEY. Will the gentleman yield?

Mr. FORDNEY. Yes, sir.

Mr. BARKLEY. My illustration was based upon the assumption that both these ships were American ships flying the American flag, one of them destined for San Francisco and the other destined for South America, both of the same character and with the same kind of cargo.

Mr. FORDNEY. That is exactly what I am talking about. One is engaged in the foreign trade and the other is not.

Mr. BARKLEY. And both carry American products.

Mr. FORDNEY. The ship engaged in foreign trade does come in competition with foreign ships, but the ship engaged in domestic trade does not come in competition with foreign ships.

Mr. BARKLEY. It has a monopoly.

Mr. FORDNEY. Monopoly? What are you talking about? Does this amendment violate our treaty? Unless our ships are engaged in competition with foreign ships, there is no discrimination, is there?

Mr. BARKLEY. Let me answer that.

Mr. FORDNEY. Yes; answer it. I do not think you can.

Mr. BARKLEY. I will make a very desperate effort.

Mr. FORDNEY. Well, try it.

Mr. BARKLEY. The fact that one is in domestic trade and the other in foreign trade does not change the character or ownership. Both of them belong to Americans.

Mr. FORDNEY. You are talking about the treaty between this country and foreign countries and violations of the same.

Mr. BARKLEY. My opposition to this amendment is not based upon the treaty but upon the fact that the coastwise trade already has a monopoly. I never mentioned the treaty at all.

Mr. FORDNEY. It was your argument that it was a discrimination, because both are American ships, one engaged in the foreign trade and the other in domestic trade. I say, my good friend, there is no discrimination. If we do give free tolls to an American ship engaged in the coastwise trade, we are not discriminating so long as we charge the same rate of tolls in the American Panama Canal on an American ship engaged in foreign shipping that is charged to a ship under any other flag when engaged in foreign trade.

Mr. BARKLEY. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. BARKLEY. In the first place, I want to say that I did not mention the Hay-Pauncefote treaty and did not base my argument upon it.

Mr. FORDNEY. The gentleman is talking about discrimination.

Mr. BARKLEY. Does not the gentleman think the fact that the coastwise-trade vessel has a monopoly and can not have the competition that foreign vessels have——

Mr. FORDNEY. A monopoly? It was intended to give a monopoly to our own ships when Congress passed the law reserving coastwise trade to American ships. What other construction can you put upon that act than that it was intended for a monopoly for American ships? Foreign ships have and will again drive American ships from the seas, because they can operate their ships cheaper than we can operate ours. I want our coastwise trade reserved for American ships. You are sent here to Congress, and so am I, to legislate for our own people first of all, sir, before we legislate for foreigners. [Applause.]

Mr. BARKLEY. Does not the gentleman think——

Mr. FORDNEY. The Republican Party is not at all alarmed but that in the next general election we can elect one President of the United States, but we do doubt that we can elect two, one for the United States and the other for Europe and the rest of the world.

Mr. BARKLEY. Would the gentleman permit——

Mr. FORDNEY. That is what you are trying to follow right now, the suggestion of our President that we dictate to the whole world.

Mr. BARKLEY. If the gentleman is not alarmed at the present Republican prospects, he is hard to alarm. Does not the gentleman think that the fact that these ships do have a monopoly is a sufficient discrimination without permitting them to have their vessels measured according to a standard that gives them less tonnage?

Mr. FORDNEY. No. I am a protectionist and you are a free trader.

Mr. BARKLEY. Oh, no. That has nothing to do with the measure, anyway.

Mr. FORDNEY. There is as much difference between your opinion and mine as between night and day.

Mr. BARKLEY. I am very proud of that difference.

Mr. FORDNEY. So am I.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. FORDNEY] has expired.

Mr. SIMS. Mr. Chairman, the gentleman from Wisconsin [Mr. ESCH] referred to that which ought to settle this matter beyond any question whatever. The provisions of the Hay-Pauncefote treaty and of the Clayton-Bulwer treaty both cover this question, and there is no difference in the treaty provisions between giving them entire free tolls in the coastwise trade and giving any other discriminating favor, because these treaties both refer to full equality in charges and everything else. They provide that they shall be equal and alike, and just to all nations using the canal.

Now, you say that we are to have a measurement which gives in part free tolls to the American vessels in coastwise trade, a provision which would not apply to vessels of other countries, and that is, as a matter of course, a violation of the letter and spirit of the treaties.

Mr. TINCHER. Mr. Chairman, will the gentleman yield?

Mr. SIMS. No; not now. I will yield in a minute. Canada and the British possessions have territory on both the Pacific and the Atlantic Oceans, and they have a coastwise trade on both coasts, provided they can pass through the canal from one of their possessions to another.

Mr. JOHNSON of Washington. They have a coastwise trade on our coast.

Mr. SIMS. Oh, well, we do not cling to our own coast at all. If we did we could not get to the canal. We go through the waters of several foreign countries before we reach the canal.

Now, that is absolutely a discrimination against the people of Canada and the other British Provinces, because they would have to have one form of measurement on lumber, and Oregon and Washington another form, which discriminates in favor of the American shipper and is in violation of the treaty.

Mr. JOHNSON of Washington. And the gentleman knows that the British Columbian shippers use it now for all it is worth. For example, take two ships and start them from Galveston, one going to San Francisco and the other going to New York, and then put on the new measurements, and tell where your ships get off. One is discriminated against as surely as can be.

Mr. SIMS. It is a discrimination, as the gentleman from Wisconsin [Mr. ESCH] has said. If you want to beat the bill, vote against it. Do not bring in something that may seem to be popular, but which will prevent the passage of the bill. That is what this amendment is intended to do.

Mr. TINCHER. Mr. Chairman, will the gentleman yield now?

Mr. SIMS. Yes.

Mr. TINCHER. The gentleman has spoken of several treaties. Under the league of nations will the United States be allowed to use the Panama Canal at all? [Laughter on the Republican side.]

Mr. SIMS. The gentleman from Kansas is a very able man, and I envy him his mental powers, but his question would justify an inquiry as to his mental condition. But we fat men have an unwritten treaty between us which permits us to have all the fun with each other that we can. [Laughter.]

Mr. HADLEY. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Yes.

Mr. HADLEY. I want to say to the gentleman from Tennessee that this amendment is not offered in any desire to kill the bill, but for the purpose of improving the bill in such a way that everybody can vote for it.

Mr. SIMS. Everybody can not and will not.

Mr. HADLEY. It will gain friends who will support it, who otherwise can not support it in its present condition.

Mr. SIMS. The fight over free tolls was not a party fight. Some of the ablest Republicans were in favor of the repeal, and some of the ablest Democrats were opposed to it.

Mr. HADLEY. This amendment does not raise the question of the free-tolls fight, but it does raise the question of taking care of a specific discrimination in our coastwise trade and to prevent advantage being taken by foreign shippers of the provisions of our laws.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. DENISON. Mr. Chairman, I rise in opposition to the motion to strike out the last word.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. DENISON. Mr. Chairman and gentlemen, I sympathize with my friend Mr. HADLEY and my friend Mr. JOHNSON from Washington in their views. But I know what their purpose is, and that of the other gentlemen who represent the lumber districts, and who are trying to prevent the enactment of this legislation in the interest of the lumber shippers. But I appeal especially to the Republican Members of the House not to allow the resurrection of this free-tolls question to becloud the issue that is presented here. Do not let that mislead you, gentlemen, to vote against this bill or to vote an amendment to it which will kill it. We are trying to enact very important legislation.

The Panama Canal is at present not paying operating expenses, and we are trying to equalize and correct the situation down there.

Mr. MILLER. Mr. Chairman, will the gentleman yield for a question?

Mr. DENISON. I am very sorry I can not. I would yield to my friend from Washington as soon as I would to any other Member of the House, but I have only five minutes.

Now, then, this discrimination in the amount of the tolls in favor of the American coastwise vessels, as proposed by the amendment, is exactly the same question in principle as that of allowing coastwise vessels to use the canal entirely free of tolls. It is the same in principle. We all know what the attitude of the President is without regard to the merits of the question or the terms of the Hay-Pauncefote treaty. We know what his attitude is; and if the amendment of the gentleman from Washington [Mr. HADLEY] is adopted and this bill passes in that form, we know just what will become of it. The President will veto it, and we will get no legislation at all on this subject, which is something that we ought to have now.

Mr. WASON. Mr. Chairman, will the gentleman yield?

Mr. DENISON. I am sorry I can not.

Mr. WASON. I was going to ask the gentleman where he got his information about the President's views?

Mr. DENISON. Let us not go into that question of free tolls. Let us pass this necessary legislation now; and when the proper time comes—when we get a President who entertains the same view we do on the subject of free tolls for American coastwise vessels—we can then bring in legislation here and repeal the present law if we think it ought to be repealed. But let us not mutilate this meritorious bill here by tacking onto it an amendment which will have the effect of doing what these gentlemen from the Pacific coast want to do—defeat the bill. That is the question. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on agreeing to the amendment offered by the gentleman from Washington [Mr. HADLEY].

The question was taken; and on a division (suggested by the Chair) there were—ayes 30, noes 64.

So the amendment was rejected.

Mr. REED of West Virginia. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from West Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. REED of West Virginia: Page 1, lines 3 and 4, after the word "the," in line 3, strike out the words "tolls to be paid" and insert in lieu thereof the word "tonnage."

Mr. REED of West Virginia. Mr. Chairman, this amendment is merely to make the language of the bill conform to the purpose of the law, as explained by members of the committee in the debate on the recent point of order. It is insisted that the purpose of the law is to set up a method to measure vessels, to determine tonnage, and not tolls. I do not contend that my amendment will in any way change the meaning of the section, but it will make plain the fact that this is a law for measuring vessels and not for fixing or assessing tolls. In line 12 a proper reference is made to tolls, and in my opinion that is the only place in the section where reference need be made to tolls.

Mr. SWEET. Will the gentleman yield?

Mr. REED of West Virginia. Yes.

Mr. SWEET. If I understand the gentleman's amendment correctly, it will read "in measuring vessels to determine the tonnage to be paid." It is the tolls that are to be paid.

Mr. REED of West Virginia. No; the language as amended will be "in measuring vessels to determine the tonnage thereon at the Panama Canal." The words "to be paid" are stricken out. The first part of the bill relates to measuring of vessels and determining tonnage. Near the end of the bill the purpose of the measuring and determining of tonnage is explained to be necessary for determining the tolls.

Mr. SWEET. Yes; but in line 5 the tonnage is in there.

Mr. REED of West Virginia. Yes; that is correct; and the word in line 3 should also be "tonnage" instead of "tolls." As I have already stated, the first part of the bill relates to measuring to determine tonnage, but not measuring to determine tolls.

Mr. MONDELL. Mr. Chairman, the question is, Shall we have a rule of measurement for the computation of the tolls of the Panama Canal which fairly measures the carrying capacity of the vessel, or shall we have a rule which tempts men to build ships in such a way as to enable them to carry cargo and dodge the payment of tolls—a rule under which certain classes of cargo go through the canal without the payment of the tolls other classes of cargo pay? In other words, shall we have an honest rule based on the carrying capacity of the ship, or shall we have a dishonest rule under which certain ships and certain classes of cargo will enjoy a certain exemption from tolls, while all other ships and all other cargoes pay full tolls?

It is true that under the modification of the Panama Canal rules which we are endeavoring to remedy some of our fellow citizens on the north Pacific coast were able to get their cargoes through the canal more cheaply than they otherwise would be able to do. But the question is——

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. MONDELL. In just a moment. Let me state the case. But the question is, Is it fair that they shall ask that a part, at least, of certain classes of cargo shall go through without the payment of tolls? Is it fair that we shall thus discriminate in favor of certain ships and certain classes of cargoes? If these gentlemen pass on to the American consumer on the Atlantic and Gulf coasts the benefit which they obtain by the present arrangement of tolls, then there is no advantage to them in the arrangement. On the other hand, if they do not pass on to the American consumer on the Atlantic and Gulf coasts the benefits they secure under the present arrangement, then there is no justification for the remission or lowering or the exemption from tolls on their behalf. Now I yield to the gentleman from Washington.

Mr. JOHNSON of Washington. The gentleman does not want to have the committee believe that any ship from the north Pacific coast has gone through the canal paying less than its proper toll charges on its net tonnage as indicated? In other words, any ship loaded with lumber to its base capacity is charged its full tonnage capacity if it have only half a cargo.

Mr. MONDELL. Mr. Chairman, my friend from Washington juggles with terms. The gentleman is correct in his statement, but he is making a statement that, while it is correct, relates to a condition that ought to be remedied and which we are proposing to remedy. It is true that certain interested parties were enabled to secure a modification of the Panama rules whereby certain cargo placed on the open deck does not pay full tolls for passage through the canal.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman?

There was no objection.

Mr. MONDELL. Mr. Chairman, this modification was made whereby classes of cargo carried on open decks are not required to pay full toll. If they are to continue to have that exemption, there must be some good reason for it bottomed on sound public policy. We can not afford to give certain shippers in any part of the country an advantage over other shippers unless it be in the public interest to do it. As I said a moment ago, if those who buy lumber on the Gulf coast or on the Atlantic coast brought through the canal are to receive the benefit of these lower rates in the aggregate, then there is no advantage to the shipper who receives the exemption.

On the other hand, if he obtains it and keeps it, we are giving him an individual and special benefit which we are not justified in doing. I am one of those who do not believe that the good folks on the north Pacific coast want any special advantage. It is true that at one time we exempted American coastwise shippers altogether from the payment of tolls through the canal and many believed that wise. Most people did until the President changed his mind, and at least the Democratic side of Congress changed its mind with the President overnight. But that is all behind us.

We have now provided for the payment of tolls by everybody alike. That is, we assumed we had, but the fact is that regarding lumber shipped in open spaces on the deck the rule has been modified so that considerable lumber goes through without any payment whatever.

Mr. JOHNSON of Washington. Oh, Mr. Chairman, I protest that that is not correct.

Mr. MONDELL. It is true that a part of it goes through without the payment of tolls; or, to put it another way, the cargo as a whole passes through the canal at a lower rate than the average paid per ton of cargo. If that is not so, what are gentlemen protesting for?

Mr. JOHNSON of Washington. For this reason: It is impossible to load a bulky cargo in the hold of a ship which is charged full tonnage tolls.

Mr. MONDELL. Oh, that is begging the question. If gentlemen will prove that lumber is a commodity that should be made cheaper when brought through the Panama Canal by the remission of tolls, or have a special rate of tolls, then we might

consider the matter with a view of charging the loss of tolls to the Public Treasury and let the people pay it. I submit we should at least understand what the proposition is. I am of the opinion that when the matter is fully understood the good people of the Pacific Northwest will be content to pay a fair rate of tolls under the Panama rules on the basis of its net earning and carrying capacity. It is the fair, reasonable, sensible, honest rule, and it can injure no man. [Applause.] I voted against the repeal of the provision in the Panama act exempting American coastwise trade from the payment of tolls, but the repeal was accomplished. Now let us carry out the rule of measurement fairly and equitably. We would be inclined to continue the slight benefits that some north Pacific shipping receives if it were not for the fact that in doing so we confer vastly greater benefit on foreign shipping. We can not afford to lose a million dollars annually in tolls in order that a benefit amounting to a few thousands may be enjoyed by a few north Pacific shippers.

Mr. WOOD of Indiana. Mr. Chairman, I move to strike out the last five words. Mr. Chairman and gentlemen of the committee, I think it very important that this bill should become a law. It is important for the purpose of saving millions of dollars to the United States each year because of the action of the British maritime nation. Gov. Harding informed the committee visiting in Panama last spring—and he has repeatedly urged the same matter in his report with reference to this subject matter—that while the rule for measurement is practically the same between the United States and Great Britain, by reason of Great Britain's interpretation of the rule and their manipulation and subterfuges to which they resort, it results in a loss to the United States climbing into the millions each year. It may be possible that the law now proposed will work incidental hardship to the northwestern shippers. Whether it does or not I am not prepared to say, but this I do know that if it does work a hardship, it is so infinitesimally small compared with the great loss that the United States is sustaining constantly by the application of the law and through the manipulation and subterfuges and interpretation of Great Britain that they can well afford to suffer the same.

I wish to call attention to the fact that the example set in the interpretation of the cargo-measurement rule by Great Britain to the loss and detriment of the United States is just a sample of the interpretation that will be made in reference to the league of nations when we submit ourselves to that magnificent instrument. [Laughter and applause.]

The English language to Great Britain means one thing; it means to us quite a different thing. She has already announced what her interpretations of certain parts of this league of nations will be in the event it is put to the test, and from this announcement we know it would be inimical to the United States Government. It might be interesting to know what the people of Panama think with reference to the change concerning the passage of coastwise vessels through the Panama Canal. It has been a matter of mystery ever since the President overnight changed front with reference to the passage of American coastwise vessels toll free as to the reason that prompted that change. Various conjectures and suppositions have been made. There is a very concrete one now existing in Panama to the effect that Japan had made a little bit of demonstration against the United States at a time when the President had not assumed the martial spirit that he now professes. He was fearful that we might become embroiled with Japan. England at that time had entered into partnership with Japan. She had one of the many secret treaties that she has now in her pocket. She knew the attitude of Japan toward the United States and the feeling entertained by the President of the United States regarding Japan, and, taking advantage of that feeling, she proposed that if the United States would change her law with reference to the passage of American coastwise vessels toll free through the canal that she would keep Japan off of our backs. The President of the United States, according to this idea advanced in Panama, yielded to the siren voice of Great Britain, as he yielded upon many another occasion to that same voice. The law was changed so that an American vessel was prohibited from going through the Panama Canal without the payment of toll. In the light of recent events this explanation has many of the earmarks of plausibility. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. [Cries of "Vote!"] The question is on agreeing to the amendment offered by the gentleman from West Virginia.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 2. That all laws and parts of laws, rules, and regulations in conflict with this act be, and the same are hereby, repealed.

Mr. ESCH. Mr. Chairman, I move that the committee do now rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HICKS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 7015, had directed him to report the same back without amendment with the recommendation that the bill do pass.

Mr. ESCH. Mr. Speaker, I wish to offer an amendment to the title of the bill at the proper time.

The bill was ordered to be engrossed and read the third time; was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. RAKER. Division, Mr. Speaker.

The House divided; and there were—ayes 97.

Mr. RAKER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from California makes the point of order that there is no quorum present, and obviously there is no quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 265, nays 14, answered "present" 4, not voting 146, as follows:

YEAS—265.

Alexander	Doughton	Kinkaid	Romjue
Almon	Dowell	Kitchin	Rose
Anderson	Drane	Kleczka	Rouse
Andrews, Md.	Dunbar	Kraus	Rowe
Andrews, Nebr.	Dunn	Lampert	Rucker
Ashbrook	Dupré	Langley	Sanders, Ind.
Aswell	Eagan	Lanham	Sanders, La.
Ayres	Eagle	Lankford	Sanders, N. Y.
Babka	Edmonds	Larsen	Saunders, Va.
Bankhead	Elliott	Layton	Schall
Barbour	Esch	Lee, Ga.	Sells
Barkley	Evans, Mont.	Lehlbach	Siegel
Begg	Evans, Nebr.	Lesher	Sims
Benson	Evans, Nev.	Linthicum	Slemp
Black	Fairfield	Little	Smith, Idaho
Blackmon	Fess	Lonergan	Smith, Mich.
Bland, Ind.	Fitzgerald	Luce	Smithwick
Bland, Va.	Focht	McDuffie	Snyder
Blanton	Fordney	McFadden	Steagall
Boies	Foster	McGlennon	Stedman
Bowers	Freeman	McKinley	Steele
Box	French	McLane	Steenerson
Briggs	Gallivan	MacCrate	Stephens, Miss.
Brinson	Gandy	Madden	Stevenson
Brooks, Ill.	Ganly	Magee	Strong, Kans.
Brooks, Pa.	Gard	Mansfield	Strong, Pa.
Browne	Garland	Mapes	Sweet
Browning	Garner	Martin	Swope
Buchanan	Garrett	Mays	Taylor, Tenn.
Burdick	Glynn	Michener	Temple
Burroughs	Good	Minahan, N. J.	Thomas
Byrnes, S. C.	Goodall	Monahan, Wis.	Timberlake
Byrns, Tenn.	Gould	Mondell	Tincher
Campbell, Kans.	Graham, Ill.	Montague	Tinkham
Campbell, Pa.	Green, Iowa	Mooney	Towner
Candler	Greene, Mass.	Moore, Ohio	Upshaw
Cannon	Griest	Moore, Pa.	Venable
Cantrill	Griffin	Morgan	Vestal
Caraway	Hamilton	Mott	Vinson
Carss	Hardy, Colo.	Nelson, Mo.	Volstead
Carter	Hardy, Tex.	Nelson, Wis.	Walsh
Chindblom	Hastings	Newton, Minn.	Walters
Christopherson	Hayden	O'Connor	Wason
Clark, Mo.	Hernandez	Ogden	Watkins
Cleary	Hersey	Oldfield	Weaver
Coady	Hersman	Oliver	Webb
Cole	Hickey	Overstreet	Webster
Collier	Hicks	Padgett	Welling
Connally	Hill	Park	Welty
Cooper	Hoch	Parrish	Whaley
Copley	Holland	Pell	White, Kans.
Crisp	Houghton	Phelan	White, Me.
Crowther	Huddleston	Platt	Williams
Cullen	Hudspeth	Purnell	Wilson, La.
Dale	Hulings	Quin	Wilson, Pa.
Dallinger	Humphreys	Radcliffe	Wingo
Darrow	Igoe	Rainey, J. W.	Winslow
Davey	Johnson, Ky.	Ramseyer	Wise
Davis, Minn.	Johnson, Miss.	Randall, Wis.	Wood, Ind.
Davis, Tenn.	Jones, Pa.	Rayburn	Woods, Va.
Denison	Juul	Reber	Wright
Dent	Keller	Reed, N. Y.	Yates
Dewalt	Kelley, Mich.	Reed, W. Va.	Young, N. Dak.
Dickinson, Mo.	Kendall	Rhodes	Young, Tex.
Dickinson, Iowa.	Kiess	Ricketts	
Dominick	Kincheloe	Robsion, Ky.	
Doremus	King	Rogers	

NAYS—14.

Curry, Calif.	James	Miller	Sinnott
Elston	Johnson, Wash.	Osborne	Summers, Wash.
Hadley	Kahn	Raker	
Hawley	Lea, Calif.	Rodenberg	

ANSWERED "PRESENT"—4.

Booher	Hull, Tenn.	Knutson	Major

NOT VOTING—146.

Ackerman	Godwin, N. C.	McKenzie	Rowan
Anthony	Goldfogle	McKeown	Rubey
Bacharach	Goodwin, Ark.	McKinley	Sabath
Barr	Goodykoontz	McLaughlin, Mich.	Sanford
Bee	Graham, Pa.	McLaughlin, Nebr.	Scott
Bell	Greene, Vt.	McPherson	Scully
Benham	Hamill	MacGregor	Sears
Bland, Mo.	Harrison	Maher	Sherwood
Brand	Haskell	Mann	Shreve
Britten	Haugen	Mason	Sinclair
Brumbaugh	Hays	Mead	Sisson
Burke	Heflin	Merritt	Small
Butler	Howard	Moon	Smith, Ill.
Caldwell	Hull, Iowa	Moore, Va.	Smith, N. Y.
Carew	Husted	Moores, Ind.	Snell
Casey	Hutchinson	Morin	Stephens, Ohio
Clark, Fla.	Ireland	Mudd	Stiness
Classon	Jacoway	Murphy	Sullivan
Costello	Jefferis	Neely	Sumners, Tex.
Crago	Johnson, S. Dak.	Newton, Mo.	Taylor, Ark.
Cramton	Johnston, N. Y.	Nicholls, S. C.	Taylor, Colo.
Currie, Mich.	Jones, Tex.	Nichols, Mich.	Thompson
Dempsey	Kearns	Nolan	Tillman
Donovan	Kelly, Pa.	O'Connell	Tilson
Dooling	Kennedy, Iowa	Olney	Treadway
Dyer	Kennedy, R. I.	Paige	Vaile
Echols	Kettner	Parker	Vare
Ellsworth	Kreider	Peters	Voigt
Emerson	LaGuardia	Porter	Ward
Ferris	Lazaro	Pou	Watson, Pa.
Fields	Longworth	Rainey, H. T.	Watson, Va.
Fisher	Lufkin	Ramsey	Wheeler
Flood	Luhring	Randall, Calif.	Wilson, Ill.
Frear	McAndrews	Reavis	Woodyard
Fuller, Ill.	McArthur	Riddick	Zihlman
Fuller, Mass.	McClintic	Riordan	
Gallagher	McCulloch	Robinson, N. C.	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. KNUTSON with Mr. BELL.

Mr. SHREVE with Mr. MCANDREWS.

Mr. MCARTHUR with Mr. SISSON.

Mr. MCPHERSON with Mr. MAJOR.

Mr. TREADWAY with Mr. BOOHER.

Mr. HUTCHINSON with Mr. ROBINSON of North Carolina.

Mr. LONGWORTH with Mr. HULL of Tennessee.

Mr. PAIGE with Mr. CALDWELL.

Mr. HAUGEN with Mr. RUBEY.

Mr. HASKELL with Mr. HENRY T. RAINEY.

Mr. KENNEDY of Rhode Island with Mr. JACOWAY.

Mr. CRAGO with Mr. SMITH of New York.

Mr. MCKENZIE with Mr. HEFLIN.

Mr. ACKERMAN with Mr. WATSON of Virginia.

Mr. BACHARACH with Mr. TAYLOR of Colorado.

Mr. DEMPSEY with Mr. SHERWOOD.

Mr. FREAR with Mr. SCULLY.

Mr. KELLY of Pennsylvania with Mr. JONES of Texas.

Mr. ANTHONY with Mr. TILLMAN.

Mr. DYER with Mr. SEARS.

Mr. BUTLER with Mr. SUMNERS of Texas.

Mr. FULLER of Massachusetts with Mr. ROWAN.

Mr. CURRIE of Michigan with Mr. SMALL.

Mr. IRELAND with Mr. LAZARO.

Mr. COSTELLO with Mr. SULLIVAN.

Mr. JOHNSON of South Dakota with Mr. KETTNER.

Mr. BURKE with Mr. TAYLOR of Arkansas.

Mr. HULL of Iowa with Mr. MCCLINTIC.

Mr. GREENE of Vermont with Mr. RANDALL of California.

Mr. GRAHAM of Pennsylvania with Mr. RIORDAN.

Mr. KENNEDY of Iowa with Mr. JOHNSTON of New York.

Mr. MCKINLEY with Mr. HARRISON.

Mr. WILSON of Illinois with Mr. BLAND of Missouri.

Mr. VARE with Mr. CASEY.

Mr. SMITH of Illinois with Mr. MCKEOWN.

Mr. RAMSEY with Mr. MOORE of Virginia.

Mr. NICHOLS of Michigan with Mr. OLNEY.

Mr. MORAN with Mr. GALLAGHER.

Mr. NEWTON of Missouri with Mr. POU.

Mr. MUDD with Mr. FLOOD.

Mr. SANFORD with Mr. MEAD.

Mr. THOMPSON with Mr. CLARK of Florida.

Mr. KREIDER with Mr. HOWARD.

Mr. PETERS with Mr. NICHOLLS of South Carolina.

Mr. STEPHENS of Ohio with Mr. FERRIS.

Mr. MCLAUGHLIN of Nebraska with Mr. GOODWIN of Arkansas.

Mr. MCLAUGHLIN of Michigan with Mr. HAMILL.

Mr. FULLER of Illinois with Mr. SABATH.

Mr. MANN with Mr. GOLDFOGLE.

Mr. MURPHY with Mr. FISHER.

Mr. SCOTT with Mr. MAHER.

Mr. NOLAN with Mr. O'CONNELL.

Mr. STINESS with Mr. DOOLING.

Mr. MOORES of Indiana with Mr. GODWIN of North Carolina.

Mr. TILSON with Mr. DONOVAN.

Mr. WATSON of Pennsylvania with Mr. BRUMBAUGH.

Mr. PORTER with Mr. NEELY.

Mr. REAVIS with Mr. MOON.

Mr. SNELL with Mr. FIELDS.

Mr. WARD with Mr. CAREW.

Mr. WOODYARD with Mr. BEE.

Mr. MCCULLOCH with Mr. BRAND.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Mr. ESCH. Mr. Speaker, I offer an amendment to the title of the bill.

The SPEAKER. The gentleman from Wisconsin offers an amendment to the title of the bill, which the Clerk will report.

The Clerk read as follows:

Amend the title so as to read: "A bill providing that the Panama Canal rule shall govern in the measurement of vessels for imposing tolls."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

On motion of Mr. ESCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

WOMAN SUFFRAGE.

The SPEAKER laid before the House a communication from the secretary of state of the State of Alabama, announcing the rejection by the legislature of that State of the proposed amendment to the Constitution of the United States granting the right of suffrage to women.

EXTENSION OF REMARKS.

Mr. KAHN and Mr. SANDERS of Indiana, by unanimous consent, were granted leave to revise and extend their remarks in the RECORD on the bill H. R. 7015.

INVESTIGATION OF SUGAR SUPPLY AND PRICES.

Mr. ESCH. Mr. Speaker, by direction of the Committee on Interstate and Foreign Commerce, I call up House resolution 150, a resolution offered by the gentleman from Massachusetts [Mr. TINKHAM], directing the Federal Trade Commission to make an investigation as to sugar shortage. This resolution was on the Unanimous Consent Calendar and was objected to, but through some misapprehension. I think the matter can be disposed of in a very few minutes, for I do not know of any objection to the resolution. If there is no objection, I ask that the resolution be laid before the House and read for action.

The SPEAKER. The gentleman from Wisconsin calls up the resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 150.

Resolved, That the Federal Trade Commission is hereby directed to make an immediate investigation and report to the House of Representatives its findings on the subject of sugar used for domestic and manufacturing purposes, both as to its market price, wholesale and retail, and whether these prices are reasonable; and the amount of sugar now in the United States, both raw and refined, in the possession of sugar refiners, wholesale dealers, or in storage; said investigation to involve a report of supplies in the possessions of the United States, raw and refined, and the causes of the present sugar scarcity.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

On motion of Mr. ESCH, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

OPERATION OF TRANSPORTATION BUSINESS.

Mr. ESCH. Mr. Speaker, I ask unanimous consent to withdraw the conference report on the bill S. 641, the bill amending section 10 of the Federal control act, due to the fact that the statement through some inadvertence was not published with the report.

The SPEAKER. The gentleman asks unanimous consent to withdraw the conference report on the bill S. 641. Is there objection? [After a pause.] The Chair hears none.

Mr. ESCH. Mr. Speaker, I would like unanimous consent, if possible, to refile it before midnight to-night.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that, if possible, he may file for printing before midnight to-night the same conference report, so that it may appear in the RECORD to-morrow. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. ESCH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 40 minutes p. m.) the House adjourned until Thursday, October 2, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of Commerce, transmitting request that the commissioned personnel of the Coast and Geodetic Survey be included in House bill 9204, which is now before Congress (H. Doc. No. 253); to the Committee on Military Affairs and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Lorain Harbor, Ohio, with a view to the extension of the east breakwater and enlarging and deepening the harbor area (H. Doc. No. 254); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GOULD, from the Committee on the Library, to which was referred the bill (H. R. 8032) to provide for the erection of memorials and the entombment of bodies in the Arlington memorial amphitheater, in Arlington National Cemetery, Virginia, reported the same without amendment, accompanied by a report (No. 344), which said bill and report were referred to the House Calendar.

Mr. GREENE of Massachusetts, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 633) extending the provisions for the regulation of steam vessels to vessels owned or operated by the United States Shipping Board, and for other purposes, reported the same without amendment, accompanied by a report (No. 345), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 9328) granting an increase of pension to Samuel J. McDonald, and the same was referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. OSBORNE: A bill (H. R. 9641) to authorize the Secretary of Commerce to lease Santa Barbara Island, Calif., and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: A bill (H. R. 9642) authorizing the establishment of a light vessel to mark the entrance to Grays Harbor, Wash.; to the Committee on Appropriations.

By Mr. ROBSION of Kentucky: A bill (H. R. 9643) granting additional pay to soldiers, sailors, and marines who served in the late war; to the Committee on Ways and Means.

By Mr. OVERSTREET: Joint resolution (H. J. Res. 220) providing for the free use of surplus motor trucks, motor-propelled vehicles, rollers, and other surplus equipment of the War Department by the several States of the Union for permanent road building; to the Committee on Military Affairs.

By Mr. BROWNE: Joint resolution (H. J. Res. 221) providing for the distribution of motor-propelled vehicles and motor equipment; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 9644) granting an increase of pension to Henry Athey; to the Committee on Invalid Pensions.

By Mr. BLAND of Indiana: A bill (H. R. 9645) granting an increase of pension to John Russell; to the Committee on Invalid Pensions.

By Mr. CLEARY: A bill (H. R. 9646) for the relief of the owner of the derrick *Capitol;* to the Committee on Claims.

By Mr. FULLER of Massachusetts: A bill (H. R. 9647) to authorize the appointment of Rafael A. Segarra as captain of Infantry or Quartermaster Corps in the United States Army; to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 9648) for the relief of Sam Tilden; to the Committee on Claims.

By Mr. KENNEDY of Rhode Island: A bill (H. R. 9649) granting a pension to Elizabeth Dorothy Canavey and Mary Canavey; to the Committee on Pensions.

Also, a bill (H. R. 9650) granting a pension to Elsie Gardner; to the Committee on Pensions.

Also, a bill (H. R. 9651) granting an increase of pension to Patrick Devlin; to the Committee on Invalid Pensions.

By Mr. KINCHELOE: A bill (H. R. 9652) granting a pension to Sarah Virginia Pollard; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 9653) granting a pension to John Minahan, alias John Bagley; to the Committee on Invalid Pensions.

By Mr. LEHLBACH: A bill (H. R. 9654) for the relief of the High Clothing Co. (Inc.); to the Committee on Claims.

By Mr. LESHER: A bill (H. R. 9655) granting a pension to Sarah E. Dieffenbacher; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 9656) for the relief of Second Lieut. Rollin Lester Dixon; to the Committee on Claims.

By Mr. NELSON of Missouri: A bill (H. R. 9657) granting an increase of pension to W. P. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9658) granting an increase of pension to Clara J. Sitton; to the Committee on Pensions.

Also, a bill (H. R. 9659) granting a pension to Sarah J. Bates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9660) granting a pension to Joseph R. Lawson; to the Committee on Invalid Pensions.

By Mr. REBER: A bill (H. R. 9661) granting a pension to Sarah E. Pugh; to the Committee on Pensions.

By Mr. RICKETTS: A bill (H. R. 9662) granting an increase of pension to William W. McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9663) granting an increase of pension to Chalmers Canan; to the Committee on Invalid Pensions.

By Mr. SANFORD: A bill (H. R. 9664) granting a pension to Sylvia Hitchcock; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 9665) granting a pension to Murray Pierce; to the Committee on Pensions.

By Mr. WEAVER: A bill (H. R. 9666) granting a pension to Leatha Chambers; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Newport Branch, No. 7, National Association of United States Civil Service Employees of Navy Yards and Stations, requesting an increase in salaries of at least 40 per cent; to the Committee on Naval Affairs.

Also, petition of commander in chief Sons of Veterans, asking Congress to provide necessary laws for the deportation of all unregenerate aliens and those who do not in good faith seek to become citizens; to the Committee on Immigration and Naturalization.

By Mr. CULLEN: Petition of R. D. Magill, of New York City, protesting against the repeal of the zone postal law; to the Committee on the Post Office and Post Roads.

By Mr. LINTHICUM: Petition of R. Keith Compton, of Baltimore, Md., favoring the passage of House bill 9412; to the Committee on Military Affairs.

Also, petition of W. H. Dec. Wright, of Baltimore, Md., protesting against certain provisions of the Cummins bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. M. Bellamy, of Baltimore, Md., favoring the passage of House bill 8078; to the Committee on Ways and Means.

Also, petition of F. A. Savage, of Baltimore, Md., favoring the passage of House bill 9204; to the Committee on Military Affairs.

By Mr. MADDEN: Petition of sundry citizens of Chicago, Ill., to impeach Woodrow Wilson, President of the United States, on the ground that without the consent of Congress he has unlawfully commanded our troops to wage war in Russia and Siberia; to the Committee on the Judiciary.

By Mr. O'CONNELL: Petition of the executive committee of the Lithuanian National Council, appealing to the American

Government and people to put a stop to the unlawful aggressions of Poland against Lithuania; to the Committee on Foreign Affairs.

By Mr. RAKER: Letter from Robert Bedgood and the Tightner Gold Mining Co., San Francisco, Calif., protesting against the return to the war-time practice of licensing miners who have the handling of powder; to the Committee on Ways and Means.

Also, letter from the Newport Branch, No. 7, National Association of United States Civil Service Employees of Navy Yards and Stations, inclosing a copy of petition sent to the Secretary of the Navy, requesting an increase of 40 per cent in the salary of the clerical employees; to the Committee on Naval Affairs.

By Mr. ROWAN: Petition of the Strauss Market (Inc.) and others, of New York City, favoring the cold-storage bill; to the Committee on Agriculture.

Also, petition of MacArthur Bros. Co., of New York, protesting against the passage of Senate bill 2896; to the Committee on the Judiciary.

Also, petition of P. A. Garraby, of New York, favoring the passage of House bill 2; to the Committee on Pensions.

SENATE.

THURSDAY, *October 2, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in our great interest for the welfare of the people of this country, we are not so much disturbed by honest differences of opinion as we are anxious that every leader of men and every force that goes to make public opinion is right with Thee. For Thou art the judge of mankind. Our welfare and our destiny are in Thy hands. Keep us safely from every evil way. Guide us in the way of truth. We ask it for Christ's sake. Amen.

The Vice President being absent, the President pro tempore (Mr. CUMMINS) took the chair.

The Secretary proceeded to read the Journal of the proceedings of yesterday, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

LANDING OF MARINES IN DALMATIA.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Navy, which will lie on the table and be printed in the RECORD.

The communication is as follows:

THE SECRETARY OF THE NAVY,
Washington, October 1, 1919.

MY DEAR SIR: Responding to a resolution of the Senate, "requesting information as to whether American marines were landed from a torpedo-boat destroyer or any other naval vessel to compel Italians to evacuate Trau, Dalmatia, as reported in a dispatch by the Associated Press published in the Washington Post of September 26, 1919," I have the honor to transmit the following cable from Rear Admiral Harry S. Knapp, commanding United States naval forces operating in European waters, giving the information desired:

"LONDON, *September 30.*

"To the SECRETARY OF THE NAVY,
"*Washington, D. C.:*

"The armistice line extends from Cape Planka inland, north and west of this line Italian troops in occupation, south and east of the line garrisoned by Serbian troops. This latter section Dalmatian coast headquarters American naval forces, in which by agreement after armistice American naval forces took charge of all one-time Austrian-Hungarian vessels found there, and which has since been generally called American zone. Americans have no troops on shore, but have extended a strong moral influence for the preservation of order and avoidance of clash between Italian and Jugo-Slavs. There has been considerable friction along armistice line between Serbians and Italians, but by the tactful firmness of American admiral there it has been kept from causing serious results. On September 23 three truck loads of Italian soldiers in command of an Italian Army captain crossed armistice line from Italian zone and surprised and captured the small Serbian garrison at Trau. The Italian authorities informed the senior American officer present, Capt. Boyd, that the move was unwarranted and asked that the raiders be turned back. Boyd sent a destroyer and two chasers to Trau at once, then saw the Serbian commander and got him to agree not to order an advance until he had an opportunity to get Italians to withdraw. He sent Lieut. Commander R. S. Fields and Commander Marony, of the Italian ship *Puglia*, by automobile to Trau, and himself went in U. S. S. *Olympia* to Trau. On arrival he found that Italians had been induced to return, leaving, however, Italian Army captain and three soldiers owing to breakdown of a truck. He landed a small guard from U. S. S. *Cowell* and U. S. S. *Olympia* to see no harm done Italians and preserve order pending arrival of Serbian troops. He put the Italian Army captain and three soldiers on an Italian motor boat and turned them over in charge an Italian naval officer. Upon arrival of the Serbian troops he withdrew blue jackets after first receiving assurance that no violence would be offered to civilians.

"Italian Admiral Milo in command of ships and troops in Italian zone of occupation sent senior Italian officer present at Spalato to U. S. S. *Olympia* with thanks for sending Trau raiders back. He has brought the officer commander of the raiding force to trial by court-martial. The whole affair was most creditably handled, and the prompt action of Capt. Boyd, in my opinion, undoubtedly prevented a very serious incident which might have resulted in open warfare between Italians and Serbians. The landing was the protection of the offending Italians left in Trau until adequate Serbian forces could arrive to preserve order.

"The fact that Italian authority requested action of Capt. Boyd and that he was thanked by Admiral Milo for his action, and that Admiral Milo has brought offending Italian officer to trial by court-martial all go to show that the raid was an isolated act of hotheads done in defiance of Italian authority, and that America acted in co-operation with Italians to restore situation. That no serious result happened is due to the prompt and efficient action of American forces. Had they not so acted there would almost inevitably have been bloodshed, which would perhaps have resulted in a state of actual war between Italy and Jugo-Slavia owing to the intensity of feeling existing over the Dalmatian question."

I have the honor to be,
Sincerely, yours,

JOSEPHUS DANIELS.

The PRESIDENT OF THE UNITED STATES SENATE.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 7015. An act providing that the Panama Canal rules shall govern in the measurement of vessels for imposing tolls; and

H. R. 9521. An act to prevent hoarding and deterioration of, and deception with respect to, cold-storage foods; to regulate shipments of cold-storage foods in interstate commerce; and for other purposes.

HOUSE BILLS REFERRED.

H. R. 7015. An act providing that the Panama Canal rules shall govern in the measurement of vessels for imposing tolls was read twice by its title and referred to the Committee on Interoceanic Canals.

H. R. 9521. An act to prevent hoarding and deterioration of, and deception with respect to, cold-storage foods; to regulate shipments of cold-storage foods in interstate commerce; and for other purposes, was read twice by its title and referred to the Committee on Interstate Commerce.

PETITIONS AND MEMORIALS.

Mr. BECKHAM. I present a telegram in the nature of a petition from sundry bankers of Lebanon, Ky., with reference to the peace treaty and league of nations, which I ask to have printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

LEBANON, KY., *October 1, 1919.*

Hon. J. C. W. BECKHAM,
United States Senate, Washington, D. C.:

We earnestly request the Senate to approve the peace treaty and the league of nations without reservation or amendment.

W. C. Rogers (president), O. D. Thomas (cashier), Marion National Bank; R. E. Young (president), J. A. Kelly (cashier), Citizens' National Bank; R. C. McChord (president), F. L. Daut (cashier), Farmers' National Bank.

Mr. NELSON presented a petition of the Engineers' Club of Duluth, Minn., praying for the reorganization and enlargement of the United States Patent Office and for its separation from the Department of the Interior, which was referred to the Committee on Patents.

He also presented a petition of the Engineers' Club of Duluth, Minn., praying for the passage of the pending water-power bill, which was referred to the Committee on Commerce.

Mr. ROBINSON presented a petition of sundry button workers of Newport, Ark., and a petition of sundry button workers of Devall Bluff, Ark., praying for the placing of a tax on foreign-made buttons, which were referred to the Committee on Finance.

Mr. NEWBERRY presented a petition of Croswell Grange, No. 1006, Patrons of Husbandry, of Sanilac County, Mich., and a petition of sundry citizens of Boyne City, Mich., praying for the ratification of the proposed league of nations treaty, which were ordered to lie on the table.

Mr. LODGE presented a petition of the International Y. M. C. A., of Springfield, Mass., praying for the ratification of the proposed league of nations treaty, which was ordered to lie on the table.

Mr. McLEAN presented a petition of the Bible Class of the Church of Christ, of Windsor, Conn., praying that immediate and adequate steps be taken to help Armenia, which was referred to the Committee on Foreign Relations.

He also presented a petition of Elm Lodge, No. 420, International Association of Machinists, of New Haven, Conn., praying that the State Department urge that Great Britain extend to Americans in England the same protection to their person

and property that is demanded of Russia and Mexico, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Lithuanian Dramatic Society of Waterbury, Conn., praying for the independence of Lithuania, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of East Windsor, Conn., praying for the ratification of the proposed league of nations treaty without delay, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Meriden, Conn., remonstrating against the establishment of a department of education, which was referred to the Committee on Education and Labor.

Mr. TOWNSEND presented a petition of sundry postal clerks of Kalamazoo, Mich., and a petition of sundry postal clerks of Washington, N. C., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of St. Mary's Commandery, No. 69, of Detroit, Mich., remonstrating against the establishment of a department of education, which was referred to the Committee on Education and Labor.

He also presented a petition of Typographical Union No. 39, of Grand Rapids, Mich., praying for Federal control of the food supply and distribution of the country, which was referred to the Committee on Agriculture and Forestry.

STEEL STRIKE INVESTIGATION.

Mr. CALDER. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 202, submitted yesterday by the Senator from Iowa [Mr. KENYON], to report it back favorably without amendment. The Senator from Iowa, chairman of the committee investigating the steel strike, is anxious that the resolution may be acted upon this morning, and I ask unanimous consent for its present consideration.

There being no objection, the resolution was read and agreed to, as follows:

Resolved, That the Senate Committee on Education and Labor, or any subcommittee thereof, having been heretofore directed to investigate the steel strike, is hereby empowered to sit and act at such time and place as it may deem necessary; to require, by subpœna or otherwise, the attendance of witnesses, the production of books, papers, and documents; to employ stenographers at a cost not exceeding $1 per printed page. The chairman of the committee, or any member thereof, may administer oaths to witnesses. Subpœnas for witnesses shall be issued under the signature of the chairman of the committee or subcommittee thereof. Every person who, having been summoned as a witness by authority of said committee or any subcommittee thereof, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the investigation heretofore authorized, shall be held to the penalties provided by section 102 of the Revised Statutes of the United States.

The expense thereof shall be paid from the contingent funds of the Senate on vouchers ordered by said committee, signed by the chairman thereof, and approved by the Committee on Contingent Expenses.

HELLEN E. SULLIVAN.

Mr. CALDER. I report from the Committee to Audit and Control the Contingent Expenses of the Senate the following resolution, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Secretary will read the resolution.

The Secretary read Senate resolution 201, submitted yesterday by Mr. CURTIS, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the miscellaneous items of the contingent fund of the Senate to Hellen E. Sullivan, sister of Jeremiah Sullivan, late a laborer in the heating and ventilating department of the United States Senate, a sum equal to six months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

The PRESIDENT pro tempore. The Senator from New York [Mr. CALDER] asks unanimous consent for the immediate consideration of the resolution just read. Is there objection?

Mr. THOMAS. I would like to inquire, What is the basis of the resolution, and why this appropriation is to be made?

Mr. CURTIS. It is the usual resolution that is passed when an employee of the Senate dies.

Mr. THOMAS. That is sufficient.

The resolution was considered by unanimous consent and agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 3141) for the relief of Second Lieut. Rollin Lester Dixon; to the Committee on Claims.

By Mr. WADSWORTH:

A bill (S. 3142) authorizing the sale, exchange, lease, and bailment of war supplies and other Government property; to the Committee on Military Affairs.

By Mr. SHEPPARD:

A bill (S. 3143) to equalize the wages paid to men and women employees of the Government who perform similar labor; to the Committee on Education and Labor.

By Mr. HARRIS:

A bill (S. 3144) to amend section 10 of an act entitled "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes," approved September 26, 1914; to the Committee on Interstate Commerce.

By Mr. ROBINSON:

A bill (S. 3145) releasing the claim of the United States Government to the block or square of land in the city of Fort Smith, in the State of Arkansas, upon which is situated the old Federal jail, to the city of Fort Smith as a site for a convention hall, community building, and other public purposes (with accompanying papers); to the Committee on Public Lands.

By Mr. SHERMAN:

A bill (S. 3146) granting a pension to Mary F. McBride;

A bill (S. 3147) granting an increase of pension to Abram P. Francisco; and

A bill (S. 3148) granting an increase of pension to William W. Poor; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 3149) granting a pension to Charles Shanley (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH of Montana:

A bill (S. 3150) granting a pension to Johanna Mary McElliott (with accompanying papers); to the Committee on Pensions.

COMMITTEE ON IMMIGRATION.

Mr. COLT submitted the following resolution (S. Res. 204), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Immigration, or any subcommittee thereof, be, and hereby is, authorized, during the Sixty-sixth Congress, to send for persons, books, and papers, to administer oaths, and to employ a stenographer at a cost of not exceeding $1 per printed page, to report such hearings as may be had on any subject before said committee, the expense thereof to be paid out of the contingent fund of the Senate; and that committee, or any subcommittee thereof, may sit during any session or recess of the Senate.

LEAGUE OF NATIONS.

Mr. JONES of Washington. Mr. President, I desire to give notice that it is my intention to address the Senate to-morrow, Friday, on the pending peace treaty after the conclusion of the address of the Senator from Colorado [Mr. THOMAS].

UNANIMOUS-CONSENT AGREEMENT FOR TO-DAY.

Mr. KNOX. Mr. President, I notice by the RECORD that yesterday afternoon, immediately before adjournment, a unanimous-consent agreement was entered into to vote on the Fall amendments to-day, and limiting debate after 2 o'clock to five minutes on each amendment. I merely want to say that if I had been present I would have objected to the agreement. I was in my office, within call of the Senate, and I would have responded had there been a call for a quorum, and thus been given an opportunity to make my objection.

I understand that under the rule a quorum is not required to reach an agreement except upon bills and joint resolutions; but be that as it may, Mr. President, it seems to me that if there is one reason why we can not reach a unanimous-consent agreement to build a bridge across a river or a creek without a call for a quorum, there are a thousand reasons why the consideration of this treaty, involving us as it does in all sorts of complications with the world, should be within the spirit of such a rule. I think it was a lack of consideration for Senators who were absent and who are interested in reaching a wise conclusion in respect to the treaty not to call for a quorum. It should have been called out of courtesy.

I regard these amendments as raising most important questions. I doubt whether there are many Senators who even know what the commissions are or what powers and duties are imposed upon the members of the commissions.

In my opinion, Mr. President, full discussion, a discussion which, in respect to some amendments, arguments could be advanced that have no relation to others, but a full discussion would present the best means of giving the Senate and the public full information on what we are getting into. If we get into these commissions with all their involvement, the country is pulling at the whiskers of death.

SPEECHES OF PRESIDENT WILSON.

Mr. HITCHCOCK. I ask that the speeches of the President delivered on September 15, 17, 18, and 19 be printed in the RECORD.

There being no objection, the addresses of the President were ordered to be printed in the RECORD, as follows:

THE PRESIDENT AT ARENA, SEATTLE, WASH., SEPTEMBER 13, 1919.

"Mr. Chairman, my fellow countrymen, I esteem it a privilege to have the occasion to stand before this great audience and expound some part of the great question that is now holding the attention of America and the attention of the world. I was led to an unpleasant consciousness to-day of the way in which the debate that is going on in America has attracted the attention of the world. I read in to-day's papers the comments of one of the men who were recently connected with the Imperial Government of Germany. He said that some aspects of this debate seemed to him like the red that precedes a great dawn. He saw in it the rise of a certain renewed sympathy with Germany. He saw in it an opportunity to separate America from the Governments and peoples with whom she had been associated in the war against German aggression. And all over this country, my fellow citizens, it is becoming more and more evident that those who were the partisans of Germany are the ones who are principally pleased by some of the aspects of the debate that is now going on. The world outside of America is asking itself the question, 'Is America going to stand by us now, or is it at this moment of final crisis going to draw apart and desert us?' I can answer that question here and now. It is not going to draw apart and it is not going to desert the nations of the world. America responds to nothing so quickly or unanimously as a great moral challenge. It is much more ready to carry through what now lies before it than it was even to carry through what was before it when we took up arms in behalf of the freedom of the world. America is unaccustomed to military tasks, but America is accustomed to fulfilling its pledges and following its visions. The only thing that causes me uneasiness, my fellow countrymen, is not the ultimate outcome, but the impressions that may be created in the meantime by the perplexed delay. The rest of the world believed absolutely in America and was ready to follow it anywhere, and it is now a little chilled. It now asks, 'Is America hesitating to lead? We are ready to give ourselves to her leadership. Why will she not accept the gift?'

"My fellow citizens, I think that it is my duty as I go about the country, not to make speeches in the ordinary acceptance of that word, not to appeal either to the imagination or to the emotion of my fellow citizens, but to undertake everywhere what I want to undertake to-night, and I must ask you to be patient while I undertake it. I want to analyze for you what it is that it is proposed we should do. Generalities will not penetrate to the heart of this great question. It is not enough to speak of the general purposes of the peace. I want you to realize just what the covenant of the league of nations means. I find that everywhere I go it is desirable that I should dwell upon this great theme, because in so many parts of the country men are drawing attention to little details in a way that destroys the whole perspective of the great plan in a way that concentrates attention upon certain particulars which are incidental and not central. I am going to take the liberty of reading you a list of the things which the nations adhering to the covenant of the league of nations undertake. I want to say by way of preface that it seems to me, and I am sure it will seem to you, not only an extraordinarily impressive list, but a list which was never proposed for the counsels of the world before.

"In the first place, every nation that joins the league, and that in prospect means every great fighting nation in the world, agrees to submit all controversies which are likely to lead to war either to arbitration or to thorough discussion by an authoritative body, the council of the league of nations. These great nations, all the most ambitious nations in the world except Germany, all the most powerful nations in the world, as well as the weak ones—all the nations that we have supposed had imperialistic designs—say that they will do either one or the other of two things in case a controversy arises which can not be settled by ordinary diplomatic correspondence: They will either frankly submit it to arbitration and absolutely abide by the arbitral verdict or they will submit all the facts, all the documents, to the council of the league of nations, will give the council six months in which to discuss the whole matter and leave to publish the whole matter, and at the end of the six months will still refrain for three months more from going to war, whether they like the opinion of the council or not. In other words, they agree to do a thing which would have made the recent war with Germany absolutely impossible. If there had been a league of nations in 1914, whether Germany belonged to it or not, Germany never would have dared to attempt the aggression which she did attempt, because she would have been called to the bar of the opinion of mankind and would have known that if she did not satisfy that opinion mankind would unite against her. You had only to expose the German case to public discussion and make it certain that the German case would fall. Germany would not dare attempt to act upon it. It was the universal opinion on the other side of the water when I was over there that if Germany had thought that England would be added to France and Russia she never would have gone in, and if she had dreamed that America would throw her mighty weight into the scale it would have been inconceivable. The only thing that reassured the deluded German people after we entered the war was the lying statement of her public men that we could not get our troops across the sea, because Germany knew if America got within striking distance the story was done. Here all the nations of the world, except Germany, for the time being at any rate, give notice that they will unite against any nation that has a bad case, and they agree that in their own case they will submit to prolonged discussion.

"There is nothing so chilling as discussion to a hot temper. If you are fighting mad and yet I can induce you to talk it over for half an hour, you will not be fighting mad at the end of the half hour. I knew a very wise schoolmaster in North Carolina who said that if any boy in that school fought another except according to the rules he would be expelled. There would not be any great investigation; the fact that he had fought would be enough; he would go home; but if he was so mad that he had to fight, all he had to do was to come to the head master and tell him that he wanted to fight. The head master would arrange the ring, would see that the fight was conducted according to the Marquis of Queensberry rules, that an umpire and a referee were appointed, and that the thing was fought to a finish. The consequence was that there were no fights in that school. The whole arrangement was too cold-blooded. By the time all the arrangements had been made all the fighting audacity had gone out of the contestants. That little thing illustrates a great thing. Discussion is destructive when wrong is intended; and all the nations of the world agree to put their case before the judgment of mankind. Why, my fellow citizens, that has been the dream of thoughtful reformers for generation after generation. Somebody seems to have conceived the notion that I originated the idea of a league of nations. I wish I had. I would be a very proud man if I had; but I did not. I was expressing the avowed aspirations of the American people, avowed by nobody so loudly, so intelligently, or so constantly as the greater leaders of the Republican Party. When Republicans take that road, I take off my hat and follow; I do not care whether I lead or not. I want the great result which I know is at the heart of the people that I am trying to serve.

"In the second place, all these great nations agree to boycott any nation that does not submit a perilous question either to arbitration or to discussion, and to support each other in the boycott. There is no 'if' or 'but' about that in the covenant. It is agreed that just so soon as that member State, or any outside State, for that matter, refuses to submit its case to the public opinion of the world its doors will be closed and locked; that nobody shall trade with it, no telegraphic message shall leave it or enter it, no letter shall cross its borders either way; there shall be no transactions of any kind between the citizens of the members of the league and the covenant-breaking State. That is the remedy that thoughtful men have advocated for several generations. They have thought, and thought truly, that war was barbarous and that a nation that resorted to war when its cause was unjust was unworthy of being consorted with by free people anywhere. The boycott is an infinitely more terrible instrument of war. Excepting our own singularly fortunate country, I can not think of any other country that can live upon its own resources. The minute you lock the door, then the pinch of the thing becomes intolerable; not only the physical pinch, not only the fact that you can not get raw materials and must stop your factories, not only the fact that you can not get food and your people must begin to starve, not only the fact that your credit is stopped, that your assets are useless, but the still greater pinch that comes when a nation knows that it is sent to coventry and despised. To be put in jail is not the most terrible punishment that happens to a condemned man; if he knows that he was justly condemned, what penetrates his heart is the look in other men's eyes. It is the soul that is wounded much more poignantly than the body, and one of the things that the German nation has not been able to comprehend is that it has lost for the time being the respect of man-

kind; and as Germans, when the doors of truth were opened to them after the war, have begun to realize that they have begun to look aghast at the probable fortunes of Germany, for if the world does not trust them, if the world does not respect them, if the world does not want Germans to come as immigrants any more, what is Germany to do? Germany's worst punishment, my fellow citizens, is not in the treaty; it is in her relations with the rest of mankind for the next generation. The boycott is what is substituted for war.

"In the third place, all the members of this great association pledge themselves to respect and preserve as against external aggression the territorial integrity and existing political independence of the other member States. That is the famous article 10 that you hear so much about; and article 10, my fellow citizens, whether you want to assume the responsibility of it or not, is the heart of the pledge that we have made to the other nations of the world. Only by that article can we be said to have underwritten civilization. The wars that threaten mankind begin by that kind of aggression. For every other nation than Germany, in 1914, treaties stood as solemn and respected covenants. For Germany they were scraps of paper, and when her first soldier's foot fell upon the soil of Belgium her honor was forfeited. That act of aggression, that failure to respect the territorial integrity of a nation whose territory she was specially bound to respect, pointed the hand along that road that is strewn with graves since the beginning of history, that road made red and ugly with the strife of men, the strife behind which lies savage cupidity, the strife behind which lies a disregard for the rights of others and a thought concentrated upon what you want and mean to get. That is the heart of war, and unless you accept article 10 you do not cut the heart of war out of civilization.

"Belgium did not hesitate to underwrite civilization. Belgium could have had safety on her own terms if only she had not resisted the German arms—little Belgium, helpless Belgium, ravaged Belgium. Ah, my fellow citizens, I have seen some of the fields of Belgium. I rode with her fine, democratic King over some of those fields. He would say to me, 'This is the village of so and so,' and there was no village there, just scattered stones all over the plain, and the plain dug deep every few feet with the holes made by exploding shells. You could not tell whether it was the earth thrown up or the house thrown down that made the débris which covered the desert made by the war. Then we rode farther in, farther to the east, where there had been no fighting, no active campaigning, and there we saw beautiful green slopes and fields that had once been cultivated, and towns with their factories standing, but standing empty; not empty of workers merely, empty of machinery. Every piece of machinery in Belgium that they could put on freight cars the Germans had taken away, and what they could not carry with them they had destroyed, under the devilishly intelligent direction of experts—great bodies of heavy machinery that never could be used again, because somebody had known where the heart of the machine lay and where to put the dynamite. The Belgians are there, their buildings are there, but nothing to work with, nothing to start life with again; and in the face of all that Belgium did not flinch for a moment to underwrite the interests of mankind by saying to Germany, 'We will not be bought.'

"Italy could have had more by compounding with Austria in the later stages of the war than she is going to get out of the peace settlement now, but she would not compound. She also was a trustee for civilization, and she would not sell the birthright of mankind for any sort of material advantage. She underwrote civilization. And Serbia, the first of the helpless nations to be struck down, her armies driven from her own soil, maintained her armies on other soil, and the armies of Serbia were never dispersed. Whether they could be on their own soil or not, they were fighting for their rights and through their rights for the rights of civilized man.

"I believe that America is going to be more willing than any other nation in the world, when it gets its voice heard, to do the same thing that these little nations did. Why, my fellow citizens, we have been talking constantly about the rights of little nations. There is only one way to maintain the rights of little nations, and that is by the strength of great nations. Having begun this great task, we are no quitters; we are going to see the thing through. The red that this German counsellor of state saw upon the horizon was not the red of any dawn that will reassure the people who attempted the wrong that Germany did. It was the first red glare of the fire that is going to consume the wrong in the world. As that moral fire comes creeping on, it is going to purify every field of blood upon which free men sacrificed their lives; it is going to redeem France, redeem Belgium, redeem devastated Serbia, redeem the fair lands in the north of Italy, and set men on their feet again, to look fate in the face and have again that hope which is the only thing that leads men forward.

"In the next place, every nation agrees to join in advising what shall be done in case any one of the members fails to keep that promise. There is where you have been misled, my fellow citizens. You have been led to believe that the council of the league of nations could say to the Congress of the United States, 'Here is a war, and here is where you come in.' Nothing of the sort is true. The council of the league of nations is to advise what is to be done, and I have not been able to find in the dictionary any meaning of the word 'advise,' except 'to advise.' But let us suppose that it means something else; let us suppose that there is some legal compulsion behind the advice. The advice can not be given except by a unanimous vote of the council and an affirmative vote of the United States. We will be a permanent member of the council of the league of nations, and no such advice is ever going to be given unless the United States votes 'aye,' with one exception. If we are parties to the dispute, we can not vote; but, my fellow citizens, let me remind you that if we are parties to the dispute, we are in the war anyhow, so that we are not forced into war by the vote of the council, we are forced into war by our quarrel with the other party, as we would be in any case. There is no sacrifice in the slightest degree of the independent choice of the Congress of the United States whether it will declare war or not. There is a peculiar impression on the part of some persons in this country that the United States is more jealous of its sovereignty than other countries. That provision was not put in there because it was necessary to safeguard the sovereignty of the United States. All the other nations wanted it, and they were just as keen for their veto as we were keen for our veto. There is not the slightest danger that they will misunderstand that article of the covenant. There is only a danger that some of us who are too credulous will be led to misunderstand it.

"All the nations agree to join in devising a plan for general disarmament. You have heard that this covenant was a plan for bringing on war. Well, it is going to bring on war by means of disarmament and also by establishing a permanent court of international justice. When I voted for that, I was obeying the mandate of the Congress of the United States. In a very unexpected place, namely, in a naval appropriation bill passed in 1915, it was declared to be the policy of the United States to bring about a general disarmament by common agreement, and the President of the United States was requested to call a conference not later than the close of the then present war for the purpose of consulting and agreeing upon a plan for a permanent court of international justice; and he was authorized, in case such an agreement could be reached, to stop the building program provided for by that naval appropriation bill. The Congress of the United States deliberately not only accepted but directed the President to promote an agreement of this sort for disarmament and a permanent court of international justice. You know what a permanent court of international justice implies. You can not set up a court without respecting its decrees. You can not make a toy of it. You can not make a mockery of it. If you, indeed, want a court, then you must abide by the judgments of the court. And we have declared already that we are willing to abide by the judgments of a court of international justice.

"All the nations agree to register every treaty, and they agree that no treaty that is not registered and published shall be valid. All private agreements and secret treaties are swept from the table, and thereby one of the most dangerous instruments of international intrigue and disturbance is abolished.

"They agree to join in the supervision of the government of helpless and dependent people. They agree that no nation shall hereafter have the right to annex any territory merely because the people that live on it can not prevent it, and that instead of annexation there shall be trusteeship, under which these territories shall be administered under the supervision of the associated nations of the world. They lay down rules for the protection of dependent peoples of that sort, so that they shall not have enforced labor put upon them, so that their women and children shall be protected from unwholesome and destructive forms of labor, so that they will be kept away from the opium traffic and the traffic in arms. They agree that they will never levy armies there. They agree, in other words, to do what no nation ever agreed to do before—to treat subject nations like human beings.

"They agree also to accord and maintain fair and humane conditions of labor for men, women, and children born in their own countries and in all other countries to which their commercial and industrial relations extend, and for that purpose they agree to join in establishing and maintaining the necessary in-

ternational organization. This great treaty, which we are hesitating to ratify, contains the organization by which the united counsels of mankind shall attempt to lift the levels of labor and see that men who are working with their hands are everywhere treated as they ought to be treated, upon principles of justice and equality. How many laboring men dreamed, when this war began, that four years later it would be possible for all the great nations of the world to enter into a covenant like that? They agree to intrust the league with the general supervision of all international agreements with regard to traffic in women and children and traffic in opium and other dangerous drugs. They agree to intrust the league with the general supervision of the trade in arms and ammunition with the countries in which the control of this traffic is necessary in the common interest. They agree to join in making provision to secure and maintain freedom of communication and of transit and equitable treatment for commerce in respect of all the members of the league. They agree to cooperate in the endeavor to take steps for the prevention and control of disease. They agree to encourage and promote the establishment and cooperation of duly authorized voluntary national Red Cross organizations for the improvement of health, the prevention of disease, and the mitigation of suffering throughout the world.

"I ask you, my fellow citizens, is that not a great peace document and a great human document? And is it conceivable that America, the most progressive and humane nation in the world, should refuse to take the same responsibility upon herself that all the other great nations take in supporting this great covenant? You say, 'It is not likely that the treaty will be rejected. It is only likely that there will be certain reservations.' Very well, I want very frankly to tell you what I think about that. If the reservations do not change the treaty, then it is not necessary to make them part of the resolution of ratification. If all that you desire is to say what you understand the treaty to mean, no harm can be done by saying it; but if you want to change the treaty, if you want to alter the phraseology so that the meaning is altered, if you want to put in reservations which give the United States a position of special privilege or a special exemption from responsibility among the members of the league, then it will be necessary to take the treaty back to the conference table, and, my fellow citizens, the world is not in a temper to discuss this treaty over again. The world is just now more profoundly disturbed about social and economic conditions than it ever was before, and the world demands that we shall come to some sort of settlement which will let us get down to business and purify and rectify our own affairs. This is not only the best treaty that can be obtained, but I want to say, because I played only a small part in framing it, that it is a sound and good treaty, and America, above all nations, should not be the nation that puts obstacles in the way of the peace of nations and the peace of mind of the world.

"The world has not anywhere at this moment, my fellow citizens, peace of mind. Nothing has struck me so much in recent months as the unaccustomed anxiety on the face of people. I am aware that men do not know what is going to happen, and that they know that it is just as important to them what happens in the rest of the world, almost, as what happens in America. America has connections with all the rest of the world not only, but she has necessary dealings with all the rest of the world, and no man is fatuous enough to suppose that if the rest of the world is disturbed and disordered, the disturbance and disorder are not going to extend to the United States. The center of our anxiety, my fellow citizens, is in that pitiful country to which our hearts go out, that great mass of mankind whom we call the Russians. I have never had the good fortune to be in Russia, but I know many persons who know that lovable people intimately, and they all tell me that there is not a people in the world more generous, more simple, more kindly, more naturally addicted to friendship, more patiently attached to peace than the Russian people. Yet, after throwing off the grip of terror that an autocratic power of the Czar had upon them, they have come under a terror even greater than that; they have come under the terror of the power of men whom nobody knows how to find. One or two names everybody knows, but the rest is intrigue, terror, informing, spying, and military power, the seizure of all the food obtainable in order that the fighting men may be fed and the rest go starved. These men have been appealed to again and again by the civilized Governments of the world to call a constituent assembly, let the Russian people say what sort of government they want to have; and they will not, they dare not, do it. That picture is before the eyes of every nation. Shall we get into the clutch of another sort of minority? My fellow citizens, I am going to devote every influence I have and all the authority I have from this time on to see to it that no minority commands the United States. [Great and continued applause.] It heartens me, but it does not surprise me, to know that that is the verdict of every man and woman here; but, my fellow citizens, there is no use passing that verdict unless we are going to take part, and a great part, a leading part, in steadying the counsels of the world. Not that we are afraid of anything except the spread of moral defection, and moral defection can not come except where men have lost faith, lost hope, have lost confidence; and, having seen the attitude of the other peoples of the world toward America, I know that the whole world will lose heart unless America consents to show the way.

"It was pitiful, on the other side of the sea, to have delegation after delegation from peoples all over the world come to the house I was living in in Paris and seek conference with me to beg that America would show the way. It was touching. It made me very proud, but it made me very sad; proud that I was the representative of a nation so regarded, but very sad to feel how little of all the things that they had dreamed we could accomplish for them. But we can accomplish this, my fellow citizens: We can, having taken a pledge to be faithful to them, redeem the pledge. We shall redeem the pledge. I look forward to the day when all this debate will seem in our recollection like a strange mist that came over the minds of men here and there in the Nation, like a groping in the fog, having lost the way, the plain way, the beaten way, that America had made for itself for generations together; and we shall then know that of a sudden, upon the assertion of the real spirit of the American people, they came to the edge of the mist, and outside lay the sunny country where every question of duty lay plain and clear and where the great tramp, tramp of the American people sounded in the ears of the whole world, which knew that the armies of God were on their way."

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THE PRESIDENT, AT LUNCHEON, HOTEL PORTLAND, PORTLAND, OREG., SEPTEMBER 15, 1919.

"Mr. Jackson, ladies, and gentlemen, as I return to Portland I can not help remembering that I learned a great deal in Oregon. When I was a teacher I used to prove to my own satisfaction—I do not know whether it was to the satisfaction of my classes or not—that the initiative and referendum would not work. I came to Oregon to find that they did work, and have since been apologizing for my earlier opinion. Because I have always taken this attitude toward facts, that I never let them get me if I see them coming first. There is nothing I respect so much as a fact. There is nothing that is so formidable as a fact, and the real difficulty in all political reform is to know whether you can translate your theories into facts or not, whether you can safely pick out the operative ideas and leave aside the inoperative ideas. For I think you will all agree with me that the whole progress of human affairs is the progress of ideas; not of ideas in the abstract form, but of ideas in the operative form, certain conceptions of justice and of freedom and of right that have got into men's natures and led those natures to insist upon the realization of those ideas in experience and in action.

"The whole trouble about our civilization, as it looks to me, is that it has grown complex faster than we have adjusted the simpler ideas to the existing conditions. There was a time when men would do in their business what they would not do as individuals. There was a time when they submerged their individual consciences in a corporation and persuaded themselves that it was legitimate for a corporation to do what they individually never would have dreamed of doing. That is what I mean by saying that the organization becomes complex faster than our adjustment of the simpler ideas of justice and right to the developing circumstances of our civilization. I say that because the errand that I am on concerns something that lies at the heart of all progress. I think we are all now convinced that we have not reached the right and final organization of our industrial society; that there are many features of our social life that ought to undergo correction; that while we call ourselves democrats—with a little 'd'—while we believe in democratic government, we have not seen yet the successful way of making our life in fact democratic; that we have allowed classes to disclose themselves; that we have allowed lines of cleavage to be run through our community, so that there are antagonisms set up that breed heat, because they breed friction. The world must have leisure and order in which to see that these things are set right, and the world can not have leisure and order unless it has a guaranteed peace.

"For example, if the United States should conceivably—I think it inconceivable—stay out of the league of nations, it would stay out at this cost: We would have to see, since we were not going to join our force with other nations, that our force was formidable enough to be respected by other nations. We

would have to maintain a great army and a great navy. We would have to do something more than that: We would have to concentrate authority sufficiently to be able to use the physical force of the Nation quickly upon occasion. All of that is absolutely antidemocratic in its influence. All of that means that we should not be giving ourselves the leisure of thought or the release of material resources necessary to work out our own methods of civilization, our own methods of industrial organization and production and distribution; and our problems are exactly the problems of the rest of the world. I am more and more convinced, as I come in contact with the men who are trying to think for other countries as we are trying to think for this one, that our problems are identical, only there is this difference: Peoples of other countries have lost confidence in their Governments. Some of them have lost confidence in their form of government. That point, I hope and believe, has not been reached in the United States. We have not lost confidence in our Government. I am not now speaking of our administration; I am now thinking of our method of government. We believe that we can manage our own affairs and that we have the machinery through which we can manage our own affairs, and that no clique or special interest is powerful enough to run away with it. The other countries of the world also believe that about us. They believe that we are successfully organized for justice, and they therefore want us to take the lead and they want to follow the lead. If we do not take the lead, then we throw them back upon things in which they have no confidence and endanger a universal disorder and discontent in the midst of which it will be impossible to govern our own affairs with success and with constant achievement. Whether you will or not, our fortunes are tied in with the rest of the world, and the choice that we have to make now is whether we will receive the influences of the rest of the world and be affected by them or dominate the influences of the world and lead them. That is a tremendous choice to make, but it is exactly that tremendous choice that we have to make, and I deeply regret the suggestions which are made on some sides that we should take advantage of the present situation in the world but should not shoulder any of the responsibility. Do you know of any business or undertaking in which you can get the advantage without assuming the responsibility? What are you going to be? Boys running around the circus tent and peeping under the canvas? Men declining to pay the admission and sitting on the roof and looking on the game? Or are you going to play your responsible part in the game, knowing that you are trusted as leader and umpire both?

"Nothing has impressed me more, or impressed me more painfully, if I may say so, than the degree in which the rest of the world trusts us and looks to us. I say 'painfully' because I am conscious that they are expecting more than we can perform. They are expecting miracles to be wrought by the influence of the American spirit on the affairs of the world, and miracles can not be wrought. I have again and again recited to my fellow citizens on this journey how deputations from peoples of every kind and every color and every fortune, from all over the world, thronged to the house in which I was living in Paris to ask the guidance and assistance of the United States. They did not send similar delegations to anybody else, and they did not send them to me except because they thought they had heard in what I had been saying the spirit of the American people uttered. Moreover, you must not forget this, that almost all of them had kinsmen in America. You must not forget that America is made up out of all the world and that there is hardly a race of any influence in the world, at any rate hardly a Caucasian race, that has not scores and hundreds, and sometimes millions, of people living in America with whom they are in correspondence, from whom they receive the subtle suggestions of what is going on in American life, and of the ideals of American life. Therefore they feel that they know America from this contact they have had with us, and they want America to be the leading force in the world. Why, I received delegations there speaking tongues that I did not know anything about. I did not know what family of languages they belonged to, but fortunately for me they always brought an interpreter along who could speak English, and one of the significant facts was that the interpreter was almost always some young man who had lived in America. He did not talk English to me; he talked American to me. So there always seemed to be a little link of some sort tying them up with us, tying them up with us in fact, in relationship, in blood, as well as in life, and the world will be turned back to cynicism if America goes back on it.

"We dare not go back on it. I ask you even as a business proposition whether it is more useful to trade with a cynic or with an optimist. I do not like to trade with a man with a grouch. I do not like to trade with a man who begins by not believing anything I am telling him. I like to trade with a man who is more or less susceptible to the eloquence which I address to him. A salesman has a much longer job if he approaches a grouch than if he approaches a friend. This trivial illustration illustrates, my fellow citizens, our relation to the rest of the world. If we do not do what the rest of the world expects of us, all the rest of the world will have a grouch toward America, and you will find it a hard job to reestablish your credit in the world. And back of financial credit lies mental credit. There is not a bit of credit that has not got an element of assessment of character. You do not limit your credit to men who can put up the collateral, who have the assets; you extend it also to the men in whose characters and abilities you believe; you think they are going to make good. Your credit is a sort of bet on their capacity, and that is the largest element in the kind of credit that expands enterprise. The credit that merely continues enterprise is based upon asset and past accomplishment, but the credit that expands enterprise is based upon your assessment of character. If you are going to put into the world this germ, I shall call it, of American enterprise and American faith and American vision, then you must be the principal partners in the new partnership which the world is forming.

"I take leave to say, without intending the least disrespect to anybody, that, consciously or unconsciously, a man who opposes that proposition either has no imagination or no knowledge, or is a quitter. America has put her hand to this great enterprise already, in the men she sent overseas, and their part was the negative part merely. They were sent over there to see that a malign influence did not interfere with the just fortunes of the world. They stopped that influence, but they did not accomplish anything constructive, and what is the use clearing the table if you are going to put nothing on it? What is the use clearing the ground if you are not going to erect any building? What is the use of going to the pains that we went to, to draw up the specifications of the new building and then saying, 'We will have nothing to do with its erection'? For the specifications of this treaty were American specifications, and we have got not only to be the architects, drawing up the specifications, but we have got to be the contractors, too. Isn't it a job worth while? Isn't it worth while, now that the chance has at last come, in the providence of God, that we should demonstrate to the world that America is what she claimed that she was? Every drop of blood that I have in me gets up and shouts when I think of the opportunity that America has.

"I come of a race that, being bred on barren hills and unfertile plains in Scotland, being obliged to work where work was hard, somehow has the best zest in what it does when the job is hard, and I was repeating to my friend Mr. Jackson what I said the other day about my ancestry and about the implications of it. I come of a certain stock that raised Cain in the northern part of the larger of the British Isles, under the name of the Covenanters. They met in a churchyard—they were church people and they had a convention out of doors—and on the top of a flat tombstone they signed an immortal document called the "solemn league and covenant," which meant that they were going to stand by their religious principles in spite of the Crown of England and the force of England and every other influence, whether of man or the Devil, so long as any of them lived. Now, I have seen men of all nations sit around a table in Paris and sign a solemn league and covenant. They have become Covenanters, and I remain a Covenanter, and I am going to see this job through no matter what influences of evil withstand. [Loud applause.] Nothing has heartened me more on this journey than to feel that that really is the judgment of our fellow citizens. America is made up, as I have just said, out of all sorts of elements, but it is a singularly homogeneous people after all; homogeneous in its ideals, not in its blood; homogeneous in the infection which it has caught from a common light; homogeneous in its purpose. Every man has a sort of consciousness that America is put into the world for a purpose that is different in some respects from the purpose conceived by any other national organization.

"Throughout America you have got a conducting medium. You do not put forth an American idea and find it halted by this man or that or the other, except he be particularly asleep or cantankerous, but it spreads, it spreads by the natural contact of similar ideas and similar ambitions and similar hopes. For, my fellow citizens, the only thing that lifts the world is hope. The only thing that can save the world is such arrangements as will convince the world that hope is not altogether without foundation. It is the spirit that is in it that is unconquerable. You can kill the bodies of insurgent men who are fighting for liberty, but the more of them you kill the more you seem to strengthen the spirit that springs up out of the bloody ground where they fell. The only thing in the world that is unconquerable is the thought of men. One looks back to that legendary

story of the Middle Ages, in which certain men who were fighting under one of the semisavage chiefs of that obscure time refused to obey the order of their chief because they considered it inconsistent with the traditions of their tribe, and he said, 'Don't you know that I have the power to kill you?' They said, 'Yes; and don't you know that we have the power to die cursing you?' You can not cut our spirits out. You can not do anything but lay our bodies low and helpless. If you do, there will spring up, like dragon's teeth out of the earth, armed forces which will overcome you.

"This is the field of the spirit here in America. This is the field of the single unconquerable force that there is in the world, and when the world learns, as it will learn, that America has put her whole force into the common harness of civilization, then it will know that the wheels are going to turn, the loads are going to be drawn, and men are going to begin to ascend those difficult heights of hope which have sometimes seemed so inaccessible. I am glad for one to have lived to see this day. I have lived to see a day in which, after saturating myself most of my life in the history and traditions of America, I seem suddenly to see the culmination of American hope and history—all the orators seeing their dreams realized, if their spirits are looking on; all the men who spoke the noblest sentiments of America heartened with the sight of a great Nation responding to and acting upon those dreams, and saying, 'At last, the world knows America as the savior of the world!'"

THE PRESIDENT AT AUDITORIUM, PORTLAND, OREG., SEPTEMBER 25, 1919.

"Mr. Chairman, Mr. Irvine, my fellow countrymen, Mr. Irvine has very eloquently stated exactly the errand upon which I have come. I have come to confer, face to face, with you on one of the most solemn occasions that have ever confronted this Nation. As I have come along through the country and stopped at station after station, the first to crowd around the train have almost always been little children, bright-eyed little boys, excited little girls, children all seeming sometimes of the same generation, and I have thought as I looked upon them from the car platform that, after all, it was they to whom I had come to report; that I had come to report with regard to the safety and honor of subsequent generations of America, and I felt that if I could not fulfill the task to which I had set my hand, I would have to say to mothers with boy babies at their breast, 'You have occasion to weep; you have occasion to fear. The past is only a prediction of the future, and all this terrible thing that your brothers and husbands and sweethearts have been through may have to be gone through with again.' Because, as I was saying to some of your fellow citizens to-day, the task, that great and gallant task, which our soldiers performed is only half finished. They prevented a great wrong. They prevented it with a spirit and a courage and with an ability that will always be written on the brightest pages of our record of gallantry and of force. I do not know when I have been as proud, as an American, as when I have seen our boys deploy on the other side of the sea. On Christmas Day last, on an open stretch of country, I saw a great division march past me, with all the arms of the service, walking with that swing which is so familiar to our eyes, with that sense of power and confidence and audacity which is so characteristic of America, and I seemed to see the force that had saved the world. But they merely prevented something. They merely prevented a particular nation from doing a particular, unspeakable wrong to civilization, and their task is not complete unless we see to it that it has not to be done over again, unless we fulfill the promise which we made to them and to ourselves that this was not only a war to defeat Germany, but a war to prevent the recurrence of any such wrong as Germany had attempted; that it was a war to put an end to the wars of aggression forever.

"There is only one means of doing that, my fellow citizens. I found quoted in one of your papers the other day a passage so apposite that I do not know that I can do better than read it as the particular thing that it is now necessary to do:

"'Nations must unite as men unite in order to preserve peace and order. The great nations must be so united as to be able to say to any single country, 'You must not go to war,' and they can say that effectively when the country desiring war knows that the force which the united nations place behind peace is irresistible. In differences between individuals the decision of a court is final, because in the last resort the entire force of the community is behind the court decision. In differences between nations which go beyond the limited range of arbitral questions, peace can only be maintained by putting behind it the force of united nations determined to uphold it and prevent war.'

"That is a quotation from an address said to have been delivered at Union College in June, 1915, a year after the war began, by Mr. HENRY CABOT LODGE, of Massachusetts. I entirely concur in Senator LODGE's conclusion, and I hope I shall have his cooperation in bringing about the desired result. In other words, the only way we can prevent the unspeakable thing from happening again is that the nations of the world should unite and put an irresistible force behind peace and order. There is only one conceivable way to do that, and that is by means of a league of nations. The very description is a definition of a league of nations, and the only thing that we can debate now is whether the nations of the world, having met in a universal congress and formulated a covenant as the basis for a league of nations, we are going to accept that or insist upon another. I do not find any man anywhere rash or bold enough to say that he does not desire a league of nations. I only find men here and there saying that they do not desire this league of nations, and I want to ask you to reflect upon what that means. And in order to do that I want to draw a picture for you, if you will be patient with me, of what occurred in Paris.

"In Paris were gathered the representatives of nearly 30 nations from all over the civilized globe, and even from some parts of the globe which in our ignorance of them we have not been in the habit of regarding as civilized, and out of that great body were chosen the representatives of 14 nations, representing all parts of the great stretches of the peoples of the world which the conference as a whole represented. The representatives of those 14 nations were constituted a commission on the league of nations. The first resolution passed by the conference of peace in Paris was a resolution in favor of a league of nations, setting up a commission to formulate a league of nations. It was the thought foremost in the mind of every statesman there. He knew that his errand was in vain in Paris if he went away without achieving the formation of a league of nations, and that he dared not go back and face his people unless he could report that the efforts in that direction had been successful. That commission sat day after day, evening after evening. I had the good fortune to be a member of the commission, and I want to testify to the extraordinary good temper in which the discussions were conducted. I want to testify that there was a universal endeavor to subordinate as much as possible international rivalries and conflicting international interests and come out upon a common ground of agreement in the interest of the world. I want to testify that there were many compromises, but no compromises that sacrificed the principle, and that although the instrument as a whole represented certain mutual concessions, it is a constructive instrument and not a negative instrument. I shall never lose so long as I live the impression of generous, high-minded, statesmanlike cooperation which was manifested in that interesting body. It included representatives of all the most powerful nations, as well as representatives of some of those that were less powerful.

"I could not help thinking as I sat there that the representatives of Italy spoke as it were in the tones of the long tradition of Rome; that we heard the great Latin people who had fought, fought, fought through generation after generation of strife down to this critical moment, speaking now in the counsels of peace. And there sat the prime minister of Greece—the ancient Greek people—lending his singular intelligence, his singularly high-minded and comprehensive counsel, to the general result. There were the representatives also of France, our ancient comrade in the strife for liberty. And there were the representatives of Great Britain, supposed to be the most ambitious, the most desirous of ruling the world of any of the nations of the world, cooperating with a peculiar interest in the result, with a constant and manifestly sincere profession that they wanted to subordinate the interests of the British Empire, which extended all over the world, to the common interests of mankind and of peace. The representatives of Great Britain I may stop to speak of for a moment. There were two of them. One of them was Lord Robert Cecil, who belongs to an ancient family in Great Britain, some of the members of which—particularly Lord Salisbury of a past generation—had always been reputed as most particularly keen to seek and maintain the advantage of the British Empire; and yet I never heard a man speak whose heart was evidently more in the task of the humane redemption of the world than Lord Robert Cecil. And alongside of him sat Gen. Smuts, the South African Boer, the man who had fought Great Britain so successfully that, after the war was over and the Boers nominally defeated, Great Britain saw that the wisest thing she could do was to hand the government of the country over to the Boers themselves. Gen. Botha and Gen. Smuts were both members of the peace conference; both had been successful generals in fighting the British arms. Nobody in the conference was more outspoken in criticizing some aspects of British policy than Gen. Botha and Gen. Smuts, and Gen. Smuts was of the same mind with Sir Robert Cecil. They were both serving the common interests of free people everywhere. You seem to see

a sort of epitome of the history of the world in that conference. There were nations that had long been subordinated and suffering. There were nations that had been indomitably free but, nevertheless, not so free that they could really accomplish the objects that they had always held dear. I want you to realize that this conference was made up of many minds and of many nations and of many traditions, keen to the same conclusion, with a unanimity, an enthusiasm, a spirit which speaks volumes for the future hopes of mankind.

"When this covenant was drawn up in its first form I had the occasion—for me the very happy occasion—to return for a week or so to this country in March last. I brought the covenant in its first draft. I submitted it to the Foreign Relations Committee of the Senate and the Committee on Foreign Affairs in the House. We discussed all parts of the document. Many suggestions were made. I took all of those suggestions with me back to Paris, and the conference on the league of nations adopted every one of the suggestions made. No counsels were listened to more carefully or yielded to more willingly in that conference than the counsels of the United States. Some things were put into the covenant which, personally, I did not think necessary, which seemed to me to go without saying, but which they had no objection to putting in there explicitly.

"For example, take the Monroe doctrine. As a matter of fact the covenant sets up for the world a Monroe doctrine. What is the Monroe doctrine? The Monroe doctrine is that no nation shall come to the Western Hemisphere and try to establish its power or interfere with the self-government of the peoples in this hemisphere; that no power shall extend its governing and controlling influence in any form to either of the Americas. Very well; that is the doctrine of the covenant. No nation shall anywhere extend its power or seek to interfere with the political independence of the peoples of the world; and inasmuch as the Monroe doctrine had been made the universal doctrine, I did not think that it was necessary to mention it particularly, but when I suggested that it was the desire of the United States that it should be explicitly recognized, it was explicitly recognized, for it is written in there that nothing in the covenant shall be interpreted as affecting the validity of the Monroe doctrine. The Monroe doctrine is left intact, and the United States is left free to enforce it.

"That is only a sample. The members of the Foreign Relations Committee and of the Committee on Foreign Affairs did not see it anywhere explicitly stated in the covenant that a member of the league could withdraw. I told them that the matter had been discussed in the commission on the league and that it had been the universal opinion that, since it was a combination of sovereigns, any sovereign had the right to withdraw from it; but when I suggested that that should be explicitly put in, no objection was made whatever, and at the suggestion of the United States it was explicitly provided that any member of the league could withdraw. Provision was made that two years' notice should be given, which I think everybody will recognize as perfectly fair, so that no nation is at liberty suddenly to break down this thing upon which the hope of mankind rests; but with that limitation and with the provision that when they withdraw they shall have fulfilled all their international obligations they are perfectly free to withdraw. When gentlemen dwell upon that provision, that we must have fulfilled all our international obligations, I answer all their anxieties by asking them another question, 'When did America ever fail to fulfill her international obligations?' There is no judge in the matter set up in the covenant, except the conscience of the withdrawing nation and the opinion of mankind, and I for one am proud enough American to dismiss from my mind all fear of at any time going before the judgment of mankind on the conduct of the United States, knowing that we will go with clean hands and righteous purpose.

"I am merely illustrating now the provisions that were put in at the suggestion of the United States. Without exception, the suggestions of the United States were adopted, and I want to say, because it may interest you, that most of these suggestions came from Republican sources. I say that, my fellow citizens, not because it seems to me to make the least difference among Americans in a great matter like this which party such things came from, but because I want to emphasize in every discussion of this matter the absolutely nonpartisan character of the covenant and of the treaty. I am not in favor of the ratification of this treaty, including the covenant of the league of nations, because I am a Democrat. I am in favor of it because I am an American and a lover of humanity. If it will relieve anybody's mind, let me add that it is not my work, that practically every portion of the covenant of the league of nations emanates from counsels running back 10, 20, 30 years, among the most thoughtful men in America, and that it is the fulfillment of a dream which five years ago, when the war began, would have been deemed unattainable. What we are discussing ought not to be disfigured, ought not to be tainted, with the least thought of domestic politics. If anybody in this audience allows himself when thinking of this matter to think of the elections of 1920 I want to declare that I separate myself from him.

"I draw all this picture of the care with which the covenant was drawn up, every phrase scrutinized, every interest considered, the other nations at the board just as jealous of their sovereignty as we could possibly be of ours, and yet willing to harness all these sovereignties in a single great enterprise of peace, and how the whole thing was not the original idea of any man in the conference, but had grown out of the counsels of hopeful and thoughtful and righteous men all over the world; because just as there was in America a league to enforce peace, which even formulated a constitution for the league of peace before the conference met, before the conference was thought of, before the war began, so there were in Great Britain and in France and in Italy and, I believe, even in Germany similar associations of equally influential men, whose ideal was that some time there might come an occasion when men would be sane enough and right enough to get together to do a thing of this great sort. I draw that picture in order to show you the other side of what is going on, and I want to preface this part by saying that I hope you will not construe anything that I say as indicating the least lack of respect for the men who are criticizing any portion of this treaty. For most of them, I have reason to have respect, for I have come into close contact and consultation with them. They are just as good Americans as I claim to be; they are just as thoughtful of the interests of America as I try to be; they are just as intelligent as anybody who could address his mind to this thing; and my contest with them is a contest of interpretation, not a contest of intention. All I have to urge with those men is that they are looking at this thing with too critical an eye as to the mere phraseology, without remembering the purpose that everybody knows to have been in the minds of those who framed it, and that if they go very far in attempting to interpret it by resolutions of the Senate they may, in appearance at any rate, sufficiently alter the meaning of the document to make it necessary to take it back to the council board. Taking it back to the council board means, among other things, taking it back to Germany; and I frankly tell you, my fellow citizens, it would sit very ill upon my stomach to take it back to Germany. Germany, at our request—I may say almost at our dictation—signed the treaty and has ratified it. It is a contract, so far as her part in it is concerned. I can testify that we tried to be just to Germany, and that when we had heard her arguments and examined every portion of the counterproposals that she made, we wrote the treaty in its final form and then said, 'Sign here.' What else did our boys die for? Did they die in order that we might ask Germany's leave to complete our victory? They died in order that we might say to Germany what the terms of victory were in the interest of justice and of peace, and we were entitled to take the course that we did take. I can only beg these gentlemen in their criticism of the treaty and in their action in the Senate not to go so far as to make it necessary to ask the consent of the other nations to the interpretations which they are putting upon the treaty. I have said in all frankness that I do not see a single phrase in the covenant of the league of nations which is of doubtful meaning, but if they want to say what that undoubted meaning is, in other words that do not change the undoubted meaning, I have no objection. If they change the meaning of it, then all the other signatories have to consent; and what has been evident in the last week or two is that on the part of some men, I believe a very few, the desire is to change the treaty, and particularly the covenant, in a way to give America an exceptional footing.

"My fellow citizens, the principle that America went into this war for was the principle of the equality of sovereign nations. I am just as much opposed to class legislation in international matters as in domestic matters. I do not, I tell you plainly, believe that any one nation should be allowed to dominate, even this beloved Nation of our own, and it does not desire to dominate. I said in a speech the other night in another connection that, so far as my influence and power as President of the United States went, I was going to fight every attempt to set up a minority government. I was asked afterwards whom I was hitting at, what minority I was thinking of. I said, 'Never mind what minority I may have been thinking of at the moment; it does not make any difference with me which minority it is; whether it is capital or labor. No sort of privilege will ever be permitted in this country.' It is a partnership or it is a mockery.

It is a democracy, where the majority are the masters, or all the hopes and purposes of the men who founded this Government have been defeated and forgotten. And I am of the same principle in international affairs. One of the things that gave the world a new and a bounding hope was that the great United States had said that it was fighting for the little nation as well as the great nation; that it regarded the rights of the little nation as equal to its own rights; that it would make no distinction between free men anywhere; that it was not fighting for a special advantage for the United States but for an equal advantage for all free men everywhere. Let gentlemen beware, therefore, how they disappoint the world. Let gentlemen beware how they betray the immemorial principles of the United States. Let men not make the mistake of claiming a position of privilege for the United States which gives it all the advantages of the league of nations and none of the risks and responsibilities. The principle of equity everywhere is that along with a right goes a duty; that if you claim a right for yourself you must be ready to support that right for somebody else; that if you claim to be a member in a society of any sort you must not claim the right to dodge the responsibilities and avoid the burden, but you must carry the weight of the enterprise along with the hope of the enterprise. That is the spirit of free men everywhere, and that I know to be the spirit of the United States.

"Our decision, therefore, my fellow citizens, rests upon this: If we want a league of nations, we must take this league of nations, because there is no conceivable way in which any other league of nations is obtainable. We must leave it or take it. I should be very sorry to have the United States indirectly defeat this great enterprise by asking for something, some position of privilege, which other nations in their pride can not grant. I would a great deal rather say flatly, 'She will not go into the enterprise at all.' And that, my fellow citizens, is exactly what Germany is hoping and beginning to dare to expect. I am not uttering a conjecture; I am speaking of knowledge, knowledge of the things that are said in the German newspapers and by German public men. They are taking heart because the United States, they hope, is not going to stand with the other free nations of the world to guarantee the peace that has been forced upon them. They see the hope that there will be two nations standing outside the league—Germany and the United States. Germany because she must; the United States because she will. She knows that that will turn the hostility and enmity of all the other nations of the world against the United States, as their hostility is already directed against her. They do not expect that now the United States will in any way align themselves with Germany. They do not expect the sympathy of the United States to go out to them now, but they do expect the isolation of the United States to bring about an alienation between the United States and the other free nations of the world, which will make it impossible for the world ever to combine again against such enterprises as she was defeated in attempting. All over this country pro-German propaganda is beginning to be active again, beginning to try to add to the force of the arguments against the league in particular and against the treaty and the several items of the treaty. And the poison of failure is being injected into the whole fine body politic of the united world, a sort of paralysis, a sort of fear. Germany desires that we should say, 'What have we created? A great power which will bring peace, but will that power be amiable to us? Can we control that power?' We can not control it for any but its proper purpose—the purpose of righteousness and peace—but for that purpose we are invited to control it by the opinion of mankind, for all over the world peoples are looking to us with confidence, our rivals along with the weaker nations. They believe in the honesty of purpose and the indomitable rectitude of purpose of the United States, and they are willing to have us lead.

"I pray God that the gentlemen who are delaying this thing may presently see it in a different light. I fain would appeal to their hearts. I wonder if they have forgotten what this war meant. I wonder if they have had mothers who lost their sons take them by the hand, as they have taken my own, and looked things that their hearts were too full to speak, praying me to do all in my power to save the sons of other mothers from this terrible thing again. I had one fine woman come to me and say as steadily as if she were saying a commonplace, 'I had the honor to lose a son in the war.' How fine that is—'I had the honor to sacrifice a son for the redemption of mankind!' And yet there is a sob back of the statement, there is a tear brushed hastily away from the cheek. A woman came up to the train the other day and seized my hand and was about to say something when she turned away in a flood of tears. I asked a standerby what was the matter, and he said, 'Why, sir, she lost a son in France.' Mind you, she did not turn away from me. I ordered her son overseas. I advised the Congress of the United States to sacrifice that son. She came to me as a friend. She had nothing in her heart except the hope that I could save other sons, though she had given hers gladly, and, God helping me, I will save other sons. Through evil report and good report, through resistance and misrepresentation and every other vile thing, I shall fight my way to that goal. I call upon the men to whom I have referred—the honest, patriotic, intelligent men, who have been too particularly concerned in criticizing the details of that treaty—to forget the details, to remember the great enterprise, to stand with me, and fulfill the hopes and traditions of the United States.

"My fellow citizens, there is only one conquering force in the world. There is only one thing you can not kill, and that is the spirit of free men. I was telling some friends to-day of a legendary story of the Middle Ages, of a chieftain of one of the half-civilized peoples that overran Europe commanding some of his men to do a certain thing which they believed to be against the traditions of their tribe. They refused, and he blazed out upon them, 'Don't you know that I can put you to death?' 'Yes,' they said, 'and don't you know that we can die cursing you?' He could not kill their spirits; and they knew perfectly well that if he unjustly slew them the whole spirit of their tribe would curse him; they knew that, if he did an unjust thing, out of the blood that they split would spring up, as it were, armed men, like dragons' teeth, to overwhelm him. The thing that is vindicated in the long run is the right, and the only thing that is unconquerable is the truth. America is believed in throughout the world, because she has put spirit before material ambition. She has said that she is willing to sacrifice everything that she is and everything that she has not only that her people may be free but that fredom may reign throughout the world.

"I hear men say—how often I heard it said on the other side of the water!—how amazing it was that America went into this war. I tell you, my fellow citizens—I tell it with sorrow—it was universally believed on the other side of the water that we would not go into the war because we were making money out of it, and loved the money better than we loved justice. They all believed that. When we went over there they greeted us with amazement. They said, 'These men did not have to come. Their territories are not invaded. Their independence is not directly threatened. Their interests were not immediately attacked, only indirectly. They were getting a great prosperity out of this calamity of ours, and we were told that they worshipped the almighty dollar; but here come, tramping, tramping, tramping, these gallant fellows with something in their faces we never saw before—eyes lifted to the horizon, a dash that knows no discouragement, a knowledge only of how to go forward, no thought of how to go backward—3,000 miles from home. What are they fighting for? Look at their faces and you will see the answer. They see a vision. They see a cause. They see mankind redeemed. They see a great force which would recall civilization. They love something they have never touched. They love the things that emanate from the throne of justice, and they have come here to fight with us and for us, and they are our comrades.'

"We were told by certain people in France that they went to the Fourth of July celebration last calendar year in Paris with sinking hearts. Our men had just begun to come over in numbers. They did not expect they would come soon enough or fast enough to save them. They went out of courtesy; and before the day was over, having merely been in the presence of those boys, they knew that Europe was saved, because they had seen what that blind man saw in the song. You have heard that spirited song of the blind Frenchman, his boy at the window, music in the streets, the marching of troops, and he says to the lad, 'See what that is. What do you see, lad? What are the colors? What are the men? Is there a banner with red and white stripes upon it? Is there a bit of heaven in the corner? Are there stars in that piece of the firmament? Ah, thank God, the Americans have come!' It was the revelation to Europe of the heart of a great Nation, and they believe in that heart now. You never hear the old sneers. You never hear the old intimation that we will seek our interest and not our honor. You never hear the old fear that we shall not stand by free men elsewhere who make common cause with us for justice to mankind. You hear, on the contrary, confident prediction, confident expectation, a confident hope that the whole world will be steadied by the magnificent purpose and force of the United States. If I was proud as an American before I went over there—and I hope my pride had just foundation—I was infinitely more proud when I came back to feel that I could bring you this message.

"My fellow citizens, let us—every one of us—bind ourselves in a solemn league and covenant of our own that we will redeem

this expectation of the world, that we will not allow any man to stand in the way of it, that the world shall hereafter bless and not curse us, that the world hereafter shall follow us and not turn aside from us, and that in leading we will not lead along the paths of private advantage, we will not lead along the paths of national ambition, but we will be proud and happy to lead along the paths of right, so that men shall always say that American soldiers saved Europe and American citizens saved the world."

THE PRESIDENT AT LUNCHEON, PALACE HOTEL, SAN FRANCISCO, CALIF., SEPTEMBER 17, 1919.

"Mrs. Mott and my fellow citizens, Mrs. Mott has very happily interpreted the feeling with which I face this great audience. I have come to get a consciousness of your support and of your sentiment, at a time in the history of the world, I take leave to say, more critical than has ever been known during the history of the United States. I have felt a certain burden of responsibility as I have mixed with my fellow countrymen across the continent, because I have feared at times that there were those amongst us who did not realize just what the heart of this question is. I have been afraid that their thoughts were lingering in a past day when the calculation was always of national advantage, and that it had not come to see the light of the new day in which men are thinking of the common advantage and safety of mankind. The issue is nothing else. Either we must stand apart, and in the phrase of some gentlemen, 'take care of ourselves,' which means antagonize others, or we must join hands with the other great nations of the world and with the weak nations of the world, in seeing that justice is everywhere maintained.

"Quite apart from the merits of any particular question that may be raised about the treaty itself, I think we are under a certain moral compulsion to accept this treaty. In the first place, my fellow citizens, it was laid down according to American specifications. The initial suggestions upon which this treaty is based emanated from America. I would not have you understanding me as meaning that they were ideas confined to America, because the promptness with which they were accepted, the joy with which they were hailed in some parts of the world, the readiness of the leaders of nations that had been supposed to be seeking chiefly their own interest in adopting these principles as the principles of the peace, show that they were listening to the counsels of their own people, that they were listening to those who knew the critical character of the new age and the necessity we were under to take new measures for the peace of the world, because the thing that had happened was intolerable. The thing that Germany attempted, if it had succeeded, would have set the civilization of the world back a hundred years. We have prevented it, but prevention is not enough. We have shown Germany—and not Germany only, but the world—that upon occasion the great peoples of the world will combine to prevent an iniquity, but we have not shown how that is going to be done in the future with a certainty that will make every other nation know that a similar enterprise must not be attempted.

"Again and again, as I have crossed the continent, generous women, women I did not know, have taken me by the hand and said, 'God bless you, Mr. President.' Some of them, like many of you, had lost sons and husbands and brothers in the war. Why should they bless me? I advised Congress to declare war. I advised Congress to send their sons to their death. As commander in chief of the Army, I sent them over the seas, and they were killed. Why should they bless me? Because in the generosity of their hearts they want the sons of other women saved henceforth, and they believe that the methods proposed at any rate create a very hopeful expectation that similar wars will be prevented, and that other armies will not have to go from the United States to die upon distant fields of battle. The moral compulsion upon us, upon us who at the critical stage of the world saved the world and who threw in our fortunes with all the forward-looking peoples of the world—the moral compulsion upon us to stand by and see it through is overwhelming. We can not now turn back. We made the choice in April, 1917. We can not with honor reverse it now.

"Not only is there the compulsion of honor, but there is the compulsion of interest. I never like to speak of that, because, notwithstanding the reputation that we had throughout the world before we made the great sacrifice of this war, this Nation does love its honor better than it loves its interest. It does yield to moral compulsion more readily than to material compulsion. That is the glory of America. That is the spirit in which she was conceived and born. That is the mission that she has in the world. She always has lived up to it, and, God helping her, she always will live up to it. But if you want, as some of our fellow countrymen insist, to dwell upon the material side of it and our interest in the matter, our commercial interest, draw the picture for yourselves. The other nations of the world are drawing together. We who suggested that they should draw together in this new partnership stand aside. We at once draw their suspicion upon us. We at once draw their intense hostility upon us. We at once renew the thing that had begun to be done before we went into the war. There was a conference in Paris not many months before we went into the war in which the nations then engaged against Germany attempted to draw together in an exclusive economic combination where they should serve one another's interest and exclude those who had not participated in the war from sharing in that interest, and just so certainly as we stay out, every market that can possibly be closed against us will be closed. If you merely look at it from the point of view of the material prosperity of the United States, we are under compulsion to stay in the partnership. I was asking some gentlemen the other day who were engaged in commerce of various sorts, 'Can you sell more easily to a man who trusts you or to a man who distrusts you?' There can be but one answer to that question. Can you sell more easily to a man who takes your goods because he can not do without them or to a man who wants them and believes them the best? The thing demonstrates itself. You make all the lines of trade lines of resistance unless you prove true to the things that you have attempted and undertaken.

"Then, there is a deeper compulsion even than those, the compulsion of humanity. If there is one thing that America ought to have learned more promptly than any other country it is that, being made up out of all the ranks of humanity, in serving itself it must serve the human race. I suppose I could not command the words which would exaggerate the present expectations of the world with regard to the United States. Nothing more thrilling, nothing more touching, happened to me on the other side of the water than the daily evidences that, not the weak peoples merely, not the peoples of countries that had been allowed to shift for themselves and had always borne the chief burden of the world's sufferings, but the great peoples as well, the people of France as well as the people of Serbia, the people of all the nations that had looked this terror in the face, were turning to the United States and saying, 'We depend upon you to take the lead, to direct us how to go out of this wilderness of doubt and fear and terror.' We can not desert humanity. We are the trustees of humanity, and we must see that we redeem the pledges which are always implicit in so great a trusteeship.

"So, feeling these compulsions, the compulsion of honor, the compulsion of interest, and the compulsion of humanity, I wonder what it is that is holding some minds back from acquiescence in this great enterprise of peace. I must admit to you, my fellow citizens, that I have been very much puzzled. I can not conceive a motive adequate to hold men off from this thing, and when I examine the objections which they make to the treaty I can but wonder if they are really thinking, or if, on the other hand, there is some emotion coming from fountains that I do not know of which are obliging them to take this course.

"Let me take the point in which my initial sympathy is most with them, the matter of the cession to Japan of the interests of Germany in Shantung, in China. I said to my Japanese colleagues on the other side of the sea, and therefore I am at liberty to say in public, I am not satisfied with that settlement. I think it ought to have been different, but when gentlemen propose to cure it by striking that clause out of the treaty or by ourselves withholding our adherence to the treaty, they propose an irrational thing. Let me remind you of some of the history of this business. It was in 1898 that China ceded these rights and concessions to Germany. The pretext was that some German missionaries had been killed. My heart aches, I must say, when I think how we have made an excuse of religion sometimes to work a deep wrong. The central Government of China had done all that they could to protect those German missionaries; their death was due to local disturbances, to local passion, to local antipathy against the foreigner. There was nothing that the Chinese Government as a whole could justly be held responsible for; but suppose there had been. Two Christian missionaries are killed, and therefore one great nation robs another nation and does a thing which is fundamentally un-Christian and heathen! For there was no adequate excuse for what Germany exacted of China. I read again only the other day the phrases in which poor China was made to make the concessions. She was made to make them in words dictated by Germany, in view of her gratitude to Germany for certain services rendered—the deepest hypocrisy conceivable! She was obliged to do so by force.

"Then, what happened, my fellow citizens? Then Russia came in and obliged China to cede her Port Arthur and Talien Wan, not for quite so long a period, but upon substantially the same terms. Then England must needs have Wei-Hai-Wei as an equivalent concession to that which had been made to Germany; and presently certain ports, with the territory back of them, were ceded upon similar principles to France. Everybody got in, except the United States, and said, 'If Germany is going to get something, we will get something.' Why? None of them had any business in there on such terms.

"Then when the Japanese-Russian War came, Japan did what she has done in this war. She attacked Port Arthur and captured Port Arthur, and Port Arthur was ceded to her as a consequence of the war. Not one official voice was raised in the United States against that cession. No protest was made. No protest was made by the Government of the United States against the original cession of this Shantung territory to Germany. One of the highest minded men of our history was President at that time—I mean Mr. McKinley. One of the ablest men that we have had as Secretary of State, Mr. John Hay, occupied that great office. In the message of Mr. McKinley about this transaction, he says—I am quoting his language—that inasmuch as the powers that had taken these territories had agreed to keep the door open there for our commerce, there was no reason why we should object. Just so we could trade with these stolen territories we were willing to let them be stolen. Which of these gentlemen who are now objecting to the cession of the German rights in Shantung to Japan were prominent in protesting against the original cession or any one of those original cessions? It makes my heart burn when some men are so late in doing justice.

"In the meantime, before we got into this war, but after the war had begun, because they deemed the assistance of Japan in the Pacific absolutely indispensable, Great Britain and France both agreed that if Japan would enter and cooperate in the war she could do the same thing with regard to Shantung that she had done with regard to Port Arthur; that if she would take what Germany had in China she could keep it. She took it. She has it now. Her troops are there. She has it as spoils of war. Observe, my fellow citizens, we are not taking this thing away from China; we are taking it from Germany. China had ceded it for 99 years, and there are 78 of those 99 to run yet. They were Germany's rights in Shantung, not China's, that were ceded by the treaty to Japan, but with a difference—a difference which never occurred in any of these other cases—a difference which was not insisted upon at the cession of Port Arthur—upon a condition that no other nation in doing similar things in China has ever yielded to. Japan is under solemn promise to forego all sovereign rights in the Province of Shantung and to retain only what private corporations have elsewhere in China, the right of concessionaires with regard to the operation of the railway and the exploitation of the mines. Scores of foreign corporations have that right in other parts of China.

"But it does not stop there. Coupled with this arrangement is the league of nations, under which Japan solemnly undertakes, with the rest of us, to protect the territorial integrity of China, along with the territorial integrity of other countries, and back of her promise lies the similar promise of every other nation, that nowhere will they countenance a disregard for the territorial integrity or the political independence of that great helpless people, lying there hitherto as an object of prey in the great Orient. It is the first time in the history of the world that anything has been done for China, and sitting around our council board in Paris I put this question: 'May I expect that this will be the beginning of the retrocession to China of the exceptional rights which other Governments have enjoyed there?' The responsible representatives of the other great Governments said, 'Yes; you may expect it.' Expect it?

"Your attention is constantly drawn to article 10, and that is the article—the heart of the covenant—which guarantees the territorial integrity and political independence not only of China, but of other countries more helpless even than China; but, besides article 10, there is article 11, which makes it the right of every member of the league, big or little, influential or not influential, to draw attention to anything, anywhere, that is likely to disturb the peace of the world or the good understanding between nations upon which the peace of the world depends. Whenever formerly anything was done in detriment of the interests of China, we had to approach the Government that did it with apologies. We had, as it were, to say, 'This is none of our business, but we would like to suggest that this is not in the interest of China.' I am repeating, not the words but the purport of notes that I have signed myself to Japan, in which I was obliged to use all the genuflections of apology and say, 'The United States believes that this is wrong in principle and suggests to the Japanese Government that the matter be reconsidered.' Now, when you have the league of nations the representative of the United States has the right to stand up and say, 'This is against the covenants of peace; it can not be done,' and if occasion arises we can add, 'It shall not be done.' The weak and oppressed and wronged peoples of the world have never before had a forum made for them in which they can summon their enemies into the presence of the judgment of mankind, and if there is one tribunal that the wrongdoer ought to dread more than another it is that tribunal of the opinion of mankind. Some nations keep their international promises only because they wish to obtain the respect of mankind. You remember those immortal words in the opening part of the Declaration of Independence. I wish I could quote them literally, but they run this way, that out of respect for the opinion of mankind the leaders of the American Revolution now state the causes which have led them to separate themselves from Great Britain. America was the first to set that example, the first to admit that right and justice and even the basis of revolution was a matter upon which mankind was entitled to form a judgment.

"If we do not take part in this thing, what happens? France and England are absolutely bound to this thing without any qualifications. The alternative is to defend China in the future with important concessions to begin with, or else let the world go back to its old methods of rapacity; or else take up arms against France and England and Japan, and begin the shedding of blood over again, almost fraticidal blood. Does that sound like a practical program? Does that sound like doing China a service? Does that sound like anything that is rational?

"Go to other matters with which I have less patience, other objections to the league. I have spoken of article 10. Those who object to article 10 object to entering the league with any responsibilities whatever. They want to make it a matter of opinion merely and not a matter of action. They know just as well as I know that there is nothing in article 10 that can oblige the Congress of the United States to declare war if it does not deem it wise to declare war. We engage with the other nations of the world to preserve as against external aggression—not as against internal revolution—the territorial integrity and existing political independence of the other members of the league; and then, in the next sentence, it is said that the council of the league of nations shall advise with regard to the measures which may be necessary to carry out this promise on the part of the members. As I have said several times in my speeches, I have in vain searched the dictionary to find any other meaning for the word 'advise' than 'advise.' These gentlemen would have you believe that our armies can be ordered abroad by some other power or by a combination of powers. They are thinking in an air-tight compartment. America is not the only proud nation in the world. I can testify from my share in the counsels on the other side of the sea that the other nations are just as jealous of their sovereignty as we are of ours. They would no more have dreamed of giving us the right of ordering out their armies than we would have dreamed of giving them the right to order out our armies. The advice can come from the United States only after the United States representative votes in the affirmative.

"We have got an absolute veto on the thing, unless we are parties to the dispute, and I want again to call attention to what that means. That means unless we want to seize somebody's territory or invade somebody's political independence, or unless somebody else wants to seize our territory and invade our political independence. I regard either of those contingencies as so remote that they are not troubling me in the least. I know the people of this country well enough to know that we will not be the aggressors in trying to execute a wrong, and in looking about me I do not see anybody else that would think it wise to try it on us. But suppose we are parties. Then is it the council of the league that is forcing war upon us? The war is ours anyhow. We are in circumstances where it is necessary for Congress, if it wants to steal somebody's territory or prevent somebody from stealing our territory, to go to war. It is not the council of the league that brings us into war at that time, in such circumstances; it is the unfortunate circumstances which have arisen in some matter of aggression. I want to say again that article 10 is the very heart of the covenant of the league, because all the great wrongs of the world have had their root in the seizure of territory or the control of the political independence of other peoples. I believe that I speak the feeling of the people of the United States when I say that, having seen one great wrong like that attempted and having prevented it, we are ready to prevent it again.

"Those are the two principal criticisms—that we did not do the impossible with regard to Shantung and that we may be ad-

vised to go to war. That is all there is in either of those. But they say, 'We want the Monroe doctrine more distinctly acknowledged.' Well, if I could have found language that was more distinct than that used, I should have been very happy to suggest it, but it says in so many words that nothing in that document shall be construed as affecting the validity of the Monroe doctrine. I do not see what more it could say, but, as I say, if the clear can be clarified, I have no objection to its being clarified. The meaning is too obvious to admit of discussion, and I want you to realize how extraordinary that provision is. Every nation in the world had been jealous of the Monroe doctrine, had studiously avoided doing or saying anything that would admit its validity, and here all the great nations of the world sign a document which admits its validity. That constitutes nothing less than a moral revolution in the attitude of the rest of the world toward America.

"What does the Monroe doctrine mean in that covenant? It means that with regard to aggressions upon the Western Hemisphere we are at liberty to act without waiting for other nations to act. That is the Monroe doctrine. The Monroe doctrine says that if anybody tries to interfere with affairs in the Western Hemisphere it will be regarded as an unfriendly act to the United States—not to the rest of the world—and that means that the United States will look after it, and will not ask anybody's permission to look after it. The document says that nothing in this document must be construed as interfering with that. I dismiss the objections to the Monroe doctrine all the more because this is what happened: I brought the first draft of the covenant to this country in March last. I then invited the Foreign Affairs Committee of the House and the Foreign Relations Committee of the Senate to the White House to dinner, and after dinner we had the frankest possible conference with regard to this draft. When I went back to Paris I carried every suggestion that was made in that conference to the commission on the league of nations, which consisted of representatives of 14 nations, and every one of the suggestions of those committees was embodied in the document. I suppose it is a pride of style. I suppose that, although the substance was embodied, they would rather write it differently, but, after all, that is a literary matter. After all, that is a question of pride in the command of the English language, and I must say that there were a great many men on that commission on the league of nations who seemed perfectly to understand the English language and who wished to express, not only in the English text but in its French equivalent, exactly what we wanted to say.

"One of the suggestions I carried over was that we should have the right to withdraw. I must say that I did not want to say, 'We are going into this if you promise we can scuttle whenever we want to.' That did not seem to me a very handsome thing to propose, and I told the men in the conference at the White House, when they raised the question, that it had been raised in the commission on the league of nations and that it was the unanimous opinion of the international lawyers of that body that, inasmuch as this was an association of sovereigns, they had the right to withdraw. But I conceded that if that right was admitted there could be no harm in stating it, and so in the present draft of the covenant it is stated that any member may withdraw upon two years' notice, which, I think, is not an unreasonable length of time, provided that at the end of the two years all the international obligations of that power under the covenant shall have been fulfilled. Would you wish any other condition? Would you wish the United States allowed to withdraw without fulfilling its obligations? Is that the kind of people we are? Moreover, have we ever failed to fulfill our international obligations? It is a point of pride with me, my fellow citizens, not to debate this question. I will not debate with anybody whether the United States is likely to withdraw without fulfilling its obligations or not, and if other gentlemen entertain that possibility and expectation, I separate myself from them.

"But there is another matter. They say that the British Empire has six votes and we have only one. It happens that our one is as big as the six, and that satisfies me entirely. Let me explain what I mean. It is only in the assembly that the British Empire has six votes—not in the council—and there is only one thing that the assembly votes on in which it can decide a matter without the concurrence of all the States represented on the council, and that is the admission of new members to the league of nations. With regard to every other matter, for example, amendments to the covenant, with regard to cases referred out of the council to the assembly, it is provided that if a majority of the assembly and the representatives of all the States represented on the council concur, the vote shall be valid and conclusive, which means that the affirmative vote of the United States is in every instance just as powerful as the six votes of the British Empire. I took the pains yesterday, I believe it was, on the train, to go through the covenant almost sentence by sentence again, to find if there was any case other than the one I have mentioned in which that was not true, and there is no other case in which that is not true. Of course, you will understand that wherever the United States is a party to a quarrel and that quarrel is carried to the assembly, we can not vote; but, similarly, if the British Empire is a party her six representatives can not vote. It is an even break any way you take it, and I would rather count six as one person than six as six persons. So far as I can see, it makes me a bigger man. The point to remember is that the energy of the league of nations resides in the council, not in the assembly, and that in the council there is a perfect equality of votes. That settles that matter, and even some of my fellow countrymen who insist upon keeping a hyphen in the middle of their names ought to be satisfied with that—though I must admit that I do not care to argue anything with a hyphen. A man that puts anything else before the word 'American' is no comrade of mine, and yet I am willing even to discomfit him with a statement of fact.

"Those are the objections to yielding to these compulsions of honor, interest, and humanity, and it is because of the nature of these objections, their flimsiness, the impossibility of supporting them with conclusive argument, that I am profoundly puzzled to know what is back of the opposition to the league of nations. I know one of the results, and that is to raise the hope in the minds of the German people that, after all, they can separate us from those who were our associates in the war. I know that the pro-German propaganda which had theretofore not dared to raise its head again has now boldly raised its head and is active all over the United States. These are disturbing and illuminating circumstances. Pray understand me; I am not accusing some of the honorable men whose objections I am trying to answer with trying to draw near to Germany. That is not my point; but I am saying that what they are attempting to do is exactly what Germany desires, and that it would touch the honor of the United States very near if at the end of this great struggle we should seek to take the position which our enemies desire and our friends deplore.

"I am arguing the matter only because I am a very patient man. I have not the slightest doubt as to what the result is going to be. I have felt the temper and high purpose of this great people as I have crossed this wonderful land of ours, and one of the things that make it most delightful to stand here is to remember that the people of the Pacific coast were the first to see the new duty in its entirety. It is a remarkable circumstance that you people, who were farthest from the field of conflict, most remote from that contact of interests which stirred so many peoples, yet outdid the rest of the country in volunteering for service and volunteering your money. As I came through that wonderful country to the north of us it occurred to me one day that the aspiring lines of those wonderful mountains must lead people's eyes to be drawn upward and to look into the blue serene and see things apart from the confusions of affairs, to see the real, pure vision of the interests of humanity; and that, after all, the spirit of America was best expressed where people withdrew their thoughts from the entangling interests of everyday life, purified their motives from all that was selfish and groveling and based upon the desire to seize and get and turned their thoughts to those things that are worth living for.

"The only thing that makes the world inhabitable is that it is sometimes ruled by its purest spirits. I want to leave this illustration, which I have often used, in your minds of what I mean. Some years ago some one said to me that the modern world was a world in which the mind was monarch, and my reply was that if that was true it must be one of those modern monarchs that reigned and did not govern; that, as a matter of fact, the world was governed by a great popular assembly made up of the passions and that the constant struggle of civilization was to see that the handsome passions had a working majority. That is the problem of civilization, that the things that engage the best impulses of the human spirit should be the prevailing things, the conquering things, the things that one can die comfortably after achieving. How do men ever go to sleep that have conceived wrong? How do men ever get their own consent to laugh who have not looked the right in the face and extended their hand to it? If America can in the future look the rest of the world in the face, it will be because she has been the champion of justice and of right."

THE PRESIDENT AT AUDITORIUM, SAN FRANCISCO, CALIF., SEPTEMBER 17, 1919.

"Mr. Chairman, Mr. Rolph, my fellow countrymen, you have given me a very royal welcome, and I am profoundly appreciative of the greeting that you have extended me. It is a matter of gratification to me to be permitted to speak to this great audience representing as it does one of the most forward-looking States of the Union, representing as it does a great body of people who are accustomed to look and plan to the future. As I picture to myself the history of this great country which we love, I remember the surging tides of humanity moving always westward, over the eastern mountains and the plains, deploying upon the great further slopes of the Rockies, then overflowing into these fertile and beautiful valleys by the Pacific; and that is a picture to me of the constant forward, confident, hopeful movement of the American people. I feel that it is not without significance that this was the portion of the country which responded with the most extraordinary spirit to the call to arms, responded with the utmost spontaneity and generosity to the call for the money of the people to be loaned to the Government for the conduct of the Great War, responded to all those impulses of purpose and of freedom which underlay the great struggle we have just passed through.

"As I have passed through your streets to-day, and through others in the many generous communities north of you and east of you, you have made me feel how the spirit of the American people is coming to a single vision, how the thought of the American people is back of a single purpose. I have come before you, my fellow citizens, to discuss a very serious theme. I want to analyze for you the very important issue with which this Nation is now face to face. It is by far the most important question that has ever come before this people for decision, and the reason I have come out upon this long journey is that I am conscious that it is the people, their purpose, their wish, that is to decide this thing, and not the thought of those who are planning any private purpose of their own.

"What I first want to call your attention to, my fellow citizens, is this: You know that the debate in which we are engaged centers first of all upon the league of nations, and there seems to have arisen an idea in some quarters that the league of nations is an idea recently conceived, conceived by a small number of persons, somehow originated by the American representatives at the council table in Paris. Nothing could be further from the truth than that. I would not feel the confidence that I feel in the league of nations if I felt that it was so recent and novel a growth and birth as that. On the contrary, it is the fruit of many generations of thoughtful, forward-looking men, not only in this country but in the other countries of the world, who have been able to look forward to the combined fortunes of mankind. The men who have conceived this great purpose are not men who through these generations, when they were concerting counsel in this great matter, thought of the fortunes of parties, thought of the fortunes of individuals. I would be ashamed of myself, as I am frankly ashamed of any fellow countryman of mine who does it, if I discussed this great question with any portion of my thought devoted to the contest of parties and the elections of next year.

"Some of the greatest spirits, some of the most instructed minds of both parties have been devoted to this great idea for more than a generation. It has come before the Paris conference out of the stage of ideal conception. It had long before that begun to assume the shape of a definite program and plan for the concert and cooperation of the nations in the interest of the peace of the world, and when I went to Paris I was conscious that I was carrying there no plan which was novel either to America or to Europe, but a plan which all statesmen who realized the real interests of their people had long ago hoped might be carried out in some day when the world would realize what the peace of the world meant and what were its necessary foundations. When I got to Paris I was not conscious of presenting anything that they had not long considered, and I felt that I was merely the spokesman of thoughtful minds and hopeful spirits in America. I was not putting forward any purpose of my own. So that I beg you will dismiss any personal appearance or personal relationship which this great plan may bear. I would indeed be a very proud man if I had personally conceived this great idea, but I can claim no such honor. I can only claim the privilege of having been the obedient servant of the great ideals and purposes of beloved America.

"I want you to realize, my fellow countrymen, that those Americans who are opposing this plan of the league of nations offer no substitute. They offer nothing that they pretend will accomplish the same object. On the contrary, they are apparently willing to go back to that old and evil order which prevailed before this war began and which furnished a ready and fertile soil for those seeds of envy which sprung up like dragon's teeth out of the bloody soil of Europe. They are ready to go back to that old and ugly plan of armed nations, of alliances, of watchful jealousies, of rabid antagonisms, of purposes concealed, running by the subtle channels of intrigue through the veins of people who do not dream what poison is being injected into their systems. They are willing to have the United States stand alone, withdraw from the concert of nations; and what does that mean, my fellow citizens? It means that we shall arm as Germany was armed, that we shall submit our young men to the kind of constant military service that the young men of Germany were subjected to. It means that we shall pay not lighter but heavier taxes. It means that we shall trade in a world in which we are suspected and watched and disliked, instead of in a world which is now ready to trust us, ready to follow our leadership, ready to receive our traders, along with our political representatives as friends, as men who are welcome, as men who bring goods and ideas for which the world is ready and for which the world has been waiting. That is the alternative which they offer.

"It is my purpose, fellow citizens, to analyze the objections which are made to this great league, and I shall be very brief. In the first place, you know that one of the difficulties which have been experienced by those who are objecting to this league is that they do not think that there is a wide enough door open for us to get out. For my own part, I am not one of those who, when they go into a generous enterprise, think first of all how they are going to turn away from those with whom they are associated. I am not one of those who, when they go into a concert for the peace of the world, want to sit close to the door with their hand on the knob and constantly trying the door to be sure that it is not locked. If we want to go into this thing—and we do want to go into it—we will go in it with our whole hearts and settled purpose to stand by the great enterprise to the end. Nevertheless, you will remember—some of you, I dare say—that when I came home in March for an all too brief visit to this country, which seems to me the fairest and dearest in the world, I brought back with me the first draft of the covenant of the league of nations. I called into consultation the Committees on Foreign Affairs and on Foreign Relations of the House and Senate of the United States, and I laid the draft of the covenant before them. One of the things that they proposed was that it should be explicitly stated that any member of the league should have the right to withdraw. I carried that suggestion back to Paris, and without the slightest hesitation it was accepted and acted upon; and every suggestion which was made in that conference at the White House was accepted by the conference of peace in Paris. There is not a feature of the covenant, except one, now under debate upon which suggestions were not made at that time, and there is not one of those suggestions that was not adopted by the conference of peace.

"The gentlemen say, 'You have laid a limitation upon the right to withdraw. You have said that we can withdraw upon two years' notice, if at that time we shall have fulfilled all our international obligations and all our obligations under the covenant.' 'Yes,' I reply; 'is it characteristic of the United States not to fulfill her international obligations? Is there any fear that we shall wish to withdraw dishonorably? Are gentlemen willing to stand up and say that they want to get out whether they have the moral right to get out or not?' I for one am too proud as an American to debate that subject on that basis. The United States has always fulfilled its international obligations, and, God helping her, she always will. There is nothing in the covenant to prevent her acting upon her own judgment with regard to that matter. The only thing she has to fear, the only thing she has to regard, is the public opinion of mankind, and, inasmuch as we have always scrupulously satisfied the public opinion of mankind with regard to justice and right, I for my part am not afraid at any time to go before that jury. It is a jury that might condemn us if we did wrong, but it is not a jury that could oblige us to stay in the league, so that there is absolutely no limitation upon our right to withdraw.

"One of the other suggestions I carried to Paris was that the committees of the two Houses did not find the Monroe doctrine safeguarded in the covenant of the league of nations. I suggested that to the conference in Paris, and they at once inserted the provision which is now there that nothing in that covenant shall be construed as affecting the validity of the Monroe doctrine. What is the validity of the Monroe doctrine? The Monroe doctrine means that if any outside power, any power outside this hemisphere, tries to impose its will upon any portion of the Western Hemisphere the United States is at liberty to act independently and alone in repelling the aggression;

that it does not have to wait for the action of the league of nations; that it does not have to wait for anything but the action of its own administration and its own Congress. This is the first time in the history of international diplomacy that any great government has acknowledged the validity of the Monroe doctrine. Now for the first time all the great fighting powers of the world except Germany, which for the time being has ceased to be a great fighting power, acknowledge the validity of the Monroe doctrine and acknowledge it as part of the international practice of the world.

"They are nervous about domestic questions. They say, 'It is intolerable to think that the league of nations should interfere with domestic questions,' and whenever they begin to specify they speak of the question of immigration, of the question of naturalization, of the question of the tariff. My fellow citizens, no competent or authoritative student of international law would dream of maintaining that these were anything but exclusively domestic questions, and the covenant of the league expressly provides that the league can take no action whatever about matters which are in the practice of international law regarded as domestic questions. We did not undertake to enumerate samples of domestic questions for the very good reason, which will occur to any lawyer, that if you made a list it would be inferred that what you left out was not included. Nobody with a thoughtful knowledge of international practice has the least doubt as to what are domestic questions, and there is no obscurity whatever in this covenant with regard to the safeguarding of the United States, along with other sovereign countries, in the control of domestic questions. I beg that you will not fancy, my fellow citizens, that the United States is the only country that is jealous of its sovereignty. Throughout these conferences it was necessary at every turn to safeguard the sovereign independence of the several governments who were taking part in the conference, and they were just as keen to protect themselves against outside intervention in domestic matters as we were. Therefore the whole heartiness of their concurrent opinion runs with this safeguarding of domestic questions.

"It is objected that the British Empire has six votes and we have one. The answer to that is that it is most carefully arranged that our one vote equals the six votes of the British Empire. Anybody who will take the pains to read the covenant of the league of nations will find out that the assembly—and it is only in the assembly that the British Empire has six votes—is not a voting body. There is a very limited number of subjects upon which it can act at all, and I have taken the pains to write them down here, after again and again going through the covenant for the purpose of making sure that I had not omitted anything, in order that I might give you an explicit account of the thing. There are two things which a majority of the assembly may do without the concurrent vote of the United States. A majority of the assembly can admit a new member to the league of nations. A majority of the assembly can recommend to any nation a member of the league a reconsideration of such treaties as are apparently in conflict with the provisions of the covenant itself; it can advise any member of the league to seek a reconsideration of any international obligation which seems to conflict with the covenant itself, but it has no means whatever of obliging it to reconsider even so important a matter as that, which is obviously a moral duty on the part of any member of the league. All the action, all the energy, all the initiative, of the league of nations is resident in the council, and in the council a unanimous vote is necessary for action, and no action is possible without the concurrent vote of the United States. I would rather, personally, as one man count for six than be six men and count only six. The United States can offset six votes. Here are the cases: When a matter in dispute is referred by the council to the assembly its action must be taken by a majority vote of the assembly, concurred in by the representatives of all the governments represented in the council, so that the concurrence of the vote of the United States is absolutely necessary to an affirmative vote of the assembly itself. In the case of an amendment to the covenant it is necessary that there should be a unanimous vote of the representatives of the nations which are represented in the council in addition to a majority vote of the assembly itself. And there is all the voting that the assembly does.

"Not a single affirmative act or negative decision upon a matter of action taken by the league of nations can be validated without the vote of the United States of America. We can dismiss from our dreams the six votes of the British Empire, for the real underlying conception of the assembly of the league of nations is that it is the forum of opinion, not of action. It is the debating body; it is the body where the thought of the little nation along with the thought of the big nation is brought to bear upon those matters which affect the peace of the world, is brought to bear upon those matters which affect the good understanding between nations upon which the peace of the world depends; where this stifled voice of humanity is at last to be heard, where nations that have borne the unspeakable sufferings of the ages that must have seemed to them like æons will find voice and expression, where the moral judgment of mankind can sway the opinion of the world. That is the function of the assembly. The assembly is the voice of mankind. The council, where unanimous action is necessary, is the only means through which that voice can accomplish action.

"You say, 'We have heard a great deal about article 10.' I just now said that the only substitute for the league of nations which is offered by the opponents is a return to the old system. What was the old system? That the strong had all the rights and need pay no attention to the rights of the weak; that if a great, powerful nation saw what it wanted, it had the right to go and take it; that the weak nations could cry out and cry out as they pleased and there would be no hearkening ear anywhere to their rights. I want to bring in another subject connected with this treaty, but not with the league of nations, to illustrate what I am talking about. You have heard a great deal about the cession to Japan of the rights which Germany had acquired in Shantung Province in China. What happened under the old order of things, my fellow citizens? The story begins in 1898. Two German missionaries were killed in China by parties over whom the Central Government of China was unable to exercise control. It was one of those outbreaks, like the pitiful Boxer rebellion, where a sudden hatred of foreigners wells up in the heart of a nation uninformed, aware of danger, aware of wrong, but not knowing just how to remedy it, not knowing just what was the instrumentality of right. And, my fellow citizens, why should not the Chinaman hate the foreigner? The foreigner has always taken from him everything that he could get. When by irresponsible persons these German missionaries were murdered, the German Government insisted that a great part of the fair Province of Shantung should be turned over to them for exploitation. They insisted that the accessible part of Kaiochow Bay, the part where trade entered and left, should be delivered over to them for sovereign control for 99 years, and that they should be given a concession for a railway into the interior and for the right to exploit mines in that rich mineral country for 30 miles on either side of the railway.

"This was not unprecedented, my fellow countrymen. Other civilized nations had done the same thing to China, and at that time what did the Government of the United States do? I want to speak with the utmost respect for the administration of that time, and the respect is unaffected. That very lovable and honest gentleman, William McKinley, was President of the United States. His Secretary of State was one of the most honorable and able of the long series of our Secretaries of State, the Hon. John Hay. I believe Mr. Hay, if he had seen any way to accomplish more than he did accomplish, would have attempted to accomplish it, but this is all that the administration of Mr. McKinley attempted: They did not even protest against this compulsory granting to Germany of the best part of a rich Province of a helpless country, but only stipulated that the Germans should keep it open to the trade of the United States. They did not make the least effort to save the rights of China; they only tried to save the commercial advantages of the United States. There immediately followed upon that cession to Germany a cession to Russia of Port Arthur and the region called Talien-Wan for 25 years, with the privilege of renewing it for a similar period. When soon afterwards Japan and Russia came to blows, you remember what happened. Russia was obliged to turn over to Japan Port Arthur and Talien-Wan, just exactly as Japan is now allowed to take over the German rights in Shantung. This Government, though the conference which determined these things was held on our own soil, did not, so far as I have been able to learn, make the slightest intimation of objecting. At the time Germany got Kaiochow Bay, England came in and said that since Germany was getting a piece of Shantung and Russia was getting Port Arthur and Talien-Wan, she would insist upon having her slice of China, too, and the region of Wei-Hai-Wai was ceded to her. Immediately upon that France got into the unhandsome game, and there was ceded to France for 99 years one of the ports of China with the region lying behind it. In all of those transactions there was not a single attempt made by the Government of the United States to do anything except to keep those regions open to our traders.

"You now have the historic setting of the settlement about Shantung. What I want to call your attention to is that the

treaty of peace does not take Shantung from China; it takes it from Germany. There are 78 years of the 99 of that lease still to run, and not only do we not take it from China, but Japan promises in an agreement which is formally recorded, which is acknowledged by the Japanese Government, to return all the sovereign rights which Germany enjoyed in Shantung without qualification to China, and to retain nothing except what foreign corporations have throughout China, the right to run that railroad and exploit those mines. There is not a great commercial and industrial nation in Europe that does not enjoy privileges of that sort in China, and some of them enjoy them at the expense of the sovereignty of China. Japan has promised to release everything that savors of sovereignty and return it to China itself. She will have no right to put armed men anywhere into that portion of China. She will have no right to interfere with the civil administration of that portion of China. She will have no rights but economic and commercial rights. Now, if we choose to say that we will not assent to the Shantung provision, what do we do for China? Absolutely nothing. Japan has what Germany had in China in her military possession now. She has the promise of Great Britain and France that so far as they are concerned she can have it without qualification, and the only way we can take it away from Japan is by going to war with Japan and Great Britain and France.

"The league of nations for the first time provides a tribunal in which not only the sovereign rights of Germany and of Japan in China, but the sovereign rights of other nations can be curtailed, because every member of the league solemnly covenants to respect and preserve the territorial integrity and existing political independence of the other members, and China is to be a member. Never before, my fellow citizens, has there been a tribunal to which people like China could carry the intolerable grievances to which they have been subjected. Now a great tribunal has been set up in which the pressure of the whole judgment of the world will be exercised in her behalf.

"That is the significance of article 10. Article 10 is the heart of the whole promise of peace, because it cuts out of the transactions of nations all attempts to impair the territorial integrity or invade the political independence of the weak as well as of the strong. Why did not Mr. Hay protest the acquisition of those rights in Shantung by Germany? Why did he not protest what England got, and what France got, and what Russia got? Because under international law, as it then stood, that would have been a hostile act toward those governments. The law of the world was actually such that if you mentioned anybody else's wrong but your own, you spoke as an enemy. After you have read article 10, read article 11. Article 11 says that it shall be the friendly right of any member of the league, strong or weak, to call the attention of the league to any matter, anywhere, that affects the peace of the world or the good understanding between nations upon which the peace of the world depends; so that for the first time it affords fine spirits like Mr. McKinley and Mr. John Hay the right to stand up before mankind and protest, and to say, 'The rights of China shall be as sacred as the rights of those nations that are able to take care of themselves by arms.' It is the most hopeful change in the law of the world that has ever been suggested or adopted.

"But there is another subject upon which some of our fellow citizens are particularly sensitive. They say, 'What does the league of nations do for the right of self-determination?' I think I can answer that question; if not satisfactorily, at any rate very specifically. It was not within the privilege of the conference of peace to act upon the right of self-determination of any peoples except those which had been included in the territories of the defeated empires—that is to say, it was not then within their power—but the moment the covenant of the league of nations is adopted it becomes their right. If the desire for self-determination of any people in the world is likely to affect the peace of the world or the good understanding between nations, it becomes the business of the league; it becomes the right of any member of the league to call attention to it; it becomes the function of the league to bring the whole process of the opinion of the world to bear upon that very matter. Where before, and when before, may I ask some of my fellow countrymen who want a forum upon which to conduct a hopeful agitation, were they ever offered the opportunity to bring their case to the judgment of mankind? If they are not satisfied with that, their case is not good. The only case that you ought to bring with diffidence before the great jury of men throughout the world is the case that you can not establish. The only thing I shall ever be afraid to see the league of nations discuss, if the United States is concerned, is a case which I can hardly imagine, where the United States is wrong, because I have the hopeful and confident expectation that whenever a case in which the United States is affected is brought to the consideration of that great body we need have no nervousness as to the elements of the argument so far as we are concerned. The glory of the United States is that it never claimed anything to which it was not justly entitled.

"I look forward with a quickened pulse to the days that lie ahead of us as a member of the league of nations, for we shall be a member of the league of nations—I look forward with confidence and with exalted hope to the time when we can indeed legitimately and constantly be the champions and friends of those who are struggling for right anywhere in the world, and no nation is likely to forget, my fellow citizens, that behind the moral judgment of the United States resides the overwhelming force of the United States. We were respected in those old Revolutionary days when there were three millions of us. We are, it happens, very much more respected, now that there are more than a hundred million of us. Now that we command some of the most important resources of the world, back of the majesty of the United States lies the strength of the United States. If Germany had ever dreamed, when she conceived her ungodly enterprise, that the United States would have come into the war, she never would have dared to attempt it.

"But now, my fellow citizens, the hope of Germany has revived. The hope of Germany has revived, because in the debates now taking place in the United States she sees a hope of at last doing what her arms could not do—dividing the United States from the great nations with which it was associated in the war. Here is a quotation from a recent utterance of one of her counsellors of state:

"'All humanity, Germany particularly, is tensely awaiting the decision of the American Senate on the peace treaty,' ex-Minister of State von Scheller Steinwartz said to-day. 'Apparently'—out of respect for him I will not mention the name that that ex-Minister Steinwartz mentions—'apparently Senator Blank is the soul of the opposition. The Senator is no German hater. He hates all non-Americans equally, and he is absolutely a just man of almost Quakerlike moral strength.' How delightful to receive such praise from such a source! 'When he and other important Senators fight the peace treaty, their course means that the treaty displeases them because in the excessive enslavement of Germany, for which America would be forever responsible, they see grave danger of future complications. That course is thus to be hailed like the morning red of a new dawn.' A new dawn for the world? Oh, no; a new dawn for Germany. 'There is promise of a still better realization of conditions in the prospect that America, in all seriousness, may express the wish for a separate peace with the Central Powers.'

"A separate peace with the Central Empires could accomplish nothing but our eternal disgrace, and I would like, if my voice could reach him, to let this German counsellor know that the red he sees upon the horizon is not the red of a new dawn, but the red of a consuming fire which will consume everything like the recent purposes of the Central Empires. It is not without significance, my fellow citizens, that coincidentally with this debate with regard to the ratification of this treaty the whole pro-German propaganda has shown its head all over the United States. I would not have you understand me to mean that the men who are opposing the ratification of the treaty are consciously encouraging the pro-German propaganda. I have no right to say that or to think it, but I do say that what they are doing is encouraging the pro-German propaganda, and that it is bringing about a hope in the minds of those whom we have just spent our precious blood to defeat that they may separate us from the rest of the world and produce this interesting spectacle, only two nations standing aside from the great concert and guaranty of peace—beaten Germany and triumphant America.

"See what can be accomplished by that. By that the attitude of the rest of the world toward America will be exactly what its recent attitude was toward Germany, and we will be in the position absolutely alien to every American conception, of playing a lone hand in the world for our selfish advantage and aggrandizement. The thing is inconceivable. The thing is intolerable. The thing can and will never happen.

"I speak of these things in order that you may realize, my fellow citizens, the solemnity and the significance of this debate in which we are engaged; its solemnity because it involves the honor of the United States and the peace of humanity; its significance because, whether gentlemen plan it or not, not only refusal on our part, but long hesitation on our part to cast our fortunes permanently in with the fortunes of those who love right and liberty will be to bring mankind again into the shadow of that valley of death from which we have just emerged. I was saying to some of your fellow citizens to-day how touching it had been to me as I came across the continent to have women whom I subsequently learned had lost their sons or their hus-

bands come and take my hand and say, 'God bless you, Mr. President.' Why should they say 'God bless' me? I advised the Congress of the United States to take the action which sent their sons to their death. As Commander in Chief of the Army and Navy, I ordered their sons to their death. Why should they take my hand and with tears upon their cheeks say, 'God bless you'? Because they understood, as I understood, as their sons who are dead upon the fields of France understood, that they had gone there to fight for a great cause, and, above all else, they had gone there to see that in subsequent generations women should not have to mourn their dead. And as little children have gathered at every station in playful light-heartedness about the train upon which I was traveling, I have felt as if I were trustee for them. I have felt that this errand that I am going about upon was to save them the infinite sorrows through which the world has just passed, and that if by any evil counsel or unhappy mischance this great enterprise for which we fought should fail, then women with boys at their breasts ought now to weep, because when those lads come to maturity the great battle will have to be fought over again.

"And, my fellow citizens, there is another battle of which we are now upon the eve. That is the battle for the right organization of industrial society. I do not need to tell an audience in this great, progressive State what I mean by that. We can not work out justice in our communities if the world is to continue under arms and ready for war. We must have peace, we must have leisure of mind and detachment of purpose, if we are going to work out the great reforms for which mankind is everywhere waiting. I pray God that normal times may not much longer be withheld from us. The world is profoundly stirred. The masses of men are stirred by thoughts which never moved them before. We must not again go into the camp. We must sit down at the council table and, like men and brethren, lovers of liberty and justice, see that the right is done, see that the right is done to those who bear the heat and burden of the day, as well as to those who direct the labor of mankind. I am not a partisan of any party to any of these contests, and I am not an enemy of anybody except the minority that tries to control. I do not care where the minority is drawn from, I do not care how influential or how insignificant, I do not care which side of the labor question it has been on, if the power of the United States under my direction can prevent the domination of a minority, it will be prevented. I am a champion of that sort of peace, that sort of order, that sort of calm counsel out of which, and out of which alone, can come the satisfactory solutions of the problems of society. You can not solve the problems of society amidst chaos, disorder, and strife. You can only solve them when men have agreed to be calm, agreed to be just, agreed to be conciliatory, agreed that the right of the weak is as majestic as the right of the strong; and when we have come to that mind in the counsels of nations we can then more readily come to that mind in our domestic counsels, upon which the happiness and prosperity of our own beloved people so intimately and directly depend.

"I beg, my fellow citizens, that you will carry this question home with you, not in little pieces, not with this, that, and the other detail at the front in your mind, but as a great picture including the whole of the Nation and the whole of humanity, and know that now is the golden hour when America can at last prove that all she has promised in the day of her birth was no dream but a thing which she saw in its concrete reality, the rights of men, the prosperity of nations, the majesty of justice, and the sacredness of peace."

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THE PRESIDENT AT LUNCHEON, PALACE HOTEL, SAN FRANCISCO, SEPTEMBER 18, 1919.

"Mr. Toastmaster, my fellow countrymen, I stood here yesterday, but before a very different audience, an audience that it was very delightful to address, and it is no less delightful to find myself face to face with this thoughtful group of citizens of one of the most progressive States in the Union. Because, after all, my fellow citizens, our thought must be of the present and the future. The men who do not look forward now are of no further service to the Nation. The immediate need of this country and of the world is peace not only, but settled peace, peace upon a definite and well-understood foundation, supported by such covenants as men can depend upon, supported by such purposes as will permit of a concert of action throughout all the free peoples of the world. The very interesting remarks of your toastmaster have afforded me the opportunity to pay the tribute which they earn to the gentlemen with whom I was associated on the other side of the water. I do not believe that we often enough stop to consider how remarkable the peace conference in Paris has been. It is the first great international conference which did not meet to consider the interests and advantages of the strong nations. It is the first international conference that did not convene in order to make the arrangements which would establish the control of the strong. I want to testify that the whole spirit of the conference was the spirit of men who do not regard themselves as the masters of anybody, but as the servants of the people whom they represent. I found them quick with sympathy for the peoples who had been through all these dolorous ages imposed upon, upon whom the whole yoke of civilization seemed to have been fastened so that it never could be taken off again.

"The heart of this treaty, my fellow citizens, is that it gives liberty and independence to people who never could have got it for themselves, because the men who constituted that conference realized that the basis of war was the imposition of the will of strong nations upon those who could not resist them. You have only to take the formula of the recent war in order to see what was the matter. The formula of Pan-Germanism was Bremen to Bagdad. What is the line from Bremen to Bagdad? It leads through partitioned Poland, through prostrated Roumania, through subjugated Slavia, down through disordered Turkey, and on into distressed Persia, and every foot of the line is a line of political weakness. Germany was looking for the line of least resistance to establish her power, and unless the world makes that a line of absolute resistance, this war will have to be fought over again. You must settle the difficulties which gave occasion to the war or you must expect war again. You know what had happened all through that territory. Almost everywhere there were German princes planted on thrones where they did not belong, where they were alien, where they were of a different tradition and a different people, mere agents of a political plan, the seething center of which was that unhappy city of Constantinople, where, I dare say, there was more intrigue to the square inch than there has ever been anywhere else in the world, and where not the most honest minds always but generally the most adroit minds were sent to play upon the cupidity of the Turkish authorities and upon the helplessness of the Balkan States, in order to make a field for European aggression. I am not now saying that Germany was the only intriguer. I am not now saying that hers was the only plans of advantage, but I am saying that there was the field where lay the danger of the world in regard to peace. Every statesman in Europe knew it, and at last it dawned upon them that the remedy was not balances of power but liberty and right.

"An illumination of profound understanding of human affairs shines upon the deliberations of that conference that never shone upon the deliberations of any other international conference in history, and therefore it is a happy circumstance to me to be afforded the opportunity to say how delightful it was to find that these gentlemen had not accepted the American specifications for the peace—for you remember they were the American specifications—because America had come in and assisted them and because America was powerful and they desired her influence and assistance, but because they already believed in them. When we uttered our principles, the principles for which we were fighting, they had only to examine the thoughts of their own people to find that those were also the principles for which their people were fighting as well as the people of the United States; and the delightful enthusiasm which showed itself in accomplishing some of the most disinterested tasks of the peace was a notable circumstance of the whole conference. I was glad after I inaugurated it that I drew together the little body which was called the big four. We did not call it the big four; we called it something very much bigger than that. We called it the supreme council of the principal allied and associated powers. We had to have some name, and the more dramatic it was the better; but it was a very simple council of friends. The intimacies of that little room were the center of the whole peace conference, and they were the intimacies of men who believed in the same things and sought the same objects. The hearts of men like Clemenceau and Lloyd-George and Orlando beat with the people of the world as well as with the people of their own countries. They have the same fundamental sympathies that we have, and they know that there is only one way to work out peace and that is to work out right.

"The peace of the world is absolutely indispensable to us, and immediately indispensable to us. There is not a single domestic problem that can be worked out in the right temper or opportunely and in time unless we have conditions that we can count on. I do not need to tell business men that they can not conduct their business if they do not know what is going to happen to-morrow. You can not make plans unless you have certain elements in the future upon which you can depend. You can not seek markets unless you know whether you are going to seek them among people who suspect you or people who believe in you. If the United States is going to stand off and play truant in this

great enterprise of justice and right, then you must expect to be looked upon with suspicion and hostile rivalry everywhere in the world. They will say, 'These men are not intending to assist; they are intending to exploit us.' You know what happened just a few months before we went into the war. There was a conference at Paris consisting of representatives of the principal allied powers for the purpose of concerting a sort of economic league in which they would manage their purchasing as well as their selling in a way which would redound to their advantage and make use of the rest of the world. That was because they then thought what they will be obliged to think again if we do not continue our partnership with them—that we were standing off to get what we could out of it, and they were making a defensive economic arrangement. Very well; they will do that again. Almost of instinct they will do it again, not out of a deliberate hostility to the United States but by the general instinctive impulse of their own business interest and their own business men. Therefore we can not arrange a single element of our business until we have settled peace and know whether we are going to deal with a friendly world or an unfriendly world.

"We can not determine our own internal economic reforms until then, and there must be some very fundamental economic reforms in this country. There must be a reconsideration of the structure of our economic society. Whether we will or no, the majority of mankind demand it, in America as well as elsewhere, and we have got to sit down in the best temper possible, in times of quiet, in times permitting conciliation and not hostility, and determine what we are going to do. We can not do it until we have peace. We can not release the great industrial and economic power of America and let it run free until there are channels that are free in which it can run. And the channels of business are mental channels as well as physical channels. In an open market men's minds must be open. It has been said so often that it is a very trite saying, but it remains nevertheless true, that a financial panic is a mere state of mind. There are no fewer resources in a country at the time of a panic than there were the day before it broke. There is no less money, there is no less energy, there is no less individual capacity and initiative, but something has frightened everybody and credits are drawn in and everybody builds a fence around himself and is careful to keep behind the fence and wait and see what is going to happen. That is a panic. It is a waiting, a fearful expecting of something to happen. Generally it does not happen. Generally men slowly get their breath again and say, 'Well, the world looks just the same as it did; we had better get to work again.' Even when business is absolutely prostrate they are at least in the condition that a friend of mine described. He was asked at the time of one of our greatest panics, some 25 years ago, if business was not looking up. He said, 'Yes; it is so flat on its back that it can not look any other way.' Even if it is flat on its back, it can see the world; it is not lying on its face, and it will presently sit up and begin to take a little nourishment and take notice, and the panic is over. But while the whole world is in doubt what to expect, the whole world is under the partial paralysis that is characteristic of a panic. You do not know what it is safe to do with your money now. You do not know what plans it is safe to make for your business now. You have got to know what the world of tomorrow is going to be, and you will not know until we have settled the great matter of peace.

"I want to remind you how the permanency of peace is at the heart of this treaty. This is not merely a treaty of peace with Germany. It is a world settlement; not affecting those parts of the world, of course, which were not involved in the war, because the conference had no jurisdiction over them, but the war did extend to most parts of the world, and the scattered, dismembered assets of the Central Empires and of Turkey gave us plenty to do and covered the greater part of the distressed populations of the world. It is nothing less than a world settlement, and at the center of that stands this covenant for the future which we call the covenant of the league of nations. Without it the treaty can not be worked, and without it it is a mere temporary arrangement with Germany. The covenant of the league of nations is the instrumentality for the maintenance of peace.

"How does it propose to maintain it? By the means that all forward-looking and thoughtful men have desired for generations together, by substituting arbitration and discussion for war. To hear some gentlemen talk you would think that the council of the league of nations is to spend its time considering when to advise other people to fight. That is what comes of a constant concentration of attention upon article 10. Article 10 ought to have been somewhere further down in the covenant, because it is in the background; it is not in the foreground. I am going to take the liberty of expounding this to you, though I assume that you have all read the covenant. At the heart of that covenant are these tremendous arrangements: Every member of the league solemnly agrees—and let me pause to say that that means every fighting nation in the world, because for the present, limited to an army of 100,000, Germany is not a fighting nation—that it will never go to war without first having done one or another of two things, without either submitting the matter in dispute to arbitration, in which case it promises absolutely to abide by the verdict, or, if it does not care to submit it to arbitration, without submitting it to discussion by the council of the league of nations, in which case it promises to lay all the documents and all the pertinent facts before that council; it consents that that council shall publish all the documents and all the pertinent facts, so that all the world shall know them; that it shall be allowed six months in which to consider the matter; and that even at the end of the six months, if the decision of the council is not acceptable, it will still not go to war for three months following the rendering of the decision. So that, even allowing no time for the preliminaries, there are nine months of cooling off, nine months of discussion, nine months not of private discussion, not of discussion between those who are heated, but of discussion between those who are disinterested except in the maintenance of the peace of the world, when the purifying and rectifying influence of the public opinion of mankind is brought to bear upon the contest. If anything approaching that had been the arrangement of the world in 1914, the war would have been impossible; and I confidently predict that there is not an aggressive people in the world who would dare bring a wrongful purpose to that jury. It is the most formidable jury in the world. Personally, I have never, so far as I know, been in danger of going to jail, but I would a great deal rather go to jail than do wrong and be punished merely by the look in the eyes of the men amongst whom I circulated. I would rather go to jail than be sent to coventry. I would rather go to jail than be conscious every day that I was despised and distrusted. After all, the only overwhelming force in the world is the force of opinion.

"If any member of the league ignores these promises with regard to arbitration and discussion, what happens? War? No; not war, but something more tremendous, I take leave to say, than war. An absolute isolation, a boycott. It is provided in the covenant that any nation that disregards these solemn promises with regard to arbitration and discussion shall be thereby deemed ipso facto to have committed an act of war against the other members of the league, and that there shall thereupon follow an absolute exclusion of that nation from communication of any kind with the members of the league. No goods can be shipped in or out; no telegraphic messages can be exchanged, except through the elusive wireless perhaps; there shall be no communication of any kind between the people of the other nations and the people of that nation. There is not a nation in Europe that can stand that for six months. Germany could have faced the armies of the world more readily than she faced the boycott of the world. Germany felt the pinch of the blockade more than she felt the stress of the blow; and there is not, so far as I know, a single European country—I say European because I think our own country is an exception—which is not dependent upon some other part of the world for some of the necessaries of its life. Some of them are absolutely dependent, some of them are without raw materials practically of any kind, some of them are absolutely without fuel of any kind, either coal or oil; almost all of them are without that variety of supply of ores which are necessary to modern industry and necessary to the manufacture of munitions of war. When you apply that boycott, you have got your hand upon the throat of the offending nation, and it is a proper punishment. It is an exclusion from civilized society.

"Inasmuch as I have sometimes been said to have been very disregardful of the constitutional rights of Congress, may I not stop to speak just for a moment of a small matter that I was punctilious to attend to in regard to that article? You will notice the language that any member of the league that makes breach of its covenants shall be regarded as thereby 'ipso facto to have committed an act of war.' In the original draft it read, 'Shall thereby be ipso facto regarded as at war with the other nations of the world.' I said, 'No; I can not subscribe to that, because I am bound to safeguard the right of Congress to determine whether it is at war or not. I consent to its being an act of war by the party committing it, but whether Congress takes up the gage thus thrown down or not is another matter in which I can not participate in determining in a document of this sort.' Germany committed several acts of war against us before we accepted the inevitable and took up her challenge, and it was only because of a sort of accumulation of evidence that Ger-

many's design was not merely to sink American ships and injure American citizens, that was incidental to her design, but that her design was to destroy free political society. I remember saying to Congress before we went into the war that if Germany committed some act of war against us that was intolerable, I might have to give them different advice, and I remember a newspaper correspondent asked me what I thought would constitute such an act. I said, 'I don't know, but I am perfectly certain I will know it when I see it. I can not hypothetically define it, but it will be perfectly obvious when it occurs.' And if Congress regards this act by some other member of the league as such an act of war against it as necessitates the maintenance of the honor of the United States, then it may in those circumstances declare war, but it is not bound to declare war under the engagement of the covenant. What I am emphasizing, my fellow citizens, is this: That the heart of this covenant is arbitration and discussion, and that is the only possible basis for peace in the future.

"It is a basis for something better than peace. Civilization proceeds on the principle of understanding one another. You know peace between those who employ labor and those who labor depends upon conference and mutual understanding. If you do not get together with the other side, it will be hostility to the end; and after you have heard the case of the other fellow it sometimes becomes a little awkward for you to insist upon the whole of your case, because the human mind does have this fine quality—that it finds it embarrassing to face the truth and deny it. Moreover, the basis of friendship is intercourse. I know—I am very fond of—a very large number of men whom I know to be crooks. They are very engaging fellows, and when I form a judgment against them I have to be in another room. I can not, because of my personal attitude toward them, form a harsh judgment; indeed, I suppose the very thing that gives some men the chance to be crooks is their fascinating personality. They put it over on you. You remember that very charming remark of Charles Lamb. One night, in company with some friends who were speaking of some person not present, Lamb, in his stuttering fashion, said, 'I—I—I h—hate that fellow.' Some one said, 'Why, Charles, I didn't know you knew him.' 'Oh, I—I d—d—don't,' he said, 'I—I c—can't h—h—hate a m—man I—I know.' That is one of the most genial utterances of the human spirit I have ever read, and one of the truest. It is mighty hard to hate a fellow you know, and it is mighty hard to hate a nation you know. If you had mixed, as I have had the good fortune to mix, with scores of people of other nations in recent months, you would have the same feeling that I do if, after you got over superficial matters like differences of language and some differences of manner, they were the same kind of folks.

"As I have said to a number of audiences on this trip, the most thrilling thing that happened to me over there was the constant intercourse I was having with delegations of people representing nations from all over the globe, some of which, I had shamefacedly to admit, I had never heard of before. Do you know where Adjur-Badjan is? Well, one day there came in a very dignified and interesting group of gentlemen from Adjur-Badjan. I did not have time until they were gone to find out where they came from, but I did find this out immediately, that I was talking to men who talked the same language that I did in respect of ideas, in respect of conceptions of liberty, in respect of conceptions of right and justice, and I did find this out, that they were, with all the other delegations that came to see me, metaphorically speaking, holding their hands out to America and saying, 'You are the disciples and leaders of the free peoples of the world; can't you come and help us?' Until we went into this war, my fellow citizens, it was the almost universal impression of the world that our idealism was a mere matter of words; that what we were interested in was getting on in the world and making as much as we could out of it. That was the sum and substance of the usual opinion of us outside of America; and in the short space that we were in this war that opinion was absolutely reversed.

"Consider what they saw: The flower of our youth sent three and four thousand miles away from their home, a home which could not be directly touched by the flames of that war, sent to foreign fields to mix with foreign and alien armies to fight for a cause which they recognized as the common cause of mankind, and not the peculiar cause of America. It caused a revulsion of feeling, a revulsion of attitude which, I dare say, has never been paralleled in the world; and at this moment, unless the cynical counsels of some of our acquaintances should prevail—which God fordbid—they are expecting and inviting us to lead the civilized world, because they trust us—they really and truly trust us. They would not believe, no matter where we sent an army to be of assistance to them, that we would ever use that army for any purpose but to assist them. They know that when we say, as we said when we sent men to Siberia, that we are sending them to assist in the distribution of food and clothing and shoes so that brigands will not seize them, and that for the rest we are ready to render any assistance which they want us to render, and will interfere in absolutely nothing that concerns their own affairs, we mean it, and they believe us. There is not a place in this world now, unless we wait a little while longer, where America's political ambitions are looked upon with suspicion. That was frankly admitted in this little conference that I have spoken of. Not one of those gentlemen thought that America had any ulterior designs whatever. They were, therefore, in all our conferences, in consulting our economical experts, in consulting our geographical experts, constantly turning to America to act as umpire; and in nine cases out of ten, just because America was disinterested and could look at the thing without any other purpose than reaching a practicable solution, it was the American solution that was accepted.

"In order that we may not forget, I brought with me the figures as to what this war meant to the world. This is a body of business men and you will understand these figures. They are too big for the imagination of men who do not handle big things. Here is the cost of the war in money, exclusive of what we loaned one another: Great Britain and her dominions, $38,000,000,000; France, $26,000,000,000; the United States, $22,000,000,000 (this is the direct cost of our operations); Russia, $18,000,000,000; Italy, $13,000,000,000; and the total, including Belgium, Japan, and other countries, $123,000,000,000. This is what it cost the Central Powers: Germany, $39,000,000,000, the biggest single item; Austria-Hungary, $21,000,000,000; Turkey and Bulgaria, $3,000,000,000; a total of $63,000,000,000, and a grand total of direct war costs of $186,000,000,000—almost the capital of the world. The expenditures of the United States were at the rate of $1,000,000 an hour for two years, including nighttime with daytime. The battle deaths during the war were as follows: Russia lost in dead 1,700,000 men, poor Russia that got nothing but terror and despair out of it all; Germany, 1,600,000; France, 1,385,000; Great Britain, 900,000; Austria, 800,000; Italy, 364,000; the United States, 50,300 dead. The total for all the belligerents, 7,450,200 men—just about seven and a half million killed because we could not have arbitration and discussion, because the world had never had the courage to propose the conciliatory methods which some of us are now doubting whether we ought to accept or not. The totals for wounded are not obtainable except our own. Our own wounded were 230,000, excluding those who were killed. The total of all battle deaths in all the wars of the world from the year 1793 to 1914 was something under 6,000,000 men, so that about a million and a half more men were killed in this war than in all the wars of something more than 100 preceding years. We really can not realize that. Those of us who lost sons or brothers can realize it. We know what it meant. The women who have little children crowding about their knees know what it means; they know that the world has hitherto been devoted to brutal methods of settlement, and that every time a war occurs it is the flower of the manhood that is destroyed; that it is not so much the present generation as the next generation that goes maimed off the stage or is laid away in obscure graves upon some battle field; and that great nations are impaired in their vitality for two generations together and all their life embittered by a method of settlement for which we could find, and have now found, a substitute.

"My fellow citizens, I believe in Divine Providence. If I did not, I would go crazy. If I thought the direction of the disordered affairs of this world depended upon our finite intelligence, I should not know how to reason my way to sanity, and I do not believe that there is any body of men, however they concert their power or their influence, that can defeat this great enterprise, which is the enterprise of divine mercy and peace and good will."

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THE PRESIDENT AT BERKELEY, CALIF., SEPTEMBER 18, 1919.

"Dean Jones, Mr. Mayor, ladies and gentlemen, I feel an old feeling come over me as I stand in this presence, and my great danger and temptation is to revert to type and talk to you as college men and women from a college man. I was reminded as I received your very generous welcome of a story told of Mr. Oliver Herford, a very delightful wit and artist. He was one day sitting in his club, and a man came by who did not know him very well, but who took many liberties. He slapped him on the back and said, 'Hello, Ollie, old boy, how are you?' Herford writhed a little under the blow, looked at him a little coldly, and said: 'I don't know your name; I don't know your

face; but your manners are very familiar.' I can say to you young ladies and gentlemen, I do not know your names or your faces, but your manners are very familiar, and very delightfully familiar. I think also of a rebuke I used often to address to my classes. I used to say that the trouble about the college youth of America was that it refused to grow up; that the men and women alike continued to be schoolboys and schoolgirls. I used to remind them that on the continent of Europe revolutions often began in the universities, and statesmen were nervous of nothing so much as of the concerted movements of opinion at the centers of learning; and I asked them what Cabinet at Washington ever cared a peppercorn what they were thinking about. It is your refusal, my fellow students, to grow up. One reason I am glad to see that the boys who have been at the front come back is that they have grown up; they have seen the world; seen it at its worst, but nevertheless seen it in action; seen it with its passions in action; seen it with its savage and its liberal passions in action. They have come back to know what they are preparng for, to know the kind of world that they are going to go out in, not to do physical fighting, but to do the kind of thinking that is better than fighting, the kind of thinking that makes men conscious of their duties, the kind of thinking that purifies the impulses of the world and leads it on to better things.

"The burden that is upon my heart as I go about on this errand is that men are hesitating to give us the chance. We can not do any effective thinking for the world until we know that there is settled peace. We can not make any long plans for the betterment of mankind until these initial plans are made, and we know that there is going to be a field and an opportunity to make the plans that will last and that will become effective. That is the ground of my impatience with the debate. I admit that there are debatable things, but I do not admit that they need be debated so long. Not only that, but I do insist that they should be debated more fairly. A remark was repeated to me that was made after the address I made in San Francisco last night. Some man said that after hearing an exposition of what was really in the treaty he was puzzled; he wondered what the debate was about; it all seemed so simple. That was not, I need not assure you, because I was misleading anybody or telling what was not in the treaty, but because the men he had heard debate it, some of the newspapers he had heard debate it, had not told him what was in the treaty. This great document of human rights, this great settlement of the world, had been represented to him as containing little traps for the United States. Men had been going about dwelling upon this, that, and the other feature and distorting the main features and saying that that was the peace proposed. They are responsible for some of the most serious mistakes that have ever been made in the history of this country; they are responsible for misleading the opinion of the United States. It is a very distressing circumstance to me to find that when I recite the mere facts they are novel to some of my fellow citizens. Young gentlemen and young ladies, what we have got to do is to see that that sort of thing can not happen. We have got to know what the truth is and insist that everybody shall know what the truth is, and, above all things else, we must see that the United States is not defeated of its destiny, for its destiny is to lead the world in freedom and in truth."

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THE PRESIDENT AT AUDITORIUM, OAKLAND, CALIF., SEPTEMBER 18, 1919.

"Dr. Rinehart, my fellow citizens, you have indeed warmed my heart with your splendid welcome and I esteem it a great privilege to stand here before you to-night to look at some of the serious aspects of the great turning point in the history of this Nation and the history of the world which affairs have brought us to. Dr. Rinehart expressed my own feeling when she said that in my own consciousness those great ranks of little children seemed to me my real clients, seemed to be that part of my fellow citizens for whom I am pleading. It is not likely, my fellow citizens, that with the depelted resources of the great fighting nations of Europe, there will be another war soon, but unless we concert measures to prevent it, there will be another and a final war, at just about the time these children come to maturity; and it is our duty to look in the face the real circumstances of the world in order that we may not be unfaithful to the great duty which America undertook in the hour and day of her birth.

"One thing has been impressed upon me more than another as I have crossed the continent, and that is that the people of the United States have been singularly, and I sometimes fear deliberately, misled as to the character and contents of the treaty of peace. Some one told me that after an address I delivered in San Francisco last night one of the men who had been present, a very thoughtful man, I was told, said that after listening to what I had said he wondered what the debate was about, it all seemed so simple, so obvious, so natural. I was at once led to reflect that that was not the cause of any gift of exposition that I have, but because I had told that audience what the real character and purpose of the covenant of nations are. They had been led to look at certain incidental features of it, either on the assumption that they had not read the document or in the hope that they would not read it, and would not realize what the real contents of it were. I have not come out from Washington, my fellow citizens, on a speech-making tour. I do not see how anybody could get his own consent to think of the way in which he was saying the things that it is necessary for me to say. I should think that every man's consciousness would be fixed, as my own is, upon the critical destiny of the world which hangs upon the decision of America. I am confident what that decision is going to be because I can see the tide of sentiment and the tide of conviction rising in this country in such a manner that any man who tries to withstand it will be overwhelmed. But we are an intelligent and thoughtful people; we want to know just what it is that we are about, and if you will be patient with me I am going to try to point out some of the things I did not dwell upon last night that are the salient and outstanding characteristics of this treaty.

"I am not going to speak to-night particularly of the covenant of the league of nations. I am going to point out to you what the treaty as a whole is. In the first place, of course, that treaty imposes upon Germany the proper penalty for the crime she attempted to commit. It is a just treaty in spite of its severity. It is a treaty made by men who had no intention of crushing the German people, but who did mean to have it burnt into the consciousness of the German people, and through their consciousness into the apprehension of the world, that no people could afford to live under a Government which was not controlled by their purpose and will and which was at liberty to impose secret ambitions upon the civilization of the world. It was intended as notice to all mankind that any Government that attempted what Germany attempted would meet with the same concerted opposition of mankind and would have meted out to it the same just retribution. All that this treaty amounts to, so far as Germany is concerned, is that she shall be obliged to pay every dollar that she can afford to pay to repair the damage that she did; except for the territorial arrangements which it includes, that is practically the whole of the treaty so far as it concerns Germany. What has not been borne in upon the consciousness of some of our people is that, although most of the words of the treaty are devoted to the settlement with Germany, the greater part of the meaning of its provisions is devoted to the settlement of the world.

"The treaty begins with the covenant of the league of nations, which is intended to operate as a partnership, a permanent partnership, of the great and free self-governing peoples of the world to stand sponsor for the right and for civilization. Notice is given in the very first articles of the treaty that hereafter it will not be a matter of conjecture whether the other great nations of the world will combine against a wrongdoer, but a matter of certainty that hereafter nations contemplating what the Government of Germany contemplated will not have to conjecture whether Great Britain and France and Italy and the great United States will join hands against them, but will know that mankind, in serried ranks, will defend to the last the rights of human beings wherever they are. This is the first treaty ever framed by such an international convention, whose object was not to serve and defend governments but to serve and defend peoples. This is the first people's treaty in the history of international dealings. Every member of that great convention of peace was poignantly aware that at last the people of the world were awake, that at last the people of the world were aware of what wrong had been wrought by irresponsible and autocratic governments, that at last all the peoples of the world had seen the vision of liberty, had seen the majesty of justice, had seen the doors thrown open to the aspirations of men and women and the fortunes of children everywhere, and they did not dare assume that they were the masters of the fortunes of any people, but knew that in every settlement they must act as the servants not only of their own people but of the people who were waiting to be liberated, the people who could not win their own liberty, the people who had suffered for centuries together the intolerable wrongs of misgovernment. This is a treaty not merely for the peoples who were represented at the peace table but for the people who were the subjects of the governments whose wrongs were forever ended by the victory on the fields of France.

"My fellow citizens, you know and you hear it said every day, you read it in the newspapers, you hear it in the conver-

sation of your friends, that there is unrest all over the world. You hear that in every part of the world, not excluding our own beloved country, there are men who feel that society has been shaken to its foundations, and that it ought to have been shaken to its foundations, in order that men might be awakened to the wrongs that had been done and were continuing to be done. When you look into the history, not of our own free and fortunate continent, happily, but of the rest of the world, you will find that the hand of pitiless power has been upon the shoulders of the great mass of mankind since time began, and that only with that glimmer of light which came at Calvary, that first dawn which came with the Christian era, did men begin to wake to the dignity and right of the human soul, and that in spite of professions of Christianity, in spite of purposes of reform, in spite of theories of right and of justice, the great body of our fellow beings have been kept under the will of men who exploited them and did not give them the full right to live and realize the purposes that God had meant them to realize. There is little for the great part of the history of the world except the bitter tears of pity and the hot tears of wrath, and when you look, as we were permitted to look in Paris, into some of the particular wrongs which the peoples of Central Europe, the peoples upon whom the first foundations of the new German power were to be built, had suffered for generations together, you wonder why they lay so long quiet, you wonder why men, statesmen, men who pretended to have an outlook upon the world, waited so long to deliver them. The characteristic of this treaty is that it gives liberty to peoples who never could have won it for themselves. By giving that liberty, it limits the ambitions and defeats the hopes of all the imperialistic governments in the world. Governments which had theretofore been considered to desire dominion, here in this document forswore dominion, renounced it, said, 'The fundamental principle upon which we are going to act is this, that every great territory of the world belongs to the people who live in it, and that is their right, and not our right, to determine the sovereignty they shall live under and the form of government they shall maintain.' It is astonishing that this great document did not come as a shock upon the world. If the world had not already been rent by the great struggle which preceded this settlement, men would have stood at amaze at such a document as this; but there is a subtle consciousness throughout the world now that this is an end of governing people who do not desire the government that is over them.

"And, going further than that, the makers of the treaty proceeded to arrange, upon a cooperative basis, those things which had always been arranged before upon a competitive basis. I want to mention a very practical thing, which most of you, I dare say, never thought about. Most of the rivers of Europe traverse the territory of several nations, and up to the time of this peace conference there had been certain historic rights and certain treaty rights over certain parts of the courses of those rivers which had embarrassed the people who lived higher up upon the stream; just as if the great Mississippi, for example, passed through half a dozen States and the people down at New Orleans lived under a government which could control the navigation of the lower part of the Mississippi and so hamper the commerce of the States above them to the north which wished to pass to the sea by the courses of the Mississippi. There were abundant instances of that sort in Europe, and this treaty undertakes to internationalize all the great waterways of that Continent, to see to it that their several portions are taken out of national control and put under international control, so that the stream that passes through one nation shall be just as free in all its length to the sea as if that nation owned the whole of it, and nobody shall have the right to put a restriction upon their passage to the sea. I mention this in order to illustrate the heart of this treaty, which is to cut out national privilege and give to every people the full right attaching to the territory in which they live.

"Then the treaty did something more than that. You have heard of the covenant of the league of nations until, I dare say, you suppose that is the only thing in the treaty. On the contrary, there is a document almost as extensive in the latter part of the treaty which is nothing less than a great charter of liberty for the working men and women of the world. One of the most striking and useful provisions of the treaty is that every member of the league of nations undertakes to advance the humane conditions of labor for men, women, and children, to consider the interests of labor under its own jurisdiction, and to try to extend to every nation with which it has any dealings the standards of labor upon which it itself insists; so that America, which has by no means yet reached the standards in those matters which we must and shall reach, but which, nevertheless, is the most advanced in the world in respect of the conditions of labor, undertakes to bring all the influence it can legitimately to bear upon every nation with which it has any dealings to see that labor there is put upon as good a footing as labor in America. Perhaps some of you have not kept in mind the seamen's act which was passed in a recent session of Congress. Under the law before that act, seamen could be bound to the service of their ship in such fashion that when they came to the ports of the United States, if they tried to leave their ship, the Government of the United States was bound to arrest them and send them back to their ship. The seamen's act abrogates that law and practically makes it necessary for every ship that would take away from the United States the crew that it brings to it shall pay American wages to get it. Before this treaty was entered into the United States had entered upon the business of trying to extend to laboring men elsewhere the advantages which laboring men in the United States enjoy, and supplementing that promise in the covenant of the league there is an elaborate arrangement for a periodic international conference in the interest of labor. It provides that that conference shall be called next month in the city of Washington by the President of the United States, and the President of the United States has already called it. We are awaiting to learn from the Senate of the United States whether we can attend it or not. We can at least sit and listen and wonder how long we are going to be kept out of membership of this great humane endeavor to see that working men and women and children everywhere in the world are regarded as human beings and taken care of as they ought to be taken care of.

"This treaty does not stop there. It attempts to coordinate all the great humane endeavors of the world. It tries to bring under international cooperation every effort to check international crime. I mean like that unspeakable traffic in women, like that almost equally unspeakable traffic in children. It undertakes to control the dealing in deadly drugs like opium. It organizes a new method of cooperation among all the great Red Cross societies of the world. I tell you, my fellow citizens, that simple red cross has come to mean to the world more than it ever meant before. Everywhere—in the remotest recesses of the world—there are people who wear that symbol, and every time I look at it I feel like taking off my hat, as if I had seen a symbol of the world's heart. This treaty is nothing less than an organization of liberty and mercy for the world. I wish you would get a copy of it and read it. A good deal of it is technical and you could skip that part, but read all of it that you do not need an expert to advise you with regard to the meaning of. The economic and financial clauses which particularly affect the settlements with Germany are, I dare say, almost unintelligible to most people, but you do not have to understand them; they are going to be worked out by experts. The rest of it is going to be worked out by the experience of free self-governed peoples.

"One of the interesting provisions of the covenant of the league of nations it that no nation can be a member of that league which is not a self-governing nation. No autocratic government can come into its membership; no government which is not controlled by the will and vote of its people. It is a league of free, independent peoples all over the world, and when that great arrangement is consummated there is not going to be a ruler in the world that does not take his advice from his people. Germany is for the present excluded, but she is excluded only in order that she may undergo a period of probation, during which she shall prove two things—first, that she has really changed her constitution permanently, and second, that she intends to administer that constitution in the spirit of its terms. You read in the newspapers that there are intrigues going on in Germany for the restoration of something like the old government, perhaps for the restoration of the throne and placing upon it some member of the family of Hohenzollern. Very well, if that should be accomplished Germany is forever excluded from the league of nations. It is not our business to say to the German people what sort of government they shall have, it is our fundamental principle that that is their business and not ours, but it is our business to say whom we will keep company with, and if Germany wishes to live in respectable society she will never have another Hohenzollern. The other day, you will notice, Hungary for a little while put one of the Austrian princes upon her throne, and the peace conference, still sitting in Paris, sent word that they could not deal with a government which had one of the Hapsburgs at its head. The Hapsburgs and the Hohenzollerns are permanently out of business. I dare say that they personally, from what I can learn, feel antiquated and out of date. They are out of date because, my fellow citizens, this Great War, with its triumphant issue, marks a new day in the history of the world. There can no more be any such attempts as Germany made if the great lead-

ing free people of the world lends its countenance and leadership to the enterprise. I say if, but it is a mere rhetorical if. There is not the least danger that America, after a treaty has been drawn up exactly along the specifications stipulated by America, will desert its associates. We are a people that redeems its honor. We are not, and never will be, quitters.

"You notice that one of the grounds of anxiety of a small group of our fellow citizens is whether they can get out of the league if they ever get in, and so they want to have the key put in their pockets; they want to be assigned a seat right by the door; they want to sit on the edge of their chairs and say, 'If anything happens in this meeting to which I am in the least sensitive, I leave.' That, my fellow citizens, is not the spirit of America. What is going to happen is this: We are not going to sit by the door; we are going to sit in the high seats, and if the present attitude of the peoples of the world toward America is any index of what it will continue to be, the counsels of the United States will be the prevailing counsels of the league. If we were humbly at the outset to sit by the door, we would be invited to go up and take the chair. I, for one, do not want to be put in the attitude of children who, when the game goes against them, will not play, because I have such an unbounded confidence in the rectitude of the purpose of the United States that I am not afraid she will ever be caught proposing something which the other nations will defeat. She did not propose anything in Paris which the other nations defeated. The only obstacles, the only insuperable obstacles, met there were obstacles which were contained in treaties of which she had no notice, in secret treaties which certain great nations were bound in honor to respect, and the covenant of the league of nations abolishes secret treaties. From this time forth all the world is going to know what all the agreements between nations are. It is going to know, not their general character merely, but their exact language and contents, because the provision of the league is that no treaty shall be valid which is not registered with the general secretary of the league, and the general secretary of the league is instructed to publish it in all its details at the earliest possible moment. Just as you can go to the courthouse and see all the mortgages on all the real estate in your county, you can go to the general secretariat of the league of nations and find all the mortgages on all the nations. This treaty, in short, is a great clearance house. It is very little short of a canceling of the past and an insurance of the future.

"Men have asked me, 'Do you think that the league of nations is an absolute guaranty against war?' Of course it is not; no human arrangement can give you an absolute guaranty against human passion, but I answer that question with another, 'If you thought you had 50 per cent insurance against war, would not you jump at it? If you thought you had 30 per cent insurance against war, would not you take it? If you thought you had 10 per cent insurance against war, would not you think it better than nothing?' Whereas, in my judgment, this is 99 per cent insurance, because the one thing that a wrong cause can not stand is exposure. If you think that you have a friend who is a fool, encourage him to hire a hall. The particular thing that this treaty provides in the covenant of the league of nations is that every cause shall be deliberately exposed to the judgment of mankind. It substitutes what the whole world has long been for, namely, arbitration and discussion for war. In other words, all the great fighting nations of the world—for Germany for the time being, at any rate, is not a great fighting nation—promise to lay their case, whatever it may be, before the whole jury of humanity. If there had been any arrangement comparable with this in 1914, the calamitous war which we have just passed through would have been inconceivable.

"Look what happened. The Austrian crown prince was assassinated inside the Austrian dominion, in Bosnia, which was under the Empire of Austria-Hungary, though it did not belong to it, and Austria had no business to have it; and because it was suspected that the assassination was connected with certain groups of agitators and certain revolutionary societies in Serbia, war was made on Serbia, because the Austrian crown prince was assassinated in Austria! Just as if some great personage were to be assassinated, let us say, in Great Britain, and because the assassin was found to have society connections—I mean certain connections with a society that had an active membership—in the United States Great Britain should declare war on the United States. That is a violently improbable supposition, but I am merely using it as an illustration. Every foreign office in Europe, when it got sudden news of what was afoot, sent messages to its representative in Berlin asking the German Government to hold an international conference to see if the matter could not be adjusted, and the German Government would not wait 24 hours. Under the treaty of the league of nations every fighting nation is bound to wait at least nine months, and to lay all the facts pertinent to the case before the whole world. There is nothing so overpowering and irresistible, my fellow citizens, as the opinion of mankind. One of the most interesting and, I think, in one way, one of the most moving sentences in the great Declaration of Independence, is one of the opening sentences—'that out of respect to the opinion of mankind the causes which have led the people of the American Colonies to declare their independence are here set forth.' America was the first country in the world which laid before all mankind the reason why it went to war, and this treaty is the exaltation and permanent establishment of the American principle of warfare and of right. Why, therefore, do we hesitate to redeem the destiny of America? Why do we hesitate to support the most American thing that has ever been attempted? Why do we debate details when the heart of the thing is sound? And the beauty of it, my fellow citizens, is that the heart of America is sound.

"We sent our boys across the sea to beat Germany, but that was only the beginning. We sent them across the sea to assure the world that nothing such as Germany attempted should ever happen again. That is the halo that is going to be about the brows of these fine boys that have come back from overseas. That is the light that is going to rest upon the graves oversea of the boys we could not bring back. That is the glory that is going to attach to the memories of that great American Army, that it made conquest of the armies of Germany not only, but made conquest of peace for the world. Greater armies than sought the Holy Grail, greater armies than sought to redeem the Holy Sepulchre, greater armies than fought under that visionary and wonderful girl, Joan of Arc, greater than the armies of the American Revolution that sought to redeem us from the unjust rule of Britain, greater even than the armies of our Civil War which saved the Union, will be this noble army of Americans who saved the world!"

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THE PRESIDENT AT STADIUM, SAN DIEGO, CALIF., SEPTEMBER 19, 1919.

"Mr. Mayor, my fellow countrymen, as you know, I have come from Washington on a very serious errand, indeed, and I need not tell you with what a thrill the sight of this great body of my fellow citizens fills my heart, because I believe that one of the most important verdicts of history has now to be rendered by the great people of the United States. I believe that this is a choice from which we can not turn back. Whether it be the choice of honor or of dishonor, it will be a final choice that we shall make in this great hour of our history.

"One of the most unexpected things that I have found on my journey is that the people of the United States have not been informed as to the real character and scope and contents of the great treaty of peace with Germany. Whether by omission or by intention, they have been directed in all of the speeches that I have read to certain points of the treaty which are incidental, and not central, and their attention has been drawn away from the real meaning of this great human document. For that, my fellow citizens, is just what it is. It not only concludes a peace with Germany and imposes upon Germany the proper penalties for the outrage she attempted upon mankind but it also concludes the peace in the spirit in which the war was undertaken by the nations opposed to Germany. The challenge of war was accepted by them not with the purpose of crushing the German people but with the purpose of putting an end once and for all to such plots against the free governments of the world as had been conceived on Wilhelmstrasse, in Berlin, unknown to the people of Germany, unconceived by them, advised by little groups of men who had the military power to carry out private ambitions.

"We went into this war not only to see that autocratic power of that sort never threatened the world again but we went into it for even larger purposes than that. Other autocratic powers may spring up, but there is only one soil in which they can spring up and that is the wrongs done to free peoples of the world. The heart and center of this treaty is that it sets at liberty people all over Europe and in Asia who had hitherto been enslaved by powers which were not their rightful sovereigns and masters. So long as wrongs like that exist in the world, you can not bring permanent peace to the world. I go further than that. So long as wrongs of that sort exist, you ought not to bring permanent peace to the world, because those wrongs ought to be righted, and enslaved peoples ought to be free to right them. For my part, I will not take any part in composing difficulties that ought not to be composed, and a difficulty between an enslaved people and its autocratic rulers ought not to be composed. We in America have stood from the day of our birth for the emancipation of people throughout the world who were living unwillingly under governments which were not of their own choice. The thing which we have held

more sacred than any other is that all just government rests upon the consent of the governed, and all over the world that principle has been disregarded, that principle has been flouted by the strong, and only the weak have suffered. The heart and center of this treaty is the principle adopted not only in this treaty but put into effect also in the treaty with Austria, in the treaty with Hungary, in the treaty with Bulgaria, in the treaty with Turkey, that every great territory in the world belongs to the people who are living on it, and that it is not the privilege of any authority anywhere—certainly not the privilege of the peace conference at Paris—to impose upon those peoples any government which they accept unwillingly and not of their own choice.

"Nations that never before saw the gleam of hope have been liberated by this great document. Pitiful Poland, divided up as spoils among half a dozen nations, is by this document united and set free. Similarly, in the treaty with Austria, the Austrian power is taken off of every people over whom it had no right to reign. You know that the great populations of Bosnia and Herzigovina, which lay between Austria and the Balkan Peninsula, were unjustly under the power of the Austro-Hungarian Empire, and it was in a city of Bosnia that the Crown Prince of Austria was assassinated—Bosnia which was under the power of Austria. Though Bosnia was part of Austrian territory, Austria had the audacity to hold Serbia, an outside neighbor, responsible for an act of assassination on Austrian territory, the Austrian Government choosing to believe that certain societies with which it connected the assassin, societies active in Serbia, had planned and executed the assassination. So the world was deluged in blood, and 7,400,000 men lie dead—not to speak of the pitiful wounded, not to speak of the blinded, not to speak of those with distracted brain, not to speak of all the pitiful, shattered nerves of millions of men all over the world—because of an insurgent feeling in a great population which was ruled over by rulers not of their own choice. The peace conference at Paris knew that it would not go to the root of this matter unless it destroyed power of that kind. This treaty sets those great peoples free.

"But it does not stop with that. In the heart of the treaty you will find a new charter for those who labor—men, women, and children all over the world. The heart of the world is depressed, my fellow citizens, the heart of the world is uneasy. The heart of the world is a little despairful of its future, because the economic arrangements of the world have not been just, and the people who are having unjust conditions imposed upon them are, of course, not content to live under them. When the whole world is at unrest you may be sure that there is some real cause for the unrest. It is not whimsical. Men do not disturb the foundations of their lives just to satisfy a sudden impulse. All these troubles, whatever shape they may take, whether the action taken is just or unjust, have their root in age-long wrongs which ought to be, must be, and will be righted, and this great treaty makes a beginning in that great enterprise of humanity. It provides an arrangement for recurrent and periodic international conferences, the main and sole object of which will be to improve the conditions of labor, to safeguard the lives and the health of women and children who work and whose lives would otherwise be impaired or whose health be rendered subject to all the inroads of disease. The heart of humanity beats in this document. It is not a statesman's arrangement. It is a liberation of the peoples and of the humane forces of the world, and yet I never hear the slightest intimation of any of these great features in the speeches of the gentlemen who are opposing this treaty. They never tell you what is really in this treaty. If they did your enthusiasm would sweep them off their feet. If they did they would know that it was an audacity which they had better not risk to impair the peace and the humane conditions of mankind.

"At the very front and heart of the treaty is the part which is most criticized, namely, the great covenant for a league of nations. This treaty could not be executed without such a powerful instrumentality. Unless all the right-thinking nations of the world are going to concert their purpose and their power, this treaty is not worth the paper that it is written on, because it is a treaty where peace rests upon the right of the weak, and only the power of the strong can maintain the right of the weak. If we as a nation indeed mean what we have always said, that we are the champions of human rights, now is the time when we shall be brought to the test, the acid test, as to whether we mean what we said or not. I am not saying that because I have the least doubt as to the verdict. I am just as sure of it as if it had been rendered already. I know this great people among whom I was born and bred and whom I have had the signal honor to serve, whose mouthpiece it has been my privilege to be on both sides of the water, and I know that I am speaking their conscience, when I speak in the name of my own conscience, that that is the duty of America and that it will be assumed and performed.

"You have been led to believe that the covenant of the league of nations is in some sense a private invention. It is not always said of whom, and I need not mention who is suspected. It is supposed that out of some sort of personal ambition or party intention an authorship, an origination is sought. My fellow countrymen, I wish that I could claim the great distinction of having invented this great idea, but it is a great idea which has been growing in the minds of all generous men for several generations. Several generations? Why, it has been the dream of the friends of humanity through all the ages, and now for the first time a great body of practical statesmen, immersed in the business of individual nations, gets together and realizes the dream of honest men. I wish that I could claim some originative part in so great an enterprise, but I can not. I was the spokesman in this matter, so far as I was influential at all, of all sorts and kinds of Americans and of all parties and factions in America. I would be ashamed, my fellow countrymen, if I treated a matter of this sort with a single thought of so small a matter as the national elections of 1920. If anybody discusses this question on the basis of party advantage, I repudiate him as a fellow American. And in order to validate what I have said, I want to make one or two quotations from representatives of a party to which I do not belong. The first I shall make from a man who has for a long time been a member of the United States Senate. In May, 1916, just about two years after the Great War began, this Senator, at a banquet at which I was myself present, uttered the following sentences:

"'I know, and no one I think can know better than one who has served long in the Senate, which is charged with an important share of the ratification and confirmation of all treaties, no one can, I think, feel more deeply than I do the difficulties which confront us in the work which this league—that is the great association extending throughout the country known as the League to Enforce Peace—undertakes, but the difficulties can not be overcome unless we try to overcome them. I believe much can be done. Probably it will be impossible to stop all wars, but it certainly will be possible to stop some wars, and thus diminish their number. The way in which this problem is to be worked out must be left to this league and to those who are giving this great subject the study which it deserves. I know the obstacles. I know how quickly we shall be met with the statement that this is a dangerous question which you are putting into your agreement, that no nation can submit to the judgment of other nations, and we must be careful at the beginning not to attempt too much. I know the difficulties which arise when we speak of anything which seems to involve an alliance, but I do not believe that when Washington warned us against entangling alliances he meant for one moment that we should not join with the other civilized nations of the world if a method could be found to diminish war and encourage peace.'

"'It was a year ago,' he continues, 'in delivering the chancellor's address at Union College, I made an argument on this theory, that if we were to promote international peace at the close of the present terrible war, if we were to restore international law as it must be restored, we must find some way in which the united forces of the nations could be put behind the cause of peace and law. I said then that my hearers might think that I was picturing a Utopia, but it is in the search for Utopias that great discoveries have been made. Not failure, but low aim, is the crime. This league certainly has the highest of all aims for the benefit of humanity, and because the pathway is sown with difficulties is no reason that we should turn from it.'

"The quotation is from the Hon. HENRY CABOT LODGE. I read another quotation from one of the most energetic, practical, and distinguished leaders of the Republican Party, uttered in an article published in the New York Times in October, 1914:

"'The one permanent move for obtaining peace which has yet been suggested with any reasonable chance of obtaining its object is by an agreement among the great powers, in which each should pledge itself not only to abide by the decisions of a common tribunal, but to back with force the decision of that common tribunal. The great civilized nations of the world which do possess force, actual or immediately potential, should combine by solemn agreement in a great world league for the peace of righteousness.' A very worthy utterance by Theodore Roosevelt. I am glad to align myself with such utterances as those. I subscribe to every word of them. And here in concrete form is the fulfillment of the plan which they advocate. We can not in reason, we can not as lovers of liberty, we can not as supporters of right, turn away from it.

"What are those who advise us to turn away from it afraid of? In the first place, they are afraid that it impairs in some way

that long traditional policy of the United States which was embodied in the Monroe doctrine, but how they can fear that I can not conceive, for the document expressly says in words which I am now quoting that nothing in this covenant shall be held to affect the validity of the Monroe doctrine. The phrase was inserted under my own eye, at the suggestion—not of the phrase but the principle—of the Foreign Relations Committees of both Houses of Congress. I think I am justified in dismissing all fear that the Monroe doctrine is in the least impaired. And what is the Monroe doctrine? It is that no outside power shall attempt to impose its will in any form upon the Western Hemisphere, and that if it does the United States, acting upon its own initiative and alone, if it chooses, can resist and will resist the attempt. Could anything leave the United States freer as a champion of the independence of the Western Hemisphere than this world acknowledgment of the validity and potency of the Monroe doctrine?

"They are afraid that the league will in some way deal with our domestic affairs. The covenant expressly says that it will have no right to deal with the domestic affairs of any member of the league, and I can not imagine anything more definite or satisfactory than that. There is no ambiguity about any part of this covenant, for the matter of that, but there is certainly no ambiguity about the statement concerning domestic affairs, for it is provided that if any matter brought before the council is found to be a matter which, under international law, lies within the exclusive jurisdiction of the State making the claim, the council shall dismiss consideration of it and shall not even make a report about it. And the subjects which are giving these gentlemen the most concern are agreed by all students of international law to be domestic questions; for example, immigration, naturalization, the tariff—these are the subjects most frequently spoken of. No one of these can be dealt with by the league of nations, so far as the sovereignty of the United States is concerned. We have a perfectly clear field there, as we have in regard to the Monroe doctrine.

"It is feared that our delegates will be outvoted, because I am constantly hearing it said that the British Empire has six votes and we have one. I am perfectly content to have only one when the one counts six, and that is exactly the arrangement under the league. Let us examine that matter a little more particularly. Besides the vote of Great Britain herself, the other five votes are the votes of Canada, of South Africa, of Australia, of New Zealand, and of India. We ourselves were champions and advocates of giving a vote to Panama, of giving a vote to Cuba—both of them under the direction and protectorate of the United States—and if a vote was given to Panama and to Cuba, could it reasonably be denied to the great Dominion of Canada? Could it be denied to that stout Republic in South Africa, that is now living under a nation which did, indeed, overcome it at one time, but which did not dare retain its government in its hands, but turned it over to the very men whom it had fought? Could we deny it to Australia, that independent little republic in the Pacific, which has led the world in so many liberal reforms? Could it be denied New Zealand? Could we deny it to the hundreds of millions who live in India? But, having given these six votes, what are the facts? For you have been misled with regard to them. The league can take no active steps without the unanimous vote of all the nations represented on the council, added to a vote of the majority in the assembly itself. These six votes are in the assembly, not in the council. The assembly is not a voting body, except upon a limited number of questions, and whenever those questions are questions of action, the affirmative vote of every nation represented on the council is indispensable, and the United States is represented on the council. The six votes that you hear about can do nothing in the way of action without the consent of the United States. There are two matters in which the assembly can act, but I do not think we will be jealous of those. A majority of the assembly can admit new members into the league. A majority of the assembly can advise a member of the league to reconsider any treaty which in the opinion of the assembly of the league is apt to conflict with the operation of the league itself, but that is advice which can be disregarded, which has no validity of action in it, which has no compulsion of law in it. With the single exception of admitting new members to the league, there is no energy in the six votes which is not offset by the energy in the one vote of the United States, and I am more satisfied to be one and count six than to be six and count only six. This thing that has been talked about is a delusion. The United States is not easily frightened, and I daresay it is least easily frightened by things that are not true.

"It is also feared that causes in which we are interested will be defeated. Well, the United States is interested in a great many causes, for the very interesting and compelling reason that the United States is made up out of all the civilized peoples of the world. There is not a national cause, my fellow citizens, which has not quickened the heartbeat of men in America. There is not a national cause which men in America do not understand, because they come of the same blood, they come of the same traditions, they recollect through long tradition the wrongs of their peoples, the hopes of their peoples, the passions of their peoples, and everywhere in America there are kinsmen to stand up and speak words of sympathy for great causes. For the first time in the history of the world, the league of nations presents a forum, a world forum, where any one of these ambitions or aspirations can be brought to the consideration of mankind. Never before has this been possible. Never before has there been a jury of mankind to which nations could take their causes, whether they were weak or strong. You have heard a great deal about article 10 of the covenant. Very well, after you have read it suppose you read article 11. Article 11 provides that it shall be the friendly right of any member of the league, big or little, strong or weak, to call attention to anything, anywhere, which is likely to disturb the peace of the world or the good understanding between nations upon which the peace of the world depends. When anybody of kin to us in America is done wrong by any foreign government, it is likely to disturb the good understanding between nations upon which the peace of the world depends, and thus any one of the causes represented in the hearts of the American people can be brought to the attention of the whole world. One of the most effective means of winning a good cause is to bring it before that great jury. A bad cause will fare ill, but a good cause is bound to be triumphant in such a forum. Until this, international law made it an unfriendly act for any nation to call attention to any matter which did not immediately affect its own fortunes and its own right. I am amazed that so many men do not see the extraordinary change which this will bring in the transaction of human affairs. I am amazed that they do not see that now, for the first time, not selfish national policy but the general judgment of the world as to right is going to determine the fortunes of peoples, whether they be weak or whether they be strong, and I myself glory in the provisions of article 11 more than I glory in any other part of the covenant, for it draws all men together in a single friendly court, where they may discuss their own affairs and determine the issues of justice—just exactly what was desired in the hearts of the men from whom I have read extracts of opinion.

"But what disturbs me, perhaps the only thing that disturbs me, my fellow countrymen, about the form which the opposition to the league is taking is this: Certain reservations, as they are called, are proposed which in effect—I am not now stopping to form an opinion as to whether that is the intention or not; I have no right to judge the intention of a man who has not stated what his intention is—which in effect amount to this, that the United States is unwilling to assume the same obligations under the covenant of the league that are assumed by the other members of the league; that the United States wants to disclaim any part in the responsibility which the other members of the league are assuming. I want to say with all the emphasis of which I am capable that that is unworthy of the honor of the United States. The principle of justice, the principle of right, the principle of international amity is this, that there is not only an imaginary but a real equality of standing and right among all the sovereign peoples of the world. I do not care to defend the rights of a people if I must regard them as my inferiors, if I must do so with condescension, if I must do so because I am strong and they are weak. You know the men, and the women, too, I dare say, who are respectful only to those whom they regard as their social equals or their industrial equals and of whom they are more or less afraid, who will not exercise the same amenities and the same consideration for those whom they deem beneath them. Such people do not belong in democratic society, for one thing, and, for another, their whole point of view is perverted; they are incapable of justice, because the foundation of justice is that the weakest has the same rights as the strongest. I must admit, my fellow citizens, and you can not deny—and I admit it with a certain profound regret not only but with a touch of shame—that while that is the theory of democratic institutions it is not always the practice. The weak do not always fare as well as the strong, the poor do not always get the same advantage of justice that the rich get; but that is due to the passions and imperfections of human nature. The foundation of the law, the glory of the law, is that the weakest is equal to the strongest in matters of right and privilege, and the goal to which we are constantly though stumblingly and with mistakes striving to go

forward is the goal of actual equality, of actual justice, upon the basis of equality of rights, and unless you are going to establish the society of nations upon the actual foundation of equality, unless the United States is going to assume the same responsibility and just as much responsibility as the other nations of the world, we ought not to commit the mockery of going into the arrangement at all.

"I will not join in claiming under the name of justice an unjust position of privilege for the country I love and honor. Neither am I afraid of responsibility. Neither will I scuttle. Neither will I be a little American. America, in her make-up, in her purposes, in her principles, is the biggest thing in the world, and she must measure up to the measure of the world. I will be no party in belittling her. I will be no party in saying that America is afraid of responsibilities which I know she can carry and in which in carrying I am sure she shall lead the world. Why, if we were to decline to go into this humane arrangement we would be declining the invitation which all the world extends to us to lead them in the enterprise of liberty and of justice. I, for one, will not decline that invitation. I, for one, believe more profoundly than in anything else human in the destiny of the United States. I believe that she has a spiritual energy in her which no other nation can contribute to the liberation of mankind, and I know that the heart of America is stronger than her business calculations. That is what the world found out when we went into the war. When we went into the war there was not a nation in the world that did not believe we were more interested in making money out of it than in serving the cause of liberty. And when we went in, in those few months the whole world stood at amaze and ended with an enthusiastic conversion. They now believe that America will stand by anybody that is fighting for justice and for right, and we shall not disappoint them.

"The age is opening, my fellow citizens, upon a new scene. We are substituting in this covenant—and this is the main purpose of it—arbitration and discussion for war. Senator LODGE says if we can stop some wars it is worth while. If you want insurance against war, I take it you would rather have 10 per cent insurance than none; I take it that you would be delighted with 50 per cent insurance; and here I verily believe is 99 per cent insurance against war. Here are all the great fighting nations of the world, with the exception of Germany—because for the time being Germany is not a great fighting nation—solemnly covenant with one another that they will never go to war without first having either submitted the matter in dispute to arbitration and bound themselves to abide by the verdict, or, having submitted it to discussion by the council of the league of nations, in which case they will lay all the facts and documents by publication before the world, wait six months for the opinion of the council, and if they are dissatisfied with that opinion—for they are not bound by it—they will wait another three months before they go to war. There is a period of nine months of the process which is absolutely destructive of unrighteous causes—exposure to public opinion. When I find a man who in a public matter will not state his side of the case, and state it fully, I know that his side of the case is the losing side, that he dare not state it.

"At the heart of most of our industrial difficulties, my fellow citizens, and most of you are witness to this, lies the unwillingness of men to get together and talk it over. Half of the temper which now exists between those who perform labor and those who direct labor is due to the fact that those who direct labor will not talk differences over with the men whom they employ, and I am in every such instance convinced that they are wrong and dare not talk it over. Not only that, but every time the two sides do get together and talk it over they come out of the conference in a different temper from that with which they went in. There is nothing that softens the attitude of men like really, frankly laying their minds alongside of each other and their characters alongside of each other and making a fair and manly and open comparison. That is what all the great fighting nations of the world agree to with every matter of difference between them. They put it either before a jury by whom they are bound or before a jury which will publish all the facts to mankind and express a frank opinion regarding it.

"You have here what the world must have, what America went into this war to obtain. You have here an estoppel of the brutal, sudden impulse of war. You have here a restraint upon the passions of ambitious nations. You here have a safeguard of the liberty of weak nations, and the world is at last ready to stand up and in calm counsel discuss the fortunes of men and women and children everywhere. Why, my fellow citizens, nothing brings a lump into my throat quicker on this journey I am taking than to see the thronging children that are everywhere the first, just out of childish curiosity and glee no doubt, to crowd up to the train when it stops, because I know that if by any chance we should not win this great fight for the league of nations it would be their death warrant. They belong to the generation which would then have to fight the final war, and in that final war there would not be merely seven and a half million men slain. The very existence of civilization would be in the balance, and I for one dare not face the responsibility of defeating the very purpose for which we sent our gallant men overseas. Every mother knows that her pride in the son that she lost is due to the fact, not that he helped to beat Germany, but that he helped to save the world. It was that light the other people saw in the eyes of the boys that went over there, that light as of men who see a distant horizon, that light as of men who have caught the gleam and inspiration of a great cause, and the armies of the United States seemed to those people on the other side of the sea like bodies of crusaders come out of a free nation to give freedom to their fellows, ready to sacrifice their lives for an idea, for an ideal, for the only thing that is worth living for, the spiritual purpose of redemption that rests in the hearts of mankind."

PROMOTION OF FOREIGN COMMERCE.

Mr. HARRIS. I call up Senate resolution 203 submitted by me yesterday.

The PRESIDENT pro tempore. The Chair lays the resolution before the Senate. It will be read.

The Secretary read the resolution, as follows:

Whereas the Department of Commerce and certain other governmental agencies in various departments and independent establishments, including the Consular Service and office of the Foreign Trade Adviser of the State Department, the War Finance Corporatoin, the Federal Reserve Board, and International High Commission in the Treasury Department, the Bureau of Markets of the Department of Agriculture, the Federal Trade Commission, the Interstate Commerce Commission, the United States Railroad Administration, the United States Shipping Board, and, perhaps, other agencies in other departments or establishments of the Government are, in the exercise of their lawful functions, engaged with matters having to do, either directly or indirectly, with the foreign commerce of the United States, but oftentimes work independently of each other and each without a knowledge of what any of the others may be doing in this direction; and

Whereas, in order to foster, promote, and develop the foreign commerce of the United States in the most effective manner, so as to meet successfully the competition of foreign agencies, it is essential that there should be no unnecessary work or duplication of work on the part of the aforesaid agencies of the Government, and that coordination and cooperation so essential to the successful promotion of the foreign commerce of the United States; and

Whereas it is desired by the Senate to consider the expediency of enacting legislation to provide for such coordination and cooperation of agencies: Therefore be it

Resolved, That the heads of the several departments and establishments hereinbefore referred to be, and they hereby are, requested to submit to the Senate as promptly as possible detailed statements covering the character, amount, and estimated cost to the Government of such work as is now being carried on under their respective jurisdictions which, directly or indirectly, has any relation to the foreign commerce of the United States or which may in any way be of value in connection with the promotion and development of such foreign commerce, which statements should also indicate the number of employees engaged on such work, and also to submit with such statements such suggestions and recommendations as they may be able to make looking to the closer cooperation and coordination of the various agencies of the Government for effective promotion of the foreign commerce of the United States.

Mr. HARRIS. Mr. President, there is nothing more important to our country than its foreign commerce. Our factories, our commercial industries, our farmers, and our laborers are all interested in it. We have about a dozen different governmental agencies connected with foreign commerce, among which there is no coordination whatever, but there is a great overlapping of their work. This resolution simply directs the different departments and other governmental agencies to send information so we may know what they are accomplishing.

Mr. SMOOT. Mr. President, I have no doubt that there is a duplication of work in perhaps the geater number of the departments mentioned in the resolution touching our foreign commerce, but I know from past experience we will get very little information from these departments as to what they are doing in foreign commerce by way of duplication of work.

I will state to the Senator from Georgia that I have under way now an investigation of the duplication of the work of all kinds in all of the departments and independent establishments of the Government. I am not content to take the statement of the head of a department or bureau as to what activities they are carrying on in connection with any line of work. I have learned from their requests for appropriations that all deny that they are doing duplicate work in any way, shape, or form, and they believe that their particular work is the most important of all work done by the Government.

I have now under way an investigation of all the answers made by the different employees, consisting of 104,000, as to

what they are doing and for what work they are being paid by the Government. When the information is tabulated and the employees of each of the departments of the Government give their story of what their work is and along what line, I mean to compare it with what the departments themselves say they are doing, not only as to their activities in connection with our foreign commerce but as to all other kinds of labor. If I can get that work completed, in a short time I expect to address the Senate on the high cost of government; and I think, if I am not greatly mistaken, I can show to the Senate of the United States that this resolution covers merely a very small part of what ought to be ascertained by Congress in order that it may know how properly to appropriate money for the future.

Mr. OVERMAN. Mr. President, may I ask the Senator how this investigation is being conducted?

Mr. SMOOT. I will say to the Senator that I am trying to make it with the assistants which I have now, and to make it most thoroughly, by taking the statements from the reports of the departments themselves as to what they are doing along the lines of their work and also the answers from all of the employees of the Government.

Mr. OVERMAN. The Senator is making the investigation himself and the questions and answers are being tabulated by him rather than through a commission?

Mr. SMOOT. There is no commission which has the work in charge, so far as I am concerned, I will say to the Senator from North Carolina.

Mr. PENROSE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Pennsylvania?

Mr. SMOOT. I yield.

Mr. PENROSE. I should like to ask the Senator from Utah whether he has at hand the figures showing the enormous disparity between the cost of administering the War Risk Insurance Bureau as compared with what it would be likely to cost if the work were handed over to the Pension Bureau?

Mr. SMOOT. I have not those figures.

Mr. PENROSE. I was astounded yesterday when I was informed that the disparity involved many millions of dollars and many thousand employees.

Mr. SMOOT. I have no doubt that is the case. I will say to the Senator from Pennsylvania that when the war ceased we thought that the number of governmental employees in the District of Columbia would be greatly and quickly reduced; no one thought otherwise than that one-half of the employees in the District of Columbia would be dispensed with; but for the month of July last was there any decrease in the number of employees in the District of Columbia? No; on the contrary, there was an increase of 1,119 employees. It is true that during the month of August there was a decrease of 258.

Mr. PENROSE. I should like to ask the Senator from Utah—for I am very much interested in this question and I intend to submit some figures to the Senate in a few days in connection with the War Risk Bureau—why does not the Committee on Appropriations stop this wasteful expenditure for useless employees?

Mr. SMOOT. The appropriations have already been made for the fiscal year ending June 30, 1920; but I am quite sure the chairman of the Committee on Appropriations of the Senate, the Senator from Wyoming [Mr. WARREN], is going to look into the appropriations more closely for the next fiscal year than they have ever been looked into heretofore, because I have heard him so state; and I promise the Senate that I am going to do the same thing. It seems to me that an investigation ought to be made not only as to our foreign commerce, but that the investigation should extend to every department and activity of the Government.

Mr. PENROSE. I hope the Senator will permit me to suggest that I trust he will also investigate a similar matter, but one of great importance, and that is the magnitude of useless printing the Government is doing of bulletins and reports that are never read by anybody.

Mr. SMOOT. I will say to the Senator from Pennsylvania that since the enactment of a provision in a bill which was passed by Congress in the closing hours of the last session, the Joint Committee on Printing have stopped the printing of I do not know how many Government publications; but when we began to investigate the question, and when we collected all such publications together, we hardly had space in the committee room of the Joint Committee on Printing to take care of them.

Mr. PENROSE. I want to say—and then I am done—that there is hardly a week goes by that I do not have at least a dozen Government publications sent me by constituents in Pennsylvania asking me why such absurd publications are sent to their offices and houses.

Mr. SMOOT. The experience of the Senator from Pennsylvania is only the experience of every Member of Congress.

Mr. JONES of Washington. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Washington?

Mr. SMOOT. I yield.

Mr. JONES of Washington. I merely wish to state that on yesterday morning two employees from The Adjutant General's office came to my office. It seems, from their statement, that the Secretary of War has issued an order requiring the clerks there to work half an hour overtime, the ostensible reason given being that the necessities of The Adjutant General's office and the different bureaus require the clerks to give this extra time. Those clerks told me very positively that they did not do more than an hour or at the outside more than two hours of real, genuine work a day, and that frequently their chiefs would come around and tell them to make a showing of being busy. They further stated that they were satisfied that this order requiring extra time, and so forth, has really been issued for the purpose of impressing Congress with the necessity of extra appropriations. I have not any doubt that these persons were telling the truth; and it discloses a condition of things that we ought to try to get at if we can possibly do so.

Mr. SMOOT. The Senator from Washington knows, for he is a member of the Appropriations Committee——

Mr. SMITH of Georgia rose.

Mr. SMOOT. Just a moment. The Senator from Washington is a member of the Appropriations Committee, and he knows that no matter how much money Congress appropriates for any department of this Government—perhaps with a single, solitary exception—all of it is spent, and the heads of the departments will see that it is spent. If they can not spend it legitimately, they will employ people enough to require the expenditure of every dollar of the appropriation. One reason for that is that they think if they should happen to turn any unexpended balance back into the Treasury at the end of the fiscal year the Congress of the United States would take that as an indication that the money they had asked for was unnecessary. The departments of our Government have now gotten into a position where they not only ask for the amounts they know they have to have, but they ask for all they think they can get, with the idea that Congress is going to cut some of it out anyhow, and they will be on the safe side. That practice must be stopped.

Mr. SMITH of Georgia. Mr. President, I wish to ask the Senator if he thinks the resolution will occupy any considerable time? If so, I intend to ask the junior Senator from Georgia and the Senator from Utah to consent that it go over until to-morrow without prejudice.

Mr. SMOOT. I have no objection to its going over without prejudice if the Senator from Georgia desires, and whatever I have to say further on it I will say to-morrow.

Mr. HARRIS. It is quite agreeable to me to let the resolution go over.

Mr. SMOOT. It is quite agreeable to me also, because I know the senior Senator from Georgia desires to have the bank bill considered, and I have no inclination whatever to interfere with the consideration of that measure.

Mr. WARREN. Mr. President, I desire just a moment in which to say that I have been much interested in the subject that has just been under discussion, and in what has been said in regard to the Committee on Appropriations. There is a great deal of truth in the statements made. I have noted with pleasure the announcements in the newspapers that The Adjutant General of the Army has called upon his employees to add a half hour to the scant number of hours during which such employees are usually on duty. If department and bureau heads would insist that the work in their charge must be kept up to date and that their employees would have to work overtime until their work is caught up, I believe such action would in a measure overcome this soldiering on duty, with a large proportion of the employees doing as little as possible for fear of a reduction of force, or in an endeavor to make the work in hand last as long as possible.

The Committee on Appropriations is surrounded by a great many uncertainties and difficulties. During the war we were, of course, all anxious to win; we asked but few questions, and acted quickly in appropriating all the money thought necessary for war purposes, no matter how fabulous the sums might be. As a consequence, there has been built up, or at least enlarged, a system of appropriating lump sums for various kinds of employment. Of course, there are many old and faithful employees who perform their duties with interest in the affairs of

their department and with lively interest, also, in the affairs of the Nation at large. But because of the greatly increased work in the departments during the war, the departments have taken on, from the byways, highways, and hedges, great numbers of boys and girls unused to such service, unused to real labor along any line, and, more particularly, unused to office responsibility and work such as required in these Government departments. And among such employees in particular, and among some of the older employees as well—although I will not say employees of the Government generally—I must acknowledge, as stated by the Senator from Washington [Mr. JONES], and as observed by me personally, very little is accomplished for the good of the Government in what they term the day's work. I believe that many of the clerks in the large departments are not doing more than from a quarter to a half of the work they are supposed to do, which they ought to do, and which we have a right to expect them to do.

With the war over, the cleaning-up time is at hand, and it is a tedious matter to unravel all of the changes to which the ordinary line of good conduct has been subjected.

It is true that some of the departments need a generous line of employees in order to get war matters closed up and affairs put back into the natural level.

Congress and the people of the country expect, of course, that the majority of the thousands and tens of thousands of extra clerks will go back to their homes or into other lines of employment. But against this is the fear on the part of the departments that their employees may become too few, and the hope on the part of many of the employees that by droning along and doing as little as possible they may prolong their own tenure of office along with that of their many associates, apparently without thought or care regarding the immense cost to the Government—to the taxpayers. Indeed, it ofttimes seems as though many of the employees, and, I regret to say, their chiefs as well, whose desire seems to be to hold their employees as long as possible in fear that it may be said, in case of reductions of force, that the work and importance of their bureaus are retrograding, are leagued together in the thought that the Government is made of money; that if it runs short it has only to order more money printed at the bureau, and that economy in governmental affairs is by no means necessary but, on the other hand, out of date and old-fashioned.

It has been our hope, as members of the Appropriations Committee, that the joint commission investigating the salaries of Government employees would be able at an early date to furnish us with the information we need for the purpose of establishing proper salary bases for Government employees. We hope that we may learn through the questionnaires which, I understand, have been sent out to both employers and employees—that is to say, to heads and chiefs of divisions and to each and every employee—how many employees, and of what grade, are in each bureau of each department, and what recommendations may be made as to reasonable salaries for each class. After we receive such knowledge, we may then provide for more stated, statutory places—unless lump-sum and emergency employees are to be continued, with the incident hullabaloo and tangle in which we find ourselves when we attempt to determine what employees are really needed in each department and what the line of wages and salaries should be.

It is the desire of the Appropriations Committee to furnish every department with sufficient employees to do its work, and to pay sufficient wages or salaries for the classes of work assigned to them, and then to insist in return that we have less shirking and complaining on the part of the employees, and more real interest in their work. In other words, we want to pay due wages and salaries for each day's work, but we want some showing and some accomplishment registered in the day's work of every employee.

Mr. SMOOT. Mr. President, in that connection, if I may have just a moment of time, I desire to say there is a new system growing up in the departments which I should like to see stopped at once. Hardly a new clerk is appointed who receives a salary over $2,000 in any of the departments who does not request that he be given a messenger. If you go to the departments you will see herds of messengers in the hallways. Instead of having a central head for the messenger service in each of the departments, clerks now must have a special messenger. I simply throw this suggestion out now, because I understand that the Navy Department have under investigation at the present time a plan of bringing under one head the messenger service of that department so that whenever a messenger is wanted the one calling for the messenger will know just where to call for him. If that plan is carried out I expect to see the number of messengers in the Navy Department reduced two-thirds at least. That policy ought to be carried out in every department of the Government.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. SMITH of Georgia. Mr. President, the resolution went over, I understood.

The PRESIDENT pro tempore. There has been no request made of the Chair that the resolution shall go over.

Mr. SMITH of Georgia. I understood that there was a request that it go over without prejudice until to-morrow.

The PRESIDENT pro tempore. There may have been some discussion on the floor of the Senate to that effect, but there has been no such request made of the Chair.

Mr. SMITH of Georgia. The junior Senator from Georgia stated that such action would be agreeable to him. I request that it go over.

Mr. HARRIS. I ask that the resolution go over.

The PRESIDENT pro tempore. The Senator from Georgia asks that the resolution go over until to-morrow. Is there objection? The Chair hears none, and the resolution will go over.

CONTROL OF FOOD PRODUCTS—CONFERENCE REPORT.

Mr. McLEAN. I move that the Senate proceed to the consideration——

Mr. GRONNA. Will the Senator permit me to submit a conference report?

Mr. McLEAN. I yield.

Mr. GRONNA. I submit the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to House bill 8624, the so-called food-control bill, embodying also the bill regulating rentals in the District of Columbia. I had intended to ask for the consideration of the conference report at this time, but as it is a measure of very great importance, especially to the people of the District of Columbia, I ask that it lie on the table and be printed in the RECORD.

Mr. POMERENE. Mr. President, the matter is of such very great importance that I should like to have the conference report read now, so that Senators may be informed as to what the provisions of the report are. I make this request because I have understood through the public prints that the provisions of the so-called rent bill have been substantially revised and rewritten.

Mr. GRONNA. That is true.

Mr. McLEAN. Mr. President, I should like to inquire of the Senator from North Dakota about how long it will take to read the conference report?

Mr. GRONNA. It will not take very long, I will say to the Senator; it is a very short report.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Ohio?

Mr. SMITH of Georgia. I object.

The PRESIDENT pro tempore. The conference report will lie on the table for the present.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8624) entitled "An act to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, and 10, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "Section 1"; and, on page 1, after line 2, of the engrossed bill, insert the following:

"That this act may be cited as 'the food control and the District of Columbia rents act.'

"TITLE I. FOOD-CONTROL ACT AMENDMENTS."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"TITLE II. DISTRICT OF COLUMBIA RENTS.

"SEC. 101. When used in this title, unless the context indicates otherwise—

"The term 'rental property' means any land or building or part thereof in the District of Columbia rented or hired and the service agreed or required by law or by determination of the commission to be furnished in connection therewith; but does not include a hotel or apartment.

"The term 'person' includes an individual, partnership, association, or corporation.

"The term 'hotel' or 'apartment' means any hotel or apartment or part thereof, in the District of Columbia, rented or hired and the land and outbuildings appurtenant thereto, and the service agreed or required by law or by determination of the commission to be furnished in connection therewith.

"The term 'owner' includes a lessor or sublessor, or other person entitled to receive rent or charges for the use or occupancy of any rental property, hotel or apartment, or any interest therein, or his agent.

"The term 'tenant' includes a subtenant, lessee, sublessee, or other person, not the owner, entitled to the use or occupancy of any rental property, hotel, or apartment.

"The term 'service' includes the furnishing of light, heat, water, telephone or elevator service, furniture, furnishings, window shades, screens, awnings, storage, kitchen, bath and laundry facilities and privileges, maid service, janitor service, removal of refuse, making all repairs suited to the type of building or necessitated by ordinary wear and tear, and any other privilege or service connected with the use or occupancy of any rental property, apartment, or hotel.

"The term 'commission' means the rent commission of the District of Columbia.

"SEC. 102. A commission is hereby created and established, to be known as the rent commission of the District of Columbia, which shall be composed of three commissioners, none of whom shall be, directly or indirectly, engaged in, or in any manner interested in or connected with, the real estate or renting business in the District of Columbia. The commissioners shall be appointed by the President by and with the advice and consent of the Senate. The term of each commissioner shall be three years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he succeeds. The commission shall at the time of its organization and annually thereafter elect a chairman from its own membership. The commission may make such regulations as may be necessary to carry this title into effect.

"All powers and duties of the commission may be exercised by a majority of its members. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission. The commission shall have an official seal, which shall be judicially noticed.

"SEC. 103. Each commissioner shall receive a salary of $5,000 a year, payable monthly. The commission shall appoint a secretary, who shall receive a salary of $3,000 a year, payable in like manner; and, subject to the provisions of the civil-service laws, it may appoint and remove such officers, employees, and agents and make such expenditures for rent, printing, telegrams, telephone, law books, books of reference, periodicals, furniture, stationery, office equipment, and other supplies and expenses as may be necessary to the administration of this title. All of the expenditures of the commission shall upon the presentation of itemized vouchers therefor, approved by the chairman of the commission, be audited and paid in the same manner as other expenditures for the District of Columbia.

"With the exception of the secretary, all employees of the commission shall be appointed from lists of eligibles supplied by the Civil Service Commission and in accordance with the civil-service law.

"SEC. 104. The assessor of the District of Columbia shall serve ex officio as an advisory assistant to the commission, but he shall have none of the powers or duties of a commissioner. He shall attend the meetings and hearings of the commission. Every officer or employee of the United States or of the District of Columbia, whenever requested by the commission, shall supply to the commission any data or information pertaining to the administration of this title which may be contained in the records of his office. The assessor shall receive for the performance of the duties required by this section a salary of $1,000 per annum, payable monthly, in addition to such other salary as may be prescribed for his office by law.

"SEC. 105. For the purposes of this title the commission or any officer, employee, or agent duly authorized in writing by it, shall at all reasonable times have access to, for the purpose of examination, and the right to copy, any books, accounts, records, papers, or correspondence relating to any matter which the commission is authorized to consider or investigate; and the commission shall have power to require by subpœna the attendance and testimony of witnesses and the production of all such books, accounts, records, papers, and correspondence relating to any such matter. Any member of the commission may sign subpœnas, administer oaths and affirmations, examine witnesses, and receive evidence.

"Such attendance of witnesses and the production of such books, accounts, records, papers, and correspondence may be required from any place in the United States at any designated place of hearing. In case of disobedience to a subpœna or of the contumacy of any witness appearing before the commission, the commission may invoke the aid of the Supreme Court of the District of Columbia or of any district court of the United States. Such court may thereupon issue an order requiring the person subpœnaed to obey the subpœna, or to give evidence touching the matter in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof. No officer or employee of the commission shall, unless authorized by the commission or by a court of competent jurisdiction, make public any information obtained by the commission.

"SEC. 106. For the purpose of this title it is declared that all (a) rental property and (b) apartments and hotels are affected with a public interest, and that all rents and charges therefor, all service in connection therewith, and all other terms and conditions of the use or occupancy thereof, shall be fair and reasonable; and any unreasonable or unfair provision of a lease or other contract for the use or occupancy of such rental property, apartment, or hotel with respect to such rents, charges, service, terms, or conditions is hereby declared to be contrary to public policy. The commission upon its own initiative may, or upon complaint shall, determine whether the rent, charges, service, and other terms or conditions of a lease or other contract for the use or occupancy of any such rental property, hotel, or apartment are fair and reasonable. Such complaints may be made (a) by or on behalf of any tenant, and (b) by any owner except where the tenant is in possession under a lease or other contract the term specified in which has not expired, and the fairness and reasonableness of which has not been determined by the commission.

"In all such cases the commission shall give notice personally or by registered mail and afford an opportunity to be heard to all parties in interest. The commission shall promptly hear and determine the issues involved in all complaints submitted to it. All hearings before the commission shall be open to the public. If the commission determines that such rents, charges, service, or other terms or conditions are unfair or unreasonable, it shall determine and fix such fair and reasonable rent or charges therefor, and / or fair and reasonable service, terms, and conditions of use or occupancy. In any suit in any court of the United States or the District of Columbia involving any question arising out of the relation of landlord and tenant with respect to any rental property, apartment, or hotel, except on appeal from the commission's determination as provided in this title, such court shall determine the rights and duties of the parties in accordance with the determination and regulations of the commission relevant thereto.

"SEC. 107. A determination of the commission fixing a fair and reasonable rent or charge made in a proceeding begun by complaint shall be effective from the date of the filing of the complaint. The difference between the amount of rent and charges paid for the period from the filing of the complaint to the date of the commission's determination and the amount that would have been payable for such period at the fair and reasonable rate fixed by the commission may be added to or subtracted from, as the case demands, future rent payments, or after the final decision of an appeal from the commission's determination may be sued for and recovered in an action in the municipal court of the District of Columbia.

"SEC. 108. Unless within 10 days after the filing of the commission's determination any party to the complaint appeals therefrom to the Court of Appeals of the District of Columbia, the determination of the commission shall be final and conclusive. If such an appeal is taken from the determination of the commission, the record before the commission, or such part thereof as the court may order, shall be certified by it to the court and shall constitute the record before the court, and the commission's determination shall not be modified or set aside by the court except for error of law. If any party applies to the court for leave to adduce additional evidence and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commission, the court may order such additional evidence to be taken before the commission and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper. The commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which shall be conclusive, and its recommendations, if any, for

the modification or setting aside of its original determination, with the return of such additional evidence. In the proceedings before such court on appeal from a determination of the commission, the commission shall appear by its counsel or other representative and submit oral or written arguments to support the findings and the determination of the commission.

"SEC. 109. The right of a tenant to the use or occupancy of any rental property, hotel, or apartment, existing at the time this act takes effect, or thereafter acquired, under any lease or other contract for such use or occupancy or under any extension thereof by operation of law, shall, notwithstanding the expiration of the term fixed by such lease or contract, continue at the option of the tenant, subject, however, to any determination or regulation of the commission relevant thereto; and such tenant shall not be evicted or dispossessed so long as he pays the rent and performs the other terms and conditions of the tenancy as fixed by such lease or contract, or in case such lease or contract is modified by any determination or regulation of the commission, then as fixed by such modified lease or contract. All remedies of the owner at law or equity, based on any provision of any such lease or contract to the effect that such lease or contract shall be determined or forfeited if the premises are sold, are hereby suspended so long as this title is in force. Every purchaser shall take conveyance of any rental property, hotel, or apartment subject to the rights of tenants as provided in this title. The rights of the tenants under this title shall be subject to the limitation that the bona fide owner of any rental property, apartment, or hotel shall have the right to possession thereof for actual and bona fide occupancy by himself, or his wife, children, or dependents, upon giving 30 days' notice in writing, served in the manner provided by section 1223 of the act entitled 'An act to establish a code of laws for the District of Columbia,' approved May 3, 1901, as amended, which notice shall contain a full and correct statement of the facts and circumstances upon which the same is based; but in no case shall possession be demanded or obtained by such owner in contravention of the terms of any such lease or contract. If there is a dispute between the owner and the tenant as to the accuracy or sufficiency of the statement set forth in such notice as to the good faith of such demand or as to the service of notice, the matters in dispute shall be determined by the commission upon complaint as provided in section 106 of this title.

"SEC. 110. Pending the final decision on appeal from a determination of the commission the commission's determination shall be in full force and effect, and the appeal shall not operate as a supersedeas or in any manner stay or postpone the enforcement of the determination appealed from. Immediately upon the entry of a final decision on the appeal the commission shall, if necessary, modify its determination in order to make it conform to such decision. The difference, if any, between the amount of rent and charges paid for the period from the date of the filing by the commission of the determination appealed from and the amount that would have been payable for such period under the determination as modified in accordance with the final decision on appeal may be added to or allowed on account of, as the case demands, future rent payments or may be sued for and recovered in an action in the municipal court in the District of Columbia.

"SEC. 111. The determination of the commission in a proceeding begun by complaint or upon its own initiative fixing fair and reasonable rents, charges, service, and other terms and conditions of use or occupancy of any rental property, hotel, or apartment shall constitute the commission's determination of the fairness and reasonableness of such rents, charges, service, terms, or conditions for the rental property, hotel, or apartment affected, and shall remain in full force and effect notwithstanding any change in ownership or tenacy thereof, unless and until the commission modifies or sets aside such determination upon complaint either of the owner or of the tenant.

"SEC. 112. If the owner of any rental property, apartment, or hotel collects any rent or charge therefor in excess of the amount fixed in a determination of the commission made and in full force and effect in accordance with the provisions of this title, he shall be liable for and the commission is hereby authorized and directed to commence an action in the municipal court in the District of Columbia to recover double the amount of such excess, together with the costs of the proceeding, which shall include an attorney's fee of $50, to be taxed as part of the costs. Out of any sums received on account of such recovery the commission shall pay over to the tenant the amount of the excess so paid by him and the balance shall be paid into the treasury of the District of Columbia: *Provided*, That if the commission finds that such excess was paid by the tenant voluntarily and with knowledge of the commission's determination, the whole amount of such recovery shall be paid into the treasury of the District of Columbia.

"SEC. 113. If in any proceeding before the commission, begun by complaint or on the commission's own initiative, and involving any lease or other contract for the use or occupancy of any rental property, hotel, or apartment the commission finds that at any time after the passage of this act but during the tenancy the owner has, directly or indirectly, willfully withdrawn from the tenant any service agreed or required by a determination of the commission to be furnished, or has by act, neglect, or omission contrary to such lease or contract or to the law or any ordinance or regulation made in pursuance of law, or of a determination of the commission, exposed the tenant, directly or indirectly, to any unsafe or insanitary condition or imposed upon him any burden, loss, or unusual inconvenience in connection with his use or occupancy of such rental property, hotel, or apartment, the commission shall determine the sum which in its judgment will fairly and reasonably compensate or reimburse the tenant therefor. In any such proceeding involving a lease or other contract, the term specified in which had not expired at the time the proceeding was begun, the commission shall likewise determine the amount or value of any bonus or other consideration in excess of the rental named in such lease or contract received at any time directly or indirectly by the owner in connection with such lease or contract. The tenant may recover any amount so determined by the commission in an action in the municipal court of the District of Columbia.

"SEC. 114. Whenever under this title a tenant is entitled to bring suit to recover any sum due him under any determination of the commission, the commission shall, upon application by the tenant and without expense to him, commence and prosecute in the municipal court of the District of Columbia an action on behalf of the tenant for the recovery of the amount due, and in such case the court shall include in any judgment rendered in favor of the tenant the costs of the action, including a reasonable attorney's fee, to be fixed by the court. Such costs and attorney's fee when recovered shall be paid into the treasury of the District of Columbia.

"SEC. 115. The commission shall, by general order, from time to time prescribe the procedure to be followed in all proceedings under its jurisdiction. Such procedure shall be as simple and summary as may be practicable, and the commission and parties appearing before it shall not be bound by technical rules of evidence or of pleading.

"SEC. 116. Any person who with intent to avoid the provisions of this title enters into any agreement or arrangement for the payment of any bonus or other consideration in connection with any lease or other contract for the use or occupancy of any rental property, hotel, or apartment, or who participates in any fictitious sale or other device or arrangement the purpose of which is to grant or obtain the use or occupancy of any rental property, hotel, or apartment without subjecting such use or occupancy to the provisions of this title or to the jurisdiction of the commission shall upon conviction be punished by a fine not exceeding $1,000 or by imprisonment for not exceeding one year or by both.

"SEC. 117. The commission shall prescribe standard forms of leases and other contracts for the use or occupancy of any rental property, hotel, or apartment and shall require their use by the owner thereof. Every such lease or contract entered into after the commission has prescribed and promulgated a form for the tenancy provided by such lease or contract shall be deemed to accord with such standard form; and any such lease or contract in any proceeding before the commission or in any court of the United States or of the District of Columbia shall be interpreted, applied, and enforced in the same manner as if it were in the form and contained the stipulations of such standard form. Upon the request of the commission the owner of an hotel or apartment shall file with the commission plans and other data in such detail as the commission requires, descriptive of the rooms, accommodations, and service in connection with such hotel or apartment, and a schedule of rates and charges therefor. The commission may, after consideration of such plans, schedules, data, or other information, determine and fix a schedule of fair and reasonable rates and charges for such hotel or apartment; and the rates and charges stated in such schedule shall thereafter constitute the fair and reasonable rates and charges for such hotel or apartment. The commission's determination in such case shall be made after such notice and hearing and shall have the same force and effect and be subject to appeal in the same manner as a determination of the commission under section 106 of this title.

"SEC. 118. No tenant shall assign his lease of or sublet any rental property or apartment at a rate in excess of the rate

paid by him under his lease without the consent of the commission upon application in a particular case, and in such case the commission shall determine a fair and reasonable rate of rent or charge for such assignment or sublease.

"SEC. 119. The public resolution entitled 'Joint resolution to prevent profiteering in the District of Columbia,' approved May 31, 1918, as amended, is hereby repealed, to take effect 60 days after the date of the confirmation by the Senate of the commissioners first nominated by the President under the provisions of this title; but a determination by the commission made within such period of 60 days shall be enforced in accordance with the provisions of this title, notwithstanding the provisions of such public resolution. All laws or parts of laws in conflict with any provision of this title are hereby suspended so long as this title is in force to the extent that they are in such conflict.

"SEC. 120. The sum of $50,000, or so much thereof as may be necessary, is hereby appropriated and made immediately available to carry out the provisions of this title, one-half thereof to be paid out of money in the Treasury of the United States not otherwise appropriated and the other one-half out of the revenues of the District of Columbia.

"SEC. 121. If any clause, sentence, paragraph, or part of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

"SEC. 122. It is hereby declared that the provisions of this title are made necessary by emergencies growing out of the war with the Imperial German Government, resulting in rental conditions in the District of Columbia dangerous to the public health and burdensome to public officers and employees whose duties require them to reside within the District and other persons whose activities are essential to the maintenance and comfort of such officers and employees, and thereby embarrassing the Federal Government in the transaction of the public business. It is also declared that this title shall be considered temporary legislation, and that it shall terminate on the expiration of three years from the date of the passage of this act, unless sooner repealed."

And the Senate agrees to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same with an amendment as follows. In lieu of the matter proposed by the Senate amendment insert the following:

"To amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917, and to regulate rents in the District of Columbia."

And the Senate agree to the same.

A. J. GRONNA,
G. W. NORRIS,
HOKE SMITH,
Managers on the part of the Senate.
G. N. HAUGEN,
J. C. MCLAUGHLIN,
THOMAS L. RUBEY,
Managers on the part of the House.

BILLS OF EXCHANGE.

Mr. McLEAN. Mr. President, I move that the Senate proceed to the consideration of Order of Business 190, House bill 7478.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7478) to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918.

Mr. POMERENE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, line 23, after the word "section," it is proposed to insert the following:

The total liabilities to any association of any person, corporation, firm, or company, or the several members thereof, upon the discount of bills of exchange, drafts, demand obligations, and commercial or business paper, as described in "(1)" and "(2)" hereof, shall not exceed at any time the paid-in and unimpaired capital stock and surplus of said association.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Ohio.

Mr. POMERENE. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	McLean	Shields
Ball	Gronna	McNary	Simmons
Bankhead	Hale	Moses	Smith, Ariz.
Beckham	Harding	Myers	Smith, Ga.
Borah	Harris	Nelson	Smith, Md.
Brandegee	Harrison	New	Smoot
Capper	Henderson	Newberry	Spencer
Chamberlain	Hitchcock	Norris	Sterling
Colt	Jones, N. Mex.	Nugent	Swanson
Cummins	Jones, Wash.	Overman	Thomas
Curtis	Kellogg	Page	Townsend
Dial	Kendrick	Penrose	Trammell
Dillingham	Kenyon	Phelan	Underwood
Edge	Keyes	Phipps	Wadsworth
Elkins	Kirby	Pittman	Walsh, Mass.
Fernald	Knox	Poindexter	Walsh, Mont.
Fletcher	La Follette	Pomerene	Warren
France	Lenroot	Ransdell	Watson
Frelinghuysen	Lodge	Robinson	Williams
Gay	McCormick	Sheppard	Wolcott
Gerry	McKellar	Sherman	

Mr. CURTIS. I desire to announce the absence of the Senator from Iowa [Mr. KENYON], the Senator from Colorado [Mr. PHIPPS], the Senator from New Mexico [Mr. JONES], the Senator from Delaware [Mr. WOLCOTT], and the Senator from Massachusetts [Mr. WALSH], who are attending the session of the Committee on Education and Labor.

Mr. GERRY. The Senator from South Carolina [Mr. SMITH] and the Senator from South Dakota [Mr. JOHNSON] are detained from the Senate by illness in their families. The Senator from Kentucky [Mr. STANLEY] and the Senator from Oklahoma [Mr. OWEN] are detained on official business. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Eighty-one Senators have answered to their names. There is a quorum present. The question is on the amendment of the Senator from Ohio.

Mr. POMERENE. Mr. President, I discussed this question on yesterday, and I do not expect to occupy the time of the Senate except to state very briefly the purpose of the amendment.

Under this bill as it now stands, by virtue of the amendment which was adopted on yesterday, a borrower, instead of getting 10 per cent of the capital and surplus on his note, can now get 25 per cent of the capital and surplus, provided it is secured by shipping documents. In other words, the Senate and the House have voted to increase the amount that this borrower can get with the aid of these documents 150 per cent. Under paragraph "(4)," and under the ruling of the Comptroller of the Currency, a borrower can get on Government bonds $100 out of the capital, surplus, and deposits of the bank, less legal reserves, for every $105 of Government bonds or certificates of indebtedness which he presents. This privilege is unlimited, except, of course, the bank must retain its legal reserves. Under paragraphs "(1)" and "(2)," on drafts or bills of exchange drawn against existing values, he can now secure the entire contents of the vaults of the bank, less legal reserves. The purpose of my amendment is to limit the amount that he can get under the provisions known as paragraphs "(1)" and "(2)" to an amount equal to the capital and surplus; and it seems to me that in safe banking that is as much as he ought to be permitted to get.

That is all I care to say, Mr. President.

Mr. McLEAN. Mr. President, I simply want to call the attention of the Senate to the fact that the amendment offered by the Senator from Ohio, if adopted, will change the law that has been in operation for many years. If it is adopted, I make the prediction that no small country bank will join the Federal Reserve System; and I had supposed that one of the main purposes of that act was to invite small country banks into the system.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Ohio.

Mr. POMERENE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. MCCUMBER], who has not voted. I therefore withhold my vote.

The roll call was concluded.

Mr. BECKHAM. I transfer my pair with the senior Senator from West Virginia [Mr. SUTHERLAND] to the junior Senator from Utah [Mr. KING] and vote "nay."

Mr. DILLINGHAM. I have a general pair with the senior Senator from Maryland [Mr. SMITH], who has not voted, but I am relieved from that pair on this vote. I vote "nay."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from California [Mr. JOHNSON] with the Senator from Virginia [Mr. MARTIN]; and

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON].

The result was announced—yeas 18, nays 59, as follows:

YEAS—18.

Borah	Kenyon	Norris	Sherman
Chamberlain	La Follette	Nugent	Wadsworth
Gerry	Lenroot	Phelan	Warren
Harding	McCormick	Phipps	
Kellogg	Newberry	Pomerene	

NAYS—59.

Ashurst	Frelinghuysen	Lodge	Simmons
Ball	Gay	McKellar	Smith, Ariz.
Bankhead	Gore	McLean	Smith, Ga.
Beckham	Gronna	McNary	Smoot
Brandegee	Hale	Moses	Spencer
Capper	Harris	Myers	Swanson
Colt	Harrison	New	Townsend
Cummins	Henderson	Overman	Trammell
Curtis	Hitchcock	Penrose	Underwood
Dial	Jones, N. Mex.	Pittman	Walsh, Mass.
Dillingham	Jones, Wash.	Poindexter	Walsh, Mont.
Edge	Kendrick	Ransdell	Watson
Elkins	Keyes	Robinson	Williams
Fletcher	Kirby	Sheppard	Wolcott
France	Knox	Shields	

NOT VOTING—19.

Calder	Johnson, S. Dak.	Owen	Stanley
Culberson	King	Page	Sterling
Fall	McCumber	Reed	Sutherland
Fernald	Martin	Smith, Md.	Thomas
Johnson, Calif.	Nelson	Smith, S. C.	

So Mr. POMERENE'S amendment was rejected.

Mr. FRELINGHUYSEN. Mr. President, as a member of the Banking and Currency Committee, believing that the Senate should have an opportunity to vote upon this bill, I voted to report it. I am opposed to the bill, however. It proposes to give the country banks an extension of their facilities for discounting drafts. That is one of the purposes of the bill. Practically the object is to enable the cotton producers of the South——

Mr. GRONNA. Mr. President, I think the Senator from New Jersey inadvertently used the phrase "country banks." The Senator does not mean that the bill gives any special privileges to the country banks.

Mr. FRELINGHUYSEN. No.

Mr. GRONNA. It gives the same privileges to all banks.

Mr. FRELINGHUYSEN. To all banks, but practically the effect of it is to enlarge the facilities for loaning on drafts by the smaller banks of the country.

I have a great sympathy with the producer of cotton in the South, in the problems that he has in financing the cotton, in transporting it, carrying it to market, and making the necessary financial arrangements to ship the cotton. This bill is ostensibly for that purpose.

I understand that heretofore under the Federal reserve system a country bank having $50,000 capital and $10,000 surplus was enabled to recognize drafts from a country buyer to the extent of 10 per cent of its capital and surplus. Under the present provision that buyer is enabled to draw drafts against that country bank for $12,500, thereby extending the credit to that extent. When the Federal reserve bank act was originally drawn it was deemed in the interests of conservatism that 10 per cent should be the limit. The South has probably had many difficulties in financing its cotton crop, but it has financed it, and the question before the Senate is to determine whether we want to depart from that conservative policy of the Federal reserve banking system and extend these facilities practically 150 per cent. I am opposed to it because I believe that in this time of inflation it is unwise, and with the experience I have had with regard to the financing of the southern cotton crop, I believe that it is unnecessary.

Mr. KELLOGG. Mr. President, I shall vote against this bill. I believe it an unsafe measure. I do not believe that safe banking permits any institution to loan 25 per cent of its capital and surplus to one man or one business concern, even if it is secured by property having an estimated value of 115 per cent.

It is not simply a question, as the Senator from New Jersey said, of drawing drafts. It is an enlargement of the law, and permits a bank to loan 25 per cent of its capital and surplus if secured by shipping documents, warehouse receipts, or other such documents securing title to readily marketable, nonperishable staples, including livestock. That amount of business can not be safely transacted by the banks of this country to the extent of a quarter of all their assets, including their surplus.

The soundness of national banks in this country has been very well established during previous years. Very few of them have failed, because the restrictions have been well advised, and the bankers themselves have observed them. If this bill is passed the best bankers of this country will not follow its provisions, but the imprudent ones will. Good banking will not recognize such a law, and poor banking ought not to be encouraged.

This is not a time for further inflation of credits in this country. The inflation that has occurred, which is to-day imperiling the business interests of the entire world, and increasing the cost of living to the maximum, comes not alone from the inflation of the currency, but enormous inflation of credits. The very large amounts that we borrowed during the war caused inflation, and every time we touch the Federal reserve banking system we permit an increase of currency, an increase of credit, and produce a greater expansion.

Mr. McLEAN. If the bill permitted the increase of a dollar of currency in the country, I should vote against it.

Mr. KELLOGG. I did not say it did.

Mr. McLEAN. If it increased or expanded the credits of the country one dollar, I should vote against it. It does neither. The bill simply provides for a redistribution of credits already in the vaults of the banks. If a bank has reserves which will permit it to loan, we will say, $30,000, and it can not loan more than $7,000, it must send those reserves to some large bank and that large bank will take toll; but there is no expansion of credit to the amount of one dollar.

Mr. KELLOGG. Sending it to other banks spreads the danger of loss, and the very object of the provision in the present law is to distribute the risk among a large number of banks. I live in a country where enormous sums of money are required to move crops in a few months. The same situation exists in the South with regard to the cotton crop. We move in the Northwest not only grain crops in a few months, but stock, and yet it has been accomplished by spreading the risks over more banks. The South can manage in the same way, but if they want their banks to do all the business and loan all the money, of course they will seek an unlimited credit.

There are banks enough and credit enough in the country to handle all the crops, and I think it is an exceedingly dangerous innovation. It is only the entering wedge. If we make it 25 per cent, they will subsequently contend that 50 per cent is just as safe if it is secured. We might just as well provide that the entire capital may be loaned to one concern if the loan is secured. That is not good banking and it is not good business for the country. Of course, this does not extend the circulating medium—that is, currency—but it permits an undue expansion of the credits in particular banks, which makes it unsafe.

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER (Mr. HARDING in the chair). Does the Senator from Minnesota yield to the Senator from Connecticut?

Mr. KELLOGG. It makes it unsafe in any community which has an opportunity to loan all the money. I yield to the Senator.

Mr. McLEAN. It simply provides that if a bank has $30,000 to loan, it can loan it to three persons instead of ten, if the security is good. In many of the small towns in the South there may be only one bank. Assume that it is a financially strong bank and a cotton buyer goes there and wants an accommodation of $15,000. The bank's capital is $50,000. Under the law as it is at present——

Mr. KELLOGG. He can not get it.

Mr. McLEAN. No; he can not get it, but what does he do? He goes to the bank across the street, if it is a State bank, which has a limit of 25 per cent and there he gets accommodation. Why should the national banks be discriminated against and why should not they be permitted, if their customer is a good one and there is only one customer, to loan to him 25 per cent if it is secured by cotton?

Mr. KELLOGG. By the same course of reasoning they ought to be permitted to loan the entire amount. The basic principle of the Federal reserve banking system is to keep the banks safe for the whole community and not for the benefit of one or two men who want to borrow the entire capital and surplus of a bank. It is a fact that national banks have maintained their soundness because they have followed the law. That is one of the reasons why it seems to me we ought not to enact the present bill.

Mr. DIAL. Mr. President, some fear has been expressed that the banks will lose money on cotton. If I may be excused from a personal allusion, I will state that over 20 years ago I organ-

ized and built the second bonded warehouse in South Carolina in which to store cotton. In 1900 I organized a bank, and I have been president of both of those institutions ever since. We have handled thousands and thousands of bales of cotton and have never lost a dollar on cotton yet. Not only that, but I do not recall that any bank in our country, and we handle great quantities of cotton down there, of course, has lost a dollar on a bale of cotton in the last 20 years. When cotton was bringing 6 and 7 cents a pound it did not take very much money to handle it, but now it is bringing 30 cents a pound and it takes considerably more money to handle it. The same way with bacon. A few years ago it only brought, 6, 7, and 8 cents, and now it is bringing several times this amount. We buy that from the West. It is the same way with horses and mules; we buy those from Indiana and Kentucky and ship them in. Instead of being worth $100, as they were a few years ago, they are bringing $300, $400, and $500. It is the same way with wheat and corn. So it takes a greater amount of credit to handle the commerce of the country, and that is the reason why we want this limit extended.

Mr. KELLOGG. The very fact that products are very high adds to the risk instead of taking it away.

Mr. DIAL. That, of course, takes more money, but the protection of the bank is in the good judgment of the officers of the bank. Under any law the officers of the bank do not have to loan to the limit to which they are authorized to loan. That depends upon their good judgment. Then, too, if they have the security there, that can readily be turned into cash.

This bill, as I understand it, is not so much a matter of permission to make permanent loans, or loans for long periods of time. It is more in the nature of a loan to aid products in transit.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. DIAL. Certainly.

Mr. POMERENE. Of course, if it is true that it requires more money for the merchant to do a given amount of business, it also by that same token would require more capital and surplus for the banks to do the same amount of business. Is not that true?

Mr. DIAL. That is correct.

Mr. POMERENE. If that be true, and of course it is, then it must follow that when you double or treble the amount of money which a given borrower can get from a bank, you are by that much increasing the risk which the bank runs when it extends the accommodation.

Mr. DIAL. Of course, the bank would not want to loan a big amount to one customer, but it is merely a matter of caring for the product while it is in transit, while it is being turned into cash. It is merely to help the producer get his commodities to market.

Mr. LENROOT. Mr. President, I shall not occupy further the time of the Senate on the bill except to ask the chairman of the committee having the bill in charge one or two questions. He stated that the bill would not result in an expansion of credit. I should like to ask the Senator whether it would result in a curtailment of credit?

Mr. McLEAN. Certainly it would.

Mr. LENROOT. The Senator then said that the banks have these credits in their vaults.

Mr. McLEAN. If they call them in, they would have them in their vaults.

Mr. LENROOT. Very well. Then if the credits were in their vaults, and calling them in would result in a curtailment of credits, I can not see why putting them out of their vaults does not result in expansion.

Mr. McLEAN. It does not affect the total reserves upon which credits can be based. Credits will be called in to-day and loaned out to-morrow. You have simply exchanged the credits; taken them from one borrower and given them to another.

Mr. LENROOT. It is the assumption upon the part of the Senator that all the credits of the bank are utilized which the law permits them to utilize, but it is an assumption that does not rest upon any basis of fact. The fact is that wherever banks have a larger reserve than the minimum required by the law, and if the passage of the pending bill permits the extension of a larger line of credit than is now permitted, you have exactly to that extent expanded the credits of the country, and you can not get away from it.

As the Senator from Minnesota [Mr. KELLOGG] very clearly stated, the bill is not alone an expansion of credits relating to drafts and bills of exchange, but under the bill a man may borrow money upon his own property, concerning which there has never been a sale or contract of sale, up to 25 per cent of the capital and surplus of the bank. The result of it is going to be, Mr. President, that it will permit the owners of cotton to speculate in cotton by borrowing from the bank 90 per cent of the then market value of the cotton, and if the speculation is not in the interest of the owner, the bank will be left holding the bag and suffering the loss. It ought not to be done.

Mr. SMOOT. Mr. President, I am not going to repeat what I said upon the bill when it was under consideration about a week ago. I have always felt that for the safety of business our banking business and banking institutions should be upon the most conservative plane possible. I feel that the bill as reported and now before the Senate to be voted upon is extending a power for banks to make loans that should not be granted to them.

Mr. McLEAN. The Senator knows that in the State of Utah the State banks are allowed single lines of credit to the amount of 30 per cent of their capital and surplus.

Mr. SMOOT. No; the Senator does not know any such thing.

Mr. McLEAN. That is my recollection.

Mr. SMOOT. The Senator is mistaken. There is a limit on the amount that can be loaned to any person or corporation to 15 per cent.

Mr. McLEAN. Will the Senator state what the limit is?

Mr. SMOOT. The percentage allowed is 15 per cent of the capital and surplus.

Mr. McLEAN. It has been changed very recently, in my opinion.

Mr. SMOOT. I will say to the Senator that I think that is as much as any bank ought to be allowed to loan to one person or corporation. In fact, I am rather inclined to believe that the banking laws as they have existed ever since the national banking system was established, namely, limiting such loans to 10 per cent, is safe and conservative banking.

As I said, the conservative bankers of the country are not going to take advantage of this law. They are not going to change the system under which they have loaned in the past, and they are the bankers who would say that the bill is unwise. The trouble is that the bankers who will take advantage of it will be those who will rely upon receiving assistance from some other banks to carry them through in case trouble came. To what extent it will be used in the country I can not say, but I am quite sure that it will happen that the weaker banks are the very banks that will take advantage of the change. Those that are not doing a conservative banking business to-day will claim that the Congress of the United States has placed its approval upon their past policy.

I presume the bill will pass. I am not going to take any more of the time of the Seante upon it, but I wish to say that I can not quite agree with the Senator having the bill in charge that it is not going to inflate the currency of the country. Whenever there is more money wanted in any one section of the country, and whenever that money is furnished, I care not from what source—I am speaking now of the sources within the United States—it will decrease the volume of money in the section furnishing the money, which, no doubt, will be in great banking centers, and to replace it an additional issue of Federal reserve notes will be requested, and when issued there will be an inflation of the currency to that amount.

Mr. McLEAN. They are not permitted to do it under this bill. The Senator knows this bill does not affect section 13 of the Federal reserve act, which limits the right of rediscount to 10 per cent.

Mr. SMOOT. I am perfectly aware of that, but what I am contending is that if there is a call for this money which it is said this bill is intended to furnish the money has got to come from some other source than the banks of the South, we will say, or from the banks of the West. The whole object of the bill is to increase the indebtedness of the individual to the banks in certain sections of country, and when the individual credit is increased the bank that has not the money to meet same must secure the money from some other section of the country. These banks will appeal to the banks with which they are doing business in New York or Chicago or St. Louis, or the other banking centers of the United States. As that credit is extended there is no question that it will produce an increase in the currency of our country.

Mr. McLEAN. Mr. President, if my information is correct, the banks of the South have all the cash they want in order to finance the cotton crop. All they want is an opportunity to use it. In many towns there is only one buyer of cotton and only one bank, and that condition simply forces the buyer to go to some other town or to New York to get his credit.

Mr. SMOOT. I will say to the Senator now that if he will examine the last bank statement as to the condition of the banks of

the South he will find that to-day very many of them are rediscounting paper. No bank ever rediscounts paper unless it requires more money to loan than it has either from its capital, surplus, or deposits. The rediscounting of paper, the Senator will find, is going on in nearly all sections of the country, and particularly during the time crops are being financed.

Mr. McLEAN. They are not rediscounting such paper under the provisions of this bill.

Mr. SMOOT. No; I am not saying that; but this bill proposes to grant the banks the right to loan their customers a greater amount than can be loaned under existing law. It is for that reason that I say that the proposed increase of power as to the loaning of depositors' money is, in my opinion, too great. For that reason I am going to vote against the bill.

Mr. SMITH of Georgia. Mr. President, I will say only a word. This bill originated with the Federal Reserve Board; it did not originate anywhere else. It was suggested by the Federal Reserve Board after a study of conditions which led them to the conclusion that it was important that the bill should be passed to facilitate the national banks in the smaller towns in themselves transacting the business required instead of having it go to the larger cities. That does not mean to New York. Take my own State, for example, they would go to Atlanta; they would not go to New York. The smaller national banks were handicapped in their work. Under this bill they can make the advances, limited to six months, upon goods that are to be turned over at once; goods that usually do not last in the warehouse 30 days. They can handle the transaction locally, and if they have not all the money they want, instead of sending the borrower to the city of Atlanta, the local bank itself does the business, and goes to the city of Atlanta and gets there the credit if it needs it.

Mr. KELLOGG. Mr. President, will the Senator yield for a moment?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. SMITH of Georgia. Yes.

Mr. KELLOGG. Will the Senator give the information as to whether all the members of the Federal Reserve Board favored this measure?

Mr. SMITH of Georgia. So far as I understand; yes.

Mr. KELLOGG. I doubt that very much.

Mr. SMITH of Georgia. I understand that it came with the unanimous recommendation of the Federal Reserve Board. It originated with them; it went to the House; it was studied by the House Committee on Banking and Currency, was adopted by them, and passed by the House. The bill then came here, and, after hearing Gov. Harding discuss it fully, the Senate committee approved it. I know nothing about the origin of the bill; I know nothing about it except what I have heard from Gov. Harding and what I have learned from a few letters from small national banks urging its value to them.

Mr. KELLOGG. Mr. President, every time we get a recommendation from the Federal Reserve Board it is for expansion, for additional power to issue money and to discount. That is one of the very reasons I shall vote against the bill.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to ask him a question?

Mr. KELLOGG. Yes.

Mr. SMITH of Georgia. Is it not true that there is a great deal of curtailment in the amount of Federal reserve notes now? Are they not being reduced?

Mr. KELLOGG. They are right now; but there has not been from the time the law was enacted up to the present time. We have passed two or three laws in the last three years that give them an opportunity to increase the circulating medium.

Mr. McLEAN. Mr. President, the Senator from Minnesota knows that there is a remedy at hand which the Federal Reserve Board can use at any time if they want to contract the currency.

Mr. KELLOGG. I know there is; but they will not use it.

Mr. McLEAN. That is not the fault of this bill.

Mr. KELLOGG. They do not use it; they are always coming here asking for legislation to give them an opportunity to expand. There is not a part of this country that can not, by spreading its credits over the country generally, handle the crops; but when a section of the country which produces one great staple like wheat or cotton wishes to finance the entire crop in one local community, of course, it can not be done; and it is not safe to do it. It ought to be spread over the country. That is the object of having the restriction upon national banks.

Mr. SMOOT. Mr. President, in relation to the aggregate of Federal reserve notes outstanding, I wish to call the attention of the Senator from Georgia to the fact that they now amount to $2,875,259,000. That was the report on September 29. So they are not decreasing the circulation very rapidly.

Mr. SMITH of Georgia. I think it would be very dangerous for them to do so now.

Mr. SMOOT. That is another question.

Mr. SMITH of Georgia. I said the tendency was now toward curtailment.

Mr. WADSWORTH. Will the Senator state what the amount was a year ago?

Mr. SMOOT. I will say to the Senator from New York that the amount last year was $2,869,330,550.

Mr. WADSWORTH. That was a year ago?

Mr. SMOOT. Yes; it was just about the same as it is now.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. KELLOGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Gay	Lodge	Shields
Bankhead	Gerry	McKellar	Simmons
Beckham	Gore	McLean	Smith, Ariz.
Borah	Gronna	McNary	Smith, Ga.
Brandegee	Hale	Moses	Smith, Md.
Calder	Harding	New	Smoot
Capper	Harris	Newberry	Spencer
Chamberlain	Harrison	Norris	Sterling
Colt	Henderson	Nugent	Swanson
Cummins	Hitchcock	Overman	Thomas
Curtis	Jones, N. Mex.	Owen	Townsend
Dial	Jones, Wash.	Penrose	Trammell
Dillingham	Kellogg	Phelan	Underwood
Edge	Kendrick	Phipps	Wadsworth
Elkins	Kenyon	Pittman	Walsh, Mass.
Fall	Keyes	Poindexter	Walsh, Mont.
Fernald	Kirby	Pomerene	Warren
Fletcher	Knox	Ransdell	Watson
France	La Follette	Robinson	Williams
Frelinghuysen	Lenroot	Sheppard	Wolcott

The PRESIDING OFFICER. Eighty Senators having answered to their names, there is a quorum present.

The amendments made as in Committee of the Whole were concurred in.

The bill was ordered to be engrossed for a third reading and read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. POMERENE. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. THOMAS (when his name was called). In the absence of my pair, the Senator from North Dakota [Mr. McCUMBER], I withhold my vote.

The roll call was concluded.

Mr. BECKHAM. I transfer my pair with the Senator from West Virginia [Mr. SUTHERLAND] to the Senator from Utah [Mr. KING] and vote "yea."

Mr. HENDERSON (after having voted in the affirmative). Has the junior Senator from Illinois [Mr. McCORMICK] voted?

The PRESIDING OFFICER. He has not voted.

Mr. HENDERSON. I have a general pair with that Senator, which I transfer to the junior Senator from Kentucky [Mr. STANLEY], and will let my vote stand.

Mr. CURTIS. I wish to announce that the Senator from California [Mr. JOHNSON] is paired with the Senator from Virginia [Mr. MARTIN].

Mr. GERRY. The Senator from Oklahoma [Mr. STANLEY] is detained from the Senate on official business.

The result was announced—yeas 51, nays 28, as follows:

YEAS—51.

Ashurst	Fall	McKellar	Shields
Bankhead	Fletcher	McLean	Simmons
Beckham	Gay	McNary	Smith, Ariz.
Brandegee	Gore	Moses	Smith, Ga.
Calder	Gronna	Myers	Smith, Md.
Capper	Harris	Overman	Swanson
Chamberlain	Harrison	Owen	Trammell
Colt	Henderson	Penrose	Underwood
Culberson	Hitchcock	Pittman	Walsh, Mass.
Cummins	Jones, N. M.	Poindexter	Walsh, Mont.
Curtis	Kendrick	Ransdell	Williams
Dial	Keyes	Robinson	Wolcott
Edge	Kirby	Sheppard	

NAYS—28.

Ball	Hale	Lodge	Pomerene
Borah	Harding	New	Smoot
Dillingham	Jones, Wash.	Newberry	Spencer
Elkins	Kellogg	Norris	Townsend
France	Kenyon	Nugent	Wadsworth
Frelinghuysen	La Follette	Phelan	Warren
Gerry	Lenroot	Phipps	Watson

NOT VOTING—17.

Fernald	McCormick	Reed	Sutherland
Johnson, Calif.	McCumber	Sherman	Thomas
Johnson, S. Dak.	Martin	Smith, S. C.	
King	Nelson	Stanley	
Knox	Page	Sterling,	

So the bill was passed.

RAILROADS IN ALASKA.

Mr. NEW. I move that the Senate proceed to the consideration of House bill 7417.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7417) to amend an act of Congress approved March 12, 1914, authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes.

Mr. NEW. Mr. President, this bill amending the act of March 12, 1914, carries with it an authorization for an appropriation of $17,000,000 additional, which is necessary for the completion of 601 miles of railroad in Alaska, the construction of which was undertaken under the original act. Thirty-five million dollars was appropriated in the original act, all of which has now been expended, except a balance of a very little in excess of $2,000,000 on the 1st of August of this year, and that $2,000,000 will have been expended by the end of this building season, which has really been reached at this time.

There are 2,500 men at present engaged in work along the line of the road. The main line, which runs from Seward, Alaska, to Fairbanks, Alaska, is a little over 400 miles in length. In addition to that line, there are branches of varying lengths—one to Matanuska, one to Chatanika, and one to Chena—aggregating, with sidetracks and switches, nearly 200 miles. Most of the work on the two ends of the main line has been done. They began at Seward, on the south, and built north 265 miles. Most of that work is completed. Then they began at Fairbanks, on the northern end, and built south to mile 365, and the most of that work is completed; but on the 100 miles between mile 265 and mile 365 nothing at all has been done beyond the work of surveying and clearing the right of way. The cost of the road to date exceeds the estimate by about 31 per cent; and the committee felt that, in view of the great increase in the cost of material and the cost of labor, which everybody realizes and recognizes, it is not a bad showing.

The $35,000,000 that has thus far been expended is, of course, money lost unless the road is completed. The company is out of funds entirely, and this money is absolutely necessary for the completion of that project.

Mr. JONES of Washington. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Washington?

Mr. NEW. I yield.

Mr. JONES of Washington. I merely wish to suggest, in this connection, that the Senate Committee on Appropriations, upon a showing made to it at the last session, I think it was, recognized the situation and the need of more money, and put in a provision for $10,000,000 in excess of the $35,000,000 estimated, and it was passed by the Senate; but in conference the House conferees, because it exceeded the authorization, insisted upon that part going out. So the Senate, as a matter of fact, has really passed upon this question, in line with the report and the statements the Senator has made, and the Senate has approved the appropriation of $10,000,000 to carry on the work.

Mr. NEW. That is true. If there is any further information desired by anyone, I will be very glad to give it if I can.

Mr. THOMAS. May I inquire of the Senator whether the amount carried by the bill will be sufficient for the purpose?

Mr. NEW. I am assured by the Secretary of the Interior and by the engineers of the Department of the Interior that it will be sufficient to complete the project.

Mr. THOMAS. I certainly hope their assurances will be verified, but I am just a little skeptical.

Mr. NEW. I will say to the Senator from Colorado that I do not wonder at his skepticism. These projects almost always require additional appropriations, and this is no exception to the rule; but I really think, and the committee thought, that there is justification for this, because when the original estimate was made nobody could foresee the great increases in the cost of material and in the cost of labor, and the experience of the parties responsible for these estimates differs in no respect from the experience of those who have been in charge of any business and every business enterprise during the last two or three years.

Mr. DILLINGHAM. Mr. President——

Mr. NEW. I yield to the Senator from Vermont.

Mr. DILLINGHAM. I wish the Senator would tell us, if he knows, what portion of the road is now in operation.

Mr. NEW. None of it is really in operation.

Mr. DILLINGHAM. What portion of it has been completed?

Mr. NEW. It is completed for the most part from Seward north to mile 265, and they are operating a part of that road. It is very nearly complete from Fairbanks, on the north, which is 401 miles north of Seward, south as far as mile 365. Then the branch from the main line out to Matanuska, which is 37.7 miles, is practically completed. The Chatinika branch, which is a narrow-gauge branch of just a little under 32 miles, is completed. So are most of the sidings and terminals along the first 265 miles north from Seward and the 136 miles from Fairbanks south.

Mr. DILLINGHAM. So there is no reason why, if there was any business there, this southern portion of the road, with its branches, should not be in operation?

Mr. NEW. I think not.

Mr. DILLINGHAM. What business is there for the road to do?

Mr. NEW. There are a number of really very fertile valleys along the line of that road, in which a good many homesteaders have settled. There are nearly 500 families of homesteaders, in the aggregate, in those valleys. They are engaging in the ordinary agricultural pursuits and some stockraising. It has been demonstrated that agriculture can be carried on successfully and remuneratively up there if they can just get to a market, and this road is required for that.

Mr. DILLINGHAM. Did it appear before the committee whether the white population of Alaska had increased or decreased in the last 15 years?

Mr. NEW. Yes; I think the white population of Alaska really has decreased in the last 15 years. But if the Senator will permit, I would like, by way of further answer to that question, to say that it was urged upon the committee that the chief reason for the loss of population in the section of Alaska through which this road runs has been the lack of communication with the outside. Take Fairbanks, for instance, which is on the Tanana River. It has for a great part of the year no way of communicating with the outside world except by dog sleds.

Mr. DILLINGHAM. It lies between the Tanana River and the Yukon?

Mr. NEW. Yes.

Mr. DILLINGHAM. Is it not true that Fairbanks is the center of the best part of Alaska, agriculturally?

Mr. NEW. I think probably the best part of it is a little south of that; but certainly Fairbanks is in a good part of Alaska.

Mr. DILLINGHAM. Does the Senator remember what is the white population of Fairbanks?

Mr. NEW. Fairbanks now has somewhere around 2,500 inhabitants, which is not as many as it did have.

Mr. DILLINGHAM. Mr. President, I made these inquiries of the Senator perhaps more from curiosity than anything else. I voted against the original act for building this railroad because I thought it was a foolish venture for the Government, and I am not at all surprised that they have asked for this addition appropriation. I have no idea that the road will ever pay its running expenses, from what I know of the territory, having traveled over it pretty extensively.

Mr. NEW. Mr. President, that may all be true. I think the Senator might well justify his vote originally against the project; but he would have more difficulty in justifying a vote now against the completion of it, in view of what has been expended and the present conditions. At least, I felt that way about it myself, and the committee so felt.

That is the situation with reference to the bill.

The PRESIDENT pro tempore. The bill is as in Committee of the Whole and open to amendment.

Mr. BRANDEGEE. Has the bill been read?

The PRESIDENT pro tempore. It has not been read.

Mr. BRANDEGEE. I would like to hear the bill read.

Mr SMITH of Georgia. That evidently will make it impossible to dispose of the bill before 2 o'clock.

Mr. BRANDEGEE. I supposed a Senator could demand the reading of a bill as a matter of right. Really, a bill should be read, I think, before speeches upon it are made. But I will be satisfied, if the bill is printed in the RECORD, to let the Senator from Georgia proceed.

Mr. NEW. The bill can be read in 15 seconds.

Mr. SMITH of Georgia. What I desire is to use the five minutes between now and 2 o'clock, together with the five min-

utes I will have under the unanimous-consent agreement, to present some reservations to the treaty with Germany. Unfortunately, I was absent yesterday when unanimous consent was given, and unless I present them now, I shall have no opportunity to do so.

Mr. BRANDEGEE. The Senator is entitled to his five minutes, as he has stated, when the first of the Fall amendments is reached, at 2 o'clock. He can then read his reservations.

Mr. SMITH of Georgia. I now ask unanimous consent that the reservations, when presented, may be printed for the information of the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BRANDEGEE. Will not the Senator allow action on the pending bill?

Mr. SMITH of Georgia. I was just going to say that, if necessary, I can use several periods of five minutes. I can perhaps get through in five minutes later on, and I will not occupy the time until 2 o'clock, because Senators seem to be ready to vote.

Mr. NEW. I think the bill can be gotten out of the way in a moment.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," be amended by inserting at the conclusion of section 2 the following:

"*Provided*, That in order to complete on or before December 31, 1922, the construction and equipment of the railroad between Seward and Fairbanks, together with necessary sidings, spurs, and lateral branches, the additional sum of $17,000,000 is hereby authorized to be appropriated, to be immediately and continuously available until expended."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALLING OF THE ROLL.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gay	McCormick	Robinson
Ball	Gerry	McCumber	Sheppard
Bankhead	Gronna	McKellar	Shields
Borah	Hale	McLean	Simmons
Brandegee	Harding	McNary	Smith, Ga.
Calder	Harris	Moses	Smith, Md.
Capper	Harrison	New	Smoot
Chamberlain	Henderson	Newberry	Spencer
Colt	Hitchcock	Norris	Stanley
Culberson	Jones, Wash.	Nugent	Sterling
Cummins	Kellogg	Overman	Thomas
Curtis	Kendrick	Owen	Trammell
Dial	Kenyon	Penrose	Underwood
Dillingham	Keyes	Phelan	Wadsworth
Edge	Knox	Phipps	Walsh, Mass.
Elkins	La Follette	Pittman	Warren
Fall	Lenroot	Poindexter	Watson
Fernald	Lodge	Pomerene	Wolcott

The PRESIDENT pro tempore. Seventy-two Senators have answered to their names. There is a quorum present.

TREATY OF PEACE WITH GERMANY.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, in accordance with the unanimous-consent agreement entered into on the 1st day of October, the Chair lays before the Senate the German treaty, to be considered as provided by the terms of the unanimous-consent agreement.

Mr. BRANDEGEE. I presume the Senate is now in open executive session, although no motion to that effect has been made?

The PRESIDENT pro tempore. The Chair is of the opinion that entering upon the execution of the unanimous-consent agreement necessarily passes the Senate into open executive session.

The Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. SMITH of Georgia addressed the Senate for five minutes.

The PRESIDENT pro tempore. The time of the Senator from Georgia has expired.

Mr. SMITH of Georgia. When the next amendment is before the Senate I shall conclude what I have to say, which will not take more than five minutes longer.

Mr. HITCHCOCK. Mr. President, I have nothing to say on the pending amendment at this time, but I desire to announce that the French Chamber of Deputies has just ratified the treaty by a vote of 372 to 52.

Mr. THOMAS. Mr. President, this is the proper occasion to give the Senate my reasons for the vote which I shall cast against the amendment. My view of that part of the treaty which affects Germany——

Mr. STANLEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield?

Mr. STANLEY. Will the Senator yield for a parliamentary inquiry?

Mr. THOMAS. I shall have to yield for that.

The PRESIDENT pro tempore. The Senator from Kentucky will state his parliamentary inquiry.

Mr. STANLEY. The Senator from Nebraska [Mr. HITCHCOCK] has just made the statement that the French Chamber of Deputies has, by an almost unanimous vote, ratified the treaty. Is there any rule against applause in the galleries at that momentous statement?

The PRESIDENT pro tempore. According to the rule announced by the permanent occupant of the chair, there is a rule against applause in the galleries, and the present occupant of the chair concurs with the permanent occupant of the chair in that construction of the rule.

Mr. STANLEY. Mr. President——

Mr. THOMAS. I decline to yield further. I have only five minutes.

The PRESIDENT pro tempore. The Senator from Colorado has the floor.

Mr. THOMAS. I believe, Mr. President, that the indemnity exacted of Germany should have been laid in what has been generally known as a lump sum. I believe it would have been better for Germany, better for the Allies, and far better from the standpoint of treaty administration. That, however, has not been done, and the treaty provisions regarding it require administration or they will not be effective. It would hardly be fair for the Government of the United States to participate in the making of such a treaty and then refuse to bear its share of the work and expense of making the requirements of the treaty effective. Moreover, Mr. President, we have, since America's entrance into the war, particularly upon this floor, recognized the claims of Poland, the Czecho-Slovaks, and the Jugo-Slavs to independence, based upon the principle of self-determination. The delimitation of the boundaries of those countries also imposes other conditions upon us quite distinct from German indemnity which we should recognize. Having created, or assisted in creating, these governments, it is not American to leave them upon the principle that once delimited they shall assume the obligations of self-support and go it alone or not go at all. It is not possible to conceive two sides to that proposition.

I shall, for the reasons thus briefly and imperfectly outlined, cast my vote against the amendment.

Mr. LENROOT. Mr. President, I shall vote against this amendment and probably against all of the amendments in this series. I shall vote against this amendment because I have no objection to the participation of the United States upon these commissions, provided the reservations that will be made to this treaty, if it be ratified at all, will relieve the United States from the obligations that would otherwise follow; but I see no objection whatever to the United States sitting as a disinterested party, if our associates desire them to do so, upon these commissions.

The article to which the pending amendment applies provides for a commission of seven to determine the boundaries between Belgium and Germany. If our associates desire the United States to participate in the settlement of that question, which is a judicial question very largely, why should we refuse to do so? Of course, if these were the only changes that were to be made in the treaty, if there were to be no reservations of any kind adopted, I would agree that this amendment ought to be agreed to, because I am opposed to the United States attempting to dictate the boundaries of Europe anywhere, whether it be in Italy, Belgium, or France; for the nation that dictates the boundaries of a country ought also to assume the obligation of defending those boundaries. I am not willing to assume any such obligation; and I apprehend, Mr. President, that when the treaty goes out from this body, with such reservations as will make it plain to our associates that the United States in ratifying the treaty declines to assume any obligation to preserve the territorial integrity of any member of the league, declines to assume any obligation to utilize the military and naval forces of this country for any such purpose, our place upon these commissions, instead of being one of a dictatorship, will be one of an advisory character, as it ought to be. I am also confident that we shall have an opportunity, when the proper time shall arrive, of voting for a reservation with reference

to these particular matters that will permit the United States to withdraw from any of these commissions at any time or from any of the obligations that may flow from participation in them; and, furthermore, that with reference to whether we shall participate or not, it shall be a matter for the Congress of the United States to determine and not the Executive alone.

I believe that if the United States shall be of any assistance upon the proposed commissions the representatives of the United States thereon must be men who are not sycophants, who are not entirely unknown, but they must be men of known ability and distinction, and we can secure such men if the Senate shall be given the power to confirm any nominations which may be made to those commissions.

Mr. CURTIS. Mr. President, I desire to ask the Senator from Wisconsin if he knows the caliber of the men who are likely to be appointed on the commissions provided for in the treaty? At this time I am told that a man who was formerly an employee of the State Department at a salary of about $3,000 a year is receiving $30,000 as a member of one of those commissions.

Mr. LENROOT. Mr. President, I understand that to be the fact; but until this treaty is ratified by the Senate of the United States and the ratifications shall have been exchanged, so as to make it a complete contract, I do not understand that the appointment of any man upon any one of those commissions is worth the paper upon which it is written.

Mr. SPENCER. Mr. President, as I read article 35, to which this amendment applies, it does not necessarily follow that the United States need have membership upon the commission at all. The article provides that there shall be a commission of seven men, in the appointment of five of whom the United States with the other principal allied and associated powers shall join; but it does not necessarily follow, unless we so desire, that one of the appointees shall be an American.

What does the pending amendment do? It asserts that in the solution of the problem of determining the frontier between Belgium and Germany, a problem which arises solely out of the war, the United States refuses, even though there is no obligation imposed, even though there is no burden of money or of men, to associate itself with its former associates in helping to solve one of the very problems which it helped to create.

Why do our associates in the war want the United States to have a part in the selection of this commission? They want the United States to have a part in the selection of this commission because we are the great independent stabilizing factor of the world. Because we have no greed of land or power; because we are impartial. All that is asked in this article of the treaty is that the helpful judgment of the United States—an independent and impartial Nation—shall be joined with the judgment of our allies in the solution of one of the problems that have arisen out of this war. It seems to me, Mr. President, that a decent regard for the wishes and difficulties of our associates in the war requires this country to cooperate in this service; and I shall therefore vote against the amendment.

Mr. McCORMICK. Mr. President, will the Senator yield for a question?

Mr. SPENCER. With pleasure.

Mr. McCORMICK. Does the Senator mean that he believes that impartiality necessarily inheres in the representatives of the United States?

Mr. SPENCER. If we are true to the traditions and history of this country, it ought to inhere; and it certainly does inhere more than in the case of any other country in the solution of post-war problems.

Mr. McCORMICK. The Senator says, "If true to the traditions of the United States"; but does he mean that impartiality necessarily and inevitably and always inheres in the representatives of the United States?

Mr. SPENCER. Sometimes not.

Mr. McCORMICK. I had in mind the Shantung incident.

Mr. SPENCER. Sometimes not; but that, Mr. President, is the fault of the individual. The fault or inefficiency of an individual has no effect upon the correctness of the principle.

Mr. BRANDEGEE. Mr. President, I was one of the members of the Committee on Foreign Relations which voted to report favorably this and the other so-called Fall amendments, consisting, I believe, of about 34, the purpose of which is, before the word "powers," to strike out the words "and associated," wherever they occur in this portion of the treaty.

The article in which the pending amendment is proposed is article 35, reading as follows:

"A commission of seven persons, five of whom will be appointed by the principal allied and associated powers, one by Germany, and one by Belgium, will be set up 15 days after the coming into force of the present treaty to settle on the spot the new frontier line between Belgium and Germany, taking into account the economic factors and the means of communication.

"Decisions will be taken by a majority, and will be binding on the parties concerned."

The pending Fall amendment is to strike out the words "and associated," which would take the United States out of the business of determining the boundaries between Germany and Belgium.

The Senator from Missouri [Mr. SPENCER] has just stated that this article does not compel the United States to take part in the decision. That is true; the article provides only for the appointment of a commission of seven, and does not provide that the United States shall necessarily have a member upon the commission; but the latter part of the statement of the Senator from Missouri, it seemed to me, was rather inconsistent with the claim that we would have nothing to do with the decisions of the commission, because, if I correctly understood the Senator from Missouri, he stated that he thought it was practically our duty to participate in what he called the solution, to use his own term, of these European questions.

Mr. President, that is just where I differ not only with the Senator from Missouri but with every Senator who desires, under the name of an "associated power," to keep us involved in the settlement of all such questions on the continents of Europe, Asia, and Africa, which are now pending and which may grow out of the infinite complications brought about by this tremendous five years' war.

I do not see why the United States must be a member of these 35 commissions to determine these European questions, about which we know nothing and in which we are only most remotely interested, Mr. President; and if we are not to sit there with delegates and help determine them, at some times in commissions constituted as this one is, where our vote would be decisive in case of a tie, I do not see why we are to participate in the decision of these questions.

I, for one, utterly repel the allegation that it is our moral or bounden duty to mix up in these affairs at all. Some of these commissions will last for 30 years; and I decline to vote to bind this country to participate for these indefinite periods of time in either the appointment or the membership of commissions which shall be engaged in this work for years after the termination of this war and after the settlement of the animosities and the feelings which have arisen out of it.

The PRESIDENT pro tempore. The time of the Senator from Connecticut has expired.

Mr. LODGE. Mr. President, I think after the history of the last five years nobody can doubt that when the world needs the services of the United States for the protection of civilization and freedom, it will have it; but, Mr. President, it is a very different thing to expect the United States to enter into every boundary dispute and take part in "stabilizing," as the Senator from Missouri suggested, I suppose after the manner in which we have just stabilized the question of Fiume.

Mr. President, in my judgment this treaty never will be ratified unless the Monroe doctrine is finally and absolutely reserved from the jurisdiction of the league. In other words, the United States does not propose, if it can help it, to permit Europe to come in here to settle our boundaries or any purely American question. If we are going to take that attitude—and we shall, in my opinion, if this treaty is to be ratified—they can easily retort that we desire to have the right to interfere in their affairs, while we do not propose that they shall interfere in ours.

I have as little desire to interfere in the boundaries of the European countries, beyond maintaining the decisions of the conference as they are agreed to at this time, as I have to have them interfere in ours. I do not see why we should take up the burden of settling boundaries all over Europe. Leave it to Europe to do. If we had gone there and said to them: "All we ask is that we shall make a treaty with Germany which will prevent her from ever being a menace to the world again; arrange your own boundaries and your partitions among yourselves, and we will back you up, but we will not meddle, if you will comply with our wish that Germany shall be rendered harmless," we should be as strong, as popular, and as well regarded in Europe to-day as we were when the war closed instead of being disliked and distrusted.

Mr. WILLIAMS. Mr. President, the sum total of the argument made by the Senator from Massachusetts amounts to this: That we announce to the world, or rather he announces to the world, that "if the world wants America at any time in the cause of the independence and peace of small nations or the liberty of the world, she can have her"; and then, in the next

breath, he announces that now, when he is met with the first chance to make good that statement, he declines. Then he tells us that we do not want to fix boundaries in Europe. Well, we have already fixed them. Everybody in America wants to recognize the independence from Turkey of Palestine and Armenia and Thrace, and from Austria-Hungary of Czecho-Slovakia and Jugoslavia, and the independence from all three of the great autocratic powers of Poland. Then the Senator tells us that after we have already done all that we must have nothing to do with their boundaries! We have already, in the treaty, fixed the boundaries. No State can be recognized or exist without boundaries; none of these amendments change the boundaries; they simply say that we, having helped fix them, shall have nothing to do with securing them.

Just prior to that came along the Senator from Connecticut [Mr. BRANDEGEE], and the Senator from Connecticut, in substance, said that while we fixed these terms and these independencies and these nationalities, and therefore these boundaries, we might be kept in Europe a few years, and therefore we ought to stand out from under. I humbly submit that the United States are not in the habit of standing out from under where they have already taken a position. We have already taken a position in favor of the freedom and independence of Poland, of Bohemia, of Bosnia, of Herzegovina, of Hejaz, of Serbia, of Armenia, whose poor people have been massacred since the first gospel was preached to them by a Christian apostle, and we have taken a position in favor of self-government of Palestine, the home of the chosen race, as they consider themselves, the Jews; and yet the Senator cynically remarked that we might have to stay several years—doing what? Making good our word, that is all; making good the wounds and the deaths and the sufferings of our boys in France, and of our boys in Italy.

Mr. President, I do not believe American citizenry has reached the low level which is here depicted. It does seem to me that when a man says, "The world knows that when she wants America in behalf of liberty and in behalf of the rights of small nationalities, the world can have her," and then, when he is faced with the very first opportunity that ever was furnished for America to do just what he says "the world knows" she will do, and when he follows up his previous utterance by the practical advice of quitting the game just as soon as possible, he is doing a rather inconsistent thing; and yet that is all that was contained in the speech of the Senator from Massachusetts. "Lame and impotent conclusion" for one supposed to lead a great American party! That is also, after analysis, all that was contained in the speech of the Senator from Connecticut. There is not another idea in either except "stand out from under." Stand out from under what? Something that somebody else has forced upon us? No; something we have fought and bled for, just as these gentlemen who want to defeat the league of nations want to stand out from under all the endeavors to secure an ultimate and just and enduring peace among the nations of the world, and among the sons and daughters of men.

"Am I my brother's keeper?" Cain inquired; and God replied, substantially, "Yes; to some extent you are."

Mr. POMERENE. Mr. President, I am opposed to any amendment to this treaty. There are some provisions in it which I do not like. If they turn out to be what we do not want we can get out from under the treaty in two years, or we can amend it in the method provided for. Our duty in Europe has not been ended.

The Senator from Massachusetts [Mr. LODGE] always speaks learnedly and eloquently on any subject to which he addresses himself. The situation to-day in this Chamber is not unlike that which existed here during the consideration of the Spanish-American treaty; and I want to call attention very briefly to the utterances of the distinguished Senator from Massachusetts on that occasion, and commend his thoughts then to those who are seeking to have this treaty defeated and to return our commissioners to Europe.

When the Spanish-American treaty was before the Senate the distinguished Senator from Massachusetts said:

> I believe that we shall have the courage not to depart from those islands—
>
> The Philippines—
>
> fearfully, timidly, and unworthily and leave them to anarchy among themselves, to the brief and bloody domination of some self-constituted dictator, and to the quick conquest of other powers, who will have no such hesitation as we should feel in crushing them into subjection by harsh and repressive methods. It is for us to decide the destiny of the Philippines, not for Europe, and we can do it alone and without assistance. I believe that we shall have the wisdom, the self-restraint, and the ability to restore peace and order in those islands and give to their people an opportunity for self-government and for freedom under the protecting shield of the United States until the time shall come when they are able to stand alone, if such a thing be possible, and if they do not themselves desire to remain under our protection.

Let us apply that sentiment to the new-born nations of Europe to-day.

> This is a great, a difficult, and a noble task. I believe that American civilization is entirely capable of fulfilling it, and I should not have that profound faith which I now cherish in American civilization and American manhood if I did not think so.
>
> During the campaign of last autumn I said in many speeches to the people of my State that I could never assent to hand those islands back to Spain; that I wanted no subject races and vassal States; but that we had by the fortunes of war assumed a great responsibility in the Philippines; that we ought to meet it, and that we ought to give to those people an opportunity for freedom, for peace, and for self-government; that we ought to protect them from the rapacity of other nations and seek to uplift those whom we had freed. From those views I have never swerved, and I believed then, as I believe now, that they met with the approbation of an overwhelming majority of the people of Massachusetts. I believe those results can be and will be obtained.

I commend that sentiment to the Senator from Massachusetts so far as it applies to the new-born nations.

Suppose we reject the treaty; what follows? Let us look at it practically. We continue the state of war, and every sensible man in the country, every business interest, desires the reestablishment of peace in law as well as in fact. At the same time we repudiate the President and his action before the whole world, and the repudiation of the President in such a matter as this is, to my mind, the humiliation of the United States in the eyes of civilized mankind.

The PRESIDENT pro tempore. The time of the Senator from Ohio has expired.

Mr. POMERENE. Very well; I will suspend until the next amendment is reached.

Mr. HALE. Mr. President, I, too, intend to vote against the Fall amendments, but not entirely for the reasons given by the Senator from Wisconsin [Mr. LENROOT] and the Senator from Missouri [Mr. SPENCER].

I do not like the provisions of the treaty to which the amendments have been offered, and I am in sympathy with the amendments and should vote for them did I not believe that the same purpose can be accomplished by reservations. I expect to vote for reservations later on which will take care of these matters. I believe that these reservations can provide that it shall be optional with us not only as to whether we shall serve on these commissions, but as to whether we shall take any part in making them up. I further think that we can provide by a reservation that no man from this country shall be a member of any of these commissions without the consent of the Congress of the United States.

Mr. McCUMBER. Mr. President, in 1917, when Germany, suffering from the blows she was then receiving from the Allies, began to put out feelers to see what could be done in the matter of a peaceful settlement of this war, the most eloquent appeal that was made on the floor of the Senate at that time, and the one which received the approbation of every Senator on this floor, was the declaration of the Senator from Massachusetts [Mr. LODGE] as to what the United States would demand from Germany as conditions of peace.

What were those demands? First, that the United States would demand the return of Alsace and Lorraine to France. Second, that the United States would demand that Turkey be put out of Europe. Third, that the United States would demand a new country, a Jugo-Slavic country and a Czecho-Slavic country, be placed upon the map of Europe. Again, that the United States would demand reparation from Germany for all the offenses that she had committed against the rules of honorable warfare.

Now, we have carried the war to that final conclusion in which we are able to make good the demands which were made by the Senator from Massachusetts. We will see that Alsace and Lorraine go back to France. There will be little difficulty in determining the borders of those two Provinces. But we had to create a new country—a new Czechoslovakia. We had to create a new Poland, and we who were the followers of the Senator from Massachusetts in those demands, all understood at that time, that if we created those countries we would have to create boundaries, and if they were to be created through the war power of the United States, and after our soldiers had gone down to death to establish the right of the United States to so determine what Germany should do, we understand it would require a commission to fix those boundaries.

And it was understood, Mr. President, that the United States, the great country which most of us claim really won the war, would have something to say with reference to how those countries should be established, and what their boundaries should be.

It was further understood by all of us, who agreed so earnestly with the Senator from Massachusetts, that there should be reparation for those wrongs so committed by Germany; that some commission would have to ascertain what the reparation should be. We all understood that the United States

would be represented in determining what should be just and fair as a matter of reparation.

I have not changed in my attitude of earnest support of the Senator from Massachusetts in everything he then said. I believe as earnestly to-day as I believed then that this was the duty of the United States in this war, and that we should perform our duty; and if there is anything to be done in the settlement of these disputes, any questions of boundaries of the nations which we helped to create and bring into existence, it is our duty to assist in establishing those boundaries, our duty not to get away from the troubles and perplexities and anxieties that necessarily follow the establishment of new boundary lines of these newly created nations, but to shoulder the burden, and to shoulder it honestly and fearlessly. No harm will ever come to this country because of its purpose to do its duty to the very last requirement in the final settlement of every question imposed upon us by the victorious ending of this Great War.

Mr. FALL. Mr. President, if we might get to the subject at issue for just a moment, I remind the Senator from Missouri that one greater even than he has spoken already as to our participation in this particular boundary question. The President of the United States, in answer to a direct question, has said:

> It was deemed wise that the United States should be represented by one member of the commission for settling the new frontier lines of Belgium and Germany because of the universal opinion that America's representative would add to the commission a useful element of entirely disinterested judgment.

Mr. President, I would also recommend that one or two of the Senators at least read part third, with reference to the boundaries of Belgium, and ascertain just what this commission is supposed to do. Such reading will disclose the fact that the commission is not only charged with a ministerial duty, but also with the exercise of judgment for the present in settling the boundaries and hereafter in fixing them, after a plebiscite may be held and the report of that plebiscite communicated to the league of nations.

Of course, Mr. President, if I had been aware of the fact that some Senators would favor a reservation which would do exactly what these amendments were proposed to do with reference to this commission, I would have been even more insistent than I have insisted heretofore that the orderly procedure was to vote upon article 1 of the treaty, and then on any reservations to the treaty, before we reached the amendments under the text of the treaty itself. I am aware of the fact, of course, that certain statements have been made to Senators here who desire to support the amendments, that the same result exactly would be obtained by reservations to be hereafter offered, and which would be adopted.

Mr. President, I have absolutely no pride of authorship whatsoever. If the same results can be obtained through the efforts of other Senators in writing reservations into the treaty, I shall most cheerfully vote for such reservations. My purpose is the perfectly sincere one of seeing that the United States has nothing to do with the fixing of the boundary lines between Belgium and Germany further than to agree to them as fixed in this treaty, and that she should not take part in it. The United States has been criticized by the civilized world for the fact that she did not enforce with Germany a treaty which she had entered into for the protection of Belgium heretofore. Now, you are not only proposing a further neutralization treaty, but you are distinctly taking part in the fixing of certain specific lines and obligating yourself hereafter never to change.

In so far as the general statement made by the Senator from Colorado [Mr. THOMAS] is concerned, and in view of the fact that he seemed to be laboring under the impression that the proposed amendments referred simply to boundary commissions, I may say to him that of the entire number of some 34, 4 and 4 only apply to boundary commissions; and the purpose of each of those as applied to boundary commissions is just exactly what I avow my purpose here now, to see that the United States has nothing to do with boundary lines and does not pledge herself to a moral or legal obligation hereafter to send her troops there and stand them across those lines to preserve them eternally.

Mr. KELLOGG. Mr. President, I can not, of course, in the time permitted, discuss these amendments. I shall simply say a very few words in explanation of my vote against the amendments proposed.

The associated and allied powers defeated Germany in the greatest, the most devastating, and criminal war ever waged by an aspiring monarchy, and I am willing, as I was willing to go into the war, that this country should do everything it can to make that victory complete and to see that Germany pays reparation to the bitter end to make that victory effectual. I am not willing to withdraw this country from the reparation commission. I am not willing that this country should stand aside and say that it is not going to see that Germany is disarmed and rendered powerless to again perpetrate upon the world such a crime. I am willing to go to the extent necessary to make that victory complete. I know the terms are harsh, but the crime was great, the greatest ever known in history against the civilization of the world. Should we hesitate now to stand with the Allies and see that Germany is rendered powerless?

During the war, when the result was in doubt, and the world shuddered at the consequences if Germany should win, we were more than willing to encourage Poland, Hungary, and other nations in Europe to set up an independent government and to avail ourselves of their assistance and of their help in defeating Germany. I say now, go to the extent necessary to see that they are set up as an independent people.

I know Senators upon this floor stated there must be an independent Poland on the east of Prussia. Is there anything startling in the statement that we, as one of the allied and associated powers which made it possible, should run the boundaries or assist in it? I think not.

We were willing, then, in the dark days of the war, to avail ourselves of their assistance. Now, it is said we should abandon Europe. I am as anxious to avoid Europe and its quarrels as anyone. I wish it had been possible for us to say, "Arrange these matters among yourselves. We have done our part." But it was not done, and I am not now willing to vote for amendments which will relieve us entirely. I do not say that I would not vote for an amendment which would give us the option of withdrawing when the time comes wherein we consider it proper to withdraw from these commissions. In fact, in most of them we are not obliged to nominate a representative of this country at all. I think perhaps such a reservation would be wise, but I am not willing now to vote for these amendments which practically represent new treaty provisions upon the subject.

Mr. BORAH. Mr. President, if a vote is about to be taken, I desire to ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SMOOT. Mr. President, I desire to offer just one word of explanation as to the vote on the pending amendment that I intend to cast. I believe in the principle of the amendment, but I feel positive it can be covered by a reservation, and I prefer a reservation to an amendment; and I understand a form of reservation has been prepared covering this amendment and the other so-called Fall amendments. As we will have a chance to vote for the reservation, I shall vote against the pending amendment, but shall vote for the reservation referred to.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). I have a general pair with the Senator from West Virginia [Mr. SUTHERLAND]. In his absence I withhold my vote. If permitted to vote I would vote "nay."

Mr. FERNALD (when his name was called). I have a general pair with the junior Senator from South Dakota [Mr. JOHNSON]. I transfer that pair to the junior Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. SWANSON (when Mr. MARTIN's name was called). My colleague [Mr. MARTIN] is detained on account of illness. He is paired with the junior Senator from California [Mr. JOHNSON]. If my colleague were present he would vote "nay."

Mr. MYERS (when his name was called). On this vote I am paired with the senior Senator from Missouri [Mr. REED], who is absent. I transfer that pair to the Senator from Utah [Mr. KING] and vote "nay."

Mr. CURTIS (when Mr. PAGE's name was called). I wish to announce the absence of the Senator from Vermont [Mr. PAGE] on account of illness. Were he present he would vote "yea."

Mr. DIAL (when the name of Mr. SMITH of South Carolina was called). I wish to announce the absence of my colleague [Mr. SMITH of South Carolina] on account of illness. He is paired with the Senator from South Dakota [Mr. STERLING]. If my colleague were present he would vote "nay."

Mr. STERLING (when his name was called). As stated by the Senator from South Carolina [Mr. DIAL] I have a general pair with the senior Senator from that State [Mr. SMITH]. Under the announcement of the junior Senator from South Carolina, that if his colleague were present he would vote "nay." I am at liberty to vote upon this amendment. I vote "nay."

The roll call was concluded.

Mr. BECKHAM. I transfer my pair with the Senator from West Virginia [Mr. SUTHERLAND] to the Senator from South Carolina [Mr. SMITH] and vote "nay."

Mr. GERRY. I wish to announce the unavoidable absence of the Senator from South Dakota [Mr. JOHNSON] on account of illness in his family. If he were present, he would vote "nay."

The result was announced—yeas 30, nays 58, as follows:

YEAS—30.

Ball	Fernald	Lodge	Phipps
Borah	France	McCormick	Poindexter
Brandegee	Frelinghuysen	McLean	Sherman
Calder	Gore	Moses	Wadsworth
Curtis	Gronna	New	Warren
Dillingham	Harding	Newberry	Watson
Elkins	Knox	Norris	
Fall	La Follette	Penrose	

NAYS—58.

Ashurst	Harrison	Nelson	Smoot
Bankhead	Henderson	Nugent	Spencer
Beckham	Hitchcock	Overman	Stanley
Capper	Jones, N. Mex.	Owen	Sterling
Chamberlain	Jones, Wash.	Phelan	Swanson
Colt	Kellogg	Pittman	Thomas
Culberson	Kendrick	Pomerene	Townsend
Cummins	Kenyon	Ransdell	Trammell
Dial	Keyes	Robinson	Underwood
Edge	Kirby	Sheppard	Walsh, Mass.
Fletcher	Lenroot	Shields	Walsh, Mont.
Gay	McCumber	Simmons	Williams
Gerry	McKellar	Smith, Ariz.	Wolcott
Hale	McNary	Smith, Ga.	
Harris	Myers	Smith, Md.	

NOT VOTING—8.

Johnson, Calif.	King	Page	Smith, S. C.
Johnson, S. Dak.	Martin	Reed	Sutherland

So Mr. FALL'S amendment was rejected.

The PRESIDENT pro tempore. The Secretary will state the next amendment.

The SECRETARY. On page 61, line 5, in article 40, it is proposed, after the word "allied," to strike out the words "and associated," so as to make it read, "allied powers."

The PRESIDENT pro tempore. The question is on the amendment reported by the committee as stated by the Secretary.

Mr. FALL. Mr. President, that there may be no misunderstanding and that Senators if they desire to speak upon it may have their attention called to the purpose and effect of the proposed amendment, I will state briefly that it is provided in the portion of the treaty now under consideration and in the article to which the amendment refers that Germany renounces the benefits of certain treaties with the Duchy of Luxemburg; that she "renounces all rights to the exploitation of the railways in Luxemburg, adheres to the termination of the régime of neutrality of the Grand Duchy, and accepts in advance all international arrangements which may be concluded by the allied powers relating to the Grand Duchy." The amendment simply provides that the United State shall not take part in any such future arrangements. It strikes out the United States.

I may say while I am on my feet that article 41 also applies to Luxemburg and provides that Germany will agree to have any of the other provisions of the present treaty applied to Luxemburg at the demand of the allied and associated powers. The amendment there is to strike out the words "and associated."

Mr. SMITH of Georgia addressed the Senate for five minutes.

The PRESIDENT pro tempore. The time of the Senator from Georgia has expired.

Mr. SMITH of Georgia. I will conclude my remarks on the next amendment.

Mr. BRANDEGEE. Mr. President, with relation to this provision and the other provisions covered by the Fall amendments, I desire to submit a few of the precepts laid down by Thomas Jefferson, the progenitor of the Democratic Party and politically of the present occupant of the White House. What Washington said has been often quoted, what Jefferson said has been strangely neglected at this, of all moments, when it applies so directly. Jefferson for some 40 years spoke and wrote consistently against such conventions being entered into on our part. I now quote from his writings:

"I know that it is a maxim with us, and I think it a wise one, not to entangle ourselves with the affairs of Europe." (To E. Carrington (Paris, 1787). The Writings of Thomas Jefferson. Washington edition, ii, 334. Ford edition, iv, 483.)

"Better keep together as we are, haul off from Europe as soon as we can and from all attachments to any portions of it." (To John Taylor (Philadelphia, 1798). The Writings of Thomas Jefferson. Washington edition, iv, 247. Ford edition, vii, 205.)

"I am for free commerce with all nations, political connection with none, and little or no diplomatic establishment. And I am not for linking ourselves by new treaties with the quarrels of Europe." (To Elbridge Gerry (Philadelphia, 1799). The Writings of Thomas Jefferson. Washington edition, iv, 268. Ford edition, vii, 328.)

"Commerce with all nations, alliance with none, should be our motto." (To T. Lomax (Monticello, March, 1799). The Writings of Thomas Jefferson, Washington edition, iv, 301. Ford edition, vii, 374.)

"I sincerely join you in abjuring all political connection with every foreign power; and though I cordially wish well to the progress of liberty in all nations, and would forever give it the weight of our countenance, yet they are not to be touched without contamination from their other bad principles." (To T. Lomax (Monticello, March, 1799). The Writings of Thomas Jefferson. Washington edition, iv, 301. Ford edition, vii, 374.)

"Let our affairs be disentangled from those of all other nations except as to commerce." (To Gideon Granger (Monticello, 1800). The Writings of Thomas Jefferson. Washington edition, iv, 331. Ford edition, vii, 452.)

"The Constitution thought it wise to restrain the Executive and Senate from entangling and embroiling our affairs with those of Europe." (Parliamentary Manuel ix, 81 (1800).)

"To take part in European conflicts would be to divert our energies from creation to destruction." (To George Logan (Washington, March, 1801). The Writings of Thomas Jefferson. Ford Edition, vii, 23.)

"It ought to be the very first object of our pursuits to have nothing to do with the European interests and politics. Let them be free or slaves, at will, navigators or agriculturists, swallowed into one government or divided into a thousand, we have nothing to fear from them in any form." (To George Logan (Washington, March, 1801). The Writings of Thomas Jefferson. Ford Edition, viii, 23.)

"Determined as we are to avoid, if possible, wasting the energies of our people in war and destruction, we shall avoid implicating ourselves with the powers of Europe, even in support of principles we mean to pursue. They have so many other interests different from ours that we must avoid being entangled in them. We believe we can enforce these principles, as to ourselves by peaceable means, now that we are likely to have our public councils detached from foreign views." (To Thomas Paine (Washington, March, 1801). The Writings of Thomas Jefferson. Washington Edition, iv, 370. Ford Edition, viii, 18.)

"Our Nation has wisely avoided entangling itself in the system of European interests, has taken no side between its rival powers, attached itself to none of its ever-changing confederacies." (Reply to Address of Baltimore Baptists (1808). The Writings of Thomas Jefferson. Washington Edition, viii, 137.)

"The seed of hatred and revenge which they are now sowing with a large hand will not fail to produce their fruits in time." (To M. de Marbois (Monticello, 1817). The Writings of Thomas Jefferson, Washington Edition, vii, 76.)

"Treaties of alliance are generally insufficient to enforce compliance with their mutual stipulations." (The Anas (1818), ix, 88. The Writings of Thomas Jefferson. Ford Edition, i, 157.)

"It is a theatrical farce"—

Speaking of the Holy Alliance—

"in which the five powers are the actors." (To President Monroe (Monticello, June, 1823). The Writings of Thomas Jefferson. Washington Edition, vii, 289. Ford Edition, x, 258.)

"It is against our system to entangle ourselves at all with the affairs of Europe." (To Philip Massei (Washington, 1824). The Writings of Thomas Jefferson. Washington Edition, iv, 553.)

Yet Jefferson, misliked by many then and now, as to his idealism, was at least as earnest, at least as well read, at least as experienced, at least as liberal, and at least as competent to judge human tendencies, and the results of human action as are any of the idealists of to-day. Nor has human nature, which remained unchanged through the centuries and persistently held its traits through many leagues of nations, altered in the last 100 years. Nor are world conditions to-day different from those of Jefferson's time, which was that of the overthrow of Napoleon, of the bankruptcy of Europe, of the threatened revolution in England, of the disorder and misery of the nations of the great convulsion of the nineteenth century, and of the founding for the same purposes of a league of nations, known as the Holy Alliance, to secure peace and guarantee the territorial integrity of the associated powers. Of it, to quote him finally, Jefferson says:

"With respect to the European combinations against the rights of man, I join an honest Irishman of my neighborhood in his Fourth of July toast, 'The Holy Alliance—To hell the whole of them.'" (To Thomas Leiper (Monticello, 1824). The Writings of Thomas Jefferson. Ford Edition, x, 298.)

The volume and page where these extracts from Jefferson occur are given in connection with the quotations.

Mr. POMERENE. Mr. President, I desire to continue for two or three minutes to present the gospel according to the distinguished Senator from Massachusetts [Mr. LODGE] in 1899:

Suppose we reject the treaty; what follows? Let us look at it practically. We continue the state of war, and every sensible man in the country, every business interest, desires the reestablishment of peace in law as well as in fact. At the same time we repudiate the President and his action before the whole world, and the repudiation of the President in such a matter as this is, to my mind, the humiliation of the United States in the eyes of civilized mankind and brands us as a people incapable of great affairs or of taking rank where we belong, as one of the greatest of the great world powers.

The President can not be sent back across the Atlantic in the person of his commissioners, hat in hand, to say to Spain, with bated breath, "I am here in obedience to the mandate of a minority of one-third of the Senate to tell you that we have been too victorious, and that you have yielded us too much, and that I am very sorry I took the Philippines from you." I do not think that any American President would do that, or that any American would wish him to. Still less do I think that any American would withdraw Gen. Otis and his soldiers and recall Admiral Dewey from the scene of his great victory, leaving it to be said of us that we had deserted our post without an effort to repair the ruin we had made or to save the people we had freed with—

One task more declined, one more footpath untrod,
One more devil's triumph and sorrow for angels,
One wrong more to man, one more insult to God.

* * * * * * *

I believe in the rule of the majority, because I believe that in the long run the majority is far more likely to be right than the minority, and I have no faith in Matthew Arnold's self-complacent doctrine of "the remnant." Great policies and great questions must be decided by higher standards and on grounds more relative than this. I have given a large part of my life to the study of the time when this country freed itself from England, and when this Government was established, and of the men who did the great work. No one has a greater reverence for those men and their deeds than I. Nobody loves better than I the ideals set forth in the Declaration of Independence; but my ideals do not stop there. Nor do they stop even with that greater period when the life of the Nation was at stake. I have ideals and beliefs which pertain to the living present, and a faith in the future of my country. I believe in the American people as they are to-day, and in the civilization they have created. I believe not merely in what they have done but in what they are yet to do.

* * * * * * *

I can look at this question in only one way. A great responsibility has come to us. If we are unfit for it and unequal to it, then we should shirk it and fly from it. But I believe that we are both fit and capable, and that therefore we should meet it and take it up.

Later on in the same speech he uses this language:

I want to get this country out of war and back to peace.

That is my thought.

I want to take the disposition and control of the Philippines out of the hands of the war power and place them where they belong, in the hands of the Congress and of the President. I want to enter upon a policy which shall enable us to give peace and self-government to the natives of those islands.

That is what we want to do who favor this treaty now, namely, to give peace and self-government to the nations of Europe.

The rejection of the treaty makes all these things impossible, and the delay in its ratification retards and endangers them.

These quotations are taken from a speech delivered by the Senator from Massachusetts January 24, 1899, and found in volume 32 of the CONGRESSIONAL RECORD, pages 959 and 960.

Mr. FLETCHER. Mr. President, in addition to the very interesting statement with regard to the position of the Senator from Massachusetts [Mr. LODGE] taken on the particular question then before the Senate, we have a very much later statement by the Senator which, it seems to me, is wholly in conflict with his present position. I desire to call attention to an address which he delivered in this body on December 21, 1918, a prepared address. I shall read only one or two extracts from it, but I commend it to those who have not read it as having a direct bearing on the very question now before us.

At page 760, the Senator said:

The first thing needful is to face the situation and look facts in the face. Nothing can be accomplished unless we work in complete harmony with those who are associated with us in the war against the Central Powers. I know very well that technically we had no treaty of alliance with the allies by whose side we fought, but technicalities are of no consequence in the presence of facts. No treaty of alliance could have caused a greater unity of action than was established between us and the nations with whom we joined in the war against Germany.

A little further down he says:

If these are fulfilled, then comes the practical work of making the peace effective. In other words, the terms of the peace must be carried out and executed. The United States did not enter this Great War simply to vindicate its rights at sea, which had been invaded and disregarded by the German use of submarines, although that may have been the last drop which caused the cup of wrong and outrage to overflow. It was no doubt the technical point on which relations were broken, but it was trifling compared to the really great objects with which we entered the war and which alone justified our doing so. We took up arms against Germany because we were determined not only to protect our own safety and independence against her attacks but because the people of the United States believed that if the world was to be a possible place for free, law-abiding people to live in the autocratic system and the organized barbarism of Germany must once for all be eliminated from among the nations. We went to war to save civilization. For this mighty purpose we have sacrificed thousands of American lives and spent billions of American treasure. We can not, therefore, leave the work half done. We are as much bound, not merely by interest and every consideration for a safe future but by honor and self-respect, to see that the terms of peace are carried out, as we were to fulfill our great determination that the armies of Germany should be defeated in the field. We can not halt or turn back now. We must do our share to carry out the peace as we have done our share to win the war, of which the peace is an integral part. We must do our share in the occupation of German territory which will be held as security for the indemnities to be paid by Germany. We can not escape doing our part in aiding the peoples to whom we have helped to give freedom and independence in establishing themselves with ordered governments, for in no other way can we erect the barriers which are essential to prevent another outbreak by Germany upon the world. We can not leave the Jugo-Slavs, the Czecho-Slovaks, and the Poles, the Lithuanians, and the other States which we hope to see formed and marching upon the path of progress and development unaided and alone.

These are some of the tasks which the war has brought and which peace demands. They involve no alliances. They are specific questions, the settlement of which has been imposed upon us by the war, and they all are vital to an enduring peace. They ought to make the peace of the world. And behind the work of occupation to insure the payment of indemnities, behind these new States, whose existence we have recognized and whom we have helped to call into existence, lies the great problem of Russia.

And so forth. I quote LODGE against LODGE on this question.

Mr. STERLING. Mr. President, in view of my vote on amendment No. 3, I think perhaps I should say a word in explanation of my vote on the pending amendment.

Amendment No. 3 related to boundaries alone; and I think the United States would incur neither a legal nor a moral obligation in sharing in the appointment of this commission of seven to fix the Belgian boundaries, or in having a representative to serve on the commission itself. It is purely a question of boundary; and, Mr. President, if there is a legal or moral obligation to protect and preserve that boundary in article 35 itself, and on the face of it, we shall protect ourselves against that by the important and material reservation we shall make affecting article 10 of the covenant of the league of nations.

But, Mr. President, the pending amendment is a different thing altogether. This does not relate to boundaries alone. It assumes that the allied and the associated powers may make an international arrangement which will relate not alone to boundaries, but to any other subject which may affect international relations. It is not a question alone, then, of the interests of Luxemburg and Germany, respectively, but it may become a question that affects every power in Europe. Arising as they will out of an international arrangement concerning Luxemburg, although Luxemburg is small, territorially considered, the issues may be such in any given case as to involve every nation on the Continent of Europe in controversy, and possibly in war. It may involve us, because the "international arrangements" referred to in article 40 are those to which we are to be a party.

I do not believe, Mr. President, that our country should subscribe to that portion of article 40 in which this proposed amendment occurs; so, when it comes to a vote upon amendment No. 4, I shall vote, or would vote if permitted to do so—I announced my pair a while ago—in favor of the amendment.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the committee in article 40, page 61.

Mr. FALL. Mr. President, in view of the significance of the vote which was taken a few moments ago, and which makes it evident to the people of the United States that a treaty will be framed which will suit the Senate of the United States before it is ever adopted, I shall not ask for the yeas and nays upon this amendment, nor upon the next.

Mr. WOLCOTT. I call for the yeas and nays, Mr. President.

The yeas and nays were not ordered.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the committee in article 40, page 61. [Putting the question.] The Chair is in doubt.

Mr. UNDERWOOD. I ask for a division.

Mr. HITCHCOCK. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fall	Kellogg	New
Ball	Fernald	Kendrick	Newberry
Bankhead	Fletcher	Kenyon	Norris
Beckham	France	Keyes	Nugent
Borah	Frelinghuysen	Kirby	Overman
Brandegee	Gay	Knox	Owen
Capper	Gerry	La Follette	Penrose
Chamberlain	Gronna	Lenroot	Phelan
Colt	Hale	Lodge	Phipps
Culberson	Harding	McCormick	Pittman
Cummins	Harris	McCumber	Poindexter
Curtis	Harrison	McKellar	Pomerene
Dial	Henderson	McLean	Ransdell
Dillingham	Hitchcock	McNary	Robinson
Edge	Jones, N. Mex.	Moses	Sheppard
Elkins	Jones, Wash.	Nelson	Sherman

Shields	Spencer	Trammell	Warren
Simmons	Sterling	Underwood	Watson
Smith, Ga.	Swanson	Wadsworth	Williams
Smith, Md.	Thomas	Walsh, Mass.	Wolcott
Smoot	Townsend	Walsh, Mont.	

The PRESIDENT pro tempore. Eighty-four Senators have answered to their names. There is a quorum present. The question is on the amendment proposed by the committee in article 40, page 61.

On a division, the amendment was rejected.

The next amendment was, on page 61, in article 41, line 2, to strike out the words "and associated," after the word "allied."

Mr. SMITH of Georgia addressed the Senate in continuation of his previous remarks. His speech entire is as follows:

Mr. SMITH of Georgia. Mr. President, the framers of our Constitution realized the great importance and binding effect of treaties, and provided that while they can be negotiated by the President they must be ratified by two-thirds of the Senate before they can be executed. The framers of our Constitution were unwilling that the President should execute treaties, even with the approval of a majority of the Senate.

The requirement that a treaty should receive the approval of two-thirds of the Senate was intended to guarantee this country against the execution of any treaty which had not been maturely considered and overwhelmingly approved.

The peace treaty with Germany, including, as it does, the covenant of the league of nations and a provision for the international organization of labor, is the most important that has ever been submitted to the Senate. It is probably true that this treaty, in its present shape, would be more far-reaching in its effect upon the people of the United States than any measure ever acted upon by Congress.

No higher trust is confided to a Senator than that of considering and determining how he will vote upon the question of ratifying a treaty. We may make mistakes in our own internal affairs. We can not afford to make mistakes in international affairs. We must not agree to the treaty unless we are ready to carry out in perfect good faith all its obligations. If a treaty contains doubtful provisions, they should be made clear in advance of execution. If a treaty contains provisions which we do not expect our Nation in good faith to perform, we should frankly so declare before executing the treaty.

The treaty of peace with Germany contains two distinct and separate agreements. One is the treaty of peace with Germany; the other is the covenant of the league of nations, a portion of which is found after the treaty with Germany, in part 13, headed "Labor" and called "Organization of labor."

Germany, while signing the entire instrument, is not a party to the league of nations. Germany has not been admitted to the league of nations. Germany may hereafter apply for admission, but in the meantime the league covenant expressly provides for amendments to the covenant by the other nations.

The covenant of the league, agreed upon by the five principal nations associated in war against Germany, affects them alone at present, and they control it. As it affects them alone, they can make a supplemental agreement modifying and explaining provisions of the covenant without submitting it to Germany.

I am opposed to changes in the actual treaty with Germany. These, of course, could not be made without resubmission to Germany, but I am in favor of reservations clarifying the meaning of portions of the covenant and in some instances clarifying and restricting the language of the covenant, as I construe it, in its application to the United States.

I may say here that the restriction to which I refer does not in the opinion of some seem necessary as they view the meaning of the covenant, and as I would view it were the restrictions added.

I believe that substantial modifications should be placed upon part 13 of the covenant entitled "Organization of labor," but I have not undertaken to prepare them. The Senator from Colorado intends, I understand, to present such modifications and reservations, and as he has made a special study of this part of the covenant, I shall await his suggestions.

I desire to present seven reservations to the main covenant of the league. Most of these reservations have already been presented in a somewhat different form, either by the Senator from North Dakota or by the Senator from Minnesota.

One of the reservations embodies part of a reservation from the committee, and part of a reservation on the same subject by the Senator from North Dakota. Only two of the reservations are entirely my own.

It is hardly necessary to call the attention of Senators to the fact that the treaty can not be ratified in its present form. Instead of receiving the required two-thirds vote for ratification in its present form, there seems little doubht that more nearly two-thirds of the Senate are convinced it should not be so ratified, and would vote against ratification.

I desire to see the treaty ratified, but I believe reservations should be made, and call upon all Senators wishing the treaty ratified to aid in perfecting reservations, that we may ratify the treaty as soon as possible. The Senate can adopt reservations I shall submit, without affecting the treaty with Germany, any they could be accepted by cable without again requiring a reference to the Paris council.

I know it has been urged that the entire treaty and league covenant should be ratified, and amendments and corrections be made afterwards. This would be dangerous and impracticable. To amend the treaty the representatives of the nine members of the league in the council must each consent, and a majority of the members of the league whose representatives compose the assembly must consent.

This is the mode of procedure for amendment if we wait until the matter is completely organized before modifications are made.

Such an agreement would be difficult to obtain.

We should not bind this country by doubtful language or objectionable provisions, trusting to so uncertain a means of future correction. This is the time to make clear what we mean and what we are willing to do. Great Britain and France can approve, and the reservation will be passed on practically as a supplement to the covenant.

In March, 1912, soon after I entered the Senate, a peace treaty with Great Britain was under consideration. Senator Bacon, of Georgia, the ranking Democrat upon the Committee of Foreign Relations, prepared reservations to the resolution of ratification, excepting from arbitration any question "which affects the admission of aliens into the United States, or the admission of aliens to the educational institutions of the several States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine, or other purely governmental policy."

The reservations were supported by all of the Democrats, and by a large number of Republicans in the Senate.

I had the privilege of addressing the Senate at that time in support of these reservations, and of advocating cooperation between the leading nations of the world to reduce the size of standing armies, to stop the construction of battleships, and to use their influence to adjust differences that may arise between nations and settle disputes through arbitration.

I believe earnestly in the benefits which may come from such a course of action. I hope the league of nations may be an influence to prevent war. Intensely opposed to war, I wish the league every possible success toward preserving peace, but we must not forget that a majority of the white people of the world are not and may possibly never be members of the league. Nearly half of the people of the other races are not self-governing people, but are Provinces ruled by foreign countries. Under these circumstances it would be foolish to claim that the league is a guaranty against war. It may help preserve peace, but it could not be hoped that it would help if its very provisions left a certainty of dispute among its members as to what it meant.

I shall, at a later day, discuss the reservations which I present. For the present I only wish to lay them before the Senate, with the hope that they may help bring us to an agreement on reservations that may make the ratification of the treaty possible at an early date.

I have sought in part to interpret in these reservations the views of many Senators who favor ratification of the treaty and the league and favor speedy action.

I desire now to read the proposed reservations. They are as follows:

Reservations intended to be proposed by Mr. SMITH of Georgia to the pending treaty of peace with Germany, viz:

Resolved, That the Senate advises and consents to the ratification of the treaty with Germany with the following provisos to be made a part of such ratification:

First. The United States understands and construes the words "dispute between members" and the words "disputes between parties," in article 15, to mean that a dispute with a principal member, self-governing dominion, colony, or dependency represented in the assembly is a dispute with the dominant or principal member represented therein, and with each of the other self-governing dominions, colonies, or dependencies thereof, and that the exclusion of the parties to the dispute provided in the last paragraph of said article will cover the dominant or principal member, its dominions, colonies, and dependencies.

Second. The United States understands that, as the covenant provides no tribunal to pass judgment upon the subject, whenever the two years' notice for withdrawal from the league of nations shall have been given by a member nation, as provided in article 1, the member nation shall be the sole judge whether all its international obligations and all its obligations under this covenant have been fulfilled, and notice of withdrawal by the United States can be given by a concurrent resolution of the Congress of the United States.

Third. The United States understands that the reference to the Monroe doctrine in the league covenant means that the long-established policy of the United States, commonly known as the Monroe doctrine,

is preserved unaffected by the covenant, and that no question which depends upon or involves this policy is to be submitted to arbitration or inquiry by the assembly or the council of the league.

Fourth. The United States understands that, under the league covenant, no question can be raised either in the assembly or in the council of the league which will give either body the right to report or to make any recommendation, or to take any action upon the policy of the United States or any other member nation with regard to domestic or political questions relating to its internal affairs, including immigration, coastwise traffic, the tariff, commerce, and all other purely domestic questions, but these questions, in whatever manner they may arise, are solely within the jurisdiction of each member nation, and are not by the covenant submitted in any way either to arbitration or to the consideration of the council or the assembly of the league of nations, or to the decision or recommendation of any other power, and, in the case of the United States, they are reserved for action by the Congress of the United States.

Fifth. The United States understands that the advice which may be given by the council or the assembly of the league with regard to the employment of the military or naval forces by a member nation, or with regard to the use of economic measures for the protection of any other country, whether member of the league or not, or for the purpose of coercing any other country or for the purpose of intervention in the internal conflicts or other controversies which may arise in any other country, is to be regarded only as advice, and leaves each member nation free to exercise its own judgment as to whether it is wise or practicable to act upon that advice, and that the Congress must determine for the United States its course.

The United States can not assume, under the provisions of article 10, or any other article, any obligation to preserve the territorial integrity or political independence of any other country, or to interfere, under the provisions of article 16, in controversies between other nations, whether members of the league or not.

The authority for decisions in all matters, referred to in this reservation, is placed by the Constitution of the United States upon the Congress, and the failure of the Congress to adopt the suggestions of the assembly or the council of the league of nations, or to take independent action, shall not constitute a violation of the treaty, and no mandate shall be accepted by the United States, as provided in article 22, part 1, except by action of the Congress of the United States.

Sixth. The United States understands that the representatives of the other nations upon the reparations commission will interfere with exports from the United States to Germany, or from Germany to the United States, only when the United States also approves the interference.

Seventh. The United States understands that no one may represent the United States in any of the positions created by the treaty, except when appointed by the President, with the advice and consent of the Senate, unless provision is hereafter made by the Congress for selections in a different manner, and the representative of the United States, either in the assembly or the council, shall have no authority to agree for the United States to any amendment to, or change in, the covenant of the league until the same has been first submitted to and ratified by the Senate of the United States, as other treaties.

Mr. President, as the subjects to which these reservations pertain are reached, I hope to have an opportunity of discussing somewhat elaborately the questions that are involved in each reservation.

The PRESIDENT pro tempore. The question is on the amendment proposed by the committee in article 41, page 61.

The amendment was rejected.

The SECRETARY. The next amendment is on page 77, "Government of the Territory of the Saar Basin." In subdivision 17, the last line on page 77, after the words "France or Germany" it is proposed to insert the words "or the United States of America," so that if amended, the paragraph will read:

The Governing Commission provided for by paragraph 16 shall consist of five members chosen by the Council of the League of Nations, and will include one citizen of France, one native inhabitant of the Saar Basin, not a citizen of France, and three members belonging to three countries other than France or Germany or the United States of America.

Mr. WILLIAMS. Mr. President, I call attention to the fact that wherever the United States was named in any of these commissions, the Senator from New Mexico moved to exclude it, and wherever it was not, he moved to include it.

Mr. FALL. Mr. President, the reading of this amendment, I suppose, is explanation enough to the majority of Senators. The Saar Basin matter is a very important one. The governing commission is to handle the Saar Basin for the next 15 years, and then turn it over to whomever it sees fit, irrespective of the result of a vote after that time. In other words, the league of nations, the governing commission, is not to be obligated at all by the result of a vote. Although the vote might be in favor of Germany, the commission itself, the league, exercises its discretion. The articles are very prolix and lengthy, and under the general subject cover the delivery of coal for a term of an unknown duration practically to Italy by land routes and water routes, the delivery of coal to France, the working of the mines, the governing of the people; in fact, setting up an absolute government. It is the purpose of the amendment simply to strike the United States out of the governing commission.

Mr. WILLIAMS. The purpose of the Saar Basin agreement in the treaty is to restore to France the values of which she was robbed when the Germans flooded the coal mines in northern and northwestern France. The object of the Saar Basin agreement is to give France an opportunity to keep from freezing in the winter, notwithstanding the fact that Germany voluntarily, deliberately, and with malice aforethought, flooded all the mines of northwestern France. There is no particular reason why the representative of any Government except France should have anything to do with this particular question, except that at the end of the period fixed the league of nations is to take jurisdiction; and the league of nations, in fact, does take jurisdiction even before that.

Mr. President, the most wonderful piece of deliberate atrocity ever committed in the world, almost, except atrocities where men, women, and children were slaughtered, was committed by Germany when she was retreating from the coal basin of France, and deliberately flooded the mines and deprived capital of all opportunity for dividends and labor of all opportunity for wages. When the council sitting upon this question came to it, they concluded that France had the right of reparation for that act, and the President of the United States, when it was going on, took the trouble of making himself a voluntary interferer in European affairs, as some Senators might express it, sending a message to the German Army, which Ludendorff, in his memoirs published in this morning's paper, mentions, saying that that sort of thing must stop or the allied and associated powers would demand full reparation in money for it. That is all. Any man who wants to quarrel with France about having her coal furnished her for a limited number of years, long enough to enable her to get her own mines back into working order—that is how they arrived at the period—is perfectly willing to have Germany freeze the French people to death in the winter time without one word said by all the people who fought with France and against Germany.

Mr. BORAH. Mr. President, it is almost universally understood, by those who have not had an opportunity to read the treaty and examine it in detail, that the Saar Valley provisions of the treaty provide that at the end of 15 years that territory shall be returned or shall be joined to whatever nationality or nation the people shall decide they wish to have it under. In other words, if they vote that it shall be returned to Germany, it will go to Germany; or, if they vote to ally themselves with France, the supposition is that it will go to France.

But these are not the terms or conditions of the treaty at all. The vote is at most advisory. The great objections I have to the Saar Valley proposition are, first, that it engages the United States practically to take part in a supergovernment over the Saar Valley, and, secondly, the plebiscite is really of no force or effect at all. The league of nations may determine it as they see fit, regardless of how the vote may be cast. It says that the league of nations shall decide on the sovereignty under which the territory is to be placed, taking into account the wishes of the inhabitants as expressed by the voting. In other words, the vote is simply advisory. If one will examine the terms of the treaty and then take into consideration who will constitute the council or the control of the assembly, there will be no difficulty in determining where the Saar Valley will inevitably land.

It is for that reason, Mr. President, with the other reason which I have just stated, that it necessitates the Government of the United States taking part in a governmental affair in Europe for an interminable length of time, that I shall vote in favor of the amendment. If the provisions of the treaty were such as to accomplish nothing more than that which has been suggested by the Senator from Mississippi [Mr. WILLIAMS], there could be no objection to it. No one would object to France being properly repaid for any damages which had been done during the late war, but they do not stop with that proposition at all, and it is when they get beyond that that I object to it, and therefore I shall vote for the amendment of the committee.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. The Senator from Mississippi has already spoken once, and under the agreement no one is permitted to speak more than once.

Mr. WILLIAMS. I did not speak five minutes. I am entitled to speak at least five minutes.

The PRESIDENT pro tempore. The Senator, however, can not now consume the time he omitted before.

Mr. McCORMICK. Mr. President, the Senator from Idaho in summary has expressed the opinion of many of us, but before Senators vote on this amendment I wish to recall to the Senate the secret agreement between the Imperial Russian Government and the French Government, if my memory does not fail me, during the presidency of the council of ministers of Monsieur Briand, which stipulated, in brief, that Russia should draw her western frontier where she saw fit and that France should annex Alsace and Lorraine and the Saar Basin. It stipulated further, that a neutral State should be constituted west of the Rhine. This provision, as I think may be very

easily demonstrated, is in fulfillment of that project, as the plan for the occupation of the territory west of the Rhine is in partial fulfillment of that project. If Senators doubt that statement, they may find evidence in support of it not only in the treaty, but in the debates in the French Chamber of Deputies, in which I have taken the pains to study for French opinion of the treaty. Sections in the treaty provide that the Saar Basin shall be economically united to France, that its currency shall be French, that the tariff customs shall be French; in short, that before they vote the inhabitants shall be bound to France by every economic tie. Monsieur Maurice, in the French Chamber, predicated part of his speech upon the assumption that, of course, the inhabitants of the Saar would vote to unite to France at the end of the period of occupation.

In order that the unsupported opinion of the partisans on this side of the Chamber may not stand alone, I venture to read in part the comment of the great New York World, the organ of his excellency the President and his administration:

Nothing at all has been said in the Senate about the Saar Valley arrangement, yet in comparison the Shantung provision is an act of diplomatic philanthropy. Theoretically, the Saar Valley arrangement was made to compensate France for the wanton destruction of the coal mines in the Lens district; but the French representatives were not satisfied with obtaining ton for ton of coal, or with operating the Saar mines until the Lens district could be rehabilitated. They demanded the Saar Valley itself by way of reparation, with its 500,000 German inhabitants.

President Wilson forced a compromise under which the French are to have the mines and the coal outright, the Saar Valley is to be governed by the league of nations, the question of ultimate nationality is to be left to a plebiscite at the end of 15 years, and the Germans are to have the privilege of buying back the mines with gold, provided the reparations commission leaves them any funds with which to make the purchase.

There is no more dishonest provision in the whole treaty than this for the Saar Basin. If it had been provided that the territory should be annexed outright to France; that the German inhabitants should be indemnified for their property, so they might go to Germany, that would have been an open act of annexation; that would have been candid; that could be defended. But it is not defensible to provide for annexation, disguised and glossed over by the dishonest terms of the text of the treaty.

Mr. WALSH of Montana. Mr. President, the idea has been advanced that inasmuch as Germany is not a member of the league of nations and for some time to come is not to be a member, amendments may be proposed by the Senate or reservations may be annexed without the necessity to obtain the assent of Germany to such amendments or reservations. I submitted some remarks upon this subject some days ago, and at that time promised to put in the RECORD a reference to those parts of the treaty conferring power upon the league of nations of very vital interest to Germany.

Time will not permit, under the rule under which we are now operating, to put in the entire list, but I desire to invite the attention of the Senate at this time to provisions conferring power upon the league of nations, or the council of the league, so far as the Saar Basin is concerned.

Article 48, page 67, of the treaty provides that—

A commission composed of five members, one appointed by France, one by Germany, and three by the council of the league of nations, which will select nationals of other powers, will be constituted within 15 days from the coming into force of the present treaty to trace on the spot the frontier line described above.

This commission, appointed by the council of the league of nations, defines boundaries of the Saar Basin, which is temporarily to be turned over to the league of nations as a part of the territory of Germany.

Article 49. Germany renounces in favor of the league of nations, in the capacity of trustee, the government of the territory defined above.

Accordingly, Germany is vitally concerned in the constitution of the league of nations and, of course, in the important body, the council.

At page 77, sections 16 and 17 of the annex to article 49, I read as follows:

The government of the territory of the Saar Basin shall be intrusted to a commission representing the league of nations. This commission shall sit in the territory of the Saar Basin.

Section 17 reads:

The governing commission provided for by paragraph 16 shall consist of five members chosen by the council of the league of nations, and will include one citizen of France, one native inhabitant of the Saar Basin, not a citizen of France, and three members belonging to three countries other than France or Germany.

And then:

The members of the governing commission shall be appointed for one year and may be reappointed. They can be removed by the council of the league of nations, which will provide for their replacement.

The members of the governing commission will be entitled to a salary which will be fixed by the council of the league of nations and charged on the local revenues.

Then section 18 provides that—

The chairman of the governing commission shall be appointed for one year from among the members of the commission by the council of the league of nations and may be reappointed.

That is to say, the league of nations not only appoints the commission but elects the chairman of the commission.

Section 34 of the annex concerns the plebiscite. After the Saar Basin is thus governed by the commission appointed by the league of nations for 15 years a plebiscite is to be taken which shall determine the future of that important territory. A vote is to be taken, and section 34 provides that—

All persons, without distinction of sex, more than 20 years old at the date of the voting, resident in the territory at the date of the signature of the present treaty, will have the right to vote.

Then—

The other conditions, methods, and the date of the voting shall be fixed by the council of the league of nations in such a way as to secure the freedom, secrecy, and trustworthiness of the voting.

That is to say, all the machinery, practically all the laws, under which the election is to be conducted, will be prescribed by the council of the league of nations.

Then after the vote is taken it is canvassed by the league of nations and a determination as to the future of that territory is made by the council in accordance with the provisions of section 35, as follows:

The league of nations shall decide on the sovereignty under which the territory is to be placed, taking into account the wishes of the inhabitants as expressed by the voting:

(a) If, for the whole or part of the territory, the league of nations decides in favor of the maintenance of the régime established by the present treaty and this annex, Germany hereby agrees to make such renunciation of her sovereignty in favor of the league of nations as the latter shall deem necessary. It will be the duty of the league of nations to take appropriate steps to adapt the régime definitively adopted to the permanent welfare of the territory and the general interest;

(b) If, for the whole or part of the territory, the league of nations decides in favor of union with France, Germany hereby agrees to cede to France in accordance with the decision of the league of nations all rights and title over the territory specified by the league;

(c) If, for the whole or part of the territory, the league of nations decides in favor of union with Germany, it will be the duty of the league of nations to cause the German Government to be reestablished in the government of the territory specified by the league.

Then section 36 reads:

If the league of nations decides in favor of the union of the whole or part of the territory of the Saar Basin with Germany, France's rights of ownership in the mines situated in such part of the territory will be repurchased by Germany in their entirety at a price payable in gold.

The PRESIDENT pro tempore. The time of the Senator from Montana has expired.

Mr. LENROOT. Mr. President, just a word in reply to the Senator from Montana [Mr. WALSH]. Under this treaty the league of nations is constituted by the representatives of those countries which have ratified the treaty and of such countries as shall accept the invitation to join. Therefore, when France, Japan, and England have ratified this treaty, the league of nations, I take it, comes into being. If that be not so, there can be no league of nations at all, because China has refused to ratify or become a party to it. Then, if that be true, when our deposit of ratification takes place those members who have then ratified the treaty constitute the league of nations, and they can amend the league of nations covenant in any way they see fit. If they unanimously agree that these amendments shall be adopted, then, of course, they become effective without the action of Germany.

I wish, however, to say a word, Mr. President, upon the pending amendment. I am wholly in sympathy with the criticisms which have been made concerning the provisions of this treaty relative to the Saar Basin. I think it is a sham in so far as any plebiscite or any right of self-determination is concerned; but the pending amendment does not in the least degree affect that question. If this amendment be adopted, all the evils of this part of the treaty will still remain. The final sovereignty of the Saar Basin, under this treaty, will not be determined by this commission, whether the United States be a member of it or not. That sovereignty, under the provisions of the treaty, will be determined by the league of nations. This amendment has nothing whatever to do with it. All that the amendment would do, if adopted, would be to render the United States ineligible to become a member of the commission for the government of the Saar Basin pending its final disposition.

We need adopt no amendment, Mr. President, to insure that the United States can not become a member of this commission without its consent. By reservation we can and, I hope, will provide that the United States shall accept membership upon no commission under this treaty unless Congress itself shall authorize such acceptance, so that, in so far as this commission is concerned, the United States can protect itself to the fullest extent without any amendment of the treaty. I am, therefore, opposed to the amendment.

Mr. BRANDEGEE. Mr. President, after the armistice was concluded the President appeared before Congress and declared that the objects for which we entered the war had been accomplished. Shortly afterwards the Foreign Relations Committee reported favorably Senate resolution 76. That resolution had been prepared and introduced by the junior Senator from Pennsylvania [Mr. KNOX], and it provided as follows:

Mr. BRANDEGEE proceeded to read the resolution.

The PRESIDENT pro tempore. The time of the Senator from Connecticut has expired.

Mr. BRANDEGEE. I ask that the remainder of the resolution may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution entire is as follows:

"Whereas the Congress of the United States in declaring, pursuant to its exclusive authority under the Constitution, the existence of a state of war between the United States and the Imperial German Government, solemnly affirmed that the Imperial Government has so "committed repeated acts of war against the Government and the people of the United States" that a state of war had been thrust upon them by that Government, and thereupon formally pledged the whole military and national resources of the country "to bring the conflict to a successful termination"; and

"Whereas the Senate of the United States, being a coequal part of the treaty-making power of this Government, and therefore coequally responsible for any treaty which is concluded and ratified, is deeply concerned over the draft treaty of peace negotiated at Versailles by which it is proposed to end our victorious war and is gravely impressed by the fact that its provisions appear calculated to force upon us undesirable and far-reaching covenants inimical to our free institutions under the penalty that failing to accept these we shall continue in a state of war while our cobelligerents shall be at peace and enjoying its blessings; that it is proposed to make us parties to a league of nations, under a plan as to which the people of the United States have had neither time to examine and consider nor opportunity to express regarding it a matured and deliberate judgment, whereas the treaty may be easily so drawn as to permit the making of immediate peace, leaving the question of the establishment of a league of nations for later determination; and that the treaty as drawn contains principles, guaranties, and undertakings obliterative of legitimate race and national aspirations, oppressive of weak nations and peoples, and destructive of human progress and liberty: Therefore be it

"*Resolved*, That the Senate of the United States will regard as fully adequate for our national needs and as completely responsive to the duties and obligations we owe to our cobelligerents and to humanity, a peace treaty which shall assure to the United States and its people the attainment of those ends for which we entered the war, and that it will look with disfavor upon all treaty provisions going beyond these ends.

"2. That since the people of the United States have themselves determined and provided in their Constitution the only ways in which the Constitution may be amended, and since amendment by treaty stipulation is not one of the methods which the people have so prescribed, the treaty-making power of the United States has no authority to make a treaty which in effect amends the Constitution of the United States, and the Senate of the United States can not advise and consent to any treaty provision which would have such effect, if enforced.

"3. That the Senate advises, in accordance with its constitutional right and duty, that the great paramount, if not sole duty, of the peace conference is quickly to bring all the belligerents a full and complete peace; that to this end the treaty shall be so drawn as to permit any nation to reserve without prejudice to itself for future separate and full consideration by its people the question of any league of nations, that neither such an article nor the exercise of the rights reserved thereunder, whether at the time of signature, the time of ratification, or at any other time, shall affect the substance of the obligations of Germany and its cobelligerents under the treaty, nor the validity of signature and ratification on their behalf; and that any indispensable participation by the United States in matters covered by the league covenant shall, pending the entry of the United States into the league, be accomplished through diplomatic commissions which shall be created with full power in the premises.

"4. That this resolution indicates and gives notice of the limits of the present obligations against the United States in which the Senate of the United States is now prepared to acquiesce by consenting to the ratification of a treaty embodying peace conditions that may be found otherwise acceptable to its judgment, and that the adoption by the peace conference of the foregoing reasonable limitations and positions will facilitate the early acceptance of the treaty of peace by the Senate of the United States, will in no wise interfere with the league of nations as between these countries prepared to ratify the treaty without further consideration and will afford such a manifestation of real respect for the wishes of a great people as can not fail more firmly to cement the friendship already existing between ourselves and our cobelligerents.

"5. That, finally, it shall be the declared policy of our Government, in order to meet fully and fairly our obligations to ourselves and to the world, that the freedom and peace of Europe being again threatened by any power or combination of powers, the United States will regard such a situation with grave concern as a menace to its own peace and freedom, will consult with other powers affected with a view to devising means for the removal of such menace, and will, the necessity arising in the future, carry out the same complete accord and cooperation with our chief cobelligerents for the defense of civilization."

Mr. UNDERWOOD. Mr. President, I have not said much in reference to the ratification of the treaty of peace, but I think this amendment goes to the very vitals of the situation. Lest we forget, I wish to remind Senators that France was our ally in the war with Germany. I think we should make a just peace, and we should see that justice is done our ally; but we might as well strike out of the treaty of peace the word "justice" if we propose by our action to countenance the efforts of the German Army to freeze to death the people of France. It was only a year ago that the commander of the German armies ordered the French mines flooded with water; not to stop the French Army, but, if possible, to make the French people freeze during the winter of 1918–19. Now the time has come to balance the books and do justice; and, to my mind, even and exact justice requires the people of Germany and the German nation to pay the bill as the bill is rendered.

So far as I am concerned, I feel willing to turn the Saar Basin and its coal mines over to France permanently to pay this bill; but it is left to the future to determine what shall be the result after 15 years. For 15 years, however, the coal mines of the Saar Valley are to supply the people of France in place of the French coal mines which a year ago were destroyed deliberately, without necessity, and without cause by the German armies.

What will be the effect of this amendment? It will not affect the ultimate result, because, even if we refuse to be represented on this commission and the treaty is ratified, the commission will be there, and, thank God, justice will be done to the French people. But if we vote for the pending amendment, we say that we will not be represented on this commission, and what will be the conclusion that our allies must draw? It will be that we do not approve of the justice of this treaty; that we do not approve of the proposition that the Germans must pay in full for the fuel which they took from the nation that a year ago was struggling to maintain the battle for humanity and the rights and liberty of the world.

Mr. WILLIAMS. Mr. President, will the Senator from Alabama pardon an interruption with a view of reinforcing what he has just said?

Mr. UNDERWOOD. I yield.

Mr. WILLIAMS. A few moments ago some Senator—one, at any rate, and, I think, two—said that we are turning over the Saar Basin everlastingly and indefinitely to France. Now, I wish to call attention not only to the English but to the French of this treaty. If the Senate will read Chapter III, under the head of "Plebiscite," and the same language under the head of "Consultation Populaire," which means "popular consultation," they will find this language, which is clearer in the French of the treaty than it is even in the English:

> At the termination of a period of 15 years from the coming into force of the present treaty, the population of the territory of the Saar Basin will be called upon to indicate their desires in the following manner:
>
> A vote will take place by communes or districts on the three following alternatives:

I will say that it was determined that the vote should take place by communes or districts, because it was thought that perhaps the population closest to the Rhine might want to vote to go with Germany; that the population closest to Lorraine might want to go with Lorraine, and perhaps the central population might want to be an independent country. I will read what the article says——

The PRESIDENT pro tempore. The time of the Senator from Alabama has expired.

Mr. UNDERWOOD. I am sure, Mr. President, the Senator from Mississippi has reinforced my statement.

Mr. WILLIAMS. Mr. President, I do not want to ask unanimous consent for anything, because it might delay something here. I will go on. Later on I will then bring what I want in, and I will prove beyond all peradventure and challenge that all the statements about definite and ultimate French sovereignty in the Saar Basin are absolutely false.

Mr. WADSWORTH. Mr. President, I think attention might well be called to paragraph or subdivision 19, which will be found on page 79; it has not as yet been read into the RECORD by any of the Senators who have discussed this amendment, so, as a brief introductory to my own remarks, I desire to read it:

> Within the territory of the Saar Basin the governing commission shall have all the powers of government hitherto belonging to the German Empire, Prussia, or Bavaria, including the appointment and dismissal of officials and the creation of such administrative and representative bodies as it may deem necessary.
>
> It shall have full powers to administer and operate the railways, canals, and the different public services.
>
> Its decisions shall be taken by a majority.

Mr. President, an examination of that language reveals the fact, of course, that the powers vested in this governing commission are practically without limit. There is no constitutional provision that I know of contained in this part of the treaty, or in any other part of the document, which places any restraint upon the governing commission which is to rule the Saar Basin for 15 years. I make no criticism of that; but I do believe that we should give pause to our haste and determine whether it is an entirely healthy thing for the Government of the United States—for that is what this amounts to—to endeavor to govern or take a principal share in the government of a European community for a period of 15 years.

Mr. President, "government is politics" and politics is government."

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Idaho?

Mr. WADSWORTH. I do.

Mr. BORAH. It might be for an indefinite period, might it not?

Mr. WADSWORTH. Indeed it might, as I read the language; but I do not pretend to guess what the future will bring forth under this treaty, particularly this portion of it referring to the Saar Basin.

The Senator from Alabama [Mr. UNDERWOOD] has plead for France, and the compensation to be given to France for the loss of her coal. So, also, has the Senator from Mississippi [Mr. WILLIAMS]. I make no objection whatsoever against the contention that the French people should be compensated for the terrific losses they suffered in the destruction of their coal mines in the Lens area. I make no criticism of this treaty on that ground. I hope they do get compensation; I hope the German people are made to pay; but I am not convinced that that depends upon the United States taking part in the government of a European community for 15 years.

Mr. FALL. Mr. President, will the Senator yield for just a moment?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from New Mexico?

Mr. WADSWORTH. I do.

Mr. FALL. Of course, this plea for France is very touching, and, as the Senator says, we all agree to it.

Mr. WADSWORTH. Absolutely.

Mr. FALL. At the same time, this very treaty takes away from Germany, aside from the Saar Basin coal fields, all the East Prussian coal fields and the Upper Silesian coal fields, and turns them over to other nations.

Mr. WADSWORTH. Of course, it is true that there are other provisions in this treaty affecting reparations or compensations in the matter of coal. I think, under other provisions of the treaty, Germany must deliver so many million tons of coal per year to other nations for a limited number of years.

However, as I said before, I am not criticizing the proposal that France should be compensated. I may be charged with being old-fashioned, Mr. President, but I doubt the ability of the people and Government of the United States successfully to interfere with and manage the politics of Europe. This government of the Saar Basin is going to become a political problem. I think the Europeans are competent to solve it themselves. I entertain the suspicion that our interference in some of these things has been gratuitous upon our part and not by their invitation. If I thought that our services in this regard were absolutely vital and essential in securing to France compensation for the destruction or injury of the Lens area coal mines, I would say, "Yes; I will accept that burden for the United States"; but I do not believe it is essential. I doubt if there are many people who do believe it is essential. This article seems to be a part of the scheme, a part of this new philosophy which teaches or attempts to teach the American people that for indefinite periods of time they shall take part in the political concerns of Europe; and I am opposed to that philosophy.

The PRESIDENT pro tempore. The time of the Senator from New York has expired.

Mr. SWANSON. Mr. President, if anything should develop in the future so that it would be necessary for the United States to be on this commission, this amendment excludes her absolutely, if it is adopted, from ever being permitted to be a member of the commission, because if this amendment is adopted it becomes a part of this treaty, and we have agreed to the exclusion of the United States.

There are a great many parts of this treaty that are left to commissions, and that are as absolutely necessary to be administered, because they are executory and as important as the treaty itself. All that this does is to leave it to the council, on which the United States will have a member, to determine which ones of the disinterested parties shall administer the Saar Basin and be on the commission. If the United States does not want to be on that commission, it has a member on the council, and the decision must be by a unanimous vote of the council, as I understand. Does this provide that the question shall be determined by a majority vote of the council unless otherwise provided?

Mr. FALL. The council has nothing to do with it, has it?

Mr. SWANSON. Yes; the council of the league of nations.

Mr. FALL. Very well. In the matter of all committees it is distinctly provided that the council goes by majority.

Mr. SWANSON. The council of the league of nations. Now, the United States is certainly under some obligation to the signatories to this treaty, if it makes the treaty, if it is a party to it, and makes promises that certain things shall and will be done, to see that they are done; and I can not see why the United States should be prohibited under all circumstances, and for all time to come, from being a party to seeing that this treaty is properly executed.

Mr. WILLIAMS. Mr. President, will the Senator from Virginia pardon me just a moment?

Mr. SWANSON. I will in a minute. The paragraph reads as follows:

> The governing commission provided for by paragraph 16 shall consist of five members chosen by the council of the league of nations and will include one citizen of France, one native inhabitant of the Saar Basin not a citizen of France, and three members belonging to three countries other than France or Germany.

Mr. WILLIAMS. And if the Senator will pursue it a little further——

Mr. SWANSON. Now, if this is added, it will read "or the United States of America." I have but five minutes, and the Senator can take his own time. Consequently if that is added we are excluded as much as France and Germany, and if things should develop in the future so that we wanted to be a member of that commission and it was necessary for the peace of the world, we are prohibited. I think that even if it would be wise to amend the treaty it would be unwise to amend it in this respect. I think to amend this treaty means sending it back to the peace conference to be negotiated again, which means long delay, and nobody can tell what would come out of the peace conference if it were sent back. Consequently I am opposed to all these amendments.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the committee.

Mr. FALL. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FERNALD (when his name was called). Making the same announcement as before, I transfer my pair to the junior Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. MYERS (when his name was called). On this vote I have a pair with the senior Senator from Missouri [Mr. REED]. I transfer my pair to the junior Senator from Utah [Mr. KING] and vote "nay."

Mr. DIAL (when the name of Mr. SMITH of South Carolina was called). I desire to announce that the senior Senator from South Carolina [Mr. SMITH] is detained from the Senate on account of illness. He has a general pair with the Senator from South Dakota [Mr. STERLING], which I will ask to have transferred to the senior Senator from West Virginia [Mr. SUTHERLAND]. If my colleague were here, he would vote "nay."

Mr. STERLING (when his name was called). The junior Senator from South Carolina [Mr. DIAL] has announced the transfer of the pair of the senior Senator from South Carolina

[Mr. SMITH] to the senior Senator from West Virginia [Mr. SUTHERLAND]. That leaves me free to vote, and I vote "nay."

The roll call was concluded.

Mr. SWANSON. I desire to announce that my colleague [Mr. MARTIN] is detained from the city on account of illness. He has a pair with the junior Senator from California [Mr. JOHNSON]. If my colleague were present and could vote, he would vote "nay." I desire that this announcement stand for the day.

Mr. BECKHAM. I transfer my pair with the senior Senator from West Virginia [Mr. SUTHERLAND] to the senior Senator from South Carolina [Mr. SMITH] and vote "nay."

The result was announced—yeas 31, nays 56, as follows:

YEAS—31.

Ball	Fernald	Lodge	Phipps
Borah	France	McCormick	Poindexter
Brandegee	Frelinghuysen	McLean	Sherman
Calder	Gronna	Moses	Thomas
Curtis	Harding	New	Wadsworth
Dillingham	Jones, Wash.	Newberry	Warren
Elkins	Knox	Norris	Watson
Fall	La Follette	Penrose	

NAYS—56.

Ashurst	Harris	Myers	Smith, Ga.
Bankhead	Harrison	Nelson	Smith, Md.
Beckham	Henderson	Nugent	Smoot
Capper	Hitchcock	Overman	Spencer
Chamberlain	Jones, N. Mex.	Owen	Stanley
Colt	Kellogg	Phelan	Sterling
Culberson	Kendrick	Pittman	Swanson
Cummins	Kenyon	Pomerene	Townsend
Dial	Keyes	Ransdell	Trammell
Edge	Kirby	Robinson	Underwood
Fletcher	Lenroot	Sheppard	Walsh, Mass.
Gay	McCumber	Shields	Walsh, Mont.
Gerry	McKellar	Simmons	Williams
Hale	McNary	Smith, Ariz.	Wolcott

NOT VOTING—9.

Gore	King	Page	Smith, S. C.
Johnson, Calif.	Martin	Reed	Sutherland
Johnson, S. Dak.			

So the amendment was rejected.

Mr. GORE subsequently said: Mr. President, I wish to say that when the bell rang for the vote which was just taken on the Saar Valley amendment I made haste to reach the Chamber. I reached the Chamber just a moment too late to vote on that call. I desired to vote for the Saar Valley amendment. I was under the impression, when the previous vote was taken this afternoon, that that particular amendment was involved in the vote. I understood that a number of amendments were being voted on en bloc at that time, as has just been done. I learned afterwards of my misapprehension. This misapprehension was due to the fact that I have not been able to be in constant attendance in the Senate.

Mr. President, I merely add that I hesitate to obligate ourselves or to have the United States assume an obligation to send our boys to the Saar Valley or elsewhere to do police duty for the next 15 or 20 years to come.

I desire, as far as possible and as fast as possible, to have the United States withdraw from European politics and European quarrels. If they desire to try the experiment, I see no reason at this time why Great Britain, France, Italy, and the other European allies should not establish a Monroe doctrine with respect to Europe as the United States has established the Monroe doctrine with respect to the Americas. My only purpose is to diminish the dangers and possibilities of war and multiply and strengthen the guaranties of peace.

I should like to have this statement follow the roll call, if there is no objection.

The SECRETARY. The next amendment of the committee is, on page 103, in article 65, after the word "allied" to strike out the words "and associated."

Mr. WALSH of Montana. Mr. President, I was calling attention to those provisions of the treaty giving the league of nations powers over the Saar Basin. We have come to the plebiscite, section 36. It reads:

If the league of nations decides in favor of the union of the whole or part of the territory of the Saar Basin with Germany, France's rights of ownership in the mines situated in such part of the territory will be repurchased by Germany in their entirety at a price payable in gold.

37.

If, in consequence of the repurchase provided for in paragraph 36, the ownership of the mines or any part of them is transferred to Germany, the French State and French nationals shall have the right to purchase such amount of coal of the Saar Basin as their industrial and domestic needs are found at that time to require. An equitable arrangement regarding amounts of coal, duration of contract, and prices will be fixed in due time by the council of the league of nations.

38.

It is understood that France and Germany may, by special agreements concluded before the time fixed for the payment of the price for the repurchase of the mines, modify the provisions of paragraphs 36 and 37.

39.

The council of the league of nations shall make such provisions as may be necessary for the establishment of the régime which is to take effect after the decisions of the league of nations mentioned in paragraph 35 have become operative, including an equitable apportionment of any obligations of the Government of the territory of the Saar Basin arising from loans raised by the commission or from other causes.

From the coming into force of the new régime, the powers of the governing commission will terminate, except in the case provided for in paragraph 35 (*a*).

40.

In all matters dealt with in the present annex, the decisions of the council of the league of nations will be taken by a majority.

In view of these provisions, which I will supplement later by other provisions, I can not understand how it can be asserted that Germany, even though she is not a member of the league, is not vitally concerned in every provision of the treaty in relation to the league of nations.

Just a word further on another subject, Mr. President. I was deeply interested in the criticisms of the provision of the treaty now under consideration, because when that particular part of the treaty was under consideration at the conference at Versailles I listened to the most terrific arraignment of the President of the United States because he endeavored in the negotiations to temper in some degree the demands of France with reference to that particular territory. It was rather vulgarly but emphatically expressed by the gentleman who was conversing with me by saying, "What business has the President of the United States to stick his nose into that business?" Now the complaint is made that he was not able to succeed as well as he ought to have succeeded in reference to this feature of the treaty. In other words, he was condemned because he tried to temper them, and now he is condemned because they were too severe.

Mr. WILLIAMS. Mr. President, before the last vote was taken I attempted to gain a hearing. I was following House rules; and I thought that if one had five minutes to talk, and took two minutes at one time, he could have the remaining three later on. The Chair ruled against me, and I think the Chair was right, under the wording of the rule.

So many misunderstandings, or misinterpretations, or misrepresentations, whichever they may be, have taken place in connection with the Saar Basin provision in the treaty, that I want to put in the RECORD just the bare words of the treaty itself. That is all I want. This is what it says under the head of "Plebiscite," chapter 3, page 87:

At the termination of a period of 15 years from the coming into force of the present treaty, the population of the territory of the Saar Basin will be called upon to indicate their desires in the following manner:

A vote will take place by communes or districts on the three following alternatives.

I want to call attention, Mr. President, to the fact that it is not only the vote of the entire country, but a vote by districts and communes, so that if there be communes up close to Lorraine that want to go to France, and communes down by the Rhine that want to go to Germany, and communes in the center that want to be independent, each one can express its own opinion and have its destiny determined by itself. This continues:

A vote will take place by communes or districts on the three following alternatives: (a) Maintenance of the régime established by the present treaty and by this annex; (b) union with France; (c) union with Germany.

Gentlemen are quarreling because our ally, France, got too much out of this. If I have any quarrel with it, it is because Germany is getting too much.

The Senator from New Mexico has just denied that the council had anything to do with it. Those are the plain words of the treaty. I continue the reading:

All persons without distinction of sex, more than 20 years old at the date of the voting, resident in the territory at the date of signature of the present treaty, will have the right to vote.

The other conditions, methods, and the date of the voting shall be fixed by the council of the league of nations in such a way as to secure the freedom, secrecy, and trustworthiness of the voting.

Even the female inhabitants of the district and the communes can vote.

I continue reading article 35:

The league of nations shall decide upon the sovereignty under which the territory is to be placed, taking into account the wishes of the inhabitants as expressed by the voting.

I remember that in committee the distinguished Senator from Pennsylvania [Mr. KNOX] had some doubt about the meaning of that, but after my explaining it he agreed with me. Then the treaty provides (a), (b), and (c), part of it is to remain as it is, if so determined; part of it is to go to France, if so determined

by vote; and a part or all to Germany, if so determined, and I will read (c).

If for the whole or part of the territory the league of nations decides in favor of union with Germany—

After taking into account the wishes of the inhabitants, as expressed by the voting of the people, males and females over 20 years of age voting—

it will be the duty of the league of nations to cause the German Government to be reestablished in the government of the territory specified by the league.

That is more than anybody ever did in a forced treaty for an enemy since the world began. This treaty differs from all other treaties in that respect; it carries justice even to the enemy. I continue to read:

36.

If the league of nations decides in favor of the union of the whole or part of the territory of the Saar Basin with Germany, France's rights of ownership in the mines situated in such part of the territory will be repurchased by Germany in their entirety at a price payable in gold. The price to be paid will be fixed by three experts, one nominated by Germany, one by France, and one, who shall be neither a Frenchman nor a German, by the council of the league of nations; the decision of the experts will be given by a majority.

How could anybody have made innocently such a misrepresentation as to what these provisions plainly contain after reading the plain language?

Mr. BORAH. I send to the desk, Mr. President, a letter, and ask that it may be read.

The PRESIDENT pro tempore. The Secretary will read.

The Secretary read as follows:

THE SECRETARY OF THE NAVY,
Washington, October 1, 1919.

DEAR SENATOR: In its issue of September 30, the CONGRESSIONAL RECORD publishes a speech made by you in that body on September 29, from which I take the following extract:

"Sir, it is reported that upon the 26th day of February, 1919, the Secretary of the Navy declared before the Press Club in Washington: 'The constitution of the league of nations will be remembered long after the Declaration of Independence and the Constitution of the United States are forgotten.'"

I never made such a statement at the Press Club in Washington or anywhere else. I do not entertain such opinion and never gave expression to such a view. Inasmuch as you have been misled by an incorrect report, for you say "it is reported," I am sure you will wish to have this denial printed in the CONGRESSIONAL RECORD as a matter of simple justice.

Sincerely, yours,

JOSEPHUS DANIELS.

Hon. WILLIAM E. BORAH,
United States Senate, Washington, D. C.

Mr. BORAH. Mr. President, I am very glad, of course, to have the letter inserted in the RECORD. I desire to say, however, in justification of the statement which I made, that the evidence seems to be ample that there was a complete misunderstanding upon the part of those who were present that night as to what the Secretary said, if the Secretary is now correct in his memory. I have before me, Mr. President, a copy of the special dispatch from Washington to the New York Times of February 25, 1919, which reads as follows:

[New York Times, Feb. 26, 1919, Washington dispatch of Feb. 25, 1919.]

In a speech at the National Press Club to-night Josephus Daniels, Secretary of the Navy, only a few hours after he had attended a Cabinet meeting, said that President Wilson had returned from Europe bringing with him the first draft of a document—the charter of the proposed league of nations—which would live longer than the Declaration of Independence and the Constitution of the United States, because the league of nations, he added, "means for the whole world what these documents have meant for America."

Since the Secretary sent me the letter I have conversed with several parties who were present at the meeting that night, and they all understood the speech of the Secretary to be as I have quoted it.

I also have a letter addressed to me by a business man in Washington, under date of February 26, 1919, whose business place is in the Munsey Building. I do not put his name in the RECORD because I have not been able to get in touch with him to obtain his consent, but I feel free to furnish it to the Secretary of the Navy in a confidential way. His letter is as follows:

Hon. WILLIAM E. BORAH,
United States Senate, Washington, D. C.

DEAR SENATOR BORAH: At the National Press Club last evening, Secretary Josephus Daniels made a speech in which he included an appeal for support for the league of nations. He came to the club fresh from his attendance at the Cabinet meeting at the White House, where, presumably, he had been duly inspired by the atmosphere of "internationalism" which prevails there. In his speech Secretary Daniels said:

"The constitution of the league of nations will be remembered long after the Declaration of Independence and the United States Constitution are forgotten."

I do not know of any statement which has been made, of equal brevity, which so well sustains the position which you have taken on this vital matter.

You can secure confirmation of the above from any of those who were present at the club last evening. For your further information, I would say that the Secretary was speaking at that moment along the lines of the statement in the President's recent speech about the isolation which would be the lot of those who opposed the league of nations. The Secretary spoke of the oblivion suffered by those who opposed the adoption of the Constitution of the United States. Then, in an outburst of eloquence, he uttered the sentence which I have quoted literally above.

Confidentially, yours,

_____.

The letter is signed by the individual whose name, I say, I do not give for the reason that I have not perhaps the right, although I will assume the right to give it to the Secretary for his personal use in case he desires to see it.

I desire to say, too, in further justification of my statement, that I believe that the Secretary of the Navy will find that this quotation was carried by the press generally throughout the country. I saw it in several newspapers, and did not suppose there was any doubt as to the correctness of the statement.

Mr. HITCHCOCK. Mr. President, I desire to inquire of the Senator from New Mexico [Mr. FALL] whether it will be possible to secure unanimous consent for the consideration of some of these amendments en bloc. I will state that I have been discussing the matter with him to some extent and I think it may be possible to reach some agreement which will greatly shorten this proceeding.

Mr. FALL. Mr. President, I will say frankly that I have no desire for a yea-and-nay vote upon the various amendments which are pending, and am satisfied that the vote might as well be taken en bloc, though possibly it might be well to state what the amendments are.

Mr. HITCHCOCK. I will read the numbers slowly so that the Secretary can take them down: Nos. 7, 8, 10, 13, 14, 15, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, and 38.

Mr. FALL. It will be very satisfactory to me to have a viva voce vote taken on these amendments.

Mr. WILLIAMS. I should like to ask a question for information. Are the amendments that have just been designated those in which the words "and associated" are stricken out?

Mr. FALL. Yes; they are the amendments in which those words are asked to be stricken out, but they are not all the amendments in which the words "and associated" appear.

Mr. WILLIAMS. They are a part of those?

Mr. FALL. Yes.

Mr. ROBINSON. May I inquire what amendments that would leave undisposed of of the Fall amendments?

Mr. HITCHCOCK. That would leave undisposed of Nos. 9, 11, 12, 16, 17, 23, and 45, and on some of those the Senator from New Mexico [Mr. FALL] desires a yea-and-nay vote.

Mr. FALL. On at least one of them I would ask a yea-and-nay vote, but as to the desire of other Senators, of course, I can not speak.

Mr. HITCHCOCK. Then, I ask unanimous consent that the amendments, the numbers of which I have read from 7 to 38, may be considered en bloc and that a vote be taken on them viva voce.

Mr. FALL. I suppose it is satisfactory to the Senate to vote on them by number without knowing what they are.

The PRESIDENT pro tempore. Unanimous consent is asked that the amendments which were designated by the Senator from Nebraska may be voted on en bloc and disposed of by a viva voce vote.

Mr. McCORMICK. Mr. President, I only want to be perfectly clear that one of the amendments, touching the provisions dealing with the Polish or Czecho-Slovak treaty, relative to the rights of linguistic and racial minorities, shall be reserved for a roll call.

Mr. FALL. Neither of those amendments, I will say to the Senator from Illinois, is included in the list indicated by the Senator from Nebraska. The amendments referring to the Czecho-Slovak treaty and the Polish treaty are Nos. 9 and 16, respectively.

Mr. JONES of Washington. May I ask if they refer to the amendment on page 129, under paragraph numbered 2 of the annex, with reference to plebiscite, area, and international government? I have not the treaty before me showing the numbers, and that is the reason why I make the inquiry.

The PRESIDENT pro tempore. The Secretary advises the Chair that the amendment suggested by the Senator from Washington is excepted and will be voted on separately.

Mr. JONES of Washington. Very well.

The PRESIDENT pro tempore. Is there objection to the agreement proposed by the Senator from Nebraska [Mr. HITCHCOCK]? The Chair hears none and it is so ordered. The question is upon agreeing to the amendments named by the Senator from Nebraska, voting on them en bloc.

The amendments were rejected.

The PRESIDENT pro tempore. The Secretary will state the next amendment reported by the committee.

The SECRETARY. On page 123, amendment No. 9, in article 86. The article reads:

The Czecho-Slovak State accepts and agrees to embody in a treaty with the principal allied and associated powers, etc.

After the word "allied," in line 2, it is proposed to strike out the words "and associated."

Mr. FALL. Mr. President, this article is one of those touching the constitution of the Czecho-Slovak State which is being created or organized from territory belonging to several other powers. The inhabitants, of course, represent various races and as many languages and as many religions. It is proposed in the treaty with Germany, to which the Czecho-Slovak State is made a party, that a treaty shall hereafter be made between the principal allied and associated powers by the terms of which Czechoslovakia shall agree "to protect the interests of inhabitants of that State who differ from the majority of the population in race, language or religion."

Czechoslovakia, of course, may be compelled to accept this provision. Poland may be compelled to accept a similar provision under article 93. Amendment No. 16 refers to a similar proposition concerning Poland. At least one of the Allies, Roumania, who took a portion of the territory which is now taken by force of arms or by agreement of written word, to which the United States signs its name, has refused to adopt a similar provision in a treaty submitted to her. Roumania has insisted that if such provision should be written into the constitution of nations or in the treaties between them, it should be a general provision.

Roumania has distinctly stated that she would not submit to have the principal allied and associated powers force upon her a treaty of this kind when they themselves did not adopt similar provisions. Some of her great statesmen have instanced the fact that in the United States of America we have various races and religions. Some of them have referred to the fact that we have some 13,000,000 citizens of African descent in this country, and some of the statesmen of these foreign countries have insisted that before these smaller nations should be compelled by the power of the allied and associated nations to agree to a provision of this kind the five allied and associated nations should obligate themselves to a similar provision and set the example.

As I have said, one at least of our gallant allies, who suffered as much as any country has possibly suffered during this great war, Roumania, has refused to agree to such a provision in the treaty proposed with her. I do not believe that it is the business of the United States of America, nor do I believe the people will ever consent to make it their business in the event of a violation of the terms of the proposed treaty containing these provisions, made under force of arms or under duress or under bribery by Czechoslovakia or by Poland, nor will the people of the United States ever allow their Congress, if it becomes a question of the permission of Congress, to draft their men and send them across the borders to protect the racial minority or those of different language or different religion within the Czecho-Slovak State.

I believe it is useless, I believe it is futile, and I most thoroughly sympathize with the objection made by these smaller nations that if the principal allied and associated powers, the United States of America being one, compel them to adopt these provisions, they should themselves adopt them. For these reasons I moved in committee to strike out the words "and associated"—that is, the United States—from the provisions of this article, and the committee adopted the amendment.

Mr. President, there is another motive which influences me. The demands that are now made by Roumania will be made just so surely as you ever constitute a council of the league of nations or an assembly of the league of nations; and aligned then against the United States, for the purpose of compelling the United States to adopt a similar provision in our Constitution and in our laws, you will find the colored nations of the earth.

The PRESIDENT pro tempore. The time of the Senator from New Mexico has expired.

Mr. WALSH of Montana. Mr. President, I concede that there is a slight difference between the case of Roumania and either Poland or Czechoslovakia. Roumania existed as an independent nation prior to the time when this treaty was negotiated. We are constituting these new nations; and I desire to inquire of the Senator from New Mexico—he may answer the question in my time—whether or not he would like to see this arrangement entered into between these new and yet unstable countries and any of the nations of Europe; in other words, whether he would like to see any kind of a guaranty that these new and unstable countries will accord religious freedom, for instance, to all the people within their boundaries? If the Senator would like to see some guaranty of that kind as between Czechoslovakia, Great Britain, and France, why should he hesitate about our assuming whatever responsibility the other countries may assume with respect to that matter?

Mr. FALL. Mr. President, the Senator from Montana has asked me to reply in his time, and therefore I am not violating the rules, I presume, in undertaking to reply to the question. If the Senator remains upon his feet, I suppose I can not be taken from mine.

Mr. President, of course I want religious freedom all over the earth; I want racial freedom all over the earth; and yet I am not one who goes so far as some others in the demand for racial equality. I do not know how far the Senator from Montana goes in that regard.

I want language protected all over the earth; and yet I want the English language and no other language spoken in the United States and no other language to be the language of the people. Does the Senator from Montana agree with me on that?

Mr. WALSH of Montana. That is quite apart from my question. My question is, Whether or not the Senator from New Mexico would like to have guaranties of any kind given to any country?

Mr. FALL. No. The Senator from Montana asked me specific questions, and I am answering the specific questions. I think that it is no part of the duty of the United States to say that the Serbian language shall not be spoken in some portion of Roumania, or that any other language shall not be spoken in some portion of Roumania. I do not think it is any part of the business of the United States to say, "If you do not allow perfect freedom of language within some part of Roumania or Czechoslovakia, the United States will see that you do do it, because we have written it into a treaty for you."

Mr. WALSH of Montana. The Senator has not yet answered whether he would like to have guaranties as between Czechoslovakia and any other country.

Mr. FALL. No; not with the United States obligated to carry them out.

Mr. WALSH of Montana. Leave the United States out of the question. Would the Senator like to see guaranties between Czechoslovakia and any other country?

Mr. FALL. Guaranties of what? Does the Senator mean of racial equality?

Mr. WALSH of Montana. Of racial and religious freedom.

Mr. FALL. No.

Mr. WALSH of Montana. Very well. The Senator from New Mexico, then, as I understand him, is perfectly willing to intrust such matters to the unrestrained discretion of the new States?

Mr. FALL. If I were not, I would place them under article 23 or under article 19 of the league of nations as powers over which the league of nations should exercise a mandate. I would not provide by treaty the specific provisions which they should write into their constitutions. I would leave them under the great league of nations which it is proposed shall regulate the world.

Mr. WALSH of Montana. I merely desire to say that in a number of treaties which we have negotiated with other countries, adding territory to our own domain, we have stipulated that we would give certain rights and privileges to the people within such territory.

Mr. FALL. Certainly, Mr. President. When we acquired from France the Louisiana Purchase, when we acquired from Spain East and West Florida and New Mexico, Arizona, California, and Texas, we promised the utmost freedom to citizens of Spanish descent remaining within our boundaries. We bound ourselves, and we have kept our promises.

Mr. WALSH of Montana. But we did promise them religious freedom, did we not?

Mr. FALL. Yes, sir; we promised them religious freedom and we also demanded it of Mexico; but you have sat still and allowed Mexico to adopt a constitution under which she denounces religious freedom and denounces her treaty with us; and yet you have recognized her.

The PRESIDENT pro tempore. The question is on the amendment reported by the committee.

Mr. FALL. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I have a pair with the senior Senator from Texas [Mr. CULBERSON]. Were he present I should vote "yea" and he would vote "nay."

Mr. FERNALD (when his name was called). Making the same announcement as heretofore, I transfer my pair to the junior Senator from Vermont [Mr. PAGE] and vote "yea."

Mr. MYERS (when his name was called). I announce the same pair and the same transfer that I have heretofore announced to-day and vote "nay."

Mr. DIAL (when the name of Mr. SMITH of South Carolina was called). I desire to make the same announcement concerning my colleague, the senior Senator from South Carolina [Mr. SMITH], that I made on a former roll call. I ask that the announcement stand for the day.

Mr. STERLING (when his name was called). In the absence of my pair I withhold my vote on this amendment. If at liberty to vote, I should vote "yea."

Mr. THOMAS (when his name was called). Owing to the absence of my pair, I withhold my vote.

The roll call was concluded.

Mr. CURTIS. I wish to announce that the Senator from California [Mr. JOHNSON] is paired with the Senator from Virginia [Mr. MARTIN].

Mr. BECKHAM. I have a general pair with the Senator from West Virginia [Mr. SUTHERLAND]. In his absence I withhold my vote. If permitted to vote, I should vote "nay."

Mr. GRONNA (after having voted in the affirmative). I desire to withdraw my vote, as I am paired with my colleague [Mr. MCCUMBER], who is necessarily absent from the Chamber. If my colleague were present, he would vote "nay."

Mr. THOMAS. In view of the announcement of the Senator from North Dakota [Mr. GRONNA] as to the action of his colleague I vote "nay."

Mr. BECKHAM. I transfer my pair with the Senator from West Virginia [Mr. SUTHERLAND] to the junior Senator from Kentucky [Mr. STANLEY] and vote "nay."

Mr. CURTIS. I transfer my pair with the senior Senator from Texas [Mr. CULBERSON] to the senior Senator from Illinois [Mr. SHERMAN] and vote "yea."

The result was announced—yeas 28, nays 53—as follows:

YEAS—28.

Ball	Fall	La Follette	Norris
Borah	Fernald	Lodge	Penrose
Brandegee	France	McCormick	Phipps
Calder	Frelinghuysen	McLean	Poindexter
Curtis	Harding	Moses	Wadsworth
Dillingham	Jones, Wash.	New	Warren
Elkins	Knox	Newberry	Watson

NAYS—53.

Ashurst	Harrison	Nugent	Smoot
Bankhead	Henderson	Overman	Spencer
Beckham	Hitchcock	Owen	Swanson
Capper	Jones, N. Mex.	Phelan	Thomas
Chamberlain	Kellogg	Pittman	Townsend
Colt	Kendrick	Pomerene	Trammell
Cummins	Kenyon	Ransdell	Underwood
Dial	Keyes	Robinson	Walsh, Mass.
Edge	Kirby	Sheppard	Walsh, Mont.
Fletcher	Lenroot	Shields	Williams
Gay	McKellar	Simmons	Wolcott
Gerry	McNary	Smith, Ariz.	
Hale	Myers	Smith, Ga.	
Harris	Nelson	Smith, Md.	

NOT VOTING—15.

Culberson	Johnson, S. Dak.	Page	Stanley
Gore	King	Reed	Sterling
Gronna	McCumber	Sherman	Sutherland
Johnson, Calif.	Martin	Smith, S. C.	

So the amendment was rejected.

The SECRETARY. Amendments Nos. 11 and 12, reserved, will be found on page 129, in the same paragraph, subdivision 2, of the annex to article 88.

On line 3 of subdivision 2, the committee proposes to strike out the words "the United States of America," and the comma following; and, on the next line, after the word "Allied," it proposes to strike out the words "and Associated."

Mr. FALL. Mr. President, under the consent agreement entered into a few moments ago, six amendments, included in which were the two now before the Senate, were reserved for a possible yea-and-nay vote.

I desire to say now that amendment 16 covers the provisions of a treaty with Poland similar to that which was voted on under amendment 9, with reference to Czechoslovakia, so that I shall not ask for a yea-and-nay vote upon amendment 16. I shall not ask for a yea-and-nay vote on amendment 17 and amendment 23. One relates to a plebiscite and governing commission in East Prussia, and the other relates to the same character of a government in Rosenberg and Marienburg, and certain other burgs or territories, unknown, I may say, to myself. In the case of the amendments before the Senate—that is, 11 and 12—which relate to the governing commission for the territory known as Upper Silesia, one roll call is sufficient to cover both of the amendments. The first amendment simply provides that the international commission for Upper Silesia shall not be constituted with one representative from the United States of America. I am going to read the provision to which amendment 12 applies:

It—

Referring to this district—

shall be occupied by troops belonging to the Allied and Associated Powers, and the German Government undertakes to give facilities for the transference of these troops to Upper Silesia.

Mr. FRELINGHUYSEN. Mr. President, will the Senator submit to a question?

The PRESIDENT pro tempore. Does the Senator from New Mexico yield to the Senator from New Jersey?

Mr. FALL. I yield.

Mr. FRELINGHUYSEN. Was any information placed before the Foreign Relations Committee as to the number of troops that would be required to police this district?

Mr. FALL. None whatever.

Mr. FRELINGHUYSEN. How long is it expected that the troops will have to remain there?

Mr. FALL. At least 18 months, and then for an indefinite length of time; that is, until, in the opinion of the governing commission, Poland and Prussia are so quiet that the necessity for troops no longer exists. Otherwise it is indefinite.

Mr. LODGE. Is this where the two regiments have just been sent?

Mr. FALL. It is.

Mr. LODGE. We have just sent two regiments to Upper Silesia.

Mr. FALL. Already, preceded by Hilaire's army, which, however, has gone over into Poland, and is holding down Poland while Poland is acquiring certain oil and coal lands from Ukrainia. The Senator from Pennsylvania [Mr. PENROSE] asks who is holding down Ukrainia. I do not know. It is rather mixed up; but Hilaire's army is holding down Poland while the Polish Army is occupied in getting a portion of Ukrainia, so that our troops are engaged in very beneficial work, I suppose. It is not necessary to comment.

This commission has unlimited governmental powers. The district is at the present time in confusion. There have been conflicts between Germans and Poles—whether between the armies of the respective governments or not is doubtful, but certainly between the citizens of the two countries—respecting the coal mines in particular, which have long been producing very large amounts of coal for the use of Prussia. Conflicts are going on now, just as they are going on in the great free city of Danzig, which the Senate will not want to vote on, I presume, by a separate yea-and-nay vote; but this is one of the questions upon which we should have the yeas and nays. We should have an expression of sentiment, it seems to me, by each of the Senators as to whether he proposes to vote for the adoption of a treaty under the terms of which we not only will maintain a governing commission in Upper Silesia, but under the terms of which the direct provision is that we shall furnish troops to occupy that area.

Mr. POINDEXTER. Mr. President, as has been stated by the Senator from New Mexico, this section of the treaty provides expressly that the United States shall occupy certain portions of the territory of Upper Silesia by American troops.

The result of a policy of the kind that is provided for in this section of the treaty—the interposition of the military forces of the United States in the interior of Europe for the purpose of enforcing by military action the obligations assumed by the United States—is illustrated by an incident that occurred in Siberia a few days ago, where we have troops of the United States. One of the inevitable characteristics of the administration of such duties as are provided by this section of the treaty is that we have a comparatively small number of troops. We have duties, and we have troops for the purpose of enforcing them by military action, and it may be assumed that the number of troops we will have in Upper Silesia will not be sufficient to protect themselves against the possible and very probable antagonism that the decision of disputed questions between hostile factions and races will undoubtedly create. They are going into a fight without the possibility of being able to see it through with dignity and honor either to themselves or to the Nation which they represent.

We have a few thousand men in Siberia for the purpose of enforcing our obligations there, and in the few moments that I have at my disposal I want to read an incident which occurred, which is very likely to be repeated at any one of these various places in Europe where we are assuming obligations and proposing to send troops, either under the express provisions of the treaty, as in this case, or under the necessary implications of the treaty where it is not expressly provided for.

A press dispatch from Vladivostok, dated Friday, September 19, states as follows:

ARRESTED BY COSSACKS.

The two Americans, in uniform and on official business, went to Iman, a town 170 miles north of this city, on the section of the railroad guarded by Chinese troops, passports being unnecessary, by agreement between the Allies. While they were at a hotel there a detachment of Cossacks entered and arrested the Americans, claiming they were not provided with identification papers. Capt. Johns managed to escape, and, catching a moving train, went to Spasske, where he reported to the American officer in command. A detachment of 150 Americans from the Twenty-seventh Regiment at once entrained and went to Iman to effect Sperling's release, and on arriving there took three Cossacks as hostages.

JAPANESE DEFENDS COSSACKS.

They found Gen. Kalmikoff's men intrenched near the station and were prepared to use force against them when a Japanese major interceded for the Cossacks, stating, it is alleged, that in the event of hostilities between the Americans and Cossacks the Japanese troops at Iman would side with the latter.

* * * * * * *

AMERICAN FLOGGED.

A preliminary investigation of the incident shows, it is said, that Sperling was flogged, a punishment that is usually meted out to a recalcitrant Cossack.

The parties referred to were Capt. L. P. Johns, an officer of the American Army in Siberia, and Corpl. Sperling, a noncommissioned officer of the American forces, who were engaged in an attempt to perform these duties in a country with which we are at peace, supported by an insignificant force which is perfectly helpless there in case antagonisms are created. Under those circumstances this indignity to the uniform of the United States and to the people of the United States was perpetrated, and the United States is helpless to vindicate its honor. It is the inevitable result of this sort of inefficient meddling with governmental business in distant parts of the world which the Senator from New Mexico seeks to relieve us of in this series of amendments.

The five principal allied and associated powers were to settle the Dalmation boundary; and the result of the performance of that duty on the part of the principal allied and associated powers was that Japan, one of the principal allied powers, went home, and has paid no attention whatever to it. I do not blame Japan for doing so.

The PRESIDENT pro tempore. The time of the Senator from Washington has expired.

Mr. LENROOT. Mr. President, I am not in favor of the United States assuming any obligation to send or maintain troops anywhere. I am not in favor of the United States assuming the obligation that is involved in this article that is proposed to be amended. But, Mr. President, it is no more necessary to amend this article to relieve the United States from that obligation than it is necessary to amend article 10 of the covenant of the league of nations, and there is no proposal to amend article 10. It is proposed to relieve the United States from the obligation imposed by article 10 by reservation, and the United States can be just as readily relieved of the obligation under this article as it can be relieved of the obligation under article 10.

I shall not vote for the treaty at all, Mr. President, unless the United States is relieved of the obligation to employ the military and naval forces of the United States for any purpose, and that includes this purpose, and a reservation of that kind will fully protect and relieve us of the obligation that is imposed under this article. It is plain to everybody, I think, that this treaty can not be ratified unless a reservation is adopted that will relieve the United States of just such obligations as this, but it is not necessary, Mr. President, to amend the treaty and send it back to the peace conference to accomplish that object.

Because that object can be fully accomplished by a reservation instead of an amendment, I am opposed to this amendment, but shall favor a reservation that will fully relieve the United States of the obligation imposed by this article.

Mr. FRELINGHUYSEN. Mr. President, I should like to get the Senator's opinion on the clause in the annex which reads:

It shall be within the competence of the commission to interpret the powers hereby conferred upon it and to determine to what extent it shall exercise them.

And then, again:

The commission will maintain order with the help of the troops which will be at its disposal.

If we ratify this treaty, do we not lose all control of the troops we have placed under that commission?

Mr. LENROOT. The answer is that when the treaty is ratified we will have no troops there. The moment the treaty is ratified, with the reservation we propose to adopt, our troops will be withdrawn, unless Congress expressly authorizes their maintenance.

Mr. FRELINGHUYSEN. If we have troops there, how can we get them out?

Mr. LENROOT. Because those troops, unless the President violates his oath of office, with that reservation can not be lawfully kept there for a single hour.

Mr. MOSES. But suppose the President declines to deposit the ratification of the treaty, as has been threatened through the newspapers?

Mr. LENROOT. If the President declines to deposit the ratification of the treaty, you can make all the amendments to this treaty that you choose, and they will not be worth the snap of your finger.

The PRESIDENT pro tempore. The question is on the eleventh and twelfth amendments in subdivision 2.

Mr. PENROSE. I ask for the yeas and nays.

Mr. HITCHCOCK. Mr. President, do I understand that this vote is to cover both amendments 11 and 12?

The PRESIDENT pro tempore. By unanimous consent, amendments 11 and 12 in subdivision 2 of the annex to article article 88, on page 129, will be submitted at a single vote. The yeas and nays are demanded. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). Making the same transfer of my pair as before, I vote "yea."

Mr. FERNALD (when his name was called). I make the same transfer of my pair as on the previous vote and vote "yea."

Mr. MYERS (when his name was called). I make the same announcement of my pair and its transfer as heretofore and vote "nay."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM], who was compelled to leave the Chamber. In his absence I withhold my vote.

Mr. STERLING (when his name was called). Again announcing my pair with the senior Senator from South Carolina [Mr. SMITH], I withhold my vote. If I were at liberty to vote, I would on these two amendments vote "yea."

Mr. THOMAS (when his name was called). On this question my general pair the Senator from North Dakota [Mr. MCCUMBER] is released and can be otherwise paired.

The roll call was concluded.

Mr. BECKHAM. I transfer my pair with the senior Senator from West Virginia [Mr. SUTHERLAND] to the senior Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. STERLING. I transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from New Hampshire [Mr. KEYES] and vote "yea."

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from California [Mr. JOHNSON] with the Senator from Virginia [Mr. MARTIN]; and

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH].

Mr. GRONNA. I transfer my pair with my colleague [Mr. MCCUMBER] to the junior Senator from New Jersey [Mr. EDGE], and vote "yea."

The result was announced—yeas 31, nays 46, as follows:

YEAS—31.

Ball	Fernald	La Follette	Penrose
Borah	France	Lodge	Phipps
Brandegee	Frelinghuysen	McCormick	Poindexter
Calder	Gronna	McLean	Sterling
Cummins	Harding	Moses	Townsend
Curtis	Jones, Wash.	New	Wadsworth
Elkins	Kenyon	Newberry	Watson
Fall	Knox	Norris	

NAYS—46.

Ashurst	Harrison	Nugent	Smoot
Bankhead	Henderson	Overman	Spencer
Beckham	Hitchcock	Owen	Stanley
Capper	Jones, N. Mex.	Phelan	Swanson
Chamberlain	Kellogg	Pittman	Trammell
Colt	Kendrick	Pomerene	Underwood
Dial	Kirby	Ransdell	Walsh, Mass.
Fletcher	Lenroot	Robinson	Walsh, Mont.
Gay	McKellar	Sheppard	Williams
Gerry	McNary	Simmons	Wolcott
Hale	Myers	Smith, Ariz.	
Harris	Nelson	Smith, Ga.	

NOT VOTING—19.

Culberson	Johnson, S. Dak.	Page	Smith S. C.
Dillingham	Keyes	Reed	Sutherland
Edge	King	Sherman	Thomas
Gore	McCumber	Shields	Warren
Johnson, Calif.	Martin	Smith, Md.	

So the amendments were rejected.

Mr. FALL. Mr. President, under the agreement which was arrived at, all the remaining amendments to be voted on, as

I understand the agreement to be, may now be voted on by viva voce in one vote.

Mr. HITCHCOCK. I understand that to be the case, but can the Senator recall what amendments still remain to be acted upon?

The PRESIDENT pro tempore. They will be stated by the Secretary.

The SECRETARY. Amendments 16, 17, and 23.

Mr. HITCHCOCK. That is my recollection,

The PRESIDENT pro tempore. The Senator from New Mexico [Mr. FALL] asks unanimous consent that amendments 16, 17, and 23 be voted upon together. Is there objection? The Chair hears none.

The amendments were rejected.

Mr. FALL. Mr. President, I would like to suggest, before we adjourn, that I think the proceedings this afternoon have undoubtedly convinced any doubting Thomas that there is no intention to filibuster upon the treaty.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate, as in legislative session, adjourned until to-morrow, Friday, October 3, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *October 2, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty Father, creator, upholder and sustainer of all, we humbly bow in Thy presence and acknowledge with gratitude our indebtedness to Thee for all things; and we humbly pray that by the nobility of our thought and rectitude of our behavior, we may acknowledge Thy goodness and wonderful works to the children of men, this day. In the spirit of the Lord Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, Mr. BROWNING was granted leave of absence for three days, on account of important business.

EXTENSION OF REMARKS.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to extend my remarks in the form of resolutions of the Society of Sons of the Revolution of the State of California upon the subject of Bolshevism and other matters of importance.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD by printing resolutions adopted by the Sons of the Revolution of California on Bolshevism and kindred subjects. Is there objection?

Mr. CLARK of Missouri. What is the subject of those things?

Mr. WALSH. Reserving the right to object, Mr. Speaker——

Mr. OSBORNE. Two things. One is the character of foreign immigration, and the other is on the subject of Bolshevism, both very pertinent to the time and without any partisan bias.

Mr. BLANTON. Reserving the right to object, Mr. Speaker, does the article that the gentleman attempts to put in the RECORD cry down Bolshevism?

Mr. OSBORNE. Well, it is not in favor of Bolshevism.

Mr. BLANTON. Well, unless it denounces it in unmistakable terms, I shall object. The time has come when we should quit monkeying with that subject. I shall object.

Mr. WALSH. The gentleman can not qualify his objection in that way.

The SPEAKER. The gentleman can not object conditionally. Does the gentleman object?

Mr. BLANTON. Mr. Speaker, by reason of the poem which was put in yesterday by the gentleman from New York [Mr. SIEGEL] on a subject with which, in my judgment, it had no connection at all, until I can see the article I shall have to object.

The SPEAKER. The gentleman from Texas objects.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. RAMSEY, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 208. Joint resolution authorizing the Secretary of War to expend certain sums appropriated for the support of the Army for the fiscal years ending June 30, 1919, and June 30, 1920, at Camp A. A. Humphreys, Va.

QUESTION OF PRIVILEGE.

Mr. WALSH. Mr. Speaker, I rise to a question of privilege respecting the integrity of the proceedings of the House.

The SPEAKER. The gentleman from Massachusetts rises to a question of privilege.

Mr. WALSH. Mr. Speaker, on Tuesday, September 30, after the conclusion of the consideration of the cold-storage bill, so called, the gentleman from Minnesota [Mr. ANDERSON], on page 6165 of the RECORD, secured unanimous consent for all gentlemen in the House to have three legislative days in which to extend their remarks in the RECORD on the cold-storage bill, and in the RECORD yesterday the gentleman from New York [Mr. SIEGEL] extended his remarks upon the cold storage, presumably, by putting in a dozen or so lines in which the words "cold-storage bill" appear once, and then putting in a poem of some 10 or 12 stanzas entitled "Our Own—A Cry Across the Atlantic," by Israel Zangwill. It is a very eloquent poem, and I presume perhaps that the view of the gentleman from New York was that he was putting this poem in cold storage by having it inserted in the RECORD [laughter], and that, therefore, it was a proper insertion under the consent secured by the gentleman from Minnesota.

Now, the RECORD is being rather taxed to its capacity, and the patience of the many readers of it, I think, is being somewhat burdened by extensions of remarks, speeches, and articles that are caused to be put in it by a jurisdiction other than the House. But it is just such insertions as these, I think, that make the RECORD appear to be a sort of semicomic daily magazine. It is clearly not within the purview of the consent which was granted to print a poem of that length in the RECORD, and it has nothing to do with the subject of the bill.

Mr. CLARK of Missouri. Mr. Speaker, will the gentleman yield?

Mr. WALSH. Certainly.

Mr. CLARK of Missouri. What is the poem about—cold storage?

Mr. WALSH. No; the poem is about——

Mr. JOHNSON of Washington. Read it. [Laughter.]

Mr. WALSH. It is about a certain race of people——

Mr. ASHBROOK. Irish? [Laughter.]

Mr. WALSH. And the suffering that they have encountered during the ages, and so forth, and the blood that courses through their veins.

Mr. CLARK of Missouri. Is it the Irish? [Laughter.]

Mr. WALSH. No; it is not the Irish. But, Mr. Speaker, in view of the consent that was granted and in view of what appears to me to be a plain infraction of the rules of the House in making this extension, I move that the poem in the RECORD of October 1 entitled "Our Own—A Cry Across the Atlantic," by Israel Zangwill, which was inserted by the gentleman from New York [Mr. SIEGEL], be stricken from the RECORD.

Mr. MACCRATE. Mr. Speaker, will the gentleman reserve that until my colleague gets into the House?

Mr. WALSH. Yes. I wanted to offer it on the moment, but action can be deferred until the gentleman from New York is present.

DUTY ON MAGNESITE ORE.

Mr. FORDNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 5218.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 5218. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER The gentleman from Minnesota [Mr. ANDERSON] will resume the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 5218, with Mr. ANDERSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 5218, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 5218) to provide revenue for the Government and to establish and maintain the production of magnesite ores and manufactures thereof in the United States.

Mr. FORDNEY. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. KAHN].

The CHAIRMAN. The gentleman from California is recognized for 10 minutes.

Mr. KAHN. Mr. Chairman, magnesite is a mineral that is indispensable in the manufacture of steel. Before the war, practically the entire supply of this mineral came from Austria.

There was some also shipped to this country from Greece, and I understand that some was sent from southeastern Germany. When the war broke out it was impossible for the foreign product to be shipped to this country. In the first place, tonnage was not available, and in the next place there was a rather tight cordon drawn around Austria and the ports that received the cargoes to be transported from Austria to the United States. It was in this extremity that those who had been engaged in the manufacture of magnesite bricks turned to the western part of our country for their supply. Magnesite had not been produced in any considerable quantity in this country for quite a period of time, because the manufacturers could not compete with the producers of Europe. The wage that is paid per day in the Austrian fields, I am told, is a maximum of about $1.10 a day. I am told that women work in the industry there at a very much reduced wage. The wages that prevail in the States of California and Washington in the mining of this commodity are $5 a day, and it requires no prophet or son of a prophet to see what will happen to the American industry operating at that high cost of labor if it is thrown into direct competition with the article that is produced at a so much lower cost of labor in Austria. It is contended that the Austrian article is a very excellent quality of magnesite. It seems there is a solution of iron in the Austrian product that is very serviceable when the product is manufactured into bricks. In order to make the American product equally valuable it has to be treated and the iron has to be introduced artificially and separately.

It is contended by the people in the West that unless they receive the tariff proposed in this bill they will have to go out of business. Now, the production of magnesite is really an infant industry in this country. The war made it necessary for those who could go into the region where it was found to do so. It made the production of it obligatory by those who could produce it. Our steel production would have been materially decreased and possibly stopped altogether if this had not been done. The mine owners accepted the situation and frankly put their money into the venture. My constituents in San Francisco put over $1,000,000 into one mine alone in order to supply the magnesite that was necessary for the manufacture of the steel products of this country. Practically all of the western mines have closed down already, because those who buy the burned magnesite are waiting for the introduction of the Austrian article which will come in at such a low rate that the purchase of the home-mined article will be unprofitable; and although in California there were 17 counties in which magnesite was mined during the war, not a single mine is operting in that State at the present time; for, as I say, the manufacturers of magnesite brick and magnesite grain in the East who supply the steel mills are not buying the domestic article, because they feel that the product from Austria will soon arrive in abundance and will be sold so much cheaper than the domestic article can possibly be sold for that they do not want to take a chance of loading up on the native American magnesite. They are not buying magnesite at present, and all plants in the West have had to close.

This industry is an important one. This country ought never again to allow itself to be caught in the position it was in when this war broke out. We were entirely dependent upon the foreign market for this commodity. If perchance by any circumstance the supply from abroad were shut off, unless the Congress will give a sufficient encouragement to the domestic article you will never again find capital willing to go into the industry on a mere chance. Those owners of magnesite mines who have invested their capital have not been able to get a return on their investment. Much of their money is and will be a dead loss unless this legislation is passed, so that the domestic industry can continue in competition with the cheaper foreign article.

Mr. FORDNEY. Will the gentleman from North Carolina use some of his time now?

Mr. KITCHIN. I yield to the gentleman from Georgia [Mr. UPSHAW] 10 minutes. [Applause.]

Mr. UPSHAW. Mr. Chairman and gentlemen of the House, bidden by that impulse of hospitality which is proverbial among the people of my State and section, I have come to ask each and every one of my colleagues in Congress to pay us a neighborly visit. October 7–10 the great Confederate Reunion will meet in Atlanta, Ga. Some have thought that it may be the last meeting ever held because of the fact that the veterans are growing so old and feeble, and that the remnant of the "fast-thinning lines of gray" grows smaller with every setting sun. Speaking for my whole State, and especially for my own great capital city—an invitation in which all of my Georgia colleagues heartily join—I lay at the feet—may I say at the door of the heart—of every Congressman a cordial invitation to attend this reunion and find out personally, if you are so poor as not to know, just what an old-time southern welcome is like.

One of our honored colleagues, Mr. COLLIER, of Mississippi, is to respond to the address of welcome for the Sons of Confederate Veterans; for the gallant sons are to meet and mingle during this festal week amid the inspiring fellowship of their gallant sires.

We want you to come because we want you to come. [Laughter.] We want you to come for our sakes in order that we may have the blessing and inspiration that would come from your splendid presence; and then, very frankly, we want you to come for your own sakes, for we want you to know what it means to look at the heroic forms and tottering steps of our hero fathers who never trembled when carrying burdens and facing hardships for the States that they honored and the people that they loved; we want you to look into the faces—before they so soon pass away; faces that are "grizzled, grand, and gray," and dearer even than when they dashed, like the charge of the Light Brigade, into the battle's blazing hell. We find ourselves wondering with what a shower of devotion the South will throw its clinging arms of love about the last survivor of the cause for which Robert E. Lee fought and Stonewall Jackson fell—the last Confederate soldier whose wrinkled brow, fanned by the breezes of Beulah Land, waits for the summons to "cross over the river and rest under the shade of the trees." But before they all hear the call to the eternal camping ground we want you to see eye to eye and face to face these brave old patriots, but yesterday the knightly soldiers of the Stars and Bars, game losers in a tournament nobler far than ever shattered lance at Camelot or Stirling, and now, thank God, soldiers in spirit and defenders in fact of all the rippling beauty and glory of the Stars and Stripes. [Applause.] We want you to see these patriots and patriarchs who were true enough to stand for convictions of government dearer than life, and who were brave enough and wise enough in the aftermath of a providential defeat to teach their sons around their family altars to love the flag of their reunited country. [Applause.]

Mr. BLANTON. Will the gentleman yield right there?

Mr. UPSHAW. I yield to the gentleman.

Mr. BLANTON. If by going to Atlanta we could sidetrack some of these tungsten ore bills, chemical, glass, and surgical instrument bills, pearl-button bills, magnesite bills, and other bills, the sidetracking of which would be a benefit to the people of the United States, it would pay Congress to take a recess of a week and go down there to your city. [Laughter.]

Mr. UPSHAW. May I say to the gentleman from Texas that, appreciating the very keen and pertinent suggestion he has made, I have come to bring a message of general good fellowship, purely a message of invitation, and I hope he will excuse me if I do not turn aside now to discuss the tariff.

Mr. BARBOUR. Will the gentleman yield for a question?

Mr. UPSHAW. I yield to the gentleman from California.

Mr. BARBOUR. In the gentleman's opinion ought not the gentleman from Texas [Mr. BLANTON] to include in his list a few useless roll calls? [Laughter.]

Mr. UPSHAW. If the gentleman will allow me, I will bring you the message of invitation from my home city. God willing—and I want you all to hear this—I would love to be living when the last survivor of the gray and the last survivor of the blue shall be brought here within these sacred walls, and clasping hands in a beautiful fellowship which only true soldiers on both sides can understand, let them cement with their latest word and their latest deed the once sundered sections in a glorious spirit of national love that would put the last partisan to a stammering hush and crown within this temple of patriotism "a national glory and grandeur without a parallel in the annals of ages." [Applause.]

Come to Atlanta, my colleagues, and see there the statue of Henry W. Grady, the great seer, statesman, and pacificator, who died "literally loving a Nation into peace." Come to Atlanta and see revolving about that statue the activities of a great city amid whose bricks and mortar, as Grady declared in his New England dinner speech that so mightily touched and stirred the Nation's heart, "There is not buried one single bitter prejudice—not one ignoble memory." [Applause.] Come to Atlanta for your own sakes as well as ours, for you do not want to go to heaven, you do not want to walk the streets of the New Jerusalem, until you have walked the streets of Atlanta, the most famous city of a quarter of a million people on the American continent; a city whose very curbstones are surcharged with the electricity of progress, and beneath the ambient blue of whose arching skies there grow surely the bravest men and the fairest women on whom the sun ever shone, for we believe, Mr. Speaker, that it is almost as near to heaven from Atlanta as it is from Washington or even from Boston herself. [Laughter and applause.] Come to Atlanta, my colleagues, and see a city whose enthusiasms have always gathered around the things that are

highest and best, a city whose temples of learning and whose temples of worship are the inspiration of the South and a bulwark of strength and hope to our threatened civilization.

Come to Atlanta, the progressive home of Emory University, Oglethorpe University, Lanier University, Cox College, Georgia Military Academy, Agnes Scott College, Washington Seminary, Spellman Seminary, Gammon Seminary, Clark University, and a half dozen progressive commercial colleges, together with famous Georgia "Tech," the greatest technological school in all the South. Come and see the city of splendid auditoriums, the great city auditorium—the meeting place of the reunion—seating 9,000 people—Washington ought to have one like it—the Baptist Tabernacle, seating 3,000; Wesley Memorial, seating 2,500; and a dozen superb theaters that would be the pride of any metropolis. Come and see our mayor, the forward-looking friend of upward-reaching humanity; our governor, young in years but keen and clean, bright, and brave; our sheriff, as handsome as he is fearless and efficient; and our far-famed chief of police, who proved in a campaign for civic righteousness that he is "not afraid of povery, the poorhouse, death, nor the devil." Come to Atlanta and find a chamber of commerce, positively wild on the subject of spreading the famous "Atlanta spirit" to the four corners of the earth—a chamber of commerce that will stay up until midnight working for your happiness, then stay awake until daybreak planning for your joys of the morrow, and then get up with the early streakings of the morning's light to put into execution its dreams for your diurnal bliss and your nocturnal felicity! [Applause.] Come and see the great military posts—Fort McPherson, Camp Jesup, and that marvel of mobilization, Camp Gordon, from whose hurried but wonderful training countless thousands of the flower of America's young manhood went forth to frighten the Huns into subjection far earlier than the most sanguine patriot dreamed. [Applause.] Come and see the homes of the three great metropolitan papers—the Atlanta Journal, the Atlanta Constitution, and the Atlanta Georgian-American—the breeziest bunch of boosting dailies that any metropolis ever had since Columbus discovered America! [Laughter.] Come and see Kenesaw Mountain, where brave men on both sides, in the sixties, found how brave Americans could be; come and see Stone Mountain, the biggest solid rock in the world.

Come to the heart of "Dixie" where the white snows of billowing fields of cotton melt into the music of millions of spindles that sing the jubilant song of Southern prosperity as they clothe the sons and daughters of the habitable globe. Come and see how a "city fair," of a quarter of a million, has added 100,000 of that aggregate since barrooms were banished a dozen years ago. Come to this great industrial center and see the largest bank in all the South, with resources of $50,000,000! Come and see your own Federal reserve bank that has so stabilized our finances that panic is "rare as a day in June or a Chinaman with whiskers." [Laughter.] Come to Atlanta and we will fan you with southern breezes, bathe you in southern sunshine, and if it were only the "good old summer time" we would feed you on Georgia peaches and feast you on that delectable edible known as the "Georgia watermillion"! And this bit of plantation vernacular reminds me that one of the chief attractions in Atlanta for the real lover of humanity, especially children, will be the "Wren's Nest," the home where Joel Chandler Harris—Uncle Remus—dreamed his quaint dreams and wrote his inimitable stories for the fascination and delight of the children of the world.

And, ah, come and see where Frank L. Stanton, the beloved James Whitcomb Riley of the South, has for 25 years sung himself into national fame and his minstrel music into the hearts of reading millions. Hear Stanton teach a great city its basic philosophy—

If you's hear the Bells of Hope,
Fellers, you must pull the rope.

Hear Charles W. Hubner, our poet philosopher and patriarch, teach that wholesome, beautiful truth—

They lose life's sweetest zest
Who long for stagnant rest.

Come and see where Georgia's brilliant orator-historian, Lucian L. Knight, has written the scholarly works that have enriched the libraries of thousands of thoughtful Americans, and, ah, my fair-minded colleagues, come and see where the man who taught this Georgian genius at Princeton, Woodrow Wilson, first swung his shingle to the breeze as he began that masterful career that made him the far-famed President of the greatest Nation on earth! [Applause.]

Come on to Atlanta, my colleagues, and take anything you see, and ask for anything you do not see, for Atlanta has plenty of glorious things that are simply "out of sight." Come to my home city, my colleagues, and you will find amid all her smiling plentitude of joys and her princely dower of blessings, her progress, her culture, and her consecration, a homogenous and a patriotic people, where wealth, for the most part, gratefully acknowledges its membership with labor, and labor, for the most part, is more concerned about the reign of righteousness in the heart than the coin of gold in the pocket.

But, first of all and last of all, my colleagues, come to Atlanta for the priceless fellowship and the sacred inspiration of the great Confederate reunion—compatriots all in spirit of our own gallant colleague and Confederate hero, Maj. STEDMAN [applause], catching there in the full-orbed splendor of the love and loyalty of these old battle-scarred veterans for the Stars and Stripes a new vision of the forces that have made an indispensable contribution to the building of this Republic, a new cause for singing a national doxology, a new reason for thanking God for our new-bought heritage as a Nation and our newborn fellowship of a once divided people. [Applause.]

Verily, my colleagues, the southern sun is rising high to warm the Nation's heart, the glory of this beautiful truth has broken fast and far on land and sea; and every service star that turned to gold in the radiant sunburst of the South's devotion to our common flag tells anew, thank God, of the measureless triumph of our civilization. [Applause.]

Colleagues and comrades of Congress, come to Atlanta! [Applause.]

Mr. KITCHIN. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. BLACK].

Mr. BLACK. Mr. Chairman, I ask leave to revise and extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BLACK. Mr. Chairman, at this time there are many strange and radical doctrines abroad in the land and which are being preached and propagandered from one end of our country to the other. Some of these doctrines challenge the very foundation and citadel of our Government, and the boldness with which they are uttered and the systematic vigor with which they are preached will not permit of their being ignored. We must prepare to combat them, to demonstrate their absurdity, and point out their destructiveness. The influx of certain foreign immigration to our shores during the last 20 years or more has brought to us many of the unwholesome and vicious doctrines of the Old World, which have grown up there in an atmosphere of poverty, ignorance, and oppression, and these have received an added impetus by the present Russian experiment in communism, an experiment which promises to be the greatest tragedy in history, not excepting the French Revolution. These agitators who are variously named, such as the I. W. W.'s, communists, socialists of the left, syndicalists, and so forth, are all going in the same direction, and their end is destruction. They freely talk about the dictatorship of the proletariat and the establishment of their system of communist control of all property, which the experience of the world has discredited over and over again through the period of a thousand years. Failing to convince us of the merits of their vagaries by argument, some of them are foolish enough to think they can force them upon us by a reign of violence and terrorism. But in this they sadly mistake the temper of the American people. Our people are patient and long suffering in their indulgence, but when aroused they are swift and certain in the execution of their judgment. Some of these agitators have mistaken the quiet reserve of the people for indifference and cowardice, but they will find out their mistake to their own sorrow and discomfiture. [Applause.]

NO PLACE FOR MEN WHO ADVOCATE DICTATORSHIP.

This country has no place for any man or set of men who advocate the overthrow of our Government and the establishment of a dictatorship, whether that dictatorship is to be of the proletariat or whether it is to be of the plutocracy. [Applause.] Dictatorship? No; this country will never tolerate a dictatorship of any kind. Our ideal is that of a representative democracy, where every citizen is a sovereign and where the man of humble circumstances and the man of large means meet at the ballot box on terms of equality and the voice of one is as potent as the other. Yes, but says some one, "Elections have not always been clean and the voice of wealth and privilege has often been heard in the corruption of the electorate and the vote of the honest man has been stifled by the ballot of the vicious and dishonest." Quite true; that has sometimes happened, but it does not follow in the least that the principle of our representative democracy is unsound. Slowly but surely we are weeding out the corrupt element in American politics, and there are but few places now in this great American Commonwealth where tho

ballot does not have a free and unfettered expression. And we will not stop until every corrupt element, high or low, is driven out of politics, so that the expression of the ballot will be clean and free from fraud and corruption, and, equally as important, from intimidation and coercion, whether that intimidation and coercion is sought to be exerted by organizations of capital or whether it is sought to be exerted by organizations of labor. And let all be assured that America, the cradle of liberty, the world's best example of representative democracy, will have none of the dictatorship of the proletariat or any other kind of despotism by a particular class or group. [Applause.]

The United States Government simply can not afford to have any group of its citizens, I do not care who they are and how large their number, undertake to dictate legislation by methods of intimidation and coercion. Whenever that day comes, if it should ever come in the history of this country, then there is bound to be an end of popular government, because it could not live in an atmosphere of that sort. [Applause.]

IMPROVEMENT OF OUR INSTITUTIONS WILL NOT COME AT THE HANDS OF THE MAN WHO HURLS THE CYNIC'S BAN, BUT BY OUR BEST AND MOST ENLIGHTENED CITIZENS.

In this country, where the freedom of the press and freedom of speech has been indulged almost to the point of license, attacks are being freely made upon our most sacred institutions—the home, the church, and the State. There has never been a time in our history when so many radical and revolutionary publications were handing about and circulating their inflammatory doctrine as now and never a time when there were such insidious and determined assaults being made upon our Government and its civil institutions.

It will be interesting to note what evil and pernicious doctrines are advocated by some of these organizations, such as the I. W. W. and the radical Socialists, who style themselves the Socialists of the Left, and the new radical party recently organized at Chicago, the Communist Party. I read for your information a paragraph taken from one of their publications, Revolutionary, I. W. W., page 7. It says:

The Industrial Workers of the World is an international movement, not merely an American movement. We are "patriotic" for our class, the working class. We realize that as workers we have no country. The flags and symbols that once meant great things to us have been seized by our employers. To-day they mean naught to us but oppression and tyranny. As long as we quarrel among ourselves over differences of nationality we weaken our cause, we defeat our own purpose.

Think of it; an organization right here in our own country, perpetually agitating about the freedom of speech and the press, yet boldly declaring that they have no country and yield allegiance to no flag, except the red flag. Beware of the man without a country. Sir Walter Scott had him in mind when he wrote those immortal lines:

Breathes there the man with soul so dead
Who never to himself hath said
This is my own, my native land.

[Applause.]

And then Elizabeth Gurley Flynn, the noted I. W. W. agitator, describes sabotage, which they openly urge and advocate, under several heads, the principal of them being:

(1) Adulteration of foods.
(2) The slowing down of work.
(3) A general reduction of efficiency.
(4) Intimidation, coercion, and any means necessary to gain the end.

In other words, the doctrine of rule or ruin, and with an utter and heartless disregard of the rights of all others who do not belong to their particular class, or to the proletariat, as they love to style themselves.

An investigation conducted recently by a committee of the New York State Senate made some rather startling disclosures of radical activities carried on in this country, and among some of the radical literature unearthed was a form letter sent out by the correspondence department of the Socialist Rand School, of which David P. Berenberg is director. This letter declared:

What are you going to do when the State robs you and your union and so makes you helpless to strike? There is only one thing to do. Take over the State. Are the members of your local prepared to take over and conduct wisely and well the affairs of your town and country? Are you ready to meet the militia when the powers of the State and courts are against you?

And let me read you a few paragraphs from the platform of the Communist Party, recently organized in the city of Chicago:

The Communist Party is the conscious expression of the class struggle of the workers against capitalism. Its aim is to direct this struggle to the conquest of political power, the overthrow of capitalism by means of the proletarian revolution and destruction of the bourgeoise state.

The Communist Party prepares itself for the revolution in the measure that it develops an immediate program of action, expressing the mass struggle of the proletariat. These struggles must be inspired with revolutionary spirit and purposes.

Under the guise of freedom of speech and freedom of the press, are we to have seditious, radical, destructive literature like that? I am as firm a believer in the freedom of speech and freedom of the press as any man, and I yield to no one in my veneration for the Constitution, but I do not believe that it was ever intended to guarantee any man the right to libel the character of a private citizen or utter treasonable assaults upon the Government. In fact, I know it was not, for the highest courts of our land have decided again and again that the freedom of speech and the press, like every other right, must be limited to be enjoyed, and, like every human advantage, may be defeated by its abuse.

I could continue to read you a great deal more of such vicious and inflammatory literature, because I have a large file of it which I have accumulated from time to time in my study of the subject, but what I have read gives you a fair idea of the wickedness and hate which is behind it, and I will not multiply the instances further in that regard.

There is absolutely no difference in the creed and practice of the Bolsheviki in Russia, under the leadership of Lenin and Trotski, and the I. W. W. and so-called socialists of the left and communists in this country, under the leadership of Haywood, John Reed, and other radicals of their kind. They all advocate the abolition of private property rights, development of government by soviet committees, and communal control of industry and trade.

Recently the Dutch minister to Petrograd returned to Holland and made an illuminating statement concerning conditions in Russia. He characterized Bolshevism as "the end of civilization." Translated into practice, he declared, "the Bolsheviki principles are high wages for no work, the taking of other people's property without punishment, and no taxation." "The Russian workers," he declared, "are far worse off than ever before. The future to me seems hopeless. One thing is certain, and that is if she is left as she is now Russia will be completely and utterly ruined."

Our own ambassador to Russia, Mr. David R. Francis, recently returned from Archangel and brings back the same dark picture of conditions there. Also we have learned it from other innumerable reliable sources.

For instance, Madam Catherine Breshkovsky, known the world over as the grandmother of the Russian Revolution, recently said, on leaving America for France:

To a person that has spent half of her 75 years in prisons and Siberia snows, it seems a miracle to have come a second time from Russia to America; to have a chance to make an extensive tour of the United States. The first time it was the despotism of the Czar's régime that forced me to call the attention of American people to the suffering of my good people. This time I come here to say that Russia delivered from the old slavery suffers under the despotism and cruelty of thousands of criminals called Bolsheviki. I came to say that not only the War with Germany, but also the terrible anarchy thrust upon Russia by the united forces of her enemies have cast Russia into a hell of disorder, bloodshed, and ruin. This evil has increased the loss of human life to such a degree that now Russia has no less than 4,000,000 orphans who are doomed to perish under terrible circumstances if nobody comes to offer them the succoring hand.

Thus we have a living, concrete example of what results will follow the putting into practice of these pernicious doctrines advocated by such hostile enemies of our Government as the destructive organizations which I have named. We should always bear in mind that it takes ability and genius to construct, but that any fool can tear down and destroy. It took the genius of a Raphael to paint the Sistine Madonna and of a Michaelangelo to create with his wonderful imagination the scenes of "The Last Judgment." It took the ability of Phidias to adorn the city of Athens with his sculptures and the matchless oratory of Demosthenes to charm the people with his eloquence, but a man of very ordinary ability or with no ability at all, as for that matter, can tear down and destroy what it took them a lifetime to build and construct. It took ability of the very highest order to write our Constitution and frame our system of laws, and we had better be mighty careful how we allow some of these high-brow socialists and parlor Bolsheviks to experiment with it.

Of course, I know our Government and the civilization which has grown up under it are not perfect. The home can no doubt much improve the sacredness of its altars. The church can no doubt increase its usefulness a thousandfold, and our Government itself can extend its sphere of influence in many helpful ways, but these improvements will not come at the hands of the man who hurls the cynic's ban and who arrays himself in hostile attitude against our Constitution and system of laws, but will be the product of those who are in thorough sympathy and accord with the best American history and tradition.

WE MUST EDUCATE OUR YOUTH IN THE FUNDAMENTALS OF DEMOCRACY.

To keep our Americanism 100 per cent pure, and to see to it that our children preserve our civilization free from this dangerous stream of anarchy and disorder, is one of the responsibilities that is now upon the present generation. In the discharge of this responsibility we can do no better thing than to educate our youth in the fundamentals of democracy, so that they may learn allegiance to the faith of our fathers, a holy faith which they translated by blood and sacrifice into liberty and justice under the dominion of law and order.

I believe in party government. I believe that in a Republic where the people rule by the power of the ballot it is necessary to have political parties in order that the will of the people may have avenues of expression, but while I believe that, I also believe that before a man is a Democrat, before he is a Republican, before he is a Socialist, he should first of all be an American, standing for the preservation of the Constitution and the majesty of law. If he is not that kind of a Democrat, or Republican, or Socialist, then I put small appraisement on his worth as a citizen, regardless of what party he belongs to.

Gentlemen, we are facing great questions within the immediate future, questions that will test the mettle of the Republic, questions which are too big, which are too important, to be solved along narrow and bigoted partisan lines. Political parties we, of course, must have, but intolerant and narrow partisanship we do not need, and God forbid that we shall have.

THE PALLADIUM OF OUR LIBERTIES IS THE CONSTITUTION.

All real Americans have always believed that the Declaration of Independence and the Constitution of the United States are the rock and foundation of our Republic, and that upon them rest the permanence and security of our liberties. Can any man who embraces the doctrine of these parties of destruction, which hold the Declaration of Independence and the Constitution in derision and contempt, be a true American? No; he can not be. He is no more a true American than an atheist or infidel who denounces the Apostles' Creed is a Christian.

There is no substitute for that creed and leave us a Christian, and so it is with our Government. We want none of this Bolshevism and syndicalism and socialism and I. W. W.ism as a substitute for Americanism. Lenin and Trotski are enslaving Russia with their new theory of the soviet government. Haywood and his crowd are preaching their I. W. W. doctrines of direct action; socialists like John Reed and Eugene V. Debs are proclaiming their radical ideas of revolution, but, so far as I am concerned, the Constitution of Washington and Hamilton and Madison and Jefferson, with such amendments as are necessary from time to time to meet changed conditions, is good enough for me. Remembering the force of such an example as Russia, now in the grasp of anarchy and chaos, it will be well that we be not too easily dazzled by some of these new and modern isms with which the world is flooded to-day. In the midst of these it will be profitable for us to assume the serious contemplation of rugged, lasting qualities of government in whatever age or garb they have appeared.

THE GUARANTY OF THE CONSTITUTION.

The whole essence of the Constitution, it seems to me, is involved in that part of it which says that "no person shall be deprived of life, liberty, or property without due process of law." That is within itself the highest and best purpose of government, and when that beneficent end is lost sight of then the whole end and purpose of government is destroyed. Any government which does not guarantee and secure to its citizens protection of their lives, liberties, and property is a tyranny and is intolerable to freemen. Of course, of these three natural rights the right of property is less sacred, and if either had to be surrendered it would naturally come first, and yet if the property of the citizen be not protected from unlawful seizure and confiscation there is no incentive to accumulate and one of the greatest of all civilizing influences is lost. The protection of the citizen in the enjoyment of his property rights is one of the oldest and most highly prized rights of the Anglo-Saxon race. Edmund Burke, in his great speech on the excise bill, said:

> The poorest man may in his cottage bid defiance to all the forces of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storms may enter; the rains may enter; but the King of England can not enter. All his forces dare not cross the threshold of the ruined tenement.

[Applause.]

I am glad that we live in a country where there is security of investment, where the ownership of private property is protected, and where every citizen has the stimulus to produce because of the knowledge that he will be permitted to accumulate the fruits of his labor. I would be sorry to live in a country where the citizen could not have that assurance. I have no sympathy with that point of view which would penalize a man because he has been economical and thrifty and has saved up something to meet the needs of a rainy day. Savings of capital are for the most part the savings of the wages of yesterday, and the wages of yesterday should be as safe from confiscation and destruction as the wages of to-day and the wages of to-morrow. You can not deny fair earnings to capital without ultimately impoverishing labor, and by fair earnings I mean only those which are reasonable and just. Poverty can not be abolished by destroying wealth. If the citizen has no assurance that his accumulations made through thrift and self-denial will be protected by the authority and energy of government, then he will not accumulate and chaos and industrial anarchy is the inevitable result. [Applause.[

These radical agitators, with their alluring promises, come to the laborer and say to him: "You have created all this wealth; rise up and seize it; it is yours"; and, although the particular individual to whom he speaks may have been employed in the industry but for a short while and has had little to do with the establishment of the business, he sometimes readily seizes upon the poisoned arrow and becomes a convert to such doctrine. The miner, for instance, who allows himself to think along these distorted lines does not stop to think that the iron ore which he brings to the top of the mine would be worth nothing if it were not carried on to the furnace and there melted into pig iron by other workers, and then the pig iron would be of no value except it be carried to the steel mills, where other workers press it into plates and mould it into bars of steel, and then these plates and bars of steel would be worth nothing except they be transported to the factories and made into plows and thrashing machines and axes and saws and hammers and a thousand other implements of husbandry and commerce, and then none of these articles would have any value except for the fact that the farmer and the mechanic and the laborer buys them to use in producing the real wealth of the world, and each exchanges his product for the product of the other, and uses as the medium of exchange the system of finance, the value and integrity of which is guaranteed and safeguarded by the Government. And for one class or group to pretend that it creates the wealth of the country is the limit of folly, and can only find lodgment in a disordered mind. I regret that some of the labor unions of the country have within their ranks at least a limited number of men who hold to that point of view. I am sincerely hoping that those who do not hold such views will have the good sense and wise judgment to repudiate such leadership and stand four square for orderly progress under our Constitution and Government. My point of view on this labor question is this:

Union labor has all the rights of any other organization; its members all the rights of an American citizen. Neither can have any more and preserve a government of law for all the people. To do otherwise is to degenerate into a class or group government, and God forgid that we should ever be so foolish as to do that. As illustrating what labor can do alone and what capital and labor can do working together, I read the following illustration a few days ago:

The Chinese coolie, equipped with a carrying pole, the most efficient method of man carrying known, totes 100 pounds 20 miles in a day. A ton-mile a day for a compensation of 10 cents. The coolie is worked so hard that he wears out in four years. A James J. Hill conceived the idea of a transcontinental, unsubsidized railroad from the head of the Great Lakes to a Pacific harbor. The lands were there, but not yet farmed; mines were there, but not yet opened; lumber was there, as yet uncut. China and Japan needed American wheat, so Mr. Hill borrowed the savings of the economical Hollanders, $10,000 for every man he was to employ, and he created and directed a great transcontinental road, combining into one functionary whole the materials, equipment, and workers. Instead of earning 10 cents a day, like the Chinaman, these employees of his, in shorter hours and in far easier occupation, earned daily thirty times as much. The cost of transportation was reduced from the Chinese standard of 10 cents a ton-mile to the American standard of 1 cent a ton-mile; the distance per day was increased from 20 miles to 100 miles.

Do you suppose that the work of a James J. Hill would ever be produced by a committee of soviet agitators under the dictatorship of the proletariat? Of course it would not be; and yet, to my amazement, the idea is advocated here in this country in the so-called nationalization of basic industries. I do not believe that these radical and revolutionary schemes will ever receive the indorsement of the American people. [Applause.]

LIBERTY UNDER LAW.

The great jurist, Chief Justice John Marshall, who did more to develop and vitalize the Constitution by interpreting it and expounding it than any other man in the history of our Republic, and who, on account of his great constructive decisions during a long judicial career, deserves to rank with such immortal few as Washington, Hamilton, and Jefferson, never in all of his great career said a wiser thing than this:

Real liberty can only be preserved by preserving the authority of the laws and maintaining the energy of government.

The most simple-minded man must know that liberty which is not protected by law is of no value. For under such conditions the man who walks the streets to-day without restraint may be on his way to the guillotine to-morrow, without a hearing or a trial. During the Reign of Terror in France in 1794 as many as 15,000 persons were executed in a month and as high as 200,000 were crowded together at one time in the republican bastiles. It was one of the most awful orgies of blood and terror that the world has ever seen. Danton and Robespierre killed Hebert, and then in a short while Robespierre sent Danton to the guillotine, and finally Robespierre himself was forced to pay the penalty which he had exacted from thousands of others, and in a short while after that France had awakened from a ghastly dream of the Reign of Terror.

The student of history sees a remarkable parallel in Russia to-day to this Reign of Terror of the French Revolution. Lenin and Trotski have set out to reconstruct society by the overthrow of all existing order and to set up an entirely new structure according to their own fantastic notions, and on the communistic plan, the same as that advocated by Hebert, Danton, and Robespierre. Of course, they will fail in their impossible theories, just as Hebert, Danton, and Robespierre failed, but not until they have prostrated Russia and have impoverished her people to such an extent that it will take years for them to recover from the dreadful orgies which have been set in motion; but, undoubtedly, the day of her delivery will come, as it always comes in the processes of civilization, for—

Though the mills of God grind slowly,
Yet they grind exceeding small.
Though with patience He stands waiting,
With exactness grinds He all.

[Applause.]

THE VALUE OF A GOOD GOVERNMENT.

The trouble with a host of these agitators is that they do not appreciate how good a Government we do have. Often we can best have the proper appreciation of a thing if we pause to think what our condition would be if we had to do without it. Take the air that we breathe. We take but little thought of that, and yet deprive it of its life-giving oxygen and we would all soon sicken and die. Take the sparkling water that we drink. We take but little thought of that; yet pollute it with the germs of disease and decay and it will sow the seeds of death in every man that drinks of it. Take the brilliant sunshine, which drives away the darkness of the night and envelops a sleeping world in glorious light. We take but little thought of that. We get up, rub our sleepy eyes and go on our way; and yet shut us up in a darkened cell, where its rays can not penetrate, and we would all soon sicken and die. And just as it would be impossible for the physical man to live without the pure air and the clear water and the bright sunshine, just so would it be impossible for the citizen to enjoy life, liberty, and property, and the pursuit of happiness without the protecting arm of a strong, well-organized government.

These misguided fanatics who denounce and abuse our Constitution and form of government, and who would, if they could, overthrow it and set up a reign of tyranny and disorder, little realize that they would be the worst victims of their own insane folly. No one in Russia to-day is suffering more than the poor peasants who but a few months ago proclaimed Lenin and Trotski as their deliverers and fell eagerly into their scheme of property looting and class exploitation.

The poet, Robert Southey, wrote a poem about the Inch Cape Rock, which I read when I was a boy, in which he tells the story of a bell placed on a buoy which the good abbot of Aberbreathok had placed on the Inch Cape Rock so that in time of storm it would ring its warning to the mariners who came near the perilous rock, and tells how one day Sir Rolph the rover, idly pacing his deck, sees in the distance this Inch Cape float and in his merry, wicked mood decides to plague the good abbot by cutting the bell from the buoy. At his command his men row him to the rock and he cuts the bell in great humor and glee, and then sails away. After scouring the sea for many days and growing rich in his ill-gotten gain he turns his craft homeward to Scotland. Night comes on and darkness and a fearful storm. The vessel drifts and rolls and tosses before the angry waves and wind, and, amid the confusion and turmoil, Sir Rolph says:

Cans't hear, said one, the breakers roar?
For me thinks we should be near the shore.
Now, where we are I can not tell,
But I wish we could hear the Inch Cape Bell.

They hear no sound, the swell is strong.
Though the wind hath fallen, they drift along
Till the vessel strikes with a shivering shock;
O, Christ, it is the Inch Cape Rock.

Sir Rolph the rover tore his hair,
He cursed himself in his despair.
The waves rushed in on every side,
The ship is sinking beneath the tide.

But even in his dying fear,
One dreadful sound could the rover hear,
A sound as if, with the Inch Cape Bell
The devil below was ringing his bell.

The men who would cut away and destroy the Constitution as a protecting shield to the people of the United States would be the worst victims of their own folly. For more than a hundred years it has rung true in every storm and crisis, and has protected us from the despotism of the autocrat as well as the tyranny of the mob; and faded will be the glory of the country and dim the majesty of its laws whenever the humblest citizen of the land will not be able to retire to his citadel and say: This is my castle, and my family and I are safe. I am an American citizen and I invoke the protection of its Constitution and its law. [Applause.]

Mr. FORDNEY. Mr Chairman, I yield 25 minutes to the gentleman from Pennsylvania, Mr. HULINGS.

Mr. HULINGS. Mr. Chairman, I do not think that I can improve at all upon anything said by the gentleman from Texas [Mr. BLACK] in his splendid presentation of matters about which I propose to speak. As he says, there is an element at work in this country that challenges Americanism.

We sit here busying ourselves about matters of comparative unimportance when violent assault is being made upon the very foundations of the Republic.

Discontent and unrest are abroad, pervading great masses of our citizens.

The workingmen upon whom the life of the country depends are striking. Policemen, firemen, miners, workingmen everywhere by voluntary idleness seek to compel concessions. Concessions of what? Will the coal mines be closed on the approach of winter? Will the railroads be tied up? Will the fires of industry be banked? Will the country be desolated and starved if these concessions are not granted? Class rule, mob rule, threatens that they will be.

The high cost of living and the insufficiency of wages do not fully account for the situation.

The high cost of living is largely due to rascally profiteering and the spirit of "grab what you can" is practically universal, partly to the inflation of the currency, partly to waste and extravagance, partly to idleness and underproduction, and partly to the big prices that foreigners are paying for our staples.

Some of our citizens, especially postal employees, the army of clerks and bookkeepers and salaried men, people who live on fixed incomes, and some classes of railroad employees, do not get half the income of some of the strikers and are actually in distress because of the high cost of living, and their demands must be met.

To remedy these causes of the high cost of living Congress can do little beyond an effort to stop profiteering, and to stop its own wild extravagance. The real remedy is industry, production, economy, which lie with the people themselves. [Applause.]

After the Civil War the necessaries of life were far higher in price and wages were far lower than they are to-day, but the standards of living were far lower, and we never ought and we never will go back to them. High standards of living have developed the power and splendor of the Republic.

Yet, by and large, there never was a time in the history of the world when the average citizen lived as well as he does to-day in this country, notwithstanding the high cost of living.

When the First Division made its triumphal march on Pennsylvania Avenue several hundred thousand citizens lined the sidewalks. In passing through those crowds, composed of citizens of all walks of life, I saw no signs of privation or misery, or distress. It was a well-dressed, happy, well-to-do populace.

I had witnessed the great outpouring of citizens at New York to greet the return of the Twenty-seventh Division of New York National Guardsmen. There were millions of citizens there, many of them from the humbler parts of the city. There again I saw a happy, well-fed, well-dressed people.

I recognize the right of the workingman to strike whenever he chooses and for whatever reason that suits him; but as a good citizen he will always consider the effect the exercise of his right to strike may have upon the innocent public and only use it in extreme cases.

I recognize "collective bargaining" as absolutely the workman's only defense against the tendency of wages toward the lowest point of subsistence under the competitive system. This system controls the employer as well as the employee. For instance, two employers with an equally large number of employees are engaged in the same business as competitors.

One of them, less scrupulous than the other, cuts wages. The unmarried man or the man with a wife can get along on the cut, and they accept the cut, but the man with a wife and four or five children can barely subsist, yet he, too, must accept the cut. Now, the other employer must cut all his employees or be driven out of the business.

Collective bargaining relieves the employers of such risks, labor costs are rendered certain during the term of the bargain, and the workingman secures better wages than he singly could secure.

Collective bargaining can only be effective through the labor union.

As I have had occasion to say heretofore, formerly the relations of labor and capital were found in all our law books under the chapter of "Master and servant." But a profound change has come in these relations.

Thoughtful men are beginning to realize that every human element entering into production has a right to a voice in the division of the joint product of labor and capital, and that labor has as much right to say what share of the joint product capital shall have as capital has to say what share labor shall have, and if they can not agree there is the "lockout" or the "strike," and production stops, while the general public, that is a thousand times more interested in the operation of that railroad or coal mine or industry than either the employer or employee, suffers financial wreck or starvation. So the general public is interested not only that labor shall have an equitable share of the joint product, but on the score of its own financial interests.

The history of strikes has been that the "hot-heads" resort to intimidation and violence. The employers hire armed bands of Pinkertons and strike breakers to protect their property. Collisions occur. Criminations and recriminations are hurled back and forth. Glib-tongued orators fire the passions of the crowd. The local police, usually in sympathy with the crowd, are helpless to preserve order. The sheriff appeals to the governor. No government worthy of the name can permit the violation of law and order, and it sends its military forces to restore the public peace.

Now, what are the rights in this matter?

First, a man's right to strike is incontestable, and he need give no reason; but the other man's right to work is equally incontestable, and interference with either should not be permitted.

On the other hand, in all the public utilities, in which "strikes" so vitally concern the general public, and especially in the case of policemen, men voluntarily entering such service should contract to serve for specified wages during a specified time without the right to strike or to be discharged so long as the contract is complied with.

Second, the right of free speech and orderly public assemblage is the constitutional right of every American citizen. But the right of free speech, as well said by the gentleman from Texas, gives no man the right to slander or excite violence against any other man, nor to slander the Government or incite others to violence against the Government. The Constitution provides that any changes in the Government that the deliberate judgment of the majority of the citizens deems necessary may be made.

Third, the right of employers to hire armed bands should be strictly confined to guards employed within the premises to protect the property or, perhaps, be altogether prohibited, leaving all liability for losses upon the county whose duty it is to protect his property.

Fourth, the recognition that labor is entitled to a voice in the division of the joint product of labor and capital not only entitles it to a living wage, but to a real partnership in the business.

But, Mr. Speaker, strikes for higher wages we have seen before without anxiety. My sympathy is always with the workingman when he makes a just demand for better wages and better conditions. But if union labor means to take society by the throat to enforce "class rule," if it means to run the Government for the benefit of its own particular class, if union labor is going over to the "Reds," instead of a beneficence it becomes a deadly menace to American institutions. Ignorant men, thoughtless men, evil men, are advocating "class rule."

The Roman Senate confidently laid its taxes upon the lands outside the walls of Rome when Hannibal and his army were encamped thereon, and though the end came not yet, Rome, imperial in power, rolling in wealth, smothered in luxury, vice gilded, greed enthroned, public spirit dead, the masses in servitude under class rule, and Rome, that sat on her seven hills and from her throne of beauty ruled the world, toppled into helpless and colossal ruin.

I am not an alarmist. This is no country for "class rule." Our forefathers fought to destroy "class rule." The stratification of society into "classes" will destroy the Republic. An honest ballot is the only ruler the Republic will tolerate. No man has greater confidence in the ultimate good sense of the American people than I. I have confidence in the patriotism of the American-bred workingman. No man has greater faith than I that the American people will work out their destiny to the most commanding place in all God's green earth, but "eternal vigilance is the price of liberty." [Applause.]

Behind this strike designing men are preaching the hideous doctrines of hate and spoliation, the I. W. W., "syndicalism," "Bolshevism," "direct action." The revolutionary doctrines that permeate France, that have tied up the industries of England and brought her to her knees, doctrines that have destroyed Russia and swilled that unhappy land in misery and blood, have found a footing in this country. In this land of liberty, dedicated to the equality of all men before the law, renegade Americans are found who advocate the destruction of all government by violence. The honest American workingman, hundreds of thousands of them, in the labor unions are not ready to Russianize America. Are they ready, then, to follow leaders who cloak evil design under the strike? Of course this brand of leaders want to win the strike. That will give them popularity, leadership. The honest, conservative leaders will be shelved, and they will take control. Then they can "regard the workers as pawns or putty to be manipulated as they choose," as they boast they have done.

These doctrines have been covertly and stealthily preached for years in this country by wild-eyed fanatics of foreign importation who know nothing of our people or institutions. Ignorant foreigners who came here to escape oppression were a fertile field for this murderous propaganda. It grew in the dark. Now it has been brought into the open and advocated by American leaders of great labor unions, and the doctrines of the "revolution" are widespread.

Hear what one of the leaders of the steel workers' strike says, not in the heat of passion, but in the deliberate pages of a book which he has published.

He declares himself a syndicalist and says:

The syndicalist ignores all laws so far as he is able and it suits his purpose.

He proposes to wrest from the capitalists by force the industries they have stolen.

The workers will seize control of the social means of production and operate them in their own interest.

The workers wring from their employers whatever concessions they can. They don't remain content with these concessions, and as soon as they are able they proceed to win more. They are insatiable, and when the general strike proves their ability to do so they will have no scruples against expropriating the capitalist. The capitalists are thieves and have no right to their property.

The syndicalist is unscrupulous in his choice of weapons. He allows no considerations of loyalty, patriotism, religion, honor, duty, to stand in the way of his adoption of effective tactics.

The syndicalist is a radical opponent of law and order. He is going to strip the capitalists of their property, law or no law.

Along with the slave ideal of a fair day's pay for a fair day's work must go the idiotic doctrine of the harmony of interests of capital and labor which many labor leaders are so fond of enunciating.

The workers must give up their present rapid rate of work and by systematically saboting their work turn out as little as possible of it.

The syndicalists are the most potent force in the labor movement.

Speaking of the great French railroad strike—

They were the life of the strike. The rest of the workers were little better than pawns or putty to be manipulated as the militants chose.

I have been grieved and surprised to learn that Mr. Gompers has publicly become the apologist for the man who could advocate such doctrines, on the ground that he had abandoned them.

I do not think the brain that could conceive such hellish doctrines ever could return to the ways of sanity. [Applause.]

Just such men are loudly proclaiming the constitutional right of "free speech" under a Constitution they are striving to destroy. What consummate impudence for "radical opponents of law and order," who have "no considerations for patriotism, religion, honor, duty, or loyalty," to bleat about the right of free speech or free assembly in this or any other country.

These doctrines are absolutely opposed to American ideals. They are of foreign importation. They come from lands that

have no conception of American institutions. Those peoples do not know anything but class rule. The only argument they recognize is force and the bludgeon. As President Wilson has well said, "They do not understand us, they do not look in the same direction as the American people do," and I can not, for the life of me, understand why the President now wants to hook us up with them in a league of nations without amendments.

Mr. Chairman, the genius of our institutions is Americanism. Americanism means freedom of speech, of press, of opportunity. It means government by the consent of the governed. It means liberty regulated by law.

It is devotion to a great social ideal founded on the equality of all men before the law. [Applause.]

It is a passion for freedom, for justice.

It is hatred of tyranny and oppression, of special privilege, and of class rule. [Applause.]

Americanism is challenged. Every Democrat, every Republican, every loyal citizen, who believes in the principles the fathers handed down to us, all men who love the American flag, should stand together to repel these hideous doctrines of foreign importation. Whatever you may think about the labor union or the "closed" or the "open" shop, men who love the concepts of American liberty must stand together and with open minds establish justice to all citizens after the American fashion of fair dealing.

Whatever you may say, whatever faults you may find, whatever imperfections may exist, Americanism has done more for the human race, more to make men free, happier, better fed, better clothed, larger minded, broader visioned than any other Government ever devised by man. [Applause.]

It is the bounden duty of every man who loves American freedom to take up the challenge and root out these pernicious doctrines.

The American Congress should lead in a campaign of education. From these Halls should go out a propaganda of the truth. Men, as a rule, are fair-minded; they can be reached by a candid dispassionate presentation of the facts. The mass of foreigners in our midst and the foreign-tainted Americans, deceived by cunning leaders, are plain men acting according to their light, but they are standing in darkness. The truth will be a lamp to their feet. Every newspaper, every foreign-language newspaper, should be flooded with plain statements of what Americanism is, and what syndicalism is, appealing to common sense, showing that Americanism is the hope of the common man. [Applause.]

The only way to make the propaganda of Americanism effective is by organizations; and I shall at the proper time introduce a resolution providing for a joint committee of the House and the Senate whose duty it shall be, by practical, systematic methods, to inculcate a love for the American system of government.

The Great Republic is the Empire of the commonalty. Her flag is the only banner in the world that represents a land where man may be free; free with such abilities and capacities as God has given him to work out his own fortunes, unbuttressed and undeterred by class, rank, or privilege. [Applause.]

Mr. Chairman, I yield back the balance of my time, and I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman yields back two minutes. The gentleman asks unanimous consent to extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. KITCHIN. I yield 10 minutes to the gentleman from Louisiana [Mr. SANDERS]. [Applause.]

Mr. SANDERS of Louisiana. Mr. Chairman, I listened with a great deal of interest to the speeches which have just been made. I believe that it would do a great deal of good if every man in the United States could listen to the speeches which have been made by the gentleman from Texas [Mr. BLACK] and the gentleman from Pennsylvania [Mr. HULINGS]. There is no question in the world that Americanism is sound at the core, and I am not one of those who take a gloomy view of the future. I am rather of the opinion that as this country and this people have met and overcome all trials of government that have preceded this day, that we and those who come after us will be able to do as much for this country and for the world at large as did those who preceded us. There are to-day two classes of people in America, whether knowingly or unknowingly it matters not, who are doing all that they can to undermine the confidence of the people in this Government. The I. W. W., for instance, who proclaim the fact that they owe no allegiance to this or any other Government and that they believe in internationalism, are frankly and openly fighting our system of government. Then there is another class of men who take advantage of situations, men who take advantage of the law, to get the best of their fellow citizens. For instance, we have heard a great deal in recent months of the profiteer. Now, the man, in my opinion, gentlemen, who takes advantage of a situation or takes advantage of a law to make money out of the sufferings and the needs of the people is as great an enemy to American institutions as the ignorant I. W. W. [Applause.]

I introduced a resolution just the other day asking the Federal Trade Commission to look into and report at once upon the spread that has come between crude cotton oil and refined cotton oil. My excuse, if I may have one, for bringing that into this discussion, is this: Every man knows the conditions existing in his own locality. I know the situation in mine; you know the situation in yours. August of last year there was a meeting held here in this city in which it was agreed that the differential between crude cotton oil and refined cotton oil would be 15 cents a gallon. Now, you gentlemen must remember that we people of the South who grow cotton seed sell the seed to the mills upon the basis of the price of crude cotton oil, and that crude cotton oil is sold by the oil mill to the refinery and refined and made a wholesome and palatable food for human consumption. The basis of what the mass of the people have to pay for the food is based upon the price of refined cottonseed oil.

We, in other words, sell our cotton seed based upon the price of crude. You buy the food product based upon the price of refined. Now, at a meeting held in my State not long since, it has been stated—and this information is from a letter that has been written to me by the commissioner of agriculture of my State—that instead of the differential to-day between crude cotton oil and refined cotton oil being 15 cents, it is, in a number of cases, 60 cents. In other words, the spread between the crude and refined has gone in one year from 15 cents a gallon to 60 cents a gallon.

Now, mark you, in all that spread not one cotton farmer in the South has benefited a copper cent. In that spread not one man who crushes the cotton seed into the crude oil has benefited one cent. The men who have been made to suffer by that tremendous spread are the mass of the people who have had to buy this product in order to keep body and soul together.

You and I may argue about the high cost of living as long as we will; Congress can do a certain amount of good, it can pass certain legislation; the State legislatures can supplement that legislation with other legislation; but it does seem to me that one of the most effective ways of reducing the cost of living is that, whenever it comes to the knowledge of an individual Member of Congress that conditions are abnormal as to the food and feed raised in his district, he ought to make it known to the American people, so that the profiteers and those who are taking advantage of the people's wants will have the pitiless light of publicity turned upon them.

In the final analysis, gentlemen, this is a Government of public opinion, and beyond every other consideration and above every law of the land, the great mass of public opinion is, at last, what determines the action of this people. [Applause.]

I hope the resolution I offered will be promptly reported by the committee and adopted, and I hope that the Federal Trade Commission will investigate this matter—and it can do it in at least two or three days—and that they will make such recommendations as will show up the conscienceless profiteering of those who buy the crude oil, refine it for human consumption, and then sell it to the people at such an enormous differential. These things, in my opinion, will cure themselves if given publicity.

These two classes that I spoke of a minute ago are the two that undermine the confidence of the great mass of the people in this Government—the man at the top and the man at the bottom. The saying of the old French writer, whose name escapes me, is truer of America than it is of any other country in the world—that "society is like a pie; there is an upper crust and a lower crust, but the real meat is in between." [Applause.] That is the saving grace of the situation to-day. No permanent soviet, Bolshevistic theories can gain ground in America. The good sense of our people will prevent it.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. KITCHIN. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. SANDERS of Louisiana. This American country of ours is at last the land of opportunity. We can assimilate and have assimilated the foreigner in the past. The foreigner that is against our Government is the foreigner that does not understand the genius of our institutions. If he does not become assimilated, my experience is that his children do become Americans, and they realize this outstanding fact about our Govern-

ment, that here the door of opportunity opens alike to the touch of every man, no matter what his condition may be; here in this land of America the poor man and the rich man stand upon an equality, and every boy beginning his career here starts with an equal chance in the race of life.

The glory of it is that here in America the child of a millionaire may be, and often is, the pauper of to-morrow, and the pauper's son often is the leader of to-morrow. In other words, I believe that the great, sober, sane people of this country realize that, imperfect as our Government is—because it is the work of man and not the work of the Infinite—imperfect as it is, it is yet the most perfect form of government that the heart of man has conceived or the mind of man has reduced to writing. [Applause.]

I believe in America and Americanism with every drop of blood in my body. I know, as everybody else in this land knows, that here a man works out his own salvation, and in the end gets out of this life and out of this Government just about what he puts into this life and into this Government. And I know that whatever imperfections there are in our Government, whatever things there may be that have not been reduced down to a fine point—and we see the rough edges here and there—it is the American people that will cure every defect that exists, soberly, cleanly, and sanely, and make of this country a better land for their children, just as our fathers made it a better land for us. [Applause.]

So far as I am concerned, I have no doubt of the future. I have no patience with those who go abroad and seek to tear down and destroy this Government and its Constitution. I believe it is the best Government on the face of the earth, and I believe, when it comes to a written Constitution, that there never has been one in all the world that in any way approaches ours.

Destruction is the easiest thing in the world. Anybody on earth can destroy, but it takes labor and brains and perseverance and ability to build up. Take the meanest mule there is in my parish, and that mule can kick a $500 piano to pieces in 10 minutes; but that same mule could not build a hencoop in 10 years. Anybody on earth can destroy, but it takes labor and brains and ability and confidence to build. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. PLATT].

Mr. PLATT. Mr. Chairman, on Tuesday, the 16th, the distinguished chairman of the Committee on Appropriations, in his able presentation of the serious problems confronting this Congress, showing the absolute necessity of reducing expenditures as much as possible, and pointing out the large deficit which at best we are certain to be compelled to find means to meet, referred incidentally to the high cost of living, and stated that it is generally admitted that the high cost of living is due primarily to four principal causes. With three of the causes, as stated by him, I have no dissent. I think his statement was substantially correct, but I think it is a mistake to say that the "first and foremost" cause for high prices is "the increase in our circulating medium."

I have studied the subject a great deal, and I am thoroughly convinced that the Federal Reserve Board is right in declaring that the increase in our currency and in bank deposits is an effect and not a cause. You can not increase taxes so tremendously and sell such enormous amounts of Government bonds without increasing both currency and credit. One of our single bond issues—the fourth Liberty loan—sold in a campaign of a few weeks, called for more money than there is in existence even now, inside and outside of the Treasury and the Federal reserve banks. How was it possible for the people to pay for those bonds and to pay at the same time taxes greater in the aggregate than all the money of all kinds in the country? They paid by an expansion of credit, which inevitably led to some increase of currency. There was no other way it could be done, and I want to say that in my opinion the whole operation of financing the war—of finding the enormous sums that were spent—was very skillfully and ably handled by the Treasury Department, by the Federal Reserve Board, and by the bankers of the country.

When you reflect that we have sold bonds amounting to more than $24,500,000,000 since April, 1917, and have paid in taxes something like $9,000,000,000 more, the feat seems almost incredible. Five years ago no one would have believed it possible. Of course, while the Government has received and has used the purchasing power from those enormous taxes and stupendous bond sales, they are not really all paid for yet, not by a good deal. The banks are still carrying several billions of them only partly paid for, and the Federal reserve banks are still carrying war paper amounting to a billion five hundred and seventy-two millions, and that is in large measure the trouble to-day. The bonds are still, too many of them, "undigested," in financial slang. The people have not yet been able to save enough money to pay for them and put them away in their strong boxes. They are making progress at it, however, and if production could keep on uninterrupted, without strikes and curtailments of one kind and another, the steady payments made at the banks by the thrifty would very soon begin to make themselves felt.

In spite of the tremendous bond sales and taxes, the amount of money of all kinds, outside of the Treasury, increased only about $1,042,000,000 between the end of April, 1917, and the end of July, 1919, while national bank deposits increased less than a billion and a half, and deposits in all banks not over three billions. Of course, there was a considerable increase of currency and credit before we entered the war—an increase of the total stock of money outside of the Treasury of $1,282,962,000 between July 1, 1914, and April, 1917, nearly all of which, however, was gold. That increase was due to the great purchases of war material and foodstuffs here by the nations that afterwards became our associates in the war. Their purchases, made under stress of overwhelming necessity and at prices which our manufacturers and dealers fixed to suit themselves on a basis of big profits, were the chief cause of the high prices—prices which naturally continued to advance considerably after we entered the war, but which were in the main made before we entered. The prices were made, of course, before the payments, and preceded the increase of our gold stock, generally speaking.

It is true that most of our issues of Federal reserve notes were put out since April, 1917. At the end of April in that year there were but $403,296,000 of them in circulation, while in December last, when they reached their peak, up to last week, there were $2,634,512,000 in circulation. After that time there was a pretty steady reduction until June, when they began to increase again, due doubtless to the floating of the big Victory loan. They are now again above $2,600,000,000, and, in fact, the statement published on Saturday last shows that they have passed December's figures, making a new peak, $2,655,354,000. There should soon set in a steady permanent decrease, but whether there shall be such a decrease or not will depend largely on what this Congress does.

The tremendous increase in Federal reserve notes, however, must not be taken as indication that most of them represent inflation. As I have already shown, there has been an increase of the total stock of money, outside of the Treasury, of only a little more than a billion dollars. What many people overlook is that Federal reserve notes can be issued dollar for dollar in exchange for gold or gold certificates, and for some time most of them were so issued, and were practically gold certificates. You will find that for a number of months in 1917 the amount of gold held as cover for Federal reserve notes was actually greater than the outstanding amount of notes, more than 100 per cent. Then, as our bond issues mounted up and war paper began to flow into the Federal reserve banks as collateral for rediscounts from the member banks, the amount of Federal reserve notes began to increase and the gold reserve to decrease, but it was not until the second Liberty loan was floated, in October, 1917, that the movement became very marked and until the third Liberty loan had been floated, in the spring of 1918, the gold reserves, against both deposits and notes in the Federal reserve banks, were steadily above 60 per cent, and they did not go below 60 per cent until July of that year. In October, at about the time the fourth Liberty loan was put out, the reserves went a little below 50 per cent, and, I believe have once or twice been down to about that figure since then, though the ending of the war naturally steadied things considerably by cutting down the great expenditures. On September 26 the gold reserves, against both deposits and Federal reserve notes, were reported as 51 per cent, and with 35 per cent charged off against deposits there was 60.8 per cent against outstanding notes. Just what has occasioned the recent increase of war paper in the Federal reserve banks and the increase of Federal reserve notes to a new peak, a little higher than that of December, I am not sure, but I presume that it was due to recent final payments on Victory notes and to present issue of Treasury certificates taken by the banks.

At the close of a great war expenditures never decrease as fast as people seem to expect that they should. Many claims remain to be settled and relaxation from enforced war sacrifices and economies produces for a time a certain extravagance of expenditure that hinders the payment of debt. Federal reserve notes issued against the collateral of war paper, or bonds, appear to me to come pretty fairly under the definition of inflation, and until the people who have bought the bonds which

form that collateral, save enough to pay for them and take them out of the banks that inflation will continue. War obligations held by the Federal reserve banks have been declining, with some ups and downs, until last week, and if it can be accepted as true that the Government has reached the peak of its borrowing will soon again continue to decline, unless this Congress should adopt some wildly extravagant policy which would require us to raise a billion or two billion dollars more, piled on top of the tremendous debt and responsibilities we already have.

If we should adopt such a policy, whether to pay a so-called bonus to the splendid young men who have survived the Great War and are now nearly all back at their former occupations in civil life or in pursuance of some of the other extravagant ideas of governmental activities that have their advocates, we would put back the wheels of progress a year or more. Another great bond issue would be necessary, just when the Treasury Department is making every effort—and with apparent success—to avoid another bond issue, and to obtain necessary funds to take care of the deficits existing between tax collections at a slightly lower rate of interest. Further increases in the tax burdens of the Nation would doubtless also be necessary. There would be a further inevitable inflation of credit and of currency, and instead of reducing the cost of living, in which we have reason to believe we have made some start, we would send prices kiting up again, and start again the whole train of evils which we are so earnestly seeking to amend and to find a cure for. For my part, I do not believe that any considerable number of returned soldiers would want us to do that if they understood the situation, and I think that a great many of them do understand it, because comparatively few have been influenced by the propaganda which has been so persistently carried on among them by those who have been advocating this so-called bonus. I am sure that they do not want any effort made to measure the value of their great services to the country in dollars and cents, or to have anything done that would injure the country or prevent its recovery from the effects of the war. [Applause.]

Mr. FESS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Ohio?

Mr. PLATT. Yes.

Mr. FESS. In making an estimate of the amount of inflation that would be expressed in currency, is it proper to say that the difference between the increase in the business transactions and the increase in Federal issues would measure that inflation? The increase of the business transactions since the war, according to the committee that was appointed—the committee of 12, representing 12 great universities of the country—the increase was from 13 per cent to 20 per cent, while the increase of the Federal reserve notes was something like 60 per cent, I think.

Mr. PLATT. Well, offhand and without studying the question, I think that might be a fair measure of inflation, or give some idea of it, provided you take the whole stock of money outside of the Treasury and Federal reserve banks. You can not measure inflation by increase of Federal reserve notes alone when other kinds of money may be decreasing in volume.

Mr. FESS. The whole stock of money increased even more than that.

Mr. PLATT. The gentleman is mistaken about that, I think. The whole stock of money has been decreasing. I have here a September bulletin of the Federal Reserve Board, and there are some rather interesting things in it—page 838. The peak of our gold, the highest point of the gold stock in the country, was reached in April, 1917. Then it was a little bit over $3,121,000,000. It has been below that since. At the end of July last it was down below $3,000,000,000, or $2,989,000,000. The peak of all kinds of money outside of the Treasury was reached in November last, when it was $5,993,000,000. The peak of the Federal reserve notes, until last week, was reached in December last, $2,634,000,000. The stock of money outside of the Treasury has been going down ever since last November. It has gone down from $5,993,000,000 to $5,777,000,000 August 1 and to $5,743,000,000 September 1. That is from the September Treasury statement. The October 1 statement is not out yet.

Mr. FESS. The measure of gold in quantity would be increased by our receiving gold from Europe in payment of balances. But that was stopped before the war, or about the middle of the first year of the war, by our loaning immense amounts of money or credits to Europe to take the place of their sending gold. We sent both the credit and munitions, the stocks of goods, and no money really went over there. It is simply a book transaction?

Mr. PLATT. Yes. Our loans were simply credit for goods bought here.

Mr. FESS. And no gold came over here to pay for the balance?

Mr. PLATT. Not after April, 1917.

Mr. FESS. That is what I mean. Consequently the stock of gold decreasing does not mean that the stock of money has decreased. The stock of money would increase.

The CHAIRMAN. The time of the gentleman from New York has expired

Mr. PLATT. Mr. Chairman, may I have a few minutes more to answer these questions?

Mr. FORDNEY. Mr. Chairman, I yield to the gentleman two minutes more.

The CHAIRMAN. The gentleman from New York is recognized for two minutes more.

Mr. FESS. My point was that it is easy to understand why the stock of gold did not increase after a certain time, because that was answered by our immense credits to Europe to take the place of credit balances.

Mr. PLATT. Yes; but the total stock of all kinds of money outside of the Treasury has not increased since November, 1918.

Mr. FESS. No. There is no chance for it to increase unless we would bring it from Europe.

Mr. PLATT. The gentleman has just mentioned the great increase in the Federal reserve notes. My point is that there has been a certain decrease in gold and some decrease in national bank notes, and that the total volume of money outside of the Treasury has not increased since last November, so that any increase in prices since last November can not be laid to the total increase in the stock of money in circulation. I might add that most of the gold is in the vaults of the Federal reserve agents as part of the collateral for Federal reserve notes.

Mr. FESS. My point is that business transactions since the war have increased something like 20 per cent; the amount of money in circulation has increased something like 60 per cent.

Mr. PLATT. I do not think that is true.

Mr. FESS. I think it is true. That is the report of the commission which was appointed especially to look into this thing, and the commission made its report, and the report was that the business transactions of the Government were increased less than 20 per cent, while the money increase was more than 60 per cent.

Mr. PLATT. They took the Federal reserve notes alone, and did not look at the rest of the situation, or they did not eliminate the gold with Federal reserve agents.

Mr. FESS. No. I am speaking of the money at large. I think that there is a distinctive inflation, and it is not because the price of articles is so high, but because the value of money is cheap. It is an increase of price without an increase of value.

Mr. PLATT. I think there is a certain amount of what may be called inflation, due to the Federal reserve notes issued with war paper as part of the collateral, but it was inevitable that this should happen with such tremendous bond issues and taxes. If we can escape another bond issue, it should automatically reduce itself. Federal reserve notes will not stay out unless there is a demand for them. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has again expired.

Mr. FORDNEY. Mr. Chairman, I yield two minutes to the gentleman from Illinois [Mr. KING].

The CHAIRMAN. The gentleman from Illinois is recognized for two minutes.

Mr. KING. Mr. Chairman, in the time granted me I desire to send up and have read at the Clerk's desk a communication received this morning from the Hon. Frank Abbey, of Illinois.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

A COMMUNICATION FROM A "TIRED BUSINESS MAN."

I have been held up, held down, sandbagged, walked on, sat on, flattened out, and squeezed. First by the United States Government for Federal war tax, Liberty loan bonds, thrift stamps, war-savings stamps; for State, county, and other taxes, capital stock tax, and auto tax; and by every society and organization that inventive mind can invest and extract whatever I may or may not possess.

The Government has so governed my business that I do not know who owns it.

I am inspected, suspected, examined, reexamined, informed, required, restrained, and commanded, so that I don't know who I am, where I am, or why I am here.

All that I know is that I am supposed to be an inexhaustible supply of money for every human need, desire, or hope of the human race, and because I will not sell all I have and go out and beg, borrow, or steal money to give away, I have been cussed, discussed, boycotted, talked to, talked about, lied to, lied about, held up, hung up, robbed, and nearly ruined; and the only reason I am clinging to life is to see what is coming off next.

[Applause and laughter.]

The CHAIRMAN. If there is no further debate, the Clerk will read.

Mr. KITCHIN. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. LANKFORD].

The CHAIRMAN. The gentleman from Georgia is recognized for five minutes.

Mr. LANKFORD. Mr. Chairman, at this time I want to say just a few words more about the effort to put a tariff on potash. Regardless of what may be said in defense of other tariff measures, this one is without a valid defense.

When I was speaking along this line a few days ago the gentleman from Illinois [Mr. DENISON] asked whether or not I favored a tariff on wheat. I replied, "That is another question." And so it is. A tariff that would help the cotton producer or wheat producer, or both, to be paid by everybody who eats bread and wears clothes would be a fairer protective tariff than is ordinarily passed or suggested by the Republicans.

This by no means argues that it is right to collect a tariff from the millions of farmers and their families for a half dozen rich potash corporations.

The gentleman from Nebraska [Mr. KINKAID] said on this floor recently that the potash tariff would cost the farmers practically nothing. He is much in error about this.

What are the facts? I quote from a letter written to Hon. CHARLES R. CRISP, of the Ways and Means Committee, and the other members of the Georgia delegation by the Hon. Lem B. Jackon, director of the bureau of markets of the department of agriculture of Georgia:

Nineteen hundred and fourteen was the biggest year, so far as the consumption of fertilizers is concerned, that Georgia ever had. In that year this State consumed 1,282,088 tons. Normally 10 per cent to 15 per cent of the tonnage is in straight acid phosphate; about 20 per cent in what is known as alkaline goods; that is, acid phosphate and potash (in this grade the potash averages about 3 units to the ton); 65 per cent in ammoniated goods, which will average 2½ units to the ton.

In round numbers we will say that 1,000,000 tons of fertilizer consumed in the State of Georgia contains potash. Two hundred thousand tons of alkaline goods would require 3 units to the ton—600,000 units. Six hundred and fifty thousand tons of ammoniated goods at 2½ units would require 1,625,000 units of potash, making the total consumption in the State around 2,225,000 units during the peak season of 1914.

The cost of this potash to the farmers that season averaged about $1 per unit, and the proposed increase to $2.50 per unit would necessarily under normal use of potash cost our farmers $3,337,500.

In other words, this proposed potash legislation would take from the farmers of Georgia alone each year enough money to build a $22,000 courthouse in each county in the State. This bill would take from the farmers of Georgia each year enough money to pay all the salaries of the 435 Congressmen of this House for more than a year, or enough money to pay the salary of one Congressman for 445 years, which is a period of time longer than has elapsed from the time of the discovery of America by Columbus to the present time. [Applause.]

It will be seen at once why I oppose so bitterly this potash tariff bill and why I feel that every friend of the farmers and of the Nation should fight it to the limit.

If the bill passes the farmers will not feel like buying the guano that they need. There will be a falling off of production, and the cost of living will continue to go skyward. If we would solve the problem of the high cost of living we must help the farmer to produce more and he will solve it.

The farmer is entitled to better treatment than we are about to accord him. Can we forget so soon the noble service which he rendered our country in her dire need? [Applause.]

The farmers did nobly their part in the Great War. They gave their sons to bare their breast to the enemy and to build a living wall to hold back the German hordes and save civilization. The farmers bought Liberty bonds to the last penny, and ofttimes deprived their families of the necessary food and raiment in order to furnish funds for the Government. They speeded up production in spite of the fact that their help and their children had been taken from them and produced an abundant harvest, which they heaped into the lap of the Nation for the prosecution of the war. They put their time, their substance, their children, their lives, their all, on the altar of their country.

They won the war. They deserve a pension instead of a punishment. [Applause.]

Mr. FORDNEY. I yield 10 minutes to the gentleman from Wisconsin [Mr. BROWNE].

Mr. BROWNE. Mr. Chairman and gentlemen of the committee, the Post Office appropriation bill passed by the last Congress, which became a law on the 29th of February, contained an appropriation of $200,000,000 for roads. It also carried an order that the War Department should turn over to the Agricultural Department, to be distributed among the several States, all its surplus road machinery. This road machinery consisted of automobile trucks, rollers, cement mixers, and all the equipment for first-class road building. After a good deal of formality and red tape and the making of inventories lasting several months, the War Department started in to apportion the surplus road-building machinery. The total allotment to the Agricultural Department was 20,519 motor trucks and other motor vehicles, making in all a total assignment for road making of 27,825 motor vehicles. Sixty-seven hundred motor trucks were actually delivered. There were 14,950 motor vehicles assigned to the Bureau of Roads, but which had not been delivered on August 22. The reason assigned by the War Department for not delivering any more motor trucks or road machinery was that Congress had repealed the law providing for the distribution of road-building machinery. It seems that the Judge Advocate General made a technical ruling that section 5 of the sundry civil bill passed by Congress, which became a law on the 19th of July, repealed this provision in the Post Office bill providing for the distribution of these trucks. Now, I am not going to discuss the ruling of the Judge Advocate General, but I am going to put into the RECORD the two provisions. They are as follows:

Section 7 of the Post Office appropriation act for the fiscal year ending June 30, 1920, and for other purposes, reads as follows:

SEC. 7. That the Secretary of War be, and he is hereby, authorized in his discretion to transfer to the Secretary of Agriculture all available war material, equipment, and supplies not needed for the purposes of the War Department, but suitable for use in the improvement of highways, and that the same be distributed among the highway departments of the several States to be used on roads constructed in whole or in part by Federal aid, such distribution to be made upon a value basis of distribution the same as provided by the Federal aid road act, approved July 11, 1916: *Provided*, That the Secretary of Agriculture, at his discretion, may reserve from such distribution not to exceed 10 per cent of such material, equipment, and supplies for use in the construction of national forest roads or other roads constructed under his direct supervision.

Section 5 of the sundry civil act making appropriations for the fiscal year ending June 30, 1920, and for other purposes, reads as follows:

SEC. 5. The Secretary of War is authorized to transfer any unused and surplus motor-propelled vehicles and motor equipment of any kind, the payment for same to be made as provided herein, to any branch of the Government service having appropriations available for the purchase of said vehicles and equipment: *Provided*, That in case of the transfers herein authorized a reasonable price not to exceed actual cost, and if the same have been used, at a reasonable price based upon length of usage, shall be determined upon and an equivalent amount of each appropriation available for said purchase shall be covered into the Treasury as a miscellaneous receipt, and the appropriation in each case reduced accordingly: *Provided further*, That it shall be the duty of each official of the Government having such purchases in charge to procure the same from any such unused or surplus stock if possible: *Provided further*, That hereafter no transfer of motor-propelled vehicles and motor equipment, unless specifically authorized by law, shall be made free of charge to any branch of the Government service.

I think it will be apparent to anyone who carefully examines these two provisions that the Judge Advocate General is entirely wrong, and that no lawyer of any great reputation would want to stake his reputation upon such an interpretation. It was certain that Congress did not intend to repeal this specific appropriation, and a general act never repeals a special act by inference or in uncertain language. The War Department did not itself question the law for over a month after the law they claimed repealing it was passed.

At the time the sundry civil bill was passed there were 14,950 motor trucks that the War Department had assigned to the highway department of the Agricultural Department to be distributed among the several States. Those 14,950 trucks had not been delivered to the Agricultural Department and have not yet been delivered. Now, certainly the sundry civil bill could not have applied to those trucks that had already been assigned, and I do not think it applied to even the trucks that had not been assigned. The time is running, valuable time. Six weeks have already gone by and no trucks have been delivered in that time. The War Department is not using these trucks. They are growing older. I have been informed by the War Department that there are something like 130,000 motor vehicles in the War Department. Probably 100,000 of those are in good shape, but they are growing old. The War Department can not house them and they ought to be turned over immediately to the different State road departments to be used in the construction of highways. Take, for instance, the 15,000 automobile trucks that have already been assigned. Those 15,000 automobile trucks that have already been assigned are worth from $2,000 to $3,000 per truck. That represents from $30,000,000 to $45,000,000 right there. The different highway departments of the United States are unable to buy trucks, and this provision in the Post Office bill, I believe, was the most important provision in it, more important than the appropriation of $200,000,000. Why? Because money can not buy motor trucks and road machinery at the present time. Every motor-truck manufacturing establishment in the United States has orders for a year or a year and a half ahead on motor trucks, and State highway departments can not procure them for many months. The same is true of other highway machinery. Now-

I say it is wrong for the War Department to hold these trucks that by an act of Congress have been ordered to be turned over to the highway department. The Judge Advocate General quibbles over the interpretation of this law which was plain and simple, while thousands of motor trucks and other road machinery are not being used and are rusting and growing old, and when the highway departments of the several States are in such great need of them for a great public use, road building. I think it is something that this Congress ought to take cognizance of, and that we ought to have legislation, and have it right away, to the effect that the War Department should turn over forthwith the trucks and road machinery which we directed it to turn over in the act of Congress.

I can not conceive of any reason for the War Department holding these trucks and road machinery that it has no further use for, unless, as the law they cite would indicate, that the War Department be paid for the trucks and machinery by the Agricultural Department. In other words, the War Department wanted the Government to put its hands in one pocket and take money out and put it in another pocket, the pocket of the War Department. In the meantime the work on national highways, the most important public work undertaken for years, is being crippled for lack of motor trucks and other valuable road machinery.

Mr. ROSE. Will the gentleman yield?

Mr. BROWNE. Yes.

Mr. ROSE. Is it not a fact that a great deal of highway construction is being held back by the various States because of this ruling of the Judge Advocate General?

Mr. BROWNE. There is no doubt of it.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BROWNE. I should like to have two minutes more.

Mr. FORDNEY. I yield two minutes more to the gentleman.

Mr. ROSE. I have a communication from the highway commissioner of the State of Pennsylvania complaining about this ruling of the Judge Advocate General.

Mr. BROWNE. Almost every highway department in the United States is clomoring for these motor trucks that they can not get. Think of it; 15,000 motor trucks would mean at least 3 or 4 trucks, besides the other road equipment that I have mentioned, for every county in the United States. And just as quickly as a county got these trucks it would see that they were taken care of and housed every night instead of going to waste the way a great many of them necessarily are, because the War Department can not take proper care of the immense number of automobile trucks and other equipment that it has.

Mr. BARBOUR. Will the gentleman yield?

Mr. BROWNE. Certainly.

Mr. BARBOUR. Were these trucks and other things assigned to county highway commissioners or to the States?

Mr. BROWNE. They were assigned to the Agricultural Department, and the Agricultural Department was to distribute them among the several States the same as road money is distributed—one-third according to population, one-third according to area, and one-third according to the number of rural routes.

Mr. BARBOUR. But is it intended that the counties shall have these trucks to use in the construction of their highways?

Mr. BROWNE. That depends upon their own State highway laws. They will be turned over to the various State highway commissions, to be used according to their State laws on Federal-aid highways.

Mr. KING. And if they do as they did in Illinois they will lease them out to a contractor for construction work and collect the money. That is the way they have been doing it there.

Mr. BROWNE. But trucks can not be bought, and they are not being used here. They should be working on the roads, not lying idle and rusting.

I introduced a joint resolution yesterday to have these trucks and this other road machinery turned over. There is another bill introduced——

Mr. KINKAID. Will the gentleman yield?

Mr. BROWNE. Yes.

Mr. KINKAID. Is the gentleman addressing himself to the bill which is pending to clear up this legal question?

Mr. BROWNE. I am addressing myself to the resolution I introduced yesterday.

Mr. KINKAID. The gentleman is aware that there is a bill pending, introduced by the gentleman from California [Mr. KAHN]?

Mr. BROWNE. I am.

Mr. KINKAID. Why can not we get consideration of that bill?

Mr. BROWNE. That is what I want to know.

Mr. KINKAID. And relieve this situation.

Mr. BROWNE. That bill was introduced on September 22, has the approval of every department affected—the War Department, Navy Department, the Secretary of Agriculture, Department of Good Roads, the Post Office Department—and I can not for my part see why that bill is not brought up at once and these automobile trucks distributed among the several States as Congress desired and provided in explicit language in the Post Office appropriation bill.

Mr. KINKAID. We ought to ask for a rule to have the bill brought up and passed.

Mr. BROWNE. The gentleman is correct.

Mr. BRIGGS. Will the gentleman yield?

Mr. BROWNE. Yes.

Mr. BRIGGS. Is it not a fact that the use of the trucks by the highway commission would make possible a more careful expenditure of the Government aid in highway construction and enable the State to carry out the program of the department of highways, without which it can not be done and is retarded?

Mr. BROWNE. I think the gentleman is correct. On many of the highways of the United States they are using horses and wagons and carrying only 1 yard of dirt, when an automobile will carry 5 or 6 yards, or five or six times as much as a team, and the truck, with an arrangement for loading, will go so much faster that one man can with a good motor truck do as much work as six or eight men with teams of horses.

Joint resolution (H. J. Res. 221) providing for the distribution of motor-propelled vehicles and motor equipment.

Whereas Congress has passed an act, approved February 28, 1919, known as an act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes, and section 7 of said act provides as follows:

"That the Secretary of War be, and he is hereby, authorized in his discretion to transfer to the Secretary of Agriculture all available war material, equipment, and supplies not needed for the purposes of the War Department, but suitable for the use in the improvement of highways, and that the same be distributed among the highway departments of the several States to be used on roads constructed in whole or in part by Federal aid, such distribution to be made upon a value basis of distribution the same as provided by the Federal aid road act, approved July 11, 1916: *Provided*, That the Secretary of Agriculture at his discretion may reserve from such distribution not to exceed 10 per cent of such material, equipment, and supplies for use in the construction of national-forest roads or other roads constructed under his direct supervision";

And

Whereas there are 14,950 motor trucks now available that have been assigned to the Bureau of Public Roads, Department of Agriculture, which have not been transferred to said bureau; and

Whereas the Bureau of Public Roads has demands from the various State highway commissions for said trucks for the building and improvement of highways constructed in whole or in part by Federal aid: Now, therefore, be it

Resolved, etc., That the Secretary of War be, and he is hereby, authorized and directed to transfer to the Secretary of Agriculture all motor trucks, war material, equipment, and supplies not needed for the purpose of the War Department but suitable for use in the improvement of highways, and that the same be distributed among the highway departments of the several States to be used on roads constructed in whole or in part by Federal aid, such distribution to be made upon a value basis of distribution the same as provided by the Federal aid road act approved July 11, 1916: *Provided*, That the Secretary of Agriculture at his discretion may reserve from such distribution not to exceed 10 per cent of said trucks, material, equipment, and supplies for use in the construction of national-forest roads or other roads constructed under his direct supervision: *Provided further*, That any State receiving any of said property for use in the improvement of public highways shall, as to the property it receives, reimburse the Department of Agriculture for all amounts paid by that department to the War Department for reimbursement of loading charges upon said property: *Provided, however*, That no more motor-propelled vehicles, motor equipment, or other war material shall be transferred to the Agricultural Department for the purpose herein mentioned than said Department of Agriculture shall certify can be efficiently used for such purposes within a reasonable time after such transfer.

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UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PUBLIC ROADS,
Washington, D. C., September 26, 1919.

Hon. EDWARD E. BROWNE,
House of Representatives, Washington, D. C.

MY DEAR SIR: I have your letter of September 25 making inquiry as to the transfer of motor trucks from surplus war equipment to the State highway departments under the provisions of section 7 of the Post Office appropriation act of February 28, 1919. Answering your questions in the order they are given, I have to state as follows:

1. The War Department is not at present and has not for the past four weeks made any transfers of motor-propelled vehicles or motor equipment under the provisions of the above act.

2. There have been actually shipped by the War Department approximately 6,700 trucks to the various State highway departments.

3. Trucks have been received by all the States. The allotment of 20,519 trucks was made on the same basis that Federal aid money is apportioned to the various States. On August 22 this department was notified by the War Department that no further transfers would be made until Congress had passed additional legislation. The Judge Advocate General of the Army ruled that section 5 of the sundry civil bill approved July 19, 1919, repealed that part of section 7 of the Post Office appropriation act in so far as it related to the transfer, without funds, of motor-propelled vehicles and motor equipment. Both the House and Senate Military Affairs Committees are now considering

legislation to insure the continuance of the transfer of surplus war materials, equipment, and supplies as originally planned by Congress.

4. We believe that the War Department now has on hand approximately 18,000 or 20,000 motor trucks for which they have not issued shipping instructions. These should be available for transfer to the States if Congress passes the required legislation.

5. The War Department is refusing to turn over trucks at the present time. The reason is that given in my answer to your third query.

Should requisite legislation not be passed the State of Wisconsin will lose at least 217 motor trucks, and these of the better makes, such as Packards and Pierce-Arrows.

Very truly, yours,

THOS. H. MACDONALD,
Chief of Bureau.

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WAR DEPARTMENT,
PURCHASE, STORAGE, AND TRAFFIC DIVISION,
OFFICE OF THE DIRECTOR OF SALES,
Washington, September 27, 1919.

Hon. EDWARD E. BROWNE,
House of Representatives, Washington, D. C.

MY DEAR MR. BROWNE: The Assistant Secretary of War has referred to this office your letter to him of September 25, requesting information on motor vehicles.

The chief of the Motor Transport Corps advises that the total number of motor vehicles, including passenger cars, trucks, motorcycles, trailers, and bicycles, purchased by the War Department for use in the United States, is approximately 130,000.

There should be deducted first of all from this figure the machines which have become unserviceable and which have been sold in the past and are now being sold at various storage depots, camps, etc., at public auction. This office has already approved for sale over 5,000 machines of this type, and the Motor Transport Corps estimate that there will be several thousand similar vehicles to be disposed of.

There have been transferred to all Government departments to date approximately 22,000 vehicles. There was transferred to the Agricultural Department, Bureau of Public Roads, 12,875 vehicles out of a total assignment to that department of 27,825. The remaining 14,950 vehicles assigned to the Department of Agriculture, Bureau of Public Roads, but not transferred, are being held temporarily by the War Department pending action by Congress on legislation now pending authorizing this further transfer without an appropriate transfer of funds. The remaining Government departments have requisitioned their approximate total requirements. Any further surplus of motor vehicles, therefore, that may be declared will be available for disposal outside of the Federal Government.

If I can give you any further information on this matter do not hesitate to call on me.

Respectfully,

GUY HUTCHINSON,
Assistant Director of Sales.

—

MADISON, WIS., *September 30, 1919.*

Hon. EDWARD E. BROWNE,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I have yours of the 25th instant relative to surplus equipment to be received by the several States from the War Department for use in highway construction.

* * * * * * *

The road work is reviving to such a tremendous extent that this surplus equipment is worth to the States many times the money which the Government would probably get for it at forced sale, and I believe that the War Department should be made to make good on its original promises, especially as to motor trucks.

With kindest regards, I am,

Yours, very sincerely,

WISCONSIN HIGHWAY COMMISSION,
By A. R. HIRST,
State Highway Engineer.

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WAR DEPARTMENT,
PURCHASE, STORAGE, AND TRAFFIC DIVISION,
OFFICE OF THE DIRECTOR OF SALES,
Washington, March 18, 1919.

Hon. EDWARD E. BROWNE,
House of Representatives, Washington, D. C.

SIR: Your letter of February 27 to the Secretary of War has been referred to the office of the Director of Sales for reply. Relative to the disposition of surplus war supplies conforming with the provisions of highway bill, Col. A. O. Seaman, executive officer, Motor Transport Corps, is handling the disposal of all surplus motor-vehicle equipment to be sold or transferred to other Government agencies in accordance with acts of Congress.

In regard to road machinery, the bulk of this class of machinery was used by the Construction Division and was generally rented from various contractors. It is practically impossible at this time to locate Government-owned machinery not in use. The Construction Division is asking for a new inventory, specializing in road and other contractor's equipment, as of April 1. This inventory should be compiled in the office of the Construction Division some time between April 15 and 25.

It is suggested that you get in touch with Col. Seaman immediately in reference to motor vehicles, and about April 20 if you would communicate with Maj. W. M. Crunden, Chief Building Materials Division, office of the Director of Sales, Munitions Building, probably he would then be able to give you definite information concerning contractor's equipment and road-building machinery.

Respectfully,

C. W. HARE,
Director of Sales.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. Mr. Chairman, I yield 30 minutes to the gentleman from Indiana [Mr. FAIRFIELD].

Mr. FAIRFIELD. Mr. Chairman and gentlemen of the committee, this Congress had made arrangements to adjourn from the 2d of August to the 19th of September. The President of the United States requested them to continue in session. The people of the United States having just come through the war and laboring under the difficulties of what has been characterized as reconstruction, but really which ought to be denominated restoration of the normal functions of the Government, have been looking anxiously to Congress and to the Executive.

Out of a very proper consideration for the President of the United States, Congress consented to remain in session. He read to them on the 8th of August a message in which there was pointed out some remedies for the conditions that exist. From what has been said on the floor of this House, I am convinced that no Member here believes that the high cost of living can be essentially reduced by legislative action. There has been those who are willing to say that the President himself was fully conscious of that fact.

The high cost of living follows the law of supply and demand. If there is a man in the House or in the Senate who knows how to draft a bill that will control the high cost of the necessaries of life, he would do the country a great service if he were willing to introduce such a bill. I would not presume to say that every Member of the House believes that an explanation or solution of the difficulty is specious.

Mr. KINKAID. Will the gentleman yield for a question?

Mr. FAIRFIELD. Yes.

Mr. KINKAID. Is it the opinion of the gentleman from Indiana that the farmer producers of foodstuffs are receiving an undue profit at this time?

Mr. FAIRFIELD. It is not, sir. I do not care to go into that particular except to say that the conditions under which wheat is produced in this country to-day are such that the farmer is not receiving an undue profit.

This campaign for the reduction of the high cost of living was begun first a number of years ago by our Democratic friends. They went before the country and heralded it everywhere that it was possible to reduce, by legislative action, the high cost of living. I remember, after the campaign of 1914, a gentleman who was a very active man in that campaign on the Democratic side, said to me, "Well, I never made any speeches in a farming community during this campaign." I said, "Why?" He said, "I do not understand how any farmer could vote the Democratic ticket when we were telling the laboring men in the cities that we intended, by legislative action, to reduce the high cost of living."

There has been no attempt to do that, so far as I know, since the Democrats came into control of the Government. Only through the war period, by granting unusual powers to the Executive, did we undertake to fix prices in any way by legislative action and to determine the cost of living. How inefficient that legislation has been is patent to every man in this country. It was voiced by thoughtful men again and again on the floor of this House that price fixing, as such, was vicious in principle and ineffective in practical results. I do not know, it may be that there are men here who yet believe that by some mode of legislation this Congress could reduce the high cost of living, but I doubt if any man who has studied the subject carefully will be willing to say to the American people, "I can solve this problem by this specific bill which I am willing to father."

I speak of it, gentlemen of the committee, because I think that after all the great American public are wiser, keener, more thoughtful, understand better than we imagine sometimes in this House what are our economic laws, and I am wondering if it is not about time to state in simple, direct language our own convictions as to the possibility by legislative action of reducing the cost of the necessaries of life.

I grant you that so far as legislation about hoarding is concerned, that so far as legislation about monopoly is concerned, all possible legislation of that kind is already on the statute books. It was there when the President made his speech before this Congress; and I am wondering, after all, if whether, on the part of the Executive or on the part of Congress, it is not about time to quit playing politics in connection with sending our views out to the country about these matters.

There were great apprehensions as to what might occur when the war was over. The peak of the men in the Army reached 2,883,000. That has been reduced to about 400,000 men. Much anxiety was expressed as to how these men would find work when they returned. The truth is that that Army has been demobilized and distributed, and the country is doing tolerably well. Mr. Chairman, it seems to me that the heart and the brain of the American people are sound, and much of this discussion of fear that somehow the foundations will drop out from under the Government because of upheaval and unrest is not well founded. I grant you that continuously we ought to call attention to the basic things that underlie the Government. I am not so fearful of trouble coming up from below as I am of suggestions coming down from above that may undermine, and among these suggestions is the tendency now to underestimate

the character and the wisdom and the power of the men who laid the foundations of this Government. This summer, in conversation with a gentleman who assumed to be wise, he said to me, "George Washington was provincial. Why, he never was outside of his own country but once in his life." That is true; and sometimes it seems to me that in the effort to minimize the power, the knowledge, the wonderful wisdom with which those men founded this Government we are doing more to tear down by suggestion from above than we can ever do by unrest that comes from below. [Applause.]

A gentleman a few days ago on this floor delivered an address upon the Constitution of the United States, calling attention to its application to some of the difficult problems that are facing us to-day. I want to call attention to what you all know, that Washington and Hamilton and Jefferson and Madison and Monroe and Marshall were men who first as boys fought for their freedom, and then, having behind them nearly 150 years of experiment in self-government on this continent, took thought for five or six years under the Articles of Confederation, and then for six more years studied to know the best form of government that could be organized, and when the Constitution was finally up for adoption they took two more years, and it was put before every legislature in the United States before it was adopted, and every phrase and every clause was scanned carefully. These men not only created a free Government but they organized it and made it efficient. They had known of the inefficiency of the Articles of Confederation. Marshall and Washington and Hamilton had felt the inadequacy of the Articles of Confederation and had determined that while the right of all the people should be preserved, yet the Government should be strong enough to hold together.

Talk about experienced men! No men on the continent to-day can compare in knowledge and experience with Washington and Hamilton and Jefferson and Madison and Monroe and Marshall in matters governmental. Sometimes we think that the problems of to-day are new problems. Not at all; for in the days of the French Revolution every vagary that the human mind had conceived for the sudden uplift of human society was pamphleteered all over Europe and sent across the ocean, and those men faced socialism and anarchy and all these terrible influences that are spoken of to-day. Men who have studied history know that this is only one of the many situations in the history of the past; and so I think it would be well, if ever again on the floor of this House a man should utter what a man did less than two years ago when he said, "Washington was well enough in his day. I am not looking into the grave; I am looking toward the future," it would be well to suggest to him that it was with just such men as he, born of the basic influences of anarchy and socialism, that the fathers of the Republic had to contend. Get back, get back to an appreciation of the dignity and the power and the majesty of this Government! That is what we want to do.

Men talk about the new freedom and the new day; they talk of reconstruction of the world. If we only knew it, for nearly 150 years we have lived under not only the best Government that ever was created, but I doubt if ever we shall see anything better. It is not reconstruction that we want, but restoration of the normal activities of this Government. These fathers of whom I speak were so jealous of centralized power that they were willing to limit themselves. They who began the formation of this Government were aristocrats—Jefferson and Washington and Madison and Monroe were aristocrats. They owned large landed estates; no menial labor was ever done by them. They had the private tutor in their homes. They had a colored boy to wait upon their every whim. Yet the glory of those men is that they wanted liberty not only for themselves but for all the people of America. That is the distinction, basic, fundamental, between any other form of government on this continent and the Government of the great Republic. In many of the governments there is no middle class. There is the peon, the poor, the despised; there is the wealthy and the educated; and too frequently the men who talk glibly of liberty, speak in rounded measures of the glory of self-determination, have no thought or heart for the poor, the despised, and the downtrodden. We have heard much about self-determination. There is a difference between self-determination and self-government. The wise man and the fool both determine themselves. The fool follows his impulses, the wise man follows his judgment and his reason. The fool goes where he wants to, the wise man goes where he ought to. And so a people may be self-determining without being self-governing. You have heard of Mexico, you folks. Mexico has men who are self-determining, but she is not self-governing, and while it sounds so good that every little people, no matter where they are, should have a right to determine their own form of government without let or hindrance; yet not only in Europe, but here on the American continent, we have found that it does not work and that it will not work. It was my good fortune, with some of my friends, to stop at the island of Haiti. We went into the harbor in the night and the next morning there lay the city, sicklelike by the sea, with the most beautiful curtain of blue through which we could look at the mountains behind. A man said to himself, "What a glorious place in which to live!"

Then, I thought of the history of the case. A hundred years ago the black hero rebelled against the French and destroyed an army of 30,000 Frenchmen and set up a black Republic. They have a constitution, like the United States. They have a Senate and a House and a President, and yet for 100 years they have been trying experiments, with a rebellion every six months, and those fellows conceived this idea down there, that the way to insure peace was to kill off the other fellows, and so when the "outs" would get in they would murder the previous looters unless they had the wisdom to retire to a neighboring island, and they kept it up until in 1915 it became so intolerable that, after 270 of those who had been in when the outs got in were taken out and shot, Uncle Sam one morning in 1915 landed the marines in Haiti and took charge of the country. They have a paper constitution; they have a Senate and a House that sit, and that is about all they do. They have a President who draws a salary, and he is content with that. In the hold of the ship on which we came back was borne the body of a boy who had been shot while leading the gendarmerie of the Haitian Army, and they were shipping him back to this country in a wooden box to his father and mother. Am I criticizing the administration for that? True, they took over the custom-houses; true, they took over the post offices; true, they took charge of all the receipts of Government and organized a gendarmerie and officered it; but they ought to have done so. They did exactly right. I have no criticism upon the administration for that course. But, men, when that little country quoted that every little country should have the right to determine itself without let or hindrance from every other country, and it is recognized as one of the signatories to the league of nations, then I began to wonder how much longer will we be content in this country hypocritically to proclaim a doctrine like that when the exigencies and circumstances compel, and rightly compel, us to do something else. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FORDNEY. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Chairman and members of the committee, I asked for the five minutes after I became stirred by the eloquent address of the Member from Indiana in his fervent appeal for a proper respect for the memory and principles of the fathers who builded the Nation. I was in college with the gentleman who has just left the floor. I know his merit and ability, and I know his versatility in history. I want just briefly to state that at the beginning of our national history, to which our colleague referred, there were drafted two widely important instruments that became world wide in their significance, offered as the foundation pillars upon which the Nation was builded. The one was given to the country by Thomas Jefferson, and I think the Declaration of Independence is easily the greatest charter of human liberty that has ever been given to any people by an individual or group of individuals. [Applause.] There is nothing in English history, when you consider it from the standpoint of documents, that will approach that famous charter. I did not ask for time to analyze the charter. It is a mere announcement of the fundamental principle upon which self-government was later builded. That, you all recall, was announced in 1776. Then in 1787, after a period of a few years, called the critical period of American history under the famous Articles of Confederation, we received from Philadelphia, the same city which has given us the Declaration of Independence, that second famous charter, the Constitution of the United States. These two instruments required two classes of ability. Every student of political science will easily recognize that. In other words, the men who framed the Declaration of Independence undoubtedly could not have framed the Constitution. The men who framed the Constitution could not have written the Declaration of Independence. The one represented the liberty of the individual under government and the rights of a State in the confederation, while the other represented the power and authority of Government over the liberty of the individual and supremacy over the State, and both of them clearly express the principle that there is no liberty without authority or government, and there is no authority without liberty, for liberty without authority

will be the anarchy that sweeps in certain sections of the world to-day, and authority without liberty of the individual would be the despotism that sometimes in the past swept the world.

Now, members of the committee, this is what I desired to call to your attention. A group of men framed an instrument of 7 short articles, 24 short sections, 84 brief paragraphs couched in about 4,400 words. That is the Constitution of the United States, written at a time when men had never seen a steamboat or a steam car or an electric appliance of any sort, written at a time when we were but 13 States, three millions of people, no complicated society, but quite simple; written at a time when while it is true there was one nationality in New York, another nationality down on the extreme south land to Florida, although that was not a member of the 13 States—another nationality in Delaware, and then throughout the colonies still a fourth nationality—this instrument, written for these nationalities, constituting three millions of people, has lasted up to to-day when we have over 100,000,000 people, and the 13 States skirting the seaboard have now encompassed the continent, covering a territory so wide in extent and so diversified in character of resource as to present a problem from that standpoint alone of national importance. These empire States, each enjoying self-government, in interest seem to be totally antagonistic, yet this instrument has been the organic law under which this marvelous growth, the wonder of the world, has taken place within the hundred years of our existence as a Nation, yet in all that time we have only modified it in six fundamental items. [Applause.]

First, the 11 amendments ought to be considered as but one, and ought not to be regarded as an amendment to the Constitution for this reason: There was a variety of opinion in the convention as to whether we ought to have a bill of rights written into the Constitution or whether it ought to be a separate instrument like the civil rights bill of Virginia, which was not associated with the Constitution. They finally decided the proper thing would be to let the Bill of Rights be appended to the Constitution, not as a part of it, except in effect, but let it be added in the form of amendment and let the amendments be suggested by the various States who were asked to ratify the Constitution. And when they examined these various recommendations, most of them already agreed to by members of the Constitutional Convention, and returned to Congress, it was found in analyzing them that there were 12 different amendments proposed. They were submitted to the States and 10 of them were immediately ratified. Those are not amendments to the Constitution. Those were agreed to as the Bill of Rights by the members of the Constitutional Convention, and it is wrong to say that the first 10 amendments, or even 11, were amendments to the Constitution, which was working a difference from what the fathers in the convention expected to write. So just omit those. Or call them one; but you ought not even to do that, for they do not represent changes not favored by the members of the convention.

The twelfth amendment, which changed the method of the election of the President and Vice President, is a real amendment. That is the first. The thirteenth, fourteenth, and fifteenth amendments all pertain to the slavery question and all grew out of the Civil War, and, so far as the modification of the organic law is concerned, the three would mean simply one.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FESS. May I have just two minutes more?

Mr. FORDNEY. I yield five minutes more to the gentleman.

Mr. FESS. I beg the pardon of the gentleman. I did not know that it was going to take so much time.

Mr. FORDNEY. I am very much interested.

Mr. FESS. The three slavery amendments, which ought more properly to be called the "war amendments," are really but one modification of the organic law. The sixteenth amendment is a real modification, which is the income-tax amendment. The seventeeth amendment is quite a distinctive modification, which relates to the election of the Senators by the people. That is quite different from what was urged in the Constitutional Convention. And the other amendment is the prohibition amendment, and pertains to the manufacture and sale of liquor. Here are 18 amendments, which represent but a half dozen modifications.

I do not believe that the first 10 amendments ought to be regarded as modifications. The eleventh ought not to be, because Judge Marshall said that under the Constitution a State could not be sued by a citizen, and when Griswold, down in Georgia, sued the State of Georgia—the fact was that while they said he could not do it, he did—then it was asked that the Constitution be modified in accordance with the opinion already expressed, which was done. But the twelfth amendment is one. The thirteenth, fourteenth, and fifteenth will make a second; the sixteenth a third; the seventeenth a fourth; and the eighteenth a fifth. When the nineteenth amendment shall have been ratified it will make a half dozen modifications in this organic law. Members will be interested to know that up to 1889 there had been proposed 1,736 amendments, but only 18 ratified, which represent but a half dozen real changes.

I challenge the world to show in all history a similar instance of such record for genuine stability as displayed by this history of a young Republic, the first Republic of the world, that has grown to the mightiest Republic at this hour, under an instrument that has had but half a dozen changes in over 100 years. [Applause.]

I beg for that respect due to the fathers and the instrument that they gave to the world, which up to date has been the sheet anchor of our liberties and which must operate against all the wild mouthings of the un-American elements in our midst. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FAIRFIELD. Mr. Chairman, I ask leave to revise and extend my remarks.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. FORDNEY. Mr. Chairman, I yield 15 minutes to the gentleman from Vermont [Mr. DALE].

Mr. DALE. Mr. Speaker, Belgium is sending her chief citizens to visit our country. The first to come, a messenger of good will and appreciation, is the only man of public power who persisted in his opposition to German aggression and stayed in the occupied territory of Belgium through the war, Désiré Joseph, Cardinal Mercier. His coming is an event of international consequence; he is an eminent person who has met an heroic duty; he expresses the spirit of a faithful people; he represents an element of patriotism in the World War. Because of this and much more, he deserves and will receive most cordial welcome throughout the country.

Cardinal Mercier was 67 years old the 22d day of last November. The place of his nativity is near Waterloo and of his earliest recollections are the veterans of that historic field. He is of Walloon ancestry, a descendant of the ancient Belgae. He made a profound study of the sciences and philosophy as related to theology, and as professor of philosophy and psychology at Malines, and later at the celebrated University of Louvain, he was years since known as a leader among educators. When the Catholic University was established in Washington repeated efforts were made to obtain him as one of the faculty, but he was too deeply and usefully settled at Louvain to be removed.

Through 14 years of the reign of Leopold I, the 44 years of Leopold II, and these 10 years of Albert I Cardinal Mercier has lived, and his interests have been interwoven with those of the three men who have been at the head of the Government since Belgium became an independent State. He was designated as archbishop and primate of Belgium in 1906 and succeeded to the exalted position which he now holds in 1907; Albert became King of the Belgians in 1909, so that for 10 years, and through its well-nigh overwhelming experience, the little State of Belgium has had the rare fortune to have in positions of sovereign responsibility these two incomparable men, each a genius and a marvel in his place. In great measure because of this fact the Government, swept to the sand dunes of Flanders and to foreign shores, cathedrals leveled, and Louvain University destroyed, have become as incidents, and with renewed power and inspiration the Government abides and faith prevails in Belgium.

Cardinal Mercier in the world crisis is the only man who could have done what he did. Among the many ways of helpfulness opened by the war, his line of service stands out distinct. Therefore what he did can not be measured by comparison. The service he rendered was impossible of performance save by one in a high place of influence. That position he held, but it was only his opportunity. It is the character of the man as he met the opportunity which attracts attention. His sympathy, courage, and wisdom, directed by his great intellect, made effective his efforts to both impel good and check evil, and brought results of the highest benefit to civilization. Such a man meeting such a crisis with such results becomes preeminent. It is a slow process by which eminent men are brought to just estimate. When history has measured what Cardinal Mercier did to sustain the morale of soldiers, to stimulate the endurance of civilians, to counteract propagandism through channels open only to him and reaching to its source in Germany, to enthuse the sense of equity in other nations until the effect was felt by our own long indifferent Government—when history has measured his influence with his own people and thence out into international affairs, it will be known that his character was propor-

tioned to be strong for highest service in a righteous cause. When the record is made of the utterances of men who approved the abandonment of honor to necessity, of men who advocated a patriotism which had lain dormant in themselves, of men who announced the need for a faith they lacked the spirit to inspire, of men who voiced conflicting principles because of many reasons—when it is made plain what need there was for strong, consistent men to go straight forward in forming public opinion, Cardinal Mercier will be recognized as one who did with just and sane and firm power a great public service none other could have done, and so well that his name will stand as a white light in history.

One day, on invitation of his eminence, we went to Malines. Our course was through the territory across which the Belgian troops were forced in 1914. At Louvain the walls of the University Library, within which had been gathered through 500 years books and manuscripts priceless and beyond duplication until it had become a treasury to the world, stood scorched and broken in the mist, like forms within a veil of sorrow. Slowly we traversed the streets of the city in which more than 200 civilians had been killed. Along the way, hidden by the mist, more than 600 men, women, and children were deported to Germany, and we took the road out which 10,000 inhabitants, their right divine of helplessness denied, were driven like cattle toward Malines and beyond it to the sea.

I am glad that many persons in our country will meet Cardinal Mercier and behold what manner of man he is, for I realize how much of the substance of his nature can not be described.

When he received us at his residence I felt that element in him which is spiritual and beyond description reach out to welcome me. It was in the forward inclination of his tall form, the clasp of his strong hand, and the expression of his blue eyes. I felt that he could dispel doubt and inspire faith and help his fellow men. The benevolence of his nature, grown abundant by ministering to the needs of others, seemed to bestow itself and become a consciousness not to be put into words. Of that we think.

Our going to the ecclesiastical palace was an event which for me, among many of interest and emotion, stands out intense and by itself. After we had been received we were summoned to seats around a long table. In the ceiling of the room, torn by the shells of the invaders, were ragged holes through which one could look to the roof, hastily and roughly replaced to meet the necessity. A plain repast had been prepared in perfect keeping with the day and the conditions. About the table sat a company assembled from distant places, of different nationalities, and of sundry opinions; but a common interest had brought us there, compassion had made us kin, and all our thoughts played forth and back like chords in unison. We had come thinking our host would be an austere man, a solemn dignitary. We found him stately, as becomes his high position, but a man in whose glance sweet humor shone, and in telling something so tenderly you must brush away a tear, his fine wit would bring you to a smile. Priests and some Belgian soldiers were there, lately released from prison and the trench and escaped from death, and in whose faces was the look of unutterable thoughts. It was a singular company of men, one-half the number of whom could speak or understand but little of the language of the others. Those who spoke English were seated alternately with those who spoke French, and the attempts to convey and comprehend thoughts soon banished restraint and set free good fellowship. Cardinal Mercier is a linguist. His address to us was, as we expected, scholarly in diction, style, and sentiment, and with fine courtliness he spoke, as we had not anticipated, in correct, modern English. Fortunately there was one among our number who made it possible to respond with due courtesy. The gentleman from Louisiana, Dr. LAZARO, rose to the occasion and, in the vernacular of the locality, expressed our compliments with most gratifying deference and felicity.

When it became evident to Germany that Belgium would stand in defense of its honor, that which the imperial chancellor was pleased to call necessity demanded the gaining of two results: First, that the Belgian State might be conquered; its army must be crushed; second, that its people might be subjugated, their spirit must be broken. That the first necessity would be quickly met was apparent at the outset. Incredible as it seemed to German thought that Belgian soldiers would stay in their crumbling forts till defeat and death closed in, glorious as it seemed to every heart responsive to dauntless impulse that Belgian soldiers did do this to gain a few days' time for their allies and thereby save their honor, heroic as this quick, armed resistance was known to be, it had soon to yield before the irresistible force of the invader. This short scene, supreme of its kind in history, was known and sensed by the world at the time, but through the after scenes of that deep tragedy there was a resistance to invasion in Belgium of another nature, made by the civilian population, which long study and reflection will bring more and more to the world's comprehension. The first so-called necessity past, the second confronted the imperial command. What the Belgian people suffered from the attempt to break their spirit can never be written. And yet in time to come generations will read recorded facts and exclaim, "Can it be possible? It seems incredible!" Places that were sacred were destroyed, civilians who were without offense were shot, and persons who were pure were violated. Men lost their reason, women went mad, and children lapsed into idiocy. And yet something kept the people of Belgium from despair and surrender. What was it? You may explain it by whatever theory seems to you most reasonable, and you may call it by what name you please, but there is one word in our language which gives it best expression, and that is "faith." What did the people of that nation, with their traditions and aspirations and inherent sensibilities, need more than all else to lead them through this dark valley and save them from despair? There can be no doubt about it. A great-souled man, of them and yet above them, who could suffer with them in common and yet keep his poise superior. And the incarnation of that need, faithful and fearless, they had in Désiré Joseph, Cardinal Mercier.

The residence of the Cardinal to which we had come stood all through the war as a great rock in a weary land. There were times when the Cardinal was forbidden to go among his people and forced to stay within the walls of his domicile; there were times when the military authorities contemplated putting him in restraint—but he stayed. He stayed and defended and insofar as possible protected the civil population. He knew that he could do this best by going directly and openly to his purpose. He publicly indicted the oppressor and never once showed weakness or retracted a statement that he published. Ultimately the conduct of men is governed by forces intangible. Each of these forces is a concentration of ideas and feelings slowly accumulated until it becomes a masterful conception of rights and responsibilities. Frightfulness and kultur are names, filled with new and terrible significance, of two of these conceptions. There is another which you may call by what name you please which is the antithesis of these, and within the impregnable fortress of which dwelt Cardinal Mercier. The German military command held the Belgian people completely within its iron grasp; its conception of frightfulness was let loose; its conception of kultur was unrestrained; they were imperious and seemed to be resistless; and yet, where dwelt Belgium's primate, sustained by ideas and feelings centuries old, within that protection invisible but which cased him in like adamant, this savage authority had the sense to stop. The King was with his troops on the frontier; both branches of parliament were beyond the border. An enemy governor ruled at the capitol, and his military courts sat in the senate chamber. For the Belgian people there was in their own land no place of reliance nor center of stability—save one. The Cardinal's domicile was there. The roof was torn away, but through it came the light and shone the stars. Within that one refuge, counseling through ghastly days and dreadful nights his troubled people, calmly stating the wrongs Germany was committing, and fearlessly admonishing the soldiers and civilians to stand fast, remained Cardinal Mercier. There in the midst of frightfulness he stayed and turned public opinion against the invader. There imperial authority balked, angered, desperate, paused, and within those gray old walls, to lay a hand upon him, dared not go.

During the war the most appalling policy was followed in Belgium by German command. This policy, as reviewed, takes on distinct and successive phases, or you may say it is advanced by elements of cruelty, each organized and executed with a purpose to make it more inexorable than that before it, until the accumulation shall have become fatal to Belgian endurance. It is the manner in which Cardinal Mercier met, one after another, these separate and awful energies which brings out his superb character. One must find the conditions resulting from the elements of this policy and the manner in which Cardinal Mercier checked, one by one, their efficacy, to understand why they did not, when amassed, break the spirit of his people.

First the code of morals was set aside and civilians were falsely accused of acts of hostility, and with this for excuse the solemn covenants of nations were repudiated and collective penalties, expressly prohibited by the laws of war even when acts of hostility have been committed by individuals, were imposed upon the Belgian population. Go with me for just a glance at the condition created by this element of German policy. One day last spring we motored through a pleasant valley which brought us abruptly to the River Meuse and to Dinant. You have come to places in your travels which stay in recollection

and to which you can turn as to a picture on a wall. Like that I think of Dinant. Straight ahead a temporary bridge on the wreckage of the one which had been knocked down; on the other side the river, a precipitous cliff extending each way beyond sight and rising by the bridge some 200 feet higher than the basic wall, a huge rock formation with front and sides almost perpendicular. At the base of this great height an old gothic church built of blocks cut out of it and with central tower nearly finished since destruction, reaching high, but only part way up the cliff; at the top the citadel, also of stone, for defense of the city. Far up and down the Meuse the lesser cliff is still precipitous and the city lies between it and the river, crowded on one side out over the water and on the other pushed part way up the cliff on terraces. Before the war one might have followed a long and narrow street to the suburbs and beyond to the picturesque chateaux among the cliffs and thought how peaceful the city looked and how contented its people were. Oh, yes; it had known desolation; many times war had swept over it, and once in the struggles between savage dukes it had been destroyed, but that was long ago and no man living could recall an hour of danger in the quiet streets of Dinant. All was peace and pleasant anticipation until a few days before the awful tragedy. August 15, 1914, the French troops had come up to the west bank of the River Meuse and the German troops to the heights on the opposite side, and all that day an artillery battle prevailed over the city. At night, although the German flag flew from the citadel, the French had held them on the heights and checked the advance. During the following week, from the near-by villages under German occupation, messengers who risked the penalty of death to do it brought to Dinant information that the destruction of the city and the massacre of its inhabitants had been decreed. German prisoners taken later gave the names of the officers who issued the order to burn the houses and shoot the civil population.

On Friday night a party of German cavalrymen accompanied by armored motor cars rode into the city and spent the night in bestial carousal. While the horror-stricken civilians crouched in hiding, the invaders beat down doors, threw grenades into windows, and shot helpless victims. We saw the ruins of an apartment house which was set on fire that night, and in which two men, a woman, and two children were compelled to remain and burn. We talked with M. Petit, whose wife had been fatally wounded at her own fireside, and with his little daughter, who came out to us on crutches, having had her leg amputated because of gunshot wounds inflicted at the same time. I speak from observation in this and not at all from hearsay. It is said that nearly half the population of the city were taken by the French across the river the following day. By Saturday the German Army headquarters had been established in the outskirts of Dinant and the French troops had received orders to retire. Capt. Jacques Guillard was ordered to cover the French retreat with his regiment of artillery. By afternoon the ammunition of the French had given out, their horses were dead, and the gallant captain had been killed by a shell. It has been found by indisputable evidence of German documents that the supreme command of the German Army ordered that the city of Dinant be sacked on the following Sunday, in line with the warning which the messengers had brought days before and which the incredulous people could not believe. The brutal massacre of that Sunday is a record to which the darkest page in the history of barbarous acts can scarcely show a parallel. It commenced down the river from the gray old church at a sawmill, where more than 50 were killed outright. Then from out their homes, from cellars, and all places of concealment defenseless victims were drawn by this horde of mailed soldiers and driven along the highway—where? To the very place in which dwelt men whose high deeds stood out in contrast to the low acts committed in their presence. They drove their victims to a peaceful valley in the rugged landscape where stands the Abbaye des Premontres—the Abbey of the Premonstratensians—that ancient order of canons who are always robed in white. In that place, designed for refuge, in the gardens of the white-robed canons, they committed their black acts.

'Oh! Judgment thou art fled to brutish beasts,
And men have lost their reason.

Men were struck down while little children clung to them; women were brained who flung themselves as a shield to their husbands. More than forty were stood up by the abbey wall and shot amid the shrieks of their wives and children. When they had come to the woolen mills of Monsieur Himmer, consul of the Argentine Republic, and he stood pleading and offering his life and fortune for his employees, he and 43 others were stricken down to death.

I might go on telling you of individual cases—of how women, one 83 years old, and girls and infants died; of infirm old men and little boys shot at the wall. We read the recorded names and ages—647 of them. We were taken to the Tschoffen wall and the Laurent wall, spattered with bullet marks—the walls against which men and boys were placed and shot at the signal of the whistle. We talked with men and women who saw it all, and with M. Van Heden Fraikin, who fell, when shot, under the mass of dead and dying, and, being conscious, laid quiet, and by miracle escaped the stab of the bayonet, crawled out at night, and survived. As he told us the experience, he pulled open his blouse and disclosed the bullet scars on his breast. An aged matron took us to the place where her garden had been dug up to bury every relative she had—husband, sons, and others killed that day. All day and on into Monday the killing and the burning went on. Did anyone escape? you may ask. Oh, yes; some swam the river without being shot, others got away in strange ways, and some found concealment and came forth again half starved. And 417 ablebodied men did not die. These were assembled into a mournful procession and driven—where? Oh, the unnatural—and yet, perhaps, better—the supernatural association of sacred places and names with the most cruel scenes in this Belgian land of tragedy. They drove them up the Montagne De la Croix—the Mountain of the Cross—up to that high place from whence they could take one last look into the valley of flame and sorrow where once were their homes and families, and then they were deported—sent to Cassell beyond the Rhine.

The crimes done at Dinant had been committed earlier and were repeated later in from sixty to a hundred places. They mark the route of each of the five German armies, a trail of fire and blood; five trails they are, uniform, premeditated, bestial. But I did not come to accuse the German military policy; the verdict is rendered by civilization, and by it Germany bears upon its face the mark of the primal curse forever. I would have you think of those who suffered from the crime. At Liege they told me that the first shots in the war killed two inoffensive Belgians who were standing by the bridge at Vise—Vise that used to be, for it is all gone, and whole families died in the flames of their homes. This was the beginning, and the like of it went on through all the territory which the invaders swept. I might review the horrors of places through which the Belgian lieutenant, Van Goethem, took us, from Liege to Brussels; of the killing and the burning at Namur and Andenne; of the destruction of the great iron and steel foundries at Charleroi, through the ruins of which we walked for hours. One could talk of the depredations of Tamine and Aershot and Louvain; of the awful splendor of description of the burning of magnificent buildings; of men and women who told of their efforts to keep a mental poise amid the loss of all for which they cared to live; of the curé passing with reverent step between the rows of hundreds of little wooden crosses, each bearing the same date; of the throng of citizens, homeless and bereaved, who came out when Emile Tibbaut, vice president of the chamber of representatives, took us to the desolated village of Termonde, which was his home. And then I would have to stop, having only touched the fringe of the enormity of it all.

Month after month this went on and with it the flight of the people before the hideous terrorization. Men and women of all stations brought by catastrophe to a common level scarcely less than death creates, plodding their weary way through rain and mud, going somewhere because on earth there was no place in which they could abide. Cold and hungry, they staggered on, their ranks lessened by those who fell exhausted—perchance to die. Some stumbled on alone with none to render so much as the help of a gentle touch; others kept together drawn by that power, whatever it may be called, which accompanies faith and hope, and is the greatest of these. In this manner the Belgian people are driven on to the winter in which, for lack of fuel, they will be cold; for lack of food, they will be hungry and maybe starve. In this dire strait they have come to the world's one season when cheer sends out its loving gifts and every little candle throws its helpful beams. The Belgians have come to the Christmas time and when the sweet bells of memory are rung, to them—

A sorrow's crown of sorrow is remembering happier things.

What then and there was needed to bring quickest and surest relief to this condition? More than all else some way was needed to bring the facts to the attention of the world. I have said that ultimately the conduct of men is governed by the intangible force which is the concentration of ideas and feelings into a masterful conception of rights and responsibilities. The common and inadequate term for this is public opinion.

What was needed then and there was some influence to shape quickly into masterful power this conception we call public opinion. On the one side was the Prussian conception, absolute, inhuman, implacable, concentrated, completely energized and enormous in bulk to crush the Belgian people. On the other side was the opposite conception so widely scattered that you seek in vain for a word within which it may be included, and everywhere that it exists are sympathy and benovelence and justice and all righteous qualities which once ensembled would make it great and strong to lay the mightiest opponent at its feet. Germany understood that the struggle was not only between engines of war in which it was then strong, but it knew full well that over and above this the conflict was between opposing opinions, conceptions, and in that conflict Germany knew that its antagonist, once roused, would be the victor. Therefore it checked the source of every stream which might turn the flood of public opinion against it. It censored the mails and suppressed the newspapers and fixed by military law the severest penalties against the publication and utterance within its occupied territory of any word or sentiment which did not bear the stamp of its censor's approval. Apparently the German authorities had control of every means of publicity which could be at all potential, and no one, even though he dared, could find an instrument with which to check the false impression of the conditions which was going broadcast. Then appeared the only man in all the world who, speaking from his place of influence, could give his word effect and create an opposing force; and then began the remarkable contention between the German system on the one side and Cardinal Mercier alone on the other, and that he could stand the antagonist of this enormous system through four years, and until it went down, is of itself sufficient proof that Cardinal Mercier is a man of consummate ability.

It was the German will, then in complete control, that no man should question the methods employed in the operation of its system. In line with its general policy to condone its atrocities by accusing its victims of acts still more atrocious first committed, German propagandists had sent imputations worldwide of fiendish cruelties perpetrated by the Belgian civil population, such as sniping and horrible mutilations, even to the gouging out of the eyes of living German soldiers. To these inhuman practices, it was asserted, the Belgians had been incited by their burgomasters and their clergy. In many parts of the world this propaganda of falsehood was having its effect, for no one in Belgium could contradict it. The youthful Father Dupiereux had been shot for writing in his diary that after the burning of Louvain Library the barbarians can no longer utter a word of condemnation against Khalif Omar for the burning of the library at Alexandria; and more than 50 priests had been killed, and not one of them for a greater offense. Particular vigilance was used to prevent correct information from reaching the United States. We were sending from our abundance food to the Belgians, but our benevolence must not be allowed to grow into sympathy for them as the oppressed of German oppressors. Therefore facts were concealed from us and confusing questions were perpetually suggested: Are conditions really desperate in Belgium? Is not there some justification for Germany? Will we not get involved ourselves? The whole frightful condition went on for lack of one word which would become a thing to check the huge bulk of German diplomacy and cut the tangle of negotiations and inflame public opinion to save a dying nation. The German Emperor telegraphed to President Wilson about the Belgians: "The cruelties committed in the course of this guerilla warfare by women and even by priests on doctors and nurses have been such that my generals have been obliged at last to have recourse to the severest measures to punish the guilty and to hinder the bloodthirsty population from continuing to commit these abominable crimes." Another telegram, which was heralded all over the United States, was one sent to Cardinal Mercier by the German abbot, Dom Ildefons Herwegen, begging the cardinal, for the love of God, to protect the German soldiers from the infliction of such tortures. This propaganda was accomplishing the purpose for which it was sent out, and anyone responsible for an effectual check to it would anger the imperial command beyond measure. Therefore I say it is a fact remarkable, aye, sublime, that right in the center of German occupation there dwelt a man who from his exalted place and out of his high character could speak the word to smite the very head and front of this offense and stagger this monstrous thing of Prussian kultur and by the light he turned upon conditions reform the world opinion of the Belgians.

After what sights and thoughts came the decision of the great-souled man to write his New Year's pastoral! Through what days of sad experience and nights of deep reflection was formed the argument to save his beloved people! How many hours he paced his quiet study seeking to poise his mind for the great effort, as an aviator adjusts his plane for a perilous flight! How many times his conscious being went out through the blue mists and beyond the silent bells in the broken tower to find the infinite wisdom essential to his service! In this manner Belgium's primate came to his convictions of duty. It was a vast requirement which he faced. Against the order of a military command in absolute control and without compassion, he determined upon a supreme effort to inspire his people with the spirit of endurance and to check with all his might the will of the German to break that spirit. Against the order which months of carnage had proven to be without limit in its penalties, he calmly decided to publish the wrongs done to the civil population of Belgium, and the crimes committed by German soldiers, and, if possible, create, among neutral nations for his people, a potent public opinion. Knowing full well that his action might mean imprisonment or death, he heard only the clear call to a great duty which he alone could meet, and he went straight to it with that holy purpose which lifts man's soul above all dread of physical violence.

In his pastoral he reviewed the calamities of four months which he said had been age-long to him; paid tribute to the soldiers and the King; and urged his people to endurance, that Belgium "after the vicissitudes of battle might rise nobler, purer, more erect, and glorious than before," and he proclaimed the fine assurance to the world, "as long as we are required to give proof of endurance, so long we shall endure." He outlined his philosophy of man's duty to the State, the very opposite and most condemnatory of the Prussian theory, and contradicted the rule laid down by the military command, by proclaiming that "occupied provinces are not conquered provinces"; and then he stated what no other man in Belgium could have said and escaped severe, if not capital, penalty of military law. With a clear statement which drives home its force, he says: "The sole lawful authority in Belgium is that of our King, of our Government, of the elected representatives of the nation. This authority alone has a right to our affection, our submission." I would not attempt a synopsis of this document, and have only drawn attention to a few elements in it which indicate the direct and fearless spirit in which it was issued. Its force is made evident by the attempts of the German kommandants to overcome it and by the results they were unable to prevent. Cardinal Mercier directed that it be read from every pulpit on New Year's Day and on the Sunday after its receipt, for by the uncertain means of distribution it might meet delays. You know how the faithful clergy read it and how the German military officers heard it with consternation. From headquarters the order was issued to quickly and completely suppress it. It was demanded of priests at the point of the bayonet, and churches and rectories were broken open to obtain it. New Year's night five closely muffled men, accompanied by a squad of soldiers, went to Malines; not to arrest the cardinal; oh, no. He was there, and they knew he did not fear them; oh no. He was there, and they feared him. They knew that to touch this venerable man would ruin all their calculations. Not for him had they come, but for Francis Dessain, acting burgomaster of Malines, who had printed the pastoral in his brother's shop. This man, a graduate of Oxford, England, sat with us at the cardinal's table and related his experience. Quietly these five muffled men stole up and wakened him by tossing gravel against his window, and as he looked out one of them asked him in French to come to the door. When he had come down he was suddenly seized, and a voice muttered, "Say a word and you will be shot." He went to prison. Many priests, some of whom we met, were imprisoned for reading the pastoral. But it went out a mighty influence. The wide and closely woven system of censorship, vigilant and merciless, could not suppress it. Like the shot fired by our own ancestors at Concord Bridge, it was

Heard 'round the world.

It outstripped the winds over lands and seas and became a vital thing in many tongues to make thousands, aye, millions, think. And the man who wrote it and whom they could not compel to retract a word of it walked calmly in the midst of their desperation and they dared not touch him.

We are told that history repeats itself, and so it does in general. But there are times which recur at long intervals when events centering and culminating create a condition quite unlike anything in recollection or on record. Such a condition existed in Belgium during the war. The Government was driven out, the State was completely under military rule, and the German Emperor controlled its 7,000,000 of people through his governor general, whose place of authority was in Belgium's capital. And yet quietly, almost like a spectral figure, there appeared in the midst of this people, who, unconquered, yet were imprisoned,

one man who was the personification of their emotions and convictions, their ideas political and ethical, and in whom they could repose their every confidence as the one defense against a pitiless oppression. He comes without political authority, without selection of the electorate, against the will of the military governor, and seems put there by the act of God. And there he stays, the counsellor, the defender, the advocate, the guardian of that people all through the war, alone, unmoved and immovable. He is shorn of civic authority and without so much as a military guard, and yet the most brutal and stupendous military creation known to man fell back before his invincible power. I say it is a condition new to history.

One after another Cardinal Mercier had to meet the successive elements of the struggle he had assumed. He had to defend his people against an assault which must have cut him to the heart. He, to whom the weary and heavy laden had brought their burdens for years and found rest through his sacred offices, now had to defend these, his children, in direst need against the most cruel imputations of his brother cardinals and bishops of the Central Powers. For months, by correspondence and conference with the kommandants and military governors, Cardinal Mercier had labored for the establishment of a commission, whose chairman would be the representative of a neutral Government, to find the facts as to the cruelties imputed to the civilians of Belgium. He had suggested as the presiding officer of this commission Brand Whitlock, the American minister at Brussels. And now, following his practice to state clearly and logically his case, as in a lawyer's brief, he prepares his statement and appeal, in which the five bishops of Belgium unite, to the cardinals and bishops of the Central Powers. In this he first reviews forcefully, but with no expression of hate, the charges that have been brought against his people and concludes, "We know that these shameless accusations of the Imperial Government are calumnies from end to end. We know it and we swear it." Then he pleads with them to grant the court of arbitration, which the occupying power has refused. He states that under the shelter of its moral authority witnesses will feel secure in relating what they have seen and the world will have faith in its reports. He recites the conduct of the invaders, quotes the German chancellor and the German bishops and brings his argument to the one issue, "The proof of the facts by a commission whose impartiality is and appears to all unimpeachable."

Then he reviews the violations of The Hague convention and of international law and appeals to the moral sense of "something more profoundly sad than political divisions and material disasters. It is the hatred which injustice, real or supposed, stores up in so many hearts created to love one another." He closes by invoking the consecration vows of those on both sides of the contention and the obligations they impose to respond to the desire of the highest authority for the "truth on which must rest justice, the honor of nations, and at length peace." To my mind this is a powerful instrument. It meets a condition so unlike that confronting the first pastoral that the two documents can not be judged by comparison. The two must stand out unlike, save in the splendor of their individual character. Through all the dreadful experience which must have tried the patience of his eminence to the extreme, he writes no word of bitterness nor ever descends to ridicule, though the German press at times used both these weapons against him. Conscious of this fact, the publisher of La Libre Belgique, unable to restrain his sympathy for his revered cardinal, gives expression to his emotions. It is an interesting and touching incident. The paper had been suppressed, and yet from time to time it issued from its undiscoverable source and gave defiant expression to its loyal sentiments. One day it appeared out of mystery and dropped in Belgium and in Germany with this paragraph addressed to the German cardinals:

> Come, your eminences! Here is a good move! Come to Belgium yourselves; you are in your own home here! The motor cars of the kommandantur will carry you. Our great cardinal shall go afoot. You will have the goodness to wait for him, will you not—this sage, this saint, this scholar, this ardent patriot? He will lead you step by step where crimes have been committed that are nameless, debauches and outrages without precedent; he will give you names and dates; he will give you so many and before so many witnesses. Nevertheless, most eminent lordships, if you should decide to come do not don your red robes. One black robe will suffice. When you shall have walked for a few hours your cassocks will be red, soaked in the blood of our martyrs. But then Cardinal Mercier will not care to walk beside you.

The courageous manner in which Cardinal Mercier met and opposed the charges promulgated by brothers of his own communion again had an effect helpful to his people which no other man could have created. The arraignment of the Belgians by dignitaries of such high authority could be effectually answered only by a person in like authority and in whom the public had faith.

While Cardinal Mercier was defending the Belgians against the attacks made upon them as a nation, he was exerting himself to the utmost to bring relief to them as individuals. Day after day he visited the infirm and sorrow stricken who could not come to him. When the use of a conveyance was prohibited, he walked along the highways. At a time of extreme misery he visited in three days more than 100 homes, and when his strength failed him he called upon his priests to become the missionaries of his thoughts and feelings and to help sustain the fortitude of the afflicted.

Years before Cardinal Mercier with two associates had founded at Louvain the Institute of Philosophy. It had been turned into the Hospital St. Thomas. The small corps of the hospital had arranged a kind of fête day. It could be hardly more than a family gathering. Everything had to be done with the utmost simplicity—a little music, some verses, and some flowers. Cardinal Mercier had been informed of their plans, but they did not look for him. He had not forgotten them, and unexpectedly he came and by his presence brought to this place of grim work in the afflicted city the influence to make of it a cheerful and memorable occasion.

His eminence is a man whose presence is impressive and moves others to response. He comes and goes as just outlined, and the impression and response are quiet and deep. Again he appears on some great occasion. As by cumulative force, he lifts an assemblage to the spirit of his theme, and when he has concluded it answers in a vast surge of response. This occurred on Belgium's national holiday, July 21, 1916.

The military authorities had prohibited all demonstrations of a patriotic nature. Under their order no speeches could be made, no flags could be displayed, and no insignia could be worn in honor of the day. Stores must be kept open as usual and even the placing of flowers in memory of the dead was not permitted. The penalty for violation of this decree was imprisonment for six months or a fine equivalent to $4,000, or both. On this day, under the heaviest cloud of gloom that had ever hung over Belgium, a congregation of thousands had gathered in the ancient church of St. Gudule in Brussels. Again without announcement and in answer to the wish of those who revered him, the cardinal came. This time he appeared in all the stateliness and dignity of his position. To his people assembled on the national holiday and denied a flag, a ribbon, or a flower to do it reverence, he came, the one man whose insignia of office they dared not take away, and he wore the gorgeous colors of the apparel and the golden mitre of his state. His very appearance gave them confidence and lifted them out of their mourning. Then mark you the wisdom of his first utterance, which took their thoughts out of despondency and threw them forward into brightest anticipation: "Our restored cathedrals and our rebuilt churches will be thrown widely open; the crowds will surge in; our King Albert, standing on this throne, will bow his unconquered head before the King of Kings." It was a wonderful discourse and so well adapted to the conditions. One can not give it just review. As it opened, so it closed, with inspiration. This was its concluding sentence: "When we recall the dark years of 1915–16, they will appear to us the brightest, the most majestic, and if from to-day we resolve that they shall be so, the happiest and the most fruitful in our national history. Per crucem ad lucem—from the sacrifice, the light." No one moved until after the absolution, and then the great organ peeled forth the Brabanconne and the congregation rose in a vast surge of response, crying, "Vive le Roi!" "Vive le Cardinal!" They swept out and stood massed along the streets still shouting until the soldiers charged them.

We went to the church of St. Gudule and studied the exquisite, carved pulpit from which the cardinal spoke that day. It nearly fills the space between two stone columns and to the arch above them, and is a masterpiece of wood carving. Human figures and animals and birds and trees with their branches and leaves all carved in oak. In the midst of the more ancient surroundings it has stood for 200 years an expression in allegory of a great faith. It recalled what Ruskin said of the carvings in Amiens: "Fuller of leafage than any forest and fuller of story than any book." But I thought that of all the stories which it suggests there is not one which is fuller of inspiration than the occasion of the cardinal's coming to the help of his depressed people, which no carver's hand has the cunning to portray and which will be told to generations yet to be. Because the populace, recognizing their primate's devotion to the nation, had made this demonstration, the city was fined the equivalent of $200,000. Oh, the irony of it! If it were the measure of their response to his devotion, it were far too small, and if there were sacrifice in the paying of it, so much it heightened the spirit of their patriotism. As we came out of St. Gudule, one who was with me exclaimed quietly: "What would his people have done without him?"

And then the monstrous thing happened. Not satisfied with killing and calumny and burning, the German high command ordered the able-bodied of the Belgian civilians deported. They herded them like cattle into box cars and took them to Germany to relieve men in the fields and factories to fight against the Belgian Army and its allies. They could not drive the cardinal from his people, and while he stayed they could not break the people's spirit; ay, and with all the machinery of their propaganda they could not convict that people in the world's opinion. They could do none of this while the cardinal stayed. But they could take his people from him; and that, I say, was the climax of the tragedy—the monstrous thing. Then Cardinal Mercier rose to the supremacy of his power, and, as ever, with civility and never the show of rancor, with keen intellect and argument from facts, the evidence of which he had assembled through months of foresight, he took his place in masterful argument and appeal. Through a long period he maintained his position by correspondence with chiefs of military departments and the governor general. The documents in this controversy, set side by side, express the two great conceptions—right and might—in their vital conflict. Again the case went to the world jury and stirred this time a universal remonstrance. The President of the United States and the King of Spain made protest. Then—mark you this, for it indicates who then was the master mind of all—the German Emperor sent his envoy with announcement that he would rescind the order of deportation on appeal to him of—with least thought of its significance, His Imperial Majesty named who was to be, who even then was, over him in Belgium, the victor—the invincible Cardinal Mercier.

And here begins that, the end of which you know. Now, over against the monstrous thing you see the marvelous thing, for you will search the records of history and not find one thing of its kind. You see the most stupendous combination of material forces since time began. You see it without restraint of conscience, intent with its steel to bleed white. Behind it the Central Empires, with 40 years of preparation, with a philosophy brought to finest edge by the cold logic of Bernhardi, the selfish theories of Treitschke, and the blasphemous atheism of Nietzsche. All this and much more, developed to keenest cruelty, you see brought against a little State unprepared and despising war except for liberty, but holding sacred its old traditions of patriotism and religion. You see one man alone within that State, without a soldier or a material weapon, hold his place invincible through four long years and keep the opinion of the world in control of the eternal right. You see the marvelous thing, this victory of moral over physical force, spiritual over material power, in the one man whom God put there to do it.

The achievements of this heroic man were tremendous. Think of him not only meeting the duties of his vocation to his people, and by voluntary imprisonment with them in their distress, but battling alone to save them from the calumnies that the largest and most effective and most malicious combination ever known sought to heap upon them. Month after month he sent out his appeals and made his arguments, holding his place in written debates with the best trained advocates and diplomats the Prussian system could produce. Public opinion of the world was the jury, and he could reach it only from the confines of the territory occupied by the enemy. All he said had to find its way through systematic organization to entrap him and to contradict and falsify his every word. Arrayed against him were writers of books and pamphlets, editors of the subsidized press, the chancellor and leaders of the Reichstag, the Emperor of the Imperial Government, and, alas, dignitaries of his beloved church. All these to push the mighty engines of military propaganda against him; and yet he never lost the gleam of the immortal truth for which he stood. His words went out, they scaled walls and slid through barbed-wire entanglements, they crawled through trenches and flew in the air and became free as truth. And he won. Alone against them all, he won. And the world gave of the Belgians its verdict—NOT GUILTY, AND DYING A VICARIOUS SACRIFICE.

Mr. FOCHT. Mr. Chairman, I desire to ask unanimous consent to extend my remarks.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend and revise his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. FORDNEY. Mr. Chairman, I yield seven minutes to the gentleman from California [Mr. BARBOUR].

Mr. BARBOUR. Mr. Chairman, I trust that after listening to the interesting, eloquent, and instructive addresses upon timely subjects here to-day you will bear with me with a certain degree of patience while I direct your attention for a few moments to the subject before the House for consideration, namely, the tariff on magnesite. [Applause.]

I have had some slight personal experience with the inability of American producers of magnesite to compete with the producers of the Austrian product. I was a stockholder in one of the first companies in California which undertook to produce magnesite in this country. Our deposits were discovered by two Austrian chemists who had been prospecting in the foothills of the Sierra Nevada Mountains, and who came down and reported that there were valuable deposits of magnesite to be found there. We organized a company and proceeded to develop these deposits and attempted to market the product. This was before the war, when conditions were normal, and when competition with the Austrian product was open and unrestricted.

And I want to say to you that, as a result of that competition with the Austrian magnesite, the assessments on our stock came so often and with such regularity that a majority of the stockholders allowed their stock to be sold for delinquent assessments. The mines were forced to close for want of a market.

I have been interested in the various tariff arguments that have been made here since I have been a Member of this House, and the one argument made by the opponents of these measures that has impressed me is that the tariffs proposed by these bills, if they should be enacted into law, would raise the prices of the products to the consumer. The gentleman from North Carolina [Mr. KITCHIN], the distinguished opponent of the protective tariff, has rather impressed me, and at times I have been somewhat terrified by his figures and statements as to the possible increase in the cost of these products to the consumer. But here is a bill, I desire to say to you, that merits and warrants the support of even the distinguished gentleman from North Carolina.

I have undertaken to examine this bill briefly, with the idea in mind of finding out just what the increased price of magnesite products to the consumer would be if this measure should become a law.

If we consider the uses to which this product is put it will throw some general light on the subject of increased costs. As was pointed out yesterday by the gentleman from Washington [Mr. HADLEY], magnesite is used largely in the manufacture of brick, which, together with grain magnesite, is employed in the lining of metallurgical furnaces. There is no adequate substitute for this product for this purpose owing to the fact that it will withstand terrific temperatures of heat. The grain magnesite, which was described to you yesterday, is used in the bottoms of those furnaces because it holds the molten metal. Magnesite is also used with asbestos for the purpose of making the pipe coverings in steam plants and in buildings to prevent the radiation of heat. It is used for flooring in cars and in office buildings and hospitals, because it is a nonconductor of heat and sound. It is also employed in the manufacture of paper. It is used in chemistry and in small quantities in the manufacture of citrate of magnesia.

It enters into the manufacture of what is known as sorrel cement, a very superior grade of cement, used to a considerable extent in building. It sets quickly, and, owing to its texture, resilience, and its capacity to withstand abrasion, it is more desirable and preferable than Portland cement. It was used largely by the Austrians and Germans in the late war for the making of gun emplacements and pill boxes, for the reason that cement made of magnesite would quickly and rapidly set. I have enumerated many of the principal uses of magnesite in this country.

Now, as to the production: We are told by the Bureau of Mines that the production of magnesite in the United States during the war period was something over 240,000 tons per year, and this was ample to meet the requirements of this country during the urgency of war manufacture. We are also told that 90 per cent of the production in the United States is used for the lining of metallurgical furnaces, in the production of steel, copper, and other materials of a like nature. Ninety per cent of our production goes into the manufacture of those products.

This bill proposes a tariff on commercial ore of one-half cent per pound; on calcined, dead-burned, and grain magnesite a duty of three-fourths of a cent per pound is fixed; and upon magnesite brick three-fourths of a cent per pound and 10 per cent ad valorem. According to competent authority, it required in 1917 from 3 to 7 pounds of magnesite, or an average of about 5 pounds, to produce 1 ton of steel. This authority further states that the requirement for 1 ton of steel is approximately the same at the present time. Therefore the additional cost of 1 ton of steel, if the tariff provided in this bill is adopted, namely, three-fourths of a cent per pound on dead-burned and

grain magnesite, and magnesite in that form were used, would be only 5 cents.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BARBOUR. Mr. Chairman, may I have about three minutes more?

Mr. FORDNEY. Mr. Chairman, I yield to the gentleman three minutes more.

The CHAIRMAN. The gentleman from California is recognized for three minutes more.

Mr. BARBOUR. A recent statement of the Bureau of Mines, which is the authority referred to, sets forth that it requires about 5 pounds of magnesite brick in the manufacture of 1 ton of steel. With a tariff of three-fourths of a cent per pound on magnesite brick and the 10 per cent ad valorem duty added, it would make an additional cost in the manufacture of a ton of steel of only 6 cents. In estimating the ad valorem duty I have taken the value of a ton of magnesite brick at Chester, Pa., in the spring of the year 1919, as given by the Bureau of Mines, which placed it at $90 a ton. Considering the small amount of magnesite that is used in the manufacture of steel and other similar products, the small amount that is required in those processes, and the very few cents that will be added to the cost of the production of steel by reason of these proposed duties, it seems to me that the increased cost to the consumer would not be in any way reflected in the retail price—in fact, it would be practically negligible.

And yet I want to say to you that by the adoption or passage of this act you will maintain and keep alive in this country a comparatively new industry, in which from $3,500,000 to $4,000,000 is invested in two States on the Pacific coast, and which gives employment in normal times to between 1,000 and 1,500 men who are drawing a daily wage of from $4.50 and $5 up.

Mr. YOUNG of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. BARBOUR. Yes.

Mr. YOUNG of North Dakota. Are some of those concerns small?

Mr. BARBOUR. They vary in size. Some of them are small. They vary in size from the small ones up to the big magnesite producing company in Washington, which is the largest. Some of those in California, I am informed, produce almost as much as the company in Washington, but the Washington company is, I understand, the largest of them all.

In this connection I desire to say that the Bureau of Mines has reported that the present supply of magnesite is ample to last for another generation, and there is a prospect of additional discoveries being made. Therefore it seems to me that under these circumstances there is absolutely no argument against the bill which is under consideration here to-day, and no reason whatsoever why it should not pass. [Applause.]

Mr. ROSE. Mr. Chairman, will the gentleman yield for a question?

Mr. BARBOUR. Yes.

Mr. ROSE. I would like to ask the gentleman this question: What would become of the corporation in the United States which has a capital of $2,500,000 invested in such a venture in Austria?

Mr. BARBOUR. They would simply take the consequences. If they have invested their money in Austria, they would simply take the consequences if this bill were passed, whatever those consequence might be. But in that connection I want to say that my sympathies are entirely with the men who have invested their money in America. [Applause on the Republican side.]

Mr. FORDNEY. Mr. Chairman, I yield to the gentleman from Ohio [Mr. RICKETTS] 15 minutes.

Mr. RICKETTS. Mr. Chairman and gentlemen of the House, I expect to support this bill, although I do not wish to discuss it. I have another matter that I want to bring to the attention of the membership of this House, that I think is highly important to each and every one of us.

On the 6th day of April, 1917, the Congress of the United States, on the recommendation of the President, passed a declaration of war against the Imperial German Government. It was necessary, of course, to raise an army and to raise it quickly. At that time we had an army of about 226,000 soldiers, and it was the intention of this Government to increase that army so that it would be effective on the fields of battle across the sea. I regret to say that at that time patriotism had rather cooled in the hearts and minds of the American people, and it was necessary through the press and through platform addresses to arouse the people to such an extent that they might clearly comprehend and fully realize the enormity of the great crisis that then confronted us. The press and the orators of the country addressed the people, and assured the boys that the thing to do was to uphold American institutions and to enlist in the Army, and to see to it that our rights were protected upon the high seas and in foreign lands, as well as upon our own coasts and in our own country. We raised an army of 4,000,000 men during the progress of that war. From the hilltops, from the housetops, and from the platform all of us proclaimed to the American boys that we would stand by them and furnish them everything that they needed in order to succeed in the war.

I want to say that the American people did their full duty in that regard. In the five Liberty loans that we floated the people of this Nation responded most generously in the subscriptions for bonds, and we did everything that we were required to do in the way of creating war chests and protecting the Red Cross and other like organizations, and our boys were fairly well provided for while in the ranks in foreign lands. But, my friends, that war is now over, except that the President has not as yet issued a proclamation of peace. I want to call your attention to the fact that the casualty list was 262,693 men, of which number 28,363 were killed in battle; died of wounds, 12,101; died of disease, 16,034; died from other causes, 1,980; wounded, 189,955; missing in action, 14,290.

What I want to-day to bring specifically to your attention, gentlemen of the House, is the number of wounded soldiers, 189,955. These soldiers are distributed in hospitals throughout this country. I want especially to call your attention to those who were shell shocked.

Some time in June of this year the gentleman from Massachusetts [Mr. GALLIVAN] asserted upon the floor of this House that our shell-shocked soldiers were housed in hospitals with the criminal insane. I am quite convinced that each Member of this House at that time was very much astonished at that statement, and we were assured by the chairman of the Committee on Military Affairs that such was not the case; that while they were housed in the same hospitals with the criminal insane, yet they were segregated and cared for separate and apart from the criminal insane.

On the 27th of July of this year I received a letter from Mr. A. E. Faine, of New Straitsville, Perry County, Ohio, accompanied by a petition of 500 of the citizens of that city, requesting me to investigate the treatment accorded our shell-shocked and insane soldiers by the War Department since the World War began, and advising me also that it was the policy of the War Department to house the shell-shocked and insane soldiers in hospitals with the criminal insane, and further advising me that Mrs. Martha E. Abt, of 1420 Bryn Mawr Avenue, Chicago, Ill., in addressing the New Straitsville Chautauqua Assembly on the afternoon of July 24, 1919, among other things, said:

> Uncle Sam is sending our shell-shocked soldier boys, who have passed through a veritable hell on the battle fields of France in defense of your home and mine and of our common country, to the various insane asylums in our different States.

Mrs. Abt said that she had seen with her own eyes shell-shocked soldiers, in their soldier uniforms with service stripes on them, lodged with and among the criminal insane.

The citizens of New Straitsville present at this meeting were shocked and dumfounded when they heard this statement. Coming, as it did, from so high an authority, they did not question its truth.

The people of New Straitsville were among the most patriotic in this country during the Great War. They oversubscribed every Liberty loan. They oversubscribed to the war chest. In fact, they oversubscribed to every activity of the war, and were always ready, willing, and anxious to do everything within their power to assist this Government and the soldiers of the United States to win the war. Besides, this city and community furnished more than its quota as compared with other cities and communities in making up the Naval and Military Establishment of this country.

Mr. Faine in his letter to me uses this language:

> In the name of justice and humanity we appeal to you to ask Congress to investigate these conditions, and we further urge upon you to use your best efforts to have our Government provide forthwith hospitals in which these boys who have given so much for our country may have a fair chance for their lives.

And the citizens of that city, in that meeting, after hearing the above statement of the lady from Chicago, sent me the following resolution:

> We, the unsigned citizens of New Straitsville, Ohio, to the number of more than 500, assembled in the Lincoln chautauqua tent this Thursday night, July 24, have heard the above letter of A. E. Faine to our Congressman and Senators, the Hon. EDWIN D. RICKETTS, the Hon. ATLEE POMERENE, and the Hon. WARREN G. HARDING, and we do hereby unanimously join in said petition and pray that prompt action be taken as may be best determined.
>
> NEW STRAITSVILLE CHAUTAUQUA COMMITTEE,
> CHARLES G. WEAVER, *President*.
> R. P. TAYLOR, *Secretary*.

On July 28, 1919, after receiving this letter and petition and after due reflection, I introduced in this House the following resolution:

[Sixty-sixth Congress, first session, H. Res. 203. In the House of Representatives, July 28, 1919. Mr. RICKETTS submitted the following resolution, which was referred to the Committee on Appropriations and ordered to be printed.]

RESOLUTION.

Resolved, That the Committe on Military Affairs of the House of Representatives be, and hereby is, directed to investigate and report to the House at once the question of whether or not the shell-shocked soldiers of the United States, who have passed through a veritable hell on the battle fields of France in defense of our country, are now being treated by direction of the War Department in the various insane asylums of the different States of the Union and are required to occupy hospitals with the criminal insane.

Resolved further, That in the event that said Committee on Military Affairs shall find that said shell-shocked soldiers are being kept in hospitals with the criminal insane, that then and in that event the Committee on Appropriations be, and hereby is, directed to immediately take such steps with reference to appropriations as will enable the Committee on Military Affairs to relieve this situation at the earliest possible date.

I have received a number of letters from Mrs. Martha E. Abt in which she confirmed her statement made at New Straitsville and gave me considerable valuable information with reference to this most important subject.

I made it my business to visit St. Elizabeth's Hospital on two different occasions, and I saw with my own eyes just what this good lady had described to my people in her address.

My observations made at St. Elizabeth's can be no more clearly stated than is expressed in an article in Harvey's Weekly on July 26, 1919, written by Col. George D. Harvey, the editor:

FORSAKEN.

Some months ago the Weekly called attention to the fact that troops from France, shell shocked, gassed, and wounded, whose minds had given way in the trenches, had been brought back to America and were herded into St. Elizabeths Insane Asylum along with the degenerate and criminal insane. Denials, that denied nothing we had printed, were followed by excuses and then came promises that conditions would be remedied as soon as it was humanly possible to do so. This was before the armistice was signed in November.

The other day we went over to St. Elizabeths to see some of these boys. For a while we looked over the beautiful grounds and well-kept buildings and then went to some of the wards where casual visitors do not go. We had been told that the soldiers and sailors were segregated from the unfortunates who are picked up in the streets and taken sometimes from the slums, but this was a mistake.

We were taken through many wards, where we saw hundreds of men and boys cooped up in long, poorly lighted corridors. Many of them wore Army and Navy uniforms, or the remnants of them. Others were civilians, dressed as fancy dictated. Some were disheveled and others were naked. Some were quite mad. They shrieked and cursed and galloped about and threatened to fight. Why all the inmates were not reduced to this state by their environment we do not know. Others were huddled under the benches that line the wall and refused to come out or to speak. Some were timid and fearful and would not approach strangers. Some were bruised and cut.

Many of the soldiers stood with folded arms; others sat stolidly upon the benches and stared vacantly at the walls in blank despair; others sat on the window sills and peered through the bars out into the sunshine. Some of them were manifestly in a condition bordering on the hopeless, while others talked coherently and asked that messages of various kinds be delivered for them. Many of them hoped to be released in a few days, while others, ashamed of their condition or environment, covered their faces or slunk away.

In these corridors we saw soldiers who carried scars from the Argonne, Soissons, and Chateau Thierry; a sailor whose mind had failed after 11 months at Dunkirk; another who had collapsed mentally after many months in a Turkish prison camp; and another who had broken down in the sub-chasing service. These men, and many others who had had similar experiences, we talked with in those sunless corridors.

We talked with the guards and asked them what amusement, recreation, or occupation the men had, and were told that nothing was provided except a walk. They were supposed to be taken out for an airing every morning or afternoon, but this did not always happen. One guard said that none of the 51 occupants of his ward had been out in three weeks. The barber came and shaved them twice a week. They were bathed regularly once a week. They were supposed to get a tobacco ration, but each guard told a different version of the amount and frequency of the ration. None had tobacco. Many begged for it and were very grateful for a few cigarettes.

We asked what, if any, attention the individual soldier got in this "hospital" and were told that they got only what we saw. Doctors were scarce, and as each had to watch over several hundred "patients" there was little opportunity to give the individual much attention. We asked if the soldiers were not kept in condition by setting-up exercises, as they had been accustomed to in the Army, and we were told that they were not.

We went to wards where bedridden men were housed. A well-built man of 25 with a tattered nightgown (his only clothing) rolled about his neck cried plaintively for his mother. His nerves were completely shattered and he cried all day. On the bed adjoining him a handsome lad of 20 stared hopelessly. Under the next bed a naked soldier was huddled, and so on through the ward. There were no nurses and no attendants, except a youth who carried the keys, and this was true of the other wards.

We asked if these sick men were ever rolled out in the sunshine, and the answer was "No." Such a thing was never heard of. They rarely, if ever, had a caller. Most of them seemed not to have any people.

We asked if they were ever taken out motoring in Army trucks, as the wounded from the hospitals are, and we were told that the Government provided nothing of the sort.

It is hard to believe that American soldiers are subjected to this treatment.

We would not have believed it if we had not seen it, and now that we have seen it we shall never forget it.

I saw criminal degenerates and soldiers inside the walls of certain wards and inclosures of St. Elizabeths Hospital who were allowed to intermingle and associate, which was a complete surprise to me in the face of the fact that the House of Representatives had been assured that these soldiers and the criminal insane inmates of this institution were segregated; that they were not allowed to intermingle or associate; and that the soldier boys were receiving special treatment, necessary in order to insure the cure of all those who could be cured.

On August 5, 1919, the Wheeling (W. Va.) Register published an article purporting to be an interview from Mr. Littlefield, a prominent business man of Reedyville, W. Va., who said that quite a number of insane World War veterans had been admitted to the State hospital at Spencer, W. Va., and that the Government, under a contract, had agreed to pay $10 per week for every soldier sent to this institution; that it was the purpose of the Government, under the direction of the War Department, to have a large number of insane soldiers, who have lost their minds from various causes, from all parts of the country committed to this institution.

Just why the War Department did not provide special hospitals for these shell-shocked and insane soldiers and other soldiers suffering from nervous disorders when it had at its command all the appropriations necessary to have amply provided for them, is not quite clear to me. It may be clear to the other Members of this House, but I can not understand it. It seems to me that this Government, through the War Department, owed these unfortunate soldiers, who had given up their all for their country, every possible facility for treatment within the power of the Government to furnish. Not only so, but I am convinced that the War Department must have known that just such conditions as these would arise with reference to the service of our soldiers in foreign lands, and, consequently, should have made the necessary arrangements for their care and protection.

It is a disgrace and a shame to this Nation that these boys, helpless as they are, should be forced to occupy quarters in hospitals occupied by the criminal insane. Congress has provided the appropriations and hospital facilities are ample.

In my investigations I took this matter up with the War Department, and on August 19, 1919, I sent the Secretary of War the following questionnaire:

WASHINGTON, D. C., *August 19, 1919.*

Hon. NEWTON D. BAKER,
Secretary of War, Washington, D. C.

MY DEAR MR. BAKER: Will you kindly give me the following information with reference to the shell-shocked and insane soldiers of the late war?

I would like to have:

First. The number of shell-shocked and insane soldiers.

Second. The institutions in which they are being treated and the number in each institution.

Third. The date and number of the first shell-shocked and insane soldiers received in this country and where distributed.

Fourth. How many of them were marked as deserters or as being absent without leave, and what became of this class of soldiers.

Thanking you in advance for the courtesy of an early reply to this request and assuring you of my appreciation, I am,

Sincerely, yours,

EDWIN D. RICKETTS.

On August 21, 1919, the Surgeon General of the Army, at the direction of the Secretary of War, wrote me a letter which explains fully the attitude of the War Department with reference to this matter. I am including this letter in my address to the House so that the membership of Congress and the people of the country may know that the War Department does not seem to be in touch with this situation. The letter which I received is as follows:

WAR DEPARTMENT,
OFFICE OF THE SURGEON GENERAL,
Washington, August 21, 1919.

Hon. EDWIN D. RICKETTS,
House of Representatives, Washington, D. C.

DEAR SIR: Your letter of August 19 addressed to the Secretary of War has been forwarded to me for reply, which I will endeavor to do to the best of my ability from the information at hand.

As you know, the final statistics for the war are not yet completed and due to the reduction of clerical help they probably will not be ready for definite publication for some time.

Why a lack of information?

The questions as you have asked them are quite difficult to answer, as they are not in accordance with the method of classifying nervous and mental diseases in the Army. We think that the term "shell shock" is a very unfortunate one and has given rise to a great misinterpretation, especially by the public at large, and our experience has shown that it has been used as a name for most any nervous trouble arising overseas. Really, if the term is used at all, it should apply only to those cases of nervous trouble which resulted directly and solely from shell concussion. However, this rather small group has been overshadowed by applying the term to various other forms of nervous disease which arise in individuals usually of a neuropathic make-up.

A marked distinction has been made between the two large groups of cases; first, those that are insane, and, second, the psychoneuroses. It is in this latter class that the term "shell shock," if used at all, would fall. Among the psychoneuroses is found the large group of functional nervous diseases, some of which are the hysterias, neurasthenias, etc., in all the various forms. Functional neuroses are usually curable, and due to the very satisfactory method of handling these cases, both overseas and in this country, most of these cases have been cured—many before arriving in the United States—and the large majority being rapidly cured soon after the signing of the armistice.

The importance of this distinction was realized at the beginning of the war, and separate hospitals were provided for the insane and for the psychoneuroses. Besides the specially constructed psychopathic departments in practically all our base and general hospitals, under the charge of specialists, with specially trained nurses and attendants, special hospitals for the insane were maintained at General Hospitals No. 4, Fort Porter, N. Y.; No. 13, at Danville, N. Y.; and No. 34, at East Norfolk, Mass. Later, during the present year, realizing the many advantages of concentrating these cases in one large hospital equipped with all modern facilities for the care of mental cases, General Hospital No. 43, at Hampton, Va., formerly the National Soldiers' Home, was devoted to the care of the insane and mentally defective.

The large military post at Plattsburg Barracks was utilized as a special hospital for the treatment of psychoneuroses. Because of the early signing of the armistice, this hospital was never required for its full capacity, and on account of the rapid reduction in the number of cases, this hospital was last spring turned over for the care of general medical and surgical cases and, on the abandonment of the General Hospital No. 4 as a hospital for the insane, it has since been used for the psychoneuroses.

At present, then, we have General Hospital No. 43, Hampton, which is used as a hospital for the insane and mental defectives, and also as a classification hospital for other nervous conditions received from overseas, and General Hospital No. 4, Fort Porter, N. Y., for the care of psychoneuroses. In addition, special neuropsychiatric departments are conducted in our various general hospitals now operating.

So much for introductory remarks.

In answer to your first question: Our latest statistics show that the following cases have been returned from overseas:

	Total.	Hoboken.	Newport News.
Psychoses (insanity)	3,597	2,715	882
Constitutional psychopathic states	504	149	355
Epilepsy	416	302	114
Mental deficiency	762	410	352
Psychoneuroses	2,888	1,675	1,213
Alcoholism	51	51	.....
Drug addiction	6	6	.....
Recovered	95	95	.....
Total	8,319	5,403	2,916

Regarding your second question, the following is a census taken on August 12:

	Total.	Insane.	Psycho-neuroses.	Epilepsy.	Constitutional psycho states.	Mental deficiency.
Walter Reed	123	67	38	6	7	5
Fort Sam Houston	117	58	29	14	12	4
Letterman General	80	53	8	7	9	3
General Hospital No. 1	40	21	15	1	2	1
General Hospital No. 2	47	12	24	.....	9	2
General Hospital No. 4	194	14	131	1	37	11
General Hospital No. 6	132	89	23	12	.....	8
General Hospital No. 25	178	138	15	7	11	7
General Hospital No. 26	95	54	24	5	8	4
General Hospital No. 28	117	73	19	9	2	14
General Hospital No. 43	1,087	868	23	2	59	135
Total	2,210	1,447	349	64	156	194

In addition, there are only 10 officers (5 of whom are on leave) and 25 general prisoners still under the control of the military service as patients at St. Elizabeths Hospital.

Provisions have been made for the care of insane nurses at the Shepard and Enoch Pratt Hospital, Baltimore, one of the best institutions in the country, and we have at present only three nurses at this hospital.

We do not have an absolute record of the date and number of the first nervous and mental cases returned from overseas, but the first insane cases to be admitted to our special hospital for the insane from overseas was in the month of February, 1918, and the first cases of psychoneurosis were admitted to General Hospital No. 30, Plattsburg Barracks, in May, 1918.

This office does not have a record of the number of soldiers suffering from nervous or mental disease who deserted or were absent without leave. An inquiry to The Adjutant General of the Army might give some information along that line. It has been the policy, however, that when the absence of a soldier was found to be due to a mental condition, which made the soldier not responsible for his actions, to treat him as a sick man, and not punish him for the delinquency. Such cases are promptly referred to a board of medical officers for recommendations.

If there is any case of mental disease (insanity) which, after a period of several months' observation and treatment in military hospitals, is found to be chronic or incurable and requires hospital treatment, it is turned over to the Bureau of War Risk Insurance, which is charged by law with the after care of these soldiers. This bureau has made various provisions in its own hospitals and otherwise for the continued care of these cases at Government expense as long as may be necessary.

I have gone quite at length into this matter, but I feel that I am very glad to have an opportunity to discuss this subject with you in view of the fact that owing to the general misunderstanding of a number of people ideas are often formed which are unfair to the Medical Department of the Army. The policy pursued in the handling of these cases has been very satisfactory, and especially so when compared with the unusual amount of trouble other countries have experienced with these cases during the present war.

Yours, very truly,

M. W. IRELAND,
Surgeon General, United States Army.

From the above letter of the Surgeon General, the facilities for caring for these unfortunate soldiers are ample, and there is no reason why they should not have the treatment which they deserve.

In next to the last paragraph of the above letter, I observe that the Surgeon General says that after several months' observation and treatment in military hospitals of shell-shocked and nervous soldiers, if it be found that they are incurable and require hospital treatment, they are turned over to the Bureau of War Risk Insurance, which is charged by law with the aftercare of these soldiers, and this bureau has made various provisions in its hospitals, and otherwise, for the continued care of these cases at Government expense as long as it may be necessary. He does not say how many soldiers were turned over to the War Risk Insurance. Why? Now, I do not undertake to say whether the War Department or the Bureau of War Risk Insurance is responsible for the number of soldiers housed in St. Elizabeths Hospital, but I know that there are several hundred there, and that they are permitted to associate with the criminal insane.

The Congress has made liberal appropriations to the War Department and to the other departments having to do with the care and treatment of wounded, maimed, and shell-shocked soldiers, and there is no just reason under the heavens why they should be housed in hospitals with the criminal insane. From information at hand, I am convinced that this condition exists not only at St. Elizabeths, but at other hospitals throughout the country, and that the degree of care necessary to their comfort and recovery has not been given to these poor unfortunate boys to date.

I am urging the adoption of the resolution which I introduced because I feel keenly the special duty that the people of this Nation owe to these shell-shocked and insane soldiers. They gave their all to their country and ours. They fought valiantly for America's cause. They turned apparent defeat into victory. They caused the Central armies, marching from Berlin, to face about and march toward Berlin. They did all that was required of them at the hands of this Nation, and I feel that it is the solemn duty of the War Department, and every other department of the Government, and the duty of Congress, and especially the duty of the Committee on Military Affairs, to see to it that these boys are transferred and committed to hospitals provided especially for their comfort and welfare. They deserve and are entitled to the very best treatment that this Government can give them. [Applause.]

That some one is careless in relation to the welfare of these soldiers, and of soldiers generally who served in the late war is emphasized by the facts in connection with the discharge of Sergt. Edward A. Herz, as indicated hereafter:

Sergt. Edward A. Herz was discharged on December 29, 1917, at Camp Sherman, Ohio, on certificate of disability—chronic active tuberculosis of left lung.

Sergt. Herz had an Army service record of 17 years 7 months 25 days at the time of his discharge and was clearly entitled under existing regulations to have been sent to Fort Bayard, N. Mex., or some other sanitarium, for treatment. (See Army Regulations, paragraphs 1439, 1441, 1442, amended by C. R., paragraph 70; Army Regulations, paragraphs 1445, 1446; also Manual of Medical Department, paragraphs 334 to 344, inclusive.)

Sergt. Herz is a married man and has a family of a wife and two children dependent upon him. Since his service had been continuous for almost 10 years there is no question of whether or not the disability originated in line of duty and while in military service.

As a result of this erroneous discharge, Sergt. Herz and his family have been thrown on public charity, and he is in such a state of health as to be unable to work and provide for his family.

An application was made on March 12, 1919, for restoration to his former rank and permitted to reenlist, and that he be sent to Fort Bayard, N. Mex.; and on April 29 Sergt. Herz made a second application. This second application was indorsed and approved by Maj. Gen. Glenn, then in command at Camp Sherman, Ohio. The application was rejected both by the Surgeon General, through Col. S. J. Morris, and by the adjutant, through R. J. Herman, and the following indorsement made: "There is no authority for his reenlistment."

Here is a young man who enlisted seven times in the service of his country, who gave nearly 18 years of the very flower of

his life to that service, and who has a wife and two children dependent upon him for support, who was erroneously discharged and turned out in the cold world to die from tubercular trouble which he incurred in the service.

This is just one of hundreds of cases that have been neglected through some branch of the Army under the control of the War Department.

I feel that all of the soldiers of the late war who were in any way disabled should be given the most generous and indulgent consideration; that every comfort which this Government can afford should be given to them; that they should have the benefit of the highest medical talent in this country; and that they should have hospital facilities that would insure to them the very best treatment this country can afford. [Applause.]

Many of these dear, unfortunate boys gave up their mothers, sisters, wives, sweethearts, and friends and placed themselves upon the altar of war, ready to be sacrificed, if necessary, in order to preserve our rights; to make, what we denominate in our parlance, the supreme sacrifice, and to do all within their power to preserve and protect our country and its institutions. Many of them made this sacrifice. Many of them were wounded, maimed, and disfigured. Many of them were overtaken by disease, and it seems to me that we owe our all to those boys whose lives are, in a measure, ruined. Why not help them to the extent of our ability and within our means? Why not see to it that they have the proper medical attention in proper hospitals, with facilities equal to their necessities, and in this way assist them as far as possible to recover from their misfortune? [Applause.]

I am one American whose gratitude is boundless to our American soldier boys, and I want to help all of them to the limit of their needs, and to the limit of our duty to them, but I feel that in giving the relief needed we should first provide for the wounded, shell-shocked, and unfortunate soldiers. [Applause.]

A subcommittee of the Committee on Military Affairs for some weeks past has been and is still holding hearings on my resolution and other similar resolutions, and will soon report to the House their findings in relation thereto, when I hope the House will take immediate action in this matter. [Applause.]

Mr. FORDNEY. Mr. Chairman, I yield to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, in the debate on the dyestuffs bill some allusion was made to proceedings against a former Member of this House, and I made some statements with reference to the matter, based upon the report of the Alien Property Custodian. The name of the ex-Member of this House was subsequently mentioned as Mr. Herman A. Metz. Mr. Metz has since written me a letter, in which he explains his side of the case very differently from the statement contained in the report of the Alien Property Custodian. In justice to Mr. Metz I ask that I may extend my remarks by printing his letter in the RECORD.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The letter is as follows:

NEW YORK, *September 29, 1919.*

Hon. WILLIAM R. GREEN,
Washington, D. C.

MY DEAR CONGRESSMAN: I have just read in Friday's RECORD your references to me during the debate on the Longworth bill. As I feel sure that you would not willfully do me an injustice, I beg to state briefly the following facts:

In November, 1918, the Alien Property Custodian seized an American company of mine on his determination that the stock, which I had purchased in 1913, did not belong to me, but in reality was German owned. I yielded the stock to him under protest and compulsion, and thereafter brought suit in the United States district court to have such determination and seizure declared unfounded, illegal, and null and void, and said stock restored to me. This suit is now pending, and it is my earnest desire and purpose to have it heard as soon as possible. No court has ever passed upon the claim that, as you say, I have had in my possession German property.

Last week the Alien Property Custodian made demand on me for two other companies of mine, after having made a similar determination that they do not belong to me, but in reality do belong to German alien enemies. These companies are both American in organization and American owned; and the action of the Alien Property Custodian is even more preposterous and false than in the former case, if that could be, since neither of these companies ever did a dollar of business, directly or indirectly, with the foreign concern. I am moving the United States district court for an order to show cause why such demands should not be set aside and for such further relief as will confirm me in my property rights and my rights as an American citizen. This is an exact epitome of the controversies between the Alien Property Custodian and myself. When you say that "this same ex-Congressman had been found guilty of hiding and concealing German property, had been compelled to turn it over, and paid some $40,000 penalty," you say what is absolutely unfounded in fact. From your reference to $40,000 you seem to have misinterpreted certain testimony of Mr. Garvan before the committee. For purposes of his own he brought in certain suits that were started in Philadelphia in 1913 against dye importers under the Sherman Act. Such a suit was also suggested against me, but I convinced the plaintiff that there was no foundation for it. I found, however, that an agent of mine for about five years had been charging more than the price to the average customer. I thereupon voluntarily made a friendly adjustment by paying about $40,000, which we calculated the overcharge to be in a business amounting to several hundred thousand dollars. You will find the matter in more detail in the copy of my recent letter to Chairman FORDNEY, which I inclose.

I am sure you must realize that you have practically charged me in the presence of many of my own colleagues with penal offenses, and that as a former Member of Congress I am entitled to as public a retraction on your finding your statements are not true.

Yours, very truly,

HERMAN A. METZ.

Mr. FORDNEY. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. HERSMAN]. [Applause.]

Mr. HERSMAN. Gentlemen, I thank you for the applause. It reminds me of a story I heard not very long ago. A politician was making a public speech. There was quite a crowd when he started, but before he got through there were only a couple of fellows left in the room. He went down to them and said, "I want to thank you gentlemen for staying and listening to me. I appreciate it very much." One of them said, "That is all right. You need not thank us. We are the next two speakers." [Laughter.] So, gentlemen, I want to thank you.

It seems quite popular to digress from the subject under consideration. If I had known it and just how to secure the time there was a matter that I would have liked to have talked about, and that is the soldier-settlement bill.

I am very much interested in this legislation, because I am on the Public Lands Committee and we completed lengthy hearings on this bill some time ago. I have been anxiously waiting, hoping that it would be brought up, so that the men of this Congress would have an opportunity to consider its merits. I believe the character of men sent here, who represent constituents in this great country of ours, will be impressed with the arguments in favor of the soldier-settlement bill. That it will be a real opportunity to those interested and fitted for farm work I can not help but believe. Because it does not reach the whole body of soldiers is no valid reason why we should withhold wholesome legislation from those who are willing and anxious to avail themselves of it. In my judgment this legislation is sound socially, financially, and economically.

The record of the Reclamation Service is a constant inducement to the young man of this land to secure a farm of his own. The opportunity presented under the Mondell bill to the energetic and determined soldier would have been welcomed by many of you in your younger days. The records of the Secretary of the Interior show that the lands under the Government's reclamation projects have in five years increased in value from 100 per cent to 1,000 per cent. The settler got the advantage of that increment of gain, and the soldiers that are returning now would have that same advantage. I hope that at some time you will give me the opportunity to set forth in detail the reasons why I believe that it is a splendid thing for this Congress to pass the Mondell bill. [Applause.]

I am interested also in protecting the industries that are necessary to the life of this Nation. [Applause.] I am interested in protecting the industries that may become necessary to the life of this Nation. I am equally interested in protecting the industries that need a helping hand, not because they are in California or in any other particular State, but because they are necessary for the fuller and more complete upbuilding of our Nation.

I am interested in this magnesite legislation, and this is the first opportunity I have had to speak on these important industries.

I believe first in protecting our farming interests, because they are absolutely vital to the life of our Nation. Able historians point out that the fall of the older nations of the world has come about after they have neglected and lost sight of the importance of their rural population. When Rome was invincible, her army was made up of farmers, and she insisted that every soldier should be a landowner.

The fall of the empire began when her rural population became dissatisfied, when through unwise laws they crowded into the cities.

I am interested first and foremost in protecting the agricultural interests of our Nation. Daniel Webster said that the greatest work of man was the cultivation of the earth. We can not get away from it. We have got to depend on our rural population to furnish these virile streams of energy in order to renew the life of the Nation. The farm must provide a surplus of food products for the cities, and the farm must provide a surplus of healthy and energetic men in order that the industries of the Nation may thrive.

I am interested in the protection of magnesite, because it is a necessary industry. There has come to me a pamphlet issued

by the Department of the Interior in which one or two sections are very interesting.

In 1913 there were produced in the United States $77,059 worth of magnesite, and that increased gradually until in 1917 there were $2,899,000 worth produced in this country. Owing to the stimulating effect of high prices this country was able to mine this mineral. When peace is restored, without a sufficient tariff, this mineral could no longer be mined. We would again be dependent on a foreign country. Certainly this would not be wise when our steel industry is dependent upon securing a sufficient amount at all times. The amount of protective tariff that is necessary to safeguard this industry I am not able to state. We will have to depend largely on the committee that brings in the report as to the real protection that this industry must have. I hope our worthy chairman of the Ways and Means Committee will not let his Republican enthusiasm get beyond the bounds of reason so that California Democrats can not follow him. [Laughter and applause.]

Another section of this report of the Interior Department is interesting. It says that the Australian deposits can be delivered at New York, Philadelphia, Washington, and Baltimore at a much lower price than California and Washington magnesite which has to pay higher wages to produce and higher freight rates.

The domestic material may not long hold the market in eastern United States.

If we expect to produce magnesite in this country, we will have to give it reasonable protection. That it is a vital industry to the life of our Nation I think there is absolutely no question. The testimony that has been given before us in respect to the magnesite industry would plainly indicate that it is absolutely a vital mineral to the production of steel business. Believing as I do, I will give it my support. There are many mines in the West. The fact that there could be no monopoly in this industry is of the highest importance in considering its proper protection.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. FORDNEY. Mr. Chairman, I yield five minutes to the gentleman from Nevada [Mr. EVANS].

Mr. EVANS of Nevada. Mr. Chairman, it is a matter of history that always during wars and after wars the minds of the people are much inflamed and there is great disregard for human life. That perhaps explains what is going on in Arkansas now, while there is a baseball game going on in Ohio.

The employees now on strike of those great steel companies are more than 75 per cent foreigners, brought to this country under laws which must be amended to the point that before an immigrant can be admitted he must pass a rigid mental and physical test, when he will be entered upon a year's probationary course of compulsory education, and will be taught constantly against the misinformation of anarchy and destruction. He will be taught the aims and purposes of this Government, the advantages and protection it affords the citizen for his life and property wherever found; advising education for the American Federation of Labor, teaching them against the false doctrine of violence, cautioning them against delivering their fine organization over to irresponsible destruction, because their order represents the grandest human thought. All men will learn the glory of working for work's sake; the beauty of achievement in the skill of labor; then they will realize and obtain the greatest good in life. They will know that life's ambition is the opportunity and the disposition to work, to create, build, and acquire knowledge that the finished product of their toil is life's success. Education for the employer of labor, teaching him that labor must not be exploited to create monopoly and turned against the worker; that every man who honestly works must be provided a home ahead of dividends; that the big man of the future is one who does unselfish things to benefit mankind, when the man who lives a selfish life will be taught to be ashamed. Then will our Nation enter a new era of light. We must learn that it is easier and more satisfactory to do right than wrong; between labor and capital there must be no conflict but cooperation. A monopoly of necessities is obnoxious to American sense of justice.

After due deliberation this Congress granted a charter to the American Legion, a grand body of men claiming 100 per cent Americanism. At Boston, where men who had sworn to protect the city from lawlessness and disorder had gone on strike, the American Legion were offering their services to the governor of Massachusetts to protect the Nation which they had given so much to save. The part taken by that fine body of representative soldiers makes one feel the security which this Government affords to her citizens, making us confident of the 100 per cent Americanism of the American Legion, which by this action records a perfect score. Within a very few years the well-known faces here will be gone away forever, replaced by now boy faces, who sailed away in ships that men, all men, may be free, free to think, speak, and grow, when we will in passing dedicate our country to 100 per cent Americans. [Applause.]

Mr. FORDNEY. Mr. Chairman, I yield 20 minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, the chairman of the Committee on Ways and Means has been reporting a number of bills, all of them more or less important to the business interests of the country, and some of them rather new and peculiar in their nature. Some of them were brought on by the war; that is, they were made necessary because of the war. The dyestuffs bill, one of these, was passed by the House the other day. The tungsten bill was another. That involved a question very similar to the question involved with regard to magnesite, the subject that is now before us. A bill for a duty on potash is another bill that arises largely by reason of the war. This bill will also involve the licensing feature, which was objected to by some gentlemen in the dyestuffs bill. With respect to several of these bills some differences have arisen that might be regarded as differences of opinion between the believers in the protective-tariff principle. The licensing feature was objectionable to many of us, and I assume will continue to be, because it invades the protective-tariff idea. That has been passed upon by the House in the dyestuffs bill and has now gone to another body.

The magnesite bill which is now under consideration, the potash bill which is to come, the dyestuffs bill which has been passed, all deal with products which originate in Germany or Austria and which are now competitive with those products in the United States. To a certain extent, so far as those three measures are concerned, the question of Americanism is raised. There is a prejudice against German products, against Austrian products, and that prejudice has had its effect in the consideration of legislation at this time.

The truth of the matter is that we were absolutely dependent upon Germany prior to the war for our dyestuffs. It is also true that we were dependent upon Austria prior to the war for our magnesite. It is also true that we were dependent upon Germany prior to the war for our potash. Dyestuffs were used by manufacturers of textiles in the United States, and, of course, constitute a very important and essential raw material. Potash is necessary for our farmers, particularly for those along the Atlantic seaboard and in the Southern States—not so much in the West, where they do not use fertilizer so much as they do in the Eastern and Southern States, where the land is more worked over. Magnesite, which we are now considering, is essential to a number of great industries in the East—foundries and those industries where furnaces are employed, principally in iron and steel production.

In all these respects we have been dependent upon Germany and Austria heretofore, and, thanks to the war, our American producers have been obliged to think about American production in order to meet the demands of American manufacturers and American farmers, because they could not get their foreign supplies in the ordinary way during the war.

Mr. BLANTON. Mr. Chairman, would the gentleman like to have an audience?

Mr. MOORE of Pennsylvania. Oh, I do not care for an audience. So long as the gentleman from Texas [Mr. BLANTON] is here I am satisfied. [Applause.] I notice that my remark elicited applause on both sides of the aisle, and that the audience is now increasing.

I would like to see all of these new American industries protected against unfair foreign competition. Every protectionist, I assume, would take that stand, but it has happened in these three instances of dyestuffs, potash, and magnesite, and it may happen with regard to tungsten, that what Gen. Hancock said about the protective tariff system is susceptible at least of application at this time—that it is "a local issue." It is a great span across the United States from the Atlantic to the Pacific, a very expensive span in the matter of transportation. The distance is about the same as it is to the European ports from the Atlantic seaboard, and the method of transportation across the sea is so much cheaper that the Atlantic coast users of these foreign commodities are compelled to face the question whether they prefer to use a foreign product, which they can get cheaper, or an American product from the Pacific coast, which costs them two or three times as much for a sometimes inferior domestic quality according to statements made with respect to some of these things with which we have to deal.

As to magnesite, the question is this: Americans who were engaged in the business of supplying the magnesite trade in the United States, finding they had to obtain their raw material

from Austria, principally, years before the war undertook to control the foreign market. Money went out of Pennsylvania, Ohio, New York, and I presume out of Maryland, to obtain certain rights over Austrian magnesite mines, Austria being the center of production of the kind of magnesite we needed in our furnaces for iron and steel production in the United States.

More than $2,000,000 were invested by worthy American business men to take over those Austrian interests. Why? They saw business in it. They thought they could serve the American trade. They preferred that Americans should deliver Austrian magnesite to American manufacturers and dealers rather than have the Austrians do it. They were not thinking of war when they made these investments. They were thinking of the trade necessities of the United States, and they employed their money for the purpose of acquiring property and rights over in Austria so that they might be in control of the situation and might thus serve American business interests. At that time no one would have said that that was not a commendable enterprise. It was what any ordinary business man or business men would do who had the nerve and foresight to venture into foreign fields. It was taking away from another country which might and did become hostile to the United States, vast interests that might have become, and actually were, a monopoly in the hands of foreigners and secured that monopoly, if it might be so called, for American interests. It was American good money invested abroad which took over these Austrian rights. The same thing has been done with respect to tungsten. We did not have tungsten in the United States sufficient to supply American needs during the war. Good Americans went prospecting elsewhere and they found it in Bolivia, and they spent their money trying to get it into the United States. The tariff, of course, may bar them, practically closing the lion's mouth upon the money they have invested in foreign climes. Yet everyone of us wants to be patriotic, everyone of us—except some of our friends on the other side who are gradually coming over—wants to be intensely protective with regard to American industry. But the war broke out, and at once the highest protective tariff wall that could be raised, the seizure of all ships, closed the American mines in Austria. They were shut up, and the use of $2,000,000 worth of capital there invested was at an end.

The $500,000 invested in the United States in plants at Baltimore, western Pennsylvania, and Ohio became dependent upon such supplies of magnesite as were here already or as might be developed in the United States. The Government was urging men to engage in the prospecting for minerals which were thought to be of value during the war, but they did not offer any special inducements for magnesite. So it is to the credit of the men in California and in Washington and of those controlling the Austrian mines that they did invest their money out yonder in Washington, where German chemists found deposits of magnesite, with a view of producing an American supply. Statements differ as to how much money was invested and as to just who invested it. The gentleman from Washington [Mr. HADLEY], the author of this bill, stated the other day in his address that about $3,500,000 of American capital was invested. The testimony differs as to that. I think Mr. HADLEY's were possibly the highest figures. It is said by some on the other side that there is not more than half million dollars invested in these magnesite mines in Washington and California.

Mr. HADLEY. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Washington.

Mr. HADLEY. The gentleman has correctly recalled my statement, but as to whether it is an extreme statement I can state that one of the bureaus, I am not sure which it is until I refer to the bulletin, estimated it at $3,500,000 to $4,000,000.

Mr. MOORE of Pennsylvania. Well, I have read the testimony to-day hurriedly, and I find that the estimates vary as I have indicated, from $3,500,000 mentioned by the gentleman from Washington, to $400,000, which is stated as a fair estimate by those who are opposed to this bill. It is a difference of opinion. And I want to say there is quite a difference of opinion with regard to the cost of production in the United States. That enters very largely into this question, and that difference even affects certain affidavits which were made and as to the manner of making those affidavits, because it is charged by those opposing the bill before the committee that they had no notice that the tariff was to be taken up and they were hurriedly summoned to the Ways and Means Committee and had no chance to be heard by the authorities in the particular Government bureau that undertook to make the investigation which the opponents of the bill claimed was ex parte.

I think there is something in that statement. The cost of production investigation was made largely by Mr. Riddell, an official of the Tariff Commission, which, of course, had the right to make the investigation if it desired to do so, but he seemed to investigate wholly from the standpoint of the producers of magnesite in Washington and California. I have some of Mr. Riddell's testimony here, I will not take the time to read it, but I suggest to the Members that they take the hearings and examine page 9 on to page 12, and further if they please, with respect to what Mr. Riddell says. However, I want to quote from this representative of the Tariff Board who was largely instrumental in bringing about this inquiry and he had much to do with the consideration of this bill. Some question arose with regard to transportation costs, and Members should know that transportation enters largely into this question. The bill itself, apparently, is an effort to adjust the tariff so that it will pay the transportation across the continent from Washington to points like Pittsburgh and Philadelphia. That is just about all the tariff amounts to. This material can be brought over from Fiume, a port of Italy, the nearest port to the mines, for about $16, all charges paid, and it can be delivered at Philadelphia or New York for that amount.

It can not be brought across the continent at the cost of production credited in these affidavits to the miners out there, and be delivered at those points, for less than $50. You see the difference. In this instance Gen. Hancock might have been vindicated when he suggested that the "tariff was a local issue." It costs so much less to bring it across the sea than it does across the continent that a suggestion is made here that a tariff should be put on practically sufficient to wipe out the transportation cost. The difference between rail and water shows why we want to open up our waterways in this country, and give the producers of the United States a chance to have a competitive system of transportation. [Applause.]

Mr. Riddell was on the stand, and I put to him some questions with respect to these costs, a part of which I think ought to go in the RECORD. I had figures showing the price across the sea and the price across the Continent. Then Mr. Riddell said in answering some of those questions:

Mr. RIDDELL. The quoted price in New York is $32.60, I believe. I may be corrected on that by others present.
Mr. MOORE. I have some figures here and I will state them so they can be used or criticized. My information is that the present price of American magnesite in Washington is $33.50.
Mr. RIDDELL. I should have stated in saying $32.60 that I had in mind Washington. There is a freight rate of over $16 per ton. I intended to say $23.60 was the price in Washington. The freight rate of $16 and some odd cents brings it up to nearly $50 a ton.

Now, here is a commodity coming from the West, and which we want to buy, which costs us $50 a ton in Philadelphia against $16 for the product from the American-Austrian mines.

Mr. Hawley said:

How much?
Mr. RIDDELL. Nearly $50 per ton.
Mr. MOORE. Per net ton?
The CHAIRMAN. A net ton or gross ton?
Mr. RIDDELL. Per ton of 2,000 pounds.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. May I have 10 minutes more, Mr. Chairman?

Mr. FORDNEY. I yield such time as the gentleman wishes to complete his remarks.

Mr. MOORE of Pennsylvania. Thank you.

Mr. GREEN of Iowa. Will the gentleman yield there? Does not the gentleman think that the rate of $16 per ton is exorbitant and ought not to be so high?

Mr. MOORE of Pennsylvania. That was a war rate and may be above normal, but under existing railroad conditions no one can tell. And I want to say just here that it has been practically impossible to ascertain what the foreign costs are. The gentleman from Washington [Mr. HADLEY] referred to labor costs the other day. He quoted the statement made by some one that this magnesite was produced in the Austrian mines by men and women, and that they labored for from 20 to 40 cents a day. While in prewar times we were accustomed to quote those figures, to-day, making allowances for the depreciation of Austrian money, the testimony shows, from the last information they had, which was really prewar information, that they were paying $1.10 in the mines to the miners for the crude work.

But I want to emphasize the statement that these American mines in Austria have been closed since they were seized by the officer over there corresponding to our Alien Property Custodian here. Those who heard me discuss the dyestuffs question heard me refer to the fact that our Alien Property Custodian here had seized German patents in the United States and

had sold them to the Chemical Foundation (Inc.), and had then undertaken to get a clause in the treaty which forbade any German owner of those patents ever making any claim against the Alien Property Custodian or anybody else in the United States for that seizure.

These American owners of this $2,000,000 worth of mine property in Austria expect to get their property back. They hope to resume operations. They understand that faith is to be kept with them, but they have been unable, except through some agent who recently got over here, to find out anything about the property, because it was under military control in Austria. But it was seized and it was held, and is still being held, and will probably continue to be held, until the President of the United States, who has the power, issues his proclamation declaring that a state of peace exists. Now, these gentlemen who own this American property abroad have been wholly in the dark with respect to their cost of production over there, and while these other gentlemen have been operating their mines in California and Washington and have been supplying the American trade while the American-Austrian trade was cut off, these men who have got their money there, this good American money that went over to capture the Austrian business for the United States, have been completely shut out.

Mr. Riddell gave some further figures, as did others, with respect to the cost of production, and it was clear that the American magnesite could not be delivered to a point like Philadelphia or Pittsburgh, or wherever the great furnaces are, for less than $50, whereas the foreign magnesite could be brought in prior to the war for $16.

Mr. JONES of Pennsylvania. Is that price of $50 based on the railroad transportation?

Mr. MOORE of Pennsylvania. It is.

Mr. JONES of Pennsylvania. And it is practicable, if the gentleman knows, to have it brought by the Panama Canal for less money?

Mr. MOORE of Pennsylvania. It might be cheaper to bring it through the canal, but I do not have the rates.

Mr. JONES of Pennsylvania. Has the gentleman any information as to what the price of that transportation would be now?

Mr. MOORE of Pennsylvania. I have not.

Mr. HADLEY. If the gentleman will yield, I wish to say that that question was submitted to one of the witnesses in the hearings. I asked him that question myself. He was well informed on the subject, and he stated that it had not been found practicable, because the mines in the State of Washington, to which the gentleman has referred, are located in the east half of the State, east of the Cascade Range. The product would have to be transported by rail to water and reshipped. It is transported in bulk by rail, and it was not practical in view of the rail cost.

One further statement, if the gentleman will permit: The cost of production was, say, $25.13, and $16.07 added for transportation makes $41.20 at Atlantic ports, instead of $50, whereas the other product is laid down at the same ports at $16.

Mr. MOORE of Pennsylvania. I think probably the gentleman's delivery point was Pittsburgh. I was using Philadelphia as the delievery point.

Mr. HADLEY. I was going to make one other observation. I do not want to take up the gentleman's time.

Mr. MOORE of Pennsylvania. I was referring to delivery at Philadelphia and the gentleman was referring to Pittsburgh.

Mr. HADLEY. The Austrian rate includes profits. The domestic cost stated does not. I think the gentleman was referring to the selling price rather than the selling price of the brick manufacturer.

Mr. MOORE of Pennsylvania. Let me quote from page 13:

> Mr. MOORE. The figures given me are these. The price of American magnesite is $33.50 a net ton, Washington State. The freight rate from Washington to Philadelphia on that net ton is $15.60, making the present price of American magnesite at Philadelphia, using that now as a point of delivery, $49.10.
>
> Mr. RIDDELL. It is slightly above that, because there is a war tax of some 40 cents to be added.

Mr. HADLEY. That, however, if the gentleman will pardon me, is based on the selling price, not the production price.

Mr. MOORE of Pennsylvania. I counted the production cost in the total amount. I was counting that in and adding the transportation cost of the Washington State magnesite; and the transportation cost, I repeat, is the cost which apparently this bill proposes to cover by a protective-tariff duty. We are all good Americans, however, and everyone of us wants to see enacted a protective tariff where necessary. This protective tariff, however, is really a protective tariff for the Pacific coast against the Atlantic coast consumer. That is about what the situation is. While we are all good Americans and love to shake hands across the continent, yet we are just up against one of those peculiar conditions in this bill that we have already had to face in one or two other bills that have been considered here, a situation which will perhaps have to be faced in other bills that are to come before these "war babies" are all disposed of. I want to help the gentleman get to an equitable basis, but I submit that adding the transportation cost as a tariff duty against an article which can be had in my State minus the transportation cost is adding just the transportation cost to the high cost of the product and putting it over on the consumer. That is the way it works out. It may be a little harsh to make this statement, but that is substantially the fact.

Mr. WEBSTER. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. WEBSTER. Can you conceive how a protective tariff can be placed on this article without taking into consideration the question of transportation?

Mr. MOORE of Pennsylvania. I will concede that we would probably need little or no protective tariff on Washington State magnesite if Washington State magnesite was sold west of the Rocky Mountains. But if it is to come east of the Rocky Mountains and be sold in Pennsylvania, I can see how we must pay the extra cost from the Rocky Mountains east.

Mr. WEBSTER. Does not that involve the fact that we must take into consideration the question of transportation and fix a protective tariff, or leave out the question of transportation and fix no protective tariff at all?

Mr. MOORE of Pennsylvania. In other words, if we are to furnish California with steel products, we must add to the price of the products which we sell to the people of California not only the transportation cost of the magnesite coming to us, but the transportation cost of the magnesite going back in the finished product, and adding thereto the duty which equals the transportation cost. It makes it pretty heavy for the consumer out in California under the circumstances. The whole problem could be met, I will say to the gentleman from Washington, if the furnaces that use the magnesite were in the State of Washington, or in the State of Oregon, or anywhere west of the Rocky Mountains; but if the furnaces are all east, and the magnesite must be hauled east, paying heavy freight charges, and then hauled west in the finished product back to California, paying still heavier transportation charges because of the increased weight of the commodity, and then adding to these two the transportation charges the heavy duty that is imposed on foreign products to keep the western magnesite at a higher price, it is going to be expensive to the gentlemen out West.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from California?

Mr. MOORE of Pennsylvania. I yield to the gentleman from California, who has come to the rescue. [Laughter.]

Mr. RAKER. I understand the gentleman's argument, that the object of this tariff on magnesite is to equalize the difference in labor cost in the United States and in Austria, with which we compete. Is not that about the contention of the committee?

Mr. MOORE of Pennsylvania. No. I think the gentleman came in at a point where we had already covered the labor situation, and he has confused it with the transportation situation—a thing which the gentleman from California is not accustomed to do.

Mr. RAKER. I have listened attentively to what the gentleman said. I want to ask him another question. The gentleman maintains that the difference of labor cost does not hold?

Mr. MOORE of Pennsylvania. Oh, all good Republicans believe in covering by a tariff duty the difference in the cost of production here and abroad, and if the foreign wage rate was away below the American rate the Republican party would fix the tariff to cover that rate for the benefit of the American workman.

Mr. RAKER. Is not that involved in this magnesite bill?

Mr. MOORE of Pennsylvania. I think the intention was to cover both the transportation cost and the labor cost in this bill, seeing that the bill came from the gentleman's own State.

Mr. RAKER. A further question.

Mr. MOORE of Pennsylvania. May I ask the gentleman if he is in favor of this bill?

Mr. RAKER. I have not the floor, and so I can not answer that.

Mr. MOORE of Pennsylvania. The gentleman is a good Democrat, and he has discussed this and several other tariff bills. I would like to ask the gentleman whether he is in favor of a tariff bill providing rates that will cover the difference in the cost of production at home and abroad, in the interest of his own State?

Mr. RAKER. That is the purpose of most of your legislation that applies to the Eastern States, when you come to figure it right down—the question of the difference in the rates.

Mr. MOORE of Pennsylvania. The gentleman favors that system, does he not?

Mr. RAKER. I do not say so right now.

Mr. MOORE of Pennsylvania. Will the gentleman be frank and say whether he favors that system?

Mr. RAKER. In some instances. It depends on circumstances.

Mr. MOORE of Pennsylvania. How long shall I pursue this line of inquiry of the gentleman, seeing that he is on the fence with regard to this bill?

Mr. RAKER. I am not on the fence. I will be right on the ground when the time comes. But the gentleman has stated that there are something over $2,000,000 of American capital invested in Austria in the control of these magnesite mines.

Mr. MOORE of Pennsylvania. That is the evidence before the committee, and $500,000 in addition invested in the United States for the purpose of manufacturing the raw material.

Mr. RAKER. That would make no difference, as I understand in the gentleman's theory.

Mr. MOORE of Pennsylvania. It only shows good faith on the part of Americans who invested their money abroad to get raw material, and who have invested money in factories here under the American wage scale, to provide places to work up this foreign raw material. That in part meets the wage question, so far as these producers are concerned who get their magnesite from abroad. They manufacture it here, and therefore they pay the American wage scale here.

Mr. RAKER. The gentleman would make no distinction, would he, between the American who goes to Austria and invests his money there to produce magnesite and an Austrian who produces it there and ships it to this country?

Mr. MOORE of Pennsylvania. Let me ask the gentleman whether he would resist an American going abroad in 1912 or 1913 to obtain dyestuffs that could not be made in the United States? Would he object to that?

Mr. RAKER. We need them in this country, and wherever we can get anything that we need I believe in getting it.

Mr. MOORE of Pennsylvania. The gentleman would go so far with me in his trip across the water and on the way back, I take it, as to put a duty on those foreign dyestuffs if we needed them here, even though they were absolutely essential to manufactures here.

Mr. RAKER. If it was as stated.

Mr. MOORE of Pennsylvania. Catering, of course, to the good faith of the gentleman from California and others——

Mr. RAKER. If it was as presented to the House in these bills, that the article is a necessity during war times and in peace times, and that we have no product of that kind here, and particularly that it is our duty to look after these conditions in peace times, I am going to vote to protect them when it becomes necessary.

Mr. MOORE of Pennsylvania. Very good. Does the gentleman believe an American citizen traveling abroad is entitled to the protection of his flag?

Mr. RAKER. I surely do.

Mr. MOORE of Pennsylvania. Does the gentleman think an American citizen traveling abroad and investing his money there in an American enterprise is entitled to the protection of his flag?

Mr. RAKER. He is entitled to the protection of his flag, but he is not entitled to any more consideration in the production of his stuff in a foreign country and bringing it to America, whereby he gets the benefit of the cheap labor there, than the foreigner is.

Mr. MOORE of Pennsylvania. Did the gentleman vote for the bills loaning about $10,000,000,000 of good, hard-earned American money to our Allies to spend in various enterprises during the war?

Mr. RAKER. I did, because I believed it was necessary to maintain the war.

Mr. MOORE of Pennsylvania. Does the gentleman think we ought to have that money paid back?

Mr. RAKER. I think every single penny of that money ought to be paid back with interest.

Mr. MOORE of Pennsylvania. Then why does not the gentleman stand up for an American investing his money in a legitimate enterprise over there, having the same shelter of his flag?

Mr. RAKER. There can be no difference between an American who goes abroad and invests his money abroad to get the benefit of cheap foreign labor to produce the article and then bring it back to this country and the foreigner who produces the article there, and an American who does that should have no more consideration in the importation of that article than an alien should have. That is my view of the situation.

Mr. MOORE of Pennsylvania. Then the gentleman agrees wholly with the great commoner from Nebraska, slightly removed from California, who almost left the Department of State on the ground that Americans who had money invested in Mexico should get out of Mexico.

Mr. BARBOUR. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. BARBOUR. I want to offer a suggestion that if these people who went over before the war and invested $2,000,000 in Austrian mines had patronized the California mines, they would not be closed out.

Mr. MOORE of Pennsylvania. I am glad the gentleman has made the observation. Nobody knew that magnesite was in California at that time. It would have been a good thing if the prospecting abilities of the gentlemen from California had discovered or developed magnesite in California; we might have been using it when the war broke out, but nobody knew it was there. Not having it, and it being essential, it had to be brought from abroad, and instead of letting the foreigner sell it to us Americans went over and bought the mines over there and brought it here.

Mr. WEBSTER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. WEBSTER. Would not the element of transportation enter into it in getting the material from Austria as it does from Washington?

Mr. MOORE of Pennsylvania. I presume there would be some competition in business if a reasonable tariff rate were fixed. This bill proposes to prohibit the importation of foreign magnesite. We must close the doors against $2,000,000 invested over there, which means that it shall be confiscated.

Mr. HADLEY. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. HADLEY. The gentleman states that the committee intends to prohibit the importation of magnesite. I challenge that statement as far as the intention goes. Whether it will do it as a matter of fact is subject to debate. The purpose was to have it compete on equal terms; that was the purpose of the committee, and I submit that when the committee considered the matter in executive session that was the purpose. We undertook to fix the rates in the bill, modify them so as to make the rates such as would affect competition at the Atlantic seaboard on equal terms.

Mr. MOORE of Pennsylvania. I want to read to the gentleman from page 90 of the hearings. The witness's name was Thane, called by the gentleman from Washington [Mr. HADLEY]. The gentleman from Washington [Mr. HADLEY] was interrogating him in the manner of a good cross-examining lawyer. The chairman of the committee said:

The CHAIRMAN. If you do not get this protection and your factories are closed, where will we get magnesite from?

Mr. THANE. Austria.

The CHAIRMAN. So it is up to the Congress of the United States to sustain your industry or get magnesite from Austria. Is that right?

Mr. THANE. Yes.

Mr. HADLEY. How about the Canadian product?

Mr. THANE. It will not make bricks.

Mr. HADLEY. If you go down, we must get the material from Austria?

Mr. THANE. Yes, sir.

Mr. HADLEY. And if Congress gives you the protection you will put the Austrians out of business?

Mr. THANE. Yes.

I am glad the gentleman from Washington has raised the question, because I think I have shown out of the mouth of his own witness that it is proposed to put these Austrian mines out of business. Of course, it is horrible to think of Austrians getting into business in the United States, so the word "Austrian" was very effective—it was pro-German—but the fact was that the mines belonged to Americans, and the question really should have been, "You will put Americans in Austria out of business," and the answer was emphatically "Yes."

Now, my colleagues on the Republican side and revenue-collecting friends on the Democratic side, if you bar out all imports, how are you going to get revenue to run the Government? How are you going to keep prices down in the United States when you insist that only one series of mines in one State shall furnish the product for all the States, and furnish it for States 3,000 miles away, who are obliged to pay excessive freight charges and be prohibited from getting their raw material into competition?

It seems to me a fair case to present to the committee, this matter of competition and revenue raising. I do not want to be for a protective tariff that only breeds monopolies in the United

States. I do not believe that we should completely shut ourselves out from the rest of the world. I am as intensely American as anyone. I believe we could put a barrier around the State of Pennsylvania, live upon its raw and finished products, and be happy there against the world, but I do not want to do it. I have been a high protectionist, almost as high as my friend from Michigan [Mr. FORDNEY], who has been charged at times with wanting to put a barrier around the entire country; but, pray, why did we send 2,000,000 men to Europe and hold 2,000,000 more in reserve?

Why did we lend these Allies of ours $10,000,000,000? Why did we spend these many billions of dollars and tax the people of the United States to death? Why have we encouraged every line of export business and prepared, through bills passed in this House, to induce men to go into the foreign trade if we intended to bar every kind of competition?

Mr. HADLEY. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. HADLEY. The testimony of the witness, Thane, to which the gentleman alluded, was directed, was it not, to a bill which carried a $25 rate on dead-burned magnesite? The bill as reported carries a rate of $15. If the statement were true, admitting it was for the sake of argument, though that is not admitted at all, that the $25 rate would put the Austrian people out of business, is it not a fact that the majority of the committee ascertained, in its own judgment, that the $15 rate would not put them out of business, but would put them on equal terms at the Atlantic seaboard?

Mr. MOORE of Pennsylvania. Will the gentleman from Washington deny that he was very insistent on the $25 rate?

Mr. HADLEY. I will not, and I am of opinion to-day that that is more nearly the accurate figure which ought to be written into the bill than the rate fixed, but I have acquiesced in the judgment of the majority of the committee.

Mr. MOORE of Pennsylvania. I can understand the earnestness of the gentleman from Washington and of all his distinguished colleagues in presenting this bill for the highest possible rates. If this bill were to go through, it is generally conceded that the Washington product, which is a product encouraged by capital from California principally, somewhere down around San Francisco, would prosper much, and that the market would be open only and exclusively to the American product, that the foreign product would be shut off.

That certainly is the fear of the large interests that use magnesite in my section of the country. I do not want to raise this question of sectionalism. I would not do it for political reasons for a moment, in a matter of this kind, but still there is a geographical condition here which makes it almost necessary to discuss it. The matter can not be thoroughly understood unless it is stated that the difference between the point of production in the United States and the point of consumption is 3,000 miles, and that that is no greater than the difference between the point of consumption on the Atlantic coast and the point of production abroad, and that the difference in the cost to-day in favor of the foreign raw material is two-thirds; that is to say, it costs three times as much to obtain the material for the great consumers, from the Washington mines as it does to obtain it from the Austrian mines.

Mr. BLANTON. Mr. Chairman, will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Texas.

Mr. BLANTON. If the gentleman had been here, he would have made the same argument on the tungsten-ore bill, as he is making on this proposition, because the same question identically was involved.

Mr. MOORE of Pennsylvania. I say to the gentleman that the people who went out of this country in good faith prior to the war and during the war to find raw materials for American use, which we did not have in this country, are to be commended.

Mr. BLANTON. Then his position would have been identically the same on the tungsten-ore bill.

Mr. MOORE of Pennsylvania. I think there should be protection against foreign ores if they compete with ores in the United States. I think there should be protection against foreign manufactures if they compete against manufactures in the United States; that there certainly should be protection against child-labor products, and against the products of men working more than eight hours per day, if that is the daily average of work in the United States; that there should be protection against the products of convict labor in foreign countries if it attempts to come here and compete with the products of free labor in the United States. All those things we should be protected from, and if the men in Austria are working for $1.10 a day and they are obtaining three or five dollars a day in the Washington mines, a tariff should be levied to protect that difference in wage. It should go further, in my judgment, and protect the difference in overhead. There ought to be a fair protection in matters of that kind, where we are dealing with competitive articles. But where the whole Nation is appealing for tungsten or for magnesite, or for potash, and the war is on us, and the War Department or the Nation need material, and we can not get along without these raw materials, then I think the man who is willing to risk his capital—and, of course, he expects to profit by it—going out for those things we need, and without which we could not fight or work, should be commended rather than condemned.

It is not fair after he has made the investment that we should suddenly close down on his enterprise and say that all the money he has put over there is foreign money and all the energy he has displayed was unpatriotic, and that he should lose his all. Nevertheless, gentlemen, I am going to vote for a protective tariff duty on magnesite. [Applause.] But I am going to move to cut down the rate of duty on one of these grades. [Applause.] The reason for that is that I think there is a sufficient protective rate given if these rates be cut down. I am standing for principle and have taken the trouble to explain these geographical differences because they must necessarily enter into the question and can not be thoroughly understood without a frank statement of the whole situation. I want to protect the industries of Washington just as fully and fairly as I seek to have protected the industries of my own State. I stood to protect the farmer against Canadian reciprocity when some of you were trembling on this floor for fear you might offend the President, and I do not subscribe to those statements that sometimes emanate from gentlemen on the floor that we are unfair to the farmer in the matter of protection because we come from industrial centers. I do not want to vote for an omnibus tariff bill that does not include all the industries of this country and give everybody a chance to progress here against unfair foreign competition, but I realize as a member of the Committee on Ways and Means that we can not bar the products of the world and still have that broad influence that we thought we were coming to have by reason of the war. We will not get revenue to run this country if we close up our customhouses. It might be in the matter of magnesite that we need no tariff duty at all; we certainly would not so far as magnesite is concerned out West if they manufactured it in the West, but the manufacturing is done in the East, and that is what makes the trouble.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman.

Mr. GREEN of Iowa. The gentleman is aware, of course, that the cost of the necessary magnesite to make a ton of steel is comparatively insignificant?

Mr. MOORE of Pennsylvania. Oh, yes——

Mr. GREEN of Iowa. About 10 cents a ton.

Mr. MOORE of Pennsylvania. It is not a great quantity.

Mr. GREEN of Iowa. And if the rate is reduced, as proposed by the gentleman, that would never enter into the price of a ton of steel?

Mr. MOORE of Pennsylvania. I think it would. Now, to conclude these remarks, I would say that hundreds of letters and telegrams from large business enterprises have come to me protesting against this magnesite bill. They have come from Ohio; they have come from New York; they have come from Maryland; they have come from New Jersey and Pennsylvania.

Those are Atlantic seaboard States, and they are all interested in the quality of the magnesite they obtain. Hitherto they have been preferring that which these American prospectors have brought out of Austria. I will put in the RECORD, with the consent of the committee, a letter from the Crucible Steel Co. of America, Pittsburgh, Pa., protesting very earnestly against this bill.

The letter is as follows:

CRUCIBLE STEEL CO. OF AMERICA,
EXECUTIVE DEPARTMENT,
Pittsburgh, Pa., August 12, 1919.

Hon. J. HAMPTON MOORE,
Committee on Ways and Means, House of Representatives,
Washington, D. C.

Magnesite (dead burned).

DEAR SIR: As you are probably aware, a strong effort is being made by certain interests to have a bill passed putting an import duty on this commodity of $15 per ton. Heretofore it has always come in free, and if a bill is passed carrying the proposed duty it will work to the great disadvantage of American steel makers, who can not hope to continue steady employment of labor if important raw materials, like magnesite, that are largely imported from abroad, do not come in free of duty.

While it is true that there is a limited deposit of magnesite in this country, owned largely by California interests, and that these interests

would benefit by the passage of such a tariff bill, it would benefit a very limited number of workmen at the expense of thousands of men employed in American mills.

We are told the passage of this bill is likely to occur at an early date, unless prompt action is taken by you and others that are properly informed, to see that it is not passed. We trust, therefore, you will see that this matter, so important to the American steel industry, is given early attention.

Very truly, yours,

O. H. WHARTON,
President.

P. S.—The proposed rate of duty is equal to the price we paid, delivered in New York, on imported magnesite as late as 1915, so you will see what this proposed duty means to domestic steel makers.

O. H. W.

There are a number of furnaces, iron and steel manufacturers, who have written, but the argument is in this letter, and, so not to encumber the RECORD, I shall insert only that one letter. Iron and steel, however, is not the only interest involved here. Magnesite is used largely for composition flooring, flooring on cars, flooring for buildings, used very extensively in the flooring of decks of ships, and was used throughout the war by the Shipping Board. I am going to put in some letters showing the diversified thought on this question. It is not a one-sided proposition. The American Monolith Co., Milwaukee, Wis., manufacturers of composition car flooring, write this letter protesting against the bill:

MILWAUKEE, WIS., *July 10, 1919.*

Hon. J. HAMPTON MOORE,
Ways and Means Committee, House of Representatives,
Washington, D. C.

HONORABLE SIR: Referring to proposed bill, H. R. 5218, for proposed tariff on magnesite, will say that our company is 1 of about 50 manufacturers throughout the United States in the business of manufacturing composition flooring, our principal raw material being magnesite.

The proposed tariff of $25 a ton will take away from our business all chances of development and enlargement. We manufacture flooring, and every cent per foot added to the cost decreases our chances at the market; and while we believe in protection of American raw materials, we certainly consider a figure like that mentioned in the bill absolutely unreasonable. A tax of 5 per cent should be amply sufficient.

We are at present absolutely at the mercy of the California producers, who are charging us whatever they please for magnesite, and I am informed by the manufacturers, and from my own experience, that our market at the present war prices has been very much reduced.

If the time is not too short, I believe that your committee should give our industry an opportunity to present its case. We are a new and growing business that can develop a large market for the new American product, but we can not do so if we are up against a trust among the western producers of magnesite or against a prohibitive tariff, which would enable them to maintain war prices.

Very truly, yours,

THE AMERICAN MONOLITH CO.,
BAUMBACH.

I am taking these from various parts of the country. The complaints show that they are not centered along the Atlantic seaboard exclusively. The Williams-Wendt Co., manufacturers and contractors for boat making, hospital flooring, warehouse and factory floor covering, write and say:

CHICAGO, ILL., *July 14, 1919.*

Hon. J. HAMPTON MOORE,
Philadelphia, Pa.

DEAR SIR: We wish to protest against the passage of House bill 5218 presented in the House of Representatives June 7, 1919, by Representative HADLEY.

The bill provides for an excessive tax on the importation of crude and calcined magnesite.

The passage of this bill would be a serious blow to the composition flooring industry, which is but in its infancy in the United States. Manufacturers of composition flooring are compelled to compete with cement and other cheap flooring materials, and are compelled to furnish their product at a price but little higher than cement floors. The industry has been practically at a standstill during the period of the war because of the high prices of raw materials, and each manufacturer has looked forward to the time when the importation of Grecian magnesite would permit him to enter the field against active competition with other floor materials. The suggested tax of $15 per ton on crude rock, or $25 per ton on calcined magnesite, is prohibitive and, in our opinion, only benefits a coterie of California producers, at whose hands the composition-floor business has suffered during the period of the war.

We believe an investigation will show that magnesite may be produced and calcined in California at a price much lower than at present quoted, and the proposed tax would make it possible even for them to further raise their price without interference from the imported product.

We believe that a 5 per cent ad valorem tax would be sufficient to protect the California producer who has a legitimately invested capital in his business, and we ask that you give this matter your serious consideration.

Yours, very truly,

WILLIAMS-WENDT CO.,
H. E. WILLIAMS.

I quote that much to show how these people feel about it. I insert herewith a letter from the Marine Decking & Supply Co., of Philadelphia, Pa., which makes the same kind of an argument:

PHILADELPHIA, PA.

Hon. J. HAMPTON MOORE,
Ways and Means Committee, House of Representatives,
Washington, D. C.

DEAR SIR: On July 29, 1919, tariff bill H. R. 5218 was reported out from the committee with a rate of duty of $15 per ton on calcined magnesite and $10 per ton on crude magnesite instead of $25 per ton on calcined and $15 per ton on crude, as requested by the magnesite producers.

We desire to say that we are extensive users of calcined magnesite and that our business is the placing of magnesite ship's decking on the majority of the ships now being built for the United States Shipping Board. We further desire to advise that we feel that this duty as recommended by the House Ways and Means Committee is still excessive and should be reduced to a maximum of not over $10 on the calcined and $5 on the crude.

At the present time it is extremely difficult for us to get magnesite owing to the fact that the producers of crude magnesite in this country are not mining any magnesite, they stating that they are awaiting the outcome of their plea for a larger duty on material of a like nature imported into this country. They are therefore working an additional hardship on us, and as there is very little foreign magnesite being shipped, it is extremely difficult for us to continue to carry on our business. If we were to be cut off from the purchase of foreign magnesite by this exorbitant duty, we feel that we might just as well consider the elimination of the magnesite composition decking from our business, thereby destroying one of the most promising young industries in this country.

We therefore beg of you to use your influence to have this excessive duty reduced.

Thanking you for your attention to this matter, we are,

Yours, very truly,

MARINE DECKING & SUPPLY CO.
W. M. DOBSON, *President.*

Let me add here that several western letters have been received by me, among which comes one from the very heart and center of the State of the gentlemen who are advocating this measure—the Raecolith Flooring Co., of Seattle. It is as follows:

SEATTLE, *July 15, 1919.*

Hon. J. HAMPTON MOORE,
Philadelphia, Pa.

DEAR SIR: In regard to bill H. R. 5218, designed to maintain production of magnesite ores and manufactures thereof in the United States:

Having been in this line of trade for something more than a dozen years, we respectfully address you to state that in our opinion the duty of 1¼ cents per pound on calcined magnesite will work a great hardship on all manufacturers of magnesite composition flooring. The cost of the floor will thereby be advanced sufficiently to cause its elimination in many new buildings where now it is being generally used.

Magnesite composition flooring in the United States is a comparatively new article, and its introduction to architects, contractors, and owners has been attended with a great amount of labor and little or no profit. In view of this, we wish to protest against the contemplated high rate of 1¼ cents per pound. We believe some protection is due the producer, however, and in our opinion a 5 per cent ad valorem tax is sufficient.

Respectfully submitted.

THE RAECOLITH FLOORING CO.,
By J. C. REIFSNIDER.

Mr. HADLEY. I hesitate to interrupt the gentleman, but I would like to call his attention to the fact that the rate has been modified from $25 to $15.

Mr. MOORE of Pennsylvania. This refers to the old bill. This communication comes from the point of magnesite production, the city of Seattle, in the State of Washington. It is quite significant.

Mr. Chairman, I shall vote for the bill finally, although I intend to offer an amendment to section 2, "Magnesite, calcined, dead burned, and grain, three-fourths of a cent per pound," cutting the rate from three-fourths of a cent a pound to one-half a cent a pound. I shall do that, I am frank to say, almost in the dark as to whether it will cover the difference in the cost of production at home and abroad. But I am informed that three-fourths of a cent per pound is too high. Those who have their money invested abroad contend that there should be an ad valorem duty of 5 per cent on the whole, and that that would be ample protection and enable these American producers to live and prosper. But I am going to offer this amendment, although I may change my mind about it later on as to the exact amount. In the meanwhile the House itself may figure out from the hearings or the bill, if it pleases, whether or not it is a just rate. I am advised it will be ample to give full protection to the American industry.

Mr. FORDNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; and the Speaker having resumed the chair, Mr. ANDERSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 5218, the magnesite bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TAYLOR of Tennessee, for one week, on account of important business.

To Mr. UPSHAW, for two weeks, on account of attending the Confederate Reunion.

FOOD CONTROL.

Mr. HAUGEN, from the Committee on Agriculture, submitted a conference report on the bill (H. R. 8624) entitled "An act to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917," for printing under the rules.

OPERATION OF TRANSPORTATION BUSINESS.

Mr. WEBSTER. Mr. Speaker, on yesterday the gentleman from Wisconsin [Mr. ESCH], one of the managers on the part of the House, obtained unanimous consent to withdraw from the files a conference report on the bill S. 641, for the reason that he had inadvertently failed to accompany the report with the usual statement. Since then he has prepared the statement, and I again offer the conference report for printing under the rule.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

An act (S. 641) to amend section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918.

The SPEAKER. The conference report and statement will be printed under the rules.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 641) to amend section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, and agree to the same.

JOHN J. ESCH,
E. L. HAMILTON,
Managers on the part of the House.
ALBERT B. CUMMINS,
ROBERT M. LA FOLLETTE,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the bill (S. 641) to amend section 10 of an act entitled "An act to provide for the operation of transportation systems while under Federal control, for the just compensation of their owners, and for other purposes," approved March 21, 1918, beg leave to submit the following:

The Senate conferees accepted amendments Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, being all of the amendments passed by the House except amendment No. 1. This amendment inserted on page 1, line 13, after the word "control," the words "or with any order of the President consistent with this act."

Section 10 with this amendment reads in part as follows:

"SEC. 10. That carriers, while under Federal control, shall be subject to all laws and liabilities as common carriers, whether arising under State or Federal laws or at common law, except in so far as may be inconsistent with the provisions of this act or any other act applicable to such Federal control, or with any order of the President consistent with this act."

As to this amendment No. 1 the managers on the part of the House receded.

JOHN J. ESCH,
E. L. HAMILTON,
Managers on the part of the House.

EXTENSION OF REMARKS.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in the form of resolutions of the Society of the Sons of the American Revolution of the State of California, on the subject of foreign invasion of the United States and Bolshevism.

The SPEAKER. Is there objection?

Mr. WALSH. Well, reserving the right to object, I do not think we ought to start printing these resolutions in the RECORD. We would have dozens of them every day. The usual course is to put them in the basket. I object, Mr. Speaker.

The SPEAKER. The Chair supposed that the gentleman from California had obtained consent. The gentleman objected this morning.

Mr. ZIHLMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of labor and the coming industrial conference to be held in this city.

The SPEAKER. Is there objection?

Mr. BLANTON. Mr. Speaker, reserving the right to object, are these the gentleman's own remarks?

Mr. ZIHLMAN. They are my own remarks, Mr. Speaker.

Mr. BLANTON. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BARBOUR. Mr. Speaker, I ask unanimous consent to revise and extend my remarks on the magnesite bill.

The SPEAKER. The gentleman from California asks unanimous consent to revise and extend his remarks in the RECORD on the bill which is under consideration in the House. Is there objection? [After a pause.] The Chair hears none.

Mr. FORDNEY. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio, Mr. RICKETTS, and the other gentleman from Ohio, Mr. FESS, may be permitted to revise and extend their remarks on this bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, I make the same request, to extend my remarks in the RECORD on the magnesite bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. FORDNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 6 minutes p. m.) the House adjourned until Friday, October 3, 1919, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. TILLMAN, from the Committee on the Public Lands, to which was referred the bill (H. R. 8084) granting to certain claimants the preferential right to purchase certain alleged public lands in the State of Arkansas, and for other purposes, reported the same with amendment, accompanied by a report (No. 346), which said bill and report were referred to the Private Calendar.

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (H. R. 8598) restoring to Amy E. Hall her homestead rights and providing that, on any homestead entry made by her, she shall be given credit for all compliance with the law on her original homestead entry and for all payments made on same, reported the same with amendment, accompanied by a report (No. 347), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7851) granting an increase of pension to Otis O. Milliken; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 9658) granting an increase of pension to Clara J. Sitton; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KAHN: A bill (H. R. 9667) to authorize the sale, exchange, lease, and bailment of war supplies and other Government property; to the Committee on Military Affairs.

By Mr. MAPES: A bill (H. R. 9668) to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of a branch library in the District of Columbia; to establish a commission to supervise the erection of a branch library building in said District; and to provide for the suitable maintenance of said branch; to the Committee on the District of Columbia.

By Mr. HERNANDEZ: A bill (H. R. 9669) authorizing the appropriation of the sum of $18,000 for the purpose of paving

the streets around the Federal building at Santa Fe, in the State of New Mexico; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9670) to appropriate the sum of $18,000 for the purpose of paving the streets around the Federal building at Santa Fe, in the State of New Mexico; to the Committee on Appropriations.

By Mr. KRAUS: A bill (H. R. 9671) to amend section 1441 of the Revised Statutes of the United States; to the Committee on Naval Affairs.

By Mr. ROWE: A bill (H. R. 9672) to amend section 13 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion; and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea," approved March 4, 1915; to the Committee on the Merchant Marine and Fisheries.

By Mr. TINKHAM: Resolution (H. Res. 318) to provide for the immediate withdrawal of the United States from all international arrangements, whether temporary or permanent, until sanction of Congress shall have been granted; to the Committee on Foreign Affairs.

By Mr. DYER: Resolution (H. Res. 319) authorizing the Committee on the Judiciary to investigate race riots in the District of Columbia and other cities of the United States; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 9673) granting an increase of pension to George R. Cozzens; to the Committee on Invalid Pensions.

By Mr. BLAND of Indiana: A bill (H. R. 9674) granting a pension to Earl Sanders; to the Committee on Pensions.

Also, a bill (H. R. 9675) to reimburse John Anderson, former postmaster at Sandborn, Knox County, Ind., for stamps and funds stolen from the post office; to the Committee on Claims.

Also, a bill (H. R. 9676) for the relief of Frank Hardesty; to the Committee on Claims.

By Mr. BLAND of Missouri: A bill (H. R. 9677) granting an increase of pension to Sarah A. Boorman; to the Committee on Pensions.

Also, a bill (H. R. 9678) granting an increase of pension to Henry Guy; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 9679) granting a pension to Belle Thompson Alter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9680) granting an increase of pension to Joseph R. Montgomery; to the Committee on Invalid Pensions.

By Mr. GALLIVAN: A bill (H. R. 9681) granting a pension to Johanna Murphy; to the Committee on Pensions.

By Mr. HUDDLESTON: A bill (H. R. 9682) granting a pension to Barbara Jones; to the Committee on Pensions.

By Mr. KAHN: A bill (H. R. 9683) to restore Col. James T. Kerr to the active list in the Army; to the Committee on Military Affairs.

By Mr. KEARNS: A bill (H. R. 9684) granting a pension to Arista Swartze; to the Committee on Pensions.

By Mr. MAPES: A bill (H. R. 9685) granting a pension to Andrew H. Wegman; to the Committee on Pensions.

By Mr. MONTAGUE: A bill (H. R. 9686) for the relief of the owners of the British steamship *Clearpool;* to the Committee on Claims.

By Mr. MOORE of Ohio: A bill (H. R. 9687) granting a pension to Adam Mikel; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 9688) granting a pension to William B. Kimbrel; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 9689) granting a pension to Henry Nieberding; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of National Association of Master Plumbers of Atlantic City, N. J., indorsing the action of the United States Senate and the House of Representatives in their recommendation that the Irish delegates to the allied peace congress assembled at Versailles, France, should be accorded a hearing before that body to the end that the right of self-determination be granted to the people of Ireland; to the Committee on Foreign Affairs.

Also (by request), petition of National Association of Master Plumbers, favoring the passage of the Chamberlain bill; to the Committee on Agriculture.

Also (by request), resolution adopted by the Gobierno Municipal De Aguas Buenas, favoring the extension to Porto Rico of the Federal rural-credits act; to the Committee on Banking and Currency.

By Mr. BABKA: Petition of sundry citizens of Cleveland, Ohio, favoring the repeal of the tax on motion-picture tickets; to the Committee on Ways and Means.

Also, petition of members of Bohemian Slavonian Fraternal Benevolent Association, protesting against the passage of the Myers bill; to the Committee on Printing.

By Mr. BRIGGS: Petition of National Association of Commissioners of Agriculture, requesting Congress to appropriate $2,000,000 to control and exterminate the European corn borer; to the Committee on Agriculture.

By Mr. CAMPBELL of Pennsylvania: Petition of citizens of Harrisburg, Pa., protesting against the adoption of the Smith-Towner educational bill; to the Committee on Education.

By Mr. CAREW: Petition of members of Bohemian Slavonian Benevolent Association, protesting against the passage of the Myers bill; to the Committee on Printing.

By Mr. ESCH: Petition of Bureau of Envelope Manufacturers of America, of New York, protesting against the repeal of the zone advances; to the Committee on Ways and Means.

By Mr. HUTCHINSON: Petition of Hunterdon County Sunday School Convention, Hunterdon County, N. J., urging Congress to take immediate necessary action to protect the Armenian Republic from the ruinous assault of the Turkish military Government; to the Committee on Foreign Affairs.

By Mr. KENNEDY of Rhode Island: Resolutions of Padraic Pearse Branch of the Friends of Irish Freedom, Woonsocket, R. I., urging recognition of Ireland as a republic, in keeping with action of the electorate of Ireland and war aims of United States; to the Committee on Foreign Affairs.

By Mr. LINTHICUM: Petition of John C. Burke, of Baltimore, Md., favoring the passage of Senate bill No. 641, known as the Cummins bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of McCormick & Co. and A. E. Mealy, of Baltimore, Md., favoring the passage of Senate bill No. 3011; to the Committee on Interstate and Foreign Commerce.

By Mr. MORGAN: Resolutions of the citizens of Woodward, Okla., offered on the death of Hon. Joseph B. Thompson, Representative from Oklahoma; to the Committee on the Judiciary.

By Mr. OSBORNE: Petition of Mrs. Lulu Dietz and 5,000 residents of Los Angeles, Calif., for the repeal of sections 800, 906, and 1001, subsection 5, of the revenue act of 1918, imposing taxes upon motion-picture theaters and the motion-picture industry; to the Committee on Ways and Means.

By Mr. O'CONNELL: Petition of T. W. Stephens, of New York City, relating to a letter addressed to the Committee on Interstate Commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. PORTER: Petition of citizens of Carrick, Pa., protesting against the passage of the Smith-Towner educational bill; to the Committee on Education.

By Mr. RAKER: Petition of Sunset Publishing House, of San Francisco, Calif.; also United Tuna Packers (Inc.), of Wilmington, Calif., protesting against the bill introduced by Representative Siegel, providing for the placing of a cost mark on all merchandise offered for sale; to the Committee on Agriculture.

Also, letter from Miss Elizabeth Yates, of San Diego, Calif., indorsing the Lewis-Raker bill, giving rank to members of the Army Nurse Corps; to the Committee on Military Affairs.

Also, resolution adopted by the State Convention of Friends of Irish Freedom of the State of California, protesting against the maintenance of American troops in Russia; to the Committee on Military Affairs.

By Mr. YATES: Petition of National Association of United States Civil Service Employees at Navy Yards and Stations, urging an immediate increase in salaries of clerks of at least 40 per cent; to the Committee on Naval Affairs.

Also, petition of American Steel Foundries, Chicago, Ill., advocating a single court of patent appeals and legislation to that end such as provided for in House bills 5011, 5012, and 7010; to the Committee on Patents.

Also, petition of National Metal Products Co., Eleventh Street, at Cornell Avenue, Indianapolis, Ind., protesting against granting additional authority of any kind to the Federal Trades Commission; to the Committee on the Judiciary.

SENATE.

FRIDAY, *October 3, 1919.*

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee for the high patriotism and for the common interest and motive that inspire us and impel us in the discussion of the great issues of this day. We thank Thee that we try to find the path of destiny which is God's path for us as a Nation. We pray that this day we may be kept close to Thee; that we may not depart from Thy will or Thy Word, but work out for this Nation a plan and policy that will be pleasing in Thy sight, and that will bring peace and prosperity to the land. For Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on the request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. CURTIS. Mr. President, I make the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ball	Gay	Moses	Simmons
Beckham	Gerry	Myers	Smith, Ariz.
Brandegee	Gronna	Nelson	Smith, Md.
Calder	Hale	New	Smoot
Capper	Harding	Newberry	Spencer
Chamberlain	Harris	Norris	Swanson
Colt	Harrison	Nugent	Thomas
Culberson	Henderson	Overman	Townsend
Cummins	Jones, N. Mex.	Owen	Trammell
Curtis	Jones, Wash.	Page	Underwood
Dial	Kellogg	Penrose	Wadsworth
Dillingham	Kendrick	Phelan	Walsh, Mass.
Edge	King	Pittman	Walsh, Mont.
Elkins	Kirby	Poindexter	Warren
Fernald	Knox	Pomerene	Watson
Fletcher	Lenroot	Robinson	Williams
France	McCormick	Sheppard	
Frelinghuysen	McLean	Sherman	

Mr. WALSH of Massachusetts. I wish to announce that the Senator from Iowa [Mr. KENYON], the Senator from South Dakota [Mr. STERLING], the Senator from Colorado [Mr. PHIPPS], and the Senator from Tennessee [Mr. MCKELLAR] are attending an important meeting of the Committee on Education and Labor.

Mr. GAY. I announce that the Senator from Oregon [Mr. MCNARY], the Senator from New Hampshire [Mr. KEYES], and the Senator from Louisiana [Mr. RANSDELL] are necessarily absent at a meeting of a subcommittee of the Committee on Agriculture and Forestry.

Mr. DIAL. I desire to announce that my colleague [Mr. SMITH of South Carolina] is absent on account of illness. I ask that this announcement may stand for the day.

Mr. GERRY. The Senator from Alabama [Mr. BANKHEAD], the Senator from Nebraska [Mr. HITCHCOCK], the Senator from Tennessee [Mr. SHIELDS], and the Senator from Arizona [Mr. ASHURST] are detained from the Senate on official business. The Senator from Oklahoma [Mr. GORE], the Senator from Kentucky [Mr. STANLEY], and the Senator from Georgia [Mr. SMITH] are absent on public business.

The VICE PRESIDENT. Seventy Senators have answered to the roll call. There is a quorum present.

PETITIONS AND MEMORIALS.

Mr. LODGE. I present resolutions of the First Baptist Church of Webster, Mass., in regard to the league of nations. The resolutions are very brief, and I ask that they may be printed in the RECORD without reading.

There being no objection, the resolutions were ordered to be printed.

THE FIRST BAPTIST CHURCH,
Webster, Mass., September 29, 1919.

Hon. HENRY CABOT LODGE:

The congregation of the First Baptist Church, in meeting assembled September 28, 1919, adopted the following resolution:

"We are profoundly interested in the covenant of the league of nations now pending before the United States Senate.

"We are unalterably opposed to any covenant which gives another high contracting nation in its assembly six votes to our Nation's one.

"We do not favor the surrender of our national sovereignty in any particular to any league of nations.

"We believe that the Monroe doctrine should have a place in any league of nations formed commensurate with its vital importance in the security and development of the Western World, and that its application should be left entirely in the hands of the United States Government.

"We are firmly opposed to any league of nations which would make the United States a party to the oppression of China by Japan."

RICHARD B. ESTEN,
For Congregation.

Mr. TRAMMELL. At the request of the Senator from South Dakota [Mr. JOHNSON], who is absent from the Senate on account of illness in his family, I send to the desk certain resolutions adopted at the annual convention of the Lincoln County Sunday School Association in his State in favor of the league of nations, which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

PIONEER M. E. CHURCH,
Beresford, S. Dak., September 29, 1919.

Hon. E. S. JOHNSON,
United States Senate, Washington, D. C.

DEAR SENATOR JOHNSON: The following resolutions were unanimously adopted at the afternoon session of the annual convention of the Lincoln County Sunday School Association held at Pioneer Church, of Lincoln County, S. Dak., Sunday, September 28, 1919:

"*Be it resolved by those in attendance at the county Sunday School convention of Lincoln County, now assembled at the Pioneer Church, Beresford, S. Dak.*, That we place ourselves on record as unqualifiedly in favor of the league of nations; not in the sense that we believe the constitution now before the United States Senate is perfect, but that we are convinced the world needs a league of nations to extend world brotherhood, to prevent the horrors of war, and to reduce the awful burdens placed on the people in preparation for war; and for that purpose we believe the constitution now discussed in the United States Senate is a long step in the right direction. And we are opposed to any reservations or amendments of whatever character which would require the readoption of the covenant by the nations which have already accepted it; or which might make it necessary that it be returned to a peace conference for reconsideration, and thus delay peace and prolong the present unsettled conditions of the world.

"*It is further resolved*, That we urge Senator STERLING and Senator JOHNSON of South Dakota to use all their influence to effect an early ratification of the treaty of peace and the adoption of the league of nations.

"*Be it further resolved*, That the secretary of the Lincoln County Sunday School Association be instructed to forward a copy of these resolutions to Senator STERLING and Senator JOHNSON, and to have them published in all of the county papers, and in the Sioux Falls Press and Argus-Leader."

Yours, very truly,

W. M. REDFIELD,
Acting Secretary.

Resolutions adopted unanimously at a union meeting of the Presbyterian and Methodist churches, September 28, 1919, at St. Laurence, S. Dak.

Resolved, That we, the congregations of the Presbyterian and Methodist churches in union meeting assembled, declare it to be our firm conviction that the treaty of peace and league of nations now under discussion in the Senate of the United States be adopted as speedily as is consistent with the importance of the document that is before them.

If it should be thought best to amend some of the articles of the league of nations these should not be of such a nature as to necessitate the rejection of the document but should simply be explanations of our understanding of them.

We are confident that any new treaty and league of nations devised would meet with as much criticism and opposition as the present one. We therefore urge upon our Senators that they take speedy action to ratify and that a copy of these resolutions be sent to the Senators of South Dakota and to Senator HENRY CABOT LODGE, who is chairman of the Senate committee dealing with the subject.

COMMITTEE ON RESOLUTIONS,
W. ALUN ROBERTS,
Pastor Presbyterian Church.
HUGH HAY,
Pastor Methodist Episcopal Church.

Mr. CAPPER presented a memorial of sundry citizens of Jewell County, Kans., remonstrating against universal military training, which was referred to the Committee on Military Affairs.

Mr. PHELAN presented a memorial of the California Bean Growers' Association remonstrating against the free importation of beans into the United States and praying that the Government purchase a large quantity of beans for distribution, which was referred to the Committee on Agriculture and Forestry.

Mr. SIMMONS presented resolutions adopted by the Old Hickory (Thirtieth Division) Association, American Expeditionary Forces, at their meeting in Greenville, S. C., September 30, 1919, favoring the adoption of the treaty with Germany, including the league of nations covenant, without amendment or reservation, which were ordered to lie on the table.

Mr. SMITH of Maryland presented petitions of sundry citizens of Baltimore, Md., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. WADSWORTH, from the Committee on Military Affairs, to which was referred the bill (S. 3125) authorizing the Secretary of War to transfer certain surplus machine tools and other equipment to the Federal Board for Vocational Education, reported it with an amendment and submitted a report (No. 241) thereon.

He also, from the same committee, to which was referred the bill (S. 3126) authorizing the detail of commissioned officers of the Army to take courses of instruction within two years from date of commission, reported it without amendment and submitted a report (No. 242) thereon.

Mr. NEW, from the Committee on Military Affairs, to which was referred the bill (S. 2646) for the relief of Mary E. Bingham, reported adversely thereon, and the bill was postponed indefinitely.

Mr. WATSON, from the Committee on Finance, to which was referred the bill (S. 413) for the relief of Canadian Car & Foundry Co. (Ltd.), reported it without amendment and submitted a report (No. 240) thereon.

SETTLERS ON FORT ASSINNIBOINE LANDS, MONTANA.

Mr. MYERS. Mr. President, I have a report to submit from the Committee on Public Lands, and I wish to say a few words about it.

A few weeks ago the Senate took up for immediate consideration by unanimous consent and passed a bill introduced by my colleague [Mr. WALSH of Montana] granting an extension of time, in the discretion of the Secretary of the Interior, for as much as two years, in which the homesteaders on the Fort Peck Reservation, in Montana, might pay for their lands. The bill was introduced because that section had suffered a terrific drought for three years and the homesteaders were unable to make their payments. Therefore when the bill was explained it was unanimously passed.

I report back from the Committee on Public Lands favorably without amendment the bill (S. 2964) providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Assinniboine Military Reservation, in Montana, and I submit a report (No. 239) thereon. The bill gives a similar extension of time to settlers on the former Fort Assinniboine Military Reservation, in Montana, where the same conditions prevailed. The reservation was opened three years ago to sale to homesteaders at $2.50 an acre, but ever since then there has been a severe drought in that section and the settlers have not raised anything of consequence. There are payments now past due.

I ask that the bill may be read for the information of the Senate, and then I shall ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That any person who has made homestead entry under the provisions of the act of Congress approved February 11, 1915 (38 Stat. L., p. 807), entitled "An act authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assinniboine Military Reservation and open the same to settlement," may obtain an extension of time for one year from the anniversary of the date of entry last preceding the passage of this act within which to pay all of the installment then due or any part of any preceding installment, where payment has not yet been made and where an extension of time therefor is not authorized by any act of Congress by paying interest at the rate of 5 per cent per annum on the sums to be extended from the maturity of the unpaid installments to the expiration of the period of extension, the interest to be paid to the receiver of the land office for the district in which the lands are situated, within such time as may be prescribed for that purpose by the Secretary of the Interior: *Provided*, That any installment which becomes due within one year from the passage of this act and for which an extension of time for payment is not otherwise authorized, may also be extended for a period of one year by paying interest thereon in advance at the said rate: *Provided further*, That any payment so extended may thereafter be extended for a further period of one year in like manner: *And provided further*, That if commutation proof is submitted, all the unpaid payments must be made at that time.

SEC. 2. That the failure of any entryman to make any payment that may be due, unless the same be extended, or to make any payment extended either under the provisions hereof or other act of Congress, at or before the time to which such payment has been extended, shall forfeit the entry and the same shall be canceled, and any and all payments theretofore made shall be forfeited.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. CHAMBERLAIN:

A bill (S. 3151) to authorize the Secretary of War to grant the use of land and camp equipment to the United States Training Corps for Women and to detail Army officers for service at recreational camps; and

A bill (S. 3152) for the relief of George W. Mellinger; to the Committee on Military Affairs.

A bill (S. 3153) authorizing the adjustment of the boundaries of the Deschutes National Forest, in the State of Oregon, and for other purposes; to the Committee on Public Lands.

By Mr. ELKINS:

A bill (S. 3154) for the relief of Lottie Adeline Cross; to the Committee on Claims.

A bill (S. 3155) granting an increase of pension to John W. Combs; and

A bill (S. 3156) granting an increase of pension to William M. Cheuvront; to the Committee on Pensions.

By Mr. FERNALD:

A bill (S. 3157) granting an increase of pension to Byron A. Hart (with accompanying papers); to the Committee on Pensions.

By Mr. JONES of Washington:

A bill (S. 3158) for the relief of contractors and subcontractors for docks, tanks, buildings, and work under the supervision of the Navy Department, and for other purposes; to the Committee on Naval Affairs.

By Mr. FLETCHER:

A bill (S. 3159) granting the consent of Congress to the State road department of the State of Florida to construct and maintain a bridge across the Choctawhatchee River, near Caryville, Fla., approximately 170 feet south of the Louisville & Nashville Railroad bridge; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 3160) for the relief of Fred Hartel and others; and

A bill (S. 3161) for the relief of T. T. Murphy; to the Committee on Claims.

A bill (S. 3162) to encourage instruction in the hygiene of maternity and infancy, to aid in extending proper care for maternity and infancy, and to provide for cooperation with the States in the promotion of such instruction and care; to the Committee on Public Health and National Quarantine.

By Mr. PAGE:

A joint resolution (S. J. Res. 112) continuing temporarily certain allowances to officers of the Navy and Marine Corps; to the Committee on Naval Affairs.

ADDRESS BY SENATOR OWEN.

Mr. KENDRICK. I have here a copy of an address delivered by the Senator from Oklahoma [Mr. OWEN] before the American Bankers' Association. The Senator from Oklahoma is a well-recognized authority on the question therein discussed, and I ask that the address may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BEFORE AMERICAN BANKERS' ASSOCIATION BY SENATOR ROBERT L. OWEN ON THE SUBJECT OF STABILITY IN COMMERCE AND GOVERNMENT, SEPTEMBER 30, 1919.

"Mr. Chairman and gentlemen of the American Bankers' Association, stability in industry and commerce and in government is vital to the happiness of mankind.

"To-day we witness some of the evils of instability in production, distribution, and the purchasing power of the dollar, the effects of which appear in the high cost of living, under which the world groans, bitterly complains, and threatens the stability of government throughout the world. When the normal income does not suffice to give food, clothing, and shelter, and the necessities of life and reasonable liberty, men first grow impatient, then indignant, and this indignation may rise by degrees to insensate fury, the destruction of government, of life, and property, and of those productive processes vital to remedy the very evil complained of.

"The Government of the United States is controlled by public opinion in large degree, and the members of your association, touching every business enterprise throughout the United States and every depositor and agency of production and distribution, are capable of directing public opinion along safe lines that will establish stability instead of instability.

"In February, 1908, in discussing the principles which should control the banking system and prevent financial panic, I emphasized then, as I do now, the extreme importance of stability. One of the great causes of instability of the past were periodic panics in the financial world. This evil has been remedied by the combined wisdom of the country, by the Federal reserve act, which I had the honor to engineer through the United States Senate, with the aid of many men. I wish to point out to you certain elements which have contributed to the present high cost of living, a condition of very grave instability and menace, with some suggestions which I trust may prove useful if they meet with the approval of the country and your active support.

"The chief factors entering into the high cost of living are: 1, gold expansion in America; 2, Federal reserve note expansion; 3, credit expansion, United States Government bonds, certificates of indebtedness, Treasury notes, deposits, and loans; 4, extraordinary prices paid for material and labor by munition makers, by the Army, by the Shipping Board, and other governmental agencies, under the urgency of war; 5, the dislocation of peace industry during the war and diminishing production in such in-

dustries; 6, destruction of shipping by the submarines and greatly impaired transportation facilities and equipment; 7, extraordinary European demands and cessation of peaceful production; 8, unrest of labor because of the high cost of living, strikes, unproductiveness because of discontent; 9, hesitation of capital because of unstable conditions; 10, interruption of exports because of inadequate support of European exchange and lack of credits to finance European construction; 11, excess-profits tax and heavy war taxes passed by manufacturers and merchants and business men directly on to the products of commerce to the consumer, raising the prices of all products, compelling labor to demand larger wages in order to live, and establishing a vicious circle affecting the great railway properties and all industrials and all merchandise; 12, the exaction of monopolies, restricting production, and restraining trade and fixing unfair profits. These monopolies existed before the war, and have grown worse during the war because of the other factors heretofore recited; 13, and finally local profiteering, under which first necessity and then greed has influenced very many middlemen to take advantage of unstable conditions to charge extortionate prices; 14, violent rising prices have led to enormous waste, extravagance, and recklessness of expenditure by those who have profited, setting a false standard and an impossible standard for those who have not profited but have suffered by these conditions.

"The effect of all these things has caused a feeling of violent unrest with some of those who have suffered, and a false leadership has arisen, advising the overthrow of the existing order, because those charged with the duty of government do not afford adequate relief and offer no satisfactory solution.

"I wish to offer you some suggestions that will tend to give stability, in the hope that some of the suggestions may be found of use and put into actual practice. Words without action are empty and vain.

SEND GOLD ABROAD.

"In exchange for our commodity excess shipments we have gained eleven hundred million dollars of gold. This has expanded our currency and diminished its purchasing power and caused a rise in prices. The metallic gold is lying in our vaults serving no adequate purpose, while European currency, violently inflated, needs deflation and additional gold reserves. We could profitably lend a thousand million dollars of gold to other nations without deflating American currency, because under the Federal reserve act commodity bills based on warehouse receipts and goods in transit can take the place of gold which we hold in excess and which will flow back to our country unavoidably unless we permit the people of Europe to repay us in commodities the ten billions we have loaned them, and on which we will receive over five hundred millions annually in interest. We need have no fear in loaning money to Europe on proper security. Neither Europe nor the world is bankrupt because of the World War. The world has only suffered to the extent of the net destruction of property. The energies of the war have created a very large offset to the destruction of property. The war debits are held as offset credits by citizens of the world, and these war debts must not be regarded as a destruction of the productive powers of mankind. If the United States issued twenty-five billions of bonds, and these bonds are held by citizens of the United States, it is merely a question of distribution, and the values of the United States and its productive power is not diminished; on the contrary, it has been greatly increased by the war. The same is true of France and of Italy and of Belgium.

MAINTAIN FIXED PER CAPITA CIRCULATION.

"The Federal Reserve Board by exercising its powers could stabilize the per capita circulation of the United States at a fixed amount per capita, and this policy ought to be adopted as a means of preventing instability due to a fluctuation in the amount of currency.

"The per capita circulation of money in the United States in 1890 was $22.82; in 1900, $26.93; in 1910, $34.33, due to the inflation of the national bank currency against the 2 per cent bonds offered as a remedy in 1900 to confound the free-silver advocates. In 1914 it was $34.35 per capita. In 1918 it was $50.81, due to an expansion of $11 gold per capita and about $5 of Federal reserve notes issued to accommodate the actual daily demands of commerce. The high cost of living and the doubling of prices required more currency, and the reserve notes accommodated this demand, but being subject to daily liquidation could not be justly regarded as inflation.

"In fact, the Federal Reserve Board points out that the actual per capita circulation outside the United States Treasury and the Federal Reserve System is only $45.56, which corresponds with the circulation of 1914 plus $11 of gold per capita increase. It is of great importance that the per capita circulation should be kept stable. The ruinous effects of inflation are shown in Europe.

EFFECT OF CREDIT EXPANSION ON PRICES.

"Credit expansion and the issuance of Government bonds and certificates was unavoidable during the war, and was required by the tremendous energies created by war. But these credits, while less mobile than currency, are nevertheless transferable and are a means by which currency is more readily accessible, and it has the effect of modifying to some extent the purchasing power of money. The conditions would be more stable if these bonds were issued payable in 50 years with the right of the Government from time to time to take them up, as interest rates will fall when stability is established throughout the world.

"Bank deposits and loans were greatly stimulated by the war because commodities of all kinds were salable at high prices and converted into current credits, and the extraordinary activities of the war resulted in corresponding loans, all of which contributed to making money more readily accessible, and therefore of less purchasing power in relation to commodities and in relation to human labor. These factors should slowly adjust themselves as cost factors by increase of production and improved distributive processes.

PRODUCTION AND DISTRIBUTION.

"Now that the urgency of war has passed, prices should adjust themselves to the processes of reconstruction. Industry can now adjust itself to the conditions of peace and should steadily increase production and improve distribution. The world is rapidly replacing the ships destroyed by war. The millions of European men and women heretofore engaged in war and war activities are now available for peace.

"Increased production and better and more economical distribution and waste avoidance are the chief remedies for the high cost of living, and to accomplish this the banks of the United States should encourage production by extending credits preferentially for productive processes, for improved warehousing, lending against warehouse receipts, and using their good offices and friendly counsel to stimulate production and improved distribution. The encouragement of corn clubs and other agricultural clubs, encouraging boys and girls to make money out of raising pigs, chickens, and so forth; improving gardens, while apparently small matters are of great national consequence, and the country bankers have done fine work along these lines. Developing water power and the use of the current for industrial purposes are productive processes of the highest order. The building of hard-surfaced roads and the use of motor trucks facilitate distribution. There should be organized standard systems of distribution by improved marketing methods under Government charter and supervision.

LABOR, MANAGEMENT, AND CAPITAL.

"Labor is both manual and mental, and is entitled to full consideration.

"The unrest of labor, due to the war condition, to the extraordinary prices during war times, the reports of extraordinary profits during the war by the employers of labor, and the high cost of living should be met by encouraging a frank and free discussion and arranging methods by which labor will participate in what it produces above a bare wage. The employee should not be regarded merely as a money-making machine, but altogether as a human being entitled of right to life, liberty, happiness, and a reasonable participation in the profits arising from his labor. This policy is advisable for the sake both of the employer and the employee. When the workman feels that he is working both for himself and his employer he will not indulge in sabotage, the killing of time, or in waste and neglect. Labor, management, and capital must work together on the principle of service to all mankind, along lines of cooperation in a spirit of friendship, mutual sympathy, and support. It will not do in a democracy to rely merely on the powers of government and to demand brute force to control human unrest. That remedy may become a two-edged sword peculiarly dangerous to capital.

"The doctrine of arbitrary force should not be seriously entertained by thinking men after the lessons of this war. The world is entering into a new era in which humanity and righteousness should walk hand in hand in peace, protected by the powers of the people.

"Humane legislation to safeguard and advance the conditions of human labor should be encouraged in Congress, in State legislation, in municipalities. If labor should be found seeking employment for any reason the Government should not hesitate to expand its activities in road building, improving water-

ways, building water-power plants and auxiliary enterprises, and employ labor to the extent of absorbing unemployed labor, and protect labor from the forced and destructive competition arising from involuntary unemployment.

"Every productive activity in America should be kept employed, and concrete steps taken to accomplish it. This is the most direct path to overcome the high cost of living.

"There should be put on a campaign in the United States by moving pictures and on the forum, in the press, and in the pulpit to teach men the dignity and need for honest labor and production and the shame of waste, the dishonor of willful extravagance, and the discredit of the vain ostentation of wealth, so that people will come back to the virtues of our fathers and our mothers who regarded labor as honorable and waste as a sin. The enormous disproportion of wealth distribution in America has led to false standards of extravagance and ostentation, going far beyond the reasonable bounds of mere luxury.

"Men who create the values sufficient to sustain it are entitled to luxury, if they choose to have it, and it is a wise policy for the world to encourage acquisition and hold out the rewards of property and the protection of property for those who serve the world by creating values. When acquisition passes far beyond the rewards that encourage effort, it may become a vice and need to be abated by suitable restraints.

EXCESS-PROFIT TAX.

"The excess-profit tax and some other governmental taxes add directly to the high cost of living, because the manufacturer adds his excess-profit tax onto the price of his product plus a manufacturer's profit on the excess tax. The broker passes it along and adds his profit on the excess tax. The wholesaler adds his profit on the excess tax, and the retailer adds his profit on the excess tax, and the poor consumer wonders what is the matter with the world that prices have risen a hundred and twenty-nine per cent since the war began. It is merely a matter of "let George do it," and "George," in the person of the Railway Brotherhood, comes in and demands the right to pass it on to the railroads, and the railroads pass it on to the freight rate and the passenger rate and let another "George"—the people—pay it. It is a vicious circle which can only be cured by human labor, conscientiously performed, by production, by economic distribution, by economy, but since the excess-profits tax is charged on the consumer, it should be repealed, and the war taxes instead of being collected to liquidate the principal of the war debt in a few years should be extended over 50 years. Every governmental waste and extravagance and employment of unproductive labor falls on the consumer and adds to his high cost of living. Therefore, the Government should be economically administered, a fixed amount set apart in a budget beyond which the expenditures should not be permitted to go. A householder who turns his checkbook over to his children need not be surprised if his expenditures exceed his income where there is no check on improvidence. The Government's expenditures should be subjected to a constant supervisory audit, expressly charged with the elimination of waste.

"In lieu of the excess-profits tax a progressive inheritance tax should be employed, first, to meet the cost of Government, and, second, to prevent by inheritance excessive commercial and financial power passing into the hands of a single individual to the injury of his fellow men.

PRIVATE MONOPOLIES.

"One of the most important elements entering into the high cost of living are the private monopolies which have established control over various industries dealing with the necessaries of life. The danger to the public of unrestrained private monopolies has long been recognized, and decades ago an act of Congress was passed to prevent market domination and arbitrary prices by the Sherman antitrust law. The effect of this act was nullified by administrative neglect and failure of public opinion in part. It was never really enforced, and finally the Supreme Court nullified it by holding that Congress only intended to forbid restraints of trade which were "unreasonable." Since there was no standard of what constituted a "reasonable" restraint of trade, this law is now but little more than a smoke screen behind which private monopolies may exercise their powers without restraint of law. It should be frankly repealed and better laws substituted.

"Bankers are not permitted to charge over 6 per cent under the law, some States permitting by contract a higher rate. The banker renders the highest character of service, and yet, with the approval of all of the world, he is limited in his profits. I remind you gentlemen of the banking profession that the value of your private fortunes has been cut in two by the high cost of living, and that if you were worth a hundred thousand dollars before the war that hundred thousand dollars is only worth to-day what fifty thousand was then, so that you are as much concerned in improving the purchasing power of your dollar as any other citizen. Even if you have a private monopoly, it would be better for you that the dollars you receive in future should have an increased purchasing power, and it is to your interest to favor stability and commercial justice.

"Many of the monopolies prevent production, and by making the things desired by men somewhat scarce they get a higher price for it and a larger percentage of profit. They would rather make a hundred per cent on a fixed output than 25 per cent on four times that output. They control the trade and therefore competitors do not enter the field, and, I might add, dare not. This policy of diminished production and high percentage of profit is one of the most harmful forms of monopoly abuse. The southern cotton growers were urged to cut down the production of cotton because 11,000,000 bales are worth more than 15,000,000 bales in a cotton crop. There is no danger whatever of the farmers profiting by monopoly. They are too numerous, and adequate cooperation, therefore, is impossible to prevent the working of the broad law of competition.

"If the high cost of living is to be controlled, the monopolies and interstate commodities will need to be restrained by suitable administrative mechanism authorized to require standard reports and the limitation of profits to a point that is 'reasonable.'

"It will be far better for American monopolies to expand production and limit percentage of profit and lower the cost of living and increase the purchasing power of their own earnings and capital. Four times the production at 25 per cent profit is better than one production at 100 per cent profit. We must compete in the world markets, and lower cost is essential to do this. If the prices are not lowered, foreign countries will take foreign commerce and invade American markets and be welcomed by American consumers. American business men should have some vision and foresight.

"Under the high cost of living labor has become more and more discontented. Unions are being organized to include every governmental agency, even the fire department, the police, and the municipal, State, and Federal employees, and they make demands upon the representatives of the people which are not always consistent with the public interest, or the interest of the great majority of the people. The average farmer does not begin to receive as much as a worker in the steel mills or on the railways. The railway workers would like the farmer to receive less for his products, if necessary, to reduce the cost of his living. The interest of one class conflicts with another. But when groups representing special interests combine to coerce the Government it should be possible for the Representative to defend himself before the electorate, and his critics should have the right to show his alleged unfitness with a 'publicity pamphlet,' printed and distributed, at public expense, to every voter.

"All democracies are about to be compelled to take their choice between the rule of the majority and the rule of the minority. The rule of the minority in Germany led to war. In Russia it has led to chaos. In the one case it was the rule of a minority representing the apotheosis of wealth and dynastic pride. In Russia now it represents the exact reverse. In both cases it represents a gigantic example of dangerous instability of government.

"The middle course of honest majority rule carries out the fundamental conception of our fathers in establishing government in America where the sovereignty was vested in the people and not vested in the few, whether dynastic military leaders, whether a few great financial and commercial captains, or the desperate Bolsheviki.

"The overwhelming majority of men and women in America believe in God, in morality, in religion, in ethical conduct, in conscience, in justice, in mercy.

"The overwhelming majority desire to acquire and protect property rights, and are willing to labor for it, and will support property rights. Stability in government requires the development, the perfection, the maintenance of the government of the majority, giving the people the right to initiate any law they want, to veto any law they do not want by referendum. The 'right of recall,' to recall any official who in public opinion has ceased to be desirable as a representative of the people. The laws should provide a short ballot, so that the people can function in choosing a small number whose records they may have time to study, and so that the people are not confused by the machine politician who would put up a long list of candidates for the very purpose of confusing the people and compelling them to rely on the machine men to nominate 'the ticket.'

"The laws should provide the preferential ballot, which automatically coheres the majority and automatically defeats the

machine politicians who are always in a minority, except when by actual intent or by accident they do right.

"The law should provide a thorough-going corrupt-practices prevention act to safeguard the majority against the corruption and fraud of the minority. These processes will give stability in government and in commercial and financial life. They will give intelligence to government, calling the very best men to the public service; will accomplish through the wisdom of the people the development and protection of human life; will abate the high cost of living and make America what it ought to be, the leader in the highest ideals of government, of industry, of finance, and of human happiness."

LEAGUE OF NATIONS.

Mr. TOWNSEND. I present and desire to have printed in the RECORD an editorial from the Grand Rapids (Mich.) Herald relative to that portion of the treaty which has reference to the voting power of nations.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WHEN INDIA VOTES.

One of Great Britain's six votes in the pending league of nations is assigned to India. To thus qualify for independent league membership India must be a "fully self-governing colony," under the language of the league covenant itself. By what stretch of the imagination can any candid analyst assign India to any such status? True there is a certain freedom in administrative matters allowed to native chiefs. But "the supreme government can exercise any degree of control it may wish," says the Statesman's Yearbook. This supreme government is exclusively and omnipotently British. The secretary of state for India, a Briton, selects a council, of Britons. The expenditure of the revenues of India, both in India and elsewhere, is subject to this council. "In dealing with questions affecting the relations of the Government with foreign powers," says the Statesman's Yearbook, "and in making peace and war and in prescribing the policy of the Government toward native States and in matters of internal policy, the secretary of state may act on his own authority." The Emperor of India is the King of England. The supreme executive authority in India is vested in a British viceroy, appointed by the British Crown. That India is not fully self-governing, either as required by the league covenant in order to justify independent league membership, or even as in other British dominions like Canada, etc., is apparent on the face of things. The great Indian poet, Sir Rabindranath Tagore, has just handed back the knighthood bestowed upon him by the British Government as a protest, according to the Literary Digest, "against British floggings of Hindu rioters." Such things do not happen in "fully self-governing colonies." In other words, the pretense upon which India is given an independent league vote is ridiculous upon its face.

We are not making this point because we have the slightest desire for American interference in England's method of governing India. That is her business, not ours. Neither are we making it because we would fan flames of anti-British prejudice—a thing inimical to the peace of the world, because the world has no greater guaranty of peace than in Anglo-American amity. We are making the point because of its potent bearing upon the structure of the proposed league of nations and our prospective relationship to this new international fraternity.

There may prove to be some elements of independent self-decision in league votes which may be cast by other British dominions like Canada, etc.; but a league vote for India is absolutely and completely a second league vote for England—absolutely and exclusively under British control. When other British Colonies signed the preliminary covenant they signed through native statesmen. When India signed she signed through "The Right Honorable Edwin Montagu, member of the British Parliament, and the King's secretary of state for India." Montagu spoke and acted for India. The Maharajah of Bikaner, who signed below Montagu, was only a rubber-stamp, because these native princes are specifically barred from peace-making authority. The Maharajah had no more chance to think or act for himself than did our own venerable Henry White and our own accommodating Robert Lansing and Gen. Bliss. England signed for India, and by the same token England will vote for India whenever a league referendum is to be taken.

So far as "fully self-governing" prerogatives are concerned, India would be even less free to think and speak for herself than would the Philippine Islands if they, too, had a league vote. She would not begin to be as free a moral agent as would the State of Michigan if Michigan had a league vote.

It is too late to correct this glaring discrepancy without reopening the whole Versailles negotiations. But it is not too late to render the discrepancy innocuous. Humiliating to us though such a discrepancy is, the Herald is not afraid of its practical menace in practical net results provided the Senate of the United States, by effective American reservations, prohibits illegitimate league interference in matters of vital American self-determination and vital American domestic policies, and proscribes the use of this British preponderance against the United States in American concerns which must be left exclusively within American jurisdiction. But the more study the country gives to this whole undertaking the more determined will become the conviction that these effective American reservations must precede our ratification of this unequal bargain.

Nor need any of us seriously fear that Britain is going to object to these American reservations—and that by adopting reservations we shall disrupt the whole adventure—when we see to what extremes the Paris council went in protecting Britain's every whim and wish and aspiration. The last limit of these "extremes" is the acknowledgment that India is a "fully self-governing colony" and that India is therefore entitled to one full vote (equaling ours in assembly arithmetic) and is eligible even to a place upon the league's council of nine. If we shut our eyes to this anomaly and take the covenant without textual amendments, Britain (satisfied and chuckling) will not object to American reservations, which merely protect the things which are American. And if, perchance, she should, it is her responsibility and not ours for disrupting this league undertaking. The United States, at least, is still "fully self-governing"; and we do not yet owe any obligation to any sovereignty other than our own.

PROMOTION OF FOREIGN COMMERCE.

The VICE PRESIDENT. The morning business is closed.

Mr. HARRIS. Mr. President, on yesterday Senate resolution No. 203, heretofore submitted by me, went over without prejudice. I ask that it be taken up at this time for consideration by the Senate.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution (S. Res. 203), as follows:

Whereas the Department of Commerce and certain other governmental agencies in various departments and independent establishments, including the Consular Service and office of the Foreign Trade Adviser of the State Department, the War Finance Corporation, the Federal Reserve Board, and International High Commission in the Treasury Department, the Bureau of Markets of the Department of Agriculture, the Federal Trade Commission, the Interstate Commerce Commission, the United States Railroad Administration, the United States Shipping Board, and, perhaps, other agencies in other departments or establishments of the Government are, in the exercise of their lawful functions, engaged with matters having to do, either directly or indirectly, with the foreign commerce of the United States, but oftentimes work independently of each other, and each without a knowledge of what any of the others may be doing in this direction; and

Whereas, in order to foster, promote, and develop the foreign commerce of the United States in the most effective manner, so as to meet successfully the competition of foreign agencies, it is essential that there should be no unnecessary work or duplication of work on the part of the aforesaid agencies of the Government and that coordination and cooperation so essential to the successful promotion of the foreign commerce of the United States; and

Whereas it is desired by the Senate to consider the expediency of enacting legislation to provide for such coordination and cooperation of agencies: Therefore be it

Resolved, That the heads of the several departments and establishments hereinbefore referred to be, and they hereby are, requested to submit to the Senate as promptly as possible detailed statements covering the character, amount, and estimated cost to the Government of such work as is now being carried on under their respective jurisdictions which, directly or indirectly, has any relation to the foreign commerce of the United States or which may in any way be of value in connection with the promotion and development of such foreign commerce, which statements should also indicate the number of employees engaged on such work, and also to submit with such statements such suggestions and recommendations as they may be able to make looking to the closer cooperation and coordination of the various agencies of the Government for effective promotion of the foreign commerce of the United States.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

CONTROL OF FOOD PRODUCTS—CONFERENCE REPORT.

Mr. GRONNA. Mr. President, I move that the Senate proceed to the consideration of the conference report on House bill 8624, which is known as the food-control bill.

The VICE PRESIDENT. The Senator from North Dakota moves that the Senate proceed to the consideration of the conference report on House bill 8624.

The motion was agreed to; and the Senate proceeded to the consideration of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8624) entitled "An act to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917."

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. SMOOT. I should like to have the report read. I have not had time to go over it.

The VICE PRESIDENT. The Secretary will read the report.

The Secretary proceeded to read the report, and read as follows:

"The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8624) entitled 'An act to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel," approved August 10, 1917,' having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

"That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, and 10, and agree to the same.

"Amendment numbered 1. That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert

the following: 'section 1'; and on page 1, after line 2, of the engrossed bill insert the following:

"'That this act may be cited as "the food control and the District of Columbia rents act."

"'TITLE I. FOOD-CONTROL ACT AND AMENDMENTS.'

"And the Senate agree to the same.

"Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"'TITLE II. DISTRICT OF COLUMBIA RENTS.

"'SEC. 101. When used in this title, unless the context indicates otherwise—

"'The term "rental property" means any land or building or part thereof in the District of Columbia rented or hired and the service agreed or required by law or by determination of the commission to be furnished in connection therewith; but does not include an hotel or apartment.

"'The term "person" includes an individual, partnership, association, or corporation.

"'The term "hotel" or "apartment" means any hotel or apartment or part thereof, in the District of Columbia, rented or hired and the land and outbuildings appurtenant thereto, and the service agreed or required by law or by determination of the commission to be furnished in connection therewith.

"'The term "owner" includes a lessor or sublessor, or other person entitled to receive rent or charges for the use or occupancy of any rental property, hotel or apartment, or any interest therein, or his agent.

"'The term "tenant" includes a subtenant, lessee, sublessee or other person, not the owner, entitled to the use or occupancy of any rental property, hotel or apartment.

"'The term "service" includes the furnishing of light, heat, water, telephone or elevator service, furniture, furnishings, window shades, screens, awnings, storage, kitchen, bath and laundry facilities and privileges, maid service, janitor service, removal of refuse, making all repairs suited to the type of building or necessitated by ordinary wear and tear, and any other privilege or service connected with the use or occupancy of any rental property, apartment or hotel.

"'The term "commission" means the rent commission of the District of Columbia.

"'SEC. 102. A commission is hereby created and established, to be known as the rent commission of the District of Columbia, which shall be composed of three commissioners, none of whom shall be directly or indirectly engaged in, or in any manner interested in or connected with, the real estate or renting business in the District of Columbia. The commissioners shall be appoind by the President by and with the advice and consent of the Senate. The term of each commissioner shall be three years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he succeeds. The commission shall at the time of its organization and annually thereafter elect a chairman from its own membership. The commission may make such regulations as may be necessary to carry this title into effect.

"'All powers and duties of the commission may be exercised by a majority of its members. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission. The commission shall have an official seal, which shall be judicially noticed.'"

Mr. SMOOT. Mr. President, in relation to the changes in section 102, I desire to ask the chairman of the committee of what they really consist? I have not had time to compare the conference report with the bill as passed, but from a hurried examination of the report it seems to me that the only difference is that under the conference report the proposed commission is to be appointed by the President from anywhere in the United States instead of from the District of Columbia exclusively.

Mr. GRONNA. I will say to the Senator that that is correct. One other change is made, namely, instead of making the term of office of the commissioners two years and providing that the law shall continue in effect for four years, it provides that the term of office shall be three years and that the law shall remain in force for only three years. The Senator, however, is correct in his understanding of section 102, so far as it relates to the changes made.

Mr. SMOOT. In other words, the life of the act is decreased from four years to three years and the appointment of commissioners outside of the District of Columbia is allowed?

Mr. GRONNA. Yes; that is correct.

The Secretary resumed the reading of the conference report, and read as follows:

"'SEC. 103. Each commissioner shall receive a salary of $5,000 a year, payable monthly. The commission shall appoint a secretary, who shall receive a salary of $3,000 a year, payable in like manner; and, subject to the provisions of the civil-service laws, it may appoint and remove such officers, employees, and agents and make such expenditures for rent, printing, telegrams, telephone, law books, books of reference, periodicals, furniture, stationery, office equipment, and other supplies and expenses as may be necessary to the administration of this title. All of the expenditures of the commission shall, upon the presentation of itemized vouchers therefor approved by the chairman of the commission, be audited and paid in the same manner as other expenditures for the District of Columbia.

"'With the exception of the secretary, all employees of the commission shall be appointed from lists of eligibles supplied by the Civil Service Commission and in accordance with the civil-service law.

"'SEC. 104. The assessor of the District of Columbia shall serve ex officio as an advisory assistant to the commission, but he shall have none of the powers or duties of a commissioner. He shall attend the meetings and hearings of the commission. Every officer or employee of the United States or of the District of Columbia, whenever requested by the commission, shall supply to the commission any data or information pertaining to the administration of this title which may be contained in the records of his office. The assessor shall receive for the performance of the duties required by this section a salary of $1,000 per annum, payable monthly, in addition to such other salary as may be prescribed for his office by law.'"

Mr. SMOOT. Mr. President, in relation to the latter part of section 104, did the original bill grant to the assessor an additional salary of $1,000 per annum?

Mr. GRONNA. No; it granted him $2,000 in addition to the salary received by him for his services as assessor. The conferees reduced that to $1,000; they cut it in two.

Mr. SMOOT. Does the Senator know what the assessor is receiving now under the law?

Mr. GRONNA. The assessor now receives $3,500. This would give him $4,500.

Mr. SMOOT. I think that $3,500 is sufficient; but I am not going to object on that account.

Mr. ROBINSON. Mr. President, I should like to ask a question of the Senator in charge of the conference report. I note that there is a requirement in this provision that the assessor shall attend "the meetings and hearings of the commission." I wonder if consideration was given in connection with this provision to the existing duties of the assessor and whether, if this provision be strictly enforced and observed, it will not very materially interfere with the discharge of his duties as assessor. My idea is that if this commission performs the functions for which it is created it will be in session practically all the time, and if the assessor is required to be in attendance on all meetings and hearings of the commission he will be totally unable to perform the duties of the office of assessor.

Mr. GRONNA. Mr. President, I will say to the Senator, in reply to his question, that the conferees made an inquiry into the condition which the Senator has suggested, and the information received by the conferees was to the effect that it would be possible for the assessor to give sufficient time to meet with the commission at any time that it was absolutely necessary to have him present; and when I say——

Mr. ROBINSON. Will the Senator yield right there?

Mr. GRONNA. Yes.

Mr. ROBINSON. I am not making an objection to the provision for the purpose of resisting the conference report; but I think that the clause preceding the one which I have last mentioned—namely, that "the assessor of the District shall serve ex officio as an advisory assistant to the commission"—would meet all the requirements, and that the statement just made by the Senator that it is expected that he will be able to attend whenever it is absolutely necessary shows that this provision can not be strictly enforced or observed. This provision requires him to attend all the meetings and all the hearings of the commission, and nobody expects him to do that.

Mr. SMOOT. It is mandatory.

Mr. ROBINSON. It is a mandatory provision, although I have not discovered that any penalty is attached. It seems to me that it would have been much better to have said, "Whenever in the opinion of the commission it is necessary or desirable that the assessor do so," rather than make it mandatory upon him to be present all the while.

Mr. GRONNA. I will say to the Senator that that question was gone into very thoroughly, as the same suggestion that the Senator is now making was made to the conferees, but it was

thought by the lawyers on the committee—and I will say that as to lawyers and laymen on the committee, we were on a fifty-fifty basis; that is, we were fortunate enough to have three lawyers and unfortunate enough to have three laymen—it was thought best to make it mandatory, so that the assessor could have no possible excuse for not attending whenever it was necessary for him to be present.

Mr. ROBINSON. Mr. President, I do not intend to resist the conference report, but I think it would have been much better to have said that the assessor shall attend the meetings and hearings when necessary or when requested to do so by the commission, because this discussion has disclosed the fact that it is not expected that the provision will be literally complied with.

Mr. GRONNA. That is true; it might have been better, I will say to the Senator, to have provided as he suggests.

Mr. POMERENE. Mr. President, if I may be permitted to add a word, of course, unless the Senator from Arkansas and other Senators are familiar with the facts I am going to state, I can understand what their position would be. I do not believe that this is going to require a great deal of the time of the assessor. I say that for this reason: The law provides for triennial valuations of property in the District; and I happen to know from my former connection with this legislation that the present assessor and his force have a complete survey of the various properties in the District, not only hotel properties and apartment houses, but private residences, which it was necessary for them to make in preparing their valuations for the purposes of taxation. So the presentation of these records and other data as the assessor's office have compiled them, and which are going to be necessary in order to fix rentals, is going to greatly simplify the work of the commission.

Mr. ROBINSON. Mr. President, if the Senator will yield to me, I think he has missed the point of my suggestion. My suggestion is that the assessor ought not to be required by law to be constantly in attendance upon the meetings and hearings of this commission, for the reason that his presence there will not be necessary at all times, and for the further reason that the requirement, if strictly complied with, will deprive him of the opportunity to perform his functions as assessor of the District.

I am not going to ask that the conference report be rejected with a view of modifying this provision; but I merely point out the fact that we are writing into the law a requirement as to this officer which he can not comply with unless he neglects his important duties. This commission will be in almost constant session, either holding meetings for the determination of questions before it or having hearings, and under a strict construction of this provision the assessor is required to be present all the time. The statement of the Senator from North Dakota and that of the Senator from Ohio are to the effect that as a matter of fact it will not be necessary for him to be present much of the time.

Mr. GRONNA. Mr. President, if the Senator will permit me, I will say that the statement made by the Senator from Ohio is absolutely true. The committee also went into that phase of the matter, and it was disclosed that the assessor can give a great deal of his time to this particular work. It is not necessary, as the Senator from Ohio has stated, for the assessor to take much of his time in making the assessment, because he has all the maps, all the data, and he makes up his assessment rolls practically from the records in his own office. That matter was gone into very thoroughly. I will say that personally I was in favor of modifying it, but it was thought best to make it mandatory, and say that the assessor should be present whenever it was necessary to have him attend the hearings of the commission.

Mr. ROBINSON. That is exactly the view I take of it; and what I can not understand is, the Senator entertaining that view, and it being so clearly correct, why it was not written into the law instead of this requirement that he should be there all the time.

Mr. GRONNA. Well, it might give the assessor an excuse to say that it was impossible for him to be present. It is possible for the commission to treat him leniently, I think, and say that it is not necessary for him to be present at all hearings. I will say to the Senator that there is no penalty provided in this bill in case the assessor does not attend. He is not penalized in any way.

Mr. McCORMICK and Mr. SMOOT addressed the Chair.

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Illinois?

Mr. GRONNA. I yield first to the Senator from Utah.

Mr. SMOOT. Mr. President, I have wondered whether, under existing law, this additional $1,000 per annum can be paid. We have a statute which positively prohibits any employee of the Government who is receiving as much as $2,000 per annum from receiving an additional salary from the Government of the United States.

Mr. ROBINSON. If the Senator will yield to me, I do not think there is any difficulty at all about that, because this is subsequent law. This, being the most recent enactment, if it passes, will modify the act to which the Senator from Utah refers.

Mr. SMOOT. Yes; I think the Senator is right.

Mr. GRONNA. It is provided for in the act.

Mr. SMOOT. But I wanted to call attention to the fact that it is a very bad thing to have any employee of the Government drawing two salaries. We are now paying the assessor for all of his time. The work for which we are paying him $3,500 each year is supposed to require his whole time, and I have no doubt that when he applied before the Appropriations Committee for a raise in salary the plea was that the work had piled up on him so greatly of late that it required overtime in order to accomplish it. I am not going to ask to have the conference report rejected upon this account; but I hate to see the Senate of the United States begin now to establish here a precedent of paying two salaries to one employee of the Government, one salary from one department and another salary from another department.

Mr. GRONNA. But I am sure the Senator from Utah realizes that this legislation will continue only for a period of three years. It is not permanent legislation.

Mr. SMOOT. But it is a precedent, all the same.

Mr. GRONNA. And it also adds to the burdens and to the work of the assessor. There is no doubt about that.

Mr. SMOOT. If he gives his time to this commission, he can not give it to his office as assessor. There is not any doubt about that.

Mr. GRONNA. I will say to the Senator that it does not take all of his time.

Mr. SMOOT. No; I am perfectly aware of that.

Mr. McCORMICK. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Illinois?

Mr. GRONNA. I do.

Mr. McCORMICK. I was going to ask the Senators who have engaged in this interesting colloquy, inaudible to the other Senators, if they would be good enough to repeat what they have said, so that we may form some judgment of the debate. I have no doubt the Senators on the center aisle "acquire merit" by propinquity to the seniors who have secured those positions by long service and distinguished service; but there are others of us who would occasionally like to be informed as to why public moneys should be expended or conserved. I have no doubt that the Senator from Arkansas and the Senator from Utah and the Senator from North Dakota added very much to the sum of the information of the Senators who heard them, and to the sum of the information of Senators who may read the RECORD after church on Sunday; but in the meantime I should like to know why I should vote two salaries or why I should not vote two salaries for one person. There are some of us in this Chamber who would like two salaries.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. GRONNA. Before I yield to the Senator from Arkansas, I simply want to say that I apologize to the Senator from Illinois for not speaking audibly.

Mr. McCORMICK. I did not ask for an apology. I asked for a repetition of the colloquy, in order that we may know what has been said.

Mr. GRONNA. As far as I am concerned, I have said very little, and it would be a very easy matter to repeat what I said.

Mr. McCORMICK. If Senators will rise, then, and repeat seriatim what they said, we will not ask in this corner that they repeat verbatim the colloquy.

Mr. GRONNA. I observe that the Senator is about ready to leave the Chamber.

Mr. McCORMICK. No, Mr. President.

Mr. ROBINSON. Mr. President——

Mr. GRONNA. I yield to the Senator from Arkansas.

Mr. ROBINSON. I feel more like apologizing to the Senate for having made once the inconsequential remarks that I have made, and of course I have no intention of repeating them. I always speak in the Senate so that anyone who is not deaf may hear me if he desires to do so, but I can not say that it would have added very materially to the intelligence of the Senator from Illinois if he had been listening and heard what I said.

Mr. McCORMICK. It might not have added to the sum of my intelligence, but it might have added to the sum of my information if I could have heard what was said—I sat here,

listening—when the three Senators conducted the debate sotto voce, in whispers, which I presume will appear to-morrow in the RECORD.

Mr. GRONNA. As I understand, there is no objection to these sections, and I believe it is best to proceed.

Mr. KELLOGG. Mr. President, I should like to ask the chairman of the conference committee a question about this report. I was not in the Senate when the bill was passed. I was attending the meeting of a committee. Does this bill propose to fix all rentals in the District of Columbia; and if so, for how long?

Mr. GRONNA. As long as this law is in effect.

Mr. KELLOGG. Permanently?

Mr. GRONNA. Well, I do not know. It would be fixed permanently unless upon complaint by either the tenant or the owner of the property, if there be reason for complaint——

Mr. NORRIS. Mr. President, may I interrupt the Senator? I think the Senator from North Dakota did not understand the inquiry. The law expires by its limitation in three years.

Mr. GRONNA. I said, as long as the law is in effect. The bill provides, as the Senator from Nebraska has said, that it shall expire at the end of three years, unless sooner repealed by Congress.

Mr. KELLOGG. Mr. President, I shall not vote for any conference report which authorizes the fixation of rentals in Washington for three years. We need more individual enterprise and initiative in the business of this country and less Government interference, and if we fix prices on commodities in the District of Columbia and throughout the country, we will entirely discourage individual enterprise which is absolutely essential in our development. The principle is uneconomic and wrong.

Mr. GRONNA. Mr. President, if the Senator will yield to me, I think I did not make myself plain. It is not necessary for the commission to fix a price where no complaint is made. If the tenant and the owner of the property are both satisfied, the condition, if this bill becomes a law, will be exactly what it is to-day; but this bill does provide that where the owner of the property takes advantage of these hundreds of thousands of people who must necessarily be here if we are going to carry on the business of the Government, if exorbitant prices are being asked from those people, then they have the right to appeal to this commission and the commission has the authority to fix a reasonable rent.

Mr. KELLOGG. Mr. President, I know of no governmental commission that will decline to function if it possesses the power. They always exert their power to the fullest extent and sometimes intermeddle in matters without their jurisdiction.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. KELLOGG. Yes; I yield.

Mr. ROBINSON. I suppose the Senator is fairly familiar with conditions in the District of Columbia relating to rentals during the period of the war?

Mr. KELLOGG. I am.

Mr. ROBINSON. I desire to ask the Senator a question, with his permission.

Mr. KELLOGG. What is the question?

Mr. ROBINSON. It is this: In view of those conditions, does the Senator think that no legislation upon this subject is necessary?

Mr. KELLOGG. Well, the war is over for all practical purposes. During the two years of the war it may have been necessary that Congress should temporarily provide means of housing the thousands of employees that were brought here who were necessary to the prosecution of the war; but, instead of confining our efforts to that object, we passed the Saulsbury law. A more absurd statute was never put on the statute books. In the majority of cases it operated unjustly and failed to accomplish the results intended by the Congress. Hostilities ceased a year ago; thousands upon thousands have left the city, and more ought to leave it; and we now propose to initiate a system of price fixing in the District which will have an ultimate effect on the entire country.

Mr. GRONNA. Mr. President, will the Senator permit me to ask him a question? I have profound respect for the Senator's judgment as a lawyer. I know of him and know of his work. As I said a moment ago, there were, unfortunately, three laymen on this conference committee, but fortunately three lawyers. I should like to ask the Senator from Minnesota if, in his opinion, Congress has no constitutional right to fix rents for the employees of the Government of the United States in the District of Columbia even in times of peace?

Mr. KELLOGG. I am not a constitutional lawyer to commence with, but just an ordinary country lawyer. Undoubtedly, in time of war, when necessity exists to provide for an extraordinary number of people here, Congress has the power to insure their subsistence and residence, even to the extent of condemning private property. But that Congress in time of peace can fix the prices generally throughout the country I have very grave doubt.

Mr. GRONNA. I agree with the Senator on that point; but my inquiry of the Senator was, Does he not believe that Congress has authority, even in time of peace, and that it has not only authority but that it is the duty of Congress to provide for the people who necessarily must live here in order to do their work?

Mr. KELLOGG. It resolves itself into a question of the necessity for their continued residence in the District. The consensus of opinion seems to be that the efficiency of the departments of the Government would be increased if the great mass of employees is reduced to a reasonable number. If it is shown that actual necessity exists for employment by the Government of more people than the housing facilities of the District will accommodate, then I assume that the Congress has the power to provide for them.

Mr. PHELAN. Mr. President, I desire to ask a question of the chairman of the committee who has the conference report in charge. It occurs to me that the bill is wrong in principle, because the high rents in the District of Columbia are due entirely to the fact that there are more people than there are houses. I can not conceive of a measure better calculated to deter owners from erecting houses than the establishment of a commission to fix rents; and if that is true, this is the veriest temporary expedient, justified only on account of war conditions. But, as the Senator from Minnesota says, the war has been over for a year; people are leaving the District, the pressure is being reduced, and the number of employees will probably be reduced. It seems that we are resuming our normal life. Hence the peril in the bill is that it will deter men from building.

The question I desire to ask the Senator in charge of the report I do not find answered from a hasty glance through the pages of the bill. It is whether a man contemplating the erection of a structure can go to this commission and ascertain in advance what would be the return upon his investment?

Mr. GRONNA. Mr. President, I believe I will ask my colleagues on the committee, the Senator from Nebraska [Mr. NORRIS] or the Senator from Georgia [Mr. SMITH], who are both lawyers, to answer that question. I presume it is a legal question.

Mr. PHELAN. I suppose the power would have to be directly conferred. Is it directly conferred?

Mr. GRONNA. We deal with dwellings, apartments, and hotels. That is all the bill deals with. It deals with conditions as they are.

Mr. PHELAN. But suppose the Senator desired to erect an apartment house which involved the expenditure of a million dollars. If he had the expectation of a fair return, he might undertake to build such a structure. In the absence of it, he puts his entire investment in the hands of a commission, which might decide that he paid too much for the land, or that the labor conditions were such at that time that he would be unwarranted in collecting a return upon the cost. So, in subsequent years, he would be wholly at the mercy of the commission. If he understood those conditions, as a business man he would not construct the building. The element of speculation is in every enterprise, and he expects, when he puts up a building, to get a satisfactory return as soon as the building is completed. Must he then for the first time ascertain what his return is to be?

Mr. GRONNA. My opinion would be worth very little, I take it; but I will give the Senator my opinion. All through the bill the term "fair and reasonable rents" is used. It seems to me it would not be difficult for anyone who had the money and wanted to build an apartment house, or anything else, to take the plans to the commission, because plans and specifications must be made out anyway, and the commission, I believe, could very well afford to give an opinion as to what would be a reasonable rent, or what the commission would consider to be a reasonable rent. The Senator must not lose sight of the fact that if the rent fixed by the commission is deemed unreasonable, the owner of the property has the right to appeal to the courts. Does not the Senator believe that the courts would do justice to the party who invests his money in the building?

Mr. PHELAN. I am speaking of the state of mind of the party who has the money and wants to make the investment. The presumption is that he would not want to submit to the courts the question of a reasonable rent, because he goes into the enterprise very often with the best expectation of getting a very considerable return, say 10 per cent, and the courts are very fond of holding 5 and 6 per cent as reasonable. The Senator himself

reported a provision here defining "intoxicating" and "nonintoxicating" in the food bill. He did not leave that to the judgment of the court but provided that nonintoxicating beverages consist of those that contain not more than one-half of 1 per cent alcohol. Why should not an attempt be made to determine what is reasonable here, so that a man might know in advance what he might expect from such a commission as is here set up?

Mr. GRONNA. I believe such a bill was reported, and I think the distinguished Senator from Nebraska [Mr. NORRIS] was the one who had the pleasure of making that report. I will say to the Senator from California that I would be glad to have made it, but I did not make it. I approve of everything that was in that report.

Mr. PHELAN. Then the Senator approves of the principle of deciding what "nonintoxicating" means in the one case and "reasonable rent" means in the other?

Mr. GRONNA. Does the Senator from California believe that the Congress of the United States should fix these rents? Does he believe that we should define here what is a reasonable rent?

Mr. PHELAN. I stated that I believe this bill is wrong in principle and that the Congress of the United States should not meddle in a matter of this kind except as a war emergency; that the war is past and we should resume normal life, which would mean the construction of new buildings in the District of Columbia, thus benefiting the people of the District of Columbia, and what is a fair rent would be ultimately determined by the law of supply and demand. The landlords in emergencies get excessive rent. This should be curbed. In normal times, however, for the most part, with the deterioration of residence property, they are poorly recompensed. The Government should raise pay or provide dwellings and leave private enterprise unhampered in time of peace.

Mr. GRONNA. Let me say to the Senator from California in all seriousness that if he will read the testimony presented not only to the Committee on the District of Columbia but to other committees, he will find a condition such as has been pictured by some of the witnesses, and that are appalling, when it is found how the poor working girls who come here to work in these departments are compelled, on account of expenses, to huddle together like a bunch of sheep in insanitary conditions.

I will say to the Senator that this bill is to prohibit the practice of charging exorbitant rents and also to prohibit the practice which has grown up in the District of Columbia of profiteering in subletting rental properties at not only 100 per cent or 500 per cent, but in some instances at 1,000 per cent. The owners of the property who are doing an honest business are not complaining against the bill so far as I know. I have talked to some of them, and they have said to me that they believe it is a good measure. They do not wish to be classed with the profiteers who, for the last two years, or since the war commenced, have engaged in these practices. The testimony shows that some of the apartment leases have been made at a reasonable price, but there has been collusion between the parties who sublet the apartments and the owner of the property; and where in the first instance the property was leased at a fair rental of, say, $75 a month, $150 or $200 worth of furniture would be put into the rooms, and those very rooms sublet for five or six hundred dollars a month.

The Senator must admit that it is our duty to do something for the people who are here working for the Government of the United States. War or no war, I maintain that it is the duty of Congress to protect these people.

Mr. PHELAN. Mr. President, I am asked a question by the Senator. I am perfectly familiar with the testimony and I sympathize entirely with the Senator in stigmatizing the practices of profiteers during the war as being unjustifiable, if not worse. I am proposing a remedy for these very conditions, but a permanent remedy, by permitting men, unhampered, to improve property in the District. I greatly fear that a restriction of this kind will deter them, and hence there will be no permanent remedy for these poor people. This being a conference report, I understand we can not amend it; we have either to accept it or reject it, but I should think the Senator might consent to a suggestion that the operation of the law be limited for a period not exceeding two years.

Mr. GRONNA. It is limited to three years, I will say to the Senator.

Mr. PHELAN. I did not know there was even a limitation of three years in the bill. That is a confession, therefore, on the part of the committee of the correctness of my contention, that it can not be regarded in any sense but as the veriest temporary expedient.

Mr. KELLOGG. Mr. President, I should like to ask the Senator from North Dakota why it is that the useless employees in these departments are not let out, so that they may go to some other part of the country and do something that is useful? In an investigation that was started a long time ago it was found that a large number of employees were engaged in perfectly useless work, and it has manifestly been worse during the war. For instance, in the Treasury Department some 25 or 30 employees were copying decisions into a book that never in the history of the Government had been opened. Such things as that are going on all the time, but it was a great deal worse during the war. A number of clerks and stenographers told me that they had nothing to do but sit around, perhaps take one letter a day or attend to the office. If we go at it and make a careful investigation of these departments, weed out the useless employees, and see that the rest do their work as they ought, the Government will not have any surplus here to take care of.

Mr. NORRIS. Mr. President, I am surprised that the Senator from Minnesota, with his legal training and logical mind, should offer the objection he has offered to this conference report, that because there are, as he claims—and for the sake of the argument I am going to admit it, as I think there is a great deal in what he says—a great many employees in the Government who are useless and who ought to be discharged, therefore this kind of legislation ought not to be put on the statute books.

Mr. KELLOGG. I will say to the Senator, if he will permit me, that I did not offer that as an objection to the conference report. I am quite aware that it is not an objection.

Mr. NORRIS. I am glad to hear the Senator make that admission.

Mr. President, I think we are confronted with a serious situation, and we have been confronted with a serious situation in Washington ever since the beginning of the war, and for some time before, really a serious situation in times of peace. It seems to me it is a fundamental proposition which no man can dispute that the Government of the United States owes it to itself and its employees that they should be properly protected in the place where they must live and work in order to carry on the governmental functions. When the Constitution was adopted I think the framers of that great instrument had that point in view, because they provided for a place that should be under the jurisdiction exclusively of the United States.

It is a well-recognized fact that for two or three years in this District there have been conditions existing that were simply appalling, making it almost impossible for employees of the Government to even live. I know it can be said that they can go somewhere else; and that might be true, and that somebody could come and work for a dollar a year, who had a million-dollar-a-year income, and run the Government. That is one idea, and that would be one way to do it.

Mr. POMERENE. Mr. President——

Mr. NORRIS. But that would drive out of the employment of the Government all the men and women who are depending upon their salaries for a living. I yield to the Senator from Ohio.

Mr. POMERENE. If I may be permitted to make a suggestion, the rental year in the District begins October 1. I share the view of the Senator from Minnesota [Mr. KELLOGG] that there are a lot of supernumerary clerks who ought not to be in the departments here.

Mr. NORRIS. I agree with that also.

Mr. POMERENE. But there are a lot of them who are very essential to the Government service; and there are a lot of other people who are employed in stores.

Mr. NORRIS. Exactly.

Mr. POMERENE. If there is not to be any relief granted, all these people will be the victims of the rapacity of a lot of landlords.

Mr. NORRIS. Yes; that is true.

Mr. POMERENE. I think, from information I have, that probably four out of five have been notified that there would be a very substantial increase in their rental beginning October 1, and they were politely advised to move out, or given one excuse after another in order to dispossess them in spite of the Saulsbury law or any other law that may be on the statute books.

I share the opinion of the Senator from Nebraska [Mr. NORRIS] and the Senator from North Dakota [Mr. GRONNA] that we would be very derelict in our duty if we did not do something for the relief of the people in the District at this particular time.

Mr. NORRIS. I thank the Senator for his observation. He has called attention to one point that I wish to emphasize. We must not only protect the Government employees but we must protect the other people who are in business here and who must be in business here or the Government employees could not live.

Now, Mr. President, we have a conference report here which under ordinary conditions I would not offer. I suppose if I had

been told 10 years ago that the time would come when I would support a proposition of this kind I would have hooted at the statement; but, in my judgment, it is the very necessity of the case that makes it obligatory upon us to do something. It may not be right. I know that men's judgment will differ, when they are all equally honest, but to bring about some remedy the Senate and the House ever since the beginning of the war have been striving to do something. We passed the Saulsbury resolution. I think it can be safely said that it was not satisfactory to anyone in Congress, and yet almost everyone supported it, because we realized that we were confronted with a condition in which we had to take some definite means in order to even permit the Government to continue to function.

Mr. JONES of Washington. Mr. President——

Mr. NORRIS. I yield to the Senator from Washington.

Mr. JONES of Washington. I suggest to the Senator that it was intended really as a temporary provision, until we could enact legislation to meet the situation more fully.

Mr. NORRIS. Exactly, until we could enact other legislation. Next came the bill that was offered as an amendment to the food-control bill that was reported out by the District of Columbia Committee. It went to the House and from the House into conference and the conferees redrafted the bill. It is limited by its terms to three years. It goes out of existence in three years from now unless Congress extends it, and, of course, Congress may repeal it before that time, so that all its provisions are ended in three years.

In my judgment, that limitation ought not to be placed upon it, but I am not going to argue that. I think we could well let it stay on the statute books until Congress found it advisable to repeal it or change it. I believe we will find that for much longer than three years we will have to have some legislation protecting the people of the District.

The bill provides for a commission of three men drawing a salary of $5,000 each. In brief, it is the duty of the commission to fix the rents. They fix the rents upon complaint. They can also fix them upon their own initiative. When they fix the rents they are instructed, of course, to fix them upon a fair and reasonable basis, and when they once fix them for a house or an apartment or any other building, the amount at which they fix the rents remains until changed by another order of the commission or by an order from the court to which the case may have been appealed. There may be a better way to handle it. I am sure if there is a better way, I would be glad to see it suggested and put into operation. But after all the discussion, and it has been honest and earnest, diligent, and prolonged, the conferees have agreed upon this kind of a measure. There are appeals allowed. There are one or two penalties in its provisions. Where the landlord appeals, for instance, from a decision of the commission and it has to go to the court, it is made the duty of the commission to defend the case in court and relieve the tenants, to protect the tenants, to supply the attorney and pay the expenses. I really believe that some such provision is necessary in order to prevent injustice from being brought about through a simple matter of delay. We have thought that we ought to permit an appeal to the courts so that the matter could be adjudicated and passed upon, but while it is pending the commission's order goes into effect. It applies to leases that have been made, it applies to houses and apartment houses, it applies to hotels.

Mr. President, in my humble judgment this measure will be effective and bring about justice if we have a good commission. I think any man who will read the proposed law will realize at once that whether it is good or bad will depend, more than any other one thing, upon the men who are named by the President as members of the commission.

Mr. KING. Mr. President——

Mr. NORRIS. I yield to the Senator from Utah.

Mr. KING. I was not in the Chamber when the bill was under consideration and have had very little opportunity to examine it; in fact, I have not read it through. I wish to ask the Senator from Nebraska upon what theory this legislation is justified. I see that it is an amendment to a bill which was passed during the war and which was based, as I recall, upon the war powers of the Federal Government. Does the Senator contend that the measure now is justified under the exercise of the war power or can he justify it upon some other power of the Federal Government?

Mr. NORRIS. I think probably the Senator was not in the Chamber when I was outlining what in my judgment is the justification.

Mr. KING. No; I was not.

Mr. NORRIS. I believe that it can be justified in time of peace as well as in time of war. I will read just one section of the bill, and then I will endeavor to answer his question.

Mr. KING. Just one question. Is it not rather incongruous, if it is passed as peace legislation, to attach it to a bill which is confessedly a war measure?

Mr. NORRIS. It is probably incongruous to attach it to the bill to which it is attached. I admit that it ought to have been a separate bill, but the Senator knows how legislation of that kind comes about. It is tacked on as an amendment to another bill.

Mr. POMERENE. Will the Senator allow me to make a very brief statement, which will perhaps add some light to the situation?

Mr. NORRIS. Certainly.

Mr. POMERENE. I was sitting in my office some time ago when a conversation was reported to me, which I believe to be entirely authentic, that a member of the family of one of these landlords had said, in reference to the Saulsbury resolution, "Just wait until the Saulsbury resolution expires by limitation, and then we will make lots of money."

Mr. NORRIS. There is not any doubt but that that threat has been made thousands of times.

I will read one of the sections of the bill:

SEC. 122. That it is hereby declared that the provisions of this title—

The title, I will say to the Senator from Utah, refers to the rent proposition entirely—

It is hereby declared that the provisions of this title are made necessary by emergencies growing out of the war with the Imperial German Government, resulting in rental conditions in the District of Columbia dangerous to the public health and burdensome to public officers and employees whose duties require them to reside within the District and other persons whose activities are essential to the maintenance and comfort of such officers and employees, and thereby embarrassing the Federal Government in the transaction of the public business. It is also declared that this title shall be considered temporary legislation, and that it shall terminate on the expiration of three years from the date of the passage of this act, unless sooner repealed.

That is the reason given in the proposed law itself. Personally I think that we have a constitutional right to enact this kind of a law in time of peace for the very reason that it strikes at the very fundamental existence of the Government. If we had, let us say, a different Constitution and a board of aldermen in the city of Washington, over which Congress had no jurisdiction or control, they could make it impossible for Congress to remain in session, they could make it impossible for the Federal Government to exist. If a combination of men owning not all the property, not even a majority of the houses and apartments, should raise rents to such an amount as they could if they had complete control, they could absolutely make it impossible for the Government to function, and we would have to go out of business. Self-preservation is the first law of nature. I think we could apply it to other things besides rents, and I am not sure but what we will have to do so.

Mr. President, it has gotten so right now that if a Member of the Senate has a toothache he has to suffer with it; he can not go to a dentist and let him know who he is before he has his tooth pulled without putting up installments out of his salary for the next two or three months. He can not get sick, members of his family can not get sick, he can not live here unless he is healthy, or is able to go home, when something like that happens to him or members of his family, to be doctored or have his teeth pulled. It is a continual holdup all the time.

Mr. KELLOGG. Will the Senator yield for a question?

Mr. NORRIS. Certainly.

Mr. KELLOGG. I ask the Senator if it is not a fact that the Government meddling in the coal business and appointing a coal commission actually raised the prices and decreased the production during the war? That is generally understood to be the fact.

Mr. NORRIS. There is no Senator here who is more opposed to the Government meddling in the ordinary affairs of life than I am, and I have entire sympathy with Senators who take that view. I am not going to argue the coal question or the other questions the Government went into. Every one of them has two sides. I supported in most cases the legislation that gave the Government power to do it. It seemed to me necessary. I am basing this legislation upon a different principle. It is for the preservation of the Government itself. It is to enable the Government to function; and I think the Government has absolute control in the District of Columbia to regulate by law any business, any industry, so long as it does not take private property for public use without compensation and so long as it does not confiscate private property. It owes it to itself and it owes it to the country to do that.

Mr. POMERENE. Mr. President——

Mr. NORRIS. I yield to the Senator from Ohio.

Mr. POMERENE. And that authority is as unlimited as the authority of the State legislature would be in the State in which it functions.

Mr. NORRIS. Yes, sir; and I think a great deal more so, perhaps. The State legislature, for instance, is handicapped to some extent even in the capital of the State, because it does not have supreme jurisdiction over it as Congress does over the District of Columbia. Here, however, there is not any such limitation; and that wide scope of authority was put into the Constitution for the purpose of meeting just the kind of a contingency that we have had to face.

Mr. President, personally I believe that there is nothing in the conference report that is unfair to any legitimate, honest industry or business, apartment house, hotel, or other rented properties. I am sure I would not want to do and I am sure the conference committee would not want to do anything unfair to such interests; but the conferees have felt, I think in answer to a conclusion reached by all people who have lived here and studied the situation, that some steps are necessary to be taken and to be taken now. Even though an armistice has been signed for nearly a year, the unfortunate conditions still exist and are with us to-day.

Mr. DIAL. Mr. President, I am a member of the subcommittee which helped to frame the original bill. I desire to say that we labored for a long time on it and think we reported a very good measure. I wish, however, the section in reference to the renting situation in the District had been embodied in a separate bill.

I have heard a great deal said here about there being unnecessary employees of the Government. I do not know whether or not that is true; but, so far as I am individually concerned, I should be willing to join in an investigation with the object of dismissing any surplus employees of the Government and should favor such an investigation extending through the entire system of the Government. If it were found that there were unnecessary employees they should be sent home. That is the way I feel in reference to that matter.

The reason for framing the proposed rent legislation was this: As has been stated by the Senator from Nebraska [Mr. NORRIS], Congress has jurisdiction over the District of Columbia; and it seemed to the committee that the only way we could obtain housing accommodations for people at any reasonable rate of rental at all was to enact the legislation proposed.

The Senator from Minnesota [Mr. KELLOGG] speaks of regulating rents all over the country; but, of course, Congress has no constitutional right to do that; and our committee would not expect that to be done. Therefore, we never got to the point of considering such a proposition. I feel that it is wrong in principle for the Government to undertake to interfere with investments in property, but the circumstances existing in this District excuse the application of such a remedy in this case. It is not our intention to discourage people from investing in the District; on the contrary we desire to encourage them to build houses here; but upon investigation we found that providing a certain amount of profit from such investment, limiting it to a certain per cent, would be impracticable; that it would be very difficult to prejudge what would be a reasonable profit in any particular case; that there would have to be taken into account depreciation, vacancies, and considerations of that sort. We, therefore, concluded that it would be wise to leave the matter to a commission.

Personally I feel this way about it; that it is the business of Congress to pass some such legislation in order to protect the people whom we bring here to help carry on the affairs of this Government. We are compelled to have them here; and we either ought to pass legislation to protect them or we, perhaps, ought to do worse and have the Government go into the building business and erect homes here for the purpose of renting them to the employees of the Government.

I am just as much opposed as is any other Senator here to the Government engaging in any business. I have so stated heretofore. I want the Government to refrain from interfering in business so far as it can be kept out of it. I favor turning back the railroads and everything else in which the Government has been dabbling. I do not think it is a proper governmental function to engage in such matters; the Government should leave them to the people. It is absolutely necessary, however, for those connected with the Government to live here; we have clerks here to perform the duties which are incumbent upon them. Therefore we should see that they are not robbed here every day and every month in the year.

I do not ask the Government to protect me, though I have had a hard time; so hard that it came mighty near putting me into an insane asylum hunting for a home. At last I found one; bought it, paying cash for it, and received a deed; and now its occupants tell me that they will get out whenever they are put out by legal proceedings. That is the kind of a situation we are in here.

So I have come to this conclusion. We have discussed the legislation as now found in this conference report; we have considered it carefully; and I feel as I have said. I would go just as far as any man; I would back and buck and kick just as hard as anybody in the world against the Government going into business or interfering with private investment. I believe in encouraging the people, in letting them go to work and make money, and letting capital get a just return upon its investment, as well as labor getting a just return upon its service. We ought not to discourage, and I do not believe this bill will discourage, honest investment.

I therefore hope that the conference report will be agreed to.

Mr. SMOOT. Mr. President, I agree with the Senator from Nebraska [Mr. NORRIS], the Senator from Ohio [Mr. POMERENE], and others that there is a serious situation now existing in the District of Columbia as affecting those who are compelled to rent property. It would be a very simple matter to relieve that serious situation; it could be done, and millions of dollars could be saved to the Government of the United States without interfering one particle with the work that is being accomplished in the District now. I say that relief will come before very long, and will be afforded by separating one-third of the employees in the District of Columbia from the Government service, which should be done.

Employees of the Government who visited my office this morning told me that within the last few days the head of a division in one of the departments called in all the employees of the division and told them that upon a certain day there would be an investigation made as to whether or not there were too many employees in the division; and he told all of the employees that on that particular day they were to be at their work, and if they had no work they were to create some. I am not going to give the name of the division head until I receive a letter from the employees who came to my office this morning who told me that story and swore that the statement was true, but I expect to get the letter in a day or two.

Mr. President, there is no doubt in the world that if we would dismiss one-third of the Government employees in the District of Columbia the work would be done just as well, and then we would find the owners of houses to rent hunting for tenants, and they would not dictate the rental, but the tenant would have something to say as to what he would pay. The whole situation would thus be entirely changed.

Mr. President, there are now 104,000 Government employees in the District of Columbia. One-third of them, or at least 35,000, might just as well go home and do some work other than what they are supposed to do for the Government. The statement which was made yesterday by the Senator from Washington [Mr. JONES] is absolutely correct. I know there are employees in the departments who do not do two hours of work in a day.

Mr. POMERENE. Mr. President, may I interrupt the Senator?

Mr. SMOOT. Yes.

Mr. POMERENE. I am in entire sympathy with the Senator's statement to the effect that there are more employees in the District of Columbia than there ought to be, but that is not going to give us the immediate relief which we need.

Mr. SMOOT. I am not going to oppose the adoption of the conference report, I will say to the Senator.

Mr. POMERENE. I will give to the Senator, for what it is worth, a statement made to me this morning in my office by a former clerk who had in his charge a number of employees. They make out, as I understand, certain certificates or efficiency reports. One of the young ladies under him made out her report reciting the fact that she worked from 9 o'clock until 4.30 o'clock, and on the same day she wrote a letter to a friend that she did not have one hour's work a day.

Mr. SMOOT. Mr. President, I wish to call the attention of the Senate to another condition existing here. The Government of the United States erected the buildings north of the Capitol, now called the Government hotels. We did not erect those buildings simply for the purpose of giving employment to people; we thought we were erecting them to serve a useful purpose; that they would be run in a business-like way, and would furnish rooms for Government employees at a reasonable price. Senators, do you know that the cost of administration of the Government hotels to which I refer, those just north of the Capitol, in the item of wages alone exceeds $108,864 a year?

Mr. SHERMAN. Mr. President——

Mr. SMOOT. Just a moment. I will call attention now to some of the salaries, and I wish to inquire whether or not the Senate of the United States ever intended such salaries to be paid?

Miss James, the manager—and I have learned within the last day that her salary, beginning July 16, 1919, has been increased $500, including the maintenance she receives from the Government—has a salary amounting to $5,904, and with the $500 added it will amount to $6,404 a year. Why, Mr. President, we are paying assistant secretaries of the Treasury only $5,000 a year; we are paying the Commissioner of the Indian Bureau only $5,000 a year; we are paying the Commissioner of the General Land Office only $5,000 a year. Think of that! I find that Miss Davis, assistant manager of the Government hotels, is receiving $5,904 a year.

Mr. THOMAS. What is the $4 for.

Mr. SMOOT. That comes in through the maintenance charge. Miss Ryan, assistant and private secretary to Miss James, $2,464; Miss Stern, register, $2,184; the head bookkeeper, $4.500. Without any maintenance item, the head bookkeeper receives $4,500. Then there are four assistant bookkeepers at $2,304 each, and Miss McGregor, head of the office force, $2,100.

I might go on and recite further what the Government is called upon to pay for salaries in connection with this enterprise. I know that Congress never intended that such amounts should be paid when it undertook to erect these buildings to secure a place in which the employees needed by the Government might live.

Mr. WADSWORTH. Mr. President, will the Senator yield?

Mr. SMOOT. I yield.

Mr. WADSWORTH. Can the Senator tell us whether or not the dormitory buildings a little north of the Capitol are self-supporting?

Mr. SMOOT. They are not self-supporting.

Mr. McCORMICK. Mr. President, will the Senator yield for a moment?

Mr. SMOOT. Yes.

Mr. McCORMICK. That, of course, is contrary to the colored statement that has been circulated by the Housing Bureau.

Mr. SMOOT. I will say to the Senator that the Housing Bureau knows that the property referred to is not self-supporting, and we all know that it is not.

Mr. President, I say again to the Senate that we thought when the war closed the number of Government employees in the District of Columbia would be lessened, but we were mistaken. During the month preceding July 27 of this year there was an increase in the number of employees in the District of 1,119—no decrease, but an actual increase. This condition will not be changed unless Congress takes action to compel a change. I do not know whether it is worth while to go into this question further at this time, but I know that if the people of the United States understood how their money was being spent there would be a cry from one end of the country to the other that would compel Congress to act, and of which the heads of the divisions and the heads of bureaus would have to take notice.

Mr. President, so far as the conference report is concerned I am in hearty sympathy with any legislation that will tend to rectify the injustice that is being imposed upon the employees of the Government; but I think that it could be rectified, as I have said, by separating from the Government service 35,000 employees who have to be housed, the great majority of whom are complaining that their salaries are not high enough and should be increased. Let them go home and enter upon some other line of work which will accomplish more good than the work they are supposed to be doing for the Government in the District of Columbia.

Mr. SHERMAN. Mr. President, I have no excuse to make for the redundant pay roll referred to by the Senator from Utah. That, however, is not the question involved in this conference committee report. If there are more on the pay roll than the Government's needs require, the blame rests in this Chamber just as much as it does in the executive departments. I have uniformly, in the Appropriations Committee, tried to reduce these appropriations, and we have done so in some instances; but there is no general, hearty, sympathetic support for the cutting off of appropriations. The most lonesome task a man undertakes in this body is to reduce Government expenditures. It is unpopular. I do not so much blame the departmental officers. It is bad form to turn back a surplus from a fund furnished by Congress. They would lose standing in the fraternity. They would be open to have charges preferred against them. As long as congressional discretion sends to that department so many million dollars, we may expect it to be spent. Anyone is a trusting innocent that ought not to be allowed to go out without a traveling companion who thinks that a department will turn back, or has, as a rule, for 30 years ever turned back, a dollar that was furnished by a congressional appropriation whether it ought to be spent or not.

We wanted some help on the District of Columbia Committee here a month or six weeks ago, and we sent to the department whose employees are supposed to be experts on that subject, and they wanted to charge us a $10,000 bonus over and above the salaries of the persons employed, because they were short on appropriations, and they wanted to extract $10,000 from the Contingent Expense Committee of the Senate in order to piece out the appropriations. They were short, for some reason; I do not know why. They had spent all of their money, and they wanted to profiteer on the District of Columbia Committee to the extent of $10,000 for the information that they had. That is over and above the salaries of the paid employees of the Government sent to us to help in our investigation.

That is an extreme case, of course. That does not happen every day; but so long as we furnish the appropriations we may expect them to be spent. Often a healthy deficiency is brought in. The right place to begin this reform or criticism, however, is in the Appropriations Committee. We have the hatchet, and if we do not use it we ought not afterwards to be heard to complain.

Mr. JONES of Washington. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Washington?

Mr. SHERMAN. I do.

Mr. JONES of Washington. It is interesting to know whether or not the District Committee allowed this profiteering scheme to succeed.

Mr. SHERMAN. It did not. We went without the information, or got it ourselves. I think that does not usually happen, because in the case of many of the departments, when we asked for information, they gave it without a request for any bonus upon the knowledge conferred.

Mr. President, the question before this body is on the adoption of this conference report. When it comes to cutting off appropriations, there is one member of the Appropriations Committee who will go to the extreme limit. For anything that will not hamper the operations of the Government in the way of reducing appropriations there will be one vote in the committee, I am sure, and I am quite sure there will be others. The Senator from Utah [Mr. SMOOT] is very prompt to respond in matters of that kind.

The Senator from Minnesota [Mr. KELLOGG] says the war is over. I was laboring under that hallucination myself for some months, but that is a mistake. The war is not over. Two regiments have been recruited to full strength and sent to Silesia very recently to engage in Poland's struggles with Germany. The armistice of November 11, 1918, and the subsequent negotiations have not ended the war at all. Men are being recruited for the Army to send to Siberia and to northern Russia. All over the country, when we get out in the Provinces, away from the center of Government and all information on these questions, we find notices asking for recruits, either for domestic or foreign service; and at every place in the States where these recruiting stations are located men of military age go in and volunteer their services to go to Siberia or to any designated point, and they are interrogated on that question at the time of enlistment.

Mr. POINDEXTER. Mr. President——

Mr. SHERMAN. I yield to the Senator from Washington.

Mr. POINDEXTER. If the Senator will walk down Pennsylvania Avenue, he will notice near the Center Market a brown khaki tent, the quarters of a recruiting station. Right in front of it he will notice a poster stating that men are being recruited for various terms of service, and on the bottom of the poster, in large scarlet letters, is the word "Europe."

Mr. SHERMAN. Yes, sir; that is correct. From my own congressional district a lieutenant who has been home on a furlough was notified on Tuesday of this week to report to his superior officer for service in Poland. That is repeated all over the country. I have a great deal of correspondence on that subject, and I have no doubt the Military Affairs Committee has much more than I have in proportion; but the war is not over. When it will be over nobody knows. When the 104,000 Government employees will be out of the District of Columbia nobody knows. Grant that one-third of them are entirely superfluous in the service; they are not to blame. They might resign and go home. Possibly they are not worked up to the limit. Few of them are. I am quite certain that out of the 104,000 many could be dispensed with, but at present they are here. Advertisements are still seen all over the country asking persons to come to Washington to go into the Government service.

There is no cessation of that and has not been all along. The prospects of further war in Europe are increasing with every move our Government makes.

Now, with the 104,000 employees in the District of Columbia, and most of them within the limits of what we call the city of Washington, some extraordinary conditions have resulted surrounding them. The junior Senator from Utah [Mr. KING] made the inquiry upon what basis this bill rests, and I might just as well submit what I think about that now as at any time. The Senator from Nebraska [Mr. NORRIS] read from the bill itself. That, in part, explains the basis on which such legislation in the District rests, but there is a further foundation for the bill.

From time immemorial bakeries have been regulated, both in the sanitation of the bakery, in the size of the loaf, and in the conditions under which the loaf is delivered to the customer. For 300 or 350 years back these regulations are found in the legislation of the English-speaking race. The mills that reduce the edible grain to a form where it is fit for human food have been, for a like time immemorial, subject to regulation. The flour so milled goes into the loaf, and the two, both of them, are kindred subjects in the regulation.

Inns or taverns, as they were known in the early law, hotels, lodging houses, and apartments or apartment houses, of late years, fall within the same list. From a very ancient time inns or hotels have been regulated by Parliament and by the various State legislatures. That is well established. The different State authorities have litigated that fact; courts of last resort have decided it; and there is no well-considered case where the right of the State to regulate in such cases has been denied.

In addition to that, Mr. President, warehouses have been included. Before I leave inns or hotels let me say that it applies either to those that furnish lodging, to those that furnish either lodging or meals, or to those that furnish both. A hotel may be run upon various plans. An apartment house may be conducted on the plan of furnishing lodging and board, either or both, and they are in either case within the regulating provisions of the Congress or of the various State legislatures.

Warehouses have long been acknowledged to be within the regulating power of the States. To me it is a very singular thing that we can regulate the storage of a slaughtered steer in a cold-storage warehouse and that we can not regulate the lodging of a live human being. I do not think there is any respectable court in this country, State or Federal, that would not sustain the power to regulate the price charged in an apartment house or a rooming house. If we can regulate the storage of a dead animal I believe the power exists to regulate the lodging of a live human being. The police power is precisely the same.

For instance, in this District 104,000 employees of the Government are engaged in detailed Government work. Without the service of what appears to some to be the inconsequential, small employee of the Government, obtaining from $1,500 to $2,500 per annum, these departments could not operate. If the greater part of the 104,000 people in the somewhat or sometime humble employment of the Government were to leave Washington, the departmental operations could not be longer conducted. They are indispensable. Therefore, upon both grounds, whether it be upon the ground of the protection of these employees or upon the ancient common-law ground that we have the right, under the police power, to regulate lodging houses, inns, warehouses, railways, and other property impressed with a public use, the right is justified.

The bill declares in a subsequent section that property of the kind enumerated is impressed with a public interest, and that such public interest renders it subject to the police regulation of the Government. I will read from that section in a moment, as soon as I shall have found it.

Section 106 of the bill, set out on page 9, provides:

> For the purposes of this title it is declared that all (a) rental property and (b) apartments and hotels are affected with a public interest, and that all rents and charges therefor, all service in connection therewith, and all other terms and conditions of the use or occupancy thereof, shall be fair and reasonable; and any unreasonable or unfair provision of a lease or other contract for the use or occupancy of such rental property, apartment, or hotel with respect to such rents, charges, service, terms, or conditions is hereby declared to be contrary to public policy.

That is one basis upon which the bill rests. It is as wide a basis as the regulation of the charges of public warehouses or any of the other occupations of property impressed with a public interest.

Then, aside from that, is the reason referred to by the Senator from Nebraska [Mr. NORRIS], that Congress possesses the power inherently to provide that the 104,000 Government employees in the District shall be cared for, that conditions shall not prevail here that will make it impossible for the 104,000 employees to subsist, be lodged and permitted comfortably to live here while they are rendering the Government their service. When that 104,000 shall be reduced, if a third of them shall be cut off, if 35,000 of them be sent home, the commission then, finding conditions changed, can modify the provisions fixed under which property shall be rented. This continues for three years. It would cost only in the neighborhood of $150,000 for the whole three years. That is, as expenditures go now, a comparatively small sum of money for the benefit received.

There is another feature of it that to me, Mr. President, is quite a lively indication that the war is not over. That is the pressure brought upon the members not only of the conference committee from landlords, tenants, and subtenants, but the continual pressure brought upon the Committee on the District of Columbia. The complaints are multitudinous. They are made literally by the hundreds. There is a vast deal of unjust charging, the larger part of which is in the subleasing of property. I think there is more abuse in that respect than there is in overcharging by the owner of the property or his agent in making the original leases. The purposes of this bill reach every sort of evil. It all depends upon the persons who are appointed. The Senator from Nebraska is strictly accurate in that. But three good commissioners, with the help that will be given by the assessor of the District, who is thoroughly familiar with the values of real estate, will be enabled, in each individual case, to work out what is just.

The Senator from Ohio [Mr. POMERENE], the former Senator from Delaware [Mr. Saulsbury], myself, and others began this investigation more than two years ago last spring. No legislation resulted, owing to some unhappy differences that arose between the two Houses of Congress. But it is an old subject. The evil is apparent. The remedy is desired now fully as much as it was two years ago, if not more. Constant threats are made. My files are filled with letters on the subject and my offices have been filled with persons making complaints that their landlords have threatened to evict them because they took advantage of the Saulsbury Act. They assert that in the absence of the legislation provided in this bill they will not be allowed to remain in the property, even if they seek to remain on the same terms, with the same covenants in the leases, and paying the same rental. The landlords have notified them to move. I have in my possession a 30 days' notice, to take effect on the 30th day of November, to a tenant who has been occupying the property more than three years, paying the rents promptly in advance on the 1st day of each month, but who is notified now to vacate the property because the landlord wishes to rent it to somebody else. It is purely a capricious act of the landlord or it is malicious. It is one or the other. The property possibly ought to produce more rent, and if the rent commission, in its discretion, finds that there ought to be a 5 or a 10 per cent advance in the rent, they can so order. They are required by the terms of the bill, under those conditions, to give the existing tenant the priority of choice, so that he can pay the increased rent rather than be evicted. That is the practical suggestion in this bill—to preserve the rights of existing tenants, so that something like 50,000 or 60,000 people in Washington may not be set out upon the curbstone on the 1st day of November under these 30-day notices that have been served.

It is further the duty of the rent commission to defend its orders. It relieves the tenant from employing a lawyer and trying a lawsuit. If this were not done, the tenant in most instances would never try to assert his rights.

I have not the remotest doubt in my own mind about the validity of such legislation or fear that it will not be upheld by the courts. There are a few provisions in the bill, parts of sections, and possibly one provision limiting the powers of the court, that may not be sustained. Those are not essential, however, to the main merits of the bill, which would relieve this great number of tenants who are threatened with eviction. Taking it all together, there is enough to be enforced, enough that is valid, to furnish the remedy needed; enough that the courts, I think, will sustain. I think the conference report has improved the bill that came from the Committee on the District of Columbia, which attached the amendment, and on the whole the bill is a workable one.

In section 121 it is provided:

> If any clause, sentence, paragraph, or part of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

These parts that may be of some doubtful validity are of the kind that can be stricken out of the section, or the whole section

can be stricken out without impairing the remainder of the bill as an entire act capable of application by the rent commission, and the sustaining of the balance of it by a court when it may be attacked. I am satisfied that either upon the war power of Congress, or upon the general police power of Congress exerted in the District of Columbia, the proposed measure is valid legislation.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

LEAGUE OF NATIONS.

Mr. FRELINGHUYSEN. Mr. President, I ask unanimous consent to have read a memorial addressed to my colleague and myself on the subject of the league of nations. It is signed by several thousand influential people in our State. I observe that it contains the names of the chief justice of the Supreme Court of New Jersey, a majority of the members of the three larger courts—the supreme court, the circuit court, and the court of errors and appeals—and that it contains names from all sections of the State of lawyers, bankers, merchants, manufacturers, and 150 employees from one large plant. I ask that the Secretary may read the memorial.

The VICE PRESIDENT. Does the Senator desire to have the names read?

Mr. FRELINGHUYSEN. No; let it be read without the names.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

Hon. JOSEPH S. FRELINGHUYSEN and Hon. WALTER E. EDGE,
United States Senate, Washington, D. C.

GENTLEMEN: We believe that a speedy, just, and practical treaty of peace could have and that such a treaty should have been formulated at Paris without the delay which attended the consideration of the league of nations covenant.

We believe that the Paris conference days, with their stress and hurry, were not a proper time for the consideration of any world-government scheme, and this is manifested by the character of the present league of nations covenant, which provides a system of machinery but not a code of international law, leaving world questions to be decided by votes and not by principles of justice and equity.

We believe that the duties and the obligations of the United States under the league of nations covenant of the proposed treaty are so indefinite as to imperil the future peace and prosperity of our country.

We believe that no matter what anyone may tell us the treaty does or does not do, the meaning of the treaty as expressed in its language and its implications should be patent to all men.

We believe that the circumstances under which American boys can be called upon to fight in foreign quarrels should be clearly stated.

We believe that no group of political units recognizing the same sovereignty should have any greater voting strength than the United States would have.

We believe that we, as a nation, should be free to settle our own internal matters, without any question whatever of our right to do so.

We believe that the United States should be the sole judge of its right to terminate its membership in the league.

Recognizing that an early adoption of the peace treaty is most advisable, but believing that it should not be adopted as it stands, we urge upon you, our representatives from New Jersey, to give your support and votes to such reservations and amendments as will preserve to our nation the full enjoyment of its complete sovereignty in all matters affecting its peace, its prosperity, and its happiness.

Respectfully submitted.

WILLIAM SHIPPEN,
President of the First National Bank of Hoboken, N. J.
(And others).

Mr. McCUMBER. Mr. President, one of the things that is charged in the statement, or resolution, or whatever you may call it, that has just been read is in reference to the voting strength of one particular power. I do not think there is any one subject on which the public is more grossly misinformed than upon the subject of the voting power of the several nations.

It is alleged and so understood generally by the country that the council or the assembly has the power to decide disputes between nations, and that in such decisions Great Britain would control 6 votes and the United States but 1, and more prejudice has been created against the league of nations because of this mistaken idea than by any other criticism urged against that instrument.

Mr. President, these claims are without any foundation whatever, because:

First. Neither the council nor the assembly is a board of arbitration.

Second. Neither of them decides international disputes at all.

Third. The only jurisdiction which either the council or the assembly can have over a dispute between nations is the right to investigate and report what the true facts are concerning the dispute and make recommendations in regard thereto.

Fourth. As neither Canada nor any other British dominion or possession has a separate membership in the council, of course neither could have a vote in the council.

Fifth. If the investigation of the facts concerning the dispute should be transferred to the assembly, then Canada, Australia, or other British dominion would still have no vote if either the British Empire or any one of its constituent parts was a party to the dispute, inasmuch as a dispute with a part is necessarily a dispute with the whole, and a dispute with the dominant nation is necessarily a dispute with all its parts.

Sixth. If the dispute were between nations entirely outside the British Empire, and the case were referred to the assembly, then these self-governing dominions mentioned could vote, not in settlement of the dispute but only on the question of what are the true facts concerning the dispute.

Seventh. Canada, Australia, New Zealand, and South Africa are self-governing nations, governed solely by their own separate Parliaments. And on these investigations of facts and recommendations, the only questions on which the representatives of these dominions could pass, their votes would in no way be subject to the control of Great Britain.

Mr. President, as that seems to be the one important criticism urged against the league of nations, I shall ask permission on Monday morning next, after the close of morning business, to address myself to that phase of the question.

TREATY OF PEACE WITH GERMANY.

Mr. BRANDEGEE. I move that the Senate proceed in open executive session to the consideration of the treaty of peace with Germany.

The motion was agreed to; and the Senate, as in Committee of the Whole and in open executive session, resumed the consideration of the treaty of peace with Germany.

Mr. THOMAS. Mr. President, the very extensive discussions of the treaty, both in and outside of the Senate Chamber, have developed a great many imperfections in that document, some of very great importance, some sufficiently so to require most careful consideration, and some of more or less trivial nature. One criticism to be made of these discussions is that in considering these defects as much emphasis is laid upon those which are unimportant as upon those which are of grave concern. Consequently we are prone to lose the sense of proportion which should attend the discussion of any proposition, and particularly of those concerning a most important treaty.

The Senator from North Dakota [Mr. McCUMBER], now occupying the chair, has just emphasized several propositions aimed at amendments Nos. 1 and 2, which I am sure will receive that careful consideration which all of the Senator's contributions to the subject of the treaty so fully merit.

I have never been able to perceive the strength of the arguments, although very plausible, upon which these amendments rest. They assume that in the distribution of representation in the league assembly, one of the great powers is given an undue and disproportionate advantage and that the menace to the other nations, and particularly to our own, is sufficiently apparent to justify the establishment of an equilibrium through an increase of the voting power of the United States, thereby giving us equality in the assembly and making it practically impossible that any disadvantage or injury should result to us because of the provisions of the treaty in that respect.

I think, Mr. President, that it is the fact that it is only one of the great nations of the world which possesses self-governing dominions or dependencies, and therefore only one of the nations of the world against which this objection can be urged, that has made the subject so prominent in our discussions.

England is the great colonizing nation of the world. She has extended her language, her peoples, and her institutions to many portions of the globe, and by the encouragement of the principles of self-government and self-reliance she has builded up great communities, nations in themselves and exercising practically all the attributes of nations, where other governments, lacking her wisdom and her institutions, have succeeded in colonizing either not at all or in a qualified degree.

Hence, in recognizing the right of self-governing dependencies to representation in the league of nations the only communities corresponding to that designation are those which profess allegiance to the British Crown, and the only great dependency not self-governing whose contributions to the cause of the Allies in this Great War is also to be under the same dominion.

It is perfectly natural that the United States, in considering the question of representation under this treaty, should inquire carefully into, and as far as may be guard against, the possible contingency of a preponderance of power in the assembly which might in the future prove embarrassing to our people. I may add in passing that the reservation offered upon this subject by the Senator from North Dakota [Mr. McCUMBER] appears to me to anticipate every contingency that the future may have in store and make provision against it.

The proposed amendments are to articles 3 and 15 as reported by the Committee on Foreign Relations. In order to clarify such comments as I may make upon them I will read them into the RECORD. They are identical in purpose, although they differ in phraseology. I read the first amendment, which is to article 3:

Provided, That when any member of the league has or possesses self-governing dominions or colonies or parts of empire, which are also members of the league, the United States shall have votes in the assembly or council of the league numericaly equal to the aggregate vote of such member of the league and its self-governing dominions and colonies and parts of empire in the council or assembly of the league.

Mr. CURTIS. May I ask the Senator if he is reading now the amendment offered by the Senator from California [Mr. JOHNSON]?

Mr. THOMAS. Yes. They are numbered 1 and 2 in the report of the committee.

The second amendment is to article 15, which I will now read:

Whenever the case referred to the assembly involves a dispute between one member of the league and another member whose self-governing dominions or colonies or parts of empire are also represented in the assembly, neither the disputant members nor any of their said dominions, colonies, or parts of empire shall have a vote upon any phase of the question.

These amendments, as was asserted by the Senator from California [Mr. JOHNSON] in the last speech that he made in the Chamber, are not designed to disfranchise any self-governing colony or dependency. On the contrary, they are intended to duplicate the votes which are given to them by the treaty in the assembly in the one instance and in the other to exclude them from participation in any dispute which concerns the empire itself.

My first comment upon the proposed amendments is that they do not accomplish the purpose which the author of them must have had in view. Let us assume, by way of illustration, that some proposition of importance should come before the assembly for consideration and, of course, that these amendments had been finally incorporated into the treaty.

I think it may be said with perfect safety that in such event, and practically in all events, the 6 votes of the United States would be cast en masse. It is barely possible there might be some differences of opinion among the members, but inasmuch as they constitute collectively the representation of the United States, he would be a courageous individual to dissent from the prevailing opinion, the governing vote, and array himself against his fellows.

On the other hand, the six delegates representing the British Empire and its dependencies are each appointed to represent the specific country whose credentials he holds. The delegate from Canada, for example, is primarily a delegate from that Dominion. The delegate from New Zealand is primarily the representative of that nationality, which is self-governing and therefore a member of the league of nations as a distinct political entity. The occasions when the 6 votes representing those dependencies of Great Britain would be cast en masse would, in my judgment, be comparatively few, because were the fact otherwise it would be necessary to presuppose an identity of interests which will seldom occur.

The domestic affairs of Canada are far more nearly identical with those of the United States than with those of Great Britain, and those of Australia and New Zealand are still more divergent. I can not speak with so much confidence regarding the conditions in South Africa, and I can conceive how India as a dependency might be more or less subject to the dominating influence of Great Britain and act in harmony with the delegate representing the British Empire. If, therefore, it be the purpose of these amendments to equalize voting power, they do not do it. They give to the United States a preponderance so distinct and so striking that inevitably the other great powers would, upon the adoption of these amendments, very naturally and very properly insist upon being given similar representation in the assembly; and I have no doubt that the smaller powers, actuated by the same impulse of political self-interest, would also feel entitled to demand an increase of representation. We would, therefore, have a measure not particularly protecting the United States but one begetting imitation clear down the line.

Let us suppose again, Mr. President, that a case under article 15, which amendment No. 2 is intended to reach, should arise—that is, a dispute referred to the assembly for consideration, between Great Britain and France or between Great Britain and Italy or any other country—this amendment, if crystallized into the treaty, will disfranchise, in that instance, the six votes representing Great Britain and her dependencies, but it will not disfranchise the six votes to be given to the United States; and in such a dispute the United States would have such a preponderant power and influence as might decide the question. Whether it decides it wrongly or rightly is another proposition. What I am emphasizing is that the purpose sought to be subserved by this amendment is not accomplished, and that it merely transfers to the Government of the United States, as against Great Britain and other countries, that identical preponderance which is the subject of complaint and which it is desired to remove. So this remedy, instead of curing the alleged disease, will only serve to aggravate it, and aggravate it so extensively as to require either the recasting of the plan of representation or in the collapse of the entire scheme of the league.

I think, Mr. President, that I do not transgress the proprieties when I say—and my conclusion, of course, is based upon the public utterances of the distinguished gentleman—that it is not the purpose of the Senator from California [Mr. JOHNSON] to vote for the league, whatever the fate of his amendments. His objection to it is fundamental. Of course, I realize that he desires, with the remainder of us, to secure such amendments as he deems essential to the perfection of the scheme, but which will not prohibit his rejecting the treaty after the amendments shall have been made a part of it.

I desire in this connection, not as a part of the argument, but as a subject of historical interest, to remind the Senate of the fact that the representation given to her self-governing colonies was not moved by Great Britain. She was extremely reluctant to recognize the right, much less to grant it. She finally agreed because of the firm insistence of her dependencies, every one of which had contributed in men and material to the waging of the war; every one of which had lent its powerful aid to the suppression of Germany; every one of which, except India, had gone through the formality of a declaration of war; every one of which had earned its right to representation as an independent government, through its unsparing and continued sacrifice of blood and treasure in the common cause. The demand appealed to other members of the congress at Versailles, so that England finally withdrew her opposition, recognized the right of the colonies to representation, and consented to their inclusion as units of the congress.

Mr. President, I think the institutions of the United States so harmonize with those of Canada, of Australia, and of New Zealand that in all probability we and they will be found more frequently acting together than in opposition in the deliberations of the assembly to be created under the league. The principal difference between a Canadian and an American lies in the fact that the one pays tribute to the British Crown, while the other does not. The laws and institutions of Canada, Australia, and New Zealand, like our own, were borrowed from the mother country, transplanted to foreign soil, nurtured and protected by the citizenship of the Anglo-Saxon, and have borne the same rich harvest of freedom and prosperity.

The Australian and the Canadian soldier frequently declined "over there" to pay his tribute of salute to the British officer, but never to the American. The comradeship upon the field and in the camp was far more close and cordial between those troops and ours than between them and those of the British Government. That is no reflection upon the British soldiery; it merely indicates an unconscious reaction of mind to mind, of temperament to temperament, that common view of the world and of its institutions, that recognition of the common destiny of these people with our own, and that mutuality of purpose which springs from common laws and a common origin.

Mr. President, this view is emphasized by the recent utterance of a former premier of Australia, the Hon. Crawford Vaughan, who a few days ago, in referring to this subject in a public address, said:

The self-governing dominions are in some respects closer to America in understanding than are the British Isles. We owe more to the land of Washington than we can ever repay. We are faced with the same problems of development that America has successfully solved. The destiny of Australia and New Zealand in the Pacific are wrapped up with the destiny of the United States in that greatest of world oceans. Canada and the United States have dwelt in concord, side by side, for more than a century. For these reasons any closer coordination between America and the dominions would find the most cordial support in the dominions. The unity of the English-speaking peoples is, indeed, regarded by the citizens of the outlying parts of the British Commonwealth as vital to the peace of the world.

I have no doubt that Mr. Vaughan reflects the opinion of the everyday man in Australia, in Canada, in New Zealand, and possibly elsewhere. This is but one of many evidences which might be offered in support of the proposition for which I am contending. I therefore predict that if the league of nations shall become an established fact, its progress will be punctuated more frequently by cooperation between the United States, Canad, and Australia than by opposition between these great English-speaking countries.

Mr. CURTIS. Mr. President, would it disturb the Senator if I should ask him a question?

Mr. THOMAS. No, sir.

Mr. CURTIS. There are two questions involved in this amendment which have been giving me considerable trouble. The first one, I think, the Senator is covering now in reference to controversies with the colonies of Great Britain; but if the United States should become involved in a controversy with either of the colonies or dependencies and the matter were submitted to the council, Great Britain having a vote and we having none, it being necessary that there should be a unanimous vote, would not that give Great Britain the advantage?

Mr. THOMAS. Yes, Mr. President, I think it would; but that contingency is covered by the McCumber reservation, for which I shall vote.

Mr. CURTIS. I was going to ask the Senator if he was going to support a reservation which would cover that.

Mr. THOMAS. Yes; before I finish I shall try to discuss that reservation. Possibly it might be amplified a little, but it does meet a real contingency which the amendments, in my judgment, do not.

Mr. CURTIS. May I ask the Senator another question?

Mr. THOMAS. Certainly.

Mr. CURTIS. Suppose, for instance, that there should arise a dispute—and we all hope there will be no disputes between ourselves and our allies—between Great Britain and the United States, and Great Britain, believing the council to be friendly to the United States, should, upon motion, take the dispute to the assembly. In the assembly there must not only be a unanimous vote of the council, but there must be a majority vote of the assembly. Now, if the colonies with five votes should happen to be friendly to Great Britain, as it is reasonable to suppose they will be, would not that give Great Britain a decided advantage over the United States in the controversy?

Mr. THOMAS. Yes; in the assembly; but that also is covered by the McCumber reservation. Even there, however, Mr. President——

Mr. LENROOT. Mr. President, will the Senator yield that I may suggest a somewhat different case?

Mr. THOMAS. Yes.

Mr. LENROOT. Suppose the dispute was between the United States and some other member of the league——

Mr. THOMAS. I understood that to be the case put by the Senator from Kansas.

Mr. LENROOT. No; in the case put by him Great Britain was mentioned.

Mr. THOMAS. His first question was with reference to some other member of the league.

Mr. LENROOT. Suppose a dispute should arise between the United States and some other member of the league, and that Great Britain sympathized with the other member, and, fearing the council would be unanimously against us, we would take it to the assembly, where a majority can make the decision binding, the six votes of Great Britain would help constitute the majority making the decision, would they not?

Mr. THOMAS. It would constitute a part of the majority; but that also, if I properly comprehend the reservations which I have referred to, is amply provided for.

I was about to say, Mr. President, that even were the treaty to be ratified by the Senate in its present form and without reservations—of which, I take it, there is no probability—I am satisfied that the United States could depend quite as confidently upon the votes of Cuba, Haiti, Nicaragua, and Panama, and possibly of Brazil and Liberia, as the Senator from Ohio [Mr. POMERENE] suggests, as could Great Britain upon her five dependencies. Panama is a child of the United States. It never has been a legitimate child, in my estimation, but a child nevertheless. It is "an ill-favored thing, but our own." Cuba is our ward. But for the United States, there would be no independent Cuba. The Governments of Haiti and Nicaragua are sustained by the continued physical presence of United States marines. I do not mean to say that the United States Government would exercise any compelling force upon the representatives of these Governments; I should hope not; but there is unquestionably to-day greater dependency of these four Governments upon the United States than there is of New Zealand, Australia, Canada, and South Africa upon Great Britain. Therefore, so far as these amendments go, I can perceive how potently they could be utilized by some of the other great powers not blessed with such influence among the smaller nations for added representation in the assembly for their protection against us as well as against Great Britain; and we must always remember, Mr. President, that as we are keen to look after our interests here in the Senate in considering this treaty, so also are the other nations, each of which, in the discharge of its functions, will make the national interest their principal viewpoint, and consider with infinite care every condition and covenant of the treaty that is at all ambiguous before finally accepting it.

If I were disposed to criticize a formidable defect in the structure of the governmental body of the league, I would assail the principle of unanimity. My own view is that inasmuch as unanimity is required in the action of the council, the league will prove practically innocuous as to any matter of importance upon which the nations may differ; and it is very difficult to conceive of any interest liable to come before the council for determination about which the various nations represented in the council will be in harmony. We are abandoning, in this treaty, the old democratic doctrine of rule by majority. The Senator from Oklahoma [Mr. OWEN] a few days ago criticized the proposed constitutional amendment offered by the Senator from Connecticut [Mr. BRANDEGEE] because of its requirement, first, of a two-thirds to the proposal and afterwards of a three-fourths vote to the adoption of any amendment, and served warning upon the Senate that the Constitution, to be democratic, must be so changed that the vote of a majority would suffice to amend it. He spoke for the majority; yet the Senator swallows without blinking the principle of unanimity in the congress of nations. Every Senator within the sound of my voice is familiar with Polish history, and knows that the old Polish Nation collapsed because the Polish Diet could do nothing except it acted as a unit. Unanimity was impossible. The nation finally became like an engine on a dead center and drifted helplessly and hopelessly into collapse and ruin. But we have it here, and I think it is a complete protection as to all possible contingencies that may present themselves under the league, under which it can do little or nothing. I do not and can not approve of the insertion of that principle of action in a body that it is proposed shall hereafter influence, if indeed it does not dominate, the destinies of the world, but I offer no objection to it upon that score.

But, Mr. President, let me for a few moments concede the need for these amendments. Let me assume that they are absolutely essential to the improvement of this treaty and to the protection of American interests. I should like to ask the Committee on Foreign Relations why, then, they were limited to part 1? Why were they not made to comprehend the entire scheme of the league of nations, a part of which is numbered 13, where there is no requirement of unanimity where procedure by two-thirds and in one instance by two-thirds of 50 per cent of the membership being all that is necessary for action?

Mr. WATSON. Mr. President, will the Senator yield?

Mr. THOMAS. Yes.

Mr. WATSON. I have not in my hand a copy of the so-called McCumber reservation, but my recollection of that reservation is that it applies only to a controversy in which Great Britain or any of her colonies shall have a dispute with the United States, and does not apply where there are disputes between the United States and other countries. Am I right in that?

Mr. THOMAS. It applies to any dispute between Great Britain and another country, or any dispute between any of these colonies and another country. It covers both contingencies.

Mr. WATSON. Suppose we were to have a dispute, for instance, with Chile, as an illustration. We can not vote in the council; Chile is not represented in the council; but Great Britain could vote in the council. Suppose, then, that we give the notice required and appeal to the assembly. Now, Great Britain and her five colonies could all vote in the assembly, could they not?

Mr. THOMAS. Yes.

Mr. WATSON. And we could not vote at all?

Mr. THOMAS. No.

Mr WATSON. Therefore, the McCumber reservation does not affect that situation, does it?

Mr. THOMAS. Perhaps not; but I think we would be as amply protected by our own dependencies to begin with, and I am quite as willing, so far as that phase of the question is concerned, to place my dependence upon them. It might not make a complete protection. I believe it would.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. THOMAS. I yield.

Mr. LENROOT. In a case such as the Senator from Indiana speaks of, where we have a dispute that we take to the assembly, our only reason for taking it to the assembly would be the fear that the council would come to a unanimous decision against us, I take it, and we would take it to the assembly in the hope that a majority of the assembly would decline to follow the findings of the council. In that case, would not the 5 votes of the colonies of Great Britain, sustaining the British Empire, represented on the council, prevent us from securing a majority against the decision of the council?

Mr. THOMAS. It might. Of course, that is entirely possible, although here again are the votes of Panama and the

others; but suppose that the controversy, instead of being between the United States and Chile, should be between France and Chile, how would these amendments then operate? We would have 6 votes, and would cast them as a unit, in all probability, because they collectively represent the United States. Great Britain has 6 votes, and may or may not cast them collectively in such a dispute. I can conceive such a condition quite as easily as the one suggested by my friend, the Senator from Wisconsin, where there is a possibility of danger, just as in the other there may be, and probably is, a greater possibility of danger; but I do not think the amendments, if they were enacted, as I have tried to explain, would meet the thought in the mind of their framer. They will fall short of it.

Mr. POMERENE. Mr. President, if I may make a suggestion——

Mr. THOMAS. I yield.

Mr. POMERENE. The Senator has just taken up the hypothetical case of a controversy between France and Chile. If the council were unanimously against France, and if a majority of the assembly, plus the council acting with the assembly, were against France, I suspect that in the judgment of the average man he would come to the conclusion that France was probably wrong. It seems to me that those who are taking the extreme position want to avoid not only any but every possibility of a decision against the United States, whether we are right or wrong.

Mr. THOMAS. Mr. President, I have no doubt that the party fearing the action of the council, and having reason to apprehend an adverse decision, would be the party to appeal to the assembly. Generally speaking, I think it is fair to assume that the ultimate action of either will be in accordance with the facts; but we can not be certain of it, because even eminent bodies like those are, after all, human and subject to the same infirmities and the same influences which govern some of us in a more humble sphere of life.

But let me come, Mr. President, to a consideration of the method of voting, and the possible consequences of its exercise as provided in certain articles of part 13, about which not only are these amendments silent, but concerning which not a single amendment or reservation was offered for the consideration of the Senate by the Committee on Foreign Relations. I do not assert that the voting power of Great Britain will be exercised collusively or improperly; far from it. I am merely assuming it as the proponents of these amendments assume it in supposititious controverties arising under the covenants of part 1.

I said the other day, and I have had no reason to change my mind, that of the two parts constituting the league of nations, part 13 is the more important. Let me refer by way of digression, lest I overlook it, to the commission of inquiry provided for in article 412 and following, which is to pass upon and decide complaints against member nations. It is to be composed of three members, but there is nothing in the phraseology of the articles which requires unanimity of action by that commission. The United States may be cited by a delegate to the conference to appear at Geneva and there answer his complaint that it has failed to effectively carry out some of the covenants recommended by the general conference and adopted by the United States. A commission of inquiry is impaneled, as the articles require, and as I construe it the vote of any two of the three is decisive. The principle of unanimity is not required at all, and I think it is an evidence of the superior wisdom of the committee which framed part 13. It seemed to act upon the practical view of things and to realize the impossibility of doing anything or getting anywhere through required unanimity of action. Hence the principle was rejected.

Now, I will take up two or three of the articles of part 13, with a view of demonstrating, if I can, how much more essential this amendment is to that part of the treaty than to the one at which it is aimed, if it be essential at all. Let me call attention first to article 389, on page 491, of the document. That article begins on page 490 and is devoted to the structure of the general conference, which is the legislative body of part 13 of the league. That is to be composed of four representatives of each of the members, of whom two shall be the Government delegates and the two others shall be delegates representing, respectively, the employers and the workpeople of each of the members.

That is to say, each Government has two, the workers have one, and the employers one. These are official delegates. But when we turn to the last sentence of the article we discover that the credentials of delegates and their advisers shall be subject to scrutiny by the conference, "which may, by two-thirds of the votes cast by the delegates present, refuse to admit any delegate or adviser whom it deems not to have been nominated in accordance with this article."

That reminds me of the good old days of Democratic conventions in Denver, where the committee on credentials generally dictated the complexion and policy of the convention.

The President of the United States may send to us four names, nominees of the Government as delegates to the general conference at Geneva. The Senate confirms the nominations, and their commissions are issued. They go to Geneva and present those commissions, when some question concerning the character, conduct, religion, previous record, or other supposed disqualification is raised and the credentials go to the general body of the conference. If two-thirds shall sustain the objection, out goes the delegate or the adviser, or both, although the great seal of the United States is affixed to his credentials. The same may be true of the delegates of other countries—Great Britain, Japan, Italy, or France. The article gives to the conference a qualified veto upon the selection of its delegates, and that veto becomes effective whenever it is sustained by a vote of two-thirds of its membership.

Upon the basis of the present organization, which consists of 27 members, the total of delegates to the general conference will be 108, two-thirds of which, if my calculation is correct, are 72. The total of the delegates of Great Britain, her colonies and dependencies, is 24, or exactly one-third of the two-thirds, and if for any reason the delegates from Great Britain and her colonies are dissatisfied with a delegate from the United States, or the entire delegation, the influence which they can exercise through the control of one-third of the number required upon a vote to disqualify becomes at once apparent. That, however, seems to be satisfactory to the committee, at least, because, as I have stated and reiterate, no amendment or reservation of any kind, nature, or description has been reported here aimed at any provision of part 13.

Let me pass to article 393, which is devoted to the governing body and which is part of the permanent international labor organization. That consists of 24 members. On page 493 will be found the method of their selection. Twelve shall represent the Government, six selected by the delegates to the conference representing employers, six by the delegates to the conference representing the workers. Of the 12 persons representing the Government 8 shall be nominated by the members which are of chief industrial importance and 4 by the members selected for the purpose by Government delegates. This body also operates under the two-thirds rule. The total number of delegates to that body are 24. The total number of Government delegates are 12.

Of the eight which are to represent the nations of chief industrial importance we may assume that the principal allied and associated powers will constitute five. Some of the others may or may not be self-governing dependencies of Great Britain. I think one or two of them could put in very strong claims for consideration as being of chief industrial importance. Belgium probably would have a delegate, one of the eight, under this arrangement, and it is possible that through the control of her delegation, including those from the colonies, to the general conference Great Britain might easily influence the selection of the remaining four and of some of the delegates representing labor and some representing employers, and by that means obtain control of this governing body, two-thirds of which are invested officially with all the powers possessed by the whole.

I am not contending, Mr. President, that this will be done—by no means. I am merely calling attention to possible contingencies, in order to emphasize the fact that they are more easily accomplished under that part of the treaty which is governed by a two-thirds majority in all things than under that part which requires unanimity in one body, when acting separately or when its powers are shared by the assembly.

Let me turn now to article 402, on page 497. It will be recalled, Mr. President, that the agenda or program to be considered by the general conference is fixed in advance by the governing body, and the subjects constituting that agenda are those only which can be considered and disposed of at the next conference. The article reads, in part:

> Items to which such objection has been made—

That is, for the consideration of any item—

> shall not, however, be excluded from the agenda, if at the conference a majority of two-thirds of the votes cast by the delegates present is in favor of considering them.
>
> If the conference decides (otherwise than under the preceding paragraph) by two-thirds of the votes cast by the delegates present that any subject shall be considered by the conference, that subject shall be included in the agenda for the following meeting.

That is to say, notwithstanding the action of the governing body fixing the agenda, notwithstanding its determination

might be based upon the conviction that an excluded subject was beyond the jurisdiction of the general conference, two-thirds of that conference may, nevertheless, vote in favor of including it in the next agenda, and it ipso facto becomes a part of the succeeding program.

Let me again say that the British delegation is not likely to so conduct itself. But we are dealing, because we must, with possibilities, finding justification under the powers granted by the covenant and, having established them, inquire what rule of consistency vindicates amendments to part 1 to cure defects and dangers far more evident under the articles of part 1 to which the amendments do not even remotely relate.

I have already called attention to the constitution of the conference, and the same criticisms apply here as well. Great Britain enters it, together with her colonies, with 24 members, or exactly one-third of the required two-thirds, as against 4 members representing the Government of the United States. Does anyone believe for a moment that a great body like a general world conference of labor will content itself at all times with the consideration merely of those things mapped out by its governing body? Would any conference representing any body of men be so restricted? The subject under consideration might concern the United States vitally, yet, notwithstanding its protest, Great Britain, with 24 votes as against its 4, might if so inclined be sufficiently strong to dictate the result, and by the sheer force of preponderant power inject a world question into the next agenda, fraught with the gravest and most far-reaching consequences to our domestic affairs.

Mr. KING. Will the Senator yield?

Mr. THOMAS. Certainly.

Mr. KING. Apropos of what the Senator is just stating, although it is perhaps not quite relevant or pertinent, the newspapers reported a few days ago that one of the prominent labor leaders of Great Britain stated that when the league of nations was in operation and part 13 of the treaty went into effect the negro question, which was agitating the American people considrably, would be settled, and that if the people of the South did not accord to the negroes the same rights that were accorded to white laborers, pay them the same wages, and accord them social equality, the matter would be taken up by this labor organization, and the rights of the colored laborers would be enforced through forbidding the shipment of cotton from the United States, and by the calling of strikes and the prevention of ships leaving the ports of our country. This, he said, as the newspaper reported it, would be one of the consequences of the organization that is provided for in part 13. Does the Senator think that the article contains such sinister potentialities as that?

Mr. THOMAS. Mr. President, I would be unwilling that the extreme assertions of some irresponsible fanatic or enthusiast should be made the basis of a conjecture as to what may or may not be implied under the provisions of article 13. I may say, however, that my view of the negro situation comes closer home; that unless we quit butchering one class of our people to make a hoodlum's holiday, unless we guarantee to every man the equal protection of the laws, we shall aggravate a serious condition, one which may find an attempted solution through other than agencies of an international character. Two Mexicans were lynched the other day in my State, the excuse being that the governor had paroled a convicted criminal some time before who happened to be of that nationality.

The difficulty with the exercise of such lawlessness lies in the impossibility of restraining it. It began as a punishment for a nameless crime. Since then it has been frequently applied, regardless of the nature of the crime, whenever the accused happened to have a black skin. I trust, Mr. President, that the American people are becoming more and more impressed with a realizing sense of the great truth that the Government can not afford to deny its laws and protection to the meanest citizen if it would preserve them for its highest representatives.

Let me proceed, however, with the discussion. Section 403, on page 499, relates to conference procedure. Its concluding clause is that—

> Except as otherwise expressly provided in this part of the present treaty, all matters shall be decided by a simple majority of the votes cast by the delegates present.

There is your majority vote.

> The voting is void unless the total number of votes cast is equal to half the number of the delegates attending the conference.

Fifty per cent of 108 is 54. Under this provision Great Britain and her colonies may control an actual and potential representation of 24, or 44⅔ per cent of the half. This, too, seems to have escaped attention, our difficulties and our problems being wholly confined to a consideration of the political as opposed to the economic side of the proposed league.

Article 412 deals with the commission of inquiry which is to try complaints which may be made by any member or by any delegate to the general conference against a member. One of the delegates from Hejaz—I believe Hejaz has been very frequently used here for illustration—can complain that our Government is not properly enforcing or regarding some of the covenants of the conference which it has adopted, and forthwith Uncle Sam is haled into court, must submit his cause to the determination of a commission of inquiry consisting of three, any two of whom may decide the controversy, and also provide what measures of economic character shall be taken to enforce the decree. This is subject only to an appeal to an international court not yet created, whose judgment shall be final.

The commission is selected by the secretary general of the league from a sort of panel. I read article 412:

> The commission of inquiry shall be constituted in accordance with the following provisions:
>
> Each of the members agrees to nominate, within six months of the date on which the present treaty comes into force, three persons of industrial experience, of whom one shall be a representative of employers, one a representative of workers, and one a person of independent standing, who shall together form a panel from which the members of the court of inquiry shall be drawn.
>
> The qualifications of the persons so nominated shall be subject to scrutiny by the governing body, which may, by two-thirds of the votes cast by the representatives present, refuse to accept the nomination of any person whose qualifications do not, in its opinion, comply with the requirements of the present article.

Here, again, Mr. President, there is reserved to the governing body what may be called a challenge for cause to the panel from which the tribunal is to be selected to try these complaints against member nations. Here, again, the members of the panel bear commissions from all the Governments, from the United States by nomination and confirmation; here, again, is a committee on credentials with power to determine whether the persons composing the panel are fit or otherwise, whether their qualifications do or do not, "in their opinion"—not in fact, but in their opinion—comply with the requirements of the present article.

The total of that panel, if my figures are correct, would be 81, two-thirds of which are 54, of which Great Britain and her colonies supply 18, or a percentage of 33⅓. Here, again, the dominance of the arrangement, if it is a bad one, is dangerously great, provided there be unity of action among them. This, in my humble judgment, is one of the most far-reaching and extremely important of all the articles in the treaty, because it involves the trial of a sovereign power haled to Geneva, possibly, by an irresponsible member, or indeed by a single individual, then and there to show cause why the judgment of the court should not be pronounced against it.

Can it be possible that an objection to this preponderance, in a body consisting in part of members of a council which must act as a unit, is dangerous to America while it goes unchallenged when the check is only a two-thirds vote? Can it be possible that we perceive visions of national injury to us through the determination of disputes betwen nations, yet can see none in disputes in which a judgment economic in character, but a judgment nevertheless, may be enforced through the collective power of the boycott and the strike—for I feel very sure that whatever adverse decree may be pronounced by one of these commissions against any nation will have behind it and for its enforcement the collective power of international organization, which, in my judgment, is but another name for the collective power of international socialism?

This, however, seems to be unimportant, and all emphasis is laid upon the subject of representation in another part of the treaty, which, together with this part, collectively constitutes a proposed league of nations. It can not be that the Committee on Foreign Relations, composed of eminent Senators on both sides of the Chamber, some of them having long experience in foreign affairs, all of them supposedly familiar with the terms and conditions of the treaty, could have overlooked these contingencies when they framed and reported these amendments. It would be a reflection upon their intelligence and their industry to so suppose.

I leave it to the Senate and to the country whether the conditions to which I have called attention do not furnish the strongest of all reasons that can be urged here against the matter of representation if it be as faulty as Senators contend; for we must not lose sight of the fact that the league of nations, as provided for in this treaty, creates five different bodies, two of them, the council and the assembly, having jurisdiction over all matters of general national concern; three of them, the governing body, the conference, and the commission of inquiry, having

exclusive jurisdiction of what may be termed economic class questions or conditions, the representatives of a huge section of humanity, given separate and distinct consideration from the rest of mankind, exempt from the necessity of unanimous action, clothed with power to pass upon the credentials of their members, and having behind them the collective force of class organization.

Mr. WATSON. Mr. President——

The PRESIDING OFFICER (Mr. GRONNA in the chair). Does the Senator from Colorado yield to the Senator from Indiana?

Mr. THOMAS. Certainly.

Mr. WATSON. I agree entirely with the Senator in his description of the sinister character of this provision, and I am wondering whether or not he proposes to offer any reservation to that particular provision.

Mr. THOMAS. As before stated, I am not so impressed with the necessity for amendments or reservations relating to these possibilities of danger as I am with the fact that here much more than in part 1 is where the evil lies, if it is an evil. I may say, however, that I have been trying to frame some reservations to part 13. It is rather a difficult thing to do. I hope to be able to submit something, however imperfect, to the consideration of the Senate very soon.

Mr. MOSES. Mr. President——

Mr. THOMAS. I yield to the Senator from New Hampshire.

Mr. MOSES. I think, in justice to the Committee on Foreign Relations, I should inform the Senator from Colorado that this is a subject which was not omitted from the discussions of the committee.

Mr. THOMAS. I am very sure of that.

Mr. MOSES. If the Senator is at all familiar with conditions as they existed upon the two sides of the table in the committee room, he can well understand the difficulties which confronted the committee in reaching an agreement. I will say further that it was well understood in the committee room, certainly on one side of the table, that one member of the committee who had given notice of intention to offer in the committee amendments covering this part of the treaty——

Mr. THOMAS. The Senator from New Mexico [Mr. FALL].

Mr. MOSES. Later withdrew that notice and took no action in the committee room, but reserved the full right to offer his amendments and reservations on that subject upon the floor, and, as we understood, with every intention of so doing.

Mr. THOMAS. Mr. President, the Senator from New Hampshire has anticipated the current of my thought. I was just about to except the Senator from New Mexico [Mr. FALL] from my comment. He did introduce such a resolution before the committee, and who there withdrew it, for what reason I know not, and who is the only man that I can now recall, except myself, who has discussed on the floor the provisions of part 13.

Mr. MOSES. Mr. President——

Mr. THOMAS. I yield to the Senator from New Hampshire.

Mr. MOSES. Mr. President, the latter statement is entirely true; and I congratulate the Senator from Colorado upon his courage in having taken up this subject which so many men seem to try to avoid; but I can assure him that the Senator from New Mexico was by no means alone in the committee room in the opinions which he there expressed.

Mr. THOMAS. Well, Mr. President, that is gratifying. At the same time it increases my wonderment that some reference was not made in the committee's report to the serious features of part 13. There seems to be but one explanation of the circumstance.

I do not want to do injustice to anybody. The Senator from California [Mr. JOHNSON] is to-day touring the country with the most gratifying success, if the Associated Press dispatches can be believed—and I have no doubt that they are reliable—enthralling multitudes by the earnestness of his argument and the eloquence of his tongue. His discourses seem to be very largely pivoted upon these two amendments. So far as I am able to ascertain he has said not one word about the character of representation and voting power in part 13. There he might find his strongest argument, yet he avoids it altogether. I reflect upon nobody, yet I can not avoid the suspicion that these amendments are in the main political; that they were largely designed to capture the Irish vote without imperiling the labor vote.

They seem to me, Mr. President—I will not say insincere—but so incomplete and so strangely one-sided in their method of presentation, so tender of the vital clauses of part 13, and so completely in harmony with the demands of an active, organized antileague propaganda, as to make any other conclusion most uncertain.

My friends upon the other side are not alone in their appreciation of this influence. Yesterday morning the Washington Post published a telegram giving an account of the proceedings of the Democratic convention of New Jersey, which, among other things, adopted a resolution "declaring that the league of nations covenant should not be approved without giving recognition to the Irish republic." That sounds like the Swede who said he was "again the war unless it make Sven a colonel." This convention, whose leaders I have no doubt are familiar with the provisions of the treaty, makes no mention of part 13, but is unwilling to accept part 1 except upon the condition mentioned in the resolution. That it was adopted for the purpose of placating the vote of Irish-American citizens in New Jersey no one can doubt. To what a lofty plane is the treaty lifted when it enters a party convention.

I wish this treaty could be considered by everybody, inside and outside of the Senate Chamber, upon its merits and without regard to the future of political parties. I love the Democratic Party; I have been a humble member of it since my majority; I have fought many of its battles and it has honored me far beyond my deserts; but in a matter of this importance, presenting problems not only of a national but of an international character, affecting American institutions and American destiny, fraught with possible benefits and equally possible evils which we can not wholly conjecture, I am obliged to follow the dictates of my own judgment and my own conscience, regardless of consequences to myself, to the Democratic or any other political organization.

Mr. JONES of Washington obtained the floor.

Mr. WATSON. Will the Senator from Washington yield to me?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Indiana?

Mr. JONES of Washington. I yield.

Mr. WATSON. Under an agreement with the Senator from Nebraska [Mr. HITCHCOCK], I move that when the Senate adjourns to-day it adjourn to meet on Monday next at 12 o'clock.

The motion was agreed to.

Mr. KING. Mr. President, will the Senator from Washington yield to me for just a few words?

Mr. JONES of Washington. I yield to the Senator from Utah.

Mr. KING. Mr. President, the Senator from Colorado has just concluded a very important and illuminating address upon part 13 of the peace treaty. While he was discussing the matter I interrupted him for the purpose of propounding a question and directing his attention to a statement reported to have been made by one of the labor leaders of Great Britain. I fear that I was unfortunate in not making myself understood by the Senator; indeed, as I interpreted his reply, it indicated that my suggestion and question were not apprehended. I did not intend to convey the idea that our colored citizens should be discriminated against or denied economic and industrial equality. Indeed, I believe that all citizens, regardless of race or previous condition, should enjoy the full rights guaranteed by the laws and Constitution of our land. I deplore as much as does the Senator the manifestations of race prejudice in our country. The negroes are American citizens and they are entitled to the rights, privileges, and immunities of citizenship. The misdeeds of a few among them do not call for the condemnation of the race. There are millions of negroes who are law-abiding and by their lives and conduct reflect credit upon their race and contribute in many ways to the building up of the communities within which they reside. Unprovoked attacks unfortunately have been made by white people upon members of the colored race, and in many instances negroes have been wantonly and brutally murdered. Those who believe in law and order sincerely regret the recent tragic occurrence in the city of Omaha. A mob of white people in a cowardly and brutal way not only killed a colored man but made an equally brutal and cowardly attack upon the honored mayor of that city. It is to be hoped that the civil authorities of Nebraska will vigorously prosecute those who committed these offenses and bring them speedily to trial and punishment.

The point, however, which I attempted to direct the attention of the Senator from Colorado to did not relate to the civil and political, or indeed the industrial or economic, rights of the colored population of our country. I had in mind, when I propounded the question, the statement attributed to the British labor leader, that when the peace treaty was signed and part 13 thereof, which relates to the organization of labor, went into operation, the organizations created or provided for under this part of the treaty would have such power and authority as to require and enforce equality among the races living in the United States, and determine the wages which should be paid not only the white people but the colored part of our population, and that if the international organizations were not satisfied with the treatment accorded to the negroes or the wages paid to them they would prohibit the exportation from

the United States of cotton and other products, and to accomplish that end would prohibit vessels from carrying any such articles. As I understood the position of this representative of labor, it was that the treaty created a powerful international organization which would fix and regulate the hours of work in all countries who were members of the league, and would also regulate the wages to be paid, adopt steps to prevent unemployment, establish provisions that would provide, according to their views, an adequate living wage; direct the industries in the various States; establish provisions for insurance and old-age pensions; and that such organizations would have full authority to provide punishment for those States and nations who failed to respond to the orders and decisions of such international organizations. I inquired of the Senator from Colorado whether in his view the provisions of part 13 of the treaty were susceptible of the interpretation given to them in the reported statement of this labor leader. I inquired of the Senator whether in his view this provision of the treaty possessed "such sinister potentialities."

Mr. POMERENE. Mr. President——

Mr. KING. I yield.

Mr. POMERENE. The Senator from Utah does not mean to have it inferred that he indorses the views of that labor leader in his construction of part 13?

Mr. KING. I will frankly say that I am not absolutely certain as to the power conferred upon the tribunals and organizations provided for in part 13 of the treaty. I regard it as one of the most, if not the most, important part of the treaty. I have been able to reconcile myself to other provisions of the treaty, many of which I do not like and many of which I think are very objectionable, and shall vote for those provisions; but part 13 of the treaty has been the subject of considerable concern to me. If it is to be interpreted, or can reasonably be interpreted, in the manner indicated by the labor leader to whom I have referred, I should regard it as a very serious menace to the liberties of the American people. I have given considerable attention to the treaty, but have not perhaps with sufficient care analyzed all of the provisions of part 13. While I am not satisfied with many of the provisions of the treaty, and while I regard some provisions as very objectionable, I have been able to reach the conclusion that under all the circumstances it would be best for our country and for the world for our Nation to approve it. However, if part 13 of the treaty does create an imperium in imperio and an international organization that may superimpose its will upon all nations within the league with respect to the questions of labor and all cognate matters, then I should not feel like voting for its ratification. I would not support a treaty that created a supergovernment, either of a political or of an industrial and economic character. If an international government were created possessing political powers which were destructive of the rights and sovereignties of this Republic. I would not support the proposition; and if an economic organization were created with authority to control the economic and industrial life of this and other nations, I should attempt to defeat the exercise of its authority. The internal affairs of this Republic must not be interfered with. No supernation should be created with authority to control the economic or industrial affairs of this Nation or interfere in any way with its national and internal affairs.

The welfare of the inhabitants of all the world is an object of solicitude upon the part of all right-minded people. All students of sociology feel that the rights of the masses have not been sufficiently considered in the past. The laboring man has too often been denied the fruits of his toil, and proper protection has not been accorded to him by the governing forces of the world. With the overthrow of autocracy, with the departure of absolutism in the world, the side of humanity must rise. Men everywhere are beginning to realize that labor must be considered in any program providing for the future activities of nations. Archaic conditions must pass away and injustices to which the laboring men have been subjected must cease, and a spirit of fraternity and cooperation must prevail among all elements of the social structure. The American people are intensely interested in all labor problems, and there is a sincere desire to bring about peaceful and harmonious relations between capital and labor. Legislation calculated to ameliorate conditions of the working man is being enacted in the various States, and Congress has passed laws relating to labor problems within the sphere of its authority. It is quite likely that international conferences and international organizations for the purpose of promoting the interests of those who toil will result in great benefit to labor. There is no question but what the conscience of the people should be quickened so that there will be a more hearty response in behalf of needed legislation essential for the laborer's welfare.

Organizations which seek the welfare of labor in this and other lands should be welcomed by all classes; but as there would be objection to a supergovernment—an international government—possessing political authority and control over States and nations, so there would be objection to an international labor organization or government that would have the power and authority to go into the various nations and States of the world and interfere with their domestic affairs.

I know that there are some representatives of labor who believe that the treaty now before us does provide an international labor organization possessing power to go into the various nations who are signatories of the league and fix wages, hours, and conditions of labor, make provision for insurance and pensions for laboring men and women, and call and order international strikes and blockades for the purpose of enforcing orders and decisions with respect to all labor questions and conditions coming under their cognizance. Of course, if the treaty created an organization of such authority and power, the duty of the Senate would be very clear. Any treaty conferring such power upon an international organization should be defeated. The Senator from Colorado has heretofore challenged attention to the importance of the provisions of the treaty dealing with labor, and his remarks to-day should have the effect of causing a reexamination of part 13 of the treaty. I feel sure that it was not the intention of the representatives at the peace conference to create an international organization with plenary power to deal with labor in the nations within the league, and I am inclined to think that the treaty will not bear the interpretation placed upon it by some of the radicals in this and in other lands.

Mr. JONES of Washington. Mr. President, two years ago the term "willful men," applied by the President to a few United States Senators who, in the discharge of their patriotic duty, did not do what he asked, consigned them to the gibbet of public opinion, and all but convicted them of high treason. Passing events have fully justified their position. Their number has multiplied manyfold, and to-day the terms "pygmy," "Bolshevik," "lovers of war," "haters of truth," "ignorant fumblers of English," "blind, perverted fools," "deserving of hanging on the highest gibbet," "contemptible quitters," "jaundice-eyed zealots," "pro-German," "disloyal," "dishonest," "cowards," "traitors," "unpatriotic," and "un-American" arouse only distrust and derision. Such language sustains no great cause nor does credit to any great man. It may bring a cheer from the thoughtless crowd, but it shocks and repels the just and thoughtful citizen.

The President presents a treaty to the Senate and tells us to consent to it without the dotting of an "i" or the crossing of a "t." When we hesitate he threatens us with the wrath of the people. When we do not act as promptly as he thinks we should he takes the platform and urges, if he does not order, the people to coerce us into doing what our judgment and patriotism tells us not to do. He assumes that when he speaks and acts wisdom is exhausted and further effort useless. He is due for a rude awakening. The people are willing to concede that he is a learned man, that he is a wise man, that he is a great man, but they are beginning to resent the assumption that he knows every thing, past, present, and future, that he is the sole interpreter of their will and that his judgments should be accepted by all without question. An old hard-headed farmer expressed the sentiment of the ordinary citizen a few days ago when he said to me: "By gum, does the President think he knows it all? He'll find out he don't, and that the people won't accept his orders and ask their Representatives to do what he tells them to do regardless of their judgment as to what should be done." Another average citizen and an old soldier writes to me as follows: "I tell you, Senator, there are a lot of us common people who believe that all the brainy men of the Senate, with years and years of experience in State and National affairs, must know more than one man of less experience, even if he is pretty smart." And another man who served across the sea writes me as follows:

> Many people opposing the President's speeches are not necessarily against a league of nations. They resent, however, the autocratic method of forcing his own particular league down their throats whether they want it or not.

The open attempt of the President to coerce the Senate to act contrary to its patriotic judgment is fraught with great danger to the Republic. It embodies the spirit of the mob and justifies lawlessness.

While speaking for democracy and urging that the world be made safe for democracy, he practiced an autocracy that is hardly parallel in the annals of history. He named himself peace commissioner and, contrary to all his country's traditions, went to Europe to make peace. His associates were mere dum-

mies. They acted as he ordered. His judgment was theirs whether they approved it or not. They come back confessing their ignorance and proclaiming their servility. The war was won. Germany was conquered. Our brave boys had done their work well. They were anxious to get home. Everybody wanted peace terms imposed upon Germany promptly. No negotiations were needed. The victors were expected to make their terms. Germany would have to accept them. Peace would come, and the nations would seek to recover from the awful thing they had passed through. The President would not have it so. A league of nations must be formed. A covenant must be drawn up. Everything must wait on this. All the world's differences must be adjusted. He had his way. Peace was delayed. When the covenant was drawn up opposition to it developed. To defeat this opposition he announced in New York that he would so entwine the covenant for a league of nations with the treaty with Germany that they could not be separated. Both would have to be accepted or both rejected. It was a "your money or your life" proposition. He would use business chaos, industrial uncertainty, and the desire for peace and the return of our boys as a club to force the adoption of this covenant. This attitude was unworthy of him and of a great man. It should be resented by every loyal citizen. It was a direct assault upon the fundamentals of our Government and a display of egoism unworthy of any man, much less one in his position. This very thing became his undoing. It threatens to defeat the covenant now, and it enabled other nations to secure his consent to their covetous desires, the violation of his lofty ideals, and left him but a shadow of his idealistic dream. Japan robbed China and forced the President to approve it to get his league. The "freedom of the seas" was abandoned, and England was left undisputed "mistress" of the seas to get his league. He was compelled, so far as he could, to pledge the riches and blood of this land to protect France against attack by Germany in this and succeeding generations to get his league. When these things were done, these and other nations were willing to enter into the league, hoping still further to get of our blood to police Europe and of our treasure to pay their debts and relieve them of their war expenses.

Thus the covenant was entwined in the treaty. The President brought it home. He had gone as far as he could. It could not be ratified without the advice and consent of the Senate. He grudgingly submitted it. He did not want to give the facts about it. Information sought by the committee was withheld as long as possible or not given at all. Some has not been given to this day. The Senate was, in effect, told to ratify the treaty as it was, under threat of his displeasure. When it proceeded to discharge its patriotic duty in a deliberative way under the Constitution, he threatened it with the wrath of the people and finally started upon his trip through the country to coerce it to do his will, regardless of the merits or demerits of the covenant. He has threatened, cajoled, and denounced. Scarecrows have been held up to frighten the people to action. Dangers have been laughed at until one could well wonder what the league can amount to, anyway. At one place it is a mighty force to prevent war, and at another it is an impotent debating society. The President meets himself in every argument as he goes from place to place and speaks upon different phases of the covenant.

In spite of all this, I do not question the President's sincerity, impeach his integrity, or question his loyalty and Americanism. There are three facts in his life, however, that make one hesitate to follow him. These facts will furnish a most interesting psychological study in the future. He always says what the occasion seems to demand to attain his end. He can be quoted by the most confirmed reactionary or the most extreme radical to sustain any position upon any important question from the days of Washington to the present. And he has strangely been wholly consistent in acceding to the demands of the British Empire since he became President, from the Panama Canal tolls to the "freedom of the seas" and the open admission of the superlative supremacy of British citizenship and sovereignty. His action in attempting to coerce a coordinate legislative branch of the Government to do his will regardless of its own judgment and conviction of duty is a more dangerous assault upon democracy and the integrity of this Republic than any armed attack could be. I regret to say it, but it is a fact that the President, by word and deed, has done more to undermine orderly, peaceful representative government than any other human agency. The time has come for our people and this Nation to get back to the orderly principles of government and the principles upon which the Republic rests. We can not do it so long as the acts and words of those in highest positions can be used to justify those who seek to overturn law, order, and liberty.

When we voted to enter this war we voted as Americans and not as partisans. Our politics were laid aside. We have had none in the conduct of the war. Every measure deemed necessary for its successful prosecution has had our earnest support. Mistakes have been made. They were inevitable. I have no criticism at this time to offer. Republicans sought only the Nation's good. They saw politics attempted by the administration in almost every measure and upon all occasions. They knew their counsel was not sought, but their votes were always given for their country's welfare.

As we entered the war as patriots, we should come out of it as Americans. Partisanship and personal bias should have no place in the consideration of this treaty. It is a broad American question, and should be passed upon in a purely American spirit and with an intense devotion to American welfare and American ideals regardless of party consequences. This is the spirit in which I have tried to consider it. This is the spirit in which I am going to vote on it. No party has a monopoly of patriotism or Americanism. Senators on the other side of the aisle are just as patriotic and just as loyal to American interests and American ideals as Senators on this side of the aisle, and it will be a sad day for the Republic when we divide along party lines on what is and what is not Americanism in our dealings with foreign countries. No matter what my personal feeling toward the President may be; no matter how strongly I may condemn the methods he has pursued; no matter how unwisely I think he may have acted; no matter how unjustifiable I consider his course now; no matter what epithets he may indulge in, I have tried and shall try not to allow these things to influence me in determining my duty at this hour. This treaty is the act of this Government, so far as he can make it so. It should not be rejected except for the most weighty reasons. The time has come for me to do my duty. The Constitution of the United States, which I have sworn to uphold and which I love and revere, makes it my duty to pass upon this treaty as one of the representatives of the people. My responsibility is to them and not to the President. I am here to represent them and not him. He says he reports to the people. So do I. I am as sensible of my obligation to them as he, and I am prepared to account to them fully for whatever I may do here.

In studying this treaty I have sought to find reasons to justify my supporting it rather than to sustain a vote against it. I know a tremendous task confronted the President. I would not seek to minimize it in the least. With his desire to promote world peace and avoid war I am in hearty accord, as is every man who loves humanity. That he sought the peace and welfare of the United States I do not question; that he placed the United States first and above all else I have my doubts. He tells the people now that there is a cause that is greater than the Senate. That may be true. He says there is a cause greater than the Government itself, and for that he is ready to die. I have been taught that above everything, above property, above life, above loved ones, above home, above all, is my country. When I was but a boy my dear old mother took me in front of a picture of a bearded man in a uniform of blue and said to me, "My son, that is your father, who left all and gave his life to save his country. Be true to his memory." That principle has actuated me all my life. I have never knowingly departed from it. What he died to save is good enough for me and has my highest allegiance, and in serving my country I believe I am best serving humanity.

The main controversy about this treaty is over the covenant for a league of nations. It should not be in the treaty. Months ago the treaty with Germany should have been made and ratified. Rehabilitation here and in Europe should have been under way. Who is to blame for the delay? No one but the President. He and he alone insisted upon the two things being put together. He did it deliberately to force the adoption of the covenant and now this is used as an argument for speedy action.

The President says we must take it as it is, without the dotting of an "i" or the crossing of a "t," or it will fail and the world's heart be broken, and all sorts of direful calamities will fall upon us, including famine, pestilence, business ruin, strikes, and anarchy. He says, "You must take what I offer you or there shall be nothing." That is the word of an autocrat, not of a democrat, there is the spirit of tyranny, not liberty.

The covenant will not be rejected. It will be ratified, but it will be so ratified that the vital interests of the United States will be protected and its independence and sovereignty preserved; and in so doing the world's peace and progress will be promoted even if the President's vanity shall suffer a shock. We will not be scared from doing our duty by bogies nor led into national pitfalls by fairies. We will keep what is good

of this covenant and throw away a part, at least, of what is bad. When we consent to it with such changes as we think best for our country's good, it will rest with the President whether the concurrence of other countries shall be sought. He can refuse or not, as he sees fit. If the world's heart is broken, he will break it. If the world's hope of peace shall die, he will kill it. Will he dare to do it; and if so, why?

We have a written Constitution. Other nations have not. Our powers are limited; theirs are not. The provisions of this covenant should be and must be construed in the light of this difference. If our agents have not protected the interests of our people, this body should do it. We should make it plain that we are not and can not be bound to do that which our Constitution says we can not do. We should not make the Constitution a cloak to shun duty or responsibility; but we must remember that it was adopted by the people for their own safety. Its limitations were imposed by them upon their representatives. There is a growing disregard for the Constitution that ought to be stopped. This is not confined to men of low degree. Men in high station spurn its restraints and limitations. If it stands in the way of what we want or what we think ought to be done, we say, "Away with it." Some time ago I received a letter from a minister of the gospel whom, of all men, should urge obedience and respect for law. He urged the ratification of this covenant as it was. I suggested that some serious constitutional objections had been made to it, and that I proposed to give them careful study. He wrote back suggesting that the Constitution is a very convenient excuse for opposition to the league, but, if the Constitution stands in the way, the Constitution must go. That is treason to this Republic and means the overthrow of orderly government. It would be a sad outcome of this war if one of its results should be the uprooting of the Government of the most perfect and efficient Republic of the world's history and the highest expression of democracy. That must not be.

As I said before, with the high and lofty purpose of this covenant every American is in hearty accord. The prevention of war and the maintenance of peace is the hope of the world. The empty sleeves and lost limbs, the sightless eyes and disfigured faces, the weakened bodies and bent forms of the best and bravest of the land, the bereaved mothers and wives and sorrowing homes, the mute headstones of the battle fields of Europe—all plead the horrors of war, and the burden of taxes through the ages will tell of its waste. Not everything labeled "peace," however, means peace. Human nature is the same to-day that it was a thousand years ago, and in any proposal for peace there may be the germs of war. The good should be kept, the bad thrown away. There is wisdom, too, in counsel. No man or set of men should assume to have all the wisdom of the world in themselves, and while the President of the United States is entitled to every consideration by virtue of his great ability and the high office which he holds, yet he does not combine within himself all the knowledge and wisdom of mankind, and his mere dictum that this treaty, without change, is the world's best hope is not all convincing.

Let us look at some of the terms and provisions of this covenant and the suggestions made to meet objections to them.

The British Empire has six votes and this Republic one. If there is one principle recognized as fundamental by all nations in their dealings with each other, it is that each nation is the equal of every other nation in its independence and as a sovereign entity, no matter how small its domain nor how great its power. All free and independent nations act and deal with each other as equals. This is essential to peace and harmony and has always been so until now. It is the great safeguard of small nations. This covenant destroys this principle of equality. It takes one nation and sets it apart by itself as a superior sovereignty, leaving all others upon the humble plane of equality. We have heretofore laughed or sneered at the bullying air of the Britisher, but we can not do it any more. We confess his superiority. We agree that Haiti and Hejaz are our equals, but confess that we are inferior to the British Empire. For the purposes of this covenant, the British Empire is recognized as six sovereignties, while this great Republic is but one. The British Empire is a perpetual member of the council and can prevent any action on any important matter by its one vote there. The British Empire is represented in the assembly by one vote, and it also has five other representatives, each one of which can block action upon almost any important matter. This is bound to give rise to charges of bad faith and double-dealing. It will lead to trouble, disputes, and to war. I would welcome Canada as an equal among the nations of the world, but until she is such let her take her proper place as a part of the British Empire and not have the power of an independent sovereignty in addition to her power and prestige as a part of the British Empire. Let the British Empire be not six but one sovereignty no greater than Hejaz, no less than the United States. This is fundamental in national dealings, and I shall never confess by my vote that this Nation is inferior to the British Empire in sovereignty. I will not justify the sneering claim in foreign lands, "An Englishman is superior to the American, and the American admits it."

Many peoples and nations are impressed by show, pomp, and claims of superiority. What a sorry showing we will make in the march of the world confessing to all our inferiority. An American may not be any better than the Arab of Hejaz, but he is the equal of any Englishman that ever trod the earth. If I confess otherwise I feel that I am unworthy to represent that citizenship. We have millions of naturalized citizens who are loyal patriotic Americans and believe their acquired citizenship to be the best on earth. What will they say, how will they feel, when they go to their old home and boast of their citizenship to have it pointed out to them that their own Government admits that they are inferior to the British? If there is anything in this covenant more insidiously dangerous than this invidious provision I do not know what it is. It makes intrigue and double-dealing easy and probable and will inevitably lead to disputes, charges of bad faith, and probably worse. If we have a dispute with the British Empire of course it will be transferred to the assembly under the covenant. We and the British Empire will stand aside but the five votes of Britain's parts will be cast against us. How can that be justified? In fact, in any dispute between the British Empire and any country such dispute will go to the assembly and the two disputants will have to stand aside, but still there will be five votes representing parts of the British Empire to vote on such dispute.

The President says this six-vote power of the British Empire is unimportant, but what are the facts? And I want to emphasize these facts. Every dispute between members of the league can be transferred to the assembly by either party to it. The action of the assembly is determined by a majority vote, excluding the disputants and including the concurrence of all the other members of the council represented in the assembly. In every dispute between other countries the British Empire and its parts have six votes and we have one. The possibilities of such power are many and great. In every dispute between the British Empire and any country other than ours the British Empire, through its parts, will have five votes. The other disputant will have none and we will have one. In any dispute between the British Empire and our country her parts would have five votes and we would have none. Is there any unbiased mind that can not see the substantial advantage to the British Empire of these six votes, and her superior importance in the eyes of all the other members of the league, and especially the small States?

I understand that a reservation has been prepared which will meet that phase of the situation. Mr. President, I do not know what may be the fate of that reservation, but I propose to vote at the first opportunity I have to do away, so far as I can, with this inferiority. If this amendment is not adopted, then, of course, I shall vote for the reservation. But, Mr. President, I do not see how any reservation can be prepared that will meet what, to my mind, is the fundamental feature of this discrimination—that is, the recognition of the superior sovereignty and superiority of the citizenship of the British Empire as compared with our own.

How does the President further answer this? He points to some fine Canadian fellows across the street and says, "Don't you think those fine fellows should be allowed a vote when we allow Panama and Cuba a vote?" Of course there is a loud shout of approval. But when the people go home and think about it they begin to feel "sheepish," as we say. The British Empire has one vote the same as Panama or the same as we. Canada is a part of the British Empire and so is represented by that vote. Why should they be given another vote and the Californian not? I am not concerned especially that the Canadian is made superior to the Panaman, but I would like to have it explained why he is made superior to the American. I would like to vote to reduce the British Empire to our level. The President has made it so that this is about impossible, and so I am going to vote to place this Nation on an equality with the highest. Our soldier boys did not fight and suffer in Europe to elevate British citizenship and debase Americanism. Others may vote this way and look them in the face and tell them they are the bravest soldiers and the finest citizens in the world, but I will not.

A vote for the covenant as it is, is to say officially that British citizenship and British sovereignty are superior to American citizenship and American sovereignty. That I will not do.

Mr. President, I listened with much interest to the splendid and able address of the Senator from Colorado [Mr. THOMAS]. He has pointed out provisions in this treaty and compact which, construed in connection with the superior voting power of the British Empire, should have the most careful and the most earnest consideration of the Senate; and I think it will have before the treaty is finally acted upon.

No one claims that this is a perpetual league, even if it is hoped that it may be. It is not sought to create a new nation. The right of withdrawal is recognized. This is as it should be. No nation should be kept in if it is dissatisfied and wants to get out. To attempt to do so would mean trouble and war. There should be no uncertainty about this or how it is to be done. The right of withdrawal is expressly provided for upon two years' notice, but it does not stop with such a simple, plain declaration, but says:

Any member of the league may, after two years' notice of its intention so to do, withdraw from the league, provided that all its international obligations and all its obligations under this covenant shall have been fulfilled at the time of its withdrawal.

Who is to determine whether a nation has fulfilled its obligations or not? Must that be left to the council? If so, would one objection prevent a decision and thereby keep a nation in the league indefinitely against its will? Would we stay in a league if we wanted to get out? Surely not. Do we want others to decide for us when or how we shall get out? I think not. No one need fear that we will not comply with our obligations. We will do it just as surely out of the league as we will in it. Each nation should be the sole judge of when it shall withdraw, and if it withdraws from the league it should be held to its obligations in the same way as nations are usually held to their obligations. This should be made clear to avoid disputes. This will prevent war, promote peace, and bring joy to the heart of the world.

The Senator from Delaware [Mr. WOLCOTT] the other day eloquently, forcefully, and strongly claimed that the compact means that each nation is the sole judge of its right to withdraw, that it meant this when it was originally presented, that it means it now, with the limitation that we can not go out except upon two years' notice. There are others, however, who contend that it does not appear plain that each nation is the sole judge as to when it shall withdraw. I am in favor of making it plain, not leaving it to a matter of construction by men in the future, who may look at these things differently from the Senator from Delaware, and who will look solely to the compact and the resolution of ratification to determine its meaning.

The American people prize the Monroe doctrine. They believe in it. They consider it essential to peace and feel that it has done much for their safety and for the safety of the Western Hemisphere. They will not consent to its impairment, and they insist that this covenant shall clearly and fully recognize it. The covenant says:

Nothing in this covenant shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe doctrine, for securing the maintenance of peace.

I think this language does recognize the Monroe doctrine. Whether it is to be classed as a regional understanding or not, it is expressly recognized by name. Able, patriotic men, men of greater knowledge than I in international matters, have doubts about this. There should be no uncertainty upon a matter of such tremendous importance. Our understanding of it should be declared, so that all may know our position, and so that the men of the future may know it. This is certain. What the Monroe doctrine is is not defined. It was, no doubt, wise not to attempt to define it, but the United States should be expressly recognized as the sole judge of what the Monroe doctrine is. If a dispute should arise under the covenant, as it now is, as to its meaning, that dispute would go to the council, to arbitration, or to the assembly, and thus the whole Monroe doctrine be brought into question and rest upon the determination of other nations. This we will not permit. We should be the sole judge as to what the Monroe doctrine is. It is peculiarly our doctrine. We have announced it, we have made it, we enlarge it as occasion demands. We are the sole judges of its application. It is really a domestic policy declared, maintained, and followed for our own peace, safety, and protection. While it may not be a regional understanding, it is regional in its application. Our people cherish it as vital to their own defense and to the preservation of the Western Hemisphere from external aggression. They will not give it up; they will allow no one else to interpret it, and this should be made plain to all nations in any covenant we enter. Not only should it be recognized by name, but our right to interpret it and declare what it is should be clearly recognized. To do so is to promote peace, keep us out of war, and give added assurance to the mothers of the land that their boys will not be taken from peaceful homes to the battle front, either here or across the sea. To leave our position uncertain or doubtful in this respect is to increase the danger of disputes and war, with all that it means in broken hearts, desolated homes, and bloody battle fields. Common sense, human nature, and experience surely teach this. I shall vote for a reservation declaring clearly our position on this important question.

Some urge that the covenant brings domestic questions in one way or another within the jurisdiction of the league. The first draft, I thought, left this in doubt. This one, to my mind, does not. It now expressly provides:

If the dispute between the parties is claimed by one of them, and is found by the council, to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report and shall make no recommendation as to its settlement.

There are those, however, who, construing the covenant as a whole, do think that domestic questions may be made subject to the decision of the league. They are wise men, learned men, patriotic men. They may be right. I may be wrong. Why not make it so plain that there can be no doubt? What are domestic questions and how they shall be dealt with ought to be and must be determined by each nation for itself. Our people are not willing that any other nation or group of nations should tell us how we shall deal with immigration, tariff, education, naturalization, and other kindred questions. If they seek to do so there will be trouble. Is not it better for us, better for the world, and better for peace to leave nothing in this regard to uncertainty, nothing to construction, nothing to mere unexpressed or unrecorded understanding? I think so.

Article 10 is viciously attacked as subversive of our liberty of action, as requiring us to make war upon the command of other nations, and as compelling us to send our boys to fight on foreign soil in controversies in which we have no concern, and as depriving Congress of its power and discretion under the Constitution to make or not make war, as the occasion arises. Those who support article 10 do not advocate anything of this kind, but deny that it has any such meaning. Why not say so, then, beyond any controversy? If this is the crux of the whole covenant, as the President has so often stated, why not make its meaning plain if it can be done? Can we afford to deal lightly with any provision of such tremendous import? I can not grasp the motive or character of the man who would allow pride of opinion or devotion to a peculiar form of expression to trifle with the peace and destinies of nations. I do not see the dangers in article 10 that some fear, nor do I see the benefit from it that others point out, but I can see no excuse for not making plain what we understand it to require of us. It reads as follows:

The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled.

In construing it we must keep in mind the provision relating to the unanimous action by the council, which is as follows:

Except where otherwise expressly provided in this covenant, or by the terms of the present treaty, decisions at any meeting of the assembly or of the council shall require the agreement of all the members of the league represented at the meeting.

Some construe the first sentence as if it stood alone. This can not be, because no nation is to act alone. The two sentences must be taken together to determine our obligation and how and when it shall be fulfilled.

No definite action can be or is to be taken under this article until the council advises what it is to be. We are a member of the council. The council can give no advice until all agree. If anything is sought of us we must agree to it before there is any advice from the council and before we can be required to do anything. If we do not think we should do anything, we are not bound to do it, legally or morally. Every nation that goes into the league knows that no member of the council is required to agree to any particular course of action, and if it does not do so it can not justly be charged with failure to comply with its agreement or with dishonorable action, and so, until our representative on the council agrees to some course of action we are not bound legally or morally to do anything.

There is no decision by the council until everybody agrees upon it. I may be dull; I may be obtuse; but I can see no other construction to be placed upon section 10. This I conceive would be the action under article 10 if a nation of Europe were to make an attack upon another. The council would be called together. If some member should propose that we send an army across the sea to cooperate with others, our representative would say, "No, gentlemen; this does not threaten our peace or safety; it is your own peculiar concern; you are near the

scene of conflict; your peace and safety are affected; you can deal with it fully and more easily and cheaply than we can. Furthermore, I have no authority to declare or make war or raise armies. That must be done by Congress and I shall and can consent to nothing of this kind until Congress authorizes me to do so." This would be in harmony with our traditions and policies and with the Monroe doctrine and our Constitution, with both of which other nations and people must be presumed to be familiar.

"But," says some one, "what if it should be proposed that we send an army of a hundred thousand men across the sea to fight for some other country and our representative on the council should give its consent to it." Then, Mr. President, we would not be bound legally to do it, because neither the council nor any such representative can declare war for us. But if a nation can be bound morally to do what it is not legally bound to do, then we and Congress would be morally bound to do what our representative had given his consent to. It is easy for us to say now in grandiloquent fashion that every obligation we make we will fulfill. If we believe this we should be extremely careful what we promise; because I say, as my deliberate judgment, that no Congress of the United States will ever declare war and send an Army across the sea to fight in a cause that does not directly concern us and in which our peace and safety are not threatened, and the people would soon get rid of it if it did. Believing this, as I do, I shall vote to save my country from such an embarrassing situation. Let us make sure of our political independence; let us preserve inviolate our right of sovereign action; and let us save ourselves from the very appearance of dishonorable action. This makes for peace and not for war.

"But," some one says, "it is inconceivable that our representative would give his consent to anything of this kind." I have seen so many inconceivable things done of late years by men in high position that I am not willing to intrust the destiny and honor of our Republic and the lives of our sons to the will or discretion of any man acting in a foreign capital 4,000 miles away. I remember when a bill was pending in this body before we entered the war to pass the war-making power of Congress on to the President that a proposal was made to amend the bill by providing that certain things should not be done by the President. The Senator from Massachusetts opposed the amendment and said:

> I think it is very undesirable when we are asked by the President to give him certain powers to accompany the authority with a statement that he must not do that which he knows he can not do without committing an act of war and going beyond his constitutional powers. I see nothing to justify Congress in taking that position.

And when asked:

> You do not expect it to be done in this instance?

Mr. LODGE said:

> I certainly do not; far from it.

And yet within 10 days this very thing was done. No, Mr. President, the people wisely placed the making of war and the raising of armies in the control of their chosen representatives, and until they change it I want to see it kept there. When they say they want this power placed under the control of foreigners and a man appointed by the Executive and responsive only to his will, it will be all right. Our Nation will then cease to exist; Americanism will be gone. That day, Mr. President, will never come. The President said in one of his speeches that no one expected us to interfere, for instance, in disputes in the Balkans; that the nations near there would take care of such a situation. He also said that if such a dispute spread so that it became our concern we would enter it whether we were in the league or not. Then why have article 10 at all, and if we are to have it, why not express in clear terms this very idea, because it is the idea of the American people? It is the idea expressed by the President himself.

I have here the language of the President. I am going to read it. This is from the President's speech at Salt Lake City:

> Let us go into particulars, therefore. These gentlemen say, "We do not want the United States drawn into every little European squabble." Why, of course we do not, and under the league of nations it is entirely within our choice whether we will be or not.

Yet the other day the Senator from Montana [Mr. WALSH] declared that our obligation under the first sentence of article 10 was complete, and that the only power that Congress had or the only discretion that it had was to determine whether external aggression had occurred, and then our obligation was complete. Yet the President said:

> Why, of course we do not, and under the league of nations it is entirely within our choice whether we will be or not.
>
> The normal processes of the action of the league are certainly to be this: When trouble arises in the Balkans, when somebody sets up a fire somewhere in Central Europe among those little nations which are, for the time being, looking upon one another with a good deal of jealousy and suspicion because the passions of the world have not cooled—whenever that happens the council of the league will confer as to the best method of putting out the fire.
>
> If you want to put out a fire in the Balkans, if you want to stamp out the smoldering flame in some part of Central Europe, you do not send to the United States for troops.

Well, we hope they would not do it; and if they did, we would not send them. But why put us in a position where, if the contention of some is correct, we may be called upon to do so?

The President further says:

> The council of the league selects the powers which are most ready, most available, most suitable, and selects them only at their own consent, so that the United States would in no such circumstances conceivably be drawn in, unless the flame spread to the world. And would they then be left out, even if they were not members of the league? You have seen the fire spread to the world once, and did not you go in? If you saw it spread again, if you saw human liberty again imperiled, would you wait to be a member of the league to go in?

Then, why do we need the league? Of what effect is it? Of course, so far as the provisions of article 10 are concerned, if the same conditions were to arise that arose two years ago we would go in, and probably we would go in much more promptly than we then did.

The President further says:

> Why, the whole thing goes directly to the conscience of the Nation. If the fight is big enough to draw the United States in, I predict that they will be drawn in anyhow; and if it is not big enough to bring them in inevitably, they can go in or stay out according to our own decision.

And yet the Senator from Montana [Mr. WALSH] says that his judgment does not run counter to that of the President in the least. In the White House conference with the President, at the close of the discussion with reference to our obligations under article 10, this colloquy occurred:

> Senator BRANDEGEE. Then, on a call from the council for us to perform our international contract under article 10, if Congress does not favor performing it, you think we would not be subject to criticism by other members of the league?
>
> The PRESIDENT. Oh, we might be subject to criticism; but I think Congress would be at liberty to form its own judgment as to the circumstances.
>
> Senator BRANDEGEE. I agree with you entirely, and under our Constitution Congress would have to do so.
>
> The PRESIDENT. Yes; that is understood by all.

Well, Mr. President, let us write that understanding so that no man now or hereafter can misunderstand our position. We do not know what the construction of other nations may be. Future representatives of this and other countries may read it differently. Let us make it plain by a record that can not be misunderstood and that will never be erased. Article 10 ought not to be in this covenant at all. No clause, sentence, paragraph, or section of the covenant depends upon it. It could be taken out and the remainder stand unaffected. We would have a league of nations with all the powers and duties provided in the covenant except the provision against external aggression. If armaments are restricted, if disputes are arbitrated or settled by the council, what danger is there of aggression? I can see but little. That would be a splendid structure to start with. It would go a long way toward peace without pledging us to meddle in every aggressive attack anywhere in the world. Article 10, as now written, instead of being the heart of the league is a canker of discord. It is the safeguard of the fruits of an autocratic oligarchy.

The covenant is strangely silent as to the way of naming our representatives in the council and the assembly. This may mean nothing to the other countries, but under our system important appointments by the President usually must be made by and with the advice and consent of the Senate. One can only surmise that the President expects to assume the right to appoint these representatives without consulting with the Senate. This is in line with his methods and his studied disregard of the people's representatives. If this league of nations is to represent the peoples of the world, the members of the assembly and the council should be selected by the people, otherwise they will constitute simply an oligarchy representing the opinions and will of the appointing power. Our representatives should be men of the greatest ability, widest experience, unquestioned Americanism, and intensely alive to the needs of humanity. It is not theirs to represent the President of the United States but the people. They will hold within their power the very destinies of this Republic and they should be elected by the people and responsible only to them. Until this is provided by law, they should be appointed by the President, by and with the advice and consent of the Senate. The resolution of ratification should contain the following provision, which I intend to offer, unless the chairman of the committee proposes something of the kind:

> That the representatives of the United States in the council and the assembly shall be appointed by the President and with the advice and consent of the Senate until otherwise provided by law.

Shantung brings a blush of shame to the cheek of every honest man and will go down through the ages as the foulest blot upon our boasted civilization. China declared war upon Germany at the earnest solicitation of the allied nations and upon our most friendly assurances. Thousands of her citizens rendered humble but effective service in the war. When it ended she had no reason to expect treatment as an enemy country, but this is what she received. Japan coveted Shantung. It has those natural resources which she needs. She had made a secret agreement with England, France, and Italy under which they were to help her despoil their ally. When the war ended Japan claimed Shantung with its 40,000,000 people, its great area, vast resources, and a shrine precious to every Chinaman. This claim was upheld by the Allies. The United States protested, but finally gave way and sanctioned this international robbery and wrote the most dishonorable page in our history. It is a deed of eternal infamy. The price of our approval was Japan's signature to the covenant of the league of nations. One is led to wonder if anything good can come from a union secured by such dishonorable bargains. I do not want to be unjust to the President. He did not approve this crime. He does not do it now. No one justifies it. All denounce it, but what can be done? The committee presents an amendment restoring Shantung to China. It is inconceivable that Japan will acquiesce. She has Shantung and she will hold it. We will not go to war to make her give it up. She has promised to restore it to China. She may do so, but if she does I fear it will only be the shadow that China will get. What should we do? Shall we do not only a useless thing, but one that may also do a great deal of harm? Frankly, I do not know what I ought to do. If we adopt the amendment it may kill the treaty. I do not want to do that, and yet I shudder at the thought of making an eternal record of shame by voting to approve this infamy. I will not do so unless I am convinced that it is the wisest, the best, and the most patriotic thing to do. Nations go to war to save their honor. Can they afford to dishonor themselves in a victorious peace?

The President tells the people that failure to ratify the covenant is the cause of business disturbance and labor unrest. He expects the people to believe this, and that it will all disappear with ratification. This claim can not be disproved, but it is hard to characterize it properly and respectfully. Common sense and human experience reject it. England is in the throes of the greatest strike in its history, even though it has ratified the treaty. Nothing in the dispatches indicates that the covenant for a league of nations has had anything to do with bringing about this controversy. Of course, a more settled and certain condition will come when this matter is disposed of, and I am sure the Senate desires to dispose of it as soon as it can be done with the consideration due such an important matter. Personally I am ready and anxious to vote upon it, and would gladly have foregone these remarks if it would have hastened a vote. When this treaty is disposed of there will confront us for solution the greatest and most difficult questions that ever confronted any people. They will tax our ability, our wisdom, our statesmanship, and our patriotism to the utmost, and whether we accept or reject this covenant will have but little effect upon these problems, but we ought to give them consideration without delay.

The President tells the people that the world will sink into chaos if the United States does not enter the league of nations, and hopes to frighten the people to force the Senate to action. The Senate will give its consent to the covenant, and if the United States does not enter the league the President will be the one that prevents it and not the Senate. The danger to the covenant to-day comes from the President himself. It rests with him and the friends of a league of nations whether we enter it or not. He insists that the covenant must be accepted by the Senate exactly as he has sent it to us. I know and his friends know and he ought to know that if reservations are not adopted the covenant will be rejected in its entirety. If, instead of trying to arouse the people against the Senate, he would seek to reach a fair and honorable understanding with it, there would be but little trouble. Senators are just as devoted to the cause of peace as he. They abhor war as intensely as he. They love humanity and seek to alleviate its sorrows and sufferings as much as he. They are as patriotic and as devoted to the interests of this country as he and they are as proud of its leadership and as jealous of its standing among the nations of the world as he. Many of them are as able, as learned, and as experienced in statesmanship and international relations as he, if not more so. They would welcome his cooperation. While he has been seeking to arouse the people against them, Senators have been studying the questions, counseling together; and not as partisans, but as patriots and Americans they have determined that reservations must be made to safeguard the rights, the welfare, the peace, and honor of this country. These reservations are going to be adopted. The Senate will give its consent to the treaty with its patriotic advice, and if the treaty is not ratified and the United States fails to enter the league of nations Woodrow Wilson, President of the United States, alone will prevent it. He can do so if he will. When the Senate acts the question will indeed be presented to him to "ratify or reject." He, and he alone, will have to meet that issue. He can refuse to ratify and kill the treaty and compact, but the people, posterity, humanity, and the world will know that he did it rather than accept any change. His party friends know that this is the situation in the Senate. They should tell him plainly, bluntly, and promptly of it when he is able to receive that advice. We hope this may be soon, and every Senator is praying for the speedy recovery of the President from the illness which has now overtaken him.

The President says he does not want to go "hat-in-hand" to Germany and beg her to approve any reservations. Nobody wants to do it. He would not have to do it; but he ought to have thought of this before entwining the covenant in the treaty. Germany is not a member of the league of nations. She is not one of the signatories to the covenant. She has not been invited to enter the league; she may never be admitted to it, but when she does come in she will have to accept the covenant as it is at the time she is admitted. Now she is not concerned in it. If any of the provisions of the treaty dependent upon the covenant were changed by these reservations, she might have to approve such changes; but she is not interested at all in the terms of the covenant. The Senator from Montana said a few days ago that "we can amend this covenant in any way that we see fit without consulting Germany the day after we ratify the treaty, but that we can make no change in it now without Germany's consent." That is too profound for me. I can not see any justice or logic in it. The allied nations are the only ones interested. They will approve without delay if they need the league as the President says they do, and when they approve Germany can not complain. Even if her consent must be had, the supreme council can order her to give it as it ordered her a short time ago to change her constitution. She would accede just as she acceded to that request. She signed this treaty under orders, and if her further consent is necessary to any reservations we may make, that consent should be given under orders, and will be given. Surely the people that sent 3,000,000 men to conquer Germany are not now to be frightened by the vanquished. Germany can not scare us into a treaty which we do not want when she could not resist our boys on the battle field.

The strength of the desire in this country for a league of nations rests upon the wish to avoid war and keep our boys at home. The President makes his strongest plea when he says he does not want our boys in khaki to be sent across the sea to fight and die. Of course, he does not want this done; neither do I, nor does any Senator on this floor, whether on the other side of the aisle or on this side.

He says if we do not take this covenant as it is, our boys must go to war. I say that if the meaning of this covenant is made certain and clear, peace is made more sure. Which is right? The President stands for uncertainty. I plead for certainty. Uncertainty in compacts leads to disputes among nations. Disputes lead to war. Clearness and certainty make for peace and harmony. I appeal to the good sense of our people to say which policy will more surely keep our boys at home.

What do the boys in khaki say about it? They do not want to go back. They are also largely against the league of nations. They did their work well, but they do not want to go back to settle any disputes in Europe that do not involve our safety and security, and they believe the league ties us to the quarrels and disputes of Europe. They resent the delay in making peace, and this is one reason why they are against the covenant. I admit that it is not a very valid argument against it. I admit that it is not very logical, yet it is a very natural reason. As one said to me, "We could see no reason to take as long to make the treaty as it took us to whip the Hun when we got at it." Did you ever think that this is true? Chateau-Thierry was fought in the middle of July. On November 11, less than four months later, Germany was on her knees. The peace treaty was not signed until June 28, 1919, or over seven months from the signing of the armistice. It took our boys less than four months to whip Germany, and it took the President more than seven months to make a treaty of peace.

Mr. President, the heart of this covenant is not force and coercion, but public conciliation, open consideration of international disputes and provision for their settlement by arbitration

and unanimous action. The Senate will keep the good in this covenant. We are heartily in favor of public discussion of international disputes and their settlement by conciliation and arbitration. Harmony and good feeling will be fostered among nations by the action taken here. The moral forces of the world will be marshaled for peace. Our Nation will act freely and disinterestedly and contribute of its wealth, resources, and power for the rehabilitation and stability of the world and the preservation of its civilization. Our political independence will be maintained, our sovereignty unimpaired, and real, genuine unalloyed Americanism will lead the world from the horrors of war into the bright sunlight of universal peace.

Mr. President, when I cast my vote on this treaty and the reservations and amendments thereto I can go home and look every mother, wife, sister, and sweetheart in the eye without flinching and say to them that I voted my convictions as to what is best to keep their loved ones at home and out of war; and I can say to every American citizen that I voted in the way I thought best to put the wealth, power, resources, and influence of this great country back of world peace and at the same time insure our peace and tranquillity, preserve our sovereignty and independence under the Constitution of the fathers, save our Nation from any charge of dishonor under this covenant and treaty, and make him proud to be an American.

Mr. LENROOT. Mr. President, if any Member of this body were asked to name a half dozen of the most distinguished lawyers of this body I think there would always be included in that half dozen the names of the Senator from Montana [Mr. WALSH] and the Senator from Delaware [Mr. WOLCOTT]. This week the Senate has had the benefit of the construction by each of those distinguished Senators of article 10 as they viewed it; and I wish to take a little of the time of the Senate in bringing before it the constructions that these Senators have given to this article.

The Senator from Delaware [Mr. WOLCOTT], in his speech of last Wednesday, after discussing article 10 at some length, used this language:

> These considerations therefore prompt me to take the view that, considered in the light of the whole covenant and its purposes, several action on the initiative of the respective nations in keeping article 10 is in no wise contemplated. In other words, whatever is done or suggested to be done in keeping the obligations of article 10 is to be the result of the common judgment of the council, arrived at after joint deliberation.
>
> Aside from these general considerations, I am, in the second place, forcibly led to the conclusion that the obligation of the first sentence of the article does not rest individually on the nations, because of the peculiar language of the second sentence. That sentence provides:
>
> "In case of any such aggression or in case of any threat or danger of such aggression the council shall advise upon the means by which this obligation shall be fulfilled."
>
> If there is external aggression by one nation against another, then the case occurs which article 10 contemplates. When a contract provides what shall be done in a certain case, it is a sound rule of construction that nothing other than that provided shall be done. The principle falls within the legal rule of "Expressio unius exclusio alterius." Now, in the case of external aggression, the article provides that the council shall advise upon the means by which the obligation is to be fulfilled. This clearly and unmistakably conveys the idea that where there is external aggression by one nation against another anything that is to be done in that case under the league covenant in repelling the aggression and righting the wrong is to be done only within the scope of the advice given by the council.
>
> By the express language of the article, therefore, as contained in this last sentence, in addition to the general considerations applicable, the conclusion seems to me to be beyond all peradventure of doubt that there is no obligation upon any member of the league to do anything in obedience of article 10 except as it falls within the program laid down by the council in the giving of the advice.

A little later he said:

> Therefore it seems clear to me that when the external aggression has been committed by one nation in violation of the provisions of article 10, no duty rests on any member of the league to immediately rush to the defense of the aggrieved nation; that the council, in considering the case, can only give advice, in which case still there is no duty upon any particular nation to follow the advice.

In other words, the distinguished Senator from Delaware so construes article 10 that there is no obligation whatever upon the individual nations to preserve the territorial integrity or political independence of any member of the league.

Now, let us see what is the construction of the distinguished Senator from Montana, given just two days previous to the speech of the Senator from Delaware upon this same article.

The Senator from Montana [Mr. WALSH] states:

> Under the first sentence of article 10, I repeat, our obligation is absolute and perfect whenever a war of aggression is made against any other member of the league.

And a few moments later he said:

> I assert that whenever this country is in any manner called upon, or it is suggested that its obligation under article 10 has arisen, the Congress of the United States determines whether the condition set out under article 10 exists, namely, whether the territorial integrity and existing political independence of another member of the league is threatened by aggression. If it is, then it is the duty of the United States, under this treaty, to do whatever is reasonably necessary upon its part to prevent that threat from being accomplished.

The Senator from Delaware undertakes to show that under article 10 there is no obligation, but that the United States is a free agent. The Senator from Montana, on the other hand, construes the obligation as absolute and several.

After giving the construction of both of those Senators, may I read, Mr. President, just a few words from a speech of President Wilson delivered at Des Moines on September 6, 1919? He says:

> I have been a student of the English language all my life, and I do not see a single obscure sentence in the whole document. Some gentlemen either have not read it or do not understand the English language; but, fortunately, on the right-hand page it is printed in English and on the left-hand page it is printed in French. Now, if they do not understand English, I hope they will get a French dictionary and dig out the meaning on that side.

Mr. President, it is not for me to suggest which of the distinguished Senators—the Senator from Montana or the Senator from Delaware—merits this criticism of the President. It is not for me to suggest which one of them he charges with not being able to understand the English language. It is not for me to suggest which of those distinguished Senators he thinks ought to study the French version, not being able to understand the English one; but it would seem, Mr. President, that because of the directly opposite constructions given by these two distinguished Senators, President Wilson thinks that one of them should be put in the kindergarten class.

Mr. President, that was what I rose to call attention to. I want to add just this word, however:

That construction given by the Senator from Delaware, if it merited that construction, would leave article 10 exactly where the reservation that is proposed would leave it. The reservation that the President denounced at Salt Lake City would give article 10 the exact meaning that the Senator from Delaware says that it now has. If that be so, with the Senator's distinguished colleague giving it a different construction, why should the Senator from Delaware object to a reservation giving his construction? If, on the other hand, the Senator from Montana has given the correct construction of article 10—and I feel very sure that he has—I agree with him fully that the obligation of the first sentence of article 10 is absolute; that our obligation is several as well as joint. I agree with him that if the treaty be ratified without amendment or reservation, whenever the occasion arises, whenever the territorial integrity of any member of the league shall be impaired or its political independence destroyed, the United States will not be permitted to inquire into the justice of the cause or the merits of the controversy. As he states, there will be but one question that the United States would be permitted to determine, and that is whether there has been an external aggression. If the answer be in the affirmative, all of the forces of the United States must be used to restore that territorial integrity or political independence.

As I believe that that is the correct construction, it is amazing to me that a single Senator on either side of the aisle would for a moment contemplate obligating the United States to the extent that article 10 commits us.

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate, as in legislative session, adjourned until Monday, October 6, 1919, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *October 3, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, source of every high and noble impulse, quicken our minds and hearts by Thy spirit, that we may go forward with the new day to larger conquests and achievements for ourselves as individuals and for our Republic, that the world may be a little better that we have thought and acted.

The heart of the Nation is stirred with anxiety and sympathy for our President and his family. Touch him, we pray Thee, with Thy healing hand and restore him to health and activity, for Thine is the Kingdom, and the power, and the glory, forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

BOLSHEVISM.

Mr. OSBORNE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in the form of resolutions adopted by the Society of the Sons of the Revolution of the

State of California and remarks by Harry F. Atwood on the subject of Bolshevism.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

Mr. GARD. Reserving the right to object, Mr. Speaker, is this the same request that the gentleman brought in yesterday?

Mr. OSBORNE. Yes, sir.

Mr. GARD. They are matters of resolutions from military posts in his State?

Mr. OSBORNE. No. It is the Society of the Sons of the Revolution from the State of California.

Mr. ASHBROOK. I hope my colleague will not object.

Mr. GARD. I have no objection. What are the other remarks that the gentleman refers to?

Mr. OSBORNE. It is a brief address by Mr. Harry F. Atwood. I think there are about five or six hundred words in it. It is a very striking address on Bolshevism—against Bolshevism.

Mr. BLANTON. Reserving the right to object—and I shall not object—I objected yesterday temporarily, but if there is nothing in the instrument but what is strongly American I shall not object.

The SPEAKER. Is there objection?

There was no objection.

Following are the documents referred to:

THE FOREIGN INVASION OF THE UNITED STATES.

PART I.

Resolutions adopted by Society Sons of Revolution, State of California.

Whereas the Government of the United States is based upon certain fundamental principles, insuring as nearly as possible equal human rights without class or distinction within the limits of human endowment; and

Whereas in the 143 years of its existence it has been the active exponent of such ideals, and should continue to be the same for all time; and

Whereas there unfortunately has grown up through a neglect of its citizens and Government a failure to learn and understand and appreciate the fundamentals on which this Government was established. A large element in our midst whose ancestors have for hundreds of years past been subjected to a greater or lesser degree of practical slavery and subjection to a privileged ruling class in other lands have not been in this country a sufficient length of time to have strongly ingrained into their natures the real ideals and purposes of our republican form of government, but still retain a wrongly conceived feeling which they inherited from the homeland from which their ancestors fled or came. Moreover, without any wrong intent within themselves, a large number of these citizens, because of a lack of a clear understanding and appreciation of the real and true conditions, have and continue to take a view of the Government of the United States that is not representatively an American idea, but a foreign thought not consistent with the true welfare of our country and Government; and

Whereas many of these in the fullness of their honest beliefs and entirely within their rights have banded together, some as capitalists, some as labor, some in other groups, each seeking his or her own personal advancement, no matter at what expense it may be to the great mass of citizens not affiliated in any way with any of these groups, but the accomplishment of the purposes and personal aims of any or all of said groups, is unquestionably at the ultimate expense of the great majority, who in this country of government by majorities are the real sufferers; and

Whereas that the purposes for which this Republic was founded and the Constitution upon which it is based may not be prostituted in behalf of any group or class, no matter for what it stands, if it does not actually represent a majority of the citizens of the United States acting within their rights as defined by the Constitution; and

Whereas that the authority and sanctity of the ideals of our Government, and that for which it stands, shall now and at all times in the future, as in the past, be above reproach and violation, or attempt at violation or question as to its final and fundamental rights and authority in all matters, it being a representative form of government, and that it shall at all times be the final authority in this land, undisputed or unquestioned, as well as unstained; and

Whereas anyone, either citizen or alien, within our border who may offer comfort and assistance to a foe or another country or element that is undermining our Government or opposing its maintenance and existence is a traitor to the Government and country; any attempt to undermine the Government in any way is treason, whether the attempt be individual or collective; and

Whereas that no opportunity should be given whereby acts that may be or are treasonable shall be encouraged or tolerated and the foundations of authority of the Federal, State, or municipal government be infringed upon or the authority of the Government in its operation be impaired or questioned by any of its citizens, visitors, or employees in a way that will impair the continuous operations and efficiency of each and every department at all times: Now, therefore, be it

Resolved, That we call upon the constituted Government of this country, consisting of the Congress of the United States, its Executive, and judiciary, to at all times keep before it the principles upon which this Government was founded and maintain the constitutional principles of this Republic; and be it further

Resolved, That Congress be warned not to enact any laws, adopt any resolutions, or in any way permit any functions of the Government to come within the control or influence of any class, minority group, or organization, whether it represent all those intimately interested in such special department or not, that may or can possibly impair the fullest authority and freedom of the Government in its control in all things and at all times; and be it further

Resolved, That the Government of the United States for the purpose of preventing the possibility of any such influences from coming into control of any departments of the Government or its functions now or at any time, and thereby giving an opportunity for the questioning of the authority of the Government's control, which should be absolutely unquestioned, do not sanction the purchase or ownership or nationalizing by the Government of any of the public utilities not already so owned, unless Congress find it absolutely essential to secure ownership of or to take over such public utility at any time, in which case it should clearly specify that no employee of such utility who may go with the Government shall retain his membership in any organization or group that stands for similar or allied purposes in civilian life so long he remains with the Government, because loyalty in governmental service is loyalty to one's country, and such loyalty will not permit of a divided allegiance: And provided further, That all public utilities not owned by the Government shall be subject to Government control and regulation and for a full security of the vested authority possessed by the Government of the United States; and be it further

Resolved, That all employees of the Government be enrolled under some form of enlistment, and that any employee or group of employees leaving or shirking their work without authorized permission shall be classed as a deserter; anyone urging or attempting to urge a Government employee or employees to leave or shirk their work shall be classed as a traitor and dealt with accordingly. And that the Congress of the United States create a means whereby full justice shall be done to each and every employee and worker of the Government in its hours of labor, its surroundings, and compensations, and for this purpose it is recommended that a bureau, department, or other means be created, whereby all inequalities or unfair conditions and compensations may be taken up and considered for either individuals or groups through properly provided means, and the same adjusted in a way consistent with the conditions and costs of living at the time. That this bureau be compelled to act promptly on all complaints, and without fear or favor, the same being nonappointive but civil service in selection; and that a system of pension be provided for all employees faithfully discharging their duties for a certain number of years; and be it further

Resolved, That Congress provide by act that all employees in the Government service shall take a special oath of allegiance to the Government, and also provide that any failure to carry out instructions of the Government through refusal or willful neglect in their work, either individually or collectively, shall be classed as a form of treason against the Government, which act shall carry with it as penalty a big fine and long imprisonment. Also that only benevolent and social organizations shall be permitted among Government employees, which organization shall not be permitted to affiliate with other organizations in other departments of the Government or with civilian organizations of any nature whatsoever; and be it further

Resolved, That the Society Sons of the Revolution in the State of California, a society standing for the purest patriotism and the absolute support of the Government, without fear or favor, which is a strictly nonpartisan and nonsectarian organization, adopt and ratify, by its board of directors, these resolutions as expressing the sentiment and will of its membership, and that the same be ordered printed and copies sent to the President of the United States, the Members of the United States Congress, the Supreme Court of the United States, the governors of the several States, and the press of the country for their consideration and guidance in the important matters coming before them, both at this time and in the future; and be it further

Resolved, That the Society Sons of the Revolution in the State of California call upon all organizations and groups whose loyalty and vision is ahead of self-interest to adopt resolutions of protest against changing or weakening the original representative form of our Government and send to all Members of Congress, the President of the United States, the United States courts, the governors of the several States, and the press of the country to show that the sentiment of the great mass of American citizens is for an unhampered Government in absolute control of all functions at all times, and that class interest, no matter whether capital, labor, or anything else, must remain in its place in civil life alone and not attempt to interfere with the freedom of the functions of the Government's workings.

PIERSON W. BANNING,
Chairman.
EDMUND S. SHANK,
ELMER D. STACY,
Committee.

BOLSHEVISM AND ITS ANTIDOTE—OUR CONSTITUTION.

(By Harry F. Atwood, author of "Back to the Republic.")

PART II.

It is a rather startling statement, but it is an indisputable fact, that during all the thousands of years prior to the writing of our Constitution and the founding of this Republic there was no government to which the historian could point and truthfully say, "There was a government that worked well."

Now, while that is an unusual statement, it is just as true as it would be if I should say that prior to the evolving of the 10 digits there was no system of mathematics to which the historian could point and truthfully say, "There was a system of mathematics that worked well."

During all those thousands of years the pendulum of government was swinging back and forth from one extreme to the other, just as it has done recently in Russia and is now doing in Germany, swinging back and forth from the extreme of autocracy, which has always resulted in tyranny, to the extreme of democracy, which has always resulted in chaos.

Since that word has been used so frequently and so much during recent years, I want to pause just long enough to say that it is an innovation in the life of this country to refer to our Government as a democracy. Up to 19 years ago we scarcely—I might almost say never—referred to our Government as a democracy. The men who founded this Government were more fearful of democracy than they were of autocracy, and said so just as clearly as I am talking now.

They made a very clear distinction between a republic and a democracy, and said that they had founded a Republic; and in order that there may be no misunderstanding, I want to read exactly what they did say. You will recall that after the Constitution was written, Hamilton, Jay, and Madison were appointed to interpret the work, and in the Federalist Madison says:

"What, then, are the distinctive characteristics of the republican form? Were an answer to this to be sought, not by recurring to principles, but in the application of the term by political writers, to the constitutions of different States, no satisfactory one would ever be found.

"Holland, in which no particle of the supreme authority is derived from the people, has passed almost universally under the denomination of a republic. The same title has been bestowed on Venice, where absolute power over the great body of the people is exercised, in the most absolute manner, by a small body of hereditary nobles.

"Poland, which is a mixture of aristocracy and monarchy in their worst forms, has been dignified with the same appellation. The Government of England, which has one republican branch only, combined with an hereditary aristocracy and monarchy, has with equal impropriety been frequently placed on the list of republics. These examples, which are nearly as dissimilar to each other as to a genuine republic, show the extreme inaccuracy with which the term has been used in political disquisitions."

The above quotation indicates how forcefully Madison called attention to the gross misuse of the word "republic" in his day. He was very jealous of the use of the term. He was extremely conscious and justly proud of having played an important part in helping to found the first republic in history. He knew the difference between an autocracy and a republic, and he objected to having autocracies spoken of as republics. He also understood quite clearly the difference between a republic and a democracy. His description of democracies is a splendid word picture of the Russia of to-day. Again, in the Federalist, he said:

"Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property, and have in general been as short in their lives as they have been violent in their deaths. Theoretic politicians, who have patronized this species of government, have erroneously supposed that by reducing mankind to perfect equality in their political rights, they would, at the same time, be perfectly equalized and assimilated in their professions, their opinions, and their passions. * * * A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking. * * * The two great points of difference between a democracy and a republic are, first," etc.

I just raise that point to make it clear that the men who founded this Government had no thought of founding a democracy, and, while this may seem a rather extravagant statement, I believe that 75 per cent of the ills from which we have been suffering during the last 18 or 19 years are due to the prevalent misuse of the word democracy. I said to a man some time ago, just as an illustration, that Lincoln never used the word. This man had written a book of 600 pages on the life of Lincoln, and said he had used it often.

I asked him to find it. He made a search and found where Lincoln had used it once.

DYESTUFFS LETTERS.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter from the Hon. John J. Fitzgerald, formerly a Member of the House; also a letter from Hon. Herman A. Metz, also formerly a Member of the House; and a third letter from Hon. Victor Murdock, formerly a Member of Congress, now Acting Director of the Federal Trade Commission, all on the same subject of dyestuffs.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by inserting letters relative to dyestuffs. Is there objection?

There was no objection.

Following are the letters referred to:

MR. FITZGERALD'S LETTER.

NEW YORK, *September 29, 1919.*

The Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR MR. MOORE: On September 26, 1919, in the debate on H. R. 8078, the so-called "dyestuffs bill," you appear on page 5991 of the CONGRESSIONAL RECORD, in referring to some affairs of Mr. Herman A. Metz, as having spoken as follows:

"One of the attorneys who is taking his property to-day is one of the numerous attorneys who were employed by the Alien Property Custodian, our former colleague, the chairman of the Committee on Appropriations, Mr. John J. Fitzgerald."

I am ignorant of the source from which you obtained the information upon which you based that statement. So that there may be no misunderstanding about my relation to the situation, however, permit me to inform you that I have been acting as Mr. Metz's attorney in connection with his controversies with the Alien Property Custodian. Instead of "taking" his property, in association with other attorneys, I have endeavored to persuade the Alien Property Custodian that Mr. Metz's properties were not subject to seizure under the trading-with-the-enemy act.

The Alien Property Custodian determined that the stock of the Farbwerke Hoechst Co. was alien-enemy owned, and demanded its surrender by Mr. Metz. At the time of the surrender of the stock Mr. Metz suggested that I be designated by the Alien Property Custodian as a director of the company. This request was denied, but by agreement between Mr. Metz and the Alien Property Custodian I was selected by the directors installed by him as one of the counsel for the company.

Believing that you would not intentionally misrepresent my relationship to any matter, I have confidence that you will place this communication in the RECORD so that my connection with Mr. Metz's affairs will be given the same publicity as your unintentional misstatement has obtained.

Very truly, yours,

JOHN J. FITZGERALD.

LETTER FROM MR. METZ.

NEW YORK, *October 2, 1919.*

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Mr. Fitzgerald sent me a copy of his letter to you and I wrote you that what he said was true and I confirmed it in all respects. While literally this is so, technically possibly it may not be, for the following reason, and I will give you the whole matter in detail:

Mr. Fitzgerald told me, I think in October of last year, that he had heard that the A. P. C. was going to take over my company—that is, the Farbwerke-Hoechst Co.—and that he wanted me to know about it and if he could help me any he would be glad to do so. I explained the circumstances to Mr. Fitzgerald, and he did go with me to see Mr. Garvan, after Garvan had made his demand for three of my concerns. I had previously made a full statement of the history of my concerns to the Information Bureau of the War Trade Board, and when Mr. Choate, of the A. P. C.'s office, began to inquire into the status of the company he had this report, and I gave him everything I had bearing in any way upon my business and all of my concerns. He asked me then, as they had no funds, whether I would permit their accountants to come in and verify my statements at my own expense. To this I gladly consented. But after the accountants had been here a few days and after the amendment—of November 4, I think—was passed at 6 o'clock on Saturday night, two days before the armistice was signed, I was served with a demand for all three concerns at my country place, to which the accountants came for the purpose of serving it. I called up Senator O'Gorman and told him what had happened, and he assured me that examinations of this sort were being made all over and that it meant nothing, and that the facts would be proven; and he advised me to accept the service and comply with the demand, as I would have my redress in court and I would not be damaged any, except the possible expense I might be put to. It was thereafter that Fitzgerald went with me to see Garvin, and Garvin told me immediately that there was a broader question involved than simply my company; that apparently I was of the opinion that colors could not be made on this side and that they had determined the industry should be established and that all German connections and influence should be wiped out; but that he was willing, pending the completion of the investigation, to allow the stock of my companies to remain in escrow with Fitzgerald under an agreement that upon the completion of his investigation Fitzgerald would hand it back to me and I could then determine what course to pursue in case he renewed his demand. To this I also readily consented, because I knew I had nothing to fear if the investigation was to be on the level and as I had Garvin's special promise that there would be no publicity, because publicity or even the intimation of German interests would hurt my business and interfere with it greatly. I was assured that nothing of the sort would be done. You and I know how much publicity there has been in the articles that have appeared in the lay press, in the magazines, and everywhere else, and at speeches delivered at banquets by Palmer, Garvan, and Choate.

The investigation continued until March, 1919, and the accountants' report was revised once or twice. The first report was so raw that not even Garvan would stand for it, and the men who really made the examination protested. The man who made it was the $100-a-day man who was here occasionally once a week, for a few minutes, and sometimes not at all for four weeks, while he was sick in Atlantic City. On the strength of the draft of the first report, my counsel, Mr. Vandiver, Senator O'Gorman, and Fitzgerald went to see Garvan and protested against the language of the report as absolutely unjust and unwarranted and doing me irreparable injury. Thereupon some of the most objectionable matter was stricken out, and the report was finally made as it appeared in the printed report of the Alien Property Custodian. One item, however, which appeared in the original draft was left out of the final report, and that was to the effect that no evidence had been found to indicate that there was any foreign interest whatever in the H. A. Metz laboratories. Garvan decided that in order to clean up the "Big Six" he would take over the Farbwerke-Hoechst Co., which was only a shell, as it had done no business for over a year (I having dropped it because of its foreign name and the antagonisms it aroused), and that there would be no publicity; and that he was also taking over the Badische Co. and the Casella Color Co.; and that my other two concerns would be cleared and given back to me, and that instead of being injured by his action I would be benefited by the fact that he had released these two companies after investigation, and that this would be the best advertisement I could possibly get.

Garvan consulted with me and suggested the names of certain gentlemen to be put in as directors of the Farbwerke-Hoechst Co., to which I agreed, assuming that they were fair-minded and did not want to injure my interests. When the men were finally appointed there were several changes. I suggested Fitzgerald to be one of the directors, but Garvan made him attorney for the company, and also put in Isadore Kressel, a former associate of his in the district attorney's office. The proceedings of the first meeting of the directors appeared in my bill of complaint against Garvan and are published in the hearings before the Ways and Means Committee. Fitzgerald, as an attorney and to some extent, at least, as representing me in the matter, as well as the Alien Property Custodian, expressed the opinion right along, and in the arguments with Garvin above referred to, when Senator O'Gorman and Mr. Vandiver were present, also argued, that there was no reason to take over these companies. After this was decided and I approached Mr. Garvan and asked him to release the other two companies, he told me he was ready to do so, but that he wanted the directors of the Farbwerke-Hoechst Co. to look into the matter and have them recommend that there was no connection. A committee of the directors was appointed, but they never met for the purpose, and I was informed that Mr. Kressel, without consulting the directors, had written an opinion that although there was no direct evidence of any connection with the two concerns, nevertheless they should be seized and compel me to go to court to prove my case. This is practically what his report amounted to. I protested against this report to Fitzgerald at the time and telegraphed him to Washington, as follows:

"Hon. JOHN J. FITZGERALD,
"*New Willard Hotel, Washington, D. C.:*

"Understand from Kressel he will report against me. I hope Garvin won't perpetrate this outrage, for it will do irreparable damage. It is unfair and unjust and he knows it.

"(Signed) METZ."

A meeting was called of the directors, to meet at my office, but on the morning of the same day my counsel appeared in court and submitted my bill of complaint. Besides the district attorney, Col. Rand (also a former associate of Mr. Garvan's in the district attorney's office) appeared as special counsel. This, of course, stopped further proceedings, although Mr. Tibbetts, an assistant of Mr. Kressel and now secretary of the Farbwerke-Hoechst Co., told me that he was about to have a resolution passed allowing $2,500 counsel fee each to Mr. Kressel and Mr. Fitzgerald. I told him I had gotten through paying any fees of any kind to anybody, and that if the directors voted any such salary or any such compensation I would hold them personally responsible. The meeting referred to above was called for 2 o'clock that afternoon. Mr. Kerr, who was elected president of the company, Mr. Prial, and Mr. Fitzgerald appeared at the meeting, but as there was no quorum nothing was done. The proposed report of Mr Kressel was discussed by Mr. Kerr and Mr. Fitzgerald, and both of them passed upon it as unwarranted. Mr. Kerr said that he had gone into the matter very carefully, and that in his opinion there might exist claim for an accounting on the part of the Farbwerke-Hoechst Co. against me personally because of the contract of 1912 with the firm abroad. I have never objected to

any such construction. If I owe the people abroad anything the A. P. C. as conservor of their property is entitled to it, but my books show that instead of my owing the firm abroad money they owe me several hundred thousand dollars for payment of goods in anticipation of shipments and for part of the profits accrued to me from goods shipped here on the submarines and on British permits during 1915–16. After this meeting nothing further occurred. The Farbwerke-Hoechst case was set for August, was postponed until September by stipulation, and again postponed until October 6 by stipulation. In the meantime nothing happened until I appeared in Washington before your committee and the resulting controversy with Mr. Garvan because of your attitude on the Chemical Foundation and his other activities. Mr. Fitzgerald still holds the two stocks in escrow, but the status of the companies remains exactly as it was, and I have gone on doing business despite the handicap placed upon me by the insinuations and intimations whispered around by competitors because of the attacks and articles by Mr. Palmer, Mr. Garvan and Mr. Choate. I have drawn no dividends, but have allowed whatever profits there have been to accumulate. I have gone on, especially in the laboratories, increasing our production and improving our salvarsan and novocain, working in cooperation with Prof. Stieglitz and the Public Health Service, till better products at a lower price are made than can be obtained anywhere else on earth. What the effect of Mr. Garvan's demand for the two companies at this late stage will have upon the business of the laboratories can easily be imagined. It is bound to be harmful and serious. I have a large accumulation of evidence now from all over the country about the prejudice which his stories have already aroused on the part of many consumers, largely because of the fact that as a man in public life my name is well known throughout the country. My connection with the dyestuff business, dating over 35 years, is also known, and nine times out of ten any accusation made against any of the German concerns—and you will note he always bunches them—brings to the public mind my connection, and no one else's, so that I have been made the "goat," and irreparable damage all along the line has been done to me and my companies.

I defy Mr. Garvan, Mr. Choate, or anyone else to point out a single instance in which I or the concerns I control have, directly or indirectly, done a single thing that can be criticized from the viewpoint of loyalty, integrity, or absolute Americanism. * * * This last act in retaliation of my daring to differ with them in their procedure in the attempts to do that which will build up a monopoly of the worst kind here has brought about this sudden demand for my other two companies.

It will interest you to know that Judge Hough, of the Federal court, on September 30, has granted an order to show cause why these proceedings should not be stayed, pending the determination of the suit already begun, and that same was returnable on October 10. My case is in the hands of Messrs. O'Gorman, Battle & Vandiver, and I will undoubtedly have other eminent counsel, because I am determined to go the limit against this outrage which is being perpetrated against an American citizen in pursuance of the "policy" of a public official, nowise within his province or in the scope of the authority conferred upon him by law. I have not discussed the matter with Mr. Fitzgerald since I sent him my telegram, and in the meantime he continues to hold the stock in escrow and remains counsel of the Farbwerke-Hoechst Co. on behalf of the directors appointed by Mr. Garvan, and therefore to the extent to which I consulted him and that he appeared with Senator O'Gorman before Garvan in my behalf upon the filing of the report of the accountants he represented me and acted as my counsel.

I am giving you this in detail because in this matter all the facts are essential to show the ramifications of the entire case.

Yours, very truly,

H. A. METZ.

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MR. MURDOCK'S STATEMENT.

FEDERAL TRADE COMMISSION,
Washington, September 27, 1919.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: In connection with discussion of the Longworth dyestuffs bill (H. R. 8078) my attention has been drawn to your reference to the Federal Trade Commission, quoted on pages 5811 of the RECORD of September 23, by reason whereof I desire to set before you certain facts, as follows:

As stated in the RECORD, approximately 4,500 patents were transferred by the Alien Property Custodian to the Chemical Foundation (Inc.), under certain of which patents licenses had been granted by this commission pursuant to the authority vested in it by the act of October 6, 1917, known as the "enemy-trade act," and the Executive order of October 12, 1917.

Acting without the knowledge of the commission and without any consultation upon the subject, the Chemical Foundation, following such transfer, addressed the licensees of the commission, in part, as follows:

"We have arranged with the Federal Trade Commission to accept a surrender of your license from the Federal Trade Commission and to issue a license on the same terms from the Chemical Foundation (Inc.)."

This letter was first called to the attention of the commission by a number of its licensees, whereupon, in order to make its position plain, the commission addressed to each licensee a copy of the 'circular' to which reference is made in your remarks. Not only did said 'circular' recite that the transfer of licenses was wholly optional with the licensees, but, while not counseling one way or the other, it did specifically and in terms suggest the inadvisability of surrendering a Federal Trade Commission license, at least until the treaty of peace was executed and its effect upon licenses and the patent situation generally was definitely known. The full text of said letter is inclosed for your information.

It may be added that while four licensees only, as a result, have tendered a surrender of licenses, no surrender has as yet been accepted by the commission.

Very truly, yours,

VICTOR MURDOCK,
Acting Chairman.

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THE DYE PATENTS CIRCULAR.

JUNE 26, 1919.

GENTLEMEN: A number of those holding licenses with the Federal Trade Commission by virtue of the authority vested in the commission under the trading-with-the-enemy act and the Executive order of October 12, 1917, in re enemy-owned patents, etc., have notified the commission that they have been requested by the Chemical Foundation (Inc.), to relinquish the said licenses and in lieu thereof to accept licenses from the Chemical Foundation (Inc.). The Chemical Foundation (Inc.), through its attorney and representative, Mr. Hoguet, has appeared in person before the commission and asked for an expression from the commission as to its disposition in this matter. In response to these inquiries the commission makes the following statement for your consideration:

LICENSES GRANTED BY THE COMMISSION.

By virtue of the authority vested in it by the act of Congress approved October 6, 1917, known as the trading-with-the-enemy act, and the Executive order of October 12, 1917, vesting it with authority to administer said act, the Federal Trade Commission granted licenses thereunder for the life of the patent, unless otherwise stated, and upon payment to the Alien Property Custodian of a certain royalty. Under said license the commission reserved the power to terminate and cancel the license in whole or in part. It is this license that the Chemical Foundation now requests you to surrender, and in lieu thereof to apply for one to be issued by it.

THE CHEMICAL FOUNDATION (INC.).

At the suggestion of the commission the Hon. Ramsay Hoguet, counsel for the Chemical Foundation (Inc.), has made the following statement of the objects and purposes of the said foundation:

"The Chemical Foundation is a corporation to which the Alien Property Custodian, acting under the authority of the President, has sold all of the formerly enemy-owned patents relating to dyes, chemicals, and related subjects. The stock of the Chemical Foundation is divided into $400,000 of preferred nonvoting stock which it is expected will be redeemed within a very short time, and $100,000 worth of common stock, the dividends on which are limited to 6 per cent. This stock is sold in very small lots and is as widely distributed as possible throughout the industries affected by the patents. In order to prevent control falling into the hands of any one group, the stock is nontransferable except by leave of the board of directors and is placed in a voting trust for a period of 17 years. The voting trustees are the gentlemen who have been serving as the advisory sales committee to the Alien Property Custodian: Otto T. Bannard, esq. (chairman the New York Trust Co., New York); Hon. George L. Ingraham (late presiding justice appellate division, first department, New York Supreme Court); Cleveland H. Dodge, esq.; B. Howell Griswold, jr., esq. (of Alexander Brown & Sons, Baltimore); Ralph Stone, esq. (president Detroit Times Co., Detroit, Mich.). The officers and directors of the foundation are as follows: President, Mr. Francis P. Garvan (the Alien Property Custodian); vice president, Col. Douglas I. McKay (late colonel, General Staff, vice president of J. G. White & Co., and deputy and police commissioner of the city of New York under Mayors Gaynor, Kline, and Mitchel); treasurer and secretary, Mr. George J. Corbett (assistant secretary, Central Union Trust Co.).

"It is the purpose of the Chemical Foundation to issue nonexclusive licenses on equal terms to all properly qualified American manufacturers and to enforce the patents against infringement by the importation and sale of the patented product made abroad. The royalties charged are to be fixed after consideration of all of the facts surrounding the manufacture of the patented product, and will be at a reasonable rate. The royalties will be used to retire the preferred stock and for the encouragement of chemical industry in the United States. The directors of the Chemical Foundation hope to make it a central body and point of contact for the entire chemical industry, and the means of conducting research for the benefit of the industry as a whole.

"The sale of the Chemical Foundation by the Alien Property Custodian having been made unconditionally, no rights are reserved to the former enemy owner of the patents, and under section 7 (c) of the trading-with-the-enemy act as amended November 4, 1918, his only recourse appears to be against the proceeds of the sale from the Alien Property Custodian to the Chemical Foundation. It is the opinion of counsel for the Chemical Foundation that the alien enemy has no right of action whatever against the licensee under a license issued by the Chemical Foundation.

"The Chemical Foundation will issue licenses at the rate of royalty now paid to all licensees of the Federal Trade Commission who apply to the commission for a surrender of their licenses and the surrender of whose licenses is accepted by the commission."

The commission is informed that on July 1, 1919, the Alien Property Custodian will cease to be a member of the Chemical Foundation (Inc.); that thereafter there will be no connection whatsoever with the United States Government; and that its licensees will be governed by the terms of the license issued by it.

LICENSE OF THE CHEMICAL FOUNDATION (INC.).

There is herewith inclosed a copy of the form of license of the Chemical Foundation (Inc.). A comparison of the form of license of the Chemical Foundation (Inc.) and that of the Federal Trade Commission will reveal a number of differences, several of which are herewith referred to.

According to section 2 thereof the licensee will not be permitted to import into the United States from any country "any product which is covered by any of said patents, or sell in the United States, its Territories, or dependencies any such product made outside of the United States."

By section 13 of said form of license there is reposed in the Foundation the exclusive discretion of determining, not only whether the licensee has lived up to the terms of the license, but the Foundation also reserves to itself the right to judge of the qualifications of the licensee at the time of the application and at all times after granting the same, according to the several sections of the said form of license.

ALTERNATIVES OFFERED TO LICENSEE.

The licensee has the privilege of electing one of the following three alternatives:

(a) The licensee may retain its Federal Trade Commission license and operate thereunder for the life of the patent, unless otherwise specified, subject to the powers of revocation provided by the Federal Trade Commission license. Or

(b) The licensee may retain its license with the Federal Trade Commission and at the same time apply for one from the Chemical Foundation (Inc.). Should the latter be granted, the licensee may operate under both of said licenses, but subject to either the Federal Trade Commission or the Chemical Foundation (Inc.), or both, according to the terms of the respective licenses. Or

(c) The licensee may surrender its Federal Trade Commission license and thereby withdraw from the protection of the trading-with-the-enemy act and apply for a license from the Chemical Foundation (Inc.) and, in the event of issuance of the same, operate thereafter under the con-

trol of the said foundation as a private corporation, according to the terms of the license issued.

A surrender of license will not be acted upon by the Federal Trade Commission where the licensee is a corporation until a written request is addressed to it by the properly authorized officers of the licensee, together with a resolution of the board of directors authorizing the said request. In the case of licensees not incorporated the request must be in writing, signed by the proper parties. The cancellation of a license will not take place until the commission has acted upon the request and informed the licensee of its action.

Attention is called to the fact that the commission does not have knowledge at this time of the effect of the treaty of peace now being negotiated at Paris upon the said patents or sales or licenses thereunder. It therefore points out that until the treaty of peace is executed and the effect thereof on patents and licenses is known the licensee may well consider whether he shall surrender the Federal Trade Commission license.

By direction of the commission:

Acting Chairman.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed without amendment bill of the following title:

H. R. 7417. An act to amend an act of Congress approved March 12, 1914, authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes.

PRIVATE CALENDAR BILLS.

The SPEAKER. The unfinished business of the day covers the bills which were passed by the Committee of the Whole on Friday, September 5. The Clerk will report the first bill.

CLAIMS OF THE SIOUX INDIANS.

The Clerk read as follows:

A bill (H. R. 400) authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims.

Mr. EDMONDS. Upon that bill, Mr. Speaker, I move the previous question to final passage.

The SPEAKER. The gentleman from Pennsylvania moves the previous question on the bill to final passage.

Mr. GANDY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GANDY. At what stage of this proceeding would it be proper to ask unanimous consent to take up in lieu of this bill a Senate bill on the calendar in identical language?

Mr. WALSH. It is too late now.

The SPEAKER. The Chair thinks that would be permissible at any time.

Mr. GARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARD. Asking for my own information, and possibly that of other Members of the House, I would like to know whether it would be possible now, at this stage of the proceedings, when a certain bill had been approved by the Committee of the Whole and it is now before this House, to lay aside that bill, and whether another bill under the order for the ratification of private claims can be presented even by unanimous consent?

The SPEAKER. The Chair does not at first blush see why it could not be done.

Mr. WALSH. It would have to be done by a motion to recommit.

The SPEAKER. Does the Chair understand it is practically the same bill?

Mr. GANDY. Mr. Speaker, the bill is in identically the same language as amended by the Indian Affairs Committee.

The SPEAKER. The Chair does not see why that motion should not prevail.

Mr. CLARK of Missouri. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. Is the situation this, that the House in Committee of the Whole recommends the passage of this bill and has laid it aside with a favorable recommendation and it is now pending, and now comes the gentleman from South Dakota with an identical Senate bill?

Mr. GANDY. Which has come on the calendar in the meantime.

Mr. CLARK of Missouri. Which has come on the calendar in the meantime. It seems to me the way out of it is if the gentleman would press a motion to pass the Senate bill and then have the House refuse to pass the House bill.

The SPEAKER. It seems to the Chair that would be one way out of it.

Mr. MADDEN. Mr. Speaker, it seems to me that before consideration of this bill began was the time to substitute the Senate bill.

A MEMBER. It was not here.

Mr. MADDEN. If it was not here, then it ought not to be considered now.

The SPEAKER. Does the gentleman mean before proceedings began in Committee of the Whole?

Mr. MADDEN. Yes, sir; I do not see how, if the committee has reported a certain bill to the House for passage, you could substitute another bill for that bill except by unanimous consent of the House.

The SPEAKER. The gentleman asks for unanimous consent.

Mr. MADDEN. I object to that.

Mr. MONDELL. Mr. Speaker, if the gentleman will withhold a moment, this is the situation: Since the Committee of the Whole passed on the bill favorably the committee has amended the Senate bill so that it is identical with the House bill reported by the Committee of the Whole, and as thus amended the Senate bill was reported and is now on the calendar. If we should insist on passing the House bill and sending it over to the Senate after the Senate has passed a similar bill, it seems to me it would hardly be proper courtesy to the Senate. And, furthermore, we would delay the enactment of the legislation, because it will then be necessary for the Senate to pass the House bill, after having passed a Senate bill on the same subject.

Mr. MADDEN. At the same time the gentleman knows very well that the procedure he is suggesting is a violation of the rules of the House, and if you can twist the rules to meet any emergency that may arise after consideration of a bill by the Committee of the Whole House on the state of the Union, it might be done in a very important case. This is not so important.

Mr. WALSH. Mr. Speaker, the gentleman from South Dakota [Mr. GANDY] is asking unanimous consent. Now, it would seem to me that before the previous question was ordered the gentleman from South Dakota might ask unanimous consent that a Senate bill of a certain number be laid before the House. The House can then act upon the Senate bill, and after it acts upon it, instead of the gentleman from Pennsylvania moving the previous question upon the House bill he can make a motion to lay the House bill upon the table; but as far as trying to substitute one for the other by unanimous consent while we are in the House, I suppose it could be done, but I do not think it is very good practice at this stage of the proceedings.

The SPEAKER. The Chair is informed that the Senate bill as it passed the Senate is not identical with the House bill, that it was amended by the House committee. Is that correct?

Mr. GANDY. Yes.

The SPEAKER. Then it must go back to the Senate, at any rate. So what advantage would be gained?

Mr. GANDY. It would have the advantage in that the same bill would have passed both Houses.

The SPEAKER. No; if it was amended it would have to go back to the Senate.

Mr. GANDY. I am assured at the other end of the Capitol that these amendments are agreeable over there.

The SPEAKER. But it would have to go back to the Senate, anyway.

Mr. GANDY. Mr. Speaker, following the suggestion of the gentleman from Massachusetts [Mr. WALSH], I ask unanimous consent that Senate bill 1018 be laid before the House.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that the bill (S. 1018) be laid before the House. Is there objection?

Mr. GARD. Reserving the right to object——

Mr. MADDEN. Reserving the right to object, inasmuch as the House committee has amended the Senate bill to conform to the House bill, there will not be any advantage in passing the Senate bill. It will have to go back to the Senate anyway, and the Senate might reamend it. You might just as well send the House bill to the Senate as to send the Senate bill amended by the House, and I object.

The SPEAKER. The gentleman from Illinois objects. The question is on ordering the previous question on the House bill.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

ROSEBUD INDIAN RESERVATION, S. DAK.

The SPEAKER. The Clerk will report the next bill reported from the Committee of the Whole.

The Clerk read the title of the bill (H. R. 396) to authorize the payment of certain amounts for damages sustained by prairie fire on the Rosebud Indian Reservation, in South Dakota.

Mr. EDMONDS. Upon that I move the previous question.

Mr. WALSH. Will the gentleman withhold that for a moment?

Mr. EDMONDS. If I have the floor, I will yield.

The SPEAKER. The gentleman has the floor.

Mr. WALSH. How much do these damages amount to? I was unable to be here when this bill was considered.

Mr. EDMONDS. The gentleman from South Dakota can inform the gentleman.

Mr. GANDY. My recollection is that the damages amounted to something in the neighborhood of $6,000. That is my recollection offhand. I am unable to give the gentleman the exact figures.

Mr. WALSH. All right.

The SPEAKER. The gentleman from Pennsylvania moves the previous question on the bill to the final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

FRANK S. INGALLS.

The SPEAKER. The Clerk will report the next bill.

The Clerk read the title of the bill (H. R. 685) for the relief of Frank S. Ingalls.

Mr. EDMONDS. Upon that bill I move the previous question to the final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

W. T. DINGLER.

The SPEAKER. The Clerk will report the next bill.

The Clerk read the title of the bill (H. R. 974) for the relief of W. T. Dingler.

Mr. EDMONDS. On that I move the previous question to the final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion by Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

CLARA KANE.

The SPEAKER. The Clerk will report the next bill.

The Clerk read the title of the bill (H. R. 6413) granting the sum of $549.12 to Clara Kane, dependent parent by reason of death of William A. Yenser, late civil employee, killed as a result of an accident at the Philadelphia Navy Yard.

Mr. EDMONDS. Upon that, Mr. Speaker, I move the previous question to the final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. BLANTON. Mr. Speaker, I offer a motion to recommit the bill.

The SPEAKER. The gentleman from Texas offers a motion to recommit, which the Clerk will report.

The Clerk read as follows:

Mr. BLANTON moves to recommit the bill H. R. 6413 to the Committee on Claims with instructions to report the same back to the House forthwith with the following amendment, to wit: On page 1, line 5, strike out the figures "$549.12" and insert in lieu thereof "$480."

Mr. EDMONDS. Upon that motion to recommit I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. BLANTON. Mr. Speaker, I make the point of no quorum present.

The SPEAKER. The gentleman makes the point of no quorum present. It is quite evident to the Chair that a quorum is not present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members. As many as are in favor of the motion to recommit will, as their names are called, vote "yea," those opposed "nay," and the Clerk will call the roll.

The question was taken; and there were—yeas 7, nays 274, answered "present" 6, not voting 142, as follows:

YEAS—7.

Black	Connally	Lanham	Rayburn
Blanton	Jones, Tex.	Parrish	

NAYS—274.

Alexander	Andrews, Nebr.	Baer	Begg
Almon	Ashbrook	Bankhead	Benham
Anderson	Aswell	Barbour	Benson
Andrews, Md.	Ayres	Barkley	Blackmon
Bland, Ind.	Freeman	Lonergan	Sanders, Ind.
Bland, Va.	French	Luhring	Sanford
Boies	Gandy	McCulloch	Saunders, Va.
Brand	Ganly	McDuffie	Scott
Briggs	Gard	McFadden	Sears
Brinson	Garner	McGlennon	Sims
Brooks, Pa.	Garrett	McKiniry	Sinclair
Browne	Glynn	McLane	Sinnott
Brumbaugh	Godwin, N. C.	McLaughlin, Mich.	Small
Burdick	Good	MacCrate	Smith, Idaho
Burroughs	Graham, Ill.	Madden	Smith, Mich.
Byrnes, S. C.	Green, Iowa	Magee	Smithwick
Byrns, Tenn.	Greene, Mass.	Mansfield	Snyder
Campbell, Kans.	Griest	Mapes	Steagall
Campbell, Pa.	Griffin	Mays	Stedman
Candler	Hadley	Michener	Steenerson
Cannon	Hamilton	Miller	Stephens, Miss.
Cantrill	Hardy, Colo.	Minahan, N. J.	Stevenson
Caraway	Hardy, Tex.	Monahan, Wis.	Strong, Kans.
Carss	Hastings	Mondell	Strong, Pa.
Chindblom	Hawley	Moon	Summers, Wash.
Christopherson	Hayden	Moore, Ohio	Sumners, Tex.
Clark, Mo.	Hays	Moore, Pa.	Sweet
Cleary	Heflin	Moore, Va.	Swope
Coady	Hernandez	Morgan	Taylor, Colo.
Collier	Hersey	Mott	Temple
Cooper	Hersman	Neely	Thomas
Copley	Hickey	Nelson, Mo.	Thompson
Cramton	Hicks	Nelson, Wis.	Tillman
Crisp	Hill	Newton, Minn.	Timberlake
Crowther	Hoch	Nicholls, S. C.	Tincher
Cullen	Holland	Nichols, Mich.	Tinkham
Curry, Calif.	Houghton	O'Connor	Towner
Dallinger	Huddleston	Ogden	Venable
Darrow	Hudspeth	Oldfield	Vestal
Davis, Tenn.	Hulings	Oliver	Vinson
Denison	Humphreys	Olney	Voigt
Dent	Igoe	Osborne	Volstead
Dewalt	James	Padgett	Wason
Dickinson, Mo.	Jefferis	Park	Watkins
Dickinson, Iowa	Johnson, Ky.	Phelan	Watson, Pa.
Dominick	Johnson, Miss.	Platt	Watson, Va.
Doremus	Johnson, Wash.	Pou	Weaver
Dowell	Jones, Pa.	Purnell	Webb
Drane	Juul	Quin	Welling
Dunbar	Kearns	Radcliffe	Welty
Dunn	Keller	Rainey, J. W.	Whaley
Dupré	Kelly, Pa.	Raker	Wheeler
Eagan	Kendall	Ramsey	White, Kans.
Eagle	Kennedy, R. I.	Ramseyer	White, Me.
Elliott	Kincheloe	Randall, Calif.	Williams
Elston	King	Randall, Wis.	Wilson, La.
Esch	Kinkaid	Reber	Wilson, Pa.
Evans, Mont.	Kitchin	Reed, N. Y.	Wingo
Evans, Nebr.	Kleczka	Reed, W. Va.	Winslow
Evans, Nev.	Kraus	Rhodes	Wise
Fairfield	Lampert	Ricketts	Wood, Ind.
Ferris	Lankford	Riddick	Woods, Va.
Fess	Layton	Rogers	Wright
Fitzgerald	Lazaro	Romjue	Yates
Flood	Lea, Calif.	Rose	Young, N. Dak.
Focht	Lehlbach	Rouse	Young, Tex.
Fordney	Lesher	Rowe	Zihlman
Foster	Linthicum	Rubey	
Frear	Little	Rucker	

ANSWERED "PRESENT"—6.

Booher	Hull, Tenn.	Major	Walsh
Box	Knutson		

NOT VOTING—142.

Ackerman	Fields	Longworth	Robinson, N. C.
Anthony	Fisher	Luce	Robsion, Ky.
Babka	Fuller, Ill.	Lufkin	Rodenberg
Bacharach	Fuller, Mass.	McAndrews	Rowan
Bee	Gallagher	McArthur	Sabath
Bell	Gallivan	McClintic	Sanders, La.
Bland, Mo.	Garland	McKenzie	Sanders, N. Y.
Bowers	Goldfogle	McKeown	Schall
Britten	Goodall	McKinley	Scully
Brooks, Ill.	Goodwin, Ark.	McLaughlin, Nebr.	Sells
Browning	Goodykoontz	McPherson	Sherwood
Buchanan	Gould	MacGregor	Shreve
Burke	Graham, Pa.	Maher	Siegel
Butler	Greene, Vt.	Mann	Sisson
Caldwell	Hamill	Martin	Slemp
Carew	Harrison	Mason	Smith, Ill.
Carter	Haskell	Mead	Smith, N. Y.
Casey	Haugen	Merritt	Snell
Clark, Fla.	Howard	Montague	Steele
Classon	Hull, Iowa	Mooney	Stephens, Ohio
Cole	Husted	Moores, Ind.	Stiness
Costello	Hutchinson	Morin	Sullivan
Crago	Ireland	Mudd	Taylor, Ark.
Currie, Mich.	Jacoway	Murphy	Taylor, Tenn.
Dale	Johnson, S. Dak.	Newton, Mo.	Tilson
Davey	Johnston, N. Y.	Nolan	Treadway
Davis, Minn.	Kahn	O'Connell	Upshaw
Dempsey	Kelley, Mich.	Overstreet	Valle
Donovan	Kennedy, Iowa	Paige	Vare
Dooling	Kettner	Parker	Walters
Doughton	Kiess	Pell	Ward
Dyer	Kreider	Peters	Webster
Echols	LaGuardia	Porter	Wilson, Ill.
Edmonds	Langley	Rainey, H. T.	Woodyard
Ellsworth	Larsen	Reavis	
Emerson	Lee, Ga.	Riordan	

So the motion to recommit was lost.

The following pairs were announced:

Until further notice:

Mr. KNUTSON with Mr. BELL.

Mr. HUTCHINSON with Mr. ROBINSON of North Carolina.

Mr. LONGWORTH with Mr. HULL of Tennessee.

Mr. MCARTHUR with Mr. SISSON.
Mr. MCPHERSON with Mr. MAJOR.
Mr. PAIGE with Mr. CALDWELL.
Mr. SHREVE with Mr. MCANDREWS.
Mr. TREADWAY with Mr. BOOHER.
Mr. RODENBERG with Mr. MARTIN.
Mr. KENNEDY of Iowa with Mr. GALLAGHER.
Mr. FULLER of Illinois with Mr. RIORDAN.
Mr. LANGLEY with Mr. DOUGHTON.
Mr. BUTLER with Mr. STEELE.
Mr. WALTERS with Mr. BEE.
Mr. VARE with Mr. BLAND of Missouri.
Mr. TILSON with Mr. BUCHANAN.
Mr. GOULD with Mr. PELL.
Mr. NEWTON of Missouri with Mr. OVERSTREET.
Mr. BROWNING with Mr. SHERWOOD.
Mr. PETERS with Mr. MOONEY.
Mr. JOHNSON of South Dakota with Mr. GOODWIN of Arkansas.
Mr. SLEMP with Mr. MCKEOWN.
Mr. STINESS with Mr. JOHNSTON of New York.
Mr. MUDD with Mr. CARTER.
Mr. FULLER of Massachusetts with Mr. RAYBURN.
Mr. COLE with Mr. SANDERS of Louisiana.
Mr. HAUGEN with Mr. HAMILL.
Mr. GREENE of Vermont with Mr. HOWARD.
Mr. SELLS with Mr. MAHER.
Mr. ACKERMAN with Mr. UPSHAW.
Mr. STEPHENS of Ohio with Mr. KETTNER.
Mr. PORTER with Mr. MONTAGUE.
Mr. KAHN with Mr. GOLDFOGLE.
Mr. REAVIS with Mr. MEAD.
Mr. SNELL with Mr. LARSEN.
Mr. MORIN with Mr. CASEY.
Mr. MANN with Mr. CLARK of Florida.
Mr. KIESS with Mr. FISHER.
Mr. BOWERS with Mr. SMITH of New York.
Mr. CRAGO with Mr. ROWAN.
Mr. ANTHONY with Mr. TAYLOR of Arkansas.
Mr. MCLAUGHLIN of Nebraska with Mr. DAVEY.
Mr. HASKELL with Mr. HARRISON.
Mr. SMITH of Illinois with Mr. MCCLINTIC.
Mr. IRELAND with Mr. BABKA.
Mr. NOLAN with Mr. O'CONNELL.
Mr. GRAHAM of Pennsylvania with Mr. JACOWAY.
Mr. COSTELLO with Mr. SABATH.
Mr. BACHARACH with Mr. SULLIVAN.
Mr. MCKINLEY with Mr. DONOVAN.
Mr. LUCE with Mr. DOOLING.
Mr. KREIDER with Mr. FIELDS.
Mr. BURKE with Mr. SCULLY.
Mr. KELLEY of Michigan with Mr. GALLIVAN.
Mr. GARLAND with Mr. HENRY T. RAINEY.

Mr. KNUTSON. Mr. Speaker, I wish to withdraw my vote of "no" and answer "present." I am paired with the gentleman from Georgia, Mr. BELL.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

JAMES M. MOORE.

The SPEAKER. The Clerk will report the next bill.

The Clerk reported the title of the bill (H. R. 1812) making appropriation to compensate James M. Moore for damages sustained while in the service of the Government of the United States, with an amendment.

The amendment was read.

Mr. EDMONDS. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

T. THING AND S. A. THING.

The SPEAKER. The Clerk will report the next bill.

The Clerk reported the title of the bill (H. R. 1853) to reimburse T. Thing and S. A. Thing for losses sustained by them by the negligent dipping of their cattle by the Bureau of Animal Industry, Department of Agriculture, with an amendment.

The amendment was read.

Mr. EDMONDS. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

CARLOW AVELLINA.

The SPEAKER. The Clerk will report the next bill.

The Clerk reported the title of the bill (H. R. 5665) for the relief of Carlow Avellina, with an amendment.

The amendment was read.

Mr. EDMONDS. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

LOSS OF FIREARMS IN COLORADO.

The SPEAKER. The Clerk will report the next bill.

The Clerk reported the title of the bill (S. 253) for the payment of claims for loss of private property on account of the loss of firearms and ammunition taken by the United States troops during the labor strikes in the State of Colorado in 1914.

Mr. EDMONDS. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

FARMERS' NATIONAL BANK, WILKINSON, IND.

The SPEAKER. The Clerk will report the next bill.

The Clerk reported the title of the bill (H. R. 1761) for the relief of the Farmers' National Bank of Wilkinson, Ind., with amendments.

The amendments were read.

Mr. EDMONDS. Mr. Speaker I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to conform to the bill.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

BUSINESS ON THE PRIVATE CALENDAR.

Mr. EDMONDS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. WALSH. Mr. Speaker, pending that motion, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. WALSH. Does the gentleman intend to consider only bills that are unobjected to?

Mr. EDMONDS. I would say to the gentleman from Massachusetts that while he was away attending to the duties of his committee we took up every one of these bills on the Private Calendar that were unobjected to. The bills that were objected to are now being considered in Committee of the Whole House. They have all had their turn in regard to unanimous consent, and the only way that we can take them up now is by taking up bills individually as they are placed on the calendar.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House for the consideration of bills on the Private Calendar, with Mr. CAMPBELL of Kansas in the chair.

The CHAIRMAN. The Clerk will report the unfinished business.

MRS. THOMAS M'GOVERN.

The Clerk read the title of the bill (H. R. 5348) for the relief of Mrs. Thomas McGovern.

Mr. EDMONDS. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. WALSH. I object to that.

The CHAIRMAN. The Chair is informed that the bill has been reported.

Mr. EDMONDS. The Chair is correct. Discussion was had upon it. The gentleman from Illinois [Mr. CANNON] had the floor for a part of his hour that he took to talk about the bill.

Mr. WALSH. But this starts the matter anew when we go over to another day.

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. Where objection is made to the bill after the reading of it, is it proper for the House to proceed to consider it until it has been read?

The CHAIRMAN. Not at all. The Chair is informed that this is the unfinished business and that the bill has already been reported.

Mr. BLANTON. It has been reported, but never has been read to the House, and the gentleman from Massachusetts objected to its consideration until it had been read.

The CHAIRMAN. The Chair is informed the bill was read to the House.

Mr. JEFFERIS. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. JEFFERIS. I wish to be heard to some extent on this bill.

The CHAIRMAN. This is a short bill, and without objection the Clerk will report it.

There was no objection.

The Clerk read as follows:

A bill (H. R. 5348) for the relief of Mrs. Thomas McGovern.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Thomas McGovern, the sum of $5,000 for damages suffered by reason of her husband, Thomas McGovern, being struck and fatally injured by a Government motor truck which was driven by a regularly enlisted soldier of the United States Army.

MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. WASON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8624) entitled "An act to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917."

MRS. THOMAS M'GOVERN.

The committee resumed its session.

Mr. BLANTON. Mr. Chairman——

Mr. CANNON. Mr. Chairman, I believe I had the floor.

The CHAIRMAN. The gentleman from Illinois.

Mr. CANNON. I do not recall how much time I had remaining of my hour, but I will reserve the remainder of my time. The gentleman from Pennsylvania says he has some additional evidence——

The CHAIRMAN. The gentleman from Illinois consumed 20 minutes.

Mr. CANNON. I reserve the remainder of my time.

Mr. BLANTON. A point of order.

Mr. EDMONDS. Mr. Chairman, I would like to secure recognition.

The CHAIRMAN. The gentleman from Texas will state his point of order.

Mr. BLANTON. Do we not proceed de novo with respect to the present consideration of the bill?

The CHAIRMAN. The Chair is informed that this bill has been partially considered.

Mr. BLANTON. But where a gentleman has used some time in a former Committee of the Whole, is the gentleman from Illinois entitled to a full hour?

The CHAIRMAN. He is not, he is entitled to the remainder of his time.

Mr. EDMONDS. I would like recognition.

The CHAIRMAN. The gentleman from Pennsylvania.

Mr. EDMONDS. I yield 15 minutes to the gentleman from Nebraska [Mr. JEFFERIS].

Mr. JEFFERIS. Mr. Chairman, I introduced this bill, it being the only available tribunal to which Mrs. McGovern could present a claim for the death of her husband. Had she been so unfortunate as to have lost her husband through the negligence of any private institution or corporation I believe I am safe in saying to this House that upon bringing suit in the courts under the laws of the State of Nebraska she would have been able to recover from $10,000 to $20,000 for the loss that she sustained through the death of her husband. Now, the question is whether or not the Government of the United States, acting through Congress, is to deal as justly with individuals suffering such losses as the laws require that individuals and corporations shall be compelled to do through an appeal before a jury in the county where the acts have occurred. According to the facts in this case, Mr. McGovern was walking northward on Seventeenth Street on the left-hand side of the sidewalk and attempted to cross Cass Street, running east and west, the same being a street some 60 feet in width between curb and curb.

SEVERAL MEMBERS. Where?

Mr. JEFFERIS. At Seventeenth and Cass Streets in the city of Omaha. On this evening, about 6 o'clock, Sergt. Ens, a regular enlisted soldier, accompanied by a young man by the name of Dewey, were taking a Cadillac car from a repair shop to Fort Omaha just to the north of the city, drove northward on Seventeenth Street, and cut the corner, the southwest corner, almost striking the curb, and the car came in contact with Mr. McGovern as he was walking across Cass Street. According to the evidence in this case as submitted to the Committee on Claims and as investigated by the authorities in charge at Fort Omaha, the soldier authorities, the evidence seems to be firmly established to the following effect: That the sergeant in driving this Cadillac car was violating the law as to negligence in driving a vehicle on the streets of Omaha in four particulars, namely, that he was exceeding the speed limit at intersections of streets, driving, according I think to the weight of the evidence, from 15 to 17 miles per hour, whereas the law of the State and the ordinances of the city require that in turning corners at intersections they shall not exceed the rate of 8 miles per hour. The law and the ordinances provide that in making turns at intersections they shall go out around the center, whereas this particular soldier on that night drove on the left-hand side, the wrong side of the street, without sounding, as I take it, although there is a dispute as to that evidence, any horn, but if he did it must have been slight and it was a misty night and dark. Now, there is some evidence from reports of the officers in the report that has been sent in to the committee since this claim was here before which, in my opinion, only corroborates and substantiates that which was here before the Congress when the bill was under consideration some days ago.

It happened that I was not present on that day and was not in a position therefore to advise the Congress as to anything I might know about this bill personally or as to the local situation. According to the evidence that has been now reported to the committee it seems that the officers at Fort Omaha investigated this transaction immediately after it occurred, and according to the evidence it would appear to me that the claim is even stronger than that which was presented to the committee originally. There was a contention made that this automobile did not really run to exceed a few feet after it struck Mr. McGovern, whereas from the evidence, as revealed by the testimony taken by the officers at Fort Omaha immediately after the occurrence, it appears that the front wheel and the hind wheel on the right-hand side of the automobile passed over the body of the deceased. This is conclusive evidence not only that the car did go more than 6, 7, or 9 feet after it struck the deceased, because we all must know that a Cadillac car exceeds that number of feet in length very decidedly.

So, taking the evidence in this case into consideration, it seems to me that Mrs. McGovern is entitled to the amount of this bill if this Government is to deal as justly with individuals who suffer losses through the negligence of some of their departments of activity as is required by law with other individuals. The amount is $5,000. I want to say to this House that $5,000 for the loss of a life under the conditions shown by this evidence seems to me most moderate; that Mrs. McGovern, if allowed the same, is dealing more than fair with this Government. As a matter of fact, Thomas McGovern had been a valuable citizen of that city. While he and I did not agree politically, nevertheless he at all times was actuated by high motives in the discharge of public duty. He had at one time been city commissioner of the city of Omaha, when the board became a nonpartisan body, and rendered service to that city for a number of years. Further than that, I would say there was some talk that he was guilty of contributory negligence, but for my part I can not see from the evidence or facts in this case how any such imputation can be laid at the door of the deceased. He was walking north on the left-hand side of the street; he started to cross a street that is 60 feet between the curbs; he was moving

northward, and he had no notice of any kind, as I can find from the evidence, to indicate that a soldier or anyone else was approaching him from the rear and was going to cut the corner on the wrong side of the street and run into him from the rear and knock him down and kill him, as occurred in this case.

Certainly, unless Congress is going to ask that a man shall have eyes in the rear of his head in order to observe such actions and conduct on the part of those who are driving automobiles as in this case, then he should at least be relieved of any such charge or imputation as has been intimated.

I believe as thoroughly as I believe anything, after having practiced law for 25 years in the city and tried such cases for both the defense and for the plaintiff, that if this cause was such from a legal standpoint that it could be submitted to a jury and to court, under competent instructions, Mrs. McGovern, instead of being allowed $5,000, would be allowed a verdict of from $15,000 to $20,000, and that it would be approved by the higher courts of our State.

Now, if anybody wishes to ask any questions I shall be glad to try to answer them.

Mr. GARD. Mr. Chairman, there are certain of us who are sympathetic with the claim the gentleman has introduced, but desire to know whether the committee had before it all the evidence which might have been brought before it, so that the claim might be fully understood and, as understood, presented to the House. What I should like to know, and what I made inquiry about when it was presented before, was as to whether or not the evidence of the driver of the machine, of this Cadillac car, in the Government service, had been considered, and also whether or not there had been any investigation by the War Department, for whom this driver was working, and what the investigation disclosed? These were the things certain of us were anxious to know and whether they had been presented to the committee; and I would like the gentleman to advise me.

Mr. JEFFERIS. I will say in reply to the gentleman that here recently an entire report, as I understand it, of the War Department has been presented to the committee. I secured a copy of that a couple of days ago, but it only reaffirmed, in my opinion, the evidence that was actually before the committee at the time they recommended this bill for passage. In other words, this report from the War Department shows that there was an investigation made at Fort Omaha immediately after this accident, and that the evidence was taken, by questions and answers, of a Miss Wilson and likewise a Mr. James, and the War Department really filed charges against the driver of the automobile. But that was not on the question of negligence. I will read just a part of it:

Sergt. Ens, the driver, was tried by general court-martial and acquitted. He was charged with violation of the ninety-sixth article of war, the specification alleging that "by improper driving" he did "run over and fatally injure Thomas McGovern, a citizen of Omaha, Nebr." The theory of the prosecution, which the defense did not dispute, was that if Ens was negligent in driving the car such negligence would constitute conduct prejudicial to good order and military discipline; but whether the court decided the issue of negligence in Ens's favor, or whether it was of opinion that, even if Ens was negligent, such negligence as that with which he was charged would not amount to conduct prejudicial to good order and military discipline within the meaning of article of war 96, does not clearly appear. The testimony against Ens adduced at the trial would be sufficient to sustain a finding (were one made) to the effect that he was driving at from 15 to 20 miles per hour; that he had no lights on and sounded no warning signal as he turned from Seventeenth Street into Cass Street; that he crossed Seventeenth Street diagonally, cutting the southwest corner very close to the curb; that, because of a fine mist, it was difficult to see through the wind shield, which was clouded with mist; and that Ens did not take proper measures to enable himself to see objects ahead, and did not see the deceased in time. The testimony adduced in favor of Ens, on the other hand, would be sufficient to sustain a finding (were one made) to the effect that Ens was driving at from 7 to 10 miles per hour; that the lights of the automobile were burning properly, and that the street was otherwise well lighted; that he sounded a proper warning; and that he turned properly into Cass Street near the center without unduly approaching the southwest corner. The testimony would sufficiently support a conclusion of negligence, if such conclusion were reached by a jury, and it would sufficiently support either of the alternative conclusions that the deceased, through want of attention, was guilty of contributory negligence, or that he was not guilty thereof.

In other words, as I review the charge and report as made by E. A. Kreger, the Acting Judge Advocate General, the real question of negligence could throw no light on it. It is a question of whether or not it was so negligent as to be destructive of military discipline.

Mr. BOX. Will the gentleman yield?

Mr. JEFFERIS. Certainly.

Mr. BOX. I understood the gentleman to say that he thought the claim could be maintained on the evidence in the courts of his State. I understand in many jurisdictions the question of the measure of damages, the money value, enters in the question of compensation in such cases. I wonder if there is any evidence as to the age and productive power of the deceased, or as to what his money value to his family was?

Mr. JEFFERIS. I would say that I do not know as there was any particular evidence offered before the committee in that respect, but I can say here that I was personally acquainted with Thomas McGovern; that he had worked for a long number of years in the Union Pacific shops as a foreman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JEFFERIS. I would like time in which to answer the question.

Mr. EVANS of Nebraska. Would the gentleman like five minutes more?

Mr. JEFFERIS. No; only sufficient time to answer the question.

Mr. EDMONDS. I yield to the gentleman two minutes more.

Mr. JEFFERIS. I would say that also he was elected commissioner of the city of Omaha. He had the salary of that position, which, as I remember, was $5,000 a year, and after that he went into the insurance business, and, as I understand it, was making a success of it. He was 55 years of age; he had a family of nine children, and I am here to vouch for the thorough Americanism of all of them.

Mr. MILLER. Will the gentleman yield?

Mr. JEFFERIS. I will.

Mr. MILLER. The gentleman speaks about the testimony introduced before the committee. What was the character of that testimony? Was it ex parte affidavits, given upon notice, or how was it done?

Mr. JEFFERIS. Ex parte affidavits. But now we have here before the Congress the testimony that was taken by the questions and answers of Army officers immediately after this and before Mrs. McGovern or anyone else would have had any influence with the witnesses.

Mr. MILLER. Will the gentleman state who made those ex parte affidavits, and how many were filed?

Mr. JEFFERIS. Of all the eyewitnesses there were two, Mr. James and Miss Wilson, and there was a man by the name of Dewey, who was accompanying the lieutenant at the time this accident occurred, and according to the evidence, as I view it, Mr. Dewey, who was accompanying the lieutenant, seems to have made contradictory statements. In one place he talks of the speed of the automobile as having been from 5 to 7 miles an hour, whereas according to the report of Lieut. Hersley, of Fort Omaha, he seems to have had it from 12 to 15 miles an hour, whereas Miss Wilson says it was from 15 to 17 miles an hour, and Mr. James shows that it was far in excess of the speed limit.

Mr. MILLER. Was any inquiry held by the coroner, or any decision arrived at through that channel?

Mr. JEFFERIS. Under the law there it would not be necessary to reach any decision touching the question of negligence, only to ascertain the cause of death.

Mr. FOCHT. Mr. Chairman, will the gentleman yield?

Mr. JEFFERIS. Yes.

Mr. FOCHT. It seems to me the one question to be decided here is as to the violation of the city ordinance.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. FOCHT. Mr. Chairman, I ask that the gentleman may have one minute more.

Mr. EDMONDS. I will yield to the gentleman three minutes more.

The CHAIRMAN. The gentleman from Nebraska is recognized for three minutes more.

Mr. FOCHT. Whether in approaching this corner the driver of the car, instead of going to the right, as provided by the ordinance, went to the left and struck the man?

Mr. JEFFERIS. Yes.

Mr. FOCHT. That has been well established?

Mr. JEFFERIS. Yes; that has been well established.

Mr. FOCHT. It seems to me that is all there is in the case.

Mr. OLIVER. Mr. Chairman, will the gentleman yield?

Mr. JEFFERIS. Yes.

Mr. OLIVER. What precedent can the gentleman point to that would justify Congress in taking action of this kind? Has Congress undertaken in other similar instances to make appropriations to pay such claims?

Mr. JEFFERIS. I would say in reply to that that I am not as well advised on these questions, I take it, as those who have been here in former terms. I have not any information to give the gentleman on that question.

Mr. OLIVER. It seems to me a new and dangerous proposal to take up cases of this kind and appropriate money to pay same.

Mr. BLANTON. Mr. Chairman, will the gentleman yield to me?

Mr. JEFFERIS. Certainly.

Mr. BLANTON. The gentleman is probably aware that in San Antonio, Tex., just such a case occurred, only with greater severity, where two old ladies, as I understand, were run over, and so on. Those cases have been pending here for years, with an adverse report from the War Department on them. The evidence showed just as great negligence on the part of the soldier driving down the street in San Antonio. Then I call the gentleman's attention to a case in Houston, Tex., where rioting soldiers went down the street and shot right and left, and no action has been taken on those cases.

Mr. JEFFERIS. That is not germane to anything we have been discussing here. The proposition is that this House is the one tribunal that Mrs. McGovern can appeal to. The fact is the evidence shows and establishes negligence, and the question is whether this great Government of ours and Congress are to deal as fairly with people who have suffered such loss as the laws require other people to deal under such conditions and circumstances.

Mr. REED of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. JEFFERIS. Yes.

Mr. REED of West Virginia. If the driver of this car had been a man of means or wealth, would not action lie against him individually?

Mr. JEFFERIS. Undoubtedly; and the recovery would not have been less than $10,000.

Mr. EVANS of Nebraska. Mr. Chairman, will my colleague yield?

Mr. JEFFERIS. Yes.

The CHAIRMAN. The time of the gentleman from Nebraska has again expired. The question is on laying aside the bill with favorable recommendation.

Mr. CANNON. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts [Mr. WALSH].

The CHAIRMAN. The gentleman from Massachusetts is recognized for 10 minutes.

Mr. WALSH. Mr. Chairman, of course we are all very much touched by the eloquent appeal of the gentleman from Nebraska [Mr. JEFFERIS]. It is a very pathetic case. But I think Congress ought to stop and consider a bit before it starts in legislating along this line.

Here was a case where, when the country was in the midst of a great war, according to the report in the case, a soldier in the performance of his duty accidentally killed a private citizen. The gentleman from Nebraska, the accident having occurred on October 26, 1917, asks Congress to appropriate, for the widow of the deceased, $5,000 outright.

Now, of course, there is no liability on the part of the Government for that, and there ought not to be unless they can prove by the clearest evidence that there was gross negligence on the part of the servant of the United States and that the man who was killed was free from any contributory negligence. And I doubt even then if we ought to establish a rule that when a soldier of the United States Army, particularly during war time, in the performance of his duty accidentally kills a private citizen, we shall establish liability on the part of the Government for that act.

Now, of course, if we were sitting as a court we would refer to the records in the case and we naturally would ask what the recommendation of the department is. There is no recommendation on the part of the department. There is evidence, as I read the report, that there was ground for believing that the gentleman who was killed, a worthy citizen, was not in the exercise of reasonable care and might have been guilty of contributory negligence.

Mr. OLIVER. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. OLIVER. Rather than pass a special bill in a case of this kind, would it not be safer, if Congress decides to hold the Government liable in all such cases, to give the Court of Claims or the district courts jurisdiction for the tortious acts of its employees and make the Government liable for all such cases?

Mr. WALSH. If we are going to establish a precedent upon which this committee shall in future act, I will venture to say you will find the Private Calendar crowded with such instances. I ask the Committee on Claims or the Committee on War Claims—whichever committee this came from—to point to some precedent where the Government has paid damages for the death of a private citizen during war where an accident occurs and was participated in by a member of the United States Army.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. EDMONDS. I would like to say that I rather think that this is establishing a new precedent. I do not remember of a case just like this. There are a few cases pending in the committee, quite a few, similar to this, that will be coming along for damage cases or death claims.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. WALSH. Yes.

Mr. LITTLE. Congress has established several precedents. One of them just occurred this session in the case of a bill introduced by Congressman VINSON, where soldiers were shooting at a mark and killed a man and Congress paid his widow $7,200. I think the gentleman from Massachusetts voted for it.

Mr. WALSH. Was that passed recently?

Mr. LITTLE. Yes. The gentleman was here and participated in the debate, and I am quite sure he voted for the bill.

Mr. WALSH. I do not recall the measure.

Mr. LITTLE. If the gentleman will look up the record, he will find that he made some inquiry, and the gentleman from Georgia [Mr. VINSON] answered him. I was acting as chairman of the Claims Committee on the floor that day. This man was shot through the carelessness of soldiers. The soldiers of the Government established targets to shoot at. They were careless in their methods of doing it and killed a man who was attending to his own business, and this Congress passed a law, or this House passed it at this session, authorizing the payment to the widow and orphans of $7,200 on account of the negligence of the soldier. The gentleman from Massachusetts participated in the discussion of that bill.

Mr. WALSH. But if the gentleman will recall he will find that my inquiries were not in support of that measure, but were asking how the amount was arrived at, and when the measure went to a vote I think the gentleman will recall that I voted against it.

Mr. LITTLE. I thought not.

Mr. EDMONDS. I do not like to differ with any other member of the committee, but I think the cases are not similar. The man in Georgia was killed by a shell that was not properly directed, and it was not a case where you could claim that the man could in any way have been guilty of contributory negligence, because he was not in any position where he could know he was in danger. In Georgia the range had been marked out and guarded. This man who was killed was outside of the range, and he certainly contributed nothing toward his death. In the present case there is a question of contributory negligence beyond any question.

Mr. LITTLE. If the gentleman will yield, the gentleman from Pennsylvania is not an attorney, and any lawyer will understand that it is incumbent upon the defendant in all cases to prove contributory negligence where it is sought to be maintained as a defense. There is nothing of that in this case. The plaintiff does not have to prove that he is not guilty of contributory negligence. The defendant has got to prove affirmatively that the plaintiff was guilty of it. There is nothing in that contention at all. As to not knowing what the facts are, every lawyer here who has ever tried a lawsuit knows that the presumption is that the man was trying to save his own life, and in order to get any benefit at all of the defense of contributory negligence it has got to be affirmatively established. Every lawyer who has ever tried a damage suit knows that.

Mr. JOHNSON of Mississippi. Will the gentleman yield?

Mr. WALSH. I do not think I ought to yield to gentlemen to argue the case.

Mr. BLANTON. Will the gentleman yield to me?

Mr. WALSH. For a question.

Mr. BLANTON. In the Georgia case the War Department recommended the payment.

Mr. WALSH. Furthermore, it seems that this driver was court-martialed for a violation of one of the Articles of War, namely, that he, by improper driving, did run over and fatally injure this citizen, and upon the court-martial he was acquitted.

Mr. JEFFERIS. The acquittal may have been on the ground that it did not come within the Articles of War, even though he did drive over the man.

Mr. WALSH. He was charged with a violation of the ninety-sixth article of war, but he was acquitted. Now, it may have been that the charge laid against him was not a violation of the article of war, but he was acquitted. My point is simply this, that I doubt whether now, at this particular time, we ought to establish a precedent and say here, sitting as a jury, supposed to be the custodians of the Public Treasury, that for this accident, which happened, from all the evidence, as the result of the act of a soldier of the Army while the country was at war, running down a citizen and injuring him so that he subsequently died, we ought to reach into the Treasury and pay $5,000. It is simply a gift, a gratuity.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. JOHNSON of Washington. Following that line, what are we likely to do in cases that will come up here? I have one where an Army driver, driving absolutely on the wrong side of the street on a public highway at full tilt, in the dead of night, ran down a man who was riding a motor cycle and cut off his legs.

Mr. WALSH. What we ought to do is this: If this Congress is disposed to grant relief in these cases, we ought to pass an act conferring upon the Court of Claims jurisdiction to hear these cases.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WALSH. Will the gentleman yield to me five minutes additional?

Mr. CANNON. I yield to the gentleman five minutes.

Mr. WALSH. Let the Court of Claims make their findings of fact and report them to Congress.

Mr. JOHNSON of Washington. I think it will be developed that in nearly all these cases the inquiries of military courts are conducted with a view of showing that the soldier was not to blame. Such a report comes in this case in spite of all the evidence that the man was driving at a full rate of speed on the wrong side of the road. Notwithstanding that, a court composed of soldiers found the other way.

Mr. WALSH. I suppose that if a soldier was driving an ambulance carrying a wounded comrade under orders to get somewhere as quickly as he could, and he happened to be on the wrong side of the road and struck somebody and broke his leg, the gentleman would say that because the soldier was acting in accordance with orders Congress ought to sit here as a jury and assess damages.

Mr. JOHNSON of Washington. No; I will admit that if the country was under martial law and those things were permitted, that would present a different case; but in this instance what the man did was in violation of every county ordinance and State law.

Mr. WALSH. Yes; but the gentleman wants to recall that when this accident happened this country was in a state of war, and that this soldier was one of the military forces of the United States. Now, there were a number of men in the military forces who were not fortunate enough, perhaps, to take out insurance, and who paid the supreme sacrifice.

Mr. JEFFERIS. I take it that if this man was killed by a soldier in battle nobody would ask for it. But the soldier was pursuing the part of a citizen in the street, and he ought to obey the ordinance, because there was no hurry-up order.

Mr. WALSH. I will say to the gentleman from Nebraska that you can not separate the soldier from the military branch of the service by simply saying he was driving an ambulance, therefore was pursuing the part of a civilian. He was a part of the military branch of the service, and under the precedents and under the law there is no liability on the part of the Government.

Mr. CANNON. Mr. Chairman, I reserve the balance of my time.

Mr. GARD. Will not the Chairman advise us as to how the time allotment now stands.

The CHAIRMAN. The gentleman from Pennsylvania has 15 minutes, the gentleman from Ohio 29 minutes, and the gentleman from Illinois 13 minutes.

Mr. EDMONDS. Mr. Chairman, to my mind, after going over the testimony in this case, there is no question but that Thomas McGovern was in his full rights on the streets of Omaha. We have a map showing where he stood and showing where the truck should have gone. The only question I am doubtful about is this: This is going to establish a new precedent where there is a question as to whether the man was guilty of contributory negligence in not taking proper precautions on the highway. I think the reason why the War Department has not made any recommendation is because this driver was on the wrong side of the street. I asked the War Department what regulations they made in regard to drivers of trucks, so that we might know whether the trucks run wild or whether they had any regulations requiring the drivers to operate in the different streets in the cities of the country. They told me that in all cases men were required to abide by the local laws of the place where they were driving.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. EVANS of Nebraska. Is it not a fact in this particular case the soldier was driving a Government car from where it had been repaired; that he was on the wrong side of the street, while McGovern was wholly within his rights?

Mr. EDMONDS. Yes.

Mr. LINTHICUM. Let me ask the gentleman from Pennsylvania, is there not a fund in the hands of the War Department out of which they can adjust claims of this kind?

Mr. EDMONDS. I am not sure about that. There is in the hands of the War Department funds from which they can adjust certain claims, but whether this claim comes within that class I do not know. There is a limitation, I think, that no claim above $500 can be adjusted; and I do not think it would cover a case like this.

Mr. LINTHICUM. I know that they have adjusted certain claims.

Mr. EDMONDS. I think it does not apply to cases like this.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. HARDY of Texas. The gentleman has heard all the evidence in this case and is familiar with it, and I want to ask him, Would the widow of the deceased, in his opinion, have a good case?

Mr. EDMONDS. I think she would have an excellent case. Mr. Chairman, the only question we have brought before the House is for the House to settle the policy it wishes to pursue in this class of cases.

I would like to suggest to the House, in the settling of these cases, if it decides to pay a sum of money to these people, this widow and orphans of the man who has been killed by a man in the Army, would it not be well to put them under the war-risk insurance and give them the same sum of money that you would give the wife of a soldier who was killed in war? I do not know whether this sum would be proper or not. It may be that we ought to give less and it may be that we ought to give a larger sum.

Mr. Chairman, I yield the balance of my time to the gentleman from Kansas [Mr. LITTLE].

Mr. LITTLE. Mr. Chairman, there has been some inquiry whether this party could recover against a private corporation. As to that I think I may safely say that there is no question whatever. It has been demonstrated without the slightest contradiction that this driver was on the wrong side of the street with the automobile; that was the proximate cause of the death. If he had not been there he would not have killed this man. It has also been demonstrated that the automobile did not have any light that anybody could see. If it had had a light, it is safe to say that the man would have avoided the danger. There are two instances of gross negligence. Any court would have to rule that that was sufficient ground to go to the jury. It has been suggested that the man was guilty of contributory negligence. Gentlemen, every judge and lawyer knows that there is no presumption of contributory negligence—that you have to prove it. If there was no evidence of it, the court would instruct the jury to disregard that defense. The presumption of law is that when a man is killed, he was doing his duty to protect himself, that the natural instinct of life was taking care of himself, and the court would so instruct the jury. Probably every lawyer here who has ever had a damage suit has had such instruction. So the presumption of law is that he is not guilty of contributory negligence. There is no evidence whatever that he was, and every lawyer here ought to see at a glance that there could not be any possible defense, and that a private corporation would have to pay.

But that is not the argument that is really made here. They go on and say that we ought not to donate the money. Within a few days we have donated $7,500 each to the widows of two Congressmen. Where is your law for that? Is there anyone crying out against that? What law is there that authorizes you to say to a Congressman's widow, "Take $7,500," and would say to a poor woman whose husband is killed by an agent of the United States, unjustly and improperly, "We can not pay you." I hope men will hesitate before they put themselves in such a position. Oh, they say, we have no precedent for this. Oh, yes; there are many precedents. The gentleman from Nebraska [Mr. ANDREWS], who has been down in the department for years, just directed my attention to one which I had not thought of for the moment. Some one was hurt in an elevator, and the Government paid him for it. A mere passenger I think. Congressman VINSON's case was one where soldiers were shooting at a target and killed a man, and this Congress passed a bill and gave $7,200 at the request of the War Department. It has been stated that this particular soldier was acquitted by a court-martial. So was that one—not by a court-martial, but by a board, and the higher officers decided that he was guilty of negligence. What is the difference between a widow in Alabama and one in Omaha?

In both cases there was gross negligence and in both instances the facts are such that the payment is justified.

That is not all. It has been suggested by the gentleman from Maryland [Mr. LINTHICUM] that if you go to the War Department with a property claim they will pay you any minute. Is a little bit of property of more value than life and blood?

What could a woman have more valuable than her husband? You in this House passed a law a few months ago in which you authorized the Secretary of War, without any serious examination, without any judicial examination, to pay every unliquidated damage claim any contractor could ask him to pay, and you have turned loose something like $4,000,000,000 down there for the Secretary to hand out to anybody who has an unliquidated damage claim who can convince two or three clerks down there he ought to have it paid. Are you going to say to this widow that she shall not have $5,000, when you pay over to contractors great sums, when the contractors had not even written contracts, and have done what they did in violation of law—up to the amount of $4,000,000,000? You passed a law in the last Congress to authorize the Secretary of War to pay every peasant in France whose pig was run over, just as this man was by an American soldier, for the value of the pig. Are you going to tell this woman that her husband is not as good as a hog in France? You said that the War Department could take your money and pay any peasant in France for any damage done by an American soldier. The War Department sent that bill down here so that it included pay to Germans, for it said that pay should be granted to people anywhere in Europe. I noticed that fallacy—of course, it was unintentional upon their part—and had it cut out, but when you pass a law that a lieutenant in France can pay a peasant for a pig that a truck has run over, on what theory are going to argue that this woman should not be paid for her husband who was run over?

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield?

Mr. LITTLE. Yes.

Mr. LINTHICUM. I am in favor of the bill, but I would like to know how you arrive at the sum of $5,000?

Mr. LITTLE. It is the consensus of opinion; just like a jury.

Mr. LINTHICUM. If the Government is responsible, more than that ought to be paid.

Mr. LITTLE. I thought so; but I was willing to compromise, just as a jury would.

Mr. JOHNSON of Washington. And if this man had been a native of some other country, say, Italy or Greece, would not that country, through its consular agents, at once have made claim for damages for the man's life and have fixed a sum very much in excess of $5,000?

Mr. LITTLE. Oh, yes. Thirty or forty years ago down here in New Orleans we had to pay the Italian Government for several Italian citizens killed down there by a mob.

Mr. JOHNSON of Washington. Oh, anywhere.

Mr. LITTLE. Yes. We have to pay for everyone except an American citizen.

Mr. REED of West Virginia. Is it not true that if Mr. McGovern had been in the service of the country in any capacity he would have been paid?

Mr. LITTLE. Yes; his widow would have gotten a pension probably. I think the gentleman from Illinois [Mr. CHINDBLOM] indicated that he wanted to ask me a question.

Mr. CHINDBLOM. My question related to the payment by the War Department for damages to property, and the gentleman from Maryland seems to have covered that.

Mr. LITTLE. You pay for everything, for a hog in France, for a prospect in this country, for a dead man in Alabama. There is no question of illegality about this. This case is proven absolutely. The amount is reasonable. Lots of verdicts are for more. It is a fair and equitable transaction, and as far as precedent is concerned, this Congress can afford always to set the precedent of doing right. You set it before in Vinson's case and in the case the gentleman from Nebraska [Mr. ANDREWS] suggested to me, and my recollection is that there are a great many of them. This does not set any new precedent. The Government of the United States has been doing right for a good many years. It takes care of property, it takes care of the lives of foreigners. Many of you remember about the Italians for whose lives we had to pay, who were killed in New Orleans.

Now, gentlemen, let us do right; let us not quibble about this. I do not want to waste the money of this Government; I voted against paying these mere unliquidated damages when the proposition came up here. I do not think any gentleman who voted for that would be consistent in quibbling about voting a few thousand dollars to this poor woman. Is not life in this country more valuable than property? Let us go ahead and do right. [Applause.] I yield the remainder of my time back.

Mr. RUCKER. Mr. Chairman——

The CHAIRMAN. The gentleman from Missouri asks for recognition in his own right?

Mr. RUCKER. I do.

The CHAIRMAN. The gentleman is recognized for an hour.

Mr. RUCKER. Mr. Chairman, I shall not use that hour; I will give some of it to the gentleman from Kansas before I get through. Mr. Chairman, this discussion to-day has taken a wide range. Some gentlemen present it purely from a sentimental standpoint, the equitable viewpoint; others present it from the legal standpoint. One is an appeal to our emotions and the other is an appeal to us as jurists or jurors who sit here solemnly to determine the value of human life and make compensation in money for such life. The gentleman who recently addressed the committee, the gentleman from Kansas [Mr. LITTLE], cited a number of cases in which the Government has recently made compensation for lives which have been lost, but the gentleman well knows that in most of the cases, perhaps all of them, but most of the cases at least cited by him, the parties who were deceased were employees of the Government and paid under a law enacted by the Congress to take care of and give protection to men who are engaged by the Government in hazardous duties. There is no parallel whatever with this case. The Georgia case, some case from Georgia referred to—the most that can be said about that was that that had evidently slipped through without the kind of debate and consideration this bill is receiving, because that ought not to have been paid, in my judgment. Now, I will allow no gentleman to place me in antagonism or opposition to appeals, to wails of people who have been bereft of a husband. I respond in sympathy as much as any gentleman here, but we are not here to give expression to our personal sympathies. We are here to engage in the performance of a duty under a solemn oath. We must perform a duty, not do a kindness or extend a benefit or give a bounty out of public funds. Who pays that tax? It is not ours. We have no right from the purely sentimental standpoint to sit here and exhaust the Treasury of this Republic. We are called upon to determine whether or not the ordinances of the city of Omaha were violated by some soldier, a lieutenant, I believe——

A MEMBER. A corporal.

Mr. RUCKER. A corporal. My God, I have not seen a lieutenant, in my judgment, who has not violated the ordinances; most of them do; but must the Government of the United States respond in damages every time one of these fellows with straps on his shoulders drives too fast? Why, Mr. Chairman, as young and athletic as I am [laughter], it is difficult for us to-day, with the aid of two policemen here, to get over to the House Office Building without being run down by a machine, the most of them having "U. S." on it, too, and a colonel or major or captain frequently in it. My Lord, I serve notice now I will quit this Congress and be willing to pay the sum back for my loss if one of these people run over me accidentally or designedly. [Laughter.]

Mr. JEFFERIS. Does not the gentleman think Congress has been wasting money to protect us in walking across the street by hiring two officers to guard us?

Mr. RUCKER. I do not think it is a very lucrative salary or even they are receiving more pay than they are earning.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. RUCKER. I will.

Mr. HARDY of Texas. I desire to satisfy myself in regard to my vote on this bill. I understood the gentleman to say the illustrations presented by the gentleman from Kansas are in most cases where an employee of the Government had run down or killed accidentally some other employee of the Government.

Mr. RUCKER. In the performance of his duty.

Mr. HARDY of Texas. Does the gentleman think the Government owes any higher duty in the protection of its employees than it does in the protection of the average citizen?

Mr. RUCKER. I think it may be properly said in a qualified way, yes, because many of the employees whom the Government engages are in a hazardous service.

Mr. HARDY of Texas. Does the gentleman think the Government has more right illegally to take the life of the private citizen than it has to take the life of a Government employee?

Mr. RUCKER. No; the gentleman misunderstood my statement or I have been unhappy in my remarks. I have not said anything of the sort, because the Government ought not to take any man's life, of course.

Mr. HARDY of Texas. The thought in my mind is this, that the Government has an equally high obligation to care for and avoid the taking of life or injuring of a citizen whether he be in the Government employ or in private employ, and that the obligation is just as high to avoid an illegal injury to the private citizen as to an employee of the Government.

Mr. WALSH. Will the gentleman yield?

Mr. RUCKER. I would like to proceed for a few minutes. I yield.

Mr. WALSH. Does the gentleman from Texas think that the Government of the United States should be put under the obligation to obey the commands of municipalities who might make

ordinances governing their local affairs, and, if so, is not that requiring the Government of all the people to obey the commands and laws and regulations of a very small part of them?

Mr. HARDY of Texas. To be clear and explicit in my view of the matter, it occurs to me that the agents of this Government, in doing any work or labor in any part of the United States, are subject to the same laws that agents or employees of anybody else are, and if they do an illegal act somebody ought to be responsible; that is to say, the United States as an employer ought to have the same obligations, responsibilities, and liabilities as any other employer.

And while it may be a burden, and this may be a precedent, and I do not like to set it by legislative enactment, I would rather pass this bill than deny justice; yet I would rather pass a law under which the courts of the country could determine in every case whether or not the claim was just.

Mr. WALSH. Of course, if the gentleman follows his theory to the ultimate conclusion, it will result in dispensing with the United States courts, because there will be no need for them. You could just go into the State courts in the several jurisdictions on the same basis as private citizens.

Mr. HARDY of Texas. On the contrary, if my idea is followed to the conclusion, we would establish a right to go into a Federal court and sustain a claim for an illegal act done by an agent of the Government, and such bills as this would cease to come before Congress.

Mr. BANKHEAD. In view of the expression last made by the gentleman from Texas, and in view of the fact that the passage of this bill would probably establish an iron-clad precedent before Congress in claims of this character, does not the gentleman think it would be a wise solution of this case to give the opportunity to the committee to frame a law conferring jurisdiction upon the Court of Claims to hear and determine in a judicial manner all claims of this character?

Mr. HARDY of Texas. I heartily agree with the gentleman. This is a case that is put in such way that it is up to us to say whether it is just or not, and our decision can not be made on the basis of the possibility of passing a wiser law, which may or may not ever pass.

Mr. HUDDLESTON. I want to suggest to my colleague from Alabama [Mr. BANKHEAD], that if you compel parties who have such claims to litigate to bring them before the Court of Claims in the city of Washington, say, a thousand miles from where they live, it would work a great hardship, and besides that the Court of Claims has no facilities for passing on such a claim. And if they were referred to that court there would not be a decision this side of judgment, because they have not the facilities. Now, if jurisdiction were to be conferred upon the United States district courts to hear this kind of a claim and to render a judgment, with authority to the Treasury of the United States to pay that judgment on certified copy of the judgment, some remedy would be offered. But as the law now stands it takes a special act of Congress to get any judgment, and the remedy suggested is practically out of the question.

Mr. RUCKER. I will conclude in a minute or two.

A suggestion has been made here that the Post Office Department and the War Department instruct the drivers of their trucks and machines to obey the ordinances of the city through which they pass—an absolute impossibility.

There is not a gentleman on this floor now who owns his machine here in Washington and has ridden thousands of miles in it that knows the regulations of this city. You know in a general way, but you do not know the difference in the different localities, the different sections or intersections of streets; and how could the driver of a truck passing through Washington learn more about the traffic regulations than a Congressman ever learned in 10 years?

Mr. EDMONDS. I would like to say, in the first place, that the evidence shows that riding with this driver was an employee of a local automobile company, who ought to have known the regulations beyond any question. In the second place, the Post Office Department issues a card of instructions to its drivers in the different localities containing the laws of each locality.

Mr. RUCKER. Now, Mr. Chairman, just a word with reference to the question of negligence. It does look to me absurd at this remote distance from Omaha, by paper testimony, without an opportunity to cross-examine a single witness, to undertake to determine that there is no contributory negligence in a case like this. The testimony, as I understood the gentleman from Pennsylvania [Mr. EDMONDS], shows that the machine was going, according to the testimony of one side, from 15 to 17 miles an hour, and, according to others, from 6 to 8 miles an hour. Here is a footman passing along. The assumption is that these people were not cripples, but the deceased was a man strong in health; and it is fair to assume, in the absence of any statement whatever about it, that he was walking as men usually walk. That would mean at least 3 miles an hour. So that while the automobile was going 17 miles, the footman would go 3 miles, or one-sixth as fast. Hence, 6 feet would clear him of danger. If he had seen the automobile 15 feet away before it struck him, he could have freed himself from danger by one step or two steps.

Mr. EVANS of Nebraska. The gentleman should take into consideration the fact that the automobile was running practically noiselessly and under a misty condition, and coming from a direction which ordinarily it would not come from.

Mr. RUCKER. That may be true.

Mr. EVANS of Nebraska. The cross-examination of the Government officials showed that fact.

Mr. CANNON. The misty condition covered the deceased as well as the driver of the automobile.

Mr. RUCKER. In addition to that, the misty condition ought to admonish everybody to stop, look, and listen more attentively than if it was clear.

Mr. EVANS of Nevada. There is plain evidence of liability for damage, but has that ever been claimed from the city of Omaha? Have they been asked for damages?

Mr. RUCKER. I think the city would be just about as liable as the Government. I do not think either one is liable.

Mr. EVANS of Nevada. There is plenty of evidence that some one is liable.

Mr. TINCHER. I understand that Congress is the only tribunal that has any jurisdiction under existing law to pass on claims of this character. Now, that being true, in this case, having taken it through the usual channels and jurisdiction and conducted hearings, is it not up to Congress at this time to rather decide a policy for the future? Is not that the burden of our discussion at this time?

Mr. RUCKER. I think that is true.

Mr. TINCHER. And do I understand the gentleman, for whose opinion along these lines I have great respect, to favor the policy of this Congress passing a law permitting the granting of claims or some other tribunal passing on these cases instead of the Congress?

Mr. RUCKER. In answer to the gentleman from Kansas, I will say I do not want to commit myself in reference to the Court of Claims, because my experience with that court has been very unsatisfactory. This practice of sending out printed forms of interrogatories, with printed forms for answers, and then determining the facts, sometimes ascertains the facts and sometimes fails to ascertain them. But I am in favor of a policy which will make this great Government of ours deal fairly and equitably and humanely with all classes of people. But I want to warn gentlemen now, and among them the gentleman from Kansas [Mr. TINCHER], that this body has no jurisdiction. We may take jurisdiction, but there is no jurisdiction deposited in such a place as this. There is no precedent for it, and there ought not to be any precedent for it, and this ought not to become a precedent for future action.

Mr. TINCHER. The gentleman means that the payment of a claim like this would violate the Constitution?

Mr. RUCKER. No; I do not think so.

Mr. TINCHER. Then Congress may have the inherent right to assume jurisdiction.

Mr. RUCKER. Congress may take jurisdiction and pass a law; but I want to say to you, think what you are doing. Some of you pretend that you want to go home—I do not know whether you do or not—some time in October or November. Some of you think you would like to be home next year. It will become absolutely necessary for many of you gentlemen on that side to be at home and to give close attention to your business affairs if you want to come back again. But if we undertake to open the doors and consider cases like this from all over this country I will serve notice on you now that we shall not meet the deficit by taxation; we can not; we will swell the volume of liabilities and make the burdens and duties almost intolerable on the people, and there will never be a year long enough in the next 20 to consider and pass upon the damage suits that will be brought by Members of Congress for their constituents before this great jury of Representatives of the American people.

Mr. JEFFERIS and Mr. CHINDBLOM rose.

The CHAIRMAN. Does the gentleman yield, and to whom?

Mr. RUCKER. I will yield first to the gentleman from Illinois.

Mr. CHINDBLOM. I want to express an observation and then ask a question. I think too much stress has been laid upon the ordinances of the city of Washington. I think the gentleman from Missouri will agree with that proposition. But waiving that question aside, would the gentleman take the position that in a clear case of negligence on the part of the Government

we should not take jurisdiction, as he puts it, of a case in which a claim is made for damages?

Mr. RUCKER. I do not want to commit myself with reference to a given case. I do not intend to put myself, as I said awhile ago, in an attitude where people can assume that I am unsympathetic for those who have been bereaved or have suffered injury. But I say we have a divided duty here. We have no right to establish here to-day a precedent which would take billions of money, in my judgment, from the taxpayers of this land.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. There may be some equitable plan, as suggested by a gentleman a moment ago, with respect to cases like this, where the Government activities are clearly at fault and the citizen is shown to be free from negligence, and compensation may be made for injuries of people at the hands of soldiers in the war. Something like that might perhaps be equitable and just, but I do not want to forecast what ought to be done.

Now I yield to the gentleman from Nebraska.

Mr. JEFFERIS. Has the gentleman knowledge of many cases where soldiers have inadvertently run down and killed people?

Mr. RUCKER. There would be many, no doubt. I have heard in this debate of two old ladies in Texas who, I understand, were killed or badly hurt.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. Yes.

Mr. O'CONNOR. I was about to ask the same question as that propounded by the gentleman from Nebraska [Mr. JEFFERIS]. In view of the gentleman's statement that there would be claims amounting to billions of dollars similar to this, I would like to know from the gentleman whether or not there are people, like Mr. McGovern, who will be run down?

Mr. RUCKER. I hope the gentleman from Nebraska and the gentleman from Louisiana will not require that a man shall be assassinated or killed, because if he is injured you will come in and pay for his injuries, and there comes the tug of war again, because in every jurisdiction throughout this land for permanent injury compensation is always much higher than for death itself, because a man must live and bear and suffer from his injuries possibly for many years. It does not make any difference whether Government soldiers or employees of the Government have killed scores of men or not. If they have killed some and injured a score the debt may be bigger. I confess I was making a prophetic statement.

Mr. O'CONNOR. I hope not.

Mr. RUCKER. And while I have no claim to the gift of prophecy, I think the gentleman will live long enough to respect my opinion as a prophet to a greater extent than he does to-day.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. Yes.

Mr. CHINDBLOM. Is there any difference in principle between appropriating money authorizing the War Department to pay claims for damages to property and ourselves directly appropriating money for claims on lives?

Mr. RUCKER. Oh, the gentleman knows that those authorizations to which he refers were to cover a multitude of little matters that Congress could not be asked to consider individually, and therefore they were passed on to the War Department. But it will not do to pass on to the War Department the entire use of the purse of this Nation. Congress must not abdicate or abrogate its entire functions. We must do something in the discharge of our duties, and one of those duties at the present time, when there are so many pressing and meritorious and just claims against the Treasury—one of the highest duties that we owe is to see to it that we are not swept off our feet by mere sentiment and led to undertake that which will impose a burden and suffering upon the people of the Nation.

Mr. CHINDBLOM. I did not mean to suggest that we should refer these matters to the War Department, but I did mean to ask if there is any difference in principle between appropriating the money for damages to property on the one hand and appropriating money for life and limb on the other hand?

Mr. RUCKER. Unquestionably there is no difference in principle.

Mr. JEFFERIS. Mr. Chairman, will the gentleman yield again?

Mr. RUCKER. Yes; I will yield. I will yield the gentleman time if he desires it.

Mr. JEFFERIS. Suppose Mrs. McGovern's cow had been killed. I suppose the War Department would have been compelled to pay her.

Mr. RUCKER. Oh, the gentleman admits by his question he has been on both sides of these cases.

Mr. JEFFERIS. I ask that question in view of the action of Congress in appropriating money for property destroyed or damaged.

Mr. RUCKER. Let me ask the gentleman, would he not rather delegate to an official, to a Cabinet officer or one of his subordinates, the duty and the authority to settle for the value of an ordinary Nebraska cow than for a human life?

Mr. JEFFERIS. Yes; but that is not the case here. This is up to Congress.

Mr. RUCKER. I know; but I do not know why the gentleman asked me about a cow, if he does not want that comparison made.

Mr. JEFFERIS. If the Government is big enough to take care of cows, Congress ought to be big enough to take care of human life.

Mr. RUCKER. If the War Department has cared for the cow, then I am glad that the cow is cared for.

Mr. MANSFIELD. As long as the gentleman has brought up the cow question, I want to say that the War Department refuses to pay for live stock killed in target practice. I had a case of that kind, and the War Department refused to pay the claim. They deducted the amount, which was several hundred dollars, from the salary of the officer in charge, and we have had to force him to pay the claim.

Mr. RUCKER. I think the equity and justice of that is that a Texas steer, of course, does not know how to keep out of danger.

Mr. MANSFIELD. Texas men sometimes go into danger, too. [Applause.]

Mr. O'CONNOR. Will the gentleman from Missouri kindly yield me 10 minutes?

Mr. RUCKER. I yield 10 minutes to the gentleman from Louisiana.

Mr. O'CONNOR. Mr. Chairman and gentlemen of the committee, we are called upon here to-day to determine whether all of the people of the United States, acting through their Government, will aid and assist Mrs. McGovern, a widow and the mother of nine children, in bringing up those children and supporting herself, because of the death of her husband caused by and through the war and the inefficiency of one of its soldiers, or whether we shall be close-fisted enough to leave that duty to a comparatively few people in this country who are generous enough to come to her aid, her neighbors. That, in my judgment, is the one outstanding fact in this case. The woman has availed herself of the forms of law that we have given to her so far. She can not come into a court, for the courts would be without jurisdiction to try the case. She has come to her country, acting through the Congress of that country, and has asked it to repair the fault, as far as it lies in our power to repair that terrible fault, of one of the soldiers of this land in the greatest conflict that has ever come into its history. The gentleman from Massachusetts [Mr. WALSH] did not altogether place himself in absolute antagonism to the payment of $5,000 to this woman. As I understood him, he said that unless it developed that there was gross negligence upon the part of the soldier, or the person acting for the Government, he would hesitate to grant the relief asked for in this bill to this woman and her nine children. But permit me right here, gentlemen, to say something in connection with what has been said in reference to the sentimentality of this and other cases that may come before this Congress.

I hope it is not going to be the fashion in this country to sneer at sentiment as a great underlying motive that inspires us to do the holiest and the noblest things. Sentiment rises high above all reason and puts men on the battle field and causes them to sacrifice themselves for friends and family. And God grant that I may never live to see the day when sentiment will be ruthlessly trampled under foot and crushed out of existence in the life of this country. The gentleman from Massachusetts [Mr. WALSH] calls for evidence of gross negligence. Gentlemen, I am going to give him that evidence, evidence of gross negligence upon the part of this soldier, negligence of so gross a character as would cause him in a moment to give this woman not $5,000 but $25,000 to bring up her little girls and little boys as decent American men and decent American women. Long ago I heard it said that sometimes in a man's life one single expression will show his attitude toward life and his country better than all his other history. When you examine that statement, gentlemen, you will realize the absolute truth of it. The words "the die is cast" evidenced the character of Julius Cæsar when he crossed the Rubicon, better than all the other things that he had done in his lifetime. "Give me liberty or give me death" evidenced the character of Patrick Henry from his cradle. Similar expressions have at once painted the characters of men. I once heard a celebrated lawyer say that the character of that old Roman aristocrat, Pontius Pilate, and his sneering agnosticism, and his unbelief in everything, were clearly evinced by his expression to the Nazarene, as he turned and walked away, "What is truth."

I am going to avail myself of that principle in human existence which evidences the character of a man and his attitude toward life and toward his fellow men. Let me read to you something that will prove illuminating, and if it does not carry to your minds as it carried to mine the imputation of gross negligence that amounts almost to brutality, then I will have failed in my address here to you to-day. The evidence is that the driver of this vehicle said, "I don't see why the old fool didn't get out of the way." He referred to the fool who was lying prostrate, and about to cross the bourne from whence no old fool has ever returned. That was the brutal, outrageous, and atrocious statement made by the man who had put him to his death. You ask me to give you evidence that this man McGovern did not contribute to his unfortunate death, and the still more unfortunate circumstance that he left behind him a widow and nine children. Why, gentlemen, as I understand it, it is a common-law rule of evidence merely to require the owner to prove the death of his hog or goat or horse, and the burden is on the defendant then to show that the death was caused by the contributory negligence of the owner. In the case of an accident to a human being the rule is the other way, and he is required to prove that there was no contributing act of negligence upon his part. But where death ensues, the law mercifully steps in with an ameliorating feature, and you are not required to prove by a preponderance of evidence that the deceased did contribute to his own destruction.

Some one has said here, my friends, that we have shown a desire to protect property interests. Property interests ought to be protected. As I understand it, this Congress appropriated upward of $2,000,000 to pay the property interests of New Jersey for losses sustained as the result of explosions that took place there during the war. Mrs. McGovern is here prayerfully looking to you for $5,000 for the death of her husband, because of the destruction of the man whom she depended upon to give her support and to help her support the nine lives brought into existence by herself and her husband as the instrumentalities of nature. Talk to me about protecting property interests! For God's sake do not forget flesh and blood and the justice which would obtain in any court. [Applause.]

Mr. RUCKER. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. ANDREWS].

Mr. ANDREWS of Nebraska. Mr. Chairman and gentlemen of the committee, we are here to deal in equities rather than in legal technicalities.

Mr. HERSEY. Will the gentleman yield?

Mr. ANDREWS of Nebraska. Yes.

Mr. HERSEY. I understand the evidence in this case discloses that the driver was on the wrong side of the street.

Mr. ANDREWS of Nebraska. I understand it so.

Mr. HERSEY. That is a legal proposition which every court in the United States has decided is negligence per se—to be on the wrong side of a traveled highway. If so, why should the United States try to avoid its own responsibility in this case?

Mr. ANDREWS of Nebraska. I want to emphasize the equity involved in this case from that standpoint. That phase has been so clearly developed, so fully brought out, that I do not desire to consume any time in regard to it.

I wish to invite attention to the fact that in many instances Congress has acted in a manner similar to that proposed in this case. While I can not recall dates and names of cases that came before me as Auditor for the Treasury Department, I recall the fact in the main.

Here it is clearly disclosed that the misfortune followed an accident which occurred through a violation of the regulations of the city of Omaha. Here, perchance, a question of law might not come to the relief of the claimant as it would had it occurred under State law and clearly within the jurisdictional laws of the State. Will Congress, acting for the Nation, lay aside the equities in this case and say no? Will we even go to the extent of saying that we will not act upon this matter until we write a law sending all such cases to the Court of Claims? If so, this widow will never receive a penny. By the time you get around with that kind of business one or two generations may have passed away. Perchance the matter might be turned over to the Federal court with authority to hear and try the case. But we ought not to delay action in this case to provide for that line of procedure. It occurs to me that the equities are so clearly disclosed and the amount named is so clearly within reason that we ought to act on this matter in the affirmative now and then determine a general course of procedure afterwards. I am in favor of the bill. [Applause.]

Mr. GARD. Mr. Chairman, I desire to use a part of the time remaining.

The CHAIRMAN. The gentleman from Ohio is recognized for 29 minutes.

Mr. GARD. Mr. Chairman, much of that which has been said evidences the wisdom of the constitutional division of our Government into the executive, legislative, and judicial departments, because there is not a man here who would not deeply sympathize with the person for whom relief is asked in this case and wish to afford her all possible relief under the law.

But we are a legislative assembly. We make the laws that determine the degree of the responsibility between man and man and between the Government and the individual. The question of liability under the law has always been determined, and always will be determined, by the courts and by juries acting under proper instructions from judges. To abandon that and bring a sympathetic case—and there may be many sympathetic cases—before a sympathetic legislative body and let it take the place of the court, judge, and jury is to nullify every American proceeding in the interest of justice.

Therefore I will propose an amendment to this measure, which I have prepared and sent to the Clerk's desk. I will ask the attention of Members to it that they may hear what I have prepared. After it is read I will discuss it for a brief time.

The CHAIRMAN. The Clerk will read the proposed amendment for the information of the committee.

The Clerk read as follows:

Strike out all matter after the enacting clause and insert:

"That Mrs. Thomas McGovern or the authorized legal representative of Thomas McGovern, deceased, may sue the United States in the district court of the United States for the district of Nebraska under the rules and regulations of such court for damages causing the death of said Thomas McGovern, for the benefit of the widow and children of said deceased, and said court shall have jurisdiction to hear and determine such suit and enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the authorized legal representative of Thomas McGovern, deceased, upon the same principle and measure of liability as in like cases between private parties and with the same right of appeal: *Provided*, That such suit shall be commenced within four months after the date of the passage of this act."

Mr. EDMONDS. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The amendment is not offered now, but only read for information.

Mr. GARD. The amendment is read for information. The purpose of the amendment I will offer is to afford full, complete, and ample justice to Mrs. McGovern, or whoever may be the legal representative of Thomas McGovern, deceased, in the matter of his death caused by this enlisted man in the United States Army driving an Army automobile against him and killing him some time ago in the city of Omaha.

It gives the representative every right of presentation under all the rules of law, gives her the same right which one man may have against another, which any person might in private life have against another, the same right to present the evidence, the same right of appeal, and provides that the matter may be heard in the tribunal which has been created by law for the hearing of such matters and a judgment rendered after presenting the evidence and arguments of counsel and the charge in the court as to the law. This, it seems to me, is the proper way for us to proceed in this case, because I feel that the membership of this Committee on Claims do not desire to establish a precedent of responsibility on the part of the United States in cases of tort, and that is precisely what we are doing in this case.

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. HICKS. Mr. Chairman, I am heartily in favor of what the gentleman says, and is it not a fact that almost a similar proposition to what he has suggested occurs whenever a Government-owned ship collides with a private ship?

Mr. GARD. Yes.

Mr. HICKS. That the Government then allows the private owner to sue in the district court?

Mr. GARD. Yes. I say that on the calendar now, Nos. 38 and 40, are bills introduced by the gentleman from Virginia [Mr. HOLLAND] which are identical in the language of relief to the language of relief in the amendment which I propose. They are cases where damages were suffered by individual vessel owners by reason of the act of some employee of the United States, and the authority is given in those bills to the vessel owners to sue the United States and have a proper adjudication of the claim. That, of course, is a property right, and I realize that much has been said here upon the sentimental side regarding the loss of this man's life; and, as I say, every man here is, or should be, highly sympathetic. However, we are facing now a question of whether the United States of America, by the action of its House of Representatives, desires to commit itself to the policy of paying for the tort of an employee, a soldier or a civilian employee, under any sort of circumstances, because that is the result of the policy. This particular case may be and probably is a very meritorious one; but when once we establish a

policy, when once we veer from the safeguards of the law and establish a policy based upon sentiment and on the natural desire of every man in the country to help the widow and the orphan, then we are establishing the principle which is dangerous, because it invades the authority already given and acted on for many years in the United States.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. EDMONDS. I would like to ask the gentleman a question. He simply proposes to place this case in the district court?

Mr. GARD. Yes.

Mr. EDMONDS. And allow the court to render judgment in the case?

Mr. GARD. Yes.

Mr. EDMONDS. Of course, the gentleman realizes that he is establishing a precedent that all cases in the future will be brought into the House——

Mr. GARD. And why not?

Mr. EDMONDS. And take the same course.

Mr. GARD. Why not? We say that John Smith owns a vessel, and the vessel is in New York or Norfolk Harbor, and through the fault of some Government employee the vessel is injured. John Smith may not sue the United States, but we give him the right to sue the United States in the proper court and have his claim adjudicated.

Mr. EDMONDS. But the reason for that is evident: That no committee of Congress could in any way hear the testimony in such a case and give any judgment upon it at all. In this case, however, it is possible for a committee of Congress to do so.

Mr. GARD. Oh, no; I do not think it is possible for any committee of Congress to substitute itself for a jury or a court.

Mr. CLEARY. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. CLEARY. The gentleman does not mean to say that the vessel owner could sue the United States for damages to vessels at the present time?

Mr. GARD. Oh, no.

Mr. CLEARY. I know that he can not, because we have a lot of such cases.

Mr. GARD. I say that on this calendar are two bills authorizing suit against the United States in such cases.

Mr. CLEARY. But they are not yet passed.

Mr. GARD. They have not been passed, but we give them consideration and have given authority for the suit.

Mr. JEFFERIS. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. JEFFERIS. Does not the gentleman think the Committee on Claims and this Congress would be just as likely to reach a just determination as a jury would as to the merits of a case?

Mr. GARD. With all due respect to the gentleman and to the membership of the Committee on Claims, I do not, because the members of the Committee on Claims while engaged in the consideration of claims are not necessarily guided by the rules of law, the rules of evidence, the rules of responsibility such as govern private people in a case between private people, in the adjudication of their claims. The danger of it is just like what the gentleman says, that in a case like this of high sentimental value, it so appeals to the personnel of the Committee on Claims that they bring in and ask for consideration of a case here—the first of its kind so far as I know presented to the United States Congress—and the continuance of it will establish a policy which may be abused. That is the thing that I desire to impress upon the gentleman.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. EDMONDS. Does not the gentleman think it would be better to place this in the hands of the Court of Claims and allow the Court of Claims to take evidence, and then report back to Congress, and then, in case we wish to establish a precedent of this kind we could do so.

Mr. GARD. My information is that the Court of Claims may not act in this case.

Mr. EDMONDS. Oh, the Court of Claims can act if they are instructed by the House to do so.

Mr. GARD. The gentleman from Virginia [Mr. MOORE] advises me that they can act only in cases of contract under the present law.

Mr. EDMONDS. I think that we can give them jurisdiction to act in a case like this.

Mr. HULINGS. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. HULINGS. If the gentleman's amendment should pass and the executor or the administrator of the estate should sue in a court, and should find that the estate was insolvent, then the amount of money received on the judgment would go to a lot of creditors and would not go to the widow. Does the gentleman understand?

Mr. GARD. I understood what the gentleman said, and I am placing the responsibility of the United States upon the same plane of liability that would exist between two persons in private life.

Mr. HULINGS. I quite agree; I think it is all right, but I do think it should be a general bill, which I suppose we could not introduce here now otherwise, as a point of order would throw it out.

Mr. GARD. I do not think we could introduce a general bill or should.

Mr. HULINGS. A point of order would throw it out.

Mr. PARRISH. Will the gentleman yield?

Mr. GARD. I do.

Mr. PARRISH. If the amendment of the gentleman from Ohio should be adopted, I would like to ask him what rule of law would be applied in the court in determining the liability. In other words, would the court charge the jury that if the sergeant who was driving this car was guilty of negligence that the Government should respond in damages?

Mr. GARD. I could not tell what the court would charge. I will say for the gentleman's information my amendment provides that it shall be tried upon the same principles and measures of liability as any like case between private parties, and with the same rights of appeal, so that the case would be precisely in line with every other case in the district court of Nebraska and the court would charge the law as existed in the State of Nebraska and as qualified by Federal enactments at that time.

Mr. PARRISH. As I understand the gentleman, in fact, it would be setting a precedent to allow liability in such case as this if it should be determined that the agent of the Government was guilty of negligence. Is that right?

Mr. GARD. Well, no; that may be a precedent; I do not know; but what I am complaining of is the establishing of a precedent by a legislative body and not by a jury acting under instructions of the court.

Mr. PARRISH. I think, though, the broader question—that is, the one that is uppermost in my mind and I think the one that exists in the minds of Members on the floor of the House—is whether or not the Government shall in such cases as the one now before us assume liability; and if so, under what conditions?

Mr. GARD. Certainly they should not assume an indiscriminate liability, and I call attention to this. If we start out here upon the principle of this general liability for torts, liability for accidents, we can not stop to base it upon the theory that a man in the military service hurts a man on the street and the Government should pay him, but we proceed upon the theory that the United States is responsible, not in a court, not before a jury, but here on the floor of the House of Representatives or in the Senate; that if the driver of a truck out here who delivers books from the railroad station to the House Office Building runs over a man on the street; or if a rural carrier in the course of his business, operating on some road in any State in the Union, runs over or injures a person, you are establishing the principle that all they need to do is to come to the Congress of the United States, introduce a bill for $5,000, $10,000, or $15,000, and the Congress, not acting as a legislative body but acting as a jury, passes on the merits of the case and says that the person shall have $5,000, $10,000, or $15,000, and says this money shall be paid out of the Federal Treasury.

Now, we all know, as a matter of fact—I do not claim any more merit than anybody else—we are all, if not eager, at least, acquiescent, in the use of other people's money, and we have been operating and have continually operated upon the theory that the Government shall pay for everything; no matter what it is, the Government shall pay; the rights of States, the rights of individuals, the rights of everybody are swept aside, their independent duties and obligations are swept aside, and we say the Government Treasury must pay for these things, and the matter of the approach to the Government Treasury is merely a matter——

Mr. PARRISH. I am in sympathy with the gentleman as to procedure, but what I am chiefly concerned about is to determine whether or not the amendment offered by the gentleman will set a precedent by which this Congress would be bound and by which the men who have these claims, as suggested by the gentleman's amendment, could go into the court, or ask this Congress for permission to go into the court, and then expect the right of recovery on the liability of the Government's agent?

Mr. GARD. I think it will be a precedent, but I do not see any reason why it should not be.

Mr. PARRISH. Under that precedent, for example, take all of those cases which have resulted in death, such as the shooting at Houston and destruction of property, and also at Brownsville and other similar cases. Does not the gentleman think that those people have the same right to come before the Congress and ask permission that those cases be put in the proper jurisdiction of the courts upon the same basis as this?

Mr. GARD. I think they would; and that is the danger of it, because once we open the gates, even to a case like this, admittedly a good case for damages, why, you throw wide the door for every sort of a case, good, bad, big, small, no matter what it may be, you throw wide the door.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. GARD. I do.

Mr. HARDY of Texas. The question here is, If we pass the gentleman's amendment, does it not afford a better opportunity for absolute justice in two respects? In the first place, it is not an ex parte hearing, but will have to be proved in court; and, in the second place, this Congress will be absolutely swamped if we undertake to decide these matters here.

Mr. GARD. Absolutely. I say it would seem to me that if the Congress abandons its right of legislation here as between individuals and legislation for the General Government as well, and seeks to place it upon the shoulders of a committee, and then transfer to a committee of the House, and then to the House itself, the burden of deciding damage cases, the House will be flooded with such cases, and you may not have an opportunity to hear anything else. And the things that will be brought in to influence Members of Congress to vote for this, and that, and the other are almost beyond comprehension.

I yield now to the gentleman from Texas [Mr. CONNALLY].

Mr. CONNALLY. In reply to the suggestion which the gentleman from Ohio [Mr. GARD] made to the gentleman from Texas [Mr. PARRISH] about opening up all kinds of suits of this character and deciding the rights of soldiers, would not the court, under the gentleman's amendment, have power in cases of that kind to determine whether those cases were in the scope and authority of the Government, and could not the court, under rules of law, determine all those questions much better than the House of Representatives?

Mr. GARD. I think so. I think if we would establish a policy of leaving our sacred moorings as a legislative body, and place upon our shoulders, willingly or unwillingly, the decisions of all the damage cases which may arise, either from the Military Establishment or the civil establishment of the United States, we will, as the gentleman from Texas has very well said, be swamped with such cases.

Mr. WATSON of Pennsylvania. Will the gentleman yield?

Mr. GARD. Certainly.

Mr. WATSON of Pennsylvania. I wanted to ask the gentleman from Ohio, if his amendment prevails, would it not act as a great injustice to Mrs. McGovern? The committee has recognized her claim. It is here; and if it is not considered, the case must begin anew, and probably she will lose many months in obtaining damages. I am in favor of the gentleman's amendment if it would relate to all the cases other than this special one. After she has appeared before the committee, not to pass it after it is favorably considered would act as a great injustice to her.

Mr. GARD. I do not think it would. In fact, I say to the gentleman in the utmost good faith that I think if this bill passes and this money is paid to this widow we will establish such a precedent for similar cases that we will be conferring benefits upon particular persons not enjoyed by the balance of the people. The law of the United States and the law of the several States is equal and exact for the high and the low, the rich and the poor. There is one kind of law, and there is one way to approach a decision in a damage case—by filing the petition in the court, having the issue joined, an examination of witnesses, and having the jury make a finding subject to rights of appeal. But there could be absolutely no injustice to Mrs. McGovern in such a case at all. If it was allowed to her it would be an injustice to 100,000 people in the United States.

Mr. WATSON of Pennsylvania. I agree with the gentleman's philosophy; but in this case justice would not be meted to her.

Mr. BLAND of Missouri. Does not the gentleman recognize that sometimes a delay may amount to a denial of justice? Now, this woman has proceeded in an orderly and in the only way in which she could proceed up to this time, or until the amendment suggested by the gentleman shall be adopted in the House. This case may be acted upon without further delay, and then the gentleman can propose a law which would be approved by Congress, and the entire country would have notice to proceed in accordance therewith.

Mr. GARD. I am not arguing this case as a case in itself. I do not desire to argue the merits of this case at all or whether Mrs. McGovern should have the money or not. I do not proceed along that line. I proceed along the great, broad line of establishing a precedent here and of leaving what we have heretofore supposed to have been our duties under the Constitution and previous laws of placing ourselves in a jury box to act in a sympathetic manner upon such cases as may be presented.

Mr. DUNBAR. I will ask the gentleman who has proposed this relief or source of relief for the widow of this man who was run down and killed by an automobile operated by a soldier if he thinks that under her condition and circumstances in life it would afford an adequate opportunity to receive the justice that is due her? First, she would have to employ a lawyer to bring suit. There would be all the expenses attending a suit. She probably is a woman without funds. That lawyer would take her case on a percentage plan. Can the gentleman inform the committee that if she was to obtain a verdict in the court for $5,000, after paying her lawyer's expenses and after providing for the fees and the costs of the court, what would be the net sum that she would receive in all probability out of a verdict of $5,000? And then this additional question——

Mr. GARD. Let me answer one at a time. I have been trying to tell the House that I have not been considering the individual case at all. Of course, it would be impossible for me to tell what would be the proceeding under the case the gentleman has made known. I desire to impress anew—and if I have not already succeeded, my argument has entirely failed—that I am not arguing the merits of this case at all. I am arguing a principle as between the United States of America, the country we gentlemen represent, and its people, the people we represent.

Mr. LANHAM. Does not the gentleman think, in view of the many questions that come before Congress for consideration, that under the judicial procedure suggested and the amendments offered by the gentleman that justice may be done more rapidly and expeditiously, as a rule, than by congressional action?

Mr. GARD. I have not the slightest doubt of that. And not only judiciously and rapidly, but properly, for when gentlemen come down to consider things in their finality there would be no fair consideration here if we considered all of the claims that would be presented.

Mr. TINCHER. As I understand your amendment and the discussion on the amendment, you favor a policy in these cases of passing an act authorizing the plaintiffs to sue in the Federal court of their State?

Mr. GARD. In a proper case.

Mr. TINCHER. Would it be part of your policy to pass such an act, providing for the recommendation of the Committee on Claims in this House in each case?

Mr. GARD. I will say that the Committee on Claims, or some committee to whom the particular act was referred, should advise the House as to the merits of the particular case, and then the membership of the committee of the House, and the House ultimately, should determine whether the authority to sue the United States should be given the individual, and then suit could be brought.

Mr. TINCHER. Of course, I realize the gentleman is not considering this case. It is a question of policy.

Mr. GARD. It is more than a question of policy. It is a question of principle. I have no objection to calling it a question of policy, but it is broader and bigger than that. It is a question of absolute principle.

Mr. TINCHER. Of course, if your amendment prevails in this case there will be nothing to hinder the claimant from suing for the full amount of her damages and having a full hearing?

Mr. GARD. No. My idea is that the widow of this gentleman, or the legal representatives of Thomas McGovern, should be permitted to show that she suffered damages. If they can show a jury that she suffered damages in the sum of $5,000 or $10,000 or $15,000, I am perfectly willing that that sum shall be paid out of the Treasury of the United States.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HERSEY. Mr. Chairman, I wish to oppose the amendment at the proper time.

The CHAIRMAN. The amendment is not pending.

Mr. CANNON. Mr. Chairman, it takes three of us—the Clerk, the presiding officer, and myself, as I have 12 minutes.

The CHAIRMAN. The gentleman from Illinois is recognized. He has 13 minutes.

Mr. CANNON. How much time has the gentleman from Missouri [Mr. RUCKER]?

Mr. RUCKER. How much time have I, Mr. Chairman?

The CHAIRMAN. The gentleman from Missouri has 20 minutes.

Mr. CANNON. If I need more time I will ask the gentleman from Missouri to yield to me. I have 13 minutes.

Mr. Chairman, I would be willing, if a subscription were taken up, to give $10 or $20 to this woman. It is a question of whether or not this is the proper way to proceed, and the safe way, and the just way. This bill is only a matter of $5,000, but this is the making of a precedent that will, if enacted, cost many hundreds of millions of dollars from the Treasury. I listened with great interest to the gentleman from Ohio [Mr. GARD]. I always listen to him with great interest. He is a man of ability, of broad knowledge. Now, let us see about this. Are we a judicial body? No; this is a legislative body, but I do not know how many of us could qualify to sit on a jury if this claim was tried by a court. Now, I am sure the gentleman from Kansas [Mr. LITTLE], for whom I have great respect, could not qualify. If he were called to sit on a jury he would be ruled out. I do not know that I could qualify, because I think I am in the same condition as many other Members having constituents interested in such cases. I suspect that every man in this House, since the declaration of war—war across the ocean and war in the United States—has one or a dozen cases from his district like this. We would like to please our constituents and introduce bills and refer them to the Committee on Claims or War Claims and try them out.

Gentlemen, the consideration of this bill has taken a whole day. It has taken a whole day to try this one case before 430 Members of the House of Representatives, with a few absent, because there are two or three vacancies, I am sorry to say. [Laughter.] We would have to sit forever and a day if we undertook to make a precedent in our anxiety to please our constituents. It is perfectly proper that we should, if this House is to be the body which is to assess damages and hear cases of this kind, but you can not properly hear cases unless you have a chance to cross-examine, unless there is a day given, unless people are brought in who have knowledge, unless they are brought down and cross-examined, because if you could hear only one side of a case in the courts throughout the country, you would get bad verdicts as frequently as you would get good ones.

Now, I am not going to discuss the merits of this case. I am not going to say anything unkindly about the exceedingly able gentleman and legislator from Louisiana [Mr. O'CONNOR], who is a great orator. I have great respect for him and very great respect for his ability, but it is not fair in this court that is trying this case for him to testify, or for the gentleman from Kansas [Mr. LITTLE] to testify, without a cross-examination. I have got a vote here, but I could not make all that speech about Julius Cæsar and Pontius Pilate and all those other people, you know. [Laughter.] Why, in spite of me I have more than once listened to the gentleman from Louisiana until my feelings were touched and the tears came into my eyes. You know there are two childhoods, the first and the second. I may be in my second childhood, and I can cry almost as easily now as I did in my first childhood. [Laughter.]

Now, as I said before, we have spent a day in the discussion of this case. Does anybody know what is the expense of running this House for a whole day? I do not know, but I guess it is more than $5,000. It is certainly of more importance to the country for us to consider under existing conditions general legislation and just legislation and sane legislation.

The gentleman who reports this bill and the gentlemen coming from this committee say frankly they want a precedent, because there are many other cases pending before the committee. They want to know what the precedent is to be. Now, there is just one way to find out what would be a safe precedent, and that is for the gentleman's committee to consider from the legislative standpoint a bill providing for the adjudication of these suits by the courts. As the gentleman from Ohio [Mr. GARD] has well said, I would not give the district court jurisdiction; I would give the Court of Claims jurisdiction. I would let them investigate and find all the facts. I would let them find the facts and report the findings and ascertain the damages, and then report to Congress for appropriation.

Well, you may say that would be slow work. I suppose it would be slow. Many things are slow. If such a bill should be adopted there would, of course, be limitations, because in any bill adopted or in any precedent made there must be a statute of limitations. Great heavens! How many lawyers are there in the United States? Out in Indiana if a man has good character he becomes a lawyer if he proves it and asks for a license. [Laughter.] I have great pride in Indiana; I grew up in that State. I do not know how many other States are so situated. But there are lawyers on speculation, and there are lawyers for fees, and there are people to work up cases and take fees such as they can get, and contingent fees, and so on. If we make this precedent the calendar will be loaded up, and bills such as this will be considered to the neglect of the public business.

I do not know. There has been no cross-examination in this case. It depends on affidavits. There has been no investigation whatever, except when this soldier was court-martialed and acquitted. There you are! I think we might well have general legislation, and I believe the chairman of this committee is perfectly competent to preside over a meeting of the committee to frame a bill that will cover such cases, so that when Uncle Sam pays he will pay in a real case after investigation. That is fair, is not it?

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. CANNON. I yield to the gentleman from Pennsylvania.

Mr. EDMONDS. I should like to say that the Committee on Claims are to be congratulated on not having a lawyer for chairman.

Mr. CANNON. I will tell you what is the fact. I have heard the gentleman make his statement, and he talks about wanting a precedent, so as to know how to treat these cases. I have known men, and I should not wonder if the gentleman has a legal mind and is a good business man, well balanced, and from my acquaintance with him, if I had to pick out somebody to present my case, I would trust the gentleman, because if he could not bring it himself he could find somebody who could. So much for that.

Now, where do these cases come from that are pending? I will ask some Member to tell me how many are there? Are there a dozen, 20, or 30?

Mr. EDMONDS. I would not be surprised if there are probably 25 or 30.

Mr. CANNON. Introduced by Members of the House for their constituents. I will tell you right now that if I had a case of that kind in my district and should be asked to introduce a bill, and some affidavits were furnished, even though there was no cross-examination, there is no use in denying that if a constituent presented it I would introduce the bill, and I suppose I would cooperate with the other 30 who have already introduced bills, and then when we have made this precedent, we would come, all of us introducing maybe one, two, three, or four bills. Oh, gentlemen, I believe if there is no one who desires to make any further remarks upon this bill——

Mr. BLANTON. I want to offer an amendment. I want to follow the gentleman's suggestion that jurisdiction should be conferred on the Court of Claims.

Mr. CANNON. How long is the gentleman's amendment?

Mr. BLANTON. It is a short one.

Mr. CANNON. Suppose the gentleman reads it.

Mr. BLANTON. May I have the Clerk read it for information?

Mr. CANNON. Yes.

The CHAIRMAN. Does the gentleman from Illinois yield for the reading of the amendment for information?

Mr. CANNON. Yes.

The CHAIRMAN. Without objection, the Clerk will read the amendment suggested, for the information of the committee.

The Clerk read as follows:

Amendment by Mr. BLANTON: Page 1, after the enacting clause, strike out all of the balance of the bill and insert:

"That there is hereby conferred upon the Court of Claims power and jurisdiction to hear and determine the facts concerning the claim of Mrs. Thomas McGovern for damages occasioned by the death of her husband, and to report to Congress findings of fact thereon."

Mr. CANNON. Has the gentleman examined the statute? Does that give full authority to let everybody have a day in court?

Mr. BLANTON. Only in this case. A point of order would be good against general legislation on a private bill, and that is the reason I have not offered an amendment proposing general legislation. There should be such general legislation with respect to all these war claims.

Mr. HULINGS. That is right.

Mr. CANNON. Does the gentleman from Ohio [Mr. GARD] think that would be a proper amendment?

Mr. O'CONNOR. Why does not the gentleman offer an amendment empowering the Court of Claims to hear the case and render judgment thereon?

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Will the gentleman from Missouri yield me a little time?

Mr. RUCKER. I give the gentleman 10 minutes.

Mr. CANNON. I do not think I shall use it all.

Mr. GARD. The amendment that I offered dealt more with details, providing for the measure of liability and the measure of damages and processes in the courts as between private parties, and I assume that the amendment of the gentleman from Texas, for all legislative purposes, is probably as good as mine.

Mr. CANNON. Will the gentleman modify his amendment by saying, "and after consideration report its finding to Congress"?

Mr. BLANTON. That is already in my amendment, the concluding clause reading:

And report to Congress its findings thereon.

Will the gentleman from Illinois yield to me two minutes.

Mr. CANNON. I will yield to the gentleman two minutes.

Mr. BLANTON. Mr. Chairman, I take it that if this matter were referred to the Court of Claims in this or any other case, the party would not be at any disadvantage with respect to any great amount of costs, because the Representative of that party would willingly appear before the Court of Claims, I take it, and see to it that the rights of the claimant were properly heard and adjudicated by that court. I would, without charging a single dollar in the way of fee, gladly appear and look after the matter for any of my constituents, and I am sure any other Representative would do likewise.

Mr. RUCKER. Will the gentleman yield?

Mr. BLANTON. I yield to the gentleman from Missouri.

Mr. RUCKER. Did I understand the gentleman aright to say that he would appear before the Court of Claims in behalf of a constituent?

Mr. BLANTON. I would.

Mr. RUCKER. They will not let you. They will not let you come in at all, unless you say that you do not come as an attorney.

Mr. BLANTON. If you come in there as a Congressman representing a constituent, I do not see how on God's earth they are going to keep you out. They would have a hard time keeping me out if I appeared for one of my constituents.

Mr. CANDLER. There is a Federal statute which forbids a Member of Congress to appear as a lawyer before any department.

Mr. BLANTON. As a paid attorney, yes. But I appear before the departments in Washington as a Representative almost every day, except Sundays and holidays, when I can not get in because the departments are locked up. On any other day besides Sundays and holidays you can not show me a department in Washington before which Members of Congress do not constantly appear.

Mr. CANDLER. Not as lawyers.

Mr. RUCKER. The Court of Claims is not a department.

Mr. CANNON. Under the statute they are not allowed to charge for it.

Mr. BLANTON. Certainly not. Where is the Member of Congress who would charge a constituent anything in any such case? We daily appear before all departments of Government in behalf of our constituents, on business sometimes involving thousands and even millions of dollars, with our service rendered without any thought of fee, and in many instances we give our constituents the benefit of the very best legal assistance we are able to give. We appear for them not as paid attorneys but as their salaried Congressmen.

Mr. MACCRATE. Would the recommendation of the Court of Claims be binding upon Congress?

Mr. BLANTON. I assume that Congress would carry out the findings of the Court of Claims.

Mr. MACCRATE. There would be nothing binding on Congress; we would have the same power to examine again into the whole case.

Mr. BLANTON. We would know that the matter had been properly tried by a tribunal specially authorized and prepared legally to hear and try such matters on the law and the evidence. Congress is not prepared to pass on legal matters, matters of law, evidence, and equity in a case for damages. The Court of Claims is paid by the Government to do just that sort of work, and I take it that every Member of Congress would give due credence to the finding of facts by the Court of Claims. I dare say there is not a Member of Congress here who would not vote to uphold the judgment of the Court of Claims making a proper finding and award.

Mr. CANDLER. Will the gentleman yield?

Mr. BLANTON. Yes.

Mr. CANDLER. There have been judgments rendered by the Court of Claims which are still pending; they have been certified to Congress for some 50 and even 100 years ago, and they have not been paid by Congress yet.

Mr. BLANTON. Well, somebody must have been derelict in their duty in not getting action. If there was a case from my district in which a constituent of mine was interested, with a favorable finding thereon from the Court of Claims, I think that Congress would hear something about it, and I should endeavor to get action.

Mr. CANDLER. I think that Members of Congress have done the same thing in regard to those claims.

Mr. BLANTON. I think, Mr. Chairman, that the amendment I have offered is an improvement on the amendment offered by the gentleman from Ohio, which itself is good, and if my amendment is not adopted I shall support the amendment offered by the gentleman from Ohio [Mr. GARD], as one or the other should be adopted.

Mr. CANNON. Mr. Chairman, I think that the amendment of the gentleman from Texas had better be adopted rather than to pass this bill. I believe that the Committee on Claims should consider, prepare, and report to the House a well-considered bill to take care of this and such other claims of the same nature where it is claimed that the Government is liable.

Before the amendment of the gentleman from Texas is voted on, I wish to move to strike out the enacting clause.

The CHAIRMAN. The bill has not yet been read for amendment. The Clerk will read the bill.

Mr. RUCKER. Mr. Chairman, before that is done I yield five minutes to the gentleman from Kansas [Mr. TINCHER].

Mr. TINCHER. Mr. Chairman, I want to say as one Member of Congress that I have not a claim before the Claims Committee or a request to introduce a special claim. I am interested in this discussion. It is a question of principle, and as the gentleman from Ohio said, we ought to take the time to iron it out.

I hope that no amendment will be adopted to this bill which will be, in effect, retroactive and would, in effect, turn this woman's claim back to be tried over again.

While it is said that there is not much difference between the amendment of the gentleman from Ohio and the amendment of the gentleman from Texas, both lawyers and both having been on the bench, one is to try the case in the Court of Claims that tries cases rather informally and the other refers it to perhaps the most thorough tribunal in the United States, the regular United States court.

Mr. GARD. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. GARD. I desire to ask the gentleman if after considering the two proposed amendments it is not a fact that my amendment leaves it to the court to determine whereas the amendment of the gentleman from Texas finally puts it up to Congress again to report on the findings of the Court of Claims?

Mr. TINCHER. The two amendments differ as much in principle and policy as there is difference between the present procedure and either of the two amendments. I believe that this case can be as fairly tried, with the 30 other claims that have grown out of the war, by the committee as they can be tried by anyone or any tribunal. I believe it is estimated that at the outside there are only 30 of these claims, and the committee can give the 30 claimants as fair and impartial a hearing as the district court or the Court of Claims.

But whether I am right or wrong, whether you want a special law or a general law permitting the Government to be sued on each and every one of these claims or permit the Committee on Claims to pass on them, no amendment should be adopted at this time which would be retrospective and make the woman try her case again. No one here says that her claim is not just and fair, and there is nothing to the argument that it is a dangerous precedent. This claim can be passed upon here, and then when the next claim comes before Congress if they want to adopt a new theory, a new policy, or pass a special law leaving it to the United States court or give them the right to go into the Court of Claims, Congress has a perfect right to do it. I believe that if there are only 30 claims, with what little knowledge I have of the procedure of United States courts, with what little experience I have had in the Court of Claims, I think that probably you will get speedier action and more exact justice if these cases are heard by this committee and passed by the Congress.

Mr. DALLINGER. Will the gentleman yield?

Mr. TINCHER. I will.

Mr. DALLINGER. This Congress and preceding Congresses have repeatedly passed acts reported by the Committee on Claims granting compensation for injury to property. Does not the gentleman think that where life is concerned the Committee on Claims ought to have the right to act and the House to act upon such a case as this?

Mr. TINCHER. I do, and I think we have the right to do it.

Mr. FRENCH. Will the gentleman yield?

Mr. TINCHER. Yes.

Mr. FRENCH. We ought to do one of two things, either provide a general law by which claims of this nature can go through the Court of Claims or the district courts, or else we ought to rely on the Committee on Claims as we would on a court. As it is, when we come into the House we find the time of the House taken and the time of the country, which is valuable, for legislation on claims of various kinds. My judgment is we should pay respect to the Committee on Claims, the same respect that is paid to the judgment of a court. Any Member of the Committee on Claims could well preside over a court, and yet at the same time we come here and spend hours of time, after the committee has carefully listened to evidence and sat upon the case and reported upon it. Our judgment can not be better than is theirs.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. CANNON. Mr. Chairman, will the gentleman from Missouri yield to me to ask a question?

Mr. RUCKER. I yield one minutes to the gentleman from Illinois.

Mr. CANNON. Under our form of government, would the gentleman from Idaho [Mr. FRENCH] be in favor of amending the Constitution and clothing each committee of the House and the Senate with power to adjudicate?

Mr. FRENCH. I would not be in favor of that, but my first idea would be to provide some way by which claims of this kind could be adjudicated. If we refer this case to the Court of Claims or to the district court, what about the other 29 cases of somewhat similar character? We ought to have some general law by which this and other claims can go to the Court of Claims or to the district court and be heard.

Mr. CANNON. Then, the gentleman will vote with myself and the gentleman from Ohio.

Mr. FRENCH. If that would be the means of establishing this as a policy, I would be very glad to do so.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RUCKER. Mr. Chairman, I yield the remainder of my time—five minutes—to the gentleman from Texas [Mr. JONES].

The CHAIRMAN. The gentleman from Missouri has not five minutes. The gentleman from Texas is recognized for four minutes.

Mr. JONES of Texas. Mr. Chairman, I have an amendment which I desire to suggest for the information of the committee.

The CHAIRMAN. Without objection, the Clerk will read the amendment for the information of the committee.

The Clerk read as follows:

Amendment to be offered by Mr. JONES of Texas: At the end of the Gard amendment add: "*Provided further*, That the amount of such damages shall be limited to not more than $5,000."

Mr. JONES of Texas. Mr. Chairman, I think in view of the fact that the United States Government would be a party to this suit and would have no one representing her except the district attorney, who would be involved in a great many other matters, and in view of the fact that sympathy for the party plaintiff would likely be created, there should be some limitation to the damages allowed. That is especially true in view of the fact that in some jurisdictions a man who has a considerable earning capacity may be allowed forty or fifty thousand dollars damages. Another objection that might lie to the way the Gard amendment is worded is the fact that the amendment provides that it shall be tried with the same principles and measure of liability as in cases between individuals. I submit that may differ in different jurisdictions. If the same rules apply as in the various State courts, which would be the principles that would apply in a Federal court in most cases arising between individuals, there would be certain defenses in some jurisdictions that would not exist in others. However, on the question of liability there should be a general law providing the basis of liability, and the defenses which might be pleaded, and these should be uniform all over the United States. My amendment, however, is simply for protection in this case. In certain jurisdictions recovery, for instance, is allowed not only for the damages caused by the loss of earning capacity but for the value of his services to his wife and in some instances for the care, culture, nurture, and education of children. Such damages might run up to forty or fifty or sixty thousand dollars.

Mr. EVANS of Nebraska. Why not allow the State limitations to govern as in the amendment proposed by the gentleman from Ohio?

Mr. JONES of Texas. I would have no objection to allowing the State limitations to govern, but even that would permit much greater recovery in some States than in others. It seems to me there ought to be a specific amendment to the amendment which would either make the State laws govern or have general laws govern. But in any event, if you allow the case to go to the courts, with the United States party defendant on the one hand, the individual who is party plaintiff would have all the sympathy of the community, and would be likely to recover more damages than in a suit between private parties.

Mr. TINCHER. Does not the gentleman think $5,000 is a little small? Does the gentleman know of any State that has so small a limitation on a death claim?

Mr. JONES of Texas. I put it at $5,000 for this reason: Inasmuch as the United States Government is a party defendant, and inasmuch as it gives consent to the suit, I believe there would be much better chance for the plaintiff to recover in a case of this kind against the Government than there would be if it were between private individuals. Therefore, I think there should be a small limitation. In other words the certainty of recovery should be offset by a limitation of amount.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. EDMONDS. Mr. Chairman, I ask that the bill be read for amendment.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Thomas McGovern, the sum of $5,000 for damages suffered by reason of her husband, Thomas McGovern, being struck and fatally injured by a Government motor truck which was driven by a regularly enlisted soldier of the United States Army.

Mr. WALSH, Mr. BANKHEAD, and Mr. GARD rose.

Mr. EDMONDS. Mr. Chairman, I suggest that the gentleman from Massachusetts [Mr. WALSH] has an amendment to perfect the text of the bill.

Mr. BANKHEAD. But I desire to offer a privileged amendment.

Mr. WALSH. I have an amendment to the bill.

The CHAIRMAN. For what purpose does the gentleman from Alabama rise?

Mr. BANKHEAD. I desire to move to strike out the enacting clause, which can only be done at this time.

The CHAIRMAN. A motion to strike out the enacting clause is a preferential motion, and the Chair recognizes the gentleman from Alabama.

Mr. TINCHER. Mr. Chairman, a parliamentary inquiry. Is the motion to strike out the enacting clause debatable?

The CHAIRMAN. The gentleman can not take the gentleman from Alabama off his feet by a parliamentary inquiry. The gentleman has five minutes in which to discuss his motion to strike out the enacting clause.

Mr. BANKHEAD. Mr. Chairman, I regret I have not a little longer time to discuss the reasons which have caused me to make the motion to strike out the enacting clause. The range of this discussion here this afternoon shows that the consensus of opinion of members of the committee is that we are standing at the threshold of the adoption of an absolutely new policy with reference to the compensation of parties who might have been injured through the alleged negligence of persons in the service of the Government of the United States. Heretofore with possibly one or two debatable precedents this policy has not been recognized by the Congress. It is apparent, however, gentlemen, if it is entered upon that we are going to throw absolutely wide open the floodgates of controversy here before the Committee on Claims or the Houses of Congress to innumerable claims of this character involving enormous sums of money, and already, as has been suggested here, some 30 claims of this character are now pending before that committee. The argument of gentlemen has developed a wide variance of opinion as to the wisdom of entering upon this new policy. It seems to me that the wise course for this House to pursue before it embarks definitely upon the passage of bills of this character, which become accumulative precedents of the integrity of this policy, is that this matter should have careful and deliberate consideration involving the passage of a general bill covering all cases of this character. [Applause.] And the purpose of my motion to strike out the enacting clause, if adopted, means not indefinite but only reasonable delay in order to give the Congress of the United States through its proper committee or committees an opportunity to consider and frame general legislation covering cases of this character. My preference, simply from an offhand opinion, would be to confer juris-

diction upon the district courts of the United States, for reasons of economy and convenience to the litigants, as suggested by the gentleman from Alabama [Mr. HUDDLESTON], rather than the Court of Claims, where every case that is brought is tried according to established rules of law and the merits of the case adjudicated in a regular established judicial tribunal of the United States. Now, while we confess and admit that the Committee on Claims or the other committees of the Congress are composed of men of integrity and intelligence, yet it is beside the mark to make the general admission that cases are tried before those committees as thoroughly and judicially as tried in the courts of justice, especially a court of the United States. And, gentlemen, with these ideas in view, with the tremendous importance of the ultimate policy that might be adopted at stake, and in view of the fact that it will not necessarily entail any hardship or any indefinite delay upon any claim which might be a just claim against the Government of the United States, it seems to me that every consideration of expediency and wisdom suggests that this great question of a general policy touching cases of this character should have consideration and action by the Congress under the provisions of a general bill affecting the merit of cases of this sort. I have offered the amendment I have with these ends in view, not for the purpose of defeating this claim—because it seems from a superficial examination as far as the evidence has disclosed here there may be a great merit in this woman's claim—but for the purpose, as I have suggested, of stabilizing the method of adjudication, for the purpose of seeing that every claim in the future shall have an absolutely real judicial determination. It seems to me that this matter is of sufficient importance to give pause before we establish a precedent here which will be referred to in all time to come as justifying the passage of all sorts of bills of a similar character. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MACCRATE and Mr. EDMONDS rose.

Mr. MACCRATE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The chairman of the committee [Mr. EDMONDS] desires recognition, and the Chair will recognize him.

Mr. EDMONDS. Mr. Chairman, the Committee on Claims very seldom has before it a claim that has any legal basis. We have to take up claims for torts against property and against persons. We have to take up claims where men have been injured while employed by the Government and no compensation has been allowed by law, and we have to decide whether we think the man, under the circumstances, is justly entitled to some compensation from this body. There is not so much difference between this case and those cases, except this, that these are cases where the man, a private citizen, has been injured by an act of some Government employee, and they have always been, for some reason or other, antagonized in this House; but yet at the same time, with the information that the committee can get hold of—and I think our information is fairly complete—we endeavor to try and do justice to these people. This case was one that was particularly appealing, and I want to say that in our examination we also go into the question to find out whether the man had money, whether he had insurance, whether he has any other compensation coming to him from a State board, and we endeavor in every way to protect the interests of the Government. Mr. McGovern, unfortunately, had no life insurance policy. He was in unfortunate circumstances and he let his policy run out three or four days before the accident. There is no question in my mind, after seeing the plans—unfortunately the House can not see those plans—that Mr. McGovern was in his full rights on the streets of Omaha. He was killed by an automobile that should have gone around the center prop in the street, as is required in many large cities, but probably on account of the fog, on account of the mist on the glass, the soldier did not notice that he was not proceeding in the proper manner; or if he did, it was incidental. If Mr. McGovern had left a large insurance policy, if he had been a man of wealth, we would not have given one cent——

Mr. BANKHEAD. Will the gentleman yield there?

Mr. EDMONDS. I will.

Mr. BANKHEAD. Why would not the woman have been entitled to compensation, even if he had had a policy, if he had a just claim against the United States?

Mr. EDMONDS. For the simple reason that there is no law on the statute books allowing the Government to pay for torts of employees. Therefore the act of the committee is one of mercy a great deal more than it is one of law. Now, we have in the last session and this session taken up this case. We have followed it probably as far as any court can follow it. We have the testimony of the witnesses and the testimony of the Government. The Government officials, of course, are not going to find their officer in the wrong if they can help it, but the testimony of the two individuals who were not in any way related to Mr. McGovern and who had no interest in the case whatever was that Mr. McGovern was in the proper place on the street and the automobile was not in the proper place.

Now, gentlemen, I leave it to you. We have done all that we could. If it is the desire of the House that bills of this character should go to the Court of Claims or some other court, I doubt whether the committee will raise any particular fight over it.

Mr. ANDREWS of Nebraska. Will the gentleman yield for just a question?

Mr. EDMONDS. Yes.

Mr. ANDREWS of Nebraska. If we send a claim like this to the Court of Claims, why not send all pension claims to the Court of Claims?

Mr. EDMONDS. That is true, and I want to say if this claim is sent to any court the probabilities are that Mrs. McGovern's children will be grown up before they get any money.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The question is on the motion to strike out the enacting clause.

The question was taken, and the Chair announced that the noes appeared to have it.

Mr. BANKHEAD. Division, Mr. Chairman.

The committee divided; and there were—ayes 24, noes 57.

So the amendment was rejected.

Mr. WALSH. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. WALSH: Page 1, lines 6 and 7, after the word "by," strike out the word "reason" and insert the words "the death," and in line 7 strike out, after the word "McGovern," the word "being" and insert the words "who was," so that the language will read as follows: "For damages suffered by the death of her husband, Thomas McGovern, who was struck and fatally injured," etc.

Mr. EDMONDS. Mr. Chairman, I accept the amendment.

Mr. WALSH. I notice that the gentleman accepts the amendment, and therefore I desire to make one or two general observations in reference to this bill.

I notice that the jury have decided to embark upon this voyage and establish this precedent, but I want them to recall that an employee of the Navy was killed, apparently in line of duty, leaving a dependent parent, and that his life is worth $549.12; that a person, a police officer, who lost his life assisting the United States immigration officers in removing an insane alien, has his life valued at $2,500; but that when you get out into the great State of Nebraska and a worthy citizen is killed by a member of the military forces because the local ordinances of the city of Omaha say that the soldier was on the wrong side of the street, you climb up the grade and fix the value of the life at $5,000. I assume, although we have not yet reached the later stages of the Private Calendar, that the committee has arrived at instances where the value of life is $10,000.

Now, the gentleman from New York, in his harmonious and melodious undertones, suggests that probably that life was that of a Massachusetts citizen. I do not know as it was, but I assure the gentleman that if it was, the bill was introduced by some one other than myself.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. WALSH. The gentleman from Minnesota [Mr. KNUTSON], I notice, has a bill upon the Private Calendar and seeks to interrogate me.

Mr. KNUTSON. Would not the name of the deceased indicate that he came from Boston?

Mr. WALSH. I do not know the name, because we have not reached the bill, as I stated at the outset.

But we are establishing the principle by this legislation that the great Government of the United States must be subject to the ordinances and by-laws of small municipalities, and if it can be established that a member of the service of the United States, military or civil, in performing his duty infracts the provision of a local ordinance, and somebody is injured or killed thereby, the Government must recompense his dependents. And I submit it is a wrong principle upon which to embark.

Mr. DOWELL. Will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Iowa.

Mr. DOWELL. Does the gentleman believe——

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. WALSH. I say I do believe. I do not know what the question was to be.

Mr. DOWELL. I want to know if the gentleman believes——

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. WALSH].

Mr. DOWELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa is recognized in opposition to the motion.

Mr. DOWELL. Now, I desire to interrogate the gentleman from Massachusetts, and ask him if it is his position that the Government should not pay for the reckless killing of a private citizen by an officer of the Army?

Mr. WALSH. That is my position.

Mr. DOWELL. That we can permit the Army officers to go down the streets with impunity and kill citizens without being responsible for the damages?

Mr. WALSH. Oh, well, the gentleman knows if an Army officer recklessly tramples upon the rights of a citizen, there is recourse to the courts if it is criminal, and in this case the man who is said to have been negligent was court-martialed and was acquitted.

Mr. DOWELL. But the court-martial does not compute the damages he has sustained.

Mr. WALSH. No; the Committee on Claims does that.

Mr. DOWELL. And the Committee on Claims has passed upon the question that this was a reckless driving on the part of the Army officer.

Mr. WALSH. Well, they have not so stated in their report.

Mr. DOWELL. The report does make such a statement, or that is the conclusion of the committee. And it seems now that when the committee has passed upon that question we have no further to go than to find that the damages have been sustained, and if they have been sustained the Government should pay them.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. DOWELL. Certainly.

Mr. WALSH. What damages would the gentleman recommend if the Committee on Claims had held that it was not reckless? Would it be $2,500?

Mr. DOWELL. If there was no carelessness on the part of the Government, there would be no damage at all. But in this instance the committee found that there was a reckless use of the automobile.

Mr. WALSH. Will the gentleman yield again?

Mr. DOWELL. Yes; certainly.

Mr. WALSH. Does the gentleman know upon what evidence the committee based their finding?

Mr. DOWELL. I do not, but I presume the committee did what it ought to do—secured the testimony—because it would not have arrived at that conclusion without making an investigation.

Mr. WALSH. Has the gentleman read the report?

Mr. DOWELL. I have read through the report, and I have the conclusion of the committee, and that conclusion is sufficient to satisfy me that they have found that there was recklessness on the part of this officer.

Mr. WALSH. The gentleman has abundant and abiding faith.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

Mr. GARD. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. GARD: Strike out all after the enacting clause and insert:

"That Mrs. Thomas McGovern, or the authorized legal representatives of Thomas McGovern, deceased, may sue the United States for the benefit of the widow and children of said deceased in the district court of the United States for the district of Nebraska under the rules governing such court for damages because of the death of Thomas McGovern, and said court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the authorized legal representative of Thomas McGovern, deceased, upon the same principles and measures of liability as in like cases between private parties and with the same right of appeal: *Provided*, That such suit shall be commenced within four months after the date of the passage of this act.

Mr. BLANTON. Mr. Chairman, I desire to offer a substitute.

Mr. HUDDLESTON. I reserve a point of order on that amendment.

Mr. JEFFERIS. I make the point of order.

The CHAIRMAN. The gentleman from Nebraska makes the point of order. Does the gentleman from Ohio desire to be heard?

Mr. GARD. What is the point of order? Just making a point of order does not mean anything.

Mr. JEFFERIS. I think the gentleman's amendment is contrary to the entire scope of the bill.

Mr. GARD. Is that all that the gentleman desires to say about it?

Mr. JEFFERIS. Yes.

Mr. GARD. Mr. Chairman, I desire to be heard.

The CHAIRMAN. The gentleman from Ohio will be heard.

Mr. GARD. Mr. Chairman, the bill is one, as the Chair knows, for the relief of Mrs. Thomas McGovern. It provides for an appropriation of a certain amount of money. The amendment I have offered provides for the relief of Mrs. Thomas McGovern, or the authorized legal representative of Thomas McGovern, by providing that the authority of the Congress of the United States is given her, on behalf of herself, as widow, and her children, to sue the United States because of the death of her husband and the father of her children. It seems to me it is germane, because this bill is for the relief of this person. The relief may be in one form or in another form. It is not essential, to make the matter germane to the bill, that it shall be the same relief as is carried in the bill but that it shall be germane to the issue raised, that it be germane to the object of the bill, which is for the purpose of affording relief to this woman because of the death of her husband.

Mr. DOWELL. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Iowa?

Mr. GARD. Yes.

Mr. DOWELL. Is it not true that your amendment provides for a legal remedy? In other words, it changes the law in this case, and provides that a suit may be brought in the courts? This claim now before the committee is to allow a certain amount as a claim against the Government. Your amendment is certainly not germane, because it merely provides a legal or technical remedy at law in the courts.

Mr. GARD. This is a matter, I take it, for the relief of this woman because of the death of her husband, who was injured, it is said, by an automobile driven by an enlisted soldier of the United States. The report says—and everybody agrees—that there is no legal liability for the torts of the agent, and that which we try to do under this law is simply a matter of grace, rather than of right, when we fix the kind of relief. To pay $5,000 is relief, but that which is incorporated in my amendment is also relief, since it confers upon the widow the unusual privilege of proceeding in a court of justice, where she now has not the right, to assert her claim on behalf of herself and her children for damages on account of the death of her husband.

Mr. DOWELL. But your amendment changes the law in this case.

Mr. GARD. There is no law.

Mr. DOWELL. There is none; but you are providing by your amendment——

The CHAIRMAN. The gentleman from Iowa will address the gentleman from Ohio in the third person.

Mr. GARD. I make no point of that.

Mr. DOWELL. The amendment offered by the gentleman provides a change of law by which this case is brought into court. There is now no law on that subject, and she has no right to bring that action in court; but under this amendment, which is the enactment of new legislation, the gentleman from Ohio is seeking to enact new legislation, giving her authority to bring the action in court. It certainly is not germane to a claim which the House is acting upon. It has no relation to an action at law.

The CHAIRMAN. The Chair is ready to rule. This is a bill authorizing the Secretary of the Treasury to pay the sum of $5,000 to the widow of the deceased—Mrs. McGovern. The amendment offered by the gentleman from Ohio authorizes the legal representative of the deceased to bring an action, a proper action, in the district court of the United States for the district of Nebraska.

Mr. GARD. If the Chair will yield for a moment on that, the amendment I have in its amended form provides that Mrs. McGovern or her legal representatives shall bring the action.

The CHAIRMAN. Or her legal representatives. There is such a distinction between the bill and the amendment as has arisen in former cases and upon which many rulings have been made:

A bill to pay a claim may not be amended by an amendment directing that the claim be referred to the Court of Claims.

So that by analogy this being a bill to pay the claim outright can not be amended by referring the claim to the district court of the United States for the district of Nebraska, and the Chair sustains the point of order.

Mr. EDMONDS. Mr. Chairman, I move that the bill be laid aside to be reported to the House with a favorable recommendation.

The CHAIRMAN. The gentleman from Pennsylvania moves that the bill be laid aside to be reported to the House with a favorable recommendation.

The question being taken, the Chairman announced that the ayes appeared to have it.

Mr. BLANTON. Division, Mr. Chairman.

The committee divided; and there were—ayes 60 noes 16.

Accordingly the bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

HEIRS OF ROBERT LAIRD M'CORMICK.

The CHAIRMAN. The Clerk will report the next bill.

The Clerk read the title of the bill (H. R. 6289) for the relief of the heirs of Robert Laird McCormick, deceased.

Mr. EDMONDS. Mr. Chairman, I ask that the first reading of the bill be dispensed with.

Mr. BANKHEAD. Reserving the right to object, how long is this bill?

Mr. EDMONDS. It is a very short bill.

Mr. BANKHEAD. I object. I think we ought to have the bill read.

The CHAIRMAN. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the heirs of Robert Laird McCormick, deceased, out of any money in the Treasury not otherwise appropriated, the sum of $51.50 in full settlement of the claim of the said Robert Laird McCormick for cashing on insufficient indorsement Post Office Department warrant No. 11415, drawn April 28, 1887, to the order of Charles Perry for $51.50.

Mr. EDMONDS. Mr. Chairman, this bill is for the relief of the heirs of Robert Laird McCormick, to legalize the payment of an improperly indorsed Post Office Department warrant. There is no objection to the bill on the part of the department. The warrant is still carried down there, and undoubtedly the heirs of Robert Laird McCormick should be paid this money. I yield five minutes to the gentleman from Washington [Mr. JOHNSON], who would like to explain the bill.

Mr. JOHNSON of Washington. Mr. Chairman, I take the time of the House only to explain an interesting case which shows something of the Government's delays. This particular bill has been on the private claims calendar in every session of Congress for three Congresses. It has been just about to be reached in every session, but until now never has been called up. Roll calls or objections or fights over other measures have prevented action on a measure to which no one could offer objection. As stated by the chairman of the Claims Committee, the bill provides authority for paying $51.50 to the McCormick estate on a post-office warrant dated April 28, 1887.

Mr. HICKS. Will the gentleman yield?

Mr. JOHNSON of Washington. I yield to the gentleman from New York.

Mr. HICKS. Is this the famous cow case?

Mr. JOHNSON of Washington. Oh, no; the cow case is coming later. There is no dynamite in this bill. [Laughter.]

This warrant was issued April 28, 1887, and the money was appropriated by the Fiftieth Congress in the Post Office appropriation bill of that year for the payment of that sum. That was 32 years ago. Mr. Carlisle, of Kentucky, was Speaker of the House, and Nelson Dingley, of Maine, was here, as were also Dockery, of Missouri, and Funston, of Kansas, father of the general—both famous men. William C. P. Breckinridge, the silver-tongued orator from Kentucky, was here in the House. Private John Allen, of Mississippi, was here, with his droll speeches and ready wit. JOHN H. BANKHEAD, of Alabama, now Senator, and the father of our own distinguished colleague, young BANKHEAD [applause], was a Member then. Bland, of Missouri, a famous and lovable man from the Middle West, was here.

Mr. CLARK of Missouri. And we have one here now. [Applause.]

Mr. JOHNSON of Washington. Charles F. Crisp, of Georgia, afterwards Speaker, and the father of our distinguished colleague, was here. [Applause.] Amos J. Cummings, the New York newspaper man, was here, at a time when newspaper men in Congress were more rare than now. Cummings was here, the patron saint and bail provider for all the Tammany braves who ever came down here and got into jail. [Laughter.] Benton McMillin was here. Uncle JOE CANNON was here, and had been here for about 15 years at the time this money was appropriated, 32 years ago, to pay this claim. [Applause.] Even then he was an old-time Member of Congress. Our present Speaker, Mr. GILLETT, and our last Speaker, Mr. CLARK of Missouri, both now regarded as old-time Members, had not then been elected for their first terms.

Mr. DOWELL. Will the gentleman yield for a question?

Mr. JOHNSON of Washington. Yes; with pleasure.

Mr. DOWELL. Is the gentleman giving us a list of these names to show the reason why this claim was not passed at that time?

Mr. JOHNSON of Washington. Oh, no. This bill is to pay some money that they appropriated.

James S. Sherman, afterwards Vice President, was here; and Springer, of Illinois; and Joseph Wheeler, afterwards a prominent general in the Spanish-American War; and Roger Q. Mills, of Texas. [Applause.] Mills kicked down the door to break a quorum. How times have changed, but Texans even now are concerned about quorums. And LODGE, the brilliant Senator, was then in the House. [Applause]. And still another whom none will forget—Thomas B. Reed, of Maine, afterwards Speaker. [Applause.]

Of course Congress was not to blame because this sum of $51.50 was not paid in all these 32 years, but it has been, in a measure, for the last several years. Perhaps a better way would be to say that Congress should not be called upon to handle such matters of routine as this.

Mr. ANDREWS of Nebraska. What became of the money that was appropriated to pay this bill?

Mr. JOHNSON of Washington. It lies in the Treasury subject to payment upon the proper signature on this voucher, which can not be had.

Mr. ANDREWS of Nebraska. Was the voucher never signed?

Mr. JOHNSON of Washington. The voucher was improperly signed, but will be paid when this bill is passed. The occasion for an act of Congress is this: Charles Perry, to whom this warrant was made payable, had earned this money by carrying the mail. He disappeared and was never afterwards heard of. His wife undertook to sign his name and then her name, and on that double signature a bank in Sawyer County, Wis., paid the warrant, presented it to the Treasury Department, and, of course, it was not accepted, being improperly indorsed. Then the bank went out of business and this United States warrant was laid away in the papers of Robert Laird McCormick, who moved to Tacoma. After his death this was found among his papers. Something more than five years ago it was sent to me with a request for an act of Congress to authorize payment. Its passage was recommended by the Post Office Department, and on every claims calendar day from that time to this I have sat on this floor with this bill in my hip pocket waiting for its number to be called. It is a little more than fifty-fifty; it is $51.50. At last it is called, and I hope it will pass. [Applause.]

The CHAIRMAN. The Clerk will report the bill for amendment.

The Clerk read the bill.

Mr. EDMONDS. I move that the bill be laid aside to be reported to the House with a favorable recommendation.

Mr. ANDREWS of Nebraska. Mr. Chairman, I move to strike out the last word. It occurs to me that if the proper method had been followed this warrant could have been paid long ago. When it was drawn and failed of payment, at the end of the third year for which the appropriation was set apart, the amount of money appropriated to pay that warrant passed to outstanding liabilities to the credit of the person named in the warrant. If there was any irregularity in regard to the indorsement that could have been corrected by the regular procedure in the probate court and letters of administration could have come forward with the proper signature and the money would have been paid under the head of "Outstanding liabilities."

Let me cite a notable instance of this character. One of the United States Senators from the State of Indiana, the late Senator Turpie, had nearly $26,000 of his salary for his last term as United States Senator standing in exactly the same position as this warrant is now. After he died his heirs came forward and cashed the checks that were still available outside of the range of outstanding liabilities, made claim of $26,000, and I stated that account to pay the money to his estate.

This warrant stands on the same basis. Perchance this bill will expedite matters to some extent, and therefore I would not offer any objection to it. But the matter could have been adjusted long ago if it had followed out the regular course of such payments through a statement of account by the Auditor of the Treasury Department under the head of "Outstanding liabilities."

Mr. GARD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 1, line 4, after the word "the," strike out the word "heirs" and insert in lieu thereof the following: "executor or administrator."

Mr. GARD. Mr. Chairman, I do that because of the form of the bill which might impose on the Secretary of the Treasury an almost impossible task of paying the small amount of $51.50 to what may be 40 or 50 heirs, whereas the payment should be made to the legal representative of the estate.

Mr. EDMONDS. I accept that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The amendment was agreed to.

Mr. EDMONDS. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to.

Mr. BLANTON. Mr. Chairman, a parliamentary inquiry. May I ask whether the committee is to be deprived of the good counsel and advice of the gentleman from Massachusetts, and, if so, for how long?

The CHAIRMAN. That is not a parliamentary inquiry. The Clerk will report the next bill.

PERRY E. BORCHERS.

The next business on the Private Calendar was the bill (H. R. 646) for the relief of Perry E. Borchers because of losses suffered, due to destruction of property and termination of contract for services because of smallpox, while in the employ of the Navy Department in Cuba.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Perry E. Borchers, of Tadmor, Ohio, out of any money in the Treasury not otherwise appropriated, the sum of $346.45, the amount of loss sustained due to the destruction of his personal property while in quarantine and to the loss of his position through termination, by the Navy Department, of his contract for services as superintendent of construction at the United States naval station, Guantanamo Bay, Cuba.

With the following committee amendment:

Page 1, line 6, strike out the figures "$1,195.85" and insert "$346.45."

Mr. EDMONDS. Mr. Chairman, this bill is for the relief of the superintendent of construction at the naval station at Guantanamo, Cuba. Although Mr. Borchers asked for $1,195 the committee felt that there was no legal obligation on the part of the Government to pay that claim, but in equity we thought he was entitled to be remunerated for the value of the clothing and the expenses of travel to his home town, amounting to $346.45. I will yield to the gentleman from Ohio.

Mr. GARD. Mr. Chairman, I do not desire any time; the gentleman from Pennsylvania has stated the case. But I think when the committee found there was no liability for loss of wages on account of the contract that that part of the bill which sought to compensate him should have been stricken out and the bill made to compensate him for the destruction of the personal property while in quarantine. There is no allowance for contract.

Mr. BLANTON. May I suggest that it would be better to leave it in, otherwise if you strike it out he may come back in the next Congress and ask damages under these allegations, whereas if it is left in the bill it becomes in a way res judicata.

Mr. EDMONDS. I think perhaps the gentleman from Texas is right. The idea of the committee was that this was to be a complete payment.

Mr. GARD. I have no objection to it; I merely suggested that when the committee found there would be no liability on the United States on account of the contract that there should be an equitable liability on account of the loss of the personal property.

Mr. EDMONDS. It is a bonus, a gift of $341.45, and let that cover the whole claim.

Mr. CANNON. Mr. Chairman, it seems to me you insist on keeping in the allegation of loss of compensation, and that admits that he is entitled to something for the loss of compensation on account of the contract. Was there a contract? Was he a regular naval officer?

Mr. GARD. This man went down there under a communication from the Bureau of Yards and Docks in the Department of the Navy on December 13, 1915, to take the position of superintendent of construction of the naval station at Guantanamo, Cuba, at a compensation of $6.48 for each working day.

When he got down there he was thrown in contact in his living quarters with the smallpox, contracted the disease, and his personal goods and effects which he brought down from the States were destroyed by order of the quarantine officials. He was kept there such a length of time that he claimed that he should be compensated for the loss of the contract. In other words, when he recovered he was ready to take up the work, but the health authorities, out of a superabundant caution, refused to allow him to continue, kept him under strict quarantine, but allowed him to come to the States. They gave him no compensation except for the four or five days that he had worked. It seemed to me that when the committee made a finding of an allowance to him for his personal property only it should not have included language with reference to the loss of the contract.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. DOWELL. This damage is the cause of disease contracted by this claimant?

Mr. GARD. The element of damage as claimed by Mr. Borchers is this: He had been summoned to this place in Cuba and was placed in contact with a smallpox patient by reason of his employment. The smallpox he contracted, and when he recovered and was ready to continue the obligations of his contract they refused to allow him to proceed.

Mr. DOWELL. He was the superintendent of construction?

Mr. GARD. Yes.

Mr. DOWELL. In the employ of the Government?

Mr. GARD. Yes.

Mr. DOWELL. Is the Government liable for damages because he contracted a disease while he was in the employ of the Government?

Mr. GARD. Oh, no. It is not because he contracted disease. In fact, the question is not debatable, because the committee found that he was not entitled to anything on that account.

Mr. DOWELL. But the damage grows out of the fact, however, that he contracted the disease for which his clothing or something was destroyed.

Mr. GARD. He contracted the disease down there in the service, in line of duty, being placed in a position where he could contract it, and then his clothing and everything he had were destroyed.

Mr. DOWELL. If he is not entitled to anything by reason of a damage case on the part of the Government, why is the Government liable for damages to clothing which is based upon the same statement of facts?

Mr. GARD. I do not know, as a legal proposition, but I suspect this would be the reason on which the committee acted. I did not appear before the committee, and I do not know. The matter was presented by Mr. Borchers. I have no information about it save that I introduced the bill at his request. I suspect the element of damage by loss of property was much more easily arrived at than the amount of damage he would get by reason of his being refused to be allowed to carry out his contractual obligations as superintendent of construction.

Mr. HICKS. Is it not easy to assume that the destruction of his clothing was a general health proposition for the benefit of all others who might be in the neighborhood?

Mr. GARD. They destroyed his clothing and everything that he had.

Mr. HICKS. And it was the proper thing to do, it seems to me.

Mr. GARD. I suspect it was, under the circumstances. At least, as a health protection they thought it was the proper thing to do, and this committee thought that having destroyed his clothing he should be compensated therefor.

Mr. DOWELL. Mr. Chairman, a few moments ago the gentleman was suggesting that the other claim should be determined by the courts. Is not this a claim that should go to the Court of Claims? Does not the same reason for sending the other claim to the Court of Claims exist in this case?

Mr. GARD. Oh, no.

Mr. DOWELL. Is there any difference?

Mr. GARD. Oh, yes. The other claim, as I tried to explain, is whether the United States is responsible for the tort of an employee or person in its military service. This claim is one whether the Government is responsible for property actually destroyed by the Government.

Mr. DOWELL. Then the gentleman would say if the committee had allowed anything because of damages to an individual it would have come under the same rule—personal injury?

Mr. EDMONDS. I think the gentleman has that a little wrong.

Mr. GARD. Oh, no; the difference is as wide as the poles.

Mr. DOWELL. The bill reads as follows——

Mr. GARD. One question arose as damages for tort, the unlawful act causing the death of another man, and this is the admitted destruction by the Government of one's property.

Mr. DOWELL. But if the gentleman will permit, the bill reads as follows:

The amount of loss sustained due to the destruction of his personal property while in quarantine and to the loss of his position through termination, by the Navy Department, of his contract for services as superintendent of construction.

Mr. GARD. Yes.

Mr. DOWELL. The committee allowed nothing, as I understand it, for the loss of his position, but, as I understand the argument of the gentleman, if the committee had made such an allowance, then the rule that the gentleman applied to the other bill would apply to this, and it should have gone to the court.

Mr. GARD. No; I do not think so. I can see, and I suspect the gentleman can, a very wide difference between damages and responsibilities of the United States for things it actually does itself and things which some soldier or civilian employee may do and which we call by the legal name of tort.

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. EVANS of Nebraska. If I understand the gentleman from Ohio, where there was a tort, he would send it to a court to determine the amount of damages. That is the question of fact, but where it was not a tort he would not send it to a court. Is that the distinction he makes? If I understand the chairman of the committee, he says there is no legal liability in this case at all.

Mr. GARD. No; he does not do that.

Mr. EVANS of Nebraska. Does the gentleman from Ohio in that case think we ought to vote for this bill, when there is no legal liability?

Mr. GARD. The gentleman has not said that, as I understood him. What the gentleman said was he thought there was no legal liability on the contract, and the other part arose by reason of the fact that the Government actually destroyed this man's clothing.

Mr. EVANS of Nebraska. The gentleman's understanding and recollection of the chairman's statement is different from mine. I understood him to say there was no legal liability whatever, only an equitable one.

Mr. DOWELL. Will the gentleman yield for one other question?

Mr. GARD. I have not the floor, but I would be glad to afford information.

Mr. EDMONDS. I yield to the gentleman.

Mr. DOWELL. Is it not true in all cases of quarantine that under the laws of the various States the property is destroyed which would in any manner scatter the disease?

Mr. GARD. Well, if that is not true, it should be true.

Mr. DOWELL. Why should the Government pay this claim any more than other claims where clothing and property are destroyed?

Mr. GARD. There is no reason why this claim should be singled out before any other claim. It was presented as a proper claim and allowed by the Committee on Claims, which is all the reason I know.

Mr. DOWELL. Do I understand the gentleman to say there is no legal liability whatever for the payment of this?

Mr. GARD. The only liability is that found in the presentation of the claim and the consideration of the evidence by the committee and what is in this bill that creates a liability as any other liability. If there had been a legal liability, there would be no occasion for this character of legislation.

Mr. DARROW. This is for the destruction of clothing to prevent the scattering of the disease of smallpox. That is enforced, as I understand it, under all quarantine laws, and this is no exception. This is done in all cases. Then the question arises, the committee says there is no legal liability whatever, then why is this claim here and why is it presented to the House?

Mr. EDMONDS. Mr. Chairman, I will answer that. Mr. Chairman, this bill is to reimburse this man as superintendent of construction. He was employed in this country to go down and superintend the building of a building at the naval station at Guantanamo, Cuba. Unfortunately, after he had been there five or six days he caught the smallpox. He was laid up; the construction had to go on, was carried on by the department, probably, with some other superintendent of construction. When the man got well there was no work for him. After he had taken the smallpox, of course, they destroyed all of his clothing. It seemed like a peculiar hardship not to give him any redress at all. He had been employed by the Government; he had earned no salary; he had taken a long trip to a tropical clime; he had been exposed to smallpox.

Mr. DOWELL. Will the gentleman yield for a question?

Mr. EDMONDS. Yes; surely.

Mr. DOWELL. This claim provides for the payment of his traveling expenses home.

Mr. EDMONDS. From Washington.

Mr. DOWELL. Yes. In any event, when his employment ceased there was no obligation on the part of the Government to pay his traveling expenses one way or another, and I am unable to understand why the committee and how it could find that the Government, under any construction, should pay his traveling expenses to any place.

Mr. EDMONDS. My understanding is that the Government was under contract with him to send him to Guantanamo and bring him back. They did that in one of the Navy ships.

Mr. DOWELL. And that they performed?

Mr. EDMONDS. They performed that duty. When he came back here he was supposed to be returned home. That was my understanding.

Mr. DOWELL. Does the gentleman mean now that the Government had a contract by which he was to have his expenses paid to his home after his return?

Mr. EDMONDS. I think that is true, but I will not say that positively.

Mr. DOWELL. That would seem to me a very peculiar contract.

Mr. GARD. If the gentleman will pardon the interruption. the information as disclosed on page 5 of the report as given by Civil Engineer Thurber, United States Navy, is as follows:

> Transportation from your home to Guantanamo and return will undoubtedly be paid by the Government. Will you please let me know whether or not you would accept this position if offered to you?

Mr. DOWELL. Will the gentleman yield for just one other question? If there is a contract, as the chairman of the committee suggests, for the payment of expenses to his home, then certainly this claim has no place before this House, because it is then the duty of that department to pay that claim, because there is a valid and binding contract. Now, if there is no contract, there is no obligation, and certainly we will be going a long way to start upon the practice of paying expenses of employees to their homes when there is no contract and no obligation on the part of the Government to pay it.

Mr. BLANTON. Will the gentleman yield?

Mr. DOWELL. Certainly.

Mr. BLANTON. The chairman of the committee has stated clearly on the floor to-day with respect to all these claims that there is no legal liability on the part of the Government.

Mr. EDMONDS. I say most of the claims that come before the committee——

Mr. DOWELL. Now, it is claimed that there is a contract by which the railroad fare and expenses to his home were to be paid?

Mr. EDMONDS. I think it is very propable that, owing to the fact that he did not complete his contract, the Government refused to pay his fare home, although they did agree to pay it.

Mr. ANDREWS of Nebraska. Will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. ANDREWS of Nebraska. May I suggest if there were a legal liability for a claim the account should be stated in the department, and it is because of the absence of a legal basis that it would appear before the Committee on Claims.

Mr. EDMONDS. That is it exactly.

Mr. ANDREWS of Nebraska. If there be a legal basis for a claim, the law which authorizes the creation of an obligation offers the foundation for the settlement of the question by an accounting officer, and the submission of the certificate of settlement to the Committee on Appropriations for payment. Now, on that basis there would be a legal foundation, and it would then go to the Committee on Appropriations and not to the Committee on Claims. But where many of these cases arise, as they do in the course of the Government, where the equities are clear and well defined, the case can come to the Committee on Claims, and it passes upon the equity and submits the evidence, and Congress furnishes the legal basis for payment of the money.

Mr. GREEN of Iowa. Will the gentleman yield further?

Mr. EDMONDS. Certainly.

Mr. GREEN of Iowa. While there was not a legal liability, and in most of the cases presented to the Committee on Claims there would not be, because the Government could not be sued or make a contract or be liable in the same way as an individual, in this case there might be an obligation from the fact that the engineer, C. D. Thurber, of the Navy, who directed him to go to this place, said in his letter directing him to report at Guantanamo:

> Transportation from your home to Guantanamo and return will undoubtedly be paid by the Government.

An obligation might arise from that.

Mr. EDMONDS. The probabilities are that the man, not being able to complete his contract after arriving in Cuba, came back home and did not get the reimbursement for his fare. I ask that the bill be read for amendment.

The bill was read for amendment.

Also the following committee amendment was read:

Committee amendment: Page 1, line 6, strike out the figures "$1,195.85" and insert in lieu thereof the figures "$346.45."

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. EDMONDS. Mr. Chairman, I move the bill be laid aside with a favorable recommendation.

The motion was agreed to.

AMHERST W. BARBER.

Mr. EDMONDS. Mr. Chairman, I would like to call up the next bill on the calendar.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

An act (S. 1377) for the relief of Amherst W. Barber.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury of the United States not otherwise appropriated, to Amherst W. Barber, the sum of $263.37, for the resurvey of 23 miles, 75 chains, and 42 links of township lines on public lands in the State of Colorado, executed by him and necessary to complete the lines of survey embraced in his contract No. 710, dated April 2, 1885.

Mr. WALSH. Mr. Chairman——

Mr. KNUTSON. Mr. Chairman, I ask to be recognized.

Mr. WALSH. So do I.

Mr. KNUTSON. I have not had the floor to-day. [Laughter.]

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. KNUTSON. Mr. Chairman, this is a claim for the sum of $263.37, for a resurvey made by a man named Barber in 1885, of some public lands in the State of Colorado. The claim has been approved by the Secretary of the Interior, who has written the committee a letter saying that it is, in his opinion, a just claim against the Government.

When Mr. Barber presented his claim for the resurvey made, the amount claimed by him was disallowed, presumably for the reason that the funds to which resurveys were chargeable had become exhausted. It is a claim that Mr. Barber has had against the Government for 34 years. It has passed the Senate on several occasions, and was before the House throughout the entire Sixty-fifth Congress. Senator NELSON, who is the author of this bill, is very anxious to get it through, in view of the fact that Mr. Barber is in very poor health.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. GREEN of Iowa. I understand the reason why it was not paid, to begin with, was because the appropriation or fund for such purposes was exhausted.

Mr. KNUTSON. That is what the Secretary of the Interior said.

Mr. GREEN of Iowa. Otherwise it would have been paid shortly after the work was completed?

Mr. KNUTSON. The Government adopted the work which Mr. Barber had done.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield to my friend from Massachusetts.

Mr. WALSH. Was the gentleman who is to be the beneficiary of this bill employed by the department to do this work?

Mr. KNUTSON. No. I think that Mr. Barber at the time was assistant surveyor of the State of Colorado, and the Government employed him to do certain surveying under contract.

Mr. WALSH. Under contract with whom?

Mr. KNUTSON. With the Government, at so much. I do not know upon what terms surveyors work, but I presume it is so much per quarter or so much per section or so much per mile. Whatever it may be, the report shows that it was necessary in making the survey to make certain resurveys of township lines, and that the Government subsequently adopted the resurveys made by Mr. Barber.

Mr. WALSH. They paid for the original surveys, I assume. They were wrong, and now are to pay for the resurveys?

Mr. KNUTSON. There is nothing to show that the original surveys, which were wrong, were made by Mr. Barber.

Mr. WALSH. There is not much of anything shown in the report. The department recommends the bill. I am not opposed to the measure, but I am trying to ascertain whether the beneficiary of this bill made the surveys and also made the resurveys?

Mr. KNUTSON. I am frank to say that I can not answer the gentleman authentically on that, but I will say that there is nothing in the report to show that he made the original surveys.

Mr. WALSH. This claim has been pending for some little time, I understand?

Mr. KNUTSON. I do not know how long it has been before Congress, but it has been here for three years to my own knowledge, and in that time it has passed the Senate twice.

Mr. WALSH. And Mr. Barber is now in poor health?

Mr. KNUTSON. He is in poor health and in poor circumstances.

Mr. ALMON. The gentleman says the bill had passed Congress.

Mr. KNUTSON. If I said that I meant the Senate.

Mr. ALMON. The gentleman said "Congress" several times.

Mr. KNUTSON. I meant the Senate.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury of the United States not otherwise appropriated, to Amherst W. Barber, the sum of $263.37, for the resurvey of 23 miles, 75 chains, and 42 links of township lines on public lands in the State of Colorado, executed by him and necessary to complete the lines of survey embraced in his contract No. 710, dated April 2, 1885.

Mr. EDMONDS. Mr. Chairman, I move that the bill be laid aside with favorable recommendation.

The CHAIRMAN. The gentleman from Pennsylvania moves that the bill be laid aside with favorable recommendation. The question is on agreeing to that motion.

The motion was agreed to.

Mr. EDMONDS. Mr. Chairman, I move that the committee rise and report to the House the bills that have been passed, with the recommendation that the amendments be agreed to, and that the bills that have been amended and those without amendment be passed.

The CHAIRMAN. The gentleman from Pennsylvania moves that the committee rise and report to the House sundry bills that have been under consideration by the House, some with and some without amendments, with the recommendation that the amendments be agreed to and that the bills be passed.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CAMPBELL of Kansas, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration sundry bills, had directed him to report the same back to the House, some with amendments and some without, with the recommendation that the amendments be agreed to and that the bills do pass.

Mr. EDMONDS. Mr. Speaker, I move the previous question on the bills and amendments to final passage.

The SPEAKER. The Clerk will report the first one.

The Clerk read as follows:

A bill (H. R. 5348) for the relief of Mrs. Thomas McGovern.

With an amendment.

Mr. EDMONDS. Mr. Speaker, I move the previous question on the bill and amendment.

The previous question was ordered.

Mr. CANNON. It can not be done by wholesale, I guess.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on ordering the bill as amended to be engrossed and read a third time.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

Mr. GARD. Mr. Speaker, I desire to make a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GARD. Yes. I move to recommit the bill to the Committee on Claims, with the instructions to report it back forthwith after striking out all after the enacting clause and substituting therefor the language which I submit.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GARD moves to recommit the bill to the Committee on Claims, with instructions to report it forthwith, after striking out all the matter after the enacting clause and substituting therefor the following:

"That Mrs. Thomas McGovern, or the authorized legal representatives of Thomas McGovern, deceased, may sue the United States for the benefit of the widow and children of said deceased in the district court of the United States for the district of Nebraska under the rules governing such court for damages because of the death of said Thomas McGovern, and said court shall have jurisdiction to hear and determine said suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the authorized legal representatives of Thomas McGovern, deceased, upon the same principles and measures of liability

as in like cases between private parties, and with the same rights of appeal: *Provided*, That such suit shall be commenced within four months after the date of the passage of this act."

Mr. DOWELL. Mr. Speaker, I desire to make the point of order that the amendment is not germane to the bill. This question, I will say to the Speaker, was raised in committee, and the point of order was sustained. If the Chair desires to hear arguments on the point of order I shall be glad to assign my reasons.

The SPEAKER. The Chair does not care to hear the arguments. In the first place, if it was sustained by the Chairman of the Committee of the Whole House on the state of the Union, the Chair would be very much disposed to follow that decision in any event; but there is a decision which has been called to the attention of the Chair which is exactly in point, and the Chair sustains the point of order.

Mr. BLANTON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. The gentleman from Texas offers a motion to recommit, which the Clerk will report. Is the gentleman opposed to the bill?

Mr. BLANTON. I am.

The Clerk read as follows:

Mr. BLANTON moves to recommit the bill to the Committee on Claims, with instructions to report the same back to the House forthwith, with the following amendment: Strike out all after the enacting clause and insert in lieu thereof the following:

"That there be, and is hereby, conferred upon the Court of Claims power and jurisdiction to hear and determine the facts connected with all claims against the United States Government based upon injuries sustained through the alleged negligence of agents and servants of the United States, occurring since April 6, 1917, and to make proper findings of fact thereon."

Mr. DOWELL. Mr. Speaker——

Mr. HICKS. Mr. Speaker, I make a point of order against that.

The SPEAKER. Will the gentleman state his point of order?

Mr. HICKS. It seems to me this is almost in line——

Mr. BLANTON. Mr. Speaker, in order to save time I admit that it is subject to the point of order, if the point is made.

The SPEAKER. The Chair sustains the point of order. The previous question having been ordered, the question is on the passage of the bill.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. BLANTON. Mr. Speaker, I make the point of order that there is no quorum present, and pending that I move that the House do now adjourn.

Mr. WALSH. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The Chair will state it.

Mr. WALSH. If the House should now adjourn, the previous question having been ordered on the bill, would the vote come on the bill immediately after the reading of the Journal to-morrow morning?

The SPEAKER. The previous question having been ordered, the Chair thinks it would.

ADJOURNMENT.

Mr. EDMONDS. Then I move that the House do now adjourn.

Mr. DOWELL. Has the Chair determined that there is no quorum present?

The SPEAKER. The Chair thinks no quorum is present.

Mr. DOWELL. I move a call of the House.

The SPEAKER. The gentleman from Pennsylvania [Mr. EDMONDS] moves that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 51 minutes p. m.) the House adjourned until Saturday, October 4, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Postmaster General transmitting certain information in compliance with House resolution 70, dated June 5, 1919, together with a list of employees in the Post Office Department proper at Washington, D. C. (H. Doc. No. 255); to the Committee on Expenditures in the Post Office Department and ordered to be printed.

2. A letter from the Acting Secretary of War, transmitting letter from the Chief of Engineers, United States Army, together with report and map on a preliminary examination of Hillsboro River, Fla., from Michigan Avenue to Lafayette Street Bridge, Tampa, Fla., authorized by the river and harbor act approved August 8, 1917 (H. Doc. No. 256); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

3. A letter from the Acting Secretary of War transmitting a letter from the Chief of Engineers, United States Army, together with report and map on a preliminary examination of Tingipahola River, La., authorized by the river and harbor act approved July 27, 1916 (H. Doc. No. 257); to the Committee on Rivers and Harbors and ordered to be printed with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SCOTT, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 3620) to authorize the Commissioner of Navigation to change the names of vessels, reported the same without amendment, accompanied by a report (No. 352), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. ELSTON, from the Committee on Indian Affairs, to which was referred the bill (H. R. 2264) for the relief of the St. Croix Chippewa Indians of Wisconsin, reported the same without amendment, accompanied by a report (No. 350), which said bill and report were referred to the Private Calendar.

Mr. BENHAM, from the Committee on the Public Lands, to which was referred the bill (H. R. 6136) authorizing the Secretary of the Interior to sell certain lands to school district No. 21 of Fremont County, Wyo., reported the same with amendment, accompanied by a report (No. 351), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9661) granting a pension to Sarah E. Pugh; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 1001) granting an increase of pension to George C. Peterson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MEAD: A bill (H. R. 9690) authorizing the Secretary of War to donate to the town of Blasdell, County of Erie, State of New York, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. HUDSPETH: A bill (H. R. 9691) for the purchase of land adjoining Fort Bliss, Tex.; to the Committee on Military Affairs.

By Mr. ROWE: A bill (H. R. 9692) to amend section 13 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion; and to secure the abrogation of treaty provisions in relation thereof; and to promote safety at sea," approved March 4, 1915; to the Committee on the Merchant Marine and Fisheries.

By Mr. BLAND of Missouri: A bill (H. R. 9693) authorizing the Secretary of War to donate to the city of Kansas City, Mo., certain German cannons or guns; to the Committee on Military Affairs.

By Mr. BUTLER: A bill (H. R. 9694) to authorize the Bureau of Navigation, Navy Department, to furnish to the proper officers of the several States, Territories, insular possessions, and the District of Columbia, of the United States, statements of the services of all persons from those places who entered the naval service during the war with Germany, and for other purposes; to the Committee on Naval Affairs.

By Mr. HENRY T. RAINEY: A bill (H. R. 9695) authorizing the Secretary of War to donate to the town of Athens, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. JOHNSON of Mississippi: A bill (H. R. 9696) providing for the purchase of a site and the erection of a public building thereon at Monticello, Lawrence County, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. SANDERS of Louisiana: A bill (H. R. 9697) to extend the time for the construction of a bridge across Pearl River,

between Pearl River County, Miss., and Washington Parish, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. KING: A bill (H. R. 9698) authorizing the Secretary of War to donate to the town of Maquon, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. TINKHAM: Resolution (H. Res. 320) opposing the use of armed forces of the United States in Europe and Asia; to the Committee on Foreign Affairs.

By Mr. LAYTON: Joint resolution (H. J. Res. 222) directing the Secretary of War to dispose of surplus dental outfits; to the Committee on Military Affairs.

By Mr. BLAND of Virginia: Joint resolution (H. J. Res. 223) authorizing the establishment of a free port of entry at Newport News, Va.; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AYRES: A bill (H. R. 9699) authorizing the Secretary of War to place the name of Joseph F. Ritcherdson on the rolls of Company C, One hundred and twenty-second Illinois Volunteer Infantry, and issue him an honorable discharge; to the Committee on Military Affairs.

By Mr. COLLIER: A bill (H. R. 9700) for the relief of Mrs. Ivy Gass Bratton; to the Committee on Claims.

By Mr. DARROW: A bill (H. R. 9701) granting an increase of pension to Alfred W. Shipman; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 9702) granting certain lands to the city of Sandpoint, Idaho, to protect the watershed of the water-supply system of said city; to the Committee on the Public Lands.

By Mr. GILLETT (by request): A bill (H. R. 9703) to confer jurisdiction upon the United States Court of Claims to determine the rights and equities contested for by certain persons designated in the bill in equity filed in the Supreme Court of the District of Columbia, 1915, styled and numbered as H. N. Johnson, Rebecca Bowers, C. B. Williams, and Mamie Thompson, and all other persons similarly interested in the subject matter, No. 33573 on the docket of that court; and also the same action determined in the Court of Appeals of the District of Columbia, No. 2918, on the docket of the said court of appeals, wherein in both said courts W. G. McAdoo, Secretary of the United States Treasury, was defendant, and wherein said claimants sought judgment against the $68,072,388.99 collected under acts of Congress approved June 2, 1862, and amendatory acts up to the year of 1868, inclusive, and to determine the constitutionality of the acts of Congress authorizing said revenue tax on raw cotton; to the Committee on Claims.

By Mr. GRAHAM of Illinois: A bill (H. R. 9704) granting a pension to Georgiana Atkinson; to the Committee on Invalid Pensions.

By Mr. HARDY of Texas: A bill (H. R. 9705) granting an increase of pension to Martha E. Johnston; to the Committee on Pensions.

By Mr. JOHNSON of Mississippi: A bill (H. R. 9706) granting an increase of pension to George Mathews; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 9707) granting an increase of pension to Allen A. Wesley; to the Committee on Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 9708) to remove the charge of desertion from the military record of Joseph W. Jones; to the Committee on Military Affairs.

By Mr. RIDDICK: A bill (H. R. 9709) to provide for the allotment of lands of the Crow Tribe, for distribution of tribal funds, and for other purposes; to the Committee on Indian Affairs.

By Mr. ROSE: A bill (H. R. 9710) granting a pension to Julia A. Shoop; to the Committee on Invalid Pensions.

By Mr. SANDERS of New York: A bill (H. R. 9711) granting an increase of pension to Samuel T. Lawrence; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 9712) granting a pension to Martha J. Holden; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 9713) granting an increase of pension to Daniel W. Conger; to the Committee on Invalid Pensions.

By Mr. SWOPE: A bill (H. R. 9714) granting a pension to Edward R. Baker; to the Committee on Pensions.

By Mr. TOWNER: A bill (H. R. 9715) granting an increase of pension to James A. Butt; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BEGG: Petition of employees of the Star Theater, Sandusky, Ohio, urging the repeal of motion-picture taxes; to the Committee on Ways and Means.

By Mr. BURDICK: Petition of Rhode Island State Branch, American Federation of Labor, advocating increase in pay for postal workers between 6 p. m. and 6 a. m.; to the Committee on the Post Office and Post Roads.

Also, petition of Rhode Island State Branch, American Federation of Labor, advocating double time for all overtime worked in first and second class post offices; to the Committee on the Post Office and Post Roads.

Also, petition of Padraic Pearse Branch, Friends of Irish Freedom, Woonsocket, R. I., indorsing the choice of the Irish electorate as in harmony with ideals of democracy; to the Committee on Foreign Affairs.

Also, petition of Newport branch, No. 7, National Association of United States Civil Service Employees at Navy Yards and Stations, favoring an immediate increase in salaries of at least 40 per cent; to the Committee on Naval Affairs.

By Mr. CROWTHER: Petition of Retail Grocers' Association of New York, protesting against the provisions of the Siegel bill; to the Committee on Agriculture.

Also, petition of sundry citizens of New York, requesting Congress to extend official recognition to the Government of Lithuania; to the Committee on Foreign Affairs.

By Mr. DONOVAN: Petition of American Defense Society (Inc.) protesting against the proposed German opera in New York, to be given by the Otto Goritz Co. October 20; to the Committee on Foreign Affairs.

By Mr. O'CONNELL: Petition of J. L. Max, of New York City, appealing to Congress to give moral support to the Lithuanian people in their struggle against the Bolsheviki and Polish militarism by recognizing the Lithuanian Republic as an independent State; to the Committee on Foreign Affairs.

By Mr. ROSE: Petition of Blair County Central Committee of the Plumb Plan League, favoring passage of House bill 8157, known as the Sims bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SNYDER: Resolutions adopted by a Lithuanian mass meeting at Utica, N. Y., for the moral support of Congress against Bolshevism and Polish militarism; to the Committee on Foreign Affairs.

By Mr. WATSON of Pennsylvania: Petition of Allen McGinty and others, of Pennsylvania, protesting against the Smith-Towner educational bill; to the Committee on Education.

HOUSE OF REPRESENTATIVES.

SATURDAY, *October 4, 1919.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, source of all our longings, hopes, and aspirations, enrich our minds and hearts plenteously with heavenly gifts; that we may abhor evil and cleave to that which is good; that we judge not our brother, but do unto him as we would have him do unto us; that we keep a conscience void of offense toward Thee and our fellow men; that Thy ways may be our ways; that we go about our Father's business to-day and all days in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ANDREWS of Maryland, for three days, on account of illness.

To Mr. MCARTHUR, at the request of Mr. HAWLEY, until October 15, 1919, on account of illness.

To Mr. KRAUS, for one day, on account of personal business.

To Mr. BURDICK, for five days, on account of important business.

To Mr. DEWALT, until October 7, on account of important business.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed bill of the following title,

in which the concurrence of the House of Representatives was requested:

S. 2964. An act providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Assinniboine Military Reservation, in Montana.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 2964. An act providing additional time for the payment of purchase money under homestead entries of lands within the former Fort Assinniboine Military Reservation, in Montana; to the Committee on the Public Lands.

MRS. THOMAS M'GOVERN.

The SPEAKER. When the House adjourned last night the previous question had been ordered on the passage of the bill, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 5348) for the relief of Mrs. Thomas McGovern.

The SPEAKER. The question is on the passage of the bill.

The question was being taken, when Mr. BLANTON made the point of no quorum.

The SPEAKER. The Chair thinks that evidently no quorum is present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 199, nays 46, answered "present" 7, not voting 177, as follows:

YEAS—199.

Almon	Evans, Nebr.	Kelly, Pa.	Raker
Anderson	Evans, Nev.	Kendall	Ramseyer
Andrews, Nebr.	Fairfield	King	Randall, Wis.
Ayres	Ferris	Kinkaid	Reavis
Baer	Fess	Kitchin	Reed, N. Y.
Barbour	Focht	Kleczka	Reed, W. Va.
Begg	Fordney	Lampert	Rhodes
Benham	Foster	Langley	Ricketts
Black	Freeman	Lanham	Rodenberg
Blackmon	French	Lea, Calif.	Rogers
Bland, Mo.	Gandy	Lehlbach	Romjue
Boies	Glynn	Lesher	Rose
Briggs	Good	Linthicum	Sanders, N. Y.
Brinson	Green, Iowa	McCulloch	Sanford
Brooks, Ill.	Greene, Mass.	McDuffie	Schall
Brooks, Pa.	Greene, Vt.	McFadden	Scott
Browne	Griffin	McGlennon	Sears
Buchanan	Hadley	McKenzie	Sinclair
Burroughs	Hardy, Colo.	McLane	Sinnott
Campbell, Pa.	Hardy, Tex.	McLaughlin, Mich.	Small
Candler	Hastings	MacCrate	Smith, Idaho
Caraway	Haugen	Madden	Smith, Mich.
Carss	Hawley	Magee	Stedman
Casey	Hayden	Mapes	Stephens, Miss.
Chindblom	Hays	Mays	Strong, Kans.
Christopherson	Heflin	Michener	Strong, Pa.
Coady	Hernandez	Miller	Temple
Collier	Hersey	Minahan, N. J.	Thompson
Copley	Hersman	Monahan, Wis.	Timberlake
Cramton	Hickey	Mondell	Tincher
Crisp	Hicks	Moore, Ohio	Tinkham
Crowther	Hill	Morgan	Towner
Curry, Calif.	Hoch	Neely	Venable
Dale	Holland	Nelson, Mo.	Vestal
Dallinger	Houghton	Nelson, Wis.	Vinson
Darrow	Huddleston	Newton, Minn.	Voigt
Denison	Hudspeth	Nichols, Mich.	Volstead
Dickinson, Mo.	Hulings	Nolan	Wason
Dickinson, Iowa	Humphreys	O'Connor	Watkins
Dominick	Husted	Ogden	Weaver
Dowell	Igoe	Olney	Welling
Drane	James	Osborne	White, Kans.
Dunbar	Jefferis	Overstreet	White, Me.
Dupré	Johnson, Ky.	Padgett	Williams.
Eagen	Johnson, Miss.	Parrish	Wilson, La.
Echols	Johnson, S. Dak.	Platt	Wilson, Pa.
Edmonds	Johnson, Wash.	Pou	Wood, Ind.
Elliott	Juul	Purnell	Young, N. Dak.
Elston	Kearns	Quin	Zihlman
Evans, Mont.	Keller	Rainey, J. W.	

NAYS—46.

Alexander	Cantrill	Layton	Taylor, Colo.
Ashbrook	Clark, Mo.	Lazaro	Thomas
Aswell	Connally	Martin	Tillman
Bankhead	Dent	Moore, Va.	Walsh
Bland, Va.	Dunn	Oliver	Webb
Blanton	Gard	Park	Welty
Box	Garner	Rouse	Whaley
Brand	Garrett	Rubey	Wingo
Byrnes, S. C.	Jones, Tex.	Rucker	Woods, Va.
Byrns, Tenn.	Kincheloe	Saunders, Va.	Young, Tex.
Campbell, Kans.	Lankford	Steagall	
Cannon	Larsen	Stevenson	

ANSWERED "PRESENT"—7.

Booher	Knutson	Moon	Sumners, Tex.
Hull, Tenn.	Major	Reber	

NOT VOTING—177.

Ackerman	Bacharach	Benson	Browning
Andrews, Md.	Barkley	Bland, Ind.	Brumbaugh
Anthony	Bee	Bowers	Burdick
Babka	Bell	Britten	Burke
Butler	Goodwin, Ark.	MacGregor	Sherwood
Caldwell	Goodykoontz	Maher	Shreve
Carew	Gould	Mann	Siegel
Carter	Graham, Pa.	Mansfield	Sims
Clark, Fla.	Graham, Ill.	Mason	Sisson
Classon	Griest	Mead	Slemp
Cleary	Hamill	Merritt	Smith, Ill.
Cole	Hamilton	Montague	Smith, N. Y.
Cooper	Harrison	Mooney	Smithwick
Costello	Haskell	Moore, Pa.	Snell
Crago	Howard	Moores, Ind.	Snyder
Cullen	Hull, Iowa	Morin	Steele
Currie, Mich.	Hutchinson	Mott	Steenerson
Davey	Ireland	Mudd	Stephens, Ohio
Davis, Minn.	Jacoway	Murphy	Stiness
Davis, Tenn.	Johnston, N. Y.	Newton, Mo.	Sullivan
Dempsey	Jones, Pa.	Nicholls, S. C.	Summers, Wash
Dewalt	Kahn	O'Connell	Sweet
Donovan	Kelley, Mich.	Oldfield	Swope
Dooling	Kennedy, Iowa	Paige	Taylor, Ark.
Doremus	Kennedy, R. I.	Parker	Taylor, Tenn.
Doughton	Kettner	Pell	Tilson
Dyer	Kiess	Peters	Treadway
Eagle	Kraus	Phelan	Upshaw
Ellsworth	Kreider	Porter	Vaile
Emerson	LaGuardia	Radcliffe	Vare
Esch	Lee, Ga.	Rainey, H. T.	Walters
Fields	Little	Ramsey	Ward
Fisher	Lonergan	Randall, Calif.	Watson, Pa.
Fitzgerald	Longworth	Rayburn	Watson, Va.
Flood	Luce	Riddick	Webster
Frear	Lufkin	Riordan	Wheeler
Fuller, Ill.	Luhring	Robinson, N. C.	Wilson, Ill.
Fuller, Mass.	McAndrews	Robsion, Ky.	Winslow
Gallagher	McArthur	Rowan	Wise
Gallivan	McClintic	Rowe	Woodyard
Ganly	McKeown	Sabath	Wright
Garland	McKiniry	Sanders, Ind.	Yates
Godwin, S. C.	McKinley	Sanders, La.	
Goldfogle	McLaughlin, Nebr.	Scully	
Goodall	McPherson	Sells	

So the bill was passed.

The Clerk announced the following pairs:

Until further notice:

Mr. KNUTSON with Mr. BELL.

Mr. HUTCHINSON with Mr. ROBINSON of North Carolina.

Mr. LONGWORTH with Mr. HULL of Tennessee.

Mr. MCARTHUR with Mr. SISSON.

Mr. MCPHERSON with Mr. MAJOR.

Mr. PAIGE with Mr. CALDWELL.

Mr. SHREVE with Mr. MCANDREWS.

Mr. TREADWAY with Mr. BOOHER.

Mr. KENNEDY of Iowa with Mr. HARRISON.

Mr. KENNEDY of Rhode Island with Mr. HAMILL.

Mr. KIESS with Mr. GOODWIN of Arkansas.

Mr. PARKER with Mr. DAVEY.

Mr. COSTELLO with Mr. SIMS.

Mr. CRAGO with Mr. SHERWOOD.

Mr. PETERS with Mr. CULLEN.

Mr. PORTER with Mr. CLEARY.

Mr. GOULD with Mr. MAHER.

Mr. SELLS with Mr. BEE.

Mr. KRAUS with Mr. GOLDFOGLE.

Mr. KREIDER with Mr. GODWIN of North Carolina.

Mr. DEMPSEY with Mr. SCULLY.

Mr. KAHN with Mr. JACOWAY.

Mr. SLEMP with Mr. BARKLEY.

Mr. SMITH of Illinois with Mr. BABKA.

Mr. LUCE with Mr. GANLY.

Mr. KELLEY of Michigan with Mr. HOWARD.

Mr. DYER with Mr. SANDERS of Louisiana.

Mr. ESCH with Mr. SABATH.

Mr. LUHRING with Mr. GALLIVAN.

Mr. MCKINLEY with Mr. GALLAGHER.

Mr. SNELL with Mr. RANDALL of California.

Mr. RADCLIFFE with Mr. CLARK of Florida.

Mr. RAMSEY with Mr. CARTER.

Mr. ROBSION of Kentucky with Mr. CAREW.

Mr. SNYDER with Mr. HENRY T. RAINEY.

Mr. STEENERSON with Mr. PHELAN.

Mr. STEPHENS of Ohio with Mr. PELL.

Mr. STINESS with Mr. OLDFIELD.

Mr. GRAHAM of Pennsylvania with Mr. MCKINIRY.

Mr. ROWE with Mr. BRUMBAUGH.

Mr. SANDERS of Indiana with Mr. BENSON.

Mr. MCLAUGHLIN of Nebraska with Mr. FLOOD.

Mr. GRAHAM of Illinois with Mr. MCKEOWN.

Mr. MANN with Mr. DOREMUS.

Mr. FREAR with Mr. ROWAN.

Mr. FULLER of Illinois with Mr. RIORDAN.

Mr. FULLER of Massachusetts with Mr. RAYBURN.

Mr. MOORE of Pennsylvania with Mr. DONOVAN.

Mr. BROWNING with Mr. SULLIVAN.

Mr. BURKE with Mr. SMITHWICK.

Mr. GARLAND with Mr. MEAD.

Mr. GOODYKOONTZ with Mr. MANSFIELD.
Mr. SWEET with Mr. O'CONNELL.
Mr. TILSON with Mr. NICHOLLS of South Carolina.
Mr. VARE with Mr. MOONEY.
Mr. WALTERS with Mr. MONTAGUE.
Mr. GRIEST with Mr. MCCLINTIC.
Mr. HAMILTON with Mr. LONERGAN.
Mr. HASKELL with Mr. LEE of Georgia.
Mr. WARD with Mr. FITZGERALD.
Mr. WATSON of Pennsylvania with Mr. FISHER.
Mr. BUTLER with Mr. STEELE.
Mr. COLE with Mr. SMITH of New York.
Mr. MUDD with Mr. DEWALT.
Mr. NEWTON of Missouri with Mr. DAVIS of Tennessee.
Mr. WILSON of Illinois with Mr. FIELDS.
Mr. WINSLOW with Mr. EAGLE.
Mr. YATES with Mr. DOUGHTON.
Mr. IRELAND with Mr. KETTNER.
Mr. JONES of Pennsylvania with Mr. JOHNSTON of New York.
Mr. ACKERMAN with Mr. WRIGHT.
Mr. ANTHONY with Mr. WISE.
Mr. BACHARACH with Mr. WATSON of Virginia.
Mr. BLAND of Indiana with Mr. UPSHAW.
Mr. BOWERS with Mr. TAYLOR of Arkansas.

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

On motion of Mr. EDMONDS, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 7478. An act to amend sections 5200 and 5202 of the Revised Statutes of the United States as amended by acts of June 22, 1906, and September 24, 1918.

STRIKING CERTAIN MATTER FROM THE RECORD.

Mr. SEARS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SEARS. On October 2, on page 6281 of the RECORD, the gentleman from Massachusetts [Mr. WALSH] made a motion to strike from the RECORD part of an extension inserted by the gentleman from New York [Mr. SIEGEL]. My inquiry is to ask if that motion has been disposed of, and if so, how?

The SPEAKER. That has not been disposed of. The gentleman from Massachusetts stated that he would wait until the gentleman from New York was present before he would call it up.

Mr. SEARS. Mr. Speaker, another parliamentary inquiry. Is it possible to strike from the permanent RECORD remarks of gentlemen? As I understand it, after a certain number of days have elapsed the permanent RECORD is printed. Is it possible to strike from the permanent RECORD any remarks that have been included in it?

The SPEAKER. It would be too late if the RECORD had been printed, but about 10 days elapse before the permanent RECORD is printed, as the Chair understands.

RENTS IN THE DISTRICT OF COLUMBIA—CONFERENCE REPORT.

Mr. HAUGEN. Mr. Speaker, I call up the conference report upon the bill H. R. 8624, to amend an act entitled "An act to provide further for the national security and defense by encouraging the production, conserving the supplies, and controlling the distribution of food products and fuel," approved August 10, 1917.

The SPEAKER. The gentleman from Iowa calls up a conference report upon the bill H. R. 8624, which the Clerk will report.

The Clerk reported the title of the bill.

Mr. CAMPBELL of Kansas. Mr. Speaker, I reserve all points of order on the conference report.

The SPEAKER. The time to reserve points of order is after the conference report has been read and before the statement is read.

Mr. CAMPBELL of Kansas. The Clerk has read the title.

The SPEAKER. The Clerk will read the conference report.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to read the statement in lieu of the conference report.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. BEGG. Mr. Speaker, I reserve all points of order against the bill and each section thereof.

The SPEAKER. The gentleman from Ohio reserves all points of order. The Clerk will read the statement of the conferees, without objection.

There was no objection.

The Clerk read the statement of the conferees.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8624) entitled "An act to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, and 10, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "Section 1"; and on page 1, after line 2, of the engrossed bill insert the following:

"That this act may be cited as 'the food control and the District of Columbia rents act.'

"TITLE I. FOOD CONTROL ACT AMENDMENTS."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"TITLE II. DISTRICT OF COLUMBIA RENTS.

"SEC. 101. When used in this title, unless the context indicates otherwise—

"The term 'rental property' means any land or building or part thereof in the District of Columbia rented or hired and the service agreed or required by law or by determination of the commission to be furnished in connection therewith; but does not include an hotel or apartment.

"The term 'person' includes an individual, partnership, association, or corporation.

"The term 'hotel' or 'apartment' means any hotel or apartment or part thereof, in the District of Columbia, rented or hired and the land and outbuildings appurtenant thereto, and the service agreed or required by law or by determination of the commission to be furnished in connection therewith.

"The term 'owner' includes a lessor or sublessor, or other person entitled to receive rent or charges for the use or occupancy of any rental property, hotel or apartment, or any interest therein, or his agent.

"The term 'tenant' includes a subtenant, lessee, sublessee, or other person, not the owner, entitled to the use or occupancy of any rental property, hotel or apartment.

"The term 'service' includes the furnishing of light, heat, water, telephone, or elevator service, furniture, furnishings, window shades, screens, awnings, storage, kitchen, bath, and laundry facilities and privileges, maid service, janitor service, removal of refuse, making all repairs suited to the type of building or necessitated by ordinary wear and tear, and any other privilege or service connected with the use or occupancy of any rental property, apartment, or hotel.

"The term 'commission' means the rent commission of the District of Columbia.

"SEC. 102. A commission is hereby created and established, to be known as the rent commission of the District of Columbia, which shall be composed of three commissioners, none of whom shall be directly or indirectly engaged in, or in any manner interested in or connected with, the real estate or renting business in the District of Columbia. The commissioners shall be appointed by the President by and with the advice and consent of the Senate. The term of each commissioner shall be three years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he succeeds. The commission shall at the time of its organization and annually thereafter elect a chairman from its own membership. The commission may make such regulations as may be necessary to carry this title into effect.

"All powers and duties of the commission may be exercised by a majority of its members. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission. The commission shall have an official seal, which shall be judicially noticed.

"SEC. 103. Each commissioner shall receive a salary of $5,000 a year, payable monthly. The commission shall appoint a secretary, who shall receive a salary of $3,000 a year, payble in like manner; and, subject to the provisions of the civil-service laws, it may appoint and remove such officers, employees, and agents

and make such expenditures for rent, printing, telegrams, telephone, law books, books of reference, periodicals, furniture, stationery, office equipment, and other supplies and expenses as may be necessary to the administration of this title. All of the expenditures of the commission shall upon the presentation of itemized vouchers therefor, approved by the chairman of the commission, be audited and paid in the same manner as other expenditures for the District of Columbia.

"With the exception of the secretary, all employees of the commission shall be appointed from lists of eligibles supplied by the Civil Service Commission and in accordance with the civil-service law.

"SEC. 104. The assessor of the District of Columbia shall serve ex officio as an advisory assistant to the commission, but he shall have none of the powers or duties of a commissioner. He shall attend the meetings and hearings of the commission. Every officer or employee of the United States or of the District of Columbia, whenever requested by the commission, shall supply to the commission any data or information pertaining to the administration of this title which may be contained in the records of his office. The assessor shall receive for the performance of the duties required by this section a salary of $1,000 per annum, payable monthly, in addition to such other salary as may be prescribed for his office by law.

"SEC. 105. For the purposes of this title the commission or any officer, employee, or agent duly authorized in writing by it, shall at all reasonable times have access to, for the purpose of examination, and the right to copy, any books, accounts, records, papers, or correspondence relating to any matter which the commission is authorized to consider or investigate; and the commission shall have power to require by subpœna the attendance and testimony of witnesses and the production of all such books, accounts, records, papers, and correspondence relating to any such matter. Any member of the commission may sign subpœnas, administer oaths and affirmations, examine witnesses, and receive evidence.

"Such attendance of witnesses and the production of such books, accounts, records, papers, and correspondence may be required from any place in the United States at any designated place of hearing. In case of disobedience to a subpœna or of the contumacy of any witness appearing before the commission, the commission may invoke the aid of the Supreme Court of the District of Columbia or of any district court of the United States. Such court may thereupon issue an order requiring the person subpœnaed to obey the subpœna, or to give evidence touching the matter in question. Any failure to obey such order of the court may be punished by such court as a contempt thereof. No officer or employee of the commission shall, unless authorized by the commission or by a court of competent jurisdiction, make public any information obtained by the commission.

"SEC. 106. For the purposes of this title it is declared that all (a) rental property and (b) apartments and hotels are affected with a public interest, and that all rents and charges therefor, all service in connection therewith, and all other terms and conditions of the use or occupancy thereof, shall be fair and reasonable; and any unreasonable or unfair provision of a lease or other contract for the use or occupancy of such rental property, apartment, or hotel with respect to such rents, charges, service, terms, or conditions is hereby declared to be contrary to public policy. The commission upon its own initiative may, or upon complaint shall, determine whether the rent, charges, service, and other terms or conditions of a lease or other contract for the use or occupancy of any such rental property, hotel, or apartment are fair and reasonable. Such complaints may be made (a) by or on behalf of any tenant, and (b) by any owner except where the tenant is in possession under a lease or other contract, the term specified in which has not expired, and the fairness and reasonableness of which has not been determined by the commission.

"In all such cases the commission shall give notice personally or by registered mail and afford an opportunity to be heard to all parties in interest. The commission shall promptly hear and determine the issues involved in all complaints submitted to it. All hearings before the commission shall be open to the public. If the commission determines that such rents, charges, service, or other terms or conditions are unfair or unreasonable, it shall determine and fix such fair and reasonable rent or charges therefor, and / or fair and reasonable service, terms, and conditions of use or occupancy. In any suit in any court of the United States or the District of Columbia involving any question arising out of the relation of landlord and tenant with respect to any rental property, apartment, or hotel, except on appeal from the commission's determination as provided in this title, such court shall determine the rights and duties of the parties in accordance with the determination and regulations of the commission relevant thereto.

"SEC. 107. A determination of the commission fixing a fair and reasonable rent or charge made in a proceeding begun by complaint shall be effective from the date of the filing of the complaint. The difference between the amount of rent and charges paid for the period from the filing of the complaint to the date of the commission's determination and the amount that would have been payable for such period at the fair and reasonable rate fixed by the commission may be added to or subtracted from, as the case demands, future rent payments, or after the final decision of an appeal from the commission's determination may be sued for and recovered in an action in the municipal court of the District of Columbia.

"SEC. 108. Unless within 10 days after the filing of the commission's determination any party to the complaint appeals therefrom to the Court of Appeals of the District of Columbia, the determination of the commission shall be final and conclusive. If such an appeal is taken from the determination of the commission, the record before the commission or such part thereof as the court may order shall be certified by it to the court and shall constitute the record before the court, and the commission's determination shall not be modified or set aside by the court, except for error of law. If any party applies to the court for leave to adduce additional evidence and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the commission, the court may order such additional evidence to be taken before the commission and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper. The commission may modify its findings as to the facts, or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original determination, with the return of such additional evidence. In the proceedings before such court on appeal from a determination of the commission, the commission shall appear by its counsel or other representative and submit oral or written arguments to support the findings and the determination of the commission.

"SEC. 109. The right of a tenant to the use or occupancy of any rental property, hotel, or apartment, existing at the time this act takes effect, or thereafter acquired, under any lease or other contract for such use or occupancy or under any extension thereof by operation of law, shall, notwithstanding the expiration of the term fixed by such lease or contract, continue at the option of the tenant, subject, however, to any determination or regulation of the commission relevant thereto; and such tenant shall not be evicted or dispossessed so long as he pays the rent and performs the other terms and conditions of the tenancy as fixed by such lease or contract, or in case such lease or contract is modified by any determination or regulation of the commission, then as fixed by such modified lease or contract. All remedies of the owner at law or equity, based on any provision of any such lease or contract to the effect that such lease or contract shall be determined or forfeited if the premises are sold, are hereby suspended so long as this title is in force. Every purchaser shall take conveyance of any rental property, hotel, or apartment subject to the rights of tenants as provided in this title. The rights of the tenant under this title shall be subject to the limitation that the bona fide owner of any rental property, apartment, or hotel shall have the right to possession thereof for actual and bona fide occupancy by himself, or his wife, children, or dependents, upon giving 30 days' notice in writing, served in the manner provided by section 1223 of the act entitled 'An act to establish a code of laws for the District of Columbia,' approved May 3, 1901, as amended, which notice shall contain a full and correct statement of the facts and circumstances upon which the same is based; but in no case shall possession be demanded or obtained by such owner in contravention of the terms of any such lease or contract. If there is a dispute between the owner and the tenant as to the accuracy or sufficiency of the statement set forth in such notice, as to the good faith of such demand, or as to the service of notice, the matters in dispute shall be determined by the commission upon complaint as provided in section 106 of this title.

"SEC. 110. Pending the final decision on appeal from a determination of the commission, the commission's determination shall be in full force and effect and the appeal shall not operate as a supersedeas or in any manner stay or postpone the enforcement of the determination appealed from. Immediately upon the entry of a final decision on the appeal the commission shall,

if necessary, modify its determination in order to make it conform to such decision. The difference, if any, between the amount of rent and charges paid for the period from the date of the filing by the commission of the determination appealed from and the amount that would have been payable for such period under the determination as modified in accordance with the final decision on appeal may be added to or allowed on account of, as the case demands, future rent payments or may be sued for and recovered in an action in the municipal court in the District of Columbia.

"SEC. 111. The determination of the commission in a proceeding begun by complaint or upon its own initiative fixing fair and reasonable rents, charges, service, and other terms and conditions of use or occupancy of any rental property, hotel, or apartment shall constitute the commission's determination of the fairness and reasonableness of such rents, charges, service, terms, or conditions for the rental property, hotel, or apartment affected, and shall remain in full force and effect notwithstanding any change in ownership or tenancy thereof, unless and until the commission modifies or sets aside such determination upon complaint either of the owner or of the tenant.

"SEC. 112. If the owner of any rental property, apartment, or hotel collects any rent or charge therefor in excess of the amount fixed in a determination of the commission made and in full force and effect in accordance with the provisions of this title, he shall be liable for and the commission is hereby authorized and directed to commence an action in the municipal court in the District of Columbia to recover double the amount of such excess, together with the costs of the proceeding, which shall include an attorney's fee of $50, to be taxed as part of the costs. Out of any sums received on account of such recovery the commission shall pay over to the tenant the amount of the excess so paid by him and the balance shall be paid into the treasury of the District of Columbia: *Provided*, That if the commission finds that such excess was paid by the tenant voluntarily and with knowledge of the commission's determination, the whole amount of such recovery shall be paid into the treasury of the District of Columbia.

"SEC. 113. If in any proceeding before the commission, begun by complaint or on the commission's own initiative, and involving any lease or other contract for the use or occupancy of any rental property, hotel, or apartment the commission finds that at any time after the passage of this act but during the tenancy the owner has, directly or indirectly, willfully withdrawn from the tenant any service agreed or required by a determination of the commission to be furnished, or has by act, neglect, or omission contrary to such lease or contract or to the law or any ordinance or regulation made in pursuance of law, or of a determination of the commission, exposed the tenant, directly or indirectly, to any unsafe or insanitary condition or imposed upon him any burden, loss, or unusual inconvenience in connection with his use or occupancy of such rental property, hotel, or apartment, the commission shall determine the sum which in its judgment will fairly and reasonably compensate or reimburse the tenant therefor. In any such proceeding involving a lease or other contract, the term specified in which had not expired at the time the proceeding was begun, the commission shall likewise determine the amount or value of any bonus or other consideration in excess of the rental named in such lease or contract received at any time directly or indirectly by the owner in connection with such lease or contract. The tenant may recover any amount so determined by the commission in an action in the municipal court of the District of Columbia.

"SEC. 114. Whenever under this title a tenant is entitled to bring suit to recover any sum due him under any determination of the commission, the commission shall, upon application by the tenant and without expense to him, commence and prosecute in the municipal court of the District of Columbia an action on behalf of the tenant for the recovery of the amount due, and in such case the court shall include in any judgment rendered in favor of the tenant the costs of the action, including a reasonable attorney's fee, to be fixed by the court. Such costs and attorney's fee, when recovered, shall be paid into the treasury of the District of Columbia.

"SEC. 115. The commission shall, by general order, from time to time prescribe the procedure to be followed in all proceedings under its jurisdiction. Such procedure shall be as simple and summary as may be practicable, and the commission and parties appearing before it shall not be bound by technical rules of evidence or of pleading.

"SEC. 116. Any person who with intent to avoid the provisions of this title enters into any agreement or arrangement for the payment of any bonus or other consideration in connection with any lease or other contract for the use or occupancy of any rental property, hotel, or apartment, or who participates in any fictitious sale or other device or arrangement the purpose of which is to grant or obtain the use or occupancy of any rental property, hotel, or apartment without subjecting such use or occupancy to the provisions of this title or to the jurisdiction of the commission, shall upon conviction be punished by a fine not exceeding $1,000 or by imprisonment for not exceeding one year, or by both.

"SEC. 117. The commission shall prescribe standard forms of leases and other contracts for the use or occupancy of any rental property, hotel, or apartment and shall require their use by the owner thereof. Every such lease or contract entered into after the commission has prescribed and promulgated a form for the tenancy provided by such lease or contract shall be deemed to accord with such standard form; and any such lease or contract in any proceeding before the commission or in any court of the United States or of the District of Columbia shall be interpreted, applied, and enforced in the same manner as if it were in the form and contained the stipulations of such standard form. Upon the request of the commission the owner of an hotel or apartment shall file with the commission plans and other data in such detail as the commission requires, descriptive of the rooms, accommodations, and service in connection with such hotel or apartment, and a schedule of rates and charges therefor. The commission shall, after consideration of such plans, schedules, data, or other information, determine and fix a schedule of fair and reasonable rates and charges for such hotel or apartment; and the rates and charges stated in such schedule shall thereafter constitute the fair and reasonable rates and charges for such hotel or apartment. The commission's determination in such case shall be made after such notice and hearing and shall have the same force and effect and be subject to appeal in the same manner as a determination of the commission under section 106 of this title.

"SEC. 118. No tenant shall assign his lease of or sublet any rental property or apartment at a rate in excess of the rate paid by him under his lease without the consent of the commission upon application in a particular case, and in such case the commission shall determine a fair and reasonable rate of rent or charge for such assignment or sublease.

"SEC. 119. The public resolution entitled 'Joint resolution to prevent profiteering in the District of Columbia,' approved May 31, 1918, as amended, is hereby repealed, to take effect 60 days after the date of the confirmation by the Senate of the commissioners first nominated by the President under the provisions of this title; but a determination by the commission made within such period of 60 days shall be enforced in accordance with the provisions of this title, notwithstanding the provisions of such public resolution. All laws or parts of laws in conflict with any provision of this title are hereby suspended so long as this title is in force to the extent that they are in such conflict.

"SEC. 120. The sum of $50,000, or so much thereof as may be necessary, is hereby appropriated and made immediately available to carry out the provisions of this title, one-half thereof to be paid out of money in the Treasury of the United States not otherwise appropriated and the other one-half out of the revenues of the District of Columbia.

"SEC. 121. If any clause, sentence, paragraph, or part of this title shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

"SEC. 122. It is hereby declared that the provisions of this title are made necessary by emergencies growing out of the war with the Imperial German Government, resulting in rental conditions in the District of Columbia dangerous to the public health and burdensome to public officers and employees whose duties require them to reside within the District and other persons whose activities are essential to the maintenance and comfort of such officers and employees, and thereby embarrassing the Federal Government in the transaction of the public business. It is also declared that this title shall be considered temporary legislation, and that it shall terminate on the expiration of three years from the date of the passage of this act, unless sooner repealed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"To amend an act entitled 'An act to provide further for the national security and defense by encouraging the production,

conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1917, and to regulate rents in the District of Columbia."

And the Senate agree to the same.

G. N. HAUGEN,
J. C. MCLAUGHLIN,
THOS. L. RUBEY,
Managers on the part of the House.

A. J. GRONNA,
G. W. NORRIS,
HOKE SMITH,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8624) entitled "An act to amend an act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved August 10, 1919," submit the following statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

On amendment No. 1: To this amendment the House recedes with an amendment, which amendment changes "the first paragraph" to "section one," which involves only a matter of form or phraseology, and adds: "That this act may be cited as 'The food-control and the District of Columbia rents act,' Title I.—Food-control act amendments," the purpose of which is for convenience and separating the food-control act amendments from the District of Columbia rents.

The House recedes on amendments 2 to 10, inclusive. The changes resulting therefrom involve only matters of form and phraseology.

On amendment No. 2: This amendment strikes out "be, and the same."

On amendment No. 3: This amendment strikes out a comma.

On amendment No. 4: This amendment strikes out "so as."

On amendment No. 5: This amendment changes "the" to "such."

On amendment No. 6: This amendment strikes out "entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of food products and fuel,' approved," and adds "of."

On amendment No. 7: This amendment strikes out "be, and the same."

On amendment No. 8: This amendment strikes out a comma.

On amendment No. 9: This amendment strikes out "so as."

On amendment No. 10: This amendment changes "*And provided*" to "*Provided further.*"

On amendment No. 11: This amendment is the Senate amendment pertaining to rents within the District of Columbia. The House recedes with an amendment which is a comprehensive substitute therefor.

Section 101: This section contains the definitions. The term "rental property" includes all buildings and the land appurtenant thereto within the District of Columbia. This term also varies the Senate amendment by covering vacant lands rented and all service furnished in connection with any rental property. Such service thus becomes an element in determining the fair value of rental property for the purpose of fixing the rent therefor. The terms "hotel" and "apartment" are similarly defined. The conference amendment further varies the Senate amendment by covering business property and by providing a definition of "service." The Senate amendment definitions of "true value," "controversy," and "jurisdiction" are omitted as unnecessary.

Section 102: This section creates a commission of three members not engaged in or connected with the real estate business in the District of Columbia. The members are to be appointed by the President, by and with the advice and consent of the Senate, for terms of three years. The Senate amendment qualifications of two years' residence within the District is omitted.

Section 103: This section provides an annual salary of $5,000, payable monthly, for each commissioner. Provision is further made for certain specified expenditures by the commission and the audit thereof. The Senate amendment provided an annual salary of $6,000 for each commissioner.

Section 104: This section provides that the assessor ex officio becomes an advisory assistant to the commission. The assessor receives an additional salary of $1,000 per annum for such additional duties instead of $2,000 as provided in the Senate amendment. The section further varies the Senate amendment by providing that every officer or employee of the United States or the District of Columbia shall, upon request from the commission, supply it with any data or information which is contained in the records of his office and which pertains to the administration of the title.

Section 105: This section provides that duly authorized officers and employees of the commission shall at all reasonable times have access to any books, records, or papers relating to any matter before the commission. The commission is given the power to issue subpœna for the production of such books, records, and papers, and for requesting the attendance of witnesses. The district courts of the United States are to enforce such subpœnas. The section varies the Senate amendment by providing that no officer or employee of the commission shall, unless authorized by it or by a court, make public any information obtained by the commission.

Section 106: This section declares that rental property and hotels and apartments are affected with the public interest, and that all rents and charges therefor, and all services in connection therewith, shall be fair and reasonable. The provisions of the section vary the Senate amendment, which provides for the determination of the commission of fair and reasonable rents, charges, services, and other terms and conditions of a lease or contract upon complaint of the tenant or owner, by permitting the commission to make such determinations upon its own initiative, and by allowing the owner to complain when the tenant is in possession under a lease or contract which has been extended by operation of law or which has been modified by the commission. Such determinations shall be made upon notice and hearing to all parties interested. The provisions of the Senate amendment are further varied by a provision that any determination of the commission must be observed by all Federal courts and courts of the District of Columbia in any collateral action.

Section 107: This section provides that determinations of the commission fixing a fair and reasonable rent or charge upon complaint shall be effective from the date of such complaint. The tenant may collect any difference by deductions from future rent, or by suit in the municipal court of the District of Columbia. This section in a measure is a substitute for a provision in the Senate amendment to the effect that the tenant could recover damages for any unreasonable rent collected under a lease or contract made subsequent to September 15, 1919, even though such collections were made previous to any determination by the commission that the rent or charge collected was unfair or unreasonable.

Section 108: This section provides that appeals from the commission's decisions are permitted to the court of appeals of the District of Columbia for error in law. The commission shall provide counsel in any such appeal to defend its determination.

Section 109: This section continues the Saulsbury resolution, save that the tenant holds possession, not under the terms of the expired lease or contract only, but under such terms subject to modification upon complaint by the owner to the commission under section 106. This section varies the Senate amendment, which permits the owner to recover his property when required for the bona fide occupancy of himself, or his wife, or dependents, by providing that any dispute as to the good faith of any such requirement shall be determined by the commission.

Section 110: This section provides that the commission's determination shall remain in force, despite the taking of an appeal, until such appeal is decided. These provisions were not present in the Senate amendment.

Section 111: This section provides that any determination of the commission shall apply to the rental property, apartment, or hotel involved, despite any change in tenancy or ownership thereof, until the commission modifies such determination in a future proceeding. These provisions were not present in the Senate amendment.

Section 112: This section penalizes the collection of rent in excess of that fixed by determination of the commission, by permitting the commission to sue the owner in the municipal court of the District of Columbia for double the amount so collected, together with costs and a $50 attorney's fee. The tenant shall receive that part of the excess which he paid the owner involuntarily. These provisions were not present in the Senate amendment except insofar as the Senate amendment provided a criminal penalty for a violation of an order of the commission.

Section 113: This section provides that the commission may assess any loss suffered by a tenant due to a willful withdrawal of service by the owner or the exposing of the tenant to any unsafe or insanitary condition, or the imposing upon the

tenant of any additional burden or unusual inconvenience, or the collection from the tenant of any bonus in connection with any existing lease. The tenant may recover such amount by suit in the municipal court of the District of Columbia. These provisions were not present in the Senate amendment.

Section 114: The commission upon application of the tenant shall recover for such tenant any sum due him as the result of any determination by the commission. These provisions were not present in the Senate amendment.

Section 115: This section provides that the procedure of the commission shall be simple and summary and shall not follow technical rules of evidence or pleading.

Section 116: This section provides a criminal penalty of $1,000 or imprisonment not exceeding one year, or both, for any person who enters into any agreement or arrangement for the payment of any bonus in connection with any lease or other contract or who participates in any fictitious sale or other arrangement to avoid the provisions of the title. These provisions were not present in the Senate amendment.

Section 117: This section gives the commission the power to provide for and require the use of standard forms of lease. The section further requires that hotels and apartments file with the commission plans and schedules of rates and charges. The commission may make collective determinations of the reasonableness and fairness of the rates and charges of all rooms or apartments in any hotel or apartment in a proceeding similar to that under section 106. These provisions were not present in the Senate amendment.

Section 118: This section prohibits subletting at an advanced rent or charge without the consent of the commission. This varies the Senate amendment, which prohibited all subletting without consent of the owner or of the commission.

Section 119: This section repeals the Saulsbury resolution 60 days after the confirmation by the Senate of the commissioners first nominated by the President. All portions of the landlord and tenant law directly in conflict with the title are suspended so long as the title is in force. The Senate amendment provided for the repeal of the Saulsbury resolution 30 days after the act took effect.

Section 120: This section provides an appropriation of $50,000.

Section 121: This section provides the usual provision as to the effect of holding unconstitutional a portion of an act.

Section 122: This section declares the war power is one basis of Congress's authority for enacting the title and that the title is temporary legislation. The section further bases the title upon the power of Congress to prevent any embarrassment to the Federal Government in the transaction of public business resulting from rental conditions dangerous to the health of and burdensome to Federal officers and employees and persons whose activities are essential to the maintenance and comfort of such officers and employees.

On amendment of the Senate to the title of the bill: To this amendment the House recedes with an amendment, which adds "and to regulate rents in the District of Columbia."

G. N. HAUGEN,
J. C. MCLAUGHLIN,
THOS. L. RUBEY,
Managers on the part of the House.

Mr. HAUGEN. Mr. Speaker, in considering the Senate amendment, which deals with rents in the District of Columbia, it was found necessary to redraft the amendment, and in order to make it workable and accomplish what was sought to be accomplished in the amendment it was necessary to exceed the authority of the conferees. I wish to state at the outset that the amendment suggested to the House is, in my opinion, subject to the point of order. The point of order has been reserved, so that the question may be given consideration and, possibly, suggestions made which may aid the conferees in case the point of order is insisted upon.

The amendment as it came to the committee created a commission of three, for a term of two years, with a salary of $6,000 a year, the assessor of the District being made an ex officio member, and his salary being increased $2,000. The amendment suggested by the conferees creates a commission of three at a salary of $5,000 a year, and the term of office being three years, the salary of the assessor being increased $1,000, the continuance of the act being three years instead of four, as provided by the Senate.

Section 101: This section contains the definition. The term "rental property" includes all buildings and the land appurtenant thereto within the District of Columbia. This term also varies the Senate amendment by covering vacant lands rented and all service furnished in connection with any rental property. Such service thus becomes an element in determining the fair value of rental property for the purpose of fixing the rent therefor. The terms "hotel" and "apartment" are similarly defined. The conference amendment further varies the Senate amendment by covering business property and by providing a definition of "service." The Senate amendment definitions of "true value," "controversy," and "jurisdiction" are omitted.

Section 105: This section gives the commission access to books, papers, and so forth, necessary for any proceeding before it, and a power to subpœna papers and witnesses. No change except that the order to enforce any such subpœna should be obtained upon application to the Supreme Court of the District, instead of the court of appeals, and that no officer or employee without the authorization of the court or of the commission may make public any information obtained.

Section 106: This section declares that rents, charges, services, and terms and conditions of a lease or of a contract shall be fair and reasonable and that the commission may make such determination upon complaint or upon its own initiative. This complaint may be made by the tenant in any case and by the owner in the case of a lease extended by the Saulsbury resolution or by the provisions of this act or in the case of an existing lease modified by the commission. It also declares that all hearings shall be public. It varies in this respect, that it affords the owner an opportunity to complain and have determined for him a fair and reasonable rent in the above cases and that the hearings shall be public.

Section 106: This provides that any determination of the commission shall be observed in any proceeding, such as an eviction proceeding, before any court.

Section 107: This provides that the determination of the commission shall be effective from the date of complaint. The tenant may collect or deduct from rent the difference. This varies the Senate amendment, which provided that determination of the commission in respect to any lease made after September 15 should date back to the beginning, so that the lease makes it retroactive.

Section 108: This section provides that appeals from the commission should be made to the court of appeals. The commission must provide counsel in any such appeal to defend its determination. The court of appeals passes only upon errors in law. (Same as in the Senate amendment.)

Section 109: This section prevents discriminations and eviction of tenants by giving the tenant right to possession over the old terms, but subject to modification by the commission upon complaint of the owner. The Saulsbury resolution continues possession by giving the owner no opportunity to readjust the terms of his lease.

Section 110 (new): The commission's determination shall remain in force despite the taking of an appeal until such appeal is determined upon by the court.

Section 111 (new): The determination of the commission continues to apply to any property despite any change in the tenant or owner until such determination is modified in a future proceeding by the commission or the court.

Section 112 (new): Penalizes collections of rents in excess of the rate fixed by the commission by permitting it to sue in the municipal court for double the amount of such excess collection, together with costs and $50 attorney fee.

Section 113: This section provides that the commission may assess any loss suffered by a tenant due to a willful withdrawal of service by the owner or the exposing of the tenant to any unsafe or insanitary condition or the imposing upon the tenant of any additional burden or unusual inconvenience or the collection from the tenant of any bonus in connection with any existing lease. The tenant may recover such amount by suit in the municipal court of the District of Columbia. These provisions were not present in the Senate amendment.

Section 114 (new): The commission, upon application of any tenant, may sue on his behalf to recover any amount due him as the result of any determination of the commission.

Section 115: Procedure shall be simple and summary. Criminal penalty for violation of an order is stricken out.

Section 116: Provides for a fine of $1,000 or imprisonment not exceeding one year, or both, and a penalty for bonus, fictitious sale, or other arrangements to get around the provisions of this act.

Section 117 (new): Provides for a standardization of leases, and provides that upon the request of the commission, hotels and apartments must file plans and schedules of rates, and the commission shall determine a fair and reasonable rate or charge for such hotel or apartment.

Section 118: This varies the Senate amendment, which prohibited all subletting without the consent of the owner or the commission.

Section 119: Repeals the Saulsbury resolution 60 days after confirmation by the Senate. The Senate amendment was 30 days after the passage of the act.

Section 120: Appropriates $50,000. Same.

Section 121: Continues the usual provision as to the effect of holding unconstitutional a portion of the act.

Section 122: Declares temporary legislation three years. Basis is war power, and power to prevent embarrassment of Federal Government due to conditions dangerous or burdensome to its employees, or to persons whose activities are essential to the comfort and maintenance of such employees.

Three bases of constitutionality: (1) War power; (2) property affected by a public interest because of the extraordinary conditions and so can regulate rates; (3) power of the Government to operate, and thus not have profiteers embarrass it by making it difficult for the Government employees to live at the Capital, which is the seat of such operations.

I have referred briefly to the bill and will yield to others who may care to discuss the amendments. I yield 10 minutes to the gentleman from Ohio [Mr. BEGG].

Mr. BEGG. Mr. Speaker and gentlemen of the House, I want to say at the outset that I have only words of commendation to the committee for what they have done, but it strikes me that they have omitted to do the biggest thing that is troubling us in the District of Columbia on the rent proposition. I believe the most pernicious individual who exists to-day is that individual who corrals the commodities of life, whether it be the house in which you live or the food that sustains life, who corrals that article and charges an exorbitant price for the same. [Applause.] In this particular case I refer to the sublessor. I have had some experience in going about this city in trying to find a home in which to keep my little family. I visited no less than 50 or 60 apartments. The prices that they ask for a little four or five room apartment is twice as much as it is in New York City or Chicago, and on investigation and in going to the bottom of the thing I have discovered in every single instance it is not the individual who has his dollars invested in the property with whom you deal, but almost always some irresponsible agent who has leased the property prior to this time and now he is holding it out for subleasing. I should like to pass this bill with an amendment so as to kill the sublessor of this city instanter. [Applause.] As this bill is drawn the sublessor has tenure of life for three more years. As this bill is drawn the owner of the property surrenders his control as to who shall occupy it; and I do not believe this Congress has gone so far astray or has become so blinded to the sacredness of property rights that it is willing to surrender a man's control of his property to an irresponsible sublessor for a period of three years. I can cite you instances in this town where I tried to find a home for myself where the owners of the property have had arbitrarily taken over from them the control of their property, and have had arbitrarily forced upon them a contract of lease to an irresponsible sublessor for 30 apartments in this apartment house, and this sublessor is paying $65 a month and has furnished those apartments with a lot of cheap furniture, and I will guarantee to furnish every single apartment she has in there at $500 per apartment, and I will make money, and this woman is subleasing those apartments for $175 a month and is having them filled by transient trade when she can not fill it with permanent renters. I am in sympathy with the commission to regulate the price of rents, and I know that the proponents of the bill will come in and say to us, well, this commission and this bill prevents subleasing for any more than the amount paid by the lessor unless you get specific permission of the commission. Now, I grant that is true in this bill, but I ask you men, most of whom are attorneys, how long will it take the legitimate owners of this property of which I am speaking—and it is only a specimen of a condition—how long do you think it will take them to get control of their own property away from this sublessor if they have to go through the hands of the commission and then it is carried on appeal to the courts of the District of Columbia?

Why, they will be in control of that property for a longer time than this law is written for—three years. Whereas, if we have the opportunity of writing an amendment into this bill—and I will read the amendment I would like to have written in, not destroying in one single iota the purposes of this bill. In section 118, where it refers to the sublessor, I should like to have written in the words "without the consent of the owner," and write, after the word "apartment," "no tenant shall assign as lessor or sublet any rental property or apartment without the consent of the owner." It then should read, "shall not be in excess of the rate paid by him under his lease without the consent of the commission." In other words, it would leave the control absolutely in the hands of the commission the same as it already stands. It does it differently in that it gives the owner of apartment houses the control as to who shall live in them. It does not give the owner of the apartment the right and the authority to dispossess the occupants to-day.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. BEGG. I yield gladly.

Mr. JOHNSON of Kentucky. If the gentleman's amendment were adopted, would it not prevent the one who operates a boarding house to sublet a room in the boarding house without having written consent of the landlord or owner of the property?

Mr. BEGG. I will reply to the gentleman and say this, that no man occupies or rents a legitimate boarding house that is leased to-day unless his lease gives him that permission. If I rent a property for a family residence, and the man converts it into a boarding house, I maintain that the sacredness of property rights ought to permit me to dispossess him at the end of the contract period I have rented it for.

Mr. JOHNSON of Kentucky. If the position taken by the gentleman were enacted into law, would it not make it impossible for housing the number of people in private residences that are now being housed in them? Would it not put many people into the streets?

Mr. BEGG. I think not. I can see nothing in that that would do anything other than the one thing I would like to see. I would like to see the death blow wielded to the subleaser when this law is passed. That is the only person I am after.

Mr. MACCRATE. Will the gentleman yield?

Mr. BEGG. I will yield to the gentleman.

Mr. MACCRATE. I would like to suggest at this point that the provision you refer to has been the cause of the worst cases of profiteering in New York, where the lessor has refused to let his tenant sublet to some one else. That is the best way for the profiteering landlord to become a dictator.

Mr. BEGG. In reply to the gentleman from New York, I can say this, that I can not see, with this commission we have established, how the landlord can refuse to sublet property that is an apartment property, or how it can possibly work any hardship or be the cause of exorbitant profiteering, for the simple reason that you are maintaining your commission here to fix rents. I am not for destroying the commission. I want the commission to fix rents. That is not the proposition at all. All I want to do is to get the profiteer, who, in most cases, is the subleaser.

Let me show you what happens when a subleaser has control of a number of apartments against the owner's will, if you please. The contract being forced upon the owner of the property is not a contract, according to the definition given to us in all the books of law, to the effect that a contract means the mutual agreement of two minds getting together on a proposition for a specified time. That is not the condition in this city to-day with these subletters under the law as it is written, because the owners of the buildings do not want to sublet; they do not want to dispossess the bona fide people that are in there, if they are the right kind of people. But I maintain, and I believe you will agree with me, that if you are leasing your house we are going far enough when we say you shall have the price fixed, but I believe we are going too far when we say to the property owner, "You shall have no right to discriminate as to the kind of people that live in your building."

The SPEAKER. The time of the gentleman has expired.

Mr. BEGG. Mr. Speaker, may I have a couple of minutes more?

Mr. HAUGEN. I would be very glad to grant it, but there is such a demand for time——

Mr. BEGG. I would like to have two minutes more.

Mr. HAUGEN. Go ahead.

Mr. BEGG. Here is what happens: The subleasers are not caring at all about the damage to the property. All they are after is the rent. In order to keep every one of those apartments full all the time, they will rent to anybody who comes along. Now, if you have rented property at home, you know that some tenants will turn that property back to you in as good repair as it was in when given to them, while other tenants will take that property and the damage they will do to it will offset all the income that you have received from it.

Mr. CHINDBLOM. Will the gentleman yield for one question?

Mr. BEGG. I shall be glad to do so.

Mr. CHINDBLOM. Are these sublessors holding over under the Saulsbury law?

Mr. BEGG. They are. I am not after the occupants of the house; I want that understood. But I am after cases where the owners of the property have had the control taken away from them by the sublessor, and who is in control of a number of new houses in this town, and is filling them with all kinds of riffraff just so they pay the rent. The moral tone of some of

these apartments has been lowered, and the caliber of the house has been degraded, and all because the owners have no redress or recourse. If they take it up with the occupants, they say, "We are not renting from you. What are you going to do about it?" I say that it is a pernicious proposition to take the control of the property away. You are not dispossessing the rightful occupant, but the man who has got his dollars invested and who ought to have something to say if property rights mean anything in this country any more.

The SPEAKER. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. McLAUGHLIN].

Mr. McLAUGHLIN of Michigan. The gentleman from Ohio [Mr. BEGG] is right in saying that much of the evil that exists in the city of Washington to-day grows out of subleasing and the matter of subletting property in its many phases, and it was thought best by the committee, and I am sure the Members of this House will agree with the committee, if they will give full consideration to the matter, that the only wise thing to do is to put it in the hands of a commission to control to the extent that it ought to be controlled; certainly to give the commission jurisdiction over it.

Now, many of the things that the gentleman from Ohio spoke about and of which he complains will not be reached by his amendment, but they can be cured, if they exist, by the commission, under the authority given it in this bill.

Mr. BEGG. Will the gentleman yield for a question?

Mr. McLAUGHLIN of Michigan. Pardon me. I can not yield. I have only five minutes.

The gentleman contends that the landlord, the owner, shall be permitted to determine who shall live in his premises. That is entirely true in the first instance. If more than one applicant appears for his property, he can choose between them. But after that, when one is located in the property, there ought to be and there must be under conditions existing here, some limit to the authority of the landlord to choose whom he shall rent his property to.

If a more desirable person personally should come along and wish to possess the property that a tenant now has, if the gentleman's amendment were adopted it would enable the landlord to choose between the one now in and a new one more agreeable to the landlord; so the gentleman is wrong in saying that the landlord should be permitted to determine who shall occupy his property, except in the first instance, when he undoubtedly should have that right, and he has it under this bill, and every lease can contain a clause to that effect. But when he rents property the commission has the right to determine and have authority to determine whether or not the tenant complying in every respect with the terms of the lease shall be permitted to remain. Any other law would make this proceeding practically ineffective.

One complaint that the gentleman from Ohio makes, not so much in what he says here, but if I may be permitted, if it is courteous for me to do it, in what he has told me in private, is that the landlord shall be permitted to determine who shall occupy his property. An instance he gave, where five girls are occupying a five-room apartment, each girl occupying one room. The gentleman contends that there are a number of single rooms throughout the city and that these girls should be driven from the apartment where they are together, and each must occupy a single or a separate room wherever it may be found, and that that apartment, suitable for occupation by a family, should be vacated by those five girls, and that occupation of it should be permitted to the one who goes in with a family.

Mr. BEGG. Mr. Speaker, will the gentleman yield?

Mr. McLAUGHLIN of Michigan. I can not yield now. My time is just expiring. I think that that would bring about troubles and evils, the nature of which and the seriousness of which will occur to everyone who thinks of it. I know of nothing better that can be done for the welfare of those girls than that they shall be permited to get together in an apartment, to be company for and a protection for one another, and if the landlord shall be permitted to determine who shall be his tenant, except in the first instance, all the evils existing now would be continued, and many safeguards would be removed. This matter should be put in control of the commission.

Mr. HAUGEN. Mr. Speaker, I yield 20 minutes to the gentleman from Missouri [Mr. RUBEY].

The SPEAKER. The gentleman from Missouri is recognized for 20 minutes.

Mr. RUBEY. Mr. Speaker, I would like to be notified when I have consumed five minutes.

Mr. Speaker, the conference committee which has had charge of this report has worked very diligently and very carefully. We have tried our best to bring a bill into this House which will take care of the rent situation in the District of Columbia and protect the tenants in the District of Columbia and at the same time be as fair as possible to the property owners in the District of Columbia.

The gentleman from Ohio [Mr. BEGG] is absolutely mistaken when he says that we have not made adequate provision to take care of the subrenting proposition.

Mr. BEGG. Mr. Speaker, will the gentleman yield for a question?

Mr. RUBEY. I can not yield. I have only five minutes.

Mr. BEGG. It seems to me the gentleman might yield to a question.

Mr. RUBEY. I decline to yield. I say that we have taken care of the subrenting proposition. He says that this is a good bill, but that we have not taken care of that one thing. He would like for us to put back with the owners of the property the right to subrent. That is where it is now. That is where they have it now. And they have the right when they make the lease to give authority to subrent. We say that the subrenting is the greatest evil in Washington to-day. We want to get rid of it, and we say here that there shall not be any subrenting at a rate higher than that paid by the tenant himself in the first place, without the authority and the permission of the commission. We are not going to say that the owner shall say what that shall be, because there are instances, I have no doubt now, wherein the owners or agents of apartment houses have seen to the leasing of those apartment houses and the lessors are subrenting those apartments and dividing up with the landlord. We do not want that sort of thing, and we do not want anything in this bill that will take away from the commission the right absolutely to settle the question of the subletting of property.

Mr. BEGG. How long will it take you to get rid of your subleasing under your bill?

Mr. RUBEY. It would take no longer under the provision we have written here than under your provision, simply by amending it by inserting a provision that the owner shall have the right instead of the commission.

Mr. BEGG. If you put mine in, you will get rid of them the day that the law passes.

Mr. RUBEY. The gentleman is absolutely mistaken. But, if the gentleman is right, you will get rid of them under this provision the very next day. We are trying to protect the people who are here working for the Government. There are over 100,000 employees in the District of Columbia to-day, and they are here, and they are absolutely necessary to the conduct of the Government.

I had a letter the other day from a young man in my district who says, "I have been offered a position at $1,340 a year in The Adjutant General's office. I want to know from you whether or not I can live in the District of Columbia on $1,340 a year, and bring my wife along with me." I was compelled to write to him and tell him that he could do it only with the most rigid economy, and I doubt if it will be possible for him to come here and live in the District of Columbia on that compensation and take care of himself and his wife.

Mr. SMALL. Mr. Speaker, will the gentleman answer an inquiry right here?

The SPEAKER pro tempore. [Mr. TOWNER]. The gentleman has consumed five minutes.

Mr. RUBEY. I have not time. I would like to yield, but I must yield to other gentlemen on this side who desire to be heard. I must decline to yield to the gentleman at present. I yield 10 minutes to the gentleman from Kentucky [Mr. JOHNSON], who has probably given this subject more attention than anybody else in the House.

The SPEAKER pro tempore. The gentleman from Kentucky is recognized for 10 minutes.

Mr. JOHNSON of Kentucky. Mr. Speaker, I am thoroughly in accord with the thought which is embodied in the amendment suggested by the gentleman from Ohio [Mr. BEGG], but I am against the amendment for the reason that the bill already makes provision for the emergency which his amendment covers.

In the first place, the property can not be sublet without the consent of the owner. That is always taken care of in the lease. If the tenant sublets under the provisions of this bill without the consent of the owner, or without following the directions of the commission, he does not come under the protection of this measure.

I refer to section 109, and because I have such a short time I will read only a part of it:

> And such tenant shall not be evicted or dispossessed so long as he pays the rent and performs the other terms and conditions of the tenancy as fixed by such lease or contract, or in case such lease or contract is modified by any determination or regulation of the commission, then as fixed by such modified lease or contract.

That clearly shows that if the tenant violates his contract with the landlord to sublet he can then be evicted. There may be cases where the landlord will not agree that his tenant may sublet, where it may be absolutely necessary for the housing of Government employees that his house be made subject to subletting. Therefore I think the committee has acted most wisely, indeed.

Mr. STEAGALL. Will the gentleman allow me to ask him a question?

Mr. JOHNSON of Kentucky. Just a question.

Mr. STEAGALL. Does the bill absolutely save the point with reference to the subleasing of property so as to make it certain that no property will be idle, where nobody can use it? In other words, I have observed cases where the tenant sought to sublet property, and the landlord would not allow it. That is the case in Washington to-day. There are a number of houses that have been idle all this year, where the tenants could not use and were not allowed by the owner to sublet the property.

Mr. JOHNSON of Kentucky. Under this bill, in a case of that kind, the commission can compel the subleasing of the house.

Mr. SMALL. Will the gentleman allow me to submit a brief question?

Mr. JOHNSON of Kentucky. Yes; but I hope the gentleman will make it as brief as possible, as my time is limited.

Mr. SMALL. I wish to know if the bill meets a condition of this kind: Where one is searching for an apartment and the owner has a vacant apartment, but they can not agree upon terms. Can a case of that kind be submitted to the commission?

Mr. JOHNSON of Kentucky. The question not only can be submitted to the commission, but the commission can take it up of its own motion and fix the rent.

Mr. SMALL. And having fixed the rent, the landlord must rent it?

Mr. JOHNSON of Kentucky. And having fixed the rent, both the landlord and the tenant are bound by the ruling of the commission.

Mr. SMALL. By entering into an agreement?

Mr. JOHNSON of Kentucky. Yes; or, rather, by complying with the terms fixed by the commission.

Mr. BEGG. Will the gentleman yield for a question?

Mr. JOHNSON of Kentucky. Yes; but do not make it any longer than you can help.

Mr. BEGG. It is a question and not an argument. I am serious about this. How soon can a bona fide owner of property get rid of a sublessor under this law? All I am asking is for some kind of an arrangement whereby it can be done at once. I will grant that eventually they can do it through this bill, but the commission will not be appointed for two months, and then they have to be confirmed by the Senate, which may take six months. Then, after the commission has made a decision it may have to go through all the courts in the District. Would it not take three years, the full life of the bill, to relieve a bona fide owner?

Mr. JOHNSON of Kentucky. I do not think so. If the tenant violates any provision of the law or regulations of the commission he does not come under the protection of the bill.

As I was about to say, I do not agree to the proposition that this is subject to a point of order. If the point of order is made I am going to challenge anybody to show wherein the bill does not treat of the original subject matter of the Senate amendment in every respect.

Mr. CRISP. Will the gentleman yield just for a moment?

Mr. JOHNSON of Kentucky. I hope the gentleman will defer until we get further along with the discussion.

Mr. CRISP. I want to say to my friend that it is impossible now to make a point of order, because that must be made before you start on the consideration of the conference report.

Mr. BEGG. No; I reserved a point of order, and the gentleman gave me permission.

Mr. STEAGALL. In answer to the gentleman from Ohio——

Mr. JOHNSON of Kentucky. I fear I am not going to get a chance to argue the proposition.

Mr. STEAGALL. Just an answer to the inquiry he made.

Mr. JOHNSON of Kentucky. I hope the gentleman will get his own time to answer that.

Mr. STEAGALL. I call your attention to the fact that an appeal does not operate as a supersedeas.

Mr. JOHNSON of Kentucky. That is quite correct.

I wish to say that if I had prepared this bill I would not have written it in this way. Already the threat has been made by the spokesman of the real estaters in the District of Columbia that they are going to enjoin the commission herein provided for. The bill which I prepared and which at the last session passed the House undertook to obviate that very thing by meeting all this trouble with an income-tax provision. The collection of a tax can not be enjoined. For that reason I preferred the income-tax provision rather than the commission; but now we are not going to have any bill unless we get this one, and it is as good a bill as can be written with a commission in it. Everything will depend upon the commission. It will be as good or as bad as the commission. Therefore we can only hope that we will get a commission—and I have no doubt we will now get one—that will do its duty. If this should be amended in any respect, it must go back to the other body. It has run the gauntlet of the other body and has narrowly escaped mutilation, and we should not open the doors once more to have this bill amended in any respect which will harm it. I believe that there is a disposition, somewhere at least in the District of Columbia, to hurt this bill if it is ever opened up to amendment. Therefore I hope this body will take this conference report just as it is written, in order to prevent its being interfered with somewhere else and interfered with not for the good of the Government and its employees.

It has been said that the bill is not constitutional. I believe it is, and I believe that the courts are going to so hold, because it is based upon the emergency of providing for the carrying on of governmental functions. The bill says that it is made necessary for the reason that the employees of the Government must be housed and fed; and it goes further than that and protects those who house and feed them.

Further answering the gentleman from Ohio [Mr. BEGG], the bill relates to hotels. Take the Willard Hotel, for instance, or any of the big hotels in Washington. They are not operated by the owners. The owners lease them to those who operate them. Therefore if the amendment of the gentleman from Ohio [Mr. BEGG] were inserted, necessitating the consent of the owner before any sublease is made, we would be in constant trouble, because those who are running the hotels are themselves tenants, and they become subleasers when they let a room or any other part of the hotel or of an apartment which is not operated by the owner thereof.

Mr. BEGG. Will the gentleman permit a brief question?

Mr. JOHNSON of Kentucky. Yes.

Mr. BEGG. Does the gentleman think a hotel is operated in America under a lease which does not provide for leasing the rooms to guests?

Mr. JOHNSON of Kentucky. If the lease does not provide for it, common sense does.

Mr. BEGG. Certainly.

Mr. JOHNSON of Kentucky. I have not seen a lease in the District of Columbia that did not contain a provision that the tenant should not sublet it without the consent of the owner. There is no necessity for the amendment; and, as I have said, its adoption would do more harm than good.

Mr. HUDSPETH. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. HUDSPETH. The commissioners are selected from the District of Columbia?

Mr. JOHNSON of Kentucky. No; they are to be selected from anywhere in the United States.

Mr. HUDSPETH. Thank God.

Mr. JOHNSON of Kentucky. Some gentleman has suggested, I have forgotten who, that it is quite important to know that the operators of the big apartment houses in the District of Columbia to-day have sublet a great number of apartments in one building to one person, knowing that that person was going to sublet them. In one big apartment house, I am reliably informed that one woman has rented twenty-odd vacant apartments and has furnished them. The owner of that apartment knows that the woman does not want them all for her own use. The landlord must know, because he is an observant business man, that these apartments are being let for profiteering purposes.

Mr. EVANS of Montana. A case of collusion.

Mr. JOHNSON of Kentucky. It is a case of collusion. I have been told that the girl that stands at the cashier's desk in one of these apartment houses has more than a dozen apartments rented in that house. The sublessor collects the value of the furniture from the tenant, who pays for it over and over again every year, but never gets title to it.

Mr. BEGG. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. BEGG. If my amendment is incorporated, which I understand it can not be, would not that be pinning the responsibility right on the owner of the property instead of permitting an opportunity of this kind, and you still have the commission to say whether he should charge $65 or $165? In this way they can duck and get telephone girls to act as agents, but they could not under my amendment.

Mr. JOHNSON of Kentucky. Under the provisions of this bill they can not duck.

Mr. BEGG. Absolutely they can. Read section 118 and you can sublet as often as you want.

Mr. JOHNSON of Kentucky. It can not be done without the consent of the owner or the consent of the commission.

As I said, I would not have written the bill as it is, but I have seen the failure to get any law on the subject, for more than two years, while thirty-odd thousand clerks have been driven out because they could not get reasonable accommodations. I think we had now better take what we can get, and this is the best we can get. [Applause.]

Mr. RUBEY. Mr. Speaker, I yield three minutes to the gentleman from Tennessee [Mr. MOON].

Mr. MOON. Mr. Speaker, I am not concerned in the ad hominem arguments that have been made to-day. But I believe this bill to be thoroughly unconstitutional in every way, and therefore I would not support it under any circumstances. It is an invasion of the rights of property that the Constitution does not authorize. To say that Government employees must be housed does not carry with it the right to say to the citizen that he shall furnish the housing at such figures as a commission may fix. You may take private property for public uses and public purposes, but I deny the right under the Constitution of this Congress to take private property of a citizen and turn it over at figures fixed by a commission in the interest of another citizen.

When you have said that the man who owns a piece of property has no longer the right to control it, no longer the right to say who shall occupy it, no longer the right to say what the price shall be, it is such an invasion of the private rights and interests of a citizen as comes directly in conflict with the provision of the Constitution that guarantees the protection of property in this country.

It is a beginning of that system of legislation, the fixing of rates and prices about everything that you will find the most dangerous and pernicious that has ever been undertaken. There should be general laws controlling all things, but when the Congress goes down to the private citizen and says you shall handle your property this way, that you shall fix this price and no other, Congress has assumed an undertaking that it can not very well carry out.

I insist, Mr. Speaker, that the best interests of this country require that life, liberty, and property under the Constitution shall be protected by the Congress, and you shall not pass any of these Bolshevik laws affecting the property rights of the people of this country. If I own a house, have I not the right to say who shall go into it; if I want to rent it, shall I not have the right to say what the price shall be; if I want to leave it vacant, have I not the right? What right have you under the Constitution to destroy the rights of property which the law gives the citizen? It is an infamous suggestion. [Applause.]

In the three minutes I have I can not discuss this bill nor the constitutional limitations on the powers of Congress in time of war or peace on the questions involved. The mere statement that no power can be found in the Constitution to force the citizens of the District of Columbia to make unwilling contracts as to the use of their property ought to be sufficient for all just men to oppose this measure. Congress can not impair, by express terms of the Constitution, the obligations of contracts in the State, and under the spirit of the Constitution it can not make contracts for the private citizen to accommodate another private citizen in the District of Columbia, however desirable it might be to reduce rents. If it can be done as to rents, it can be done as to all things; and you become the masters and not the servants of the people, and you rule the District as only masters can rule slaves.

Mr. HAUGEN. Mr. Chairman, I yield three minutes to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Speaker, I want to say at the outset that I do not agree that the conference report, as far as it relates to the rent amendment, is subject to a point of order. It seems to me that it is clearly within the rules of the House giving the conferees jurisdiction under a long line of decisions. The Senate passed the rent amendment to this bill, which had never been considered in the House of Representatives, and the whole subject matter was before the conferees. They had the right absolutely to change the provisions as passed by the Senate, as long as they kept on the subject matter, which was the question of rents in the District of Columbia.

It takes no particular argument to convince the average Member of the House that the rent situation here in the District of Columbia should be remedied, if it is possible to do so. It is common knowledge that during the last two years rents have been raised generally over the District and in a great many cases to an unconscionable extent. The only question is how or what is the remedy to be applied. It seems to me that the conferees on this bill have done remarkably well. After a good deal of consideration on the subject I reached the conclusion that the best that could be done would be to appoint a commission after the manner of this bill, and leave it with the commission to fix the rent within the District of Columbia either upon its own initiative or upon complaint being made to the commission. The principal point after fixing upon that policy, it seems to me, is to make sure that the commission has the power to do what we want it to do—that is, to fix the rent—and for the most part I believe this amendment as reported by the conferees gives the commission that power.

The President is not limited in any way in his choice of members to go on this commission, except that they shall not be owners of rental property within the District of Columbia. Otherwise there is no limitation upon the President in making his selection. I feel like congratulating the conferees upon the result of their work. I believe that they worked faithfully and hard, with a bona fide desire to present something here to the House that would do the business.

It seems to me that the arguments of the gentleman from Ohio [Mr. BEGG] have been sufficiently answered by the gentleman from Kentucky [Mr. JOHNSON] and the gentleman from Missouri [Mr. RUBEY]. Nobody can sublease his apartment for a greater amount than he is paying the owner without the consent of the commission. There is not going to be very much abuse of the subletting phase of the rent situation in the District with that provision. There are a great many people here, Army men and others, who rent property, who probably ought to be allowed to sublease if they are assigned to some other jurisdiction.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. MAPES. Mr. Speaker, will the gentleman yield me two minutes more?

Mr. HAUGEN. Mr. Speaker, I yield two minutes more to the gentleman from Michigan.

Mr. MAPES. They ought not to be allowed to profiteer with their lease, however. On the other hand, they ought not to be made to suffer. This gives them the right to sublet in case they go away for the amount they are paying the owner, and if they have furnished the apartment, then they can get a reasonable increase by going to the commission for that purpose.

The gentleman from Tennessee [Mr. MOON] raises the constitutional question in respect to this legislation. I do not suppose that there is any of us here who is absolutely certain about the effects of legislation of this kind or of its constitutionality, but here is the situation: It might be possible for the property owners within the District of Columbia to so raise their rent that it would be impossible for the Government to get employees to come to the District to perform the Government business. Would anyone say if such a situation should arise that the Congress would not have the power to fix reasonable rents within the District, inasmuch as Congress has absolute jurisdiction within the District on legislative matters? I want to say that if this bill is enjoined and is found to be unconstitutional, as far as I am concerned, I shall be glad to cooperate with the membership of the House to see to it that a bill is passed that is constitutional.

Mr. JOHNSON of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. MAPES. Yes.

Mr. JOHNSON of Kentucky. Does not the gentleman think that the bill passed at the last session by the House with the income-tax provision is certainly constitutional?

Mr. MAPES. I think it meets the constitutional requirements, but I have not thought that it was desirable legislation, but I think it is constitutional.

The SPEAKER. The time of the gentleman from Michigan has again expired.

Mr. HAUGEN. Mr. Speaker, I believe a point of order is pending. May we have that disposed of?

The SPEAKER. The Chair understood the gentleman from Iowa to say at the beginning of his remarks that he conceded this to be subject to the point of order. The Chair is not aware what the point of order is.

Mr. HAUGEN. It was subject to the point of order because we had added matter.

Mr. WALSH. Oh, the point of order has got to be made first.

The SPEAKER. Will the gentleman from Ohio state his point of order?

Mr. BEGG. Mr. Speaker, I make the point of order that the conferees have gone outside of their jurisdiction and have included new matter, in that they have taken in rents of lands and services.

The SPEAKER. Will the gentleman specify in what particular?

Mr. BEGG. I will take first section 118. They have absolutely taken away all control of the individual over his property, and they so admit in their statement, in which they say:

> This section prohibits subletting at an advanced rate of charge without the consent of the commission. This varies the Senate amendment, which prohibited all subletting without the consent of the owner or of the commission.

They have absolutely taken away all the rights of the owner in this bill that they are submitting, and it is not the result of a compromise or a conference.

The SPEAKER. The Chair understands that the Senate amendment was a general bill relative to leasing of property, and that the House struck out all of the Senate amendment, disagreed to it, and that the conferees have substituted a new amendment. Of course, this new amendment must necessarily differ from the Senate amendment, and the Chair is stating this so that the gentleman may direct his argument to it. It seems to the Chair that the House conferees would have the right, so long as they dealt with the general subject, to put in propositions that were not in the Senate amendment. That is the Chair's general view. The Chair would be glad to hear any suggestions along that line.

Mr. BEGG. May I ask the Chair a question for my own information?

The SPEAKER. Certainly.

Mr. BEGG. Do the House conferees have authority to rewrite a new bill and bring it back here, a bill that has never been subject to discussion or amendment in the House?

The SPEAKER. There is opportunity now for discussion.

Mr. BEGG. If there is opportunity for amendment, I shall withdraw my point of order.

The SPEAKER. There is opportunity for amendment by voting down the conference report.

Mr. ANDERSON. The House deliberately voted away its right to consider this bill——

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Minnesota?

Mr. BEGG. Not for the present. If I withdraw this point of order, is it in order to make a motion to recommit the bill to the conferees with instructions to bring in this amendment that I should like to have incorporated? I am perfectly willing to abide by the majority and be voted down. That matters nothing to me; but if that is not in order, and I have no opportunity, then I shall insist upon the point of order and abide by the decision of the Chair.

The SPEAKER. The Chair at first blush does not think the gentleman has that right.

Mr. CRISP. Mr. Speaker, will the gentleman yield?

Mr. BEGG. Yes.

Mr. CRISP. The Chair is correct. Under the rulings of the House you can move to recommit a conference report provided the other House has not acted. If the other House has acted, then the conferees are discharged. The other House has acted.

The SPEAKER. Exactly.

Mr. BEGG. Then the only recourse will be for me to insist on the point of order. Is that correct?

The SPEAKER. The Chair is not called upon to say as to that.

Mr. BEGG. It is the only parliamentary way I have. Well, the Chair asks for a specific reference. In section 160 is incorporated other services which were not included in the same bill in connection with public hotels and apartment houses, and in the same section it says that, "Unfair provision of a lease or other contract for the use or occupancy of such rental property, apartment, or hotel." I believe those two cases, Mr. Speaker, are illustrations of incorporations of additional matter. The other claim I base the point of order on is that the title of the bill brought in by the House conferees incorporates matter not incorporated in the original Senate title, in that it provides for rentals of public lands in section 108 as well as service in connection with public buildings in section 106. Section 101 also contains specific reference to subject matter not specified in the Senate bill. That in connection with paragraph 118 are the three places I base my point of order on, Mr. Speaker.

Mr. JOHNSON of Kentucky. Mr. Speaker, in reply to the statement of the gentleman from Ohio that lands are brought into the bill, and that lands were not contemplated in the original bill, I wish to suggest that the word "land," in the matter which is now before the House, is in further description of the premises. The original Ball bill dealt with houses, and it provided for fixing the rent of the houses without any provision whatever to give the landlord any return on the land on which the house stands. Therefore, as I say, the use of the word "land" may be only a further description of the building. Now, under the matter which is before the House it is made quite clear that the landlord shall be entitled to some compensation for the land also on which the building stands, and it may not broaden the bill except it is a further description.

Mr. BEGG. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. BEGG. How does the gentleman explain this term in section 101 of the conference report where it says, "This term also varies the Senate amendment by covering vacant lands rented, and all service furnished in connection with any rental property"? It does not say anything about buildings in there at all.

Mr. JOHNSON of Kentucky. Mr. Speaker, this point of order is not to be decided upon the statement made in the report. It is to be decided upon the language of the bill itself, and if the point of order were to be decided upon what different conferees have said about it, or if the point of order were to be decided upon what some conferees over in the other body have said about it, I do not know at all where we would land; because, upon reading the RECORD, I find that the conferees in the other body, in answering questions put to them by Members of that body, have, unintentionally, of course, misstated the provisions of the bill. In determining this point we are not committed by the report, we are bound only by the language of the bill; and so when the word "land" is used in it, it is no departure from the original feature because the land must go with the building which it stands upon, as I have said several times before.

The SPEAKER. Will the gentleman yield for a question?

Mr. JOHNSON of Kentucky. I do.

The SPEAKER. Did the original Senate bill say that the term "rental property" means any building; is that where the word "land" was inserted?

Mr. JOHNSON of Kentucky. I am not the framer of the bill, but if it were left to me to select the place, that is the place to which I think it would apply.

The SPEAKER. The gentleman does not understand the Chair. The Chair is simply inquiring whether in the Senate bill, or perhaps he had better inquire of the gentleman from Ohio who makes the point of order—the Chair understood the gentleman from Ohio made the point of order that the word "land" was inserted in section 101?

Mr. BEGG. Yes, sir.

The SPEAKER. That was not in the Senate bill at all. Does the gentleman state that the word "land" is not in the Senate bill at all?

Mr. BEGG. The word "land" was not in the Senate bill. This bill refers to "vacant land" and services, both of which were not mentioned in the Senate bill.

The SPEAKER. Will the gentleman state to the Chair where the word is used?

Mr. BEGG. In this bill, sections 101 and 106, I mentioned a minute ago.

Mr. JOHNSON of Kentucky. I can give the words as they appear in the Senate amendment.

The SPEAKER. The Chair would like to hear it.

Mr. JOHNSON of Kentucky. Section 101 "The term 'rental property' means any land or building or part thereof in the District of Columbia rented or hired."

The SPEAKER. And the House made the insertion?

Mr. JOHNSON of Kentucky. The language inserted is, "land or" and "the service agreed or required by law or by determination of the commission to be furnished in connection therewith."

Mr. BEGG. The House amendment, if the Speaker will pardon me, uses the word "vacant land."

Mr. JOHNSON of Kentucky. That expression is not used in the bill, Mr. Speaker.

The SPEAKER. That is what the Chair wished to ascertain. The Chair will be glad to hear the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. And as to the word "services," Mr. Speaker, the gentleman has picked that out at another place. Now, in the original Ball bill, on page 1, beginning with line 5, the following language is used:

> The term "rental property" means any building or any part thereof in the District of Columbia rented or hired for dwelling purposes, and the furniture or furnishings therein.

Among things that are to be furnished are heat, light, and water. So this amendment explains what furniture and furnishings are. Therefore, I contend that it has not departed from the substantial character of the original Ball bill.

Mr. BEGG. Mr. Speaker, in furtherance of that very point, in section 101, the definition of the term "rental property" means any land or building rented or hired, and services agreed to or required by law, or by the determination of the commission to be furnished in connection therewith but does not include a hotel or apartment. The term "hotel or apartment" means the building and the land, as you will see in the paragraph below. I contend that the Senate amendment dealt only with the term

"hotel and apartment," meaning building and land, but did not treat the subject of land as treated in this report.

Mr. MAPES. Mr. Speaker, it seems to me that the conferees have kept within the subject matter of the proposition that was submitted to them. The Senate passed the so-called Ball rent bill as an amendment to the pending bill, and the whole subject of rents in the District of Columbia was before the conferees, and we ought not and can not properly go into an overnice distinction of the meaning of the words in deciding whether the conferees kept within their jurisdiction or not.

One of the most recent decisions of the Speaker on this subject was on the bill which was up in the last Congress that prohibited the printing of German-language newspapers without certain restrictions. That matter went to the conference committee, and the conferees brought back a report including all foreign languages, and Speaker CLARK, in a careful decision, and after a long argument on the matter, decided that the conferees were within their rights and said in that decision that the same rule for the conferees did not apply as to germaneness as applied to the consideration of bills in the House originally or in the Committee of the Whole, and said that as long as they kept within the subject matter that was properly in dispute between the two Houses it was not for the Speaker to decide that they exceeded their jurisdiction. I quote from the decision of the Speaker:

The conferees, for some reason unknown to the Chair, and it is no part of the Chair's business to inquire into the reason why, or whether they acted wisely or unwisely, have included along with the German-language papers other foreign-language papers. In the House, if that had been offered as an amendment, the Chair would have ruled it out without any ceremony; but we are not operating under the rules of the House as applied to House bills, when originally considered in the House, on conference reports.

They have lugged in the espionage bill, and the Chair's own judgment about it is that they would have done better to have shut out the reference to the espionage bill and to have inserted the words desired, but that is a question of taste. Whether the legislation is wise or unwise the Chair thinks that the conferees' substitute for Senate amendment 127 is germane and that the conferees did not exceed their authority in that regard, and overrules the point of order.

I wish to direct the attention of the Chair to another decision, relating to the Army appropriation bill.

The SPEAKER. Will the gentleman cite the case?

Mr. MAPES. It is on page 473, section 942 of the Manual. The House inserted a proviso on the Army bill:

"*Provided further*, That no part of this appropriation shall be expended at any Army post which the Secretary of War has decided or may decide to abandon in the interest of the service."

The Senate struck that out. The conferees then inserted a proviso on the same subject, appointing a commission to inquire into and advise the Secretary of War, or anybody seeking information upon that subject, what Army posts should be abandoned; and the rest of the proviso is simply detail thereof. It has been repeatedly held—I do not know by how many Speakers, but by more than one—that in a case like that, where there is no departure from the subject matter—and the subject matter in this case is the abandonment of Army posts, and the reciting of 25 Army posts was simply a detail—a commission might be appointed. The Chair calls attention to one case where a bill was brought in providing for the construction of a public road. The conferees changed that so as to appoint a commission for a survey of the public road. That was held to be in order. The subject matter of this amendment or proposition is the abandonment of Army posts. The matter that the conferees put into it is simply a detailed arrangement of how to get at abandoning the Army posts.

Inasmuch as the pending conference report deals entirely with the subject of rents within the District of Columbia, it seems to me it would be improper to limit the conferees in their consideration of that subject in a way that the gentleman from Ohio contends. And as the gentleman from Kentucky [Mr. JOHNSON] has well said, when the Ball bill included buildings it must necessarily have meant land also; and if I understood the gentleman from Ohio correctly, he said the term "building" meant the land that goes with the building.

Mr. SAUNDERS of Virginia. Mr. Speaker, the principles applying to this situation may be readily stated. Of course a conference committee can not add matter to that which is actually in issue, but sometimes it is not so easy to determine precisely what is in issue. When the real thing in issue is the method of dealing with some subject matter, then the conference committee enjoys very large powers with respect to including in its report various new details that strictly speaking were not in terms in issue between the two Houses, but it can not add a new subject matter. If the controversy is over items, the conference committee can not add a new item. For instance, in a claim bill, if the House affords relief to A and B, and the Senate affords relief to C and D, then the conference committee, when the subject matter is committed to it, can not add E to the parties relieved respectively by the House and the Senate, for to add E is to go outside of the matters actually in controversy. But when a whole subject matter is stricken out, as for instance, when an amendment in the nature of a substitute for an entire bill, is added by the Senate then the conference committee possesses very large powers in respect to reporting a method of dealing with the subject in controversy that may be different in details from the contents of the House bill, and of the Senate amendment, but which appropriately belong to the plan, or solution presented by the conference committee. As I understand the situation that is presented to-day, new matter was added by the Senate to the House bill, which matter was not agreed to by the House. Hence the conference. The conference committee offers a solution, or treatment of the subject matter, which differs in various particulars from the Senate amendment, which was wholly rejected by the House; but no new subject matter has been added. This, as I understand, is the situation. If I am correct in this, then the conference committee has not exceeded its limitations, those limitations being to deal with the subject matter, or matters committed to it, and not to add new matter.

Mr. HICKS. Mr. Speaker, will the gentleman permit an inquiry?

The SPEAKER. Yes. The Chair would like to suggest to the gentleman from Virginia that the only trouble that the Chair has is this: The Senate put on an amendment dealing with buildings. Then the difference between the House and the Senate was as to the rental of buildings. Now, any details or any procedure about that would be unquestionably in order, but it troubles the Chair a little inasmuch as it seems that the House has inserted a provision so that it applies not only to buildings but to land, and in the conference statement, which is supposed to represent the views of the conferees, they refer to land. That is a different subject.

Mr. SAUNDERS of Virginia. Land outside of buildings?

The SPEAKER. That is what the conferees say in their statement. That is the phase of it that is troubling the Chair. The Chair would be glad of any suggestion on that.

Mr. JOHNSON of Kentucky. Will the Chair yield for a question?

The SPEAKER. Of course.

Mr. JOHNSON of Kentucky. I would like to ask the Chair whether or not——

The SPEAKER. The Chair is not expressing a ruling now.

Mr. JOHNSON of Kentucky. The Chair will pardon me, then, in submitting a question without asking for an answer. I would like to submit this question: When a man rents a house does he not, by that lease, acquire control and possession of all beneath it, even to the middle of the earth, and even to the skies above? When he leases a house does he not necessarily lease the land on which it stands, and is not the land appurtenant thereto? Consequently can you separate them? In other words, can you make this anything more than descriptive?

The SPEAKER. That is the question. The Chair would like to suggest this for argument by gentlemen: It seems to the Chair under the bill as reported by the Senate it only applied to buildings. Now, under the bill as reported by the House it says the term "rental" means any land or buildings. Therefore if there were vacant land without any building on it, under the report of the conferees it seems to the Chair that that clearly would be subject to the provisions of this act—the land without the building.

Mr. MAPES. Mr. Speaker, may I direct the Speaker's attention to this thought? In the first place, I do not know of any vacant land that this bill would apply to. But, aside from that, the building is not the important part of this provision. It is any land or building rented or hired. The purpose of this amendment is to regulate rents. It is not a question of the building or the land, but any building that is rented or hired, that this commission has authority over, and it is a question of rent entirely that this commission is dealing with. It is not dealing with anything but rent, and whether a building or piece of land is rented or hired is the important thing in this bill.

The SPEAKER. Does the gentleman think if a piece of land were rented it would be subject to this provision?

Mr. MAPES. I do not know as to vacant land. But the duty of the conferees is to improve the language, to make it so clear that anybody who reads the bill will know what it applies to. I do not think the conferees should be limited to that extent.

Mr. BEGG and Mr. SMALL rose.

The SPEAKER. The Chair thinks the Chair should recognize somebody who has not yet been recognized by the Chair. The Chair will recognize the gentleman from North Carolina.

Mr. SMALL. Mr. Speaker, let me submit this thought: The bill originally used this language:

The term "rental property" means any building or any part thereof.

That language necessarily implies or includes also land. In the conference report this language occurs:

"Rental property" means any land or building.

If the word "and" had been used instead of "or," unquestionably the point of order could not be sustained.

Now, the Chair in construing the point of order will deal with it liberally, with the desire to overrule the point of order if it can be done consistently. Courts frequently transpose "or" to "and" or "and" to "or" in order to effectuate the meaning as appears from the general context. Therefore, if it appears that the point of order would not be sustained if the conjunctive word "and" had been used, the Chair will likewise overrule the point of order, although the word "or" is used. The Chair should sustain the action of the conferees if it be possible to do so consistent with the rules of the House. So that I submit that when the point of order depends upon such a slender thread, and where the whole context of the bill has no reference to the rental of vacant land exclusively, but where the text of the entire bill has reference to the renting of buildings or parts of buildings or apartments or hotels, under those circumstances the Chair would not sustain the point of order.

Mr. HICKS. Mr. Speaker, may I be heard on the point of order?

The SPEAKER. Yes.

Mr. HICKS. Mr. Speaker, in advancing an argument in support of the point of order made by the gentleman from Ohio, I do not want it thought for a moment that I am expressing an opinion upon the legislation contemplated. As a matter of fact, I am in sympathy with the spirit of it, but I do desire to address the parliamentary situation. If it could be shown that the addition of the words inserted by the conferees merely clarified the terms—amplified the definition by which it would be easier and more certain to reach conclusions upon provisions already included—I doubt if a point of order would lie. But that is not what has been done. New conditions have been included, and the scope of the bill has been enlarged beyond what was contemplated in the Senate amendment. By the insertion of the words "land or" in section 101 a new provision has been added, for by reading the proposed act the commission would have jurisdiction over "any land" in the District of Columbia. That is not the simplification or definition of an administrative detail; it is new subject matter. I doubt if the original intention of Congress was to take cognizance of "any land," such as swamps, vacant lots, and woods. I believe the purpose was to regulate housing conditions and not land on which no buildings stood. Yet, by the words added, the commission can deal with "any land," not land pertaining alone to the buildings erected thereon, but any land in the District of Columbia, and therefore it seems to me that by the addition of those words, which the report confesses may include vacant lands, the conferees have exceeded their functions. For these reasons, Mr. Speaker, I contend that the point of order is well taken.

Mr. CRISP. Mr. Speaker, let us get at the reason for this rule. The reason for the rule that the conferees can not add any new matter is that the House appoints the conferees as their agents to settle disputes between the two Houses, and the House desires to restrict their agents to the matter in controversy which the House has designated them to represent the House in.

Now, in this case, what is it? The Senate adds a provision, in the nature of an amendment to this bill, dealing with the subject of rental property in the District of Columbia. Now, we must consider, for the purpose of this argument, the Ball rent amendment as a separate statute, and that statute is dealing with the question of rents in the District of Columbia. Now, one of the cardinal rules of construction is to get at the old law, the evil in it, and the remedy sought to be applied. Now, the Senate considered the existing condition here, and that was the question of the rental of property within the District of Columbia. They were not specifying vacant lands or houses. They were dealing broadly with the question of the rental of property within the District of Columbia.

When that bill came back to the House, the House disagreed to it. That was as though it were a separate bill, with all after the enacting clause stricken out. On such a bill, with all after the enacting clause stricken out, when sent to conference, the whole subject matter is at issue between the two Houses, and the conferees can deal with that whole subject matter. When the House refused to agree to this Ball amendment, it seems to me, it was tantamount to disagreeing to the whole proposition and putting the whole subject matter in conference between the two Houses.

Now, Mr. Speaker, the conferees must be allowed some latitude in adjusting these differences. If the conferees of each House are required to adhere to what their House has done, there never can be an adjustment of it. Therefore, the conferees can consider the whole subject matter and see if they can reach an agreement to bring the minds of the two Houses together.

It seems to me clear that it was the intention of the Senate amendment to deal with the whole question of rents within the District of Columbia—dealing with houses, lands, and the whole subject matter of rents—and when the House disagreed to it that put the whole subject matter in conference between the two Houses; and it looks to me as though the common sense of the proposition is that, the question of rentals being the one involved and that the conferees were to dispose of, this provision does not exceed their authority, but is in order under the rule.

Mr. JOHNSON of Kentucky, Mr. GARRETT, and Mr. WALSH rose.

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. CRISP. I yield. "Come one, come all!"

Mr. JOHNSON of Kentucky. I should like to call the gentleman's attention to the fact that the title of the original Ball bill is to create a rent commission for the District of Columbia.

Mr. REED of West Virginia. Will the gentleman yield?

Mr. CRISP. I will.

Mr. REED of West Virginia. We will say that the rent commission has taken jurisdiction of an apartment house and has exercised jurisdiction for some time, and it then burns down. Does it lose jurisdiction? Because there is still a contract existing, and the tenant might desire to erect a tent or temporary building.

Mr. CRISP. I think if the commission had original jurisdiction, it would not lose it.

Mr. REED of West Virginia. It becomes vacant land then, does it not?

Mr. CRISP. Yes.

Mr. GARRETT. Mr. Chairman, if the language of the conference report were such that it showed clearly that the legislation was to apply only to lands upon which buildings stand, the argument just made by my good friend from Georgia [Mr. CRISP] would, I think, be well taken. But the conference report is not so worded as to confine the activities of the rent commission to lands upon which a building stands. There are agricultural lands in the District of Columbia. However much this legislation may be desired it is probably more important for the future of legislation that the rules of the House touching conference reports shall be strictly observed. I do not think there is any escape from the conclusion that the words "land or" inserted in the bill at the place at which they are inserted and in the connection in which they are inserted broaden this legislation to an extent beyond that which either the Senate or House had in mind or considered. Therefore this amendment proposed by the conferees was not in disagreement.

What has the Senate considered and what has the House considered? Buildings, says the Senate amendment. That bill is returned to the House. The House technically considers it by disagreeing to the Senate amendment—disagreeing to what? Buildings.

Mr. WALSH. Will the gentleman yield, if it will not interrupt his argument?

Mr. GARRETT. Certainly.

Mr. WALSH. Does the gentleman contend that the conferees could not have eliminated the definition of rental property altogether?

Mr. GARRETT. I think they could. That was in disagreement between the two Houses.

The SPEAKER. The Chair did not understand the question.

Mr. GARRETT. The gentleman from Massachusetts asked if "the gentleman from Tennessee" did not think that the conferees could have eliminated the definition of rental property altogether, to which "the gentleman from Tennessee" answered that he thought they could, because that was in disagreement. I do not see just where that particular point is applicable, however, to the argument that I am now making. If it has an application, I would be glad if the gentleman from Massachusetts would indicate it.

Mr. WALSH. If I understand the argument the gentleman is making with reference to the definition, it is that by adding something in the definition of rental property the conferees have gone beyond the scope of their authority, because they have included a new subject matter.

Mr. GARRETT. Which has not been considered by either body.

Mr. WALSH. Which has not been considered by either body; but if they had eliminated the definition of rental property altogether and simply used the words "rental property" without the definition, does not the gentleman think that the bill as then drawn would have applied?

Mr. GARRETT. The gentleman has added another element.

Mr. WALSH. No. I am asking the gentleman, if the term "rental property" were not defined, would it not apply to what the conferees are now making it apply to by the addition of this language?

Mr. GARRETT. If the effect of an elimination would have been such as to broaden the legislation so as to bring in mat-

ters that had not been considered in either House, then I do not think it would have been in order. I do not think that the conferees can add new subject matter. That is fundamental. The reason for it is well understood, and I think they have added new subject matter here. I think if this law shall be passed as this conference report provides, it will extend its operations to property never considered either in the Senate or in the House.

Mr. HAUGEN. Will the gentleman yield?

Mr. GARRETT. Certainly.

Mr. HAUGEN. If the conferees had stricken out the words "for dwelling purposes," the term "rental property," would have included any building, or any part thereof, and we would have accomplished the very thing we are now accomplishing, except as to land; but we thought the proper way to do it was to do it openly and fairly, stating exactly to the House what the conferees had done; that is, that they purposed to include land and all buildings.

Mr. GARRETT. The gentleman from Iowa has been entirely fair to the House, of course, as he always is. What the gentleman from Iowa and his colleagues had in mind was to extend this law so that it would apply to the land upon which the building stood.

Mr. HAUGEN. I will be candid with the gentleman. It includes all land. The information before the committee is that much of the land in the District of Columbia is bringing an annual rent equivalent to 50 per cent of its value. The purpose of the conferees was to include all land, and the committee deemed the proper way to accomplish it was by stating the facts as we have.

Mr. GARRETT. As to the question of policy, that is a matter which the House has not considered. The conferees have considered it, and I have all confidence in the conferees. I am not complaining of the legislation.

Mr. HAUGEN. We submit the legislation, and put it up to the House. It is now up to it whether it will accept it or not.

Mr. GARRETT. It has to accept or reject the proposition as a whole. So far as I am concerned, I have not the slightest objection to the bill going back to conference, then let the committee present a concurrent resolution authorizing the conferees to add such matters as they deem necessary to give the law full force and effect, and it will give the House a chance to consider the legislation when the concurrent resolution is presented.

What I am saying is not based upon objection to the legislation, but is said because of the importance of having the House consider the legislative propositions and pass upon them, which they do not have the opportunity to do in this conference report.

Mr. HAUGEN. There is no question but that every amendment is germane to the question in issue. The question is, Have the conferees exceeded their authority in adding land; next, in adding services? I think it could be held that the land on which the building is situated, and that the services are included with the buildings. We have included other lands. I have contended from the beginning and still believe that adding land is subject to a point of order. I want to be fair with the House, and I have stated what the conferees have intended by the amendment. The gentleman from Ohio may withdraw the point of order, which would give an opportunity to include the land, or he may insist on the point of order. If the point of order is sustained the bill will go back to conference. Then it would be in order to move to concur in the Senate amendments.

Mr. McLAUGHLIN of Michigan. Will the gentleman yield?

Mr. GARRETT. Certainly.

Mr. McLAUGHLIN of Michigan. I think the chairman of the committee is entirely right that all kinds of land, occupied and vacant, are within the provisions of this bill. But I have not been able to concur with the chairman that the inclusion of the land makes the report and bill subject to a point of order. This is a rent bill, and anything within reason can be brought in so nearly similar to what has been put in as it would seem to me to be germane and ought not to be held subject to a point of order. I think the gentleman from Iowa has been frank, that he is correct in saying that the word "land" takes in vacant land that has no connection with the building.

Mr. SAUNDERS of Virginia. Will the gentleman yield?

Mr. GARRETT. I yield to the gentleman from Virginia.

Mr. SAUNDERS of Virginia. The Speaker asked me a question some moments ago which involved a question of fact. Lacking knowledge of this fact I was unable to make answer at the time. Since then I have sent to the document room for the original House bill No. 6824 with the Senate amendment, known as the Ball amendment. I find the following provision in the Senate amendment:

The term rental property means any building, or any part thereof in the District of Columbia rented or hired for dwelling purposes, the furniture and furnishings therein.

Looking to the conference report I find that it says "rental property means any land, or building in the District of Columbia."

I must say in view of the situation as it now appears that this amendment of the phrase "rental property," as made by the conference committee was in excess of the authority of the committee. It is precisely like a precedent that I recall that was decided several years ago. The House undertook to legislate as to use of certain vehicles by Army officials using in the paragraph the words "personal use." The Senate added several amendments to the paragraph and it was committed to conference. The conferees added the words "or official," to the word "personal." When the report was brought into the House, it was held after discussion the addition of these words was in excess of the authority of the conferees, and the point of order to the report was sustained.

The principles that I stated relating to the pending point of order were correctly stated. Up to that time I had heard nothing in the debate that caused me to think that the conference report had violated the rules with respect to the authority of the conferees, but in view of the fact that the conference committee has materially enlarged the definition of the words "rental property," as shown by a comparison of the Ball amendment with the conference report I must now say in response to the question heretofore asked me by the Speaker, that the conferees have exceeded their authority, and the point of order should be sustained.

Mr. FESS. I want to ask the gentleman from Tennessee whether under the interpretation of the Senate amendment it would extend to vacancies on which there is no building?

Mr. GARRETT. Indeed I think so, and I am fortified in that opinion by the statement made by the chairman of the Committee on Agriculture, the senior member of the conference committee, in which he just stated that it was intended by the conferees to include all land in the District. It includes truck gardens in the District, agricultural lands, and everything, I have no doubt.

Mr. FESS. The gentleman does not think that the language of the bill excluded the garden that is attached to the building?

Mr. GARRETT. I do not think so, and, as I say, I am fortified in that opinion by the statement just made by the gentleman from Iowa [Mr. HAUGEN].

Mr. FESS. I agree with the gentleman's contention.

Mr. GARRETT. I wish to reiterate, Mr. Speaker, that I am not discussing this question with reference to the merits of the legislation, but I am discussing it wholly with reference to its importance as a parliamentary proposition. Under our present practice perhaps the gravest responsibility that rests upon the Speaker at any time is in passing upon questions with reference to conference reports, because conference reports are the last stages of legislation. Therefore it is of extreme importance that we shall be guided carefully by the rules of the House. It is because of this, and because of this only, that I have ventured to interpose these remarks upon the point of order.

Mr. IGOE. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. Certainly.

Mr. IGOE. Mr. Speaker, I would like to ask the gentleman from Tennessee whether, in his opinion, under the Senate amendment in section 9 it would not have been possible to bring before this commission a controversy affecting the rent of lands which were not improved?

Mr. GARRETT. To what language does the gentleman refer?

Mr. IGOE. I refer to the following language:

That any lessee, sublessee, tenant, or hotel guest claiming to be damaged by any lessor or sublessor or hotel proprietor, or owner, by reason of any unfair or unreasonable rents or charges—

And so forth.

There is no reference there——

Mr. GARRETT. Oh, I think it would be in order, as I stated at the beginning of my argument, for the conferees to amend by including the lands upon which the buildings stand.

Mr. IGOE. But this does not anywhere mention the words which are defined in the terms "rental property."

Mr. GARRETT. I think it would be limited by the definition. I think that would be limited by section 101, which gives the definition.

Mr. IGOE. I am speaking of the original Ball bill, and I am reading from section 9 of that bill.

Mr. WALSH. That is not included here at all.

Mr. IGOE. I was told it was.

Mr. GARRETT. That was in conference, let it be said, and I answer the gentleman from Missouri [Mr. IGOE] that necessarily that would, in my opinion, be limited by the definition given in section 101, which is the immediate matter now under discussion.

Mr. WALSH. Mr. Speaker, just a word or two in reply to the contentions made by the distinguished gentleman from

Tennessee [Mr. GARRETT] who, as we all appreciate, is one of the best parliamentarians in the House. In construing the effect of the action of the conferees upon a point of order made that they have exceeded their authority, the Chair is not limited to the mere language which is under fire through the process of the point of order, but he must take into consideration the entire context of the Senate amendment which has been the subject of this controversy, which result in the matter being sent to conference.

Upon the contention of the gentleman from Tennessee, because the Senate amendment gave a certain definition of rental property, the conferees should not add to that definition nor subtract from it. Of course that proposition is not tenable. Gentlemen in construing this definition get up and read to the Chair that the term "rental property" means "any land or building or part thereof in the District of Columbia," and most of them stop there. That is not the definition of rental property. The definition of "rental property" is as follows, as agreed upon by the conferees:

The term "rental property" means any land or building or part thereof in the District of Columbia rented or hired and the service agreed on, required by law or by determination of the commission to be furnished in connection therewith.

So it is not simply defining "rental property" to mean land or buildings. It is hitched up and conjoined with the service agreed to be furnished therewith or required by the commission. I read further:

The term "service" includes the furnishing of lights, heat, water, telephone or elevator service, furniture, furnishings, window shades, screens, awnings, storage, kitchen, bath and laundry facilities and privileges, maid service, * * * making all repairs suited to the type of building or necessitated by ordinary wear and tear.

Clearly under that definition where the "rental service" means not only the land, buildings, and services, vacant land can not be included, and neither can agricultural land be included, because under the definition, which includes lands, building, and service, they do not need maid service for agricultural lands nor elevator service.

The SPEAKER. Does the gentleman mean to indicate "service" necessarily means all of those?

Mr. WALSH. All or any of them.

The SPEAKER. Suppose it is water. Vacant land might need water.

Mr. WALSH. But, Mr. Speaker, its says—

* * * and any other privilege or service connected with the use or occupancy of any rental property, apartment, or hotel.

If the Chair will read the entire Senate amendment and the entire report which the conferees have submitted upon that amendment, he will see that the whole purpose of this is to control and regulate the use of property for dwelling purposes. It is not an agricultural bill, it is not a bill to regulate the use of vacant lands, but the conditions of the bill when construed will show that it is for the control of the renting of property which is being used for dwelling purposes.

Mr. GARRETT. Mr. Speaker, will the gentleman yield?

Mr. WALSH. Certainly.

Mr. GARRETT. Do I understand that the gentleman means that before this law would apply to a building that there must be some sort of service connected with it?

Mr. WALSH. Oh, no; I do not contend that at all, but I say that the definition "rental property" includes not only the building and the land but service agreed or required by law or by the determination by the commission to be furnished in connection therewith, so it includes not only the land and the building but the service, such as elevator service, light, heat, water, furniture, furnishings, and so forth.

Mr. GARRETT. If the gentleman will permit, if service must be connected with it, then take the case of an individual who has a private residence and employs no servants or no services are furnished him by the owner or lessor of the property, then, if I follow the gentleman's reply correctly, this law would not apply to that residence at all. If it does apply to where there is no service, then would it not apply with equal force to vacant land where there is no service?

Mr. WALSH. Of course, if the gentleman makes that contention and stops there with section 101 of the bill. But you must take all the sections into consideration, and the Chair, in my humble judgment, should decide what is the general purpose of this bill, what is sought to be accomplished, and what was put into controversy when it was sent to conference. The point that was put into controversy was rent conditions in the District of Columbia.

Mr. ANDERSON. Will the gentleman permit a question?

Mr. WALSH. I think the gentleman from Tennessee desires to ask further——

Mr. GARRETT. No.

Mr. ANDERSON. If the term as it is is the term which defines the limitation of this legislation, the authority which the conferees had, then the conferees could have dealt in this bill with the question of the rent of dress suits or the question of the rent of a saddle horse, or the question of the rent of a plug hat, or any other thing to which rent could apply. But the bill does not cover rents in the sense of the rent of anything. It covers rent in the sense of the term "rental property" as qualified by the definition; that is, rent from buildings, and, perhaps, by some stretch of imagination and of language, rent of land which is appurtenant to the building and necessarily must go with it.

Mr. WALSH. Oh, well, Mr. Speaker, I do not think the gentleman from Minnesota is serious in making any such contention as that. The main scope and purpose of this bill is rental conditions in the District of Columbia. Now, I submit it is fair for the Chair to construe what would be the situation if the term "rental property" was not defined in the bill, if the words "rental property" were simply used without a definition, and certainly it would include the land on which buildings were erected.

Mr. WINGO. Will the gentleman yield?

Mr. WALSH. I do.

Mr. WINGO. On the proposition of the object of the legislation. The gentleman says it was "rental condition." Was it not "housing conditions in the District of Columbia" and not land or rent, but housing conditions?

Mr. WALSH. Well, the two are synonymous. I do not know of any housing conditions being furnished free of charge or where rental——

Mr. WINGO. There is quite a distinction between housing, rental, and land.

Mr. WALSH. So the rental of vacant or agricultural land certainly is not included. Now, there is one general rule which is followed in considering conference reports, found in section 6424, volume 5, Hinds' Precedents:

Where the disagreement is as to an amendment in the nature of a substitute for the entire text of the bill, the managers have the whole subject before them, and they exercise a broad discretion as to details.

Now, that is the general rule. That is what happened in this case. This food-control bill came in here with what is known as the Ball amendment on it, an amendment of some 12 pages and dealing with one comprehensive subject, namely the rental conditions of property in the District of Columbia. That whole matter when the House disagreed to it was put into controversy. It was one amendment, not various amendments according to sections, which the conferees have agreed upon, and that whole matter was put into controversy, and the Senate in their definition of rental property says it shall include—

Any building or any part thereof in the District of Columbia rented or hired for dwelling purposes, and the furniture or furnishings therein; but does not include hotels or apartments.

That matter was in controversy. Now, I submit that the conferees are not bound by that definition, that they could not have stricken out any part of a building in the District of Columbia, and that they are not precluded from including something else in the definition, provided it is germane for the general purpose of the legislation sought to be enacted. Now, if the matter had been before the House, and the amendment had been offered to include "land" in this Ball amendment, I submit it would have been germane; but, Mr. Speaker, if it were not germane and could not have been offered in the House is not conclusive that it should not be inserted by the conferees.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. WALSH. I do.

Mr. CAMPBELL of Kansas. If a bill providing for the regulation of apartment houses and residences were under consideration, and the gentleman from Massachusetts were in the Chair, and some Member should offer an amendment providing that it should also regulate the leasing of farm land, would the Chair hold that that was germane?

Mr. WALSH. Well, I probably might not hold it germane, but I submit that——

Mr. CAMPBELL of Kansas. I am quite sure the gentleman would not if he were in the Chair.

Mr. WALSH. But I will say to the gentleman from Kansas that he very well knows that even though that were not germane the same rule does not follow as to conferences when the matter has been put in disagreement as this was where they disagreed to the entire amendment. They have broad discretion as I have read here, and it has been followed ever since conferences have been the custom between the two Houses.

Mr. CAMPBELL of Kansas. But, if the gentleman will permit, does that discretion permit them to include matters that would not have been germane when the matter was considered

in the body that appointed the conferees and was entirely outside of the matter that had been considered by the conferees?

Mr. WALSH. Oh, no; it would not permit them——

Mr. CAMPBELL of Kansas. Is not that what has been done?

Mr. WALSH. No. I have been trying to show to the Chair that that is not what has been done here at all.

Mr. REED of West Virginia. Will the gentleman yield?

Mr. WALSH. For a question.

Mr. REED of West Virginia. The gentleman from Massachusetts has given us the idea that this does not refer to farm lands but lands that are necessary in connection with the use of a building. It might be a tract of land through which a sewer was constructed, and therefore necessary, and it might embrace considerable land. I just suggest that.

Mr. BRIGGS. Will the gentleman yield?

Mr. WALSH. I yield.

Mr. BRIGGS. This Ball amendment, when it came before the House and when the matter was sent to conference, contained only a reference to buildings, but the conferees of the two Houses were dissatisfied with that definition and were not willing to accept that when it was intended to deal substantially with real estate.

Mr. WALSH. The House was dissatisfied with it, because they disagreed to the Senate amendment and sent it to conference.

Mr. BRIGGS. Is it not a fact that if the conferees had seen fit to give no definition at all of rental property, and it would have been left to the court to construe, that in all probability they would have construed it as relating to real estate, which would have included lands as well as buildings?

Mr. WALSH. The gentleman's suggestion, Mr. Speaker, is an entirely pertinent one. The House disagreed to that and that definition was in controversy, and so within the scope of consideration by the conferees. I simply wanted to recall to the Chair the precedents cited by the gentleman from Michigan [Mr. MAPES]. The first case, in which Fort D. A. Russell was concerned, is in section 942 of the Manual, a very carefully considered case, in which the decision, I think, was written and considered for the Chair by the gentleman from Georgia [Mr. CRISP], and the other case was one which came up in the last session with reference to foreign-language newspapers.

Now, because the conferees include some other subject matter in a definition, it does not necessarily follow, Mr. Speaker, that they go beyond the scope of their authority. And while it is very important that conferees should confine themselves to the limits of the matter in controversy, it was equally important that when conferees have agreed and have brought in legislation and confined themselves to the subject matter of the legislation, have not gone afield from that and introduced new matter into the legislation or new propositions which have no relevancy or connection, it was equally important that measures should not be sent back to conference upon points of order unless it is perfectly clear beyond question, in the opinion of the Chair, that they have exceeded the authority under the rules of the House and that they have injected into the controversy matters which were not in dispute when the legislation was committed to conference. And while I am opposed to this bill, and if opportunity is presented shall vote against it, I do not see, from the suggestions and contentions made, that it can be well argued that the report is subject to a point of order.

Mr. JOHNSON of Kentucky. Mr. Speaker, just one more word. The question seems to revolve around whether or not the original Ball bill dealt with the land as separate and apart from the land upon which a house stands.

Mr. WALSH. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. WALSH. The gentleman has referred heretofore and now refers to the original Ball bill. Of course he should confine the reference to the Senate amendment, which probably is the original Ball bill, but the original Ball bill is not connected with the discussion whatever. It is the Senate amendment, which comprises the original Ball bill properly.

Mr. JOHNSON of Kentucky. Looking, however, to the original Ball bill, I desire to invite attention to the fact that on page 11 of that bill, section 13, the Saulsbury resolution is dealt with. The Saulsbury resolution is a part, and a great part, of the subject matter with which the original Ball bill dealt.

The SPEAKER. Will the gentleman allow a question? The Chair does not understand whether or not the Senate amendment is the Ball bill.

Mr. JOHNSON of Kentucky. The Senate amendment to the Ball bill also deals with the identical subject, the Saulsbury resolution, and the Saulsbury resolution contains this language in the first part of it—

That until the treaty of peace shall have been definitely concluded between the United States and the Imperial German Government, unless in the meantime otherwise provided by Congress, no judicial order, decree, or judgment for the recovery or possession of any real estate in the District of Columbia—

And so forth.

Then the Saulsbury resolution concludes with this language:

That the term "real estate" as herein used shall be construed to include any and all lands, any building or any part of any building, house or dwelling, any apartment, room, suite of rooms, or any other kind of structure whatever on land situated in the District of Columbia.

Therefore, while the original Ball bill in that way did deal with "land" separate and apart from houses, the Senate amendment does the same thing. Therefore when the conferees come to deal with it they deal with the Saulsbury resolution, which defines what "real estate" is, and that is not only the houses, but it is the land, whether vacant or otherwise. Therefore the conferees have not exceeded their authority by including the word "land," because the Saulsbury resolution, which is in the original Ball bill, and which is also in the Senate bill, deals with real estate, and "real estate" is defined in the resolution.

Mr. CHINDBLOM. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. CHINDBLOM. Does the gentleman recall for the moment that the Senate resolution specifically repeals th Saulsbury law, and the conference report specifically repeals the Saulsbury law?

Mr. JOHNSON of Kentucky. The original Ball bill repeals the Saulsbury resolution after 10 days. The conference report repeals the Saulsbury resolution 60 days after the first commissioners shall have been confirmed by the Senate; and then provides, substantially, that the protection given to the tenants under the Saulsbury resolution shall still obtain until another status has been established.

Mr. ANDERSON. Mr. Speaker, if the Chair is not ready to rule, I would like to submit a few observations. I do not care to if the Chair has made up his mind.

The SPEAKER. Does the gentleman want to argue that it is in order or not in order?

Mr. ANDERSON. I think it is not in order.

The SPEAKER. Then to save time the Chair is ready to rule.

The Chair appreciates the importance of sustaining a conference report, and the Chair has been anxious from the beginning here to be able, preserving his mental integrity, to rule that this conference report was in order. But presuming the authority of the rules of the House is more important than the inconvenience of sending a bill back to a conference, the Chair stated in the beginning of the discussion the difficulty which occurred to the Chair, hoping that that difficulty would be met and removed by argument. The Chair regrets to say that that difficulty still confronts him and seems insuperable. The gentleman from Massachusetts [Mr. WALSH] stated correctly that the question at issue is whether the conference report has gone beyond the subject matter of the Senate amendment. The Senate amendment dealt with rents, but at the very beginning it practically stated in a definition the precise subject with which it dealt, saying "The term 'rental property' means any building or part thereof in the District of Columbia." That seems to the Chair to be the subject of the Senate amendment.

Now, the conferees, it therefore seems to the Chair, were limited to that general subject. They might diminish it. They might take away from it. But the law is well settled that the conferees can not introduce any new subject. Anything in connection in the way of procedure referring to the subject matter would be allowed. But the difference between the Senate and the House was that the Senate dealt with buildings or parts thereof, and the House, by disagreeing, refused to deal with anything, so that the conferees, it seems to the Chair, were limited in their jurisdiction between legislation affecting buildings and no legislation at all. They could introduce any matter germane to buildings, but they could not go beyond that. They introduced the new subject "land." The Chair is disposed to think that if they had said "land connected with buildings" it might have been in order, but the chairman of the committee very frankly stated that it was the intention of the committee to include land entirely separate from buildings. It seems to the Chair that if the House had not some distinct purpose in view, the word "land" would not have been inserted. It broadens the scope of the Senate amendment by an entirely distinct subject matter, it seems to the Chair; and so the Chair feels constrained to sustain the point of order.

Mr. JOHNSON of Kentucky. Mr. Speaker, for the purpose of ascertaining the judgment of the House I respectfully appeal from the decision of the Chair.

The SPEAKER. The gentleman from Kentucky appeals from the decision of the Chair.

Mr. WALSH and Mr. CAMPBELL of Kansas moved to lay the appeal on the table.

The SPEAKER. The motion is made to lay the appeal on the table. The question is on agreeing to that motion.

The question was taken, and the motion to lay the appeal on the table was agreed to.

Mr. HAUGEN. Mr. Speaker, I move that the House insist on its disagreement and ask for a conference.

The SPEAKER. The gentleman from Iowa moves that the House insists on its disagreement and ask for a conference. The question is on agreeing to that motion.

Mr. DOWELL. Mr. Speaker, will the gentleman yield for a question?

Mr. HAUGEN. Yes.

Mr. DOWELL. I want to inquire if the conference committee will attempt to bring in a report that will be in accordance with the rules of the House?

Mr. HAUGEN. I stated in my remarks at the outset that it was quite difficult to bring in a workable bill without its being subject to a point of order.

Mr. DOWELL. But the chairman of the committee stated when he brought in this report that he did not think it was in order. He stated that when he brought it in. It seems to me that the conference committee ought not to be subject to bringing in a report that is not in accordance with the rules.

Mr. HAUGEN. The conferees are the agents of the House for the purpose for which they were appointed. It is the duty of the conferees to act in accordance with the wishes of the House, and it is the duty of the conferees to bring in any matter that is proper and which meets with the wishes and sentiment of the House. If the House had an opportunity to vote on the proposition, I dare say 90 per cent of the Members would vote to include the land. But that is neither here nor there.

Mr. WALSH. Regular order!

The SPEAKER. The regular order is demanded. The regular order is action on the motion of the gentleman from Iowa [Mr. HAUGEN] that the House insist on its disagreement and ask for a conference.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. HAUGEN, Mr. MCLAUGHLIN of Michigan, and Mr. RUBEY.

DUTY ON MAGNESITE ORE.

Mr. FORDNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 5218.

The SPEAKER. The gentleman from Michigan moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 5218. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Minnesota [Mr. ANDERSON] will please take the chair.

Thereupon the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill 5218, with Mr. ANDERSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 5218, the magnesite ore bill, which the Clerk will report by title.

The Clerk read the title of the bill (H. R. 5218) to provide revenue for the Government and to establish and maintain the production of magnesite ores and manufactures thereof in the United States.

Mr. FORDNEY. Mr. Chairman, I will ask the gentleman from North Carolina [Mr. KITCHIN] to occupy his time now. There will be only one more speech on this side.

Mr. KITCHIN. I yield to the gentleman from Pennsylvania [Mr. CAMPBELL].

Mr. CAMPBELL of Pennsylvania. Mr. Chairman, in connection with current discussions of industrial unrest and the rights of labor, and the widespread controversy over the question of whether or not police officers or other public officials whose sworn duty it is to uphold the law should affiliate with any federation or association which approves the strike as one of its tenets, I desire to call the attention of the House to a unique organization formed in the city of Pittsburgh which to my mind successfully answers the question so far as police officers are concerned. I refer to the Fraternal Order of Police, and I ask unanimous consent to extend my remarks in the RECORD on this subject.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. BLANTON. Mr. Chairman, reserving the right to object, does this deal with the subject of the inclination on the part of police organizations to affiliate with other organizations?

Mr. CAMPBELL of Pennsylvania. It is opposed to such affiliation.

Mr. BLANTON. It is opposed to affiliation with any other organization such as would tend to bring about a sympathetic strike?

Mr. CAMPBELL of Pennsylvania. It is an independent organization entirely.

The CHAIRMAN. Is there objection to the request of the gentleman?

There was no objection.

Mr. KITCHIN. Mr. Chairman and gentlemen of the committee, I will not confine my remarks entirely to the bill under consideration. If the Republican Members will permit me, I want to make, for a few minutes, a little heart-to-heart talk with them, and see if we can not take each other into our confidence. In the first place, I wish to ask this question of the majority leader and other Members on the Republican side: What are you considering this bill for? Why have you been considering the tungsten-ore bill and the chemical-glassware bill and the surgical-instrument bill and the zinc-ore bill, and all these other little local tariff bills? Now, let us be honest with ourselves, and let the Republican leaders be perfectly candid with their own side.

Have you been considering these bills with any idea of their becoming laws? Why, no. Will you not admit that? Does any one of you believe that the bill which we are now considering will become a law at this session, or will even be considered by the Senate at this session? Why, you do not. You know it will not be. You know, and you knew when you reported these little popgun bills—so termed by Senator PENROSE—out of the committee, that the Senate was going to ignore each and every one of them. Now, what did you do it for? Why have you been taking up the time of the House for weeks in considering such bills? Did you do it to help some Republican who was the author of a bill or some Republican from one of the States or districts interested particularly in the industries "protected" in the bills to get back to Congress? I do not believe you will admit that. Or did you do it just to kill time, to "make out" to the people that you are doing real business in Congress? Will you not admit at once that that is really the reason why you have been considering these bills? Now, you know this bill is not going to be considered in the Senate at this session, or at the next session, or at the short session of this Congress. Why not be frank with your own side? I want to show either that the Republicans in this House are absolutely and utterly inefficient in conducting business in the House; that they are absolutely incapacitated for legislation if they are sincere in supporting this bill in the belief that it is really going to be passed or considered by the Senate. This bill pertains only to one little industry in one or two counties in Washington and one or two counties in California, mostly in one or two little sections in Washington. The total amount invested in this "great" Northwest-corner industry is less than $3,000,000. The whole turnout of the industry, with the big prices now prevailing, is only about $4,000,000. The entire industry employs less than 1,500 people. The bill itself is only a page and a quarter in length. Yet it has taken this Republican House, with 45 majority, four days to consider it, and we have not finished general debate yet. It will take at least another day.

Well, now, gentlemen, if the Republicans of the House are really sincere and anxious to facilitate the passage of wise and beneficent legislation and believe this bill is such, then it is proof positive of their absolute incapacity to legislate. [Applause.] Is not that so, between us? There are over 4,000 items in the tariff act which Republicans in the campaign swore to the people that they were going to revise or attempt to revise if they gave them the power to do it by electing a Republican House. At the rate at which we have been "speeding" on this bill it will take 53 years for this Republican House, working 300 days, eight hours a day in each year, to revise the tariff and keep their promises. [Laughter.] It does seem to me that almost any really candid, intelligent Republican will admit that his party in the House is incapacitated for legislation, or else you are just using these bills to kill time and fool the new Republicans of the House, as well as the people. I think you Republicans have some capacity to pass legislation sometimes, and you have made a pretty good record this session until you began to fiddle with these popgun bills. You have record enough to adjourn and go home, and I am going to show you that you ought to adjourn and go home, and that you can finish up everything of value you propose to consider in the House this session in one week's time if you go to real work and stop taking up the time of the House in fooling with bills like this which you know will never be passed or even considered in the Senate.

I say you have made a pretty fair record, but all the good record you have made has been by and with the counsel and

assistance of us Democrats here. [Applause.] You started out by passing the woman suffrage amendment. The President urged that. The Democrats cooperated with you, and by good Democratic counsel and assistance you were enabled to carry out the President's urgent request on the subject. You have amended the vocational-education law by and with the counsel and aid of all the Democrats.

You were able by our counsel and cooperation to add just, wise, and beneficent amendments to the Bureau of War Risk Insurance act by which greater relief and protection were granted to our disabled soldiers. With the advice and assistance of the Democrats, you have passed legislation turning the wires back to the owners. Of course you promptly passed the appropriation bills, with the counsel and cooperation of the Democrats. You have passed, with the advice, assistance, and cooperation of the Democrats, laws for the enforcement of the prohibition amendment, and we should finish up the conference report on that matter early next week.

By the urgent insistence of the President of the United States and the cooperation of the Democrats, you have passed some wise antiprofiteering provisions. You have, with the aid of the Democrats, passed an act restoring the rate-making power to the Interstate Commerce Commission.

Now, gentlemen, I say that is a pretty good record for Republicans, but it is a record that you could not have made without our help. The very minute you gentlemen ignored the advice of the Democrats you went off fiddling on little local tariff bills. I am going to show you, by the highest authority in the country, that these bills are futile, that they are vain, that they are nothing but "popgun" bills. Just as soon as you began to rely on yourselves and declined to invoke our counsel and cooperation you got to passing measures here that Senator PENROSE, the leader of your party at the Nation's Capital, criticizes and disapproves. So useless and senseless and unwise are these tariff measures you are passing that he has given you notice that the Senate will utterly ignore them.

If you take my advice—and it is not the advice of a Democrat or a Republican, but just as a Member of this House, to Members of the House—we will pass upon the report on the budget, conclude these conference reports, and then we will adjourn the House—the Senate will permit us to do so, and it can under the Constitution. We will adjourn the House sine die until the first Monday in December, and all of us will go home. We can finish up the business, all that is proposed, except these little hot-air bills that are brought in here to kill time. We can do that by next week. [Applause.] Now, let us wind up this business of killing time and go home, or else let us begin to legislate on matters that are worth while. Do one or the other.

I want to read to you what this distinguished gentleman and leader of your party says. Here is an interview that he gave—a very carefully prepared interview. I took it from the Indianapolis News. As a prelude to the interview the News says:

According to Senator BOIES PENROSE, of Pennsylvania, chairman of the Finance Committee of the Senate, there will be no revision of the tariff nor repeal of the present revenue law by this Congress.

I want to congratulate myself, and I believe I can congratulate Mr. PENROSE, that he and myself at one time in our lives agree on some point with reference to the tariff. [Laughter.] I think it is auspicious of the dawn of a brighter and better day for the Republic when Senator BOIES PENROSE and myself agree on anything with reference to the tariff. [Laughter.]

Let me read from the interview, and I ask the gentleman from Michigan [Mr. FORDNEY] to pay particular attention.

It is not likely that the question of a general tariff revision will come up until after the next presidential election.

We agree on that. The Republicans have not the courage to go before the people in the next election with a concrete tariff revision. The only criticism I would like to make of this statement of the distinguished gentleman is that he proposes that the Republican Party shirk the responsibility of a tariff revision by having such revision go over until after the next general election. He is attempting to throw that responsibility on the Democrats. [Laughter.] He knows that the patriotic electorate of the country are going to return the Democratic Party to full power at the next election. [Applause on the Democratic side.] The responsibility, therefore, will be on us as it was in 1913 to revise and readjust the tariff in accordance with the changed conditions.

The gentleman says in the interview:

Nearly all of the protective tariff publicity agencies, such as the Protective Tariff League and the Home Market Club of Boston, oppose tariff revision at this time. Similar views have been generally expressed by business men all over the country, in written communications.

Has not that been my position all the time, in opposing these single-item tariff bills, that this is no time to revise the tariff; that conditions are so uncertain and abnormal that no one could tell anything about costs here and abroad; no one could tell what are the proper rates; but that we should wait until there is a readjustment of conditions? I find, according to the Senator, that the Senator and the Home Market Club and the Protective Tariff League and the business men agree with the position we Democrats took, two months or more ago, when you Republicans began your senseless "popgun" bills. I tried to convince Republicans of the House that this was the sensible, wise position. But I made no impression here in the House. But after two or three months statesmen like Senator PENROSE and the business men of the country have become thoroughly convinced that we were right about it and have come to take our position.

I did not have a very high opinion of the wisdom and beneficence of these tariff bills that the Republicans have been reporting out of the committee and voting on in the House and I severely criticized and condemned them. Now Senator PENROSE agrees with me, and, besides, he has quite a contempt for such bills. He says:

An effort has been made to secure the passage of a few so-called popgun tariff bills through the House of Representatives, and these bills are now pending in the Senate before the Senate Finance Committee. Generally speaking, the members of the Finance Committee are not overenthusiastic concerning this kind of piecemeal tariff revision.

I never expressed contempt for your bills. I never express contempt for your efforts. I simply declared they were unwise and unjust and the rates you had made were extortionate, and all that. But here is the chairman of the Finance Committee of the Senate, the leader of the Republican Party of the United States, who has such a contempt for your bills that he calls them "popgun bills," "piecemeal-tariff legislation." He courteously notifies you that there is no chance of their being even considered by the Senate Finance Committee. Then he goes on to show how unwise are the provisions and how little study and thought and investigation were given to these bills. I feel like resenting his criticism in behalf of the Republican membership of the Committee of the House. [Laughter.] He says that "in case of a general invasion of the American market by a revival of the international trade these popgun bills would fail their purpose." That is what I have been telling you all the time, but you would not believe me. [Laughter.] The statesmen over there in the Senate did. He says further:

In some cases these bills fail to pay any attention to the necessity of compensatory duties on articles connected with the production of these manufactured and raw materials.

Now, have I not said here a dozen times in the debates on your "popgun bills" that you did not know anything about them; that you had not given any thought or made any investigation as to whether these bills were proper and wise and what the result of their operation would be or whether they balanced with other provisions of the tariff act? Have I not said a dozen times here that the only thing the Republican members of the Ways and Means Committee of the House wanted to know about these bills was what do these tariff barons want in the bills and that you put in exactly what they wanted and demanded? And I could point out, if I had the time, mistakes and blunders along the line suggested by the Senator that would make every Republican member of that committee, every Republican in the House that has been voting for these bills, look ridiculous.

Now, you must remember, gentlemen, that these criticisms by the chairman of the Finance Committee of the Senate and the Republican leader of the Nation are tenfold more stinging than any criticism I have ever heaped on these bills. I treated them with perfect seriousness and tried to point out how dangerous they were, how unjust they were, how unfair they were, and how many millions of dollars would be taken from the pockets of all the people and put into the pockets of a favored few in order to enrich them. I never expressed, as Senator PENROSE does, any contempt for the bills at all.

Now, let us see if we can not get down to real business, do something worth doing, or get away from here, gentlemen, and be quick about it. These bills are not going to pass. Why fiddle away the time here on these bills that will never be considered in the Senate? You have taken four days of the time of this House on this little bill, and we will not finish it to-day, but will have to take the fifth day.

Why fiddle away on these bills when you know you have notice from headquarters that they are not going to be considered—not one of them—at this session or the next—not until after the next general election? What are the big questions before this House on which the Republicans of the House have not shaped or announced any policy? Maybe you have done the best you could, but you have not been able to agree among yourselves on a policy on the great questions that Congress must consider, and that this Congress ought to have the courage and

wisdom to consider. Why wait and put the entire responsibility over on us Democrats after the next general election? [Applause on the Democratic side.] We are perfectly willing to take it, but are ready to consider them now.

The Republicans have no soldier policy, none in the world. You ought to let the soldiers know at once what you are going to do—whether or not you will commit the Government to a moneyed or commercial obligation to those who emerged from the World War uninjured, sound in mind and body. No bill has yet been introduced on which you will dare state your position. You do not expect to have the House consider a soldiers' bill at this session, so do not keep us here upon the theory that you are going to consider one.

You have no merchant-marine policy. You do not intend to announce one at this session. You do not intend to even introduce a merchant-marine bill at this session. So we ought not to be kept here for that.

You have no labor policy. Conditions are not such that you could, perhaps, shape one now. Do not keep us Democrats and Republicans here for that. That is a big question, but it is so big that you are afraid to take it up this session.

You have no policy in regard to a permanent military organization. You do not expect to have one at this session. Why, the chairman of the Committee on Military Affairs has practically announced that they will not even begin preparing such a bill until the next session of Congress. You expect no bill on that, so you ought not to keep us Democrats and Republicans here on the pretext of an Army-reorganization program. You are not going to touch it in the House at this session.

You have no immigration policy, and do not expect to touch the question of further immigration restriction at this session. You know that during the war there were situations, and there are now situations, that demand that there should be restrictions. You know you can not keep us here on the pretext of passing any bill respecting immigration.

I understand the Committee on Interstate and Foreign Commerce has been most diligent in consideration of the best and wisest railroad policy when the roads are returned to the owners. I am not criticizing you for delay with respect to this. You may report out the railroad bill, but are you going to consider it in the House this session? You ought to do it, if possible, but you know that you are not going to try to pass it at this session. We Democrats stand ready to consider it with you now, but you do not propose to do it. So now please tell us why are you keeping the House in session, killing time with these squirt bills?

What is there to keep us here any longer than next week, during which we can conclude the conference reports and report out and consider the budget proposition? I have given you all of the reasons why we ought not to stay here for the consideration of the popgun tariff bills. You know that you are not going to consider in the House at this session the big important questions before the House and the country. But suppose you did do it, and you showed no more capacity for facilitating legislation with respect to important measures than you have shown in this page-and-a-quarter bill, this little magnesite proposition. Why, it would take you months to pass any of them if we Democrats did not show you how to do it. Let us be fair and square with ourselves and with each other and with the public. If we are going to take up and consider any real question of national importance, let us get at it and stop this folly of keeping the House in session considering popgun bills that have no chance of becoming law. If we are not going to consider these measures of public importance, let us dispose of the conference reports and the budget proposal and adjourn and go home, so that we can make our arrangements for the long session beginning in December. That is the practical and wise thing to do.

Now as to the magnesite bill under consideration. The rate of three-fourths of a cent a pound, or $15 a ton, on magnesite in this bill, at prices in normal times, would equal 150 per cent ad valorem. On magnesite bricks it would equal 110 per cent. Practically no bricks were imported under the existing rate of 10 per cent ad valorem. A gentleman whose company is one of the largest manufacturers of such brick testified before the committee that 5 per cent ad valorem would be sufficient to keep them out. Magnesite, dead-burned and calcined, in paragraph 2, is the essential thing the advocates of the bill want to keep out. One industry in the State of Washington, the Northwest Magnesite Co., produces about 75 per cent of the magnesite used by the steel and other metal companies. Such companies use about 80 per cent of the magnesite used in this country; that is, they use the bricks made from the magnesite. Magnesite was on the free list under the McKinley Act, the Dingley Act, and the Payne-Aldrich Act, and we kept it on the free list under the Underwood bill. Now, at one jump, from the free list of all of these acts, this bill proposes a specific duty that would amount in normal times to 150 per cent ad valorem!

The import value of magnesite before the war was $10. The three-fourths of a cent per pound provided in the bill is $15 a ton—150 per cent ad valorem. In round numbers that amounts to $3,000,000 that they are going to make somebody pay to help enrich this industry in Washington, the Northwest Magnesite Co., and a few smaller companies in California. This Northwest Co., if the bill becomes law, will swallow every one of them and have an absolute monopoly of the industry. On dead-burned or calcined magnesite the rate proposed is $15 a ton. It is estimated that the consumption in the United States will be about 175,000 tons a year. At $15 a ton it would mean $2,625,000 a year which the proponents of this bill would put into the treasury of the Northwest Magnesite Co., that has less than a million dollars invested in its plant, and a few other smaller companies.

Why, it is in evidence that the president of the Northwest Magnesite Co. told an officer of the American Refractories Co. that his company could produce it at between $10 and $12 a ton. Yet they give it a tariff of $15. On bricks made of magnesite the Payne Act levied a duty of 25 per cent ad valorem. With such a rate practically none were imported. The Underwood Act imposes a duty of 10 per cent ad valorem. Practically none came in at that rate. But this bill proposes a rate that will equal an ad valorem of 110 per cent, based on prewar prices. The rate in this bill—that is, the committee amendment—is three-fourths of a cent a pound and 10 per cent ad valorem. A thousand bricks weigh from 10,000 to 12,000 pounds. This will make the rate from $75 to $90 per thousand. The prewar import price of such bricks was about $80. This makes, therefore, the specific rate in the bill equal to a little over 100 per cent, based on normal prices; add to this the ad valorem of 10 per cent in the bill and the total rate will be 110 per cent ad valorem. The Payne-Act rate was 25 per cent, the existing rate is 10 per cent, but the rates in the bill amount to 110 per cent ad valorem, based on normal prewar prices. And this in face of the fact that one of the largest manufacturers of such brick in this country testified that, in his opinion, 5 per cent ad valorem would be almost prohibitive.

I am not going to waste my time in appealing to the reason of Republicans or to their sense of justice in the hope of getting any Republican opposition to this bill. Why, I did that last Friday when we had up the dyestuff bill. [Laughter.] It looked like any man of reason would have voted against that bill. Even Republicans here on the floor gave reasons why any intelligent Republican should vote against it. It did no good. [Laughter.] So there is no use now in appealing to their reason or their sense of justice in this matter. It does no good. But I must confess that I did have some hope of having many of the Republicans vote against that dyestuff bill. I did not have much, however. I said in the beginning of my remarks on that bill that the Republicans were like the jointed snake, that if you break it to pieces in the morning by sunset it would get together, and predicted that, however much they seemed divided, when the vote should come the cohesive power of tariff plunder would bring them together. [Applause on the Democratic side.] When I saw Uncle JOE FORDNEY stand here that Friday and say at the top of his voice that a bill with a licensing feature such as was in that bill was "un-Republican and un-American," I said to myself, "FORDNEY will never vote for the bill. It is too un-Republican and too un-American for him." I said, "He will be with us." But, lo and behold, when the vote came, FORDNEY voted for the un-Republican and un-American bill which he had just denounced. [Laughter.]

Mr. FORDNEY. Because I could not vote with the gentleman from North Carolina.

Mr. KITCHIN. I thought the gentleman might vote for the beneficent motion to recommit, but I did not expect the gentleman to vote for something that was "un-American and un-Republican."

Mr. FORDNEY. Will the gentleman yield?

Mr. KITCHIN. I will.

Mr. FORDNEY. Did the gentleman vote for the bill?

Mr. KITCHIN. Oh, no; I thought the gentleman from Michigan and myself, from his speech, were going to vote together against the bill. Mr. Chairman, I would like to have about 10 more minutes.

Mr. FORDNEY. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for 10 minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the time of the gentleman from North Carolina be extended for 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KITCHIN. Why should not I have had hopes. My friend DALLINGER, of Massachusetts, had made a speech severely denouncing the licensing feature of the bill, and my hopes grew. Then my friend from New Hampshire [Mr. BURROUGHS] made a 30 or 40 minute speech, a splendid speech, against the bill as it was. He showed how un-Republican it was; he showed what a handicap the bill would be to the industries of the country, and my hopes kept increasing. Then my friend GARLAND, of Pennsylvania, the great protective-tariff State of Pennsylvania, made a speech against it, and showed how un-Republican and how un-American and how unjust to the manufacturing interests of this country that bill was. And then my friend Dr. FESS, of Ohio, the chairman of the Republican congressional committee, came in and capped the climax by denouncing it as a repudiation of every principle of Republican protection, and my hopes kept growing. I awaited the roll call on the bill. My ears were attuned to the call of every name. I was in a way counting on Uncle JOE CANNON. He had just expressed on the floor grave doubts as to how he should vote. But "CANNON," the Clerk called, and "aye" was the answer. [Laughter.] I turned to see what was happening, and then "DALLINGER," "aye"; "BURROUGHS," "aye." My hopes began vanishing; my heart began to sink. [Laughter.]

But I still had a little flickering left. FORDNEY had not been called. I knew he would vote against it just as he had talked a few minutes before. I sat erect awaiting his name and to hear him shout out "No!" The Clerk called "FORDNEY," and the answer came "Aye." [Laughter.]

I thought I would faint, but then I recovered and said: "Well, I know there is one Republican that will never give in. He of all Republicans will vote just as he spoke. That's my good friend, Dr. FESS [laughter], of Ohio, chairman of the national Republican congressional committee. No sort of party lash can pop him into line." [Laughter.] He is going to vote with us, thought I, because just five minutes before the vote came he stood right here, and he never was more enthusiastic and earnest in his denunciation of a Democratic bill than he was in denouncing this Republican bill. He had said, "This bill is un-Republican; it is un-American." And more: "If we Republicans vote for this license feature in the bill, we will be repudiating every Republican doctrine of protection that we have ever professed to have or ever preached." And still more: "We Republicans in the last campaign promised the people if they would give us this House"—and he was chairman of the Republican congressional committee—"that we would repeal these license commissions and unshackle the business of this country. And now, the very first opportunity we have had to keep our pledges, this bill makes us Republicans eat our very words and violate our pledges."

I certainly knew that Dr. FESS, with all his manhood and high spirit, despite the Republican machine and the party cudgel, would vote with me and his conscience against that bill. My contemplation of Dr. FESS's vote left one little lingering spark of hope in me. But the boys came around and said, "KITCHIN, they are going back on you." [Laughter.] I said, "Yes; but Dr. FESS will not go back on me." [Laughter.] Then the name of Dr. FESS was called, and—and—he answered "Aye." [Laughter on the Democratic side.] My heart went right out of my breast into my shoes, and darkness spread all about me. [Renewed laughter.]

Gentlemen, let us never again have hopes of Republicans voting against a tariff bill. [Laughter.] Of course, I expected that Uncle JOE CANNON and Uncle JOE FORDNEY and Dr. FESS and all these other gentlemen were going to vote like they talked. But when the time came to round up "the boys," just before the vote was taken, the House machine knew that if these Republicans voted in accordance with their speeches, MOORE of Pennsylvania and we Democratic patriots over here would defeat that "un-Republican," "un-Democratic," and "un-American" bill. But just before the roll call began I saw Uncle JOE FORDNEY running around—they knew they were going to be beaten if they did not get to work—with a bull whip in his hand, popping and slashing it over the heads of the Republicans. [Laughter.]

Uncle JOE CANNON had one, and with that famous left arm he was making it sizzle around his colleagues. MONDELL was swinging the party cudgel right and left amid the dodging heads of the protesting Republicans. No herd of cattle on a western ranch were ever more effectually "rounded up" than the machine and bosses were rounding up the Republicans. In the commotion I said, "Where is Dr. FESS, the chairman of the Republican national congressional committee?" I looked again, and, lo and behold, I saw him going about among the Republicans with a lady's little riding whip, which leader MONDELL had given him [laughter], tapping and tickling the Republicans in the side [laughter], whispering, "Get together, boys, get together; Republican tariff at stake." [Laughter.]

And when the vote was recorded there were only 10 manly Republicans over there who voted "no." [Laughter.]

Gentlemen, do not let us ever hope again over Republican divisions when the stake is tariff plunder. [Laughter.] Gentlemen, to me there is no sentiment in the words, "Hope springs eternal in the human breast." [Laughter.]

I want to suggest before I get through that all of you are interested in the high cost of living, and you have been talking and talking about the high cost of living and the way you are going to reduce it for a month or more. Have you thought about how, by these popgun bills, if they should become law, you are reducing the high cost of living? By these bills your method to reduce the cost of living is to increase the price of articles to be bought. By the tungsten bill you increase the price—it makes no difference who pays it in the first instance; the people must finally pay it—$5,000,000 or more. Somebody count it up as I go. By your chemical and optical-glass bill you put $3,000,000 annually more on the people. On surgical instruments you increased the price $5,000,000 annually. As to zinc-ore price, you have increased it over $15,000,000. The people have got to pay that $15,000,000. As to pearl and shell buttons, the bill that the Hon. Pearl Button GREEN pushed through the House will add at least $5,000,000 yearly.

Mr. FORDNEY, in his remarks on the bill, said it would increase the cost 20 cents to each person in the United States, or $10,000,000 a year. But it is down to $5,000,000. The dyestuffs bill, if it becomes a law, will increase the cost of the products affected by it at least $15,000,000. Now, this magnesite bill will make an increase of about $3,000,000. That is something like $40,000,000 or $50,000,000.

Mr. BLANTON. That makes $51,000,000.

Mr. KITCHIN. My statistician here says $51,000,000. [Laughter.] And if you Republicans keep on with these little popgun bills that you have before the Ways and Means Committee, the amount of increase of the cost of living will be $100,000,000. [Applause.]

Mr. FORDNEY took the floor amid applause.

Mr. FORDNEY. Mr. Chairman and gentlemen, I have listened to the gentleman from North Carolina [Mr. KITCHIN], as I always do, with a great deal of interest. He always creates merriment when addressing the House. He said in the beginning of his speech that he was going to confine his remarks to the bill. He spoke for 1 hour and 10 minutes, and used not more than 5 minutes of his time in speaking to the bill. That is about as close as he comes to confining himself to the subject matter of the bill when it is a tariff bill. However, the gentleman is very interesting.

This bill, in my opinion, affects one of the most important industries in the country, in which more labor is employed than in any other industry in the United States except the railroads. More people are employed in industries where this product is an important item of use than in any other industry in the United States. Yet the gentleman from North Carolina [Mr. KITCHIN] says it is a little popgun, air-gun, squirt-gun bill.

Mr. KITCHIN. I know the gentleman would not want to misquote me. I did not say that myself. I was quoting what the distinguished chairman of the Finance Committee of the Senate, the Republican leader there, BOIES PENROSE, said, and every time I said it I had quotation marks around it, every time. [Laughter.]

Mr. FORDNEY. The gentleman referred to the bills that have been passed by the House relating to increased duties on imports, affecting articles that are considered war measures, as little popgun, air-gun bills.

The gentleman said that the Republicans could hurry along general revision of the tariff with the assistance of the Democrats to give them information and pass it quickly. We could pass a Democratic tariff law quickly because it is unscientific, an unscientific, horizontal, reduction all along the line, and let it go at that. That is Democratic, but when the Republicans pass a tariff bill it is scientific; they go to the bottom of the subject and fix the rates on the principle that the Republican Party advocates—protection to our industries and to our American labor. [Applause on the Republican side.]

The House passed a bill referred to by the gentleman from North Carolina, the glass bill. There are at least 50,000 American laborers employed in the glass mills of this country affected by that bill. A little popgun, air-gun, squirt-gun bill!

Then there was the pearl-button industry bill, a little insignificant bill; oh, so small, which the gentleman from North Carolina could see only with a microscope, with 20,000 or 30,000 American laboring men employed in the industry affecting a $20,000,000 annual product in this country, with about that many million dollars invested. A little insignificant squirt-gun, popgun bill, in the estimation of the gentleman from North Carolina.

Zinc ore, another little bit of a squirt-gun, popgun bill! To the people down in Missouri and southwestern Wisconsin, it is

of considerable importance, where thousands of men are employed but are now out of employment because the little popgun, squirt-gun, air-gun Underwood bill put them out of business. [Laughter and applause on the Republican side.] We propose by the bill we have passed through the House to put them back into business. [Applause on the Republican side.]

Tungsten ore, another little squirt-gun, popgun bill! This industry employs about 5,000 men directly in the tungsten mines. When the armistice was signed—and it was strictly a war industry, producing a metal absolutely necessary in the manufacture of steel and other metals so badly needed in the war. In a little town out in Colorado, where there were 1,500 men employed and 9,000 people in the town, built up since we entered the war in 1917, the homes are absolutely abandoned and the mines filled with water. Why? Because these industries are not protected against foreign importation of tungsten. Yet this tungsten bill in the judgment of some gentlemen is a little insignificant popgun bill, and the Republicans are fooling away time in passing such bills! Nine thousand people abandoned their homes and gone because they needed protection that will be given them if that tungsten bill becomes a law!

Now as to the magnesite bill before the House. About the same number of people were employed in producing magnesite in this country when the armistice was signed as were employed in the tungsten industry. Some mines are running yet because the War Trade Board has the power to put an embargo upon the importation of mangnesite. Magnesite has remained at a price where it is profitable for those engaged in the industry, operating with the most modern machinery, to operate their mines today. It is a new industry. Magnesite and tungsten are used in every steel mill and every smelting works in this country, with more than 1,000,000 American laboring men employed. Yet it is a little squirt-gun, popgun, air-gun bill, so the gentleman claims, and Congress is fooling away its time protecting an industry of that importance—protecting it against what? We, the Republican Party, propose to protect the magnesite industry in this country against the magnesite mines of Austria and Greece. The great bulk of the magnesite of the world is in Austria. Enough magnesite has been developed in this country since the declaration of war on the part of the United States to supply the world for 25 years, and we have only scratched the surface of the earth. And yet it is only a little insignificant popgun bill, a waste of time! I wonder that the House has the patience to fool away time on such bills, if the gentleman from North Carolina is correct.

Magnesite and tungsten are used in the manufacture of steel and other metals so essential in time of war. Four million American boys dressed in uniform to go to the front to defend North Carolina and South Carolina and the other States in the Union, praying to God to send them more guns and ammunition, and we could not get magnesite and tungsten from Austria and Hungary. Where must we look for it—a very essential material to supply our beloved boys then in the trenches (and fighting a well-equipped and well-trained enemy), begging us for God's sake to send more guns and ammunition to their support?

Oh, who will say an insignificant industry? Two million of our boys over there, facing the German and Austrian hordes, who were well equipped, and yet the gentleman will say that magnesite, a very essential industry in this country to supply our boys who were begging for these supplies, is a popgun industry.

Now, then, gentlemen, if this industry must fail because of your votes against it, and we should engage in another war—and, by the way, under the prospects of a league of nations our boys are now being sent to Europe to fight the battles of that country when the war which they enlisted for long since stopped—suppose, I say, we should become engaged in another war in the very near future, and those mines are closed because we failed to give them proper protection, what will be the result? Who will be to blame for it, you or I? I do not care where the industry is located, whether it is, as the gentleman from North Carolina [Mr. KITCHIN] said, "away off out yonder in the State of Washington" or on the coast in California or whether it be away down yonder in the State of Florida or in northeastern Maine or wherever it may be, it is my duty and it is your duty, it is the duty of every man who is sent here, to protect American labor and American capital wherever it may be located in the United States. [Applause.] No man will ever have cause to accuse me of ever discriminating against an industry of this country because of its location—north, south, east, or west.

Dyestuffs is another great industry. All that you gentlemen need to do to convince yourselves that the dyestuffs bill, so far as protection is concerned, is justifiable, is to read the report of the Alien Property Custodian, Mr. Palmer, now the United States Attorney General, which he made in January last, wherein he points out the necessity for protection to the chemical industries of this country and shows plainly that Germany used every means within her power to prevent us from the establishment of chemical industries in this country by bringing her products here and selling them at ruinous prices, far below cost, and putting out of business every American dollar that engaged in that business before the war. Read that report, and if that does not convince you that this industry needs protection, should be protected, must be protected, then there is nothing that will convince you. I commend that report to you for your consideration, my Democratic friends, because Mr. Palmer is a good Democrat, for through that report you may see the light of day.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. I yield to the gentleman from California.

Mr. RAKER. I understand from the gentleman's statement that this has been for the last two years a war necessity, a war material.

Mr. FORDNEY. Yes.

Mr. RAKER. And if there was not some protection between the product abroad and at home, those here who are producing it now, who were advised and encouraged, in fact requested, to produce it in this country, would have to go out of business. Is that about right?

Mr. FORDNEY. Yes, absolutely.

Mr. RAKER. Then, if any difficulty should occur in the United States between us and any foreign country where this material is produced, we would be at the mercy of those people to furnish it to us.

Mr. FORDNEY. Absolutely, as we were when we went into this war. We did not then produce magnesite, and I am very glad that the gentleman has asked me that question, because it brings me to the point. When we entered this war there was but one institution in this country producing magnesite, and when the Tariff Commission made its report a few weeks ago there were 65 industries engaged in the manufacture or production of magnesite. The consumption of magnesite in the whole world amounts to about 500,000 tons annually. During the year 1917 there was produced in the United States 316,000 tons of magnesite. Our annual consumption has been from 60 to 70 per cent of the total production of the world. Therefore in 1917 we produced as much as we ever used in any one year in this country prior to the war, demonstrating clearly that we are in position now not only to supply ourselves with the necessary magnesite used in this country, but that we are getting in position to supply other countries of the world, if we can compete with the prices of other countries.

Mr. RAKER. I voted for the Tariff Commission and thought I was doing right then and believe so now. What I want to know is whether the Tariff Commission ever investigated and reported their testimony before the Committee on Ways and Means, to the effect that there should be some protection given to this industry in this country.

Mr. FORDNEY. The Tariff Commission is made up, in my opinion, of high-class gentlemen. They are all splendid men. I know some of them personally. I think they are strictly fair and honest in all their reports. They attempt in no instance to recommend what the Congress of the United States shall do, but they find the facts and present them to the Ways and Means Committee of the House. They had no money to print their reports, and they came to us and said, "We will furnish you the data if you will do the printing; we have no money to do the printing," and by order and by resolution we obtained, the committee obtained, the money to do that printing; we printed their reports and they are in the hearings, and the information given by them shows the amount of difference in cost of the production of magnesite in this country and abroad, and their report is the best of evidence that the rates of duty as now recommended in this bill are not adequate to give a sufficient amount of protection to offset the difference between the present cost of production in this country and abroad.

Mr. RAKER. The one the gentleman alludes to is the amended bill of the committee?

Mr. FORDNEY. Yes, reduces the rates from a cent and a quarter per pound to three-quarters of 1 per cent.

Mr. RAKER. Is it the gentleman's opinion that the bill before the House with the suggested amendments provides sufficient to give these people a chance?

Mr. FORDNEY. It is barely adequate to protect the industry, especially under present conditions. The lowest estimate for the cost of production of dead-burned magnesite in this country is shown by the Northwest Magnesite Co. as $21.07 per ton at the mines in the States of Washington and California. The freight per ton of magnesite from those mines to the Atlantic coast, dead-burned magnesite, used in making magnesite brick, is $16.15 per ton. The average cost of production, the Tariff

Commission shows, is $25.13 per ton at the mines, the maximum cost of production being $28.43 per ton.

But, as before stated, the average of $25.13 is the cost of production at the mines. Adding to that $16.15 freight makes $41.28 delivered in the East in competition with imported magnesite. That is the actual cost shown by the Tariff Commission and producers.

Mr. RAKER. One other question: That rate will not make it a prohibitory rate, so that the other magnesite may not be shipped to this country?

Mr. FORDNEY. Oh, no, let me say to the gentleman. I want to point out to the gentleman and Members of the House what an insignificant additional charge that amounts to per ton of steel if all the duty provided for in this bill, $15 per ton, were added to the cost to the consumer of steel. Three and three-quarter cents per ton, which is a little more than a 3-cent postage stamp, on a ton of steel is the additional cost if all the cost is added to the cost of production, I say. Now, let me go a little further and show how insignificant that additional cost is to the consumer, and I do not believe any man, Democrat or Republican, can vote against these rates because of the additional cost to the consumer when I give you this illustration. Suppose this additional duty is added to the cost to the ultimate consumer of steel, say a mechanic, a carpenter, for a saw or a hammer or a plane bit or chisel, such tools as the mechanic uses. He would have to use 500 pounds of such tools before the cost to him would be 1 cent, and the average carpenter does not use 500 pounds of steel in tools in all his natural life. The laboring man pays a 3-cent tax on a glass of soda water, yet the gentleman from North Carolina does not want the steel companies to pay 3 cents per ton of steel which this tariff would impose upon them. One cent additional cost for 500 pounds of steel is all this bill provides for if all this cost is added to the cost of the production of steel.

Mr. BLANTON. Will the gentleman yield?

Mr. FORDNEY. I will.

Mr. BLANTON. Then, as I understand it, the gentleman contends that these measures are not popgun measures?

Mr. FORDNEY. Absolutely, no; they affect our most important industries.

Mr. BLANTON. Mr. Chairman, I make the point of order that it is improper for a Member of the House to take issue with a definite fixed opinion expressed by a United States Senator from Pennsylvania.

The CHAIRMAN. The gentleman's point of order is overruled.

Mr. RAKER. One more question and then I am through. What is the approximate amount of revenue that we will obtain by virtue of this legislation?

Mr. FORDNEY. Why, my good friend, it would depend, of course, upon the amount of magnesite imported.

Mr. RAKER. I know.

Mr. FORDNEY. Now, I think the gentleman is going to vote with me, and I want to agree with him and treat him nicely. The gentleman is from California and my friend.

Mr. RAKER. I am seeking information.

Mr. FORDNEY. And magnesite is produced in your district.

Mr. RAKER. But I am seeking information.

Mr. FORDNEY. I know the gentleman is and here is the place to get it. You come to the right source to get it. It would depend absolutely upon the amount of magnesite imported from abroad, the number of tons. Now, if we imported all the magnesite we used, and we use 300,000 tons a year, you can figure about half this amount to be dead-burned or calcined, and at $15 a ton would be $2,250,000 if we imported all of it. If this bill becomes a law I promise my good friend that the mines in his district in California will run and will furnish magnesite to our people of this country, if this bill becomes a law as it is now written——

Mr. RAKER. Well, it is a war measure.

Mr. FORDNEY. It is absolutely a war measure, and a good Democrat can afford to vote for it, and I know the gentleman is a good Democrat.

Mr. PURNELL. Will the gentleman yield?

Mr. FORDNEY. I will.

Mr. PURNELL. I am very much interested in what the gentleman is now saying, and really his discussion has answered a number of questions I wanted to put to him. There is a large concern, perhaps the largest one in my district, the user of magnesite. I have had considerable correspondence with that concern about this very bill, and I would like to know what the gentleman has got to say with reference to the statement made by them to me that the local production of magnesite is greatly inferior to that produced abroad.

Mr. FORDNEY. All the party that wrote the gentleman that letter has got to do is to read the reports of the Tariff Commission, the Bureau of Mines, and the Geological Survey, and read the testimony or hearings before the Ways and Means Committee, which will show him that there is no magnesite produced in the world superior to that which is produced in the United States. [Applause.]

Mr. COADY. Will the gentleman yield?

Mr. FORDNEY. I will.

Mr. COADY. I want to say to the gentleman that I received quite a number of telegrams and letters from magnesite-brick manufacturers, both in Maryland and in eastern Pennsylvania, to the effect that the passage of this bill will put them out of business, confiscate their property, which would not be fitted for the manufacture of any other brick but magnesite brick, and throw out of employment hundreds of men.

Mr. FORDNEY. I will answer the gentleman. The American Refractories Co., of which Mr. Allen is vice president, who appeared before our committee, is one of the owners of a magnesite mine in Austria, and he states that he and his associates have $2,000,000 invested over there. That was the only opposition to this bill except some people who are manufacturers of steel, and when the facts were known those steel men were induced to come here and protest against the passage of this bill through the influence of manufacturers of magnesite brick.

Now, the gentleman, Mr. Allen, is incorrect when he says that if this bill passes that will be the result. I am not referring to the gentleman from Maryland [Mr. COADY]. Whoever wrote to you misinformed you. Mr. Allen testified before the committee that he had sold Austrian magnesite, delivered at Philadelphia, dead-burned magnesite, for $15.75 per ton. It can not be produced for that sum in this country, and if we do not give adequate protection magnesite will not be produced here, and the magnesite will come from abroad, as it did before the war from Austria.

I say there is no opposition to this bill except from the men who make magnesite brick. Now, let me tell you what protection they have in existing laws. It was shown that magnesite brick were selling a few weeks ago for $450 per thousand. It requires five tons of burned magnesite to make one thousand magnesite brick; $450 a thousand, then, is a duty of 10 per cent ad valorem on imported magnesite brick; and it was stated before our committee by Mr. Allen that not a brick had been imported into this country for 20 years or more. Why? Because of the adequate protection given to the manufacturers of magnesite brick in this country.

Now they—the brick manufacturers—are asking for free trade on their raw material, which is burned magnesite, not only because it is their raw material, but it is also because they are the owners of extensive magnesite mines in Austria, and they do not want to be deprived of the right to import free of duty their Austrian magnesite.

Now, gentlemen, the protection given here is $75 on enough burned magnesite to make a thousand brick, and the magnesite-brick manufacturers have a monopoly. They say so. They say the protection afforded them does not permit of the importation of any magnesite brick. Therefore when they are asking for protection on their finished product and demanding free trade on their raw material, they are inconsistent, no matter to what political party they belong.

Mr. COADY. Is the gentleman in a position to state which of these industries employs the greater number of men or has the greater amount of capital invested?

Mr. FORDNEY. Just which industries do you refer to?

Mr. COADY. The owners of the mines or the brick manufacturers in the East.

Mr. FORDNEY. I rather think the manufacturers of dead-burned magnesite have more employees, perhaps, than the people who produce the brick.

Mr. COADY. And more capital invested?

Mr. FORDNEY. I do not remember as to that. I do not think they have. I can not answer accurately on that, and therefore I will not attempt to say what is the amount of capital invested in the brick factories.

Mr. COADY. But the passage of this law will affect a greater number of men?

Mr. FORDNEY. Well, I am in favor of the enactment of this bill. They—the brick men—complain because the Tariff Commission did not go to them for information. I am going to read a letter from the American Refractories Co., and a reply by Mr. Page, vice chairman of the Tariff Commission. The magnesite-brick manufacturers complain because a representative of the Tariff Commission came before our committee and gave the cost of production at the mines in this country and did not go to the brick manufacturers for such information. Why, in the name of goodness, was it necessary for the Tariff Commission to go to the brick manufacturers

to find out what it costs to produce dead-burned magnesite in the State of California or in the State of Washington?

Mr. COADY. The gentleman will pardon me; but does the gentleman think that the mere charge that it will put them out of business is correct?

Mr. FORDNEY. Oh, their opposition is absolutely selfish, because of their interest in the magnesite mines in Austria. If these tariff rates are put into effect it will not cripple the brick industry in the United States at all. And if I am called upon to protect capital in two places, American capital invested in the United States, employing all American labor, or American capital invested in Austria, employing foreign labor, it is my duty, as I see it, to protect the home industry first of all, whether or not it injures the other capital invested abroad. [Applause.]

Mr. REED of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. REED of West Virginia. I believe my colleague has stated that we have an unlimited quantity in sight?

Mr. FORDNEY. The Tariff Commission, the Bureau of Mines, and the Geological Survey show that we have enough raw material in the United States right now in sight to furnish 300,000 tons of dead-burned magnesite per year for from 25 to 30 years.

Mr. REED of West Virginia. Are the miners interested in destroying the men who use their product? Do they want to drive them out of business? Do they want them to stay in business?

Mr. FORDNEY. My good friend, there is one great trouble about magnesite mines in this country. They are located in the West, and the center of consumption is east of the Mississippi River, and the high cost of freight from the Pacific coast east is of great concern to the magnesite producers in this country. That is one of the great obstacles to overcome, but there is a higher rate charged upon burned magnesite per ton from the Pacific coast east than is charged on many other products, and especially if they are imported articles from the Orient. An advantage has been given in the rates fixed by the Director General of Railroads on nearly all imported goods from the Orient as against the domestic manufactures; up to and as great as 60 per cent reduction on freight rates on some imported articles, as compared with domestic-made products of like character.

Let me say to the gentleman from California that on a carload of wool from San Francisco or any other Pacific-coast port to Boston, the wool market of the United States, the freight is $500 a car on a 20-ton carload of wool, plus 3 per cent internal-revenue tax, or $15, a total of $515 on a carload of wool if imported; but on a carload of the domestic wool produced in Nevada, Utah, or Wyoming the freight is $1,119.70 for the same number of tons, almost exactly double the freight, for a haul of 500 to 800 miles shorter than the imported wool from coast ports. And what is true of wool is true of pretty nearly everything else named in the order. There are 483 items of freight on which there is a reduction of freight on the imported article, lower rates given than on the domestic article.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. FORDNEY. I yield to the gentleman.

Mr. GREEN of Iowa. If the gentleman will permit a suggestion right there with reference to the interrogatory as to whether this bill will put the brickmakers out of business, the gentleman is quite correct in saying that the brickmakers over in Austria will be put out of business but not in the United States.

Mr. FORDNEY. That is correct.

Mr. GREEN of Iowa. The brickmakers of this country imported something over 14,000 tons, and the rate they paid for it was something like $43 a ton. The present prices will not be increased by this bill over what they have been paying.

Mr. FORDNEY. The American brickmaker will not be hurt at all by this bill; only the Austrian mines will be hurt.

Mr. GREEN of Iowa. They will pay just the same as they paid before. They will have just as much chance to make money as they had before in the brickmaking business.

Mr. FORDNEY. Yes; and our hope and belief is that if we give adequate protection to the magnesite industry in this country, in due time the price of magnesite will be reduced, and all the magnesite necessary to furnish our industries which use magnesite brick will be produced in this country. But there is grave fear, I will say to you, of putting out of commission by the passage of this bill the owners of magnesite mines over in Austria. Do not forget that, please.

Mr. RAKER. Will the gentleman yield?

Mr. FORDNEY. I yield to the gentleman from California.

Mr. RAKER. While the gentleman's statement is correct as to the extra freight charged from San Francisco to Boston on the domestic article over and above that charged on the imported article, we took it up about six months ago in regard to rice produced in the Sacramento Valley and the rice that was imported, and the Railroad Administration advised us that they would change that and make the rate on both the same. Have not the other articles also been changed by the Railroad Administration?

Mr. FORDNEY. The last order that went out was on the 29th day of May, when the Director General of Railroads lowered the rates of freight on 483 imported articles, but made no change, no reduction whatever, on the domestically produced articles.

Mr. RAKER. Is that differential still in force?

Mr. FORDNEY. That is still in effect, and from New Orleans to points in Georgia, Alabama, Mississippi, and Tennessee on certain articles, not on all but on two things which I can remember, the freight is 26½ cents per hundred pounds for the domestic-made article and 16½ cents per hundred pounds on the same article if imported, which is an absolute discrimination against the American-made article. Yesterday there were two very intelligent railroad men in my office, men for whom I have the highest regard, and I asked them why this was so, and they frankly stated that they did not know. It is done, however. I asked them if they could justify a higher rate for a short haul than for a long haul, and they admitted they could not and no man alive could, but they knew that those discriminations were in existence. Oh, gentlemen, this is a matter of great importance to us all and should be corrected.

Mr. BROOKS of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. I yield to the gentleman from Pennsylvania.

Mr. BROOKS of Pennsylvania. Is it foreign influence on the rate makers which has produced this discrimination?

Mr. FORDNEY. I asked a representative of the Railroad Administration who it was that was asking for these reduced rates, and he said it was the importers. I asked him, "What did the domestic producer have to say about it?" He replied, "I don't know, sir. We did not consult him. But," he said, "the domestic producer is not injured, because we did not change his rate." I answered, "Why, good Lord, man, you do injure him, because you give his foreign competitor a better rate than you give him. Therefore you greatly injure him and assist in putting him out of business." Gentlemen, those are the rates.

Now, let me give you some concrete facts about this industry.

The commercial value and importance of magnesite is due to its unusual quality of resistance of great heat without fusion, and fully 90 per cent is used for refractory purposes, principally for the lining of open-hearth steel furnaces, electric furnaces, and in copper and lead furnaces.

The mineral magnesite contains carbon and oxygen and magnesium, the chemical symbol being "$MgCO_3$." When calcined or burned the carbon is driven off with some of the oxygen as carbon dioxide, "CO_2," leaving the oxide of magnesium, "MgO," which is known in the trade as burned magnesite, which unquestionably is the best-known material for furnace linings.

Magnesite is also mixed with various substances and used in the form of a cement in the plastic-flooring trade. It sets quickly and produces very satisfactory results. About 10 per cent of the domestic consumption is used in the flooring trade.

Like graphite, there are two forms of magnesite—crystalline and amorphous. Crystalline magnesite has long been considered the best available material for furnace bottoms. Before the war it came from Austria, but during the war important supplies were developed in the State of Washington. Magnesite is strictly a key industry, and its great importance to America's industrial independence was most strongly impressed upon us by the recent World War.

The most important deposits of magnesite in the world, outside of the United States, are in Austria and Greece. The Austrian material, as above stated, is crystalline, and in this respect is comparable with that of Stevens County, Wash. The Grecian material is amorphous and resembles that of California.

According to the testimony of Dr. Manning, of the Bureau of Mines, the world's consumption of magnesite is 500,000 tons annually, of which the United States consumes 70 per cent. Before the war approximately 96 per cent of the material used in the United States was imported, and 95 per cent of the imports came from Austria.

The amount of magnesite used per ton of steel is estimated by Dr. Manning to be from 3 to 7 pounds and to average 5 pounds. Dr. Manning gives the cost of magnesite brick during the spring of this year as $450 per thousand, or $90 per ton, indicating that magnesite brick weigh 5 ton per thousand. The recent price of grain magnesite is given as from $46 to $48 per ton in Pittsburgh and Chester, Pa. Five pounds of grain

magnesite would cost about 12½ cents, while that amount of brick would cost about 17 cents. Therefore the value of magnesite per ton of steel is somewhere between 12½ and 17 cents. With better methods of production, which the domestic producers claim are being worked out, the cost will be reduced.

If the entire duty proposed by the bill in question—three-fourths of a cent per pound on dead-burned magnesite—is added to the cost, and experience tells us that such will not be the case, the added cost per ton of steel would be 3¾ cents. Above all things, American industries in an important matter of this character want a dependable source of supply. That source of supply should be in America. The cost is infinitesimal comment. The opposition to the bill is from the people who have money invested in Austrian magnesite. The shortage of magnesite was embarrassing to America during the war. The shortage forced prices to abnormal levels. This legislation is a matter of national welfare and defense. Let us now look to the encouraging of the domestic industry fostered during the war and avoid the possibility of embarrassment to the Nation at some future date.

The competition of Austria is now at hand. According to a letter I received from the Department of Commerce, 900 tons of Austrian magnesite arrived at a port in New York during the month of August, 1919. A letter from the Shipping Board, also received in to-day's mail, indicates that space in ships returning from European ports will be available for the shipment of magnesite. I now read three letters bearing on this subject:

DEPARTMENT OF COMMERCE,
BUREAU OF FOREIGN AND DOMESTIC COMMERCE,
Washington, September 27, 1919.

Hon. JOSEPH W. FORDNEY,
Chairman Committee on Ways and Means,
House of Representatives, City.

DEAR MR. FORDNEY: With further reference to your inquiry regarding imports of magnesite, I take pleasure in advising you that during the month of August 324 tons of Austrian magnesite were entered at the port of New York. In addition, 591 tons of Austrian magnesite arrived in New York on August 25, but the entry was not completed during August and the statistics will be included in the September statement of imports. The Bureau of Customs Statistics at New York has made an examination of the manifests of vessels arriving from Austria during the first 25 days of September and has been unable to locate any shipments of magnesite.

Very truly, yours,

R. S. MACELWEE,
Assistant Director.

—

UNITED STATES SHIPPING BOARD,
Washington, D. C., September 27, 1919.

MY DEAR CONGRESSMAN: Referring to my letter to you of yesterday relative to a shipment of magnesite from an Adriatic or Black Sea port to the United States, I am advised by the department of shipping trades, United States Shipping Board Emergency Fleet Corporation, as follows:

"The only record we have at present time was an offer of several months ago for 500 tons magnesite from Trieste to Philadelphia or Baltimore for American Refractories Co., from Pittsburgh, but my understanding was that, on account of not being able to complete their financial arrangements, that the amount offered was cut down or later canceled. The steamship *Fort Pitt Bridge* was named some time in June to handle this cargo on a return trip from Black Sea port. The manifest for this trip now shows that the ship handled 1,300 tons manganese, at $20 per ton, consigned to the National City Bank of New York, being discharged at Philadelphia."

It is not known in this office if magnesite and manganese ore are one and the same material. However, ships are dispatched to the European ports in question, and space for the shipment of this material would be available on most of ships returning from there.

If I can be of any further assistance to you, please command.

Respectfully, yours,

H. E. MANGHUNS,
Examiner, Division of Regulations.

Hon. JOSEPH W. FORDNEY,
Chairman Ways and Means Committee,
House of Representatives, City.

On April 27, 1918, during the discussion of the bill introduced by Mr. Foster—H. R. 11259, "A bill to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply," which proposed a licensing system, Secretary Franklin K. Lane, of the Department of the Interior, wrote a letter to Speaker CLARK, as follows (see CONGRESSIONAL RECORD, p. 5713, vol. 56, pt. 6, 65th Cong., 2d sess.):

THE SECRETARY OF THE INTERIOR,
Washington, D. C., April 27, 1918.

Hon. CHAMP CLARK,
Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: The Foster bill, which is now before you, seems to me one that should receive the support of those who wish to see this country made as self-sufficient as possible at this time. Why should we use ships to bring minerals to America which are to be found here, but which have not been developed because of the cheapness with which they heretofore have been produced in distant countries? This is the insistent question which seems to me to fully justify this measure. And no one knows what dangers we may run as to our supplies being cut off. This seems to me a wise measure—it may be a vital measure—and I hope for its early passage.

Cordially, yours,

FRANKLIN K. LANE.

HAS THE NORTHWEST MAGNESITE CO. A MONOPOLY?

Government reports show that in 1917 65 mines produced 316,000 tons. Northwest Magnesite Co. in 1917 produced 60,000 tons, or only 19 per cent of total production.

Government reports for 1918 show total production of 211,000 tons. Northwest Magnesite Co. produced 80,000 tons in that year, or only 35 per cent of total production.

The State of California in 1917–1918 produced a greater amount than mines in State of Washington.

OWNERSHIP OF AMERICAN MINES.

Government reports show 8,000,000 tons proven magnesite in United States.

Northwest Magnesite Co. owns only 1,000,000 tons, or 12½ per cent of available magnesite. Eighty-seven and one-half per cent, or 7,000,000 tons, owned and controlled by 64 mines in California and Washington, according to Government reports, in none of which has Northwest Magnesite Co. any stock or other financial interest.

A company which only owns 12½ per cent of supply and never produced more than 35 per cent of total United States production can not be a monopoly.

AUSTRIAN MONOPOLY.

Hearing, page 21, under Sources of supply, shows Austrian production in control of three companies: (1) Carl Spater, Coblenz, Germany; (2) General Refractories Co., an American company, with mines in Hungary; (3) the American Refractories Co., an American company, with mines in Austria.

These companies have enjoyed world monopoly of refractory magnesite, and this world monopoly makes United States dependent upon Austria if American mines are unable to operate.

QUALITY OF AMERICAN MAGNESITE.

Hearing, part 2, pages 214–215. Letter from Harbison-Walker Refractories Co., largest users of magnesite in United States, introduced in testimony of Bureau of Mines, states: "As to the quality of the Washington magnesite in comparison with the Austrian magnesite, we have substituted it for the Austrian materials for every purpose for which we have used or sold the Austrian magnesite, either in the manufacture of steel, copper, or other metals. We believe it is impossible to make an exact comparison between the Washington and the Austrian magnesite, and can see no conclusive evidence that the Washington is inferior to the Austrian. Some of the largest consumers of magnesite for steel making have told us that the Washington magnesite as now produced is as good as the Austrian. Records made during the past few years can not be absolutely relied upon unless it is known precisely what material was used in the manufacture. Brick have only been manufactured exclusively from Washington magnesite since the middle of 1918, and there were considerable stocks of older material on hand to be worked up."

Prior to the war no magnesite was mined in the United States for refractory purposes.

It was necessary to learn how to make an article the equivalent of that produced in Austria, which had been in the industry since 1888.

Not until 1918 was problem of making American magnesite equal to Austrian solved.

Since then material is equal or superior to Austrian.

Northwest Magnesite Co. spent a million dollars to solve this question when country demanded magnesite for war and now should not be penalized for its efficiency.

PRESENT PRODUCTION.

All mines were shut down at time of hearing.

Since hearing only Northwest Magnesite Co. operating, as it was the only property to receive orders large enough to reopen mine.

All other properties awaiting outcome of tariff to build plants as efficient as that of the Northwest Co. to treat their ore.

Austrian magnesite now being imported; and what American mine would make capital investment to build improved facilities unless tariff given?

NORTHWEST MAGNESITE CO. COSTS.

Sworn statements show average cost American producers $25 and that Northwest Co. produced for $21. Method of depletion and depreciation accounts shown to be in accordance with Treasury Department instructions.

American Refractories Co.:

1. Claimed costs excessive by innuendo. They used proposition of Refractory Co. to Northwest Co. to buy their property,

which proposition was refused, as basis of calculating Northwest costs. This is too absurd for argument.

2. Used supposed information of one of their laborers, employed by Northwest Co., to calculate costs. This laborer never had access to records.

3. Claimed manager of Northwest Co. stated material could be made for $13,000. This statement referred to operating expenses, not to his total costs, which he has sworn were $21.

4. Claimed Northwest Co. had contract which would have compelled them to have sold for less than sworn costs. There was clause in contract that gave opportunity to cancel contract if selling price was below cost, and when this contract was made no material had ever been produced and cost was unknown. The Magnesite Co. gave Refractories Co. the right to make selling price, with moral understanding that Refractories Co. would not sell material at a price to cause the mine a loss. Contract was canceled when Refractories Co. endeavored to sell for less amount than mine could afford to sell for.

COST OF MAGNESITE PER TON OF STEEL.

Five pounds of dead-burned magnesite is average used in making open-hearth high-grade steel. Tariff of three-fourths cent per pound will therefore only increase cost per ton of steel 3¾ cents. This is so trivial that no steel company would oppose this tariff on account of excessive increase in their cost of production.

NATIONAL POLICY.

Steel companies should desire this material produced in United States at increase to them of only 3¾ cents per ton of steel, if only as a matter of insurance that, in the chaotic condition of the world, they may have a sure supply of this essential material.

PLASTIC MAGNESITE—CEMENT.

Any objection to the tariff by oxychloride-cement manufacturers, who use magnesite in making flooring, will be due to the fact that they thought a $25 tariff was to be put upon this material, and that this $25 a ton would be added by the American miners to the cost per ton. The flooring manufacturers are at present enjoying a good business at the present prices, and the idea of putting a tariff on magnesite is to permit the operations of the American mines so that they can sell at the present prices. The tariff is to equalize the cost between Austria and the United States, and if the American manufacturers should increase their present selling price the plastic people would buy from Austria.

Less than 10 per cent of the imports of magnesite are used in the plastic trade. Page 19 of hearings shows that in 1912 only 114 tons were imported from Greece out of a total of 103,000, and that in 1913 only 1,605 tons were imported out of a total of 172,000 tons. This makes it apparent that the amount of imports used for flooring is so insignificant as not to be a factor in defeating legislation intended to protect over 90 per cent of the production of a war essential mineral. The flooring people have admitted it would be to their advantage to have an American industry developed and felt a $10 tariff would be sufficient. If the proper tariff is placed on magnesite, American mines can furnish all the material required of the same quality as previously imported.

TARIFF WILL REDUCE COSTS.

A tariff will stimulate research and the endeavor to produce magnesite cheaper than at present, rather than to have any effect of increasing present costs. This applies to both plastic used for cement and to refractory magnesite.

Importations of magnesite for July and August, 1919.

[Compiled by the Bureau of Foreign and Domestic Commerce, Department of Commerce.]

District.	Country.	Tons.	Total value.	Value per ton.
July:				
Vermont	Canada	45	$1,437	$31.27
St Lawrence	do	227	5,746	25.49
Buffalo	do	435	10,512	24.17
Michigan	do	50	1,625	32.50
		757	19,320	[1] 25.51
August:				
Vermont	do	90	3,144	34.93
St. Lawrence	do	197	4,810	24.31
Buffalo	do	130	4,150	31.92
New York	Austria	324	8,493	26.22
Do	do	591	[2] 15,496	[2] 26.22
Michigan	Canada	50	2,000	40.00
Ohio	do	80	3,015	37.68
		1,462	41,108	[1] 28.10
Grand total		2,219	60,428	[1] 27.24

[1] Average. [2] Estimated.

At proposed tariff of $15 a ton, this means a revenue loss for July and August of $33,285.

5 tons of medicinally prepared magnesite, value $596, received in July.
4 tons of medicinally prepared magnesite, value 1,946, received in August.

9 2,542

NOTE.—First importations from Austria appear in August, during which month 915 tons, at a value of $23,989, were imported, or approximately two-thirds of total importations of magnesite during August, 1919, averaging $26.21 per ton.

Mr. CAMPBELL of Kansas. Will the gentleman yield?

Mr. FORDNEY. Yes.

Mr. CAMPBELL of Kansas. I merely want to say with respect to the bill to which Secretary Lane refers that it was rushed through the House under a special rule, with the view of supplying the country with the needed special ores referred to at that time.

Mr. FORDNEY. Yes; and you and I voted for it, as everybody in the House did.

Mr. RAKER. Will the gentleman yield?

Mr. FORDNEY. I will.

Mr. RAKER. Irrespective of what you may call it, that kind of legislation ought to be enacted, and it ought to continue to be enacted as long as war materials are needed.

Mr. FORDNEY. Yes.

Mr. RAKER. Then what is the use of camouflaging about it?

Mr. FORDNEY. What is the use of talking about its being "popgun, squirt-gun, air-gun tariff bills"? It is essential to the welfare of 100,000,000 people, and if we ever have a war we could not succeed without the raw material so absolutely necessary.

Mr. Allen, of the Refractories Co., wrote a letter to the Tariff Commission complaining very bitterly because Mr. G. C. Riddell, who is connected with the commission, appeared before the Ways and Means Committee and gave information as to the cost of production of magnesite in this country. He criticized Mr. Riddell sarcastically, and said about the Tariff Commission in so many words, "If this is your policy to foster some particular industry without seeking further information than was done in this case the purpose for which you were created fails."

Mr. Riddell writes to the chairman of the Tariff Commission a letter explaining exactly what he did and what he said before our committee, and Mr. Page, the chairman, sends me the original letter from Mr. Riddell, together with a copy of Mr. Allen's letter. I want to ask gentlemen of the House a question. Mr. Allen complains because Mr. Riddell pointed out the cost of production.

He went to the producers of magnesite—not to the manufacturers of magnesite brick, who never produced a pound of magnesite in this country, but he went to the Bureau of Mines and to the Geological Survey for some of his information long before the Committee on Ways and Means gave a hearing on this bill. He comes back and points out to Mr. Allen that Mr. Allen is in error when he criticizes him, Mr. Riddell. I, too, want to say that Mr. Allen stepped out of his way to make statements about Mr. Riddell's testimony before our committee which are not correct.

Now, I want to ask you if you think for a minute that Mr. Allen, vice president of the Austrian magnesite mines, vice president of the American Magnesite Brick Co., would have complained if Mr. Riddell had criticized the producers of magnesite and lauded to the skies Mr. Allen's mines over in Austria? Oh, no. Mr. Allen is selfish, absolutely selfish; went out of his way to criticize an honest man for giving valuable information to Congress that we may act wisely. He gave such information as is correct, no matter whose industry it hit or benefited, no matter whose industry it discriminated against. I assure you that the Tariff Commission did not discriminate against the American institution. They are Americans, Democrats, high-grade gentlemen, honorable, fair, unbiased in their statements. I will put in the RECORD the information given by both.

UNITED STATES TARIFF COMMISSION,
Washington, October 1, 1919.

DEAR MR. FORDNEY: It would appear from the discussion of September 30 on magnesite bill No. 5218 on the floor of the House that the opponents of the measure intend to discuss at some length a brief by Mr. Burke, submitted during the tariff hearings before the Ways and Means Committee in which he endeavored to establish the fact that certain Tariff Commission testimony was of a prejudiced nature unduly favoring the American producers.

In order that you may have as full information on this matter as we can give, I am inclosing a copy of a letter of July 30 received on this subject from the American Refractories Co. and Mr. Riddell's reply of August 12 to the points raised. These you may find useful in the course of the coming discussion of this measure.

Yours, very truly,

THOMAS WALKER PAGE,
Acting Chairman.

Hon. JOSEPH W. FORDNEY,
House of Representatives, Washington, D. C.

[American Refractories Co., general offices, Union Arcade Building, Pittsburgh, Pa.]

CHICAGO, ILL., *July 30, 1919.*

UNITED STATES TARIFF COMMISSION,
Mr. WILLIAM M. STEUART, *Secretary, Washington, D. C.*

DEAR SIR: I herewith acknowledge receipt of your letter of July 7, which I find on my return home to-day.

I wish to call the Tariff Commission's attention to the hearings before the Committee on Ways and Means as regards bill H. R. 5218, and held June 16 and 17.

I wish that the Tariff Commission would read carefully the testimony of your Mr. Guy C. Riddell, set forth on pages 9, 51, 100, 106, 133, and 143 of the printed report.

While Mr. Riddell was so busy in getting the costs from the other manufacturers, we would like to know why he never even asked us for the costs from our European works or our American operations in California and Harper, Ohio.

At these hearings, at which Mr. Riddell was in attendance virtually all the time, one would think that he held a brief from the Northwest Magnesite Co., and as we know that the Tariff Commission represents all citizens of the United States, we can not help but feel that the actions of Mr. Riddell in this particular hearing will have a tendency to show that the Tariff Commission is not getting out all the facts on different subjects if Mr. Riddell's work is representative of the commission's efforts.

It came out in this hearing that Mr. Riddell went over the commission's report with Mr. Thayne, of the Northwest Magnesite Co., and we would have only been too glad to give him all the information possible if he had even approached us. Why was it, with our knowledge of the magnesite business both here and abroad, we were kept in the dark in respect to Mr. Riddell's activities or object?

Upon the writer asking him why he did not take this matter up with us, he advised us that he had done so in a letter.

We flatly contradicted him on this statement, and his later excuse was that he had taken up the question of chrome ore with us, and as we had not replied to this letter concerning chrome ore, he thought we would not be interested in magnesite; and we can only leave to your imagination as to what one must think of such an answer on the part of any representative of the Tariff Commission.

Mr. Riddell's pronounced activities, in the interest of the Northwest Magnesite Co., was such that we think that his actions deserve the closest investigation by your commission, if you expect the commission to be above criticism.

If you will read the testimony, the Northwest Magnesite Co. shows a profit of $275,000 on a production of 15,000 tons, which would be $18.33 per ton, which, deducted from the selling price of $32, would leave $13.67 per net ton as the cost; and you can compare this to the statements as made by Mr. Riddell, who apparently was only too willing to give figures handed him by the Northwest Magnesite Co. and act under their instructions.

Feeling the way we do as regards Mr. Riddell's actions, and having been a great believer in a Tariff Commission, we do not want to change our minds until we know to what extent the commission is going to stand for such work as that of Mr. Riddell in this magnesite hearing.

So awaiting your advice, we remain,

Yours, very truly,

AMERICAN REFRACTORIES CO.,
(Signed) E. M. ALLEN, *Vice President.*

UNITED STATES TARIFF COMMISSION,
Washington, August 12, 1919.

Mr. THOMAS W. PAGE,
Chairman United States Tariff Commission.

DEAR SIR: In connection with Mr. E. M. Allen's letter of July 30 regarding hearings on the magnesite industry before the Committee on Ways and Means, I desire to comment as follows:

The testimony given on pages 9, 51, 100, 106, 123, and 143 of the printed report itself is perhaps the best and most conclusive reply to the various comments of Mr. Allen's letter. These are, to be sure, the very passages mentioned by Mr. Allen in criticizing the writer's position in presenting the magnesite situation before the committee; but I have gone over this testimony with the greatest care since the American Refractories Co.'s letter was handed me for explanation, and have recalled to mind the entire preparation of the report, and I earnestly urge the commission to apply its disinterested construction to the very testimony referred to in the various paragraphs of the letter.

Paragraph 4: "While Mr. Riddell was so busy in getting the costs from the other manufacturers": The testimony repeatedy shows (under cross-examination by Mr. KITCHIN, pp. 134 and 144) that costs were not solicited or obtained from any manufacturers for the Tariff Commission's report; that the latter was compiled from Government sources many weeks before the hearings. It happened that sworn statements from the six largest American properties came to the commission through the Western Magnesite Association, entirely of this latter body's initiative and long after the Tariff Commission's report had been compiled, and these cost statements were transmitted, as a matter of course, to the Ways and Means Committee at the hearing.

Paragraph 5: "At these hearings, at which Mr. Riddell was in attendance virtually all the time, one would think that he held a brief from the Northwest Magnesite Co., etc.": This suggestion is purely gratuitous. The testimony speaks for itself and should be carefully reviewed. There is nothing in the report that warrants this construction on the part of Mr. Allen. The writer's testimony at all times embraces a group of the six largest American producers, of which the Northwest Magnesite Co. is only one, and these six are mentioned as the direct result of a request (letter of May 29, p. 18 of hearing) addressed to the Tariff Commission by the Western Magnesite Association, over the signature of Roy M. Bishop, authorized representative of the association, who is also vice president of the Northwest Magnesite Co.

Paragraphs 6, 7, and 8: "It came out in this hearing that Mr. Riddell went over the commission's report with Mr. Thane, of the Northwest Co.," etc. The commission's practice of sending copies of its tentatively completed reports to two or three concerns in the industries for criticism is explained in the testimony on pages 133–134 and 143. All the available copies of this magnesite report were used up in April in its distribution to five parties:

George Otis Smith, Director Geological Survey.
W. C. Phalen, Bureau of Mines.
Tulare Mining Co.
American Mineral Production Co.
Northwest Magnesite Co.

While without funds for printing the reports, it was the custom of the commission to merely type four or five copies of each and send same to a sufficient number of well-informed persons. The conference with Mr. Thane was simply one of many conferences which, as a matter of course, have followed this custom. In the light of developments it is a matter of sincere regret to the writer that he did not utilize one of these reports to send to the American Refractories Co., taking for the purpose one of the two sent to the competing producers in the Washington field. The failure to do this was purely a matter of circumstances, coupled with the doubtless erroneous impression of the Refractories Co.'s indifference toward the commission's compiled information. This impression was due to the Refractories Co.'s attitude toward the commission's data on chromite. Two letters designed to enlist the Refractories Co.'s interest in our tariff survey were sent to this company. The first one, April 7, to Samuel H. Dolbear, American Refractories Co., San Francisco, was followed by a similar request, May 1, to the Pittsburgh office, upon receipt of Mr. Dolbear's suggestion that the matter should be referred to that part of their organization. As it has not been our practice or intention, and, in fact, at times is impossible, to refer prepared information for criticism to all parties; when the magnesite material was being reviewed the Refractories Co. was not further considered. The omission now occasions genuine regret, but the suspicion thereby engendered was not warranted, and it is needless to say that there was not the remotest intent on the part of the writer to "keep the American Refractories Co. in the dark." There were many other important companies—Harbison-Walker, Stowe-Fuller, and the consuming steel interests, etc.—that were not included in the mailing list. We could not hope to cover the industry until funds were available for the printing of the report in pamphlet form, which has been done later by the Ways and Means Committee.

The Refractories Co. at the hearing and since has insisted that too large a deduction was drawn from the chromite correspondence. On reviewing that correspondence the writer agrees with that criticism, but the conclusion was inadvertently reached. These letters were among scores sent out and received with reference to this and other industries shortly before the magnesite hearing, and the writer's verbal statement to Mr. Allen in the committee room was made while the hearing was in progress and under the hurried impression that the subject of our correspondence with his company had been magnesite. The writer sent to the commission office for the letter by messenger, so that it could be shown to Messrs. Allen and Mossman, and only when it was brought to the committee room later was the error realized—that it had been on the subject of chromite instead of magnesite. This mistake was promptly and publicly acknowledged; but even conceding it, there was no reason to doubt that the commission's material had been fairly and fully scrutinized by competent authorities.

Paragraph 10: "If you will read the testimony, the Northwest Magnesite Co. shows a profit of $275,000 on a production of 15,000 tons, which * * * would leave $13.67 per net ton as the cost, and you can compare this to the statement as made by Mr. Riddell, who apparently was only too willing to give figures handed him by the Northwest Co. and act under their instructions." This reference to the writer is also wholly unwarranted. The figures in the Tariff Commission's report quoted by the writer (p. 101 of hearing) were clearly shown (pp. 134 and 144 of hearing) to have been compiled some three weeks to two months before the sworn statements of the members of the Western Magnesite Association (including the Northwest Co.) were received by the commission. No figures were "handed" to the writer "by the Northwest Magnesite Co.," nor did the writer receive, much less follow, instructions from any other source than the Tariff Commission. The sworn costs of this company simply formed part of the exhibit of six statements which reached the commission through the agency of the Western Magnesite Association. The writer has not so far located the section of the testimony indicating the profit mentioned by Mr. Allen on the 15,000 tonnage mentioned and would be glad to have the exact page reference to this direct or indirect statement.

The writer wishes only to add an expression of his conviction that eventually the American Refractories Co., from its own careful consideration of the testimony, must conclude that there has never been the slightest intention on the part of the Tariff Commission or its representatives to evade, obscure, or in any way prejudicially present any statement of fact whatsoever.

Respectfully submitted.

G. C. RIDDELL.

Now, I want to call attention to one other important point. My good friends, I have much to say, and I am going to ask unanimous consent to extend my remarks by inserting a document in the RECORD on this matter, because I want the information to go to the country as to the importance of this industry and the truth and correctness of it.

This Magnesite Brick Co. had upon the floor the other day a representative, a lawyer and a Republican. He appealed to the Members of this House, one by one—to the Republican Members of this House—to vote against this bill, while on the other side of the House a free trader, Mr. HEFLIN, of Alabama, sends a bill to the Ways and Means Committee asking for protection on graphite produced in Georgia and Alabama. Somebody has lost his equilibrium. I insist that Mr. HEFLIN is on a sound footing; he has by the introduction of that bill come out for protection at last; his eyes have been opened.

The man on this side who would have Republicans vote against a protective measure, to protect American capital and American labor, who would labor with Republicans, arguing with them to vote against the protection of our institutions, in the interest of Austrian institutions, he being a Republican lawyer, and of course as such having a perfect right to represent his clients, reminds me very much of an old-fashioned school-teacher out in Indiana, when I was a little boy and when my father was a member of the school board. I heard my father tell about it. A man came and was asking for a position from the school board as a teacher. One of the members of the board said to him—I think it was my father—"My good friend, what do you teach to your scholars? Do you teach that the world is round or flat?" He replied, "Oh, it does not make any difference to me; I will teach them whatever you wish me to."

I say to you, no matter how many appeals you have from the steel industries of this country, or from any other industry, you can not afford to vote against the protection of American labor and American capital, because if you vote against this bill you vote to sustain an Austrian industry, and Mr. Allen and his associates when put on the stand do not know whether they own that property to-day or not. When asked the question, they said they did not know. They owned it before the war, they said, but they did not know whether the Austrian Government had taken it away from them or not, but with the hope that he might get those mines back, if they had been taken away, he comes here and appeals to the Republicans to vote for free trade to protect his $2,000,000 invested in magnesite mines over in Austria. It was stated by one gentleman that he paid his labor over there—females 20 cents per day and males from 50 to 60 cents per day. He disputed this statement and said that he paid them $1.10 a day. What a wonderful wage, when the wages paid here in the magnesite mines average $4.50 for 8 hours per day, while the Austrians work 10, and some say they work as much as 11½ hours at 60 cents per day.

Mr. Chairman, I can not permit my conscience, whether the industry be in the South or North, to vote to protect an industry across the sea as against our own industries at home. I wish to present to the House a report made by an English committee relating to overseas trade, which will show us what we must expect from foreign trade, what we must meet, not only in magnesite, but in every other product that is produced in Europe.

I have here a letter which I received that is dated September 30, which the librarian was kind enough to send me. It is a document that he sent by special messenger because he thought it would be valuable information to Congress so that Congress may guard against this foreign competition that is certain to come soon. In it is contained the information that the English Government appointed a committee to work out some plan most effective to capture the overseas trade of the world. I will put it into the RECORD. It is a valuable document. There is a minority report by one member of that committee. Heretofore the English board of trade has looked after foreign trade, and now this committee in this report recommends that men be sent to the four corners of the earth to further overseas trade and that those men shall come under the supervision of the English consuls and other English representatives abroad, and that the English consuls and ambassadors shall report to the English board of trade, and that they are to go into every country in the world and advance the sale of English goods. They are hoping to capture the markets of the world. I want to read to you at this time just a portion of that report:

Apart from the above consideration, there is much to be said for retaining, at all events during the period of revival of trade, a department which has no duty other than that of fostering British trade overseas.

At the conclusion of my remarks I will insert the entire report.

Mr. RAKER. Might not it be a wise provision for this country to do the same thing?

Mr. FORDNEY. Absolutely.

Mr. RAKER. Particularly as we have loaned $10,000,000,000, and where we have surplus material, which we could send to these people, so that they may be able to pay their debts, when it will not affect the interests of America.

Mr. FORDNEY. My friends, we will buy much merchandise from people abroad, no matter what our tariff rates may be. We do not want to exclude the whole world from our markets. What we want to do is to protect our own industries so that the foreigner does not have an advantage over our people in our own markets. In the last fiscal year our importations were $3,095,000,000 in volume, the greatest amount of imports in the history of our country. Before the war we never imported as much as $2,000,000,000 worth in any one year. Of course the increased value of those imports boosts the volume of money value, but it is evident to you and to me that the importations are coming from abroad greater than ever before, and what we must look after now is the flood of foreign importations, because those people are without money, they are poor, they are in debt, and the only way in which they can get money is to produce goods at home and send them abroad to get money to pay their obligations. They are on the verge of bankruptcy over there. Great Britain, with a population of 45,000,000, has a public debt of nearly $40,000,000,000, practically one-half of the total value of all the property of Great Britain.

Germany's public debt to-day is over $40,000,000,000, and the wealth of Germany is about $80,000,000,000. In other words, the public debt of Germany to-day is from 52 to 55 per cent of her total wealth. But, my good friends, while our public debt to-day is very great, we have 100,000,000 people to pay this debt. We are the wealthiest people in the world, and our wealth as shown by the census of 1910 was $187,500,000,000. It is estimated to-day at $300,000,000,000, and if our public debt reaches a total of $30,000,000,000, which it will within the next 12 months, we owe but 10 per cent of our total wealth. It is a mere trifle after all. It is a big sum of money, but, after all, my friends, we are in the best condition as to our debts of any of the nations engaged in the European war——

The CHAIRMAN. The gentleman from Michigan has used one hour.

Mr. FORDNEY. I ask unanimous consent that I may have 10 minutes more, and I assure you I will not occupy more than that time and I may not occupy all of the 10 minutes.

Mr. KEARNS. If the gentleman will permit, how long is this proceeding going to continue at this time?

Mr. FORDNEY. This concludes general debate and we are ready to read the bill; it is a very short bill.

Mr. KEARNS. Are we going to continue the reading of the bill to-night?

Mr. FORDNEY. I hardly think so; I think not. I think at the conclusion of my remarks I shall ask the committee to rise and we will take up the bill on Monday or some other day for its final disposition, if the gentleman from North Carolina is agreeable.

Mr. KITCHIN. We have plenty of time; we are doing nothing else; we have got nothing else to do.

Mr. FORDNEY. Oh, we have a whole lot to do. We are going to pass the railroad bill, contrary to the gentleman's statement, in the next three weeks, I am quite sure.

Mr. KITCHIN. I am glad you have changed your mind.

Mr. FORDNEY. I want to say that I will agree with the gentleman that we are hand in hand to do this work well, although the President told us some time ago, "Do not leave Washington; the condition of the country is so critical that I advise you to stay here," and when he started out on his speaking tour and reached Columbus, Ohio, in his first speech he said to the people, "I am delighted to meet you out in the open air; for a long time I have been chafing over confinement at Washington."

Mr. KITCHIN. I would like to say to the gentleman——

Mr. FORDNEY. "Because of confinement at the Capital," and he has been here 30 days out of 9 months.

Mr. KITCHIN. As a matter of fact, did not the President scare you and you stayed here, and you have been doing nothing since? He made you stay here. [Laughter and applause on the Democratic side.]

Mr. FORDNEY. Well, we remained here, and we attended to business while the President went away on a political speaking tour; he said he wanted some bills passed to aid him in reducing the high cost of living. We passed the bills, and what has the administration done to lower prices? Nothing but play to the galleries. He is back now; I am sorry the poor fellow is sick, and I hope he will get well.

With reference to passing these tariff bills, the Senate Finance Committee passed a resolution the day before yesterday stating that they would not give consideration to these bills until the peace treaty, now before the Senate, is out of the way. It may be to-morrow, or it may be in January, I do not know. I hope they get it out of the way soon and then take up these bills, because every bill we have sent over there is one of great importance to our people. That is why they were sent there. My good friends, let me say to you some of the producers of steel came before the committee and protested against any duty at all on imported magnesite, saying that it would affect their industry. They have since withdrawn their opposition, saying that they would not take part in this matter. They have discovered that as it would only add the cost of a 3-cent postage stamp to a ton of steel that it is so trifling that it is inconsistent for them to oppose it, so they are now going ahead on that theory. They realize the importance of sustaining that industry here and producing magnesite at home. It is a great industry, and is one of many of our great industries. Gentlemen, if you will follow the hearings, you will find that there is no opposition, as I have said, except from this Refractories Co., the people using dead-burned magnesite and making brick, and the difference to them is that if this duty is added to the cost of the foreign magnesite it will naturally be added at the factory; and, by the way, their opposition is well founded, because they have built kilns or refractories for the manufacture of magnesite brick at Baltimore or Philadelphia—I have forgotten which; I think Baltimore—where they intend to import Austrian magnesite, and unload from the vessel right on the docks of their own factory. Now, they will be affected; but it must be remembered that after magnesite brick are once manufactured they are sent from the Atlantic seaboard inland, and that the freight ought to be added to the cost, because it will be taken from the freight on the magnesite produced on the Pacific coast. If these brick were manufactured in Illi-

nois, much of this difference in cost of production would be wiped out. Gentlemen, I appeal to you to stand by this bill, because the rates are not quite sufficiently high, in my opinion, to offset the difference in the cost of American and Austrian products, as they appear now; but we do hope that in the near future our cost of production will go down to a greater extent than the cost of the product in Austria will be reduced, and therefore I believe that three-fourths of a cent per pound will be sufficient. An amendment will be offered by my good friend, the gentleman from North Carolina [Mr. KITCHIN], to reduce the duty to $5 per ton instead of $15.

Failing to get favorable consideration of that amendment, he will offer another to reduce it to $10, and perhaps $12.50, anything under the heavens to have it reduced. Then he will vote against the bill, just as he did the other day on the dyestuffs bill. He fought tooth and nail for the licensing feature in the bill, and then when that feature of the bill was retained he voted against the bill. That is how consistent a man from North Carolina is upon a protective-tariff measure. My good Democratic friend, I pay you a high compliment. You did your level best to pull the Republican Party into your trap, and then pull the trap. [Laughter.]

Mr. KITCHIN. No. I would not do anything like that.

Mr. FORDNEY. You would not do anything like that and have us know it before you accomplished your purpose.

Mr. KITCHIN. I was referring to gentlemen who had opposed the bill as un-American. I thought it was undemocratic.

Mr. FORDNEY. Some gentlemen desire that we finish the bill to-night, but I know it is getting late, and gentlemen are tired—more tired now, no doubt, than they were when I began to speak. I will suggest presently that the committee rise.

LIBRARY OF CONGRESS,
Washington, September 29, 1919.

MY DEAR MR. FORDNEY: The accompanying report of the special committee of the British Government on "Government Organization for the Advancement of Overseas Trade and Commerce" may have interest for the deliberations of your committee.

Trusting it may prove useful,

Very truly, yours,

APPLETON P. C. GRIFFIN,
Chief Assistant Librarian.

Hon. JOSEPH W. FORDNEY,
Chairman Ways and Means Committee,
House of Representatives.

REPORT OF COMMITTEE TO EXAMINE THE QUESTION OF GOVERNMENT MACHINERY FOR DEALING WITH TRADE AND COMMERCE.

TERMS OF REFERENCE.

To examine the question of Government machinery for dealing with trade and commerce, with special reference to the following suggestions:

1. That the board of trade should absorb the overseas trade department and the war trade intelligence department, and should take over from the ministry of supply and from departments such as the war office which have functions to hand over to the ministry of supply the control of raw materials held on Government account.

2. That some joint machinery, possibly of the nature of a standing interdepartmental committee of the foreign office and board of trade should be established to control the consular and commercial diplomatic services.

REPORT.

INTRODUCTORY.

1. Our terms of reference are very wide, but we understand that we are required primarily to consider the specific suggestions incorporated in them.

We regret that the issue of our report has been materially delayed owing to the absence of important witnesses in Paris.

2. With regard to the proposal that the control of the raw materials mentioned in the terms of reference should be transferred to the board of trade no difference of view has arisen; and accordingly we have given our attention to the following questions, namely, (1) the machinery for commercial purposes in foreign countries and particularly the consular service and commercial attachés, and (2) the organization at home, and particularly the relations between the foreign office, the board of trade, and the department of overseas trade.

We annex in Appendix (A) a list of witnesses heard by the committee, and in Appendix (B) a statement as to the existing government machinery for dealing with trade and commerce.

CONTROL OF CONSULAR SERVICE.

3. Dealing first with the consular service, it appears now to be agreed on all sides that this service should remain under the control of the foreign office. Consuls, although largely concerned with commercial questions, have other and most important duties to perform, and indeed are, as representatives of the British Government, the guardians of the interests of British subjects in places where no diplomatic mission is stationed. Even in relation to matters which are purely commercial the influence and prestige of the consular officer is dependent to a great extent on his connection with the diplomatic mission to which he is immediately responsible.

4. Nor do we consider it practicable permanently to place the appointment and control of consuls under one department and the supervision of their work of collecting commercial intelligence and safeguarding commercial interests under another.

The consular officers and commercial secretaries who gave evidence before the committee were unanimous in their opinion that consuls would be placed in an impossible position if they were to be appointed and controlled by the foreign office, while their commercial work, which it is hoped will in the future form the most important part of their duties, would be carried out for another department and would pass through the foreign office, if at all, only as a channel of communication. They urge that the department which appoints, pays, promotes, and controls the consuls should be in a position to take a live interest in the work which they have to do and able to appreciate it at its proper value.

There would also be an obvious danger in establishing a system under which the diplomatic and commercial representatives of this country abroad would be acting independently and sometimes in different directions.

5. The evidence on this point is overwhelming, and the necessity of leaving to the foreign office the full control of the consular service is now universally admitted. "The consular service," said Sir Auckland Geddes (president of the board of trade), "is essentially a foreign-office concern, and has so many functions in addition to trade that it would be quite wrong to put it under the board of trade."

IMPROVEMENT OF CONDITIONS OF CONSULAR SERVICE.

6. At the same time we are convinced that an enlargement of the consular staff and an improvement in its training and status are urgently required. We understand that the war cabinet has recently approved a scheme put forward by Sir Arthur Steel-Maitland, so far as it relates to the development of the consular service including the creation of new posts, training, pay, and allowances, and we recommend that the parts of this scheme which have been so approved be brought into operation as early as possible. In this connection we venture to add that while we appreciate the objection to sanctioning the payment to a particular class of civil servants of salaries free from income tax, we think that, in view of the rejection by the war cabinet of this recommendation, the scale of pay will require revision.

COMMERCIAL DIPLOMATIC SERVICE.

We also recommend the cabinet to approve the recommendations contained in Sir Arthur Steel-Maitland's scheme above referred to as to the number, pay, and recruiting of commercial counselors and secretaries, but we do not consider that the proposal contained in the scheme for the amalgamation of the trade-commissioner service with the commercial diplomatic service should be adopted.

We approve the proposals contained in the same report for periodical interchange between the staffs of the department at home and the consular and commercial diplomatic services abroad.

BOARD OF TRADE ATTACHÉS.

7. We have considered a proposal made by the president of the board of trade that permanent board of trade attachés should be posted to British embassies in foreign countries, on the analogy of the existing naval and military attachés. We are unable to agree to this suggestion. We are of opinion that, as has been strongly represented to us by all the witnesses familiar with conditions in foreign capitals, it is essential that all British officials permanently stationed in foreign countries (other than those concerned entirely with purely naval and military matters) shall not only be attached to the staff of the British ambassador, but shall also be under foreign-office control. We think that any other arrangement would only produce friction and misunderstanding, and would hamper the work of such officials in their relations with the Government of the country in which they were stationed. Moreover, if board of trade attachés were to be appointed to collect and classify the commercial intelligence obtained from consuls and to survey economic conditions in the countries in which they were stationed, it would be but another instance of requiring consular officers to report to the officials of a department to which they were not responsible, and would also involve a duplication of the work which is already being done by the commercial counsellors and other members of the commercial diplomatic service.

TEMPORARY MISSIONS.

8. On the other hand, we see no objection to, and indeed every advantage in, the appointment, as occasion may raise, of temporary missions deputed by the board of trade for special purposes, such missions to be attached to and work under the British ambassadors and ministers abroad; and we understand that such an arrangement would be welcomed by the foreign office. The foreign office should be consulted as to the political expediency of any particular mission or visit and as to its personnel. Officers sent out in this way would throughout their visit keep in close touch with the embassy or legation, and would be amenable to the control of the head of the mission. It would be part of the recognized duty of the appropriate members of the diplomatic or consular staff to assist and promote the inquiries of these special agents and officials; and they would in suitable cases be given temporary rank as members of the mission.

In order to insure the adequate development of this method it is essential that the board of trade should have free discretion within fixed financial limits with regard to sending its officers or other experts abroad without having to make out a case to the treasury each time. A lump allowance should, therefore, be inscribed on the board of trade estimates for this purpose.

SELECTION AND PROMOTION COMMITTEES.

We recommend that the board of trade shall be represented on the selection committee for candidates for the consular and commercial diplomatic services and also on the promotion committees for both of these services.

LABOR ATTACHÉS.

9. We have also considered the proposal that there should be attached to the British missions in foreign countries permanent labor attachés, responsible to the minister of labor but working under the ambassador or minister.

For the reasons given above we think it is undesirable that members of the permanent staff of a mission should be made responsible to a department other than the foreign office, and it appears to us that such inquiries as the minister of labor deems necessary should be made either through members of the diplomatic staff or by means of special missions of the character above described.

CHAMBERS OF COMMERCE.

10. We think that full use should be made by the diplomatic and consular service abroad of the opportunities for consultation with British traders which are given by the formation in many foreign countries of British chambers of commerce. These chambers are generally energetic and efficient bodies, and it is obviously of importance that the spirit of combination and collective effort which has sprung from the war should be maintained and utilized in the development of our interests after the war.

DEPARTMENT OF OVERSEAS TRADE.

11. Passing now to the organization at home, we proceed to consider the proposal that the department of overseas trade should be absorbed by the board of trade. The duty of advising on the commercial policy of this country, whether at home or overseas, is clearly within the province of the minister of commerce; and there is at first sight much to attract in the proposition that such a minister should have

the sole and unfettered control of a department dealing with trade abroad. Trade, wherever carried on by British subjects, is trade; and no very definite line can be drawn between the home, colonial, and foreign transactions of a British house of business.

VIEW OF BUSINESS MEN.

12. But when the proposal under discussion was put before business men, it became clear that there is in the business community of this country a strong body of opinion adverse to such a proposal.

Evidence was given on behalf of the associated chambers of commerce and the federation of British industries to the effect that business men attach great importance to being able to interest directly in foreign commercial questions that department which has power to exercise diplomatic pressure in a foreign country. It is stated that British manufacturers are badly in need of more diplomatic support abroad, that to divorce commercial from political work would be disastrous, and that traders must have direct access to the foreign office. They do not want to go to another department. They feel that it is always difficult to induce a Government department, such as the foreign office, to take the same interest in business introduced by another department, such as the board of trade, as it would take in business under its own control. They say that it frequently is only possible to obtain the desired diplomatic support by enlisting the assistance of the British minister himself in a foreign country, and that this is more likely to be obtained if the foreign office has itself been closely following the course of the business in question than if it is asked by another department to take action.

It is urged that what is really required is that the foreign office should be "commercialized," and the control of our foreign commercial policy extended to that office.

RECOMMENDATIONS BY THE FOREIGN OFFICE.

13. The arguments so put forward are pushed to their fullest limits by the foreign office, who claim not only that they should control the consular and commercial diplomatic services and the collection and classification of economic and commercial intelligence but also that they should be responsible for its issue to the public, and should be the department to which the public should look for information on foreign commercial matters. They accordingly suggest that the department of overseas trade be transferred to and become a department of the foreign office.

14. The committee are unable to approve this suggestion. Apart altogether from the position in which such an enlargement of the powers of the foreign office would place the board of trade, it appears to us that the foreign office is not properly organized for this purpose, and that in view of the many other matters which daily engage the attention of that office, and of the large influence which purely political considerations must have on its decisions, it is undesirable that it should become—as in fact it would become—a ministry of foreign commerce.

The foreign office proposal would have the further inconvenience that while the board of trade would supply to the public commercial information with regard to home trade and trade with the Dominions the public would have to go for information on trade with foreign countries to a department entirely unconnected with the board. The committee are of opinion that this severance is unsound in principle and can not be recommended.

REASONS FOR RETAINING THE OVERSEAS TRADE DEPARTMENT.

15. On the other hand, there are strong reasons, apart from the view of business men to which we have referred, which tell against the proposal to abolish the department of overseas trade or to allow it to be merged in the board of trade. It is admitted on all hands (as above mentioned) that the consular and commercial diplomatic services must remain under the foreign office; and if the department of overseas trade is to "drop its foreign office functions" and become wholly a department of the board of trade, the effect will be to revive evils which so recently as in 1917 led to the formation of that department. The link between the board of trade, on the one hand, and the foreign office and the consular and diplomatic service, on the other hand, which was then set up by agreement between the secretary of state for foreign affairs and the president of the board of trade, and received the sanction of Parliament, would be at an end. The board of trade would lose touch with the British representatives abroad and would be compelled to act in all instances through the foreign office. Delay would be caused and the old complaints would recur.

Obviously there must be a point of contact, and of close contact, between the board of trade and the foreign office. We endeavored to obtain an agreement between the permanent officials of these two departments whereby this contact should be secured without the interposition of the subsidiary department of overseas trade, but without success.

16. The arguments advanced in favor of retracing a step so recently taken are: (a) that the responsibility of the department of overseas trade to two Government departments is anomalous and inconvenient; and (b) that the department has from time to time exceeded its powers as an organization for obtaining and spreading commercial information and has trespassed on the sphere of policy. It does not appear to us that these objections have great weight. There are, no doubt, inconveniences from a departmental point of view in the double responsibility referred to; but the trade evidence founded on experience of the department was to the effect that no practical inconvenience to the public had resulted. Again, it may be that the head of the department has from time to time exercised his judgment on questions of policy; and, indeed, it would be difficult for a capable and energetic minister wholly to avoid that course, even if it were desirable that he should do so. But we are satisfied that Sir Arthur Steel-Maitland has made it his rule to refer to the proper department all questions which appeared to him to involve questions of policy; and he has regularly attended the "morning meetings" held at the board of trade for the purpose of discussing questions relating to the work of that department.

17. Apart from the above considerations, there is much to be said for retaining—at all events during the period of revival of trade—a department which has no duties other than that of fostering British trade overseas. The department has covered a field previously unoccupied, and (notwithstanding some drawbacks, to which attention will be called hereafter) has accomplished valuable work. Our evidence has shown us that it has displayed a very praiseworthy activity in the promotion and development of British trade abroad. The trade evidence from this country is to the effect that it has "made a good beginning," and that traders have become accustomed to it and are giving it support, and Sir M. de Bunsen, speaking of his experiences in his recent mission to South America, informed us that he had frequently referred to the formation of a special department for overseas trade and had found it a strong point with his hearers.

CONCLUSION.

18. The only practical conclusion which emerges from these considerations is that the department of overseas trade should continue as at present constituted, and should receive the full support of both the parent departments, and we so recommend. It will, of course, be for the board of trade to formulate the commercial policy of the country, and it will be the duty of the department of overseas trade to carry it out so far as it relates to overseas trade.

HOUSING OF THE DEPARTMENT.

19. At the same time it appears to us that the efficiency of the department of overseas trade can be increased by certain changes, and of these we put first the question of the housing of the department. The office accommodation provided has until recently been of a most unsuitable character. The headquarters of the department were in the city at 73 Basinghall Street; other sections were scattered in various other buildings in that neighborhood, while the remainder of the staff was in Kingsway and in Sunderland House, Mayfair. The offices in the city were badly overcrowded. In such conditions it was impossible to insure that close and continuous consultation between the officials of the department and between the department and the foreign office and the board of trade which is necessary in order that there shall be effective cooperation between these three departments. The headquarters of the department have within the last few weeks been transferred to Queen Anne's Gate, but this change can only be regarded as a temporary improvement and does not fulfill the condition of physical contiguity which appears to us to be in this case essential.

We are convinced that matters can never be placed upon a satisfactory footing until the department of overseas trade is housed in close contact and indeed under the same roof with the foreign office and the board of trade. We understand that the question of accommodation has already been pressed upon the cabinet, and we desire to lay stress upon the fact that it is in our opinion the most important factor in the whole of the problem which has been referred to us.

The urgency of the matter is such that it should not be allowed to wait until the general question of accommodation for the staffs of Government offices is settled, but should be dealt with forthwith.

TRANSFER OF CONSULAR AND COMMERCIAL DEPARTMENTS.

20. In the next place we think it desirable that the consular and commercial departments of the foreign office should be transferred to the department of overseas trade. We are informed that it was the intention of the foreign office to make this transfer when the department of overseas trade was set up, but that owing to the fact that the offices of that department were in the city it has hitherto been held impossible to make the transfer.

If the transfer is now made, no separate commercial branch need be set up in the foreign office, but inquiries and other matters relating to commercial questions can in most cases be dealt with in the appropriate geographical departments of that office.

21. We consider it desirable to urge that the foreign office shall take care that it is impressed upon His Majesty's ministers and consuls abroad that the department of overseas trade is in fact a part of the foreign office and that they must look to it for instructions and guidance in commercial questions. We think it necessary to emphasize this for the reason that the commercial diplomatic witnesses who have appeared before us have complained that they do not know to whom to look for instructions and that the status of the department of overseas trade is not appreciated or understood in several of the British embassies in foreign capitals.

WAR TRADE INTELLIGENCE DEPARTMENT.

22. We have considered the position of the war trade intelligence department. It is evident that the war trade intelligence department and the department of overseas trade are both engaged in collecting information of a similar character, although for different purposes, and both distribute information to the public. It would probably be convenient that the greater part of the work at present being performed by the war trade intelligence department should be transferred to the department of overseas trade, but it is possible that some part of its activities may conveniently be transferred to the economic department of the board of trade. This is a matter for adjustment.

STANDING COMMITTEE OR BOARD.

23. Lastly, it appears to us that there is great need for closer cooperation and more constant consultation between the departments concerned with overseas trade. The head of the overseas-trade department has, from time to time, attended consultations both at the board of trade and at the foreign office, but it has not been the practice of the three departments to hold constant consultations on trade matters. We think that a standing committee or board should be set up consisting of the heads of the foreign office and the board of trade, respectively (or their deputies), and the head of the department of overseas trade, with power to call into consultation the officials of other departments, such as the colonial office, and the India office, whenever necessity arises. This body should meet at regular intervals, and all questions of policy relating to overseas trade should be brought before them.

24. Certain minor points which have arisen in connection with our inquiry have been dealt with by direct communication with the departments concerned.

25. We have limited ourselves in this report to a consideration of the functions of the different departments concerned with foreign commerce, and we have not thought it our duty to consider other problems, such as the question of the enlargement of the powers of the board of trade so as to convert it into a ministry of commerce and the relationship between that board and the ministry of labor.

26. We feel greatly indebted to Mr. Pembroke Wicks (of the offices of the war cabinet), who has acted as our secretary and has given us the greatest assistance in our work.

We append a summary of our recommendations:

SUMMARY OF RECOMMENDATIONS.

ABROAD.

1. That the consular service remain under the control of the foreign office (subject to Nos. 6 and 9, below).

2. That the proposals in the scheme for the reform and development of the consular and diplomatic service, other than those which relate to the trade commissioner service and labor attachés, be adopted.

3. That the board of trade be authorized, from time to time, after consultation with the foreign office, to send temporary missions for special purposes to foreign countries, such missions to be under the control of the embassy or legation concerned, and that for this purpose a sum be included yearly in the board of trade estimates.

4. That the board of trade be represented on the selection and promotion committees for the consular and commercial diplomatic service

5. That British representatives abroad be recommended to keep in touch with the British chambers of commerce formed in the countries to which they are accredited.

AT HOME.

6. That the department of overseas trade continue as at present under the joint control of the foreign office and the board of trade.

7. That the board of trade remain responsible for general commercial policy, and that it be the duty of the department of overseas trade to give effect to that policy overseas.

8. That suitable office accommodation be forthwith provided for the department of overseas trade in close proximity with the offices of the foreign office and the board of trade, and, if possible, that the three departments be housed in the same building.

9. That the consular and commercial departments of the foreign office be transferred to the department of overseas trade.

10. That the war trade intelligence department be transferred to the department of overseas trade, except as to those branches which may be more conveniently transferred to the board of trade.

11. That a standing committee or board be formed for the discussion of matters relating to overseas trade, to consist of the heads of the board of trade, foreign office, and department of overseas trade, with power to call in representatives of other departments, and that such standing committee or board meet at regular and frequent intervals.

(Signed) CAVE, *Chairman.*
HORACE MONRO.
KENNETH LEE.

PEMBROKE WICKS, *Secretary,*
2 Whitehall Gardens, S. W., July 10, 1919.

Mr. Dudley Docker has signed the following minority report:

BRUNSWICK HOUSE, CENTRAL BUILDINGS,
Westminster, S. W., July 10, 1919.

The SECRETARY WAR CABINET.

SIR: I regret that I do not feel able to subscribe to the report of the majority of the committee. While I am in agreement with a number of their recommendations, I am of opinion that they leave unhealed the malady for which we were asked to suggest a cure.

I consider that the system of dual control of the department of overseas trade is at the root of the trouble. Any such system of dual control must be eradicated.

From my own personal knowledge, and after hearing the strong evidence put before us by the representatives of the consular service and the commercial world, I have come to the conclusion that the only remedy that I can recommend is the adoption of the principle that the foreign office must be responsible for establishing the lines upon which our foreign commercial policy should be framed. A similar conclusion was arrived at by the majority of the committee presided over recently by Lord Farringdon, upon which I had the honor to serve.

I have set out these views in the first three of the list of recommendations which I append.

The rest are practically in accord with those contained in the majority report.

I have, &c.

(Signed) F. DUDLEY DOCKER.

RECOMMENDATIONS.

1. That the work of procuring economic intelligence from all foreign countries through the commercial, diplomatic, and consular services, and of analyzing such intelligence, must be carried out by the foreign office in order to enable that department to be in a position to formulate the lines upon which our foreign trade policy should be framed.

2. That with a view to fitting the foreign office for the duties enumerated in (1) above that department must be strengthened by the absorption of the staff of the department of overseas trade, and by the introduction of a commercial man of the highest caliber, who should be given a position only second to the foreign secretary. He should be authorized to appoint such additional staff as he may consider to be necessary.

3. That the decisions of the foreign office as to the lines upon which our foreign-trade policy should be framed should be referred to the board of trade, to assist that department in formulating the general trade policy of this country.

4. That temporary missions from the board of trade should be attached, as occasion arises, to British missions abroad, to be under the control of the head of the mission, but that permanent board of trade attachés shall not be appointed.

5. That frequent and regular meetings for the discussion of business shall be held between the senior permanent officials of the foreign office, the board of trade, and the official whose appointment is recommended in 2. Such meetings to be attended by the heads of the subdepartments concerned for the business under discussion.

6. That the salaries and allowances of consular officers, which it is understood will be raised so as to yield the same amounts to the recipients as would be paid if they were free of income tax, should be made, commensurate with the greatly increased importance which their duties will assume in the future.

7. That the extension of the commercial diplomatic service be approved.

8. That the trade commissioners' service shall not be amalgamated with the commercial diplomatic service, but shall be graded equally with it.

9. That the staff of the war trade intelligence department shall be absorbed by the foreign office and the board of trade, according as the capacity of each individual officer may appear advisable.

10. That opportunity shall be provided for the frequent interchange of officials of the commerce and industries branch of the board of trade, and the corresponding departments of the foreign office; that officials of the board of trade and foreign office shall from time to time be attached to British missions in foreign countries, in order to acquire experience of economic conditions abroad, and that consular officers and members of the commercial diplomatic service shall from time to time be attached to the foreign office and board of trade in order to become familiar with the machinery of the departments at home.

11. That the scales of pay of the various grades should be similar in the board of trade and the foreign office.

12. That means should be devised whereby the knowledge and experience of British commercial men in foreign countries may be utilized by the British missions in those countries. Conversely, the knowledge and experience of business men in this country of foreign trade should be similarly utilized by the foreign office.

(Signed) F. DUDLEY DOCKER.

JULY 10, 1919.

APPENDIX A.

List of witnesses heard by the committee.

OFFICIAL WITNESSES.

Board of trade: The Right Hon. Sir Auckland Geddes, K. C. B., M. P.; Sir Hubert Llewellyn-Smith, K. C. B. (permanent secretary); Mr. S. J. Chapman, O. B. E. (general economic department); Mr. H. Fountain, C. B., C. M. G. (commercial relations and treaties department); Mr. P. W. L. Ashley, C. B. (industries and manufactures department).

Foreign office: Sir Eyre Crowe, K. C. B., K. C. M. G. (assistant secretary); Mr. V. A. H. Wellsley, C. B. (controller of commercial and consular departments); the Right Hon. Sir Maurice de Bunsen, G. C. M. G., G. C. V. O.

Department of overseas trade: Sir Arthur Steel-Maitland, Bart., M. P. (director); Mr. F. G. A. Butler, C. B., C. M. G. (acting controller general); Mr. T. D. Dunlop.

Members of the commercial, diplomatic, and consular services: The Hon. F. L. Lindley, C. B. (counsellor of embassy and British commissioner and consul general in Russia); Mr. C. B. C. Clipperton, C. M. G. (inspector general of consuls); Mr. E. T. F. Crowe, C. M. G. (commercial counsellor in Japan); Mr. H. M. Villiers, M. V. O. (commercial secretary in Spain); Mr. E. C. D. Rawlins (commercial secretary in Greece and Serbia); Mr. A. A. Adams (commercial secretary in Roumania).

War trade intelligence department: Sir Henry Penson, K. B. E. (chairman).

Board of agriculture: Mr. H. G. Maurice, C. B. (assistant secretary); Mr. E. B. Shine.

Ministry of labor: Mr. H. B. Butler, C. B. (assistant secretary).

REPRESENTATIVES OF COMMERCE.

Mr. E. Manville, M. P. (president of the Association of British Chambers of Commerce); Mr. R. T. Nugent (director of the Federation of British Industries); Mr. Stanley Machin, J. P., president, Mr. Charles E. Musgrave, secretary, London Chamber of Commerce; Mr. Follett Holt, M. I. C. E.

APPENDIX B.

Existing Government machinery for dealing with trade and commerce.

The following departments are concerned with trade and commerce:

THE BOARD OF TRADE.

It is constitutionally the function of the board of trade to advise the Government on commercial policy, and the department has been recently reorganized with a view to give special prominence to that function. It is now divided into two independent branches, namely: The commerce and industry department; the public services and control department.

The commerce and industry department of the board of trade is entirely concerned with the development of trade and with the duty of thinking out and assisting the commercial and industrial policy of the nation. It is organized in three sections:

1. The commercial department, which deals with the commercial aspect of treaties and relations with foreign countries, foreign and Dominion tariffs, and trade regulations, and all other matters relating to the protection and furtherance of British commercial and shipping interests in foreign countries and other parts of the Empire, so far as they come within the scope of the board of trade.

2. General economic department, which takes within its survey general economic conditions.

3. Industries and manufactures department, which maintains a watch over the conditions of British industry, and directs the attention of the Government and the interests concerned to weaknesses in industry, and advises the Government on requests for Government action in support of any particular trade.

FOREIGN OFFICE.

The foreign office deals with trade matters through its commercial department.

The functions of the commercial department of the foreign office are not capable of precise definition. In theory it is supposed to deal with the political aspect of commercial questions, but in practice no definite limits have been assigned to it. It has been expected to advise in a wide range of subjects of a miscellaneous character. These are set out as follows by Mr. Wellesley, the controller of the department:

1. Commercial treaty negotiations, including withdrawals and denunciations, and generally economic policy of the British Empire and foreign countries.

2. Defense and support of British commercial interests in foreign countries, in so far as they are not vested interests. This includes:

(a) Investigation of complaints of traders.
(b) Diplomatic assistance to British firms and subjects.
(c) Enforcement of commercial treaty rights.
(d) Introduction of British subjects to His Majesty's diplomatic and consular offices abroad.
(e) Commercial interests of self-governing dominions in foreign countries.
(f) Status of British companies in foreign countries.

3. Collection and distribution to other Government departments of information on the finances, trade, and industries of foreign countries, e. g., reports on bounties, subsidies, strikes, labor questions, railways, shipping, agriculture, fisheries.

4. Tariffs and their effect on British trade, changes in foreign tariffs, etc.

5. Editing of consular and commercial attaché's reports.

6. Copyright, trade-marks, and all protection of industrial property questions.

7. A variety of other matters.

The commercial department of the foreign office also acts as the channel through which commercial questions and commercial intelligence are referred by the foreign office to the board of trade.

The consular department of the foreign office controls the administration of the consular service, including the appointment, promotion, and transfer of consuls, but does not now deal with the commercial side of their work, which has been transferred to the department of overseas trade. The consular department of the foreign office is quite separate from the department of overseas trade, though nominally under the authority of the director of overseas trade, who, in his capacity as additional parliamentary undersecretary for foreign affairs, is responsible for both the commercial and consular departments of the foreign office.

The department of overseas trade is a subordinate department under the joint control of the foreign office and the board of trade. It is primarily concerned with the collection of commercial intelligence from

foreign countries, in which respect it has replaced the former commercial intelligence branch of the board of trade.

It deals with the collection and distribution of commercial information as to British trade abroad and the sources of supply at home.

It supervises the commercial work of our consuls abroad, though it does not appoint or control them.

It is responsible for and controls the new commercial diplomatic service. The commercial diplomatic service consists of counsellors and commercial secretaries attached to the various British Embassies in foreign countries, who are charged with the duty of looking after British commercial interests abroad and supervising the commercial work of the consuls in their respective countries.

The department of overseas trade takes such action as may be possible to promote the development of British overseas trade, including the ordinary selling of merchandise and the establishing of enterprises in foreign countries under British leadership.

It also endeavors by advice, information, and suggestion to encourage manufacturers at home to meet the special demands of foreign markets.

The war-trade intelligence department is a subordinate branch of the ministry of blockade under the foreign office. It has been created during the war as an instrument of war for helping to enforce the blockade. It collects information for blockade purposes as to the status of traders, both abroad and in this country.

It is also responsible for the collection of commercial intelligence in the wider economic aspect in relation to the production and distribution of world supplies, as contrasted with the department of overseas trade which is concerned with such matters in their relation only to the trade development of this country.

The information obtained by the war-trade intelligence branch has frequently been communicated by it to business firms, and is at the disposal of the public except in so far as the source from which it was obtained does not prohibit this.

Since the armistice the war-trade intelligence department have also been occupied in collecting economic intelligence for the use of the British section of the supreme economic council, and are at present engaged in that work.

The ministry of shipping is concerned with trade only in relation to shipping, but inasmuch as the vigorous promotion of British trade depends on an adequate supply of tonnage and low freights, the policy pursued by that department has a close connection with the commercial development of the country, and, indeed, the ministry of shipping by its control of shipping is able in a practical way to encourage trade on particular routes and with particular countries.

No mention has been made of the ministry of blockade, the ministry of munitions, the war-trade department, the contracts department of the war office, the ministry of reconstruction, or the ministry of food, all of which have been engaged either in collecting intelligence on commercial matters or in direct trade transactions, for the reason that their functions have either been transferred to other departments or will shortly come to an end, and will not therefore form part of the permanent machinery of the Government for dealing with trade and commerce.

NOTE.—The department of overseas trade was established at the end of 1917. A committee was set up in January of that year by the secretary of state for foreign affairs and the president of the board of trade, under the chairmanship of Lord Faringdon, to inquire into the best organization for promoting our foreign trade through representatives abroad, including the consular service. The committee were unable to agree on the question whether the work of classifying and distributing foreign intelligence amongst the commercial community in this country should continue to be performed by the department of commercial intelligence of the board of trade, or should be dealt with by a department to be created by the foreign office.

In consequence of this divergence of views the department of overseas trade was set up under an agreement contained in a memorandum signed by the foreign secretary and president of the board of trade. The new department was to be subject to the joint control of the foreign office and board of trade under a new parliamentary undersecretary, who was to be responsible both to the secretary of state for foreign affairs and the president of the board of trade. For this purpose a special act of Parliament was passed, authorizing the appointment of the joint parliamentary secretary.

Mr. MONDELL. Has the gentleman concluded his remarks? If he has, I would like five minutes.

Mr. FORDNEY. I have finished my remarks, and I beg the pardon of the House for detaining the House.

Mr. MONDELL. Mr. Chairman, has the time expired?

The CHAIRMAN. There were no limitations fixed.

Mr. MONDELL. Will the gentleman yield me five minutes?

Mr. FORDNEY. Yes; I yield to the gentleman from Wyoming five minutes.

Mr. MONDELL. Mr. Chairman, we have taken considerable time in the discussion of this bill, and it is proper that we have, for while the industry to which it applies is not one of the great industries of the country, yet it is a key industry, and highly important from that standpoint. In passing this bill the Republican Party gives evidence that its faith in the doctrine of protection to American industry is still lively, and that it will, as rapidly as conditions warrant, legislate along the line of a Republican protection policy touching all of the industries of the country.

We can not just at this time have a general revision, because of our lack of knowledge and information. If our Democratic friends were proposing to revise the tariff, of course it would not be necessary for them to wait on information, because they seem to do the best from their viewpoint in tariff revision when they know the least about the conditions of the industries relative to which they legislate. [Laughter.] But under the Republican system, under which we endeavor to enable American industries to thrive and prosper and grow by laying a tariff equal to the difference in the cost of production at home and abroad, we must have information. We do not know, of course, what another body may do with this bill or other tariff bills we have passed. That really is not our present affair. It is sufficient that we shall do our duty as we see it, and we have no doubt but that in due time, relieved from the pressure of treaty matters, the body at the other end of the Capitol will take up this legislation and dispose of it.

I did not have the pleasure of listening to all of the very interesting discourse of the gentleman from North Carolina [Mr. KITCHIN], but I heard enough of it to remind me of the fact that I have not, I fear, kept him sufficiently informed with regard to what we hope and confidently expect to accomplish before the close of this session. There are quite a number of very important matters—so important that they require much time for consideration by the committees—which are now before the committees, and which will be reported to the House in the near future, and which in due time will be taken up and considered.

In order to give my friend what information I have without taking up the time of the House further, as to what we hope to accomplish before the close of the session, at least a part of what we hope to accomplish, I ask unanimous consent to insert in the RECORD a statement of the more important legislation enacted so far at this session, and our hopes with regard to legislation for the remainder of the session. This was prepared a number of days ago and given to the press and published quite extensively, but evidently it has not come to the attention of the gentleman from North Carolina. I now ask unanimous consent to insert it in the RECORD, with some changes necessitated by the fact that within the few days since the statement was prepared the House has passed several important bills.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to insert in the RECORD the statement to which he has referred. Is there objection?

Mr. KITCHIN. Reserving the right to object, Mr. Chairman, I want to congratulate the gentleman on the fact that since my speech, an hour ago, he has prepared a very elegant program. [Laughter.] I had no idea that my speech was going to bring forth fruit so quickly. But the real reason why I reserved the right to object is to find out if in that statement of the beneficent and wise and patriotic legislation that you have passed at this session you gave the proper credit to us for our cooperation? [Laughter.]

Mr. MONDELL. There is certainly no reflection on the minority, because the statement is made simply as to the work of the Congress.

Mr. KITCHIN. Then you do not mind inserting, in the last of that statement, thanks to the Democrats for helping you do that? [Laughter.] Mr. Chairman, I withdraw my reservation of the right to object.

Mr. MONDELL. I will be delighted to add to this statement, prepared not since the gentleman made his eloquent speech, but nearly a week ago, a statement to the effect that we are always thankful when gentlemen on the other side are near enough right to be with us. [Applause on the Republican side.]

Mr. KITCHIN. That is good. Mr. Chairman, in view of the very elegant statement of the gentleman, I withdraw all objection. I shall be very glad if he will put it in, because we will know then for the first time what the Republicans are going to do during the remainder of the session. [Laughter.]

The CHAIRMAN. Is there objection?

There was no objection.

Following is the statement submitted by Mr. MONDELL:

At the beginning of the present special session of Congress a conference of the Republican Members of the House of Representatives declared it to be the purpose of the Republican majority to proceed at once to the "orderly, thorough, and careful consideration of a constructive program of legislation," and this seems an opportune time to call attention to the progress thus far made in the carrying out of the definite promises made at that time as the first steps in that constructive program. We hope that the entire program thus far outlined and suggested may be well under way toward final completion before the close of the present extra session.

In an effort to reduce the high cost of living the House demanded and compelled the sale of surplus Army supplies, including not only foodstuffs but articles of wearing apparel, thus not only aiding in lowering living costs but ultimately bringing several hundred million dollars into the Federal Treasury. The House and Senate passed bills strengthening the food control act, extending its provisions and increasing the penalties for hoarding and profiteering. The House has just appropriated large sums to aid the Department of Justice and other departments of the Government in the enforcement of the laws against profiteering, and in the prosecution of activities intended to reduce the high cost of living. The House recently passed a bill aimed to

aid in reducing living costs through the regulation of the cold-storage of foodstuffs.

We promised prompt consideration of the appropriation bills which failed of passage in the closing days of the Sixty-fifth Congress. These bills—seven in number—the consideration of which ordinarily required from three to four months were practically disposed of by the two Houses of Congress by the beginning of the fiscal year, July 1, and as they became laws effected a saving of over $900,000,000 as compared with the same bills as last considered in the closing days of the Sixty-fifth Congress, and of over $1,685,000,000 as compared with the estimates of the departments on which these bills were based. Notwithstanding this great reduction in appropriations, it is believed that every governmental activity affected was adequately provided for.

The Republican conference promised the early return of the telephone, telegraph, and cable lines to their owners. They were returned by the act approved July 11.

Early consideration of the resolution proposing an amendment to the Constitution extending the right of suffrage to women was promised. The resolution was approved within 15 days of the convening of the session and is now before the States for ratification.

Consideration of water-power legislation was promised. The House passed the water-power bill promptly, and it is now before the Senate for consideration.

The conference included in its program consideration of legislation providing for the leasing of public coal and oil lands. The Senate has passed legislation of this character, and it is now before the House Committee on the Public Lands and will be considered in the House at an early date.

Early consideration of tariff legislation was promised, with a view to the reduction of domestic taxation and of providing adequate protection to American labor and industries. The House has passed a bill repealing the obnoxious taxes on soft drinks, soda water, and ice cream, and bills providing for the protection necessary under present conditions for metals which our experience in the war proved vital, such as tungsten, lead, and zinc ores, as well as a bill protecting the important pearl-button industry of the country from oriental competition. The House has just passed legislation necessary to maintain the coal-tar-dye industries built up during the war, the protection of which is necessary to the public welfare. The House is now considering a bill for the protection of the magnesite industry. Further legislation for the reduction of taxes and the protection of American industries and labor is under consideration.

The conference promised measures to conserve the welfare of our returning soldiers. The Congress promptly provided more liberal provisions for the vocational training and rehabilitation of wounded soldiers and made liberal appropriations for the same. The House recently passed a comprehensive bill amending the war-risk act and liberalizing its provisions with regard to soldiers' insurance and compensation for wounds and injuries.

The House has reported, and there is now on the calendar, the national soldier-settlement act, which provides for farm homes for soldiers who take advantage of its provisions.

Early consideration of railway and transportation problems was promised. Committees of both House and Senate have long been continuously considering these questions, and the House committee in charge of the matter will report its recommendations to the House at the very earliest possible moment consistent with a thorough consideration of the tremendously important questions involved, with a view to early consideration of the measure in the House.

The consideration of a military policy and measures necessary for the earliest possible return of our soldiers was a part of the program. The sharp reductions made in the appropriations for the Military Establishment compel the speediest possible return of our soldiers consistent with our national obligations. The Military Committees of the House and Senate are considering the many problems of a permanent military policy, and the House committee will report and the House will consider the questions of this character at the earliest date consistent with careful and thorough consideration of the problems involved.

The consideration of a comprehensive merchant-marine policy was a part of the program. The committees of the House and Senate having these matters in charge have been giving diligent attention and consideration to the various phases and features of this great problem and will report within a few days and continue their labors with a view of final action at the earliest practicable date.

Budget legislation is an important part of the proposed program. Budget committees have been provided, and the intricate and important questions involved in legislation of this character are being carefully considered and will, in a few days, be placed before Congress for its consideration.

In the line of forward-looking and constructive legislation there have been reported and are now on the calendar of the House bills providing for the retirement of civil-service employees of the Government and for Federal cooperation with the States in the vocational training and rehabilitation of those injured in all lines of industry, including agricultural pursuits. These measures are scheduled for consideration as soon as they can be reached in the development of the legislative program.

This brief outline of some of the work accomplished and under way necessarily omits mention of much legislative activity and action of importance, but it is sufficient, in my opinion, to make it very evident that the House is proceeding diligently in the consideration of a constructive program and has given a most satisfactory earnest of the aim and purpose as announced by the Republican conference of legislating "with a view of aiding in restoring and sustaining normal and prosperous conditions in trade and industry and among all our people."

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That on and after the day following the passage of this act there shall be levied, collected, and paid upon the articles named herein, when imported from any foreign country into the United States or into any of its possessions, the rates of duties which are herein prescribed, namely.

Mr. BLANTON. Mr. Chairman, I make the point of no quorum.

Mr. FORDNEY. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ANDERSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 5218) to provide revenue for the Government and to establish and maintain the production of magnesite ores and manufactures thereof in the United States, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SWOPE, for one week, on account of important business.

To Mr. MANSFIELD, for two days, on account of important business.

To Mr. LITTLE, indefinitely, on account of illness in his family.

ADJOURNMENT.

Mr. FORDNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 26 minutes p. m.) the House adjourned until Monday, October 6, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Back Bay of Biloxi, Miss., with a view to removing shoals at Cranes Neck and Biloxi Mud Flats and securing a depth of 12 feet (H. Doc. No. 258), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ROWE, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 9692) to amend section 13 of an act entitled "An act to promote the welfare of American seamen in the merchant marine of the United States, to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereof, and to promote safety at sea," approved March 4, 1915, reported the same without amendment, accompanied by a report (No. 353), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BLAND of Virginia: A bill (H. R. 9716) to provide for an examination and survey of the channels in Hampton Roads, Va., and James River, Va., leading to Newport News,

Va., with a view to increasing the width and depth of the channels of Hampton Roads and James River, Va.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 9717) to provide for an examination and survey of Quinby Creek, county of Accomac, Va., extending to the Great Drain; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 9718) to provide for an examination and survey of the channel connecting Poropotank Creek, between Gloucester and King and Queen Counties, Va., with the York River, Va.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 9719) to provide for an examination and survey of the channel connecting Hampton Creek, county of Elizabeth City, Va., with Hampton Roads, Va.; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 9720) to provide for an examination and survey of the channel connecting York River, Va., with Back Creek to Slaights Wharf; to the Committee on Rivers and Harbors.

By Mr. LARSEN: A bill (H. R. 9721) granting additional compensation to members of the military and naval forces of the United States, including officers and enlisted men, Army field clerks, and female nurses, for services rendered, and for other purposes; to the Committee on Ways and Means.

By Mr. MILLER: A bill (H. R. 9722) for the relief of contractors and subcontractors for docks, tanks, buildings, and work under the supervision of the Navy Department, and for other purposes; to the Committee on Naval Affairs.

By Mr. MAPES: A bill (H. R. 9723) authorizing the Secretary of War to donate to the city of Grand Rapids, Mich., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. NOLAN: A bill (H. R. 9724) to provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes; to the Committee on Ways and Means.

By Mr. FITZGERALD: Resolution (H. Res. 321) requesting the Secretary of War to furnish to the House of Representatives the amounts of candy held in storage at the time of the armistice; to the Committee on Military Affairs.

By Mr. THOMPSON of Ohio: Resolution (H. Res. 322) for the appointment of a select committee to inquire into the operations, management, conduct, food, medical treatment, and treatment of inmates generally, in Walter Reed Hospital and St. Elizabeths Hospital, both located in the District of Columbia; to the Committee on Rules.

By Mr. BRIGGS: A joint resolution (H. J. Res. 224) authorizing the establishment of a free port of entry at Galveston, Tex.; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGG: A bill (H. R. 9725) granting an increase of pension to Rhoda A. Gambee; to the Committee on Invalid Pensions.

By Mr. BLACKMON: A bill (H. R. 9726) for the relief of William Collie Nabors; to the Committee on Claims.

By Mr. DRANE: A bill (H. R. 9727) granting an increase of pension to Josiah J. Sikes; to the Committee on Pensions.

Also, a bill (H. R. 9728) granting a pension to James Raney; to the Committee on Pensions.

By Mr. DICKINSON of Missouri: A bill (H. R. 9729) granting an increase of pension to James M. Turley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9730) for the relief of James W. Mastin; to the Committee on Military Affairs.

Also, a bill (H. R. 9731) granting an increase of pension to William D. Reed; to the Committee on Pensions.

By Mr. FIELDS: A bill (H. R. 9732) granting an increase of pension to James O'Connell; to the Committee on Invalid Pensions.

By Mr. FOSTER: A bill (H. R. 9733) for the relief of Frances Martin; to the Committee on War Claims.

By Mr. FRENCH: A bill (H. R. 9734) granting an increase of pension to William L. Luchte; to the Committee on Invalid Pensions.

By Mr. FULLER of Massachusetts: A bill (H. R. 9735) granting a pension to Nina G. Beer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9736) granting a pension to William D. Hawley; to the Committee on Invalid Pensions.

By Mr. GILLETT: A bill (H. R. 9737) granting a pension to Esmeralda C. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9738) granting an increase of pension to Peter Powers; to the Committee on Invalid Pensions.

By Mr. HARDY of Colorado: A bill (H. R. 9739) granting a pension to Mary A. Baldridge; to the Committee on Pensions.

By Mr. HILL: A bill (H. R. 9740) granting a pension to Emma F. Smyth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9741) granting a pension to Richard M. Gilbert; to the Committee on Pensions.

Also, a bill (H. R. 9742) granting a pension to Frank Heeman; to the Committee on Pensions.

Also, a bill (H. R. 9743) granting a pension to Cary M. Carlton; to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 9744) granting an increase of pension to Sanford R. Bryant; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 9745) granting an increase of pension to A. B. Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9746) granting a pension to Claborne Crawford; to the Committee on Pensions.

By Mr. SANDERS of Indiana: A bill (H. R. 9747) granting a pension to Sarah C. Reed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9748) granting a pension to Mary F. Lake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9749) granting a pension to Elijah C. Waln; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 9750) granting a pension to John T. Mockabee; to the Committee on Pensions.

Also, a bill (H. R. 9751) granting an increase of pension to Samuel H. Mitchell; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred, as follows:

By the SPEAKER (by request): Papers to accompany House bill 9703; to the Committee on Claims.

By Mr. BLAND of Virginia: Petition of Braxton-Perkins Post, No. 25, American Legion, deploring action of Federal authorities in setting at liberty, if only temporarily, the two pro-German sympathizers, Emma Goldman and her partner in crime Berkman; to the Committee on the Judiciary.

By Mr. HULINGS: Petition of county board of Order of Hibernians, of Sharon, Pa., protesting against the deportation of Hindus; to the Committee on Foreign Affairs.

By Mr. KENNEDY of Rhode Island: Resolutions of Rhode Island State Branch, American Federation of Labor, urging passage of legislation to improve working conditions in post offices between the hours of 6 p. m. and 6 a. m.; to the Committee on the Post Office and Post Roads.

Also, resolutions of Rhode Island State Branch, American Federation of Labor, urging passage of legislation granting pay of double time for all overtime worked in first and second class post offices; to the Committee on the Post Office and Post Roads.

By Mr. KELLEY of Michigan: Petition of Charles A. Campbell and 55 other residents of Lansing, Mich., in favor of resolution providing for investigation of mob violence; to the Committee on Rules.

By Mr. O'CONNELL: Petition of sundry citizens of Brooklyn and Long Island, N. Y., protesting against the enactment into law of a national department of education bill; to the Committee on Education.

By Mr. ROWAN: Petition of American citizens of Lithuanian origin, residents of New York, appealing to the President of the United States and the United States Congress to give moral support to the Lithuanian people in their struggle against the Bolsheviki; to the Committee on Foreign Affairs.

Also, petition of R. D. Magill, of New York City, protesting against the repeal of the zone advances; to the Committee on the Post Office and Post Roads.

Also, petition of Rudolph P. Miller, of New York City, favoring the movement to confer on Gen. Enoch H. Crowder the permanent rank of lieutenant general; to the Committee on Military Affairs.

Also, petition of J. S. Adair, of New York City, favoring the passage of House bill No. 2, granting pensions to Spanish War veterans; to the Committee on Pensions.

By Mr. STINESS: Petition of Friends of Irish Freedom, indorsing the choice of the electorate of a republic as a form of government; to the Committee on Foreign Affairs.

Also, petition of Rhode Island State branch, of Providence, R. I., advocating reduced night laws for post-office employees; to the Committee on the Post Office and Post Roads.